

Minnesota Board of Water and Soil Resources. Minutes.

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Version 3
August 20, 2018

Minnesota Board of Water & Soil Resources

DATE: August 14, 2006

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

FROM: Ronald D. Harnack, Executive Director

SUBJECT: August 23-24, 2006, BWSR Tour and Meeting

The Board of Water and Soil Resources (BWSR) will tour Martin County on Wednesday, August 23, 2006. See the attached tour itinerary. A coach bus will promptly depart from the Holiday Inn in Fairmont (I-90 & Hwy. 15) at 7:45 a.m. and take us to the KC Hall in Fairmont for a continental breakfast, welcome, introductions, and a presentation/description of the Martin County Water Plan. We will promptly depart from the KC Hall at 9:00 a.m., tour conservation practices in Martin County, and have lunch at the El Rodeo Grill in Trimont at 12:15 p.m. An issues forum/presentations will be held after lunch from 12:45 p.m. – 2:15 p.m. The bus tour will resume at 2:15 p.m., the coach bus will return to the Holiday Inn about 3:30 p.m.

The Martin County SWCD is hosting a pontoon boat tour at Sylvania Park from 4:30 p.m. – 6:30 p.m. on Wednesday. We will be looking at some lakeshore stabilization projects and shoreline restoration sites while enjoying a relaxing pontoon boat ride on Sisseton Lake. Sylvania Park is approximately four miles from the Holiday Inn; you are responsible for your own transportation to the park – carpooling is encouraged.

Dinner on Wednesday evening will be served at 6:30 p.m. at the Shelter House at Sylvania Park. The Martin County Pork Producers will be grilling pork tenderloin. If you have special food needs, or require a vegetarian meal, please contact Mary Jo Anderson as soon as possible.

A block of sleeping rooms have been reserved for Tuesday, August 22, and Wednesday, August 23, nights at the Holiday Inn in Fairmont. Attached is the list of room reservations. The rooms have been direct billed (you do not pay for the room), unless noted on the rooming list. You will be on your own for breakfast, there are various restaurants in the immediate area.

If you will not be present for the Wednesday coach bus tour, the pontoon boat tour, or dinner in the evening, please contact Mary Jo Anderson as soon as possible, as we need to know the number of people attending. Also, if you do not

need a room reservation on Tuesday or Wednesday evening at the Holiday Inn, contact Mary Jo Anderson immediately maryjo.anderson@bwsr.state.mn.us or 651-297-4290.

The Administrative Advisory Committee will meet on Tuesday evening, August 22, at 6:00 p.m. in the "George Board Room" at the Holiday Inn.

The Board of Water and Soil Resources will meet on Thursday, August 24, at 8:30 a.m. in the "Amber Room" at the Holiday Inn.

The following information pertains to the agenda items:

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

1. **Itasca County Priority Concerns Scoping Document** – Itasca County submitted the Priority Concerns Scoping Document for State review and comment, as part of updating their Comprehensive Local Water Management Plan. The Northern Region Water Planning Committee of the Board will not meet until August 18th. The Committee's recommendations are not available at this time. The Committee's report will be available for the Board meeting. See attached. ***DECISION ITEM***

Southern Water Planning Committee

1. **Murray County Priority Concerns Scoping Document -** Murray County, as part of updating their Comprehensive Local Water Management Plan, submitted the Priority Concerns Scoping Document for State review and comment. The Southern Water Planning Committee of the Board met August 9, 2006, after the State agency comment period ended. The Committee recommends approval. The State's expectations for the final plan must be sent to Murray County. See attached. ***DECISION ITEM***

2. **Steele County Priority Concerns Scoping Document -** Steele County, as part of updating their Comprehensive Local Water Management Plan, submitted the Priority Concerns Scoping Document for State review and comment. The Southern Water Planning Committee of the Board met August 9, 2006, after the State agency comment period ended. The Committee recommends approval. The State's expectations for the final plan must be sent to Steele County. See attached. ***DECISION ITEM***

3. **Brown County Request for Extension of Comprehensive Water Management Plan** - Brown County has requested a two-year extension of the "Brown County Comprehensive Water Management Plan." The request to extend the plan to December 31, 2008, is reasonable because of staff turnover and changing staff responsibilities causing a slowdown in the current revision process. Brown County assures continued effort toward completion of the "Comprehensive Local Water Plan" revision and will not order or

commence any projects using authorities under 103B.331 subd. 3 and 4, until completion of the Comprehensive Local Water Management Plan Revision. The Committee recommends approval. See attached. ***DECISION ITEM***

4. **Dodge County Local Water Management Plan Update** – Dodge County submitted their Local Water Management Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Update to the Board for final State review on May 12, 2006. On August 9, 2006, the Southern Water Planning Committee of the Board reviewed the recommendation of the State review agencies regarding final approval of the Dodge County Local Water Management Plan Update. The Board Southern Water Planning Committee recommends approval. The Findings of Fact, Conclusions and Order are drafted for the full Board to review and take action on. See attached. ***DECISION ITEM***

5. **Freeborn County Local Water Management Plan Update** – Freeborn County submitted their Local Water Management Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Update to the Board for final State review on May 26, 2006. On August 9, 2006, the Southern Water Planning Committee of the Board reviewed the recommendation of the State review agencies regarding final approval of the Freeborn County Local Water Management Plan Update. The Board Southern Water Planning Committee recommends approval. The Findings of Fact, Conclusions and Order are drafted for the full Board to review and take action on. See attached. ***DECISION ITEM***

6. **Martin County Local Water Management Plan Update** – Martin County submitted their Local Water Management Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Update to the Board for final State review on June 13, 2006. On August 9, 2006, the Southern Water Planning Committee of the Board reviewed the recommendation of the State review agencies regarding final approval of the Martin County Local Water Management Plan Update. The Southern Water Planning Committee recommends approval. The Findings of Fact, Conclusions and Order are drafted for the full Board to review and take action on. See attached. ***DECISION ITEM***

OLD BUSINESS

1. **Big Fish Lake Update** - At the request of the BWSR, Ron Shelito and Jason Weinerman facilitated a meeting to try and reach consensus of a project to reduce potential water quality impacts from the so-called "alleyway" on Big Fish Lake. Participants in the meeting included: Kay Cook representing BWSR; MPCA Brainerd regional office staff, DNR area hydrologist, DNR WEOs, DNR Ecologoical Services staff, Stearns County Environmental Services, Stearns SWCD, Sauk River Watershed District, Collegeville

Township board members, Mary Peters Schrammel, Lake Association member, MCEA representative, adjacent landowners, and other concerned citizens. The meeting was held on August 2, at the Collegeville Township Hall. Ron Shelito and Jason Weinerman will summarize the discussion from the meeting and describe the course of action that resulted. See attached. ***INFORMATION ITEM***

NEW BUSINESS

1. **Termination Petition, South Two River Watershed District** –A petition to terminate the South Two River Watershed District was filed with the Board on April 11, 2006. The petition listed several reasons why the watershed district should be terminated. The major overall concern was the failure of the watershed district to address water resource issues, which was substantiated by the lack of projects the district has completed and the lack of programs the district has undertaken. The Morrison and Stearns County Auditors subsequently certified the number of petitioner signatures. On May 24, 2006, the Board determined the petition met the statutory requirements and consequently ordered a public hearing to be held. A public hearing was held on June 19th in Albany. The hearing panel consisted of Kay Cook, Randy Kramer, Quentin Fairbanks, and Louise Smallidge as chair. The hearing started at 2:00 PM, recessed at 4:30 PM and reconvened at 6:00 PM. The petitioners gave a presentation at the hearing, then the watershed district gave a presentation, then individuals testified. The hearing record remained open until August 2nd. The hearing record consists of 183 exhibits with the vast majority of the exhibits supporting the petition to terminate the district. The Stearns County Board of Commissioners unanimously approved a resolution to support termination. Also, supporting termination are the two main cities in the district, one township, all area legislators and numerous citizens. The hearing record contains no support from any local units of government affected by the watershed district. The hearing panel met on August 8th and, based on the entire record and after due consideration, decided with a 3:1 vote to recommend to the full Board the watershed district be terminated per the attached draft order. ***DECISION ITEM***

2. **FY '07 Non Point Engineering Assistance Base Grant** - This is a non-competitive annual grant allocated to the 11 SWCD Technical Service Areas (TSAs). It is to be used by each TSA to provide engineering/technical services to help landowners to implement erosion control and water quality improvement practices consistent with current allocation policy and criteria. ***DECISION ITEM***

3. **CREP-2 Payment Rate Reconsideration for the Eight Landowners with Recorded Easements Prior to Payment Rate Change -** We have received requests from Cottonwood SWCD, Goodhue SWCD, Okabena-Ocheda Watershed District and Rock SWCD (phone conversation) and from Ron Boyenga, Rock County landowner. Each of the individual LGU's and the

landowner requests the Board reconsider the decision NOT to include the eight landowners as part of the payment rate change for CREP-2. Each of the eight, prior to the rate change, had finalized and recorded the easement for their lands. Staff has reviewed the matter with the Attorney General's Office and their assessment (attached) is that BWSR has no authority to pay these eight landowners beyond what the easement provided for. Mr. Iverson went on to say that, under Minnesota's laws and Constitution, it would be illegal for BWSR to take such action. Therefore, it is recommended that the Board respectfully deny the request for reconsideration assuming a motion is offered. A reconsideration motion would need to come from a Board member who voted in the affirmative on the original resolution in June that adjusted the RIM Reserve payment rate for CREP-2. **MOTION TO RECONSIDER REQUIRED.** ***DECISION ITEM***

4. **Update on Drought Resolution –** The BWSR resolution of the Board's special meeting was followed by a Governor's Emergency Executive Order and a resolution of the State Executive Council that authorized BWSR's request to suspend rules and implement a temporary cost-share program to assist livestock operators with implementation of conservation watering systems for cattle in drought impacted counties. The response has been significant and we will provide specific numbers at the Board meeting. Attached are copies of the BWSR resolution, the Governor's Emergency Executive Order and the Resolution of the State Executive Council. ***INFORMATION ITEM***

5. **Update on Biennial Budget –** See attached. ***INFORMATION ITEM***

6. **Update on Wetland Assessment –** 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 next week in Fairmont!

Priority Club Rewards

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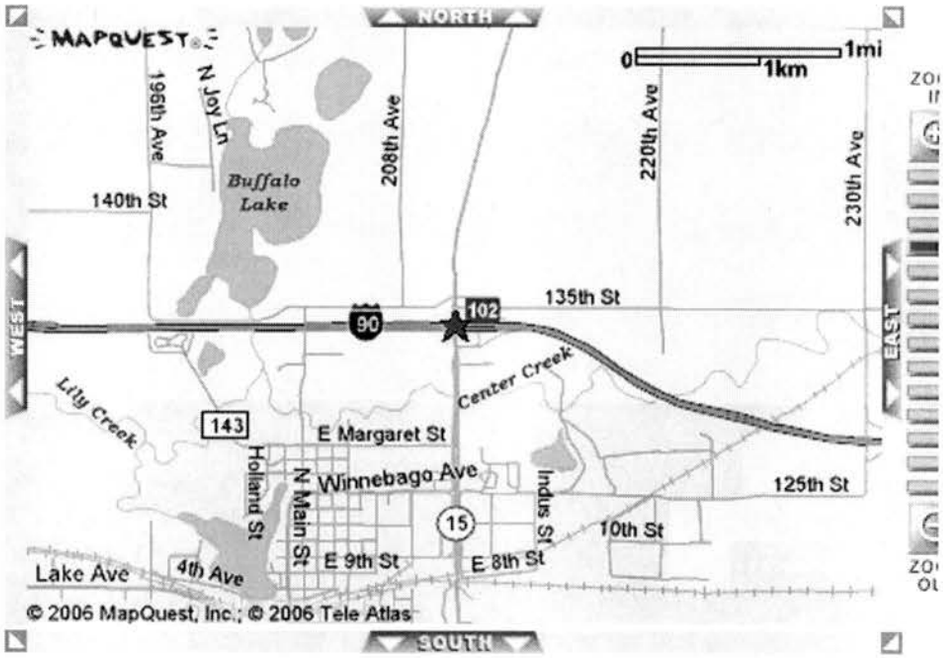
Privacy

Holiday Inn FAIRMONT

I-90 AT HWY 15
FAIRMONT, MN 56031-0902 UNITED STATES
Hotel Front Desk: 1-507-2384771 | Hotel Fax: 1-507-2389371

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Transportation to and from Hotel

Minneapolis International (MSP)
- Distance: 132 MI / 212.43 KM South West to Hotel

Sioux Falls Reg (FSD)
- Distance: 117 MI / 188.29 KM East to Hotel

Complimentary Local Area Shuttle
- Radius 5.0 MI

Driving Directions Prin
HWY 15 & I-90

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Step 1: Select Directions **Step 2: Enter Address** **Step 3: Select Displ**

TO HOTEL Address Show Directions by **Sho**

Room Reservations
at the Holiday Inn, Fairmont

Tuesday, August 22

1. Dana Allen
2. **Jim Anderson** ***
3. Mary Jo Anderson
4. Paul Brutlag
5. **LeAnn Buck** ***
6. Bob Burandt
7. Kay Cook
8. Bill Eisele
9. Quentin Fairbanks
10. Jon Fure
11. Jim Haertel
12. Ron Harnack
13. Kari Keating
14. Brian Kletscher
15. Randy Kramer
16. Paul Langseth
17. Kevin Lines
18. **Joe Martin** ***
19. **Gene Merriam** ***
20. Brian Napstad
21. Jeff Nielsen
22. Louise Smallidge
23. Doug Thomas
24. **Lisa Thorvig*****
25. LuAnn Tolliver
26. Tom Wenzel
27. **Dan Wilson** ***
28. Ron Shelito

Wednesday, August 23

1. Dana Allen
2. **Jim Anderson** ***
3. Mary Jo Anderson
4. Paul Brutlag
5. **LeAnn Buck** ***
6. Bob Burandt
7. Kay Cook
8. Bill Eisele
9. Quentin Fairbanks
10. Jon Fure
11. Jim Haertel
12. Ron Harnack
13. Kari Keating
14. Brian Kletscher
15. Kramer
16. Paul Langseth
17. Kevin Lines
18. **Joe Martin** ***
19. **Gene Merriam** ***
20. Brian Napstad
21. Jeff Nielsen
22. Louise Smallidge
23. Doug Thomas
24. **Lisa Thorvig** ***
25. LuAnn Tolliver
26. Tom Wenzel
27. **Dan Wilson** ***
28. Ron Shelito
29. Jason Weinerman
30. Chris Hughes

***** will pay for room upon arrival**

AGENDA

BWSR TOUR OF MARTIN COUNTY

AUGUST 23, 2006

Martin SWCD Supervisors **Bob Pavik, Chairman**
Steve Flohrs, Vice-Chairman
Duane Petrowiak
Wendell Rode
Darwin Roberts

7:45 a.m. **Depart for KC Hall**

Holiday Inn

8:00 a.m. – 9:00 a.m. **Welcome to Martin County** *Martin SWCD*
Rolls and Coffee
Description of the Martin County Water Plan KC Hall
Rich Perrine, Martin County Water Plan Coordinator/WCA and Linda Meschke, Rural Advantage

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9:00 a.m. – 12:15 p.m. **Depart on Motor Coach Tour**
Points of Interest and order of tour:

1. CHS Soybean Plant
2. Proposed Buffalo Lake Energy Ethanol Plant and Vera Sun Ethanol Plant
3. Bryan Gregor – CREP Wetland Restoration
4. Ardis Perrine – CREP Restoration & 3rd Crop
5. Howard Abel – CREP
6. Daryl Bartz – Filter Strip
7. Dwain Hartwig – CWP
8. Krahmer Wildlife Management – DNR
9. Gary Zeitz - Shelterbelt
10. Roland Phillip –CREP
11. Bob Nelson – Keith Sickler – Nathan Whitehead - CREP – (Hwy 4 Project)
12. Nathan Whitehead – 3rd Crop & Filter Strip - CRP
13. Tom Davis/David Crissinger – CREP Wetland Restorations
14. **SHEEK– CREP – Tom Wenzel – BWSR Engineer – Stop & Tour**
15. **University of MN – Research Plots & Water Quality Monitoring – Stop & Tour**
16. SHEEK - U.S. Fish and Wildlife – Wetland Restoration Project
17. Rod Kittleson – CREP Wetland Restoration Site
18. Roxanna Brummond – CREP
19. Sinn Family – CREP Wetland Restoration
20. Cory Sinn – State Cost-Share Project – Shelterbelt
21. Floyd Olson – CREP
22. Allen Sinn – CREP

Martin County

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23. Jim & Dean Sinn – CREP
24. Tom Gibbons CREP/Buffer
25. Tracy & Troy Melson – State Cost-Share – Feedlot – 2005 - Shelterbelt
26. Robert Melson – State Cost-Share – Field Windbreak (older project)
27. Dennis Carlson – State Cost-Share – Field Windbreak (older planting)
28. Filter Strips - Cedar Run Filter Strips – Leslie Grev (Section 8), Steven Scholl (Section 5), Erwin Retke (Section 6)
29. Gary Wilson – Volunteer Rain Gauge Reader – Shelterbelt – Tree Planting – Native Grass & Forbes
30. Great River Energy – Tree & Seeding – Presented by Jack Potter
31. Lloyd Olson – RIM
32. Paul Peterson – Grassed Waterway and Living Snowfence – Volunteer Rain Gauge Reader
33. Tom Gibbons – Alora – Watkins Lake
34. Gerald Tumbleson – CREP
35. SHEEK – Fish and Wildlife Wetland Restoration
36. Ethan Koch – WRP and RIM
37. Bob Smith – CREP – Wetland Restoration

12:15 p.m. – 2:15 p.m. **Lunch at El Rodeo's Grill, Trimont**

Presentations by:

1. Darwin Anthony, - Welcome to Trimont
2. Deb Mosloski, Martin County Ditch Administrator; Redetermination of Benefits
3. Kevin Kuehner, Water Quality Program Coordinator for the Brown-Nicollet-Cottonwood Community Health Service on Wetland Restorations for Water Quality, Habitat and Drainage Management.
4. Brian Williams, MN Dept. of Ag; BMP's and Nutrient Management
5. Jim Scholl, Discussion of Benefits & Conservation of Trimont Area Wind Farm/Great River Energy

Trimont, MN

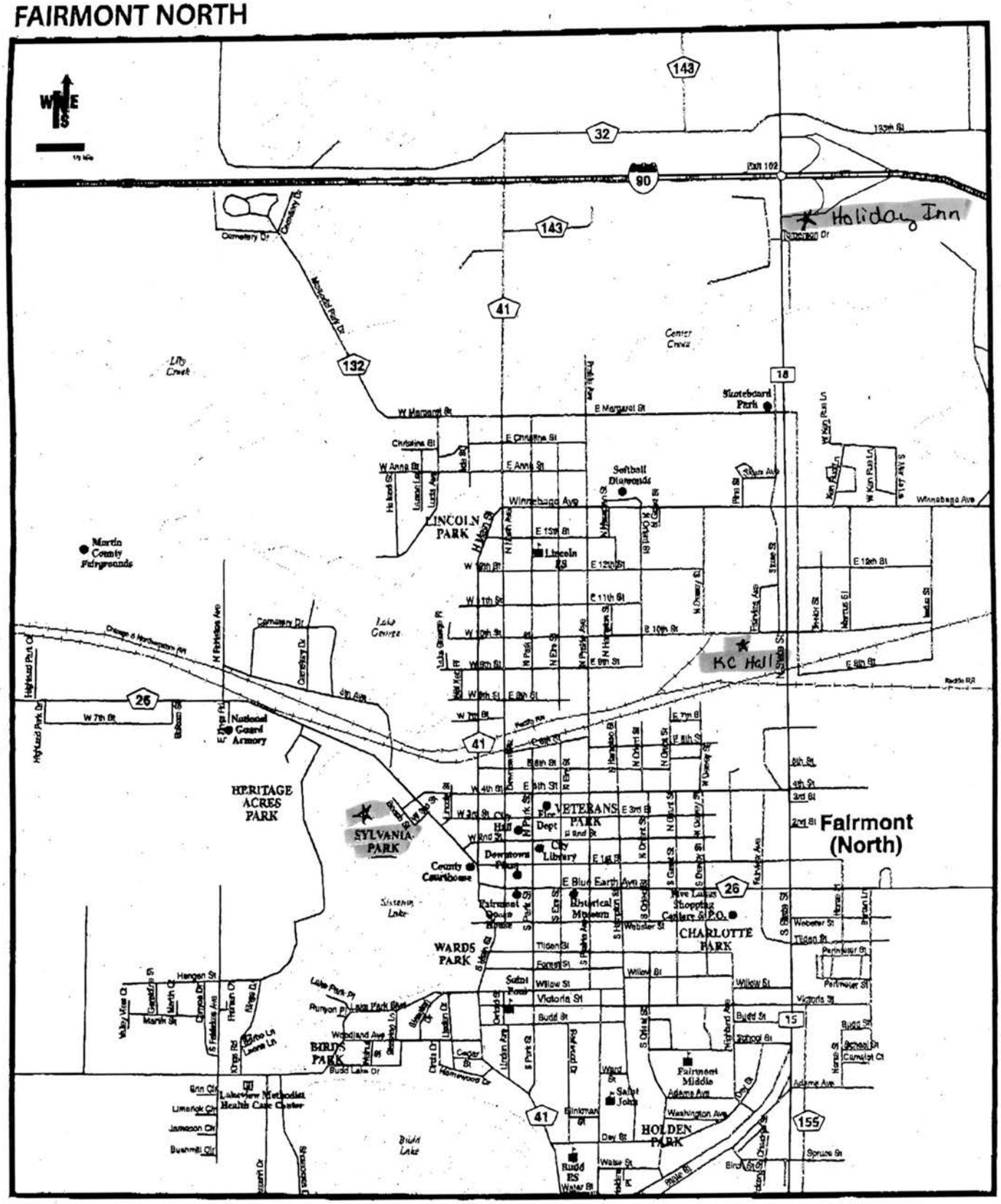
2:15 p.m. – 3:30 p.m. **Resume Motor Coach Tour**

1. Les Anderson – Discussion on Bus - Red Rock Rural Water
2. Steve Flohrs - Rotational Grazing
3. Opal Flohrs - CREP
4. Jean Hatch – CREP – Wetland Restoration
5. John & Jim Sherman – CREP – Filter Strip
6. David Thayer – CREP Filter Strip
7. John Jorgenson – CREP Filter Strip
8. Brian Mausling – State Cost-Share Tree Planting 2006
9. Greg Graif – 3rd Crop
10. Calcareous Fen

Martin County

	11. Roger Bentz – CREP Wetland Restoration *12.* Dan Roberts – CREP Wetland Restoration *13.* Connie Urban – CREP Wetland Restoration *14.* Kieth Worthley – CREP Wetland Restoration *15.* Marvin Madsen – CREP Wetland Restoration ***16.* Elm Creek Bio-Engineering Project – Stop & Tour** *17.* Jack Garbers – CREP Wetland Restoration *18.* Center Creek Pork *19.* Roger Kotewa – State Cost-Share Windbreak 20. Return to the Holiday Inn	
4:30 p.m. – 6:30 p.m.	**Pontoon Rides at Sylvania Park** Responsible for your own transportation to Sylvania Park at 4:30 p.m. (Due to Inclement Weather – alternative site would be Red Rock Center)	Sylvania Park
6:30 p.m.	**Dinner at Sylvania Park in the Shelter House** Martin County Pork Producers will be grilling the Pork Patties. 1. Sylvania Band Shell Lakeshore Restoration – State Cost-Share 2. Bill Crawford – Martin County Pork Production 3. Conclusion *Martin SWCD Board Members*	Sylvania Park

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BOARD OF WATER AND SOIL RESOURCES
HOLIDAY INN
JCT. I-90 & HWY. 15
AMBER MEETING ROOM
FAIRMONT, MINNESOTA 56031
THURSDAY, AUGUST 24, 2006

PRELIMINARY AGENDA

8:30 AM CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPT AGENDA

MINUTES OF JUNE 28, 2006

MINUTES OF AUGUST 9, 2006

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

REPORTS

- Chair – Randy Kramer
- Executive Director – Ron Harnack
- Dispute Resolution Committee – Randy Kramer
- Wetlands Committee – LuAnn Tolliver
- Cost-Share/Soil Conservation Committee – Louise Smallidge
- Education and Public Relations Committee – Kay Cook
- Administrative Advisory Committee – Randy Kramer

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

1. Itasca County Priority Concerns Scoping Document - *DECISION ITEM*

Southern Water Planning Committee

1. Murray County Priority Concerns Scoping Document – *DECISION ITEM*

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

3. Brown County Request for Extension of Comprehensive Water Management Plan – *DECISION ITEM*

4. Dodge County Local Water Management Plan Update – *DECISION ITEM*

5. Freeborn County Local Water Management Plan Update – *DECISION ITEM*

6. Martin County Local Water Management Plan Update – *DECISION ITEM*

OLD BUSINESS

1. Big Fish Lake Update – Ron Shelito - *INFORMATION ITEM*

NEW BUSINESS

1. Termination Petition, South Two River Watershed District – Jim Haertel – *DECISION ITEM*

2. FY '07 Non Point Engineering Assistance Base Grant – Wayne Zellmer – *DECISION ITEM*

3. CREP-2 Payment Rate Reconsideration for the Eight Landowners with Recorded Easements Prior to Payment Rate Change – Kevin Lines – *DECISION ITEM*

4. Update on Drought Resolution – Ron Harnack - *INFORMATION ITEM*

5. Update on Biennial Budget – Ron Harnack - *INFORMATION ITEM*

6. Update on Wetland Assessment – Ron Harnack - *INFORMATION ITEM*

AGENCY REPORTS

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

ADVISORY COMMENTS

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

UPCOMING MEETINGS

- Next BWSR Meeting, September 27, 2006

1:00 PM ADJOURN

Dispute Resolution Report
August 10, 2006
by: Jim Haertel

There are presently 19 appeals pending. All of the appeals involve WCA except File 05-24. Note File 06-13 is in the Court of Appeals. There has been one new appeal filed since the last report dated June 15.

File 06-17. This is an appeal of a Replacement Plan decision in the City of Montgomery in LeSueur County. The LGU denied an after-the-fact wetland replacement plan application based on a lack of sufficient reasons why the restoration could not be completed. The appeal has been remanded for further processing at the local level.

File 06-16. This is a new appeal of a Replacement Plan decision in Kanabec County. The LGU denied a wetland replacement plan application based on a lack of sequencing. Sequencing flexibility had been requested, however the proposed replacement wetland was found to have less functions and values than the impacted wetland. The appeal has been remanded for further processing at the local level.

File 06-14. This is an appeal of a Replacement Order in the City of Green Isle in Sibley County. A replacement plan was approved, replacement wetlands were constructed, and wetland impacts have occurred as authorized under the approved replacement plan. The ownership of the wetland replacement credits is in dispute. A district court decision on the ownership issue was appealed to the Minnesota Court of Appeals. The appeal has been placed in abeyance and the Replacement Order has been stayed until the court proceedings have been finalized.

File 06-13. This is an appeal of a Restoration Order in Brown County. At issue is the tiling and drainage of a Type 3 wetland in agricultural land. The appeal was denied and the Restoration Order was affirmed. The denial has been appealed to the MN Court of Appeals.

File 06-12. This is an appeal of a no-loss decision in Stearns County. It involves the same project and issues as File 06-6. After a restoration order was issued, a no-loss application was submitted by the developer and denied by the LGU. The appeal has been remanded for further technical evaluation.

File 06-6. This is an appeal of a restoration order in Stearns County. At issue are numerous wetlands impacted by filling, sedimentation, reduction of hydrology and lack of Best Management Practices associated with a residential development. The appeal has been denied in part. The Restoration Order has been affirmed in part and has been stayed in part.

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

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

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

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

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

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

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

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

impacts. The Corps issued a permit for the project. The appeal has been accepted and is in abeyance pending settlement discussions.

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

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

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

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

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

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

1. Itasca County Priority Concerns Scoping Document - *DECISION ITEM*

Minnesota Board of Water & Soil Resources

1601 Minnesota Drive. Brainerd. MN 56401-3971

DATE: August 1, 2006

TO: BWSR Northern Plan Review Subcommittee

FROM: Dan Steward, Board Conservationist

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

The original Itasca County Local Water Management Plan (LWMP) was approved in 1990. The original plan was updated in 1996, and again in 2002. Itasca County's current or third generation LWMP will expire on March 26, 2007. The county is proceeding on a tight timeline as they work to update the plan without an extension.

Since the inception of the LWMP in Itasca County, the County Board has delegated implementation of the program to the Itasca SWCD.

On February 28, 2006, the Itasca County Board of Commissioners passed a resolution to update the Comprehensive Local Water Management Plan.

On June 5, 2006, Itasca County submitted their Priority Concerns Scoping Document (PCSD) for review. The attached Itasca County PCSD identifies the following priority concerns, and proposes the update be focused on these water management issues:

1. Surface Water Quality
2. Land Use and Development
3. Ground Water Quality
4. Septic Systems
5. Fish and Wildlife Habitat
6. Education

The County used the following process to develop the PCSD:

- March 21, 2006, Water Plan Implementation Committee meetings for the update begin.
- March 23, 2006, Outreach mailings sent to 37 Lake and River Associations.
- March 24, 2006, Outreach mailings sent to 42 organized townships and 10 municipalities.
- March 27, 2006, Outreach mailings sent to 5 adjacent counties and 8 state agencies.
- May 16, 2006, Water Plan Implementation Committee meeting.
- June 12, 2006, Requested input at the Association of Organized Townships meeting.
- June 27, 2006, Public informational meeting held at Max.
- June 28, 2006, Public informational meeting held at Marcell.

- July 5, 2006, Public informational meeting held at the Wabana Town Hall.
- July 12, 2006, Public informational meeting held at the Harris Town Hall.
- July 18, 2006, Water Plan Implementation Committee meeting.

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

- MDH: Protect groundwater-based drinking water sources, sealing unused, unsealed wells, and develop a local ground-water quality database.
- PCA: Impaired waters / Total maximum daily loads, Rainy River and Upper Mississippi River Basin goals and objectives, Little Fork/Big Fork paired watershed study.
- BWSR: Riparian area development and water quality, Erosion control in developing areas throughout the county, Forest Land conversion and water quality impacts.
- DNR: Non-point pollution, deteriorating fisheries, construction site erosion, stormwater, septics, municipal wastewater, mining impacts, stream stability, wetlands, surface water use, access roads, loss of habitat and other issues.
- MDA: No priority concerns were submitted.

On June 5, 2006 the PCSD was sent to the required state agencies for review. Agencies were asked to send comments to Ron Shelito by July 5. The following agency comments were received:

- June 6, 2006. The MDA in its comments on the PCSD concurred with the priority concerns listed. The MDA also commended the county for the process used to identify the priority concerns.
- July 3, 2006. The MPCA in its comments on the PCSD concurred with the priority concerns listed. MPCA noted that the number of concerns might make it difficult to develop detailed goals, objectives, strategies and projects, and specificity for implementation. If the SWCD provides more focus as the plan is developed, this issue can be avoided.
- July 5, 2006. The MDH in its comments on the PCSD concurred with the priority concerns listed, and commended the county on the process used to identify the concerns. The MDH included a list of active wellhead protection planning projects in the county. The MDH also encouraged the county to explore opportunities to collaborate on groundwater protection initiatives.
- July 26, 2006. The DNR in its comments on the PCSD stated that the list of priorities generally includes those submitted by the agency. The DNR commented on the general nature of the list and suggested the county use the more specific comments submitted when developing the plan.

BWSR staff attended three WPIC meetings related to the update. Itasca County received input from DNR, MPCA and BWSR recommending they narrow the focus of the concerns in order to make the plan easier to implement. On August 2, 2006, I received an amended list of priority concerns from the county. The county has retained the same six priority concerns, but has added language under each of the six concerns to further define the concerns and sharpen the focus of the plan.

After reviewing the PCSD submitted by Itasca County, I conclude that the guidance requirements have been met in general. The broad nature of the PCSD is not unlike those of other counties. The county has made an attempt to add specificity to the PCSD, and address the issue raised by the agencies. I recommend the committee discuss the broad nature of the priority concerns with the county, and encourage them to further define the county's water management agenda, in order to help the county develop a plan with more definable outcomes. Itasca County has developed an outstanding record with its local water management program over the past 15 years. The PCSD should provide the county with a framework to continue its strong program. I recommend the subcommittee approve the PCSD for Itasca County.

August 23, 2006

DRAFT

Itasca County Commissioners
C/O Jim Gustafson, Itasca County Soil and Water Conservation District
1889 E. Highway 2
Grand Rapids, MN. 55744

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

Dear Itasca County Commissioners:

Pursuant to M. S. section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Itasca County has chosen to address in the update of their Comprehensive Local Water Management Plan. The Board of Water and Soil Resources, along with the state review agencies, were sent the Itasca County Priority Concerns Scoping Document (PCSD) on June 5, 2006, and asked comments be sent by July 5, 2006, to Ron Shelito, BWSR Regional Supervisor.

Several water resources concerns were submitted to the Itasca Water Plan Implementation Committee (WPIC). Many of these concerns had similar themes which allowed the Implementation Committee to arrange them into the following priority concerns that will be addressed in the Water Plan Revision.

1. Surface Water Quality
2. Land Use and Development
3. Ground Water Quality
4. Septic Systems
5. Fish and Wildlife Habitat
6. Education

The MDA, MPCA, and DNR in their comments, concurred with the priority concerns identified. The MPCA and the DNR encouraged the county to consider narrowing or focusing the identified concerns to make the plan easier to implement.

On August 16, 2006, the Northern Regional Water Resources Subcommittee (subcommittee) met with the Itasca County/SWCD representatives to discuss Local Water Management activities within Itasca County, the process used to gather public input, the content of the PCSD, the state review agency comments and recommendations for the content of the final plan.

Based on the subcommittee's recommendations, the Board of Water and Soil Resources commends Itasca County for the process used to select the concerns. .....

Sincerely,

Randy Kramer,
Chair, Board of Water and Soil Resources

C; Dan Steward, BWSR
Ron Shelito, BWSR
Wayne Edgerton, DNR
Lisa Thorvig, MPCA
Matt Drewitz, MDA
John Wells, EQB
Art Persons, MDA
Jim Wesloh, DNR

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

1. Murray County Priority Concerns Scoping Document – *DECISION ITEM*

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

3. Brown County Request for Extension of Comprehensive Water Management Plan – *DECISION ITEM*

4. Dodge County Local Water Management Plan Update – *DECISION ITEM*

5. Freeborn County Local Water Management Plan Update – *DECISION ITEM*

6. Martin County Local Water Management Plan Update – *DECISION ITEM*

Minnesota Board of Water & Soil Resources

Date: July 21, 2006
To: Jeff Nielsen
From: David Sill

RE: Review of Murray County Priority Concerns Scoping Document

Murray County has submitted their Priority Concerns Scoping Document (PCSD) for the 2006 Local Water Management Plan Update to BWSR and other state agencies. BWSR received this document on June 19, 2006.

State agency comments have been received from the Minnesota Department of Agriculture (MDA), Minnesota Pollution Control Agency (MPCA), and Minnesota Department of Natural Resources (DNR). MDA concurred with the priority concerns identified and noted that they felt the process to identify the concerns was commendable. MPCA concurred with the priority concerns identified and highlighted a PCA data source regarding surface water monitoring information for the County's use. The DNR also commended the PCSD process that was completed but recommends that the Lake Shetek watershed, including Lake Maria should be added as a priority area. I agree with this recommendation and believe the county will fully support this. No comments on the completed PCSD have been received from the Minnesota Department of Health (MDH), or Environmental Quality Board (EQB). (It should be noted that the MDH and other local stakeholders did participate by providing comments and assistance early in the PCSD development process.)

In addition to the state agencies mentioned above – the priority concerns were developed from a public survey, the Murray County Water Plan Task Force, and public meeting. Representing BWSR staff, I have completed my review of the Priority Concerns Scoping Document for Murray County and recommend that BWSR concur with the priority concerns identified:

1. Stormwater Retention
2. Improve Surface Water Quality
3. Protect Groundwater

I look forward to working with the County officials, residents, and technical staff as the Plan Update moves forward. If you have questions or need additional information, please contact me at 507-537-6374, or david.sill@bwsr.state.mn.us

c: Chris Hansen, Murray County Environmental Office

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Web: www.bwsr.state.mn.us TTY: (800) 627-3529 An equal opportunity employer Printed on recycled paper

August 24, 2006

Murray County Commissioners
c/o Chris Hansen
Murray County Environmental Services
P.O. Box 57
Slayton, MN 56172

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

Draft

Dear Murray County Commissioners:

Pursuant to Minnesota Statutes 103B.313, subdivision 5, this letter communicates the official comments of the State of Minnesota pertaining to the priority concerns Murray County has chosen to address in the update of the Murray County Comprehensive Local Water Management (CLWM) Plan. The Board of Water and Soil Resources (BWSR), along with the state review agencies, received the Murray County Priority Concerns Scoping Document (PCSD) on June 19, 2006.

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

1. Storm Water Retention
2. Improve Surface Water Quality
3. Protect Groundwater

The BWSR southern water planning review committee (hereinafter referred to as Committee) met on August 9, 2006, to discuss comments received from state review agencies and others, discuss the content of the Murray County PCSD, and make recommendations for the content of the final plan.

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

The MDA commented that the process to identify priority concerns was adequate and concurred with the priority concerns identified. MPCA also concurred with the priority concerns identified and highlighted a PCA data source regarding surface water monitoring information for the County's use. The DNR also commended the priority concerns process completed and strongly recommended, but does not require, the following revision. DNR believes that the regional recreational and economic importance of the Lake Shetek watershed, including Lake Maria, should elevate it to a priority area in the County local water plan. The BWSR agreed with the priority concerns.

The Committee commends Murray County for the process they used to select the concerns – including soliciting input from local government, citizens, and state agencies – and incorporating that information into the three priority concern areas. The priority concerns to be addressed in the LWM Plan are deemed to be appropriate with the addition that the Lake Shetek watershed, including Lake Maria is identified as a priority watershed area.

In summary, the Board encourages the County to continue to engage in a process that includes a broad range of citizens and interest groups, in addition to local government officials, and state and federal resource managers during the development of goals, objectives, and an implementation plan. We look forward to the completion of your plan and its implementation!

Sincerely,

Randy Kramer, Chair
Minnesota Board of Water and Soil Resources

c: Becky Balk, MDA
John Wells, EQB
Art Persons, MDH
Cheryl Heide, DNR
David L. Johnson, MPCA
Dan Wilson, MDH
Dana Allen, BWSR Board
Brian Kletscher, BWSR Board
Paul Langseth, BWSR Board
Jeff Nielson, BWSR Southern Region Supervisor
David Sill, Board Conservationist

Draft

June 19, 2006

Mr. Scott Golberg
Environmental Services Director
Steele County Environmental Services
P.O. Box 890
Owatonna, MN 55060

Dear Mr. Golberg:

As a member of the field staff of the Minnesota Board of Water and Soils Resources (BWSR), I have reviewed the Steele County Priority Concerns Scoping Document (PCSD) and have the following comments.

The priority concerns were developed with input developed from widely distributed questionnaires, the Steele County Water Plan Review Committee, and a public meeting.

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

The PCSD includes all the issues that would be of specific interest to BWSR staff.

The Steele County PCSD is based on public input and will serve well as the base for the Steele County Water Management Plan update. I look forward to working with you in the plan development and approval phases of the update process.

These comments will be included with other agency comments in the review and approval process of the BWSR Southern Water Planning Committee.

Sincerely,

Dave Peterson
Board Conservationist

c: Jeff Nielsen, Regional Supervisor
BWSR, New Ulm

August 24, 2006

Steele County Commissioners
c/o Scott Golberg, Environmental Services Director
Steele County Environmental Service
P.O. Box 890
Owatonna, MN 55060

Dear Steele County Commissioners:

RE: Official Comments Pertaining to the State Review of the Steele County Priority Concerns Scoping Document

Draft

Pursuant to Minnesota Statutes 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Steele County has chosen to address in the update of their Comprehensive Local Water Management (LWM) Plan. The Board of Water and Soil Resources (BWSR), along with the state review agencies, received the Steele County Priority Concerns Scoping Document (PCSD) on June 6, 2006.

Steele County has reviewed the identified concerns raised during the public input process and from comments received from the Minnesota Pollution Control Agency and the BWSR. Steele County selected the following priority concerns for inclusion in the update of the LWM Plan:

1. Soil erosion carrying pollutants into surface waters.
2. Sewage from rural septic systems that drain to field tile, ditches, streams or rivers.
3. Chemicals from urban streets and storm sewers flowing into rivers and streams.
4. Fertilizers and pesticides from agricultural fields flowing into rivers and streams.
5. Land applied manure and manure runoff from animal feedlots flowing into rivers and streams.
6. Chemicals from buried waste and open dumps on private land seeping into drinking water.

Agency comments on the PCSD were received from the Department of Agriculture (MDA), the Department of Natural Resources (DNR), Pollution Control Agency (MPCA), and BWSR. No comments were received from the Environmental Quality Board (EQB) or the Department of Health (MDH).

The MDA strongly recommended that the LWM Plan identify fertilizers and pesticides seeping into drinking water and running into surface waters. Fertilizer and pesticide inputs to surface waters are included in priority concern number 4. Fertilizers and pesticides from agricultural fields seeping into drinking water is listed as a priority concern that would not be addressed in the Plan (number 3) due to limited resources.

DNR strongly recommended the inclusion of a priority concern for loss of natural vegetation. Loss of natural vegetation and habitat is listed as a concern that would not be included in the plan (number 6) due to limited resources.

MPCA strongly recommended the inclusion of impaired waters and TMDL process be included in the priority concerns, but did not require the inclusion in the priority concerns. Water bodies in Steele County are listed on 2006 impaired waters for turbidity. Priority concern number one does include soil erosion carrying pollutants into surface waters.

BWSR comments stated the priority concerns included issues of specific interest to the BWSR and recommended adoption.

The BWSR southern region water planning review committee (hereinafter referred to as Committee) met on August 9, 2006, to discuss any state review agency comments, the content of the PCSD, and recommendations for the content of the final plan.

The Committee commends the County for the process they used to select the concerns – including soliciting input from local government, citizens, and state agencies – and incorporating that information into the six priority concerns. The priority concerns to be addressed in the LWM Plan are deemed to be appropriate; the Committee does not recommend or require any changes to the PCSD as drafted.

Draft

Sincerely,

Randy Kramer, Chair
Minnesota Board of Water and Soil Resources

c: Becky Balk, MDA
John Wells, EQB
Art Persons, MDH
Cheryl Heide, DNR
David L. Johnson, MPCA
Dan Wilson, MDH – BWSR Board
Dana Allen, BWSR Board
Brian Kletscher, BWSR Board
Paul Langseth, BWSR Board
Jeff Nielsen, BWSR Southern Region Supervisor
Dave Peterson, Board Conservationist

Resolution No. 2006-19

RESOLUTION AUTHORIZING EXTENSION OF THE BROWN COUNTY COMPREHENSIVE WATER MANAGEMENT PLAN

The following Resolution was offered by Commissioner Berg and moved for adoption at a Regular Meeting held on June 27, 2006 at the Brown County Courthouse, New Ulm, MN:

WHEREAS, 1995 amendments to Minnesota Statutes, Chapter 103B.301, Comprehensive Local Water Management Act, gave the Minnesota Board of Water and Soil Resources authority to extend the ending date of local water plans for a period not to exceed two years, and

WHEREAS, Changes in staff and responsibilities for the Water Management program have slowed the current revision process, and

WHEREAS, Brown County assures continued effort towards completion of the Comprehensive Local Water Plan revision, and

WHEREAS, Brown County will not order or commence any project using the authorities under 103B.331 subd 3 and 4 until completion of the Comprehensive Local Water Management Plan revision.

NOW, THEREFORE, BE IT RESOLVED that the Brown County Board of Commissioners requests from the Board of Water and Soil Resources a two year extension of their existing local water plan to December 31, 2008 in order to complete the revision process.

Seconded by Commissioner Lochner and the same being put to a vote was duly carried. This Resolution shall become effective immediately and without publication.

Adopted by the following vote: Ayes 5 Nays 0
Dated this 27th day of June, 2006.

Chairman, Brown County

ATTEST:
Charles Enter
Administrator, Brown County

CERTIFICATION

State of Minnesota)
County of Brown)

I, Charles Enter, duly appointed, qualified and acting County Administrator for the County of Brown, State of Minnesota, do hereby certify that I have compared the foregoing copy of a Resolution with the original minutes of the proceedings of the Board of County Commissioners, Brown County, Minnesota, at their session held on the 27th day of June, 2006, now on file in my office, and have found the same to be a true and correct copy thereof.

Witness my hand and official seal at New Ulm, Minnesota, this 27th day of June, 2006.

Charles Enter
County Administrator

res062706b.doc

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

In the Matter of Extending the Local Water Management Plan for Brown County (Chapter 103B.401-408 authorizing BWSR to grant extensions)	ORDER EXTENDING WATER MANAGEMENT PLAN

Whereas, the Brown County Board of Commissioners has a state-approved Comprehensive Local Water Management Plan (Plan) that is effective until December 31, 2006, pursuant to M.S. 1990.301; and

Whereas, the Board has authorization to grant extensions pursuant to Minnesota Statutes 103B.401-408.

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

FINDINGS OF FACT

On June 27, 2006, the Minnesota Board of Water and Soil Resources received a resolution from Brown County requesting a two-year extension of their Plan. The primary reason for the extension request is changes in staff and responsibilities for the water management program, which has slowed the current revision process.

CONCLUSIONS

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of extending the Comprehensive Water Management Plan of Brown County pursuant to Minnesota Statutes, 103B.401-408.

ORDER

The Board hereby approves the extension of the Brown County Comprehensive Water Management Plan until December 31, 2008. Dated at Fairmont, Minnesota, this twenty-fourth day of August 2006.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Randy Kramer, Chair

DATE: June 19, 2006

TO: Jeff Nielsen, BWSR Southern Region Supervisor

FROM: Dave Peterson, Board Conservationist

SUBJECT: Dodge County Local Water Management Plan Final Review

I have completed my review of the Dodge County Local Water Management Plan 2006-2015 and recommend approval.

The Dodge County Local Water Management Plan (LWM) meets the requirements of water management planning under M.S. 103B and BWSR Local Water Management Plan Guidance.

The Dodge LWM Plan:

- Identifies seven priority concerns included in the Priority Concerns Scoping Document, approved September 29, 2005.
- Adequately assesses the priority concerns and sets out appropriate goals and objectives.
- Includes updated assessment information relevant to the priority concerns.
- Organizes the Plan into detailed actions identified as "core" and "accessory" activities reflecting funding availability.
- Lays out priority water resources in clear order.

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

Dodge County understands and follows the LWM program requirements effectively using available resources to develop a LWM plan that responds to the interests and needs of Dodge County. Dodge County makes good use of the Water Planning Task Force. The committee helps guide LWM planning and implementation, ensuring effective public input.

The Dodge County LWM Plan 2006-2015 reflects the work and commitment of the staff, committee, and boards in Dodge County to effective local water management and is recommended for approval.

c: Mark Gamm, Dodge County

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

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Dodge County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board of Water and Soil Resources (Board) on May 12, 2006 pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

draft

FINDINGS OF FACT

1. On June 28, 2005, the Board received a Priority Concerns Scoping Document from Dodge County, pursuant to M.S. Section 103B.312.

2. On September 29, 2005, the Board approved official comments on the Dodge County Priority Concerns Scoping Document, which were mailed to the County on September 29, 2005.

3. The priority concerns the local water management plan addresses include:
   1. Fertilizers and herbicides from agricultural fields seeping into drinking water.
   2. Nutrients and chemicals from animal feedlots flowing into rivers and streams.
   3. Nutrients and chemicals from animal feedlots seeping into drinking water.
   4. Fertilizers and herbicides from agricultural fields flowing into rivers and streams.
   5. Loss of natural vegetation and habitat due to urban and rural development.
   6. Drainage: flash flooding, storm water management, and wetland restoration.
   7. Inadequate sewage treatment: individual, community, and municipal treatment systems.
   8. Soil eroding from ag fields and running into rivers and streams.

4. On May 12, 2006, the Board received the Dodge County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Plan Update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5. On August 9, 2006, the regional Water Planning Review Committee of the Board reviewed the recommendations of the state review agencies regarding final approval of the Dodge County Plan Update. Recommendations of the state review agencies were:
   a. Minnesota Department of Agriculture: recommends approval;
   b. Minnesota Department of Health: recommends approval;
   c. Minnesota Department of Natural Resources: recommends approval;
   d. Minnesota Pollution Control Agency: recommends approval;
   e. Minnesota Environmental Quality Board: no recommendation received
   f. Minnesota Board of Water and Soil Resources regional staff: recommends approval;
   g. Board regional Water Planning Review Committee: recommends approval.

6. This update will be in effect until December 31, 2016.

CONCLUSIONS

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

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

draft

ORDER

The Board hereby approves the attached update of the Dodge County Local Water Management Plan with a required update to the Implementation section (Goals, Objectives and Action) by December 31, 2011.

Dated at Fairmont, Minnesota, this twenty-fourth day of August 2006.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair



Dodge County
Water Management Plan
2006-2016

Approved by Minnesota Board of Water and Soil Resources on _____

Approved by County Board of Commissioners on _____

Prepared by Dodge County Water Planning Task Force, coordinated by
Environmental Quality Department; April, 2006
22 6th St East • Dept. 391
Mantorville, MN 55955-2230
Phone: 507-635-6273

Draft: 03-23-06

Dodge County Water Management Plan 2006-2015

Executive Summary

Purpose of the Water Management Plan: Provide a framework and guideline for implementing actions that address priority concerns.

Priority Concerns Addressed in Plan (see Appendix A for Scoping Document):

1. Fertilizers and herbicides from agricultural fields seeping into drinking water
2. Nutrients and chemicals from animal feedlots flowing into rivers and streams
3. Nutrients and chemicals from animal feedlots seeping into drinking water
4. Soil, fertilizers and herbicides from agricultural fields flowing into rivers and streams
5. Loss of natural vegetation and habitat due to urban and rural development
6. Flash flooding or the quick rise and fall of water and stormwater management.
7. Inadequate individual septic systems, municipal sewers, and community systems that drain to field tile, wetlands, streams or rivers.

Water Management Goals: Safe drinking water in all aquifers and pollutant loads in protected waters below state and federal standards including Total Maximum Daily Limits.

Summary of Implementation Actions: *"Core Activities"* will be completed assuming that the current budget of $166,000 is available annually with adjustments for inflation. Core activities include enforcement of wetland, feedlot, shoreland, septic system, waste management, and related zoning regulations. Core activities also include on-going water testing programs designed to accurately judge conditions and trends in drinking water and rivers. A basic level of education, technical assistance, and financial assistance will be offered regularly.

"Accessory Activities" can be completed only if new sources of technical or financial assistance become available to the county. Examples of accessory activities include: purchase of aerial photographs, long-term groundwater and surface water monitoring stations, proactive education to promote agricultural best management practices, grants to restore wetlands, and implementation of South Zumbro Watershed Storm Water Capital Improvement Plan.

Consistency with Other Plans: The Water Management Plan is consistent with other local, state, and regional plans and controls. Implementation actions include efforts to work with municipalities to maintain consistency with the County's plans and controls.

Draft: 03-23-06

Dodge County Water Management Plan 2006-2015

Priority Concerns, Goals and Objectives:

Priority Concerns Addressed in Plan (see Appendix A, Scoping Document):

1. Fertilizers and herbicides from agricultural fields seeping into drinking water
2. Nutrients and chemicals from animal feedlots flowing into rivers and streams
3. Nutrients and chemicals from animal feedlots seeping into drinking water
4. Soil, fertilizers and herbicides from agricultural fields flowing into rivers and streams
5. Loss of natural vegetation and habitat due to urban and rural development
6. Flash flooding or the quick rise and fall of water and stormwater management.
7. Inadequate individual septic systems, municipal sewers, and community systems that drain to field tile, wetlands, streams or rivers.

Assessment of Priority Concerns (see Appendix B)

Water Management Goals: Safe drinking water in all aquifers and pollutant loads in protected waters below state and federal standards including Total Maximum Daily Limits.

Water Management Plan Objectives:

1. Track water quality trends in local drinking water aquifers and Public Waters.
2. All landowners have easy access to information about land uses and natural resources on their property.
3. All youth will have opportunity to learn about the connection between land use and water quality.
4. All landowners, governments, and businesses comply with applicable regulations.
5. All Farms prepare and follow their Nutrient Management Plan.
6. All Farms follow MN Dept of Agriculture's Best Management Practices for pesticide and herbicide use.
7. All Public Waters and sensitive resources are protected by permanent vegetative buffers
8. All eligible landowners are aware of benefits and opportunities for the conversion of agricultural land to perennial vegetation and the preservation of natural areas.
9. All landowners with highly erodible land manage their land to soil loss tolerance [(T) or (T Value)].
10. Zoning regulations will promote growth near urban areas and encourage cluster development to preserve natural/open areas. (vegetation & habitat corridors)
11. All Municipalities will adopt and enforce DNR's model Shoreland Zoning Regulations
12. All Municipalities will adopt Stormwater Management Plans that address water quality and quantity, and account for projected growth.
13. Reduce runoff, increase water filtration, and depress stream hydrograph on protected waters.
14. All wastewater is properly treated and treatment systems are properly maintained.
15. All Public Water Suppliers develop and implement their Wellhead Protection Plan

Implementation Plan: Priorities, Budget, and Schedule.

Priority Water Resources:

1. With limited local money, groundwater aquifer protection will take priority over surface water protection.
2. With limited local money, protection of the first encountered bedrock aquifer will take priority over lower aquifers.
3. With limited local money, watersheds with documented water quality exceeding state and federal standards will receive priority over watersheds without documented exceedances.

Existing Budget (2006):

1. State Natural Resources Block Grants and County Revenue	$ Amount
a) Water Management Plan Implementation	$ 24,000
b) Feedlot Regulation	$ 63,000
c) Shoreland Regulation	$ 7,000
d) Wetland Regulation	$ 37,000
e) Sewage Treatment System Regulation	$ 35,000
2. Soil and Water Conservation District	$ Inkind
3. State and Federal Agencies	$ Inkind
4. Private Contributions	$ Inkind
5. Environmental Trust Fund	$100,000
Total	**$ 266,000**

Core Activities. The following are actions that can be accomplished annually using existing staff and budget assuming that the Natural Resources Block Grant is awarded annually at the current amount with regular inflationary adjustments:

1. Inventory and Mapping (*These activities support all "Priority Concerns" and all "Water Management Plan Objectives"*):
   a) Annually update data and maps in County's Environmental Atlas. Distribute atlas to elected officials, policy makers, and staff. Within 5 years make atlas available on the County's Web Page.
   b) Regularly update County Well Index by field locating newly drilled wells and wells with construction and water quality information.

2. Groundwater Monitoring: (*These activities support all "Priority Concerns" and all "Water Management Plan Objectives"*):
   a) Provide well water testing service to public. Assign lab results to well record in County Well Index.
   b) Coordinate a network of citizen volunteers to sample their wells over a long period of time to determine trends.

3. Surface Water Monitoring: (*These activities support all "Priority Concerns" and all "Water Management Plan Objectives"*):

a) Maintain network of volunteer stream monitors to collect turbidity tube measurements and macroinvertabrate samples.
b) Maintain existing automatic sampling station.

4. Education and Technical Assistance: (*These activities support all "Priority Concerns" and all "Water Management Plan Objectives"*):
   a) Annually summarize drinking water quality conditions per aquifer and report to local elected officials, state agencies, and public.
   b) Annually summarize surface water quality conditions per watershed and report to local elected officials, state agencies, and public.
   c) Distribute at least 6 "news releases" per year to all local newspapers.
   d) Support SWCD's long-standing annual "conservation lesson" for middle school students.
   e) Annually advertise in local newspaper or through direct mailings, a summary of regulations related to water and waste management.
   f) Annually advertise in local newspaper or through direct mailings, a summary of local services related to water management including technical and financial assistance.
   g) Provide technical assistance upon request for information related to existing regulation and incentive programs.
   h) Create, update, and make available to public; brochures and publications related to water management.
   i) Include information on the County's Web Page.
   j) Support and encourage enrollment in all land set-aside programs that help implement the objectives of the Water Management Plan including, but not limited to, CRP, CREP, RIM, WRP, CSP, etc....
   k) Inform all landowners and contractors of the important functions of wetlands. Also provide information and technical assistance that helps landowners recognize wetlands, how to protect them and how to restore them.

5. Financial Assistance: (*These activities support all "Priority Concerns" and all "Water Management Plan Objectives"*):
   a) Provide opportunity for landowners to obtain an AgBMP Loan.
   b) Provide opportunity for landowners to obtain a grant from the County's Environmental Trust Fund for actions that are consistent with the objectives of the Water Management Plan.
   c) Provide opportunity of well owners to receive a free water testing kit if the well is sensitive to contamination or the well owner is pregnant or has an infant.

6. Regulation, Ordinance, Planning: (*These activities support all "Priority Concerns" and all "Water Management Plan Objectives"*):
   a) Implement the County's Water Management Plan, Comprehensive Land Use Plan, and Solid Waste Management Plan and enforce related ordinance. Existing regulations include: individual sewage treatment systems, wetlands, shoreland, floodplains, storm water, waste disposal, recycling, feedlots, contaminated soil,

and land use (zoning). Current enforcement level is primarily reactionary; triggered by permit requests or by complaints.

b) Regularly update plans and ordinances.
c) Propose a county-wide policy that defines the county's position and responsibility for stormwater flow management in the context of an entire watershed. In other words, define what the county's role is in reducing impacts of flash floods and sedimentation affecting downstream neighbors.
d) As time allows, assist local governments implement similar regulations.

7. Administration and Coordination: (*These activities support all "Priority Concerns" and all "Water Management Plan Objectives"*):
   a) The County will carry-out the Local Water Management Plan including annual activity planning, staffing, contracting, and reporting.
   b) The County will collaborate with partners to reach shared goals and objectives. Partners include Federal Agencies, State Agencies, Soil and Water Conservation District, Local Governments, Joint Powers Boards, not for profit organizations, businesses, and individuals. When possible the County will jointly work on "accessory activities" as outlined below:

Accessory Activities: Successful implementation of the following actions is largely dependent on new sources of technical and financial assistance. The county will pursue private, non-profit, and government partners to share in the cost and implementation of accessory activities including:

1. Inventory and Mapping: (*These activities support all "Priority Concerns" and all "Water Management Plan Objectives"*):
   a) Obtain annual aerial photographs at a scale that will improve accuracy of inventories and improve ability to educate public, provide technical assistance and enforce regulations.
   b) Make Environmental Atlas an interactive product on internet that allows user to overlay multiple themes and analyze data.
   c) Seek out and actively participate in research studies which seek to clarify information relating to pollutant transport, ground water sensitivity, surface water conditions and health risk.
   d) Map and Inventory condition of existing buffers on Protected Waters.
   e) Update Feedlot Inventory.
   f) Inventory of unique, rare, and endangered natural habitat.
   g) Compile flood damage information.
   h) Identify primary sources of soil erosion at a sub watershed scale and calculate amount of soil lost to streams.

2. Groundwater Monitoring: (These activities support all "Priority Concerns" and all "Water Management Plan Objectives"):

a) Regularly obtain (and pay for) groundwater samples from a network of drinking water wells to provide baseline and long-term trends of water quality in primary aquifers.
b) Seek out and actively participate in research studies which seek to clarify information relating to pollutant transport, ground water sensitivity, and health risk.
c) Gain more information about potential risks from manure storage basins; earthen and concrete construction.
d) Study soil sampling protocol to help define opportunities for improving use of soil testing data by landowners.

3. Surface Water Monitoring: (*These activities support all "Priority Concerns" and all "Water Management Plan Objectives"*):
   a) Continue to monitor Salem Creek (impaired water) for fecal coliform bacteria and assist landowners in evaluating options to reduce fecal contributions including feedlot runoff, manure land spreading, and septic systems.
   b) Expand the number volunteer stream monitors to accurately judge conditions of all sub watersheds.
   c) Install and operate continuous flow meters on primary river segments.
   d) Expand the sampling program to a point when one or two water quality parameters can be recognized by the general public as indicators of water quality and the conditions that lead to said quality.
   e) Seek out and actively participate in research studies which seek to clarify information relating to pollutant transport, surface water conditions, and health risk.
   f) Demonstrate soil erosion control features at farm scale.

4. Education and Technical Assistance: (*These activities support all "Priority Concerns" and all "Water Management Plan Objectives"*):
   a) Support cooperative education efforts to promote Agricultural BMP's including, but not limited to: nutrient management (including reduction in fall application of nitrogen), buffers for protected waters and sensitive features like sinkholes, soil testing, pesticide application, etc...
   b) Inform all citizens of the importance of sealing unused wells.
   c) Demonstrate options for treatment of milkhouse waste.
   d) Assist municipalities to develop and enforce a Shoreland Overlay Zoning District, Stormwater Management Plans, and Wellhead Protection Plans.
   e) Lead the effort to write a plan with goal to repair all failing septic systems. Par of the plan should be education and incentives to encourage homeowners to voluntarily repair their failing septic systems. Education should include information about the risks of a failing system, how to recognize a failing system, how to repair it, and where to get financial assistance. The education should include a comparison of the "facts vs. myths" regarding mound type individual sewage treatment systems.

f) Lead a demonstration of Stormwater Management techniques, conducted on a "farm scale" or construction site, that illustrate methods to retain and treat storm water runoff including wetland restoration.

5. Financial Assistance: (*These activities support all "Priority Concerns" and all "Water Management Plan Objectives"*):
   In addition to existing grant and loan programs, seek opportunities for financial assistance for activities such as:
   a) Grants to feedlot owners to fix physical conditions that pose a pollution potential.
   b) Low interest loans for replacing septic systems. The loan payback system should include an option for a special assessment payable on the property tax statement.
   c) Grants to landowner who seek to restore wetlands

6. Regulation, Ordinance, Planning: (*These activities support all "Priority Concerns" and all "Water Management Plan Objectives"*):
   a) Implement the South Zumbro Watershed Storm Water and Capital Improvement Plan.
   b) Adopt a policy and process that supports full enforcement of MN Rule 7020 including: regularly verifying that Manure Management Plans are properly implemented, regularly inspecting feedlots for compliance, and enforcing Open Lot Agreements. Inspections should occur on 20% of the feedlots each year. Enforcement policy should include easily administered penalties for violations.
   c) Adopt a policy and process that supports full enforcement of stormwater management and erosion control standards including standards found in the Zoning Ordinance and construction stormwater permits.
   d) Encourage growth in or near the cities, utilizing city services. Discourage expansion of the designated Urban Expansion District (2005 Zoning Ordinance) prior to completion or full development within the current boundary.
   e) Discourage large-lot rural housing outside the Urban Expansion District. Encourage cluster, low impact development with associated open space where rural subdivisions are allowed.
   f) Support efforts to protect unique natural resources and open space.
   g) Support efforts to sunset old plats in rural areas that have not been developed (see Goodhue Co. as example).
   h) Lead in the implementation of a system that tracks compliance with septic system maintenance standards and regularly notifies the owner when maintenance is due.
   i) Evaluate the pros and cons of a "soil loss ordinance"; consider options for implementation in the county.
   j) Require landowners to be in compliance with all regulations as a condition of approval of any zoning permit (even regulations unrelated to the permit request; for example....proof of compliance with shoreland buffer standards on all land before a zoning permit for a structure is approved.)

7. Administration and Coordination: (*These activities support all "Priority Concerns" and all "Water Management Plan Objectives"*):
   a) The County will collaborate with partners to reach shared goals and objectives. Partners include Soil and Water Conservation District Federal Agencies, State Agencies, Local Governments, Joint Powers Boards, not for profit organizations, businesses, and individuals.
   b) The county, when practical, will develop work plans for completing accessory actions and apply for grants to complete the work plans.

DATE: June 19, 2006

TO: Jeff Nielsen, BWSR Southern Region Supervisor

FROM: Dave Peterson, Board Conservationist

SUBJECT: Freeborn County Local Water Management Plan Final Review

I have completed my review of the Freeborn County Local Water Management Plan 2006-2015 and recommend approval.

The Freeborn County Local Water Management (LWM) Plan sufficiently meets the requirements of water management planning under M.S. 103B and BWSR Local Water Management Plan Guidance.

The Freeborn LWM Plan:

- Identifies the thirteen priority concerns included in the Priority Concerns Scoping Document, approved September 29, 2005.
- Adequately assesses the priority concerns and sets out appropriate goals and objectives.
- Includes watershed information for the county.
- Organizes the plan into detailed actions identifying actions, timelines, responsible agency, and estimated costs, and sources of funding.

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

The Freeborn County LWM Plan acknowledges the Turtle Creek and Shell Rock River Watershed District plans. The plans are consistent. Identifying the commonalities of the watershed district plans and the Freeborn County plan may be useful, but it would have been redundant. Referencing the plans should be sufficient since all three plans are readily available.

Freeborn County effectively uses available resources to develop and implement the county LWM plan, responding to the interests and needs of Freeborn County. Freeborn County makes good use of the Water Planning Advisory Committee in the LWM planning process, ensuring effective public input.

The Freeborn County LWM Plan 2006-2015 reflects the work and commitment of the staff, committee, and boards in Freeborn County to effective local water management and is recommended for approval.

c: Richard Hoffman, Freeborn County

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

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Draft

Whereas, the Freeborn County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board of Water and Soil Resources (Board) on May 26, 2006, pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1. On September 19, 2005, the Board received a Priority Concerns Scoping Document from Freeborn County, pursuant to M.S. Section 103B.312.

2. On January 25, 2006, the Board approved official comments on the Freeborn County Priority Concerns Scoping Document, which were mailed to the County on January 25, 2006.

3. The priority concerns the local water management plan addresses include:
    1. Minimize flood damage
    2. Municipal storm water treatment/discharge
    3. Individual sewage treatment systems
    4. Preserve wetlands
    5. Protect water resources from feedlot/animal manure
    6. Protect and preserve existing shorelands

4. On May 26, 2006, the Board received the Freeborn County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Plan Update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5. On August 9, 2006, the regional Water Planning Review Committee of the Board reviewed the recommendations of the state review agencies regarding final approval of the Freeborn County Plan Update. Recommendations of the state review agencies were:

a. Minnesota Department of Agriculture: no recommendation received;
b. Minnesota Department of Health: no recommendation received;
c. Minnesota Department of Natural Resources: recommends approval;
d. Minnesota Pollution Control Agency: recommends approval;
e. Minnesota Environmental Quality Board: no recommendation received
f. Minnesota Board of Water and Soil Resources regional staff: recommends approval;
g. Board regional Water Planning Review Committee: recommends approval.

6. This update will be in effect until December 31, 2015.

CONCLUSIONS

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

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

draft

ORDER

The Board hereby approves the attached update of the Freeborn County Local Water Management Plan with a required update to the Implementation section (Goals, Objectives and Action) by December 31, 2011.

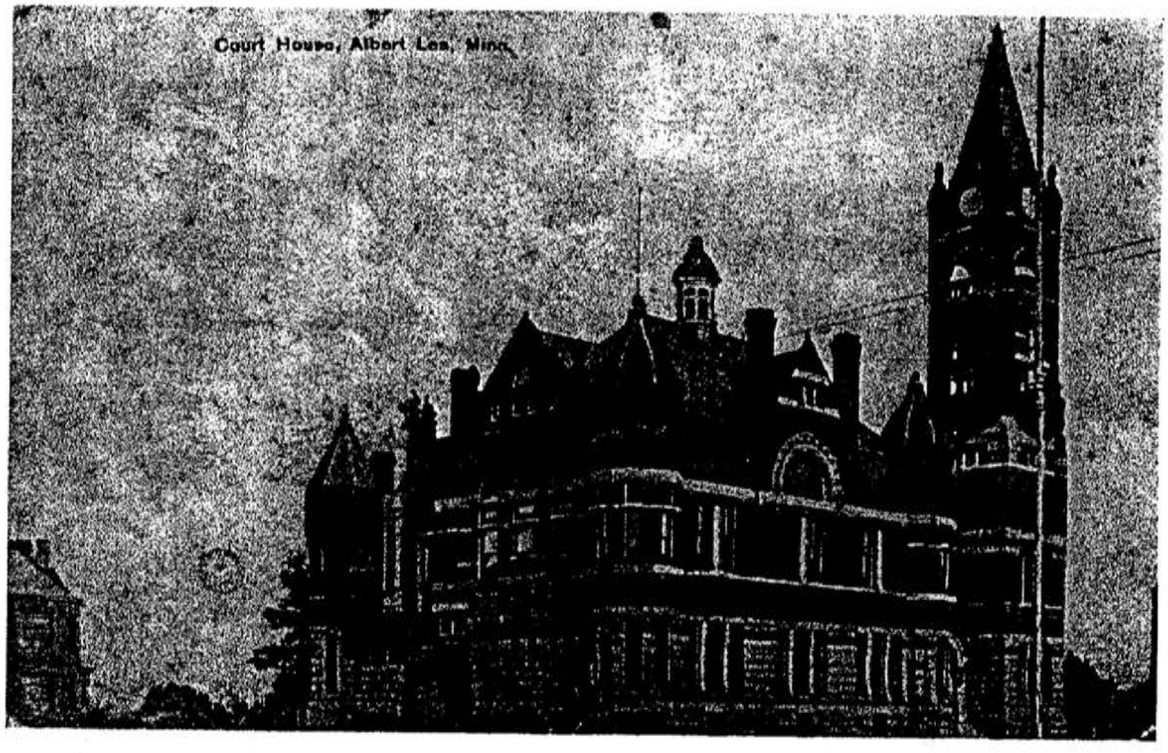
Dated at Fairmont, Minnesota, this twenty-fourth day of August 2006.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

FREEBORN COUNTY



Comprehensive Water Plan 2006 - 2015

INTRODUCTION

Summary

Freeborn County is a gateway into Southern Minnesota. Interstate Freeway 35 W and 90 intersect this area. We are bordered by the State of Iowa to the South, Faribault County to the West, Waseca County and Steele County to the North, and Mower County to the East. This County has a land area of 720 square miles, a 2005 population of 31,997, 14 incorporated cities, and 20 townships. The County Seat is the City of Albert Lea, which is located approximately 100 miles South of Minneapolis, MN. Some 81% of productive land in this County is farmed or used for rotational animal pastures.

Purpose

The purpose of this updated Local Water Management Plan for Freeborn County is:

1) To focus efforts on identified existing and potential priority concerns and/or opportunities for protection, management, and development of related water resources and land resources.

2) To continue to develop, update and implement this water plan of action to promote sound management of our resources through the use of Best Management Practices.

3) To intensify land use practices aimed at effective environmental protection.

4) To provide a guidance document for local decision makers.

5) To regulate land use practices for the development, management and protection of water and related land resources.

Freeborn County Comprehensive Water Plan 2006 – 2015 establishes priorities in actions related to water quality, water quantity, special land uses and conditions that influence land and water resources.

Priority Concerns

This water plan process produced 13 priority concerns to focus water management efforts through December 31, 2015. The process through which these priority concerns were identified is detailed in Appendix A "Public Participation in the Freeborn County Water Planning Process" document.

Goals and Actions

The following is a summary of the Goals and Actions identified for 2006 – 2015 Priority Concerns:

1) Water Wells – protect aquifer from contamination by water wells.

2) Sewer Systems – protect surface water and groundwater from individual sewage treatment systems (ISTS) contamination.

3) Top Soil – protect and preserve topsoil.

4) Wetlands – preserve existing wetlands.

5) Feedlots – protect land and water resources from animal waste contamination.

6) Municipal Waste Water – protect water resources from municipal waste water contamination.

7) Mixed Solid Waste – protect land and water resources from mixed solid waste contamination.

8) Hazardous Waste – protect water resources from hazardous waste contamination.

9) Storm Water – Work to bring Freeborn County Lakes, ditches, rivers into compliance with TMDL requirements.

10) Watersheds – Manage land resource to reduce contamination into surface waters.

11) Flooding – control surface water run-off.

12) Shoreland – protect and preserve existing shorelands.

13) Public Waters – provide recreational opportunities.

Plan Consistency

Freeborn County examined State Agency, other county, Turtle Creek Watershed District and Shell Rock River Watershed District to ensure consistency with their water resource management efforts.

This 2006 – 2015 Water Plan reflects Minnesota Pollution Control Agencies Lower Mississippi River Basin water quality efforts.

This plan incorporates some of Minnesota Department of Natural Resources recently proposed Geneva Lake Management strategies. It contains targeted Best Management Practices from the Blue Earth River Basin total maximum daily load strategies. This Comprehensive Local Water Plan will incorporate Board of Water and Soil Resources proposed grant to study flooding in Mower County, Steele County, and Freeborn County conclusions.

Recommended Amendments

Pursuant to the authority conferred by the State of Minnesota; Freeborn County adopts this 2006 – 2015 Water Plan and includes all provisions of the 1995 – 2005 Water Plan, to promote and protect the public health, safety and general welfare of all inhabitants.

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

FREEBORN COUNTY PRIORITY CONCERNS:

AQUIFERS

In Freeborn County, groundwater exists in unconsolidated glacial deposits and in the underlying bedrock. These bedrock aquifers are among the highest water yielding in the United States. These groundwater supplies contained within the bedrock aquifer are adequate for present and foreseeable needs. Estimated water yields in glacial outwash range from 100 to 500 gallons per minute.

These aquifers are the:

- Cedar Valley – Maquoketa – Galena System
- St. Peter – Prairie du Chien – Jordan System
- Franconia – Ironton – Galesville System
- Mt. Simon – Hinckley System

Current data suggests good hydraulic connection between these bedrock units within each of the four aquifer systems. Most domestic and farm water wells draw supplies from the uppermost bedrock aquifer (Cedar Valley – Maquoketa – Galen Limestones). Specific aquifer recharge or discharge sites have not been identified in this county. A geologic atlas of Freeborn County presents subsurface geologic and hydrologic data is available for review in the Environmental Services Department.

GOAL: **Protect aquifer from contamination by water wells**

Objective: Require proper construction, maintenance, and abandonment of water wells.

Action: Education of MDH Water Well Construction Standards, well sealing procedures and ground water protection strategies

Timeline: On-going

Implementation: Environmental Services Department, Minnesota Department of Health, Extension Agency

Estimated Cost: $2,000.00 annual – NRBG Grant

Action: Inventory and map existing water wells to prioritize abandonment policy

Timeline: 2008

Implementation: Environmental Services Department, MDH

Estimated Cost: $5,000.00 – NRBG Grant

Action: Apply for Federal and State Funding to assist landowner sealing water well costs

Timeline: 2007

Implementation: Environmental Services Department

Estimated Cost: NRBG Grant – In-kind

Action: Provide local cost-share funding for water well sealing

Timeline: On-going

Implementation: Freeborn County, Shell Rock River Watershed District, Turtle Creek River Watershed District

Estimated Cost: $2,000.00 - NRBG Grant

SURFACE WATERS

Freeborn County has 49 lakes covering approximately 21,000 acres. Department of Natural Resources protected waters consist of 21 lake basins, 33 water sources and 18 wetland basins. More than 50% of all these basins are affected by artificial drainage systems. A 1992 MPCA report listed 18 lakes and one river as impaired; these waters are considered hypereutrophic. This is typical for lakes in the western corn belt ecoregion. Water quality is affected by summer algae blooms. Chemical analysis of Freeborn County's surface waters indicate a high level of phosphorus contributing to the algae blooms. However, no public health concerns have been expressed by Federal or State Agencies dealing in surface water quality. Surface water quantity has historically remained stable. No evidence exists to suggest the quantity of surface waters will limit current or future lake uses. Agriculture in Freeborn County is dependent upon the public and private drainage systems; which are more than 350 miles of open ditches.

GOAL: **Protect surface water and groundwater from individual sewage treatment system contamination (ISTS)**

Objective: Require Minnesota Pollution Control Agency approved design, construction and operation of ISTS.

Action: Follow MPCA Water Quality Division ISTS, Chapter 7080

Timeline: On-going

Agency: Environmental Services Department, MPCA

Cost: Two FTE Licensed Inspectors, NRBG

Action: Require licensing of all ISTS Designers, Installers, Pumpers and Septgage Haulers

Timeline: On-going

Agency: MPCA, Environmental Services Department

Cost: NRBG In-kind

Action: Provide education to landowners on properly installed and functioning ISTS

Timeline: On-going

Agency: Freeborn County Environmental Services Department, Shell Rock River Watershed, Extension Agency

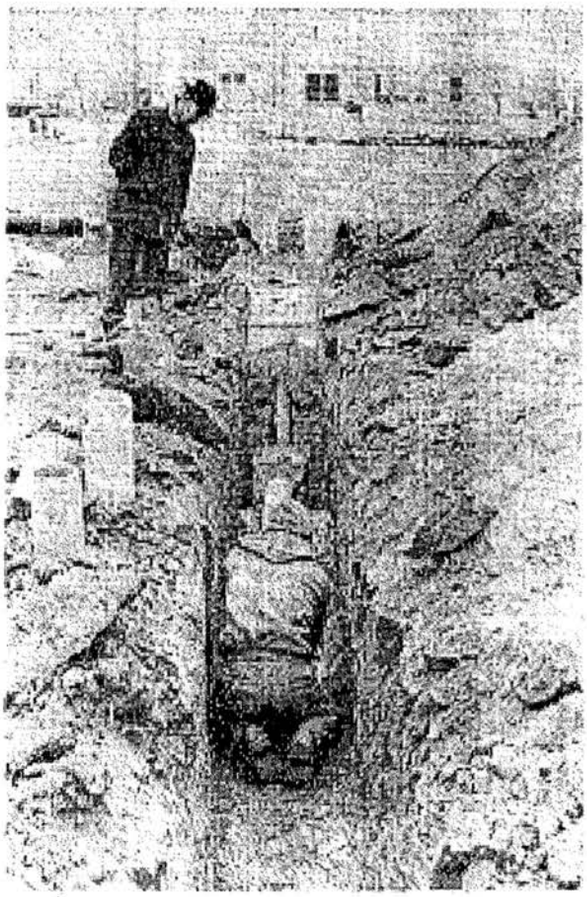
Cost: NRBG In-kind

Action: Apply for state and local cost-share funds for ISTS

Timeline: On-going

Agency: Environmental Services Department, Freeborn County

Cost: NRBG In-kind



TOPSOIL

The soils in Freeborn County are mostly deep and loamy. These soils range from tight clays to porous sands and gravels. They formed extensively in glacial till and less extensively in glacial outwash, lacustrine sediments, alluvium and organic material. Varying parent materials, topography and native vegetation reflect the number of different soils present. A digitized soil survey exists for 13 broad soil descriptions. These broad classifications are a detailed inventory of 64 soil types. This general soil map is used for land use planning. Soil erosion has resulted from urban development and farming practices.

GOAL: **Protect and preserve topsoil**

Action: Educate landowners on soil erosion practices

Timeline: 2006 On-going

Agency: SWCD, NRCS, Extension Agency

Cost: $5,000.00 SWCD Funding

Action: Participate in (Ag BMP) Minnesota Department of Agriculture Best Management Loan Program

Timeline: On-going (Since 1997)

Agency: Freeborn County Environmental Services Department, SWCD

Cost: In-kind NRBG

Action: Implement Minnesota construction site erosion and sediment control planning

Timeline: 2006 On-going

Agency: Freeborn County Building Inspectors

Cost: NRBG In-kind

Action: Support enrollment of highly erodible lands into Federal Conservation Reserve Program (CRP), reinvest in Minnesota Program (RIM), Environmental Quality Incentives Program (EQUIP)

Timeline: 2006 On-going

Agency: SWCD, NRCS, Freeborn County Commissioners, Environmental Services Department

WETLANDS

Wetlands are lands transitional between terrestrial and aquatic systems that enhance biodiversity. The water table is usually at or near the surface of the land. Freeborn County has an estimated 10,000 acres of pre-settlement wetlands remaining. The following is a summary of Circular 39 Type Wetlands found in the National Wetland Inventory of Freeborn County:

Circular 39 Type	Approximate Acres
1	765
2	246
3	8,800
4	216
5	363
6	278
7	70
Riverine	200

Approximately 95% of the County is considered upland.

Freeborn County Officials support development and maintenance of wetlands for good water quality, serving as reservoirs for flood control, providing fish and wildlife habitat, acting as sediment and nutrient traps and providing recreational opportunities.

GOAL: **Preserve existing wetlands**

Action: Participate in Wetland Preservation Program (WPA)

Timeline: 2006 On-going

Agency: Freeborn County Commissioners, NRCS, SWCD

Cost: NRBG In-kind

Action: Freeborn County, acting as local governing unit for implementation of the Wetland Conservation Act will continue to follow US Corps of Engineers, DNR, BWSR Wetland Regulations

Timeline: On-going

Agency: Environmental Services Department, SWCD

Cost: $5,000.00 NRBG

Action: Apply for state funding and assistance from MDA and DNR to control invasive species infestations on public and private wetlands

Timeline: 2006 On-going

Agency: Environmental Services Department

Cost: NRBG In-kind

Action: Complete wetlands inventory and prioritization for protection

Timeline: 2008 – 2010

Agency: Environmental Services Department, SWCD

Cost: $5,000.00 NRBG

Action: Work to establish Federal, State and Local funding partnerships for wetland restoration land purchase.

Timeline: 2009

Agency: Freeborn County, Shell Rock River Watershed District, Turtle Creek River Watershed District

Cost: Unknown

Action: Develop and implement a 5 year wetland preservation education action plan

Timeline: 2008

Agency: Environmental Services Department, BWSR, DNR, SWCD, Extension Agency, U.S. Corps of Engineers

Cost: $3,000.00 NRBG



FEEDLOTS

Freeborn County has a detailed feedlot inventory database in the Environmental Services Department. Currently there are 483 feedlots in this county. This inventory shows the following information:

Animal Units	Shoreland Area	Not in Shoreland Area
Less than 10	2	24
10 – 50	9	98
50 – 100	12	135
100 – 300	11	140
300 – 1,000	4	55
1,000 or More	1	14

Freeborn County is a MPCA Delegated County to operate the feedlot permitting process. Existing feedlot sites receive random and scheduled on-site inspections for the feedlot officer or MPCA. When a new feedlot is planned, engineered plans are required for the manure storage pits. A conditional use permit maybe required dependent upon animal units at the site or the location of animal buildings. Land application of animal manure is a potential pollution issue. Specific manure storage requirements, manure application rates, set-back distances from water wells, surface waters and field tile inlets or culverts are enforced with all feedlot sites. Livestock production is an important livelihood in Freeborn County and will continue to be centered in Southern Minnesota.

GOAL: **Protect surface water and groundwater resources from feedlot/animal waste contamination**

Action: Enforce Minnesota Rules Chapter 7020 – MPCA Feedlot Permit Program Standards.

Timeline: 2006 On-going

Agency: Environmental Services Department, MPCA

Cost: $20,000.00 NRBG - .5 FTE

Action: Continue to provide education to feedlot owners/operators on best management of animal waste.

Timeline: 2006 On-going

Agency: Environmental Services Department, MPCA, Extension Agency

Cost: NRBG In-kind

Action: Pursue Federal and State Funding to mitigate or eliminate pollution from feedlots and animal manure.

Timeline: 2006 On-going

Agency: Environmental Services Department, SWCD, NRCS

Cost: NRBG Grant



MUNICIPAL WASTEWATER

Freeborn County has prioritized municipal waste water treatment to protect their citizens and resources. A Blue Earth River Basin Fecal Coliform TMDL Presentation (February 2006) revealed waterborne pathogens to be present in southern Minnesota streams. Bacteria and Protozoan Parasites present from human waste impair Freeborn County's surface waters. Inadequately or improperly treated human waste impacts surface waters significantly. Currently three incorporated cities within Freeborn County do not have municipal waste water treatment facilities. Local, state and federal agencies are actively assisting all communities with waste water transportation and treatment options.

GOAL: **Protect surface water and groundwater from municipal wastewater contamination**

Action: Provide assistance to municipalities to construct and maintain wastewater treatment facilities

Timeline: 2006 On-going

Agency: Freeborn County Commissioners, Environmental Services Department, MPCA, MDH

Cost: NRBG In-kind

Action: Apply for federal/state/local funding for wastewater treatment facilities

Timeline: 2006 On-going

Agency: Environmental Services Department, MPCA, MAP, USDA RD

Cost: NRBG In-kind

Action: Seek priority placement on MPCA Wastewater Infrastructure Fund (WIF) for non-conforming wastewater treatment facilities

Timeline: 2006 On-going

Agency: Environmental Services Department, MPCA, MAP

Cost: Unknown

SOLID WASTE

Pollution from landfills or dumpsites is an important concern to Freeborn County residents. If left unmanaged, mixed municipal waste, demolition debris or hazardous waste pose a threat to ground and surface waters. One closed solid waste landfill is managed by the City of Albert Lea. Three permitted demolition landfills are currently operating within Freeborn County. All mixed municipal waste generated within the County is transported and landfilled in the State of Iowa. Clandestine dump sites are recognized, cleaned up and closed. Freeborn County is committed to an effective policy, clearly defined, which applied practices minimize impacts from this pollutant source.

GOAL: **Protect surface water and groundwater from mixed solid waste contamination**

Action: Maintain an effective solid waste management system

Timeline: 2006 On-going

Agency: FTE Solid Waste Officer

Cost: SCORE Funds

Action: Continue countywide recycling program

Timeline: 2006 On-going

Agency: FTE Solid Waste Officer

Cost: SCORE Funds, participant volunteer workers

Action: Continue agricultural waste chemical collections and agricultural waste pesticide container collection programs

Timeline: 2006 On-going

Agency: MDA, Environmental Services Department, Extension Agency

Cost: NRBG In-kind

Action: Provide public education on the reduction, reuse and recycling of solid waste

Timeline: 2006 On-going

Agency: Freeborn County Solid Waste Officer

Cost: SCORE Funds

GOAL: **Protect surface water and groundwater resources from hazardous waste pollution**

Action: Continue countywide hazardous waste collection program

Timeline: 2006 On-going

Agency: Freeborn County Environmental Services Department, Community Volunteers

Cost: SCORE Funds

Action: Develop public education program for residential/commercial/industrial hazardous waste disposal

Timeline: 2010

Agency: MPCA, Extension Agency, Environmental Services Department

Cost: $2,000.00 SCORE Funds

Action: Apply for federal/state funds for clandestine dumpsite clean-up

Timeline: 2006 On-going

Agency: Environmental Services Department, MPCA

Cost: NRBG In-kind, BWSR Challenge Grant

Action: Prompt discussion for legislation at the national level to require manufacturers to label products for proper end disposal

Timeline: 2007

Agency: Environmental Services Department

Cost: SCORE Funds

STORM WATER DRAINAGE

Freeborn County has an extensive drainage system that has a direct effect on water quality/quantity of receiving streams, rivers and lakes. It is our policy to reduce the nutrient and sediment loads carried in these waters. Approximately 400,000 acres of land is cropped, some 1,400 miles of roadway and 350 miles of open ditches are all contributors to storm water issues. We actively address establishment and maintenance of grass filter strips on both sides of ditches and roads. Erosion areas are scattered throughout Freeborn County (small concentration in the north central area). One percent (1%) is considered high erosion in the shoreland district and approximately 6% high erosion in other areas. Freeborn County as a whole consists of 94% low erosion priority area. Although approximately 1% is considered Urban Residential Land Use, they contribute significant amounts of storm water runoff. A surface water sampling effort is underway through the efforts of the Shell Rock River Watershed District that is providing diagnostic data on storm water quality. River, ditch, creek and lake water quality sampling program also continues. The City of Albert Lea is phasing in changes to the storm water catch basins along new urban development areas.

GOAL: **Protect surface waters from storm water drainage of sediment, nutrients and chemicals**

Action: Maintain or improve existing ditch system

Timeline: 2006 On-going

Agency: Freeborn County

Costs: Unknown

Action: Require vegetative buffer strips along public ditches upon redetermination

Timeline: 2006 On-going

Agency: Freeborn County, NRCS, SWCD

Costs: Unknown

Action: Encourage landowners of private ditches to vegetate buffer strips

Timeline: 2006 On-going

Agency: Freeborn County, SWCD, DNR

Action: Educate landowners on land treatment options and available cost-share programs to minimize transport of sediment

Timeline: 2006 On-going

Agency: Environmental Services Department, SWCD, BWSR, DNR, Extension Agency

Cost: NRBG In-kind

Action: Identify ditches that contribute excess sediment into surface waters

Timeline: 2008

Agency: Environmental Services Department, SWCD, Shell Rock River Watershed District, Turtle Creek River Watershed District

Cost: $4,000.00 NRBG

Action: Measure surface water flows and analyze water for nutrient/chemical/sediment loading

Timeline: 2008

Agency: Environmental Services Department, MPCA, SWCD, MDH

Cost: $3,500.00 NRBG

Action: Follow MPCA Total Maximum Daily Load (TMDL) recommendations for remediation of waters

Timeline: 2006 On-going

Agency: Freeborn County

Cost: Unknown



WATERSHEDS

The general topographic relief of Freeborn County presents two distinctive features; gently rolling north-south moraines and the depressional basins with boggy and alluvial deposits located to the southeast and eastern areas. Both of these features are products of the last glacial period, and have subsequently affected soil development, vegetation and wildlife habitat. Small hilly areas exist and the most rugged tracts are in Section 16 of Newry Township and Sections 1 and 2 of Pickerel Lake Township (Hills Rise 50 to 100 feet). A majority of this county is drained southeastward through the Shell Rock and Cedar Rivers. The northwestern part drains to the Minnesota River via the LeSuer and Blue Earth River Basins. There are six major watersheds and 74 minor watersheds shaping this topography. An average altitude is about 1,250 feet above sea level, although extremes of altitude are between 1,150 feet above sea level in the northwestern corner to about 1,280 feet above sea level in the central part of the County. An important statement can be made about the watersheds in Freeborn County "We are a headwater County". The fact that water does not drain into this County make water resource protection a priority.

GOAL: **Manage watersheds to reduce bacteria, nutrients, chemicals and sediments from entering surface waters**

Action: Develop an education presentation on point and non-point pollution sources

Timeline: 2009

Agency: Environmental Services Department, MPCA, Extension Agency, SWCD

Cost: $2,500.00 NRBG

Action: Apply for federal/state/local funding for Land Best Management Practices

Timeline: 2006 On-going

Agency: Environmental Services Department, SWCD

Cost: NRBG In-kind

Action: Require erosion and sediment control plan on construction sites (requirement in building permit)

Timeline: 2006 On-going

Agency: Freeborn County Building Inspectors

Cost: NRBG In-kind

Action: Assist municipalities on storm-water management issues

Timeline: 2006 On-going

Agency: Environmental Services Department

Cost: NRBG In-kind

GOAL: **Manage watersheds to control surface water run-off**

Action: Require post-land development surface water run-off rates not exceed pre-land development run-off rates

Timeline: 2007 On-going

Agency: Freeborn County Environmental Services

Cost: NRBG In-kind

Action: Preserve flood plain areas

Timeline: 2006 On-going

Agency: Freeborn County Zoning Officials

Cost: NRBG In-kind

Action: Continue to participate in DNR Floodplain Management – MN Chapter 103.F

Timeline: 2006 On-going

Agency: Freeborn County Zoning Officials

Cost: NRBG Grant

Action: Apply for federal/state/local funds for construction of riparian buffers

Timeline: 2006 On-going

Agency: Environmental Services Department

Cost: NRBG In-kind

Action: Continue participation in MN Department of Agriculture Best Management Loan Program

Timeline: 2006 On-going

Agency: Freeborn County Agricultural Inspector, SWCD, BWSR

Cost: $1,000.00 annual administration

Action: Prioritize drained wetlands for use as water holding basins and restore wetland use

Timeline: 2009

Agency: Environmental Services Department, DNR, SWCD

Cost: NRBG In-kind

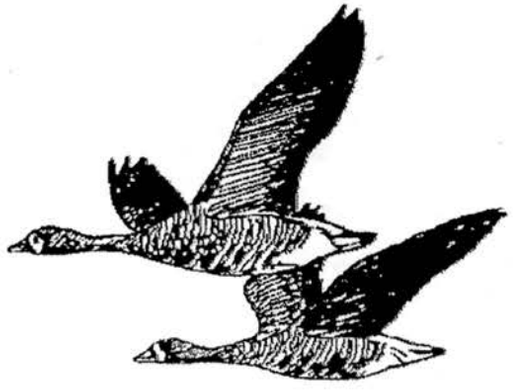
Action: Continue participation in volunteer citizen precipitation gauge monitoring program

Timeline: 2006 On-going

Agency: Environmental Services Department, SWCD

Cost: NRBG In-kind





SHORELANDS

There are 49 lakes within Freeborn County, covering some 20,000 acres. Twenty-one (21) lakes, 33 water sources and 18 wetland basins are considered DNR protected. Bear Lake and Lower Twin Lakes have variable crest structures installed for the purpose of allowing temporary drawdown. Geneva Lake and Albert Lea Lake are considered for construction of a variable crest structure. Freeborn County adopted the Minnesota Shoreland Act and has revised and adopted DNR Shoreland Rules. Freeborn County is a member of the 37 County Joint Powers addressing Minnesota Rivers Shoreland Issues. Currently Fountain Lake has the greatest density of residential units in a shoreland area of all Freeborn County Shoreland areas. Continued pressure for residential development of remaining shoreland areas make this a priority concern for soil erosion. Currently no evidence exists to suggest the quantity of surface water available within Freeborn County will limit immediate or future lake uses. No wake or limited wake issues are enforced during high water periods on selected lakes. Tourism appears to have minimal effects on surface waters. We have taken steps to stop shoreland degradation and anticipate residential building may increase.

GOAL: **Protect and preserve existing shorelands**

Action: Follow MN DNR Standards for Management of Shoreland Areas – M.S. 6120

Timeline: 2006 On-going

Agency: Freeborn County Zoning, DNR

Cost: NRBG

Action: Provide educational opportunities on shoreland protection

Timeline: 2006 On-going

Agency: Environmental Services Department, DNR, SWCD

Cost: NRBG In-kind

Action: Work to preserve existing natural riparian vegetation or re-establish it

Timeline: 2006 On-going

Agency: Environmental Services Department

Cost: NRBG

GOAL: **Provide recreational opportunities on public waters**

Action: Support Department of Natural Resources Lake Management Plans

Timeline: 2006 On-going

Agency: Freeborn County

Cost: Unknown

Action: Work with DNR to up-grade public access onto Twin Lakes, Pickerel Lake and Bear Lake public waters

Timeline: 2006 On-going

Agency: Environmental Services Department, DNR

Cost: Unknown

Action: Assist in development of local lake management plans

Timeline: 2006 On-going

Agency: Environmental Services, DNR, BWSR, Shell Rock River Watershed District, Turtle Creek Watershed District, citizen participation

Cost: NRBG In-kind

Action: Apply for federal/state/local funding for lake management implementation

Timeline: 2006 On-going

Agency: Freeborn County

Cost: Unknown

Action: Protect/preserve/promote wildlife habitat

Timeline: 2006 On-going

Agency: Environmental Services Department, SWCD, DNR

Cost: NRBG In-kind

Action: Seek installation and operation of rough fish barriers on State Line Lake, Freeborn Lake, Fountain Lake, Albert Lea Lake, Twin Lakes, White Lake, Pickerel Lake, Geneva Lake and Bear Lake

Timeline: 2006 On-going

Agency: Environmental Services Department, DNR, Shell Rock River Watershed District

Cost: Unknown



Minnesota Board of Water & Soil Resources

DATE: July 31, 2006

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: Chris Hughes, Board Conservationist

SUBJECT: Martin County Local Water Management Plan Final Review

I have completed my final review of the Martin County Local Water Management Plan and recommend approval of this update. The Martin County Local Water Management Plan meets all requirements including:

- Focuses on the priority concerns identified in the Priority Concerns Scoping Document;
- Adequately assesses the priority concerns and sets forth appropriate goals and objectives;
- Lays out a detailed implementation program with measurable actions, timeline, and budget; and
- Includes all required sections.

State agency comments were received from Minnesota Department of Agriculture, Minnesota Department of Natural Resources, and Minnesota Pollution Control Agency (MPCA). All agencies recommend approval of the Plan. MPCA also provided comments for consideration.

I look forward to assisting Martin County in implementing their local water management plan. With teamwork and coordination between the county, soil and water conservation district, and watershed projects, there is and will continue to be significant water resource protection and management activity in Martin County.

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

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Martin County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Minnesota Board of Water and Soil Resources (Board) on June 14, 2006, pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

draft

FINDINGS OF FACT

1. On April 6, 2005, the Board received a Priority Concerns Scoping Document from Martin County, pursuant to M.S. Section 103B.312.

2. On June 22, 2005, the Board approved official comments on the Martin County Priority Concerns Scoping Document, which were mailed to the county on June 22, 2005.

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

    a. Impaired Waters and Total Maximum Daily Loads
    b. Drainage System Management
    c. Promote the Use of Best Management Practices
    d. Wetland Protection and Restoration
    e. Water Quality in Area Lakes
    f. Promote Low Impact Development in Impaired Waters
    g. Groundwater

4. On June 14, 2006, the Board received the Martin County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5. On August 9, 2006, the Southern Water Planning Committee of the Board reviewed the recommendation of the state review agencies regarding final approval of the Martin County Plan Update. Recommendations of the state review agencies were:
    a. Minnesota Department of Agriculture recommends approval;
    b. Minnesota Department of Health had no comment;
    c. Minnesota Department of Natural Resources recommends approval;
    d. Minnesota Pollution Control Agency recommends approval;
    e. Minnesota Environmental Quality Board had no comment;
    f. Minnesota Board of Water and Soil Resources regional staff recommends approval;
    g. Board regional Water Plan Review Committee recommends approval.

6. This update will be in effect until December 31, 2016.

CONCLUSIONS

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

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

draft

ORDER

The Board hereby approves the attached update of the Martin Local Water Management Plan with a required update to the implementation section (Goals, Objectives and Actions) By January 1, 2011.

Dated at Fairmont, Minnesota, this twenty-fourth day of August 2006.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

MARTIN COUNTY
LOCAL WATER PLAN

2006 – 2016



Photo by Rich Perrine

Martin County Water Planning
C/O Martin SWCD
923 North State Street, Suite 170
Fairmont, Minnesota 56031
507-235-6680

Prepared By:
Linda Meschke
Richard Perrine
May 15, 2006

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Executive Summary

Purpose
Quality water resources are important to Martin County and the State of Minnesota. Martin County is blessed to have abundant water resources above what is typical for a southern Minnesota county. The County feels it is important, and has made it a priority, to protect those resources to maintain and enhance the quality of life, productivity of agriculture, recreation and business climate it now enjoys.

This is the third edition of the Martin County Water Plan. The first edition was adopted in 1989 and revised to the current ten year plan in 1995. This 2006 plan takes another step in advancing water resource protection in the county. Over the last ten years there has been an extensive amount of accomplishments driven by the last Water Plan. Richard Perrine, Water Plan Coordinator, has summarized these accomplishments on page 6 of this plan. This plan takes the next step in that progression.

The 2006 to 2016 Martin County Local Water Plan was developed in accordance with the Comprehensive Local Water Management Act: Minnesota Statute 103B.

Priority Concerns
During 2005, Martin County Local Water Management Committee developed a Priority Concern Scoping Document in accordance with the changes to the Comprehensive Local Water Management Act; Statutes 103B.304 – 103B.355. This scoping document identified and listed the priority water resource concerns that would be addressed in the next Martin County Comprehensive Local Water Plan document. A copy of the Priority Concern Scoping Document is in the Appendix of this document. The list of identified priority concerns, not in any priority order, include:

- Impaired Waters and Total Maximum Daily Loads [TMDL]
- Drainage System Management
- Promote the use of Best Management Practices [BMP's]
- Wetland Protection and Restoration
- Water Quality in Area Lakes
- Promote Low Impact Development in Impaired Waters
- Groundwater

Martin County Water Plan has had a focus on groundwater quality and quantity in the past. In the process of preparing the Scoping Document, Groundwater was not identified as a priority issue. This is probably due to local, state and national efforts focused on impaired [surface] waters. Because of this strong history, it was felt by the Water Plan Advisory Committee to include assessment, goals and objectives for groundwater as an additional priority concern and is included as part of this plan in

order to maintain continuity and recognize the importance of this issue to the county.

Summary of Goals, Actions and Costs

This Martin County Water Plan is designed to address the water resource issues within the county. It is intended to be progressive and forward thinking in order to improve the quality of life for area residents. The County Commissioners have been supportive of the Water Plan and intend to continue their support. The implementation plan indicates an annual need of approximately twice what is currently being spent in the county for all water resource related work. The need to address agricultural nonpoint source pollution in order to meet TMDL goals will be the counties biggest challenge during this ten year plan.

The goals, objectives and actions identified in this plan address ongoing efforts by a variety of county departments and they include new goals that will require the county to stretch and grow their current programming. All activities identified are voluntary. Some activities will require the county to acquire incentive funds to encourage landowner participation. The county has been successful in the past in securing a significant amount of incentive dollars and they need to continue to apply for additional funds and work with multiple partners as opportunities arise. This plan was developed to give Martin County an advantage when applying for financial resources to benefit the county in the natural resources area.

As stated earlier, addressing agricultural nonpoint source pollution will be the biggest challenge facing the county during the next decade. Because the county has highly productive soils there is intense row crop and livestock farming with an extensive drainage infrastructure. Martin County has 98% of it's tillable acres in annual row crops. The challenge is to adequately address the environmental concerns while still retaining the integrity of production agriculture.

The authors have taken one step in this direction by putting definition to precision conservation. Precision conservation is a term that was adopted to mean higher level BMP's that are applied to strategically targeted environmentally sensitive areas. In Martin County it is estimated that this is 5 to 10% of the county. Within the BMP priority section these are further defined with the goal being 100 % of these areas having precision conservation applied by the end of the plan. This will not be easy, but it will advance the county in meeting their water quality goals significantly if it can be met.

Below is a summary of the anticipated annual cost to implement this water plan to it's fullest. This assumes adequate staffing and funding to implement all of the action items.

Priority Concern	Annual Need
Impaired Waters [TMDL's]	$ 91,600
Drainage System Management	$ 80,200
Promotion of BMP's	$496,045
Wetland Protection	$182,000
Water Quality in Area Lakes	$ 6,350
Low Impact Development	$ 9,350
Groundwater	$ 8,800
Total Annual Need	$874,345

Statement of Consistency

The 2006 – 2016 Martin County Local Water Plan is consistent with local, state and federal rules and regulations.

Summary of Recommendations To Other Plans

The Martin County Local Water Plan is a document that is intended to be voluntary. The following items are suggested changes to other plans.

- Request the City of Fairmont to develop a source Water Protection Plan by 2011.
- Expand the Martin County Conserving Acres Program to include riparian buffers.
- Develop and integrate policies on Low Impact Development into city and county ordinances.
- Develop a permit system for removal of any tree within 200 feet of surface water.

Martin County Water Plan Accomplishments

During the past 10 years the Martin County Water Plan has accomplished many things to benefit the residents of the county and region. Martin County prides itself on being a leader on water resource issues at the local, regional and state levels. This leadership position has put the county in a position to receive extra funding for a variety of initiatives that meet the goals of the Comprehensive Local Water Plan, Martin County and Martin SWCD.

If the actions of this new plan are to be carried out, it is important for the County to have adequate staff time to properly address the issues identified in this plan. Through cooperation with local, state and federal partners, the county can provide a base level of staffing. It will take additional funding, from a wide variety of sources, to implement all of the needed changes in the timeframe provided. In addition, the cooperation of the landowners is of primary importance as all items in this plan are voluntary – not regulatory, in nature.

Departments that impact the water planning activities include:

- Martin SWCD
- Water Planning
- Wetland Conservation Act
- Solid Waste
- Planning and Zoning
- Shoreland
- Feedlots
- Septics
- Extension
- Highway Department
- Ditch Administrator

During the ten year period [1996 to 2005] of the previous water plan, the following accomplishments have been achieved in the county by Martin County and Martin SWCD in collaboration with many partnering agencies.

- ✓ General Signup CRP – 1,632 Acres
- ✓ Continuous CRP – 5,306.8 Acres
  - Total CRP 6,939.00 Acres
    Included in the totals above, the CP-23 Wetland Restoration Practice was installed on 92 contracts for 3,010.9 acres. The majority of these are CREP. Although the CRP contract has started, approximately 15 of these wetlands are either in the process of being restored or scheduled to be restored in 2006.

Also included in the CRP totals above, the CP-21 Filter Strip practice was installed on 165 contracts for 1,486.9 acres. Using an average of 120 feet in width, approximately 102.2 miles of filter strips were installed along ditches, creeks, wetlands and lakes.

- ✓ CWP Alternative Easements and EPA 3rd Crop Easements: 21 Contracts for 163.23 acres
- ✓ Tile intake alternatives installed: 36 rock intakes, 1 intake removed
- ✓ BERBI Living Snow-fences: 2 snow-fences on 4.0 acres, 2960 feet
- ✓ BERBI Tile Intake Buffers: 8 expired, 4 still under contract on 3.1 acres
- ✓ Feedlot Challenge Grant Windbreaks: 5 Contracts on 7.1 acres
- ✓ BERBI Nutrient Management: 2 contracts on 600 acres
- ✓ Water Plan – Special 2002 Well Sealing Cost share: 25 Wells
- ✓ State Cost Share, FY 1996 through FY 2005: 23 Grassed Waterways; 35 Abandoned Wells Sealed; 1 Critical Area Planting; 1 Shoreland Protection; 3 Diversions; 3 Grade Stabilization Structures; 5 Ag Waste systems; 2 Streambank Stabilization Projects; 36 Shelterbelts; 3 Field Windbreaks.
- ✓ 96 acres enrolled in RIM-WRP [Wetland Restoration]
- ✓ 77.9 acres are enrolled in RIM Wetland Restorations [Total of 298.9 acres are enrolled in RIM Wetland Restorations]
- ✓ 2004 Conservation Security Program -- 35,024 acres 75 Contracts
- ✓ 2005 Conservation Security Program – 42,009 acres 102 Contracts
- ✓ 2006 Conservation Security Program -- 54,740 acres 102 Contracts
- ✓ Conducted an extensive feedlot inventory in 1998
- ✓ Developed a feedlot inspection program on a five year rotation
- ✓ Processed 250 loans for upgrading septic systems
- ✓ Digitized feedlot locations and manure acres
- ✓ Adopted new Comprehensive Land Use Plan in 2003
- ✓ Added a Ditch Administrator Position
- ✓ Numerous Education and Outreach Activities

Partnering

- ❖ NRCS, FSA, USFWS, USCOE, USGS [Federal Agencies]
- ❖ BWSR, MDA, PCA, DNR, EQB [State Agencies]
- ❖ 13 County South Central Minnesota Comprehensive Local Water Planning Group
- ❖ Greater Blue Earth River Basin Alliance [GBERBA]
- ❖ Blue Earth River Basin Initiative [BERBI]
- ❖ University of Minnesota
- ❖ Minnesota State University - Mankato
- ❖ Three Rivers Resource Conservation and Development
- ❖ Minnesota River Board
- ❖ Area VI SWCD
- ❖ Zone 10 Non Point Engineering Joint Powers Board
- ❖ Region Nine Development Commission

- Southwest Solid Waste Administers Association
- Prairieland Compost Facility
- Prairieland Household Hazardous Waste Facility and Mobile Collection
- Mankato Regional Household Hazardous Waste Facility
- Lily and Center Creek Clean Water Partnership
- Watonwan River Clean Water Partnership
- Blue Earth River Clean Water Partnership
- Okamanpedon Lake Watershed Project
- Upper Des Moines River Watershed Project
- Red Rock Rural Water
- Elm Creek 3rd Crop Monitoring with the University of Minnesota
- Martin County Townships and Cities

OLD BUSINESS

1. Big Fish Lake Update – Ron Shelito - *INFORMATION ITEM*

Minnesota Board of Water & Soil Resources

1601 Minnesota Dr, Brainerd, Minnesota 56401

DATE: August 11, 2006

To: Chairman Kramer, BWSR

From: Ron Shelito, North Region Supervisor

RE: Big Fish Lake

At the direction of the Board, Jason Weinerman and myself facilitated a meeting to discuss the water quality issues surrounding the township alleyway on the east side of Big Fish Lake in Collegeville Township, Stearns County. The meeting was held on the evening of August 2nd and was attending by an audience that represented most of the interested parties including:

-BWSR	-DNR	-MPCA
-Stearns County Commission	-Stearns SWCD	-Sauk River Watershed Dist.
-Stearns Co. Enviro. Serv.	-Collegeville Township	-MCEA
-Big Fish Lake Association	-Mary Peters Schramel	-Lake homeowners

I opened the meeting at 4:35 p.m. and explained the purpose of the meeting, which was to "focus on addressing water quality concerns arising from the alleyway in question and to develop management recommendations to mitigate these concerns." This was followed by the establishment of some ground rules to ensure the meeting progressed with all parties showing respect and consideration for the process and each other. The attendees were then asked to introduce themselves and identify which group they represented. The registration sheet showed 31 names but I believe there was closer to 40 people in attendance.

Following the introductions, I turned the meeting over to Mary Peters-Schramel to present some background and identify her resource concerns as a landowner adjacent to the alleyway. Mary and I had discussed her role in the meeting the day before in a phone conversation that I initiated. The MPCA followed Mrs. Peters-Schramel's presentation with a discussion of the historic water quality monitoring on the lake. MPCA noted that the transparency readings, as measured by over 20 years of secchi disk readings, indicated a trend of improved readings over time. There has also been a Lake Assessment study and a Cleanwater Partnership Diagnostic study conducted on Big Fish Lake indicating overall good health. The lake has been widely characterized as one of the healthiest lakes in the county with no major impairments.

After the MPCA concluded their discussion, I opened the floor to further discussion of resource concerns related to the alleyway. We then spent time taking comments on real or perceived damage to the alleyway wetland, runoff through the alleyway from farm land in the watershed, destruction of vegetation in the alleyway, spring runoff issues in the alleyway, destruction of the ice ridge, and access issues related to the alleyway.

I stopped the discussion on resource concerns after about 45 minutes and suggested to the group that it was time to focus on what to do about the stated concerns, more specifically what could be done to control any water quality impacts to Big Fish Lake attributed to the alleyway.

The discussion focused on the feasibility of the Wilkinson engineering plan. The Wilkinson plan has been floated as a solution since I believe 1995. Another plan that was mentioned was the Schmidtz plan. The group debated the merits and made suggested changes to the Wilkinson plan and arrived at tentative consensus on the following management activities:

- Restore the ice ridge on the alleyway in such a way as to not prohibit snowmobile or 4-wheeler use to load and unload ice houses from the lake.
- Restore the ice ridge and repair the gully on the adjacent Carlson property.
- Install a stand-pipe or other water retention structure on east side of Hidden Cover Road to slow overland flow and settle sediments during high runoff events.
- Encourage the implementation of Ag. BMPs in the upper watershed.
- Restrict alleyway access to foot traffic during periods when the ground is not frozen.
- Develop a vegetation management plan that allows ATV and snowmobile access but may improve stability and sediment trapping and addresses repairing any damage due to future events.
- Monitor the use of the alleyway for 1-2 years to determine actual use and impact.
- Restrict use of riprap on the shoreline of the alleyway.

Most of the group appeared to believe that these recommendations are doable. Mr. Carlson stated that he was agreeable to doing a project on his property and the township officials indicated that the landowner across the road had indicated some willingness to cooperate in the past. I asked the group if this modified project plan was worth moving forward and having a small group of people work out the details. There were many heads nodding and people saying yes. I must admit that there were some key people in the crowd who were being quiet at this point.

I then suggested to the group that BWSR, specifically Jason, take the lead in pulling together a small group of resource professionals including the Stearns SWCD, Sauk River WD, Stearns Environmental Services, MPCA, and DNR to flesh out the details of the modified plan agreed to at the meeting. This group will meet ASAP to determine technical criteria and financial assistance options. Representatives will then meet with the township and affected landowners to get their agreement to implement the project(s). The SWCD, WD, or County will take the lead at this point. Much of this plan has been proposed and agreed to before, but was held up by the debate over access issues. It is our hope that the township and landowners can agree to the modifications clearing the way for project implementation.

A meeting has been scheduled for August 25, 2006 with Stearns SWCD, Stearns Environmental Services, and BWSR. At this point MPCA, DNR, and Sauk River WD have been invited but not confirmed.

Final comments. This alleyway has a long and emotional history as evidenced by the timeline submitted with this letter. Local and state resource agencies have worked with local landowners and the township to seek resolution at many points since this issue first surfaced in 1992. Available water quality information is inconclusive whether the alleyway even has a significant detrimental affect on Big Fish Lake. I believe that this effort to implement a modified Wilkinson plan should represent the state's final role in this alleyway issue. This plan proposes a fix to the perceived water quality impacts from the alleyway. We will work with the local governments and landowners to get the plan implemented. However, if the access issue continues to hamper the ability to implement a sound water quality protection plan, then I believe BWSR should respectfully back away from this issue, for good.

Chairman Kramer, I will keep you informed as to the results of the scheduled August 25th meeting and subsequent implementation activities.

C: Ron Harnack

Big Fish Lake Alleyway Timeline

Year	Activity
1923	Simons Family plats parcel and dedicates "all streets, avenues, alleys, lanes or parks…to the public for use as such forever."
1992	• J. Peters, D. Peters, and E. Carlson submit petition to vacate alleyway and split parcel between two landowners • Collegeville Township accepts responsibility for the maintenance of the alleyway • Township removes two trees and portion of ice ridge • Court issues findings of fact that Township acted within current laws and regulations • Stearns SWCD delineates wetland and identifies as Type I, Bottomland Hardwod, finds no Wetland Conservation Act (WCA)Violation • Keith Grow (BWSR) concurs with Stearns SWCD that no WCA violation has occurred
1993	• Township notified of need to control erosion resulting in removal of ice ridge • Township notifies county of intent to turn alley into access • MPCA inspects site and finds no potential for runoff from nearby farm/feedlot
1994	• MPCA finds no merit to complaint of feedlot drainage from farm/feedlot • Peters contacts BWSR to restore wetland, BWSR responds that it has no authority unless a violation has occurred • SCS provides Township with a plan for management of alleyway including: o No further erosion control measures needed o Leave a minimum of 4 inch high stubble o Restrict traffic during frost free periods o Perform annual inspections and repair any damage o No pesticide use • Peterses asks county to address violations of Shoreland Ordinance and WCA. County, BWSR, DNR, Stearns SWCD and SCS find regulations have been properly applied
1995	• DNR commissioner informs P. Fandel that all local judicial and regulatory processes were followed • K. Lakkesmoe responds to complaint from Sauk River WD (B. Mostad) about water quality with a finding that the DNR has no authority in matter • MPCA declares it has no authority to require restoration of alleyway • Stearns SWCD passes motion prohibiting staff from providing assistance on "alleyway"
1996	• P. Fandel asks county to direct Sauk River WD to restore ice ridge • Stearns County environmental staff meets with County attorney and conclude there is no violation of

Big Fish Lake Alleyway Timeline

	Shoreland Management Act and restoring the ice ridge is not needed • Environmental Quality Board finds that alley does not fall under the scope of Environmental Review Program and does not need an EA worksheet • Holding pond proposed east of Hidden Cover, project stopped by lawsuit filed by Peterses on behalf of 117 petitioners • BWSR is presented with request from Big Fish Lake Sportsmen's Club to conduct following practices: o Install riser on east side of culvert o Install berm to replace ice ridge • BWSR states it has no responsibility to limit access
1997	• BWSR encourages Peters to work with Sauk River WD to install practices identified in 1995 • State Rep. S. Dehler submits bill to require to facilitate action to improve water quality. Withdraws support for bill
1999-2001	• Sauk River WD prepares Diagnostic Report
2000	• R. Harnack (BWSR) informs Peters that further meetings would be unlikely to produce results and BWSR staff will rely on LGUs to provide further assistance
2006	• Peterses appears before BWSR asking for assistance • Board directs staff to re-explore issue • BWSR staff contact DNR, MPCA, SWCD, Sauk River WD, and Stearns County to determine if any progress has occurred • June 9 TWSP meeting where 3 management activities were identified to address water quality concerns o Stand pipe on east side of culvert on Hidden Cove Road to reduce high flow runoff o Restoration of drainageway north of alleyway to stabilize area o Raise ice ridge on alley 6-12 inches • BWSR facilitates Aug 2 meeting of interested parties in an attempt to reach a consensus on project implementation to improve water quality

Big Fish Lake Alleyway Evaluation

(May 2006)



Prepared by:
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Background

Big Fish Lake is located in Stearns County five miles north of the city of Cold Spring. The lake is 558 acres in size and covers a fairly small watershed. The majority of the watershed is forested with scattered farm fields and pasturelands located in the watershed. The forested nature of the land makes it valuable for development and the homes around the eastern shore of Big Fish Lake are on some particularly prized land in the county.

The alleyway in question lies on the eastern side of Big Fish Lake and is a 20 foot wide platted access to the lake that is maintained by Collegeville Township.

Water Quality

The Sauk River Watershed District conducted a diagnostic survey in 1999-2001 and the survey found that, in terms of water quality, Big Fish Lake has some of the best water quality in the county. The Lake has had secchi disk readings that go back to 1985, which show that over the past 20 years the lake has had improved readings on a long term basis. The survey identified the small nature of the watershed, the relatively low level of development and the lack of cultivated land all contribute to the high water quality in the lake.

While the water quality is good, the survey identified several threats from surface and ground water features. Increasing development has resulted in more impervious services, removal of natural vegetation on the shoreline and use of lawn fertilizers all have the potential to negatively effect water quality. The increasing number of septic systems have the potential to leak effluent, which may enter the lake through ground water.

Current Status

On May 24, 2006, Jason Weinerman (BWSR), Dennis Fuchs (Stearns County SWCD) and Lynn Nelson (Sauk River Watershed District) performed a site inspection of the alleyway in question, the surrounding land and land uses, and adjacent properties to evaluate the current status of the site and document any concerns. The following topics identify the land use issues surrounding the alleyway.

Alleyway

The alleyway was inspected from the road and the current status was documented with photographs (figure 1). The alleyway appears to be well vegetated and stable although there may be a wet spot in the middle. There does not appear to be any rutting, gullying or other evidence of erosion. The site appears to be mowed periodically but there is enough residual height to slow surface runoff. The township has signed the alleyway as an access point for snowmobiles and ATVs but usage appears to be light. The signage is subtle and is easily missed by the casual passerby.

Across the road from the alleyway is a private access from an adjacent landowner (figure 2). As with the alleyway, this access is well vegetated with no erosion evident. During

onsite discussions, it was noted that the landowner to gain access to the township alleyway uses this private access.

Adjacent Agricultural Land Uses

A portion of the area upland of the alleyway is used for agricultural production. There are two active crop fields and a livestock facility.

Crop Fields

There are two upland crop fields in the vicinity of the alleyway. During the drive by inspection, these fields were tilled and planted to crop (figure 3 and 4). The fields in question were stable during the inspection with no sign of erosion. In addition, the producer is using reduced tillage and leaving residue on the site to reduce erosion potential.

During discussions with the Ms. Nelson and Mr. Fuchs, it was noted that these fields are well maintained and have had minimal erosion in the past. The producer is conscientious and practices good conservation taking care that his land does not contribute significant pollution to Big Fish Lake.

Livestock Facilities

The upland livestock facilities (figure 5) are small in size and consist of fewer than 8 cattle at any given time. The producer maintains the livestock as a side hobby and their impact to the stream is likely minimal. There is a healthy forest and significant grassed area between the livestock facility and the alleyway that provides a buffer and effectively eliminates any waste that may leave the site.

Adjacent Residential Development

The lakeshore property adjacent to the alleyway is developed for residential use. A significant portion of these lots consist of a single family dwelling with a well manicured lawn and an individual septic system. Many of these properties have lawns that are mowed directly to the shore.

The Big Fish Diagnostic Study conducted by the Sauk River Watershed District identified Big Fish Lake as highly susceptible to groundwater contamination. The increase in residential development has resulted in a corresponding increase in septic systems. The survey identifies that a significant portion of the septic systems are either not in compliance with current standards, have not been pumped recently or their owners declined to respond to the status question. With this high proportion of systems in question, groundwater contamination by septic overflow or leakage should be considered as a dominant concern for any loss of water quality.

