

Minnesota Board of Water and Soil Resources. Minutes.

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BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
ST. PAUL, MINNESOTA 55155
WEDNESDAY, JANUARY 23, 2008

BOARD MEMBERS PRESENT:
Dana Allen, Jim Anderson, MES; Wayne Anderson, MPCA; Paul Brutlag, Bob Burandt, Quentin Fairbanks, Brian Kletscher, Randy Kramer, Larry Kramka, DNR; Paul Langseth, John Linc Stine, MDH; Joe Martin, MDA; Brian Napstad, Ken Robinson, Louise Smallidge, Gene Tiedemann, LuAnn Tolliver

STAFF PRESENT:
Mary Jo Anderson, Matt Drewitz, Tim Fredbo, Jim Haertel, Tabor Hoek, Jeff Hrubes, John Jaschke, Al Kean, Julie Klocker, Greg Larson, Kevin Lines, Sarma Stramanis, Karli Swenson, Jason Weinerman, Dave Weirens, Marcey Westrick, Steve Woods

OTHERS PRESENT:
Ray Bohn, MAWD
LeAnn Buck, MASWCD
Blake Francis, MN Power
Sandy Hooker, MAT
Tim Koehler, NRCS
Mary Mueller, Wetland Bankers Association
Doug Norris, DNR
Rick Reimer, MACDE
Roy Robison, Landscape Alternatives
Dan Wilson, MDH

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

PLEDGE OF ALLEGIANCE

Chair Kramer introduced and welcomed John Linc Stine, Department of Health. John has been designated to represent the Department of Health, replacing Dan Wilson. Dan will be an alternate if John is not available to attend Board meetings. Dan will continue to serve on the Southern Water Planning Committee.

** 08-01 **ADOPTION OF AGENDA** – Moved by Louise Smallidge, seconded by Ken Robinson, to approve the agenda as presented. Motion passed on a voice vote.

** 08-02 **MINUTES OF DECEMBER 19, 2007** – Moved by Paul Langseth, seconded by Quentin Fairbanks, to approve the minutes of December 19, 2007 as circulated. Motion passed on a voice vote.

INTRODUCTION OF NEW EMPLOYEES

- John Jaschke introduced Julie Klocker, newly hired Assistant Director. Julie's start date is February 4. Julie provided background information about herself. Julie stated that she's thrilled to be here. Chair Kramer welcomed Julie to BWSR.

- Steve Woods introduced Marcey Westrick, Metro Region Clean Water Legacy Specialist. Marcey provided background information about herself. Marcey stated that she is very happy to be here. Chair Kramer welcomed Marcey to BWSR.

REPORTS

Chair's Report – Randy Kramer reported that he attended the RIM-CE stakeholders meeting on January 10; the Public Relations, Outreach, and Strategic Planning Committee conference call on January 11; and he attended the RIM Committee meeting on January 14. Randy also attended the EQB meeting on January 17.

Chair Kramer reported that an annual performance review is needed for Executive Director John Jaschke. Bill Eisele distributed a packet of information for the performance review process. The packet includes a cover letter with instructions, board members are requested to complete the performance review, provide comments and submit them to Bill Eisele by February 6. A numbering system will be used for the performance review process rather than names of

board members reviewing. Bill will compile the information and submit it to Chair Kramer. Chair Kramer will conduct the performance review.

Executive Director's Report – John Jaschke reported that state agencies have been instructed to prepare a 3% base budget reduction for '09. John is working with the Department of Finance on that process.

John reported that he was in Lewiston on January 15, presenting a grant agreement and check to Winona SWCD for SE Flood Recovery.

John reported that he attended the 25th Anniversary Convention and National Pheasant Fest 2008 at the River Centre in St. Paul. 30,000 people were in attendance; BWSR had a booth with a display "Google Earth of RIM easements in the Minnesota River". NRCS Chief Arlan Lancaster gave the keynote address.

John gave a brief overview of the information in board members' packets.

Dispute Resolution Committee – Jim Haertel reported that there is one additional appeal that has been received from Stearns County.

John Jaschke reported that Jim Haertel has been promoted to Metro Region Supervisor. Jim also continues in his current position until a new person is hired. Steve Woods will continue working in the Metro Region to assist with the workload.

Wetlands Committee – LuAnn Tolliver reported that the Wetlands Committee will meet today immediately following the Board meeting to hold a "work session" on certain topics.

Grants Program & Policy Committee – Louise Smallidge reported that the Grants Program & Policy Committee met on the afternoon of December 19. The Grants Program & Policy Committee has items to be considered later today on the agenda.

Public Relations, Outreach & Strategic Planning Committee – Brian Napstad reported that the Public Relations, Outreach & Strategic Planning Committee met via teleconference on January 11th to discuss the draft Strategic Plan to be considered later today on the agenda.

Administrative Advisory Committee – Randy Kramer reported that the Administrative Advisory Committee met this morning to review items that will be considered later today on the agenda.

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

Mahnomen County Request for Comprehensive Local Water Plan (CLWP) Extension – Quentin Fairbanks reported that the Northern Water Planning Committee met on January 9 to review and recommends approval of the Mahnomen County request for the Comprehensive Local Water Plan extension.

** 08-03 Moved by Quentin Fairbanks, seconded by Ken Robinson, to approve the request for a one-year extension of the Mahnomen County Comprehensive Local Water Plan. Motion passed on a voice vote.

Pennington County Priority Concerns Scoping Document – Quentin Fairbanks reported that the Northern Water Planning Committee met to review the Pennington County Priority Concerns Scoping Document and recommends

** 08-04 approval. Moved by Quentin Fairbanks, seconded by Gene Tiedemann, to approve the Pennington County Priority Concerns Scoping Document. Discussion followed. Motion passed on a voice vote.

Pennington County Request for Comprehensive Local Water Plan (CLWP) Extension – Quentin Fairbanks reported that the Northern Water Planning Committee reviewed and recommends approval of the Pennington County

** 08-05 request for Comprehensive Local Water Plan extension. Moved by Quentin Fairbanks, seconded by Ken Robinson, to approve the request for a two-year extension of the Pennington County Comprehensive Local Water Plan. Motion passed on a voice vote.

Red Lake County Request for Comprehensive Local Water Plan (CLWP) Extension – Quentin Fairbanks reported that the Northern Water Planning Committee reviewed and recommends approval of the Red Lake request for

** 08-06 Comprehensive Local Water Plan extension. Moved by Quentin Fairbanks, seconded by Gene Tiedemann, to approve the request for a two-year extension of the Red Lake County Comprehensive Local Water Plan. Discussion followed. Red Lake County will coordinate with the watershed district plan in working on their Priority Concerns Scoping Document. Motion passed on a voice vote.

Stearns County Local Water Management Plan – Quentin Fairbanks reported that the Northern Water Planning Committee reviewed and recommends approval of the Stearns County Local Water Management Plan. Quentin stated

** 08-07 that this is an excellent plan that deals with the growth in the County. Moved by Quentin Fairbanks, seconded by Brian Napstad, to approve the Stearns County Local Water Management Plan. John Linc Stine stated that this plan has excellent statements on source water protection. Brian Napstad stated that this is

a gold standard for local water management plans and does a great job of listing priority concerns. Motion passed on a voice vote.

OLD BUSINESS

BWSR Strategic Plan – Brian Napstad, Chair of the Public Relations, Outreach and Strategic Planning Committee, presented the draft Strategic Plan. The Committee revisited the agency mission statement and core beliefs and made some modifications. The Strategic Plan acknowledges the importance of effectiveness, leadership and innovation to the success of BWSR and the accomplishment of its mission. Brian stated that the Administrative Advisory Committee discussed the draft Strategic Plan this morning and recommends a proposed amendment at the end of the document. Moved by Brian Napstad, seconded by Paul Brutlag, to proceed forward with the proposed Strategic Plan as presented. Discussion followed.

** 08-08 Moved by Paul Brutlag, seconded by LuAnn Tolliver, to amend the resolution to add the amendment on page 17, the next bullet would read, "*Assure that citizen perspectives are considered.* Program evaluation and alignment shall include assessment of technical, procedural, and administrative components from a citizen perspective." Discussion followed. Amendment passed on a voice vote.

Discussion followed on the amended Strategic Plan. LuAnn Tolliver, as a member of the Public Relations, Outreach and Strategic Planning Committee, acknowledged the great work of Brian Napstad, Chair of the Committee. Brian thanked the staff for their involvement. Joe Martin, MDA, suggested that the Strategic Plan be used as a guiding principles document. Wayne Anderson, PCA, stated that it's a good plan and needs to be used. Larry Kramka, DNR, stated that this is an excellent document; DNR supports this. John Linc Stine, MDH, also stated that this an excellent plan. Jim Anderson, MES, agreed what has been stated. Motion passed on a voice vote to approve the amended Strategic Plan. Chair Kramer thanked Brian Napstad, the Committee, Cliff Tweedale, and staff for the completion and persistence to get this plan done.

** 08-09

NEW BUSINESS

Resolution Delegating Authority to the Executive Director to Make Certain Decisions Regarding WCA Appeals – Jim Haertel reported that the WCA rules specifically allow the Board or the Executive Director, and in some cases the Dispute Resolution Committee (DRC), to make certain decisions regarding WCA appeals. Subject decisions involve granting an appeal for a decision by the Board, remanding an appeal to the LGU for further processing, denying an appeal, and staying an LGU decision that has been appealed. Decisions are

required to be made within 30 days of receipt of an appeal for the granting, remanding or denial of an appeal. The current practice is for the Executive Director to make these types of decisions due to the 30-day time period requirement and the Board's meeting schedule. At the recent DRC workshop, it was agreed that the Board should formally establish its procedures by delegating this authority to the Executive Director. The draft Resolution has received a favorable review from the Attorney General's office and is recommended for approval by the DRC and the Administrative Advisory Committee. Moved by
** 08-10 Quentin Fairbanks, seconded by Louise Smallidge, to approve the resolution as presented, delegating authority to the Executive Director to make certain decisions regarding WCA appeals. Discussion followed. Motion passed on a voice vote.

FY 2008 Clean Water Legacy Grant Funding Recommendations – Jeff Hrubes reported that The Clean Water Legacy interagency work team has completed their review and ranking of the Clean Water Legacy Grant applications that were submitted within the application period of October 1 through November 15. The Grants Program and Policy Committee met on December 19 to review and discuss the funding recommendations of the interagency team for Protection and Restoration Projects as well as the recommendations for funding Pilot Protection Projects intended to demonstrate how water management plans may be enhanced to increase competitiveness for future Clean Water Legacy funding.

Matt Drewitz presented spreadsheets for the 2008 funding sources for restoration and protection projects. Discussion followed. After consultation with LGUs regarding the projects, the numbers on the spreadsheets that board members received need to be adjusted to reflect changes. Moved by Louise Smallidge,
** 08-11 seconded by Paul Langseth, to approve the FY2008 Clean Water Legacy Grant Funding recommendations, with adjustments made to reflect the changes. Discussion continued. Jeff stated that communications will be made to all applicants regarding the grant allocations. Motion passed on a voice vote.

Native Buffer Cost-Share Program - Tabor Hoek reported that within the State Cost-Share Program the 2007 Legislature appropriated $1.2 million for both FY 08 and FY 09 for the establishment and maintenance of vegetated buffers of restored native prairie and restored prairie, using seeds of a local ecotype region. Tabor presented the policies and funding allocation. The Grants Program and Policy Committee recommends approval of the program guidelines and FY 08 funding recommendation. Moved by Louise Smallidge, seconded by
** 08-12 Quentin Fairbanks, to authorize staff to allocate funding and implement guidelines for the Native Buffer Cost-Share Program according to these policies.

Discussion followed. Tabor stated that this is a fifteen-year contract, with follow-up to the projects, landowners will know upfront what they are signing into. Motion passed on a voice vote.

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

Agricultural Watershed Restoration Projects – Al Kean reported that the 2007 Legislature directed BWSR to use $1.5 million of Clean Water Legacy Act appropriations for agricultural watershed restoration projects located in watersheds impaired by non-point agricultural sources. These projects are to provide for long-term restoration of surface water quality. It is anticipated that these projects will provide a framework for practical and effective water quality restoration in impaired agricultural watersheds. A three-phase project work plan has been prepared to guide the implementation of these projects. The Grants Program and Policy Committee has reviewed the Agricultural Watershed Restoration Projects and

** 08-13 recommends approval. Moved by Louise Smallidge, seconded by Gene Tiedemann, to approve the Agricultural Watershed Restoration Project Work Plan as presented. Discussion followed. Jim Anderson reported that MES, with MDA, has been working on TMDL requirements and will conduct a symposium in February that will be an opportunity for discussion with this topic included. John Jaschke stated that project proposals will be brought before the Board, this work plan and request for proposals is the first phase. Joe Martin asked that BWSR work with MDA on this program to align efforts. Motion passed on a voice vote.

RIM-CE Report – Kevin Lines introduced Shelley Shreffler, Minnesota Environmental Initiatives (MEI). Kevin explained that the RIM Reserve Planning Committee met on January 14, 2008 to review the draft report prepared as part of a 2007 legislation directive. Section 103F.518, as authorized in Minnesota State Statutes in 2007, establishes a Reinvest in Minnesota (RIM) Clean Energy program, which charges BWSR to acquire easements of at least 20 years on lands for growing bioenergy crops. Establishment of a RIM-Clean Energy program was accomplished with required consultation from a BWSR-appointed Technical Review Committee (TRC) and contracted technical support from the University of Minnesota. BWSR contracted with the Minnesota Environmental Initiative (MEI) to coordinate and facilitate the policy discussion and communicate the recommended program guidelines and standards. The legislation required BWSR to utilize the TRC to develop a process to select the areas for program rollout and to establish a tiered payment system. The programs goals are to: 1) stimulate the use of native perennial vegetation for biofuel production, and 2) to assure public conservation benefits are realized regardless of future markets.

Kevin acknowledged that Greg Larson played a critical part in this report. Kevin stated that Dana Allen attended key RIM-CE tech review committee meetings. Moved by Larry Kramka, seconded by Paul Brutlag, to approve the RIM-CE Report as presented. Discussion followed. Kevin explained the tiered payment system for the RIM-CE payment structure.

Dana offered an amendment to the Executive Summary of the RIM-CE Report.
** Moved by Dana Allen, seconded by Bob Burandt, to amend the third
08-14 sentence of the first paragraph of the Executive Summary of the RIM-CE Report to read, "The *primary intent* of the program is to support native perennial biofuels production *with secondary* environmental and conservation benefits, including water quality, soil health, reduction of chemical inputs, soil carbon storage, biodiversity and wildlife habitat". Discussion followed. Amendment passed on a voice vote.

Discussion continued on the RIM-CE Report as amended. Greg Larson gave a brief update on the University of Minnesota's involvement. Greg stated that there were two elements of the contract; one with University of Minnesota Professor Steve Taff, Land Economist, to generate the tiered payment matrix for use on this program. The other was with Dean Current, University of Minnesota, who handled the focus group discussions and meetings with the BMP document. Joe Martin stated that the existing RIM policy needs to be reviewed now that we have a new RIM-CE policy. The RIM Committee will discuss potential adjustments
** needed to current RIM policy and guidelines beginning with their February 27th
08-15 meeting. Motion passed to approve the amended RIM-CE Report.

Performance Review and Assistance Program Report to the Legislature – Don Buckhout distributed Draft #8 of the Performance Review and Assistance Program (PRAP) Report. This report has been prepared for the Minnesota State Legislature in fulfillment of the requirements of Minnesota Statutes Chapter 103B.102, subdivision 3. This statute requires BWSR to provide designated legislative committees with "an analysis of local water management entity performance" each year. This is the first in a series of reports that will be prepared by BWSR for this purpose. This is a new mandate so BWSR's focus has been on designing the program that will implement these new statutory responsibilities. Consequently, this first report is mostly about program design. Subsequent reports will focus on the results and findings from analyzing local water management entity performance as the program is fully implemented. Don provided an overview of the report. Don anticipates Appendix C and Appendix D to be updated before it's finalized in February. Don stated that the guiding principles used to develop the program are incorporated on page two.

** 08-16 Moved by LuAnn Tolliver, seconded by Ken Robinson, to approve the Performance Review and Assistance Program Report to be submitted to the Legislature in February. Discussion followed. John stated that this is a legislative requirement that BWSR provide an annual report. Motion passed on a voice vote.

AGENCY REPORTS

Minnesota Department of Health (MDH) – John Linc Stine acknowledged and thanked Dan Wilson for his past contributions and efforts on the Board. John Linc Stine provided a brief background report on himself. John is the Environmental Health Director for the MDH, with primary focus on drinking water. John reported that MDH is looking at budget reductions to their general fund and fee based programs. MDH expects to have the Well Management Rules Report back from the Administrative Law Judge in the next few weeks. MDH is involved with the SE MN Flood Recovery efforts. Chair Kramer thanked Dan Wilson for his many years of great work on the Board, and wished Dan continued success.

Minnesota Extension Service (MES) – Jim Anderson stated that Faye Sleeper is coordinating the Impaired Waters Research Symposium on February 11-12. Jim reported that he and Mary Hanks are co-chairing a carbon sequestration task force. Jim stated that MES, MDA, MDH, DNR, and BWSR will all be involved in the carbon sequestration program. Jim reported that MES and MDA are conducting a series of focus groups for Minnesota producers.

Minnesota Department of Natural Resources (DNR) – Larry Kramka stated that DNR is also working through potential budget reductions. DNR is looking at the budget reduction by divisions and is gearing up for the Legislative session. Larry reported that additional work is coming this next year in the mining industry due to a tremendous amount of development and changes to plants. This will challenge the agencies to meet the demands from the mining industry expansion.

Minnesota Pollution Control Agency (MPCA) – Wayne Anderson reported that MPCA is also dealing with the likely budget reduction, and finalizing reports to the Legislature. Wayne reported that yesterday, the PCA Board approved the updated listing of impaired waters. A spreadsheet of the new listing is on MPCA's website.

Minnesota Department of Agriculture (MDA) – Joe Martin reported that MDA is looking at the structure of potential 3% budget reductions on a long-term basis. MDA is getting disaster assistance dollars out, 60 applications were received in flood counties and about 2100 applicants from drought counties. MDA has

learned of several new herds with tuberculosis which calls for a new plan of action in the State.

ADVISORY COMMENTS

Minnesota Association of Conservation District Employees (MACDE) – Rick Reimer reported that MACDE met on January 8, and had their election of officers. Rick was elected as President. Rick reported that the MASWCD had a good convention in Rochester in December. MACDE's goal is to work more closely with partners for training and education. The State's website requirements have some SWCDs partnering with costs. MACDE is working with Les Lemm, WCA coordinator, on WCA training certification for SWCD employees. MACDE will sponsor up to $300 in individual assistance for training events. MACDE's next meeting is February 19.

Minnesota Association of Soil and Water Conservation Districts (MASWCD) – LeAnn Buck reported that the MASWCD Board of Directors Meeting will be held on February 25; and the MASWCD Legislative Briefing and Day at the Capitol on February 26. LeAnn stated that RIM, WRP, and technical assistance is on their radar screen. SWCDs are excited about a statewide RIM program and are ready to provide tech assistance. SWCDs are cautiously optimist about the RIM-CE program. MASWCD will continue to communicate information to SWCDs on new upcoming programs.

Minnesota Association of Watershed Districts (MAWD) – Ray Bohn reported that MAWD had tremendous attendance at their annual convention in December. Emphasis will be on training this year, look forward to working with BWSR staff. Ray thanked BWSR staff for support of MAWD at their annual convention. Ray stated that MAWD is concerned with the Congressman Oberstar's Clean Water Act bill and the impact on watershed districts. Ray stated that there will be interesting issues to deal with this legislative session. MAWD is excited about PRAP; Ray worked with BWSR on this and looks forward to implementation, hopeful to get funding to move past Level 1. MAWD will actively support additional funding for programs. Ray stated that Julie Klocker will be a tremendous asset to BWSR. MAWD's legislative breakfast will be held Thursday, March 13. John Jaschke has been invited to speak. MAWD will be updating and enhancing their website this next year and attempting to make it interactive to provide training and conduct meetings.

Natural Resources Conservation Service (NRCS) – Tim Koehler reported that NRCS received $25M in EQIP funding, over $17M is obligated for about 1500 producer contracts. Tim reported that NRCS matched BWSR's funding, about $200,000 to be obligated over the next few weeks for SE MN flood efforts. Tim

reported that $1M has been allocated for the drought in northern Minnesota. Tim stated that Al Kean, Tom Wenzel, and BWSR's engineering staff have a done a great job on NRCS farm bill contribution efforts. Tim acknowledged monitoring efforts lead by Greg Larson, Carol Strojny and Karli Swenson, and appreciated the assistance and interactive process with NRCS and landowners. Tim reported that NRCS is looking forward to the legislative session and a RIM/WRP partnership. Tim will provide information on the Farm Bill when he receives it.

UPCOMING MEETINGS

- The next Board Meeting is March 26, 2008, in St. Paul.
- Board Member participation is required in the executive director performance review; submit information to Bill Eisele by February 6.
- The RIM Committee and the Grants Program and Policy Committee will both meet on February 27.

** 08-17 Moved by Louise Smallidge, seconded by Larry Kramka, to adjourn the meeting at 1:00 p.m. Motion passed on a voice vote.

The Wetland Committee will meet immediately following the Board meeting today.

Respectfully submitted,

Randy Kramer
Chair

Dispute Resolution Report
January 10, 2008
by: Jim Haertel

There are presently 28 appeals pending. All of the appeals involve WCA except File 05-24. There have been 4 new appeals filed since the last report dated December 6, 2007.

File 08-2. This is a new appeal of a restoration order in Mahnomen County. The appeal regards the filling of approximately 13,500 square feet of Type 3 wetland in shoreland area. No decision has been made on the appeal.

File 08-1. This is a new appeal of a restoration order in Aitkin County. The appeal involves the filling of wetland for a road in shoreland area. No decision has been made on the appeal.

File 07-38. This is a new appeal of a restoration order in Todd County. The appeal regards the draining of a Type 4 wetland. No decision has been made on the appeal.

File 07-37. This is a new appeal of a restoration and replacement order in the City of Sturgeon Lake, Pine County. The appeal involves the excavation and filling of wetland. No decision has been made on the appeal.

File 07-36. This is an appeal of a restoration order in the City of Hugo, Washington County. The appeal involves the filling of approximately 5,447 square feet of Type 7 wetland for a driveway. No decision has been made on the appeal.

File 07-35. This is an appeal of a restoration order in International Falls, Koochiching County. The appeal involves the filling of 1.99 acres of Type 7 wetland for a building site and parking lot, and wetland impacts associated with 3 acres of land clearing and top soil removal of a forested Type 7 wetland. The restoration order has been stayed and the appeal has been placed in abeyance pending further work by the SWCD and the LGU.

File 07-34. This is an appeal from 131 residents of Stearns County of a replacement plan decision. The appeal regards the approval of a replacement plan that would allow replacement of an existing culvert under a township road named Hidden Cove Road, near Big Fish Lake, with a longer culvert, construction of a water retention basin and a standpipe. The appeal has been remanded for a public hearing before the Stearns County Wetland Appeal Panel.

File 07-33. This is an appeal of an exemption decision in International Falls, Koochiching County. The appeal involves the approval of an exemption request that resulted from issuance of a cease and desist order for unauthorized wetland impacts. The appeal has been accepted and copies of the record have been requested.

File 07-32. This is an appeal of an exemption decision in International Falls, Koochiching County. The appeal involves the approval of an exemption request that resulted from issuance of a cease and desist order for unauthorized wetland impacts. The appeal has been accepted and copies of the record have been requested.

File 07-31. This is an appeal of an exemption decision in International Falls, Koochiching County. The appeal involves the approval of an exemption request that resulted from issuance of a restoration order for unauthorized filling of wetland for a building. The appeal has been accepted and copies of the record have been requested.

File 07-29. This is an appeal of a restoration order in Crow Wing County. The appeal involves the filling of wetland along a driveway. The restoration order has been stayed and the appeal has been placed in abeyance pending the completion of further field work this spring.

File 07-28. This is an appeal of a restoration order in Mille Lacs County. The appeal regards the filling of wetland. The restoration order has been stayed and the appeal has been placed in abeyance pending the submission of an after-the-fact wetland replacement plan application this month.

File 07-27. This is an appeal of a restoration and replacement order in Benton County. The appeal involves the excavation of an island that was in wetland and the filling of wetland along the wetland edge. The restoration order has been stayed and the appeal has been placed in abeyance pending the completion of further field work this spring.

File 07-25. This is an appeal of a replacement plan decision in Benton County. The appeal involves the approval of a replacement plan application for 7.8 acres of wetland fill. A previous decision on the project had been appealed and was remanded for a public hearing at the local level. The appeal has been accepted, a pre-hearing conference was held on September 18 and continued on October 17. Settlement discussions are continuing and it appears a settlement agreement has been reached.

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

File 06-23. This is an appeal of a replacement plan decision in Kanabec County. The LGU denied the wetland replacement plan application. A previous denial of the same replacement plan application had been appealed, the appeal was remanded for a hearing, and now the current denial has been appealed. The appeal has been placed in abeyance pending the outcome of a lawsuit between the landowner and the county. The lawsuit concerns the county's possible noncompliance with the 60-day rule. The county prevailed in district court, however the decision has been appealed to the Court of Appeals.

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

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

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

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

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

File 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. It appears at least two of the appeals have been settled.

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

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

File 05-1. This is an appeal of a replacement plan decision by the Rice Creek Watershed District. The District previously made a decision that was appealed which resulted in a remand for an expanded TEP. Now there is an appeal of the decision made under remand since the decision differed from the TEP report. At issue is a wetland delineation and the Comprehensive Wetland Protection and Management Plan that BWSR approved. After a hearing before the DRC, the board remanded the matter for a new wetland delineation and for submission on an updated, complete replacement plan application.

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

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

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

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

1. Mahnomen County Request for Comprehensive Local Water Plan (CLWP) Extension – *DECISION ITEM*

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

3. Pennington County Request for Comprehensive Local Water Plan (CLWP) Extension – *DECISION ITEM*

4. Red Lake County Request for Comprehensive Local Water Plan (CLWP) Extension – *DECISION ITEM*

5. Stearns County Local Water Management Plan – *DECISION ITEM*

RESOLUTION
REQUEST FOR EXTENSION OF THE MAHNOMEN COUNTY COMPREHENSIVE WATER MANAGEMENT PLAN

WHEREAS, the 1995 amendments to the Comprehensive Local Water Planning Act, M.S. 103B.301 gave the Minnesota Board of Water and Soil Resources (BWSR) authority to extend the ending date of local water plans for a period of not to exceed 2 years, and

WHEREAS, Minnesota Statutes, Chapter 103B.301, Comprehensive Local Water Management Act, authorizes Minnesota Counties to develop and implement a local water management plan, and

WHEREAS, the Act requires that a county update and revise their local water management plan on a periodic basis, and

WHEREAS, the Act encourages that a county coordinate its planning with contiguous counties, and solicit input from local governmental units and state review agencies, and

WHEREAS, the Act requires that plans and official controls of other local governmental units be consistent with the local water management plan, and

WHEREAS, Mahnomen County currently has an approved Comprehensive Local Water Management Plan (the Plan) which is due to expire on January 22, 2008, and

WHEREAS, Mahnomen County has determined that since the Priority Concern Scoping Document wasn't approved until November, 2007, more time is necessary to complete the multi-phased update process, and

WHEREAS, the Mahnomen County Board of Commissioners would like to request an extension of time to update the Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Mahnomen County Board of Commissioners request an extension, in accordance with the BWSR Local Water Management Plan Update Guidance for a period of two years. This extension would allow adequate time to be spent on each of the phases of the update process.

BE IT FURTHER RESOLVED, that Mahnomen County will not order or commence any large projects (i.e., capital improvement projects) during the period of the extension, pursuant to M.S. 103B.311, Subd. 5.

CERTIFICATION

STATE OF MINNESOTA
COUNTY OF MAHNOMEN

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 Mahnomen at a duly authorized meeting thereof held on the 18th of December, 2007.

Name: Karen Ahmann

Title: Chairperson

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 Update for Mahnomen County (Minnesota Statutes, Section 103B.311, Subdivision 4, authorizing BWSR to grant extensions.)	ORDER EXTENDING LOCAL WATER MANAGEMENT PLAN

Whereas, Mahnomen County has a state approved Comprehensive Local Water Plan (CLWP) that is effective until January 22, 2008, pursuant to M.S. Section 103B.301, and

Whereas, the Board of Water and Soil Resources has authorization to grant extensions pursuant to Minnesota Session Law 1995, Chapter 184, Section 24.

Now therefore, the Board of Water and Soil Resources hereby makes the following Findings of Fact, Conclusions and Order:

FINDINGS OF FACT

1. On December 18, 2007, Mahnomen County Board of Commissioners passed a resolution requesting an extension of their Comprehensive Local Water Plan from January 22, 2008 to January 22, 2010.
2. Board of Water Soil Resources staff have reviewed the justification for this extension request and find it in the best interest of the State of Minnesota and the County of Mahnomen to grant this extension.
3. On January 9, 2008, Board of Water and Soil Resources Northern Water Planning Committee reviewed and recommended approval of the extension request by Mahnomen County.

CONCLUSIONS

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 Mahnomen County pursuant to M.S. Section 103B.311, Subd. 4.

ORDER

The Board of Water and Soil resources hereby approves the extension of the Mahnomen County Comprehensive Local Water Plan until January 22, 2010. Dated at St. Paul, Minnesota, this 23rd day of January 2008.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chairperson
January 23, 2008

DATE: January 2, 2008

TO: BWSR Northern Subcommittee

FROM: Chad Severts, Board Conservationist

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

The original local water management plan was adopted in 1990. The first and second revisions took place in 1997 and 2002 respectively. This will be the fourth generation of the Pennington County Comprehensive Local Water Management Plan (CLWMP).

The Pennington Soil and Water Conservation District (SWCD) is responsible for the administration of the CLWMP for Pennington County.

The update process began on August 8, 2006, when Pennington County passed a resolution to update the county's CLWMP. The current plan update effective date is set to expire February 26, 2008.

The process followed by Pennington County in the development of their PCSD provided ample opportunity for local, state, and federal agencies and governments to submit priority concern input regarding water related management issues and concerns. Pennington County sent out for preliminary review the priority concern statements and supporting documentation developed by the county Water Resource Advisory Committee (WRAC) on October 26, 2007.

Pennington County's priority concern statements were:

1. Protection and Improvement of Surface Water Quality
2. Flood Damage Reduction
3. Protect the County's Drinking Water Sources

The following was used to develop the PCSD:

- On April 5, 2007 the WRAC was convened, and the process and plan for updating the CLWMP was discussed. A written notice of decision to update the plan and a request for priority concerns was sent to the required state agencies, 21 townships, three cities, Red Lake Watershed District, Middle-Snake-Tamarac Rivers Watershed District, 10 surrounding SWCD offices, SWCD Technical Service Area 1, and WRAC members on May 31, 2007.
- A citizen survey to gather input was developed and a notice requesting input was printed in *The Times* on May 19, 2007. Surveys were also available at the SWCD

Office. A total of 30 surveys were returned and the top 10 concerns were as follows: 1) Sourcewater protection; 2) Stormwater issues; 3) Wellhead protection; 4) Flooding; 5) Non-point source pollution; 6) Sedimentation from water; 7) Sedimentation from wind; 8) TMDLs; 9)Wetlands; 10)Feedlots.

- The following priority concerns were submitted by the state agencies mentioned in statute and other interested parties:

Board of Water and Soil Resources

- Erosion and sedimentation
- Surface water quality and flood damage reduction as it relates to development adjacent to riparian areas
- Coordination among water management organizations

Minnesota Department of Health

- Source water protection for city of Thief River Falls
- Protect ground water-based drinking water sources within the county
- Sealing unused, unsealed wells

Minnesota Department of Agriculture

- Agricultural chemical use and potential impacts to unconfined shallow ground water.
- Agricultural chemical use and potential impacts to surface water.
- Manure management and ISTS
- Conservation tillage and drainage

Minnesota Pollution Control Agency

- Impaired Waters/Total Maximum Daily Loads
- Storm water issues

Minnesota Department of Natural Resources

- Thief River and Red Lake River water quality

Marshall County Land and Water Office

- Quality of surface water: sedimentation of rivers and storm water runoff
- Protect ground water from pollution from failing septic systems

Marshall-Beltrami SWCD

- Water quality and sedimentation of Thief River

Middle-Snake-Tamarac Rivers Watershed District

- Flood damage reduction
- Drainage
- Water quality

Pennington Highway Department

- Protecting drinking water from contamination

- Water quantity
- Erosion prevention

River Falls Township
- Salvage yards

- A publicly noticed meeting was held in conjuction with the WRAC meeting on August 13, 2007. The committee reviewed past accomplishments of the current water plan, submitted comments and survey results. After some discussion, the WRAC voted on the selection of the priority concerns.
- The WRAC met on October 2, 2007 to review the draft Priority Concerns Scoping Document.
- Numerous other plans were consulted and referenced for writing this document: Marshall County CLWMP; Polk County CLWMP; Roseau County CLWMP; Kittson County CLWMP; Red Lake Watershed District 10 Year Plan; Pembina Trail RC&D 5 Year Plan; Red Lake County CLWMP; Clearwater County CLWMP and the Red River Basin Natural Resources Framework Plan.

On October 26, 2007 the PCSD was sent to the required state agencies for review and asked that comments be sent to Ron Shelito by December 5, 2007.

The responses as of December 26, 2007 were:

- November 14, 2007, MPCA concurs with the priority concerns identified, but would like to see additional work in the Thief River Watershed, particularly in the segment from Agassiz National Wildlife Refuge to the Red Lake River. Coordination with Marshall County, the Red Lake Watershed District and the state and national wildlife refuges is suggested for any planned work. Additional monitoring and mapping of stream bank erosion and agricultural drainage contributions to the Thief River is recommended.

  MPCA also recommends education for contractors on the permit process and Best Management Practices requirements and the analysis of municipal stormwater sources since the reservoir in Thief River has experienced excessive historic sedimentation.

  Lastly, the MPCA encourages the County to visit the Environmental Data Access website for water quality data which may be useful for the planning efforts.

- November 5, 2007, DNR concurs with the priority concerns and will continue to work with the Pennington County Water Board to complete the water planning update process.
- December 5, 2007, MDH commended Pennington County for recognizing the value of protection and preserving surface water and groundwater quality and quantity, specifically the initiatives that support the development and

implementation of source water protection plans and the support for sealing unused, unsealed wells.

Based on my review of the Pennington County PCSD, I've concluded that the document does meet the requirements of the guidance material provided by the BWSR and that of 103B.312 and 103B.313 subp.1-4.

Minnesota Board of Water & Soil Resources

January 23, 2008

Pennington County Commissioners
C/O Rachelle Winter, Pennington Soil and Water Conservation District
201 Sherwood Ave S
Thief River Falls, MN 56701

RE: Official Comments Pertaining to the State Review of the Extension Request for Pennington County CLWMP

Dear Pennington County Commissioners:

The Minnesota Board of Water and Soil Resources (BWSR) is pleased to inform you it has approved the request to extend the Pennington County Comprehensive Local Water Management Plan. The two-year extension will extend the current plan until February 26, 2010. Attached is the signed Findings of Fact, Conclusions, and Order that documents approval of the extension request and indicates it meets all relevant requirements of law and rule.

Pursuant to M.S. section 103B.311, subdivision 4, item 5 a two-year extension is granted provided that no projects will be ordered or commenced during the extension period.

Sincerely,

Randy Kramer,
Chair, Board of Water and Soil Resources

cc: Chad Severts, BWSR
Ron Shelito, BWSR
Mike Carroll, DNR
David Johnson, MPCA
John Wells, EQB
Becky Balk, MDA
Art Persons, MDH

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

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

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

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

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

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

Rochester
2300 Silver Creek
Road N.E.
Rochester, MN 55906
phone (507) 280-2874
fax (507) 285-7144

Saint Paul
520 Lafayette Road N.
Saint Paul, MN 55155
phone (651) 296-3767
fax (651) 297-5615

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

RESOLUTION REQUESTING AN EXTENSION OF THE PENNINGTON COUNTY COMPREHENSIVE LOCAL WATER PLAN

WHEREAS, 1995 amendments to the Comprehensive Local Water Planning Act, M.S. 103B.301 gave the Board of Water and Soil Resources (BWSR) authority to extend the ending date of local water plans for a period not to exceed two (2) years; and

WHEREAS, Pennington County has a State approved and locally adopted Comprehensive Local Water Plan with an end date of February 26, 2008; and

WHEREAS, Pennington County went through staff changes during the update process; and

WHEREAS, Pennington County is in PHASE 3 of the update process, but additional time will be needed to complete the plan; and

WHEREAS, Pennington County plans on completing the plan as soon possible, with an expected completion date of April, 2008.

NOW, THEREFORE, BE IT RESOLVED, that the Pennington County Board of Commissioners requests that the BWSR grant an extension up to February 26, 2010 to complete the update of the Pennington County Comprehensive Local Water Plan; and

BE IT FURTHER RESOLVED, that no projects will be ordered or commenced under M.S. 103B.331 subdivision 3 and 4 during the extension period.

CERTIFICATION

STATE OF MINNESOTA
COUNTY OF PENNINGTON

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 Pennington at a duly authorized meeting thereof held on the 8th of January, 2008.

Bob Carlson

Chair, Pennington County Board of Commissioners

DATE: January 2, 2008

TO: BWSR Northern Subcommittee

FROM: Chad Severts, Board Conservationist

SUBJECT: Extension Request for Pennington County CLWMP

Pennington County has a Comprehensive Local Water Management Plan (CLWMP) that was approved by the Minnesota Board of Water and Soil Resources (BWSR) at the February 26, 2003 board meeting. The CLWMP update was approved with an effective end date of February 26, 2008. Pennington County has communicated to BWSR their intent to pursue an extension of the CLWMP to an end date of February 26, 2010. The County Board will pass a resolution requesting the extension on January 8, and present it to the BWSR Northern Subcommittee on January 9.

The amendments to the Comprehensive Local Water Management Act, MS 103B.301, gave the authority to BWSR to grant extensions to counties for the purpose of extending the effective date of their water plans. These extensions must be requested in writing and cannot be for more than two years.

In December of 1999, the BWSR approved expectations for local water planning updates. Included in this document was a provision for coordinating local water planning with other planning efforts being conducted by other water management agencies and governments.

The Pennington SWCD went through staff changes during the update of the plan. The extension will allow Pennington County to spend adequate time on the remaining plan requirements.

BWSR guidelines will be used and staff assistance will continue to be made available to the CLWP staff as they proceed with the completion of the plan update. Board Conservationist Chad Severts recommends approval of the Pennington County Local Water Plan extension request to February 26, 2010.

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 Update for Pennington County (Minnesota Statutes , Section 103B.311, Subdivision 4, authorizing BWSR to grant extensions.)

ORDER EXTENDING LOCAL WATER MANAGEMENT PLAN

Whereas, Pennington County has a state approved Comprehensive Local Water Plan (CLWP) that is effective until February 26, 2008, pursuant to M.S. Section 103B.301, and

Whereas, the Board of Water and Soil Resources has authorization to grant extensions pursuant to Minnesota Session Law 1995, Chapter 184, Section 24.

Now therefore, the Board of Water and Soil Resources hereby makes the following Findings of Fact, Conclusions and Order:

FINDINGS OF FACT

1. On January 8, 2008, Pennington County Board of Commissioners passed a resolution requesting an extension of their Comprehensive Local Water Plan to December 30, 2009.

2. On January 9, 2008, Board of Water and Soil Resources Northern Water Planning Committee reviewed and recommended approval of the extension request by Pennington County.

CONCLUSIONS

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 Pennington County pursuant to M.S. Section 103B.311, Subd. 4.

ORDER

The Board of Water and Soil resources hereby approves the extension of the Pennington County Comprehensive Local Water Plan until February 26, 2010. Dated at St. Paul, Minnesota, this 23rd day of January 2008.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chairperson
January 23, 2008

The following resolution was offered by Commissioner John Tesdell and moved for adoption:

RESOLUTION REQUESTING EXTENSION
OF
RED LAKE COUNTY COMPREHENSIVE LOCAL WATER MANAGEMENT PLAN

WHEREAS, 1995 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 not to exceed two years, and

WHEREAS, Minnesota Statutes, Chapter 103B.301, Comprehensive Local Water Management Act, authorizes Minnesota Counties to develop and implement a local water management plan, and

WHEREAS, the Act requires that a county update and revise their local water management plan on a periodic basis, and

WHEREAS, the Act encourages that a county coordinate its planning with contiguous counties, and solicit input from local governmental units and state review agencies, and

WHEREAS, the Act requires that plans and official controls of other local governmental units be consistent with the local water management plan, and

WHEREAS, Red Lake County has a current state approved and locally adopted Comprehensive Local Water Plan which is due to expire on February 26, 2008, and

WHEREAS, Red Lake County has determined that since the Priority Concerns Scoping Document has not yet been approved, more time is necessary to complete the multi-phased update process, and

WHEREAS, Red Lake County is adjusting the timing of the water plan to be more consistent with other areas plans as well as the Red Lake Watershed District plan, and

WHEREAS, in order to obtain adequate input from cities and county departments, to review existing controls and plans and to summarize data and information that will benefit the Comprehensive Local Water Management Plan update, Red Lake County will not be able to complete its Comprehensive Local Water Plan update prior to February 26, 2008.

NOW, THEREFORE BE IT RESOLVED that the Red Lake County Board of Commissioners request an extension, in accordance with the BWSR Local Water Management Plan Update Guidance, for a period of two years. This extension would allow adequate time to be spent on each of the phases of the update process.

BE IT FURTHER RESOLVED that Red Lake County will not order or commence any projects during the period of the extension, pursuant to M.S.103B.331 subd. 5.

Seconded by Commissioner Velma Oakland and the same being put to a vote was unanimously carried.

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 Auditor, Red Lake County, Minnesota.

Dated at Red Lake Falls, Minnesota on this 21st day of December 2007.

Robert Schmitz

Robert Schmitz, County Auditor

12-01-07

Resolution Number

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 Update for Red Lake County (Minnesota Statutes , Section 103B.311, Subdivision 4, authorizing BWSR to grant extensions.)	ORDER EXTENDING LOCAL WATER MANAGEMENT PLAN

Whereas, Red Lake County has a state approved Comprehensive Local Water Plan (CLWP) that is effective until February 26, 2008, pursuant to M.S. Section 103B.301, and

Whereas, the Board of Water and Soil Resources has authorization to grant extensions pursuant to Minnesota Session Law 1995, Chapter 184, Section 24.

Now therefore, the Board of Water and Soil Resources hereby makes the following Findings of Fact, Conclusions and Order:

FINDINGS OF FACT

1. On December 21, 2007, Red Lake County Board of Commissioners passed a resolution requesting an extension of their Comprehensive Local Water Plan from February 26, 2008 to February 26, 2010.
2. Board of Water Soil Resources staff have reviewed the justification for this extension request and find it in the best interest of the State of Minnesota and the County of Red Lake to grant this extension request.
3. On January 9, 2008, Board of Water and Soil Resources Northern Water Planning Committee reviewed and recommended approval of the extension request by Red Lake County.

CONCLUSIONS

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 Red Lake County pursuant to M.S. Section 103B.311, Subd. 4.

ORDER

The Board of Water and Soil resources hereby approves the extension of the Red Lake County Comprehensive Local Water Plan until February 26, 2010. Dated at St. Paul, Minnesota, this 23rd day of January 2008.

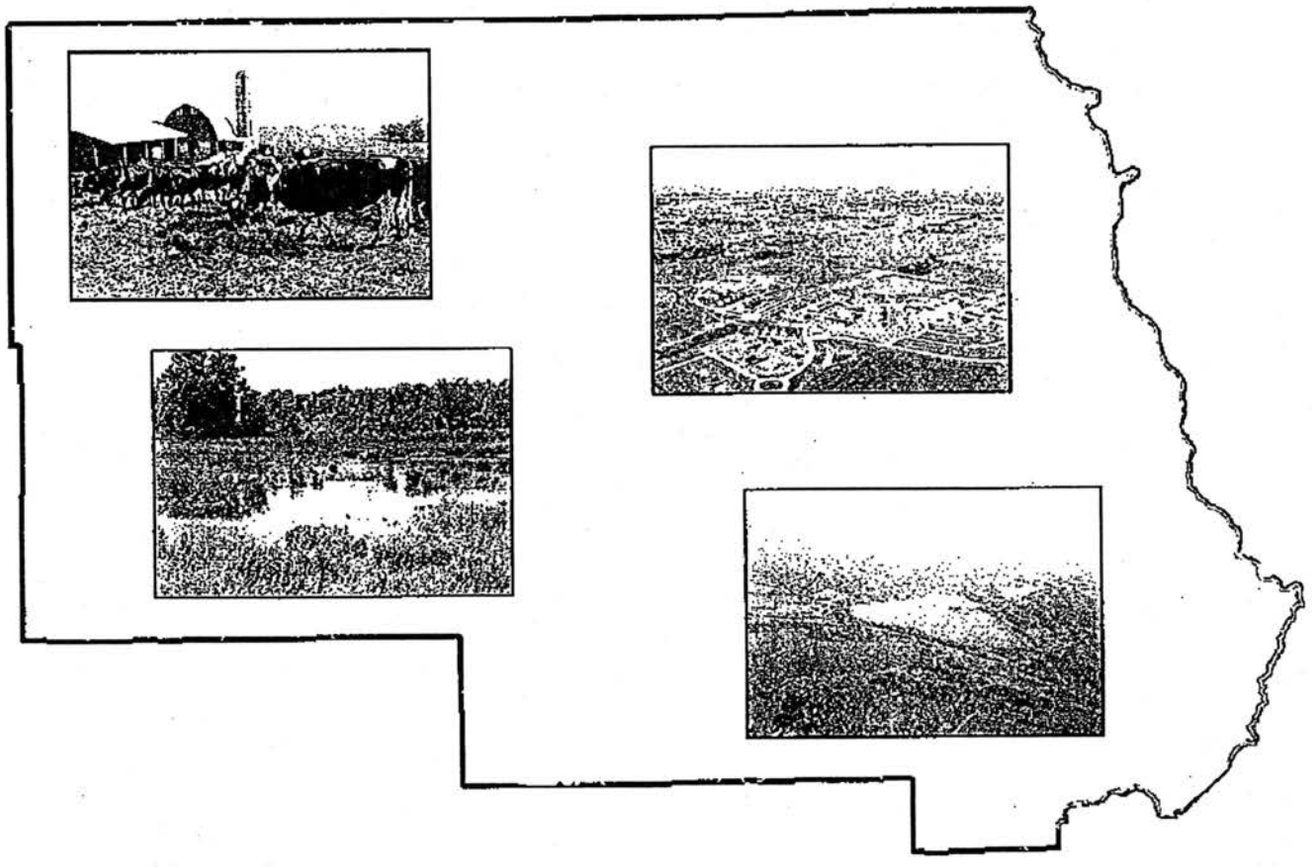
MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chairperson
January 23, 2008

Stearns County

Local Water Management Plan



2008 - 2017

Acknowledgements

Stearns County would like to thank those who contributed their time and expertise to the development of this Water Management Plan. Their efforts are a reflection of the concern for the integrity of the County's natural resources that will make a realization of the goals of this Plan possible.

Water Management Plan Re-Write Committee

Member	Representing
Greg Berg	Stearns County Soil and Water Conservation District
Kay Cook	Sauk River Chain of Lakes Association
Wayne Cymbaluk	Stearns County Soil and Water Conservation District
Dennis Fuchs	Stearns County Soil and Water Conservation District
Lowell Enerson	Sauk River Watershed District
Heidi Linz	Stearns County Environmental Services
Aaron Meyer	Minnesota Rural Water Association
Lynn Nelson	Sauk River Watershed District
Carrie Raber	Stearns County Soil and Water Conservation District
Ken Robinson	City of St. Cloud Public Utilities
Vince Schaefer	Stearns County Board of Commissioners
Greg VanEeckhout	Minnesota Pollution Control Agency
Becky Schlorf Von Holdt	Stearns County Environmental Services
Lisa Vollbrecht	City of St. Cloud Public Utilities
Jason Weinerman	Minnesota Board of Water and Soil Resources

Water Management Plan Advisory Committee

Member	Representing
Anne Ackerman	Townships
Merle Anderson	Watershed Districts
Jane Bennett	Interested Citizen
Kay Cook	Lake Associations
Scott Daninger	Education
Bud Heidgerken	Higher Education/Local Legislator
Dean Loidolt	Planning Commission
Dennis Ritter	Farmers/Irrigators
Jim Rothstein	Municipal League
Vince Schaefer	County Board of Commissioners
Pat Shea	City of St. Cloud Public Utilities
Chuck Uphoff	Stearns County Soil and Water Conservation District

The local lead agency for the Stearns County Water Management Plan is

Stearns County Environmental Services
Susan McGuire, Water Management Plan Coordinator
Room 343, Administration Center
705 Courthouse Square
St. Cloud, MN 56303

Phone number (320) 656-3613
Toll-free phone (800) 450-0852

The Plan is available on the Stearns County website http://www.co.stearns.mn.us

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ABBREVIATIONS

BMP	Best Management Practice
BWSR	Board of Water and Soil Resources
CMBA	Central Minnesota Builders Association
CMWEA	Central Minnesota Water Education Alliance
CSP	Conservation Security Program
CRP	Conservation Reserve Program
CREP	Conservation Reserve Enhancement Program
DNR	Minnesota Department of Natural Resources
DWSMA	Drinking Water Supply Management Area
EQIP	Environmental Quality Incentives Program
ESD	Environmental Services Department, Stearns County
IBI	Index of Biological Integrity
ISTS	Individual Sewage Treatment System
LA	Lake Association
LIDAR	Light Detection and Ranging (a tool for mapping surface elevations)
LWM	Local Water Management
MDA	Minnesota Department of Agriculture
MDH	Minnesota Department of Health
MECA	Minnesota Erosion Control Association
Mg/L	Milligrams per liter
MN	Minnesota
MGS	Minnesota Geologic Survey
MPCA	Minnesota Pollution Control Agency
MRWA	Minnesota Rural Water Association
MS4	Municipal Separate Storm Sewer System
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resources Conservation Service
PCB	Polychlorinated biphenyls
SCSU	St. Cloud State University
SRWD	Sauk River Watershed District
STORET	Storage and Retrieval (of Data)
SWCD	Soil and Water Conservation District
SWP	Source Water Protection
SWPA	Source Water Protection Area
SWPP	Source Water Protection Plan
SWPPP	Storm Water Pollution Prevention Plan
TMDL	Total Maximum Daily Load
USGS	United States Geologic Survey
UMRSWPP	Upper Mississippi River Source Water Protection Project
VOC	Volatile Organic Compound
WD	Watershed District
WHP	Wellhead Protection
WHPA	Wellhead Protection Area
WMAC	Water Management Advisory Committee

EXECUTIVE SUMMARY

Background

Stearns County is located in central Minnesota, approximately 65 miles northwest of the Twin Cities. Stearns is the largest County by area in the southern half of the state. The total area of the County is 1,394 square miles, extending approximately 54 miles east to west and 36 miles north to south.

The population is concentrated on the east end of the County. The County seat is Saint Cloud; with a population of approximately 59,000 it is the largest city in the County. Saint Cloud is also at the center of one of Minnesota's fastest growing metropolitan areas. With a rapidly growing population on the east side of the County, a strong agricultural presence in the western two-thirds of the County and an abundance of lakes and rivers throughout the County, Stearns County is experiencing the struggle of accommodating growth, development and agriculture while protecting fragile water resources.

This is the fourth Local Water Management Plan in Stearns County. Through involvement with the Water Management Advisory Committee, local citizens, representatives from local organizations and agency staff have worked together to achieve efficient management and local ownership of water management initiatives.

The Stearns Water Management Advisory Committee is a twelve-member body that oversees the development and implementation of the Water Management Plan. The Committee is composed of twelve appointed citizens representing various sectors of the County community. There is a representative from township government, the Municipal League, farming, lake associations, education, local legislation/higher education, the Soil and Water Conservation District (SWCD) Board, County Board of Commissioners, County Planning Commission, a watershed district, the City of St. Cloud, and a concerned citizen. Technical staff from the SWCD, the Environmental Services Department, Minnesota Board of Water and Soil Resources, Minnesota Department of Natural Resources, Minnesota Department of Health, Minnesota Pollution Control Agency, Watershed Districts, Minnesota Rural Water Association, Minnesota Department of Agriculture and the Nature Conservancy also regularly attend and participate in the meetings.

Plan Purpose

The goal of this updated Local Water Management (LWM) Plan is to serve as a guide for resource protection and preservation in Stearns County for the next ten years. An assessment of the progress made toward the completion of goals will be done after the first five years and any necessary revision will be undertaken at that time.

The Stearns County LWM Plan is developed and written under the legislative authority of the "Comprehensive Local Water Management Act" (M.S. 103B.301-103B.355) and is meant to function as a long term planning document. The plan seeks to identify existing and potential problems and opportunities for protection and management of water and related land resources within the County. The following guidelines will be met in this document:

1. The plan must cover the entire county.

2. The plan must address problems in the context of watershed units and groundwater systems.

3. The plan must be based upon 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, watershed districts and watershed management organizations wholly or partially within a single watershed unit or groundwater system.

5. The plan must cover a five or ten year period.

6. The full implementation of this Plan is dependent on what is economically feasible.

The Stearns County Soil and Water Conservation District (SWCD) is an integral partner in the development and implementation of this Water Management Plan. This Plan is adopted by the SWCD as its Comprehensive Plan and assists the SWCD in prioritizing issues and focusing conservation program implementation to reach the goals identified in the Plan.

Description of Priority Concerns

With public participation and comment taken from written and online surveys and two public meetings, the citizens of Stearns County along with representatives from governmental agencies expressed their concerns on the water resources of the County. A complete description of this process can be found in the "Priority Concerns Scoping Document", found in the Appendix. From this process, the following priority concerns were identified: Source Water Protection; Development Impacts; and Impaired Waters.

Source Water Protection

Providing safe drinking water to its citizens is a primary responsibility of government. Stearns County has a number of communities that are providing drinking water to the residents from vulnerable aquifers. The City of St. Cloud obtains its drinking water from the Mississippi River. The St. Cloud Source Water Protection – Priority A area (determined by an eight hour time-of-travel for water to reach the surface intake)

comprises about 89 square miles within Stearns County. The goal is to cooperate with and assist public water suppliers who are developing and implementing Source Water Protection Plans. The complete Goals, Objectives and Action Items are in the Implementation Program section of this Plan. The following is a partial list of the identified Action Items:

- Promote and participate in the education of the community about the importance of drinking water protection.
- Focus inspection and enforcement of feedlot and land application rules within shoreland and Drinking Water Supply Management Areas (DWSMA's).
- Explore development of planning and zoning tools, such as an overlay district, which promote proactive land use planning to protect drinking water supplies.
- Explore development of additional protective measures for aggregate mining in wellhead protection areas overlying geologically sensitive aquifers.
- Cooperate with cities to inventory Individual Sewage Treatment Systems (ISTS) located within vulnerable areas of the DWSMA and support innovative approaches towards inspection programs.
- Explore the possibility of supplemental incentive funding to existing programs for vegetative buffers, set aside programs and Best Management Practices (BMP's).

Potential Total Cost: 1,400,000

Development Impacts

Stearns County is experiencing strong residential and commercial development pressures. The construction of buildings, roads and parking lots increases the amount of impervious cover. The resulting increased stormwater runoff and erosion can cause a number of negative changes to stream flow, aquatic habitat and water quality. The goal is to minimize the impact of new development and redevelopment on surface and ground water resources. The complete Goals, Objectives and Action Items are in the Implementation Program section of this Plan. The following is a partial list of the identified Action Items:

- Encourage low impact development and better design strategies on all new and redevelopment projects.
- Promote land and water best management practices in shoreland, such as vegetative buffers and routing rainwater off roofs away from surface water.
- Seek to have a detailed Natural Resource Inventory completed for the purpose of identifying sensitive natural areas.
- Seek to require that any proposed project in shoreland that will increase the total suspended solids or total phosphorus loading will be required to establish a Best Management Practice to mitigate the increased loading
- Improve quality of stormwater runoff and manage flow, volume and direction.
- Improve coordination of the Water Management Plan with the National Pollutant Discharge Elimination System (NPDES) permit requirements of Stearns County and the Municipal Separate Storm Sewer System (MS4) communities within the county.

Potential Total Cost: $1,390,000

Impaired Waters

Stearns County has a number of water resources that have been listed by the Minnesota Pollution Control Agency (MPCA) as impaired, which means that the water resource does not meet its designated use. The majority of the water resources in the County have not been monitored to MPCA standards to determine whether impairments exist. The goal is to determine the water quality status of the highest priority water resources in the County, protect those water resources that currently support their designated uses, and where needed, improve those that do not. The complete Goals, Objectives and Action Items are in the Implementation Program section of this Plan. The following is a partial list of the identified Action Items:

- Annually review the sampling data and determine continuing monitoring needs.
- Coordinate and implement monitoring and analysis.
- Provide assistance to County landowners implementing agricultural Best Management Practices on working lands to reduce soil erosion, protect stream banks and improve water resources.
- Educate landowners about proper land application of nutrients and pesticides.
- Develop/support workshops for volunteer monitors
- Establish and maintain vegetative buffers in the shore and bluff impact zones.

Potential Total Cost: $9, 365, 000

Consistency with Other Plans

The development of this Water Management Plan entailed a review of the water and land resource plans that have been adopted by other entities acting within or adjacent to Stearns County. The Plans were reviewed to identify any conflicts with this Water Management Plan, to avoid duplication of efforts, to enable coordination toward common goals, and to identify gaps between existing regulatory controls.

One of the priority concerns of this Plan is Sourcewater Protection. The goals of the Wellhead Protection or Sourcewater Plans for every municipality were reviewed. Wherever it was feasible, the goals of the Wellhead Protection and Source Water Protection Plans were incorporated into this Plan.

The MPCA has completed the *Upper Mississippi River Basin Water Quality Plan, Headwaters to the Rum River-Anoka.* Many of the "top eight issues and needs in the basin" identified in the MPCA Plan have also been identified in this Water Management Plan as an issue. Stormwater management, additional monitoring, source water protection and improved feedlot management are identified in both plans as objectives. The MPCA plan indicates that the unique issues within the Sauk River-St. Cloud Area Watersheds Planning Unit are feedlot management and stormwater and sediment reduction. This Water Management Plan will serve to reinforce the goals of the MPCA *Upper Mississippi River Basin Water Quality Plan, Headwaters to the Rum River-Anoka.*

There are four watershed districts that are partly contained in the County. The focus of the *Clearwater River Watershed District Comprehensive Plan* is improvement of water quality, some of which has deteriorated due to eutrophication. The goals include Total Maximum Daily Load (TMDL) studies, control of soil erosion and management of feedlots. The major issues of the *Sauk River Watershed District Plan* include nutrient management, phosphorus reduction, sediment control, source water protection and development and implementation of TMDL studies. The *North Fork of the Crow River Watershed District Plan* is not contradictory to the goals of the County Water Management Plan. The Middle Fork of the Crow River Watershed District was formed in 2005. The prominent issues of the *Middle Fork of the Crow River Watershed District Watershed Management Plan* include agricultural drainage, erosion and sediment control, feedlot management, groundwater contamination, invasive aquatic species control, shoreland management, stormwater management and wellhead protection. There are no conflicts between the watershed district plans and the County Water Management Plan. Many of the goals of the watershed district plans coincide with the goals of this County Water Management Plan. Coordination between the watershed districts and the County will be needed to fulfill a number of the County Plan's goals and this has been reflected in the listing of partners for the action items.

Both the City of St. Cloud and the City of Sartell have enacted ordinances to protect environmentally sensitive areas. Both ordinances are based on detailed natural resource inventories and require development in environmentally sensitive areas to be subject to review by a team of environmental scientists. This will enhance the County's efforts to reduce the negative impacts of development.

The Water Management Plans of adjacent counties (Benton, Douglas, Kandiyohi, Morrison, Sherburne, Todd and Wright Counties) were reviewed. There are no conflicts or overlaps with the Stearns Water Management Plan.

Recommendations to Other Plans and Official Controls

The overall goal of the Minnesota Wetland Conservation Act is no net loss of wetland. This Act provides for an exemption to the requirement that impacted wetland be replaced if the landowner can show that the wetland was created solely by actions, the purpose of which was not to create the wetland. There is no time limit to this incidental exemption. It is recommended that the Wetland Conservation Act conform to the same guidelines as the U.S. Army Corps of Engineers uses. If a wetland has been in existence for five years, it is considered a protected wetland regardless of the means or purpose of creation.

The Minnesota Department of Natural Resources (DNR) oversees the Shoreland Management program, which establishes minimum land use standards in shoreland. Shallow lakes are particularly sensitive to the impacts of development. It is recommended that shallow lakes be given additional protection in the Shoreland Management program.

Stearns County and the Stearns SWCD have an agreement with the MPCA to participate in a pilot program from March, 2005 to November, 2007 in which local staff does the

inspection for the NPDES construction site permits. Given the number of NPDES construction site permits and the serious impacts that can occur if the permits are not followed, it is important that an assertive inspection and enforcement program is in effect. It is recommended that the MPCA continue to fund this program on an ongoing basis.

The federal Clean Water Act requires states to assess all waters of the state; conduct TMDL studies; and to implement corrective measures to meet a TMDL's pollutant reduction goals and restore waters to standards. The Minnesota Clean Water Legacy Act provides total funding for the TMDL process up to the point of implementation. The Clean Water Legacy Act provides for implementation costs through cost-sharing with the local entities. The implementation costs can be significant and may be unaffordable on even a cost-share basis for local entities. It is recommended that the entire TMDL process be funded through a statewide process which could be leveraged with federal funding.

The Stearns County feedlot program is a cooperative arrangement between the MPCA and County government to administer Minnesota's feedlot rule. It is recommended that the County continue with county delegation for the feedlot program.

Government funding should be available to facilitate permanent easement programs in the vulnerable areas of Drinking Water Supply Management Areas. These funding programs could be similar to the Reinvest in Minnesota or the Wetland Reserve Program.

DATE: 12/28/2007

TO: BWSR NORTHERN REGION WATER PLANNING COMMITTEE

FROM: JASON WEINERMAN

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

Stearns County submitted their Local Water Management Plan to the Brainerd office of the BWSR on November 28, 2007. From my observation of the plan development and review of the final plan, I arrived at the conclusion that the local water management plan meets the guidelines established by BWSR, as well as the requirements of 103B.313-103B.314. I recommend that BWSR approve the updated LWMP for Stearns County.

During the Priority Concerns Scoping phase, the County did an excellent job of contacting state and local agencies, partners, and the public at large to solicit input and developed the following three priority concerns, which were approved by the BWSR Northern Water Planning Committee on April 11, 2007.

1. Source Water Protection
2. Development Impacts
3. Impaired Waters

During the PCSD review, the Committee commended the county for their process and did provide any recommendations for inclusion into the Final Water Plan.

On November 28, 2007 the plan was routed to the reviewing state agencies who returned the following comments.

> **MDA:** The plan does not violate any statutory or rule requirements administered by our agency and approves the entire plan as submitted with no additional comments.

On November 20, 2007, the Water Plan was presented to the County Commissioners and held before a public hearing during the Commissioners regularly scheduled meeting. Two comments were received, one in favor of the plan and the other regarding the importance of protection of water resources and enforcement of existing regulations.

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the **Stearns** County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on **November 28, 2007** pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1) On **February 14, 2007,** the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from **Stearns** County, pursuant to M.S. Section 103B.312.

2) On **May 23, 2007,** the Board of Water and Soil Resources approved official comments on the **Stearns** County Priority Concerns Scoping Document, which were mailed to the county on **May 23, 2007.**

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

   A) Source Water Protection
   B) Development Impacts
   C) Impaired Waters

4) On **November 28, 2007,** the BWSR received the **Stearns** County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5) On **January 9, 2008,** the Northern Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the **Stearns** 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: no recommendation received
   D) Minnesota Pollution Control Agency no recommendation received
   E) Minnesota Environmental Quality Board: no recommendation received
   F) Minnesota Board of Water and Soil Resources regional staff recommends Approval
   G) Board Water Plan Review Committee Meeting recommends Approval

6) This update will be in effect until **January, 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 **Stearns** County pursuant to Minnesota Statutes , 103B.315, Subd. 5.

2. The **Stearns** 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 **Stearns** Local Water Management Plan **January 1, 2008 to January 31, 2017 with** the Goals, Objectives and Action Items being amended prior to December 31, 2013.

Dated at **St. Paul,** Minnesota, this **twenty third day of January, 2008.**

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

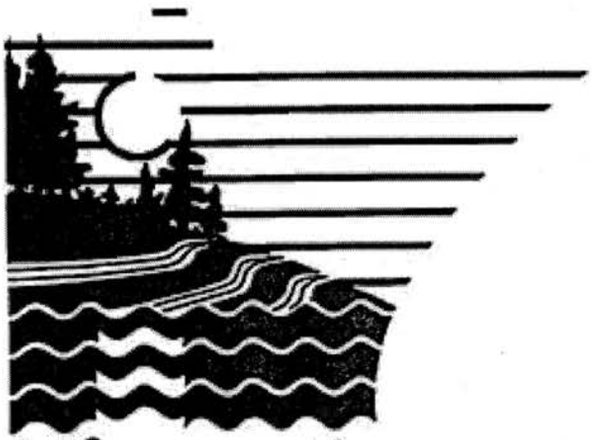
_____

BY: Randy Kramer, Chair

OLD BUSINESS

1. BWSR Strategic Plan – Brian Napstad, Chair of the Public Relations, Outreach and Strategic Planning Committee – *DECISION ITEM*

Improve and protect Minnesota's water and soil resources by working in partnership with local organizations and private landowners.



Minnesota Board of Water & Soil Resources

2007 Strategic Plan

Executive Summary
BWSR 2007 Strategic Planning

CREDITS

Plan Development

Public Relations, Education and Strategic Planning Committee

Brian Napstad, Chair
Dana Allen
Jim Anderson
Kay Cook (Chair until May 2007)
Randy Kramer
Paul Langseth
Ken Robinson
LuAnn Tolliver
Larry Kramka
Wayne Edgerton (through May 2007)

Staff Support

John Jaschke, Executive Director
Steve Woods, Assistant Director
Jon Fure, Committee Staff
Don Buckhout, Facilitator, DNR
Cliff Tweedale, Project Consultant, Headwaters Regional Development Commission

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Executive Summary
BWSR 2007 Strategic Planning

Overview

BWSR's strategic planning effort resulted in a modified statement of mission & beliefs, an identification of the key issues & strategies to address each, and a set of approaches to spur effective implementation. Each of these is summarized here.

BWSR Mission

Improve and protect Minnesota's water and soil resources by working in partnership with local organizations and private landowners.

Beliefs

- *Real-World Effectiveness*
- *Local Planning and Implementation*
- *Resource Leadership*
- *Wise Use*
- *Partnerships to Deliver Programs*
- *Cooperative Approach*
- *Innovation*

Strategic Issues and Strategies

1. *What do we do to create the effective local delivery system and partnerships to accomplish our mission?*
    - Defining Reality:
        - Require an assessment of each LGU at least once every five years.
        - Create a formal recognition for LGU success stories.
        - Market the LGU "scorecard" broadly.
    - Incentives for Change:
        - Funding allocations reward LGU positive changes/competency.
        - Define expectations clearly and implement consequences for non-improvement.
        - Successful LGU Organizational Challenge Program awards grants to selected candidates that propose to create changes that move the LGU forward.
    - Support for Change:
        - Develop a web site that provides examples and ideas of organizational best practices.
        - Establish peer mentor program.
        - Establish and utilize the Performance Review and Assistance Program.

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2. *How do we redevelop and deliver our conservation programs so we maximize their impact on the land and water resource?*
    - Review of Administrative Processes:
        - Undertake an initiative to streamline external reporting/administrative procedures.
    - Program Integration:
        - Review all programs to focus resources on top priority issues as identified in water plans and the impaired waters list.
        - Target available funding to top priority issues *and* LGUs that have a track record or clear potential to deliver results.
    - Monitoring/Assessment/Feedback Protocol:
        - Create a monitoring and assessment protocol that measures the extent to which resources:
            1. Are targeted to top priorities;
            2. Achieve real outcomes; and
            3. Leverage outside resources
3. *How do we make our accomplishments and the state's resource conservation needs well known among those having significant influence over our mission?*
    - Documentation of Resource Outcomes and Resource Needs:
        - Require appropriate LGU documentation of outcomes as part of the monitoring of each program activity.
        - Create knowledge about LGU activities and effectiveness by sharing activity and effectiveness assessments.
        - Develop publications and websites to highlight premier projects
        - Develop a state "Water and Soil Resources Report Card" that offers compelling documentation of need.
    - LGU/County Relationship Building:
        - Participate in at least one AMC District meeting and a statewide event yearly.
        - Develop a system whereby other LGUs meet at least twice a year with Counties to provide an overview of activities.
        - Enhance eLINK operations so LGUs can easily access and customize data.
        - Meet regularly with AMC Natural Resource and Environment Committee.
    - Other Partnership Building:
        - Hold semi-annual "sounding board" meetings with key stakeholders.
        - Develop monthly "resource leadership quick-takes" that can be e-mailed out to a broad list of customers and partners.
        - Develop both Executive and Legislative strategies to inform and influence the state's natural resource conservation agenda.

Next Steps

1. Determine the outcomes that are desired and the appropriate measures for the success of each.
2. Assign a staff person or team responsible for:
    - Develop action steps, timelines, and securing resources, and
    - Measuring progress and results.

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Purpose

Purpose: 1. The object toward which one strives or for which something exists; goal; aim. 2. A result or effect that is intended or desired; intention. 3. Determination; resolution.

Purpose must be at the heart of a strategic planning effort as it needs to give direction to every part of the organization and define the work that must be done. Purpose is who we are and what makes us distinctive. It is what we as an organization exist to achieve and what we're willing to do, and not willing to do, to achieve it.

A strategic plan cannot be an end unto itself. It needs to be able to guide the development of the organization – its identity and purpose – over time. The strategic plan is a framework which provides context to use when creating, re-creating and revising the key components supporting the organization's purpose.

The purpose of this strategic plan then is to guide the organization as its own purpose evolves.

A strategic plan cannot be an end unto itself. It needs to be able to guide the development of the organization – its identity and purpose – over time.

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The revised mission statement reads as follows:

Improve and protect Minnesota's water and soil resources by working in partnership with local organizations and private landowners.

The beliefs statement was revised to acknowledge the importance of effectiveness, leadership and innovation to the success of BWSR and the accomplishment of its mission.

Mission and Beliefs

BWSR's Public Relations, Outreach and Strategic Planning Committee led the effort to revisit the agency mission statement and core beliefs. The previous mission statement read as follows: "*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.*" After input from constituents much discussion the committee recommended the changes shown below to place the emphasis on water and soil conservation. Working in partnership with local organizations is still critical, but is seen as an important means to accomplish the goal, not the goal in and of itself.

The beliefs statement was revised to acknowledge the importance of effectiveness, leadership and innovation to the success of BWSR and the accomplishment of its mission. These values are not an add-on to the culture of the organization – they rather articulate the existing culture and behavior of BWSR.

BWSR Mission

Improve and protect Minnesota's water and soil resources by working in partnership with local organizations and private landowners.

What We Believe In:

- **Real-World Effectiveness.** Our mission is focused on water resources and soil conservation. The success of BWSR should be measured by our effectiveness at enhancing both.
- **Local Planning and Implementation.** Working at the local level is the approach best positioned to produce lasting success.

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BWSR reaffirms its commitment to deliver its programs through partnerships at the local level.

- **Resource Leadership.** Effective resource protection requires a strong vision of the resource future we desire and the willingness to challenge organizations to participate. BWSR can be the leader that does it.

- **Wise Use.** Resource protection can effectively take place within a framework that acknowledges the motivations for resource use by landowners.

- **Partnerships to Deliver Programs.** Minnesota is a diverse state. Resource protection cannot be accomplished by any one organization or group. Partnerships are not just preferred; they are the only way to be effective.

- **Cooperative Approach.** Aligning the voluntary and regulatory elements of federal, state and local conservation efforts is necessary to assure citizens are well-served by all levels of government.

- **Innovation.** As water and soil resource challenges evolve, so must our ways of doing business.

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Strategic Issues

BWSR can only accomplish its mission if it has an effective delivery system. This makes LGU capacity a key issue.

Can BWSR's programs be made even more effective? That is the focus of the second strategic issue.

Issue #1: *What do we do to create the effective local delivery system and partnerships to accomplish our mission?*

Discussion: BWSR's principal delivery system is a statewide set of local government units (LGUs) that are focused on protecting and enhancing the state's water and soil resources. The primary LGUs include Counties, Soil and Water Conservation Districts (SWCD), Watershed Districts (WD), and Metropolitan Watershed Management Organizations (WMO). BWSR can only accomplish its mission if it has an effective delivery system.

Issue #2: *How do we redevelop and deliver our conservation programs so we maximize their impact on the land and water resource?*

Discussion: As indicated previously, BWSR's principal delivery system is a statewide set of LGUs that are focused on protecting and enhancing the state's water and soil resources. At present, BWSR spends about 75% of its General Fund budget on external program activities (LGU grants, technical and administrative support, Cost-share, etc.), with the remaining 25% devoted to BWSR program, technical and administrative activities.

Some of this funding is distributed on a need basis using formulas that account for population, land area, tax capacity and quantity of activity. However, BWSR has flexibility in how it distributes a large and growing portion of the funding.

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Being effective is necessary, but not sufficient; our legislative, agency, and local partners need to know about that effectiveness. Hence, the third strategic issue.

Issue #3: *How do we make our accomplishments and the state's resource conservation needs well known among those having significant influence over our mission?*

Discussion: Competition for state and other resources is increasing, while available funding is not keeping pace with demand. BWSR and the partner LGUs are not just in competition for other resource dollars, but also for general fund resources that are used for a broad range of state needs.

At the same time, it is a challenge to effectively communicate the "BWSR story" to those that have influence over the organization.

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The quality of the local delivery system is key to BWSR's ability to accomplish its mission. At present, the quality of that system is uneven…

Issue Assessment: Strategies

For each of the three strategic issues there is a brief assessment of that issue (based on Board discussions, the online survey results, and the focus group comments), an identification of "leverage points" (particular strategies and areas that can be used to bring about change), a discussion of the preferred strategic approach, and a listing of specific strategies.

Issue #1: *What do we do to create the effective local delivery system and partnerships to accomplish our mission?*

Assessment. The effectiveness of the local delivery system is key to BWSR's ability to accomplish its mission. At present the quality of that system is uneven; a number of LGUs are excellent while some do not have sufficient capacity.

There appear to be a number of factors at work in those LGUs that have limited capacity;

- *There is sometimes a lack of local political commitment to BWSR's mission (i.e., resourceconservation).* In some parts of the state, resource conservation is perceived, fairly or not, to be in conflict with economic strategy to bring about prosperity. This view can be particularly prevalent in areas where natural resource utilization accounts for a significant share of the area's economic activity.
- *The partnership between the County and other LGUs can be made stronger.* One of the principal challenges for SWCDs and WDs is that Counties perceive them to be outside their control and, therefore, outside their responsibility. As one Focus Group participant said about the County/BWSR relationship: "We will be successful when we finally talk about each other in terms of "we" instead of "they."
- *The lead staff in the LGU is not necessarily an outstanding leader.* Lead staff are critical, but a combination of forces results

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The approach to improving LGU's should support and preserve those LGUs that are capable of doing a good or excellent job, while challenging other LGUs to enhance their operations.

in the lead staff not having the capacity that is needed. The chronic under-funding of SWCDs, which do not have taxing authority, is one contributing factor.

- *Resources for the LGU are sometimes in short supply.* While resources are not sufficient to create a quality organization, they are necessary. Few SWCDs and counties have been able to develop a business model that provides an adequate revenue stream for outstanding success.

Possible Leverage Points

- *Lead LGU staff.* We know that the lead staff is critical to the success of an organization, and BWSR can potentially influence that selection. There are in excess of 800 board members directing the actions of our primary partners. It is beyond our ability to reach all so our emphasis is in interfacing with the lead staff that is critical to the success of an organization.
- *Partnership between LGUs, and between Counties and other LGUs.* Building a positive LGU/County relationship can pay enormous dividends, both in terms of influence as well as money.
- *Accountability/performance mechanisms at BWSR's disposal.* Measurement brings accountability to organizations. BWSR has a responsibility, and an opportunity, to use this tool to improve performance.
- *Existing sources of revenue*. WDs, Counties and Cities all have statutory authority to raise revenue by a variety of means. LGUs without sufficient revenue streams should look to partnerships with others who utilize these powers.

Strategy Development. The approach to improving LGUs should support and preserve those LGUs that are capable of doing a good or excellent job, while challenging other LGUs to enhance their operations. This approach will encourage local development of strategies best suited to each unique circumstance. BWSR will act as a catalyst for these efforts by

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Strategies are divided into three categories: Defining Reality, Incentives for Change, and Support for Change.

instituting enhanced and expanded performance review and assistance mechanisms. By improving the operations of a number of LGUs, it is anticipated that system effectiveness will reach a threshold that provides momentum for change for the remaining LGUs.

Strategies are divided into three categories: Defining Reality, Incentives for Change, and Support for Change.

Defining Reality

- ***Require a performance assessment of each LGU at least once every five years.*** Measurement is critical as a starting point for change.
- ***Create a formal celebration for LGU success stories.*** There are several tools to encourage change. Letting people know who is doing what, and celebrating the successes, is one such tool
- ***Market the LGU "scorecard" broadly.*** Measurement becomes powerful only after the results are known broadly.

Incentives for Change

- ***Funding allocations reward LGU positive changes/competency.*** This strategy is about aligning strategy and resources. If rewards are not targeted to the measured success, then the measurements are meaningless.
- ***Define expectations clearly and implement consequences for non-improvement.*** This is the stick part of a carrot and stick approach. LGUs must learn from peers and from the state. BWSR will work with LGU and professional associations to make peer-to-peer mentoring more robust.
- ***Create a Successful LGU Organizational Challenge Program which awards grants to selected candidates that propose to create changes that move the LGU forward.*** This program is focused on those LGUs that are committed to change, but need an increase in resources to accomplish it.

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LGUs are more likely to listen to peers than a state agency.

It should be designed with recognition that different strategies are needed in different places. Access to cooperative funds or future appropriations would be supported by additional recognition as well.

Support for Change

- ***Development of a web site that provides examples and ideas of organizational best practices.*** Some LGUs will need ideas to create change. This is a low-cost way to provide those ideas.
- ***Establish peer mentor program.*** LGUs can benefit from the experiences of peers as well as from state, federal, and private sector partners.
- ***Utilize the Performance Review and Assistance Program.*** We can identify opportunities to provide training and facilitate LGU self-assessment and improvement.

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It appears some of these [older] programs could be given a tune-up, and some could benefit from additional performance monitoring.

Adding more paperwork does not save the environment.
~Survey Respondent

Issue #2: *How do we redevelop and deliver our conservation programs so we maximize their impact on the land and water resource?*

Assessment. Some BWSR programs are relatively new (Clean Water Legacy), while others have evolved for decades (Comprehensive Local Water Management, Cost-share). It appears some of these programs could be given a tune-up, and some could benefit from additional performance monitoring. In addition, integration of programs could be improved. Following are some of the factors that affect the performance of BWSR programs

- *The amount of administrative time required by different programs can be a burden.* Although there is disagreement on how much of this burden can be eliminated, it is generally agreed that, at a minimum, technology can be used to streamline the administrative/reporting burden. As one survey respondent put it, "Adding more paperwork does not save the environment."
- *Strategy alignment across programs is not perfect.* As an example, cost-share funding can be made available for projects that are not priorities in the local water plan.
- *WCA takes a disproportionate amount of staff time.* It is generally agreed that WCA takes a large amount of BWSR staff time and that is due, to legislative appropriation and policy decisions. However, the old saying, "the urgent takes precedence over the important" seems to apply here. Greater investment in local program management via training and regulatory coordination should be constantly evaluated.
- *The funding strategies of all programs are not focused solely on resource impact.* Some of BWSR funding is targeted to capacity building, some is allocated based on resource criteria, and some is allocated based on a measure of equity. Success at achieving program goals and outcomes should be the common denominator for all.

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The following strategies use a three prong approach to maximize the impact and effectiveness of BWSR programs: minimizing and streamlining administrative work, closely aligning program strategies, and measuring and rewarding performance.

Possible Leverage Points

- *The method by which BWSR delivers programs (need-based vs. competitive).* BWSR has the power to allocate resources to projects that make the most impact.
- *The method by which BWSR monitors performance.* BWSR can do more to measure its and its partners successes.
- *The guidelines that determine eligible and priority activities for each program.* Focusing resources on priority issues is one method to effect change.
- *BWSR staff work planning.* Time invested in setting strategies and priorities will result in increased efficiencies and effectiveness for the agency and its partners.

Strategy Development. The following strategies use a three-prong approach to maximize the impact and effectiveness of BWSR programs: minimizing and streamlining administrative work, closely aligning program strategies, and measuring and rewarding performance. Although LGU capacity and quality and program effectiveness are closely linked, the following strategies focus on program effectiveness.

Review of Administrative Processes

- **Undertake initiative to examine whether current measures are optimal and streamline external reporting/administrative mechanisms.** The less time spent on administrative matters, the more time available for resource protection and enhancement efforts. eLINK has good partner data, but partners must be satisfied with the collection mechanism itself.

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Make districts earn what they get, don't just split it up. Competition makes us all better.
~Survey Respondent

Measurement has a major role in driving change. Measured success builds the story and supports the right strategy. Measured failure even has value as it demands change and improved approaches.

Program Integration

- **Review programs to better focus resources on top priority issues as identified in water plans and the impaired waters list.** Strategy alignment maximizes use of available resources.
- **Target available funding to top priority issues *and* LGUs that have a track record of delivering results.** Impact on the resource comes not only from the targeting of priority problems; it comes from working with organizations that get things done. BWSR has done this already with cost-share, CREP/WREP, the Department of Defense, and the Working Lands Initiative among others. The case for performance-based funding was best made by one survey respondent, "Make districts earn what they get, don't just split it up. Competition makes us all better."

Monitoring/Assessment/Feedback Protocol

- **Create a monitoring and assessment protocol that measures the extent to which resources:**
  - **Are targeted to top priorities;**
  - **Achieve real outcomes; and**
  - **Leverage outside resources.**

  Measurement has a major role in driving change. Measured success builds the story and supports the right strategy. Measured failure even has value as it demands change and improved approaches.

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Assessment overview:

- ***The Legislative and Executive Branches are key to the accomplishment of BWSR's mission;***
- ***Effective and documented stewardship of water and soil resources must be shown; and***
- ***Communication is best accomplished locally and personally***

Nothing makes a bigger impact than actually seeing things on the ground.
~Survey Respondent

Issue #3: *How do we make our accomplishments and the state's water and soil resource conservation needs well known among those having significant influence over our mission?*

Assessment. This issue has three separate pieces: identifying those that have significant influence over BWSR's mission, determining what the story is that can motivate them, and figuring out how best to tell the story.

- *Those that have significant influence over the mission.* The Executive and Legislative branches set policy and priorities and provide funding; and thus most significantly establish BWSR's priorities. LGUs and key stakeholder groups – both resource users and those interested in resource conservation -- also have significant influence in the process. Each brings an agenda to the Legislature, and each influences public policy.
- *The story that motivates them.* Major trends at the state level suggest a move away from an equalized approach to a more performance-based approach. Real outcomes, close local partnerships, and a reputation of BWSR as a unique state agency would go a long way to gaining support. The story cannot be separated from the reality, which is closely linked to the performance of LGUs, the effectiveness of BWSR programs and the documentation of that effectiveness. One survey respondent put it this way, "Nothing makes a bigger impact than actually seeing things on the ground."
- *How the story is told.* The most effective method is one that is local and personal and includes examples of real successes. This would include a targeted message with examples, shared through individual or small group meetings.

Possible Leverage Points

- *Performance and its measurement.* Telling a story about effectiveness

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There are three pieces to a successful strategy to tell BWSR's story: defining those who have influence over the mission, understanding and having the story that will motivate them, and determining the most effective method to tell the story.

requires the actual measurement and documentation.

- *Strong and deep partnerships with LGUs.* It is one thing to tell your own story; it is quite another, and even more powerful, to have others tell it. Others will only tell the story if they feel like they are a part of it.
- *Strong relationships with those that have a resource conservation mission that complements the BWSR mission.* External groups have influence in the process and are potential allies.

Strategy Development. The two-step approach includes the effective documentation and then delivery of the message. Message delivery can best be accomplished through enhanced partnerships and face to face conversations with individuals and small groups.

Documentation of Resource Outcomes and Resource Needs

- ***Require appropriate LGU documentation of outcomes as part of the monitoring of each program activity.*** Again, telling a successful story requires documentation.
- ***Create knowledge about LGU activities and effectiveness by sharing activity and effectiveness assessments.*** The Legislature is more likely to support future success than reward need alone.
- ***Develop publications and websites to highlight premier projects and their outcomes.*** Technology is a powerful and cost-effective tool to help deliver the message.
- ***Develop a state "Water and Soil Resource Report Card" that offers compelling documentation of need.*** While trumpeting success is important, the Legislature also needs to know that there is still much to be done.

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Relationship-building is key to gaining understanding and support for BWSR's mission. Here is what one person said about the County/BWSR relationship:

"We will be successful when we finally talk about each other in terms of ' we' instead of 'they'."

LGU/County Relationship Building

- ***Participation in at least one AMC District meeting and statewide event each year.*** Smaller group presentations are more effective than large conferences.
- ***Promote a system whereby SWCDs and Watershed Districts meet semi-annually with Counties to provide an overview of activities.*** Counties are key partners, but are not all well-informed of BWSR activities.
- ***Enhance eLINK operations so LGUs can easily access and customize data.*** eLINK is a tool that has great promise, but one that has not yet fulfilled that promise.
- ***Meet regularly with AMC's Environment and Natural Resources Policy Committee.*** This committee sets AMC's legislative priorities.

Other Partnership Building

- ***Hold semi-annual "sounding board" meetings with key stakeholders*** There are a number of organizations in the state that share BWSR's mission and that have influence with the Legislature.
- ***Develop regular "resource leadership quick-takes" that can be e-mailed out to broad list of customers and partners.*** Technology can be used to cost-effectively build both understanding and support.
- ***Develop both Executive and Legislative strategies to concisely inform and influence the state's natural resource conservation agenda.*** Both branches have a critical role in helping BWSR advance its mission. Our stakeholders think we do an acceptable job of this, but few think we excel at it.

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Who is responsible for completion? What specific actions will be taken? What is the best way of measuring a successful outcome? Who will be responsible for the measurement of progress? To the extent that BWSR has answers for each of these, the probability of success increases.

Next Steps

This strategic planning effort will only be meaningful if BWSR finds a way to "walk the talk," and thereby deliver meaningful results. To do this, an effective bridge must be created between the ideas contained here and action.

To bring this level of accountability to the implementation process requires another level of detail. The old management adage, *"What gets measured gets done"* applies here. For each strategy the following questions need to be answered: Who is responsible for its completion? What specific actions will be taken? What resources are needed? When will this strategy be completed? What is the best way of measuring a successful outcome? Who will be responsible for the measurement of progress? To the extent that BWSR has answers for each of these, the probability of success increases.

Following are more formalized recommendations for the next steps:

- *Determine the outcomes that are desired and the appropriate measures for the success of each.* Desired outcomes have to do with effectiveness of LGUs, the change in water quality and soil conservation, and the awareness and support for BWSR. Each can be measured (although some are harder than others). The measures act as a rudder for the entire process. If positive change is evidenced, then the strategies are appropriate. If it isn't, BWSR should know about it and that acknowledgement should drive a change in strategy
- *Assign a staff person or team responsible for implementation.* If this is everyone's responsibility, it is no one's responsibility. Accountability and responsibility need to have a face attached to it.
- *Charge the staff with developing action steps, timelines, and securing resources.* Each strategy needs more detail. Specific actions need to be identified, resource needs need to be considered, and timelines need

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Accountability for implementing this plan involves three separate, but related, approaches: measuring action, assigning responsibility and adding detail to the strategy

development. Measurement requires measurability – this detail will provide that.

- *Charge some person or group with measuring progress and results.* Responsibility to oversee the evaluation is critical.

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Appendix

Strategic Plan Development and Adoption

The Minnesota Board of Water and Soil Resources (BWSR) undertook a survey of stakeholders near the end of 2006. The purpose of the effort was to provide a foundation for the Board's strategic planning process that spanned most of 2007. The Public Relations, Outreach and Strategic Planning Committee of the Board was the primary body charged with leading the Strategic Plan revisions process.

Board Roster (as of January 2008)

Randy Kramer, Chair, Citizen
Dana Allen, Citizen
Paul Brutlag, Citizen
Quentin Fairbanks, County Commissioner
Brian Kletscher, County Commissioner
Brian Napstad, County Commissioner
Bob Burandt, SWCD
Paul Langseth, SWCD
Louise Smallidge, SWCD
Ken Robinson, Watershed District
Gene Tiedemann, Watershed District
LuAnn Tolliver, Watershed District
Joe Martin, Department of Agriculture
John Linc Stine, Department of Health
Larry Kramka, Department of Natural Resources
Jim Anderson, Minnesota Extension Service
Paul Eger, Pollution Control Agency

The Strategic Plan was adopted by the Board at its January 23, 2008 Meeting.

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Proposed Amendment – Strategic Plan

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- *Assure that citizen perspectives are considered.* Program evaluation and alignment shall include assessment of technical, procedural, and administrative components from a citizen perspective.

NEW BUSINESS

1. Resolution Delegating Authority to the Executive Director to Make Certain Decisions Regarding WCA Appeals – *DECISION ITEM*

2. FY 2008 Clean Water Legacy Grant Funding Recommendations – *DECISION ITEM*

3. Native Buffer Cost-Share Program - *DECISION ITEM*

4. Agricultural Watershed Restoration Projects – *DECISION ITEM*

5. RIM-CE –*DECISION ITEM*

6. Performance Review and Assistance Program Report to the Legislature – *DECISION ITEM*

Minnesota Board of Water and Soil Resources Resolution No. 08-10

RESOLUTION DELEGATING AUTHORITY TO EXECUTIVE DIRECTOR TO MAKE CERTAIN DECISIONS REGARDING WETLAND CONSERVATION ACT APPEALS FILED PURSUANT TO MINN. RULES PART 8420.0250

WHEREAS, petitions for appeal of Wetland Conservation Act decisions made by local government units may be filed with the Board of Water and Soil Resources pursuant to Minn. Rules part 8420.0250, subpart 1, and;

WHEREAS, within 30 days after receiving a petition for appeal, Minn. Rules part 8420.0250, subpart 3 allows the Board or the Dispute Resolution Committee or the Executive Director to decide whether to grant a petition and hear an appeal, and;

WHEREAS, within 30 days after receiving a petition for appeal, Minn. Rules part 8420.0250, subpart 3 allows the Board or the Executive Director to decide whether to remand an appealed decision back to the local government unit for further processing, and;

WHEREAS, Minn. Rules part 8420.0250, subpart 3 allows the Board or the Executive Director to decide whether to stay an appealed local government unit decision until the appeal is resolved, and;

WHEREAS, Minn. Stat. § 103B.101, subdivision 4, states " The board may prescribe the powers and duties of its officers and employees and may authorize its employees and members of the board to act on behalf of the board.", and;

WHEREAS, the Board cannot routinely make decisions on the granting, remanding or denial of Wetland Conservation Act petitions for appeal and on stays of appealed local government unit decisions because 30 days or more typically pass between regular Board meeting dates;

NOW THERFORE BE IT RESOLVED BY THE MINNESOTA BOARD OF WATER AND SOIL RESOURCES:

I. The Executive Director is hereby delegated the authority to make decisions to:

A. Grant, remand or deny Wetland Conservation Act petitions for appeal.

B. Stay appealed local government unit decisions.

II. The Executive Director shall consult with the Chair of the Board prior to making decisions on projects that are judged to be possible precedents or otherwise have special significance.

III. This delegation order does not:

A. Include making the appeal determination in cases where a petition for appeal has been granted.

B. Preclude the Board or Dispute Resolution Committee from making decisions delegated in I.A or I.B above.

Dated at Saint Paul, Minnesota this 23 day of January, 2008.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Randy Kramer, Chair

Board Resolution # 08-11

FY 08 CLEAN WATER LEGACY PROGRAM
PROJECT FUNDING ALLOCATIONS

WHEREAS, Governor Pawlenty signed the Clean Water Legacy Act (CWLA) into law on June 2nd, 2006; and,

WHEREAS, the BWSR 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; and,

WHEREAS, An inter-agency implementation initiative was conducted to coordinate funding of restoration and protection activities; and,

WHEREAS, the 2007 legislature appropriated funds for Clean Water Legacy implementation activities in fiscal years 2008 and 2009; and

WHEREAS, all requests for competitive funding were reviewed, scored and ranked according to the following criteria:

- Description and documentation of the relationship of the proposed implementation activities to specific TMDL implementation plans or state approved local water management plans.
- The measurable results and estimated effect of the implementation activities on the pollutant identified.
- The level of funding that available from other sources to augment CWL funding.
- Tracking installation and evaluating the effectiveness of the project initiatives
- The amount of conservation practices or initiatives that will be accomplished during the first construction season after CWL funds are received.
- The level of project partners' coordination, project management, community support and general project description

And the Pilot Protection Projects were selected to demonstrate how County Comprehensive Water Management Plans might be enhanced to increase competitiveness for future Clean Water Legacy funding.

NOW THEREFORE, the Grant Policy and Program Committee recommends BWSR approval of allocations to implement the FY 08 CWLA Program according to the attached Restoration and Protection Funding Recommendation spreadsheets;

AND, any applicant withdrawing their application would allow the next highest ranking project to be funded;

AND, should additional funds within the identified funding categories become available from members of the interagency CWL team, those funds will be allocated to the next highest ranking project in the appropriate category.

Randy Kramer, Chair
Board of Water and Soil Resources

Date: 1/23/08

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PROTECTION					BWSR LRMG	BWSR TA			SSTS Invt	SSTS Option 1	BWSR Buffer C-S
Rank	ID	LGU	Title	Narrative							
1	8P79	BUFFALO-RED RIVER WATERSHED DISTRICT/BECKER SWCD	Hay Creek/Stinking Lake Sediment Reduction Project	This project will consist of conducting a stream bank stability analysis of Hay Creek and installing buffer strips and a sediment basin in the Stinking Lake/Hay Creek watershed to reduce sediment.	$ 115,000	$ 70,000					$ 10,000
2	8P12	WILKIN COUNTY	Wilkin County Public Health Threat Identification and Mitigation for SSTS's	This project will inventory SSTS's in 8 Townships and 1 unsewered community in Wilkin County and provide 70% grants to 10 low-income households in addition to homeowner education.					$ 51,600	$ 75,000	
4	8P2	STEARNS COUNTY ENVIRONMENTAL SERVICES	Septic Inspections in Sauk River Chain of Lakes Shoreland	An inventory will be done of all the septic systems in the shoreland area of the Sauk Chain of Lakes.					$ 130,000		
6	8P3	ROCK COUNTY SWCD/ LAND MANAGEMENT	Rock River Turbidity and Mercury Prevention	This project will stabilize 200 feet of stream bank that is 20 feet in height to prevent soil and organic material erosion into the Rock River.	$ 69,000						
7	8P6	GOODHUE COUNTY SOIL AND WATER CONSERVATION DISTRICT	Vegetation Buffer Incenetive Project	This project will provide the use of the Goodhue County SWCD drill and seed for buffer installation at no cost to landowners, in efforts to establish perennial vegetation along riparian areas of streams.	$ 2,400						
7	8P23	CASS COUNTY ENVIRONMENTAL SERVICES	Cass County SSTS Upgrade Project	This project will provide $250 incentive payment for households that upgrade SSTS determined to have failed or that are an imminent public health threat. In addition, grant money will be provided to fund the upgrade of SSTS for up to five households that do not meet the minimum loan program repayment criteria.						$ 20,000	
9	8P30	COOK COUNTY / TOFTE SCHROEDER SANITARY SEWER DISTRICT	Tofte Schroeder Cook County Lake Superior Wastewater Management Project	Repair broken systems due to freezing, inactive pumps, cracked tanks, and other reasons. Replace identified IPHT systems in the Tofte Schroeder Sanitary District in Cook County						$ 42,000	
10	8P37	CITY OF BURNSVILLE	Lake Alimagnet Pond 1A Improvements	This project will reduce nutrient loading to Alignment lake by providing pretreatment for Pond 1A's north cell. The pond's existing north cell will be also be expanded via excavation to increase the pond's wet volume and treatment capacity.	$ 55,500	$ 9,500					

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PROTECTION					BWSR LRMG	BWSR TA			SSTS Invt	SSTS Option 1	BWSR Buffer C-S
Rank	ID	LGU	Title	Narrative							
11	8P92	MCLEOD COUNTY ENVIRONMENTAL SERVICES	Upgrading Imminent Health Threats SSTS Grant For Low Income Households	This project will provide low income SSTS grant assistance in McLeod County.						$ 52,000	
12	8P25	EAST POLK SOIL AND WATER CONSERVATION DISTRICT	East Polk / Union Lake Lakeshore Protection	This project will implement lakeshore protection measures on East Polk and Union Lake.	$ 14,000	$ 1,000					
13	8P61	CITY OF CENTERVILLE	Centerville Downtown Redevelopment: Innovative Stormwater Improvements for Centerville Lake and Clearwater Creek	This project will reduce phosphorus loading to Centerville Lake by treating stormwater through the installation of pervious pavement, raingardens and a bioretention pool in conjunction with the downtown redevelopment of Centerville, MN.	$ 206,500	$ 43,000					
15	8P82	CITY OF COLUMBIA HEIGHTS	Silver Lake Stormwater Infiltration for water quality improvement	This project will reduce phosphorus loadings to Silver Lake by installing a rain garden.	$ 42,588						
17	8R43	PRIOR LAKE SPRING LAKE WATERSHED DISTRICT	Prior Creek Segment 4B Restoration	This project will reduce sediment to Prior Creek through the enhancement of the stream through bioengineering techniques and cattle exclusion.	$ 75,000						
18	8P21	LAC QUI PARLE YELLOW BANK WATERSHED DISTRICT/CLEAN WATER PARTNERSHIP	Basic BMPs for Lac qui Parle River Turbidity Impairments	This project will reduce sediment by providing CCRP incentives for buffers and installing various BMPs such as sediment basins, rain gardens and terraces.	$ 210,000						
19	8P52	SOUTH ST. LOUIS SWCD	Miller Creek Jumbo Gully Remediation	This project will reduce sediment loading into Miller Creek by providing storm water management in the headwaters area in addition to stabilizing a severely eroded gully.	$ 60,012	$ 12,500					
19	8P4	CHISAGO COUNTY ENVIRONMENTAL SERVICES	Chisago County SSTS Pilot Program Imminent Health Threat Upgrades	This project will use grants to cover a significant portion of costs to low income households for system upgrades and funds to capitalize an SSTS loan program in Chisago County.						$ 100,000	

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PROTECTION					BWSR LRMG	BWSR TA			SSTS Invt	SSTS Option 1	BWSR Buffer C-S
Rank	ID	LGU	Title	Narrative							
23	8P29	COOK COUNTY - PLANNING AND ZONING DEPARTMENT	Cook County Septic System Inventories for Water Resource Protection	This project will inspect approximately 133 systems on Poplar Lake, 58 systems on Seagull Lake, 131 systems on Gunflint Lake and 76 systems on Saganaga Lake. Poplar and Seagull lake inspections to occur in 2008 and Saganaga and Gunflint to occur in 2009. The Tofte Schroeder Sanitary District (TSSSD) has completed an inventory of the approximately 300 systems in the district and will contract an inspector and pumper directly to perform inspections on approximately 100 of those systems.					$ 129,450		
25	8P17	PIPESTONE SOIL AND WATER CONSERVATION DISTRICT	Pipe08	This project will provide SSTS Upgrade grants for low income households in addition to providing SSTS upgrade incentive payment in Pipestone County.						$ 25,000	
28	8P66	CASS COUNTY	Southwest Leech Lake Inspection and Inventory Project	This project will consist of conducting a septic inventory in 3 townships SE of Leech Lake in Cass County.					$ 97,500		
28	8P39	ITASCA COUNTY ENVIRONMENTAL SERVICES	Reducing SSTS Threats to Itasca County's Priority Lakes	This project will provide inspection assistance grants and financial assistance in loans, incentives and grants to landowners in shoreland areas of Itasca County.		$ 5,000				$ 74,000	
32	8P43	CROW WING COUNTY	Sanitary Management District Inventory and Assessment Project	This project will consist of inspecting a minimum of 250 SSTS per year in Crow Wing County.					$ 130,000		
38	8P35	KANDIYOHI COUNTY	Diamond Lake Community Approach to Wastewater Solutions	This project will consist of conducting an inventory and inspections of SSTS systems around Diamond Lake in Kandiyohi County.					$ 61,880		
44	8P11	GOODHUE COUNTY SOIL AND WATER CONSERVATION DISTRICT	Surface Inventory of E. Coli Sources in the Little Cannon River Watershed	This project consists of land owner education, a source assessment of bacteria sources in the Little Cannon River watershed, E.Coli monitoring site expansion, and technical assistance to promote feedlot BMPs that will reduce E.Coli levels		$ 30,630					
46	8P9	ROCK COUNTY SWCD/ LAND MANAGEMENT	Rock County Low Income Imminent Health Threat Correction	This project will provide financial assistance to four low income households to replace their non-compliant SSTS's over a two year period in Rock County.						$ 31,000	

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PROTECTION					BWSR LRMG	BWSR TA			SSTS Invt	SSTS Option 1	BWSR Buffer C-S
Rank	ID	LGU	Title	Narrative							
50	8P13	MIDDLE ST. CROIX WATERSHED MANAGEMENT ORGANIZATION	Stormwater Audit Pilot Program	This project will provide individual landowners with a site assessment of their property by trained staff for potential stormwater improvements and will provide the landowner with a reference to local cost share assistance programs in the Middle St. Croix WMO.		$ 70,000					
52	8P81	BENTON SOIL AND WATER CONSERVATION DISTRICT	Little Rock and Mayhew Lake Low Cost Feedlot/Manure Management	This project will provide low-cost feedlot BMPs and manure demonstration plots in Little Rock and Mayhew Creek Watersheds in Benton County.		$ 27,270					
58	8P26	WADENA COUNTY	Assistance Progam for Upgrading or Repalcing SSTS	This project will provide a low interest loan fund to offer assistance to more property owners for replacement of IHT or non-compliant septic systems in Wadena County. In addition, grant monies, administered by county, will be provided to fund IHT or non-compliant system replacements for very low income families.						$ 50,000	
83	8P68	DOUGLAS COUNTY LAND AND RESOURCE MANAGEMENT	Douglas County SSTS Inventory and Upgrades	This project will provide a SSTS inventory and incentive payments for SSTS upgrades in Douglas County.					$ 130,000		
	8P51	OLMSTED COUNTY	Reducing sediment and pollutant loads into Interlachen and Cascade Lakes	This proejct will reduce sediment and phosphorus loading to Interlachen and Cascade Lakes through installing buffer stips along the Zumbro River.							$ 12,000

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RESTORATION					BWSR CS	BWSR TA	319	AgBMP	SSTS Invt	SSTS Option 1	BWSR Buffer C-S
Rank	**ID**	**LGU**	**Title**	**Narrative**							
1	8R8	RCRCA JOINT POWERS SOIL AND WATER CONSERVATION DISTRICTS.	Cottonwood/Redwood River Proejcet	This project targets the Lower Minnesota Dissolved Oxygen TMDL and will implement BMPs that target infiltration and nutrient reduction by establishing 100 acres of filter strips, stabilizing stream banks, installing alternative tile intakes and up to 10 sediment control basins. Additional 3,000 acres of nutrient management planning will be accomplished.	$ 240,000	$ 60,000	$ 300,000				$ 100,000
2	8R30	THREE RIVERS PARK DISTRICT	Lake Independence Channel Stabilization Project	This project targets the Lake Independence Excessive Nutrient TMDL. The primary goal of the project is to reduce sediment and phosphorus loads to the lake by installing rain gardens and stabilizing 4 eroded ravines.			$ 119,500				
3	8R38	SHINGLE CREEK WATERSHED COMMISSION	Crystal Twin Oak Pond	This project targets the Ryan and Twin Lakes Excessive Nutrient TMDL and will reduce phosphorus loadings to North Twin Lake by retrofitting and enhancing treatment of the existing Twin Oaks Pond.			$ 77,500				
4	8R3	WILKIN SWCD	Lower Otter Tail River Sediment Reduction Project	This project targets the Lower Otter Tail River Turbidity TMDL and will reduce sediment to the river by targeting key sediment sources. Targeted BMPs include installing side inlets and dikes in four county ditches, stream barbs and bank protection and buffer strips.	$ 105,000	$ 56,500	$ 100,000				
5	8R13	FILLMORE COUNTY	Enhancing local government financing capabilities for upgrading ITPH septic systems	This project targets the Lower Mississippi River Basin Regional Fecal Coliform TMDL. The project will utilize SSTS upgrade funds to capitalize a revolving loan program and provide grants to low income individuals for SSTS replacement.						$ 175,000	
6	8R6	FILLMORE SOIL & WATER CONSERVATION DISTRICT	Low Interest Loan Funding for Implementation of Water Quality Projects	This project targets the Lower Mississippi River Basin Regional Fecal Coliform TMDL. The project will utilize AgBMP loan funds to install feedlot fixes and upgrade failing septic systems in Fillmore County.				$ 200,000			

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RESTORATION					BWSR CS	BWSR TA	319	AgBMP	SSTS Invt	SSTS Option 1	BWSR Buffer C-S
Rank	**ID**	**LGU**	**Title**	**Narrative**							
7	8R39	SHINGLE CREEK WATERSHED COMMISSION	Wetland 639W Restoration	This project targets the Ryan and Twin Lakes Excessive Nutrient TMDL and includes the completion of a feasibility analysis and design for Wetland 639W, the highest priority implementation action outlined in the TMDL.			$ 60,000				
8	8R1	WINONA SOIL & WATER CONSERVATION DISTRICT	Fecal Coliform Reduction & Conservation Easement Project	This project targets the Lower Mississippi River Basin Regional Fecal Coliform TMDL and provides technical assistance to implement OLA agreements and RIM easements in Winona County.		$ 150,000					
9	8R15 and 8R28	SOUTHEAST MINNESOTA WATER REOURCES BOARD	Assistance for Unsewered Communities in the Lower Mississippi/Cedar River Basin	This project targets the Lower Mississippi River Basin Regional Fecal Coliform TMDL and provides technical assistance to facilitate wastewater solution discussions, provide incentives for communities to undertake planning and feasibility studies as well as to provide wastewater education to citizens in unsewered communities.			$ 272,080				
10	8R31	TODD COUNTY Environment & Land Resource Management Office	Long Prairie River Watershed SSTS Public Health Threat Initiative	This project targets the Long Prairie River Low Dissolved Oxygen TMDL and provides cost-share grants for upgrading SSTS systems in the Long Prairie River Watershed.						$ 200,000	
11	8R41	REDWOOD COUNTY, MN	Redwood County Accelerated ITPHS and SSTS Compliance Project	This project targets the Lower Minnesota River Low Dissolved Oxygen TMDL. Funds will be utilized to inventory SSTS and provide low-income SSTS assistance and incentives.		$ 24,000				$ 120,000	
11	8R40	CITY OF MEDINA	Lake Independence Shoreline Restoration	This project targets the Lake Independence Excessive Nutrient TMDL. The purpose of this project is to reduce phosphorus by stabilizing eroding shorelines and establishing shoreline buffers around the lake.	$ 25,000	$ 10,000					
13	8R2	CHISAGO COUNTY OFFICE OF ZONING AND ENVIRONMENTAL SERVICES	North Branch of the Sunrise River TMDL Implementation Plan	This project targets the Sunrise River Fecal Coliform TMDL and will provide technical assistance to complete an IHT SSTS inventory, install feedlot BMPs as well providing SSTS loan assistance in both Chisago and Isanti Counties.		$ 50,000		$ 150,000	$ 20,000	$ 37,500	

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RESTORATION					BWSR CS	BWSR TA	319	AgBMP	SSTS Invt	SSTS Option 1	BWSR Buffer C-S
Rank	ID	LGU	Title	Narrative							
14	8R16	CARVER COUNTY LAND AND WATER	Carver, Bevens and Silver fecal coliform implementation phase II	This project targets the Carver, Bevens and Silver fecal coliform TMDL and will provide technical assistance to install buffers and alternative drain tiles. In addition, the project will provide Ag BMP loan funds for system upgrades and incentive payments.	$ 10,000	$ 73,080	$ 70,920	$ 150,000			
15	8R25	CHIPPEWA RIVER WATERSHED SOIL AND WATER CONSERVATION DISTRICTS	Chippewa River Watershed Project	This project targets the Lower Minnesota River Low Dissolved Oxygen TMDL. This project will reduce sediment and phosphorus loading to the river by establishing 3,500 acres of buffer, installing 50 alternative tile intakes and providing incentives for no-till/strip till.	$ 178,000	$ 35,600					
16	8R21	GREATER BLUE EARTH RIVER BASIN ALLIANCE	GBERBA Dissolved Oxygen TMDL Application	This project targets the Lower Minnesota River Low Dissolved Oxygen TMDL. The project will aim to reduce sediment and phosphorus loadings to the river by providing Ag BMP loans for conservation practices training and technical assistance to work more closely with cities on stormwater BMPs.		$ 30,000		$ 300,000			
22	8R12	SCOTT WATERSHED MANAGEMENT ORGANIZATION	West Scott County BMP Expansion Project	This project targets the Lower Minnesota River Low Dissolved Oxygen TMDL and will reduce sediment and phosphorus loadings to the river by providing technical assistance and incentives for biomass filter strips.		$ 56,920					$ 50,000
23	8R42	RICE COUNTY	Roberds Lake Watershed Inventory and Imminent Health Threat Upgrade	This project targets the Lower Mississippi River Basin Regional Fecal Coliform TMDL and will provide grant funds for a SSTS inventory and incentive and loan programs for IHT SSTS systems in the Roberd's Lake watershed.					$ 123,800		
24	8R37	SE MN WATER RESOURCES BOARD	Flushing Out Straight Pipes in Dodge, Olmsted, and Steele Counties	This project targets the Lower Mississippi River Basin Regional Fecal Coliform TMDL. The goal of this project is to identify and eliminate approximately 732 untreated domestic sewage discharges in critical areas of three counties.					$ 74,000		

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RESTORATION					BWSR CS	BWSR TA	319	AgBMP	SSTS Invt	SSTS Option 1	BWSR Buffer C-S
Rank	**ID**	**LGU**	**Title**	**Narrative**							
25	8R36	MOWER COUNTY	Cedar River Corridor inventory of Straight Pipes	This project targets the Lower Mississippi River Basin Regional Fecal Coliform TMDL. The purpose of the project is to conduct a SSTS Inventory and provide upgrade incentives in the Cedar River Watershed.					$ 40,000		
27	8R5	GOODHUE COUNTY SWCD	Ag BMP Low Interest Loan Program	This project targets the Lower Mississippi River Basin Regional Fecal Coliform TMDL. The purpose of the project is reducing fecal coliform through AgBMP loan funds to implement erosion control and manure management practices .				$ 100,000			
29	8R26	BROWN COUNTY	Brown County Conservation Tillage Practice	This project targets the Lower Minnesota River Low Dissolved Oxygen TMDL and will utilize AgBMP loan funds to purchase conservation tillage equipment to reduce sediment and phosphorus loading to the river.				$ 100,000			
29	8R33	WINONA SOIL & WATER CONSERVATION DISTRICT	Fecal Coliform Reduction & Conservation Easement Project	This project targets the Lower Mississippi River Basin Regional Fecal Coliform TMDL and will reduce fecal coliform by utilizing AgBMP loans for SSTS upgrades and feedlot conservation practice installation.				$ 100,000			
31	8R29	TURTLE CREEK WATERSHED DISTRICT	Turtle Creek Watershed ISTS Low Interest Loan Program	This project targets the Lower Mississippi River Basin Regional Fecal Coliform TMDL and will reduce fecal coliform by utilizing AgBMP Loans to provide technical assistance to upgrade SSTS.				$ 100,000			
42	8R9	SOIL & WATER CONSERVATION DISTRICTS IN LINCOLN, LYON & YELLOW MEDICINE CO AND AREA II	Inventory small dams, determination of needs and repair of dams.	This project targets the Lower Minnesota River Low Dissolved Oxygen TMDL. The project will reduce sediment loading by repairing small dams in Yellow Medicine County. In addition, AgBMP loans will be used upgrade SSTS and provide landowner's cost share of other conservation practices.				$ 100,000			
	8R27	WHITEWATER JOINT POWERS BOARD	Riparian Buffer Installation in the Whitewater River Watershed	This project targets the Lower Mississippi River Basin Regional Fecal TMDL and will reduce fecal coliform by installing up to 30 riparian buffers and filter strips.							$30,000

Minnesota Board of Water & Soil Resources

Board Resolution # 08-12

Native Buffer Cost Share Program Authorization

WHEREAS, the Native Buffer Cost-Share Grant Program administered by the Board of Water and Soil Resources (BWSR), provides grants to SWCD's for the sharing of costs to landowners who establish and maintain buffers of restored native prairie and,

WHEREAS, Minnesota Legislature, Minnesota Session Laws 2007, chapter 57, Article 1, Section 5, has appropriated $1.2m in fy08 & fy09 to BWSR and,

WHEREAS, the BWSR has adopted the following grant and allocation policies;

Eligible SWCD's in the project area will receive a grant to be used under the existing State Cost Share Program guidelines for the implementation of the Native Buffer Cost-Share Program. These grants are for establishment and maintenance of restored native prairie and restored prairie, using seeds of local ecotype. Primary program goals include:

This grant can be used for a wide range of activities related to establishment and management of native species as per the Native Buffer Cost-Share Program Guidelines approved by the BWSR. Individual cost-share contracts will be prepared with private landowners not to exceed 75% of eligible costs.

Allocation formula based on 74 eligible SWCD's with in the defined project area. A base amount of $5000 to all SWCD's with additional funding up to a maximum grant of $25,000 based on acres of riparian cropland and existing native grasslands.

Seed used for this program must originate from the same ecotype region as the project. It is encouraged to use seed sources that originate from as close to the project site as possible. When purchasing seed, "Yellow Tag" certified seed shall be used.

NOW THEREFORE, the BWSR hereby authorizes staff to allocate funding and implement guidelines for the Native Buffer Cost-Share Program according to these policies.

R/ Kramer

Randy Kramer, Chair
Board of Water and Soil Resources

Date: 1/23/08

Native Buffer Cost-Share Program Guidelines

Purpose:

- Grants for cost-sharing contracts to establish and maintain vegetation buffers of restored native prairie and restored prairie, using seeds of local ecotype region within the BWSR State Cost-Share Program.

Policies:

- Conservation buffer areas determined by SWCD
- Enduring practice-15yr min.
- Eligible area limited to Eco regions map & legislative list of counties.
- Not to exceed 75% maximum cost-share including other state or federal sources (except: SE Emergency 100% or other BWSR waiver)
- 20% T&A
- Min/max size and costs determined by SWCD board using reasonable cost process.
- Multiple estimates required for work done if applicable.
- Follow 643 Restoration and Management Of Declining Habitats-add to C-S program
- Seed must be yellow tag (source identified) and contain 25 species within the project area (single species strips).
    - Restored Native Prairie source within co. or 25 mi. of county & same ecotype region.
    - Restored Prairie source within same ecotype region.
- Site prep, seed collection, seed, seeding, and establishments costs
- Native vegetation management (intend burning, inter seeding, weed control when tied to veg. improvement, invasive species control, disking, haying)
- Lakescaping
- Remnant native prairie management using veg. management activities.
- Reseeding existing stands of grass (old RIM)
- Haying, seed propagation, energy production, outside nesting season and controlled further by any underlying program restrictions.
- Land rental costs, for non-program lands, during establishment (3yrs. CCRP rate x 75%).

Funding Allocation:

$1.2m available
$1.0m sent out after Jan. 23rd
$200k minimum reserve for: competitive apps./CWL projects/SE RIM
Formula for $1.0m to consist of:

- Base allocation to 74 swcd's. of $5000= $370,000

Balance of $630,000 by

- 75%-Acres of easements (enduring) vegetation-existing
- 25%-Cultivated riparian lands-potential
- % SWCD in project area

s:/nativebuffers/guidelines

Minnesota Session Laws 2007 – Portions of Chapter 57

Sec. 5. **BOARD OF WATER AND SOIL RESOURCES**

$3,285,000 the first year and $3,285,000 the second year are for grants to soil and water conservation districts for cost-sharing contracts for erosion control and water quality management. Of this amount, at least $1,200,000 the first year and $1,200,000 the second year are for grants for cost-sharing contracts to establish and maintain vegetation buffers of restored native prairie and restored prairie using seeds of a local ecotype region.

Sec. 17. **[84.02] DEFINITIONS.**

Subdivision 1. **Definitions.** For purposes of this chapter, the terms defined in this section shall have the meanings given them.

Subd. 2. **Best management practice for native prairie restoration.** "Best management practice for native prairie restoration" means using seeds collected from a native prairie within the same county or within 25 miles of the county's border, but not across the boundary of an ecotype region.

Subd. 3. **Created grassland.** "Created grassland" means a restoration using seeds or plants with origins outside of the state of Minnesota.

Subd. 4. **Ecotype region.** "Ecotype region" means the following ecological subsections and counties based on the Department of Natural Resources map, "County Landscape Groupings Based on Ecological Subsections," dated February 15, 2007.

Ecotype Region	Counties or portions thereof:
Rochester Plateau, Blufflands, and Oak Savanna	Houston, Winona, Fillmore, Wabasha, Goodhue, Mower, Freeborn, Steele, Olmsted, Rice, Waseca, Dakota, Dodge
Anoka Sand Plain, Big Woods, and St. Paul Baldwin Plains and Moraines	Anoka, Hennepin, Ramsey, Washington, Chisago, Scott, Carver, McLeod, Wright, Benton, Isanti, Le Sueur, Sherburne
Inner Coteau and Coteau Moraines	Lincoln, Lyon, Pipestone, Rock, Murray, Nobles, Jackson, Cottonwood
Red River Prairie (South)	Traverse, Wilkin, Clay, Becker
Red River Prairie (North) and Aspen Parklands	Kittson, Roseau, Red Lake, Pennington, Marshall, Clearwater, Mahnomen, Polk, Norman
Minnesota River Prairie (North)	Big Stone, Pope, Stevens, Grant, Swift, Chippewa, Meeker, Kandiyohi, Renville, Lac qui Parle, Yellow Medicine
Minnesota River Prairie (South)	Nicollet, Redwood, Brown, Watonwan, Martin, Faribault, Blue Earth, Sibley
Hardwood Hills	Douglas, Morrison, Otter Tail, Stearns, Todd

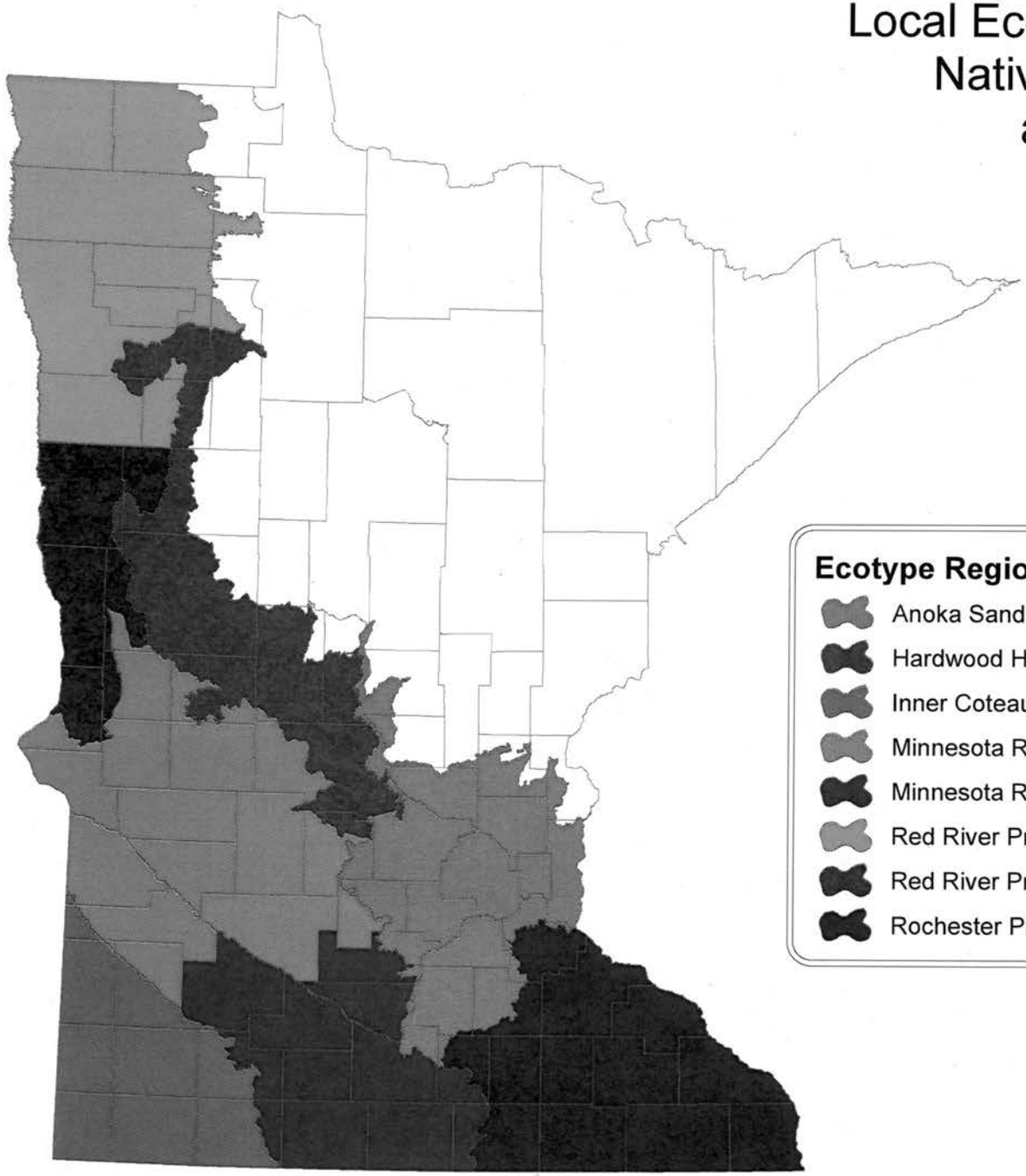
Subd. 5. **Native prairie.** "Native prairie" means land that has never been plowed where native prairie vegetation originating from the site currently predominates or, if disturbed, is predominantly covered with native prairie vegetation that originated from the site. Unbroken pasture land used for livestock grazing can be considered native prairie if it has predominantly native vegetation originating from the site and conservation practices have maintained biological diversity.

Subd. 6. **Native prairie species of a local ecotype.** "Native prairie species of a local ecotype" means a genetically differentiated population of a species that has at least one trait (morphological, biochemical, fitness, or phenological) that is evolutionarily adapted to local environmental conditions, notably plant competitors, pathogens, pollinators, soil microorganisms, growing season length, climate, hydrology, and soil.

Subd. 7. **Restored native prairie.** "Restored native prairie" means a restoration using at least 25 representative and biologically diverse native prairie plant species of a local ecotype originating in the same county as the restoration site or within 25 miles of the county's border, but not across the boundary of an ecotype region.

Subd. 8. **Restored prairie.** "Restored prairie" means a restoration using at least 25 representative and biologically diverse native prairie plant species originating from the same ecotype region in which the restoration occurs.

Local Ecotype Regions for the Native Buffer Program as Defined by M.S. 84.02



N

Ecotype Regions

- Anoka Sand Plain, Big Woods & St. Paul Baldwin Plains
- Hardwood Hills
- Inner Coteau & Coteau Moraines
- Minnesota River Prairie North
- Minnesota River Prairie South
- Red River Prairie North & Aspen Parklands
- Red River Prairie South
- Rochester Plateau, Blufflands & Oak Savanna

Minnesota Board of Water & Soil Resources
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Board Resolution # 08-13

FY 08 CLEAN WATER LEGACY ACT PROGRAM

AGRICULTURAL WATERSHED RESTORATION PROJECT WORK PLAN

WHEREAS, Governor Pawlenty signed the Clean Water Legacy Act (CWLA) into law on June 2, 2006; and

WHEREAS, the 2007 Legislature appropriated funds to the Board of Water and Soil Resources for Clean Water Legacy Act implementation activities in fiscal years 2008 and 2009, including funding for targeted nonpoint restoration cost-share and incentive payments, of which $1.5 million is designated for agricultural watershed restoration projects (Minnesota Session Laws 2007, Chapter 57, Section 5); and

WHEREAS, a Project Work Plan has been developed, in consultation with stakeholders, to implement this project funding; and

WHEREAS, the Project Work Plan was reviewed with the Grants Program and Policy Committee on December 19, 2007 and minor revisions subsequently incorporated into the Project Work Plan.

NOW THEREFORE, the Grants Program and Policy Committee recommends BWSR approval of the attached Agricultural Watershed Restoration Project Work Plan dated 1-11-08.

R/ K

Date: 1/23/08

Randy Kramer, Chair
Board of Water and Soil Resources

Agricultural Watershed Restoration Projects
Project Work Plan
1-11-08

Legislative Appropriation Language

"$14,166,000 is for implementation of the Clean Water Legacy Act, in accordance with Minnesota Statutes, chapter 114D, as follows:

(1) $3,316,000 is for targeted nonpoint restoration cost-share and incentive payments, of which up to $3,116,000 is available for grants. Of this amount, $1,500,000 is for agricultural watershed restoration projects that are located in a watershed impaired by nonpoint agricultural sources and are designed to provide long-term restoration of surface water quality through restoration of the natural hydrological function to working lands."

Background

- ***Legislative Directive:*** The agricultural watershed restoration projects funding is included within the appropriation for targeted nonpoint restoration cost-share and incentive payments, the vast majority of which is available for grants. The projects are to be located in a watershed impaired by nonpoint agricultural sources and designed to provide long-term restoration of surface water quality.

- ***MEP, TNC and MN Project Vision:*** On 7-26-07, BWSR staff met with representatives of MEP, TNC, MPCA, LSP (unable to attend), MCC and two local government units (Fillmore SWCD and SE MN Water Resources Board) to discuss the intent and use of this funding. An MEP representative shared a document that outlined a vision for a "Clean Water Legacy Watershed Restoration Project, Keeping Working Lands Working", with a goal to "develop an implementation framework to incorporate a long-term restoration strategy to improve water quality of surface waters impaired by non-point agricultural sources". During this meeting, there was discussion of water quality modeling, watershed planning and economic analysis as aspects of a project vision.

- ***Proposed Project Scope:*** The modeling, planning and economic analysis components of the proponents' vision can fit with the appropriation language, if cost-share and incentives are also provided to implement some of the associated BMP recommendations in the agricultural watersheds studied. Depending on the existing data and analyses available for selected impaired watersheds, the goal for use of project funding might be 1/3 to 1/2 for modeling, analysis, planning and reporting, and 1/2 to 2/3 for implementation of recommended nonpoint BMPs. Coordination with ongoing data collection, modeling, planning and implementation efforts in impaired watersheds should greatly increase the outcomes of this project. It is proposed that several small watersheds would be evaluated that are representative of major agricultural landscapes within Minnesota. The BMPs evaluated should be feasible and practical, including various methods of hydrology management and erosion control (i.e. "watershed yield management") for water quality improvement. Individual watershed reports and an overall project report are envisioned to define a framework, or blueprint, for practical and effective agricultural watershed hydrologic and water quality restoration.

Project Implementation Plan

A 3-phase implementation plan is proposed. A key objective is to work with current impaired / TMDL watersheds, in order to build on existing data, modeling and planning efforts, as well as to help implement BMP recommendations for water quality improvement in priority agricultural watersheds.

- **Phase 1 – Identification of Project Watersheds and Local Sponsors:** BWSR publishes an RFP and advertises to LGUs and others involved in impaired / TMDL watersheds to identify candidate watersheds, sponsors and other potential project partners.

  - ***Watershed Size:*** Candidate watersheds, or subwatersheds, should be relatively small (approximately 5,000 – 20,000 acres) to enable detailed project analyses for several representative landscapes within the funding available and timeline envisioned.

  - ***Impaired Waters / TMDL Status and Priority:***
    1) Part of an agricultural watershed with a TMDL plan completed, substantial watershed and water quality information available and a calibrated model such as SWAT or Qual-TX that has lead to definition of subwatershed contributions to the load allocation for the TMDL, or;
    2) An impaired agricultural watershed with substantial watershed, water quality and modeling information available that has not yet resulted in an approved TMDL, or;
    3) An impaired agricultural watershed with substantial base data available, such as a high resolution digital elevation model (DEM), electronic drainage system data, other relevant data, and motivated local partner(s).

  - ***Representative Project Watersheds:*** Minnesota encompasses diverse agricultural landscapes. For this project to most effectively serve as a statewide framework, it is important that the project watersheds are representative of major agricultural landscapes within the state. It is proposed that the project would involve 3 - 5 watersheds. The final number will depend on opportunities presented by responses to the Phase 1 RFP.

  - ***Additional Phase 1 Prioritization Criteria for Watershed Selection:***
    - watershed shows evidence of high contributions from nonpoint agricultural sources to pollutant loading;
    - information is available regarding past hydrology modifications, such as wetlands drained, surface drainage systems, tile drainage, irrigation, etc.;
    - a substantial amount of electronic data is available, such as a high resolution digital elevation model (DEM) or other detailed topographic data, land use/land cover, aerial or satellite photos, and water quality data;
    - evidence is available indicating a prevalence of landowners who display a conservation ethic and are interested, or pre-disposed, to work cooperatively with project partners to control nonpoint agricultural runoff ;
    - the watershed includes a means to monitor BMP effectiveness, including modeled effects on water quality improvement; and
    - project sponsor has demonstrated capacity to manage contracts and related project responsibilities.

- ***Project Watershed and Local Sponsor Selection Process:***
  - Establish stakeholder technical advisory team
  - Develop RFP, distribute and advertise
  - Review Phase 1 applications (procedures modeled after Clean Water Legacy process)
  - Team recommendations to BWSR Grants Program and Policy Committee
  - Final selection of project watersheds and sponsors by BWSR Board

- **Phase 2 – Watershed Modeling, Analysis and Reporting:** Upon selection of project watersheds and local sponsors, BWSR and project sponsors will develop and publish an RFP for modeling, analysis and reporting within the selected watersheds (potentially utilizing the State-approved TMDL contractors list). The selected contractor(s) will utilize existing models and/or develop models for the selected watersheds using available information and, if necessary, collect supplemental information critical to refining analyses for existing and alternative BMP conditions. The contractor(s) would work with the watershed local sponsors, LGU partner(s), state agencies and others involved in the assessment and planning for each impaired watershed. It is anticipated that watershed project sponsors and LGU partners participating in this project would receive administrative funding, as appropriate, for participation in data collection and alternative BMP identification for modeling, analysis and reporting by the contractor(s). Models developed would be required to be public domain.

  - *Example Contractor Selection Criteria:*
    - Experience with agricultural watershed hydrologic and water quality modeling
    - Demonstrated experience with impaired waters / TMDL process
    - Experience with agricultural watershed hydrology management and erosion control
    - Experience with associated communication, coordination and reporting

  - *Contractor Selection Process:*
    - Project sponsors and BWSR prepare RFP, distribute and advertise
    - Utilize stakeholder technical advisory team and watershed local sponsors for review of proposals
    - Recommendations to BWSR Grants Program and Policy Committee
    - Final approval of contractors and grants for contractors by BWSR Board

  - *Anticipated Alternative BMP Analyses:* The objective is to define feasible and practical BMPs to reduce key agricultural nonpoint pollutants and help restore water quality in the impaired watershed, while maintaining agricultural working lands. It is expected that this will involve a variety of techniques for watershed yield management, including hydrology / drainage management, structural and nonstructural erosion control and runoff reduction (including alternative cropping systems) and nutrient management. It is also anticipated that studies will involve cost and benefit analyses; identification of applicable cost-share, conservation easement and incentive programs; and definition of the probability of voluntary adoption, anticipated impediments to adoption and strategies to address impediments.

  - *Project Reporting:* The Phase 2 contractors will be required to prepare reports for individual project watersheds, in cooperation with the watershed local sponsor, LGU partners and others, as appropriate, defining specific practices evaluated, types and

locations of practices proposed, rationale for practice recommendations, estimated costs and anticipated water quality improvements. It is anticipated that one contractor will be identified to prepare an overall project report, in cooperation with BWSR and the other project watershed contractors and local sponsors, summarizing the analyses and conclusions for all of the watersheds studied.

- **Phase 3 – BMP Implementation:** Following the modeling, analyses and reporting phase, remaining project funding will be allocated to project watersheds for grants and incentives to landowners to implement recommended BMPs, in accordance with policies used for other Clean Water Legacy cost-share and incentive funds. The allocation process and amounts will need to be defined. However, it is anticipated that all participating watersheds would receive part of the available funds, including applicable technical and administrative assistance funding.

Proposed Project Time Line

1-11-08

❑ December 2007	Seek review of draft Project Work Plan by stakeholders
❑ December 2007	Project Plan review with BWSR Grants Program and Policy Cmte.
❑ Early January 2008	Revise Project Work Plan, based on comments on draft
❑ January 2008	Project Work Plan approval decision item to BWSR Board
❑ January/February 2008	Develop Phase 1 RFP for candidate project watersheds and identify potential project areas and partners for distribution
❑ February 2008	Phase 1 RFP published with 30 day proposal period and outreach to potential project local sponsors and partners
❑ March/April 2008	Stakeholder technical advisory team reviews Phase 1 proposals and recommends project watersheds and local sponsors to Grants Program and Policy Cmte.
❑ April 2008	Project watersheds and local sponsors approval decision item to BWSR Board
❑ April/May 2008	Work with local sponsors and technical advisory team to develop Phase 2 RFP and publish on 30 day notice, with outreach to potential project contractors
❑ June 2008	Stakeholder technical advisory team and local sponsors review Phase 2 contractor proposals and recommend selection of contractor(s) to Grants Program and Policy Cmte.
❑ July 2008	Phase 2 contractor selection decision item to BWSR Board
❑ August 2008	Phase 2 grants and contract(s) signed and kickoff meeting with contractor(s)
❑ Aug.-Dec. 2008	Periodic meetings of watershed local sponsors, Phase 2 contractor(s) and BWSR, as appropriate
❑ January 15, 2009	Phase 2 draft reports due to BWSR
❑ January/February 2009	Review and refinement of Phase 2 reports
❑ March 1, 2009	Phase 2 final reports due to BWSR
❑ March 2009	Stakeholder technical advisory team provides Phase 3 grant allocation recommendations to BWSR Grants Program and Policy Cmte.
❑ April 2009	Phase 3 grant allocations decision item to BWSR Board
❑ May 2009	Phase 3 grant allocations to project sponsors and/or partners
❑ May 2009 – Nov. 2010	Phase 3 BMP implementation (and monitoring?)
❑ January 15, 2011	BMP implementation reports to BWSR

Proposed Budget

Phase 1	
Data Collection, Project Planning, Identify Project Watersheds	$35K
Phase 2	
Modeling, Analyses and Reporting	$500K to $750K
Phase 3	
BMP Implementation	$750K to $1M

EXECUTIVE SUMMARY

The 2007 Minnesota Legislative Session directed the Minnesota Board of Water and Soil Resources (BWSR) to establish and administer a reinvest in Minnesota (RIM) clean energy program. The RIM-clean energy program would be in addition to the already established RIM program. The intention of the program is to support native perennial biofuels production and environmental and conservation benefits, including water quality, soil health, reduction of chemical inputs, soil carbon storage, biodiversity and wildlife habitat. As such, RIM-clean energy is not a traditional conservation easement program. It is designed to be a new and innovative "working lands" easement program.

A RIM-clean energy program is one component of a suite of initiatives that promotes a cellulosic biofuels industry in Minnesota from which many could benefit. Landowners and farmers would benefit economically from a RIM-clean energy easement program and from their independent contracts with bioenergy facilities; bioenergy facility owners and operators would benefit from an increased supply of native perennial biofuel feedstock; and citizens of the State of Minnesota would benefit from improved water quality and soil health, increased wildlife habitat, and the aesthetic value of the lands placed in easement.

BWSR appointed a technical review committee to ensure the RIM-clean energy program easement agreements would provide public benefits commensurate with public investment. Representatives from the sixteen entities identified in the legislation plus additional stakeholders including landowner/farmer representatives, conservation improvement agencies, and representatives from the biofuels industry participated on the technical review committee. The technical review committee developed a process to designate defined project areas and a tiered payment system for easements.

1) Process to Designate Project Areas
   The intention of designating defined project areas is to ensure that acres included in a RIM-clean energy program have a demonstrable impact on impaired waters and other natural resource goals, and that they are clustered in close enough proximity to provide native perennial biofuel feedstock for bioenergy industry development.

   The recommended competitive allocation process, using a request for proposals, is designed to focus program funding on areas that show the greatest potential for successful development of energy markets, enrollment of landowners/farmers, and that provide the greatest potential environmental and conservation benefits. Applications for project area selection will be evaluated based on some or all of the following criteria: 1) viable market(s) for biomass fuel or feedstock; 2) measurable impact on environmental and conservation public benefits; 3) likelihood of project success; 4) on-going monitoring and evaluation plan; and 5) project area diversity.

2) Tiered Payment System
   The tiered payment system is structured to encourage landowners to grow native perennial plants, both herbaceous and woody, on lands that are well suited for environmental and conservation benefits and for bioenergy crop production. The tiered

Reinvest in Minnesota - Clean Energy Program Guidelines and Standards

A working lands conservation program for growing native perennial crops for bioenergy

A report to the Minnesota Legislature
2007 Minnesota statutes, Section 103F.518
Reinvest in Minnesota Clean Energy Program

Submitted by the
Board of Water and Soil Resources

January 23, 2008

ACKNOWLEDGEMENTS

Technical Review Committee Members

Al Doering	Agricultural Utilization Research Institute (AURI)
Daryn McBeth	AgriGrowth Council
Kyle MacLaury	Center for Energy and the Environment
Bill Lee	Chippewa Valley Ethanol
Al Singer	Dakota County Farmland and Natural Areas Program
Kim Larson	Dovre Farms
Jon Schneider	Ducks Unlimited
Ryan Heiniger (Alternate)	Ducks Unlimited
Brendan Jordan	Great Plains Institute
Don Arnosti	Institute for Agriculture and Trade Policy
Brad Redlin	Izaak Walton League
Bobby King	Land Stewardship Project
George Boody (Alternate)	Land Stewardship Project
Amy Fredregill	Minnesota Association of Cooperatives
Craig Mold	Minnesota Association of Soil and Water Conservation Districts
LeAnn Buck (Alternate)	Minnesota Association of Soil and Water Conservation Districts
Dianne Radermacher	Minnesota Association of Watershed Districts
Warren Seykora (Alternate)	Minnesota Association of Watershed Districts
Mary Hanks	Minnesota Department of Agriculture
Paul Burns (Alternate)	Minnesota Department of Agriculture
Lise Trudeau	Minnesota Department of Commerce
Larry Kramka	Minnesota Department of Natural Resources
Wayne Edgerton (Alternate)	Minnesota Department of Natural Resources
Mark Lindquist	Minnesota Department of Natural Resources
Steve Morse	Minnesota Environmental Partnership
Chris Radatz	Minnesota Farm Bureau
Thom Peterson	Minnesota Farmers Union
Clarence Turner	Minnesota Forest Resources Council
Wayne Anderson	Minnesota Pollution Control Agency
Mike McGrath	Minnesota Project
Loni Kemp (Alternate)	Minnesota Project
Brad Nylin	Minnesota Waterfowl Association
Matt Holland	Pheasants Forever
Paul Kramer	Rahr Malting
Linda Meschke	Rural Advantage
Holly Buchanan	The Nature Conservancy
Kelly Hogan	U.S. Fish and Wildlife Service
Greg Anderson	USDA, Farm Service Agency
Robin Martinek	USDA, Natural Resource Conservation Service
Kurt Johnson	Yellow Medicine SWCD

Committee Facilitators

John Jaschke	Board of Water and Soil Resources
Kevin Lines	Board of Water and Soil Resources
Greg Larson	Board of Water and Soil Resources
Shelley Shreffler	Minnesota Environmental Initiative
Ellen Gibson	Minnesota Environmental Initiative
Ron Nargang	Technical Review Committee Chair
Dean Current	University of Minnesota, Department of Forest Resources
RaeLynn Jones Loss	University of Minnesota, Department of Forest Resources
Steve Taff	University of Minnesota, Department of Applied Economics

EXECUTIVE SUMMARY

The 2007 Minnesota Legislative Session directed the Minnesota Board of Water and Soil Resources (BWSR) to establish and administer a reinvest in Minnesota (RIM) clean energy program. The RIM-clean energy program would be in addition to the already established RIM program. The intention of the program is to support both native perennial biofuels production and environmental and conservation benefits, including water quality, soil health, reduction of chemical inputs, soil carbon storage, biodiversity and wildlife habitat. As such, RIM-clean energy is not a traditional conservation easement program. It is designed to be a new and innovative "working lands" easement program.

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BWSR appointed a technical review committee to ensure the RIM-clean energy program easement agreements would provide public benefits commensurate with public investment. Representatives from the sixteen entities identified in the legislation plus additional stakeholders including landowner/farmer representatives, conservation improvement agencies, and representatives from the biofuels industry participated on the technical review committee. The technical review committee developed a process to designate defined project areas and a tiered payment system for easements.

1) Process to Designate Project Areas
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   The recommended competitive allocation process, using a request for proposals, is designed to focus program funding on areas that show the greatest potential for successful development of energy markets, enrollment of landowners/farmers, and that provide the greatest potential environmental and conservation benefits. Applications for project area selection will be evaluated based on some or all of the following criteria: 1) viable market(s) for biomass fuel or feedstock; 2) measurable impact on environmental and conservation public benefits; 3) likelihood of project success; 4) on-going monitoring and evaluation plan; and 5) project area diversity.

2) Tiered Payment System
   The tiered payment system is structured to encourage landowners to grow native perennial plants, both herbaceous and woody, on lands that are well suited for environmental and conservation benefits and for bioenergy crop production. The tiered

payment system is designed to ensure public payments are commensurate with public benefit, landowners and local program administrators can easily understand the system, and the highest per-acre payment compensates the greatest diversity of native species.

The base-level payment for planting one native perennial grass or native woody species would be 80% of Estimated Market Value (EMV). As more native perennial or woody species are planted, payment rates would increase. Payment rate would also increase as specific local environmental benefits, such as planting on floodprone land are addressed by the planting. The highest payment is reserved for plantings with the greatest number of native perennial species (greater than 15 species).

This report represents the initial steps necessary to establish and administer a RIM-clean energy program, recommended by the technical review committee. The Board of Water and Soil Resources will develop program guidance, promote the program, select project areas, and work with local Soil and Water Conservation Districts and other organizations determined by the BWSR board to implement this new easement program.

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SUMMARY OF LEGISLATION

Section 103F.518 of Minnesota State statutes 2007 establishes a reinvest in Minnesota (RIM) clean energy program, which charges the Board of Water and Soil Resources (BWSR) to acquire easements of at least 20 years on lands for growing native perennial bioenergy crops. Establishment of a RIM-clean energy program is accomplished with required consultation from a BWSR-appointed Technical Review Committee and technical support from the University of Minnesota.

Section 103F.518 dictates:

1) RIM-clean energy will enroll privately owned land in targeted areas of the state to be used for **bioenergy crop production**. Selection of land must be **based on its potential benefits** for bioenergy crop production, water quality, soil health, reduction of chemical inputs, soil carbon storage, biodiversity, and wildlife habitat.

2) **Designated project areas** prioritize areas that include coordinated cooperation of a cellulosic biofuel facility or bioenergy production facility, target impaired waters, or support existing state or local natural resource objectives.

3) Development of a **tiered payment system** for RIM-clean energy easements, based partly on the benefits of the bioenergy crop production for water quality, soil health, reduction in chemical inputs, soil carbon storage, biodiversity and wildlife habitat. The highest per-acre payment must be for diverse native prairie and perennials. Planting of annual crops is not allowed.

4) **Establishment of easements**, which may be of permanent or of limited duration. An easement of limited duration may not be acquired if it is for a period of less than 20 years.

Harvest Timing

Section 103F.518 also dictates that harvest of native, perennial bioenergy crops on a RIM-clean energy easement must occur outside of bird nesting season (generally identified as April 15 to August 1), thereby implicitly limiting the sale of harvested grasses to intended bioenergy production, rather than to other applications such as haying or bedding.

Provision to Graze

An easement may allow grazing of livestock under an approved plan that protects water quality, wildlife habitat, and biodiversity.

Eligible Land

To be eligible for enrollment in a RIM-clean energy easement, land must not currently be enrolled in another federal or state government program, but may have been set aside in another program prior to the date of application. Thus land expiring from the Conservation Reserve Program would be eligible to maintain perennial grass plantings, and roll into a RIM-clean energy easement. A parcel of eligible land must also be at least 5 acres in size and must have

been owned by the landowner or a blood relative of the landowner for at least one year before the date of application.

The full legislation citation can be found in Appendix A: Legislation Citation.

BACKGROUND AND CONTEXT

Biofuel Industry Development: History, Context, and Current Status

Biofuel Industry Development

Biofuel industry development has reached a scale where its impacts and ramifications in the agricultural landscape are tremendous. Until 2005, biofuel and bioenergy development was a relatively small-scale endeavor within the broader economy. Though significant locally, ethanol plants had minimal or no impact on the price of either fuel or agricultural commodities. But over the last few years several key factors changed the biofuels landscape. First, the United States Congress passed the long debated Energy Policy Act of 2005, which established a mandate for refiners to eventually use 7.5 billion gallons of renewable fuels, principally ethanol. Second, failing to secure liability waivers for the oxygenate MTBE, the refining industry made a huge shift toward ethanol as an additive in reformulated gasoline. Finally, Hurricanes Katrina and Rita smashed into significant petroleum and natural gas infrastructure leading to a significant spike in prices. At the same time, the hurricanes seemed to have shifted public sentiments and debate about climate change and opened a much more dynamic discussion about future carbon constraints on the U.S. and global economies.

Corn-based ethanol, however, has not been the only bioenergy development to take off. In this time frame, a new technology—cellulosic ethanol—was making its way from labs into commercial development companies and attracting investment by venture capitalists. Cellulosic ethanol is increasingly being seen as a potential competitive energy technology, but not likely to be commercially viable in the near future. As of the beginning of 2008, multiple pilot projects have been announced and awarded federal funding across the nation.

Production of ethanol is not the only renewable energy form that can be made from cellulosic materials. Across Minnesota local investment is occurring for gasification to convert perennial cellulosic materials to synthetic natural gas. This syngas can be utilized for electricity production, reformed to pipeline quality natural gas, as well as converted to a host of products/fuels such as methanol, butenol, proponal, synthetic diesel, chemicals and bio-derivatives. The private and public sectors are developing new technologies, including pyrolysis and a host of depolymerization processes such as catalytic pressureless depolymerization. In addition, combustion technologies that use perennial cellulosic materials to produce electricity are being built.

Markets and policy have been moving investment toward bioenergy in other energy sectors as well. While not receiving the attention that oil prices have, natural gas prices have also dramatically risen, building interest in replacement fuels, including biomass. At a small scale, pellet and corn burning stoves and furnaces have seen a growing market to offset high-cost

residential heating costs. On a larger scale, several industrial plants, including three ethanol plants in Minnesota, have invested in new boilers and technology to reduce or eliminate the use of high-cost and volatile natural gas. Electric power utilities are looking at a variety of biomass options to help meet Minnesota's Renewable Electricity Standard that requires that 25% of all electricity sold in Minnesota by 2020 will be generated by renewable resources. Power plants have been built to burn urban yard waste, turkey manure, and forestry residue.