Conclusions

Big Fish Lake is one of the healthiest lakes in Stearns County in terms of water quality. The lake is maintaining water clarity and its eutrophication status in spite of the increase in residential development along the lakeshore

The alleyway is currently stable and not likely contributing any significant contaminants to the lake. The adjacent agricultural uses also appear to be well buffered and posing a minimal risk of entering the lake through the alleyway.



Figure 1: Alleyway



Figure 2: Private property access



Figure 3: Upland crop field

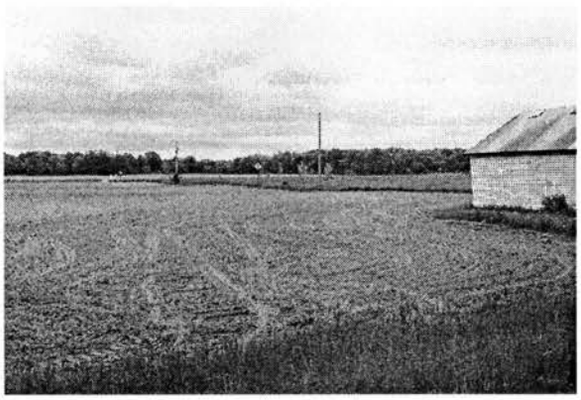


Figure 4: Upland crop field

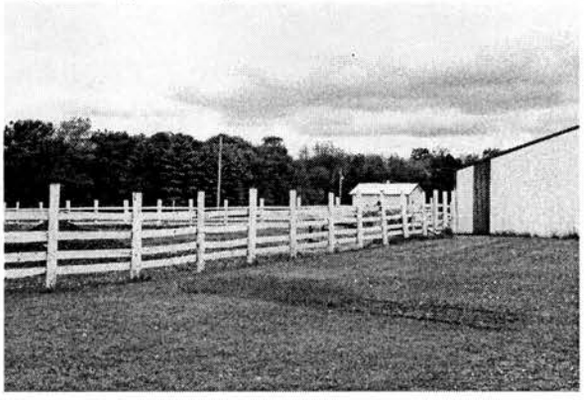


Figure 5: Upland livestock area

NEW BUSINESS

1. Termination Petition, South Two River Watershed District – Jim Haertel – *DECISION ITEM*

2. FY '07 Non Point Engineering Assistance Base Grant – Wayne Zellmer – *DECISION ITEM*

3. CREP-2 Payment Rate Reconsideration for the Eight Landowners with Recorded Easements Prior to Payment Rate Change – Kevin Lines – *DECISION ITEM*

4. Update on Drought Resolution – Ron Harnack - *INFORMATION ITEM*

5. Update on Biennial Budget – Ron Harnack - *INFORMATION ITEM*

6. Update on Wetland Assessment – Ron Harnack - *INFORMATION ITEM*

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

In the Matter of the Termination Petition for the South Two River Watershed District in Morrison and Stearns Counties pursuant to Minn. Stat. § 103D.271.

ORDER TERMINATION OF SOUTH TWO RIVER WATERSHED DISTRICT

Whereas, resident owners residing in the South Two River Watershed District (District) in Morrison and Stearns Counties filed a Petition dated April 11, 2006, with the Board of Water and Soil Resources (Board) on April 12, 2006, to terminate the South Two River Watershed District (District) pursuant to Minn. Stat. § 103D.271, and;

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

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

FINDINGS OF FACT

1. **Termination Petition Filing.** The Termination Petition (Petition) to terminate the South Two River Watershed District (Exhibit 2) dated April 11, 2006, was filed with the Board on April 12, 2006. (Exhibit 1) The Petition, consisting of several pages, was signed by numerous resident owners residing in the District pursuant to Minn. Stat. § 103D.271.

2. **Required Proofs of Service.** A letter (Exhibit 1) dated April 4, 2006 from Ernie Schmit, City of Holdingford Mayor and and Scot Laing, Krain Township Chair, shows transmittal of the Petition to the Auditors of Morrison and Stearns Counties and the Board.

3. **Certification of Petitioner Signatures.** On April 24 and May 3, 2006 the Morrison County Auditor, and on April 25 and May 18, 2006 the Stearns County Auditor/Treasurer Office, pursuant to Minn. Stat. § 103D.271, Subd. 5 and based upon their inspection of the Petition and tax records, certified both the number of petitioner signatures and the number of homesteaded tax parcels with residences within the District showing at least 25 percent of the resident owners residing in the District had signed the Petition. (Exhibits 5, 6, 7, 10)

4. **Petitioner's Bond.** The Petitioner's bond was not required pursuant to recent legislative changes to Minn. Stat. § 103D.271, Subd. 6. (Exhibit 11)

5. **District Establishment.** The District was established on December 31, 1986 by the Minnesota Water Resources Board, which is now the Minnesota Board of Water and Soil Resources. The six water resource problems identified by the petitioners requesting the establishment of the watershed district were poor water quality, lake flooding, stream flooding, sediment and erosion problems, poor storm drainage, and flooded septic systems. The establishment order identified concerns with establishment of the watershed district, both by the Water Resources Board and the Administrative Law Judge.

6. **Property Description.** The territory of the District is approximately 93 square miles and is located within Morrison (6 square miles, 6.5%) and Stearns (87 square miles, 93.5%) Counties in all or parts of the Cities of Albany, Holdingford and St. Anthony, and the Towns of Elmdale and Two River in Morrison County, and the Towns of Albany, Avon, Farming, Holding, Krain, Oak, and St. Martin in Stearns County. The major recreational lakes in the District are the Two Rivers Lake, Pelican Lake, and Pine Lake.

7. **Frequency of Termination Petition.** The Board has not accepted a termination petition for the District within the past five years, pursuant to Minn. Stat. § 103D.271, Subd. 3.

8. **Reasons for Termination.** The Petition lists the following:

   a. The public is not benefiting from taxes levied by the District.

   b. There are many documented cases of malfeasance among the District managers.

   c. The District managers are appointed, not elected, and therefore have no accountability.

d. Without the District there are numerous other agencies and organizations that can manage the water resources better and more efficiently.

e. The existence of the District has not corrected flooding on Two River Lake.

f. The District is too small.

g. The existence of the District has not corrected pollution and flooding problems of the lakes and streams in the District.

h. The continued existence of the District does not benefit the public welfare and public interest, and the District is not needed to accomplish the purposes of Minnesota Statutes Chapter 103D.

9. **Hearing Order.** At its regular meeting on May 24, 2006, the Board determined the Petition met the requirements of Minn. Stat. § 103D.271 and consequently ordered a public hearing to be held on the Petition. (Exhibit 11)

10. **Hearing Notice.** Legal notice of the public hearing on the Petition, pursuant to Minn. Stat. § 103D.271, Subd. 8, was published in the Stearns-Morrison Enterprise on June 5, 2006. Further, a copy of the legal notice was mailed to several addressees including the affected county Boards of Commissioners, County Auditors, SWCD's, and all of the cities in the District. (Exhibit 12)

11. **Public Hearing.** A public hearing was held on the termination of the District on June 19, 2006 at the Albany Elementary School Gymnasium located at 30 Forest Avenue in Albany, Minnesota. The hearing started at 2:00 PM, recessed at 4:30 PM and reconvened at 6:00 PM. The proceedings were tape recorded. The hearing panel consisted of Board members Kay Cook, Quentin Fairbanks, Randy Kramer and Louise Smallidge as chair. After all people present at the public hearing were given an opportunity to speak and enter exhibits, the hearing record was left open until 4:30 PM on August 2, 2006 for receipt of written comments.

The following list of exhibits comprise the hearing record. Jim Haertel, Board staff, entered Exhibits 1 through 14 into the hearing record by reading a brief description of each exhibit.

Exhibit 1. Letter dated April 4, 2006 from Ernie Schmit, City of Holdingford Mayor and Scot Laing, Krain Township Chairman, stating reasons for the termination of the District and forwarding exhibit numbers 2 and 3.

Exhibit 2. Petition to terminate the District dated April 11, 2006.

Exhibit 3. Letter dated April 6, 2006 from Jamie Thelen, City of Albany Mayor, stating reasons why the city should be removed from the District.

Exhibit 4. Letter dated April 7, 2006 from Tom Schneider, City of Albany Administrator, forwarding Exhibit 3.

Exhibit 5. Letter dated April 24, 2006 from Russ Nygren, Morrison County Auditor, regarding certification of the number of signatures on the Petition.

Exhibit 6. Letter dated April 25, 2006 from Randy Schriefels, Stearns County Auditor-Treasurer regarding certification of the number of signatures on the Petition.

Exhibit 7. Letter dated May 3, 2006 from Russ Nygren, Morrison County Auditor, regarding certification of the number of signatures on the Petition.

Exhibit 8. Letter dated May 10, 2006 from Jim Haertel, Board of Water and Soil Resources, regarding certification of the number of signatures on the Petition.

Exhibit 9. Letter dated May 10, 2006 from Jim Haertel, Board of Water and Soil Resources, regarding certification of the number of signatures on the Petition.

Exhibit 10. Copies of emails dated May 16 and May 18, 2006 between Steve Holthaus, Stearns County, and Jim Haertel, Board of Water and Soil Resources, regarding certification of the number of signatures on the Petition.

Exhibit 11. Certificate of Board of Water and Soil Resources Resolution No. 06-38 dated May 24, 2006 regarding the public hearing on the Petition.

Exhibit 12. Letter dated May 30, 2006 from Jim Haertel, Board of Water and Soil Resources, to several addressees providing notification of the public hearing, including copies of the legal notice, list of addressees, and certification of mailing.

Exhibit 13. Copies of emails dated June 2, 2006 between Peter Raeker and Jim Haertel, each with the Board of Water and Soil Resources, regarding the press release for the public hearing on the Petition.

Exhibit 14. Letter dated June 15, 2006 from Helen McLennan, Morrison Soil and Water Conservation District Manager, regarding the inactivity of the District.

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Exhibits 15-51 were entered into the record by Barb Lang, petitioner, after making a presentation.

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Exhibit 15. Presentation based on past history of the District, including reasons it should be terminated.

Exhibit 16. Minnesota Statutes Section 103D.201, Watershed District purposes, including opinions.

Exhibit 17. Statement listing non-reasons why the District should continue to exist.

Exhibit 18. Statement regarding the formation of the District and why it should be terminated.

Exhibit 19. Project information including map.

Exhibit 20. Statement of the District's monitoring plan and participation in required meetings.

Exhibit 21. Tabulation of amounts levied and grants received by the District from 1990 to 2005.

Exhibit 22. Quote from March 7, 1986 BWSR memorandum regarding concerns on district size, including opinions.

Exhibit 23. Accomplishments claimed by the District in response to the Board's assessment that was recently completed.

Exhibit 24. Comparison of the Sauk River Watershed District and the South Two River Watershed District.

Exhibit 25. Statement regarding activities since the Board's Assessment.

Exhibit 26. Minnesota Statutes Section 103D.011, Definitions.

Exhibit 27. Copy of email dated June 1, 2003 from property owner Doug Andersen to Jim Wynnemer, District Administrator, and response letter from Jim Wynnemer to Doug Andersen.

Exhibit 28. 2003 State Audit Highlights of the District including press release from 2005 State Auditor Patricia Anderson.

Exhibit 29. Quotes from St. Cloud Times by Stearns County Commissioners Vince Schaefer and Don Otte.

Exhibit 30. BWSR Assessment quote and documentation on June 13, 2006 appointment of Vicki Statz and Barb Lang to obtain District financial information.

Exhibit 31. List of what the District does not do.

Exhibit 32. City of Holdingford's March 13, 2006 resolution to terminate the District.

Exhibit 33. Statement regarding reasons why the District should be terminated from Ernie Schmit, City of Holdingford Mayor and Scot Laing, Krain Township Chair.

Exhibit 34. Information regarding the City of Albany's request to be removed from the District, take-over of a District project and the Albany Comprehensive Plan.

Exhibit 35. List of what the District did not do.

Exhibit 36. List of what those opposed to termination will say versus what those in-favor of termination will say.

Exhibit 37. Information regarding some of the District's board members and conflicts of interest.

Exhibit 38. Statements about the District.

Exhibit 39. Copy of email dated May 22, 2006 from Dave Walz to Barb Lang regarding signatures on the Petition.

Exhibit 40. Copy of email dated June 9, 2006 from Jerry Roering to Barb Lang regarding the District's levy for the Survey and Data Acquisition Fund.

Exhibit 41. List of supporting data regarding the District.

Exhibit 42. List of programs that can accomplish similar things without levies.

Exhibit 43. Statements regarding public meetings held on January 27, 1986 and April 21, 1986.

Exhibit 44. Statement regarding property tax levies.

Exhibit 45. Statement regarding petitioners.

Exhibit 46. Reasons and procedure to terminate the District.

Exhibit 47. Minutes from Krain Township meeting of September 29, 2005 in support of the Petition.

Exhibit 48. Letter dated June 7, 2006 from Leslie Goldsmith, MPCA to Jamie Thelen, Mayor, City of Albany and a Certificate of Commendation.

Exhibit 49. Same as Exhibit 23.

Exhibit 50. South Two River Watershed District Audit for the year ended December 31, 2003 by the Office of the State Auditor.

Exhibit 51. Stearns Bank Register from January 1, 1993 through July 14, 2003.

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Exhibits 52-73 were entered into the record by Merle Anderson of the District after making a presentation.

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Exhibit 52. Copy of email dated February 11, 2005 from Barb Lang to Merle Anderson.

Exhibit 53. Letter to the editor written by Jodi Kleinjan in support of the Petition.

Exhibit 54. St. Cloud Times Readers' views article written by Dave and Lila Thomas entitled "Watershed district is not a useful creation".

Exhibit 55. Letter dated May 23, 2006 from Dennis Fuchs, Stearns County Soil and Water Conservation District to Ralph Blenker regarding technical assistance.

Exhibit 56. CRP Promotion and Implementation Agreement with the District, Pheasants Forever and the Stearns County Soil and Water Conservation District dated June, 2006.

Exhibit 57. Unofficial District minutes for April 13, 2006.

Exhibit 58. Memo dated November 3, 2005 from the District Advisory Committee to the District Board of Managers.

Exhibit 59. Memo dated December 8, 2005 from the District Advisory Committee to the District Board of Managers.

Exhibit 60. Memo dated January 4, 2006 from the District Advisory Committee to the District Board of Managers.

Exhibit 61. Memo dated February 1, 2006 from the District Advisory Committee to the District Board of Managers.

Exhibit 62. Memo dated April 5, 2006 from the District Advisory Committee to the District Board of Managers.

Exhibit 63. Memo dated May 3, 2006 from the District Advisory Committee to the District Board of Managers.

Exhibit 64. District Project Application Form.

Exhibit 65. District Executive Summary and work plan printed on October 14, 2005.

Exhibit 66. Work Program Goals and Objectives.

Exhibit 67. District Partnership Project Funding.

Exhibit 68. District Newsletter Volume 1, Issue 1 Spring/Summer 2006.

Exhibit 69. Letter dated May 9, 2006 from Norman Wenck to Ralph Blenker regarding the District's water quality monitoring program.

Exhibit 70. District Tour Observations.

Exhibit 71. Letter dated February 9, 2006 from Ron Shelito to the District including the Board's Assessment of the District.

Exhibit 72. Potential Enhanced Storage Areas South of I-94 for the District dated May, 2006 and June 8, 2006.

Exhibit 73. District Lake Water Quality Report dated June 8, 2006.

Exhibit 74. Memo from Shirley Graveen to the Board in support of the Petition.

Exhibit 75. Statements by Jodi Kleinjan in support of the Petition.

Exhibit 76. The District's May 11, 2006 and August 21, 2003 meeting minutes.

Exhibit 77. Copy of email dated September 10, 2003 from Barb and Joe Lang to Dennis Fuchs regarding water quality monitoring training.

Exhibit 78. Statement dated June 19, 2006 from Joe Lang in support of the Petition.

Exhibit 79. Letter dated May 25, 1989 from Norman Kemper on behalf of Board of Directors of Albany Golf Club, Inc. to James Kastanek, Leland Wallace, and the Director of the Minnesota Department of Natural Resources regarding county ditches and possible diversion of water.

Exhibit 80. Copy from MPCA and NRCS handbook "Applying Manure in Sensitive Areas".

Exhibit 81. Petition with signatures to the District for money to help with pollutants entering waters within the Pelican Lake Lakeshed.

Exhibit 82. Contract between the District and Robert and Sandy Opatz dated July 30, 2005 for wetland restoration and water runoff retention for the North East Inlet project.

Exhibit 83. List of grass seed to be used in the North East Inlet project.

Exhibit 84. Maintenance Agreement dated August 4, 2005 signed by private landowners to maintain the wetland restoration project known as North East Inlet.

Exhibit 85. Invoice dated August 10, 2005 from Lange Trenching for work done on North East Inlet project.

Exhibit 86. Letter dated June 1, 2005 from Dennis Fuchs, Stearns SWCD to the District regarding possible projects in the Pelican Lake subwatershed.

Exhibit 87. Copies of emails of July, 2005 between Barb Lang and Greg Berg, Stearns SWCD.

Exhibit 88. Letter dated August 30, 2005 from Scott Glup, USFWS to Joe Lang of the District regarding proposed wetland restoration and creation projects.

Exhibit 89. Spreadsheets regarding District money spent on projects from 1993 thru 2005.

Exhibit 90. List of amount of District levies paid from 1990 to 2005.

Exhibit 91. Spreadsheet regarding 2003 pay to District advisors and managers.

Exhibit 92. Letter dated August 20, 2005 from Joe Lang to Stanley Weinberger, Jr., District attorney, regarding District operations.

Exhibit 93. Letter of resignation dated October, 2005 from Joe Lang to the Stearns County Commissioners.

Exhibit 94. List of news articles to different publications.

Exhibit 95. Notice regarding Termination Hearing on June 19, 2006 from Anthony and Ralph Hondl annotated in support of the Petition.

Exhibit 96. List of reasons signed by Ernie Schmit, Mayor, City of Holdingford why the District should be dissolved.

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After all people present at the public hearing were given an opportunity to speak and enter exhibits, the hearing record was left open until 4:30 PM on August 2, 2006, for receipt of written comments. The following exhibits were received while the record was open.

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Exhibit 97. Letter dated June 22, 2006 from Vince Schaefer and Don Otte, Stearns County Commissioners, to James Haertel in support of the Petition.

Exhibit 98. Letter dated July 5, 2006 from Bob Mostad to the Board not supporting the Petition.

Exhibit 99. Letter dated July 6, 2006 from Merle Anderson to James Haertel regarding size and tax capacity and the ability to address resource issues not supporting the Petition.

Exhibit 100. Letter dated July 6, 2006 from Jim Wimmer to James Haertel not supporting the Petition.

Exhibit 101. Letter dated July 13, 2006 from Patricia Weber, Brockway Township, to James Haertel stating the District is not in Brockway Township.

Exhibit 102. Letter dated July 11, 2006 from Gerald Zenzen to James Haertel regarding his CRP project and dealing with the District, with enclosures.

Exhibit 103. Letter dated July 15, 2006 from Joe Lang to James Haertel in support of the Petition.

Exhibit 104. Letter dated July 17, 2006 from Stanley Weinberger, Jr., District legal counsel, to James Haertel not supporting the Petition.

Exhibit 105. Letter dated July 14, 2006 from Richard Gondringer to the Board not supporting the Petition.

Exhibit 106. Letter dated July 18, 2006 from Merle Anderson to James Haertel not supporting the Petition.

Exhibit 107. Letter dated July 18, 2006 from Merle Anderson to James Haertel not supporting the Petition, with enclosures.

Exhibit 108. Letter dated July 21, 2006 from Barb Lang to James Haertel regarding other letters in support of the Petition.

Exhibit 109. Letter dated June 21, 2006 from Barb Lang to James Haertel in support of the Petition.

Exhibit 110. Letter dated July 19, 2006 from Lila Thomas to James Haertel in support of the Petition.

Exhibit 111. Letter dated July 21, 2006 from Shirley Graveen to James Haertel in support of the Petition.

Exhibit 112. Letter dated June 27, 2006 from Edna Kramer to the Board not supporting the Petition.

Exhibit 113. Letter received on July 24, 2006 from Harold and Patricia Hoffman to James Haertel in support of the Petition.

Exhibit 114. Letter received on July 24, 2006 from Cletus Opatz to James Haertel in support of the Petition.

Exhibit 115. Letter received on July 24, 2006 from Charles Berscheid to James Haertel in support of the Petition.

Exhibit 116. Letter dated July 20, 2006 from Ralph Blenker to James Haertel regarding project money spent and not supporting the Petition, with enclosures.

Exhibit 117. Letter dated July 31, 2006 from state Representative Dan Severson to James Haertel in support of the Petition.

Exhibit 118. Letter dated July 24, 2006 from state Senator Michelle Fischbach to James Haertel in support of the Petition.

Exhibit 119. Letter dated July 24, 2006 from Merle Anderson to James Haertel regarding financial matters, with enclosures.

Exhibit 120. Letter dated June 24, 2006 from Lila Thomas to James Haertel regarding copies of letters from residents.

Exhibit 121. Letter dated June 21, 2006 from Clem Jonas to James Haertel in support of the Petition.

Exhibit 122. Letter dated July 21, 2006 from David Thomas to James Haertel in support of the Petition.

Exhibit 123. Letter dated June 21, 2006 from Robert and Taffy Orth to James Haertel in support of the Petition.

Exhibit 124. Letter dated June 23, 2006 from Bruce and Sherry Frederick to James Haertel in support of the Petition.

Exhibit 125. Letter dated June 21, 2006 from Jim and Jan Paggen to James Haertel in support of the Petition.

Exhibit 126. Letter dated June 21, 2006 from Val and Estelle Schwinghammer to James Haertel in support of the Petition.

Exhibit 127. Letter dated June 21, 2006 from Darlene Atkinson to James Haertel in support of the Petition.

Exhibit 128. Letter dated June 21, 2006 from Michael Aitkinson to James Haertel in support of the Petition.

Exhibit 129. Letter dated June 21, 2006 from Frederick and Lorraine Lentz to James Haertel in support of the Petition.

Exhibit 130. Letter dated June 21, 2006 from Dan and Sandy Sowada to James Haertel in support of the Petition.

Exhibit 131. Letter dated June 23, 2006 from 17 residents to James Haertel in support of the Petition.

Exhibit 132. Letter dated July 25, 2006 from Jamie Thelen, Mayor, City of Albany, to James Haertel regarding the City of Albany's request to be permanently removed from the District.

Exhibit 133. Letter dated July 26, 2006 from Dan Jordet to James Haertel in support of the Petition.

Exhibit 134. Letter dated July 25, 2006 from Victoria Statz , Clerk, City of Holdingford, to James Haertel in support of the Petition.

Exhibit 135. City of Holdingford Resolution Nos. 06-04-10-04 and 06-04-10-01in support of the Petition.

Exhibit 136. Article from St. Cloud Times entitled "County may drop district".

Exhibit 137. Letter dated July 24, 2006 from Bob and Sandy Opatz to James Haertel in support of the Petition, with enclosures.

Exhibit 138. Letter dated July 25, 2006 from Lois Angulski to James Haertel in support of the Petition.

Exhibit 139. Letter and brief dated July 27, 2006 from Louis Smith, Smith Partners PLLP, on behalf of the MN Association of Watershed Districts to James Haertel not supporting the Petition.

Exhibit 140. Letter dated July 26, 2006 from Richard Mareck regarding negative criticism of the District, with enclosures.

Exhibit 141. Letter received on July 28, 2006 from Ramona and John Yunger to James Haertel in support of the Petition.

Exhibit 142. Letter dated July 26, 2006 from Robert Pollreis to James Haertel in support of the Petition.

Exhibit 143. Letter dated July 26, 2006 from Shirley Cox to James Haertel in support of the Petition.

Exhibit 144. Letter dated October 14, 2004 from Jim and LeRoy Gondringer to Shirley Cox regarding the rental agreement on her land.

Exhibit 145. Letter dated January 14, 2005 from Jim and LeRoy Gondringer to Shirley Cox regarding her options for her land, with unsigned USDA form.

Exhibit 146. Letter dated July 26, 2006 from Joe Lang to James Haertel regarding past District board members, in support of the petition.

Exhibit 147. Memo dated July 25, 2006 to James Haertel from four past District board members in support of the petition.

Exhibit 148. List of resident's names in support of the Petition.

Exhibit 149. Letter dated July 26, 2006 from Barb Lang to James Haertel regarding letters written by District residents in support of the Petition.

Exhibit 150. Letter dated July 25, 2006 from John Sabrowsky to James Haertel in support of the Petition.

Exhibit 151. Letter dated July 25, 2006 from John Rozycki to James Haertel in support of the Petition.

Exhibit 152. Letter dated July 24, 2006 from Kevin Behrend to James Haertel in support of the Petition.

Exhibit 153. Letter dated July 24, 2006 from Donald Moore to James Haertel in support of the Petition.

Exhibit 154. Letter dated July 25, 2006 from Joyce Hess to James Haertel in support of the Petition.

Exhibit 155. Letter dated July 25, 2006 from LaDonna Reisdorf to James Haertel in support of the Petition.

Exhibit 156. Letter dated July 25, 2006 from Ron Schmainda to James Haertel in support of the Petition.

Exhibit 157. Letter received on July 31, 2006 from Brad Heitzman to James Haertel in support of the Petition.

Exhibit 158. Letter dated July 27, 2006 from Stan Hanson, Bonestroo Williamson Kotsmith, to James Haertel regarding engineering work provided to the District over the past 10 years.

Exhibit 159. Letter received on July 31, 2006 from Dennis Schirmers to James Haertel in support of the Petition.

Exhibit 160. Letter dated July 28, 2006 from Judy Mareck to James Haetel not supporting the Petition.

Exhibit 161. Letter dated July 28, 2006 from LeRoy Gondringer to the Board not supporting the Petition.

Exhibit 162. Letter dated July 27, 2006 from Sandra Meer, Krain Township Clerk, to James Haertel regarding minutes from two monthly meetings and Resolution No. 06-18 in support of the Petition.

Exhibit 163. Letter dated July 29, 2006 from Brad Becker to James Haertel in support of the Petition.

Exhibit 164. Letter dated July 30, 2006 from Joe Lang to James Haertel regarding the Hearing Panel should not consider testimony from any person or organization that benefits financially from the District.

Exhibit 165. Letter dated July 27, 2006 from Carol Hoffman to James Haertel in support of the Petition.

Exhibit 166. Letter dated July 30, 2006 from Robert Schmit and Dan Thielman to James Haertel in support of the Petition.

Exhibit 167. Letter dated July 26, 2006 from William Mock to James Haertel in support of the Petition.

Exhibit 168. Letter dated July 30, 2006 from Donald Moore, Idella Moore and Marlene Dobmeier to James Haertel in support of the Petition.

Exhibit 169. Letter dated July 27, 2006 from Arthur McNabb, Darlene Thielman, Earl Hoffman, and James Dolmeier to James Haertel in support of the Petition.

Exhibit 170. Letter dated July 29, 2006 from Andy Przybilla to James Haertel in support of the Petition.

Exhibit 171. Letter dated July 30, 2006 from Shirley Graveen, Dave Thomas and Barb Lang to James Haertel in support of the Petition.

Exhibit 172. Letter dated August 1, 2006 from Barb Lang to James Haertel regarding the percentage of certified signatures on the Petition.

Exhibit 173. Log of faxed letters to James Haertel on August 1, 2006 from Barb Lang.

Exhibit 174. Letter dated June 30, 2006 from Lloyd Voges to James Haertel in support of the Petition.

Exhibit 175. Letter dated August 1, 2006 from Barb Lang to James Haertel regarding the number of signatures on the Petition.

Exhibit 176. List of names of people who expressed support for the Petition at the June 19, 2006 hearing, from Lila Thomas.

Exhibit 177. Stearns County Board Resolution No. 06-69 in support of the Petition.

Exhibit 178. Letter dated July 31, 2006 from Lila Thomas to James Haertel in support of the Petition.

Exhibit 179. Letter dated August 9, 2005 from Edna Kramer to Joe Lang requesting the key back for the Albany Area Community Senior Center since he was no longer a board member, annotated with a note dated August 10, 2005 from Joe Lang to Edna Kramer regarding his continued term on the District board.

Exhibit 180. Copy of email dated August 10, 2005 from Joe and Barb Lang to several entities regarding who is responsible for the District.

Exhibit 181. Letter dated August 1, 2006 from Joe Lang to James Haertel in support of the Petition.

Exhibit 182. Letter dated July 31, 2006 from Vicki and Gil Statz to James Haertel in support of the Petition.

Exhibit 183. Letter dated August 3, 2006, received via facsimile on August 2 before 4:30 PM, from Representative Larry Hosch to James Haertel in support of the Petition.

12. **General Fund Levy.** The 2005 taxable market value of the District was $324,635,700. Calculation of the District's maximum general fund levy pursuant to Minn. Stat. § 103D.905, Subd. 3 yields $155,825. The maximum general fund levy for watershed districts is $250,000.

13. **District Assessment.** The recent assessment conducted by the Board concluded the District suffers from a "crisis of public trust". District managers are not adequately trained on their powers and duties. Both resident and partner surveys overwhelmingly rated the quality of service received from the District as poor to below average. The District has a poorly defined and implemented process for developing, funding and implementing projects. The District is relatively small, especially in tax base. The District has limited staffing. The District has little or no public outreach or communications strategy. District board meetings are poorly controlled. The District board has had rapid turnover of managers in recent years and has not had a full board in over a year.

14. **Annual Reports and Annual Audits.** The Board has in its files an annual report of the District for 1991 and annual audits of the District for 1991, 2002 and 2003.

15. **Comprehensive Local Water Management Plan.** Morrison and Stearns Counties currently have approved comprehensive local water management plans. The plans contain an assessment of priority concerns, goals and objectives to address priority concerns and an implementation program for priority concerns. Additionally, a special taxing district can be established to fund the implementation program.

16. **Hearing Panel.** Based on the entire record in the matter and after due consideration, the hearing panel met on August 8, 2006 and decided with a three to one vote to recommend to the full Board the District be terminated because the existence of the District does not benefit the public welfare and public interest, and the District is not needed to accomplish the purpose of Minnesota Statutes Chapter 103D. Also, the hearing panel unanimously decided that all remaining funds and real property of the District should be transferred, in proportion to the manner collected, to the Morrison County Auditor and the Stearns County Auditor/Treasurer within 30 days of the date this Order is filed with the Secretary of State and recommends the funds be transferred to the Morrison and Stearns Soil and Water Conservation Districts for water resource projects within the area of the District. Further, all District records should be transferred to the Board within 30 days of the date this Order is filed with the Secretary of State.

The hearing panel questioned the ability of the District to effectively continue in operation in consideration of opposition to its existence contained in the record from Stearns County, the Cities of Albany and Holdingford, Krain Township, all area legislators and numerous citizens. The hearing panel noted the record contained a substantial lack of support for the District and contained little information supporting the continued existence of the District. The hearing panel strongly noted the unanimous decision by the Stearns County Board of Commissioners, who are the appointing authority for the District managers, to support the Petition and not support the District. The hearing panel noted the lack of projects the District has completed and the lack of petitions for projects as evidence that the need for the District does not exist. The hearing panel noted the District's relatively small size and small tax base as problematic for implementing projects. The hearing panel noted the absence of a District education program and communication program. The hearing panel noted the District managers lacked knowledge of their powers and duties.

CONCLUSIONS

1. The Petition for termination of the South Two River Watershed District is valid in accordance with Minn. Stat. § 103D.271.

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

3. The Board has proper jurisdiction in the matter of terminating the South Two River Watershed District.

4. The South Two River Watershed District should be terminated for the following reasons:

A. The District cannot effectively continue in operation in consideration of opposition to its existence contained in the record from Stearns County, the Cities of Albany and Holdingford, Krain Township, area legislators and numerous citizens.

B. The record contains no support from any local units of government affected by the District.

C. The District has not implemented programs and projects to sufficiently address the water resource issues for which it was established, and petitions have not been submitted for projects.

D. The District is relatively small, especially in tax base, which is problematic for implementing projects.

E. The District has very limited staffing.

F. The District has little or no public outreach or communications strategy.

G. The District has not prepared annual reports as required by Minn. Stat. § 103D.351.

H. The District has not had annual audits prepared as required by Minn. Stat. § 103D.355.

5. The South Two River Watershed District should be terminated because the existence of the watershed district does not benefit the public welfare and public interest, and the watershed district is not needed to accomplish the purpose of Minnesota Statutes Chapter 103D.

6. The comprehensive local water management plans for Morrison and Stearns Counties can address the water resource issues of the South Two River Watershed District.

7. All remaining funds and real property of the South Two River Watershed District should be transferred, in proportion to the manner collected, to the Morrison County Auditor and the Stearns County Auditor/Treasurer within 30 days of the date this Order is filed with the Secretary of State and the funds should be transferred to the Morrison and Stearns Soil and Water Conservation Districts for water resource projects within the area of the District. Further, all District records should be transferred to the Board within 30 days of the date this Order is filed with the Secretary of State.

ORDER

The Board hereby orders that the South Two River Watershed District is terminated because the existence of the watershed district does not benefit the public welfare and public interest, and the watershed district is not needed to accomplish the purpose of Minnesota Statutes Chapter 103D. The Board further orders that all remaining funds and real property of the South Two River Watershed District must be transferred, in proportion to the manner collected, to the Morrison County Auditor and the Stearns County Auditor/Treasurer within 30 days of the date this Order is filed with the Secretary of State and recommends the funds be transferred to the Morrison and Stearns Soil and Water Conservation Districts for water resource projects within the area of the District. It is further ordered that all District records be transferred to the Board of Water and Soil Resources within 30 days of the date this Order is filed with the Secretary of State.

Dated at Fairmont, Minnesota this 24th day of August, 2006.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Randy Kramer, Chair

PROPOSED FY 07 NPEA BASE GRANTS

BACKGROUND

The Non Point Engineering Assistance (NPEA) Base Grants are allocated annually to the eleven NPEA (TSA) Joint Powers Boards for the purpose of providing technical assistance to landowners to apply conservation practices. For FY 07, the legislature again has appropriated $1.064 M for this Program.

This Grant Program will be implemented according to the BWSR adopted delivery model and set of performance standards that went into effect July 1, 2005.

ISSUE

This delivery model allocation policy pertinent to the 07 NPEA Base Grant is as follows:

The local share will be equivalent to 25% of the agreed upon state financial share (or, 20% of the total contract amount. Both amounts are the same).

Given the existing level of funding, and assuming that each TSA requests the maximum in state resources, then the state and minimum local shares for the first year shall be as follows:

State = $96,727 per TSA (i.e. equal state funding) TSA = $24,182

Local share does not include in-kind services, but can include local, other state and federal funding for shared technical assistance to and through the TSA SWCDs, such as:

- *Fees for services (from landowners, or other sources)*
- *Member SWCD cash contributions*
- *Federal TSP funding*
- *Federal grant funds*
- *Other state programs*
- *Gifts and donations*

All state NPEA program grant and local share dollars must be used within the two-year grant period.

A short summary of TSA requests and funding recommendations is attached.

NOTE: Local Share sources to balance JPB budgets include the following:

Charging fees for services
SWCD contributions
Grants from other sources
Spending down JPB fund balances

RECOMMENDATION

The Board is requested to approve the 07 NPEA Base Grants and authorize BWSR staff to allocate these grants according to policies, to JPBs meeting program requirements.

H:07NPEABGBM

2007 NPEA Base Grant Summary of Applications

Amount Available $1,063,997
Amount Requested $1,099,270

Funding Recommendation

Technical Service Area 1

Grant Request	Match
$ 96,727.00	$ 24,373.00

$96,727

Initiative Items

1 Pay administration expenses

Funding

NPEA Base Grant	$	26,250.00

2 Pay engineer/technician salaries

Funding

NPEA Base Grant	$	70,477.00
EQIP Funding	$	700.00
Local Cash	$	8,673.00
Red River Regional Council	$	15,000.00
Total Budget	**$**	**121,100.00**

Technical Service Area 2

Grant Request	Match
$ 132,000.00	$ 33,000.00

$96,727

Initiative Items

1 NPEA staff, member SWCD staff and Supervisors, and landowners will receive the benefit of Beltrami SWCD support staff through the Host District Manager and Bookkeeper. Additionally, other program support services that may be required to facilitate the NPEA program will be provided

Funding

NPEA Base Grant	$	20,000.00
Local Cash Match	$	5,000.00

2 NPEA staff will provide technical engineering assistance to landowners within NPEA Area 2 at the request of the local member SWCD. Contracts for Services outside the TSA2 area will be considered an a case by case basis by the JPB.Results will be measured as to how promptly the service was provided, and how well the NPEA staff coordinated with the SWCD staff and landowners.

Funding

NPEA Base Grant	$	112,000.00
Local Cash Match	$	28,000.00
Total Budget	**$**	**165,000.00**

Technical Service Area 3

Grant Request	Match
$ 96,727.00	$ 54,666.00

$96,727

Initiative Items

1 Personnel Expenses/Operations

Funding

NPEA Base Grant	$	96,727.00
CCLNS Local Fund	$	27,500.00
GLC GRANT	$	27,166.00
Total Budget	**$**	**151,393.00**

2007 NPEA Base Grant Summary of Applications

Amount Available $1,063,997
Amount Requested $1,099,270

Funding Recommendation

Technical Service Area 4

Grant Request	Match	Funding Recommendation
$ 96,727.00	$ 24,182.00	**$96,727**

Initiative Items

1 Rent, Vehicle, Employees Exp, Equipment Repair, Supplies etc

Funding

NPEA Base Grant	$	4,068.00
NPEA Fund Match	$	7,732.00

2 Office and Field Equipment

Funding

	$	-
NPEA Fund Match	$	15,000.00

3 Personal Services

Funding

NPEA Base Grant	$	92,659.00

4 Supplies

Funding

	$	-
NPEA Fund Match	$	1,450.00
Total Budget	**$**	**120,909.00**

Technical Service Area 5

Grant Request	Match	Funding Recommendation
$ 96,727.00	$ 60,443.00	**$96,727**

Initiative Items

1 Administration - Capital Purchases

Funding

NPEA Base Grant	$	2,400.00

2 Office Space Rental, Operation Expenses, Telephone Expenses, Insurance, Unemployment Insurance, Employee Expenses, Postage/Printing, Training, Equipment Expenses, Vehicle Maintenance, Audit, Misc

Funding

NPEA Base Grant	$	13,850.00

3 Engineer & Technician Salaries, PERA, FICA, Health Insurance, and Other Administration

NPEA Base Grant	$	80,477.00
Local Cash	$	60,443.00
Total Budget	**$**	**157,170.00**

Technical Service Area 6

Grant Request	Match	Funding Recommendation
$ 96,727.00	$ 24,182.00	**$96,727**

Initiative Items

1 Provide financial reports, supervision/coordination and performance reviews for employees

Funding

NPEA Base Grant	$	5,500.00

2 Engineering projects and technical assistance will be reported annually to BWSR. Funding will be used to pay salaries to employ the Engineer and Eng. Technician

Funding

NPEA Base Grant	$	91,227.00
IMPACK 6 - TSA	$	24,182.00
Total Budget	**$**	**120,909.00**

2007 NPEA Base Grant Summary of Applications

Amount Available $1,063,997
Amount Requested $1,099,270

Funding Recommendation

Technical Service Area 7

Grant Request	Match	Funding Recommendation
$ 96,727.00	$ 71,673.00	**$96,727**

Initiative Items

1 Administer and coordinate JPB as host district manager. Provide financial reports, budgets, supervision and coordination of staff peformance reviews for employees. Keep JPB board informed by scheduling and holding quaterly meetings.

Funding

	$ -
Local Cash	$ 5,500.00

2 Provide funding for joint powers technical staff and consulting engineer to service member SWCDs with engineering services in a competent and timely means; complete reports and data requests from the State on time; and participate in available training. Provide written quarterly reports to JPB.

Funding

NPEA Base Grant	$ 96,727.00
Local Cash	$ 15,173.00

3 Maintain and operate overhead office needs, equipment and vehicle expenses

Funding

	$ -
Local Cash	$ 26,819.00
NPEA Cash Match Fund	$ 24,181.00
Total Budget	**$ 168,400.00**

Technical Service Area 8

Grant Request	Match	Funding Recommendation
$ 96,727.00	$ 71,413.00	**$96,727**

Initiative Items

1 Administer NPEAP; including preparing annual grant request, preparing annual reports, submitting monthly financial reports to the AMSWCD, daily tracking of projects, monitoring consultant contracts, paying bills, scheduling equipment, and maintaining an inventory of state owned equipment.

Funding

NPEA Base Grant	$ 5,500.00

2 Obtain consulting engineering services to secure engineering planning, design and construction inspection assistance for a variety of non-point source pollution water quality management practices on public or private land

Funding

NPEA Base Grant	$ 71,227.00
NPEAP Base Grant Match	$ 71,413.00

3 Obtain and maintain equipment to support the implementation of non-point source pollution control practices. Augment the technical capabilities of member staff, obtain training opportunities for staff.

Funding

NPEA Base Grant	$ 20,000.00
Total Budget	**$ 168,140.00**

2007 NPEA Base Grant Summary of Applications

Amount Available $1,063,997
Amount Requested $1,099,270

Funding Recommendation

Technical Service Area 9

Grant Request	Match
$ 96,727.00	$ 24,182.00

$96,727

Initiative Items

1 Pay Senior Technicians salary and support expenses for the Fiscal Year 2007 - (July 1, 2006 - June30, 2007.

Funding		
NPEA Base Grant	$	96,727.00
Local Cash Match	$	24,182.00
Total Budget	**$**	**120,909.00**

Technical Service Area 10

Grant Request	Match
$ 96,727.00	$ 45,037.00

$96,727

Initiative Items

1 Pay Engineer and Technician Salary

Funding		
NPEA Base Grant	$	70,000.00
Local Cash Match	$	43,064.00

2 Rent, misc office expenses and employee expenses and insurance

Funding		
NPEA Base Grant	$	18,000.00
Local Cash Match	$	700.00

3 Admin, supplies and equipment

Funding		
NPEA Base Grant	$	8,727.00
Local Cash Match	$	1,273.00
Total Budget	**$**	**141,764.00**

Technical Service Area 11

Grant Request	Match
$ 96,727.00	$ 188,067.00

$96,727

Initiative Items

1 Purchase capitol equipment for NPEA staff (vehicle and computer).

Funding		
Local Cash Match	$	28,500.00

2 Purchase capitol equipment for NPEA staff (vehicle and computer).

Funding		
NPEA Base Grant	$	3,134.00
Local Cash Match	$	1,367.00

3 Employ 2 P.E. staff plus Technician.

Funding		
NPEA Base Grant	$	64,422.00
2006 NPEA Base Grant	$	16,095.00
2007 EPA 319 funds	$	141,000.00

4 Pay operating expenses for FY2007, including gas, training, phone, ...

Funding		
NPEA Grant	$	23,671.00
Local Cash Match	$	1,105.00

5 Pay administrative costs of NPEA program.

Funding		
NPEA Base Grant	$	5,500.00
	$	-
Total Budget	**$**	**284,794.00**

Board Resolution #_____

FY 07 Non Point Engineering Assistance Base Grant Authorization

WHEREAS, the Non Point Engineering Assistance (NPEA) Base Grant, administered by the Board of Water and Soil Resources (BWSR), provides financial assistance to SWCD Joint Powers Boards for providing technical assistance to landowners to apply conservation practices; and,

WHEREAS, Minnesota Legislature, by S. F. No. 69, 2nd Engrossment – 2005 1st Special Session, has appropriated NPEA Base Grant funds to BWSR; and,

WHEREAS, the BWSR has adopted the following NPEA Base Grant allocation policies;

The local share will be equivalent to 25% of the agreed upon state financial share (or, 20% of the total contract amount. Both amounts are the same).

Given the existing level of funding, and assuming that each TSA requests the maximum in state resources, then the state andminimum local shares for the first year shall be as follows:
State = $96,727 per TSA (i.e. equal state funding) *TSA = $24,182*

Local share does not include in-kind services, but can include local, other state and federal funding for shared technical assistance to and through the TSA SWCDs, such as:

- *Fees for services (from landowners, or other sources)*
- *Member SWCD cash contributions*
- *Federal TSP funding*
- *Federal grant funds*
- *Other state programs*
- *Gifts and donations*

All state NPEA program grant and local share dollars must be used within the two-year grant period.

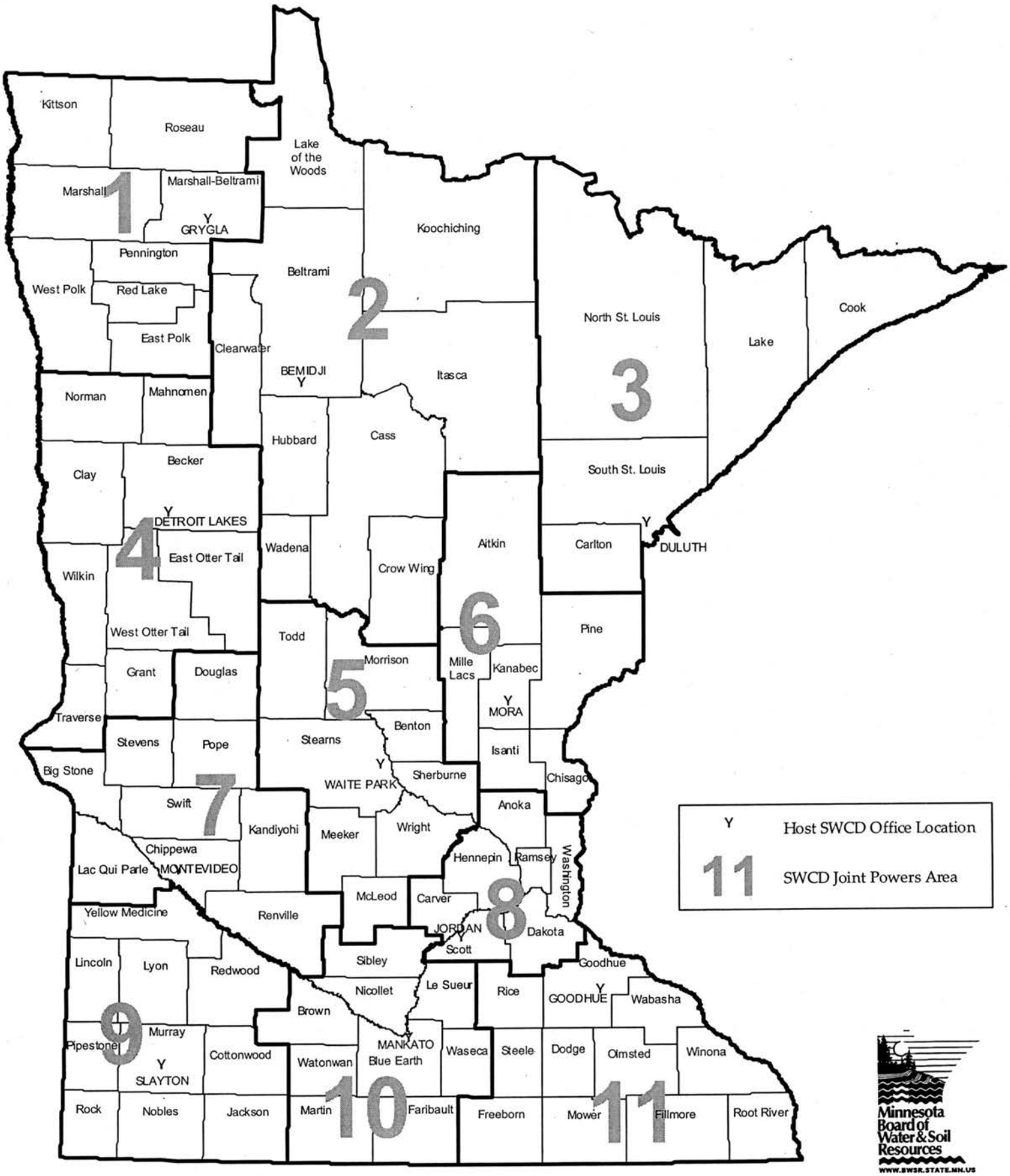
NOW THEREFORE, the BWSR hereby authorizes staff to allocate the FY 07 NPEA Base Grants according to these policies, to JPBs meeting Program requirements.

_____ Date: _____

Randy Kramer, Chair
Board of Water and Soil Resources

H:07NPEABGR

Nonpoint Engineering Assistance Program



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

January 2003

From: "Iverson, Dave" <Dave.Iverson@state.mn.us>
To: <ron.harnack@bwsr.state.mn.us>, "Lines, Kevin" <Kevin.Lines@state.mn.us>
Date: 8/10/2006 6:25:38 PM
Subject: CREP 2 payments

Ron and Kevin,
you had asked about BWSR's ability to pass along the new increased CREP 2 RIM rates to eight property owners who had already granted easements, which have been recorded, under the old rate. I have taken a look at the statutes and rules, as well as the Minnesota Constitution, and have concluded that there is little legal support to do so without specific authorization from the legislature.

Article XI, Section 1, of the Minnesota Constitution states that "[n]o money shall be paid out of the treasury of this state except in pursuance of an appropriation by law." While somewhat broad, this provision can be reasonable read to say that no money of the state can be expended unless done so pursuant to the terms of the statutory program to which the specific appropriation is granted. That is, money spent by state agencies must be done within the terms of its specific statutory authority.

In addition, Minn. Stat. sec. 16A.14 states as follows: "It is illegal for any official or head of any state department, or any employee thereof, to use moneys appropriated by law, or fees collected for any other purpose than the purpose for which the moneys have been appropriated, and any such act by any head of a department, or any state official, is cause for immediate removal of the official or head of a state department from the position held with the government of this state." Again, appropriated monies must be spent in the manner set forth in statute and rule.

In the present matter, the legislature appropriated the CREP 2/RIM funds to be spent pursuant to the statutory and rule provisions governing RIM. The governing statute, section 103F.515, at subdivision 3, authorizes BWSR to acquire conservation easements, and references that "the negotiation and acquisition of easements authorized by this section are exempt form the contractual provisions of chapters 16B and 16C." It is clear that the acquisitions of easements are considered a simple contractual relationship between the parties.

Subdivision 5 then authorizes the Board to enter in agreements (contracts) for such easements and sets the terms of the agreements, including that the grantor must "convey to the state a conservation easement ...." Subdivision 6 sets the payment rate given as "consideration" by BWSR for the easement contracted for. In short, the statute describes a classic contractual relationship between BWSR and the grantor - easement is given, payment is made in consideration, the contract contemplated by the statute is then complete, the state has the easement it bargained for, the landowner has the money promised in the contract.

I have been unable to find a process or other authority described in the RIM statutes or rules that contemplates the granting of additional monies to a property owner outside of the "contract terms" once the contract is complete (easement has been granted to the state and payment

has been made). That is, while the payments as set by the statutory scheme have increased this year, there is nothing in the RIM easement system that authorizes going back and reopening the completed contract deals in order to give the increased payments, especially where the State receives nothing in return.

I do note that Minn. Rule 8400.3610 discusses the Board's authority to alter conservation easements when it is found to be in the "public interests and general welfare." However, the rule by its terms clearly contemplates a modification of the easement "on the ground." In other words, it deals with changing the size or shape of the borders of the easement. In addition, it states that the State must be "compensated ... for all damages and loss of benefits to the conservation easement ...." This rule provision doesn't appear to be applicable to the present situation.

While the goals of the Board here are laudable, I don't see any legal support for the proposal. If you would like to discuss it further, I am always available.

Dave

****

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399 9th Street
Windom, MN 56101-1658

Telephone: (507) 831-1153 Extension #3
Fax: (507) 831-2928

Cottonwood Soil and Water Conservation District

RECEIVED
AUG 2 2006
Bd. of Water & Soil Resources
St. Paul

July 31, 2006

Ron Harnack
Executive Director
Board of Water and Soil Resources
520 Lafayette Road
St. Paul, MN 56155

Dear Mr. Harnack:

The Cottonwood Soil and Water Conservation District Board and Staff are writing this letter on behalf of the eight CREP II participants excluded the from the increase in payment rates as was granted to the other eighty program participants by the MN Board of Water and Soil Resources. Representatives of this group request the ability to address the Minnesota Board of Water and Soil Resources Board Members at the August 23, 2006 meeting schedules in Fairmont, MN. This opportunity would be beneficial as most of the participants are from Southern, MN.

As promoters of CREP II, the Cottonwood SWCD is disappointed in the decision to exclude the first eight participants of CREP II. For our office this decision has a great impact on our program and credibility with our county landowners. We have repeatedly requested and received the help of the Jay Mickelson and Kent Mickelson families in promotional efforts for the Board of Water and Soil Resources and our county. The Mickelson's have hosted Governor Tim Pawlenty and Senator Keith Langseth on their CREP site plus have promoted the program through the Legislative Day at the Capitol and numerous interviews by area newspapers. And they were also featured in the MN Public TV documentary on our water resources.

To exclude our most avid program promoters because of an administrative policy change is not only wrong but detrimental to the programs integrity. Many of these easements were only recorded due to the efficiency of the BWSR and SWCD office staff or the lack title problems for the landowners. Why should these participants be penalized for the timeliness of BWSR, SWCD and County Offices.

Please give these participants a chance to address the MN Board of Water and Soil Resources during the August 23 meeting in Fairmont, MN. If you have any questions please call the Cottonwood SWCD at 507-831-1153 Ext. #3.

Sincerely,
Verlyn Nickel
Verlyn Nickel
Chairman
Cottonwood SWCD

BOARD OF SUPERVISORS:

Verlyn Nickel	Tom Muller	Jim Bloch	Clark Lingbeek	Ron Tibodeau
Chairman	Vice Chairman	Secretary	Treasurer	PR & I
Mountain Lake	Windom	Westbrook	Comfrey	Windom

Cottonwood Soil and Water Conservation District Mission . . . to help maintain a better environment for future generations, to encourage the wise use of our soil and water, through programs and education.

Goodhue County
Soil & Water Conservation

104 East 3rd Avenue
P.O. Box 335
Goodhue, MN 55027

Phone: 651-923-5286
FAX: 651-923-5304
www.goodhueswcd.org

August 4, 2006

Ron Harnack
Executive Director
Board of Water and Soil Resources
520 Lafayette Road
St. Paul, MN 56155

Dear Mr. Harnack:

The Goodhue Soil and Water Conservation District (SWCD) would like to join both the Cottonwood SWCD and the Okabena-Ocheda Watershed District in asking the Board of Water and Soil Resources to reconsider extending the increased CREP II payment rates to the eight easements that were recorded before the June BWSR meeting. Goodhue SWCD had three contracts recorded in May 2006 with a fourth contract recorded the 26th of June.

The Goodhue SWCD is disappointed in the decision to exclude the original eight contracts from the rate increase. The impact of this decision will severely hamper the districts ability to credibly promote this program with landowners at the coffee shops and local Co-ops. The ability to meet and discuss with landowners on neutral ground is paramount to success. Ignoring the contributions of the original eight to the initial success of the CREP II program will be detrimental to both the program and to Goodhue SWCD's relationship with its landowners.

We have no choice but to support these insightful landowners, who took the initiative to push through despite low dollar figures, rather then focus the rewards only on those people who "held out" waiting for a better deal. We ask again that you consider the policy change. Please give the participants the opportunity to address the MN Board of Water and Soil Resources during the August 23 meeting in Fairmont, MN. If you have any questions please feel free to contact the Goodhue SWCD at 651-923-5286 Ext. #3.

Sincerely,

Donald Banks
Chairman
Goodhue SWCD

RECEIVED
AUG 7 2006
Bd. of Water & Soil Resources
St. Paul

OKABENA-OCHEDA WATERSHED DISTRICT
1567 McMillan Street, Suite 3
Worthington, MN 56187

August 1, 2006

Ron Harnack
Executive Director
Board of Water and Soil Resources
520 Lafayette Road
St. Paul, MN 56155

Dear Mr. Harnack:

The Okabena-Ocheda Watershed District (OOWD) would like to join Cottonwood SWCD in asking the Board of Water and Soil Resources to reconsider extending the increased CREP II payment rates to easements that were recorded before the June BWSR meeting. The first CREP II easement in the OOWD, 24 acres in a wellhead protection area for Wayne and Dorothea Klumper, was recorded in May 2006.

Last year, the OOWD set aside $150,000 to offer a $1500 per acre incentive payment to landowners entering into a CREP II filter strip or wellhead protection easement. Eight landowners, including the Klumpers, responded asking to enroll 158 acres in nine easements. Unfortunately, the demand exceeded the amount of money budgeted for the program. Since the Klumpers twenty-four acre easement was in a critical area for wellhead protection, the OOWD encumbered money for their incentive totaling $36,000. A payment will be made by the OOWD to the Klumpers sometime in September 2006.

When the increased payment rates were released by BWSR in June, we contacted the rest of the landowners interested in CREP easements and offered them an incentive payment reduced by the same amount as the easement rate increase. Under this arrangement, we were able to approve incentive payments on six more easements totaling another 114 acres. Unfortunately, we are still unable to fund incentive requests for two easement sites. Both landowners have said they would be unwilling to enter into CREP easements without the incentives.

Paying the Klumpers at the increased payment rate would allow the OOWD to use approximately $13,500 for incentives on other potential CREP II sites. We ask again that you consider the policy change.

Sincerely,

Les Johnson
OOWD President

RECEIVED
AUG 4 2006
Bd. of Water & Soil Resources
St. Paul

Board Resolution #__06-59__

FY 07 DROUGHT DISASTER COST SHARE ASSISTANCE

WHEREAS, regionally severe drought conditions have drastically limited normally available water supplies for livestock producers; and

WHEREAS, the severe drought conditions have produced critical financial burdens adversely affecting the ability of livestock producers to provide adequate water supplies to maintain livestock; and

WHEREAS, the State of Minnesota has requested a federal United States Department of Agriculture declaration of drought emergency in numerous Minnesota counties affected by drought conditions; and

WHEREAS, the Board of Water and Soil Resources' ("BWSR") State Cost Share Program created by Minnesota Statutes, Section 103C.501 provides funds to share the cost of systems or practices for erosion or sedimentation control and water quality improvement that are designed to protect and improve soil and water resources; and

WHEREAS, responsible practices for livestock agriculture are an integral component of soil and water conservation and resource management in Minnesota; and

WHEREAS, pursuant to Minnesota Statues, Section 103C.501, BWSR has promulgated administrative rules to implement the State Cost Share Program and these administrative rules are contained in Minnesota Rules Chapter 8400; and

WHEREAS, Minnesota Rules 8400.0300 references qualifying criteria for practices eligible for cost share grants and references the practices contained in the Administrative Guidelines; and

WHEREAS, practices relating to livestock watering systems and grazing practices are within the statutory referenced uses related to erosion control and water quality improvement; and

WHEREAS, grants related to livestock watering systems have been available under a federally funded program but the funds from this program have already been obligated; and

WHEREAS, the use of currently available funds in the State Cost Share Program is consistent with the program's overall purposes and will provide much needed assistance to farmers.

NOW THEREFORE, the Board requests that the Governor and the State Executive Council authorize a temporary suspension of State Cost Share Program Rules in order to provide livestock producers in drought stricken areas of the State to apply for State Cost Sharing grants for drought-related livestock water facilities, according to the following parameters:

1. A maximum $500,000 of designated roll-over funds shall be made available and administered under all State Cost Share Program rules and policies.

2. A qualifying producer would be eligible for 50% cost share up to a maximum of $5,000 per applicant.

3. Only livestock producers in proposed federally declared disaster counties, or livestock producers in all Minnesota Soil and Water Conservation Districts ("SWCDs") declared as drought impacted by resolution of the SWCD Board, are eligible to apply.

4. To meet the emergency needs of livestock producers due to drought conditions, the BWSR rules, including but not limited to Minnesota Rules 8400.0300 and the Administrative Guidelines are suspended and/or amended to include the following as eligible practices: well drilling, pipelines, watering facilities, portable pumps, fencing, watering pond restorations, and fabricated shelterbelts.

5. As a condition of receiving Cost Share Program funds, livestock producers must also have a prescribed grazing plan or nutrient management plan approved no later than September 1, 2007.

6. USDA NRCS practice standards and specifications, or "generally recognized industry standards and specifications" apply.

7. SWCDs are eligible to receive 10% of Program funds spent on practices for their technical and administrative costs.

Randy Kramer

Date: August 9, 2006

Randy Kramer, Chair
Board of Water and Soil Resources

Minnesota Board of Water & Soil Resources

August 10, 2006
For Immediate Release
Contact: Jon Fure (651) 296-0884

Drought relief available through the Board of Water and Soil Resources

State grants are now available to livestock producers in drought-affected counties to pay for projects that will provide drinking water for livestock.

A total of $500,000 is available through the Minnesota Board of Water and Soil Resources' Cost Share Program. Eligible farmers can apply for a grant through their local Soil and Water Conservation District, and the money can be used for well drilling, pipelines, watering facilities, portable pumps, fencing, watering pond restorations, fabricated shelterbelts, and other projects that will provide drinking water for livestock. Each recipient may receive 50 percent of the project cost up to a maximum of $5,000. Recipients also must have a prescribed grazing plan or nutrient management plan approved no later than September 1, 2007.

Applications for an initial round of grants ($250,000) must be received no later than Monday, August 14, 2006. Details on applying for the remaining funds will be announced August 18, 2006.

"An adequate water supply for livestock is an essential part of sustainable grazing practices," said Ron Harnack, Executive Director of the Board of Water and Soil Resources. "These grants will benefit hundreds of Minnesota livestock producers in this time of severe drought."

BWSR approved a resolution to make the funds available in a special board meeting August 9 requesting Governor Tim Pawlenty and the State Executive Council to authorize temporary suspension of the rules to allow this to proceed. Suspension of the Cost Share Program rules was approved by the Governor's Emergency Executive Order and by Resolution of the State Executive Council, which convened an emergency meeting on August 9 at the Capitol.

The Minnesota Department of Agriculture is proposing to make available $500,000 through its Rural Finance Authority (RFA) in the form of zero-interest loans. These loans would be available to help farmers cover the costs for drought-related watering facility projects and practices. If approved by the RFA Board in its meeting on Friday, August 11, these loans would be available for producers through their existing agricultural lenders for financing these projects and practices.

The Minnesota Board of Water and Soil Resources is the state's administrative agency for 91 soil and water conservation districts, 46 watershed districts, 23 metropolitan watershed management organizations, and 80 county water managers. The agency's purpose, working through local government, is to protect and enhance the state's irreplaceable soil and water resources by implementing the state's soil and water conservation policy, comprehensive local water management, and the Wetland Conservation Act as it relates to the 41.7 million acres of private land in Minnesota.

The agency has eight field offices throughout the state in St. Paul, Rochester, Marshall, New Ulm, Brainerd, Bemidji, Fergus Falls, and Duluth. BWSR staff provides technical and financial assistance to local governments to plan and implement soil and water conservation on the state's working/private lands. The agency has a unique service delivery system using the staff and resources of local government, along with the state staff and resources, to work with private landowners to implement conservation on the ground. This provides an opportunity to partner state, federal, local, and private resources to private lands projects that help maintain water quality, prevent soil loss and erosion, plan for land use, and protect wetlands. These partnerships in service delivery ensure that the interest of state policy is implemented with local issues and problems in mind.

Executive Orders

State Executive Council

Resolution Relating to Farmers and Livestock Producers

WHEREAS, severe drought conditions in portions of Minnesota are causing significant hardship on farmers and livestock producers; and

WHEREAS, in response to the imminent and potentially catastrophic harm to livestock caused by the severe drought conditions, the Governor declared a peacetime emergency and proposed amendment to the administrative rules relating to the Board of Soil and Water Resources ("Board") to allow the Board and the local Soil and Water Conservation Districts to provide Cost-Share grants to livestock producers for providing alternative watering systems; and

WHEREAS, pursuant to *Minnesota Statutes*, Section 13.32, orders and rules issued by the Governor during a peacetime emergency must be approved by the Executive Council to have the force and effect of law; and

WHEREAS, the nature of the emergency conditions and the procedures necessary for providing relief to livestock producers will continue for more than five days and it is, therefore, necessary for the Executive Council to extend the state of emergency pursuant to the provisions of *Minnesota Statutes*, Section 12.31, Subdivision 2.

RESOLVED, by the Executive Council of the State of Minnesota, at its meeting on August 9, 2006:

1. Pursuant to *Minnesota Statutes*, Section 12.32, the Governor's amendments of the administrative rules for the Board and terms for providing assistance to livestock producers as set forth in Executive Order 06-11 are adopted.

2. Pursuant to *Minnesota Statutes*, Section 12.31, subdivision 2, declared by Executive Order 06-11 is extended for 30 days from the date of this resolution.

Dana B. Badgerow, Executive Secretary
State Executive Council

Filed According to Law

MARY KIFFMEYER
Secretary of State

EMERGENCY EXECUTIVE ORDER 06-11

DECLARING A STATE OF EMERGENCY IN THE STATE OF MINNESOTA

I, TIM PAWLENTY, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:

WHEREAS, drought conditions have affected the northern two-thirds of Minnesota since early May and last month was the hottest July in 70 years; and

WHEREAS, the Governor and other state officials have toured portions of the affected areas and discussed emergency preparation and coordination of relief efforts for the affected areas; and

WHEREAS, on August 7, 2006 the Farm Service Agency's State Emergency Board met to review information about the effects of the drought conditions in Minnesota; and

WHEREAS, on August 8, 2006, the Governor requested that the United States Department of Agriculture declare 36 Minnesota counties as agriculture disaster areas due to persistent drought conditions; and

WHEREAS, in areas of the State drought conditions have caused a significant reduction or loss of traditional surface watering sources for livestock; and

WHEREAS, the loss of these traditional surface watering sources creates an immediate need to provide alternative sources of water to livestock producers in order to avoid potential catastrophic harm to livestock; and

WHEREAS, on August 9, 2006 the Board of Soil and Water Resources ("Board") adopted a resolution recommending that the Governor and Executive Council approve an amendment to the administrative rules for the Minnesota Cost Share Program allowing the Board and the local Soil and Water Conservation Districts ("Districts") to provide grants to livestock producers to allow for alternative watering systems and implement conservation grazing plans for livestock.

DRAFT

NOW, THEREFORE, I hereby order that:

The serious drought conditions in the northern and central portions of the State present an imminent threat to livestock producers' ability to provide adequate water to livestock and a peacetime emergency under Minnesota Statutes, Section 12.31 exists. In addition to other measures already implemented, the following immediate actions should occur to provide aid and assistance to livestock producers who face imminent harm to their livestock as a result of the drought:

1. Livestock producers will be allowed to apply to the Board and the Districts for grants under the Minnesota Cost Share Program, Minnesota Statutes, Section 103C.501, for the purpose of providing alternative watering systems and implementing alternative grazing plans for livestock producers.

2. The Board's administrative rule, Minnesota Rules 8400.0300 and the Board's Administrative Guidelines are, for the duration of the peacetime emergency, amended to include as eligible practices those practices determined by the Board to be related to the provision of alternative watering systems for livestock producers including but not limited to: well drilling, pipelines, watering facilities, portable pumps, fencing, watering pond restorations, and fabricated shelterbelts. As a condition of receiving Cost Share Program funds, livestock producers must agree to have a prescribed grazing plan approved by September 1, 2007.

3. Pursuant to this Order, the Board is permitted to process applications received by the Board or a District during the effective period of the peacetime emergency.

4. Any other administrative rules of the Board that would preclude processing of applications and the awarding of grants pursuant to this Order are also suspended.

5. The Board has identified $500,000 as currently available for purposes of providing Cost Share grants to livestock producers pursuant to this Order. If additional funds become available to the Cost Share Program, the Board may also use those additional funds to provide grants pursuant to this Order.

6. The Board will distribute this Order to all Districts and work with the Districts the Commissioner of Agriculture and other state, federal and local governments and organizations to inform livestock producers of the availability of assistance and the terms of this Order.

Pursuant to Minnesota Statutes 4.035, Subdivision 2, this Emergency Executive Order is effective immediately and will remain in effect for five days pursuant to Minnesota Statutes, Section 12.31 Subdivision 2. Pursuant to Minnesota Statutes, Section 12.32, the amendment of rules and terms of this Order are effective upon their adoption by the Executive Council and filing with the Secretary of State. The peacetime emergency and terms of this Order can be

DRAFT

extended 30 days by the Executive Council or the Legislature in accordance with Minnesota Statutes 2005, Section 12.31, Subdivision 2.

IN TESTIMONY WHEREOF, I have set my hand this 9th day of August, 2006.

TIM PAWLENTY
Governor

Filed According to Law:

MARY KIFFMEYER
Secretary of State

DRAFT

Board Resolution _____

Be it Resolved, that the Board of Water and Soil Resources' (BWSR) Administrative Advisory Committee is given limited authority between Board meetings to approve necessary submittals to the Department of Finance regarding BWSR's budget request for the Fiscal Year 2008-09 biennium. This includes approval of Action Items, which are requests for new appropriation authority or change in existing appropriation authority.

_____

Randy Kramer, Chair
August 24, 2006

Administrative Advisory Committee

Budget Strategy Session

August 8, 2006

Minnesota Board of Water & Soil Resources

Agenda

- Overview and Purpose
- Biennial Budget Process
- General Fund History and Structure
- Break
- Drivers and Responses
    - Clean Water Legacy Act
    - "Wetlands"
    - Legislative Audit Commission
    - Ditches
    - RIM - Reserve
- Next Steps

Overview and Purpose

We do not have enough time today to set THE strategy. Today is for getting everyone an equal understanding of our budget structure and discussing alternatives for our approach.

Staff intent is to gauge the Board's inclinations on the number of issues. This packet is designed to structure our conversation and prompt a few questions.

We will need to submit preferences into the budget and policy machinery by September 20, 2006.

Biennial Budget

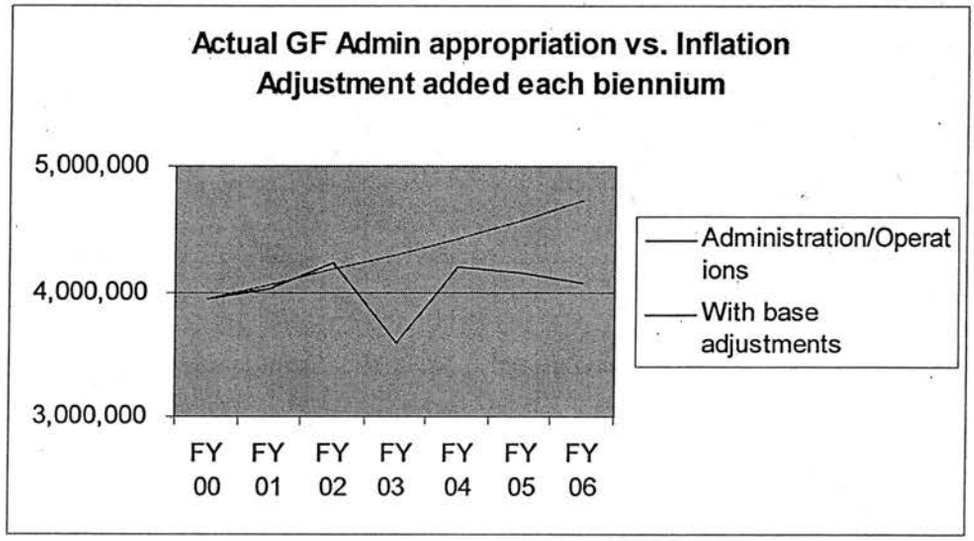
Executive Branch agencies run on 2-year appropriations. The 2007 Legislative will (or should) pass a budget to address BWSR operations from July 1, 2007 to June 30, 2009.

Biennial Budget Process

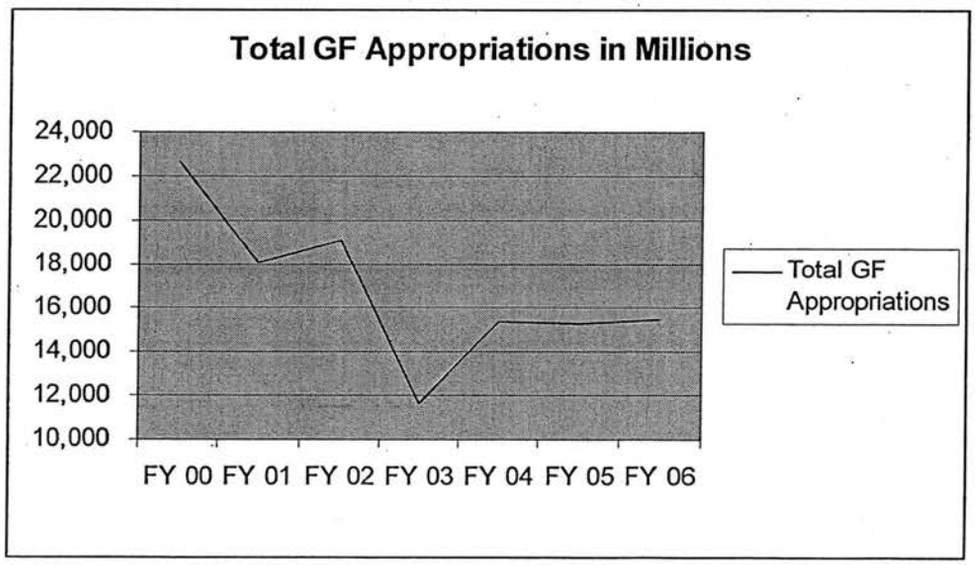
- By August 14: Background narratives due (staff currently working on)
- By end of August: Instructions to be issued by Dept of Finance to guide budget requests
- By mid-October: Initial review of agency requests
- November 29: Release of November forecast
- November 30: Statutory submission of agency plans to the legislature
- December: Final decisions on Governor's budget
- The background narratives should lay the groundwork for what will be proposed in change items. They should point out what will be lost in services provided if the agency has to absorb all administrative cost increases (inflation, etc.)
- Agency requests will most likely be inputted into the budget system sometime in October.
- There are three points of review and approval in the budget process:
    - Department of Finance Executive Budget Officer (EBO) Marsha Battle-Jenks is first review point.
    - Department of Finance full review and recommendation comes next
    - Governor's Office makes final decision
- Board's role before and after Governor's recommendations?
    - AAC approval
    - Board endorsement

General Fund History & Structure

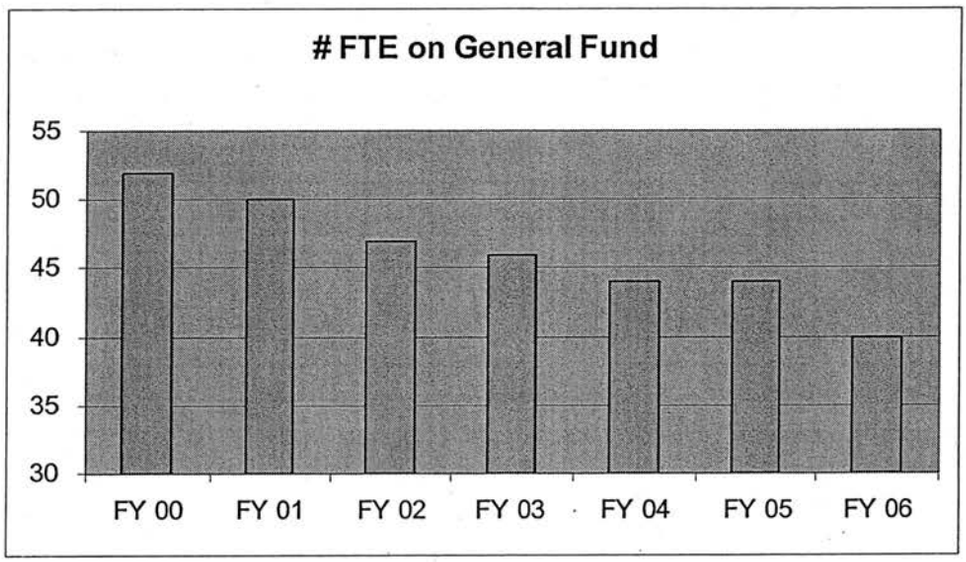
This agenda item explains how our money comes in and in what magnitude. BWSR is extremely dependent upon General Fund appropriations - - this has not been good during the recent history of budget cutting. The graph below starts with the $4 million administrative GF budget in FY00 and show actual dollars (lower line) and what we needed to cover projected costs at 3% increase per year to cover inflation and compensation costs. That created a gap that was $650,000 by FY06.



Another way to look at the funding is Total General Fund Appropriations, which were at $22.6 million in FY00 and down to $15.4million in FY06:



There has been no base adjustment in six years, plus there have been base budget cuts. Because the per-employee cost has risen with the same level of funding, the way BWSR has compensated is to reduce the number of staff funded by General Fund.



Additional Considerations for FY08-09 planning:

- The State tells us to project s 3.25% increase per year for compensation costs – this is $163,000 per year
- Potential rent increases yet to be calculated
- Inflation on all other purchases/contracts could be 2% or more.
- CWL at this point is considered one-time funding.
- This is the second year of a biennium so none of our FY06-07General Fund administrative dollars can be squirreled away to help with FY08-09 gap.
- We continue to supplement core staff using bonding administrative dollars and interagency agreements.

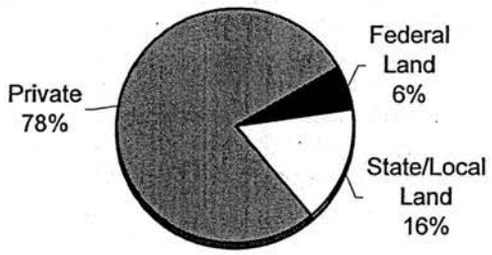
Our 2005 Submittal

Agency Purpose

T

The Board of Water and Soil Resources' (BWSRs) purpose is to protect and enhance the state's irreplaceable soil and water. The board implements the Wetland Conservation Act and comprehensive local water management through local units of government. The agency is the state's administrative agency for 91 soil and water conservation districts, 44 watershed districts, 27 metropolitan watersheds and 80 county water management organizations.

Land Ownership



Because 78% of the state is held in private ownership, the agency's focus on private lands is critical to the state attaining its goals for clean water, clean air and abundant fish and wildlife. Managed wisely, these working lands – Minnesota's farms, forests and urban areas – contribute greatly to the production of environmental goods and benefits including cleaner air and water, fish and wildlife habitat and preservation of open spaces.

At A Glance

Local Government Delivery System:

Agency responsibilities are delivered with or implemented by local government to assure local priorities are met and participation in private lands management occurs. These include:

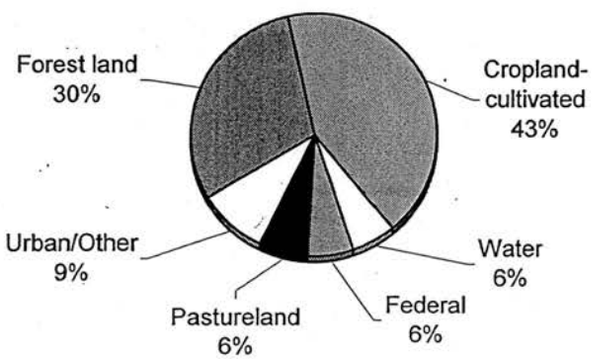
- Soil and Water Conservation Districts–91 SWCD's; 450 Elected Supervisors; 359 District Employees
- Watershed Districts-44 Watershed Districts; 220 Managers; 66 Employees
- Watershed Management Organizations-27 WMO's; 162 Members
- 87 Counties
- 230 Cities
- 304 WCA LGU's

Accomplishments:

- 178,181 acres of private land wildlife habitat and restored wetland through RIM Reserve
- 29,588 acres of wetland loss avoided
- 208 feedlot fixes through state cost share
- 1.9 million tons per year of prevented soil erosion
- 522,000 tons of sediment kept out of lakes, rivers and streams
- 1,105,000 pounds of phosphorus kept out of lakes, rivers and streams.

Agency programs to assist landowners and local government have resulted in less sediment and nutrients entering our lakes, rivers and streams, more fish and wildlife habitat and the drastic slowing of wetland losses. These outcomes are achieved, in spite of intensification of agriculture, greater demands for forest products and rapid urbanization in many parts of the state.

Variety of Land Uses



Core Functions

BWSR's mission is implemented through the following core functions:

⇒ serves as the state soil conservation agency. (M.S. 103B.101)

⇒ direct private land soil and water conservation programs through the state's SWCD's, counties, cities, townships, Watershed Districts, and Water Management Organizations. (M.S. 103C, 103D)

⇒ ensures linkage of water resource planning with comprehensive land use planning. (M.S. 103B)

⇒ provides resolution of water policy conflicts and issues (M.S. 103A.211, 103A.305, 103A.315, 103A.311).

⇒ implements all comprehensive local water management acts. (M.S. 103B.201, 103B.255, 103B.301)

⇒ provides a forum (through the board) for local issues, priorities and opportunities to be incorporated into state public policy. (M.S. 103B.101)

⇒ enforces the state Wetland Conservation Act. (M.S. 103G); and

⇒ coordinates state and federal resources to realize local priorities.

Operations

The board consists of 17 members representing local government entities delivering BWSR services, state agencies and citizens. The board sets a policy agenda designed to enhance service delivery though the use of local government. Agency staff is located in eight locations throughout Minnesota. The focus of agency staff is to provide technical and financial assistance to local government to plan and implement agency policy on private lands. The agency also works with private landowners to implement conservation on the ground. This provides an opportunity to apply state, federal, local and private resources to projects that help maintain water quality, prevent soil loss and erosion, plan for land use, and protect wetlands, located on private lands. These partnerships in service delivery ensure that the interest of state policy is implemented with local issues and problems in mind.

Budget

Two-year State Budget:

* $8.8 million in operating funds
* $28 million in pass-through grants
* $32.5 million in local government match funds for project implementation

BWSR funding is primarily from the General Fund. The majority of the funds are passed through to local government to administer state policies and programs the agency is responsible for. Outcomes are evaluated to assure conservation policy objectives are attained and that resources are expended to assure program success.

Contact

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

BWSR Home page: http://www.bwsr.state.mn.us

Ronald Harnack, Executive Director
Phone: (651) 296-3767
Fax: (651) 297-5615

Drivers and Responses

Staff considered two main ways to view budget and policy initiatives – by program and by "drivers." In the end, we felt that the programmatic approach ended up being too self-absorbed so the following discussions will stem from issues that can serve to drive initiatives.

Water is a topic that everyone has an opinion about. There are literally dozens of issues that some constituency or individual wants attention focused on. We selected four for varying reasons.

Driver	Source
• CWLA	Major legislative/gubernatorial issue
• Wetlands	Governor, Water Cabinet, and many interest groups
• Legislative Audit Commission	Legislators
• Ditches	BWSR on-going workgroup with stakeholders
• RIM-Reserve	CREP leveraging

Clean Water Legacy Act

BWSR received $5.84M in one-time money. The legislature did not declare this part of the base budget, nor did it pass a long-term funding scheme in the form of a referendum on a constitutional dedication of general fund dollars.

- Q: How hard do you want to push for CWLA to be added to the base?
- Q: We have recommended BWSR amounts for $40, 60, & 80M-dollar packages too. Work to pursue amounts closer to the G16 recommendations?

Who will work with us?

- MN Chamber of Commerce
- League of Minnesota Cities
- MN Farm Bureau Federation
- MN Farmers Union
- Builders Association of the Twin Cities
- MN Center for Environmental Advocacy
- Clean Water Action Alliance
- Rivers Council of MN
- MN Lakes Association
- Assn. of Metropolitan Municipalities
- Association of MN Counties
- MN Association of Watershed Districts
- MN Assn. of Soil and Water Conservation Districts
- MN Department of Natural Resources
- MN Pollution Control Agency
- MN Department of Agriculture
- Board of Water and Soil Resources
- Metropolitan Council

APPROPRIATIONS LANGUAGE
ARTICLE 10: CLEAN WATER LEGACY APPROPRIATION

- All appropriations are onetime appropriations.
- All appropriations must be used to protect, restore, and preserve the quality of Minnesota's surface waters.
- All appropriations are available for the fiscal year 2007.
- BWSR must encumber the funds to LGUs by June 30, 2007.
- LGUs have until June 30, 2009 to SPEND the funds.

BWSR APPROPRIATION ($5,840,000 one-time, plus $1,000,000 Bonding)

Purpose	Restoration (TMDL Plan)	Protection (Other Plan*)	BWSR Admin	ISTS**
a) $1,500,000 Target nonpoint restoration cost-share and incentive payments.	$1,400,000	---	$100,000	---
b) $2,000,000 Target nonpoint restoration technical, compliance, and engineering assistance activities.	$1,350,000	$450,000	$200,000	---
c) $200,000 Reporting and evaluation of applied soil and water conservation practices.	---	---	$200,000	---
d) $730,000 Grants to implement county ISTS programs.	---	---	---	$730,000
e) $1,410,000 Grants to support local nonpoint source protection activities.	---	$1,410,000	---	---
	$2,750,000	$1,860,000	$500,000	$730,000

$1,000,000 Bonding. Grants to SWCDs for Streambank, Stream Channel, Lakeshore, and Roadside protection and restoration through the state cost share program	$1,000,000 For restoration and protection

* Approved regional, watershed or county comprehensive water management plans.

** $730,000 one-time CWL funds were added to the ISTS Program portion of the Natural Resources Block Grant for FY 2007.

Wetlands

We have Duck Rally, Water cabinet position, Wetlands Summit, environmental group special reports and legislators all awaiting the output of the WCA Assessment process the Board is undertaking. We continue to draw a distinction between regulatory and non-regulatory aspects of wetland management – and urge people to view them together.

We can assemble data showing increases in WCA activity and DNR enforcement officer actions, while funding has not kept pace with harried BWSR and LGU field staff. Active calls for assistance tend to pull field staff from high value (but non-urgent) oversight and mentoring roles with lgus.

Question: Staff strain is unsustainable. The system is complex and designed to run with more people than we have. Do we curtail assistance, change policy, shift money, or ask for more money? Or a combination of these strategies?

Question: Wetland monitoring is an interagency weakness that does have a plan to improve. Do we need more hours to work with lgus to get more consistent reporting?

Question: The Wetland Committee is examining exemptions and other topics. What do we expect them to recommend?

Question: Staff has stockpiled WCA changes since 1996 in an effort to let the program "rest" from a state of flux. Does the interest in wetlands make this the time to open the statute again?
Question: Do we pursue more money for lgus or have NRBG shifts cover them?

Question: Do we pursue a dedicated appeals position to cover the workload increase?

Question: What about a professional soil science position to conduct soil/water review for regular field staff?

Legislative Audit Commission

The LAC will receive a report just before next legislative session on "watershed management." Broad term. We know they are concentrating on water governments below the state level and BWSR's oversight of them. Recent feedback from lgus who have been interviewed leads us to believe the auditor is finding the state-local interface to be complex … They're now asking about all state-level agencies with water roles.

To date we've given them context, data, and perspectives. We have <u>not</u> advanced recommendations.

Question: Does the Board want to begin any stakeholder discussions before the report is released?

Question: There won't be much time to discuss the report before session starts. Does the Board want any <u>internal</u> discussions?

Question: Oversight activity has been negatively impacted by budget cuts and WCA workload. Is the mentoring role of our field staff something that should be bolstered, or, do we acknowledge that professional staff in lgus <u>should</u> know their business?

Question: Does the Board expect to be privy to grand plans the Administration may launch?

Question: Do we want to suggest addition of cities to the Board?

Question: The study presents an opportunity to address issues such as SWCD funding, county funding of SWCDs, WD oversight, state E&SC law, and other PCA Stormwater Program integrations. Agreed?

<u>POSSIBLE EVALUATION ISSUES</u>

1. To what extent do the duties of the various watershed management agencies overlap, and is their work adequately coordinated? To what extent are they duplicating efforts, and are there service gaps?
2. Is the Minnesota Board of Water and Soil Resources providing adequate oversight and assistance?
3. Is the mix of state funding and local taxing authority for watershed management sufficient and equitable?
4. Are local watershed districts, soil and water conservation districts, and metropolitan water management organizations well managed, and do the boards have sufficient expertise?

Legislators are concerned about the efficiency and effectiveness of the multilayered structure for managing watersheds, particularly as we face challenges in meeting federal water quality standards and wetland conservation goals. Legislators want to know if local organizations are will managed and if organizations are adequately coordinating their priorities, projects, and budgets.

Ditches

For years, BWSR has recommended creation of a "Drainage Team" to assist ditch authorities coordinate state input and disseminate the range of possibilities for ditch management. DNR has expressed concerns over "drainage" and was supportive of last session's bill to wholly abandon all Metro public ditches. MDA is researching modifications to lesser negative impact without having yields. PCA is finding ditches to be a conduit for nutrients. That's quite a range of state agency opinion.

Fact is, there is no central body responsible for ditch oversight above the local ditch authority. The 2006 work group BWSR assisted noted this and recommended several actions. Legislative interest remains high in this multi-stakeholder process as it is in its second year of fruitful talks.

Question: So – do you want the ditch oversight job?

Question: Current workgroup staff time is just culled from existing funds. Do we continue this, or seek money to continue?

Question: Do we try to carry the ditch law changes as policy initiatives?

Fact or Question	1987 Study	2006 Study
Number of SWCDs (1986/7), or potential drainage authorities (2005/6) contacted	91	133 (87 counties, and 46 watershed districts)
Number of SWCDs (1986/7) or potential drainage authorities (2005/6) that responded	77	82 counties (94%) 45 watershed districts (97%)
Miles of public drainage ditches reported	15,173 miles	17,311 miles
Miles of public drainage ditches required to have minimum 1-rod grass strip(s)	1,155 miles (7.6% of total public ditch miles reported)	2,138 miles (12.3% of total public ditch miles reported)
Miles of public drainage ditch with required grass strip(s) known to be in place	499 miles (43% of total required miles)	1,561 miles (72% of total required miles)
Number of enforcement actions	10 counties / watershed districts reported enforcement 1 DNR notification to co.	128 reported enforcement actions since 1986 by a county or watershed district
Plan for regular inspection of grass strips	Not asked in 1986	16 of 18 watershed districts with drainage ditches (89%) 30 of 70 counties reporting (43%)
Plan for systematic redetermination of benefits	Not asked in 1986	10 drainage authorities
Miles of public drainage ditch with voluntary or "natural" buffer on one or both sides, based on GIS analyses, which indicate a total of 21,415 miles of public drainage ditch in Minnesota	Not attempted in 1986	CRP=1,569 miles CREP = 122 miles RIM = 96 miles Subtotal = 1,787 miles "Natural" = 9,724 miles Total = 11,511 miles

Ditch-work Group Members

- Association of Minnesota Counties (AMC)
- Minnesota Association of Soil and Water Conservation Districts (MASWCD)
- Minnesota Association of Watershed Districts (MAWD)
- Minnesota Board of Water and Soil Resources (BWSR)
- Minnesota Center for Environmental Advocacy (MCEA)
- Minnesota Department of Agriculture (MDA)
- Minnesota Department of Natural Resources (DNR)
- Minnesota Environmental Partnership (MEP)
- Minnesota Fish and Wildlife Legislative Alliance (FWLA)
- Minnesota Farm Bureau
- Minnesota Farmers Union
- Minnesota Lakes Association / Minnesota Conservation Federation (MLA / MCF)
- Minnesota Pollution Control Agency (MPCA)
- Minnesota Viewers Association (MVA)
- Red River Watershed Management Board (RRWMB)

- Representative Rich Hansen, District 39A

RIM Reserve

Conservation easements on marginal lands is one management tool landowners have availed themselves of. 177,000 acres enrolled through 4,800 easements (1986-2004) results in multiple benefits, efficient operations, and a growing maintenance concern.

Last year's bonding session saw BWSR get shut out on receiving more RIM Reserve (i.e. CREP) dollars because we had not yet spent the money we had. The recent increase in rates should resolve this problem. The bonding committee chairs both indicated a willingness to do off-year bonding if necessary to keep CREP funds available. The estimated two-year need for CREP is $20M. If an extension to the Farm Bill (and or CREP) is granted, another $60M would allow MN to raise the full $100M needed to match federal dollars.

Question: Will CREP demand consume enough current dollars to pursue more bonding?

Question: Is there a strategic need to update RIM goals, objectives, and outcomes?

Question: The Constitutional Dedication movement has provided less detail and less transparency on how dollar amounts where apportioned than the CWLA (G16) pushes. Does the Board want to inject a strong push for the Flexible RIM-Reserve Program?

Question: Maintenance of easement holdings is largely a responsibility of landowners, but the State does have an interest in paying SWCDs to periodically check on our interests. Where should State policy go with helping landowners optimize condition of lands?

Early Thoughts on Future RIM-Reserve needs

Program	Leverages	Amount
CREP	FSA	$20M
WRP	NRCS	$5M
WREP	NRCS	$5M
RIM	(stand alone)	$5M
Implementation Costs		$8M

Board Resolution _____

Be it Resolved, that the Board of Water and Soil Resources' (BWSR) Administrative Advisory Committee is given limited authority between Board meetings to approve necessary submittals to the Department of Finance regarding BWSR's budget request for the Fiscal Year 2008-09 biennium. This includes approval of Action Items, which are requests for new appropriation authority or change in existing appropriation authority.

_____

Randy Kramer, Chair
August 24, 2006

DRAFT

WCA Assessment - Exemption Discussion Points
July 26, 2006

BWSR Wetland Committee Recommendations

Wetland Restoration (4)/ Wildlife Habitat Exemptions (10)

Stakeholder Exemption Discussion Point	BWSR Staff Recommendations
1. Require reporting exemptions over current de minimis impacts or require LGU interaction for all	This discussion point affects all exemptions and should be moved to the Overall/General list

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

2. Allow wetlands restored under a contract with a federal or state program (i.e. CRP, Fish and Wildlife Service, etc.) to be eligible for deposit into the wetland bank upon expiration of the contract	This is not an exemption issue and should be addressed as part of the replacement segment of the Assessment.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

3. Require use of the wildlife habitat to specify this as the primary purpose	Language similar to the Forestry exemption exemption should be included; "This exemption is for the primary purpose of improving wildlife habitat."

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

4. Expand TEP to include DNR Wildlife staff	Options: (1) no change to current process (the SWCD or TEP certify the project) (2) develop guidance to encourage the "SWCD to certify the project in consultation with the DNR.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts Option 2 with the clarification the DNR area wildlife manager should be consulted by SWCD's.

5. Give a end date for exemptions; how long after expiration of the contract, and the associated right to drain the restored wetland, does the exemption still apply	Options: (1) no change or (2) a replacement plan will not be required for wetlands drained until 25 years after the contract is signed that provided the right to drain the wetland

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts Option 1 with the addition of recommending conducting a study to determine what happens to wetlands restored under a temporary contract, after the contract expires.

Federal Approvals (3)

Stakeholder Exemption Discussion Point	BWSR Staff Recommendations
1. Statute still holds obsolete language – modernize the statute (federal approvals)	This exemption language should be updated.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation, this is particularly important in conjunction with 2 and 3 below.

2. Define exempt (activities or impacts specifically authorized without regulation or required mitigation) versus non-jurisdictional (activities or impacts are outside the scope of the regulations)	This exemption should be included in a new class of activities, "waivers".

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation, with the clarification that a waiver is to the Corps of Engineers' authority under Section 404 of the Clean Water Act when these regulations meet minimum state standards.

3. Streamline this exemption to provide "Allowed only when U.S. Army Corps of Engineers regulates activity also regulated WCA"	Part A of this exemption should be repealed, "exempting activities that are exempted by the Corps".

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

Utilities; Public Works (6)

Stakeholder Exemption Discussion Point	BWSR Staff Recommendation
1. Define "Public Works"	Staff will develop a draft definition of public works.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation. The draft definition is shown below:

Public works means works, such as water supply systems, wastewater treatment facilities, constructed for public use especially when financed and owned by the government.

2. Consolidate and simplify the exemption	Staff will develop a proposal to simplify the language of this exemption

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation. The draft re-write of this exemption is as follows:

Proposal to consolidate and simplify the utilities/public works exemption.

8420.0122 subpart 6 states: A replacement plan for wetlands is not required for:

A) new placement or maintenance, repair, enhancement or replacement of existing utility or utility-type, service, including pipelines, if:

1) the direct and indirect impacts of the proposed project have been avoided and minimized to the extent possible; and
2) the proposed project significantly modifies or alters less than one-half acre of wetlands;

B) activities associated with operation, routine maintenance or emergency repair of existing utilities and public work structures, including pipelines, provided the activities do not result in additional wetland intrusion, or additional draining or filling of a wetland either wholly or partially; or

1) repair and updating of existing individual sewage treatment systems necessary to comply with local, state and federal regulations.

For maintenance, repair and replacement, the local government unit may issue a seasonal or annual exemption certification or the utility may proceed without local government unit certification if it is carrying out the work according to approved best management practices. Work of an emergency nature may proceed as necessary and any drain or fill activities shall be addressed with the local governmental unit after the emergency work has been completed.

3. Develop BMPs specific to utilities	No change. Current exemption standards require best management practices that addresses this discussion point.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

4. Consider a "general permit" for certain activities.	No change. The implementation of WCA by local governments does not make this a good fit as an administrative tool.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

5. Differentiate between the types of wetland associated with utilities (repair versus new installation, minor versus major new installation)	No change. The current system of impacts regulating wetland impacts works well, added complexity would not add value to the program.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

De Minimis (9)

Stakeholder Exemption Discussion Point	BWSR Staff Recommendations
1. Cap by county or watershed	Options: (1) No Change or (2) This discussion point can be addressed via locally develop wetland or other resource management plan

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts Option 2, with the addition that BWSR will encourage local governments to consider caps as they develop and/or update their plans.

2. Re-define "project"	No Change. The current definition is adequate.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

3. Eliminate eligibility in shore land areas or eliminate expansion in greater than 80% counties to 1,000 square feet	Use of the de minimus exemption should be prohibited within the Shoreland Wetland Protection Zone

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

4. More enforcement	This discussion point is not specific to exemptions and will be addressed during the administration segment of the Assessment.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

5. Require landowner or contractor reporting	This discussion point affects all exemptions and should be moved to the Overall/General list

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

6. Look at the higher end of exemptions	Options: (1) No change in light of #3 or (2) reduce upper end of exemptions by 50% (10,000-5,000; 5,000-2,500; and 2,000-1,000)

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts Option 2.

7. Differentiate exemption application between permanent land use change and other (deer stand)	Options: (1) No change, or (2) combine with #6 by reducing the upper end of the de minimus and only allow use of the de minimus for temporary impacts

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts Option 1.

8. Sequencing at certain level of impact.	Add the requirement to the Scope of Exemption Standards for persons conducting an activity under an exemption to follow avoidance and minimization (page 79 of the rule)

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee does not accept the BWSR staff recommendation.

Incidental Wetlands (5)

Stakeholder Exemption Discussion Point	BWSR Staff Recommendations
1. Time limit, establish duration of wetland by which time exemption would no longer apply	Options: (1) no change or (2) apply the standard from the private drainage exemption (Drainage Exemption D) that if the wetland has been in for more than 25 years the exemption would not apply

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts Option 1.

2. Storm water pond regulatory consistency (if provide mitigation credit then regulate impacts to, and vice versa)	No change, this is already addressed in the rule.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

3. Regulation of ditches in upland areas needs addressed	No change, this is already addressed into be the rule.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

4. Gravel mining – no time limit if resources are not exhausted	This discussion point is addressed under #1, option (2)

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee recommends no change in light of the action taken on 1 above.

5. Define as "No Loss"	No change, this discussion point would result in increased wetland loss.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

Approved Development (8)

Stakeholder Exemption Discussion Point	BWSR Staff Recommendations
1. Find a middle ground to sunset this exemption (5 more years then sunset further application of this provision) 2. Require replacement but no sequencing 3. Combine the above two recommendations 4. Repeal	Options for all exemption discussion points under this exemption: (1) repeal this exemption or (2) sunset this exemption after 5 years while requiring replacement but no sequencing or (3) sunset this exemption after 5 years

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts Option 1.

Forestry (7)

Stakeholder Exemption Discussion Point	BWSR Staff Recommendations
1. Study to identify extent of exemption misuse.	This discussion point will be addressed during the administration segment of the Assessment

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

2. Put guidance in the Rule.	No change, putting guidance in the rule will reduce programmatic flexibility

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee needs additional information on what is in the guidance and whether or not it is appropriate as guidance, in addition concerns where stated that an administrative law judge may require converting the guidance to rule.

3. Time Period, examine time period after establishment of forest road and/or before land use change should require wetland mitigation	There should be no time period that triggers replacement, a land use change from forestry at any time should require replacement to preserve the integrity of the exemption.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

4. LGU contact – non-industry landowner education and enforcement issue.	This discussion point is not specific to the exemptions and should be moved to the Overall/General list

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

Agricultural Activities (1)

Stakeholder Exemption Discussion Point	BWSR Staff Recommendations
1. Simplify language – will require all to agree	Staff will draft a proposal to: 1. simplify and update the language of this exemption; 2. establish this exemption as a waiver; and 3. eliminate provisions of the current exemption that allow wetland impacts without Swampbuster coverage.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation as a concept. The draft proposal is shown below:

Waiver of replacement requirement.
The requirement to replace wetland impacts is waived for projects where all wetland impacts are regulated or permitted under a federal or state statute that requires, at a minimum, the replacement ratios as provided by Minnesota Rule 8420.0549.

Subpart 1. United States Department of Agriculture-approved wetland activities. Wetlands activities authorized under the Swampbuster provisions of the federal farm program where all impacts to wetlands are replaced and USDA written documentation eligibility, wetland boundary, wetland impact, and extent of any required mitigation are provided to the LGU upon request.

Subpart 2. Activities authorized under Section 404 of the Clean Water Act [USC Title 33.Section 1344] or Section 10 of the Rivers and Harbors Act 0f 1899 [USC Title 33. Section 403]. Activities covered under this section include wild rice production and aquaculture.

Statute changes that may be needed to establish waiver and eliminate exemptions causing net loss of wetland:

103G.2241 Exemptions.

Subdivision 1. **Agricultural activities.** (a) A replacement plan for wetlands is not required for:

(1) ~~activities in a wetland that was planted with annually seeded crops, was in a crop rotation seeding of pasture grass or legumes, or was required to be set aside to receive price support or other payments under United States Code, title 7, sections 1421 to 1469, in six of the last ten years prior to January 1, 1991;~~

NOTE: The proposal is to delete this provision as it is covered under the USDA waiver.

~~(2)~~ activities in a wetland that is or has been enrolled in the federal conservation reserve program under United States Code, title 16, section 3831, that:

(i) was planted with annually seeded crops, was in a crop rotation seeding, or was required to be set aside to receive price support or payment under United States Code, title 7, sections 1421 to 1469, in six of the last ten years prior to being enrolled in the program; and

(ii) has not been restored with assistance from a public or private wetland restoration program;

NOTE: The proposal is to retain this provision as a waiver for land in CRP.

~~(3) activities in a wetland that has received a commenced drainage determination provided for by the federal Food Security Act of 1985, that was made to the county Agricultural Stabilization and Conservation Service office prior to September 19, 1988, and a ruling and any subsequent appeals or reviews have determined that drainage of the wetland had been commenced prior to December 23, 1985;~~

NOTE: The proposal is to delete this provision as it is obsolete.

~~(4) activities in a type 1 wetland on agricultural land, except for bottomland hardwood type 1 wetlands, and activities in a type 2 or type 6 wetland that is less than two acres in size and located on agricultural land;~~

NOTE: The proposal is to delete this provision as it can result in an unregulated wetland loss

(5) ~~aquaculture activities including pond excavation and construction and maintenance of associated access roads and dikes authorized under, and conducted in accordance with, a permit issued by the United States Army Corps of Engineers under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344, but not including construction or expansion of buildings;~~

NOTE: The proposal is to establish aquaculture as a waiver to section 404 of the Clean Water Act.

~~(6) wild rice production activities, including necessary diking and other activities authorized under a permit issued by the United States Army Corps of Engineers under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344;~~

NOTE: The proposal is to establish aquaculture as a waiver to section 404 of the Clean Water Act.

~~(7) normal agricultural practices to control noxious or secondary weeds as defined by rule of the commissioner of agriculture, in accordance with applicable requirements under state and federal law, including established best management practices; and~~

NOTE: The proposal is to delete this provision as it is unnecessary.

~~(8) agricultural activities in a wetland that is on agricultural land:~~
~~(i) annually enrolled in the federal Agriculture Improvement and Reform Act of 1996 and is subject to United States Code, title 16, sections 3821 to 3823, in effect on January 1, 2000; or~~
~~(ii) subject to subsequent federal farm program restrictions that meet minimum state standards under this chapter and sections 103A.202 and 103B.3355 and that have been approved by the Board of Water and Soil Resources, the commissioners of natural resources and agriculture, and the Pollution Control Agency.~~
~~(b) Land enrolled in a federal farm program under paragraph (a), clause (8), is eligible for easement participation for those acres not already compensated under a federal program.~~
~~(c) The exemption under paragraph (a), clause (4), may be expanded to additional acreage, including types 1, 2, and 6 wetlands that are part of a larger wetland system, when the additional acreage is part of a conservation plan approved by the local soil and water conservation district, the additional draining or filling is necessary for efficient operation of the farm, the hydrology of the larger wetland system is not adversely affected, and wetlands other than types 1, 2, and 6 are not drained or filled.~~

NOTE: The proposal is to establish Swampbuster as a waiver.

2. State retain authority to determine compliance, or use existing BWSR appeal process or develop audit normalization	No change, current appeal and Swampbuster enforcement procedures and in association with #1 provide the process/means to address this discussion point

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee recommends addressing this discussion point under 1.

3. Data reporting and sharing with and between federal and state agencies	This discussion point will be addressed under #1 and through implementing the provision in subpart 1H that provides for the development of minimum state standards that have been approved by the state agencies.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee recommends addressing this discussion point under 1.

4. Reliance on offsite determinations	No change as this issue is over a federal standard and not state law, rule, or policy

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee recommends addressing this discussion point under 1.

5. Reduce amounts of impacts allowed	This discussion point will be addressed under #1.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee recommends addressing this discussion point under 1.

6. Clarify application of wetland type (subexemption D)	This discussion point will be addressed under #1.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee recommends addressing this discussion point under 1.

7. Sub-exemption A. fix dates and be consistent on wetland typing (Circular 39, Plant Community Types, Cowardin)	This discussion point will be addressed under #1.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee recommends addressing this discussion point under 1.

8. Sub-exemption C. Repeal	This sub-exemption should be repealed, which will be addressed under #1.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee recommends addressing this discussion point under 1.

9. Sub-exemption D. Items 5, 6 and more above	This discussion point will be addressed under #1.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee recommends addressing this discussion point under 1.

10. Sub-exemption G. Further review applicability	Options:	(1) no change or (2) repeal.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee recommends addressing this discussion point under 1.

Drainage (2)

Stakeholder Exemption Discussion Point	BWSR Staff Recommendations
1. Sub-exemption B. Time period 1972-92, period for land use change (10 years), and/or match ditch benefit payment period	No change to the 20 year time period as time it is still relevant, however, replacement would be required if the land use is converted at any time.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

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2. Sub-exemption C. Clarify/Simplify	No change, current language was hard fought over and still works.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

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3. Sub-exemption D. Define repair and maintenance throughout the drainage exemption	No change, current definitions in the drainage code are well understood.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

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4. Sub-exemption E. Repeal.	This sub-exemption should be repealed as it is obsolete.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

Overall/General

Stakeholder Exemption Discussion Point	**BWSR Staff Recommendations**
1. Require LGU interaction for all exemptions	Options (1) No change; or (2) Conduct study to determine amount of exemption activity, seek state funding to replace these impacts; or (3) Require landowners to notify LGU when undertaking an activity under an exemption; or (4) #2 but require the LGU to issue an exemption certificate; or (5) #3 plus require sequencing; or (6) Repeal Exemptions; or (7) Require LGU interaction only on selected exemptions

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee needs more discussion and information before making a recommendation on this discussion point..

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2. Establish/improve/increase performance standard requirements when using an exemption	No change, current scope of exemption standards provide adequate performance standards, especially when combined with the change proposed under de minimus #8.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation that the current scope of exemption standards provide adequate performance standards.

3. Regulate excavation in all wetland types	No change, this is not an exemption issue and should be addressed as part of the wetland replacement segment of the Assessment.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

4. Refine definition of project	No Change. Current definition is adequate.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

5. Treat wetland types 1, 2, 6, and 7 the same as types 3, 4, and 5 (Treat all wetlands the same)	No change, other recommendations, especially to the Agriculture Exemption will help provide more equal treatment of different wetland types

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee recommends the Stakeholder Advisory Committee discuss this discussion point and provide more direction.

6. Use different wetland classification system (i.e. Eggers and Reed Wetland Plant Community Types), and end use of Circular 39 types 1-8 System	This is not an exemption issue and should be addressed during the regulatory simplification segment of the Assessment.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee recommends the Stakeholder Advisory Committee discuss this discussion point and provide more direction.

7. Require a wetland component in the county comprehensive local water management plan or land use plan (to address existing wetlands and restoration opportunities)	This is not an exemption issue and should be addressed during the regulatory simplification segment of the Assessment.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

8. Examine the number and size of WCA LGU's	This is not an exemption issue and should be addressed during the administration segment of the Assessment

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

9. More BWSR support and LGU commitment to training	This is not an exemption issue and should be addressed during the administration segment of the Assessment

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

10. Establish a new class of WCA activities, i.e. waivers	Recommendations under Federal Approvals and Agriculture Exemptions would establish this new class of activity

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

11. LGU civil penalty authority	This is not an exemption issue and should be addressed during the administration segment of the Assessment.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

WCA Assessment Schedule - Revised

March 22, 2006

	Clean Water Cabinet	BWSR Wetland Committee	Stakeholder Committee
Feb.	2/15 Interim accounting/reporting system	2/22 Project Overview WCA History Exemptions Replacement Ratios Policy-Sale of Wetland Credits	2/22 Project Overview Roles/Process WCA History Exemptions Replacement Ratios
March	3/15 Review history and usage of exemptions	3/22 Advance for Stakeholder mtg on accounting/reporting Review WCA funding formula	3/21 *Accounting/Reporting* Purpose and process WCA reporting system CWAMMS Discuss options
April	4/19 Report history and application of replacement ratios	4/26 Advance for Stakeholder mtg on exemptions and replacement ratios	April/May *Exemptions* Five meetings have been scheduled as follows: April 19: 9 am - 12 noon **Wetland Restorations/Wildlife Habitat** April 24: 9 am - 12 noon **Federal Approvals/Utility, Public Works** April 24: 1-4 pm **De minimus/Incidental Wetlands/Approved Development** May 9: 1-4 pm **Forestry** May 23: 9 am - 12 noon **Agriculture/Drainage** Only 5 of the 8 time slots are being used at this time. The open times can be used for exemption meetings that cannot be concluded in a single meeting. In addition, if necessary, additional meetings can be arranged after May 23.

May	5/17 Discuss history of and ongoing regulatory simplification efforts	5/24	Each of the above meetings will discuss: Purpose and process WCA history-development of exemptions Review LGU survey data Discuss options
June	6/21 Discuss LGU and State administration of WCA, including financial issues	6/28 Update on stakeholder meetings and advance for regulatory simplification and administration	6/27 *Replacement Ratios* Purpose and process WCA History-development of replacement ratios Use of replacement ratios, interaction with Corps Discuss options
July	7/19 Discuss format and process for developing a final report	7/26	7/25 *Regulatory Simplification* Purpose and process Overview wetland programs History of regulatory. simplification Current efforts Discuss options
August	8/16 Review status of report and discuss proposed Wetland Roundtable	8/23 Draft report	8/22 *Administration* Review WCA processes Discuss financing Discuss Options
Sept.	9/20 Review draft report, project status	9/27 Draft report	9/26 Draft report
October	10/18	10/25	10/24 Finalize draft report and send to BWSR Board, BWSR Wetland Committee and CWC
November	Wetland Roundtable	Wetland Roundtable	Wetland Roundtable
December	Approve submitting report to Governor	Approve submitting report to Governor	Receive Final Report

Minnesota Board of Water & Soil Resources

DATE: September 18, 2006

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

FROM: Ronald D. Harnack, Executive Director

SUBJECT: September 27th Board Meeting Notice

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, September 27, 2006, beginning at 9:00 a.m. The meeting will be held in the Central Board Room, lower level, 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. **Chisago County Comprehensive Local Water Management Plan Update** – Chisago County submitted their updated Comprehensive Local Water Management Plan (3rd Generation) on July 3, 2006, for state review and comment. The Metro Water Planning Committee met on August 29, 2006, after the state agencies' comment period deadline. The Metro Water Planning Committee recommends approval. ***DECISION ITEM***

2. **Dakota County Groundwater Protection Plan** – The Groundwater Protection Plan was filed with the Board on April 6, 2006. Development of a county groundwater protection plan is voluntary under the Metropolitan Surface Water Management Act. The highlights of the plan and the planning process are further described in the attached Overview. The County involved review agencies and local governments throughout the development of the Plan, resulting in very few comments. The Metro Water Planning Committee unanimously recommends the Plan be approved per the attached draft Order. ***DECISION ITEM***

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fax (218) 723-4794

Fergus Falls
1004 Frontier Drive
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fax (218) 736-7215

Marshall
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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
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Road N.E.
Rochester, MN 55906
phone (507) 280-2874
fax (507) 285-7144

Saint Paul
520 Lafayette Road N.
Saint Paul, MN 55155
phone (651) 296-3767
fax (651) 297-5615

3. **Rice Creek Watershed District Comprehensive Wetland Management Plan** – The Comprehensive Wetland Management Plan was filed with the Board on June 27, 2006. The highlights of the plan and the planning process are further described in the attached Overview. The District involved the Technical Evaluation Panel throughout the development of the Plan, and solicited agency comments through two preliminary review periods. Comments from the preliminary and formal review periods were satisfactorily addressed, resulting in multiple revisions to the Plan. The Metro Water Planning Committee unanimously recommends the Plan be approved per the attached draft Order. ***DECISION ITEM***

OLD BUSINESS

1. **Update on CREP II Payment Rate Options** – Kevin Lines will provide an update. ***INFORMATION ITEM***

2. **Update on South Two River Watershed District (STRWD) Termination Order** – Jim Haertel will provide an update. ***INFORMATION ITEM***

NEW BUSINESS

1. **Local Government Road Wetland Replacement Program Project Approval -** The Wetland Committee is recommending the Board approve eleven projects that will generate 579.34 credits at an estimated cost of $4,692,493. See attached. ***DECISION ITEM***

2. **Red River Basin Commission (RRBC) Work Plan and Annual Report** – A request was received from the RRBC for $100,000 for this biennium that represents Minnesota's contribution to the Red River Basin Commission's base funding. The contribution from Minnesota is equally provided by North Dakota and Manitoba governments. The local funding is matched by the states and province. DNR Commissioner Gene Merriam, PCA Commissioner Brad Moore, and BWSR's executive director represent Minnesota on the RRBC. ***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. I look forward to seeing you on September 27th!

**** The Wetlands Committee will meet immediately following the Board meeting.**

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BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
CENTRAL BOARD ROOM, LOWER LEVEL
ST. PAUL, MINNESOTA 55155
WEDNESDAY, SEPTEMBER 27, 2006

PRELIMINARY AGENDA

9:00 AM CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPT AGENDA

MINUTES OF AUGUST 24, 2006

INTRODUCTION OF NEW BOARD MEMBERS

- Paul Langseth
- Gene Tiedemann

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

REPORTS

- Chair – Randy Kramer
- Executive Director – Ron Harnack
- Dispute Resolution Committee – Randy Kramer
- Wetlands Committee – LuAnn Tolliver
- Cost-Share/Soil Conservation Committee – Louise Smallidge
- Education and Public Relations Committee – Kay Cook
- Administrative Advisory Committee – Randy Kramer

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Chisago County Comprehensive Local Water Management Plan Update - *DECISION ITEM*

2. Dakota County Groundwater Protection Plan – *DECISION ITEM*

3. Rice Creek Watershed District Comprehensive Wetland Management Plan – *DECISION ITEM*

OLD BUSINESS

1. Update on CREP II Payment Rate Options – Kevin Lines – *INFORMATION ITEM*

2. Update on South Two River Watershed District (STRWD) Termination Order – Jim Haertel – *INFORMATION ITEM*

NEW BUSINESS

1. Local Government Road Wetland Replacement Program Project Approval - Dave Weirens – *DECISION ITEM*

2. Red River Basin Commission (RRBC) Work Plan and Annual Report – Lance Yohe, RRBC Executive Director – *DECISION ITEM*

AGENCY REPORTS

- Minnesota Extension Service – Jim Anderson
- Minnesota Pollution Control Agency – Lisa Thorvig
- Minnesota Department of Health – Dan Wilson
- 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 Board Meeting, October 25, 2006, St. Paul
- Board Retreat, mid-November
- Board Meeting, December 13, 2006, St. Paul

Noon **ADJOURN**

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

DRAFT DRAFT DRAFT

BOARD OF WATER AND SOIL RESOURCES
HOLIDAY INN
AMBER MEETING ROOM
FAIRMONT, MINNESOTA 56031
THURSDAY, AUGUST 24, 2006

BOARD MEMBERS PRESENT:
Dana Allen, Paul Brutlag, Bob Burandt, Mike Convery, Department of Health; Kay Cook, Wayne Edgerton, Department of Natural Resources; Quentin Fairbanks, Brian Kletscher, Randy Kramer, Joe Martin, Department of Agriculture; Brian Napstad, Louise Smallidge, Lisa Thorvig, Minnesota Pollution Control Agency

BOARD MEMBERS ABSENT:
Jim Anderson, Minnesota Extension Service (MES)
Paul Langseth
LuAnn Tolliver

STAFF PRESENT:
Mary Jo Anderson, Bill Eisele, Tom Fischer, Jon Fure, Dan Girolamo, Jim Haertel, Ron Harnack, Mark Hiles, Tabor Hoek, Chris Hughes, Kari Keating, Jeff Nielsen, Ron Shelito, Doug Thomas, Jason Weinermann, Wayne Zellmer

OTHERS:
Kathy Smith, Cat Thiessen, and Darwin Roberts, Martin SWCD
Ray Bohn, MAWD
Mary Peters-Schramel
Merle Anderson and Ralph Blenker, South Two River Watershed District
LeAnn Buck, MASWCD

Chair Kramer called the meeting to order at 8:30 a.m.

PLEDGE OF ALLEGIANCE

Chair Kramer welcomed everyone to the meeting. Chair Kramer thanked Martin SWCD for the excellent tour yesterday. He thanked everyone for their efforts in planning the tour.

** 06-60 **ADOPT AGENDA** – Ron Harnack stated that the New Business items will be moved up on the agenda and addressed before the Old Business item. Moved by Lisa Thorvig, seconded by Louise Smallidge, to adopt the order of the agenda as presented. Motion passed on a voice vote.

** 06-61 **MINUTES OF JUNE 28, 2006** – Moved by Quentin Fairbanks, seconded by Bob Burandt, to approve the minutes of June 28, 2006, as circulated. Motion passed on a voice vote.

** 06-62 **MINUTES OF AUGUST 9, 2006** – Moved by Louise Smallidge, seconded by Kay Cook, to approve the minutes of August 9, 2006, as presented. Motion passed on a voice vote.

INTRODUCTION OF NEW BOARD MEMBER BRIAN NAPSTAD – Chair Kramer welcomed newly appointed Brian Napstad, Aitkin County Commissioner.

Paul Brutlag gave a brief update on his health condition.

OPEN MIKE

- Big Fish Lake Issue – Mary Peters Schrammel distributed information and presented a video tape showing the area of concern. She stated that they've been working endlessly on this wetland tributary.

- South Two River Watershed District (STRWD) - Ray Bohn, MAWD, addressed the Board regarding the termination of the STRWD. Ray read a letter from LeRoy Gondringer, STRWD Manager. Ray personally thanked the managers of the STRWD, and applauded the managers for voicing their concerns.

- South Two River Watershed District (STRWD) - Merle Anderson, administrator of the STRWD, and on behalf of the STRWD, requested that if BWSR orders the termination of the STRWD, the Board stay enforcement of such decision for a period of 30 days. This request is made to allow the Board of Managers of the STRWD sufficient time to

exercise its rights to appeal the decision. Merle stated that he is not in favor of terminating the watershed district.

- South Two River Watershed District (STRWD) - Ralph Blenker explained that he was elected as chair of the STRWD in October, and he is not in favor of terminating the watershed district. Mr. Blenker has since been personally attacked by the news media and personally attacked by the citizen wanting the STRWD terminated. As chair of the STRWD, he submitted a letter to BWSR requesting that if the Board orders termination, that the BWSR stay enforcement of the such decision, as provided in Minn. Stat. Section 14.65, for a period of 30 days. This request is made to allow the Board of Managers for the District sufficient time to exercise its rights to appeal the decision and order as provided in Minn. Stat. Section 103D.111.

REPORTS

Chair's Report - Randy Kramer reported that Jim Haertel attended the EQB meeting on Chair Kramer's behalf. Jim Haertel reported that discussion at the EQB meeting was on EAW rule amendments and the Water Policy Report. Jim stated that the Water Policy Report is to be submitted to the Legislature in October; however, the Water Policy Report will not be submitted until after the Clean Water Cabinet Report is complete. Chair Kramer thanked Jim Haertel for attending the EQB meeting on his behalf.

Nomination of BWSR Vice-Chair – Chair Kramer nominated Paul Brutlag as vice-chair of BWSR. Chair Kramer asked for other nominations, he asked a second time for nominations; he asked a third time for nominations for vice-chair. No other nominations were received. By unanimous vote, Paul Brutlag was elected as vice-chair of BWSR.

Executive Director's Report – Ron Harnack introduced new BWSR staff, Jon Fure, communications manager; and Mark Hiles, board conservationist in New Ulm.

Dispute Resolution Committee – Jim Haertel attended the meeting regarding the Hermantown appeal issue. Jim stated that the complexity of appeal files has grown considerably.

Wetlands Committee – Ron Harnack reported that LuAnn Tolliver had a prior commitment and is not able to attend the Board meeting today. Ron read her report and stated that a Wetland Roundtable will meet in mid-November to reach

consensus recommendations on statute, rule and policy changes for WCA. The Wetland Committee will also be scheduling a special meeting in September to continue their discussions toward recommendations on the WCA assessment.

Cost-Share Committee – Louise Smallidge reported that the Cost-Share Committee recommendation regarding base grants is on the agenda later today.

Education Committee – Kay Cook looks forward to working with Jon Fure on education issues. Jon will begin working on the State Environment.

Administrative Advisory Committee – Randy Kramer reported that the Administrative Advisory Committee has met a few times to work with staff regarding the Board's budget.

NEW BUSINESS

Termination Petition, South Two River Watershed District – Jim Haertel reported that a petition to terminate the South Two River Watershed District was filed with the Board on April 11, 2006. The petition listed several reasons why the watershed district should be terminated. The major overall concern was the failure of the watershed district to address water resource issues, which was substantiated by the lack of projects the district has completed and the lack of programs the district has undertaken. The Morrison and Stearns County Auditors subsequently certified the number of petitioner signatures. On May 24, 2006, the Board determined the petition met the statutory requirements and consequently ordered a public hearing to be held. A public hearing was held on June 19th in Albany. The hearing panel consisted of Kay Cook, Randy Kramer, Quentin Fairbanks, and Louise Smallidge as chair. The petitioners gave a presentation at the hearing, then the watershed district gave a presentation, then individuals testified. The hearing record remained open until August 2, 2006. The hearing record consists of 183 exhibits with the vast majority of the exhibits supporting the petition to terminate the district. The Stearns County Board of Commissioners unanimously approved a resolution to support termination. Also, supporting termination are the two main cities in the district, one township, all area legislators and numerous citizens. The hearing record contains no support for continuation of the watershed district from any local units of government affected by the watershed district. The hearing panel met on August 8, 2006, based on the entire record and after due consideration, decided with a 3:1 vote to recommend to the full Board the watershed district be terminated. Louise Smallidge, as chair of the hearing process, stated that an overwhelming number of people that testified were in favor of termination of the watershed district.

Louise personally believes that a watershed district is needed, but with the background information received, the inability to find and keep watershed managers, the lack of public trust in the watershed district, it's hard to support continuation. Quentin Fairbanks would personally like to see the watershed district remain, he has seen the success of watershed districts in his area, however; believes that it is almost impossible for the STRWD to be successful. Lisa Thorvig agreed. Kay Cook stated that BWSR has to determine what goals and objectives of the watershed district would no longer exist.

** 06-63 Moved by Louise Smallidge, seconded by Quentin Fairbanks, to proceed with the termination of the South Two River Watershed District. The Board hereby orders that the South Two River Watershed District is terminated because the existence of the watershed district does not benefit the public welfare and public interest, and the watershed district is not needed to accomplish the purpose of Minnesota Statutes Chapter 103D. The Board further orders that all remaining funds and real property of the South Two River Watershed District must be transferred, in proportion to the manner collected, to the Morrison County Auditor and the Stearns County Auditor/Treasurer within 30 days of the date this Order is filed with the Secretary of State and recommends the funds be transferred to the Morrison and Stearns Soil and Water Conservation Districts for water resource projects within the area of the District. It is further ordered that all District records be transferred to the Board of Water and Soil Resources within 30 days of the date this Order is filed with the Secretary of State.

Discussion followed. Lisa Thorvig stated that she could not support termination as watershed districts are important local governments in addressing water quality issues. Kay Cook stated that the STRWD had established a new advisory committee and the district should be given time to show what it can accomplish. Chair Kramer stated that he initially did not support termination of the watershed district, but due to the lack of support from any local units of government, and the unanimous vote to terminate the watershed district by the Stearns County Board of Commissioners, he recommends termination of the watershed district. Chair Kramer asked for a roll call vote for the termination of the South Two River Watershed District. Affirmative: Dana Allen, Paul Brutlag, Bob Burandt, Quentin Fairbanks, Brian Kletscher, Joe Martin, Wayne Edgerton, Brian Napstad, Louise Smallidge, Mike Convery, Randy Kramer. Opposed: Kay Cook and Lisa Thorvig. Motion passed.

Ron Harnack stated that the Board action is in no way a reflection of watershed districts at large in the State of Minnesota. Watershed based management of water resources is what is required to adequately respond to the water quality

and water quantity issues in Minnesota. However, BWSR also has a responsibility to judge these types of petitions on their individual merits consistent with the authority granted BWSR under the watershed district law. Joe Martin stated that he's concerned with alleged level of harassment that has been raised on this issue. He feels that this type of activity is not acceptable and BWSR will not condone this conduct.

FY '07 Non-Point Engineering Assistance (NPEA) Base Grant – Wayne Zellmer explained that this is a non-competitive annual grant allocated to the eleven SWCD Technical Service Areas (TSAs). It is to be used by each TSA to provide engineering/technical services to assist landowners implement erosion control and water quality improvement practices consistent with current allocation policy and criteria. Wayne presented the summary of applications and recommends approval. Moved by Louise Smallidge, seconded by Brian Napstad, to approve the FY '07 NPEA base grants and authorize staff to allocate these grants according to policies, to joint powers boards meeting program requirements. Motion passed on a voice vote.

** 06-64

CREP-2 Payment Rate Reconsideration for the Eight Landowners with Recorded Easements Prior to Payment Rate Change – Ron Harnack explained that BWSR has received requests from Cottonwood SWCD, Goodhue SWCD, Okabena-Ocheda Watershed District, Rock SWCD and from Ron Boyenga, Rock County landowner. Each of the individual LGU's and the landowner requests the Board to reconsider the decision not to include the eight landowners as part of the payment rate change for CREP-2. Each of the eight, prior to the rate change, had finalized and recorded the easement for their lands. Staff has reviewed the matter with the Attorney General's Office and their assessment is that BWSR has no authority to pay these eight landowners beyond what the easement provided for. The Attorney General's opinion is that under Minnesota's laws and Constitution, it would be illegal for BWSR to take such action. Therefore, it is recommended that the Board respectfully NOT reconsider the decision. Discussion followed.

Ron Harnack introduced Ron Boyenga, Rock County landowner; Justin Decker, Rock SWCD; and Chris Fritz, Goodhue SWCD. Ron Boyenga thanked the BWSR for the opportunity to come before the Board today. Mr. Boyenga stated that depending upon the Board's decision today, he'll continue to discuss options with the other landowners in an attempt to realize some greater fairness and equity on this issue. Options to consider are taking permanent easements on these lands rather than 45 years; seeking consideration from the legislative process, partnership with other conservation organizations, and maybe legal

avenues. Ron Harnack stated that we need to weigh our options, but due to the BWSR agreement with FSA we are limited. Chris Fritz stated that he understands BWSR's position and all sides of this issue. It's a matter of compromise; yet frustrating when he's simply trying to take care of landowners, play fair, and needs to take care of our people. Justin Decker commented that it's a major issue when you're trying to get the good word out about this program; it's a water quality issue. Justin stated that it's a tough spot to be in their position, and to promote government programs in the future. Ron, Justin and Chris acknowledged the importance of the CREP program to address the water issues in their areas and the payment rate adjustments will certainly contribute to the success of the their efforts. However, the coffee shop talk on fairness to these eight landowners gives folks cause to question participation. They feel they can ultimately get around those concerns, but it takes time.

Kay Cook stated that water degradation is a big issue; and public relations is an issue with the program. It's regrettable that we can't turn back the clock, but BWSR will work with the eight landowners, reviewing options, to rectify this matter. Bob Burandt understands the legal option, but what else? Randy Kramer stated that staff could be directed to look at other options, otherwise our hands are tied due to the Attorney General's opinion. Wayne Edgerton stated that BWSR could look beyond state and federal funding, possibly private for the greater need of the program. Joe Martin stated that this is a dangerous situation, we're setting precedence, we need to limit the window to a very short length of time. Dana Allen stated the need to look at changing the easement length. Brian Kletscher asked if the practice has been implemented? Yes, it is on the ground.

** 06-65 Moved by Lisa Thorvig, seconded by Kay Cook, to direct staff to seek other ways to provide some financial equity for the eight property owners or as a last option, draft legislation to seek compensation. Discussion followed. Motion passed on a voice vote. Ron stated that the Legislative Claims Committee is an option. Ron stated that staff will pursue other options, legislative changes, and report to the full Board next month. Joe Martin suggested non-RIM dollars for enhancement work to provide for additional compensation. Brian Napstad suggested being cautious with the legislative intent regarding the budget; BWSR staff are expected to be readily available to do specific projects at the drop of a hat, when we do not appear to have an overabundant budget. Chair Kramer thanked Ron Boyenga, Justin Decker and Chris Fritz for coming before the Board today.

Update on Drought Resolution – Ron Harnack referred to the 2006 Drought Assistance Allocations to SWCDs that was distributed. Ron stated that the Administrative Advisory Committee met on August 22, 2006, and endorsed a

resolution to authorize SWCDs to use the 2006 cost-share base grant allocations for drought assistance. Wayne Zellmer stressed that this is in effect until September 7, 2006; landowners signature needed by that date. Louise Smallidge stated that the need is there, applications have been received. Joe Martin asked about priorities of local units of government; scrutiny between commercial operations versus hobby operations. Ron stated that SWCD offices were contacted raising that issue; he and Wayne believe that the SWCD's have addressed that issue in the second round of requests. Moved by Louise Smallidge, seconded by Dana Allen, to allow SWCDs to use 2006 cost-share base grant allocations for drought assistance by September 7, 2006. Motion passed on a voice vote.

** 06-66

Update on Biennial Budget – Ron Harnack explained that staff are working with the Administrative Advisory Committee on the budget process. Ron presented a proposed resolution, "Be it Resolved, that the Board of Water and Soil Resources' (BWSR) Administrative Advisory Committee is given limited authority between Board meetings to approve necessary submittals to the Department of Finance regarding BWSR's budget request for the Fiscal Year 2008-09 biennium. This includes approval of Action Items, which are requests for new appropriation authority or change in existing appropriation authority". Moved by Lisa Thorvig, seconded by Louise Smallidge, to approve the resolution as presented regarding the Administrative Advisory Committee's limited authority regarding BWSR's budget requests for Fiscal Year 2008-09 biennium. Motion passed on a voice vote.

** 06-67

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

Martin County Local Water Management Plan Update – Jeff Nielsen reported that the Southern Water Planning Committee reviewed the Martin County Local Water Management Plan Update and recommends approval. Moved by Brian Kletscher, seconded by Dana Allen, to approve the Martin County Local Water Management Plan Update. Chair Kramer commended Martin County for their Plan. Motion passed on a voice vote.

** 06-68

Freeborn County Local Water Management Plan Update – Jeff Nielsen reported that the Southern Water Planning Committee reviewed the Freeborn County Local Water Management Plan Update and recommends approval. Moved by Brian Kletscher, seconded by Dana Allen, to approve the Freeborn County Local Water Management Plan Update. Jeff stated that they will do an implementation plan in five years; goals and objectives are on track, the update will be in effect until December 31, 2015. Kay Cook stated that education starts

** 06-69

from the beginning, actions should begin in 2006 and be ongoing. Motion passed on a voice vote.

Dodge County Local Water Management Plan Update - Jeff Nielsen reported that the Southern Water Planning Committee reviewed the Dodge County Local
** Water Management Plan Update and recommends approval. Moved by Brian
06-70 Kletscher, seconded by Mike Convery, to approve the Dodge County Local Water Management Plan Update. Motion passed on a voice vote.

Chair Kramer called for a break in the meeting at 10:15 a.m. The meeting reconvened at 10:25 a.m.

Murray County Priority Concerns Scoping Document – Jeff Nielsen reported that the Southern Water Planning Committee reviewed the Murray County Priority Concerns Scoping Document and recommends approval. Moved by
** Brian Kletscher, seconded by Wayne Edgerton, to approve the Murray County
06-71 Priority Concerns Scoping Document. Motion passed on a voice vote.

Steele County Priority Concerns Scoping Document – Jeff Nielsen reported that the Southern Water Planning Committee reviewed the Steele County Priority
** Concerns Scoping Document and recommends approval. Moved by Brian
06-72 Kletscher, seconded by Dana Allen, to approve the Steele County Priority Concerns Scoping Document. Motion passed on a voice vote.

Brown County Request for Extension of Comprehensive Water Management Plan - Jeff Nielsen reported that the Southern Water Planning Committee reviewed the Brown County request for a two-year extension of their Comprehensive Water Management Plan and recommends approval. The primary reason for the extension request is changes in staff and responsibilities for the water management program, which has slowed the current revision
** process. Moved by Brian Kletscher, seconded by Bob Burandt, to approve the
06-73 extension of the Brown County Comprehensive Water Management Plan until December 31, 2008. Chair Kramer encouraged Brown County to keep the process moving. Motion passed on a voice vote.

Northern Water Planning Committee

Itasca County Priority Concerns Scoping Document – Ron Shelito stated that the Northern Water Planning Committee reviewed the Itasca County Priority Concerns Scoping Document and recommends approval. Dan Steward will work

** 06-74 with Itasca County to focus on priority concerns. Moved by Quentin Fairbanks, seconded by Wayne Edgerton, to approve the Itasca County Priority Concerns Scoping Document. Quentin stated that the Committee was impressed with the surveys taken. Motion passed on a voice vote.

OLD BUSINESS

Big Fish Lake Update – Ron Shelito reported that at the request of BWSR, he and Jason Weinerman facilitated a meeting on August 2, 2006, to try to reach a consensus on project implementation to improve water quality issues and to develop management recommendations to mitigate these concerns surrounding the township alleyway on the east side of Big Fish Lake in Collegeville Township, Stearns County. Ron explained that the issue has been with us since 1992. Ron reviewed the Big Fish Lake alleyway timeline. He also reviewed his summary of the meeting. A meeting to develop a plan is scheduled for August 25, 2006, with Stearns SWCD, Stearns County Environmental Services, and BWSR (MPCA, DNR, Sauk River Watershed District have been invited but not yet confirmed).

In summary, Ron Shelito stated that there is no WCA wetland violation, no shoreland violations, no DNR public waters violation and water quality impacts from this location have been determined by PCA to be insignificant. There does continue to be differences and conflicts over the use of the area by snowmobiles and ATV's. Kay Cook attended the meeting on behalf of BWSR. Kay stated that it was an excellent meeting, input from many people, lots of information provided, it's time to move on. Kay indicated that the SRWD had been part of helping promote a conservation plan for the area some time back, however, there was no local agreement to move forward. Ron stated that the Wilkinson Plan, proposed in 1996-1997, has several parts to it, it's not that dissimilar from what came out of the recent meeting, a good plan to work from. Discussion followed. Lisa Thorvig stated that Big Fish Lake is widely characterized as one of the healthiest lakes in the county with no major impairments. Lisa stated that she supports the efforts of locals to care for the lake and supports the Wilkinson Plan. MPCA has noted that the access issue is not an issue to be addressed as a contributor to phosphorus in the lake. Wayne Edgerton, DNR, supports the Wilkinson Plan, acknowledging that a conservation plan can help prevent future problems, but access is a local issue and should be addressed independent of the conservation plan. Louise Smallidge stated that we've spent an inordinate amount of staff time on this issue and so have local governments. BWSR has no formal legal authority for final resolution. BWSR's role in coordinating with the state and local agencies should complete BWSR's involvement. Ron Harnack stated that there's no violation of water quality standards, no wetland violation. Kay Cook stated that mowed shorelands result in more nutrients in this alleyway. The

Board needs to have resolution, or accept Ron Shelito's report acknowledging that there will be a meeting to finalize the conservation plan strategy. The Plan would then be submitted to the township and lake association, and a commitment from the county and SWCD to work with township and adjacent landowners on implementing the Plan. Joe Martin stated that the Board should not be approving conservation plans, stick with are there wetland violations or not? The Board shouldn't be interjecting in local disputes that are not related to BWSR programs and authorities. Paul Brutlag stated that BWSR has done anything and everything we can on this issue.

** 06-75 Moved by Lisa Thorvig, seconded by Kay Cook, to accept Ron Shelito's report, to facilitate development of a modified Wilkinson Plan; and to work with the local governments and landowners to promote Plan implementation as the State's final role in this alleyway issue. Motion passed on a voice vote.

Update on Wetland Assessment – Ron Harnack asked that board members review the WCA Assessment and BWSR Wetlands Committee recommendations related to exemptions. Lisa Thorvig stated that she's on the Wetlands Committee, she's attended the Committee meetings, stakeholders meetings, and she commends BWSR staff on their great efforts. Lisa briefly commented on the de minimus exemption on page five, #3; and also on #6 to reduce the de minimus by 50%. Lisa stated that the process is good, working through the issues; the Wetlands Committee will be meeting again on September 7-8. Lisa stated that LuAnn Tolliver has provided excellent leadership as the Wetlands Committee chair. Discussion followed.

Lisa stated we lack a lot of good data, it's hard to make decisions; the DNR Forestry audit program very helpful assessing the forestry exemption. Unfortunately, the same type of detail does not exist for the rest of the exemptions. Ron stated that the Wetlands Committee will review staff options, make recommendations, package together and bring information before the Board in September and October for endorsement. The Wetland Roundtable will meet for one day in November, date to be determined, in a process to reach broad consensus on policy, rule and statute changes for WCA. Quentin Fairbanks asked about a price tag. Ron stated that each of the recommendations will have an assessment of cost to implement included so that the Board can weigh the merits of the changes against the costs. Randy stated that the Wetlands Committee includes: LuAnn Tolliver, chair; Paul Brutlag, Bob Burandt, Kay Cook, Wayne Edgerton, Brian Kletscher, Joe Martin, Brian Napstad, Lisa Thorvig, and Dave Weirens.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Joe Martin reported that Clean Water Legacy meetings are being conducted. The Department of Agriculture received an allocation for research projects.

Department of Health (MDH) – Mike Convery reported that well drilling is down, partially due to the decline in the housing industry.

Department of Natural Resources (DNR) – Wayne Edgerton reported that the DNR fall hunting season is approaching; there's abundant wildlife except for ducks. Wayne reported that bovine tuberculosis has been found in a beef herd in northern Minnesota and in the wild deer population. Another 1,000 animals are being tested in that area, an additional 4,000 head will be tested during the deer hunting season including the Brainerd area. DNR proposed banning of pleasure feeding deer in Roseau, Marshall, and Beltrami.

Minnesota Pollution Control Agency (MPCA) – Lisa Thorvig distributed a press release regarding MPCA's awarded water quality projects. Lisa stated that she reported at the June BWSR meeting that PCA had a few management changes. There have been additional changes since that time. The MPCA Commissioner's office has completely changed. Commissioner Sheryl Corrigan resigned and is working for Kok Refineries in Kansas; Kristin Appelgate resigned to be a stay-at-home mom; Lisa is now the Director of the Municipal Division; her vacancy is not yet filled. Lisa will continue to be MPCA's representative to BWSR. The new Commissioner of MPCA is Brad Moore, longtime DNR assistant commissioner. Lisa is very glad to have Brad on board. Tim Scherkenbach, is now the Assistant Commissioner for Land/Pollution Prevention Policy Division; David Thornton is Assistant Commissioner for Air Policy; and Leo Raudys is the Deputy Commissioner.

Brian Napstad briefly commented on the mining banking system, clarifying that not iron mining, but sulfite mining processes are entirely different and pose unique challenges. Ron Harnack commented there is considerable discussion relating to mining wetland mitigation. There have been discussions with the mining community and the COE in an attempt to promote a more comprehensive approach to wetland mitigation banking for the mining industry.

ADVISORY COMMENTS

Minnesota Association of Soil & Water Conservation Districts (MASWCD) – LeAnn Buck congratulated Randy Kramer as chair; and Brian Napstad, newly appointed board member. LeAnn reported that the MASWCD Board of Directors

met on Tuesday to review resolutions on conservation practices. The next MASWCD meeting will be held on September 26. LeAnn reported that over 100 attendees participated in the MASWCD leadership session. LeAnn thanked Doug Thomas and Bob Burandt for attending that conference. LeAnn briefly commented on the drought issues in northwestern Minnesota. LeAnn thanked Martin SWCD for their tour and for getting their local water management plan in place.

UPCOMING MEETING

- Next BWSR Meeting, September 27, 2006, St. Paul

Chair Kramer stated that a Board Retreat will be scheduled to discuss Board future functions, committees, practices, background information; possibly in November in conjunction with the wetland stakeholders meeting.

Quentin Fairbanks thanked Mary Jo Anderson for her efforts in organizing the logistics of the tour and Board meeting.

** 06-76 Moved by Paul Brutlag, seconded by Kay Cook, to adjourn the meeting at 11:50 a.m.

Respectfully submitted,

Mary Jo Anderson
Recorder

Dispute Resolution Report
September 14, 2006
by: Jim Haertel

There are presently 24 appeals pending. All of the appeals involve WCA except File 05-24. Note File 06-13 is in the Court of Appeals. There have been seven new appeals filed since the last report dated August 10th.

File 06-26. This is a new appeal of a wetland exemption determination in Cass County. The LGU approved the wetland exemption. The TEP recommended the exemption not be approved. The activity involves the placement of drain tile in a Type 2 wetland that was previously hayed and is now a sod farm. No decision has been made on the appeal.

File 06-25. This is a new appeal of a Restoration Order in St. Louis County. The appeal regards the placement of fill in Type 7 wetland adjacent to a commercial business. No decision has been made on the appeal.

File 06-24. This is a new appeal of a Wetland Boundary determination in Anoka County. The LGU approved the wetland boundary delineation. The landowner contends there is less wetland area than the approved delineation. No decision has been made on the appeal.

File 06-23. This is a new appeal of a Replacement Plan decision in Kanabec County. The LGU denied the wetland replacement plan application. A previous denial of the same replacement plan application had been appealed, the appeal was remanded for a hearing, and now the current denial has been appealed. The appeal has been placed in abeyance pending the outcome of a lawsuit between the landowner and the county. The lawsuit concerns the county's possible noncompliance with the 60-day rule.

File 06-22. This is a new appeal of a Restoration Order in Olmsted County. The appeal regards the construction of a fish pond. No decision has been made on the appeal.

File 06-21. This is a new appeal of a Restoration Order in Carlton County. The appeal regards a Type 8 wetland and the placement of a trailer, the placement of logs and mats for a walkway, and construction of a deck. No decision has been made on the appeal.

File 06-20. This is a new appeal of a Restoration Order in Carlton County. The appeal regards filling and grading in Type 2 and Type 6 wetlands for construction of an airplane hangar, airstrip extension and taxiway. No decision has been made on the appeal.

File 06-17. This is an appeal of a Replacement Plan decision in the City of Montgomery in LeSueur County. The LGU denied an after-the-fact wetland replacement plan

application based on a lack of sufficient reasons why the restoration could not be completed. The appeal has been remanded for further processing at the local level.

File 06-14. This is an appeal of a Replacement Order in the City of Green Isle in Sibley County. A replacement plan was approved, replacement wetlands were constructed, and wetland impacts have occurred as authorized under the approved replacement plan. The ownership of the wetland replacement credits is in dispute. A district court decision on the ownership issue was appealed to the Minnesota Court of Appeals. The appeal has been placed in abeyance and the Replacement Order has been stayed until the court proceedings have been finalized.

File 06-13. This is an appeal of a Restoration Order in Brown County. At issue is the tiling and drainage of a Type 3 wetland in agricultural land. The appeal was denied and the Restoration Order was affirmed. The denial has been appealed to the MN Court of Appeals.

File 06-12. This is an appeal of a no-loss decision in Stearns County. It involves the same project and issues as File 06-6. After a restoration order was issued, a no-loss application was submitted by the developer and denied by the LGU. The appeal has been remanded for further technical evaluation.

File 06-6. This is an appeal of a restoration order in Stearns County. At issue are numerous wetlands impacted by filling, sedimentation, reduction of hydrology and lack of Best Management Practices associated with a residential development. The appeal has been denied in part. The Restoration Order has been affirmed in part and has been stayed in part.

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

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

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

File 06-1. This is an appeal of a replacement plan approval in Itasca County. The appeal contends that sequencing was not followed. The TEP recommended denial on a 3:1 vote. The SWCD approval was on a 3:2 vote. The application sought wetland filling for three

outbuildings and lake access. The appeal has been accepted and is in abeyance pending settlement discussions.

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

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

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

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

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

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

File 04-23. This is an appeal of a forestry exemption decision in Kittson County. Unpermitted fill was placed in a Type 7 wetland for a road. A Cease and Desist Order was issued. Additional filling has recently occurred in violation of the CDO. Corps and

DNR violations also exist. The appeal has been accepted and is in abeyance pending completion of a wetland delineation and submittal of a replacement plan application.

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

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Chisago County Comprehensive Local Water Management Plan Update - *DECISION ITEM*

2. Dakota County Groundwater Protection Plan – *DECISION ITEM*

3. Rice Creek Watershed District Comprehensive Wetland Management Plan – *DECISION ITEM*

MEMORANDUM

DATE: August 18, 2006

TO: Metro Water Management Committee

FROM: Brad Wozney, Board Conservationist

SUBJECT: **Review of Chisago County Third Generation Plan Update - Final Draft**

The Chisago County Department of Environmental Services and Zoning is currently responsible for the administration of the Local Water Management Plan (Plan) for Chisago County. The Plan originally expired on December 31, 2003. An extension was requested and granted due to the 2003 unallotment with a deadline of December 31, 2004.

BWSR staff including Marybeth Block (former employee), Steve Woods, and myself have been active participants throughout the Plan update process. The Priority Concerns Scoping Document was approved on January 26, 2005. Numerous Water Plan Policy Team and a couple Technical Advisory meetings were held thereafter allowing opportunities for state/local agencies' and citizen input in the plan development. The Chisago County Board held a public hearing of the final draft on June 28, 2006.

The final draft was submitted to the state agencies on July 5, 2006 for the required 30-day review. Comments were received from Department of Ag, DNR, and MPCA:

Those agencies approved the entire plan as submitted. MPCA recommended utilize the Environmental Data Access section of the MPCA website for future water quality data queries. BWSR's final comments addressed the amendment process required for incorporating future TMDL and other implementation plans, and requested that a few action items be revised to reflect more measurable outcomes and more accurate cost estimates – all of which they have incorporated into the draft you see today. MDH and EQB did not comment.

The Chisago County Local Water Management Plan meets all requirements set forth in 103B and in the "Updating Water Management Plan guidance" including:

- focuses on the priority concerns identified in the Priority Concerns Scoping Document;
- assesses the priority concerns and sets forth appropriate goals and objectives;
- lays out a fairly detailed implementation program with measurable actions, timeline, and budget; and
- includes all required sections.

Highlights of the Plan include:

1) A committed approach to water plan implementation as evidenced by implementation activities that have already begun: Completed a TMDL plan and has begun other water quality studies for the Sunrise River watershed requiring cooperation from adjacent counties and multiple agencies; Began development of a erosion control inspection and stormwater management program with participating cities near priority waterbodies in cooperation with the Chisago Lakes Improvement District and Chisago SWCD.
2) Incorporation of water plan language into the County Comp Plan.
3) Aggressive efforts targeting septic system and sewage disposal compliance.
4) Aggressive water quality monitoring program.
5) Embraced the St. Croix Basin Team's 20% phosphorus reduction goal.

Included in the packet for the Subcommittee is the official state letter regarding the Priority Concerns Scoping Document, agencies' final draft comments, and relevant sections of the Plan, i.e. Executive Summary and Implementation Plan - which includes on-going activities.

I recommend approval of the entire Plan.



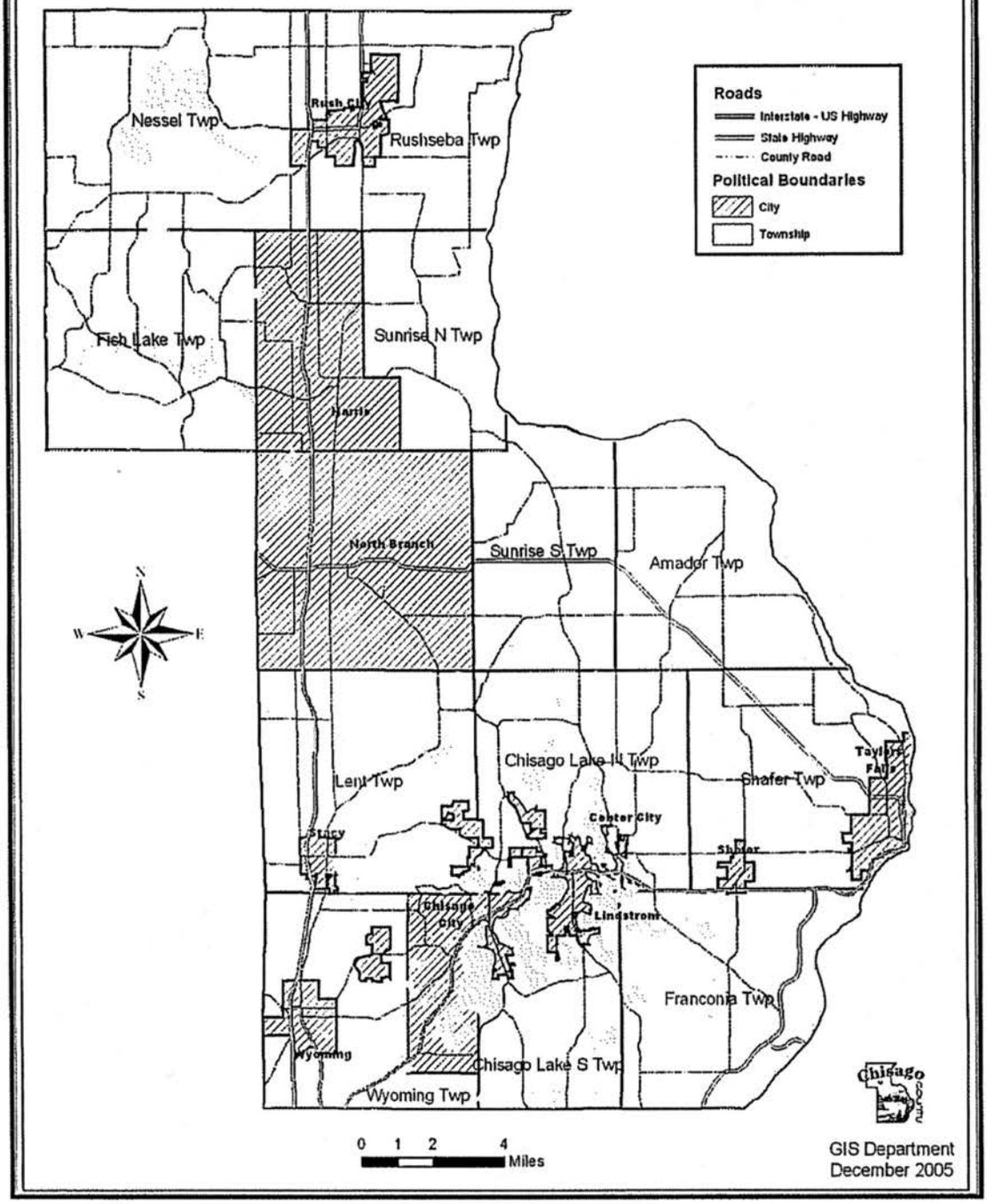
Chisago County Local Water Management Plan

2006–2011

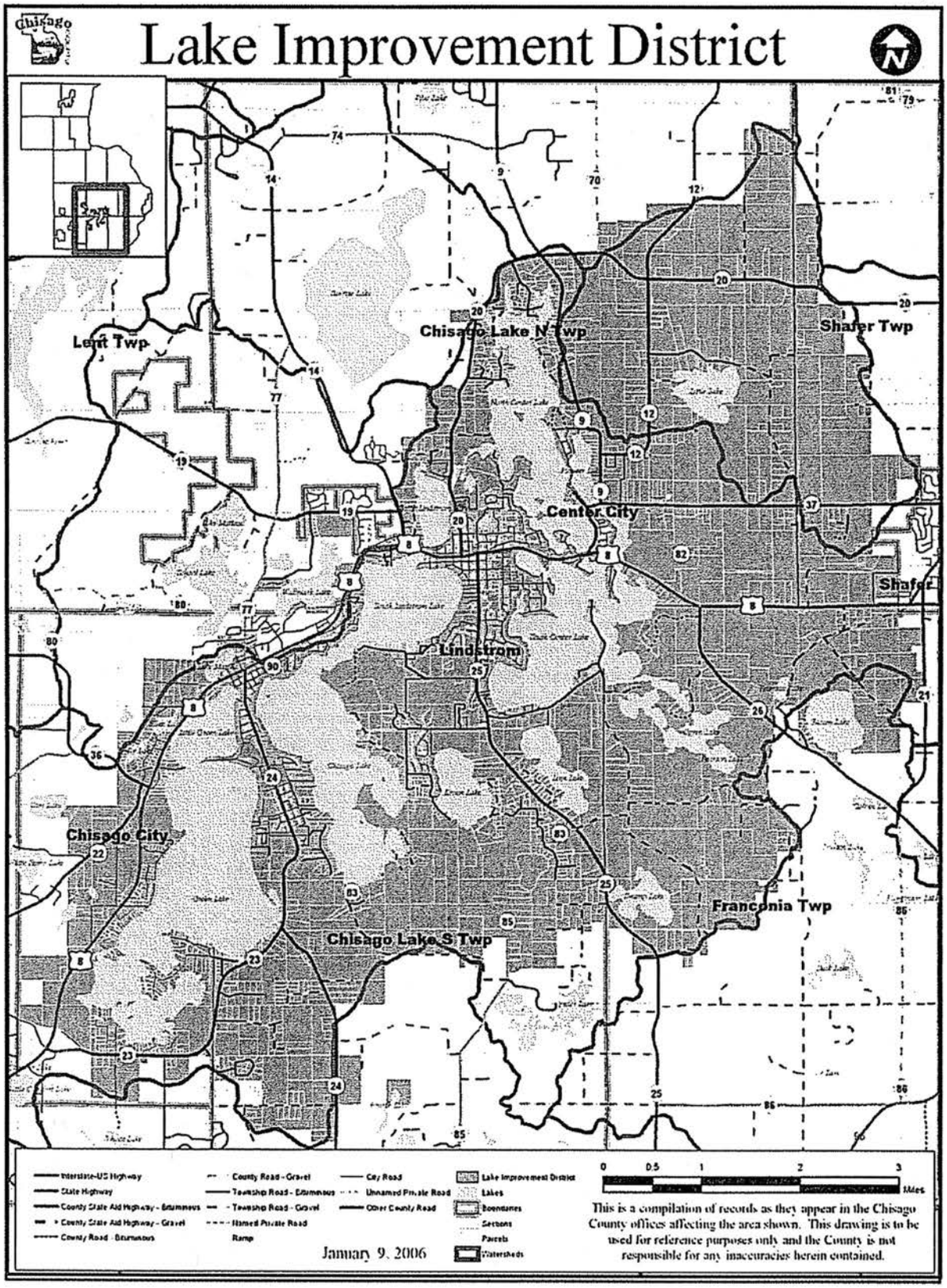
DRAFT June 7, 2006

Chisago County Water Plan

Chisago County Cities & Townships



GIS Department
December 2005


Chisago
Lake Improvement District
Lent Twp
Chisago Lake N Twp
Shafer Twp
Center City
Shafer
Lindstrom
Chisago City
Chisago Lake S Twp
Franconia Twp
Interstate-US Highway
State Highway
County State Aid Highway - Bituminous
County State Aid Highway - Gravel
County Road - Bituminous
County Road - Gravel
Township Road - Bituminous
Township Road - Gravel
Named Private Road
Ramp
City Road
Unnamed Private Road
Other County Road
Lake Improvement District
Lakes
Boundaries
Sections
Parcels
Watersheds
0 0.5 1 2 3
Miles
January 9, 2006
This is a compilation of records as they appear in the Chisago County offices affecting the area shown. This drawing is to be used for reference purposes only and the County is not responsible for any inaccuracies herein contained.

Minnesota Pollution Control Agency

Office of the Commissioner

August 4, 2006

RECEIVED
AUG 7 2006
Bd. of Water & Soil Resources
St. Paul

Mr. Steve Woods, Regional Supervisor
Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, MN 55155-4194

RE: Chisago County Local Water Management Plan

Dear Mr. Woods:

The Minnesota Pollution Control Agency (MPCA) has reviewed the final draft of the Local Water Management (LWM) Plan for Chisago County (County). The following is submitted for consideration by the Board of Water and Soil Resources (BWSR) on this LWM Plan.

The LWM Plan does not violate any statutory or rule requirements administered by the MPCA.

The MPCA recommends BWSR approve the LWM Plan as submitted.

The MPCA would like to offer the following comments for consideration by BWSR when reviewing and acting on this LWM Plan.

The LWM Plan adequately addresses priority issues raised by the MPCA during LWM Plan development:

1) Furtherance of the twenty percent phosphorus reduction goal endorsed by the MPCA and other members of the interagency St. Croix Basin Water Resources Planning Team.

2) The development of Total Maximum Daily Load studies and implementation planning for impaired waters in the County.

Environmental Data Access
The water quality section of MPCA's Environmental Data Access (EDA) allows visitors to find and download data from surface water monitoring sites located throughout the state. Where available, conditions of lakes, rivers or streams that have been assessed can be viewed. We encourage the County to visit this site for water quality monitoring data which may be useful with future water management efforts: *http://www.pca.state.mn.us/data/edaWater/index.cfm*

If we may be of further assistance, please contact Craig Affeldt at (651) 296-6062 or Dave L. Johnson in the St. Paul Office at (651) 296-6041.

Sincerely,

Lisa J. Thorvig
Director
Municipal Division

LJT/DLJ:bao

cc: Jerry Spetzman Water Resource Manager
John Hensel, MPCA Metro Unit
Craig Affeldt, MPCA Metro Unit

From: "Sharon Pfeifer" <Sharon.Pfeifer@dnr.state.mn us>
To: "Brad Wozney" <brad.wozney@bwsr.state.mn.us>
Date: 8/10/2006 11:35:06 AM
Subject: Chisago County Water Plan - comments due August 11th

Brad -DNR's Central Region supports the Chisago Water Plan and recommends no additional changes to the plan. DNR's Mike Muellller has been involved in the planning process and so any issues we may have had, have been resolved.

CC: "Dale Homuth" <Dale.Homuth@dnr.state.mn.us>, "Joe Kurcinka" <Joe.Kurcinka@dnr.state.mn.us>, "Mike Mueller" <Mike.Mueller@dnr.state.mn.us>, "Wayne Edgerton" <Wayne.Edgerton@dnr.state.mn.us>

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Priority Concerns Scoping Document
Chisago County **Local Water Management Plan Update**

Agency/organization **MN Department of Agriculture**

Submitted by (name): Becky Balk (phone) 6512016369 (email)
Becky.Balk@mda.state.mn.us

Submission deadline: August 9, 2006

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1. **The MN Department of Agriculture has reviewed the Priority Concerns Scoping Document for Chisago county. The following is submitted for the Board's consideration regarding the priority concerns selected:**

   ☒ The agency **concurs** with the priority concerns identified.

   ☐ The agency strongly **recommends** the following revision to the priority concerns identified, but does not require the revision: *(clearly identify the revision and provide an explanation of why it is recommended)* _____

   ☐ The agency **does not recommend** the board approve the final plan unless the following concern (s) are identified in the water management plan: *(clearly identify the revision and provide an explanation of why it is recommended)* _____

2. **The MN Department of Agriculture feels the process to identify the priority concerns was:**

   ☒ Commendable

   ☐ Adequate

   ☐ Inadequate. Please explain: _____

3. **The MN Department of Agriculture would like to offer the following comments to be considered when drafting the local water management plan:**

   None

GOAL 1

Ground and surface water is safe and available for human consumption, recreational use and wildlife habitat.

OBJECTIVE A:

Phosphorus loading from Chisago County into the St. Croix River is reduced by 20% by 2020. (Priority Concern)

TASK 1:

Jointly evaluate and establish water quality standards related to eutrophication which are applicable to Lake St. Croix by the end of 2009.

PARTNERS: St. Croix Basin Team, MPCA, Wisconsin DNR, Chisago County
FUNDING: MPCA and Wisconsin DNR. Funding amount to be determined at a later date
TIMEFRAME: Completion by end of 2009

TASK 2:

In partnership with the ST. Croix Basin Team, perform a point and non-point source nutrient loading study and develop an implementation plan by June 30, 2009.

PARTNERS: St. Croix Basin Team, MPCA, Wisconsin DNR, Chisago County
FUNDING: MPCA and Wisconsin DNR. Funding amount to be determined at a later date
TIMEFRAME: Completion by June 30, 2009

TASK 3:

Coordinate and improve water quality monitoring and assessment capabilities to track progress on achievement of the recommended 20% phosphorus loading reduction goal for Lake St. Croix.

PARTNERS: St. Croix Basin Team, MPCA, Wisconsin DNR, Chisago County
FUNDING: MPCA and Wisconsin DNR. Funding amount to be determined at a later date
TIMEFRAME: Ongoing

TASK 4:

Provide continued staff and funding support to the St. Croix Basin Team.

PARTNERS: MPCA, Wisconsin DNR, Chisago County
FUNDING: MPCA and Wisconsin DNR. Funding amount to be determined at a later date
TIMEFRAME: Ongoing

TASK 5:

Develop Soil Water Assessment Tool model of the Sunrise River watershed.

PARTNERS: Science Museum of Minnesota St. Croix Research Station, National Park Service, Chisago County, Chisago SWCD
FUNDING: Funding provided through a grant from National Park Service to the Science Museum
TIMEFRAME: 2006-2008

TASK 6:

Work jointly on projects of common interest such as drained wetland and ditch inventories to achieve more wetland restorations and riparian buffers.

PARTNERS: St. Croix Basin Team, US Army Corps of Engineers, Chisago County, Chisago SWCD
FUNDING: Funding amount to be determined upon completion of interagency agreements
TIMEFRAME: 2007-2009

Tasks, partners, funding and timeframes included in the following Priority Concerns and Ongoing Action Items also directly support this Priority Concern:

- Projects and practices recommended in the North Branch of the Sunrise TMDL are implemented.
- Projects and practices recommended in additional TMDL studies are implemented.
- Recommendations of the Chisago County Waste Water Task Force are implemented.
- Obligations of the Chisago County Individual Sewage Treatment System pilot program are fulfilled.
- Storm water management standards and erosion control projects are implemented in developing areas, especially the Chisago Lakes Improvement District.
- School children and new homeowners are educated about water resources.
- The Wetland Conservation Act is enforced and wetland mitigation sites are identified.
- Water Plan goals and objectives are incorporated into the County Comprehensive Management Plan.
- Biological diversity, critical ecosystems and wildlife habitat is protected through measures adopted in the County Comprehensive Plan, especially in areas identified in the County Green Corridor Study.
- Education and training on water quality concerns is provided to lake associations, townships, and volunteers.
- On-going monitoring of lakes and streams is promoted.

OBJECTIVE B:

Projects and practices recommended in the North Branch of the Sunrise TMDL are implemented (Priority Concern)

Measurable outcomes will be taken directly from completed TMDL Implementation Plan

TASK 1:

The contribution of fecal coliform from livestock facilities without runoff controls is reduced.

This may be done through use of waste storage facilities, clean water diversions, vegetated filter strips, moving fences, or improved lot cleaning.

PARTNERS: MPCA, MDA, Chisago and Isanti SWCD's, Chisago and Isanti Counties, NRCS, feedlot owners.
FUNDING: Possible funding: MN State Cost-Share Program, MDA AgBMP Loan Program, NRCS EQIP Program.
TIMEFRAME: 2006-2016

TASK 2:

The contribution of fecal coliform from pastures near streams is reduced.

This may be done through livestock exclusion or rotational grazing.

PARTNERS: MPCA, MDA, Chisago and Isanti SWCD's, Chisago and Isanti Counties, NRCS, feedlot owners.
FUNDING: Possible funding: MN State Cost-Share Program, MDA AgBMP Loan Program, NRCS EQIP Program.
TIMEFRAME: 2006-2016

TASK 3:

The contribution of fecal coliform from septic systems determined to be an imminent threat to public health is reduced.

This may be done by bringing septic systems determined to be an imminent health threat into compli ance with the septic ordinance or switching from septic systems to municipal sewer service.

PARTNERS: Chisago County Environmental Services, City of North Branch, landowners, MPCA
FUNDING: Possible funding: MDA AgBMP Loan Program, MPCA, USDA Rural Development
$240,000 from MPCA for septic system pilot program. From this
$118,630 is allocated for local cost share to individual system upgrades
TIMEFRAME: 2004-2007

TASK 4:

The contribution of fecal coliform from surface applied manure is reduced.

This may be done through the use of manure application setbacks or certified nutrient management plans.

PARTNERS: MPCA, Chisago and Isanti SWCD's, Chisago and Isanti Counties, NRCS
FUNDING: Possible funding: MN State Cost-Share Program, MDA AgBMP Loan Program, NRCS EQIP Program.
TIMEFRAME: 2006-2016

TASK 5:

The contribution of fecal coliform from pets is reduced.

This may be done through use of stormwater management practices or education.

PARTNERS: City of North Branch
FUNDING: Possible funding: City of North Branch
TIMEFRAME: 2006-2016

OBJECTIVE C:

Projects and practices recommended in additional TMDL studies are implemented (Priority Concern)

Measurable outcomes will be taken directly from completed TMDL Implementation Plans

TASK 1:

A partnership is in place between Chisago County Water Plan Policy Team and state agencies such as MPCA and BWSR so that TMDL studies can be implemented as Chisago County waters are placed on the Impaired Water's List.

PARTNERS: Members and organizations represented in the Chisago Water Plan Policy Team, MPCA, BWSR
FUNDING: Possible funding: MPCA, BWSR, Clean Water Legacy Act
TIMEFRAME: 2006-2026

OBJECTIVE D:

Recommendations of the Chisago County Waste Water Task Force are implemented (Priority Concern)

TASK 1:

A strong education program aimed at homeowners and septic pumpers is put into place.

PARTNERS: U of M Extension, Chisago County, MPCA
FUNDING: MPCA Septic Pilot program funding, Natural Resources Block Grant, Chisago County Environmental Services
TIMEFRAME: Ongoing

TASK 2:

The County Board adopts a Preventative Maintenance ordinance for all homeowners.

PARTNERS: Chisago County Environmental Services
FUNDING: MPCA Septic Pilot program funding, Natural Resources Block Grant, Chisago County Environmental Services
TIMEFRAME: 2006-2008

TASK 3:

The County Board adopts a Land Application Ordinance which follows federal EPA and MPCA regulations as well as developing a set of regulations specific to Chisago County. The County Board adopts a Land Application Ordinance which follows federal EPA and MPCA regulations as well as developing a set of regulations specific to Chisago County.

PARTNERS: Chisago County Environmental Services
FUNDING: $5,000 for Chisago County Environmental Services staff time
TIMEFRAME: 2006-2008

OBJECTIVE E:

Obligations of the Chisago County Individual Sewage Treatment System pilot program are fulfilled (Priority Concern)

TASK 1:

An evaluation is conducted, of all ISTS which were installed prior to 1996, to determine if an imminent health threat to public health and safety exists.

PARTNERS: Chisago County, MPCA, possibly City of North Branch
FUNDING: $240,000 from an MPCA ISTS Pilot Program Block Grant, Chisago County staff in-kind contributions
TIMEFRAME: 2004-2008

TASK 2:

A county Sanitarian provides numerous contacts with the public in the office and the field, to provide education in proper care and maintenance of the ISTSs.

PARTNERS: Chisago County Environmental Services
FUNDING: $1,500 per year from Natural Resources Block Grant
TIMEFRAME: Ongoing

OBJECTIVE F:

The Abandoned Well Sealing Program continues (Priority Concern)

TASK 1:

The Water Plan provides cost share grant dollars to assist landowners in properly sealing abandoned wells. The program provides up to 50% up to $500 of the cost to seal an abandoned well. At least 7 abandoned wells will be sealed each year.

PARTNERS: Chisago County Environmental Services, Chisago SWCD, BWSR
FUNDING: $5,000 per year from Natural Resources Block Grant and Chisago County
TIMEFRAME: Ongoing

OBJECTIVE G:

Control of exotic species is promoted (Ongoing Action Item)

TASK 1:

Chisago County Environmental Services staff provides educational opportunities.

PARTNERS: Chisago County Environmental Services, DNR, Chisago LID, County Lake Associations
FUNDING: Chisago County staff in-kind contributions
TIMEFRAME: Ongoing

GOAL 2

Environmentally sound an economically viable water management practices are factored into land use, growth, economic development and agriculture decisions.

OBJECTIVE A:

Storm water management standards and erosion controls projects are implemented in developing areas, especially the Chisago Lakes Improvement District (Priority Concern)

TASK 1:

Chisago County will work cooperatively with local units of government, including those within the Chisago Lakes Improvement District, in the process of evaluating, proposing, adopting, and promoting Stormwater (and erosion control) Management Standards targeted to the specific needs of the individual communities.

The Chisago LID will draft a preliminary recommended, updated model shoreland ordinance and a model stormwater erosion ordinance by December 2006. The Chisago LID will conduct meetings to discuss the model ordinance with and to obtain input from the government units within the LID by June 2007. The LID will present final, recommended ordinances to the Chisago County Board by September 2007.

Chisago County will also work with the LID to identify potential remediation sites within existing developed areas for the purpose of phosphorous reduction from runoff.

PARTNERS: Chisago County, Chisago LID, City of North Branch, local units of government
FUNDING: $10,000 provided by Chisago LID for initial development of standards.
$2,500 in in-kind staff time provided by each city, SWCD District, and the County for a total of $30,000.
TIMEFRAME: 2006-2007

TASK 2:

Prior to and during construction, inspections and assessments take place to ensure that conditions placed upon plats are fulfilled, especially relating to erosion control, stormwater protection and wet land compliance.

The inspection includes a summary of the soil, water and vegetative resources; a summary of resource degradation potential; and recommendations on the preservation, enhancement and protection of the resources.

PARTNERS: Chisago County, Chisago SWCD, participating local units of government
FUNDING: A plat compliance fee is charged to the developer upon final plat approval. $40,000 annually for ongoing implementation.
TIMEFRAME: Ongoing

TASK 3:

Filter strips and forested riparian buffers are promoted by SWCD staff and installed by landowners through the Continuous Conservation Reserve Program (CCRP) and the Environmental Qualities In centives Program (EQIP) through a conservation agreement with BWSR and NRCS.

Design or technical advice will be provided by Chisago SWCD and DNR for projects that are not eligi ble under CCRP.

PARTNERS: Chisago SWCD, BWSR, DNR, NRCS, and Pheasants Forever
FUNDING: $25,000 is provided annually for staff time from SWCD, BWSR, DNR, Pheasants Forever, and NRCS
TIMEFRAME: Ongoing

OBJECTIVE B:

Assistance and cooperation is provided to cities as they develop and implement Wellhead Protection Plans (Ongoing Action Item)

TASK 1:

County Water Resource Manager will serve on local wellhead protection teams and provide technical assistance and information as requested

PARTNERS: Chisago County Environmental Services, MDH, MN Rural Water, participating local units of government
FUNDING: Funding provided to assist with wellhead protection planning and implementation as requested
TIMEFRAME: Ongoing

OBJECTIVE C:

The Wetland Conservation Act is enforced and wetland mitigation sites are identified (Ongoing Action Item)

TASK 1:

Chisago County will implement and regulate the provisions of the Minnesota Wetland Conservation Act of 1991. This includes funding the services of a wetland specialist, and the in-kind services of the Environmental Services Director in the form of administrative oversight and the permit technician for clerical support.

PARTNERS: Chisago County, BWSR
FUNDING: $58,000 per year from Natural Resources Block Grant and Chisago County match
TIMEFRAME: Ongoing

TASK 2:

On a yearly basis, Chisago County will transfer $5,000 of its WCA allocation to the Chisago SWCD for their role in carrying out their legislative mandate to be the data repository; a member of the TEP; and the preparation of restoration or mitigation plans resulting from enforcement actions in the county.

PARTNERS: Chisago County Environmental Services, Chisago SWCD, BWSR
FUNDING: $5,000 per year from Natural Resources Block Grant
TIMEFRAME: Ongoing

TASK 3:

A partnership is formed to restore at least one drained wetlands within the Lawrence Creek watershed.

The drained wetland inventory will be used to assist landowners with wetland restorations and to identify potential mitigation sites under Wetland Conservation Act guidelines.

PARTNERS: Chisago SWCD, USFWS, MN DNR
FUNDING: $20,000 provided by USFWS and DNR
TIMEFRAME: 2006-2007

OBJECTIVE D:

Water Plan goals and objectives are incorporated into the County Comprehensive Management Plan (Ongoing Action Item)

TASK 1:

When the Chisago County Comprehensive Plan is updated, opportunities will be sought to incorporate water planning goals, objectives and action items into the County's Land Use planning framework.

PARTNERS: Chisago County Environmental Services staff, Water Plan Policy Team, Chisago County Board
FUNDING: $5,000 for Chisago County Environmental Services in-kind staff time
TIMEFRAME: Ongoing as needed

OBJECTIVE E:

County planning and zoning criteria are established which will effectively minimize high impact industries (i.e. gravel mining) in areas with sensitive ground water (Ongoing Action Item)

TASK 1:

When the County Zoning Ordinance (i.e. Mineral Extraction) is updated, ordinance language will be tailored to include elements to protect groundwater (i.e. setbacks, slopes, reclamation)

PARTNERS: Chisago County Environmental Services, Chisago County Board, Industry representatives
FUNDING: Chisago County Environmental Services in-kind staff time
TIMEFRAME: Ongoing as needed

OBJECTIVE F:

Biological diversity, critical ecosystems and wildlife habitat is protected through measures adopted in the County Comprehensive Plan, especially in areas identified in the County Green Corridor Study (Ongoing Action Item)

TASK 1:

Measures will be adopted to protect critical areas through such programs as Transfer of Development Credits, Conservation Easements, and protective covenants

PARTNERS: Chisago County Environmental Services, Chisago County Board, DNR, Chisago SWCD

FUNDING: Chisago County Environmental Services in-kind staff time, Potential funding through: DNR grant programs, Minnesota Land Trust or Trust for Public Land

TIMEFRAME: Ongoing

GOAL 3

Residents and visitors are educated about the value of our water resources.

OBJECTIVE A:

School children and new homeowners are educated about water resources (Priority Concern)

TASK 1:

The county-wide Chisago Children's Water Festival takes place on an annual basis

PARTNERS: Chisago County and many, many other partners
FUNDING: $7,000 per year provided by Natural Resources Block Grant, Chisago County, and many other sponsors
TIMEFRAME: Once each year in September - Ongoing

TASK 2:

Each year, approximately 400 Septic System Owners Guides are mailed to owners of new homes or replacement systems. The mailing is followed with a survey as to the usefulness of the guide and previous knowledge of septic system operation and maintenance.

PARTNERS: Chisago County, BWSR
FUNDING: $500 per year provided by Natural Resources Block Grant
TIMEFRAME: Once each year in spring - Ongoing

TASK 3:

Information is provided to the public on shoreland management techniques, erosion control, septic system upgrades in shoreland areas, and natural shoreland alterations (lakescaping)

PARTNERS: Chisago County, BWSR, DNR, University of Minnesota Extension Service, lake associations
FUNDING: $11,262 per year provided by BWSR and DNR
$500 cost of annual shoreland education workshops split between Chisago County, PICKM, and lake associations
TIMEFRAME: Ongoing

OBJECTIVE B:

Education and training on water quality concerns is provided to lake associations, townships, and Volunteers (Ongoing Action Item)

TASK 1:

At least once yearly, clean water media campaigns take place focusing on a specific water quality message. The campaign will be coordinated with other groups such as lake associations, adjacent counties, SWCD and other water management organizations.

Possible means of getting the message to the public include use of the Environmental Connections Newsletter, news releases, radio spots and utility bill inserts.

PARTNERS: Metro Watershed Partners, Chisago County, PICKM counties, Chisago SWCD, lake associations, and other water management organizations
FUNDING: $1,000 per year from Chisago County which contributes to a much larger regional effort
TIMEFRAME: Once each year - Ongoing

TASK 2:

At least once yearly, volunteer lake and stream monitors will be given the opportunity to attend an event which highlights training and sharing of information.

PARTNERS: Chisago County, PICKM counties, volunteer monitors
FUNDING: No additional resources necessary
TIMEFRAME: Once each year - Ongoing

TASK 3:

At least once yearly, Chisago County sponsors a Shoreland Education Workshop targeted toward lakeshore owners and the use of buffer strips or rain gardens.

PARTNERS: Chisago County, DNR, SWCD, University of Minnesota Extension Service, lake associations
FUNDING: $500 cost of annual shoreland education workshops split between Chisago County, PICKM, and lake associations
TIMEFRAME: Once each year - Ongoing

TASK 4:

At least once yearly, Chisago County will provide an opportunity for municipal officials and planning commissions to receive education on how their land use decisions have a direct impact on non-point runoff pollution.

PARTNERS: Chisago County, DNR, SWCD, University of Minnesota Extension Service, lake associations
FUNDING: $1000 per year for Chisago County Environmental Services staff time
TIMEFRAME: Once each year - Ongoing

OBJECTIVE C:

County Household Hazrdous Waste and Recycling programs are promoted (Ongoing Action Item)

TASK 1:

The Chisago County Household Hazardous Waste (HHW) Facility staff will: accept HHW from Chisago County residents at no cost; cooperate with residents from surrounding counties through a variety of programs funded by the counties or individuals; accept up to 100 pounds per year of HHW from Minimal Generator businesses and non-profits at a pass through cost; recycle as much of the HHW as possible and properly dispose of the remainder; educate the public about alternatives, like buying "less toxic" products, buying only what is needed, sharing with friends, etc.; encourage individuals and businesses to use the Reuse Shelves and the Materials Exchange Program; and serve as a clearinghouse for environmental information and education for Chisago County.

PARTNERS: Chisago County, MPCA
FUNDING: Chisago County provides $125,000 per year and MPCA provides $25,000 per year
TIMEFRAME: Ongoing

TASK 2:

Chisago County has entered into an agreement with the Minnesota Department of Agriculture that expands the opportunities for residents to properly dispose of unusable and unwanted pesticides through the county Household Hazardous Waste facility.

PARTNERS: Chisago County, Minnesota Department of Agriculture
FUNDING: $806 yearly for disposal of farm or business waste pesticides, $1,171 yearly for disposal of household waste pesticides
TIMEFRAME: Agreement expires December 2008

TASK 3:

Each year, the Adopt-A-River program at Camp Sunrise removes at least 1,500 pounds of trash from the upper St. Croix river north of the Sunrise River outlet. Water Plan funds help pay the expense of trash pick-up, supplies, and an educational workbook for the campers.

PARTNERS: Chisago County, BWSR, Camp Sunrise
FUNDING: $250 yearly
TIMEFRAME: Once each year - Ongoing

GOAL 4

Information on water quality and quantity is being collected and used in decision making.

OBJECTIVE A:

County water well testing takes place on a semi-annual basis (Ongoing Action Item)

TASK 1:

A Nitrate Testing Clinic is held annually, in locations where nitrates in ground water are a concern.

PARTNERS: Chisago County, MDA, local units of government
FUNDING: No additional resources necessary
TIMEFRAME: Once each year - Ongoing as long as MDA program continues

TASK 2:

Drinking Water Test Kits are made available to citizens through the Chisago County Public Health Department and Chisago SWCD.

PARTNERS: Chisago County, MDA, Chisago SWCD
FUNDING: Cost of Test Kits paid by participants
TIMEFRAME: Ongoing

TASK 3:

A well water testing event for nitrates or bacteria will be held on an annual basis. Samples collected and bottles sold at Chisago County Government Center and Chisago SWCD.

PARTNERS: Chisago County, Chisago SWCD, private testing laboratory
FUNDING: Cost of Test Kits paid by participants
TIMEFRAME: Yearly

OBJECTIVE B:

On-going monitoring of lakes and streams is promoted (Ongoing Action Item)

TASK 1:

Nutrients, aquatic life and other parameters are monitored to determine ambient water quality concentration trends and loading for the main stems and selected tributaries of Rock Creek, Rush Creek, Goose Creek, Sunrise River, and Lawrence Creek. These data will be used to develop and track progress on TMDL and nutrient reduction goals.

PARTNERS: Chisago County Environmental Services, Water Plan Policy Team, MPCA, USGS, MDNR, Chisago SWCD
FUNDING: Natural Resources Block Grant, MPCA, Water Plan, Clean Water Legacy Act
TIMEFRAME: Ongoing

TASK 2:

Participation in the MPCA Citizen Lake and Stream Monitoring programs is actively promoted and encouraged. 80% of all lakes and 50% of all streams will be monitored by 2011.

PARTNERS: Chisago County Environmental Services, Water Plan Policy Team, PICKM Group, Lake Associations
FUNDING: Chisago County Environmental Services in-kind staff time
TIMEFRAME: Ongoing

TASK 3:

Mainstream and tributary nutrient models are used to predict outcomes of various nutrient management scenarios.

PARTNERS: Chisago County Environmental Services, St. Croix Research Station, St. Croix Basin Team, US Army Corps of Engineers
FUNDING: Cost share between Chisago Water Plan and federal agencies
TIMEFRAME: 2006-2010

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

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the **Chisago** County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on **July 3, 2006**, pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

DRAFT

FINDINGS OF FACT

1) On **November 9, 2004,** the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from **Chisago** County, pursuant to M.S. Section 103B.312.

2) On **January 26, 2005,** the Board of Water and Soil Resources approved official comments on the **Chisago** County Priority Concerns Scoping Document, which were mailed to the county on **January 27, 2005**.

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

   A) **Work to address county portion of reductions necessary to address 20% phosphorous reduction goal for Lake St. Croix by 2020.**
   B) **Implement practices and projects resulting from the North Branch of the Sunrise River TMDL. Outline the anticipated role the county will assume in other TMDLs as state funding becomes available.**
   C) **Accelerate wastewater program by implementing recommendations of the task force regarding land application and maintenance; and fulfill obligation of the ISTS pilot program.**
   D) **Implement storm water management standards and erosion control projects in developing areas, especially the Chisago Lakes Improvement District.**
   E) **Continuation of the abandoned well sealing program.**
   F) **Continue the education of school children and new homeowners regarding water resources.**

4) On **July 3, 2006,** the BWSR received the **Chisago** County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5) On **August 29, 2006** the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the **Chisago** County Plan Update . Recommendations of the state review agencies were:
   A) Minnesota Department of Agriculture: recommends approval.
   B) Minnesota Department of Health: no recommendation received.
   C) Minnesota Department of Natural Resources: recommends approval.
   D) Minnesota Pollution Control Agency: recommends approval.
   E) Minnesota Environmental Quality Board: no recommendation received.
   F) Minnesota Board of Water and Soil Resources regional staff: recommends approval.
   G) Board Water Plan Review Committee: recommends approval.

6) This update will be in effect for a five-year period until **September 27, 2011.**

CONCLUSIONS

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

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

DRAFT

ORDER

The Board hereby approves the attached update of the **Chisago County** Local Water Management Plan – **September 27, 2006 to September 27, 2011**.

Dated at **St. Paul** , Minnesota, this **twenty-seventh day of September 2006.**

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chairman

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

In the Matter of the review of the Groundwater Protection Plan for Dakota County pursuant to Minnesota Statues Section 103B.255

ORDER APPROVING GROUNDWATER PROTECTION PLAN

Whereas, the Dakota County Board of Commissioners submitted a Ground Water Protection Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) on April 6, 2006 pursuant to Minn. Stat. 1990, 103B.255, and;

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

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

FINDINGS OF FACT

1. **Background.** The Environment and Natural Resource Management Policy Plan (Plan), which is a chapter within the Dakota County 2020 Comprehensive Plan, serves as the County's Groundwater Protection Plan. Dakota County's role in groundwater protection has been through planning, well and septic regulation, and applied research. The County's role in surface water management has traditionally been through the Dakota County Soil and Water Conservation District and through support of watershed management organizations in the County. Recently, the County's role in surface water management was expanded to include watershed management when the County became statutorily responsible for managing the Vermillion River Watershed (with Scott County) in August 2000.

2. **Authority to Plan.** The Metropolitan Surface Water Management Act, Chapter 103B.255, authorizes and encourages counties in the 7-county metropolitan area to develop and implement groundwater plans, however development of county groundwater protection plans is voluntary.

3. **County Description.** Dakota County is the southeasternmost of the 7 metropolitan counties. The county is recognized as one of the fastest growing counties in the state, and has had steady growth since 1960. By 2030, the population in Dakota County is projected to be approximately 500,000, an increase of 150,000 people since 2000. If current land use trends continue, approximately 50,000 acres of farmland and natural

areas are expected to be converted to residential, commercial, or industrial uses, which is equivalent to 78 square miles. Currently, between 20 and 30 percent of the County's viable groundwater resources are unsafe for human consumption

4. **Local Review.** Dakota County circulated a copy of the draft Plan to state review agencies, local government units, and adjacent counties on April 6, 2005 for their review. Due to an involved plan development process that involved stakeholders early and throughout the process, few comments were received.

   Eureka Township. The Township commented that the Eureka Town Board felt the plan is adequate for their township.

5. **Metropolitan Council Review.** The Council pointed out some minor wording clarifications and corrected population estimates.

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

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

8. **Department of Natural Resources Review.** DNR did not provide comments on the draft Plan.

9. **Pollution Control Agency Review.** PCA did not provide comments on the draft Plan.

10. **Board Review.** Board staff did not provide comments on the draft Plan.

11. **Highlights of the Plan.**

- The Plan was developed with significant early involvement from local government units within Dakota County.
- The Plan recognizes that groundwater protection is inter-related with other resource management activities.
- The Plan proposes to improve, not just maintain, the quality of the County's groundwater resources.
- The Plan builds on the first generation planning effort. The first plan has been implemented and the County has progressive programs and capable staff.
- The Plan integrates groundwater management into the mainstream County Comprehensive Plan.

CONCLUSIONS

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

2. The Board has proper jurisdiction in the matter of approving a Groundwater Protection Plan for the Dakota County pursuant to Minnesota Statutes Sections 103B.255, Subd. 10.

3. The Dakota County Groundwater Protection Plan attached to this Order provides a framework for the protection of ground water from pollution and land use changes in the County.

4. The attached Plan is in conformance with the requirements of Minnesota Statutes Section 103B.255.

ORDER

The Board hereby approves the attached Plan dated April 2006 as the Groundwater Protection Plan for Dakota County.

Dated at Saint Paul, Minnesota this 27th day of September 2006.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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BY: Randy Kramer, Chair

Minnesota Board of Water and Soil Resources
August 2006 Metro Subcommittee Meeting

DAKOTA COUNTY GROUNDWATER PROTECTION PLAN OVERVIEW

County Description

Dakota County is the southeastern-most of the seven metropolitan counties. The county is recognized as one of the fastest growing counties in the state, and has had steady growth since 1960. By 2030, the population in Dakota County is projected to be approximately 500,000, an increase of 150,000 people since 2000. If current land use trends continue, approximately 50,000 acres of farmland and natural areas areexpected to be converted to residential, commercial, or industrial uses, which is equivalent to 78 square miles. Currently, between 20 and 30 percent of the County's viable groundwater resources are unsafe for human consumption

Background

The Environment and Natural Resource Management Policy Plan (Plan), which is a chapter within the Dakota County 2020 Comprehensive Plan, serves as the County's Groundwater Protection Plan. The Plan was updated and authorized for submittal by the Dakota County Board of Commissioners on June 6, 2005. The Plan was submitted to state review agencies, local government units, and adjacent counties on April 6, 2005.

Dakota County's role in groundwater protection has been through planning, well and septic regulation, and applied research. The County's role in surface water management has traditionally been through the Dakota County Soil and Water Conservation District and through support of watershed management organizations in the County. Recently, the County's role in surface water management was expanded to include watershed management when the County became statutorily responsible for managing the Vermillion River Watershed with Scott County in August 2000.

Plan Purpose, Scope, and Content

The Plan identifies the following key issues challenging the sustainability of the County's water resources:

- Drinking water quality and quantity
- Surface water quality and quantity
- Water quality impacts that occur where groundwater and surface water resources are interconnected
- Water resource education and outreach.

The Plan addresses these issues through goals, policies, and objectives for the following topic areas: sustainability, education, natural environment and resource management, water resources, waste management, waste sites, healthy environment, and energy and solar access. The County has developed this plan to serve as the Groundwater Protection Plan due to the interconnectedness of these issues as they relate to groundwater protection.

Following a study of governance and financing options, Dakota and Scott Counties opted to administer a county-managed watershed organization through a joint powers agreement establishing the Vermillion River Watershed Joint Powers Organization (VRWJPO) in September 2002. The VRWJPO's Watershed Management Plan is consistent with the two Counties' Comprehensive Plans. With that in mind, this Plan seeks to address surface water issues from a Countywide perspective,

leaving detailed surface water management activities to the management plans adopted by the six watershed organizations in the County. The surface water management issues addressed in this section reflect the County's enhanced role in water resource management and what its role can be in the future.

The Plan establishes the guidelines for County efforts in environment and natural resource protection, preservation, and management. Environmental issues and natural resources addressed in this Plan include: agricultural land, surface water and groundwater, aggregate resources, undeveloped natural areas, wildlife, significant scenic and scientific areas, sustainability, energy, and waste.

The water quality of surface waterbodies throughout the County is impaired; and groundwater in several areas in the County is contaminated. Improving surface water quality will improve groundwater quality. Through the Plan, the County proposes to gain a better understanding of the interaction and interdependence between surface water and groundwater. The County feels it must begin now to take the steps necessary to improve, and subsequently maintain, the condition of water resources in the County.

Plan Review

Dakota County circulated a copy of the draft Plan to state review agencies, local government units, and adjacent counties on April 6, 2005 for their review. Due to an involved plan development process, few comments were received. The following commented on the draft Plan:

Eureka Township. The Township commented that the Eureka Town Board felt the plan is adequate for their township.

Metropolitan Council Review. The Council pointed out some minor wording clarifications and corrected population estimates.

Public Comment

A public open house was held on July 28, 2005. Three citizens provided minor comments, and generally indicated presentation was informative and they were impressed with County staff. One individual indicated the importance of marketing and contact with citizen groups during plan implementation.

Summary of Plan Strengths

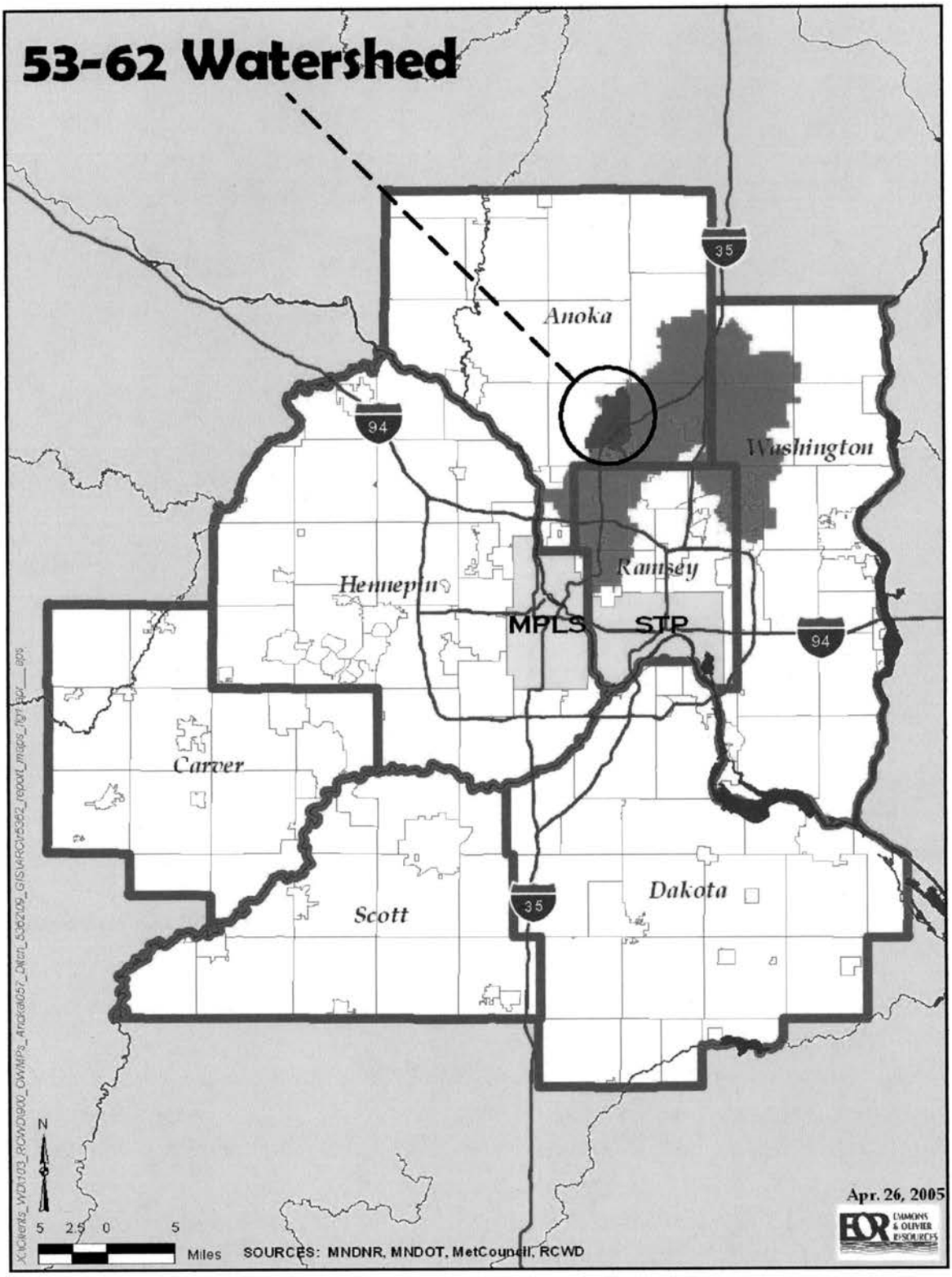
- The Plan was developed with significant early involvement from local government units within Dakota County.
- The Plan recognizes that groundwater protection is inter-related with other resource management activities.
- The Plan proposes to improve, not just maintain, the quality of the County's groundwater resources.

Staff Recommendation

BWSR Board Conservationist Les Lemm recommends approval of the Dakota County Groundwater Protection Plan.

Minnesota Board of Water and Soil Resources
August 2006 Metro Subcommittee Meeting

RICE CREEK WATERSHED DISTRICT, ANOKA COUNTY DITCH 53-62 COMPREHENSIVE WETLAND MANAGEMENT PLAN OVERVIEW



Requirement to Plan

Minnesota Statutes Section 103G.2242, Subd. 1 (c) and Minnesota Rules Chapter 8420.650 allow the Board to approve a comprehensive wetland protection and management plan developed by a local government unit, provided it is implemented by a rule adopted under Minnesota Statues Chapter 103D. Since this Plan is more encompassing than the typical wetland plan, Rice Creek Watershed District (RCWD) refers to the plan as a "Resource Management Plan" (RMP).

The stated purpose of the RMP is two-fold:

1. To satisfy the RCWD's own petition to repair Anoka County Ditch 53-62 (ACD 53-62).
2. To provide a resource and conservation-based framework for aquatic resource management particularly as development occurs within the ACD 53-62 watershed basin. Water quality, quantity, and flow rates must be addressed in light of forecasted development and associated impervious area.

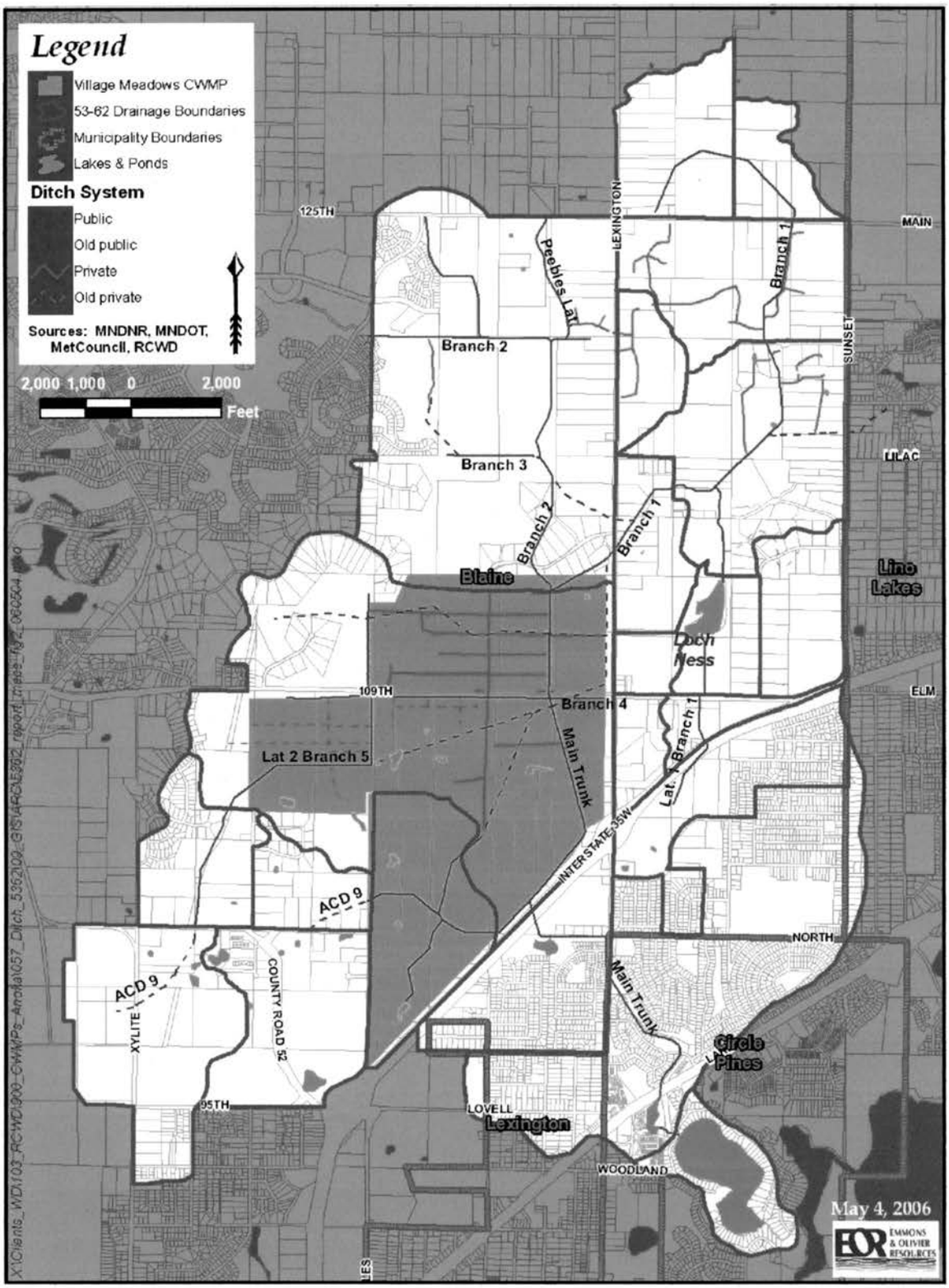
The formation of this plan was instigated by the RCWD obligation to repair and maintain ACD 53-62 as the drainage authority for all public ditches within their jurisdiction. The RCWD filed a petition to repair the ditch system under provisions of Chapter 103E (Minnesota Drainage Law). The RCWD evaluated 3 ditch repair alternatives.

Nature of the Watershed

The ACD 53-62 ditch system is in the west-central portion of the RCWD in southern Anoka County on the northern edge of the Minneapolis/St. Paul metropolitan area. The geomorphic region is known as the Anoka Sand Plain. The ditch system is almost entirely within the City of Blaine with the exception of the most downstream section, which flows through the City of Circle Pines. The subwatershed of the ACD 53-62 ditch system is primarily north of the Interstate 35W culvert. Included in the 53-62 subwatershed is the Village Meadows CWMP previously approved by the BWSR. The Village Meadows CWMP does not conflict with the proposals in the 53-62 RMP. The Village Meadows CWMP approval contained the following contingencies: site-specific functional assessments reviewed by the TEP; approval of lateral effect estimates by the TEP (including additional expertise); and that the CWMP does not eliminate the need for applicants to obtain approval from the USACE.

The geographic area of this RMP is under intense development pressure. It contains many acres of valuable wetland resources. Stormwater conveyance is being provided by an agricultural ditch system and the entire drainage area contributes stormwater to Golden Lake, an impaired water body.

The City of Blaine is the fastest growing municipality in the Twin Cites metropolitan area. The location of this RMP is at the intersection of Interstate 35 W and Lexington Avenue. Lexington Avenue has recently been upgraded from two lanes to four, with the ultimate design of six lanes and the expected capacity of over 80,000 cars per day. The entire RMP is scheduled to be included into the Metropolitan Council Municipal Urban Service Area (MUSA), in a phased fashion, over the next 15 years. Access to urban services allows for denser and more intensive development than would be possible in areas that are not connected to these services. Population growth is projected at 15.5% and household growth projected at 24.2% during this decade.


Legend
Village Meadows CWMP
53-62 Drainage Boundaries
Municipality Boundaries
Lakes & Ponds
Ditch System
Public
Old public
Private
Old private
Sources: MNDNR, MNDOT, MetCouncil, RCWD
2,000 1,000 0 2,000
Feet
125TH
LEXINGTON
MAIN
Peebles Lat
Branch 1
SUNSET
Branch 2
LILAC
Branch 3
Branch 2
Branch 1
Blaine
Lino Lakes
Locke Mess
109TH
Branch 4
ELM
Lat 2 Branch 5
Main Trunk
Lat 1 Branch 1
INTERSTATE 35W
ACD 9
NORTH
ACD 9
XYLITE
COUNTY ROAD 52
Main Trunk
Circle Pines
95TH
LOVELL
Lexington
WOODLAND
May 4, 2006
EOR
EMMONS & OLIVIER RESOURCES

How the Plan Meets, Exceeds, or Varies from WCA Rule 8420

Application and Permitting Process

RCWD contends that the RMP will improve wetland permitting over existing state and federal rules in the following ways: First, the Permit Process initiates the alternatives analysis and 'sequencing' process for avoiding impacts at early planning stages, which are often not captured by the typical federal and state approval process. Second, the WPZ and non-WPZ classification sorts wetlands into high and low priority categories for protection; preservation of the high priority wetlands will protect landscape scale function that is typically overlooked in current permitting procedures. Third, impact debits are applied to wetlands based upon wetland type, level of degradation, and overall function; penalties are imposed for proposing impacts to nondegraded and difficult to replace wetlands; this distinction is not made under current permitting procedures; penalties will be given for not locating replacement wetlands in such a way as to enhance the landscape connectivity of existing wetlands and reduce locating replacement wetlands in an isolated urban landscape. Fourth, the inseparable link between upland and wetland as parts of whole habitat complexes is required to be addressed, unlike existing rules; the RMP goes as far as providing functional replacement credit for protecting this link. Fifth, wetland replacement is required in the same subwatershed (the 53-62 subwatershed), unlike state and federal rules which have much less specific requirements (i.e. same major watershed, county or ecoregion). Sixth, use of mitigation banking credits to offset impacts within the RMP is restricted to those credits generated within the RMP; this is much more stringent than federal and state banking requirements which use region-wide banks for impacts in unrelated watersheds.

Functional Assessment and Alternatives Analysis

The purpose of wetland functional assessment was to accomplish the following:

- Identify high priority wetland resources on a watershed basis.
- Provide comparative results for each of the ditch repair alternatives.
- Determine criteria for the RMP that maintain wetland functions.
- Identify potential wetland restoration sites.

To identify high priority wetland resources, a landscape functional assessment was performed. The functional assessment methodology was developed by selecting wetland indicators and scoring protocols from the Minnesota Routine Assessment Methodology (MnRAM 3.0). All indicators and wetland functional parameters included in a full MnRAM 3.0 analysis were not conducted as part of this landscape level assessment. Functional assessment scoring methodologies and assumptions were developed and discussed at several meetings with the TEP.

Wetland Functions Analyzed in the Landscape Level Assessment to Compare Ditch Repair Alternatives

A. Maintenance of Characteristic Hydrologic Regime
B. Flood/Stormwater/Attenuation
C. Downstream Water Quality
D. Maintenance of Wetland Water Quality
E. Maintenance of Characteristic Wildlife Habitat Structure
F. Maintenance of Characteristic Amphibian Habitat
G. Maintenance of Characteristic Fish Habitat
H. Vegetative Integrity

The three ditch repair alternatives are briefly compared below:

- Existing Conditions – No ditch repair, future development not evaluated, not a foreseeable future scenario.
- No Action – No ditch repair, future development evaluated.
- Feasible Repair – Limited ditch repair, future development evaluated.
- RMP – Limited ditch repair, future development evaluated, new standards applied to stormwater, higher priority wetlands and wetland mitigation

The results of comparing alternatives with respect to wetland functions was just one of the criteria used in selecting the preferred ditch repair. The RMP was chosen as the preferred alternative.

Wetland Preservation Zone

The RMP identifies high priority wetland resources and associated habitat, and includes them in a "Wetland Preservation Zone" (WPZ). Impacting wetlands in the WPZ may result in increased replacement ratios. On the other hand, wetland mitigation and banking plans that enhance the functioning of the WPZ will be given preference.

The WPZ alignment was established through development of the landscape scale wetland functional assessment. This included certain indicators of wetland function, along with Special Features, defined in MnRAM 3.0 and regional priority resources and open space corridor alignments identified by existing local plans. The WPZ Alignment was then placed along and between public ditch systems which intersect the wetland areas identified by this evaluation.

The WPZ for the entire RMP is made up of individual management units. These management units are made up of existing wetlands that fall along the alignment of the WPZ. Each of the management units has recommendations and goals for vegetative restoration, channel configuration and water levels.

Sequencing

The RMP requires a full evaluation of off-site and on-site alternatives in demonstrating the project need to be submitted with permit applications. For offsite analysis, this means demonstrating that the proposed alternative parcel and location is the least environmentally damaging feasible alternative for the action. RCWD strongly encourages project proposers to seek the advice of the RCWD and TEP prior to making alternative decisions on parcel selection for the proposed action, and will provide the applicant information used to formulate the RMP, such as the MLCCS land cover data, WPZ, and recommendations on alternative locations. Not requiring review and approval of off-site alternatives analysis prior to selecting the alternative, is consistent with existing state and federal wetland rules.

Under the RMP, analysis of onsite alternatives will differ from existing state and federal rules. The project permitting process provides steps which distinguish between conceptual planning alternatives analysis and detailed design alternatives analysis. Under the RMP, conceptual planning analysis is recommended prior to detailed design analysis. This distinction from existing rules can provide significant cost savings to project proposers whose concept planning requires revision in order to fully address avoidance of wetland impacts.

During the process of avoiding, minimizing, and compensating for impacts, the priority for avoidance of impacts is related to the watershed location, quality, and function of the resource. The priority for avoidance is as follows:

1) WPZ wetlands
2) Exceptional Resource Value Wetlands outside of WPZ
3) Critical upland wooded habitat contiguous with wooded wetlands (MLCCS map units for upland natural community or state-listed animals are known to use both the wetland and upland). Critical Upland Habitat is the upland areas immediately adjacent to wetlands that are necessary to fulfill the habitat function of the wetland.
4) Non-WPZ wetlands

Categories 1-3 trigger additional incentive to more fully explore alternatives analysis, otherwise higher replacement ratios can be anticipated. The priority for avoidance given above does not loosen alternatives analysis for category 4. As far as mitigation goes, category 4 will receive scrutiny as described in existing state and federal rules. Categories 1-3 trigger higher replacement ratios if compensatory mitigation for losses to these resources is being considered.

Compensatory Wetland Mitigation Requirements

The proposed wetland credits for mitigation activities in the 53-62 RMP watershed are an acre-based currency. Wetland impacts are acre-based and also 'function-based'. By evaluating the wetland type, level of degradation, function, and risk of successful replacement, impact-acres are determined and the replacement ratio is set accordingly. Wetland impacts and replacement will be based on plant community types (per MnRAM 3.0) rather than Circular 39 types.

Wetland Impact-Acre Determination

Existing Wetland Type	Acre-for-Acre Impact Ratio
Degraded shallow, deep marshes or open water	1.0
Non-Degraded shallow, deep marshes or open water	1.25
Degraded sedge meadow, wet meadow, or wet to mesic prairie	1.0
Non-Degraded sedge meadow, wet meadow, or wet to mesic prairie	1.5
Degraded shrub carr or alder thicket	1.0
Non-Degraded shrub carr or alder thicket	1.5
Degraded hardwood, coniferous swamp, floodplain forest, or bog	1.25
Non-Degraded hardwood, coniferous swamp, floodplain forest, or bog	2.0
Degraded seasonally flooded basin	1.0
Non-Degraded seasonally flooded basin	1.25
Note: These ratios are a minimum. Wetlands with high landscape function or in the WPZ will have a 2x multiplier to the ratio shown.	

The minimum replacement ratio is 2:1. A minimum of 1:1 replacement is based upon New Wetland Credit (NWC) type replacement activities. Only the following mitigation activities can satisfy the first 1:1 mitigation: restoration of effectively drained wetlands, wetland creation, hydrologic restoration of partially drained wetlands, and restoration of farmed wetlands. The impact-acres above 1:1 can be replaced by those same activities, and also using functional replacement activities such as upland buffer, preservation of upland habitat, vegetative restoration, wetland preservation, and stormwater infiltration.

Mitigation Credit Ratios for Activities Within the RMP Watershed.

Replacement Method	Replacement Credit Ratio
1. Wetland Impact-Acre Replacement (NWC) (for impact acres)	
Hydrologic and vegetative restoration of partially drained marginally degraded wetlands	0.25
Hydrologic and vegetative restoration of partially drained moderately degraded wetlands	0.5
Hydrologic and vegetative restoration of partially drained severely degraded wetlands	0.75
Wetland establishment (creation) in nonnative vegetated upland or restoration of effectively drained, former wetland	1
Farmed wetlands (WCA guidance) vegetation restoration	Up to 1
2. Wetland Function Replacement (PVC) (for impact above 1:1 acre replacement)	
a. Habitat Function Replacement	
Upland buffer contiguous with wetland	Up to .25
Upland habitat area contiguous with WPZ wetland	Up to 1
Vegetation restoration of existing invasive or exotic dominated wetland in the WPZ	Up to 1
Preservation of high quality wetlands (under demonstrable threat)	Up to 0.5
Preservation of wetlands having "exceptional natural resource values" (WCA guidance; case by case approval under Section 404)	0.5
b. Hydrologic Function Replacement (maximum 50% of Functional Replacement; case by case approval under Section 404)	
Stormwater infiltration BMP: (1 ac-ft = 1 acre credit)	1
Note: Replacement not protected by the WPZ receives 50% credit. Minimum of 1:1 impact-acre replacement and minimum 2:1 function replacement.	

Wetland Banking

The RCWD may coordinate on behalf of individual banking participants a wetland banking program for the purpose of credit and debit transactions within the RMP area. RCWD will manage applications and credit deposits into the State Wetland Bank, and will develop a separate tracking system for mitigation options not consistent with WCA. The Corps will also be involved the wetland banking process. Details of this potential banking tracking system have not yet been finalized. However, the following will be standards for any wetland bank transactions within the RMP.

1. The credits generated within the RMP can be used to replace impacts outside of the RMP. However, if credits are used outside of the RMP, 8420 WCA Rules will apply.
2. Credits available outside of the RMP cannot be used as compensation for impacts within the RMP.
3. Applicants must first demonstrate that they are unable to replace wetland impacts within their own development before utilizing credits in the bank.
4. Only the wetland credits generated by successful restoration of partially drained ditched wetlands and habit function within the WPZ are eligible for wetland banking credit.
5. Surplus credits may be used for some other developer incentive program such as density credits or park dedication.

Plan Review and Approval

The final draft Plan was submitted to BWSR, other state agencies, and local governments for the official 60-day review and approval period on June 27, 2006. The review and approval period was subsequently extended through the end of September to accommodate additional discussion and opportunity for comment.

Citizen Participation

A public open house was held on 9/20/05 to discuss the RMP and solicit input. As part of the open house, a survey was conducted to determine the local value of different wetland functions. A public hearing was held for the ditch repair alternatives on July 26, 2006. One written comment was received relating to the ditch repair. MnDOT questioned the methodology used for setting the profile. RCWD subsequently clarified this methodology in the resolution to be considered August 23, 2006.

Agency Participation

Agency participation included numerous expanded Technical Evaluation Panel meetings and two preliminary plan reviews prior to submittal of the final draft RMP for the official comment and approval period. Agency input was largely provided during these TEP meetings and during the plan development process. The attached table (Appendix N) documents agency notification and participation in the RMP development and review process.

Several issues were identified and addressed through the development of the RMP. Two technical issues were the subject of much discussion between the agencies included the process for performing wetland functional assessments and the procedure used to estimate the lateral effect of ditch alterations. After many discussions between agencies and RCWD staff, as well as technical review by the USACE Engineer Research and Development Center (ERDC), the review agencies and RCWD agreed on the protocol for functional assessments and lateral effect calculations.

A summary of comments received during the first preliminary review, the public open house, and RCWD responses is attached. Due to the early involvement of review agencies in the plan development process and the opportunity for preliminary review, few comments were received during the official review and approval period. The following are summarized comments received during the final review and approval period:

Department of Transportation Review. MnDOT provided cost information for reconstructing the ditch crossing of I-35W, requested clarification of Wetland Preservation Zone requirements, stated that MnDOT is the WCA LGU on its projects, and requested a plan view of the ditch system showing ditch elevations in each branch of the system. The District responded by providing additional information to MnDOT and adding text to the Plan to clarify MnDOT's LGU role.

Metropolitan Council Review. The Council found the Plan to be generally consistent with the Council's Water Resources Management Policy Plan. The Council feels the RMP provides a reasonable framework that will protect both Golden Lake and the exceptional quality wetlands in the area.

US Army Corps of Engineers Review. The Corps has been an active participant in plan development and review. The Corps provided comments to RCWD via letters dated January 4, 2006 and May 1, 2006, and via emails on March 27, 2006 and June 5, 2006. The June 5, letter consisted of 16 pages of comments on the second preliminary review period. On August 9, 2006, the Corps submitted seven pages of comments on the final draft RMP.

In August 9 comment letter, the Corps indicated they support RCWD's efforts to manage wetlands on a watershed basis, and found the final draft of the RMP much more compatible with CWA Section 404 guidelines than previous versions. Significant comments included a request by the Corps for several changes to make the RMP more compatible with Clean Water Act Section 404 requirements. Many of these were clarifications, additions, and wording changes. The Corps also recommended utilizing the Environmental Protection Agency's Advanced Identification of wetlands (ADID) process. The ADID process can be used to inform landowners of aquatic resources which may be unsuitable for filling, and is akin to the process used by RCWD to identify high priority wetlands for preservation in the WPZ.

The Corps requested that the objective of the RMP include addressing the water resource management needs of Ditch 53-62 basin. The Corps also recommended that the wetland credit replacement ratios look consistent with CWA Section 404 guidelines except for preservation of high quality and ENRV wetlands, and questioned the 0.5 replacement ratio, which was higher than Corps guidelines generally at 0.125.

Assuming Corps/EPA/FWS comments on the RMP regarding Section 404 consistency are addressed and incorporated as necessary into the final RMP, the Corps comments included the following statement: "The RCWD, USACE, BWSR, US FWS, and US EPA have agreed upon a process for applying a CWA Section 404 framework to the Ditch 53-62 RMP. The following steps will be taken to facilitate the compatibility of the Ditch 53-62 RMP with both state and federal wetland requirements: 1) Feedback will be solicited from the US EPA regarding the compatibility of the RMP's wetland inventory and assessment process with the US EPA's Advanced Identification of wetlands (ADID) process, 2) USACE, US EPA, and US FWS comments will be incorporated into the RMP as appropriate; 3) the RMP and Draft RCWD Rule will be put out on a federal Public Notice, inviting public comments within a 30-day comment period, 4) public comments will be incorporated into the RMP and Rule as appropriate; 5) a federal administrative record will be maintained by the USACE, and 6) this administrative record, including the final RMP and RCWD rule, will be utilized in any subsequent federal permit evaluations associated with proposals within the Ditch 53-62 RMP basin."

The Corps also clarified that they will not approve the RMP, but will instead apply a CWA Section 404 framework and specifically identify the RMP's compatibility (or non-compatibility if Corps comments are not incorporated into the RMP) with CWA Section 404 guidelines. The Corps will be reviewing RCWD's responses to their August 9 comments to determine if they have been sufficiently addressed.

Board Review. BWSR staff have been involved throughout plan development, and provided comments for both preliminary review periods. Board comments have been sufficiently addressed up to this point. After submittal of the final version of the plan, staff have been working with RCWD to resolve the technical and administrative details of the process for which replacement wetland banking will be accomplished and administered within the RMP area. Staff have also requested additional information on the impact of higher credit allowances for restoration of partially drained wetlands on the RMPs ability to meet no-net-loss.

Highlights of the Plan

- The RMP meets RCWD's obligations under the Minnesota Drainage Law Chapter 103E.
- The RMP allows mitigation above a 1:1 ratio to be accomplished through activities that accomplish or preserve wetland functions, such as habitat preservation and installation of stormwater BMPs.
- The RMP contains a landscape level functional assessment of wetlands within the plan area for planning purposes, with a more detailed, full MNRAM assessment required on a project specific basis for individual applications.
- The RMP places high priority wetlands in a Wetland Preservation Zone and assigns higher levels of protection on WPZ wetlands as additional incentive for avoidance.
- The RMP is part of a watershed approach to meeting the TMDL goals for Golden Lake.
- The RMP provides additional landowner benefits by providing for improved stormwater management, expanded options for mitigation, expanded opportunity and incentive for generating wetland replacement credits, and increased land value for properties associated with open space.
- The RMP has developed with Corps involvement and has been submitted under the federal review process of Clean Water Act Section 404 so that those principles could be incorporated by reference into subsequent individual permit evaluations.
- The RMP was revised significantly to address the concerns of review agencies.

Items for Further Discussion

- The RMP allows up to 75% replacement credit for enhancement/restoration of degraded existing wetlands. This could potentially be an issue in meeting no-net loss over the life of the plan. Additional information has been requested from RCWD.
- RCWD is proposing to coordinate wetland banking within the RMP area. RCWD staff recently met with the BWSR wetland team and reached an agreement on the process to be used, however many of the details still need to be worked out.
- The USACE has put out the RMP on public notice and may still have additional comments or requirements based on potential comments from other federal agencies (USFWS, EPA, etc.).

Staff Recommendation

BWSR Board Conservationist Les Lemm recommends approval of the Rice Creek Watershed District Comprehensive Wetland Management Plan for the Anoka County Ditch 53-63 Watershed, contingent upon resolution of the above items.

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

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

ORDER APPROVING COMPREHENSIVE WETLAND MANAGEMENT PLAN

Whereas, the Rice Creek Watershed District submitted a Comprehensive Wetland Protection and Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) pursuant to M.S. Section 103G.2242, Subd. 1 (c), and;

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

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

FINDINGS OF FACT

1. **Authority to Plan.** Minnesota Statutes Section 103G.2242, Subd. 1 (c) and Minnesota Rules Chapter 8420.650 allow the Board to approve a Comprehensive Wetland Protection and Management Plan developed by a local government unit, provided it is implemented through the local government's official controls.

   The purpose of the RMP is to satisfy the RCWD's own petition to repair Anoka County Ditch 53-62 (ACD 53-62), and to provide a resource and conservation-based framework for aquatic resource management as development occurs within the ACD 53-62 watershed basin. Water quality, quantity, and flow rates must be addressed in light of forecasted development and associated impervious area. The development of protection and management strategies for wetlands within the ACD 53-62 stems from the landscape scale functional assessment completed as part of the Plan. The formation of this plan was instigated by the RCWD obligation to repair and maintain ACD 53-62 as the drainage authority for all public ditches within their jurisdiction. The RCWD filed a petition to repair the ditch system under provisions of Chapter 103E (Minnesota Drainage Law), and evaluated three ditch repair alternatives as part of the planning process.

2. **Nature of the Plan Area.** The ACD 53-62 ditch system is in the west-central portion of the RCWD in southern Anoka County on the northern edge of the Minneapolis/St. Paul metropolitan area. The geomorphic region is known as the Anoka Sand Plain. The ditch system is almost entirely within the City of Blaine with the exception of the most downstream section, which flows through the City of Circle Pines. The subwatershed of the ACD 53-62 ditch system is primarily north of the Interstate 35W culvert. Included in

the 53-62 subwatershed is the Village Meadows CWMP previously approved by the Board. The Village Meadows CWMP does not conflict with the proposals in the 53-62 CWMP.

The ACD 53-62 planning area consists of a matrix of upland and wetland resources. Many of the wetland communities have been altered by partial drainage. Upland areas vary from forests to non-native dominated herbaceous cover types with scattered development impacts. The geographic area of this CWMP is under intense development pressure. Stormwater conveyance is being provided by an agricultural ditch system and the entire drainage area contributes stormwater to Golden Lake, an impaired water body.

The City of Blaine is the fastest growing municipality in the Twin Cites metropolitan area. The location of this CWMP is at the intersection of Interstate 35 W and Lexington Avenue. Lexington Avenue has recently been upgraded from two lanes to four, with the ultimate design of six lanes and the expected capacity of over 80,000 cars per day. The entire ACD 53-62 watershed is scheduled to be included into the Metropolitan Council Municipal Urban Service Area (MUSA), in a phased fashion, over the next 15 years. Access to urban services allows for denser and more intensive development than would be possible in areas that are not connected to these services. Population growth is projected at 15.5% and household growth projected at 24.2% during this decade.

3. **Local Review.** The Plan amendment was developed, reviewed, and revised in consultation with the state agencies, technical evaluation panel, landowners, and local governments. The plan development process included numerous drafts and opportunities for comment. The Plan has an attached Rule that will be officially adopted by the District to implement the Plan.

4. **Anoka Conservation District Review.** The ACD participated throughout the planning process as a member of the Technical Evaluation Panel. ACD's participation resulted in several changes during development of the Plan. ACD did not provide comments during the formal review and approval period.

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

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

7. **Department of Natural Resources Review.** The DNR was participated in the planning process and provided comments during the plan development process. The DNR did not provide comments during the formal review and approval period.

9. **Pollution Control Agency Review.** The MPCA participated in the planning process but did not provide written comments on the Plan.

10. **Metropolitan Council.** The Council participated and provided comments during the plan development process. During the formal review period, the Council found the Plan to be generally consistent with the Council's Water Resources Management Policy Plan. The Council feels the CWMP provides a reasonable framework that will protect both Golden Lake and the exceptional quality wetlands in the area.

11. **Department of Transportation Review.** MnDOT provided cost information for reconstructing the ditch crossing of I-35W, requested clarification of Wetland Preservation Zone requirements, stated that MnDOT is the WCA LGU on its projects, and requested a plan view of the ditch system showing ditch elevations in each branch of the system. The District responded by providing additional information to MnDOT and adding text to the Plan to clarify MnDOT's LGU role.

12. **US Army Corps of Engineers Review.** The Corps was an active participant in plan development and review, providing numerous comments to the District during the plan development process. The Corps also submitted comments for the formal review and approval period.

For the formal review, the Corps indicated they support the District's efforts to manage wetlands on a watershed basis, and found the final draft of the Plan much more compatible with CWA Section 404 guidelines than previous drafts. The Corps requested several changes to make the Plan more compatible with 404 requirements. Many of these were clarifications, additions, and wording changes. The Corps also recommended utilizing the Environmental Protection Agency's Advanced Identification of wetlands (ADID) process. The ADID process is used to inform landowners of aquatic resources which may be unsuitable for filling, and is akin to the process used by the District to identify high priority wetlands for preservation in the Wetland Preservation Zone.

The Corps requested that the stated objective of the Plan include addressing the water resource management needs of ACD 53-62 basin. The Corps also stated that the wetland credit replacement ratios look consistent with CWA Section 404 guidelines except for preservation of high quality and ENRV wetlands, for which the 0.5 replacement ratio was higher than Corps guidelines generally at 0.125.

Corps comments included the following statement: "The RCWD, USACE, BWSR, US FWS, and US EPA have agreed upon a process for applying a CWA Section 404 framework to the Ditch 53-62 RMP. The following steps will be taken to facilitate the compatibility of the Ditch 53-62 RMP with both state and federal wetland requirements: 1) Feedback will be solicited from the US EPA regarding the compatibility of the RMP's wetland inventory and assessment process with the US EPA's Advanced Identification of wetlands (ADID) process, 2) USACE, US EPA, and US FWS comments will be incorporated into the RMP as appropriate; 3) the RMP and Draft RCWD Rule will be put out on a federal Public Notice, inviting public comments within a 30-day comment period, 4) public comments will be incorporated into the RMP and Rule as appropriate; 5) a federal administrative record will be maintained by the USACE, and 6) this administrative record, including the final RMP and RCWD rule, will be utilized in any subsequent federal permit evaluations associated with proposals within the Ditch 53-62 RMP basin." Note: the Plan is also referred to as a Resource Management Plan (RMP) to be consistent with Corps terminology.

The Corps also clarified that they will not approve the Plan, but will instead apply a CWA Section 404 framework and specifically identify the Plan's compatibility (or non-compatibility if Corps comments are not incorporated) with CWA Section 404

guidelines. The District made the revisions requested, and the Corps has since placed the plan on Public Notice. The Public Notice contains a statement by the Corps that "The RCWD has incorporated Corps comments into the Ditch 53-62 RMP, and the Corps now believes that the methodologies and criteria in the Ditch 53-62 RMP are consistent with the Corps' CWA Section 404 regulatory framework."

13. **Board Review.** Board staff have been involved throughout plan development, and provided comments during the preliminary reviews. During the formal review and approval period, Board staff identified two remaining issues to be resolved. Staff requested further details on the process for which replacement wetland banking will be accomplished and administered within the Plan area, and additional information on the impact of higher credit allowances for restoration of partially drained wetlands on the Plan's ability to meet no-net-loss.

14. **Highlights of the Amended Plan.** The critical elements of the Plan include:

- The Plan meets the District's obligations under the Minnesota Drainage Law, Chapter 103E.
- The Plan allows mitigation above a 1:1 ratio to be accomplished through activities that accomplish or preserve wetland functions, such as habitat preservation and installation of stormwater Best Management Practices.
- The Plan contains a landscape level functional assessment of wetlands within the plan area for planning purposes, with a more detailed, full MNRAM assessment required on a project specific basis for individual applications.
- The Plan places high priority wetlands in a Wetland Preservation Zone and assigns higher levels of protection on WPZ wetlands as additional incentive for avoidance.
- The Plan is part of a watershed approach to meeting the TMDL goals for Golden Lake.
- The Plan provides additional landowner benefits by providing for improved stormwater management, expanded options for mitigation, expanded opportunity and incentive for generating wetland replacement credits, and increased land value for properties associated with open space.
- The Plan has developed with Corps involvement and has been submitted under the federal review process of Clean Water Act Section 404 so that those principles could be incorporated by reference into subsequent individual permit evaluations.
- The Plan was revised significantly to address the concerns of review agencies.

12. **Metro Water Planning Committee Meeting.** The Board's Metro Water Planning Committee met on August 29, 2006 with representatives of the District to review and discuss the Plan. Board staff recommended approval of the Plan upon satisfactorily addressing the issues identified by staff as remaining concerns. After discussion, the Committee unanimously decided to recommend approval of the Rice Creek Watershed District ACD 53-62 Comprehensive Wetland Protection and Management Plan to the full Board, with the following conditions:

A. That the District insert the words "up to" before the credit amounts allocated for hydrologic restoration of partially drained wetlands, and requiring TEP review for allocation of credits using this mitigation activity.

B. That the District prepare and submit an annual report to the Board containing information on impacts and mitigation activities, including an analysis documenting that no-net-loss of wetlands is being achieved within the Plan area.
C. That the District will work with Board staff and provide additional detail on the process for tracking wetland banking credits within the Plan area.

The District has agreed to the above contingencies and inserted the required text into the Plan to address items A and B. The District has also addressed item C by providing Board staff with an acceptable process for the tracking of wetland banking credits when plan requirements differ from WCA, and by adding more specificity to the Plan and implementation Rule.

CONCLUSIONS

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

2. The Board has proper jurisdiction in the matter of approving an Comprehensive Wetland Protection and Management Plan for the Rice Creek Watershed District pursuant to Minnesota Statutes Sections 103G.2242, Subd. 1 (c).

3. The Rice Creek Watershed District Comprehensive Wetland Protection and Management Plan attached to this Order provides a functional assessment framework for all wetlands within the Anoka County Ditch 53-62 watershed, management strategies based on this assessment, and an implementation program.

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

ORDER

The Board hereby approves the attached Comprehensive Wetland Protection and Management Plan, dated September 2006, for the Rice Creek Watershed District Anoka County Ditch 53-62, Anoka County, Minnesota.

Dated at Saint Paul, Minnesota this 27th day of September 2006.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Randy Kramer, Chair

NEW BUSINESS

1. Local Government Road Wetland Replacement Program Project Approval - Dave Weirens – *DECISION ITEM*

2. Red River Basin Commission (RRBC) Work Plan and Annual Report – Lance Yohe, RRBC Executive Director – *DECISION ITEM*

BWSR Wetland Committee
September 13, 2006

Re: Proposed 2006 Wetland Restoration Applications for the Local Road Replacement Program

Process. BWSR solicited SWCD's, counties and current bank account holders that asked interested landowners to submit an application for Local Government Road Program Wetland Banking projects. Thirty-one applications were received by the June 30, 2006 deadline.

The Interagency Wetland Banking Committee (IWBC) met on July 11th to review, discuss and prioritize each application. Attached to the end of this document is the full list of projects as prioritized by the IWBC. A second review was completed by BWSR banking staff to assign vegetation and construction cost to the top sixteen applications. This process was followed by a third review which incorporated BWSR management and added supply and demand considerations as related to the Corps of Engineer's proposed bank service areas (BSA).

Eleven applications are submitted for approval as they best meet the current needs of the road program. It should also be noted that no applications were received from northeast Minnesota.

Methods to acquire credits. BWSR has four methods to secure credits, these are:

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

Funding Status. BWSR has an unspent balance in the Local Government Road Wetland Replacement Program of $7,455,740 in bond funds. The balance, after accounting for the eleven proposed projects, will be $2,763,077 to accommodate the potential for increased costs as project plans are developed and to solicit for additional projects in high need areas in the next year.

Review Criteria.
BWSR staff and the Interagency Wetland Banking Committee considered the following criteria in recommending projects for the Local Road Wetland Replacement Program:

Location – projects located in Corps BSA with a demonstrated need and watersheds that have a wetland credit deficit and BWSR has not developed a project were a higher priority in the review process. The projects proposed in this document combined with existing credits and projects in process will reduce BWSR need for wetland credits in Bank Service Areas 3, 6, 7, 8, and 9 in subsequent rounds of project selection.
Wetland Type – An analysis of existing BWSR developed wetland credits for the Local Road Program has shown a need for wetland types 1, 2, 6 and 7.
Project Type – Having a balance between RIM-like and purchase agreement projects will assist in balancing workload as well as attracting projects in high cost areas

Project Success and Credit Allocation – Projects that have a higher probability of success and the potential for providing credits before the end of the five year monitoring period were a priority in the ranking process.

1.) Schuneman – Washington County. This project, offered by the Isaac Walton League, will involve a significant vegetation restoration component. The 51 acre site will generate approximately 10 credits via wetland vegetative enhancement. BWSR will work with MnDOT to secure a $25,000 grant to demonstrate reed canary grass control techniques at this site if funded.

Bank Service Area = 6
Watershed = 37 (St. Croix River-Stillwater)
Anticipated Wetland Types = 1, 2, 3

Agreement Type = RIM Like
Easement Cost = $1.00
Vegetation Cost = $60,000
Construction Cost = $10,000
Cost per Credit = $7,000/acre
Total Cost = $70,001

2.) RN Cattle Company – Morrison County. The applicant is offering 88.84 acres of pre-developed credits, not yet deposited into the bank, for sale. The entire 160 acre site includes a wetland complex and surrounding uplands. The status of this site would allow BWSR to deposit and use the credits in the very near future. This site provides credits that can be used in the metropolitan area as well as in Bank Service Area 7.

Bank Service Area = 7
Watershed = 21(Rum River)
Anticipated Wetland Types = 1, 2

Agreement Type = Purchase Agreement
Cost per Credit = $7,980/acre
Total Cost = $708,942

3.) Burns – Bickman – Carver County. This site includes restoration of two drained basins that will provide 24 credits. The site is located in a rural setting with the two basins surrounded by cropland. This site provides credits that can be used in the metropolitan area as well as in Bank Service Area 7.

Bank Service Area = 7
Watershed = 19 (South Fork Crow River)
Anticipated Wetland Types = 1, 2, 3

Agreement Type = Purchase Agreement
Cost per Credit = $35,420/acre
Total Cost = $850,080

4.) Burns Home Farm – Carver County. This restoration is located in a rural agricultural setting, includes a single basin currently drained with a tile and will generate 4 credits. The restoration will include a small dike, water level control structure and native seeding. A second adjacent basin, which would add two more acres, may be included depending on the topographic survey. This site provides credits that can be used in the metropolitan area as well as in Bank Service Area 7.

Bank Service Area = 7
Watershed = 19 (South Fork Crow River)
Anticipated Wetland Types = 1, 2

Agreement Type = Purchase Agreement
Cost per Credit = $35,420/acre
Total Cost = $141,680

5.) Teller – Carver County. This site is a drained basin that currently delivers water from the Minnehaha Creek Watershed into the Minnesota River. The proposal provides 6 credits and includes disconnecting a tile drain system and restoring native vegetation. This site provides credits that can be used in the metropolitan area as well as in Bank Service Area 7.

Bank Service Area = 7
Watershed = 20 (Mississippi River-Metro)
Anticipated Wetland Types = 1, 2, 3

Agreement Type = Purchase Agreement
Cost per Credit = $35,420/acre
Total Cost = $212,520

6.) J. Nelson – Kanabec County. This site is located on a large 320 acre parcel of land that has been effectively drained with a ditch system and drain tile. The proposal is to restore hydrology via dike construction and reestablish the native vegetation that will produce 200 acres of credit. This site provides credits that can be used in the metropolitan area as well as in Bank Service Area 7.

Bank Service Area = 7
Watershed = 21 (Rum River)
Anticipated Wetland Types = 1, 2, 3, 6, 7

Agreement Type = Purchase Agreement
Cost per Credit = $7,980/acre
Total Cost = $1,596,000

7.) Fjoslien B – Douglas County. This project has a second, adjacent basin, Fjoslien A, which DNR is working to acquire for a wildlife management area. The proposed restoration will restore a lake-like basin that will generate 56 credits and will include elimination of the drainage system and substantial reed canary grass control efforts.

Bank Service Area = 9
Watershed = 26 (Chippewa River)
Anticipated Wetland Types = 2, 3, 4

Agreement Type = RIM Like
Easement Cost = $ 124,110 @ $2,216/acres
Vegetation Cost = $ 73,000
Construction Cost = $51,000
Cost per Credit = $4,428/acre
Total Cost = $248,000

8.) Gaasch #2 – Renville County. This 51- acre restoration site is riparian, adjoins a river and will restore wetland types 6 and 7, currently in high demand. The restoration will include limited tile removal and a vegetation restoration effort to reestablish the wooded, floodplain community.

Bank Service Area = 9
Watershed = 28 (Minnesota River-Mankato)
Anticipated Wetland Types = 6, 7

Agreement Type = RIM Like
Easement Cost = $156,621 @ $3,071/acre
Vegetation Cost = $ 40,000
Construction Cost = $ 18,379
Cost per Credit = $ 4,215/acre
Total Cost = $215,000

9.) Gaasch #3 – Renville County. This 93-acre restoration site is partially riparian, adjoins a river and will restore wetland types 6 and 7, currently in high demand. The restoration will include limited tile removal and a significant vegetation restoration effort to reestablish the wooded, floodplain community.

Bank Service Area = 9
Watershed = 28 (Minnesota River-Mankato)
Anticipated Wetland Types = 6, 7

Agreement Type = RIM Like
Easement Cost = $309,969 @ $3,333/acre
Vegetation Cost = $ 70,000
Construction Cost = $ 10,000
Cost per Credit = $ 4,193/acre
Total Cost =$389,969

10.) C. Krohn – Watonwan County. This 44 acre site, located on the north east edge of Madelia, Minnesota, will generate wetland types 1, 2 and 3 and will include disruption of the current drainage system and reestablishment of native vegetation.

Bank Service Area = 9
Watershed = 31 (Watonwan River)
Anticipated Wetland Types = 1, 2, 3

Agreement Type = RIM Like
Easement Cost = $ 160,520 @ $3,648/acre
Vegetation Cost = $ 25,000
Construction Cost = $ 20,000
Cost per Credit = $4,671/acre
Total Cost = $205,520

11.) MnDot - Saint Louis County. This 5-acre site located in Saint Louis County, will generate wetland types 2, 6 and 7 from the creation of wetland conditions in a gravel pit. The primary benefit of this project is the potential to develop methods to establish wetland credits from gravel pits and borrow areas. These areas are abundant in NE Minnesota, yet, to this date, gravel pits and borrow areas have not proven to be acceptable as wetland mitigation sites to wetland regulators. Resolution of this issue will provide an additional mitigation option for local, state and federal road authorities.