Several key organizations and policy makers looked at natural gas substitution as the first and most viable large-scale market for biomass outside of the traditional forest products industry. The RIM-clean energy program was proposed as part of a legislative package seeking to accelerate the development of these incremental bioenergy markets and steps that would be needed to eventually ensure the development of a cellulosic biofuels industry.

The Ethanol Boom

Prior to 2005, biofuel development was largely the domain of traditional agricultural players – large grain millers and small farmer cooperatives. These investors had faith, took risks, and saw project development fitting into their larger business plans. State and federal subsidies also played a vital role in development of a biofuels industry. Beginning in 2005, the market was no longer seen as high risk and limited in scale. Investment capital began to rapidly flow into ethanol production facilities. National capacity grew from 3.6 billion gallons at the start of 2005 to 7.2 billion gallons by the end of 2007. Fears were growing in 2007 that the ethanol boom had out run the market and that softening prices marked the beginning of an ethanol bust. However, in December 2007, the United States Congress passed a new Energy Bill and increased the Renewable Fuel Standard (RFS) from 7.5 billion gallons to 36 billion gallons by 2022.

The new RFS is broken into several categories, limiting corn ethanol to 15 billion gallons, other conventional biofuels (such as biodiesel and other grain starch) to 5 billion gallons and providing a market for cellulosic ethanol that will ramp up to 16 billion gallons starting in 2012. It can clearly be anticipated that the energy market will capture a significant portion of the nation's agricultural capacity. As a result, it is likely that land and commodity prices will remain robust, as energy markets place heavy demands upon agricultural markets.

Biomass Direction

The ultimate source of cellulose for cellulosic ethanol and other bioenergy projects has not yet been determined. Corn stover (stalks and leaves) is widely identified as the most abundant and available cellulosic biomass. Others raise concerns about the sustainability and productivity of corn stover harvesting and look toward high yielding perennial energy crops. The most actively discussed are short rotation woody crops, and agronomically improved strains of switch grass and other prairie grass species. Finally, others with deep conservation concerns put forward native plant communities as a win-win solution. Ultimately, policy will have a major impact on the direction of bioenergy development in the state. The federal farm bill has enormous impact on planting choices that farmers make. The safety net provisions of the farm program provide risk management and price supports that reinforce major commodity production. The farm programs were extensively debated in anticipation of a major rewrite in 2007. While both the House and Senate have passed separate farm bills, they did not meet the October deadline and

have extended the current farm program until March, 2008 to allow the chambers to reconcile the two bills.

While it appears that there will likely be some biomass production incentives in the new program, the basic framework of the 2002 farm bill is likely to be extended. In light of the current market situation, traditional grain production is likely to remain very profitable with substantial risk protection available. It is not clear to what degree perennial biomass will be competitive under this farm bill and market environment.

Climate and Carbon

As noted above, policy initiatives to slow global climate change have been gaining traction since around 2005. In 2007 the Minnesota Legislature and Governor adopted very aggressive goals for carbon dioxide emission reductions – an 80% reduction of CO_2 emissions from 1990 levels by 2050. This is comparable to eliminating all of the coal and petroleum used to meet state energy needs. This task is of enormous proportions and will, if seriously pursued, require a host of strategies to accomplish. Such strategies will include unprecedented levels of energy efficiency, deployment of a wide range of renewable energy resources and "carbon sequestration" (the long-term storage of carbon dioxide in soil, living plants, or even in deep geological features). Converting land from annual crops to native perennial energy crops is a strategy that will provide carbon neutral fuels, capture carbon in soil, and contribute to improved water quality.

Minnesota's Bioenergy Market

More than thirty (30) bioenergy facilities in Minnesota are currently using cellulosic fuel (wood waste, agricultural residue, or other biofuel) to produce heat and power, and at least twenty (20) more facilities have been proposed or are under development.[1]

[1] "Land of Biofuels," Minnesota Conservation Volunteer, Jan/Feb 2008, pp. 19-20

Table 1. Bioenergy Projects in Minnesota (1/1/08)

Facility	City	Status	Scale	Unit	Fuel	Description
Fibromin	Benson	Existing	75,000	tons/year	Manure + dry biomass	Power Plant
CMEC Gasification	Little Falls	Existing	102,200	tons/year	Wood	Ethanol - Boiler
CMEC/SunOpta Cellulosic	Little Falls	Announced	150,000	tons/year	Wood	Cellulosic ethanol
District Energy	St. Paul	Existing	300,000	tons/year	Wood	CHP plant
Verso Paper	Sartell	Existing	Large		Wood	Industrial CHP plant
CVEC - Phase 1	Benson	Const. Started	18,250	tons/year	Wood/Herbaceous/stover	Industrial steam / CHP
CVEC - Phase 2	Benson	Announced	109,500	tons/year		Industrial steam
U of MN	Morris	Const. Started	9,000	tons/year	Herbaceous	Steam Plant
Koda Energy	Shakopee	Const. Started	175,000	tons/year	Herbaceous	Industrial CHP plant
NUPUC	New Elm	Announced / design	7,300	tons/year	Herbaceous	CHP plant
Rock Tenn	St. Paul	Potential	300,000	tons/year	Wood	Industrial CHP plant
Madelia / Tony Downs	Madelia	Announced	175,000	tons/year	Herbaceous	Industrial CHP plant
Sunrise Agrafuels	Bird Island	Announced			Herbaceous	Biomass Pellets
MN Valley Alfalfa Producers	Priam	Existing	40,000	tons/year	Herbaceous	Biomass Pellets
Rural Energy Marketing	Luverne	Announced			Herbaceous/stover	evolving - commodity Nat. Gas
Pork and Plants	Altura	Const. Started	1,000	tons/year	Herbaceous	Pellet Furnace
Eagle Bluff ELC	Lanesboro	Announced	500	tons/year	Herbaceous	Pellet Furnace
Chisago County Cellulosic		Potential			Herbaceous/Wood	Cellulosic ethanol
White Earth Cellulosic		Potential			Herbaceous/Wood	Cellulosic ethanol
Bois Fort Band Cellulosic		Potential			Wood	Cellulosic ethanol
Northern Excellence Seed	Williams	Existing	1,000	tons/year	Herbaceous	Commercial CHP
Roseau	Roseau	Possible	4,000	tons/year	Herbaceous/seed residue	Commercial CHP

Table 1. Bioenergy Projects in Minnesota (1/1/08) outlines several bioenergy projects that are operational, under development, or have been proposed. The RIM-clean energy program roll out is positioned to serve these new and emerging markets for biomass, and support the growth of a bioenergy industry in Minnesota.

Stakeholder Groups

Development and implementation of a RIM-clean energy easement program would benefit several key stakeholder groups. First, as producers of biofuels and the associated environmental and conservation benefits that accompany intentional and well-planned agricultural management techniques, Minnesota's landowners and farmers have the potential to benefit greatly from economic opportunities provided through the RIM-clean energy easement program and through independent contracts with existing and emerging bioenergy facilities. Secondly, as bioenergy facility owners and operators demonstrate increasing need for feedstock to supply bioenergy facilities, this group of entrepreneurs could benefit greatly from the increased supply of bioenergy feedstock provided by a RIM-clean energy easement program. Finally, citizens of the State of Minnesota, having demonstrated their commitment to protecting Minnesota's natural resources by investing public funding in conservation initiatives such as RIM-clean energy, would benefit from the environmental benefits of increased native perennial cover on Minnesota's landscape. Benefits of native perennial plantings, in particular when land that is in row crop production is converted to native perennial cover, include improved water quality and soil health, increased wildlife habitat, opportunities for recreational use, and aesthetic value.

Summary of RIM-Clean Energy Program Development Process

Introduction to Process

The Board of Water and Soil Resources (BWSR) was charged to develop a RIM-clean energy program with required consultation from a BWSR-appointed technical review committee and technical support from the University of Minnesota. The BWSR Administrative Advisory Committee endorsed a two-phased approach to developing the RIM-clean energy program. The technical and policy aspects of the proposed program were separated into two phases. The University of Minnesota led the technical efforts in Phase 1. BWSR selected the Minnesota Environmental Initiative (MEI) to coordinate and facilitate the policy discussion and communicate the recommended program guidelines and standards.

Technical Review Committee

Section 103F.518 dictates that a BWSR-appointed technical review committee must recommend program guidelines and standards to ensure that RIM-clean energy provides public benefits commensurate with public investments.

The statute requires BWSR to appoint sixteen (16) individuals to the technical committee that must be made up of one representative from each of the following organizations: Department of Agriculture, Department of Natural Resources, Department of Commerce, Pollution Control Agency, two farm organizations, one sustainable agriculture farmer organization, three rural economic development organizations, three environmental organizations, and three conservation or wildlife organizations. BWSR expanded the required list of representative stakeholders to include thirty-three (33) individuals representing twenty-seven (27) organizations. Additional stakeholders identified to participate in the technical committee include landowner/farmer representatives, conservation improvement agencies, and representatives from the biofuel industry private sector.

Members of the technical review committee represent the following agencies and organizations:

Table 2. Technical Review Committee Member Agencies and Organizations

Organization	Category	Statutory Required
Minnesota Department of Agriculture	State agency	X
Minnesota Department of Natural Resources	State agency	X
Minnesota Department of Commerce	State agency	X
Minnesota Pollution Control Agency	State agency	X
Minnesota Board of Water and Soil Resources	State agency	X
Minnesota Farm Bureau	Farm organization	X
Minnesota Farmers Union	Farm organization	X
Land Stewardship Project	Sustainable agriculture farmer organization	X
Agri-Growth Council	Rural economic development organization	X
Agricultural Utilization Research Institute (AURI)	Rural research and development organization	X
Minnesota Association of Cooperatives	Rural economic development organization	X
Institute for Agriculture and Trade Policy	Environmental organization	X
Minnesota Environmental Partnership	Environmental organization	X
Izaak Walton League	Environmental organization	X
The Nature Conservancy	Conservation or wildlife organization	X
Pheasants Forever	Conservation or wildlife organization	X
Ducks Unlimited	Conservation or wildlife organization	X
Center for Energy and the Environment	Non-profit	
Great Plains Institute	Non-profit	
Minnesota Association of Watershed Districts	Non-profit	
Minnesota Association of Soil and Water Conservation Districts	Non-profit	
Minnesota Project	Non-profit	
Minnesota Waterfowl Association	Non-profit	
Rural Advantage	Non-profit	
U.S. Fish and Wildlife Service	Federal agency	
U.S. Department of Agriculture, Farm Service Agency	Federal agency	
U.S. Department of Agriculture, Natural Resource Conservation Service	Federal agency	
Dakota County Farmland and Natural Areas Program	Local government	
Yellow Medicine SWCD	Local government	
Chippewa Valley Ethanol	Private sector	

Rahr Malting	Private sector	
Dovre Farms	Landowner/farmer	
Minnesota Forest Resources Council	Public-private partnership	
University of Minnesota	Educational institution	

In September 2007, the BWSR-appointed technical review committee began planning a strategy to establish the RIM-clean energy program. The technical review committee held four daylong full-group meetings between September 11, 2007 and January 10, 2008 to develop recommendations for the RIM-clean energy program elements and pricing structure. In addition, work groups made up of self-selected members of the technical review committee held interim meetings between full-group meetings to develop recommendations regarding the land management practices, project area selection process, and tiered payment structure for RIM-clean energy.

The Minnesota Environmental Initiative

The Minnesota Environmental Initiative (MEI) contracted with the Board of Water and Soil Resources and was responsible for the design, management, and facilitation of the policy discussion, including the review and critique of the technical aspects of the program. MEI staff scheduled and convened meetings of the technical review committee, kept meeting minutes, compiled stakeholder input, and worked with the technical review committee to prepare the final report and recommended RIM-clean energy program. Meetings of the technical review committee were moderated and facilitated by Ron Nargang, contracted with MEI to serve as chair of the technical review committee.

University of Minnesota

The University of Minnesota's Center for Integrated Natural Resources and Agricultural Management is a key partner in developing the RIM-clean energy program. Some of the University's ongoing activities are related to the RIM-clean energy objectives, and University of Minnesota faculty and staff were charged with delivering three components of the program:

1) Developing administrative procedures, including a contract structure and management practice guidelines;
2) Creating an adjustable soils-based price schedule that reflects land market values and other factors, including web-based access to full soils and RIM-clean energy pricing data;
3) Proposing easement programs that reduce landowner risk and enhance public benefits over time.

As part of developing administrative procedures for RIM-clean energy, including a contract structure, researchers from the University of Minnesota conducted five (5) focus groups with farmers and landowners around the state of Minnesota. Focus groups were conducted in Lanesboro, St. James, Thief River Falls, Mahnomen, and Jordan, and ranged in size from 6 to 12 people, lasting an average duration of 90 minutes. A full report of the outcomes from the focus groups can be found in Appendix C. Results from the work of the University of Minnesota will be used by BWSR, but are not included as part of this report.

RIM-CLEAN ENERGY PROGRAM ELEMENTS

1) Designation of Project Areas

Rationale for Project Area Selection
The RIM-clean energy statute provides for the designation of project areas. The goal behind the statutory language is to ensure that the acres enrolled in the RIM-clean energy program are clustered in a close enough proximity to support a supply for biomass industry development, and to have a demonstrable impact on impaired waters or other natural resource goals. The size of a project area is not specified in the statute.

Selection of Project Areas: Competitive Allocation
The statute does not specify projects or project areas, nor methods for selecting project areas. The Board of Water and Soil Resources is therefore charged with developing its own methods for project area selection. Project area selection could proceed based on several different approaches including:

- Open enrollment
- Open enrollment within a specified radius of identified or selected bioenergy markets
- Expert technical analysis to determine project areas that would optimize public benefits, such as water quality or wildlife habitat
- Competitive allocation of acres through a "Request for Proposals" process

Open enrollment is the method used in the traditional RIM-Reserve easement program, but would not be consistent with the statutory requirement that the project area selection process for RIM-clean energy prioritize project areas based on a level of cooperation of a cellulosic biofuel or bioenergy production facility.

The proposal for a competitive allocation process targeting areas in proximity to an energy facility was put forth at the September 11 meeting of the RIM-clean energy technical review committee, and was generally accepted. The goal of a proposal-based award system is that project areas will be defined with a focus on successful development of markets for and supplies of native energy crops, as well as focusing the program funding in targeted areas that show the greatest potential for achieving public benefits in accordance with the statutory guidelines. Thus, proposals must indicate a level of engagement and involvement by an existing or emerging energy market, and demonstrate the potential benefits for water quality, soil health, reduction of chemical inputs, soil carbon storage, biodiversity, and wildlife habitat. The framework for a competitive allocation project area selection process is subsequently outlined.

Proposed Project Area: Site and Scale
The statute directs the Board of Water and Soil Resources to establish project areas that are aimed at improving water quality in impaired watersheds. The statute is not specific regarding the scale of watershed, nor does it specifically require project areas to conform to watershed boundaries. A 50-mile haul radius is the generally accepted upper bound of economic transport of biomass for energy purposes. Project areas can include small targeted areas to support smaller

scale commercial or community energy projects as well as projects seeking to include land within a 50-mile maximum economic haul radius.

Eligible Project Area Applicant
A project area proposal may be developed and submitted by any organization with capacity to lead a program of outreach to landowners, including but not limited to an energy facility, a private company involved with land management or logistics management, private landowners, a local unit of government, a college or university, a state agency, or a not-for-profit organization (such as a watershed initiative, a wildlife organization, a farm organization, a community development organization, or an environmental organization).

Application Requirements
Applications should demonstrate the existence of viable markets for cellulosic bioenergy, consistency between the biomass feedstock required by target markets and the project plans for establishment, potential to improve water quality within impaired watersheds, potential to support other public benefits as described in the statute, and the partnerships and capacities required for successful landowner outreach and participation. Additionally, the technical review committee recommends that project area applications explicitly describe the geographic boundaries of the proposed project area and include relevant maps. The project area application should also outline timelines for outreach, recruitment, establishment, and market demand. Applicants should identify an on-going monitoring and evaluation plan to track environmental or natural resource benefits and agronomic outcomes for a given project area, and identify lands within the project area that are currently enrolled in or recently retired from an existing conservation program, including retirement dates on contracts.

Ranking and Selection of Project Area Applicants
The Board of Water and Soil Resources would be responsible for ranking and selecting project area applications based on basic criteria. Members of the technical review committee have developed a list of potential selection criteria, and recommends that the following attributes be given greatest weight when ranking project area applicants. BWSR may choose to select project area applicants that demonstrate some or all of these criteria. A sample Project Area Application form is included in Appendix B: Draft Project Area Application. A completed application would constitute a project area proposal and provide BWSR with the needed information to rank and select project areas based on relevant criteria, such as those listed below.

1) *Viable Market(s) for Biomass Fuel or Feedstock*
    - Preference should be given to projects that demonstrate cooperation with a bioenergy facility that is in-place, under construction, or in an advanced development stage.
    - Project area proposals should demonstrate that easements would result in the development of a suitable and viable biomass fuel or feedstock supply relative to the project market(s) (i.e., type and quantity of biofuel needed).
    - The efficiency of energy generation at an affiliated bioenergy facility could also be considered when ranking project area proposals.
    - A project area proposal linked to a bioenergy facility with the capacity to use multiple feedstocks may be prioritized highly, as market flexibility could provide

opportunities for available feedstock (e.g., mixed native prairie) to influence technological developments in the biofuel industry.

2) *Measurable Impact on Environmental and Conservation Public Benefits*
   - An application that demonstrates high potential to have positive impacts on environmental and conservation benefits, including water quality (sedimentation, nutrient loading, reduction of agricultural chemical use), hydrological restoration and flood reduction, and wildlife habitat improvements, should be highly prioritized.
   - Project area proposals that demonstrate consistency with state or local natural resource plans so as to maximize public investment though targeting enrollments to sensitive or high-impact lands (i.e. riparian corridors, habitat complexes, drained basins) within the larger project area should be highly prioritized.
   - Potential reduction or offset in greenhouse gas emissions, including soil carbon sequestration, could be taken into consideration when ranking project area applications.
   - The range and diversity of environmental benefits likely to be achieved in a project area could be used as criteria for ranking project area proposals.

3) *Likelihood for Project Success*
   - Project area applicants should identify the partner organizations involved in the project proposal, and include a description of their commitment to the project in order to demonstrate likelihood to recruit and enroll landowners.
   - Applicants who have leveraged viable resources for program outreach and promotion through funding and in-kind donations should also be prioritized highly.
   - Partner organizations that submit a project area proposal should demonstrate they are adequate and appropriate actors in designing and influencing a RIM-clean energy project.
   - Opportunities for rural and statewide economic development could be an important element for ensuring project success and long-term sustainability, and could be used as potential selection criteria.

4) *On-going Monitoring and Evaluation Plan*
   - On-going monitoring and evaluation of RIM-clean energy project areas will be an important element of the program's continued success. Project proposals should identify a monitoring plan for environmental or natural resource benefits (including integration of the RIM-clean energy project into existing conservation efforts, and a commitment to new or expanded monitoring programs) and agronomic practices and results (documentation of biomass yield and practices, providing project access for formal research).
   - Responsibility for monitoring and evaluation of the proposed project area falls to the institutional partners who put forth a project area proposal, rather than to the individual landowner.

5) *Project Area Diversity*
   - The diversity of project areas should be considered when ranking applications, with an aim for geographic diversity throughout the state of Minnesota and diversity of scale for selected project areas.

- The level of innovation demonstrated by a project area proposal could strengthen an application (i.e., innovative partnerships, innovative technology for bioenergy generation at an affiliated facility).
- The uniqueness of a project area proposal might also be considered, as BWSR may look for an array of project areas to create a diverse portfolio of pilot project areas for the initial roll out of RIM-clean energy.
- Technical variations among types of biomass facilities (between or within project areas) might be an important consideration for project area diversity.

Allocation of Funding
RIM-clean energy has been designed to take advantage of any available funding sources, however any funds must include 15% to implement the program with local Soil and Water Conservation Districts (SWCDs) and other implementing organizations determined by the BWSR board.

Once project areas have been selected and defined, the establishment of the RIM-clean energy enrollment process will be developed by BWSR in consultation with RIM-clean energy project partners and the local SWCDs delivering the program to landowners.

Project areas may range in size and scale; enrollment costs and estimated total acreage enrolled per project area could vary greatly. It is not the intention of a RIM-clean energy program to fully support all of the acres needed for any particular renewable energy project.

Individual Site Selection for Easements
The technical review committee recommends that selection of project areas proceed based on the process outlined above, and acknowledges that selection of individual sites within a designated project area is a separate process, for which BWSR would also be responsible. When selecting individual parcels for easement enrollment within a project area, BWSR may wish to consider whether a landowner has demonstrated intent to sell the biomass harvested off the RIM-clean energy easement to a facility for bioenergy production. While the statute does not dictate that a landowner is required to sell biomass harvested off a RIM-clean energy easement to a bioenergy facility, the program's intention is to support the emerging bioenergy industry by providing needed biofuel supply to facilities, and the level of commitment that a landowner demonstrates to sell biomass for biofuel could prioritize certain sites over others.

Timelines
A Request for Proposals similar to the draft Project Area Application form (Appendix B) could be developed by the Board of Water and Soil Resources and published upon establishment of RIM-clean energy processes and procedures by July 2008. A reply period of approximately 60 to 90 days with a review period of 30 to 60 days would provide for selection of project areas by December 2008.

Refer to **Implementation/Next Steps,** page 22 for additional discussion of timelines.

2) Tiered Payment System

Rationale for Tiered Payment System

To encourage landowners to grow native perennial plants using appropriate agriculture practices on lands that are well suited to provide conservation and natural resource benefits, the statute dictates that the Board of Water and Soil Resources must develop a tiered payment system for easements based partially on the benefits of the bioenergy crop production for conservation and natural resource benefits. In addition, the statute provides that the highest per-acre payment must be for diverse native prairie and perennials as wildlife habitat, biodiversity, water quality, and soil health benefit substantially from diverse native prairie plantings. Planting of annual crops is not allowed.

Discussion among members of the technical review committee revealed several important goals for structuring the RIM-clean energy payment system. First, the tiered payment system must ensure public payments are commensurate with public benefit. Second, the payment system must be simple enough to be easily understood by landowners and implemented by local program administrators. Third, the payment structure must provide that the highest per-acre payment compensates the greatest diversity of native plant species.

Structure of Tiered Payment System

The technical review committee recommends providing a base payment of 80% of estimated market value (EMV) for planting one native perennial grass or one native woody species. The payment tier will increase as the number of species increases and payment will increase with specific management practices or site location that increase environmental and/or conservation benefits. The payment factors are cumulative. For example, a site planted with four native prairie species would receive 90% of EMV. A diverse native prairie planting with greater than 15 species that achieves local priorities such as planted in a riparian zone could receive a maximum payment of up to 105% of EMV.

Table 3. RIM-Clean Energy Payment Structure

Payment factor based on EMV	
80%	Base payment – one native perennial grass or one native woody species planted
+5%	Additional payment for second native perennial grass, forb or woody species planted
+3%	Additional payment for third native perennial grass, forb or woody species planted
+2%	Additional payment for fourth native perennial grass, forb or woody species planted
+5%	Additional payment for a diverse prairie planting of more than 15 species
Up to +10%	Additional local factors determined by local SWCD and/or identified in the Project Area Selection application, such as wellhead protection or aquifer recharge area, planting on floodprone, riparian, or highly erodible lands, or for other environmental benefits (an Environmental Benefits Index). This additional payment is available only if two or more species are planted.

This payment structure recognizes that the greatest environmental benefit accrues when land is converted from row crop production to perennial cover. Additional plant diversity will increase wildlife habitat benefits while moderately improving other environmental benefits. Guidance to determine the allocation of "local factors" will be developed by BWSR in consultation with RIM-clean energy project partners and local SWCDs.

Rationale for Using Estimated Market Value as Base Rate for Payments

The technical review committee recommends using the estimated market value (EMV) for the base rate for payments, as estimated market value data is readily accessible from county records. Furthermore the estimated market value for a given tract of land reflects an agreed upon value for a specific parcel, as opposed to the county assessor's average market value for land in a township, which averages land values across an entire township. Historically, payment rates used in the RIM-Reserve program have been based on the average market value of land in the township, thus certain parcels are paid at a higher rate than their actual value, and others are paid at a lower rate than their actual value. It should be noted that the estimated market value that serves as the basis for taxes in a given year is based on market sales from two years previous to that year.

Rationale for Proposed Payment Rates

Members of the technical review committee are sensitive to the risks associated with assigning payment rates to tier levels, as the implications of inadvertently paying too much or too little for the success of a RIM-clean energy program are significant. Since RIM-clean energy is a new program model combining a working lands program with direct compensation for measurable environmental impacts, program success will be contingent upon the success of payment rates in offsetting landowner risk. The recommended payment rates reflect the intention of the technical review committee to encourage initial early interest so as to achieve the goals of the legislation in supporting the development of an emerging biofuel industry in Minnesota while ensuring that the environmental benefits of native prairie plantings are maintained.

Rationale for Using Native Perennial Species

There are two major categories of benefits that are achieved by using native perennial species: conservation and carbon storage. The conservation benefits include reduced or eliminated tillage and erosion, reduced or eliminated use of fertilizers and pesticides, improved water filtration and infiltration, and improved wildlife habitat. Recent and ongoing bioenergy research has demonstrated the soil carbon storage potential in deep root systems, such as those found with native perennials.

Rationale for Environmental Benefits Index

Given the language of the legislative mandate and the current state emphasis on prioritizing water quality improvements, members of the technical review committee agreed that the position on the landscape of a proposed easement bears significant influence on the environmental and conservation benefits that could be achieved when native perennials are established, thus the parcel's specific position on the landscape should be reflected in the payment system. Again, the technical review committee placed high priority on the need for a proposed payment structure to be extremely simple in order to ensure landowner willingness to enroll and ease of

implementation for local districts handling program administration. In addition, conversations with farmers and landowners in focus group meetings conducted by researchers at the University of Minnesota confirmed that ease of implementation and program simplicity is an important factor in ensuring landowner participation (see Appendix C: Farmer and Landowner Focus Group Report).

Funding Source for RIM-Clean Energy Payments

The RIM-clean energy program is expected be funded primarily through bonding money, however the program is designed to allow the use of other funding sources to be identified as may become available.

Program Influences with Unknown Consequences

The technical review committee has identified several outside influences that could potentially impact the success of the RIM-clean energy program, but whose specific consequences cannot be determined at this time. First, as the bioenergy industry in Minnesota is still in the very early stages of development, there is not sufficient information available to predict the payment rates that bioenergy facilities might pay for biomass delivered to the facility. Second, as RIM-clean energy reflects a new program model, it is difficult to predict with accuracy the willingness of landowners to accept the proposed payment rates. Focus groups conducted by researchers at the University of Minnesota with farmers and landowners throughout the state have revealed a general sentiment among landowners that the payment rate for RIM-clean energy easements must be locally competitive with row crop returns, land rent values, and the saleable market value of the land. 80-90% of market value emerged as the payment rate that seemed reasonable and feasible to the highest majority of landowners contributing to focus groups. Finally, commodity prices, in particular for corn and soybeans in Minnesota and nationwide, have recently been rising at unprecedented rates. Additionally the input costs to establish row crops of corn and beans have been on the rise. It is difficult to predict whether these trends will continue, or what actual impacts high commodity and input prices would have on RIM-clean energy. Future changes to the RIM-clean energy program will likely be necessary to accommodate the evolving demands of the biofuel and agricultural industries while maintaining protection of conservation and environmental benefits.

IMPLEMENTATION AND NEXT STEPS

Legislative Process and Program Establishment Timeline
Several steps remain between the time of publication of this report and initial implementation of program procedures. The following is a rough timeline outlining projected next steps and relevant dates. This timeline is intended for reference only, and all dates are subject to revision.

1. RIM-Clean Energy Program Guidelines and Standards Draft Report is submitted to the Board of Water and Soil Resources Board of Directors for review and approval.
   January 23, 2008

2. A finalized and BWSR-approved report outlining RIM-clean energy program guidelines and standards is published and submitted to the Minnesota State Legislature for consideration during the 2008 Legislative Session.
   Legislative session opens: February 12, 2008

3. BWSR conducts informational meetings in counties to promote and publicize the RIM-Clean Energy Program Guidelines and Standards report.
   February 2008

4. Preliminary Expression-of-Interest Request is distributed statewide to identify potential interest in RIM-clean energy. Targeted distribution includes technical review committee member organizations, Regional Development Commissions, Resource Conservation and Development Councils, existing and proposed bioenery facilities, and Soil and Water Conservation Districts.
   February 2008

5. Minnesota Legislature act on RIM-clean energy program and request for RIM-clean energy bonding funding.
   By session end: May 19, 2008

6. BWSR develops program guidance that incorporates RIM-clean energy program features into the RIM-Reserve easement process, and makes necessary adaptations to RIM-Reserve guidelines.
   Spring 2008

7. BWSR develops fact sheets summarizing program highlights to be used for program promotion.
   Spring 2008

8. BWSR develops a Request for Proposals (RFP) for RIM-clean energy project areas.
   Spring 2008

9. Regional meetings held to answer questions and explain RFP and project area selection process.
   Spring 2008

10. RIM-clean energy RFP is published (assuming available funding).
    By July 1, 2008

11. RIM-clean energy bonding funding becomes available (if approved).
    July 1, 2008

12. Partner groups in potential RIM-clean energy project areas develop proposals in response to RFP.
    Summer 2008

13. RIM-clean energy project area proposals are reviewed and selected by BWSR.
    No sooner than August 2008

Program Implementation Timeline

After funding is secured and initial project areas have been selected, implementation of a RIM-clean energy program will require several additional steps, which are outlined below.

1. Soil and Water Conservation Districts (SWCDs), with assistance from the project area proposal team, publicize the RIM-clean energy program.

2. Landowners receive a comprehensive briefing on RIM-clean energy vegetative standards and specifications, payment rates, market opportunities for biomass, etc. from local SWCDs.

3. Interested landowners sign a RIM-clean energy agreement, beginning the easement process, which includes development of a management/bioenergy plan based on exisiting and emerging best management practices (BMPs).

4. The RIM-clean energy easement acquisition process takes on average about 6 to 12 months to complete, at which time the landowner receives payment for the easement and is reimbursed for the costs to establish vegetative cover.

5. Biomass available for harvest on the RIM-clean energy easement must follow the best management practices and specifications identified in the RIM-clean energy management/bioenergy plan. The technical review committee has developed draft guideline recommendations for bioenergy production and harvest that could be used to inform best management practices for RIM-clean energy management guidelines. The BMPs could also be informed by the work done by the Prairie Seed Production and BioEnergy Project led by the Minnesota Department of Natural Resources (see Appendix D: References and Related Information).

6. Monitoring and Maintenance of RIM-Clean Energy Easements: The Board of Water and Soil Resources will, in concert with local SWCDs in designated RIM-clean energy project areas, develop an annual monitoring and inspection procedure to ensure easement compliance and that public benefits are achieved.

CONCLUSIONS

As established in 2007 Minnesota State Statute, Section 103F.518, the startup of a RIM-clean energy program is clearly feasible as many aspects of it are based on the longstanding and successful RIM conservation easement program. Expansion into the working lands area is expected to be similarly successful using the Board of Water and Soil Resources and Soil and Water Conservation Districts to acquire easements of at least 20 years on lands for growing bioenergy crops. Although the startup program is expected to be funded with state capital investment "bonding" funds, it is designed with the flexibility to incorporate funding from various other public or private sources. Recognition and utilization of market factors centered on a bioenergy production facility is a new element that must be incorporated into the current RIM program criteria.

Additional refinement and evolution of the RIM-clean energy program will be accomplished in consultation with technical review committee members to accomplish the dual program goals of:

1) stimulating the use of native, perennial vegetation for bioenergy production, and
2) assuring public conservation benefits are realized regardless of future market factors.

APPENDIX A: LEGISLATION CITATION

103F.518 REINVEST IN MINNESOTA CLEAN ENERGY PROGRAM.

Subdivision 1. **Establishment of program.** (a) The board, in consultation with the technical committee established in subdivision 11, shall establish and administer a reinvest in Minnesota (RIM) clean energy program that is in addition to the program under section 103F.515. Selection of land for the clean energy program must be based on its potential benefits for bioenergy crop production, water quality, soil health, reduction of chemical inputs, soil carbon storage, biodiversity, and wildlife habitat.
(b) For the purposes of this section, "diverse native prairie" means a prairie planted from a mix of local Minnesota native prairie species. A selection from all available native prairie species may be made so as to match species appropriate to local site conditions.

Subd. 2. **Eligible land.** Eligible land under this section must:
(1) be owned by the landowner, or a parent or other blood relative of the landowner, for at least one year before the date of application;
(2) be at least five acres in size;
(3) not be currently set aside, enrolled, or diverted under another federal or state government program; and
(4) have been in agricultural use, as defined in section 17.81, subdivision 4, or have been set aside, enrolled, or diverted under another federal or state program for at least two of the last five years before the date of application.

Subd. 3. **Designation of project areas.** The board shall develop a process to designate defined project areas. The designation process shall prioritize projects that include coordinated cooperation of a cellulosic biofuel facility or a bioenergy production facility, target impaired waters, or support other state or local natural resource plans, goals, or objectives.

Subd. 4. **Easements.** The board may acquire, or accept by gift or donation, easements on eligible land. An easement may be permanent or of limited duration. An easement of limited duration may not be acquired if it is for a period less than 20 years. The negotiation and acquisition of easements authorized by this section are exempt from the contractual provisions of chapters 16B and 16C.

Subd. 5. **Nature of property rights acquired.** (a) An easement must prohibit:
(1) agricultural crop production, unless approved by the board for energy production purposes; and
(2) spraying with chemicals, except as necessary to comply with noxious weed control laws, emergency pest control necessary to protect public health, or as needed to establish a productive planting as determined by the technical committee under subdivision 11.
(b) An easement is subject to the terms of the agreement provided in subdivision 6.
(c) Agricultural crop production and harvest are limited to native, perennial bioenergy crops. Harvest shall occur outside of bird nesting season.
(d) An easement must allow repairs, improvements, and inspections necessary to maintain public drainage systems provided the easement area is restored to the condition required by the terms of the easement.
(e) An easement may allow nonnative perennial prairie or pasture established by September 1, 2007, that meet the other objectives outlined in subdivision 7.
(f) An easement may allow grazing of livestock only if practiced under a plan, approved by the board, that protects water quality, wildlife habitat, and biodiversity.

Subd. 6. **Agreements by landowner.** The board may enroll eligible land in the reinvest in Minnesota clean energy program by signing an agreement in recordable form with a landowner in which the landowner agrees:
(1) to convey to the state an easement that is not subject to any prior title, lien, or encumbrance;
(2) to seed the land subject to the easement, as specified in the agreement, at seeding rates determined by the board, or carry out other long-term capital improvements approved by the board; and
(3) that the easement duration may be lengthened through mutual agreement with the board.

Subd. 7. **Payments for easements.** The board must develop a tiered payment system for easements partially based on the benefits of the bioenergy crop production for water quality, soil health, reduction in chemical inputs, soil carbon storage, biodiversity, and wildlife habitat using cash rent or a similar system as may be determined by the board. The payment system must provide that the highest per-acre payment is for diverse native prairie and perennials.

Subd. 8. **Easement renewal.** When an easement of limited duration expires, a new easement and agreement for an additional period of not less than 20 years may be acquired by agreement of the board and the landowner under the terms of this section. The board may adjust payment rates as a result of renewing an agreement and easement only after examining the condition of the established plantings, conservation practices, and land values.

Subd. 9. **Correction of easement boundary lines.** To correct errors in legal descriptions for easements that affect the ownership interest in the state and adjacent landowners, the board may, in the name of the state, with the approval of the attorney general, convey, without consideration, interests of the state necessary to correct legal descriptions of boundaries. The conveyance must be by quitclaim deed or release in a form approved by the attorney general.

Subd. 10. **Enforcement and damages.** (a) A landowner who violates the term of an easement or agreement under this section, or induces, assists, or allows another to do so, is liable to the state for treble damages if the trespass is willful, but liable for double damages only if the trespass is not willful. The amount of damages is the amount needed to make the state whole or the amount the landowner has gained due to the violation, whichever is greater.
(b) Upon the request of the board, the attorney general may commence an action for specific performances, injunctive relief, damages, including attorney fees, and any other appropriate relief to enforce this section in district court in the county where all or part of the violation is alleged to have been committed, or where the landowner resides or has a principal place of business.

Subd. 11. **Technical committee.** To ensure that public benefits, including water quality, soil health, reduction of chemical inputs, soil carbon storage, biodiversity, and wildlife habitat are secured along with bioenergy crop production, the Board of Water and Soil Resources shall appoint a technical committee consisting of one representative from the Departments of Agriculture, Natural Resources, and Commerce and the Pollution Control Agency; two farm organizations; one sustainable agriculture farmer organization; three rural economic development organizations; three environmental organizations; and three conservation or wildlife organizations. The board and technical committee shall consult with private sector organizations and University of Minnesota researchers involved in biomass establishment and bioenergy or biofuel conversion. The technical committee is to develop program guidelines and standards, as appropriate to ensure that reinvest in Minnesota clean energy program contracts provide public benefits commensurate with the public investment. The technical committee shall review and make recommendations on the guidelines and standards every five years.

History: *2007 c 57 art 1 s 119*

Board Resolution # 08-16

Performance Review and Assistance Program
Report to the Minnesota State Legislature

WHEREAS, the 2007 Legislature appropriated funds to the Board of Water and Soil Resources for developing and implementing a program to evaluate and report on the performance of each local water management entity; and

WHEREAS, beginning February 1, 2008, and annually thereafter, the board shall provide an analysis of local water management entity performance to the chairs of the house and senate committees having jurisdiction over environment and natural resources policy; and

WHEREAS, a framework for reviewing performance, offering assistance, and reporting results was developed in consultation with stakeholders; and

WHEREAS, the program was reviewed with the Administrative Advisory Committee on December 19, 2007 and revisions subsequently incorporated into the approach.

NOW THEREFORE, the Committee recommends BWSR approval of the attached Report dated February 2008 and final modifications necessary for publication and release to the Minnesota State Legislature.

R/ K

Randy Kramer, Chair
Board of Water and Soil Resources

Date: 1/23/08

DRAFT #8 1/22/08

PERFORMANCE REVIEW AND ASSISTANCE PROGRAM

REPORT TO THE MINNESOTA STATE LEGISLATURE

FEBRUARY 2008

Board Review Draft



About this Report

This report has been prepared for the Minnesota State Legislature by the Minnesota Board of Water and Soil Resources (BWSR) in partial fulfillment of the requirements of Minnesota Statutes Chapter 103B.102, subdivision 3. This statute requires BWSR to provide designated legislative committees with "an analysis of local water management entity performance" each year. This is the first in a series of reports that will be prepared by BWSR for this purpose. Because this is a new mandate established during the previous year's legislative session, BWSR's focus during the time since enactment has been on designing the program that will implement these new statutory responsibilities. Consequently, this first report is mostly about program design. Subsequent reports will focus on the results and findings from analyzing local water management entity performance as the program is fully implemented.

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E. 2007 LGU Performance Awards and Recognition
F. Proposed LGU Performance Standards

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

BWSR is an equal opportunity employer.
Information contained in this report is available in an alternative format upon request.
Cost for the production of this report was **[???]**
For more information contact: 651-296-0786

Executive Summary

Legislative Action

During the 2007 legislative session, Minnesota Statutes 103B.102 was amended to give the Board of Water and Soil Resources (BWSR) a new responsibility to monitor, report and enhance the performance of local government land and water conservation entities. The local government units (LGUs) that are the focus for this program include soil and water conservation districts, watershed districts, water management organizations, and the water management and planning function of counties—a total of more than 240 entities. This action reflects a heightened interest in ensuring that local government conservation efforts result in measurable progress in protecting and improving Minnesota's land and water resources. The Legislature designated $100,000 per year for program development and initiation in the 2007-2009 biennium.

Program Design

Design of the new Performance Review and Assistance Program (PRAP) began in the summer of 2007 with two significant actions. The BWSR Board developed a set of Guiding Principles for the program. Then BWSR staff invited LGU representatives to appoint members to sit on an advisory team to help define program scope and key elements. During three meetings this past fall, the team developed key performance standards for each type of LGU.

Program Elements

The PRAP has three components:

- **Performance review**
- **Assistance with performance issues**
- **Reporting of results and progress**

The common standard for assessing LGU performance will be their effectiveness in executing their management plans. BWSR will look at the LGU operations in four different performance areas:

- Administration
- Planning
- Execution
- Communication & Coordination

BWSR has devised the program to be carried out on multiple levels based on level of funding and demonstrated need.

Level I: tabulation of required LGU reports and documents, website posting of results, and routine training for assistance. A few "hard case" LGU assistance consultations may be provided by staff, but these would be similar to services provided prior to the establishment of this program. Level I can be achieved within the $100,000/year funding level.

Level II: interactive performance review with up to 50 LGUs per year to evaluate in detail the four performance areas. Assistance would be targeted to the specific needs of the LGUs and could be provided by staff or consultants.

Level III: performance review would be conducted by staff to provide an in-depth assessment of performance problems and issues. Assistance would be targeted to address specific needs and be more intensive than Level II.

Level IV: This level is for those LGUs that have significant performance issues, requiring extensive and intensive monitoring. The BWSR Board would be involved at this level in establishing LGU accountability standards with consequences.

Implementation of Levels II, III and IV will require supplemental funding.

Introduction

Legislative Action

During the 2007 legislative session, Minnesota Statutes 103B.102 was amended to give the Board of Water and Soil Resources (BWSR) a new responsibility to monitor, report, and enhance the performance of local government land and water conservation entities. (See Appendix A.) The local government units (LGUs) that are the focus for this program include soil and water conservation districts (SWCDs), watershed districts (WDs), water management organizations (WMOs), and the water management and planning function of counties—a total of more than 240 entities. This action reflects a heightened interest in ensuring that local government conservation efforts result in measurable progress in protecting and improving Minnesota's land and water resources. The Legislature designated $100,000 per year for program development and initiation in the 2007-2009 biennium.

Guiding Principles

The first action taken by BWSR after receiving the new authority was for the Board to establish a set of principles to guide the program's development and implementation.

- **Pre-emptive** - so that problems are identified and diagnosed early.
- **Systematic** - thorough, consistent and expected so that local governments can be prepared.
- **Constructive** - recognizes uniqueness, charts a path for those needing help to improve, and showcases successes.
- **Includes consequences** - that are proportional to the uncorrected deficiencies and rewards that acknowledge high performance.
- **Transparent** - allowing for greater public awareness and participation.
- **Retains local ownership and autonomy** –even when the State does not fully agree with decisions.
- **Maintains proportionate expectations** – comparisons are inevitable but need to acknowledge wide diversity of capacity and budget.
- **Preserves the state/local partnership** - the State provides review, training and resources, and as a partnership package.
- **Results in "more better" on-the-ground conservation** – must add value to conservation and clean water outcomes, not become an outcome unto itself.



These principles are consistent with the new BWSR strategic plan's focus on creating an effective local delivery system to the mission of improving water resources and soil conservation on private lands.

Advisory Team

BWSR formed an advisory team to assist with program design. The statewide organizations representing the four LGUs were invited to appoint representatives to the team (see Appendix B). Team members provided advice on program values, scope, and performance standards targeted to each type of LGU. They agreed on the need for the program to use existing reports and

mechanisms to avoid increasing administrative workload, and to include assistance along with accountability.

Multi-level Process

The program, as it is currently designed, has three operational components:

- **performance review**
- **assistance**
- **reporting**

The following sections of this report explain these components in more detail. In order to monitor LGU performance and determine the assistance needed, BWSR will use a multi-level approach. The proposed actions range from annual tabulation of required report and planning documents, to periodic detailed performance reviews, to prescriptive, applied assistance.

Based on the experience of working with all types of LGUs, BWSR expects that the performance of most will fall somewhere in the middle between the high performers and a few low performers. Assistance will therefore range from suggesting how the good ones can become even better to helping struggling LGUs get back on track to good performance.

The program will also include recognition of high performing entities. For the chronically underperforming LGUs BWSR will apply the steps provided in statute to address those deficiencies.

Reporting will be designed to make information accessible to LGU constituents and allow LGUs to compare their performance with that of their peers. BWSR will use both web-based and annual program status reports.



Performance Review

Plan-based Review

Realizing the diversity of soil and water conservation issues and local government capabilities statewide, the legislature selected the LGUs' execution of their planning goals as the common denominator measure of performance. Consequently, the primary purpose of performance review in this program is to determine each LGU's success in executing their overall plan. The standard for review is set by the LGU itself—goals and objectives for program implementation within their area of jurisdiction. Ancillary to that review will be a complete tabulation of compliance with program reporting requirements.

Four Cornerstones of Performance

BWSR will assess four categories of performance for each LGU:

- **administration**
- **planning**
- **execution**
- **communication-coordination**.

Administration is how the LGU organizes and manages itself to carry out its mission. Planning is both the process and the documentation that sets the direction for LGU action. Execution is how effectively the plans are carried out. And Coordination-Communication is concerned with how the LGU works with partners to accomplish its objectives and how well those objectives are influenced and supported by stakeholders and clients.

Performance Standards

Performance standards are the specific actions that BWSR will monitor for each LGU in order to determine their effectiveness. With the help of the Advisory Team, BWSR has identified different performance standards for different LGUs, in recognition of their different resource management responsibilities. Standards have been defined for SWCDs, metro and greater Minnesota WDs, metro area WMOs, and counties. Counties, with local water planning as only a fraction of their broad responsibilities, have the fewest. Initial standards that have been defined through the advisory team process are of three types:

- basic practices or statutory requirements,
- target qualitative standards
- quantitative standards.

Appendix F contains lists of performance standards for all LGUs. The standards used will evolve to those that provide the most relevant information about LGU performance.

Levels of Review

Level I: Annual for All LGUs

The most frequent level of performance review will be for BWSR to annually monitor the LGUs' completion of mandated plans and program reports. Because performance assessment looks primarily at management plan execution, having an up-to-date management or watershed comprehensive plan is a key indicator at this level. Audit activity reports are examples of other routine submittals. Based on BWSR's experience, by addressing problems that show up at this level, other more serious problems can often be avoided. In addition, performance issues at this level can be symptomatic of deeper problems that need to be addressed.

Level II: 50 LGUs per year

The next most frequent type of review will be an in-depth performance analysis of each LGU once every five years. BWSR staff will conduct these reviews in an interactive format to determine compliance with the Level II performance standards. In addition

to the Level I requirements, Level II reviews will determine LGU progress in plan execution, the extent of coordination with partners, and the types of business practices that are in place.

Level III: estimated 5 per year
Performance review at this level is tied to specific performance deficiencies or requests for assistance made by the LGU. The types of assessments at this level include a benchmarking survey, a 360° review, BWSR self-assessment, and others. The type of review will be tailored to the needs of the LGU. Typically BWSR staff will work with the LGU to develop and monitor an interim performance improvement agreement for the LGU. The cost of this type of review is additive relative to Level II. Assessment tools and methods will typically be included in an assistance program designed by the BWSR staff and the LGU.

Level IV: less than 5 per year
Level IV review will occur after BWSR has issued a notice of deficiency for chronic underperformance by an LGU. (See Program Results on page 7 for a description of this process.) Typical review standards will be to monitor the LGU's accomplishment of goals in the interim performance improvement agreement.

2007 Performance Review Actions:

- Identified LGUs with overdue and expiring management plans (Appendix C)
- Identified LGUs with overdue 2006 annual audits or financial reports. (Appendix D)

2007 Level I Results

- 37 of 40 SWCD audits done
- 31 of 32 Metro WD/WMO audits done
- 19 of 31 outstate WD financial reports completed
- 2 SWCDs penalized for late financial reports

(See Appendix D for more details.)

2008 Proposed Performance Review Actions:

- Send notification letters to LGUs with overdue and expiring plan revisions
- Send notification letters to LGUs with late audits
- July – November: Begin Level I performance review tabulation
- January – November: Based on available resources, conduct Level II performance reviews

Conclusions

- **Level I review can be achieved within the $100,000 funding level.**
- **Level II, III and IV review will require supplemental funding.**
- **Level III review will have to be capped based on available funds.**

Recommendations

- **The Legislature should provide supplemental funding to enable performance review implementation.**
- **BWSR should train staff in the application of LGU performance assessment tools.**
- **BWSR should develop performance measures to track its own implementation of this new program.**

Assistance

Purpose of Assistance

Assistance always has as its goal the improvement of operational effectiveness as measured by the LGU's success in implementing its planned goals. Assistance includes a variety of methods to improve LGU performance, to address problems or barriers to operational effectiveness, and to provide needed skills. Assistance can be requested by the LGU as a means to improve their effectiveness or to address a persistent problem. It can also be proposed by BWSR as a remedy to documented underperformance by an LGU. In those rare cases where an LGU has had a petition for termination filed against it, BWSR will provide assistance within the context of the statutory authority to delay action on the petition.

Local Government Interest

In every venue where the PRAP concept has been presented to groups of LGU representatives during the past few months, there has been a clear call for BWSR to provide the assistance that addresses the identified performance needs. In responding to this concern BWSR has agreed with the LGUs, but has also cautioned that, as currently funded, need-specific assistance is not possible. Without further support, BWSR's assistance will be applied on a "most critical need" basis. Some LGUs have indicated their intent to support increased funding for this key program function.

Assistance Tools

Assistance will be provided by BWSR staff or consultants, as appropriate and as funding allows. The type of assistance that BWSR offers will depend on needs and recurring problems that require attention. The following items are suggestive only and it is expected that as the program continues, these and other tools will prove their utility and effectiveness in meeting the needs of LGUs.

- Training
- Strategic planning / SWOT analysis
- Facilitation
- Mediation
- Coaching
- Mentoring
- 360° survey

BWSR expects that proven techniques and tools already employed by LGUs to address specific concerns can be shared with others.

Levels of Assistance

BWSR intends to provide LGUs with assistance that is complementary to the Levels of Performance Review described in the previous section.

Level I assistance will be largely voluntary and will consist primarily of training that provides information of benefit, often to multiple LGU audiences.

Level II assistance will be prescribed to address the routine needs of particular LGUs, such as help with plan revisions, facilitation, and training in needed fiscal or administrative skills.

Levels III and **IV** assistance will be intensive and designed to address the needs, or more likely performance problems, of a particular LGU. At these levels tools such as mentoring, mediation, and coaching are most likely to be used.



Limits to Assistance

Under current funding levels, BWSR intends to provide assistance using the following criteria:

- **Provide assistance that addresses a need shared by many LGUs**
- **Provide limited assistance to LGUs with known critical needs**

2007 Assistance Actions

- Facilitated several governance option discussions for LGUs considering change by enlargement, merger or dissolution.
- Notified all SWCDs about options for changing supervisor district alignment.
- Applied new legislative requirement for SWCDs to establish websites.

2008 Proposed Assistance Actions

- Provide assistance needed by LGUs with overdue management plan revisions.
- Provide training on topics of benefit to most LGUs.

Conclusions

- **Level II, III and IV assistance is beyond the capability of the program as currently funded.**
- **BWSR will need to set an annual cap on Levels III and IV assistance and seek to prioritize assistance offered within that limit.**

Recommendations

- **BWSR should train staff in the application of LGU assistance tools.**

Program Results

Rewards

While much of the program emphasis is focused on assisting underperforming LGUs, BWSR recognizes there are a significant number of LGUs that are performing admirably. (See Appendix E.) BWSR will recognize the contribution that these LGUs make to the conservation of Minnesota's soil and water resources. At this time, there are no provisions for any type of monetary rewards. However, as mentioned elsewhere in this report, BWSR intends to recognize these LGUs publicly on its website. In addition, BWSR would like to enlist board and staff members of those LGUs to help with the training, coaching, and mentoring of others.



Penalties

The 2007 statutory amendments include a provision for BWSR to take action to address serious LGU performance problems. Based on the statute, BWSR intends to take the following actions to apply that authority:

1) based on staff recommendations, the BWSR Board would issue a Notice of Deficiency to an LGU, indicating that the Level IV Performance Review and Assistance will be applied;
2) publish the Notice of Deficiency on BWSR's PRAP webpage and inform local stakeholders;
3) BWSR staff develops, in concert with the LGU, a series of interim performance objectives with timelines and consequences for non-performance;
4) staff report monthly to the LGU and the Board of their assessment of the LGU's compliance with the interim objectives;
5) when necessary, the BWSR Board would act on the consequences, including restriction of grant or other program funding to the LGU; and
6) the Board would issue a notice to the LGU indicating what steps must be taken for funding to be restored.

2007 Reward and Penalty Actions:

- None

2008 Proposed Reward and Penalty Actions:

- Develop criteria to identify LGU top performers
- Post top performing LGUs on website
- Implement Level IV Corrective Actions as needed

Conclusions

- **LGUs are a product of their community's decisions and appointments. The larger community should also be involved in the benefits of good operations and the remedy for struggling ones.**

Recommendations

- **The Legislature and BWSR should establish a system for rewarding high performing LGUs with appropriate incentives.**

Reporting

Purpose of Reports

The purpose of reporting on LGU performance is threefold:

- To provide a perspective of the progress in meeting statewide soil and water conservation goals through the efforts of local government-based activities and programs,
- To give stakeholders access to information about the effectiveness of their local water management entities,
- To provide both information and incentives that will encourage LGUs to learn from one another about methods and programs that produce the most effective results.

Report Types

There are several types of reports that this program will use to achieve the above listed purposes.

LGU-generated

These include information posted routinely on the LGU's web-site and the required or voluntary reports submitted to other units of government and the public about fiscal status, plans, programs and activities. These all serve as a means of communicating what each LGU is achieving and allow stakeholders to make their own evaluation of LGU performance.

BWSR Web-site

BWSR will establish a page on its website to serve as a source of information about LGU performance. This site will be updated regularly and will be designed to allow for analysis of statewide performance trends. BWSR will also seek to identify and highlight those entities that are performing well or that have developed approaches to land and water conservation that are particularly effective.

Annual Legislative Report

BWSR's annual program report will summarize recent LGU performance and identify program issues and make policy recommendations.

2007 Reporting Actions:

- Webpage "under construction" on BWSR website
- Preparation of PRAP legislative report
- Prepared Watershed District Guidebook to recognize recent accomplishments
- Began data collection for Soil and Water Conservation District Guidebook

2008 Proposed Reporting Actions:

- Begin tabulating Level I results on BWSR website
- Establish webpage featuring high performing LGUs

Conclusions

- **Multiple report formats will be most useful to local citizens and stakeholders seeking to inform themselves about the performance of their LGUs.**

Recommendations

- **LGUs with overlapping jurisdictions should use reported results to help coordination with one another.**
- **BWSR should incorporate easy navigation links to each LGU within the BWSR website.**

Conclusions and Recommendations

Summary of Conclusions

Performance Review

- **Level I review can be achieved within the $100,000 funding level.**
- **Level II, III and IV review will require supplemental funding.**
- **Level III review will have to be capped based on available funds.**

Assistance

- **Level II, III and IV assistance is beyond the capability of the program as currently funded.**
- **BWSR will need to set an annual cap on Levels III and IV assistance and seek to prioritize assistance offered within that limit.**

Program Results

- **LGUs are a product of their community's decisions and appointments. The larger community should also be involved in the benefits of good operations and the remedy for struggling ones.**

Reporting

- **Reporting will be most useful to local citizens and stakeholders to inform them about the performance of their LGUs.**

Summary of Recommendations

Performance Review

- **The Legislature should provide supplemental funding to enable performance review implementation.**
- **BWSR should train staff in the application of LGU assistance tools.**
- **BWSR should develop performance measures to track its own implementation of this new program.**

Assistance

- **BWSR should train staff in the application of LGU assistance tools.**

Program Results

- **Legislature and BWSR should establish a system for rewarding high performing LGUs with appropriate incentives.**

Reporting

- **LGUs with overlapping jurisdictions should use reported results to help coordination with one another.**
- **BWSR should incorporate easy navigation links to each LGU within the BWSR website.**

Appendices

A. Minnesota Statutes Chapter 103B.102

B. PRAP Advisory Team Members

C. Overdue LGU Management Plan Revisions

D. Annual Audit and Financial Report Status

E. 2007 LGU Performance Awards and Recognition

F. Proposed LGU Performance Standards

Appendix A

103B.102, Minnesota Statutes 2007

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103B.102 LOCAL WATER MANAGEMENT ACCOUNTABILITY AND OVERSIGHT.

Subdivision 1. **Findings; improving accountability and oversight.** The legislature finds that a process is needed to monitor the performance and activities of local water management entities. The process should be preemptive so that problems can be identified early and systematically. Underperforming entities should be provided assistance and direction for improving performance in a reasonable time frame.

Subd. 2. **Definitions.** For the purposes of this section, "local water management entities" means watershed districts, soil and water conservation districts, metropolitan water management organizations, and counties operating separately or jointly in their role as local water management authorities under chapter 103B, 103C, 103D, or 103G and chapter 114D.

Subd. 3. **Evaluation and report.** The Board of Water and Soil Resources shall evaluate performance, financial, and activity information for each local water management entity. The board shall evaluate the entities' progress in accomplishing their adopted plans on a regular basis, but not less than once every five years. The board shall maintain a summary of local water management entity performance on the board's Web site. Beginning February 1, 2008, and annually thereafter, the board shall provide an analysis of local water management entity performance to the chairs of the house and senate committees having jurisdiction over environment and natural resources policy.

Subd. 4. **Corrective actions.** (a) In addition to other authorities, the Board of Water and Soil Resources may, based on its evaluation in subdivision 3, reduce, withhold, or redirect grants and other funding if the local water management entity has not corrected deficiencies as prescribed in a notice from the board within one year from the date of the notice.

(b) The board may defer a decision on a termination petition filed under section 103B.221, 103C.225, or 103D.271 for up to one year to conduct or update the evaluation under subdivision 3 or to communicate the results of the evaluation to petitioners or to local and state government agencies.

History: *2007 c 57 art 1 s 104*

Appendix B

PERFORMANCE REVIEW AND ASSISTANCE PROGRAM ADVISORY TEAM MEMBERS

NAME	ORGANIZATION	REPRESENTING
Kevin Bigalke	Nine-Mile Creek WD	Metro WD
Ray Bohn	MN Assoc. of Watershed Districts	WD association
Brian Dwight	BWSR	BWSR-No. Region
Tom Ebnet	Thirty Lakes WD	Greater MN WD
Annalee Garletz	Assoc. of Minnesota Counties	County government
Barbara Haake	Rice Creek WD	WD association
Louis Jambois	Assoc. of Metropolitan Municipalities	Water management organizations
Kathryn Kelly	Renville SWCD	SWCD supervisors
Tim Koehler	USDA-Natural Res. Conservation Service	Federal agencies
Kevin Ostermann	MACDE / Nicollet SWCD	MACDE
Dave Peterson	BWSR	BWSR-So. Region
Sheila Vanney	MN Assoc. of Soil &Water Cons. Districts	SWCD association
Steve Woods	BWSR-St. Paul	BWSR management

Appendix C

2007 Overdue Management Plan Revisions

Soil and Water Conservation Districts

Resolution Overdue

No. St. Louis

Counties

Local Water Plan Revision Overdue

None

Watershed Districts

Watershed Management Plan Revision Overdue

Belle Creek
Crooked Creek
Middle-Snake-Tamarac Rivers[1]
No. Fork Crow River
Rice Creek
Riley-Purgatory-Bluff Creek
Stockton-Rollingstone-Minnesota City
Yellow Medicine River

Watershed Management Organizations

Watershed Management Plan Revision Overdue

Carver County[2]
Lower Rum River
Richfield-Bloomington
Six Cities

Notes:

[1]Plan revision delayed due to litigation
[2]Exceeded intended due date but not statutory limit

Appendix D

Status of 2006 Annual Financial Reports and Audits

List to be finalized as of February 1, 2008

Metro Area Watershed Districts: Overdue Audits

Coon Creek — [audit submitted; review not yet completed by State Auditor's Office]

Metro Area Watershed Management Organizations: Missing Audits

None

Greater Minnesota Watershed Districts: Financial Report Not Prepared

[*Italics indicates tentative listing, will be confirmed for Final Report*]

Bear Valley
Belle Creek
Buffalo Creek
Crooked Creek
Kanaranzi-Little Rock
Lac Qui Parle-Yellow Bank
North Fork Crow River
Roseau River
Sand Hill River
Two Rivers
Upper Minnesota River

Soil and Water Conservation Districts: Overdue Audits

[List will be updated before Final Report printing]

Anoka
Cass
Kittson

Soil and Water Conservation Districts Penalized for Overdue Financial Reports

Big Stone

Swift

Appendix E

2007 Local Government Unit Performance Awards and Recognition

Governor's Minnesota Great Award
Heron Lake Watershed District

Board of Water and Soil Resources Outstanding SWCD Employee
Pete Beckius, Scott SWCD

Sustainable St. Paul Award
Capital Region Watershed District

DNR Watershed District of the Year
Heron Lake Watershed District

MAWD Program of the Year
Ramsey Washington Watershed District: Landscape Ecology Awards Program (LEAP)

MAWD Project of the Year
Wild Rice Watershed District: **Heiberg Dam**

Minnesota Waters Citizen Monitoring Program of the Year
Wadena Soil and Water Conservation District

Minnesota Association of Soil and Water Conservation Districts SWCD of the Year
Scott Soil and Water Conservation District

Minnesota Association of Soil and Water Conservation Districts Outstanding Supervisor Award
Louise Smallidge, Washington Conservation District

DNR Appreciation Award
Washington Conservation District

Pheasants Forever Brood Booster Award
Brian Nyborg, Jackson SWCD

GREATER MN WATERSHED DISTRICT PERFORMANCE STANDARDS

Perf. Area		Performance Standard	Methods (Level) (I) Annual Compliance Tabulation	Methods (Level) (II) BWSR Staff Review and Assessment (1/5 yrs.)	Rating
	★ Target (high performance)standard ■ Basic practice or Statutory requirement ◊ Quantitative standard				
Administration	■	Annual report submitted by deadline	X		Y/N
	■	Financial audit: completed within last 12 months	X		Y/N
	■	Rules: are current and reviewed by BWSR		X	Y/N
	■	Personnel policies: written and reviewed/updated within last 5 years		X	Y/N
	■	Data practices policy: exists and reviewed/updated within last 5 years		X	Y/N
	■	Annual report: contains progress report	X		Y/N
	■	Manager appointments are current and reported		X	
	★	Have in-house staff		X	Y/N
	★	Board training: ed and certifications, orientation plan and record for each board member		X	Y/N
	★	Staff training: ed and orientation plan and record for each staff member		X	Y/N
	★	By-laws, operational guidelines exist and current		X	Y/N
	★	Public ditch records: modernized, usable, indexed (where applicable)		X	Y/N
	◊	Expenditure trend: previous yrs		X	number
Planning	■	Watershed Management plan: up-to-date	X		Y/N
	★	Implementation and/or CIP review every 2-3 yrs.		X	Y/N
	◊	Number of local water plans reviewed and/or approved		X	number
Execution	■	Engineers Reports: reviewed by DNR and BWSR	X		Y/N
	★	Watershed Management plan: percent of objectives met vs. targets		X	Y/N
	◊	$ for program-projects/total budget $(% of total expenditures) (incl. explanation)	X	X	number
	◊	Water quality trend completed for key water bodies			data
	◊	Watershed yield trends monitored / reported			data
Communication & Coordination	■	Functioning advisory committee: recommendations on projects, reports, attendance at Board mtgs.		X	Y/N
	■	Stakeholder survey: within last 5 yrs		X	Y/N
	■	Website: annual report, annual budget, minutes	X		Y/N
	■	Coordination of Watershed Plan with local water plans,		X	
	■	Communication piece: sent within last 12 months	X		Y/N
	★	Public education program: seminars, tours		X	Y/N
	★	Coordination with County Bd. by Managers or staff		X	Y/N
	★	Partnerships: with municipalities, counties cooperative projects/tasks done		X	Y/N
	★	Website: contains contact information staff and mgrs., mtg. agendas, minutes, updated after each board meeting	X		Y/N

METRO WATERSHED DISTRICT PERFORMANCE STANDARDS

Perf. Area		Performance Standard	Methods (Level) (I) Annual Compliance Tabulation	Methods (Level) (II) BWSR Staff Review and Assessment (1/5 yrs.)	Rating
	★ Target (high performance)standard ■ Basic practice or Statutory requirement ◊ Quantitative standard				
Administration	■	Activity report: annual, on-time	X		Y/N
	■	Financial report & audit: completed within last 12 months	X		Y/N
	■	Rules: are current and reviewed by BWSR		X	Y/N
	■	Personnel policies: written and reviewed/updated within last 5 years		X	Y/N
	■	Data practices policy: exists and reviewed/updated within last 5 years		X	Y/N
	■	Activity report: content MR 8410 compliant (incl. self-assessment of progress)	X		Y/N
	■	Manager appointments are current and reported		X	Y/N
	■	Consultant RFP: ≤3 yrs for legal, engineering, accounting		X	Y/N
	■	Water appropriation permit program exists (Hennepin and Ramsey only)	X		Y/N
	★	Have in-house staff		X	Y/N
	★	Board training: ed and certifications, orientation plan and record for each board member		X	Y/N
	★	Staff training: ed and orientation plan and record for each staff member		X	Y/N
	★	By-laws, operational guidelines exist and current		X	Y/N
	★	Public ditch records: modernized, usable, indexed (where applicable)		X	Y/N
	◊	Expenditure trend: previous yrs		X	number
Planning	■	Watershed Management plan: up-to-date	X		Y/N
	★	Capital Improvement Plan review every 2-3 yrs.		X	Y/N
	◊	Number of local water plans reviewed and/or approved		X	number
Execution	■	Engineers Reports: reviewed by DNR and BWSR	X		Y/N
	★	Management plan: being substantially		X	Y/N
	★	Cooperative projects/tasks done with partners		X	Y/N
	◊	$ for program-projects/total budget $(% of total expenditures) (incl. explanation)	X	X	number
	◊	Water quality trend completed for key water bodies		X	data
	◊	Watershed yield trends monitored / reported		X	data
Communication & Coordination	■	Functioning advisory committee: recommendations on projects, reports, attendance at Board mtgs.		X	Y/N
	■	Stakeholder survey: within last 5 yrs		X	Y/N
	■	Coordination of Watershed Plan with local water plans,		X	
	■	Communication piece: sent within last 12 months	X		Y/N
	★	Public education program: seminars, tours		X	Y/N
	★	Coordination with County Bd. and City/Twp. officials by Managers or staff		X	Y/N
	★	Partnerships: with municipalities, counties cooperative projects/tasks done		X	Y/N
	◊	Advisory committee: # mtgs within last 12 months		X	number

WATERSHED MANAGEMENT ORGANIZATION PERFORMANCE STANDARDS

Perf. Area		Performance Standard	Method (Level) (I) Annual Compliance Tabulation	Method (Level) (II) BWSR Staff Review and Assessment (1/5 yrs.)	Rating
		★ Target (high performance)standard ■ Basic practice or Statutory requirement ◊ Quantitative standard			
Administration	■	Activity Report: annual, on-time	X	X	Y/N
	■	Activity report: content MR 8410 compliant (incl. self-assessment of progress)	X	X	Y/N
	■	Consultant RFP: ≤3 yrs for legal, engineering, accounting		X	Y/N
	■	Financial report & audit completed within last 12 months	X		Y/N
	■	Personnel policies: written and reviewed/updated within last 5 years		X	Y/N
	■	Data practices policy: reviewed/updated within last 5 years		X	Y/N
	■	Water appropriation permit program exists (Hennepin and Ramsey only)		X	Y/N
	■	Joint Powers Bd.: tabulation of current members and terms exists	X		Y/N
	★	Staff training: cont ed and orientation record for each staff member		X	Y/N
	★	Board training: cont ed and orientation record for each board member		X	Y/N
	★	Public ditch records: modernized, usable, indexed (where applicable)		X	Y/N
	★	By-laws or operational guidelines exist and current		X	Y/N
	◊	Expenditure trend: previous years		X	number
Planning	■	Management Plan: up-to-date	X		Y/N
	★	Capital Improvement Plan reviewed 2/3 years		X	Y/N
	◊	Local plan approvals by WMO		X	number
Execution	★	Management plan: being substantially executed		X	Y/N
	★	Cooperative projects/tasks done with partners		X	Y/N
	◊	Water quality trend completed for key water bodies			data
	◊	Watershed yield trends monitored / reported			data
	◊	# of projects/program costs (% of total expenditures)		X	number
Communication & Coordination	■	Stakeholder survey: within last 5 yrs		X	Y/N
	■	Communication piece: sent within last 12 months	X		Y/N
	■	Website: contains mbrs, minutes, updated after each board meeting	X		Y/N
	◊	Advisory committee: # mtgs within last 12 months	X		number
	★	Public education program: seminars, tours		X	
	★	Coordination with County / City / Twp. by JP Board members or staff		X	
	★	Advisory committee makes recommendations on projects, issues, reports		X	

SOIL AND WATER CONSERVATION DISTRICT PERFORMANCE STANDARDS

Perf. Area		Performance Standard	Method (Level) (I) Annual Compliance Tabulation	Method (Level) (II) BWSR Staff Review and Assessment (1/5 yrs.)	Rating
		★ Target (high performance)standard ■ Basic practice or Statutory requirement ◊ Quantitative standard			
Administration	■	Financial statement: annual, on-time and balances	X		Y/N
	■	Financial audit completed within last 3 yrs or $400K	X		Y/N
	■	eLINK Annual report: submitted on-time	X		Y/N
	■	Data practices policy: exists and reviewed/updated within last 5 years		X	Y/N
	■	Personnel policy: exists and reviewed/updated within last 5 yrs		X	Y/N
	■	Technical approval authorities: reviewed annually		X	Y/N
	■	By-laws, operational guidelines exist and current		X	Y/N
	★	Board training: cont ed and orientation plan and record for each board member		X	Y/N
	★	Staff training: cont ed and orientation plan and record for each staff member		X	Y/N
Planning	■	Comprehensive Plan: updated within 5 yrs. or unexpired county LWM plan	X		Y/N
	■	Annual Plan of Work: on time; w/ cost share applied to priorities	X		Y/N
	★	Annual plan priorities based on natural resource quality trend data		X	Y/N
Execution	■	Comprehensive plan: being substantially executed		X	Y/N
	★	Certified wetland delineator: on staff or retainer		X	Y/N
	◊	L&W treatment projects: # of projects/$leveraged		X	number
	◊	Expenditure trend: previous 10 yrs and sources of revenue		X	numbers
	◊	$ for program-projects/total budget $(% of total expenditures) (incl. explanation)		X	number
	◊	Cost share/grant utilization %			number
Communication & Coordination	■	Website: annual report, annual budget, minutes	X		Y/N
	■	SWCD Guidebook entry: provides background and accomplishments		X	Y/N
	★	Website: contains mbrs, mtg. agendas, minutes, updated after each board meeting	X		Y/N
	★	Stakeholder survey: within last 5 yrs		X	Y/N
	★	Public information included in annual work plan		X	Y/N
	★	Public education program: seminars, tours		X	Y/N
	★	Annual written report: includes progress towards goals		X	
	★	Projects/programs based on stakeholder survey input		X	Y/N
	★	Coordination with County Bd. Supervisors or staff		X	

COUNTY LOCAL WATER PLANNING PERFORMANCE REVIEW STANDARDS

Perf. Area		Performance Standard / Benchmark	Method (Level) (I) Annual Compliance Tabulation	Method (Level) (II) BWSR Staff Review and Assessment (1/5 yrs.)	Rating
	★ Target (high performance)standard ■ Basic practice or Statutory requirement ◊ Quantitative standard				
Administration	■	Block grant annual report: reported results comply with work plan	X		Y/N
	■	Local match for grant: certified	X		Y/N
	■	eLINK report completed on time	X		Y/N
	★	Public ditch records: modernized, usable, indexed		X	Y/N
	★	Self-report progress: submitted in annual report		X	Y/N
	★	Maintain record of WD manager appointments and terms	X		Y/N
	◊	Local $ leveraged by state grant		X	$ amt
Planning	■	Local water mgmt. plan: 10-yr voluntary but unexpired w/o lapse	X		Y/N
	■	LWM Implementation plan: completed within last 5 yrs		X	Y/N
	★	Performance review/feedback:periodic reprioritization		X	Y/N
	★	Annual plan priorities based on water quality trend data for key water resources		X	Y/N
Execution	◊	Local water plan objectives met to date		X	percent
	◊	L&W treatment projects: # of projects/$leveraged	X		number
	◊	Water quality trend for key water resources			data
Communication & Coordination	■	Stakeholder survey: within last 5 yrs	X		Y/N
	■	Communication piece: sent within last 12 months	X		Y/N
	★	Partnerships: liaison with SWCDs/WDs and cooperative projects/tasks done		X	Y/N
	★	Plan contains public education objectives		X	Y/N
	★	Public education program annual objective met		X	Y/N
	★	County water plan on county website		X	Y/N
	★	Water management ordinances on county website		X	Y/N

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
ST. PAUL, MINNESOTA 55155
WEDNESDAY, MARCH 26, 2008

BOARD MEMBERS PRESENT:
Bob Burandt, Paul Eger, MPCA; Quentin Fairbanks, Randy Kramer, Larry Kramka, DNR; Paul Langseth, John Linc Stine, MDH; Brian Napstad, Ken Robinson, Louise Smallidge, Gene Tiedemann, LuAnn Tolliver

BOARD MEMBERS ABSENT:
Dana Allen
Jim Anderson, Minnesota Extension Service
Paul Brutlag
Brian Kletscher
Joe Martin, Department of Agriculture

STAFF PRESENT:
Mary Jo Anderson, Don Buckhout, Tim Fredbo, Jim Haertel, John Jaschke, Julie Klocker, Melissa Lewis, Dan Shaw, Ron Shelito, Steve Woods

OTHERS PRESENT:
Wayne Anderson, MPCA
Wayne Edgerton, DNR
Sandy Hooker, MAT
Dan Wilson, MDH
Tim Koehler, NRCS

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

PLEDGE OF ALLEGIANCE

** 08-18 **ADOPTION OF AGENDA** – Moved by Louise Smallidge, seconded by Paul Langseth, to approve the agenda as presented. Motion passed on a voice vote.

** 08-19 **MINUTES OF JANUARY 23, 2008** – Moved by Ken Robinson, seconded by Larry Kramka, to approve the minutes of January 23, 2008 as circulated. Motion passed on a voice vote.

INTRODUCTION OF NEW EMPLOYEES

- Jim Haertel introduced Melissa Lewis, newly hired board conservationist in the Metro Region. Melissa provided background information about herself. Melissa stated that she is excited to be here. Chair Kramer welcomed Melissa to the Board of Water and Soil Resources.

REPORTS

Chair's Report – Randy Kramer thanked board members for submitting their response to him regarding the executive director's evaluation. Chair Kramer and Vice-Chair Paul Brutlag met with John Jaschke on February 26 to conduct the performance evaluation. Chair Kramer authorized a salary increase, also a performance based salary increase retroactive to December 2007. The Administrative Advisory Committee met this morning to review individual responses. Chair Kramer asked board members to contact him if they have questions or would like to discuss this further.

Chair Kramer reported that he attended the MASWCD Board of Directors' meeting and Day at the Capitol on February 25-26. Chair Kramer also attended MAWD's Legislative Breakfast & Day at the Capitol on March 13. EQB did not meet this month.

Executive Director's Report – John Jaschke presented the BWSR Legislative Summary which included the comparison of 2009 Supplemental Budget, the Bonding Bill, and Policy Bills: the Wetland Conservation Act HF2737/SF2648 (Anzelc/Saxhaug) and HF3786/SF3428 (Olin/Stumpf); Drainage HF3312 and HF3541; Watonwan SWCD interim board SF3555/HF3890; Star Lakes SF2943/HF3437 (M. Olson/Moe); Native Seed/Plants SF3792/HF3996 (Skoe/Eken); Comfort Lake-Forest Lake Watershed District HF2824/SF2480 (Kalin/Olsen); Basin Management HF2536 (Lanning); and Conservation Plans HF2867 (Juhnke).

John reported that he met with International Falls officials, local staff and hospital representatives in International Falls on February 6th, to discuss the Falls Memorial Hospital, wetland provisions, and other unresolved wetland issues in International Falls. John stated that some progress is being made on these matters. John attended the University of Minnesota's Impaired Waters Symposium held in mid-February. John reported that theSW flood response coordination meeting was held earlier in the week; a flood conference is scheduled for April 4 in Winona. John attended the MASWD and MAWD Legislative Days at the Capitol. Both had good attendance and provided an opportunity to discuss bills and meet with legislators. John attended the Red River Basin Commission meetings in Crookston on March 19-20.

Dispute Resolution Committee – Jim Haertel reported that there are currently 26 appeals pending. Jim stated that the three appeals in International Falls may come before the Dispute Resolution Committee.

Wetlands Committee – LuAnn Tolliver reported that the Wetlands Committee met last night. The Wetland Road Program was discussed and will come before the full Board in April. Permanent rules were discussed and will move through the committee process. LuAnn reported that the APO issue was discussed without conclusion, thus the Wetlands Committee will meet next month to continue discussions on APO.

Grants Program & Policy Committee – Louise Smallidge reported that the Committee will meet today immediately following the Board meeting.

Public Relations, Outreach & Strategic Planning Committee – Brian Napstad reported that the Public Relations, Outreach & Strategic Planning Committee has not met since the approval of the Strategic Plan at the January Board meeting. Brian will discuss with Chair Kramer and John Jaschke the next meeting date, and discuss promotion and implementation of the Strategic Plan on a regular basis.

Administrative Advisory Committee – Chair Kramer reported that the Administrative Advisory Committee met this morning and discussed the executive director evaluation; Board summer tour; status of budget supplement; legislation status; constitutional dedicated funding message; and staffing status. The Board summer tour/meeting will be held in Renville County on August 27-28.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

Coon Creek Watershed District Boundary Change – Jim Haertel reported that the Coon Creek Watershed District submitted a boundary change petition. The petition was submitted pursuant to Minn. Stat. § 103B.215 together with the required written statements of concurrence from each affected city, town and WMO. In this case it is the City of Ham Lake and the Upper Rum River WMO. The statute allows the boundary change to be approved by BWSR with no public hearing after proper notice and if no timely request for hearing is received. The legal Notice of Filing was published on January 11 and 18, 2008, no timely request for hearing was received and no hearing was held. Also, no comments have been received. Jim reported that the Metro Water Planning Committee unanimously agreed to the boundary change. Moved by Bob Burandt, seconded by Louise Smallidge, that the Board hereby orders that the boundaries of the Coon Creek Watershed District are changed per the Petition as identified in the three property identification tables in the Order. Motion passed on a voice vote. Ken Robinson asked that a map showing boundary changes be provided for future reference.

** 08-20

Northern Water Planning Committee

Beltrami County Priority Concerns Scoping Document – Quentin Fairbanks reported that the Northern Water Planning Committee met to review the Beltrami County Priority Concerns Scoping Document and recommends approval. Moved by Quentin Fairbanks, seconded by Ken Robinson, to approve the Beltrami County Priority Concerns Scoping Document. Larry Kramka stated that the DNR and local staff in Beltrami County are working together, the staff are doing a really good job in the area. Motion passed on a voice vote.

** 08-21

Douglas County Priority Concerns Scoping Document – Brian Napstad reported that the Northern Water Planning Committee met to review the Douglas County Priority Concerns Scoping Document and recommends approval. Brian stated that MPCA and DNR focus their agency comments on invasive species at a higher level. Moved by Brian Napstad, seconded by Ken Robinson, to approve the Douglas County Priority Concerns Scoping Document. Paul Eger stated that MPCA and DNR have a role in lake water quality. Larry Kramka stated that counties will assist and provide additional attention to invasive species so this should be an issue we look at across the state rather than just in a tourism area. Brian stated that this topic is included in their plan. Motion passed on a voice vote.

** 08-22

Brian stated that Ron Shelito scheduled time for a speaker, Dan Siems, Beltrami County, at the Northern Water Planning Committee meeting to present information on natural impairments. Brian suggested that Dan Siems present the impairment information at an upcoming Board meeting.

Southern Water Planning Committee

Lyon County Request for Extension of Comprehensive Water Management Plan – Paul Langseth reported that the Southern Water Planning Committee met via conference call to review the Lyon County request to extend the Comprehensive Water Management Plan to December 31, 2008. The Southern Water Planning Committee recommends approval of the extension request due to changes in staff and responsibilities for the Water Management Program in Lyon County slowing the current revision process. Moved by Paul Langseth, seconded by Ken Robinson, to approve the extension of the Lyon County Comprehensive Local Water Management Plan until December 31, 2008. Motion passed on a voice vote.

** 08-23

Nobles County Request for Extension of Comprehensive Water Management Plan - Paul Langseth reported that the Southern Water Planning Committee met to review Nobles County request to extend the Comprehensive Water Management Plan to April 30, 2009. The Southern Water Planning Committee recommends approval of the request for extension, as its reasonable to allow for additional public input through several upcoming local meetings. Moved by Paul Langseth, seconded by Larry Kramka, to approve the extension of the Nobles County Comprehensive Local Water Management Plan until April 30, 2009. Motion passed on a voice vote.

** 08-24

Jackson County Local Water Management Plan Update – Paul Langseth reported that the Southern Water Planning Committee reviewed the Jackson County Local Water Management Plan update and recommends approval. Moved by Paul Langseth, seconded by Larry Kramka, to approve the Jackson County Local Water Management Plan update. Motion passed on a voice vote.

** 08-25

NEW BUSINESS

Release of 1.0 Acres from RIM Conservation Easement – Tim Fredbo reported that the RIM Reserve Committee met to review the request for release of the 1.0 acre of the RIM Conservation Easement #61-07-01-01A, and recommends approval. Moved by Louise Smallidge, seconded by Bob Burandt, to approve the release of 1.0 acre, and authorize staff to proceed with preparing the legal documents to amend this easement once staff receives the required $3,682 payment. Discussion followed. Paul Eger suggested tying the resolution

** 08-26

back to the statutory and rule requirements for future resolutions. Motion passed on a voice vote.

Chair Kramer called for a break in the meeting at 10:20 a.m. The meeting reconvened at 10:30 a.m.

John Linc Stine, MDH, left the meeting at 10:30 a.m. Dan Wilson attended the duration of the meeting on behalf of John Linc Stine.

Overview of Native Vegetation Trends and BWSR Programs – Dan Shaw introduced Shawn Schottler, Science Museum of Minnesota, St. Croix Watershed Research Station. Dan presented an overview of native vegetation trends and BWSR programs. Shawn presented information on vegetation issues, the perspectives on prairie reconstruction, and objectives to create high quality habitat and the preservation of genetic diversity of the lower St. Croix basin. Discussion followed. Chair Kramer thanked Dan and Shawn for their informative presentation.

Native Buffer Cost-Share Program Guideline Revisions – Dan Shaw presented proposed adjustments/changes to the guidelines for the Native Buffer Cost-Share Program that were approved at the January 23, 2008 Board meeting. The resolution proposes increased flexibility in the seed sources and requirements for the program to ensure that sufficient seed supplies can be found to meet project needs. Discussion followed. Larry Kramka questioned the authority of BWSR guidelines that would allow crossing ecotype regions. Larry stated that the concept makes sense, but the flexibility is in question. John Jaschke stated that the debate continues with legislators regarding the interpretation of the statute as it relates to flexibility. Dan stated that the yellow-tag certification is a good thing and will be promoted rather than mandated in the next year or two. Moved by Paul Langeth, seconded by Dan Wilson, to approve the Native Buffer Cost-Share Program Guidelines as presented. Discussion followed. Moved by Paul Langseth, seconded by Paul Eger, to amend the motion, under Policies, the sixth bullet, strike the following:

** 08-27

- "In the event the needed amount of seed is not available from within the ecotype region and delaying planting is not an option, seed from an adjacent ecotype region may be used. The following definitions are to be used regarding the source of seed for the program, with the definition of Restored Native Prairie being used to the extent possible.
  - Restored native Prairie source within county or within 25 mi. of county and in the same ecotype region.
  - Restored Prairie source within same ecotype region."

Amendment passed on a voice vote.

** 08-28 Moved by Larry Kramka, seconded by Ken Robinson, to approve the Native Buffer Cost-Share Program Authorization resolution as presented. Motion passed on a voice vote.

Report on Final Demographic Survey Results – Steve Woods reported that BWSR completed a limited survey of local water management authorities in 2007 to collect demographic information. Steve stated that MAWD and MASWCD have also received this information, as well as mid-western states. Julie Klocker presented the final demographic survey results. She summarized the results of board member gender, years of service, and age demographics. Chair Kramer thanked Julie and Steve for their presentation.

Primer/Overview of Local Water Management – Julie Klocker presented background and the process used regarding the local water management regional plan review.

Ron Shelito presented a brief background on the County Local Water Management Program. Discussion followed. Paul Eger concurred that the process works; agencies can work through controversial issues when they arise by using the process. Ron Shelito stated that county commissioners appreciate the process with interagency involvement.

Julie Klocker presented the Watershed Districts background, and explained the plan approval process of the ten-year Watershed District Comprehensive Water Management Plans. Julie explained the revision and amendment process. The future objective is management on a sub or minor watershed basis; regulations based on water quality goals; using unique authorities to solve unique problems; moving toward a funding mechanism based on contribution to resource issues rather than Taxable Market Value.

Steve Woods explained the Metropolitan Surface Water Management Act and its purpose through first and second generation plans. The future objective is watershed plans consisting of periodically updated inventories and goals, and frequently updated implementation and capitol improvement sections. Steve reported that the expectation for next generation plans is to use PRAP to raise performance; align with comp plans; incorporate federal/state water quality goals; address local goals conflicting with state standards; and lessen onerous review processes that inhibit voluntary updates. Chair Kramer thanked Julie, Ron, and Steve for their informative report.

AGENCY REPORTS

Minnesota Department of Health (MDH) – Dan Wilson reported on the flood follow-up to test wells for chemicals in southeastern Minnesota. Dan stated that 65 flooded wells were tested and several indicated low levels of pesticides. A report will be available in May to summarize the findings. Dan reported that a contractor is monitoring Oakdale and St. Paul Park pump houses, a report to be prepared within the next two months. Dan reported that MDH has a "Knowledge Management Project" (an outgrowth of the Food, Beverage and Lodging Program) that maintains and identifies stakeholders, meetings of elected officials, how to approve access, the need, and resources. Dan stated that an update will be provided later in the year on this project.

Department of Natural Resources (DNR) – Larry Kramka did not have a report this month. Quentin Fairbanks asked Larry Kramka about the bovine TB cases in northwestern Minnesota. The infected herd is quarantined for three months. Quentin stated that DNR has allowed shooting deer without a permit and shooting at night. The Governor has taken steps for the concern of landowners. Larry stated that there is a large amount of attention on this statewide issue. Aggressive actions are being taken related to the deer herd. Larry will report on this issue at a later date as legislation moves forward.

Minnesota Pollution Control Agency (MPCA) – Paul Eger reported that the Governor's budget recommendation for MPCA is a 4% general fund reduction but that less than 20% of the agency budget is general fund-based.

ADVISORY COMMENTS

Natural Resources Conservation Service (NRC) - Tim Koehler reported that the Farm Bill has been extended again until April 18. Tim distributed the State Technical Committee meeting agenda for April 11, and encouraged BWSR board member attendance. Tim reported that NRCS is 100% done with EQIP and distributed a review of funding allocations. Tim stated that a Conservation Security Program (CSP) sign-up will be available in northwestern Minnesota in the Thief River watershed. Tim distributed the announcement of the "75th Anniversary of Coon Creek Watershed" celebration to be held on April 25, 2008.

UPCOMING MEETINGS

- The Grants Program and Policy Committee will meet today immediately following the Board meeting.
- The Wetlands Committee will meet on April 22, 2008, at 5:30 p.m., at the Kelly Inn in St. Paul.
- The next Board Meeting will be held on April 23, 2008, in St. Paul.

** 08-29 Moved by Quentin Fairbanks, seconded by Louise Smallidge, to adjourn the meeting at 1:00 p.m. Motion passed on a voice vote.

Respectfully submitted,

Randy Kramer
Chair

DRAFT DRAFT DRAFT

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
ST. PAUL, MINNESOTA 55155
WEDNESDAY, JANUARY 23, 2008

BOARD MEMBERS PRESENT:
Dana Allen, Jim Anderson, MES; Wayne Anderson, MPCA; Paul Brutlag, Bob Burandt, Quentin Fairbanks, Brian Kletscher, Randy Kramer, Larry Kramka, DNR; Paul Langseth, John Linc Stine, MDH; Joe Martin, MDA; Brian Napstad, Ken Robinson, Louise Smallidge, Gene Tiedemann, LuAnn Tolliver

STAFF PRESENT:
Mary Jo Anderson, Matt Drewitz, Tim Fredbo, Jim Haertel, Tabor Hoek, Jeff Hrubes, John Jaschke, Al Kean, Julie Klocker, Greg Larson, Kevin Lines, Sarma Stramanis, Karli Swenson, Jason Weinerman, Dave Weirens, Marcey Westrick, Steve Woods

OTHERS PRESENT:
Ray Bohn, MAWD
LeAnn Buck, MASWCD
Blake Francis, MN Power
Sandy Hooker, MAT
Tim Koehler, NRCS
Mary Mueller, Wetland Bankers Association
Doug Norris, DNR
Rick Reimer, MACDE
Roy Robison, Landscape Alternatives
Dan Wilson, MDH

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

PLEDGE OF ALLEGIANCE

Chair Kramer introduced and welcomed John Linc Stine, Department of Health. John has been designated to represent the Department of Health, replacing Dan Wilson. Dan will be an alternate if John is not available to attend Board meetings. Dan will continue to serve on the Southern Water Planning Committee.

** 08-01 **ADOPTION OF AGENDA** – Moved by Louise Smallidge, seconded by Ken Robinson, to approve the agenda as presented. Motion passed on a voice vote.

** 08-02 **MINUTES OF DECEMBER 19, 2007** – Moved by Paul Langseth, seconded by Quentin Fairbanks, to approve the minutes of December 19, 2007 as circulated. Motion passed on a voice vote.

INTRODUCTION OF NEW EMPLOYEES

- John Jaschke introduced Julie Klocker, newly hired Assistant Director. Julie's start date is February 4. Julie provided background information about herself. Julie stated that she's thrilled to be here. Chair Kramer welcomed Julie to BWSR.

- Steve Woods introduced Marcey Westrick, Metro Region Clean Water Legacy Specialist. Marcey provided background information about herself. Marcey stated that she is very happy to be here. Chair Kramer welcomed Marcey to BWSR.

REPORTS

Chair's Report – Randy Kramer reported that he attended the RIM-CE stakeholders meeting on January 10; the Public Relations, Outreach, and Strategic Planning Committee conference call on January 11; and he attended the RIM Committee meeting on January 14. Randy also attended the EQB meeting on January 17.

Chair Kramer reported that an annual performance review is needed for Executive Director John Jaschke. Bill Eisele distributed a packet of information for the performance review process. The packet includes a cover letter with instructions, board members are requested to complete the performance review, provide comments and submit them to Bill Eisele by February 6. A numbering system will be used for the performance review process rather than names of

board members reviewing. Bill will compile the information and submit it to Chair Kramer. Chair Kramer will conduct the performance review.

Executive Director's Report – John Jaschke reported that state agencies have been instructed to prepare a 3% base budget reduction for '09. John is working with the Department of Finance on that process.

John reported that he was in Lewiston on January 15, presenting a grant agreement and check to Winona SWCD for SE Flood Recovery.

John reported that he attended the 25th Anniversary Convention and National Pheasant Fest 2008 at the River Centre in St. Paul. 30,000 people were in attendance; BWSR had a booth with a display "Google Earth of RIM easements in the Minnesota River". NRCS Chief Arlan Lancaster gave the keynote address.

John gave a brief overview of the information in board members' packets.

Dispute Resolution Committee – Jim Haertel reported that there is one additional appeal that has been received from Stearns County.

John Jaschke reported that Jim Haertel has been promoted to Metro Region Supervisor. Jim also continues in his current position until a new person is hired. Steve Woods will continue working in the Metro Region to assist with the workload.

Wetlands Committee – LuAnn Tolliver reported that the Wetlands Committee will meet today immediately following the Board meeting to hold a "work session" on certain topics.

Grants Program & Policy Committee – Louise Smallidge reported that the Grants Program & Policy Committee met on the afternoon of December 19. The Grants Program & Policy Committee has items to be considered later today on the agenda.

Public Relations, Outreach & Strategic Planning Committee – Brian Napstad reported that the Public Relations, Outreach & Strategic Planning Committee met via teleconference on January 11th to discuss the draft Strategic Plan to be considered later today on the agenda.

Administrative Advisory Committee – Randy Kramer reported that the Administrative Advisory Committee met this morning to review items that will be considered later today on the agenda.

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

Mahnomen County Request for Comprehensive Local Water Plan (CLWP) Extension – Quentin Fairbanks reported that the Northern Water Planning Committee met on January 9 to review and recommends approval of the Mahnomen County request for the Comprehensive Local Water Plan extension.

** 08-03 Moved by Quentin Fairbanks, seconded by Ken Robinson, to approve the request for a one-year extension of the Mahnomen County Comprehensive Local Water Plan. Motion passed on a voice vote.

Pennington County Priority Concerns Scoping Document – Quentin Fairbanks reported that the Northern Water Planning Committee met to review the Pennington County Priority Concerns Scoping Document and recommends approval.

** 08-04 Moved by Quentin Fairbanks, seconded by Gene Tiedemann, to approve the Pennington County Priority Concerns Scoping Document. Discussion followed. Motion passed on a voice vote.

Pennington County Request for Comprehensive Local Water Plan (CLWP) Extension – Quentin Fairbanks reported that the Northern Water Planning Committee reviewed and recommends approval of the Pennington County request for Comprehensive Local Water Plan extension.

** 08-05 Moved by Quentin Fairbanks, seconded by Ken Robinson, to approve the request for a two-year extension of the Pennington County Comprehensive Local Water Plan. Motion passed on a voice vote.

Red Lake County Request for Comprehensive Local Water Plan (CLWP) Extension – Quentin Fairbanks reported that the Northern Water Planning Committee reviewed and recommends approval of the Red Lake request for Comprehensive Local Water Plan extension.

** 08-06 Moved by Quentin Fairbanks, seconded by Gene Tiedemann, to approve the request for a two-year extension of the Red Lake County Comprehensive Local Water Plan. Discussion followed. Red Lake County will coordinate with the watershed district plan in working on their Priority Concerns Scoping Document. Motion passed on a voice vote.

Stearns County Local Water Management Plan – Quentin Fairbanks reported that the Northern Water Planning Committee reviewed and recommends approval of the Stearns County Local Water Management Plan. Quentin stated that this is an excellent plan that deals with the growth in the County.

** 08-07 Moved by Quentin Fairbanks, seconded by Brian Napstad, to approve the Stearns County Local Water Management Plan. John Linc Stine stated that this plan has excellent statements on source water protection. Brian Napstad stated that this is

a gold standard for local water management plans and does a great job of listing priority concerns. Motion passed on a voice vote.

OLD BUSINESS

BWSR Strategic Plan – Brian Napstad, Chair of the Public Relations, Outreach and Strategic Planning Committee, presented the draft Strategic Plan. The Committee revisited the agency mission statement and core beliefs and made some modifications. The Strategic Plan acknowledges the importance of effectiveness, leadership and innovation to the success of BWSR and the accomplishment of its mission. Brian stated that the Administrative Advisory Committee discussed the draft Strategic Plan this morning and recommends a proposed amendment at the end of the document. Moved by Brian Napstad, seconded by Paul Brutlag, to proceed forward with the proposed Strategic Plan as presented. Discussion followed.

** 08-08 Moved by Paul Brutlag, seconded by LuAnn Tolliver, to amend the resolution to add the amendment on page 17, the next bullet would read, "*Assure that citizen perspectives are considered.* Program evaluation and alignment shall include assessment of technical, procedural, and administrative components from a citizen perspective." Discussion followed. Amendment passed on a voice vote.

Discussion followed on the amended Strategic Plan. LuAnn Tolliver, as a member of the Public Relations, Outreach and Strategic Planning Committee, acknowledged the great work of Brian Napstad, Chair of the Committee. Brian thanked the staff for their involvement. Joe Martin, MDA, suggested that the Strategic Plan be used as a guiding principles document. Wayne Anderson, PCA, stated that it's a good plan and needs to be used. Larry Kramka, DNR, stated that this is an excellent document; DNR supports this. John Linc Stine, MDH, also stated that this an excellent plan. Jim Anderson, MES, agreed what

** 08-09 has been stated. Motion passed on a voice vote to approve the amended Strategic Plan. Chair Kramer thanked Brian Napstad, the Committee, Cliff Tweedale, and staff for the completion and persistence to get this plan done.

NEW BUSINESS

Resolution Delegating Authority to the Executive Director to Make Certain Decisions Regarding WCA Appeals – Jim Haertel reported that the WCA rules specifically allow the Board or the Executive Director, and in some cases the Dispute Resolution Committee (DRC), to make certain decisions regarding WCA appeals. Subject decisions involve granting an appeal for a decision by the Board, remanding an appeal to the LGU for further processing, denying an appeal, and staying an LGU decision that has been appealed. Decisions are

required to be made within 30 days of receipt of an appeal for the granting, remanding or denial of an appeal. The current practice is for the Executive Director to make these types of decisions due to the 30-day time period requirement and the Board's meeting schedule. At the recent DRC workshop, it was agreed that the Board should formally establish its procedures by delegating this authority to the Executive Director. The draft Resolution has received a favorable review from the Attorney General's office and is recommended for approval by the DRC and the Administrative Advisory Committee. Moved by
** 08-10 Quentin Fairbanks, seconded by Louise Smallidge, to approve the resolution as presented, delegating authority to the Executive Director to make certain decisions regarding WCA appeals. Discussion followed. Motion passed on a voice vote.

FY 2008 Clean Water Legacy Grant Funding Recommendations – Jeff Hrubes reported that The Clean Water Legacy interagency work team has completed their review and ranking of the Clean Water Legacy Grant applications that were submitted within the application period of October 1 through November 15. The Grants Program and Policy Committee met on December 19 to review and discuss the funding recommendations of the interagency team for Protection and Restoration Projects as well as the recommendations for funding Pilot Protection Projects intended to demonstrate how water management plans may be enhanced to increase competitiveness for future Clean Water Legacy funding.

Matt Drewitz presented spreadsheets for the 2008 funding sources for restoration and protection projects. Discussion followed. After consultation with LGUs regarding the projects, the numbers on the spreadsheets that board members received need to be adjusted to reflect changes. Moved by Louise Smallidge,
** 08-11 seconded by Paul Langseth, to approve the FY2008 Clean Water Legacy Grant Funding recommendations, with adjustments made to reflect the changes. Discussion continued. Jeff stated that communications will be made to all applicants regarding the grant allocations. Motion passed on a voice vote.

Native Buffer Cost-Share Program - Tabor Hoek reported that within the State Cost-Share Program the 2007 Legislature appropriated $1.2 million for both FY 08 and FY 09 for the establishment and maintenance of vegetated buffers of restored native prairie and restored prairie, using seeds of a local ecotype region. Tabor presented the policies and funding allocation. The Grants Program and Policy Committee recommends approval of the program guidelines and FY 08 funding recommendation. Moved by Louise Smallidge, seconded by
** 08-12 Quentin Fairbanks, to authorize staff to allocate funding and implement guidelines for the Native Buffer Cost-Share Program according to these policies.

Discussion followed. Tabor stated that this is a fifteen-year contract, with follow-up to the projects, landowners will know upfront what they are signing into. Motion passed on a voice vote.

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

Agricultural Watershed Restoration Projects – Al Kean reported that the 2007 Legislature directed BWSR to use $1.5 million of Clean Water Legacy Act appropriations for agricultural watershed restoration projects located in watersheds impaired by non-point agricultural sources. These projects are to provide for long-term restoration of surface water quality. It is anticipated that these projects will provide a framework for practical and effective water quality restoration in impaired agricultural watersheds. A three-phase project work plan has been prepared to guide the implementation of these projects. The Grants Program and Policy Committee has reviewed the Agricultural Watershed Restoration Projects and recommends approval. Moved by Louise Smallidge, seconded by Gene Tiedemann, to approve the Agricultural Watershed Restoration Project Work Plan as presented. Discussion followed. Jim Anderson reported that MES, with MDA, has been working on TMDL requirements and will conduct a symposium in February that will be an opportunity for discussion with this topic included. John Jaschke stated that project proposals will be brought before the Board, this work plan and request for proposals is the first phase. Joe Martin asked that BWSR work with MDA on this program to align efforts. Motion passed on a voice vote.

** 08-13

RIM-CE Report – Kevin Lines introduced Shelley Shreffler, Minnesota Environmental Initiatives (MEI). Kevin explained that the RIM Reserve Planning Committee met on January 14, 2008 to review the draft report prepared as part of a 2007 legislation directive. Section 103F.518, as authorized in Minnesota State Statutes in 2007, establishes a Reinvest in Minnesota (RIM) Clean Energy program, which charges BWSR to acquire easements of at least 20 years on lands for growing bioenergy crops. Establishment of a RIM-Clean Energy program was accomplished with required consultation from a BWSR-appointed Technical Review Committee (TRC) and contracted technical support from the University of Minnesota. BWSR contracted with the Minnesota Environmental Initiative (MEI) to coordinate and facilitate the policy discussion and communicate the recommended program guidelines and standards. The legislation required BWSR to utilize the TRC to develop a process to select the areas for program rollout and to establish a tiered payment system. The programs goals are to: 1) stimulate the use of native perennial vegetation for biofuel production, and 2) to assure public conservation benefits are realized regardless of future markets.

Kevin acknowledged that Greg Larson played a critical part in this report. Kevin stated that Dana Allen attended key RIM-CE tech review committee meetings. Moved by Larry Kramka, seconded by Paul Brutlag, to approve the RIM-CE Report as presented. Discussion followed. Kevin explained the tiered payment system for the RIM-CE payment structure.

Dana offered an amendment to the Executive Summary of the RIM-CE Report.
** Moved by Dana Allen, seconded by Bob Burandt, to amend the third
08-14 sentence of the first paragraph of the Executive Summary of the RIM-CE Report to read, "The *primary intent* of the program is to support native perennial biofuels production *with secondary* environmental and conservation benefits, including water quality, soil health, reduction of chemical inputs, soil carbon storage, biodiversity and wildlife habitat". Discussion followed. Amendment passed on a voice vote.

Discussion continued on the RIM-CE Report as amended. Greg Larson gave a brief update on the University of Minnesota's involvement. Greg stated that there were two elements of the contract; one with University of Minnesota Professor Steve Taff, Land Economist, to generate the tiered payment matrix for use on this program. The other was with Dean Current, University of Minnesota, who handled the focus group discussions and meetings with the BMP document. Joe Martin stated that the existing RIM policy needs to be reviewed now that we have a new RIM-CE policy. The RIM Committee will discuss potential adjustments
** needed to current RIM policy and guidelines beginning with their February 27th
08-15 meeting. Motion passed to approve the amended RIM-CE Report.

Performance Review and Assistance Program Report to the Legislature – Don Buckhout distributed Draft #8 of the Performance Review and Assistance Program (PRAP) Report. This report has been prepared for the Minnesota State Legislature in fulfillment of the requirements of Minnesota Statutes Chapter 103B.102, subdivision 3. This statute requires BWSR to provide designated legislative committees with "an analysis of local water management entity performance" each year. This is the first in a series of reports that will be prepared by BWSR for this purpose. This is a new mandate so BWSR's focus has been on designing the program that will implement these new statutory responsibilities. Consequently, this first report is mostly about program design. Subsequent reports will focus on the results and findings from analyzing local water management entity performance as the program is fully implemented. Don provided an overview of the report. Don anticipates Appendix C and Appendix D to be updated before it's finalized in February. Don stated that the guiding principles used to develop the program are incorporated on page two.

** 08-16 Moved by LuAnn Tolliver, seconded by Ken Robinson, to approve the Performance Review and Assistance Program Report to be submitted to the Legislature in February. Discussion followed. John stated that this is a legislative requirement that BWSR provide an annual report. Motion passed on a voice vote.

AGENCY REPORTS

Minnesota Department of Health (MDH) – John Linc Stine acknowledged and thanked Dan Wilson for his past contributions and efforts on the Board. John Linc Stine provided a brief background report on himself. John is the Environmental Health Director for the MDH, with primary focus on drinking water. John reported that MDH is looking at budget reductions to their general fund and fee based programs. MDH expects to have the Well Management Rules Report back from the Administrative Law Judge in the next few weeks. MDH is involved with the SE MN Flood Recovery efforts. Chair Kramer thanked Dan Wilson for his many years of great work on the Board, and wished Dan continued success.

Minnesota Extension Service (MES) – Jim Anderson stated that Faye Sleeper is coordinating the Impaired Waters Research Symposium on February 11-12. Jim reported that he and Mary Hanks are co-chairing a carbon sequestration task force. Jim stated that MES, MDA, MDH, DNR, and BWSR will all be involved in the carbon sequestration program. Jim reported that MES and MDA are conducting a series of focus groups for Minnesota producers.

Minnesota Department of Natural Resources (DNR) – Larry Kramka stated that DNR is also working through potential budget reductions. DNR is looking at the budget reduction by divisions and is gearing up for the Legislative session. Larry reported that additional work is coming this next year in the mining industry due to a tremendous amount of development and changes to plants. This will challenge the agencies to meet the demands from the mining industry expansion.

Minnesota Pollution Control Agency (MPCA) – Wayne Anderson reported that MPCA is also dealing with the likely budget reduction, and finalizing reports to the Legislature. Wayne reported that yesterday, the PCA Board approved the updated listing of impaired waters. A spreadsheet of the new listing is on MPCA's website.

Minnesota Department of Agriculture (MDA) – Joe Martin reported that MDA is looking at the structure of potential 3% budget reductions on a long-term basis. MDA is getting disaster assistance dollars out, 60 applications were received in flood counties and about 2100 applicants from drought counties. MDA has

learned of several new herds with tuberculosis which calls for a new plan of action in the State.

ADVISORY COMMENTS

Minnesota Association of Conservation District Employees (MACDE) – Rick Reimer reported that MACDE met on January 8, and had their election of officers. Rick was elected as President. Rick reported that the MASWCD had a good convention in Rochester in December. MACDE's goal is to work more closely with partners for training and education. The State's website requirements have some SWCDs partnering with costs. MACDE is working with Les Lemm, WCA coordinator, on WCA training certification for SWCD employees. MACDE will sponsor up to $300 in individual assistance for training events. MACDE's next meeting is February 19.

Minnesota Association of Soil and Water Conservation Districts (MASWCD) – LeAnn Buck reported that the MASWCD Board of Directors Meeting will be held on February 25; and the MASWCD Legislative Briefing and Day at the Capitol on February 26. LeAnn stated that RIM, WRP, and technical assistance is on their radar screen. SWCDs are excited about a statewide RIM program and are ready to provide tech assistance. SWCDs are cautiously optimist about the RIM-CE program. MASWCD will continue to communicate information to SWCDs on new upcoming programs.

Minnesota Association of Watershed Districts (MAWD) – Ray Bohn reported that MAWD had tremendous attendance at their annual convention in December. Emphasis will be on training this year, look forward to working with BWSR staff. Ray thanked BWSR staff for support of MAWD at their annual convention. Ray stated that MAWD is concerned with the Congressman Oberstar's Clean Water Act bill and the impact on watershed districts. Ray stated that there will be interesting issues to deal with this legislative session. MAWD is excited about PRAP; Ray worked with BWSR on this and looks forward to implementation, hopeful to get funding to move past Level 1. MAWD will actively support additional funding for programs. Ray stated that Julie Klocker will be a tremendous asset to BWSR. MAWD's legislative breakfast will be held Thursday, March 13. John Jaschke has been invited to speak. MAWD will be updating and enhancing their website this next year and attempting to make it interactive to provide training and conduct meetings.

Natural Resources Conservation Service (NRCS) – Tim Koehler reported that NRCS received $25M in EQIP funding, over $17M is obligated for about 1500 producer contracts. Tim reported that NRCS matched BWSR's funding, about $200,000 to be obligated over the next few weeks for SE MN flood efforts. Tim

reported that $1M has been allocated for the drought in northern Minnesota. Tim stated that Al Kean, Tom Wenzel, and BWSR's engineering staff have a done a great job on NRCS farm bill contribution efforts. Tim acknowledged monitoring efforts lead by Greg Larson, Carol Strojny and Karli Swenson, and appreciated the assistance and interactive process with NRCS and landowners. Tim reported that NRCS is looking forward to the legislative session and a RIM/WRP partnership. Tim will provide information on the Farm Bill when he receives it.

UPCOMING MEETINGS

- The next Board Meeting is March 26, 2008, in St. Paul.
- Board Member participation is required in the executive director performance review; submit information to Bill Eisele by February 6.
- The RIM Committee and the Grants Program and Policy Committee will both meet on February 27.

** 08-17 Moved by Louise Smallidge, seconded by Larry Kramka, to adjourn the meeting at 1:00 p.m. Motion passed on a voice vote.

The Wetland Committee will meet immediately following the Board meeting today.

Respectfully submitted,

Mary Jo Anderson
Recorder

Dispute Resolution Report
March 14, 2008
by: Jim Haertel

There are presently 26 appeals pending. All of the appeals involve WCA except File 05-24. There have been 7 new appeals filed since the last report dated January 10th.

File 08-9. This is a new appeal of a replacement order in Pine County. The appeal regards impacts to approximately 11.26 acres of wetland. No decision has been made on the appeal.

File 08-8. This is a new appeal of a replacement order in Pine County. The appeal regards the filling of over 18,000 square feet of Type 2 wetland. No decision has been made on the appeal.

File 08-7. This is a new appeal of a restoration order in the City of Lindstrom, Chisago County. The appeal regards the excavation, filling and draining of over 3,000 square feet of wetland. No decision has been made on the appeal.

File 08-5. This is a new appeal of a replacement plan decision in the City of Sartell, Stearns County. At issue is the approval of a replacement plan application that may be contrary to the requirements in a final Alternative Urban Areawide Review document specifically in relation to mitigation for lost bald eagle habitat. The appeal has been denied.

File 08-4. This is a new appeal of no-loss and exemption decisions in Waseca County. In addition to the no-loss decision, at issue are denials of the agricultural exemption, approved development exemption, incidental wetland exemption, and claims of numerous procedural issues that were prejudicial to the applicants. Further, a Minn. Stat. § 15.99 (60-day rule) claim is pending in District Court. The appeal has been remanded for further technical work at the local level.

File 08-3. This is a new appeal of a replacement plan decision in Stearns County. A citizen petition signed by 131 residents of Stearns County was previously submitted to appeal the approval of a replacement plan application for this project. The appeal was remanded for further processing at the local level. The decision made under remand again approved the application. The approved replacement plan would impact 150 square feet of wetland in conjunction with replacing an existing culvert under a Collegeville Township road named Hidden Cove Road, near Big Fish Lake, with a longer culvert, constructing a water retention basin and a standpipe. The appeal has been denied.

File 08-1. This is an appeal of a restoration order in Aitkin County. The appeal involves the filling of wetland for a road in shoreland area. The restoration order has been stayed and the appeal has been placed in abeyance pending further technical work.

File 07-37. This is an appeal of a restoration and replacement order in the City of Sturgeon Lake, Pine County. The appeal involves the excavation and filling of wetland. No decision has been made on the appeal.

File 07-36. This is an appeal of a restoration order in the City of Hugo, Washington County. The appeal involves the filling of approximately 5,447 square feet of Type 7 wetland for a driveway. The restoration order has been stayed and the appeal has been placed in abeyance pending a decision by the LGU on applications for an exemption and a replacement plan.

File 07-33. This is an appeal of an exemption decision in International Falls, Koochiching County. The appeal involves the approval of an exemption request that resulted from issuance of a cease and desist order for unauthorized wetland impacts. The appeal has been accepted and copies of the record have been requested.

File 07-32. This is an appeal of an exemption decision in International Falls, Koochiching County. The appeal involves the approval of an exemption request that resulted from issuance of a cease and desist order for unauthorized wetland impacts. The appeal has been accepted and copies of the record have been requested.

File 07-31. This is an appeal of an exemption decision in International Falls, Koochiching County. The appeal involves the approval of an exemption request that resulted from issuance of a restoration order for unauthorized filling of wetland for a building. The appeal has been accepted and copies of the record have been requested.

File 07-29. This is an appeal of a restoration order in Crow Wing County. The appeal involves the filling of wetland along a driveway. The restoration order has been stayed and the appeal has been placed in abeyance pending the completion of further field work this spring.

File 07-28. This is an appeal of a restoration order in Mille Lacs County. The appeal regards the filling of wetland. The restoration order has been stayed and the appeal has been placed in abeyance pending the submission of an after-the-fact wetland replacement plan application this month.

File 07-27. This is an appeal of a restoration and replacement order in Benton County. The appeal involves the excavation of an island that was in wetland and the filling of wetland along the wetland edge. The restoration order has been stayed and the appeal has been placed in abeyance pending the completion of further field work this spring.

File 06-23. This is an appeal of a replacement plan decision in Kanabec County. The LGU denied the wetland replacement plan application. A previous denial of the same replacement plan application had been appealed, the appeal was remanded for a hearing, and now the current denial has been appealed. The appeal has been placed in abeyance pending the outcome of a lawsuit between the landowner and the county. The lawsuit concerns the county's possible noncompliance with the 60-day rule. The county prevailed in district court, however the decision has been appealed to the Court of Appeals.

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

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

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

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

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

File 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. It appears at least two of the appeals have been settled.

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

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

File 05-1. This is an appeal of a replacement plan decision by the Rice Creek Watershed District. The District previously made a decision that was appealed which resulted in a remand for an expanded TEP. Now there is an appeal of the decision made under remand since the decision differed from the TEP report. At issue is a wetland delineation and the Comprehensive Wetland Protection and Management Plan that BWSR approved. After a hearing before the DRC, the board remanded the matter for a new wetland delineation and for submission on an updated, complete replacement plan application.

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

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

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

BWSR Legislative Summary: 3-25-08

Budget – The Governor's supplemental budget reductions are being considered by the House and Senate. The Governor's proposed reductions for BWSR (and a temporary increase for SE Flood response) are:

- Grants cuts: $-200K per year for native buffers coast-share and $-100K per year for county weed management cooperatives.
- Administration cuts: $-150K per year for drainage assistance = -1.5 FTE.
- Increases for SE Flood Response: $+450K in FY09 and $+275 for FY10.

The House has chosen to make larger reductions as the budget forecast for FY10-11 is where the problem is. Below are Agency/Governor/House Comparisons as of 3-35-08.

Comparison of 2009 Supplemental Budget All amounts -000 **as of 3/25/08**

Item	Agency		Gov		House Envir	
Native Buffers Cost Share	(200)	*17%*	(200)	*17%*	(550)	*46%*
County Weed Mgmt Coop Cost-Share	(100)	*33%*	(100)	*33%*	(100)	*33%*
Grants to Basin Mgmt Organizations *	(100)	*29%*	0	*0%*	(100)	*29%*
Drainage Assistance Program **	(100)	*3%*	(150)	*3%*	(68)	*2%*
Total Reductions	**(500)**		**(450)**		**(818)**	
DR-1717 flood area	900		450		450	
APO Implementation	300		0		0	
P-RAP	410		0		0	
Star Lakes	0		0		50	
Total Additions	**1,610**		**450**		**500**	
Net	**1,110**		**0**		**(318)**	

* Area II ($40K), RRBC ($30K), MN River JPB ($30K)

** To meet Governor's 3% admin reduction. House does not treat as "Admin reduction"

FY10/11 biennium

House: All items carry forward the same for FY10/11 except:

DR-1717: $275 in FY10 and 0 in FY11

Star Lakes: $100 each in FY10 and FY11

Bonding Bill – no formal action or meetings by the conference committee. BWSR items stand as follows:

- **RIM**: Gov. = $21.8M, Senate = $15M, House = $35M
- **RIM-Clean Energy**: Gov. = $3.3M, Senate = $3.3M, House = $0 (but with language to allow some additional harvest on existing easements)
- **Roads Wetland Banking**: Gov./Senate = $4.9M, House = $3.0M
- **Lake Titlow Stormwater (Gaylord):** Gov. = $0, Senate = $650K, House = $475
- **Grass Lake (Kandiyohi Co.):** Gov./Senate = $0, House = $800K

Conferees: Senate chair Keith Langseth (DFL- Glyndon). House chair Alice Hausman (DFL-St. Paul). The additional Senate conference committee members are Sandra Pappas (DFL-St. Paul), David Tomassoni (DFL - Chisholm), Linda Scheid (DFL-Brooklyn Park), and Paul Koering (R - Fort Ripley). The additional House conference members are Jean Wagenius (DFL-Minneapolis), Loren Solberg (DFL - Grand Rapids), Bev Scalze (DFL - Little Canada), and Kathy Tingelstad (R-Andover).

Policy Bills

- **Wetland Conservation Act.** HF 2737/SF2648 (Anzelc/Saxhaug): In play in both separate and omnibus bills. "*In greater than 80 percent areas, preservation of wetlands subsequently protected by a state conservation easement held by the board of water and soil resources may be eligible for wetland banking credits, according to rules adopted by the board.* HF3786/SF3428 (Olin/Stumpf): Reinstates the approved development exemption - in greater than 80 percent areas and Roseau County - which was removed last year. The bill is an attempt to address a long-standing WCA matter at Warrod Estates, Lake of the Woods, Roseau County. Bill has questions including fiscal impacts.

- **Drainage**: Drainage: HF3312 is about raising a drainage system repair fund limit from $40K to $100K. HF 3541 is about responsibilities for costs to replace bridges and culverts on public roads over public drainage ditches. Neither has a Senate companion.

- A **Watonwan SWCD interim board** would be established by appointment via SF3555/HF3890. It is going to floor vote in both bodies via consent calendar.

- **Star Lakes**. SF2943/HF3437 (M. Olson/Moe) would establish a process to provide recognition to lakes (and rivers) that met certain performance and organizational standards. Senate author wants a separate organization that will have additional costs in a budget-reduction year. House may choose to go with a more modest startup approach – which may involve BWSR. Funding scarcity will be primary factor in how/where this legislation goes this year.

- **Native Seed/plants.** SF3792/HF3996 (Skoe/Eken) – this would undo part of the limitation on native seed sourcing passed in last year's legislation providing more flexibility for BWSR programs subject to the native seed definitions – RIM, Wetland Banking, Native Buffer Cost-Share.

- **Comfort Lake-Forest Lake Watershed District**. HF2824/SF2480 (Kalin/Olseen) – would allow the Comfort Lake-Forest Lake Watershed District established under Minnesota Statutes, chapter 103D to operate as watershed management organization as defined in Minnesota Statutes, section 103B.205, within Washington and Chisago Counties (40% portion outside 7-County Metro).

- **Basin Management**. HF2536 (Lanning) - Establishes a state basin watershed management policy, establishes basin boards, grants additional authority to watershed management organizations, provides oversight, and appropriates money. Basin levy provision removed. No Senate bill at this point.

- **Conservation Plans**. HF2867 (Juhnke) – Farm conservation plan program created, state cost-share program requirements modified to acknowledge conservation plan, BWSR and MDA to establish task force, and money appropriated. No hearings held. Hosue to hold informational hearing later in session. No Senate bill at this point.

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

In the Matter of the Boundary Change for the Coon Creek Watershed District in Anoka County pursuant to Minnesota Statutes § 103B.215

ORDER BOUNDARY CHANGE

Whereas, the Coon Creek Watershed District filed a Petition dated December 10, 2007 with the Board of Water and Soil Resources (Board) on December 13, 2007, to change the boundary of the Coon Creek Watershed District (CCWD) pursuant to Minn. Stat. § 103B.215, and;

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

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

FINDINGS OF FACT

1. **Petition.** The Petition to change the boundary of the CCWD with the Upper Rum River Watershed Management Organization (URRWMO) was filed by the CCWD Board of Managers with the Board on December 13, 2007.

2. **Property Description.** The territory included in the boundary change, the Petitioned Area, is located in the City of Ham Lake in Anoka County entirely within the metropolitan area and totals approximately 493.5 acres of land in Sections 4, 5 and 6. The Petitioned Area includes the transfer of 249.5 acres from the CCWD to the URRWMO, the assignment of 114.6 acres currently under both jurisdictions to the CCWD, and the assignment of 129.4 acres currently under both jurisdictions to the URRWMO. The Petitioned Area is depicted on seven maps attached to the Petition and further identified in three property identification tables attached to the Petition.

3. **Reasons for Boundary Change.** The proposed boundary change would achieve a more accurate alignment between the hydrologic and legal boundaries of the CCWD and the URRWMO, and it would address overlaps in the existing boundaries. The City of Ham Lake requested the boundary change. The requested boundary change is consistent with the purposes and requirements of Minn. Stat. §§ 103B.205 to 103B.255.

4. **Statements of Concurrence.** The required statements of concurrence pursuant to Minn. Stat. § 103B.215, Subd. 2, item c from the City of Ham Lake and the URRWMO were submitted with the Petition.

5. **Effect on Benefits and Damages.** The Petition states the proposed boundary change will not affect the benefits or damages for any improvements previously constructed by the CCWD or the URRWMO.

6. **Notice of Filing.** Legal Notice of Filing of the proposed boundary change, pursuant to Minn. Stat. § 103B.215, Subd. 3, was published in the Anoka County Union on January 11 and 18, 2008. Further, a copy of the hearing notice was mailed on January 10, 2008 to several addressees including the Anoka County Auditor, the Mayor of the City of Ham Lake, the Anoka Conservation District, the URRWMO and the CCWD.

7. **Public Hearing.** The Legal Notice of Filing was published pursuant to Minn. Stat. § 103B.215, Subd. 3, which requires within 20 days of the last date of publication of the Notice of Filing of the Petition that at least one request for hearing be received by the Board before a hearing will be held. No requests for hearing and no comments were received during the specified period of time and no hearing was held.

8. **Metro Water Planning Committee.** Based on the entire record in this matter, the Board's Metro Water Planning Committee in a unanimous decision recommend to the full Board that the requested boundary change be approved for the CCWD because the Petitioned Area should be divided as close as practicable to the hydrologic boundary, areas of overlap should not exist, the change is consistent with the purposes and requirements of the Metropolitan Surface Water Management Act in Minn. Stat. §§ 103B.205 to 103B.255, the change can be accomplished in conformance with Minn. Stat. § 103B.225 regarding benefits and damages, and the governing bodies of the City of Ham Lake, the CCWD and the URRWMO concur in the requested boundary change. Because the Board does not have the authority to change the URRWMO boundary, the URRWMO should be encouraged to change their organizational boundary consistent with the CCWD boundary change.

CONCLUSIONS

1. The Petition for boundary change of the Coon Creek Watershed District is valid in accordance with Minn. Stat. § 103B.215.

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

3. The Board has proper jurisdiction in the matter of ordering a watershed district boundary change.

4. The territory included in the requested boundary change is within the hydrologic boundaries of the Coon Creek Watershed District or the Upper Rum River Watershed Management Organization.

5. The governing bodies of the City of Ham Lake, the Coon Creek Watershed District and the Upper Rum River Watershed Management Organization concur in the requested boundary change.

6. The requested boundary change is consistent with the purposes and requirements of Minn. Stat. §§ 103B.205 to 103B.255.

7. The requested boundary change can be accomplished in conformance with Minn. Stat. § 103B.225 regarding benefits and damages.

8. The proposed boundary change should be approved per the Petition for the Coon Creek Watershed District and the Upper Rum River Watershed Management Organization should be encouraged to change their organizational boundaries consistent with this Order.

ORDER

The Board hereby orders that the boundaries of the Coon Creek Watershed District are changed per the Petition as identified in the three property identification tables attached to this Order and made a part hereof. The Board strongly recommends the Upper Rum River Watershed Management Organization take immediate action to change its organizational boundary consistent with this Order.

Dated this 26th day of March, 2008.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Randy Kramer, Chair

Property Identification

Table 1 indicates parcels currently within Coon Creek Watershed District that are proposed to be transferred to Upper Rum River Watershed Management Organization. This area totals 445.77 acres.

Table 1. Parcels to be subtracted from CCWD and added to URRWMO

PIN	Acres	Owner	Address	City	State, Zip
003-013224440009	2.20	JOHNSON JEFFREY J & DIANE J	28 173RD LN NW	ANDOVER	MN, 55304
003-123224110014	9.74	CAPELING LAWRENCE & R M	17251 BUTTERNUT ST NW	ANDOVER	MN, 55304
003-123224110002	0.95	LENARZ BONNIE D	17182 CROSSTOWN BLVD NW	ANDOVER	MN, 55304
003-043223120002	11.84	KNUTSON GREGORY E	2217 SWEDISH DR	HAM LAKE	MN, 55304
003-043223210001	34.56	HAM LAKE HOLDINGS LLC	2195 SILVER LAKE RD	NEW BRIGHTON	MN, 55112
003-043223130003	2.99	G E KNUTSON INC	14855 ABERDEEN ST NE	HAM LAKE	MN, 55304
003-053223130001	31.29	EICHI INC	2195 SILVER LK RD	NEW BRIGHTON	MN, 55112
003-043223240001	36.27	HAM LAKE HOLDINGS LLC	2195 SILVER LAKE RD	NEW BRIGHTON	MN, 55112
003-043223230001	35.52	HAM LAKE HOLDINGS LLC	2195 SILVER LAKE RD	NEW BRIGHTON	MN, 55112
003-053223230008	3.93	BYERS LAURA	17820 FILMORE ST NE	HAM LAKE	MN, 55304
003-053223230018	0.91	PHILLIPS TODD A & JENNY L J	1205 178TH AVE NE	HAM LAKE	MN, 55304
003-053223230017	2.50	HANSON LANCE	17829 FILLMORE ST NE	HAM LAKE	MN, 55304
003-063223140002	23.16	LINDSAY ROBERT T	17712 CONCORD DR NE	HAM LAKE	MN, 55304
003-053223230014	2.72	CURTISI ANTHONY & CHRISTINE	17812 TAYLOR ST NE	HAM LAKE	MN, 55304
003-053223230005	2.40	HEILLE DALE R & MARY K	17827 TAYLOR ST NE	HAM LAKE	MN, 55304
003-063223140006	1.22	OSBORNE WALTER & LORETTA	17100 HIGHWAY 65 NE	HAM LAKE	MN, 55304
003-043223240004	3.48	HRBACEK JOSEPH R & STEPHANIE L	2159 SWEDISH DR NE	HAM LAKE	MN, 55304
003-053223230011	2.95	ETTER ERIC	17755 FILLMORE ST NE	HAM LAKE	MN, 55304
003-063223140001	0.99	BERENS RICHARD A & SANDRA L	17803 CONCORD DR	HAM LAKE	MN, 55304
003-053223230007	2.50	RYLANDER TANJA M & NELSON B D	1121 177TH LN NE	HAM LAKE	MN, 55304
003-053223230015	3.33	ZELLNER ERIC W	17848 TAYLOR ST NE	HAM LAKE	MN, 55304
003-063223140010	0.75	LEYSEN NATHAN A	17751 CONCORD DR NE	HAM LAKE	MN, 55304
003-053223230006	1.77	LACOURSIERE DONALD	17751 TAYLOR ST NE	HAM LAKE	MN, 55304
003-063223140007	0.86	LIVINGOOD AARON	17741 CONCORD DR NE	HAM LAKE	MN, 55304
003-053223230012	2.62	LEE CHAD W & KRISTEN M	1130 177TH LN NE	HAM LAKE	MN, 55304
003-063223140008	1.08	HAM LAKE CITY OF	15544 CENTRAL AVE NE	HAM LAKE	MN, 55304

PIN	Acres	Owner	Address	City	State, Zip
003-053223230016	2.33	OSBORNE WALTER F	17100 HWY 65 NE	HAM LAKE	MN, 55304
003-053223240023	2.66	ROOT MICHAEL J & MICHELLE A	17714 JOHNSON ST NE	HAM LAKE	MN, 55304
003-063223140009	2.32	KOWALZEK THEO S	17717 CONCORD DR NE	HAM LAKE	MN, 55304
003-053223230013	1.39	WALSH SUSAN	17717 TAYLOR ST NE	HAM LAKE	MN, 55304
003-043223320004	1.09	REYNOLDSON WM L & MARY E	17655 SWEDISH DR NE	ANOKA	MN, 55304
003-053223410002	2.15	CRAWFORD MAUREEN M & DARIN D	1755 176TH LN NE	HAM LAKE	MN, 55304
003-053223410003	0.88	FRANK DALE R & JUDY K	1737 176TH LN NE	ANOKA	MN, 55304
003-043223320001	6.70	KETZ BRADLEY K & COLLEEN A	1920 SWEDISH DR NE	HAM LAKE	MN, 55304
003-053223410014	20.75	HAENSEL PAUL & PHYLLIS	1647 CROSSTOWN BLVD NE	ANOKA	MN, 55304
003-053223410005	4.91	HER MAO	17626 SWEDISH DR NE	HAM LAKE	MN, 55304
003-053223410004	0.65	FRANK DALE R & JUDY K	1737 176TH LN NE	ANOKA	MN, 55304
003-043223310027	2.56	TRIMBO JOSEPH G & VICTORIA A	17655 LONDON ST NE	HAM LAKE	MN, 55304
003-053223420006	0.91	H K & A LLP	1837 86TH LN NE	BLAINE	MN, 55449
003-053223420012	4.42	CROSSTOWN SHOPPING CENTER INC	17 WASHINGTON AVE N STE 500	MINNEAPOLIS	MN, 55401
003-043223320003	1.30	REYNOLDSON WILLIAM L & MARY	17655 NE SWEDISH DR	ANOKA	MN, 55304
003-053223420005	1.89	WESTYS PROPERTIES LLC	17758 PALM ST NW	ANDOVER	MN, 55304
003-043223310028	2.62	CLICK AUDREY	17630 LONDON ST NE	HAM LAKE	MN, 55304
003-053223420025	1.02	21ST CENTURY BANK	9380 CENTRAL AVE NE	BLAINE	MN, 55434
003-043223320034	2.21	BOWEN JR RON	17633 SWEDISH DR NE	HAM LAKE	MN, 55304
003-043223320004	0.76	REYNOLDSON WM L & MARY E	17655 SWEDISH DR NE	ANOKA	MN, 55304
003-053223420022	0.70	CROSSTOWN SHOPPING CTR	9380 CENTRAL AVE NE	BLAINE	MN, 55434
003-043223320024	0.37	BOWEN JR RON	17633 SWEDISH DR NE	HAM LAKE	MN, 55304
003-043223320023	0.39	TEESELINK PAUL	1821 176TH AVE NE	HAM LAKE	MN, 55304
003-043223320022	0.33	BONA ROCKFORD R	1809 176TH LN NE	HAM LAKE	MN, 55304
003-053223420026	2.94	CROSSTOWN SHOPPING CTR	9380 CENTRAL AVE NE	BLAINE	MN, 55434
003-053223420019	0.65	CROSSTOWN SHOPPING CTR	9380 CENTRAL AVE NE	BLAINE	MN, 55434
003-053223420013	1.72	HAM LAKE PROFESSIONAL CENTER LLC	29490 FRANCIS LAKE DR NW	ISANTI	MN, 55040
003-053223410006	0.52	SODERQUIST JARRYL D & R	17614 SWEDISH DR NE	ANOKA	MN, 55304
003-053223410007	0.43	SODERQUIST JARRYL D & R	17614 SWEDISH DR NE	ANOKA	MN, 55304
003-043223320039	8.35	ZURN ROBERT M & ELIZABETH	17540 LONDON ST NE	HAM LAKE	MN, 55304

PIN	Acres	Owner	Address	City	State, Zip
003-053223410008	1.80	SODERQUIST JARRYL D & R	17614 SWEDISH DR NE	ANOKA	MN, 55304
003-043223320033	0.38	CITY OF HAM LAKE	15544 CENTRAL AVE NE	ANOKA	MN, 55304
003-053223420023	1.55	CROSSTOWN SHOPPING CTR	9380 CENTRAL AVE NE	BLAINE	MN, 55434
003-043223320016	0.35	MURAWSKI ROY SCOTT & PATRICIA	17565 SWEDISH DR NE	HAM LAKE	MN, 55304
003-043223320017	0.33	HIPP THOMAS E	17558 ISANTI ST NE	HAM LAKE	MN, 55304
003-053223420021	0.38	CROSSTOWN SHOPPING CTR	9380 CENTRAL AVE NE	BLAINE	MN, 55434
003-043223320029	0.34	FORWARD TRENT J & BAHIA M	17565 ISANTI ST NE	HAM LAKE	MN, 55304
003-043223320031	0.81	JOHNSON DOUGLAS	17545 ISANTI ST NE	HAM LAKE	MN, 55304
003-053223420020	0.52	CROSSTOWN SHOPPING CTR	9380 CENTRAL AVE NE	BLAINE	MN, 55434
003-043223320015	0.35	OLSON JEFFREY A & MARY B	17557 SWEDISH DR NE	HAM LAKE	MN, 55304
003-043223320018	0.31	HIPP CONSTANCE M	17558 ISANTI ST NE	ANOKA	MN, 55304
003-053223410009	2.31	PETRY LESTER H & MARLYS V	1703 175TH LN NE	ANOKA	MN, 55304
003-043223320028	0.31	NELSON DARYL O & TABITHA R	17557 ISANTI ST NE	HAM LAKE	MN, 55304
003-053223410013	1.88	KIKEN DUANE C	1733 175TH LN NE	ANOKA	MN, 55304
003-053223410010	0.45	CHRISTIANSEN DANIEL W	17556 SWEDISH DR NE	ANOKA	MN, 55304
003-053223420003	1.97	ANDERSON HOWARD A & RITA E	17535 CHISHOLM ST NE	HAM LAKE	MN, 55304
003-043223320014	0.38	FREUND DANIEL & THERESA A	17545 SWEDISH DR NE	ANOKA	MN, 55304
003-043223320019	0.36	AMUNDSON JOHN P	17548 ISANTI ST NE	HAM LAKE	MN, 55304
003-043223320027	0.36	JOHNSON DOUGLAS	17545 ISANTI ST NE	HAM LAKE	MN, 55304
003-053223420010	0.93	CROSSTOWN SHOPPING CENTER INC	17 WASHINGTON AVE N STE 500	MINNEAPOLIS	MN, 55401
003-053223410011	0.52	RUDE ANN L & ROBERT B	17552 SWEDISH DR NE	HAM LAKE	MN, 55304
003-043223320013	0.36	DUMIRE WANDA L	17537 SWEDISH DR NE	ANOKA	MN, 55304
003-043223320020	0.33	ZACH DONALD A & DIANNE M	17538 ISANTI ST NE	HAM LAKE	MN, 55304
003-043223320026	0.33	JONES KENNIETH S SR & JULIE R	17537 ISANTI ST NE	ANOKA	MN, 55304
003-053223420008	2.85	SODERQUIST & SODERQUIST	17525 HIGHWAY 65 NE	HAM LAKE	MN, 55304
003-043223320032	0.51	BALL RICKY T & GAYLENE M	1861 175TH LN NE	HAM LAKE	MN, 55304
003-053223410012	0.40	ODONNELL JOLENE M	17530 SWEDISH DR NE	HAM LAKE	MN, 55304
003-043223320012	0.36	SCHULE THOMAS J & CARRIE A	17525 SWEDISH DR NE	HAM LAKE	MN, 55304
003-043223320021	0.32	JOHNSON JAMES A & CYNTHIA J	17528 ISANTI ST NE	ANOKA	MN, 55304
003-043223320025	0.34	MARTY RICHARD R & LUANN M	17500 ISANTI ST NE	ANOKA	MN, 55304
003-043223320036	2.56	MEISTER GREGORY	1926 175TH LN NE	HAM LAKE	MN, 55304

PIN	Acres	Owner	Address	City	State, Zip
003-043223320040	2.30	NEUMAN CLAYTON L & BEVERLY J	17520 LONDON ST NE	HAM LAKE	MN, 55304
003-043223320006	0.34	HEDIN BERNICE	1810 175TH LN NE	HAM LAKE	MN, 55304
003-043223320007	0.36	POJANOWSKI PAUL M & IRENE B	1820 175TH LN NE	HAM LAKE	MN, 55304
003-043223320008	0.38	FORD MICHAEL V & LINDA M	1830 175TH LN NE	HAM LAKE	MN, 55304
003-043223320009	0.37	BERNDT JOHN L	1840 175TH LN NE	ANOKA	MN, 55304
003-043223320010	0.35	REGINO ANTONIO	1850 175TH LN NE	HAM LAKE	MN, 55304
003-043223320038	0.43	SABA BRANDI	1860 175TH LN NE	HAM LAKE	MN, 55304
003-053223440002	1.64	MOUA MAI	1747 SODERVILLE DR	HAM LAKE	MN, 55304
003-053223440003	1.55	SMITH RUEDIGER & TURNER L A	1731 SODERVILLE DR NE	HAM LAKE	MN, 55304
003-053223440019	2.83	SODERQUIST DONALD A & L	3652 SAYBROOK PL	BONITA SPRINGS	FL, 34134
003-043223330008	1.32	SCHOLL JEROME D	1811 SODERVILLE DR NE	HAM LAKE	MN, 55304
003-043223330001	1.43	HIRSCH GLEN & SHARON	1827 SODERVILLE DR NE	ANOKA	MN, 55304
003-043223330010	0.74	GUNDERSON DAWN	1851 SODERVILLE DR NE	HAM LAKE	MN, 55304
003-043223330009	1.86	OLMSCHEID KEITH L & SUSAN E	1909 SODERVILLE DR NE	HAM LAKE	MN, 55304
003-043223330011	0.93	NORDIN CRAIG	1929 SODERVILLE DR NE	HAM LAKE	MN, 55304
003-043223330007	0.82	HANSE GARY H & MARY J	1943 SODERVILLE DR	HAM LAKE	MN, 55304
003-043223330002	1.56	HELMBRECHT MARY A	2011 SODERVILLE DR NE	HAM LAKE	MN, 55304
003-043223340036	0.15	MN STATE OF IN TRUST	2100 3RD AVE	ANOKA	MN, 55303
003-073223220019	7.78	MITCHELL JAMES W & BETH A	99 CROSSTOWN BLVD NE	HAM LAKE	MN, 55304
003-073223220002	1.06	ROGERS DANIEL	304 CROSSTOWN BLVD NE	HAM LAKE	MN, 55304
003-073223220021	3.16	BRAASTAD RONALD	21119 CEDAR DRIVE	CEDAR	MN, 55011
003-073223220014	0.87	CHA TXIA & VANG BEE	17150 3RD ST NE	HAM LAKE	MN, 55304
003-053223410020	0.84	GALE JAMES G & WENDY M	17504 SWEDISH DR NE	HAM LAKE	MN, 55304
003-053223410019	1.00	VANREESE L I & K J	1730 175TH LN	HAM LAKE	MN, 55304
003-053223410018	1.25	NIKSTAD RONALD G & TRACY J	1716 175TH LN	HAM LAKE	MN, 55304
003-043223140001	41.97	DOSEDEL JOHN F & JOAN A	17102 E LAKE NETTA DR NE	HAM LAKE	MN, 55304
003-053223140002	13.25	EICHI INC	2195 SILVER LAKE RD	NEW BRIGHTON	MN, 55112
003-053223140003	27.00	HAM LAKE HOLDINGS LLC	2195 SILVER LAKE RD	NEW BRIGHTON	MN, 55112
003-043223320003	0.78	REYNOLDSON WILLIAM L & MARY	17655 NE SWEDISH DR	ANOKA	MN, 55304
003-043223320004	0.05	REYNOLDSON WM L & MARY E	17655 SWEDISH DR NE	ANOKA	MN, 55304

Table 2 indicates parcels currently within both Coon Creek Watershed District and Upper Rum River Watershed Management Organization that are proposed to be assigned to Coon Creek Watershed District. This area totals 145.06 acres.

Table 2. Parcels in overlap area to be assigned to CCWD

PIN	Acres	Owners	Address	City	State, Zip
003-063223140002	23.16	LINDSAY ROBERT T	17712 CONCORD DR NE	HAM LAKE	MN, 55304
003-063223140008	1.08	HAM LAKE CITY OF	15544 CENTRAL AVE NE	HAM LAKE	MN, 55304
003-063223140009	2.32	KOWALZEK THEO S	17717 CONCORD DR NE	HAM LAKE	MN, 55304
003-063223410012	9.12	GILBERT DONALD A & BARBARA	939 CROSSTOWN BLVD NE	HAM LAKE	MN, 55304
003-063223410015	7.45	ZARLING LINDA L	17665 CONCORD DR NE	HAM LAKE	MN, 55304
003-063223410014	3.50	ZARLING LINDA L	17665 CONCORD DR NE	HAM LAKE	MN, 55304
003-063223410011	4.17	OLSON ROGER E & CONNIE M	919 CROSSTOWN BLVD NE	HAM LAKE	MN, 55304
003-063223410009	3.76	HALVORSON DEAN H & MONICA A	17545 CONCORD DR NE	HAM LAKE	MN, 55304
003-063223420020	3.10	NUTTER MICHAEL J	745 CROSSTOWN BLVD NE	HAM LAKE	MN, 55304
003-063223410010	2.72	TRAUTWEIN THOMAS F & M M	839 CROSSTOWN BLVD NE	HAM LAKE	MN, 55304
003-063223410004	0.84	WIENER FRANCIS D	901 CROSSTOWN BLVD NE	HAM LAKE	MN, 55304
003-063223410003	1.10	MARTINI JEROME WILMER	811 CROSSTOWN BLVD NE	HAM LAKE	MN, 55304
003-063223440001	35.00	RONO LYNDIA JEAN ETAL	831 173RD AVE NE	HAM LAKE	MN, 55304
003-063223430006	30.71	RONO LYNDIA JEAN ETAL	831 173RD AVE NE	HAM LAKE	MN, 55304
003-063223430002	0.74	HOLMQUIST JAMES	600 CROSSTOWN BLVD NE	ANOKA	MN, 55304
003-063223340002	0.29	HOLMQUIST JAMES	600 CROSSTOWN BLVD NE	ANOKA	MN, 55304
003-063223340004	10.56	RONO LYNDIA JEAN ETAL	831 173RD AVE NE	HAM LAKE	MN, 55304
003-063223440002	2.76	RONO FRANCIS E & LYNDIA J	831 173RD AVE NE	ANOKA	MN, 55304
003-063223430005	2.68	RONO ARNOLD H & JEAN M	609 173RD AVE NE	HAM LAKE	MN, 55304

Table 3 indicates parcels currently within both Coon Creek Watershed District and Upper Rum River Watershed Management Organization that are proposed to be assigned to Upper Rum River Watershed Management Organization. This area totals 276.57 acres.

Table 3. Parcels in overlap area to be assigned to URRWMO

PIN	Acres	Owners	Address	City	State, Zip
003-043223240001	36.27	HAM LAKE HOLDINGS LLC	2195 SILVER LAKE RD	NEW BRIGHTON	MN, 55112
003-043223230001	35.52	HAM LAKE HOLDINGS LLC	2195 SILVER LAKE RD	NEW BRIGHTON	MN, 55112
003-053223230009	1.97	NIEKEN LYLE E & KAREN L	17865 FILLMORE ST NE	HAM LAKE	MN, 55304
003-053223230008	3.93	BYERS LAURA	17820 FILMORE ST NE	HAM LAKE	MN, 55304
003-053223230004	1.77	ORCHARD ROBERT W & ROBIN L	1025 178TH LN NE	HAM LAKE	MN, 55304
003-053223230003	1.28	JUMER LARRY M & ROBYN M	1019 178TH LN NE	HAM LAKE	MN, 55304
003-063223140004	2.22	MURRAY TIMOTHY L & JENELL E	17865 CONCORD DR NE	HAM LAKE	MN, 55304
003-063223140003	3.09	JESINOSKI THEODORE & GWEN	17862 CONCORD DR NE	HAM LAKE	MN, 55304
003-063223130007	21.97	DOWNS DAVID R & JOANNE M	17815 NE JEFFERSON ST	HAM LAKE	MN, 55304
003-053223230018	0.91	PHILLIPS TODD A & JENNY L J	1205 178TH AVE NE	HAM LAKE	MN, 55304
003-053223230017	2.50	HANSON LANCE	17829 FILLMORE ST NE	HAM LAKE	MN, 55304
003-063223140002	23.16	LINDSAY ROBERT T	17712 CONCORD DR NE	HAM LAKE	MN, 55304
003-053223230014	2.72	CURTISI ANTHONY & CHRISTINE	17812 TAYLOR ST NE	HAM LAKE	MN, 55304
003-063223140012	0.77	OSBORNE WALTER F	17100 HWY 65 NE	HAM LAKE	MN, 55304
003-053223230005	2.40	HEILLE DALE R & MARY K	17827 TAYLOR ST NE	HAM LAKE	MN, 55304
003-063223130001	10.84	LAKE JEANNE	17745 JEFFERSON ST NE	HAM LAKE	MN, 55304
003-063223140006	1.22	OSBORNE WALTER & LORETTA	17100 HIGHWAY 65 NE	HAM LAKE	MN, 55304
003-063223130006	6.81	SCHENDEL TIMOTHY T & JEANNIE A	715 176TH LN NE	HAM LAKE	MN, 55304
003-063223240005	3.97	MEYER LAWRENCE & MITZIE	460 177TH AVE NE	HAM LAKE	MN, 55304
003-063223130008	2.39				
003-063223140008	1.08	HAM LAKE CITY OF	15544 CENTRAL AVE NE	HAM LAKE	MN, 55304
003-063223130005	3.40	STRAND MELVIN A	17715 JEFFERSON ST NE	HAM LAKE	MN, 55304
003-063223420023	2.58	HEINISCH DENIS & MARY TRUSTEES	712 176TH LANE NE	HAM LAKE	MN, 55304
003-063223410002	2.64	ANDERSON CARL E & S A	17670 CONCORD DR NE	HAM LAKE	MN, 55304
003-063223310002	6.77	STEIN DOUGLAS A & BARBARA A	17620 JEFFERSON ST NE	HAM LAKE	MN, 55304
003-063223420012	3.19	BRANDJORD MARY	639 176TH LN NE	HAM LAKE	MN, 55304
003-063223410006	1.16	BLATCHLEY BRUCE	17640 CONCORD DR NE	HAM LAKE	MN, 55304

PIN	Acres	Owners	Address	City	State, Zip
003-063223420005	3.87	FAGERNESS STANLEY & P K	5306 408TH ST	NORTH BRANCH	MN, 55304
003-063223420007	0.37	ANOKA CTY COMM ACTION PROGRAM	1201 89TH AVE NE	BLAINE	MN, 55434
003-063223420008	0.61	NYMAN JOEL G & LISA A	644 176TH LN NE	HAM LAKE	MN, 55304
003-063223420002	1.09	RAMBOW RICHARD E & MARIE D	660 176TH LN NE	HAM LAKE	MN, 55304
003-063223420006	0.60	STHILAIRE ARTHUR W & SHARON	17625 JEFFERSON ST NE	HAM LAKE	MN, 55304
003-063223410014	3.50	ZARLING LINDA L	17665 CONCORD DR NE	HAM LAKE	MN, 55304
003-063223420003	0.68	ALEXANDER JACK L & J L	17609 JEFFERSON ST NE	HAM LAKE	MN, 55304
003-063223420010	0.94	BRUESTLE MARK & TRACY	17532 CONCORD DR NE	HAM LAKE	MN, 55304
003-063223420011	0.58	PETERSON SANDRA	17526 CONCORD DR NE	HAM LAKE	MN, 55304
003-063223420022	2.51	PETERSON SANDRA E	17526 CONCORD DR	HAM LAKE	MN, 55304
003-063223420016	1.24	JAMES JOSEPH C	2714 KNOX AVE N	MINNEAPOLIS	MN, 55411
003-063223420015	1.22	ROHLOFF WILLIAM M & TRACY L	17550 MADISON ST NE	HAM LAKE	MN, 55304
003-063223420001	4.54	CEDAR UNITED METHODIST	17541 JEFFERSON ST NE	HAM LAKE	MN, 55304
003-063223410009	3.76	HALVORSON DEAN H & MONICA A	17545 CONCORD DR NE	HAM LAKE	MN, 55304
003-063223420020	3.10	NUTTER MICHAEL J	745 CROSSTOWN BLVD NE	HAM LAKE	MN, 55304
003-063223420009	1.18	CHOUINARD PETER J & LINDA K	17522 CONCORD DR NE	HAM LAKE	MN, 55304
003-063223420021	1.30	MORRIS MARLENE M	659 175TH AVE NE	HAM LAKE	MN, 55304
003-063223420019	1.29	LARSON WILLIAM E & B J	643 175TH AVE NE	HAM LAKE	MN, 55304
003-063223430006	30.71	RONO LYNDIA JEAN ETAL	831 173RD AVE NE	HAM LAKE	MN, 55304
003-063223430004	2.65	RONO LYNDIA JEAN ETAL	831 173RD AVE NE	HAM LAKE	MN, 55304
003-063223340006	20.67	RONO LYNDIA JEAN ETAL	831 173RD AVE NE	HAM LAKE	MN, 55304
003-053223210009	2.43	CRISLIP MARTHA & MICHAEL J	1206 180TH LN NE	HAM LAKE	MN, 55304
003-063223130009	1.20				

The addition or transfer of the property as described above in this Petition will not affect the benefits or damages for any improvement previously constructed by the Coon Creek Watershed District or the Upper Rum River Watershed Management Organization, and such boundary change can be accomplished in accordance with Minnesota Statutes section 103B.225.

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

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

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

Minnesota Board of Water & Soil Resources

March 26, 2008

Beltrami County Commissioners
C/O Chris Parthun, Beltrami Soil and Water Conservation District
3217 Bemidji Ave. N Ste 3
Bemidji, MN 56601

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

Dear Beltrami County Commissioners:

Pursuant to M.S. section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Beltrami County has chosen to address in the update of their Local Water Management Plan. The Board of Water and Soil Resources, along with the state review agencies, were sent the Beltrami County Priority Concerns Scoping Document (PCSD) on December 17, 2007, and asked comments be sent within 30 days to Ron Shelito, BWSR Regional Supervisor.

A number of water resource concerns were submitted to the Beltrami Local Water Management Advisory Committee (LWMAC). The LWMAC chose the following priority concerns that will be addressed in the Water Plan Revision.

Surface Water

1. Lack of data to assist with future management and decision-making.
2. Increasing development pressures will negatively affect water quality.
3. Introduction of aquatic invasive species may degrade water resources.
4. Agricultural practices may degrade water quality.

Groundwater

1. Lack of data to assist with future management and decision-making.
2. Septic systems failure may degrade ground water quality.
3. Ground water-based drinking water sources need protection.
4. Groundwater degradation from known contamination sites.

The following state review agencies provided comments pertaining to the priority concerns selection:

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

- January 16, 2008, MPCA concurs with the priority concerns identified, but offered the following comments. MPCA encourages full participation in the development of TMDL pollutant allocations. The MPCA is available to help facilitate this involvement and encourages the County to plan for how additional water quality monitoring may be conducted to provide a more comprehensive assessment of waters in the County.

  MPCA also recommends that Beltrami County coordinate existing and future surface water assessments with the local/regional organizations and the MPCA.

- November 5, 2007, DNR concurs with the priority concerns and will continue to work with Beltrami County to complete the water planning update process.
- January 31, 2008, MDA commended Beltrami County and concurs with the priority concerns.
- January 17, 2008, MDH commended Beltrami County for recognizing the value of protection and preserving surface water and groundwater quality and quantity.

On February 9, 2008, the Northern Water Planning Committee (hereinafter referred to as the Committee) met with the Beltrami SWCD representatives to discuss local water management activities within Beltrami 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 Committee's recommendations, the Board of Water and Soil Resources commends Beltrami County for the process used to select the concerns. The priority concerns to be addressed in the plan were deemed to be appropriate, and do not require any changes to the PCSD as submitted.

Sincerely,

Randy Kramer, Chair
Board of Water and Soil Resources

cc: Chad Severts, BWSR
Ron Shelito, BWSR
Mike Carroll, DNR
David Johnson, MPCA
John Wells, EQB
Becky Balk, MDA
Art Persons, MDH

Bemidji
Bemidji Avenue N.
midji, MN 56601
ne (218) 755-4235
s (218) 755-4201

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

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Fergus Falls, MN 56537
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Marshall, MN 56258
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New Ulm, MN 56073
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DATE: February 7, 2008

TO: BWSR Northern Plan Review Subcommittee

FROM: Dan Steward, Board Conservationist

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

The original Douglas County Local Water Management Plan (LWMP) was approved in 1990. The first update to the original plan was completed in 1996. The current or third generation water plan will expire December 31, 2008.

Since the County began development of their original water plan in 1989, the County delegated implementation of the LWMP to the Land and Resource Management Department. However, in 2005, the County transferred LWMP implementation responsibilities to the Douglas SWCD. The SWCD is now working through the update process for the first time.

On June 26, 2007 the Douglas County Board of Commissioners passed a resolution to update the LWMP.

On December 14, 2007, Douglas County submitted their Priority Concerns Scoping Document (PCSD) to the Board of Water and Soil Resources for review. The attached Douglas PCSD identifies the following priority concerns, and proposes the update be focused on these four water management issues.

1. Development Pressures and Land Use
2. Natural Habitat Destruction
3. Wastewater and Strormwater Management
4. Water Quality

The County used the following process to develop the PCSD:

- April 5, 2007, Water Plan task force met to discuss water plan update process. A subcommittee was established to determine how to gather public input.
- May 7, 2007, Water Plan coordinator Emily Siira and SWCD manager Jerry Haggenmiller met with Dan Steward, Board Conservationist to discuss changes to LWP update process.
- June 26, 2007, Douglas County Commissioners passed a resolution to update the Local Water Management Plan.
- July 11, 2007, Water Plan Update Committee meets and directs staff to prepare paper and on-line surveys.

- July 23, 2007, Priority Concerns Input form mailed out to 11 municipalities, 20 townships and other local units.
- August 2, 2007, Press release sent to local media.
- August 1-20, 2007, Survey period. A total of 63 surveys were returned.
- September 10, 2007, Update Committee meets to discuss survey results.
- October 5, 2007, notice in Echo Press advertises public information meeting.
- October 18, 2007, Public information meeting held. 13 attend.
- October 32, 2007, Water Plan Task Force meets to review comments from the public meeting, survey and agencies, and selects top four priority concerns.

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

- MDNR: Outdated Land Use Plan, Runoff Management and Drainage.
- MPCA: Impaired Waters/Total Maximum Daily Loads, Alternative Shoreland Standards, Best Management Practices, Stormwater Management, Educational Opportunities.
- BWSR: Protection of Water Quality During and After Land Development in Riparian Areas, Erosion and Sediment Control on Development Areas Throughout Douglas County, The Trend Toward Development of Marginal Lands, Agricultural Soil Erosion.
- MDH: Protect Ground Water-based Drinking Water Sources, Sealing Unused / Unsealed Wells, Develop a Local Ground-water Quality Database.
- MDA: Manure Management and ISTS, Impaired Waters and TMDLs.

On December 14, 2007 the PCSD was sent to the required state agencies for review. Agencies were asked to send comments to Ron Shelito by January 14, 2008, the following agency comments were received:

MDH: The MDH in its comments on the PCSD concurred with the priority concerns selected by the county. The MDH commended the county on the process used to identify priority concerns, and for recognizing the value of protecting and preserving groundwater quality/quantity.

MDA: The MDA in its comments concurred with the priority issues selected, and commended the county on the process used to identify water management concerns.

MPCA: The PCA in its comments requested the County consider the following items when drafting the LWM Plan; participation in the development of TMDL pollutant allocations, conducting additional water quality monitoring, submitting collected data to MPCA, adoption of the Alternative Shoreland Standards, implementation of a rigorous BMP program, and local ordinances to address stormwater issues.

BWSR: On January 10, 2008 Dan Steward discussed BWSR recommendations for the PCSD with Jerry Haggenmiller. The draft PCSD was amended to address BWSR input.

DNR: The DNR comments have not been received at this time due to a position vacancy. The DNR comments are expected on Monday February 11, and are expected to be supportive of the Douglas County PCSD.

After reviewing the PCSD submitted by Douglas County along with the comments provided by the review agencies, I conclude that the guidance requirements have been met in general. The SWCD is to be commended for it's work on the first water plan headed up by the District. I recommend the subcommittee approve the PCSD for Douglas County.

Minnesota Board of Water & Soil Resources

1601 Minnesota Drive, Brainerd, MN 56401

March 27, 2008

Douglas County Commissioners
C/O Jerry Haggenmiller,
Douglas Soil and Water Conservation District
900 Robert Street, Ste 102
Alexandria, MN. 56308

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

Dear Douglas County Commissioners:

Pursuant to M.S. section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Douglas County has chosen to address in the update of their Comprehensive Local Water Management Plan. The Board of Water and Soil Resources, along with the state review agencies, were sent the Douglas County Priority Concerns Scoping Document (PCSD) on December 14, 2007, and asked comments be sent by January 14, 2008, to Ron Shelito, BWSR Regional Supervisor.

Several water resources concerns were submitted to the Douglas County Water Plan Task Force. Many of these concerns had similar themes which allowed the Task Force to arrange them into the following priority concerns that will be addressed in the Water Plan Revision.

1. Development Pressures and Land Uses
2. Natural Habitat Destruction
3. Wastewater and Stormwater Management
4. Water Quality

The Minnesota Department of Health, Agriculture and Department of Natural Resources all concurred with the priority concerns identified.

On February 13, 2008, the Northern Regional Water Resources Subcommittee (hereinafter referred to as the subcommittee) met with the Douglas County/SWCD representatives to discuss Local Water Management activities within Douglas 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.

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Suite 234
Bemidji, MN 56601
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fax (507) 285-7144

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Saint Paul, MN 55155
phone (651) 296-3767
fax (651) 297-5615

Based on the subcommittee's recommendations, the Board of Water and Soil Resources commends Douglas County for the process used to select the concerns. The priority concerns to be addressed in the plan were deemed to be appropriate, and do not require any changes to the PCSD as submitted. The BWSR encourages Douglas County to continue to take advantage of opportunities to play the coordination role that is often key to improved local water management.

Sincerely,

Randy Kramer
Chair, Board of Water and Soil Resources

Ron Shelito, BWSR
Wayne Edgerton, DNR
Paul Eger, PCA
John Wells, EQB
Becky Balk, MDA
Mike Howe, MDH
Michael Carroll, DNR
Dan Steward, BWSR

Bemidji
1 Minnesota Avenue
Suite 234
Bemidji, MN 56601
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COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

1. Lyon County Request for Extension of Comprehensive Water Management Plan – *DECISION ITEM*

2. Nobles County Request for Extension of Comprehensive Water Management Plan – *DECISION ITEM*

3. Jackson County Local Water Management Plan Update – *DECISION ITEM*

From: Tabor Hoek
To: Nielsen, Jeff
Date: 2/29/2008 8:30:39 AM
Subject: Lyon Plan Extension Approval

Jeff, I approve of the Lyon Water Plan extension request to allow them the needed time to finish their plan update. They are on schedule and actaully nearing completion, but will be slightly beyond the plan expiration. Therefore, I recommend approval of this extension request. Please contact me with any further questions. Thank you.

CC: Swanson, Carla

Resolution No. 0408
RESOLUTION AUTHORIZING EXTENSION OF THE LYON COUNTY COMPREHENSIVE WATER MANAGEMENT PLAN

The following Resolution was offered by Commissioner Nelson and moved for adoption at a Regular. Meeting held on February 19, 2008 at the Lyon County Courthouse, Marshall, MN:

WHEREAS, 1995 amendments to Minnesota Statutes, Chapter 103B,301, Comprehensive Local Waste 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, Lyon County assures continued effort towards completion of the Comprehensive Local Water Plan revision, and

WHEREAS, Lyon 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 Lyon County Board of Commissioners requests from the Board of Water and Soil Resources an eight month extension of their existing local water plan to December 31, 2008 in order to complete the revision process.

Seconded by Commissioner Ritter 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 19 day of February, 2008.

Mark S Sandager
Chairman, Lyon County

ATTEST:
Loren Stomberg
Administrator, Lyon County

CERTIFICATION

State of Minnesota)
County of Lyon)

I, Loren Stomberg, duly appointed, qualified and acting County Administrator for the County of Lyon, 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, Lyon County, Minnesota, at their session held on the 19th day of Feb, 2008, now on file in my office, and have found the same to be true and correct copy thereof.

Witness my hand and official seal at Marshall, Minnesota this 21st day of Feb, 2008.

Loren Stomberg
County Administrator

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 Lyon County

ORDER EXTENDING WATER MANAGEMENT PLAN

Whereas, the Lyon County Board of Commissioners has a state-approved Comprehensive Local Water Management Plan (Plan) that is effective until April 23, 2008, 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 28, 2007, Lyon County's Priority Concerns Scoping Document (PCSD) was distributed for state agencies review pursuant to Minnesota Statutes 103B.305, Subdivision 8a.

On December 6, 2007, the Board's southern region water planning review committee (Committee) met with representatives of Lyon 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 Lyon County PCSD. On December 19, 2007, the Committee presented its recommendation of approval of the Lyon County PCSD to the Board. The Board adopted the Committee's recommendation.

On February 28, 2008, the Board received a resolution from Lyon County requesting an eight-month extension of their Plan. The primary reason stated for the extension request is changes in staff and responsibilities for the Water Management Program slowing the current revision process.

On February 29, 2008, Board staff reviewed and recommended approval of the extension request by Lyon County.

On March 7, 2008, the Board's Committee met via conference call to discuss Lyon County's request for extension. The Committee's decision was to present to the Board a recommendation of approval to extend Lyon County's Comprehensive Local Water Management Plan until December 31, 2008.

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 Lyon County pursuant to Minnesota Statutes 103B.311, Subdivision 4 (a) (5).

ORDER

The Board hereby approves the extension of the Lyon County Comprehensive Local Water Management Plan until December 31, 2008. Lyon County shall strive to complete the updating of their Comprehensive Local Water Management Plan in a timely manner. Dated at St. Paul, Minnesota, this twenty-sixth day of March 2008.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

From: Tabor Hoek
To: Nielsen, Jeff
Date: 2/29/2008 8:29:12 AM
Subject: Nobles Plan Extension Request

Jeff, I approve of the Nobles Water Plan extension request to allow them the needed time to finish their plan update. They are on schedule and actaully nearing completion, but will be slightly beyond the plan expiration. Therefore, I recommend approval of this extension request. Please contact me with any further questions. Thank you.

CC: Swanson, Carla

FEB 20 2008
NOBLES SOIL AND WATER CONSERVATION DISTRICT
1567 McMillan Street • Suite 3
Worthington, MN 56187-2822
Telephone: (507) 376-9150

MINNESOTA
SOIL AND WATER CONSERVATION DISTRICTS

February 13, 2008

Jeff Nielsen
Board of Water & Soil Resources
261 Highway 15 South
New Ulm, MN 56073

Mr. Nielsen:

Please forward the attached resolution passed by the Nobles County Board of Commissioners to the Board of Soil and Water Resources. The resolution requests a one year extension of the Nobles County Comprehensive Local Water Management Plan Update deadline to April 30, 2009.

The Nobles County Board of Commissioners would like to allow for additional public input with several local meetings scheduled for the next few months. This would make final approval of the Nobles County Water Plan very difficult by April 30th.

We do plan to have most of the update completed by September, 2008, but will request the one year extension.

If you have any questions or comments, please contact me at 507-376-9150, ext 115.

Thank you for your help in completing this process.

Jane Steffl

Jane Steffl
Administrative Coordinator
Nobles SWCD

cc: Mark Hiles, BC

RESOLUTION

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

WHEREAS, Nobles County has contracted with the Southwest Regional Development Commission to complete a plan according to BWSR's requirements, and

WHEREAS, Phase 1: priority concerns have been identified and documented and Phase 2: BWSR has reviewed and comments have been completed, and

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

WHEREAS, Nobles 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 Nobles County Board of Commissioners requests from the Board of Water and Soil Resources a one year extension of their existing local water plan to April 30, 2009 in order to complete the revision process.

CERTIFICATION

STATE OF MINNESOTA)
(ss
COUNTY OF NOBLES)

I, Melvin J. Ruppert, Administrator of said County of Nobles, do hereby certify that I have compared the foregoing copy with the original resolution adopted by the County Board on the 5th day of February, 2008, and now remaining on file and of record in my office and that the same is a correct transcript and of the whole of such original.

Witness my hand and official seal this 6th day of February, 2008.

SEAL

Melvin J. Ruppert, County Administrator
Nobles County, Minnesota

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 Nobles County	ORDER EXTENDING WATER MANAGEMENT PLAN

Whereas, the Nobles County Board of Commissioners has a state-approved Comprehensive Local Water Management Plan (Plan) that is effective until April 23, 2008, 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 August 29, 2007, Nobles County's Priority Concerns Scoping Document (PCSD) was distributed for state agencies review pursuant to Minnesota Statutes 103B.305, Subdivision 8a.

On December 6, 2007, the Board's southern region water planning review committee (Committee) met with representatives of Nobles 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 Nobles County PCSD. On December 19, 2007, the Committee presented its recommendation of approval of the Nobles County PCSD to the Board. The Board adopted the Committee's recommendation.

On February 20, 2008, the Board received a resolution from Nobles County requesting a one-year extension of their Plan. The primary reason stated for the extension request is to allow for additional public input, with several local meetings scheduled for the next few months.

On February 29, 2008, Board staff reviewed and recommended approval of the extension request by Nobles County.

On March 7, 2008, the Board's Committee met via conference call to discuss Nobles County's request for extension. The Committee's decision was to present to the Board a recommendation of approval to extend Nobles County's Comprehensive Local Water Management Plan until April 30, 2009.

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 Nobles County pursuant to Minnesota Statutes 103B.311, Subdivision 4 (a) (5).

ORDER

The Board hereby approves the extension of the Nobles County Comprehensive Local Water Management Plan until April 30, 2009. Nobles County shall strive to complete the updating of their Comprehensive Local Water Management Plan in a timely manner. Dated at St. Paul, Minnesota, this twenty-sixth day of March 2008.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

DATE: March 3, 2008

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: Tabor Hoek, Board Conservationist

SUBJECT: **Jackson County Local Water Management Plan Final Review**

I have completed my final review of the Jackson County Local Water Management Plan and recommend approval of this update.

The Jackson County Local Water Management Plan meets all requirements including:

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

State agency comments were received from the Minnesota Department of Natural Resources (DNR), the Minnesota Department of Health (MDH), the Minnesota Department of Agriculture (MDA), and the Minnesota Pollution Control Agency (MPCA). These agencies recommend approval of the Plan.

I look forward to assisting Jackson County in the implementation of their plan. Water Plan Coordinator – Gordon Olson should be commended for his leadership and dedication throughout the planning process.

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

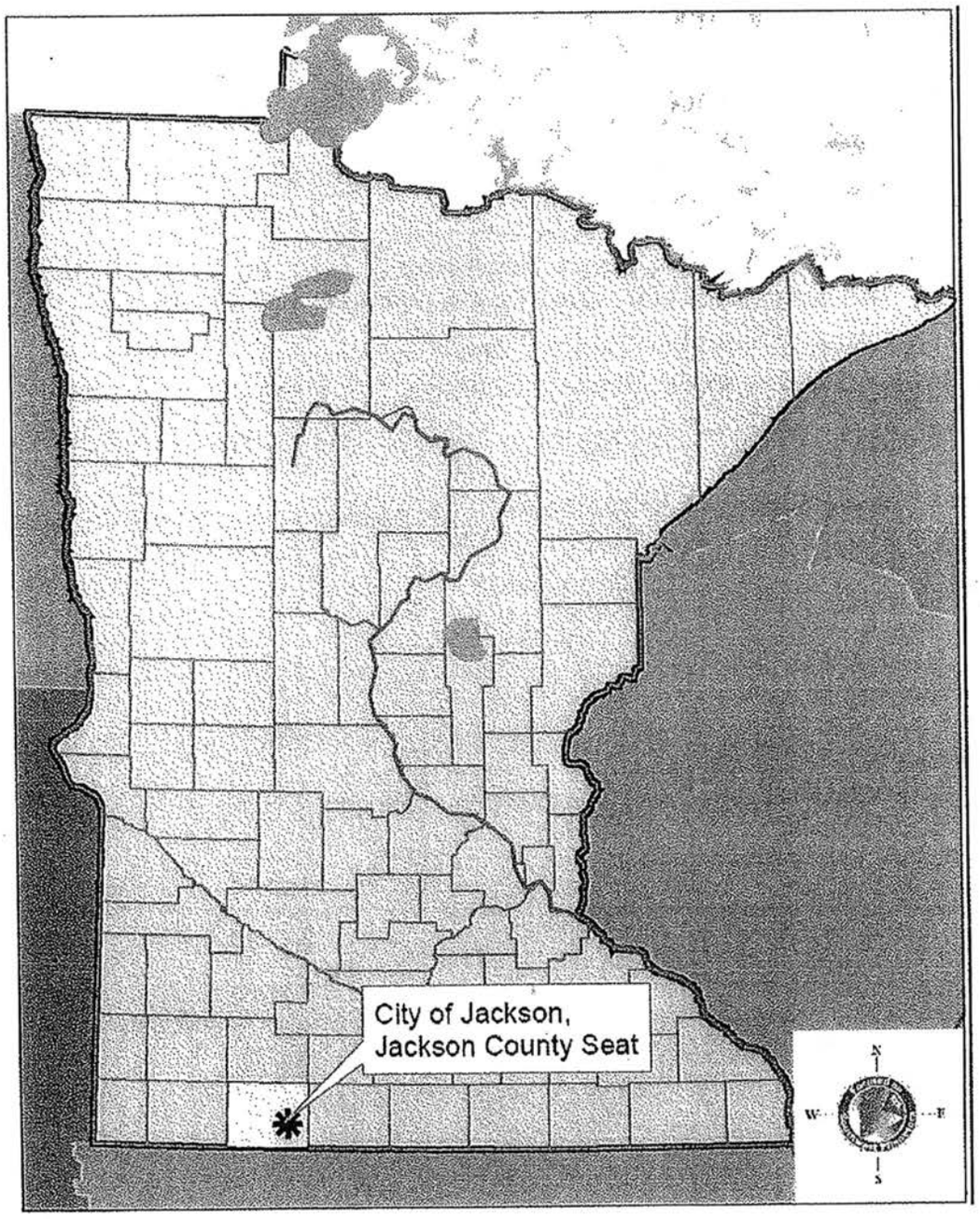
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JACKSON COUNTY
LOCAL WATER MANAGEMENT PLAN

A 10-year plan with a 5-year implementation schedule 2008-2017

DRAFT October 2007

Prepared for the Jackson County Local Water Management Task Force
By Jackson County Parks, Planning & Environmental Services
And Southwest Regional Development Commission



JACKSON COUNTY LOCAL WATER MANAGEMENT PLAN
A 10-year plan with a 5-year implementation schedule 2008-2017
DRAFT October 2007

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For additional information on water management in Jackson County, Minnesota, contact:
Jackson County Parks, Planning & Environmental Services
405 Fourth Street, Jackson, MN 56143
507-847-2240

A. Executive Summary

Jackson County is located in the southwestern corner of Minnesota, adjacent to Martin, Watonwan, Cottonwood, Murray, and Nobles counties. The City of Jackson is the county seat. Jackson County's population in the 2000 U.S. Census was 11,268. The City of Jackson's population was 3,501.

The West Fork of the Des Moines River bisects Jackson County. Six major watershed areas cover the County: the Watonwan and Blue Earth flowing easterly to the Minnesota River; the East Fork Des Moines, and Upper and Lower portions of the West Fork Des Moines River (including the Heron Lake system) flows through Iowa to the Mississippi River; and the Little Sioux River flows through northwestern Iowa to the Missouri River.

A.1 Purpose & Introduction

The Jackson County Local Water Management Plan is intended to identify existing and potential water issues in the context of watershed units and groundwater systems, informing specific implementation actions to achieve goals for sound hydrological management of water and related resources.

Requirements of a local water plan are set forth in current state statute (M.S. 103B.311, Subd. 4.). The plan must address management of water, effective environmental protection, and efficient resource management, and must be consistent with local water management plans prepared by counties and watershed management organizations wholly or partially within a single watershed unit or ground water systems. This Water Plan is a ten-year management plan with a five-year implementation schedule.

This is the third edition of a local water management plan for Jackson County. In August of 1987, the Jackson County Board of Commissioners passed a resolution to enter into a Joint Powers Agreement with 12 other Counties in the Blue Earth Watershed District to develop a comprehensive water plan. After much work, the plan was adopted by the County Board on 10 December 1990.

The second edition of Jackson County's water plan, now in effect, was approved by the Board of Water and Soil Resources (BWSR) on 7 January 1998, and adopted by the County Board on 9 March 1998. This plan expires on 31 December 2007. The Jackson County Board of Commissioners adopted a resolution on 26 September 2006 to revise the current plan, according to Minnesota Statutes now in effect.

Major accomplishments under Jackson County's previous water management plans included:

- Promoted the replacement of non-compliant septic systems, upgraded 450 systems since 1996.
- Secured funds for a low interest county septic loan program to provide funding for installation of septic systems, up to $6,500 on property tax for 7 years @ 3% interest; continue to look for additional sources for this funding.

- Promoted sealing of abandoned wells with cost share program; provided 50% cost share to seal 94 wells since 2000. Additional cost share available from Heron Lake Watershed District.
- Provided Ag Best Management Loan Program for Conservation Tillage Equipment and Ag Waste improvements, Septic System Upgrades with AgStar.
- Surface water samples taken from 8 sites since 1999, to establish baseline water quality information.
- Worked with Minnesota Pollution Control Agency (MPCA) as a Delegated County for the Feedlot Program, and maintained the feedlot data base.
- Worked with county livestock producers in registering their feedlots and completing their Manure Management Plans.
- Completed lakeshore studies for community sewer projects at Loon Lake and Fish Lake.
- Worked with Mankato State University and 13-county water planning group in the development of GIS mapping capabilities and shape-files.
- Developed GIS parcel layer in cooperation with municipalities.
- Completed LiDAR (Light Detection and Ranging) 1' contour mapping in the Iowa Great Lakes Watershed's Minnesota area in cooperation with SWCD, Iowa DNR, USFW.
- Worked with area schools to develop earth day programs
- Provided support for Prairie Ecology Bus Center
- Promoted management of solid waste, recycling and household hazardous waste
- Administered the Wetland Conservation Act
- Administered the Shoreland and Flood Plain Management Program.
- Promoted the use of rain gardens
- Cooperate and coordinate with multi-jurisdictional organizations: Heron Lake Watershed District, Greater Blue Earth River Basin Alliance, Des Moines River Clean Water Partnership.
- Monitor and update county ordinances in compliance with state rules and regulations

Jackson County Water Plan
AgBMP Loans--New and Revolving Funds

	Tillage Equipment		Agricultural Waste		Septic System Upgrades	
2004	15	$194,198	15	$194,198	6	$32,187
2005	15	$274,180	15	$274,180	5	$30,376
2006	19	$326,275	5	$146,168	3	$16,363

Source: Jackson County Planning

Jackson County Planning and Environmental Services is responsible for local water management in Jackson County, including facilitation of public input and convening the Jackson County Local Water Management Task Force. Jackson County has retained John C. Shepard, AICP, of the Southwest Regional Development Commission to assist with writing the Plan update. Task Force membership included:

Local Water Management Task Force Members

- Steve Anderson, Dickinson (Iowa) Clean Water Alliance
- Steve Beckel, Water Superintendent, City of Jackson
- Karen Boysen, Des Moines River Clean Water Partnership
- Ed Eigenberg, Mayor, City of Wilder
- Jason Espenson, Co-Chair, Fish Lake Association
- Robert Ferguson, Jackson County Commissioner
- Larry G. Hansen, Board Member, Jackson County SWCD
- Larry Liepold, Jackson County Pork Producers
- Joel Poppe, Jackson County NRCS
- David Pribyl, Jackson County Conservation League
- Kelly Rasche, City Administrator, City of Lakefield
- Craig Rubis, Jackson County Commissioner
- Tom Timko, Jackson County Planning Commission
- Jan Voit, Administrator, Heron Lake Watershed District
- Ben Crowell, Jackson County Planning and Environmental Services
- Brian Nyborg, Manager, Jackson SWCD
- Gordon Olson, Director, Jackson County Planning and Environmental Services

A.1.a Public and Internal Forums

4/11/2006	Jackson County Board of Commissioners contracts with Southwest Regional Development Commission (SRDC) for technical assistance to update the Jackson County Water Plan.
9/26/2006	Jackson County Board of Commissioners approve resolution of intent to revise and update the local water management plan.
11/08/2006	Notice of Decision to Revise and Update the Local Water Management Plan provided by email and/or postal service to local units of government, organizations and responsible agencies as suggested and required.
11/14/2006	Jackson County Water Planner and SRDC Development Planner meet with BWSR field rep to discuss PCSD workplan.
12/15/2006	Requested date for priority concerns, comments and information to be returned to Jackson County Planning & Environmental Services Office.
1/18/2007	Meeting Notice published as display ad in *Jackson County Pilot*.
1/25/2007	Local Water Management Plan Update Information Meeting held in the evening with Task Force as public hearing on priority water management concerns for Jackson County, at the Jackson County Resource Center in Jackson, Minnesota. 17 in attendance.
2/16/2007	KDOM-AM/FM interview with Southwest Regional Development Commission Development Planner, discussing water plan updates.

3/05/2007	Continuation of Local Water Management Plan Update Information Meeting with Task Force and staff held at Jackson Pizza Ranch. 20 in attendance.
4/10/2007	Priority Concerns Scoping Document provided to BWSR and the required routing list for comment.
7/09/2007	Local Water Management Plan Task Force meeting to consider Priority Concerns regarding Soil Erosion and Feedlots & ISTS held at the Jackson County Resource Center. 15 in attendance.
7/19/2007	BWSR Southern Regional Committee meeting at Windom DNR Building to review PCSD.
7/30/2007	Local Water Management Plan Task Force meeting to consider Priority Concerns regarding Surface Water and Drainage Management held at the Jackson County Resource Center. 14 in attendance.
8/17/2007	KDOM-AM/FM interview with Southwest Regional Development Commission Development Planner, discussing water plan updates.
8/20/2007	Local Water Management Plan Task Force meeting to consider Priority Concerns regarding Groundwater held at the Jackson County Resource Center. 11 in attendance.
10/1/2007	Local Water Management Plan Task Force meeting to consider Goals, Objectives and Implementation measures. 9 in attendance.

A.1.b Plan Adoption and Amendment

Upon approval of this plan by the Minnesota Board of Water and Soil Resources (BWSR), the County Board 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.

Approximately two years—and mo later than 18 months—prior to the end of the 5 year management schedule, the County Board should consider a new Resolution to update this plan, according to the rules then in place.

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, and then refined based on discussion in public meetings. While the assessment of priority concerns utilized the best available information, this plan rests solidly on data and analysis contained in previous editions of the county's local water management plan.

Priority Concern 1. Improve Surface Water Quality.

The first step in improving surface water quality is protecting soil from erosion, holding waters on the landscape to allow natural filtration time to work. Currently several rivers and lakes are listed as TMDL Impaired Waters, with more proposed for

listing. High priority soil erosion problems, agricultural best management practices and stream bank and lakeshore development all impact surface water quality.

Priority Concern 2. Feedlots & SSTS (Subsurface Sewage Treatment Systems).

Nutrient management plans and controlling feedlot runoff are important tools in preventing water quality issues. There are also many dispersed farmsteads and rural residential properties with outdated septic systems; there is a need and demand to continue upgrades.

Priority Concern 3. Drainage Management.

Waters flow across a landscape changed greatly by development. Management of the resulting drainage system—the modern hydrograph—is typically disjointed and uncoordinated, leading to issues with both quantity and quality of water.

Priority Concern 4. Protect Groundwater.

All of the residents of Jackson County rely on groundwater for their drinking water, either through individual wells, municipal supply or rural water systems. Much of the water supply currently is and will continue to come from sources outside the county.

A.3 Summary of Goals, Actions, and Projected Costs

Goals and Actions were selected to address priority concerns, with a focus on principles of sound hydrological management.

Priority Concern 1. Improve Surface Water Quality.

This concern will be addressed to improve and prevent further degradation of stream and lake water quality, with a priority for highly-erodible land, shoreland areas, and TMDL-listed waters. Objectives include preventing soil erosion; encouraging perennial cover, buffers and conservation tillage; improving stream bank and lakeshore development, and addressing TMDL impaired waters.

Implementation actions include promotion and education, administration and review of plans and ordinances, providing technical assistance with programs and best management practices, providing financial incentives for conservation practices, and working with state and federal agencies on measures to improve water quality.

Projected costs over the five years of the management plan to implement all actions would include about $750,000 for TMDL plans and implementation, $1,825,000 for financial assistance with projects, $82,000 for technical assistance and consulting, and $64,750 for outreach and education, as well as annual in-kind services. All dollar figures are estimates and recognize approximate costs of all identified implementation partners.

Priority Concern 2. Feedlots & SSTS (Subsurface Sewage Treatment Systems).

This concern will be addressed to protect public waters and assist residents in meeting feedlot and septic standards, focusing on shoreland and un-sewered communities. Objectives include improving nutrient management, maintaining feedlot inventory and registration, encouraging appropriate technology for SSTS (also known as ISTS or Individual Septic Treatment Systems) and community sewer systems, and continuing to bring nonconforming septic systems into compliance with regulations.

Implementation actions include education and outreach, technical assistance with nutrient and manure plan development, maintenance of GIS layers, updates of ordinances, technical and financial assistance for feedlot compliance, and replacing non-compliant septic systems.

Projected costs would include about $3,870,000 towards bringing sewer and septic systems into compliance, $175,000 in financial assistance, $340,000 for technical assistance, and $12,000 for outreach and education, as well as annual in-kind services.

Priority Concern 3. Drainage Management.

This concern will be addressed to work toward more natural flows in the drainage system, focusing on the Heron Lake watershed and areas tributary to the Des Moines River above Jackson Dam. Objectives include restoring the hydrograph, promoting the use of modern structures and technology, wetland restoration and management, and reducing impacts of flooding.

Implementation actions include providing education and outreach, modernizing drainage system management, technical assistance with conservation and wetlands projects, and floodplain administration.

Projected costs would include about $350,000 for financial assistance with projects, $245,000 for technical assistance and consulting, and $2,500 for outreach and education, as well as annual in-kind services.

Priority Concern 4. Protect Groundwater.

This concern will be addressed to assure long-term quality and quantity of groundwater supplies, with a priority for wellhead protection areas and areas not currently served by public/community systems. Objectives include supporting well head protection, preventing groundwater contamination, and protecting long-term supplies.

Implementation actions include providing technical assistance and incentives for landowners, outreach and education, review of ordinances, maintenance of GIS data, testing well water quality, providing assistance to seal unused wells, and working with cities and water providers for long-term water supplies.

Projected costs would include about $75,000 for assistance to landowners sealing unused wells, $5,000 for technical assistance, and $3,000 for outreach and education, as well as annual in-kind services.

A.4 Consistency with Local, State and Regional Plans

Jackson County Planning and Environmental Services Office administers the County's comprehensive land use plan and zoning ordinance. This helps to maintain consistency between this plan and these other plans and ordinances. The County's *comprehensive plan* identifies goals and policies for the County, which have been reviewed for consistency with this water management plan. No other plans were received for review.

A.5 Summary of Recommended Amendments to Other Plans and Official Controls

No specific amendments are recommended at this time. Action items include updates to the comprehensive plan and zoning ordinances within this document's management timeline. It would be recommended to incorporate data from this plan into other local plans and controls when they are updated.

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 **Jackson** County (Minnesota Statutes, 2003, Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5.)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the **Jackson** County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on December 3, 2007 pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1. On April 10, 2007, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from **Jackson** County, pursuant to M.S. Section 103B.312.

2. On August 23, 2007, the Board of Water and Soil Resources approved official comments on the **Jackson** County Priority Concerns Scoping Document, which were mailed to the County on August 23, 2007.

3. The priority concerns the local water management plan addresses include:
   a. **Prevent Soil Erosion;**
   b. **Feedlots & ISTS (Individual Septic Treatment Systems);**
   c. **Drainage Management;**
   d. **Improve Surface Water Quality;**
   e. **Protect Groundwater.**

4. On **December 3, 2007,** the BWSR received the **Jackson** County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5. On **March 7, 2008,** the Southern Water Planning Committee of the Board reviewed the recommendation of the state review agencies regarding final approval of the Jackson 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 **March 26, 2018.**

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

2. The **Jackson** 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 **Jackson** County Local Water Management Plan with a required update to the Implementation section (Goals, Objectives, and Action) by **March 26, 2013**.

Dated at St. Paul, Minnesota, this twenty-sixth day of March 2008.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

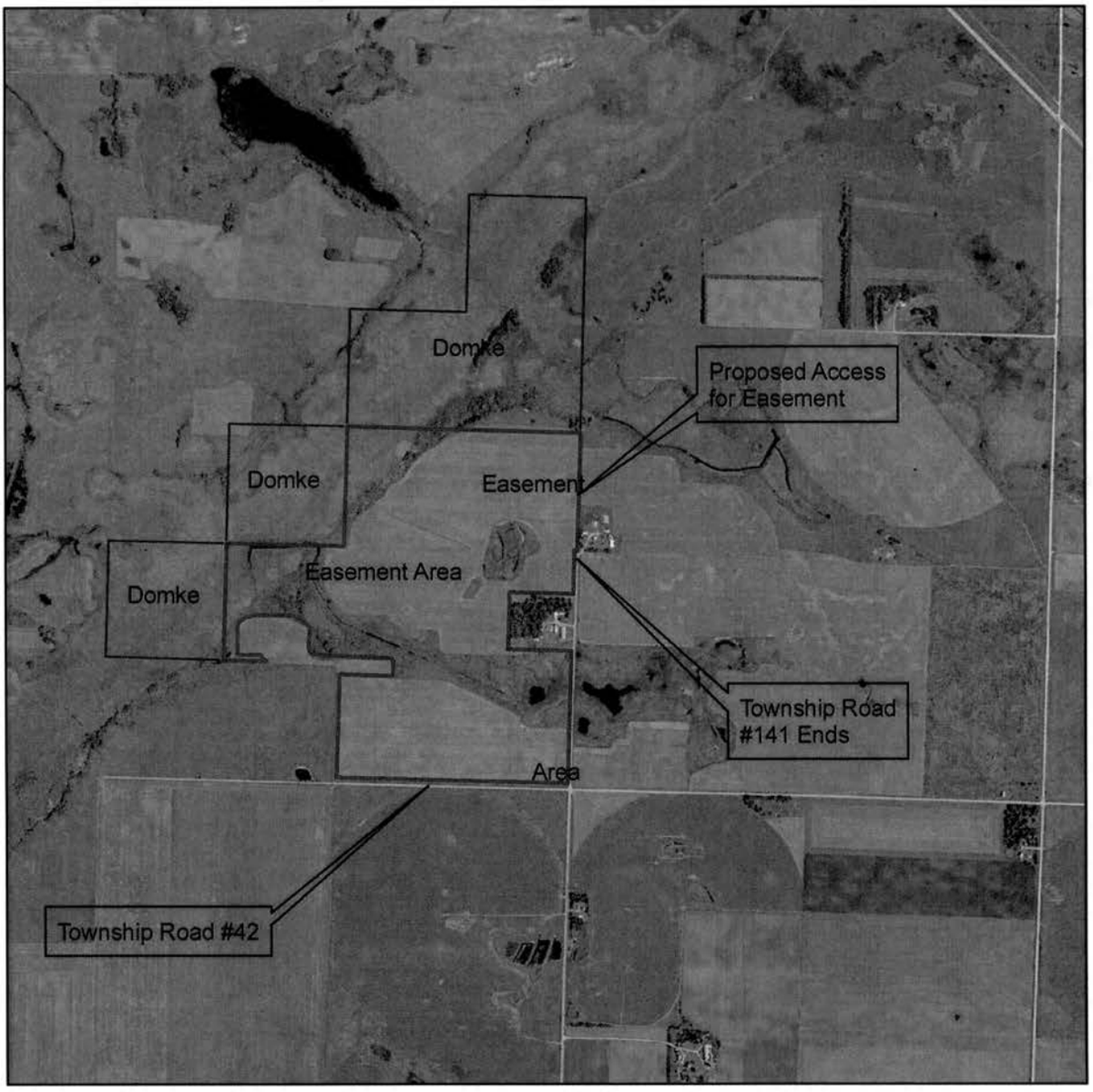
NEW BUSINESS

1. Release of 1.0 Acres from RIM Conservation Easement – *DECISION ITEM*

2. Overview on Native Vegetation Trends and BWSR Programs – *INFORMATION ITEM*

3. Native Buffer Cost-Share Program Guideline Revisions – *DECISION ITEM*

Easement #61-07-01-01-A



Legend

Revised_61070101a

Domke_Bndry_Ln

N

March 11, 2008

TO: Board Members

THRU: Kevin Lines, Easement Section Administrator
Paul Brutlag, RIM Committee Chair

FR: Tim Fredbo, Conservation Easement Specialist

RE: Release of 1.0 Acres From RIM Conservation Easement 61-07-01-01A,
Allen and Beth Kollman

BACKGROUND:

Allen and Beth Kollman have requested a release of 1 acre from their 271.9 acre perpetual RIM easement in Section 20 of Bangor Twp., Pope County. The Kollmans are requesting this release on behalf of their neighbor Arnold Domke, who owns the land directly to the north of the Kollman land.

The Domke land currently has no legal deeded access or frontage on any existing public roads. The Domke's have accessed their land along the route proposed for release with just a verbal agreement with the Kollmans since 2006, and Lyle Fettig before that. The Kollmans bought the land from Lyle Fettig, who was the original easement holder, in 2006. The access area proposed for release from the easement was once a township road that was vacated in 1986. The Domke's are now trying to sell their land and are unable to as lenders are not willing to finance the sale to land that has no legal access.

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

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

The above listed items have been received and are attached for your review.

The RIM Committee, chaired by Paul Brutlag, considered this request at their February 27, 2008 meeting and voted to approve of the release.

SUMMARY OF INFORMATION PROVIDED TO SUPPORT REQUEST:

The Kollman's submitted a letter dated Dec. 17, 2007 to Kim Krueger, Pope SWCD Technician, requesting a release of their RIM easement to enable this access for the Domke property. A copy of this letter is attached.

A photo showng the Kollman RIM easement (outlined in blue), the Domke property (outlined in red) and the proposed 33 foot access route is attached for reference. The access proposed runs directly north from where Township Road 141 currently ends.

The Pope SWCD Board has approved of this release request. This is confirmed in the attached minutes of their 1-15-08 meeting.

Kevin Kotts, DNR Area Wildlife Manager has also reviewed this proposal. Mr. Kotts approves the easement alteration request in his Jan. 14, 2008 letter to Kim Krueger. A copy of Mr. Kotts letter is attached.

FINDINGS:

This alteration request, as proposed, would release 1.0 acres from the 271.9 acre perpetual easement. The Boards easement alteration policy for release requests requires the landowner, in this case it will be the Domke's, to pay for the acres released at 2 times the current average township assessed market value (ATAMV). In this situation the payment will be $3,682.00 for the release of the 1.0 acre (1.0 acres x $1,841/ac x 2 = $3,682.00). The Domke's have already paid the $500 processing fee for this request.

The Domke land has no frontage on any existing public roads. They have been accessing their property via a verbal agreement with the Kollmans. Because the Domke's are now trying to sell their land they need to procure a legal deeded access to the property or they will be unable to sell. All other possible routes into their property would need to go through extensive areas of wetland making access or improvement of access extremely difficult and/or costly, if not impossible altogether.

My review of the original Fettig easement file did indeed contain a copy of the Bangor Township Order vacating this road. It was recorded on July 1, 1986. The 33' X 1,320' access / release area being proposed follows this vacated road route.

Both the Pope SWCD and the DNR have recommended approval of the 1 acre easement release.

The RIM Committee has recommended approval of this release proposal contingent upon receiving the payment from the landowner

RIM COMMITTEE & STAFF RECOMMENDATION:

1. Approve of the release for the easement.

POPE SOIL & WATER CONSERVATION DISTRICT

1680 Franklin St N
Glenwood, MN 56334-2011
(320) 634-5327
Fax: (320) 634-4278
E-mail kim.krueger@mn.nacdnet.net

January 16, 2008

Mr. Tim Fredbo

RECEIVED
JAN 24 2008
Bd. of Water & Soil Resources
St. Paul

Dear Tim

Enclosed is a letter from Allen Kollman requesting the removal of 1.0 acres from his RIM Easement.

Enclosed is a copy of the Pope SWCD Boards minutes 1/15/08 approving Allen Kollman request to remove 1.0 acres from his Easement # 61-07-01-01-A.

Also enclosed is a letter from Kevin Kotts the DNR wildlife manager approving this request.

A check in the Amount of $500.00 from Arnold Domke.

Sincerely,

Kim W. Krueger

Kim W. Krueger
District Technician
Pope SWCD

December 17, 2007

61-07-01-01-A

Pope County SWCD
Mr. Kim W. Kruger
District Technician
1680 Franklin Street North
Glenwood, MN 56334

Dear Mr. Kruger:

We, Allen and Beth Kollman, own the property relative to the request for release of land for permanent easement to Arnold Domke, Loren Schroeder and Peter Brandt.

We are requesting to release a 33' x 1320' easement to the only useable access to their property.

Presently the land is in the CREP program for 15 years with approximately 10 years remaining. We have only owned the property for about 1 ½ years.

The property we are requesting to be released, up until 1986, was a township cartway and at that time was agreed by previous landowner to vacate for the purpose of farming through it. There was a verbal agreement between landowners at that time to be able to farm and also allow access to their property. As you can see by aerial photos, this is the only feasible access to their cabin, etc.

The present landowners would respectfully accept your approval to remove this 1 acre from CREP for a legal permanent access to their property.

We as present landowners fully agree to this proposal and hope you will grant our request as soon as possible.

Sincerely,
Allen and Beth Kollman

Beth Kollman

Allen Kollman

POPE SWCD BOARD MINUTES FROM 1-15-08

- The MCIT walk through gave some insight at Rosholt and a few changes need to be made. Kelly will work on this prior to this summer to get the needed fixes done. (Refrigerator, table saws, heaters, switches all need to be removed or replaced)

- Kim Krueger, Technician
  - NPEA Joint Powers board needs a recommendation from our group. Ralph will relay our information to the group. As of right now we are in support of the NPEA as is.
  - Polly Krueger FY08+06 2 Water &Sediment Control Basins Cost Share amount $8,710.58
  - Nick Pooch FY07+07 and FY08+07 Roof Structure for a Feedlot Cost Share $17,246.28 EQIP funds are $250,000.
  - This will bring our Cost Share Funds available to date to zero. Mark Halls moved to approve both contracts for Polly Krueger and Nick Pooch. Gary Reents seconded the motion. Motion carried.
  - Al Kollman bought property that was under a CREP easement. Contract #61-07-01-01-A Section 20 Bangor Twp. They would like to remove 1 acre out of the program for a road. There is no adverse impact on the area. Mark Halls moved to approve the request and Ralph Peterson seconded the motion. Motion carried.
- Craig Bower, NRCS/Jim Ayres (see attached)
  - Jim gave an update on NRCS and the computer issue. There may be some latitude in this issue. We will need to see how everything works out.
  - We are nearing a record for EQIP funds allocated in this area $463,000 have been approved to date.
  - We submitted the green book application.
  - Also just went through a 5% engineering spot check.
  - The new cost of living increase is 2.99%.
- Grant Herfindahl, FSA-No report
- Ralph Peterson WesMin RC&D/MN River Source/Glacial Ridge Trail
  - Bob McCrory is going off the Wesmin RC&D board. They are working on getting insurance. The requests from the counties are coming through. They hope to pay off the judgments prior to the March deadline. There was a policy change or clarification that each county has $400 for dues. Smokey Timbers is meeting to discuss their loan with the bank. The Glacial Ridge Trail is up and running. Operation Happy Note is nearing completion. They are working on long range planning.
  - The Annual Meeting is February 13th in Todd County $20 for registration. January 30th will be the winter meeting in St. Cloud.
  - Discussed the North Central Conference.
- David Sill
  - There is a lot going at this time. The bonding bill was discussed. The Clean Water Legacy fund requests will be approved on January 24th. There were 144 applications and it was very competitive$27 million in requests and there is only 6.2 million available.
  - SWCD guide book will be available very soon.
  - There are some new programs that might open up some funding in the future for the District. This includes a cooperative weed management program request for proposal.
  - Pope County Local Water Management Plan is now being revised.
  - February 1st all reports must be done in Elink.
- Other

8. New Business (January 2008):
   - Review Rough Draft of Annual Report (calendar of events, tree program revenues/expenses)-see attached for your review. Gary Reents moved to leave the board appointments the same in 2008. A meeting date for February 5th at 7 pm was set to discuss our annual plan. Ralph Peterson seconded the motion. Motion carried.
   - Review Personnel Policy Handbook-no changes other than the adoption of the AWAIR program above.
   - North Central RC&D Conference in March 9th-11th, 2008
   - Review Rosholt Farm Mgmt Plan-Discussed with Kelly his plans this will be brought back to the board once more definite plans are made.
   - Appointments to special committees-Personnel, Finance-tabled.
   - Reviewed Insurance policies
   - Reviewed bank of deposits.
   - Equipment purchase for coming year (if any)-none at this time
   - Discuss 2008 Outstanding Conservationist-tabled
   - Discuss Open House-none scheduled this spring quarter.
   - Prairie Lakes Coop Annual Meeting-February 19th-Mark Halls moved to approve a booth for the event. Ralph Peterson seconded the motion. Motion carried.
   - MCIT invoices-Ralph Peterson moved to approve the payment of the MCIT insurance for 2008. Mark Halls seconded the motion. Motion carried.
   - Other
9. Next scheduled meeting date February 5, 2008.→7pm USDA Service Center to discuss our Annual Plan.

Minnesota Department of Natural Resources

23070 N. Lakeshore Drive
Glenwood, MN 56334
(320)634-0342

Jan. 14, 2008

Kim Krueger/Pope SWCD Board
1680 Franklin St. N.
Glenwood, MN 56334

Kim,

I've reviewed the request letter from Allen and Beth Kollman to release land from a CREP easement in Section 20, Bangor Twp. Since the land that may be removed from the easement was formerly a township or private road, and because the owner will be required to compensate for the loss of perpetual habitat, I approve this request.

Sincerely,

Kevin Kotts

Kevin Kotts, Area Wildlife Supervisor

Board Resolution #_____

Easement Release for Allen Kollman Easement 61-07-01-01A

WHEREAS, the BWSR has the authority to alter, release or terminate a conservation easement as outlined in RIM Reserve Rule Section 8400.3610; and

WHEREAS, the BWSR has a Conservation Easement Alteration Policy which was adopted on 5-24-06; and

WHEREAS, the State currently holds a 271.9 acre perpetual RIM easement on the Allen and Beth Kollman property in Section 20, T.124 N., R.36 W., Pope County; and

WHEREAS, Allen and Beth Kollman have requested the release of 1 acre from the RIM easement to facilitate a legal access for the Domke property which is adjacent to their land; and

WHEREAS, The Domke property is a landlocked with no frontage on any existing roads of record or legally deeded access; and

WHEREAS, The Domkes have been using the present access route proposed for release with just a verbal agreement with the Kollmans and now desire to sell their land and need to legalize their access; and

WHEREAS, The access route proposed for release was once a township road which was vacated in 1986; and

WHEREAS, Both the Pope SWCD and the DNR Area Wildlife Manager have reviewed and approved of this request as required by Section 8400.3610 of RIM Rules; and

WHEREAS, The landowners (Domke in this case) will be required to pay the BWSR $3,682.00 for the release of these acres from the States RIM easement as prescribed by the Easement Alteration Policy, and have already paid the required $500 administrative fee; and

WHEREAS, The RIM Committee recommended approval of this easement release at their February 27, 2008 meeting.

NOW THEREFORE, The Board approves of the release of 1.0 acres from perpetual easement 61-07-01-01A to facilitate the legal access for the Domke property;

AND furthermore, the Board authorizes staff to proceed with preparing the legal documents to amend this easement once staff receives the required $3,682 payment.

_____ Date: _____

Randy Kramer, Chair
Board of Water and Soil Resources

Board Resolution # 08-26

Easement Release for Allen Kollman Easement 61-07-01-01A

WHEREAS, the BWSR has the authority to alter, release or terminate a conservation easement as outlined in RIM Reserve Rule Section 8400.3610; and

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WHEREAS, Both the Pope SWCD and the DNR Area Wildlife Manager have reviewed and approved of this request as required by Section 8400.3610 of RIM Rules; and

WHEREAS, The landowners (Domke in this case) will be required to pay the BWSR $3,682.00 for the release of these acres from the States RIM easement as prescribed by the Easement Alteration Policy, and have already paid the required $500 administrative fee; and

WHEREAS, The RIM Committee recommended approval of this easement release at their February 27, 2008 meeting.

NOW THEREFORE, The Board approves of the release of 1.0 acres from perpetual easement 61-07-01-01A to facilitate the legal access for the Domke property;

AND furthermore**,** the Board authorizes staff to proceed with preparing the legal documents to amend this easement once staff receives the required $3,682 payment.

R/Kramer

Randy Kramer, Chair
Board of Water and Soil Resources

Date: 3/26/08

SUMMARY OF BWSR NATIVE VEGETATION RELATED PROGRAMS

3-2-08

BWSR Native Vegetation Goals

- Effectively meet goals of each BWSR program
- Establish successful projects through collaborative work with branch offices, LGUs and landowners
- Provide leadership in the reconstruction of native plant communities
- Collaborate with partnering organizations to increase production of local ecotype seed
- Facilitate invasive species control through the development of Cooperative Weed Management Areas
- Collaborate in research efforts and field tests related to bio-fuels, invasive species control and native vegetation establishment
- Monitor restorations and easements to ensure the successful establishment and maintenance of project sites.

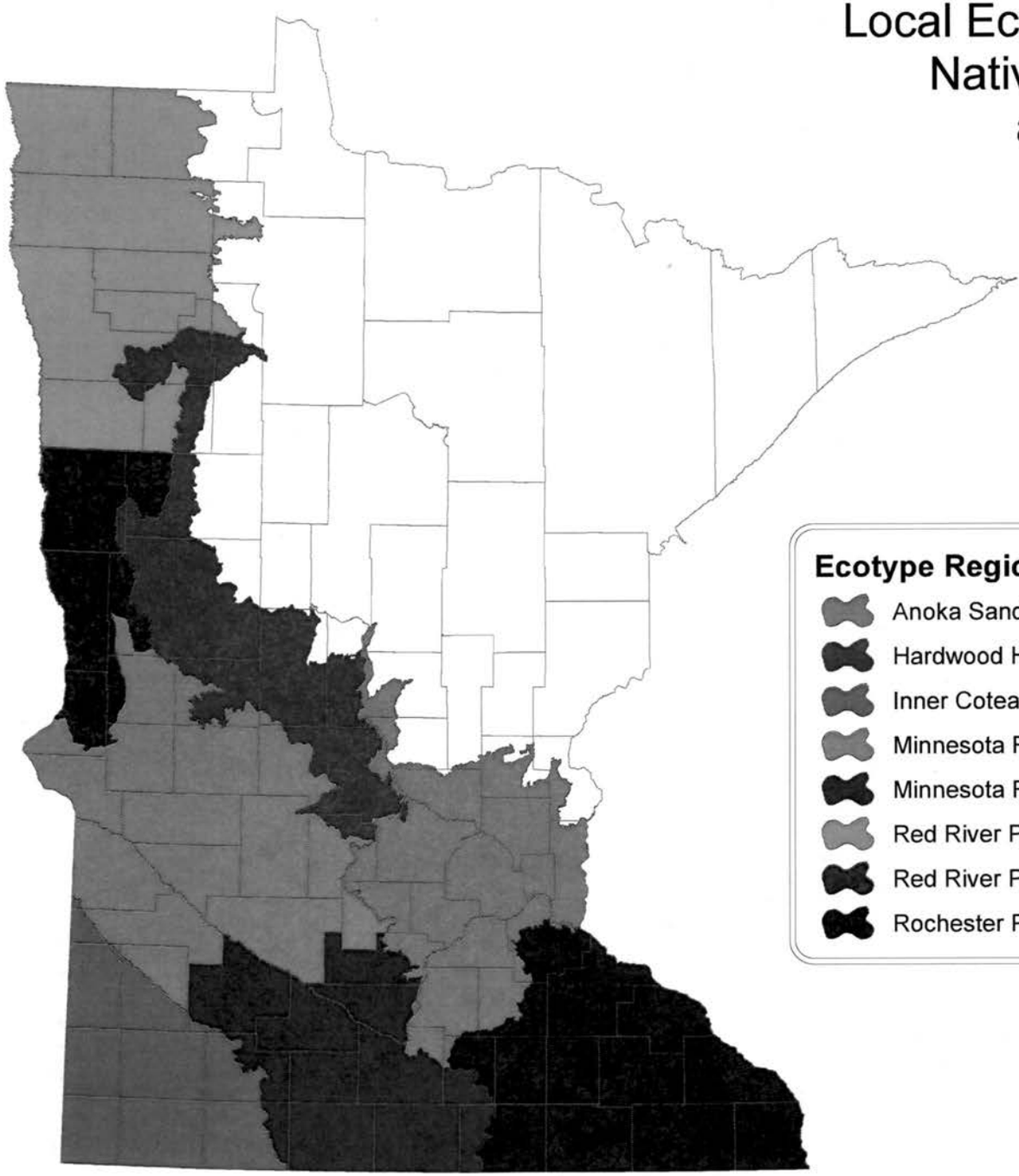
BWSR Programs

- Wetland Banking
- Native Vegetation Buffer Cost-Share
- Cooperative Weed management Area Grant Program
- RIM Reserve
- Wetland/Easement Monitoring
- RIM Clean Energy (Bio-fuel production)

BWSR Native Vegetation Related Programs

	Wetland Banking	Native Vegetation Buffer Cost-Share	Cooperative Weed Management Area Grant Program	RIM Reserve (Easements)	Wetland/Easement Monitoring	RIM Clean Energy
Program Focus	Development of high quality wetland sites for wetland mitigation	Development of diverse, native vegetative buffers along waterways to improve water quality	Facilitate the development of Cooperative Weed Management Areas to control invasive species.	Establishment of conservation easements for water quality and wildlife benefits	Assess the status and management needs of conservation lands	Collaborate with agencies to research bio-fuel production practices and to develop guidance for implementation
Goals	-Replacement of lost wetland function -Wildife habitat -Plant diversity	-Water quality -Wildlife habitat -Soil and water conservation -Local seed production -Plant diversity	-Development of CWMAs -Control invasive species -Restoration of natural areas	-Water quality -Wildlife habitat -Soil and water conservation	-Control of invasive species -Improved site management -Improved decision making for future projects	-Development of guidance and a framework for producing bio-fuel through the establishment of native plant communities.
Major Program Partners	Wetland Banking Community, SWCDs, WDs, MnDOT, Corp. of Eng., MDNR, Hwy. Depts.	SWCD's, Landowners	Federal, State, local and private partners	SWCD's, NRCS, Private Landowners	NRCS, SWCDs, WDs Landowners	University of Minnesota, MEI, DNR, PCA, Landowners
Local Ecotype Efforts	Focus on local sources and yellow- tag certification	Potential use of buffers for production of local ecotype seed	Cooperatives can facilitate discussion of local source production	Local seed sources promoted		
Resources/ Education	"Minnesota Wetland Restoration Guide", Delineation training, Hydric soils training	"Minnesota Wetland Restoration Guide"	"Minnesota Wetland Restoration Guide"	"Minnesota Wetland Restoration Guide"	Plant ID and Monitoring Training	"Minnesota Wetland Restoration Guide", Upland Recommendations
Research Efforts	Studies of Canada thistle, reed canary grass and hybrid cattail	Studies of Canada thistle, reed canary grass and hybrid cattail	Studies of Canada thistle, reed canary grass and hybrid cattail	Studies of Canada thistle, reed canary grass and hybrid cattail	Studies of Canada thistle, reed canary grass and hybrid cattail	Collaboration with University of Minnesota Researchers
Agency Contact	Dan Girolamo	Tabor Hoek, Pete Waller	Dan Shaw	Tim Fredbo	Carol Strojny	Greg Larson, Kevin Lines

Local Ecotype Regions for the Native Buffer Program as Defined by M.S. 84.02



N

Ecotype Regions

- Anoka Sand Plain, Big Woods & St. Paul Baldwin Plains
- Hardwood Hills
- Inner Coteau & Coteau Moraines
- Minnesota River Prairie North
- Minnesota River Prairie South
- Red River Prairie North & Aspen Parklands
- Red River Prairie South
- Rochester Plateau, Blufflands & Oak Savanna

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

Minnesota Session Laws 2007 – Portions of Chapter 57

Sec. 5. **BOARD OF WATER AND SOIL RESOURCES**

$3,285,000 the first year and $3,285,000 the second year are for grants to soil and water conservation districts for cost-sharing contracts for erosion control and water quality management. Of this amount, at least $1,200,000 the first year and $1,200,000 the second year are for grants for cost-sharing contracts to establish and maintain vegetation buffers of restored native prairie and restored prairie using seeds of a local ecotype region.

Sec. 17. **[84.02] DEFINITIONS.**

Subdivision 1. **Definitions.** For purposes of this chapter, the terms defined in this section shall have the meanings given them.

Subd. 2. **Best management practice for native prairie restoration.** "Best management practice for native prairie restoration" means using seeds collected from a native prairie within the same county or within 25 miles of the county's border, but not across the boundary of an ecotype region.

Subd. 3. **Created grassland.** "Created grassland" means a restoration using seeds or plants with origins outside of the state of Minnesota.

Subd. 4. **Ecotype region.** "Ecotype region" means the following ecological subsections and counties based on the Department of Natural Resources map, "County Landscape Groupings Based on Ecological Subsections," dated February 15, 2007.

Ecotype Region	Counties or portions thereof:
Rochester Plateau, Blufflands, and Oak Savanna	Houston, Winona, Fillmore, Wabasha, Goodhue, Mower, Freeborn, Steele, Olmsted, Rice, Waseca, Dakota, Dodge
Anoka Sand Plain, Big Woods, and St. Paul Baldwin Plains and Moraines	Anoka, Hennepin, Ramsey, Washington, Chisago, Scott, Carver, McLeod, Wright, Benton, Isanti, Le Sueur, Sherburne
Inner Coteau and Coteau Moraines	Lincoln, Lyon, Pipestone, Rock, Murray, Nobles, Jackson, Cottonwood
Red River Prairie (South)	Traverse, Wilkin, Clay, Becker
Red River Prairie (North) and Aspen Parklands	Kittson, Roseau, Red Lake, Pennington, Marshall, Clearwater, Mahnomen, Polk, Norman
Minnesota River Prairie (North)	Big Stone, Pope, Stevens, Grant, Swift, Chippewa, Meeker, Kandiyohi, Renville, Lac qui Parle, Yellow Medicine
Minnesota River Prairie (South)	Nicollet, Redwood, Brown, Watonwan, Martin, Faribault, Blue Earth, Sibley
Hardwood Hills	Douglas, Morrison, Otter Tail, Stearns, Todd

Subd. 5. **Native prairie.** "Native prairie" means land that has never been plowed where native prairie vegetation originating from the site currently predominates or, if disturbed, is predominantly covered with native prairie vegetation that originated from the site. Unbroken pasture land used for livestock grazing can be considered native prairie if it has predominantly native vegetation originating from the site and conservation practices have maintained biological diversity.

Subd. 6. **Native prairie species of a local ecotype.** "Native prairie species of a local ecotype" means a genetically differentiated population of a species that has at least one trait (morphological, biochemical, fitness, or phenological) that is evolutionarily adapted to local environmental conditions, notably plant competitors, pathogens, pollinators, soil microorganisms, growing season length, climate, hydrology, and soil.

Subd. 7. **Restored native prairie.** "Restored native prairie" means a restoration using at least 25 representative and biologically diverse native prairie plant species of a local ecotype originating in the same county as the restoration site or within 25 miles of the county's border, but not across the boundary of an ecotype region.

Subd. 8. **Restored prairie.** "Restored prairie" means a restoration using at least 25 representative and biologically diverse native prairie plant species originating from the same ecotype region in which the restoration occurs.

Native Buffer Cost-Share Program Guidelines

Purpose:

- Grants for cost-sharing contracts to establish and maintain vegetation buffers of restored native prairie and restored prairie, using seeds of local ecotype region within the BWSR State Cost-Share Program.

Policies:

I. Program Requirements

- Conservation buffer areas determined by SWCD.
- Enduring practice-15yr min.
- Eligible area limited to Eco regions map & legislative list of counties.
- Min/max size and costs determined by SWCD board using reasonable cost process.
- Multiple estimates required for work done, if applicable.
- Seed must originate from the same ecotype region as the project site. The seed source shall be verified by the SWCD. Yellow tag certified seed is recommended to aid in the verification of source. Projects must have a goal of 25 species within the project site. ~~In the event the needed amount of seed is not available from within the ecotype region and delaying planting is not an option, seed from an adjacent ecotype region may be used. The following definitions are to be used regarding the source of seed for the program, with the definition of Restored Native Prairie being used to~~ the extent possible.
  - ~~Restored Native Prairie source within county or within 25 mi. of county and in the same ecotype region.~~
  - ~~Restored Prairie source within same ecotype region.~~

II. Eligible Practices

- Site prep, seed collection, seed, seeding, and establishment costs.
- Native vegetation management; prescribed burning, inter seeding, weed control when tied to veg. improvement, invasive species control, disking, haying. E.g. reseeding existing stands of grass on existing RIM easements.
- Lakescaping, including final grading, plant materials, seed and mulch
- Remnant native prairie management using veg. management activities with approval from BWSR vegetation management specialist.
- Land rental costs, for non-program lands, during establishment (3yrs. CCRP rate x 75%) for agricultural lands or seed production areas. SWCD will review and approve rental payments.

III. Allowable Activities

- Haying, seed propagation, energy production, outside nesting season and controlled further by any underlying program restrictions.

s:/nativebuffers/guidelinesrevisions1

Dan
Please get Mary's clean copy of this as amended above.

Native Buffer Cost-Share Program Guidelines

Purpose:

- Grants for cost-sharing contracts to establish and maintain vegetation buffers of restored native prairie and restored prairie, using seeds of local ecotype region within the BWSR State Cost-Share Program.

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strike

    - Restored Native Prairie source within ecocounty or within 25 mi. of county and in the & same ecotype region.
    - Restored Prairie source within same ecotype region.

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- Lakescaping, including final grading, plant materials, seed and; mulch.
- Remnant native prairie management using veg. management activities with approval from BWSR vegetation management specialistfrom DNR wildlife manager.

□Reseeding existing stands of grass (old RIM)

- Land rental costs, for non-program lands, during establishment (3yrs. CCRP rate x 75%) for agricultural lands or seed production areas. SWCD will review and approve rental payments.

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Policies:

I. Program Requirements

- Conservation buffer areas determined by SWCD.
- Enduring practice-15yr min.
- Eligible area limited to Eco regions map & legislative list of counties.
- Min/max size and costs determined by SWCD board using reasonable cost process.
- Multiple estimates required for work done, if applicable.
- Seed must originate from the same ecotype region as the project site. The seed source shall be verified by the SWCD. Yellow tag certified seed is recommended to aid in the verification of source. Projects must have a goal of 25 species within the project site.

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- Site prep, seed collection, seed, seeding, and establishment costs.
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III. Allowable Activities

- Haying, seed propagation, energy production, outside nesting season and controlled further by any underlying program restrictions.

Minnesota Board of Water & Soil Resources

Board Resolution # 08-28

Native Buffer Cost Share Program Authorization

WHEREAS, the Native Buffer Cost-Share Grant Program administered by the Board of Water and Soil Resources (BWSR), provides grants to SWCD's for the sharing of costs to landowners who establish and maintain buffers of restored native prairie and,

WHEREAS, Minnesota Legislature, Minnesota Session Laws 2007, chapter 57, Article 1, Section 5, has appropriated funding to BWSR FY 08 and FY09 and,

WHEREAS, the BWSR has adopted the following grant and allocation policies;

Eligible SWCD's in the project area will receive a grant to be used under the existing State Cost Share Program guidelines for the implementation of the Native Buffer Cost-Share Program. These grants are for establishment and maintenance of restored native prairie and restored prairie, using seeds of local ecotype. Primary program goals include:

This grant can be used for a wide range of activities related to establishment and management of native species as per the Native Buffer Cost-Share Program Guidelines approved by the BWSR as an attachment to this resolution. Individual cost-share contracts will be prepared with private landowners not to exceed 75% of eligible costs.

Allocation formula based on 74 eligible SWCD's within the defined project area. A base amount of $5000 to all SWCD's with additional funding up to a maximum grant of $25,000 based on acres of riparian cropland and existing native grasslands.

NOW THEREFORE, the BWSR hereby replaces Board Resolution #08-12 with this resolution and authorizes staff to allocate funding and implement guidelines for the Native Buffer Cost-Share Program according to this resolution.

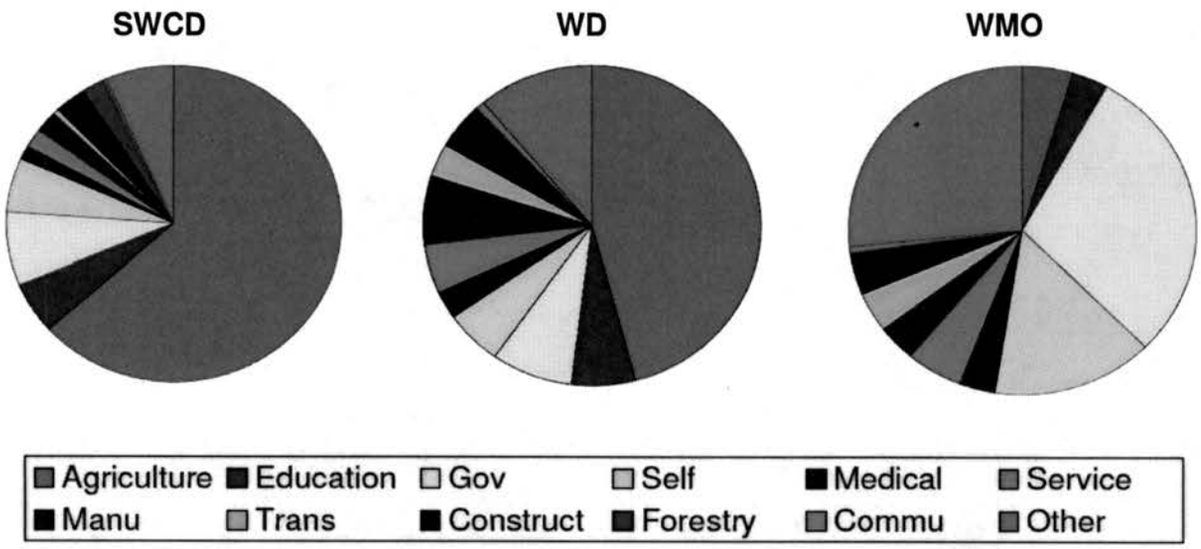
R J Kramer

Date: 3/24/08

Randy Kramer, Chair
Board of Water and Soil Resources

Attch: Native Buffer Cost-Share Program Guidelines

Results on Occupation Demographics



Number of Contested Elections for Various County Wide Offices

	Commissioner		Sheriff		Auditor/Treas		Surveyor		Attorney		Recorder		SWCD		Coroner	
	Seats	Cntsd	Seats	Cntsd	Seats	Cntsd	Seats	Cntsd	Seats	Cntsd	Seats	Cntsd	Seats	Cntsd	Seats	Cntsd
Totals	205	135	80	36	102	20	9	1	80	15	66	10	177	18	10	0
Percent	66%		45%		20%		20%		19%		16%		11%		0	

Observations and Suggestions:

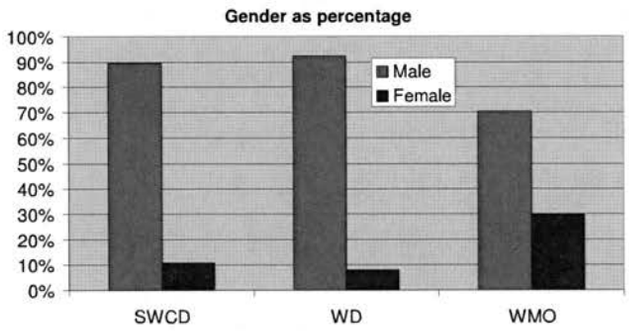
- Survey revealed useful information and could be conducted every five years to determine trends.
- Representation of female board members is greatest in the metro area with 30% of all board members.
- 45% of all board members have 5 years or less of experience and 69% have 10 years or less experience on the board.
- As nearly half of all board members have less than 5 years of experience, board training may be a significant need.
- Occupations seem to reflect the communities they serve with more agricultural representation on SWCD and WD boards and a wider variety of occupations in the metro area.
- Since the "Other" category represented 27% of respondents in the metro area, this category may need to be expanded, using census or legislative categories may be an option.

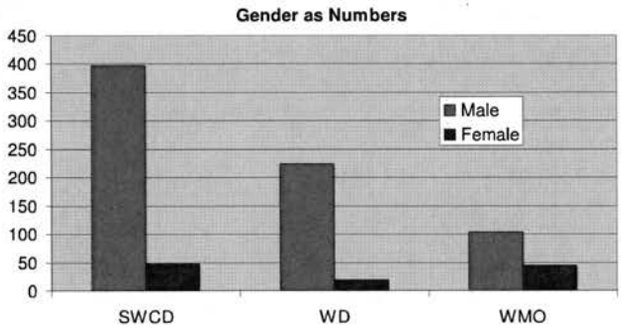
Demographic Information from County Soil and Water Districts, Watershed Districts and Water Management Organizations

Background:
The Board of Water and Soil Resources was asked to obtain demographic information on SWCD's, Watershed Districts (WD) and Water Management Organizations (WMO). BWSR sent out the attached survey in September of 2007 and the results of this survey are reported below.

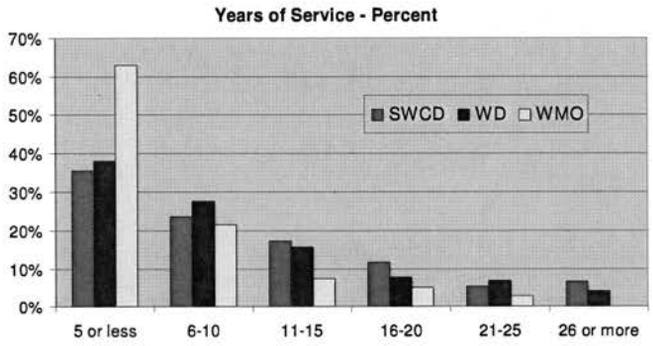
Number of Respondents:
We received responses from 444 SWCD, 243 WD and 135 WMO Board members. Responses were received from 93% of representative groups with 148 of 154 possible.

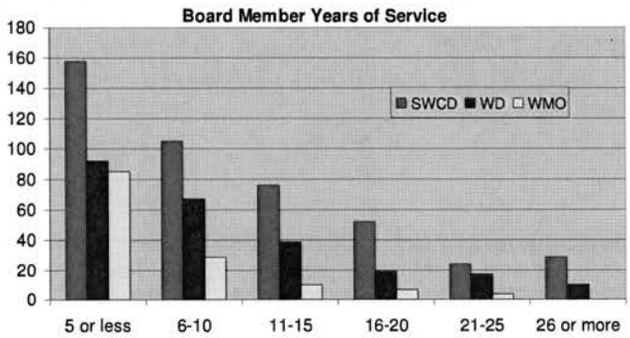
Results on Gender Demographics



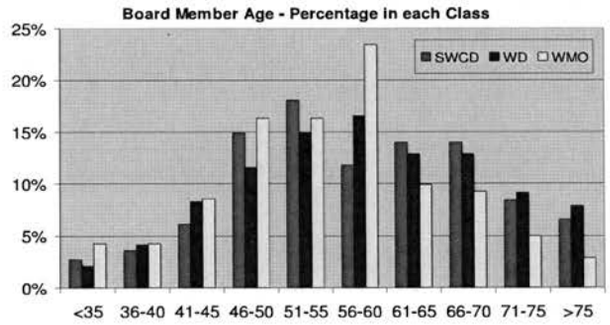


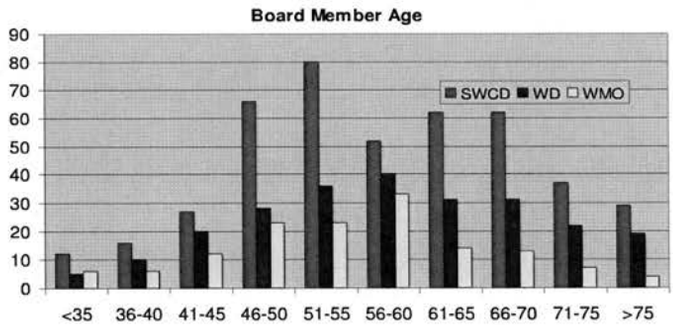
Results on Years of Service Demographics





Results on Age Demographics





United States Department of Agriculture

NRCS

Natural Resources Conservation Service
375 Jackson Street, Suite 600
St. Paul, MN 55101-1854

Phone Number (651) 602-7900
Fax Number (651) 602-7914

March 25, 2008

Dear Minnesota State Technical Committee Member:

Your attendance is requested at the Minnesota State Technical Committee meeting scheduled as follows:

Friday, April 11, 2008
Stearns History Museum
235 South 33rd Avenue
St. Cloud, MN 56301
Telephone: 320-253-8424

Agenda

9:30 a.m. – 9:45 a.m. **INTRODUCTIONS AND REVIEW OF AGENDA.....William Hunt**

- Wetlands Reserve Program (WRP) (Review of proposed updated Geographic Area Rate Caps [GARC]).....Tim Koehler
- Conservation Security Program (CSP) (2008 sign up).....Paul Flynn
- Farm Service Agency
  - State Acres for Wildlife Enhancement (SAFE).....Greg Anderson
  - Conservation Reserve Program (CRP).....Greg Anderson

11:30 a.m. – 12:30 p.m. **LUNCH ON YOUR OWN**

- NRCS Programs
  - Wetlands Reserve Program (WRP) and Reinvest in Minnesota (RIM)/WRP Program.....Tim Koehler
  - Environmental Quality Incentive Program (EQIP).....Tim Koehler
  - Wildlife Habitat Incentive Program (WHIP).....Paul Flynn
  - Farm and Ranch Lands Protection Program (FRPP).....Tim Koehler

3:00 p.m. **ADJOURN**

Thank you for all of your assistance. I hope you will be able to join us for this meeting. For additional information about this meeting or if you require special assistance, please contact Ann English at 651-602-7858 or e-mail **ann.english@mn.usda.gov** by April 3, 2008. This meeting is open to the public.

Sincerely,

William Hunt

WILLIAM HUNT
State Conservationist

United States Department of Agriculture NRCS Natural Resources Conservation Service

ProTracts Program Contracts System

Tools Applications Contracts Rates Forms Funds Reports Contact Us Help

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Program: EQIP 2002 **Fiscal Year:** 2008

Fund Code	Account Name	Allocated	Contract Approval	Obligated	Unobligated	Payment	Contracts	Remaining
⊟	Minnesota	$25,329,856.(	$25,213,491.!	$25,196,475.!	$133,380.44	$147,442.06	1483	$25,049,033.!
⊟ 76F	EQIP General FA	$720,932,546	$706,577,136	$703,504,949	$17,427,597.(	$19,688,442.!	36504	$683,816,506
⊟	Sub Funds	$25,088,681.!	$25,076,281.!	$25,063,984.!	$24,697.00	$142,246.88	1477	$24,921,737.!
⊞	Aitkin	$159,902.00	$159,902.00	$159,902.00	$0.00	$0.00	21	$159,902.00
⊞	American Indian statewide emphasis	$79,995.00	$79,995.00	$79,995.00	$0.00	$0.00	8	$79,995.00
⊞	Anoka	$8,811.00	$8,811.00	$8,811.00	$0.00	$0.00	1	$8,811.00
⊞	Area 1	$0.00	$0.00	$0.00	$0.00	$0.00	0	$0.00
⊞	Area 2	$0.00	$0.00	$0.00	$0.00	$0.00	0	$0.00
⊞	Area 3	$0.00	$0.00	$0.00	$0.00	$0.00	0	$0.00
⊞	Area 4	$0.00	$0.00	$0.00	$0.00	$0.00	0	$0.00
⊞	Area 5	$0.00	$0.00	$0.00	$0.00	$0.00	0	$0.00
⊞	Area 6	$0.00	$0.00	$0.00	$0.00	$0.00	0	$0.00
⊞	Area 7	$0.00	$0.00	$0.00	$0.00	$0.00	0	$0.00
⊞	Becker	$289,503.00	$289,503.00	$289,503.00	$0.00	$0.00	23	$289,503.00
⊞	Beginning Farmer initiative	$3,821,837.5(	$3,821,837.5(	$3,821,837.5(	$0.00	$15,479.20	110	$3,806,358.3(
⊞	Beltrami	$41,096.00	$41,096.00	$41,096.00	$0.00	$0.00	9	$41,096.00
⊞	Benton	$292,518.00	$292,518.00	$292,518.00	$0.00	$0.00	23	$292,518.00
⊞	Big Stone	$128,750.00	$128,750.00	$128,750.00	$0.00	$0.00	7	$128,750.00
⊞	Blue Earth	$148,786.00	$148,786.00	$148,786.00	$0.00	$0.00	14	$148,786.00
⊞	Brown	$363,642.00	$363,642.00	$363,642.00	$0.00	$0.00	21	$363,642.00
⊞	Carlton	$119,965.00	$119,965.00	$119,965.00	$0.00	$0.00	7	$119,965.00
⊞	Carver	$32,995.00	$32,995.00	$32,995.00	$0.00	$0.00	8	$32,995.00
⊞	Cass	$90,977.00	$90,977.00	$90,977.00	$0.00	$0.00	7	$90,977.00
⊞	Chippewa	$42,785.20	$42,785.20	$42,785.20	$0.00	$3,566.20	4	$39,219.00
⊞	Chisago	$131,842.00	$131,842.00	$131,842.00	$0.00	$0.00	22	$131,842.00
⊞	Clay	$334,186.00	$334,186.00	$334,186.00	$0.00	$0.00	19	$334,186.00
⊞	Clearwater	$337,078.00	$337,078.00	$337,078.00	$0.00	$0.00	7	$337,078.00
⊞	Cook	$25,089.00	$25,089.00	$25,089.00	$0.00	$0.00	2	$25,089.00
⊞	Cottonwood	$181,707.00	$181,707.00	$181,707.00	$0.00	$0.00	14	$181,707.00
⊞	Crow Wing	$184,176.00	$184,176.00	$184,176.00	$0.00	$1,193.00	6	$182,983.00
⊞	Dakota	$427,474.48	$427,474.48	$427,474.48	$0.00	$8,107.48	36	$419,367.00
⊞	Dodge	$111,737.00	$111,737.00	$111,737.00	$0.00	$3,940.00	14	$107,797.00
⊞	Douglas	$161,570.00	$161,570.00	$161,570.00	$0.00	$0.00	17	$161,570.00
⊞	Drought Assistance selected counties	$997,876.00	$997,876.00	$997,876.00	$0.00	$0.00	26	$997,876.00
⊞	East Otter Tail SWCD	$239,598.00	$239,598.00	$239,598.00	$0.00	$1,000.00	24	$238,598.00
⊞	East Polk	$239,528.00	$239,528.00	$239,528.00	$0.00	$0.00	12	$239,528.00
⊞	Faribault	$166,944.00	$166,944.00	$166,944.00	$0.00	$0.00	13	$166,944.00
⊞	Fillmore	$283,793.00	$283,793.00	$271,496.00	$12,297.00	$0.00	14	$271,496.00
⊞	Flood Assistance selected counties	$464,599.75	$464,599.75	$464,599.75	$0.00	$17,877.45	55	$446,722.30
⊞	Freeborn	$54,408.00	$54,408.00	$54,408.00	$0.00	$0.00	6	$54,408.00
⊞	Goodhue	$143,252.00	$143,252.00	$143,252.00	$0.00	$0.00	24	$143,252.00
⊞	Grant	$125,361.00	$125,361.00	$125,361.00	$0.00	$0.00	7	$125,361.00

⊞	Hennepin	$3,003.00	$3,003.00	$3,003.00	$0.00	$0.00	1	$3,003.00
⊞	Houston	$368,528.00	$368,528.00	$368,528.00	$0.00	$0.00	24	$368,528.00
⊞	Hubbard	$94,537.00	$94,537.00	$94,537.00	$0.00	$0.00	10	$94,537.00
⊞	Isanti	$75,317.00	$75,317.00	$75,317.00	$0.00	$0.00	9	$75,317.00
⊞	Itasca	$126,906.00	$126,906.00	$126,906.00	$0.00	$0.00	9	$126,906.00
⊞	Jackson	$167,792.00	$167,792.00	$167,792.00	$0.00	$0.00	14	$167,792.00
⊞	Kanabec	$48,516.00	$48,516.00	$48,516.00	$0.00	$0.00	3	$48,516.00
⊞	Kandiyohi	$24,929.00	$24,929.00	$24,929.00	$0.00	$0.00	10	$24,929.00
⊞	Kittson	$314,352.00	$314,352.00	$314,352.00	$0.00	$0.00	10	$314,352.00
⊞	K-LR Watershed	$120,738.00	$120,738.00	$120,738.00	$0.00	$0.00	7	$120,738.00
⊞	Koochiching	$31,382.00	$31,382.00	$31,382.00	$0.00	$0.00	4	$31,382.00
⊞	Lac qui Parle	$239,132.00	$239,132.00	$239,132.00	$0.00	$0.00	31	$239,132.00
⊞	Lake	$0.00	$0.00	$0.00	$0.00	$0.00	0	$0.00
⊞	Lake of the Woods	$148,590.00	$148,590.00	$148,590.00	$0.00	$4,420.00	8	$144,170.00
⊞	Le Sueur	$99,878.00	$99,878.00	$99,878.00	$0.00	$0.00	14	$99,878.00
⊞	Lincoln	$157,752.00	$157,752.00	$157,752.00	$0.00	$0.00	15	$157,752.00
⊞	Lyon	$438,750.00	$438,750.00	$438,750.00	$0.00	$21,750.00	23	$417,000.00
⊞	Mahnomen	$347,098.50	$347,098.50	$347,098.50	$0.00	$562.50	18	$346,536.00
⊞	Marshall SWCD	$270,901.00	$270,901.00	$270,901.00	$0.00	$0.00	12	$270,901.00
⊞	Marshall-Beltrami SWCD	$346,845.00	$346,845.00	$346,845.00	$0.00	$0.00	14	$346,845.00
⊞	Martin	$94,947.00	$94,947.00	$94,947.00	$0.00	$0.00	9	$94,947.00
⊞	McLeod	$381,345.90	$381,345.90	$381,345.90	$0.00	$1,868.90	10	$379,477.00
⊞	Meeker	$82,305.00	$82,305.00	$82,305.00	$0.00	$0.00	4	$82,305.00
⊞	Mille Lacs	$267,479.00	$267,479.00	$267,479.00	$0.00	$0.00	15	$267,479.00
⊞	Morrison	$321,005.00	$321,005.00	$321,005.00	$0.00	$0.00	12	$321,005.00
⊞	Mower	$126,147.00	$126,147.00	$126,147.00	$0.00	$0.00	18	$126,147.00
⊞	Murray	$223,278.70	$223,278.70	$223,278.70	$0.00	$33,963.70	21	$189,315.00
⊞	New Immigrant Farmer statewide initiative	$0.00	$0.00	$0.00	$0.00	$0.00	0	$0.00
⊞	Nicollet	$212,948.00	$212,948.00	$212,948.00	$0.00	$0.00	14	$212,948.00
⊞	Nobles	$122,127.00	$122,127.00	$122,127.00	$0.00	$0.00	8	$122,127.00
⊞	Norman	$337,739.00	$337,739.00	$337,739.00	$0.00	$0.00	22	$337,739.00
⊞	North St Louis SWCD	$57,085.00	$57,085.00	$57,085.00	$0.00	$0.00	7	$57,085.00
⊞	Nutrient Management Initiative	$37,600.00	$25,200.00	$25,200.00	$12,400.00	$0.00	20	$25,200.00
⊞	Olmsted	$423,572.00	$423,572.00	$423,572.00	$0.00	$817.00	9	$422,755.00
⊞	Pennington	$382,452.00	$382,452.00	$382,452.00	$0.00	$0.00	16	$382,452.00
⊞	Pine	$210,091.00	$210,091.00	$210,091.00	$0.00	$0.00	20	$210,091.00
⊞	Pipestone	$211,452.00	$211,452.00	$211,452.00	$0.00	$0.00	14	$211,452.00
⊞	Pope	$467,582.00	$467,582.00	$467,582.00	$0.00	$0.00	14	$467,582.00
⊞	Ramsey	$0.00	$0.00	$0.00	$0.00	$0.00	0	$0.00
⊞	Red Lake	$176,918.00	$176,918.00	$176,918.00	$0.00	$0.00	6	$176,918.00
⊞	Redwood	$182,073.00	$182,073.00	$182,073.00	$0.00	$0.00	19	$182,073.00
⊞	Renville	$370,017.00	$370,017.00	$370,017.00	$0.00	$4,939.00	18	$365,078.00
⊞	Rice	$226,489.00	$226,489.00	$226,489.00	$0.00	$6,233.00	32	$220,256.00
⊞	Rock	$376,441.00	$376,441.00	$376,441.00	$0.00	$0.00	9	$376,441.00
⊞	Roseau	$373,978.00	$373,978.00	$373,978.00	$0.00	$0.00	13	$373,978.00
⊞	Scott	$190,285.00	$190,285.00	$190,285.00	$0.00	$0.00	18	$190,285.00
⊞	Sherburne	$150,986.00	$150,986.00	$150,986.00	$0.00	$4,082.00	8	$146,904.00
⊞	Sibley	$26,136.00	$26,136.00	$26,136.00	$0.00	$0.00	4	$26,136.00
⊞	South St Louis SWCD	$48,078.00	$48,078.00	$48,078.00	$0.00	$0.00	3	$48,078.00
⊞	Stearns	$1,282,449.0(	$1,282,449.0(	$1,282,449.0(	$0.00	$0.00	40	$1,282,449.0(
⊞	Steele	$191,450.00	$191,450.00	$191,450.00	$0.00	$0.00	12	$191,450.00
⊞	Stevens	$67,239.00	$67,239.00	$67,239.00	$0.00	$0.00	5	$67,239.00
⊞	Swift	$308,621.00	$308,621.00	$308,621.00	$0.00	$0.00	21	$308,621.00
⊞	Todd	$470,387.00	$470,387.00	$470,387.00	$0.00	$0.00	23	$470,387.00
⊞	Traverse	$156,051.00	$156,051.00	$156,051.00	$0.00	$0.00	12	$156,051.00

⊞	Wabasha	$150,119.00	$150,119.00	$150,119.00	$0.00	$1,700.00	17	$148,419.00
⊞	Wadena	$120,698.00	$120,698.00	$120,698.00	$0.00	$0.00	10	$120,698.00
⊞	Waseca	$324,351.00	$324,351.00	$324,351.00	$0.00	$0.00	24	$324,351.00
⊞	Washington	$32,830.00	$32,830.00	$32,830.00	$0.00	$0.00	4	$32,830.00
⊞	Watonwan	$93,229.00	$93,229.00	$93,229.00	$0.00	$0.00	8	$93,229.00
⊞	West Otter Tail SWCD	$432,486.00	$432,486.00	$432,486.00	$0.00	$0.00	23	$432,486.00
⊞	West Polk SWCD	$599,904.00	$599,904.00	$599,904.00	$0.00	$0.00	21	$599,904.00
⊞	Whitewater Watershed	$164,595.00	$164,595.00	$164,595.00	$0.00	$0.00	10	$164,595.00
⊞	Wilkin	$201,517.00	$201,517.00	$201,517.00	$0.00	$0.00	24	$201,517.00
⊞	Winona	$291,128.00	$291,128.00	$291,128.00	$0.00	$0.00	4	$291,128.00
⊞	Wright	$195,722.90	$195,722.90	$195,722.90	$0.00	$0.00	20	$195,722.90
⊞	Yellow Medicine	$268,619.45	$268,619.45	$268,619.45	$0.00	$10,747.45	19	$257,872.00
	FY08 CIG State Component	$0.00	$0.00	$0.00	$0.00	$0.00	0	$0.00
⊞	FY08 EQIP Reserve	$185,960.18	$137,210.18	$132,491.18	$53,469.00	$5,195.18	27	$127,296.00

View Funds

Funds Export View

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Fund Code	Account Name	Allocated	Contract Approval	Obligated	Unobligated	Payment	Contracts	Remaining
⊟ 76F	EQIP General FA	$720,932,546	$706,577,136	$703,504,948	$17,427,597.	$19,688,442.	36504	$683,816,505
⊟	Minnesota	$25,329,856.	$25,213,491.	$25,196,475.	$133,380.44	$147,442.06	1483	$25,049,033.
⊟	Drought Assistance selected counties	$997,876.00	$997,876.00	$997,876.00	$0.00	$0.00	26	$997,876.00
	AITKIN	$0.00	$0.00	$0.00	$0.00	$0.00	0	$0.00
	BELTRAMI	$0.00	$0.00	$0.00	$0.00	$0.00	0	$0.00
	BENTON	$0.00	$0.00	$0.00	$0.00	$0.00	0	$0.00
	CARLTON	$0.00	$0.00	$0.00	$0.00	$0.00	0	$0.00
⊞	CASS	$48,320.00	$48,320.00	$48,320.00	$0.00	$0.00	3	$48,320.00
⊞	CLEARWATER	$186,616.00	$186,616.00	$186,616.00	$0.00	$0.00	5	$186,616.00
	CROW WING	$0.00	$0.00	$0.00	$0.00	$0.00	0	$0.00
	DOUGLAS	$0.00	$0.00	$0.00	$0.00	$0.00	0	$0.00
	HUBBARD	$0.00	$0.00	$0.00	$0.00	$0.00	0	$0.00
	ISANTI	$0.00	$0.00	$0.00	$0.00	$0.00	0	$0.00
	ITASCA	$0.00	$0.00	$0.00	$0.00	$0.00	0	$0.00
	KANABEC	$0.00	$0.00	$0.00	$0.00	$0.00	0	$0.00
⊞	KITTSON	$172,645.00	$172,645.00	$172,645.00	$0.00	$0.00	2	$172,645.00
	KOOCHICHING	$0.00	$0.00	$0.00	$0.00	$0.00	0	$0.00
⊞	LAKE OF THE WOODS	$14,902.00	$14,902.00	$14,902.00	$0.00	$0.00	1	$14,902.00
	MAHNOMEN	$0.00	$0.00	$0.00	$0.00	$0.00	0	$0.00
	MARSHALL	$0.00	$0.00	$0.00	$0.00	$0.00	0	$0.00
	MILLE LACS	$0.00	$0.00	$0.00	$0.00	$0.00	0	$0.00
⊞	MORRISON	$34,819.00	$34,819.00	$34,819.00	$0.00	$0.00	1	$34,819.00
⊞	NORMAN	$35,396.00	$35,396.00	$35,396.00	$0.00	$0.00	1	$35,396.00
⊞	PENNINGTON	$220,083.00	$220,083.00	$220,083.00	$0.00	$0.00	3	$220,083.00
	PINE	$0.00	$0.00	$0.00	$0.00	$0.00	0	$0.00
	POLK	$0.00	$0.00	$0.00	$0.00	$0.00	0	$0.00
⊞	RED LAKE	$71,943.00	$71,943.00	$71,943.00	$0.00	$0.00	2	$71,943.00
⊞	ROSEAU	$25,556.00	$25,556.00	$25,556.00	$0.00	$0.00	1	$25,556.00
	STEARNS	$0.00	$0.00	$0.00	$0.00	$0.00	0	$0.00
	TODD	$0.00	$0.00	$0.00	$0.00	$0.00	0	$0.00
	North St Louis SWCD	$0.00	$0.00	$0.00	$0.00	$0.00	0	$0.00
	South St Louis SWCD	$0.00	$0.00	$0.00	$0.00	$0.00	0	$0.00
⊞	Marshall SWCD	$115,829.00	$115,829.00	$115,829.00	$0.00	$0.00	3	$115,829.00
⊞	Beltrami SWCD	$71,767.00	$71,767.00	$71,767.00	$0.00	$0.00	4	$71,767.00
	Marshall-Beltrami SWCD	$0.00	$0.00	$0.00	$0.00	$0.00	0	$0.00
	West Polk SWCD	$0.00	$0.00	$0.00	$0.00	$0.00	0	$0.00
	East Polk SWCD	$0.00	$0.00	$0.00	$0.00	$0.00	0	$0.00

AVG + 38K

View Funds

Funds Export View

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⊟		Minnesota	$25,329,856.	$25,213,491.	$25,196,475.	$133,380.44	$147,442.06	1483	$25,049,033.
⊟		Flood Assistance selected counties	$464,599.75	$464,599.75	$464,599.75	$0.00	$17,877.45	55	$446,722.30
		DODGE	$0.00	$0.00	$0.00	$0.00	$0.00	0	$0.00
		FILLMORE	$0.00	$0.00	$0.00	$0.00	$0.00	0	$0.00
⊞		HOUSTON	$310,503.40	$310,503.40	$310,503.40	$0.00	$1,427.10	28	$309,076.30
⊞		OLMSTED	$36,670.50	$36,670.50	$36,670.50	$0.00	$4,697.50	13	$31,973.00
		STEELE	$0.00	$0.00	$0.00	$0.00	$0.00	0	$0.00
		WABASHA	$0.00	$0.00	$0.00	$0.00	$0.00	0	$0.00
⊞		WINONA	$117,425.85	$117,425.85	$117,425.85	$0.00	$11,752.85	14	$105,673.00

8.5K
NVC



Save the Date: April 25, 2008

Celebrating the Driftless Area Initiative and the *75th Anniversary of the Coon Creek Watershed*

April 25, 2008
Village of Coon Valley, Wisconsin
American Legion Hall
9:30 am coffee and rolls
10 am Program with invited speakers:
United States Congressman Ron Kind
Arlen Lancaster, Chief, USDA NRCS
Stan Trimble, Hydrogeologist, UCLA
and many local celebrities.
Lunch
Fun educational activities
Plus a guided tour by bus of the historic Coon Creek Watershed,
the first large-scale erosion control demonstration project in the nation, 1933-1935.

More details will follow. We hope to see you on April 25!
RSVPs are requested, to Judy Pulvermacher at judy.pulvermacher@wi.usda.gov

U.S. Department of Agriculture Natural Resources Conservation Service
Wisconsin Minnesota Iowa Illinois

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD
ST. PAUL, MINNESOTA 55155
WEDNESDAY, APRIL 23, 2008

BOARD MEMBERS PRESENT:
Dana Allen, Jim Anderson, MES; Paul Brutlag, Bob Burandt, Paul Eger/Wayne Anderson, MPCA; Randy Kramer, Larry Kramka, DNR; Paul Langseth, John Linc Stine/Dan Wilson, MDH; Brian Napstad, Ken Robinson, Louise Smallidge, Gene Tiedemann, LuAnn Tolliver

BOARD MEMBERS ABSENT:
Quentin Fairbanks
Brian Kletscher
Joe Martin

STAFF PRESENT:
Mary Jo Anderson, Donna Caughey, Travis Germundson, Dan Girolamo, Jim Haertel, Tabor Hoek, Steve Hofstad, Chris Hughes, John Jaschke, Al Kean, Kari Keating, Julie Klocker, Les Lemm, Jim Lemmerman, Melissa Lewis, Jeff Nielsen, Ron Shelito, David Sill, Dan Steward, Dave Weirens, Joan Weyandt, Steve Woods

OTHERS PRESENT:
LeAnn Buck, MASWCD
Wayne Edgerton, DNR
Jack Frost, Met Council
Sandy Hooker, MAT
Brad Matlack, Carlton SWCD
Steve Hughes, Aitkin SWCD

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

PLEDGE OF ALLEGIANCE

** 08-30 **ADOPTION OF AGENDA** – Moved Louise Smallidge, seconded by Paul Langseth, to approve the agenda as presented. Motion passed on a voice vote.

MINUTES OF MARCH 26, 2008 – Paul Brutlag stated that there is a correction needed on page two, under Introduction of New Employees, the last sentence should read, Board of Water *and* Soil Resources. Louise Smallidge stated that ** 08-31 new employee Melissa Lewis should be listed as attending the meeting. Moved by Paul Langseth, seconded by Larry Kramka, to approve the minutes of March 26, 2008, as corrected. Motion passed on a voice vote.

INTRODUCTION OF NEW EMPLOYEES

- Steve Woods introduced Donna Caughey, newly hired support staff in the Brainerd office. Donna provided background information about herself.

- Steve Woods introduced Steve Hofstad, newly hired wetland specialist in the Fergus Falls office. Steve provided background information about himself.

- Ron Shelito introduced Joan Weyandt, newly hired wetland specialist in the Duluth office. Joan provided background information about herself.

Chair Kramer welcomed Donna, Steve, and Joan to the Board of Water and Soil Resources.

REPORTS

Chair's Report – Randy Kramer reported that the EQB did not meet this month. Chair Kramer stated that he met via telephone conversations and e-mail exchanges with John Jaschke on various issues.

Executive Director's Report – John Jaschke gave a brief overview of the BWSR Conference Committee Comparison for the 2009 Session Supplemental Budget as of 4/11/08. John provided a brief report on the BWSR bonding bill appropriations: $30,475,000 total appropriation; $25,000,000 for RIM Conservation Reserve; $4,200,000 for Wetland Replacement due to Public Road Projects; and $1,275,000 for Clean Water Legacy (Grass Lake, Lake Titlow). John reported that the RIM Clean Energy was not funded as a separate appropriation. Staff will continue to pursue possible RIM Clean Energy options on conservation lands legislation. John provided a brief overview of BWSR proposed language changes in the Omnibus Finance Bill (HF1812).

John presented a guidance factsheet on Watershed District manager appointments. This factsheet has recently been distributed to watershed districts, counties and posted on the BWSR website.

John explained that BWSR staff now have new e-mail addresses due to the State upgrade of systems. John thanked the IT staff for this effort. Board members should update their address books to include the new e-mail addresses.

John reported that the MAWD Summer Tour will be held June 19-21, at the Dakota Magic Casino and Hotel, Hankinson, North Dakota, hosted by the Bois de Sioux Watershed District. John asked board members to submit their registration forms to Mary Jo Anderson for direct billing.

John reported that the updated Board Committee listing is in the board members' packet today and on the BWSR website.

Dispute Resolution Committee (DRC) – Jim Haertel reported that since the April 9th DRC report was distributed, one additional appeal has been received, a wetland impact appeal in Lake County.

Wetlands Committee – LuAnn Tolliver reported that the Wetlands Committee met last night, April 22, to discuss the Administrative Penalty Order (APO) implementation plan. LuAnn stated that this will be brought before the full Board in May. The Wetlands Committee will be scheduling a Wetlands Committee meeting in July to review new rules.

Grants Policy & Program Committee – Louise Smallidge reported that the Grants Policy & Program Committee met last month to review forestry issues. The Committee will continue discussions at their May 27th meeting. John stated that the Native Buffer Cost-Share Program is expected to come before the full Board again in May.

Public Relations, Outreach & Strategic Planning Committee - Brian Napstad reported that the Public Relations, Outreach & Strategic Planning Committee did not meet last month. Brian reported that the assistant directors and staff are working on the issues and recommendations and upcoming meetings will be scheduled.

Administrative Advisory Committee (AAC) – Chair Kramer reported that the State Envirothon will be held on May 14th at the Prairie Wetlands Learning Center in Fergus Falls. Paul Brutlag will attend. Chair Kramer reported that the AAC met this morning to review Committee updates/schedules; Board membership statute; and budget status and planning.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

Plan Amendment for the Carnelian-Marine-St. Croix Watershed District – Bob Burandt reported that the Metro Water Planning Committee met via conference call on April 2, to review the plan amendment for the Carnelian-Marine-St. Croix Watershed District and unanimously recommends approval. The Amendment submitted includes two parts: a Comprehensive Wetland Protection and Management Plan (CWPMP), developed for the 33.2 square miles that was originally the Carnelian-Marine Watershed District, and the Silver Creek Management Corridor Plan. Moved by Bob Burandt, seconded by Louise Smallidge, to approve the Carnelian-Marine-St. Croix Watershed District plan amendment. Discussion followed. Jim Haertel stated that the Watershed District did a great job on this plan amendment. Motion passed on a voice vote.

** 08-32

NEW BUSINESS

Amend the List of Board-Approved Wetland Evaluation Methods – Dave Weirens reported that the Wetland Conservation Act (WCA) Rule provides that the Board approve wetland evaluation methods. The Minnesota Routine Assessment Method (MnRAM) Development Workgroup recommends deleting obsolete methods from the list that is maintained on the BWSR website. The Wetland Committee reviewed this proposal on January 23, 2008, and is recommending the Board amend the list of approved wetland evaluation methods. Moved by LuAnn Tolliver, seconded by Paul Brutlag, to adopt the recommendations of the Wetland Committee and approve the list as presented. Motion passed on a voice vote.

** 08-33

2008 Local Government Roads Wetland Replacement Program Request for Proposal Approval – Dave Weirens and Dan Girolamo distributed the Summary for the 2008 Local Government Roads Wetland Replacement Program Request for Proposal (RFP) and the project locations from 1997-2007. Dan explained that the Local Government Roads Wetland Replacement Program requires BWSR to replace eligible impacts resulting from reconstruction, rehabilitation, replacement and repair of public roads. The RFPs will solicit projects that will generate wetland credits for this replacement purpose. Dan highlighted the changes from last year's RFP and explained the process. The Wetlands Committee reviewed the proposed process and recommends approval. Moved by Brian Napstad, seconded by John Linc Stine, to approve the 2008 Local Government Roads Wetland Replacement Program RFPs. Motion passed on a voice vote.

** 08-34

John Jaschke recognized Jim Lemmerman's upcoming retirement. Jim has been with BWSR for 18 years as the State Forester. John presented Jim with a Distinguished Service Award and plaque on behalf of BWSR. John stated that the Board and staff have appreciated all of Jim's efforts.

Chair Kramer called for a break in the meeting at 9:55 a.m. The Board also acknowledged Jim's retirement with a cake. The meeting reconvened at 10:15 a.m.

Forestry Practices Addition to State Cost-Share Program – Jim Lemmerman reported that the 2007 Minnesota Legislature directed BWSR to develop a forestry practices standard for the State Cost-Share Program. This proposed standard, creation of the D.13 Forestry Practice, is presented to the Board for inclusion in the State Cost-Share Program. The Grants Program and Policy Committee does not recommend a "forestry practice docket" but does recommend adding a forestry practice, which would directly address forestry concerns. Moved by Louise Smallidge, seconded by Paul Langseth, to approve the resolution as presented, and its addition to the State Cost-Share Program approved practice list beginning in FY 2009. Discussion followed. Louise reported that the Grants Program and Policy Committee approved the practices as presented. Motion passed on a voice vote.

** 08-35

Paul Eger left the meeting at 10:15 a.m. Wayne Anderson arrived at 10:30 a.m., and attended the duration of the meeting.

John Linc Stine left the meeting at 10:20 a.m. Dan Wilson attended the duration of the meeting.

Forestry Report – Ron Shelito introduced Brad Matlack, Carlton SWCD; and Steve Hughes, Aitkin SWCD. Steve Hughes presented information on forest management in Aitkin County. Steve reported that Jim Lemmerman has been instrumental in their success and thanked Jim for his assistance. Brad Matlack presented information on the forestry accomplishments and activities in Carlton SWCD. Brad acknowledged Jim Lemmerman's assistance on forestry programs and appreciated BWSR's support of the forestry docket. Chair Kramer thanked Brad and Steve for their report.

Jim Lemmerman gave a brief presentation of the forestry industry in Minnesota. Jim reported that forest parcelization (break-up of ownership) and forest fragmentation (primarily land use change) are two large issues for Minnesota that affect both forest land and products and that could be addressed by good management. Jim reported that forest cover produces the highest water quality in the State. Jim stated that partnerships are vital to forestry management. The local SWCDs are uniquely positioned to offer management assistance to private forest landowners. Brian Napstad reported that an emerging market is forested areas with credits for tying up carbon. Chair Kramer thanked Jim for his report and services to BWSR.

Overview of Shoreland Rules Update – Peder Otterson and Randall Doneen, DNR-Waters, were introduced. Peder explained that the Minnesota Legislature required DNR to update the minimum shoreland standards contained in Minnesota Rule 6120. The current rules have been in place since 1989. Peder presented the

process, timelines and goals of the rule update. Randall explained the formal rule making process. Randall reported that Julie Klocker is a member of the Statewide Environmental Advisory Committee (SEA), and thanked BWSR for her participation. Discussion followed. Shoreland rules are based upon regulation of public waters. Larry Kramka stated that the Shoreland Program is implemented by the local decision-making process with ordinances that are locally administered. Chair Kramer thanked Peder and Randall for their presentation and update.

AGENCY REPORTS

Minnesota Department of Health (MDH) – Dan Wilson reported that new well construction is down. The average number of new wells each year is 11,500; this year there are about 7,800 new wells, a reflection of the construction industry.

Minnesota Extension Service (MES) – Jim Anderson stated that he has no items to report at this time.

Department of Natural Resources (DNR) – Larry Kramka reported that April through the end of May is fire season in the State of Minnesota. There has already been fire activity in certain parts of the State. Larry stated that DNR is keeping close watch on the budget and the supplemental budget bill process, and some general fund dollars are being cut. DNR continues to see much growth in the mineral industry in the State, and will be hiring additional staff.

Pollution Control Agency (PCA) – Wayne Anderson stated that he has no items to report at this time.

ADVISORY COMMENTS

Minnesota Association of Soil and Water Conservation District (MASWCD) - LeAnn Buck stated that MASWCD will be looking for guidance from BWSR and working with SWCDs over the next few months on the forestry practices to the Cost-Share Program, feedlot cost-share, financial assistance, and landowners non-compliance. LeAnn reported that the recipients of the MASWCD "Outstanding Conservationists of the Year" are featured in the February issue of the *Farmer Magazine*. LeAnn thanked BWSR for their contributions on this effort.

Jeff Nielsen was happy to report that the Watonwan SWCD is back in business. The swearing-in of the last supervisor was held on April 21. Jeff stated that they now have a well-rounded Board: two farmers, one media award winner; an environmental manager; and a past county commissioner. Jeff thanked John Jaschke, Steve Woods, and Julie Klocker for moving this through the legislative process.

Natural Resources Conservation Service (NRCS) – Tim Koehler reported that NRCS continues with the challenges of the unknown regarding the Farm Bill. Tim distributed the FY2008 Environmental Quality Incentives Program (EQIP)

Obligations Summary. Tim stated that BWSR should be pleased with the $25M RIM appropriation. When the Farm Bill is complete, NRCS will partner with BWSR through the WRP Program. Chair Kramer stated that he received a recent newsletter from Kandiyohi County FSA on the wetland process. Tim suggested that Paul Flynn make a presentation to BWSR at an upcoming Board, Committee, or staff meeting regarding the FSA wetland recording system. This is a very confusing process and an open dialog is needed.

UPCOMING MEETINGS

- Next Board Meeting, May 28, 2008, St. Paul
- Grants Program and Policy Committee, May 27, 6:30 p.m., at the Kelly Inn in St. Paul
- The RIM Reserve Planning Committee meets today at 12:30 p.m.
- The Southern Water Planning Committee meets today at noon.

** 08-36 Moved by LuAnn Tolliver, seconded by Dan Wilson, to adjourn the meeting at 11:40 a.m. Motion passed on a voice vote.

Respectfully submitted,

Randy Kramer
Chair

BOARD OF WATER AND SOIL RESOURCES
Attendance Roster

	Name	Affiliation	Phone #
1.	Chris Hughes	BWSR	507-389-6784
2.	STEVE HOFSTAD	BWSR	218-736-5445 EXT. 119
3.	Jack FROST	MPCA	
4.	Dan Jullum	BWSR	
5.	Jeff Nielsen	BWSR	
6.	Lichun Buck	MASWCD	
7.	David Sill	BWSR	
8.	Steve Hughes	Aitkin CoSWCD	927-6565
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BWSR : Comparison of 2009 Session Supplemental Budget **as of 4/11/08**

FY09

	Gov		House Envir		Senate Envir	
Native Buffers Cost Share	(200)	*17%*	(550)	*46%*	0	*0%*
County Weed Mgmt Coop Cost-Share	(100)	*33%*	(100)	*33%*	(100)	*33%*
Grants to Basin Mgmt Organizations *	0	*0%*	(100)	*29%*	0	*0%*
Drainage Assistance Program	(150)	*3%*	(68)	*2%*	(150)	*3%*
Additional agency operations reduction	0		0		(100)	*2%*
Total Reductions	**(450)**		**(818)**		**(350)**	
DR-1717 flood area	450		450		450	
APO Implementation	0		0		0	
P-RAP	0		0		0	
Star Lakes	0		50		100	
Total Additions	**450**		**500**		**550**	
Net	**0**		**(318)**		**200**	

* Area II ($40K), RRBC ($30K), MN River JPB ($30K)

FY10

	Gov		House Envir		Senate Envir	
Native Buffers Cost Share	(200)	*17%*	(550)	*46%*	0	*0%*
County Weed Mgmt Coop Cost-Share	(100)	*33%*	(100)	*33%*	(100)	*33%*
Grants to Basin Mgmt Organizations *	0	*0%*	(100)	*29%*	0	*0%*
Drainage Assistance Program	(150)	*3%*	(68)	*2%*	(150)	*3%*
Total Reductions	**(450)**		**(818)**		**(250)**	
DR-1717 flood area	275		275		275	
APO Implementation	0		0		0	
P-RAP	0		0		0	
Star Lakes	0		100		0	
Total Additions	**275**		**375**		**275**	
Net	**(175)**		**(443)**		**25**	

FY11

	Gov		House Envir		Senate Envir	
Native Buffers Cost Share	(200)	*17%*	(550)	*46%*	0	*0%*
County Weed Mgmt Coop Cost-Share	(100)	*33%*	(100)	*33%*	(100)	*33%*
Grants to Basin Mgmt Organizations *	0	*0%*	(100)	*29%*	0	*0%*
Drainage Assistance Program	(150)	*3%*	(68)	*2%*	(150)	*3%*
Total Reductions	**(450)**		**(818)**		**(250)**	
DR-1717 flood area	0		0		0	
APO Implementation	0		0		0	
P-RAP	0		0		0	
Star Lakes	0		100		0	
Total Additions	**0**		**100**		**0**	
Net	**(450)**		**(718)**		**(250)**	

Minnesota Board of Water & Soil Resources

Omnibus Finance Bill (HF1812)
BWSR suggested language changes *4/21/08*

Both related to language included in the previously passed 2008 bonding bill (HF380)

1. BWSR would prefer that the sentence on **House lines 163.24 - 163.26 on page R10** of the April 8, 2008 Conf. Comm. side-by-side be deleted and replaced with: ~~Up to 20 percent of this appropriation may be used by the board to implement the program.~~ Funds appropriated or transferred and waivers previously authorized to the Board of Water and Soil Resources for DR-1717 flood relief and recovery in accordance with Minnesota Laws 2007, First Special Session chapter 2, are available and applicable until June 30, 2010.

    - This language would extend the funds appropriated for conservation projects from last year's special session and allow flexibility needed to provide the technical assistance components (engineering) necessary to leverage federal disaster relief funds (EWP an ECP) expected to be available later this year. To date, BWSR has not used any of the special session appropriation to fund agency work on the SE Flood response.

2. BWSR would like to see language included to provide the same flexibility for the cost-share native buffers and county weed management cooperative programs as is now in the bonding bill for native vegetation seed. A suggested approach is simply to mimic the bonding bill language by adding the following language to the in Section 4 (**Senate lines 87.15-87.17 on page R10** of April 8, 2008 Conf. Comm. side-by-side): To the extent possible, prairie restorations, funded in whole or in part with funds from appropriations noted in this chapter, must be made using best management practices for native prairie restoration as defined under Minnesota Statutes, section 84.02, subdivision 2.

    - The Native Vegetation Buffers Cost-share and County Weed Management Programs program are important companions to the RIM-Reserve bonding bill appropriation as BWSR can use these funds to accomplish high-quality vegetative restoration practices. This stretches the bonding funds and maximizes leveraging of federal funds in order to enroll more land in wetland restoration easements.
    - The native vegetation language in the bonding bill (HF380, lines 39.25 to 39.30 and elsewhere) is helpful to state govt., local govt. and private sector interests as has been noted previously in committee discussion. The language above would be similarly helpful to align programs which are positioned to be very complementary.
    - This language allows for one common set of criteria, guidelines and training for SWCDs, contractors and landowners to use when implementing native vegetation enhancement programs.

Contact: John Jaschke, Executive Director, MN Board of Water and Soil Resources (BWSR)
520 Lafayette Road St. Paul, MN 55155 ph: 651-296-0878 cell: 612-202-3815 NEW Email: john.jaschke@state.mn.us

Sec. 9. **BOARD OF WATER AND SOIL RESOURCES**

Subdivision 1. **Total Appropriation** $ **30,475,000**

To the Board of Water and Soil Resources for the purposes specified in this section.

To the extent possible, prairie restorations, funded in whole or in part with funds from this appropriation, must be made using best management practices for native prairie restoration as defined under Minnesota Statutes, section 84.02, subdivision 2.

Funds previously appropriated and waivers previously authorized to the Board of Water and Soil Resources for DR-1717 flood relief and recovery in Minnesota Laws 2007, First Special Session chapter 2, are available and applicable until June 30, 2010.

Subd. 2. **RIM Conservation Reserve** 25,000,000

To acquire conservation easements from landowners to preserve, restore, create, and enhance wetlands, restore and enhance rivers and streams, riparian lands, and associated uplands in order to protect soil and water quality, support fish and wildlife habitat, reduce flood damages, and other public benefits. The provisions of Minnesota Statutes, section 103F.515, apply to this appropriation, except that the board may establish alternative payment rates for easements and practices to establish restored native prairies, as defined in Minnesota Statutes, section 84.02, subdivision 7, and to protect uplands. Of this appropriation, up to ten percent may be used to implement the program.

The board shall give priority to the area designated for relief and recovery from the flooding that occurred on or after August 18,

2007, in the area of Southeast Minnesota designated under Presidential Declaration of Major Disaster, DR-1717. At least $2,000,000 of this amount is available for use by the Cedar River and Turtle Creek Watershed Districts in Freeborn, Mower, and Steele Counties to restore wetlands and reduce flooding in the Austin area. Up to $8,000,000 of this amount is available for use in Becker, Clay, Kittson, Mahnomen, Marshall, Norman, Pennington, Polk, Red Lake, Roseau, and Wilkin Counties to restore wetlands and reduce flooding in the Red River Valley area. The board is authorized to enter into new agreements and amend past agreements with landowners as required by Minnesota Statutes, section 103F.515, subdivision 5, to allow for restoration, including overseeding and harvesting, of native prairie vegetation for use for energy production in a manner that does not devalue the natural habitat, water quality benefits, or carbon sequestration functions of the area enrolled in the easement. This shall occur after seed production and minimize impacts on wildlife. Of this appropriation, up to five percent may be used for restoration, including overseeding. The board must submit to the legislative committees with jurisdiction over environment finance and capital investment an interim report on this program by October 1, 2008, and a final report by February 1, 2009.

Subd. 3. **Wetland Replacement Due to Public Road Projects** 4,200,000

To acquire land for wetland restoration or preservation to replace wetlands drained or filled as a result of the repair or reconstruction, replacement, or rehabilitation of existing public roads as required by Minnesota Statutes, section 103G.222, subdivision 1, paragraphs (l) and (m). The provisions of Minnesota Statutes, section 103F.515, apply to this appropriation, except that the board may establish alternative payment rates for easements and practices to establish restored native prairies, as defined in Minnesota Statutes, section 84.02, subdivision 7, and to protect uplands. $720,000 is to implement the program. The purchase price paid for acquisition of land, fee, or perpetual easement must be the fair market value as determined by the board. The board may enter into agreements with the federal government, other state agencies, political subdivisions, and nonprofit organizations or fee owners to acquire land and restore and create wetlands and to acquire existing wetland banking credits. Acquisition of or the conveyance of land may be in the name of the political subdivision.

Subd. 4. **Clean Water Legacy** 1,275,000

$1,275,000 is for improving water quality. The board may expend this amount for the following purposes:

(1) $800,000 for a grant to Kandiyohi County to acquire conservation easements, design and construct water control structures and pumping infrastructure, and plant native prairie species of a local ecotype as defined in Minnesota Statutes, section 84.02, subdivision 6, in order to restore the Grass Lake prairie wetland basins adjacent to the city of Willmar in Kandiyohi County. This amount must be matched one-to-one by

funding from other sources;

(2) $475,000 for a grant to the city of Gaylord to improve water quality in the Lake Titlow watershed. The funds may be used to predesign and design holding ponds upstream from Lake Titlow. The design must include the best location for the ponds, an estimate of the cost of land acquisition or easements, construction costs of the holding ponds, and the estimated expense of maintaining the structures and who will be responsible for the expense. The funds may also be used to construct and reconstruct storm water sewer drains and related facilities to divert water that currently drains into Lake Titlow into holding ponds south of the city. The cost of reconstructing city streets as part of this diversion, and as outlined in the city of Gaylord's street improvement plan, is the responsibility of the city. This diversion will keep phosphorus and other chemicals from entering the lake, and will improve the water quality of Lake Titlow. The city must also coordinate with state and county conservation officials to ensure correct conservation practices and improvements in the watershed. The information gained from this project must be made available for public use.

Dispute Resolution Report
April 9, 2008
by: Jim Haertel

There are presently 26 appeals pending. All of the appeals involve WCA except File 05-24. There have been no new appeals filed since the last report dated March 14th.

File 08-9. This is an appeal of a replacement order in Pine County. The appeal regards impacts to approximately 11.26 acres of wetland. No decision has been made on the appeal.

File 08-8. This is an appeal of a replacement order in Pine County. The appeal regards the filling of over 18,000 square feet of Type 2 wetland. No decision has been made on the appeal.

File 08-7. This is an appeal of a restoration order in the City of Lindstrom, Chisago County. The appeal regards the excavation, filling and draining of over 3,000 square feet of wetland. No decision has been made on the appeal.

File 08-4. This is an appeal of no-loss and exemption decisions in Waseca County. In addition to the no-loss decision, at issue are denials of the agricultural exemption, approved development exemption, incidental wetland exemption, and claims of numerous procedural issues that were prejudicial to the applicants. Further, a Minn. Stat. § 15.99 (60-day rule) claim is pending in District Court. The appeal has been remanded for further technical work at the local level.

File 08-1. This is an appeal of a restoration order in Aitkin County. The appeal involves the filling of wetland for a road in shoreland area. The restoration order has been stayed and the appeal has been placed in abeyance pending further technical work.

File 07-37. This is an appeal of a restoration and replacement order in the City of Sturgeon Lake, Pine County. The appeal involves the excavation and filling of wetland. No decision has been made on the appeal.

File 07-36. This is an appeal of a restoration order in the City of Hugo, Washington County. The appeal involves the filling of approximately 5,447 square feet of Type 7 wetland for a driveway. The restoration order has been stayed and the appeal has been placed in abeyance pending a decision by the LGU on applications for an exemption and a replacement plan.

File 07-33. This is an appeal of an exemption decision in International Falls, Koochiching County. The appeal involves the approval of an exemption request that resulted from

issuance of a cease and desist order for unauthorized wetland impacts. The appeal has been accepted and copies of the record have been requested.

File 07-32. This is an appeal of an exemption decision in International Falls, Koochiching County. The appeal involves the approval of an exemption request that resulted from issuance of a cease and desist order for unauthorized wetland impacts. The appeal has been accepted and copies of the record have been requested.

File 07-31. This is an appeal of an exemption decision in International Falls, Koochiching County. The appeal involves the approval of an exemption request that resulted from issuance of a restoration order for unauthorized filling of wetland for a building. The appeal has been accepted and copies of the record have been requested.

File 07-29. This is an appeal of a restoration order in Crow Wing County. The appeal involves the filling of wetland along a driveway. The restoration order has been stayed and the appeal has been placed in abeyance pending the completion of further field work this spring.

File 07-28. This is an appeal of a restoration order in Mille Lacs County. The appeal regards the filling of wetland. The restoration order has been stayed and the appeal has been placed in abeyance pending the submission of an after-the-fact wetland replacement plan application this month.

File 07-27. This is an appeal of a restoration and replacement order in Benton County. The appeal involves the excavation of an island that was in wetland and the filling of wetland along the wetland edge. The restoration order has been stayed and the appeal has been placed in abeyance pending the completion of further field work this spring.

File 06-23. This is an appeal of a replacement plan decision in Kanabec County. The LGU denied the wetland replacement plan application. A previous denial of the same replacement plan application had been appealed, the appeal was remanded for a hearing, and now the current denial has been appealed. The appeal has been placed in abeyance pending the outcome of a lawsuit between the landowner and the county. The lawsuit concerns the county's possible noncompliance with the 60-day rule. The county prevailed in district court, however the decision was appealed to the Court of Appeals where the county again prevailed. An appeal to the Minnesota Supreme Court was denied review. It is likely the appeal will soon be placed on the calendar for DRC proceedings.

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

File 06-12. This is an appeal of a no-loss decision in Stearns County. It involves the same project and issues as File 06-6. After a restoration order was issued, a no-loss application

was submitted by the developer and denied by the LGU. The appeal has been remanded for further technical evaluation.

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

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

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

File 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. It appears at least two of the appeals have been settled.

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

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

File 05-1. This is an appeal of a replacement plan decision by the Rice Creek Watershed District. The District previously made a decision that was appealed which resulted in a remand for an expanded TEP. Now there is an appeal of the decision made under remand since the decision differed from the TEP report. At issue is a wetland delineation and the Comprehensive Wetland Protection and Management Plan that BWSR approved. After a hearing before the DRC, the board remanded the matter for a new wetland delineation and for submission on an updated, complete replacement plan application.

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

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

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

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Plan Amendment for Carnelian-Marine-St. Croix Watershed District – *DECISION ITEM*

Location of the Carnelian-Marine-St. Croix Watershed District Within the 7 County Metro Area



Carnelian-Marine-St. Croix Watershed District Plan Amendment

Comprehensive Wetland Protection and Management Plan
and Silver Creek Corridor Management Plan

Background

The Carnelian-Marine Watershed District was established in 1981 and enlarged to include the area of the Marine on St. Croix Watershed Management Organization in 2007. At this time, the name changed to the Carnelian-Marine-St. Croix Watershed District (District) and the number of managers increased from five to seven. The District is located exclusively in Washington County in the northeast portion of the Minneapolis – St. Paul seven county Metropolitan Area and consists of a total of 81.48 square miles. The District is bound by the St. Croix River to the east, the Comfort Lake-Forest Lake and Rice Creek Watershed Districts to the west, and the Browns Creek Watershed District to the south. The mission of the District is to protect and improve the water resources, natural habitat, and personal property within its boundaries; to educate property owners and the community on the value of water resources; and to promote progressive public relationships and interagency consistency.

The Amendment submitted includes two parts; a Comprehensive Wetland Protection and Management Plan (CWPMP), developed for the 33.2 square miles that was originally the Carnelian-Marine Watershed District, and the Silver Creek Management Corridor Plan. The 60-day review draft of the amendment was submitted to BWSR, other state agencies, and local governments on March 16, 2007. A public hearing was held on June 3, 2007. The draft Amendment was sent to the review agencies for the 45-day review period on October 15, 2007. During the District's rule development process, which was started concurrently with the end of the Amendment review period, concerns were raised by local government units about implementation of the CWPMP. A meeting with staff of the District, BWSR, and the Washington Conservation District (representing local government units) was convened in January 2008 to address the issues. This meeting resulted in changes to the final draft of the CWPMP. The final draft of the Amendment was received by BWSR on February 25th, 2008. No comments were received on the final draft.

Amendment Summary and Highlights – Comprehensive Wetland Protection and Management Plan

In the development of the CWPMP, the District formed a Wetland Advisory Board of the state review agencies, technical evaluation panel members, landowners, and local governments to guide the development and content of the CWPMP. The process included numerous opportunities for comment, and a public hearing was held on October 24, 2005 for residents, agencies, and LGUs to learn about the CWPMP prior to submittal for official review.

Highlights of the plan include:

- The plan was developed for the portion of the District formerly known as the Carnelian-Marine Watershed District. A complete inventory and functional assessment was performed for the wetlands in this area. The area of the District formerly known as the Marine on St. Croix Watershed Management Organization will be inventoried and assessed as part of the overall Watershed Management Plan update to begin in 2008.
- The plan was developed with an extensive public involvement and formal input process.
- The plan was developed with the following premises: 1) a high percentage of the wetlands remaining in the watershed are pristine and very valuable; 2) there are ample opportunities to avoid wetland impacts, and; 3) the plan should provide additional incentive to avoid impacts and protect the functionality of existing wetlands.
- The plan creates four management categories for wetlands based on their local value. Regulatory standards were then developed for each category.
- The plan creates a restoration fund and requires payment into the fund at differing rates for various activities. The Fund will be used for wetland restorations and other natural resource improvements that would restore, protect, and/or improve wetland function.
- Wetland replacement ratios vary from 6 to 1 for the most valuable wetlands (category 1) to 2:1 for the least valuable (category 4) with a corresponding payment into the restoration fund also required.
- The plan eliminates the de minimis exemption, regulates excavation as an impact, and restricts livestock access to most wetlands.
- The plan includes buffer standards for vegetated buffer strips around wetlands, varying in average width from 30 to 100 feet depending on management category. The buffer standards will be implemented by the District, and apply to all replacement wetlands, when there is a change in land use, or upon approval of a District permit application.
- The plan requires local government units to begin implementation of the CWPMP through an approved and adopted local plan within one year of its approval.
- The District intends to update the CWPMP to be consistent with Wetland Conservation Act rule changes, if necessary, through a minor amendment to the watershed management plan.

Amendment Summary and Highlights – Silver Creek Corridor Management Plan

In the development of the Silver Creek Corridor Management Plan, the District conducted two community-wide and four steering committee meetings in 2003 and 2004 to engage and inform stakeholders, build trust, develop a common understanding of water resources issues, and to provide an opportunity to prioritize local issues. The District obtained additional input from residents through a questionnaire mailed to residents in the headwaters area of Silver Creek.

Board staff found this plan to provide excellent documentation of the issues in the corridor and identification of potential solutions, and that its implementation should help to protect and improve Silver Creek and its associated resources. No local or state comments were received in regards to this plan.

Highlights of the plan include:

- The Silver Creek corridor includes several ecologically rich areas and the corridor is a designated focus area within the Minnesota Department of Natural Resources Metro Wildlife Corridor Program. Key threats to the corridor include impacts from stormwater discharge, invasive species, and fragmentation of natural communities.
- The rationale for the management plan and establishment of the corridor is to protect and improve the hydrologic, water quality, and fish and wildlife habitat functions of the corridor.
- The goal of the plan is to evaluate the overall health of and management options for the creek; and to develop a long-range schedule of actions, priorities, and funding sources to implement the recommendations.
- The plan provides specific recommended actions developed from the corridor assessment and public involvement processes that will be implemented using existing District programs.

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

In the Matter of the review of the Amendment to the Watershed Management Plan for the Carnelian-Marine-St. Croix Watershed District, pursuant to Minnesota Statutes Section 103B.231, Subdivision 11.

ORDER APPROVING AMENDMENT TO WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the Carnelian-Marine-St. Croix Watershed District (District) submitted a Watershed Management Plan Amendment (Amendment) to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 11, and;

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

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

FINDINGS OF FACT

1. **Watershed District Establishment.** The Carnelian-Marine Watershed District was established by the Minnesota Water Resource Board in 1981. Washington County filed a Petition with the Board of Water and Soil Resources on December 22, 2006, to enlarge the watershed district to include the area of the Marine on St. Croix Watershed Management Organization. On March 28, 2007, the Board ordered the Carnelian Marine Watershed District be enlarged according to the Petition, that the name be changed to the Carnelian-Marine-St. Croix Watershed District, and that the number of managers be increased from five to seven, contingent upon the dissolution of the Marine on St. Croix Watershed Management Organization occurring within three months from the date of the Order. The Board further ordered that the Carnelian-Marine Watershed District Watershed Management Plan be amended within one year of the date of the Order to include the petitioned area. The mission of the District is to protect and improve the water resources, natural habitat, and personal property within its boundaries; to educate property owners and the community on the value of water resources; and to promote progressive public relationships and interagency consistency.

2. **Authority to Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251. The current District watershed management plan was approved by Board Order on October 25, 2000.

The watershed management plan may be amended according to Minnesota Statutes Section 103B.231, Subd. 11.

Minnesota Statutes Section 103G.2243 and Minnesota Rules Chapter 8420.650 allow the Board to approve a Comprehensive Wetland Protection and Management Plan (CWPMP) developed by a local government unit, provided it is implemented through the local government's official controls. The CWPMP may be developed as part of, or in conjunction with, a watershed management plan.

3. **Nature of the Watershed.** The District is located exclusively in Washington County in the northeast portion of the Minneapolis – St. Paul seven county Metropolitan Area and consists of a total of 81.48 square miles. Included in the District are 27.33 square miles within the City of Scandia, 4.18 square miles within the City of Marine on St. Croix, 0.74 square miles within the City of Hugo, 34.58 square miles within the Town of May, 0.25 square miles within the City of Grant, and 14.40 square miles within the Town of Stillwater. The CMSCWD is bound by the St. Croix River to the east, the Comfort Lake-Forest Lake and Rice Creek Watershed Districts to the west, and the Browns Creek Watershed District to the south.

4. **Local Review.** The Amendment consists of two parts; a Comprehensive Wetland Protection and Management Plan (CWPMP), and a Silver Creek Corridor Management Plan. The District circulated a copy of the draft Amendment to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7.

In the development of the CWPMP, the District formed a Wetland Advisory Board of the state review agencies, technical evaluation panel members, landowners, and local governments to guide the development and content of the CWPMP. The process included numerous opportunities for comment, and a public hearing was held on October 24, 2005 for residents, agencies, and LGU's to learn about the CWPMP prior to submittal for official review.

In the development of the Silver Creek Corridor Management Plan, the District conducted two community-wide and four steering committee meetings in 2003 and 2004 to engage and inform stakeholders, build trust, develop a common understanding of water resources issues, and to provide an opportunity to prioritize local issues. The District obtained additional input from residents through a questionnaire mailed to residents in the headwaters area of Silver Creek.

The draft Amendment was submitted to the Board, other state agencies, and local governments for the 60-day review on March 16, 2007. A public hearing was held on June 3, 2007. On October 15, 2007, the draft Amendment was sent to the review agencies for the 45-day review period. After the 45-day review, concerns were raised by local government units about implementation of the CWPMP. A meeting with staff of the District, the Board, and the Washington Conservation District as representative for local government units was convened in January 2008 to address these issues. This meeting resulted in changes to the final draft of the CWPMP to clarify implementation responsibilities. The final draft of the Amendment was received by BWSR on February 25th, 2008.

5. **Metropolitan Council Review.** The Council found that the Amendment was consistent with the Council's *Water Resources Management Plan* and should help to protect the water resources in the District.

6. **Department of Agriculture Review.** The MDA did not comment on the Amendment.

7. **Department of Health Review.** The MDH did not comment on the Amendment.

8. **Department of Natural Resources Review.** The DNR did not comment on the Amendment.

9. **Pollution Control Agency Review.** The MPCA found that the Amendment did a good job of integrating wetlands as surface and groundwater dependent natural resources. The MPCA recommended close coordination with the Board on the use of the Minnesota Routine Assessment Method for assessing functions and values of wetlands in the upcoming season and questioned the District's natural resource inventory process due to the risk of missing smaller, "drier-end" wetlands. The MPCA noted that the plan does not discuss wetland permitting roles and responsibilities and suggested that this discussion would be helpful in the plan. The MPCA stated that it will be important for the District to integrate wetland monitoring into other monitoring activities and offered assistance with wetland monitoring approaches.

10. **United States Army Corps of Engineers.** The Corps was invited to participate in the development of the CWPMP but did not participate or provide comments.

11. **Board Review.**

Silver Creek Corridor Management Plan: Board staff found the plan to provide excellent documentation of the issues in the corridor and identification of potential solutions, and that its implementation should help to protect and improve Silver Creek and its associated resources.

CWPMP: Pertaining to the regulation of livestock access to wetlands, the Board recommended the Plan identify a timeframe for removal of the livestock and/or specific conditions that will trigger removal, and recommend the District consider offering cost-share for alternative watering sources and other best management practices in those situations. The District amended the plan as requested and now offers cost-share funding for compliance.

The Board supported the District's intent to provide a higher level of protection to very valuable wetlands, but pointed out the fact that the 6:1 replacement ratio and 6:1 replacement fund payment for management category 1 wetlands is a significant increase over the minimum requirements of the Wetland Conservation Act. The Board recommended the District clearly and overtly make the District's stakeholders and local governments aware of these increased requirements to ensure Plan "buy-in" and to avoid potential conflicts in the future. The Board also recommended the CWPMP clarify

implementation responsibilities and timelines for adoption of conforming ordinances by local governments and include a sample ordinance. The District developed a sample ordinance for local governments to utilize and clarified implementation responsibilities and timelines in the plan.

The draft CWPMP contained recreation standards to regulate access paths and ATV and snowmobile trails that caused "degradation to wetland function." The Board expressed concern over the language as written and recommended a clear and measurable definition of what constitutes an impact, as well as the development of a clear and systematic process for applying penalties to the appropriate parties for non-compliance. The District responded by modifying the recreation standards section to apply to specific impacts to buffers.

The Board noted that, for eligible road projects, the Board will only provide mitigation in the amount required by the Wetland Conservation Act and any additional mitigation required by the District would be the responsibility of the road authority. The Board recommended the District clearly communicate this requirement to the road authorities in order to reduce surprises and unforeseen burdens when mitigating for road impacts.

The Board expressed support for replacement siting requirements that are ecologically based, such as within the watershed, but recommended the CWPMP contain some process for allowing replacement outside the watershed in potential instances where the applicant can demonstrate that desirable replacement opportunities do not exist within the watershed. The District responded by modifying the siting requirements to allow for flexibility when replacement is not available within the watershed.

Regarding some provisions in the draft CWPMP that allowed decisions to be made "at the discretion of the LGU," the Board commented that decisions made solely based on discretion, without proper backing in rule or ordinance, could be considered arbitrary and capricious from a legal standpoint. The Board recommended that, whenever possible, the "discretion" should be clarified so that either: 1) the conditions for the allowable activity or regulation are identified to the extent possible, or 2) the LGU will identify those conditions and include as part of their local ordinance. The District removed or clarified the indicated language in several areas.

12. **Highlights of the Plan Amendment.**

CWPMP:

- The plan was developed for the portion of the District formerly known as the Carnelian-Marine Watershed District. A complete inventory and functional assessment was performed for the wetlands in this area. The area of the District formerly known as the Marine on St. Croix Watershed Management Organization will be inventoried and assessed as part of the overall Watershed Management Plan update to begin in 2008.
- The plan was developed with an extensive public involvement and formal input process.

- The plan was developed with the following premises: 1) a high percentage of the wetlands remaining in the watershed are pristine and very valuable; 2) there are ample opportunities to avoid wetland impacts, and; 3) the plan should provide additional incentive to avoid impacts and protect the functionality of existing wetlands.
- The plan creates four management categories for wetlands based on their local value. Regulatory standards were then developed for each category.
- The plan creates a restoration fund and requires payment into the fund at differing rates for various activities. The Fund will be used for wetland restorations and other natural resource improvements that would restore, protect, and/or improve wetland function.
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- The plan requires local government units to begin implementation of the CWPMP through an approved and adopted local plan within one year of its approval.
- The District intends to update the CWPMP to be consistent with Wetland Conservation Act rule changes, if necessary, through a minor amendment to the watershed management plan.

Silver Creek Corridor Management Plan:

- The Silver Creek corridor includes several ecologically rich areas and the corridor is a designated focus area within the Minnesota Department of Natural Resources Metro Wildlife Corridor Program. Key threats to the corridor include impacts from stormwater discharge, invasive species, and fragmentation of natural communities.
- The rationale for the management plan and establishment of the corridor is to protect and improve the hydrologic, water quality, and fish and wildlife habitat functions of the corridor.
- The goal of the plan is to evaluate the overall health of and management options for the creek; and to develop a long-range schedule of actions, priorities, and funding sources to implement the recommendations.
- The plan provides specific recommended actions developed from the corridor assessment and public involvement processes that will be implemented using existing District programs.

13. **Metro Water Planning Committee Meeting.** The Board's Metro Water Planning Committee met via a telephone conference call on April 2, 2008 to review and discuss the Amendment. Board staff recommended approval of the Amendment. After discussion,

the Committee unanimously decided to recommend approval of the Carnelian-Marine-St. Croix Watershed District Amendment to the full Board.

CONCLUSIONS

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

2. The Board has proper jurisdiction in the matter of approving an Amendment to the Watershed Management Plan for the Carnelian-Marine-St. Croix Watershed District pursuant to Minnesota Statutes Section 103B.231, Subd. 11.

3. The Board has proper jurisdiction in the matter of approving a Comprehensive Wetland Protection and Management Plan for the Carnelian-Marine-St. Croix Watershed District pursuant to Minnesota Statutes Section 103G.2243.

4. The Carnelian-Marine-St. Croix Watershed District Amendment attached to this Order defines water and water-related problems within the Silver Creek Corridor sub-watershed boundaries, possible solutions thereto, and an implementation program and provides a functional assessment framework for all wetlands within the portion of the District formerly known as the Carnelian-Marine Watershed District, management strategies based on this assessment, and an implementation program.

5. The attached Amendment is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251 and 103G.2243.

ORDER

The Board hereby approves the attached Amendment, dated February 2008, to the Carnelian-Marine-St. Croix Watershed District Watershed Management Plan, consisting of the Comprehensive Wetland Protection and Management Plan (CWPMP) and the Silver Creek Corridor Management Plan.

Dated at Saint Paul, Minnesota this 23rd day of April, 2008.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Randy Kramer, Chair

NEW BUSINESS

1. Amend the List of Board-Approved Wetland Evaluation Methods – *DECISION ITEM*

2. 2008 Local Government Roads Wetland Replacement Program Request for Proposal Approval – *DECISION ITEM*

3. Forestry Practices Addition to State Cost-Share Program – *DECISION ITEM*

BOARD OF WATER AND SOIL RESOURCES
April 23, 2008

Request: Amend the List of Board-Approved Wetland Evaluation Methods.

The Wetland Conservation Act (WCA) Rule provides that the Board approve wetland evaluation methods[1]. The Minnesota Routine Assessment Method (MnRAM) Development Workgroup[2] recommends deleting obsolete methods from the list that is maintained on the BWSR website.

Recommended for deletion are:

- Mn Wetland Evaluation Method (from 1988),
- Oregon method (from 1993, revised in 1996), and
- New Hampshire method (from 1991).

The workgroup's concern is that there would not be anyone qualified to evaluate a submittal using one of these outdated methods. The Work Group would like the website to reflect current, WCA-relevant methods. The proposal is to list, on a separate page, assessment methods that might be appropriate for non-WCA uses.[3]

Wetland evaluations are used for local resource planning, local, state, and federal regulatory decision-making, and scientific inquiry. The use of wetland evaluation methods is specifically mentioned in the rule[4] where it states that the development of a comprehensive wetland protection and management plan may require an assessment of the wetland functions using a methodology chosen by the TEP from one of those established or approved by the board.

Board approval of this request would leave MnRAM and HGM[5] as the remaining Board approved wetland evaluation methods. The Wetland Committee reviewed this proposal on January 23, 2008 and is recommending the Board remove the three wetland evaluation methods from the approved list, as discussed in this document.

Pre-approved Wetland Evaluation Methods (*Current List as of March 2008*)

- Minnesota Routine Assessment Methodology for Evaluating Wetland Functions. Board of Water and Soil Resources, Version 3.1, May 2007.
- *Minnesota Wetland Evaluation Methodology for the North Central United States. United States Army Corps of Engineers, September 1988.*
- The Hydrogeomorphic Functional Assessment Methodology. United States Army Corps of Engineers based on Wetland Research Program Technical Report WRP-DE3, August 1993.
- *Oregon Freshwater Wetland Assessment Methodology. Oregon Division of State Lands, December 1993.*
- *Method for the Comparative Evaluation of Nontidal Wetland in New Hampshire. New Hampshire Department of Environmental Services, March 1991.*

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[1] 8420.0103: "The Board shall maintain a publicly available list of preapproved wetland evaluation methods."
[2] The MnRAM Development Workgroup is comprised of local, state, federal, and tribal, as well as private consultant, wetland experts.
[3] These would include: IBI for depressional wetlands, FQA/I, and methods from Ohio, Michigan, and California.
[4] 8420.0650 Subp. 2.A(2)
[5] US Army Corps of Engineers hydrogeomorphic (HGM) model is for prairie potholes only. The Corps is developing an additional HGM model for organic flats that may be considered for inclusion on the list in the future.

Resolution # _____

Amending the List of Board-Approved Wetland Evaluation Methods
April 23, 2008

WHEREAS, BWSR is directed pursuant to Minn. Rule 8420.0103 to" maintain a publicly available list of pre-approved wetland evaluation methods"; and

WHEREAS, the Minnesota Rapid Assessment Method (MnRAM) Development Work Group is led by BWSR staff and consists of wetland experts representing local, state, federal, and tribal governments as well as private consultants;

WHEREAS, the MnRAM Work Group is recommending this list be amended to delete the following methods that are not current and WCA relevant;

- Minnesota Wetland Evaluation Methodology for the North Central United States. United States Army Corps of Engineers, September 1988.
- Oregon Freshwater Wetland Assessment Methodology. Oregon Division of State Lands, December 1993.
- Method for the Comparative Evaluation of Nontidal Wetland in New Hampshire. New Hampshire Department of Environmental Services, March 1991; and

WHEREAS, the Wetland Committee reviewed this recommendation on January 23, 2008, and is recommending he Board delete the above referenced wetland evaluation methods.

NOW THEREFORE BE IT RESOLVED, that the BWSR adopt the recommendations of the Wetland Committee, which is to remove the following wetland evaluation methods from the approved list:

- Minnesota Wetland Evaluation Methodology for the North Central United States. United States Army Corps of Engineers, September 1988.
- Oregon Freshwater Wetland Assessment Methodology. Oregon Division of State Lands, December 1993.
- Method for the Comparative Evaluation of Nontidal Wetland in New Hampshire. New Hampshire Department of Environmental Services, March 1991; and

_____ _____

Randy Kramer, Chair Date

Resolution # 08-33

Amending the List of Board-Approved Wetland Evaluation Methods
April 23, 2008

WHEREAS, BWSR is directed pursuant to Minn. Rule 8420.0103 to" maintain a publicly available list of pre-approved wetland evaluation methods"; and

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- Oregon Freshwater Wetland Assessment Methodology. Oregon Division of State Lands, December 1993.
- Method for the Comparative Evaluation of Nontidal Wetland in New Hampshire. New Hampshire Department of Environmental Services, March 1991; and

Randy Kramer, Chair

4/23/08
Date

Request For Proposals

2008 Local Government Roads
Wetland Replacement Program

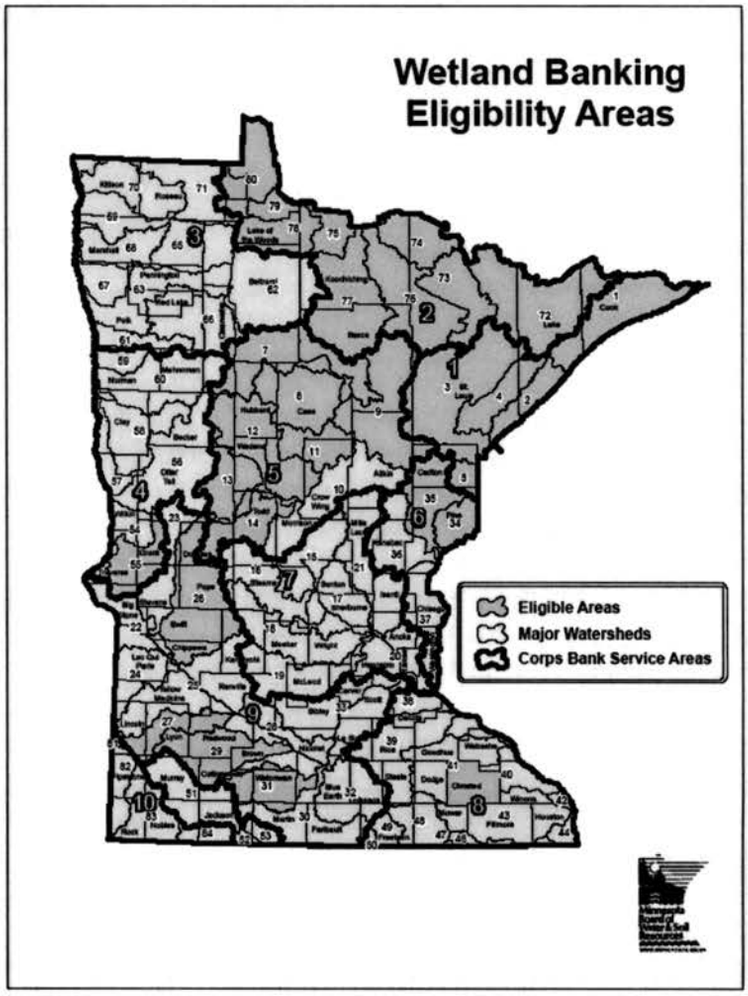
Beginning June 1st, 2008, the Minnesota Board of Water and Soil Resources (BWSR) will again be accepting proposals to supply the State's Cooperative Wetland Replacement Program with wetland credits. These wetland credits are used to replace wetland impacts resulting from maintenance or reconstruction work on existing public roads within the state. Proposals must be received or post marked by **July 15th, 2008** to be considered eligible.