Bank Service Area = 1
Watershed = 73 (Vermilion River)
Anticipated Wetland Types = 2,6,7

Agreement Type = Interagency Agreement
Total Cost = $109,565, split evenly between MnDot and BWSR
Cost: BWSR share (50%) = $54,781.00, devoted mostly to the establishment of vegetation and monitoring. MnDot will provide equipment and engineering expertise.
Acres of Credit = 5
Cost per credit = $21,913

Summary for 11 agreements = 579.34 credits for $4,692,493 = $8,100/credit (Average)

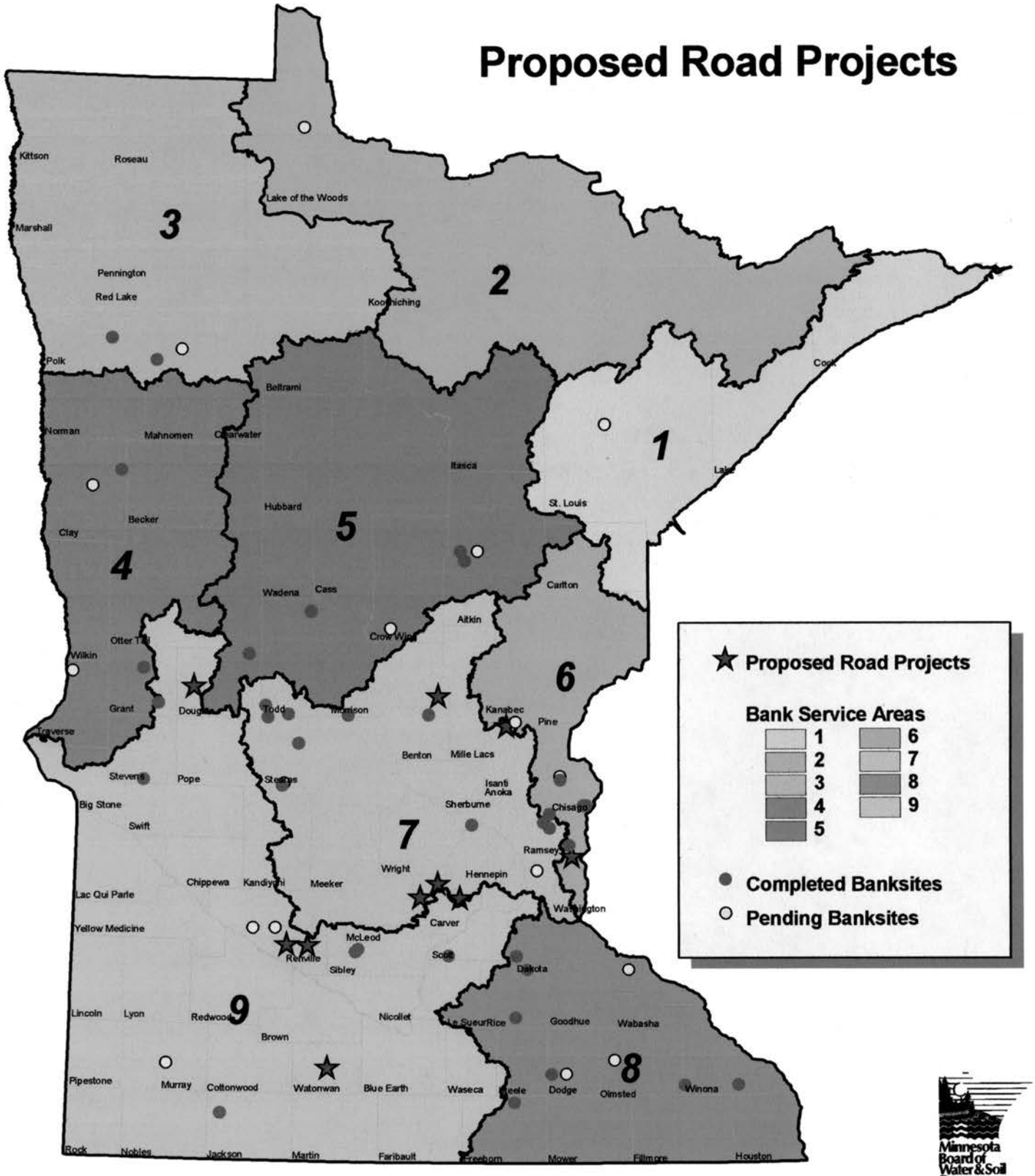
Attachment 1- IWBG Meeting Summary

The IWBG met on July 11th to review, discuss and prioritize twenty-eight wetland-banking applications submitted by June 30, 2006. Project proposals were ranked based on geographic location, estimated cost and wetland type to be restored. The sites were prioritized as follows:

No.	Type	Applicant	Total cost	Acres	$/Ac	BSA
1.)	**PA**	**RN Cattle Co.- Morrison**	**$ 709,000**	**80**	**7,980**	**6**
2.)	**PA**	**Jim Nelson- Kanabec**	**1,600,000**	**200**	**7,980**	**6**
3.)	**RL**	**Gaasch #2-Renville**	**215,000**	**51**	**4,216**	**9**
4.)	**RL**	**Fjoslien – B - Douglas**	**248,000**	**56**	**4,428**	**9**
5.)	**PA**	**Burns – Bickman – Carver**	**850,000**			
6.)	PA	Blaine Ponds-Anoka (ENRV)	1,027,000	29	35,420	7
7.)	**RL**	**Schuneman-Washington**	**70,000**	**10**	**7,000**	**6**
8.)	RL	J. Krohn – Nicollet	245,000	51	4,803	9
9.)	**PA**	**Teller - Carver**	**212,520**	**6**	**35,420**	**7**
10.)	**RL**	**C. Krohn – Watonwan**	**205,000**	**44**	**4,659**	**9**
11.)	RL	Halvorson – Clay	202,476	94	2,200+	4
12.)	PA	Nachbar – Huss-Scott	2,800,000	80	35,420	9
13.)	RL	Gaasch #1- Renville	263,978	79	3,341+	9
14.)	RL	Pebble-Clay	270,435	120	2,253+	4
15.)	PA	Bauer – Scott	283,360	6	35,420	9
16.)	**RL**	**Gaasch #3-Renville**	**367,000**	**93**	**3,946**	**9**
17.)	RL	Smith – Martin	235,000	55	4,273+	9
18.)	RL	Sampson – Renville	1,287,195	312	4,125+	9
19.)	RL	Mellies – Renville	215,110	51	4,217+	9
20.)	PA	Lindahl – Roseau1	21,500	30	4,050	3
21.)	PA	Stromland – Roseau	583,200	144	4,050	3
22.)	RL	Schaefer – Renville	132,776	31	4,283+	9
23.)	**PA**	**Burns Home Farm – Carver**	**138,080**	**4**	**35,420**	**7**
24.)	RL	Elfering – Renville	604,369	153	3,950+	9
25.)	RL	Hughes – Blue Earth	29,989	7	4,284+	9
26.)	RL	Krosch – Blue Earth	59,223	14	4,230+	9
27.)	PA	Willow Springs – Aitkin	851,550	210	4,050	5
28.)	PA	Reading Farm – Norman	117,170	20	5,858	4
29.)	RL	Musielewicz – Stevens	99,285	24	4,137+	9
30.)	RL	Fjoslien – A – Douglas (Landowner withdrew application)				9
31.)	RL	Fjoslien – C – Douglas (Working with DNR)				9

Legend:
RL = RIM Like
PA = Purchase Agreement
+ = Added $1,150/ acre for construction and vegetation costs
Projects in **Bold** proposed by BWSR staff and recommended by Wetland Committee

Proposed Road Projects



Minnesota Board of Water & Soil Resources

WWW.BWSR.STATE.MN.US

September 13, 2006

Resolution # _____

Local Government Road Wetland Replacement Project Approval

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

WHEREAS, BWSR is authorized pursuant to 2005 Minn. Laws Chap. 20, Art. 1, Sec. 9 and 2006 Minn. Laws Chap. 258, Sec. 9 to enter into agreements with political subdivisions and fee owners to acquire land and restore wetlands to be used to replace wetlands lost as a result of the repair, maintenance, or rehabilitation of existing public roads; and

WHEREAS, BWSR issued a solicitation in May requesting interested landowners to apply to BWSR for wetland restorations for the purposes of the Local Government Road Wetland Replacement Program; and

WHEREAS, the Interagency Wetland Banking Committee reviewed and prioritized the projects received by the June 30, 2006 deadline. This prioritization was further refined by BWSR banking staff; and

WHEREAS, this process led to recommending approval of eleven projects that will generate 579.34 credits at an estimated cost of $4,692,493; and

WHEREAS, the Wetland Committee reviewed the proposed projects on September 13, 2006 and is recommending Board approval.

NOW THEREFORE BE IT RESOLVED, that the BWSR authorize the eleven Local Government Road Wetland Replacement projects as recommended by the Wetland Committee

_____ _____

Randy Kramer, Chair Date

Red River Basin Commission

Manitoba • Minnesota • North Dakota • South Dakota
RRBC • 119 5th St. S. • PO Box 66 • Moorhead, MN 56561-0066
Phone 218-291-0422 • FAX 218-291-0438 • staff@redriverbasincommission.org
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www.redriverbasincommission.org

BOARD OF DIRECTORS
EXECUTIVE COMMITTEE
Daniel Wilkens, MN *Chair*
Tom Fischer, ND *Vice Chair*
Herm Martens, MB *Sec./ Treas.*
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Bruce Furness, ND Ex Officio
R.S. "Bud" Oliver, MB Ex Officic
Riley Rogers, ND
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Mike Shkolny MB
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Sen. Coleman
Sen. Conrad - Scott Stofferahn
Sen. Dayton - Valerie Gravseth
Sen. Dorgan - Pam Gulleson
Rep. Peterson - Maynard Pick
Rep. Pomeroy - Joan Carlson

September 14, 2006

Ron Harnack
Executive Director
Minnesota Board of Water & Soil Resources
One West Water St., Ste. 200
St. Paul MN 55107

Dear Ron:

The Red River Basin Commission respectfully requests $100,000 funding for Red River Basin Commission (RRBC). The amount is part of the Minnesota funding of the RRBC base budget which is equally provided by Minnesota, North Dakota and Manitoba governments. The local funding is matched by the states and province.

The 2006 RRBC work plan and the RRBC Activity Report for August 2006 were included in previous correspondence.

TOTAL FUNDS REQUESTED: **$100,000.00**

Please Remit To: **Red River Basin Commission**
Herm Martens, Treasurer
PO Box 66
Moorhead, MN 56561-0066

If you have any questions, please don't hesitate to contact any member of our staff at our toll-free number (866-629-4498).

Sincerely,

Lance Yohe

Lance Yohe
Executive Director

RED RIVER BASIN COMMISSION
ACTIVITY REPORT
August 2006

The Red River Basin Commission is a group of people from the Red River basin working together to achieve common goals for water protection and management.

RRBC Vision: A Red River Basin where residents, organizations and governments work together to achieve basinwide commitment to comprehensive integrated watershed stewardship and management.

RRBC Mission: To develop a Red River Basin integrated natural resources framework plan, to achieve commitment to implement the framework plan, and to work toward a unified voice for the Red River Basin.

ACTIVITIES: Red River Basin Commission activities are focused around four centers:

I. Leadership
II. Partnership
III. Communications
IV. Technical Resource

I. LEADERSHIP CENTER

A. Plan Implementation Committee: This committee's efforts focus on the Natural Resources Framework Plan (NRFP) and its implementation. **The numbers following each section relate to the NRFP's goals and objectives.**

- **Natural Resources Framework Plan (NRFP):** The RRBC developed, promotes and updates the current version of the NRFP. RRBC is working to establish basin-wide support and buy-in, to implement appropriate activities, and to support agency and other organizations/groups in activities that address NRFP goals and objectives. We are implementing the 13 NRFP goals, so that all efforts are recognized and integrated into the basin action agenda. (1.1.1, 1.1.2)
- **Nutrient and NRFP Workshops:** RRBC held a series of pilot workshops throughout the basin in 2005 to educate citizens on water quality nutrient load affecting Lake Winnipeg and to gather feedback the NRFP. RRBC then held a large workshop in April 2006, bringing together citizens and local leaders from around the basin to inform them about nutrient problems in the basin, the impact of nutrients on Lake Winnipeg, and the NRFP. RRBC also gathered feedback related to nutrients and the NRFP from participants' jurisdictional viewpoints based on their operational mandates. This workshop was very successful and RRBC will hold similar workshops in the future. (9.4.1, 9.5.1)

B. Legislative Committee: This committee's efforts focus on communication and education for provincial, state, and federal elected officials and their staff to update them on Red River Basin activities, projects and needs.

- **Legislators' Forum:** Legislators from MB, MN, ND, and SD meet annually, rotating between jurisdictions, to discuss issues of common interest. This group has been meeting since after the 1997 flood, with support from the ND Consensus Council. RRBC has been assisting in recent meetings with the water related portions of the discussion. (4.2.11)
- **Legislative Meetings:** This brings together basin Legislators within each jurisdiction to learn about and discuss water and land resource issues in their portion of the basin. A 2004 meeting for MN State Senators and Representatives in the basin was hosted jointly by RRBC, the Red River Watershed Management Board, and the MN Flood Damage Reduction Work Group. The meeting provided an opportunity for dialogue, presentations on current activities and needs, an

opportunity for the leaders to provide feedback and to prepare for the upcoming legislative session. Similar meetings in MB, MN, ND and SD will be held in the future, as needed. (4.2.12)

C. Facilitation/Mediation Strategy: RRBC uses this strategy to assist in promoting dialogue and consensus-building from a broader perspective (regional or basin) in a manner appropriate to the issue.

- **Jurisdictional Committee:** RRBC assists a jurisdictional (MB, MN, ND, & SD) committee to create dialogue at the highest levels. Current activities of the Jurisdictional Committee are developing a basin drought plan terms of reference, discussing treatment options for the out of basin water transfer alternatives, and addressing the IJC CFMP-F recommendations. (1.3.1)
- **Out of Basin Supply Discussions:** RRBC is facilitating discussions between the jurisdictions regarding out of basin water supply options. ND is exploring water supply options for eastern ND that include moving water from the Missouri River to the Red River. The question that drives the discussion is: *Can ND, as it explores its right to look at and possibly use the Missouri River, choose alternatives that would take into consideration concerns of MB, MN, and SD?* (10.1.5)
- **Basin Drought Plan Concept:** RRBC, with the assistance of technical experts from each jurisdiction appointed by the Jurisdictional Committee, is discussing options for a basin drought plan strategy. A report for jurisdictional consideration with a recommendation on how to proceed is the goal of this effort. (10.1.4)
- **Water Use and Allocation:** RRBC convened key water law experts from each jurisdiction appointed by the Jurisdictional Committee to assist in development of a 2006 report (available on RRBC's web site) intended to clarify jurisdictional water law differences between Manitoba, Minnesota, North Dakota, and South Dakota. Particular attention was given to the use and allocation differences between the jurisdictions during low flow and drought conditions. The report will guide decisions regarding policy strategies for the committee for the future. RRBC received funding from IJC for this project to (10.1.3, 10.4.1)
- **Comprehensive Flood Mitigation Plan-Framework (CFMP-F):** The CFMP-F is an IJC document developed through a collaborative effort of IJC, IRRB, and RRBC that follows up on one of the 1997 flood recommendations. It identifies three areas of activity that the Province of Manitoba and States of Minnesota and North Dakota could work together on related to basin flood work: 1) Forecasting, 2) Mitigation, and 3) Response. (7.2.1)
- **CFMP:** This is the actual effort that might emerge from the CFMP-F. The Province of Manitoba and the States of Minnesota and North Dakota are currently exploring a joint effort in the Mitigation portion of the framework document. The project would use the recently developed Mike 11 Mainstem Model to develop goals for each of the tributaries that would collectively produce a targeted % reduction at various points on the mainstem and to relate the last point on the mainstem (Winnipeg floodway entrance) to the 100, 500, and 700 year flood flows. The RRBC board has authorized staff time to assist with any CFMP strategy that emerges. (7.7.1)

II. COMMUNICATION CENTER

The activities in this center focus on RRBC activities related to communication and education. RRBC presents information on current projects and Red River Basin land and water issues to groups, leaders and conferences. The RRBC also maintains a website, www.redriverbasincommission.org.

- **Annual Conference:** RRBC holds an annual basin-wide land and water international summit conference begun by TIC in 1983. The 24th Conference will be January 23-25, 2007, in Fargo, ND, with a theme of *"The Ripple Effect: Working Today For A Better Tomorrow."* (4.2.9)
- **Newsletter:** RRBC produces a quarterly newsletter, "Around the Basin," to keep 3,800 leaders and stakeholders in the basin informed of water issues and projects around the basin. This is sent out electronically, and is also available in hard copy. (4.2.13)
- **Red River of Expression:** This project encourages youth in grades K-12 to become more aware of and involved in land and water issues in the basin. Prizes are offered for poetry, artwork and photography, with winners having an opportunity for their entry to be displayed on billboards around the basin. (4.2.3)

- **Science Fair Contest:** RRBC provides financial awards to students for science fair projects related to land and water. These science fairs are organized through local high schools. (4.2.3)
- **Water Minutes:** The Communications Committee has developed a series of radio spots that will help educate the public on water issues in the Basin. (4.2.14)
- **Ripple Effect:** RRBC has developed a series of short newspaper articles appearing in local newspapers under the heading *"The Ripple Effect."* (4.2.15)
- **Social Based Marketing:** RRBC is working with MPCA and a consultant and has provided the opportunity to learn about new methods to reach people regarding land and water issues. (4.2.4)

III. PARTNERSHIP CENTER:

Activities in this center relate to partnerships between RRBC and others to create opportunities for dialogue, planning, and education. Partnership activities usually involve working across boundaries, such as country to country, state to state, county to RM, RM to RM, county to county, organization to organization, etc.

- **RRIW:** The Roseau River International Watershed Board (RRIW) consists of local leaders from MB and MN who have appointed members, elected officers and regularly meet to work together on land and water issues affecting the Roseau River. RRBC (and its predecessors) helped form this group and continues to assist them by facilitating their meetings. (1.2.19)
- **PRBAB:** The Pembina River Basin Advisory Board (PRBAB) consists of local leaders from MB and ND who have appointed members, elected officers and regularly meet to work together on land and water issues affecting the Pembina River Basin. RRBC (and its predecessors) helped form this group and continues to assist them by facilitating their meetings. (1.2.3)
- **SVI:** The South Valley Initiative (SVI) consists of local leaders in ND and SD who have elected an executive committee and regularly meet to work together on land and water issues affecting the Wild Rice River watershed. RRBC helped form this group and continues to assist them by facilitating their meetings. A similar group is being considered between MN and ND with a Lake Traverse focus. (1.2.4)
- **MB Chapters:** RRBC (and its predecessors) established a north of Winnipeg and a south of Winnipeg chapter, with officers and nine regularly scheduled meetings each year. Education and dialogue are the main focus of these chapter meetings. (4.2.6)
- **MN Joint Powers Board:** RRBC coordinates and facilitates a quarterly meeting for education and discussion between 15 counties in MN on issues related to natural resources. (4.2.5)
- **Barnes County Water Management Team:** RRBC helped Barnes County, ND, gather entities in the county together and begin a process of regular sharing and updating of water related activities within the county. RRBC continues to assist as needed. (4.2.10)

IV. TECHNICAL RESOURCE CENTER

The activities in this center focus on developing, producing, and sharing projects and information that promote basin approaches that address NRFP goals where gaps have been identified. RRBC supports, facilitates or participates in the following activities:

- **Buffer Strip Project:** RRBC is working MPCA, local MN Soil and Water Districts and local landowners in three targeted sub-watersheds to increase participation in currently available buffer strip and riparian programs. (9.3.3)
- **CREP:** The Conservation Reserve Enhancement Program is funded by the US Department of Agriculture and leverages federal and state funds to pay farmers to establish riparian areas benefiting water quality, flooding and habitat. RRBC wrote proposals with public input for both MN and ND. MN is moving forward to establish 37,500 acres in the Red River Basin as part of CREP. (11.1.2)
- **Fargo/Moorhead Upstream Feasibility Study:** The USACE completed a feasibility study of potential flood damage reduction and natural resource enhancement projects in the

Fargo/Moorhead upstream area of the Red River Basin Watershed. They are now exploring a Phase II effort. (2.1.1, 6.1.7)

- **Ground Water Modeling:** RRBC was a catalyst by facilitating meetings between the MN Geological Survey and the US Bureau of Reclamation (BOR) to model ground water resources to assist in the BOR water supply study. (3.3.4)
- **International Institute for Sustainable Development Prairie Water Policy Project:** RRBC presented reports on ND, MN and transboundary efforts at IISD's Prairie Water Policy Symposium. The symposium examined unique and common challenges to development, implementation, and adaptive evolution of water strategies; innovative and successful approaches to water strategies, and will assess how well existing strategies are able to respond to threats facing prairie watersheds. (1.2.20)
- **Lake Winnipeg Implementation Strategy:** RRBC is providing input and assisting as the fiscal agent for a consultant team appointed by the Province of Manitoba and Federal Canadian government to develop a report for a Lake Winnipeg Strategy for the future. (4.2.16)
- **Lake Winnipeg Research Consortium:** RRBC participates in and supports the Consortium and has assisted in obtaining funding for the research vessel *Namao*. (3.2.2)
- **Lower Pembina Modeling:** RRBC has received funding from IJC and has subcontracted with Water Management Consultants, Inc., for a modeling effort on the Lower Pembina River, modeling river flows and looking at the impacts of bridges, dikes, etc., to better understand the choke point at Pembina and Emerson. The report will then be used by IRRB and the IJC to address the local concerns regarding flooding in that area. (3.3.3, 6.1.8)
- **Development of Mainstem Modeling—Phase I:** RRBC is working with modelers from MB, MN and ND water agencies, USACE, private engineering firms and a consultant, and has developed a Phase I mainstem model for the Red River. This project developed Red River mainstem models: Mike 11 from Lake Traverse to the International Boundary and then to Lake Winnipeg and HEC/RAS from Lake Traverse to the International Boundary. (3.3.1, 3.3.2)
- **Mainstem Modeling Workshop #1:** A workshop was held in 2004 for stakeholders to share the report on Mike 11 Phase 1 and to discuss future needs. From the workshop, it was determined to provide additional information to the Mike 11 model and recalibrate the model before doing actual modeling. The models were calibrated using the 1997 flood and verified using the 1989, 1996, and 2001 floods. (3.3.1)
- **Development of Mainstem Modeling—Phase II:** This project added additional information on bridges, the international boundary, MB stream bed configuration, the Maple/Sheyenne River overflow areas, and tributaries to improve and recalibrate the Mike 11 model. The model has been recalibrated and is now seamless from Lake Traverse to Lake Winnipeg. (3.3.1)
- **Modeling Scenario Identification Report:** This IJC-funded report identifies numerous tributary and mainstem scenarios that could be modeled (using the Mike 11 model) to determine tributary inflows to the Red River, 10% and 20% continuous flow reductions and 25% and 50% peak flow reductions to develop Red River flood damage reduction (FDR) strategies. This report was used to develop a mainstem modeling project. (6.2.1)
- **Mainstem Modeling of Scenarios #1:** This IJC-funded project accomplished modeling runs for the 1989, 1996, and 1997 floods, producing hydrographs for each tributary at seven mainstem locations: Wahpeton, Fargo, Grand Forks, and Drayton, ND; and Emerson, Morris, and the entrance of the Winnipeg floodway in MB. The hydrographs show the mainstem points with and without the tributary flows upstream of the mainstem point. Modeling runs showing a 20% and a 40% across the hydrograph spring flow reductions for each tributary for each flood was accomplished. This portion of the modeling is now at IJC for review. The remainder of the project calls for peak flow reductions of 25% and 50% and then modeling runs and a ½ foot reduction at Grand Forks, ND, and then a modeling run. (6.2.1)
- **Mainstem Modeling of Scenarios #2:** This modeling effort is under consideration by MB, MN, and ND; they are currently reviewing a scoping document prepared by the RRBC modeling group to determine their funding commitments. The project will draw upon the expertise and experience of basin modelers/hydrologists to use the model to establish reduction goals for the mainstem locations in the model that will translate into % reduction goals for each of the tributaries. This modeling effort, if it proceeds, will also address the CFMP. (6.2.1)

- **Nutrient Ion Inventory Data Base:** RRBC is gathering water quality data for the Red River Basin for nitrogen and phosphorous as they relate to stream flow data. The information has been compiled in a database for use and analysis in a Category I (most complete data available) and a Category II (less complete data) database. This project is IJC-funded and developed from the IRRB Aquatic Ecosystem Health (AEH) Committee. It will be used to analyze trends in the basin. (9.1.2, 9.5.2)
- **Pembina Structure Survey:** RRBC has received funding from IJC for this project and is subcontracting for a field survey effort that will identify culvert and dike parameters for a 30+ mile stretch of road/dykes along the north side of the Pembina River. (6.1.8)
- **RRBDIN:** RRBC is a cooperating partner with NDSU and IWI to bring the Red River Basin Decision Information Network, a web based site for accessing data for decision-making, into the basin and working to keep it useful and relevant. (3.1.2)
- **RRWP:** RRBC is working with the Rural Municipalities of Franklin, Montcalm, Piney, and Stuartburn, Roseau River First Nation, and Manitoba Water Stewardship to develop a plan for the MB portion of the Roseau River that is compatible with the plan developed for the river's MN portion. (1.2.2)
- **Roseau River Hydrology:** RRBC (and its predecessors) worked with a consultant (Water Management Associates) to model the MB portion of the Roseau River and produce a report. (1.2.1)
- **TMDL:** The Total Maximum Daily Load project is an analysis of the Fargo-Moorhead reach of the Red River to model and report on the TMDL related to nutrients and fecal coliforms. NDSU, MPCA, NDDH and RRBC are jointly working on this project. (9.3.2)

* * * * *

ORGANIZATIONAL BACKGROUND: The RRBC was formed in July 2002 when the following organizations merged:

- **Red River Water Resources Council (RRWRC):** This organization was formed at the conclusion of the US federal basin studies (Red, Souris, Rainey Study) that began in the 1960s. The studies formally ended in the 1970s, and the RRWRC purpose was to continue dialogue and exchange information between the state and federal agencies. Manitoba was invited to the table during the study and as part of the RRWRC.
- **The International Coalition for Land and Water Stewardship (TIC):** As a public response to the spring flood of 1979, this organization was formed to involve grass-roots citizens and local leaders in the process of finding answers to the flooding problems. TIC became a place for dialogue, information exchange, education and a network for people to get to know each other and begin to build trust.
- **Red River Basin Board (RRBB):** This organization was formed in 1996 to assist the province and states on issues related to the licensing and permitting process. This organization was formed to link local and provincial and state in a stronger manner.

* * * * *

BOARD MEMBERSHIP: The RRBC is made up of 41 members (each chooses their own alternate).

A. **Manitoba Board Membership:**
   i. 3 appointed by Premier (Don Norquay, Muriel Smith, Steven Topping)
   ii. 4 elected by Rural Municipalities (2 North—Dave Gera, Bill Paulishyn; 2 South—Brian Charles, Herm Martens—of Winnipeg)
   iii. 1 appointed by City of Winnipeg (Mike Shkolny)
   iv. 1 appointed by City of Selkirk (R. S. "Bud" Oliver)
   v. 1 appointed by environmental community (Lindy Clubb)

vi. 1 appointed by Pembina Valley Water Cooperative (Sam Schellenberg)
vii. 1 elected at-large by annual conference attendees (Larry Whitney)

B. **Minnesota and North Dakota Board Membership:** (each state representation is the same)
   i. 3 appointed by Governor (MN—Sheryl Corrigan, Ron Harnack, Gene Merriam; ND—Dale Frink, Dave Glatt, 1 vacant)
   ii. 2 elected by Counties (MN—Jerry Dahl, Jon Evert; ND—Joe Belford, Connie Triplett)
   iii. 2 elected by Watershed Districts (MN—John Finney, Dan Wilkens; ND—Tom Fischer, Ben Varnson)
   iv. 3 elected by Cities (MN—Don Osborne, Bill Schwandt, 1 vacant; ND—Bruce Furness, Riley Rogers, Fred Stark)
   v. 1 appointed by environmental community (MN—Henry Van Offelen; ND—Genevieve Thompson)
   vi. 1 elected at-large by annual conference attendees (MN—Warren Seykora; ND—Jake Gust)
C. **South Dakota Board Membership:**
   i. 1 appointed by Governor (Vacant)
   ii. 1 elected by local government (as their at-large—Eddy Madsen)
D. **Tribal Membership**
   i. 3 appointed by Tribal/First Nations (Canada—Melissa Hotain; US—Allen Pemberton; 1 vacant)

* * * * *

BOARD MEETINGS:

7 each year (additional meetings scheduled if needed)

- 4 full board meetings: First Thursday of March, May, September, November
- Board Retreat: First Wednesday and Thursday in November
- 2 tours, discussions and short board meetings: First Wednesday and Thursday in June & August
- 1 business only board meeting in January during annual conference

Contact Information:

Red River Basin Commission
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2005
OVERALL WORKPLAN

NRFP GOAL & ISSUE AREA	RRBC ACTION	NRFP ACTION	TIMELINE	STAFF
			MT Management Team: ly, jg, akn	
New Activities	CODES:		ly - Lance	mo - Mike
Ongoing Projects	Grey = Current Project - Wrapping Up		jg - Julie	rh-Ron
Outreach Partnerships	Blue = Ongoing Linking Roles --Facilitation/Support		akn - April	ra - Rachel
	Yellow = Upcoming Major Focus Activities		rl - Ruth	lab - Leigh Anne
			all - all staff	ksp - Kathy
	ADMINISTRATION		Con- Consultant	
	Board Meetings			
	7 Board Meetings in 2006-Jan, Mar, May, June, Aug, Sept, & Nov- 1st Thursday		Ja, Mr,My,Jn,Ag,S,N	ra,lab,all
	2 Board Tours & Discussion in 2006-June & August		Jn,Ag	ra,lab,all
	1 Board Retreat-Nov-1st Thursday (and day before)		Nov	ra,lab,all
	Executive Committee Meetings			
	12 Executive Committee Meetings in 2006--3rd Thursday		3rd Th -- Month	MT
	Executive Director Evaluation		3/30/2006	ly
	Human Resource Committee Meetings		as Needed	ly
	General			
	All Staff Evaluations, Documentation, Records, Workplans		2006	MT,ra,lab
	Monthly Staff Meetings		2nd Fri -- Month	all
	Management Team Meetings		Weekly	MT
	FIANANCE			
	Finance Committee Meetings			
	12 Finance Committee Meetings n 2006 -- 3rd Wednesday		3rd Wed -- Month	MT
	General			
	Monthly Finances		ongoing	ra,lab,ly
	Base Funding --Local, Provincial, State Requests, Federal Strategies		1/1/05 to 6/3/2006	MT,ra,lab,ksp
	Project Funding--as needed		2006	all
	Prepare 2007 Budget		6/1/30 to 12/31/05	ly,Mt
	2005 Audit		1/1/05 to 6/30/05	ly,lab,ra

	LEADERSHIP CENTER			
	Plan Implementation Committee			
	11 Plan Management Committee Meetings in 2006		11 meetings	rl,mo,rh, MT
	Review Projects, Programs, Studies, etc. and Link to NRFP	6.1.3-6.1.6	ongoing	rl,mo,rh, MT
WATERSHEDS--G # 1	Assist with Roseau River Watershed Planning Concept	1.2.2	Jan-June	mo,ly
	NRFP: Educate on, Gain Support, Refine, & Implement--mini conference	1.1.1, 1.1.2	4/19/2006	board,all
	Review Red Lake Watershed Plan	1.2.19	2/28/2006	rl
	Board Update on Goal # 1 in 2006		Jan-Dec	all
INTEGRATE MNG--G # 2	Support Integrated Projects through Plan Implementation	2.1.2-2.1.2.6	Jan-Dec	board,all
	Board Update on Goal # 2 in 2006		Jan-Dec	board,all
RES & DATA--G # 3	Model Red River using Mike II	3.3.1	Jan-Apr	ly,rh
	Model Pembina River using Mike II	3.3.3	Jan-Apr	ly, con
	Board Update on Goal # 3 in 2006		Jan-Dec	all
FDR--G # 5, 6, 7	Board Presentation & Discussion on FDR strategies	6.1.1	11/6/2006	board, all
	CFMP-F		Jan-Dec	ly,rl,h,mo,board
	Mainstem Modeling Scenario Workshop		May	ly,rh,rl
DRAINAGE G # 8	Board Presentation & Discussion on Drainage needs		May-06	all
WATER QUALITY--G # 9	Board Update on Goal # 8 in 2006	9.1.1	Jan-Dec	all
	Finish Lake Winnipeg Implementation Strategy Project		Jan-Mar	ly, con
WATER SUPPLY--G # 10	Board Presentation & Discussion on Water Supply needs	10.1.1	9/6/2006	board,all
	Basin Drought Plan		Jan-Dec	ly,rl,mo con
CONS,F,W,OR--G # 11, 12, 13	Board Presentation & Discussion on Conservation, F, W, OR needs	11.1.1, 12.1.1, 13.1.1	Mar 06	board,all
	Identify RRBC actions		Mar 06	board,all
	Legisaltive Committee			
	Inform, Educate, and Dialogue on RRB with Provincial and State Legislators		1 x year	ly,
	Provide Briefing for Canada and US Federal Legislators		as needed	ly,
	Continue Basin Policy Committee		ongoing	ly,
	Report FDR Needs to Prem/Gov		1 x year	ly,
	Support legislative funding for RRB		ongoing	ly,
	Asssist with Legislator's Forum		May	ly,
	Conflict Resolution			
	Identify Conflict Areas in Basin		ongoing	all
	Develop Strategies to Address Conflict Areas		2006	MT
	Develop Expertise to Address Conflict		ongoing	board,MT
	Facilitation			
	CFMP-F			
	Basin Drought Plan		as needed	ly,rl,h,mo,
	Treatment Requirments for Out of Basin Water Report		3-4 x year	ly,akn,mo,con
			montly	ly,akn,rl
			3-4 x year	all

	PARTNERSHIP CENTER			
	Partnerhship Committee			
	4 Partnerhship Committee Meetings		1st M of quarter	ht,jg
STAKEHOLDER	Attend L/P/S/F water meetings		set mtgs for each	all
PART & AWARENESS--G # 4	Support River Festivals	4.2.2	ongoing	jg,lab,rl,ra
	Support River Watch & Explore Working Relationship	4.2.4	ongoing	all
	Continue JPB	4.2.6	ongoing	ly
	Continue N/S Chapters	4.2.7	quarterly	lab
	Wild Rice--Southern Basin	1.2.5	quarterly	rl,jg,ly
	RRIW	1.2.1	monthly	mo,ly
	PRBAB	1.2.3	tbd	jg,mo,ly
	COMMUNICATION CENTER			
	Education & Communication Committee			
	10 Education & Communication Meetings in 2006		1st M -- Month	jg,ra
STAKEHOLDER				
PART & AWARENESS--G # 4	NRFP & Nutrient Workshops -- Feedback, buy-in,	1.1.1, 1.1.2	2006	all
	Develop and Implement Water Minutes	4.2.1	by 12/31/2006	jg,com com
	Publish Quarterly Newsletter "Around the Basin"	4.2.1	each quarter	jg,all
	Maintain and Improve Web Site	4.2.1	improve by 6/30/05-ongoing	jg,all
	Produce Press Releases on Topics and Activities	4.2.1	ongoing	jg,lab,ht,ra
	Produce Board Highlights After Each Board Meeting	4.2.1	8 brd mtgs	jg
	Attend Conferences, Trade Shows, etc with RRBC Display and Materials	4.2.1	ongoing	all
	RRB Education/Awareness (watershed approach, cross border issues, integration,	4.2.2, 4.2.3	2006	jg, com com
	Develop Stewardship Ethic "Basin Statesman"	4.2.1	2006	jg,ly
	Report Card--Comp/Integ Wat Stew & Manag		2006	ra, conf com
	Report Card--Basin FDR Activities		2006	ra, conf com
	Report on Jurisdictional Nutrient Data Base Study	9.1.2, 9.5.2	June	akn
	Report on Water Supply Use, Allocation, and Needs	10.1.3, 10.4.1	March	jg
	Report on In-Stream Flow Criteria and Differences	10.1.3, 10.4.1	March	jg
	Conference Committee			
	9 Conference Planning Committee Meetings in 2006		2006	ra,all
	Hold Annual Conference -- 24th in January 2007 in Fargo	4.2.1	Jan-07	ra,all
	Begin Planning for 25th Annual Conference		2006-2007	ra,all
	Develop Recognition Program for all NRFP Goal areas	1.1.1	ongoing	ra,all

	TECHNICAL RESOURCE CENTER			
	Technical Resource Committee			
	4 - Technical Resource Committee Meetings in 2006		As needed	rl,rh,mo,MT
WATERSHEDS--G # 1	Complete RRWP Project	1.2.2	2006	mo, rh,ly
INTEGRATE MNG--G # 2	Support & Assist F/M (FMUS) Feasibility Study-- Phase II	2.1.1, 6.1.7	ongoing	ly,jg,rl,ra,ksp
FDR--G # 5, 6, 7	Model Mainstem using Mike 11 Mainstem Model	3.3.1, 3.3.2, 5.1.1	6/30/2006	ly,rl
	Develop & Implement Scenario Workshop	6.2.1	May	ly,rl
	Complete Lower Pembina Modeling Project	3.3.3	June	ly
	Complete Pembina Survey Project	6.1.1	June	ly
	Assist CFMP-II	6.1.2, 6.2.3, 7.1.2	Ongoing if needed	MT,rl,mo,rh
	Determine the Need for CFMP-II	6.1.2, 6.2.3, 7.1.2	Jan-June	ly
	Pembina Lidar Survey		Ongoing if needed	ly
	Complete Lake Winnipeg Implementation Strategy	9.4.1	Jan-March	ly,lab
	Explore Dredging Phase II	9.4.1	Ongoing	ly
WATER QUALITY--G # 9	Develop and Implement Nutrient Data Base Study	9.1.2, 9.5.2	Jan-April	rh,akn,ly
WATER SUPPLY--G # 10	Complete Water Law Analysis	10.1.3, 10.4.1	Jan-March	jg,ly
CONSERVATION G # 11	Hold Social Marketing Workshop as Needed	11.1.4	2006	jg,rl
CONS,F,W,OR--G # 11, 12, 13	Continue Buffer Strip	4.4.2, 9.3.3, 8.1.1, 11.1.3, 11.2.2, 12.2.2	2006-2007	rl
	Assist CREP	4.4.2, 9.3.3, 11.1.2, 11.2.2, 12.2.2	ongoing	rl

FOR YOUR INFORMATION

September 27, 2006

- "BWSR Update"
- Updated listing of Board Members
- Updated map of Board Members
- Roster of Board Committees
- Updated listing of Board Committees
- Governor Pawlenty announced five citizen member nominees to the new 17-member Legislative-Citizen Commission on Minnesota Resources (LCCMR)

Minnesota Board of Water & Soil Resources

UPDATE

September 2006

Northern Region set to develop survey of forest landowners

Providing outreach to landowners who own small tracts of forestland is becoming an increasing challenge.

To get a better understanding of this issue, **Jason Weinerman, Jim Lemmerman** and **Ron Shelito** surveyed the SWCDs to assess their perspectives on the development of and outreach to this new landowner base.

Most of the districts felt that the number of small acreage landowners was increasing and they were having difficulty providing outreach to this new landowner base. Many districts expressed interest in finding ways to understand and meet these needs and would respond enthusiastically to a BWSR effort focusing on small acreage forest landowners.

To get a better understanding of this landowner base, Weinerman, Lemmerman and Shelito will work with forestry related partners to develop a pilot survey of small acreage forest landowners to assess their needs and wants.

If this pilot survey shows that this landowner base is in need of assistance, future efforts will focus on developing a method to provide resources to assist this growing segment of the population in properly managing their natural resources.



Wetland violations lead to WMA dedication in Otter Tail County

Ron Harnack and other BWSR staff attended a dedication ceremony in August for the Red Lake Wildlife Management Area, located southwest of Fergus Falls in Otter Tail County. The ceremony honored the memory and work of Grant Coyour, a Department of Natural Resources conservation officer and pilot who died in 1999.

Part of the funding for the 160-acre WMA came from restitution payments for wetland violations in that area. In April 2003, a local landowner was ordered to pay more than $123,000 in restitution and serve a jail sentence for violating Minnesota's Wetland Conservation Act. Additional funding for the WMA came from Pheasants Forever, the Minnesota Habitat Corridors Partnership, and other local partners. The restored area includes more than 28 acres of wetlands.

New eLINK User Manual is now available

The eLINK team has created a new User Manual that is now available on the BWSR Web site. **eLINK** is a software program that is used by Local Government Units to manage their conservation projects – and to supply the BWSR with measurable outcomes of those projects. The map under "Easement Outcomes" on the BWSR Web site is a good example of the data that is available because of eLINK.

This new manual replaces a user guide that was produced by the software company that created eLINK, and it contained the basic information about downloading and using eLINK. But this new manual contains thorough, step-by-step instructions on all aspects of using eLINK, complete with pictures of the eLINK interface.

The manual is organized into sections, which can be printed or saved to a user's computer. The direct link is: **http://www.bwsr.state.mn.us/outreach/eLINK/manual/index.html** .

Questions or comments about the new eLINK manual may be sent to **elink@bwsr.state.mn.us**

Potential reorganizations on the horizon in Metro Region LGUs

Governance issues have risen to the top of the Metro Region priorities lately. Most notably, months of negotiation have led to the brink of an agreement between Hennepin County and the Hennepin Conservation District to pool their resources. The HCD had been the largest SWCD operation in the state for years, but it has hit a rough patch with legal and organizational difficulties.

HCD survived a voter referendum to terminate the District in the fall of 2002. Then in 2003, the county cancelled its funding agreement with HCD. Since that time, Hennepin County has taken up and preserved nearly all of the functions that had been done by HCD. The potential agreement coming to fruition this fall reflects a desire of HCD's elected supervisors to recover influence in shaping policy, and the county's desire to optimize access to revenue sources on behalf of their citizens.

Other governance issues involving watershed management organizations need to be updated as well. The Vadnais Lake Area WMO is unlikely to either merge with or become a Watershed District. The communities of northern Ramsey County look very much as if they will be finalizing a new joint-powers agreement before the end of 2006. The Marine on St. Croix WMO does appear to be headed toward a consolidation with the Carnelian- Marine Watershed District. Specifically, the CMWD would be enlarged, and we anticipate that a petition to enlarge would include a name change and possible addition of two managers.

One new issue still being investigated is a request to find the South Washington Watershed District to be "non-implementing" of their approved management plan. MN Rules 8410 lays out the procedure to follow in these proceedings, and it requires staff to report to the Executive Director prior to formalizing a report and bring the matter to the Board.

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

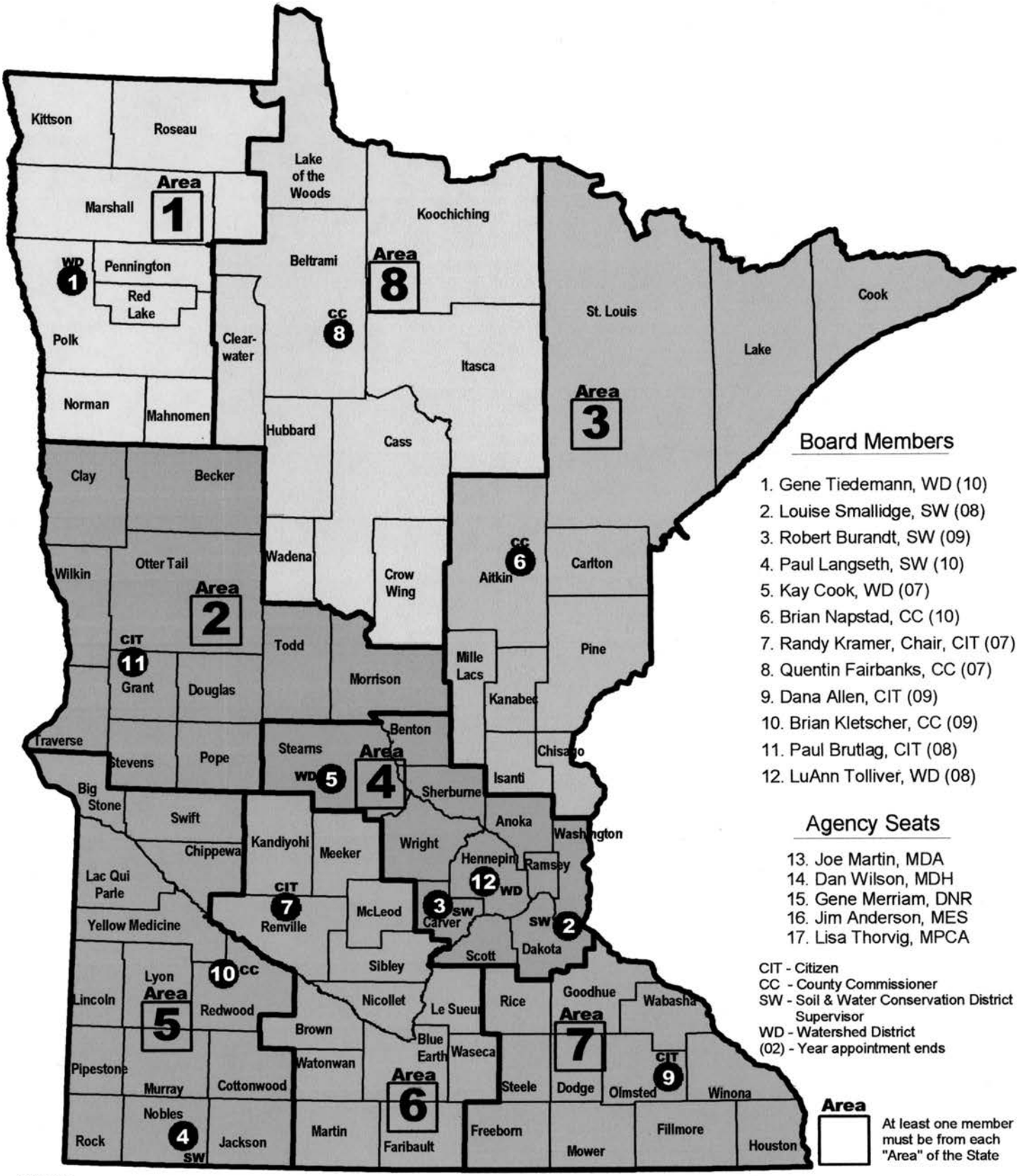
Appointed Members	***Appointment Designation***	***Term Expires***	***Telephone/Fax***	
Randy Kramer, Chair 42808 County Road 11, Bird Island, MN 55310 randyk@willmar.com	**Citizen**	01-01-10	320-365-3094 320-365-4784	*Home* *Office*
Dana Allen 11304 19th Street, SE, Eyota, MN 55934 dm.allen@myclearwave.net	**Citizen**	01-05-09	507-545-3969 507-951-5597	*Home* *Office*
Paul Brutlag 27113 County Road 11, Wendell, MN 56590 brutlagp@runestone.net	**Citizen**	01-07-08	218-458-2113 320-589-4151	*Home* *Office*
Quentin Fairbanks 16374 Stoner Memorial Dr., NE, Hines, MN 55647 quentin@paulbunyan.net	**Co. Commissioner**	01-01-07	218-835-4184 218-679-3378	*Home* *Fax*
Brian Kletscher 30427 County Hwy. 10, Vesta, MN 56292 bk3376@redred.com	**Co. Commissioner**	01-05-09	507-762-3376 507-828-1429	*Home* *Office*
Brian Napstad 51227 Long Point Place, McGregor, MN 55760 bnapstad@yahoo.com	**Co. Commissioner**	01-04-10	218-426-3008 218-426-4662	*Home* *Office*
Paul Langseth 35505 280th Street, Worthington, MN 56187 pltrees@frontiernet.net	**SWCD**	01-04-10	507-376-5686 507-360-5844	*Home* *Office*
Louise Smallidge 10992 Point Douglas, Hastings, MN 55033 Choregirl2@juno.com	**SWCD**	01-07-08	651-459-5600	*Home*
Robert Burandt 1340 Waconia Pkwy. S., Waconia, MN 55387 robertburandt@aol.com	**SWCD**	01-10-09	952-442-4216	*Home*
Kay Cook 20783 Eastway Court, Richmond, MN 56368 kayc@meltel.net	**Watershed**	01-01-07	320-597-2794	*Home*
Gene Tiedemann 13099 310th Ave., SW, Euclid, MN 56722 gtiedemann@rrv.net	**Watershed**	01-04-10	218-281-6723 218-289-3511	*Home* *Office*
LuAnn Tolliver 14801 Wychewood Road, Minnetonka, MN 55345 mltolly@aol.com	**Watershed**	01-07-08	952-938-6749 952-838-1571	*Home* *Office*

State Agency Members:

Joe Martin Freeman Office Bldg., 625 Robert St. N., St. Paul, MN 55155 Joe.Martin@state.mn.us	**Department of Agriculture**	651-201-6551 651-297-5522	*Office* *Fax*
Dan Wilson Well Management Section, P.O. Box 64975, St. Paul, MN 55164-0975 Daniel.Wilson@health.state.mn.us	**Department of Health**	651-201-4598 651-201-4599	*Office* *Fax*
Gene Merriam 500 Lafayette Road, St. Paul, MN 55155 Gene.Merriam@dnr.state.mn.us	**Department of Natural Resources**	651-259-5555 651-296-4799	*Office* *Fax*
Jim Anderson 439 Borlaug Hall, 1991 Upper Buford Circle, St. Paul, MN 55108 Ander045@umn.edu	**U of M/Dept. of Soil, Water & Climate**	612-625-0279 612-625-2208	*Office* *Fax*
Lisa Thorvig 520 Lafayette Road, St. Paul, MN 55155 Lisa.Thorvig@pca.state.mn.us	**Pollution Control Agency**	651-296-8811 651-296-6334	*Office* *Fax*

September 2006

Board of Water & Soil Resources
Appointed Member Location Map (2006)



Board Members

1. Gene Tiedemann, WD (10)
2. Louise Smallidge, SW (08)
3. Robert Burandt, SW (09)
4. Paul Langseth, SW (10)
5. Kay Cook, WD (07)
6. Brian Napstad, CC (10)
7. Randy Kramer, Chair, CIT (07)
8. Quentin Fairbanks, CC (07)
9. Dana Allen, CIT (09)
10. Brian Kletscher, CC (09)
11. Paul Brutlag, CIT (08)
12. LuAnn Tolliver, WD (08)

Agency Seats

13. Joe Martin, MDA
14. Dan Wilson, MDH
15. Gene Merriam, DNR
16. Jim Anderson, MES
17. Lisa Thorvig, MPCA

CIT - Citizen
CC - County Commissioner
SW - Soil & Water Conservation District Supervisor
WD - Watershed District
(02) - Year appointment ends

Area

At least one member must be from each "Area" of the State

8/2006

Administrative Advisory Committee	Cost-Share Committee	Dispute Resolution Committee	Education Committee	Metro Water Planning Committee	Northern Water Planning Committee	Southern Water Planning Committee	Wetlands Committee
Randy Kramer, chair	Louise Smallidge, chair	Randy Kramer, chair	Kay Cook, chair	Bob Burandt, chair	Quentin Fairbanks, chair	Brian Kletscher, chair	LuAnn Tolliver, chair
Paul Brutlag, vice-chair	Dana Allen	Paul Brutlag	Dana Allen	Louise Smallidge	Paul Brutlag	Dana Allen	Paul Brutlag
Kay Cook	Bob Burandt	Kay Cook	Paul Langseth	LuAnn Tolliver	Kay Cook	Randy Kramer	Bob Burandt
Louise Smallidge	Brian Kletscher	Quentin Fairbanks	LuAnn Tolliver	Jim Anderson	Brian Napstad	Paul Langseth	Kay Cook
LuAnn Tolliver	Paul Langseth	Louise Smallidge	Jim Anderson	Lisa Thorvig	Gene Tiedemann	Joe Martin	Brian Kletscher
	Joe Martin		Wayne Edgerton		Wayne Edgerton	Dan Wilson	Brian Napstad
							Gene Tiedemann
	Lisa Thorvig						Wayne Edgerton
Staff							Joe Martin
Ron Harnack			Jon Fure				Lisa Thorvig
Mary Jo Anderson	Wayne Zellmer	Jim Haertel	Steve Woods	Steve Woods	Ron Shelito	Jeff Nielsen	Dave Weirens

September, 2006

BOARD OF WATER AND SOIL RESOURCES
COMMITTEES
September 2006

ADMINISTRATIVE ADVISORY COMMITTEE

Membership:	Randy Kramer, chair	citizen
	Paul Brutlag, vice-chair	citizen
	Louise Smallidge	soil and water conservation district
	Kay Cook	watershed district
	LuAnn Tolliver	watershed district
	Ron Harnack	staff
	Mary Jo Anderson	staff

Responsibility:

The administrative advisory committee consists of the Board's chair and vice-chair and the chairs of the Board's standing subcommittees. The administrative advisory committee will make evaluations and recommendations to the Board on various Board issues including ethics; expenses/per diem; bylaws; and legislation and budgets. The Administrative Advisory Committee will act as the personnel committee for personnel actions relating to the board's executive director.

Meetings: The committee will meet at the call of the chair.

COST-SHARE/SOIL CONSERVATION COMMITTEE

Membership:	Louise Smallidge, chair	soil and water conservation district
	Dana Allen	citizen
	Brian Kletscher	county commissioner
	Bob Burandt	soil and water conservation district
	Paul Langseth	soil and water conservation district
	Joe Martin	Department of Agriculture
	Lisa Thorvig	Pollution Control Agency
	Wayne Zellmer	staff lead

Responsibility:

The committee is responsible for reviewing cost-share, non-point engineering and general services allocation policies and rules and making recommendations to the Board.

Meetings:

The committee will meet two times a year, once prior to the June allocation of cost-share (feedlots, general and special projects); non-point engineering; RIM Reserve and general services grants.

DISPUTE RESOLUTION COMMITTEE (DRC)

Membership:	Randy Kramer, chair	citizen
	Paul Brutlag	citizen
	Kay Cook	watershed district
	Quentin Fairbanks	county commissioner
	Louise Smallidge	soil and water conservation district
	Jim Haertel	staff lead

Responsibility:

The DRC is responsible for appeals relating to the Wetland Conservation Act rule decisions of local governments, watershed district rule and permit decision appeals, and, under MS103A.301, determinations of water law and policy. The authority of the DRC is established in statute and assigned to the DRC by the Board. Under current guidelines the DRC receives the appeals; hears the issues; and makes recommendations to the Board.

Meetings: The Committee will meet as needed to process appeals that have been filed with the Board.

EDUCATION AND PUBLIC RELATIONS COMMITTEE

Membership:	Kay Cook, chair	watershed district
	LuAnn Tolliver	watershed district
	Dana Allen	citizen
	Paul Langseth	soil and water conservation district
	Wayne Edgerton	Department of Natural Resources
	Jim Anderson	Minnesota Extension Service
	Jon Fure	staff
	Steve Woods	staff

Responsibility:

The education committee is responsible for the development of an overall education strategy for the Board including, biennial outcomes, and updating the education strategy biennially.

Meetings: Committee will meet twice a year or at the call of the chair.

WATER PLANNING and COMPREHENSIVE WETLAND PLAN REVIEW COMMITTEES: NORTHERN/SOUTHERN/METRO

Membership: The committee consists of Board Members from the BWSR administrative regions - metro, north, and south.

Chairs: north – Quentin Fairbanks
south – Brian Kletscher
metro – LuAnn Tolliver

North (4)	**South (4)**	**Metro (3)**
Quentin Fairbanks - CC, Chair	Brian Kletscher - CC, chair	Bob Burandt – SWCD, Chair
Paul Brutlag – CIT	Dana Allen - CIT	Louise Smallidge - SWCD
Kay Cook - WD	Randy Kramer - CIT	LuAnn Tolliver - WD
Brian Napstad – CC	Paul Langseth - SWCD	Jim Anderson - MES
Gene Tiedemann - WD	Joe Martin – MDA	Lisa Thorvig - PCA
Wayne Edgerton - DNR	Dan Wilson - MDH	Steve Woods, staff lead
Ron Shelito, staff lead	Jeff Nielsen, staff lead	

Responsibility:

The committee has the responsibility to review county water plans, water management organization plans, watershed district overall plans, comprehensive wetland plans, and amendments to same and to advise the Board on the adequacy of the plans.

Meetings:

The committee will meet as necessary to review the local plans and amendments. A ***majority*** *of the committee members must be present. The BWSR northern, southern, and metro regional supervisors will coordinate meeting schedules with members.*

CC = county commissioner
CIT = citizen
SWCD = soil and water conservation district
WD = watershed district

WETLANDS COMMITTEE

Membership:	LuAnn Tolliver, chair	watershed district
	Paul Brutlag	citizen
	Bob Burandt	soil and water conservation district
	Kay Cook	watershed district
	Brian Kletscher	county commissioner
	Brian Napstad	county commissioner
	Gene Tiedemann	watershed district
	Wayne Edgerton	Department of Natural Resources
	Joe Martin	Department of Agriculture
	Lisa Thorvig	Pollution Control Agency
	Dave Weirens	staff lead

Responsibility:

The Wetlands Committee is responsible for reviewing Wetland Conservation Act (WCA) rules, policies and guidelines and making recommendations to the Board.

Meetings: The committee will meet twice during the year or at the call of the chair.

STATUTORY COMMITTEES

Committee: Committee on Wells and Borings

Membership: Eric Mohring, staff lead

Responsibility:

Interest and availability with regard to Advisory Council on Wells and Borings and Pesticide Advisory Committee. Policy issues will be brought before the Board for discussion as a new business agenda item.

Meetings: The committee will meet when necessary.

GENERAL COMMITTEE MEETING SCHEDULE

The Board has adopted a resolution that ***committees shall schedule meetings in conjunction with monthly Board meetings as much as possible.*** *A majority of each committee's membership should be available for a scheduled meeting. The committee chair and staff are expected to develop an agenda and staff are responsible for keeping minutes of the committee proceedings. The committee meetings are considered to be* ***public meetings*** *under the open meeting law and therefore must be noticed in the same manner as regular board meetings. All committee agendas should be e-mailed to Mary Jo Anderson for appropriate notice posting.*

Advisory members have offered to serve and may serve on BWSR committees as non-voting members and provide assistance as needed.

Advisory members:

Local Government Partners

- *Association of Minnesota Counties (AMC) – Annalee Garletz*
- *Minnesota Association of Conservation District Employees (MACDE) – Brian Watson/Rick Reimer*
- *Minnesota Association of Soil & Water Conservation Districts (MASWCD) – LeAnn Buck*
- *Minnesota Association of Townships (MAT) – Sandy Hooker*
- *Minnesota Association of Watershed Districts (MAWD) – Ray Bohn*
- *Minnesota County Planning and Zoning Administrators (MCPZA) – Norman Craig*
- *League of Minnesota Cities (LMC) - Jim Miller*

Federal Partners

- *U.S. Army Corps of Engineers (USCoE) – Bob Whiting*
- *U.S. Fish and Wildlife Service (USF&WS) – Robyn Thorson, Regional Director*
- *USDA Farm Services Agency (FSA) – John Monson*
- *USDA Natural Resources Conservation Service (NRCS) – Tim Koehler*

State Agencies

- *Met Council – Peter Bell*
- *Minnesota Department of Transportation (MNDOT) – Carol Molnau, Lieutenant Governor*

Interest Partners

- *Audubon Society of Minnesota – Ken Finch, Executive Director*
- *Builders Association – Remi Stone*
- *Fish and Wildlife Legislative Alliance – Lance Ness*
- *Izaak Walton League – Gary Schwartz*
- *Mining Industry Association of Minnesota – Wayne Brandt*
- *Minnesota Agri-Growth Council – Daryn McBeth*
- *Minnesota Association of Realtors – Glen Dorfman*
- *Minnesota Barley Research & Promotion Council – Marv Zutz, Executive Director*
- *Minnesota Cattlemen's Association – Steve Brake, President*
- *Minnesota Center for Environmental Advocacy – Mark TenEyck*
- *Minnesota Conservation Federation – Gary Botzek*
- *Minnesota Corn Growers Association – Bruce Stockman, Executive Director*
- *Minnesota Ducks Unlimited -*
- *Minnesota Environmental Partnership – Ron Kroese, Executive Director*
- *Minnesota Farm Bureau Federation – Al Christopherson, President*
- *Minnesota Farmers Union – Doug Peterson, President*
- *Minnesota Forest Industries & Timber Producers Association – Wayne Brandt*
- *Minnesota Land Trust – Jane Prohaska, Executive Director*
- *Minnesota Milk Producers Association – Bob Lefebvre*
- *Minnesota Pork Producers Association – Dave Preisler, Executive Director*
- *Minnesota Sierra Club – Judy Chucker, President*
- *Minnesota Soybean Growers Association – Jim Palmer, Executive Director*
- *Minnesota Turkey Growers Association – Steve Olson, Executive Director*
- *Minnesota Viewers Association – Ron Ringquist*
- *Minnesota Waterfowl Association – Jim Cox, President*
- *Minnesota Waters – Bruce Johnson*
- *Minnesota Wetland Bankers Association*
- *Minnesota Wetland Delineators Association*
- *Minnesota Wheat Growers Association – Dave Torgerson, Executive Director*
- *Pheasants Forever – Joe Duggan*
- *Property Rights Groups –*
- *Red River Valley Sugarbeet Growers, Nick Sinner, Executive Director*
- *The Nature Conservancy – Ron Nargang*
- *Urban Wetland Management Coalition – Cliff Aichinger*
- *Utility Industry- Keith Hansen*

Board Packet
FYI

Print This Page | Close Window

Governor Tim Pawlenty today announced his five citizen member nominees to the new 17-member Legislative-Citizen Commission on Minnesota Resources (LCCMR).

The LCCMR was created in legislation proposed by the Governor and signed into law earlier this year. It replaces the Legislative Commission on Minnesota Resources (LCMR) as the body that makes funding recommendations to the Legislature from the Environment and Natural Resource Trust Fund for special environment and natural resource projects. Funding recommendations are typically for new, innovative, or accelerated projects designed to help sustain, enhance, and utilize Minnesota's natural resources. The new LCCMR has 17-members – five citizens appointed by the Governor, one citizen appointed by the House and one appointed by the Senate, and ten legislators. The former LCMR had 20 members, all of whom were legislators.

Governor Pawlenty initiated reform of the conservation appropriations process in 2004, citing public concerns over past spending from the Environment and Natural Resource Trust Fund (ENRTF), which was created in the Minnesota Constitution in 1988 and is supported by 40 percent of net proceeds from Minnesota Lottery sales. The Constitution requires that, *"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."*

"Ensuring that citizens have a seat at the table when these important conservation funding decisions are made will help us better protect and enhance Minnesota's natural resources," Governor Pawlenty said. "The creation of the LCCMR moves the process from citizen input and advice to one where citizens will be partners in how those investment choices are made. I'm pleased that after two years of work on this reform, we are now able to include the expertise and strategic thinking of some of Minnesota's best and brightest conservation leaders in this process."

The Governor's five citizen nominees are:

- Alfred Berner of Good Thunder, a wildlife habitat consultant with doctorate and masters degrees in wildlife management from Michigan State University, and a life member of the Minnesota Deer Hunters Association, the National Rifle Association, the Ruffed Grouse Society and the Nature Conservancy. Berner will serve a term which ends January 5, 2009.
- Nancy Gibson of St. Louis Park, Co-founder of the International Wolf Center in Ely, Minnesota Waterfowl Association Conservationist of the Year for 2002, Chair of the Minnesota Citizen Advisory Committee of the Environment and Natural Resources Trust Fund for 14 years, and a co-leader of the constitutional campaign to re-dedicate lottery funds for 25 years to the Trust Fund beginning in 2000. Gibson will serve a term which ends January 7, 2008.
- David Hartwell of Minneapolis has served in leadership positions for the Minnesota Nature Conservancy, the Parks and Trails Council of Minnesota, the Minnesota League of Conservation Voters, the Delta Waterfowl Association, the Bell Museum of Natural History, the Conservation Endowment Fund and served on the Citizens Advisory Council of the Environment and Natural Resources Trust Fund for two years. Hartwell will serve a term which ends January 4, 2010.
- John Hunt of Big Lake, an environmental engineer, earned his masters degree in civil engineering and water resources from Iowa State University. An avid hunter and angler, he has served as the Chair of Trout Unlimited's national Embrace-A-Stream grant committee. Mr. Hunt has also served on the Minnesota Department of Natural Resources Motorized Trail Task Force from 2002-2003 and the Game and Fish Fund's Ecological Services Oversight Subcommittee. Hunt will serve a term which ends January 5, 2009.
- Mary Mueller of Winthrop, Owner of Mueller's Habitat Restoration, a prairie restoration business that plans and seeds prairie and wetland restorations. Ms. Mueller has degrees in ecology and agricultural research from Mankato State University and the University of Minnesota – Waseca. She is the Habitat Coordinator for McLeod County Pheasants Forever and vice president of the Wildlife Habitat Conservation Society. She operates a farm in Winthrop with portions of the land enrolled in RIM, CRP and CREP conservation program efforts. Mueller will serve a term which ends January 4, 2010.

The new LLCMR includes the following:

- Election of a chair that rotates between legislative and citizen members
- Adoption of a six-year strategic plan upon which to base funding decisions
- Utilization of statewide information gathering forums
- Appropriation of regional block grants and partnerships with existing organizations to address unique local needs and leverage additional funding
- Appointment of technical advisory and peer review committees, as necessary, to review funding proposals and evaluate project outcomes

A five member Trust Fund Citizen Selection Committee provided recommendations for LCCMR nominees to the Governor

and House and Senate leaders. The Selection Committee members were Chair Joseph J. Duggan, D. Wayne Jacobson, Jr., Jane H. Kingston, Pam Landers, and Bev Nordby.

Minnesota Board of Water & Soil Resources

DATE: October 17, 2006

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

FROM: Ronald D. Harnack, Executive Director

SUBJECT: October 25th Board Meeting Notice

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, October 25, 2006, beginning at 9:00 a.m. The meeting will be held in the Central Board Room, lower level, 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:

OLD BUSINESS

1. **Update on South Two River Watershed District (STRWD) Termination Order** – Jim Haertel will provide an update. See attached correspondence. ***INFORMATION ITEM***

NEW BUSINESS

1. **Drought Disaster Assistance Program Update** - In August, the Board implemented the Drought Disaster Assistance Program which allocated $500,000 to 31 SWCDs requesting assistance for 423 producers. The Board also approved the temporary use of SWCD State Cost Share Base Grants for drought-related livestock water facilities. Producers made requests during a 30-day window ending September 7, 2006, made possible by a Governor's Executive Order.

   All producers receiving funds are required to have a prescribed grazing or nutrient management plan by September 7, 2007. NRCS and BWSR staffs will conduct several local "technical assistance" meetings for producers this fall to provide information to producers and SWCDs on the requirements for these plans. More detailed information will be provided at the Board Meeting. ***INFORMATION ITEM***

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2. **Summary of Clean Water Legacy Grant Applications** – See attached. ***INFORMATION ITEM***

3. **WCA Assessment Update** - The WCA Assessment has been progressing with the work of the Stakeholder Advisory Committee and Wetland Committee. The Roundtable has been scheduled for November 14-15 in St. Cloud where the invited organizations will be asked to work towards a consensus on key issues. This agenda item will provide an update of the Assessment. See attached. ***INFORMATION ITEM***

4. **Third Crop Initiative** - Linda Meschke, Rural Advantage, see attached. ***INFORMATION ITEM***

5. **Budget Update –** Ron Harnack – ***INFORMATION ITEM***

If you have any questions regarding the agenda, please feel free to give me a call at 651-296-0878. The meeting will adjourn about noon. I look forward to seeing you on October 25th!

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

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BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
CENTRAL BOARD ROOM, LOWER LEVEL
ST. PAUL, MINNESOTA 55155
WEDNESDAY, OCTOBER 25, 2006

PRELIMINARY AGENDA

9:00 AM **CALL MEETING TO ORDER**

PLEDGE OF ALLEGIANCE

ADOPT AGENDA

MINUTES OF SEPTEMBER 27, 2006

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

REPORTS

- Chair – Randy Kramer
- Executive Director – Ron Harnack
- Dispute Resolution Committee – Randy Kramer
- Wetlands Committee – LuAnn Tolliver
- Cost-Share/Soil Conservation Committee – Louise Smallidge
- Education and Public Relations Committee – Kay Cook
- Administrative Advisory Committee – Randy Kramer

OLD BUSINESS

1. Update on South Two River Watershed District (STRWD) Termination Order – Jim Haertel – *INFORMATION ITEM*

NEW BUSINESS

1. Drought Disaster Assistance Program Update - Wayne Zellmer – *INFORMATION ITEM*

2. Summary of Clean Water Legacy Grant Applications – Doug Thomas – *INFORMATION ITEM*

3. WCA Assessment Update - Dave Weirens – *INFORMATION ITEM*

4. Third Crop Initiative - Linda Meschke, Rural Advantage – *INFORMATION ITEM*

5. Budget Update – Ron Harnack – *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
- Others

UPCOMING MEETINGS

- WCA Assessment Roundtable, November 14-15, St. Cloud
- "Special Board Meeting", November 15 at 1:00 p.m., St. Cloud
- Board Retreat, November 15-16, 2006, St. Cloud
- MAWD Annual Meeting, November 30-December 2, Alexandria
- MASWCD Annual Meeting, December 3-5, Bloomington
- AMC Annual Meeting, December 4-6, Rochester
- Board Meeting, December 13, 2006, St. Paul

Noon **ADJOURN**

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

Dispute Resolution Report
October 12, 2006
by: Jim Haertel

There are presently 26 appeals pending. All of the appeals involve WCA except File 05-24. There have been five new appeals filed since the last report dated September 14th.

File 06-31. This is a new appeal of a restoration order in Todd County. The appeal regards the placement of fill in wetland associated with excavation in Bear Creek for a road culvert. No decision has been made on the appeal.

File 06-30. This is a new appeal of a restoration order in Todd County. The appeal regards the placement of fill in Type 3 wetland for an ATV trail. No decision has been made on the appeal.

File 06-29. This is a new appeal of a restoration order in Carlton County. The appeal regards the placement of fill, and excavation, in Types 2 and 6 wetland. No decision has been made on the appeal.

File 06-28. This is a new appeal of a restoration order in St. Louis County. The appeal regards the placement of fill in Type 7 wetland associated with construction of a road. No decision has been made on the appeal.

File 06-27. This is a new appeal of a replacement plan decision in Otter Tail County. A permanent road was constructed in Type 6/7 wetland with a portion of it in the shoreland zone. A Restoration Order was issued and a replacement plan application was submitted to retain the road. The LGU denied the replacement plan. No decision has been made on the appeal.

File 06-26. This is an appeal of a wetland exemption determination in Cass County. The LGU approved the wetland exemption. The TEP recommended the exemption not be approved. The activity involves the placement of drain tile in a Type 2 wetland that was previously hayed and is now a sod farm. The appeal has been accepted and a pre-hearing conference will be scheduled.

File 06-25. This is an appeal of a restoration order in St. Louis County. The appeal regards the placement of fill in Type 7 wetland adjacent to a commercial business. No decision has been made on the appeal.

File 06-23. This is an appeal of a replacement plan decision in Kanabec County. The LGU denied the wetland replacement plan application. A previous denial of the same replacement plan application had been appealed, the appeal was remanded for a hearing, and now the current denial has been appealed. The appeal has been placed in abeyance

pending the outcome of a lawsuit between the landowner and the county. The lawsuit concerns the county's possible noncompliance with the 60-day rule.

File 06-22. This is an appeal of a restoration order in Olmsted County. The appeal regards the construction of a fish pond. No decision has been made on the appeal.

File 06-20. This is an appeal of a restoration order in Carlton County. The appeal regards filling and grading in Type 2 and Type 6 wetlands for construction of an airplane hangar, airstrip extension and taxiway. No decision has been made on the appeal.

File 06-17. This is an appeal of a replacement plan decision in the City of Montgomery in LeSueur County. The LGU denied an after-the-fact wetland replacement plan application based on a lack of sufficient reasons why the restoration could not be completed. The appeal has been remanded for further processing at the local level.

File 06-14. This is an appeal of a replacement order in the City of Green Isle in Sibley County. A replacement plan was approved, replacement wetlands were constructed, and wetland impacts have occurred as authorized under the approved replacement plan. The ownership of the wetland replacement credits is in dispute. A district court decision on the ownership issue was appealed to the Minnesota Court of Appeals. The appeal has been placed in abeyance and the Replacement Order has been stayed until the court proceedings have been finalized.

File 06-12. This is an appeal of a no-loss decision in Stearns County. It involves the same project and issues as File 06-6. After a restoration order was issued, a no-loss application was submitted by the developer and denied by the LGU. The appeal has been remanded for further technical evaluation.

File 06-6. This is an appeal of a restoration order in Stearns County. At issue are numerous wetlands impacted by filling, sedimentation, reduction of hydrology and lack of Best Management Practices associated with a residential development. The appeal has been denied in part. The Restoration Order has been affirmed in part and has been stayed in part.

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

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

File 06-2. This is an appeal of a restoration order in Mille Lacs County. At issue is the unauthorized placement of fill in wetland for construction of a road. Also, unstable steep

slopes exist along the edge of the fill in wetland. The appeal is in abeyance pending further technical work during the growing season.

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

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

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

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

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

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

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

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

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

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

OLD BUSINESS

1. Update on South Two River Watershed District (STRWD) Termination Order – Jim Haertel – *INFORMATION ITEM*

Minnesota Board of Water & Soil Resources

October 11, 2006

Ralph Blenker, Chair
South Two River Watershed District
P.O. Box 743
Albany, MN 56307

VIA ELECTRONIC MAIL

RE: October 12 Meeting Agenda

Dear Chair Blenker:

After discussion with Administrator Merle Anderson, it has been determined that the proposed October 12, 2006 agenda complies with the conditions of the Stay. Mr. Anderson clarified certain agenda items that we had potential concerns about. Based on Mr. Anderson's clarifications, the proposed agenda is acceptable. It is understood that Mr. Anderson cannot predict the actions of the Board of Managers, thus I will elaborate.

The agency's main concern is that no new expenditures of public funds occur, other than what is necessary for certain operating expenses as specified in the Stay. The payment of existing financial obligations and previously authorized work and contracts is allowable. If there are any open-ended contracts, other than for certain operating expenses, they should be closed. With that stated, I will cover the agenda items that were of potential concern.

8 B and F. Conducting a round table discussion with partners for possible future planning is acceptable only if conducted at a regular monthly board of managers meeting. It would not be in compliance with the conditions of the Stay if the managers attended the discussion at another time and location and the managers were reimbursed with District funds. Further, discussion for planning purposes is acceptable, however any commitment of District funds would not be in compliance with the conditions of the Stay.

8 C. The Outdoor Corps lake monitoring has been done and payment is acceptable. Commitment of District funds for the future would not be in compliance with the conditions of the Stay.

8 D. Payment of the water quality monitoring and report contract with Wenck Associates is acceptable. A contract for the future would not be in compliance with the conditions of the Stay.

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8 E. Payment of previously existing contracts with Pheasants Forever, or landowners, is acceptable. Any contracts in the future would not be in compliance with the conditions of the Stay.

Please feel free to contact me at (651) 297-2906, or at the Saint Paul address, if I may be of further assistance in this matter.

Sincerely,

Jim Haertel
Water Management Specialist

cc: Merle Anderson, Administrator
Christopher Harmoning, Gray Plant Mooty
Louis Smith, Smith Partners
Timothy R. Reuter, Kelm & Reuter, P.A.
Nathan Hartshorn, A.G.O.
BWSR: Ron Harnack, Doug Thomas, Dave Weirens, Ron Shelito, Jason Weinerman

SOUTH TWO RIVER WATERSHED DISTRICT
741 Lake Ave - P.O. Box 743 - Albany, MN 56307
(320) 845-6050
strwd@albanytel.com

October 12, 2006 - 8:00 PM

TENTATIVE AGENDA

Only Agenda Items Approved by BWSR will be discussed

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF MINUTES
5. TREASURER'S REPORT
6. APPROVAL OF CLAIMS
7. OLD BUSINESS
   A. Review BWSR Stay Order
8. NEW BUSINESS
   A. September 28, 2006 Letter from Assistant Attorney General to Clerk of Appellate Court for filing Statement of the Case of Respondent and Affidavit of Service and Writ of Certiorari
   B. Review and Development of STRWD Round Table Discussion Format
   C. Outdoor Corps – Lake Monitoring Report and Billing Status
   D. Wenck Associates Inc. – 2006 Water Quality Monitoring Report Status
   E. Jason Selvog – Attend and Present Progress Report
   F. Decision for November 9, 2006 Regular Meeting - Host or Attend Round Table Discussion with Partners
9. PUBLIC COMMENTS
10. ANNOUNCEMENT OF NEXT MEETING DATE
11. ADJOURN

MISSION STATEMENT

"It is the Mission of the South Two River Watershed District to Partner with Residents and Other Agencies to Protect and Enhance the Watershed's Resources for Today and Tomorrow."

Minnesota Board of Water & Soil Resources

October 5, 2006

Ralph Blenker, Chair
South Two River Watershed District
P.O. Box 743
Albany, MN 56307

VIA ELECTRONIC AND U.S. MAIL

RE: Warning of Potential Violation of Conditions of the Stay of Order to Terminate South Two River Watershed District

Dear Chair Blenker:

This letter concerns Manager Radtke's recent public writings regarding the District potentially providing funds for cost share projects and encouraging landowners to apply to the District. The Managers are strongly reminded that condition number 5 of the Stay states:

> The District managers are not authorized to act on petitions, start new projects, start or continue studies or programs, or enter into new contracts.

If such expenditure of District funds were to occur while the Stay is in effect, this agency would consider the conditions of the Stay to have been violated and the Termination Order would be filed immediately with the Secretary of State.

I am uncertain if there is some confusion among the Managers on the conditions of the Stay, or if this was just a mistake by Manager Radtke, or if there is some other reason for this to have occurred. Regardless of the reason, the Managers should clearly be aware that it is not "business as usual" for the District under the conditions of the Stay. Rather, the conditions of the Stay dictate the District operate under a "lights on" policy that basically allows the District to remain in existence to deal with the appeal while the appeal is pending and pay certain expenses to operate in this limited capacity. At any time the Managers may seek clarification from this agency on the conditions of the Stay and whether a contemplated action by the Managers would be in compliance.

Also, in consideration of the adoption of District motion 06-08-6, the Managers are cautioned that the transfer or sale of any of the District's real property to any person or entity other than Stearns or Morrison Counties would be considered a violation of the conditions of the Stay.

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Please feel free to contact me at (651) 297-2906, or at the Saint Paul address, if I may be of further assistance in this matter.

Sincerely,

Jim Haertel
Water Management Specialist

cc: Vince Schaefer, Stearns County Commissioner
Marcus Miller, Stearns County Assistant Attorney
Christopher Harmoning, Gray Plant Mooty
Louis Smith, Smith Partners
Timothy R. Reuter, Kelm & Reuter, P.A.
Barb Lang
Nathan Hartshorn, A.G.O.
BWSR: Ron Harnack, Doug Thomas, Dave Weirens, Ron Shelito, Jason Weinerman

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James B. Lockhart

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[612] 344-1550 fax

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September 29, 2006

James Haertel
Minnesota Board of Water and Soil Resources
520 Lafayette Road North
St. Paul MN 55155

VIA CERTIFIED MAIL AND FACSIMILE

Re. In re petition for the termination of the South Two River Watershed District; appellate file A06-1745

Mr. Haertel:

Please find enclosed and served on you by facsimile and certified mail in accordance with Minn. R. Civ. App. P. 127 a copy of the Minnesota Association of Watershed Districts' Notice of Motion and Motion for Leave to Participate or, in the Alternative, to File Brief *Amicus Curiae* in the above-captioned matter. The notice of motion and motion was filed via certified mail with the Minnesota Court of Appeals on September 30, 2006.

Sincerely,

Louis N. Smith

encl. - Notice of Motion and Motion for Leave to Participate or, in the Alternative, to File Brief *Amicus Curiae*

RECEIVED
OCT 2 2006
Bd. of Water & Soil Resources
St. Paul

Minnesota Board of Water & Soil Resources

September 29, 2006

Christopher W. Harmoning
Gray, Plant, Mooty, Mooty & Bennett, P.A.
1010 West St. Germain Street, Suite 600
St. Cloud, MN 56301-3406

VIA ELECTRONIC AND U.S. MAIL

RE: List of Parties to Termination Proceedings, South Two River Watershed District

Dear Mr. Harmoning:

In response to your September 27, 2006 request, Respondent Minnesota Board of Water and Soil Resources hereby certifies to Relator South Two River Watershed District the names and addresses of all parties as disclosed in our records in the above referenced matter pursuant to Minn. Stat. § 14.64.

Please feel free to contact me at (651) 297-2906, or at the Saint Paul address, if I may be of further assistance in this matter.

Sincerely,

Jim Haertel
Water Management Specialist

Enclosure

cc: Marcus Miller, Stearns County Assistant Attorney
Louis Smith, Smith Partners PLLP
Timothy R. Reuter, Kelm & Reuter, P.A.
Nathan Hartshorn, A.G.O.
Dave Weirens, BWSR

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Minnesota Board of Water & Soil Resources

September 28, 2006

Christopher W. Harmoning
Gray, Plant, Mooty, Mooty & Bennett, P.A.
1010 West St. Germain Street, Suite 600
St. Cloud, MN 56301-3406

VIA FACSIMILE AND U.S. MAIL

RE: Stay of Order to Terminate South Two River Watershed District

Dear Mr. Harmoning:

In response to your September 15, 2006 request for a voluntary stay in the above referenced matter, please find enclosed a copy of the September 27, 2006 Order adopted by the Board of Water and Soil Resources. Said Order grants a stay, with conditions, of the filing with the Secretary of State and enforcement of the August 24, 2006 Order to Terminate the South Two River Watershed District contingent on the conditions being met.

Please feel free to contact me at (651) 297-2906, or at the Saint Paul address, if I may be of further assistance in this matter.

Sincerely,

Jim Haertel
Water Management Specialist

Enclosure

cc's on next page

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cc: Vince Schaefer, Stearns County Commissioner
Randy Schreifels, Stearns County Auditor/Treasurer
Russ Nygren, Morrison County Auditor
Marcus Miller, Stearns County Assistant Attorney
Merle Anderson, District Administrator
Ray Bohn, MAWD
Ernie Schmit, City of Holdingford Mayor
Scot Laing, Krain Township Chairman
Timothy R. Reuter, Kelm & Reuter, P.A.
Barb Lang
Nathan Hartshorn, A.G.O.
BWSR: Ron Harnack, Doug Thomas, Dave Weirens, Ron Shelito, Dan Steward

SOUTH TWO RIVER WATERSHED DISTRICT
741 Lake Ave. – PO Box 743
Albany, MN 56307
(320) 845-6050
strwd@albanytel.com

OFFICIAL MINUTES
Albany Community Center
Albany, Minnesota
September 14, 2006 - 8:00 PM

The meeting was called to order at 8:02pm by Chair Blenker.

Those in attendance were Managers' Blenker, Radtke, Mareck, and Gondringer. Also in attendance were Stan Weinberger, Attorney; Pat Winter, Accountant; Rich Gondringer, Advisory Committee Member; Merle Anderson; Jim Haertel, BWSR; Scot Laing; Shirley Graveen; Ernie Schmidt; Scott Hanson; Vince Schaefer, Stearns County Commissioner; and Steve Bartz.

Motion 06-09-1: Motion Gondringer, seconded by Mareck to adopt the Agenda with addition of the following. **ALL MANAGERS VOTED AYE.**

1. Discuss delivery of personal property and records upon termination.
2. Set final meeting date.
3. Discuss Chair authorization to provide staff until final meeting date.
4. Request final billings for contracts.
5. Develop exit letter.

Motion 06-09-2: Motion Gondringer, seconded by Mareck to approve the August 10, 2006 Levy Public Hearing Minutes. **ALL MANAGERS VOTED AYE**

Motion 06-09-3: Motion Gondringer, seconded by Radtke to approve the August 10, 2006 Budget Public Hearing Minutes. **ALL MANAGERS VOTED AYE.**

Motion 06-09-4: Motion Gondringer, seconded by Radtke to approve the August 10, 2006 Regular Meeting Minutes, after correcting Motion 06-08-5 to read Managers Gondringer, Mareck, and Blenker voted aye. Manager Radtke abstained. **ALL MANAGERS VOTED AYE.**

Motion 06-09-5: Motion Radtke, seconded by Mareck to accept the Treasurer's Report which shows an ending cash balance of $48,132.14 and a CD balance of $92, 032.81. **ALL MANAGERS VOTED AYE**

Motion 06-09-6: Motion Gondringer, seconded by Mareck to pay claims. **ALL MANAGERS VOTED AYE**.

Chair Blenker informed the Board that the Minnesota State Auditor suggested to him that if the District wants to pursue further audit of the 2004 STRWD financial records, that they should contact Schlenner Wenner & Co.

Merle Anderson informed the Board of Managers that Schlenner Wenner & Co. have stopped the 2005 STRWD financial audit until further notice.

Motion 06-09-7: Motion Gondringer, seconded by Mareck, to authorize payment of claims by Chair Blenker and Merle Anderson for their attendance at the August 24, 2006 BWSR meeting in Fairmont, Minnesota.

Chair Blenker introduced Attorney Stan Weinberger.

Attorney Stan Weinberger distributed to the Board an Extract of Minutes that they could consider should the Board choose to appeal the BWSR Termination Order for STRWD. Mr. Weinberger explained that there are two reasons to be considered for appeal, those being substantive and procedural. He also reviewed the entire Extract of Minutes.

Chair Blenker asked managers for their opinions as to whether or not an appeal should move forward. Manager Gondringer expressed his opposition to an appeal. Manager Mareck said that he favored an appeal. Manager Radtke also supported an appeal. Chair Blenker asked the managers if they were ready to vote on this Extract of Minutes.

Motion 06-09-8: Motion Mareck, seconded by Radtke to adopt the attached Extract of Minutes. **MANAGERS' MARECK, RADTKE, AND BLENKER VOTED AYE. MANAGER GONDRINGER VOTED NAY. THE MOTION CARRIED.**

Attorney Weinberger indicated to the Board of Managers that based on their action, STRWD business could continue until further notice.

Chair Blenker asked for seven minutes of public comments.

The following residents spoke:

1. Ernie Schmidt – Majority of residents don't want a watershed district.
2. County Commissioner Schaefer – Manager's action is a disservice worse than what's been done before.
3. Scott Hanson – Applauded Manager Gondringer for his vote.
4. Steve Bartz – Applauded Manager Gondringer for his vote and also indicated that managers who voted in favor of the appeal are the most hated people in Stearns County.
5. Scot Laing – Wanted to eliminate a layer of government.
6. Shirley Graveen – Watershed District does nothing for Holdingford.
7. Scott Hanson – Hoped Board would reconsider their action.
8. County Commissioner Schaefer – Requested letter from each manager explaining their reason for voting the way they did. He also said that the decision to appeal does not have the welfare of people in mind and the reasons are wrong.
9. Steve Bartz – Disagreed with appealing based on a loophole and indicated that no commissioners or public is on the side of those managers who voted to appeal.

Chair Blenker expressed his feelings, indicating that last October he was interviewed by County Commissioners Schaefer and Otte and took an oath to do his best after he was appointed STRWD Manager. Mr. Blenker explained that the BWSR Assessment was completed and reported to the Board in early 2006. He feels that what was suggested in that assessment has been accomplished. Chair Blenker feels that he has been betrayed.

Chair Blenker announced that the next regular STRWD meeting will be held October 12, 2006, 8pm, at the Albany Community Center.

Manager Gondringer reminded the managers that the Manager who moved to appeal could withdraw that motion.

Chair Blenker adjourned the meeting at 8:48pm.

RALPH BLENKER, CHAIR

SCOTT RADTKE, SECRETARY

MISSION STATEMENT

"It is the Mission of the South Two River Watershed District to Partner with Residents and Other Agencies to Protect and Enhance the Watershed's Resources for Today and Tomorrow."

NEW BUSINESS

2. Summary of Clean Water Legacy Grant Applications – Doug Thomas – *INFORMATION ITEM*

DRAFT

Board of Water and Soil Resources
Clean Water Legacy Projects Summary

	RESTORATION PROJECTS	Projects Submitted	Loan Request	T/A Request	Grant Request	Total Funding Request	Leveraged Amount
1	Lower Mississippi River - Fecal Coliform	20	$ 780,000	$ 815,260	$ 2,841,300	$ 4,436,560	$ 3,470,700
2	Lower Minnesota River - Dissolved Oxygen	23	$ 1,680,000	$ 2,559,540	$ 8,231,257	$ 12,470,797	$ 573,112
3	South Branch Yellow Medicine River - Fecal Coliform	1	$ 312,500	$ -	$ 622,300	$ 934,800	$ 100,000
4	Long Prairie River - Dissolved Oxygen	3	$ 80,000	$ 130,525	$ 586,884	$ 797,409	$ -
5	Chippewa River - Fecal Coliform	-	$ -	$ -	$ -	$ -	$ -
6	Shingle Creek - Chloride	1	$ -	$ -	$ 15,000	$ 15,000	$ -
7	North Branch Sunrise River - Fecal Coliform	1	$ 220,000	$ 220,000	$ 110,000	$ 550,000	$ 36,000
8	Otter Tail River - Turbidity	1	$ 16,875	$ 67,125	$ 395,875	$ 479,875	$ 197,325
9	Cannon River - Turbidity		$ -	$ -	$ -	$ -	$ -
10	Blue Earth River - Fecal Coliform		$ -	$ -	$ -	$ -	$ -
11	Bevens & Silver Creek - Fecal Coliform		$ -	$ -	$ -	$ -	$ -
12	Lake Independence - Nutrients	1	$ -	$ 100,000	$ 1,099,106	$ 1,199,106	$ 97,500
	Restoration Project Summaries	**50**	**$ 3,089,375**	**$ 3,892,450**	**$ 13,901,722**	**$ 20,883,547**	**$ 4,474,637**

	Projects Submitted	Water Plan Projects	Impaired Waters	Loan Request	T/A Request	Grant Request	Total Funding Request	Leveraged Amount
PROTECTION PROJECT SUMMARY	**123**	**121**	**2**	**$ 1,361,705**	**$ 3,060,267**	**$ 19,474,070**	**$ 23,896,042**	**$ 6,838,609**

Summary of Projects Submitted

		% of Total Projects Submitted
Total Number of Projects Submitted	173	
Restoration Projects	50	29%
Water Plan Protection Projects	121	70%
Impaired Waters Protection Projects	2	1%

	Loan Request	T/A Request	Grant Request	Total Funding Request
Totals:	**$4,451,080**	**$6,952,717**	**$33,375,792**	**$44,779,589**
Funds Available:	**$1,000,000**	**$1,800,000**	**$5,010,000**	**$7,810,000**

CWL Funding Score Sheet Guide

CWL Funding Narrative Questions	Points	Scoring Criteria
1. Prioritization	**20**	
		1a) Priorities listed are derived from TMDL, Watershed, or Local Water Plan (10 pts) **1b) Can the applicant realistically implement these priorities and will cost effective water quality benefits result? (5 pts)** **1c) Contingency plan has been developed for the event of reduced funding. (5 pts)**
2. Pending Activities	**25**	
		2a) Pending activities align with listed priorities. (5 pts) **2b) Activities have a high probability of being implemented in a short time-frame. (15 pts)** **2c) Do activities employ proven BMPs with high potential for reducing pollutant loading to waters? (5 pts)**
3. Coordination of Funding and Activities	**20**	
		3a) How does the proposed project demonstrate a high potential for project success based on broad-based support, involvement within the project area, and the project sponsor's and cooperator's local capability and organization? (10 pts)

CWL Funding Narrative Questions	Points	Scoring Criteria
		3b) Coordination efforts will result in leveraging additional funds and water quality benefits are proportionate to costs. (public or private) (10pts)
4. Past Performance	**20**	
		4a) Applicant(s) have used all funds for past allocations of grants and loans, have abided by State rules and policies related to those funds, and have funded projects related to stated priorities. (10 pts)* **4b) Applicant(s) have completed all reports in compliance of past awards of grant and loan funds from the State and consistently report progress in a timely manner. (10 pts)**
5. Project Narrative	**15**	
		5a) Did the project discuss the anticipated water quality benefits, goals, and the potential for the proposed activities to have a significant impact on water quality? (10 pts) **5b) Does the proposed project demonstrate a high potential for success as it relates to project goals and objectives, work activities, budget, and the project organization and management structure? (5 pts)**
Total Points	**100**	

NEW BUSINESS

3. WCA Assessment Update – Dave Weirens - *INFORMATION ITEM*

WCA ASSESSMENT
PRELIMINARY RECOMMENDATIONS

OCTOBER 13, 2006

I. BACKGROUND/INTRODUCTION

A. 2001-2003 Minnesota Wetland Report

Every two or three years, the Board of Water and Soil Resources (BWSR) produces the Minnesota Wetland Report to provide data on the status of implementation of state laws and programs relating to wetlands. These reports include information on the quantity, quality, acreage, type, and public value of wetlands in the state.

The 2001 –2003 Minnesota Wetland Report was approved by the Board at its August 2005 meeting and it:

- Includes data from multiple state and federal wetland programs, including those of: BWSR, DNR, PCA, MnDOT, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, U.S.D.A. Natural Resources Conservation Service, and U.S.D.A. Farm Services Agency
- Does not make policy recommendations
- Can be used to identify trends in program accomplishments

Key data reported to BWSR from Wetland Conservation Act (WCA) local government units (LGU's) is shown in the table below.

REPORTED WETLANDS AVOIDED, MITIGATED, RESTORED, & IMPACTED FROM WCA REGULATION 2001-2003				
WCA Activity	2001	2002	2003	Totals
Number of Landowner Contacts to LGUs	17,086	18,507	17,561	53,145
Avoided/Minimized (in acres)	3,943	3,052	3,150	10,145
Impacted (in acres)	(273)	(330)	(383)	(986)
Replacement (in acres)	535	347	584*	1,466[1]
Exempt (in acres)	(610)	(619)	(479)	(1,708)
Impact + Exempt	(883)	(949)	(862)	(2,694)
Impact + Exempt – Replacement = Net Loss	(348)	(602)	(417)	(1,367)

This table shows that WCA results in a net gain when evaluating regulated impacts and required replacement. However, including the effect of the exemptions turns the result from a net gain to a net loss under the program. It was this data that that led Governor Pawlenty to direct the Clean Water Cabinet undertake the WCA Assessment.

B. September 7, 2005 Letter from Governor Pawlenty to the Clean Water Cabinet

In a letter to the Clean Water Cabinet (commissioners of the PCA, DNR, MDH, MDA, and the Executive Director of BWSR), Governor Pawlenty directed the Cabinet to assess the WCA to identify and discuss options to do more to limit the loss of wetlands through the regulatory process and to more closely align with the principle of no net loss.

C. Assessment Areas

1. Improve accounting and reporting

The Comprehensive Wetland Assessment, Monitoring and Mapping Strategy (CWAMMS) will provide an improved assessment of the status and trends of wetlands in Minnesota. This strategy will be partially implemented by June 2006. An interim accounting system is being developed to assess data collected by agencies to provide an improved picture of wetland gains and losses through current regulatory and nonregulatory programs. In addition, improvements will be developed to reporting and data acquisition efforts under state wetland programs.

2. Do more to limit the loss of wetlands

The current statutory and rule framework regarding the WCA exemptions and replacement ratios will be reviewed to identify opportunities to reduce wetland losses.

3. Streamline regulatory efforts

The BWSR will seek a memorandum of understanding with the U.S. Army Corps of Engineers to establish programmatic changes, both state and federal, that will increase efficiencies and improve the environmental benefits of wetland regulatory programs. Current WCA procedures will be examined to identify opportunities to reduce the administrative burden of the WCA without compromising wetland protections

D. Assessment Process and Timeline

1. Process.

BWSR through its Wetland Committee, in coordination with the CWC, is leading the assessment process. A stakeholder group has been meeting since February 2006 to provide input and work towards a consensus and/or identify options prior to the 2007 Legislative Session. The Wetland Committee reviews the issues and options to develop a recommendation. These recommendations will be discussed at the Wetland Roundtable scheduled for November 14-15 in St. Cloud.

The Stakeholder organizations that have been participating in the WCA Assessment are shown below.

Agriculture

1. Minnesota Agri-Growth Council
2. Minnesota Corn Growers Association
3. Minnesota Farm Bureau
4. Minnesota Farmers Union
5. Minnesota Soybean Growers Association
6. Minnesota Wheat Growers Association

Business

7. Builders Association of Minnesota
8. Builders Association of the Twin Cities
9. Minnesota Association of Realtors
10. Minnesota Chamber of Commerce
11. Minnesota Forest Industries
12. Utilities
13. Mining Industry Association of Minnesota
14. Aggregate Ready-Mix Association of Minnesota

Environment/Conservation
15. Audubon Minnesota
16. Izaak Walton League of America - Minnesota Division
17. Mn Center for Environmental Advocacy
18. Minnesota Conservation Federation
19. Minnesota Fish and Wildlife Legislative Alliance
20. Minnesota Outdoor Heritage Alliance
21. Minnesota Waters
22. Sierra Club - North Start Chapter

Local Government
23. Association of Minnesota Counties
24. League of Minnesota Cities
25. Metropolitan Inter-County Association
26. Minnesota Association of County Officers
27. Minnesota Association of Soil and Water Conservation Districts
28. Minnesota Association of Townships
29. Minnesota Association of Watershed Districts
30. Minnesota County Engineers Association
31. Minnesota Rural Counties Caucus
32. Minnesota Association of County Planning and Zoning Administrators

Others
33. Minnesota Viewers Association
34. Wetland Professionals Association
35. Wetland Bankers

Federal Government
36. Army Corps of Engineers
37. Fish and Wildlife Service
38. Natural Resources Conservation Service

State Government
39. Board of Water and Soil Resources
40. Department of Agriculture
41. Department of Natural Resources
42. Department of Transportation
43. Pollution Control Agency

2. Timeline

February – December 2006:	Work with the BWSR Wetland Committee and stakeholder committee to assess WCA and identify issues
November 2006	Wetland Roundtable
December 2006	Report Presented to Governor

II. Wetland Reporting and Accounting

A. Mn Comprehensive Wetland Assessment, Monitoring, and Mapping Strategy (CWAMMS).

Executive Summary from Strategy Report
Existing efforts to comprehensively assess wetland status and trends in Minnesota are inadequate. Data collected on proposed wetland loss and compensatory mitigation by state and federal wetland regulatory programs lacks coordination, may not reflect actual (versus permitted) activities and does not adequately account for exempt and illegal wetland loss. Data collected by government agencies and non-governmental conservation organizations on voluntary wetland restorations is inconsistent and incomplete. National wetland and land use monitoring efforts by the U.S. Fish and Wildlife Service (US FWS) and the Natural Resources Conservation Service do not sample intensively enough in Minnesota to draw accurate conclusions on the state's wetland status and trends.

Even less comprehensive data are available concerning the status and trends in wetland quality across the state. Essentially all that is known about Minnesota wetland quality comes from anecdotal observations of impaired wetlands, experience with a few local projects to improve or restore wetland habitat, data collected for local comprehensive wetland management plans, and limited data from initial efforts to develop field methods of wetland quality assessment.

To address these deficiencies, a group of state and federal agencies collaborated to develop a Minnesota Comprehensive Wetland Assessment Monitoring and Mapping strategy (CWAMMS). The primary agency participants were: the Minnesota Board of Water and Soil Resources (BWSR), the Minnesota Department of Natural Resources (DNR), the Minnesota Department of Agriculture (MDA), the Minnesota Pollution Control Agency (PCA) and the US FWS.

The overall goal of the CWAMMS is to develop a broadly understood, scientifically sound strategy for monitoring and assessing status and trends in wetland quantity and quality statewide. Under this goal there are five strategic objectives:

1. Establish accurate baseline data on wetland quantity and quality by wetland class (type) statewide and in each of four geographic regions: the Prairie Parkland, Eastern Broadleaf Forest, the Laurentian Mixed Forest, and the Paleozoic Plateau.
2. Accurately assess future changes (trends) in wetland quantity and quality by wetland class in the four geographic regions listed in objective 1 and statewide.
3. Associate changes in wetland quantity and quality with causal mechanisms such as urban and rural development, agricultural and silvicultural activities, transportation, mining, natural factors, conservation programs and other activities.
4. Provide statewide reports of status and trends in Minnesota wetland quantity every three years beginning in 2009 and provide similar status and trend reports on wetland quality every two to three years in select regions beginning in 2009. The different reporting times reflect the differences in collecting and analyzing data for wetland quantity versus wetland quality. These reports will be used to assess the effectiveness of wetland regulatory and non-regulatory programs and will provide a sound basis for future state wetland policy and management decisions.
5. Contribute to the long-term understanding of Minnesota's wetland health (functions), distribution, structure and processes.

To assess status and trends in wetland quantity, three separate but complementary approaches are recommended:

- Develop and implement an integrated, geo-referenced online database for tracking wetland permitting and conservation program activities.
- Update the National Wetland Inventory (NWI) in Minnesota on a regular basis.
- Initiate a statewide, random sample survey using remote sensing data to track wetland gain and loss.

Wetland quality assessment will be conducted at three scales: landscape, qualitative field observational, and intensive sampling in individual wetland basins. Updated wetland polygons in the primary sample plots will be used as a sample frame to randomly select wetlands to be sampled to assess wetland quality.

Data from the various assessment approaches will be integrated and managed through several related geo-referenced databases maintained by participating agencies and partners. Collectively, these geo-databases will be accessible through a single wetlands data warehouse that can be queried by each partner agency and other users as appropriate.

The CWAMMS will be implemented through the collaborative efforts of local governments, state and federal agencies and non-governmental organizations.

Specific roles and responsibilities have been identified.

Partial funding for implementing the CWAMMS has been received from the US EPA (for three years) and through a state legislative appropriation to the DNR. The BWSR previously received a separate grant from the US EPA to plan the initial module of an integrated online permit and wetland accounting system. US EPA funds will also enable the PCA to conduct pilot tests of wetland quality assessments. Initial stages of implementing the CWAMMS will begin in early 2006.

B. Improve Wetland Reporting and Accounting - WCA Local Government Unit Reporting

In April 2006, the BWSR Wetland Committee reviewed and recommended approval of the following to address wetland reporting and accounting issues.

1. Background - Current WCA Reporting System

The only reporting information that BWSR requires for the WCA are from the local government units (LGU) that BWSR provides grant funds (counties). Cities, townships, watershed districts, and watershed management organizations are not required to report WCA activities to BWSR.

However, the non-county WCA LGU's are encouraged to provide their data to their county to be included in the county report.

The report is accomplished via the WCA reporting module within the eLINK software online reporting system. The system currently collects the following data:

1. Number of landowner contacts during the year
2. Landowner contacts that resulted in wetlands being avoided
3. Wetland acres that were avoided completely
4. Landowner contacts that resulted in wetland impacts being minimized
5. Wetland acres for which impacts were minimized
6. Number of exemption determinations approved by LGU(s)
7. Wetland acres impacted via exemptions

8. Number of formal no-loss determinations approved by LGU(s)
9. Number of calls that required no further action
10. Number of Wetland Banking plan applications reviewed
11. Number of wetland banking-site monitoring assessments completed
12. Number of replacement plans reviewed
13. Number of acres drained/filled under WCA replacement plans
14. Number of acres replaced via WCA replacement plans
15. For all actual projects initiated during the reporting year, report the number of WCA projects in your county/LGU in each of the following categories:
    <0.2 acres; 0.2-0.5 acres; 0.51-1.0 acres; 1.1-3.0 acres; and >3.0 acres
16. From the projects reported in item #15 please report the percentage of those projects for each of the wetland types listed below:
    1; 1L; 2; 3; 4; 5; 6; 7; 8; and R.
17. Which wetland type generated your biggest workloads?
18. How many TEP determinations were required?
19. How many non-TEP field checks of wetland delineation were conducted?
20. How many cease Cease-and-Desist Orders were issued by DNR to enforce WCA?
21. How many Cease-and-Desist Orders were issued by LGU's to enforce local wetland ordinances?
22. How many Restoration Orders were issued?
23. How many staff days were spent attending WCA training/information sessions?

2. Background - WCA LGU Survey

As part of the WCA Assessment a survey of WCA LGU's was undertaken, this survey asked the LGU staff to provide their comments and suggestions on improving the wetland reporting and accounting system. Most of these comments have focused on WCA reporting. The suggestions and comments have been grouped into three categories:

- Electronic/Online Reporting;
- Exemptions; and
- Data Issues

Significant comments and suggestions within these groupings are listed below.

Electronic/Online Reporting

- Develop an online system of applications and exemptions, project oriented
- Develop a standard spreadsheet that LGU's can use to track activity throughout the year that can be downloaded to BWSR for annual reporting purposes
- Include reporting of conservation easements in eLINK
- Modify the WCA module to allow printing of data by LGU's
- Include a GIS or mapping system to record wetland determinations, all mitigation and delineation data
- Have a web-based system where LGU's would enter permit information each time a notice of decision is sent out

Exemptions

- Record exemptions to the parcel the exemption was used on
- Require an application for exemptions
- Require reporting the numbers and acres of each exemption

Data Issues

- Develop a tracking mechanism for CRP that is converted to agriculture and that is left idle after the contract is not renewed, this would have to come from NRCS
- Improve the guidance to LGU's to improve the consistency and accuracy of reporting
- Have county's report acres restored/created under all programs (federal and state)
- Simplify WCA, contains so much information that few people really understand it
- Current report system is inadequate and it provides speculative data, the system needs to measure more than wetland loss or gain in acres, should advance to address wetland function, the data collected should be changed accordingly
- Reporting systems at the federal, state and local systems needs to be seamless
- The NWI should be updated
- Some impacts to wetlands are not currently reported – encroachment, fragmentation, long-term deterioration – we need to account for these "impacts"
- Impacts/restorations could be reported by subwatershed to better gauge their impact
- LGU's should get "credit" for the work they do that does not only involve dirt moving.
- Applications for Withdrawal of Wetland Credits should be submitted before any impacts can occur
- Wetland banks should annually report to their LGU's on credits sold

3. Option for Improvements

In response to these comments as well as to address the needs for improved data a WCA/Public Water Program (PWP) Workgroup has been established to review the current system of WCA reporting by LGU's and reporting that occurs under the Department of Natural Resources Public Waters Work Permit Program. Changes to the reporting system should address the following:

- Improve the accuracy, consistency and completeness of data
- Be necessary to measure the effectiveness of Program implementation
- The value of the data be commensurate with the effort to collect and report it

The Workgroup will be charged with examining and making recommendations on the manner or system used to collect and manage data and the specific data elements to be collected and managed. The Workgroup will also discuss how it will engage the WCA Assessment Stakeholder Advisory Committee in its work. The Workgroup should consist of LGU, BWSR, DNR, U.S. Army Corps of Engineers, and NRCS staff. This review should be begun immediately and completed concurrently with the Assessment.

4. Wetland Reporting Work Group

The Wetland Reporting Work Group has met once and begun to develop improvements to the WCA reporting system. An initial proposed new list of data for LGU's to report to BWSR is shown below. Future meetings of the Work Group will focus on refining this list of data, as well as addressing how this data will be submitted and used by BWSR.

DRAFT - Wetland Conservation Act Reporting Form - DRAFT
Implementation Activities Information

For Calendar Year _____

1. Number of replacement plans reviewed that included replacing impacts by the following methods:
   Wetland Banking _____ Onsite Replacement _____
   Combination of Wetland Banking and Onsite Replacement _____
2. Number of replacement plans approved? _____
3. Number of replacement plans approved by activity category.
   Drainage _____ Agriculture _____ Commercial Development _____
   Residential Development _____ Individual Property Improvement _____
   Other (Specify _____) _____
4. Acres of wetland drained or filled. _____
5. Acres of wetland excavated with replacement being required _____
6. Acres of wetland excavated without replacement being required _____
7. Acres of replacement credit approved in the following categories
   A. Hydrologic and vegetative restoration of completely drained wetland _____
   B. Hydrologic restoration of partially drained wetland _____
   C. Vegetative restoration of farmed wetlands with hydrology still intact _____
   D. Preservation of wetlands restored under conservation easements and legally eligible to be drained _____
   E. Vegetative restoration of wetlands dominated by invasive/exotic species _____
   F. Establish upland buffer areas _____
   G. Preservation of wetlands having exceptional natural resource values _____
   H. Creation of wetland on uplands _____
   I. Water quality treatment areas/stormwater ponds _____

8. Number of exemption determinations approved by the LGU, acres of conversion to non wetland, acres of permanent adverse impact, and acres of increased wetland area for each of the exemption categories

	Number of Exemption Determinations	Acres of Conversion to Nonwetland	Acres of Permanent Adverse Impact	Acres of Increased Wetland Area
1. Agricultural Activities				
2. Drainage				
3. Federal Approvals				
4. Wetland Restoration				
5. Incidental Wetlands				
6. Utilities; Public Works				
7. Forestry				
8. Approved Development				
9. De Minimus				
10. Wildlife Habitat				

9. Number of no loss determinations approved by the LGU, acres of conversion to non wetland, and acres of permanent adverse impact for each of the no-loss categories.

	Number of No Loss Determinations	Acres of Conversion to Nonwetland	Acres of Permanent Adverse Impact
A. Work did not impact a wetland			
B. Excavation limited to debris			
C. Temporary or seasonal water management			
D. Surface impoundment for waste materials or water treatment			
E. Conducted as part of a replacement or banking plan			
F. Excavation in a stormwater pond or removal of contaminated substrate			
G. Impact rectification activity			

10. Number of cease and desist orders issued by law enforcement category.

DNR Conservation Officer _____
County Sheriff _____
Municipal Law Enforcement _____

11. Number of restoration orders issued. _____
12. Number of wetland boundary determinations made. _____
13. Number of replacement wetland monitoring reports received. _____

III. ALTERNATIVES TO THE EXEMPTIONS

On July 26, 2006, the BWSR Wetland Committee reviewed and recommended approval of changes to the WCA exemptions as shown by ~~strikeout~~ and underline. Key considerations of Wetland Committee in reviewing the Stakeholder exemption discussion points were:

1. Address the Governor's request to "more closely align with the principle of no net loss"
2. Maintain the "integrity" of the exemptions
3. Update and simplify

A. Wetland Restoration/Wildlife Habitat Exemptions

The BWSR Wetland Committee is recommending amending the Wildlife Habitat Exemption to condition its use on "the primary purpose of improving wildlife habitat".

Mn Rule 8420.0122, subpart 4. **Wetland restoration.** A replacement plan for wetlands is not required for activities in a wetland restored for conservation purposes under a contract or easement providing the landowner with the right to drain the restored wetland.

The landowner must provide a contract or easement conveyance or affidavit demonstrating that the landowner or a predecessor restored the wetland for conservation purposes but retained the right to subsequently drain the restored wetland.

Mn Rule 8420.0122, subpart 10. **Wildlife habitat.** A replacement plan for wetlands is not required for:

A. excavation or the associated deposition of spoil within a wetland for a wildlife habitat improvement project, if:

(1) the area of deposition, and excavation if within the permanently and semipermanently flooded areas of type 3, 4, or 5 wetlands, does not exceed five percent of the wetland area or one-half acre, whichever is less, and the spoil is stabilized and permanently seeded with native, noninvasive species to prevent erosion;

(2) the project does not have an adverse impact on any species designated as endangered or threatened under state or federal law; and

(3) the project will provide wildlife habitat improvement as certified by the soil and water conservation district or technical evaluation panel using the "Wildlife Habitat Improvements in Wetlands: Guidance for Soil and Water Conservation Districts and Local Government Units in Certifying and Approving Wetland Conservation Act Exemption Proposals, Minnesota Interagency Wetlands Group, December 2000" or similar criteria approved by the board; or

B. duck blinds.

This exemption is for projects that have the primary purpose of improving wildlife habitat.

B. Federal Approvals

The BWSR Wetland Committee is recommending deleting the existing Federal Approvals exemption and replacing it with a waiver, which is shown under the Agricultural Activities Exemption. However, the recommendation is for the federal approvals section of the waiver to only correspond to B of the current exemption.

~~Mn Rule 8420.0122, subpart 3. **Federal approvals.** A replacement plan for wetlands is not required for activities described in items A and B.~~

~~A. Activities exempted from federal regulation under United States Code, title 33, section 1344(f), as in effect on January 1, 1991.~~

~~The local government unit may certify the exemption only if the landowner furnishes proof of qualification for one of the exemptions from the United States Army Corps of Engineers.~~

~~This exemption does not apply to a project with the purpose of converting a wetland to a nonwetland, either immediately or gradually, or converting the wetland to another use, or when the fill will result in significant discernible change to the flow or circulation of water in the wetland, or partly draining it, or reducing the wetland area.~~

~~B. Activities authorized under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344, or section 10 of the Rivers and Harbors Act of 1899, United States Code, title 33, section 403, and regulations that meet minimum state standards under this chapter and that have been approved by the board of water and soil resources, the department of agriculture, the department of natural resources, and the pollution control agency.~~

C. Utilities/Public Works

The BWSR Wetland Committee is recommending adding a definition of public works to the Rule and repealing the existing exemption and replacing it with a consolidated and simplified exemption, as shown below.

Public works means works, such as water supply systems, wastewater treatment facilities, constructed for public use especially when financed and owned by the government.

Proposal to consolidate and simplify the utilities/public works exemption.

Mn Rule 8420.0122, subpart 6. Utilities; Public Works. A replacement plan for wetlands is not required for:

A) new placement or maintenance, repair, enhancement or replacement of existing utility or utility-type, service, including pipelines, if:

1. the direct and indirect impacts of the proposed project have been avoided and minimized to the extent possible; and
2. the proposed project significantly modifies or alters less than one-half acre of wetlands;

B) activities associated with operation, routine maintenance or emergency repair of existing utilities and public work structures, including pipelines, provided the activities do not result in additional wetland intrusion, or additional draining or filling of a wetland either wholly or partially; or

1. repair and updating of existing individual sewage treatment systems necessary to comply with local, state and federal regulations.

For maintenance, repair and replacement, the local government unit may issue a seasonal or annual exemption certification or the utility may proceed without local government unit certification if it is carrying out the work according to approved best management practices. Work of an emergency nature may proceed as necessary and any drain or fill activities shall be addressed with the local governmental unit after the emergency work has been completed.

D. De minimus

The BWSR Wetland Committee is recommending eliminating the de minimus exemption within the Shoreland Wetland Protection Zone and reducing the allowable amount of the exemption by 50%.

Mn Rule 8420.0122, subpart 9. **De minimis.**

A. Except as provided in items B and C, a replacement plan for wetlands is not required for draining, excavating, or filling the following amounts of wetlands as part of a project:

(1) ~~10,000~~ 5,000 square feet of type 1, 2, 6, or 7 wetland, excluding white cedar and tamarack wetlands, outside of the shoreland wetland protection zone and that are not fringe areas of type 3, 4, or 5 wetlands in a greater than 80 percent area;

(2) ~~5,000~~ 2,500 square feet of type 1, 2, 6, or 7 wetland, excluding white cedar and tamarack wetlands, outside of the shoreland wetland protection zone and that are not fringe areas of type 3, 4, or 5 wetlands in a 50 to 80 percent area; or

(3) ~~2,000~~ 1,000 square feet of type 1, 2, or 6 wetland, outside of the shoreland wetland protection zone and that are not fringe areas of type 3, 4, or 5 wetlands in a less than 50 percent area~~;~~.

(4) 400 square feet of wetland types not listed in subitems (1) to (3) outside of shoreland wetland protection zones in all counties~~; or~~

~~(5) 400 square feet of type 1, 2, 3, 4, 5, 6, 7, or 8 wetland, in the shoreland wetland protection zone, except that in a greater than 80 percent area, the local government unit may increase the de minimis amount up to 1,000 square feet in the shoreland wetland protection zone in areas beyond the building setback if the wetland is not a type 3, 4, or 5 wetland, is isolated, and is determined to have no direct surficial connection to the public water. To the extent that a local shoreland management ordinance is more restrictive than this subitem, the local shoreland ordinance applies.~~

B. The amounts listed in item A may not be combined on a project.

C. This exemption no longer applies to a landowner's portion of a wetland when the proposed project impact area and the cumulative area of the landowner's portion drained, excavated, or filled since January 1, 1992, is the greater of:

(1) the applicable area listed in item A, if the landowner owns the entire wetland;

(2) five percent of the landowner's portion of the wetland; or

(3) 400 square feet.

D. This exemption may not be combined with another exemption on a project.

E. For purposes of this subpart, for wetlands greater than 40 acres, the wetland type may be determined to be the wetland type with the deepest water regime within the wetland and within 300 feet of the impact.

E. Incidental Wetlands

The BWSR Wetland Committee is recommending no changes to the Incidental Wetlands Exemption.

Mn Rule 8420.0122, subpart 5. **Incidental wetlands.** A replacement plan for wetlands is not required for activities in wetland areas created solely as a result of:

A. beaver dam construction;

B. blockage of culverts through roadways maintained by a public or private entity;

C. actions by public or private entities that were taken for a purpose other than creating the wetland; or

D. any combination of items A to C.

Wetland areas created by beaver activities may be drained by removing those materials placed by beaver. Drainage is permitted by removing or moving materials blocking installed roadway culverts and related drainage structures. Additional excavation or removal of other materials is not permitted unless it can be shown by aerial photographs that the proposed activity will not drain or fill wetland that was there before the beaver dam was built or before the culvert became plugged.

Wetland areas may be drained, excavated, or filled if the landowner can show that the wetland was created solely by actions, the purpose of which was not to create the wetland.

Impoundments or excavations constructed in nonwetlands solely for the purpose of effluent treatment, storm water retention, soil and water conservation practices, and water quality improvements, and not as part of a wetland replacement process that may, over time, take on wetland characteristics, are also exempt.

F. Approved Development

The Wetland Committee is recommending repeal of the Approved Development Exemption.

~~Mn Rule 8420.0122, subpart 8. **Approved development.** A replacement plan for wetlands is not required for development projects and ditch improvement projects in the state that have received preliminary or final plat approval or have infrastructure that has been installed or has local site plan approval, conditional use permits, or similar official approval by a governing body or government agency, within five years before July 1, 1991. As used in this subpart, "infrastructure" means public water facilities, storm water and sanitary sewer piping, outfalls, inlets, culverts, bridges, and any other work defined specifically by a local government unit as constituting a capital improvement to a parcel within the context of an approved development plan.~~

~~Subdividers who obtained preliminary plat approval in the specified time period, and other project developers with one of the listed approvals timely obtained, provided approval has not expired and the project remains active, may drain and fill wetlands, to the extent documented by the approval, without replacement. Those elements of the project that can be carried out without changing the approved plan and without draining or filling must be done in that manner. If wetlands can be avoided within the terms of the approved plan, they must be avoided.~~

~~For county, joint county, and watershed district ditch projects, this exemption applies to projects that received final approval in the specified time period~~

G. Forestry

The BWSR Wetland Committee is recommending no specific change to the Forestry Exemption, but is recommending to eliminate the requirement that replacement is only required ten years after the drain, fill or excavation impact is undertaken in compliance with one of the exemptions. This change would require replacement if the primary purpose of a forest road changes to a non-forest management purpose.

Mn Rule 8420.0122, subpart 7. **Forestry.** A replacement plan for wetlands is not required for:

A. temporarily crossing or entering a wetland to perform silvicultural activities, including timber harvest as part of a forest management activity, so long as the activity limits the impact on the hydrologic and biologic characteristics of the wetland; the activity does not result in the construction of dikes, drainage ditches, tile lines, or buildings; and the timber harvesting and other silvicultural practices do not result in the drainage of the wetland or public waters; or

B. permanent access for forest roads across wetlands so long as the activity limits the impact on the hydrologic and biologic characteristics of the wetland; the construction activities do not result in the access becoming a dike, drainage ditch, or tile line; filling is avoided wherever possible; and there is no drainage of the wetland or public waters.

This exemption is for roads constructed for the primary purpose of providing access for the conduct of silvicultural activities.

H. Agricultural Activities

The BWSR Wetland Committee is recommending deleting most of the existing Agricultural Activities exemption and replacing it with a waiver, which is shown below. In addition, this proposal also simplifies the exemption, and eliminates current provisions that allow wetland impacts without Swampbuster coverage.

Waiver of replacement requirement.
The requirement to replace wetland impacts is waived for projects where all wetland impacts are regulated or permitted under a federal or state statute that requires, at a minimum, the replacement ratios as provided by Minnesota Rule 8420.0549.

Subpart 1. United States Department of Agriculture-approved wetland activities. Wetlands activities authorized under the Swampbuster provisions of the federal farm program where all impacts to wetlands are replaced and USDA written documentation eligibility, wetland boundary, wetland impact, and extent of any required mitigation are provided to the LGU upon request.

Subpart 2. Activities permitted under Section 404 of the Clean Water Act [USC Title 33.Section 1344] or Section 10 of the Rivers and Harbors Act 0f 1899 [USC Title 33. Section 403]. Activities covered under this section include wild rice production and aquaculture.

Statute changes that may be needed to establish waiver and eliminate exemptions causing net loss of wetland:

103G.2241 Exemptions.
Subdivision 1. **Agricultural activities.** (a) A replacement plan for wetlands is not required for:
(1) ~~activities in a wetland that was planted with annually seeded crops, was in a crop rotation seeding of pasture grass or legumes, or was required to be set aside to receive price support or other payments under United States Code, title 7, sections 1421 to 1469, in six of the last ten years prior to January 1, 1991;~~

~~(2)~~ activities in a wetland that is or has been enrolled in the federal conservation reserve program under United States Code, title 16, section 3831, that:
(i) was planted with annually seeded crops, was in a crop rotation seeding, or was required to be set aside to receive price support or payment under United States Code, title 7, sections 1421 to 1469, in six of the last ten years prior to being enrolled in the program; and
(ii) has not been restored with assistance from a public or private wetland restoration program;

~~(3) activities in a wetland that has received a commenced drainage determination provided for by the federal Food Security Act of 1985, that was made to the county Agricultural Stabilization and Conservation Service office prior to September 19, 1988, and a ruling and any subsequent appeals or reviews have determined that drainage of the wetland had been commenced prior to December 23, 1985;~~

~~(4) activities in a type 1 wetland on agricultural land, except for bottomland hardwood type 1 wetlands, and activities in a type 2 or type 6 wetland that is less than two acres in size and located on agricultural land;~~

(5) ~~aquaculture activities including pond excavation and construction and maintenance of associated access roads and dikes authorized under, and conducted in accordance with, a permit issued by the United States Army Corps of Engineers under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344, but not including construction or expansion of buildings;~~

~~(6) wild rice production activities, including necessary diking and other activities authorized under a permit issued by the United States Army Corps of Engineers under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344;~~

~~(7) normal agricultural practices to control noxious or secondary weeds as defined by rule of the commissioner of agriculture, in accordance with applicable requirements under state and federal law, including established best management practices; and~~

~~(8) agricultural activities in a wetland that is on agricultural land:~~
~~(i) annually enrolled in the federal Agriculture Improvement and Reform Act of 1996 and is subject to United States Code, title 16, sections 3821 to 3823, in effect on January 1, 2000; or~~
~~(ii) subject to subsequent federal farm program restrictions that meet minimum state standards under this chapter and sections 103A.202 and 103B.3355 and that have been approved by the Board~~

~~of Water and Soil Resources, the commissioners of natural resources and agriculture, and the Pollution Control Agency.~~
~~(b) Land enrolled in a federal farm program under paragraph (a), clause (8), is eligible for easement participation for those acres not already compensated under a federal program.~~
~~(c) The exemption under paragraph (a), clause (4), may be expanded to additional acreage, including types 1, 2, and 6 wetlands that are part of a larger wetland system, when the additional acreage is part of a conservation plan approved by the local soil and water conservation district, the additional draining or filling is necessary for efficient operation of the farm, the hydrology of the larger wetland system is not adversely affected, and wetlands other than types 1, 2, and 6 are not drained or filled~~

I. Drainage

The BWSR Wetland Committee is recommending repealing subpart E as it is obsolete.

Mn Rule 8420.0122, subpart 2. **Drainage.**

A. For the purposes of this subpart, "public drainage system" means a drainage system as defined in Minnesota Statutes, section 103E.005, subdivision 12, and any ditch or tile lawfully connected to the drainage system.

B. A replacement plan is not required for draining of type 1 wetlands, or up to five acres of type 2 or type 6 wetlands, in an unincorporated area on land that has been assessed drainage benefits for a public drainage system, provided that:

(1) during the 20-year period that ended January 1, 1992:

(a) there was an expenditure made from the drainage system account for the public drainage system;
(b) the public drainage system was repaired or maintained as approved by the drainage authority; or

(c) no repair or maintenance of the public drainage system was required under Minnesota Statutes, section 103E.705, subdivision 1, as determined by the public drainage authority; and

(2) the wetlands are not drained for conversion to:

(a) platted lots;

(b) planned unit, commercial, or industrial developments; or

(c) any development with more than one residential unit per 40 acres.

If wetlands drained under this item are converted to uses prohibited under subitem (2) during the ten-year period following drainage, the wetlands must be replaced under Minnesota Statutes, section 103G.222.

C. A replacement plan is not required for draining, excavating, or filling of wetlands, except for draining types 3, 4, and 5 wetlands that have been in existence for more than 25 years, resulting from maintenance and repair of existing public drainage systems conducted or authorized by a public drainage authority pursuant to Minnesota Statutes, chapter 103E.

D. A replacement plan is not required for draining, excavating, or filling of wetlands, except for draining wetlands that have been in existence for more than 25 years, resulting from maintenance and repair of existing drainage systems other than public drainage systems.

For items C and D, the landowner must provide documentation that the wetlands which will be partially or completely drained by the maintenance have not existed for more than 25 years. Documentation may include, but is not limited to: aerial photographs, climatological records, soil borings, vegetative analysis, elevation surveys, or sworn affidavits.

~~E. A replacement plan is not required for draining, excavating, or filling of wetlands resulting from activities conducted as part of a public drainage system improvement project that received final approval from the drainage authority before July 1, 1991, and after July 1, 1986, if:~~

~~(1) the approval remains valid;~~

~~(2) the project remains active; and~~

~~(3) no additional drainage will occur beyond that originally approved.~~

~~F.~~ E. The public drainage authority may, as part of the repair, install control structures, realign the ditch, construct dikes along the ditch, or make other modifications as necessary to prevent drainage of the wetland.

~~G.~~ F. Wetlands and public waters of all types that could be drained as a part of a public drainage repair project are eligible for the permanent wetlands preserve program established under Minnesota Statutes, section 103F.516. The board shall give priority to acquisition of easements on types 3, 4, and 5 wetlands that have been in existence for more than 25 years on public drainage systems and other wetlands that have the greatest risk of drainage from a public drainage repair project.

J. Overall/General

The BWSR Wetland Committee has not completed its review of the Stakeholder Discussion Point – Require LGU interaction for all exemptions.

1. Overall/General: Require LGU interaction for all exemptions

Options.

1. No change. Leave the exemption process unchanged, in that a landowner proposing an activity under an exemption can choose to contact the LGU for determination of whether or not the activity is exempt.

2. Conduct audit or study to estimate total wetland impacts resulting from exemptions. This estimate would be used to pursue public funding to restore wetlands to compensate for these impacts.

3. Landowner notifies LGU. Landowners would be required to notify the LGU prior to implementing an activity under an exemption. The notification would describe the activity, the exemption being claimed, the wetland type, and an estimate of the wetland area impacted.

4. LGU's required to issue exemption determinations. Landowners would be required to notify the LGU prior to implementing an activity under an exemption. The notification would describe the activity, the exemption being claimed, the wetland type, and an estimate of the wetland area impacted. Within X days the LGU would be required to issue an exemption determination, or deny application of an exemption and direct the landowner to pursue another regulatory process.

5. Require sequencing for all exemptions. Landowners would be required to notify the LGU prior to implementing an activity under an exemption. The notification would describe the activity, the exemption being claimed, the wetland type, how sequencing (avoidance and minimization) has been applied to the project, and an estimate of the wetland area impacted. Within X days the LGU would be required to (1) issue or an exemption determination, including approval of sequencing, or (2) reject the sequencing, or (3) deny application of the exemption and direct the landowner to pursue another regulatory process.

6. Repeal Exemptions. Require the development of a replacement plan for all wetland impacts.

7. Application. In addition to the above options, these could be applied to some or all of the exemptions.

2. Scope of Exemption Standards

The BWSR Wetland Committee is recommending the Scope of Exemption Standards (Mn Rule 8420.0115) be amended to: (1) add the requirement to comply with avoidance and minimization provisions of the Rule when conducting an activity under an exemption; and (2) to eliminate the requirement that replacement is only required ten years after the drain, fill or excavation impact is undertaken in compliance with one of the exemptions. This change would require replacement if the primary purpose of the area affected by the exemption changes to a non-exempt purpose.

8420.0115 Scope of Exemption Standards

Persons proposing to conduct an exempt activity are encouraged to contact the local government unit or the local government units designee for advice on determining whether a proposed project is eligible for man exemption and to evaluate alternatives to avoid or minimize wetland impacts.

An activity is exempt if it qualifies for any one of the exemptions, even though it may be indicated as not exempt under another exemption.

These exemptions do not apply to calcareous fens as identified by the commissioner.

No exemptions apply to wetlands that have been previously restored or created as a result of an approved replacement plan. All such wetlands are subject to replacement on subsequent drainage, excavation, or filling.

Wetlands may not be partially drained, excavated, or filled in order to claim an exemption or no-loss determination on the remainder. Therefore, no exemptions or no-loss determinations cam be applied to the remaining wetland that would not have been applicable before the impact. Exemptions may not be combined on a wetland that is impacted by a project.

Present and future owners of wetlands drained or filled without replacement under an exemption in part 8420.0122~~, subparts 1 and 2, item B,~~ can make no use of the wetland area after it is drained, excavated, or filled, ~~other than as agricultural land~~ except as provided in one of the exemptions, ~~for ten years after the draining, excavation, or filling,~~ unless it is first replaced under the requirements of Minnesota Statutes, section 103G.222. Also, for ten years the wetland may not be restored for replacement credit. Except, for land in public ownership, at the time of draining, excavation, or filling, the landowner shall record a notice of these restrictions in the office of the county recorder for the county in which the project is located. At a minimum, the recorded document must contain the name or names of the landowners, a legal description of the property to which the restrictions apply, a statement of the restrictions, the date on which the ten-year period expires, the name of the local government which certified the exemption, if such occurred, the signatures of all owners, and an acknowledgement.

A person conducting an activity in a wetland under an exemption in part 8420.0122 shall ensure that:

A. Appropriate erosion control measures are taken to prevent sedimentation of the water;

B. The activity does not block fish activity in a watercourse; and

C. The activity is conducted in compliance with all other applicable federal, state, and local requirements, including best management practices as listed in part 8420.0112, and water resource protection requirements established under Minnesota Statutes, chapter 103H.

D. The activity is conducted in compliance with the impact avoidance and minimization requirements of 8420.0520.

IV. WETLAND REPLACEMENT

On September 13, 2006 and again on September 27, the BWSR Wetland Committee reviewed the Stakeholder identified wetland replacement issues. The Stakeholder identified issue, staff recommendation, and BWSR Wetland Committee recommendations are all included below. Key considerations of Wetland Committee in reviewing the wetland replacement issues identified by the Stakeholders were:

1. Address the Governor's request to "more closely align with the principle of no net loss"
2. Improve the quality of replacement wetlands and the ecological integrity of wetland replacement
3. Increase the efficiency in WCA administration

A. Refine and define the terms in-kind, in-place and in advance.

Discussion: WCA defines the key terms of in-kind, in-place and in advance differently than Section 404. Current WCA definitions are as follows:

Wetland replacement is considered *in-kind* if one of the following applies:

- the replacement wetland is of the same type as the impacted wetland;
- the replacement wetland is within the same county as the impacted wetland; or
- the replacement wetland is in the same watershed as the impacted wetland.

In place means siting of wetland replacement in the following priority order:

1. on site or in the same minor watershed as the affected wetland;
2. in the same watershed as the affected wetland;
3. in the same county as the affected wetland;
4. in an adjacent watershed or county to the affected wetland; and

5. statewide, for : (a) wetlands affected in greater than 80 percent areas; and (b) public transportation projects, except that wetlands affected in less than 50 percent areas must be replaced in less than 50 percent areas, and wetlands affected in the seven county metropolitan area must be replaced in the affected county or, if no restoration opportunities exist in the county, in another seven-county metropolitan area.

In advance means replacement of wetland functions and values must be completed before or concurrent with the actual draining, excavation, or filling of a wetland

To clarify these terms, the BWSR and the Corps have been discussing these terms and developing common definitions as part of the proposed Wetland Mitigation MOU. The working draft of the St. Paul Districts' wetland regulatory policy includes the wetland plant community definitions shown below, that have also been incorporated into the Wetland Mitigation MOU discussions. These terms and their proposed definitions are as follows:

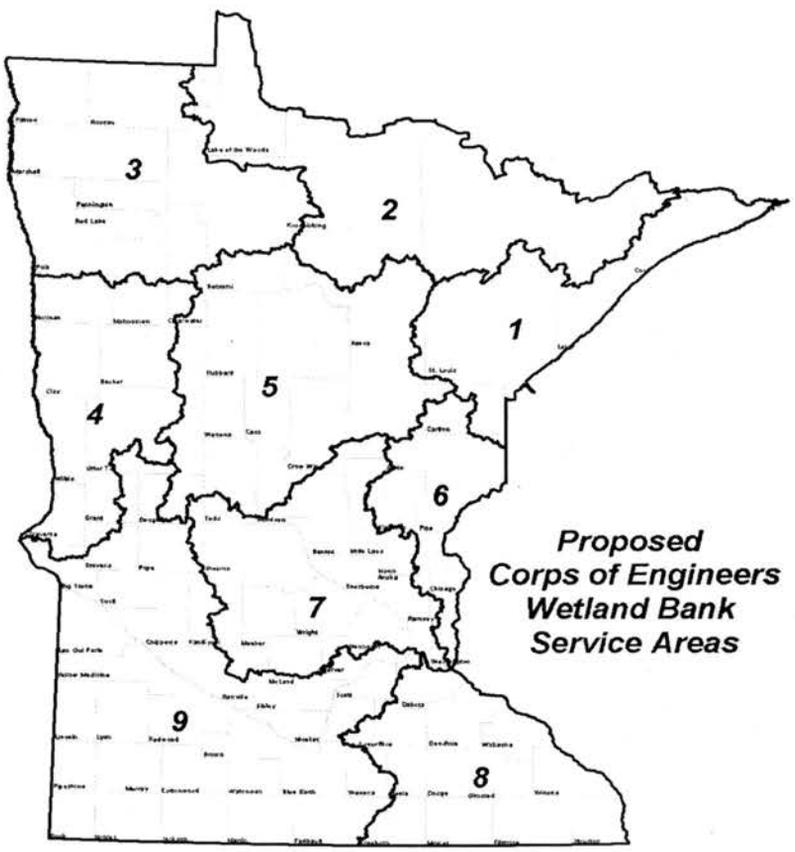
In-kind means: the 12 "Wetland Plant Community Types" as established by S. Eggers and D. Reed. (See table shown below)

Wetland Plant Community Types[1]	**Classification of Wetlands and Deepwater Habitats of the United States (Cowardin *et al.* 1979)**	**Fish and Wildlife Service Circular 39 (Shaw and Fredine 1971)**
Shallow, Open Water	Palustrine or lacustrine, littoral; aquatic bed; submergent, floating, and floating-leaved	Type 5: Inland open fresh water
Deep Marsh	Palustrine or lacustrine, littoral; aquatic bed; submergent, floating, and floating-leaved; and emergent; persistent and nonpersistent	Type 4: Inland deep fresh marsh
Shallow Marsh	Palustrine; emergent; persistent and nonpersistent	Type 3: Inland shallow fresh marsh
Sedge Meadow	Palustrine, emergent; narrow-leaved persistent	Type 2: Inland fresh meadow
Fresh (Wet) Meadow	Palustrine; emergent; broad- and narrow-leaved persistent	Type 1: Seasonally flooded basin or flat; Type 2: Inland fresh meadow
Wet to Wet-Mesic Prairie	Palustrine; emergent; broad- and narrow-leaved persistent	Type 1: Seasonally flooded basin or flat; Type 2: Inland fresh meadow
Calcareous Fen	Palustrine; emergent; narrow-leaved persistent; and scrub/shrub, broad-leaved deciduous	Type 2: Inland fresh meadow

Open Bog or Coniferous Bog	Palustrine; moss/lichen; and scrub/shrub; broad-leaved evergreen; and forested; needle-leaved evergreen and deciduous	Type 8: Bog
Shrub-Carr or Alder Thicket	Palustrine; scrub/shrub; broad-leaved deciduous	Type 6: Shrub swamp
Hardwood Swamp or Coniferous Swamp	Palustrine; forested; broad-leaved deciduous; needle-leaved evergreen and deciduous	Type 7: Wooded Swamp
Floodplain Forest	Palustrine; forested; broad-leaved deciduous	Type 1: Seasonally flooded basin or flat
Seasonally Flooded Basin	Palustrine; flat; emergent; persistent and nonpersistent	Type 1: Seasonally flooded basin or flat

[1] Plant communities are based on: S. Eggers and D. Reed. 1997. *Wetland Plants and Plant Communities of Minnesota and Wisconsin. Second Edition.* St. Paul District, U.S. Army Corps of Engineers. 264 pp.

In place means: within a major (81) watershed or the Bank Service Area. (See map below)



In advance means: (1) approved bank credits; or (2) compensation sites that have established wetland hydrology and vegetation, but the vegetation may not be mature. The minimum requirement for (2) is that the compensation site has wetland hydrology and hydrophytic vegetation established a full growing season (April-October) prior to the authorized discharge of dredged/fill material. Further, the site must meet all performance standards applicable to that development stage of the compensation site.

BWSR Staff Recommendation: BWSR staff recommend amending WCA statute and rule, as appropriate, to incorporate these revised definitions of in-kind, in-place and in advance.

BWSR Wetland Committee: The Wetland Committee accepts the staff recommendation on the definitions of in-kind, in-place, and in advance, with the clarification to in place as follows:

In-place means: for project specific replacement within a major (81) watershed or for banking within one of the (9) Bank Service Areas.

B. Develop consistent wetland replacement ratios with the U.S. Army Corps of Engineers.

Discussion: WCA/Section 404 consistency in determining replacement ratios would provide significant programmatic benefits and increased regulatory efficiency. As shown in the table below, WCA and the U.S. Army Corps of Engineers (Corps) have significant differences in determining replacement ratios for permitted activities. BWSR and the Corps have been discussing this issue as part of the development of a proposed Wetland Mitigation Memorandum of Understanding (MOU). These discussions have resulted in a proposal that addresses several wetland management issues:

1. Increasing the ratio for replacement that is not completed in advance addresses temporal loss concerns. Even when replacement is completed in advance (on a project specific basis and for new banks) the replacement still results in a temporal loss of wetland functions.

2. Banking is generally preferred over project specific replacement, and this proposal would create an increased incentive to use banking for replacement.

3. Reducing project specific replacement would reduce LGU workload in overseeing replacement plans and mitigation sites. The need to approve, monitor and inspect project specific mitigation sites will be reduced if more mitigation occurs through wetland bank.

4. The proposed replacement ratios will reduce the overall net loss in wetlands that has been documented under the WCA.

WCA/Section 404 Mitigation Ratio Discrepancies and Proposal

Impact Location	**Replacement Location (in place)**	**Type of Replacement Wetland (in type)**	**Replacement Process (in time)**	**Minimum Replacement Ratio**		
				WCA **Existing**	WCA/404 **Proposed** *	**Section 404**
> 80% area (see Fig. 2) (or agricultural land – WCA)	In-Place	Same type as impact wetland	In advance	1:1	1:1	1:1
			Not in advance	1:1	2:1	1.25:1
		Different type	In advance	1:1	1.25:1	1.25:1
			Not in advance	1:1	2:1	1.5:1
	Not In-Place	Same type as impact wetland	In advance	1:1	1.25:1	1.25:1
			Not in advance	1:1	2:1	1.5:1
		Different type	In advance	1.25:1	1.5:1	1.5:1
			Not in advance	1.5:1	2:1	1.5:1
< 80% area (See Fig. 2) (and non-agricultural land – WCA)	In-Place	Same type as impact wetland	In advance	2:1	2:1	2:1
			Not in advance	2:1	3:1	2.5:1
		Different type	In advance	2:1	2.25:1	2.5:1
			Not in advance	2:1	3:1	2.5:1
	Not In-Place	Same type as impact wetland	In advance	2:1	2.25:1	2.5:1
			Not in advance	2:1	3:1	2.5:1
		Different type	In advance	2.25:1	2.5:1	2.5:1
			Not in advance	2.5:1	3:1	2.5:1

* Proposal: Replacement ratio increases by 1:1 for not in advance; ratio increases by 0.25 for not in place and not in type. Maximum ratios are 2:1 in greater than 80% areas and 3:1 in less than 80% areas

BWSR Staff Recommendation: Staff recommend the replacement ratios for the WCA be modified as shown in the above table to be consistent with the Corps, address issues relating to temporal loss and continuing existing policy to provide incentives for in place and in type replacement.

BWSR Wetland Committee: The Committee recommends the proposed wetland replacement ratios in concept with no increase in replacement ratio if bank credits are not available in the Bank Service Area in which the impact would occur. This provision only applies in the greater than 80% area.

C. Develop consistent wetland replacement credit options and a single wetland credit denomination, again coordinated with the Corps of Engineers.

Discussion: Similar to the above discussion regarding replacement ratios, the WCA and Corps have significant differences in determining wetland replacement credits. The most significant differences are that WCA has two types of credit (New Wetland Credit and Public Value Credit), while Section 404 has only one. Within these two different credit schemes are many differences in how different actions are provided credit. These multiple differences results in increased costs and uncertainty among landowners, applicants, LGU's, and state and federal staff. Having a unified set of methods to determine replacement credit will provide significant programmatic benefits.

BWSR and the Corps have been discussing this issue as part of the development of a proposed Wetland Mitigation MOU. The table shown below identifies the current methods and crediting authorized under WCA and Section 404, as well as a proposal for a unified system.

BWSR Staff Recommendation: Staff recommend the wetland replacement credit options for the WCA be modified as shown in the attached table titled, "Proposed and Current Replacement Methods and Amount of Credit Under State and Federal Regulatory Programs" to be consistent with the Corps, to simplify the current WCA credit system and to create incentives to develop quality functions and values to replace those impacted by regulated activities.

BWSR Wetland Committee: The Committee recommends the proposed wetland replacement credit options in concept. The possible credit for, Enhancement-Wetlands dominated by invasive or exotic species should be increased to 75% and additional restrictions on possible use and crediting of preservation credits will be developed.

Proposed and Current Replacement Methods and Amount of Credit Under State and Federal Regulatory Programs

	Affected Wetland	Replacement Method	Proposed	Current Amount of Credit (x:1 = x acres of treatment to get 1 acre of credit)	
				WCA / PWPP(DNR)	Section 404
Restoration	Completely drained or filled	Hydrologic and vegetative	100% of wetland area restored	NWC: 100% of area restored (MR 8420.0541 Subp. 2)	100% of area restored
	Partially drained	Hydrologic	50% to 100% of wetland area restored, depending on functional analysis	in "<80% areas": NWC: 25% of total wetland area restored (includes areas that remained as wetland); requires establishment of permanent, native, non-invasive vegetation w/in restored wetland area and on upland buffer. or PVC: 50% of degraded wetland area restored in ">80% areas": NWC: 25% of total area (MR 8420.0541 Subp. 3 and Guidance)	Up to 100% of total wetland area restored, depending on functional analysis
	Farmed wetlands where hydrology is still intact (i.e., no ditches, tiles, etc.)	Vegetation	50% to 100% of wetland area restored, depending on functional analysis and cropping history under normal circumstances (at least 6 out of 10 years)	NWC: Up to 100% of area restored if farmed more than 10 years of previous 20; percent based on frequency of farming PVC: Up to 50% of wetland area restored if farmed at least six of previous 20 years (MR 8420.0541 Subp. 5)	Up to 100% of total wetland area restored, depending on functional analysis
	Wetlands previously restored under conservation easements and legally eligible to drain	Preservation	Up to 100% depending on cropping history prior to enrollment in easement program	NWC: 75% of wetland area preserved (MR 8420.0541 Subp. 7)	12.5% of wetland area preserved; wetland must be under demonstrable threat of loss

	Affected Wetland	Replacement Method	Proposed	Current Amount of Credit (x:1 = x acres of treatment to get 1 acre of credit) WCA / PWPP(DNR)	Section 404
Enhancement	Wetlands dominated by invasive or exotic species	Establish native, non-invasive vegetation	Up to 50% of wetland area vegetatively restored depending on functional increase	PVC: 25% of total area vegetatively restored (MR 8420.0541 Subp. 8)	Up to 100% of total wetland area restored, depending on functional analysis
	Upland buffer areas	Establish native, non-invasive, permanent vegetation	Required minimum upland buffer width of 50ft. in non-municipal areas and 25 ft. in municipal areas; credit given at 10% (non-native vegetation) to 25% (native vegetation) depending upon quality of buffer; typically, no more than 25% of total credits at a compensation site can be composed of upland buffer.	PVC: 100% of the upland buffer area, up to the size of the replacement wetland it surrounds; must have 50 ft. avg. width in non-municipal areas, 25 ft. avg. width in municipal areas (MR 8420.0541 Subp. 6)	Required minimum upland buffer width of 50ft. in non-municipal areas and 25 ft. in municipal areas; credit given at 10:1 (non-native vegetation) to 4:1 (native vegetation) depending upon quality of buffer; typically, no more than 25% of total credits at a compensation site can be composed of upland buffer.
Preservation	Wetlands having "exceptional natural resource values"	Preservation	12.5% credit for wetland area preserved, wetland must be under demonstrable threat	NWC: Up to 12.5% of wetland area preserved; must involve restoration of hydrology or vegetation over 25% of wetland area; must be under documented threat PVC: 25% of wetland area preserved (MR 8420.0541 Subp. 4)	12.5% of wetland area preserved; wetland must be under demonstrable threat of loss
Creation	Mineral extraction sites	Established via reclamation	Up to 100% of wetland area created depending on functional analysis and after five-year monitoring period	Up to 100% of wetland area (MR 8420.0541 Subp. 9)	
	Non-wetland areas	Wetland creation		100% of wetland area created; performance bond required (MR 8420.0541 Subp. 11)	

Affected Wetland	Replacement Method	Proposed	Current Amount of Credit (x:1 = x acres of treatment to get 1 acre of credit) WCA / PWPP(DNR)	Section 404
Water quality treatment areas		No credit for single or primary cells; 50% credit for secondary or tertiary cells depending on functional analysis and after five-year monitoring period	NWC: 100% of normal pool area for downstream cell of two-cell system if certain criteria are met PVC: 100% of isolated one-cell system; upstream cell of two-cell system; or one year design pool of stormwater infiltration area that has native, non-invasive veg. cover (MR 8420.0541 Subp. 10)	No credit for stormwater/water quality cells. Exceptions: second or third cell is designed for saturated soils to 6-inch water depths, has less than a 12-inch bounce lasting less than 7 days for the 10-year, 24-hour event; and is successfully planted to native, non-invasive vegetation. Credit is limited to that acreage of the cell in excess of that needed to comply with local/state requirements. A second compensation site is typically needed to replace additional wetland functions not adequately replaced *by cells*.

Notes:
1. The information found in the "Section 404" column of this table is based upon the draft Minnesota guidelines (St. Paul District Compensatory Mitigation Policy for Minnesota dated April 2005) and upon Corps comments submitted on July 6, 2006
2. The credit ratios adopted by the Corps are guidelines; they are not regulations
3. NWC – New Wetland Credit: Must be used for all mitigation requirements up to 1:1. may also be used for mitigation requirement exceeding 1:1
4. PVC – Public Value Credit: May only be used for the portion of mitigation requirements exceeding 1:1
5. < 80% areas and > 80% areas refers to areas of the state having less than or more than 80% of its presettlement wetland acreage remaining (see MR 8420.0545)

D. Incorporate performance standards within wetland replacement standards

Discussion: The current performance standards within the WCA rule does not apply to project specific replacement. These differing standards establish unequal replacement requirements with more rigorous standards for wetland banking than for project specific replacement. Banking performance standards, that do not currently apply to project specific replacement, includes limiting

availability of credit to meet specifications included in the approved banking plan and requiring Technical Evaluation Panel approval before credits are available.

Additional performance standards, that would help ensure wetland replacement function policies are met, would include mandatory buffers, require the use of licensed native seed contractors, and establishing specific bounce and depth requirements based on wetland plant community goals.

BWSR Staff Recommendation: BWSR staff recommend that the WCA rule be amended to incorporate increased performance standards for all replacement wetlands. Increased performance standards will help ensure that wetland functions are replaced as required by statute and rule.

BWSR Wetland Committee: The Wetland Committee accepts the staff recommendation that the WCA rule be amended to incorporate increased performance standards for all replacement wetlands. Increased performance standards will help ensure that wetland functions are replaced as required by statute and rule.

E. Eliminate vegetative restoration option, or require permanent maintenance.

Discussion: Current WCA rule allows up to 100% New Wetland Credit under certain circumstances for vegetative restorations. This has drawn concerns as this activity does not result in new wetland area and can be viewed as negatively contributing to meeting the no net loss policy. However, wetland functions and values are increased under vegetative restorations. In addition, once a wetland has been vegetatively restored, what actions will be undertaken to ensure the wetland does not become degraded in the future?

The proposal to develop both consistent wetland replacement credit options and a single wetland denomination does not eliminate credit for vegetative restorations as the increase in wetland functions and values justifies allowing credit. However, a proposal to address the concern over the longevity of the restoration would include the development of a plan, require ongoing maintenance, and to establish a funding method to ensure the long-term financing of maintenance activities.

BWSR Staff Recommendation: Initially, BWSR staff recommended amending the WCA rule to require applicants proposing vegetative wetland restorations for replacement credit to develop a long-term management and funding plan for the site. However, subsequent discussions have identified this as an issue for all methods of developing replacement credit. Staff are now recommending withdrawing this issue for further work outside of the Assessment.

BWSR Wetland Committee: The Wetland Committee initially requested more information:

1. What kind of plan would be required for vegetatively restored sites?
2. How much financing would be required to manage these sites?
3. How long will maintenance be required, and required to be financed?
4. What happens when land becomes tax forfeit? Who is responsible for managing the site?
5. Define long-term

6. Discuss wetland succession and how that would be addressed under this proposal.

The BWSR Wetland Committee recommends this issue be withdrawn for further work.

F. Eliminate credit for stormwater ponds.

Discussion: Stormwater ponds and water quality treatment ponds have drawn increased attention as stormwater management requirements of the Clean Water Act have been ramped up. More and more of these are being constructed to comply with these requirements, but they can also be eligible for wetland replacement credit under WCA and Section 404 of the Clean Water Act. This opportunity has been negatively viewed as it is characterized as double-dipping (receiving credit under the WCA and stormwater regulations) and these aquatic areas only provide some of the functions of wetlands (most notable water storage and treatment).

The proposal for consistent wetland replacement credit options and a single wetland denomination addresses the issue of credit for stormwater ponds as discussed in #2 above. The proposal does not eliminate credit for stormwater ponds, but reduces the allowed credit and increases the rigor required to gain replacement credit.

The current proposal is to provide no credit for single or primary cells and 50% credit for secondary or tertiary cells depending on functional analysis and after five-year monitoring period.

BWSR Staff Recommendation: BWSR staff recommend limiting wetland replacement credit as proposed in #2 above.

BWSR Wetland Committee: The Wetland Committee accepts the staff recommendation to limit the credit for stormwater ponds as provided in the table, "Proposed and Current Replacement Methods and Amount of Credit Under State and Federal Regulatory Programs".

G. (a) Provide additional replacement credit for restoring rare plant communities.
(b) Clarify/develop additional guidance for Exceptional Natural Resource Value

Discussion: These issues overlap, as Exceptional Natural Resource Values (ENRV) is a means to provide replacement credit for actions that are not standard replacement methods. Restoring rare communities is an area where ENRV can be used. Changes to this guidance to provide additional incentive to restore rare plant communities, and/or plant communities that take longer to gain replacement credit would create an incentive for these restorations to occur. These projects are generally more costly and have higher risks, creating a disincentive for private bankers to undertake projects of this nature.

BWSR Staff Recommendation: BWSR staff recommend amending the ENRV guidance to provide additional credit for restoring native plan communities.

BWSR Wetland Committee: The Wetland Committee recommend amending the ENRV guidance, inc concept, to provide additional credit for restoring rare native plant communities. Options that

should be considered during this process are to place the ENRV guidance into rule and restricting preservation to project specific replacement.

V. WETLAND ADMINISTRATION

The WCA Assessment Stakeholder Advisory Committee met to discuss wetland administrative issues on September 26, 2006. The issues recommended for consideration by the BWSR Wetland Committee are:

- Develop proposed decision-making time limitations specific to WCA and separate from the current Mn Statute 15.99. Key issues to be developed as part of this proposal include (1) recognizing seasonal issues with WCA process reviews, (2) establishing a BWSR appeal process to avoid having the resource "lose" due to a default approval and (3) removing the local appeals process from complying with Mn Statute 15.99
- Develop a proposal to increase WCA LGU capacity requirements, establish a "default" LGU, and provide BWSR more options to address LGU performance issues that would either increase LGU ability to administer the program or reduce their numbers
- Eliminate ability of applicants to appeal restoration orders
- Require landowners to notify BWSR before commencing activity (under an exemption)

NEW BUSINESS

4. Third Crop Initiative – Linda Meschke, Rural Advantage – *INFORMATION ITEM*

Project Manager: Linda Meschke
Affiliation: Blue Earth River Basin Initiative / U of M
Mailing Address: 426 Winnebago Ave, Ste 100
City / State / Zip: Fairmont, MN 56031-3648
Telephone Number: 507-238-5449
E-mail Address: meschkel@berbi.org
FAX Number: 507-238-4002
Web Page address: www.berbi.org

II. PROJECT SUMMARY AND RESULTS:

Accelerating the incorporation of native perennials and alternative crops on riparian areas and strategically targeted uplands has the potential to improve water quality in the Minnesota River Basin while providing economic opportunities for farmers and rural communities. Cropping system induced degradation of Minnesota's waterways has had substantial economic, health, and ecosystem impacts including TMDL listings, hypoxia, fishing and swimming restrictions, and drinking water impairments. However, information and incentives are lacking to accelerate the widespread adoption of a more diversified cropping system.

Through this project we will convert at least 200 acres of agricultural land in corn and soybean production to native plants or alternative [3rd] crops in order to demonstrate alternative cropping systems. These sites will include a variety of crops, soil types and positions within the landscape in order to illustrate a variety of ecological services that can be benefited from the adoption of 3rd crops into our Midwestern cropping system. We also will establish 4 demonstration plots in priority watersheds across the state.

The University of Minnesota and project partners will conduct related research focusing on agronomic parameters of emerging alternative crops, economic benefits, and the hydrologic impact on water quality and quantity. Linking landscape change to the ecological services delivered will assist society in making effective policy decisions.

Market availability will drive the long term adoption of third crops. We will hire a person half time to help identify markets, coordinate between growers and industry, and promote the development of new markets.



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Benefits and Opportunities for Growing Third Crops

What is a 3rd Crop?

A 3rd Crop is a crop other than corn or soybeans. Due to the dominance of corn and soybeans throughout the Midwest we call it a 3rd Crop because it would be the third crop grown after corn [first] and soybeans [second]. It is not intended to be one particular crop but rather a wide diversity of crops that could be incorporated into a farmers cropping system.

Why is BERBI Interested in 3rd Crops?

To improve the water quality of the Blue Earth River and it's tributaries! Changing the corn/ soybean cropping system to include other crops, especially perennials, has the potential to improve the water quality of the Blue Earth River- and all of it's tributaries- to a level that will meet local and state water quality goals within the next ten years. 3rd Crops will build soil health, reduce nitrogen leakage, reduce pesticide use, minimize soil erosion, reduce the speed that water moves across the landscape and adds diversity. 3rd Crops can be especially effective when we target them to sensitive areas that are prone to polluting; when they build soil health through improved crop rotations; and they reduce pest populations due to crop diversity.

Background Information

The Greater Blue Earth River Watershed area includes the Watonwan, the Blue Earth and the LeSueur rivers and all of their tributaries. This 2.3 million acre area in south central Minnesota and north central Iowa is dominated by a corn and soybean cropping system. The area contributes approximately ½ of the pollution load to the Minnesota River, yet it is only 20% of the area geographically. Nitrogen loss from the region contributes significantly to hypoxia in the Gulf of Mexico. Pollution contributions are from both rural and urban sources.

The main pollution concerns are sediment, nutrients [nitrogen and phosphorous] and pathogens. One of the reasons the pollutant loading is so high is due to the agricultural land use. The soil types we have are fine clays. Once suspended in water, they stay suspended until the water stops flowing and they can settle out. Phosphorous quickly attaches to clay particles and when the soil erodes from the landscape, it carries phosphorous with it. This area receives almost two times the

amount of rainfall as the western portion of the Minnesota River. Corn requires adequate nitrogen to produce a crop but excess nitrogen can readily 'leak' through the soil. An intensive drainage infrastructure can quickly transport these nutrients to nearby surface waters. Major pathogen contributions can be from untreated wastewater, polluting feedlots or improperly applied manure.

Over the past ten years BERBI member SWCD's have put over $3,000,000 of conservation practices on the ground. Approximately 2/3 of this has been cost-share practices such as terraces, waterways, streambank restoration, diversions and ag waste. It is estimated that these projects have reduced the pollution load by about 8%. These efforts are important because they are site specific and address pollution that is occurring.

On the bigger watershed scale, these efforts alone will not get us to our water quality goals. If we are serious about cleaning up the river, then we need to take implementation to the next level and work for cropping system change. This is a long term objective that can lead toward environmental sustainability of the region.

Examples of 3rd Crops

Oats, alfalfa, wheat, barley, buckwheat, amaranth, pearl millet, wheatgrass, switchgrass, medics, kochia, perennial flax, lupines, milkweed, hazelnuts, elderberries, blueberries, grapes, native plants, wildflowers, curly willow, pussywillows, Christmas trees, bittersweet, dogwoods, hybrid poplar, native plants for seed production, grazing/ pasture, etc..



Non crop 3rd Crops include eco-tourism, nitrogen farming, water storage, carbon sequestration, hunting leases, recreation leases, wind energy, etc..

Keys to Establishing 3rd Crops

If we are going to be successful at establishing 3rd Crops into the landscape we must have markets for the crops people are willing to raise and we must have a diversity of 3rd Crops [no repeat of the artichoke story]. In many cases the 3rd Crop would be a perennial and would involve smaller acerages within the farm system. 3rd Crops will be "working" lands rather than "retired" land. Each farm family should be able to receive some economic return from their 3rd Crop. This will promote viable family farms and sustainable communities.

Contact:

Linda Meschke, Executive Director

Blue Earth River Basin Initiative

507.238.5449

Third Crop Options

Third Crop Rural Economics

GBERW Economic Development Model

Third Crop Coalition List

For further information on third crops visit: www.thirdcrop.org

FOR YOUR INFORMATION

October 25, 2006

- Updated Board Member Listing
- 2006-2008 Affirmative Action Plan

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

Appointed Members	***Appointment Designation***	***Term Expires***	***Telephone/Fax***	
Randy Kramer, Chair 42808 County Road 11, Bird Island, MN 55310 randyk@willmar.com	**Citizen**	01-01-07	320-365-3094 320-365-4784	*Home* *Office*
Dana Allen 11304 19th Street, SE, Eyota, MN 55934 dm.allen@myclearwave.net	**Citizen**	01-05-09	507-545-3969 507-951-5597	*Home* *Office*
Paul Brutlag 27113 County Road 11, Wendell, MN 56590 brutlagp@runestone.net	**Citizen**	01-07-08	218-458-2113 320-589-4151	*Home* *Office*
Quentin Fairbanks 16374 Stoner Memorial Dr., NE, Hines, MN 55647 quentin@paulbunyan.net	**Co. Commissioner**	01-01-07	218-835-4184 218-679-3378	*Home* *Fax*
Brian Kletscher 30427 County Hwy. 10, Vesta, MN 56292 bk3376@redred.com	**Co. Commissioner**	01-05-09	507-762-3376 507-828-1429	*Home* *Office*
Brian Napstad 51227 Long Point Place, McGregor, MN 55760 bnapstad@yahoo.com	**Co. Commissioner**	01-04-10	218-426-3008 218-426-4662	*Home* *Office*
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Gene Tiedemann 13099 310th Ave., SW, Euclid, MN 56722 gtiedemann@rrv.net	**Watershed**	01-04-10	218-281-6723 218-289-3511	*Home* *Office*
LuAnn Tolliver 14801 Wychewood Road, Minnetonka, MN 55345 mltolly@aol.com	**Watershed**	01-07-08	952-938-6749 952-838-1571	*Home* *Office*

State Agency Members:

Joe Martin Freeman Office Bldg., 625 Robert St. N., St. Paul, MN 55155 Joe.Martin@state.mn.us	**Department of Agriculture**	651-201-6551 651-297-5522	*Office* *Fax*
Dan Wilson Well Management Section, P.O. Box 64975, St. Paul, MN 55164-0975 Daniel.Wilson@health.state.mn.us	**Department of Health**	651-201-4598 651-201-4599	*Office* *Fax*
Gene Merriam 500 Lafayette Road, St. Paul, MN 55155 Gene.Merriam@dnr.state.mn.us	**Department of Natural Resources**	651-259-5555 651-296-4799	*Office* *Fax*
Jim Anderson 439 Borlaug Hall, 1991 Upper Buford Circle, St. Paul, MN 55108 Ander045@umn.edu	**U of M/Dept. of Soil, Water & Climate**	612-625-0279 612-625-2208	*Office* *Fax*
Lisa Thorvig 520 Lafayette Road, St. Paul, MN 55155 Lisa.Thorvig@pca.state.mn.us	**Pollution Control Agency**	651-296-8811 651-296-6334	*Office* *Fax*

October 2006

2006-2008

Affirmative Action Plan

Board of Water & Soil Resources
520 Lafayette Road
St. Paul, MN 55155

Minnesota Board of Water & Soil Resources

Web: www.bwsr.state.mn.us TTY: (800) 627-3529 An equal opportunity employer

Board of Water and Soil Resources (BWSR)
2006-2008 Affirmative Action Plan

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AFFIRMATIVE ACTION PLAN
FY 2006 – 2008

- This review revealed underutilization of the following protected group(s) in the following goal units:
  (X indicates underutilization)

As of 06/26/03	PROTECTED GROUPS		
GOAL UNITS	**FEMALES**	**MINORTIES**	**DISABLED**
Manager---4	0 X	0	0
Professionals-- 49	12 X	5	1 X
Technicians—2	1	0	0
Office/Clerical ---7	7	1	0 X

- This annual plan is and will be posted at the following location so that every employee is aware of the agency's commitment in affirmative action for the year: Agency's official department bulletin board in each office and the agency library.

- This annual plan contains an internal procedure for processing complaints of alleged discrimination from employees and each employee has been apprised of this procedure as well as BWSR's Affirmative Action goals for this fiscal year.

_____ _____

William Eisele — Date
Affirmative Action Officer

- This annual plan contains clear designations of those persons and groups responsible for implementing the attached affirmative action plan as well as my personal statement of commitment to achieving the goals and timetables described within.

_____ _____

Ronald D. Harnack — Date
Executive Director

- This annual plan meets the rules governing affirmative action, MCAR Chapter 3905.0600 Statutory Authority 43 A. 04, and contains goals and timetables as well as methods for achieving them, which are reasonable and sufficiently aggressive to deal with the identified disparities.

_____ _____

Office of Diversity and Equal Opportunity — Date

Statement of Commitment

As the Executive Director of BWSR, I am committed to the State of Minnesota's affirmative action efforts and to the implementation of the Affirmative Action Plan. I support the State of Minnesota's efforts to provide equal opportunity to current and prospective employees. BWSR will not tolerate discrimination on the basis of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, membership or activity in a local commission, or age. To assure that positions are accessible to all qualified persons and to ensure a diverse workforce representative of all protected groups, BWSR will make every effort to recruit, hire and retain protected group employees.

Valuing and promoting diversity helps us accomplish our mission to keep Minnesotans focused on the future; provide policy makers and the public with accurate information an analysis about critical and emerging issues, and to influence policy decisions for a better future through long-range planning. We are committed to creating a healthy atmosphere and to have participation to help us accomplish our mission. We strive to build effective work relationships through respect and teamwork, provide products and services that are respectful of Minnesota's diversity, and achieve genuine representation of Minnesota's diversity in project committees, task forces and community activities.

I have delegated the responsibility for administration of this Affirmative Action Plan to Bill Eisele, BWSR's Affirmative Action Officer. Bill is responsible for directing, monitoring and implementing the agency's affirmative action plan and the day-to-day activities of this program.

The Executive Team and Senior Management Team are responsible for implementing these policies. I encourage employees to be involved in carrying out this policy and welcome comments and suggestions for improvement to our agency's policies and services to our clientele.

_____
Date

_____
Ronald Harnack, Executive Director
Board of Water and Soil Resources

AFFIRMATIVE ACTION OFFICER/DESIGNEE AND DUTIES

Bill Eisele is BWSR's Affirmative Action Officer. He is responsible for directing, monitoring and implementing the agency's Affirmative Action Plan.

Specific responsibilities and duties include:

- Distributing Affirmative Action Plan to all agency staff
- Conduct training, including orientation for new employees
- Identify ongoing training for employees, focused on issues such as recruitment and retention, diversity, affirmative action, and the Americans with Disabilities Act
- Develop internships designed to give college students experience and information about state agency opportunities
- Encourage agency participation and sponsorship of diverse community cultural events
- Distribute newsletters, brochures, literature and other items addressing various aspects of diversity (including sexual harassment, racism, gay/lesbian issues, anti-Semitism, and disabilities)
- Monitor compliance with discrimination issues and Affirmative Action goals
- Oversight of appropriate investigations of complaints are conducted within timelines and appropriate disciplinary action, where necessary, is taken
- Monitor recruiting and retention efforts
- Reports to Administrative Services Director and Senior Management Team on issues involving compliance and Affirmative Action
- Take other actions as required by the Affirmative Action Plan

Methods for Communicating the BWSR Affirmative Action Plan

The BWSR's Affirmative Action Officer/Designee (AAO) will ensure that all employees are advised of the policy of non-discrimination, the provision of reasonable accommodation, and the procedure for filing a complaint. The material can be provided in alternative formats such as large print, Braille or on tape.

Methods for Communicating the Affirmative Action Plan Internally

1. The AAO will advise all staff of the availability of the full AA plan's location on the agency's shared online director. All employees and Board members will receive a cover letter detailing their responsibility to read, understand, support and implement the plan.
2. The Administrative Services Director will post the following documents on the official agency bulletin board:
    a) The BWSR Agency Affirmative Action Plan,
    b) The Minnesota Equal Opportunity policy, and
    c) The name and phone number of the agency's Affirmative Action Officer/Designee.

Methods for Communicating the Affirmative Action Plan Externally

1. The BWSR will include the statement, "an equal opportunity employer," on agency letterhead, job announcements and training opportunity bulletins.
2. A notice of the Agency's Equal Employment Opportunity Policy will be posted on BWSR's website, providing an opportunity for everyone doing business directly with the agency to be made aware of the policy.

Complaint Procedure

Harassment Policy

Statement of Policy

It is the policy of the BWSR (Board of Water and Soil Resources) to prohibit harassment of its employees based on race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local commission, disability, sexual orientation, age, or political affiliation. This prohibition with respect to harassment includes any acts that create a negative work environment. Inappropriate behavior by any employee will be cause for appropriate disciplinary action.

Each employee and Board Member is responsible for the application of this policy. This includes initiating and supporting programs and practices designed to develop understanding, acceptance, commitment, and compliance within the framework of this policy. All employees must be informed that harassment is unacceptable behavior. The affirmative Action Officer designee will be expected to keep the agency and its employees apprised of any changes in the law or its interpretation regarding this form of discrimination. The Affirmative Action Officer designee is also responsible for:

1. Making certain that each individual who makes or recommends employment and other personnel decisions are fully aware of and comply with this policy;
2. Notifying all employees, and orienting each new employee who is hired, of this policy; and
3. Informing all employees of the complaint procedure and ensuring that all complaints will be investigated promptly and carefully.

Definitions

Discriminatory harassment is any behavior based on protected class status which is not welcome, which is personally offensive, which, therefore, may effect morale and interfere with the employee's ability to perform. For example, the U.S. Equal Employment Opportunity Commission has defined harassment based on national origin as "Ethnic slurs and other verbal or physical conduct relating to an individual's national origin:

Sexual harassment has also been specifically defined by the Minnesota Human Rights Act, which states in regard to employment, that:

> "Sexual harassment" includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when: (1) submission to that conduct or communication is made a term or condition, either explicitly, of obtaining employment; (2) submission to or rejection of that conduct or communication by an individual is used as a factor in decision affecting that individual's employment; or (3) that conduct or communication has the purpose or effect of substantially interfering with an individual's

employment, and in the case of employment, the employer knows or should know of the existence of the harassment and fails to take timely and appropriate action.

It is possible for discriminatory harassment, including sexual harassment, to occur: 1) among peers or co-workers, 2) between managers and subordinates, or 3) between employees and members of the public. Employees who experience discriminatory harassment should bring the matter to the attention of the agency's Affirmative Action Officer designee, or their supervisors. In fulfilling our obligation to maintain a positive and productive work environment, the Affirmative Action Officer designee and all employees are expected to address or report any suspected harassment or retaliation.

Clearly, varying actions that are discriminatory harassment violations can occur and require varying levels of progressive discipline. Individuals who instigate harassment are subject to serious disciplinary actions, including suspension, demotion, transfer, or termination. Additionally, inappropriate behaviors that do not rise to the level of discriminatory harassment should be corrected early and firmly in the interests of maintaining a barrier-free work place. Individuals who participate in inappropriate behaviors at work are also subject to disciplinary action.

Procedure

Any employee, applicant, or Board Member of BWSR who believes that she/he has experienced discrimination or harassment based on his/her race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local commission, disability, sexual orientation, age, or political affiliation may file a complaint of discrimination.

Complaints of discrimination or harassment can be filed using the internal discrimination complaint procedure included in our agency's affirmative action plan.

Internal Discrimination Complaint Procedure

The BWSR has established the following discrimination complaint procedure to be used by all employees, applicants, or eligible. Coercion, reprisal, or intimidation against anyone filing a complaint or serving as a witness under this procedure is prohibited. Complaint procedures may be modified in accordance with requirements or changes in applicable policies, rules and collective bargaining agreements.

Responsibility of Employees

All employees shall respond promptly to any and all requests by the Affirmative Action Officer designee for information and for access to data and records for the purpose of enabling the Affirmative Action Officer designee to carry out responsibilities under this complaint procedure. The failure of any employee to comply with the requests of the Affirmative Action Officer designee shall be reported to the employee's supervisor, and/or the Executive Director.

Who May File

Any employee or applicant of BWSR who believes that s/he has been discriminated against by reason of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership; or activity in a local commission, disability, sexual orientation, age or political affiliation may file a complaint. Employees who are terminated must file their internal complaint prior to their actual separation.

The Complaint Procedure

The complaint procedure provides two avenues for resolution of discrimination complaints. The informal procedure provides an opportunity for anyone who believes that they have been harassed or discriminated against to discuss the situation immediately with the Affirmative Action Officer designee or their supervisor to ask for advice or to seek an informal resolution. If the informal procedure is unsuccessful, if the complainant is dissatisfied with the resolution, or if the complainant prefers to bypass the informal process, the formal procedure is used. In the case of a sexual harassment complaint, only the formal process may be used.

Formal Filing Procedures

1. The employee or applicant completes the "Complaint of Discrimination Form" provided by the Affirmative Action Officer designee. Employees should file the formal complaint within 30 days of the occurrence of the event-giving rise to the complaint. The Affirmative Action Officer designee will, if requested, provide assistance in filling out the form.
2. The Affirmative Action Officer designee determines if the complaints falls under the purview of Equal Employment Opportunity Law, i.e., the complainant is alleging discrimination or harassment on the basis of race, color, creed, religion, national origin,

sex, marital status, status with regard to public assistance, membership or activity in a local commission, disability, sexual orientation, age or political affiliation.

A. If it is determined that the complaint is not related to discrimination but rather to general personnel concerns, the Affirmative Action Officer designee within ten (10) working days will inform the complainant.
B. If the complaint is related to discrimination, the Affirmative Action Officer designee will contact all parties named as respondents and outline the basic facts of the complaint. The respondents will be asked to provide a response to the allegations within a specific period of time.

3. The Affirmative Action Officer designee shall investigate the complaint and provide a written answer within sixty (60) days after the formal complaint is filed. The complainant will be notified should extenuating circumstances prevent completion of the investigation within (60) days.
4. All data collected may at some point become evidence in civil or criminal legal proceedings pursuant to state or federal statutes. An investigation may include, but not be limited to, the following types of data:

   A. Interviews or written interrogatories with all parties involved in the complaint; complainant, respondent, their respective witnesses, officials having pertinent records or files, etc.
   B. All records pertaining to the case i.e., written, recorded, filmed or in any other form.

5. At the conclusion of the investigation, the Affirmative Action Officer designee shall review the findings of the investigation and if sufficient evidence substantiates the compliant, appropriate action will be taken. The complainant(s) and respondents(s) will be notified of the completion of the complaint investigation. Any other information released regarding the investigation will be pursuant to the Minnesota information released regarding the investigation will be pursuant to the Minnesota Government Data Practices Act.
6. If the Affirmative Action Officer designee believes insufficient evidence exists to support the complaint, a letter will be sent to complainant and the respondent(s) dismissing the complaint.
7. Dispensation of the complaint will be filed with the Commissioner of the Department of Employee Relations within thirty (30) days of final determination.
8. The Affirmative Action Officer designee shall maintain records of all complaints and any pertinent information or data for three (3) years after the case is closed.
9. All documentation associated with a complaint shall be considered investigative data under the Minnesota Government Data Practices Act. The status of the complaint will be shared with the complainant(s) and respondent(s). After an investigation is completed and all appeals are exhausted, all documentation is subject to the provisions of the Minnesota Government Data Practices Act.

Board of Water & Soil Resources
520 Lafayette Road
St. Paul, MN 55155

COMPLAINT OF DISCRIMINATION
PLEASE READ BEFORE COMPLETION OF FORM

Any complaint of discrimination is considered confidential data under Minnesota Statute 13.39, Subd. 1 and 2. This information is being collected for the purpose of determining whether harassment/discrimination has occurred. You are not legally required to provide this information, but without it, an investigation cannot be conducted. This information may only be released to the Affirmative Action Officer/Designee, the complainant, the respondent, and appropriate supervisory personnel.

COMPLAINANT (YOU)

Name Job Title

Work Address City, State, Zip Code Work Phone

Agency Division Supervisor

RESPONDENT (PERSON WHO DISCRIMINATED AGAINST YOU)

Name Job Title

Work Address City, State, Zip Code Work Phone

Agency Division Supervisor

The Complaint

Basis of Complaint (check all that apply)

- ❑ Race
- ❑ Color
- ❑ Disability
- ❑ Veterans Status
- ❑ Sex
- ❑ Creed
- ❑ Marital Status
- ❑ Status with Regard to Public Assistance
- ❑ Age
- ❑ Religion
- ❑ National Origin
- ❑ Membership or activity in a local commission

Date most recent act of discrimination took place:

If you filed this complaint with another agency, give name of that agency:

Describe how you have been discriminated against (names, dates, places, etc.), use a separate sheet of paper if needed and attach to this form:

Information on Witnesses Who Can Support Your Case:

Name	Work Address	Work Telephone
1.		( )
2.		( )
3.		( )

* Additional witnesses may be listed on a separate sheet attached to this form.

This complaint is being filed on my honest belief that the State of Minnesota has discriminated against me. I hereby certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge and belief.	
Complainant Signature	Date
Affirmative Action Officer Signature	Date

Goals and Timetables

For each area where BWSR's review reveals underutilization of protected groups in goal units, the agency will attempt to make a good faith effort to hire protected group members. Note: There may be lack of qualified applicants within such protected classes to meet the goals. Due to recent budget reductions, our goal is to retain employees in underutilization groups.

Goal: To recruit and retain female employees.
Timetable:

- For Office and Administrators: Recruit and retain qualified persons.
- For Professionals: Recruit and retain qualified persons.
- For Technicians: Retain current staff.
- For Office/Clerical: Recruit and retain qualified persons.

Our specific goal for women is to recruit 3 women professionals during the 2006-8 plan period. We will increase our outreach efforts through local government units, MAWD, MASWCD, and other environmental advocacy organizations to more broadly advertise any new professional positions we have open up.

Goal: To recruit and retain minority employees.
Timetable:

- For Office and Administrators: Recruit and retain qualified persons.
- For Professionals: Recruit and retain qualified persons.
- For Technicians: Retain current staff.
- For Office/Clerical: Recruit and retain qualified persons.

Goal: To recruit and retain disabled employees.
Timetable:

- For Office and Administrators: Recruit and retain qualified persons.
- For Professionals: Recruit and retain qualified persons.
- For Technicians: Retain current staff.
- For Office/Clerical: Recruit and retain qualified persons.

Our specific goal is to recruit one person with a disability during the 2006-8 plan period. We will increase advertising in targeted publications plus will consult with the DOER Affirmative Action/ADA Officer when we have an open position.

Note: we believe some staff that fall within the definition of disabled do not self-identify in response to questionnaires. An additional survey effort will be conducted to encourage self-identification of disabled employees.

Specific recruiting strategies will be implemented for hiring, including publication of position announcements in the "Minnesota Career Opportunities" jobs bulletin; advertisement in local and state-wide newspapers and with other resources that primarily service members of protected classes; and notice to DOER of recruitment needs or plans to fill positions.

Nothing in the above process shall be considered an obstruction to hiring decisions based on the priority in appointment clauses (e.g., seniority, recall from layoff, etc.) detailed in contracts/plans negotiated.

Program and Program Objectives

Program: Affirmative Action Hiring

Objective: The agency will continue to hire affirmatively and will include Affirmative Action consideration in the hiring process for all hires.

Responsibility: Executive Management Team.

Completion Date: Ongoing throughout Affirmative Action Plan period (2006-2008)

Action Steps:

1. The AAO will maintain and provide current information regarding disparities to all Agency supervisors and managers on a quarterly basis. Date: quarterly.
2. Prior to working with supervisors on all hires, Human Resources staff will check AA data identifying disparities, which exist. Date: prior to beginning hiring process.
3. For all hires where a disparity exists, Human Resources staff will initiate the pre-employment review process prior to interview activities. Date: prior to beginning hiring process.
4. The AAO will maintain files with background materials/documentation on any missed opportunities. Date: ongoing

Evaluation: Administrative Services Director will provide oral evaluation of the affirmative action hiring process on a semi-annual basis to the Executive Team.

Program: Affirmative Action Education

Objective: Provide education to supervisors and managers about Affirmative Action and about responsibilities in implementing the Affirmative Action Plan.

Responsibility: Administrative Services Director

Completion Date: Ongoing

Action Steps:

1. Distribute Affirmative Action Plan and educational materials that include an overview about the Affirmative Action Plan and specific information about the components of the Plan for which supervisors and managers will be held accountable. Date: Already done.
2. Develop education materials describing the interviewing and hiring process for situations where a disparity exists and outlining the supervisors and managers role in assuring that affirmative hiring goals are met. Date: November 2006
    1. Educate supervisors and managers about their role in implementing the Affirmative Action Plan, creating and maintaining a healthy and humane workplace and specific supervisory responsibilities that contribute to retention of protected group members. Date: Ongoing

Program: Affirmative Action – Retention

Objective: Better understand and document the reasons behind turnover among protected group members.

Responsibility: Administrative Services Director

Completion Date: Ongoing

Action Steps:

1. Conduct exit interviews in accordance with agency plan to all protected group members leaving the agency. Date: Ongoing
2. Prepare annual summary of 2006-2008 exit interview issues for discussion with all managers and supervisors. Date: Annually

Methods of Auditing, Evaluating, Reporting Program Success

- **Pre-Employment Review Process**

The Department of Employee Relations Office of Diversity and Equal Opportunity rules governing statewide affirmative action programs require that methods of auditing, evaluating, and reporting program success be established for all agencies. This includes the establishment of the pre-employment review process for all agencies. This includes the establishment of the pre-employment review process for all hiring decisions in occupational categories in which a disparity exists. The AAO will generate monthly AA data reports indicating current disparities and will distribute them to Human Resources staff and department supervisors and managers. When filling a vacancy in an occupational category in which a disparity exists, we will follow these procedures:

1. Administrative Services Director will review the data and meet with the AAO as necessary, to determine whether a disparity exists for a position that has been/will be posted.
2. The Administrative Services Director will work with the hiring supervisor, monitoring the hiring process, to ensure that available protected group candidates for whom there are disparities are included.
3. Where a disparity exists, protected group candidates are available and the intended hiring selection is not a protected group member, the staff member from the Administrative Services Director will obtain the hiring supervisor's rationale to discuss with the AAO.
4. The AAO, Administrative Services Director and Division Manager will review the rationale and attempt to resolve the hiring situation. If agreement cannot be reached, the AAO, and the Director as necessary, will approve or deny the selection. All decisions will be made in writing and will be maintained on file in the BWSR Human Resources Office.

- **Pre-Review Procedure of Lay-Off Determinations**

1. The BWSR office will make lay-off determinations consistent with applicable bargaining unit contract/plan language.
2. The Administrative Services Director will review lay-offs and determine the effect on agency affirmative action goals and timetables. Any negative impact on Affirmative Action disparity status will be addressed via the pre-employment review process.
2. Nothing in this process shall be considered an obstruction to the layoff and recall language in applicable contract/plans negotiated between the State and employee union/associations.

Record keeping and Evaluation

Data regarding hires is recorded on the Protected Group Report forms.

Evaluation documentation is maintained in the central files of the BWSR Human Resources Office, and include:

- Affirmative Action Plan and any related written comments.
- Purchase orders for recruitment fees paid and notes on specific recruitment activities
- Affirmative Action complaints
- ADA complaints

Reasonable Accommodation Policy

It is the state's policy to reasonably accommodate qualified individuals with physical or mental disabilities in the accomplishment of their employment responsibilities unless the accommodation would impose an undue hardship. The BWSR agency is committed to the fair and equal employment of people with disabilities, and understands that in many cases, reasonable accommodation is the key to this employment. Bill Eisele is the agency's ADA Coordinator, and is responsible for ADA compliance.

Definitions

1. **Person with a disability.** A person with a disability is one who…

    - Has a physical or mental impairment that substantially limits one or more major life activities, or
    - Has a record of such an impairment, or
    - Is regarded as having such impairment

2. **Reasonable accommodations.** An accommodation is any modification or adjustment to a job, an employment practice, or the work environment that makes it possible for a qualified individual with a disability to participate in and benefit from all aspects of employment. The accommodation is reasonable if it is effective in eliminating the barrier and does not cause an undue hardship.

3. **Undue hardship.** An undue hardship is an action that is unduly costly, extensive, substantial, or disruptive or that would fundamentally alter the nature or operation of the agency.

Procedure for Requesting a Reasonable Accommodation – Employee or Employee Seeking Promotion with Disabilities

1. The employee will inform her/his supervisor of the need for an accommodation. The employee or the supervisor if requested by the employee will complete the *Request for Reasonable Accommodation* form contained in this Affirmative Action Plan. If necessary, the ADA Coordinator will obtain documentation of the individual's functional limitations.
2. When an accommodation has been requested, the supervisor will, in consultation with the employee:

    - Discuss the purpose of the job and the essential functions. (It may be necessary to complete a step-by-step job analysis);
    - Determine the precise job-related limitation(s)
    - Identify potential accommodations and assess the effectiveness of each; and

- Select and implement the most appropriate accommodation for both the individual and the employer.

3. The supervisor and/or employee may seek technical assistance from the agency ADA Coordinator/AAO as needed.
4. If the supervisor is unable to make a decision about a requested accommodation, she/he will forward the written request for accommodation along with her/his recommendation to the division manager within fine working days of the employee's request. If the division manager is unable to make a decision, the request will be forwarded along with her/his recommendation to the Director within 10 days of the employee's initial request. The Director, working with the agency's ADA Coordinator, will make the decision and provide the response to the division manager and the employee within 10 working days after receiving the request.
5. If an accommodation cannot overcome the existing barriers, or if the accommodation would cause undue hardship to the operation of the agency, the employee and ADA Coordinator will work together to determine whether reassignment may be an appropriate accommodation.

    - Look for a vacant position that is equivalent to the one held by the employee.
    - If the employee is not qualified for a vacant position with or without a reasonable accommodation, or no equivalent vacant position exists, the agency may, as an accommodation, reassign the individual to a vacant position in a lower classification for which the employee is qualified. In this case, the agency is not required to maintain the employee's salary at the previous level.
    - Look for transfer, mobility, and noncompetitive and competitive opportunities.

Procedure for Requesting a Reasonable Accommodation – Job Applicant

1. When a request for accommodation is received from a job applicant, the supervisor and Administrative Services Director will discuss alternatives with the applicant and will make a decision regarding the request. If approved, the supervisor will make sure that the accommodation is provided.
2. If the supervisor and Administrative Services Director are unable to make a decision they will forward a written request for accommodation along with a recommendation to the ADA Coordinator/AAO within 3 days following the request.
3. If the request is approved, the supervisor will make sure that the accommodation is provided. If the request is not approved, the ADA Coordinator/AAO will inform the applicant in writing within 3 working days.

The Funding of Accommodations

Funding will be approved by the department for reasonable accommodations that do not cause an undue hardship. The supervisor and/or division manager will determine the funding source, either general or revolving fund, at the time of request.

Procedure for Determining Whether Requested Accommodation is an Undue Hardship.

1. If, in the opinion of the supervisor receiving the request for an accommodation, the cost of scope of the accommodation might alter the nature or operation of the department, the supervisor and Administrative Services Director will meet with the division manager to review the requested accommodations(s), and will consider:

    - The nature and cost of the accommodation in relation to the size and financial resources of the state as an employer; and
    - The impact of the accommodation on the nature or operation of the department.

2. If supervisor determines that the accommodation will impose an undue hardship, the Administrative Services Director will forward an analysis of the situation and the reasons it is determined to cause an undue hardship, along with a recommendation to the Executive Director within 10 working following the employee's request or within three working days following an applicant's request.

3. The Executive Director will provide a decision in writing to the Administrative Services Director, supervisor, and the employee or applicant within 3 working days after receipt of the analysis and recommendation.

STATE OF MINNESOTA
BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD
ST. PAUL, MINNESOTA 55155

REASONABLE ACCOMMODATION AGREEMENT

- This form is to be completed by the Agency's Affirmative Action Officer after the reasonable accommodation decision has been made. The signature on the bottom of this form indicates an agreement between and the Agency to the specific accommodation.

Name of Employee	Name of Division Manager

The request for reasonable accommodation to the needs of the above named employee with a disability was:

☐ ACCEPTED ☐ DENIED

Justification for the decision (indicate specific factors considered)

If reasonable accommodation was approved, was the employee's suggestion accepted?

☐ Yes ☐ No ☐ Partially

REASON:

DESCRIBE specific accommodations to be made.

COST ESTIMATE:

I have read the employee request for reasonable accommodation. I understand that all tangible accommodations purchased by the Department, will become the Property of the State of Minnesota

Signature of Employee	Date
Signature of Executive Director	Date
Signature of Affirmative Action Officer	Date

Employee Request for Reasonable Accommodation

Please Print or Type

Employee Name	Classification	Date of Request
Division		
• Attach additional sheets for questions below if necessary.		
1. Please describe the nature of your disability, what life activity(s) it substantially limits, and how this life activity(s) is substantially limited.		
2. Type of accommodation requested to perform essential function(s):		
3. Which essential function(s) of your job will the requested accommodation allow you to perform?		
4. Why is the requested accommodation necessary to perform the essential job function(s)?		
5. How will the requested accommodation be effective in allowing performance of the essential job function?		
Signature of Employee		Date
Signature of Supervisor		Date
Additional Comments:		

- ❖ Information on this form shall be confidential with the exceptions according to the Rehabilitation Act of 1973, Section 504, Subd. 84.14, and the Americans with Disabilities Act of 1990, Subd. P.L. 101-336, Sec. 102.C.

Recruitment Plan

Supported Work Program

Statement of Policy

It is the policy of BWSR to seek opportunities to hire Supported Work Employees through an assessment of the vacant positions and determinations of positions appropriate for Supported Employment Workers.

Plan

1. Administrative Services Director, working with the hiring supervisor, will determine whether the job tasks are appropriate for a Supported Employment Worker as defined in the position description.
2. Administrative Services Director will work with the hiring supervisor and with the State ADA/Disability Coordinator during the hiring process to ensure that eligible Supported Worker candidates are considered for the position.
3. Administrative Services Director will work directly with the Supported Employment Worker's supervisor and the identified vocational rehabilitation or education job coach, who will be working with the Supported Employment Worker to place the worker in the job.
4. The Supported Employment Worker's supervisor and the Administrative Services Director, along with the vocational rehabilitation or education job coach, will monitor the progress of the worker. The supervisor and Administrative Services Director will decide how long the on-the-job test will last, up to a maximum of 700 hours. In addition, the supervisor Administrative Services Director will determine whether consideration will be given for the Supported Employment Worker to be certified for hire.

Recruitment Program

Recruitment Activities

Sources Used

We have attached a list of organizations (see pages 38 & 39) that receive job notices for intern and student worker positions.

Costs Incurred

Not available.

Results

We had no missed opportunities in hiring within the BWSR during the year.

Other Methods Used

None.

Job Fairs Attended/Projected

Humphrey Institute Job Fair – Per DOER's schedule
McKinney Job Fair – Per DOER's Schedule

Strategies

We project little or no turnover in the next year in the EEO categories for which we have disparities. We will continue to use the same recruitment methods.

Internship Program Opportunities

The supervisor seeking a student intern will establish the relationship with the educational institution and will work with the Human Resources Office to formalize and implement the specific internship arrangement.

Recruitment

The Human Resources Director is responsible for recruitment efforts, such as overseeing the recruitment of qualified candidates. In regard to recruitment of persons with disabilities, we are currently complying with the requirements of the Americans With Disabilities Act in our recruitment activities.

Retention Program

The Affirmative Action Officer is responsible for overseeing BWSR's retention activities.

Objective: Understand and document the reasons behind turnover among protected group members so that we can identify relevant issues for further analysis.

Responsibility: Affirmative Action Officer and Human Resources Office staff.

Completion Date: January

Action Steps:

1. Offer exit interviews in accordance with agency plan to all protected group members leaving the department.
2. Prepare annual summary of __year__ exit interviews for discussion with all managers and supervisors. Date: January

Objective: Continue to create and maintain a respectful environment for all employees.

Responsibility: All BWSR Agency employees.

Completion Date: January

Action Steps:

1. Encourage employee to participate in events that celebrate the rich diversity within the department.
2. Educate supervisors and managers about their role in creating and maintaining a healthy and humane workplace and about specific supervisory responsibilities that contribute to retention of protected group members.

Objective: Management and team leaders will attempt to create an atmosphere in which all employees can contribute and succeed by a) providing opportunities for all team members to speak, moderate, assist with presentations, and gain exposure as a representative of the agency, and b) encouraging teams to assign the lead role on a task or program on a rotational basis so all team members can enhance their skills.

Responsibility: Management Team.

Completion Date: Ongoing.

Action Steps:

1. Inform and facilitate this process
2. Monitor and report progress.

Objective: Analyze separation and layoff patterns to determine the impact on protected group members.

Responsibility: Affirmative Action Officer and Human Resources Office staff.

Completion Date: Ongoing

Action Steps:

1. Gather available separation and layoff data.
2. Determine impact on protected groups.
3. Determine need for action and make appropriate recommendations.

Objective: Implement group training and individual development plans as a specific method to retain protected group members.

Responsibility: Affirmative Action Officer and all supervisors.

Completion Date: Ongoing.

Action Steps:

1. Review individual development plans and advise supervisors on content.
2. Identify development/training opportunities that support appreciation of diversity.
3. Consult with individual supervisors and employees to determine how to most effectively address their concerns.

Weather Emergencies

The decision to declare an emergency can be statewide or limited to a specific portion of the state. Any decision to close state offices due to an emergency does not apply to employees who are required by their agency to work during a weather emergency.

If winter weather seems severe, BWSR employees should listen for information about state office closings on WCCO-AM Radio (830), WMNN Radio (1330), or KSTP, WCCO or KARE-TV. The announcement will also be forwarded to the Associated Press (AP) to be put on the news wire for radio stations in greater Minnesota.

In case of an emergency all employees who are deaf or hard of hearing will receive notification, if at work, by the supervisor or designated backup staff. If a weather emergency is called after work hours, employees who are deaf or hard of hearing can obtain official notification by watching weather broadcasts on KSTP, WCCO, or KARE 11 Television. Broadcasts are closed-captioned. In addition, if employees who are deaf or hard of hearing prefer, they may arrange for notification at home from their supervisor or designee. If an emergency, which affects the employee, is called, the supervisor or designee may use the Minnesota Relay Service (1-800-627-3529) to contact the employee using the TTY.

The Department of Employee Relations consults with the Emergency Management Division and the Commissioners of Public Safety and Transportation departments to determine whether to close state offices.

If an emergency is declared during the business day, the agency head or their designee will be notified by telephone and fax prior to the declaration. The media will also be notified.

The News for state employees regarding Winter/Weather Emergencies is posted on the BWSR bulletin board.

Emergency and Building Evacuation Procedures

The BWSR has developed building evacuation procedures for use in the event of an emergency to ensure the safe exit of all individuals, both employees of the agency and those visiting the BWSR Agency.

IN CASE OF FIRE

When notification has been announced, follow these procedures.

- Immediately evacuate via the nearest emergency exit. Do not use elevators.
- Close all doors.
- Selected BWSR staff will assist with evacuation and ensure that all individuals in there assigned area has safely evacuated. Individuals with mobility impairments are assisted in moving into the stairwells, or other safe, smoke-free areas of the building as arranged with fire authorities. Two assistants accompany individuals with mobility impairments during all evacuations. A third helper immediately reports the location of individuals inside the building to the selected BWSR staff or his/her representative or the Fire Department representative on the scene.
- An individual from their work unit or the evacuation team notifies individuals who are deaf or hard of hearing and who have not seen the alarm lights of the evacuation.

If you see the fire and there haven't been any announcements, notify the Building Emergency Director at 651-296-3767. The BWSR Receptionist will then contact the Fire Department.

When it is safe to enter the building, the Building Emergency Director will issue the "all clear" and normal business may resume.

REMEMBER

...begin evacuation immediately

...don't try to return to your office for coats, purses, or other items before the "all clear" has sounded, and

...don't use building elevators.

IN CASE OF SEVERE WEATHER

The Building Manager will notify the Building Emergency Director or Administrative Services Director when a severe weather or tornado watch is in effect. If the watch is upgraded to a warning, the Building Emergency Director will determine the need for relocation of all employees and visitors to safe areas, and will use the Groupwise e-mail system to communicate that decision.

When the relocation order is given, the Department Emergency Coordinator will:

- Assist all individuals in moving away from windows and into assigned safe areas,
- Remind individuals assigned as assistants to assist employees and visitor with mobility impairments in relocating to the assigned safe stairwell areas, and
- Remind individuals assigned as assistants to assist employees and visitors who are deaf or hard of hearing.

When the weather threat has passed, the Building Emergency Director will issue the "all Clear" and normal operations may resume.

IN CASE OF BOMB THREATS

In the event of a bomb threat, the Agency will make a public address announcement.

B. **Yellow Alert**. This alert will indicate that a bomb threat has been received.

- All employees should immediately look around the area for suspicious packages, envelopes, or items.
- If an item is discovered, DO NOT TOUCH OR MOVE IT. Notify St Paul Police Department immediately at 9-911.
- Individuals who are deaf or hard of hearing will be informed of the alert by assistants or their supervisor.

C. **Blue Alert**. This alert will notify building occupants that an unidentified package has been found.

- All individuals in the affected area will be instructed to move to a safe area.
- Individuals who are deaf or hard of hearing will be assisted by assistants or by their supervisor.
- Individuals who have mobility impairment will be accompanied by two assistants and should use the elevators if it is safe to do so.

D. **Red Alert**. This will notify building occupants that it is unsafe to remain in the building.

- All occupants should evacuate the building until further notice.
- Individuals who are deaf or hard of hearing will be assisted by assistants or by their supervisor.

E. **All Clear**. When it is safe to return to normal operation, the Evacuation Team members will announce the "all clear."

- Note: All employees should continue to be cautions of suspicious items and should contact the Department Emergency Coordinator at 651-296-3767 if concerned.

IN CASE OF MEDIAL EMERGENCIES

A. Call 9-911 and give:

- The exact location of the medical emergency, including the building address, floor and room number or name
- The symptoms of the victim
- Your name
- Any other request information

Do not hang up the phone until the 911 operator does.

B. Support the victim's medical needs. Call for a first aid certified employee to help.
C. Send someone to meet the paramedics and lead them to the scene.

BOARD OF WATER AND SOIL RESOURCES
2006

MISSION

The mission of the Board of Water and Soil Resources is to assist local governments to manage and conserve their irreplaceable water and soil resources.

AGENCY GOALS

To promote effective environmental management accomplished through state/local partnership.

To provide local governments with the tools they need

To bring knowledge on environmental policies and guidelines; along with long term goals

To help with regular communication between state and local governments; financial, technical, and administrative assistance support

To Act as a communication link, providing local governments with a voice at state level.

COMMITMENT TO DIVERSITY

At BWSR, we respect all individuals and communities. Valuing and promoting diversity helps us accomplish our mission of encouraging sound public policy foe the betterment of all Minnesotans.

We are an agency with high standards and expectations. We know that a variety of talented employees who are committed to excellence in researching and analyzing public policy will move Minnesota toward a secure and vibrant future. We value all employees and are committed to creating an atmosphere, in which everyone can contribute, develop to their fullest potential and succeed.

We welcome and actively promote all members of the public to help us in our mission and strive to make them comfortable in our agency. We respect the public by listening and responding to the needs of all Minnesotans.

DEFINITION OF DIVERSITY

Diversity is the variety of ways people live, work and understand the world based on their unique experiences, attributes and cultures.

Diversity is reflected in appreciating similarities and respecting and valuing differences while striving for a common goal.

DIVERSITY GOALS

Achieving genuine representation of Minnesota's diversity in project committees, task forces and community activities.

Recruiting, hiring, and retaining staff reflective of Minnesota's diversity.

Providing products and services that are respectful of Minnesota's diversity.

Building effective work relationships through respect and teamwork.

ACHIEVING INCLUSIVE POLICY PROJECTS:
A Guide to Success

Commitment
Valuing and promoting diversity helps us accomplish our mission of encouraging sound public policy for the betterment of all Minnesotans.

Diversity Goal
Achieving genuine representation of Minnesota's diversity in project committees, task forces and community activities.

- Board of Water and Soil Resources, 2001

Prepared by
Board of Water and Soil Resources
520 Lafayette Road
St Paul, MN 55155
(651) 296-3767

INTRODUCTION

This guide shares some ideas that can help achieve genuine and diverse representation in public policy task forces and meetings. The guide was compiled from a discussion involving 26 staff members; a panel presentation including Vietnamese, American Indian and African American representatives; and the work of BWSR's *State of Diversity* project.

BWSR has defined diversity broadly as "the variety of ways people live, work and understand the world based on their unique experiences, attributes and cultures." The ideas in this guide

should be relevant to achieving good participation from many different types of communities and interest groups in Minnesota.

ISSUES TO CONSIDER

Trust -- What kinds of experiences do people being invited to the table have with state government? Is there trust in the state, the agency and the planning process?

- The state is seen as having a history of not being user friendly.
- People from some backgrounds feel they receive different treatment; this makes trust difficult. For example, communities of color see talented individuals who can't get jobs at the state and a high turnover rate in state jobs. They are aware of problems between management and employees of color. In order to overcome mistrust, they may want some guarantees that they will be treated respectfully and that their participation will bring results.
- Some people will be subject to suspicion from their communities about why they are involved.

Budgets - Are you considering the cost of such potential needs as appropriate access for persons with disabilities, interpreters for hearing-impaired or non-English-speaking audiences, translations of materials, community meeting locations, travel expenses for task force members, and honorariums?

Diversity versus Representation – Are you clear at the start what kinds of diversity are desired and why? What is the purpose of you project-are you looking for diverse individuals with a particular expertise or interest or for authentic representation and buy-in of diverse communities or organizations?

- All communities are diverse in themselves, and many individuals don't feel they can speak for a community. Don't expect them to.
- Certain organizations are will-respected in a community and feel they can voice the community's views. Recognize, however, that many groups have pre-set agendas that you should understand and consider when making decisions. Seek out additional viewpoints.
- Recognize that official representatives of American Indian tribes are speaking for sovereign political bodies. Recognize distinctions between various tribes and bands.
- The steering group of the *State of Diversity* project suggested a policy goal: "Communities of color will have genuine representation… in all areas of public decision-making. People of color will be able to guide programs and policies that specifically and uniquely affect their communities." This principle may apply to other groups as well.

Small Committees – How can diverse communities and interests be represented on very small committees without having tokenism or someone feeling left out?

Expertise - who defines it? How is it defined for a particular project? Are consumer and citizen interests considered? Have you considered what kind of "expertise" a group or community might

want to offer? Avoid involving someone just because of his or her gender, race or background. Address skills, experience and interests.

Communication Style – How do various individuals or groups tend to participate in different ways, and what can leaders do to ensure everyone's full input?

SUGGESTIONS: BUILDING RELATIONSHIPS

- Build a better understanding of different communities and cultures.
- Build personal and professional relationships that create trust. Take the time. Consider it an important part of your job, and get management support.
- Go out to communities and join their activities. Be participative, not directive.
- Be sure people are at the table from the very beginning, before planning begins.
- Get information we have back to communities. Let them know what is being done. Bring government reports to them and explain what they mean. Major misunderstandings can occur, especially when there are language and cultural differences. Sometimes communities feel used when they don't understand the issues.
- Look for commonalities; emphasize shared visions. Avoid stereotyping and generalizations that lead to "you people", "us-them" attitudes. We're in this together!

SUGGESTIONS: IDENTIFYING AND RECRUITING PARTICIPANTS

Work With Existing Groups – When possible, consider approaches other than starting a new committee. Go to existing groups on their turf; get on their agendas. Don't expect people to join your group every time.

Networks – Ask the "usual" well-known people to recommend others. Don't always call on the same busy persons from the same pool. Expand outward using all of your own relationships and those of your colleagues.

One-on-One – Meet personally with individuals, on their terms. Get to know them and explain the project. Continue contact as the project proceeds. Phone calls and letters alone may not be enough to establish goodwill and trust.

Representatives – If want representation from an organization, ask it to nominate one or several people. Provide lead time if their board must take action.

Councils and Tribes – Work through tribal government and state councils when appropriate (Council on Asian Pacific Minnesotans, Council on Black Minnesotans, Disability Council, Indian Affairs Council, Spanish Speaking Affairs Council). The Indian Affairs Council maintains a current list of tribal officials.

Open Appointments – Consider using the Open Appointments Process through the Office of the Secretary of State (297-5845) and the Governor's Office (296-0033). This allows for publicizing the commission or task force in the State Register.

SUGGESTIONS: MAINTAINING GOOD PARTICIPATION

Welcoming – use welcoming methods, such as icebreakers, round-robin introductions, nametags or refreshments. Consider ethnic foods and suppliers.

Meetings – Consider how to make the time, location, setting, format and atmosphere of your events comfortable to communities you want to include. Use humor or group dynamics techniques. Be aware of communications barriers such as using jargon, displaying potentially intimidating body language, or presenting overly technical or bureaucratic written materials.
"Critical Mass" – Avoid tokenism and isolation; if possible, achieve a "critical mass" of persons of color, rural persons, or other critical groups.

Support Diverse Communications Styles – Consider designing meeting processes that encourage everyone's participation. Listen, then bend the rules and adjust the process. Use various forms of input besides meetings-written, one-on-one, telephone, circulation of drafts for comment.

Small Groups – For large meetings, consider using small groups that report back to the main group. Large public hearings may be intimidating to some citizens.

Interpreters – Recognize language barriers; they can be immense. Take advantage of interpreter referrals, such as STARS (296-9299), the Disability Council (296-6785), the Interpreter Referral Center (296-9299) or the MCS Language Connection (871-2383).

Listening and Respect – Listen and take seriously the contributions of those you invite. Respect their experience and community status, not just professional credentials.

Staffing – Recognize the value of diversity in your project staffing.

SUGGESTIONS: COMMUNITY MEETINGS

Community Organizers and Sponsorship – For community meetings, work with local representatives to cosponsor, identify locations, design format, recruit and conduct sessions. Get local legislators' support. Don't rely solely on media notices for recruiting.

Community Facilitators – Use meeting facilitators from the community to make participants feel comfortable.

Community Media – Use local, minority, specialty and community-based newspapers and media to publicize events and results of your work. One channel is the Minnesota Minority Media Coalition, whose current president is Gleason Glover (827-4021).

Choice of Settings – Allow a choice of times and settings in communities. Be aware whether sites are perceived as unfriendly turf for groups you wish to attract.

Resources

List of organizations that receive job notices for interns and student workers

University of Minnesota CLA – Career Development Office 345 Fraser Hall, 106 Pleasant St. SE Minneapolis, MN 55455	University of Minnesota Humphrey Institute, ATTN: Lynne Schuman 301 – 19th Avenue South Minneapolis, MN 55455
University of Minnesota Department of Geography 414 Social Science Tower 267 – 19th Avenue South Minneapolis, MN 55455	University of Minnesota American Indian Resource Learning ATTN: Jill 125 Fraser Hall, 106 Pleasant Street SE Minneapolis, MN 55455
University of Minnesota Asian Learning Resource Center ATTN: Kathy 306 Walter Library, 117 Pleasant Street SE Minneapolis, MN 55455	University of Minnesota African American Learning Resource Center ATTN: Tony Diggs 323 Walter Library, 117 Pleasant Street SE Minneapolis, MN 55455
University of Minnesota Chicano/Latino Learning Resource Center ATTN: Jean 323 Walter Library, 117 Pleasant Street SE Minneapolis, MN 55455	Student Career Placement Office Macalester college 1600 Grand Avenue St Paul, MN 55105-9984
Student Career Placement Office Hamline Univerisity 1536 Hewitt Avenue St Paul, MN 55104-1284	Counseling and Career Services University of St Thomas Mail # 5020 2115 Summit Avenue St Paul, MN 55105-1096
Internship & Cooperative Ed. Office Augsburg College 2211 Riverside Avenue Minneapolis, MN 55454	Minority Student Affairs Counselor Macalester College 1600 Grand Avenue St Paul, MN 55105-9984
Macalester College – Dept of Geography Student Career Placement Office 1600 Grand Avenue St Paul, MN 55105-9984	Minority Student Affairs Counselor Augsburg College 2211 Riverside Avenue Minneapolis, MN 55454
Minority Student Affairs Counselor University of St Thomas Mail #5020 2115 Summit Avenue St Paul, MN 55105-1096	Minority Student Affairs Counselor Augsburg College 2211 Riverside Avenue Minneapolis, MN 55454
Metropolitan State University ATTN: Minority Student Affairs Coordinator 700 East Seventh Street St Paul, MN 55106	Metropolitan State University ATTN: Career Services Office 700 East Seventh Street St Paul, MN 55106
Moorhead State University Minority Student Affairs Coordinator 1104 – 7th Avenue South Moorhead, MN 56560	Moorhead State University Student Career Services Office 1104 – 7th Avenue South Moorhead, MN 56560
Minnesota State University, Mankato Cultural Diversity Office 115 Alumni Foundation Center Mankato, MN 56001	Minnesota State University, Mankato Career Development 211 Wigley Administrative Center Mankato, MN 56001
Gustavus Adolphus College Minority Student Affairs Coordinator St Peter, MN 56082	Gustavus Adolphus College Student Career Placement Office St Peter, MN 56082

St Catherine Campus Student Career Placement Office College of St Catherine 2004 Randolph Avenue St Paul, MN 55105	St Cloud State University Minority Student Affairs Coordinator 720 – 4th Avenue South St Cloud, MN 56301-4498
St Cloud State University Student Career Placement Office 720 – 4th Avenue South St Cloud, MN 56301-4498	University of MN-Duluth Minority Student Affairs Coordinator 515 Darland Administrator Building 10 University Drive Duluth, MN 55812-2496
University of MN-Duluth Student Career Placement Office 515 Darland Administration Building 10 University Drive Duluth, MN 55812-2496	St John's University Minority Student Affairs Coordinator 515 Darland Administration Building 10 University Drive Duluth, MN 55812-2496
St John's University Student Career Placement Office Collegeville, MN 56321	Bemidji State University American Indian Student Director 1500 Birchmont Drive NE Bemidji, MN 56601-2699
Bemidji State University Student Career Placement Office 1500 Birchmont Drive NE Bemidji, MN 56601-2699	Access Press Charlie Smith 3338 University Avenue Minneapolis, MN 55414
Minneapolis Spokesman Norma Jean Williams Classified Advertising 3744 – 4th Avenue South Minneapolis, MN 55409	Asian Business and Community News Advertising Manager 396 N Roy Street St Paul, MN 55104
Circle Newspaper Mike Basset Advertising Manager 1530 E Franklin Avenue Minneapolis, MN 55404	Insight News Roland McFarlane International Plaza 422 University Avenue, Ste 8 St Paul, MN 55103
La Prensa Mario Duarte 422 University Avenue, Ste 203 St Paul, MN 55103	Native American Press Editor 7800 Metro Parkway, Ste 300 Minneapolis, MN 55425-1514
Minnesota Women's Press, Inc. Advertising Manager 771 Raymond Avenue St Paul, MN 55114	Visiones de la Raza Editor Centro Cultural Chicano 2201 Nicollet Avenue S Minneapolis, MN 55404

Minnesota Board of Water & Soil Resources

DATE: November 6, 2006

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

FROM: Ronald D. Harnack, Executive Director

SUBJECT: November 15th "Special" Board Meeting Notice

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, November 15, 2006, beginning at 1:00 p.m. The meeting will be held at the Radisson Hotel, in the Germain West Room, at 404 West St. Germain, in St. Cloud. Parking is available in the city ramp next to the Radisson Hotel. Your parking has been direct billed (you do not pay for parking, this is included with your sleeping room). Drive under the awning, off on the far right is a green sign that says, "Radisson Patrons Only" -- you will receive a blue ticket – take the blue ticket to the front desk for validation (white tickets will not be validated.)

A block of sleeping rooms have been reserved for Tuesday, November 14, and Wednesday, November 15, at the Radisson Hotel in St. Cloud. Attached is the list of room reservations. The rooms have been direct billed (you do not pay for the room), unless noted on the rooming list. If you do not need the sleeping room, please contact Kari Keating immediately at 651-296-3767 to cancel your room reservation.

The following information pertains to agenda items:

OLD BUSINESS

1. **Clean Water Legacy Grant Awards -** Staff will be presenting recommendations for the BWSR portion of funding from the Clean Water Legacy Act appropriations for fiscal year 2007. The funding recommendations have been developed through an inter-agency request for proposal and review process. The BWSR portion of project funding includes awards for cost-share and incentive payments, technical and engineering assistance, and stream bank, lakeshore and roadside erosion project where there is a public interest involved. The Board will be asked to approve the project list and authorize staff to enter into agreements with the successful grant recipients. ***DECISION ITEM***

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

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

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

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

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

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

Rochester
2300 Silver Creek
Road N.E.
Rochester, MN 55906
phone (507) 280-2874
fax (507) 285-7144

Saint Paul
520 Lafayette Road N.
Saint Paul, MN 55155
phone (651) 296-3767
fax (651) 297-5615

Web: www.bwsr.state.mn.us TTY: (800) 627-3529 An equal opportunity employer Printed on recycled paper

2. **CREP II Payment Rate Options** – See attached. ***DECISION ITEM***

UPCOMING MEETINGS

- WCA Assessment Roundtable, November 14-15, 2006, St. Cloud
- Board Retreat, November 15-16, 2006, St. Cloud
- MAWD Annual Meeting, November 30 – December 2, Alexandria
- MASWCD Annual Meeting, December 3-5, Bloomington
- AMC Annual Meeting, December 4-6, Rochester
- December 13, 2006, BWSR Meeting, St. Paul

If you have any questions regarding the agenda, please feel free to give me a call at 651-296-0878. The meeting will adjourn about 2:00 p.m. I look forward to seeing you on November 15th!

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

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1400 E. Lyon Street
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) 296-3767
fax (651) 297-5615

Web: www.bwsr.state.mn.us TTY: (800) 627-3529 An equal opportunity employer Printed on recycled paper

BOARD OF WATER AND SOIL RESOURCES
"SPECIAL BOARD MEETING"
RADISSON HOTEL, GERMAIN WEST
404 WEST ST. GERMAIN
ST. CLOUD, MINNESOTA 56301
WEDNESDAY, NOVEMBER 15, 2006

AGENDA

1:00 PM CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPT AGENDA

OLD BUSINESS

1. Clean Water Legacy Grant Awards – Doug Thomas – ***DECISION ITEM***

2. CREP II Payment Rate Options – Kevin Lines – ***DECISION ITEM***

UPCOMING MEETINGS

- WCA Assessment Roundtable, November 14-15, 2006, St. Cloud
- Board Retreat, November 15-16, 2006, St. Cloud
- MAWD Annual Meeting, November 30 – December 2, Alexandria
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- AMC Annual Meeting, December 4-6, Rochester
- December 13, 2006 BWSR Meeting, St. Paul

2:00 PM ADJOURN

FY 07 CLEAN WATER LEGACY PROGRAM
FUNDING RECOMMENDATION

BACKGROUND

On June 28, 2006 the Board of Water and Soil Resources endorsed an inter-agency strategy with the goal of coordinating non-point restoration and protection strategies and programs funded by the CWLA between the MN Department of Agriculture, the Department of Natural Resources, the Pollution Control Agency and the Board of Water and Soil Resources.

The CWLA provides funding for identified clean-water priorities. This first-year funding is derived from a combination of state general fund, general obligation bonding, and the Environment and Natural Resources Trust Fund:

MDA – AgBMP Loan Program

The AgBMP Loan Program has $1 million in loan funds available for RESTORATION activities for eligible TMDL Implementation Plans.

BWSR – Financial and Technical Assistance Programs

- $1.4 million is available to provide Cost Share Grants to landowners for permanent activities, and incentive payments for nonpermanent cultural or management activities, in TMDL areas eligible for RESTORATION funds.
- $1.8 million is available for technical, compliance, and engineering assistance to implement RESTORATION ($1.3 mill.) activities in eligible TMDL areas and PROTECTION ($0.5 mill.) activities statewide.
- $.75 million is available for RESTORATION and $.25 million for PROTECTION projects to implement targeted streambank, stream channel, lakeshore, and roadside activities where there is a public interest in the land.
- $1.41 million is available to support other targeted, local, nonpoint source PROTECTION activities related to lake and river protection and management.

MPCA – Non-point Restoration Grants

$1 million in Clean Water Act – Section 319 grants for RESTORATION efforts to implement approved TMDL Implementation Plans.

DNR – Forest Stewardship Grants

The DNR has $200,000 in grants available for targeted RESTORATION or PROTECTION efforts for writing Forest Stewardship plans and providing 50% cost share for tree and shrub planting within ½ mile of protected waters or high priority surface waters identified in a local water management plan.

LGU requests for these funds were made during a 30-day application period ending September 30.

FUNDING RECOMMENDATION

One hundred eighty one applications were received requesting about $45 million for the $7.81 million available (See Clean Water Legacy Projects Summary). An interagency CWL Workteam reviewed, scored, and ranked all applications according to criteria provided at the October 2006 BWSR Meeting, along with the following general funding strategy:

- Allocation amounts were limited to what an applicant could reasonably implement in a two-year period.
- The highest-ranking projects received the highest funding priority.
- Funding priority was given to activities that applied BMPs or "dirt-moving" types of practices.
- Grants for ISTS upgrades were given a lower funding priority.
- Requests for restoration activities not identified in the TMDL Implementation Plan were not funded.
- Ag BMP Loan funds were widely distributed with higher amounts allocated to the higher-ranking projects. Allocations were not recommended for duplicate applicants.

The CWL Workteam recommends approval of allocations as listed on the attached Funding Recommendation spreadsheets for FY 07 Clean Water Legacy Program restoration and protection projects, according to the attached resolution.

A CWL Program letter of "intent-to-fund" will be sent to each successful applicant. Additional information, including workplan and budget items, may be required from applicants to meet individual agency or program requirements.

Any applicant withdrawing their application would allow the next highest-ranking project to be funded.

Board of Water and Soil Resources
Clean Water Legacy Projects Summary

	RESTORATION PROJECTS	Projects Submitted	Loan Request	T/A Request	Grant Request	Total Funding Request	Leveraged Amount	Federal Farmbill Programs
1	Lower Mississippi River - Fecal Coliform	20	$ 780,000	$ 815,260	$ 2,841,300	$ 4,436,560	$ 3,470,700	319
2	Lower Minnesota River - Dissolved Oxygen	23	$ 1,680,000	$ 2,559,540	$ 8,231,257	$ 12,470,797	$ 573,112	319
3	South Branch Yellow Medicine River - Fecal Coliform	1	$ 312,500	$ -	$ 622,300	$ 934,800	$ 100,000	
4	Long Prairie River - Dissolved Oxygen	3	$ 80,000	$ 130,525	$ 586,884	$ 797,409	$ -	
5	Chippewa River - Fecal Coliform	-	$ -	$ -	$ -	$ -	$ -	
6	Shingle Creek - Chloride	1	$ -	$ -	$ 15,000	$ 15,000	$ -	
7	North Branch Sunrise River - Fecal Coliform	1	$ 220,000	$ 220,000	$ 110,000	$ 550,000	$ 36,000	
8	Otter Tail River - Turbidity	1	$ 16,875	$ 67,125	$ 395,875	$ 479,875	$ 197,325	
9	Cannon River - Turbidity		$ -	$ -	$ -	$ -	$ -	
10	Blue Earth River - Fecal Coliform		$ -	$ -	$ -	$ -	$ -	
11	Bevens & Silver Creek - Fecal Coliform		$ -	$ -	$ -	$ -	$ -	
12	Lake Independence - Nutrients	1	$ -	$ 100,000	$ 1,099,106	$ 1,199,106	$ 97,500	
	Restoration Project Summaries	**50**	**$ 3,089,375**	**$ 3,892,450**	**$ 13,901,722**	**$ 20,883,547**	**$ 4,474,637**	

	Projects Submitted	Water Plan Projects	Impaired Waters	Loan Request	T/A Request	Grant Request	Total Funding Request	Leveraged Amount	Federal Farmbill Programs
PROTECTION PROJECT SUMMARY	**123**	**121**	**2**	**$ 1,361,705**	**$ 3,060,267**	**$ 19,474,070**	**$ 23,896,042**	**$ 6,838,609**	EQIP, CRP, CREP II,

Summary of Projects Submitted

		% of Total Projects Submitted
Total Number of Projects Submitted	**181**	
Restoration Projects	50	28%
Water Plan Protection Projects	131	72%

	Loan Request	T/A Request	Grant Request	Total Funding Request
Totals:	**$4,451,080**	**$6,952,717**	**$33,375,792**	**$44,779,589**
Funds Available:	**$1,000,000**	**$1,800,000**	**$5,010,000**	**$7,810,000**

FY 07 CLEAN WATER LEGACY PROGRAM
FUNDING RECOMMENDATION

Rank		Restoration							
		MDA	BWSR	BWSR	BWSR	MPCA	DNR		
		AgBMP Loans	Cost Share Grant	Tech. Assist & Engineering Grants	Public Interest Lands Grants	319 Grants	Forest Stewardship Grants	TOTAL	
	Available Funds	$1,000,000	$1,400,000	$1,300,000	$750,000	$1,000,000	$35,000	**$5,485,000**	
	Awarded	$975,000	$1,400,000	$1,300,000	$750,000	$1,000,000	$35,000	**$5,460,000**	
1	**Fillmore SWCD**	$75,000						$75,000	Lower Miss. Fecal Coliform - Feedlot Fixes
4	**Chisago County**	$25,000				$90,000		$115,000	North Branch Sunrise River Fecal Coliform - Manure Mgmt./Grazing Plans, Buffers, Filter Strips, & TA
6	**Wilkin SWCD**	$17,000	$263,000		$200,000			$480,000	Otter Tail River Turbidity - Streambank Stabilization, County Ditch System Stabilization
10	**Carver County**					$300,000		$300,000	Bevens, Carver, & Silver Creeks Fecal Coliform - Buffers, Manure Mgmt. Plans, ISTS Upgrades
13	**Dodge County**	$25,000						$25,000	Lower Miss. Fecal Coliform - ISTS Upgrades, Have Access to Unused Funds
14	**SE SWCD Technical Support JPB**		$130,000	$220,000				$350,000	Lower Miss. Fecal Coliform - Manure Management Plans, Small Feedlot Fixes, TA
16	**Todd SWCD**	$25,000		$60,000		$300,000	$35,000	$420,000	Long Prairie River DO - Grazing/Nutrient Mgmt., Altern. Watering, ISTS Upgrades, Reforestation Plans
18	**Pioneer Sarah Creek Watershed Mgmt Commission**		$357,000	$53,000				$410,000	Lake Independence P - Manure/Pasture Mgmt., Feedlot Fixes
20	**Shingle Creek WMC Chloride Implementation**					$238,500		$238,500	Shingle Creek Chloride - Acquire Prewetting Equipment
22	**Redwood-Cottonwood Rivers Control Area Joint Powers Organization**		$315,000					$315,000	Lower Miss. DO - Nutrient Mgmt., No-till Incent., Buffers, ISTS Incentives
31	**Greater Blue Earth River Basin Alliance_1**	$133,000	$184,000	$46,000				$363,000	Lower MN River DO - Tile Intake Replacement, Water & Sed. Basins, Terraces, ISTS Upgrades
32	**Douglas SWCD-Red Rock Lake**					$25,350		$25,350	Lower MN River DO - Livestock Exclusion, Alternative Water, in Chippewa River Watershed
38	**Whitewater Joint Powers Board**		$21,700					$21,700	Lower Miss. Fecal Coliform - Lowcost Feedlot Fixes
40	**Dakota SWCD**		$80,000					$80,000	Lower Miss. Fecal Coliform - Filter Strip Incentives, Nutrient Mgmt. Plans
42	**Kandiyohi SWCD**	$10,000						$10,000	Lower MN River DO - Bio-Engineering Streambank Stabilization

FUNDING RECOMMENDATION

Rank		Restoration							
		MDA	BWSR	BWSR	BWSR	MPCA	DNR		
		AgBMP Loans	Cost Share Grant	Tech. Assist & Engineering Grants	Public Interest Lands Grants	319 Grants	Forest Stewardship Grants	**TOTAL**	
	Available Funds	$1,000,000	$1,400,000	$1,300,000	$750,000	$1,000,000	$35,000	**$5,485,000**	
	Awarded	$975,000	$1,400,000	$1,300,000	$750,000	$1,000,000	$35,000	**$5,460,000**	
43	**City of New Hope**		merge with #20			$15,000		$15,000	Shingle Creek Chloride - Transition to New Salt Product; Merge with project ranked #20
47	**Minnesota River Basin JPB_Lake Crystal**		$49,300	$30,000				$79,300	MN River DO - CRP & Cover Crop Incentives, TA for Practice Promotion, Convert Open Tile Intakes
50	**Yellow Medicine River WS Project**	$115,000			$65,000	$31,150		$211,150	Lower MN River DO - Streamback Stab., Sed. Basins, Buffer Incentives
53	**Fillmore SWCD (Root River WSD)**			$110,000				$110,000	Lower Miss. Fecal Coliform - Grazing Mgmt. Plans in Root River Watershed
60	**Steele County**			$40,000	$266,060			$306,060	Lower Miss. Fecal Coliform - Construct Large Raingardens at Medford Schools
67	**Apple Valley - Sunset Pond**			$35,000	$35,000			$70,000	Lower Miss. Fecal Coliform - Alimagnet Lake Water Quality Pond TA and Construction
72	**Prior Lake Spring Lake WSD**				$138,000			$138,000	Lower MN River DO - Restore and Enhance Prior Lake Outlet Channel
76	**Chippewa River Watershed**			$60,000				$60,000	Lower MN River DO - Provide ISTS TA for Lakes Leven, Amelia, and Villard
78	**Minnesota River Basin JPB-MN River Board**	$340,000		$25,000				$365,000	MN River DO - ISTS Upgrades
79	**City of Carver**				$45,940			$45,940	Carver Creek Fecal Coliform - Construct Bioretention Structures for Stormwater Treatment
87	**Apple Valley - Pond EVR-P13**			$63,500				$63,500	Lower Miss. Fecal Coliform - TA for Long and Farquar Lakes Water Quality Treatment Pond
92	**Greater Blue Earth River Basin Alliance_2**			$510,000				$510,000	Lower MN River DO - Hire Nutrient Mgmt., Conserv. Agronomist, & Urban Specialist Staff; Complete ISTS Plan
96	**Scott county & Scott WMO**			$25,000				$25,000	Lower MN DO - TA for Streambank Stab. Projects In Jordan and Belle Plaine
111	**Southeast Minnesota Water Resources Board**	$210,000						$210,000	Lower Miss. Fecal Coliform - Loans for ISTS Upgrades
118	**Winona County SWCD**			$2,000				$2,000	Lower Miss. River - Fecal Coliform - TA for ISTS Upgrades
122	**Shell Rock River Watershed District_feedlots**			$20,500				$20,500	Lower Miss. Fecal Coliform - TA for Feedlot Outreach and Nutrient Mgmt. Plans in SRRWD

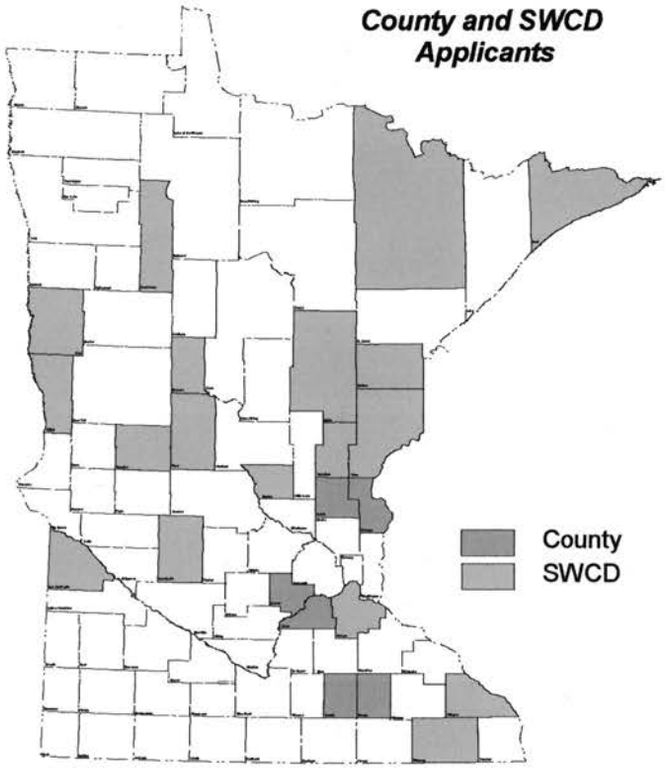
End of Projects recommended for funding with available funds. 128 projects will not be funded.

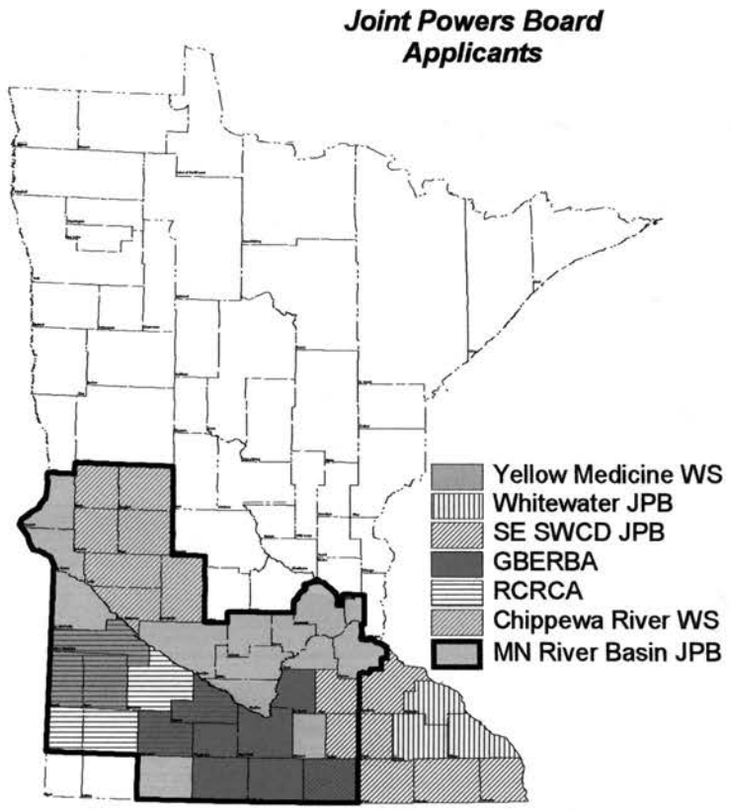
FY 07 CLEAN WATER LEGACY PROGRAM
FUNDING RECOMMENDATION

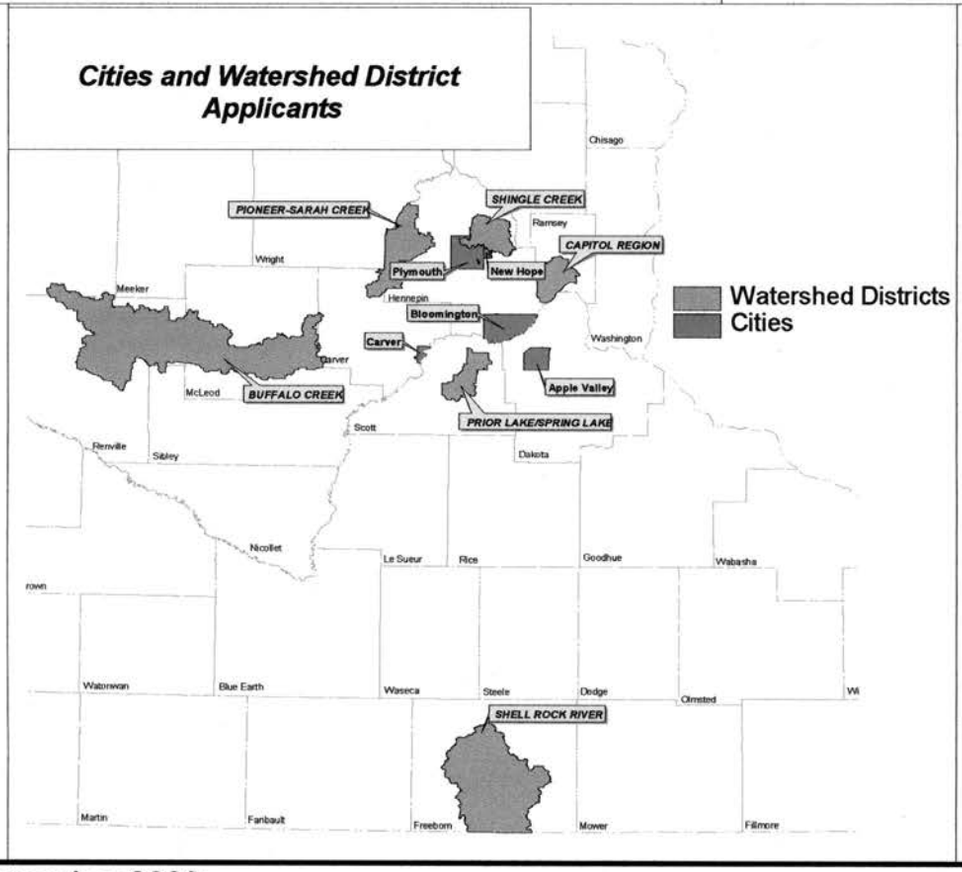
Rank		Protection BWSR Tech. Assist & Engineering Grants	BWSR Public Interest Lands Grants	BWSR Lake & River Man. Grants	DNR Forest Stewardship Grants	TOTAL	
	Available Funds	$500,000	$250,000	$1,410,000	$165,000	**$2,325,000**	
	Awarded	$500,000	$250,000	$1,410,000	$165,000	**$2,325,000**	
2	**City of Plymouth**		$198,000			$198,000	Surface Water Resource Mgmt. - P Reduction to Medicine Lake via Stormwater Control
3	**Buffalo Creek Watershed District**			$190,000		$190,000	Buffalo Creek WD Overall Plan - TSS & Sediment Control Projects of Buffalo Creek
4	**Lac qui Parle SWCD**		$52,000	$70,000		$122,000	County LWMP - Lac qui Parle Riverbank Stabilization
7	**Kandiyohi SWCD_2**			$194,000		$194,000	Kandiyohi and Meeker LWMPs P Reduction to Diamond Lake - Waterways, Residue Mgmt., BufferStrips;
8	**Clearwater SWCD_1**			$25,000		$25,000	Clearwater LWMP - Silver Creek and Lost River Stabilization, Structural and Vegetative
9	**Clay SWCD**	$71,000		$218,000		$289,000	Clay & Wilkin LWMP - Vegetative and Structural Sediment Control on Comstock Coulee, ISTS Inspections
11	**Benton SWCD**	$120,000		$75,000		$195,000	Benton County LWMP - Low Cost Feedlot Options in Little Rock and Mayhew Creek Watersheds
12	**Pine SWCD**			$34,000		$34,000	Pine County LWMP - Nutrient Mgnt. And Sediment Control in Snake River Watershed
15	**Clay SWCD-Wilkin-Buffer**					$0	Clay & Wilkin LWMP - Combined w/ projects ranked #6 and #9
17	**Kandiyohi SWCD Green Lake Watershed**					$0	Kandiyohi and Stearns LWMPs - Combined with project ranked #7
19	**City of Bloomington**			$250,000		$250,000	Surface Water Management Plan - Reconstruction/Enhancement of Stormwater Treatment Facility
21	**Cook County SWCD**	$50,000		$300,000		$350,000	Cook County LWMP - Diversion, Grade Stab., Vegetative Stab. on Poplar River
24	**Capitol Region Watershed District**			$54,000		$54,000	Capitol Region WD Watershed Mgmt. Plan - Como Lake Stormwater Improvements
36	**Isanti County Coordinator**	Funded Through Regular AgBMP Loan Program - $25,000					Isanti County LWMP - ISTS Upgrades
37	**Kanabec SWCD 1**	$104,000				$104,000	LWMPs of IMPACK 6 Counties - TA for Water Control Structures, Shoreline Buffers
44	**Wadena SWCD**	$45,000			$70,800	$115,800	Wadena LWMP - Forest Stewardship Planning and Implementation
56	**Aitkin County SWCD_1**				$50,000	$50,000	Upper Miss. Basin Plan - Forest Mgmt. Plans
62	**Wadena SWCD-Stormwater Abatement**	$50,000				$50,000	Wadena LWMP - City of Menahga Stormwater Engineering for Spirit Lake
71	**Apple Valley - Whitney**	$60,000				$60,000	Black Dog WMO - TA for Regional Water Quality Treatment Pond
90	**Carlton SWCD**				$28,200	$28,200	S. St. Louis and Carlton LWMPs - Install forest Buffers and Forest Stewardship Plans in Midway River Watershed
135	**North St. Louis SWCD**				$16,000	$16,000	St Louis LWMP - Forest Stewardship Plans in Upper East Swan Watershed

End of Projects recommended for funding with available funds. 128 projects will not be funded.

Clean Water Legacy Applicants Recommended for Funding







Applicant Type	# of Applications	Ammount
County	6	$796,060
SWCD	21	$2,775,350
City	7	$702,440
JPB	10	$2,485,150
WD	6	$1,051,000
Total:	***50***	***$7,810,000***

Minnesota Board of Water & Soil Resources
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November 2006

Rate Adjustment Options for CREP II Easements Recorded Before Board Resolution

November 15, 2006

Background

At the June 2006 Board meeting, the Board approved a new CREP II RIM Reserve payment rate (see attached Board Resolution). This new CREP II payment rate was effective for all applications that were not recorded at the time of the resolution (June 28, 2006).

At the August 24, 2006 Board meeting the Board received a request from each of the five LGU's and their respective landowners whose easements had been recorded, to reconsider their decision not to include those landowners as part of the payment rate change for CREP II. (Staff later determined that in fact one additional easement was recorded in Goodhue County prior to the Board CREP II payment rate increase.) Statute does not allow for compensating these landowners for an interest the State already holds. That said, the Board directed the Conservation Easement Section to further examine ways to address these landowners' issues.

Recommendation

Kevin Lines and staff continued to look at options to provide financial equity for these landowners and provide for additional public benefit for the state. These options were discussed at length with Ron Harnack, Executive Director and Randy Kramer, Board Chair. In addition, Dave Iverson, Assistant Attorney General was consulted. As a result of our discussions with the Mr. Iverson, we concluded the state would have to acquire additional protection on these nine easements in order to make any additional payment to the landowners. To facilitate this, each of the nine landowners would be given the option to grant a RIM Reserve perpetual easement to the State of Minnesota in exchange for an additional payment.

On October 25, 2006, the Administrative Advisory Committee (AAC) reviewed the options and **recommended that the attached be presented to the full BWSR Board for their approval**. If the Board approves of this recommendation it would be available to these nine landowners through December 31, 2006. ***Decision.***

ADJUSTMENT FOR CREP II EASEMENTS RECORDED PRIOR TO BOARD RESOLUTION TO INCREASE RATES
November 15, 2006

County	Last Name	Easement Acres	Easement Payment Made Based on Original Rate	--- 2005 EMV ---- June 6, 2005 - June 27, 2006 Original 45-Year $/Acre	--- 2007 EMV ---- June 28, 2006 - December 31, 2007 New 45-Year $/Acre	New Perpetual $/Acre	Additional Payment for Permanent Easement $/Acre
Cottonwood	Mickelson	44.5	14,288.51	321.09	764.49	994.07	443.40
Goodhue	Matthews	62.2	31,926.64	513.29	1,376.10	1,789.35	862.81
Goodhue	Hinck	21.7	9,891.26	455.82	1,182.49	1,537.59	726.67
Goodhue	Zemke	22.4	5,927.38	474.19	1,272.63	1,654.80	798.44
Goodhue	Nelson	33.5	14,735.45	439.86	1,626.16	2,115.40	1,186.30
Goodhue	Rusnak	9.5	5,103.12	537.17	1,585.79	2,062.01	1,048.62
Murray	Bladholm	8.4	2,784.35	331.47	903.65	1,175.02	572.18
Nobles	Klumper	24	9,209.04	383.71	945.00	1,228.78	561.29
Rock	Boyenga	103.7	47,846.14	461.39	1,174.59	1,527.32	713.20
TOTALS		**329.9**	**$141,711.89**				**$255,211.28**

Draft 2 11/3/06

BOARD OF WATER AND SOIL RESOURCES
STRATEGIC PLANNING RETREAT AGENDA
November 15-16, 2006

Retreat Objectives:

I. Select 3-5 strategic issues related to the BWSR mission to be addressed in the next 4 years.
II. Develop a preliminary set of action steps to address the strategic issues

Wednesday, November 15 – convenes following completion of Board meeting

1. Welcome and Introductions (Randy Kramer, Board Chair)

2. Explanation of Retreat Agenda (Don Buckhout, facilitator)

3. Review of BWSR Mission and Mandates (Ron Harnack, Exec. Dir.)

   This review gives context for agenda item #5 and 6 (our workhorse items). The BWSR Mission developed in 1997 forms the basis for the strategic plan. Mandates are prescribed in statute and serve as the foundation for the agency's activities.

4. Review of Partner Feedback (Steve Woods and Doug Thomas, Asst. Dir.)

   The survey results provide some background and ideas for ensuing discussions.

Break

5. An Exercise to Help Plan Direction: **SWOT** Assessment: (Don Buckhout)
   Internal **S**trengths and **W**eaknesses
   External **O**pportunities and **T**hreats

   This is a self-assessment of internal and external factors affecting or potentially affecting that organization's mission. During this assessment, the facilitator will ask you to identify trends you are aware of that could affect the mission of the Board during the next few years.

6. Framing Strategic Issues

   By looking at mandates, mission and internal and external trends, certain issues will arise that the members identify as needing attention. The facilitator will help you restate these issues in a way that leads to action steps for the organization to take in the next few years.

Dinner served at 6:15 PM following a recess

(over)

Thursday, November 16

Breakfast buffet open 6:30 – 7:30 AM

8:00 am 7. Review Strategic Issues

8. Develop Action Steps

Action steps are the specific assignments that will be given to Board members and staff to work on in the coming years. Some of the details for the action steps may be developed as agenda items during future Board meetings.