Eligibility Criteria

Due to limited available funding and specific wetland mitigation needs, certain eligibility criteria need to be met for the project proposals. These criteria are primarily based on geographic location and wetland type. More specifically, eligible proposals **must** meet the following criteria:

1) Bidders must own or have an interest in the property being submitted for the proposal.

2) Sites must be located in one of the eligible geographic areas defined in the attached **Exhibit A.**



3) At least **50 percent** of the total wetland area eligible for credit will produce the following wetland community types (Circular 39) in any combination (**Note**: This analysis will be performed on each proposal to verify program eligibility):

Floodplain Forests, Fresh (Wet) Meadow, Wet to Wet-Mesic Prairie and Seasonally Flooded Basin or Flat, (Type 1)

a. Sedge Meadow, Wet to Wet-Mesic Prairie, Fresh (Wet) Meadow and Calcareous Fens, (Type 2)
b. Shrub-Carr or Alder Thicket, (Type 6)
c. Hardwood Swamp or Coniferous Swamp, (Type 7)
d. Coniferous Bog or Open Bog (Type 8)

4) The property contains wetlands that can be restored, created or otherwise enhanced and be eligible for wetland credit pursuant to MN Rules 8420 with the following exception:

Private wetland banking projects that are already in process are eligible for this RFP only if the required perpetual conservation easement has **not yet** been recorded on the property. In other words, an ongoing banking project is eligible even though it may have already undergone considerable planning and implementation, as long as the perpetual conservation easement is not recorded.

Proposals not meeting the above criteria will be rejected and not considered for funding. Bidders are encouraged to work with their Wetland Conservation Act Local Governmental Unit (LGU) and Soil and Water Conservation District (SWCD) staff to determine eligibility and then to compile the required submittal information to support their proposal.

Program Details

The purpose of this RFP is to seek suitable potential wetland bank sites. The landowner must have an interest in developing and then providing all wetland credits derived from the site to the State at an agreed to price. In addition, through the structure of the wetland credit purchase agreement (Agreement) between the landowner and the State, a portion of the pending credit value, will paid to the landowner upon preparation and approval of the required wetland banking application document and subsequent conveyance of the required perpetual wetland banking conservation easement on the property. This partial payment will typically occur before any construction or vegetation establishment work begins on the site helping to finance those activities.

Proposals are to be considered as private wetland banks with successful bidders responsible for developing wetland credits on their project in compliance with all aspects of Minnesota's Wetland Banking Program. Program requirements can be found at the following web site: http://www.bwsr.state.mn.us/wetlands/

Funding for this RFP is limited to 4.2 million dollars. Eligible projects will be selected based on scoring criteria and use of available funds. Scoring criteria includes wetland community types, technical merits of the project and credit bid value.

Upon selection, the landowner will be asked to begin the wetland banking application process and seek, if necessary, preliminary project approval of ***Part A*** of the Wetland Bank Application from the appropriate WCA LGU. Upon satisfactory review and approval of the ***Part A*** application, an Agreement will be completed and executed between the owners of the property and the State. The Agreement will define the terms of the accepted bid and expected wetland credits to be yielded from the property. A sample copy of the Agreement document can be viewed at the following BWSR website: http://www.bwsr.state.mn.us/wetlands/wcamanual/wca-easement_b.pdf.

All proposals submitted to BWSR for funding consideration will become public information after the proposals are reviewed and funding decisions are made by the BWSR Board. At such time, the proposals will be available to the general public for review, upon request.

The BWSR retains the right to reject any and all bids at their sole discretion.

Scoring Process

Proposals will be scored using the three following attributes:

1) Wetland Community Types (Circular 39)

Proposals including restoration of the following wetland community types will receive priority:

- Floodplain Forests, Fresh (Wet) Meadow, Wet to Wet-Mesic Prairie and Seasonally Flooded Basin or Flat, (Type 1),
- Sedge Meadow, Wet to Wet-Mesic Prairie, Fresh (Wet) Meadow and Calcareous Fens, (Type 2),
- Shrub-Carr or Alder Thicket, (Type 6),
- Hardwood Swamp or Coniferous Swamp, (Type 7)
- Coniferous Bog or Open Bog (Type 8).

2) Technical Merits

Projects with limited construction cost and vegetative issues will receive priority. Proposals will be evaluated to predict the effort required to generate credits and to provide long term management. Factors to be considered include the level of construction activity required to develop the site, vegetation management issues and costs associated with long term maintenance.

3) Credit Bid Value

To satisfy the fiduciary responsibilities of the State, wetland value determinations will be made to maximize acres of credit generated for dollars spent. BWSR's desire to replace local road impacts with in kind mitigation will be considered.

How to Apply

Pre Bid Meeting:
A pre-bid meeting will be held at the MnDOT facility located at 3725 12th Street North in St. Cloud, Minnesota and will be scheduled for early June, 2008. The purpose of the meeting is to provide prospective bidders with an overview of the RFP process and an opportunity to ask questions regarding the wetland banking process in general. BWSR staff will be present to address questions.

Minimum Proposal Requirements:
All proposals must include all of the following materials (submittals):

1) A signed, completed *Local Road Replacement Program Project Proposal Form (pending),*
2) Map and/or air photo showing the proposed wetland bank easement area and its approximate acreage;
3) Detail showing the proposed wetland restoration, creation or enhancement areas clearly defined on a map and/or air photo;
4) A written summary of existing site conditions including drainage mechanisms that are in place and whether the drainage systems are private or public. If private, acknowledgement of any associated drainage agreements is necessary;
5) A written summary of the proposed site improvement activities that will generate eligible wetland credits; and
6) An estimate of the *amount and types of credit* that may be generated by the proposed project using a tabular format similar to the following example.

Example - Type and Amount of Credit

Credit Zone	Plant Community Type	Wetland Type – Circular 39	Acres (Credits)	Action Eligible for Credit
1	Seasonally Flooded Basin	1	2.50	Subpart 2
2	Sedge Meadow	2	3.15	Subpart 2
3	Shallow Marsh	3	2.00	Subpart 2
4	Upland	Upland	2.25	Subpart 6
Total			9.90	

Mailing of Proposals:

All proposals must be submitted or delivered to the following address and postmarked by July 15th to be considered:

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

Incomplete proposals will be returned to the sender.

Timeline

By September 30, 2008, all bidders will be contacted to inform them of their bid status.

Additional Information for Bidders

The bid price submitted through this RFP is for a wetland credit acre that is generated from the proposed site. Depending on site conditions, not every acre of wetland or, for that matter, every acre of easement area required to protect the project wetlands, is eligible for credit. Some areas may only be eligible for partial credit. Each acre of upland area that is included within the proposed wetland bank easement that is deemed eligible for upland buffer credit will be compensated at a rate of 25 percent of the wetland credit bid price.

The landowner should determine a comprehensive wetland credit bid price that considers the value of a partnership with the State compared to a normal private wetland bank. In addition, they must consider the costs associated with developing a private wetland bank.

Some of the typical costs associated with developing a wetland banking project include, but are not limited to the following:

- Value of land rights conveyed by the easement, as determined by the landowner.
- Wetland Bank Plan development, including topographic survey, project planning, design and implementation costs.
- Wetland delineations, pre-and post-construction.
- Establishing and maintaining native, non-invasive vegetation.
- Providing site maintenance in perpetuity.
- Legal cost such as recording the perpetual conservation easement and defining the easement boundary.
- Taxes including property, income, capital gains, etc.
- Preparation and submittal of 5 annual monitoring reports.
- Long-term maintenance.

To better understand the expectations and potential costs of the wetland banking process, it is suggested that applicants refer to both **Parts A and B**, including the appendices, of the BWSR Wetland Bank Application. These documents can be found at the following links:

http://www.bwsr.state.mn.us/wetlands/wcamanual/bankapp_A.pdf
http://www.bwsr.state.mn.us/wetlands/wcamanual/bankapp_B.pdf

Questions

All questions regarding the RFP process are to be directed to the Local Governmental Unit or BWSR staff listed on the following web links. If the local or regional staffs are unavailable, the BWSR Bank Coordinator will serve as the final contact.

LGU staff contact link: http://www.bwsr.state.mn.us/directories/WCA.pdf.
BWSR Wetland Specialist link: http://www.bwsr.state.mn.us/aboutbwsr/workareas/construction.txt.
BWSR Bank Coordinator: http://www.bwsr.state.mn.us/aboutbwsr/staffdirectory.html.

[Advanced Notice: BWSR will again be soliciting application for this program in 2009 with an anticipated application window from June 1, 2009 thru July 15, 2009.

Exhibit A

Geographic Location

Proposals **must** be located in one of the following geographic areas or watersheds to be eligible

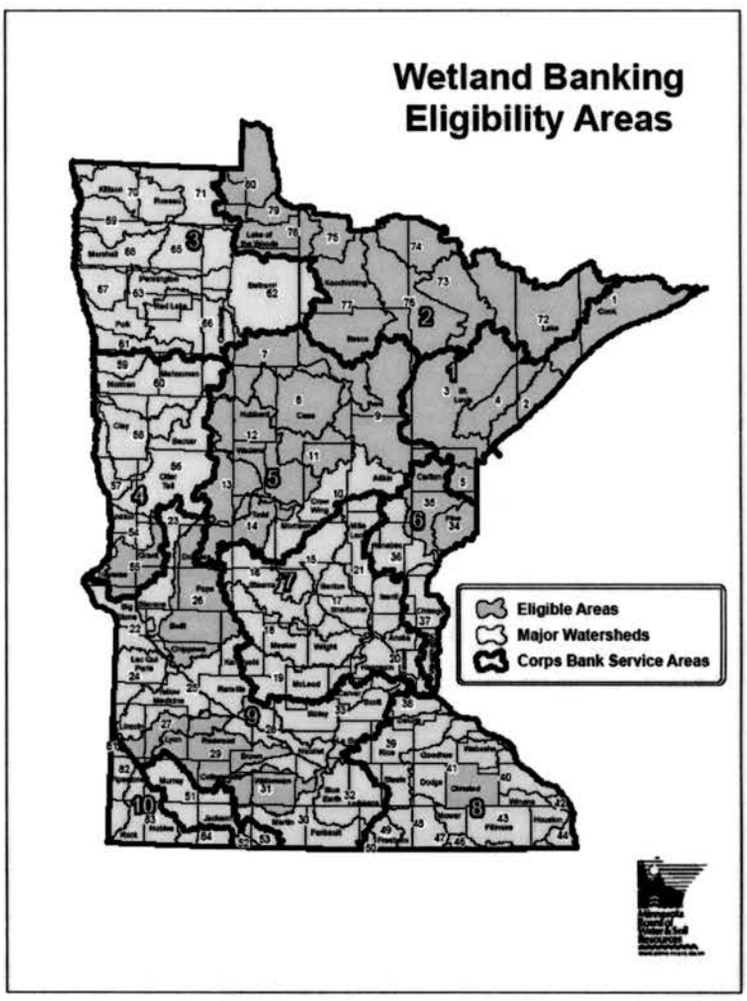
General Locationale Criteria:

1) Army Corps of Engineers Bank Service Areas:
   #1 - Lake Superior
   #2 - Rainy River

2) Olmsted County

3) Minor Subwatershed Locationale Criteria:

#07 Mississippi River at Head Waters
#08 Leech Lake River
#09 Mississippi River at Brainerd
#11 Pine River
#12 Crow Wing River
#13 Redeye River
#14 Long Prairie River
#26 Chippewa River
#27 Redwood River
#29 Cottonwood River
#31 Watonwan River
#34 St. Croix – Upper
#35 Kettle River
#55 Mustinka River



Summary

2008 Local Government Roads Wetland Replacement Program RFP

Request Board approval to use the submitted Request for Proposal to solicit Development Agreements to generate wetland credits.

Funding for the RFP: BWSR will have approximately 2.5 million to fund proposals.

Six changes from the 2007 process.

Funding:

- Split available bonding funds
  - 70% of Development Agreements – RFP solicitation
  - 30% for Easement Agreements – Partnerships with public/private entities
- Only offering the Development Agreement option (privately developed credits)

Eligibility:

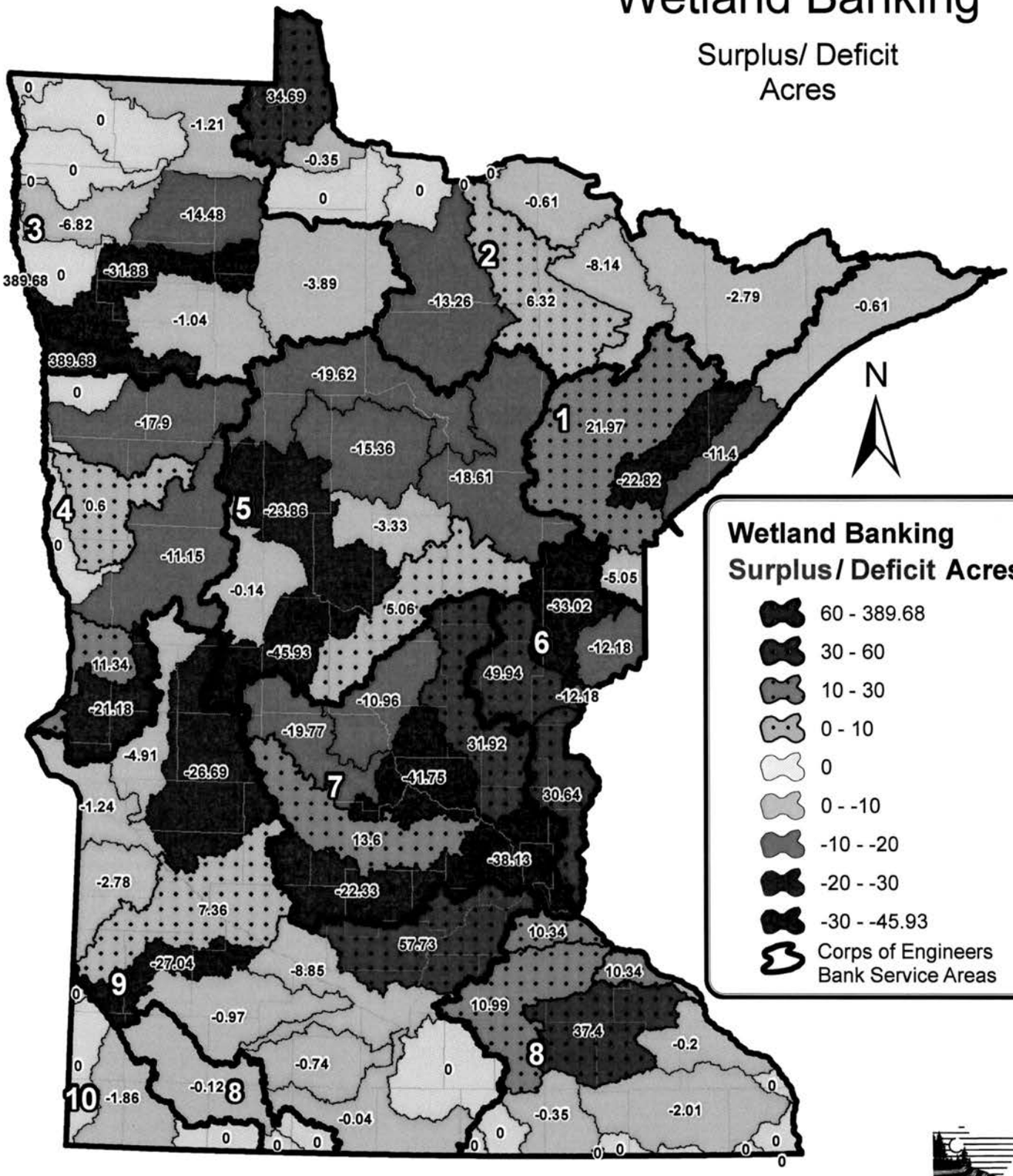
- Targeted area for eligibility – Approximately 40% of the State
- Wetland type eligibility criteria (proposal must have more than 50% types 1,2,6,7,8)

Process:

- Requiring only a Project Proposal Form instead of part A of the wetland bank application document. Mail directly to the BWSR Central Office
- Pre-bid meeting in early June to give interested parties an opportunity to ask questions related to the RFP and wetland banking in general.

BWSR Local Road Wetland Banking

Surplus/ Deficit Acres



Includes 461.42 Pending Deposit Acres Expected By August 2008

January 2008

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

ROAD PROGRAM BID FORM

COUNTY	WCA LGU	LANDOWNER TELEPHONE NO.	EASEMENT # (BWSR only)

LANDOWNER NAME (Print)	ADDRESS (No., Street, RFD, Box No.)	CITY, STATE, ZIP

AUTHORIZED AGENT (Print)	AUTHORIZED AGENT TELEPHONE NO.	

PROJECT AREA DESCRIPTION (Please provide a description of the property including past use, improvements, flooding frequency, etc)

ACRES	TOWNSHIP COMMON NAME	TWP. #	RANGE	SECTION	WATERSHED	COE Service Area

Please fill in your bids for both new wetland credit and upland buffer credit and sign at the bottom. Both bids are to be based on a per acre basis.

☐ **Development Agreement**

I will sign an easement and develop wetland credits on my property. BWSR will purchase the credits once they approved by the WCA LGU.

Bid for wetland credit (per acre)
Bid for upland credit (per acre)
BWSR use only – Estimated Cost/Credit

By signing this application the landowner(s) agree to grant local governmental unit (LGU) representative(s) permission to visit the parcel and to provide other ownership and title documents requested by the LGU during this determination. The BWSR Board reserves the right to reject any and all bids at their full discretion.

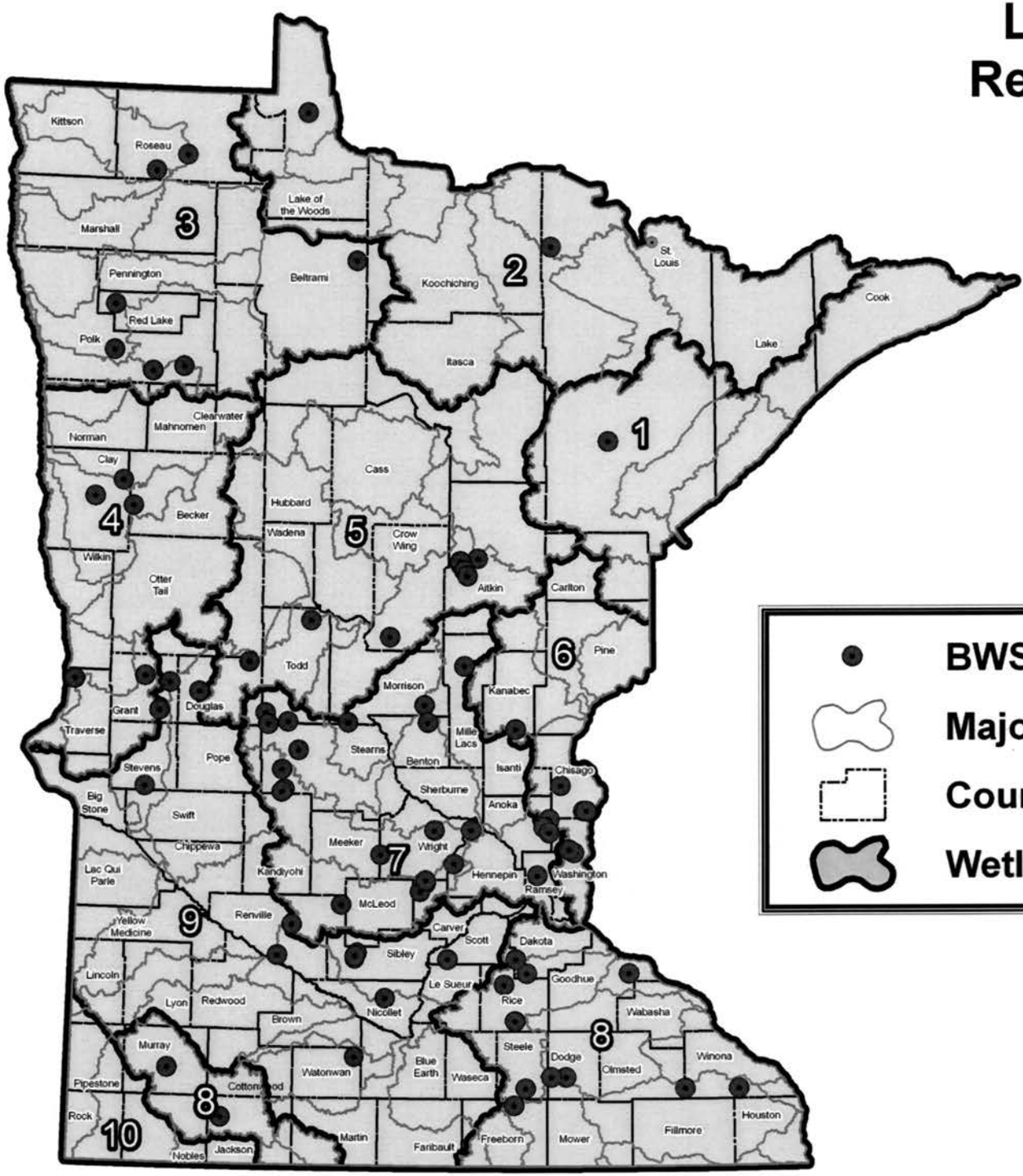
_____

Landowner Signature

_____

Date

Local Road Wetland Replacement Program Project Locations 1997 - 2007



- BWSR Mitigation Banks
- Major Watersheds
- Counties
- Wetland Bank Service Areas

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

January 2008

2008 Local Government Roads Wetland Replacement Program Request for Proposal Approval

WHEREAS, BWSR is directed pursuant Minn. Stat. 103G.222, Subd. 1(1) 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, the BWSR staff developed a process to solicit wetland restoration and creation proposals in targeted areas of the State by the July 15th deadline.

WHEREAS, the Wetland Committee reviewed the proposed process on March 25th, 2008 and is recommending Board approval.

NOW THEREFORE BE IT RESOLVED, that the BWSR authorize acquiring wetland credits as follows:

1. Enter into purchase agreements with political subdivisions and fee owners to acquire wetland credits that meet all BWSR requirements and conditions.

2. Enter into easement agreements with political subdivisions and fee owners to cooperatively develop wetland credits with the fee owner that meet all BWSR requirement and conditions.

Randy Kramer, Chair

4/23/08
Date

Forestry Practices Addition to State Cost Share Program

Background

The Laws of Minnesota 2007 in Senate File 2096 states:

> *The Board shall develop a forestry practice docket for cost-share money. The Board shall develop standards or policies for cost share practices for the following purposes: . . . . .establishment of soil and water conservation practices on private forest lands.*

Issue

The State Cost Share Program currently does not address forestry concerns very well. Although the Program can be used for forestry issues now, via eligible components of existing practices and the ORTP provision, the approved practices are rather silent on forestry issues and do not address them pro-actively.

Recommendation

The Grants Program and Policy Committee does not recommend a "forestry practice docket" but does recommend adding a forestry practice, which would directly address forestry concerns.

This new practice was reviewed by the Grants Program and Policy Committee on March 26, 2008 and committee has recommended adoption.

Staff has met with the necessary partners to draft a forestry practice cost share standard.

See attached D.13 Forestry Conservation Practice

D.13 Forestry Conservation Practice

Forestry Conservation Practice

Establishment or improvement of long term forestry practices to improve or protect water quality or control soil erosion.

Eligible Component(s):

- Access Road (560)
- Brush Management (314)
- Clearing and Snagging (326)
- Conservation Cover (327)
- Critical Area Plantings (342)
- Early Successional Habitat Development/Management (647)
- Fence (82)
- Forest Site Preparation (490)
- Forest Stand Improvement (666)
- Forest Slash Treatment (384)
- Forest Trails and Landings (655)
- Fuel Break (383)
- Grade Stabilization (410)
- Prescribed Forestry (409)
- Restoration and Management of Rare or Declining Habitats (643)
- Riparian Forest buffer (391)
- Stream Crossing (578)
- Tree/Shrub Establishment (612)
- Water and Sediment Control Basin (638)

The number in parentheses corresponds to the practice number in the NRCS Field Office Technical Guide (FOTG). Please refer to the FOTG for a definition of the practice, its purpose, applicability, and recommended standards and specifications.
(In certain circumstances, other eligible components may be applicable. If other eligible components are needed, please see Part V.E. Other Recognized Technical Practices)

Policies

- A **Small Acreage Assessment** must be completed to document needs.

- Cost share is authorized where at least 80 percent of the contributing watershed controlled by the land occupier has the appropriate cultural, management, or structural practices in place (or scheduled to be installed) to stabilize sources of sediment and reduce surface water runoff.

- Cost share is not authorized where runoff or sediment from the contributing watershed would prevent the practice from achieving its intended purpose with normal operation and maintenance. The contributing watershed includes land not controlled by the land occupier.

Cost sharing is authorized up to 75% (Districts can set lower rates.) of total eligible project costs for the materials and activities required to establish the practice and protect the site during construction of the practice. They include, but are not limited to:

Materials:

- Seed
- Trees/Shrubs
- Herbicides
- Fertilizer
- Minerals
- Fence Materials
- Mulch
- Tubes
- Mats

Activities:

- Grading (Earthwork)
- Planting
- Fertilizer/Herbicide Application
- Fencing Labor
- Mulching Labor
- Site Preparation

Board Resolution #_____

STATE COST SHARE PROGRAM
FORESTRY PRACTICES

WHEREAS, The Laws of Minnesota 2007 in Senate File 2096 requires the Board to develop a forestry practice docket for cost-share money; and,

WHEREAS, Minnesota Rule 8400.0300 requires the Board to determine eligible practices and practice policies.

NOW THEREFORE, be it resolved, the Board approves D.13 Forestry Conservation Practice cost share standard, attached and incorporated into this resolution, and its addition to the State Cost Share Program approved practice list beginning in FY 2009.

_____ Date: _____

Randy Kramer, Chair
Board of Water and Soil Resources

Attachment: D13 Forestry Conservation Practice

H:FPBR

Board Resolution # 08-35

STATE COST SHARE PROGRAM
FORESTRY PRACTICES

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Date: 4/23/08

Randy Kramer, Chair
Board of Water and Soil Resources

Attachment: D13 Forestry Conservation Practice

H:FPBR

BWSR Forestry presentation

April 23, 2008

According to Minnesota Forest Industries (MFI) forest industry is the fourth largest industry in Minnesota. Manufacturing, food, and computer industries are ahead of forest industry. The latest numbers that were available to me (2005) state that forest industry is over a six billion dollar a year industry. There are over 40,000 people employed in the industry, from loggers, pulp and paper workers, lumber manufacturing, to secondary manufactures. The industry touches all parts of Minnesota, not just in the forested regions. There are many secondary manufacturing facilities in the metro area and other areas in southern Minnesota.

Forestry has a huge impact on the economy of Minnesota. Most of our forests are fire originated. We cannot revert back to those systems and let fire regenerate our forests, with the number of people who want to live in the woodlands of Minnesota. We must manage our forest for forest products to maintain the forest industry in Minnesota. Without that industry we will lose the management tools to regenerate and maintain a healthy forest.

Minnesota's forest lands are under tremendous stress now from many different directions. One of the main issues is parcelization and fragmentation. **Forest Parcelization** is the division of larger blocks of forest land into smaller blocks with multiple owners. **Forest fragmentation** occurs when large, continuous forests are divided into smaller blocks, either by roads, clearing for agriculture, urbanization, or other human development. These two issues may seem similar, but they are different. The more the forest land is parcelized the harder the forest is to manage. It is difficult to get multiple owners to agree on a management system or the block is too small to manage effectively. The fragmentation issue is a conversion to other land use types. In both cases we can loose both forest land and forest products that would be produced by good management.

Why should BWSR be concerned? There are two reasons in my mind: 1) forest cover produces the highest water quality in the state; 2) this is primarily a private land issue. Public forest lands are protected from parcelization/fragmentation and managed by the county, state or federal agency/organization. There are many benefits that come along with management of our private forest lands.

- High water quality
- Recreation possibilities
- Wildlife habitat
- Reduced local government infrastructure
- Increased forest products

The local soil and water conservation districts (SWCD) are uniquely positioned to offer management assistance to these private forest land owners. There are 15 SWCDs currently offering assistance to these land owners. The potential is there to have 30 – 40 SWCDs offering this assistance.

Shoreland Rule Update Project Status Report
DNR Waters – April 10, 2008

Laws of Minnesota 2007, Chapter 57, Article 1, Section 4, Subdivision 3, requires that "By January 15, 2008, the commissioner shall commence rulemaking under Minnesota Statutes, chapter 14, to update the minimum shoreland standards in Minnesota Rules, chapter 6120."

Background

- The 1969 Minnesota Shoreland Management Act directed the DNR to develop statewide shoreland management standards, and required local governments to incorporate and administer these standards through their local zoning controls. These standards were last updated in 1989.
- In 2005, voluntary alternative shoreland standards were developed to address emerging shoreland management issues in north central Minnesota.
- Creation of the alternative shoreland standards has helped a number of local governments to modernize their ordinances to include some of the following:
    - Multiple shoreland classifications on a single lake
    - New special protection lake classification for sensitive lakes
    - Improved PUD standards
    - Flexibility for resorts
    - Elimination of the creation of back lot (nonriparian) access to lakes.
    - Better water quality standards through enhanced rainwater management
    - Preservation and restoration of native vegetation along the shore for habitat and pollution filtering
    - Innovative conservation developments that apply state of the art stormwater practices and landscaping for quality natural areas
    - Better administration through clarity in definitions and workable performance standards

Action Plan

- Rulemaking will be based on core principles and sound science that recognize not only the diversity of Minnesota's lakes and rivers, but also the diversity of Minnesota's populace, its growth, various communities, local governance issues and values
- New ways will be considered to integrate the shoreland standards and core values across related programs and policies at both the state and local level
- Areas addressed in the alternative standards will be reviewed and refined for consideration in the rulemaking process
- Areas not previously addressed like agriculture practices in shoreland areas, impaired waters, river issues and rapid urban growth will also be addressed

Progress to Date

- Web site created to provide information and track progress (see below)*
- Internal review/coordination committee formed
- External contacts initiated with other state agencies, local governmental organizations and citizen groups
- Statewide advisory committees have been convened and kick-off meetings have been held

* Shoreland Rule Update Web Page: http://mndnr.gov/waters/shoreland.html

Core Rule Making Team:

Peder Otterson, Shoreland Management Supervisor, (651) 259-5697

Paul Radomski, Senior Project Consultant, (218) 833-8643

Randall Doneen, Principal Planner, (651) 259-5669

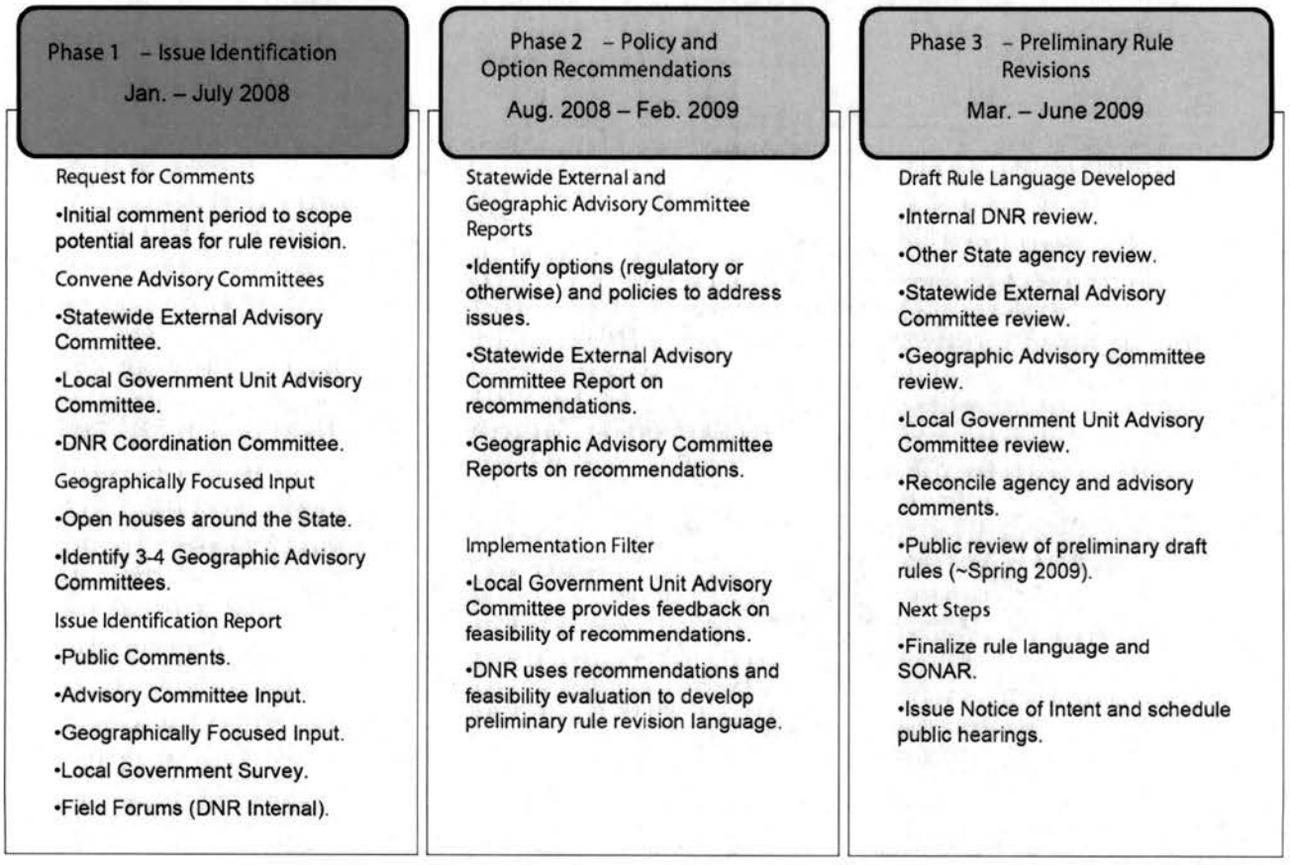
SHORELAND RULES UPDATE NEWSLETTER - March 2008

The DNR recognizes that any successful shoreland rules update is dependent on good public participation. Our plan is to engage a diverse citizenry in a transparent and inclusive process of issue identification; policy and option recommendations; and, public review of draft rule language. The objective of this newsletter is to help keep people informed about the rules update project. Look for additional issues of this newsletter throughout the rules update project with up-to-date information on the project.

The DNR plans to use a three-phase process of public participation to develop preliminary rule revisions to the statewide minimum standards for shoreland development (Minnesota Rules 6120). This process is identified in Figure 1 below:

Figure 1

SHORELAND RULES UPDATE PROCESS



R. Doneen 04/10/2008 DNR Waters

The success of shoreland rules is dependent on the ability and willingness of local governments to administer and implement shoreland standards. In addition, there is a rich diversity in interests, issues, and ecology of shoreland areas throughout the state. In an attempt to consider the statewide diversity, the DNR will use a Statewide External (SEA), a Local Government Unit (LGU), and Geographically

Focused (GFA) advisory committees to aid in the development and review of preliminary rule revisions. This portion of the public participation process is identified in Figure 2 below:

FIGURE 2

SHORELAND RULES UPDATE ADVISORY CONCEPT

SEA –Statewide External Advisory Committee

Broad stakeholder representation to engage in issue identification (Phase 1), option and policy recommendations (Phase 2), and review of draft rule language (Phase 3).

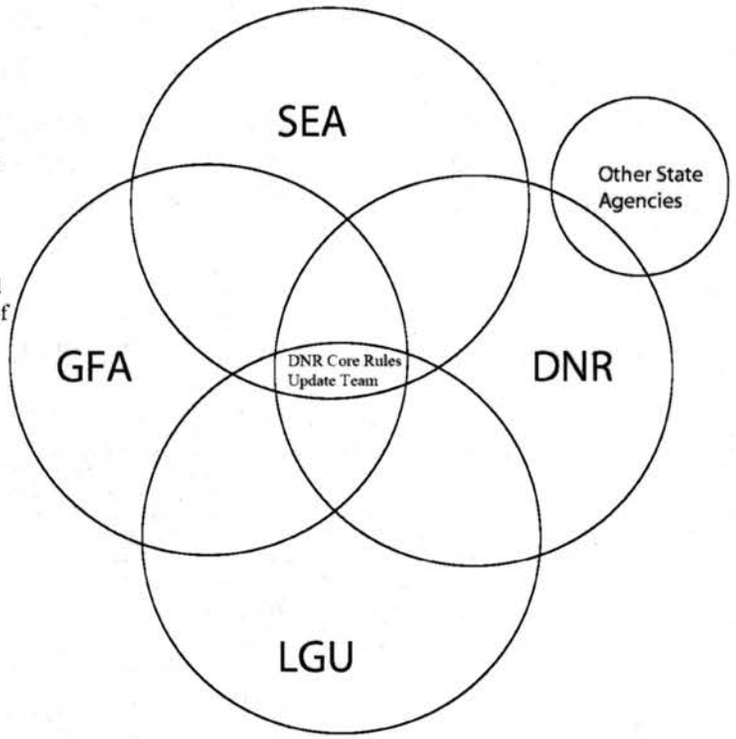
GFA – Geographically Focused Advisory Committee

3-4 geographic advisory committees will be convened across the state to engage in option and policy recommendations (Phase 2) and review of draft rule language (Phase 3). Individuals for these committees will be identified through a series of public meetings as part of issue identification (Phase 1) and input from statewide committees.

LGU – Local Government Unit Advisory Committee

Planners and zoning administrators from counties, cities and townships from across the state engage in issue identification (Phase 1), filter options for efficient implementation (Phase 2), and review draft rule language (Phase 3).

DNR – Internal Coordinating Committee will share information on process throughout the agency. DNR staff focus groups will engage in issue identification (Phase 1), feedback on recommendations (Phase 2), and review draft rule language (Phase 3).



R.Doneen 3/06/2008

Phase 1 of the Shoreland Rules Update Project is well underway with both SEA and LGU Committee memberships finalized and initial meetings scheduled. The Geographic Open Houses will occur in May and June of 2008. The exact dates and locations of these meetings will be posted in the next newsletter. More information will be made available on the shoreland rules update web page and through an email list serve for the project. Go to the bottom of the shoreland rules update web page to subscribe to the list serve.

Web Page: http://mndnr.gov/waters/shoreland.html

Shoreland Rules Update Core Team:
Peder Otterson, Shoreland Management Supervisor, (651) 259-5697
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Randall Doneen, Principal Planner, (651) 259-5669

Shoreland Open Houses

Creating a Vision for Minnesota's Shorelands

The 2007 State Legislature directed the DNR to Update the statewide minimum standards for shoreland management that were last updated in 1989. The DNR has begun the rule revision process and is currently engaging in a robust public participation effort that focuses on the partnerships of shoreland management with the intent of developing a shared vision for Minnesota's shorelands.

A series of open house meetings are scheduled around that state to share information about shoreland management, provide an opportunity give input into rule revision and begin the process that will help create a shared vision of wise shoreland management.

All open houses will take place in the evening from 6:30 PM to 9:00 PM. The locations and dates of the open houses are as follows:

Metro Area	Tuesday	June 3
Faribault	Wednesday	June 4
Winona	Thursday	June 5
Windom	Monday	June 9
Willmar	Tuesday	June 10
Detroit Lakes	Wednesday	June 11
Alexandria	Thursday	June 12
Duluth	Monday	June 16
Brainerd	Tuesday	June 17
Virginia	Monday	June 23
Bemidji	Tuesday	June 24
International Falls	Wednesday	June 25

Each of these open houses will provide a variety of information on shoreland management from state agencies, local governments, education, and organizations with responsibility and interest in shoreland management. These meetings will provide an opportunity to talk with professionals on topics such as the shoreland rules update project, water quality, shoreland stewardship, land use, vegetation management, conservation, and fish & wildlife habitat.

AITKIN COUNTY SOIL AND WATER
CONSERVATION DISTRICT

130 Southgate Drive
Aitkin, Minnesota 56431-7407
Telephone (218) 927-6565

MINNESOTA
SOIL AND WATER CONSERVATION DISTRICTS

The Aitkin County SWCD Forestry Program at a glance

Forest Stewardship Plans: Since September of 1998, the Aitkin County SWCD Forester has written a total of 257 Stewardship Plans for a total of 27,124 acres. Each year, between 25 and 30 plans are written for approximately 3,000 acres.

Third-Party Certification: In May of 2007, the Aitkin County SWCD became the first SWCD in the nation to offer a third-party certification program for private landowners. Certification is through the Forest Stewardship Council (FSC). Private landowners in Aitkin County have the option to have their land FSC certified. Currently, the group contains 17 landowners with 18 parcels for a total of 2,418 acres. The SWCD forester is the group manager and is audited by SmartWood for compliance with the FSC standards.

Minnesota Forestry Assn. The Aitkin County SWCD forester was elected to the MFA Board of Directors in 2005 and has served as Treasurer for the past three years. The Minnesota Forestry Association is Minnesota's oldest conservation group, founded in 1876 to promote wise stewardship of all forest lands.

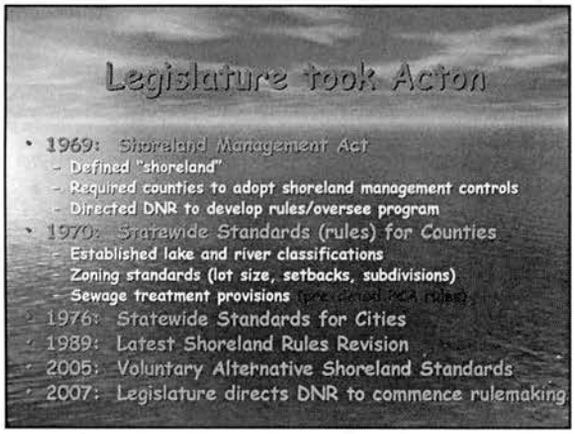
Continuing Education: The Aitkin County SWCD forester has been very active in planning and organizing all types of continuing education efforts from 'Light on the Land' logging demonstrations, held throughout the state, to work with the Aitkin County Private Woodlands Committee. The SWCD forester is also a technical advisor to the Minnesota SWCD Forestry Association.

Summary: The BWSR Forester has been instrumental in helping us develop a very successful forestry program. We believe that forestry is a vital part of every SWCD's program in the State. The Aitkin County SWCD strongly recommends continuing and expanding BWSR's role in forestry.

AN EQUAL OPPORTUNITY EMPLOYER


Shoreland Management
Where did it all begin?


The 1960's experienced an increase in Shoreland Development and outdoor recreation activities
•No State Shoreland Regulations
•Most development went unregulated
•Counties lacked land use controls
•Ditto for agencies (there was no PCA and DNR was Dept. of Conservation)


Legislature took Acton
• 1969: Shoreland Management Act
– Defined "shoreland"
– Required counties to adopt shoreland management controls
– Directed DNR to develop rules/oversee program
• 1970: Statewide Standards (rules) for Counties
– Established lake and river classifications
– Zoning standards (lot size, setbacks, subdivisions)
– Sewage treatment provisions (precursor to PCA rules)
• 1976: Statewide Standards for Cities
• 1989: Latest Shoreland Rules Revision
• 2005: Voluntary Alternative Shoreland Standards
• 2007: Legislature directs DNR to commence rulemaking

The Shoreland District

Lakes that are:

- 25 acres or more in unincorporated areas (counties)
- 10 acres or more in municipalities

Rivers greater than two square miles of drainage area



Shoreland Zoning

M.S. 103F

Statewide Minimum Standards for Shoreland Management M.R. 6120

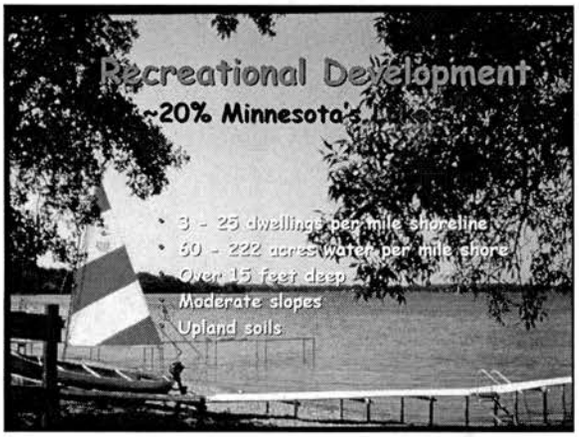
- Grading and Filling
- Land Use
- Planned Unit Developments
- Controlled Access Lots
- Impervious Surface Limits
- Lot Size
- Setbacks
- Vegetation Clearing

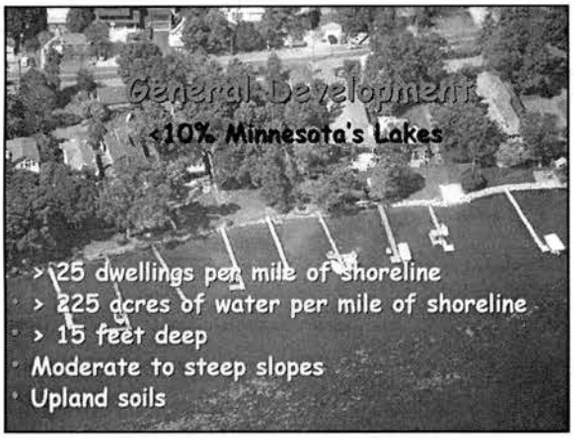
River Classification

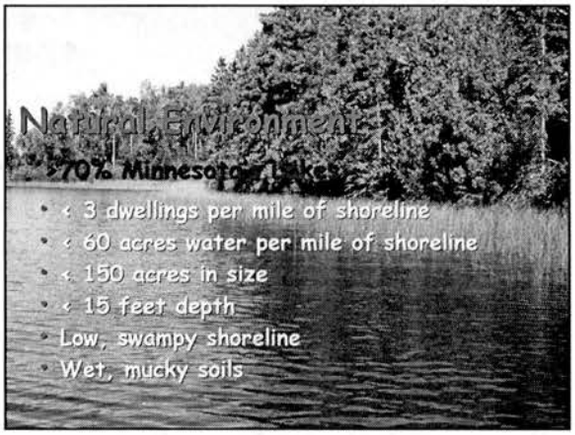
- Remote
- Forested
- Transitional
- Agricultural
- Urban
- Tributary

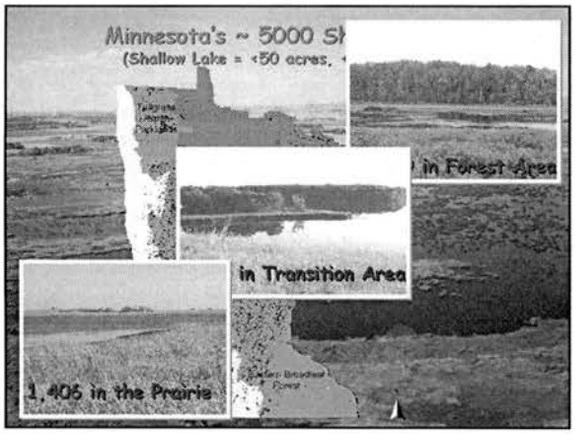
Local Land Use Controls (zoning ordinance)

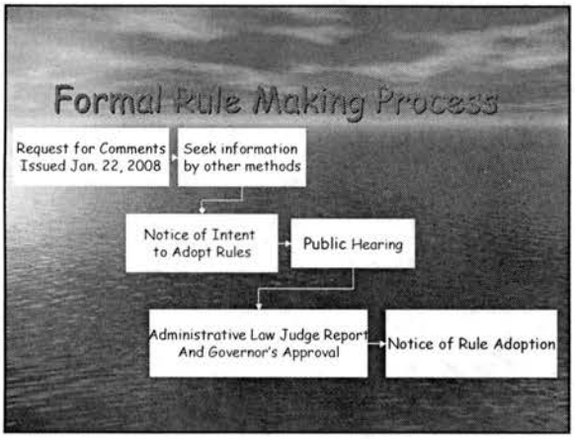
Can be more restrictive than statewide standards

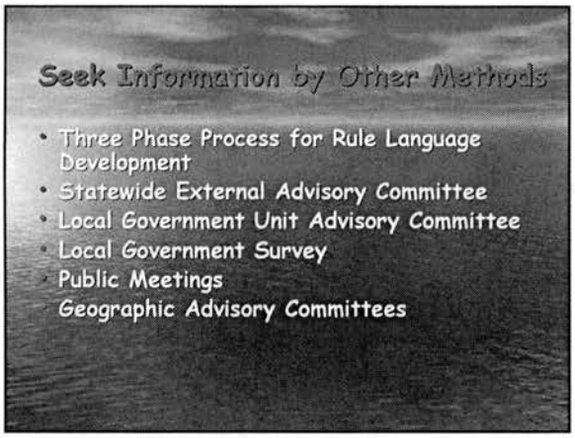


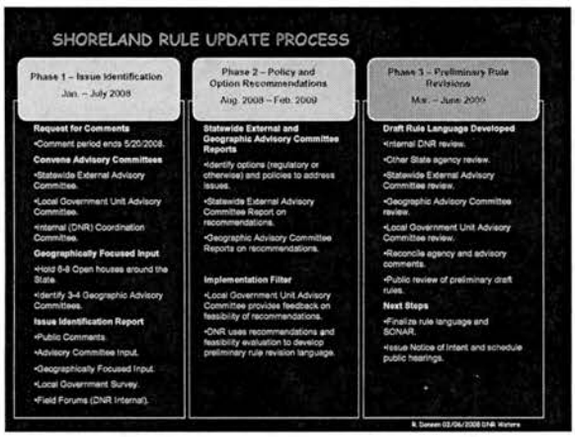

General Development
<10% Minnesota's Lakes
> 25 dwellings per mile of shoreline
> 225 acres of water per mile of shoreline
> 15 feet deep
Moderate to steep slopes
Upland soils


Natural Environment
>70% Minnesota's Lakes
< 3 dwellings per mile of shoreline
< 60 acres water per mile of shoreline
< 150 acres in size
< 15 feet depth
Low, swampy shoreline
Wet, mucky soils


Minnesota's ~ 5000 Sh
(Shallow Lake = <50 acres,
in Forest Area
in Transition Area
1,406 in the Prairie


Formal Rule Making Process
Request for Comments Issued Jan. 22, 2008
Seek information by other methods
Notice of Intent to Adopt Rules
Public Hearing
Administrative Law Judge Report And Governor's Approval
Notice of Rule Adoption


Seek Information by Other Methods
• Three Phase Process for Rule Language Development
• Statewide External Advisory Committee
• Local Government Unit Advisory Committee
• Local Government Survey
• Public Meetings
Geographic Advisory Committees


SHORELAND RULE UPDATE PROCESS
Phase 1 – Issue Identification
Jan. – July 2008
Request for Comments
•Comment period ends 5/20/2008.
Convene Advisory Committees
•Statewide External Advisory Committee.
•Local Government Unit Advisory Committee.
•Internal (DNR) Coordination Committee.
Geographically Focused Input
•Hold 6-8 Open houses around the State.
•Identify 3-4 Geographic Advisory Committees.
Issue Identification Report
•Public Comments.
•Advisory Committee Input.
•Geographically Focused Input.
•Local Government Survey.
•Field Forums (DNR Internal).
Phase 2 – Policy and Option Recommendations
Aug. 2008 – Feb. 2009
Statewide External and Geographic Advisory Committee Reports
•Identify options (regulatory or otherwise) and policies to address issues.
•Statewide External Advisory Committee Report on recommendations.
•Geographic Advisory Committee Reports on recommendations.
Implementation Filter
•Local Government Unit Advisory Committee provides feedback on feasibility of recommendations.
•DNR uses recommendations and feasibility evaluation to develop preliminary rule revision language.
Phase 3 – Preliminary Rule Revisions
Mar. – June 2009
Draft Rule Language Developed
•Internal DNR review.
•Other State agency review.
•Statewide External Advisory Committee review.
•Geographic Advisory Committee review.
•Local Government Unit Advisory Committee review.
•Reconcile agency and advisory comments.
•Public review of preliminary draft rules.
Next Steps
•Finalize rule language and SONAR.
•Issue Notice of Intent and schedule public hearings.

Shoreland Rule Update Advisory Concept

SEA –Statewide External Advisory Committee

Broad stakeholder representation to engage in issue identification (Phase 1), option and policy recommendations (Phase 2), and review of draft rule language (Phase 3).

GFA - Geographically Focused Advisory Committee

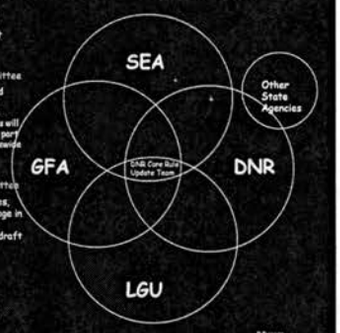
3-4 geographic advisory committees will be convened across the state to engage in option and policy recommendations (Phase 2) and review of draft rule language (Phase 3). Individuals for these committees will be identified through a series of public meetings as part of issue identification (Phase 1) and input from statewide committees.

LGU - Local Government Unit Advisory Committee

Planners and zoning administrators from counties, cities and townships from across the state engage in issue identification (Phase 1), filter options for efficient implementation (Phase 2), and review draft rule language (Phase 3).

DNR - Internal Coordinating Committee

Shared information on process throughout the agency. DNR staff focus groups will engage in issue identification (Phase 1), feedback on recommendations (Phase 2), and review draft rule language (Phase 3).



R.Doneen
3/06/2008

Opportunities for Public Input

- Request for Comments – Comment period ends May 20, 2008.
- Public meetings – The DNR will hold twelve (12) public meetings around the state in June 2008.
- Get involved on a Geographically Focused Advisory Committee.
- Review draft rule language – The current schedule anticipates draft rules being available in May 2009. Another series of public meetings will accompany draft rule language.
- Keep informed – DNR web page and email list serve:

http://www.dnr.state.mn.us/waters/shoreland.html



ENVIRONMENTAL QUALITY INCENTIVES PROGRAM (EQIP)

2008 OBLIGATION SUMMARY

APRIL 11, 2008

Once again, producers in Minnesota have stepped forward and agreed to implement millions of dollars of conservation practices with assistance from NRCS and SWCD personnel through the Environmental Quality Incentives (EQIP). Total EQIP obligations exceeded $25 million which when added to the producer's share of the expenses yield a grand total in excess of $50 million.

Category	# of Contracts	Dollars	Acres
Statewide Total	1485	$25,353,094	317,768
Livestock Related	548	$14,421,760	105,825
This is approximately 57% of the state allocation			
Beginning Farmer	105	$3,881,570	21,919
Limited Resource	33	$904,753	5,580
American Indian	8	$79,995	962
Drought Assistance	26	$997,876	7,288
SE Flood Assistance	55	$465,082	4,324
Kanaranzi Little Rock	7	$120,738	836
Whitewater Watershed	10	$164,595	1,281
Nutrient Mgt. Initiative	31	$37,200	2,500

Minnesota
FY-2008 Environmental Quality Incentives Program (EQIP)
Obligations

County	Obligation	Contract Acres	Number of Contracts
AITKIN	$242,183.00	1,217.3	24
ANOKA	$8,811.00	97.9	1
BECKER	$290,791.00	4,213.1	24
BELTRAMI	$193,863.00	2,726.5	14
BENTON	$292,518.00	4,013.7	23
BIG STONE	$128,750.00	3,127.1	7
BLUE EARTH	$149,986.00	1,418.6	15
BROWN	$363,642.00	2,726.6	21
CARLTON	$162,703.00	1,610.0	10
CARVER	$32,995.00	491.0	8
CASS	$139,297.00	2,473.0	10
CHIPPEWA	$42,785.20	1,238.2	4
CHISAGO	$318,010.00	1,217.0	24
CLAY	$334,186.00	5,810.5	19
CLEARWATER	$563,069.00	2,344.8	13
COOK	$25,089.00	112.0	2
COTTONWOOD	$182,088.00	2,885.0	14
CROW WING	$331,997.00	2,274.0	9
DAKOTA	$462,245.48	6,894.5	44
DODGE	$143,887.00	3,442.0	15
DOUGLAS	$164,870.00	1,711.0	17
FARIBAULT	$200,237.00	1,502.5	15
FILLMORE	$418,598.00	2,312.2	17
FREEBORN	$71,682.00	1,663.0	8
GOODHUE	$143,252.00	845.1	24
GRANT	$166,619.00	1,886.0	9
HENNEPIN	$3,003.00	6.6	1
HOUSTON	$680,231.40	6,661.0	53
HUBBARD	$204,992.00	2,165.1	11
ISANTI	$88,196.00	1,218.1	11
ITASCA	$158,523.00	674.7	12
JACKSON	$167,792.00	2,412.0	14

Minnesota
FY-2008 Environmental Quality Incentives Program (EQIP)
Obligations

KANABEC	$70,436.00	172.4	4
KANDIYOHI	$24,929.00	598.6	10
KITTSON	$869,888.00	5,875.9	17
KOOCHICHING	$96,193.00	362.4	5
LAC QUI PARLE	$239,132.00	2,205.0	31
LAKE OF THE WOODS	$189,726.00	1,187.3	11
LE SUEUR	$102,278.00	1,504.8	16
LINCOLN	$157,752.00	2,963.5	15
LYON	$524,709.00	8,460.0	24
MAHNOMEN	$366,330.50	8,524.5	20
MARSHALL	$762,390.00	14,279.4	32
MARTIN	$124,433.00	3,878.9	11
MCLEOD	$406,259.90	6,056.9	13
MEEKER	$82,305.00	750.0	4
MILLE LACS	$432,960.00	4,003.8	21
MORRISON	$404,501.00	4,680.2	17
MOWER	$126,147.00	2,919.5	18
MURRAY	$261,457.70	6,546.4	24
NICOLLET	$533,461.00	4,351.0	19
NOBLES	$242,865.00	2,174.5	15
NORMAN	$418,770.00	17,979.6	26
OLMSTED	$539,864.50	2,753.5	26
OTTER TAIL	$998,723.00	13,101.2	55
PENNINGTON	$770,782.00	10,965.9	24
PINE	$289,747.00	3,197.6	24
PIPESTONE	$228,237.00	2,547.4	16
POLK	$869,432.00	19,262.7	33
POPE	$513,361.00	3,155.4	15
RED LAKE	$261,827.00	5,848.0	9
REDWOOD	$185,881.00	1,533.2	20
RENVILLE	$376,650.00	4,834.9	18
RICE	$229,406.00	2,003.1	34
ROCK	$398,941.00	5,250.8	10

Minnesota
FY-2008 Environmental Quality Incentives Program (EQIP)
Obligations

ROSEAU	$399,534.00	3,016.8	14
SCOTT	$192,274.00	1,654.8	18
SHERBURNE	$171,996.00	1,209.4	10
SIBLEY	$27,660.00	778.0	6
ST LOUIS	$175,329.00	1,141.3	13
STEARNS	$1,943,180.00	8,717.1	48
STEELE	$191,450.00	1,250.3	12
STEVENS	$67,239.00	1,018.9	5
SWIFT	$308,621.00	3,730.4	21
TODD	$483,317.00	3,464.0	24
TRAVERSE	$156,051.00	6,112.2	12
WABASHA	$216,979.00	903.0	20
WADENA	$155,365.00	1,706.2	13
WASECA	$352,324.00	5,374.5	29
WASHINGTON	$70,096.00	1,096.3	5
WATONWAN	$93,229.00	1,725.3	8
WILKIN	$201,517.00	3,735.7	24
WINONA	$580,293.85	3,013.5	28
WRIGHT	$195,722.90	3,027.5	20
YELLOW MEDICINE	$394,250.95	17,773.9	25
Grand Total	$25,353,094.38	317,767.5	1485

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
ST. PAUL, MINNESOTA 55155
WEDNESDAY, MAY 28, 2008

BOARD MEMBERS PRESENT:
Dana Allen, Paul Brutlag, Bob Burandt, Paul Eger, MPCA; Quentin Fairbanks, Brian Kletscher, Randy Kramer, Larry Kramka, DNR; Paul Langseth, Joe Martin, MDA; Brian Napstad, Ken Robinson, Louise Smallidge, Gene Tiedemann, LuAnn Tolliver, Dan Wilson, MDH

BOARD MEMBERS ABSENT:
Jim Anderson, MES

STAFF PRESENT:
Mary Jo Anderson, Matt Drewitz, Travis Germundson, Jim Haertel, Jeff Hrubes, John Jaschke, Al Kean, Julie Klocker, Kevin Lines, Joel Peterson, Dan Shaw, Ron Shelito, Dave Weirens, Tom Wenzel, Marcey Westrick, Steve Woods

OTHERS PRESENT:
Sandy Hooker, MAT
Jack Frost, Met Council
Wayne Edgerton, DNR
Peter Scheffert, MDA
Len Price and Tim Johnson-Grass, MCC

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

PLEDGE OF ALLEGIANCE

** 08-37 **ADOPTION OF AGENDA** – Moved by Brian Napstad, seconded by Louise Smallidge, to approve the agenda as presented. Motion passed on a voice vote.

** 08-38 **MINUTES OF APRIL 23, 2008** – Moved by Louise Smallidge, seconded by Bob Burandt, to approve the minutes of April 23, 2008 as circulated. Motion passed on a voice vote.

INTRODUCTION OF NEW EMPLOYEES

- Dave Weirens introduced Travis Germundson, newly hired water management specialist, working in the St. Paul office. Travis provided background information about himself.

- Al Kean introduced Joel Peterson, newly hired drainage management engineer, working in the St. Paul office. Joel provided background information about himself.

Chair Kramer welcomed Travis and Joel to the Board of Water and Soil Resources.

REPORTS

Chair's Report – Randy Kramer stated that he did not attend the EQB meeting last week. Chair Kramer participated in a conference call of the RIM Reserve Planning Committee held on May 15. He also participated in a Southern Water Planning Committee conference call held on May 14. Chair Kramer stated that he communicated with John Jaschke on various issues.

Executive Director's Report – John Jaschke presented a legislative summary and a report on the Supplemental Budget (HF1812) which includes a $47,000 one-time reduction in the Native Buffers Cost-Share Program; $200,000 base reduction for the County Weed Management Cost-Share; and $68,000 base reduction to the Drainage Assistance Program. It also provides $450,000 in additional funds to the southeast flood area (DR1717) as well as an extension of existing and transferred funding for two years and a projection for an additional $275,000 in FY10. John reported that the Supplemental Budget also provided $100,000 in one-time start up funds for the to-be-formed non-profit Star Lakes Board. This funding would establish an organization appointed by the legislature

and agencies to provide recognition to lakes (and rivers) organizations that meet certain planning, participation, and performance criteria.

John reported on Policy legislation:
Comfort Lake Forest Lake Watershed District (HF3491) - allows the watershed district flexibility to operate under MS103B as a seven-county metro WMO in addition to their 103D watershed district authority even though a portion (one-third) is in Chisago County.

Wetland Conservation Act (SF2651 and SF3056) - same language was part of two separate bills that will allow preservation of at-risk wetlands to receive replacement credit in >80% areas as determined via BWSR rulemaking.

Lessard Heritage Council Established (SF2651) – The Game & Fish bill includes provisions to establish a conservation council to oversee the habitat portion of the Legacy Amendment, if the voters pass it this November. Hunters and anglers have said the council – which will be called the Lessard Outdoor Heritage Council – was needed to ensure support among sportsmen and sportswomen for the amendment in November. The 12-member conservation council includes eight citizens (four appointed by the Governor) and four legislators (two each by the House and Senate). Council members must have experience, expertise, or knowledge in science, policy or practice of restoring, protecting and enhancing wetlands, prairies, forests and habitat for fish, game and wildlife.

John reported that Representative Lanning's Watershed Basin Management bill (HF2536) had early hearings but did not progress. BWSR plans to develop some ideas for consideration toward some of the concepts in Lanning's bill prior to the 2009 session.

John reported that he attended a meeting with the Pope SWCD supervisors and staff to discuss how things are going. John also attended the BWSR northern staff meeting in Fergus Falls.

John reported that BWSR now has a calendar on the website that provides information on meeting dates and other scheduled activities.

Dispute Resolution Committee – Travis Germundson reported that one additional appeal was received yesterday regarding a boundary issue. Travis reported that the three appeals in Koochiching County have been resolved. Travis will be working with field staff to review appeals and will provide an update

as changes are made. Paul Brutlag requested that appeal dates be included in the report.

Wetlands Committee – LuAnn Tolliver reported that the Wetlands Committee will meet on July 23 at 12:30 p.m. to review new draft rules.

Grants Policy & Program Committee – Louise Smallidge reported that the Grants Policy & Program Committee met last night; two items are on the agenda later today; the other six items will be on the June Board meeting agenda. The Grants Policy & Program Committee will meet on July 23 at 9:00 a.m.
Public Relations, Outreach & Strategic Planning Committee – Brian Napstad stated that he has been in conversation with John Jaschke, Steve Woods and Julie Klocker, as they work on Strategic Planning issues. The Public Relations, Outreach & Strategic Planning Committee is expected to meet in September to roll-out their recommendations.

Administrative Advisory Committee (AAC) – Chair Kramer reported that the AAC Committee met this morning and discussed the FY09 budget status/planning for FY10-11; Middle-Snake-Tamarac Watershed District PRAP assessment plan; RIM/WRP adjustments; southeast flood response; Koochiching County Water Plan options; International Falls wetland issues update; Board member appointments; and dedicated funding message.

State Envirothon – Paul Brutlag reported that he attended the State Envirothon on May 14 at the Prairie Wetlands Learning Center in Fergus Falls. Paul reported that 30 teams of high school students attended. Chair Kramer thanked Jon Fure and Mary Jo Anderson for their assistance. St. John's Prep was the winner of the State Envirothon and will proceed to the Canon National Envirothon, July 28-August 3, in Flagstaff, Arizona.

Chair Kramer welcomed Quentin Fairbanks back from a three-week hospital stay, and wished him well after recovering from surgery.

COMMITTEE RECOMMENDATIONS
Northern Water Planning Committee
Beltrami County Local Water Management Plan – Quentin Fairbanks reported that the Northern Water Planning Committee met on May 14th to review the Beltrami County Local Water Management Plan and recommends approval.
** 08-39 Moved by Quentin Fairbanks, seconded by Larry Kramer, to approve the Beltrami County Local Water Management Plan. Motion passed on a voice vote.

Cass County Priority Concerns Scoping Document – Quentin Fairbanks reported that the Northern Water Planning Committee reviewed the Cass County
** Priority Concerns Scoping Document and recommends approval. Moved by
08-40 Quentin Fairbanks, seconded by Larry Kramka, to approve the Cass County Priority Concerns Scoping Document. Motion passed on a voice vote.

Koochiching County Water Plan Extension – Ron Shelito reported that the Board approved the Koochiching County Water Plan on August 23, 2007, with the condition that the County adopt a local Subsurface Sewage Treatment System (SSTS) Ordinance by June 1, 2008. Ron stated that the County has a draft ordinance developed but has informed BWSR that they will not have the ordinance in place by the June 1, 2008 deadline, which means that the Koochiching County water plan effectively sunsets on June 1, 2008 if the ordinance is not in place. Ron explained that BWSR will be making grant recommendations at the June 25, 2008 Board meeting; Koochiching County would not be eligible for grant allocations as grants are based on an approved water plan being in place.

Ron reported that the Northern Water Planning Committee recommends that the Board reconsider the Board's decision of June 27, 2007, that the Koochiching County Water Plan Order be extended from June 1, 2008, to September 1, 2008, with Natural Resources Block Grant (NRBG) funds withheld until Koochiching County has adopted an approved SSTS ordinance.

** Moved by Quentin Fairbanks, seconded by Gene Tiedemann, to authorize
08-41 extension of the conditional approval date to September 1, 2008, and withhold the NRBG grant until the SSTS ordinance is adopted by Koochiching County. Discussion followed.

Quentin stated that one reason the ordinance was not complete was miscommunication between MPCA and Koochiching County. Quentin stated that we need to work with them. Discussion followed. Ron stated that the delay in meeting the deadline was in part due to a new state rule amendment. Paul Eger stated that the Northern Water Planning Committee and staff have done a good job of working on this, however, as the MPCA representative on BWSR, no one has mentioned this to him, and thus he has a hard time with an extension without a valid reason. John Jaschke explained that they won't get their NRBG funds until the ordinance is adopted, and if the plan expires the County has to adopt the ordinance; the County has to reapprove their plan; BWSR has to request agencies to review the plan again; and come before BWSR for decision. Ron Shelito stated that he has been in contact with Gretchen Sable, MPCA, on this

issue. Brian Napstad would like to establish what is happening, do they intend to have a meeting scheduled and legal notice published in the newspaper? Ron does not have that information, but they assured him that the ordinance adoption is well underway. Larry Kramka stated that BWSR decided in August 2007 what would happen. Staff have done a good job of working on this; but the County has not met the deadline of June 1, despite good intentions of meeting the deadline. Ron stated that most of the NRBG goes directly to the SWCD. Brian Napstad asked Paul Eger about the validity of the new state rule rationale for the delay. Paul stated that each county has to look at their individual ordinance and a timeframe is established to get the ordinance in place.

Paul Brutlag stated that we are setting a precedent by extending a deadline for completing a plan approval condition. Brian stated that this is a voluntary local water management plan, they are doing what we expect in a county that is large, with a small concentrated population and a one-person environmental service department. He respects statewide precedents, but we need to look at the local situation, look at the practical aspects if funds are withheld.

Chair Kramer clarified the motion... the Board hereby approves the update of the Koochiching County Local Water Management Plan provided that by September 1, 2008, Koochiching County has fulfilled the plan commitments stated in Goal 1, objective A, under the Priority Concern "Subsurface Sewage Treatment Systems" to prepare and adopt a local SSTS Ordinance. The FY09 Natural Resources Block Grant will not be available to the County until an approved SSTS ordinance has been adopted by Koochiching County. Motion passed on a voice vote.

Morrison County Water Management Plan Extension – Quentin Fairbanks reported that the Northern Water Planning Committee reviewed and recommends
** approval of the Morrison County Water Management Plan extension. Moved by
08-42 Quentin Fairbanks, seconded by Ken Robinson, to approve the two-year extension of the Morrison County Water Management Plan until May 28, 2010. Motion passed on a voice vote.

St. Louis County Water Management Plan Extension – Quentin Fairbanks reported that the Northern Water Planning Committee reviewed and recommends
** approval of the St. Louis County Water Management Plan extension. Moved by
08-43 Quentin Fairbanks, seconded by Ken Robinson, to approve the two-year extension of the St. Louis County Water Management Plan until May 28, 2010. Motion passed on a voice vote.

Wilkin County Local Water Management Plan – Quentin Fairbanks reported that the Northern Water Planning Committee reviewed and recommends
** approval of the Wilkin County Local Water Management Plan. Moved by Quentin
08-44 Fairbanks, seconded by Larry Kramka, to approve the Wilkin County Local Water Management Plan. Motion passed on a voice vote.

Southern Water Planning Committee

Watonwan County Priority Concerns Scoping Document – Paul Langseth reported that the Southern Water Planning Committee met on April 23, 2008, to review the Watonwan County Priority Concerns Scoping Document and recommends approval. Paul stated that Watonwan County has had much
** transition on this. Moved by Paul Langseth, seconded by Dan Wilson, to
08-45 approve the Watonwan County Priority Concerns Scoping Document. Motion passed on a voice vote.

Local Water Management Plan Amendments – Paul Langseth reported that the Southern Water Planning Committee met on April 23, 2008 and again via conference call on May 14, 2008, to review the following five-year local water management plan amendments and recommend approval.

** **Big Stone County Local Water Management Plan Amendment** - Moved by
08-46 Paul Langseth, seconded by Brian Kletscher, to approve the Big Stone County Local Water Management Plan amendment. Motion passed on a voice vote.

** **Chippewa County Local Water Management Plan Amendment** – Moved by
08-47 Paul Langseth, seconded by Dan Wilson, to approve the Chippewa County Local Water Management Plan amendment. Motion passed on a voice vote.

** **Lac qui Parle County Local Water Management Plan Amendment** – Moved
08-48 by Paul Langseth, seconded by Dan Wilson, to approve the Lac qui Parle County Local Water Management Plan amendment. Motion passed on a voice vote.

** **Pope County Local Water Management Plan Amendment** – Moved by Paul
08-49 Langseth, seconded by Dan Wilson, to approve the Pope County Local Water Management Plan amendment. Motion passed on a voice vote.

** **Swift County Local Water Management Plan Amendment** – Moved by Paul
08-50 Langseth, seconded by Dan Wilson, to approve the Swift County Local Water Management Plan amendment. Motion passed on a voice vote.

OLD BUSINESS

Cooperative Weed Management Area (CWMA) Grant Program – Julie Klocker and Dan Shaw reported that this request for the authorization of a new D1 (Critical Area Stabilization) eligible component named "Establishment of Cooperative Weed Management Areas" is designed specifically for the establishment of the CWMA Grant Program to incorporate costs as part of the State Cost-Share Program. Funding for this practice is a one-time base allocation for start-up expenses with ongoing implementation. Julie stated that each CWMA has an extensive use of partnerships of federal, state and local government agencies; tribes; individuals; and various other interested groups that manage noxious weeds or invasive plants in a defined area. Moved by
** 08-51 Louise Smallidge, seconded by Paul Langseth, to approve the addition of an "Establishment of Cooperative Weed Management Areas" eligible practice to D1 (Critical Area Stabilization) and its addition to the State Cost-Share Program approved practice list beginning in FY2008. Motion passed on a voice vote.

Revisions to Native Buffer Cost-Share Program Guidance – Dave Weirens explained that BWSR has previously adopted resolutions to enact the initial implementation of this new program. Recent legislative amendments in the Supplemental Budget and Bonding bills to the policy on native seed source location allows for flexibility adjustments to the program guidance. Dave reported that the Grants Program & Policy Committee recommends approval of the Native Buffer Cost-Share Grant Program allocations to southeast Minnesota flood disaster counties of Dodge, Fillmore, Houston, Olmsted, Steele, Wabasha, and Winona. BWSR staff recommend an additional allocation of $5,000 for each of the seven counties included within the disaster declaration. Moved by Louise
** 08-52 Smallidge, seconded by Dana Allen, to authorize staff to allocate funding and implement guidelines for the Native Buffer Cost-Share Program according to the policies presented. Motion passed on a voice vote.

Chair Kramer called for a break in the meeting at 10:40 a.m. The meeting reconvened at 10:55 a.m.

NEW BUSINESS

Administrative Penalty Order (APO) Implementation Plan – Dave Weirens explained that BWSR was authorized by Laws of Minnesota 2007, Chapter 57, Section 103 to issue Administrative Penalty Orders (APO) for violations of Chapters 103B, 103C, 103D, 103E, 103F, and 103G. Dave stated that the implementation plan has been developed by BWSR to apply this authority to the Wetland Conservation Act (Minn. Rule 8420). Dave provided an overview of the APO process. Dave stated that unless the violation is serious or repeated, any

penalty will be forgiven if the violation has been corrected or appropriate steps have been taken to correct the violation within 31 days of receipt of the APO. BWSR does not receive any revenue from APOs; the funds go directly to the State of Minnesota. Dave reported that the Wetland Committee reviewed the APO Implementation Plan on March 25 and April 22, 2008, and recommends the
** Board adopt the Plan. Moved by LuAnn Tolliver, seconded by Ken Robinson, to
08-53 adopt the APO Implementation Plan. Motion passed on a voice vote.

Establish Rates and Sign-up Procedures for Reinvest in Minnesota Reserve/Wetlands Reserve Program (RIM/WRP) Partnership Project – Phase I – John Jaschke reported that the State Legislature appropriated new RIM Reserve ($25 million) in the 2008 bonding bill (Chapter 179, 2008 Session Law) which Governor Pawlenty signed into law on April 7, 2008. The new RIM Reserve funding is intended to leverage federal Wetlands Reserve Program (WRP) dollars. John stated that there is an urgency to get the RIM/WRP partnership launched in order to leverage 2008 federal Farm Bill funds. Kevin Lines explained that approximately $10-$15 million of federal WRP funding is expected to be available to Minnesota under the new Farm Bill for the federal fiscal year 2008 which ends September 30, 2008. Kevin reported that the RIM Reserve Planning Committee met on April 23 to review the elements and options
** for launching the RIM/WRP partnership program. Moved by Paul Brutlag,
08-54 seconded by Paul Langseth, to authorize staff to work with NRCS to develop sign-up procedures and supporting materials for Phase I (federal fiscal year 2008) of the RIM/WRP partnership. Discussion followed. Motion passed on a voice vote.

Minnesota Conservation Corp (MCC) Clean Water Legacy Program – Julie Klocker introduced Len Price, MCC Executive Director, and Tim Johnson-Grass, Young Adult Program Manager. Len Price distributed a flyer and invited everyone to attend the "Civilian Conservation Corps 75th Anniversary Celebration" on June 8, at Phalen Park in St. Paul. The MCC 2007 Annual Report was also distributed for information. Len Price explained that the Minnesota Conservation Corps is a statewide non-profit organization which provides hands-on environmental stewardship and service-learning opportunities to youth and young adults while accomplishing priority and cost-effective conservation, natural resource management projects and emergency response work. Tim Johnson-Grass explained that the Legislature appropriated $500,000 to BWSR to fund the restoration of impaired waters under the Clean Water Legacy Program. BWSR Clean Water Specialists Matt Drewitz, Marcey Westrick, and Jeff Hrubes are working directly with counties, SWCDs, and watershed districts to undertake projects consistent with the Clean Water Legacy Program

and the mission of the MCC. Tim Johnson-Grass stated that MCC empowers and prepares our nation's future workforce and environmental decision-makers. Chair Kramer thanked Len Price and Tim Johnson-Grass for their informative presentation.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Joe Martin reported that he has been appointed by Governor Pawlenty as the State Bovine TB Coordinator. Joe reported that MDA is busy with fertilizer spills, pesticide applications, and gypsy moth treatments in northern Minnesota. MDA is working with the University of Minnesota studying bacteria life-cycles.

Minnesota Department of Health (MDH) – Dan Wilson stated that he has no items to report at this time.

Department of Natural Resources (DNR) – Larry Kramka commented on the southeast Minnesota flood response. DNR received an appropriation of $2M for flood reduction work, requiring lots of activity due to contracts executed and dollars allocated.

Minnesota Pollution Control Agency (MPCA) – Paul Eger reported that MPCA is spending time on public notice of water issues.

ADVISORY COMMENTS

Minnesota Association of Townships (MAT) – Sandy Hooker reported that MAT was pleased with the outcome of the Legislation Session. Sandy stated that she appreciates the opportunity to attend Board meetings.

UPCOMING MEETINGS

- Next Board Meeting, June 25, 2008, St. Paul
- MAWD Summer Tour, June 19-21, Dakota Magic Hotel, Hankinson, ND
- MACDE Summer Meeting, June 23-25, Breezy Point, Brainerd

** 08-55 Moved by LuAnnTolliver, seconded by Brian Kletscher, to adjourn the meeting at 12:05 p.m. Motion passed on a voice vote.

Respectfully submitted,

Randy Kramer
Chair

BWSR - 2008 Legislative Summary *(May20, 2008)*

Minnesota Board of Water & Soil Resources

Supplemental Budget. **HF1812**. Includes a $47,000 (-4%) one-time reduction in the native buffers cost share program, $200,000 (-67%) base reduction for the County Weed Management Cost-Share and $68,000 (-23%) base reduction to the drainage assistance program. It also provides $450,000 in additional funds to the southeast flood area (DR1717) as well as an extension of existing and transferred funding for 2 years and a projection for an additional $275,000 in FY10.

Language was added to the bill for provide greater flexibility in for native prairie restoration which is already incorporated in the guidance on the BWSR web site at:
http://www.bwsr.state.mn.us/grantscostshare/native-buffer.html

Star Lakes. The supplemental budget also provided $100,000 in one-time start up funds for the to-be-formed-non-profit Star Lake Board. This funding would establish an organization appointed by the legislature and agencies to provide recognition to lakes (and rivers) organizations that meet certain planning, participation and performance criteria.

Policy

Comfort Lake Forest Lake Watershed District. HF3491. Allows the Watershed District the flexibility to operate under MS 103B as a 7-County metro WMO in addition to their 103D watershed district authority even though a portion (one-third) is in Chisago County.

Wetland Conservation Act. SF2651 and SF3056. Same language was part of two separate bills will allow preservation of at-risk wetlands to receive replacement credit in >80% areas as determined via BWSR rulemaking.

Lessard Heritage Council Established. SF2651. The Game & Fish bill includes provisions to establish a conservation council to oversee the habitat portion of the Legacy Amendment, if the voters pass it this November. Hunters and anglers have said the council -- which will be called the Lessard Outdoor Heritage Council – was needed to ensure support among sportsmen and sportswomen for the amendment in November.

A 12-member conservation council that will include eight citizens and four legislators; four citizens would be appointed by the governor and two each by the House and Senate. The recommendations of the Council will be presented to the Legislature each year as a part of the budget process, but the legislature will make the final appropriation decisions.

Members of the Council must have practical experience or expertise or demonstrated knowledge in the science, policy or practice of restoring, protecting and enhancing wetlands, prairies, forests and habitat for fish, game and wildlife.

Note:
Rep. Lanning's Watershed Basin Management bill, HF2536, had early hearings but did not progress. BWSR plans to develop some ideas/details for consideration toward some of the concepts in Lanning's bill prior to the 2009 session. Although the basin approach has merit, there must also be some offsetting efficiencies and recognition of the importance of a local connection and ownership for water resource management that cannot be achieved by a large and distant basin authority.

Ch. 363 (HF1812): Omnibus Supplemental Budget Bill, Article 5

https://www.revisor.leg.state.mn.us/bin/bldbill.php?bill=ccrhf1812C.html&session=ls85

Minnesota Board of Water & Soil Resources

68.22 68.23	Sec. 5. BOARD OF WATER AND SOIL RESOURCES	**$**	**-0-**	**$**	**235,000**

$200,000 in 2009 is a reduction from the appropriation for county cooperative weed management programs.

$47,000 is a reduction in 2009 from the appropriation for cost-sharing contracts to establish native buffers. This is a onetime reduction.

$68,000 in 2009 is a reduction from the appropriation for the drainage assistance program.

$450,000 in 2009 is for implementing rehabilitation, erosion, and sediment control projects in the area included in DR-1717. Funds appropriated or transferred and waivers previously authorized to the board for DR-1717 flood relief and recovery as provided in Laws 2007, First Special Session chapter 2, are available and applicable until June 30, 2010. The board may use money from this appropriation to implement federal funding for projects in the area. The base for 2010 is $275,000 and the base for 2011 is $0. This appropriation is available until expended.

$100,000 in 2009 is for a grant to the Star Lake Board established in new Minnesota Statutes, section 103B.702[i]. The board may use up to ten percent of the appropriation for administration and initial meeting of the Star Lake Board. This is a onetime appropriation.

To the extent possible prairie restorations paid for in whole or in part by appropriations to the board must be made using best management practices for native prairie restoration as defined in Minnesota Statutes, section 84.02, subdivision 2.

See End Note #2 for local government related water resource DNR budget adjustments[ii]

Chapter 366 (HF3491): Omnibus Tax Bill, Article 6, Sec 51

https://www.revisor.leg.state.mn.us/bin/bldbill.php?bill=ccrhf3149B.html&session=ls85

Sec. 51. **COMFORT LAKE-FOREST LAKE WATERSHED DISTRICT.**
Notwithstanding any law to the contrary, the Comfort Lake-Forest Lake Watershed District established under Minnesota Statutes, chapter 103D, shall be considered a watershed management organization as defined in Minnesota Statutes, section 103B.205, subdivision 13. The Comfort Lake-Forest Lake Watershed District shall manage or plan for the management of surface water within the watershed district boundary in Chisago and Washington Counties as it existed on April 1, 2008, through the authorities contained in Minnesota Statutes, sections 103B.205 to 103B.255 and chapter 103D.
EFFECTIVE DATE. This section is effective the day following final enactment.

SF3056 , Sec. 26

https://www.revisor.leg.state.mn.us/bin/bldbill.php?bill=ccrsf3056.html&session=ls85

Sec. 26. **[103G.2251] STATE CONSERVATION EASEMENTS; WETLAND BANK CREDIT.**
In greater than 80 percent areas, preservation of wetlands owned by the state or a local unit of government, protected by a permanent conservation easement as defined under section 84C.01 and held by the board, may be eligible for wetland replacement or mitigation credits, according to rules adopted by the board. To be eligible for credit under this section, a conservation easement must be established after enactment of this section and approved by the board.

Chapter 368 (SF2651): Omnibus game and fish, lands, forestry and natural resources policy, Article 1, Sec 14

https://www.revisor.leg.state.mn.us/bin/bldbill.php?bill=ccrsf2651A.html&session=ls85

Sec. 14. **[103G.2251] STATE CONSERVATION EASEMENTS; WETLAND BANK CREDIT.**
In greater than 80 percent areas, preservation of wetlands owned by the state or a local unit of government, protected by a permanent conservation easement as defined under section 84C.01 and held by the board, may be eligible for wetland replacement or mitigation credits, according to rules adopted by the board. To be eligible for credit under this section, a conservation easement must be established after enactment of this section and approved by the board.

Sec. 14. **[97A.056] OUTDOOR HERITAGE FUND; LESSARD OUTDOOR HERITAGE COUNCIL.**
Subdivision 1. **Outdoor heritage fund.** An outdoor heritage fund, under article XI, section 15, of the Minnesota Constitution, is established as an account in the state treasury. All money earned by the outdoor heritage fund must be credited to the fund. At least 99 percent of the money appropriated from the fund must be expended to restore, protect, and enhance wetlands, prairies, forests, and habitat for fish, game, and wildlife.
See remainder of Heritage Council language in endnote #3[iii].

Chapter 367 (SF2492): LCCMR Funding Bill

https://www.revisor.leg.state.mn.us/bin/bldbill.php?bill=ccrsf2492.html&session=ls85

1. BWSR Direct:

- Minnesota Habitat Conservation Partnership – Phase V (Easements): $250,000
- $400,000 is from the trust fund to the Board of Water and Soil Resources for soil survey mapping and interpretation efforts in areas of

the state, including Crow Wing, Pine, Cook, Lake, and Isanti Counties, and to accelerate the delivery of soils data through the Internet as a Web-based soil survey. The new soil surveys must be done on a cost-share basis with local and federal funds.

- $180,000 is from the trust fund to the Board of Water and Soil Resources to enhance long-term stewardship, oversight, and maintenance of conservation easements held by the board and to update the current easement database. This effort must be done in cooperation with the Department of Natural Resources. This appropriation is available until June 30, 2011, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

2. BWSR Pass-through:

- $80,000 is from the trust fund to the Board of Water and Soil Resources for an agreement with the Martin County Soil and Water Conservation District to collect and propagate local ecotype native plant materials from prairie remnants for establishment on lands with perpetual conservation protection in Martin County. If the Martin County Soil and Water Conservation District sells seeds or plants that were collected or propagated using money from this appropriation, the net proceeds of the sale must be repaid to the trust fund.
- $52,000 is from the trust fund to the Board of Water and Soil Resources for an agreement with the Whitewater Joint Powers Board to inventory streams and adjacent land use and survey riparian landowners to assist in the prioritization of restoration efforts to improve water quality, habitat, and future enforcement of riparian buffers in the southeast ten-county region of the Southeast Minnesota Water Resources Board.

3. BWSR "of note":

- $20,000 with Friends of Detroit Lakes Watershed Management District to plan, restore, and acquire fragmented landscape corridors that connect areas of quality habitat to sustain fish, wildlife, and plants. (part of Minnesota Habitat Conservation Partnership).
- $1,000,000 is from the trust fund to the commissioner of natural resources for an agreement with the Southwest Initiative Foundation for planning, acquisition, and

easements in the Minnesota River Valley. The priority for acquisition must be on lands with native prairies, unique geological features, fens, and wetlands not currently under a permanent protection program. A list of proposed restorations and fee title and easement acquisitions must be provided as part of the required work program. All funding for conservation easements must include a long-term stewardship plan and funding for monitoring and enforcing the agreement. No more than ten percent may be spent on planning and management.

- $550,000 is from the trust fund to the commissioner of natural resources to begin updating the National Wetlands Inventory through standards development, mapping, training, and imagery acquisition. This is the first phase of an overall effort to update the inventory statewide. This appropriation is available until June 30, 2011, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.
- $245,000 is from the trust fund to the commissioner of natural resources for an agreement with Ducks Unlimited, Inc., to continue the inventory, mapping, and digitizing of drained restorable wetlands in the southwest prairie region of Minnesota. This appropriation is available until June 30, 2011, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.
- $520,000 is from the trust fund to the commissioner of natural resources to inventory and digitize the department's conservation easements and prepare a plan for monitoring, stewardship, and enforcement. This effort must be done in cooperation with the Board of Water and Soil Resources. This appropriation is available until June 30, 2011, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.
- $349,000 is from the trust fund to the Board of Regents of the University of Minnesota for the Bell Museum of Natural History to begin the development of an educational documentary television series on the waters of Minnesota designed to promote watershed understanding and citizen action in protecting, restoring, and conserving water

resources. This appropriation is available until June 30, 2011, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

- Unless otherwise provided, the amounts in this section are available until June 30, 2010, when projects must be completed and final products delivered. For acquisition of real property, the amounts in this section are available until June 30, 2011, if a binding contract is entered into by June 30, 2010, and closed not later than June 30, 2011. The time period for the amounts available in this section may be extended by up to one year through an approved work program. If a project receives a federal grant, the time period of the appropriation is extended to equal the federal grant period.

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[i] 76.27 Sec. 17. **[103B.701] STAR LAKES.**

76.28 Subdivision 1. **Definition.** For the purposes of this section, the term "lake
76.29 association" means an association organized for the purpose of addressing issues on a
76.30 specific lake or river, a lake improvement district, or a lake conservation district.

76.31 Subd. 2. **Application.** (a) A lake association may apply to the Star Lake Board for
76.32 designation as a star lake or river. The applicant must include a copy of a star lake or
76.33 river management plan for the lake or river.

77.1 (b) After review of the application, the Star Lake Board shall determine whether
77.2 designation as a star lake or river will be granted. The designation as a star lake or river
77.3 becomes effective the day following designation by the board. The board shall publish the
77.4 decision on a star lake or river designation in the State Register, including the effective
77.5 date of the designation.

77.6 (c) The star lake or river designation is effective until the earlier of:

77.7 (1) five years after the date of designation; or

77.8 (2) when the Star Lake Board finds that the lake association is not fulfilling the
77.9 requirements of this section or of the star lake or river management plan submitted.

77.10 (d) Within six months before the expiration date of the designation as a star lake
77.11 or river, a lake association may apply to continue the star lake or river designation under
77.12 this section.

77.13 Subd. 3. **Eligibility.** A lake association applying for designation as a star lake
77.14 or river must:

77.15 (1) develop and update a star lake or river management plan as provided in
77.16 subdivision 4;

77.17 (2) maintain a membership or participation of at least 50 percent of the private
77.18 shoreland owners;

77.19 (3) participate in a water quality monitoring program under section 115.06,
77.20 subdivision 4, or other programs meeting Pollution Control Agency standards; and

77.21 (4) meet at least annually to review the plan and notify appropriate state agencies
77.22 and local government units in the development and monitoring of the star lake or river
77.23 management plan.

77.24 Subd. 4. **Star lake or river management plan.** (a) A star lake or river management
77.25 plan must contain a baseline of the current condition of the lake or river based on scientific
77.26 information and plans for addressing the following issues:

77.27 (1) increases in native vegetation in the littoral area of the lake or river, where
77.28 appropriate;

77.29 (2) increases in native vegetation on the shoreline areas of the lake or river, where
77.30 appropriate;

77.31 (3) prevention, reduction, or elimination of aquatic invasive species in the lake
77.32 or river;

77.33 (4) increasing or maintaining a healthy diverse fishery that is appropriate for the
77.34 lake or river;

77.35 (5) how the association will work with state agencies and local government units to
77.36 identify water pollution sources and impairments;

78.1 (6) how the association will assist state and local programs to generate data needed
78.2 by state agencies and local government units in an appropriate format;

78.3 (7) promoting compliance with adopted shoreland zoning standards and shoreland
78.4 best management practices;

78.5 (8) how the lake association will assure its involvement in public input opportunities
78.6 for various local comprehensive and project-specific planning and zoning processes;

78.7 (9) education and recognition opportunities for shoreland owners and other entities
78.8 that conduct activities affecting the quality of the lake or river; and

(10) other activities that will coordinate with or enhance other state and local water management efforts.

(b) The star lake or river management plan shall be updated within five years of adoption by the lake association.

Subd. 5. **State resources.** State agencies may consider star lake or river designation in determining the allocation of financial and staff resources.

Sec. 18. **[103B.702] STAR LAKE BOARD.**

Subdivision 1. **Establishment.** (a) The Star Lake Board shall be established as a nonprofit corporation under section 501(c)(3) of the Internal Revenue Code of 1986, as amended. The Star Lake Board shall promote and designate star lakes and rivers in Minnesota under section 103B.701.

(b) The board must work with private and public entities to leverage the resources available to achieve and sustain the designation of Minnesota star lakes or rivers. The board may assist lake associations with finding appropriate technical and financial assistance and make recommendations to state agencies and local government units regarding the manner in which technical or financial assistance can be most effectively delivered. To the extent that money is available, the board may secure, provide, or recommend financial assistance to meet specific needs of lake associations, for:

(1) completing a star lake or river management plan when the lake association does not have an existing management plan and the association is committed to the goals of a plan, as specified in section 103B.701, subdivision 4; and

(2) addressing specific issues of the lake or river to achieve or maintain the goals of the lake or river management plan for lake associations that have achieved a star lake or river designation.

(c) The board shall consist of:

(1) three public members appointed by the speaker of the house, with one member representing county governments, one member representing city governments, and one member representing an organization that promotes clean lakes and rivers;

(2) three public members appointed by the senate Subcommittee on Committees of the Committee on Rules and Administration, with one member representing county governments, one member representing city governments, and one member representing an organization that promotes clean lakes and rivers;

(3) five members, chosen by the other board members with regard to obtaining representation from a variety of types of lakes and rivers within the state, who are from lake associations representing designated star lakes or rivers, or until July 1, 2011, are eligible to achieve star lake or river designation;

(4) one member designated by the commissioner of natural resources;

(5) one member designated by the commissioner of the Pollution Control Agency;

(6) one member designated by the chair of the Board of Water and Soil Resources; and

(7) one member designated by the Indian Affairs Council.

(d) By January 15 of each odd-numbered year, the board shall submit a report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over environment policy and finance on the activities for which money has been or will be spent for the current biennium, the applications for designation, and the star lakes or rivers designated by the board.

(e) Public members appointed by the speaker of the house and the senate Subcommittee on Committees of the Committee on Rules and Administration serve at the pleasure of the appointing authority.

Subd. 2. **Conflict of interest.** A board member may not participate in or vote on a decision of the board relating to an organization in which the member has either a direct or indirect personal financial interest. While serving on the Star Lake Board, a member shall avoid any potential conflict of interest.

Subd. 3. **Staff; contracts.** The board may hire staff or enter into contracts to carry out the activities of the board.

Subd. 4. **Bylaws.** The board shall adopt bylaws necessary for the conduct of the business of the board consistent with this section. The corporation must publish bylaws and amendments to the bylaws in the State Register.

Subd. 5. **Place of business.** The board shall locate and maintain the board's place of business within the state.

Subd. 6. **Chair.** The board shall annually elect from among its members a chair and other officers necessary for the performance of its duties.

Subd. 7. **Meetings.** The board shall meet at least twice each year and may hold additional meetings upon giving notice in accordance with the bylaws of the board. Board meetings are subject to chapter 13D.

Subd. 8. **Funds.** The board may accept and use gifts, grants, or contributions from any source. Unless otherwise restricted by the terms of a gift or bequest, the board may sell, exchange, or otherwise dispose of and invest or reinvest the money, securities, or other property given or bequested to it. The principal of these funds, the income from them, and all other revenues received by the board from any nonstate source must be placed in the depositories the board determines and is subject to expenditure for the board's purposes.

Subd. 9. **Accounts; audits.** The board may establish funds and accounts necessary to carry out its responsibilities. The board shall provide for and pay the cost of an independent audit of its official books and records by the legislative auditor subject to sections 3.971 and 3.972. A copy of this audit shall be filed with the secretary of state.

Sec. 26. **[173.0855] STAR LAKE OR RIVER SIGNS.**

Subdivision 1. **Authority to erect.** (a) A county, statutory or home rule charter city, or town of Minnesota that contains a star lake or river designated under section 103B.701 may request the Department of Transportation to erect star lake or river signs pursuant to section 161.139. One sign may be erected at each approach to a lake or river within the right-of-way of an interstate or other highway that passes over a lake or river in the Department of Transportation's eight-county metropolitan district or near or over a lake or river in greater Minnesota.

(b) An official lake or river sign on the right-of-way of an interstate or other highway may be replaced with a star lake or river sign by the Department of Transportation pursuant to section 161.139.

Subd. 2. **Sign standards.** The Department of Transportation shall design and manufacture the star lake and river signs to specifications not contrary to other federal and state highway sign standards.

Sec. 32. **FIRST MEETING; DEADLINE FOR APPOINTMENTS.**

The appointing authorities named in Minnesota Statutes, section 103B.702, must complete their appointments to the Star Lake Board by January 15, 2009, with the exception of the appointments required under Minnesota Statutes, section 103B.702, subdivision 1, paragraph (c), clause (3), which must be completed within 30 days of the first meeting of the board. The board member designated by the Board of Water and Soil Resources must convene the first meeting of the board no later than February 15, 2009.

[ii] ***DNR Budget - water resources items***

By January 15, 2009, the Mississippi Headwaters Board, established under Minnesota Statutes, section 103F.367, shall submit a report to the chairs of the senate and house committees and divisions with jurisdiction over the environment and natural

resources on how the board will meet its responsibility to protect and enhance the Mississippi River and related shoreland as required by Minnesota Statutes, section 103F.367. In preparing the report, the Mississippi Headwaters Board shall hold two public input meetings in the area.

$100,000 in 2009 is from the water recreation account in the natural resources fund for rulemaking on structures in public waters. This is a onetime appropriation.

$22,000 in 2009 is a reduction from the appropriation for ring dikes under Minnesota Statutes, section 103F.161.

$30,000 is a reduction in 2009 from the appropriation for grants associated with the implementation of the Red River mediation agreement.

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iii Subd. 2. **Lessard Outdoor Heritage Council.** (a) The Lessard Outdoor Heritage Council of 12 members is created in the legislative branch, consisting of:

(1) two public members appointed by the senate Subcommittee on Committees of the Committee on Rules and Administration;

(2) two public members appointed by the speaker of the house;

(3) four public members appointed by the governor;

(4) two members of the senate appointed by the senate Subcommittee on Committees of the Committee on Rules and Administration; and

(5) two members of the house of representatives appointed by the speaker of the house.

(b) Members appointed under paragraph (a) must not be registered lobbyists. In making appointments, the governor, senate Subcommittee on Committees of the Committee on Rules and Administration, and the speaker of the house shall consider geographic balance, gender, age, ethnicity, and varying interests including hunting and fishing. The governor's appointments to the council are subject to the advice and consent of the senate.

(c) Public members appointed under paragraph (a) shall have practical experience or expertise or demonstrated knowledge in the science, policy, or practice of restoring, protecting, and enhancing wetlands, prairies, forests, and habitat for fish, game, and wildlife.

(d) Legislative members appointed under paragraph (a) shall include the chairs of the legislative committees with jurisdiction over environment and natural resources finance or their designee, one member from the minority party of the senate, and one member from the minority party of the house of representatives.

(e) Members serve four-year terms and shall be initially appointed according to the following schedule of terms:

(1) two public members appointed by the governor for a term ending the first Monday in January 2011;

(2) one public member appointed by the senate Subcommittee on Committees of the Committee on Rules and Administration for a term ending the first Monday in January 2011;

(3) one public member appointed by the speaker of the house for a term ending the first Monday in January 2011;

(4) two public members appointed by the governor for a term ending the first

Monday in January 2013;

(5) one public member appointed by the senate Subcommittee on Committees of the Committee on Rules and Administration for a term ending the first Monday in January 2013;

(6) one public member appointed by the speaker of the house for a term ending the first Monday in January 2013; and

(7) two members of the senate appointed by the senate Subcommittee on Committees of the Committee on Rules and Administration for a term ending the first Monday in January 2013, and two members of the house of representatives appointed by the speaker of the house for a term ending the first Monday in January 2013.

(f) Compensation and removal of public members are as provided in section 15.0575. A vacancy on the council may be filled by the appointing authority for the remainder of the unexpired term.

(g) The first meeting of the council shall be convened by the chair of the Legislative Coordinating Commission no later than December 1, 2008. Members shall elect a chair, vice chair, secretary, and other officers as determined by the council. The chair may convene meetings as necessary to conduct the duties prescribed by this section.

(h) The Department of Natural Resources shall provide administrative support for the council. Up to one percent of the money appropriated from the fund may be used to cover the staffing and related administrative expenses of the department and to cover the compensation and travel expenses of council members.

Subd. 3. **Council recommendations.** (a) The council shall make recommendations to the legislature on appropriations of money from the outdoor heritage fund that are consistent with the Constitution and state law and that take into consideration the outcomes of, including, but not limited to, the Minnesota Conservation and Preservation Plan, that directly relate to the restoration, protection, and enhancement of wetlands, prairies, forests, and habitat for fish, game, and wildlife, and that prevent forest fragmentation, encourage forest consolidation, and expand restored native prairie. The council shall submit its initial recommendations to the legislature no later than April 1, 2009. Subsequent recommendations shall be submitted no later than January 15 each year. The council shall present its recommendations to the senate and house committees with jurisdiction over the environment and natural resources budget by February 15 in odd numbered years, and within the first four weeks of the legislative session in even numbered years. The council's budget recommendations to the legislature shall be separate from the Department of Natural Resource's budget recommendations.

(b) To encourage and support local conservation efforts, the council shall establish a conservation partners program. Local, regional, state, or national organizations may apply for matching grants for restoration, protection, and enhancement of wetlands, prairies, forests, and habitat for fish, game, and wildlife, prevention of forest fragmentation, encouragement of forest consolidation, and expansion of restored native prairie.

(c) The council may work with the Clean Water Council to identify projects that are consistent with both the purpose of the outdoor heritage fund and the purpose of the clean water fund.

(d) The council may make recommendations to the Legislative-Citizen Commission on Minnesota Resources on scientific research that will assist in restoring, protecting, and enhancing wetlands, prairies, forests, and habitat for fish, game, and wildlife, preventing forest fragmentation, encouraging forest consolidation, and expanding restored native prairie.

(e) Recommendations of the council, including approval of recommendations for the outdoor heritage fund, require an affirmative vote of at least nine members of the council.

Subd. 4. **Conflict of interest.** (a) A council member may not be an advocate for or against a council action or vote on any action that may be a conflict of interest. A conflict of interest must be disclosed as soon as it is discovered. The council shall follow the policies and requirements related to conflicts of interest developed by the Office of

Grants Management under section 16B.98.

(b) For the purposes of this section, a "conflict of interest" exists when a person has an organizational conflict of interest or direct financial interests and those interests present the appearance that it will be difficult for the person to impartially fulfill the person's duty. An "organizational conflict of interest" exists when a person has an affiliation with an organization that is subject to council activities, which presents the appearance of a conflict between organizational interests and council member duties. An "organizational conflict of interest" does not exist if the person's only affiliation with an organization is being a member of the organization.

Subd. 5. **Open meetings.** (a) Meetings of the council and other groups the council may establish are subject to chapter 13D. Except where prohibited by law, the council shall establish additional processes to broaden public involvement in all aspects of its deliberations, including recording meetings, video conferencing, and publishing minutes. For the purposes of this subdivision, a meeting occurs when a quorum is present and the members receive information or take action on any matter relating to the duties of the council. The quorum requirement for the council shall be seven members.

(b) For legislative members of the council, enforcement of this subdivision is governed by section 3.055, subdivision 2. For nonlegislative members of the council, enforcement of this subdivision is governed by section 13D.06, subdivisions 1 and 2.

Subd. 6. **Audit.** The council shall select an independent auditor to audit the outdoor heritage fund expenditures every two years to ensure that the money is spent to restore, protect, and enhance wetlands, prairies, forests, and habitat for fish, game, and wildlife.

Subd. 7. **Legislative oversight.** (a) The senate and house chairs of the committees with jurisdiction over the environment and natural resources budget shall convene a joint hearing to review the activities and evaluate the effectiveness of the council and evaluate the effectiveness and efficiency of the department's administration and staffing of the council after five years but no later than June 30, 2014.

(b) By January 15, 2013, a professional outside review authority shall be chosen by the chairs of the house of representatives and senate committees with jurisdiction over environment and natural resources to evaluate the effectiveness and efficiency of the department's administration and staffing of the council. A report shall be submitted to the chairs by January 15, 2014.

EFFECTIVE DATE. This section is effective November 15, 2008, if the constitutional amendment proposed in Laws 2008, chapter 151, is adopted by the voters.

Dispute Resolution Report
May 27, 2008
by: Travis Germundson

There are presently 24 appeals pending. All of the appeals involve WCA except File 05-24. There have been 3 new appeals filed since the last report dated April 9th.

Format note: New appeals that have been filed since last report to the Board.
~~Appeals that have been decided since last report to the Board.~~

File 08-12. This is a new appeal of a Restoration Order in Aitkin County. The appeal regards the filling of 51,000 square feet of a type 2/6 wetland for expansion of garden center business. No decision has been made on the appeal.

File 08-11. This is a new appeal of a Restoration Order in Hennepin County. The appeal regards the filling of 1.75 acres of a type 2/3 wetland for the construction of a pole barn and pasture area. No decision has been made on the appeal.

File 08-10. This is a new appeal of a Restoration Order in Lake County. The appeal regards impacts to approximately 19,500 square feet of wetlands for roads and 7 to 10 acres of wetlands for mechanized land clearing. No decision has been made on the appeal.

File 08-9. This is an appeal of a replacement order in Pine County. The appeal regards impacts to approximately 11.26 acres of wetland. No decision has been made on the appeal. The replacement order has been stayed and the appeal has been placed in abeyance pending further technical work.

File 08-8. This is an appeal of a replacement order in Pine County. The appeal regards the filling of over 18,000 square feet of Type 2 wetland. No decision has been made on the appeal. The replacement order has been stayed and the appeal has been placed in abeyance pending further technical work.

~~File 08-7. This is an appeal of a restoration order in the City of Lindstrom, Chisago County. The appeal regards the excavation, filling and draining of over 3,000 square feet of wetland.~~ *The appeal has been denied and the restoration order has been affirmed.*

File 08-4. This is an appeal of no-loss and exemption decisions in Waseca County. In addition to the no-loss decision, at issue are denials of the agricultural exemption, approved development exemption, incidental wetland exemption, and claims of numerous procedural issues that were prejudicial to the applicants. Further, a Minn. Stat. § 15.99 (60-day rule) claim is pending in District Court. The appeal has been remanded for further technical work at the local level.

File 08-1. This is an appeal of a restoration order in Aitkin County. The appeal involves the filling of wetland for a road in shoreland area. The restoration order has been stayed and the appeal has been placed in abeyance pending further technical work.

File 07-37. This is an appeal of a restoration and replacement order in the City of Sturgeon Lake, Pine County. The appeal involves the excavation and filling of wetland. No decision has been made on the appeal.

File 07-36. This is an appeal of a restoration order in the City of Hugo, Washington County. The appeal involves the filling of approximately 5,447 square feet of Type 7 wetland for a driveway. The restoration order has been stayed and the appeal has been placed in abeyance pending a decision by the LGU on applications for an exemption and a replacement plan.

File 07-33. This is an appeal of an exemption decision in International Falls, Koochiching County. The appeal involves the approval of an exemption request that resulted from issuance of a cease and desist order for unauthorized wetland impacts. The appeal has been accepted and copies of the record have been requested.

File 07-32. This is an appeal of an exemption decision in International Falls, Koochiching County. The appeal involves the approval of an exemption request that resulted from issuance of a cease and desist order for unauthorized wetland impacts. The appeal has been accepted and copies of the record have been requested.

File 07-31. This is an appeal of an exemption decision in International Falls, Koochiching County. The appeal involves the approval of an exemption request that resulted from issuance of a restoration order for unauthorized filling of wetland for a building. The appeal has been accepted and copies of the record have been requested.

File 07-29. This is an appeal of a restoration order in Crow Wing County. The appeal involves the filling of wetland along a driveway. The restoration order has been stayed and the appeal has been placed in abeyance pending the completion of further field work this spring.

File 07-28. This is an appeal of a restoration order in Mille Lacs County. The appeal regards the filling of wetland. The restoration order has been stayed and the appeal has been placed in abeyance pending the submission of an after-the-fact wetland replacement plan application this month.

File 07-27. This is an appeal of a restoration and replacement order in Benton County. The appeal involves the excavation of an island that was in wetland and the filling of wetland along the wetland edge. The restoration order has been stayed and the appeal has been placed in abeyance pending the completion of further field work this spring.

File 06-23. This is an appeal of a replacement plan decision in Kanabec County. The LGU denied the wetland replacement plan application. A previous denial of the same replacement plan application had been appealed, the appeal was remanded for a hearing, and now the current denial has been appealed. The appeal has been placed in abeyance pending the outcome of a lawsuit between the landowner and the county. The lawsuit concerns the county's possible noncompliance with the 60-day rule. The county prevailed in district court, however the decision was appealed to the Court of Appeals where the county again prevailed. An appeal to the Minnesota Supreme Court was denied review. It is likely the appeal will soon be placed on the calendar for DRC proceedings.

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

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

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

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

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

File 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. It appears at least two of the appeals have been settled.

~~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.~~ *Appeal has been withdrawn by the appellant.*

~~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~~ *Appeal has been withdrawn by the appellant.*

File 05-1. This is an appeal of a replacement plan decision by the Rice Creek Watershed District. The District previously made a decision that was appealed which resulted in a remand for an expanded TEP. Now there is an appeal of the decision made under remand since the decision differed from the TEP report. At issue is a wetland delineation and the Comprehensive Wetland Protection and Management Plan that BWSR approved. After a hearing before the DRC, the board remanded the matter for a new wetland delineation and for submission on an updated, complete replacement plan application.

~~File 04-26. This is an appeal of a restoration order in Spring Lake Township, Scott County. At issue is the placement of 4,300 feet of fill in a wetland for a driveway. The approved plat showed access to the lot without wetland impacts. The appeal is in abeyance pending a decision on a replacement plan application.~~ *Certificate of Satisfactory Restoration has been issued by LGU.*

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.

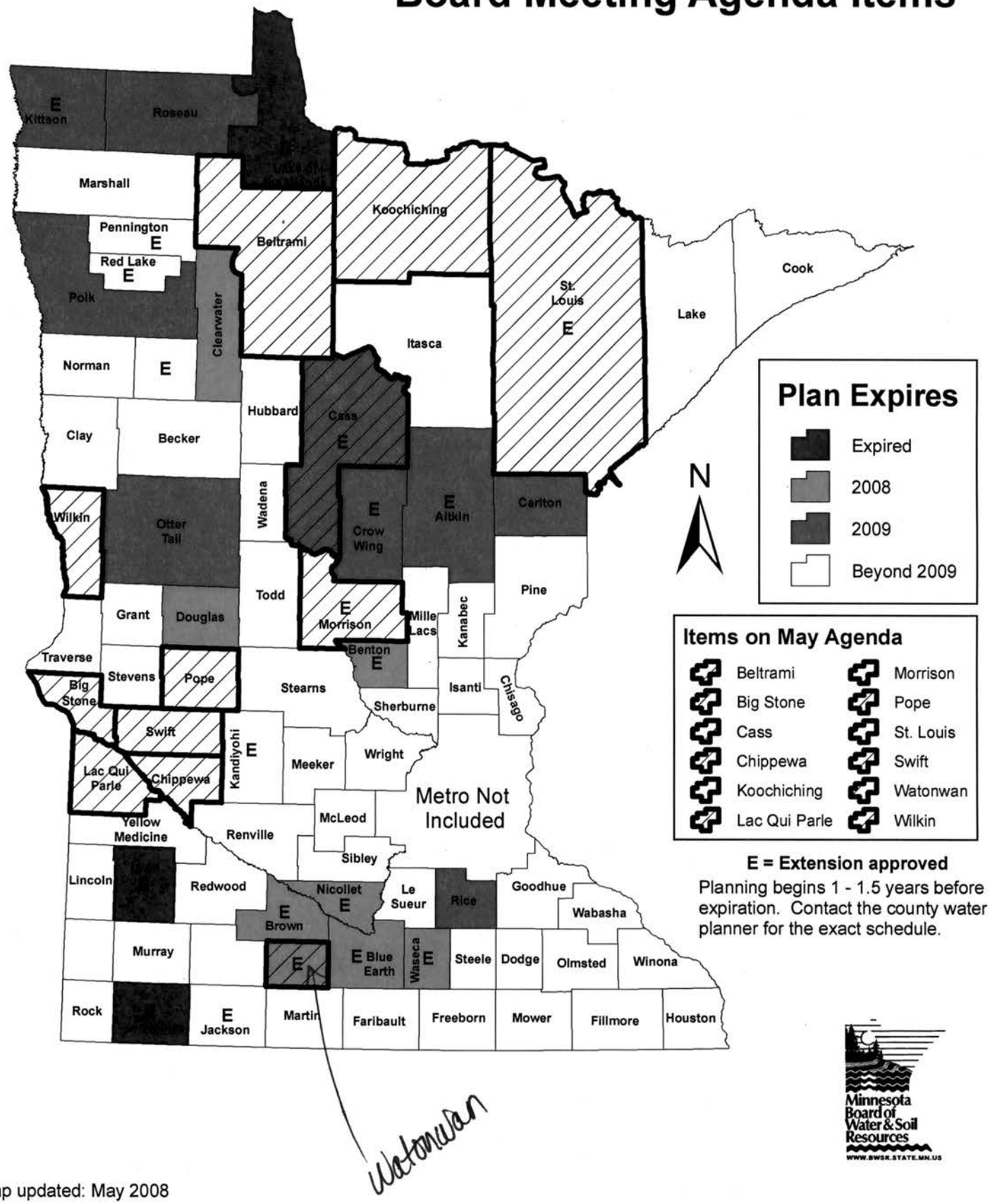
~~File 04-15. This is an appeal of a wetland boundary and type decision in Anoka County. At issue is the decision by the Rice Creek Watershed District to classify a site as effectively drained. Previously a wetland delineation report identified most of the site as wetland. The appeal has been remanded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

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

1. Beltrami County Local Water Management Plan – *DECISION ITEM*
2. Cass County Priority Concerns Scoping Document (PCSD) – *DECISION ITEM*
3. Koochiching County Water Plan Extension – *DECISION ITEM*
4. Morrison County Water Management Plan Extension – *DECISION ITEM*
5. St. Louis County Water Management Plan Extension – *DECISION ITEM*
6. Wilkin County Local Water Management Plan – *DECISION ITEM*

County Water Plan Expirations
&
Board Meeting Agenda Items



E = Extension approved

Planning begins 1 - 1.5 years before expiration. Contact the county water planner for the exact schedule.

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

map updated: May 2008

Minnesota Board of Water & Soil Resources

DATE: May 5, 2008

TO: BWSR Northern Subcommittee

FROM: Chad Severts, Board Conservationist

SUBJECT: **Review of Beltrami County Final Local Water Management Plan**

The Northern Subcommittee met February 13, 2008 to discuss state agencies review comments, the content of the PCSD and recommendations for the content of the final plan. The BWSR's March 26, 2008 letter, pursuant to M.S. section 103B.313, subdivision 5, communicated the State's official comments pertaining to the priority concerns chosen by Beltrami County.

The BWSR commended Beltrami County for the process used to select the concerns and did not recommend or require any changes to the PCSD.

Beltrami County completed the final draft of the LWMP, held the required public hearing on March 26 and submitted the final draft on April 11 for review by state agencies. Agency comments were to be sent to Ron Shelito within 30 days.

The following agencies provided these comments:

- The Minnesota Department of Agriculture recommends approval of the entire plan as submitted.
- The Minnesota Department of Natural Resources believes the plan is consistent with DNR priorities and suggests the plan be approved as submitted.
- The Minnesota Pollution Control Agency recommends approval of the entire plan as submitted.

I've reviewed the draft final plan and found it to meet the minimum requirements of M.S. 103B.314 for content. I think they addressed the few suggestions/considerations of the BWSR Northern Subcommittee from the PCSD review.

I recommend approval of the Beltrami County Local Water Management Plan. I look forward to assisting Beltrami County in the implementation of their plan.

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

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

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

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

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

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

Rochester
2300 Silver Creek
Road N.E.
Rochester, MN 55906
phone (507) 280-2874
fax (507) 285-7144

Saint Paul
520 Lafayette Road N.
Saint Paul, MN 55155
phone (651) 296-3767
fax (651) 297-5615

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Beltrami County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on April 11, 2008, 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 17, 2007, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Beltrami County, pursuant to M.S. Section 103B.312.

2) On March 26, 2008, the Board of Water and Soil Resources approved official comments on the Beltrami County Priority Concerns Scoping Document, which were mailed to the county on March 27, 2008.

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

Surface Water

1. Lack of data to assist with future management and decision-making.
2. Increasing development pressures will negatively affect water quality.
3. Introduction of aquatic invasive species may degrade water resources.
4. Agricultural practices may degrade water quality.

Groundwater

1. Lack of data to assist with future management and decision-making.
2. Septic systems failure may degrade ground water quality.

4) On April 11, 2008, the BWSR received the Beltrami County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5) On May 14, 2008, the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Beltrami County Plan Update. Recommendations of the state review agencies were:

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

6) This update will be in effect for a five-year period until May 28, 2013.

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

2. The Beltrami 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 Beltrami County Local Water Management Plan – May 28, 2008 to May 28, 2013.

Dated at St Paul, Minnesota, this twenty-eighth day of May 2008.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

1601 Minnesota Drive, Brainerd, MN 56401

DATE: April 2, 2008

TO: BWSR Northern Plan Review Subcommittee

FROM: Dan Steward, Board Conservationist

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

The original Cass County Local Water Management Plan (LWMP) was approved in 1991. The first update to the original plan was completed in 1996, with the second update approved in October, 2002. The current plan would have expired on October 23, 2007, but the County received an extension to October 31, 2009.

Since the County began development of their original water plan in 1989, the County delegated implementation of the LWMP to the Environmental Services Department.

On August 21, 2001, the Cass County Board of Commissioners passed a resolution to update the LWMP.

On March 18, 2008, Cass County submitted their Priority Concerns Scoping Document (PCSD) to the Board of Water and Soil Resources for review. The attached Cass PCSD identifies the following priority concerns, and proposes the update be focused on these three water management issues.

1. Ground Water Quality
2. Surface Water Quality
3. Education and Information

The County used the following process to develop the PCSD:

- October 3, 2007, Cass County Comprehensive Plan update team met to discuss the County Comp Plan update process, and to layout expectations.
- October 17, 2007, the Water Plan Subcommittee met to discuss the water plan portion of the update project.
- November 19, 2007, Water Plan Subcommittee met to work on the update.

Bemidji
701 Minnesota Avenue
Suite 234
Bemidji, MN 56601
phone (218) 755-4235
fax (218) 755-4201

Brainerd
1601 Minnesota Drive
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 Trail
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) 281-7797
fax (507) 285-7144

Saint Paul
520 Lafayette Road N.
Saint Paul, MN 55155
phone (651) 296-3767
fax (651) 297-5615

- 85 letters were sent out requesting comment on the update to the following; every Township and City Clerk in Cass County, adjoining Counties, Leech Lake Band of Ojibwe, Association of Cass County Lake Associations, Mississippi Headwaters Board, United States Forest Service, Board of Water and Soil Resources, Minnesota Department of Natural Resources, Minnesota Department of Health, Minnesota Department of Agriculture, Minnesota Environmental Quality Board, and the Minnesota Pollution Control Agency.
- December 5, 2007, County ESD staff met with Dan Steward, BWSR Board Conservationist to discuss the update.
- February 14, 2008, County ESD staff met with Jeff Hrubes and Dan Steward, BWSR staff to discuss the update.
- Public informational meeting is advertised in County newspapers.
- March 7, 2008, public informational meeting is held at the Cass County Courthouse.
- Water Plan Task Force and staff met to review comments from the public meeting and agencies, and selects top three priority concerns.

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

- MDNR: Lake Management plans by lake associations, Use of Phosphorus Coefficients to use in calculating P-loading.
- BWSR: Protection of Water Quality During and After Land Development in Riparian Areas, The Trend Toward Development of Marginal Lands, Water Quality Protection Strategy.
- MDH: Protect Ground Water-based Drinking Water Sources, Sealing Unused / Unsealed Wells, Develop a Local Ground-water Quality Database.
- MDA: Manure Management and ISTS, Conservation Tillage, Ag Chemical Use and Surface and Groundwater Impacts.
- MPCA: Impaired Water /TMDL's, Protection of and Restoration of Shoreline Vegetation.

On March 17, 2008, Dan Steward discussed BWSR recommendations for the PCSD with ESD staff. Additions were made to the PCSD prior to sending it out to the state agencies for comment.

On March 18, 2008, the PCSD was sent to the required State Agencies for review. Agencies were asked to send comments to Ron Shelito by April 18, 2008. The review agencies received a follow-up phone call from Brent Rudd the Cass County Water Plan Coordinator asking the agencies to comment on the PCSD by April 8, if possible so the PCSD could be reviewed at the April review committee meeting. To date comments from the MDA have been received. Comments from the MPCA, MDH, and DNR are expected before the review committee meeting

Bemidji
01 Minnesota Avenue
Suite 234
Bemidji, MN 56601
phone (218) 755-4235
fax (218) 755-4201

Brainerd
1601 Minnesota Drive
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
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Fergus Falls
1004 Frontier Trail
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) 281-7797
fax (507) 285-7144

Saint Paul
520 Lafayette Road N
Saint Paul, MN 55155
phone (651) 296-3767
fax (651) 297-5615

on April 9, 2008. Following are comments received to date:

MDA: The MDA in its comments concurred with the priority issues selected, and commended the county on the process used to identify water management concerns.

After reviewing the PCSD submitted by Cass County, I conclude that the guidance requirements have been met in general. I am waiting to make my recommendation to the committee until I have seen the other three agency comments.

Bemidji
701 Minnesota Avenue
Suite 234
Bemidji, MN 56601
phone (218) 755-4235
fax (218) 755-4201

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

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

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

Marshall
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Box 267
Marshall, MN 56258
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fax (507) 537-6368

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

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Road N.E.
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phone (507) 281-7797
fax (507) 285-7144

Saint Paul
520 Lafayette Road N
Saint Paul, MN 55155
phone (651) 296-3767
fax (651) 297-5615

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KOOCHICHING COUNTY WATER MANAGEMENT PLAN

Introduction

The KCWMP was developed by the Water Management Plan Advisory Committee (WMPAC) in concert with ESD staff. The WMPAC had six citizen members and eleven agency and county representatives, two from SWCD staff and board, ESD, NRCS, DNR, MPCA, County Health Department, one County Commissioner and expert counsel from BWSR staff. This Committee worked hard, long and cooperatively with ESD staff to produce a Water Plan that fits the needs of Koochiching County.

The WMPAC and Koochiching County understand that the majority of surface waters in Koochiching County that have been sampled, meet or exceed current water quality standards for conventional pollutants, with the exception of the documented impairment for turbidity of the Little Fork River. Mercury impairments have been identified in streams, rivers and lakes within the county as they have across Minnesota. The Environmental Protection Agency has recently approved the Minnesota Pollution Control Agency's state-wide Mercury Total Maximum Daily Load (TMDL) and reduction plan.

The mercury TMDL identifies that atmospheric mercury deposition is uniform across the state and is responsible for over 99% of the mercury that finds its way into fish through the process of bioaccumulation. The reduction plan identifies a role for the State and Federal governments to control emissions from various sources. Comprehensive Local Water Management Plans have little to no role to play in the reduction of mercury pollution.

Comprehensive Local Water Management Plans can address conventional pollutants, including but not limited to nutrients, sediments, bacteria and other generally recognized constituents of non-point source (NPS) pollution. Broad categories of activities that can address NPS include information and education, technical assistance, conservation practices and administration and enforcement of laws, rules, statutes and ordinances that can protect water quality. Increasing the knowledge base by additional monitoring of water resources, inventories of land use activities and assessment of the effects that those land use activities have on water resources will help shape future water quality protection discussion and actions.

Minnesota Statutes Chapter 114D, the 2006 Clean Water Legacy Act defines water quality restoration as: actions, including effectiveness monitoring, that are taken to achieve and maintain water quality standards for impaired waters in accordance with a TMDL that has been approved by the United States Environmental Protection Agency under federal TMDL requirements.

Chapter 114D.20 Subd.(6) identifies five priorities for addressing water quality restoration as follows:

1) coordinate with and utilize existing local authorities and infrastructure for implementation;

2) can be implemented in whole or in part by providing support for existing or ongoing restoration efforts;

3) most effectively leverage other sources of restoration funding, including federal, state, local and private sources of funds;

4) show a high potential for early restoration and delisting based upon scientific data developed through public agency or citizen monitoring or other means;

5) show a high potential for long term water quality and related conservation benefits.

The statute also address water quality protection activities by as far as practicable, employing the priorities listed above to prevent waters from becoming impaired and to improve the quality of waters that are listed as impaired but do not have an approved TMDL.

The 2007 update of the Koochiching County Comprehensive Local Water Management Plan has identified six priority concerns that have relevance to both protecting water resources and addressing the Little Fork River's turbidity impairment. There may be differences in the degree of emphasis of particular activities or specific priority locations, but until the TMDL study of the Little Fork is completed and a specific implementation plan is developed, the suite of actions identified in the CLWMP is generally accepted as having a beneficial impact on water quality. The objectives and actions of the CLWMP may also be adapted to any additional water quality impairments that may be identified through monitoring and assessment activities.

EXECUTIVE SUMMARY

The Koochiching County Local Water Management Plan was updated by a sixteen-member Water Management Plan Advisory Committee led by Richard Lehtinen, Koochiching County Environmental Services Director. The new Plan originally had a July 27, 2005 deadline for adoption. The County requested and was granted a two year time extension to July 27, 2007. This Plan finally started making great progress in September 2006 and will be prepared for adoption close to the July deadline. The purpose of the planning process was to develop a plan of work that would protect and enhance surface water, groundwater and related land resources within Koochiching County. The Advisory Committee developed a process designed to incorporate input from citizens, local, state, federal and Canadian units of government, and to develop a plan that was consistent with local, state and federal plans and controls.

The Committee used as a starting point the Rainy River Basin Plan, prepared by MPCA, and the second generation County Water Management Plan. By deriving the new Plan from these existing plans, the Committee was assured the new plan would address issues relevant to both the county and the state. The Committee identified issues it believed ought to be included in the new plan. These issues were then compressed into general categories. From these general categories the Committee proceeded to develop goals, objectives and action plans.

The Committee, after sifting through the Basin Plan, the Local Water Plan and the results of a survey conducted for this project, developed a set of priority concerns which the Plan would address. These priority concerns are:

1. Erosion
2. Subsurface Sewage Treatment Systems
3. Education/Collaboration
4. Monitoring
5. Protection of Water Quality
6. Forestry

With these priority concerns, the Committee developed a total of fourteen goals, three for Erosion, one for SSTS, one for Education, three for Monitoring, four for Water Quality and two for Forestry. It also created forty-six objectives and seventeen action plans. All these elements included ongoing activities of SWCD, ESD and state agencies and activities that were either new or given higher emphasis which qualified them as High Priority Concerns.

This Plan has been reviewed by local, state, federal, Canadian and cities in Koochiching County as well as adjacent counties. This level of review assured the Committee that this new Plan is consistent with the plans of other pertinent local, state and regional plans. Other plans do not have to be amended in order for this Plan to be adopted and implemented.

Priority Concerns

Priority Concerns of this Plan are identified and expanded upon in Appendix A the "Priority Concerns Scoping Document" (PRSD). The goal, objectives and implementation schedule, or action plans are found in the Management Plan section of this report. They are all found together because that is the way this Plan was developed by the Committee and it made sense to the Committee that all these components be presented together in order better to understand the interrelationships of the goals, objectives and action steps.

The costs identified in this Plan assume that much of the work in the Plan cannot be done without grants or loans from state and federal sources. However, much of the work can be accomplished within the budgets of SWCD and ESD. Some of the Plan components will be implemented by state agencies with local entities playing a supportive role. The total estimated cost to implement the Plan is $4,435,000 with some additional costs being unknown.

Subsurface Sewage Treatment Systems (SSTS)

Goal 1: Assure that all residences with or needing SSTS have compliant sewage treatment systems.

Objectives:

a. Prepare a Local SSTS Ordinance to be adopted by the end of 2007.

b. Determine which governing structure will be used in Koochiching County to oversee SSTS performance systems, a Water Quality Cooperative or special district, and seek funding to finance the start-up of the chosen governing structure.

c. Do a septic system compliance inventory of the Rainy Lake area by the end of 2009 and an inventory of the rest of the county by 2011.

d. Prepare performance standards for effluent after treatment that will be required in high population areas, in the shoreland zone and in remote areas.

e. Identify problem areas, such as Rainy Lake, Meadowview, and others all in the context of an overall county-wide strategy for SSTS.

f. Seek grant or loan money to help low income households afford new or upgraded septic systems.

Minnesota Board of Water & Soil Resources

August 23, 2007

Koochiching County Commissioners
Koochiching County Courthouse
715 4th Street
International Falls, MN 56649

Dear Koochiching County Commissioners:

This letter is being sent to inform you that the Minnesota Board of Water and Soil Resources (BWSR) approved Koochiching County's revised Comprehensive Local Water Management Plan with the conditions recommended by our Northern Water Planning Committee at its regular meeting held on August 23, 2007. Attached is the signed Finding of Fact, Conclusion, and Order that documents approval of the plan and indicates that the plan meets relevant requirements of law and rule. This update of the Koochiching County Comprehensive Local Water Plan is subject to a condition that the goal of preparing and adopting a local SSTS ordinance contained in Koochiching County's Comprehensive Local Water Management Plan is accomplished by June 1, 2008. As presented, the plan envisions an effective ten-year period until December 31, 2017; with the Goals, Objectives and Action Items reviewed and updated as necessary by December 31, 2012.

Statutory requirements of M.S. 103B 315 Subd. 6 (Comprehensive Water Plan Review and Adoption) include passage of a resolution and initiation of implementation activities within 120 days of notice of approval from the Board. An example of a resolution adopting the plan can be found on BWSR's website at http://www.bwsr.state.mn.us/watermgmt/guidance/Adoption.doc. Upon adoption, please forward the resolution to your Board Conservationist.

The Koochiching County Planning and Zoning staff and the Water Management Plan Advisory Committee have developed a plan that reflects the priorities for water management in Koochiching County. With continued implementation of your water plan, the protection and management of Koochiching County's water resources will be greatly enhanced. The BWSR looks forward to working with you as you implement this Plan and document its outcomes.

Sincerely,

Randy Kramer, Chair

Enclosures
cc: Richard Lehtinen, County Water Plan Coordinator
File copy

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
40 16th Street S.E.
Suite A
Rochester, MN 55904
phone (507) 280-2874
fax (507) 280-2875

Saint Paul
520 Lafayette Road N.
Saint Paul, MN 55155
phone (651) 296-3767
fax (651) 297-5615

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 **Koochiching County** (Minnesota Statutes, 2003, Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5.)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the **Koochiching** County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on **August 23, 2007**, pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1) On January 15, 2007, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from **Koochiching** County, pursuant to M.S. Section 103B.312.

2) On March 27, 2007, the Board of Water and Soil Resources approved official comments on the **Koochiching** County Priority Concerns Scoping Document, which were mailed to the county on March 28, 2007.

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

   A) Erosion
   B) Subsurface Sewage Treatment Systems
   C) Education/Collaboration
   D) Monitoring
   E) Protection of Water Quality
   F) Forestry

4) On June 29, 2007, the BWSR received the **Koochiching** 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 8, 2007, the Northern Water Planning Review Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Koochiching 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 holding the CLWMP in abeyance until Koochiching County adopts Mn Rule 7080 for Individual Sewage Treatment Systems;
E) Minnesota Environmental Quality Board: no recommendation received;
F) Minnesota Board of Water and Soil Resources regional staff recommends approval in accordance with Northern Review Committee conditions.

6) The Board Water Plan Review Committee met on August 8, 2007, and recommended s approval with the following conditions:

a) Change the date identified in Goal 1, Objective A under the Subsurface Sewage Treatment System Priority Concern calling for preparation of a Local SSTS Ordinance to be adopted; from the end of 2007, to June 1 2008.

b) The Northern Water Plan Review Committee will review the Koochiching County Local Water Management Plan at that time to appraise the progress of ordinance development and adoption.

7) As presented, this update will be in effect until **December 31, 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 **Koochiching** County pursuant to Minnesota Statutes , 103B.315, Subd. 5.

2. The **Koochiching** 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 **Koochiching County** Local Water Management Plan provided that, by June 1, 2008, Koochiching County has fulfilled the plan commitments stated in Goal 1, objective a, under the Priority Concern "Subsurface Sewage Treatment Systems " to prepare and adopt a local Subsurface Sewage Treatment Ordinance.

Dated at St. Paul , Minnesota, this **twenty-third day of August, 2007.**

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Randy Kramer, Chair

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, Minnesota 55107

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Koochiching County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on August 23,2007 pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1) On January 15, 2007, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Koochiching County, pursuant to M.S. Section 103B.312.

2) On March 27, 2007, the Board of Water and Soil Resources provided official comments on the Koochiching County Priority Concerns Scoping Document, which were mailed to the county on March 28, 2007.

3) The priority concerns the local water management plan addresses include:
   A) Erosion
   B) Subsurface Sewage Treatment Systems
   C) Education/Collaboration
   D) Monitoring
   E) Protection of Water Quality
   F) Forestry

4) On June 29, 2007 the BWSR received the **Koochiching** 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 8, 2007; the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Koochiching 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 holding the CLWMP in abeyance until Koochiching County adopts MN. Rule 7080 for Individual Sewage Treatment Systems;

E) Minnesota Environmental Quality Board: no recommendation received;
F) Minnesota Board of Water and Soil Resources regional staff: recommends approval in accordance with Northern Review Committee conditions;

6) The Board Water Plan Review Committee met on August 8, 2007 and recommended approval with the following conditions:

a. Change the date identified in Goal 1, Objective A under the Subsurface Sewage Treatment System Priority Concern calling for preparation of a Local SSTS Ordinance to be adopted; from the end of 2007, to June 1, 2008.
b. The Northern Local Water Management Review Committee will review the Koochiching County Local Water management Plan at that time to appraise the progress of ordinance development and adoption.

7) On May 14, 2008 the Northern Local Water Plan Review Committee reviewed the status of the SSTS ordinance in Koochiching County. Based on input for staff the committee made the following determinations:

a. BWSR staff conversations with Koochiching County and MPCA strongly indicate that Koochiching County will not have a SSTS ordinance approved and adopted by the June 1, 2008 deadline spelled out in the original board order.
b. That Koochiching County has developed a draft SSTS ordinance and is targeting adoption on June 24, 2008.
c. County and SWCD eligibility for the NRBG block grant and SWCD General Service and Cost-Share grants are subject to an approved water plan being in place for the County.
d. That a reconsideration of the June 1, 2008 deadline imposed on the original board order is justified to allow Koochiching County time to finalize and adopt a SSTS ordinance.

8) As presented this update will be in effect for a ten-year period until December 31, 2017; with the Goals, Objectives and Action Items amended by December 31, 2012.

CONCLUSIONS

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

2. The Koochiching 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 Koochiching County Local Water Management Plan provided that, by September 1, 2008, Koochiching County has fulfilled the plan commitments stated in Goal 1, objective a, under the Priority Concern "Subsurface Sewage Treatment Systems" to prepare and adopt a local Subsurface Sewage Treatment Ordinance. The FY09 Natural Resources Block Grant will not be available to the County until an approved SSTS ordinance has been adopted by Koochiching County.

Dated at St Paul, Minnesota, this twenty-eighth day of May, 2008.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

RESOLUTION
MORRISON COUNTY BOARD OF COMMISSIONERS

REQUESTING EXTENSION FOR THE REVISION OF THE MORRISON COUNTY COMPREHENSIVE LOCAL WATER PLAN

DATE: APRIL 28,2008

WHEREAS, 1995 amendments to the Comprehensive Local Water Planning Act, M.S. 103B.311 gave the MN Board of Water And Soil (BWSR) authority to extend the ending date of local water plans for a period not to exceed 2 years; and

WHEREAS, Morrison County has a current state approved and locally adopted Comprehensive Local Water Plan with and end date of May 28, 2008.

WHEREAS, Morrison County is an active participant in other major projects currently underway such as Enhanced 911, Individual Sewage Treatment Grant, Shoreline Grant and other land use projects and programs, which require county staff and commissioner time and work effort; and

WHEREAS, Morrison County had a change of personnel in the Local Water Planner position and has a current state approved and locally adopted Comprehensive Local Water Plan with and end date of May 28, 2008

WHEREAS, Morrison County does intend to start the final phase and create the Local Water Plan draft for review by Dec 19, 2009.

NOW, THEREFORE BE IT RESOLVED: That the Morrison County Board of Commissioners request from MN Board of Water and Soil Resources (BWSR) an additional 24 month extension for a total extension of 2 years (May 28, 2010) of their existing Comprehensive Local Water Plan.

BE IT FURTHER RESOLVED, THAT THE Morrison County will ensure continued public participation in the form of Water Plan Advisory Committee and Public Information meetings.

BE IT FURTHER RESOLVED, THAT No projects will be ordered or commenced under M.S. 103B.311 subd. 4 during the extension period

Ayes: 5 Nays: 0

Passed the 6th day of May, 2008.

Eugene Haberg

Chair, Morrison County Board of Commissioners

Minnesota Board of Water and Soil Resources
St. Paul, Minnesota 55155

In the Matter of Extending the Comprehensive Local Water Plan
For Morrison County (1995 Minnesota Session Law, Chapter 184,
Section 24, authorizing BWSR to grant extensions).

Whereas Morrison County has a state approved Comprehensive Local Water Plan that is effective until May 28, 2008, pursuant to Minnesota Statute 1990, Section 103B.301, and

Whereas, the Morrison County Board of Commissioners passed a resolution requesting an extension for the Comprehensive Local Water Plan to the Board of Water and Soil Resources (BWSR) on May 6, 2008, pursuant to Minnesota Session Law 1995, Chapter 184, and

Whereas, the Board of Water and Soil Resources has authorization to grant extensions pursuant to Minnesota Session Law 1995, Chapter 184, Section 24.

Now therefore, the Board of Water and Soil Resources hereby makes the following Findings of Fact, Conclusions and Order:

FINDINGS OF FACT

1. On May 7, 17, 2008 the Board of Water and Soil Resources received a resolution from Morrison County requesting a two-year extension of their Comprehensive Local Water Plan to May 28, 2010.

2. On May 14, 2008, Board of Water and Soil Resources staff reviewed and recommended approval of the extension request by Morrison County.

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 Morrison County pursuant to Minnesota Session Law 1995, Chapter 184, Section 24.

ORDER

The Board of Water and Soil Resources hereby approves the two-year extension of the Morrison County Comprehensive Water Plan until May 28, 2010. Dated at St. Paul, Minnesota, this 28th day of May, 2008.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

Resolution
of the
Board of County Commissioners
St. Louis County, Minnesota

RECEIVED
MAY 07 2008
BD OF WATER & SOIL RESOURCES-BRAINERD

Adopted on: March 25, 2008 *Resolution No. 168*
Offered by Commissioner: Kron

WHEREAS, Minnesota Statutes, Chapter 103B.301 to 103B.355, Comprehensive Local Water Management Act, authorizes Minnesota counties to develop and implement a local water management plan; and

WHEREAS, the St. Louis County Board of Commissioners adopted a Comprehensive Water Management Plan on May 19, 1992, and last updated the Plan on June 5, 2001; and

WHEREAS, the Act requires that a county update and revise their local water management plan periodically; and

WHEREAS, the current St. Louis County Comprehensive Water Plan expires September 1, 2008; and

WHEREAS, the Minnesota Board of Soil and Water Resources grants extensions in two-year increments.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners requests a two-year extension for the St. Louis County Comprehensive Water Management Plan.

Commissioner Kron moved the adoption of the Resolution and it was declared adopted upon the following vote:
Yeas – Commissioners Fink, O'Neil, Kron, Nelson, Raukar and Chair Forsman - 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 25th day of March, A.D. 2008, and that this is a true and correct copy.

WITNESS MY HAND AND SEAL OF OFFICE at Duluth, Minnesota, this 25th day of March, A.D., 2008

DONALD DICKLICH, COUNTY AUDITOR

By _____

Deputy Auditor/Clerk of County Board

Minnesota Board of Water and Soil Resources

St. Paul, Minnesota 55155

In the Matter of Extending the Comprehensive Local Water Plan
For St. Louis County (1995 Minnesota Session Law, Chapter 184,
Section 24, authorizing BWSR to grant extensions).

Whereas St. Louis County has a state approved Comprehensive Local Water Plan that is effective until September 1, 2008, pursuant to Minnesota Statute 1990, Section 103B.301, and

Whereas, the St. Louis County Board of Commissioners passed a resolution requesting an extension for the Comprehensive Local Water Plan to the Board of Water and Soil Resources (BWSR) on March 25, 2008, pursuant to Minnesota Session Law 1995, Chapter 184, and

Whereas, the Board of Water and Soil Resources has authorization to grant extensions pursuant to Minnesota Session Law 1995, Chapter 184, Section 24.

Now therefore, the Board of Water and Soil Resources hereby makes the following Findings of Fact, Conclusions and Order:

FINDINGS OF FACT

1. On May 7, 2008 the Board of Water and Soil Resources received a resolution from St. Louis County requesting a two-year extension of their Comprehensive Local Water Plan to May 28, 2010.

2. On May 14, 2008, Board of Water and Soil Resources staff reviewed and recommended approval of the extension request by St. Louis County.

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 St. Louis County pursuant to Minnesota Session Law 1995, Chapter 184, Section 24.

ORDER

The Board of Water and Soil Resources hereby approves the two-year extension of the St. Louis County Comprehensive Water Plan until May 28, 2010. Dated at St. Paul, Minnesota, this 28th day of May, 2008.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

EXECUTIVE SUMMARY

This Local Water Management Plan (LWMP) update is the third update to the original plan approved by the Board of Water and Soil Resources (BWSR) in 1990. The first two updates to the original plan were approved by the BWSR in 1995 and 2002 respectively. This plan update will be effective through the year 2017.

Wilkin County is located on the western edge of Minnesota, bordering North Dakota. Wilkin County encompasses 751 square miles, and includes twenty-two townships and nine cities. According to the 2000 census, the population of the county was 7,138 and was estimated to be 6811 in 2005. Breckenridge, located in the west-central part of the county is the county seat with a population of 3559 (2000 census) and is recognized as the headwaters of the Red River of the North. The Otter Tail River and the Bois de Sioux River join in Breckenridge to form the Red River of the North.

The climate in Wilkin County is continental with warm summers and cold winters with a summer average temperature of sixty-eight degrees and a winter average temperature of nine degrees. Average annual precipitation is between 20 – 23 inches. About 75 percent of the annual precipitation occurs between May and September.

The major land use in Wilkin County is cropland (92%). The majority of the county is in the lacustrine plain of Glacial Lake Agassiz (94%). This region is nearly level, with slopes of 0-2 percent. The northeastern part of the county is mostly hilly having slopes ranging from 3-6 percent, and exceeding 40 percent in a few places. 75% of the soils in Wilkin County are poorly drained and have very slow to medium infiltration rates. Water does not rapidly penetrate these soils and moves slowly through them once absorbed. These soils do, however, retain moisture well during periods of desiccation. In the eastern part of the county, soils developed along the beach ridge areas of glacial lake Agassiz are generally coarser and are moderate to well drained.

Two watershed districts have jurisdiction within Wilkin County. The Bois de Sioux Watershed District (BdSWD) covers approximately the southern one-third of the county and was established in 1988. The total land area of the district comprises about 1,435 square miles. The watershed lies within the counties of Grant, Otter Tail, Stevens, Big Stone, Traverse, and Wilkin. The Bois de Sioux Watershed District revised its Watershed Management Plan in 2003.

The Buffalo-Red River Watershed District (BRRWD) was originally established in 1964 and was expanded in 1976 due to a major flooding event that occurred in the summer of 1975. The total land area of the Buffalo-Red River Watershed District is about 1,379 square miles. The Buffalo-Red River Watershed District is

currently in the process of revising its watershed management plan. Wilkin County will take an active role in the watershed district planning process. Once the watershed management plan is complete Wilkin County will incorporate the Buffalo-Red River Watershed Management Plan priorities into this plan.

Wilkin County has turned the jurisdiction of all legal ditches in those two areas of the county over to each of the Watershed Districts. The remaining legal ditches in the county remain under the jurisdiction of Wilkin County.

PURPOSE OF THE LOCAL WATER MANAGEMENT PLAN FOR WILKIN COUNTY

The purposes of the Local Water Management Plan for Wilkin County are;

1. To identify existing and potential problems or opportunities for protection, management and development of water resources and land resources in the county.
2. To develop and implement a plan of action to promote sound hydrologic management of water and related land resources in the county.
3. To work toward effective environmental protection and management of water and land resources in the county.

Based on their understanding of existing conditions and issues, county officials will decide what water resources within the county need to be protected and/or enhanced and by what means.

Wilkin County is aware that all counties must develop their own means for managing local water resources. Failure to do so will result in the loss of local opportunities to make intelligent, choices about improving the local water resources within the county.

Wilkin County recognizes that a well-developed comprehensive water plan should integrate local initiatives with state and federal programs whenever possible. This is evident in the fact that Wilkin County has incorporated the Wilkin Soil and Water Conservation District (SWCD) Comprehensive Plan, the Bois de Sioux Watershed District Watershed Management Plan and will incorporate the Buffalo-Red River Watershed District Watershed Management Plan into this document. The Otter Tail River Watershed Management Plan will also be incorporated into this plan as well as the Lower Otter Tail River TMDL Implementation Plan. This integration allows more efficient management of all programs for protection of water resources and the general environment.

ADMINISTRATION OF THE WILKIN COUNTY LOCAL WATER MANAGEMENT PLAN

The administration of the Wilkin County Local Water Management Plan has been the responsibility of the Wilkin County Environmental Office. The Board of Water and Soils Resources approved the first generation "Water Plan" in 1990. There have been two plan updates that were approved by the Board of Water and Soil Resources in 1995 and 2003 respectively. This revised Wilkin County Local Water Management Plan will cover a ten-year period from 2008 to 2017 with an implementation plan covering five-year increments (2008 to 2012), and a revised implementation plan covering (2013 to 2017).