9. Review/Follow-up Assignments

10. Final Comments/Wrap up (Ron Harnack)

11:00 am Adjourn

Radisson Hotel, St. Cloud
404 West St. Germain
St. Cloud, MN 56301
320-654-1661

Rooming List
Direct Billing

Monday, November 13

1. Quentin Fairbanks

Tuesday, November 14

1. **Jim Anderson** ***
2. Paul Brutlag
3. Bob Burandt
4. Kay Cook
5. **Wayne Edgerton** ***
6. Quentin Fairbanks
7. Dan Girolamo
8. Ron Harnack
9. Al Kean
10. Brian Kletscher
11. Randy Kramer
12. Dale Krystosek
13. Paul Langseth
14. Greg Larson
15. Kevin Lines
16. **Joe Martin** ***
17. Tom Mings
18. Brian Napstad
19. Jeff Nielsen
20. Tim Ogg
21. Ron Shelito
22. Louise Smallidge
23. Doug Thomas
24. **Lisa Thorvig** ***
25. Gene Tiedemann
26. LuAnn Tolliver
27. Steve Woods

Wednesday, November 15

1. **Jim Anderson**
2. Paul Brutlag
3. Bob Burandt
4. Kay Cook
5. **Wayne Edgerton** ***
6. Quentin Fairbanks
7. Dan Girolamo
8. Ron Harnack
9. Al Kean
10. Brian Kletscher
11. Randy Kramer
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13. Paul Langseth
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19. Jeff Nielsen
20. Tim Ogg
21. Ron Shelito
22. Louise Smallidge
23. Doug Thomas
24. **Lisa Thorvig** ***
25. Gene Tiedemann
26. LuAnn Tolliver
27. Steve Woods
28. Mary Jo Anderson
29. Bill Eisele
30. Jon Fure

*** **will pay for room and parking**

Partner Survey Materials **November 6, 2006**

At the October Board meeting, the members requested that a quick survey be undertaken of our partners before the retreat. A twenty question format was assembled for Internet – based surveying. Notice of the survey's availability was then sent to our clientele using the BWSR rosters of local government. As of Friday, 213 responses had been received.

These materials are organized as follows:

- synopsis of the responses
- raw data results for entire survey
- total list of "opportunities" offered in response to question #19
- total list of "threats" offered in response to question #20

We provided the exhaustive list of answers to questions 19 and 20 due to their ability to feed the retreat discussion on agenda items 5 and 6.

Synopsis of Responses

Respondents
Due to the short timeframe, the overwhelming majority of the responses (98%) came from local government staff. Geographical distribution was spread proportionately across the three BWSR regions. Not surprisingly, just over half of the responses came from SWCD staff (55%) with remainder from County (16%0, WD (15%), and Cities (12%).

Feedback on the organization
Question 5 tried to gage whether respondents believed BWSR took their perspectives into account. About 69% thought the organization did either "extremely" or "for the most part". That leaves a third apparently feeling less-than-fully plugged in. SWCDs scored BWSR higher here than did the other respondents.

Question 6 looked at whether BWSR activities influenced state policy enough. Hardly any one indicated we did too much, though 2/3 think the level of influence is "about right".

Additional service respondents want to receive can be lumped in to the following (in order of frequency): more training of all types, accounting training, organizational promotion, and more policy guidance packages.

Feedback on our staff
A number of staff questions were ranked using scales from 1 to 10 (bad to good). Staff communication rated a median value of 8 with 48% falling in either 8 or 9. "Timeliness" had a similar response with the median value being 9. Surprisingly, ¾ of respondents found our current responsiveness to be at least as good as it was several years ago in spite of cuts to personnel.

Question 14 tried to characterize the quality of our staff. A median value of 9 was achieved with a whopping 73% grading staff at 8 or higher.

Feedback on our website
BWSR made a conscious decision four years back to cease support of paper manuals and utilize the web as an on-line reference for our partners. Questions 15-17 attempted to gage how that transition has fared. Respondents seems pleased with the site overall (median of 8) and most (38%) use the site weekly. SWCDs indicated a higher rate of use with 51% indicating weekly usage.

Respondents hoped for more ease in navigation and provided a number of suggestions for obtaining it. A number of comments wanted more date stamping and roster updating to aid in keeping materials up to date.

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Friday, November 03, 2006

Results Summary

Show All Pages and Questions | Export... | View D

Filter Results
To analyze a subset of your data, you can create one or more filters.

Add Filter... **Total:** 213 **Visible:** 213

Share Results
Your results can be shared with others, without giving access to your account.

Configure... **Status:** Enabled **Reports:** Summary and Detail

1. Intro

1. What type of organization do you represent?

	Response Percent	Response Total
County	15.6%	33
City / Township	11.8%	25
SWCD	**55.2%**	**117**
WD	14.6%	31
View Other (please specify)	2.8%	6
Total Respondents		**212**
(skipped this question)		1

2. Are you a board member or staff person?

	Response Percent	Response Total
Board member	2.4%	5
Staff	**97.6%**	**203**
Total Respondents		**208**
(skipped this question)		5

3. Which BWSR region is your organization located in?

	Response Percent	Response Total
North	**41.8%**	**87**
South	28.4%	59

Metro	25.5%	53
Don't know	4.3%	9
Total Respondents		**208**
(skipped this question)		5

4. At what levels are you, personally, significantly active? (Click all that apply)

	Response Percent	Response Total
Own organization only	**81.3%**	**170**
Regional level	35.9%	75
State level	12.9%	27
Legislative / lobbying	7.2%	15
Total Respondents		**209**
(skipped this question)		4

2. Organization

5. How strongly do you feel that the Board considers the interests of your organization, in terms of policy development and program implementation?

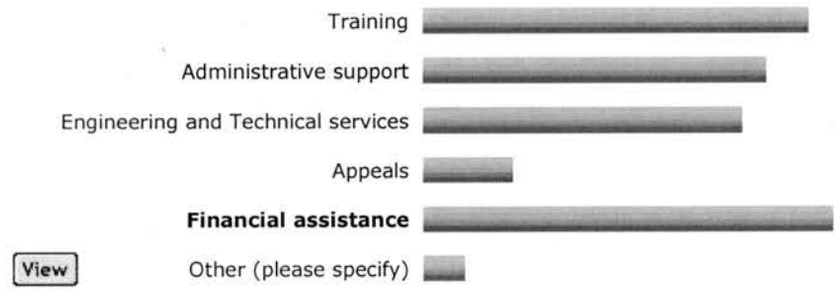
	Response Percent	Response Total
Very little	4.3%	8
Somewhat	27%	50
For the most part	**53.5%**	**99**
Extremely	15.1%	28
Total Respondents		**185**
(skipped this question)		28

6. How do you perceive the Board's activity in influencing state policy?

	Response Percent	Response Total
Not enough	32.4%	56
About right	**65.3%**	**113**
Too much	2.3%	4
Total Respondents		**173**
(skipped this question)		40

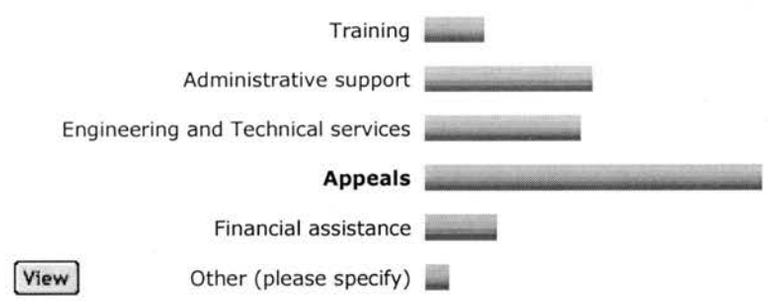
7. What BWSR services (vs. programs) are most valuable to you? (Check all that apply)

	Response	Response



	Percent	Total
Training	64.4%	116
Administrative support	57.8%	104
Engineering and Technical services	53.3%	96
Appeals	15%	27
Financial assistance	**68.9%**	**124**
View Other (please specify)	7.8%	14
	Total Respondents	**180**
	(skipped this question)	33

8. What BWSR services are least valuable to you?



	Response Percent	Response Total
Training	10.9%	15
Administrative support	29%	40
Engineering and Technical services	26.1%	36
Appeals	**56.5%**	**78**
Financial assistance	12.3%	17
View Other (please specify)	4.3%	6
	Total Respondents	**138**
	(skipped this question)	75

9. Are there other services that BWSR should consider providing if we ceased to offer what you consider least valuable?

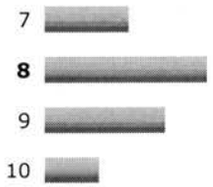
View	**Total Respondents**	**31**
	(skipped this question)	182

3. Staff

10. How satisfied are you with the level and quality of communication with BWSR staff on a scale of 1-10 (1 is unsatisfied and 10 is extremely satisfied).

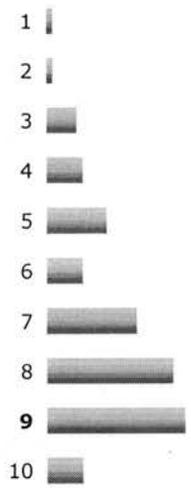


	Response Percent	Response Total
1	0%	0
2	0.6%	1
3	5.2%	9
4	5.8%	10
5	9.2%	16
6	7.5%	13



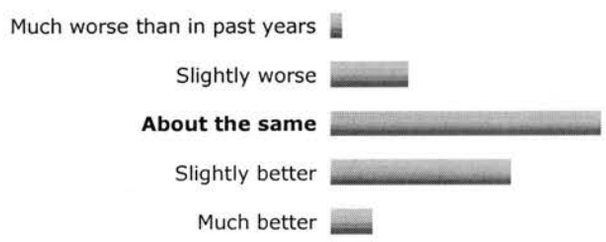
7	14.5%	25
8	**27.7%**	**48**
9	20.2%	35
10	9.2%	16
Total Respondents		**173**
(skipped this question)		40

11. How would you rate the timeliness of BWSR staff in responding to your questions/concerns? (1 is not timely, 10 is extremely timely)



	Response Percent	Response Total
1	1.2%	2
2	1.2%	2
3	5.8%	10
4	6.4%	11
5	11%	19
6	6.9%	12
7	15.6%	27
8	21.4%	37
9	**23.7%**	**41**
10	6.9%	12
Total Respondents		**173**
(skipped this question)		40

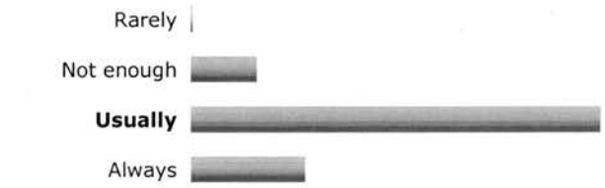
12. How would you compare our timeliness and responsiveness now with how we were several years ago? Today BWSR's responsiveness is:



	Response Percent	Response Total
Much worse than in past years	2.5%	4
Slightly worse	13.9%	22
About the same	**45.6%**	**72**
Slightly better	30.4%	48
Much better	7.6%	12
Total Respondents		**158**
(skipped this question)		55

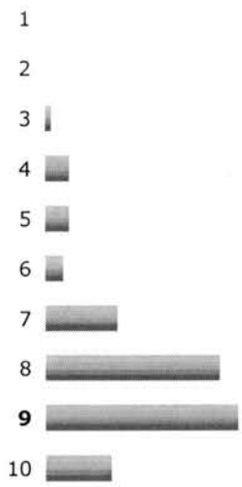
13. Regardless of your answers above, are we there when you need us?

Response Percent	Response Total



Rarely	0.6%	1
Not enough	11.4%	19
Usually	**68.3%**	**114**
Always	19.8%	33
	Total Respondents	**167**
	(skipped this question)	46

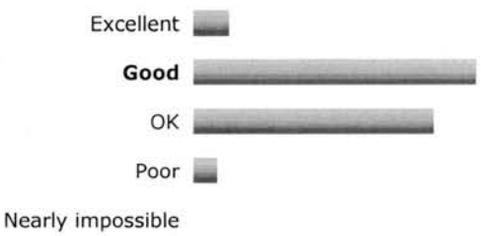
14. How would you rate the quality of our staff in terms of their value, integrity, program knowledge and experience? (1 is poor, 10 is excellent)



	Response Percent	Response Total
1	0%	0
2	0%	0
3	1.8%	3
4	4.2%	7
5	4.8%	8
6	3.6%	6
7	12.5%	21
8	29.2%	49
9	**32.1%**	**54**
10	11.9%	20
	Total Respondents	**168**
	(skipped this question)	45

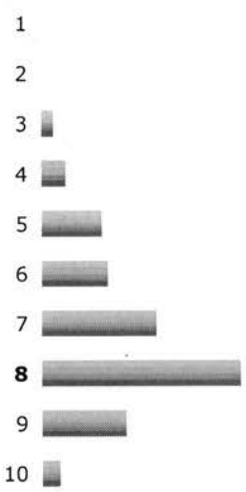
4. Website

15. How would you rate the ease with which information can be found on the BWSR website?



	Response Percent	Response Total
Excellent	6.6%	11
Good	**47.6%**	**79**
OK	41%	68
Poor	4.8%	8
Nearly impossible	0%	0
	Total Respondents	**166**
	(skipped this question)	47

16. How useful is the website? (1 is not useful at all, 10 is very useful)



	Response Percent	Response Total
1	0%	0
2	0%	0
3	2.5%	4
4	4.3%	7
5	10.4%	17
6	11.7%	19
7	19.6%	32
8	**33.7%**	**55**
9	14.7%	24
10	3.1%	5
Total Respondents		**163**
(skipped this question)		50

17. How often do you use the BWSR website?



	Response Percent	Response Total
Daily	5.3%	9
Weekly	**38.8%**	**66**
Monthly	32.4%	55
Less than monthly	20%	34
Never	3.5%	6
Total Respondents		**170**
(skipped this question)		43

18. What should be added to the BWSR website?

View	**Total Respondents**	**44**
	(skipped this question)	169

5. Strategy

19. What issues / opportunities should the Board address in the next 2-4 years?

View	**Total Respondents**	**91**
	(skipped this question)	122

20. What concerns / threats should the Board address in the next 2-4 years?

View	Total Respondents	76
	(skipped this question)	137

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Friday, November 03, 2006

Open-Ended Results Detail

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#19 What issues / opportunities should the Board address in the next 2-4 years?

1. Improve wetland accounting and reporting on-line.
2. Function and value assessment on a county wide basis to determine what local values are placed on the different functions of wetlands. This then could be used to determine what replacement rations to put on projects.
3. If you are going to open up the WCA rules for changes, either take away the de-minimus exemptions (to guarantee no net loss) OR make all excavation/conversion an impact so the most endangered wetlands are better protected. A wetland is a wetland whether it's a type 2 or 5... and people want open water so Type 1 & 2 wetlands are disappearing rapidly. Forming alliances with other organizations that may help with education/enforcement/etc.
4. Management of small acreage lots Ways to improve communication with absentee landowners More lobbying for funding to protect the natural resources we have - be proactive instead of reactive
5. Asses funding needs cost-share program and BWSR's formula for allocating funding eLINK HAS GOT to get the bugs out!
6. 1)Clean Water Legacy Funding, 2)Securing Funding for Easement Programs (RIM, CREP, PWP, etc...), 3) Increase funding to maintain SWCD Technical Capacity.
7. Try to tie wetland replacement with CREP projects and make it easier/less risky for farmland owners to participate. We do not have the staff to be able to look at/organize a more effective wetland replacement policy and plan at at county or watershed level.
8. WCA limiting de minimis exemption regulating excavation in all wetland types re-vamping forestry emption, logging roads restored/removed after timber manament or wetland replacement
9. TMDLs and their effect on watershed districts More focused watershed district assistance
10. More support of Joint Powers organizations and their needs, financially and technically.
11. helping iron out the problem that cities with more than one watershed have to navigate through multiple sets of rules, plans, etc. and come up with something that works for everyone. This is the biggest complaint we hear about our planning and regulatory programs. It's a tough problem - I don't know what the answer is.
12. Public Awareness of the Wetland Conservation Act - If we could afford to pay for informational ads in the newspapers and on radio stations (ideally on a Nat'l Television Station) the number of wetland violations would be drastically reduced in my opinion.
13. 1. Funding for Water planning. 2. Funding and enforcement of WCA.

14. Better and more training. More accessible financial assistance as NPDES gears up.

15. Wisely spend the CWL funds and fight for continued funding.

16. Making sure that all offices working with BWSR are doing their job. While there is little that can be done by BWSR, MPCA still seems to be uncooperative in the NRBG area. Late training of their staff and confusion on the amount of match for the Feedlot portion of the 2007 NRBG (again). I feel that BWSR is working diligently for the good of natural resources management in MN.

17. Stable funding for SWCD's and TSA's.

18. Try to increase funding for conservation programs to improve water quality, reduce soil erosion, and improve wildlife habitat.

19. Social Differentiation Landscape Differentiation Managerial differentiation

20. How WCA and MR 7050 relate or don't relate so their is less conflict and confusion

21. TMDLs Clean Water Act Need better alliances and communications with county boards

22. -- Integration of watershed management with regulatory programs (MS4, TMDLs) and funding resources. -- Continuing to build on the Clean Water Legacy Act momentum by striving for more permanent funding, and by working with local government to ensure that grant funds are spent wisely and the positive environmental outcomes are documented and publicized.

23. Permanent Protection Of expiring CRP Base Acres. Increased RIM Program Dollars.

24. Education to the public about BWSR-That in turn will help SWCD's.

25. Issue: Lack of funding needed to complete TMDLs. Oppertunity: Align with governors plan for renewable energy and develop a program to assist projects similar to the RC&D productive conservation program but bigger and more inclusive

26. Continue to inmprove the bank program. Consider allowing banking as preferred replacement when impacts are small, and the on-site mitigation are consequently small and of much less value than a pooled bank site.

27. Funding of TMDL implementation

28. CWL Funding

29. Native vegetation required in all BMPs for MNDOT, DNR, SWCD Permits listed on a simple website, organized by minor watershed, in simple language. Water, storm water, water appropriations, ground water appropriation, wells, ISTS....

30. Clean Water Legacy Increased awareness of stormwater issues

31. Enforcement. We need to make sure that NRCS approved activities for Agriculture and Drainage meet all the requirements of the Wetland COnservation Act. The landowner and/or the drainage authority must provide evidence to meet the exmptions and record the ten-year deed restriction for Agricultural or private drainege exemptions. Contractors must fill out the "Contractor Responsibility and Landowner Statement Form" and send the completed form to the LGU. Keep better track of all the wetlands impacted.-require an exemption certificate or replacement plan for all wetland activities.

32. Streamline and coordinate BWSR WCA and ACOE effort. (if possible w/ federal rule or regulation)

33. Increasing the General Services Grant. Increase Water Plan funding to fully fund the program. Storm Water Management.

34. More funding for LGU's. Manditory programs should not cost the counties.

35. Drop elink and go back to paper!

36. Replication, actual or perceived, between BWSR, DNR, SWCD, WD, WMO. The cost to budget and time commitments in preparing the Watershed Management Plans are considerable, particularly as you go through the multiple step review process. Would it not be better to dedicate limited resources to "projects on the ground" rather than words on paper? The state legislature is going to take some sort of action if we don't do something first.

37. Clean Water Legacy will continue to be a priority, but it does not help the bottom line for SWCD's financially. Offices the implement programs have to have the staff and the resources available to them to

be successful. Stable funding is essential!

38. Clean WAter Legacy Funding - continue to seek funding

39. A more stable funding mechanism for SWCD's. Continue efforts on the Clean Water Legacy. Focus on Lakes and Streams that need protection. Continue to improve reporting issues within elink. Work to get a better working relationship with federal partners NRCS/FSA. CREP II is an example of that partnership not working as well as it should. More options for conservation easements.

40. WCA accountability to avoidance requirement. WCA follow up with replacement plan monitoring Work out WCA issues concerning farm programs

41. funding - keeping SWCD's head above water

42. I understand this may be more of a MASWCD issue, but I think SWCD's need to become more uniform across the State. I think in order for this to happen, stable funding needs to be established first. Our District cannot effectively administer all the programs asked of us without additional staff. We can not add staff without additional funding. With taxation for SWCD's becoming more of a possibility during the last few legislative sessions, I think the MASWCD and BWSR need to help push to make this a reality. Because the SWCDs administer the State programs assigned to BWSR, it is in the Board's best interest to see that District's are adequately staffed. Over the last 15 years, I have seen our state funding level off and decline, and trying to acquire additional funding from the county each year is frustrating to say the least. Our grants remain the same for years or even decrease while expenses keep rising anually. At a time when our State's water and natural resources have never been more in jeopardy, it amazes me how scarce funding for SWCD staff is and how difficult it is just to add dollars to an already faltering budget.

43. Making Clean Water Legacy funding available for projects involving non-impaired waters. Increasing the Water Management Plan grant to the counties so that more counties could have a full-time water manager.

44. We need more cost share dollars, there are always more projects than available cost share dollars.

45. tighter wetland rules under WCA, less exemptions a program to protect woodland- laws, easements etc

46. How water quality management will be administered in the coming years, which agency or agencies. I think Groundwater Management will become one of the next hot issues, whats being being done to address this concern.

47. Seek additional RIM/CREP I type programs

48. Assistance in addressing TMDL issues, planning implementation, ect.

49. Providing more ground level staff support to watershed districts.

50. funding for water quality protection funding for land and wetland protection stronger wetland regulations

51. e-coli versus fecal sampling, which should be done and is the data results beneficial if there aren't labs in MN certified to analyze? A state wide watershed district education campaign- same message, same delivery

52. Clean Water Legacy Act and how do Districts play a role. Funding.... some programs are dying and others are beginning to take off. Help us with this change.

53. Make WCA more effective in actual protection and redo the administrative end to streamline and simplify it. Make enforcement penalties more strict for the developer chronic violators who act first and get slapped later.

54. Board should look at ways to streamline and unify the WCA process.

55. More cost-share for TMDL's through State Cost-Share Program. Incentive based programs are much more effective than regulatory programs. Explore options for expanding in this area.

56. WCA update, ACOE MOU

57. conflicts with Arny COE regulations

58. Far more dollars are needed to administer WCA. We have been at the same level for many years yet the workload has doubled and tripled for many counties. We cannot keep up without more money and staff.

59. programs to implement more NRE's on the land.

60. There should be a conservationist for every metro county.

61. Carbon Credit sales

62. Perhaps an analysis of the state of watershed districts (e.g., Are they doing what they were created to and empowered to do?)

63. One opportunity where BWSR could improve is with its reporting system. eLINK itself seems to be a useful and comprehensive program, however the speed of the program is frankly unacceptable. If daily use of this reporting system is expected or hoped than it needs to be more responsive. If any private software was as cumbersome or slow as eLINK it would have been trashed years ago. Whatever is bogging down its performance, resources should be allocated to address this issue. If eLINK does get overhauled, I do see it as being a valuable tool for day to day use in the field offices – if it doesn't, I would expect eLINK to continue be a begrudged end-of-the-year experience.

64. I have worked for both SWCD's and with Watershed Districts. Having that experience, I see BWSR very involved with SWCD's and almost non existent with Watershed Districts. Maybe you should consider revamping the services you provide WD's and be more responsive to their needs.

65. How well is E-Link working? Can we keep up with funding for the farmbill program?

66. Urban sprawl

67. 1) How TMDL designation effect future and present projects (including ditch projects under 103E). 2) Education in wetland laws and restrictions. 3) Continue to be strong in Watershed support.

68. Raising the bar to help Watershed Districts become actively involved in land conservation.

69. Promote watershed disctrict coverage statewide as a way of addressing imaired waters. Support efforts to improve watershed regulatory and enforcement efforts for to flood prevention and water quality and wetland protection.

70. Natural Resource and open space preservation in developing parts of the metro area.

71. Funding: Dedicated funding for Natural Resource Protection needs to happen. SWCD's need to upgrade and become more equal in program capability and services.

72. Stormwater and its effects on natural communities especially water communities. There is opportunity to help provide information and direction on how to address stormwater issues within the state and its waters.

73. SWCD Funding, with the clean water legacy act, someone needs to put the work on the ground.

74. Cost share practices

75. Wetland quality protection.

76. cost share funding for feedlots not in real close proximity to sensitive features but still needing to be fixed

77. Environmental mitigation for impacts to intact, non-wetland areas within water-quality protection zones.

78. SWCD funding mechanisms, e.g., taxing authority Designated role for SWCDs v. WDs

79. 1)Freedom of Information policies with so called "partner" agencies seem to limit our effectiveness and make our job much more difficult. 2)Continue to work closely with State Legislators. I see the Clean Water Legacy legislation as something we need to play an active role in.

80. 1. Clean Water Legacy - In the urban land areas, stormwater managment rules/practices will largely be used to address WQ issues. In the agricultural areas, we need to ramp it up by first getting monitoring in place in order to identify the hot spots. Then a plan needs to be drafted and implemented. At some point in time, the voluntary practice attitude is going to have to take a back seat - its been around for decades and while there has been some progress, it has not been enough- The Gulf of Mexico is proof of that. I grew up on a farm and my father and brother still own and operate the land. My father-in-law also farms in southern MN. I own a few hundred acres of land which I have taken out of production because it had no business being in production in the first place. At some point in time we need to stop dancing around of what really needs to get done and take on the water quality issue. Drainage Law - balance drainage rights with clean water rights. They don't have to be mutually exclusive!

81. Clean Water Legacy funding NPEA program funding

82. stricter enforcement for violators increase in funding for programs

83. Stable and increased funding for natural resource issues such as water planning. Help local governments provide technical assistance for small woodlot owners.

84. BMSR should not be so overly aggresive in jumping to the demands of small groups of organized agitators.

85. Implement the more restrictive policies in the *80% areas.

86. Use the Establish regional/Technical Service Areas to employ additional SWCD/BWSR staff. The staff in the areas could provide additional technical assistance for the greatest natural resource need: forestery, nutrient management, urban conservation, etc.

87. TMDL open space management

88. Greater and much stronger involvment in the metro water resources management plans

89. Targeting CWL funds to augment local, state and federal cost share programs using SWCD's.

90. Be more visible. Sponsor more workshops, etc.

91. wetland preservation, all wetlands.

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Friday, November 03, 2006

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What concerns / threats should the Board address in the next 2-4 years?

1. Don't get to complicated.
2. Finding alternatives to funding crunches... Work with the PCA on topics like burn barrel issues (water and soil impacts, etc.), better cross-communication between agencies and LGUs. We often find out about training sessions either on very short notice or after they have occurred. The notification network is seriously flawed. One agency might hear of a meeting and mention it to another that had no idea of it occurring (major frustration point for LGUs, SWCDs, etc.).
3. Communication within the SWCD offices
4. Protect current funding WCA Assesment process, keep in mind, when setting policy, the regulatory and program administration factors.
5. 1)Potential loss of Farmbill T/A funding. The marketing we are doing is yielding results. If funding is lost, we will lose technical capacity. 2)
6. Continued loss of wetlands, but more importantly how wetland replacement is conducted. I would like to see a more coherent approach to replacement within counties such that the functions and values are really replaced instead of or in addition to the more scatter shot replacement that takes place now, although meeting state requirements.
7. special interest groups and their efforts to terminate watershed districts
8. the notion that there should be less government and that WDs authority should be weakened.
9. Working on the wetland replacement ratios under WCA w/the Army Corps so the SWCDs don't have to know federal laws as they change their ratios on what seems to be an annual basis. Avoiding the duplication of efforts and streamlining the project application form hasn't provided the one-stop shopping all agencies would benefit from.
10. loss of wetlands and poor quality replacement plans
11. 1. Clean Water Act
12. NPDES
13. Loss of wetlands to development. REQUIRE a 50' or 100' setback from all wetlands when developments occur. The wetlands that are not mitigated for are turning into stormwater ponds.
14. I feel that the BWSR would do well to explain to all the fact that there is no doubling up of activities with the NRBG. There is a feeling by some that I have heard that feedlot and ISTS components of the NRBG is a repeat of MPCA.

15. We are here to help landowners with their natural resopurces problems. I don't want us to be precived as a regulator or enforcement type unit of government.

16. With the strong and growing support for wetlands by the general public, changes need to be made in the WCA. Enforcement is my main concern. Suggestion include adopting a program similar to MPCA where enforcement is in house (BWSR) with Administrative Penalty Orders issues to violations. Another concern is the lack of reporting of exemptions. Certificates of Exemption or No-loss should be mandatory in order to get full accounting in the no-loss policy.

17. Same as above.....

18. Indifference to Natural Resource Management (vs environmental) concerns

19. Wind Erosion. We have many BMPs for water erosion, but little for wind erosion.

20. WCA Local Water Planning dollars to administer CLWP, not just grant money to put in projects. We have never recovered from the cut we took from the unallotment three years ago.

21. Getting gobbles up my another agency. How to remain a viable stand alone agency.

22. -- How to simplify the BWSR bank process. The current level of complexity is turning away potential wetland restoration projects, particularly small projects. -- Threats to the existence and structure of watershed districts -- if the current rumblings continue or build, BWSR needs to take a more active role in "getting the word out" on the significant benefits that watershed districts provide for our water resources and our citizenry.

23. Expiring CRP Contracts.

24. A program for metro landowners with 5 to 40 acers. Maybe getting the metro district together on a program for small land owners.

25. Threat: Retool WCA before it swallows us up.

26. Increased development and fragmentation of large wetlands. The isolation of wetlands with development (i.e. not filled but some built around thay are ecologically isolated). Loss of vegetation diversity (RCG, Phalaris, etc).

27. ethanol production - potential to conert even more land to corn only production alternative is switchgrass & similar grasses - what would this mean for conservation!

28. Continued development of ag land for non-ag pupose.

29. Trust County and SWCD Boards to manage their funds; eliminate costly oversight. A simple year-end survey (like this survey) should be adequate for BWSR to tract work accomplished for Base Cost Share and NRGB. Eliminate the days of county staff reporting. Local staff spend too much time trying to fit what they know is necessary work into the "rules". BWSR has competent staff; put them in the counties on the county payroll working daily on-the-land, on-the-site, with citizens and with local County elected officials.

30. WCA Loopholes Impervious surfaces Sprawl

31. Lack of funding so LGU's don't administer the WCA. More aggresive enforcement by the DNR. BWSR Board and BWSR staff support the DNR in enforceing the WCA. There are hundreds of acres wetland being impacted every year and this will continue without more aggresive coordinated enforcement by LGU's, BWSR and the DNR.

32. Work to consolidate water resource management under fewer statewide athorities than current situation while keeping local input and control.

33. Financing for Districts

34. Access to funding for projects. Unfunded or underfunded mandates (MPCA Designated impaired waters for example). Unrealistic timelines considering funds available and staff to respond.

35. Water Management and all the different local governments working on it. Too much? SWCD WD County Cities ..... Are we duplicating efforts? There is no place for comments, so I will put my comments here. Our BCs that cover our counties are very valuable. They are just a phone call away and always very helpful. Sometimes people are overlooked on their value to an agency. In questions 10, 11 & 14 where I gave my answers in the excellent catagory, it was because of the work of the BCs.

36. Funding for conservation and Local units of Government that provide technical assistance. Wetland and

Drainage issues. Clean Water Legacy act and TMDL issues. A lot of BWSR past focus has been on Ag resource issues, and we are starting to see a lot of non-ag issues in the SWCD offices.

37. Loss of SWCD due to funding issues

38. We need to push for stronger legislative action to protect rare ecosystems. Our County is not a rapidly developing county, but in the past few years, I have seen some of the most unique areas of the county fall to development. I don't have an answer how to stop this, but if it is thrown around enough, maybe somebody will come up with the answer.

39. There seems to be a significant increase in the frequency/extent of drainage projects in farmed wetlands. There needs to be clarification on the authority of NRCS compared to the LGU and that clarification passed on to the LGU.

40. cotinued loss of wetlands, woods more cost share funds needed to address needs

41. Stable funding for SWCD's top priority.

42. Additional funding should be allowed for EXISTING staff if they feel they can administer the program effectively.

43. Having the WCA rules administered by too few of people.

44. Don't play politics with the Legislative audit. Work with all to improve water management in Minnesota. Watershed District are better poised to address water quality issues in Minnesota and maybe BWSR should be more up in support of these local units of government.

45. same as above

46. Standard or better record keeping for WCA decisions made by LGU's. Updates to WCA - we're still losing wetlands.

47. The farmbill changes as they come.

48. Consistency in application of regulations is my only concern.

49. The possibility of reducing on-the-ground effectivenes and increasing in-the-office bureacratic red tape in administered programs.

50. Loss of wetland and quality upland habitat

51. Return funding to the Local Water Mgt Grants. Counties are losing interest because of low funding levels. Clean Water Legacy funding could be simplified. WCA is too costly. Eliminating exemptions will make it even more costly - explore incentives for mitigation instead of regulations - let the Corp. of Engineers regulate.

52. the "no net loss" issue exmeption standards

53. How thinly you spread the wetland specialists, and that it's hard to get answers back on e-mails or phone calls from some state staff. Michelle has been out, and that's understandable, but Wayne is spread too thin and where do we go next?

54. I have a request that has to do with email notification. Please send out information to more than one person in each district office. The drought disaster grant program for instance. The person who received it in our office was on vacation during the short period we could sign up. I found out about the program elsewhere. I then had to call BWSR to find out about it. I did do the application process; but still did not get any response back if the cost-share had been awarded. Again I had to wait for the other staff person to return and check email. The second round of the grant period, I made the application again, again I got no direct response back. (My name & email address were on the application form, which I faxed in also).

55. Legislative Audit

56. Loss of ag land to development, loss of wetlands. More incentives to protect wetlands.

57. It will be interesting to see how the legislative audit of water management shakes out and how that will affect both state and local levels.

58. Urban sprawl

59. 1) No clear cut way on how TMDL's are going to be addressed by regions when it comes to doing something about it. One shoe does not fit all. 2) What appears to be a small but vocal group trying to

disrupting every day functions of Watersheds in general. 3) That sometimes BWSR tends to be more demanding in appears to be local Water Quality issues.

60. Impaired waters.

61. Strenghten (tighten) the WCA seqencing requirements.

62. Management of the existing and future resources.

63. Ethanol will have a negative effect on conservation. Not only more dirty water but less water as it consumes 4 gal for every gal of enthanol. We could see a big increase in row crops (corn) and also pressure put on grass lands to havrest RIM and CRP for ethonal needs. Not only will they want to max's out the corn acres they will also want to harvest as much non-food plants (Native Grasses RIM/CREP/CRP) as they can. There is going to be pressure put on the state (BWSR) to allow the harvest of RIM lands for Ethanol. This will result in a nagitve effect on wildlife

64. Ditch-law and wetland impacts unrelated to agriculture. Increased costs to LGUs to implement mandated programs.

65. 1)Freedom of Information limitations. 2)Working relations with "partner" agencies seems to be drifting further apart. Seems to be we're too concerned about possibly stepping on one person's toes and the rest of our clients suffer because of it.

66. 1. Watershed Districts have been under "attack". We need Board support (not talking about local staff). The local staff have a very defined scope and the issue I am raising is at a state-level. What is the Board doing to help us? What are state staff doing? Tomorrow the WD administrators are meeting to get a PR campaign in place. How did WD's get in this position of defending ourselves on a statewide basis? BWSR is charged with reviewing and approving our management plans.....If our duties are under attack, I would expect to have full backing and support from the agency which oversees our activities. The watershed district I work for is on solid ground, however, it has been frustrating to watch other districts struggle with issues beyond their control....a few citizens, legislators, or even board managers, who make it their life's mission to bring down staff or the organization. Watershed Districts take on the tough issues...the ones no one else has the money or fortitude to take on. Unlike SWCD's who implement land practices with voluntary owners/operators, WD's are involved with projects that usually require land condemnation and increases in taxes to pay for those projects. We are required to have rules and most WD's have permit programs. These are also trigger points for certain groups. We need support because we ARE willing to take on the tough issues.

67. Lack of adequate technical & administrative funding to BWSR and its partners, including inflationary increases. Lack of focus on 'working ag lands' that produce food.

68. loss of habitat water quality

69. Water quality. Unstable funding.

70. Leave the *80% counties alone. If the WCA isn't achieving its goal of no net loss - then throw it out!!!

71. work toward better wetland protection

72. Much research is being conducted on all sorts of BMPS and water resources facilities. Provide the technical training needed for the water reosurces managers to use these up-coming information.

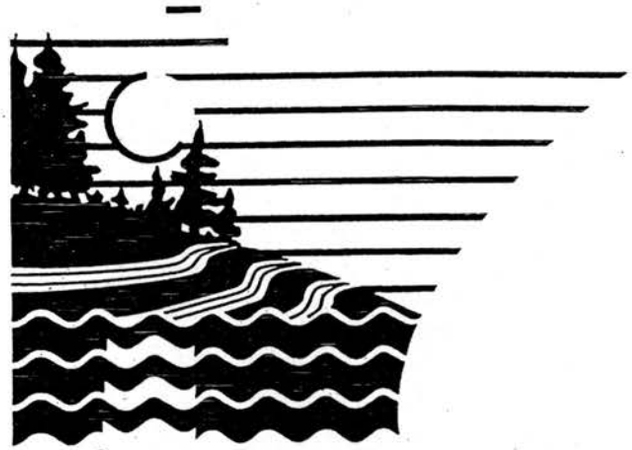
73. Maintaining the intergety of the Local SWCD staff and board as Watershed Districts and Watershed Management Orgainzations build capabilities in house to address the fundamental purpose of SWCD's.

74. WMOs need to be organized similar to WDs in MAWD.

75. funding for the future

76. wetlands

State and Local Government Working Together



Minnesota Board of Water & Soil Resources

Strategic Plan

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Executive Summary

This strategic plan sets forth a foundation upon which BWSR policy and programs can be framed. The plan communicates the basic tenets the Board believes are fundamental to carrying out its mission to assist local units of government to manage and conserve their irreplaceable water and soil resources:

Local Implementation: Local units of government working directly with landowners, resource management agencies and citizens to provide a grassroots approach to water and soil protection efforts.

Voluntary Implementation: Education and incentives influence individuals to voluntarily implement resource management practices that protect water and soil resources.

Comprehensive and Collaborative Management: Natural resource issues and problems seldom follow political boundaries or are solvable by the efforts of one individual, group or agency. Local governments help bring people and their local political structures together to meet the challenges of managing soil and water resources wisely.

In keeping with those tenets the Board will strive to accomplish the following strategies:

Encourage local resource planning and protection efforts by:

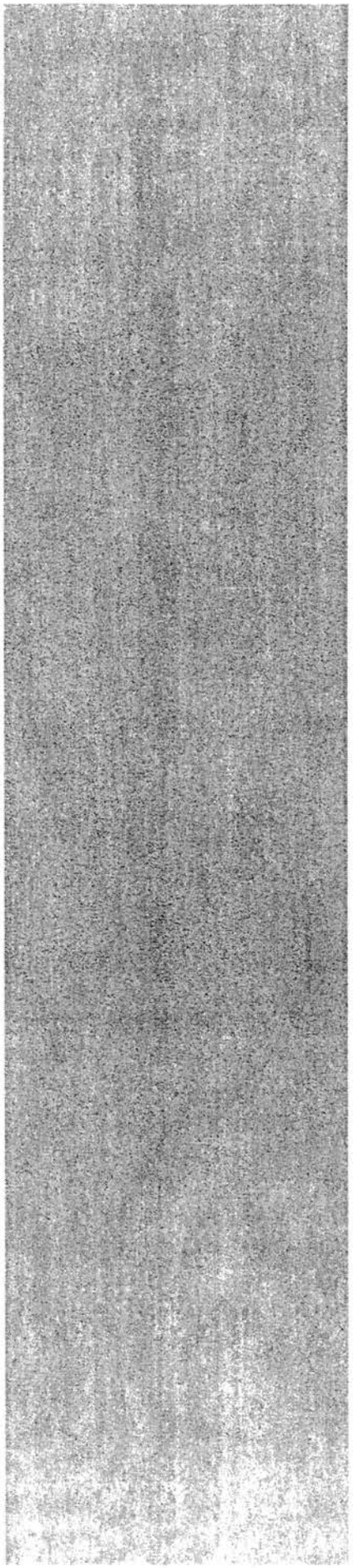
- ❖ continuing to use the Comprehensive Local Water Planning process; and
- ❖ using a watershed based management approach.

Support local resource management activities by:

- ❖ providing a forum to foster working relationships; and
- ❖ enhancing the effectiveness of BWSR programs.

Develop and maintain the capability to deliver competent service to local units of government, especially in the areas of:

- ❖ soil conservation, engineering, wetlands, groundwater, information management, communication, planning and administration.



BWSR Strategic Plan

September 1997

The board is composed of 12 members appointed by the Governor and five agency representatives.

Half of BWSR's staff work out of the agency's seven field offices.

This plan describes the agency's mission, tenets and strategies that are fundamental to the Board's work . . .

About the Board

Creation

The Minnesota Board of Water and Soil Resources (BWSR or the Board) was formed in 1987 when the Soil and Water Conservation Board, the Water Resources Board and the Southern Minnesota Rivers Basin Council were merged into one state agency.

Board Membership

Seventeen voting members serve on the board. The Governor appoints three county commissioners, three soil and water conservation district supervisors, three watershed district or watershed management organization representatives and three members of the public to staggered four-year terms. A chair is designated from this group. Five additional members represent the Department of Natural Resources, the Pollution Control Agency, the Department of Health, the Department of Agriculture and the University of Minnesota.

Board Staff

The Board employs an executive director who serves as the head of agency operations. The central office in St. Paul houses nearly one-half of the staff who work in one of four sections: engineering and technical services, land and water, communications or business management. Field offices are located in Bemidji, Brainerd, Duluth, Marshall, New Ulm, Rochester and St. Paul.

Plan Purpose

This strategic plan sets forth a foundation upon which agency policy and programs can be crafted to fit the current water and soil management issues. The primary responsibility of the Board is to assist local units of government to manage their water and soil resources. This is accomplished by providing them with technical, financial and administrative assistance. To be effective, the BWSR must be responsive to local concerns and priorities.

This plan describes the agency's mission, basic tenets (principles) and the strategies that are fundamental to implementing the Board's work in a manner that is meaningful to local governments. It summarizes the extent and condition of the state's water and soil resources, as well as some of the industries and land uses dependent on those resources. It also examines some of the major trends influencing water and soil resources management and includes a summary of the Board's statutory responsibilities.

The board has strong alliances and works to connect these partners with the local units of government best suited to address their particular resource management concern.

The Board's Mission

The mission of the Minnesota Board of Water and Soil Resources is to assist local governments to manage and conserve their irreplaceable water and soil resources.

BWSR was formed in 1987 by consolidating three smaller agencies in order to provide more efficient and effective state support to local government. This mission statement communicates the Board's focus on local government: soil and water conservation districts, watershed districts, watershed management organizations, counties, townships and cities. The Board also has strong alliances with environmental organizations, farm groups, state and federal agencies and other groups interested in water and soil stewardship. The Board works to connect these partners with the local units of government best suited to address their particular resource management concern.

While the Board's primary clientele is local governments, its primary goal is managing and conserving water and soil resources across the state. To achieve this goal, the Board offers technical, administrative and, in some cases, financial support to local governments to help them attain their water and soil resource management goals. Ultimately, all citizens benefit from this grassroots system that protects and conserves water and soil resources.

In 1992, Minnesota Planning authored ***Minnesota Milestones: A Report Card for the Future.*** This report describes a vision, drafted by the citizens of Minnesota, for the state in the year 2020. The themes contained therein that pertain to the Board's work are:

- *Our government will be responsive, effective and close to the people.*
- *We will protect and enjoy the natural world.*
- *Our economic activity will create wealth and provide a good standard of living for all our people.*

The Board's mission statement focuses on a government close to the people and the management and protection of our state's water and soil resources, which provide both wealth and enjoyment to Minnesotans.

The Board believes that water and soil management is best implemented at the local level, voluntarily, comprehensively and collaboratively.

Stewardship is based on landowners embracing attitudes and methods that preserve and enhance resources for the benefit of themselves and others.

Board Tenets: the Board believes that water and soil management is best implemented . . .

at the local level. Water and soil resource management is primarily a land use issue -- both in terms of the type of land use and the quality of resource management. In Minnesota, land use authority is vested primarily in local units of government. Over the past two decades, the state Legislature has reinforced this authority by passing landmark legislation for local water planning, conservation easements, conservation practice cost-sharing and wetland conservation. These legislative acts identify local units of government as the primary implementors. The federal government has also empowered state and local governments to reduce non-point source pollution and manage water and soil resources. Land use authority is one of the major forces propelling this trend.

Water, soil and other natural resources, as well as associated management issues, vary substantially from one corner of the state to another. Resource management priorities vary widely as well. Local units of government working directly with landowners, resource managers and other citizenry provide a grassroots approach to resource management. This approach tends to be realistic and address the local needs. Citizens know where and to whom to direct their comments about resource management. Resources can be targeted toward high priority issues and watersheds.

State and federal technical and financial assistance provided to and through local government helps maintain a healthy balance between statewide consistency and local flexibility for sound resource management. Involving citizens is essential to successful local resource management, as is integrating other state and federal agencies and programs that are relevant to the local resource priorities.

voluntarily. Successful resource management (stewardship) is based on landowners embracing attitudes and methods that preserve and enhance resources for the benefit of themselves and others. More than 77 percent of the land in Minnesota is privately owned. Landowners tend to feel strongly about their right to manage the land they own as they see fit. They, and all citizens, also perceive the right to a clean, healthy environment. Education and incentives influence individuals to voluntarily implement resource management practices that protect water and soil resources. Education provides the basis of understanding that helps

landowners realize the results of their land use decisions. Incentives may help overcome any restrictions (financial or other) to changing their land use practices.

Most people want to practice stewardship and they do it most effectively when they possess knowledge, means and choice.

Most people want to practice stewardship and they do it most effectively when they possess knowledge, means and choice. Regulation is best used sparingly for resource management in order to provide a level playing field and disincentives for those whose actions threaten public health and safety.

comprehensively and collaboratively. The Board strives to encourage and facilitate successful partnerships that promote communication, help all levels of government cooperate, inspire creativity and build trust between partners as well as with the public. Natural resource issues and problems seldom follow political boundaries or are solvable by the efforts of one individual, group or agency. Because of this, local governments are building partnerships that expand their capacity to implement land and water resource protection. There are numerous examples of local governments working with their neighbors to achieve mutual goals. Whether through the creation of new governmental entities, formal joint powers agreements or more informal working arrangements, local governments are helping to bring people and their local political structures together to meet the challenges of managing land and water resources wisely. Local governments are not only addressing their resource priorities, they are helping to achieve state and federal goals by providing a strong local presence as well as a link to private landowners.

Natural resource issues and problems seldom follow political boundaries or are solvable by the efforts of one individual, group or agency.

Management approaches of state and federal natural resource agencies are compatible and complementary with local government roles.

The management approaches of the state and federal natural resource agencies are compatible and complementary with local government roles. Three approaches include: The Department of Natural Resources' Ecosystem Based Management, the Minnesota Pollution Control Agency's Basin Management and the Minnesota Department of Agriculture's Agri-Ecoregion. These approaches afford new opportunities for local governments to team up with appropriate agencies to tap into expertise, funding and new collaborations. Local governments are an essential partner to implement natural resource protection initiatives, regardless of the management approach that is used. Effective partnerships with these agencies will enable local governments, whether they are organized along political or watershed boundaries, to assert their implementation responsibilities in an ever more effective fashion.

The Board is committed to promoting the wise use of our state's natural resources to help ensure that future generations may also find such satisfaction in Minnesota's quality of life.

Minnesota's resources

Minnesota is rich with natural resources. The wealth generated from these natural resources contributes to the well being of its citizens. A healthy state economy depends on the sound management of soil, water and forest resources. The citizens of Minnesota value the quality of life that the environment and the economy have historically provided. The Board is committed to promoting the wise use of our state's natural resources to help insure that future generations may also find such satisfaction in Minnesota's quality of life.

Water

Water covers about 5 percent of Minnesota's surface area. This percentage encompasses nearly 12,000 lakes and more than 10,000 wetlands. Minnesota's rivers and streams span 25,000 miles. There are approximately 208,000 miles of shoreline in the state.

Minnesota's significant water resources include those found beneath the land surface as well. The 14 major aquifers in the state are of "glacial drift" or "bedrock" origin. Two out of every three Minnesotans rely on groundwater for their domestic water use.

There are many threats to this rich water resource. About 51 percent of the state's wetlands have been drained over the last one hundred years and losses are still occurring (BWSR - Jaschke, 1997). Of the state's lakes that are less than 5,000 acres in size (99 percent of all lakes), only half fully support swimmable use (MPCA - Heiskary, 1997). Sediment is, by volume, the greatest pollutant of our surface water. Displaced nutrients and pesticides which migrate off-site can, and in certain cases do, pose a real threat to the quality of both surface water and groundwater resources.

The quantity of water in the state is also of concern. "Hydrology" refers to the route precipitation takes on its way to a lake, stream, river or groundwater system. Many factors influence the hydrology of a watershed, including precipitation amounts, soils and the use of the land. Increases in either the rate or quantity of surface water runoff can escalate the transport and delivery of sediment and attached nutrients to the receiving water body and can increase flooding and erosion along water courses.

Conserving soil and enhancing soil quality is fundamental to wise natural resource management.

Water, soil and forest resources are the foundation for Minnesota's main economic industries: agriculture, tourism and forestry.

Soil

Soil is also a valuable resource in Minnesota. About one-half of Minnesota is covered by soils capable of supporting agricultural uses. Our fertile topsoil and favorable climate make Minnesota one of the outstanding crop producing regions in the United States and in the world. Soil not only functions as a medium in which to grow plants, it regulates the flow of water in the environment and it decomposes organic wastes. Conserving soil and enhancing soil quality is fundamental to wise natural resource management.

Disturbing the natural cover of the land makes it susceptible to soil erosion. The forces of wind and water erode approximately 168 million tons of Minnesota soil annually - only Texas loses more soil from cropland erosion (USDA-NRI, 1992). In urban areas, erosion generated at construction sites is estimated to be as high as 1,100 tons per acre per year (MPCA-Protecting Water Quality in Urban Areas, 10/89).

Economic and Land Uses Dependent on Water and Soil Resources

Water, soil and forest resources are the foundation for Minnesota's main economic industries. The history of Minnesota's development is deeply rooted in ***Agriculture***. It remains a dominant land use. Nearly 43 percent of Minnesota's surface area is in cropland or pastureland (Natural Resource Inventory, 1992 NRCS-USDA). Every region of the state has land devoted to raising crops and livestock, including approximately one half of the seven county metropolitan (metro) area. In 1993, the state ranked seventh in the nation for total cash receipts from crops, livestock and livestock products, with about $7 billion generated annually from 1991-93 (Minnesota Agricultural Statistics 1996, MDA). In 1996, 162,000 jobs in Minnesota were directly related to farming and food production, and 257,000 more were indirectly related to agriculture (MDA, Commissioner's Office, 1997).

The ***Travel and Tourism Industry*** is also a significant contributor to Minnesota's economy. The industry generates approximately 133,000 jobs, 2.8 billion in wages and salaries and $6.9 billion in gross receipts (Minnesota Office of Tourism, April 1996.) Water-related activities are major contributors to the tourism industry, with purchases generating $1.9 billion for businesses and generating about $128 million for the state from fees and taxes (Minnesota Office of Tourism, Todd, 1989). With a significant portion of the

Soils, water quality, wetlands and forest resources are all affected by urban growth. Sustaining these resources must be encouraged by comprehensive urban watershed planning and management efforts.

state's economy dependent on water-related outdoor recreation, the need to protect and improve water quality becomes even more obvious.

For well over a century, the ***Forest Industry*** in the state has continued to thrive. According to Minnesota's Forest Resource Plan, the forest products industry directly provides 58,960 jobs in the state. In addition to those jobs, indirect influences generate about 111,000 jobs, $2.8 billion in employee compensation and $10.1 billion in total industry output (Minnesota Department of Natural Resources, Division of Forestry, 1995). ***Agroforestry*** is an important component of the forest industry. Agroforestry means putting trees and shrubs to work in both rural areas and communities. Working trees are trees planted for specific purposes, usually conservation-related. The tree plantings can be designed to serve as a windbreak, a living snow fence, a buffer strip to protect water resources, a high value crop (e.g., nuts, pulp), fuel wood plantations or wildlife habitats.

While ***Urban Growth*** is not an economic industry per se, the geographic area of the cities of Saint Paul and Minneapolis, along with numerous suburbs of these cities, cannot be overlooked as the economic nucleus of the state. The seven county metro region encompasses only five percent of the land in the state, yet it is home to more than one-half of the state's four million residents. About 65 percent of the property value in the state of Minnesota is found within the metro area. Building permits may be seen as indicators of economic growth. In 1990 and 1991, almost 60 percent of all permit applications involved building in the metro area. Soils, water quality, wetlands and forest resources are all affected by urban growth. Sustaining these resources must be encouraged by comprehensive urban watershed planning and management efforts.

Trends affecting water & soil management:

- **Governance close to the citizens.**
- **Managing resources at the watershed level.**
- **Redefining rural Minnesota.**

... the country and the city are becoming increasingly intertwined, physically and socially.

Many local citizens are becoming involved in issues pertaining to the environment.

The Trends Shaping the Future

The Board believes the following trends must be considered when making decisions as to how water and soil resources should be managed in the state.

As a society, we continue to move toward ***governance close to the citizens***. The Board sees three primary catalysts for placing more authority and responsibility with local units of government:

- **an increase in local government budgets and staff relative to state and federal budgets and staff;**
- **the mingling of country and city; and**
- **the involvement of citizens in different ways than in the past.**

As state and federal budget and staff outlays slow their rate of increase, the responsibilities with which they have been charged are being passed to local government - often without adequate funding. To ensure that responsibilities are successfully met, administrative dollars must be passed from the federal government to the states, which can then pass them to the local units of government best equipped to solve the problems. States have the important role of transferring the dollars, programs and policies to local units of government and ensuring that those units carry out the responsibilities imparted to them.

Governance at the local level is also being propelled as the country and the city are becoming increasingly intertwined, physically and socially. Increasing numbers of people are moving to the country. Open spaces, blufflands and woodlands are being developed to home sites. Consequently, rural homeowners, like their urban counterparts, have more interaction with their neighbors. Disputes may arise, particularly regarding land use issues. Local government is called upon first to resolve any such conflicts. Citizens may look to environmental standards and regulations as possible solutions to land use disputes.

Many local citizens are becoming involved in issues pertaining to the environment. They see a healthy environment as economically and socially beneficial. Per capita income has been steadily rising in Minnesota, as has the number of environmentally-educated citizens. There appears to be a link between these circumstances and the increased involvement of citizens in environmental issues. Some people look to local governmental units as the appropriate body to address environmental problems while others have a mistrust of local government and favor state or federal intervention.

Watershed level management precipitates integration and collaboration of efforts and encourages agencies, local units of government and community members to work together to craft solutions to natural resource management problems.

. . . the majority of rural residents are no longer involved in or affiliated with agriculture - a major departure from the early and middle part of the 20th century.

The Board will continue its commitment to provide timely leadership to adapt new technologies to water and soil management efforts.

Managing resources at the watershed level is becoming increasingly recognized as a wise management scale. The most efficient use of human and financial resources is to treat problems in the context of an integrated resource management approach. Cumulative impacts on water and soil resources require that we approach problems from a resource, rather than a political, perspective. Watershed level management precipitates ***integration and collaboration of efforts*** and encourages agencies, local units of government and community members to work together to craft solutions to natural resource management problems. As competition for financial and technical resources increases, the advantage will go to the projects that have a high level of collaboration among a diverse group of partners.

Redefining Rural Minnesota. Rural Minnesota is changing. Recent surveys by the USDA indicate that the **majority** of rural residents are no longer involved in or affiliated with agriculture - a major departure from the early and middle part of the 20th century. Those who are involved in agriculture often no longer fit the traditional view of "farmer." In agricultural operations, as in other industries, there is a trend toward specialization and increased size. Many landowners are retired, live or work away from the farm and much of the cropland is rented to others. Of those actively farming, the median age is 58 years - this means that in the next 10-20 years nearly half of all American farmland will most likely change ownership. Fewer people manage larger tracts of land. These acres will continue to account for the bulk of agricultural production and income. Conversely, small tract ownership in agriculture and forested landscapes is also rapidly increasing. The owners of small parcels have conservation needs on their lands that often require different solutions or approaches than those of larger scale producers.

Finally, ***technology*** has, and will continue to change how we do business. The Board will continue its commitment to provide timely leadership to adapt new technologies pertaining to water and soil management efforts. Competition for funds to update hardware and software, and to secure the expertise to effectively use them, will intensify. The Board has a responsibility to inform, share and, in some cases, furnish the latest advances in effective electronic communications with local units of government, as well as with cooperating state and federal agencies. Use of tools such as the Internet and technical software can maximize efficiency and accuracy of conservation application and program administration. BWSR and local government decision-makers need access to these technologies to assist in making soil and water management decisions that will support changing societal needs and protect the environment.

The Board will continue to use comprehensive local water planning as the primary means to plan for and implement water and soil resource protection strategies.

The Board will encourage and assist local governments to use a watershed-based resource management approach.

The Board will strive to allocate financial, technical and administrative support to achieve the best return on the investments of all involved.

Strategies

1. Encourage local resource planning and protection efforts. The Board will accomplish this strategy by continuing to use **comprehensive local water planning** as the primary mean to plan for and implement water and soil resource protection strategies. The local water planning process is an effective way to define the roles and responsibilities of each of the local resource partners in a county or watershed management organization, and for establishing measures of success. This process also enables state and federal agencies to align their programs, authorities, and technical and financial assistance with local government resource priorities, and increase the efficiency of individual efforts.

The Board will continue to assist local units of government to plan and implement their responsibilities using a **watershed-based management** approach. The Board recognizes that implementing watershed protection requires that local units of government take action. Such commitment to action is a political decision by a political body. The Board believes the key to comprehensive watershed resource management is to bring political units together so that problems are not addressed as isolated cases but as part of an integrated and collaborative effort. The result should be a more effective and efficient use of valuable human and financial resources.

2. Support local resource management activities. The Board will accomplish this strategy by providing a forum to foster working relationships among state, regional and local units of government, and to maximize local government effectiveness in attaining mutual land and water management goals. The Board will share information and facilitate discussions with and among local governments to help them build on their successes, initiate new cooperative ventures and explore alternative organizational options. The Board will provide information and educational support to local government's outreach efforts.

As resource management trends and needs evolve, so must state programs. The Board will work with local units of government to maintain and **enhance the efficiency and effectiveness** of the resource management programs it administers. The Board will involve local units of government and other partners in periodically updating program rules and procedures, including reporting requirements, in order to foster efficient local implementation while maintaining accountability and the ability to measure success. The Board will also periodically assess, in cooperation with the local units of governement served, their ability to administer programs to

Technical capability in the areas of soil conservation, engineering, wetlands, groundwater, information management, communication, planning and administration are crucial to the mission of the Board.

effectively address current high priority resource management needs. The Board will strive to allocate financial, technical and administrative support to achieve the best return on the investments of all involved. Innovation, streamlining, flexibility, teamwork, customer service and results will be characteristics promoted within and through the programs administered by the Board.

3. Develop and maintain the capability to deliver competent service to local units of government.

Technical capability in the areas of soil conservation, engineering, wetlands, groundwater, information management, communication, planning and administration are crucial to the mission of the Board. This strategy will be accomplished by developing and maintaining the capability of staff and Board members to provide competent technical and leadership assistance to local units of government for water and soil resource management. The Board will maintain an organization that attracts, develops and maintains highly qualified members, including both generalists and specialists who, together, will effectively carry out the Board's mission.

The Board recognizes the critical relationships between soil conservation, soil quality and water quality and water quantity. The Board will support ongoing efforts and seek opportunities to develop and carry out new initiatives that give local units of government tools to address these issues.

Addendum

Board Responsibilities

The Board of water and soil resources' (Board) responsibilities can be found throughout Minnesota Statutes, Chapter 103, which pertains to water. Listed below are the references to policies or procedures that are germane to the Board. Normal type indicates the text has been transcribed as it appears in the statute. Italic text indicates the statute has been paraphrased to highlight the subjects found within the statutory reference.

General Policies

103A.204 Groundwater policy
Outlines the various state agencies' responsibilities in terms of groundwater protection. The Board of water and soil resources has the responsibility to report on groundwater education and outreach with local government officials, local water planning and management, and local cost share programs.

103A.206 Soil and Water Conservation Policy
Improper land use practices have caused serious wind and water erosion of the land of this state, the runoff of polluting materials, increased costs to maintain agricultural productivity, increased energy costs and increased flood damage. Land occupiers have the responsibility to implement practices to correct these conditions and conserve the soil and water resources of the state. It is the policy of the state to encourage land occupiers to conserve soil and water resources through the implementation of practices that effectively reduce or prevent erosion, sedimentation, siltation and agriculturally related pollution in order to preserve natural resources, ensure continued soil productivity, control floods, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, preserve wildlife, protect the tax base, and protect public lands.

103a.209 Marginal, Erodible Land Retirement Policy
It is state policy to encourage the retirement of marginal, highly erodible land, particularly land adjacent to public waters and drainage systems, from crop production and to reestablish a cover of perennial vegetation.

103A.211 Water law policy
The water law of this state is contained in many statutes that must be considered as a whole to systematically administer water policy for the public welfare. . .

103A.301 to 103A.341 Determination of Water law and Policy
Gives authority for the Board to intervene in a proceeding (a procedure under any of the laws listed in 103A.305, jurisdiction) if a petition is filed with the Board for referral of a question of water policy involved in the proceeding and lays out the procedure the Board follows to make a policy determination.

General Board Responsibilities

103B.101 Board of Water and Soil Resources. *Establishes the Board and defines the following duties:*

1) *coordinate the water and soil resources planning activities of counties, soil and water conservation districts, watershed districts, watershed management organizations, and any other local units of government through its various authorities for approval of local plans, administration of state grants, and by other means as may be appropriate;*

2) *facilitate communication and coordination among state agencies in cooperation with the environmental quality Board, and between state and local units of government, in order to make the expertise and resources of state agencies involved in soil and water resources management available to the local units of government to the greatest extent possible;*

3) *coordinate state and local interests with respect to the study in southwestern Minnesota under U.S. Code, title 16, section 1009;*

4) *develop information and education programs designed to increase awareness of water and soil resource problems and awareness of opportunities for local government involvement in preventing or solving them;*

5) *provide a forum for the discussion of local issues and opportunities relating to water and soil resources management;*

6) *adopt an annual budget and work program that integrate the various functions and responsibilities assigned to it by law; and*

7) *report to the governor and the legislature by October 15 of each even-numbered year with an assessment of Board programs and recommendations for any program changes and Board membership changes necessary to improve state and local efforts in water and soil resources management.*

In addition to these duties the Board must establish a dispute resolution committee to hear and resolve disputes, appeals and interventions pertaining to water law and policy.

Local Water Planning

103B.201 to 103B.251 **Metropolitan Surface Water Management**
These sections outline the purpose of water management planning in the metropolitan area and provide direction regarding watershed management organizations and watershed plans. It gives joint powers watershed management organizations the authority to prepare, adopt and implement a plan for the watershed; to review and approve local water management plans; to, under certain conditions, regulate land use; and other authorities pertaining to budgets, assessments and contracts. It requires that the Board adopt rules prescribing minimum requirements for the content of watersheds management organization joint powers agreements. A watershed management plan must be prepared for all watersheds wholly or partially within the metropolitan area. The plan must be reviewed by the Board and other state agencies. The Board has the authority to disapprove all or parts of a plan. The watershed management organization is responsible for preparing and implementing the plan. If the watershed management organization is terminated or the Board determines they are not implementing the plan, counties or cities can petition to establish a watershed district under chapter 103D. Persons believing there has been a failure to comply with a plan may request the Board review the plan and its implementation and act according to a procedure established to resolve disputes and making an implementation compliance determination. The Board is directed to adopt rules establishing the requirements for annual financial reports to the Board, standards for annual financial audits and requirements for the content of activity reports.

103B.252 **Groundwater Management**
This section outlines the authority and procedures for counties to prepare and adopt groundwater plans including advisory committees, general standards, contents, review, approval, adoption and implementation, amendments and property tax levies.

103B.301 to 103B.335 ***Comprehensive Local Water Planning and Management***
These sections encourage counties outside of the metropolitan area to prepare, adopt and implement a comprehensive water plan. The process must be completed in coordination with local government units and contiguous counties. The Board must review the draft plan and all written comments received regarding the plan in consultation with other state agencies involved in resource management. The Board may disapprove a comprehensive water plan if they determine it is not consistent with state law. The Board shall:

1) *develop guidelines for the contents of the comprehensive plan that provide a flexible approach to meeting the resource needs.;*
2) *coordinate the planning assistance provided by state agencies;*
3) *provide education & information about the planning process;*
4) *determine contested cases;*
5) *establish a review process;*
6) *report to the legislature;*
7) *make grants to counties for comprehensive local water planning, implementation of priority actions and sealing of abandoned wells.*

103B.3369 **Local Water Resources Protection and Management Program**
This section authorizes the Board to provide financial assistance to counties for activities that protect or manage water and related land quality. Outlines how counties request funds, the contracts between the state and the county and what the grants may be used for. It directs the Board to adopt rules and gives guidance regarding what requests the Board will give priority to.

103B.345 Resolution of Disputes
Provides that counties or other local units of government can request the Board to informally, or through a hearing, resolve a dispute pertaining to: 1) the interpretation and implementation of a local comprehensive water plan; 2) two or more counties disagreeing about the apportionment of the costs of a project; or 3) a county and another local unit of government disagree about a change in a local water and related land resources plan or official control.

Soil and Water Conservation Districts

103C.401 Duties of the State Board. *The state Board shall:*
1) Offer to assist the district Boards to implement their programs . . .
2) Keep the district Boards informed of the activities and experience of other districts and facilitate cooperation and an interchange of advice and experience.
3) Coordinate the programs and activities of the districts with appropriate agencies by advice and consultation.
4) Approve or disapprove the plans or programs of districts relating to the use of state funds administered by the state Board.
5) Secure the cooperation and assistance of agencies in the work of the districts. . .
6) compliance with statewide programs and policies established by the state Board by advice, consultation and approval of grant agreements with the districts.
7) Provide operating funds to districts as provided by the legislature.

Watershed Districts

103D.101 Board of Water and Soil Resources. *This section authorizes the Board to:*
1) *Establish a watershed district b) define its boundaries c) appoint the first Board of managers.*
2) *The Board has the right to hold hearings, subpoena witnesses, examine and cross examine witnesses.*
3) *The Board must keep and maintain a record of all proceedings.*

Throughout this chapter are procedures to establish the watershed district, to change watershed district boundaries, to consolidate or terminate watershed districts and to appoint managers.

Protection of Water Resources

103C.501 Cost-Sharing Contracts
This section authorizes the state Board to allocate funds to districts to share the cost of conservation practices and says how districts request funds, how the state approves requests and allocates funds and the terms of the contract between the district and the landowner requesting funds. Also requires the state Board to adopt administrative rules.

103F.171 Southern Minnesota Rivers Basin Area II *(Study Area II)*
This section describes a pilot program to provide technical and financial assistance to local units of government for floodwater retarding and retention, and assigns associated administrative responsibilities.

103F.401 Soil Erosion
to 103F.460 *These sections give local units of government (that have planning and zoning authority) the authority to adopt a soil loss ordinance. It says the Board will adopt a model ordinance and rules to guide local governments to implement soil loss controls, and the Board shall review the model ordinance and rules, in cooperation with local government, every five years.*

103F.461 Groundwater Education
This section states that the Board shall biennially review groundwater education activities with local units of government and develop recommendations for improvement and submit a report containing such information to the environmental quality Board for review. The report must be coordinated with the Minnesota environmental education advisor Board and the pollution control agency. The Board is given the authority to give grants for innovative groundwater education strategies.

103F.501 to 103F.515 **Reinvest in Minnesota Resources Act**
These sections authorize the Board to enter into conservation easements with private landowners to keep marginal agricultural land out of crop production to protect soil and water quality and support fish and wildlife habitats. It encourages the retirement of land adjacent to public waters, drainage systems, wetlands, and locally designated priority waters, from crop production. The act explains 1) eligible land; 2) conservation easements and the nature of the property rights acquired; 3) agreements by a landowner; 4) payments for easement and cover; 5) easement renewal; 6) correction of boundaries; and 7) enforcement.

103F.515 to 103F.521 **Permanent Wetlands Preserve Act**
These sections authorize the Board to enter into conservation easements with private landowners on lands containing type 1,2,3, or 6 wetlands. The act explains 1) easements; 2) the nature of the property rights acquires; 3) payments; 4) cooperation; and 5) technical assistance.

Protection of Wetlands

103B.3355 **Wetland Functions for determining public values**
This section outlines how to determine the public values of a wetland based on functions of wetlands for water quality, floodwater and stormwater retention, public recreation, commercial uses, habitats, low-flow augmentation and other public uses. The Board is given the authority to adopt rules citing what methods and criteria will be used to make such determinations.

103F.901 to 103F.905 **Wetlands Establishment and Restoration Program**
These sections allow a landowner to apply to restore a wetland on their property provided it is within a Board-designated high priority wetland region and identified as a high priority wetland area in the local comprehensive water plan. It outlines the procedures in which the application is reviewed and approved, and outlines the cost-share assistance available.

103G.222 to 103G.2241 **Replacement of Wetlands**
These sections legislate that wetlands cannot be drained or filled without restoring or creating wetland areas of at least equal public value in accordance with a local comprehensive wetland protection and management plan approved by the Board. The Board must maintain a public list of restoration opportunities within the metropolitan area. Disputes about restoration opportunities for wetland replacement may be appealed to the Board's committee for dispute resolution. For new transportation projects wetland credits may be purchased from the wetland bank (103G.2242). The Board receives reports of wetland impacts on existing public transportation projects and must replace the lost wetland areas.

103G.2242 **Wetland value replacement plans**
This section directs the Board to adopt rules governing the approval of wetland value replacement plans and addressing criteria, procedure, timing and location of acceptable replacement wetland values. In addition, the rules may address the establishment and administration of a wetland banking program. Evaluation of replacement plans is done by a technical evaluation panel that includes an employee of the Board. Appeals of replacement plans, exemptions or no-loss decisions may be made to the Board. The Board must decide whether to grant the petition and hear the appeal. All appeals are heard by the committee for dispute resolution of the Board. A wetland heritage advisory committee, established by the governor, will advise the Board on the development of rules and implementation of the program.

103G.2243 **Local comprehensive wetland protection and management plans**
This section provides an alternative to replacement plans as required in 103G.2242 and public value criteria in 103B.3355. Local governments can develop and seek Board approval of a local comprehensive wetland protection and management plan follows the general requirements and plan contents identified in this section.

103G.237 **Compensation for loss of private use**
This section authorizes the Board to compensate landowners for the loss of private use provided they meet eligibility requirements and apply for compensation.

103G.2373 **Annual wetlands report**
This section requires the Board and the commissioner of the department of natural resources jointly prepare a report to the legislature regarding the status of implementing state laws and programs relating to wetlands, the quantity, quality, acreage, types and public value of wetlands in the state and the changes in those figures from the previous reporting year.

Minnesota Board of Water & Soil Resources

DATE: December 13, 2006

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

FROM: Ronald D. Harnack, Executive Director

SUBJECT: December 20th Board Meeting – Second Mailing

The following agenda items have additional material for your review.

- WCA Assessment Final Report – This report is the culmination of approximately 10 months of work and includes numerous findings and conclusions that will address areas of evaluation as directed by Governor Pawlenty, these are: 1) Wetland Reporting and Accounting; 2) Exemptions; 3) Wetland Replacement, and 4) Wetland Administration.

  Attached are two documents: 1) A draft Board Resolution to accept the WCA Assessment Report and submit it to the Clean Water Cabinet and Governor; and 2) The Draft final report of the WCA Assessment. *DECISION ITEM*

- Drainage Work Group Consolidated Draft Recommendations – *DECISION ITEM*

- Marshall County Water Management Plan Update – attached is the Executive Summary of the Plan for your information. *DECISION ITEM*

- Nicollet County Request for Extension of the Comprehensive Water Management Plan – attached is the Order for your information. *DECISION ITEM*

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Resolution # _____

Wetland Conservation Act Assessment

Accept report and submit to the Clean Water Cabinet and Governor's Office

WHEREAS, BWSR is a member agency of the Clean Water Cabinet that also includes the commissioners of the Pollution Control Agency, Departments of Agriculture, Health, and Natural Resources, and the Chair of the Metropolitan Council and the Governor's Office; and

WHEREAS, Governor Pawlenty directed the Clean Water Cabinet to conduct an assessment on and to report how the State can more closely align with the principle of a no net loss in wetlands through the regulatory mechanisms of the Wetland Conservation Act (WCA); and

WHEREAS, BWSR through its Wetland Committee, in coordination with the Clean Water Cabinet, led the Assessment, with primary input from the WCA Assessment Stakeholder Advisory Committee; and

WHEREAS, the WCA Assessment evaluated numerous issues and includes findings and conclusions in the areas of: (1) wetland reporting and accounting; (2) exemptions; (3) wetland replacement; and (4) wetland administration; and

WHEREAS, the Wetland Committee met on November 29, 2006 and December 11, 2006 and recommends the Board approve submitting the WCA Assessment Report, and its findings and conclusions, to the Clean Water Cabinet and Governor's Office for their consideration.

NOW THEREFORE BE IT RESOLVED, that the BWSR accept the WCA Assessment Report and respectively submits it to the Clean Water Cabinet and Governor's Office for their further consideration.

_____ _____

Randy Kramer, Chair Date

Draft – December 13, 2006

Wetland Conservation Act Assessment

Board of Water and Soil Resources
December 20, 2006

Minnesota Board of Water & Soil Resources

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I. Executive Summary

The Wetland Conservation Act (WCA) was enacted in 1991 to stem the losses of wetland in Minnesota. This statute has been the focus of Legislative debate numerous times with the statute amended in 1993, 1996, 1998, 2000, 2001, 2002, 2003, and 2004. In addition the original rule was adopted in 1993 and amended in 1998, 2000, and 2002.

Minnesota as a state currently has more than 10 millions of acres of wetlands, or approximately 50% of the amount at the time of European settlement. However, the economic and population growth and the unequal distribution of wetlands all place challenges on maintaining effective programs to protect the state's remaining wetlands.

Current wetland management issues focus on water quality, waterfowl habitat, and flood damage reduction. The passage of the Clean Water Legacy funding in 2006 will increase attention on impaired waters, total maximum daily load (TMDL) studies and the impact that retaining and restoring wetlands can have on maintaining and improving the quality of water in Minnesota's lakes, rivers and streams.

Similarly, wetlands are an essential part of waterfowl and other wildlife habitat. The historic reductions in wetlands since European settlement has generated concerns among waterfowl hunters, conservation groups, and the DNR over the future of duck hunting in this state.

These concerns were being debated when the Board of Water and Soil Resources (BWSR) released the 2001-2003 Minnesota Wetland Report. This report documented significant achievements in wetland protection and mitigation under the WCA, with more than 10,000 acres of potential wetland impacts were avoided or minimized. In addition, required replacement exceeded regulated impacts by nearly 500 acres over this period.

However, the report also identified that when acres of exempt wetland impacts are factored in that WCA results in a net loss that annually averages approximately 450 acres from 2001-2003. Furthermore, data reported to BWSR from 1995 to 2005 provide similar data, in that the net regulatory wetland gain since 1995 is 1,601 acres, the annual net wetland loss averaged 529 acres, and more than 38,000 acres of potential wetland impacts were prevented.

Governor Pawlenty referenced the net wetland loss reported in the 2001-2003 Minnesota Wetland Report in a letter to the Clean Water Cabinet (CWC) dated September 7, 2005. In this letter the Governor stated that "I believe we should consider doing more to limit the loss of wetlands through the regulatory mechanisms of the state's Wetland Conservation Act" and "that the CWC report to me on the following issues so that we may more closely align with the principle of "no net loss"":

1. Improvements to the accounting and reporting system for wetlands.
2. Alternatives to the existing WCA exemptions.
3. Alternatives to the existing replacement ratios.
4. Improvements to voluntary efforts that build on the success of the past but require a minimum of additional resources.

5. Other recommendations you deem appropriate.

BWSR, through its Board and Wetland Committee led this effort that began in February 2006. The process involved numerous meetings of a large Stakeholder Advisory Committee that culminated with a WCA Assessment Roundtable held in St. Cloud on November 14-15, 2006.

The findings and conclusions shown below have been developed in response to the directive issued by Governor Pawlenty and with considerable time and commitment by the BWSR Board, Wetland Committee, Stakeholders and BWSR staff. The findings and conclusions are grouped in three categories:

- Wetland Reporting and Accounting
- Exemptions;
- Wetland Replacement; and
- Wetland Administration.

The findings and conclusions have been developed with primary consideration of their impact on no net loss, administrative costs, landowners, and regulatory simplification.

The findings and conclusions shown below are respectively submitted for the Governor's consideration.

Wetland Reporting and Accounting

A. WCA LGU Reporting (page 17)

Improve the accuracy, consistency and completeness of WCA data.

> *Outcomes: Increased cost to LGU's and BWSR, improved data to measure WCA effectiveness and efficiency*

Exemptions

A. Agricultural Activities – Swampbuster (page 21)

Amend the exemption to only exempt normal farming practices, not draining or filling.

> *Outcomes: Reduced exempt wetland impacts, potential for increased administrative costs, regulatory simplification.*

B. Drainage (page 22)

Repeal subpart E of the WCA rule (Minn. Rule 8420.0122, Subp. 2E - projects approved between 1986 and 1991)

Outcome: Reduced administrative costs, regulatory simplification.

C. Federal Approvals – Clean Water Act, Section 404 (page 23)

Amend the exemption to:

(1) Delete Part A (Minn. Rule 8420.0122, Subp. 3A - activities exempt under Section 404 are also exempt under WCA);
(2) Add a provision that would authorize the Board to waive WCA jurisdiction to the Corps of Engineers for special or multi-jurisdictional projects (i.e. linear projects such as pipelines);

Also BWSR should continue to administratively pursue opportunities for the Corps of Engineers to defer direct regulation, to WCA, via interagency agreements and Corps regulatory tools.

Outcome: Reduced administrative costs, regulatory simplification.

D. Wetland Restoration/Incidental Wetlands (page 24)

No changes are proposed.

Outcome: None.

E. Utilities/Public Works (page 24)

Add a definition of public works and replace the existing exemption with a consolidated and simplified exemption.

Outcome: Reduced administrative costs, regulatory simplification.

F. Forestry (page 25)

Amend the current guidance (possibly put in rule) to require full replacement if the primary use of a forest road changes by land development (i.e. subdivision or plat) or as otherwise determined by the county.

Outcome: Increased wetland replacement for previously exempt impacts, prevent misuse of exemption, increased administrative costs.

G. Approved Development (page 26)

Repeal.

Outcome: Reduced administrative costs, regulatory simplification.

H. De Minimus (page 26)

Amend the exemption as follows:

a. "0" square feet of all wetland types in the shoreland building setback zone;
b. 400 square feet of all wetland types from the shoreland building setback zone to the limit of the Shoreland Wetland Protection Zone and wetland types 3, 4, and 5 everywhere;
c. 10,000 square feet of wetland types 1, 2, 6, or 7 in counties with more then 80% of their presettlement wetlands remaining;
d. 2,500 square feet of wetland types 1, 2, 6, or 7 in counties with between 50% and 80% of their presettlement wetlands remaining; and
e. 1,000 square feet of wetland types 1, 2, 6, or 7 in counties with less than 50% of their presettlement wetlands remaining.

Outcomes: Protection of near shore wetlands, reduced exempt wetland impacts (estimated increase in replacement wetland of 17-23 acres annually), increased administrative cost to process replacement plans (local government cost increase of approximately $500,000 annually).

I. Wildlife Habitat (page 27)

Add the condition: "This project is for the primary purpose of improving wildlife habitat."

Outcomes: Reduced exempt wetland impacts.

Wetland Replacement

A. Definition of in-kind, in-place, and in advance (page 29)

Adopt definitions of in-kind, in place, and in advance, as follows:

In-kind means: the replacement site is the same type as the affected wetland using the 12 "Wetland Plant Community Types" as established by S. Eggers and D. Reed.

In-place means: the impact site and replacement site are: (1) for project specific replacement within the same major (81) watershed or (2) for banking within the same (9) Bank Service Area. This definition will be incorporated within the existing priority order for the location of replacement wetlands and provide additional flexibility for impacts in greater than 80% areas to be replaced via banking (Minn. Rule 8420.0543), as shown below:

WCA provides for the siting of wetland replacement in the following order:

(1) on site or in the same minor watershed as the affected wetland:
(2) (a) for project specific replacement, in the same watershed as the affected wetland, or (b) for replacement by banking, in the same bank service area as the impacted wetland;
~~(3) in the same county as the affected wetland;~~
~~(4)~~ (3) (a) for project specific replacement, in an adjacent watershed ~~or county~~ to the affected wetland or (b) for replacement by banking, in an adjacent bank service area; ~~and~~
(4) statewide for : (a) wetlands affected in greater than 80 percent areas; and (b) public transportation projects, except that wetlands affected in less than 50 percent areas must be replaced in less than 50 percent areas, and wetlands affected in the seven-county metropolitan area must be replaced in the affected county or, if no restoration opportunities exist in the county, in another seven-county metropolitan area county; and
(5) greater than 80 percent areas may (a) replace by banking after evaluating on-site replacement and (b) replace in adjacent bank service areas without an increase in the replacement ratio if bank credits are not reasonably available in the same bank service area as the affected wetland as determined by the LGU.

In advance means: (1) use of approved bank credits; or (2) compensation sites that have established wetland hydrology and vegetation for a full growing season (April-October) prior to impact.

Outcomes: Reduced administrative costs, increased wetland replacement, regulatory simplification.

B. Develop consistent wetland replacement ratios with the U.S. Army Corps of Engineers (page 33)

Adopt revised WCA replacement ratios. The proposed ratios are as follows:

Greater than 80% area – in place
1:1 in kind and in advance
1.25:1 (1) in kind and *not* in advance; (2) *not* in kind and in advance
1.5:1 *not* in kind and *not* in advance
Greater than 80% area – *not* in place
1.25:1 in kind and in advance
1.5:1 (1) in kind and *not* in advance; (2) *not* in kind and in advance; (3) *not* in kind and *not* in advance
Less than 80% area – in place
2:1 in kind and in advance
2.5:1 (1) in kind and *not* in advance; (2) *not* in kind and in advance (3) *not* in kind and *not* in advance
Less than 80% area – *not* in place
2.5:1 (1) in kind and in advance; (2) in kind and *not* in advance; (3) *not* in kind and in advance; (4) *not* in kind and *not* in advance

Outcomes: Reduced administrative costs, increased wetland replacement, regulatory simplification.

C. Develop consistent wetland credit options and a single wetland credit denomination, coordinated with the U.S. Army Corps of Engineers (page 35)

Amend the wetland replacement credit options to:

- establish consistency between the WCA and Corps;
- simplify the current WCA credit system by establishing a single replacement credit unit;
- create incentives to develop quality functions and values to replace those impacted by regulated activities;
- credit for stormwater ponds should consider state and local stormwater management requirements as well as wetland functionality, as determined by the technical evaluation panel (TEP);
- the Pollution Control Agency (PCA) should be invited to participate on the TEP when replacement credit for stormwater ponds is being considered; and
- explore creating incentives for additional wetland enhancement for required stormwater management.

Outcomes: Reduced administrative costs and increased wetland replacement, regulatory simplification.

D. Incorporate performance standards within wetland replacement standards (page 38)

Amend the Rule to require the same performance standards for all replacement wetlands.

Outcome: Increased administrative costs, increased quality of replacement wetlands.

E. Provide additional replacement credit for restoring rare plant communities through the Exceptional Natural Resources Value (ENRV) guidance. (page 39)

Amend the Exceptional Natural Resource Value guidance to provide additional credit and incentives for restoring rare native plant communities. The guidance currently allows up to 100% credit for restoration of a rare native plant community, and lesser credit for other actions included in the guidance.

Outcome: Increased replacement of rare wetland types.

Wetland Administration

A. Exemption Reporting and Data (page 40)

Conduct a study of existing exemption data reporting and work with LGU's to develop a system/methodology to easily report exemption use in the future.

Outcome: Improved data on exemptions, improved reporting of WCA data by LGU's to BWSR, the one time cost to BWSR would be approximately $100,000.

B. Scope of Exemption Standards (page 41)

No change

Outcome: None.

C. Local Appeal Timeframe (page 42)

Amend WCA to allow 30 days for the LGU to consider a local appeal, from the date the appeal is filed with the LGU.

Outcome: Improved process, fewer default approvals under Minn. Stat. 15.99

D. Appeals of Restoration Orders (page 43)

Amend the WCA statute to authorize BWSR to establish a fee structure/schedule for appeals.

Outcome: Increased cost to appellants, increased funding to BWSR, reduced appeals of restoration orders

E. Examine the Number and Size of WCA LGU's (page 44)

Outline WCA LGU roles, responsibilities and funding in the next water management plan update (county or watershed management organization).

Outcome: Increased cost to LGU's and BWSR, more efficient implementation

F. WCA Guidance (page 46)

Place existing guidance into rule, when the guidance meets the rule definition of "general applicability and future effect".

Outcome: Increased cost to BWSR, rule is more enforceable than guidance

SUMMARY OF WCA ASSESSMENT FINDINGS AND CONCLUSIONS OUTCOMES

Issue	No Net Loss	Administrative Cost		Impact on Landowners	Regulatory Simplification	Other
		LGU	BWSR			
Exemptions						
A. Agricultural Activities	+	-	0	+	+	
B. Drainage	0	0	0	0	+	
C. Federal Approvals	0	+	0	0	+	
E. Utilities/Public Works	0	0	0	0	+	
F. Drainage	0	0	0	0	+	
G. Forestry	+	-	0	-	-	
H. De minimus	+	-	0	-	-	Protect shore wetlands
I. Wildlife Habitat	0	0	0	0	0	
Wetland Replacement						
A. Definitions: in-kind, in place, in advance	+	+	0	+	+	
B. Replacement Ratios	+	+	0	-	+	
C. Wetland Credit Options	0	+	+	+	+	
D. Performance Standards	0	-	-	-	0	Increase quality
E. Credit for Rare Plant Communities (ENRV)	+	-	-	0	0	Rare wetland replacement
Wetland Administration						
A. Exemption Data	0	-	-	0	0	
B. Local Appeal Timeframe	+	0	0	0	0	
C. Appeals of Restoration Orders	0	+	+	-	0	
D. Outline WCA LGU Roles	0	-	-	0	+	
E. WCA Guidance	0	0	-	0	0	

Changes to current practices impact the wetland resource, labor costs, staff time, application time, convenience, efficiency, overall cost and a host of similar intangibles. We have utilized positive (+), negative (-), and neutral (o) symbols to indicate what we believe will be the impact to these program components.

II. Introduction

A. 2001-2003 Minnesota Wetland Report

Periodically, the Board of Water and Soil Resources (BWSR) produces the Minnesota Wetland Report to provide data on the status of implementation of state laws and programs relating to wetlands. These reports include information on the quantity, quality, acreage, type, and public value of wetlands in the state.

The 2001 –2003 Minnesota Wetland Report was approved by the BWSR Board at its August 2005 meeting and it:

- Includes data from multiple state and federal wetland programs, including those of: BWSR, DNR, PCA, MnDOT, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, U.S.D.A. Natural Resources Conservation Service, and U.S.D.A. Farm Services Agency
- Does not make policy recommendations
- Can be used to identify trends in program accomplishments

Key data reported to BWSR from Wetland Conservation Act (WCA) local government units (LGU's) is shown in the table below.

Reported Wetlands Avoided, Mitigated and Impacted from WCA Regulation 1995-2005

Year	# of Landowner Contacts to LGU's	Avoided/ Minimized (in acres)	Impacted (in acres)	Replacement (in acres)	Exempt (in acres)	Impact + Exempt	Impact + Exempt – Replacement = Net Loss
1995	17,493	3,761	(237)	381	(1,069)	(1,306)	(925)
1996	16,353	4,308	(555)	528	(356)	(911)	(383)
1997	9,744	3,138	(197)	384	(1,022)	(1,219)	(835)
1998	4,839	1,130	(179)	327	(626)	(805)	(478)
1999	5,862	4,408	(322)	499	(1,306)	(1,628)	(1,129)
2000	10,747	5,938	(185)	394	(539)	(724)	(330)
2001	17,086	3,943	(272)	535	(610)	(882)	(347)
2002	18,507	3,051	(330)	347	(619)	(948)	(601)
2003	17,561	3,150	(383)	445	(479)	(862)	(417)
2004	15,455	2,766	(325)	584	(599)	(924)	(340)
2005	16,741	2,447	(295)	457	(198)	(493)	(36)
Totals	150,388	38,040	(3,280)	4,881	(7,422)	(9,297)	(5,821)

This table shows that WCA results in a net gain when evaluating regulated impacts and required replacement. However, including the effect of the exemptions turns the result from a net gain to a net loss. It was this data that that led Governor Pawlenty to direct the Clean Water Cabinet undertake the WCA Assessment.

However, the WCA data represents only a portion of the total wetland change occurring in Minnesota. Numerous state and federal agencies are engaged in regulatory and conservation oriented wetland protection and restoration activities. The table below shows the data from these state and federal programs for the period 2001-2003. The data shows that the activity under the conservation programs is considerably greater than that which occurs under regulatory programs. The data indicates that Minnesota is experiencing a gain in wetland acreage, when considering the total change as reported by these state and federal agencies.

Summary of Minnesota Wetland Activity 2001-2003

				Acres Gained			Acres Lost	
	Agency	Program	Component	Upland	Wetland	Total	Upland	Wetland	Total
Regulatory Programs	BWSR	WCA	Avoid/Minimize			10,145			10,145
			Exempt					1,708	1,708
			Impact					986	986
			Replacement	139	1,327	1,466			
			Road Replacement			681			468
			Banking	12	1,041	1,053		590 (1)	590 (1)
	DNR	Public Waters				1.4			0.7
		WCA	Impact						26
			Replacement			141			
	MnDOT	WCA/404	Impact						195
			Replacement			352			
	USACOE	CWA-Sec.404	Impact						2,137
			Replacement			2,322			
Conservation Programs	BWSR	RIM/CREP		29,295	20,661	49,956			
	DNR	WMA's			741				
	USFWS	Partners for Fish/Wildlife(2)		7,878	11,930	19,808			
		WPA's			3,000	16,773			
	USDA-FSA	CRP(2)				64,136			
	USDA-NRCS	WRP		11,136	7,958	19,094			
		RIM/WRP		1,516	1,467	2,983			

Notes:

(1) Withdrawals from the Wetland Bank

(2) Acres are in limited term contracts

However, the data on wetland gain or loss under WCA should not be considered in alone. WCA is implemented through the efforts of local governments. Currently, BWSR annually allocates $2,170,000 to counties and soil and water conservation districts, these funds are required to be matched on a 1:1 basis in either cash or in-kind services. A survey of selected WCA LGU's suggested that state funding should be increase by at least $750,000 to keep up with the increasing workload being generated by WCA. This estimate does not include the administrative costs of local governments that do not receive state funding.

B. September 7, 2005 Letter from Governor Pawlenty to the Clean Water Cabinet

In a letter to the Clean Water Cabinet (commissioners of the Pollution Control Agency, Department of Natural Resources, Department of Health, Department of Agriculture, and the executive director of the Board of Water and Soil Resources), Governor Pawlenty expressed the importance that Minnesotans place on protecting our valuable wetlands. He went on to state his belief that "we should consider doing more to limit the loss of wetlands through the regulatory mechanisms of the state's Wetland Conservation Act (WCA)."

Finally, he asked the Clean Water Cabinet to report to him on the following issues so that we may more closely align with the principle of "no net loss:"

1. Improvements to the accounting and reporting system for wetlands.
2. Alternatives to the existing WCA exemptions.
3. Alternatives to the existing replacement ratios.
4. Improvements to voluntary efforts that build on the success of the past but require a minimum of additional resources.
5. Other recommendations you deem appropriate.

C. Assessment Areas

The Assessment examined three main areas under the WCA, these are briefly discussed below.

1. Improve accounting and reporting

The Comprehensive Wetland Assessment, Monitoring and Mapping Strategy (CWAMMS) will provide an improved assessment of the status and trends of wetlands in Minnesota. This strategy will be partially implemented by June 2006. An interim accounting system is being developed to assess data collected by agencies to provide an improved picture of wetland gains and losses through current regulatory and nonregulatory programs. In addition, improvements will be developed to reporting and data acquisition efforts under state wetland programs.

2. Do more to limit the loss of wetlands

The current statutory and rule framework regarding the WCA exemptions and replacement ratios will be reviewed to identify opportunities to reduce wetland losses.

3. Streamline regulatory efforts

The BWSR will seek a memorandum of understanding with the U.S. Army Corps of Engineers to establish programmatic changes, both state and federal, that will increase efficiencies and improve the environmental benefits of wetland regulatory programs. Current WCA procedures will be examined to identify opportunities to reduce the administrative burden of the WCA without compromising wetland protections.

D. Process

BWSR through its Wetland Committee, in coordination with the Clean Water Cabinet, led the assessment process. A stakeholder group began meeting in February 2006 to provide input and identify options. The Wetland Committee reviewed the issues and options and developed findings and conclusions.

The BWSR Wetland Committee consists of the following BWSR Board members:

LuAnn Tolliver, Watershed District (Chair)
Kay Cook, Watershed District
Gene Tiedemann, Watershed District
Brian Kletscher, County Commissioner
Brian Napstad, County Commissioner
Bob Burandt, Soil and Water Conservation District
Paul Brutlag, Citizen
Lisa Thorvig, Pollution Control Agency
Wayne Edgerton, Department of Natural Resources
Joe Martin, Department of Agriculture

The Stakeholder organizations that participated in the WCA Assessment are shown below.

Agriculture
1. Mn Agri-Growth Council
2. Mn Corn Growers Association
3. Mn Farm Bureau
4. Mn Farmers Union
5. Mn Soybean Growers Association
6. Mn Wheat Growers Association

Business
7. Builders Association of Mn
8. Builders Association of the Twin Cities
9. Mn Association of Realtors
10. Mn Chamber of Commerce
11. Mn Forest Industries
12. Utilities
13. Mining Industry Association of Mn
14. Aggregate Ready-Mix Association of Mn

Environment/Conservation
15. Audubon Mn
16. Izaak Walton League of America - Mn Division
17. Mn Center for Environmental Advocacy
18. Mn Conservation Federation
19. Mn Fish and Wildlife Legislative Alliance
20. Mn Outdoor Heritage Alliance
21. Mn Waters
22. Sierra Club - North Star Chapter

Local Government
23. Association of Mn Counties
24. League of Mn Cities
25. Metropolitan Inter-County Association
26. Mn Association of County Officers
27. Mn Association of Soil and Water Conservation Districts
28. Mn Association of Townships
29. Mn Association of Watershed Districts
30. Mn County Engineers Association
31. Mn Rural Counties Caucus
32. Mn Association of County Planning and Zoning Administrators

Others
33. Mn Viewers Association
34. Wetland Professionals Association
35. Wetland Bankers

Federal Government
36. Army Corps of Engineers
37. Fish and Wildlife Service
38. Natural Resources Conservation Service

State Government
39. Board of Water and Soil Resources
40. Department of Agriculture
41. Department of Natural Resources
42. Department of Transportation
43. Pollution Control Agency

E. Timeline

The Assessment formally began on February 22, 2006 with the first meeting of the WCA Assessment Stakeholder Advisory Committee. The Stakeholder Committee met a total of 13 times from February – October, 2006. In addition, the BWSR Wetland Committee met 6 times during this period to review the work of the Stakeholder Advisory Committee.

On November 14-15 the WCA Assessment Roundtable was held in St. Cloud. The purpose of the Roundtable was to:

- Review the issues and recommendations for changes to WCA identified during the WCA Assessment process;
- Identify where a consensus exists and does not exist; and
- Identify where a consensus could be achieved through additional effort.

More than 70 participants and observers attended the Roundtable.

Subsequently, the Wetland Committee met twice to finalize their findings and conclusions to the BWSR Board. These findings and conclusions will be reviewed by the Board on December 20. Then the Clean Water Cabinet will receive the report which will be submitted for the Governor's consideration.

III. Assessment Results – Wetland Reporting and Accounting

In his letter to the Clean Water Cabinet, the Governor asked for recommendations on "improvements to the accounting and reporting system for wetlands". This element of the Assessment examined two separate efforts to address wetland data issues and needs. The first item is the Minnesota Comprehensive Wetland Assessment, Monitoring, and Mapping Strategy (CWAMMS). This project will develop statewide data on wetland gains and losses. CWAMMS is not part of the Assessment, but the data that will be developed through this program informs the data issues discussed during the Assessment.

The second effort is a direct result of the Assessment, which is to examine and improve WCA reporting made by local government units (LGU's) to BWSR. BWSR has been collecting data from LGU's since the early days of WCA. The purpose of this data has been to:

(1) provide a measure of the efforts of WCA LGU's in administering the law; and
(2) generate data on the effectiveness of WCA in complying with the wetland regulatory policy (Minn. Stat. 103A.201)

The Assessment has provided the opportunity to improve the accuracy and completeness of data submitted to BWSR by WCA LGU's. This data will inform future wetland policy debates.

A. Mn Comprehensive Wetland Assessment, Monitoring, and Mapping Strategy (CWAMMS).

Executive Summary from Strategy Report
Existing efforts to comprehensively assess wetland status and trends in Minnesota are inadequate. Data collected on proposed wetland loss and compensatory mitigation by state and federal wetland regulatory programs lacks coordination, may not reflect actual (versus permitted) activities and does not adequately account for exempt and illegal wetland loss. Data collected by government agencies and non-governmental conservation organizations on voluntary wetland restorations is inconsistent and incomplete. National wetland and land use monitoring efforts by the U.S. Fish and Wildlife Service (US FWS) and the Natural Resources Conservation Service do not sample intensively enough in Minnesota to draw accurate conclusions on the state's wetland status and trends.

Even less comprehensive data are available concerning the status and trends in wetland quality across the state. Essentially all that is known about Minnesota wetland quality comes from anecdotal observations of impaired wetlands, experience with a few local projects to improve or restore wetland habitat, data collected for local comprehensive wetland management plans, and limited data from initial efforts to develop field methods of wetland quality assessment.

To address these deficiencies, a group of state and federal agencies collaborated to develop the Minnesota Comprehensive Wetland Assessment Monitoring and Mapping Strategy (CWAMMS). The primary agency participants were: the Minnesota Board of Water and Soil Resources (BWSR), the Minnesota Department of Natural Resources (DNR), the Minnesota Department of Agriculture (MDA), the Minnesota Pollution Control Agency (PCA) and the US FWS.

The overall goal of the CWAMMS is to develop a broadly understood, scientifically sound strategy for monitoring and assessing status and trends in wetland quantity and quality statewide. Under this goal there are five strategic objectives:

1. Establish accurate baseline data on wetland quantity and quality by wetland class (type) statewide and in each of four geographic regions: the Prairie Parkland, Eastern Broadleaf Forest, the Laurentian Mixed Forest, and the Paleozoic Plateau.
2. Accurately assess future changes (trends) in wetland quantity and quality by wetland class in the four geographic regions listed in objective 1 and statewide.
3. Associate changes in wetland quantity and quality with causal mechanisms such as urban and rural development, agricultural and silvicultural activities, transportation, mining, natural factors, conservation programs and other activities.
4. Provide statewide reports of status and trends in Minnesota wetland quantity every three years beginning in 2009 and provide similar status and trend reports on wetland quality every two to three years in select regions beginning in 2009. The different reporting times reflect the differences in collecting and analyzing data for wetland quantity versus wetland quality. These reports will be used to assess the effectiveness of wetland regulatory and non-regulatory programs and will provide a sound basis for future state wetland policy and management decisions.
5. Contribute to the long-term understanding of Minnesota's wetland health (functions), distribution, structure and processes.

To assess status and trends in wetland quantity, three separate but complementary approaches are recommended:

- Develop and implement an integrated, geo-referenced online database for tracking wetland permitting and conservation program activities.
- Update the National Wetland Inventory (NWI) in Minnesota on a regular basis.
- Initiate a statewide, random sample survey using remote sensing data to track wetland gain and loss.

Wetland quality assessment will be conducted at three scales: landscape, qualitative field observational, and intensive sampling in individual wetland basins. Updated wetland polygons in the primary sample plots will be used as a sample frame to randomly select wetlands to be sampled to assess wetland quality.

Data from the various assessment approaches will be integrated and managed through several related geo-referenced databases maintained by participating agencies and partners. Collectively, these geo-databases will be accessible through a single wetlands data warehouse that can be queried by each partner agency and other users as appropriate.

The CWAMMS will be implemented through the collaborative efforts of local governments, state and federal agencies and non-governmental organizations.

Specific roles and responsibilities have been identified.

Partial funding for implementing the CWAMMS has been received from the US EPA (for three years) and through a state legislative appropriation to the DNR. The BWSR previously received a separate grant from the US EPA to plan the initial module of an integrated online permit and wetland accounting system. US EPA funds will also enable the PCA to conduct pilot tests of wetland quality assessments. Initial stages of implementing the CWAMMS will begin in early 2006.

B. WCA LGU Reporting

The WCA local government units (LGU's) (counties) that receive administrative funding from BWSR are required to report program information. Cities, townships, watershed districts, and watershed management organizations are not required to report WCA activities to BWSR. However, the non-county WCA LGU's are encouraged to provide their data to their county to be included in the county report.

This reporting is accomplished via the WCA reporting module within the eLINK software online reporting system. The system currently collects the following data on an annual reporting cycle:

1. Number of landowner contacts during the year
2. Landowner contacts that resulted in wetlands being avoided
3. Wetland acres that were avoided completely
4. Landowner contacts that resulted in wetland impacts being minimized
5. Wetland acres for which impacts were minimized
6. Number of exemption determinations approved by LGU(s)
7. Wetland acres impacted via exemptions
8. Number of formal no-loss determinations approved by LGU(s)
9. Number of calls that required no further action
10. Number of wetland banking plan applications reviewed
11. Number of wetland banking-site monitoring assessments completed
12. Number of replacement plans reviewed
13. Number of acres drained/filled under WCA replacement plans
14. Number of acres replaced via WCA replacement plans
15. For all actual projects initiated during the reporting year, report the number of WCA projects in your county/LGU in each of the following categories:
    <0.2 acres; 0.2-0.5 acres; 0.51-1.0 acres; 1.1-3.0 acres; and >3.0 acres
16. From the projects reported in item #15 please report the percentage of those projects for each of the wetland types listed: 1; 1L; 2; 3; 4; 5; 6; 7; 8; and R.
17. Which wetland type generated your biggest workloads?
18. How many TEP determinations were required?
19. How many non-TEP field checks of wetland delineation were conducted?
20. How many cease-and-desist orders were issued by DNR to enforce WCA?
21. How many cease-and-desist orders were issued by LGU's to enforce local wetland ordinances?
22. How many restoration orders were issued?
23. How many staff days were spent attending WCA training/information sessions?

Option for Improvements

To address the needs for improved WCA data a WCA/Public Water Program (PWP) Workgroup has begun meeting to review the current system of WCA reporting by LGU's and reporting that occurs under the Department of Natural Resources (DNR) Public Waters Work Permit Program. Changes to the reporting system should address the following considerations:

- Improve the accuracy, consistency and completeness of data
- Be necessary to measure the effectiveness of program implementation
- The value of the data be commensurate with the effort to collect and report it

The Workgroup is examining and making findings and conclusions on the system used to collect and manage data and the specific data elements to be collected. The Work Group consists of representatives of WCA LGU's, BWSR, Department of Natural Resources (DNR), Pollution Control Agency (PCA), U.S. Fish and Wildlife Service, and the U.S. Army Corps of Engineers. It is expected the Work Group will complete its work by Spring 2007.

The Work Group has developed an initial proposed new list of data for LGU's to report to BWSR is shown below. Future meetings of the Work Group will focus on refining this list of data, as well as addressing how this data will be submitted and used by BWSR.

DRAFT - Wetland Conservation Act Reporting Form - DRAFT
Implementation Activities Information

For Calendar Year _____

USER NOTE: The data provided should be based on WCA activities for which the LGU has issued a final approval (WCA decision notice issued). The approved plans need not have been implemented in order to be reported on this form. Projects that have not been issued a final approval by the LGU should not be reported. Acres of wetland impact and restoration associated with enforcement activities should not be reported on this form. BWSR assumes that no net loss will result from correctly implemented enforcement actions.

1. Number of approved replacement plans that included replacing impacts by the following methods (note: only include those that were granted final approval for the impacts to occur):
   (A) Wetland Banking _____
   (B) Onsite Replacement _____
   (C) Combination of Wetland Banking and Onsite Replacement _____
   (D) Offsite Replacement _____
   (E) Combination of Offsite and Onsite Replacement _____
   (F) Combination of Wetland Banking and Offsite Replacement _____
   (G) Combination of Wetland Banking, Offsite, and Onsite Replacement _____
2. Number of replacement plans approved by activity category.
   (A) Drainage _____ (B) Agriculture _____(C) Commercial Development _____
   (D) Residential Development _____ (E) Individual Property Improvement _____
   (F) Other (Specify _____) _____
3. Acres of wetland proposed to be drained or filled via an approved replacement plan. _____

4. Acres of wetland excavated via an approved replacement plan _____
5. Acres of wetland approved to be excavated without a replacement plan being required _____
6. Replacement credit acres approved in the following categories
   A. Hydrologic and vegetative restoration of completely drained wetland
      _____ acres _____ resulting replacement credit acres
   B. Hydrologic restoration of partially drained wetland
      _____ acres _____ resulting replacement credit acres
   C. Vegetative restoration of farmed wetlands with hydrology still intact
      _____ acres _____ resulting replacement credit acres
   D. Preservation of wetlands restored under conservation easements and legally eligible to be drained _____ acres _____ resulting replacement credit acres
   E. Vegetative restoration of wetlands dominated by invasive/exotic species
      _____ acres _____ resulting replacement credit acres
   F. Establish upland buffer areas
      _____ acres _____ resulting replacement credit acres
   G. Preservation of wetlands having exceptional natural resource values
      _____ acres _____ resulting replacement credit acres
   H. Creation of wetland on uplands
      _____ acres _____ resulting replacement credit acres
   I. Water quality treatment areas/stormwater ponds
      _____ acres _____ resulting replacement credit acres

7. Number of exemption determinations approved by the LGU, acres of conversion to non wetland, acres of permanent adverse impact, and acres of increased wetland area for each of the exemption categories

	Number of Exemption Determinations	Acres of Conversion to Nonwetland	Acres of wetland with Permanent Adverse Impact	Acres of Increased Wetland Area
1. Agricultural Activities				
2. Drainage				
3. Federal Approvals				
4. Wetland Restoration				
5. Incidental Wetlands				
6. Utilities; Public Works				
7. Forestry				
8. Approved Development				
9. De Minimus				
10. Wildlife Habitat				

8. Number of no loss determinations approved by the LGU, acres of conversion to non wetland, and acres of permanent adverse impact for each of the no-loss categories.

	Number of No Loss Determinations	Acres of Conversion to Nonwetland	Acres of Permanent Adverse Impact
A. Work did not impact a wetland			
B. Excavation limited to debris			
C. Temporary or seasonal water management			
D. Surface impoundment for waste materials or water treatment			
E. Conducted as part of a replacement or banking plan			
F. Excavation in a stormwater pond or removal of contaminated substrate			
G. Impact rectification activity			

9. Number of cease and desist orders issued by law enforcement category.

DNR Conservation Officer _____
County Sheriff _____
Municipal Law Enforcement _____

10. Number of restoration orders issued. _____
11. Number of wetland boundary determinations made. _____
12. Number of replacement wetland monitoring reports received. _____

IV. Assessment Results – Exemptions.

The second area of examination in the Assessment was "alternatives to the existing WCA exemptions". The WCA exemptions are ten categories of activities, or amounts of impacts, that are allowed without being required to develop a replacement plan. Landowners are not required to receive LGU approval prior to conducting an activity under an exemption. This statutory requirement generates uncertainly in how much exempt activity occurs.

However, LGU's report to BWSR on how many exemption determinations they issue and the acres of impact under these determinations. This data results in a net loss when combined with data regarding regulated impacts and required replacement (See Section II, Introduction).

WCA Assessment Stakeholder discussions on the exemptions often included concerns over the lack of data and lack of governmental oversight. Even though data is limited on specific exemptions, the total reported amount of impacts is reported to BWSR by WCA LGU's. The issue of data is important and being addressed in this Assessment, but should not be used as a sole reason to avoid making any changes.

The findings and conclusions have been discussed with the following considerations in mind:

1. Address the Governor's request to "more closely align with the principal of no net loss";
2. Maintain the "integrity" of the exemptions;
3. Update and simplify;
4. Impact on the cost to administer WCA; and
5. Impact on landowners.

A. Agricultural Activities

Summary:
A replacement plan is not required for the following:

a. Wetlands that have been cropped 6 out of the 10 years prior to Jan. 1, 1991
b. Land that is enrolled in CRP and was cropped 6 of 10 years prior to being enrolled
c. Wetlands receiving "commenced drainage" determinations from the USDA Farm Service Agency
d. Type 1 wetlands on agricultural land and type 2 and 6 wetland areas less than 2 acres on agricultural land.
e. Aquaculture activities as permitted by the U.S. Army Corps of Engineers
f. Wild rice production as permitted by the U.S. Army Corps of Engineers
g. Weed or pest control that does not drain or fill wetlands
h. Activities allowed under the federal farm program restrictions that meet minimum state standards

Discussion:
The Agricultural Activities exemption is intended to provide reasonable application of the WCA regulations on agricultural lands, without duplicating the oversight provided by Swampbuster. The discussion during the Assessment largely focused on how the exemption interacts with Swampbuster and the USDA Natural Resources Conservation Service. Secondly, the discussion moved to considering changing this exemption to a "waiver" and how the waiver would read and apply on the ground.

Much of the exemption currently operates largely as a waiver, in that if Swampbuster has jurisdiction over an activity on agricultural lands, then it is largely exempt under WCA. In addition, the proposed waiver would eliminate the current provision that is a true exemption, specifically the provision that exempts activities in type 1 wetlands on agricultural land and type 2 and 6 wetland areas less than 2 acres on agricultural land.

The BWSR Wetland Committee concluded that a more administratively efficient and easier for landowners to understand is to exempt normal farming practices, which would not include draining, filling or any activity intended to physically alter hydrology. Activities intended to alter hydrology (e.g. drain) for agricultural productions is addressed in the drainage exemption.

Roundtable: The discussion at the Roundtable was concern over the "waiver", what it means and simplifying the application of this exemption. The Roundtable also reached a consensus on ensuring the WCA should not apply to normal farming practices, which would not include draining and filling.

BWSR Wetland Committee Findings and Conclusions: Amend the exemption to only exempt normal farming practices, not draining or filling.

Impact of Findings and Conclusions: The findings and conclusions would reduce administrative costs by simplifying the exemption, especially when the definition of normal farming practices is included. Eliminating the ability to impact type 1 wetlands and up to 2 acres of type 2 and 6 wetlands will have a positive impact on no net loss.

This findings and conclusions can only be implemented by statute.

B. Drainage

Summary: A replacement plan is not required for the following:

a. Certain public drainage system improvements and maintenance and repair that doesn't affect type 3, 4, and 5 wetlands that have existed for more than 25 years.
b. Private drainage maintenance and repair that doesn't affect wetlands (any type) that have existed for more than 25 years is exempt.

Discussion: The Drainage Exemption includes 6 separate provisions that govern the application of WCA to public and private drainage projects. One such provision is subpart E that exempts: "impacts to wetlands resulting from a public drainage system improvement project that received final approval from the drainage authority before July 1, 1991 and after July 1, 1986".

This provision is similar to the Approved Development Exemption, in that the purpose of it is to prevent placing projects in jeopardy by being regulated by WCA, when the project was duly approved prior to the enactment of WCA.

Roundtable: The Roundtable agreed that subpart E should be repealed.

BWSR Wetland Committee Findings and Conclusions: Repeal subpart E of the WCA Rule (project's approved between 1986 and 1991)

Impact of Findings and Conclusions: Repealing subpart E will primarily address administrative efficiency goals, by eliminating an obsolete provision. Stakeholders were not aware of any drainage projects that met the criteria for the exemption. There should be no impact on no net loss or landowners.

This findings and conclusions can only be implemented by statute.

C. Federal Approvals

Summary: A replacement plan is not required for the following:

a. Activities federally exempted from regulation by section 404 of Clean Water Act.
b. Activities authorized by section 404 of Clean Water Act (that meet minimum state standards.

Discussion: The Federal Approvals Exemption is similar to the Agricultural Activities Exemption, in that the purpose is to eliminate regulatory duplication. If the project is regulated or exempt under Section 404 of the Clean Water Act, then it is exempt under WCA. This exemption fundamentally operates as a waiver to this federal program. Keys to making the findings and conclusions work will be ensuring that there are no unintended shifts in responsibility or jurisdiction.

Roundtable: Roundtable issues with the Federal Approvals Exemption were similar to those in the Agricultural Activities Exemption. Interest and concerns were expressed regarding the waiver. Questions were raised on the impact of this proposal, and the need for clarification and explanation.

BWSR Wetland Committee Findings and Conclusions: Amend the exemption to:

(1) Delete Part A (Minn. Rule 8420.0122, Subp. 3A - activities exempt under Section 404 are also exempt under WCA); and
(2) Add a provision that would authorize the Board to waive WCA jurisdiction to the Corps of Engineers for special or multi-jurisdictional projects (i.e. linear projects such as pipelines).

Also BWSR should continue to administratively pursue opportunities for the Corps of Engineers to defer direct regulation, to WCA, via interagency agreements and Corps regulatory tools.

Impact of Findings and Conclusions: This change would have no impact on no net loss, but would address administrative issues.

This findings and conclusions can only be implemented by statute.

D. Wetland Restoration

Summary: A replacement plan is not required for wetlands restored under a contract that allows subsequent drainage.

Discussion: The purpose of the Wetland Restoration Exemption is to not establish a disincentive for landowners to restore wetlands when they may want to return the land to its pre-restored condition in the future. Neither the Stakeholder Committee nor the Roundtable identified any changes that should be made to this exemption.

BWSR Wetland Committee Findings and Conclusions: No changes are proposed.

Impact of the Findings and Conclusions: None.

E. Incidental Wetlands

Summary: A replacement plan is not required for wetlands formed by beaver dams, culvert blockage, and other activities/projects not intended to create/restore wetlands.

Discussion: The Incidental Wetlands Exemption is intended to not penalize landowners for wetlands that are not naturally occurring landscape features, but the result of artificial water retention. Neither the Stakeholder Committee nor the Roundtable identified any changes that should be made to this exemption.

BWSR Wetland Committee Findings and Conclusions: No changes are proposed.

Impact of the Findings and Conclusions: None.

F. Utilities/Public Works

Summary: A replacement plan is not required for the following:
a. Utility placement that affects less than 0.5 acre.
b. Utility line maintenance
c. Interstate pipelines
d. Public works projects that do not drain or fill wetlands
e. Private structural projects that do not drain or fill wetlands
f. Individual sewage treatment systems if allowed by other regulations

Discussion: The Utilities/Public Works Exemption is intended to provide flexibility and reasonable application of the WCA regulations to the particular circumstances of these types of activities. The discussion in the Stakeholder Committee was that this exemption has a number of provisions that are very similar, and that it would be amenable to simplification. BWSR staff have drafted a proposal that includes a definition of public works and a simplified and consolidated version of the exemption. The intent is not to change the application of the exemption, but make it administratively easier to interpret and apply.

Roundtable: The Roundtable agreed with simplifying the exemption, but suggested the definition of public works requires more attention.

BWSR Wetland Committee Findings and Conclusions: Add a definition of public works and replace the existing exemption with a consolidated and simplified exemption.

Impact of Findings and Conclusions: The findings and conclusions will have no impact on no net loss, but a benefit to administrative efficiency, and to a lesser extent landowners.

This findings and conclusions can only be implemented by statute.

G. Forestry

Summary: A replacement plan is not required for the following:
a. Temporary forest roads constructed for silvicultural purposes
b. Permanent forest roads constructed for silvicultural purposes

Discussion: The Forestry Exemption is intended to provide flexibility and reasonable application of the WCA regulations to silvicultural activities. The DNR, in coordination with the Minnesota Forest Resources Council, undertakes annual monitoring of wetland crossings for forestry management purposes. This monitoring has determined that the annual amount of wetlands impacted under this exemption is approximately 42 acres.

The Stakeholder Committee was generally supportive of the current application of this exemption, and the education and monitoring efforts being undertaken by the participants in forest management and harvest. However, concerns were expressed that roads initially developed for forest management purposes, can, over time, have its primary use change from forestry management to recreational and recreational land access.

BWSR Wetland Committee Findings and Conclusions: Amend the current guidance (possibly put in rule) to require full replacement if the primary use of a forest road changes by land development (i.e. subdivision or plat) or as otherwise determined by the county.

Impact of Findings and Conclusions: The findings and conclusions will increase administrative costs of LGU's to track and enforce the proposed change. Landowners may be impacted by having responsibility for wetland replacement for wetlands impacted on lands they do not own or control. No net loss would have a positive benefit as wetlands impacted under the exemption are mitigated in the future after the primary use of the road changes.

This findings and conclusions can be implemented by statute, rule, or guidance.

H. Approved Development

Summary: A Replacement plan is not required for development projects approved between July 1, 1986, and July 1, 1991.

Discussion: The Approved Development Exemption exempts impacts to wetlands resulting from development and ditch improvement projects that received preliminary or final plat final approval within five years before July 1, 1991.This provision is similar to the Drainage Exemption, in that the purpose of it is to prevent placing projects in jeopardy by being regulated by WCA, when the project was approved prior to the enactment of WCA. The discussion among the Stakeholders was that it is appropriate to repeal this exemption, as 15-20 years should be long enough to complete a project.

Roundtable: There was general consensus in support of repeal. One or two participants expressed opposition to outright appeal, and instead suggested providing a 5-year sunset period before it is repealed.

BWSR Wetland Committee Findings and conclusions: Repeal.

Impact of Findings and Conclusions: Repealing the Approved Development Exemption will likely have a small impact on no net loss and on administrative issues. Eliminating an obsolete provision is the primary purpose for this idea for change. Only one or two Roundtable participants objected to repealing this exemption.

This findings and conclusions can only be implemented by statute.

I. De minimus

Summary: Projects impacting the following amounts of wetland are exempt:
a. 400 square feet of all wetland types in the shoreland wetland protection zone and wetland types 3, 4, and 5 everywhere;
b. 10,000 square feet of wetland types 1, 2, 6, or 7 in areas with more than 80% of their presettlement wetlands remaining;
c. 5,000 square feet of wetland types 1, 2, 6, or 7 in areas with between 50 and 80% of their presettlement wetlands remaining;
d. 2,000 square feet of wetland types 1, 2, 6, or 7 in areas with less than 50% counties of their presettlement wetlands remaining;

Discussion: The De minimus Exemption has been an important provision in the reasonable application of WCA, and in achieving support for this program. This exemption has generated attention as it allows impacts without a specific purpose.

The discussion in the Stakeholder Committee was that changes could be made to this exemption that would provide benefits to the no net loss goal of the Assessment, as well as water quality. However, reducing the De minimus Exemption will have the effect of increasing the number of replacement plans and the associated increase in LGU cost to administer WCA. A point of discussion at the Stakeholder Committee, the Roundtable, and the Wetland Committee is whether the wetland gain is worth the increased administrative cost.

BWSR Wetland Committee Findings and Conclusions: Amend the exemption as follows:

a. "0" square feet of all wetland types in the shoreland building setback zone;
b. 400 square feet of all wetland types from the shoreland building setback zone to the limit of the Shoreland Wetland Protection Zone and wetland types 3, 4, and 5 everywhere;
c. 10,000 square feet of wetland types 1, 2, 6, or 7 in counties with more then 80% of their presettlement wetlands remaining;
d. 2,500 square feet of wetland types 1, 2, 6, or 7 in counties with between 50% and 80% of their presettlement wetlands remaining; and
e. 1,000 square feet of wetland types 1, 2, 6, or 7 in counties with less than 50% of their presettlement wetlands remaining.

Impact of Findings and Conclusions: The findings and conclusions will have a positive impact on no net loss, will increase administrative costs and impact landowners. Estimated statewide impacts of eliminating the de minimus in shoreland is $345,000 and an additional 5.3 acres of replacement wetland. The actual impact of the findings and conclusions will be less as the estimate is based upon the complete elimination of the De minimus in the Shoreland Wetland Protection Zone. However, eliminating the De minimus Exemption in the shoreland building setback zone will help in protecting the water quality of lakes and rivers.

BWSR staff have estimated, based on WCA LGU interviews, that reducing the De minimus Exemption by 50% in the less than 80% areas of the state will result in an increase in 218 additional wetland replacement plans, 12-18 acres of additional replacement wetland, at a cost of $156,300.

This findings and conclusions can only be implemented by statute.

J. Wildlife Habitat Exemption

Summary: A replacement plan is not required for the excavation, filling up to half acre for wildlife habitat and duck blind construction.