WILKIN COUNTY ENVIRONMENTAL ADVISORY COMMITTEE

The Wilkin County Environmental Advisory Committee has reviewed and studied all available information in the development of this updated plan. The Environmental Advisory Committee is a combination of the Citizen Committee, which consists of individuals representing different sectors of Wilkin County and the Technical Committee consisting of individuals representing federal, state and local agencies.

The following individuals were involved in the updating of this plan.

Citizen Committee Members

Gerald Nordick (citizen)
Kurt Krueger (citizen)
Bob Westfall (citizen)
Ross Aigner (SWCD)
John Blaufuss(County Commissioner)
Lyle Hovland (County Commissioner)
Robert Roach (Watershed District)
Roger Ellefson (Watershed District)

Technical Committee Members

Don Bajumpaa (SWCD)
Jon Roeschlein (Watershed District)
Pete Waller (BWSR)
Terry Lejcher (DNR Waters)
Steve Cole/Julie Reberg (NRCS)
Jack Frederick (MPCA)
Bruce Albright (Watershed District)
Mike Howe (MN Dept. of Health)
Bruce Poppel (County Environmental Officer)

CONSISTENCY WITH OTHER LOCAL STATE AND REGIONAL PLANS

Wilkin County has solicited copies of plans and controls from adjacent counties, and watershed districts for review and consistency of their plans as it may relate to Wilkin County's Local Water Management Plan. Based on review of these plans Wilkin County's Local Water Management Plan is consistent with those plans and supports the goals and objectives included in the plans. Wilkin County has reviewed the Red River Basin Flood Damage Reduction Work Group Agreement, the Red River Basin Water Quality Plan and Lower Otter Tail TMDL Implementation Plan for consistency and supports the goals and objectives included in these plans.

RECOMMENDATIONS TO OTHER PLANS AND OFFICIAL CONTROLS

1. Purchase long-term easements on retiring CRP contracts.
2. Minnesota Geological Service and Minnesota DNR to conduct an intensive groundwater study in RRV and/or the effects on water supply due to the increase in potential construction of renewable fuel processing plants.
3. The Minnesota Department of Agriculture to provide better education on the effects of the off target application of herbicide and the potential effects on surface water quality due to increased sediment and turbidity.
4. The State Legislature and State Agencies allocate more funding to local units of government for the establishment of best management practices to protect water resources in the state.
5. The Minnesota Pollution Control Agency to establish turbidity impairment standard based on the ecoregions in the state.

PRIORITY CONCERNS

The Wilkin County Local Water Plan Advisory Committee has identified the following priority concerns. These concerns were selected through public meetings and state agency input.

Water Quality Concerns

Wilkin County does not have an abundance of surface water resources. Lake Breckenridge, the only lake in the county, has experienced significant degradation of water quality over the past 40 years. There are 210 miles of rivers and streams and 305 miles of county drainage ditches that make up the majority of the surface water present in Wilkin County. Very few wetlands are left in the county. They are typically located in the northeastern portion of the county in the upland areas. There is a large wetland complex located in the north central part of the county. This area is known as Manston Slough. It is located in the floor of the Red River Valley and is predominately under public ownership. There is a state designated trout stream (Lawndale Creek) located in the northern portion of the county. The Otter Tail River, Red River of the North, the Bois de Sioux River, the Rabbit River, Whiskey Creek and the South Branch of the Buffalo River are listed as impaired. Turbidity, aquatic impairment (Fish), and low dissolved oxygen are the primary impairments listed for these surface waters.

Wilkin County and Wilkin SWCD have been actively involved in gathering water quality data and assisted in developing the Lower Otter Tail TMDL Implementation Plan. It was approved in February 2007 and is hereby incorporated into this plan. In 2007, Wilkin County and Wilkin SWCD secured Clean Water Legacy funding to help restore water quality in the Lower Otter Tail watershed. They also partnered with Clay SWCD and received a Clean Water Legacy grant to protect and improve water quality in the Wolverton Creek and the South Branch of Buffalo River Watershed areas.

This plan will address the following objectives related to this concern:

- Actively participate in the development and implementation of Total Maximum Daily Load (TMDL) plans for impaired waters of Wilkin County.
- Continue the development of our comprehensive database for surface water using a Geographic Information System (GIS).
- Reduce the extent of turbidity impairment in the Lower Otter Tail Watershed by 2010 with Clean Water Legacy Funding.
- Encourage proper land use practices to protect surface water resources.
- Protect and improve water quality in the Wolverton Creek Watershed.

Estimate Potential Cost: $1,478,625

Erosion Concerns

Over 90 percent of the soils in Wilkin County are classified as potentially erodable by wind. During late fall, winter, and early spring, constant winds cause unprotected soils to erode. Displaced topsoil fills road ditches, and legal and field drainage systems, resulting in tremendous ditch maintenance expenses and excessive sediment entering surface waters. Serious wind erosion reduces the productivity of cropland and leads to increased production costs. The geology and topography of the landscape, in addition to the predominance of open cultivated land, creates a challenge for agricultural producers and resource managers alike to prevent soil erosion. Due to the efficient use of drainage equipment used in the production of agriculture crops in the county, water erosion is becoming a growing problem. The use of this drainage equipment allows run-off from these fields to happen very quickly and carry a large amount of sediment into legal ditches and ultimately into the rivers and other surface waters.

This plan will address the following objectives related to this concern:

- Establish best management practices on all lands in the county and use enforcement tools as necessary.
- Cooperate with local agencies to inventory streams and rivers for stream bank stabilization needs

Estimate Potential Cost: $6,245,000

Flood Damage Reduction Concerns

Historically there have been significant problems with spring and summer flood events in Wilkin County. This flooding has caused considerable damage to public and private property. Much of the flooding problem relates to the geophysical and hydrological nature of the county and the difficulty in containment by natural and artificial drainage systems. Since the spring flood of '97, Flood Damage Reduction (FDR) has received a lot of publicity. The cooperation of counties, watershed districts, state and federal agencies and other local agencies are critical in the reduction of flood damage. The establishment of impoundments, levees and the restoration of wetlands and watercourses can reduce the flooding impact and improve water quality. Extensive drainage systems were constructed in the early 1900's and again in the 1940's and 1950's to enhance natural drainage of prime heavy soils. These ditches are typically oriented in an east-west direction, perpendicular to the Red River of the North. Without the constructed drainage system, agriculture would not be the economic base of the Red River Valley and Wilkin County. Considering the topography of Wilkin County, drainage problems are most prevalent in the western portion of the County where natural drainage does not convey water completely enough

during accelerated snowmelt in the spring and/or heavy rainfall to mitigate crop and infrastructure damage

This plan will address the following objectives related to this concern:

- Assist the Bois de Sioux Watershed District in the implementation of FDR and NRE practices.
- Identify Natural Resources Enhance (NRE) opportunities for FDR project's proposed by the BdSWD and BRRWD Project Teams.
- Investigate issues that conflict with FDR.
- Install structures to reduce flood damages in the county.

Estimate Potential Cost: $27,225,000

Natural Resource Protection Concerns

Wilkin County was, at one time, prime habitat for both waterfowl and upland birds. Most of the fish and wildlife habitat in the county has been lost due to land use changes, drainage and channel modifications. Presently less than five percent of Wilkin County is considered wildlife habitat areas which consists of conservation lands and riparian habitat. The overall lack of grassland and wetland habitats limits upland and waterfowl wildlife populations. However the establishment of wildlife habitat can aid in reducing wind and water erosion and improve water quality. Due to the high commodity prices it is expected that Wilkin County will lose most, if not all, of its Conservation Reserve Program (CRP) acres to cropland in the next 5 years. We need to find way to encourage landowners to reenroll this land into some type of land retirement program. This land use change will not only reduce wildlife habitat in the county but also will increase the likelihood of wind and water erosion.

This plan will address the following objectives related to this concern:

- Promote the establishment of wildlife habitat in Wilkin County.
- Protect existing wildlife habitat with best management practices.

Estimate Potential Cost: $13,615,000

Groundwater Concerns

Wilkin County does not have abundant groundwater resources. Most known groundwater resources are in buried drift aquifers which have not been well defined or mapped. Recharge areas and the degree of interconnection of the aquifers are not well known. There is little irrigation in the county. Recharge for major aquifers in Wilkin County occurs primarily through precipitation and in surfical aquifers in the hummocky moraine region of western Otter Tail County and Southern Becker County. The Buffalo Aquifer, a primary aquifer for both Wilkin and Clay Counties is thought to recharge in northern Wilkin County. The Wahpeton Buried Valley (WBV) Aquifer is a long, narrow, and relatively thick deposit of sand and gravel that exists along the Minnesota/North Dakota border just north of the cities of Wahpeton (North Dakota) and Breckenridge (Minnesota). This aquifer is the primary municipal water source for the cities of Breckenridge and Wahpeton. Cargill and Minn-Dak Farmers Cooperative holds industrial appropriation permits from the aquifer for corn processing and sugar beet processing respectively. The potential sources for recharge to the aquifer are the Red River and adjacent confining aquifers.

The WBV aquifer is the most important source of groundwater in this area where aquifers tend to be small and limited in extent. It is an essential resource for industrial, municipal, and domestic use.

This plan will address the following objective related to this concern:

- Protect county groundwater resources from contamination.

Estimate Potential Cost: $ 120,000

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, Minnesota 55107

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Wilkin County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on January 31, 2008, 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 20, 2007; the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Wilkin County, pursuant to M.S. Section 103B.312.

2) On April 25, 2007; the Board of Water and Soil Resources provided official comments on the Wilkin County Priority Concerns Scoping Document, which were mailed to the county on April 25, 2007.

3) The priority concerns the local water management plan addresses include:
Water Quality Concerns – Including, but not limited to; impaired waters (TMDLs), groundwater pollution, nonpoint pollution, etc.
Erosion Concerns – Including, but not limited to; soil erosion (wind and water), streambank erosion, sedimentation of streams and rivers, etc.
Flood Damage Reduction - Including, but not limited to; flooding, effects of tiling, drainage, etc.
Natural Resource Protection Concerns – Including, but not limited to; trout stream protection, stream/river restoration and connectivity, native prairie conservation, wetland and grassland restoration and protection, etc.
Water Quantity – Including but not limited to; groundwater recharge areas, wellhead protection, surface water supply, etc.

4) On January 31, 2008; the BWSR received the Wilkin County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5) On May 14, 2008; the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Wilkin County Plan Update.
Recommendations of the state review agencies were:
A) Minnesota Department of Agriculture: recommends approval;
B) Minnesota Department of Health: recommends approval;

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

6) This update will be in effect for a ten-year period until December 31, 2017; with the Goals, Objectives and Action Items amended by December 31, 2012.

CONCLUSIONS

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

2. The Wilkin 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 Wilkin County Local Water Management Plan through December 31, 2017; with the Goals, Objectives and Action Items being amended prior to December 31, 2012.

Dated at St Paul, Minnesota, this twenty-eighth day of May, 2008.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

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

2. Local Water Management Plan Amendments – *DECISION ITEMS*
   - Big Stone County
   - Chippewa County
   - Lac qui Parle County
   - Pope County
   - Swift County

Minnesota Board of Water & Soil Resources

April 14, 2008

Mr. Jeff Nielsen
Minnesota Board of water and Soil Resources
261 Highway 15 South
New Ulm, Minnesota 56073

Dear Jeff:

SUBJECT: WATONWAN COUNTY PRIORITY CONCERNS SCOPING DOCUMENT

Watonwan County has submitted their Priority Concerns Scoping Document (PCSD) for the 2008 Local Water Management Plan Update to BWSR and other state agencies. BWSR received this document on March 18, 2007. State agency comments were received from DNR, MDA and MDH. DNR concurred with the priority concerns identified. DNR felt the priority concern identification process was adequate and commented that the Department recommends the County make TMDL recommendations for Perch Creek, Butterfield Creek and the Watonwan River an integral part of the final county local water plan. MDA commented that the process to identify priority concerns was commendable and concurred with the priority concerns identified. The MDH concurred with the priority concerns and commented that the process to identify priority concerns was commendable. No other state agency comments have been received during this review period. In addition to PCSD comments the MPCA, BWSR, DNR, MDH and numerous other local stakeholders provided comments early on in the process.

On behalf of the BWSR I have completed my review of the Watonwan County PCSD and recommend the BWSR concur with the priority concerns identified.

I look forward to working with County elected officials, staff and residents as the plan update moves forward. If you have questions or need additional information, please contact me at 507-389-6784.

Sincerely,

Chris Hughes

Chris Hughes
Board Conservationist

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

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

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

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

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

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

Rochester
2300 Silver Creek
Road N.E.
Rochester, MN 55906
phone (507) 280-2874
fax (507) 285-7144

Saint Paul
520 Lafayette Road N.
Saint Paul, MN 55155
phone (651) 296-3767
fax (651) 297-5615

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Minnesota Board of Water & Soil Resources

DATE: April 14, 2008

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: David Sill, BWSR Board Conservationist

SUBJECT: Big Stone County Local Water Management Plan Amendment – Final Review

On May 28, 2003, the Board of Water and Soil Resources (BWSR), by board order, approved the Big Stone County 2003 – 2013 ten year Comprehensive Local Water Plan Update. The Plan contained an implementation section with goals, objectives and actions steps covering a five year period 2003- 2008. The Board stipulated that Big Stone County was required to revise / update this implementation section by May 28, 2008.

In its June 5, 2003, letter notifying the county of approval of the Plan Update, the BWSR commended the county and its partners for writing a plan that clearly presented the water management goals, actions and priorities.

On September 18, 2007, the Big Stone County Board of Commissioners resolved to amend its five-year implementation section as stipulated by BWSR. The county followed the process for amending as described within the Comprehensive Local Water Management guidance document as developed by the BWSR.

On March 17, 2008, the BWSR regional staff received the required documentation and 2008 Addendum to the Big Stone County Comprehensive Local Water Plan. The 2008 Addendum contains a brief Executive Summary (overview of the county's water plan, information on the revision of the five-year implementation section, recent water plan accomplishments, on-going programs administered within the county) and the new May 2008 through May 2013 implementation section. The implementation section addresses the following four goals:

- Water Resource Education
- Water Management
- Reducing Priority Pollutants
- Lakeshore and Surface Water Use

I have actively participated with and provided guidance/comments/advice/recommendations to Big Stone County and the task force throughout this amendment process. I believe the new five-year implementation section is in conformance with the requirements of Minnesota Statute 103B and the Comprehensive Local Water Management guidance developed by the BWSR. I hereby recommend approval of the Big Stone County May 2008 – May 2013 implementation section.

I look forward to assisting the county in the implementation of this revision of their Local Water Management Plan. Water Plan Coordinator Darren Wilke should be commended for his leadership throughout the plan amendment process.

Bemidji
701 Minnesota Avenue
Suite 234
Bemidji, MN 56601
phone (218) 755-4235
fax (218) 755-4201

Brainerd
1601 Minnesota Drive
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 Trail
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) 281-7797
fax (507) 285-7144

Saint Paul
520 Lafayette Road N
Saint Paul, MN 55155
phone (651) 296-3767
fax (651) 297-5615

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 Amendment for **Big Stone County** (Minnesota Statutes, Section 103B.314, Subdivision 6)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN AMENDMENT

Whereas, on May 28, 2003, the Minnesota Board of Water and Soil Resources (Board), by Board Order, approved the Big Stone County 2003 – 2013 Comprehensive Local Water Plan Update (Plan), which contained a 2003 – 2008 five-year implementation section; and

Whereas, this Board Order stipulated that Big Stone County was required to update the implementation section by May 28, 2008; and

Whereas, the Big Stone County Board of Commissioners submitted the Big Stone County Plan 2008 Addendum to the Board on March 17, 2008; and

Whereas, this 2008 Addendum contains the updated five-year implementation section as ordered by the Board; and

Whereas, the Board has completed its review of the 2008 Addendum.

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

FINDINGS OF FACT

1. On September 20, 2007, the Board received a resolution from Big Stone County stating its intent to amend its current Plan by providing for the required update of the five-year implementation section, pursuant to M.S. Section 103B.314, Subd. 6.

2. On October 15, 2007, Board staff provided information on the amendment process to Big Stone County.

3. On September 24, 2007, Big Stone County provided proper notice to local units of government and state agencies of the county's intent to amend its five-year implementation section and invited all recipients to participate in the amendment process.

4. On October 3, 2007, Big Stone County convened its water plan task force to initiate the five-year implementation section update. Several additional meetings were conducted.

5. Big Stone County received written comments from the Minnesota Department of Agriculture, the Minnesota Pollution Control Agency, the Minnesota Department of Health and the Minnesota Board of Water and Soil Resources in November 2007.

6. No other state agency or local government unit provided written comments to Big Stone County.

7. The final document developed by Big Stone County, which includes the revised five-year implementation section May 2008 – May 2013 is entitled the 2008 Addendum.

8. On March 13, 2008, after providing for proper public notice, Big Stone County conducted a public hearing on the proposed 2008 Addendum. No additional comments were submitted at the hearing.

9. On March 17, 2008, the BWSR received the Big Stone County 2008 Addendum, a record of the public hearing, and copies of all written comments pertaining to the 2008 Addendum, pursuant to M.S. Section 103B.314, Subd. 6.

10. On April 23, 2008, the Board's regional Water Planning Committee (Committee) reviewed the Big Stone County 2008 Addendum, pursuant to 103B.301 and guidelines established by the Board.
11. Board regional staff provided its recommendation of approval to the Committee.
12. The Committee voted to recommend approval to the full Board at its next scheduled meeting.

13. This 2008 Addendum will be in effect until **May 28, 2013.**

CONCLUSIONS

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Amendment of Big Stone County pursuant to Minnesota Statutes, 103B.314, Subd. 6.

2. The Big Stone County 2008 Addendum attached to this Order states goals, objectives, and actions the county will address in the five-year implementation section May 2008 – May 2013. The 2008 Addendum, as well as the previously approved Big Stone County 2003 – 2013 Comprehensive Local Water Plan Update, is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached 2008 Addendum of the Big Stone County Water Management Plan for May 28, 2008 – May 28, 2013. Big Stone County will be required to provide for a complete update of its Water Management Plan prior to May 28, 2013.

Dated at St. Paul, Minnesota, this **28th day of May, 2008**.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

DATE: April 16, 2008

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: David Sill, BWSR Board Conservationist

SUBJECT: Chippewa County Local Water Management Plan Amendment – Final Review

On May 28, 2003, the Board of Water and Soil Resources (BWSR), by board order, approved the Chippewa County 2003 – 2013 ten year Comprehensive Local Water Plan Update. The Plan contained an implementation section with goals, objectives and actions steps covering a five year period 2003 - 2008. The Board stipulated that Chippewa County was required to revise / update this implementation section by May 28, 2008.

In its June 5, 2003, letter notifying the county of approval of the Plan Update, the BWSR commended the county and its partners for writing a plan that clearly presented the water management goals, actions and priorities.

On September 18, 2007, the Chippewa County Board of Commissioners resolved to amend its five-year implementation section as stipulated by BWSR. The county followed the process for amending as described within the Comprehensive Local Water Management guidance document as developed by the BWSR.

On April 16, 2008, the BWSR regional staff received the required documentation and 2008 Addendum to the Chippewa County Comprehensive Local Water Plan. The 2008 Addendum contains a brief Executive Summary (overview of the county's water plan, information on the revision of the five-year implementation section, recent water plan accomplishments, on-going programs administered within the county) and the new May 2008 – May 2013 implementation section. The implementation section addresses the following five goals:

- Water Quality
- Erosion Control
- Surface Water Management / Flooding
- Administration
- Education

I have actively participated with and provided guidance/comments/advice/recommendations to Chippewa County and the task force throughout this amendment process. I believe the new five-year implementation section is in conformance with the requirements of Minnesota Statute 103B and the Comprehensive Local Water Management guidance developed by the BWSR. I hereby recommend approval of the Chippewa County May 2008 – May 2013 implementation section addendum.

I look forward to assisting Chippewa County in the implementation of this revision of their Local Water Management Plan. Water Plan Coordinator JoAnn Bloome should be commended for her leadership throughout the plan amendment process.

Bemidji
701 Minnesota Avenue
Suite 234
Bemidji, MN 56601
phone (218) 755-4235
fax (218) 755-4201

Brainerd
1601 Minnesota Drive
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 Trail
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) 281-7797
fax (507) 285-7144

Saint Paul
520 Lafayette Road N
Saint Paul, MN 55155
phone (651) 296-3767
fax (651) 297-5615

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 Amendment for **Chippewa County** (Minnesota Statutes, Section 103B.314, Subdivision 6)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN AMENDMENT

Whereas, on May 28, 2003, the Minnesota Board of Water and Soil Resources (Board), by Board Order, approved the Chippewa County 2003 – 2013 Comprehensive Local Water Plan Update (Plan), which contained a 2003 – 2008 five-year implementation section; and

Whereas, this Board Order stipulated that Chippewa County was required to update the implementation section by May 28, 2008; and

Whereas, the Chippewa County Board of Commissioners submitted the Chippewa County Plan 2008 Addendum to the Board on April 16, 2008; and

Whereas, this 2008 Addendum contains the updated five-year implementation section as ordered by the Board; and

Whereas, the Board has completed its review of the 2008 Addendum.

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

FINDINGS OF FACT

1. On September 26, 2007, the Board received a resolution from Chippewa County stating its intent to amend its current Plan by providing for the required update of the five-year implementation section, pursuant to M.S. Section 103B.314, Subd. 6.

2. On October 15, 2007, Board staff provided information on the amendment process to Chippewa County.

3. On September 27, 2007, Chippewa County provided proper notice to local units of government and state agencies of the county's intent to amend its five-year implementation section and invited all recipients to participate in the amendment process.

4. On December 17, 2007, Chippewa County convened its water plan task force to initiate the five-year implementation section update. Several additional meetings were conducted.

5. Chippewa County received written comments from the Minnesota Department of Agriculture, the Minnesota Pollution Control Agency, the Minnesota Department of Health and the Minnesota Board of Water and Soil Resources in November and December 2007.

6. No other state agency or local government unit provided written comments to Chippewa County.

7. The final document developed by Chippewa County, which includes the revised five-year implementation section May 2008 – May 2013 is entitled the 2008 Addendum.

8. On April 14, 2008, after providing for proper public notice, Chippewa County conducted a public hearing on the proposed 2008 Addendum. Minnesota Department of Natural Resources staff provided a written comment on Buffalo Lake. No additional comments were submitted at the hearing.

9. On April 16, 2008, the BWSR received the Chippewa County 2008 Addendum, a record of the public hearing, and copies of all written comments pertaining to the 2008 Addendum, pursuant to M.S. Section 103B.314, Subd. 6.

10. On April 23, 2008, the Board's regional Water Planning Committee (Committee) reviewed the Chippewa County 2008 Addendum, pursuant to 103B.301 and guidelines established by the Board.
11. Board regional staff provided its recommendation of approval to the Committee.
12. The Committee voted to recommend approval to the full Board at its next scheduled meeting.

13. This 2008 Addendum will be in effect until **May 28, 2013.**

CONCLUSIONS

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Amendment of Chippewa County pursuant to Minnesota Statutes, 103B.314, Subd. 6.

2. The Chippewa County 2008 Addendum attached to this Order states goals, objectives, and actions the county will address in the five-year implementation section May 2008 – May 2013. The 2008 Addendum, as well as the previously approved Chippewa County 2003 – 2013 Comprehensive Local Water Plan Update, is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached 2008 Addendum of the Chippewa County Water Management Plan for May 28, 2008 – May 28, 2013. Chippewa County will be required to provide for a complete update of its Water Management Plan prior to May 28, 2013.

Dated at St. Paul, Minnesota, this **28th day of May, 2008**.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

DATE: April 14, 2008

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: David Sill, BWSR Board Conservationist

SUBJECT: Lac qui Parle County Local Water Management Plan Amendment – Final Review

On May 28, 2003, the Board of Water and Soil Resources (BWSR), by board order, approved the Lac qui Parle County 2003 – 2013 ten year Comprehensive Local Water Plan Update. The Plan contained an implementation section with goals, objectives and actions steps covering a five year period 2003 - 2008. The Board stipulated that Lac qui Parle County was required to revise / update this implementation section by May 28, 2008.

In its June 5, 2003, letter notifying the county of approval of the Plan Update, the BWSR commended the county and its partners for writing a plan that clearly presented the water management goals, actions and priorities.

On July 3, 2007, the Lac qui Parle County Board of Commissioners resolved to amend its five-year implementation section as stipulated by BWSR. The county followed the process for amending as described within the Comprehensive Local Water Management guidance document as developed by the BWSR.

On April 7, 2008, the BWSR regional staff received the required documentation and 2008 Addendum to the Lac qui Parle County Comprehensive Local Water Plan. The 2008 Addendum contains a brief Executive Summary (overview of the county's water plan, information on the revision of the five-year implementation section, recent water plan accomplishments, on-going programs administered within the county) and the new May 2008 through May 2013 implementation section. The implementation section addresses the following five goals:

- Water Resource Education
- Water Management
- Ground Water Protection
- Reducing Priority Pollutants
- Erosion
- Recreational Values

I have actively participated with and provided guidance/comments/advice/recommendations to Lac qui Parle County and the task force throughout this amendment process. I believe the new five-year implementation section is in conformance with the requirements of Minnesota Statute 103B and the Comprehensive Local Water Management guidance developed by the BWSR. I hereby recommend approval of the Lac qui Parle County May 2008 – May 2013 implementation section addendum.

I look forward to assisting Lac qui Parle County in the implementation of this revision of their Local Water Management Plan. Water Plan Coordinator Sonja Farmer should be commended for her leadership throughout the plan amendment process.

Bemidji
701 Minnesota Avenue
Suite 234
Bemidji, MN 56601
phone (218) 755-4235
fax (218) 755-4201

Brainerd
1601 Minnesota Drive
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 Trail
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) 281-7797
fax (507) 285-7144

Saint Paul
520 Lafayette Road N
Saint Paul, MN 55155
phone (651) 296-3767
fax (651) 297-5615

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 Amendment for **Lac qui Parle County** (Minnesota Statutes, Section 103B.314, Subdivision 6)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN AMENDMENT

Whereas, on May 28, 2003, the Minnesota Board of Water and Soil Resources (Board), by Board Order, approved the Lac qui Parle County 2003 – 2013 Comprehensive Local Water Plan Update (Plan), which contained a 2003 – 2008 five-year implementation section; and

Whereas, this Board Order stipulated that Lac qui Parle County was required to update the implementation section by May 28, 2008; and

Whereas, the Lac qui Parle County Board of Commissioners submitted the Lac qui Parle County Plan 2008 Addendum to the Board on April 7, 2008; and

Whereas, this 2008 Addendum contains the updated five-year implementation section as ordered by the Board; and

Whereas, the Board has completed its review of the 2008 Addendum.

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

FINDINGS OF FACT

1. On July 3, 2007, the Board received a resolution from Lac qui Parle County stating its intent to amend its current Plan by providing for the required update of the five-year implementation section, pursuant to M.S. Section 103B.314, Subd. 6.

2. On October 15, 2007, Board staff provided information on the amendment process to Lac qui Parle County.

3. On September 21, 2007, Lac qui Parle County provided proper notice to local units of government and state agencies of the county's intent to amend its five-year implementation section and invited all recipients to participate in the amendment process.

4. On October 2, 2007, Lac qui Parle County convened its water plan task force to initiate the five-year implementation section update. Several additional meetings were conducted.

5. Lac qui Parle County received written comments from the Minnesota Department of Agriculture, the Minnesota Pollution Control Agency, the Minnesota Department of Health and the Minnesota Board of Water and Soil Resources in November and December 2007.

6. No other state agency or local government unit provided written comments to Lac qui Parle County.

7. The final document developed by Lac qui Parle County, which includes the revised five-year implementation section May 2008 – May 2013 is entitled the 2008 Addendum.

8. On March 31, 2008, after providing for proper public notice, Lac qui Parle County conducted a public hearing on the proposed 2008 Addendum. No additional comments were submitted at the hearing.

9. On April 7, 2008, the BWSR received the Lac qui Parle County 2008 Addendum, a record of the public hearing, and copies of all written comments pertaining to the 2008 Addendum, pursuant to M.S. Section 103B.314, Subd. 6.

10. On April 23, 2008, the Board's regional Water Planning Committee (Committee) reviewed the Lac qui Parle County 2008 Addendum, pursuant to 103B.301 and guidelines established by the Board.

11. Board regional staff provided its recommendation of approval to the Committee.

12. The Committee voted to recommend approval to the full Board at its next scheduled meeting.

13. This 2008 Addendum will be in effect until **May 28, 2013.**

CONCLUSIONS

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Amendment of Lac qui Parle County pursuant to Minnesota Statutes, 103B.314, Subd. 6.

2. The Lac qui Parle County 2008 Addendum attached to this Order states goals, objectives, and actions the county will address in the five-year implementation section May 2008 – May 2013. The 2008 Addendum, as well as the previously approved Lac qui Parle County 2003 – 2013 Comprehensive Local Water Plan Update, is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached 2008 Addendum of the Lac qui Parle County Water Management Plan for May 28, 2008 – May 28, 2013. Lac qui Parle County will be required to provide for a complete update of its Water Management Plan prior to May 28, 2013.

Dated at St. Paul, Minnesota, this **28th day of May, 2008**.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

DATE: April 18, 2008

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: David Sill, BWSR Board Conservationist

SUBJECT: Pope County Local Water Management Plan Amendment – Final Review

On May 28, 2003, the Board of Water and Soil Resources (BWSR), by board order, approved the Pope County 2003 – 2013 ten year Comprehensive Local Water Plan Update. The Plan contained an implementation section with goals, objectives and actions steps covering a five year period 2003 - 2008. The Board stipulated that Pope County was required to revise / update this implementation section by May 28, 2008.

In its June 5, 2003, letter notifying the county of approval of the Plan Update, the BWSR commended the county and its partners for writing a plan that clearly presented the water management goals, actions and priorities.

On July 17, 2007, the Pope County Board of Commissioners resolved to amend its five-year implementation section as stipulated by BWSR. The county followed the process for amending as described within the Comprehensive Local Water Management guidance document as developed by the BWSR.

On April 16, 2008, the BWSR regional staff received the required documentation and 2008 Addendum to the Pope County Comprehensive Local Water Plan. The 2008 Addendum contains a brief Executive Summary (overview of the county's water plan, information on the revision of the five-year implementation section, recent water plan accomplishments, on-going programs administered within the county) and the new May 2008 – May 2013 implementation section. The implementation section addresses the following six goals:

- Storm water Management
- Reducing Priority Pollutants
- Sanitary Service Area / Lake Management Districts
- Water Management
- Groundwater Protection
- Water Resource Education

I have participated with and provided guidance/comments/advice/recommendations to Pope County and the task force throughout this amendment process. I believe the new five-year implementation section is well written and generally in conformance with the requirements of Minnesota Statute 103B and the Comprehensive Local Water Management guidance developed by the BWSR. At this time however - I do not recommend approval of the Pope County May 2008 – May 2013 implementation section addendum. On March 20th and 28th I provided written comment to Pope County regarding the draft addendum. Several comments I made have been addressed, however I believe issues remain unresolved regarding the clarification or wording of several actions, and questions concerning several estimated costs (see attached comments).

Bemidji
701 Minnesota Avenue
Suite 234
Bemidji, MN 56601
phone (218) 755-4235
fax (218) 755-4201

Brainerd
1601 Minnesota Drive
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 Trail
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) 281-7797
fax (507) 285-7144

Saint Paul
520 Lafayette Road N
Saint Paul, MN 55155
phone (651) 296-3767
fax (651) 297-5615

I look forward to assisting Pope County in finalizing their addendum. When completed, the implementation of this revision of their Local Water Management Plan will be a key tool in addressing the water resources of Pope County.

Minnesota Board of Water & Soil Resources

DATE: May 9, 2008

TO: Jeff Nielsen, BWSR Southern Region Supervisor

FROM: David Sill, BWSR Board Conservationist

SUBJECT: Pope County Local Water Management Plan Amendment – Final Review follow-up

Recently Pope County provided requested revisions and edits to their May 2008 – May 2013 implementation section addendum. I believe the County has addressed each of the comments I made in my written correspondence to county staff on March 20th and 28th. I have reviewed and now recommend approval to the Pope County May 2008 – May 2013 implementation section addendum. I and other BWSR staff look forward to assisting Pope County implement this plan!

Bemidji
701 Minnesota Avenue
Suite 234
Bemidji, MN 56601
phone (218) 755-4235
fax (218) 755-4201

Brainerd
1601 Minnesota Drive
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 Trail
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) 281-7797
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

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 Amendment for **Pope County** (Minnesota Statutes, Section 103B.314, Subdivision 6)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN AMENDMENT

Whereas, on May 28, 2003, the Minnesota Board of Water and Soil Resources (Board), by Board Order, approved the Pope County 2003 – 2013 Comprehensive Local Water Plan Update (Plan), which contained a 2003 – 2008 five-year implementation section; and

Whereas, this Board Order stipulated that Pope County was required to update the implementation section by May 28, 2008; and

Whereas, the Pope County Board of Commissioners submitted the Pope County Plan 2008 Addendum to the Board on April 16, 2008; and

Whereas, this 2008 Addendum contains the updated five-year implementation section as ordered by the Board; and

Whereas, the Board has completed its review of the 2008 Addendum.

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

FINDINGS OF FACT

1. On September 19, 2007, the Board received a resolution from Pope County stating its intent to amend its current Plan by providing for the required update of the five-year implementation section, pursuant to M.S. Section 103B.314, Subd. 6.

2. On October 15, 2007, Board staff provided information on the amendment process to Pope County.

3. On October 1, 2007, Pope County provided proper notice to local units of government and state agencies of the county's intent to amend its five-year implementation section and invited all recipients to participate in the amendment process.

4. On January 16, 2008, Pope County convened its water plan task force to initiate the five-year implementation section update. Several additional meetings were conducted.

5. Pope County received written comments from the Minnesota Department of Agriculture, the Minnesota Pollution Control Agency, the Minnesota Department of Health, the Minnesota Board of Water and Soil Resources, and the Minnesota Department of Natural Resources in November and December 2007.

6. No other state agency or local government unit provided written comments to Pope County.

7. The final document developed by Pope County, which includes the revised five-year implementation section May 2008 – May 2013 is entitled the 2008 Addendum.

8. On April 1, 2008, after providing for proper public notice, Pope County conducted a public hearing on the proposed 2008 Addendum. No additional comments were submitted at the hearing.

9. On April 16, 2008, the BWSR received the Pope County 2008 Addendum, a record of the public hearing, and copies of all written comments pertaining to the 2008 Addendum, pursuant to M.S. Section 103B.314, Subd. 6.

10. On April 23, 2008, the Board's regional Water Planning Committee (Committee) reviewed the Pope County 2008 Addendum, pursuant to 103B.301 and guidelines established by the Board.
11. Board regional staff provided its recommendation of not approval to the Committee.
12. The Committee voted to table their recommendation to the full Board, and requested Board staff contact Pope County and seek clarification of several actions and questions concerning several estimated costs.
13. On May 14, 2008, the Board's regional Water Planning Committee continued their review of the Pope County 2008 Addendum, pursuant to 103B.301 and guidelines established by the Board.
14. Board regional staff provided its recommendation of approval to the Committee.
15. The Committee voted to recommend approval to the full Board at its next scheduled meeting.

16. This 2008 Addendum will be in effect until **May 28, 2013.**

CONCLUSIONS

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Amendment of Pope County pursuant to Minnesota Statutes, 103B.314, Subd. 6.

2. The Pope County 2008 Addendum attached to this Order states goals, objectives, and actions the county will address in the five-year implementation section May 2008 – May 2013. The 2008 Addendum, as well as the previously approved Pope County 2003 – 2013 Comprehensive Local Water Plan Update, is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached 2008 Addendum of the Pope County Water Management Plan for May 28, 2008 – May 28, 2013. Pope County will be required to provide for a complete update of its Water Management Plan prior to May 28, 2013.

Dated at St. Paul, Minnesota, this **28th day of May, 2008**.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

DATE: April 14, 2008

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: David Sill, BWSR Board Conservationist

SUBJECT: Swift County Local Water Management Plan Amendment – Final Review

On May 28, 2003, the Board of Water and Soil Resources (BWSR), by board order, approved the Swift County 2003 – 2013 ten year Comprehensive Local Water Plan Update. The Plan contained an implementation section with goals, objectives and actions steps covering a five year period 2003 - 2008. The Board stipulated that Swift County was required to revise / update this implementation section by May 28, 2008.

In its June 5, 2003, letter notifying the county of approval of the Plan Update, the BWSR commended the county and its partners for writing a plan that clearly presented the water management goals, actions and priorities.

On July 3, 2007, the Swift County Board of Commissioners resolved to amend its five-year implementation section as stipulated by BWSR. The county followed the process for amending as described within the Comprehensive Local Water Management guidance document as developed by the BWSR.

On April 7, 2008, the BWSR regional staff received the required documentation and 2008 Addendum to the Swift County Comprehensive Local Water Plan. The 2008 Addendum contains a brief Executive Summary (overview of the county's water plan, information on the revision of the five-year implementation section, recent water plan accomplishments, on-going programs administered within the county) and the new May 2008 through May 2013 implementation section. The implementation section addresses the following five goals:

- Reducing Priority Pollutants
- Surface Water and Drainage Management
- Ground Water Protection
- Public Education
- Provide Effective Administration

I have actively participated with and provided guidance/comments/advice/recommendations to Swift County and the task force throughout this amendment process. I believe the new five-year implementation section is in conformance with the requirements of Minnesota Statute 103B and the Comprehensive Local Water Management guidance developed by the BWSR. I hereby recommend approval of the Swift County May 2008 through May 2013 implementation section addendum.

I look forward to assisting Swift County in the implementation of this revision of their Local Water Management Plan. Water Plan Coordinator Scott Collins should be commended for his leadership throughout the plan amendment process.

Bemidji
701 Minnesota Avenue
Suite 234
Bemidji, MN 56601
phone (218) 755-4235
fax (218) 755-4201

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

Duluth
394 S. Lake Avenue
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Duluth, MN 55802
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Marshall
1400 E. Lyon Street
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New Ulm
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Rochester
2300 Silver Creek
Road N.E.
Rochester, MN 55906
phone (507) 281-7797
fax (507) 285-7144

Saint Paul
520 Lafayette Road N
Saint Paul, MN 55155
phone (651) 296-3767
fax (651) 297-5615

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 Amendment for **Swift County** (Minnesota Statutes, Section 103B.314, Subdivision 6)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN AMENDMENT

Whereas, on May 28, 2003, the Minnesota Board of Water and Soil Resources (Board), by Board Order, approved the Swift County 2003 – 2013 Comprehensive Local Water Plan Update (Plan), which contained a 2003 – 2008 five-year implementation section; and

Whereas, this Board Order stipulated that Swift County was required to update the implementation section by May 28, 2008; and

Whereas, the Swift County Board of Commissioners submitted the Swift County Plan 2008 Addendum to the Board on April 7, 2008; and

Whereas, this 2008 Addendum contains the updated five-year implementation section as ordered by the Board; and

Whereas, the Board has completed its review of the 2008 Addendum.

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

FINDINGS OF FACT

1. On July 6, 2007, the Board received a resolution from Swift County stating its intent to amend its current Plan by providing for the required update of the five-year implementation section, pursuant to M.S. Section 103B.314, Subd. 6.

2. On October 15, 2007, Board staff provided information on the amendment process to Swift County.

3. On October 1, 2007, Swift County provided proper notice to local units of government and state agencies of the county's intent to amend its five-year implementation section and invited all recipients to participate in the amendment process.

4. On December 7, 2007, Swift County convened its water plan task force to initiate the five-year implementation section update. Several additional meetings were conducted.

5. Swift County received written comments from the Minnesota Department of Agriculture, the Minnesota Pollution Control Agency, the Minnesota Department of Health and the Minnesota Board of Water and Soil Resources in November and December 2007.

6. No other state agency or local government unit provided written comments to Swift County.

7. The final document developed by Swift County, which includes the revised five-year implementation section May 2008 – May 2013 is entitled the 2008 Addendum.

8. On April 1, 2008, after providing for proper public notice, Swift County conducted a public hearing on the proposed 2008 Addendum. No additional comments were submitted at the hearing.

9. On April 7, 2008, the BWSR received the Swift County 2008 Addendum, a record of the public hearing, and copies of all written comments pertaining to the 2008 Addendum, pursuant to M.S. Section 103B.314, Subd. 6.

10. On April 23, 2008, the Board's regional Water Planning Committee (Committee) reviewed the Swift County 2008 Addendum, pursuant to 103B.301 and guidelines established by the Board.
11. Board regional staff provided its recommendation of approval to the Committee.
12. The Committee voted to recommend approval to the full Board at its next scheduled meeting.

13. This 2008 Addendum will be in effect until **May 28, 2013.**

CONCLUSIONS

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Amendment of Swift County pursuant to Minnesota Statutes, 103B.314, Subd. 6.

2. The Swift County 2008 Addendum attached to this Order states goals, objectives, and actions the county will address in the five-year implementation section May 2008 – May 2013. The 2008 Addendum, as well as the previously approved Swift County 2003 – 2013 Comprehensive Local Water Plan Update, is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached 2008 Addendum of the Swift County Water Management Plan for May 28, 2008 – May 28, 2013. Swift County will be required to provide for a complete update of its Water Management Plan prior to May 28, 2013.

Dated at St. Paul, Minnesota, this **28th day of May, 2008**.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

OLD BUSINESS

1. Cooperative Weed Management Area Grant Program – Julie Klocker
   DECISION ITEM

2. Revisions to Native Buffer Cost-Share Program Guidance – Dave Weirens
   DECISION ITEM

DI Critical Area Stabilization
Added Eligible Component

Establishment of Cooperative Weed Management Areas

5/28/08

Definition

Establishment of Cooperative Weed Management Areas (CWMAs) for the control of invasive species and noxious weeds.

Purpose

CWMAs are developed to restore or enhance natural communities and manage existing and emerging invasive plants that are detrimental to natural lands.

Primary CWMA goals include:

- Development of strong partnerships based on cooperation among agencies, landowners and other interested partners to control invasive species.
- The creation of long term and sustainable Cooperative Weed Management Areas.
- The removal of invasive plant species through the combined efforts of partnering entities.

Conditions Where Practice Applies – one time start-up expense

This practice applies only to the BWSR Cooperative Weed Management Area Grant Program and involves a one-time start-up expense for beginning Cooperative Weed Management Areas.

Criteria

A Cooperative Weed Management Area is a partnership of federal, state and local government agencies; tribes; individuals; and various other interested groups that manage noxious weeds or invasive plants in a defined area. General criteria for Cooperative Weed Management Area establishment include the following:

- CWMAs occupy a defined geographic area with a common geography, weed problem, community, climate, political boundary, or land use.

- The majority of natural resource managers and key private landowners in the area are involved or represented.
- CWMAs are committed to cooperation.
- CWMAs operate under a comprehensive plan that addresses the management or prevention of one or more noxious weeds or invasive plants.
- CWMAs have a project Steering Committee composed of cooperators who are committed to working together to manage invasive species within a defined geographic area.
- CWMAs have a clear long-term weed management plan based on an integrated pest management approach using the principles of ecosystem management.

Source: Center for Invasive Plant Management

Steps common to setting up a CWMA include:

- Determine common goals
- Choose a CWMA fiscal manager
- Hold a public meeting and invite all partners
- Establish a steering committee
- Select a chairperson and a vice-chairperson
- Develop agreements (Cooperative Agreements, Hold Harmless Agreements and Memorandums of Understanding are common)
- Develop a strategic management plan (including invasive species mapping)
- Develop an annual operating plan
- Establish and utilize committees
- Implement plans

Considerations

When developing a Cooperative Weed Management Area the following are key considerations for the establishment of an efficient and sustainable CWMA:

- Completeness of plan for setting up a CWMA
- CWMA long term sustainability
- Strength of partnerships
- Number of partners involved
- Cash and/or In-kind contribution
- Efficient use of funding
- Development of concrete and attainable weed management goals and strategies to control invasive plant species from natural lands through an integrated pest management approach
- Development of strategies for the restoration/reconstruction of native communities through an ecosystem approach
- Development of plan for public outreach and publicizing the project.

Eligible Expenses

Funding for this practice represents a one-time base allocation for start-up expenses. Eligible expenses include equipment necessary for implementing CWMA goals, staff time and expenses related to establishing Cooperative Weed Management Areas, publicity and outreach costs and travel expenses.

Equipment purchased with the funding provided will remain the property of the State for its useful life. After the contract period, it may remain in the custody of the Grantee so long as it is used for the purposes of promoting and supporting the project. The State may take possession of the equipment at such time as it becomes necessary to use it for State purposes.

Plans

Strategic management plans and annual operating plans are commonly used to guide the activities of CWMAs. Strategic management plans help define the goals of the CWMA and the steps planned to accomplish those goals. It serves as a road map for the CWMA as it begins to carry out projects. The strategic plan should clearly define CWMA objectives and priorities. A strategic management plan will help identify concerns, quantify scale and scope of problems, and set short-term and long-term priorities for CWMA operations. Strategic management plans generally include:

- An accurate map of the CWMA
- An inventory and a map of known priority invasive plant infestations
- Management responsibilities including the establishment of management areas or zones
- Criteria for the prioritization of invasive plant management activities
- Control techniques likely to be used in your CWMA
- Equipment, supplies, people, and other resources available for the CWMA from each partner

For examples of a strategic management plan, see www.mipn.org.

Once the steering committee develops the strategic plan, work priorities for the upcoming year can be identified in an annual operating plan. This document will detail annual projects; expected in-kind contributions, necessary funding, and the personnel needed for project completion, and will serve as the basis for outside grant requests. Each project identified in the annual operating plan should have an assigned project manager. This is the person responsible for project implementation, coordination, expenditures, in-kind documentation, completion, photo records, and final reports. Annual operating plans vary greatly in size and complexity. Newly established CWMAs may have one or a few annual projects and may include grant applications as part of the annual operating plan. For examples of an annual operating plan, see www.mipn.org.

Source: CWMA Cookbook

Operation and Maintenance

CWMAs can vary in their focus. Common focus areas for CWMAs include education, prevention, early detection, control efforts and monitoring. The focus of CWMAs should be included in the strategic management plan and annual operating plans. The

strategic management plan and annual operating plans will guide project implementation. Plans should be revisited periodically to ensure that project goals are being met.

Citations and References

CWMA Cookbook http://www.mipn.org/MIPN%20Cookbook%20Lo-res.pdf

Midwest Invasive Plant Network www.mipn.org

Minnesota Board of Water & Soil Resources

Board Resolution #08-51

Cooperative Weed Management Area Grant Program Authorization

WHEREAS, Chapter 57, Minn session laws 2007 requires the Board to establish a Cooperative Weed Management Area Grant program as part of the state cost-share program and;

WHEREAS, Minnesota Rule 8400.0300 requires the Board to determine eligible practices and practice policies and;

WHEREAS, Establishing this program requires initial costs for administrative time, equipment, publicity/outreach and travel.

NOW THEREFORE, be it resolved, the Board approves the addition of a "Establishment of Cooperative Weed Management Areas" eligible practice to D1 (Critical Area Stabilization) and its addition to the State Cost Share Program approved practice list beginning in FY 2008.

Date: 05/28/08

Randy Kramer, Chair
Board of Water and Soil Resources

Attachment: New D1 Eligible Component, "Establishment of Cooperative Weed Management Areas"

Native Buffer Cost-Share Program Fact Sheet

Date: 5-27-08

Purpose:

Grants for cost-sharing contracts to establish and maintain diverse native vegetation buffers using seeds of local ecotype regions.



Policies:

I. Program Requirements

- BWSR State Cost-Share Program processes required.
- Eligible conservation buffer areas to be determined by the SWCD.
- Projects must be sustained for a minimum of 15 years.
- Eligible project areas are limited to list of counties in M.S. 84.02, Sec. 17, Subd. 4
- Min/max size and costs determined by SWCD boards using reasonable cost process.
- Multiple estimates are required for work done, to the extent possible.
- A complete set of program records must be kept, like other Cost Share programs.
- An attempt must be made to find local ecotype seed according to the following geographic areas - in sequential order. If project cannot go forward due to a lack of local geographic area seed or unreasonable costs the SWCD may approve using seed from the next local geographic area according to the following sequence:

    1. The same county or within 25 miles of the county's border but not across an ecotype region boundary
    2. Anywhere within the local ecotype region
    3. Neighboring ecotype region or county
    4. All prairie eco-type regions in Minnesota
    5. Prairie eco-type regions in neighboring states within 25 miles of MN boundary

- The seed source shall be verified by the SWCD using a source verification form. Yellow tag certified seed is recommended to aid in the verification of source.
- Cultivars are discouraged.
- Projects must have a goal of 25 species within the project site.

II. Eligible Practices

- Site prep, seed collection, seed, seeding, and establishment costs.
- Native vegetation management; prescribed burning, inter seeding, weed control when tied to veg. improvement, invasive species control, disking, haying and reseeding existing stands of grass on existing RIM easements.
- Lakescaping, including minimal grading for site preparation, plant materials, seed and mulch.
- Remnant native prairie management using vegetation management activities with approval from BWSR vegetation management specialist.
- Land rental costs, for non-program lands, during establishment (3yrs. CCRP rate x 75%) for agricultural lands or seed production areas. The rental payment is at the discretion of the SWCD board when there are acres being converted from ag use and no other program payments are involved. The intent is to cover costs as native vegetation establishes.

III. Allowable Activities

- Haying, seed propagation, energy production and prescribed burning, outside nesting season (Typically June 1st to August 1st) if allowed by any underlying program conditions.

For more information:

Tabor Hoek Tabor.Hoek@state.mn.us (507-537-7260)
Dan Shaw Dan.Shaw@state.mn.us (651-296-0644)
Pete Waller Pete.Waller@state.mn.us (218-763-5445 ext 104)

Minnesota Board of Water & Soil Resources

Board Resolution #____

Native Buffer Cost Share Program Authorization

WHEREAS, the Native Buffer Cost-Share Grant Program administered by the Board of Water and Soil Resources (BWSR), provides grants to soil an water conservation districts (SWCD) for the sharing of costs to landowners who establish and maintain buffers of restored native prairie, and

WHEREAS, Minnesota Legislature, Minnesota Session Laws 2007, chapter 57, Article 1, Section 5, has appropriated $1.2 million in FY2008 and FY2009 to BWSR, and

WHEREAS, the BWSR adopted a resolution on January 23, 2008 authorizing staff to allocate funding and implement the Native Buffer Cost-Share Program, and

WHEREAS, the HF1812/SF3813-Omnibus Supplemental Budget Bill will provide additional flexibility in BWSR guidance to SWCD's implementing this program, and

WHEREAS, based on this new legislative authorization BWSR staff have developed the following grant and allocation policies:

- An attempt must be made to find local ecotype seed according to the following geographic areas - in sequential order. If project cannot go forward due to a lack of local geographic area seed or unreasonable costs the SWCD may approve using seed from the next local geographic area according to the following sequence:

  1. The same county or within 25 miles of the county's border but not across an ecotype region boundary
  2. Anywhere within the local ecotype region
  3. Neighboring ecotype region or county
  4. All prairie eco-type regions in Minnesota
  5. Prairie eco-type regions in neighboring states within 25 miles of MN boundary

- The seed source shall be verified by the SWCD using a source verification form. Yellow tag certified seed is recommended to aid in the verification of source.
- Cultivars are discouraged.
- Projects must have a goal of 25 species within the project site.

WHEREAS, the Native Buffer Cost-Share Grant Program allocations were made to the southeast Minnesota flood disaster counties of Dodge, Fillmore, Houston, Olmsted, Wabasha, and Winona, and

Steele

WHEREAS, BWSR staff are recommending an additional allocation of $5,000 for each of the seven counties included within the disaster declaration.

NOW THEREFORE, the BWSR hereby authorizes staff to allocate funding and implement guidelines for the Native Buffer Cost-Share Program according to these policies.

_____ Date:_____

Randy Kramer, Chair
Board of Water and Soil Resources

Minnesota Board of Water & Soil Resources

Board Resolution #08-52

Native Buffer Cost Share Program Authorization

WHEREAS, the Native Buffer Cost-Share Grant Program administered by the Board of Water and Soil Resources (BWSR), provides grants to soil an water conservation districts (SWCD) for the sharing of costs to landowners who establish and maintain buffers of restored native prairie, and

WHEREAS, Minnesota Legislature, Minnesota Session Laws 2007, chapter 57, Article 1, Section 5, has appropriated $1.2 million in FY2008 and FY2009 to BWSR, and

WHEREAS, the BWSR adopted a resolution on January 23, 2008 authorizing staff to allocate funding and implement the Native Buffer Cost-Share Program, and

WHEREAS, the HF1812/SF3813-Omnibus Supplemental Budget Bill will provide additional flexibility in BWSR guidance to SWCD's implementing this program, and

WHEREAS, based on this new legislative authorization BWSR staff have developed the following grant and allocation policies:

- An attempt must be made to find local ecotype seed according to the following geographic areas - in sequential order. If project cannot go forward due to a lack of local geographic area seed or unreasonable costs the SWCD may approve using seed from the next local geographic area according to the following sequence:

  1. The same county or within 25 miles of the county's border but not across an ecotype region boundary
  2. Anywhere within the local ecotype region
  3. Neighboring ecotype region or county
  4. All prairie eco-type regions in Minnesota
  5. Prairie eco-type regions in neighboring states within 25 miles of MN boundary

- The seed source shall be verified by the SWCD using a source verification form. Yellow tag certified seed is recommended to aid in the verification of source.
- Cultivars are discouraged.
- Projects must have a goal of 25 species within the project site.

WHEREAS, the Native Buffer Cost-Share Grant Program allocations were made to the southeast Minnesota flood disaster counties of Dodge, Fillmore, Houston, Olmsted, Steele, Wabasha, and Winona, and

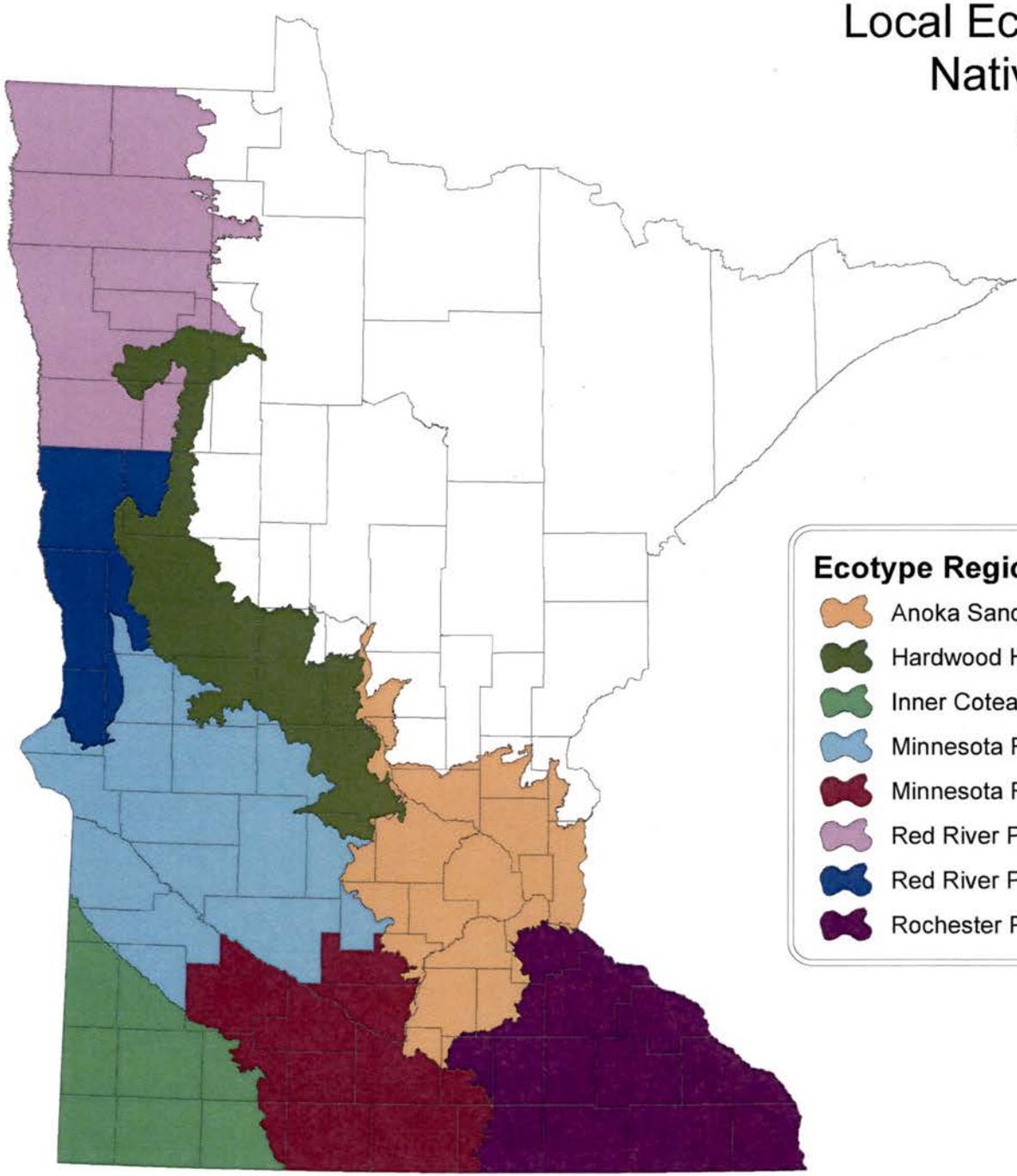
WHEREAS, BWSR staff are recommending an additional allocation of $5,000 for each of the seven counties included within the disaster declaration.

NOW THEREFORE, the BWSR hereby authorizes staff to allocate funding and implement guidelines for the Native Buffer Cost-Share Program according to these policies.

Randy Kramer, Chair
Board of Water and Soil Resources

Date: 5/28/08

Local Ecotype Regions for the Native Buffer Program as Defined by M.S. 84.02



N

Ecotype Regions

- Anoka Sand Plain, Big Woods & St. Paul Baldwin Plains
- Hardwood Hills
- Inner Coteau & Coteau Moraines
- Minnesota River Prairie North
- Minnesota River Prairie South
- Red River Prairie North & Aspen Parklands
- Red River Prairie South
- Rochester Plateau, Blufflands & Oak Savanna

Minnesota Board of Water & Soil Resources
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NEW BUSINESS

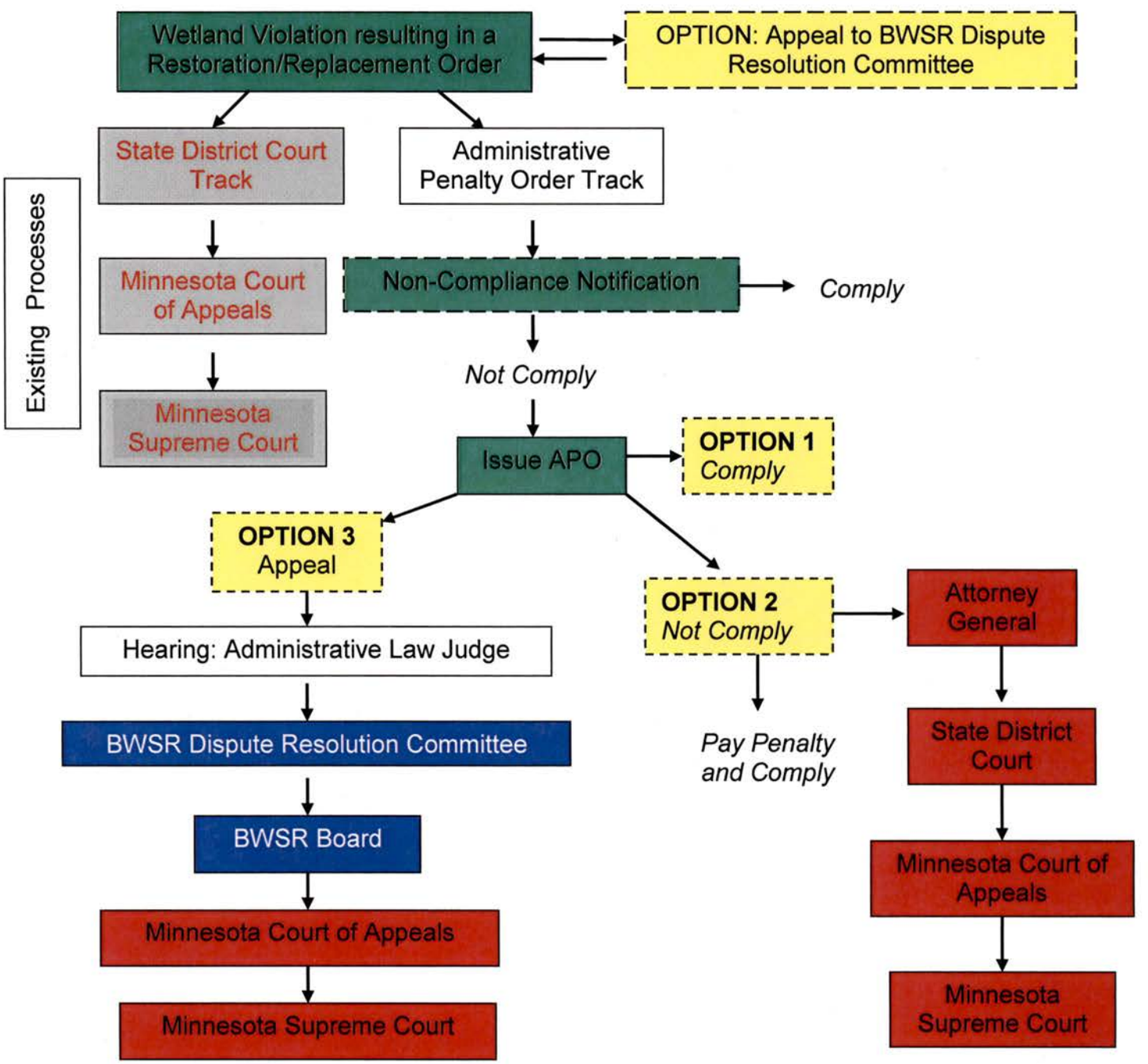
1. Administrative Penalty Order Implementation Plan – Dave Weirens – *DECISION ITEM*

2. Establish Interim Rates for Reinvest in Minnesota Reserve/Wetlands Reserve Program (RIM/WRP) Partnership Project – Kevin Lines – *DECISION ITEM*

3. Minnesota Conservation Corp (MCC) Clean Water Legacy Program – Len Price, MCC Executive Director, and Tim Johnson-Grass, Young Adult Program Manager - *INFORMATION ITEM*

WCA ADMINISTRATIVE PENALTY ORDER PROCESS

For enforcement of the Wetland Conservation Act, Mn Rule 8420,
as provided under M.S. 116.072



Green = Staff Decisions
Blue = Board Decisions
Red = Court/Couty Attorney or Attorney General Decisions
Yellow = Landowner Decisions

Comply/Not Comply refers to the enforcement order and/or the regulatory requirements of the WCA

ADMINISTRATIVE PENALTY ORDER PROCESS

May 8, 2008

Introduction

BWSR was authorized by Legislation in 2007 to issue administrative penalty orders (APO) for violations of Chapter 103B to 103G. The plan developed by staff proposes to only apply this authority to the Wetland Conservation Act (WCA) Rules (Mn Rule 8420) at this time. Most of the process and administration of this authority is provided for in Mn Statute 116.072. However, key decisions that the plan addresses, and can be made by the Board are:

- How APO's will be processed, considered and issued;
- How APO's are appealed;
- What conditions and criteria are included in an APO; and
- How the amount of the penalty is determined.

Below is a step by step discussion of the APO flow chart (attached) that identifies who is involved and what they do in this process.

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1. Wetland Violation resulting in a Restoration/Replacement Order.

An *individual* has been issued a restoration or replacement order and the deadline established in the order has passed without compliance. The *soil and water conservation district* develops the order which is issued by the *enforcement authority*.

2. Option: Appeal to BWSR Dispute Resolution Committee.

An *individual* issued a restoration or replacement order has the option to appeal the order to the BWSR. The results of an appeal of a restoration order under the WCA is either the order is rescinded or upheld. If the restoration order is upheld, then the enforcement process would continue.

If appealed, a *county attorney* is not likely to continue enforcement of the order until the appeal is resolved.

3. Existing Process: State District Court.

Under this APO plan, the first preference for seeking compliance with the WCA rules is by the existing process of prosecution by the *county attorney* in *State District Court*.

4. Existing Process: Minnesota Court of Appeals.

State District Court decisions may be appealed to the *Minnesota Court of Appeals*.

5. Existing Process: Minnesota Supreme Court.

Minnesota Court of Appeals decisions may be appealed to the *Minnesota Supreme Court*.

6. Track 2 – Administrative Penalty.

The *regional wetland specialist* or *board conservationist* will consult with the *enforcement authority* and make an initial recommendation on whether to consider pursuing an APO to the *regional senior wetland specialist*. The preference for achieving compliance is for the *county attorney* to criminally prosecute. However, where the circumstances of the violation indicate that prosecution may not be the most effective route to achieve compliance, an APO may be pursued instead of prosecution.

The final recommendation to pursue an APO will be made by the *WCA coordinator* in consultation with the *regional supervisor*, *senior wetland specialist* where the APO originated, and *Attorney General staff*. After review of the enforcement options is complete, and after review by the *Executive Director*, one of the following three options will be pursued:

1. Based on the evidence do not continue with the APO process;
2. Continue with the APO process by issuing a non-compliance notification; or
3. Continue with the APO process, by directly issuing the APO, without first issuing a non-compliance notification.

7. Non-Compliance Notification.

As discussed above, the *individual* may receive a letter that includes the following:

(1) the history and facts regarding the violation;
(2) BWSR's authority to issue an APO;
(3) a statement that failure to comply with the restoration or replacement order may result in an APO.

The letter will (1) be written by the *WCA coordinator*; (2) signed by the *Executive Director*; and (3) include a request for a response in writing from the *individual* within ten working days from the day the letter is sent.

8. Issue APO.

An *individual* who fails to comply with a restoration or replacement order may be issued an APO. An APO may be issued after or in the absence of a non-compliance notification. The APO will be written by the *WCA coordinator*, and the penalty determined by the *WCA coordinator* in consultation with the *regional senior wetland specialist*, and *regional supervisor* where the violation occurred. The APO will be issued by the *Executive Director* and must contain the following:

- a concise statement of the facts alleged to constitute a violation;
- a reference to the statute, rule, ordinance, variance, order or term or condition of a permit that has been violated;
- specify that compliance with WCA requirements is required in addition to any penalty that may be imposed;
- a statement of the amount of the administrative penalty to be imposed and the factors upon which the penalty is based; and

- a statement of the landowner or responsible party's right to request an expedited administrative hearing to review the order.

9. Attorney General and 10. State District Court.
If the *individual* does not comply with the APO, or appeals for review by an *administrative law judge*, the *Attorney General* may bring an action to state District Court to enforce the APO. *BWSR* would request the *Attorney General* seek compliance with the order by the *District Court*.

11. Minnesota Court of Appeals.
State District Court decisions may be appealed to the *Minnesota Court of Appeals*.

12. Existing Process: Minnesota Supreme Court.
Minnesota Court of Appeals decisions may be appealed to the *Minnesota Supreme Court*.

13. Appeal.
An *individual* that has received an APO has the right to challenge the APO by requesting an expedited administrative hearing or district court hearing.

14. Hearing: Administrative Law Judge.
An *administrative law judge (ALJ)* from the Office of Administrative Hearings will conduct the hearing. At the hearing, both the *individual* and the Executive Director will have an opportunity to present evidence. The *ALJ* must issue a report making recommendations within 30 days after the close of the hearing record.

15. BWSR Dispute Resolution Committee.
After receipt of the *ALJ's* report, the *Dispute Resolution Committee (DRC)* will review the report and make a recommendation to the *Board* if the APO should be issued in its original form, in a revised form, or not at all.

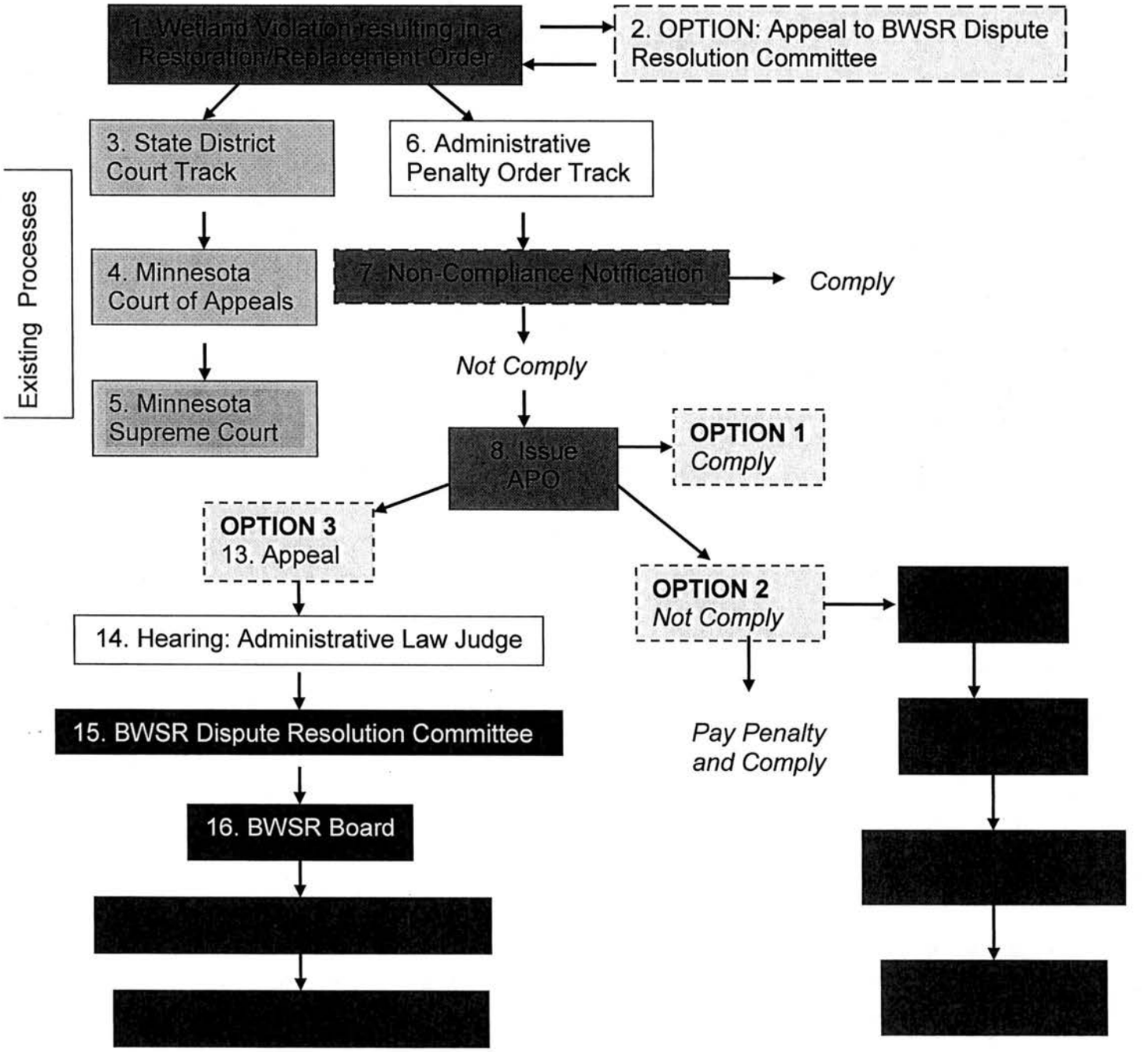
16. BWSR Board.
The *Board* will consider the recommendation of the *DRC* at its first meeting following the *DRC* meeting.

17. Minnesota Court of Appeals.
Final decisions of the *Board* regarding APO appeals may be appealed to the *Minnesota Court of Appeals*.

18. Minnesota Supreme Court.
Minnesota Court of Appeals decisions may be appealed to the *Minnesota Supreme Court*.

WCA ADMINISTRATIVE PENALTY ORDER PROCESS

For enforcement of the Wetland Conservation Act, Mn Rule 8420,
as provided under M.S. 116.072



Green = Staff Decisions
Blue = Board Decisions
Red = Court/County Attorney or Attorney General Decisions
= Landowner Decisions

Notes:

- The numbers only refer to the attached explanatory text, and not sequential order.
- Comply/Not Comply refers to the enforcement order and/or the regulatory requirements of the WCA.

BOARD OF WATER AND SOIL RESOURCES

Administrative Penalty Order Plan – Wetland Conservation Act

Draft

May 2008

OVERVIEW.

Introduction.

Laws of Minnesota 2007, Chapter 57, Section 103 authorize the Board of Water and Soil Resources (BWSR) to issue administrative penalty orders (APO) for violations of chapters 103B, 103C, 103D, 103E, 103F, and 103G. This plan has been developed by BWSR to provide the policy and process in the use of APO's, and will be effective following Board approval.

What is an Administrative Penalty Order?

Minnesota State Statute authorizes the Board to issue administrative penalty orders requiring violations be corrected and allows for the assessment of a monetary penalty. The APO identifies the violation, requires they be corrected, and imposes a penalty that may or may not be forgiven depending on the seriousness or repetitiveness of the violation. The maximum penalty is $10,000 per violation. Willfulness, gravity, history, number of violations, economic benefit and other factors identified in the APO may be considered in determining the amount of the penalty.

For repeat violations, in addition to the above factors, the following must be considered: similarity to previous violations; time elapsed; the number of previous violations; and the response of the landowner or responsible party to the most recent prior violation. The APO must include a statement of fact supporting the claim that violations have occurred, a reference to the law or rule that has been violated, the amount of the penalty and the factors on which it was based, and a statement of the landowner or responsible party's right to review the APO. Statute also provides an appeal process.

Specific Application of Administrative Penalty Order Authority.

Initial priority for APO implementation will be for the Wetland Conservation Act (WCA), Minnesota Rules Chapter 8420. Following this limited use of APO, the Board will evaluate applying this enforcement authority to noncompliance of one or more of the remaining statutory provisions under this grant of authority.

Purpose of Administrative Penalty Orders.

The primary purpose in the application of APO authority will be to ensure regulatory compliance. This purpose will be accomplished through an emphasis on penalties that will be forgiven pending a finding of compliance by BWSR, the WCA local government, and/or law enforcement officer.

Another purpose of the Board's application of this authority is to be supportive of the implementation efforts of WCA LGU's and law enforcement authorities. This purpose will be achieved through the primary use of information developed by these entities in evaluating whether or not to issue an APO.

Procedural Safeguards.

Similar to other decision-making processes of the WCA, the APO process employed by the Board includes procedural safeguards. An individual subject to an APO issued under the Board's authority may request a hearing before an administrative law judge. The report issued by the administrative law judge will be reviewed by the Board's Dispute Resolution Committee (DRC). As a final step, the DRC recommendation must be considered by the full Board. This process will ensure due process and avoid litigation.

Coordination with Other Enforcement Authority.

BWSR's use of APO authority will be built upon and coordinated with the existing enforcement mechanisms and processes employed by law enforcement officers. The APO process may be started when a restoration or replacement order has not been complied with. In these circumstances, the Board's APO authority may be used as an alternative to criminal or civil prosecution. However, the Board's APO authority may be used in conjunction with prosecution for repeated or serious violations.

Role of Local Governments

WCA is administered by local units of government. According to Minnesota Rule Chapter 8420, these are counties, cities, townships, watershed districts, and soil and water conservation districts. Local governments currently have specific responsibilities under existing enforcement mechanisms. This plan will have BWSR using APO authority after an existing cease and desist order and/or restoration or replacement order has not been complied with. This plan envisions local governments providing information that has been generated through these existing mechanisms. Also, LGU's will be consulted and kept informed throughout the process, and will be involved in monitoring compliance.

Forgivable vs. Non-forgivable Administrative Penalty Orders.

An APO may include a monetary penalty that is either forgivable or non-forgivable in whole or in part. As stated above, the primary purpose of an APO is to achieve compliance. With this in mind, and as required by statute, the Executive Director will forgive a penalty if the violation is corrected within a specified period of time. However, for a repeated or serious violation, the penalty will not be forgiven, even if it is corrected within the specified period of time.

ADMINISTRATIVE PENALTY ORDER PROCESS.

(A). Identification of non-compliance.

An APO may be considered when BWSR staff are informed of non-compliance with a restoration or replacement order by a WCA LGU, soil and water conservation district and/or a law enforcement officer. The regional senior wetland specialist will be the first point of contact for all potential APO's.

(B). Review/Evaluate Evidence and Enforcement Options.

The regional wetland specialist or board conservationist will consult with the enforcement authority and make an initial recommendation on whether to consider pursuing an APO to the regional senior wetland specialist. If the regional wetland specialist or board conservationist and enforcement authority recommend an APO, they will forward all relevant information and records to the senior wetland specialist.

As discussed below, the preference for achieving compliance is for the county attorney to criminally prosecute. However, where the circumstances of the violation indicate that prosecution may not be the most effective route to achieve compliance, an APO may be pursued instead of prosecution.

The information that should be part of the APO record may include an LGU decision, a cease and desist order, the restoration or replacement order, and any other information that the LGU and law enforcement officer have that may be useful in deciding whether to pursue an APO. After collecting this information, the regional senior wetland specialist will consult with the Regional Supervisor and WCA Coordinator regarding the noncompliance case. The WCA Coordinator will, in turn, consult with the Attorney General's Office.

In addition, consultation with the enforcement authority is essential to ensure that the appropriate method is selected to achieve the goal of compliance. By the time a landowner or responsible party has not complied with a restoration or replacement order, their option to apply to the WCA LGU for after the fact approval no longer exists, and the only option is rectification of the impact. The options, in order of preference, are:

(1) the county attorney criminally prosecute;
(2) BWSR issue an APO; or
(3) agency initiated civil suit to compel compliance with the cease and desist order or restoration or replacement order.

Options (1) and (2) may be combined when the violation is serious or the landowner or responsible party is a repeat violator.

The final recommendation to pursue an APO will be made by the WCA Coordinator in consultation with the regional supervisor, senior wetland specialist where the APO originated, and Attorney General staff. The WCA Coordinator will become the lead staff for all APO's and

will maintain communication of the status of APO's with the Land and Water Section Manager, regional supervisor, and regional wetland specialist.

After review of the enforcement options is complete, and after review by the Executive Director, the following three options will be considered:

1. Based on the evidence do not continue with the APO process;
2. Continue with the APO process by issuing a non-compliance notification as provided for in (B) below; or
3. Continue with the APO process, by directly issuing the APO as provided for in (D), without first issuing a non-compliance notification.

The county attorney will be consulted on potential application of an APO on a case-by-case basis. The decision to consult with the county attorney will be based on the facts of the situation and to ensure that the appropriate enforcement mechanism is selected to address the violation.

(C). Non-Compliance Notification.

If option 2 outlined in (B) selected, the landowner or responsible party may receive a letter that includes the following:

(1) the history and facts regarding the violation;
(2) BWSR's authority to issue an APO;
(3) a statement that failure to comply with the restoration or replacement order may result in an APO.

The letter will include a request for a response in writing from the landowner or responsible party within ten working days from the day the letter is sent. An effective response will provide for compliance within 31 days of the receipt of the letter or that appropriate steps have been taken to comply with the restoration or replacement order and correct the violation. An effective response will not result in an APO. No response in writing, or failure to complete the compliance by the specified date will result in issuing an APO. The technical evaluation panel will be responsible, via monitoring and inspections, to determine if compliance has been achieved.

(D). Administrative Penalty Order.

A landowner or responsible party who fails to comply with a cease and desist order or restoration or replacement order may be issued an APO. An APO may be issued after or in the absence of a non-compliance notification. The APO will be issued by the Executive Director and must contain the following:

- a concise statement of the facts alleged to constitute a violation;
- a reference to the statute, rule, ordinance, variance, order, or term or condition of a permit that has been violated;
- specify that compliance with WCA requirements is required in addition to any penalty that may be imposed;
- a statement of the amount of the administrative penalty to be imposed and the factors upon which the penalty is based; and

- a statement of the landowner or responsible party's right to request an expedited administrative hearing to review the order.

(E). Amount of Penalty-Initial Violations.

The Executive Director may issue an APO assessing a penalty of up to $10,000 for all violations identified during an inspection or compliance review. The amount of the penalty will be determined by the WCA coordinator in consultation with the regional senior wetland specialist, and regional supervisor as established in (M) and may be based on the following factors:

- the willfulness of the violation;
- the gravity of the violation, including damage to humans, animals, air, water, land, or other natural resources of the state;
- the history of past violations;
- the number of violations;
- the economic benefits gained by the landowner or responsible party by allowing or committing the violations; and
- other factors as justice may require, if the additional factors are specifically identified in the APO.

In addition to the above factors, the following additional factors may be considered when the penalty amount is determined:

- the efforts of the landowner or responsible party to comply with the cease and desist order or restoration or replacement order;
- the size of the impact;
- the function of the wetland prior to the impact; and
- the ability to restore the site of the violation to its pre-impact condition.

(F). Amount of Penalty-Repeat Violations.

For violations after an initial violation, in determining the amount of the penalty, the factors identified for an initial violation must be considered, as well as the following:

- similarity of the most recent previous violation and the violation to be penalized;
- time elapsed since the last violation;
- number of previous violations; and
- response of the landowner or responsible party to the most recent previous violation identified.

(G). Forgivable Penalties.

Except for repeated or serious violations, the penalty assessed must be forgiven if:

- the landowner or responsible party demonstrates, in writing, before the 31st day after receiving the APO, that the violation has been corrected; or

- before the 31st day after receiving the APO, the landowner or responsible party has developed a corrective plan acceptable to the Executive Director, and has accomplished the restoration by the date designated in the approved plan.

Compliance Determination.
The Executive Director will determine whether the violation has been corrected and notify the landowner or responsible party of this determination. The technical evaluation panel will advise the Executive Director in making this determination. The penalty will be forgiven in accordance with the following requirements:

- within 31 days the landowner or responsible party must provide information demonstrating that the violation has been corrected or that appropriate steps have been taken to comply with the restoration or replacement order and correct the violation. A corrective plan will only be acceptable if the Executive Director determines that the violation cannot be corrected within 30 days. A corrective plan must be in writing, in a form acceptable to the Executive Director, and developed in consultation with the LGU and enforcement authority.
- the Executive Director will review and evaluate all information obtained by BWSR staff, local governments including the technical evaluation panel, and law enforcement officials in evaluating whether a restoration or replacement order has been complied with and a violation corrected.
- the Executive Director will mail notice of the determination of compliance within 15 days of the receipt of the information that documents compliance.
- the corrective plan will not be approved unless the landowner or responsible party acknowledges that forgiveness of the penalty is contingent on a timely completion of the corrective action contained in the plan. The penalty will not be forgiven if the corrective action plan is not completed within the specified time period.

Failure to Comply.
Unless the landowner or responsible party requests an expedited administrative hearing or district court hearing, as provided for under Minn. Stat. 116.072, subd. 6, the forgivable penalty is due and payable on the 31st day after the landowner or responsible party received the APO if:

- the landowner or responsible party fails to provide information demonstrating that the violation has been corrected; or
- the landowner or responsible party has not taken appropriate steps toward correcting the violation.

If the landowner or responsible party has submitted information that the Executive Director determines is not sufficient to show that the violation has been corrected or that appropriate steps have been taken toward correcting the violation, the forgivable penalty is due on the 20th day after the landowner or responsible party receives this determination, unless the landowner or responsible party has requested an expedited administrative hearing or district court hearing.

Interest.
Interest, at the rate established by the State court administrator pursuant to Minn. Stat. 549.09, begins to accrue on forgivable penalties on the 31st day after the landowner or responsible party

received the APO. However, interest will be abated if the Executive Director cannot determine compliance within ten working days after the expiration of the 31st day period.

(H). Non-forgivable Penalties.

The Executive Director may assess a non-forgivable penalty for repeated or serious violations. This penalty will not be forgiven even if the violation is corrected. Under, Minn. Stat. 116.072, subd. 5, a non-forgivable APO is due 31 days after the landowner or responsible party receives the APO, unless an expedited administrative hearing or district court hearing is requested as provided under Minn. Stat. 116.072, subd. 6

Because of the seriousness and finality of a non-forgivable APO, the Executive Director will provide notice of the violation and an opportunity for response by the landowner or responsible party before issuing a non-forgivable APO. The Executive Director will send a letter to the landowner or responsible party requesting, within 10 days, any information that may have a bearing on the Executive Director's determination. In addition, BWSR staff may contact the landowner or responsible party to explain the violation and ask about factual issues. In all cases, the Executive Director will consider the response of the landowner or responsible party before issuing a non-forgivable APO.

Serious Violations.
Serious violations include conduct showing a disregard of requirements or standards of the WCA, or present an actual or potential danger to public health or safety. Within this scope of serious violations, BWSR will develop a list of program specific examples that will be attached to this plan as future guidance.

Repeat Violations.
For a violation to be considered repeat, a violation must be of a similar type as the prior violation, although the facts need not be identical. A repeat violation may be based on a variety of prior enforcement actions. The Executive Director may determine that a violation is a repeat violation if a similar violation occurs after any of the following actions:

- a permit has been issued, whether all conditions have been complied with or not;
- failure to comply with a restoration or replacement order, agreement, or other corrective plan of action;
- a forgivable APO where a correction was made;
- a forgivable APO where a correction was not made and a penalty was assessed;
- a non-forgivable APO; or
- any other violation for which notice has been given to the landowner or responsible party for a violation of the WCA.

A repeat violation may be based on the same conduct that led to the initial violation. For example, if a landowner or responsible party who received a forgivable APO fails to correct a violation after an initial restoration or replacement order and the site is subsequently inspected and the violation is identified, this would be considered a repeat violation and may be subject to a non-forgivable APO. The fact that a landowner or responsible party appeals a prior penalty amount will not prejudice the determination of a current penalty amount.

Compliance with Restoration Order.
The APO assessing a non-forgivable penalty may also include the requirement that the violation cited in the APO be corrected within 30 days. A landowner or responsible party who receives such an APO must correct the violation within 30 days, unless the Executive Director issues a written extension. The landowner or responsible party must promptly provide evidence to the Executive Director that the violation has been corrected, including any evidence that is reasonably requested by the Executive Director. Compliance with the cease and desist order or restoration or replacement order does not relieve the landowner or responsible party of the duty to pay the non-forgivable penalty. Failure to correct violations may be grounds for an additional APO or other enforcement action.

Penalty due.
Unless the landowner or responsible party requests an expedited administrative hearing or district court hearing, the non-forgivable penalty is due and payable on the 31st day after the APO was received regardless of whether the landowner or responsible party has corrected the violation as required by the APO.

Interest.
Interest, at the rate established by the State court administrator pursuant to Minn. Stat. 549.09, begins to accrue on non-forgivable penalties on the 31st day after the landowner or responsible party receives the APO. However, interest will be abated if the Executive Director cannot determine compliance within ten working days after the expiration of the 31st day period.

(I). Combination Violations.

A combination APO may be issued when the case includes both forgivable and non-forgivable violations. In determining which violations are forgivable and which are non-forgivable, and in determining the penalty amounts, the factors included in sections E, F, G, and H will be considered.

As in the case of a non-forgivable APO, the Executive Director will send the landowner or responsible party a letter requesting a response within ten days before issuing a combination APO and request any information relating to the violation unless a meeting or other communication has occurred relating to the violation.

The forgivable penalty portion of the combination APO is due and interest owed as provided for in G. The non-forgivable penalty portion of the combination APO is due and interest owed as provided for in H.

(J). Referral for Collection of Penalty.

All penalties, interest, costs, attorney fees and litigation expenses collected under an APO or the enforcement of an APO must be paid by the landowner or responsible party within a specified time by certified or cashiers check made payable to the Minnesota Board of Water and Soil Resources. Any penalties, interest, costs, attorney fees and litigation expenses not timely remitted may be collected using lawful means as determined to be efficient and cost effective, including the Minnesota Revenue Recapture Act, Minn. Stat. 270A.01 to 270A.12. In addition, or alternatively, the matter may be referred for collection to the Attorney General's Office.

(K). Compliance Verification and Documentation.

BWSR staff, WCA LGU staff, soil and water conservation districts, DNR conservation officers, and local law enforcement will monitor and document the compliance status of violations subject to an APO. This monitoring and documentation will be similar to that carried out for WCA decisions, cease and desist orders and restoration or replacement orders issued by law enforcement officers.

BWSR will coordinate compliance verification and communicate compliance status to the landowner or responsible party.

(L). Hearing Requests.
A landowner or responsible party that has received an APO has the right to challenge the APO by requesting an expedited administrative hearing or district court hearing. The deadline for requesting a expedited administrative hearing varies depending on whether the APO is forgivable, non-forgivable, or a combination of both.

Forgivable APO's.
A landowner or responsible party of a forgivable APO may request a hearing as follows:

- the landowner or responsible party who received a forgivable APO and fails to provide information showing the violation has been corrected or fails to submit a corrective plan, has 30 days from receipt of the APO; or

- if a landowner or responsible party who received a forgivable APO provides information showing the violation has been corrected or submits a corrective plan, and if the landowner or responsible party receives notice that the violation has not been corrected or an appropriate plan has not been approved, then the landowner or responsible party has 20 days after receiving this notice to request a hearing on the determination of the inadequacy of the corrective plan.

Non-forgivable APO's.
The landowner or responsible party may request a hearing on the penalty provided for in a nonforgivable APO within 30 days from receipt of the APO. A hearing on the adequacy of the corrective plan required in the nonforgivable APO may be requested as follows:

- the landowner or responsible party of a non-forgivable APO who fails to provide information showing the violation has been corrected or fails to submit a corrective plan has 30 days from receipt of the APO; or
- if a landowner or responsible party of a non-forgivable APO provides information showing the violation has been corrected or submits a corrective plan, and if the landowner or responsible party receives notice that the violation has not been corrected or an appropriate plan has not been approved, then the landowner or responsible party has 20 days after receiving notice to request a hearing on the determination of the inadequacy of the corrective plan.

Combination APO's.

The landowner or responsible party may request a hearing on the non-forgivable portion of the combination APO within 30 days from receipt of the combination APO. The landowner or responsible party of a combination APO may (1) request a hearing on the forgivable portion of the APO, or (2) on the corrective action required in the APO, or both, then the landowner or responsible party has the following options:

- the landowner or responsible party who received a forgivable APO and fails to provide information showing the violation has been corrected or fails to submit a corrective plan, has 30 days from receipt of the APO; or
- if a landowner or responsible party who received a forgivable APO provides information showing the violation has been corrected or submits a corrective plan, and if the landowner or responsible party receives notice that the violation has not been corrected or an appropriate plan has not been approved, then the landowner or responsible party has 20 days after receiving notice to request a hearing on the determination of the inadequacy of the corrective plan.

Hearing Requirements and Process.

All hearing requests must specifically state the reasons for seeking review of the APO. The landowner or responsible party must be notified of the time and place of the hearing at least 20 days before the hearing. The hearing must be held within 30 days after a request for hearing has been filed with BWSR, unless the parties to the hearing agree to a later date. An administrative law judge (ALJ) from the Office of Administrative Hearings will conduct the hearing. The procedures for the hearing are provided for in Minnesota Rules, parts 1400.8510 to 1400.8612.

At the hearing, both the landowner or responsible party and the Executive Director will have an opportunity to present evidence. Any individual wishing to submit written arguments to the ALJ must do so within ten days of the hearing. The ALJ must issue a report making recommendations within 30 days after the close of the hearing record. After the ALJ's report is received, the landowner or responsible party has five days in which to submit comments to be considered by the Dispute Resolution Committee (DRC) before a final APO is issued. If the ALJ makes a finding that the hearing request was frivolous, the DRC may add to the amount of the penalty the costs charged to BWSR by the Office of Administrative Hearings.

After receipt of the ALJ's report, the DRC will review the report and make a recommendation to the Board if the APO should be issued in its original form, in a revised form, or not at all. The Board will consider the recommendation of the DRC at its first meeting following the DRC meeting.

The landowner or responsible party who received the final APO may appeal it to the Minnesota Court of Appeals. If the landowner or responsible party does not appeal the final APO, or the APO is reviewed and upheld by the Minnesota Court of Appeals, then the landowner or responsible party must pay the amount of the penalty plus interest accruing from 31 days after the landowner or responsible party received the original APO.

(M). Role of the Dispute Resolution Committee.

To provide for the issuance of an unbiased final APO, BWSR has a procedure for separating persons involved in the issuance of the APO from persons involved in consideration of an appeal through the expedited administrative hearing process.

The regional supervisor and senior wetland specialist where the APO originated, the WCA Coordinator and Attorney General staff involved in the issuance of the APO will defend the Executive Director if there are any requests for an expedited administrative review. In addition, these individuals will conduct any meetings with the landowner or responsible party.

The Assistant Director for Policy and Programs, an attorney from the Attorney General's Office, the appeals coordinator, and a senior wetland specialist from a different region from where the APO originated will advise the Dispute Resolution Committee (DRC).

The only contact the individuals involved in issuing the APO will have with the DRC regarding the merits of the case, until the DRC's decision is issued and the appeal process has concluded or the time for appeal has expired, will be through the adversarial process in conjunction with the contested case proceedings with contemporaneous notice to the landowner or responsible party who received the APO.

To preserve its independence, the individuals who advise the DRC must have no ex parte discussions with the individuals involved in issuing the APO, other program staff, or attorney's representing individuals involved in issuing the APO (discussions without the landowner or responsible party or representatives of the landowner or responsible party present) of the case until the appeal process has expired.

(N). Mediation.

All contested cases will be conducted and decided according to the Administrative Procedures Act (Minn. Stat. Chapter 14). As an alternative to initiating or continuing with a contested case hearing, the parties, subsequent to BWSR approval, may enter into a written agreement to submit the issues raised to arbitration by an ALJ.

(O). Collection; District Court Petition.

BWSR may request the Attorney General to enforce penalties that are due and payable in any manner provided by law for the collection of debts and may bring a civil action in district court seeking payment of the penalties, injunctive or other appropriate relief including attorney's fees, costs and interest. The Attorney General may petition the district court to file the APO as an order of the court. At any court hearing the only issues a landowner or responsible party may contest are procedural and notice issues. Once entered, the APO may be enforced in the same manner as a final judgment in district court. In any judicial action brought by the Attorney General, if the State finally prevails and if the proven violation was willful, the State may be allowed an amount determined by the court to be reasonable value of all or part of the litigation expenses incurred by the State. In determining the amount, the court will give consideration, in addition to other penalties, to the economic circumstances of the defendant.

Appendix 1: Anticipated APO Use and Projected Costs

A. Anticipated Use.

This plan proposes to consider use of an APO to seek compliance for a WCA violation, only after existing enforcement mechanisms have been employed. According to discussions with Department of Natural Resources Enforcement Division staff, fewer than 1% of all wetland impacts where a cease and desist order has been issued result in the county attorney considering or seeking prosecution.

According to data provided by DNR-Division of Enforcement, the following number of WCA related cease and desist order and restoration or replacement orders were issued:

	2005	2006	Totals
Cease and Desist Orders	309	567	876
Restoration Orders	139	231	370
Totals	448	798	1246

This data indicates, that if BWSR had APO authority in 2005 and 2006, this enforcement process would have been considered for use in approximately 3 and 6 enforcement cases respectively. Specific circumstances on the ground may increase or decrease this estimation, but for planning purposes, BWSR will anticipate use of this APO authority up to 10 times annually. However, if the current use of prosecution changes, these estimates of possible APO use may be increased.

B. Cost.

The process for developing and carrying forward an APO is extensive, and will involve a number of BWSR staff. The costs associated with an APO may include those incurred by the following:

- LGU
- DNR-Enforcement
- Attorney General
- BWSR Staff
- BWSR Board
- BWSR Dispute Resolution Committee
- Administrative Law Judge

Additional costs for LGUs and DNR should be minimal, however, BWSR's additional costs in staff time, board expenses, and administrative law judge time could be considerable. Total BWSR staff time is estimated to range from 40 hours for violations resolved with the notification letter, to over 200 hours for APOs that go to a hearing before an administrative law judge. In addition, BWSR will be required to pay for the administrative law judge. The Pollution Control Agency currently pays approximately $5,000 per appeal for administrative law judge services. BWSR will closely track time required to fulfill the procedural requirements of the APO process.

Appendix 2: Administrative Penalty Order (APO) Penalty Calculation Guidance

A. Introduction.

This guidance is to be used when calculating the amount of a penalty for inclusion in an APO issued under Minn. Stat. 103B.101, subd. 12 and 116.072. The calculation of a penalty is a discretionary act based on an evaluation of the facts of each case under the criteria for penalty assessment listed in Minn. Stat. 116.072. When the circumstances are appropriate, staff may deviate from these guidelines in whole or in part when recommending a penalty amount to the Executive Director.

Outline of Penalty Calculation Process

Step 1: Determine the past and present violations.

Step 2: Determine whether the violation(s) is(are) serious

Step 3: Determine whether the violation(s) is(are) repeated.

Step 4: Calculate the base penalty.

Step 5: Consider the following adjustments for each violation(s):
- (a) the willfulness/culpability of the violations(s).
- (b) history of past violation(s), including:
  - (i) similarity to previous violation(s).
  - (ii) time elapsed since last violation(s)
  - (iii) number of previous violation(s).
  - (iv) response to most recent violation(s)
- (c) other factors justice may require.
- (d) economic benefit.

Step 6: Determine whether the penalty is forgiveable or nonforgiveable.

Step 7: Reduce the penalty, if necessary to $10,000.

Explanations for specific adjustments and determinations used in individual adjustments will be included in the penalty calculation worksheet.

Step 1: Determine the past and present violations.

The past and present violations should be listed and described. Include the citation number and a short description of the WCA rule provision that applied to the case.

Step 2: Determine whether the violation(s) is(are) serious.

Serious violations include conduct showing a disregard of requirements or standards of the WCA, or present an actual or potential danger to public health or safety. Within this scope of

serious violations, BWSR will develop a list of program specific examples that will be attached to this plan as future guidance.

Step 3: Determine whether the violation(s) is(are) repeated.

The violation may be repeated if the landowner or responsible party has previously violated one or more statutes or rules. For a violation to be considered repeat, a violation must be of a similar type as the prior violation, or be based on the same conduct that led to the prior violation, although the facts need not be identical. The enforcement document or basis for any previous violations should also be listed.

A violation should generally be considered "similar" if the BWSR's or another regulatory agency's previous enforcement response would have alerted the individual of a similar compliance problem. A repeat violation may be based on a variety of prior enforcement actions. A violation is a may be a "similar violation" when:

1. The same or similar requirement, permit, statute or rule was violated.
2. The same process requirements were the source of related violations.
3. A similar act or omission was the basis of the violation.

For the purpose of "repeat" or "history of" violations, the prior violation may include an act or omission for which a formal or informal enforcement response occurred. The "repeat" or "history of" violations include acts or omissions where the violator has been given written, or in limited instances, verbal notification that the MPCA has found that a violation exists. Written notification is helpful, but not always necessary.

In the case of large corporations with many divisions or wholly owned subsidiaries, it is sometimes difficult to determine whether a previous instance of non-compliance should trigger a consideration of "repeat" or "history of" violations. Changed business ownership often raises similar problems. In making this determination, the lead staff person should ascertain who in the organization had control or oversight responsibility for violating conduct. In those cases, the violation should be considered part of the compliance history of the landowner or responsible party. It is important to note, however, that the repeat/history determination will be more difficult in these cases because responsibility can appear tom be diluted when it involves more than one individual. As always, BWSR considers the totality of the circumstances, case by case.

Step 4: Calculate the base penalty.

The following matrix should be used to determine the base penalty. The gravity of the violations(s) is used to determine the base penalty. Gravity is determined by the potential for harm (the vertical axis of the matrix) and the deviation from compliance (the horizontal axis) of the matrix). The violation's potential for harm is determined first, then its deviation from compliance. Each violation is rated on each axis as either major, moderate or minor (i.e., major is highest level of gravity, then moderate, and then minor). Violations can then be identified by their location on the matrix (i.e., a moderate, major violation would mean that the potential for harm is moderate and the deviation from compliance is major).

Note that since each case is determined on its own unique circumstances, in some cases the same types of violations may not result in identical gravity determinations.

When more than one violation has been found, a separate penalty may be calculated for each violation, and those penalties are added together for the total base penalty. If the cited violations are similar, or each individual violation stems from similar causes, for purposes of determining the Base Penalty the violations may be considered together. In this case, the penalty will take into consideration the number and severity of violations being grouped together.

		Deviation from Compliance	
		Moderate	Major
Potential For Harm	Major	$8,000 to $3,500	$10,000 to $5,000
	Moderate	$3,500 to $1,000	$5,000 to $2,000
		{Base Penalty Range}	

When calculating the ***potential for harm*** to humans, animals, and natural resources, consideration should be given to the risk of actual harm caused by the violation(s). Further, when actual harm from a violation is observed, the potential for harm has been realized and the rating may reflect this fact.

When calculating the ***deviation from compliance***, consideration should be given to the quantity or extent of the violation (i.e. how much, how far) or the extent to which the landowner or responsible party attempted to prevent the violation. When the position of the violation in the matrix is established, then determine the base penalty from within the applicable range. The amount chosen is discretionary because the matrix is intended to be only a guide.

The number of violations is given consideration by individual application of the violations to the matrix or if grouping similar violations be considering the number or violations in the group and making an appropriate adjustment to the deviation from compliance and potential for harm axes.

Step 5: Consider the following adjustments for each violation(s):

Adjustments to the base penalty may be calculated using a percentage of the base penalty in increments of 5% ranging from 0-100%. Most enforcement cases should not result in any adjustment over 50%, but an unlimited percentage range allows for case-by-case flexibility and options for dealing with egregious violations or situations.

(a) The willfulness/culpability of the violations(s).

If the violation seems willful/culpable, an upward adjustment may be warranted. A violation is willful/culpable if:

- the conduct was apparently performed with knowledge that it was illegal;

- the landowner or responsible party should have reasonably known that the conduct was illegal; or
- the landowner or responsible party apparently proceeded with indifference or recklessness as to whether the conduct was illegal.

In addition, to consideration of behavior when committing the violation, consideration should also be given to the landowner or responsible party's response to BWSR after BWSR begins to seek compliance.

(b) History of past violation(s) (including).

The following adjustments are for any documented violations or previously communicated instances of noncompliance, whether or not the previous violations resulted in an enforcement action.

(i) Similarity to previous violation(s).

Determine the extent to which the current violation to be penalized is similar to the previous violation. An appropriate upward adjustment should correspond to the degree of similarity between the current violation and previous violation(s).

(ii) Time elapsed since last violation(s).

An increase in the penalty may be appropriate based on the time elapsed since the most recent previous violation. The more recent the last violation, the greater the penalty increase may be. Note: The statute of limitations does not limit consideration of older enforcement history, rather, less weight should be given to older violations.

(iii) Number of previous violation(s).

An increase in the penalty may be appropriate based on whether there are previous violations. The more previous violations, the greater the penalty increase may be.

(iv) Response to most recent violation(s)

Under this section, the penalty may be increase or reduced based on the response of the landowner or responsible party to the most recent violation.

Therefore, factors that should be considered in applying a particular percentage are the following:

1. How similar is the current violation to the most previous violation?
2. How recent was any previous violation?
3. How many previous violations are there?
4. How has the individual responded to the most recent previous violation?

One or more of the above factors may have a cumulative affect upon the enhancement if warranted by the violation.

The range of percentages of the history is 0% to 100% depending upon the circumstance. The continuum applies because BWSR has the discretion to decide which factors are appropriate and when one or more factors should be considered together.

(c) Other factors justice may require.

Individual cases raise unique facts and issues. Under this section, as adjustment to the base penalty may be made based on this unique facts and issues. Under this section the penalty may be enhanced or mitigated based on the applicable "other factors". If the adjustment of the base penalty is based in while or in part on "other factors as justice may require" then the factors must be specifically identified in the APO. If the landowner or responsible party refuses to respond to BWSR notices or calls or refuses to take any corrective action, such behavior may warrant an increased penalty. However, prompt response to violations is expected and therefore does not warrant a decrease in penalty.

(d) Economic benefit.

In order for a penalty to be an effective deterrent and in order to ensure that a landowner or responsible party does not benefit from violating the WCA, the penalty amount must address the economic benefit the violator realized from the noncompliance. Economic benefit typically results from delayed costs, avoided costs and/or competitive advantage of noncompliance.

Every reasonable effort should be made to calculate and recover the economic benefits of noncompliance in an enforcement action that includes a civil penalty. If possible, the economic benefit should be calculated from the start of noncompliance up to the point when the facility was or will be in compliance.

Step 6: Determine whether the penalty is forgiveable or nonforgiveable.

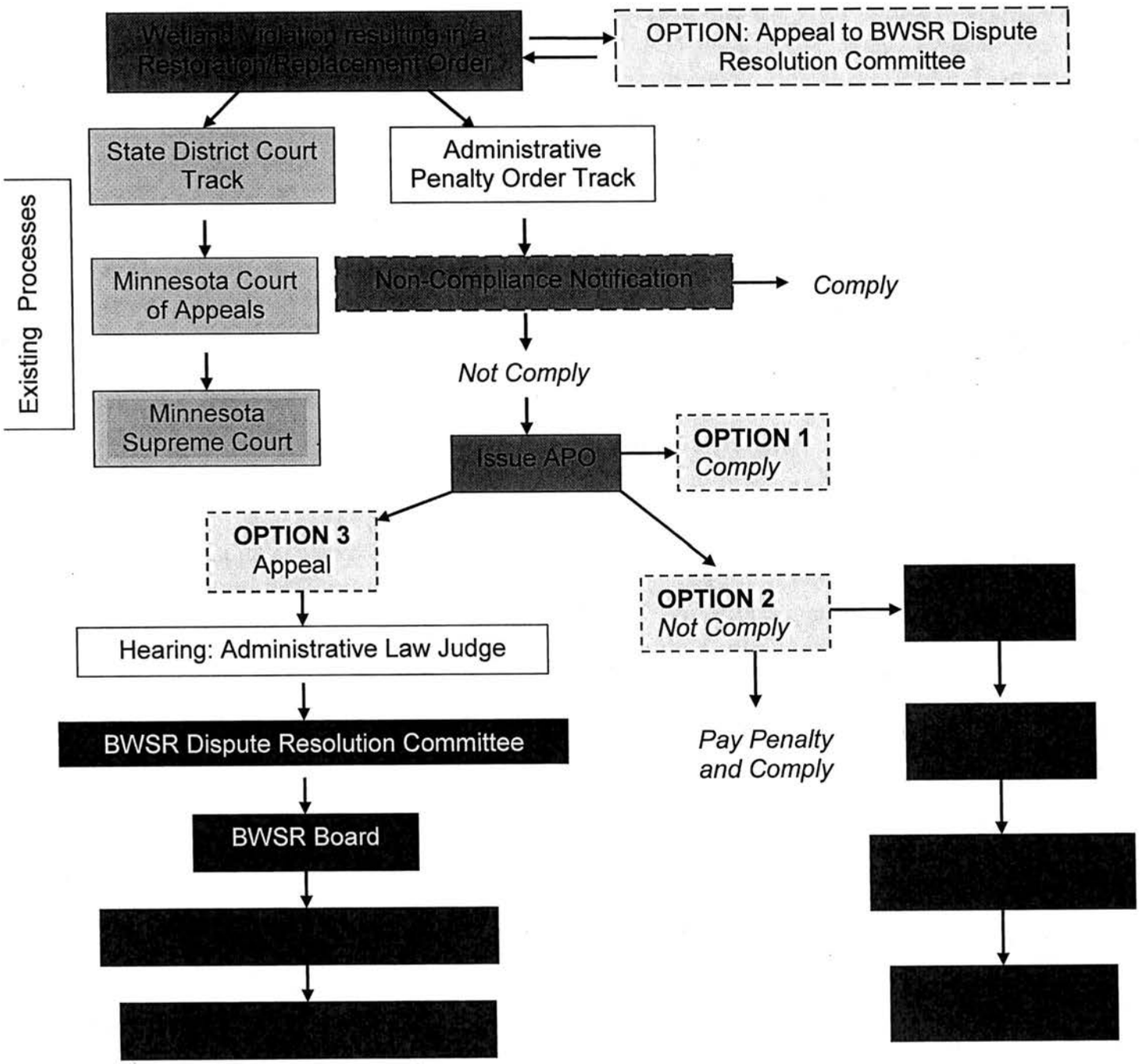
If a violation is neither repeated nor serious, then the penalty must be forgivable. If the violation is serious or repeated or both, then the penalty may be nonforgivable. In some instances, a forgivable penalty will give the landowner or responsible party adequate incentive to take corrective action. In other cases, a nonforgivable penalty may be necessary to deter the landowner or responsible party or others from such conduct.

Step 7: Reduce the penalty, if necessary to $10,000.

Statute limits the penalty to a maximum of $10,000, therefore the base penalty plus any adjustments cannot result in a penalty above this amount.

Appendix 3: WCA ADMINISTRATIVE PENALTY ORDER PROCESS

For enforcement of the Wetland Conservation Act, Mn Rule 8420,
as provided under M.S. 116.072

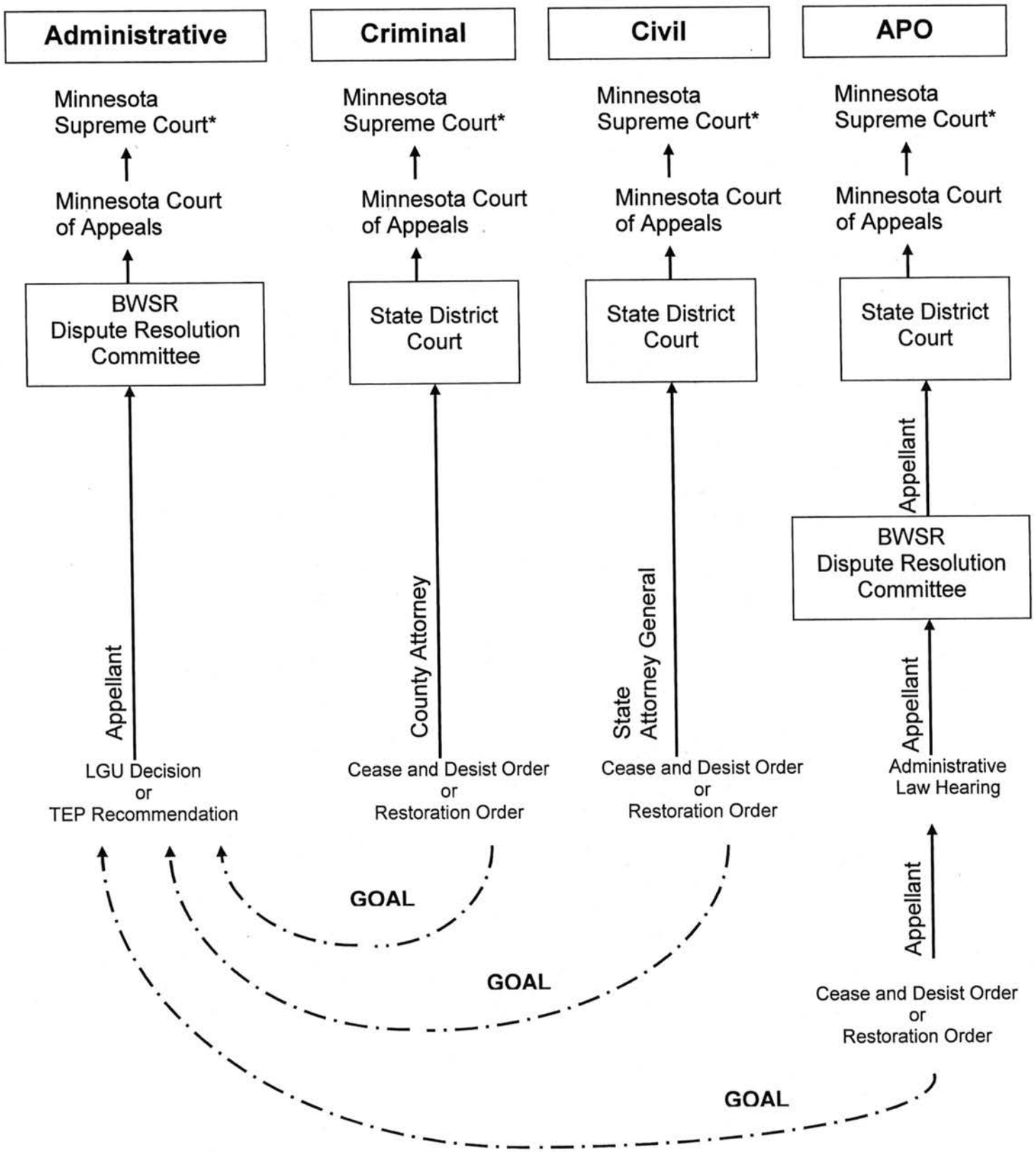


Green = Staff Decisions
Blue = Board Decisions
Red = Court/Couty Attorney or Attorney General Decisions
= Landowner Decisions

Comply/Not Comply refers to the enforcement order and/or the regulatory requirements of the WCA

Appendix 4: WETLAND CONSERVATION ACT

Four Tracks for Dispute / Violation Resolution



* The MN Supreme Court is not obligated to hear a case appealed from a lower court.

Appendix 5: Administrative Penalty Order Statutes

LAWS OF MINNESOTA 2007, CHAPTER 57

Sec. 103. Minnesota Statutes 2006, section 103B.101, is amended by adding a subdivision to read:

Subd. 12. **Authority to issue penalty orders.** (a) The board may issue an order requiring violations to be corrected and administratively assessing monetary penalties of up to $10,000 per violation for violations of this chapter and chapters 103C, 103D, 103E, 103F, and 103G, any rules adopted under those chapters, and any standards, limitations, or conditions established by the board.

(b) Administrative penalties issued under paragraph (a) may be appealed according to section 116.072, if the recipient of the penalty requests a hearing by notifying the commissioner in writing within 30 days after receipt of the order. For the purposes of this section, the terms "commissioner" and "agency" as used in section 116.072 mean the board. If a hearing is not requested within the 30-day period, the order becomes a final order not subject to further review.

(c) Administrative penalty orders issued under paragraph (a) may be enforced under section 116.072, subdivision 9. Penalty amounts must be remitted within 30 days of issuance of the order.

EFFECTIVE DATE. This section is effective the day following final enactment.

MINNESOTA STATUTES 116.072 ADMINISTRATIVE PENALTIES.

Subdivision 1. **Authority to issue penalty orders.** (a) The commissioner may issue an order requiring violations to be corrected and administratively assessing monetary penalties for violations of this chapter and chapters 114C, 115, 115A, 115D, and 115E, any rules adopted under those chapters, and any standards, limitations, or conditions established in an agency permit; and for failure to respond to a request for information under section 115B.17, subdivision 3. The order must be issued as provided in this section.

(b) A county board may adopt an ordinance containing procedures for the issuance of administrative penalty orders and may issue orders beginning August 1, 1996. Before adopting ordinances, counties shall work cooperatively with the agency to develop an implementation plan for the orders that substantially conforms to a model ordinance developed by the counties and the agency. After adopting the ordinance, the county board may issue orders requiring violations to be corrected and administratively assessing monetary penalties for violations of county ordinances adopted under section 400.16, 400.161, or 473.811 or chapter 115A that regulate solid and hazardous waste and any standards, limitations, or conditions established in a county license issued pursuant to these ordinances. For violations of ordinances relating to hazardous waste, a county's penalty authority is described in subdivisions 2 to 5. For violations of ordinances relating to solid waste, a county's penalty authority is described in subdivision 5a. Subdivisions 6 to 11 apply to violations of ordinances relating to both solid and hazardous waste.

(c) Monetary penalties collected by a county must be used to manage solid and hazardous waste. A county board's authority is limited to violations described in paragraph (b). Its authority to issue orders under this section expires August 1, 1999.

Subd. 2. **Amount of penalty; considerations.** (a) The commissioner or county board may issue an order assessing a penalty up to $10,000 for all violations identified during an inspection or other compliance review.

(b) In determining the amount of a penalty the commissioner or county board may consider:
(1) the willfulness of the violation;
(2) the gravity of the violation, including damage to humans, animals, air, water, land, or other natural resources of the state;
(3) the history of past violations;
(4) the number of violations;
(5) the economic benefit gained by the person by allowing or committing the violation; and
(6) other factors as justice may require, if the commissioner or county board specifically identifies the additional factors in the commissioner's or county board's order.
(c) For a violation after an initial violation, the commissioner or county board shall, in determining the amount of a penalty, consider the factors in paragraph (b) and the:
(1) similarity of the most recent previous violation and the violation to be penalized;
(2) time elapsed since the last violation;
(3) number of previous violations; and
(4) response of the person to the most recent previous violation identified.

Subd. 3. **Contents of order.** An order assessing an administrative penalty under this section shall include:
(1) a concise statement of the facts alleged to constitute a violation;
(2) a reference to the section of the statute, rule, ordinance, variance, order, stipulation agreement, or term or condition of a permit or license that has been violated;
(3) a statement of the amount of the administrative penalty to be imposed and the factors upon which the penalty is based; and
(4) a statement of the person's right to review of the order.

Subd. 4. **Corrective order.** (a) The commissioner or county board may issue an order assessing a penalty and requiring the violations cited in the order to be corrected within 30 calendar days from the date the order is received.
(b) The person to whom the order was issued shall provide information to the commissioner or county board before the 31st day after the order was received demonstrating that the violation has been corrected or that appropriate steps toward correcting the violation have been taken. The commissioner or county board shall determine whether the violation has been corrected and notify the person subject to the order of the commissioner's or county board's determination.

Subd. 5. **Penalty.** (a) Except as provided in paragraph (b), if the commissioner or county board determines that the violation has been corrected or appropriate steps have been taken to correct the action, the penalty must be forgiven. Unless the person requests review of the order under subdivision 6 or 7 before the penalty is due, the penalty in the order is due and payable:
(1) on the 31st day after the order was received, if the person subject to the order fails to provide information to the commissioner or county board showing that the violation has been corrected or that appropriate steps have been taken toward correcting the violation; or
(2) on the 20th day after the person receives the commissioner's or county board's determination under subdivision 4, paragraph (b), if the person subject to the order has provided information to the commissioner or county board that the commissioner or county board determines is not sufficient to show the violation has been corrected or that appropriate steps have been taken toward correcting the violation.
(b) For a repeated or serious violation, the commissioner or county board may issue an order with a penalty that will not be forgiven after the corrective action is taken. The penalty is due by 31 days after the order was received unless review of the order under subdivision 6, 7, or 8 has been sought.

(c) Interest at the rate established in section 549.09 begins to accrue on penalties under this subdivision on the 31st day after the order with the penalty was received.

Subd. 5a. **County penalty authority for solid waste violations.** (a) A county board's authority to issue a corrective order and assess a penalty for all violations relating to solid waste that are identified during an inspection or other compliance review is as described in this subdivision. The model ordinance described in subdivision 1, paragraph (b), must include provisions for letters or warnings that may be issued following the inspection and before proceeding under paragraph (b).

(b) For all violations described in paragraph (a), a county attorney or county department with responsibility for environmental enforcement may first issue a notice of violation that complies with the requirements of subdivision 4, except that no penalty may be assessed unless, in the opinion of the county board, the gravity of the violation and its potential for damage to, or actual damage to, public health or the environment is such that a penalty under paragraph (c) or (d) is warranted. In that case the county attorney or department may proceed directly to paragraph (c) or (d).

(c) If the violations are not corrected, if appropriate steps have not been taken to correct them, or if the county board has determined that the gravity of the violations are such that action under this paragraph is warranted, a county board may issue a corrective order as described in subdivision 4, except that the penalty may not exceed $2,000.

(d) If the violations are still not corrected, if appropriate steps have not been taken to correct them, or if the county board has determined that the gravity of the violations are such that action under this paragraph is warranted, a county board may issue a corrective order as described in subdivision 4, except that the penalty may not exceed $5,000.

(e) In determining the amount of the penalty in paragraph (c) or (d), the county board shall be governed by subdivision 2, paragraphs (b) and (c). The penalty assessed under paragraph (c) or (d) shall be due and payable, forgiven, or assessed without forgiveness as described in subdivision 5.

Subd. 6. **Expedited administrative hearing.** (a) Within 30 days after receiving an order or within 20 days after receiving notice that the commissioner or county board has determined that a violation has not been corrected or appropriate steps have not been taken, the person subject to an order under this section may request an expedited hearing, utilizing the procedures of Minnesota Rules, parts 1400.8510 to 1400.8612, to review the commissioner's or county board's action. The hearing request must specifically state the reasons for seeking review of the order. The person to whom the order is directed and the commissioner or county board are the parties to the expedited hearing. The commissioner or county board must notify the person to whom the order is directed of the time and place of the hearing at least 20 days before the hearing. The expedited hearing must be held within 30 days after a request for hearing has been filed with the commissioner or county board unless the parties agree to a later date.

(b) All written arguments must be submitted within ten days following the close of the hearing. The hearing shall be conducted under Minnesota Rules, parts 1400.8510 to 1400.8612, as modified by this subdivision. The Office of Administrative Hearings may, in consultation with the agency, adopt rules specifically applicable to cases under this section.

(c) The administrative law judge shall issue a report making recommendations about the commissioner's or county board's action to the commissioner or county board within 30 days following the close of the record. The administrative law judge may not recommend a change in the amount of the proposed penalty unless the administrative law judge determines that, based on the factors in subdivision 2, the amount of the penalty is unreasonable.

(d) If the administrative law judge makes a finding that the hearing was requested solely for purposes of delay or that the hearing request was frivolous, the commissioner or county board may add to the amount of the penalty the costs charged to the agency by the Office of Administrative Hearings for the hearing.
(e) If a hearing has been held, the commissioner or county board may not issue a final order until at least five days after receipt of the report of the administrative law judge. The person to whom an order is issued may, within those five days, comment to the commissioner or county board on the recommendations and the commissioner or county board will consider the comments. The final order may be appealed in the manner provided in sections 14.63 to 14.69.
(f) If a hearing has been held and a final order issued by the commissioner or county board, the penalty shall be paid by 30 days after the date the final order is received unless review of the final order is requested under sections 14.63 to 14.69. If review is not requested or the order is reviewed and upheld, the amount due is the penalty, together with interest accruing from 31 days after the original order was received at the rate established in section 549.09.

Subd. 7. **District court hearing.** (a) Within 30 days after the receipt of an order from the commissioner or a county board or within 20 days of receipt of notice that the commissioner or a county board has determined that a violation has not been corrected or appropriate steps have not been taken, the person subject to an order under this section may file a petition in district court for review of the order in lieu of requesting an administrative hearing under subdivision 6. The petition shall be filed with the court administrator with proof of service on the commissioner or county board. The petition shall be captioned in the name of the person making the petition as petitioner and the commissioner or county board as respondent. The petition shall state with specificity the grounds upon which the petitioner seeks rescission of the order, including the facts upon which each claim is based.
(b) At trial, the commissioner or county board must establish by a preponderance of the evidence that a violation subject to this section occurred, the petitioner is responsible for the violation, a penalty immediately assessed as provided for under subdivision 5, paragraph (b) or (c), is justified by the violation, and the factors listed in subdivision 2 were considered when the penalty amount was determined and the penalty amount is justified by those factors.

Subd. 8. **Mediation.** In addition to review under subdivision 6 or 7, the commissioner or county board is authorized to enter into mediation concerning an order issued under this section if the commissioner or county board and the person to whom the order is issued both agree to mediation.

Subd. 9. **Enforcement.** (a) The attorney general on behalf of the state, or the county attorney on behalf of the county, may proceed to enforce penalties that are due and payable under this section in any manner provided by law for the collection of debts.

(b) The attorney general or county attorney may petition the district court to file the administrative order as an order of the court. At any court hearing, the only issues parties may contest are procedural and notice issues. Once entered, the administrative order may be enforced in the same manner as a final judgment of the district court.
(c) If a person fails to pay the penalty, the attorney general or county attorney may bring a civil action in district court seeking payment of the penalties, injunctive, or other appropriate relief including monetary damages, attorney fees, costs, and interest.

Subd. 10. **Revocation and suspension of permit.** If a person fails to pay a penalty owed under this section, the agency or county board has grounds to revoke or refuse to reissue or renew a permit or license issued by the agency or county board.

Subd. 11. **Cumulative remedy.** The authority of the agency or county board to issue a

corrective order assessing penalties is in addition to other remedies available under statutory or common law, except that the state or county board may not seek civil penalties under any other provision of law for the violations covered by the administrative penalty order. The payment of a penalty does not preclude the use of other enforcement provisions, under which penalties are not assessed, in connection with the violation for which the penalty was assessed.

Subd. 12.[Repealed, 1999 c 99 s 24]

Subd. 13. **Feedlot administrative penalty orders.** (a) Prior to the commissioner proposing an administrative penalty order to a feedlot operator for a violation of feedlot laws or rules, the agency staff who will determine if a penalty is appropriate and who will determine the size of the penalty shall offer to meet with the feedlot operator to discuss the violation, and to allow the feedlot operator to present any information that may affect any agency decisions on the administrative penalty order.

(b) Notwithstanding subdivision 5, for feedlot law or rule violations for which an administrative penalty order is issued under this section, not less than 75 percent of the penalty must be forgiven if:

(1) the abated penalty is used for approved measures to mitigate the violation for which the administrative penalty order was issued or for environmental improvements to the farm; and

(2) the commissioner determines that the violation has been corrected or that appropriate steps are being taken to correct the action.

Resolution # 08-53

Administrative Penalty Order Implementation Plan
May 28, 2008

WHEREAS, the Board of Water and Soil Resources (BWSR) is authorized, based on 2007 legislation now codified pursuant to M.S. 103B.101, Subd. 12, to issue administrative penalty orders (APO) for violations of Chapter 103B, 103C, 103D, 103E, 103F, and 103G; and; and

WHEREAS, BWSR staff have developed an APO Implementation Plan that proposes to apply this authority to the Wetland Conservation Act (Minn. Rule 8420);

WHEREAS, the APO Implementation Plan provides the following:

- the purpose of an APO is to ensure regulatory compliance;
- the maximum penalty is $10,000 per violation;
- an APO will be considered to achieve regulatory compliance when a Restoration Order has not been complied with;
- unless the violation is serious or repeated, any penalty will be forgiven if the violation has been corrected or appropriate steps have been taken to correct the violation within 31 days of receipt of the APO;
- the Executive Director will issue all APO's; and
- appeals of APO's will be heard by an administrative law judge, reviewed by the Dispute Resolution Committee and then considered by the Board.

WHEREAS, the Wetland Committee reviewed the APO Implementation Plan on March 25, and April 22, and is recommending the Board adopt the Plan.

NOW THEREFORE BE IT RESOLVED, that the Board of Water and Soil Resources adopt the APO Implementation Plan.

Randy Kramer, Chair

05/28/08
Date

DRAFT

Board Resolution # 08-54

Establish Rates and Sign-up Procedures for Reinvest in Minnesota Reserve/Wetlands Reserve Program (RIM/WRP) Partnership Project – Phase I

WHEREAS the MN State Legislature appropriated new RIM Reserve ($25 million) in the 2008 bonding bill (Chapter 179, 2008 Session Law) which Governor Pawlenty signed into law on April 7, 2008, and said funding is now available for expenditures as the MN Department of Finance has established the necessary accounts;

WHEREAS the 2008 legislative hearings on the bonding bill included testimony, evidence and projections regarding the use of newly appropriated RIM-Reserve funds quickly to leverage available federal farm bill funds and provide economic stimulus benefits to Minnesota's economy;

WHEREAS the new RIM Reserve funding is intended to leverage federal WRP (Wetlands Reserve Program) dollars;

WHEREAS approximately $10-15 million dollars of federal WRP funding is expected to be available for MN under the new farm bill for the federal fiscal year 2008 which ends September 30, 2008;

WHEREAS there exists an urgency to get the RIM/WRP partnership launched in order to leverage 2008 federal farm bill funds;

WHEREAS the Board of Water and Soil Resources (Board) RIM Reserve Management Planning Committee met on April 23, 2008 to review the elements and options for launching the RIM/WRP partnership;

NOW, THEREFORE BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources authorizes staff to work with NRCS to develop sign-up procedures and supporting materials for Phase I (federal fiscal year 2008) of the RIM/WRP partnership and develop payment rates resulting in a maximum combined payment rate of 140% of estimated market value (EMV) by township, as determined by the mean tillable property values established by county assessors for the 2009 tax year.

Randy Kramer, Chair
Minnesota Board of Water and Soil Resources

05/28/08
Date

DRAFT

Board Resolution #_____

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_____ _____

Randy Kramer, Chair Date
Minnesota Board of Water and Soil Resources

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WHEREAS the Natural Resources Conservation Service (NRCS) currently has a pending list of 25 appraised WRP projects eligible for RIM partnership;¶
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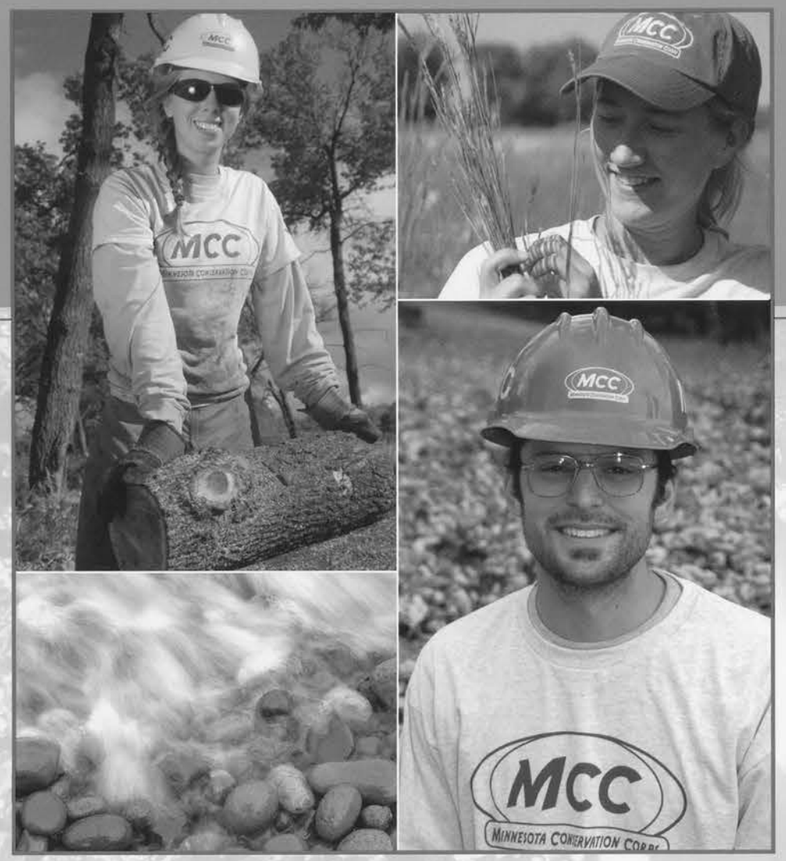






RESOURCES RESTORED LIVES CHANGED

MCC
MINNESOTA CONSERVATION CORPS



MISSION STATEMENT

The Minnesota Conservation Corps provides hands-on environmental stewardship and service-learning opportunities to youth and young adults while accomplishing priority cost-effective conservation, natural resource management projects and emergency response work.

CLEAN WATER LEGACY: MINNESOTA CONSERVATION CORPS

MCC MINNESOTA CONSERVATION CORPS

2715 Upper Afton Road, Suite 100
Maplewood, MN 55119
(651) 209-9900

www.conservationcorps.org

SAMPLE MCC PROJECT TYPES

EROSION CONTROL
- Bio-engineering
- Slope stabilization
- Cedar tree revetments
- Coir blanket/roll installation

RESTORATION & VEGETATION MANAGEMENT
- Exotic/Invasive species removal
- Planting
- Seed collection
- Shoreline & stream bank restoration
- Rain garden installation
- Restoration area maintenance
- Prescribed burning

SURVEYING & DATA COLLECTION
- GIS/GPS mapping & data collection
- Tree & plant surveys
- Wildlife surveys
- Man-made feature surveys
- Water quality sampling & monitoring

BOUNDARY WORK
- Animal exclusion / fence installation
- Fire break development & maintenance

AMERICORPS

THE BOARD OF WATER AND SOIL RESOURCES (BWSR) HAS RECEIVED AN APPROPRIATION TO FUND THE RESTORATION OF IMPAIRED WATERS UNDER THE CLEAN WATER LEGACY PROGRAM.

The Legislature, in appropriating these funds, has directed that $500,000, over state fiscal years 2008-2009, be contracted for services with the Minnesota Conservation Corps. BWSR has contracted with the MCC to work directly with **COUNTIES, SOIL AND WATER CONSERVATION DISTRICTS**, and **WATERSHED DISTRICTS** to undertake projects consistent with the Clean Water Legacy Program and the mission of the MCC.

MCC PROGRAM OVERIEW

The Minnesota Conservation Corps (MCC) is a statewide non-profit 501(c)3 organization which provides hands-on environmental stewardship and service-learning opportunities to youth and young adults while accomplishing priority and cost-effective conservation, natural resource management projects and emergency response work.

TWO PROGRAMS:

- **SUMMER YOUTH PROGRAM** for 15-18 year old youth who serve for 8 weeks, June through August. 12 Crews operate out of St Croix State Park, spike camping throughout the state. Crew size is 6-8 youth with adult supervisors. Youth crews are trained in the use of hand tools and small power tools.
- **YOUNG ADULT PROGRAM** for 18-25 year old AmeriCorps Volunteers who serve for 10.5 months, February through December. 17 crews operate at various locations throughout the state. Crew size is 4-5 with a supervisor on each crew. Young Adult crews go through extensive training throughout their term of service.



Lakeshore restoration and erosion control installation and maintenance

WHY PARTNER WITH MCC?

- Do you have a project, but not enough funds to complete it? MCC can help **PROVIDE FUNDED LABOR FOR YOUR PROJECT!**
- Looking for a source of matching funds? MCC can help **PROVIDE MATCHING FUNDS** through funded labor to eligible projects.
- Scheduling a crew is a **SIMPLE PROCESS!** No major grant application process. Simply fill out a project request form and follow the steps on the next page.
- MCC's crew model is an **EFFICIENT AND COST-EFFECTIVE** way to accomplish large amounts of work in a short amount of time.
- Hiring an MCC crew is an **INVESTMENT IN OUR FUTURE!** MCC equips participants with the technical and personal skills necessary to be pro-active citizens and our future leaders in the conservation and natural resource fields.

NOT JUST SKILLED LABOR! MCC COMES FULLY EQUIPPED...



LARGE EQUIPMENT:

- 4WD pick-up trucks
- Slip-on firefighting units (water pumps, hoses, etc)
- ATVs, snowmobiles, six-wheel Gators or Rangers
- Outboard motorboats, canoes
- Trailers to haul equipment or project materials

SMALL EQUIPMENT:

- Chain saws, brush saws, power pole saws
- Power tools: drills, saws, routers, generators, etc.
- Hand tools: shovels, rakes, post-pounders, hammers, wheelbarrows, etc.
- GPS handheld units (typically Garmin 76)
- Backpack sprayers & daubers for herbicide application

PERSONAL EQUIPMENT:

- Spike camp: tents, sleeping bags, stoves, water containers
- Rubber boots, hip waders, chest waders
- Prescribed burn gear: Nomex attire, bladder bags, fire shelters, drip torches, etc.

INTERESTED IN PARTNERING WITH MCC ON YOUR PROJECT?

If you have a project that looks suitable for MCC's Summer Youth or Young Adult Program, and the project can be **COMPLETED BETWEEN SEPTEMBER 15, 2007 AND JUNE 30, 2008...**

1. Visit **www.conservationcorps.org** to learn more about partnering with MCC, or contact Tim Johnson-Grass at (651) 209-9900 ext. 18 or by e-mail at *tim.johnson-grass@conservationcorps.org*
2. Fill out a **PROJECT REQUEST FORM** which is attached or download an electronic version off the MCC website.
3. **E-MAIL OR FAX THE PROJECT REQUEST FORM TO MCC BEFORE SEPTEMBER 14TH, 2007** at *tim.johnson-grass@conservationcorps.org* or (651) 209-9901. Project requests submitted after the 14th will also be accepted, but are subject to the availability of funds and are based on a first come, first served basis. Early submission is encouraged.



4. Your **PROJECT REQUEST WILL BE REVIEWED** by MCC and BWSR. After review, an MCC Project Manager in your area will contact you to discuss project qualification, details and scheduling.

MCC WILL PUT PREFERENCE ON PROJECTS WHICH:

- **PROVIDE EDUCATIONAL AND WORK SKILLS TRAINING VALUE TO THE CREW EXPERIENCE.** MCC seeks projects which are a value to the crew service experience and provide educational opportunities or work skills development. Project partners are encouraged to provide the crew with project background, significance to water quality improvement and any other educational opportunities.
- Are **HIGH-PRIORITY WATER QUALITY RESTORATION AND PROTECTION PROJECTS** which address the impairment of waters.

MINNESOTA CONSERVATION CORPS

2715 Upper Afton Road, Suite 100 • Maplewood, MN 55119 • (651) 209-9900 • Fax (651)209-9901

www.conservationcorps.org

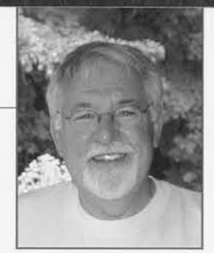
BWSR Approved Project List

Totals as of: 4/30/2008

Project #	LGU	Project Name	Contact Name	Start date	Estimated Length (hours)	Total Actual Length (Hours)	Total Project Expenses	Project Status
1	Lyon SWCD	Yellow Medicine River Streambank Stabilization	Rose Anderson	F 2007	200	120	$ 2,640.00	In Progress
2	Todd SWCD	Hillman Lakeshore Stabilization	Sandy Rohr	S 2008	80	0	$ -	Approved
3	Root River SWCD	Flood Damage Repair	Ralph Tuck	F 2007	680	680	$ 17,322.66	Completed
4	Clearwater River WD	Mark Allison Property Lakescaping	Merle Anderson	F 2007	130	130	$ 2,914.56	Completed
5	Capitol Region WD	Lake Como Shoreline Resto	Mark Doneux	F 2007	1920	1252	$ 27,544.00	In Progress
6	Two Rivers WD	Culvert Inventory	Dan Money	S 2008	0	0	$ -	Denied
7	Pelican River WD	Shoreline Naturalization of Big Detroit Lake Hwy	Tera Guetter	S2009	1520	0	$ -	Approved
8	Cedar River WD	Watershed Survey	Justin Hanson	F2007 or S2008	650	650	$ 14,300.00	Completed
9	Waseca SWCD	Boundary Data Collection	Marla Watje	F 2007	0	0	$ -	Denied
10	Rice SWCD	Demonstration Rain Garden	Steve Pahs	F2007 or S2008	160	0	$ -	Approved
11	Washington CD	Washington County BMP Installation	Rusty Schmidt	F 2007	280	290	$ 6,380.00	Completed
12	Carnelian Marine St. Croix WD	BMP Maintenance	Melissa Lewis	Su 2008	0	0	$ -	Denied
13	Carnelian Marine St. Croix WD	Disabled Veterans Rest Camp	Pete Young	Sp 2008	320	0	$ -	Approved
14	Washington CD	Washington County BMP Maintenance	Pete Young	F 2007	640	130	$ 2,860.00	In Progress
15	Ramsey CD	Mississippi River Blvd Bluff Restoration	Michael Goodnatt	F 2007	0	0	$ -	Denied
16	Ramsey CD	Watergate Marina	Michael Goodnatt	F 2007	720	0	$ -	Approved
17	Chisago SWCD	MN Bioenergy Initiative	Peter Gillitzer	F2007	1025	1025	$ 23,981.53	Completed
18	Capitol Region WD	Lake Como Raingarden Maintenance	Mark Doneux	F2007	1025	270	$ 5,940.00	Completed
19	Anoka CD	Chaudhary Rain Garden	Chris Lord	F2007	80	0	$ -	Approved
20	Anoka CD	Rum Central Cedar Revetment	Chris Lord	F2007	120	0	$ -	Approved
21	Anoka CD	Harrala Streambank Restoration	Chris Lord	F 2007	40	0	$ -	Approved
22	Kanabec SWCD	Invasive species control	Kelly Osterdyk	F 2007	800	600	$ 15,362.76	In Progress
23	Lower Mississippi River WMO	Pickeral Lake Restoration	John Sachi	F 2007	800	140	$ 3,080.00	In Progress
24	Lower Mississippi River WMO	Harriet Island Restoration	John Sachi	F 2007	0	0	$ -	Denied
25	Adrian Park Dept.	Adrian Channel Restoration	Ron Randolph	F2007	0	0	$ -	Denied
26	Rice Creek WD	Hardwood Creek Ecological Restoration	Maria Perez	Sp 2008	160	0	$ -	Approved
27	Rice Creek WD	Rice Creek Restoration Project	Maria Perez	S 2008	120	80	$ 1,760.00	In Progress
28	Rice Creek WD	Rice Creek Restoration Project	Maria Perez	F 2007	80	0	$ -	Approved
29	Rice Creek WD	Locke Lake Shoreline Stabilization	Maria Perez	Sp-Su 2008	480	0	$ -	Approved
30	Crooked Creek WD	Flood Control Structure Maintenance	Rich Stemper	F 2007	160	160	$ 4,217.22	Completed
31	Winona SWCD	Conservation Structure GPS Data Collection	Tim Terrill	W 2007	160	160	$ 3,520.00	Completed
32	Cottonwood SWCD	Schoper Busch Reservoir Maint	David Bucklin	Sp-Su 2008	40	0	$ -	Approved
33	Cottonwood SWCD	Mountain Lake Buckthorn Removal	David Bucklin	Any 2008	120	0	$ -	Approved
34	Cottonwood SWCD	Mountain Lake Releaf project	David Bucklin	Sp 2008	120	0	$ -	Approved
35	Washington CD	St Croix Healthy Waters Initiative Arcola Mills	Jay Riggs	F 2007	80	0	$ -	Approved
36	Chisago County Env Services	Stormwater Retrofit	Jerry Spetzman	Sp 2008	800	0	$ -	Approved
37	Comfort-Forest Lake WD	BMP Cost-share projects	Randy Anhorn	Sp-F 2008	pending	0	$ -	Denied
38	Winona SWCD	Streambank delineation project	Tim Terrill	W 2008	480	70	$ -	In Progress
39	Cook SWCD	Grand Marais Stormwater projects	Tristan Beaster	Su-F 2008	360	0	$ -	Approved
40	Washington CD	Thorson Shoreline - Ozark Trail BMP	Pete Young	Sp 2008	200	0	$ -	Approved
41	Three Rivers Park District	Medicine Lake Land and Plant Community	Jeff Warhol	Sp-Su 2008	300	190	$ -	In Progress
42	Three Rivers Park District	French Regional Nutrient Retention Basin	Jeff Warhol	Su 2008	250	0	$ -	Approved
43	Three Rivers Park District	Bryant Lake Rain Garden planting& Maint	Arla Carmichiel	Sp-Su 2008	350	0	$ -	Approved
44	Three Rivers Park District	Crow River Plant Community Restoration	Jeff Warhol	Sp-Su 2008	750	20	$ -	In Progress
45	Carlton SWCD	Moosehorn River Streambank Stabilization	Keith Anderson	Sp 2008	160	0	$ -	Approved
46	Lake of the Woods SWCD	Culvert Inventory	Josh Stromlund	Sp-F 2008	1000	0	$ -	Approved
47	Clearwater River WD	Lake Louisa Lakescaping	Merle Anderson	Sp 2008	250	0	$ -	Approved
48	East Otter Tail SWCD	Erosion Control projects	Steve Henry	Sp-Su 2008	300	0	$ -	Approved
49	Steele County SWCD	RIM Reserve Controlled Burns	Dan Arndt	F 2008 & Sp	450	0	$ -	Approved
50	Winona SWCD	Farmers Park Planting	Tim Terrill	Sp-Su 2008	320	0	$ -	Approved

MCC Clean Water Legacy Project Locations
7/2007 - Present





Dear friends,

Minnesota Conservation Corps has touched many lives this past fiscal year. Our youth and young adults have learned the value of preserving our resources, teamwork, civic responsibility, leadership and self-reliance. The hundreds of resource restoration projects these young people completed have enriched our communities and quality of life. For example:

- MCC mobilized 90 volunteers for the 16th annual Great Mississippi Riverboat Cleanup, part of the Adopt-A-River program. In all, MCC helped lead 143 cleanups with 5,066 volunteers.
- MCC received national recognition for helping fight the Cavity Lake fire in the Boundary Waters.
- Crews helped restore numerous historic sites such as the Birch Coulee Battlefield near Morton, Minn. and a log school built by the CCC Indian Division at the Grand Portage Reservation.
- MCC young adults saved Crow Wing trader artifacts from eroding into the Mississippi by laying coconut-fiber jute netting, anchored with willow seedlings, along 6,000 square feet of shoreline.
- Crews helped preserve Northern Goshawks and other large raptors by locating and monitoring stick nests on more than 10,000 acres.
- Youth wilderness crews worked outside Minnesota, improving trails and campsites at Isle Royale and the Apostle Islands.
- Crews restored native prairies, shoreline habitats and oak savannahs across the state.

The hundreds of resource restoration projects these young people completed have enriched our communities and quality of life.

These are just some of the many projects that our youth and young adult crews accomplished last year. We are proud of their work and contributions.

On behalf of the board and staff of Minnesota Conservation Corps, thank you to all our friends who have helped us grow. With your help, we will continue to change lives and leave a legacy of service to our communities and natural resources.

Len Price

Len Price

Executive Director



RESOURCES RESTORED

Minnesota Conservation Corps, a 501(c)3 nonprofit, provides meaningful work for young people in conserving our natural resources. The training and skills corpsmembers receive benefit our communities.

MCC not only provides training in natural resources, safety and technical skills, it helps young people develop personal responsibility, a strong work ethic and greater awareness of environmental stewardship. Built on the tradition of the Civilian Conservation Corps of the 1930s, MCC leaves a legacy of conservation and service to future generations.

Summer Youth Program

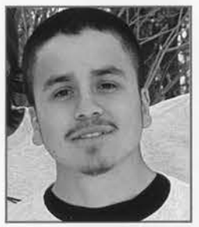
This program unplugs youth, ages 15 to 18, from TVs, cell phones and other modern intrusions to live and work in the outdoors for eight weeks. Participants start at a base camp in St. Croix State Park then work throughout the region, earning a living stipend. The youth come from diverse ethnic, socio-economic and geographic backgrounds, and they team up and build community. Last year, 10 of the 89 participants were deaf or hard-of-hearing, so all the crew members learned new ways to communicate as they worked side by side.

A survey of youth participating in last year's Summer Youth Program showed:
82% said their experience increased their confidence interacting with peers and adults
91% said it increased their skills using hand tools
85% said it increased understanding and appreciation of Deaf culture
86% said they completed their jobs with pride and accuracy
77% said it increased interest in new career and vocational pursuits
94% said it increased understanding of the natural environment

Young Adult Program

The year of commitment that young adults, ages 18 to 25, give in service through this AmeriCorps program changes their lives. 18 to 20 crews, with 4 to 5 members each, complete high-priority conservation projects throughout Minnesota and into Wisconsin, Iowa and South Dakota. Crew members receive technical and personal-skills training, professional certifications and after 1700 hours of service, are eligible for education awards of $4,725 for higher education expenses or qualified student loans.

A survey of project sponsors showed that 92% rated work accomplished by MCC crews as "excellent" or "outstanding."



"Working in a conservation corps changed my life. Before, I was unsure of what my future would be. Now I have new skills and I take pride in my work."

David Godoy
Young Adult Program





MCC opened my eyes to new opportunities ... my first backpacking trip ever! I met many of my best friends at MCC. We have a special connection because we spent our summers living and working together, rain or shine, and laughing together.

Anna Mercil
Summer Youth Program

LIVES CHANGED



The MCC crew here at Whittlesey Creek National Wildlife Refuge has been just excellent. They're very professional, well organized, productive and fun to interact with.

Mike Mlynarek
Biologist, U.S. Fish and Wildlife Service







I wanted to serve, to make a difference, to meet new people and to learn about Deaf culture. MCC not only met all of my goals, it went above and beyond my expectations ... a life-changing experience.

Kristi Nevala
Summer Youth Program

2007 natural resource accomlishments

Adopt-A-River -143 cleanups, 867 total miles
Bird banding - 1,537 birds
Bird nesting construction - 222 structures
Boardwalk and step construction - 1,814 feet
Bridge construction - 349 feet
Brush removal - 128 acres
Campsite construction/maintenance - 23 sites
Canoe portage improvement - 642 rods
Canoe & boating snag removal - 197 miles
Culvert surveys - 2,225 surveys
Dump site debris removal - 48,198 pounds
Emergency response - 4,472 hours
Erosion control - 12,762 square feet
Exotic species removal - 2,498 acres
Fire suppression (direct) - 22,178 acres
Fire suppression (indirect) - 17,891 hours
Fish habitat improvement - 111 acres
GIS/GPS mapping - 306 miles
Oak Savanna restoration - 270 acres
Plant & animal relocation - 5,000 plants & animals
Planting - 31,300 trees & plants
Prairie restoration - 909 acres
Prairie seed collection - 603 pounds
Prescribed burning - 5,876 acres
Pruning - 105 acres
Public access maintenance - 203 sites
River cleanups - 867 miles
Shoreline restoration - 642,134 square feet
Snowmobile trail construction & improvement - 15 miles
Timber stand improvement - 873 acres
Trail construction - 65 miles
Trail improvement - 685 miles
Wildlife habitat improvement - 52 acres
Wildlife surveys - 4,099

161,215 total hours of service

2007 leadership development

88 youth enrolled in Summer Youth Program
26 young adults trained as Youth Program leaders
84 young adults enrolled in the Young Adult Program
10,954 hours of technical-skill training given to corpsmembers
3,010 hours of personal development training
259 K-12 students taught environmental issues by corpsmembers



MCC is one of a handful of places where you can meet new and diverse people, work in places you would never had dreamed of going to (like Isle Royale, the Boundary Waters, or the tame muddy waters of the Saint Louis River) and learn new things. I will carry lessons from it for the rest of my life.

Tom Wilfert, *Summer Youth Program*

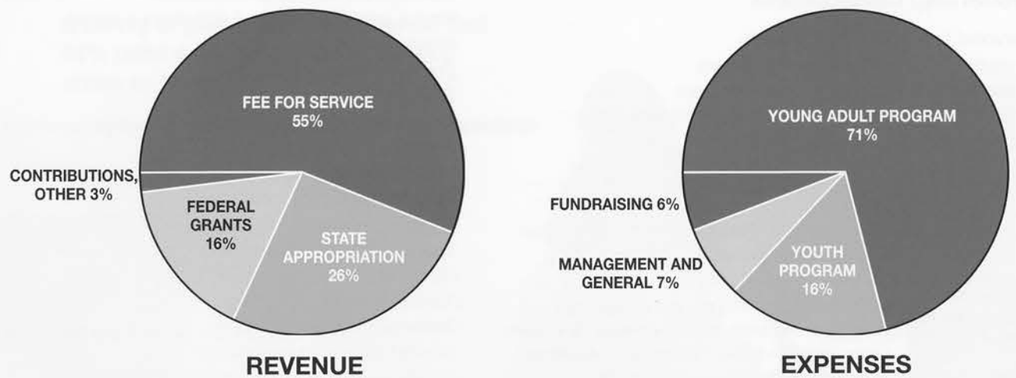
FINANCIAL STATEMENT

Fiscal year ended June 30, 2007



SUPPORT AND REVENUE	Unrestricted for 2007	Restricted for 2008/2009	TOTAL
Revenue			
Fee for service	$1,955,420		$1,955,420
Other income	$32,544		$32,544
Support			
Federal grant	$591,585		$591,585
Contributions	$9,547	$30,000	$39,547
State grant		$2,441,310	$2,441,310
Total support and revenue	**$2,589,096**	**$2,471,310**	**$5,060,406**
Net assets (state grant) released from restriction	$911,810	($911,810)	
Total funds available for 2007	**$3,500,906**		
EXPENSES			
Program services			
Summer youth	$487,091		$487,091
Young adult	$2,204,685		$2,204,685
Management and general	$210,397		$210,397
Fundraising	$192,906		$192,906
Total expenses	**$3,095,079**		**$3,095,079**
NET ASSETS AT END OF YEAR	$640,792	$2,471,310	$3,112,102

2007 DISTRIBUTION



Serving our most valuable resources - young people and the environment

BOARD OF DIRECTORS

Karen Bowen, *Chair*
Former Assistant MN DNR Commissioner
Former Three Rivers Park District Manager

Mike Nevala, *Vice Chair*
Principal Environmental Scientist, Metropolitan Council
Corpsmember parent, MCC Summer Youth Program

Jessica Sandle, *2nd Vice Chair*
Assistant Principal, Model Secondary School for the Deaf, Gallaudet University, Washington D.C.
Alumna, MCC Summer Youth Program

Mark Skeie, *Secretary*
Founder, Mapping Your Retirement, Inc.
Former 3M department and project manager

Mary Cleary, *Treasurer*
Nonprofit accounting and fiscal management consultant

Craig Acomb
Joined the MCC Board in September 2007
Chief Financial Officer, MN Department of Health
Former MCC regional and statewide director

Terry Anfinson
Restorative Justice Consultant

Windy Block
Maintenance Superintendent, City of St. Peter
Fire Chief, City of St. Peter Volunteer Fire Department

John Degan
Attorney, Blue Cross Blue Shield

Monty Dehn
Alumnus, Civilian Conservation Corps

Jim Fitzpatrick
Executive Director, Carpenter St. Croix Valley Nature Center

David Hile
Retired professional, Hennepin County Law Enforcement

Jim Kielsmeier
President/CEO, National Youth Leadership Council

Jane Krentz
Associate Director of Church Relations, Hamline University
Former State Senator
Research Fellow, University of Minnesota
Midwest Coordinator, National Caucasus of Environmental Legislators

Joan Peters
Board Commissioner, Three Rivers Park District

PROJECT HOST LIST

Federal
Apostle Islands National Lakeshore
Chippewa National Forest
Glacial Ridge National Wildlife Refuge
Isle Royale National Park
Litchfield Wetland Management District
Minnesota Valley National Wildlife Refuge
St. Croix National Scenic Waterway
Superior National Forest
Agassiz National Wildlife Refuge
Windom Wetland Management District
Voyageurs National Park

State
Board of Water and Soil Resources
DNR Ecological Services
DNR Enforcement
DNR Fisheries
DNR Forestry
DNR Nongame Wildlife
DNR Parks and Recreation
DNR Resource Assessment
DNR Trails and Waterways
DNR Wildlife
Iowa DNR, Spirit Lake
MN DOT
Wisconsin DNR, Interstate State Park
Wisconsin DNR Parks, Perrot State Park

Local Government
Anoka Conservation District
Beltrami County SWCD
Carlton County Land Department
Carnelian-Marine Watershed District
Carver County Parks Department
Cass County Land Department
City of Little Falls
City of Mankato
City of Mountain Iron
City of Rochester
City of St. Paul
Clearwater County Land Department
Cottonwood County Parks
Crow Wing County Land Department
Douglas County Public Works, Parks Division
Grand Portage Reservation
Itasca County Land Department
Lake County Forestry
Leech Lake Band of Ojibwe
Metropolitan Airports Commission
North St. Louis SWCD
Rochester Parks and Recreation
Scott County SWCD
Three Rivers Park District
Two Rivers Watershed District
Washington County SWCD
Washington County Parks

Nonprofit
Audubon Center
Bemidji Goodwill
Century Junior High School
Community Action
Dayton's Bluff Community Council
Deep Portage Conservation Reserve
Drift Skippers-Snowmobile Club
Forest History Center
Friends of the Cannon River Wilderness Area
Grand Rapids High School
Habitat for Humanity
Hartly Nature Center
Ice Age Trail and Park Foundation
Lower Phalen Creek Project
Minnesota Historical Society Birch Coulee Battlefield
North Country Trail Association
Northland Arboretum
Paul Bunyan Nature Learning Center
River Bend Nature Center
Salvation Army
Science Museum of Minnesota
Soumi Area Lakes Association
Sugarloaf Interpretive Center Association
Stonebridge Elementary / Stillwater ELC
Superior Hiking Trail Association
The Nature Conservancy
The Prairie Enthusiasts, Prairie Smoke Chapter
TrailSource
University of Minnesota, Duluth
YMCA Camp Menogyn

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Len & Stephanie Price
Carol Salmon
Susan Vento
Curtis Wahl
Wilma West
Erik & Maria Wrede

"Like the CCC, the Minnesota Conservation Corps transforms the lives of young people in Minnesota, and its work remains with us in so many ways."

Monty Dehn
Civilian Conservation
Corps Alumnus

MINNESOTA CONSERVATION CORPS
2715 Upper Afton Road, Suite 100
Maplewood, MN 55119
651.209.9900
info@conservationcorps.org
www.conservationcorps.org



CIVILIAN CONSERVATION CORPS

75th ANNIVERSARY

CELEBRATION

UNITED STATES CIVILIAN CONSERVATION CORPS CCC

SUNDAY, JUNE 8, NOON TO 5 P.M.
PHALEN PARK, ST. PAUL, MN

- SOLAR-POWERED BLUEGRASS MUSIC
- DEDICATION OF NATIONAL CCC MONUMENT
- PICNIC BUFFET AND '30S-ERA GAMES
- FREE TO THE PUBLIC
- DONATIONS ENCOURAGED

Photo courtesy of the National Archives

MCC

MINNESOTA CONSERVATION CORPS



Pert Near Sandstone

For more information, contact Ashley.Sierra@conservationcorps.org, phone (651) 209-9900 X 26

MCC
Minnesota Conservation Corps

2715 Upper Afton Rd Ste 100
Maplewood, MN 55119

75th ANNIVERSARY CELEBRATION

Join us in celebrating the 75th Anniversary of the CCC on June 8 at Phalen Park in St. Paul. The event begins at 12 noon with a tribute to CCC members and a monument honoring all who died while serving the CCC — followed by a picnic buffet, '30s-era games and demos, rain-garden building and bluegrass music.

RSVP: **Ashley.Sierra@conservationcorps.org**, **phone 651-209-9900 X 26**.
The event is free; donations are encouraged! Donate $150 or more and become a Stewards Circle member with special recognition at the event. Send checks payable to MCC: 2715 Upper Afton Rd Ste 100, Maplewood, MN 55119.

Presenting sponsor

Minnesota
DEPARTMENT OF NATURAL RESOURCES

Event sponsors

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Report to
Board of Water and Soil Resources
on MCC Clean Water Legacy Fund Use

July 1, 2007 - December 31, 2007

Minnesota Conservation Corps
2715 Upper Afton Road, Suite 100
Maplewood, MN 55119

www.conservationcorps.org

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The purpose of this report is to provide an accurate accounting of the Minnesota Conservation Corps' (MCC) expenditures of Clean Water Legacy Funds and subsequent accomplishments for the time period July 1, 2007 – December 31, 2007. The report is created for the Board of Water and Soil Resources (BWSR).

BWSR received an appropriation to fund the restoration of impaired waters under the Clean Water Legacy Program. The Legislature, in appropriating these funds, has directed that $500,000, over state fiscal years 2008-2009, be contracted for services with the MCC.

Local governments (counties, watershed districts, soil and water conservation districts), as the primary implementers of Total Maximum Daily Load Implementation (TMDL) Plans were solicited for work projects and given the opportunity to access MCC for projects that are consistent with the impairment that the project is proposed to address, eligible for Clean Water Legacy funding, and consistent with the purposes and types of activities that MCC engages in.

Duties and Conditions of Agreement

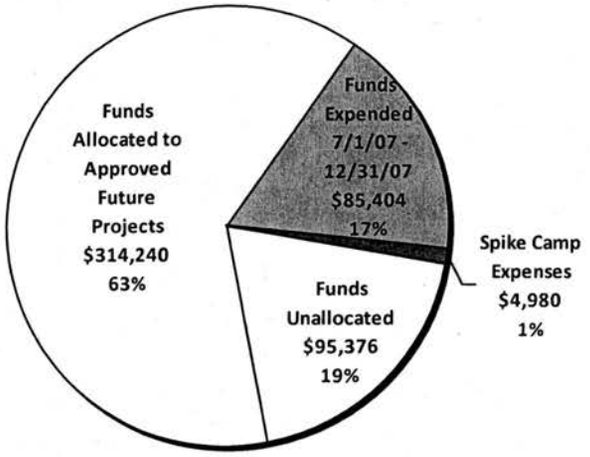
The Grantee will provide hands on environmental stewardship and service learning opportunities to youth and young adults.

1. The available funds will be split evenly between counties, soil and water conservation districts, and watershed districts ($166,667 each).
2. Eligible local governments will have a 45 day "application" period.
3. MCC has 30 days to review proposals and make a list of projects, consistent with Clean Water Legacy and their work activities, according to the above 3-way allocation;
4. MCC will send the list of projects to Matt Drewitz and Jeff Hrubes for their review and approval before commitments are made to "applicants". This will be accomplished within the 30-day MCC review period.
5. After initial allocations any remaining funds are available on a first come first served basis by any eligible local government, however, if one eligible local government category had more projects than their share of funding could support, they would be funded before additional projects are solicited from another eligible local government unit;
6. MCC will report financial information, and the local government will report outcome information in eLINK.

Reporting Requirements. The Grantee shall submit progress reports to the Board every six (6) months beginning February 1, 2008. Information provided must conform to the requirements and be in a format compatible with the data systems set forth by the Board. A final report is due to the Board by August 1, 2009.

MCC Clean Water Legacy Fund Allocation

Pie chart represents the status of the $500,000 allocation of Clean Water Legacy Funds as of December 31, 2007.



The MCC expends Clean Water Legacy Funds at a rate of $22.00/hour per corpsmember. This rate includes corpsmember stipends, vehicles, office leases, worker's compensation insurance, health insurance, training, uniforms and basic equipment such as chainsaws and hand tools. The MCC applies additional expenditures for spike camp (lodging or campsite rental and food) expenses associated with a small percentage of projects which require the crews to travel greater than one hour from an existing crew location. Materials (chemicals, lumber, hardware, plant materials, etc.) are provided by the host agencies at the expense of the host agency.

Selection Process and Fund management

MCC uses the following procedure outlined below to be certain the Clean Water Legacy Funds are properly accounted for:

1. MCC solicits projects through a paper and electronic mailing to inform local government units about the funding opportunity. The Request For Projects (see Appendix A) was sent to 173 local government units and 88 water planners in various county agencies and SWCD's
2. Local government units are required to fill out an MCC project request form (see Appendix B) and submit it for review.
3. MCC forwards all project requests to BWSR Regional Clean Water Specialists.
4. MCC Operations Manger and BWSR Staff review and discuss project applications to determine if they qualify under the definition of Clean Water Legacy Funds.
5. Once approved, MCC and the project host agree on the scope, terms, timing, and goals of the project.
6. MCC and the project host sign a contract that outlines these items.
7. MCC assigns an internal project number to track the project accomplishments.MCC crews complete the project.MCC tracks the hours used on the project with timesheets and the payroll system. The MCC also tracks the work accomplished for each project through a Survey of Accomplished Work (SAW) reporting system.

MCC has taken a proactive stance in developing sound financial management systems and financial integrity. The MCC's financial system continues to employ clear lines of authority, separation of duties, multiple layers of approval for cash disbursements, and annual independent audits as part of its fiscal

control policies. The MCC Board of Directors has an active and engaged Finance Committee which oversees the activities of the staff.

Work Accomplishments

Summary: (see Appendix D for complete list)

Project Requests Submitted	44
Project Requests Approved	30
Project Requests Denied	6
Project Requests Pending Approval	8
Projects Completed	7
Total Hours Approved	18,392
Total Hours Completed	3,882
Total Crew Labor Dollars Expended	$85,404
Total Crew additional Expenses	$4,980
Total Expenses	$90,384
Total Funds Allocated to Projects (not yet expended)	$314,240
Total Funds Unallocated	$95,376

Recipients approved for funding:

Soil and Water Conservation Districts:
- Anoka CD
- Chisago SWCD
- Cottonwood SWCD
- Kanabec SWCD
- Lyon SWCD
- Ramsey CD
- Rice SWCD
- Root River SWCD
- Todd SWCD
- Winona SWCD
- Washington CD

Watershed Districts:
- Clearwater River WD
- Capitol Region WD
- Cedar River WD
- Carnelian Marine on St Croix WD
- Rice Creek WD
- Crooked Creek WD

Watershed Management Organizations:
- Lower Mississippi River WMO

County Water Planners:
- Chisago County Environmental Services

The following table summarizes the work accomplished and total corpsmember hours for that activity during the reporting period. *(Numbers include completed and partially completed projects).*

Accomplishment	Amount	Unit	Hours
Erosion Control	11,660.0	sq. feet	595.0
Exotic Species Removal	7.5	acre(s)	120.0
Flood Control Structure maintenance	840.0	hours	840.0
GIS/GPS Mapping	80.0	miles	720.0
Lakeshore Restoration	7,850.0	sq. feet	235.0
Shoreline Restoration	1,200.0	feet	92.0
Bio-energy Plant Survey	1,025.0	hours	1,025.0
Tree Planting	80.0	trees	40.0
Hazard Tree Removal	60.0	trees	170.0
Wetland Restoration	0.5	acre(s)	25.0

Project Summaries for Completed Projects

Project #3: Root River SWCD – Flood Damage Repair

LGU Contact: Ralph Tuck
Project Period: September 15, 2007 - November 15, 2007
Hours Accomplished: 680
Dollars Allocated: $17,322.66
Project Description: The Root River is impaired for recreational use due to elevated levels of fecal coliform bacteria. The river is also impaired for sustaining aquatic life due to excess turbidity caused by sediments entering the river due to soil erosion. Though this project was not directly tied to restoration of the impairment, the project assisted the SWCD with flood recovery activities focused on maintenance and repair of flood and sediment control structures. MCC crews removed debris from risers, pipes, pool areas of structures to prevent further damage from spring runoff. They rehabilitated erosion control projects damaged by the flood, including debris removal and seeding of erosion along stream banks with rye grass.

Project #4: Clearwater River WD – Mark Allison Property Rain Garden

LGU Contact: Merle Anderson
Project time period: October 1, 2007 - October 31, 2007
Hours Accomplished: 130
Dollars Allocated: $2,914.56
Project Description: Project was on Lake Louisa, which is listed as impaired water due to excessive nutrients. Project is a Clearwater River Watershed District Demonstration Site for use in educating residents during TMDL implementation that will begin in 2008. Project consisted of installation of two rain gardens (15'x15' and 20'x20'). Grading of slope to direct storm water to rain gardens (10'x40'), prep and plant 120'x45' shoreline buffer, and install erosion control blanket and mulch. Total area of BMP's installed: 6,425 square feet.

Project #8: Cedar River WD – Watershed Survey

LGU Contact: Justin Hanson
Project time period: October 16, 2007 – December 15, 2007
Hours Accomplished: 650
Dollars Allocated: $14,300
Project Description: The MPCA has identified water courses in the Cedar River Watershed as being impaired for turbidity and fecal coliform. In 2007, the Cedar River Watershed

District was formed to address water quality and flood damage reduction issues in the watershed. The district is working through the development stages of its existence. Part of this process is gathering data of the condition of the water courses throughout the watershed. Prior to this project, the district did not have any data on the condition of the Cedar River and its tributaries. Having a survey of the Cedar River, Dobbins, Rose, Wolf Creeks and other tributaries will provide substantial information for the board to move forward with identifying and targeting sensitive and critical areas for restoration activities.

The MCC crew identified locations of stream bank erosion problems, structures or trees which may impede the natural flow of the waterways, and other valuable information about the condition of the river and tributaries within the Watershed using GPS devices. A total of 68 river miles were mapped.

***See "Appendix E: News Articles" for additional information on this project*

Project #11: Washington CD – Raingarden Installation

LGU Contact: Rusty Schmidt
Project Period: October 1, 2007 – October 15, 2007
Hours Accomplished: 290
Dollars Allocated: $6,380
Project Description: St. Paul Park, Brown's Creek Watershed District and Middle St. Croix Watershed Management Organization needed assistance on installing rain gardens. MCC crews, under the direction of Washington Conservation District installed several rain gardens and restored part of a wetland to capture runoff from priority sites within the district. Some projects were for homeowners who received cost-share money from the Watershed District. MCC crews helped these homeowners with digging, installing rock retaining walls, tilling, mulching and planting of the rain gardens.

Total area of rain gardens installed: 5,700 square feet; ½ acre of wetlands restored.

Project #17: Chisago SWCD – Bioenergy Initiative

LGU Contact: Craig Mell
Project Period: October 1, 2007 – October 31, 2007
Hours Accomplished: 1025
Dollars Allocated: $23,981.53
Project Description: The counties of Pine, Chisago and Isanti have partnered with the White Earth Indian Reservation and the University of Minnesota to assess the potential for sustainably managed landscapes to produce bioenergy. This feasibility project is supported by the state legislature and local tribal and county governments. The major focus is to identify the capacity of agricultural, forested and native plant communities, such as prairie and brushlands, to contribute biomass that provides environmental services as well as energy. Recent studies show that diverse perennial plant communities have greater long-term stress tolerance, stable yields, resistance to invasion, and high productivity on marginal lands (Tilman et al, 2006). In addition, they provide crucial services like water purification, wildlife cover, and greenhouse gas reduction. Testing this on a landscape level, under different climatic and soil conditions, is an important step in understanding how native polycultures will fit into the future bio-economy.

The loss of wetlands and perennial riparian vegetation, tiling and ditching from agricultural development have increased channel instability, flow rates and the amount of pollutants moving into waterways. Demonstrating that marketable native polycultures can be strategically placed on the landscape will increase nutrient uptake, decrease sedimentation and improve water quality. This project will ultimately protect Minnesota waters broadly across the state. Biofuels drawn

from native plantings of high biodiversity, which is an important component of this project, promise to provide perpetually renewable energy aboveground while simultaneously performing water purification belowground. Lakes, streams, and wetlands throughout present agricultural areas will be direct beneficiaries.

MCC completed 1025 hours of surveys on XXX plots. Each surveyed plot was one meter by 5 meters in size. MCC crews gathered baseline data on each plot, consisting of a plant survey, gathering of plant and soil samples, % cover, photo points, and GPS coordinate collection.

Project #18: Capitol Region WD – Lake Como Rain garden Maintenance

LGU Contact: Mark Doneux
Project Period: October 1, 2007 – October 15, 2007
Hours Accomplished: 270
Dollars Allocated: $5,940
Project Description: Lake Como is a eutrophic lake listed as an impaired water due to excessive nutrients and it possesses bioaccumulative toxics such as mercury. This project was necessary to increase the effectiveness of stormwater management structures within 50 feet of the Lake Como shoreland, reintroduce native plant species, and reduce erosion and sediment loading of the impaired waterbody.

There were two stormwater management areas adjacent to Lake Como in need of maintenance. One is a small vegetated swale that the MCC, CRWD, Association of Soil and Water Conservation Districts, and the City of Saint Paul, Division of Parks and Recreation modified and reconstructed as a functioning rain garden. Another is a very large rain garden which needed significant maintenance and reconstruction.

MCC crews provided 270 hours of assistance in all facets of project work including: excavation and soil amending; tree and shrub planting, herbaceous plug planting, aquatic plant installation; erosion control fabric installation; exotic species control; installation of fence exclosures.

Project #30: Crooked Creek WD – Flood Control Structure Maintenance

LGU Contact: Rich Stemper
Project Period: September 16, 2007 – September 30, 2007
Hours Accomplished: 160
Dollars Allocated: $4,217.22
Project Description: Flood waters from August brought a large amount of debris (trees, brush, snags, logs, trash, etc) into the flood control pool areas and around the pipe/riser outlets along Crooked Creek to improve water quality in the pools themselves and the downstream tributaries that these control structures protect. Primary work included removal of flood borne debris from the front slope of the dams and from around the intake pipes to return the structures to their full functioning ability.

***See "Appendix E: News Articles" for additional information on this project*

Appendix A: Sample MCC Request for Project Proposals

CLEAN WATER LEGACY: MINNESOTA CONSERVATION CORPS

2715 Upper Afton Road, Suite 100
Maplewood, MN 55119
(651) 209-9900

www.conservationcorps.org

SAMPLE MCC PROJECT TYPES

EROSION CONTROL
- Bio-engineering
- Slope stabilization
- Cedar tree revetments
- Coir blanket/roll installation

RESTORATION & VEGETATION MANAGEMENT
- Exotic/Invasive species removal
- Planting
- Seed collection
- Shoreline & stream bank restoration
- Rain garden installation
- Restoration area maintenance
- Prescribed burning

SURVEYING & DATA COLLECTION
- GIS/GPS mapping & data collection
- Tree & plant surveys
- Wildlife surveys
- Man-made feature surveys
- Water quality sampling & monitoring

BOUNDARY WORK
- Animal exclusion / fence installation
- Fire break development & maintenance

THE BOARD OF WATER AND SOIL RESOURCES (BWSR) HAS RECEIVED AN APPROPRIATION TO FUND THE RESTORATION OF IMPAIRED WATERS UNDER THE CLEAN WATER LEGACY PROGRAM.

The Legislature, in appropriating these funds, has directed that $500,000, over state fiscal years 2008-2009, be contracted for services with the Minnesota Conservation Corps. BWSR has contracted with the MCC to work directly with **COUNTIES, SOIL AND WATER CONSERVATION DISTRICTS**, and **WATERSHED DISTRICTS** to undertake projects consistent with the Clean Water Legacy Program and the mission of the MCC.

MCC PROGRAM OVERVIEW

The Minnesota Conservation Corps (MCC) is a statewide non-profit 501(c)3 organization which provides hands-on environmental stewardship and service-learning opportunities to youth and young adults while accomplishing priority and cost-effective conservation, natural resource management projects and emergency response work.

TWO PROGRAMS:

- **SUMMER YOUTH PROGRAM** for 15-18 year old youth who serve for 8 weeks, June through August. 12 Crews operate out of St Croix State Park, spike camping throughout the state. Crew size is 6-8 youth with adult supervisors. Youth crews are trained in the use of hand tools and small power tools.
- **YOUNG ADULT PROGRAM** for 18-25 year old AmeriCorps Volunteers who serve for 10.5 months, February through December. 17 crews operate at various locations throughout the state. Crew size is 4-5 with a supervisor on each crew. Young Adult crews go through extensive training throughout their term of service.



Lakeshore restoration and erosion control installation and maintenance

WHY PARTNER WITH MCC?

- Do you have a project, but not enough funds to complete it? MCC can help **PROVIDE FUNDED LABOR FOR YOUR PROJECT!**
- Looking for a source of matching funds? MCC can help **PROVIDE MATCHING FUNDS** through funded labor to eligible projects.
- Scheduling a crew is a **SIMPLE PROCESS!** No major grant application process. Simply fill out a project request form and follow the steps on the next page.
- MCC's crew model is an **EFFICIENT AND COST-EFFECTIVE** way to accomplish large amounts of work in a short amount of time.
- Hiring an MCC crew is an **INVESTMENT IN OUR FUTURE!** MCC equips participants with the technical and personal skills necessary to be pro-active citizens and our future leaders in the conservation and natural resource fields.

NOT JUST SKILLED LABOR! MCC COMES FULLY EQUIPPED...

LARGE EQUIPMENT:

- 4WD pick-up trucks
- Slip-on firefighting units (water pumps, hoses, etc)
- ATVs, snowmobiles, six-wheel Gators or Rangers
- Outboard motorboats, canoes
- Trailers to haul equipment or project materials



SMALL EQUIPMENT:

- Chain saws, brush saws, power pole saws
- Power tools: drills, saws, routers, generators, etc.
- Hand tools: shovels, rakes, post-pounders, hammers, wheelbarrows, etc.
- GPS handheld units (typically Garmin 76)
- Backpack sprayers & daubers for herbicide application

PERSONAL EQUIPMENT:

- Spike camp: tents, sleeping bags, stoves, water containers
- Rubber boots, hip waders, chest waders
- Prescribed burn gear: Nomex attire, bladder bags, fire shelters, drip torches, etc.

**Note: The Summer Youth Program is suited for projects requiring hand tools and a larger crew during the summer months*

INTERESTED IN PARTNERING WITH MCC ON YOUR PROJECT?

If you have a project that looks suitable for MCC's Summer Youth or Young Adult Program, and the project can be **COMPLETED BETWEEN SEPTEMBER 15, 2007 AND JUNE 30, 2008...**

1. Visit **www.conservationcorps.org** to learn more about partnering with MCC, or contact Tim Johnson-Grass at (651) 209-9900 ext. 18 or by e-mail at *tim.johnson-grass@conservationcorps.org*
2. Fill out a **PROJECT REQUEST FORM** which is attached or download an electronic version off the MCC website.
3. **E-MAIL OR FAX THE PROJECT REQUEST FORM TO MCC BEFORE SEPTEMBER 14TH, 2007** at *tim.johnson-grass@conservationcorps.org* or (651) 209-9901. Project requests submitted after the 14th will also be accepted, but are subject to the availability of funds and are based on a first come, first served basis. Early submission is encouraged.



4. Your **PROJECT REQUEST WILL BE REVIEWED** by MCC and BWSR. After review, an MCC Project Manager in your area will contact you to discuss project qualification, details and scheduling.

MCC WILL PUT PREFERENCE ON PROJECTS WHICH:

- **PROVIDE EDUCATIONAL AND WORK SKILLS TRAINING VALUE TO THE CREW EXPERIENCE.** MCC seeks projects which are a value to the crew service experience and provide educational opportunities or work skills development. Project partners are encouraged to provide the crew with project background, significance to water quality improvement and any other educational opportunities.
- Are **HIGH-PRIORITY WATER QUALITY RESTORATION AND PROTECTION PROJECTS** which address the impairment of waters.

MINNESOTA CONSERVATION CORPS

2715 Upper Afton Road, Suite 100 • Maplewood, MN 55119 • (651) 209-9900 • Fax (651)209-9901

www.conservationcorps.org

Appendix B: Sample MCC Project Request Form

MINNESOTA CONSERVATION CORPS

PROJECT REQUEST FOR
MCC CLEAN WATER LEGACY FUNDS

Program & District	Project Host Agency	Date
Project Contact Person	Contact Address	Telephone No

Name of Project	Project Address (Area, Park, County, etc.)	
Estimated length of time for project completion:	Season best suited for Project:	Dates Preferred:

Detailed Explanation and purpose of project:

Description of Project Location (Area, Site, etc. - Attach map or diagrams if possible)

Will this project help to protect and/or restore a designated Impaired Water? (Please explain)

What is the requesting Agency's priority for this project? (Please explain)

Will supervision or technical assistance/training be provided or necessary by the requesting agency? Yes No
(If Yes, answer 1 - 3)

1) Name of Person	2) Position or Title	3) Time commitment

Can Project be accomplished intermittently? Yes No

Description of educational value of project to crew members or what education the project host may be able to arrange or provide to the crew:

Does this project have other funding available?

If so, how much funding is available and for what purpose?

Alternate work plan in event of adverse weather (if applicable):
List types of Safety Equipment Required for Project:
List All Types of Hand Tools Required for Project:
List All Types of Power Equipment Required for Project:
DEADLINE FOR MCC RESPONSE (date & time): -As needed-

Certification: As project host, I certify that the assignment of MCC members will not result in the displacement of currently employed workers or workers on seasonal layoff or layoff from a substantially equivalent position, including partial displacement such as reduction in hours of non-overtime work, wages, or other employment benefits. Further, MCC members will not perform services or duties that have been performed by or were assigned to any employee who is on strike or is being locked out.

Submitted by:

Authorized Requestor's Signature (from Project Host)	Date
Authorized Requestor's Printed Name	Title

Forward completed Project Request to Tim Johnson-Grass via e-mail at tim.johnson-grass@conservationcorps.org or via fax at (651) 209-9901

MCC Use Only

Program:	District:	Closest Crew(s):	Host Contacted:
Notes:			
Received and Reviewed By:			Date
Transferred To:			Date

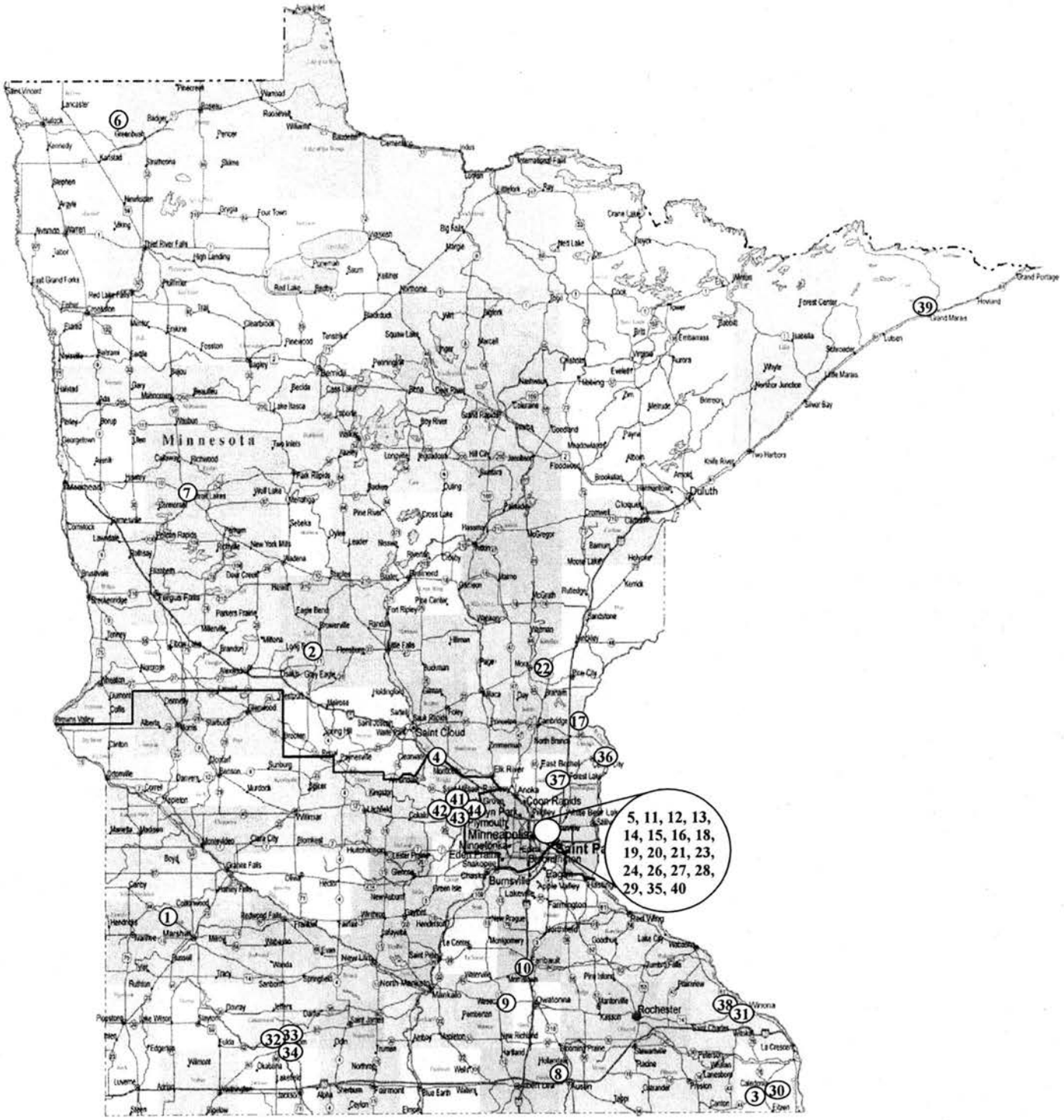
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Appendix C: Clean Water Legacy Project List and Expenses

Project #	LGU	Project Name	Contact Name	Preferred Start date	MCC District	MCC Project Code	Estimated Length (hours)	Total Actual Length (Hours)	Crew Time Expenses	Additional Expenses (Food and Lodging)	Total Project Expenses	Project Status
1	Lyon SWCD	Yellow Medicine River Streambank	Rose Anderson	Sp 2008	South		200	0	$ -		$ -	
2	Todd SWCD	Hillman Lakeshore Stabilization	Sandy Rohr	S 2008	NW		80	0	$ -		$ -	
3	Root River SWCD	Flood Damage Repair	Ralph Tuck	F 2007	NW	13063	640	680	$ 14,960	$ 2,362.66	$ 17,322.66	Completed
4	Clearwater River WD	Mark Allison Property Lakescaping	Merle Anderson	F 2007	NW	13067	160	130	$ 2,960	$ 54.56	$ 2,914.56	Completed
5	Capitol Region WD	Lake Como Shoreline Resto	Mark Doneux	F 2007-Sp	Central	11178	1920	367	$ 8,074		$ 8,074.00	
6	[illegible]	[illegible]	[illegible]	S 2008	NW		0	0	$ -		$ -	Denied
7	Pelican River WD	Shoreline Naturalization of Big Detroit	Tera Guetter	S2009	NW		1520	0	$ -		$ -	On Hold
8	Cedar River WD	Watershed Survey	Justin Hanson	F2007	South	12167	640	650	$ 14,300	$ -	$ 14,300.00	Completed
9	Watonwan SWCD	Boundary Data Collection	Marla Bahe	F 2007	South		0	0	$ -		$ -	Denied
10	Rice SWCD	Demonstration Rain Garden	Steve Pahs	Sp 2008	South		160	0	$ -		$ -	
11	Washington CD	Washington County BMP Installation	Rusty Schmidt	F 2007	Central	11177	160	290	$ 6,380	$ -	$ 6,380.00	Completed
12	Carnelian Marine St. Croix	BMP Maintenance	Melissa Lewis	Sp 2008	Central		320	0	$ -		$ -	Deferred
13	Carnelian Marine St. Croix	Disabled Veterans Rest Camp	Melissa Lewis	Sp 2008	Central		320	0	$ -		$ -	
14	Washington CD	Washington County BMP Maintenance	Melissa Lewis	Sp 2008	Central		640	0	$ -		$ -	
15	Ramsey CD	Mississippi River Education Restoration	Michael Goodnat	F 2007	Central		0	0	$ -		$ -	Denied
16	Ramsey CD	Watergate Marina	Michael Goodnat	Sp 2008	Central		720	0	$ -		$ -	
17	Chisago SWCD	MN Bioenergy Initiative	Peter Gillitzer	F 2007	Central	13073	1200	1025	$ 22,550	$ 1,431.53	$ 23,981.53	Completed
18	Capitol Region WD	Lake Como Raingarden Maintenance	Mark Doneux	F2007	Central	11179	320	270	$ 5,940	$ -	$ 5,940.00	Completed
19	Anoka CD	Chaudhary Rain Garden	Chris Lord	Sp 2008	Central		80	0	$ -		$ -	
20	Anoka CD	Rum Central Cedar Revetment	Chris Lord	Sp 2008	Central		120	0	$ -		$ -	
21	Anoka CD	Harrala Streambank Restoration	Chris Lord	Sp 2008	Central		40	0	$ -		$ -	
22	Kanabec SWCD	Invasive species control	Kelly Osterduk	F 2007-Sp	NW	13070	800	120	$ 2,640	$ 434.25	$ 3,074.25	
23	Lower Mississippi River	Pickeral Lake Restoration	John Sachi	F 2007-Sp	Central	11184	800	120	$ 2,640	$ -	$ 2,640.00	
24	Lower Mississippi River	Hamlet Island Restoration	John Sachi	F 2007	Central		0	0	$ -		$ -	Denied
25	Dakota Prairie Conservation Dist	Minnesota River Channel Restoration	Joe Prandovic	Sp 2008	South		0	0	$ -		$ -	Denied
26	Rice Creek WD	Hardwood Creek Ecological Restoration	Maria Perez	Sp 2008	Central		160	0	$ -		$ -	
27	Rice Creek WD	Rice Creek Restoration Project	Maria Perez	S 2008	Central		120	0	$ -		$ -	
28	Rice Creek WD	Rice Creek Restoration Project	Maria Perez	Sp 2008	Central		80	0	$ -		$ -	
29	Rice Creek WD	Locke Lake Shoreline Stabilization	Maria Perez	Sp-Su 2008	Central		480	0	$ -		$ -	
30	Crooked Creek WD	Flood Control Structure Maintenance	Rich Stemper	F 2007	South	12159	160	160	$ 3,520	$ 697.22	$ 4,217.22	Completed
31	Winona SWCD	Conservation Structure GPS Data	Tim Terrill	W 2007-Su	South	12172	1280	70	$ 1,540	$ -	$ 1,540.00	
32	Cottonwood SWCD	Schoper Busch Reservoir Maint	David Bucklin	Sp-Su 2008	South		40	0	$ -		$ -	
33	Cottonwood SWCD	Mountain Lake Buckthorn Removal	David Bucklin	Any 2008	South		120	0	$ -		$ -	
34	Cottonwood SWCD	Mountain Lake Releaf project	David Bucklin	Sp 2008	South		120	0	$ -		$ -	
35	Washington CD	St Croix Healthy Waters Initiative Arcola	Jay Riggs	Sp 2008	Central		80	0	$ -		$ -	
36	Chisago County Env	Stormwater Retrofit	Jerry Spetzman	Sp 2008	Central		800	0	$ -		$ -	
37	Comfort-Forest Lake WD	BMP Cost-share projects	Randy Anhorn	Sp-F 2008	Central		pending	0	$ -		$ -	approval pending
38	Winona SWCD	Streambank delineation project	Tim Terrill	W 2008	South	12173	480	0	$ -		$ -	
39	Cook SWCD	Grand Marais Stormwater projects	Tristan Beaster	Su-F 2008	NE		360	0	$ -		$ -	approval pending
40	Washington CD	Thorson Shoreline - Ozark Trail BMP	Pete Young	Sp 2008	Central		1000	0	$ -		$ -	approval pending
41	Three Rivers Park District	Medicine Lake Land and Plant Community	Jeff Warhol	Sp-Su 2008	Central		300	0	$ -		$ -	approval pending
42	Three Rivers Park District	French Regional Nutrient Retention Basin	Jeff Warhol	Sp-Su 2008	Central		250	0	$ -		$ -	approval pending
43	Three Rivers Park District	Bryant Lake Rain Garden planting& Maint	Arla Carmichiel	Sp-Su 2008	Central		350	0	$ -		$ -	approval pending
44	Three Rivers Park District	Crow River Plant Community Restoration	Jeff Warhol	Sp-Su 2008	Central		750	0	$ -		$ -	approval pending
								0	$ -		$ -	
				TOTAL HOURS (Approved projects only)			18,392	3,882				
				TOTAL EXPENSES			$ 404,624		$ 85,404	$ 4,980.22	$ 90,384	
				TOTAL FUNDS REMAINING			$ 95,376					

Excel

Appendix D: Clean Water Legacy Project Location Map



Numbers correlate to projects outlined in the spreadsheet in Appendix C

Appendix E: News Articles

Project #30 – Crooked Creek WD

CONSERVATION CORPS DIGS IN TO REPAIR SPILLWAY DAMAGED IN FLOOD

10/5/2007 9:05:07 AM
By Janet Kubat Willette

Agri News staff writer

LA CRESCENT -- Kristin Lunemann put her booted foot atop the shovel blade and dug in, lifting another load of twigs and dirt into the box of the ATV. Miranda Stork grabbed bigger sticks and hauled them to the box while David Godoy raked a mulch-like substance into a scoop shovel held by Kelsey Fitzgerald.

The Minnesota Conservation Corps crew cleared the principle spillway of a grade stabilization structure built in 1969 in the Pine Creek Watershed.

The structure was damaged during Aug. 18-19 flooding in southeast Minnesota. The principle spillway was plugged with debris and the emergency spillways on either side were eaten away by raging floodwaters. A pond behind the structure that was eight or nine feet deep before the flood is now six inches deep and filled with six to seven feet of sediment. The structure, which receives drainage from 403 acres, did what it was supposed to do, said Dave Walter, a Root River Soil and Water Conservation District technician.

The structure retained floodwater and stopped sediment from getting into a trout stream. Its other purposes are to improve water quality, slow peak discharge and prevent gully erosion. Now the spillway must be cleared to keep it working.

In this case, the landowner received cost-share assistance to fix the eroded emergency spillways, Walter said. They will be filled with clay and seeded.

Plenty of flood cleanup work needed to be done in the water conservation district, so the Minnesota Conservation Corps was called in. "With the overload of work due to the flooding event, we just needed help and in a hurry," Walter said.

The MCC follows the model of the Depression-era Civilian Conservation Corps. It is a non-profit agency with 16 crews who do natural resources conservation projects throughout the state. Fitzgerald, Godoy, Stork and Lunemann are based in Brainerd, Minn. They put in 10-hour days Sept. 24 through Oct. 1 working on jobs in Houston County. They seeded a badly eroded creek bank, cleared and hauled debris and worked at a hazardous waste collection.

A second crew, from Windom, Minn., worked Sept. 24-27 on the grade stabilization structure in the Pine Creek Watershed and pulled trash, logs, tires and other flood debris from plugged inlets on four flood retention dams within the Crooked Creek Watershed.



Two of the dams still had water in the pool area and the crew had to use a Department of Natural Resources fisheries boat to do the work. It was dangerous, hard, dirty work, Stemper said.

"They worked so hard," said Rich Stemper, a district technician with the Root River Soil and Water Conservation District and an adviser for the Crooked Creek Watershed District. "They helped the watershed out quite a bit last week."

Minnesota Conservation Corps
Miranda Stork, Kelsey Fitzgerald, David Godoy and Kristin Lunemann load debris into an ATV. The Minnesota Conservation Corps from Brainerd unplugged the spillway Sept. 27.

Project #8 – Cedar River WD – Watershed Survey

News article aired on ABC News October 24, 2007
To view the article, visit http://kaaltv.com/article/stories/s235748.shtml?cat=10221



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BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
ST. PAUL, MINNESOTA 55155
WEDNESDAY, JUNE 25, 2008

BOARD MEMBERS PRESENT:
Wayne Anderson, MPCA; Paul Brutlag, Quentin Fairbanks, Brian Kletscher, Randy Kramer, Larry Kramka, DNR; Paul Langseth, Joe Martin, MDA; Brian Napstad, Ken Robinson, Faye Sleeper, MES; Louise Smallidge, John Linc Stine, MDH; Gene Tiedemann, LuAnn Tolliver

BOARD MEMBERS ABSENT:
Dana Allen
Bob Burandt

STAFF PRESENT:
Mary Jo Anderson, Tim Fredbo, Travis Germundson, Jim Haertel, John Jaschke, Al Kean, Kari Keating, Kevin Lines, Dave Weirens, Tom Wenzel, Wayne Zellmer

OTHERS PRESENT:
Sandy Hooker, MAT
Tim Koehler, NRCS
Dr. Ed Nater, U of M

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

PLEDGE OF ALLEGIANCE

** 08-56 **ADOPTION OF AGENDA** – Moved by Louise Smallidge, seconded by Paul Langseth, to adopt the agenda as presented. Motion passed on a voice vote.

** 08-57 **MINUTES OF MAY 28, 2008** – Moved by Brian Napstad, seconded by Quentin Fairbanks, to approve the minutes of May 28, 2008 as circulated. Motion passed on a voice vote.

REPORTS

Chair's Report – Randy Kramer reported that Bob Burandt and Dana Allen were unable to attend the meeting today. Chair Kramer reported that the IRS mileage rate will increase to 58.5 cents a miles for all business miles driven from July 1, 2008, through December 31, 2008. Chair Kramer attended the EQB meeting. The EQB passed a resolution to enter into an agreement with the U.S. Army Corps of Engineers for watershed planning in the Minnesota River Basin and authorized EQB Chair Gene Hugoson to negotiate the final contract.

Executive Director's Report – John Jaschke reported that Board Members Paul Brutlag, Louise Smallidge and LuAnn Tolliver have been reappointed by Governor Tim Pawlenty.

A comprehensive overview of the new Farm Bill will be part of the August Board meeting. John stated that he, Julie Klocker, and Al Kean will be meeting with Senator Dille this afternoon regarding the 2010 deadline for feedlot compliance. State regulations are tied to BWSR's cost-share program funding.

John attended the MASWCD Legislative Committee meeting last week. The MACDE summer meeting is being held June 23-25 at Breezy Point.

John reported that four additional counties (Houston, Fillmore, Freeborn, Winona) have been designated as "declared federal disaster counties" from the recent flooding event. BWSR is in the process of receiving $1.85M from DEED to assist in flood recovery for the August 2007 event.

John reported that he attended the MAWD summer tour last week, hosted by Bois de Sioux Watershed District. Tour sites included the North Ottawa project, a large scale flood protection project under construction to protect farmland with multiple benefits. John reported that Traverse County has a drainage

moratorium on tiling into county ditch systems until August 1 in order to protect the public road subgrades.

John reported that a Memorandum of Agreement between BWSR and the MASWCD is being developed regarding the realignment of SWCD Technical Services Area (TSA) boundaries, and MASWCD area boundaries to reorganize the current eleven SWCD TSAs into eight TSAs. John stated that the Grants Program & Policy Committee will discuss this issue at their July meeting.

Dispute Resolution Committee – Travis Germundson reported that dates on appeals have now been added to the DRC report. Travis reported that two additional appeals have been received, one in Washington County and one in Carver County. Travis reported that decisions have been made on two appeals, File #08-12 and File #08-13 have both been denied. John stated that he and Travis and Jim Haertel met with the Attorney General's office this week. BWSR will now have another attorney working on agency matters. Jim Haertel stated that all appeals received by BWSR have first gone through the LGU local review and appeals process, although appealed restoration orders do not go through the LGU.

Wetlands Committee – LuAnn Tolliver reported that the Wetlands Committee did not meet this month, the Wetlands Committee will meet on July 23, at 12:30 p.m. LuAnn will meet with Dave Weirens today to establish the agenda, which will include review of permanent rules.

Grants Program & Policy Committee – Louise Smallidge reported that the Grants Program & Policy Committee has several recommendations on the agenda today. The Grants Program & Policy Committee will meet on July 23 at 9:00 am.

Public Relations, Outreach & Strategic Planning Committee – Brian Napstad stated he anticipates the Public Relations, Outreach & Strategic Planning Committee will meet in the fall.

Administrative Advisory Committee (AAC) – Randy Kramer reported that the AAC met this morning to discuss the RIM Reserve bonding implementation phases; southeast flood update; the federal farm bill summary; dedicated funding update; NPEA MOA with MASWCD; Traverse County drainage resolution; feedlots; and the draft itinerary of the Board tour.

NEW BUSINESS

FY09 SWCD Grants – Wayne Zellmer reported that the Grants Program & Policy Committee recommends the following:

1. **Regular Statewide Cost-Share Base Grants** – These base grants are for the installation of conservation practices. Allocation of FY 09 SWCD Base Grants as itemized on the composite spreadsheet totaling $2,144,308.
2. **Clean Water Legacy Feedlot Water Quality Management Grants (FWQMG)** – Grant funds may not be used for new or expansion feedlot projects. Allocation of FY 09 FWQMGs as itemized on the composite spreadsheet totaling $1,399,904 leaving a remaining balance of $198,219 to be part of the '09 Clean Water Legacy Program.
3. **General Services Grant** – This base grant is for expenditures necessary to the operations of the SWCD and is non-competitive. Allocation of FY 09 General Services Grants as itemized on the composite spreadsheet totaling $2,155,122.
4. **Easement Services Grant** – This grant is allocated to SWCDs as compensation for local delivery of the RIM Reserve Program and the conveyance of easements. Allocation of FY 09 Easement Services Grants as itemized on the composite spreadsheet totaling $345,008.

** 08-58 Grand total of $6,044,342 in grant allocations. Moved by Louise Smallidge, seconded by Paul Langseth, to approve the Grants Program & Policy Committee's recommendations as presented, and authorizes staff to allocate these individual grants as listed on the attached composite spreadsheet. Discussion followed. Motion passed on a voice vote.

FY09 Natural Resources Block Grants (NRBG) – Wayne Zellmer explained that the Natural Resources Block Grants (NRBG) provides assistance to local governments to implement state natural resource programs. Wayne reported that the Grants Program & Policy Committee recommends approval of the following grants:

1. **Comprehensive Local Water Management** – Allocation of $1,499,824. This component is for implementing comprehensive local water plans. A statutory local levy match is required that will generate $1.5 M on a statewide basis. This individual county amount is determined from a county's equalized taxable net tax capacity, as determined by the Department of Revenue. Counties must have a BWSR approved locally adopted comprehensive local water plan.
2. **Wetland Conservation Act (WCA)** – Allocation of $2,171,973. This component is for the local administration of the WCA. A local 1:1 match is

required. The grant amount is formula derived from a base amount of county WCA activity.

3. **DNR Shoreland** – Allocation of $429,926. This component is for the administration of state approved Shoreland Management Programs. It's administered at the state level by the DNR. A local 1:1 match is required. The grant amount is derived from a base estimated amount of county shoreland activity.
4. **MPCA County Feedlot Program** – Allocation of $1,973,875. This component is for county administration of the MPCA Feedlot Program. All counties that have received delegation from MPCA to administer this Program are eligible to apply. A local .7:1 match is required. Grant amounts are based on the grant formula.
5. **MPCA County Subsurface Sewage Treatment Systems Program** – Allocation of $870,000. All counties are required to pass ordinances regulating SSTS countywide. All counties that have enacted countywide ordinances and have a BWSR approved locally adopted comprehensive local water plan are eligible to receive this grant. No local match is required. Grant amount of $10,000 is determined by equal county allocations. (If dedicated funding is achieved, this amount will become the base amount for FY 10 grants.) These funds are appropriated under the CWL Program. Koochiching County will be paid when they meet their SSTS requirements.

** 08-59 Moved by Louise Smallidge, seconded by Brian Kletscher, to approve the '09 Natural Resources Block Grant Program and authorize staff to enter into grant agreements with counties that meet Program requirements according to the proposed itemized amounts on the attached spreadsheet *2009 BWSR Natural Resources Block Grant, Base Grant Breakdown by Program*. Discussion followed. Wayne explained that the Legislative Auditor recommends a verification approach that all counties have expended the required local match. BWSR staff will be spot-checking a number of counties to see if the local match is expended. The Koochiching County NRBG grant will be held until they are in compliance. Motion passed on a voice vote.

FY09 Non Point Engineering Assistance (NPEA) Base Grant – Wayne Zellmer explained that the 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 09, the legislature has appropriated $1.06 M for this Program. Wayne reported that the Grants Program & Policy Committee recommends approval of the NPEA base

** grants. Moved by Louise Smallidge, seconded by Paul Langseth to adopt the

08-60 Grants Program & Policy Committee's recommendation to approve the FY09 NPEA base grant and authorize staff to allocate these grants according to the policies presented, to JPBs meeting the Program requirements. Discussion followed.

Wayne Zellmer stated that the Grants Program & Policy Committee will inventory the JPBs and establish a plan for grant agreements to be restructured with unspent funds returned to the state or transferred to remaining JPBs. Brian Napstad alerted the Board that the resolution is a two-year grant agreement that could be dispensed in one year. Al Kean clarified that the Grants Program & Policy Committee meets in July and will make a recommendation to the Board in August, that will address the issue of transferring funds from 11 JPBs to 8 JPBs. Motion passed on a voice vote.

Mower SWCD Special Project Re-Allocation – Wayne Zellmer reported that the 2005 Legislature allocated funding for a demonstrational flood retention project in the Mower SWCD. A suitable site was not obtained before the grant agreement with Mower SWCD expired and these funds were returned to BWSR. A favorable site for this project has been secured along with funding other local, state, and federal funding. The Mower SWCD is requesting a re-allocation of the $15,000 for the proposed flood retention project. The Grants Program & Policy Committee recommends approval of the funding reallocation and requests
** approval. Moved by Louise Smallidge, seconded by Paul Langseth, to approve
08-61 the allocation of the appropriated $15,000 to the Mower SWCD for the Arlo Scheevel flood retention project. Discussion followed. Motion passed on a voice vote.

John Jaschke reported that Dave Peterson, Board Conservationist in Rochester, is retiring July 1, 2008.

Farm Bill Assistance Program – Kevin Lines reported that the Farm Bill Assistance Grant Program began in 2002 to provide financial assistance to selected SWCD's to accelerate the implementation of grassland and wetland projects. The primary focus has been with the conservation programs found in the Federal Farm Bill. This grant cycle is for Phase VIII that will run from July 1, 2008 through June 30, 2009. To date, nearly $6 million dollars has been spent on this project with a result of 240,000 acres of projects. The Farm Bill Committee, comprised of DNR, Pheasants Forever and BWSR staff, have
** developed the process for this program. Moved by Louise Smallidge, seconded
08-62 by Brian Napstad, to approve the FY09 Farm Bill Assistance Grant, BWSR's share is $180,000, total funding $767,500. Discussion followed. Motion passed on a voice vote.

Recognition Of Ken Robinson - Chair Kramer congratulated Ken Robinson for his one-year of service on the Board. Chair Kramer appreciated Ken's willingness to assist on BWSR Committees. Chair Kramer presented Ken with a Certificate of Recognition from Governor Tim Pawlenty. Chair Kramer, on behalf of BWSR, presented a commemorative print to Ken. Ken thanked the Board, and stated that he appreciated his time with BWSR.

Chair Kramer called for a break in the meeting at 10:05 a.m. The meeting reconvened at 10:25 a.m.

Agricultural Watershed Restoration Projects – Al Kean reported that Governor Pawlenty signed the Clean Water Legacy Act (CWLA) into law on June 2, 2006. The 2007 Legislature directed BWSR to use $1.5 million of Clean Water Legacy Act cost-share and incentives payment appropriations for agricultural watershed restoration projects located in watershed(s) impaired by nonpoint agricultural sources. These projects are to provide for long-term restoration of surface water quality. A three-phase project work plan was approved by the Board on January 23, 2008. Phase 1 involves selection of project subwatersheds that are representative of drained agricultural landscapes in Minnesota, and associated local project sponsors. A stakeholder Technical Advisory Committee (TAC) was established to help rank and select project subwatersheds and local sponsors. The Grants Program and Policy Committee reviewed the Phase 1 project subwatershed and local sponsor selection recommendations of staff and the project TAC and recommends approval. Moved by Louise Smallidge, seconded by John Linc Stine, to adopt the Grants Program & Policy Committee's recommendation to approve the six selected subwatersheds and local sponsors as presented. Discussion followed. Motion passed on a voice vote.

** 08-63

Establish Rates and Sign-Up Procedures for Reinvest in Minnesota (RIM) Reserve/Wetlands Reserve Program (WRP) Partnership: Phase 1 – Kevin Lines introduced Tim Koehler, NRCS Assistant State Conservationist. Kevin explained that BWSR and the Minnesota UDSA Natural Resources Conservation Service (NRCS) are announcing Phase I of a RIM Reserve/Wetlands Reserve Program (WRP) partnership. This partnership between the premier national and state wetland restoration programs will combine agency processes to offer competition payment rates to landowners for the purpose of restoring wetlands and adjacent lands in high priority areas. Kevin presented background information, reported that sign-up begins tomorrow, June 26, 2008 through July 18, 2008. Kevin explained the easement duration, payment rate for Phase 1, enrollment, scoring, selection process, and training. Tim Koehler reported that Washington has $75M to obligate in the next two months, on a first-come, first-serve basis. Kevin thanked the RIM Reserve Planning Committee (Paul Brutlag,

chair; Paul Langseth, Dana Allen, Randy Kramer, Larry Kramka, Joe Martin, Bob Burandt, and BWSR staff Tim Fredbo, Tabor Hoek, Pete Waller, Tom Wenzel) have all been very instrumental in this process. Kevin thanked Tim Koehler for all his efforts in acquiring funds, developing the sign-up procedures, and establishment of payment rates.

** Kevin reported that the RIM Reserve Planning Committee recommends approval of the partnership project and to launch Phase I of the RIM/WRP. Moved by Paul Brutlag, seconded by Ken Robinson, to approve RIM/WRP Partnership Phase 1. Discussion followed.

** Moved by Joe Martin, seconded by Larry Kramka, to amend the resolution to add, *"WHEREAS, a subcommittee shall be appointed by the Chair of the Board of Water and Soil Resources to approve a scoring worksheet and make project selections in coordination with NRCS."* Discussion followed. Joe stated that this subcommittee may be a separate committee of the RIM Reserve Planning Committee that could include board members and outside staff. Tim Koehler explained the WRP scoring process. An eligibility worksheet has been included in the scoring process. Tim stated that the amendment as proposed would delay the sign-up process. Joe stated that he doesn't think the process will be delayed, the subcommittee would allow the selection process to be authorized by BWSR. John Jaschke explained that the current approach is accomplished by staff using the scoring sheet. John stated that the proposed amendment approach would utilize the same information but would add to the group reviewing scores and selecting projects. Paul Langseth explained that the timeframe is critical on this matter. Larry Kramka suggested that this would be at the discretion of the chair to designate the subcommittee as the existing committee. Joe said his intent is to have another set of eyes as oversight of the subcommittee. Randy Kramer asked if the selection process is at the end, or does use of the score sheet begin tomorrow. Tim Koehler stated that if the amendment is approved as proposed, there is no way Minnesota will meet the timelines to leverage current federal funds. Larry Kramka stated that the selection process is in place, that doesn't have to change with this amendment. Brian Napstad asked for clarification, there's a conflict in the resolution. Joe Martin stated that this is an added "Whereas". John Jaschke stated that Phase I is on a tight timeline. LuAnn Tolliver stated that she could see the amendment a part of Phase II.

** Moved by Paul Langseth, seconded by Joe Martin, to amend the amendment, strike "*approve a*", and replace with "*review the existing*". *"WHEREAS a subcommittee shall be appointed by the Chair of the Board of Water and Soil Resources to ~~approve a~~ review the existing scoring worksheet and make project selections in coordination with NRCS".*

Discussion followed on the amended amendment. John Jaschke clarified that if the amended amendment is approved, Chair Kramer could name others to be added to the current committee in making project selection decisions, and at some point review the existing score sheet but not before the Phase I signup begins. Brian Napstad stated that we are under a tight timeframe and he doesn't see the benefit with an amendment, a change at this point in time is a risk to securing federal funding. Paul Langseth stated that the resolution adds streamlined oversight to the selection process; he supports the amendment. Joe Martin stated that this is a large state and federal project, and a balanced group for selection is necessary. Tim Koehler stated that NRCS and BWSR have worked well together on similar endeavors.

Chair Kramer called for a roll call vote on the amended amendment. Affirmative: Quentin Fairbanks, Larry Kramka, Paul Langseth, Joe Martin, Wayne Anderson, Ken Robinson, John Linc Stine, Randy Kramer. Opposed: Faye Sleeper, Paul Brutlag, Brian Kletscher, Brian Napstad, Louise Smallidge, Gene Tiedemann,
08-64 LuAnn Tolliver. The amended amendment is approved, 8 to 7. Motion passed.

Chair Kramer called for a roll call vote on the Resolution: "BWSR authorizes Phase I of the RIM/WRP partnership to begin on June 26, 2008 and run through September 30, 2008. The total partnership payment rate for cropland acres is 140% of EMV and for non-cropland acres is 93% EMV. Rates are to be calculated using the township mean for tillable property value established by county assessors for the 2009 tax year. Affirmative: Faye Sleeper, Paul Brutlag, Quentin Fairbanks, Larry Kramka, Brian Kletscher, Paul Langseth, Joe Martin, Wayne Anderson, Brian Napstad, Ken Robinson, Louise Smallidge, Gene Tiedemann, LuAnn Tolliver, John Linc Stine, Randy Kramer. Opposed: None.
08-65 Motion passed. Chair Kramer appointed Paul Brutlag, Paul Langseth, Larry Kramka, and Joe Martin to the subcommittee.

Lake Titlow Restoration Project – John Jaschke reported that the City of Gaylord was appropriated $475,000 for improving water quality in the Lake Titlow watershed. Funds may be used for pre-design and design of holding ponds and for construction and reconstruction of storm water sewer drains and related facilities. The City's Plan of Work splits the $475,000 into $175,000 for pre-design and design work within the watershed and $300,000 for construction work in the City. Extra funds needed for the project will come from the City of Gaylord.
** Moved by Brian Kletscher, seconded by Quentin Fairbanks, to authorize staff to
08-66 enter into a grant agreement with the City of Gaylord for the Lake Titlow Restoration Project. John stated that Jeff Nielsen is the lead staff on this project. Motion passed on a voice vote.

Winona County Nominating Districts Resolution – John Jaschke reported Winona County SWCD has requested a record of BWSR approval on their nominating districts. The Winona SWCD board of supervisors passed a Nominating Districts Resolution at their May 14, 2008 meeting. There has been no change to the existing way of holding elections, but rather this is an affirmation of what they are currently doing. After this is approved by the BWSR, it will be filed with the Winona County Auditor. Moved by Brian Napstad, seconded by Larry Kramka, to approve the Winona County SWCD's Nominating Districts Resolution. Motion passed on a voice vote.

** 08-67

Carbon Capture and Terrestrial Sequestration Study – John Jaschke introduced Dr. Ed Nater, University of Minnesota. Dr. Ed Nater, provided background information and a status report of work on the *Carbon Capture and Terrestrial Sequestration Study* requested by the Legislature in 2007. The Legislature's request was to develop an inventory of Minnesota lands having high Carbon stocks that should be protected. This is a five-year study project. Discussion followed. Chair Kramer thanked Dr. Nater for his presentation.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Joe Martin briefly commented on the flooding in southeast Minnesota. Joe reported that the pesticide application is in full swing. MDA is working on drainage tile issues, BMP effectiveness, and phosphorus issues with Clean Water Legacy dollars. MDA continues to work on other concerns such as Gypsy moth, tracking salmonella and TB.

Minnesota Department of Health (MDH) – John Linc Stine reported that the well code revisions have been approved by Governor Tim Pawlenty, effective August 4. John stated that the MDH website has posted the report of well samplings in the southeast flooding area. MDH is working on the new law to regulate swimming pools in the State.

Minnesota Extension Service (MES) – Faye Sleeper reported that Jim Anderson officially retires on July 1, 2008. Faye distributed the annual report on "The Great Lakes Regional Water Program: Cultivating Learning in a Changing World". John Jaschke stated that Jim Anderson plans to attend the October Board meeting and be recognized for his service on the BWSR Board since 1996.

Minnesota Pollution Control Agency (MPCA) – Wayne Anderson reported that MPCA continues to work on hypoxia issues. Governor Tim Pawlenty reappointed Dennis Jensen to the MPCA Board, and appointed a new board member, Kathy Lohmer from Lake Elmo.

ADVISORY COMMENTS

Minnesota Association of Watershed Districts (MAWD) – LuAnn Tolliver, on behalf of Ray Bohn and MAWD, thanked BWSR members and staff for attending the MAWD summer tour and appreciates the partnership with BWSR.

Natural Resources Conservation Service (NRCS) – Tim Koehler reported that there is a new Farm Bill! Tim distributed the "Food, Conservation and Energy Act of 2008" for board members' information. Tim will provide information as new rules come into play. Chair Kramer thanked Tim for his presentation.

Upcoming Meetings

- Grants Program & Policy Committee Meeting, July 23, 2008, at 9:00 a.m.
- Wetlands Committee Meeting, July 23, 2008, at 12:30 p.m.
- BWSR Board Tour/Meeting, August 27-28, 2008, Renville County. John stated that there is no meeting in July. Information will be mailed regarding the tour/meeting logistics.

Chair Kramer thanked Ken Robinson again for his service on the Board.

** 08-68 Moved by LuAnn Tolliver, seconded by Louise Smallidge, to adjourn the meeting at 12:47 p.m. Motion passed on a voice vote.

Respectfully submitted,

Randy Kramer
Chair

Dispute Resolution Report
June 13, 2008
by: Travis Germundson

There are presently 28 appeals pending. All of the appeals involve WCA except File 05-24. There have been 5 new appeals filed since the last report dated May 27th.

Format note: New appeals that have been filed since last report to the Board.
~~Appeals that have been decided since last report to the Board.~~

File 08-17 (06/02/08) This is an appeal of a replacement order in Rice County. The appeal regards the filling of 3,875 square feet of a Type 7 wetland for the construction of a stormwater pond. No decision has been made on the appeal.

File 08-16 (05/29/08) This is an appeal of a restoration order in Mahnomen County. The appeal regards the filling of 6,970 square feet of a Type 3 wetland with excavated lakebed material No decision has been made on the appeal.

File 08-15 (05/29/08) This is an appeal of a replacement order in Mahnomen County. The appeal regards the filling of 3,072 square feet of a Type 3 wetland with excavated lakebed material. No decision has been made on the appeal.

File 08-14 (05/29/08) This is an appeal of a restoration order in Mahnomen County. The appeal regards the filling of 6,742 square feet of a Type 3 wetland with excavated lakebed material. No decision has been made on the appeal.

denied

File 08-13. (05/27/08) This is an appeal of a wetland type/boundary decision in Hennepin County. The appeal claims that physical alteration to the hydrology resulting from pumping of drainage ditches was not applied properly by the LGU in determining the wetland boundary. No decision has been made on the appeal.

denied

File 08-12. (04/28/08) This is an appeal of a restoration order in Aitkin County. The appeal regards the filling of 51,000 square feet of a type 2/6 wetland for expansion of garden center business. No decision has been made on the appeal.

File 08-11. (04/29/08) This is an appeal of a restoration order in Hennepin County. The appeal regards the filling of 1.75 acres of a type 2/3 wetland for the construction of a pole barn and pasture area. The restoration order has been stayed until and the appeal has been placed in abeyance for submittal of a wetland replacement plan, exemption, or no-loss application.

~~File 08-10. This is an appeal of a restoration order in Lake County. The appeal regards impacts to approximately 19,500 square feet of wetlands for roads and 7 to 10 acres of wetlands for mechanized land clearing.~~ *The appeal has been denied and the Restoration Order Affirmed.*

File 08-9. (03/06/08) This is an appeal of a replacement order in Pine County. The appeal regards impacts to approximately 11.26 acres of wetland. No decision has been made on the appeal. The replacement order has been stayed and the appeal has been placed in abeyance pending further technical work.

File 08-8. (04/03/08) This is an appeal of a replacement order in Pine County. The appeal regards the filling of over 18,000 square feet of Type 2 wetland. No decision has been made on the appeal. The replacement order has been stayed and the appeal has been placed in abeyance pending further technical work.

File 08-4. (01/24/08) This is an appeal of no-loss and exemption decisions in Waseca County. In addition to the no-loss decision, at issue are denials of the agricultural exemption, approved development exemption, incidental wetland exemption, and claims of numerous procedural issues that were prejudicial to the applicants. Further, a Minn. Stat. § 15.99 (60-day rule) claim is pending in District Court. The appeal has been remanded for further technical work at the local level.

File 08-1. (02/04/08) This is an appeal of a restoration order in Aitkin County. The appeal involves the filling of wetland for a road in shoreland area. The restoration order has been stayed and the appeal has been placed in abeyance pending further technical work.

File 07-37. (12/16/07) This is an appeal of a restoration and replacement order in the City of Sturgeon Lake, Pine County. The appeal involves the excavation and filling of wetland. The restoration and replacement order has been placed in abeyance to allow for the submittal of a complete replacement plan.

File 07-36. (11/26/07) This is an appeal of a restoration order in the City of Hugo, Washington County. The appeal involves the filling of approximately 5,447 square feet of Type 7 wetland for a driveway. The restoration order has been stayed and the appeal has been placed in abeyance pending a decision by the LGU on applications for an exemption and a replacement plan.

File 07-33. (10/31/07) This is an appeal of an exemption decision in International Falls, Koochiching County. The appeal involves the approval of an exemption request that resulted from issuance of a cease and desist order for unauthorized wetland impacts. The appeal has been accepted and copies of the record have been requested. A verbal settlement agreement is being drafted.

File 07-32. (10/31/07) This is an appeal of an exemption decision in International Falls, Koochiching County. The appeal involves the approval of an exemption request that resulted from issuance of a cease and desist order for unauthorized wetland impacts. The appeal has been accepted and copies of the record have been requested. A verbal settlement agreement is being drafted.

File 07-31. (10/31/07) This is an appeal of an exemption decision in International Falls, Koochiching County. The appeal involves the approval of an exemption request that resulted from issuance of a restoration order for unauthorized filling of wetland for a building. The appeal has been accepted and copies of the record have been requested. A verbal settlement agreement is being drafted.

File 07-29. (10/25/07) This is an appeal of a restoration order in Crow Wing County. The appeal involves the filling of wetland along a driveway. The restoration order has been stayed and the appeal has been placed in abeyance pending the completion of further field work.

File 07-28. (10/22/07) This is an appeal of a restoration order in Mille Lacs County. The appeal regards the filling of wetland. The restoration order has been stayed and the appeal has been placed in abeyance pending the submission of an after-the-fact wetland replacement plan application this month.

File 07-27. (10/19/07) This is an appeal of a restoration and replacement order in Benton County. The appeal involves the excavation of an island that was in wetland and the filling of wetland along the wetland edge. The restoration order has been stayed and the appeal has been placed in abeyance pending the completion of further field work this spring.

File 06-23. This is an appeal of a replacement plan decision in Kanabec County. The LGU denied the wetland replacement plan application. A previous denial of the same replacement plan application had been appealed, the appeal was remanded for a hearing, and now the current denial has been appealed. The appeal has been placed in abeyance pending the outcome of a lawsuit between the landowner and the county. The lawsuit concerns the county's possible noncompliance with the 60-day rule. The county prevailed in district court, however the decision was appealed to the Court of Appeals where the county again prevailed. An appeal to the Minnesota Supreme Court was denied review. It is likely the appeal will soon be placed on the calendar for DRC proceedings.

File 06-17. (05/27/06) This is an appeal of a replacement plan decision in the City of Montgomery in LeSueur County. The LGU denied an after-the-fact wetland replacement plan application based on a lack of sufficient reasons why the restoration could not be completed. The appeal has been remanded for further processing at the local level.

File 06-12. (04/13/06) 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. (02/16/06) 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. (02/07/06) 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 05-24. (03/04/05) 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. It appears at least two of the appeals have been settled.

File 05-1. (01/13/05) This is an appeal of a replacement plan decision by the Rice Creek Watershed District. The District previously made a decision that was appealed which resulted in a remand for an expanded TEP. Now there is an appeal of the decision made under remand since the decision differed from the TEP report. At issue is a wetland delineation and the Comprehensive Wetland Protection and Management Plan that BWSR approved. After a hearing before the DRC, the board remanded the matter for a new wetland delineation and for submission on an updated, complete replacement plan application.

File 04-23. (08/25/04) 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.

NEW BUSINESS

1. FY 09 SWCD Grants – Wayne Zellmer - ***DECISION ITEM***

2. FY 09 Natural Resources Block Grants – Wayne Zellmer – ***DECISION ITEM***

3. FY 09 Non Point Engineering Assistance Base Grant – Wayne Zellmer – ***DECISION ITEM***

4. Mower SWCD Special Project Re-Allocation – Wayne Zellmer – ***DECISION ITEM***

5. Farm Bill Assistance Program – Tabor Hoek – ***DECISION ITEM***

6. Establish Rates and Sign-up Procedures for Reinvest in Minnesota (RIM) Reserve/Wetlands Reserve Program (WRP) Partnership: Phase I – Kevin Lines – ***DECISION ITEM***

7. Lake Titlow Restoration Project – Wayne Zellmer/John Jaschke – ***DECISION ITEM***

8. Agricultural Watershed Restoration Projects – Al Kean – ***DECISION ITEM***

9. Winona County Nominating Districts Resolution – Mary Kells – ***DECISION ITEM***

10. Carbon Capture and Terrestrial Sequestration Study – Dr. Ed Nater, University of Minnesota – ***INFORMATION ITEM***

Board Resolution # 08-58

FISCAL YEAR 09 SOIL AND WATER CONSERVATION DISTRICT GRANT ALLOCATIONS

WHEREAS, Fiscal Year 09 Soil and Water Conservation District (SWCD) grants, administered by the Board of Water and Soil Resources (BWSR), provide cost share and service grants allocations to SWCDs through its State Cost Share Base Grants, Clean Water Legacy Feedlot Water Quality Management Grants, General Services Grants, and Easement Services Grants Programs; and,

WHEREAS, the Laws of Minnesota for 2007, in S.F. 2096, appropriate cost share and service grant funds to BWSR; and,

WHEREAS, all SWCDs that have BWSR approved plans and reports to comply with statutory allocation requirements, are eligible to receive these grants.

NOW THEREFORE, the BWSR hereby authorizes staff to allocate these individual grant amounts, as listed on the attached composite spreadsheet, to eligible SWCDs for these respective grant programs.

R J Kramer

Date: 6/25/08

Randy Kramer, Chair
Board of Water and Soil Resources

Attachment: Proposed FY 2009 Grants to Soil and Water Conservation Districts composite spreadsheet

H:09SWCDBR

FY 09 SWCD GRANTS

The Board is requested to approve the Grants Program and Policy Committee recommendation to approve FY 09 SWCD allocations for four BWSR grant programs. These grant programs are:

COST SHARE
Regular Statewide Cost Share Base Grants
CLEAN WATER LEGACY
Feedlot Water Quality Management Grants
SERVICE GRANTS
General Services
Easement Services

A brief summary of each of these programs follows with highlights and topics of concern for this year.

COST SHARE

Regular Statewide Cost Share Base Grants - $2,144,308. These base grants are for the installation of conservation practices. The FY 09 legislative appropriation is $1,785,000. These allocations utilize the Board's Productivity Standards allocation policy:

. . . . . SWCDs with a "high" level of productivity will receive a $1,000 annual increase. Grants to SWCDs with a "medium" level of productivity will remain the same. SWCDs with a "low" level of productivity will receive a 5% grant decrease. . . .The Board has defined "high" as spending 80% or more; "medium", 60% - 79%; and "low", as < 60% of their grant, on projects.

Recommended Performance Adjustments

For FY 09, these definitions would indicate that the following SWCDs (58) will receive a $1,000 high level of performance increase for spending 80% or more of their base grant on projects:

Anoka	Becker	Benton *	Brown	Carlton	Cass
Chippewa	Clay	Clearwater	Cook	Crow Wing	Dakota
Douglas	Fillmore	Freeborn	Goodhue	Hennepin *	Itasca
Jackson	Kanabec *	Kandiyohi	Kittson	Koochiching	Lake/Woods
Lake	Le Sueur	Lincoln	Lyon	Mahnomen	Marshall-Beltrami
Mille Lacs	Morrison	Nicollet	East Ottertail	West Ottertail	Pennington
Pine	Pipestone *	East Polk	Pope	Ramsey *	Redwood
Renville	Rice	Root River	Roseau	Scott	Sherburne
N. St. Louis	S. St. Louis	Stearns	Swift	Todd	Wadena
Watonwan *	Wilkin	Wright	Yellow Medicine		

McLeod SWCD is to receive a 5% decrease for spending less than 60% of their base grant on projects.

* Benton, Pipestone, Watonwan, Hennepin, Ramsey, and Kanabec performance increases are not recommended because of State Cost Share Program Rule violations.

Cost Share Performance Range: Highest – Pine 100%, Lowest – McLeod 36%

Regular Statewide Cost Share Base Grant funding recommendations are listed on the composite spreadsheet.

NOTE: The difference between the amount proposed to be allocated and the legislative appropriation is $359,308. There is sufficient rollover to cover this amount.

CLEAN WATER LEGACY

Feedlot Water Quality Management Grants - $1,399,904 – The BWSR received requests of $2,071,687 to fund 57 projects. The FY 09 funds available for this Program are $1,598,123 and are appropriated under the Clean Water Legacy Act instead of the traditional State Cost Share Program. Grant funds may not be used for new or expansion feedlot projects.

Please refer to the attached spreadsheet *Fiscal Year 2009 FWQM Grant Application Report*

In addition, the appropriation included the following eligibility language:

> ..... *for feedlot water quality grants for feedlots under 300 animal units where there are impaired waters;*

The State Cost Share Program is used to administer and implement this Program.

Funding priorities established by the Board for this Program are ranked as follows:

Priority

1. Feedlots in riparian locations enrolled in a recognized stewardship plan and high FLEVAL pollution potential
2. Feedlots in riparian locations and high FLEVAL pollution potential
3. Feedlot operations where a high FLEVAL indicates a greater pollution potential
4. Practices that will be applied in 2008
5. Feedlot operators who have received a notice of violation
6. Feedlots in counties that are conducting or have completed a level 2 or level 3 feedlot inventory

SWCDs may request an amount for their technical and administrative costs up to ten percent of individual project funds requested.

Based on this, and the above funding priorities, the funding recommendation is for only eligible feedlots – those that are riparian and occur in a feedlot-related impaired watershed (DO, fecal, nutrients, Ph, etc,) under 300 AUs. The BWSR Clean Water Specialists have verified feedlots occur in impaired waters.

The 303 (d) or impaired waters list was used to identify impaired waters and their watersheds.

The following assumptions were made in reviewing the applications:

- Even though many waters are listed as impaired by mercury, there does not seem to be a direct connection to feedlots for this pollutant and waters impaired by mercury were not considered eligible.
- Impairments for which feedlots could contribute pollutants of concern included fecal coliform bacteria, lake nutrients, ammonia, and dissolved oxygen. Waters listed as impaired due to fish or invertebrate indexes of biotic integrity (IBI) are also included since there has not been a definitive pollutant identified.
- Large-scale impairments such as the Lake Pepin and Red River turbidity impairments are not considered.
- Impaired waters and TMDL implementation must be addressed on a watershed scale.

<u>Recommendation</u>

The Grants Program & Policy Committee requests Board approval of the 09 Feedlot Water Quality Management Grant allocations as indicated on the attached spreadsheet.

This recommendation will allocate $1,399,904 (through #37) and leave $198,219 unallocated.

Recommended options for remaining balance:

- Retain the $198,219 for the 09 NPEA Challenge Grant (for a total of $498,219)
- Add to 08 CWL Program

- Add to 09 CWL Program (preferred)
- Decide later

SERVICES GRANTS

General Services Grant - $2,155,122 - This base grant is for expenditures necessary to the operations of the district. It is noncompetitive.

Recommendation

Proposed allocations are listed on the enclosed composite spreadsheet.

Easement Services Grant - $345,008 - This grant is allocated to SWCDs as compensation for local delivery of the RIM Reserve Program and the conveyance of easements. The grant amount is calculated by a strategy and formula approved by the Board on May 25, 2005. It reflects the relative amount of easement activity in the SWCD.

Please refer to the attached spreadsheet *FY 09 RIM Service Grants*

Recommendation

Proposed allocations are listed on the enclosed composite spreadsheet.

RECOMMENDATION SUMMARY

The Grants Program & Policy Committee is recommending:

1. Allocation of FY 09 SWCD Base Grants as itemized on the composite spreadsheet totaling $2,144,308.
2. Allocation of FY 09 FWQMGs as itemized on the composite spreadsheet totaling, $1,399,904 leaving a remaining balance of $198,219 to be made available for the 09 Clean Water Legacy Program.
3. Allocation of FY 09 General Services Grants as itemized on the composite spreadsheet totaling $2,155,122.
4. Allocation of FY 09 Easement Services Grants as itemized on the composite spreadsheet totaling $345,008.

Fiscal Year 2009 FWQM Grant
Applications Report
Total Project Costs $4,804,026
Total FWQM Grant Requested $2,074,035
Total Producers **57**
Total Funding Available **$1.56M**
Last Updated May 20, 2009

		PRODUCER	ANIMAL UNITS	ANIMAL SPECIES	MinnFARM FLEval Rating	RIPARIAN CATEGORY	VIOLATION NOTICE	PRACTICE	STEWARDSHIP PLAN	IMPAIRED	ASSOCIATED	TOTAL PROJECT COST	FWQM FUNDS REQUESTED	T/A FUNDS REQUESTED	TOTAL FUNDS REQUESTED	CUMULATIVE
1	Rice	Mark Trcka	294	Dairy	65	A	No	05/01/09	Yes	Lower Mississippi River	Fecal Coliform	$181,524	$46,000	$4,000	$50,000	**$50,000**
2	Winona	Steven Ellinghuysen	245	Dairy	42	B	No	08/01/09	Yes	Whitewater River	Fecal Coliform	$27,420	$20,565	$2,057	$22,622	**$72,622**
3	Winona	Nathan Gibbs	220	Dairy,	39	B	No	08/01/09	Yes	Whitewater River	Fecal Coliform	$68,000	$45,500	$4,500	$50,000	**$122,622**
4	Stearns	Wehseler Chuck & Robert	141	Dairy	25	A	No	09/01/08	Yes	Sauk River	Excessive Nutrients	$80,000	$30,000	$3,000	$33,000	**$155,622**
5	Blue Earth	Mrs. Henry Walser (Owner) Richard Walser (Operator)	40	Beef Cow/Calf	19	B	Letter from County	04/01/09	Yes	Le Sueur River	Manure-contaminated runoff	$25,000	$18,750	$1,875	$20,625	**$176,247**
6	Stearns	Kunkel David & Tanya	100	Dairy	17	A	No	09/01/08	Yes	Pearl Lake	Excessive Nutrients	$36,000	$12,500	$1,250	$13,750	**$189,997**
7	Blue Earth	Leland Kietzer (Owner) Jay Kietzer (Operator)	40	Beef Cow/Calf	15	B	Letter from County	10/01/08	Yes	Blue Earth River	Manure-contaminated runoff	$25,000	$18,750	$1,875	$20,625	**$210,622**
8	Blue Earth	Rodney Gens	80	Beef Cow/Calf	13	C	Letter from County and enrolled in MPCA Open Lot Agreement	06/01/09	Yes	Watonwan River	Manure-contaminated runoff	$30,000	$22,500	$2,250	$24,750	**$235,372**
9	Fillmore	Holst Cattle Farms (Glen Holst)	299	Beef	78	B	No	06/01/09	No	Lower Mississippi River	Fecal Coliform	$340,000	$45,500	$4,500	$50,000	**$285,372**
10	Goodhue	Jeff Schultz	60	Dairy	57	B	No	7/1/08	No	Lower Mississippi River	Fecal Coliform	$47,110	$32,120	$3,212	$35,333	**$320,704**
11	Benton	George Mastey	250	Beef	50	B	Yes	07/01/08	No	Big Elk Lake	Nutrient/Eutrophication	$178,205	$38,818	$3,881	$42,699	**$363,403**
12	Stearns	Funk Roger	133	Dairy	49	E	No	09/01/08	No	Sauk River	Excessive Nutrients	$100,000	$45,455	$4,545	$50,000	**$413,403**
13	Fillmore	Doug Lind	105	Beef	48	B	No	08/01/08	No	Lower Mississippi River	Fecal Coliform	$61,000	$45,500	$4,500	$50,000	**$463,403**
14	Fillmore	Randy Ness	299	Dairy	48	B	No	06/01/09	No	Lower Mississippi River	Fecal Coliform	$200,000	$45,500	$4,500	$50,000	**$513,403**
15	Douglas	Marvin Jensen	150	Beef	47	A	Yes	07/15/08	No	Chipewa River	FC,T	$2,400	$1,800	$0	$1,800	**$515,203**
16	Waseca	Richard Ristau	284	Dairy	46	B	pending	07/15/08	No	Lake Elysian	Nutrient/Eutrophication	$146,640	$30,348	$3,034	$33,382	**$548,585**
17	Mower	John Grass	80	Beef	45	B&E	No	7/15/08	No	Upper Iowa River (SE MN TMDL)	Fecal Coliform	$120,000	$45,455	$4,545	$50,000	**$598,585**
18	Douglas	Kerry Nelson	99	Beef	44	B	Yes	07/30/08	No	Long Praire River	B-F	$129,274	$45,455	$4,545	$50,000	**$648,585**
19	Winona	Gary Buehler	144	Beef	44	B	No	08/01/09	No	Mississippi River	Fecal Coliform	$25,050	$18,788	$1,879	$20,666	**$669,251**
20	Stearns	Marthaler Gary	200	Dairy	41	B	No	09/01/09	No	Sauk River	Excessive Nutrients	$70,000	$45,455	$4,545	$50,000	**$719,251**
21	Fillmore	Schriever Farms (Paul Schriever)	299	Dairy	41	D	No	06/01/09	No	Lower Mississippi River	Fecal Coliform	$300,000	$45,500	$4,500	$50,000	**$769,251**
22	Olmsted	Gary Siem	136	Beef	40	B	No	08/01/08	No	124 ft. to Trib. Of Zumbro	Fecal Coliform	$45,482	$34,111	$3,411	$37,522	**$806,774**
23	Olmsted	Ronald Pagel	180	Dairy/Beef	38	B	No	08/01/08	No	172 ft. to Trib. Of Mill Creek	Fecal Coliform	$162,187	$45,455	$4,545	$50,000	**$856,774**
24	Stearns	Klehr Carol	180	Beef	38	B	No	09/01/08	No	Sauk River	Excessive Nutrients	$100,000	$45,455	$4,545	$50,000	**$906,774**
25	Stearns	Eich Joe	79	Beef	37	C	No	09/01/08	No	Sauk River	Excessive Nutrients	$20,000	$15,000	$1,500	$16,500	**$923,274**
26	Root River	Greg Boldt	56	Beef	35	B	No	07/15/09	No	Root River	Fecal Coliform	$75,000	$45,500	$4,500	$50,000	**$973,274**
27	Root River	Morken Farms	235	Beef	33	B	No	06/15/09	No	Root River	Fecal Coliform	$155,500	$45,500	$4,500	$50,000	**$1,023,274**
28	Winona	James Wendt	273	Dairy	32	B	No	08/01/09	No	Whitewater River	Fecal Coliform	$156,950	$45,500	$4,500	$50,000	**$1,073,274**
29	Goodhue	Mike / Dave Carlson	146	Dairy	32	B	No	7/1/08	No	Lower Mississippi River	Fecal Coliform	$142,723	$45,500	$4,500	$50,000	**$1,123,274**
30	Stearns	Schmitz Leroy	140	Dairy & Swine	30	A	No	09/01/09	No	Sauk River	Excessive Nutrients	$100,000	$45,455	$4,545	$50,000	**$1,173,274**

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31	Fillmore	Duschee Hills Dairy	150	Dairy	28	B	No	06/01/09	No	Lower Mississippi River	Fecal Coliform	$200,000	$45,500	$4,500	$50,000	**$1,223,274**
32	Root River	Ed Boldt	115	Beef	28	B	No	06/15/09	No	Root River	Fecal Coliform	$37,000	$27,750	$2,775	$30,525	**$1,253,799**
33	Winona	Bill Hoffman	106	Beef	26	B	No	08/01/09	No	Mississippi River	Fecal Coliform	$32,325	$24,244	$2,424	$26,668	**$1,280,467**
34	Winona	Leroy Kronebusch	40	Beef	25	B	No	08/01/09	No	Whitewater River	Fecal Coliform	$6,950	$5,213	$521	$5,734	**$1,286,201**
35	Stearns	Schmitz Roman	50	Beef	25	E	No	09/01/09	No	Sauk River	Excessive Nutrients	$66,667	$45,455	$4,545	$50,000	**$1,336,201**
36	Stearns	Weinmann John	100	Beef	21	A	No	09/01/09	No	Sauk River	Excessive Nutrients	$70,000	$45,455	$4,545	$50,000	**$1,386,201**
37	Winona	Michael Mueller	110	Dairy	21	B	No	08/01/09	No	Whitewater River	Fecal Coliform	$16,610	$12,458	$1,246	$13,703	**$1,399,904**
38	Wabasha	Steve Luhmann	227	Dairy	41	NONE	No	07/12/08	Yes	Zumbro River	Fecal Coliform	$70,000	$45,500	$4,500	$50,000	**$1,449,904**
39	Winona	James McNally	186	Dairy	25	NONE	No	08/01/09	Yes	Mississippi River	Fecal Coliform	$19,850	$14,878	$1,488	$16,365	**$1,466,269**
40	Blue Earth	Rodney Boeck	140	Dairy	19	NONE	Letter from County	10/01/08	Yes	Blue Earth River	Manure-contaminated runoff and Milk House Wastewater Disposal	$62,000	$46,500	$3,500	$50,000	**$1,516,269**
41	***Blue Earth	David Glamm	148	Dairy	0	NONE	Letter from County	10/01/08	Yes	Le Sueur River	Milk House Wastewater Disposal	$62,000	$46,500	$3,500	$50,000	**$1,566,269**
42	Goodhue	Mike Lohmann	145	Dairy	54	NONE	No	7/1/08	No	Lower Mississippi River	Fecal Coliform	$78,113	$45,500	$4,500	$50,000	**$1,616,269**
43	Fillmore	John Abrahamson	250	Beef	52	NONE	No	08/01/09	No	Lower Mississippi River	Fecal Coliform	$65,000	$45,500	$4,500	$50,000	**$1,666,269**
44	Olmsted	Steve Lawler	118	Beef	49	NONE		08/01/08	No	Silver Creek	Fecal Coliform	$20,790	$15,593	$1,559	$17,152	**$1,683,421**
45	Douglas	David Waldvogel	181	Dairy	44	NONE	Yes	09/01/08	No	Osakis Lk	Excessive Nutrients	$39,746	$29,809	$2,981	$32,790	**$1,716,211**
46	Douglas	Larry Christianson	129.5	Dairy	43	NONE	No	10/01/08	No	Long Praire River	B-F	$75,244	$45,455	$4,545	$50,000	**$1,766,211**
47	Douglas	Steve Anderson	50	Beef	39	NONE	No	07/30/08	No	Chippewa River	FC,T	$4,250	$3,188	$319	$3,506	**$1,769,717**
48	Douglas	Greg Faber	103	Dairy	37	NONE	No	10/01/08	No	Osakis Lk	Excessive Nutrients	$92,500	$50,000	$5,000	$55,000	**$1,824,717**
49	Waseca	Wayne James	225	Steers	36	NONE	No	09/15/08	No	Lake Elysian	And Biological Indicators	$152,000	$34,500	$3,450	$37,950	**$1,862,667**
50	Winona	Alfred Lehmker	116	Dairy	34	NONE	No	08/01/09	No	Mississippi River	Fecal Coliform	$71,500	$45,500	$4,500	$50,000	**$1,912,667**
51	****Renville	Michael Schneider	250	Dairy	26	NONE	YES	07/01/08	No	Limbo/Unknown	Fish IBI	$174,550	$41,400	$4,140	$45,540	**$1,958,207**
											Additional T/A above the allowable 10%			**$2,610**	$2,610	**$1,960,817**
52	Kanabec	Peter Ripka	243	Dairy	22	NONE	No	07/01/09	No	Groundhouse River	Fecal Coliform	$43,277	$21,638	$2,164	$23,802	**$1,984,619**
53	Douglas	Steve Bartos		Dairy	0	NONE	No	08/01/08	No	Chippewa River	FC,T	$6,750	$5,063	$0	$5,063	**$1,989,682**
54	Douglas	Ken Rutten	50	Beef	0	NONE	No	10/01/08	No	Osakis Lk	Excessive Nutrients	$33,600	$25,200	$2,520	$27,720	**$2,017,402**
55	Winona	Bill Wessel	150	Dairy	0	NONE	No	08/01/09	No	Mississippi River	Fecal Coliform	$19,980	$14,985	$1,499	$16,484	**$2,033,885**
56	****Renville	Richard Kurth	210	Hogs	0	NONE	YES	07/01/08	No	S. Fork Crow River	B-FI, T	$107,210	$25,500	$2,550	$28,050	**$2,061,935**
											Additional T/A above the allowable 10%			**$2,700**	$2,700	**$2,064,635**
57	Renville	Gregg Albrecht	80	Dairy	0	NONE	YES	07/01/08	No	Minnesota	DO	$25,650	$6,412	$640	$7,052	**$2,071,687**
												$4,804,026	$1,882,428	$189,259	$2,071,687	

FY09 RIM SERVICE GRANTS

SWCD	Total # of Easements	$ FY07	$ FY08	$ FY09
Aitkin	2	144.40	142.50	**$139**
Anoka	0	0.00	0.00	**$0**
Becker	8	577.60	570.00	**$556**
Beltrami	7	505.40	498.75	**$487**
Benton	24	1,732.80	1,710.00	**$1,669**
Big Stone	34	2,454.80	2,422.50	**$2,364**
Blue Earth	207	14,945.40	14,748.75	**$14,393**
Brown	166	11,985.20	11,827.50	**$11,542**
Carlton	0	0.00	0.00	**$0**
Carver	38	2,743.60	2,707.50	**$2,642**
Cass	2	144.40	142.50	**$139**
Chippewa	163	11,768.60	11,613.75	**$11,333**
Chisago	9	649.80	641.25	**$626**
Clay	53	3,826.60	3,776.25	**$3,685**
Clearwater	4	288.80	285.00	**$278**
Cook	0	0.00	0.00	**$0**
Cottonwood	187	13,501.40	13,323.75	**$13,002**
Crow Wing	0	0.00	0.00	**$0**
Dakota	6	433.20	427.50	**$417**
Dodge	11	794.20	783.75	**$765**
Douglas	98	7,075.60	6,982.50	**$6,814**
Faribault	184	13,284.80	13,110.00	**$12,794**
Fillmore	19	1,371.80	1,353.75	**$1,321**
Freeborn	83	5,992.60	5,913.75	**$5,771**
Goodhue	66	4,765.20	4,702.50	**$4,589**
Grant	24	1,732.80	1,710.00	**$1,669**
Hennepin	34	2,454.80	2,422.50	**$2,364**
Hubbard	1	72.20	71.25	**$70**
Isanti	9	649.80	641.25	**$626**
Itasca	0	0.00	0.00	**$0**
Jackson	98	7,075.60	6,982.50	**$6,814**
Kanabec	7	505.40	498.75	**$487**
Kandiyohi	132	9,530.40	9,405.00	**$9,178**
Kittson	7	505.40	498.75	**$487**
Koochiching	0	0.00	0.00	**$0**
Lac Qui Parle	174	12,562.80	12,397.50	**$12,098**
Lake	0	0.00	0.00	**$0**
Lake of Woods	0	0.00	0.00	**$0**
LeSueur	96	6,931.20	6,840.00	**$6,675**
Lincoln	97	7,003.40	6,911.25	**$6,744**
Lyon	142	10,252.40	10,117.50	**$9,873**
Mahnomen	0	0.00	0.00	**$0**
Marshall	17	1,227.40	1,211.25	**$1,182**
Marshall-Beltrami	4	288.80	285.00	**$278**
Martin	197	14,223.40	14,036.25	**$13,697**
McLeod	57	4,115.40	4,061.25	**$3,963**

SWCD	Total # of Easements	$ FY07	$ FY08	$ FY09
Meeker	73	5,270.60	5,201.25	**$5,076**
Mille Lacs	16	1,155.20	1,140.00	**$1,112**
Morrison	31	2,238.20	2,208.75	**$2,155**
Mower	69	4,981.80	4,916.25	**$4,798**
Murray	94	6,786.80	6,697.50	**$6,536**
Nicollet	72	5,198.40	5,130.00	**$5,006**
Nobles	24	1,732.80	1,710.00	**$1,669**
Norman	33	2,382.60	2,351.25	**$2,294**
Olmsted	16	1,155.20	1,140.00	**$1,112**
Otter Tail, East	11	794.20	783.75	**$765**
Otter Tail, West	48	3,465.60	3,420.00	**$3,337**
Pennington	1	72.20	71.25	**$70**
Pine	1	72.20	71.25	**$70**
Pipestone	22	1,588.40	1,567.50	**$1,530**
Polk, East	3	216.60	213.75	**$209**
Polk, West	2	144.40	142.50	**$139**
Pope	160	11,552.00	11,400.00	**$11,125**
Ramsey	0	0.00	0.00	**$0**
Red Lake	5	361.00	356.25	**$348**
Redwood	309	22,309.80	22,016.25	**$21,485**
Renville	382	27,580.40	27,217.50	**$26,560**
Rice	52	3,754.40	3,705.00	**$3,616**
Rock	22	1,588.40	1,567.50	**$1,530**
Root River	50	3,610.00	3,562.50	**$3,477**
Roseau	1	72.20	71.25	**$70**
Scott	47	3,393.40	3,348.75	**$3,268**
Sherburne	0	0.00	0.00	**$0**
Sibley	95	6,859.00	6,768.75	**$6,605**
St. Louis, North	0	0.00	0.00	**$0**
St. Louis, South	0	0.00	0.00	**$0**
Stearns	19	1,371.80	1,353.75	**$1,321**
Steele	48	3,465.60	3,420.00	**$3,337**
Stevens	65	4,693.00	4,631.25	**$4,519**
Swift	165	11,913.00	11,756.25	**$11,472**
Todd	4	288.80	285.00	**$278**
Traverse	21	1,516.20	1,496.25	**$1,460**
Wabasha	24	1,732.80	1,710.00	**$1,669**
Wadena	10	722.00	712.50	**$695**
Waseca	106	7,653.20	7,552.50	**$7,370**
Washington	2	144.40	142.50	**$139**
Watonwan	103	7,436.60	7,338.75	**$7,162**
Wilkin	26	1,877.20	1,852.50	**$1,808**
Winona	47	3,393.40	3,348.75	**$3,268**
Wright	43	3,104.60	3,063.75	**$2,990**
Yellow Medicine	173	12,490.60	12,326.25	**$12,029**
STATE TOTAL	4,962	358,256.40	353,542.50	**$345,008**

PROPOSED FY 2009 GRANTS TO SOIL AND WATER CONSERVATION DISTRICTS

COMPOSITE

SWCD	COST SHARE BASE	CWL FEEDLOT	SERVICE GRANTS		GRANT TOTALS
			GENERAL SERVICES	EASEMENT SERVICES	
AITKIN	$7,738		$24,649	$139	**$32,526**
ANOKA	$18,803		$25,304		**$44,107**
BECKER	$46,711		$23,245	$556	**$70,512**
BELTRAMI	$10,975		$23,105	$487	**$34,567**
BENTON	$19,869	$42,699	$23,479	$1,669	**$87,716**
BIG STONE	$12,239		$22,075	$2,364	**$36,678**
BLUE EARTH	$28,417	$66,000	$23,058	$14,393	**$131,868**
BROWN	$25,624		$23,152	$11,542	**$60,318**
CARLTON	$13,000		$22,824		**$35,824**
CARVER	$29,202		$24,041	$2,642	**$55,885**
CASS	$12,966		$22,356	$139	**$35,461**
CHIPPEWA	$19,001		$23,152	$11,333	**$53,486**
CHISAGO	$16,524		$24,087	$626	**$41,237**
CLAY	$28,821		$23,526	$3,685	**$56,032**
CLEARWATER	$14,025		$22,918	$278	**$37,221**
COOK	$17,000		$22,263		**$39,263**
COTTONWOOD	$26,328		$23,152	$13,002	**$62,482**
CROW WING	$16,000		$22,450		**$38,450**
DAKOTA	$41,207		$25,866	$417	**$67,490**
DODGE	$18,513		$23,620	$765	**$42,898**
DOUGLAS	$28,712	$51,800	$24,602	$6,814	**$111,928**
FARIBAULT	$23,637		$23,620	$12,794	**$60,051**
FILLMORE	$43,432	$250,000	$24,555	$1,321	**$319,308**
FREEBORN	$28,846		$23,386	$5,771	**$58,003**
GOODHUE	$46,358	$85,333	$24,462	$4,589	**$160,742**
GRANT	$21,173		$23,245	$1,669	**$46,087**
HENNEPIN	$23,072		$31,417	$2,364	**$56,853**
HUBBARD	$14,500		$22,216	$70	**$36,786**
ISANTI	$11,303		$24,602	$626	**$36,531**
ITASCA	$11,000		$23,011		**$34,011**
JACKSON	$21,990		$22,403	$6,814	**$51,207**
KANABEC	$16,000		$22,871	$487	**$39,358**
KANDIYOHI	$24,759		$23,807	$9,178	**$57,744**
KITTSON	$16,000		$23,432	$487	**$39,919**
KOOCHICHING	$17,000		$22,590		**$39,590**
LAC QUI PARLE	$38,341		$22,918	$12,098	**$73,357**
LAKE	$17,000		$22,403		**$39,403**
LAKE OF THE WOODS	$17,000		$22,075		**$39,075**
LE SUEUR	$34,447		$23,947	$6,675	**$65,069**
LINCOLN	$27,062		$24,275	$6,744	**$58,081**
LYON	$24,472		$23,479	$9,873	**$57,824**
MAHNOMEN	$18,229		$22,169		**$40,398**
MARSHALL	$11,745		$22,497	$1,182	**$35,424**
MARSHALL-BELTRAMI	$10,025		$22,824	$278	**$33,127**
MARTIN	$33,528		$23,105	$13,697	**$70,330**

SWCD	COST SHARE BASE	CWL FEEDLOT	SERVICE GRANTS		GRANT TOTALS
			GENERAL SERVICES	EASEMENT SERVICES	
MC LEOD	$20,529		$22,965	$3,963	**$47,457**
MEEKER	$27,983		$22,684	$5,076	**$55,743**
MILLE LACS	$11,025		$23,058	$1,112	**$35,195**
MORRISON	$40,665		$24,696	$2,155	**$67,516**
MOWER	$35,214	$50,000	$25,351	$4,798	**$115,363**
MURRAY	$20,336		$22,309	$6,536	**$49,181**
NICOLLET	$22,082		$23,479	$5,006	**$50,567**
NOBLES	$32,479		$22,637	$1,669	**$56,785**
NORMAN	$19,047		$23,198	$2,294	**$44,539**
OLMSTED	$57,252	$87,522	$26,474	$1,112	**$172,360**
OTTER TAIL EAST	$29,809		$23,198	$765	**$53,772**
OTTER TAIL WEST	$37,159		$23,198	$3,337	**$63,694**
PENNINGTON	$18,674		$22,871	$70	**$41,615**
PINE	$22,424		$23,198	$70	**$45,692**
PIPESTONE	$27,707		$22,824	$1,530	**$52,061**
POLK EAST	$17,282		$23,011	$209	**$40,502**
POLK WEST	$25,063		$23,011	$139	**$48,213**
POPE	$35,283		$22,731	$11,125	**$69,139**
RAMSEY	$18,988		$23,620		**$42,608**
RED LAKE	$9,003		$22,122	$348	**$31,473**
REDWOOD	$23,418		$23,620	$21,485	**$68,523**
RENVILLE	$17,594		$23,807	$26,560	**$67,961**
RICE	$25,873	$50,000	$27,878	$3,616	**$107,367**
ROCK	$27,802		$23,620	$1,530	**$52,952**
ROOT RIVER	$37,104	$130,525	$27,363	$3,477	**$198,469**
ROSEAU	$17,716		$22,918	$70	**$40,704**
SCOTT	$32,366		$24,321	$3,268	**$59,955**
SHERBURNE	$14,000		$26,333		**$40,333**
SIBLEY	$16,825		$23,058	$6,605	**$46,488**
ST. LOUIS NORTH	$14,025		$22,965		**$36,990**
ST. LOUIS SOUTH	$11,352		$22,965		**$34,317**
STEARNS	$66,834	$363,250	$26,801	$1,321	**$458,206**
STEELE	$17,874		$24,415	$3,337	**$45,626**
STEVENS	$28,603		$23,432	$4,519	**$56,554**
SWIFT	$16,839		$22,731	$11,472	**$51,042**
TODD	$29,501		$24,462	$278	**$54,241**
TRAVERSE	$10,044		$23,386	$1,460	**$34,890**
WABASHA	$28,775		$23,947	$1,669	**$54,391**
WADENA	$17,000		$22,871	$695	**$40,566**
WASECA	$17,767	$33,382	$23,198	$7,370	**$81,717**
WASHINGTON	$21,927		$25,070	$139	**$47,136**
WATONWAN	$18,113		$22,497	$7,162	**$47,772**
WILKIN	$23,139		$23,526	$1,808	**$48,473**
WINONA	$21,728	$189,393	$25,538	$3,268	**$239,927**
WRIGHT	$27,565		$26,006	$2,990	**$56,561**
YELLOW MEDICINE	$29,926		$23,526	$12,029	**$65,481**
ALLOCATED TOTALS	**$2,144,308**	**$1,399,904**	**$2,155,122**	**$345,008**	**$6,044,342**

NOTES:

Benton – No State Cost Share Base Grant productivity increase for 09 for administrative irregularities

Blue Earth - $3,923 State Cost Share Base Grant Penalty for 03 and 04 State Cost Share Program violations

Pipestone – No performance increase due to State Cost Share Program violations

Red Lake - $429 State Cost Share Base Grant one-time addition due to miscalculation of 08 Base Grant. Should be $8,574

Norman - $1,100 one-time addition to State Cost Share Base Grant for partial restoration of prior penalty for 06 violation

SWCD	COST SHARE BASE	CWL FEEDLOT	SERVICE GRANTS		GRANT TOTALS
			GENERAL SERVICES	EASEMENT SERVICES	

Todd – $445 one-time addition for return of overpayment of unused 05 State Cost Share Base Grant funds

Cass – No CY 06 financial audit; 5% base grant penalty

Watonwan – No performance increase due to 03 State Cost Share Program violations

Hennepin – Late Annual Report - late CY 07 eLINK reporting; 5% reduction to General Services Grant, No State Cost Share Base Grant productivity increase for '09

Ramsey - No State Cost Share Base Grant productivity increase for 09 for administrative/program irregularities

Kanabec - No State Cost Share Base Grant productivity increase for 09 for administrative/program irregularities

Mower - Includes $15,000 for flood retention special project.

PROPOSED FY 2009 GRANTS TO SOIL AND WATER CONSERVATION DISTRICTS

COMPOSITE

SWCD	COST SHARE BASE	CWL FEEDLOT	SERVICE GRANTS		GRANT TOTALS
			GENERAL SERVICES	EASEMENT SERVICES	
AITKIN	$7,738		$24,649	$139	**$32,526**
ANOKA	$18,803		$25,304		**$44,107**
BECKER	$46,711		$23,245	$556	**$70,512**
BELTRAMI	$10,975		$23,105	$487	**$34,567**
BENTON	$19,869	$42,699	$23,479	$1,669	**$87,716**
BIG STONE	$12,239		$22,075	$2,364	**$36,678**
BLUE EARTH	$28,417	$66,000	$23,058	$14,393	**$131,868**
BROWN	$25,624		$23,152	$11,542	**$60,318**
CARLTON	$13,000		$22,824		**$35,824**
CARVER	$29,202		$24,041	$2,642	**$55,885**
CASS	$12,966		$22,356	$139	**$35,461**
CHIPPEWA	$19,001		$23,152	$11,333	**$53,486**
CHISAGO	$16,524		$24,087	$626	**$41,237**
CLAY	$28,821		$23,526	$3,685	**$56,032**
CLEARWATER	$14,025		$22,918	$278	**$37,221**
COOK	$17,000		$22,263		**$39,263**
COTTONWOOD	$26,328		$23,152	$13,002	**$62,482**
CROW WING	$16,000		$22,450		**$38,450**
DAKOTA	$41,207		$25,866	$417	**$67,490**
DODGE	$18,513		$23,620	$765	**$42,898**
DOUGLAS	$28,712	$51,800	$24,602	$6,814	**$111,928**
FARIBAULT	$23,637		$23,620	$12,794	**$60,051**
FILLMORE	$43,432	$250,000	$24,555	$1,321	**$319,308**
FREEBORN	$28,846		$23,386	$5,771	**$58,003**
GOODHUE	$46,358	$85,333	$24,462	$4,589	**$160,742**
GRANT	$21,173		$23,245	$1,669	**$46,087**
HENNEPIN	$23,072		$31,417	$2,364	**$56,853**
HUBBARD	$14,500		$22,216	$70	**$36,786**
ISANTI	$11,303		$24,602	$626	**$36,531**
ITASCA	$11,000		$23,011		**$34,011**
JACKSON	$21,990		$22,403	$6,814	**$51,207**
KANABEC	$16,000		$22,871	$487	**$39,358**
KANDIYOHI	$24,759		$23,807	$9,178	**$57,744**
KITTSON	$16,000		$23,432	$487	**$39,919**
KOOCHICHING	$17,000		$22,590		**$39,590**
LAC QUI PARLE	$38,341		$22,918	$12,098	**$73,357**
LAKE	$17,000		$22,403		**$39,403**
LAKE OF THE WOODS	$17,000		$22,075		**$39,075**
LE SUEUR	$34,447		$23,947	$6,675	**$65,069**
LINCOLN	$27,062		$24,275	$6,744	**$58,081**
LYON	$24,472		$23,479	$9,873	**$57,824**
MAHNOMEN	$18,229		$22,169		**$40,398**
MARSHALL	$11,745		$22,497	$1,182	**$35,424**
MARSHALL-BELTRAMI	$10,025		$22,824	$278	**$33,127**
MARTIN	$33,528		$23,105	$13,697	**$70,330**

SWCD	COST SHARE BASE	CWL FEEDLOT	SERVICE GRANTS		GRANT TOTALS
			GENERAL SERVICES	EASEMENT SERVICES	
MC LEOD	$20,529		$22,965	$3,963	**$47,457**
MEEKER	$27,983		$22,684	$5,076	**$55,743**
MILLE LACS	$11,025		$23,058	$1,112	**$35,195**
MORRISON	$40,665		$24,696	$2,155	**$67,516**
MOWER	$35,214	$50,000	$25,351	$4,798	**$115,363**
MURRAY	$20,336		$22,309	$6,536	**$49,181**
NICOLLET	$22,082		$23,479	$5,006	**$50,567**
NOBLES	$32,479		$22,637	$1,669	**$56,785**
NORMAN	$19,047		$23,198	$2,294	**$44,539**
OLMSTED	$57,252	$87,522	$26,474	$1,112	**$172,360**
OTTER TAIL EAST	$29,809		$23,198	$765	**$53,772**
OTTER TAIL WEST	$37,159		$23,198	$3,337	**$63,694**
PENNINGTON	$18,674		$22,871	$70	**$41,615**
PINE	$22,424		$23,198	$70	**$45,692**
PIPESTONE	$27,707		$22,824	$1,530	**$52,061**
POLK EAST	$17,282		$23,011	$209	**$40,502**
POLK WEST	$25,063		$23,011	$139	**$48,213**
POPE	$35,283		$22,731	$11,125	**$69,139**
RAMSEY	$18,988		$23,620		**$42,608**
RED LAKE	$9,003		$22,122	$348	**$31,473**
REDWOOD	$23,418		$23,620	$21,485	**$68,523**
RENVILLE	$17,594		$23,807	$26,560	**$67,961**
RICE	$25,873	$50,000	$27,878	$3,616	**$107,367**
ROCK	$27,802		$23,620	$1,530	**$52,952**
ROOT RIVER	$37,104	$130,525	$27,363	$3,477	**$198,469**
ROSEAU	$17,716		$22,918	$70	**$40,704**
SCOTT	$32,366		$24,321	$3,268	**$59,955**
SHERBURNE	$14,000		$26,333		**$40,333**
SIBLEY	$16,825		$23,058	$6,605	**$46,488**
ST. LOUIS NORTH	$14,025		$22,965		**$36,990**
ST. LOUIS SOUTH	$11,352		$22,965		**$34,317**
STEARNS	$66,834	$363,250	$26,801	$1,321	**$458,206**
STEELE	$17,874		$24,415	$3,337	**$45,626**
STEVENS	$28,603		$23,432	$4,519	**$56,554**
SWIFT	$16,839		$22,731	$11,472	**$51,042**
TODD	$29,501		$24,462	$278	**$54,241**
TRAVERSE	$10,044		$23,386	$1,460	**$34,890**
WABASHA	$28,775		$23,947	$1,669	**$54,391**
WADENA	$17,000		$22,871	$695	**$40,566**
WASECA	$17,767	$33,382	$23,198	$7,370	**$81,717**
WASHINGTON	$21,927		$25,070	$139	**$47,136**
WATONWAN	$18,113		$22,497	$7,162	**$47,772**
WILKIN	$23,139		$23,526	$1,808	**$48,473**
WINONA	$21,728	$189,393	$25,538	$3,268	**$239,927**
WRIGHT	$27,565		$26,006	$2,990	**$56,561**
YELLOW MEDICINE	$29,926		$23,526	$12,029	**$65,481**
ALLOCATED TOTALS	**$2,144,308**	**$1,399,904**	**$2,155,122**	**$345,008**	**$6,044,342**

NOTES:

Benton – No State Cost Share Base Grant productivity increase for 09 for administrative irregularities

Blue Earth - $3,923 State Cost Share Base Grant Penalty for 03 and 04 State Cost Share Program violations

Pipestone – No performance increase due to State Cost Share Program violations

Red Lake - $429 State Cost Share Base Grant one-time addition due to miscalculation of 08 Base Grant. Should be $8,574

Norman - $1,100 one-time addition to State Cost Share Base Grant for partial restoration of prior penalty for 06 violation

SWCD	COST SHARE BASE	CWL FEEDLOT	SERVICE GRANTS		GRANT TOTALS
			GENERAL SERVICES	EASEMENT SERVICES	

Todd – $445 one-time addition for return of overpayment of unused 05 State Cost Share Base Grant funds

Cass – No CY 06 financial audit; 5% base grant penalty

Watonwan – No performance increase due to 03 State Cost Share Program violations

Hennepin – Late Annual Report - late CY 07 eLINK reporting; 5% reduction to General Services Grant, No State Cost Share Base Grant productivity increase for '09

Ramsey - No State Cost Share Base Grant productivity increase for 09 for administrative/program irregularities

Kanabec - No State Cost Share Base Grant productivity increase for 09 for administrative/program irregularities

Mower - Includes $15,000 for flood retention special project.

Board Resolution # 08-59

FY 09 Natural Resources Block Grant Authorization

WHEREAS, the Natural Resources Block Grant (NRBG), administered by the Board of Water and Soil Resources (BWSR), provides assistance to local governments to implement the state natural resource programs of Comprehensive Local Water Management, the Wetland Conservation Act, the DNR Shoreland Management, the MPCA County Feedlot, and the MPCA Individual Sewage Treatment Systems; and,

WHEREAS, the Laws of Minnesota for 2007, S. F. 2096 appropriated FY 09 Natural Resources Block Grant funds to BWSR and MPCA.

NOW THEREFORE, the BWSR hereby authorizes staff to allocate appropriate individual grant amounts to counties meeting the NRBG Program requirements, as determined by the BWSR, MPCA, and DNR staffs and indicated on the attached spreadsheet *2009 BWSR Natural Resources Block Grant.*

Randy Kramer, Chair
Board of Water and Soil Resources

Date: 6/25/08

Attachment: 2009 BWSR Natural Resources Block Grant spreadsheet

H:09NRBGBR

PROPOSED FY 2009 NATURAL RESOURCES BLOCK GRANTS

Background
The Natural Resources Block Grant (NRBG) provides assistance to local governments to implement state natural resource programs. These programs are: Comprehensive Local Water Management, the Wetland Conservation Act, the DNR Shoreland Management, the MPCA County Feedlot, and the MPCA Subsurface Sewage Treatment Systems.

The NRBG is a composite base grant generally formulated to reflect need/activity of these programs in all counties. This grant is not competitive and all counties are eligible for any or all of the five grant program components.

FY 2009 NRBG Schedule

May 27, 2008	Grants Program & Policy Committee Recommendation
June 25, 2008	BWSR Requested to authorize the FY 2009 NRBG
July 2008	Grant Agreements Sent to Non-Feedlot-Delegated Counties
August 2008	Grant Agreements Sent to Feedlot-Delegated Counties
September 2008	Grant Agreements Executed and Payments Transferred
February 1, 2009	2008 eLINK Reports Due

Selected Program Highlights of the FY 2009 NRBG:

General
The 2008 NRBG was the only remaining base grant administered by BWSR with an application and approval process. Because of the increased emphasis BWSR is putting on grant reporting, the BWSR along with MPCA and the DNR are proposing to discontinue the traditional NRBG application process beginning with the 09 NRBG Program. Staff workteams have examined the value of the application and conclude that it is an unnecessary administrative task for staffs and LGUs. Blanket agency approvals will be issued upon authorization of the 09 Program based upon previous LGU reports and performance. LGUs will however, still be required to authorize that they have obligated any required match funds.

Comprehensive Local Water Management - $1,499,824
This component is for implementing comprehensive local water plans. A statutory local levy match is required that will generate $1.5 M on a statewide basis. This individual county amount is determined from a county's equalized taxable net tax capacity, as determined by the Dept. of Revenue. Counties must have a BWSR approved locally adopted comprehensive local water plan.

Wetland Conservation Act - $2,171,973
This component is for the local administration of the WCA. A local 1:1 match is required. The grant amount is formula derived from a base amount of county WCA activity. This formula was approved by BWSR at their April 2003 Meeting. The formula includes the following factors:

- Number of landowner contacts resulting in mitigation or replacement
- Number of cease and desist orders & restoration orders issued
- Change in population
- Amount of wetlands on non-public lands
- Amount of poorly drained soils on non-public lands
- Amount of shoreland on non-public lands

Of this amount, SWCDs are entitled to receive at least 15% or $5,000, whichever is greater, for performing mandated WCA activities.

DNR Shoreland - $429,926

This component is for the administration of state approved Shoreland management programs. It is administered at the state level by the DNR. A local 1:1 match is required. The grant amount is derived from a base estimated amount of county Shoreland activity based on:

- Shoreline miles of lakes and rivers
- Amount of private lands
- Population

MPCA County Feedlot Program - $1,973,875

This component is for county administration of the MPCA Feedlot Program. All counties that have received delegation from MPCA to administer this Program are eligible to apply. A local .7:1 match is required. Grant amounts are based on the grant formula that includes the following highlights:

- Grant amounts are based on feedlot registration database information from 2005 and a legislative appropriation of $2,324,000.

- Grants are based on the number of feedlots in shoreland with 10 or more AU and feedlots in non-shoreland with 50 or more AU.

- In addition to the projected grant amounts shown, counties will be eligible to earn an incentive award. The incentive is based on work performed by the county during the program year that exceeds minimum program requirements. Ten percent of the legislative appropriation is reserved for performance credit awards.

MPCA County Subsurface Sewage Treatment Systems Program - $870,000 All counties are required to pass ordinances regulating SSTS countywide. All counties that have enacted countywide ordinances and have a BWSR approved locally adopted comprehensive local water plan are eligible to receive this grant. No local match is required. Grant amount of $10,000 is determined by equal county allocations. (If dedicated funding is achieved, this amount will become the base amount for FY 10 grants.) These funds are appropriated under the CWL Program.

Recommendation 

On behalf of the Grants Program & Policy Committee, the Board is requested to approve the 09 Natural Resources Block Grant Program and authorize staff to enter into grant agreements with counties that meet Program requirements according to the proposed itemized amounts on the attached spreadsheet *2009 BWSR Natural Resources Block Grant, Base Grant Breakdown by Program.*

H:09NRBG

2009 BWSR NATURAL RESOURCES BLOCK GRANT
BASE GRANT BREAKDOWN BY PROGRAM

	$1.5 M	$2.17 M		$.43 M	$1.97 M	$.87 M	
	LOCAL WATER MANAGEMENT	WCA CONSERVATION ACT		DNR SHORELAND	MPCA COUNTY FEEDLOT PROGRAM	MPCA COUNTY SSTS PROGRAM	
COUNTY	CLWM BASE GRANT	WCA BASE GRANT	MINIMUM SWCD TRANSFER	SHORELAND BASE GRANT	FEEDLOT BASE GRANT	SSTS BASE GRANT	GRANT TOTAL
AITKIN	$18,285	$37,870	$5,681	$12,288		$10,000	**$78,443**
ANOKA	$10,657	$71,992	$10,799	$2,979		$10,000	**$95,628**
BECKER	$17,210	$27,613	$5,000	$12,234		$10,000	**$67,057**
BELTRAMI	$18,022	$69,034	$8,679	$6,272		$10,000	**$103,328**
BENTON	$17,473	$36,000	$5,400	$3,744		$10,000	**$67,217**
BIG STONE	$20,685	$10,000	$5,000	$3,065	$7,500	$10,000	**$51,250**
BLUE EARTH	$13,197	$20,710	$5,000	$3,695	$34,681	$10,000	**$82,283**
BROWN	$17,949	$10,000	$5,000	$3,048	$41,225	$10,000	**$82,222**
CARLTON	$17,575	$25,641	$5,000	$4,474		$10,000	**$57,690**
CARVER	$10,657	$36,000	$5,400	$2,979	$30,474	$10,000	**$90,110**
CASS	$13,827	$51,000	$7,650	$12,189		$10,000	**$87,016**
CHIPPEWA	$19,592	$10,000	$5,000	$2,990		$10,000	**$42,582**
CHISAGO	$14,803	$31,558	$5,000	$5,631		$10,000	**$61,992**
CLAY	$16,685	$18,737	$5,000	$3,354	$7,000	$10,000	**$55,776**
CLEARWATER	$20,086	$22,682	$5,000	$3,604		$10,000	**$56,372**
COOK	$19,528	$14,793	$5,000	$4,780		$10,000	**$49,101**
COTTONWOOD	$19,544	$10,000	$5,000	$3,158	$27,109	$10,000	**$69,811**
CROW WING	$10,657	$43,392	$6,509	$21,792		$10,000	**$85,841**
DAKOTA	$10,657	$60,158	$9,024	$2,979	$25,707	$10,000	**$109,501**
DODGE	$19,070	$18,734	$5,000	$3,047	$30,474	$10,000	**$81,325**
DOUGLAS	$15,901	$24,655	$5,000	$9,734	$47,768	$10,000	**$108,058**
FARIBAULT	$19,157	$10,000	$5,000	$3,116	$38,981	$10,000	**$81,254**
FILLMORE	$18,799	$10,000	$5,000	$3,067	$106,754	$10,000	**$148,620**
FREEBORN	$17,274	$10,000	$5,000	$3,576	$36,738	$10,000	**$77,588**
GOODHUE	$12,419	$18,737	$5,000	$3,158	$75,906	$10,000	**$120,220**
GRANT	$20,411	$15,779	$5,000	$3,482		$10,000	**$49,672**
HENNEPIN	$10,657	$65,089	$9,763	$0		$10,000	**$85,746**
HOUSTON	$19,353	$14,793	$5,000	$3,105	$43,468	$10,000	**$90,719**
HUBBARD	$17,438	$28,599	$5,000	$9,609		$10,000	**$65,646**
ISANTI	$17,447	$28,599	$5,000	$4,562		$10,000	**$60,608**
ITASCA	$13,754	$50,296	$7,544	$11,514		$10,000	**$85,564**
JACKSON	$19,376	$10,000	$5,000	$3,430	$42,533	$10,000	**$85,339**
KANABEC	$19,843	$28,599	$5,000	$4,660		$10,000	**$63,102**
KANDIYOHI	$15,829	$24,655	$5,000	$7,693	$47,301	$10,000	**$105,478**
KITTSON	$20,116	$18,737	$5,000	$3,016	$7,500	$10,000	**$59,369**
KOOCHICHING	$19,782	$32,939	$5,010	$3,101		$10,000	**$65,822**
LAC QUI PARLE	$20,346	$10,000	$5,000	$2,995	$7,500	$10,000	**$50,841**
LAKE	$19,401	$18,737	$5,000	$5,257		$10,000	**$53,395**
LAKE OF THE WOODS	$20,814	$38,461	$5,769	$3,978	$7,500	$10,000	**$80,753**
LE SUEUR	$17,776	$18,737	$5,000	$5,603	$23,370	$10,000	**$75,486**
LINCOLN	$20,391	$10,000	$5,000	$3,153	$41,412	$10,000	**$84,956**
LYON	$18,023	$10,000	$5,000	$3,119		$10,000	**$41,142**
MCLEOD	$16,645	$18,737	$5,000	$3,404	$36,364	$10,000	**$85,150**
MAHNOMEN	$20,853	$14,793	$5,000	$3,828		$10,000	**$49,474**
MARSHALL	$19,740	$21,696	$5,000	$2,979	$7,500	$10,000	**$61,915**
MARTIN	$18,033	$10,000	$5,000	$3,445	$57,116	$10,000	**$98,594**
MEEKER	$18,419	$21,696	$5,000	$5,394	$27,109	$10,000	**$82,618**
MILLE LACS	$18,908	$25,641	$5,000	$5,478	$8,133	$10,000	**$68,160**

BASE GRANT BREAKDOWN BY PROGRAM

	$1.5 M	$2.17 M		$.43 M	$1.97 M	$.87 M	
	LOCAL WATER MANAGEMENT	WCA CONSERVATION ACT		DNR SHORELAND	MPCA COUNTY FEEDLOT PROGRAM	MPCA COUNTY SSTS PROGRAM	
COUNTY	CLWM BASE GRANT	WCA BASE GRANT	MINIMUM SWCD TRANSFER	SHORELAND BASE GRANT	FEEDLOT BASE GRANT	SSTS BASE GRANT	GRANT TOTAL
MORRISON	$17,918	$34,517	$5,178	$4,494	$57,490	$10,000	**$124,419**
MOWER	$17,178	$14,793	$5,000	$3,719	$26,688	$10,000	**$72,378**
MURRAY	$19,815	$10,000	$5,000	$3,670	$39,075	$10,000	**$82,560**
NICOLLET	$17,321	$18,737	$5,000	$3,055	$38,514	$10,000	**$87,627**
NOBLES	$18,962	$10,000	$5,000	$3,032	$49,264	$10,000	**$91,258**
NORMAN	$20,461	$14,793	$5,000	$2,989	$7,500	$10,000	**$55,743**
OLMSTED	$10,657	$28,599	$5,000	$3,588		$10,000	**$52,844**
OTTER TAIL	$12,934	$68,047	$13,807	$20,219		$10,000	**$111,200**
PENNINGTON	$20,198	$18,737	$5,000	$3,228	$7,500	$10,000	**$59,663**
PINE	$18,241	$39,448	$5,917	$6,720		$10,000	**$74,409**
PIPESTONE	$20,075	$10,000	$5,000	$2,979	$48,049	$10,000	**$91,103**
POLK	$17,732	$24,655	$10,000	$3,939	$10,470	$10,000	**$66,796**
POPE	$19,874	$17,751	$5,000	$4,842	$32,998	$10,000	**$85,465**
RAMSEY	$10,657	$19,000	$5,000	$0		$10,000	**$39,657**
RED LAKE	$20,877	$14,793	$5,000	$3,273	$7,500	$10,000	**$56,443**
REDWOOD	$19,054	$11,834	$5,000	$2,979		$10,000	**$43,867**
RENVILLE	$18,495	$10,000	$5,000	$3,033	$33,372	$10,000	**$74,900**
RICE	$13,768	$27,613	$5,000	$4,772	$70,390	$10,000	**$126,543**
ROCK	$19,980	$10,000	$5,000	$2,979	$47,394	$10,000	**$90,353**
ROSEAU	$19,922	$27,613	$5,000	$3,073		$10,000	**$60,608**
ST. LOUIS	$10,657	$86,193	$20,474	$22,712		$10,000	**$129,562**
SCOTT	$10,657	$47,337	$7,101	$2,979	$18,696	$10,000	**$89,669**
SHERBURNE	$10,657	$36,000	$5,400	$5,551		$10,000	**$62,208**
SIBLEY	$19,242	$15,325	$5,000	$3,076	$32,718	$10,000	**$80,361**
STEARNS	$10,657	$52,268	$7,840	$10,257	$199,099	$10,000	**$282,281**
STEELE	$16,405	$13,806	$5,000	$3,266	$28,060	$10,000	**$71,537**
STEVENS	$20,151	$10,000	$5,000	$3,108	$15,518	$10,000	**$58,777**
SWIFT	$19,816	$13,806	$5,000	$3,126	$15,892	$10,000	**$62,640**
TODD	$19,323	$24,655	$5,000	$5,620	$71,045	$10,000	**$130,643**
TRAVERSE	$20,520	$10,000	$5,000	$3,195	$7,500	$10,000	**$51,215**
WABASHA	$18,665	$13,806	$5,000	$4,008	$47,768	$10,000	**$94,247**
WADENA	$20,262	$22,682	$5,000	$3,514	$18,603	$10,000	**$75,061**
WASECA	$18,790	$13,806	$5,000	$3,425	$26,455	$10,000	**$72,476**
WASHINGTON	$10,657	$47,337	$7,101	$2,979		$10,000	**$70,973**
WATONWAN	$19,892	$10,000	$5,000	$3,114	$20,753	$10,000	**$63,759**
WILKIN	$20,055	$10,000	$5,000	$2,999		$10,000	**$43,054**
WINONA	$15,598	$13,806	$5,000	$3,021	$58,892	$10,000	**$101,317**
WRIGHT	$10,657	$48,323	$7,249	$10,640	$41,225	$10,000	**$120,845**
YELLOW MEDICINE	$19,980	$10,000	$5,000	$2,995	$28,324	$10,000	**$71,299**
MARSHALL-BELTRAMI SWCD	$0	$6,004	NA	$0			**$6,004**
TOTALS	**$1,499,824**	**$2,171,973**		**$429,926**	**$1,973,875**	**$870,000**	**$6,945,598**

NOTE: THE LOCAL WATER PLANNING BASE GRANT REQUIRES A LOCAL LEVY MATCH. THE WETLAND CONSERVATION ACT and DNR SHORELAND REQUIRE A 1:1 MATCH. THE FEEDLOT BASE GRANT REQUIRES A .7:1 MATCH. THE MPCA COUNTY SSTS PROGRAM BASE GRANT DOES NOT REQUIRE A MATCH.

H:09NRBG

Board Resolution # 08-60

FY 09 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, 2007 Minnesota Legislature, by S. F. No. 2096 has appropriated NPEA Base Grant funds to BWSR; and,

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

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

Given the existing level of funding, and assuming that each TSA requests the maximum in state resources, then the state and local shares for the first year shall be as follows:
State = $96,363 per TSA (i.e. equal state funding) *TSA = $24,091*

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

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

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

NOW THEREFORE, the BWSR hereby authorizes staff to allocate the FY 09 NPEA Base Grants according to these policies, to JPBs meeting Program requirements.

Date: 6/25/08

Randy Kramer, Chair
Board of Water and Soil Resources

H:09NPEABGBR

PROPOSED FY 09 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 09, the legislature has appropriated $1.06 M for this Program.

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

ISSUE

This delivery model allocation policy pertinent to the 09 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 the state and minimum local shares for the first year shall be as follows:

State = $96,364 per TSA (i.e. equal state funding) TSA = $24,091

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

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

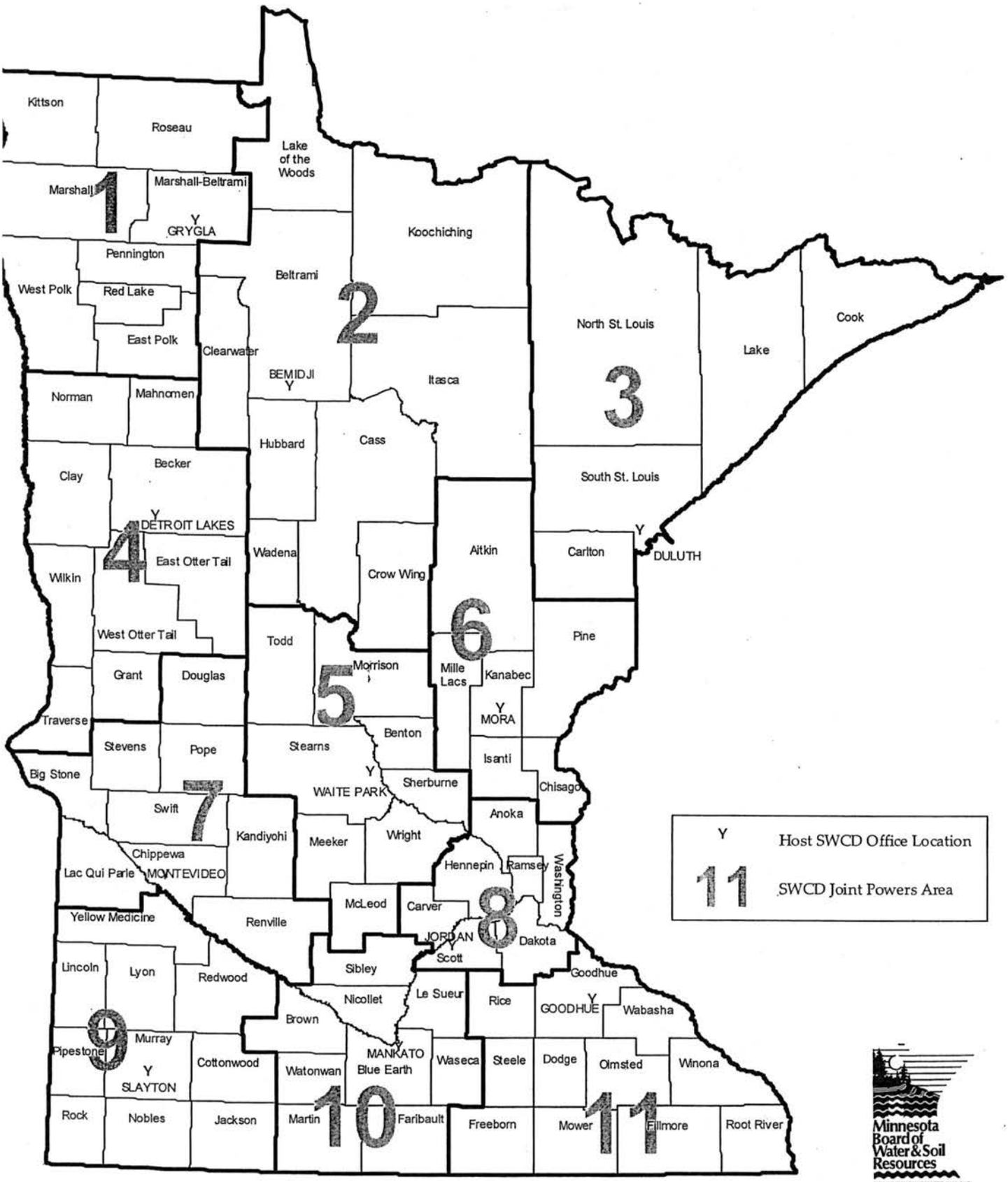
All state NPEA program grant and local share dollars must be used within the two-year grant period.

RECOMMENDATION

The Grants Program and Policy Committee is requested to recommend authorization of the 09 NPEA Base Grant Program by the enclosed relotution and staff to allocate these grants to JPBs meeting Program, workplan, and reporting requirements, beginning July 1, 2008.

The Committee will continue their review of the NPEA Program and CTAC recommendations at their July 23 Meeting.

Nonpoint Engineering Assistance Program



January 2003

Board Resolution # 08-61

FY 09 MOWER SWCD SPECIAL COST SHARE
ARLO SCHEEVEL FLOOD RETENTION PROJECT

WHEREAS, the BOARD, pursuant to Minnesota Statutes §103C.401 subds. 1 & 2 and §103C.501 is empowered to make grants, and;

WHEREAS, the Laws of Minnesota, 1st Special Session, S.F. 69, Article 2, Sec. 5 authorize the BOARD to make available to the SWCD project funds, and;

WHEREAS, the SWCD has submitted to the BOARD and the BOARD has approved SWCD's Comprehensive Plan, Annual Report for the previous fiscal year, and Annual Plan of Work for the Grant Period stated above, hereinafter referred to as the "Plan of Work", in accordance with BOARD guidelines, and;

WHEREAS, the SWCD has submitted to the BOARD and the BOARD has approved SWCD's project plan and outlined control methods, costs, and other information required by the BOARD.

NOW THEREFORE, the BOARD approves the allocation of the appropriated $15,000 to the Mower SWCD for the Arlo Scheevel Flood Retention Project.

Randy Kramer, Chair
Board of Water and Soil Resources

Date: 6/25/08

H:MSPBR

Minnesota Board of Water & Soil Resources

Mower SWCD Special Project Allocation

Background

The Legislature in their 2005 Special Session directed BWSR to allocate from State Cost Share Roll-Over $15,000 to the Mower SWCD for a flood control project:

> "Any balance in the board's cost share program that remains from the fiscal year 2005 appropriation is available in an amount of up to $15,000 for a grant to the Mower County Soil and Water Conservation District to create a small pond demonstration project in the Cedar River Watershed for purposes of water retention and flood control. The Mower County Soil and Water Conservation District must seek other sources of funding, including federal and private sources, to ensure that the demonstration project is educational and complete."

Issue

These funds were allocated in the fall of 2005. However, a suitable site was not obtained before our grant agreement with the Mower SWCD expired and these funds were returned to BWSR.

This spring the SWCD notified BWSR that a very suitable site had been secured along with other local, state, and federal funding. The SWCD is requesting a re-allocation of the $15,000 for the proposed Arlo Scheevel Flood Retention Project. This project has been reviewed and approved by BWSR staff. (Please refer to attachments.)

Recommendation

The Grants Program and Policy Committee supports this funding re-allocation and requests Board approval of the proposed resolution.

Enc: attachments

H:MSPBRL

Bemidji
701 Minnesota Avenue
Suite 234
Bemidji, MN 56601
phone (218) 755-4235
fax (218) 755-4201

Brainerd
1601 Minnesota Drive
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 Trail
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) 281-7797
fax (507) 285-7144

Saint Paul
520 Lafayette Road N.
Saint Paul, MN 55155
phone (651) 296-3767
fax (651) 297-5615

Board Resolution #_____

FY 09 MOWER SWCD SPECIAL COST SHARE
ARLO SCHEEVEL FLOOD RETENTION PROJECT

WHEREAS, the BOARD, pursuant to Minnesota Statutes §103C.401 subds. 1 & 2 and §103C.501 is empowered to make grants, and;

WHEREAS, the Laws of Minnesota, 1st Special Session, S.F. 69, Article 2, Sec. 5 authorize the BOARD to make available to the SWCD project funds, and;

WHEREAS, the SWCD has submitted to the BOARD and the BOARD has approved SWCD's Comprehensive Plan, Annual Report for the previous fiscal year, and Annual Plan of Work for the Grant Period stated above, hereinafter referred to as the "Plan of Work", in accordance with BOARD guidelines, and;

WHEREAS, the SWCD has submitted to the BOARD and the BOARD has approved SWCD's project plan and outlined control methods, costs, and other information required by the BOARD.

NOW THEREFORE, the BOARD approves the allocation of the appropriated $15,000 to the Mower SWCD for the Arlo Scheevel Flood Retention Project.

_____ Date: _____

Randy Kramer, Chair
Board of Water and Soil Resources

H:MSPBR

BOARD OF WATER AND SOIL RESOURCES **INTERNAL MEMORANDUM**

DATE: April 22, 2008

TO: Wayne Zellmer

FROM: Dave Peterson, Board Conservationist DP

SUBJECT: Mower SWCD 06 Special Cost Share Allocation

Wayne, as you recall, the Mower SWCD received, by legislative appropriation language, a special cost share allocation of $15,000 in fiscal year 2006 to demonstrate small water retention structures. In a previous email dated 8/9/07 I explained the District was unable to locate potential sites due to escalating commodity prices and land values and was requesting an extension of the grant deadline.

I did not require them to return the funds last summer while I worked with them to locate appropriate sites. My intent was to extend the grant period once sites were located which would have saved a fair amount of paper work for the District and the state.

I had the District return the funds in March. The check was sent to BWSR March 28, 2008.

Shortly after the District returned the funds a good site became available for use of the $15,000. I had the District prepare a brief project proposal and budget for the project. The document is attached. The Arlo Scheevel project is a CREP wetland restoration being designed by BWSR. The site is about a half mile from Turtle Creek just above the City of Austin. The special allocation would be used in conjunction with the CREP wetland restoration. In addition $39,000 of Turtle Creek Watershed District levy funds will be used to develop optimum flood retention for the site if the $15,000 special cost share allocation is returned to the District. The project would be part of the Watershed District's plans for flood water mitigation in the City of Austin involving a county road and other project design changes that are not covered under CREP funding. The proximity of the project site to the City of Austin and its location adjacent to and involving a county road makes the site a prime demonstration opportunity for the techniques used in small structure floodwater storage.

The opportunity at this site to make use of several programs for wetland restoration with land and flowage rights, to serve as a floodwater retention demonstration and as part of a project that will be constructed this year, I recommend BWSR honor the District's request to have the $15,000 '06 special cost share allocation returned for use on the Arlo Sheevel site as part of the flood water retention component of the project.

Attached to this memo are copies of the Mower District's April 16 project proposal, March 28 memo requesting return of the funds and air photos of the site.

MOWER SWCD Soil and Water Conservation District

408 21st Ave. NW
Suite 2
Austin, MN 55912
507-434-2603
FAX: 507-434-2680

"Serving the people and resources of Mower County for over 50 years."

Board of Supervisors:
Chairman
Jim Gebhardt

Vice Chairman
Bill Lonergan, Jr.

Secretary/Treasurer
Jon Erichson

Member
John Grass

Member
Rick Gehling

Staff:
District Manager
Bev Nordby

Engineering Tech
Rick Morrison

Resource Specialist
Justin Hanson

District Tech
Matt Taylor

Administrative Asst.
Jeanne Crump

April 16, 2008

BWSR Flood Reduction Permit

The Mower Soil and Water Conservation District is requesting the fifteen thousand dollars, which was allocated to Mower County, for flood reduction projects. A project has been submitted that meets the flood reduction objectives that the legislature had in mind when the funding was originally appropriated.

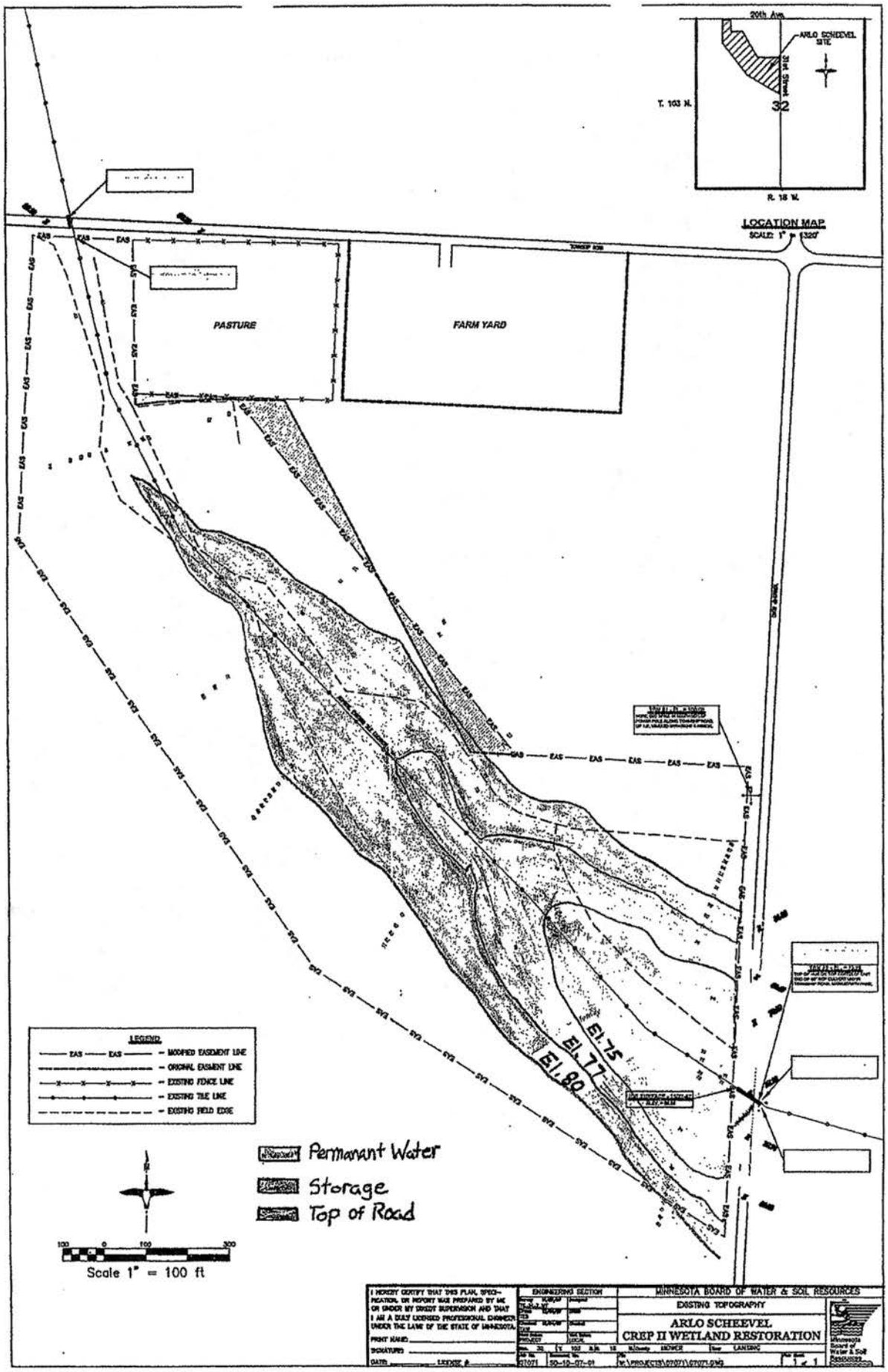
The site is located northwest of Austin, in the Turtle Creek Watershed. Current site conditions are agricultural land, tiled and farmed in a corn and soy bean rotation. The landowner has voluntarily enrolled in the Conservation Reserve Enhancement Program (CREP), with hopes of improving water quality and wildlife habitat, along with maximizing the flood control benefits.