Discussion: The Wildlife Habitat Exemption is intended to not create a disincentive to make environmental improvements, by making wildlife habitat projects of up to 0.5 acres of impact exempt. This is an exemption that likely results in wetland gain or conversion, as opposed to wetland losses as in most of the exemptions.

The Stakeholder Advisory Committee discussed how this exemption is used, and was generally receptive to attempting to maintain the integrity of this exemption by placing this condition, "This project is for the primary purpose of improving wildlife habitat" on use of the Wildlife Habitat Exemption. A similar condition also exists in the Forestry Exemption.

Roundtable: There was consensus agreement on adding the primary purpose condition.

Findings and Conclusions: Add a condition to use of the exemption in the WCA Rule, as follows: "This project is for the primary purpose of improving wildlife habitat"

Impact of Findings and Conclusions: The findings and conclusions to add the primary purpose condition should have a small impact on no net loss, administrative cost and on landowners.

This findings and conclusions can be implemented by statute or rule.

V. Assessment Results – Wetland Replacement

Along with the exemptions, the programmatic requirements that govern wetland replacement have a significant impact on "more closely aligning with the principle of no net loss". As key program elements, they also have a large bearing on the cost to government and landowners. A central issue to many of the discussions throughout the Assessment, is how the current WCA wetland replacement requirements are similar to or different from the Clean Water Act-Section 404 requirements. Regulatory simplification has been a longstanding goal of BWSR, and the movement towards this goal will be significantly enhanced through the wetland replacement findings and conclusions of this Assessment.

For approximately two years, BWSR, the U.S. Army Corps of Engineers with other partner agencies and interests have been working on a Wetland Mitigation Memorandum of Understanding (MOU). The purpose of the MOU is to document differences between the state and federal wetland regulatory programs, and identify changes that can be made to reduce these differences. The MOU is nearing completion, and many of the agreements between BWSR and the Corps have been incorporated into the Assessment.

Many of the findings and conclusions will promote wetland banking. Wetland banking allows a person wishing to drain or fill a wetland to purchase wetland credits from someone who has already restored or created a wetland and "deposited" those wetland credits in the Minnesota Wetland Bank. The BWSR administers this bank. Wetland banking offers several programmatic and environmental benefits over other wetland replacement methods, including: (1) banking results in larger and higher quality wetland restorations; (2) has a lower overall administrative cost to LGU's; and (3) provides additional options for landowners to comply with the wetland replacement requirements of WCA.

The findings and conclusions have been discussed with the following considerations in mind:

1. Address the Governor's request to "more closely align with the principle of no net loss"
2. Improve the quality of replacement wetlands and the ecological integrity of wetland replacement
3. Increase the efficiency in WCA administration
4. Impact on Landowners

A. **ISSUE:** Refine and define the terms in-kind, in-place and in advance.

Summary/Discussion: WCA defines the key terms of in-kind, in-place and in advance differently than Section 404. Current WCA definitions are as follows:

Wetland replacement is considered *in-kind* if one of the following applies (Minn. Rule 8420.0549, Subp. 3):

- the replacement wetland is of the same type as the impacted wetland;
- the replacement wetland is within the same county as the impacted wetland; or
- the replacement wetland is in the same watershed as the impacted wetland.

WCA does not have a definition that corresponds directly with *in place*, but the siting of wetland replacement is governed by the following priority order (Minn. Rule 8420.0543):

1. on site or in the same minor watershed as the affected wetland;
2. in the same watershed as the affected wetland;
3. in the same county as the affected wetland;
4. in an adjacent watershed or county to the affected wetland; and
5. statewide, for : (a) wetlands affected in greater than 80 percent areas; and (b) public transportation projects, except that wetlands affected in less than 50 percent areas must be replaced in less than 50 percent areas, and wetlands affected in the seven county metropolitan area must be replaced in the affected county or, if no restoration opportunities exist in the county, in another seven-county metropolitan area.

In advance means replacement of wetland functions and values must be completed before or concurrent with the actual draining, excavation, or filling of a wetland (Minn. Rule 8420.0542)

To clarify these terms, the BWSR and the Corps have been working to develop common definitions as part of the proposed Wetland Mitigation MOU. The definitions shown below, have been developed through the MOU process.

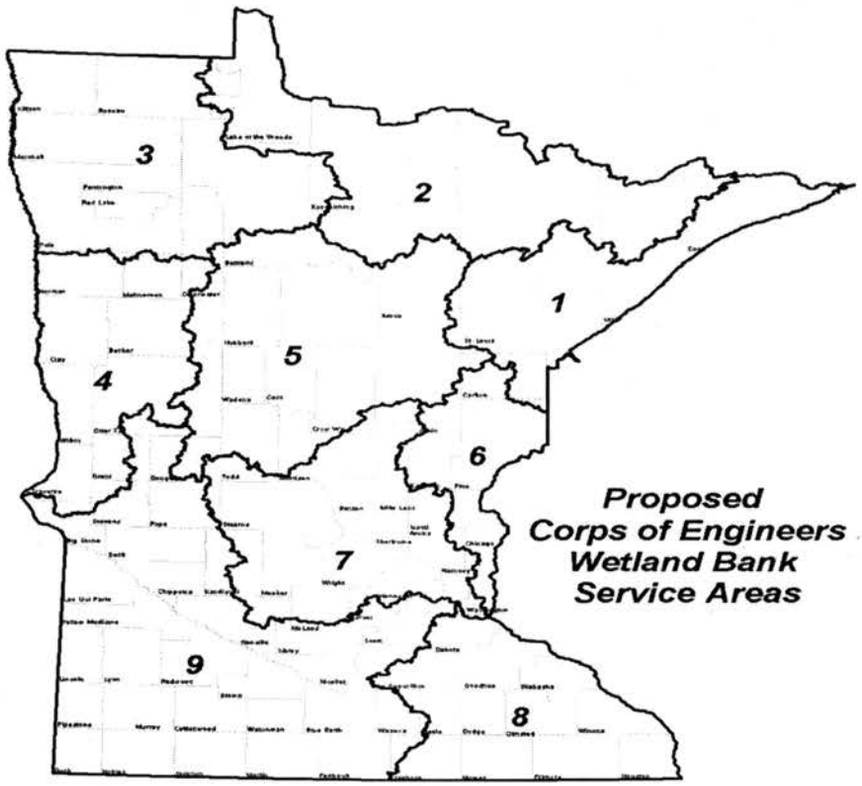
In-kind means: the 12 "Wetland Plant Community Types" as established by S. Eggers and D. Reed. (See table shown below)

Wetland Plant Community Types[1]	**Classification of Wetlands and Deepwater Habitats of the United States (Cowardin *et al.* 1979)**	**Fish and Wildlife Service Circular 39 (Shaw and Fredine 1971)**
Shallow, Open Water	Palustrine or lacustrine, littoral; aquatic bed; submergent, floating, and floating-leaved	Type 5: Inland open fresh water
Deep Marsh	Palustrine or lacustrine, littoral; aquatic bed; submergent, floating, and floating-leaved; and emergent; persistent and nonpersistent	Type 4: Inland deep fresh marsh
Shallow Marsh	Palustrine; emergent; persistent and nonpersistent	Type 3: Inland shallow fresh marsh
Sedge Meadow	Palustrine, emergent; narrow-leaved persistent	Type 2: Inland fresh meadow
Fresh (Wet) Meadow	Palustrine; emergent; broad- and narrow-leaved persistent	Type 1: Seasonally flooded basin or flat; Type 2: Inland fresh meadow
Wet to Wet-Mesic Prairie	Palustrine; emergent; broad- and narrow-leaved persistent	Type 1: Seasonally flooded basin or flat; Type 2: Inland fresh meadow

Calcareous Fen	Palustrine; emergent; narrow-leaved persistent; and scrub/shrub, broad-leaved deciduous	Type 2: Inland fresh meadow
Open Bog or Coniferous Bog	Palustrine; moss/lichen; and scrub/shrub; broad-leaved evergreen; and forested; needle-leaved evergreen and deciduous	Type 8: Bog
Shrub-Carr or Alder Thicket	Palustrine; scrub/shrub; broad-leaved deciduous	Type 6: Shrub swamp
Hardwood Swamp or Coniferous Swamp	Palustrine; forested; broad-leaved deciduous; needle-leaved evergreen and deciduous	Type 7: Wooded Swamp
Floodplain Forest	Palustrine; forested; broad-leaved deciduous	Type 1: Seasonally flooded basin or flat
Seasonally Flooded Basin	Palustrine; flat; emergent; persistent and nonpersistent	Type 1: Seasonally flooded basin or flat

[1] Plant communities are based on: S. Eggers and D. Reed. 1997. *Wetland Plants and Plant Communities of Minnesota and Wisconsin. Second Edition.* St. Paul District, U.S. Army Corps of Engineers. 264 pp.

In place means: within a major (81) watershed or the Bank Service Area. (See map below)



In advance means: (1) approved bank credits; or (2) compensation sites that have established wetland hydrology and vegetation, but the vegetation may not be mature. The minimum requirement for (2) is that the compensation site has wetland hydrology and hydrophytic vegetation established a full growing season (April-October) prior to the authorized discharge of dredged/fill material. Further, the site must meet all performance standards applicable to that development stage of the compensation site.

These definitions provide a scientific and policy basis for determining wetland replacement requirements. Having the WCA and Section 404 agree on these definitions is an essential first step in regulatory simplification.

Roundtable: The Roundtable was in general agreement on these definitions, with several participants expressing concern over the impact the in advance definition may have on the cost of complying with the replacement requirements.

BWSR Wetland Committee Findings and Conclusions: Adopt definitions of in-kind, in place, and in advance, as follows:

In-kind means: the replacement site is the same type as the affected wetland using the 12 "Wetland Plant Community Types" as established by S. Eggers and D. Reed.

In-place means: the impact site and replacement site are: (1) for project specific replacement within the same major (81) watershed or (2) for banking within the same (9) Bank Service Area. This definition will be incorporated within the existing priority order for the location of replacement wetlands and provide additional flexibility for impacts in greater than 80% areas to be replaced via banking (Minn. Rule 8420.0543), as shown below:

WCA provides for the siting of wetland replacement in the following order:

(1) on site or in the same minor watershed as the affected wetland:
(2) (a) for project specific replacement, in the same watershed as the affected wetland, or (b) for replacement by banking, in the same bank service area as the impacted wetland;
~~(3) in the same county as the affected wetland;~~
~~(4)~~ (3) (a) for project specific replacement, in an adjacent watershed ~~or county~~ to the affected wetland or (b) for replacement by banking, in an adjacent bank service area; ~~and~~
(4) statewide for : (a) wetlands affected in greater than 80 percent areas; and (b) public transportation projects, except that wetlands affected in less than 50 percent areas must be replaced in less than 50 percent areas, and wetlands affected in the seven-county metropolitan area must be replaced in the affected county or, if no restoration opportunities exist in the county, in another seven-county metropolitan area county; and
(5) greater than 80 percent areas may (a) replace by banking after evaluating on-site replacement and (b) replace in adjacent bank service areas without an increase in the replacement ratio if bank credits are not reasonably available in the same bank service area as the affected wetland as determined by the LGU.

In advance means: (1) use of approved bank credits; or (2) compensation sites that have established wetland hydrology and vegetation for a full growing season (April-October) prior to the impact.

Impact of the Findings and Conclusions: The impact of the findings and conclusions will be highly dependent on the specific circumstances of specific projects. However, it is expected the findings and conclusions will have a small positive impact on no net loss and on the administrative cost with a mixed impact on landowners. In addition, these definitions will provide incentives to increase use of wetland banking for wetland mitigation. Wetland banking is preferred to project specific replacement as project specific replacement generally results in smaller, lower quality wetlands and an increased cost to LGU's for approval and monitoring of these sites.

These findings and conclusions can be implemented by statute or rule.

B. **ISSUE:** Develop consistent wetland replacement ratios with the U.S. Army Corps of Engineers.

Summary/Discussion: WCA/Section 404 consistency in determining replacement ratios would provide significant programmatic benefits and increased regulatory efficiency. Currently, WCA and the U.S. Army Corps of Engineers have significant differences in determining replacement ratios for permitted activities. BWSR and the Corps have been discussing this issue as part of the development of a proposed Wetland Mitigation MOU. These discussions have resulted in a proposal that addresses several wetland management issues:

1. Increasing the ratio for replacement that is not completed in advance addresses temporal loss concerns. A temporal loss is the loss in wetland function and value that occurs after a wetland is impacted and before the replacement wetland is fully functional. Even when replacement is completed in advance (on a project specific basis and for new banks) the replacement still results in a temporal loss of wetland functions.

2. Banking is generally preferred over project specific replacement, and this proposal would create an increased incentive to use banking for replacement.

3. Reducing project specific replacement would reduce LGU workload in overseeing replacement plans and mitigation sites. The need to approve, monitor and inspect project specific mitigation sites will be reduced if more mitigation occurs through wetland banks.

4. The proposed replacement ratios will reduce the overall net loss in wetlands that has been documented under the WCA.

Proposed WCA Wetland Mitigation Ratios

Impact Location	Replacement Location (in place)	Type of Replacement Wetland (in type)	Replacement Process (in time)	Minimum Replacement Ratio
> 80% area (see Fig. 2) (or agricultural land – WCA)	In-Place	Same type as impact wetland	In advance	1:1
			Not in advance	1.25:1
		Different type	In advance	1.25:1
			Not in advance	1.5:1
	Not In-Place	Same type as impact wetland	In advance	1.25:1
			Not in advance	1.5:1
		Different type	In advance	1.5:1
			Not in advance	1.5:1
< 80% area (See Fig. 2) (and non-agricultural land – WCA)	In-Place	Same type as impact wetland	In advance	2:1
			Not in advance	2.5:1
		Different type	In advance	2.5:1
			Not in advance	2.5:1
	Not In-Place	Same type as impact wetland	In advance	2.5:1
			Not in advance	2.5:1
		Different type	In advance	2.5:1
			Not in advance	2.5:1

* Notes:
1. Proposal: Replacement ratio increases by 1:1 for not in advance; ratio increases by 0.25 for not in place and not in type. Maximum ratios are 2:1 in greater than 80% areas and 3:1 in less than 80% areas
2. In the greater than 80% Area, the replacement ratio will not increase if bank credits are not available in the Bank Service Area in which the impact would occur.

Roundtable: The Roundtable was in general agreement for WCA to adopt the Section 404 replacement ratios

BWSR Wetland Committee Findings and Conclusions: Adopt revised WCA wetland replacement ratios.

Impact of Findings and Conclusions: Having common replacement ratios with the Corps of Engineers would have a positive impact on no net loss and administrative cost, with a mixed impact on landowners. In addition, the increased ratios for not in advance replacement would also create an incentive for increased use of wetland banking, and reduced use of project specific replacement, with the benefits discussed under #2 above.

These findings and conclusions can be implemented by statute or rule.

C. **ISSUE:** Develop consistent wetland replacement credit options and a single wetland credit denomination, again coordinated with the Corps of Engineers.

Summary/Discussion: Similar to the discussion regarding replacement ratios, the WCA and Corps have significant differences in determining wetland replacement credits. The most significant differences are that WCA has two types of credit (New Wetland Credit and Public Value Credit), while Section 404 has only one. Within these two separate credit systems are many differences in how different actions are provided credit. These multiple differences results in increased costs and uncertainty among landowners, applicants, LGU's, and state and federal staff. Having a unified set of methods to determine replacement credit will provide significant programmatic benefits.

BWSR and the Corps have been discussing this issue as part of the development of the proposed Wetland Mitigation MOU. The table shown below identifies the current methods and crediting authorized under WCA and Section 404, as well as a proposal for a unified system.

Proposed and Current Replacement Methods and Amount of Credit Under State and Federal Regulatory Programs

	Affected Wetland	Replacement Method	Proposed	Current Amount of Credit (x:1 = x acres of treatment to get 1 acre of credit)	
				WCA / PWPP(DNR)	Section 404
	Completely drained or filled	Hydrologic and vegetative	100% of wetland area restored	NWC: 100% of area restored (MR 8420.0541 Subp. 2)	100% of area restored
Restoration	Partially drained	Hydrologic	50% to 100% of wetland area restored, depending on functional analysis	in "<80% areas": NWC: 25% of total wetland area restored (includes areas that remained as wetland); requires establishment of permanent, native, non-invasive vegetation w/in restored wetland area and on upland buffer. or PVC: 50% of degraded wetland area restored in ">80% areas": NWC: 25% of total area (MR 8420.0541 Subp. 3 and Guidance)	Up to 100% of total wetland area restored, depending on functional analysis

	Affected Wetland	Replacement Method	Proposed	Current Amount of Credit (x:1 = x acres of treatment to get 1 acre of credit)	
				WCA / PWPP(DNR)	Section 404
	Farmed wetlands where hydrology is still intact (i.e., no ditches, tiles, etc.)	Vegetation	50% to 100% of wetland area restored, depending on functional analysis and cropping history under normal circumstances (at least 6 out of 10 years)	NWC: Up to 100% of area restored if farmed more than 10 years of previous 20; percent based on frequency of farming PVC: Up to 50% of wetland area restored if farmed at least six of previous 20 years (MR 8420.0541 Subp. 5)	Up to 100% of total wetland area restored, depending on functional analysis
	Wetlands previously restored under conservation easements and legally eligible to drain	Preservation	Up to 100% depending on cropping history prior to enrollment in easement program	NWC: 75% of wetland area preserved (MR 8420.0541 Subp. 7)	12.5% of wetland area preserved; wetland must be under demonstrable threat of loss
Enhancement	Wetlands dominated by invasive or exotic species	Establish native, non-invasive vegetation	Up to 75% of wetland area vegetatively restored depending on functional increase	PVC: 25% of total area vegetatively restored (MR 8420.0541 Subp. 8)	Up to 100% of total wetland area restored, depending on functional analysis
	Upland buffer areas	Establish native, non-invasive, permanent vegetation	Required minimum upland buffer width of 50ft. in non-municipal areas and 25 ft. in municipal areas; credit given at 10% (non-native vegetation) to 25% (native vegetation) depending upon quality of buffer; typically, no more than 25% of total credits at a compensation site can be composed of upland buffer.	PVC: 100% of the upland buffer area, up to the size of the replacement wetland it surrounds; must have 50 ft. avg. width in non-municipal areas, 25 ft. avg. width in municipal areas (MR 8420.0541 Subp. 6)	Required minimum upland buffer width of 50ft. in non-municipal areas and 25 ft. in municipal areas; credit given at 10:1 (non-native vegetation) to 4:1 (native vegetation) depending upon quality of buffer; typically, no more than 25% of total credits at a compensation site can be composed of upland buffer.

	Affected Wetland	Replacement Method	Proposed	Current Amount of Credit (x:1 = x acres of treatment to get 1 acre of credit)	
				WCA / PWPP(DNR)	Section 404
Preservation	Wetlands having "exceptional natural resource values"	Preservation	12.5% credit for wetland area preserved, wetland must be under demonstrable threat and limited to wetlands that contain special or threatened species	NWC: Up to 12.5% of wetland area preserved; must involve restoration of hydrology or vegetation over 25% of wetland area; must be under documented threat PVC: 25% of wetland area preserved (MR 8420.0541 Subp. 4)	12.5% of wetland area preserved; wetland must be under demonstrable threat of loss
Creation	Mineral extraction sites	Established via reclamation	Up to 100% of wetland area created depending on functional analysis and after five-year monitoring period	Up to 100% of wetland area (MR 8420.0541 Subp. 9)	
	Non-wetland areas	Wetland creation		100% of wetland area created; performance bond required (MR 8420.0541 Subp. 11)	
	Water quality treatment areas		No credit for single or primary cells; 50% credit for secondary or tertiary cells depending on functional analysis and after five-year monitoring period	NWC: 100% of normal pool area for downstream cell of two-cell system if certain criteria are met PVC: 100% of isolated one-cell system; upstream cell of two-cell system; or one year design pool of stormwater infiltration area that has native, non-invasive vegetative cover (MR 8420.0541 Subp. 10)	No credit for stormwater/ water quality cells. Exceptions: second or third cell is designed for saturated soils to 6-inch water depths, has less than a 12-inch bounce lasting less than 7 days for the 10-year, 24-hour event; and is successfully planted to native, non-invasive vegetation. Credit is limited to that acreage of the cell in excess of that needed to comply with local/state requirements. A second compensation site is typically needed to replace additional wetland functions not adequately replaced *by cells.*

Notes:
1. The information found in the "Section 404" column of this table is based upon the draft Minnesota guidelines (St. Paul District Compensatory Mitigation Policy for Minnesota dated April 2005) and upon Corps comments submitted on July 6, 2006
2. The credit ratios adopted by the Corps are guidelines; they are not regulations
3. NWC – New Wetland Credit: Must be used for all mitigation requirements up to 1:1. may also be used for mitigation requirement exceeding 1:1
4. PVC – Public Value Credit: May only be used for the portion of mitigation requirements exceeding 1:1
5. < 80% areas and > 80% areas refers to areas of the state having less than or more than 80% of its presettlement wetland acreage remaining (see MR 8420.0545)

Roundtable: The Roundtable was in agreement with the proposal shown in the table above, with several participants expressing concerns over credit for stormwater ponds.

BWSR Wetland Committee Findings and Conclusions: Amend the wetland replacement credit options to:

- establish consistency between the WCA and Corps;
- simplify the current WCA credit system by establishing a single replacement credit unit;
- create incentives to develop quality functions and values to replace those impacted by regulated activities;
- credit for stormwater ponds should consider state and local stormwater management requirements as well as wetland functionality, as determined by the technical evaluation panel (TEP);
- the Pollution Control Agency (PCA) should be invited to participate on the TEP when replacement credit for stormwater ponds is being considered; and
- explore creating incentives for additional wetland enhancement for required stormwater management.

Impact of Findings and Conclusions: Having a single wetland credit unit and consistency in its application would address increased costs and uncertainty among landowners, applicants, LGU's and state and federal staff in navigating between the two separate wetland credit systems. The findings and conclusions would have a minimal impact on no net loss, a positive impact on administrative cost, and a mixed impact on landowners.

These findings and conclusions require both statutory and rule changes to be implemented.

D. ISSUE: Incorporate performance standards within wetland replacement standards

Summary/Discussion: The WCA rule has different performance standards for project specific replacement and wetland banking. These differing standards establish unequal replacement requirements with more rigorous standards for wetland banking than for project specific replacement. Banking performance standards, that do not currently apply to project specific replacement, includes limiting availability of credit to meet specifications included in the approved banking plan and requiring Technical Evaluation Panel approval before credits are available.

Having consistency in the WCA rule for all methods of developing replacement wetland credits will ensure an equal playing field for the various replacement options and help ensure that replacement wetlands are of high quality.

Roundtable: The Roundtable was in agreement on having common standards for all replacement wetlands.

BWSR Wetland Committee Findings and Conclusions: Amend the WCA Rule to require the same performance standards for all replacement wetlands

Impact of the Findings and Conclusions: The findings and conclusions will help ensure consistently high quality replacement wetlands, have no impact on no net loss, and to the extent it influences the type of replacement (project specific or banking), may increase or decrease the cost to administer WCA and landowners.

This findings and conclusions can be implemented by rule.

E. **ISSUE:** Provide additional replacement credit for restoring rare plant communities.

Summary/Discussion: Exceptional Natural Resource Values (ENRV) is a means to provide replacement credit for actions that are not standard replacement methods. Restoring rare communities is an area where ENRV can be used. Changes to this guidance to provide additional incentive to restore rare plant communities, and/or plant communities that take longer to gain replacement credit would create an incentive for these restorations to occur. These projects are generally more costly and have higher risks, creating a disincentive for private bankers to undertake projects of this nature.

Roundtable: The Roundtable reached a consensus on amending the ENRV guidance to provide additional credit for restoring rare native plant communities.

BWSR Wetland Committee Findings and Conclusions: Amend the Exceptional Natural Resource Value guidance to provide additional credit for restoring rare native plant communities.

Impact of the Findings and Conclusions: The findings and conclusions should have a limited to no impact on no net loss, administrative cost and landowners. However, increased diversity of replacement wetlands is the desired result and would be a positive addition to WCA and the State of Minnesota.

This findings and conclusions can be implemented by rule or guidance.

VI. Assessment Results – Wetland Administration

The issues reviewed under wetland administration impact the cost, accessibility, and application of the program. Similar considerations as under exemptions and wetland replacement were used here as well, namely impact on " more closely aligning with the principle of no net loss", impact on the cost to administer WCA, and impact on landowners.

An important issue that was not adequately addressed in this Assessment is Comprehensive Wetland Management and Protection Plans. Under the 1996 Wetland Conservation Act changes, local units of government were given the authority to develop a comprehensive wetland protection and management plan as an alternative to following parts of the WCA rules. These plans allow sequencing flexibility, replacement siting flexibility, integration of wetland protection into local land-use controls, and in greater than 80 percent counties, these plans also provide some additional application of the agricultural exemption based on the functions and values identified in the plan.

These plans are an important way for local governments to address the high degree of variability in the amount of wetlands that exist around the state. An outstanding issue is the need to coordinate the application of these plans with the Army Corps of Engineers and Section 404 of the Clean Water Act. Discussions between BWSR and the Corps are ongoing and an agreement is expected within the next year.

A. **ISSUE:** Exemption Reporting and Data

Summary/Discussion: A key issue that arose numerous times during the course of the Assessment is the lack of data on exempt activity. The lack of data hinges on the statutory framework of the exemption, in that a landowner is not required to contact the LGU when undertaking an activity under an exemption.

Changing the exemptions from an unregulated process under WCA, to one that requires landowner interaction with their LGU would improve data collection, could be expected to result in reduced wetland impacts, but would also have a significant impact on landowners, and significant administrative cost. BWSR staff have estimated that requiring LGU's to issue exemption certificates would result in an annual increased cost to LGU's of $307,000, with an additional 1,236 exemption determinations issued.

A series of options were developed to assist in evaluating this issue, as follows:

1. No change.
2. Conduct study to estimate amount of exemption activity. This estimate could be used to pursue public funding to restore wetlands to compensate for these impacts.
3. Landowner notifies LGU.
4. LGU's required to issue exemption determinations.
5. Require sequencing for all exemptions.
6. Repeal Exemptions.
7. Require LGU interaction only on selected exemptions.

The principal concern that would be addressed by this issue (requiring landowners to contact their LGU prior to undertaking an activity under an exemption) would be to provide statewide data on exemption use that does not exist today. Minor reductions in exempt wetland loss would result from implementing this concept, but at an increase in LGU costs.

Roundtable: The Roundtable reached agreement to conduct a study to develop statewide estimates of exemption use.

BWSR Wetland Committee Findings and Conclusions: Conduct a study of existing exemption data reporting and work with LGU's to develop a system to easily report exemption use in the future.

Impact of the Findings and Conclusions: This proposal would have no impact on no net loss or on landowners, but would impose costs principally on BWSR and to a lesser extent on LGU's. The lack of data on exemptions has been a central problem throughout the Assessment, this proposal would begin to address this concern.

This findings and conclusions does not require statute or rule changes, but it does require an appropriation to fund the study.

B. **ISSUE:** Scope of Exemption Standards

The Stakeholder Advisory Committee identified two issues under the Scope of Exemption Standards: (1) add the condition to comply with avoidance and minimization provisions of the Rule when conducting an activity under an exemption; and (2) require replacement if the wetland area is used for a purpose that is not in compliance with the agriculture, drainage or forestry exemptions.

Summary/Discussion: Currently the Scope of Exemption Standards (Minn. Rule 8420.0115) includes the following provisions:

a. Persons are encouraged to contact the LGU;
b. The activity is exempt if it qualifies for one of the exemptions;
c. Exemptions do not apply to wetlands restored or created for replacement purposes;
d. Exemptions may not be combined on a project;
e. Wetlands impacted under the Agricultural Activities Exemption cannot be used for a non-agricultural purposes for ten years; and
f. Persons must apply erosion control, not block fish activity, and be conducted in compliance with all other federal, state and local requirements

Some Stakeholders expressed concerns that landowners use the exemptions to their fullest extent without making an effort to avoid or minimize the impact. The stated solution was to establish this as another requirement within the Scope of Exemption Standards. Requiring limited sequencing would be similar to some of the other existing requirements when using an exemption.

The second issue under the Scope of Exemption Standards is directed at maintaining the integrity of the exemptions. The current Scope of Exemption Standards includes a provision that restricts land impacted under the Agricultural Activities Exemption for ten years after the impact. This requirement is viewed as a means to limit potential abuse by requiring a ten-year waiting period before the land can be put a non-exempt use without replacement.

A similar requirement is currently included in the Forestry Exemption Guidance for Local Government Units. The concept is to eliminate the ten-year period for the Agricultural Activities, Forestry, and the Drainage Exemptions, so that if the land use of the area impacted ever changed, then replacement would be required. The exemptions serve an important purpose, and requiring replacement if the land use ever changed would help ensure they are not misused.

However, the discussion at the Roundtable indicated several concerns over applying a similar standard, especially to the forestry exemption. The issues included difficulty in tracking land use changes, how the LGU would know a wetland has been impacted under the exemption and then some years later the primary purpose of the forest road changes to access to recreational property, and how the primary purpose is defined.

Roundtable: On exemption sequencing: (1) sequencing should not be required if exemption reporting is not required and that (2) requiring sequencing may discourage people from asking for exemption determinations. In the end a consensus on these issues was not reached at the Roundtable.

The Roundtable ended with an agreement that replacement should be required if the area impacted under the Agricultural Activities Exemption is used for another purpose, otherwise no changes to Forestry or Drainage Exemptions.

BWSR Wetland Committee Findings and conclusions: No changes are proposed.

Impact of the Findings and conclusions: None.

C. **ISSUE:** Local Appeal Timeframe

The original issue identified by the Stakeholder Committee was to develop decision-making time limitations specific to WCA and separate from the current Minn. Stat. 15.99. Key concepts of this proposal include (1) recognize seasonal issues with WCA reviews; (2) establish a BWSR appeal process to avoid having the resource "lose" due to default approval; and (3) removing the local appeals process from complying with Minn. Stat. 15.99.

Summary/Discussion: Minnesota Statutes 15.99 (more commonly known as the 60-day rule) establishes specific decision making procedures and time frames related to "zoning, septic systems, or the expansion of the metropolitan urban service area" and WCA. Generally, Minn. Stat. 15.99 requires decisions to be made within 60 days or the application is approved.

All WCA decisions must be made in compliance with this statute. This includes certain local decisions that must allow for an appeal to a local committee. These appeals must occur within the original time period. This additional appeal window can be difficult to meet, especially, if the initial 60-day time period has not been extended by the LGU. In addition, this requirement provides a potential "loophole" in that an appeal made near or at the end of the initial time period can make it impossible for the LGU to comply with the time limitations, thereby approving the application by default.

The concern is over the requirement for local appeals processes to occur within the same 60 day time period as the original application. This requirement provides an opportunity to use the system to achieve approval of an application via a 60-rule violation when it could not be achieved by appropriate LGU consideration and process. The proposal would be to establish a new time frame from the date the appeal was filed with the LGU, and to clarify the difference between a local appeal and one to BWSR.

Roundtable: There was general agreement on providing additional time for local appeals, however, several Roundtable participants expressed concern over the need for a change and how this proposal would extend the total time for reaching a final decision on a WCA application.

BWSR Wetland Committee Findings and conclusions: Amend the WCA statute to allow 30 days for the LGU to consider a local appeal, from the date the appeal is filed with the LGU.

Impact of the Findings and conclusions: The findings and conclusions will help ensure there is adequate to properly hear a local appeal. There should be no impact on no net loss, the cost to administer or landowners.

This findings and conclusions can only be implemented by Statute.

D. **ISSUE:** Appeals of Restoration Orders

Discussion: The WCA provides an administrative option to appeal LGU decisions on the full range of decisions: replacement plan, public road project notice; banking plan, exemption; no loss; and wetland boundary or type. The 2002 rule amendments (Minn. Rule 8420.0290, Subpart 3c) added restoration orders to the list of actions that can be appealed. (WCA Manual, Chapter 6 – WCA Appeal Procedures)

The five-year history on the number and category of appeals are shown below.

WCA Actions	2001	2002	2003	2004	2005	Total
Replacement Plan	5	11	6	7	8	37
Exemption	11	4	2	6	1	24
No Loss	1	2	1	2	0	6
Exemption/No Loss	0	0	4	0	0	4
Restoration Order	0	0	8	17	15	40
Cease and Desist	0	1	0	0	0	1
Boundary Delineation	0	1	1	1	0	3
Wetland Banking	1	0	0	0	1	2
Total	18	19	22	33	25	117

The data indicates an increase in appeal activity over this period. A significant reason for this increase is the 2002 rule amendments that allowed restoration orders to be appealed (36% of appeals in 2003, 52% in 2004, and 60% in 2005) . Both BWSR and LGU staff have identified this as a concern as landowners typically use the restoration order appeal as a delay tactic. Also, none of the 40 appeals of restoration orders have been upheld, although several have resulted in a negotiated agreement.

Discussion by the Stakeholder Committee, at the Roundtable and at the Wetland Committee all identified concerns over due process and the difficulty in eliminating this appeal now that it is in effect. One of the key concerns, workload impact of these appeals, can be addressed through having appellants of restoration orders the full cost of these appeals. In addition, an increased cost in these appeals could be expected to reduce the number of such appeals.

Roundtable: Roundtable participants did not have a consensus on repeal, as concerns over due process were raised if it were repealed. In addition, cost issues should be examined, with costs assessed to the "loser" on the appeal. Finally, BWSR should develop a fact sheet on appeals.

BWSR Wetland Committee Findings and Conclusions: Amend the WCA statute to authorize BWSR to establish a fee structure/schedule for appeals.

Impact of the Findings and Conclusions: The impact of the finding and conclusion will depend on the fee scheduled approved by the Board in then future. However, it is likely the fees for appeals would be increased with an impact on landowners by paying more to appeal a local decision and/or be deterred in appealing. The additional funding would be used to support the appeal process within BWSR.

This findings and conclusions can only be implemented by statute.

E. **ISSUE:** Examine the Number and Size of WCA LGU's

The original issue identified by the Stakeholder Committee was to develop a proposal to increase WCA LGU capacity requirements, establish a "default" LGU, and provide BWSR more options to address LGU performance issues that would either increase LGU ability to administer the program or reduce their numbers

Summary/Discussion: The Wetland Conservation Act (WCA) determines the responsible local government unit as follows:

A. Outside of the seven-county metropolitan area, the local government unit is the city council, county board of commissioners or soil and water conservation district, or their delegate.
B. In the seven-county metropolitan area, the local government unit is the city council, town board, or watershed management organization or soil and water conservation district, or their delegate.
C. In those cases where an activity or replacement will occur on state land, the agency with administrative responsibility for that land.

This statute has resulted in 303 local government units (not including state agencies) administering WCA, distributed as follows:

Outside of the seven-county metropolitan area.	
County	37
Soil and Water Conservation District	46
City	71
Township	2
Total	156

In the seven-county metropolitan area	
County	1
Soil and Water Conservation District	2
City	103
Township	29
Watershed Districts/Watershed Management Organization	12
Total	147

This large number of has an impact on the effectiveness and efficiency in administering the WCA. The impacts are felt at the state and local level. Many smaller jurisdictions have few if any WCA activities in any given year making it difficult for the LGU to maintain competency in administering this complex law. When a project comes forward the LGU turns to the county, SWCD and/or BWSR for assistance.

The Stakeholder Committee discussed using a minimum population as a means to reduce LGU numbers. However, concerns expressed over using a population threshold for a city or township to be a WCA LGU. The point made by several Stakeholders was that population may not be an indication of the commitment of city or township to carry out its duties to administer the WCA.

Also the current system does not establish a "default" LGU (i.e. an LGU that is responsible if others choose not to). This lack of a default, or mandated, LGU has made it difficult for some jurisdictions to end their administration of WCA. Another concern with a large number of LGU's is the difficulty in ensuring complete and consistent reporting of WCA activities to BWSR.

The Wetland Committee considered these Stakeholder discussions, and considered the following options:

1. No change.
2. Implement a system whereby the county outside of the metro area and the watershed management organization in the metro area is required to administer the rules, except for those areas where a city or town has adopted an ordinance that is as strict as the county or watershed management organization ordinance.
3. The WCA rule currently requires an LGU to provide knowledgeable and trained staff to manage the program. The rule also allows BWSR to place a moratorium or take other appropriate legal action to ensure proper implementation and compliance by LGU's. Under this option BWSR would establish specific standards under which LGU's would have to maintain qualified staff to maintain their status as a WCA LGU.

Roundtable: The Roundtable did not reach a consensus, but identified another option to address concerns over the number of LGU's, this is to use existing local water management planning processes to have local government discuss the administration of WCA within the context of larger water management issues for the affected jurisdictions.

BWSR Wetland Committee Findings and Conclusions: Outline WCA LGU roles, responsibilities, and funding in the next water management plan update (county or watershed management organization)

Impact of the Findings and Conclusions: This findings and conclusions would have no impact on landowners, or no net loss, but would on the cost to administer WCA by LGU's, and BWSR to a lesser extent.

This findings and conclusions can be implemented without statute or rule changes.

F. **ISSUE:** WCA Guidance

Summary/Discussion:
Several members of the Wetland Committee have expressed concern over the guidance that has been approved by the BWSR to assist in the implementation of WCA. To date, the BWSR Board has approved three such guidance documents, and BWSR staff another 19 "guidance" documents.

The concern is the legality of guidance that meets the rule requirement of having, "general applicability and future effect". The findings and conclusions of the Wetland Committee is to have guidance be placed in rule when these criteria are met.

Roundtable: The Roundtable did not discuss this issue.

BWSR Wetland Committee Findings and Conclusions: Place existing guidance into rule, when the guidance meets the rule definition of "general applicability and future effect".

Impact of the Findings and Conclusions: The findings and conclusions will have no impact on no net loss or landowners, but will likely increase the cost to BWSR of future rulemaking.

This findings and conclusions can be implemented by rule.

G. Funding/Cost Estimates

Many of the findings and conclusions have implication for the cost of administering WCA. There are also ongoing funding needs at the state and local levels that should be examined. These areas are as follows:

1. Local Government Units. Local government units (LGU's) administer WCA on the ground and provide significant wetland protection benefits through these efforts. These benefits do not come without a cost. Currently, BWSR annually allocates $2,170,000 to counties and SWCD's, which is matched on a 1:1 basis. These funds, while significant, currently do not provide the equal share (50% local/50% state) funding envisioned when WCA was enacted in 1991. Even in the absence of programmatic changes, the amount of wetland related activity and workloads have been increasing. In addition, this Assessment includes several proposals that would increase the local administrative cost.

2. State/BWSR. State responsibilities for the WCA include LGU oversight, program assessment, rule development and interpretation, banking program management, LGU assistance including TEP membership, and enforcement. Similar to the LGU discussion, current funding has not kept pace with program demands. Also, this Assessment includes several proposals that would increase the State cost to administer WCA.

3. Wetland Replacement-Exemptions. A proposal discussed during the Assessment is to address no net loss through increased state funded wetland restoration, instead of programmatic regulatory changes. This concept would (1) shelve many or all of the changes to the exemptions, (2) have BWSR estimate exempt wetland impacts and the cost to restore an equivalent amount of wetlands, and (3) seek a new legislative appropriation to finance these wetland replacement restorations.

4. National Wetland Inventory Update. The National Wetlands Inventory (NWI), operated by the U.S. Fish and Wildlife Service, is a national effort to map and classify the wetland resources in the United States. In Minnesota the NWI was completed in the late 1980's using aerial photography from the late 1970's and early 1980's. The NWI is a valuable tool for identifying wetlands as part of project planning, land use management, and resource protection activities. In recent years discussions have grown on the value and need to update the NWI. The Minnesota Comprehensive Wetland Assessment, Monitoring, and Mapping Strategy (CWAMMS) includes the update of the NWI as a component of the Strategy.

Drainage Work Group
Consolidated Draft Recommendations
12-12-06, Al Kean, BWSR

Topic: Drainage Records Preservation and Modernization

1) The BWSR should develop and disseminate guidelines for drainage records preservation and modernization by June 30, 2008, in consultation with the Drainage Work Group. It is recommended that $150,000 of state funding be made available to develop and disseminate these guidelines. Specific objectives include:
   a) identify key components of modern drainage records;
   b) share experience of drainage authorities with modern, electronic records to reduce costs of drainage records preservation and modernization by other drainage authorities; and
   c) promote statewide consistency and efficiency of public drainage records and drainage system administration.
2) An additional $2M of state cost-share should be made available through Local Water Management Challenge Grants to accelerate public drainage records preservation and modernization statewide.

Topics:

- **Clarify point of beginning for measuring required ditch buffer strips** (Section 103E.021, Subd. 1 and 6)
- **Enhance authority to establish and maintain buffers** (Sections 103E.021, Subd. 1,2,3,6; 103E.315, Subd. 8; 103E.321, Subd. 1; 103E.701, Subd. 7; 103E. 705, Subd. 1,2,3; 103E.728, Subd. 2)
- **Enhance ditch buffer strip compliance and enforcement** (Section 103E.705, Subd. 1)

In the following table, strikethrough indicates recommended text deletion and underline indicates recommended text addition. Gray shading indicates areas of revision, based on Drainage Work Group discussions at the 12-11-06 meeting.

Recommended Drainage Law Clarifications	Explanations
103E.021 Ditches must be planted with <u>perennial vegetation</u>~~permanent grass~~. **Subdivision 1. Spoil banks must be spread and <u>permanent vegetation established</u>~~grass planted~~.** In any proceeding to establish, construct, improve, or do any work affecting a public drainage system under any law that appoints viewers to assess benefits and damages, the authority having jurisdiction over the proceeding shall order spoil banks to be spread consistent with the plan and function of the drainage system. The authority shall order that permanent grass, other than a noxious weed, be planted on the ~~banks~~<u>ditch side slopes</u> and <u>that a permanent strip of perennial vegetation approved by the drainage authority be established on each side of the ditch. The approved perennial vegetation shall not impede future</u>	This section includes ditch buffer strip requirements triggered by appointment of viewers. Clarifications would: 1) allow perennial vegetation approved by the drainage authority on permanent buffer strips that does not impede future ditch maintenance; 2) rename "banks" to "ditch side slopes" to distinguish from "spoil banks";

maintenance of the ditch. ~~on a~~The permanent strips of perennial vegetation shall be 16-1/2 feet in width measured outward from the top edge of the constructed channel resulting from the proceeding. ~~or to the crown of the leveled spoil bank, whichever is the greater, on each side of the top edge of the channel of the ditch.~~ Drainage system right-of-way for ~~T~~the acreage and additional property required for the permanent strips~~planting~~ must be acquired by the authority having jurisdiction.	3) clarify the point of beginning for measuring required buffer strips to be "top edge of the constructed channel resulting from the proceeding" (where, when); 4) remove requirement for the buffer strip width to extend to the crown of the leveled spoil bank when the crown is more than 16 ½ feet from the top edge of the constructed channel.
Subdivision 2. Reseeding and harvesting perennial vegetation~~grass~~. The authority having jurisdiction over the repair and maintenance of the drainage system shall supervise all necessary reseeding. The permanent strips of perennial vegetation~~grass~~ must be maintained in the same manner as other drainage system repairs. Harvest of the vegetation~~grass~~ from the permanent~~grass~~ strips in a manner not harmful to the vegetation~~grass~~ or the drainage system is the privilege of the fee owner or assigns. The ~~county~~ drainage inspector shall establish rules for the fee owner and assigns to harvest the vegetation~~grass~~.	Clarifications would: 1) conform with allowing approved perennial vegetation on permanent buffer strips; 2) acknowledge both county and watershed district drainage inspectors
Subdivision 3. Agricultural practices prohibited. Agricultural practices, other than those required for the maintenance of a permanent growth of perennial vegetation~~grass~~, are not permitted on any portion of the property acquired for the perennial vegetation~~planting~~.	To conform with allowing approved perennial vegetation on permanent buffer strips.
Subdivsion 4. Compliance work by drainage authority. If a property owner does not bring an area into compliance with this section as provided in the compliance notice, the inspection committee or drainage inspector must notify the drainage authority. If a property owner does not bring an area into compliance after being notified under section 103E.705, subdivision 2, the drainage authority must issue an order to have the work performed to bring the property into compliance. After the work is completed, the drainage authority must send a statement of the expenses incurred to bring the property into compliance to the auditor of the county where the property is located and to the property owner.	No recommended revisions.
Subdivision 5. Collection of compliance expenses. (a) The amount of the expenses to bring an area into compliance with this section is a lien in favor of the drainage authority against the property where the expenses were incurred. The auditor must certify the expenses and enter the amount in the same manner as other drainage liens on the tax list for the following year. The amount must be collected in the same manner as real estate taxes for the property. The provisions of law relating to the collection of real estate taxes shall be used to	No recommended revisions.

enforce payment of amounts due under this section. The auditor must include a notice of collection of compliance expenses with the tax statement. (b) The amounts collected under this subdivision must be deposited in the drainage system account.	
Subdivision 6. Incremental implementation of vegetated ditch buffer strips and side inlet controls. (a) Notwithstanding other provisions of this chapter requiring appointment of viewers and redetermination of benefits and damages, a drainage authority may implement permanent buffer strip(s) of perennial vegetation approved by the drainage authority, and/or side inlet control(s), adjacent to a public drainage ditch, where necessary to control erosion and sedimentation, improve water quality, or maintain the efficiency of the drainage system. The approved perennial vegetation shall not impede future maintenance of the ditch. The permanent strip(s) of perennial vegetation shall be 16-1/2 feet in width measured outward from the top edge of the existing constructed channel. Drainage system right-of-way for the acreage and additional property required for the permanent strip(s) must be acquired by the authority having jurisdiction. (b) A project under this subdivision shall be implemented as a repair in accordance with section 103E.705, except that the drainage authority may appoint an engineer to examine the drainage system and prepare an engineer's repair report for the project. (c) Damages shall be determined by the drainage authority, or viewer(s) appointed by the drainage authority, in accordance with section 103E.315, subdivision 8. A damages statement shall be prepared, including definition of how the damages were determined for each property affected by the project, and filed with the auditor or watershed district. Within 30 days after the damages statement is filed, the auditor or watershed district shall prepare property owners' reports in accordance with section 103E.323, subdivisions 1, 2, 6, 7 and 8 and mail a copy of the property owner's report and damages statement to each owner of property affected by the proposed project. (d) After a damages statement is filed, the drainage authority shall set a time, by order, not more than 30 days after the date of the order, for a hearing on the project. At least 10 days before the hearing, the auditor or watershed district shall give notice by mail of the time and location of the hearing to the owners of property and political subdivisions likely to be affected by the project. (e) The drainage authority shall make findings and order the repairs to be made, if the drainage authority determines from the evidence presented by the viewer(s) and/or engineer, if appointed, and at the hearing, that the repairs are necessary for the drainage system and the costs of the repairs are within the limitations of section 103E.705.	This new subdivision would: 1) enhance authority to establish and maintain buffers and side inlet controls along public drainage ditches, where needed; 2) use the same buffer strip point of beginning and width as required under 103E.021, subdivision 1; 3) use repair procedures; 4) drainage authority may appoint an engineer; 5) require the determination of damages by the drainage authority or viewer(s), but not the redetermination of benefits under this provision; 6) utilize due process procedures that are essentially the same as used for other repair projects.

103E.315 Assessment of drainage benefits and damages. **Subd. 8 Extent of damages.** Damages to be paid may include: (1) the fair market value of the property required for the channel of an open ditch and the permanent ~~grass~~ strip of perennial vegetation under section 103E.021; (5) costs to restore a perennial vegetative cover or structural practice existing under a federal or state conservation program adjacent to the permanent drainage system right-of-way and damaged by the drainage project.	To conform with allowing approved perennial vegetation on permanent buffer strips. For projects that appoint viewers (e.g. improvement), this would clarify that damages may be paid by a drainage system to restore a practice adjacent to the drainage system easement damaged by the project.
103E.321 Viewers' report. **Subdivision 1. Requirements.** (6) the damages paid for the permanent ~~grass~~ strip of perennial vegetation under section 103E.021;	To conform with allowing approved perennial vegetation on permanent buffer strips.
103E.701 Repairs. **Subdivision 7. Restoration of a practice disturbed or destroyed by a repair.** If a drainage system repair disturbs or destroys a perennial vegetative cover or structural practice existing under a federal or state conservation program adjacent to the permanent drainage system right-of-way, the practice must be restored in accordance with the applicable practice plan, or as determined by the drainage authority, if a practice plan is not available. Restoration costs shall be paid by the drainage system.	Clarify that for a repair project, the drainage system must pay to restore a vegetative or structural practice adjacent to the permanent drainage system right-of-way that is damaged by the project.
103E.705 Repair procedure. **Subdivision 1. Inspection.** After the construction of a drainage system has been completed, the drainage authority shall maintain the drainage system that is located in its jurisdiction including the permanent~~grass~~ strips of perennial vegetation under section 103E.021 and provide the repairs necessary to make the drainage system efficient. The drainage authority shall have the drainage system inspected on a regular basis by an inspection committee of the drainage authority or a drainage inspector appointed by the drainage authority. Open drainage ditches shall be inspected at minimum every five years where no violation of section 103E.021 is found, and annually where a violation of section 103E.021 is found, until one year after the violation is corrected.	To conform with allowing approved perennial vegetation on permanent buffer strips. Define minimum inspection periods for open ditches to enhance compliance and enforcement of section 103E.021.

Subdivision 2. Permanent ~~grass~~ strip of perennial vegetation inspection and compliance notice. (a) The drainage authority having jurisdiction over a drainage system must inspect the drainage system for violations of section 103E.021. If an inspection committee of the drainage authority or a drainage inspector determines that permanent ~~grass~~ strips of perennial vegetation are not being maintained in compliance with section 103E.021, a compliance notice must be sent to the property owner. (b) The notice must state: (1) the date the ditch was inspected; (2) the persons making the inspection; (3) that spoil banks are to be spread in a manner consistent with the plan and function of the drainage system and that the drainage system has acquired a permanent~~grass~~ strip of perennial vegetation, in accordance with section 103E.021~~16 ½ feet in width or to the crown of the spoil bank, whichever is greater~~;	To conform with allowing approved perennial vegetation on permanent buffer strips. Ditto and to correspond to buffer strip width in section 103E.021.
Subdivision 3. Drainage inspection report. For each drainage system that the board designates and requires the drainage inspector to examine, the drainage inspector shall make a drainage inspection report in writing to the board after examining a drainage system, designating portions that need repair or maintenance of the permanent~~grass~~ strips of perennial vegetation and the location and nature of the repair or maintenance. The board shall consider the drainage inspection report at its next meeting and may repair all or any part of the drainage system as provided under this chapter. The permanent~~grass~~ strips of perennial vegetation must be maintained in compliance with section 103E.021.	To conform with allowing approved perennial vegetation on permanent buffer strips.
103E.728 Apportionment of repair costs. **Subdivision 2. Additional assessment for agricultural practices on permanent~~grass~~ strip of perennial vegetation.** (a) The drainage authority may, after notice and hearing, charge an additional assessment on property that has agricultural practices on or otherwise violates provisions related to the permanent ~~grass~~ strip of perennial vegetation acquired under section 103E.021.	To conform with allowing approved perennial vegetation on permanent buffer strips.

Topic: Enhance establishment of public drainage ditch buffers (additional recommendation)
The BWSR should work with the FSA to clarify CRP policies statewide regarding CRP implementation along public drainage ditches, including CRP eligibility and piggybacking of drainage system right-of-way for permanent buffer strips, in consultation with the Drainage Work Group.

Topic: Minnesota Public Drainage Manual Update
The Minnesota Public Drainage Manual should be updated, in consultation with the Drainage Work Group, to reflect revisions and clarifications of Minnesota drainage law since 1991. Current information about drainage system BMP options, design and partnership opportunities should be added to the manual to enable enhanced drainage system management statewide for multiple purposes. It is recommended that the Legislature appropriate $350,000 to the BWSR for this update.

Topic: Continuation of the Drainage Work Group
The Drainage Work Group should continue to develop consensus recommendations to the Legislature, agencies and other stakeholders for additional drainage issues and topics brought forward by its members. The BWSR should continue to facilitate this work.

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

In the Matter of Extending the Comprehensive Local Water Management Plan for Nicollet County

ORDER EXTENDING WATER MANAGEMENT PLAN

Whereas, the Nicollet County Board of Commissioners has a state-approved Comprehensive Local Water Management Plan (Plan) that is effective until December 31, 2006, pursuant to Minnesota Statutes 103B.301; and

Whereas, the Minnesota Board of Water and Soil Resources (Board) has authorization to grant extensions pursuant to Minnesota Statutes 103B.311, Subdivision 4 (a) (5).

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

FINDINGS OF FACT

On September 15, 2006, Nicollet County's Priority Concerns Scoping Document (PCSD) was distributed for state agencies review pursuant to Minnesota Statutes 103B.305, Subdivision 8a.

On November 8, 2006, the Board's southern region water planning review committee (Committee) met with representatives of Nicollet County to discuss the county's PCSD and review comments that were received. The priority concerns to be addressed in the new Plan were deemed appropriate by the Committee. The Committee's decision was to present to the Board a recommendation of approval of the Nicollet County PCSD.

On November 16, 2006, the Board received a resolution from Nicollet County requesting a two-year extension of their Plan. The primary reason for the extension request is circumstances of increasing local participation and staff input during the process has slowed the current revision process.

On November 17, 2006, Board staff reviewed and recommended approval of the extension request by Nicollet County.

On December 20, 2006, the Committee presented its recommendation of approval of the Nicollet County PCSD to the Board. The Board adopted the Committee's recommendation.

CONCLUSIONS

All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of extending the Comprehensive Local Water Management Plan of Nicollet County pursuant to Minnesota Statutes 103B.311, Subdivision 4 (a) (5).

ORDER

The Board hereby approves the extension of the Nicollet County Comprehensive Local Water Management Plan until December 31, 2008. Nicollet County shall strive to complete the updating of their Comprehensive Local Water Management Plan in a timely manner. Dated at St. Paul, Minnesota, this 20th day of December 2006.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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BY: Randy Kramer, Chair

Marshall County

Local Water Management Plan

2006 -2015

FINAL DRAFT WP3

I. Executive Summary

Introduction

Marshall County is located in the northwest corner of Minnesota with its western border formed by the Red River of the North. Warren, the county seat, is situated in the southwestern part of the County. The 2000 census determined the population of Marshall County at 10,155. While surrounding counties are predicted to stabilize and/or increase by 2030, it is predicted by the State Demographer that Marshall County will decrease in population to 9050 by year 2030.

Most of Marshall County (MC) sits in the Red River Valley Ecoregion of the Red River of the North Basin. A small portion of land in the NE corner of the County lies in the Northern Minnesota Wetlands Ecoregion. An ecoregion is identified by land use, land-surface form, potential natural vegetation and soil characteristics (Fandrei et al, 1988). The movement of the Glacial Lake Agassiz some 15,000 years ago blessed the county with a covering of glacial drift over miles of level prairie land. The total land area of 1,675 square miles includes a wide variety of natural and man-made features. Land-use ranges from an agricultural dominance in the western parts of the county to a mixture of agricultural and wildlife areas in the eastern sections. (Figure 1) The dominant land use is cultivated acres (69.9%), followed by forested (10.9%), bog/marsh/fen (6.2%), hay, pasture, grassland (5.6%), brush land (5.4%), water (1.0%), urban/rural development (.9%) and mining at (.1%). Source received from MN State Planning Office 1999. There are few lakes and the surface water drains north through the Red River Valley to the Hudson Bay.

Watersheds in Marshall County

Marshall County has approximately eight sub-watersheds located within four organized watershed districts. These sub-watersheds are: Thief River, Snake River, Middle River, Melgard-Swift Coulee, Tamarac River, Angus-Oslo a.k.a. Grand Marais, Roseau, and Two Rivers. The streams of these watersheds are normally slow flowing and meandering, except during spring thaw and/or where they have been channelized.

The four watershed districts are: the Two Rivers Watershed District with office in Hallock, MN , the Middle-Snake-Tamarac Rivers Watershed District with office in Warren, MN, the Roseau River Watershed District with office in Roseau, MN, and the Red Lake Watershed District with office in Thief River Falls, MN.

Thief River Watershed (Red Lake Watershed District)
This watershed that is approximately 1090 square miles in size lies in the Eastern third of Marshall County and into the northern portion of Beltrami County. The **Moose River** in the northern portion of the watershed flows west from Beltrami County into **Thief Lake**. The **Mud River** in the south central portion of the watershed flows west from Beltrami County into **Agassiz Pool (formerly known as Mud Lake)**. Both Thief Lake and Agassiz Pool outlet into the **Thief River** which flows south and meets the Red Lake

River in Thief River Falls. The Thief River is a tributary of the Red Lake River (a major tributary of the Red Lake River Watershed). The Thief River is classified as an Agricultural River while the Mud and Moose Rivers are classified as Tributaries under the Protected Waters Inventory. The majority of the County's wetlands reside in this watershed with DNR classified Natural Environment Lakes named **Kuriko, Agassiz Pool, Farmes Pool (formerly known as Elm Lake)** and **Thief Lake**. The Thief Lake Wildlife Management Area and the Agassiz National Wildlife Refuge are both located in this watershed. Land use consists of recreation land for hunting, wildlife management, agricultural production of crops and the majority of the county's livestock producers.

Snake River Watershed (Middle-Snake-Tamarac Rivers Watershed District)
The Snake River Watershed lies in the southwestern two-thirds of Marshall County with a small portion in Polk County. The **Snake River** consists of approximately 750 square miles (250 square miles in MC) and originates about 6 miles west of the City of Newfolden. It flows in a southwesterly direction and intersects with the South Branch Snake River, then continues in a westerly direction through the City of Warren, thence in a southwesterly direction where it enters into Polk County and north again into Marshall County, through Alvarado and connects with the Middle River in Big Fork Township. It then travels a few miles before it outlets into the Red River of the North. Snake River is classified as an Agricultural River. **Horseshoe Lake**, classified as a Natural Environment Lake under the Protected Waters Inventory, is located in Section 29 of Fork Township. Few wetlands remain in the western side of this watershed as a large portion of the land has been drained for agricultural crop production. The eastern side of the watershed has been drained less, therefore, more wetlands are found in this area. Beach ridges are located in the central portion of the watershed.

Middle River Watershed (Middle-Snake-Tamarac Rivers Watershed District)
The **Middle River** is a tributary to the Snake River that originates east of the City of Middle River. The river flows generally in a westerly direction taking in approximately 295 square miles. The major reaches of the Middle River are classified as Agricultural under the Protected Waters Inventory while a section of the Middle River from the City of Middle River to the City of Newfolden is classified as Forested. Few wetlands remain in the western side of this watershed as a large portion of the land has been drained for agricultural crop production. More wetlands are found in the eastern side of the watershed. Beach ridges are located in the central portion of the watershed.

Melgard-Swift Coulee Watershed (Middle-Snake-Tamarac Rivers Watershed District)
The **Melgard-Swift Coulee** drains an area of approximately 137 square miles in the west central part of the District. Few wetlands remain in the western side of this watershed. Beach ridges are located in the eastern portion of the watershed.

Tamarac River Watershed (Middle-Snake-Tamarac Rivers Watershed District)
Tamarac Watershed lies in the northwestern two-thirds of Marshall County and into southern Kittson County. The watershed consists of approximately 446 square miles (with about 333 square miles in MC). Drainage originates about 7 miles east and 8 miles north of the City of Middle River. It starts as part of Judicial Ditch (JD) #19 and flows

west until it enters the **Tamarac River**, continues west through the City of Stephen, northwest and then west to the Red River of the North. The major reaches, of the Tamarac River, are classified as Agricultural. **Florian Reservoir** that is located on the Tamarac River, has been classified as a Recreational Development Lake under the Protected Waters Inventory. Land in the western portion of this watershed has been extensively drained for intensive farming of crops and therefore, few wetlands remain. Beach ridges are found in the central part of the watershed. Wetlands are found in the eastern part of the watershed as well as the East Park Wildlife Management Area. Land use consists of recreation use for hunting and crop production.

Angus-Oslo Watershed (Middle-Snake-Tamarac Rivers Watershed District)
Angus-Oslo Watershed empties into the Red River on the western boundary of the County. The small area of the watershed in Marshall County lies in the Agassiz Lake Plain. Few wetlands remain in this watershed.

Roseau Watershed (Roseau Watershed District)
A small portion of the Roseau Watershed lies in the northeast corner of Marshall County and is under the jurisdiction of the Roseau Watershed District. Organic deposits of peat and muck in wetland areas make up this part of the watershed.

Two Rivers Watershed (Two Rivers Watershed District)
The Two Rivers Watershed crosses the northern central border of Marshall County. It lies within the jurisdiction of the Two Rivers Watershed District.

For purposes of updating the Local Water Management Plan, Section II (Assessment of Priority Concern 1 and Goals, Objectives, and Actions) are based on the Thief River, Middle River, and Snake River Watersheds. Section III covers other ongoing and additional activities to be implemented in all the watersheds of the County.

Administration of Local Water management Plan

The responsibility for administrating and coordinating the implementation of the Marshall County Local Water Management Plan (LWMP) is assigned to the Water Plan Coordinator/Zoning Administrator of the Marshall County Water and Land Office. Administration of the Wetlands Program of the LWMP, is shared through a partnership between Marshall County Water Plan Coordinator, the Marshall Soil and Water Conservation District and the Marshall-Beltrami Soil and Water Conservation District.

A summary of the accomplishments of the Marshall County Water Management Plan can be found in the Appendix A of this document.

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Plan Purpose

In 1990, the first Local Water Management Plan was adopted. A diverse group of local, state and federal agencies and citizens were selected to serve as members of the Water Resource Advisory Committee. The second generation plan was approved in 1997.

The purpose of the third generation LWMP is to identify existing and potential problems and opportunities for protection, management and development of water resources and related land resources in Marshall County. Through the direction of the Minnesota Board of Water and Soil Resources, specific priority concerns are to be identified and assessed in addition to concerns for ongoing goals and actions of the water management plan. Pursuant to the requirements of Minn. Stat. 103B.311 subd., the five requirements of this plan are as follows:

1. The plan must cover the entire county.
2. The plan must address problems in the context of watershed units and groundwater systems.
3. The plan must be based upon principles of sound hydrologic management of water, effective environmental protection, and efficient management.
4. The plan must be consistent with local water management plans prepared by counties and watershed management organizations wholly or partially within a single watershed unit or ground water system.
5. This revision of the Marshall County Local Water Management Plan covers the ten-year period from 2006 through 2015.

Summary of Priority Concerns

Priority Concern 1 will focus on wind and water soil erosion as they relate to impairments to surface waters and loss of soil. Two specific rivers will be targeted for areas of study and implementation of programs to reduce sediment loads. These reaches are located on (1) the Snake River where the Middle River intersects and (2) the Thief River in eastern Marshall County. See Figure 5a. Plan objectives for this priority area are:

- To address the high volume of sediment affecting water quality in the rivers of the county by forming a task force to study the operations of impoundments, to review water quality data from stream monitoring, and to conduct sediment surveys.
- To implement and promote land use practices and develop policy that will reduce soils loss and sediment run-off into the streams and ditches.
- To educate County landowners and citizens on natural resource protection as they relate to water quality.
- To participate with State agencies by sharing water quality data and providing input to TMDL studies of impaired waters of the County.

Priority Concern 2 is the preservation of groundwater-based drinking water sources. Emphasis will be placed on understanding the location and quantity of water available in the County as well as long term tracking of ground water quality. Plan objectives are:

FINAL DRAFT WP3

- To protect groundwater sources through educating citizens on DWSM areas, aquifer locations, underground flowage and contamination risks.
- To determine areas of groundwater sensitivity by tracking and monitoring ground water quality through a GPS well locating program, development of a groundwater data base, and monitoring groundwater through Nitrate Clinics.
- Mitigate groundwater contamination through well sealing programs, maintaining inventories of underground storage tanks, wells drilled, implementation of dead livestock collection and support of solid waste programs.

Priority Concern 3 will be focused on continued flood damage reduction, management of drainage, and coordination of agencies with management of impoundments and reservoirs. Plan objectives are:

- To address the function of ditch systems for adequacy of meeting drainage needs.
- To promote flood damage reduction through workgroup agreements, participation in flood control cost-share projects and best management practices and through administration of the flood plain management ordinance.
- To improve communications between watershed districts and the County on flood control projects, to maintain representation on work teams, and to educate landowners and local government units on comprehensive watershed management.
- Review the coordination of waters released from impoundments.

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IV. Implementation Schedule

Years 2006 to 2015

Priority 1: Soil Erosion Causing Water Quality Impairments to Surface Waters of the County					
Actions	Primary Responsibility	Costs 10 years	Potential Funding Sources	Duration	Watershed
Goal 1: Address High Concentration of Suspended Sediment Affecting Water Quality in the Snake River.					
Objective A: **To understand sources of sediment being deposited into the Snake River.**					
1. Sediment Survey of waterways/ditches	SWCD, other	$8,000	NRBG, Staff	4 years	Snake
2. WQ Stream Monitoring in Snake River Watershed	County, Others: RRWMB, RW	$40,000 County	NRBG, Staff	3 yr.sched., every 3 yrs.	Snake
3. Obtain agreements to enter private and public properties for stream monitoring	County, WRAC	unknown	Staff	1 time ea. property	Snake
4. Review County WQ data from all agencies	County, RRB Water Quality Team, WRAC	unknown	NRBG, Staff	Ongoing	Snake
5. Submit WQ data to STORET	County	$8,000	NRBG, Staff	Ongoing	Snake
Objective B: **To understand the operation of the impoundments impacting the Snake River.**					
1. Task Force to study operations of impoundments. Meet with management.	WRAC, RRWMB	unknown	County, Staff	2007	Snake
2. Analyze and make recommendations	WRAC, RRB Water Quality Team, Impound. Mgrs.	unknown	NRBG, County, Staff	2007-2008	Snake
Objective C: **To reduce the sediment loads into the Snake River.**					
1. Promote BMPs through programs.	SWCD, County, NRCS, WD	unknown	State/Federal prog., grants, Staff	Ongoing	Snake
2. Promote grassed filter strips/buffers.	County, SWCD, NRCS, WD	unknown	State, Federal Prog., grants, Staff	Ongoing	Snake
3. Stakeholder participation with TMDL study	County, SWCD, agencies, WRAC	unknown	Grants, Staff	2006-2015	Snake
4. Education on water quality protection.	County, SWCD	$100,000	NRBG, Staff	ongoing	Snake
5. Cost share projects that reduce sediment load.	County, SWCD	$500,000	NRBG, Grants,	ongoing	Snake
6. Shoreland Permits for riparian projects.	County	$20,000	NRBG, Staff	ongoing	Snake

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Action	Primary Responsibility	Costs 10 years	Potential Funding Sources	Duration	Watershed
Goal 2: Protect Marshall County's Long-Term Valuable Soil Resource From Wind Erosion.					
Objective A: **Seek funding sources to implement Best Management Projects.**					
1. Increase windbreak plantings.	SWCD	$100,000	Grants	2006-2015	All
2. Identify/promote erosion prevention practices.	SWCD, NRCS, County	unknown	NRBG, Staff	2006-2015	All
3. Education Program on erosion control plans.	County, MPCA, SWCD	$50,000	NRBG, Staff	2006-2015	All
4. Promote AgBMP Loan Program.	County, SWCD	$1,000,000	MDA, Staff	2006-2015	All
Objective B: **Initiate a Soils Loss Ordinance**					
1. Review/revise draft of Soils Loss ordinance.	WRAC, County	$15,000	NRBG, Staff	2007-2008	All
2. Hold public hearings.	WRAC, County	$15,000	NRBG, Staff	2008	All
Goal 3: To Address the High Turbidity and Sedimentation affecting water quality in the Thief River.					
Objective A: **To understand sources of sediment being deposited into the Thief River.**					
1. Continue WQ stream monitoring Mud, Moose, Thief Rivers	County, RLWD, RW	$40,000 County	NRBG, Grants, Staff	3 yr. sched. Every 3 yrs.	Thief
2. Monitor input/output waters of impoundments. Obtain agreements if needed.	RLWD, County, SWCD	$20,000 County	NRBG, Grants, Staff	2007	Thief
3. Continue sediment surveys of waterways/ditches.	SWCD	$8,000	Grants, Staff	4 years	Thief
4. Form a Task Force to gain better understanding of impoundment operations.	WRAC	unknown	Staff	2006-2007	Thief
5. Review water quality data and studies	County, WRAC, RRB Water Quality Team	unknown	NRBG, Staff	2006-2015	Thief
Objective B: **Reduce sediment loads into the Thief River.**					
1. Promote BMPs.	SWCD, WD, NRCS, County	unknown	State/Federal prog., NRBG, Staff	2006-2015	Thief
2. Promote CSP program.	SWCD	unknown	Currently no funding	2007-2015	Thief
3. Stakeholder participation with TMDL studies.	WRAC, County	unknown	NRBG, Staff	2007-2010	Thief
4. Cost share projects to reduce sediment loads.	County, SWCD	$100,000	State Prog.,NRBG, Staff	2006-2015	Thief
5. Shoreland Permits for riparian projects.	County	$20,000	NRBG, Staff	2006-2015	Thief

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Priority 2: Protect Groundwater-based Drinking Water Sources Through Education and Monitoring Programs					
Actions	Primary Responsibility	Costs 10 years	Potential Funding Sources	Duration	Watershed
Goal 1: Protect Groundwater-Based Drinking Water Sources.					
Objective A: **Develop education programs on groundwater supplies**					
1. Tech advice for Wellhead Protection Plans	County	NA	NRBG, Staff	2006-2015	All
2. Educate the public on DWSMA	County, MDH	NA	NRBG, Staff	2006-2015	All
3. Education for WRAC on County groundwater	MDH, USGS	NA	NRBG, Staff	2008	All
Objective B: **Track ground water quality.**					
1. Develop GPS well locating program	County, MDH	$10,000	NRBG, MDH, Staff	2006-2007	All
2. Develop groundwater data base	County, MDH	$10,000	NRBG, MDH, Staff	2006	All
3. Nitrate Clinics and well water test kits.	County	$10,000	NRBG, MDA, Staff	1 x year	All
4. Maintain CWI.	County	NA	NRBG, Staff	2006-2015	All
Objective C: **Monitor groundwater levels.**					
1. Pursue additional observation wells.	County, SWCD, DNR	unknown	DNR, Staff	2006-2007	All
Goal 2: Reduce Risk of Groundwater Contamination Through Implementation of Various Mitigation Programs.					
Objective A: **Continue Well Sealing Program under LWMP**					
1. Education and administration of program.	County	$34,000	NRBG, Staff	2006-2015	All
Objective B: **Review and assist with update of other mitigation efforts.**					
1. Obtain inventory of underground storage tanks	County, MPCA	NA	Staff	2007	All
2. Review mitigation plans for chemical spills	County	NA	Staff	2007	All
3. Continue program for solid/hazardous waste	Solid Waste Dept.	unknown	MPCA, SW Staff	2006-2015	All
4. Continue Dead Livestock Program	County	$5,000	NRBG, Staff	1 x year	All
Objective C: **Promote use of Ag BMP low interest loan program for groundwater protection projects.**					
1. Initiate funding for feedlot run-off, failing ISTS, and well sealing	County, UM Ext., SWCD	$620,000	Ag. BMP, Staff	2006-2015	All

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Priority 3: Promote Flood Damage Reduction to Preserve Agricultural Land and Prevent Damage to Property					
Actions	Primary Responsibility	Costs 10 years	Potential Funding Sources	Duration	Watershed
Goal 1: Address Function of Ditch Systems for Adequacy of Meeting Drainage Needs.					
Objective A: **Improve ditch management and maintenance.**					
1. Coordinate ditch management workshop	County, WRAC	$2,000	NRBG, Grants, Staff	1 x 2008	All
2. Develop ditch and coulee map	Contract	$12,000	Grants	2007-2009	All
3. Ditch inventory project	Contract	$50,000	Grants,	2008-2010	All
4. Education to public on ditch maintenance	County, SWCD	unknown	NRBG, County, Staff	2006-2015	All
Goal 2: Promote Flood Damage Reduction.					
Objective A: **Review flood damage reduction workgroup agreement.**					
1. Task force for review and understanding of impoundment operations.	WRAC, Impoundment Management	unknown	Staff	2007-2009	All
2. Assessment of flood damage to property	County,	unknown	NRBG, County, Staff	2007-2009	All
Objective B: **Assist with flood damage control projects.**					
1. Beaver control project	SWCD	Unknown	Grants, Staff	1 x year	All
2. Technical assistance to landowners	County, WD, TSA1	$12,000	NRBG, Staff	2006-2015	All
Objective C: **Prevent property damage from flooding.**					
1. Administer Floodplain Ordinance	County	$13,000	NRBG, Staff	2006-2015	All
2. Technical assistance to building in floodplain	County, WD, TSA1	$12,000	NRBG, Staff	2006-2015	All
Goal 3: Improve Communication Between Watershed Districts and County on Flood Reduction Projects.					
Objective A: **Report on status of flood control projects.**					
1. Representation on Project Work Teams	County	unknown	Staff	2006-2015	All
2. Information exchange between Watershed Districts and County.	WD, County	unknown	WD, County	2006-2015	All
3. Speaker on watershed management	Contract	$1,000	NRBG, Grant, Staff	2008	All

Minnesota Board of Water & Soil Resources

DATE: December 12, 2006

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

FROM: Ronald D. Harnack, Executive Director

SUBJECT: December 20th Board Meeting Notice

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, December 20, 2006, beginning at 9:00 a.m. The meeting will be held at the Judicial Center, 25 Constitution Avenue, in Conference Room 230, second floor, in St. Paul. See attached map. Parking is available across the street at the Centennial Building Parking Ramp "Orange Level". Attached is a parking permit that you must display on the driver's side of your dash (you won't need to pay for parking). If you have a larger vehicle that will not fit in the parking ramp, please contact Mary Jo Anderson immediately, and she will provide you with a parking permit for Lot L.

The following information pertains to agenda items:

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. **Wright SWCD Resolution for Change of Headquarters** – As per MN Statute 103C.215, "*the location of the principal office of the district board may be changed with the approval of the state board after the adoption of a resolution by a majority of the district board stating the new location and by filing a certified copy of the resolution with the secretary of state.*" See attached resolution. ***DECISION ITEM***

Northern Water Planning Committee

1. **Benton County Comprehensive Local Water Management Plan Extension** – Benton County is requesting a two-year extension to their current Local Water Management Plan. Their current plan is set to expire on December 31, 2006. However, due to staff changes and the designation of a new local water management plan coordinator, the process has been delayed. Therefore, the county has requested an extension of their current plan to move the expiration date to December 31, 2008. The Board Conservationist has recommended approval of the extension and will continue working with the County coordinator to insure the plan is completed in a timely fashion. ***DECISION ITEM***

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fax (218) 828-6036

Duluth
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fax (218) 723-4794

Fergus Falls
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fax (507) 537-6368

New Ulm
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fax (507) 359-6018

Rochester
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Road N.E.
Rochester, MN 55906
phone (507) 280-2874
fax (507) 285-7144

Saint Paul
520 Lafayette Road N.
Saint Paul, MN 55155
phone (651) 296-3767
fax (651) 297-5615

2. **Marshall County Water Management Plan Update** - Marshall County is requesting approval of their water management plan update. The most recent Water Management Plan expired on December 31, 2005. Marshall County is requesting approval of a 10-year water management plan that identified a review and amendment process at the end of five years. The Northern Water Planning Committee met on November 8th to discuss the final draft of the plan, agency comments and the plan's relationship to the PCSD with BWSR staff, Marshall County staff and a Marshall County Commissioner. ***DECISION ITEM***

Southern Water Planning Committee

1. **Cottonwood County Priority Concerns Scoping Document** – Cottonwood 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 met November 8, 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 Cottonwood County. ***DECISION ITEM***

2. **Nicollet County Request for Extension of the Comprehensive Water Management Plan** - Nicollet County has requested a two-year extension of the "Nicollet County Comprehensive Water Management Plan." The request to extend the plan to December 31, 2008, is reasonable because circumstances of increasing local participation and staff input during the process has slowed the current revision process. The Southern Water Planning Committee (Committee) met with representatives of Nicollet County to discuss the Nicollet County Priority Concerns Scoping Document and review comments that were received. The matter of the Board's approving the Priority Concerns Scoping Document is also on today's meeting agenda. Nicollet County will continue its effort toward completion of the "Comprehensive Local Water Plan" revision and will not order or commence any projects using authorities under 103B.311 Subdivision 4 (a) (5) until completion of the Comprehensive Local Water Management Plan Revision. ***DECISION ITEM***

3. **Nicollet County Priority Concerns Scoping Document** - Nicollet 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 met November 8, 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 Nicollet County. ***DECISION ITEM***

4. **Faribault County Comprehensive Local Water Management Plan** – Faribault County submitted their Local Water Management Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Update to the

Board for final State review on August 17, 2006. On November 8, 2006, the Southern Water Planning Committee reviewed the recommendation of the state review agencies regarding final approval of the Faribault County Local Water Management Plan Update. The Southern Water Planning Committee recommends approval. The Findings of Fact, Conclusions and Order are drafted for the full Board to review and take action on. ***DECISION ITEM***

5. **Le Sueur County Comprehensive Local Water Management Plan Update** – Le Sueur County submitted their Local Water Management Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Update to the Board for final State review on July 7, 2006. On November 8, 2006, the Southern Water Planning Committee reviewed the recommendation of the state review agencies regarding final approval of the Le Sueur County Local Water Management Plan Update. The Southern Water Planning Committee recommends approval. The Findings of Fact, Conclusions and Order are drafted for the full Board to review and take action on. ***DECISION ITEM***

6. **Rock County Comprehensive Local Water Management Plan Update** – Rock County submitted their Local Water Management Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Update to the Board for final State review on September 21, 2006. On November 8, 2006, the Southern Water Planning Committee reviewed the recommendation of the state review agencies regarding final approval of the Rock County Local Water Management Plan Update. The Southern Water Planning Committee recommends approval. The Findings of Fact, Conclusions and Order are drafted for the full Board to review and take action on. ***DECISION ITEM***

NEW BUSINESS

1. **Human Resources Committee Recommendation for Executive Director** – ***DECISION ITEM***

2. **Public Hearing on Establishment Petition for Cedar River Watershed District** – On November 30, 2006, the Board received a petition from Mower County to establish the Cedar River Watershed District. The major purposes for establishing the district are flood control and water quality improvement. The watershed has experienced an increase in damaging floods over the last 30 years. Significant damaging floods have occurred in 2004, 2000, 1993 and twice in 1978. The 2004 flood resulted in the loss of two lives and over $17 million in property losses. The Cedar River exceeds state health standards for fecal coliform and total suspended solids. The proposed district includes approximately 435 square miles in Dodge, Freeborn, Mower and Steele Counties. Mower County contains well over 50 percent of the area of the proposed district and is authorized by Minnesota Statutes Chapter 103D to file the establishment petition.

Staff find the establishment petition to be sufficient such that a public hearing should be held per the attached draft order.

Please note: further coordination with the hearing panel members and others before the Board meeting may result in the selection of a time, date and location for the hearing. ***DECISION ITEM***

3. **WCA Assessment Final Report** - The final report will be sent to the Board under separate cover. ***DECISION ITEM***

4. **Drainage Work Group Consensus Recommendations** - The Public Drainage Ditch Buffer Study published by BWSR in February 2006, was developed in consultation with a Study Work Group of stakeholders. This Study Work Group decided to provide a number of preliminary recommendations in the Buffer Study. One of those recommendations was for the Work Group to continue to meet to further develop consensus recommendations for topics brought forward by its members, with continued facilitation by the BWSR. The Drainage Work Group began meeting monthly in June 2006. It has further discussed many drainage topics and issues, and has developed a number of associated consensus recommendations, which will be finalized at its meeting on December 11, 2006. These recommendations involve both state policy and budget. An overview will be provided and the Board asked to support these recommendations through the existing policy and budget placeholder request to the Governor, and through continued BWSR facilitation of the Drainage Work Group. ***DECISION ITEM***

5. **Conservation Easement Program Update**
   A. RIM Reserve/Wetland Reserve Program Partnership Update
   This is a voluntary program offering landowners the opportunity to protect, restore, and enhance wetlands on their property in the CREP II project watersheds. Under this partnership, eligible lands are enrolled, restored and enhanced by combining WRP's 30-year easement option with a perpetual RIM Reserve easement. In our first phase of applications, we have the potential for landowners to voluntarily enroll 16-21 easements, totaling from 5,000 to 6,000 acres. The approximate cost to the RIM Reserve Program will range from $2.0 million to $3.1 million, and will leverage up to $4.25 million in WRP funds.

   In addition, NRCS had previously received 20 WRP applications for enrollment in Pope (10), Stevens (9) and Big Stone (1) Counties. Without the ability to partner with RIM Reserve, NRCS indicates that their payment rate will not be attractive enough for landowners to enroll in a WRP easement. However, if we approve the ability to use our RIM Reserve/WRP partnership for these additional applications, there is a high likelihood of enrollment and

protection of these critical wetland resource opportunities. We would have the potential to enroll 12-20 easements totaling from 2,300 to 3,000 acres at a State cost of $1.3 million to $2.6 million. This would leverage up to $3.6 million of WRP funds that will be lost to Minnesota's WRP program if BWSR does not partner on these easements. Staff request Board approval of the use of our RIM Reserve/WRP partnership to fund those applications. ***DECISION ITEM***

B. RIM Reserve/Clean Water Legacy Partnership

Staff request authorization to use RIM Reserve Funds for permanent buffers and wetland restorations in the 12 identified TMDL project areas to achieve implementation goals of the specific TMDL plans. Leveraging with CRP and WRP would be a priority where practical. ***DECISION ITEM***

C. Response to Board's CREP II RIM Reserve Payment Rate Increase

As of today, we have 142 signed easement applications totaling 3,428 acres in the BWSR St. Paul office. (In June, we had 82 applications totaling 1,650 acres.) We have another 3,118 acres in pending applications in the field working their way to BWSR St. Paul. In addition, we estimate approximately 3,500 acres in potential project applications from landowners who are giving serious consideration to enrollment. If all of this comes to fruition, we will have 10,046 acres that will have an associated obligation of $11 million in State funds for easements and practices. ***INFORMATION ITEM***

D. CREP II Amendment

We have received initial approval from Washington FSA on our final draft of our CREP II Amendment submitted by the Minnesota CREP Team (FSA, BWSR, SWCD). Minnesota FSA staff will be finalizing development for Governor Pawlenty's signature and subsequent submittal to Washington DC FSA for final signature and approval. This should occur in the next 30 days. ***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 2:30 p.m. I look forward to seeing you on December 20th!

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520 Lafayette Road N.
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BOARD OF WATER AND SOIL RESOURCES
JUDICIAL CENTER
25 CONSTITUTION AVENUE
2nd FLOOR, CONFERENCE ROOM 230
ST. PAUL, MINNESOTA 55155
WEDNESDAY, DECEMBER 20, 2006

PRELIMINARY AGENDA

9:00 AM **CALL MEETING TO ORDER**

PLEDGE OF ALLEGIANCE

ADOPT AGENDA

MINUTES OF OCTOBER 25, 2006

MINUTES OF NOVEMBER 15, 2006

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

REPORTS

- Chair – Randy Kramer
- Executive Director – Ron Harnack
- Dispute Resolution Committee – Randy Kramer
- Wetlands Committee – LuAnn Tolliver
- Cost-Share/Soil Conservation Committee – Louise Smallidge
- Education and Public Relations Committee – Kay Cook
- Administrative Advisory Committee – Randy Kramer

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Wright SWCD Request for Change of Headquarters – *DECISION ITEM*

Northern Water Planning Committee

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

2. Marshall County Water Management Plan Update - *DECISION ITEM*

Southern Water Planning Committee

1. Cottonwood County Priority Concerns Scoping Document – *DECISION ITEM*

2. Nicollet County Request for Comprehensive Local Water Management Plan Extension - *DECISION ITEM*

3. Nicollet County Priority Concerns Scoping Document - *DECISION ITEM*

4. Faribault County Comprehensive Local Water Management Plan – *DECISION ITEM*

5. Le Sueur County Comprehensive Local Water Management Plan Update – *DECISION ITEM*

6. Rock County Comprehensive Local Water Management Plan Update – *DECISION ITEM*

NEW BUSINESS

1. Human Resources Committee Recommendation for Executive Director – Randy Kramer - *DECISION ITEM*

2. Public Hearing on Establishment Petition for Cedar River Watershed District – Jim Haertel – *DECISION ITEM*

3. WCA Assessment Final Report – Dave Weirens - *DECISION ITEM*

4. Drainage Work Group Consensus Recommendations – Doug Thomas - *DECISION ITEM*

5. Conservation Easement Program Update – Kevin Lines
    A. RIM Reserve/Wetland Reserve Program Partnership Update – *DECISION ITEM*

    B. RIM Reserve/Clean Water Legacy Partnership – *DECISION ITEM*

    C. Response to Board's CREP II RIM Reserve Payment Rate Increase – *INFORMATION ITEM*

    D. CREP II Amendment – *INFORMATION ITEM*

6. Budget Update – Ron Harnack – *INFORMATION ITEM*

AGENCY REPORTS

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

ADVISORY COMMENTS

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

UPCOMING MEETINGS

- Next Board Meeting, January 24, 2007, St. Paul

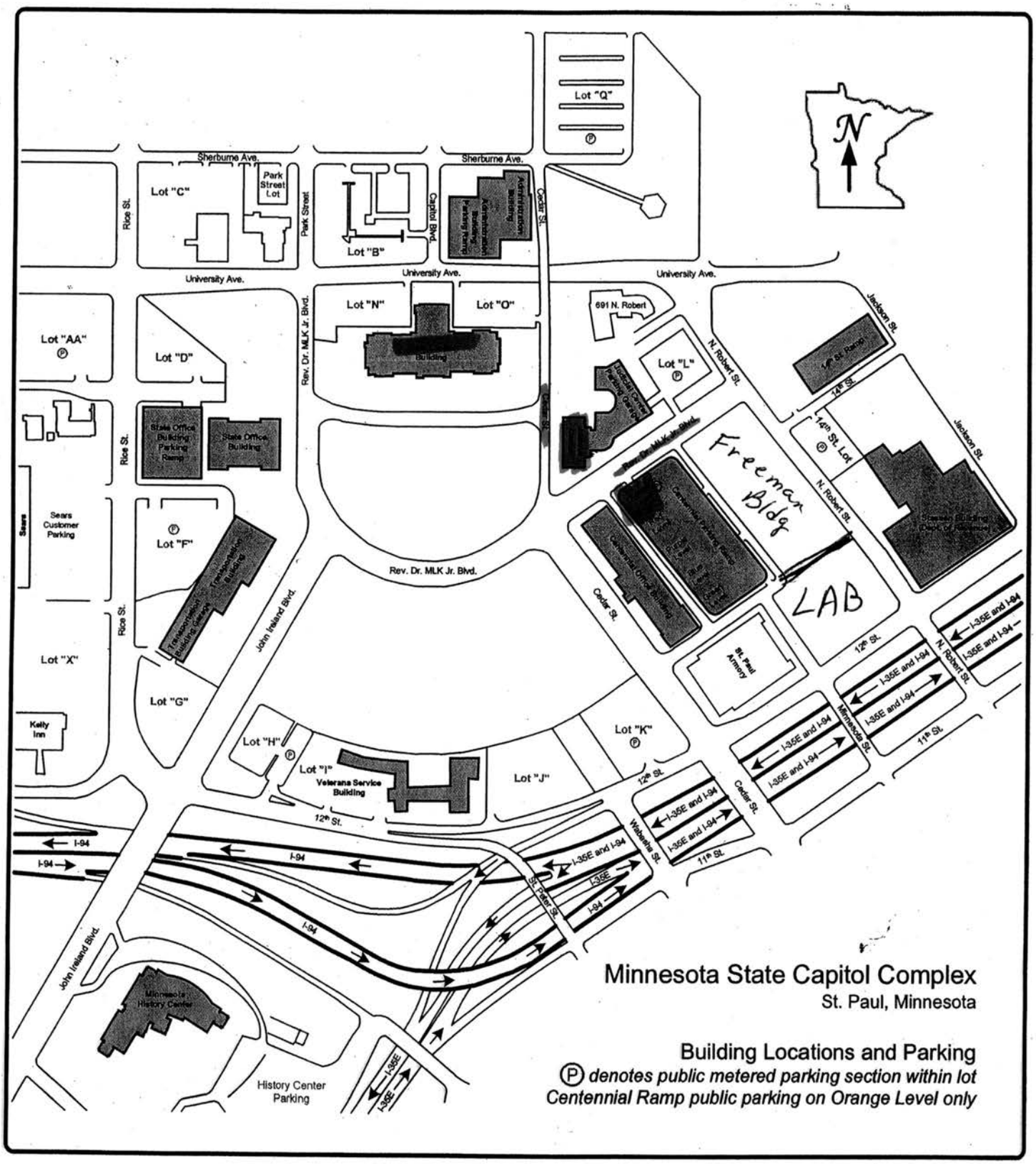
2:30 PM ADJOURN

PMD

State of Minnesota

Plant Management Division

www.pmd.admin.state.mn.us



Minnesota State Capitol Complex

St. Paul, Minnesota

Building Locations and Parking

Ⓟ denotes public metered parking section within lot

Centennial Ramp public parking on Orange Level only

Dispute Resolution Report
December 7, 2006
by: Jim Haertel

There are presently 31 appeals pending. All of the appeals involve WCA except File 05-24. There have been nine new appeals filed since the last report dated October 12th.

File 06-40. This is a new appeal of a restoration order in Beltrami County. The appeal involves the placement of fill in near-shore wetland along Upper Red Lake. The work is associated with construction of a house. No decision has been made on the appeal.

File 06-39. This is a new appeal of a restoration order in Mille Lacs County. The appeal regards the placement of fill in wetlands associated with construction of a driveway. No decision has been made on the appeal.

File 06-38. This is a new appeal of a restoration order in Stearns County. The appeal regards the placement of fill in wetlands to widen an agricultural field access road. No decision has been made on the appeal.

File 06-37. This is a new appeal of a restoration order in Cass County. The appeal involves the placement of fill in wetland associated with construction of a lake access path. No decision has been made on the appeal.

File 06-36. This is a new appeal of a restoration order in Cass County. The appeal regards the placement of fill in wetland associated with construction of a lake access path. No decision has been made on the appeal.

File 06-35. This is a new appeal of a restoration order in Cass County. The appeal regards the placement of fill in wetland associated with construction of a lake access path. No decision has been made on the appeal.

File 06-34. This is a new appeal of a restoration order in Beltrami County. The appeal involves the placement of fill in wetland associated with construction of a house. No decision has been made on the appeal.

File 06-33. This is a new appeal of a restoration order in Cass County. The appeal regards the placement of fill in wetland associated with construction of two lake access paths. No decision has been made on the appeal.

File 06-32. This is a new appeal of a restoration order in Itasca County. The appeal involves the placement of fill in wetland associated with construction of a pole barn and an area to ride horses. No decision has been made on the appeal.

File 06-31. This is an appeal of a restoration order in Todd County. The appeal regards the placement of fill in wetland associated with excavation in Bear Creek for a road culvert. No decision has been made on the appeal.

File 06-28. This is an appeal of a restoration order in St. Louis County. The appeal regards the placement of fill in Type 7 wetland associated with construction of a road. The appeal has been remanded for TEP review of a wetland delineation and measurement of the wetland fill areas.

File 06-27. This is an appeal of a replacement plan decision in Otter Tail County. A permanent road was constructed in Type 6/7 wetland with a portion of it in the shoreland zone. A Restoration Order was issued and a replacement plan application was submitted to retain the road. An LGU staff individual denied the replacement plan. The appeal has been remanded for a public hearing at the local level.

File 06-26. This is an appeal of a wetland exemption determination in Cass County. The LGU approved the wetland exemption. The TEP recommended the exemption not be approved. The activity involves the placement of drain tile in a Type 2 wetland that was previously hayed and is now a sod farm. The appeal has been accepted and a pre-hearing conference will be scheduled.

File 06-23. This is an appeal of a replacement plan decision in Kanabec County. The LGU denied the wetland replacement plan application. A previous denial of the same replacement plan application had been appealed, the appeal was remanded for a hearing, and now the current denial has been appealed. The appeal has been placed in abeyance pending the outcome of a lawsuit between the landowner and the county. The lawsuit concerns the county's possible noncompliance with the 60-day rule. The county prevailed in district court, however it appears the decision will be appealed to the Court of Appeals.

File 06-20. This is an appeal of a restoration order in Carlton County. The appeal regards filling and grading in Type 2 and Type 6 wetlands for construction of an airplane hangar, airstrip extension and taxiway. The restoration order has been stayed and the appeal has been placed in abeyance pending TEP review of a wetland delineation and restoration plan.

File 06-17. This is an appeal of a replacement plan decision in the City of Montgomery in LeSueur County. The LGU denied an after-the-fact wetland replacement plan application based on a lack of sufficient reasons why the restoration could not be completed. The appeal has been remanded for further processing at the local level.

File 06-14. This is an appeal of a replacement order in the City of Green Isle in Sibley County. A replacement plan was approved, replacement wetlands were constructed, and wetland impacts have occurred as authorized under the approved replacement plan. The ownership of the wetland replacement credits is in dispute. A district court decision on the ownership issue was appealed to the Minnesota Court of Appeals. The appeal has been placed in abeyance and the Replacement Order has been stayed until the court

proceedings have been finalized. The Court of Appeals decision has been made and it appears the decision will not be appealed to the Supreme Court.

File 06-12. This is an appeal of a no-loss decision in Stearns County. It involves the same project and issues as File 06-6. After a restoration order was issued, a no-loss application was submitted by the developer and denied by the LGU. The appeal has been remanded for further technical evaluation.

File 06-6. This is an appeal of a restoration order in Stearns County. At issue are numerous wetlands impacted by filling, sedimentation, reduction of hydrology and lack of Best Management Practices associated with a residential development. The appeal has been denied in part. The Restoration Order has been affirmed in part and has been stayed in part.

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

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

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

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

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

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

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

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

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

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

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

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

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Wright SWCD Request for Change of Headquarters – *DECISION ITEM*

RESOLUTION FOR CHANGE OF HEADQUARTERS

Be it resolved by the Wright Soil and Water Conservation District supervisors that the headquarters of the district be changed from 306C Brighton Avenue South, Buffalo Minnesota to a new building across the street at the **tentative** address of 311 Brighton Avenue South, Buffalo, Minnesota.

State of Minnesota

County of Wright

I, Duane Edward Dahlman, secretary of the Wright Soil and Water Conservation District, do hereby certify that the above resolution relating to the change of the location of the principal office of the supervisors of the Wright Soil and Water Conservation District was adopted by the District Supervisors at a regular meeting thereof held on October 16, 2006, that I have compared it with the original resolution as set forth in the minutes of said meeting, and that this copy is a true and correct copy of and transcript from the original. I further certify that said meeting of the Board was duly called and held, that a quorum of the members of said Board was present thereat, and that said resolution was duly adopted by a majority vote of the members present.

Signed: Duane C Dahlman

Wright Soil and Water Conservation District

Date: October 16, 2006

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

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

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

2. Marshall County Water Management Plan Update - *DECISION ITEM*

AUG 18 2006

BENTON COUNTY RESOLUTION 2006 - # 26

WHEREAS, 2003 amendments to the Comprehensive Local Water Planning Act, M.S. 103B.301 gave the MN Board of Water and Soil Resources (BWSR) authority to extend the ending date of local water plans for a period of not to exceed two years; and

WHEREAS, Benton County has a current state approved and locally adopted comprehensive water plan with an effective date of December 31, 2006; and

WHEREAS, there has been a change in duties in the Benton County Soil and Water Conservation District Office which has delayed the revision process for Benton County's local water management plan; and

WHEREAS, it is the desire of the Benton County Local Water Management Planner to encourage full citizen participation in the planning process;

NOW, THEREFORE, BE IT RESOLVED that the Benton County Board of Commissioners requests a two year extension from BWSR to complete the revision of the existing local water management plan;

BE IT FURTHER RESOLVED that no projects will be ordered or commenced under M.S. 103B.311, subd. 4(5) during the extension period.

I certify that this is a true and complete copy of the original thereof which is on file and of record in the Office of the County Administrator, Benton County, Minnesota.

Dated at Foley, Minnesota this 15th day of August.

Duane Grandy

Duane Grandy, Chair
Benton County Board of Commissioners

ATTEST:

Montgomery Headley

Montgomery Headley
Benton County Administrator

RECEIVED
AUG 31 2006
BD OF WATER & SOIL RESOURCES - BRAINERD

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

In the Matter of Extending the Comprehensive Local For Benton County (Minnesota Statutes, 103B.311, Subdivision 4, authorizing BWSR to grant extensions	ORDER EXTENDING LOCAL WATER MANAGEMENT PLAN

Whereas, Benton County has a state approved Comprehensive Local water Plan (CLWP) that is effective until December 31, 2006, pursuant to Minnesota Statute 1990, Section 103B.301, and

Whereas, the Board of Water and Soil Resources has authorization to grant extensions pursuant to Minnesota Statute 103B.311, Subdivision 4.

Now therefore, the Board of Water and Soil Resources hereby makes the following Findings of Fact, Conclusions and Order:

FINDINGS OF FACT

1. On August 31, 2006, pursuant to Minnesota Statute, Section 103B.315, Subdivision 3, the Board of Water and Soil Resources received a resolution from Benton County requesting an extension of their Comprehensive Local Water Plan to December 31, 2008.
2. The two-year extension is based on the following
    - The Benton Soil and Water Conservation District has been delegated the responsibility for revising the Plan. Staff changes and the designation of a new water management plan coordinator has resulted in a delay in the process.
    - In accordance with BWSR Local Water Management Plan guidance, the extension request must be for two years.

CONCLUSIONS

1. All relevant requirements of law and rule have been fulfilled. The Board of Water and Soil Resources has proper jurisdiction in the matter of extending the Comprehensive Local Water Plan of Benton County pursuant to Minnesota Statute 103B.311, Subdivision 4.

ORDER

The Board of Water and Soil Resources hereby approves the extension of the Benton County Comprehensive Local Water Management Plan until December 31, 2008. Date at St. Paul, Minnesota, this 20th day of December 2006.

By:_____
Randy Kramer, Chairperson
December 20, 2006

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

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Marshall County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on December 20, 2006, pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1) On June 30, 2005, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Marshall County, pursuant to M.S. Section 103B.312.

2) On October 5, 2005, the Board of Water and Soil Resources approved official comments on the Marshall County Priority Concerns Scoping Document, which were mailed to the county on October 27, 2005.

3) The priority concerns to be addressed in this iteration of the local water management plan include:

- Soil Erosion Causing Water Quality Impairments to Surface Waters of the County
- Protect Groundwater-based Drinking Water Sources
- Promote Flood Damage Reduction to Preserve Agricultural Land and Prevent Damage to Property

4) On August 8, 2006 the BWSR received the Marshall County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5) On November 8, 2006, the North Region Local Water Management Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Marshall County Plan Update. Recommendations of the state review agencies were:
   A) Minnesota Department of Agriculture: recommended approval;
   B) Minnesota Department of Health : no recommendation received ;
   C) Minnesota Department of Natural Resources: recommended approval;
   D) Minnesota Pollution Control Agency: recommended approval;
   E) Minnesota Environmental Quality Board: no recommendation received;

F) Minnesota Board of Water and Soil Resources regional staff recommends approval;
G) Board Water Plan Review Committee Meeting recommends approval.

6) This update will be in effect for a ten-year period until December 31, 2015; with the Goals, Objectives and Action Items reviewed and amended as necessary by December 31, 2011.

CONCLUSIONS

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

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

ORDER

The Board hereby approves the attached update of the Marshall County Local Water Management Plan – July 1, 2006 to December 31, 2015; with the Goals, Objectives and Action Items being reviewed and amended prior to December 31, 2011.

Dated at St Paul, Minnesota, this 20th day of December 2006.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

1. Cottonwood County Priority Concerns Scoping Document – *DECISION* ITEM

2. Nicollet County Request for Comprehensive Local Water Management Plan Extension - *DECISION ITEM*

3. Nicollet County Priority Concerns Scoping Document - *DECISION ITEM*

4. Faribault County Comprehensive Local Water Management Plan – *DECISION ITEM*

5. Le Sueur County Comprehensive Local Water Management Plan Update – *DECISION ITEM*

6. Rock County Comprehensive Local Water Management Plan Update – *DECISION ITEM*

Minnesota Board of Water & Soil Resources

December 20, 2006

Cottonwood County Commissioners
c/o Michael Hanson
Cottonwood County Environmental Office
235 Ninth Street
Windom, MN 56101

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

Dear Cottonwood County Commissioners:

Pursuant to Minnesota Statutes 103B.313, subdivision 5, this letter communicates the official comments of the State of Minnesota pertaining to the priority concerns Cottonwood County has chosen to address in the update of the Cottonwood County Comprehensive Local Water Management (CLWM) Plan. The Board of Water and Soil Resources (BWSR), along with the state review agencies, received the Cottonwood County Priority Concerns Scoping Document (PCSD) on July 24, 2006.

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

1. Improve Surface Water Quality
2. Protect Groundwater
3. Feedlots & ISTS (Individual Septic Treatment Systems)

The BWSR Southern Water Planning Committee (hereinafter referred to as Committee) met on November 8, 2006, to discuss comments received from state review agencies and others, discuss the content of the Cottonwood County PCSD, and make recommendations for the content of the final plan.

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

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The MDA concurred with the priority concerns identified and noted they felt the process to identify the concerns was commendable. MPCA concurred with the priority concerns identified and highlighted a PCA data source regarding surface water monitoring information for the County's use. The DNR also concurred with the priority concerns process completed by the County. The BWSR agreed with the priority concerns.

The Committee commends Cottonwood County for the process they used to select the concerns – including soliciting input from local government, citizens, and state agencies – and incorporating that information into the three priority concern areas. The priority concerns to be addressed in the LWM Plan are deemed to be appropriate.

In summary, the Board encourages the County to continue to engage in a process that includes a broad range of citizens and interest groups, in addition to local government officials, and state and federal resource managers during the development of goals, objectives, and an implementation plan. We look forward to the completion of your plan and its implementation!

Sincerely,

Randy Kramer, Chair
Minnesota Board of Water and Soil Resources

c: Becky Balk, MDA
Sara Bertelsen, EQB
Art Persons, MDH
Cheryl Heide, DNR
David L. Johnson, MPCA
Dan Wilson, MDH
Dana Allen, BWSR Board
Brian Kletscher, BWSR Board
Paul Langseth, BWSR Board
Jeff Nielsen, BWSR Southern Region Supervisor
David Sill, Board Conservationist

NICOLLET COUNTY COMPREHENSIVE LOCAL WATER PLAN EXTENSION REQUEST (FOR BOARD ACTION)

Nicollet County has a Comprehensive Local Water Management Plan (Plan), which was approved by the Minnesota Board of Water and Soil Resources on January 23, 2002. Nicollet County locally adopted their Plan via a county resolution dated February 12, 2002. The effective date (end date) of this Plan is December 31, 2006.

The amendments to the Comprehensive Local Water Management Act, Minnesota Statutes 103B.301, gives the Board of Water and Soil Resources authority to grant extensions to counties for the purpose of extending the ending date of their water plans. These extensions must be requested in writing and cannot be for more than two years.

On November 16, 2006, the Board received a resolution from Nicollet County requesting a two-year extension of their Plan. The primary reason for the extension request is circumstances of increasing local participation and staff input during the process has slowed the current revision process.

Board staff has reviewed the extension request and offers the following items of Plan updating progress completed by Nicollet County to date:

- In January 2006, Nicollet County distributed notice of its intent to update the Plan and requested priority concerns input as required by Minnesota Statutes 103B.3313 Subdivision 1. Nicollet County also distributed a local citizens survey. A public information opportunity display was available for public review at the County Government Center. Four Local Task Force meetings were conducted to discuss the Plan updating process, review priority concerns input and citizen survey responses that were received, and provide recommendations for the priority concerns selected by Nicollet County.

- In September 2006, Nicollet County's Priority Concerns Scoping Document (PCSD) was distributed for state agencies review pursuant to Minnesota Statutes 103B.305, Subdivision 8a.

- On November 8, 2006, the Board's southern region water planning review committee (Committee) met with representatives of Nicollet County to discuss the county's PCSD and review comments that were received. The priority concerns to be addressed in the new Plan were deemed appropriate by the Committee. The Committee's decision was to present to the Board a recommendation of approval of the Nicollet County PCSD.

Board Conservationist Tom Fischer recommends approval of a two-year extension for the Nicollet County Plan. Although the request is for two years, completion of the Plan updating process should take less than one year. In the Board Order approving the Nicollet County extension request, Nicollet County should be directed to strive to complete the updating of their Plan in a timely manner.

RESOLUTION AUTHORIZING EXTENSION OF THE NICOLLET COUNTY COMPREHENSIVE WATER MANAGEMENT PLAN

WHEREAS, Minnesota Statutes, Chapter 103B.311, Subd.4 (5), Comprehensive Local Water Management Act, gives the Minnesota Board of Water and Soil Resources authority to extend the ending date of local water plans for a period not to exceed two years, and

WHEREAS, circumstances of increasing local participation and staff input during the process have caused the current revision process to be delayed, and

WHEREAS, Nicollet County assures continued effort toward completion of the Comprehensive Local Water Plan revision, and

WHEREAS, Nicollet County will not order or commence any project using the authorities under 103B.311 subd. 3 and 4 until completion of the Comprehensive Local Water Management Plan revision.

NOW, THEREFORE, BE IT RESOLVED, that the Nicollet County Board of Commissioners requests from the Board of Water and Soil Resources a two year extension of their existing local water plan to December 31, 2008 to complete the revision and update of its current local water management plan.

CERTIFICATION

STATE OF MINNESOTA
COUNTY OF NICOLLET COUNTY

I do hereby certify that the foregoing resolution is a true and correct copy of a resolution presented to and adopted by the County of Nicollet at a duly authorized meeting thereof held on the 14th day of November 2006.

Robert Rodhradsky
County Administrator

Minnesota Board of Water & Soil Resources

December 20, 2006

Nicollet County Commissioners
c/o Pamela Rivers
Nicollet County Water Plan Coordinator
501 South Minnesota Avenue
Saint Peter, Minnesota 56082

Dear Nicollet County Commissioners:

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

Pursuant to Minnesota Statutes 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Nicollet County has chosen to address in the update of their Comprehensive Local Water Management (LWM) Plan. The Board of Water and Soil Resources (BWSR) received seven copies of the Nicollet County Priority Concerns Scoping Document (PCSD) on September 7, 2006. BWSR distributed copies of the PCSD to the state review agencies on September 15, 2006.

Nicollet County has reviewed the identified concerns raised during the public input process and selected the following priority concerns for inclusion in the update of the LWM Plan.

- Stormwater Management (dealing with urban and rural surface water runoff)
- Urban and Resource Management (drainage, erosion and sediment control)
- Total Maximum Daily Loads (two existing Clean Water Partnership Projects and pursuing additional funding to target impaired waters)
- Groundwater (wellhead protection assistance—community and private)

During the official state agency review period, the BWSR received comments from Minnesota Department of Natural Resources (DNR), Minnesota Pollution Control Agency (MPCA), Minnesota Department of Agriculture (MDA), Minnesota Department of Health (MDH) and the Environmental Quality Board (EQB) on the Nicollet County PCSD.

- MDNR concurred with the priority concerns identified and felt the process to identify the priority concerns was adequate.

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- MPCA believed the process to identify priority concerns was adequate; offered a web-based resource for surface water monitoring information be included in the LWMP; strongly recommended the following revision to the priority concerns identified, but does not require the revision: more language regarding the agricultural landscape--no mention of feedlot and manure management, drainage or erosion.

- MDA concurred with the priority concerns identified and felt that the process to identify the priority concerns was commendable.

- MDH stated that it appears Nicollet County has made every effort to include citizens in the process; solicited and received comments from state agencies; the PCSD addresses the MDH's earlier comments; no other comments are necessary.

- EQB provided brief comments, recommendations and a brief collection of resources pertaining to ground water contamination susceptibility, TMDL impaired waters, and population extrapolations for Nicollet County.

The BWSR southern region water planning committee (hereinafter referred to as Committee) met with representatives from Nicollet County on November 8, 2006, to discuss the content of the PCSD, state review agency comments on the PCSD, and recommendations for the content of the final LWM Plan.

The Committee commends Nicollet County for the process they used to select the concerns – including soliciting input from local government, citizens, and state agencies – and incorporating that information into the four priority concern areas. The priority concerns to be addressed in the LWM Plan are deemed to be appropriate; the Committee does not recommend or require any changes to the PCSD as drafted.

Sincerely,

Randy Kramer, Chair
Minnesota Board of Water and Soil Resources

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c: Becky Balk, MDA
Joe Martin, MDA
John Wells, EQB
Art Persons, MDH
Cheryl Heide, MDNR
David L. Johnson, MPCA
Dan Wilson, MDH
Brian Kletscher, BWSR Board
Paul Langseth, BWSR Board
Dana Allen, BWSR Board
Jeff Nielsen, BWSR Southern Region Supervisor
Thomas Fischer, Board Conservationist

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Minnesota Board of Water & Soil Resources

DATE: September 22, 2006

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: Chris Hughes, Board Conservationist

SUBJECT: Faribault County Local Water Management Plan Final Review

I have completed my final review of the Faribault County Local Water Management Plan and recommend approval of this update. The Faribault County Local Water Management Plan meets all requirements including:

- Focuses on the priority concerns identified in the Priority Concerns Scoping Document;
- Adequately assesses the priority concerns and sets forth appropriate goals and objectives;
- Lays out a detailed implementation program with measurable actions, timeline, and budget; and
- Includes all required sections.

State agency comments were received from Minnesota Department of Agriculture, Minnesota Department of Natural Resources, Minnesota Department of Health and Minnesota Pollution Control Agency (MPCA). All agencies recommend approval of the Plan. MPCA also provided comments for consideration.

I look forward to assisting Faribault County in implementing their local water management plan. With teamwork and coordination between the county, soil and water conservation district, and watershed projects, there is and will continue to be significant water resource protection and management activity in Faribault County.

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FARIBAULT COUNTY

Local Water Management Plan

2007—2016



Planning for the Future

Prepared by the Local Water Management Plan Task Force,
Faribault County Water Planner, and the
Faribault County Soil and Water Conservation District

EXECUTIVE SUMMARY

Faribault County utilizes the local water management planning process to protect and enhance the productive resources of the county such as surface water, groundwater, and related land resources by developing and carrying out the goals, objectives and actions outlined in the Local Water Management Plan. Local water management planning also provides a means to link state goals and objectives with the goals and objectives set forth by Faribault County for managing water and related land resources throughout the county.

Faribault County is located on the Minnesota – Iowa border in south central Minnesota. It is surrounded by Blue Earth County to the north, Martin County to the west, and Freeborn County to the east. Faribault County is a primarily agricultural county with a total population of 16,181, according to the 2000 Census. This is a –25% change since the first known information available in 1930, and a –32% change from the county's all time high population of 23,941 in 1940. Estimated population for 2004 is 15,642. Based on these trends, it is anticipated that the county will continue to see a decline in population in the future.

Approximately 34% of the county's population resides in a rural setting. The largest town and county seat is the City of Blue Earth with a population of 3,621. Faribault County has a total area of 461,600 acres or approximately 720 square miles. There are approximately 415,000 acres of cultivated farmland to 45,000 acres of other land in the county. The ratio of farmland to other land is approximately 9:1, with corn and soybeans as the primary crops. Hogs are the primary livestock in the county. The native vegetation consists of tall and medium prairie grasses. Some wooded areas are along streams and lakes.

The southern and western portion of Faribault County lies within the Blue Earth River Watershed, which includes 305,000 acres. In the western part of the county, regional drainage is from south to north along the Blue Earth River system, while local drainage flows eastward through Elm, Center, South, and Badger Creeks. The East Fork of the Blue Earth River and Coon Creek together drain the southeastern part of the county and join the main system in the City of Blue Earth. The north central and northeastern portions of Faribault County lie within the Le Sueur River Watershed, which includes 156,200 acres. In this area, regional drainage is from south to north along Rice Creek, Maple River and Cobb River. They flow north and eventually join the Le Sueur River, which empties into the Blue Earth River near Mankato. The very southeastern corner of Faribault County lies within the Winnebago River Watershed, and includes 400 acres.

Faribault County officially began the local water management planning process in August of 1987, with the first plan adopted in 1990. A new ten year plan was approved on March 18, 1997, with the current plan set to expire in December of 2006. The Faribault County Soil and Water Conservation District continues to coordinate the planning process for the county.

ONGOING ACTIVITIES

The local water management planning process has provided Faribault County with an opportunity to be involved in several diverse activities and programs outside of the goals and objectives defined in the Local Water Management Plan. The following is a partial listing of additional ongoing programs the Soil and Water Conservation District has a strong involvement or administrative role.

- Wetland Conservation Act (WCA)
- State Cost Share Program
- Conservation Easements
- State Revolving Fund (SRF)
- Farm Bill Technician
- Rain Gauge Network
- Tree Program
- Planning and Zoning
- Faribault County Feedlot Program Delegation
- ISTS Ordinance and Licensed ISTS Inspector
- Building Permits
- Tile Camera
- Geographic Information Systems (GIS)
- Classroom, Youth, and Adult Education Programs
- Blue Earth River Clean Water Partnership (CWP)
- Maple River Clean Water Partnership (CWP)
- Greater Blue Earth River Basin Alliance

IMPLEMENTATION SCHEDULE FOR PRIORITY CONCERNS & ONGOING ACTIVITIES

Faribault County has established an implementation schedule that prioritizes and outlines a timeframe and appropriate funding necessary for completing the goals, objectives, and actions identified throughout this plan. This schedule also recognizes the lead and supporting agencies responsible for overseeing the implementation activities.

This plan is written as a ten year plan, and recognizes that it will be necessary to review its contents and implementation schedule during year five.

The Implementation Schedule on the following pages correlates with the goals, objectives, and actions identified in the Local Water Management Plan. Those actions which are ongoing, are identified as such in the Priority Column. The year in which the activity is expected to occur is highlighted, with most action items considered ongoing throughout the ten year period. These actions pertain to both the Le Sueur and Blue Earth River Watersheds within Faribault County.