In recent months, the SWCD has been working with BWSR Engineering staff to come up with a restoration plan. The engineering staff has come up with two general scenarios for restoration. The first scenario would be a basic tile break, to restore hydrology. The other scenario includes dikes, structures, tile breaks and a road raise which will provide the optimum flood control project.

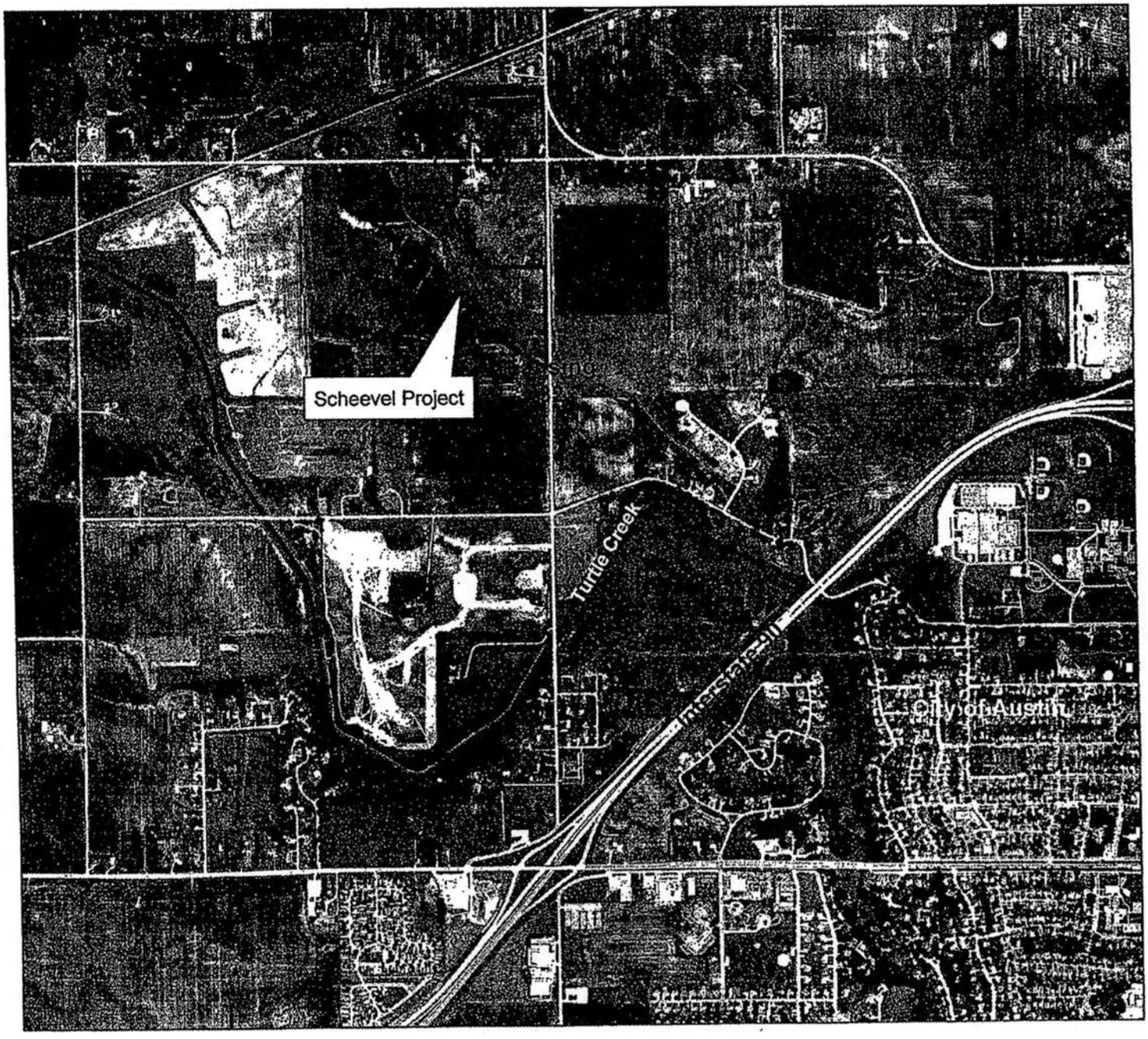
The district targeted this area, when the CREP sign-up kicked off. It has also been a high priority site, identified by the Turtle Creek Watershed District for many years. For this reason, the TCWD has approved Thirty Nine Thousand dollars, to put towards constructing the project with optimum flood control benefits. Due to cost-share limitations and off-site work needed to complete the project, additional funding was needed. Below is a cost-summary based on the BWSR engineering cost estimate and proposed funding.

Project Size	38.1 Acres
Project Costs	
Wetland Restoration Costs	$80,000
Road Raise	$40,000
Total Estimated Project Cost	$120,000
Cost-Share Assistance	
State and Federal Cost-Share	$66,000
Turtle Creek Watershed District	$39,000
BWSR Flood Reduction Grant	***$15,000***

Contact: Justin Hanson – Mower SWCD
(507) 434-3603
justin.hanson@mn.nacdnet.net


20th Ave.
ARLO SCHEEVEL SITE
318th Street
T. 103 N.
32
R. 18 W.
LOCATION MAP
SCALE: 1" = 1320'
PASTURE
FARM YARD
EAS
LEGEND
EAS EAS — MODIFIED EASEMENT LINE
— ORIGINAL EASEMENT LINE
— EXISTING FENCE LINE
— EXISTING TILE LINE
— EXISTING FIELD EDGE
El. 75
El. 77
El. 80
Permanent Water
Storage
Top of Road
100 0 100 300
Scale 1" = 100 ft
I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
PRINT NAME
SIGNATURE
DATE
LICENSE #
ENGINEERING SECTION
MINNESOTA BOARD OF WATER & SOIL RESOURCES
EXISTING TOPOGRAPHY
ARLO SCHEEVEL
CREP II WETLAND RESTORATION
Minnesota Board of Water & Soil Resources
27071
50-10-07-01
W:\PROJECTS\07071\07071.DWG
1 of 1

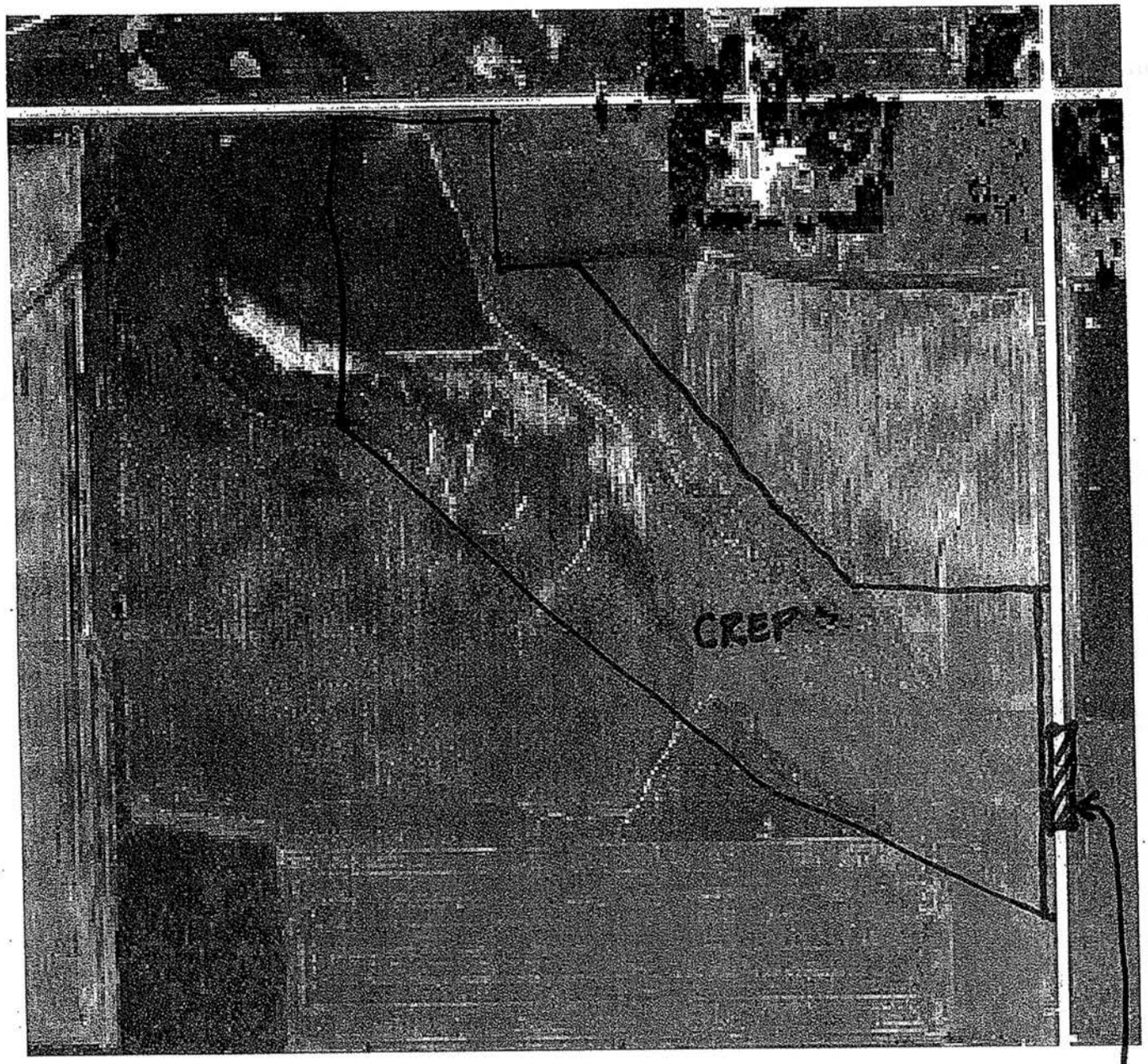
Arlo Scheevel
CREP Wetland Restoration



0 750 1,500 3,000 4,500 Feet

1:19,171

N


CREP
ROAD RETENTION STRUCTURE

Minnesota Board of Water & Soil Resources

Board Resolution # 08-62

FY 2009 FARM BILL ASSSISTANCE GRANT

WHEREAS, the Farm Bill Assistance Grant Program administered by the Board of Water and Soil Resources (BWSR), provides grants to SWCD's for the hiring of staff to accelerate implementation of the Federal Farm Bill as well as other state and local conservation projects that involve grasslands and wetlands,

WHEREAS, this grant process will be used for Phase VIII of this ongoing project that started in 2002,

WHEREAS, BWSR, DNR and Pheasants Forever have secured the funding and coordinated the application process for FY2009,

WHEREAS, the BWSR has adopted the following grant and allocation policies based upon the Farm Bill Assistance Committee's recomendation;

Eligible SWCD's in Working Lands Initiative Focus Areas will be eligible to receive a 90% state funded grant while SWCD's outside of these areas will be eligible to receive a 70% state funded grant. SWCD's are required to provide the remaining match for a total budget of $45,000 for each FTE.

NOW THEREFORE, the BWSR hereby authorizes staff to allocate funding for the Farm Bill Assistance Grant according to these policies.

R/ Kramer

Randy Kramer, Chair
Board of Water and Soil Resources

Date: 6/25/08

FARM BILL IMPLEMENTATION FUNDING

6/25/2008

FUNDING

PARTNERS	FY 2009
DNR	$287,500
BWSR	$180,000
Carry-Over Phase VII	$300,000
Total Cash	**$767,500**

MATCH	
SWCD Match	to be determined
Local Organization	to be determined
Other	$0
TOTAL FUNDING	**$767,500**

FARM BILL IMPLEMENTATION FUNDING

6/25/2008

FUNDING

PARTNERS	FY 2009
DNR	$287,500
BWSR	$150,000
Carry-Over Phase VII	$300,000
Total Cash	**$737,500**

MATCH	
SWCD Match	to be determined
Local Organization	to be determined
Other	$0
TOTAL FUNDING	**$737,500**

FARM BILL ASSISTANCE PROJECT-PHASE VIII FORMULA
June 25, 2008

For purposes of this grant, a Full Time Equivalent (FTE) is calculated based on 2080 hrs. and a total staff budget of $45,000. This budget is intended to cover the salary, benefits and direct expenses of employing a staff person to perform the duties of the Farm Bill Assistance Project as laid out in the grant agreement. The budget is prorated if less than full time. The grant period will be for 2 years. The grant is calculated to cover FY 2009, which starts July1, 2008 and ends June 30, 2009.

WLI Focus Areas
For SWCD's working within one of the Focus Areas of the DNR Working Lands Initiative. Grant funds will be awarded based upon 90% state and require a 5% SWCD match, and 5% local partner match. There are 11 SWCD's actively involved with WLI at this point.

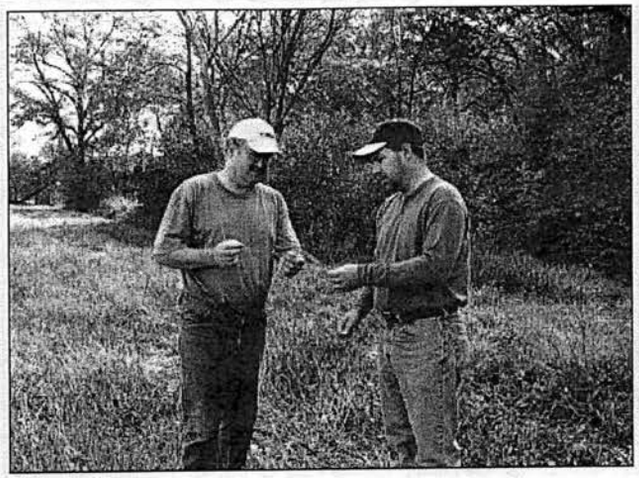
All others
All other SWCD participants will recieve 70% state and require a 25% SWCD match and 5% local partner match. We expect there could be as many as 30 SWCD's in this category.

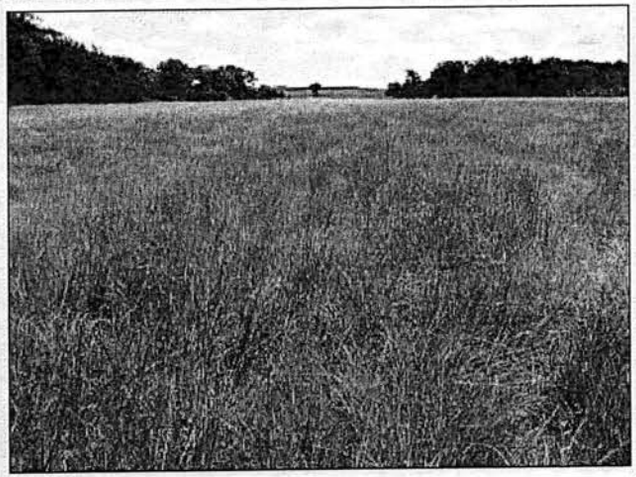
Minnesota's Farm Bill Assistance Partnership

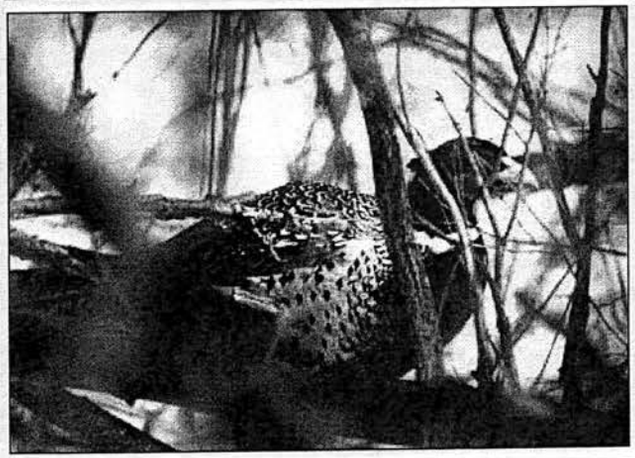
The essential link between private landowners and state and federally funded conservation programs



This native grassland seeding in northern Kandiyohi County is one of the first sites where a landowner has enrolled land in a new Continuous CRP option known as the "Back 40 Pheasant Habitat conservation practice." These 15.3 acres were enrolled by a landowner who worked closely with a Farm Bill Technician -- an SWCD employee whose position is funded by the Minnesota Farm Bill Assistance Partnership. The site was planted in May 2008, and it is near an existing WPA and WMA, which will expand on an existing habitat complex and will also provide water quality benefits. Thanks to the Farm Bill Assistance Partnership, nearly 10,000 acres are in the process of being enrolled in Minnesota since this enrollment option was announced in April 2008.







This partnership provide funding for staff in Minnesota's SWCDs to promote conservation programs to private landowners.

Minnesota Board of Water & Soil Resources — **BWSR**

Minnesota Department of Natural Resources — **DNR**

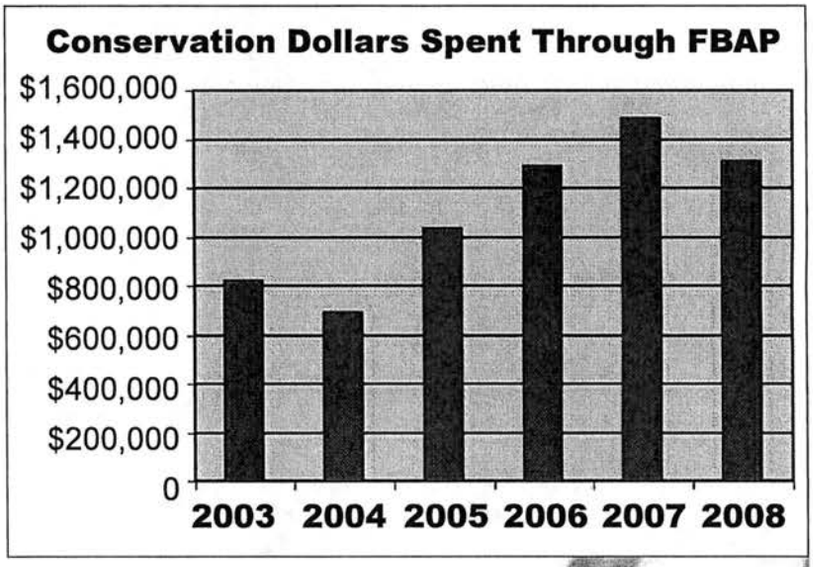
Pheasants Forever, The Habitat Organization — **Pheasants Forever**

MASWCD — **SWCDs**

Minnesota's Farm Bill Assistance Partnership

The essential link between private landowners and state and federally funded conservation programs

The Farm Bill Assistance Partnership of BWSR, DNR, Pheasants Forever, and Soil and Water Conservation Districts (SWCDs), pays for SWCDs to hire technicans to promote conservation provisions of the Federal Farm Bill and other conservation programs to private landowners. The partnership has spent nearly $6 million since it began in 2002, which has led to thousands of acres of long-term habitat being established in Minnesota.



Here's what people are saying about this partnership:

"My job is much more than just suggesting a program that would meet the needs of a landowner's operation. Some programs that involve payments and multi-year contracts require a sea of paperwork, so helping the landowner understand each requirement is the only way to get conservation projects on the ground."

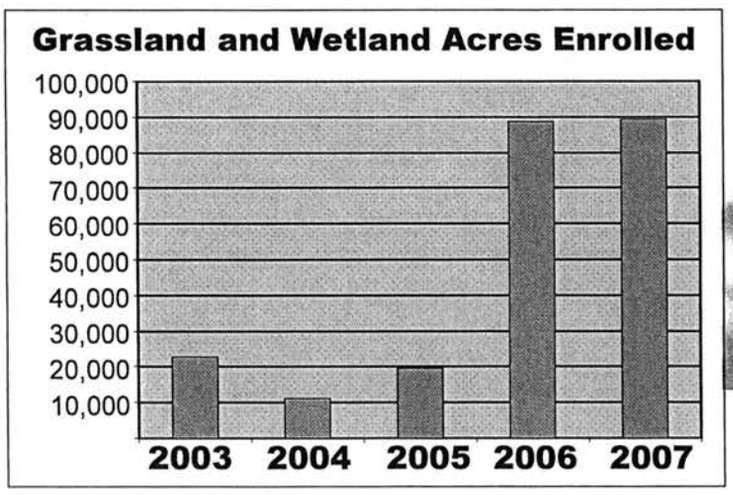
-- Jason Selvog,
Pheasants Forever, Farm Bill Biologist

"The greatest benefit of the partnership has been the SWCD's ability to have someone sit down with landowners, visit with them one on one, and explain all the opportunities available. When you sit down and visit with people, you learn that there's a lot to understand."

-- Dennis Fuchs,
Stearns County SWCD Administrator

"I have the privilege of working to directly improve wildlife populations and water quality where I live, and downstream. Every new acre enrolled instills in me a real sense of satisfaction and accomplishment. I care about our environment and our wildlife populations, and I am grateful that I get to work to improve them both."

-- Cory Netland,
Farm Bill Technician, Renville County



Board Resolution # 08-63

FY 08 CLEAN WATER LEGACY ACT PROGRAM

AGRICULTURAL WATERSHED RESTORATION PROJECT PHASE 1

WHEREAS, Governor Pawlenty signed the Clean Water Legacy Act (CWLA) into law on June 2, 2006; and

WHEREAS, the 2007 Legislature appropriated funds to the Board of Water and Soil Resources for Clean Water Legacy Act implementation activities in fiscal years 2008 and 2009, including funding for targeted nonpoint restoration cost-share and incentive payments, of which $1.5 million is designated for agricultural watershed restoration projects (Minnesota Session Laws 2007, Chapter 57, Section 5); and

WHEREAS, a Project Work Plan, including 3 project phases, dated January 11, 2008, was approved by the Board on January 23, 2008; and

WHEREAS, Phase 1 of the project involves selection of project subwatersheds that are representative of drained agricultural landscapes in Minnesota, and associated local project sponsors; and

WHEREAS, a Phase 1 Request for Proposals was issued in early March 2008 and closed in early April 2008, with 12 eligible proposals received; and

WHEREAS, a stakeholder Technical Advisory Committee was established for this project and assisted BWSR staff with ranking and selection recommendations of 6 subwatersheds and local sponsors for Phase 1 selection of project subwatersheds and local sponsors, as outlined on Attachment 1; and

WHEREAS, the Grants Program and Policy Committee reviewed the recommendations of staff and the Technical Advisory Committee on May 27, 2008.

NOW THEREFORE, the Grants Program and Policy Committee recommends BWSR approval of the 6 selected subwatersheds and local sponsors identified on Attachment 1.

R J Kramer

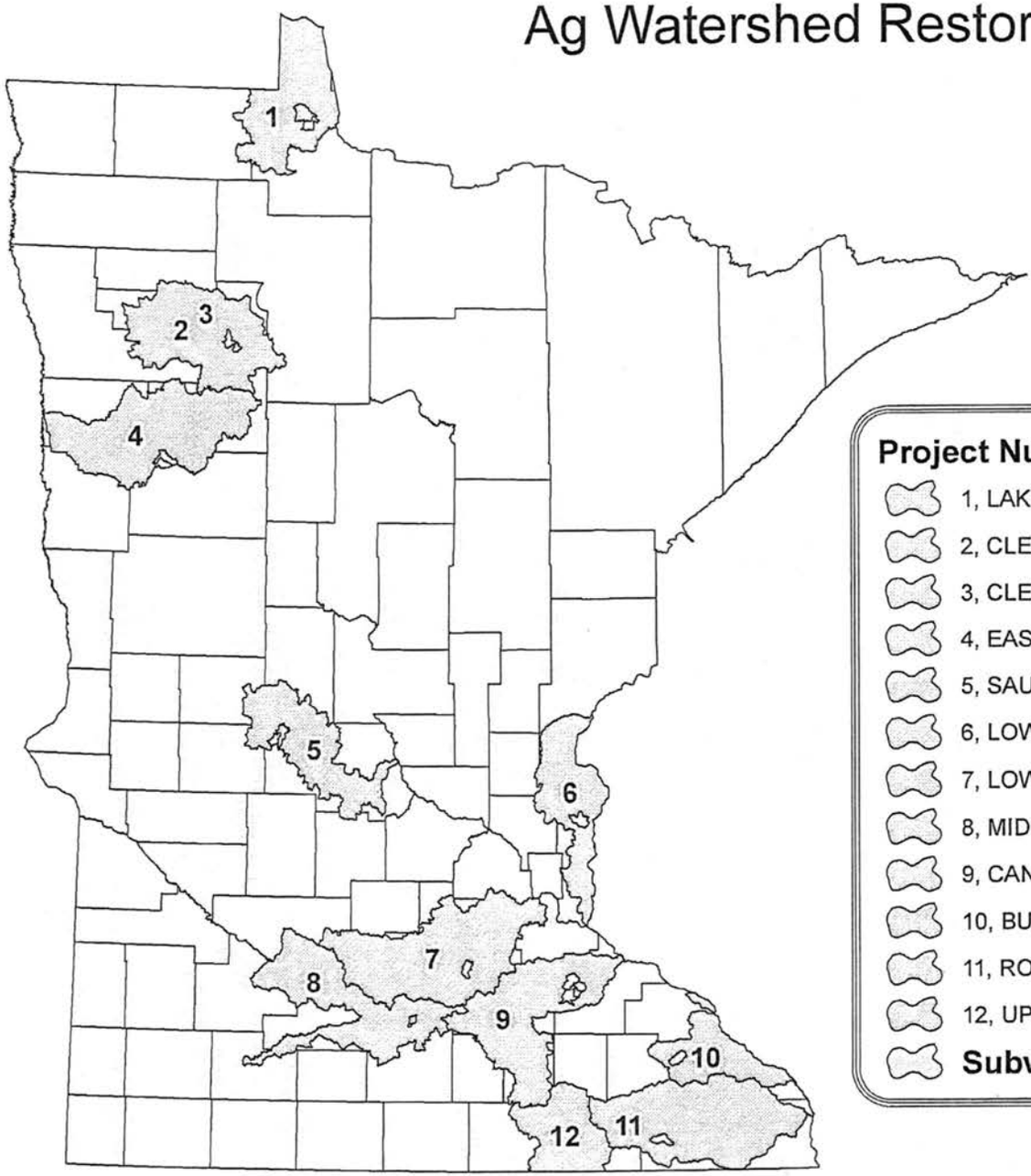
Date: 6/25/08

Randy Kramer, Chair
Board of Water and Soil Resources

Attachment 1
BWSR Resolution # 08-63, June 25, 2008
Agricultural Watershed Restoration Projects
Phase 1 Subwatershed and Local Sponsor Selection Recommendations
of the Technical Advisory Committee and BWSR Staff (Shaded)
May 22, 2008

Application No.	Local Sponsor Applicant	Major Watershed Name	Subwatershed Name
1.	Lake of the Woods County SWCD	Lake of the Woods	West and South Branches Zippel Creek
2.	Clearwater SWCD	Clearwater River	Silver Creek
3.	Red Lake County SWCD	Clearwater River	Lost River
4.	Wild Rice Watershed District	Wild Rice River	Unnamed subwatersheds of South Branch Wild Rice River
5.	Stearns County SWCD	Sauk River	Hoboken Creek
6.	Comfort Lake – Forest Lake Watershed District	Lower St. Croix River	Bone Lake – Sunrise River
7.	Scott County WMO	Lower Minnesota River	West Raven Creek
8.	Brown-Nicollet-Cottonwood Water Quality Board	Middle Minnesota River	Seven Mile Creek
9.	Goodhue County SWCD	Cannon River	Little Cannon River (lower)
10.	Whitewater JPB	Whitewater River	Logan Creek
11.	Fillmore SWCD	Root River	Forestville Creek
12.	Cedar River Watershed District	Upper Cedar River	Dobbins Creek

Ag Watershed Restoration Application Locations



N

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

Project Number, Major Watershed, Subwatershed

1, LAKE OF THE WOODS, West and South Branches Zippel Creek
2, CLEARWATER, Silver Creek
3, CLEARWATER, Lost River
4, EASTERN WILD RICE, Unnamed
5, SAUK, Hoboken Creek
6, LOWER ST. CROIX, Bone Lake - Sunrise River
7, LOWER MINNESOTA, West Raven Creek
8, MIDDLE MINNESOTA, Seven Mile Creek
9, CANNON, Little Cannon River (lower)
10, BUFFALO-WHITEWATER, Logan Creek
11, ROOT, Forestville Creek
12, UPPER CEDAR, Dobbins Creek

Subwatersheds

Board Resolution # 08-65

Establish Rates and Sign-up Procedures for Reinvest in Minnesota Reserve/Wetlands Reserve Program (RIM/WRP) Partnership Project – Phase I

WHEREAS the MN State Legislature appropriated $25 million dollars to RIM Reserve in the 2008 bonding bill (Chapter 179, 2008 Session Law) which Governor Pawlenty signed into law on April 7, 2008, and said funding is now available for expenditures as the MN Department of Finance has established the necessary accounts;

WHEREAS the 2008 legislative hearings on the bonding bill included testimony, evidence and projections regarding the use of newly appropriated RIM-Reserve funds quickly to leverage available federal farm bill funds and provide economic stimulus benefits to Minnesota's economy;

WHEREAS the new RIM Reserve funding is intended to leverage federal WRP (Wetlands Reserve Program) dollars;

WHEREAS the recently passed 2008 Federal, Food, Conservation and Energy Act (2008 Federal Farm Bill) reauthorized the WRP with $75 million available nationwide through the remainder of fiscal year 2008 (ending September 30, 2008);

WHEREAS the Board of Water and Soil Resources (Board) RIM Reserve Management Planning Committee met on April 23, May 28 and June 17, 2008 to review and recommend the following provisions to successfully launch Phase I of the RIM/WRP partnership;

WHEREAS approximately $10-15 million dollars of federal WRP funding is expected to be available for MN under the new farm bill for the federal fiscal year 2008 which ends September 30, 2008 and there exists an urgency to get the RIM/WRP partnership launched in order to leverage 2008 federal farm bill funds;

WHEREAS the Minnesota Board of Water and Soil Resources authorized staff to work with Natural Resources Conservation Service (NRCS) to develop sign-up procedures and supporting materials for Phase I (federal fiscal year 2008) of the RIM/WRP partnership;

WHEREAS the Board and NRCS staff, in consultation with the University of Minnesota Applied Economics Department, have determined that Estimated Market Value (EMV) is the most consistent and available land value data for determining payment rates;

WHEREAS the Minnesota NRCS is expected to adopt a 30-year WRP payment rate, specific to the RIM/WRP Partnership, of 75% of EMV for cropland acres and 50% of EMV for non-cropland acres;

WHEREAS a subcommittee shall be appointed by the Chair of the Board of Water and Resources to review the existing scoring worksheet and make project selections in coordination with NRCS;

NOW, THEREFORE BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources authorizes Phase I of the RIM/WRP partnership to begin on June 26, 2008 and run through September 30, 2008. The total partnership payment rate for cropland acres shall not exceed 140% of EMV and for non-cropland acres shall not exceed 93% EMV. Rates are to be calculated using the township mean for tillable property value established by county assessors for the 2009 tax year.

R J Kramer

Randy Kramer, Chair
Minnesota Board of Water and Soil Resources

6/25/08

Date

Minnesota Board of Water & Soil Resources

NRCS
Natural Resources Conservation Service

Reinvest In Minnesota/Wetlands Reserve Program Partnership – Phase I
Field Staff Announcement

The Minnesota Board of Water and Soil Resources (BWSR) and the Minnesota USDA Natural Resources Conservation Service (NRCS) are announcing Phase I of a Reinvest In Minnesota (RIM) Reserve Program/Wetlands Reserve Program (WRP) partnership. This partnership between the premier national and state wetland restoration programs will combine agency processes to offer competitive payment rates to landowners for the purpose of restoring wetlands in high-priority areas.

1. Background – The recently passed 2008 Federal Food, Conservation and Energy Act (2008 Farm Bill) reauthorized the WRP with $75 million available nationwide through the remainder of federal fiscal year 2008 (ending September 30, 2008). The 2008 Minnesota Legislature approved $25M for the RIM Reserve Program. This partnership is expected to have approximately $15M available statewide for Phase I.

2. Sign-up Period: Phase I – The deadline for obligating federal funds for this initial application period has been set by the NRCS National Headquarters for September 1, 2008. **To meet this deadline, RIM/WRP applications will be accepted beginning June 26th and ending on July 18, 2008. Applications received after July 18th may be considered during future scoring periods.**

3. Easement Duration – NRCS will be acquiring a 30-year WRP easement. BWSR, through the RIM Reserve program, will be acquiring a perpetual easement. The landowner will receive a combined payment from both programs.

4. Payment Rate: Phase I –The combined easement payment rates will be known to the local offices at the time of sign-up. No appraisals will be required. This will shorten the processing time and allow landowners to quickly know what their easement payments will be. In addition, NRCS will be paying 75% of the actual conservation practice costs. BWSR will pay the remainder of the conservation practice costs, not to exceed RIM's program maximums and/or actual costs.

5. Enrollment – Landowners will sign up for the partnership at local NRCS or SWCD offices throughout the state. All applications will be reviewed and signed off locally by both the NRCS District Conservationist and a SWCD representative who administers the RIM Reserve program, before being submitted for consideration by the BWSR/NRCS RIM/WRP Selection Committee.

6. Scoring – Applications that have been received by close of business on July 18th will be scored using the Minnesota Wetland Easement Evaluation Worksheet formulated by members of the NRCS State Technical Committee with technical assistance from the US Fish and Wildlife Service, MN DNR, Ducks Unlimited, MN Waterfowl Association, BWSR and others. It

provides a higher score for those applications that restore the most wetlands and uplands in priority migratory species habitat areas of the state and in areas of the state that have had a large amount of their wetlands drained or altered.

Chair to name people on Sub Committee

7. Selection Process – The BWSR/NRCS RIM/WRP Selection Committee will make decisions to fund projects in early August. Project selection will be based on legislatively mandated priority areas, scores (see #5 above) and project feasibility. Option Agreement To Purchase (OTP) and draft RIM Agreement will be forwarded to the local offices to secure landowner signatures. Once these are approved by the landowner and forwarded to agency state headquarters, funds will be obligated.

8. Training – Initial training will be held on June 26, 10am to Noon via teleconference for all BWSR, NRCS, SWCD and partner (DU and MWA) employees regarding the details of the RIM/WRP for 2008. This session will be recorded in case someone cannot attend the original program. Call-in details and RIM/WRP documents will be transmitted before the teleconference.

We look forward to working with all of you to implement this new and exciting partnership to restore wetlands and related habitat with benefits to habitat, water and soil quality, and the economic climate throughout the state.

Kevin Lines
Conservation Easement Section Mgr.
Board of Water and Soil Resources
651-297-1894
kevin.lines@state.mn.us

Tim Koehler
Assistant State Conservationist
Natural Resources Conservation Service
651-602-7857
tim.koehler@mn.usda.gov

DRAFT

Board Resolution #_____

Establish Rates and Sign-up Procedures for Reinvest in Minnesota Reserve/Wetlands Reserve Program (RIM/WRP) Partnership Project – Phase I

WHEREAS the MN State Legislature appropriated $25 million dollars to RIM Reserve in the 2008 bonding bill (Chapter 179, 2008 Session Law) which Governor Pawlenty signed into law on April 7, 2008, and said funding is now available for expenditures as the MN Department of Finance has established the necessary accounts;

WHEREAS the 2008 legislative hearings on the bonding bill included testimony, evidence and projections regarding the use of newly appropriated RIM-Reserve funds quickly to leverage available federal farm bill funds and provide economic stimulus benefits to Minnesota's economy;

WHEREAS the new RIM Reserve funding is intended to leverage federal WRP (Wetlands Reserve Program) dollars;

WHEREAS the recently passed 2008 Federal, Food, Conservation and Energy Act (2008 Federal Farm Bill) reauthorized the WRP with $75 million available nationwide through the remainder of fiscal year 2008 (ending September 30, 2008);

WHEREAS the Board of Water and Soil Resources (Board) RIM Reserve Management Planning Committee met on April 23, May 28 and June 17, 2008 to review and recommend the following provisions to successfully launch Phase I of the RIM/WRP partnership;

WHEREAS approximately $10-15 million dollars of federal WRP funding is expected to be available for MN under the new farm bill for the federal fiscal year 2008 which ends September 30, 2008 and there exists an urgency to get the RIM/WRP partnership launched in order to leverage 2008 federal farm bill funds;

WHEREAS the Minnesota Board of Water and Soil Resources authorized staff to work with Natural Resources Conservation Service (NRCS) to develop sign-up procedures and supporting materials for Phase I (federal fiscal year 2008) of the RIM/WRP partnership;

WHEREAS the Board and NRCS staff, in consultation with the University of Minnesota Applied Economics Department, have determined that Estimated Market Value (EMV) is the most consistent and available land value data for determining payment rates;

WHEREAS the Minnesota NRCS is expected to adopt a 30-year WRP payment rate, specific to the RIM/WRP Partnership, of 75% of EMV for cropland acres and 50% of EMV for non-cropland acres;

* add amendment →

NOW, THEREFORE BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources authorizes Phase I of the RIM/WRP partnership to begin on June 26, 2008 and run through September 30, 2008. The total partnership payment rate for cropland acres is 140% of EMV and for non-cropland acres is 93% EMV. Rates are to be calculated using the township mean for tillable property value established by county assessors for the 2009 tax year.

_____ _____

Randy Kramer, Chair — Date

Minnesota Board of Water and Soil Resources

WHEREAS a subcommittee shall be appointed by the Chair of the Board of Water and Resources to ~~approve a~~ review scoring worksheet and make project selections in coordination with NRCS.

the before existing

add *

Moved by Paul Langseth
Seconded by Joe Martin

BWSR Meeting Date _____ #1

Motion: RIM/WRP Amendment amended

Moved by: _____

Seconded by: _____

	Affirmative	Opposed
~~*Dana Allen*~~	—	—
~~*Jim Anderson*~~*/Faye Sleeper*	—	✓
Paul Brutlag	—	✓
~~*Bob Burandt*~~	—	—
Quentin Fairbanks	✓	—
~~*Mark Holsten*~~*/Larry Kramka*	✓	—
Brian Kletscher	—	✓
Paul Langseth	✓	—
Joe Martin	✓	—
Wayne Anderson ~~*Brad Moore/Paul Eger*~~	✓	—
Brian Napstad	—	✓
Ken Robinson	✓	—
Louise Smallidge	—	✓
Gene Tiedemann	—	✓
LuAnn Tolliver	—	✓
John Linc Stine~~*/Dan Wilson*~~	✓	—
Randy Kramer	✓	—
	8	7

approved

H: roll-call vote

BWSR Meeting Date R/M Resolution

Motion:

_____

_____

_____

_____

_____

Moved by: _____

Seconded by: _____

	Affirmative	Opposed
~~*Dana Allen*~~	___	___
~~*Jim Anderson*~~/*Faye Sleeper*	✓	___
Paul Brutlag	✓	___
~~*Bob Burandt*~~	___	___
Quentin Fairbanks	✓	___
~~*Mark Holsten*~~/*Larry Kramka*	✓	___
Brian Kletscher	✓	___
Paul Langseth	✓	___
Joe Martin	✓	___
Wayne Anderson ~~*Brad Moore*~~/~~*Paul Eger*~~	✓	___
Brian Napstad	✓	___
Ken Robinson	✓	___
Louise Smallidge	✓	___
Gene Tiedemann	✓	___
LuAnn Tolliver	✓	___
John Linc Stine~~/*Dan Wilson*~~	✓	___
Randy Kramer	✓	___

H: roll-call vote

BOARD RESOLUTION 08-66

LAKE TITLOW RESTORATION PROGRAM

WHEREAS, the City of Gaylord, Minnesota, was granted $475,000 of Bonding Funds from the 2008 Minnesota Legislature;

WHEREAS, the City of Gaylord has developed and adopted a Plan of Work for the Lake Titlow Restoration Project;

WHEREAS, the Board of Water and Soil Resources staff have completed its review of the Plan;

NOW, THEREFORE, BE IT RESOLVED, the Board of Water and Soil Resources authorizes staff to enter into a grant agreement with the City of Gaylord for the Lake Titlow Restoration Project.

Randy Kramer, Chair
Board of Water and Soil Resources

6/25/08
Date

Lake Titlow Restoration Project Annual Plan

May 2008

Fiscal Agent for Project: City of Gaylord, Sibley County, Minnesota

Primary Groups Involved in Project:

Gaylord City Council
Lake Titlow Committee
Sibley County Commissioners
Minnesota Department of Natural Resources
Sibley County SWCD – Ron Otto/David Trebelhorn
Minnesota State University-Mankato- Dr. Bryce Hoppie
Sibley County Environmental Office – Jeff Majeski
Minnesota Pollution Control Agency – Mankato – Lee Ganske
State of Minnesota – BWSR- Jeff Nielsen

Other Interested Parties Participating:

University of Minnesota Extension – Tim Dolan
Rush River Implementation Project – Ron Otto
NRCS – Gaylord, Mn
Farm Service Agency – Gaylord, Mn
Sibley County Pheasants Forever- Chad Dose
Conservation Partners- Alan Hahn
SEH Engineering Inc, Gaylord, Mn- Justin Black
Gaylord Game Protection League- Marshall Kranz

History

The City of Gaylord established the Lake Titlow Committee in 2001 with the purpose of having the committee research how the lake could be restored to its condition prior to the 1950's. The committee became the most proactive in the past four years by working with the DNR, Sibley County officials, and Minnesota State University-Mankato, in determining the reasons for the decline of the lake. The committee then spent two years trying to encourage Sibley County residents to practice better conservation methods not only in the rural agricultural community, but also in the city of Gaylord. We had a donation of 5,000 brochures that promoted good conservation methods. This has been distributed at the county fair and other community events. The committee has met with many community organizations to promote conservation practices that eventually will help clean the lake. The approach the committee is taking is to clean up what is coming into the lake first. Then we will deal with the lake itself. A partnership was entered into with Minnesota State University- Mankato in 2005. Minimal water testing was done after that time to get a better idea of the contents of the lake water. Starting in 2006, the city of Gaylord started to take a very proactive approach to doing what it could to restore the lake. There were two springs in which a clean up day was designated to clean leaves and refuse from the streets before it would be washed into the lake. This past year (2007-08), the city has started plans to divert the storm water sewers so they no longer empty into the lake. They have also started the establishment of rain gardens in three areas of the city by the lake. They also have plans to further divert storm water from the lake in other areas of the city in the future.

Partnerships

The Lake Titlow Committee has worked closely with the city to move forward with its goal of restoring the lake. The Committee has developed a great partnership with Minnesota State University-Mankato. Dr. Bryce Hoppie and Dr. Trent Vorichek have been very instrumental in using their science background to help determine the water quality of the lake and the water entering the lake. They have also helped us to get a snapshot of how much water enters the lake and the sediment load of that water. The committee has also started a partnership with the Engineering Department at Minnesota State University. We have also worked with SEH Engineering, the city's engineering firm. We have had meetings with their water resources department to discuss the watershed issues. Together, MSU and SEH will help assist the committee in determining locations and design of water holding ponds or where wetlands could be restored to retain water before entering the lake. The committee is also working with the Sibley County Soil and Water Conservation District and the DNR to determine the best areas for water retention and conservation practices that need to be conveyed on to area land owners.

Other Related Projects

The committee has worked with other agencies in the county to foster better conservation practices by our citizens. There has been promotion to upgrade failing septic systems. We have encouraged replacement of open field tiles with rock tile systems and tile covers. With the help of local conservation clubs, landowners have been encouraged to put in one rod setbacks away from drainage ditches in order to increase wildlife habitat and slow down erosion along the banks. The Sibley County Commissioners are considering re-determination of benefits of drainage ditches in the county. They are seriously looking at one ditch in particular as a pilot project that is located in the Lake Titlow Watershed.

Project Goals

The project goals are to predesign and design holding ponds or restore wetlands upstream from Lake Titlow. We will be exploring the best location for these water holding areas. This will be done by monitoring the water flow and sediment load of the two ditches that empty into the lake. We will address the estimated cost to acquire land or easements, to construct these water retention areas, and to maintain the retention areas. We will also determine whose responsibility it will be to absorb these costs in the future. Another goal will be to construct and reconstruct the storm water sewers that enter Lake Titlow along Lincoln Avenue in the City of Gaylord so they no longer empty into the lake but instead are diverted to a current storm water retention pond in east Gaylord. The city will work closely with state and county officials to ensure that proper conservation practices are followed to improve the watershed. We also hope that the procedures followed and results obtained will be a model for other communities to try to emulate. We will be very open and proud to share what we have done with other communities.

Budget:

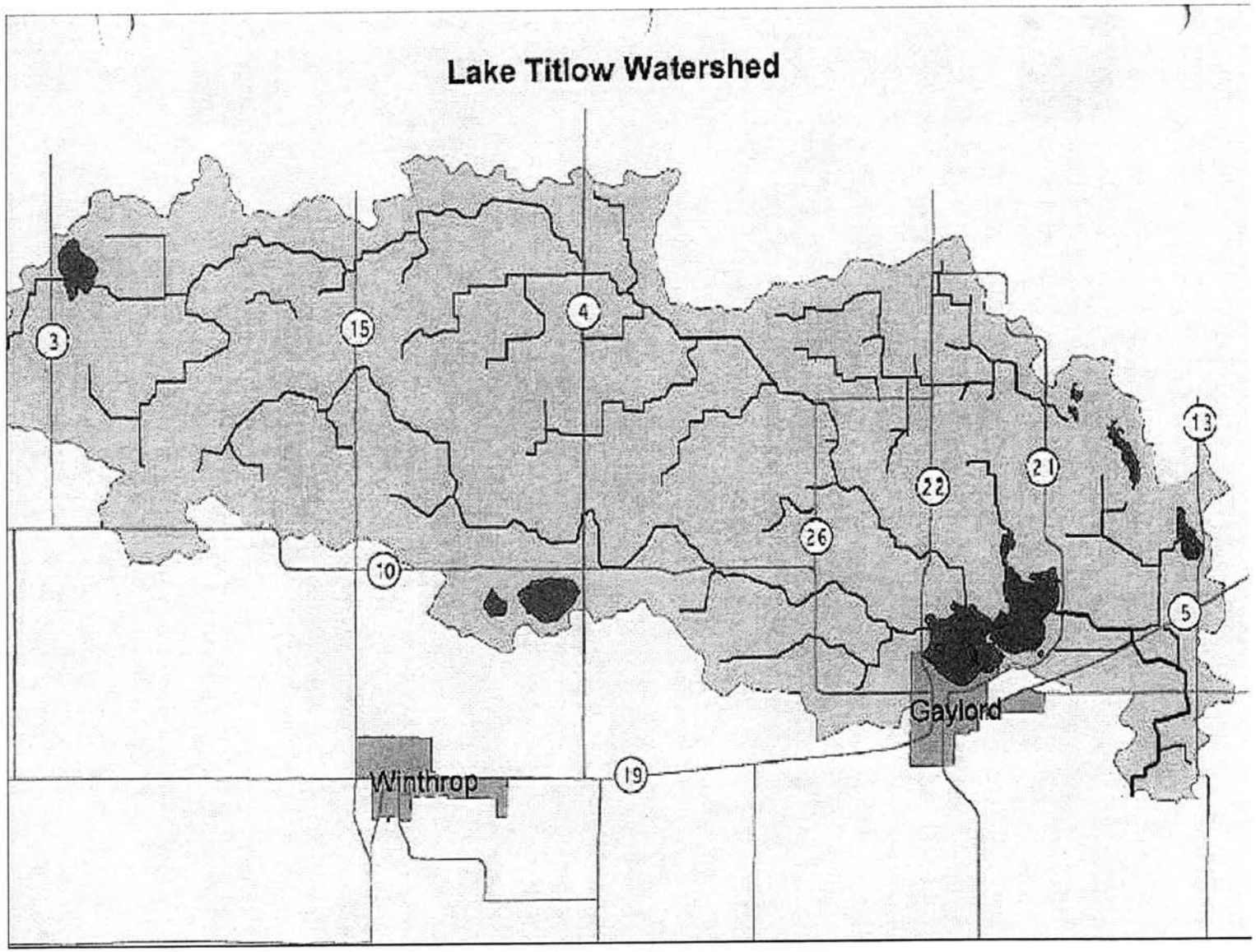
$300,000 will be used for the construction and reconstruction of storm water sewer drains on Lincoln Avenue to change the storm water sewer system from emptying into the lake and instead run into the storm water retention pond in southeast Gaylord. This includes the construction process and the engineering fees to complete the job. Existing storm sewer pipes and drainage structures in the project area that have outlived their useful life or are deficient in size, capacity, and structural integrity, will be replaced.

Also as a part of the project, a new trunk storm sewer line will be constructed in Lincoln Avenue (County State Aid Highway 21). This trunk storm sewer line will extend east on Lincoln Avenue (CSAH 21) to an existing regional stormwater pond. This proposed trunk storm sewer line will extend over 2,100 feet and range in size from 36 inches in diameter to 42 inches in diameter. The trunk storm sewer line will reroute approximately 35 acres of urban runoff from Lake Titlow into the regional stormwater pond in an effort to address stormwater treatment as well as water quality issues concerning Lake Titlow. Catch basin structures that will drain to the new trunk storm sewer line will be added along Lincoln Avenue (CSAH 21) to improve drainage. The existing storm sewer line extending from Lincoln Avenue (CSAH 21) to Lake Titlow will be bulkheaded and abandoned.

$175,000 will be used for the planning portion of the project to determine the best sites for water retention areas up stream from the lake. It will include the study of what is the best design or use of the land. We will have to determine if holding ponds should be constructed or it would be better to try restoring some naturally low wetland areas in the vicinity of the drainage ditches. Our first step will be to understand the dynamics of the watershed such as where the lowlands are, what the water flow is in different areas of the watershed, etc. We will also have to study the lake to determine if some conditions of the lake are self-contributing to some problems with the lake. We will have to determine what we already know about the watershed. We will need to monitor water flow in the two county ditches that enter the lake for volume and the amount of sediment load present. We will also have to set up a watershed model to gather data for survey and deciding what models to use. We will then operate a final model to gather more information about the watershed. We will also have to develop an implementation plan and research the cost of land acquisition, costs of building a retention pond or restoring a wetland, and the cost to re-route ditches. Project management costs are for a lead person or group to oversee the project to keep it on course and be a contact for all aspects of the project. At present this will be coordinated through the city administrator's office

We are looking at this project taking approximately three years to complete or by 2010.

Attached you will find the estimated proposed budget for this project.


Lake Titlow Watershed
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15
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13
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Gaylord
Winthrop
19

CONSTRUCTION COST ESTIMATE
2008 STREET & UTILITY IMPROVEMENT PROJECT
GAYLORD, MINNESOTA
SEH NO. A-GAYLO0704.00
S.A.P. NO. 72-621-17
JUNE 10, 2008

Item No.	Description	Unit	Est. Qty.	Unit Price	Est. Cost
Storm Sewer					
2104.501	Remove Pipe Sewer (Storm)	L.F.	3,177	$1.00	$3,177.00
2104.509	Remove Pipe Apron	Each	1	$75.00	$75.00
2104.509	Remove Catch Basin	Each	23	$75.00	$1,725.00
2104.509	Remove Manhole (Storm)	Each	10	$150.00	$1,500.00
2501.515	15" RC Pipe Apron	Each	2	$330.00	$660.00
2501.515	42" RC Pipe Apron w/Trash Guard	Each	1	$1,405.00	$1,405.00
2501.561	15" RC Pipe Culvert Design 3006 Cl V	L.F.	92	$20.40	$1,876.80
2503.541	12" RC Pipe Sewer Design 3006 Cl V	L.F.	1,000	$19.30	$19,300.00
2503.541	15" RC Pipe Sewer Design 3006 Cl V	L.F.	1,150	$20.40	$23,460.00
2503.541	18" RC Pipe Sewer Design 3006 Cl III	L.F.	1,754	$21.70	$38,061.80
2503.541	30" RC Pipe Sewer Design 3006 Cl III	L.F.	792	$34.70	$27,482.40
2503.541	36" RC Pipe Sewer Design 3006 Cl III	L.F.	431	$45.25	$19,502.75
2503.541	42" RC Pipe Sewer Design 3006 Cl III	L.F.	1,883	$59.75	$112,509.25
2503.602	Construct Bulkhead (Storm Sewer)	Each	5	$100.00	$500.00
2503.602	Connect to Existing Storm Sewer	Each	7	$400.00	$2,800.00
2506.501	Construct Drainage Structure Design G	L.F.	11	$170.00	$1,938.00
2506.501	Construct Drainage Structure Design 48-4020	L.F.	138	$215.00	$29,562.50
2506.501	Construct Drainage Structure Design 60-4020	L.F.	64	$240.00	$15,408.00
2506.501	Construct Drainage Structure Design 72-4020	L.F.	101	$290.00	$29,232.00
2506.501	Construct Drainage Structure Design Special (Type 477)	L.F.	104	$195.00	$20,202.00
2506.516	Casting Assembly, Neenah R-1733	Each	10	$565.00	$5,650.00
2506.516	Casting Assembly, Neenah R-2573-C	Each	1	$510.00	$510.00
2506.516	Casting Assembly, Neenah R-3067-L	Each	55	$560.00	$30,800.00
2506.516	Casting Assembly, Neenah R-4342	Each	3	$400.00	$1,200.00
2511.501	Random Riprap Class II w/Geotextile Filter, Type III	C.Y.	32	$54.75	$1,752.00
	Total Storm Sewer				**$390,289.50**

Lake Titlow Watershed Planning Improvement Project
City of Gaylord, MN

Preliminary Tasks and Budgets - June 2008

	Preliminary Tasks / Subtasks	Project Year 2008	2009	2010	Estimated Subtask Cost	Total Task Cost
Task 1 - Collect/Assemble Existing Data						
1	Data Collection Coordination [Data from: MSU, MPCA, DNR]	$1,000			$1,000	
2	Data Collection and Development (City GIS, Watershed Boundaries, As-Builts, Lake and Storm System, etc.)	$500			$ 500	
3	Survey of Key Watershed Hydrualic Features for Modeling Setup	$4,000			$ 4,000	
4	Prepare Memorandum Summarizing Existing Data and Significance to Study	$1,000			$ 1,000	
		$6,500	**$0**	**$0**		**$6,500**
Task 2 - Watershed TSS and Nutrient Loading Analysis						
1	In-Lake Data Collection - Coordination with MSU - Compile Data	$3,000	$3,000	$4,000	$ 10,000	
2	Runoff Monitoring and Sampling - Coordination with MSU - Compile Data	$3,000	$3,000	$3,000	$ 9,000	
3	Purchase Monitoring equipment for additional locations	$35,000	$15,000		$ 50,000	
4	Create and Calibrate Watershed Hydrologic Model	$8,000	$10,000	$6,000	$ 24,000	
5	Hydrologic and Pollutant Loading Model Analysis of loading sources and improvement alternatives in the watershed	$4,000	$4,000	$12,000	$ 20,000	
		$53,000	**$35,000**	**$25,000**		**$113,000**
Task 3 - Public Input and Involvement Process						
1	Public Informational Meetings - Preparation of Materials, Meeting Attendance, Follow-up	$1,000	$1,000	$1,000	$ 3,000	
2	Meet/Confer with Residents Individually (or groups) to Discuss Study Status	$500	$500	$500	$ 1,500	
3	Prepare Project Infomration for City Webpage and Newletters	$500	$500	$500	$ 1,500	
		$2,000	**$2,000**	**$2,000**		**$6,000**
Task 4 - Develop Details of Implementation Plan						
1	Develop Draft Alternatives and Recommendations (Ponding areas, wetland restorations, blind inlets, etc.)	$1,000	$1,000	$3,000	$ 5,000	
2	Develop Construction and Land Acquisition Cost Estimates	$3,000	$1,000	$1,000	$ 5,000	
3	Meeting with Technical Team Members (DNR, Lake Association, City, BWSR, SWCD, MSU) to discuss Implementation Alternatives	$2,000	$2,000	$2,000	$ 6,000	
4	Based on Input - Develop Refined Implementation Alternatives and Costs	$0	$2,000	$4,000	$ 6,000	
5	Prepare Recommendations for Future Monitoring Program to Assess Progress Towards Load Reductions	$0	$2,000	$2,000	$ 4,000	
		$6,000	**$8,000**	**$12,000**		**$26,000**
Task 5 - Prepare Draft and Final Report						
1	Prepare Draft and Final Versions Watershed Improvement Plan	$2,000	$2,000	$8,000	$ 12,000	
2	Present Draft Report to Proejct team Members	$2,000	$2,000	$2,000	$ 6,000	
		$4,000	**$4,000**	**$10,000**		**$18,000**
Task 6 - Project Coordination Activities/Meetings						
1	Prepare Monthly Project Progress Summaries and Distribute to Project Team	$500	$500	$500	$ 1,500	
2	Compile and Prepare Invoices and Required BWSR Submittals	$500	$500	$500	$ 1,500	
3	Conduct / Attend Project Team Meetings	$500	$1,000	$1,000	$ 2,500	
		$1,500	**$2,000**	**$2,000**		**$5,500**
Estimated Annual Budget		**$73,000**	**$51,000**	**$51,000**		
Estimated Total Budget						**$175,000**

CITY OF GAYLORD
428 Main Ave., P.O. Box 987
Gaylord, Minnesota 55334

Administrator's Office
(507) 237-2338
Fax # (507) 237-5121

June 6, 2008

Jeff Neilson
Minnesota Board of Water and Soil Resources
261 Highway 15 South
New Ulm, MN 56073

Dear Mr. Neilson:

On behalf of the City of Gaylord City Council, I would like to inform you that the City Council gives its full support for the Lake Titlow restoration project and its efforts to the improve water quality of Lake Titlow. At the regular City Council Meeting on Wednesday, June 4, 2008, the Gaylord City Council voted unanimously to support the project plan developed by the Lake Titlow Committee to secure the $475,000 from the State bonding bill.

The Council feels that this project is a great thing for the community and for the residents' quality of life. The City of Gaylord's plans include; diverting storm water from Lake Titlow to storm water ponds to prevent storm water run-off and to plan and design retention areas up stream from the lake to prevent water up stream from polluting the lake. The City of Gaylord looks forward to working with you and cleaning up Lake Titlow.

Sincerely,

Kevin McCann
City Administrator

SIBLEY COUNTY SOIL AND WATER
CONSERVATION DISTRICT

~~310 Main~~ 111 6th Street
Gaylord, Minnesota 55334
Tel. ~~(612)~~ 507 237-5435

MINNESOTA
SOIL AND WATER CONSERVATION DISTRICTS

May 14, 2008

Lake Titloe Restoration Project Committee
City of Gaylord
428 Main Avenue
P.O. Box 987
Gaylord, MN 55334

Dear Committee Members:

The Sibley Soil and Water Conservation District (SWCD) is in support of your efforts to improve the water quality of Lake Titloe. We congratulate you on the grant that the City recently received to bring about positive changes to the Lake.

The SWCD is willing to contribute technical services on your behalf, as part of the project. This may be in the form of inventories and assessments; for example wetland occurrences and ditch buffer needs. Much of this can be accomplished with resources available at our office. Where field investigations are necessary, landowner permissions will be required through your arrangements.

Sibley SWCD looks forward to working with you on this project, and wishes you success in your project goals.

Sincerely,

Dave Trebelhorn

Dave Trebelhorn, Chairman
Sibley Soil and Water
Conservation District

Certified Copy of Part of the Proceedings of the Sibley County Board of Commissioners

Adopted: April 22, 2008

Sibley County Water Planner Ron Otto informed the County Board that the City of Gaylord received a $475,000 grant to improve water quality on the Lake Titloe for use in the rerouting storm water discharge from the lake to the storm water detention pond; and to improve water quality in the lake watershed. As a part of creating its work plan, the Lake Titloe Restoration Project Committee is requesting a letter of support for the projects to improve water quality in the lake watershed.

A motion was made by Commissioner Bauer and seconded by Commissioner Pinske to approve a letter of support to the City of Gaylord for the Lake Titloe Restoration Project for the improvement of water quality. Motion carried.

	Yes	No	Abstain	Absent
Anderly	X			
Bauer	X			
Pettis	X			
Pinske	X			
Woehler	X			

STATE OF MINNESOTA

OFFICE OF COUNTY AUDITOR
COUNTY OF SIBLEY

I, Lisa Pfarr, Auditor of the County of Sibley, State of Minnesota, do hereby certify that I have compared the foregoing with the original proceedings filed in my office on this 22nd day of April, 2008 and that the same is a true and correct copy of part thereof.

Witness my Hand and Seal of Office at Gaylord, Minnesota this 22nd day of April, 2008.

Lisa Pfarr, Sibley County Auditor

Sibley County Board of Commissioners



District 1:
Leo J. Anderly
LeoA@co.sibley.mn.us

District 2:
Bill Pinske
BillP@co.sibley.mn.us

District 3:
Leo Bauer
LEOB@co.sibley.mn.us

District 4:
Charles Wochler
CHARLIEW@co.sibley.mn.us

District 5:
Harold Pettis
HaroldP@co.sibley.mn.us

Sibley County
Board of Commissioners
Courthouse
400 Court Avenue
P.O. Box 171
Gaylord, MN 55334-0171
Phone 507-237-4070
Fax No. 507-237-4073

April 29, 2008

City of Gaylord
Attn: Administrator Kevin McCann
315 4th St N
PO Box 987
Gaylord, MN 55334

Dear Administrator McCann,

The Sibley County Board of Commissioners, at their meeting held on Tuesday, April 22, 2008, unanimously voted to support the City of Gaylord in its efforts to prepare a workplan to secure State grant dollars in the amount of $475,000. It is understood that these dollars will be used to divert its storm water from Lake Titloe to Gaylord's detention pond and to improve water quality in Lake Titloe's watershed.

A certified copy of the proceedings of the Sibley County Board of Commissioners is enclosed.

Sincerely,

Leo Bauer

Leo Bauer, Chair
Sibley County Board of Commissioners

LB/kr

Encl.

P. O. Box 161
Gaylord, MN 55334

Sibley County Water Resources Advisory Committee

April 29, 2008

To: Lake Titloe Restoration Project Committee

The Sibley County Water Resources Advisory Committee is supportive of the restoration project for Lake Titloe. The restoration project would fulfill many of the objectives and actions of the Sibley County Comprehensive Water Plan and the goals of the Lower Minnesota River Plan.

Sincerely,

David Trebelhorn
WRAC Chairman

The Coalition for a Clean Minnesota River

O. Box 488
ew Ulm, MN 56073

507 276 2280
yasure@lycos.com

ndy Krzmarzick
rector, President

trick Lowther
rector, Treasuer

l Wehrspann
rector

eg Roiger
ector

ı Olson
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da Meschke
ector

tt Sparlin
cutive Director
rdinator

May 30, 2008

Lake Titloe Restoration Project Committee
PO Box 987
Gaylord MN 55334

I have received your letter regarding support for the project. We are certainly supportive of the project and the impact an improved Lake Titloe will ultimately have towards a cleaner Minnesota River. We are willing to lend expertise where we are qualified and will participate in planning and implementation of actions designed to help the lake restoration. We do not have any cash funds available at this time to directly spend towards this project given the current status of funding availability made accessible to non-profit organizations. We will however share information and participate in any educational and awareness building actions that will help further the project. Feel free to contact me when you have an idea of what actions will be undertaken in the future that we may help to accomplish together with other partners.

Most Sincerely,

Scott Sparlin, Executive Director
Coalition for a Clean Minnesota River (CCMR)
Watershed Initiative Coordinator
Friends of the Minnesota Valley
PO Box 488
New Ulm MN 56073

WINONA COUNTY SWCD

(SOIL AND WATER CONSERVATION DISTRICT)

Winona County SWCD
P.O. Box 39, 400 Wilson St.
Lewiston, MN 55952
Phone: (507) 523-2171
Fax: (507) 523-3717

Weekdays 7:00 – 4:30

The Winona County Soil and Water Conservation District is a locally elected unit of government promoting soil and water conservation and environmental protection through landowner assistance, education and planning activities, coordination of public and private efforts and by serving as a forum on natural resource issues.
AN EQUAL OPPORTUNITY EMPLOYER

RECEIVED
MAY 19 2008
Per _____

5/14/08

To Mary Kells:
From: Tim Terrill
RE: Nominating Districts Resolution

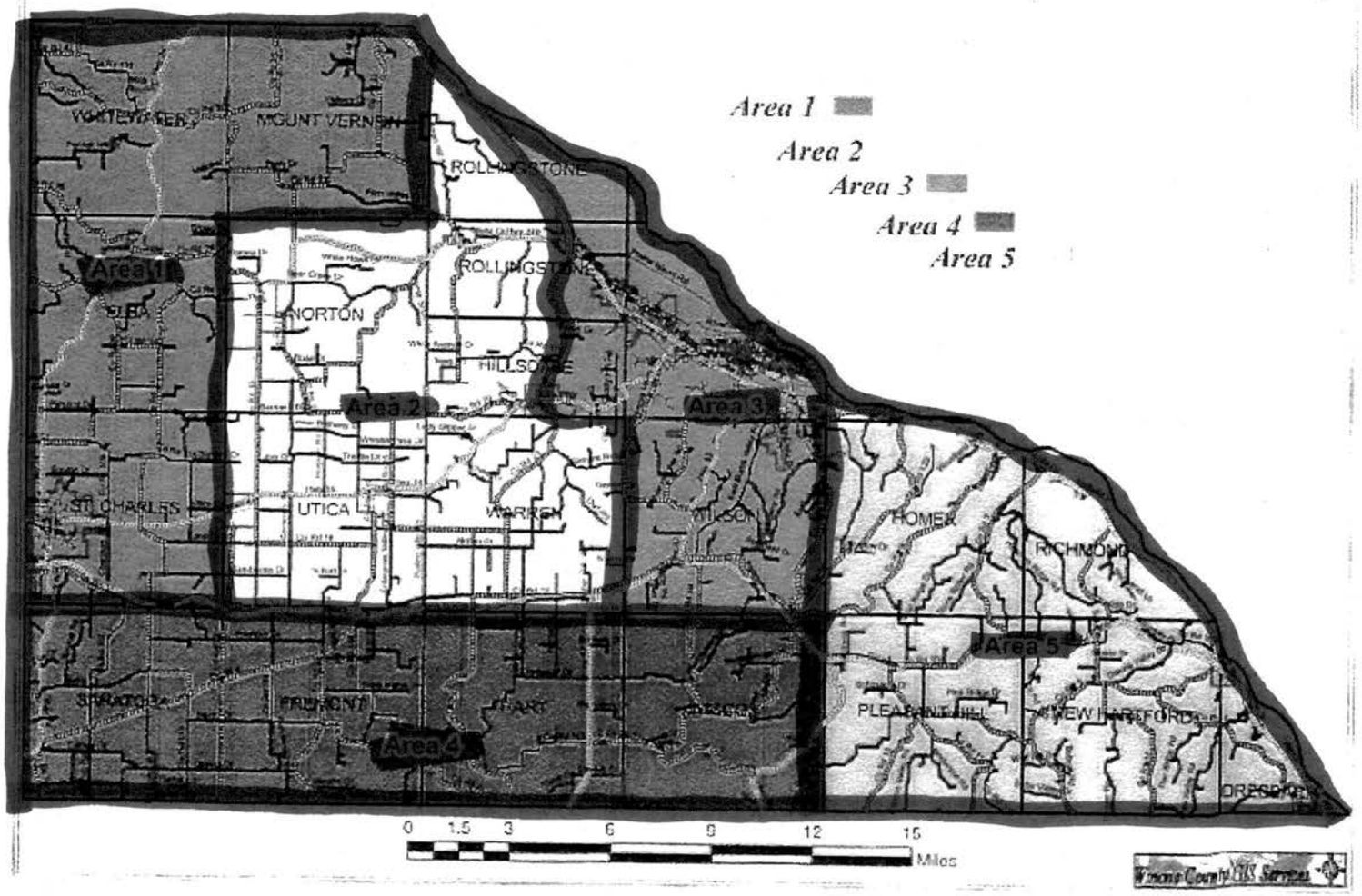
Mary,
Enclosed are 3 copies of the Nominating Districts Resolution that was passed at our board meeting. There has been no change to the existing way of holding elections, but rather this is an affirmation of what we are currently doing. After this is approved by the BWSR board, it will be added to the files of the County Auditor.

Sincerely,

Tim Terrill

Tim Terrill
District Manager

Winona County Soil and Water Conservation Areas



NOMINATION DISTRICTS RESOLUTION

Be it resolved by the Winona Soil and Water Conservation District Supervisors that pursuant to M.S. 103C.311, the district be divided into five areas for nominating candidates for the positions of Soil and Water Conservation District Supervisors to be elected at-large as follows:

District	Description of Boundaries
I	see map
II	see map
III	see map
IV	see map
V	see map

I, Victor J. Ormsby, Secretary of the Winona Soil and Water Conservation District, do hereby certify that the above resolution relating to the division of the Winona Soil and Water Conservation District into five nominating areas was adopted by the said District Supervisors at the regular meeting held on **May 14, 2008**, that I have compared the above copy with the original resolution as set forth in the minutes of said meeting, and it is a true and correct copy of and transcript from said original and the whole thereof. I further certify that said meeting of the Board was duly called and held, that a quorum of members of said Board was present there at, and that said resolution was duly adopted thereat by a vote of 3 to 3 of the members present.

Signed: Victor J Ormsby
Secretary
Winona Soil and Water Conservation District

Be it resolved by the Board of Water and Soil Resources that the division of the Winona Soil and Water Conservation District into five nominating areas are set forth in the above resolution adopted by the Supervisors of said district on _____, 2008, is hereby approved.

I, _____, Executive Director of the Board of Water and Soil Resources, do hereby certify that I have compared the above copy of resolution relating to the division of the Winona Soil and Water Conservation District into five nominating areas adopted by said Board at a regular meeting held on May 14, 2008, with the original set forth in the minutes of said meeting, and that said copy is a true and correct copy of and transcript from said original and the whole thereof. I further certify that said meeting of said Board was duly called and held, that a quorum of members of said Board was present thereat, and that said resolution was duly adopted thereat by a vote of _____ to _____ of the members present.

Signed:_____
Executive Director
Board of Water and Soil Resources

Filed_____ day of _____, 2008

Signed:_____
County Auditor
Winona County

Nominating District Supervisors

District	Name
I	Rudie Spitzer
II	David Rupprecht
III	John Bronk
IV	Victor Ormsby
V	Dale Marmsoler

THE GREAT LAKES REGIONAL WATER PROGRAM:

Cultivating Learning in a Changing World

2007 Impacts



Applying knowledge to improve water quality

Great Lakes
Regional Water Program

A Partnership of USDA CSREES & Land Grant Colleges and Universities

www.uwex.edu/ces/regionalwaterquality

ILLINOIS — INDIANA — MICHIGAN — MINNESOTA — OHIO — WISCONSIN

www.uwex.edu/ces/regionalwaterquality

GREAT LAKES Regional Water Program

We dedicate this 2007 celebration of learning and the land, water, and people of the Great Lakes Region to Jewell Kathleen "Kathy" Hoagland, who died in November of this year. Below are words from a memorial message sent out to Kathy's friends and family.



Kathy built her dream with traditional camps, day labor programs, garden projects, starting a non-profit "Sab kab tay"… She also enjoyed being in the woods with her husband, Earl Hoagland, gathering traditional foods and medicines to help others.

While living up to her given name, "Mií zi weg kaa miig ogema kwe" meaning "all over the Earth Boss Lady", Kathy never overlooked her children and grandchildren. She greatly enjoyed being with family and teaching them to help others while having fun.

To look at her family is to look at her, to walk your dream is to walk her dream, to use her teachings is to honor her memories.

Thank you, Kathy, for your dreams and your teachings.

Photos: scenic photos – Jeffrey J. Strobel; others courtesy of Pat Robinson, Dale Kakkak, and Great Lakes Regional Water Program participants

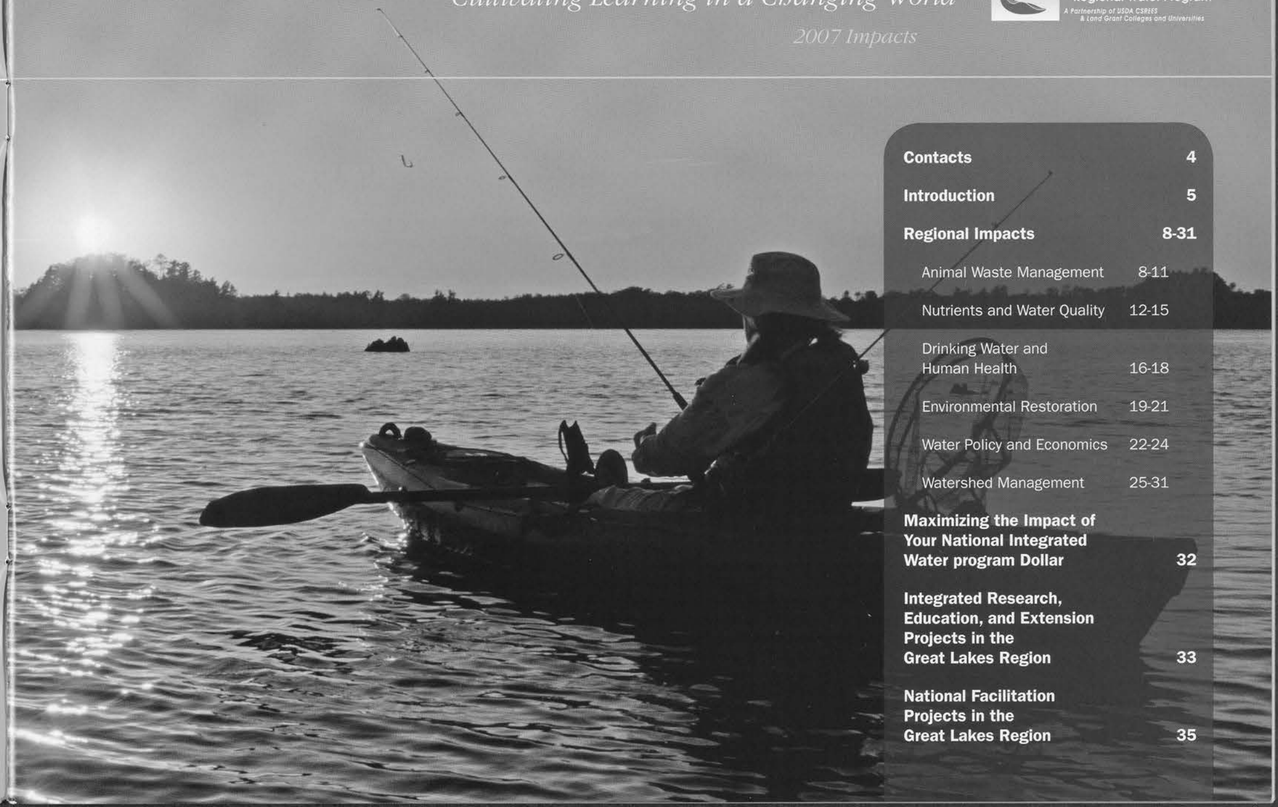
Graphic design by Jeffrey J. Strobel, UW-Extension Environmental Resources Center

THE GREAT LAKES REGIONAL WATER PROGRAM:

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CONTACTS








Robin Shepard
Regional Water Quality Coordinator/
CNRED Program Leader
University of Wisconsin Madison
625 Extension Building
432 N. Lake Street
Madison, WI 53706
(608) 262-1748
robin.shepard@uwex.edu

Rebecca Power
Regional Water Liaison
University of Wisconsin-
Extension
445 Henry Mall Rm. 202
Madison, WI 53706
(608) 263-3425
rebecca.power@uwex.edu

Gerald Winn
USEPA REGION 5
77 West Jackson Boulevard
WW-16J
Chicago, IL 60604-3507
(312) 886-2777
winn.gerald@epa.gov

Jim Anderson
University of Minnesota
Water Resources Center
173 McNeal Hall
St.Paul, MN 55108
(612) 625-0279
ander045@umn.edu

Jane Frankenberger
Purdue University
Dept. of Ag and Biological Engineering
1146 ABE Building
West Lafayette, IN 47907
(765) 494-1194
frankenb@purdue.edu

Jon Bartholic
Michigan State University
Institute of Water Resources
101 Manly Miles Building
East Lansing, MI 48823
(517) 353-9785
bartholi@msu.edu

Joe Bonnell
Ohio State University
OSU Extension
210 Kottman Hall C
Columbus, OH 43210
(614) 292-9383
bonnell.8@osu.edu

Ruth Kline-Robach
Michigan State University
Institute of Water Research
101 Manly Miles Building
East Lansing, MI 48823
(517) 355-0224
kliner@msu.edu

Lois Wolfson
Michigan State University
Institute of Water Research
101 Manly Miles Building
East Lansing, MI 48823
(517) 353-9222
wolfson1@msu.edu

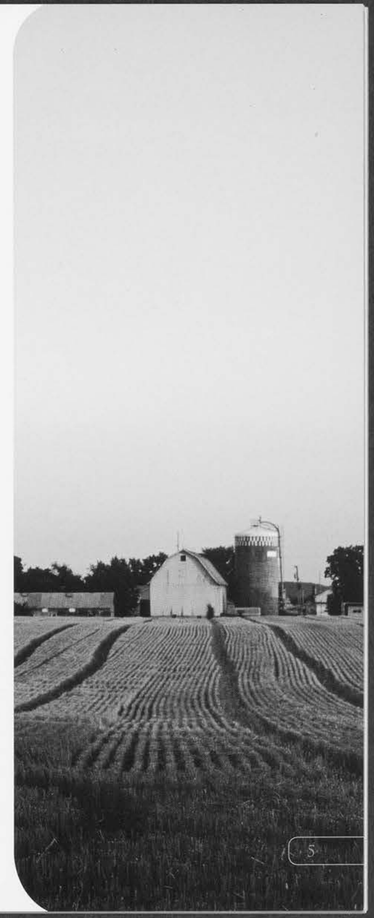
Mike Hirschi
University of Illinois
332-P Ag Engineering Sciences
1304 W. Pennsylvania Ave
Urbana, IL 61801
(217) 333-9410
mch@uiuc.edu

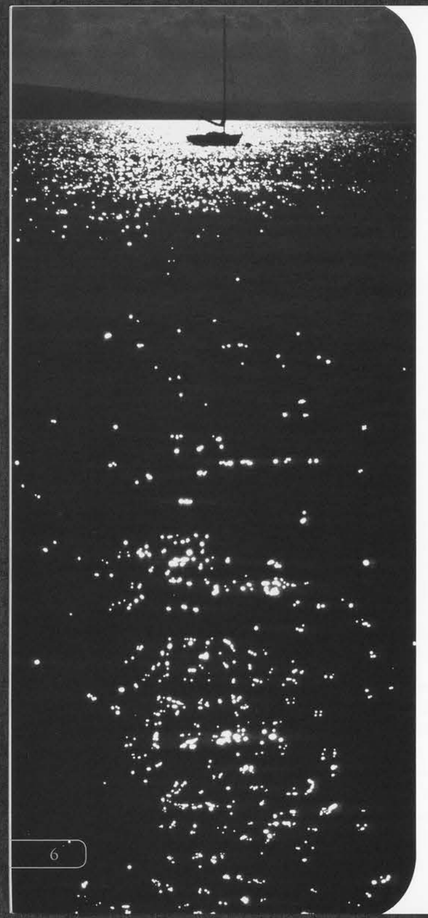
INTRODUCTION

The Great Lakes Regional Water Quality Program – Cultivating Learning in a Changing World

If you were to stand in St. Vincent, Minnesota, the northwest corner of the Great Lakes Region, and look out more than a thousand miles in the direction of Marietta, Ohio in the southeast, your eyes would take in a rich, life-sustaining landscape. You might first notice sweeping coniferous and hardwood forests, productive wetlands, sparkling lakes, and the remnants of once vast prairies and oak savannas. Next, you might be inspired by fertile agricultural lands, vibrant small communities, and thriving cityscapes. These human contributions have been built from nature's raw materials and the hopes, dreams, and hard work of diverse Midwestern peoples that have made their homes here since the retreat of the glaciers. Finally, you would be struck by the great rivers and lakes tying the region together like shining ribbons and celebratory bows.

Please take a few moments to celebrate and learn from these landscapes, and the efforts of the people working to maintain clean and reliable water supplies for farmers, small communities, hunters and anglers, and other recreational users, and our region's industries. Walk through these pages like you would walk along a Lake Superior shoreline or a revitalized community riverfront. The stories we place along your path are a few of colorful fruits that have ripened in 2007. We have learned a lot from them, and we hope some will spark your interest enough that you will take them home and plant their seeds in your own communities. But first, to set the stage, a bit about the Great Lakes Regional Water Program…





In today's fast paced and changing environment, knowledge and the ability to use it effectively are the two most valuable assets an individual, organization, or community can have. The Land-Grant universities and our primary federal partner, the United States Department of Agriculture Cooperative State Research Education and Extension Service (CSREES), are uniquely equipped to support the creation and use of knowledge to ensure clean and reliable water resources for current and future needs.

The Great Lakes Regional Water Program (GLRWP), is a partnership among the Land-Grant universities in Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin, along with CSREES. Through a grant from the CSREES National Integrated Water Quality Program (**www.usawaterquality.org**) that increases our ability to work across state lines, we deliver and share research, education, and outreach programs that either lead directly to cleaner water, or increase the capacity of people to manage water resources. We make every effort to take advantage of the diverse knowledge bases available in each state, as well as the economies of scale available when the Land-Grant universities and colleges and our partners in the region address water resource issues collaboratively. For more information about the Program, please visit our website at: **www.uwex.edu/ces/regionalwaterquality**

The GLRWP, along with our partners, has been learning and growing since 2000. The last seven years have been fruitful, strengthening partnerships among Land-Grant universities and colleges, federal and state agencies, local communities, and the private sector. Results from a 2007 survey of GLRWP stakeholders from across the region indicated that the Program has increased collective knowledge and expanded the network of professional colleagues working on water quality. This has led to:

- Increased communication across states and organizations;
- Increased collaboration on projects, research, and training;
- A better understanding of existing efforts and more respect for the work of people in other organizations.

A quote from one of the survey respondents sums up what the Program hopes to cultivate through regional collaboration:

> *"Research is improving because of greater awareness of what others are doing. Attitudes are becoming more optimistic due to knowing of others who are also interested and knowledgeable and who have overcome some of the obstacles to adoption. Outreach has improved because presenters can now discus work in other states of the region, with more knowledge and confidence, and this also stimulates further ideas and innovations by the producers."*

In addition, one GLRWP stakeholder highlighted wild rice research, outreach, and management efforts as one way that the Program has improved water resources and aquatic ecology.

> *"The RWP has had a very positive impact on regional water quality and ecological health. For example, the RWP has significantly enhanced efforts to restore and preserve wild rice on a regional scale…"*

The following stories provide some examples of what the Program has accomplished in 2007, with the help of many national, multi-state, state, and local partners. We extend our sincere thanks to these partners, colleagues and advisors that have strengthened the Program. Without them, these achievements would not have been possible.

> *"Coming together is a beginning.*
> *Keeping together is progress.*
> *Working together is success."*
>
> – HENRY FORD









Animal Waste Management

Leveraging Staff and Curriculum, States Prepare Conservation Staff for the Future

The Conservation Professional Development and Training program is a six-state project that provides both a base level of training for conservation staff (soil and water conservation districts/partner agencies, Extension, private sector and NGOs) and advanced technical targeted training in specialized areas (such as pest management, comprehensive nutrient management planning, forestry, etc.).

Each program is developed in consultation with Land Grant specialists, conservation agency staff and Certified Crop Advisors in each state. Courses include Integrated Pest Management, CNMP, Grazing, and Conservation Planning. Conservation Professional Training programs are implemented in a variety of ways by various states in the region. Regionally developed CNMP training was offered jointly in a tri-state area for Ohio, Indiana and Michigan. Minnesota and Wisconsin offered the same curriculum. In 2007, a variety of conservation courses were implemented in Minnesota, including introductory and advanced RUSLE2, CNMP and Upland Treatment. Minnesota used CNMP and RUSLE 2 curriculum with minor modifications (saving at least 4 weeks of FTE time for NRCS staff).

Wisconsin will be using Minnesota's newly developed Rusle 2 advanced training, saving Wisconsin NRCS and Extension staff at least one week of FTE time. 2007 also saw the completion of three new courses that were piloted in Wisconsin (Introductory Forestry, Managing Karst/Ag BMPs, and Invasive Plant Management).



The project has fostered greater understanding of how Extension can assist its partner conservation agencies by providing training and professional development. Private sector Conservation and CNMP Planners report using the skills learned in the site assessment training to make suggestions for implementing environmentally beneficial practices on each farm for which they have written a CNMP or Conservation Plan. More than 130 595/Pest Management plans have been written in Wisconsin by planners trained under the program. More than 150 CNMPs have been written in Wisconsin and Minnesota by planners trained under the program.

Contacts: Ingrid West – iwest@wisc.edu and Kevin Erb – kevin.erb@ces.uwex.edu

Best Management Practices for Pathogen Control in Manure Management Systems – Online Bulletin

Livestock waste contains many microorganisms such as bacteria, viruses, and protozoa. Some of these microorganisms do not cause sickness in animals or humans. However, some others are pathogens, meaning they are capable of causing disease in animals and/or humans. No matter what the size of their farms, all livestock producers have an important role in limiting pathogen movement from their operation to the environment. The purpose of this University of Minnesota bulletin is to provide livestock producers with tools to help control pathogens in their production systems.

Contacts: Mindy Spiehs – spie0073@umn.edu, and Sagar Goyal – goyal001@umn.edu

Publication: www.extension.umn.edu/distribution/livestocksystems/M1211.html

ANIMAL WASTE MANAGEMENT – SELECTED IMPACTS

- More than 150 CNMPs have been written in Wisconsin and Minnesota alone by planners trained under the program.
- A regional pathogen control publication helps producers reduce pathogen pollution from their operations.
- Ohio research and outreach provides information for farmers and service providers on alternative time windows for manure nutrient applications that are economically viable and better utilize nutrients available in manure.
- Preliminary 2007 data indicate that farmer training programs in Wisconsin will generate approximately 142 nutrient management plans on 42,600 acres.

Animal Waste Management – continued

Manure Rate On-Farm Demonstration Project, 2004-2008

The objective of this On-Farm Manure Management Demonstrations project is to reduce delivery of pathogens, phosphorus, nitrogen, and organic materials from livestock manure to impaired surface waters of Minnesota. This objective is accomplished through enhanced farmer adoption of Best Management Practices (BMPs) and new technology for field application of manure.

On-farm manure management workshops were held with more than 150 farmers attending. Presentations on manure research and management were made to 75 corn producers. Results of on-farm manure rate trials were presented to 115 farmers, agronomists, commercial agriculture waste technicians and agency staff in four meetings. Small group nutrient workshops to determine the economic value of manure were delivered in six locations to 83 producers, consultants, commercial applicators, and agency staff. Results from a compost dairy barn manure study were presented to 200 farmers and agriculture professionals.

Contact: Les Everett – evere003@umn.edu

Ohio Demonstrates that Manure Equals Money for Midwest Farmers

The objective of the manure nutrient recycling educational program is to demonstrate alternative time windows for manure nutrient applications. The time windows would be economically viable and better utilize nutrients available in animal manure.



Demonstrations have included top-dress wheat with liquid swine manure and side-dress corn with liquid swine manure. Liquid swine manure was successful in replacing 80% of the purchased inorganic sources of nitrogen fertilizer for the 2006 growing season on Ohio's Putnam County plots. Corn yields at all sites, regardless of nitrogen source, were not significantly different.

This represents a potential reduction in purchased nitrogen fertilizer of about $55/acre of corn. Liquid swine manure was successful in replacing petroleum based fertilizer in the production of wheat in Putnam and Crawford Counties. When fully utilized, this nutrient resource could replace about $40/acre of purchased nitrogen fertilizer. Partners include producers, county Extension staff, and Putnam and Crawford Soil & Water Conservation District personnel.

Contact: Jon Rausch – rausch.7@osu.edu

MAL-What?

In Wisconsin, the Multi-Agency Land and Water Education Grant (MALWEG) Program was started to help integrate educational programming and local conservation efforts. Program support comes from the Natural Resources Conservation Service, the Wisconsin Department of Natural Resources, the Wisconsin Department of Agriculture, Trade and Consumer Protection, the Farm Service Agency (FSA), and the University of Wisconsin-Extension. The Program provides competitive money for local projects to help farmers and other private landowners develop nutrient management plans and improve on-farm environmental performance.

The program provided funding for 11 projects ($142,008 in grant money) in the fall of 2006 for training to be completed from late 2006 through 2007. These projects are delivering nutrient management training to approximately 150 Wisconsin farmers. Final project reports will be compiled in early 2008. Prior history of agricultural producers participating in these trainings indicate that average farm size is 300 cropland acres, and that through the training process 95% of participating farmers follow through to develop their own nutrient management plan. Using preliminary 2007 student numbers, this project session has the potential to generate 142 nutrient management plans on 42,600 acres.

A key point in this training and delivery mechanism is that producers voluntarily participate in small group and one-on-one activities, using their own farm information and management goals to actively develop their own nutrient management plan. The end product is a nutrient management plan that each participant owns, understands, and is willing to implement as a result of their direct participation in the process.

Contact: Andy Yencha – andrew.yencha@ces.uwex.edu

Manure Management Moves Online In Illinois

Developing a comprehensive manure management plan just got easier for livestock producers in Illinois. The Illinois Manure Management Plan is now available online at **www.immp.uiuc.edu**

The online manure management resource was developed by the University of Illinois Extension with financial support from various Illinois livestock groups including the Illinois Pork Producers Association & the Pork Checkoff, Illinois Beef Association, Illinois Milk Producers Association, IL Livestock Development Group, Illinois Farm Bureau, and the Illinois Environmental Protection Agency. Extension specialists at the University of Illinois who developed the original workbook are certain the web version of the IMMP will allow producers of large and small facilities to spend more time managing their animals, and less time worrying about manure.



Contacts: Ted Funk – funkt@uiuc.edu, and Randy Fonner - refonner@uiuc.edu

REGIONAL IMPACTS

Nutrients and Water Quality

Evaluation of a Cover Crop Root System for Retaining Bacterial Contaminants in the Root Zone

The need to better understand the fate and transport of pathogens in land-applied manure was identified as the top research priority at the 2004 conference, "Liquid Animal Manure Application on Drained Cropland: Preferential Flow Issues and Concerns" in Columbus, Ohio. Additionally, the need for pathogen-based BMPs in animal waste management was identified in 2005 by the Great Lakes Water Program as one of the top priorities research priorities.



The specific objectives of this project were to: 1) increase the use of cover crops on farm ground for water quality protection, and 2) evaluate the bacteriological water quality of tile line effluent (following manure application over tile lines with vegetative and non-vegetative surface covers.

The project has demonstrated that with low-disturbance pre-tillage and controlled (low) liquid manure application rates (e.g. 6,000 gallons per acre), there is little risk of rapid movement of manure contaminants to subsurface drains on the Blount loam soils in no-till cropping systems characteristic of SE Michigan and NW Ohio. These recommendations have become the basis for discussions with livestock producers regarding the adoption of new manure management practices that protect surface and groundwater from manure contamination.

The project increased the awareness and understanding of potential water quality impacts from manure application, improved the understanding of factors contributing to bacterial contamination. The work provides a foundation for a balanced management approach that expands the use of conservation tillage and cover crops, and provides new knowledge for developing pathogen-based BMP's for manure land application which protect water quality. A research report is in progress.

Contact: Tim Harrigan – harriga1@msu.edu

Partners: This project involved the collaboration of Michigan State University, Ohio State University, the USGS, the owners of Bakerlad's Dairy Farm in Lenawee Co., MI, the owners of Make-n-Bacon Farms in Wyandot Co., OH and Aer-Way Manufacturing.

Drainage Management to Reduce Nitrate Loads from Midwestern Agriculture

In 2007, we continued to work with the Agricultural Drainage Management Systems Task Force to promote increased collaboration among research, extension, industry, farmers and professionals.



Research focused on watershed-scale analysis of the potential of this practice to reduce nitrate loading. Education and outreach focused on enabling producers and contractors to understand drainage management alternatives and benefits, and utilized the regional extension bulletin described below. We also conducted an analysis to estimate the potential for drainage water management in Indiana based on soil drainage class, agricultural land use, and slope. These estimates will be used to help in promotion and analysis of the practice's potential.

Partners in this project have distributed 8,000 copies of the regional Extension bulletin (Questions and Answers on Drainage Water Management) funded by this project throughout the region and nationally. We are doing a second printing of 12,000 copies to meet requests. The bulletin has been used in workshops, at field days, regional drainage schools, and by state and federal agency staff in each state.

The practice is still not widely used, but the groundwork is being laid for a mindset that drainage can no longer be unmanaged. The extensive demand for the publication demonstrates the broadening interest in drainage water management.

Contact: Jane Frankenberger – frankenb@purdue.edu

Partners: This project is unique because of the strong partnerships with the private sector. The non-profit Agricultural Drainage Management Coalition, drain tubing manufacturers, and drainage contractors in several states have distributed our publication to their clients. We collaborated closely with USDA Agricultural Research Service in developing it, and EPA and USDA- NRCS staff participated as reviewers and collaborators.

Publications: *Questions and Answers on Drainage Water Management* www.uwex.edu/ces/regionalwaterquality/Flagships/DrainageDocs/purduedrainagepub.pdf

> *"We can use our scientific knowledge to improve and beautify the earth, or we can use it to ... poison the air, corrupt the waters, blacken the face of the country, and harass our souls with loud and discordant noises, [or]...we can use it to mitigate or abolish all these things."*
>
> – JOHN BURROUGHS

Nutrients and Water Quality – continued

Onsite Waste Water Treatment Using Natural Ion Exchange Media

This initiative created an umbrella project to research and provide outreach/education on phosphorus removal and recycling of on-site generated wastewater and animal manure from agricultural facilities. The project tied together several ongoing novel research and education/outreach efforts. Specific objectives included:

- examining regeneration, recovery and beneficial re-use of media that removes phosphorus from water;
- conducting an economical analysis of current and novel phosphorus removal systems;
- developing outreach and education materials on phosphorus removal from these sources; and
- developing a strategy to expand the umbrella project by increasing the number of partners, identifying demonstration sites throughout the great lakes region, and identifying potential funding opportunities.

The project directly increased the professional capacity to understand and engineer water treatment systems relating to phosphorous for the seven undergraduate students who worked on the project. These students were previously unaware of the challenges facing professionals in researching and designing technologies for high priority pollutants and did not have either the knowledge of conventional treatment approaches or the knowledge and skills to research the potential of novel technologies. Additionally, a presentation to approximately 50 professionals was given at the Water Environment Federation's Annual Technical Exhibition and Conference on the novel phosphorus treatment techniques.

Contact: Steven Safferman – safferma@msu.edu

Partners: Michigan USDA NRCS, Michigan Department of Environmental Quality, the Michigan State University Extension, the University of Minnesota Extension, MetaMateria (in Ohio), Phase 3 Renewables, and the Michigan Onsite Wastewater and Recyclable Association.

Minnesota's Onsite Sewage Program Provides Comprehensive Community Assistance

The Onsite Sewage Treatment Program at the University of Minnesota is dedicated to protecting public health and the Minnesota environment through proper onsite wastewater treatment. Staff includes engineers, soil scientists, Extension educators and University faculty. Specific objectives of the program are to:

- teach proper system operation and maintenance;
- teach proper design, installation and inspection;
- provide research-based information about new and existing technology;
- assist residents and local governmental units with regulations and planning; and
- help small communities develop and implement wastewater treatment systems with an emphasis on management.

This program trains approximately 2,000 professionals each year in design, inspection, installation and maintenance of on-site sewage systems.

The program also works on the development of technical assistance programs for small communities that are faced with up grading wastewater treatment facilities. The results of this program include informed homeowners using the best management practices, communities finding cost-effective solutions, public funding agencies resolving more problems with limited resources and improved protection of invaluable human and natural resources. The Minnesota Pollution Control Agency reports non-compliance with septic regulations (either polluting surface or drinking water) has decreased by 30 percent in the last 10 years.

Contact: Sara Christopherson – heger001@umn.edu

NUTRIENTS AND WATER QUALITY – SELECTED IMPACTS

- Producers and Extension staff awareness and understanding have been increased regarding potential water quality impacts from manure applications, along with improved knowledge of factors contributing to bacterial contamination.
- A "questions and answers" publication on drainage water management enables producers and contractors to understand drainage water management alternatives and benefits.
- The University of Minnesota Onsite Sewage Treatment program trains approximately 2,000 professionals each year in design, inspection, installation, and maintenance of on-site sewage systems. This program has helped to decrease septic system non-compliance in Minnesota by 30% in the last 10 years.

Drinking Water and Human Health

Social Dimensions of Private Well Testing



Why do people test – or not test – their water? Researchers have some guesses, but they may not be accurate or complete.

This project is working in Minnesota, Wisconsin, and Michigan to characterize the social dimensions of private well testing and identify barriers or challenges that prevent or discourage well owners from getting a water test. Accomplishments to date include establishing state advisory groups to contribute stakeholder perspectives and ensure that results are used, and designing and conducting a tri-state survey that generated 1,687 completed surveys (62% return rate).

The approach has already been shared at two professional conferences (one national) to increase the awareness of the project. The tri-state survey will allow examination of results within and among states and lead to recommendations for how to increase private well testing rates for at-risk wells or populations.

Contacts: Barbara Liukkonen – liukk001@umn.edu, Lori Severtson – djsevert@wisc.edu, and Ruth Kline-Robach – kliner@msu.edu

Building Volunteer Capacity to Monitor E. coli in Surface Water

This initiative builds the capacity of volunteer monitoring programs to understand and use the most appropriate E. coli testing protocols and watershed-based sampling strategies.

As part of this effort, a variety of test methods used by volunteers have been compared to certified laboratory analyses and recommendations have been made as to which kits perform well when used by citizens.

As a result of this project, citizen volunteers have a better understanding of sources and modes of transport of E. coli bacteria in the environment. They have increased knowledge and awareness about what the presence of E. coli bacteria in the environment means to their own health and to community health.

Finally, they have gained skills that enable them to address local water quality concerns related to E. coli bacteria, by being able to conduct the monitoring to assess the water in a safe and scientifically valid manner.

In short, this project combines the best of the research and Extension missions of land-grant universities to support well-informed community involvement in water quality issues.



Contacts: Jerry Iles – Iles.9@osu.edu and Lois Wolfson – wolfson1@msu.edu

Website: www.uwex.edu/ces/regionalwaterquality/Flagships/Volunteer.htm

Publications:

E. coli fact sheet – www.uwex.edu/ces/regionalwaterquality/publications/factsheets/ecoli07.pdf

***Citizens Monitoring Bacteria – A Training Manual for Monitoring E.coli* www.usawaterquality.org/volunteer/Ecoli/Manual.htm**

The Volunteer Monitor Newsletter – Volume 18(1) – www.epa.gov/owow/monitoring/volunteer/newsletter/volmon18no1.pdf

DRINKING WATER AND HUMAN HEALTH – SELECTED IMPACTS

- Volunteers have gained a better understanding of how E. coli bacteria enters and moves through the environment; increased knowledge and awareness about the effect of E. coli bacteria on individual and community health; and the skills to monitor water quality in a safe and scientifically valid manner.
- The project is providing knowledge that states and local communities need to increase private well testing rates for at-risk wells or populations.
- Self- assessments and decision-support tools are helping communities take a proactive approach to protecting valuable groundwater resources.

Drinking Water and Human Health – continued

Michigan Helps Local Communities Think Ahead to Protect Drinking Water

Owners of the thousands of non-community water supply systems are being encouraged to take a proactive approach to source water protection. Self-assessment tools modeled after Michigan State University Extension's highly successful Farmstead and Homestead Assessment System program materials were developed for this purpose.

In addition, Michigan State University faculty and staff members have worked with the Michigan Department of Environmental Quality Source Water Protection Unit to develop a decision support system that can (at a relatively minimal cost) aid in the protection of public drinking water supplies. This system links the state of Michigan's extensive groundwater database and other related data to an interactive groundwater modeling tool, which provides science-based maps of the source-water contributing areas.

When coupled with outreach and education activities, these map products are invaluable aides that help the community take actions to protect their groundwater resources.

Contact: Ruth Kline-Robach – kliner@msu.edu

Assessing the Impact of Arsenic on Upper Midwest Dairies

Led by the University of Minnesota Water Resources Center, this project is being conducted by the University of Minnesota Extension Service, College of Veterinary Medicine, and Department of Animal Science, as well as the Wisconsin Department of Natural Resources and University of Wisconsin-Extension.

Previous research has shown that there are elevated arsenic levels in groundwater and well water in western Minnesota, Wisconsin, and other Great Lakes states. With funding from the Extension Great Lakes Regional Water Program we conducted an initial study (2004-2005) on dairy cattle from four farms (in MN and WI) with high arsenic concentrations in well water (>50 ppb). We identified that urine serves as a reliable biomarker of arsenic exposure in dairy cattle and that arsenic was not detected in bulk milk from the four farms. Additional funding from the University of Minnesota's Agricultural Rapid Response program allowed us to further explore the effects of arsenic on dairy products and beef from dairy cattle exposed to arsenic in drinking water. Feed, mineral supplements, bulk milk, urine, and meat from cull cows was sampled from 18 farms, and cheese was made from milk at farms with high and low arsenic concentrations.

Arsenic was not detected in milk or whey (at 5 ppb detection limit) or in cheese (at 50 ppb detection limit). Arsenic was not detected (at 50 ppb detection limit) in meat samples or organ tissues, except kidney. Work continues to verify kidney arsenic levels and to explore additional funding to characterize animal health risks.

Contact: Barbara Liukkonen – liukk001@umn.edu

Environmental Restoration

Multi-State Support for Wild Rice and Wild Rice Culture in the Upper Great Lakes Region

The Great Lakes Regional Water Program, in partnership with Ferris State University in Michigan and the Lac Vieux Desert Band of Lake Superior Chippewa, led a diverse coalition that convened the Wild Rice Restoration and Preservation Conference in August, 2006.

The conference had significant educational outcomes (see the 2006 National Impact Report), and built social networks that led to additional outcomes in 2007. The same coalition organized a strategic planning session at the Menominee Tribal College in March.

Following priorities set at the planning session, the group has updated a highly valued regional brochure on wild rice, and worked with White Earth tribal elders to assist tribal community members from other states in attending wild rice camps that teach traditional Anishinaabeg ricing.

In addition, the project continues to grow partnerships between the 1862 and 1994 land-grants, and has contributed to increased dialogue between the University of Minnesota and tribal communities concerned about wild rice genomic research.



Contacts: Patrick Robinson – patrick.robinson@ces.uwex.edu and Deborah Zak – dzak@umn.edu

Publications: Wild Rice Brochure – www.uwex.edu/ces/regionalwaterquality/Publications/WildRiceBrochure.pdf

Partners: This initiative has engaged wild rice managers from state, regional, and federal resource management agencies, tribal communities and tribally affiliated Land-Grant colleges.

Environmental Restoration – continued

Expanding the National Estuarine Research Reserve Program in the Great Lakes Region

The Great Lakes Regional Water Program, through University of Wisconsin-Extension staff affiliated with the Environmental Restoration Theme, has partnered with the Wisconsin Coastal Management Program and Wisconsin Department of Natural Resources to co-lead an effort to designate a National Estuarine Research Reserve (NERR) site on Wisconsin's Lake Superior shoreline.

In 2007, a site selection process and feasibility study for a Lake Superior NERR site was conducted. Site selection and outreach processes have multi-state and diverse representation, including a variety of public and private entities with federal, state, and local interests.



To begin fostering further regional collaboration related to Great Lakes freshwater estuary outreach and research efforts, representatives from Michigan, Minnesota, and Wisconsin universities were invited to a meeting to explore opportunities for future collaboration. Meeting participants expressed an interest in furthering regional collaborative efforts.

An assessment of freshwater estuary applied research, management, and outreach needs was also completed in 2007 and will provide important information to help direct future efforts.

This initiative has increased awareness and understanding of freshwater estuary issues nationally, in participating states, for Land-Grant researchers and Extension educators, and in local communities involved in the process. The target date for nominating a NERR site is spring of 2008.

Contact: Patrick Robinson – patrick.robinson@ces.uwex.edu

Partners: ABDI Land and Water Conservation Department, Bayfield Regional Conservancy, City of Ashland, City of Bayfield, City of Superior, Douglas County, Wisconsin, Friends of South Shore Estuaries, Friends of the Superior Municipal Forest, Great Lakes Indian, Fish, and Wildlife Commission, Lake Superior Binational Forum, National Park Service, Natural Resources Foundation, Northland College, St. Louis River Citizens Action Committee, The Nature Conservancy (Minnesota and Wisconsin), University of Minnesota Duluth, University of Wisconsin-Extension, University of Wisconsin-Madison, University of Wisconsin Sea Grant, University of Wisconsin Superior, U.S Environmental Protection Agency, U.S. Fish and Wildlife Service, U.S. Forest Service, West Wisconsin Land Trust, Wisconsin Coastal Management Program, Wisconsin Department of Natural Resources

Minnesota's Shoreland Management Education Program

The Shoreland Education Program, sponsored by the University of Minnesota Extension Service in cooperation with the University of Minnesota Water Resources Center and Minnesota Sea Grant, works to improve water quality, habitat, and aesthetics of lakes and rivers. The program provides educational resources for shoreland property owners, the landscape and nursery industry, natural resource professionals, realtors, developers and local government agencies.

Key components of the program include workshops, hands-on field experience, educational materials, and research and demonstration sites. Workshops cover a range of water-related topics such as, basic limnology, Best Management Practices for shoreland property, aquatic and wetland plant identification, erosion control, invasive species control, shoreland revegetation, and shoreland maintenance and management. Many of these workshops provide hands-on and field experience that build participant confidence, resulting in long-term impacts in urban and rural areas of Minnesota. Educational products supporting the shoreland education programs include an award-winning web site (www.shorelandmanagement.org) and promotional materials, a regular newsletter, fact sheets, how-to workbooks, the Lake Home and Cabin Kit, and nine videos/DVDs addressing shoreland issues.

Since 1997, more than 150 shoreland restoration demonstration sites have been implemented on public and private lake and river shorelines. Research has included appropriate installation methods and alternative erosion control techniques. These demonstration and research sites are used to forward the science of shoreland restoration and provide the basis of many of the shoreland educational materials. Coordination of Minnesota, Wisconsin, and Michigan shoreland education programs will begin in 2008.

Contact: Barbara Liukkonen – liukk001@umn.edu

ENVIRONMENTAL RESTORATION – SELECTED IMPACTS

- Understanding of wild rice ecology and diverse ricing traditions has increased, and partnerships between 1862 and 1994 land grant institutions are continuing to grow.
- Understanding of freshwater estuary research, outreach, and management needs has increased nationally, in participating states and communities, and among affiliated Extension educators and Land-Grant researchers.
- Extension shoreland programs are building long-term support and capacity for shoreland restoration and management.

Water Policy and Economics

Midwest Cover Crop Council Seeks Systemic Change

The energy from a multi-state Cover Crop Summit in August 2006 resulted the pooling of resources from the Great Lakes Regional Water Program and the W. K. Kellogg Foundation to support a strategic planning meeting in April, 2007. The strategic planning meeting resulted in an official name for the multi-state initiative – the Midwest Cover Crop Council (MCCC).

The mission of MCCC is to improve the ecological and environmental functioning of the predominant annual cropping systems in the upper Mississippi and Great Lakes basins by incorporating cover crops on 30 percent of these acres in 15 years.



Participants included a diverse group from academia, production agriculture, non-governmental organizations, commodity interests, private sector, and representatives from federal and state agencies, all collaborating to address soil, water, air, and agricultural quality concerns in the Great Lakes and Mississippi River basins.

The Council has identified five major priority areas under which a series of activities and initiatives over five years will be undertaken to fulfill the overall goal of increasing cover crops adoption in the Great Lakes/Upper Midwest region. These priorities include policy, communications, research, education/outreach, and fundraising.

Members of the Council's network have developed five-year action plans in each of these areas that will increase funding for research and development, enhance public awareness and support for cover crops, develop policy incentives and programs to increase farmer adoption of cover crops in the region, and provide education and training necessary to farmers and agencies to make the appropriate shifts to facilitate this adoption.

Contacts: Dale Mutch - mutch@msu.edu and Eileen Kladivko - kladivko@purdue.edu

Partners: The MCCC is a Great Lakes regional initiative connecting seven states and Canada. MCCC is also recognized by Green Lands Blue Waters as a subgroup which expands the network down the Mississippi River. The W.K. Kellogg Foundation has also contributed funding for the initiative.

Minnesota Terrestrial Carbon Sequestration Program

Terrestrial carbon sequestration is the capture and storage of atmospheric CO_2, a potent greenhouse gas, in plants and soils. Numerous land management practices that are well-known for conserving soils, water quality, and wildlife habitat (e.g., conservation tillage, use of perennial and cover crops, reforestation and afforestation, and wetland and grassland management) also sequester carbon.

Determining optimal strategies for increasing carbon sequestration in Minnesota's landscape would promote increased sustainability of diverse ecosystems and – by adding a potentially valuable commercial product (sequestered carbon credits) – could promote new economic opportunities in the state.

This project generated three white papers that were used as the basis for a legislative initiative, funded at $385,000 in the initial year. A report is due to the legislature in Feb 2008 to look at available programs and opportunities to sequester C in Minnesota landscapes.

The original steering committee was expanded and now includes both Farmers Union and Farm Bureau. Finally, investigators expect to launch pilot programs in mid to late 2008 to encourage C sequestration in Minnesota.

Contact: Jim Anderson – ander045@umn.edu

WATER POLICY AND ECONOMICS – SELECTED IMPACTS

- The Midwest Cover Crop Council has increased understanding of cover crop research and outreach needs and has built significant regional capacity and momentum to address water quality pollution through cropping systems.
- The University of Minnesota provided a research-based foundation for a Minnesota legislative initiative to sequester carbon in Minnesota landscapes. The University of Minnesota continues to be a partner in this effort.
- A water withdrawal assessment and tool are helping determine whether groundwater withdrawals could cause adverse impacts to local waters or water-dependent natural resources.

Water Policy and Economics – continued

TMDL Training for Water Resource Professionals – A Multi-State Pilot

This project piloted the first in a series of workshops to bring together professionals with various backgrounds from federal, state and local agencies, academia, non-governmental organizations (NGOs), and the consulting sector. Goals for the workshop series include 1) increasing understanding of the biological, chemical, and physical interactions at a watershed scale, 2) identifying and recognizing the gaps in knowledge among the many specialists, and, most importantly, 3) developing synergistic interactions among professionals with common TMDL and water quality goals.

The first workshop was conducted on October 22, 2007 at the Annual Minnesota Waters Conference. Fifty people attended, from universities, state agencies and private consultants. Participants indicated that their knowledge of the TMDL process and the importance of an interdisciplinary approach increased from fair to good. The evaluations also clearly reflected the ongoing need for regular, basic TMDL process training.

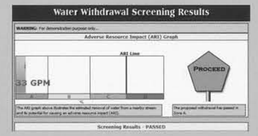
The workshop also led to the establishment of a research symposium to be conducted in February, 2008 to bring together decision makers at the state and federal level, active implementers, researchers, and non-governmental organizations who focus on science to identify the current state of knowledge and research needs to manage surface waters. This should help establish a research agenda for the next 5 to 10 years, and provide a foundation for multi-state work.

Contact: Faye Sleeper – fsleeper@umn.edu

Water Withdrawal Assessment Tool Web Interface

In 2006, legislation was enacted to manage large water withdrawals in Michigan. A Groundwater Conservation Advisory Council, was appointed the task of developing a water withdrawal assessment screening process and tool that could be utilized by a person proposing a new or increased large quantity withdrawal.

The tool was designed to help determine whether the proposed withdrawal could cause an adverse impact to the waters of the state or to water dependent natural resources. The Institute of Water Research at Michigan State University is developing a web based program incorporating the models used in the tool's development. The tool is now being beta-tested and should be made available in the upcoming months. It is expected to facilitate informed decisions regarding the reasonable use of large-quantity withdrawals from any specific location within the state. The Institute will also develop training sessions on the use of the system and the proposed registration process.



Contact: Jon Bartholic – bartholi@msu.edu

Watershed Management

Developing Social Indicators for Nonpoint Source (NPS) Management

NPS pollution results from aggregate impacts of individual actions across the landscape. Effective management of NPS water pollution requires addressing both environmental conditions and the choices people make that impact the environment.

This project is intended to improve and protect water quality through the design and implementation a system for integrating social indicators into NPS planning, implementation, and evaluation. The project team has developed a suite of social indicators for NPS management that provide information about awareness, attitudes, constraints, capacity, and behaviors that are expected to lead to water quality improvement and protection. The team has also developed a handbook and a data management and analysis system that will help NPS managers integrate social indicators into NPS planning, implementation, and evaluation.

By bringing social indicators and water quality indicators together, water quality managers can 1) target outreach activities where they will have the greatest environmental impact, and 2) assess whether their outreach efforts are accomplishing changes expected to improve and protect water quality. The products of this project will be pilot-tested in all Great Lakes Region states over the next three years.

Contacts: Ken Genskow – kgenskow@wisc.edu and Linda Prokopy – lprokopy@purdue.edu

Website: www.uwex.edu/ces/regionalwaterquality/Flagships/Indicators.htm

Partners: This initiative has developed strong partnerships with USEPA Region 5 and state water quality agencies in the region, and has actively engaged local nonpoint source managers in developing and testing the system. CSREES has contributed additional funds to this initiative through a NIWQP integrated grant.

"A river cuts through rock, not because of its power, but because of its persistence."

– JIM WATKINS

Watershed Management – continued

Looking for Innovative Stormwater Practices? Look Here!

This initiative is currently focused on developing and implementing web-based tools to increase the capacity of local communities, regulatory agencies, and others to collect, store, view, query, manipulate, analyze, and mine spatially referenced data on stormwater Best Management Practices.

The initiative recently completed the first version of a web-based, geo-referenced searchable database to house examples of innovative stormwater projects or traditional stormwater management techniques that have been used in an innovative manner. This database will provide access to a subset of innovative projects in the region that agencies, municipalities, researchers, Extension educators, and others can use to measure performance, document design, installation and maintenance costs, and inform others about the strengths and challenges associated with innovative stormwater management efforts.

Information about specific projects will be submitted to the database through an online submission form that can be found in a link at www.uwex.edu/ces/regionalwaterquality/flagships/stormwater. The submitted information will be stored in a database and displayed on a project webpage when queried by a user of the system. The database will be integrated into the Michigan State University Institute for Water Research's Digital Watershed (www.iwr.msu.edu/dw).

Contacts: Jon Witter – witter.7@osu.edu

Publications: www.uwex.edu/ces/regionalwaterquality/Publications/factsheets/swdatabase07.pdf

Website: www.uwex.edu/ces/regionalwaterquality/flagships/stormwater

Partners: This initiative is a partnership between the Extension systems in Great Lakes Region states, state agencies with oversight responsibility for stormwater management, local municipal partners, and USEPA.

Watershed Planning and Management Tools – On the Web

The purpose of this project is to: 1) Increase watershed group awareness and access to on-line watershed tools; 2) improve integration and coordination of on-line watershed tools among land grant institutions and USEPA; and 3) provide feedback to tool developers and managers.

Three web meetings were held during the summer of 2007 for Extension educators to learn about the on-line tools in each of the states and discuss the potential for improving access, integration, and use of on-line watershed tools. An on-line forum with participation from Michigan, Ohio, Indiana, and Illinois was held in October of 2007 to identify potential for collaboration among the Great Lakes states.

Outcomes for this project include increased awareness among Extension educators across the region about existing tools from the Great Lakes Land-Grant institutions and USEPA, identification of priority tools, and the design of an education plan to increase awareness and use of priority tools.

Information about the watershed tools will be hosted on the USEPA watershed webpage. USEPA Region 5 staff will also participate in future meetings and educational programs.

Contact: Anne Baird – baird.41@osu.edu

Partners: USEPA Region 5

WATERSHED MANAGEMENT – SELECTED IMPACTS

- This effort fills a critical evaluation need for NPS programs. It provides a suite of indicators that measure impacts related to human behavior that often precede water quality improvement.
- A web-based, geo-referenced, searchable database has been developed to collect and display examples of innovative stormwater projects.
- Watershed leadership programs have improved watershed leaders' knowledge of watershed planning, land use planning, and ways to involve stakeholders. It has also increased their leadership skills.
- The High Impact Targeting System can be used to focus limited resources on the most serious erosion and pollution problems.
- Wisconsin's Basin Education program delivers research-based information and promotes cooperation and communication among the agencies and organizations involved in water resource management in Wisconsin. Topics addressed include agricultural performance standards, municipal stormwater regulations, construction site erosion control, groundwater and wetland protection, and invasive species identification and control.

Watershed Management – continued

Extraordinary People Can Make an Extraordinary Difference

This project uses multi-state video conferences with local facilitated meetings, a website, and watershed leadership trainings to share the stories of decision makers who have improved their communities and watershed by linking land use and watershed planning.



Evaluation information was collected from video conference participants who responded through a self reported retrospective questionnaire three months following video conference. Evaluation data was also collected via small discussion groups immediately following the video conference.

Major findings from the questionnaire showed that 56% of respondents stated that the video conference increased their knowledge about linking land and water management; 28% of respondents reported that they had already applied or used in their work a part of the video conference; and 46% of respondents reported that they were "likely" to apply or use in their work part of the video conference.

Specific changes participants planned to make included increasing the diversity of stakeholder involvement in watershed planning, increasing collaboration with municipal planners, and increasing farmer involvement in watershed planning.

Contacts: Anne Baird – baird.41@osu.edu and Tracy DeHoop – tdehoop@purdue.edu

Website: http://ohiowatersheds.osu.edu/ep

Partners: Purdue University Extension, Indiana, Minnesota Department of Agriculture, University of Minnesota, the Olentangy Watershed Alliance (OH), Friends of Conneaut Creek (OH), Delaware County Muncie Metro Planning Commission (IN)

Illinois River Conference

In October 2007, the 11th Biennial Governor's Conference on the Management of the Illinois River System was held. More than 60 agencies and organizations, including University of Illinois Extension (UIE), sponsored the conference, which drew 400 participants. Prior to the event, Bob Frazee, Extension Educator – Natural Resources Management, UIE and member of the Regional Project Advisory Committee, was interviewed about the River Conference on the RFD Illinois radio network, which includes 83 stations. The Conference Evaluation indicates a 100% good/excellence overall rating for the conference.

Contact: Robert Frazee – rfrazee@uiuc.edu

Minnesota Stormwater Leadership Provides a Model for Great Lakes Region States

The University of Minnesota Stormwater Management Assessment Project recently completed a comprehensive stormwater research program with the goal of developing the manual *Assessment of Stormwater Best Management Practices*. The on-line document (http://wrc.umn.edu/outreach/stormwater/bmpassessment) includes a novel 4-level assessment protocol for different types of stormwater BMPs, as well as a chapter on source reduction.

The Minnesota Pollution Control Agency (MPCA) has renewed its contract with the University of Minnesota, through St. Anthony Falls Laboratory and the Water Resources Center, for the next biennium to expand and update this document to incorporate maintenance and additional case studies. The document will be newly titled *Assessment and Maintenance of Stormwater Best Management Practices.* The renewed project will continue trainings and outreach, incorporate maintenance procedures into an expanded manual, examine groundwater and thermal pollution associated with stormwater, and demonstrate the incorporation of stormwater BMPs into TMDLs.

Contact: Jim Anderson – ander045@umn.edu and John Gulliver - gulli003@umn.edu

High Impact Targeting (HIT) System

Michigan State University and its partners are completing the first phase in the development of the High Impact Targeting (HIT) System. The system is being used as a tool to focus limited conservation resources on the most serious erosion and pollution problems.

The HIT system can be used to identify and target specific areas in agricultural fields that cause the greatest volumes of sediments deposited in waterways and adversely impact water quality and aquatic habitat. The intent is to maximize the beneficial impacts from the installation of new conservation practices on the highest-risk sediment yield areas. HIT relies on advanced geographical information systems (GIS) technology and innovative applications of computer modeling.

The HIT system provides data on sediment delivery and agricultural erosion presented in map formats, tables, and other graphic formats. HIT is an interactive system so users can choose the appropriate scale to visualize the GIS data on high-risk areas that are of the greatest interest to them. Users can either compare risk areas in their local watersheds or zoom down to field level and see specific farms with color-coded high risk areas.



HIT was specifically designed for use by soil conservation districts, farmers, watershed organizations, the Michigan Department of Agriculture, NRCS, and other conservation organizations. HIT is available on the web at http://35.9.116.206/hit/hit.asp. The site is under development and thus serves as a beta version. While this project is being piloted in Michigan, it has significant value across the Great Lakes Region.

Contact: Jon Bartholic – bartholl@msu.edu

Watershed Management – continued

Ohio Watershed Academy Builds Local Leadership

The Ohio Watershed Academy is a professional development course for watershed coordinators, water resource professionals, and volunteers interested or involved in watershed protection efforts. The Academy builds the capacity of watershed groups and watershed professionals to plan and implement watershed protection plans.

For the 2007 edition of the class, two new modules were created on Geographic Information Systems and Stream Dynamics. These modules were developed in collaboration with specialists from the Ohio Department of Natural Resources. Evaluations indicated that Academy students benefited most from being exposed to new ideas and real world examples from other watershed group leaders. Twenty-two of 24 students indicated that they had established new professional relationships as a result of their participation in the course. Nearly all students (minus one non-respondent) indicated that they would recommend the Academy to others. Pre- and post- self-assessment forms indicated that students felt they had a higher level of knowledge of watershed planning, higher level of knowledge of stakeholder involvement and an increased ability to lead a watershed protection effort after completing the Academy.

Typical quotes from Ohio Watershed Academy participants include "I used the economic evaluation to see what dollar value improvements to fishing will have as a result of a planned dam removal," and "My group has a serious need for a sustainable development plan, and the skills and knowledge I obtained through this course have provided me with ideas on where to begin."

Contact: Joe Bonnell – bonnell.8@osu.edu

Partners: The Ohio Environmental Protection Agency and the Ohio Department of Natural Resources

Indiana's Watershed Leadership Academy

The Indiana Watershed Leadership Academy was created to increase the capacity of watershed leaders to develop scientifically-sound watershed management plans that active involve, engage, and are supported by the community. These groups are playing an increasing role in protecting and restoring water quality.

Fifty-four emerging watershed leaders have participated in the Indiana Watershed Leadership Academy. As graduates, professional and volunteer watershed leaders are using what they learn to enhance stakeholder involvement, educate their communities more effectively, and make changes on the land to restore water quality. Many participants say they have used what they learned in the Academy to become more effective in their watershed activities.

For example, a 2007 participant wrote: "I had an opportunity to speak with 400 citizens at a public hearing with information gathered for one of the modules. Nobody had been exposed to the information before." With a steering committee representing 20 Indiana agencies, organizations, and companies concerned about watershed management, the Academy has emerged as a key training program to enhance the skills of people working to improve water quality in Indiana.



Contact: Jane Frankenberger – frankenb@purdue.edu

Website: www.purdue.edu/watersheds

Partners: Several of the distance education modules are based on the Ohio Watershed Academy. An Internet video conference was held in the spring including presenters from Ohio, Indiana, and Minnesota, and participants from the Ohio and Indiana Watershed Academies. Our Steering Committee includes 20 of the most important conservation agencies in Indiana.

Wisconsin's Basin Education Program

The Wisconsin Basin Education Program involves a team of 15 University of Wisconsin-Extension Basin Educators located throughout Wisconsin in areas coinciding with the state's major river and Great Lakes basins. Staff at the University of Wisconsin-Extension Environmental Resources Center provide statewide support for program evaluation and the development of regional and statewide educational materials.

The Basin Education Program works with the Wisconsin Department of Natural Resources and the Natural Resources Conservation Service to provide statewide, watershed-based natural resources education. The program promotes the integration of management activities across disciplines and interests and emphasizes ecosystem-oriented management approaches where feasible.

Through a variety of interactive processes, citizens, agency staff and other key stakeholder groups work together to identify and address the important resource issues in their particular basins.

During 2007, the Basin Education Program conducted watershed-based outreach and education activities, programs, and workshops and developed education materials related to topics such as agricultural performance standards and prohibitions, municipal stormwater regulations, construction site erosion control, groundwater and wetland protection, rain garden implementation, and invasive species identification, removal and control.

Through these projects and activities, the Basin Education Program delivered research-based information and promoted cooperation and communication among the numerous agencies and organizations active in protecting Wisconsin's water and land resources.

Contact: Ken Genskow – kgenskow@wisc.edu

Website: http://clean-water.uwex.edu/basin.html



Maximizing the Impact of Your National Integrated Water Program Dollar

Cultivating learning means cultivating connections among individuals and organizations doing complementary work. The CSREES National Integrated Water Quality Program funds three types of grants in addition to the Regional coordination grants like the GLRWP.

One of the goals of regional coordination is to make the most of federal, state, and local resources for water research, education, and outreach. One way the GLRWP accomplishes this goal is to share successful water research and outreach programs across the region and the nation.

In this year's impact report, we are highlighting the integrated research, education, and extension grants and national facilitation grants based in the Great Lakes Region. While these projects are funded directly through the CSREES National Integrated Water Quality Program, they often build on or collaborate with GLRPW efforts. In addition, they demonstrate other excellent contributions universities and their partners in the Great Lakes Region are making toward managing water resources.

NATIONAL IMPACTS IN THE GREAT LAKES REGION

Integrated Research, Education, and Extension Projects

Enhancing Phosphorus Reduction Strategies in Michigan's Kalamazoo River Basin

This project has integrated research on phosphorus loading and sources, Extension outreach to local stakeholders, and community leadership to reduce phosphorus in the Kalamazoo River Basin.

Total Maximum Daily Load (TMDL) organizations and volunteers are charged with developing strategies to meet established phosphorus (P) reduction goals with limited knowledge of and data on the unique watershed characteristics influencing phosphorus sourcing, transport, transformation, and fate.

Identification and modeling of the interactions between total phosphorus, total dissolved P, land use, watershed characteristics, and stream chemistry may provide tools for developing phosphorus reduction strategies and assessing their effectiveness. Evaluation of the large and complex database acquired during the project is leading to an understanding of the sources, fate and transport of P in the watershed.

These data, combined with project facilitation and watershed-wide education efforts is contributing to P reduction within the Kalamazoo River Basin. Seasonally adjusted P loading to Lake Allegan in 2005 indicated a TP reduction of 21 percent (11.8 percent in non-point loading and 35.5 percent point source reduction) compared to 1998 levels. Phosphorus reduction efforts will continue through institutionalized coordination through the Kalamazoo River Watershed Council.

Contact: Dean Solomon – solomon@msu.edu

Integrated Research, Education and Extension Projects – continued

Using Social Indicators to Improve Adoption of Land Management Practices to Protect Water Quality in Four Midwestern Watersheds

This project is working to increase understanding of the factors that foster and impede adoption of agricultural best management practices (BMPs) and to develop tools that will enable practitioners to develop more effective education, outreach, and incentive programs – ultimately resulting in improvements in water quality.

This project builds on work initiated by the Great Lakes Regional Water Program (see p. 25). Research and outreach activities are being conducted in four agricultural watersheds in the Midwest (Ohio, Indiana, and Illinois) using a social indicator framework to identify and address the specific factors that foster or impede adoption of practices.

While this project is only in the beginning of its second year, there is already increased understanding among the project team about the ecological and social linkages in the watersheds due to conversations with project partners and analysis of GIS data. In addition, a method has been developed for selecting watersheds for paired watershed studies that combine both ecological and social data.

Contact: Linda Prokopy - lprokopy@purdue.edu

"The nation behaves well if it treats the natural resources as assets which it must turn over to the next generation increased, and not impaired in value."

– THEODORE ROOSEVELT

National Facilitation Projects

Changing Public Behavior: Increase Citizen Involvement Using Target Audience Information

The Changing Public Behavior (CPB) project provides resources and training, like the workshop referred to above, to help natural resource professionals take social science research from theory to practice. When educators focus on specific audiences, their work is more likely to lead to desired results, but many factors can influence whether an individual will adopt a significant behavior. The project provides guidance for analyzing those factors. Project resources developed in Year 1 include:

- A draft, online self-study module that provides a 7-step process for learning new skills. Step 4 of the module, About social assessment tools: Purpose, use, selection, application, was developed with the help of a team of national social science experts and includes background information and practice opportunities.
- A searchable database of educational findings from 150 research studies published from 1988 - 2004. The database allows educators to search by citation, audience, study theme, or best education practice. Findings are derived from research papers describing studies that could claim to identify best education practices for specific audiences. We are in the process of reviewing additional studies (2004 – 2007).
- A draft in-person training curriculum on how to find and incorporate information about targeted audiences into outreach planning and evaluation. The curriculum has been pilot tested with Extension natural resource professionals and with agency administrators. Training materials include case studies related to regional priority water management themes, and worksheets that encourage application and practice.

These activities support a Community of Practice (CoP) that focuses on improving participant skills and resources for assessing target audiences.

Contact: Elaine Andrews - eandrews@wisc.edu

Web site: http://wateroutreach.uwex.edu/CPBhomepage1.cfm

National Facilitation Projects – continued

EPI-NET

The Environmental Pathogens Information Network (EPI-NET) is a stable, centralized source of environmental microbiological contamination information. Its purpose is to encourage information sharing, connect a network of stakeholders, regulatory officials, and technical experts, provide a reliable point of reference (methods and data interpretation) and increase our ability to develop a coherent national research agenda and good public policy.

EPI-NET's primary communication mechanism is through their website, where visitors will find valuable references and the recent news related to pathogen contamination and detection in water and food. In addition, EPI-NET held one symposium and two workshops in 2007. The symposium increased participants' understanding of the principles and applications of modern approach to Microbial Source Tracking (MST), and evaluated how current methodologies are applied in watersheds.

The workshops provided current, research-based information to professionals working on pathogens and E. coli as part of a beach monitoring program and increased their ability to appropriately use Microbial Source Tracking (MST) to reduce the public health risk posed by beaches with high pathogen levels.

Contacts: Ronald Turco – rturco@purdue.edu, and Militza Carrero-Colón – carreroc@purdue.edu

Website: www.epi-net.org/eng

Volunteer Monitoring National Facilitation Project

Volunteer water quality monitoring programs can be the critical first link that engages the public in watershed stewardship. They improve the understanding of local water resources, encourage individual and community involvement in protection and restoration efforts, and help communities make informed decisions that improve water quality. This project's goals are to 1) expand and strengthen the capacity of existing Extension volunteer monitoring programs and 2) support development of new ones. The project also strives to enhance integration of volunteer monitoring in research, education, and extension activities.

In 2007, the Volunteer Monitoring National Facilitation Project has 1) enhanced communication among existing Extension volunteer monitoring programs nationwide; 2) reduced the effort needed to start new volunteer monitoring programs or to expand existing programs; 3) lent support and credibility to previously isolated programs; 4) facilitated local data sharing and internet learning; 5) expanded volunteer opportunities due to enhanced local and state capacity for Extension volunteer monitoring programs; 6) strengthened strategic partnerships within the Extension Volunteer Monitoring Network and between CSREES and other agencies, and 7) enhanced recognition of CSREES volunteer monitoring efforts as a viable component of the water monitoring community.

Contacts: Linda Green – lgreen@uri.edu and Kris Stepenuck – kfstepenuck@wisc.edu

Website: www.usawaterquality.org/volunteer

Great Lakes Radio Consortium's The Environment Report Brings "The Great Coast" to Millions

The Environment Report, a Great Lakes Radio Consortium (GLRC) production at Michigan Radio, creates a free, weekly 29-minute satellite newsfeed of environmental reports used by more than 160 public radio stations in 18 states. CSREES enables The Environment Report staff to produce and distribute 120 public radio stories focused on the dynamic relationship between the agricultural sector and water quality in the Great Lakes watershed and beyond.

An evaluation of a previous CSREES grant indicated that listeners had greater awareness of each of the following topics (comparing 2002 and 2004): loss of farmland due to urban sprawl, the effect of pesticides on water quality, the effect of fertilizer or nitrogen on water quality, and the effect of animal feed operations on water quality.

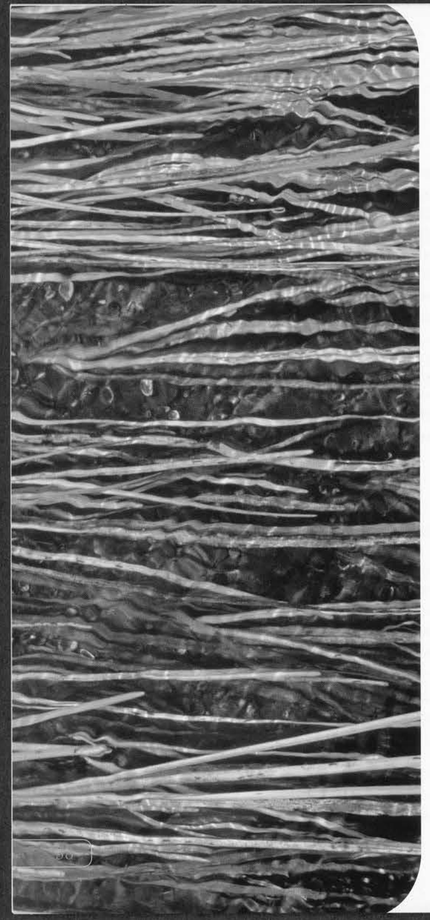
The Environment Report is now expanding its evaluation of listener knowledge and attitudes by initiating an independent study to determine if reporting has an effect on the actual behavior of public radio listeners.

The initial evaluation phase of the current project found that stories are doing a better job at connecting with listeners and providing them with real understanding of these subjects. Focus group respondents indicated that the reports would have an influence on listener behavior.

The Environment Report continues to improve upon web elements related to the newsfeed to enrich the educational reach of the project. Since modifying the website to make it more helpful to the public, the web audience has increased by six percent and an improvement in web streaming capabilities has led to a 46% increase in the number of mp3 audio files downloaded from the website.

Contact: Mark Brush – brush@glrc.org

Website: www.environmentreport.org



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THE GREAT LAKES REGIONAL WATER PROGRAM:

Cultivating Learning in a Changing World

2007 Impacts

www.uwex.edu/ces/regionalwaterquality

Applying knowledge to improve water quality
Great Lakes
Regional Water Program
A Partnership of USDA CSREES & Land Grant Colleges and Universities

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UNIVERSITY OF ILLINOIS EXTENSION
College of Agricultural, Consumer and Environmental Sciences

Knowledge to Go
Purdue Extension

THE OHIO STATE UNIVERSITY EXTENSION

UNIVERSITY OF MINNESOTA Extension SERVICE

UW Extension

MICHIGAN STATE UNIVERSITY EXTENSION

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Natural Resources Conservation Service

2008 Farm Bill

Food, Conservation and Energy Act of 2008

Helping People Help the Land

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2008 Farm Bill

The path to the 2008 Farm Bill

1985 Food Security Act
- ✓ **Highly Erodible Land protection (HEL)**
- ✓ **Reduction of wetland conversion (Swampbuster)**
- ✓ **Conservation Reserve Program**

1990 Food Agricultural Conservation & Trade Act
- ✓ **Continues HEL & Swampbuster provisions**
- ✓ **Continues CRP**
- ✓ **Wetland Reserve Program Authorized**

1996 Federal Agriculture Improvement & Reform Act
- ✓ **Environmental Quality Incentives Program begins**
- ✓ **Wildlife Habitat Quality Incentives Program begins**
- ✓ **WRP, CRP continued**

2002 Farm Security & Rural Investment Act
- ✓ **Conservation Security Program**

2008 Farm Bill: Food, Conservation and Energy Act

The Food, Conservation, and Energy Act of 2008 (2008 Farm Bill) became law on May 22, 2008

The legislation includes fifteen diverse titles, including broad provisions for conservation, energy and tax policy

Enactment of the bill followed a multiple year process of deliberation and debate yielding a final product with some but not all of the policy recommendations offered by the United States Department of Agriculture

2008 Farm Bill Highlights

Increases funding for Conservation programs

Focuses on Agricultural and Forestry Working Lands

Environmental Quality Incentives Program expanded

Continues Wildlife Habitat Incentives Program

Agricultural Management Assistance expanded to include Hawaii

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2008 Farm Bill

2008 Farm Bill Highlights (2)

Conservation Stewardship Program begins FY2009 with an acreage allocation and a ranking system. Offers flexibility to be a nationwide program

Wetlands Reserve Program appraisal issues resolved

Farm and Ranch Lands Protection Program funding expanded

Creates an Open Fields Program to encourage public access to private land for hunting and fishing

Chesapeake Bay program created to direct further NRCS program resources to the Bay watershed

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2008 Farm Bill

"We have each taken an oath to faithfully execute the law, and so it is now time to end the debate, roll up our sleeves, and get to work implementing the new legislation."

-Secretary Ed Schafer

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Natural Resources Conservation Service

2008 Farm Bill



Information on NRCS Conservation Programs

Conservation Technical Assistance
Environmental Quality Incentives Program
- ✓ **Agricultural Water Enhancement Program**
- ✓ **Conservation Innovation Grants**

Wildlife Habitat Incentives Program
Agricultural Management Assistance
Farm and Ranch Lands Protection Program
Grassland Reserve Program
Healthy Forests Reserve Program

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Natural Resources Conservation Service

2008 Farm Bill



Information on NRCS Conservation Programs (2)

Conservation Reserve Program
Wetlands Reserve Program
Conservation Security Program
Conservation Stewardship Program
Chesapeake Bay Watershed Program
Voluntary Public Access and Habitat Incentive Program
Small Watershed Rehabilitation
Cooperative Conservation Partnership Initiative

USDA NRCS
United States Department of Agriculture
Natural Resources Conservation Service

2008 Farm Bill

Conservation Technical Assistance

Technical Assistance Under the Soil Conservation and Domestic Allotment Act
Section 2802

- ✓ Broadens the purpose to clarify authorities to preserve soil, water and related resources in addition to promoting soil and water quality
- ✓ Defines Technical assistance as technical services and technical infrastructure.

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2008 Farm Bill

Conservation Technical Assistance

Technical Services

Service provided directly to farmers, ranchers, and other eligible entities, such as conservation planning, technical consultation, and assistance with design and implementation of conservation practices

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Natural Resources Conservation Service

2008 Farm Bill



Conservation Technical Assistance

Technical Infrastructure

Activities, processes, tools, and agency functions needed to support delivery of technical services, such as technical standards, resource inventories, training, data, technology, monitoring, and effects analysis

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Natural Resources Conservation Service

2008 Farm Bill



Conservation Technical Assistance

Delivery of Conservation Technical Assistance
Section 2706

This section authorizes the Secretary to provide technical assistance:

- ✓ **To an eligible participant directly**
- ✓ **Through an agreement with a third-party provider**
- ✓ **or at the option of the eligible participant, through a payment to the eligible participant for an approved third party provider**

Provides authority for contracting with third-party providers for technical assistance

Defines entities eligible to receive technical assistance under this title

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Where financial assistance is not required, the Secretary may enter into technical services contracts with program participants

The Secretary is authorized to use mandatory funds and multi-year contracts with third party providers, to establish fair and reasonable payment rates, and to ensure a nationally consistent certification process

The Secretary is required to review conservation practice standards to ensure that the conservation practices are consistent with local needs

The Secretary is directed to ensure that adequate technical assistance is made available to producers involved with organic, specialty crop, or precision agriculture production

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Conservation Programs

WORKING LANDS PROGRAMS

Environmental Quality Incentives Program (EQIP)

- ✓ Agricultural Water Enhancement Program (AWEP)
- ✓ Conservation Innovation Grants (CIG)

Wildlife Habitat Incentives Program (WHIP)

Agricultural Management Assistance (AMA)

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2008 Farm Bill



Environmental Quality Incentives Program (EQIP)

EQIP offers financial and technical assistance to agriculture and forestry producers to promote agricultural production, forest management, and environmental quality as compatible goals

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United States Department of Agriculture

2008 Farm Bill



Conservation Opportunities

INCREASES SUPPORT OF WORKING LAND CONSERVATION

Environmental Quality Incentives Program is a critical element of USDA conservation programs

- ✓ **Increases funding above the current law by $3.4 billion in budget authority over the next ten years**

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Natural Resources Conservation Service

2008 Farm Bill

EQIP Key Points

Reauthorized until 2012

Validates NRCS forestry activities by specifically referencing forest management

Expanded to include energy conservation benefits associated with conservation practices

Places a priority on reduction of water use or no new lands irrigated

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2008 Farm Bill

EQIP Key Points (2)

Broader scope of conservation payments to include:

- ✓ **Specific Planning activities beyond CNMP**
- ✓ **Build on management intensity concepts of CSP enhancements**
- ✓ **Payments fit Green Box for WTO**

Air quality practices $37.5 million per year (2009-2012)

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2008 Farm Bill



EQIP Key Points (3)

For organic producers:

- Specific section on assistance with conservation practices utilized for organic production and transition
- Payments for practices with organic production benefits limited to not more than $20,000 per year; $80,000 in 6 years

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2008 Farm Bill



EQIP Key Points (4)

For limited resource, socially disadvantaged and beginning farmers or ranchers:

- ✓ **Up to 90 percent cost share or at least 25 percent above the otherwise applicable rate**
- ✓ **Advance payments to cover up to 30% of the cost of materials to install conservation improvements**

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2008 Farm Bill

EQIP Funding

Fiscal Year	Dollar Amount
2008	$1,200,000,000
2009	$1,337,000,000
2010	$1,450,000,000
2011	$1,588,000,000
2012	$1,750,000,000

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United States Department of Agriculture

2008 Farm Bill

EQIP Payment Limitations

Environmental Quality Incentives Program (EQIP) Payment Limitations

$300,000 per person over a six-year period

Up to $450,000 per person over a six-year period may be authorized for projects of environmental significance

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2008 Farm Bill

Agricultural Water Enhancement Program (AWEP)

Replaces Ground and Surface Water Conservation Program

Offers financial and technical help to assist farmers and ranchers install or implement conservation practices for agricultural water conservation water quality enhancement activities

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Natural Resources Conservation Service

2008 Farm Bill

AWEP Key Points

A new activity within EQIP on agricultural lands

Promotes ground and surface water conservation

Promotes improved water quality

Projects may be considered in areas experiencing drought to:

- ✓ **Impound water to capture surface water runoff on agricultural land for new irrigation projects**
- ✓ **Maintain ponds**

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AWEP Key Points

Contracts may be entered into directly with producers to carry out agricultural water enhancement activities, or

Contracts may be entered into directly with producers identified through partnership agreements developed with entities to carry out agricultural water enhancement activities on a regional basis

Partners are selected competitively, and eligible producers are enrolled to achieve the project objectives using EQIP contracts

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United States Department of Agriculture

2008 Farm Bill

AWEP Funding

Fiscal Year	Dollar Amount
2008	$0
2009	$73,000,000
2010	$73,000,000
2011	$74,000,000
2012	$60,000,000

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Natural Resources Conservation Service

2008 Farm Bill



AWEP Payment Limitations

Agricultural Water Enhancement Program (AWEP)
Payment Limitations

$300,000 per person over a six-year period

Up to $450,000 over a six-year period may be authorized for projects of environmental significance

AGI waiver, if necessary to fulfill the objectives of the program

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Natural Resources Conservation Service

2008 Farm Bill



Conservation Innovation Grants

Program reauthorized

Emphasis on efficient and effective transfer of innovative technologies and approaches and increased participation of specialty crop producers

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Wildlife Habitat Incentives Program (WHIP)

Assists landowners to develop and improve wildlife habitat on private or Tribal land

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Natural Resources Conservation Service

2008 Farm Bill



Conservation Opportunities

PROTECTS WILDLIFE HABITAT

The Wildlife Habitat Incentives Program

- ✓ **Will continue to assist in conservation of habitat on agricultural, forest and tribal land**
- ✓ **Provides cost-share assistance to participants seeking to improve and protect wildlife habitat**

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2008 Farm Bill



WHIP Key Points

Reauthorizes WHIP through 2012

Limits contracts to private agricultural land, non-industrial private forestland, and tribal lands

Increases the percentage of long-term agreements from 15 to 25 percent

Allows a priority for projects that further national, state, or regional habitat goals

Establishes annual payment limits to a person or legal entity of not more than $50,000

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Natural Resources Conservation Service

2008 Farm Bill



WHIP Funding

Fiscal Year	Dollar Amount
2008	$85,000,000
2009	$85,000,000
2010	$85,000,000
2011	$85,000,000
2012	$85,000,000

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WHIP Payment Limitations

Wildlife Habitat Incentives Program (WHIP) Payment Limitations

$50,000 annually per person

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Agricultural Management Assistance (AMA)

Provides cost-share and incentive payments to agricultural producers to voluntarily address issues, such as water management, water quality, and erosion control by incorporating conservation practices into their farming operations

Available in 16 states where participation in the Federal Crop Insurance Program is historically low

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2008 Farm Bill

Agricultural Management Assistance (AMA)

Adds Hawaii

$15 million in mandatory funding for each of fiscal years 2008 through 2012

Requires a percentage breakout of funding rather than a dollar amount:

- ✓ **NRCS 50 percent**
- ✓ **AMS 10 percent**
- ✓ **RMA 40 percent**

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United States Department of Agriculture
Natural Resources Conservation Service

2008 Farm Bill

AMA Funding

Fiscal Year	Dollar Amount
2008	$15,000,000
2009	$15,000,000
2010	$15,000,000
2011	$15,000,000
2012	$15,000,000

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Natural Resources Conservation Service

2008 Farm Bill

AMA Payment Limitations

Agricultural Management Assistance (AMA) Payment Limitations

$50,000 annually per person

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United States Department of Agriculture
Natural Resources Conservation Service

2008 Farm Bill

Conservation Programs

PRIVATE LANDS PROTECTION PROGRAMS

Farm and Ranch Lands Protection Program (FRPP)

Grassland Reserve Program (GRP)

Healthy Forests Reserve Program (HFRP)

USDA NRCS
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Natural Resources Conservation Service

2008 Farm Bill

Farm and Ranch Lands Protection Program (FRPP)

Provides matching funds to help State, tribal, or local governments and non-governmental organizations purchase development rights to keep productive farm and ranchland in agricultural uses

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Natural Resources Conservation Service

2008 Farm Bill

FRPP Key Points

Creates new conservation opportunities through increased funding

Reauthorizes FRPP through 2012

Changes program purposes from topsoil protection to protecting agricultural use and related conservation values by limiting nonagricultural uses

Changes the Secretary's role in the purchase of easements from acquisition of an interest to providing cost-share to eligible entities

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2008 Farm Bill



FRPP Conservation Opportunities

Protects farm and ranch land from conversion to non-agricultural uses.

Helps limit the impervious area in watersheds thereby protecting water quality.

Maintains wildlife habitat in areas where urbanization has significantly reduced habitat.

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Natural Resources Conservation Service

2008 Farm Bill



FRPP Key Points (2)

Removes any present or future interest in easements from the Secretary

Changes the minimum entity contribution to 25 percent of the easement acquisition price rather than 25 percent of the appraised fair market value

Allows the entity to designate the terms and conditions of its deed and to choose the appraisal methodology, subject to approval by the Secretary

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2008 Farm Bill

FRPP Key Points (3)

Allows the Secretary to certify eligible entities

Specifies a minimum agreement length of 5 years for certified entities

Non-certified entities shall have agreement lengths of 3-5 years

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Natural Resources Conservation Service

2008 Farm Bill

FRPP Funding

Fiscal Year	Dollar Amount
2008	$97,000,000
2009	$121,000,000
2010	$150,000,000
2011	$175,000,000
2012	$200,000,000

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Natural Resources Conservation Service

2008 Farm Bill

FRPP Payment Limitations

Farm and Ranch Lands Protection Program (FRPP)
Payment Limitations

No statutory payment limit.

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Natural Resources Conservation Service

2008 Farm Bill

Grassland Reserve Program (GRP)

Assists landowners to restore and protect grassland, rangeland, pastureland, shrub land and certain other lands and provides assistance for restoration.