FARIBAULT COUNTY LOCAL WATER MANAGEMENT PLAN
IMPLEMENTATION SCHEDULE FOR PRIORITY CONCERNS & ONGOING ACTIVITIES

		2007 - 2016										Annual Funding	Lead Agency,
	Priority	07	08	09	10	11	12	13	14	15	16	Needed	Supporting Agencies
I. WATER QUALITY CONCERNS												*114,050.00*	
I. SURFACE WATER												**9,100.00**	
GOAL 1. Address impaired surface waters with Faribault Co.													
Objective A. ***Work toward delisting existing impaired waters***	High												
1. Participate in TMDL plan development and implementation	Ongoing											2,500.00	WP, SWCD, Cities, Co
2. Provide technical assistance throughout TMDL study	Ongoing											1,500.00	WP, SWCD, Cities, Co
3. Assist in TMDL efforts within Blue Earth and Le Sueur WS	Ongoing											500.00	WP, SWCD, Cities, Co
4. Determine sources of impairment and practices to address	High											500.00	WP, SWCD, Cities, Co
Objective B. ***Consider water quantity and quality impacts***	High												
1. Market available programs to landowners	Ongoing											1,000.00	SWCD
2. Partner with municipalities and drainage authority	High											250.00	SWCD, Cities, DA
3. Target subwatersheds to develop plans	High											250.00	SWCD, Cities, DA
4. Utilize GIS to inventory watersheds and target areas	High											350.00	SWCD, Cities, DA
Objective C. ***Gain a better understanding of water quality***	High												
1. Continue to support the CSMP and CLMP	Ongoing											350.00	WP, SWCD
2. Recruit additional volunteers for impaired reaches	Medium											100.00	WP, SWCD
3. Develop yearly CSMP newsletter	Ongoing											800.00	WP, SWCD
4. Develop baseline data and determine trend information	Medium											100.00	WP, SWCD
5. Encourage new water testing stations	High											100.00	WP, SWCD
6. Submit water testing data through STORET database	Ongoing											800.00	WP, SWCD
II. GROUNDWATER												**10,150.00**	
GOAL 2. Protect ground water based drinking water sources													
Objective A. ***Support wellhead protection areas***	Medium												
1. Encourage development of wellhead protection plans	Medium											1,000.00	WP, SWCD, Cities
2. Provide aid in efforts to locate wells	Medium											150.00	WP, SWCD, Cities
3. Encourage addressing private wells within wellhead area	Medium											250.00	WP, SWCD, Cities
4. Assist in developing maps outlining the radius of concern	Medium											150.00	WP, SWCD, Cities
5. Consider wellhead protection areas in land use decisions	High											100.00	WP, SWCD, Cities
6. Utilize source water assessment information from the MDH	Medium											100.00	WP, SWCD, Cities
Objective B. ***Encourage private well protection***	Medium												
1. Educate on proper setbacks from contamination sources	Medium											150.00	SWCD
2. Follow well code requirements for well construction	Medium											100.00	SWCD
3. Encourage private well testing on a regular basis	Medium											100.00	SWCD
Objective C. ***Encourage proper sealing of abandoned wells***	High												
1. Inventory potential location of abandoned wells	Medium											750.00	SWCD
2. Prioritize sealing of abandoned wells	High											100.00	SWCD

3. Utilize cost-share programs for sealing costs	Ongoing	6,500.00	SWCD
4. Explore providing a token fund for well sealing	Medium	100.00	SWCD
5. Explore utilizing county loan program for well sealing	High	100.00	WP, SWCD, Co
6. Develop and distribute educational materials	Medium	500.00	SWCD
		11,800.00	
III. LAKE WATERSHED MANAGEMENT			
GOAL 3. Improve lake watershed protection and management			
Objective A. ***Assess developmental pressures***	High		
1. Explore developmental pressures on lakes	High	1,500.00	P&Z, SWCD, WP, Co
2. Explore revisions to county zoning ordinances	High	1,000.00	P&Z, SWCD, WP, Co
3. Consider establishing a new district for sensitive areas	High	500.00	P&Z, SWCD, WP, Co
4. Encourage homeowners to plan wisely before building	High	500.00	P&Z, SWCD, WP, Co
5. Educate homeowners on the impacts of development	High	500.00	P&Z, SWCD, WP, Co
Objective B. ***Development of lake management plans***	High		
1. Prioritize county lakes by classification and need	High	500.00	WP, SWCD
2. Assess existing quality and land use conditions on lakes	Medium	1,000.00	WP, SWCD
3. Address development pressures vs. wildlife needs	High	350.00	WP, SWCD
4. Examine lakes from a watershed perspective	High	1,000.00	WP, SWCD
5. Update existing lake watershed delineations	Medium	2,000.00	SWCD
Objective C. ***Improved conservation in lake watersheds***	High		
1. Educate homeowners on establishing a vegetated buffer	High	500.00	SWCD
2. Educational opportunities on BMPs for lake protection	High	500.00	SWCD
3. Minimize the impact of storm water runoff to lakes	High	500.00	SWCD
4. Opportunities to store water within lake watershed	High	500.00	SWCD
5. Restoration of prairie grasses for water storage	High	250.00	SWCD
6. Maintain shallow water lakes with emergent vegetation	High	100.00	SWCD
7. Encourage establishment of easements in lake watersheds	High	500.00	SWCD
8. Seek additional funding on lake watershed projects	High	100.00	SWCD
		67,000.00	
IV. WASTEWATER			
GOAL 4. Manage new and existing onsite treatment systems			
Objective A. ***Maintain onsite treatment programs***	High		
1. Continue ISTS installation efforts through 12 Year Plan	Ongoing	5,000.00	P&Z, SWCD, WP
2. Promote ISTS installation beyond 12 Year Plan	High	2,000.00	P&Z, SWCD, WP
3. Continue ISTS inspections throughout installation	Ongoing	30,000.00	P&Z, SWCD, WP
Objective B. ***Establish an ISTS management program***	High		
1. Keep an updated system inventory of ISTS installation	Ongoing	4,000.00	P&Z, SWCD, WP
2. Conduct periodic inspections of existing systems	Ongoing	5,000.00	P&Z, SWCD, WP
3. Notify homeowners of pumping requirements every 3 years	Ongoing	2,000.00	P&Z, SWCD, WP
4. Ensure proper disposal of residuals pumped from tank	Medium	500.00	P&Z, SWCD, WP
5. Continue training program for designers and installers	Ongoing	1,500.00	P&Z, SWCD, WP
6. Publicize ISTS maintenance information	High	2,000.00	P&Z, SWCD, WP

7. Provide information to local decision makers	High	1,000.00	P&Z, SWCD, WP
GOAL 5. Assist with community treatment systems			
Objective A. ***Cooperate with communities and industries***	High		
1. Assist with wastewater education	Medium	1,000.00	Cities, SWCD, WP
2. Assist communities with unsewered households	Medium	3,000.00	Cities, P&Z, SWCD, WP
3. Continue efforts with unincorporated communities	Ongoing	7,500.00	P&Z, SWCD, WP, Co
4. Provide technical assistance to communities	Ongoing	2,500.00	Cities, P&Z, SWCD, WP
V. NON POINT SOURCE POLLUTION		**16,000.00**	
GOAL 6. Identify sources of non point source pollution			
Objective A. ***Assess sources of non point source pollution***	High		
1. Determine the nature, cause, and effects of pollution	High	2,500.00	SWCD, WP
2. Create sollutions to problems on a watershed scale	High	2,500.00	SWCD, WP
3. Identify current and apply for additional funding	Ongoing	2,500.00	SWCD, WP
4. Establish an implementation schedule by watershed	High	2,500.00	SWCD, WP
5. Target sources not being addressed by other plans	High	1,000.00	SWCD, WP
Objective B. ***Promote education and outreach***	Medium		
1. Implement education programs	Medium	1,500.00	SWCD, WP
2. Promote the effective use of BMP's	Medium	2,500.00	SWCD, WP
3. Improve information and education to local officials	Medium	1,000.00	SWCD, WP
2. STORMWATER MANAGEMENT CONCERNS		***31,850.00***	
I. URBAN STORMWATER		**17,850.00**	
GOAL 1. Communities develop stormwater policies and plans			
Objective A. ***Develop stormwater management plans***	High		
1. Provide information on methods to reduce effects of runoff	High	1,000.00	WP, SWCD, Cities
2. Develop a model stormwater management plan	High	2,500.00	WP, SWCD, Cities
3. Provide education and training for stormwater BMPs	High	1,000.00	WP, SWCD, Cities
4. Pursue funding for urban BMPs	High	1,000.00	WP, SWCD, Cities
Objective B. ***New development meet Phase II requirements***	Medium		
1. Hold Phase II stormwater program workshops	Medium	1,500.00	WP, SWCD, Cities
2. Ensure Phase II building permits have been obtained	Medium	200.00	WP, SWCD, Cities
3. Incorporate Phase II permit on building permit checklist	Medium	200.00	WP, SWCD, Cities
4. Pursue additional resources for assistance	Medium	500.00	WP, SWCD, Cities
Objective C. ***Promote homeowners to implement BMPs***	High		
1. Encourage homeowners to direct runoff to pervious areas	High	1,000.00	WP, SWCD, Cities
2. Encourage on-lot infiltration practices	High	1,000.00	WP, SWCD, Cities
3. Pursue funding for establishment of urban BMPs	High	500.00	WP, SWCD, Cities
4. Pursue funding to work one-on-one with homeowners	High	500.00	WP, SWCD, Cities
5. Identify stormwater control measures on lots <1 acre	High	250.00	WP, SWCD, Cities
6. Educate homeowners on proper disposal of hazardous waste	High	5,000.00	SW, SWCD
7. Provide education on urban BMPs and their benefits	High	500.00	SW, SWCD

Objective D. ***Utilize low impact development strategies***	Medium			
1. Advocate open space development	Medium	250.00	Cities, SWCD, WP	
2. Add low impact development measures to ordinances	Medium	100.00	Cities, SWCD, WP	
3. Encourage "common plan of development or sale"	Medium	100.00	Cities, SWCD, WP	
4. Provide educational opportunities to officials	Medium	100.00	Cities, SWCD, WP	
5. Preserve existing natural drainageways and vegetation	Medium	100.00	Cities, SWCD, WP	
Objective E. ***Reduce runoff from impervious surfaces***	High			
1. Integrate stormwater management into site design	High	100.00	Cities, SWCD, WP	
2. Maintain stormwater holding ponds	Medium	200.00	Cities, SWCD, WP	
3. Utilize stormwater retention practices	High	250.00	Cities, SWCD, WP	
II. URBAN FLOOD DAMAGE REDUCTION		**14,000.00**		
GOAL 2. Utilize storm and flood damage reduction practices				
Objective A. ***Understand drainage & stormwater outlets***	High			
1. Develop a working relationship with Drainage Authority	High	500.00	Cities, DA, Co, SWCD, WP	
2. Identify areas of water retention upstream of communities	High	2,500.00	DA, Co, SWCD, WP	
3. Utilize retention methods within cities	High	2,500.00	Cities, DA, Co, SWCD, WP	
4. Understand the drainage law's revelance to stormwater	High	1,500.00	Cities, DA, Co, SWCD, WP	
5. Utilize drained wetlands and water storage alternatives	High	2,000.00	DA, Co, SWCD, WP	
6. Drainage Authority and city annually review outlets	High	1,500.00	DA, Cities	
Objective B. ***Promote implementation of infiltration practices***	High			
1. Efforts to disconnect sump pumps and footing tile	Ongoing	1,000.00	Cities, SWCD, WP	
2. Explore impacts of additional volume of water as a result	High	500.00	Cities, SWCD, WP	
3. Encourage directing runoff to pervious areas	High	1,000.00	Cities, SWCD, WP	
4. Encourage on-lot infiltration practices	High	1,000.00	Cities, SWCD, WP	
3. DRAINAGE MANAGEMENT CONCERNS		***86,950.00***		
I. DRAINAGE MANAGEMENT		**70,000.00**		
GOAL 1. Improve drainage management practices				
Objective A. ***Adopt a countywide drainage system policy***	High			
1. Maintain mapping and data management process	Ongoing	5,000.00	DA, Co, SWCD, WP	
2. Utilize GIS data as a pre-petition decision making tool	High	1,000.00	DA, Co, SWCD, WP	
3. Establish a schedule for repair and maintenance	High	5,000.00	DA, Co, SWCD, WP	
4. Develop a redetermination schedule for all systems	High	5,000.00	DA, Co, SWCD, WP	
5. Continue efforts of the county drainage committee	Ongoing	5,000.00	DA, Co, SWCD, WP	
Objective B. Utilize a sustainable and economical approach	High			
1. Consider environmental and economic benefits	High	2,500.00	DA, Co, SWCD, WP	
2. Prioritize drainage systems on a subwatershed level	High	2,500.00	DA, Co, SWCD, WP	
3. Prioritize systems that impact an impaired water body	High	2,500.00	DA, Co, SWCD, WP	
4. Pursue funding to support technical assistance	High	1,000.00	DA, Co, SWCD, WP	
5. Partner with other agencies for support and funding	High	500.00	DA, Co, SWCD, WP	
6. Provide educational opportunities	High	2,000.00	DA, Co, SWCD, WP	

7. Puruse efforts on controlled drainage systems	Medium	1,000.00	DA, Co, SWCD, WP
Objective C. Manage drainage systems at a watershed scale	High		
1. Inventory drainage systems	High	5,000.00	DA, Co, SWCD, WP
2. Identify overloaded areas of drainage systems	High	5,000.00	DA, Co, SWCD, WP
3. Identify areas of infrastructure failure and flooding	High	5,000.00	DA, Co, SWCD, WP
4. Utilize the county tile camera to assess conditions	High	7,000.00	DA, Co, SWCD, WP
5. Manage at a watershed scale for repairs and improvements	High	4,000.00	DA, Co, SWCD, WP
6. Identify areas of concern within systems	High	3,500.00	DA, Co, SWCD, WP
7. Promote the installation of buffers on drainage systems	High	5,000.00	DA, Co, SWCD, WP
8. Pursue funding for alternative intakes	High	2,500.00	SWCD
II. AGRICULTURAL FLOOD DAMAGE REDUCTION		**16,950.00**	
GOAL 2. Utilize storm and flood damage reduction practices			
Objective A. ***Explore controlled drainage systems***	Medium		
1. Pursue educational opportunities	Medium	500.00	WP, SWCD
2. Partner with other agencies on efforts to pursue funding	Medium	500.00	WP, SWCD
Objective B. ***Understand county drainage impacts***	High		
1. Maintain and up to date inventory of drainage systems	Ongoing	1,000.00	DA, Co, SWCD, WP
2. Encourage drainage issues be addressed in county LWMPs	High	200.00	DA, Co, SWCD, WP
3. Work with neighboring counties on impacts	High	250.00	DA, Co, SWCD, WP
4. Pursue drainage projects with other organizations	High	3,000.00	DA, Co, SWCD, WP
5. Encourage opportunities to work with Iowa	High	1,000.00	DA, Co, SWCD, WP
Objective C. ***Enhance wetland and water retention areas***	High		
1. Pursue funding for water storage or wetland restorations	High	3,000.00	DA, Co, SWCD, WP
2. Explore drainage systems bearing project expense	High	1,000.00	DA, Co, SWCD, WP
3. Utilize GIS data to determine potential restoration sites	High	1,500.00	DA, Co, SWCD, WP
4. Utilize drainage management plans to target areas	High	5,000.00	DA, Co, SWCD, WP
4. EROSION CONCERNS		***33,750.00***	
I. SOIL EROSION AND SEDIMENTATION		**17,500.00**	
GOAL 1. Reduce and minimize the effects of soil erosion			
Objective A. ***Promote programs in regard to water erosion***	High		
1. Pursue funding for the establishment of BMPs	Ongoing	500.00	SWCD
2. Work on long term easement programs for marginal ag land	High	500.00	DA, Co, SWCD
3. Promote and demonstrate conservation tillage methods	High	500.00	SWCD
4. Continue and accelerate technical assistance	Ongoing	10,000.00	SWCD, NRCS
5. Map and target areas according to slope for BMPs	High	1,000.00	SWCD
6. Provide outreach efforts on protecting critical areas	High	2,500.00	SWCD
7. Work to facilitate a change in mindset and behavior	Medium	500.00	SWCD
8. Assist in TMDL efforts within the Blue Earth and Le Sueur	Ongoing	500.00	WP, SWCD
Objective B. ***Promote programs in regard to wind erosion***	Medium		
1. Promote tree plantings and grass seeding in critical areas	Medium	500.00	SWCD

2. Promote practices with priority to wind erosion reduction	Medium	500.00	SWCD
3. Promote and demonstrate conservation tillage	High	500.00	SWCD
II. BANK AND SHORELINE EROSION		**13,700.00**	
GOAL 2. Reduce bank erosion to protect water quality			
Objective A. ***Promote practices on streambank protection***	High		
1. Utilize GIS to identify high priority areas	Medium	500.00	SWCD, WP
2. Pursue funding for buffer strips and other programs	High	250.00	SWCD, WP
3. Encourage changes in grazing management practices	Medium	250.00	SWCD, WP
4. Install practices that meter out the volume of water	High	1,000.00	SWCD, WP
5. Target high priority areas for streambank stabilization	Medium	1,000.00	SWCD, WP
6. Determine measures to reduce the volume of water	High	1,500.00	SWCD, WP
7. Promote upland management and policies	High	1,500.00	SWCD, WP
8. Promote programs to highlight those utilizing good practices	Medium	100.00	Extension, SWCD
Objective B. ***Promote practices on ditchbank protection***	High		
1. Encourage development of buffer recommendations	High	500.00	DA, Co, SWCD, WP
2. Encourage re-enrollment of expiring CRP	High	2,500.00	FSA, SWCD
3. Explore establishing buffers through drainage system	High	750.00	DA, Co, SWCD, WP
4. Encourage holding areas with drainage systems	High	1,000.00	DA, Co, SWCD, WP
5. Explore funding for protecting ditch banks	High	100.00	DA, Co, SWCD, WP
6. Demonstrate how BMPs can be cost effective	High	250.00	DA, Co, SWCD, WP
7. Educate landowners adjacent to drainage systems	Medium	250.00	DA, Co, SWCD, WP
Objective C. ***Promote practices on lakeshore protection***	High		
1. Add information on lakeshore development to "Guide"	Medium	1,000.00	SWCD, P&Z, WP
2. Provide homeowners with strategies on lakeshore protection	Medium	500.00	SWCD, P&Z, WP
3. Encourage a vegetated buffer and low impact development	Medium	250.00	SWCD, P&Z, WP
4. Explore revising ordinance to include lakeshore protection	Medium	500.00	P&Z, Co, SWCD, WP
III. CONSTRUCTION SITE EROSION		**2,550.00**	
GOAL 3. Minimize effects of construction site erosion			
Objective A. ***Construction site erosion control techniques***	Medium		
1. Develop standards for all development plans	Medium	200.00	SWCD, WP, Cities
2. Provide opportunities on erosion and sediment control	Medium	1,000.00	SWCD, WP, Cities
3. Include Phase II permit on county building permit	Medium	100.00	P&Z, SWCD
4. Include erosion control techniques on website	Medium	750.00	SWCD
5. Distribute erosion control techniques through permit process	Medium	500.00	SWCD
5. AGRICULTURE CONCERNS		***47,800.00***	
I. ANIMAL AGRICULTURE		**24,400.00**	
GOAL 1. Proper management of animal agriculture			
Objective A. ***Provide assistance to producers***	High		
1. Provide assistance to producers in adopting BMPs	Ongoing	500.00	P&Z, SWCD, NRCS

2. Seek additional funding to eliminate pollution from feedlots	High										20,000.00	P&Z, SWCD, NRCS
3. Promote existing funding sources	Ongoing										1,000.00	P&Z, SWCD, NRCS
4. Utilize grazing management	Medium										200.00	P&Z, SWCD, NRCS
5. Provide outreach to feedlots under threshold of permitting	Medium										500.00	P&Z, SWCD
6. Provide outreach to new owners of new or existing sites	High										500.00	P&Z, SWCD
7. Reach new owners of sites with a fact sheet	Medium										500.00	P&Z, SWCD
8. Encourage producer groups to provide training opportunities	Medium										250.00	P&Z, SWCD
9. Utilize GIS to identify environmentally sensitive areas	Medium										250.00	P&Z, SWCD
10. Involve livestock producers with the BE Basin Fecal TMDL	High										250.00	P&Z, SWCD
Objective B. ***Provide education on the benefits of agriculture***	Medium											
1. Encourage producers to educate non-livestock producers	Medium										100.00	P&Z, SWCD
2. Encourage discussions and education on new sitings	Medium										250.00	P&Z, SWCD
3. Encourage producers to practice good neighbor policies	Medium										100.00	P&Z, SWCD
II. MANURE MANAGEMENT											**18,650.00**	
GOAL 2. Work on the benefit of manure management planning												
Objective A. ***Encourage the development of plans***	High											
1. Promote the economic benefit of manure management planning	High										500.00	P&Z, SWCD
2. Ensure feedlots with 300 - 1000AU are utilizing a plan	Ongoing										2,500.00	P&Z, SWCD
3. Increase efforts on feedlots <300AU to have a plan	Medium										1,000.00	P&Z, SWCD
4. Review plans with producers through site visits every 4 years	Ongoing										10,000.00	P&Z, SWCD
5. Seek additional resources to accomplish planning efforts	Medium										250.00	P&Z, SWCD
6. Provide opportunities for preparing plans	High										500.00	NRCS, P&Z, SWCD
7. Utilize MPCA and UofM planning software as a tool	High										250.00	P&Z, SWCD
8. Explore holding workshops for producers	High										750.00	P&Z, SWCD
9. Partner with MPCA to provide training for smaller sites	Medium										500.00	P&Z, SWCD
Objective B. ***Provide education on proper setbacks***	High											
1. Utilize GIS to identify environmentally sensitive areas	High										250.00	P&Z, SWCD
2. Educate producers on existing setbacks from sensitive areas	Ongoing										250.00	P&Z, SWCD
3. Incorporate and encourage vegetated buffers for runoff	High										100.00	P&Z, SWCD
Objective C. ***Encourage proper crediting of manure nutrients***	High											
1. Provide education on correct application rates	High										500.00	P&Z, SWCD
2. Support the utilization of manure as a valuable resource	Medium										100.00	P&Z, SWCD
3. Education on utilizing manure better and incentives of selling	Medium										100.00	P&Z, SWCD
4. Encourage producer groups to hold field days	Medium										100.00	P&Z, SWCD
5. Promote education of UofM guidelines	High										250.00	P&Z, SWCD
6. Work with FSA to incorporate education through newsletters	Medium										250.00	P&Z, SWCD, FSA
7. Encourage producers to get records documented	High										500.00	P&Z, SWCD
III. NUTRIENT MANAGEMENT PLANNING											**4,750.00**	
GOAL 3. Promote the wise use of nutrients												
Objective A. ***Provide education on proper application rates***	High											

2. Support the utilization of manure as a valuable resource	Medium	100.00	P&Z, SWCD
3. Education on utilizing manure better and incentives of selling	Medium	100.00	P&Z, SWCD
4. Encourage producer groups to hold field days	Medium	100.00	P&Z, SWCD
5. Promote education of UofM guidelines	High	250.00	P&Z, SWCD
6. Work with FSA to incorporate education through newsletters	Medium	250.00	P&Z, SWCD, FSA
7. Encourage producers to get records documented	High	500.00	P&Z, SWCD
III. NUTRIENT MANAGEMENT PLANNING		4,750.00	
GOAL 3. Promote the wise use of nutrients			
Objective A. ***Provide education on proper application rates***	High		
1. Work with ag suppliers of UofM application rates	High	500.00	SWCD
2. Develop test plots and organize field days to review results	Medium	1,000.00	SWCD
3. Promote incentives for entering a nutrient mgmt contract	High	1,000.00	SWCD, NRCS
4. Incorporate information on UofM rates within FSA newsletter	High	500.00	SWCD, FSA
5. Educate those writing plans on rates eligible for programs	Medium	500.00	SWCD, NRCS
6. Explore holding classes or workshops for ag suppliers	Medium	1,000.00	SWCD
7. Encourage soil sampling to utilize as base data	Medium	250.00	SWCD
6. NATURAL RESOURCE CONCERNS		***3,250.00***	
I. NATURAL RESOURCES		3,250.00	
GOAL 1. Identify, preserve & promote natural resources			
Objective A. ***Identify natural resources within the county***	Medium		
1. Utilize GIS to create a map of existing protected areas	Medium	750.00	SWCD, WP
2. Identify priority areas with the potential for land use change	Medium	500.00	SWCD, WP
3. Explore including natural resource concerns within ordinance	Medium	250.00	P&Z, WP, SWCD, Co
Objective B. Promote and market conservation efforts	Medium		
1. Develop a marketing plan for protected areas	Medium	100.00	SWCD
2. Promote outdoor recreational activities through map	Medium	200.00	SWCD
3. Promote prairie reconstruction and restoration efforts	Medium	100.00	SWCD
4. Promote programs for the establishment of native species	Medium	100.00	SWCD
5. Promote the establishment of habitat corridors	Medium	100.00	SWCD
Objective C. Provide education on better managing resources	Medium		
1. Encourage the use of native species in construction	Medium	100.00	SWCD
2. Provide education on better managing forests and woodlands	Medium	100.00	SWCD
3. Provide education on negative impacts of off road vehicles	Medium	100.00	SWCD
4. Provide education on impacts of development	Medium	250.00	SWCD
5. Work with townships on the importance of timed mowing	Medium	100.00	SWCD
6. Promote the use of backyard conservation practices	Medium	500.00	SWCD
TOTAL ANNUAL NEED		**317,650.00**	

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

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Faribault County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Minnesota Board of Water and Soil Resources (Board) on August 21, 2006, pursuant to M.S. Section 103B.315, Subd. 5; and

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

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

FINDINGS OF FACT

1. On December 30, 2005 the Board received a Priority Concerns Scoping Document from Faribault County, pursuant to M.S. Section 103B.312.

2. On April 26, 2006, the Board approved official comments on the Faribault County Priority Concerns Scoping Document, which were mailed to the county on April 26, 2006.

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

    a. Water Quality Concerns, including impaired waters and TMDL's
    b. Stormwater Management Concerns, including public drainage system management
    c. Erosion Concerns
    d. Agricultural Concerns
    e. Natural Resource Concerns

4. On August 21, 2006, the Board received the Faribault County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Plan Update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5. **On November 8, 2006**, the Southern Water Planning Committee of the Board reviewed the recommendation of the state review agencies regarding final approval of the Faribault County Plan Update. Recommendations of the state review agencies were:
    a. Minnesota Department of Agriculture recommends approval;
    b. Minnesota Department of Health recommends approval;
    c. Minnesota Department of Natural Resources recommends approval;
    d. Minnesota Pollution Control Agency recommends approval;
    e. Minnesota Environmental Quality Board had no comment;
    f. Minnesota Board of Water and Soil Resources regional staff recommends approval;
    g. Board regional Water Plan Review Committee recommends approval.

6. This update will be in effect until December 31, 2016.

CONCLUSIONS

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

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

ORDER

The Board hereby approves the attached update of the Faribault Local Water Management Plan with a required update to the implementation section (Goals, Objectives and Actions) By December 31, 2011.

Dated at St. Paul, Minnesota, this 20th day of December 2006.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

DATE: August 21, 2006

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: Chris Hughes, Board Conservationist

SUBJECT: LeSueur County Local Water Management Plan Final Review

I have completed my final review of the LeSueur County Local Water Management Plan and recommend approval of this update. The LeSueur County Local Water Management Plan meets all requirements including:

- Focuses on the priority concerns identified in the Priority Concerns Scoping Document;
- Adequately assesses the priority concerns and sets forth appropriate goals and objectives;
- Lays out a detailed implementation program with measurable actions, timeline, and budget; and
- Includes all required sections.

State agency comments were received from Minnesota Department of Agriculture, Minnesota Department of Natural Resources, Minnesota Department of Health and Minnesota Pollution Control Agency (MPCA). All agencies recommend approval of the Plan. MPCA also provided comments for consideration.

I look forward to assisting LeSueur County in implementing their local water management plan. With teamwork and coordination between the county, soil and water conservation district, and watershed projects, there is and will continue to be significant water resource protection and management activity in LeSueur County.

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fax (651) 297-5615

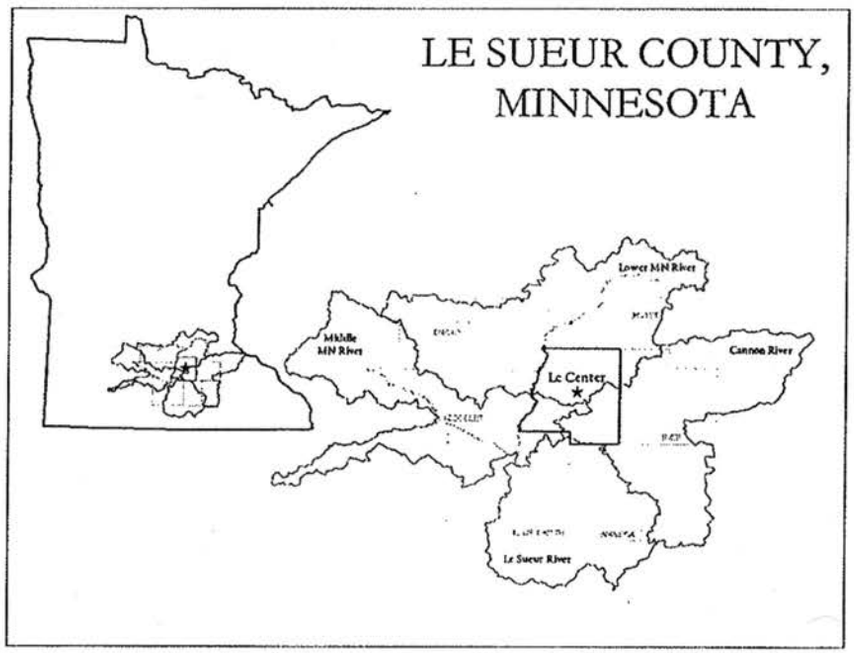
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DRAFT
July 5, 2006
Copy submitted
to BWSR

Le Sueur County

2006-2015

Local Water Management Plan



June 2006
Third Revision

Adopted on _____

Prepared by:
Lauren Klement, Environmental Resources Specialist
Le Sueur County Environmental Services

Executive Summary

VERSION AND PURPOSE:

This is the third version of the Le Sueur County Comprehensive Water Plan. This version dated, 2006-2015 and is called the Le Sueur County Comprehensive Local Water Management Plan. This plan includes project development and implementation. The implementation plan will have a progress review in 2011. Changes can be made at this time following the Minnesota Board of Water and Soil Resources guidelines.

Le Sueur County Comprehensive Local Water Management Plan has two purposes:
1) To identify existing and potential problems and opportunities for the protection, management and development of water and related land resources.
2) To develop objectives and carry out a plan of action to promote sound hydrologic management of water and related resources and effective environmental protection.

The plan focuses on Priority Concerns as identified in coordination with local governments and state agencies (2003 Statutory M.S. 103B.301) and an Implementation Plan that addresses the Priority Concerns. Implementation of the plan, through annual workplans, will make certain that objectives and goals will be reached. It is in the best interest of the county to ensure that implementation occurs.

Le Sueur County has many lakes, rivers, streams, creeks and drainage ditches. Water recreation is important to a large population of the county, as is agricultural drainage. Both help drive the economy of the area. County information and maps are located in the appendices.

DESCRIPTION OF PRIORITY CONCERNS:

The Priority Concerns on which Le Sueur County will focus are as follows. **The Priority Concerns are not listed in order of importance, as all concerns are important.**

1. Impaired Waters/TMDL's
   Le Sueur County is home to several recreational lakes that have been placed on the impaired waters list for nutrients. The water plan task force is also well aware of several other water bodies that have the potential for being listed as well. It was the consensus of the task force that the next Water Plan would need to confront these TMDL issues immediately in order to correct, enhance and preserve the abundant surface water resources that are characteristic of the area.

2. Wastewater Treatment
   A dramatic increase in the rate of growth in Le Sueur County has resulted in development pressures around many of the cities and lakeshore areas of the county. There is also an upward trend of small, seasonal cabins converting to large, year round homes. With this pressure comes the need for proactive management of new systems and accelerated compliance of existing systems. Identifying wastewater treatment as a priority in the water plan is considered a vital component for supporting existing state and local

requirements, as well as to focus attention on strengthening and improving the ISTS program.

3. Stormwater Management
   This priority focuses on management of stormwater in both urban and rural settings. New developments located adjacent to existing cities, near lakeshore or simply placed in a rural setting need to be tightly regulated to prevent the associated nutrient and sediment runoff impacts to our water resources. With the state's trend towards stronger regulations, the water plan task force identified this as an issue demanding immediate attention.

4. Protection of Undeveloped Shorelines
   As previously stated, growth in Le Sueur County is on the rise. It is evident that a significant percent of the population is drawn to living on or near our surface water resources. Areas once considered non-suitable for development have now become potential places for growth. These undisturbed areas are critical to maintaining and protecting hydrology, water storage, buffers and native species. In order to prevent the loss and destruction of these remaining natural habitats, the water plan task force strongly supports this as a priority issue.

5. Drinking Water Protection
   The water plan task force unanimously agreed that source water protection is a key component for any water plan. It is the responsibility of the plan to promote public health, economic development and community infrastructure by insuring a potable drinking water supply for all residents of our small communities, as well as our individual rural residents. It is necessary that we provide education about the importance of drinking water protection for the general health and well being of the population.

6. Drainage Management
   Le Sueur County's agricultural dominance, coupled with its vast surface water resources has resulted in a tug of war between our need for cropping systems and our desire for suitable water recreation. To enhance crop production, tiling systems have been improved wetlands have been drained, causing our drainage systems to be inundated with increased volumes of nutrient rich water. These fast flowing systems need to be addressed now - priority issues include potential storage areas, wetland restoration and effective management of the current drainage system program.

7. Reduce Contamination from Agricultural Sources
   Agricultural operations need to adequately maintain cropping systems to reduce non-point pollution, while feedlot operations need to contain their manure storage areas. Erosion and sedimentation from these operations needs to be closely monitored to reduce the levels of nutrients entering our surface water resources. The task force feels that it is of priority to actively work with all producers through education and set-aside programs to ensure proper care and management of these operations.

SUMMARY OF GOALS AND OBJECTIVES

Priority Concern 1: Impaired Waters/Total Maximum Daily Loads (Cost Estimate: $ 953,800)

Goal 1: Protected, restored and improved surface water quality in lakes, rivers and streams.

Objective 1: Work with the MPCA, Lake Associations and other state and federal agencies on the TMDL process with the development of two TMDL implementation plans for impairments in Lake Volney and Lake Tetonka/Upper Sakatah Lake by 2015.

Objective 2: Implement TMDL Implementation Plans by Year 2015.

Objective 3: Collect useful scientific water quality data on area lakes, streams, rivers and wetlands within the Sand Creek and Le Sueur Creek Watersheds of the Lower MN and in Middle Minnesota River Watersheds and in the Upper Cannon on an ongoing basis, when funding is available.

Priority Concern 2: Wastewater Treatment (Cost Estimate: $ 1,380,000)

Goal 2: All septic systems in Le Sueur County have been brought into compliance.

Objective 4: Strengthen and improve the Le Sueur County ISTS Program by December 2012

Objective 5: Increase the number of ISTS upgrades to bring systems into compliance by 20% annually.

Priority Concern 3: Stormwater Management (Cost Estimate: $ 444,000)

Goal 3: Minimized impacts from runoff of development areas and agricultural land that alter surface water hydrology.

Objective 6: Increase the number of water retention structures (see objective 7 for wetlands) on the landscape by 30% annually by 2015.

Objective 7: Increase the number of wetland restoration acreage in the county by 20% annually by 2015.

Objective 8: Promote sound hydrologic storm water management to reduce runoff to eleven municipalities and developers and unincorporated areas and their residents annually by 2011.

Goal 4: Diminished runoff pollution caused by urban and development stormwater and agricultural runoff.

Objective 9: Promote environmentally friendly storm water management to reduce pollutants from reaching surface water to eleven municipalities and all county residents annually by 2011.

Priority Concern 4: Protection of Undeveloped Shoreline
(Cost Estimate: $ 280,500)

Goal 5: Achieved no net loss of existing natural shoreline

Objective 10: Respond to 25 shoreland regulation inquiries annually

Goal 6: Achieved a net natural shoreline gain through shoreline restorations

Objective 11: Restore 75 negatively altered shoreland sites by 2011

Priority Concern 5: Drinking Water Protection
(Cost Estimate: $ 54,300)

Goal 7: Protected groundwater quality and quantity.

Objective 12: Coordinate, annually, a public education program for all county residents and municipality staff on proper construction, maintenance, protection and abandonment of wells and conservation of groundwater through two news releases and/or presentations annually

Objective 13: Coordinate water-testing clinics for up to 200 wells that would include Nitrate and Arsenic for county residents with private wells by 2010.

Objective 14: Gather information about groundwater quantities and interconnection to surface water by 2015.

Priority Concern 6: Agricultural Drainage Management
(Cost Estimate: $ 215,500)

Goal 8: Reduced peak flow within drainage systems.

Objective 15: Create and implement an educational campaign for runoff reduction by 2010.

Objective 16: Create or enhance a drainage management plan that includes a schedule for redetermination of benefits for ditch systems by 2010.

Priority Concern 7: Reduce Contamination from Agricultural Sources
(Cost Estimate: $ 1,285,000)

Goal 9: Reduced contaminants from agricultural sources to surface water.

Objective 17: Secure funding for surface water protection and improvement projects on a watershed basis by 2011.

Objective 18: Provide education on nutrient management and the need for nutrient management plans to all county agricultural producers in the county by 2010.

TOTAL COST ESTIMATE FOR PRIORITY CONCERNS: $ 4,613,100.00

Implementation Schedule of Ongoing Activities

Feedlots

The County's feedlot program includes enforcement of Minnesota Rules Chapter 7020. National Pollutant Discharge Elimination System State Disposal Permit is required from MPCA for construction and/or operation of a feedlot or manure storage area that meets the definition of a Large Concentrated Animal Feeding Operation (CAFO) as defined in Federal Regulations (40 CFR 122.23 (b)(4)); or are capable of holding 1,000 or more animal units (AU) (as defined under Minn. R. 7020.0300, subp.5). Current staffing levels can be maintained as long as state funding through the MPCA Feedlot Base Grant is available to the county and regional technical assistance grants are continued to address emerging needs. This should ensure that program goals laid out in the water plan and in annual feedlot program work plans will be met.

Individual Sewage Treatment Systems

Le Sueur County enforces Minnesota Rules Chapter 7080 in the entire county. Any changes to 7080 are adopted by reference in the county's ordinance. All new ISTS are permitted through the Zoning Office. Ag BMP loans are available for upgrading existing systems. Clean Water Partnership loan funds for upgrading existing failing ISTS in the watershed project areas are currently available. There is growing support for a county administered low-interest loan program that would allow pay back of the loans through the property taxes. Le Sueur County ISTS Inspections: Point of Sale inspections, addition of bedroom(s), shoreland: inspection is required with any permit obtained.

Municipal Wastewater Treatment

The MPCA regulates and monitors activities related to municipal treatment facilities. The county has input if expansion or upgrading of a facility is proposed. The City of Le Sueur, through the MPCA, informed the county of plans to expand facilities with completion possibly within the next five years.

Wetland Conservation Act

Le Sueur County will continue to administer the Wetland Conservation Act for the entire county. Delegation for administration of the program will remain with the Le Sueur SWCD

Floodplains

Flooding events in recent years have highlighted the need for floodplain ordinances. The county and cities with ordinances are gradually working to eliminate those structures that are not flood worthy and introduce land uses in the floodplain that are least impacted by floods. The public is coming to accept the need for limits on development in the floodplain. The maps from the Federal Emergency Management Agency appear to be acceptable to all local units of government as a guide to the areas susceptible to flooding. All unincorporated areas of the county fall under the county's floodplain ordinance.

Shoreland Management

The county receives a small grant each year from the MN DNR for administration of the shoreland ordinance on all lands in the county within 1000 feet landward from the ordinary high water level of all protected watercourses as identified on the Protected Waters and Wetlands map. Shoreland on protected streams are within 300 feet. An annual report is submitted to the DNR about the activities regulated in the shoreland district.

Solid Waste

The County's Solid Waste Management Plan will be the primary mechanism used to address solid waste issues.

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

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Le Sueur County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Minnesota Board of Water and Soil Resources (Board) on July 7, 2006, pursuant to M.S. Section 103B.315, Subd. 5; and

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

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

FINDINGS OF FACT

1. On January 9, 2006, the Board received a Priority Concerns Scoping Document from Le Sueur County, pursuant to M.S. Section 103B.312.

2. On April 26, 2006, the Board approved official comments on the Le Sueur County Priority Concerns Scoping Document, which were mailed to the county on April 26, 2006.

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

    a. Impaired Waters and Total Maximum Daily Loads
    b. Drainage Management
    c. Wastewater Treatment
    d. Stormwater Management
    e. Protection of Undeveloped Shorelines
    f. Reduce Contamination From Agricultural Sources
    g. Drinking Water Protection

4. On July 7, 2006, the Board received the Le Sueur County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Plan Update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5. **On November 8, 2006**, the Southern Water Planning Review Committee of the Board reviewed the recommendation of the state review agencies regarding final approval of the Le Sueur County Plan Update. Recommendations of the state review agencies were:
    a. Minnesota Department of Agriculture recommends approval;
    b. Minnesota Department of Health recommends approval;
    c. Minnesota Department of Natural Resources recommends approval;
    d. Minnesota Pollution Control Agency recommends approval;
    e. Minnesota Environmental Quality Board had no comment;
    f. Minnesota Board of Water and Soil Resources regional staff recommends approval;
    g. Board regional Water Plan Review Committee recommends approval.

6. This update will be in effect until December 31, 2015.

CONCLUSIONS

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

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

ORDER

The Board hereby approves the attached update of the Le Sueur Local Water Management Plan with a required update to the implementation section (Goals, Objectives and Actions) By December 31, 2010.

Dated at St. Paul, Minnesota, this 20th day of December 2006.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

DATE: December 8, 2006

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: Tabor Hoek, Board Conservationist

SUBJECT: **Rock County Local Water Management Plan Final Review**
January 2007 – January 2017

I have completed my final review of the Redwood County Local Water Management Plan and recommend approval of this update.

The Rock County Local Water Management Plan meets all requirements including:

- focuses on the four priority concerns identified in the Priority Concerns Scoping Document;
- adequately assesses the priority concerns and sets forth appropriate, concise, and measurable goals and objectives;
- displays a detailed implementation program with measurable actions, timeline, and budget; and
- includes all required sections.

State agency comments were received from the Minnesota Dept. of Health (MDH), Minnesota Pollution Control Agency (MPCA), Minnesota Dept. of Natural Resouces (DNR), Minnesota EQB, and Minnesota Department of Agriculture (MDA). These agencies recommend approval of the Plan.

I look forward to assisting Rock County in the implementation of their plan. Water Plan Coordinator Doug Bos should be commended for his leadership and dedication throughout the planning process. I have confidence that their proven success will continue to be fulfilled by the Rock Co. board and staff throughout the implementation of the identified initiatives.

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fax (651) 297-5615

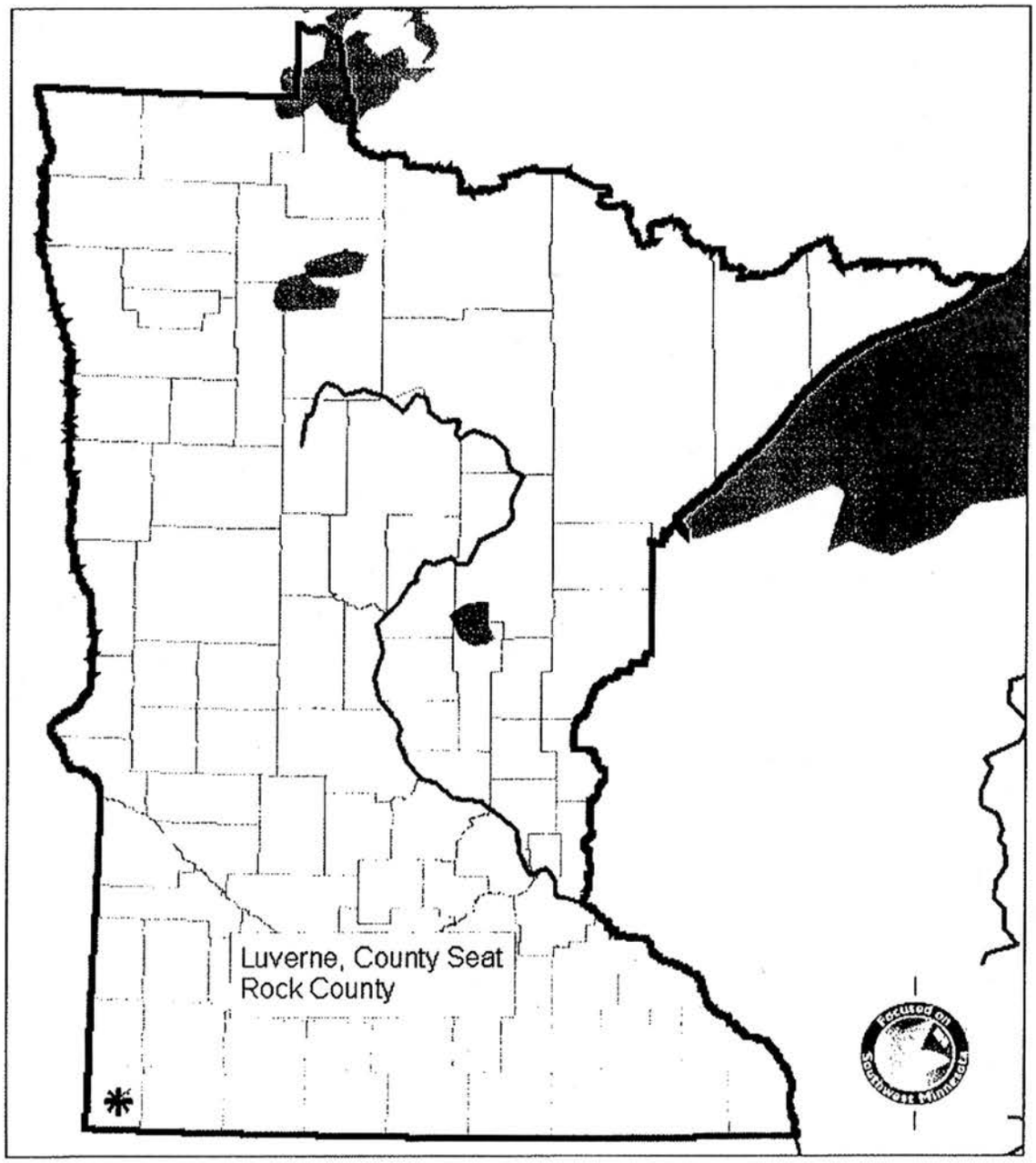
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ROCK COUNTY WATER PLAN

A 10-YEAR PLAN WITH A 5-YEAR IMPLEMENTATION SCHEDULE.

SEPTEMBER 2006

PREPARED FOR THE ROCK COUNTY WATER PLAN TASK FORCE
BY ROCK COUNTY LAND MANAGEMENT OFFICE AND
SOUTHWEST REGIONAL DEVELOPMENT COMMISSION



A. Executive Summary

Rock County, population 9,721, is located in the southwestern corner of Minnesota, adjacent to Pipestone, Murray, and Nobles counties, and the states of Iowa and South Dakota. The City of Luverne (pop 4,617) is the county seat. Rock County is a typical prairie environment, and unique to Minnesota in that it lies completely within the Missouri River basin. As part of the Big Sioux River Basin, the county is divided into two major watershed units **(see attached map)**. The Big Sioux watershed consists of approximately 130,800 acres, including the Split Rock Creek and Beaver Creek minor watershed. The Rock River watershed consists of about 175,800 acres, including the Kanaranzi-Little Rock minor watershed. The two major watersheds are similar geologically, with the same soil types, slopes and erosion areas.

A.1 Purpose & Introduction

The Rock County Water Plan is intended to identify existing and potential water issues in the context of watershed units and groundwater systems, informing specific implementation actions to achieve goals for sound hydrological management of water and related resources.

Requirements of a local water plan are set forth in current state statute (M.S. 103B.311, Subd. 4.). The plan must address management of water, effective environmental protection, and efficient resource management, and must be consistent with local water management plans prepared by counties and watershed management organizations wholly or partially within a single watershed unit or ground water systems. This Water Plan is a ten-year management plan with a five-year implementation schedule.

This is the third edition of a local water management plan for Rock County. The Rock County Board of Commissioners appointed a Water Planning Advisory Committee, which first met on 12 January 1989. The original Rock County Comprehensive Local Water Plan was prepared by Don Briggs and Kris Rodman in April 1991. In December 1994, the Rock County Board of Commissioners adopted a resolution to update and revise the water plan. In December 1995 and August 1996, the Board of Water and Soil Resources granted Rock County one-year extensions for revisions to the local water plan, due to staff changes. The plan update was completed by Douglas Bos of the Land Management Office, with assistance from the Rock County Water Planning Advisory Committee, in December 1997. That plan was written to cover water management through December 2006.

Major accomplishments under Rock County's previous water management plans included:

- Completed a Level III Feedlot Inventory on all Rock County Feedlots.
- Provided technical assistance, cost share dollars and low interest money to correct water quality concerns for 100-plus feedlots.
- Provided technical assistance and guidance in developing Well Head Protection Plans for Rock County Rural Water and the City of Luverne.
- Sponsored 14 years of the Southwest MASWCDE Environmental Fair for 6th grade classes in the County.

- Promoted and provided technical assistance to install thousands of feet of terraces, hundreds of waterways, and numerous sediment basins.
- Provided cost share and technical assistance to plant hundreds of thousands of trees in shelter belts and wildlife plantings.
- Provided cost share to seal 71wells since 2001 and numerous wells prior to 2001.
- Promoted and provided cost share and low interest dollars to replace 146 failing individual septic systems since 1999 and many systems prior to 1999.
- Annually sampled and tested 13 surface water sites, 3 field tile outlets and 15 well water sites for water quality for 14 years.
- Developed a program to collect household hazardous waste, waste pesticide, and empty pesticide containers.

Rock County Water Plan
Ag BMP Loans

	Feedlots	Dollars	Septics	Dollars	Conservation	Dollars
2000	14	$236,700	21	$70,700	8	$77,325
2001	18	$306,125	8	$30,700	7	$149,350
2002	17	$227,350	9	$29,217	3	$58,250
2003	8	$119,779	2	$9,500	1	$24,950
2004	15	$280,872	6	$22,453	1	$12,105
2005	21	$542,750	5	$22,900	4	$91,250

Source: Rock County Land Management Office

The Rock County Land Management Office is responsible for local water management in Rock County, including facilitation of public input and convening the Rock County Water Plan Task Force. On 16 August 2005, the Rock County Board of Commissioners passed a Resolution of Intent to update the Comprehensive Water Management Plan. In October 2005, Rock County retained the Southwest Regional Development Commission for assistance to write the update. A public meeting on priority concerns was held at Luverne on 13 December 2005. After Task Force consideration, the Rock County Board of Commissioners scheduled a Public Hearing on this Water Plan for 19 September 2006.

Task Force membership at the time of Plan development has included:

Peter Bakken	Township Supervisor	Kurt Elbers	Rock County Cattleman's Assn.
Richard Bakken	County Commissioner	Eric Hartman	Director, Rock County Land
Al Blank	Beaver Creek City Mayor		Management Office
Doug Bos	Water Plan Coordinator	Al Lais	City of Luverne Public Works
Ava Christians	Dairy Producer, Citizen	Don Reker	SWCD Supervisor
Dan Cook	Rock County Rural Water	Andy Steensma	Luverne City Mayor
		Leroy VanWyhe	Beaver Creek Sportsman's Club

Randy Creeger Friends of the Park, representing Blue Mound State Park & Touch the Sky Prairie

A.1.a Public Input Requests and Informational Meetings

8/16/05	County Board Mtg on Resolution to update plan- 8 att.
8/25/05	Sent requests of Local Units of Government, Agencies and Organizations requesting input of priority concerns.
8/25/05	E-mailed requests for input on priority concerns from State Agencies.
9/14/05	Sent letters requesting input on priority concerns from State Agencies.
9/15/05	Notice of Decision to Revise and Update Water Plan – Rock County Star Herald cir. 3,000
9/05	Article for the Rock County Ag News Cir. 900
10/05	Article in the Rock County Ag News requesting input on the water plan process. Cir 900
12/05	Article in the Rock County Ag News noticing Priority Concerns meeting and providing information on the Water planning process.Cir 900
9/29/05	Article for the Star Herald, on Water planning process. Cir. 3,000
12/6/05	Rock County Annual Township Meeting - 35 Twsp Officers
12/13/05	Task Force and Public Meeting on Priority Concerns - 16 att.
12/19/05	Rock SWCD Board Mtg- 10 att.
1/11/06	Task Force Meeting on Priority Concerns – 14 att.
2/22/06	Submitted Priority Concerns Scoping Document to State Agencies.
9/8/06	Task Force Meeting to review draft plan, Goals and Objectives, Implementation plan.
9/19/06	Public Hearing / Rock County Commissioners meeting on Draft Water Plan.

A.1.b Plan Adoption and Amendment

Upon approval of this plan by the Minnesota Board of Water and Soil Resources (BWSR), Rock County has up to 120 days to pass an Adoption and Implementation Resolution. After final adoption, the plan may be amended in a similar process, by petitioning the BWSR Board, scheduling a public hearing, and sending notice to the required parties.

A.2 Description of Priority Concerns

The Priority Concerns listed below were selected by the Water Plan Task Force members by consensus, after carefully reviewing submitted concerns and comments.

Priority Concern 1. Protect ground water quality and supply.

Rock County's shallow aquifers demand vigilance in protecting groundwater quality and supply. Particular concerns include well head protection, abandoned wells, and future water supply.

Priority Concern 2. Feedlot Program management

Nutrient management plans are an important tool in preventing water quality issues. As well, controlling feedlot runoff can prevent problems before they happen.

C. Implementation Schedule of Priority Concerns

This section establishes the implementation program for the local water management to address priority concerns.

C.1 Priority Concern 1: Protect ground water quality and supply.

Goal 1a: Protect public water supplies from contamination by agricultural production activities and industrial sources.

Action 1a.1: Provide technical assistance to and serve on the existing Well Head Protection committees for Rock County Rural Water and the City of Luverne and other public water suppliers that will be developing a Well Head Protection Plan.
Who: RCLMO, RCRW, CL, MDH, MRWA
When: 2007-2012
Cost: In-Kind
Benefit: Groundwater

Action 1a.2: Coordinate development of literature and newsletters with the Public Water Suppliers to educate producers on the significance of being in a Well Head Protection Area.
Who: RCLMO, RCRW, CL, MDH, MRWA
When: 2007-2012
Cost: In-Kind, $500 in advertising
Benefit: Groundwater

Action 1a.3: Using our CREP technician to produce fliers and promotional literature, conducting site visits to those producers that do not respond to the mailings, and using promotional activities to raise the awareness of the programs.
Who: RCLMO, RCRW, CL, MDH, MRWA, BWSR, PF
When: 2007-2012
Cost: $25,000 per year
Benefit: Surface Water/ Groundwater

Action 1a.4: Examine existing ordinances and proposed changes to ensure they protect and do not negatively impact Well Head Protection Areas.
Who: RCLMO
When: 2007-2012
Cost: In-Kind
Benefit: Groundwater

Action 1a.5: Develop a list of abandoned wells by interviewing residents in the DWSMA's and pursue funding for increased cost share for sealing the wells.
Who: RCLMO, RCRW, CL, MDH, MRWA
When: 2007-2012

Cost: In-Kind, $4,000
Benefit: Groundwater

Goal 1b: Prevent contamination of underground aquifers from land use practices through open abandoned wells.

Action 1b.1: Utilize newsletter and newspaper opportunities to educate residents on potential impacts in well head protection areas.
Who: RCLMO, RCRW, CL, MDH, MRWA
When: 2007-2012
Cost: In-Kind, $500 per year
Benefit: Groundwater

Action 1b.2: Budget cost share dollars for sealing 100 abandoned wells.
Who: RCLMO, BWSR, MDH, MRWA
When: 2007-2012
Cost: $500 to $1,000 per well sealed, up to $5,000/cost share per year
Benefit: Groundwater

Action 1b.3: Seek additional funding for assistance sealing additional abandoned wells.
Who: RCLMO, BWSR, MDH, MRWA
When: 2008-2012
Cost: seek at least $5,000 per year
Benefit: Groundwater

Goal 1c: To make sure that the residents of Rock County have adequate water supplies to allow for future economic growth and development.

Action 1c.1: Contact public water suppliers and research examples of effective plans.
Who: RCLMO, RCRW, CL, MDH, MRWA
When: 2007-2012
Cost: In-Kind
Benefit: Groundwater

Action 1c.2: Coordinate and develop a conservation flyer with the public water suppliers in the County.
Who: RCLMO, RCRW, CL, MDH, MRWA
When: 2007-2012
Cost: In-Kind, $500
Benefit: Groundwater

Action 1c.3: Stay informed on water supply issues and educate legislators on the priority issues.
Who: RCLMO, RCRW, CL, MDH, MRWA
When: 2007-2012
Cost: In-Kind
Benefit: Groundwater

C.2 Priority Concern 2. Feedlot Program management.

Goal 2a: To ensure all feedlots that are required to and those in the DWSMA have developed and follow a nutrient management plan.

Action 2a.1: During compliance inspections verify that nutrient management plans are written when required and educate producers on how to develop a plan.
Who: RCLMO, MPCA
When: 2007-2012
Cost: In-Kind
Benefit: Surface Water

Action 2a.2: Promote available planning programs for nutrient management and serve as a resource for questions.
Who: RCLMO, MPCA
When: 2007-2012
Cost: In-Kind
Benefit: Surface Water/ Groundwater

Action 2a.3: Promote training opportunities, forward pertinent information and serve as a resource for questions in plan writing.
Who: RCLMO, MPCA, MDA
When: 2007-2012
Cost: In-Kind
Benefit: Surface Water/ Groundwater

Goal 2b: Have all feedlots in the County in compliance with MN Statute 7020 standards.

Action 2b.1: Provide technical and engineering assistance to producers with the Southwest Prairie Joint Powers Organization, Provide assistance in applying for cost share and low interest loans to correct the problems.
Who: RCLMO, MPCA, BWSR, MDA
When: 2007-2012
Cost: In-Kind, $5,000 - $100,000 per feedlot
Benefit: Surface Water/ Groundwater

Action 2b.2: Utilize a check list for compliance during the application process, conduct site visits during construction to verify compliance and remain current on State regulations.
Who: RCLMO, MPCA, BWSR
When: 2007-2012
Cost: In-Kind
Benefit: Surface Water/ Groundwater

C.3 Priority Concern 3. Non-conforming Individual Septic Treatment System.

Goal 3a: Bring all nonconforming Individual Septic Treatment Systems into compliance with Minnesota Statutes Chapter 7080.

Action 3a.1: Develop an ordinance that requires property owners to upgrade failing septic systems at property transfer.
Who: RCLMO, MPCA, BWSR, MDH
When: 2007-2012
Cost: In-Kind, $4,000 - $7,000 per septic replacement
Benefit: Surface Water/ Groundwater

Action 3a.2: Develop an inventory by conducting site visits and interviewing residents in the DWSMA and shore-land areas.
Who: RCLMO, MPCA, BWSR, MDH, RCRW, CL
When: 2007-2012
Cost: In-Kind, $5,000
Benefit: Surface Water/ Groundwater

Action 3a.3: Provide cost share and low interest money to encourage replacement throughout the County. Leverage financing from local and State sources to provide additional cost share on replacement systems for high priority areas such as DWSMA and shore-land.
Who: RCLMO, MPCA, BWSR, MDA, RCRW, CL
When: 2007-2012
Cost: In-Kind, $4,000 - $7,000 per Septic System replaced.
Benefit: Surface Water/ Groundwater

C.4 Priority Concern 4. Protect surface water quality.

Goal 4a: Prevent future contamination of surface waters from land use practices.

Action 4a.1: Along with NRCS provide technical assistance to 50 producers and landowners that are interested in installing conservation practices.
Who: RCLMO, NRCS
When: 2007-2012
Cost: In-Kind
Benefit: Surface Water

Action 4a.2: Assist producers in applying for cost share opportunities for conservation practices.
Who: RCLMO, BWSR, NRCS
When: 2007-2012
Cost: In-Kind
Benefit: Surface Water

Action 4a.3: Identify potential areas and contact the landowners with our CREP Technician. Provide a technician to encourage and facilitate conservation program participation.
Who: RCLMO, BWSR
When: 2007-2012
Cost: In-Kind, $25,000 per year Technician
Benefit: Surface Water

Action 4a.4: Review applications for expansions and construction sites for the need of a Storm Water Permit.
Who: RCLMO, MPCA
When: 2007-2012
Cost: In-Kind
Benefit: Surface Water

Action 4a.5: Develop and promote an ordinance to require 4:1 side slopes on water courses that are cleaned out.
Who: RCLMO
When: 2007-2012
Cost: In-Kind
Benefit: Surface Water

Action 4a.6: Develop and promote an ordinance to require grass buffers along surface waters such as intermittent and perennial streams.
Who: RCLMO
When: 2007-2012
Cost: In-Kind
Benefit: Surface Water

Action 4a.7: Identify landowners and operators in the watersheds that flow to these parks; promote and educate these landowners on the importance and opportunities of conservation practices.
Who: RCLMO, NRCS, DNR
When: 2007-2012
Cost: In-Kind, CREP Technician-$5,000
Benefit: Surface Water

Goal 4b: Develop a plan to address those reaches of water courses that exceed the limits of Total Maximum Daily Load.

Action 4b.1: Participate in regional meetings that address plans of action to correct stream impairments, work with Mankato State University in assessing current information and developing a TMDL plan. Access state and federal dollars for water sampling to verify contaminates that caused these streams to be listed as impaired.
Who: RCLMO, MPCA, BWSR, RCRW, CL
When: 2007-2012
Cost: In-Kind
Benefit: Surface Water

Action 4b.2: Continue yearly sampling of surface water at critical points; coordinate, chart and monitor results from all agencies to track changes in the County.
Who: RCLMO, RCRW, CL, BWSR,
When: 2007-2012
Cost: In-Kind, $3,000 per year testing fees.
Benefit: Surface Water

Goal 4c: *Preserve, restore and enhance natural land and waters while benefiting and providing habitat to increase populations of State and Federal endangered species and wildlife.*

Action 4c.1: Coordinate wetland determination with US Army Corp, DNR, and NRCS, perform site visits on filling requests and complaints.
Who: RCLMO, BWSR, DNR, USCOE
When: 2007-2012
Cost: In-Kind
Benefit: Surface Water

Action 4c.2: Work with landowners in applying for grants to stabilize stream banks and create endangered species habitat.
Who: RCLMO, BWSR, DNR, USFW
When: 2007-2012
Cost: In-Kind
Benefit: Surface Water/ Endangered Species

Action 4c.3: Utilize our CREP Technician position to develop and produce promotional literature and coordinate promotional events, follow up with interested producers with site visits and payment estimates.
Who: RCLMO, BWSR, NRCS, DNR
When: 2007-2012
Cost: In-Kind
Benefit: Surface Water/ Endangered Species

D. Implementation Schedule of Ongoing Activities

D.1 Priority Concern 1: Protect ground water quality and supply.

- Participate on the Rock County Rural Water and the City of Luverne Well Head Protection Boards.
- Publish newsletters, news articles, and news releases to address water quality, quantity and conservation issues and concern.
- Conduct nitrate testing at the County Fair.
- Provide well testing kits for the public.
- Provide cost share for and promote the sealing of abandoned wells.
- Collect water samples at 15 surface water sites, 3 tile outlets, and 13 ground water sites.
- Test water levels in DNR observation wells on a regular basis.
- Participate in the State Rainfall Monitoring Program.
- Continue to promote and provide a Household Hazardous Waste Program to correctly dispose of HHW.
- Present a program on HHW to 5th graders using learning stations.
- Provide for collection of waste agricultural pesticides and empty pesticide containers.

D.2 Priority Concern 2. Feedlot Program management..

- Continue to be a delegated County in the MPCA feedlot program and maintain a county feedlot data base.
- Inspect and assist producers in maintaining compliance with County and State feedlot rules.
- Provide technical assistance to correct feedlot problems and promote the use of the Joint Powers Engineering services for enhanced services.
- Promote and provide assistance for nutrient management plans and practices.
- Assist area agronomists and crop consultants in providing nutrient management services.
- Promote and administer the State Cost Share Program for feedlot runoff corrections.
- Administer and provide technical assistance for the State Revolving Fund for best management practices

D.3 Priority Concern 3. Non-conforming Individual Septic Treatment System.

- Administer, permit and inspect individual septic systems in the county.
- Continue to provide low interest loans with the State Revolving Fund to upgrade failing septic systems.

D.4 Priority Concern 4. Protect surface water quality.

- Promote and provide technical assistance for conservation programs.
- Provide a no-till drill for seeding conservation practices and native grasses.

- Administer and promote the SWCD tree program and provide planting and matting to support the program.
- Work with the USFW on stream bank stabilization and Topeka Shiner habitat.
- Continue to administer the Wetlands Conservation Act.
- Promote and administer the State Cost Share Program for conservation practices.
- Administer and provide technical assistance for the State Revolving Fund for best management practices.
- Actively promote and help facilitate NRCS programs such as EQIP, CREP, WHIP and GRP.
- Provide a technician to promote CREP program to buffer streams and sensitive areas.
- Administer the Shoreland and Flood Plain Management Program.
- Distribute a monthly newsletter to all agricultural producers in the county.

D.4 Additional Land Management Programs.

- Work with SWMACDE to sponsor an Environmental Fair for 6th graders in the County.
- Promote and assist with the SWMACDE Area Envirothon.
- Assist landowners with land use permits and zoning regulations.
- Continue to test and provide services for commercial pesticide applicators.
- Facilitate and track biological control of noxious weeds.
- Work with Townships in education and enforcement of the noxious weed program.
- Promote recycling and solid waste management and reduction.
- Provide electronics and appliance disposal.

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

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the **Rock** County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on September 21, 2006 pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1) On February 23, 2006 the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from **Rock** County, pursuant to M.S. Section 103B.312.

2) On April 26, 2006 the Board of Water and Soil Resources approved official comments on the **Rock** County Priority Concerns Scoping Document, which were mailed to the county on April **26, 2006**.

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

   A) Groundwater protection that will focus on wellhead protection for public water supply;
   B) Feedlot program management.
   C) Non-Conforming Individual Septic Treatment Systems.
   D) Surface Water Protection

4) On **September 21, 2006** the BWSR received the **Rock** County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5) On **November 8, 2006,** the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Rock County Plan Update. Recommendations of the state review agencies were:
   A) Minnesota Department of Agriculture: recommends approval:
   B) Minnesota Department of Health: **recommends approval;**
   C) Minnesota Department of Natural Resources: recommends approval;
   D) Minnesota Pollution Control Agency: recommends approval;
   E) Minnesota Environmental Quality Board: recommends approval;
   F) Minnesota Board of Water and Soil Resources regional staff: recommends approval;
   G) Board Water Plan Review Committee Meeting: recommends **approval**.

6) This update will be in effect until **January 1, 2017.**

CONCLUSIONS

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

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

ORDER

The Board hereby approves the attached update of the **Rock** Local Water Management Plan with a required update to the Implementation section (Goals, Objectives and Action) by **January 1, 2012.**

Dated at St. Paul, Minnesota, this 20th **day of December 2006.**

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

NEW BUSINESS

2. Public Hearing on Establishment Petition for Cedar River Watershed District – Jim Haertel – *DECISION ITEM*

4. Drainage Work Group Consensus Recommendations – Doug Thomas - *DECISION ITEM*

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

In the Matter of the Establishment Petition for the Cedar River Watershed District in Dodge, Freeborn, Mower and Steele Counties pursuant to Minn. Stat. § 103D.221, Subd. 1.

ORDER ESTABLISHMENT HEARING

Whereas, Mower County in the proposed Cedar River Watershed District in Dodge, Freeborn, Mower and Steele Counties filed a Petition dated November 7, 2006, with the Board of Water and Soil Resources (Board) on November 39, 2006, to establish a watershed district pursuant to Minn. Stat. § 103D.205, and;

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

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

FINDINGS OF FACT

1. **Establishment Petition Signatures.** The establishment Petition dated November 7, 2006, was filed with the Board on November 30, 2006 by Mower County. Mower County contains more than 50 percent of the area in the proposed watershed district. Minn. Stat. § 103D.205, Subd. 3, item 3 allows an establishment petition to be signed by counties having 50 percent or more of the area within the proposed watershed district.

2. **Property Description.** The territory to be included in the proposed watershed district is depicted in Exhibit A of the Petition and is an area in the Cedar River Watershed that is in Dodge, Freeborn, Mower and Steele Counties, approximately 435 square miles in several communities, which includes land in the Cities of Austin, Blooming Prairie, Brownsdale, Dexter, Elkton, Hayfield, Lyle, Rose Creek, Sargeant, Waltham, and the Towns of Adams, Ashland, Austin, Blooming Prairie, Clayton, Dexter, Grand Meadow, Hayfield, Hayward, Lansing, London, Lyle, Marshall, Moscow, Nevada, Newry, Oakland, Redrock, Ripley, Sargeant, Shellrock, Udolpho, Vernon, Waltham.

3. **Necessity for Watershed District.** The Petition states the establishment of a watershed district is necessary due to an increase in damaging floods over the last 30 years and to improve water quality on the impaired Cedar River. Significant damaging floods have occurred in 2004, 2000, 1993 and twice in 1978. The 2004 flood resulted in the loss of two lives and over $17 million in property losses. The Cedar River exceeds state health standards for fecal coliform and total suspended solids.

4. **Contemplated Improvements.** The Petition states: "Through the contemplated improvements listed … that include protection of public infrastructure, improvement of water quality and the reduction of peak flows, the formation of a watershed district would be conducive to public health and welfare and would accomplish the purposes of Minnesota Statutes Chapter 103D". The Petition lists contemplated improvements, as follows:

   a. Significant flood and peak flow reduction of 20 percent in the Cedar River and Dobbins Creek areas.

   b. Prevention of structural damages in the watershed area during a 100-year 24 hour rainfall event.

   c. Reduction of sediment loading in the watershed streams as a result of reduced flows and corresponding reduction in erosion of farmland and riverbanks. This will be accomplished by wetland restorations, installation of buffers and erosion control practices.

   d. Reduction of nutrient loads to all streams in the watershed.

   e. Protection and improvement of Township, County, City and State infrastructure resulting from reduced levels of flooding.

   f. Protection of the Minnesota Department of Transportation Highway System including 218 and Interstate 90.

5. **District Name.** The Petition states the name of the proposed district shall be the Cedar River Watershed District.

6. **Number of Managers.** The Petition specifies the proposed number of managers as seven (7).

7. **Filing.** The Petition was filed with the Dodge, Freeborn, Mower and Steele County Auditors, the Commissioner of the Department of Natural Resources, the Director of the Department of Natural Resources Division of Waters, and the Board as required by Minn. Stat. § 103D.205, Subd. 4.

8. **Hearing Panel.** Board members Dana Allen, Robert Burandt, Brian Kletscher, Randy Kramer, and Gene Tiedemann should preside over the public hearing and meet as necessary in order to bring a recommendation to the Board.

9. **Hearing Time and Location.** The hearing date and time should be coordinated with the pertinent parties and the location should be scheduled with an adequate facility, and must take place within 35 days of the date of this Order.

CONCLUSIONS

1. The Petition for establishment of the Cedar River Watershed District is valid in accordance with Minn. Stat. § 103D.205.

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

3. The Board has proper jurisdiction in the matter of ordering a watershed district establishment hearing.

4. The establishment hearing on the Petition for establishment of the Cedar River Watershed District should be presided over by Board members Dana Allen, Robert Burandt, Brian Kletscher, Randy Kramer, and Gene Tiedemann within 35 days of the date of this Order at a date, time and location that is coordinated with the pertinent parties and scheduled with an adequate facility.

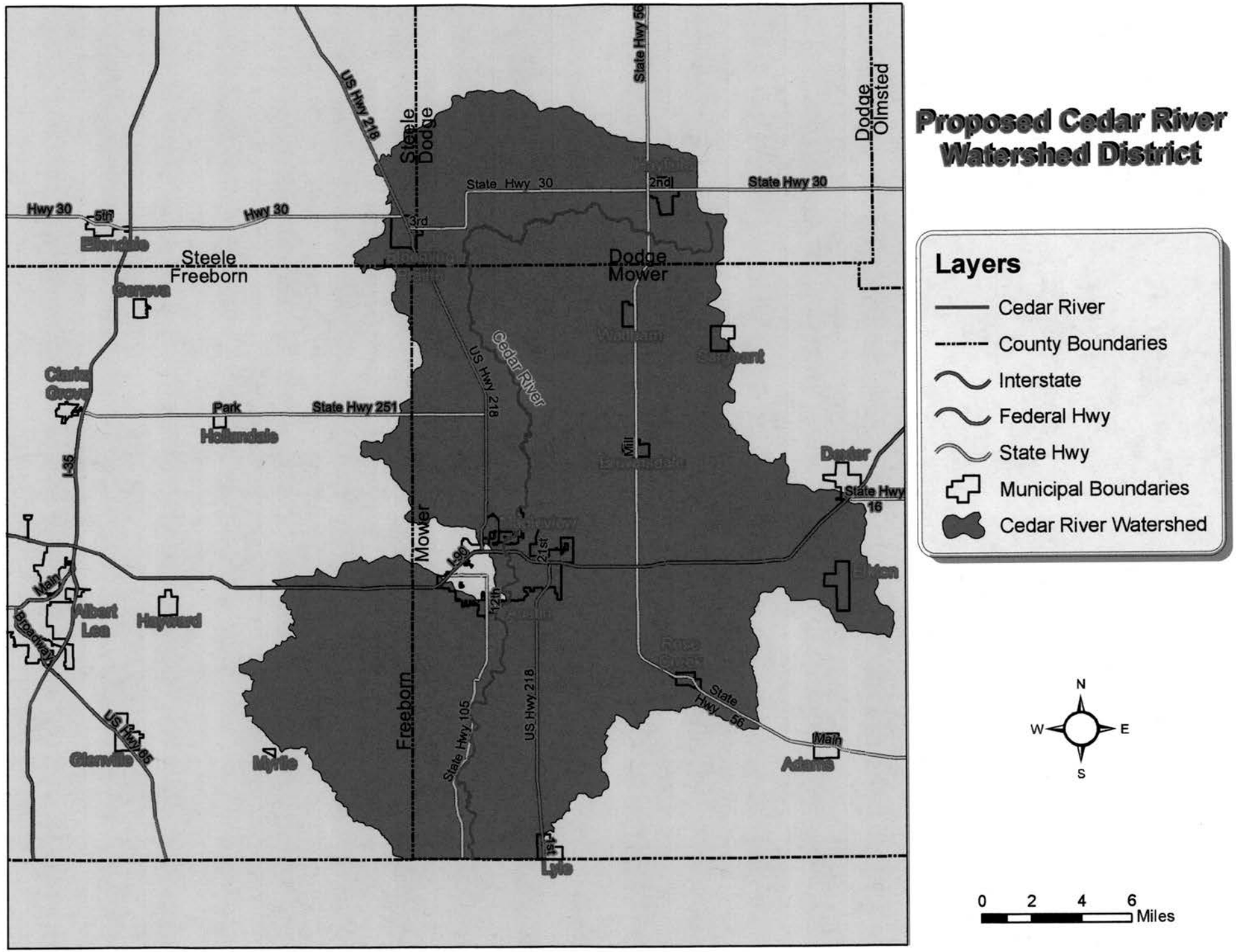
ORDER

The Board hereby orders the public hearing on the Establishment Petition for the Cedar River Watershed District be presided over by Board members Dana Allen, Robert Burandt, Brian Kletscher, Randy Kramer, and Gene Tiedemann within 35 days of the date of this Order at a date, time and location that is coordinated with the pertinent parties and scheduled with an adequate facility.

Dated at Saint Paul, Minnesota this 20th day of December, 2006.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Randy Kramer, Chair


Proposed Cedar River Watershed District
Layers
Cedar River
County Boundaries
Interstate
Federal Hwy
State Hwy
Municipal Boundaries
Cedar River Watershed
N
W
E
S
0 2 4 6
Miles
Steele
Dodge
Olmsted
Freeborn
Mower
US Hwy 218
State Hwy 56
State Hwy 30
Hwy 30
5th
3rd
2nd
Elkton
Geneva
Clarks Grove
Park
State Hwy 251
Hollandale
L35
Cedar River
Dodge
State Hwy 16
21st
12th
L90
Main
Broadway
Albert Lea
Hayward
Glenville
US Hwy 65
Myrtle
State Hwy 105
Lyle
Adams

Drainage Work Group

Fact Sheet and Status Report
November 2006

Background

Since 1977, Minnesota drainage law (Section 103E.021) has required establishment and maintenance of permanent grass strips along **public** drainage ditches, as well as on the ditch side slopes, when viewers are appointed to determine benefits and damages (i.e. for public ditch establishment, improvement, repairs that require additional land rights, and redetermination of benefits). The required strips of perennial vegetation are primarily a farming setback to protect the ditch bank and reduce ditch maintenance.

The 2005 Minnesota Legislature directed the Board of Water and Soil Resources to conduct an assessment of the use, maintenance and benefits of required grass strips along public drainage ditches, in consultation with stakeholders. That effort produced the **Public Drainage Ditch Buffer Study**, February 2006. The Drainage Work Group is an outgrowth of that study.

Goals of the Drainage Work Group

- Improve implementation and maintenance of buffers along **public** drainage ditches
- Address other drainage issues brought forward by work group members
- Work together to develop consensus recommendations for consideration by the Legislature, state agencies, and other stakeholders

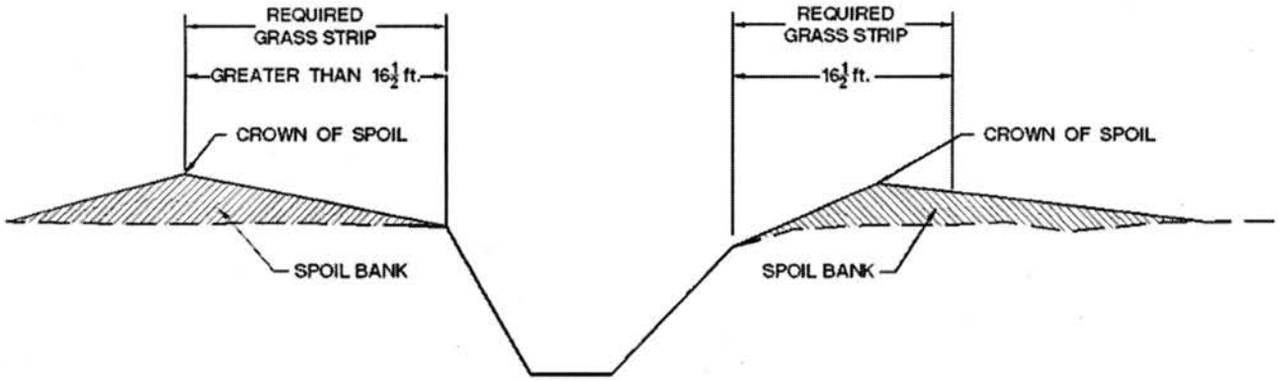
Topics with Draft Recommendations

The Drainage Work Group has developed draft recommendations addressing the following topics:

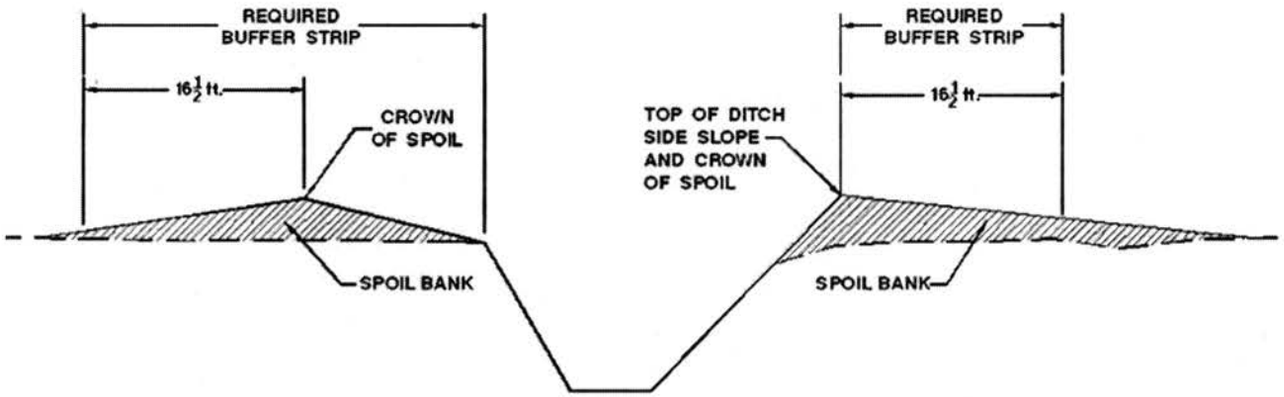
- Drainage records preservation and modernization
- Enhance authority to establish and maintain buffers along public drainage ditches *(includes incremental establishment of buffers and side inlet controls, perennial vegetation for permanent strips, and coordination with federal and state conservation programs)*
- Point of beginning for measuring required buffer strips along ditches (See example cross sections on Page 2)
- Update of the Minnesota Public Drainage Manual, including best management practice recommendations for drainage systems
- Buffer compliance, enforcement and reporting

Topics for Future Discussion

- Impounding, rerouting or diverting a drainage system for conservation projects
- Removal of property from a drainage system (or reducing assessment) for projects such as wetland restoration
- Partial abandonment within a drainage system for projects such as wetland restoration



Current 103E.021 Limits of Required Grass Strips
(16 ½ ft. from edge of ditch, or to the crown of spoil bank, whichever is greater)
Note: Permanent grass is also required on ditch side slopes.



Proposed Limits of Required Buffer Strips
(16 ½ ft. from edge of ditch, or to 16 ½ ft. outward from crown of spoil bank, whichever is greater)
Note: Permanent grass is also required on ditch side slopes.

Drainage Work Group Membership

Farm Groups	Minnesota Farm Bureau
	Minnesota Farmers Union
	Lobbyist for several other Ag groups
Environmental Groups	Minnesota Center for Environmental Advocacy
	Fish and Wildlife Legislative Alliance
	Minnesota Conservation Federation
Public Drainage Authorities	Association of Minnesota Counties
	Minnesota Association of Watershed Districts
Other Associations	Minnesota Association of Soil and Water Conservation Districts
	Minnesota Viewers Association
	Minnesota Association of Drainage Inspectors
	Red River Watershed Management Board
State Agencies	BWSR, DNR, MDA, MPCA
Legislature	Legislators and/or House and Senate Ag Committee staff

FOR YOUR INFORMATION

December 20, 2006

- Updated BWSR Staff Listing

- Correspondence regarding WCA Assessment
  - Resolution from Lake County Commissioners
  - Letter from Minnesota Rural Counties Caucus
  - Resolution from Saint Louis County
  - Letter from Society of American Foresters
  - Resolution from Aitkin County

- News Release, "Commissioners Merriam, Ingison Announce Plans to Leave Pawlenty Administration, Others Newly Appointed"

- News Release, "Holsten Named Department of Natural Resources Commissioner"

- Article by Vince Meyer, *Outdoors* Editor, "Wetlands Policing Needed"

- MPCA "Implementation of New Straight-Pipe System Law"

- Laws of Minnesota for 1991, Chapter 354, Article 11 – Appropriations

PHONE NUMBERS FOR BWSR STAFF **USE LAST FIVE DIGITS WHEN TRANSFERRING**

Main Line: 651-296-3767 – FAX: 651-297-5615 - Updated 12/15/06

Central Office	296-3767
Fax #	297-5615
Anderson, Mary Jo	297-4290
Bonde, Karen	297-3998
DeVoe, Natasha	205-4664
Donnelly, Conor	282-3815
(cell 612-408-7002)	
Engineers Cell Phone	485-8466
Eisele, Bill	282-2929
(cell 651-245-5132)	
Fredbo, Tim	296-0880
Fure, Jon	296-0884
Girolamo, Dan	215-1703
Haertel, Jim	297-2906
Hanson, Angela	297-8029
Harnack, Ron	296-0878
(cell 612-202-3815)	
Hubbell, Dianne	296-0873
Jacobson, Bob	297-4958
Kean, Al	297-2907
(cell 651-245-6531)	
Keating, Kari	296-3767
Larson, Greg (U of M)	612-624-3427
BWSR Office	651-297-7029
(personal cell 612-751-3060)	
Lewis, Michelle	296-2428
Lines, Kevin	297-1894
(cell 612-518-5545)	
Luniewski, Jim	297-2622
Mack, Kristie	215-9420
Mings, Thomas	284-4153
(cell 612-756-4953)	
Mohring, Eric	297-7360
Morrill, Ron	297-4735
Ogg, Tim	297-8024
(cell 651-295-5737)	
Remick, Polly	297-4365
Salinas, Debbie	297-8025
Schmidt, Tom	215-9008
Sokatch, Char	297-4016
Spence, Aaron	296-0660
Straumanis, Sarma	297-7965
Strojny, Carol	297-1893
Swenson, Karli	282-2600
Thomas, Doug	297-5617
(cell 651-308-8647)	
Wenzel, Tom	296-0883
(cell 612-720-1412)	
Weirens, Dave	297-3432
(cell 763-229-4308)	
Zellmer, Wayne	297-7361
Metro Office	282-9969
Lemm, Les	296-6057
(cell 651-341-4208)	
Peterson, Lynda	
(cell phone only)	612-201-9806
Woods, Steve	297-7748
(cell 651-402-6997)	
Wozney Brad	296-6068
(cell 651-233-6673)	

Southern Regional Office

New Ulm

Fax #	(507) 359-6018
Cell Phone	(507) 276-5386
Jeff Nielsen	(507) 359-6075
Chris Hughes	(507) 359-6076
Tom Fischer	(507) 359-6091
Jeff Hedtke	(507) 359-6092
Cell Phone	(651) 485-8470
Mark Hiles	(507) 359-6077
Carla Swanson-Cullen	(507) 359-6074

Rochester

Fax #	(507) 285-7144
Cell Phone	(507) 696-3617
Dave Peterson	(507) 280-2874
Mary Kells	(507) 280-2873
Dorothy Erickson	(507) 281-7797

Marshall

Fax #	(507) 537-6368
Cell Phone	(507) 829-3520
Tabor Hoek	(507) 537-7260
David Sill	(507) 537-6374
Roxie Serreyn	(507) 537-6060
Scott Santjer	(507) 537-6097
Cell Phone	(612)-723-0298

Northern Regional Office

Brainerd

Fax #	(218) 828-6036
Conference Room	(218) 833-8607
Ron Shelito	(218) 828-2604
Cell Phone	(218) 820-3794
Keith Grow	(218) 828-6035
Cell Phone	(218) 820-3655
Dan Steward	(218) 828-2598
Cell Phone	(218) 820-1679
John Overland	(218) 825-6807
Cell Phone	(218) 232-4852
Jason Weinerman	(218) 828-6045
Cell Phone	(218) 820-1688
Vacant (Vicky)	(218) 828-2383

Fergus Falls

Fax #	(218) 736-7215
Cell Phone	(218) 770-3802
Pete Waller	(218) 736-5445 ext 104

Duluth Office

Fax #	(218) 723-4794
Jim Lemmerman	(218) 723-4996
Cell Phone	(218) 341-0703
Mark Nelson	(218) 723-4923
Cell Phone	(218) 349-1834
Mary Jo Flemming	(218) 723-4752
Julie McDonnell	(218) 723-4607

Bemidji Office

Fax #	(218) 755-4201
Brian Dwight	(218) 333-8027
Cell Phone	(218) 820-2335
Bill Best	(218) 333-8026
Cell Phone	(218) 556-4686
Dale Krystosek	(218) 333-8029
Cell Phone	(218) 820-9381
Jeff Hrubes	(218) 333-8028
Cell Phone	(218) 368-7683
Brigitte Grundmeier	(218) 755-4235

BOARD OF COMMISSIONERS

County of Lake

Courthouse
601 Third Avenue
Two Harbors, MN 55616
(218) 834-8320 FAX (218) 834-8360

FIRST DISTRICT
CLAIR A. NELSON, FINLAND
SECOND DISTRICT
DERRICK L. GOUTERMONT, SILVER BAY
THIRD DISTRICT
SCOTT LARSON, TWO HARBORS
FOURTH DISTRICT
WILLARD M. CLARK, TWO HARBORS
FIFTH DISTRICT
LENORE M. JOHNSON, TWO HARBORS

RESOLUTION NO. 06113012
REQUESTING BWSR MODIFY THE TIMELINE
OF WCA ASSESSMENT

WHEREAS, the State of Minnesota adopted the Wetland Conservation Act, which went into effect on January 1, 1992, the purposes of this Rule are:

1. Achieve no net loss in the quantity, quality and biological diversity on Minnesota's existing wetlands;
2. Increase the quantity, quality and biological diversity of Minnesota's Wetlands by restoring or enhancing diminished or drained wetlands;
3. Avoid direct or indirect impacts from activities that destroy or diminish the quantity, quality and biological diversity of wetlands; and
4. Replace wetland values where avoidance of activity is not feasible and prudent.

WHEREAS, the proposed changes are spurred by a letter addressed to the Commissioners of the Department of Agriculture, Natural Resources, Health, Pollution Control Agency and the Director of the Board of Water and Soil Resources by Governor Tim Pawlenty to identify and discuss options to do more to limit the loss of wetlands through the regulatory process and to more closely align with the principles of no net loss; and

WHEREAS, this letter addresses concerns regarding the *2001-2003 Minnesota Wetland Report* issued by the Board of Water and Soil Resources in regard to the loss of acreage to wetlands in the State; and

WHEREAS, the function and value components of the Wetland Conservation Act are being overlooked by this report; and

WHEREAS, the methods which BWSR used in generating the net loss acreage is not taking into account all the conservation practices, idle farmland and land that has been enrolled in a conservation practice that has taken on wetland characteristics from lack of tillage; and the other wetlands created by man or nature, wetlands created by road projects or beaver meadows which have created thousands of acres of wetlands; and

RECEIVED
DEC 18 2006 RM
Bd. of Water & Soil Resources
St. Paul

WHEREAS, Lake County is dedicated to protect our natural resources and spent several years in the development of the Lake County Wetland Management Plan and Ordinance which balances the local and state goals of the Wetland Conservation Act (WCA).

NOW THEREFORE BE IT RESOLVED, the Lake County Board of Commissioners shall be in opposition to any changes to the Wetland Conservation Act that will adversely affect the economic and social atmosphere in this county and are willing to start dialogue with BWSR to address suitable solutions for the state.

BE IT FURTHER RESOLVED, Lake County requests that BWSR modify the timeline of the WCA assessment to allow local government units and other interested parties to collaborate with BWSR to develop practical solutions to maintain our obligation to no net loss of wetland quantity, quality and biological diversity.

Adopted: November 30, 2006

Commissioner Clark moved the adoption of the foregoing resolution and the same was declared adopted upon unanimous yea vote of all members present. Absent: None

State of Minnesota)
ss.
County of L A K E)

I, Wilma H. Rahn, Clerk of the Board, Lake County, Minnesota, do hereby certify that I have compared the foregoing resolution with the original filed in my office on the 30th day of November, 2006, and that the same is a true and correct copy of the whole thereof.

WITNESS my hand and seal of office at Two Harbors, Minnesota this 13th day of December, 2006.

Wilma H. Rahn
Clerk of the Board

MRCC

Minnesota Rural Counties Caucus

5077 144th Street West
St. Paul, MN 55124-6967

952-423-7218 / 952-423-9217 fax

December 12, 2006

Governor Tim Pawlenty
130 State Capitol
St. Paul, MN 55155

Dear Governor Pawlenty:

As directed by our membership, I am writing to express concerns about the proposal emerging from your directive to the Clean Water Cabinet, to limit wetland losses, and more closely align with the principals of no net loss.

The Minnesota Rural County Caucus (MRCC) has participated as an organization or through our member counties in the stakeholder process and the Wetland Roundtable, as well as work group meetings within the MRCC and Association of Minnesota Counties (AMC).

While we support recommendations that will allow greater flexibility and benefit to the resource, we have deep concerns about the data that was allowed to be reviewed in making recommendations relating to de minimus. There are a substantial number of newly created or restored wetlands that are not governed under WCA which were not allowed to be considered against the principal of no net loss.

We recommend that no changes to the allowable impacts and exemptions under WCA be considered before a comprehensive assessment of all wetlands in the state can be conducted and an accurate accounting of all wetlands gained or lost can be determined. We believe this assessment can be achieved through initiatives currently being conducted through programs like the Comprehensive Wetland Assessment, Monitoring, and Mapping Strategies under the direction of MPCA and DNR.

Between 2001 and 2003, BWSR reports a net loss of 1,228 wetland acres. During the same reporting period, conservation programs like CREP and RIM, and government agencies like DNR created in excess of 21,000 wetland acres. In addition, federal programs created a similar number of wetland acres - with the USFWS creating 11,930. USDA creating 7,958, and NRCS creating 1,467.

These numbers do not include other significant projects such as Tilden Farms in Polk County, where 8,000 to 10,000 additional wetland acres have been restored by the Nature Conservancy but not counted against the net loss acres administered by WCA.

If a response is necessary to address the acres impacted by the exemptions, we recommend that the state provide offset funding to mitigate impacts as it did in the initial years of the program.

The MRCC believes the current regulations governing allowable impacts and exemptions under WCA are adequate and that no changes should be made without the benefit of a complete assessment of state wetlands over specific time periods.

Sincerely,

Ron Otterstad

Ron Otterstad, Chairman

Cc: Board of Water and Soil Resources
Jim Mulder, AMC

Saint Louis County

County Auditor - 100 North 5th Avenue West, Room 214 - Duluth, MN 55802-1293
Phone: (218) 726-2380 Fax: (218) 725-5060 Virginia: (218) 749-7104

Donald Dicklich
St. Louis County Auditor

November 30, 2006

Minnesota Board of Water and Soil Resources
394 South Lake Avenue
Room 403
Duluth, MN 55802

Dear Sir:

Enclosed is a certified copy of Resolution No. 623, adopted on November 28, 2006, by the St. Louis County Board of Commissioners regarding the process used for making changes to the Wetland Conservation Act.

Sincerely,

DONALD DICKLICH, County Auditor

By Paul L. Tynjala
Clerk of the County Board

nl
Enc.

RECEIVED
DEC 04 2006
BD OF WATER & SOIL
RESOURCES DULUTH

Copy to Ron S + Dale K
Mark Nelson out of office
until 12/14

Resolution
of the
Board of County Commissioners
St. Louis County, Minnesota

Adopted on: November 28, 2006 *Resolution No. 623*
Offered by Commissioner: Fink

WHEREAS, the State of Minnesota adopted the Wetland Conservation Act (WCA), effective on January 1, 1992, and appropriated $6,000,000 for Reinvest In Minnesota (RIM) funds to offset the impacts due to the WCA exemptions, and now significant changes are being proposed to the WCA that have wide-ranging impacts on the creation and mitigations of wetlands in the State of Minnesota, without adequate opportunity for review and comment by local governments; and

WHEREAS, the Board of Water and Soil Resources (BWSR) has identified that the state is not meeting the "no-net loss" requirement in the regulatory process for wetlands creation, but cannot identify the specific counties or areas where goals are not being met, and cannot accurately quantify actual and potential impacts from exempt activities; and

WHEREAS, the criticism has been made that the methods used by BWSR to generate the net loss acreage is not inclusive, as it does not take into account all the conservation practices, idle farmland, and land that has been enrolled in a conservation practice that has reverted to wetlands; and

WHEREAS, increased replacement ratios for non-exempt impacts are being proposed to compensate for exempt impacts, and increased replacement ratios are being proposed for "not in advance" replacement based on temporal loss of wetland function and values, disregarding the temporal gain of wetland function and values gained through unexpended balances in the various approved wetland banks; and

WHEREAS, the current de minims exemption is proposed to be reduced to 50% of current allowance;

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners hereby expresses its concern about the process that is being utilized for making changes to the Wetland Conservation Act (WCA), and that the concerns of local governmental units that are meeting WCA goals are not being adequately considered; and

RESOLVED FURTHER, that the St. Louis County Board is opposed to changes to the WCA that will increase replacement ratios for non-exempt impacts beyond that which is currently required by the United States Army Corp, Section 404 Program;

RESOLVED FURTHER, that St. Louis County is opposed to decreasing the current de minimis in greater than 80% counties;

RESOLVED FURTHER, that St. Louis County supports a limit to restoration credit of 25-50%, based on functional analysis, for partially-drained wetlands or fanned wetlands where hydrology is still intact, in greater than 80% counties, including those restoration activities for mining impacts;

RESOLVED FURTHER, that St. Louis County supports the continued agricultural exemption allowance for wetland-dependent crops, such as wild rice and cranberries;

RESOLVED FURTHER, that St. Louis County requests that Board of Water and Soil Resources (BWSR) to recommend to the Governor that the funds be appropriated to offset the impacts of exemptions as the Legislature originally intended with the Wetland Conservation Act in 1991 by appropriating funds in the Reinvest in Minnesota (RIM) Program thereby achieving a no-net loss of wetland quantity, quality and biological diversity.

RESOLVED FURTHER, that St. Louis County requests that Board of Water and Soil Resources (BWSR) modifies the timeline of the Wetland Conservation Act assessment to allow local government units and other interested parties to collaborate with BWSR to develop practical solutions to maintain the obligation to no net loss of wetland quantity, quality and biological diversity.

Commissioner Fink moved the adoption of the Resolution and it was declared adopted upon the following vote:
Yeas - Commissioners Fink, O'Neil, Kron, Forsman, Raukar and Chair Nelson - 6
Nays - None
Absent - Commissioner Sweeney - 1

STATE OF MINNESOTA
Office of County Auditor, ss.
County of St. Louis

I, **DONALD DICKLICH,** Auditor of the County of St. Louis, do hereby certify that I have compared the foregoing with the original resolution filed in my office on the 28th day of November, A.D. 2006, and that this is a true and correct copy.

WITNESS MY HAND AND SEAL OF OFFICE at Duluth, Minnesota, this 28th day of November, A.D., 2006

DONALD DICKLICH, COUNTY AUDITOR

By _____

Deputy Auditor/Clerk of County Board

Minnesota State Society

Society of American Foresters
Growing better all the time

CHAIR
Bob Hedburg
St. Louis Co. Land Dept.
Duluth, MN

VICE CHAIR
Lance Sorenson
Minnesota DNR
Lake City, MN

SECRETARY/ TREASURER
Gary Michaels
Minnesota DNR
Faribault, MN

IMMEDIATE PAST CHAIR
Greg Russell
MnDNR
Willmar, MN

EXECUTIVE COMMITTEE MEMBERS:

CFE COORDINATOR
Larry Westerberg
Hastings, MN

COMMUNICATIONS
Steve Nicholson
Kundeco
Minneapolis, MN

EDUCATION
Teri Heyer
USDA Forest Service
St. Paul, MN

FORESTS for HUMANITY
Rick Dahlman
Minnesota DNR
St. Paul, MN

FORESTER'S FUND
Eli Sagor
University of Minnesota, Extension
Cloquet, MN

HISTORY
Keith Matson
USDA Forest Service

MEMBERSHIP
John Thompson
St. Louis County Land Department
Duluth, MN

PROGRAM
Jan C. Harms
University of Wisconsin-Stevens Point
Plover, Wisconsin

POLICY
Bruce Cox, CF
Clearwater County Land Department
Bagley, MN

David Weirens
Land and Water Section Manager
Board of Water and Soil Resources
520 Lafayette Road, 2nd Floor
St. Paul, MN 55155

November 27, 2007

Dear Sir:

I am writing concerning the recent Wetlands Conservation Act assessment Roundtable in St. Cloud. . The Minnesota Society of American Foresters (MNSAF) is concerned about the lack of Forester representation to the Round Table process. As the professional society for foresters, we feel we have the expertise to lend on the ground experience and knowledge to the discussions regarding wetland protection and the use of the silvicultural exemption.

MNSAF supports the protection of wetlands and the use of the Minnesota Forest Resources Council Site Level Guidelines for forest management. Monitoring the guidelines has shown that we are doing a very good job of backing up our commitment.
The continued protection of wetland values and productivity is important to MNSAF and our summer meeting and tour in 2006 focused on working with, and maintaining wetlands as a functioning part of the landscape.

MNSAF is disappointed it has not had a seat at the table in this process and would appreciate being involved in the future. Please contact me if you have any questions at 218 625-3700.

Bob Hedburg

Bob Hedburg CF
MNSAF Chair

cc: Minnesota Governor's office

RECEIVED
NOV 30 2006
Bd. of Water & Soil Resources
St. Paul

CERTIFIED COPY OF RESOLUTION OF COUNTY BOARD OF AITKIN COUNTY, MINNESOTA

ADOPTED October 24, 2006

1. By Commissioner: Lueck 102406-133

WHEREAS, the State of Minnesota adopted the Wetland Conservation Act (WCA), which went into effect on January 1, 1992. The purposes of this Rule are to:

1. achieve no net loss in the quantity, quality, and biological diversity on Minnesota's existing wetlands,
2. increase the quantity, quality, and biological diversity of Minnesota's Wetlands by restoring or enhancing diminished or drained wetlands,
3. avoid direct or indirect impacts from activities that destroy or diminish the quantity, quality, and biological diversity of wetlands, and
4. replace wetland values where avoidance of activity is not feasible and prudent, and

WHEREAS, on September 7, 2005, Governor Tim Pawlenty asked the Clean Water Cabinet to identify and discuss options to do more to limit the loss of wetlands through the regulatory process and to more closely align with the principles of no net loss, and

WHEREAS, significant changes are being proposed that have wide-ranging impacts to the State of Minnesota without adequate opportunity for review and comment by local government units, and

WHEREAS, Aitkin County is dedicated to protection of our natural resources and spent three (3) years in development of the Aitkin County Wetland Management Plan and Ordinance, which balances the local and state goals of the Wetland Conservation Act (WCA), and

WHEREAS, the Board of Water and Soil Resources (BWSR) identified that the state is not meeting the no-net-loss requirement, but cannot identify the specific counties or areas where goals are not being met, and cannot accurately quantify actual and potential impacts from exempt activities, and

WHEREAS, the methods used by BWSR to generate the net loss acreage is not inclusive, as it does not take into account all the conservation practices, idle farmland, and land that has been enrolled in a conservation practice that has reverted to wetlands, and

WHEREAS, increased replacement ratios for non-exempt impacts are being proposed to compensate for exempt impacts, and

WHEREAS, increased replacement ratios are being proposed for "not in advance" replacement based on temporal loss of wetland function and values, disregarding the temporal gain of wetland function and values gained through unexpended balances in the various approved wetland banks, and

WHEREAS, the current de minimis exemption is proposed to be reduced to 50% of current allowance.

NOW, THEREFORE, BE IT RESOLVED, the Aitkin County Board of Commissioners is very concerned with the hasty and non-science-based process that is being utilized for making changes to the WCA. The concerns of local government units that are meeting WCA goals are not being adequately considered, and

BE IT FURTHER RESOLVED, Aitkin County is opposed to changes to WCA that will increase replacement ratios for non-exempt impacts beyond that which is currently required by the US Army Corp Section 404 program, and

BE IT FURTHER RESOLVED, Aitkin County believes the concept of preservation credits should be further explored for greater than 80% counties, and

BE IT FURTHER RESOLVED, Aitkin County is opposed to decreasing the current de minimis in greater than 80% counties, and

BE IT FURTHER RESOLVED, Aitkin County supports a limit to restoration credit of 25-50%, based on functional analysis, for partially-drained wetlands or farmed wetlands where hydrology is still intact, in greater than 80% counties, including those restoration activities for mining impacts, and

BE IT FURTHER RESOLVED, Aitkin County supports the continued agricultural exemption allowance for wetland-dependent crops, such as wild rice and cranberries, and

BE IT FURTHER RESOLVED, Aitkin County requests that BWSR modifies the timeline of the WCA assessment to allow local government units and other interested parties to collaborate with BWSR to develop practical solutions to maintain our obligation to no net loss of wetland quantity, quality and biological diversity.

Commissioner Lee moved the adoption of the resolution and it was declared adopted upon the following vote

ALL MEMBERS PRESENT — All Members Voting Yes

STATE OF MINNESOTA)
County of Aitkin) ss.
Office of County Auditor,)

I, Kirk Peysar, Auditor, of the County of Aitkin, do hereby certify that I have compared the foregoing with the original resolution filed in my office on the 24th day of October A.D., 2006, and that the same is a true and correct copy of the whole thereof.

WITNESS MY HAND AND SEAL OF OFFICE at Aitkin, Minnesota, this 24th day of October A.D. 2006

KIRK PEYSAR, County Auditor
BY _____, Deputy

From: "Tom Erickson" <Tom.Erickson@state.mn.us>
To: "Tom Erickson" <Tom.Erickson@state.mn.us>
Date: 12/7/2006 12:46:59 PM
Subject: COMMISSIONERS MERRIAM, INGISON ANNOUNCE PLANS TO LEAVE PAWLENTY ADMINISTRATION, OTHERS NEWLY APPOINTED -- December 7, 2006

FOR IMMEDIATE RELEASE:
Contact: Brian McClung

December 7, 2006
(651) 296-0001

COMMISSIONERS MERRIAM, Ingison ANNOUNCE PLANS TO LEAVE PAWLENTY ADMINISTRATION, OTHERS newly APPOINTED

~Ward Einess, Tom Hanson new commissioners; Laura Bordelon and Bob Schroeder fill Governor's office posts ~

St. Paul - Governor Tim Pawlenty today announced that two members of his cabinet will be leaving the Pawlenty Administration and thanked them for their dedicated service. The Governor also named one of the commissioners' replacements and announced the filling of two important posts in the Governor's office. Governor Pawlenty also named a new commissioner of the Minnesota Department of Revenue, as well as the new state meth coordinator.

Finance Commissioner Peggy Ingison and Department of Natural Resources Commissioner Gene Merriam notified the Governor that they will be stepping down from their positions. Commissioner Ingison announced she is leaving to become Chief Financial Officer for the Minneapolis Public School district.

"Commissioner Ingison and Commissioner Merriam have been tireless public servants whose leadership has greatly benefited our state," Governor Pawlenty said. "We thank them for their great work and wish them well as they move forward."

Ingison has served as commissioner of the Minnesota Department of Finance since February 2004. Prior to her appointment as commissioner she served as state budget director for the Department of Finance. Ingison began her state government career in 1976, as an auditor for the Minnesota Department of Transportation.

Merriam was appointed commissioner of the Minnesota Department of Natural Resources (DNR) in January 2003. He served 22 years in the State Senate (1974-1996) where he was a member of the Senate Natural Resources Committee during his entire Senate career, including six years as Chairman. He served on the Legislative Commission on Minnesota Resources for 16 years (1980-1996), and was Chairman of the Senate Finance Committee for ten years. He was Chief Financial Officer with ECM Publishers, Inc. prior to accepting appointment as DNR Commissioner.

"Minnesota's natural resources are state treasures. Preserving and improving them require a long-term strategy and Gene Merriam has been instrumental in leading and advancing our natural resource strategy. We are grateful for his service," Governor Pawlenty said.

Governor Pawlenty has chosen Ward Einess, who has been serving as acting commissioner of the Minnesota Department of Employment and Economic Development (DEED), to become commissioner of the Minnesota Department of Revenue (MDR). Current MDR commissioner Dan Salomone will remain at MDR to serve as deputy commissioner. Prior to accepting his current acting commissioner role, Einess served as deputy commissioner of DEED and as a senior policy advisory to Governor Pawlenty. Before joining the Pawlenty administration, Einess was director of fiscal policy for the Minnesota Business Partnership and a researcher and legislative analyst for the Minnesota legislature.

After serving as Director of Legislative and Cabinet Affairs in Governor Pawlenty's office for the past four years and Deputy Chief of Staff for the last two, Tom Hanson has been chosen by Governor Pawlenty to replace Peggy Ingison as commissioner of the Minnesota Department of Finance. Hanson has over 17 years of experience in state and federal government to the Department of Finance. He received his B.A. from Concordia College in Moorhead and his Jurist Doctorate from George Mason University.

After serving since 2004 as senior policy advisory in the Governor's office, Laura Bordelon has been chosen as the new Director of Legislative and Cabinet Affairs for Governor Pawlenty. Prior to working in the Governor's office, Bordelon worked as a policy advisor for the Minnesota Chamber of Commerce. Her years of service prior to that include public policy and public finance positions for the State of California and City of San Francisco.

Chuck Noerenberg, currently a senior policy advisory in the Governor's

office, has been appointed to fill Governor Pawlenty's newly created position of state meth coordinator. Noerenberg will be responsible for coordinating the Pawlenty Administration's efforts to address the meth epidemic in Minnesota, including overseeing the state's meth offender registry, developing greater public awareness through meth education programs, and strengthening the state's enforcement mechanisms.

Bob Schroeder will be returning to his previous role as Deputy Chief of Staff in Governor Pawlenty's office.

--30--

From: Jon Fure
To: #-Senior Management
Date: 12/18/2006 3:33:05 PM
Subject: FYI ... Holsten named DNR commissioner

FYI ...

FOR IMMEDIATE RELEASE:
Contact: Brian McClung

December 18, 2006
(651) 296-0001

HOLSTEN NAMED DEPARTMENT OF NATURAL RESOURCES COMMISSIONER

~ Governor also makes Ludeman permanent commissioner at DHS and Moore permanent commissioner at PCA, accepts resignation of Chief of Staff Gaither ~

St. Paul - Governor Tim Pawlenty today announced a number of personnel moves within his administration.

Governor Pawlenty appointed Department of Natural Resources (DNR) Deputy Commissioner Mark Holsten as DNR Commissioner. Holsten has served as Deputy Commissioner of DNR since January 2003.

Additionally, the Governor permanently appointed acting commissioner of the Department of Human Services Cal Ludeman as DHS Commissioner and acting commissioner of the Pollution Control Agency Brad Moore as PCA Commissioner.

The Governor also announced the resignation of Chief of Staff David Gaither, who is leaving the Governor's Office to explore other opportunities. "It has been a pleasure to serve the citizens of Minnesota in both the Senate and as Chief of Staff," Gaither said.

"During this transition period it's natural to have changes in our team," Governor Pawlenty said. "Mark Holsten has the experience, talent and know-how to build on the great work that's been accomplished over the last four years at DNR and to bring additional reform and accountability to the management of our great outdoors. Cal Ludeman and Brad Moore have been exceptional leaders at two very important agencies and will make great commissioners. And we thank David Gaither for his great service to Minnesota and for the many accomplishments he achieved as a State Senator and Chief of Staff."

Prior to serving as the Deputy Commissioner of DNR, Holsten served in the Minnesota House of Representatives for ten years, including as Chair of the House Environmental & Natural Resources Finance Committee. As Deputy Commissioner, Holsten oversaw all legislative and budgetary functions for the agency and had general administrative oversight of operations. He was also responsible for the Division of Fish and Wildlife and regional offices in Northwestern, Northeastern, Central and Southern Minnesota.

Holsten, 41, was a key leader in the Pawlenty Administration on a number

of outdoor and conservation initiatives including improved management of ATV trails to protect the environment, while preserving Minnesotans' ability to enjoy the outdoors; forest certification of more than 4 million acres of state lands; and enhanced management of 1,380 public wildlife areas with 1.2 million acres of habitat, from prairies and wetlands to forests and swamps, for Minnesota's game and non-game wildlife species.

Holsten received his bachelor's degree in sociology and history from the University of Minnesota-Duluth and a teaching license from the University of St. Thomas. He lives in Stillwater with his wife, Lisa, and two children.

Cal Ludeman was named by Governor Pawlenty as the commissioner of the Minnesota Department of Human Services (DHS). Ludeman has served as acting commissioner of the agency since July 2006. Previously, Ludeman served as commissioner of the Minnesota Department of Employee Relations (DOER).

DHS is the state's largest department with a biennial budget of $17.8 billion and about 7,000 employees. The department serves more than 1 million Minnesotans each year by providing or administering a broad range of services, including health care, economic assistance, child welfare services, and services for the elderly and people with disabilities.

Ludeman, 55, served in the Minnesota Legislature from 1979 to 1985. Currently, he is an owner/operator, along with his brothers and son, of the SanMarbo Farm Corporation. He lives in Tracy with his wife, Deb.

The Governor also named Brad Moore as commissioner of the Minnesota Pollution Control Agency (PCA). Moore became acting commissioner of PCA in August 2006. Moore previously served as Assistant Commissioner of the Minnesota Department of Natural Resources, where he oversaw seven divisions including Enforcement, Ecological Services, Waters, and Lands and Minerals.

At DNR, Moore worked on the commissioner's management team to establish strategic direction, develop policy, and manage the department's $300 million annual budget. He also helped develop and implement recommendations to improve the competitiveness of Minnesota's primary forest products industry.

Moore worked for the DNR from 1988 until August. Before being named an Assistant Commissioner in 1999, he was a Senior Management Analyst and Field Operations Manager. Moore also served as a Public Utilities Rate Analyst at the Minnesota Department of Public Service, which is now the Department of Commerce.

PCA has a biennial budget of $303 million and employs about 800 people. The agency works with Minnesotans to protect, improve and conserve the state's air, land, and water resources.

Moore, 45, received his bachelor's degree in political science from St. Olaf College and his master's degree in public affairs from the University of Minnesota, Humphrey Institute. He resides in Mahtomedi

with his wife, Susan, and two children. He enjoys hunting, fishing, canoeing and gardening.

--30--

Board Packet
FYI

From: "Doug Norris" <Doug.Norris@dnr.state.mn.us>
To: "Dave Weirens" <david.weirens@bwsr.state.mn.us>, "Ron Harnack" <Ron.Harnack@bwsr.state.mn.us>
Date: 12/5/2006 9:36:08 AM
Subject: Wetlands - NRCS

Fyi

BrainerdDispatch.com Dec. 2, 2006
http://www.brainerddispatch.com/stories/120206/out_20061202016.shtml

Wetlands policing needed
By VINCE MEYER
Outdoors Editor
A year ago on Dec. 19 a meeting took place in Morris that changed how wetland drainage is monitored.

At the behest of Stevens County farmers, the meeting included officials from the Natural Resources Conservation Service, the agency that determines if the Swampbuster provision of the 1985 farm bill is adhered to. Swampbuster has limited the acres of wetlands that are converted to cropland, reason being that farmers who drained wetlands after Dec. 23, 1985 were ineligible for federal farm payments.

Before 1985, wetlands were drained at a rate of 235,000 acres per year, according to the U.S. Dept. of Agriculture. That dropped to 27,000 acres per year from 1992 through 1997. Swampbuster didn't stop drainage, but it slowed it down.

But farmers in Stevens County - they showed up 200 strong at the Morris meeting - didn't like the length of time it took the NRCS to analyze their drainage projects. Farmers have a short window of time in which to install drain tile - in fall after the crops are harvested and before the ground freezes, and in spring after the ground thaws and the crops are planted.

"When the crops came out we'd get 50 producers in here wanting us to look at their projects," said Jim Ayers, NRCS assistant state conservationist for field operations in Fergus Falls. "But with our limited staff we couldn't get to everybody in a timely manner. The producers said we were holding them back. They got upset."

U.S. Rep. Collin Peterson was at the Morris meeting. As the soon-to-be chair of the House Agriculture Committee, Peterson naturally sides with farmers. At the meeting he took a shot at environmentalists, President Bush, even former Gov. Arne Carlson, for pursuing no net loss wetlands legislation that he said "complicated" wetlands draining for farmers.

"People get all zealous about saving wetlands and a lot of wetlands aren't worth a damn," Peterson was quoted as saying in the Morris Sun Tribune.

How any wetland, even the smallest, isn't worth a damn is an issue to discuss with Peterson on another day.

After the Morris meeting things changed. NRCS field offices no longer

checked drainage applications. Instead, farmers were allowed to go ahead and drain at their own risk.

"It's like when you file your taxes," Ayers explained. "You can file whatever you want, but you run the risk of an audit. If you don't get audited it's no big deal."

In many people's minds it's no big deal if you aren't caught draining a wetland.

"In the past," Ayers said, "we checked all kinds of drainage work - ditching, dredging and tiling. We were the up front protectors of the producers and the wetlands. Now the burden is on them. If they put in more tile than they should and somebody reports them we'll go out and check it."

And therein lies the flaw of the current policy: Unless somebody blows the whistle, illegal draining won't stop. It would be nice if all farmers did the right thing and left their wetlands intact, but farmers are in business to make money and cropland is more profitable than wetland. Even with the specter of lost subsidies hanging over their heads, some farmers will go ahead and take the chance and drain.

"My gut feeling is that there's questionable draining going on," Ayers said, "but unless it's turned in.....

"What I don't like in the new policy is that the drainage laws have been around for 20 years and for (a farmer) to say he doesn't know about them is ridiculous. It was better for the resource and the producers when we had the horses up front. We weren't the police. We did the analysis, but it was still up to them. We'd tell them if they were converting a wetland, but it was still their choice to drain or not to drain."

So if it isn't the NRCS' job to "police" our wetlands, whose job is it?

Yours, mine and ours.

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Minnesota Pollution Control Agency

Implementation of New Straight-Pipe System Law

Guidance for Local Governments Seeking MPCA Involvement in Correcting Straight-Pipe Discharges

Water Quality/Wastewater/Individual Sewage Treatment Systems/#2.38 • September 2006

This fact sheet provides guidance for local units of government seeking the Minnesota Pollution Control Agency's (MPCA) involvement in correcting straight-pipe discharges, as laid out in the Straight-pipe Act of 2006, Chapter 224. This act makes homeowners who do not correct straight-pipe discharges within 10 months of notification subject to penalties of $500 per month for each month of subsequent noncompliance.

A straight-pipe system is a sewage disposal system that transports raw or partially settled sewage directly to a lake or stream, to a drainage system, or onto the ground.

Local units of government are the primary regulators for individual sewage treatment systems (ISTS) under Minnesota Statute section 115.55. Local governments have jurisdiction in dealing with sewage issues when an ISTS is the appropriate solution.

The straight-pipe law, added to section Minnesota Statute 115.55, permits local governments to seek an administrative penalty order (APO), issued by the MPCA, to encourage compliance with ISTS regulations.

New compliance process

When a qualified inspector issues a Notice of Noncompliance (NON), the homeowner must replace the noncompliant sewage disposal system within ten months or face monthly penalties of $500 for every month past the tenth month in which the system isn't upgraded. Any licensed, qualified employee inspector or Designer 1 may issue a NON, whether they work for a local government or are in private practice.

Inspectors must also distribute a copy of the NON to the local government and the MPCA. To reinforce that a particular local government is, in fact, the party responsible for seeking remedy of a straight-pipe, the MPCA may not initiate APO activities until specifically requested by the local government.

Timeline

1. Process begins

The compliance process begins when an inspector discovers a straight-pipe, and issues a NON to the homeowner (and sends copies to the local government and the MPCA). The local government then must order the upgrade. The order is to include:

- An order to upgrade;
- The timeframe for compliance; and
- Should include information on the availability of funding assistance for upgrades.

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2. Months one through 10

After sending the NON, the local government waits for a response and/or compliance from the homeowner. If upgrades to the sewer system are made, the local government should notify MPCA (without this, the MPCA will not delete the record of noncompliance based on an inspectors' NON.)

3. After 10 months

After confirming that the straight-pipe discharge is still occurring, the local government would then send a request to the MPCA for action, including:

- Copies of letters sent to straight-pipe owner, and
- Clear proof of continuing noncompliance—for example, the current NON and pictures showing the discharge.

Purpose of the law

This law provides an additional tool for local governments in requiring upgrades. This is focused primarily on individual homes. However, the law is not limited to this and could be applied to community problems as well. The MPCA recognizes that community-based solutions require time. The MPCA maintains a practical, realistic approach, and in some cases may require that the community minimize discharges and move steadily toward solutions rather than moving to penalties.

Minimizing discharges may mean ceasing discharges by using tanks, such as holding tanks and pumping or some other means of minimizing discharge that is mutually agreeable to both MPCA and the local unit. In any case, piecemeal replacement of individual systems in communities may discourage a better, long-term solution.

How the law changed

Minnesota Statutes section 115.55, now includes the following:

> "Subdivision 1. Definitions. …
>
> (q) "Straight-pipe system" means a sewage disposal system that transports raw or partially settled sewage directly to a lake, a stream, a drainage system, or ground surface."
>
> Subdivision 11. Straight-pipe systems; noncompliance. An inspector who discovers the existence of a straight-pipe system shall issue a noncompliance notice to the owner of the straight-pipe system and forward a copy of the notice to the agency. The notice must state that the owner must replace or discontinue the use of the straight-pipe system within ten months of receiving the notice. If the owner does not replace or discontinue the use of the straight-pipe system within ten months after the notice was received, the owner of the straight-pipe system shall be subject to an administrative penalty of $500 per month of noncompliance beyond the ten-month period. Administrative penalty orders may be issued for violations under this subdivision, as provided in section 116.072. One-half of the proceeds collected from an administrative penalty order issued for violating this subdivision shall be remitted to the local unit of government with jurisdiction over the noncompliant straight-pipe system."

Fast facts

- Most straight pipe systems exist in communities with a population 1,000 or fewer
- There are approximately 60,000 straight-pipe septic systems in Minnesota
- According to an MPCA report (The 10-Year Plan to Upgrade and Maintain Minnesota's Onsite Treatment Systems, 2004), "a fully functioning septic system with adequate soil treatment can range from $4,000 to as much as $12,000, depending on design and location." An average of $7,000 for each residential straight pipe fix would cost about $420,000,000 total."

Additional resources

www.pca.state.mn.us/water/wastewater.html –

At the MPCA's Wastewater Program homepage, you'll find links to financial resources for wastewater treatment, planning checklists, wastewater permit documents and staff contact information.

http://septic.umn.edu –

Visit the Onsite Septic System Program at the University of Minnesota's Extension Service Water Resource Center. There, you'll find septic system information geared for small communities, homeowners and wastewater professionals.

Contact information

If you have further questions, please contact Gretchen Sabel at 651-296-7773, or by email at gretchen.sabel@pca.state.mn.us

ARTICLE 11

APPROPRIATIONS

Section 1. **APPROPRIATIONS; INCREASED COMPLEMENT.**

Subdivision 1. $12,000,000 is appropriated from the bond proceeds fund to be divided as follows:

(a) $5,000,000 is appropriated to the board of water and soil resources for wetland restoration under Minnesota Statutes, section 103F.515; and

(b) $7,000,000 is appropriated to the board of water and soil resources for acquisition of conservation easements on wetlands.

Subd. 2. $1,900,000 in fiscal year 1992 and $1,100,000 in fiscal year 1993 is appropriated from the general fund to be divided as follows:

(a) Board of water and soil resources for the following purposes:

(1) $297,500 in fiscal year 1992 and $425,000 in fiscal year 1993 for implementation of this act. The complement of the board is increased by 12 positions.

(2) $100,000 in fiscal year 1992 and $100,000 in fiscal year 1993 for grants to the Minnesota association of soil and water conservation districts for education and training of local government officials relating to the implementation of this act. Not more than five percent of a grant made under this section may be used for administrative expenses.

(3) $1,100,000 for fiscal year 1992 for wetland restoration under Minnesota Statutes, section 103F.515.

(b) $402,500 in fiscal year 1992 and $575,000 in fiscal year 1993 to the commissioner of natural resources for implementation of this act. The complement of the department of natural resources is increased by nine in fiscal year 1992 and by an additional five in fiscal year 1993.

(c) $77,000 in fiscal year 1992 and $77,000 in fiscal year 1993 to the attorney general for costs incurred under this act.

(d) The appropriations under this subdivision are available in either year of the biennium.

Sec. 2. **SALE OF BONDS.**

Subdivision 1. (a) To provide the money appropriated from the bond proceeds fund in 1991 S.F. No. 1533, the commissioner of finance on request of the governor shall sell and issue bonds of the state in an amount up to $16,000,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI.

(b) To provide the money appropriated from the bond proceeds fund in this act, the commissioner of finance on request of the governor shall sell and issue bonds of the state in an amount up to $12,000,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI.

Subd. 2. **EXISTING BONDING AUTHORITY.** Existing funds previously appropriated from the bond proceeds fund for the waterbank program under Minnesota Statutes, section 105.392 are transferred and appropriated to the board of water and soil resources for easements under article 3, section 1.

Sec. 3. **EFFECTIVE DATE.**

This article is effective July 1, 1991.

Presented to the governor May 31, 1991

Signed by the governor June 4, 1991, 8:31 p.m.

CHAPTER 355—H.F.No. 783

An act relating to health; lowering the fee for licensed lawn service applicators; authorizing a surcharge on sanitizers and disinfectants; abolishing surcharges on pesticides that are less than $10; changing certain reimbursement figures and deadlines of the agricultural chemical response compensation board; continuing integrated pest management and groundwater research; appropriating money; amending Minnesota Statutes 1990, sections 18E.03, subdivisions 4 and 5; 18E.04, subdivisions 4 and 5; 18E.05, subdivision 3; 103I.005, subdivisions 2, 22, and by adding a subdivision; 103I.101, subdivisions 2, 4, 5, and 6; 103I.105; 103I.111, subdivisions 2a, 2b, 3, and by adding a subdivision; 103I.205, subdivisions 1, 3, 4, 7, 8, and 9; 103I.208, subdivision 2; 103I.231; 103I.235; 103I.301, subdivision 1, and by adding a subdivision; 103I.311, subdivision 3; 103I.331, subdivision 2; 103I.525, subdivisions 1, 4, 8, and 9; 103I.531, subdivisions 5, 8, and 9; 103I.535, subdivisions 8 and 9; 103I.541, subdivisions 4 and 5; 103I.545, subdivision 2; 103I.621, subdivision 3; 103I.701, subdivisions 1 and 4; 103I.705, subdivisions 2, 3, 4, and 5; and 103I.711, subdivision 1; repealing Minnesota Statutes 1990, section 103I.005, subdivision 18.

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

Section 1. Minnesota Statutes 1990, section 18E.03, subdivision 4, is amended to read:

Subd. 4. **FEE THROUGH 1990.** (a) The response and reimbursement fee consists of the surcharge fees in this subdivision and shall be collected until March 1, 1991.

(b) The commissioner shall impose a surcharge on pesticides registered under chapter 18B to be collected as a surcharge on the registration application