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Natural Resources Conservation Service

2008 Farm Bill



GRP Conservation Opportunities

PROTECTS GRAZING LAND

The Grassland Reserve Program

- ✓ **1.22 million acres of grazing land to be enrolled and protected from conversion to other uses**

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2008 Farm Bill



GRP Key Points

Reauthorizes GRP through 2012

Additional 1,220,000 acres in the period of fiscal years 2009 through 2012

Removes dollar cap

Limits rental agreement options to 10-, 15-, and 20-years

Allows entities to write, own, and enforce easements with a 50 percent match through a cooperative agreement

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2008 Farm Bill

GRP Key Points (2)

Uses an easement valuation requirement similar to Wetlands Reserve Program

Requires a grazing management plan

Includes contingent right language that would limit Federal rights in entity-secured easements

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Natural Resources Conservation Service

2008 Farm Bill

GRP Funding

2009-2012

1,220,000 NEW acres

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Natural Resources Conservation Service

2008 Farm Bill

GRP Payment Limitations

Grassland Reserve Program (GRP) Payment Limitations

Establishes an annual $50,000 payment limitation per person for rental agreements and an annual $50,000 payment limitation per person for restoration agreement payments

No statutory limit for easements

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Natural Resources Conservation Service

2008 Farm Bill

Healthy Forest Reserve Program (HFRP)

Assists landowners to restore and protect forest land resources and protects at risk species

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Natural Resources Conservation Service

2008 Farm Bill

HFRP Key Points

Creates new conservation opportunities through increased funding

$9,750,000 in mandatory for each of fiscal years 2009 through 2012

Enrollment options:

- ✓ **Permanent easements**
- ✓ **30-year easements**
- ✓ **30-year contracts rather than agreements for Indian tribes**

Limits funding to

- ✓ **40 percent for 10-year cost-share agreements**
- ✓ **60 percent for easements**

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2008 Farm Bill

HFRP Funding

Fiscal Year	Dollar Amount
2008	$0
2009	$9,750,000
2010	$9,750,000
2011	$9,750,000
2012	$9,750,000

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Conservation Programs

LAND RETIREMENT PROGRAMS

Conservation Reserve Program (CRP)

Wetlands Reserve Program (WRP)

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Conservation Reserve Program (CRP)

Removes marginal croplands from production and encourages environmental enhancement on those lands

Provides new Wildlife Habitat program initiative

Reauthorizes and expands the flooded farmlands component of CRP

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2008 Farm Bill

CRP Acre Limit

32,000,000 acres beginning 2010

CRP Wildlife

$100,000,000 during 2009-2012

CRP Transition

$25,000,000 during 2009-2012

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2008 Farm Bill

CRP Payment Limitations

Conservation Reserve Program (CRP) Payment Limitations

$50,000 per person annually

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Natural Resources Conservation Service

2008 Farm Bill

Wetlands Reserve Program (WRP)

A voluntary, non-regulatory, incentive-based program that helps private landowners, farmers and ranchers protect and restore wetlands on their property

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United States Department of Agriculture
Natural Resources Conservation Service

2008 Farm Bill

Conservation Opportunities

PROTECTS FRAGILE WETLANDS

Wetlands Reserve Program

- ✓ **Allows up to 3,041,200 acres of wetlands to be enrolled**

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Natural Resources Conservation Service

2008 Farm Bill



WRP Key Points

Reauthorized through 2012

Overall Program Acreage Cap 3,041,200 acres (adds 766,200 acres)

Removed annual acreage cap

Limits enrollment to private or Tribal lands

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Natural Resources Conservation Service

2008 Farm Bill



WRP Key Points (2)

Enrollment Options:

- ✓ **Permanent easements**
- ✓ **30-year easements**
- ✓ **30-year contract option for Tribes**
- ✓ **Restoration cost-share agreements**

Prohibits enrollment of land in easements where ownership has changed during the previous 7 years for the purposes of enrolling in the WRP

Specifies cost-assistance for maintenance activities

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WRP Key Points (3)

Changes easement compensation to the lowest of the following:

- Fair market value of the land enrolled based on a
  - Uniform Standards of Professional Appraisal Practices appraisal, or a
  - Market survey
- Geographic cap established by the Secretary, or
- Landowner offer

These changes will be implemented on the date of enactment

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WRP Key Points (4)

Sets an annual payment limit on restoration cost-share agreement payments of $50,000 per person

Easements of less than $500,000 may be made in up to 30 payments

Easements greater than $500,000 may be made in at least 5 and no more than 30 payments

A waiver may be allowed for special circumstances

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WRP Funding

Capped at 3,041,200 acres
766,200 new acres

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2008 Farm Bill

WRP Payment Limitations

Wetlands Reserve Program (WRP)
Payment Limitations

Restoration Agreements

- ✓ **$50,000 per person annually**

Easements

- ✓ **No statutory limitation**

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Wetlands Reserve Enhancement Program (WREP)

- Special Wetland Programs with States, Tribes, or NGO's
- Reserved Rights Pilot Program
- Flooded Cropland or Grassland (used for production prior to natural overflow of closed basin or prairie pothole)
- Annual interest survey Prairie Pothole Region

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2008 Farm Bill



Conservation Programs

STEWARDSHIP PROGRAMS

Conservation Security Program (CSP)

Conservation Stewardship Program (CSP)

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Natural Resources Conservation Service

2008 Farm Bill

Conservation Security Program

Conservation Security Program–

Continues funding for current contract holders for signups conducted during fiscal years 2004 through 2008

No new enrollments

No new modifications

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2008 Farm Bill

Conservation Stewardship Program (CSP)

CSP pays farmers who are improving conservation treatment on their working lands to encourage the continuation of farming and ranching practices that benefit soil, water, and air resources

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Natural Resources Conservation Service

2008 Farm Bill



Conservation Opportunities

PROMOTES NEW CONSERVATION AND REWARDS STEWARDSHIP

The renamed **Conservation Stewardship Program (CSP)** will focus on:

- ✓ **Incentivizing new conservation**
- ✓ **Rewarding producers for high levels of additional stewardship**
- ✓ **Addressing local priority resource concerns**

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CSP Key Points

Authorized 2009 through 2017

12,769,000 acres may be enrolled each year

Average $18/acre nationally (FA and TA)

Acres will be allocated based on eligible acres in a state

Applicants must account for stewardship activities covering their entire agricultural operation

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CSP Key Points (2)

Applications will be competitively ranked based on:

- ✓ **Present and proposed conservation activities**
- ✓ **Number and extent of resource concerns addressed**
- ✓ **Cost effectiveness of the expected environmental benefits**

The program shall be managed to achieve a national average rate of $18 per acre, which shall include the costs of all financial assistance and technical assistance

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CSP Key Points (3)

A person or legal entity cannot receive CSP payments exceeding $200,000 during any five-year period

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Natural Resources Conservation Service

2008 Farm Bill

CSP Key Points (4)

Eligible producers must initially meet the stewardship threshold for one resource concern and be willing to achieve the threshold for at least one additional priority resource concern by the end of their five-year contract

CSP payments will change to be paid retrospectively in the fiscal year after the improvements and activities are completed

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2008 Farm Bill

CSP Funding

Fiscal Year	ACRES
2008	0
2009	12,769,000
2010	12,769,000
2011	12,769,000
2012	12,769,000

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Natural Resources Conservation Service

2008 Farm Bill

CSP Payment Limitations

Conservation Stewardship Program (CSP)
Payment Limitations

$200,000 per person

- ✓ 5-year period

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Conservation Programs

NEW INITIATIVES

- Chesapeake Bay Watershed Program
- Voluntary Public Access and Habitat Program (Open Fields)
- Environmental Services Markets
- Cooperative Conservation Partnership Initiative

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2008 Farm Bill

Chesapeake Bay Watershed Key Points

Provides additional program resources in the Chesapeake Bay Watershed

Provides assistance to producers to minimize nutrient and sediment loading

Special consideration and evaluation of applications in the Susquehanna, Shenandoah, Potomac and Patuxent River Basins

The funds are utilized through existing Farm Bill conservation programs and are available until expended.

FY 09: $23 million - FY10: $43 million - FY11: $72 million - FY12: $50 million.

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2008 Farm Bill

Voluntary Public Access and Habitat Incentive Program (Open Fields)

Provides incentives to state governments and Indian tribes to provide public access to private land for hunting and fishing

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Natural Resources Conservation Service

2008 Farm Bill



Open Fields Key Points

Establishes a voluntary public access program 2009 - 2012

States and Tribes may apply for grants to encourage owners and operators of privately held farm, ranch, and forest land to make that land available for wildlife-dependent recreation

The program does not preempt State or tribal government laws, including liability laws

Provides $50,000,000 in mandatory funds for this program

Includes a 25 percent reduction for the total grant amount to an entity if the opening dates for migratory bird hunting in the State are not consistent for residents and non-residents

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Environmental Services Markets

Establishment of science-based technical guidelines to measure environmental service benefits. Creation of a registry to collect, record, and maintain benefits.

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2008 Farm Bill

Cooperative Conservation Partnership Initiative

- Directs 6 percent of funds and acres from Farm Bill Conservation Title programs, except CRP, WRP, FRPP, and GRP, be used for targeted conservation activities and areas
- Projects will be selected through a competitive process of applications submitted by partners
- Projects will be implemented through existing program authorities and procedures
- Funds and acres are directed at the State level (90 percent) and nationally (10 percent)

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2008 Farm Bill

Programs Reauthorized

- **Small Watershed Rehabilitation Program**
  - **Reauthorized through 2012**
  - **Provides $100 million in mandatory funding in 2009 to be available until expended**
- **Great Lakes Basin Program for Soil Erosion and Sediment Control**
- **Conservation of Private Grazing Land**
- **Resource Conservation & Development**

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2008 Farm Bill

Conservation Access

Assistance to Certain Farmers and Ranchers to Improve Their Access to Conservation Programs:

- ✓ Ten percent funding set aside for Beginning and socially disadvantaged farmers or ranchers
  - ✓ 5% funding set-aside for each group in EQIP
  - ✓ A 5% acreage set-aside for each group in CSP
- ✓ Funds or acreage not obligated during a fiscal year would be returned to the general EQIP and CSP programs

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2008 Farm Bill

Administrative Requirements

Adjusted Gross Income (AGI)

Regional Equity

USDA NRCS
United States Department of Agriculture

2008 Farm Bill

Adjusted Gross Income Limitation

For conservation programs, persons or legal entities are eligible if—

- ✓ *The average non-farm AGI* is less than $1,000,000, or
- ✓2/3 of the average total AGI is from farming, ranching, or forestry
- ✓The limitation may be waived on a case-by-case basis if:
  - ▪Environmentally sensitive land of special significance would be protected

Not in effect until FY2009

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United States Department of Agriculture

2008 Farm Bill

Regional Equity and Flexibility

Increases the funding trigger from $12 million to $15 million

Considers respective demand in each program in each state

Requires a review and update of program allocation formulas by January 1, 2012

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United States Department of Agriculture
Natural Resources Conservation Service

2008 Farm Bill

Customer Service

The Conservation Stewardship Program and the Wetlands Reserve program have been made more responsive to customer needs

USDA NRCS
United States Department of Agriculture
Natural Resources Conservation Service

2008 Farm Bill

Customer Service

Conservation Stewardship Program will:

- ✓ **Allow for enrollment in every watershed**
- ✓ **Every year**

USDA NRCS
United States Department of Agriculture

2008 Farm Bill

Customer Service

Wetlands Reserve Program will have:

- ✓ A revised procedure for valuing property
- ✓ A streamlined review process

USDA NRCS
United States Department of Agriculture

2008 Farm Bill

Streamlining Provisions

Consistent Definitions

Authority to accept non-federal contributions to support conservation

USDA NRCS
United States Department of Agriculture
Natural Resources Conservation Service

2008 Farm Bill

Streamlining Provisions

Section 2001—Definitions Relating to Conservation

"Beginning farmer or rancher", "Indian tribe", and "socially disadvantaged farmer or rancher" are moved to this section

In addition, the terms "farm," "integrated pest management," "person or legal entity," "livestock," "nonindustrial private forest land," and "technical assistance" are defined

USDA NRCS
United States Department of Agriculture
Natural Resources Conservation Service

2008 Farm Bill

Streamlining Provisions

Section 2702--Authority to Accept Contributions to Support Conservation Programs

- Provides authority to accept non-federal funds to administer conservation programs under this Title.

USDA NRCS
United States Department of Agriculture
Natural Resources Conservation Service

2008 Farm Bill

Confidentiality
(Section 1619)

Strengthens the confidentiality provisions in current law.

USDA NRCS
United States Department of Agriculture
Natural Resources Conservation Service

2008 Farm Bill

Transparency Conferences

Department of Agriculture Conference Transparency -- Section 14208

Conferences attended by USDA employees over $10,000:

- ✓ **Requires a report to Congress**
- ✓ **Disclosure on a USDA website**

USDA NRCS
United States Department of Agriculture
Natural Resources Conservation Service

2008 Farm Bill

Receipt For Service or Denial of Service From Certain Department of Agriculture Agencies (Section 14003)

Requires issue of receipts to anyone who requests a receipt at the time of their request for USDA service

- ✓ **Details will include:**
  - **Date**
  - **Time**
  - **Place**
  - **Subject of the request**
  - **Action taken or not taken to anyone who requests a receipt at the time of request for USDA service**

USDA NRCS
United States Department of Agriculture
Natural Resources Conservation Service

2008 Farm Bill

2008 Farm Bill Funding

USDA NRCS
United States Department of Agriculture
Natural Resources Conservation Service

2008 Farm Bill

2008 Farm Bill Annual Funding ($ million)

Program	2008	2009	2010	2011	2012
EQIP	1200	1337	1450	1588	1750
AWEP (in addition to EQIP)		73	73	74	60 and thereafter
CIG – Air (Funding included in EQIP)		37.5	37.5	37.5	37.5
GSWC Ground & Surface Water Conservation	60	NA	NA	NA	NA

USDA NRCS
United States Department of Agriculture
Natural Resources Conservation Service

2008 Farm Bill

2008 Farm Bill Annual Funding ($ million)

Program	2008	2009	2010	2011	2012
WHIP	85	85	85	85	85
AMA (%50 for NRCS)	15	15	15	15	15
HFRP		9.75	9.75	9.75	9.75
FRPP	97	121	150	175	200

USDA NRCS
United States Department of Agriculture
Natural Resources Conservation Service

2008 Farm Bill

2008 Farm Bill Annual Funding ($ million)

Program	2008	2009	2010	2011	2012
Small Watershed Rehabilitation		100 (until expended)			
Voluntary Public Access		50 (until expended)			
CSP "Security"	Such Sums				
Chesapeake Bay Watershed Program		23	43	72	50

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USDA NRCS
United States Department of Agriculture
Natural Resources Conservation Service

2008 Farm Bill

2002 Farm Bill Annual Funding (Million Acres)

Program	2008	2009	2010	2011	2012
CSP "Stewardship" (through 2017)		12.769	12.769	12.769	12.769
GRP (1,220 Million NEW acres 2009-2017)					
WRP capped at 3,041,200 acres (766,200 new acres)					

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USDA NRCS
United States Department of Agriculture
Natural Resources Conservation Service

2008 Farm Bill

2002 Farm Bill Annual Funding ($ or Ac. Million)

Program	2008	2009	2010	2011	2012
CRP			32 Ac.	32 Ac.	32 Ac.
CRP Wildlife		$100 (through 2012)			
CRP Transition		$25 (during 2009-2012)			

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United States Department of Agriculture
Natural Resources Conservation Service

2008 Farm Bill

Hold the presses….(Historic Reductions in mandatory spending)

- From 2002 through 2007, the appropriators limited a total of $2.23 billion dollars from conservation programs.
- In 2007, the NRCS programs in Title II were limited to 71.7 percent of their authorized funding levels.

USDA NRCS
United States Department of Agriculture

2008 Farm Bill

FY 2007 as an example of funding limits:

	Farm Bill Authorized	Congress Allowed
WRP	250,000 acres	144,776 acres
CSP	$373 million	$259 million
EQIP	$1.27 billion	$1.017 billion
GSWC	$60 million	$51 million
WHIP	$85 million	$43 million
FRPP	$97 million	$50 million
AMA	$14 million	$6 million
Rehab.	$65 million	0

USDA NRCS
United States Department of Agriculture

2008 Farm Bill

Conservation Compliance

Section 2002—Review of Good Faith Determinations Related to Highly Erodible Land Conservation

- ✓ Good faith exemption maintained but second-level review is required
  - Compliance Decisions by FSA State Director with technical concurrence by NRCS State Conservationist
  - Compliance Decisions by FSA District Director with technical concurrence by NRCS Area Conservationist
- ✓ The amendment allows for graduated penalties based on the severity of the compliance violation.

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United States Department of Agriculture
Natural Resources Conservation Service

2008 Farm Bill

Conservation Compliance

Section 2003— Review of Good Faith Determinations Related to Wetland Conservation.

The good faith exemption for wetland conservation compliance is maintained, but adds a second-level review

- ✓ **Compliance decisions by the FSA State Executive Director with the technical concurrence of the NRCS State Conservationist**
- ✓ **Compliance decisions by FSA District Director with the technical concurrence of the NRCS Area Conservationist**

USDA NRCS
United States Department of Agriculture
Natural Resources Conservation Service

2008 Farm Bill

Sod Saver
(Section 12020)

CROP INSURANCE INELIGIBILITY RELATED TO PRODUCTION ON NONCROPLAND

Rangeland, forestland, and native grassland that has not been used for crop production will not be eligible for crop insurance

Governor must authorize

Limited to the Prairie Pothole Region

USDA NRCS
United States Department of Agriculture
Natural Resources Conservation Service

2008 Farm Bill

Farm Bill Program Transition for FY2008

(Section 2903)

The Secretary shall continue to carry out any current program or activity, including the Ground and Surface Water Conservation Program, using laws applicable to the program as they existed in the program one day prior to enactment

USDA NRCS
United States Department of Agriculture
Natural Resources Conservation Service

2008 Farm Bill

Potential Funding Availability for FY2008 (dollars)

Program	Authority for FY2008	Total Available (at enactment)
EQIP	1,200,000,000	200,000,000
AMA	7,500,000	2,500,000
GSWC	60,000,000	22,458,000
WHIP	85,000,000	31,815,500
FRPP	97,000,000	42,973,224

USDA NRCS
United States Department of Agriculture
Natural Resources Conservation Service

2008 Farm Bill

Rule Making for FY2009

Most rules to be completed in 90 days

USDA NRCS
United States Department of Agriculture
Natural Resources Conservation Service

2008 Farm Bill

United States Department of Agriculture
Natural Resources Conservation Service

For More Information, visit:

- ✓ Your local USDA Service Center
- ✓ Your local conservation district
- ✓ http://www.nrcs.usda.gov

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BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
ST. PAUL, MINNESOTA 55155
WEDNESDAY, JUNE 25, 2008

BOARD MEMBERS PRESENT:
Wayne Anderson, MPCA; Paul Brutlag, Quentin Fairbanks, Brian Kletscher, Randy Kramer, Larry Kramka, DNR; Paul Langseth, Joe Martin, MDA; Brian Napstad, Ken Robinson, Faye Sleeper, MES; Louise Smallidge, John Linc Stine, MDH; Gene Tiedemann, LuAnn Tolliver

BOARD MEMBERS ABSENT:
Dana Allen
Bob Burandt

STAFF PRESENT:
Mary Jo Anderson, Tim Fredbo, Travis Germundson, Jim Haertel, John Jaschke, Al Kean, Kari Keating, Kevin Lines, Dave Weirens, Tom Wenzel, Wayne Zellmer

OTHERS PRESENT:
Sandy Hooker, MAT
Tim Koehler, NRCS
Dr. Ed Nater, U of M

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

PLEDGE OF ALLEGIANCE

** 08-56 **ADOPTION OF AGENDA** – Moved by Louise Smallidge, seconded by Paul Langseth, to adopt the agenda as presented. Motion passed on a voice vote.

** 08-57 **MINUTES OF MAY 28, 2008** – Moved by Brian Napstad, seconded by Quentin Fairbanks, to approve the minutes of May 28, 2008 as circulated. Motion passed on a voice vote.

REPORTS

Chair's Report – Randy Kramer reported that Bob Burandt and Dana Allen were unable to attend the meeting today. Chair Kramer reported that the IRS mileage rate will increase to 58.5 cents a miles for all business miles driven from July 1, 2008, through December 31, 2008. Chair Kramer attended the EQB meeting. The EQB passed a resolution to enter into an agreement with the U.S. Army Corps of Engineers for watershed planning in the Minnesota River Basin and authorized EQB Chair Gene Hugoson to negotiate the final contract.

Executive Director's Report – John Jaschke reported that Board Members Paul Brutlag, Louise Smallidge and LuAnn Tolliver have been reappointed by Governor Tim Pawlenty.

A comprehensive overview of the new Farm Bill will be part of the August Board meeting. John stated that he, Julie Klocker, and Al Kean will be meeting with Senator Dille this afternoon regarding the 2010 deadline for feedlot compliance. State regulations are tied to BWSR's cost-share program funding.

John attended the MASWCD Legislative Committee meeting last week. The MACDE summer meeting is being held June 23-25 at Breezy Point.

John reported that four additional counties (Houston, Fillmore, Freeborn, Winona) have been designated as "declared federal disaster counties" from the recent flooding event. BWSR is in the process of receiving $1.85M from DEED to assist in flood recovery for the August 2007 event.

John reported that he attended the MAWD summer tour last week, hosted by Bois de Sioux Watershed District. Tour sites included the North Ottawa project, a large scale flood protection project under construction to protect farmland with multiple benefits. John reported that Traverse County has a drainage

moratorium on tiling into county ditch systems until August 1 in order to protect the public road subgrades.

John reported that a Memorandum of Agreement between BWSR and the MASWCD is being developed regarding the realignment of SWCD Technical Services Area (TSA) boundaries, and MASWCD area boundaries to reorganize the current eleven SWCD TSAs into eight TSAs. John stated that the Grants Program & Policy Committee will discuss this issue at their July meeting.

Dispute Resolution Committee – Travis Germundson reported that dates on appeals have now been added to the DRC report. Travis reported that two additional appeals have been received, one in Washington County and one in Carver County. Travis reported that decisions have been made on two appeals, File #08-12 and File #08-13 have both been denied. John stated that he and Travis and Jim Haertel met with the Attorney General's office this week. BWSR will now have another attorney working on agency matters. Jim Haertel stated that all appeals received by BWSR have first gone through the LGU local review and appeals process, although appealed restoration orders do not go through the LGU.

Wetlands Committee – LuAnn Tolliver reported that the Wetlands Committee did not meet this month, the Wetlands Committee will meet on July 23, at 12:30 p.m. LuAnn will meet with Dave Weirens today to establish the agenda, which will include review of permanent rules.

Grants Program & Policy Committee – Louise Smallidge reported that the Grants Program & Policy Committee has several recommendations on the agenda today. The Grants Program & Policy Committee will meet on July 23 at 9:00 am.

Public Relations, Outreach & Strategic Planning Committee – Brian Napstad stated he anticipates the Public Relations, Outreach & Strategic Planning Committee will meet in the fall.

Administrative Advisory Committee (AAC) – Randy Kramer reported that the AAC met this morning to discuss the RIM Reserve bonding implementation phases; southeast flood update; the federal farm bill summary; dedicated funding update; NPEA MOA with MASWCD; Traverse County drainage resolution; feedlots; and the draft itinerary of the Board tour.

NEW BUSINESS

FY09 SWCD Grants – Wayne Zellmer reported that the Grants Program & Policy Committee recommends the following:

1. **Regular Statewide Cost-Share Base Grants** – These base grants are for the installation of conservation practices. Allocation of FY 09 SWCD Base Grants as itemized on the composite spreadsheet totaling $2,144,308.
2. **Clean Water Legacy Feedlot Water Quality Management Grants (FWQMG)** – Grant funds may not be used for new or expansion feedlot projects. Allocation of FY 09 FWQMGs as itemized on the composite spreadsheet totaling $1,399,904 leaving a remaining balance of $198,219 to be part of the '09 Clean Water Legacy Program.
3. **General Services Grant** – This base grant is for expenditures necessary to the operations of the SWCD and is non-competitive. Allocation of FY 09 General Services Grants as itemized on the composite spreadsheet totaling $2,155,122.
4. **Easement Services Grant** – This grant is allocated to SWCDs as compensation for local delivery of the RIM Reserve Program and the conveyance of easements. Allocation of FY 09 Easement Services Grants as itemized on the composite spreadsheet totaling $345,008.

** 08-58 Grand total of $6,044,342 in grant allocations. Moved by Louise Smallidge, seconded by Paul Langseth, to approve the Grants Program & Policy Committee's recommendations as presented, and authorizes staff to allocate these individual grants as listed on the attached composite spreadsheet. Discussion followed. Motion passed on a voice vote.

FY09 Natural Resources Block Grants (NRBG) – Wayne Zellmer explained that the Natural Resources Block Grants (NRBG) provides assistance to local governments to implement state natural resource programs. Wayne reported that the Grants Program & Policy Committee recommends approval of the following grants:

1. **Comprehensive Local Water Management** – Allocation of $1,499,824. This component is for implementing comprehensive local water plans. A statutory local levy match is required that will generate $1.5 M on a statewide basis. This individual county amount is determined from a county's equalized taxable net tax capacity, as determined by the Department of Revenue. Counties must have a BWSR approved locally adopted comprehensive local water plan.
2. **Wetland Conservation Act (WCA)** – Allocation of $2,171,973. This component is for the local administration of the WCA. A local 1:1 match is

required. The grant amount is formula derived from a base amount of county WCA activity.

3. **DNR Shoreland** – Allocation of $429,926. This component is for the administration of state approved Shoreland Management Programs. It's administered at the state level by the DNR. A local 1:1 match is required. The grant amount is derived from a base estimated amount of county shoreland activity.
4. **MPCA County Feedlot Program** – Allocation of $1,973,875. This component is for county administration of the MPCA Feedlot Program. All counties that have received delegation from MPCA to administer this Program are eligible to apply. A local .7:1 match is required. Grant amounts are based on the grant formula.
5. **MPCA County Subsurface Sewage Treatment Systems Program** – Allocation of $870,000. All counties are required to pass ordinances regulating SSTS countywide. All counties that have enacted countywide ordinances and have a BWSR approved locally adopted comprehensive local water plan are eligible to receive this grant. No local match is required. Grant amount of $10,000 is determined by equal county allocations. (If dedicated funding is achieved, this amount will become the base amount for FY 10 grants.) These funds are appropriated under the CWL Program. Koochiching County will be paid when they meet their SSTS requirements.

** 08-59 Moved by Louise Smallidge, seconded by Brian Kletscher, to approve the '09 Natural Resources Block Grant Program and authorize staff to enter into grant agreements with counties that meet Program requirements according to the proposed itemized amounts on the attached spreadsheet *2009 BWSR Natural Resources Block Grant, Base Grant Breakdown by Program*. Discussion followed. Wayne explained that the Legislative Auditor recommends a verification approach that all counties have expended the required local match. BWSR staff will be spot-checking a number of counties to see if the local match is expended. The Koochiching County NRBG grant will be held until they are in compliance. Motion passed on a voice vote.

FY09 Non Point Engineering Assistance (NPEA) Base Grant – Wayne Zellmer explained that the 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 09, the legislature has appropriated $1.06 M for this Program. Wayne reported that the Grants Program & Policy Committee recommends approval of the NPEA base

** grants. Moved by Louise Smallidge, seconded by Paul Langseth to adopt the

08-60 Grants Program & Policy Committee's recommendation to approve the FY09 NPEA base grant and authorize staff to allocate these grants according to the policies presented, to JPBs meeting the Program requirements. Discussion followed.

Wayne Zellmer stated that the Grants Program & Policy Committee will inventory the JPBs and establish a plan for grant agreements to be restructured with unspent funds returned to the state or transferred to remaining JPBs. Brian Napstad alerted the Board that the resolution is a two-year grant agreement that could be dispensed in one year. Al Kean clarified that the Grants Program & Policy Committee meets in July and will make a recommendation to the Board in August, that will address the issue of transferring funds from 11 JPBs to 8 JPBs. Motion passed on a voice vote.

Mower SWCD Special Project Re-Allocation – Wayne Zellmer reported that the 2005 Legislature allocated funding for a demonstrational flood retention project in the Mower SWCD. A suitable site was not obtained before the grant agreement with Mower SWCD expired and these funds were returned to BWSR. A favorable site for this project has been secured along with funding other local, state, and federal funding. The Mower SWCD is requesting a re-allocation of the $15,000 for the proposed flood retention project. The Grants Program & Policy Committee recommends approval of the funding reallocation and requests approval. Moved by Louise Smallidge, seconded by Paul Langseth, to approve the allocation of the appropriated $15,000 to the Mower SWCD for the Arlo Scheevel flood retention project. Discussion followed. Motion passed on a voice vote.

** 08-61

John Jaschke reported that Dave Peterson, Board Conservationist in Rochester, is retiring July 1, 2008.

Farm Bill Assistance Program – Kevin Lines reported that the Farm Bill Assistance Grant Program began in 2002 to provide financial assistance to selected SWCD's to accelerate the implementation of grassland and wetland projects. The primary focus has been with the conservation programs found in the Federal Farm Bill. This grant cycle is for Phase VIII that will run from July 1, 2008 through June 30, 2009. To date, nearly $6 million dollars has been spent on this project with a result of 240,000 acres of projects. The Farm Bill Committee, comprised of DNR, Pheasants Forever and BWSR staff, have developed the process for this program. Moved by Louise Smallidge, seconded by Brian Napstad, to approve the FY09 Farm Bill Assistance Grant, BWSR's share is $180,000, total funding $767,500. Discussion followed. Motion passed on a voice vote.

** 08-62

Recognition Of Ken Robinson - Chair Kramer congratulated Ken Robinson for his one-year of service on the Board. Chair Kramer appreciated Ken's willingness to assist on BWSR Committees. Chair Kramer presented Ken with a Certificate of Recognition from Governor Tim Pawlenty. Chair Kramer, on behalf of BWSR, presented a commemorative print to Ken. Ken thanked the Board, and stated that he appreciated his time with BWSR.

Chair Kramer called for a break in the meeting at 10:05 a.m. The meeting reconvened at 10:25 a.m.

Agricultural Watershed Restoration Projects – Al Kean reported that Governor Pawlenty signed the Clean Water Legacy Act (CWLA) into law on June 2, 2006. The 2007 Legislature directed BWSR to use $1.5 million of Clean Water Legacy Act cost-share and incentives payment appropriations for agricultural watershed restoration projects located in watershed(s) impaired by nonpoint agricultural sources. These projects are to provide for long-term restoration of surface water quality. A three-phase project work plan was approved by the Board on January 23, 2008. Phase 1 involves selection of project subwatersheds that are representative of drained agricultural landscapes in Minnesota, and associated local project sponsors. A stakeholder Technical Advisory Committee (TAC) was established to help rank and select project subwatersheds and local sponsors. The Grants Program and Policy Committee reviewed the Phase 1 project subwatershed and local sponsor selection recommendations of staff and the project TAC and recommends approval. Moved by Louise Smallidge, seconded by John Linc Stine, to adopt the Grants Program & Policy Committee's recommendation to approve the six selected subwatersheds and local sponsors as presented. Discussion followed. Motion passed on a voice vote.

** 08-63

Establish Rates and Sign-Up Procedures for Reinvest in Minnesota (RIM) Reserve/Wetlands Reserve Program (WRP) Partnership: Phase 1 – Kevin Lines introduced Tim Koehler, NRCS Assistant State Conservationist. Kevin explained that BWSR and the Minnesota UDSA Natural Resources Conservation Service (NRCS) are announcing Phase I of a RIM Reserve/Wetlands Reserve Program (WRP) partnership. This partnership between the premier national and state wetland restoration programs will combine agency processes to offer competition payment rates to landowners for the purpose of restoring wetlands and adjacent lands in high priority areas. Kevin presented background information, reported that sign-up begins tomorrow, June 26, 2008 through July 18, 2008. Kevin explained the easement duration, payment rate for Phase 1, enrollment, scoring, selection process, and training. Tim Koehler reported that Washington has $75M to obligate in the next two months, on a first-come, first-serve basis. Kevin thanked the RIM Reserve Planning Committee (Paul Brutlag,

chair; Paul Langseth, Dana Allen, Randy Kramer, Larry Kramka, Joe Martin, Bob Burandt, and BWSR staff Tim Fredbo, Tabor Hoek, Pete Waller, Tom Wenzel) have all been very instrumental in this process. Kevin thanked Tim Koehler for all his efforts in acquiring funds, developing the sign-up procedures, and establishment of payment rates.

Kevin reported that the RIM Reserve Planning Committee recommends approval
** of the partnership project and to launch Phase I of the RIM/WRP. Moved by Paul Brutlag, seconded by Ken Robinson, to approve RIM/WRP Partnership Phase 1. Discussion followed.

** Moved by Joe Martin, seconded by Larry Kramka, to amend the resolution to add, *"WHEREAS, a subcommittee shall be appointed by the Chair of the Board of Water and Soil Resources to approve a scoring worksheet and make project selections in coordination with NRCS."* Discussion followed. Joe stated that this subcommittee may be a separate committee of the RIM Reserve Planning Committee that could include board members and outside staff. Tim Koehler explained the WRP scoring process. An eligibility worksheet has been included in the scoring process. Tim stated that the amendment as proposed would delay the sign-up process. Joe stated that he doesn't think the process will be delayed, the subcommittee would allow the selection process to be authorized by BWSR. John Jaschke explained that the current approach is accomplished by staff using the scoring sheet. John stated that the proposed amendment approach would utilize the same information but would add to the group reviewing scores and selecting projects. Paul Langseth explained that the timeframe is critical on this matter. Larry Kramka suggested that this would be at the discretion of the chair to designate the subcommittee as the existing committee. Joe said his intent is to have another set of eyes as oversight of the subcommittee. Randy Kramer asked if the selection process is at the end, or does use of the score sheet begin tomorrow. Tim Koehler stated that if the amendment is approved as proposed, there is no way Minnesota will meet the timelines to leverage current federal funds. Larry Kramka stated that the selection process is in place, that doesn't have to change with this amendment. Brian Napstad asked for clarification, there's a conflict in the resolution. Joe Martin stated that this is an added "Whereas". John Jaschke stated that Phase I is on a tight timeline. LuAnn Tolliver stated that she could see the amendment a part of Phase II.

** Moved by Paul Langseth, seconded by Joe Martin, to amend the amendment, strike "*approve a*", and replace with "*review the existing*". *"WHEREAS a subcommittee shall be appointed by the Chair of the Board of Water and Soil Resources to ~~approve a~~ review the existing scoring worksheet and make project selections in coordination with NRCS".*

Discussion followed on the amended amendment. John Jaschke clarified that if the amended amendment is approved, Chair Kramer could name others to be added to the current committee in making project selection decisions, and at some point review the existing score sheet but not before the Phase I signup begins. Brian Napstad stated that we are under a tight timeframe and he doesn't see the benefit with an amendment, a change at this point in time is a risk to securing federal funding. Paul Langseth stated that the resolution adds streamlined oversight to the selection process; he supports the amendment. Joe Martin stated that this is a large state and federal project, and a balanced group for selection is necessary. Tim Koehler stated that NRCS and BWSR have worked well together on similar endeavors.

Chair Kramer called for a roll call vote on the amended amendment. Affirmative: Quentin Fairbanks, Larry Kramka, Paul Langseth, Joe Martin, Wayne Anderson, Ken Robinson, John Linc Stine, Randy Kramer. Opposed: Faye Sleeper, Paul Brutlag, Brian Kletscher, Brian Napstad, Louise Smallidge, Gene Tiedemann,
08-64 LuAnn Tolliver. The amended amendment is approved, 8 to 7. Motion passed.

Chair Kramer called for a roll call vote on the Resolution: "BWSR authorizes Phase I of the RIM/WRP partnership to begin on June 26, 2008 and run through September 30, 2008. The total partnership payment rate for cropland acres is 140% of EMV and for non-cropland acres is 93% EMV. Rates are to be calculated using the township mean for tillable property value established by county assessors for the 2009 tax year. Affirmative: Faye Sleeper, Paul Brutlag, Quentin Fairbanks, Larry Kramka, Brian Kletscher, Paul Langseth, Joe Martin, Wayne Anderson, Brian Napstad, Ken Robinson, Louise Smallidge, Gene Tiedemann, LuAnn Tolliver, John Linc Stine, Randy Kramer. Opposed: None.
08-65 Motion passed. Chair Kramer appointed Paul Brutlag, Paul Langseth, Larry Kramka, and Joe Martin to the subcommittee.

Lake Titlow Restoration Project – John Jaschke reported that the City of Gaylord was appropriated $475,000 for improving water quality in the Lake Titlow watershed. Funds may be used for pre-design and design of holding ponds and for construction and reconstruction of storm water sewer drains and related facilities. The City's Plan of Work splits the $475,000 into $175,000 for pre-design and design work within the watershed and $300,000 for construction work in the City. Extra funds needed for the project will come from the City of Gaylord.
** Moved by Brian Kletscher, seconded by Quentin Fairbanks, to authorize staff to
08-66 enter into a grant agreement with the City of Gaylord for the Lake Titlow Restoration Project. John stated that Jeff Nielsen is the lead staff on this project. Motion passed on a voice vote.

Winona County Nominating Districts Resolution – John Jaschke reported Winona County SWCD has requested a record of BWSR approval on their nominating districts. The Winona SWCD board of supervisors passed a Nominating Districts Resolution at their May 14, 2008 meeting. There has been no change to the existing way of holding elections, but rather this is an affirmation of what they are currently doing. After this is approved by the BWSR, it will be filed with the Winona County Auditor. Moved by Brian Napstad, seconded by Larry Kramka, to approve the Winona County SWCD's Nominating Districts Resolution. Motion passed on a voice vote.

** 08-67

Carbon Capture and Terrestrial Sequestration Study – John Jaschke introduced Dr. Ed Nater, University of Minnesota. Dr. Ed Nater, provided background information and a status report of work on the *Carbon Capture and Terrestrial Sequestration Study* requested by the Legislature in 2007. The Legislature's request was to develop an inventory of Minnesota lands having high Carbon stocks that should be protected. This is a five-year study project. Discussion followed. Chair Kramer thanked Dr. Nater for his presentation.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Joe Martin briefly commented on the flooding in southeast Minnesota. Joe reported that the pesticide application is in full swing. MDA is working on drainage tile issues, BMP effectiveness, and phosphorus issues with Clean Water Legacy dollars. MDA continues to work on other concerns such as Gypsy moth, tracking salmonella and TB.

Minnesota Department of Health (MDH) – John Linc Stine reported that the well code revisions have been approved by Governor Tim Pawlenty, effective August 4. John stated that the MDH website has posted the report of well samplings in the southeast flooding area. MDH is working on the new law to regulate swimming pools in the State.

Minnesota Extension Service (MES) – Faye Sleeper reported that Jim Anderson officially retires on July 1, 2008. Faye distributed the annual report on "The Great Lakes Regional Water Program: Cultivating Learning in a Changing World". John Jaschke stated that Jim Anderson plans to attend the October Board meeting and be recognized for his service on the BWSR Board since 1996.

Minnesota Pollution Control Agency (MPCA) – Wayne Anderson reported that MPCA continues to work on hypoxia issues. Governor Tim Pawlenty reappointed Dennis Jensen to the MPCA Board, and appointed a new board member, Kathy Lohmer from Lake Elmo.

ADVISORY COMMENTS

Minnesota Association of Watershed Districts (MAWD) – LuAnn Tolliver, on behalf of Ray Bohn and MAWD, thanked BWSR members and staff for attending the MAWD summer tour and appreciates the partnership with BWSR.

Natural Resources Conservation Service (NRCS) – Tim Koehler reported that there is a new Farm Bill! Tim distributed the "Food, Conservation and Energy Act of 2008" for board members' information. Tim will provide information as new rules come into play. Chair Kramer thanked Tim for his presentation.

Upcoming Meetings

- Grants Program & Policy Committee Meeting, July 23, 2008, at 9:00 a.m.
- Wetlands Committee Meeting, July 23, 2008, at 12:30 p.m.
- BWSR Board Tour/Meeting, August 27-28, 2008, Renville County. John stated that there is no meeting in July. Information will be mailed regarding the tour/meeting logistics.

Chair Kramer thanked Ken Robinson again for his service on the Board.

** 08-68 Moved by LuAnn Tolliver, seconded by Louise Smallidge, to adjourn the meeting at 12:47 p.m. Motion passed on a voice vote.

Respectfully submitted,

Mary Jo Anderson
Recorder

DRAFT DRAFT DRAFT

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
ST. PAUL, MINNESOTA 55155
WEDNESDAY, JUNE 25, 2008

BOARD MEMBERS PRESENT:
Wayne Anderson, MPCA; Paul Brutlag, Quentin Fairbanks, Brian Kletscher, Randy Kramer, Larry Kramka, DNR; Paul Langseth, Joe Martin, MDA; Brian Napstad, Ken Robinson, Faye Sleeper, MES; Louise Smallidge, John Linc Stine, MDH; Gene Tiedemann, LuAnn Tolliver

BOARD MEMBERS ABSENT:
Dana Allen
Bob Burandt

STAFF PRESENT:
Mary Jo Anderson, Tim Fredbo, Travis Germundson, Jim Haertel, John Jaschke, Al Kean, Kari Keating, Kevin Lines, Dave Weirens, Tom Wenzel, Wayne Zellmer

OTHERS PRESENT:
Sandy Hooker, MAT
Tim Koehler, NRCS
Dr. Ed Nater, U of M

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

PLEDGE OF ALLEGIANCE

** 08-56 **ADOPTION OF AGENDA** – Moved by Louise Smallidge, seconded by Paul Langseth, to adopt the agenda as presented. Motion passed on a voice vote.

** 08-57 **MINUTES OF MAY 28, 2008** – Moved by Brian Napstad, seconded by Quentin Fairbanks, to approve the minutes of May 28, 2008 as circulated. Motion passed on a voice vote.

REPORTS

Chair's Report – Randy Kramer reported that Bob Burandt and Dana Allen were unable to attend the meeting today. Chair Kramer reported that the IRS mileage rate will increase to 58.5 cents a miles for all business miles driven from July 1, 2008, through December 31, 2008. Chair Kramer attended the EQB meeting. The EQB passed a resolution to enter into an agreement with the U.S. Army Corps of Engineers for watershed planning in the Minnesota River Basin and authorized EQB Chair Gene Hugoson to negotiate the final contract.

Executive Director's Report – John Jaschke reported that Board Members Paul Brutlag, Louise Smallidge and LuAnn Tolliver have been reappointed by Governor Tim Pawlenty.

A comprehensive overview of the new Farm Bill will be part of the August Board meeting. John stated that he, Julie Klocker, and Al Kean will be meeting with Senator Dille this afternoon regarding the 2010 deadline for feedlot compliance. State regulations are tied to BWSR's cost-share program funding.

John attended the MASWCD Legislative Committee meeting last week. The MACDE summer meeting is being held June 23-25 at Breezy Point.

John reported that four additional counties (Houston, Fillmore, Freeborn, Winona) have been designated as "declared federal disaster counties" from the recent flooding event. BWSR is in the process of receiving $1.85M from DEED to assist in flood recovery for the August 2007 event.

John reported that he attended the MAWD summer tour last week, hosted by Bois de Sioux Watershed District. Tour sites included the North Ottawa project, a large scale flood protection project under construction to protect farmland with multiple benefits. John reported that Traverse County has a drainage

moratorium on tiling into county ditch systems until August 1 in order to protect the public road subgrades.

John reported that a Memorandum of Agreement between BWSR and the MASWCD is being developed regarding the realignment of SWCD Technical Services Area (TSA) boundaries, and MASWCD area boundaries to reorganize the current eleven SWCD TSAs into eight TSAs. John stated that the Grants Program & Policy Committee will discuss this issue at their July meeting.

Dispute Resolution Committee – Travis Germundson reported that dates on appeals have now been added to the DRC report. Travis reported that two additional appeals have been received, one in Washington County and one in Carver County. Travis reported that decisions have been made on two appeals, File #08-12 and File #08-13 have both been denied. John stated that he and Travis and Jim Haertel met with the Attorney General's office this week. BWSR will now have another attorney working on agency matters. Jim Haertel stated that all appeals received by BWSR have first gone through the LGU local review and appeals process, although appealed restoration orders do not go through the LGU.

Wetlands Committee – LuAnn Tolliver reported that the Wetlands Committee did not meet this month, the Wetlands Committee will meet on July 23, at 12:30 p.m. LuAnn will meet with Dave Weirens today to establish the agenda, which will include review of permanent rules.

Grants Program & Policy Committee – Louise Smallidge reported that the Grants Program & Policy Committee has several recommendations on the agenda today. The Grants Program & Policy Committee will meet on July 23 at 9:00 am.

Public Relations, Outreach & Strategic Planning Committee – Brian Napstad stated he anticipates the Public Relations, Outreach & Strategic Planning Committee will meet in the fall.

Administrative Advisory Committee (AAC) – Randy Kramer reported that the AAC met this morning to discuss the RIM Reserve bonding implementation phases; southeast flood update; the federal farm bill summary; dedicated funding update; NPEA MOA with MASWCD; Traverse County drainage resolution; feedlots; and the draft itinerary of the Board tour.

NEW BUSINESS

FY09 SWCD Grants – Wayne Zellmer reported that the Grants Program & Policy Committee recommends the following:

1. **Regular Statewide Cost-Share Base Grants** – These base grants are for the installation of conservation practices. Allocation of FY 09 SWCD Base Grants as itemized on the composite spreadsheet totaling $2,144,308.
2. **Clean Water Legacy Feedlot Water Quality Management Grants (FWQMG)** – Grant funds may not be used for new or expansion feedlot projects. Allocation of FY 09 FWQMGs as itemized on the composite spreadsheet totaling $1,399,904 leaving a remaining balance of $198,219 to be part of the '09 Clean Water Legacy Program.
3. **General Services Grant** – This base grant is for expenditures necessary to the operations of the SWCD and is non-competitive. Allocation of FY 09 General Services Grants as itemized on the composite spreadsheet totaling $2,155,122.
4. **Easement Services Grant** – This grant is allocated to SWCDs as compensation for local delivery of the RIM Reserve Program and the conveyance of easements. Allocation of FY 09 Easement Services Grants as itemized on the composite spreadsheet totaling $345,008.

** 08-58 Grand total of $6,044,342 in grant allocations. Moved by Louise Smallidge, seconded by Paul Langseth, to approve the Grants Program & Policy Committee's recommendations as presented, and authorizes staff to allocate these individual grants as listed on the attached composite spreadsheet. Discussion followed. Motion passed on a voice vote.

FY09 Natural Resources Block Grants (NRBG) – Wayne Zellmer explained that the Natural Resources Block Grants (NRBG) provides assistance to local governments to implement state natural resource programs. Wayne reported that the Grants Program & Policy Committee recommends approval of the following grants:

1. **Comprehensive Local Water Management** – Allocation of $1,499,824. This component is for implementing comprehensive local water plans. A statutory local levy match is required that will generate $1.5 M on a statewide basis. This individual county amount is determined from a county's equalized taxable net tax capacity, as determined by the Department of Revenue. Counties must have a BWSR approved locally adopted comprehensive local water plan.
2. **Wetland Conservation Act (WCA)** – Allocation of $2,171,973. This component is for the local administration of the WCA. A local 1:1 match is

required. The grant amount is formula derived from a base amount of county WCA activity.

3. **DNR Shoreland** – Allocation of $429,926. This component is for the administration of state approved Shoreland Management Programs. It's administered at the state level by the DNR. A local 1:1 match is required. The grant amount is derived from a base estimated amount of county shoreland activity.
4. **MPCA County Feedlot Program** – Allocation of $1,973,875. This component is for county administration of the MPCA Feedlot Program. All counties that have received delegation from MPCA to administer this Program are eligible to apply. A local .7:1 match is required. Grant amounts are based on the grant formula.
5. **MPCA County Subsurface Sewage Treatment Systems Program** – Allocation of $870,000. All counties are required to pass ordinances regulating SSTS countywide. All counties that have enacted countywide ordinances and have a BWSR approved locally adopted comprehensive local water plan are eligible to receive this grant. No local match is required. Grant amount of $10,000 is determined by equal county allocations. (If dedicated funding is achieved, this amount will become the base amount for FY 10 grants.) These funds are appropriated under the CWL Program. Koochiching County will be paid when they meet their SSTS requirements.

** 08-59 Moved by Louise Smallidge, seconded by Brian Kletscher, to approve the '09 Natural Resources Block Grant Program and authorize staff to enter into grant agreements with counties that meet Program requirements according to the proposed itemized amounts on the attached spreadsheet *2009 BWSR Natural Resources Block Grant, Base Grant Breakdown by Program.* Discussion followed. Wayne explained that the Legislative Auditor recommends a verification approach that all counties have expended the required local match. BWSR staff will be spot-checking a number of counties to see if the local match is expended. The Koochiching County NRBG grant will be held until they are in compliance. Motion passed on a voice vote.

FY09 Non Point Engineering Assistance (NPEA) Base Grant – Wayne Zellmer explained that the 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 09, the legislature has appropriated $1.06 M for this Program. Wayne reported that the Grants Program & Policy Committee recommends approval of the NPEA base

** grants. Moved by Louise Smallidge, seconded by Paul Langseth to adopt the

08-60 Grants Program & Policy Committee's recommendation to approve the FY09 NPEA base grant and authorize staff to allocate these grants according to the policies presented, to JPBs meeting the Program requirements. Discussion followed.

Wayne Zellmer stated that the Grants Program & Policy Committee will inventory the JPBs and establish a plan for grant agreements to be restructured with unspent funds returned to the state or transferred to remaining JPBs. Brian Napstad alerted the Board that the resolution is a two-year grant agreement that could be dispensed in one year. Al Kean clarified that the Grants Program & Policy Committee meets in July and will make a recommendation to the Board in August, that will address the issue of transferring funds from 11 JPBs to 8 JPBs. Motion passed on a voice vote.

Mower SWCD Special Project Re-Allocation – Wayne Zellmer reported that the 2005 Legislature allocated funding for a demonstrational flood retention project in the Mower SWCD. A suitable site was not obtained before the grant agreement with Mower SWCD expired and these funds were returned to BWSR. A favorable site for this project has been secured along with funding other local, state, and federal funding. The Mower SWCD is requesting a re-allocation of the $15,000 for the proposed flood retention project. The Grants Program & Policy Committee recommends approval of the funding reallocation and requests
** approval. Moved by Louise Smallidge, seconded by Paul Langseth, to approve
08-61 the allocation of the appropriated $15,000 to the Mower SWCD for the Arlo Scheevel flood retention project. Discussion followed. Motion passed on a voice vote.

John Jaschke reported that Dave Peterson, Board Conservationist in Rochester, is retiring July 1, 2008.

Farm Bill Assistance Program – Kevin Lines reported that the Farm Bill Assistance Grant Program began in 2002 to provide financial assistance to selected SWCD's to accelerate the implementation of grassland and wetland projects. The primary focus has been with the conservation programs found in the Federal Farm Bill. This grant cycle is for Phase VIII that will run from July 1, 2008 through June 30, 2009. To date, nearly $6 million dollars has been spent on this project with a result of 240,000 acres of projects. The Farm Bill Committee, comprised of DNR, Pheasants Forever and BWSR staff, have
** developed the process for this program. Moved by Louise Smallidge, seconded
08-62 by Brian Napstad, to approve the FY09 Farm Bill Assistance Grant, BWSR's share is $180,000, total funding $767,500. Discussion followed. Motion passed on a voice vote.

Recognition Of Ken Robinson - Chair Kramer congratulated Ken Robinson for his one-year of service on the Board. Chair Kramer appreciated Ken's willingness to assist on BWSR Committees. Chair Kramer presented Ken with a Certificate of Recognition from Governor Tim Pawlenty. Chair Kramer, on behalf of BWSR, presented a commemorative print to Ken. Ken thanked the Board, and stated that he appreciated his time with BWSR.

Chair Kramer called for a break in the meeting at 10:05 a.m. The meeting reconvened at 10:25 a.m.

Agricultural Watershed Restoration Projects – Al Kean reported that Governor Pawlenty signed the Clean Water Legacy Act (CWLA) into law on June 2, 2006. The 2007 Legislature directed BWSR to use $1.5 million of Clean Water Legacy Act cost-share and incentives payment appropriations for agricultural watershed restoration projects located in watershed(s) impaired by nonpoint agricultural sources. These projects are to provide for long-term restoration of surface water quality. A three-phase project work plan was approved by the Board on January 23, 2008. Phase 1 involves selection of project subwatersheds that are representative of drained agricultural landscapes in Minnesota, and associated local project sponsors. A stakeholder Technical Advisory Committee (TAC) was established to help rank and select project subwatersheds and local sponsors. The Grants Program and Policy Committee reviewed the Phase 1 project subwatershed and local sponsor selection recommendations of staff and the project TAC and recommends approval. Moved by
** 08-63 Louise Smallidge, seconded by John Linc Stine, to adopt the Grants Program & Policy Committee's recommendation to approve the six selected subwatersheds and local sponsors as presented. Discussion followed. Motion passed on a voice vote.

Establish Rates and Sign-Up Procedures for Reinvest in Minnesota (RIM) Reserve/Wetlands Reserve Program (WRP) Partnership: Phase 1 – Kevin Lines introduced Tim Koehler, NRCS Assistant State Conservationist. Kevin explained that BWSR and the Minnesota UDSA Natural Resources Conservation Service (NRCS) are announcing Phase I of a RIM Reserve/Wetlands Reserve Program (WRP) partnership. This partnership between the premier national and state wetland restoration programs will combine agency processes to offer competition payment rates to landowners for the purpose of restoring wetlands and adjacent lands in high priority areas. Kevin presented background information, reported that sign-up begins tomorrow, June 26, 2008 through July 18, 2008. Kevin explained the easement duration, payment rate for Phase 1, enrollment, scoring, selection process, and training. Tim Koehler reported that Washington has $75M to obligate in the next two months, on a first-come, first-serve basis. Kevin thanked the RIM Reserve Planning Committee (Paul Brutlag,

chair; Paul Langseth, Dana Allen, Randy Kramer, Larry Kramka, Joe Martin, Bob Burandt, and BWSR staff Tim Fredbo, Tabor Hoek, Pete Waller, Tom Wenzel) have all been very instrumental in this process. Kevin thanked Tim Koehler for all his efforts in acquiring funds, developing the sign-up procedures, and establishment of payment rates.

Kevin reported that the RIM Reserve Planning Committee recommends approval
** of the partnership project and to launch Phase I of the RIM/WRP. Moved by Paul Brutlag, seconded by Ken Robinson, to approve RIM/WRP Partnership Phase 1. Discussion followed.

** Moved by Joe Martin, seconded by Larry Kramka, to amend the resolution to add, *"WHEREAS, a subcommittee shall be appointed by the Chair of the Board of Water and Soil Resources to approve a scoring worksheet and make project selections in coordination with NRCS."* Discussion followed. Joe stated that this subcommittee may be a separate committee of the RIM Reserve Planning Committee that could include board members and outside staff. Tim Koehler explained the WRP scoring process. An eligibility worksheet has been included in the scoring process. Tim stated that the amendment as proposed would delay the sign-up process. Joe stated that he doesn't think the process will be delayed, the subcommittee would allow the selection process to be authorized by BWSR. John Jaschke explained that the current approach is accomplished by staff using the scoring sheet. John stated that the proposed amendment approach would utilize the same information but would add to the group reviewing scores and selecting projects. Paul Langseth explained that the timeframe is critical on this matter. Larry Kramka suggested that this would be at the discretion of the chair to designate the subcommittee as the existing committee. Joe said his intent is to have another set of eyes as oversight of the subcommittee. Randy Kramer asked if the selection process is at the end, or does use of the score sheet begin tomorrow. Tim Koehler stated that if the amendment is approved as proposed, there is no way Minnesota will meet the timelines to leverage current federal funds. Larry Kramka stated that the selection process is in place, that doesn't have to change with this amendment. Brian Napstad asked for clarification, there's a conflict in the resolution. Joe Martin stated that this is an added "Whereas". John Jaschke stated that Phase I is on a tight timeline. LuAnn Tolliver stated that she could see the amendment a part of Phase II.

** Moved by Paul Langseth, seconded by Joe Martin, to amend the amendment, strike "*approve a*", and replace with "*review the existing*". *"WHEREAS a subcommittee shall be appointed by the Chair of the Board of Water and Soil Resources to ~~approve a~~ review the existing scoring worksheet and make project selections in coordination with NRCS".*

Discussion followed on the amended amendment. John Jaschke clarified that if the amended amendment is approved, Chair Kramer could name others to be added to the current committee in making project selection decisions, and at some point review the existing score sheet but not before the Phase I signup begins. Brian Napstad stated that we are under a tight timeframe and he doesn't see the benefit with an amendment, a change at this point in time is a risk to securing federal funding. Paul Langseth stated that the resolution adds streamlined oversight to the selection process; he supports the amendment. Joe Martin stated that this is a large state and federal project, and a balanced group for selection is necessary. Tim Koehler stated that NRCS and BWSR have worked well together on similar endeavors.

Chair Kramer called for a roll call vote on the amended amendment. Affirmative: Quentin Fairbanks, Larry Kramka, Paul Langseth, Joe Martin, Wayne Anderson, Ken Robinson, John Linc Stine, Randy Kramer. Opposed: Faye Sleeper, Paul Brutlag, Brian Kletscher, Brian Napstad, Louise Smallidge, Gene Tiedemann,
08-64 LuAnn Tolliver. The amended amendment is approved, 8 to 7. Motion passed.

Chair Kramer called for a roll call vote on the Resolution: "BWSR authorizes Phase I of the RIM/WRP partnership to begin on June 26, 2008 and run through September 30, 2008. The total partnership payment rate for cropland acres is 140% of EMV and for non-cropland acres is 93% EMV. Rates are to be calculated using the township mean for tillable property value established by county assessors for the 2009 tax year. Affirmative: Faye Sleeper, Paul Brutlag, Quentin Fairbanks, Larry Kramka, Brian Kletscher, Paul Langseth, Joe Martin, Wayne Anderson, Brian Napstad, Ken Robinson, Louise Smallidge, Gene Tiedemann, LuAnn Tolliver, John Linc Stine, Randy Kramer. Opposed: None.
08-65 Motion passed. Chair Kramer appointed Paul Brutlag, Paul Langseth, Larry Kramka, and Joe Martin to the subcommittee.

Lake Titlow Restoration Project – John Jaschke reported that the City of Gaylord was appropriated $475,000 for improving water quality in the Lake Titlow watershed. Funds may be used for pre-design and design of holding ponds and for construction and reconstruction of storm water sewer drains and related facilities. The City's Plan of Work splits the $475,000 into $175,000 for pre-design and design work within the watershed and $300,000 for construction work in the City. Extra funds needed for the project will come from the City of Gaylord.
** Moved by Brian Kletscher, seconded by Quentin Fairbanks, to authorize staff to
08-66 enter into a grant agreement with the City of Gaylord for the Lake Titlow Restoration Project. John stated that Jeff Nielsen is the lead staff on this project. Motion passed on a voice vote.

Winona County Nominating Districts Resolution – John Jaschke reported Winona County SWCD has requested a record of BWSR approval on their nominating districts. The Winona SWCD board of supervisors passed a Nominating Districts Resolution at their May 14, 2008 meeting. There has been no change to the existing way of holding elections, but rather this is an affirmation of what they are currently doing. After this is approved by the BWSR, it will be filed with the Winona County Auditor. Moved by Brian Napstad, seconded by Larry Kramka, to approve the Winona County SWCD's Nominating Districts Resolution. Motion passed on a voice vote.

** 08-67

Carbon Capture and Terrestrial Sequestration Study – John Jaschke introduced Dr. Ed Nater, University of Minnesota. Dr. Ed Nater, provided background information and a status report of work on the *Carbon Capture and Terrestrial Sequestration Study* requested by the Legislature in 2007. The Legislature's request was to develop an inventory of Minnesota lands having high Carbon stocks that should be protected. This is a five-year study project. Discussion followed. Chair Kramer thanked Dr. Nater for his presentation.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Joe Martin briefly commented on the flooding in southeast Minnesota. Joe reported that the pesticide application is in full swing. MDA is working on drainage tile issues, BMP effectiveness, and phosphorus issues with Clean Water Legacy dollars. MDA continues to work on other concerns such as Gypsy moth, tracking salmonella and TB.

Minnesota Department of Health (MDH) – John Linc Stine reported that the well code revisions have been approved by Governor Tim Pawlenty, effective August 4. John stated that the MDH website has posted the report of well samplings in the southeast flooding area. MDH is working on the new law to regulate swimming pools in the State.

Minnesota Extension Service (MES) – Faye Sleeper reported that Jim Anderson officially retires on July 1, 2008. Faye distributed the annual report on "The Great Lakes Regional Water Program: Cultivating Learning in a Changing World". John Jaschke stated that Jim Anderson plans to attend the October Board meeting and be recognized for his service on the BWSR Board since 1996.

Minnesota Pollution Control Agency (MPCA) – Wayne Anderson reported that MPCA continues to work on hypoxia issues. Governor Tim Pawlenty reappointed Dennis Jensen to the MPCA Board, and appointed a new board member, Kathy Lohmer from Lake Elmo.

ADVISORY COMMENTS

Minnesota Association of Watershed Districts (MAWD) – LuAnn Tolliver, on behalf of Ray Bohn and MAWD, thanked BWSR members and staff for attending the MAWD summer tour and appreciates the partnership with BWSR.

Natural Resources Conservation Service (NRCS) – Tim Koehler reported that there is a new Farm Bill! Tim distributed the "Food, Conservation and Energy Act of 2008" for board members' information. Tim will provide information as new rules come into play. Chair Kramer thanked Tim for his presentation.

Upcoming Meetings

- Grants Program & Policy Committee Meeting, July 23, 2008, at 9:00 a.m.
- Wetlands Committee Meeting, July 23, 2008, at 12:30 p.m.
- BWSR Board Tour/Meeting, August 27-28, 2008, Renville County. John stated that there is no meeting in July. Information will be mailed regarding the tour/meeting logistics.

Chair Kramer thanked Ken Robinson again for his service on the Board.

** 08-68 Moved by LuAnn Tolliver, seconded by Louise Smallidge, to adjourn the meeting at 12:47 p.m. Motion passed on a voice vote.

Respectfully submitted,

Mary Jo Anderson
Recorder

BOARD OF WATER AND SOIL RESOURCES
MAX'S GRILL, BANQUET ROOM
2425 WEST LINCOLN AVENUE
OLIVIA, MINNESOTA 56277
THURSDAY, AUGUST 28, 2008

BOARD MEMBERS PRESENT:
Dana Allen, Wayne Anderson, MPCA Alternate; Paul Brutlag, Bob Burandt, Quentin Fairbanks, Randy Kramer, Paul Langseth, John Linc Stine, MDH; Joe Martin, MDA; Brian Napstad, Faye Sleeper, U of M Extension; Louise Smallidge, Gene Tiedemann, LuAnn Tolliver

BOARD MEMBERS ABSENT:
Brian Kletscher
Larry Kramka, DNR

STAFF PRESENT:
Mary Jo Anderson, Matt Drewitz, Tom Fischer, Jim Haertel, Tabor Hoek, Jeff Hrubes, John Jaschke, Kari Keating, Al Kean, Jeff Nielsen, Jason Wienerman, Tom Wenzel

OTHERS PRESENT:
Rebecca Baumann, The Minnesota Project
LeAnn Buck, MASWCD
Karen Flom, Renville SWCD
Paul Flynn, NRCS
Warren Formo, MAWRC
Tim Gieseke, Ag Resource Strategies
Sandy Hooker, MAT
Representative Al Juhnke
Tom Kalahar, Renville SWCD
Kathryn Kelly, Renville SWCD Board
Andrew Lochner, Area II Brown County
Beth Mason, NACD
Cory Netland, Renville SWCD
Kerry Netzke, Area II Minnesota River Basin
Rick Reimer, MACDE
Peter Scheffert, MDA
Paul Setzepfandt, Renville County Commissioner
Harold Solem, Area II Lac qui Parle County

Chair Kramer called the meeting to order at 8:30 a.m.

PLEDGE OF ALLEGIANCE

Chair Kramer welcomed everyone and thanked them for coming to Renville County!

** 08-69 **ADOPTION OF AGENDA** – Moved by Louise Smallidge, seconded by Quentin Fairbanks, to adopt the agenda as presented. Motion passed on a voice vote.

** 08-70 **MINUTES OF JUNE 25, 2008** – Moved by Paul Brutlag, seconded by Brian Napstad, to approve the minutes of June 25, 2008 as circulated. Motion passed on a voice vote.

Chair Kramer thanked the Renville County SWCD for the great tour! On behalf of BWSR, Chair Kramer appreciated the successful tour and thanked Tom Fischer and Mary Jo Anderson for their assistance in planning the tour and logistics.

REPORTS

Chair's Report – Randy Kramer asked Gene Tiedemann to serve on the RIM Reserve Planning Committee; Gene has agreed to serve. Chair Kramer asked board members to contact him if they know of persons interested in serving on the Star Lakes Board. Chair Kramer reported that Paul Eger has been appointed as Deputy Commissioner of MPCA. Chair Kramer has worked closely with John Jaschke and communicated with him on various issues.

Executive Director's Report – John Jaschke reported that several committee meetings have occurred since the last Board meeting and several recommendations are on the agenda today. John attended the August Red River Watershed Management Board meeting.

John reported that the Marshall County Board requested BWSR to evaluate the Middle-Snake-Tamarac River Watershed District through the Performance Review and Assistance Program (PRAP). The report is on the BWSR website. Six pilot Level III PRAP evaluationswill be done; two counties, two watershed districts, and two SWCDs.

John attended the AMC Policy Committee meetings in St. Cloud. Discussions included the Lanning Bill. Brian Napstad stated that county commissioners are sensitive to new taxing authority. An AMC task force has been established to work on that issue.

John attended Farm Fest on August 5. John reported that a two-day WCA rule meeting with field staff will be held next week. Several meetings have been held with the U.S. Army Corps of Engineers on wetland issues. John reported that Julie Klocker met with MAWD to address legislative issues. Steve Woods attended the MASWCD Legislative and Watershed Committee meetings.

John reported that Koochiching County adopted an SSTS ordinance on August 26th as required by the conditionally approved water plan. John stated that Ken Robinson's position on the Board is still vacant. Three people have applied for the board member position. The Governor's office is working to fill that vacancy.

Dispute Resolution Committee – Jim Haertel reported that 22 appeals are pending; six new appeals have been filed. One appeal (#27-8) has been resolved.

Wetlands Committee – LuAnn Tolliver reported that the Wetlands Committee met on July 22 to discuss WCA permanent rules; expect to meet in September to continue discussion on wetland rules.

Grants Program & Policy Committee – Louise Smallidge reported that the Grants Program & Policy Committee met on July 23 with several recommendations on the agenda today.

Public Relations, Outreach & Strategic Planning Committee – Brian Napstad reported that the Committee did not meet.

Administrative Advisory Committee – Randy Kramer stated that the Administrative Advisory Committee has not met since June.

COMMITTEE RECOMMENDATIONS
Metro Water Planning Committee
Carnelian-Marine-St. Croix Watershed District Watershed Management Plan Amendment – Bob Burandt reported that the Metro Water Planning Committee reviewed the Carnelian-Marine-St. Croix Watershed District Watershed Management Plan Amendment and recommends approval. Moved by Bob Burandt, seconded by Louise Smallidge, to approve the Carnelian-Marine-St. Croix Watershed District Watershed Management Plan Amendment. Motion passed on a voice vote.

** 08-71

Comfort Lake-Forest Lake Watershed District Revised Watershed Management Plan – Bob Burandt reported that the Metro Water Planning Committee reviewed the Comfort Lake-Forest Lake Watershed District Revised

** 08-72 Watershed Management Plan and recommends approval. Moved by Bob Burandt, seconded by LuAnn Tolliver, to approve the Comfort Lake-Forest Lake Watershed District Revised Watershed Management Plan. John Jaschke explained that watershed districts fully within the seven county metropolitan area come under the authorities of Minnesota Statutes Chapter 103B and 103D. The District sought and gained this same statutory designation under Minnesota Statues Chapter 103B in the 2008 legislative session. This change in designation allows the District to access a wider variety of funding sources in the implementation of the Watershed Management Plan; however, it also necessitated a revision to the Plan to meet the additional requirements of 103B. LuAnn Tolliver stated that there will be a new plan in 2011. Motion passed on a voice vote.

Richfield-Bloomington Watershed Management Organization, Watershed Management Plan – Bob Burandt reported that the Metro Water Planning Committee reviewed the Richfield-Bloomington Watershed Management

** 08-73 Organization, Watershed Management Plan and recommends approval. Moved by Bob Burandt, seconded by Louise Smallidge, to approve the Richfield-Bloomington Watershed Management Organization, Watershed Management Plan. Motion passed on a voice vote.

Shingle Creek and West Mississippi Watershed Management Organizations' Plan Amendment – Bob Burandt reported that the Metro Water Planning Committee reviewed the Shingle Creek and West Mississippi Watershed

** 08-74 Management Organizations' Plan Amendment and recommends approval. Moved by Bob Burandt, seconded by Louise Smallidge, to approve the Shingle Creek and West Mississippi Watershed Management Organizations' Plan Amendment. Motion passed on a voice vote.

Northern Water Planning Committee

Benton County Local Water Management Plan – Quentin Fairbanks reported that the Northern Water Planning Committee met on August 13, reviewed the Benton County Local Water Management Plan and recommends approval.

** 08-75 Moved by Quentin Fairbanks, seconded by Brian Napstad to approve the Benton County Local Water Management Plan. Motion passed on a voice vote.

Crow Wing County Local Water Management Plan – Brian Napstad reported that the Northern Water Planning Committee reviewed the Crow Wing County

** 08-76 Local Water Management Plan and recommends approval. Moved by Brian Napstad, seconded by Quentin Fairbanks, to approve the Crow Wing County Local Water Management Plan. Motion passed on a voice vote.

Mahnomen County Local Water Management Plan – Quentin Fairbanks reported that the Northern Water Planning Committee reviewed the Mahnomen County Local Water Management Plan and recommends approval. Moved by Quentin Fairbanks, seconded by Paul Brutlag, to approve the Mahnomen County Local Water Management Plan; with BWSR staff review, in person, on an annual basis. Motion passed on a voice vote.

** 08-77

Aitkin County Priority Concerns Scoping Document (PCSD) – Brian Napstad reported that the Northern Water Planning Committee reviewed the Aitkin County PCSD and recommends approval. Moved by Brian Napstad, seconded by Paul Brutlag, to approve the Aitkin County Priority Concerns Scoping Document. Paul Brutlag suggested that the Aitkin County task force process be part of a presentation to the Board at a future meeting. Motion passed on a voice vote.

** 08-78

Ottertail County Priority Concerns Scoping Document (PCSD) – Paul Brutlag reported that the Northern Water Planning Committee reviewed the Ottertail County PCSD and recommends approval. Moved by Paul Brutlag, seconded by Quentin Fairbanks, to approve the Ottertail County Priority Scoping Document. Brian Napstad commented on a variance issue and the need for resource decisions in the future. Brian suggested that MCIT present information to the Board at a future meeting. Motion passed on a voice vote. Paul Brutlag commented on the Supreme Court decision ramifications and requested that the Attorney General's office present information to the Board at a future meeting.

** 08-79

Red Lake County Priority Concerns Scoping Document (PCSD) – Gene Tiedemann reported that the Northern Water Planning Committee reviewed the Red Lake County PCSD and recommends approval. Moved by Gene Tiedemann, seconded by Quentin Fairbanks, to approve the Red Lake County Priority Concerns Scoping Document. Motion passed on a voice vote.

** 08-80

Quentin Fairbanks stated that County Water Plans are lengthy documents and staff need to work with them on this. John Jaschke stated that the water plans are the basis for performance evaluation under PRAP.

Southern Water Planning Committee

Blue Earth County Local Water Management Plan – Paul Langseth reported that the Southern Water Planning Committee reviewed the Blue Earth County Local Water Management Plan and recommends approval. Moved by Paul Langseth, seconded by John Linc Stine, to approve the Blue Earth County Local Water Management Plan. Motion passed on a voice vote

** 08-81

Brown County Local Water Management Plan – Paul Langseth reported that the Southern Water Planning Committee reviewed the Brown County Local
** Water Management Plan and recommends approval. Moved by Paul Langseth,
08-82 seconded by John Linc Stine, to approve the Brown County Local Water Management Plan. Motion passed on a voice vote.

Nicollet County Local Water Management Plan – Paul Langseth reported that the Southern Water Planning Committee reviewed the Nicollet County Local
** Water Management Plan and recommends approval. Moved by Paul Langseth,
08-83 seconded by John Linc Stine, to approve the Nicollet County Local Water Management Plan. Motion passed on a voice vote.

RIM Reserve Planning Committee

RIM/WRP Partnership Grant Payment Schedule for SWCD Services – Tabor Hoek reported that the RIM Reserve Planning Committee recommends a proposed payment schedule for SWCD services related to the RIM/WRP Wetland Restoration
** partnership. Moved by Paul Brutlag, seconded by Paul Langseth, to approve and
08-84 authorize staff to allocate the grant formula for SWCD services in support of the RIM/WRP partnership. Discussion followed. Paul Brutlag stated that SWCDs have thoroughly reviewed this proposal and strongly recommend approval. Motion passed on a voice vote.

NEW BUSINESS

Overview of Whole Farm Planning Bill (HF 2867) – Representative Al Juhnke appreciated the Board coming to Renville County. Representative Juhnke presented an overview of the Whole Farm Planning Bill. This bill would provide a farm plan for each farm in the State of Minnesota. The bill proposes to establish a task force with agencies and others to work together with the landowners on best management practices for enhancement of their farming operations and economic value. He looks to the Board for assessment and potential implementation of this bill. Discussion followed. Dana Allen stated that carbon trading could also be another use to the outcomes in this bill. Representative Juhnke stated that this is a proactive piece of legislation providing information to landowners. Representative Juhnke asked for the Board's input on this draft piece of legislation. Chair Kramer thanked Representative Juhnke for his presentation.

Presentation on New Assessment and Planning Tools – Tim Gieseke, Ag Resource Strategies, LLC, presented preliminary findings on using resource management indices as an assessment, education, targeting, assurance and valuation tool. The integrated resource management process allows natural resource outcomes to become commoditized and potentially formalized into the

agricultural economy. Tim appreciated the opportunity to present this information. Chair Kramer thanked Tim for his presentation and looks forward to working with him.

Demonstration of an On-line Tool-in-Progress Conservation Funding Advisor – Peter Scheffert, Minnesota Department of Agriculture, presented information on the "one-stop" source for practices, programs, and payments for landowners linked together as an interactive tool on MDA's website. The Conservation Funding Advisor is also reference material for conservation professionals and policymakers. Peter acknowledged Barbara Weisman's work on this endeavor. Chair Kramer stated that this may be a joint venture in working on this effort. Discussion followed. Chair Kramer thanked Peter for his presentation.

Chair Kramer called for a break in the meeting at 10:40 a.m. The meeting reconvened at 10:55 a.m.

2008 Federal Farm Bill Update – Paul Flynn, NRCS, presented information on the "Food Conservation and Energy Act". Paul distributed *2008 Farm Bill - Summary of Legislative Changes* and provided an overview of the program provisions and funding. Paul Flynn distributed a copy of the federal legislation *Sec. 12020. Crop Production on Native Sod* referring to federal crop insurance provisions. NRCS is working with entities on this issue and needs the Governor's approval in order for Minnesota to comply. Discussion followed. Chair Kramer thanked Paul for his presentation.

Joe Martin left the meeting at 11:30 a.m.

'09 Non-Point Engineering Assistance Challenge (NPEA) Grants – Al Kean explained that the NPEA challenge grant provides funding assistance to NPEA Joint Powers Boards (JPBs) for providing accelerated technical assistance to landowners to apply conservation practices. Al reported that the Grants Program and Policy Committee recommends adoption of allocation option four; the NPEA program needs its own stable funding and future Clean Water Legacy appropriations may be allocated. Moved by Louise Smallidge, seconded by Paul Langseth, to authorize staff to allocate the FY09 NPEA challenge grant of $100,000 each to Joint Powers Boards 5, 9, and 11. Motion passed on a voice vote.

** 08-85

SWCD Technical Services Areas (TSAs) Reorganization – Al Kean reported that several 2007 SWCD resolutions recommended changes in the funding and

delivery structure for the Non-Point Engineering Assistance (NPEA) Program. SWCDs passed a resolution at the 2007 MASWCD Convention recommending that the Conservation Technical Assistance Committee (CTAC), which involves representation from the 11 existing SWCD TSAs, MASWCD, MACDE and BWSR, develop a recommendation to the BWSR regarding changes to the NPEA program delivery. The CTAC, together with NPEA Host SWCD Managers, developed a consensus recommendation to reorganize the existing 11 SWCD TSAs to 8 TSAs statewide, and co-alignment of MASWCD Areas. BWSR and MASWCD have signed a Memorandum of Agreement to support the co-alignment of SWCD TSAs and MASWCD Areas, as recommended by the CTAC. The Grants Program and Policy Committee is recommending approval of the
** CTAC consensus recommendations. Moved by Quentin Fairbanks, seconded by
08-86 Louise Smallidge, to approve the SWCD Technical Services Areas reorganization, to adopt the CTAC consensus recommendations dated 3/12/08 and 7/7/08; for delivery of the NPEA program. Discussion followed. Al reported that he, John Jaschke, and Julie Klocker will be attending all MASWCD area meetings this fall. Chair Kramer stated that there are concerns locally but no alternative resolution or recommendations have been received. Motion passed on a voice vote.

FY 09 Drainage Records Modernization Challenge Grants – Al Kean explained that the 2007 Legislature appropriated funding to the BWSR to develop guidelines for drainage records preservation and modernization and $500,000 for cost-share grants to local governments for public drainage records modernization. The Water Resources Center, Minnesota State University Mankato was contracted to assist in development of Drainage Records Modernization Guidelines, based on the collective experience of Chapter 103E drainage authorities that have modernized their records to date. Al reported that the Grants Program and Policy Committee recommends approval of the FY 09 Drainage Records Modernization Challenge Grants Program.
** Moved by Louise Smallidge, seconded by Paul Langseth, to authorize the FY
08-87 2009 Drainage Records Modernization Challenge Grant Program to be implemented by staff. Discussion followed. Motion passed on a voice vote.

FY 2009 Clean Water Legacy Grant Funding Package – Matt Drewitz and Jeff Hrubes reported that the interagency work team has developed a budget, grant application process and materials to support the Clean Water Legacy implementation activities using eligibility and policy guidelines. The Grants Program and Policy Committee recommends approval of the funding package for
** restoration projects. Moved by Quentin Fairbanks, seconded by Brian Napstad,
08-88 to approve the proposed budget and grant application process to implement the FY09 Clean Water Legacy Program with the grant application period beginning

October 1, 2008 and ending November 7, 2008; allocations distributed in January 2008. Discussion followed. Quentin Fairbanks requested a map showing the geographic allocations. Motion passed on a voice vote.

Area II Minnesota River Basins Project Inc. FY 2009 Annual Work Plan – Tabor Hoek introduced Kerry Netzke, Area II Coordinator, Andrew Lochner, Area II Brown County, and Harold Solem, Area II Lac qui Parle County. Tabor explained that BWSR has oversight of project and administrative funding related to the flood control efforts of the Area II nine county joint powers. Administrative funding for Area II is $140,000 from the general fund for FY 2009. Project funding for FY 2009 consists of bonding appropriations that was awarded in 2006. Tabor stated that a minimum 25% local match is required of all state dollars. Kerry Netzke presented a brief overview of the Area II Minnesota River Basins projects. Kerry also
** presented before and after pictures of projects. Moved by Louise Smallidge,
08-89 seconded by Brian Napstad, to approve the Area II Minnesota River Basins Project FY2009 annual work plan and grant. Motion passed on a voice vote. Chair Kramer thanked Tabor and Kerry for their presentation.

Minnesota River Basin Joint Powers Board, FY09 Annual Work Plan – Jeff Nielsen explained that BWSR has oversight of administrative funding related to the efforts of the Minnesota River Basin Joint Powers Board (MRBJPB). Administrative funding for MRB, via state general funds, has been restored to $100,000 for two
** years from the 2007 legislative session. Moved by LuAnn Tolliver, seconded by
08-90 Dana Allen, to approve the Minnesota River Basin Joint Powers Board FY09 Annual Work Plan. Motion passed on a voice vote.

AGENCY REPORTS

Minnesota Department of Health (MDH) – John Linc Stine reported that the Well Code took effect August 1, 2008. John reported that a toxicological evaluation process meeting will be held on September 15 with a hearing on October 10; rules will be promulgated by the end of this year.

John stated that MDH has updated the information about the Health Risk Limits (HRL) rule revision. A copy of the proposed rules has been published in the State Register September 2, 2008 issue. For more information regarding the publication of the proposed rules see:
http://www.health.state.mn.us/divs/eh/groundwater/hrlgw/revrule.html

University of Minnesota Extension Service – Faye Sleeper reported that the feasibility report and executive summary of the Discovery Farm Report is on their website: http://wrc.umn.edu/outreach/onfarmresearch/index.html

for board members' information. She noted that Warren Formo, MAWRC, will be the point person on moving this forward in Minnesota.

Minnesota Pollution Control Agency (MPCA) – Wayne Anderson reported that Paul Eger has been appointed as MPCA Deputy Commissioner. Wayne will continue to attend BWSR meetings as Paul's alternate. Wayne reported that the Legislature has scheduled a TMDL program hearing on September 8.

ADVISORY COMMENTS

Minnesota Association of Conservation District Employees (MACDE) – Rick Reimer welcomed the Board to west central Minnesota. Rick reported that MACDE held their Board meeting/summer session at Breezy Point. Rick thanked John Jaschke and BWSR staff for their assistance with planning the well-attended session. Rick reported that MACDE is offering an individual scholarship to the MASWCD leadership program. MACDE has $300 available for employee training. Rick reported that Pam Tomevi, Koochiching SWCD, received a $2000 scholarship to attend the NACD session. MACDE is involved with Area Envirothons, and working closely with partners on training and education, as well as administrative training. Rick stated that Julie Klocker gave a great presentation at their summer session. Ken Pederson and LeAnn Buck also gave great presentations at the summer session. MACDE's next meeting will be held September 30, at the Waite Park Service Center; Rick invited John Jaschke to attend.

Minnesota Association of Soil and Water Conservation Districts (MASWCD) – LeAnn Buck introduced Beth Mason, NACD, from Indianapolis. Beth is liaison for eight states. LeAnn thanked BWSR for ongoing assistance. MASWCD has been working with NACD on farm bill discussions. LeAnn stated that MASWCD is pleased with the $32-34M for the RIM/WRP Partnership. LeAnn thanked board members for their commitment and support of MASWCD. LeAnn appreciated Julie Klocker's attendance with MASWCD in Washington, DC.

Minnesota Association of Townships (MAT) – Sandy Hooker welcomed the Board to this area of the State.

Natural Resources Conservation Service (NRCS) – Paul Flynn stated that the revised Minnesota Food Conservation and Energy Act needs to coordinate efforts so it is well understood, and looks forward to jointly working with BWSR.

UPCOMING MEETINGS

- Next Board Meeting is September 24, 2008 in St. Paul.

Chair Kramer thanked everyone again for coming to Renville County!

** 08-91 Moved by Paul Brutlag, seconded by Brian Napstad, to adjourn the meeting at 12:35 p.m. Motion passed on a voice vote.

Respectfully submitted,

Randy Kramer
Chair
Recorder

BOARD OF WATER AND SOIL RESOURCES
MAX'S GRILL, BANQUET ROOM
2425 WEST LINCOLN AVENUE
OLIVIA, MINNESOTA 56277
(Phone: 320-523-5000)
THURSDAY, AUGUST 28, 2008

PRELIMINARY AGENDA

8:30 AM CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF JUNE 25, 2008

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

REPORTS

- Chair – Randy Kramer
- Executive Director – John Jaschke
- Dispute Resolution Committee – Randy Kramer
- Wetlands Committee – LuAnn Tolliver
- Grants Program & Policy Committee – Louise Smallidge
- Public Relations, Outreach & Strategic Planning Committee – Brian Napstad
- Administrative Advisory Committee – Randy Kramer

COMMITTEE RECOMMENDATIONS
Metro Water Planning Committee

1. Carnelian-Marine-St. Croix Watershed District Watershed Management Plan Amendment – Bob Burandt – *DECISION ITEM*

2. Comfort Lake-Forest Lake Watershed District Revised Watershed Management Plan – Bob Burandt – *DECISION ITEM*

3. Richfield-Bloomington Watershed Management Organization, Watershed Management Plan – Bob Burandt – *DECISION ITEM*

4. Shingle Creek and West Mississippi Watershed Management Organizations' Plan Amendment – Bob Burandt – *DECISION ITEM*

Northern Water Planning Committee

1. Benton County Local Water Management Plan – Quentin Fairbanks - *DECISION ITEM*

2. Final Review – Crow Wing County Local Water Management Plan – Quentin Fairbanks - *DECISION ITEM*

3. Mahnomen County Local Water Management Plan – Quentin Fairbanks – *DECISION ITEM*

4. Aitkin County Priority Concerns Scoping Document (PCSD) – Quentin Fairbanks – *DECISION ITEM*

5. Ottertail County Priority Concerns Scoping Document (PSCD) – Quentin Fairbanks – *DECISION ITEM*

6. Red Lake County Priority Concerns Scoping Document (PCSD) – Quentin Fairbanks – *DECISION ITEM*

Southern Water Planning Committee

1. Blue Earth County Local Water Management Plan – Paul Langseth - *DECISION ITEM*

2. Brown County Local Water Management Plan – Paul Langseth - *DECISION ITEM*

3. Nicollet County Local Water Management Plan – Paul Langseth - *DECISION ITEM*

RIM Reserve Planning Committee

1. RIM/WRP Partnership Grant Payment Schedule for SWCD Services – Tabor Hoek – *DECISION ITEM*

NEW BUSINESS

1. Overview of Whole Farm Planning Bill (HF 2867) – Representative Al Juhnke - *INFORMATION ITEM*

2. Presentation on New Assessment and Planning Tools – Tim Gieseke, Ag Resource Strategies, LLC – *INFORMATION ITEM*

3. Demonstration of an On-line Tool-in-Progress Conservation Funding Advisor – Peter Scheffert, Minnesota Department of Agriculture – *INFORMATION ITEM*

4. 2008 Federal Farm Bill Update – Tim Koehler and Paul Flynn, NRCS – *INFORMATION ITEM*

5. '09 Non-Point Engineering Assistance Challenge Grants – Al Kean – *DECISION ITEM*

6. SWCD Technical Services Areas (TSAs) Reorganization – Al Kean - *DECISION ITEM*

7. FY 09 Drainage Records Modernization Challenge Grants – Al Kean – *DECISION ITEM*

8. FY 2009 Clean Water Legacy Grant Funding Package – Matt Drewitz and Jeff Hrubes – *DECISION ITEM*

9. Area II Minnesota River Basins Project Inc. FY 2009 Annual Work Plan – Tabor Hoek, BWSR, and Kerry Netzke, Area II Coordinator – *DECISION ITEM*

10. Minnesota River Basin Joint Powers Board, FY09 Annual Work Plan – Jeff Nielsen – *DECISION ITEM*

AGENCY REPORTS

- Minnesota Department of Agriculture – Joe Martin
- Minnesota Department of Health – John Linc Stine
- Minnesota Department of Natural Resources – Larry Kramka
- Minnesota Extension Service – Faye Sleeper
- Minnesota Pollution Control Agency – Paul Eger

ADVISORY COMMENTS

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

UPCOMING MEETINGS

- Next Board Meeting, September 24, 2008, St. Paul

12:30 PM ADJOURN

DRAFT DRAFT DRAFT

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
ST. PAUL, MINNESOTA 55155
WEDNESDAY, JUNE 25, 2008

BOARD MEMBERS PRESENT:
Wayne Anderson, MPCA; Paul Brutlag, Quentin Fairbanks, Brian Kletscher, Randy Kramer, Larry Kramka, DNR; Paul Langseth, Joe Martin, MDA; Brian Napstad, Ken Robinson, Faye Sleeper, MES; Louise Smallidge, John Linc Stine, MDH; Gene Tiedemann, LuAnn Tolliver

BOARD MEMBERS ABSENT:
Dana Allen
Bob Burandt

STAFF PRESENT:
Mary Jo Anderson, Tim Fredbo, Travis Germundson, Jim Haertel, John Jaschke, Al Kean, Kari Keating, Kevin Lines, Dave Weirens, Tom Wenzel, Wayne Zellmer

OTHERS PRESENT:
Sandy Hooker, MAT
Tim Koehler, NRCS
Dr. Ed Nater, U of M

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

PLEDGE OF ALLEGIANCE

** 08-56 **ADOPTION OF AGENDA** – Moved by Louise Smallidge, seconded by Paul Langseth, to adopt the agenda as presented. Motion passed on a voice vote.

** 08-57 **MINUTES OF MAY 28, 2008** – Moved by Brian Napstad, seconded by Quentin Fairbanks, to approve the minutes of May 28, 2008 as circulated. Motion passed on a voice vote.

REPORTS

Chair's Report – Randy Kramer reported that Bob Burandt and Dana Allen were unable to attend the meeting today. Chair Kramer reported that the IRS mileage rate will increase to 58.5 cents a miles for all business miles driven from July 1, 2008, through December 31, 2008. Chair Kramer attended the EQB meeting. The EQB passed a resolution to enter into an agreement with the U.S. Army Corps of Engineers for watershed planning in the Minnesota River Basin and authorized EQB Chair Gene Hugoson to negotiate the final contract.

Executive Director's Report – John Jaschke reported that Board Members Paul Brutlag, Louise Smallidge and LuAnn Tolliver have been reappointed by Governor Tim Pawlenty.

A comprehensive overview of the new Farm Bill will be part of the August Board meeting. John stated that he, Julie Klocker, and Al Kean will be meeting with Senator Dille this afternoon regarding the 2010 deadline for feedlot compliance. State regulations are tied to BWSR's cost-share program funding.

John attended the MASWCD Legislative Committee meeting last week. The MACDE summer meeting is being held June 23-25 at Breezy Point.

John reported that four additional counties (Houston, Fillmore, Freeborn, Winona) have been designated as "declared federal disaster counties" from the recent flooding event. BWSR is in the process of receiving $1.85M from DEED to assist in flood recovery for the August 2007 event.

John reported that he attended the MAWD summer tour last week, hosted by Bois de Sioux Watershed District. Tour sites included the North Ottawa project, a large scale flood protection project under construction to protect farmland with multiple benefits. John reported that Traverse County has a drainage

moratorium on tiling into county ditch systems until August 1 in order to protect the public road subgrades.

John reported that a Memorandum of Agreement between BWSR and the MASWCD is being developed regarding the realignment of SWCD Technical Services Area (TSA) boundaries, and MASWCD area boundaries to reorganize the current eleven SWCD TSAs into eight TSAs. John stated that the Grants Program & Policy Committee will discuss this issue at their July meeting.

Dispute Resolution Committee – Travis Germundson reported that dates on appeals have now been added to the DRC report. Travis reported that two additional appeals have been received, one in Washington County and one in Carver County. Travis reported that decisions have been made on two appeals, File #08-12 and File #08-13 have both been denied. John stated that he and Travis and Jim Haertel met with the Attorney General's office this week. BWSR will now have another attorney working on agency matters. Jim Haertel stated that all appeals received by BWSR have first gone through the LGU local review and appeals process, although appealed restoration orders do not go through the LGU.

Wetlands Committee – LuAnn Tolliver reported that the Wetlands Committee did not meet this month, the Wetlands Committee will meet on July 23, at 12:30 p.m. LuAnn will meet with Dave Weirens today to establish the agenda, which will include review of permanent rules.

Grants Program & Policy Committee – Louise Smallidge reported that the Grants Program & Policy Committee has several recommendations on the agenda today. The Grants Program & Policy Committee will meet on July 23 at 9:00 am.

Public Relations, Outreach & Strategic Planning Committee – Brian Napstad stated he anticipates the Public Relations, Outreach & Strategic Planning Committee will meet in the fall.

Administrative Advisory Committee (AAC) – Randy Kramer reported that the AAC met this morning to discuss the RIM Reserve bonding implementation phases; southeast flood update; the federal farm bill summary; dedicated funding update; NPEA MOA with MASWCD; Traverse County drainage resolution; feedlots; and the draft itinerary of the Board tour.

NEW BUSINESS

FY09 SWCD Grants – Wayne Zellmer reported that the Grants Program & Policy Committee recommends the following:

1. **Regular Statewide Cost-Share Base Grants** – These base grants are for the installation of conservation practices. Allocation of FY 09 SWCD Base Grants as itemized on the composite spreadsheet totaling $2,144,308.
2. **Clean Water Legacy Feedlot Water Quality Management Grants (FWQMG)** – Grant funds may not be used for new or expansion feedlot projects. Allocation of FY 09 FWQMGs as itemized on the composite spreadsheet totaling $1,399,904 leaving a remaining balance of $198,219 to be part of the '09 Clean Water Legacy Program.
3. **General Services Grant** – This base grant is for expenditures necessary to the operations of the SWCD and is non-competitive. Allocation of FY 09 General Services Grants as itemized on the composite spreadsheet totaling $2,155,122.
4. **Easement Services Grant** – This grant is allocated to SWCDs as compensation for local delivery of the RIM Reserve Program and the conveyance of easements. Allocation of FY 09 Easement Services Grants as itemized on the composite spreadsheet totaling $345,008.

** 08-58 Grand total of $6,044,342 in grant allocations. Moved by Louise Smallidge, seconded by Paul Langseth, to approve the Grants Program & Policy Committee's recommendations as presented, and authorizes staff to allocate these individual grants as listed on the attached composite spreadsheet. Discussion followed. Motion passed on a voice vote.

FY09 Natural Resources Block Grants (NRBG) – Wayne Zellmer explained that the Natural Resources Block Grants (NRBG) provides assistance to local governments to implement state natural resource programs. Wayne reported that the Grants Program & Policy Committee recommends approval of the following grants:

1. **Comprehensive Local Water Management** – Allocation of $1,499,824. This component is for implementing comprehensive local water plans. A statutory local levy match is required that will generate $1.5 M on a statewide basis. This individual county amount is determined from a county's equalized taxable net tax capacity, as determined by the Department of Revenue. Counties must have a BWSR approved locally adopted comprehensive local water plan.
2. **Wetland Conservation Act (WCA)** – Allocation of $2,171,973. This component is for the local administration of the WCA. A local 1:1 match is

required. The grant amount is formula derived from a base amount of county WCA activity.

3. **DNR Shoreland** – Allocation of $429,926. This component is for the administration of state approved Shoreland Management Programs. It's administered at the state level by the DNR. A local 1:1 match is required. The grant amount is derived from a base estimated amount of county shoreland activity.
4. **MPCA County Feedlot Program** – Allocation of $1,973,875. This component is for county administration of the MPCA Feedlot Program. All counties that have received delegation from MPCA to administer this Program are eligible to apply. A local .7:1 match is required. Grant amounts are based on the grant formula.
5. **MPCA County Subsurface Sewage Treatment Systems Program** – Allocation of $870,000. All counties are required to pass ordinances regulating SSTS countywide. All counties that have enacted countywide ordinances and have a BWSR approved locally adopted comprehensive local water plan are eligible to receive this grant. No local match is required. Grant amount of $10,000 is determined by equal county allocations. (If dedicated funding is achieved, this amount will become the base amount for FY 10 grants.) These funds are appropriated under the CWL Program. Koochiching County will be paid when they meet their SSTS requirements.

** 08-59 Moved by Louise Smallidge, seconded by Brian Kletscher, to approve the '09 Natural Resources Block Grant Program and authorize staff to enter into grant agreements with counties that meet Program requirements according to the proposed itemized amounts on the attached spreadsheet *2009 BWSR Natural Resources Block Grant, Base Grant Breakdown by Program*. Discussion followed. Wayne explained that the Legislative Auditor recommends a verification approach that all counties have expended the required local match. BWSR staff will be spot-checking a number of counties to see if the local match is expended. The Koochiching County NRBG grant will be held until they are in compliance. Motion passed on a voice vote.

FY09 Non Point Engineering Assistance (NPEA) Base Grant – Wayne Zellmer explained that the 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 09, the legislature has appropriated $1.06 M for this Program. Wayne reported that the Grants Program & Policy Committee recommends approval of the NPEA base

** grants. Moved by Louise Smallidge, seconded by Paul Langseth to adopt the

08-60 Grants Program & Policy Committee's recommendation to approve the FY09 NPEA base grant and authorize staff to allocate these grants according to the policies presented, to JPBs meeting the Program requirements. Discussion followed.

Wayne Zellmer stated that the Grants Program & Policy Committee will inventory the JPBs and establish a plan for grant agreements to be restructured with unspent funds returned to the state or transferred to remaining JPBs. Brian Napstad alerted the Board that the resolution is a two-year grant agreement that could be dispensed in one year. Al Kean clarified that the Grants Program & Policy Committee meets in July and will make a recommendation to the Board in August, that will address the issue of transferring funds from 11 JPBs to 8 JPBs. Motion passed on a voice vote.

Mower SWCD Special Project Re-Allocation – Wayne Zellmer reported that the 2005 Legislature allocated funding for a demonstrational flood retention project in the Mower SWCD. A suitable site was not obtained before the grant agreement with Mower SWCD expired and these funds were returned to BWSR. A favorable site for this project has been secured along with funding other local, state, and federal funding. The Mower SWCD is requesting a re-allocation of the $15,000 for the proposed flood retention project. The Grants Program & Policy Committee recommends approval of the funding reallocation and requests
** approval. Moved by Louise Smallidge, seconded by Paul Langseth, to approve
08-61 the allocation of the appropriated $15,000 to the Mower SWCD for the Arlo Scheevel flood retention project. Discussion followed. Motion passed on a voice vote.

John Jaschke reported that Dave Peterson, Board Conservationist in Rochester, is retiring July 1, 2008.

Farm Bill Assistance Program – Kevin Lines reported that the Farm Bill Assistance Grant Program began in 2002 to provide financial assistance to selected SWCD's to accelerate the implementation of grassland and wetland projects. The primary focus has been with the conservation programs found in the Federal Farm Bill. This grant cycle is for Phase VIII that will run from July 1, 2008 through June 30, 2009. To date, nearly $6 million dollars has been spent on this project with a result of 240,000 acres of projects. The Farm Bill Committee, comprised of DNR, Pheasants Forever and BWSR staff, have
** developed the process for this program. Moved by Louise Smallidge, seconded
08-62 by Brian Napstad, to approve the FY09 Farm Bill Assistance Grant, BWSR's share is $180,000, total funding $767,500. Discussion followed. Motion passed on a voice vote.

Recognition Of Ken Robinson - Chair Kramer congratulated Ken Robinson for his one-year of service on the Board. Chair Kramer appreciated Ken's willingness to assist on BWSR Committees. Chair Kramer presented Ken with a Certificate of Recognition from Governor Tim Pawlenty. Chair Kramer, on behalf of BWSR, presented a commemorative print to Ken. Ken thanked the Board, and stated that he appreciated his time with BWSR.

Chair Kramer called for a break in the meeting at 10:05 a.m. The meeting reconvened at 10:25 a.m.

Agricultural Watershed Restoration Projects – Al Kean reported that Governor Pawlenty signed the Clean Water Legacy Act (CWLA) into law on June 2, 2006. The 2007 Legislature directed BWSR to use $1.5 million of Clean Water Legacy Act cost-share and incentives payment appropriations for agricultural watershed restoration projects located in watershed(s) impaired by nonpoint agricultural sources. These projects are to provide for long-term restoration of surface water quality. A three-phase project work plan was approved by the Board on January 23, 2008. Phase 1 involves selection of project subwatersheds that are representative of drained agricultural landscapes in Minnesota, and associated local project sponsors. A stakeholder Technical Advisory Committee (TAC) was established to help rank and select project subwatersheds and local sponsors. The Grants Program and Policy Committee reviewed the Phase 1 project subwatershed and local sponsor selection recommendations of staff and the project TAC and recommends approval. Moved by Louise Smallidge, seconded by John Linc Stine, to adopt the Grants Program & Policy Committee's recommendation to approve the six selected subwatersheds and local sponsors as presented. Discussion followed. Motion passed on a voice vote.

** 08-63

Establish Rates and Sign-Up Procedures for Reinvest in Minnesota (RIM) Reserve/Wetlands Reserve Program (WRP) Partnership: Phase 1 – Kevin Lines introduced Tim Koehler, NRCS Assistant State Conservationist. Kevin explained that BWSR and the Minnesota UDSA Natural Resources Conservation Service (NRCS) are announcing Phase I of a RIM Reserve/Wetlands Reserve Program (WRP) partnership. This partnership between the premier national and state wetland restoration programs will combine agency processes to offer competition payment rates to landowners for the purpose of restoring wetlands and adjacent lands in high priority areas. Kevin presented background information, reported that sign-up begins tomorrow, June 26, 2008 through July 18, 2008. Kevin explained the easement duration, payment rate for Phase 1, enrollment, scoring, selection process, and training. Tim Koehler reported that Washington has $75M to obligate in the next two months, on a first-come, first-serve basis. Kevin thanked the RIM Reserve Planning Committee (Paul Brutlag,

chair; Paul Langseth, Dana Allen, Randy Kramer, Larry Kramka, Joe Martin, Bob Burandt, and BWSR staff Tim Fredbo, Tabor Hoek, Pete Waller, Tom Wenzel) have all been very instrumental in this process. Kevin thanked Tim Koehler for all his efforts in acquiring funds, developing the sign-up procedures, and establishment of payment rates.

Kevin reported that the RIM Reserve Planning Committee recommends approval
** of the partnership project and to launch Phase I of the RIM/WRP. Moved by Paul Brutlag, seconded by Ken Robinson, to approve RIM/WRP Partnership Phase 1. Discussion followed.

** Moved by Joe Martin, seconded by Larry Kramka, to amend the resolution to add, *"WHEREAS, a subcommittee shall be appointed by the Chair of the Board of Water and Soil Resources to approve a scoring worksheet and make project selections in coordination with NRCS."* Discussion followed. Joe stated that this subcommittee may be a separate committee of the RIM Reserve Planning Committee that could include board members and outside staff. Tim Koehler explained the WRP scoring process. An eligibility worksheet has been included in the scoring process. Tim stated that the amendment as proposed would delay the sign-up process. Joe stated that he doesn't think the process will be delayed, the subcommittee would allow the selection process to be authorized by BWSR. John Jaschke explained that the current approach is accomplished by staff using the scoring sheet. John stated that the proposed amendment approach would utilize the same information but would add to the group reviewing scores and selecting projects. Paul Langseth explained that the timeframe is critical on this matter. Larry Kramka suggested that this would be at the discretion of the chair to designate the subcommittee as the existing committee. Joe said his intent is to have another set of eyes as oversight of the subcommittee. Randy Kramer asked if the selection process is at the end, or does use of the score sheet begin tomorrow. Tim Koehler stated that if the amendment is approved as proposed, there is no way Minnesota will meet the timelines to leverage current federal funds. Larry Kramka stated that the selection process is in place, that doesn't have to change with this amendment. Brian Napstad asked for clarification, there's a conflict in the resolution. Joe Martin stated that this is an added "Whereas". John Jaschke stated that Phase I is on a tight timeline. LuAnn Tolliver stated that she could see the amendment a part of Phase II.

** Moved by Paul Langseth, seconded by Joe Martin, to amend the amendment, strike "*approve a*", and replace with "*review the existing*". *"WHEREAS a subcommittee shall be appointed by the Chair of the Board of Water and Soil Resources to ~~approve a~~ review the existing scoring worksheet and make project selections in coordination with NRCS".*

Discussion followed on the amended amendment. John Jaschke clarified that if the amended amendment is approved, Chair Kramer could name others to be added to the current committee in making project selection decisions, and at some point review the existing score sheet but not before the Phase I signup begins. Brian Napstad stated that we are under a tight timeframe and he doesn't see the benefit with an amendment, a change at this point in time is a risk to securing federal funding. Paul Langseth stated that the resolution adds streamlined oversight to the selection process; he supports the amendment. Joe Martin stated that this is a large state and federal project, and a balanced group for selection is necessary. Tim Koehler stated that NRCS and BWSR have worked well together on similar endeavors.

Chair Kramer called for a roll call vote on the amended amendment. Affirmative: Quentin Fairbanks, Larry Kramka, Paul Langseth, Joe Martin, Wayne Anderson, Ken Robinson, John Linc Stine, Randy Kramer. Opposed: Faye Sleeper, Paul Brutlag, Brian Kletscher, Brian Napstad, Louise Smallidge, Gene Tiedemann,
08-64 LuAnn Tolliver. The amended amendment is approved, 8 to 7. Motion passed.

Chair Kramer called for a roll call vote on the Resolution: "BWSR authorizes Phase I of the RIM/WRP partnership to begin on June 26, 2008 and run through September 30, 2008. The total partnership payment rate for cropland acres is 140% of EMV and for non-cropland acres is 93% EMV. Rates are to be calculated using the township mean for tillable property value established by county assessors for the 2009 tax year. Affirmative: Faye Sleeper, Paul Brutlag, Quentin Fairbanks, Larry Kramka, Brian Kletscher, Paul Langseth, Joe Martin, Wayne Anderson, Brian Napstad, Ken Robinson, Louise Smallidge, Gene Tiedemann, LuAnn Tolliver, John Linc Stine, Randy Kramer. Opposed: None.
08-65 Motion passed. Chair Kramer appointed Paul Brutlag, Paul Langseth, Larry Kramka, and Joe Martin to the subcommittee.

Lake Titlow Restoration Project – John Jaschke reported that the City of Gaylord was appropriated $475,000 for improving water quality in the Lake Titlow watershed. Funds may be used for pre-design and design of holding ponds and for construction and reconstruction of storm water sewer drains and related facilities. The City's Plan of Work splits the $475,000 into $175,000 for pre-design and design work within the watershed and $300,000 for construction work in the City. Extra funds needed for the project will come from the City of Gaylord.
** Moved by Brian Kletscher, seconded by Quentin Fairbanks, to authorize staff to
08-66 enter into a grant agreement with the City of Gaylord for the Lake Titlow Restoration Project. John stated that Jeff Nielsen is the lead staff on this project. Motion passed on a voice vote.

Winona County Nominating Districts Resolution – John Jaschke reported Winona County SWCD has requested a record of BWSR approval on their nominating districts. The Winona SWCD board of supervisors passed a Nominating Districts Resolution at their May 14, 2008 meeting. There has been no change to the existing way of holding elections, but rather this is an affirmation of what they are currently doing. After this is approved by the BWSR, it will be filed with the Winona County Auditor. Moved by Brian Napstad, seconded by Larry Kramka, to approve the Winona County SWCD's Nominating Districts Resolution. Motion passed on a voice vote.

** 08-67

Carbon Capture and Terrestrial Sequestration Study – John Jaschke introduced Dr. Ed Nater, University of Minnesota. Dr. Ed Nater, provided background information and a status report of work on the *Carbon Capture and Terrestrial Sequestration Study* requested by the Legislature in 2007. The Legislature's request was to develop an inventory of Minnesota lands having high Carbon stocks that should be protected. This is a five-year study project. Discussion followed. Chair Kramer thanked Dr. Nater for his presentation.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Joe Martin briefly commented on the flooding in southeast Minnesota. Joe reported that the pesticide application is in full swing. MDA is working on drainage tile issues, BMP effectiveness, and phosphorus issues with Clean Water Legacy dollars. MDA continues to work on other concerns such as Gypsy moth, tracking salmonella and TB.

Minnesota Department of Health (MDH) – John Linc Stine reported that the well code revisions have been approved by Governor Tim Pawlenty, effective August 4. John stated that the MDH website has posted the report of well samplings in the southeast flooding area. MDH is working on the new law to regulate swimming pools in the State.

Minnesota Extension Service (MES) – Faye Sleeper reported that Jim Anderson officially retires on July 1, 2008. Faye distributed the annual report on "The Great Lakes Regional Water Program: Cultivating Learning in a Changing World". John Jaschke stated that Jim Anderson plans to attend the October Board meeting and be recognized for his service on the BWSR Board since 1996.

Minnesota Pollution Control Agency (MPCA) – Wayne Anderson reported that MPCA continues to work on hypoxia issues. Governor Tim Pawlenty reappointed Dennis Jensen to the MPCA Board, and appointed a new board member, Kathy Lohmer from Lake Elmo.

ADVISORY COMMENTS

Minnesota Association of Watershed Districts (MAWD) – LuAnn Tolliver, on behalf of Ray Bohn and MAWD, thanked BWSR members and staff for attending the MAWD summer tour and appreciates the partnership with BWSR.

Natural Resources Conservation Service (NRCS) – Tim Koehler reported that there is a new Farm Bill! Tim distributed the "Food, Conservation and Energy Act of 2008" for board members' information. Tim will provide information as new rules come into play. Chair Kramer thanked Tim for his presentation.

Upcoming Meetings

- Grants Program & Policy Committee Meeting, July 23, 2008, at 9:00 a.m.
- Wetlands Committee Meeting, July 23, 2008, at 12:30 p.m.
- BWSR Board Tour/Meeting, August 27-28, 2008, Renville County. John stated that there is no meeting in July. Information will be mailed regarding the tour/meeting logistics.

Chair Kramer thanked Ken Robinson again for his service on the Board.

** 08-68 Moved by LuAnn Tolliver, seconded by Louise Smallidge, to adjourn the meeting at 12:47 p.m. Motion passed on a voice vote.

Respectfully submitted,

Mary Jo Anderson
Recorder

Dispute Resolution Report
August 15, 2008
by: Travis Germundson

There are presently **22** appeals pending. All of the appeals involve WCA except File 05-24. There have been **5** new appeals filed since the last report dated June 25th.

Note: File 08-13 appeal of a wetland type/boundary decision in Hennepin County was denied and now is being appealed to the Court of Appeals.

Format note: New appeals that have been filed since last report to the Board.
~~Appeals that have been decided since last report to the Board.~~

File 08-24 (08/11/08) This is an appeal of a restoration order in Grant County. The appeal regards drainage impacts to a 32 acre Type 3 wetland resulting from agricultural drain tile improvements. No decision has been made on the appeal.

File 08-23 (08/06/08) This is an appeal of a after-the-fact replacement plan decision in Itasca County. The LGU denied an after-the-fact wetland replacement plan application for a fill strip because wetland impacts can be avoided by the construction of an elevated boardwalk. No decision has been made on the appeal.

File 08-22 (07/31/08) This is an appeal of a restoration order in Cass County. The appeal regards the filling of approximately 16,800 square feet in a Type 7 wetland to provide storage and parking areas for several recreation vehicles. No decision has been made on the appeal.

~~File 08 21 (07/18/08) This is an appeal of a restoration order in Mille Lacs County. The appeal regards the filling of approximately 9,570 square feet of a Type 2/3 wetland for the construction of an access road.~~ *The appeal has been withdrawn.*

~~File 08 20 (07/09/08) This is an appeal of a restoration order in Mille Lacs County. The appeal regards the filling of approximately 4,335 square feet of wetland associated with the construction of a residential dwelling.~~ *The appeal has been withdrawn.*

~~File 08-19 (06/20/08) This is an appeal of an exemption decision in Washington County. At issue are denials of agricultural exemption, drainage exemption, incidental wetland exemption, and forestry exemption for unpermitted wetland fill.~~ *The appeal has been denied.*

~~File 08-18 (06/18/08) This is an appeal of a restoration order in Carver County. The appeal regards the draining of 24,124 square feet of wetlands associated with a residential development site.~~ *The appeal has been denied.*

~~File 08-17 (06/02/08) This is an appeal of a replacement order in Rice County. The appeal regards the filling of 3,875 square feet of a Type 7 wetland for the construction of a stormwater pond.~~ *The replacement order has been denied in part and modified in part.*

~~File 08-16 (05/29/08) This is an appeal of a restoration order in Mahnomen County. The appeal regards the filling of 6,970 square feet of a Type 3 wetland with excavated lakebed material.~~ *The replacement order has been denied in part and modified in part.*

~~File 08-15 (05/29/08) This is an appeal of a replacement order in Mahnomen County. The appeal regards the filling of 3,072 square feet of a Type 3 wetland with excavated lakebed material.~~ *The appeal has been denied.*

~~File 08-14 (05/29/08) This is an appeal of a restoration order in Mahnomen County. The appeal regards the filling of 6,742 square feet of a Type 3 wetland with excavated lakebed material.~~ *The appeal has been denied.*

File 08-11. (04/29/08) This is an appeal of a restoration order in Hennepin County. The appeal regards the filling of 1.75 acres of a type 2/3 wetland for the construction of a pole barn and pasture area. The restoration order has been stayed until and the appeal has been placed in abeyance for submittal of a wetland replacement plan, exemption, or no-loss application.

File 08-9. (03/06/08) This is an appeal of a replacement order in Pine County. The appeal regards impacts to approximately 11.26 acres of wetland. No decision has been made on the appeal. The replacement order has been stayed and the appeal has been placed in abeyance pending further technical work.

File 08-8. (04/03/08) This is an appeal of a replacement order in Pine County. The appeal regards the filling of over 18,000 square feet of Type 2 wetland. No decision has been made on the appeal. The replacement order has been stayed and the appeal has been placed in abeyance pending further technical work.

File 08-4. (01/24/08) This is an appeal of no-loss and exemption decisions in Waseca County. In addition to the no-loss decision, at issue are denials of the agricultural exemption, approved development exemption, incidental wetland exemption, and claims of numerous procedural issues that were prejudicial to the applicants. Further, a Minn. Stat. § 15.99 (60-day rule) claim is pending in District Court. The appeal has been remanded for further technical work at the local level.

File 08-1. (02/04/08) This is an appeal of a restoration order in Aitkin County. The appeal involves the filling of wetland for a road in shoreland area. The restoration order has been stayed and the appeal has been placed in abeyance pending further technical work.

File 07-37. (12/16/07) This is an appeal of a restoration and replacement order in the City of Sturgeon Lake, Pine County. The appeal involves the excavation and filling of wetland. The restoration and replacement order has been placed in abeyance to allow for the submittal of a complete replacement plan.

~~File 07-36. (11/26/07) This is an appeal of a restoration order in the City of Hugo, Washington County. The appeal involves the filling of approximately 5,447 square feet of Type 7 wetland for a driveway. The restoration order has been stayed and the appeal has been placed in abeyance pending a decision by the LGU on applications for an exemption and a replacement plan.~~ *The appeal has been denied and the Restoration Order Affirmed.*

File 07-33. (10/31/07) This is an appeal of an exemption decision in International Falls, Koochiching County. The appeal involves the approval of an exemption request that resulted from issuance of a cease and desist order for unauthorized wetland impacts. The appeal has been accepted and copies of the record have been requested. A verbal settlement agreement is being drafted.

File 07-32. (10/31/07) This is an appeal of an exemption decision in International Falls, Koochiching County. The appeal involves the approval of an exemption request that resulted from issuance of a cease and desist order for unauthorized wetland impacts. The appeal has been accepted and copies of the record have been requested. A verbal settlement agreement is being drafted.

File 07-31. (10/31/07) This is an appeal of an exemption decision in International Falls, Koochiching County. The appeal involves the approval of an exemption request that resulted from issuance of a restoration order for unauthorized filling of wetland for a building. The appeal has been accepted and copies of the record have been requested. A verbal settlement agreement is being drafted.

File 07-29. (10/25/07) This is an appeal of a restoration order in Crow Wing County. The appeal involves the filling of wetland along a driveway. The restoration order has been stayed and the appeal has been placed in abeyance pending the completion of further field work.

File 07-28. (10/22/07) This is an appeal of a restoration order in Mille Lacs County. The appeal regards the filling of wetland. The restoration order has been stayed and the appeal has been placed in abeyance pending the submission of an after-the-fact wetland replacement plan application this month.

File 07-27. (10/19/07) This is an appeal of a restoration and replacement order in Benton County. The appeal involves the excavation of an island that was in wetland and the filling of wetland along the wetland edge. The restoration order has been stayed and the appeal has been placed in abeyance pending the completion of further field work this spring.

File 06-23. (05/19/06) This is an appeal of a replacement plan decision in Kanabec County. The LGU denied the wetland replacement plan application. A previous denial of the same replacement plan application had been appealed, the appeal was remanded for a hearing, and now the current denial has been appealed. The appeal has been placed in abeyance pending the outcome of a lawsuit between the landowner and the county. The lawsuit concerns the county's possible noncompliance with the 60-day rule. The county prevailed in district court, however the decision was appealed to the Court of Appeals where the county again prevailed. An appeal to the Minnesota Supreme Court was denied review. It is likely the appeal will soon be placed on the calendar for DRC proceedings.

File 06-17. (05/27/06) This is an appeal of a replacement plan decision in the City of Montgomery in LeSueur County. The LGU denied an after-the-fact wetland replacement plan application based on a lack of sufficient reasons why the restoration could not be completed. The appeal has been remanded for further processing at the local level.

File 06-12. (04/13/06) 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.

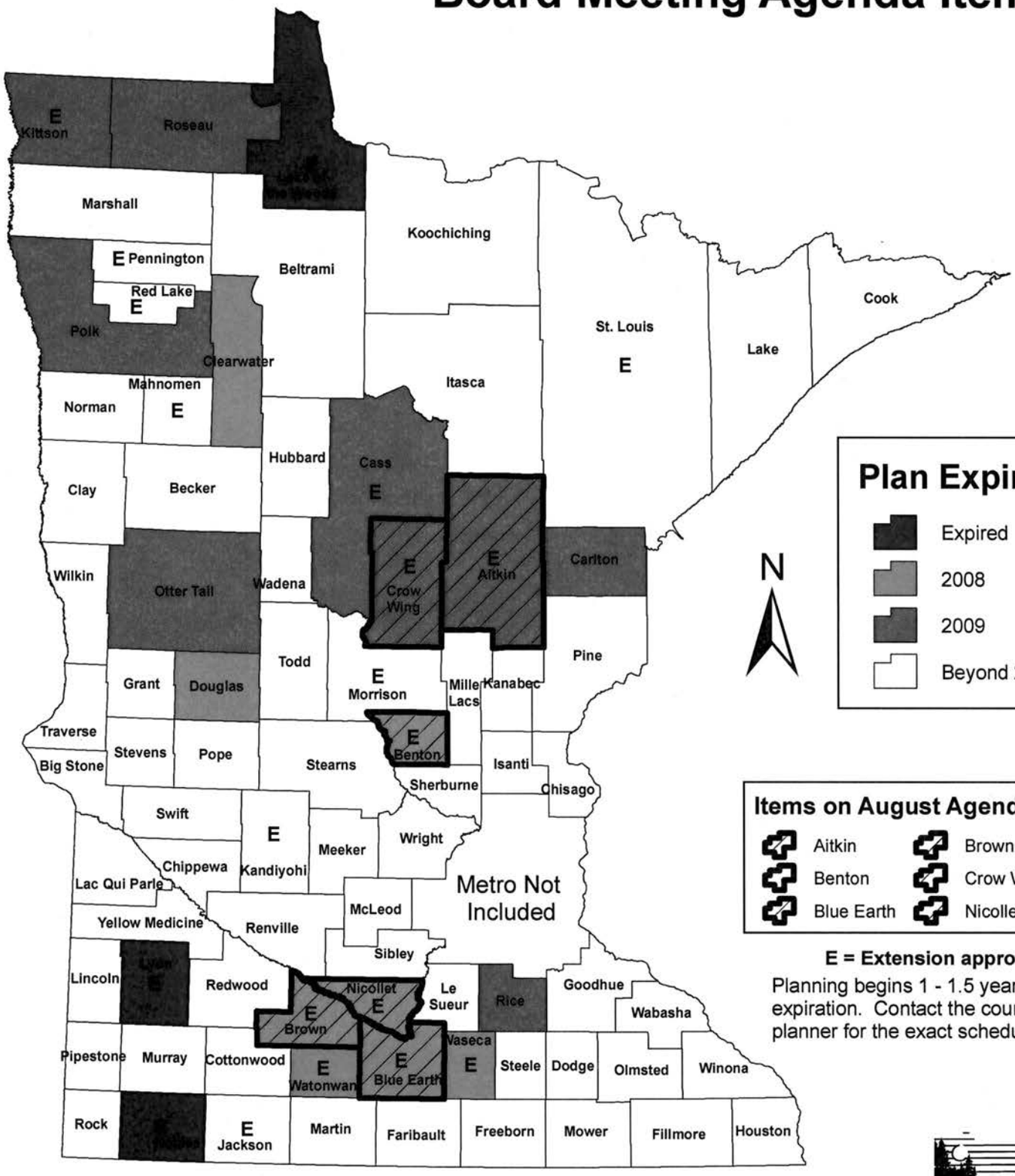
File 06-6. (02/16/06) This is an appeal of a restoration order in Stearns County. At issue are numerous wetlands impacted by filling, sedimentation, reduction of hydrology and lack of Best Management Practices associated with a residential development. The appeal has been denied in part. The Restoration Order has been affirmed in part and has been stayed in part.

File 05-24. (03/04/05) 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. It appears at least two of the appeals have been settled.

File 05-1. (01/13/05) This is an appeal of a replacement plan decision by the Rice Creek Watershed District. The District previously made a decision that was appealed which resulted in a remand for an expanded TEP. Now there is an appeal of the decision made under remand since the decision differed from the TEP report. At issue is a wetland delineation and the Comprehensive Wetland Protection and Management Plan that BWSR approved. After a hearing before the DRC, the board remanded the matter for a new wetland delineation and for submission on an updated, complete replacement plan application.

File 04-23. (08/25/04) 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.

County Water Plan Expirations & Board Meeting Agenda Items



E = Extension approved

Planning begins 1 - 1.5 years before expiration. Contact the county water planner for the exact schedule.

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

map updated: May 2008

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

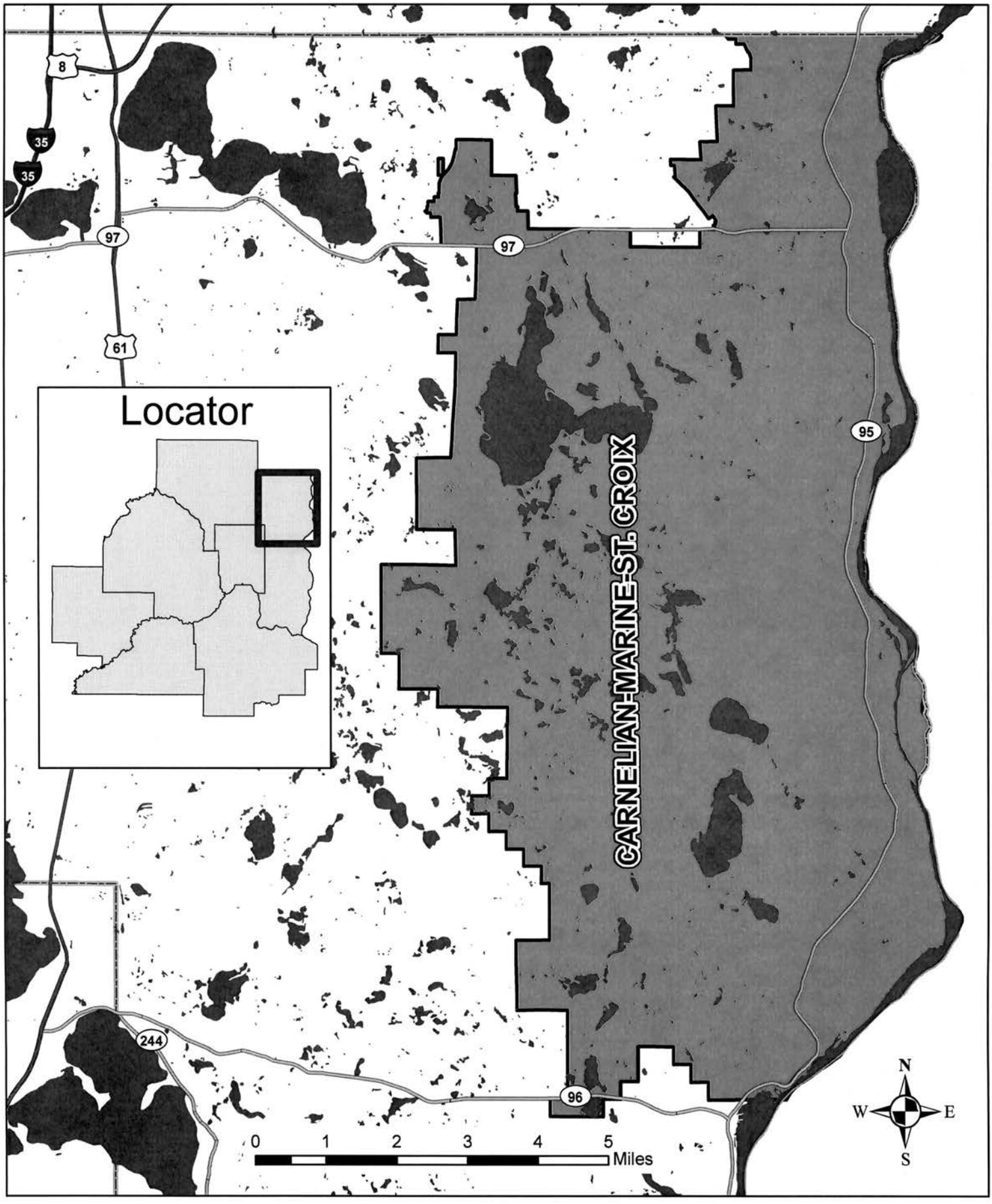
1. Carnelian-Marine-St. Croix Watershed District Watershed Management Plan Amendment – Bob Burandt – *DECISION ITEM*

2. Comfort Lake-Forest Lake Watershed District Revised Watershed Management Plan – Bob Burandt – *DECISION ITEM*

3. Richfield-Bloomington Watershed Management Organization, Watershed Management Plan – Bob Burandt – *DECISION ITEM*

4. Shingle Creek and West Mississippi Watershed Management Organizations' Plan Amendment – Bob Burandt – *DECISION ITEM*

Carnelian-Marine-St. Croix Watershed District



Minnesota Board of Water & Soil Resources

MEMORANDUM

DATE: July 24, 2008
TO: Metro Water Planning Committee
FROM: Melissa Lewis, Board Conservationist
RE: Carnelian-Marine-St. Croix Watershed District Marine WMO Plan Amendment

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Background

The Carnelian-Marine Watershed District was established in 1981 and enlarged to include the area of the Marine on St. Croix Watershed Management Organization (MWMO) on March 28th, 2007. At this time, the name changed to the Carnelian-Marine-St. Croix Watershed District (District) and the number of managers increased from five to seven. The District is located exclusively in Washington County in the northeast portion of the Minneapolis – St. Paul seven county Metropolitan Area and consists of a total of 81.48 square miles. The District is bound by the St. Croix River to the east, the Comfort Lake Forest Lake and Rice Creek Watershed Districts to the west, and the Browns Creek Watershed District to the south. The mission of the District is to protect and improve the water resources, natural habitat, and personal property within its boundaries; to educate property owners and the community on the value of water resources; and to promote progressive public relationships and interagency consistency.

The Amendment submitted is to incorporate the MWMO Plan as an appendix to the District Watershed Management Plan. The 60-day review draft of the Amendment was submitted to BWSR, other state agencies, Metropolitan Council, and local governments on September 28th, 2007. A public hearing was held on June 4th, 2008; no comments were received. The 45-day review draft was submitted on January 17th, 2008. The final draft of the Amendment was received by BWSR on April 25th, 2008. No comments were received.

Amendment Summary

The Amendment to the District Watershed Management Plan incorporates a modified version of the draft MWMO Plan as an appendix, incorporates by reference a number of studies completed by the MWMO, and provides an implementation schedule of projects and programs the District will pursue in the next two years when a revised plan is due. The modifications to the MWMO Plan eliminate language that was either redundant or contradictory to statements made in the District Plan. The amendment also states in the User's Guide and Executive Summary that the policies and actions in the existing Carnelian-Marine Watershed District Overall Plan apply across the entire District area, and that in the event of conflicts between the policies and actions in the District plan and the MWMO plan/appendix, the District Plan shall apply.

Amendment Highlights

The critical elements included in the Amendment are:

- Description of the recent enlargement of the District and discussion of the prioritization of the policies and actions of the Plans.
- Implementation schedule for projects and programs of the District that will culminate in the completion of the Watershed Management Plan revision in 2010.
- Incorporation of the MWMO Watershed Management Plan into the District Plan. The critical elements of this plan include:
    - Identification of focus areas within the enlarged area including stormwater standards for unique and rare resources, coordination of stormwater improvements, a land protection initiative, and community outreach and education.
    - Identification of capital improvement projects for Arcola Creek, Fall's Creek, and a Best Management Practices Program.
    - Identification of watershed planning activities including; a wetland management plan, mapping of priority resources, Long and Sand Lakes management plans, and a Fall's Creek Corridor Management Plan.

Attachments

- Draft Board Order for the Carnelian-Marine-St. Croix Watershed District Marine WMO Plan Amendment
- Revision pages from the District Watershed Management Plan
- Map of District

Recommendation

Staff recommends approval of the Carnelian-Marine-St. Croix Watershed District Marine WMO Plan Amendment.

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

In the Matter of the review of the Amendment to the Watershed Management Plan for the Carnelian-Marine-St. Croix Watershed District, pursuant to Minnesota Statutes Section 103B.231, Subdivision 11.

ORDER APPROVING AMENDMENT TO WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the Carnelian-Marine-St. Croix Watershed District (District) submitted a Watershed Management Plan Amendment (Amendment) dated April 25, 2008, to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 11, and;

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

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

FINDINGS OF FACT

1. **Watershed District Establishment.** The Carnelian-Marine Watershed District was established by the Minnesota Water Resources Board in 1981. Washington County filed a Petition with the Board of Water and Soil Resources on December 22, 2006, to enlarge the District to include the area of the Marine on St. Croix Watershed Management Organization (MWMO). On March 28, 2007, the Board ordered the Carnelian Marine Watershed District be enlarged according to the Petition, that the name be changed to the Carnelian-Marine-St. Croix Watershed District, and that the number of managers be increased from five to seven, contingent upon the dissolution of the Marine on St. Croix Watershed Management Organization occurring within three months from the date of the Order. The Board further ordered that the Carnelian-Marine Watershed District Watershed Management Plan be amended within one year of the date of the Order to include the petitioned area. The mission of the District is to protect and improve the water resources, natural habitat, and personal property within its boundaries; to educate property owners and the community on the value of water resources; and to promote progressive public relationships and interagency consistency.

2. **Authority to Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251. The current District watershed management plan was approved by Board Order on October 25, 2000.

The watershed management plan may be amended according to Minnesota Statutes Section 103B.231, Subd. 11.

3. **Nature of the Watershed.** The District is located exclusively in Washington County in the northeast portion of the Minneapolis – St. Paul seven county Metropolitan Area and consists of a total of 81.48 square miles. Included in the District are 27.33 square miles within the City of Scandia, 4.18 square miles within the City of Marine on St. Croix, 0.74 square miles within the City of Hugo, 34.58 square miles within the Town of May, 0.25 square miles within the City of Grant, and 14.40 square miles within the Town of Stillwater. The District is bound by the St. Croix River to the east, the Comfort Lake-Forest Lake and Rice Creek Watershed Districts to the west, and the Browns Creek Watershed District to the south.

4. **Amendment Development and Review.** The Amendment consists of the incorporation of the MWMO Watershed Management Plan (MWMOWP) as an appendix and the adoption by reference of the following studies: Square Lake Clean Water Partnership, Twin Lake Landlocked Basin Study, Millstream and Marine Natural Resources Inventories, and the Spring Creek Inventory to the District Watershed Management Plan. The District circulated a copy of the draft Amendment to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7.

   In the development of the MWMOWP, the MWMO formed a steering committee to provide input and guidance. The steering committee consisted of watershed residents, municipal staff, and technical representatives and met six times during the development of the MWMOWP in 2004. The MWMOWP was reviewed by the State Review agencies and the Metropolitan Council in 2004, but did not proceed to Board approval due to the pending enlargement of the Carnelian-Marine Watershed District.

   The 60-day review draft of the Amendment was submitted to the Board, other state agencies, Metropolitan Council, and local governments on September 28th, 2007. A public hearing was held on June 4th, 2008, where no comments were received. The 45-day review draft was submitted on January 17th, 2008. The final draft of the Amendment was received by the Board on April 25th, 2008. No local comments were received.

5. **Metropolitan Council Review.** The Council found that the 60-day review draft of the Amendment was unclear in the priorities and timing of planning efforts between the District Plan and the Amendments. This concern was addressed and the Council found the 45-day draft to be consistent with the Council's *Water Resources Management Plan* and should help to protect the water resources in the District.

6. **Department of Agriculture Review.** The MDA did not comment on the Amendment.

7. **Department of Health Review.** The MDH did not comment on the Amendment.

8. **Department of Natural Resources Review.** The DNR did not comment on the Amendment.

9. **Pollution Control Agency Review.** The MPCA was pleased the District submitted a TMDL project work plan, encouraged the submittal of District water quality data into the statewide Storage and Retrieval water quality database, and encouraged the District to visit the water quality section of the MPCA's Environmental Data Access System.

10. **Local Review.** Washington County re-submitted comments made during the MWMOWP development. The comments they made at that time were incorporated into the Amendment.

11. **Board Review.** Board staff commented on the 45-day review draft that the intentions of Amendment to bridge policies and activities in the newly enlarged watershed district until the revision of the watershed management plan, due in 2010, were unclear. Staff also commented that a prioritization of the combined goals and policies of the MWMO and the Carnelian-Marine Watershed District, as well as a process for incorporating proposed plans and studies of the MWMO into the overall planning and timing process of the District, was needed in the Amendment. Lastly, staff commented that the Amendment needed a discussion of which proposed plans and studies would be completed as a part of the upcoming plan revision and which will be considered for inclusion in the implementation section of the revision. These comments were addressed in the final submission of the Amendment.

12. **Highlights of the Plan Amendment.** The critical elements included in the Amendment are:
    - Description of the recent enlargement of the District and discussion of the prioritization of the policies and actions of the Watershed Management Plans.
    - Implementation schedule for projects and programs of the District that will culminate in the completion of the Watershed Management Plan revision in 2010.
    - Modifications to the MWMO Watershed Management Plan to eliminate language that was either redundant or contradictory to statements made in the District Plan.
    - Incorporation of the MWMO Watershed Management Plan into the District Plan. The critical elements of this Amendment include:
        - Identification of focus areas including stormwater standards for unique and rare resources, coordination of stormwater improvements, a land protection initiative, and community outreach and education.
        - Identification of capital improvement projects for Arcola Creek, Fall's Creek, and a Best Management Practices Program.
        - Identification of watershed planning activities including a wetland management plan, mapping of priority resources, Long and Sand Lakes management plans, and a Fall's Creek Corridor Management Plan.

13. **Metro Water Planning Committee Meeting.** The Board's Metro Water Planning Committee met on August 4, 2008 to review and discuss the Amendment. Those in attendance from the Board's Committee were Louise Smallidge, Faye Sleeper, LuAnn Tolliver and Robert Burandt as chair. Board staff in attendance were Metro Region Supervisor Jim Haertel and Board Conservationist Melissa Lewis. Board staff

recommended approval of the Amendment. After discussion, the Committee unanimously voted to recommend approval of the Amendment to the full Board.

CONCLUSIONS

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

2. The Board has proper jurisdiction in the matter of approving an Amendment to the Watershed Management Plan for the Carnelian-Marine-St. Croix Watershed District pursuant to Minnesota Statutes Section 103B.231, Subd. 11.

3. The Carnelian-Marine-St. Croix Watershed District Amendment attached to this Order incorporates the Marine on St. Croix Watershed Management Organization Watershed Management Plan into the appendix of the District's Watershed Management Plan.

4. The attached Amendment is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

5. The Carnelian-Marine-St. Croix Watershed District Watershed Management Plan, including the Amendment, is due for revision in 2010.

ORDER

The Board hereby approves the attached Amendment, dated April 25, 2008, to the Carnelian-Marine-St. Croix Watershed District Watershed Management Plan.

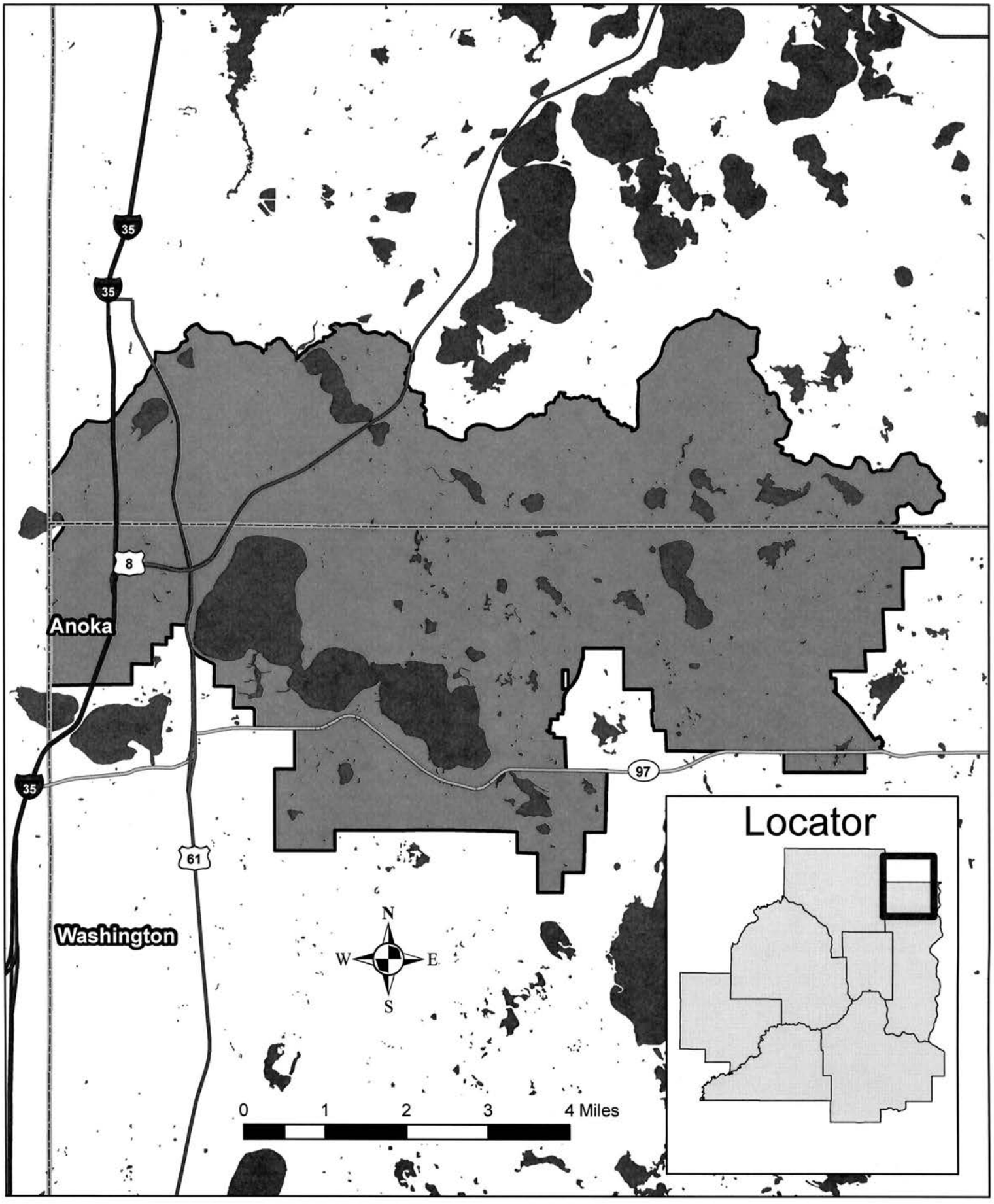
Dated at Olivia, Minnesota this 28th day of August, 2008.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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BY: Randy Kramer, Chair

Comfort Lake-Forest Lake Watershed District



Minnesota Board of Water & Soil Resources

MEMORANDUM

DATE: July 25, 2008
TO: Metro Water Planning Committee
FROM: Jim Haertel, Metro Region Supervisor
RE: Comfort Lake-Forest Lake Watershed Management Plan Revision

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Background

The Comfort Lake-Forest Lake Watershed District (District) was established in 1999 under Minnesota Statutes Chapter 103D. It replaced, and expanded the area of coverage, of the Forest Lake Watershed Management Organization that was established in 1983.The District is located in the northeast portion of the Metropolitan Area, approximately forty percent in Chisago County and sixty percent in Washington County. The District consists of a total of 47 square miles bound by the Sunrise River Watershed Management Organization to the west, the Rice Creek Watershed District to the south and west, the Carnelian-Marine-St. Croix Watershed District to the south and east, and no watershed management organizations to the north in Chisago County. Portions of the Cities of Forest Lake, Scandia, and Wyoming, and the Towns of Chisago Lakes and Wyoming, are included in the District. The Mission of the District is to protect and conserve its water resources using sound scientific water management approaches, technologies, and methods to develop a uniform, integrated approach to water management within a rapidly changing and urbanizing area.

Due to the unique status of the District transecting both a metropolitan and a non-metropolitan county, the District sought and gained statutory designation under Minnesota Statues Chapter 103B in the 2008 legislative session. This change in designation allows the District to access a wider variety of funding sources in the implementation of the Watershed Management Plan; however, it also necessitated a revision to the Plan to meet the additional requirements of 103B.

The District's current Plan was approved by BWSR in 2001 and scheduled to be revised in 2011. If the proposed revised Plan is approved by BWSR, it would remain on the schedule to be revised in 2011. The reason for this is that the proposed revised Plan is on a fast track to be approved so 103B funding authorities can be used in 2009, thus a lengthy public input process was not used in the Plan revision. BWSR staff worked closely with District staff throughout the development of the Plan revision while the proposed legislation was pending. Although the emphasis of the Plan revision was to add information for the required elements under 103B, other significant revisions have been made.

Revised Plan Summary

The revised Plan submitted includes an updated Executive Summary, the addition of a section on impaired waterbodies within the District, slight revisions to Chapter 10: Local Governing Units, revised Chapter 11: Implementation Plans, revised Chapter 12: Capitol Improvement Plan (CIP), the addition of Appendix G: CIP Project Screening, the addition of Appendix H: CIP Preliminary Design Drawings, the addition of Appendix I: CIP Cost Estimates and Schedule for Proposed Projects, and the addition of Appendix J: Lake Response Curves Post CIP Implementation.

Fiscal Context

The table below shows financial information for adjacent or similar size WMO's and WD's.

TYPE	AREA (sq mi)	NAME	2004	2005	2006
WD	28	Brown's Creek	$320,385	$503,935	$653,307
WD	41	Capitol Region	$1,327,715	$924,848	$2,032,091
WD	43	Carnelian-Marine	$420,888		$324,942
WD	55	Comfort Lake Forest Lake	$287,058	$243,511	$199,512
WD	96	Coon Creek	$640,591	$498,240	$672,326
WMO	56	Lower Rum River	$50,353	$48,222	$50,747
WD	50	Nine Mile Creek	$1,484,029	$2,413,557	$2,494,951
WD	42	Prior Lake-Spring Lake	$655,410	$756,044	$1,006,087
WD	53	Ramsey-Washington Metro	$2,350,399	$5,667,027	$3,828,209
WD	201	Rice Creek	$3,041,834	$2,810,074	$3,526,442
WD	47	Riley-Purgatory-Bluff Creek	$2,245,286	$1,819,722	$1,535,258
WMO	71	Sunrise River	$9,960	$10,863	$22,039
WMO	127	Upper Rum River	$4,270	$20,482	$17,762
WD	64	Valley Branch	$772,065	$211,104	$646,262

Fiscal activities are an approximate barometer of influence within a watershed only. As shown above, expenditures in the Comfort Lake-Forest Lake WD have been decreasing from 2004 to 2006. That trend will likely turn around in 2009 with approval of the revised Plan and additional funding authorities.

Revised Plan Highlights

The highlights of the revised plan include:

- Inclusion of funding authorities under Minnesota Statutes Chapter 103B.
- Extensive Capitol Improvement Program containing specific details for each project including preliminary design drawings for projects.
- Strengthened Implementation section that sets forth goals that clearly indicate the steps for improving water quality within the District by implementing a variety of stormwater projects.
- Development process for Rules, Standards and a Permit program.
- Addresses in detail the impaired lakes in the District.
- Exemplary approach in developing a workplan to address impaired waters problems.

Local and state comments received in regards to the revised Plan have been sufficiently addressed. There were very few comments forwarded as a result of the final 45-day review.

Attachments

- Draft Board Order for the Comfort Lake-Forest Lake Revised Watershed Management Plan
- Pages from the revised Plan
- Map of District

Recommendation

Staff recommends approval of the Comfort Lake-Forest Lake Revised Watershed Management Plan.

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

In the Matter of the review of the Watershed Management Plan for the **Comfort Lake – Forest Lake Watershed District**, pursuant to Minnesota Statutes Section 103B.231, Subdivision 9.

ORDER APPROVING WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the Comfort Lake – Forest Lake Watershed District (District) submitted a Watershed Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 9, and;

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

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

FINDINGS OF FACT

1. **Watershed District Establishment.** The Comfort Lake-Forest Lake Watershed District (District) was established in 1999 under Minnesota Statutes Chapter 103D. The District achieved statutory designation under Minnesota Statutes Chapter 103B during the 2008 legislative session. The District is located in the northeast portion of the Metropolitan Area, approximately forty percent in Chisago County and sixty percent in Washington County. Portions of the Cities of Forest Lake, Scandia, and Wyoming, and the Towns of Chisago Lakes and Wyoming, are included in the District. The mission of the District is to protect and conserve its water resources using sound scientific water management approaches, technologies, and methods to develop a uniform, integrated approach to water management within a rapidly changing and urbanizing area.

2. **Authority to Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251. The current District watershed management plan was approved by Board order dated October 25, 2001. The watershed management plan may be revised according to Minnesota Statutes Section 103B.231, Subd. 9.

3. **Nature of the Watershed.** The District encompasses approximately 47 square miles in northern Washington County and southern Chisago County, bound by the Sunrise River Watershed Management Organization to the west, the Rice Creek Watershed District to the south and west, the Carnelian-Marine-St. Croix Watershed District to the south and east, and no watershed management organizations to the north in Chisago County. The

watershed outlets to the northwest to the Sunrise River, which flows northeast through Chisago County before discharging to the St. Croix River.

4. **Plan Development and Review.** Due to the unique status of the District transecting both a metropolitan and a non-metropolitan county, the District sought and gained statutory designation under Minnesota Statues Chapter 103B in the 2008 legislative session. This change in designation allowed the District to access a wider variety of funding sources in the implementation of their watershed management plan; however, it also necessitated a revision to the current plan to meet the additional requirements of 103B. The District's current plan, approved by the Board in 2001, was scheduled to be revised in 2011. The proposed revised Plan would remain on the same schedule to be revised in 2011. The reason for this is that the proposed revised Plan did not have a lengthy public input process in its development. Board staff worked closely with District staff throughout the Plan development process.

   Although the emphasis of the Plan revision was to add information for the required elements under Minnesota Statues Chapter 103B, other significant revisions have been made including an updated Executive Summary, the addition of a section on impaired waterbodies within the District, slight revisions to Chapter 10: Local Governing Units, revised Chapter 11: Implementation Plans, revised Chapter 12: Capitol Improvement Plan (CIP), the addition of Appendix G: CIP Project Screening, the addition of Appendix H: CIP Preliminary Design Drawings, the addition of Appendix I: CIP Cost Estimates and Schedule for Proposed Projects, and the addition of Appendix J: Lake Response Curves Post CIP Implementation.

   The draft revised Plan was submitted to the Board, other state agencies, and local governments for the 60-day review on February 15, 2008. A public hearing was held on May 22, 2008. On June 2, 2008, the draft revised Plan was sent to the review agencies for the 45-day review period. The final draft of the revised Plan was received by the Board on July 22, 2008.

5. **Local Review.** The District distributed copies of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7.

   Washington County. The County suggested Section 12 be amended to provide more specific details regarding the Washington County policy on financing watershed management organization capital projects and the District responded by amending Section 12.6 with more details. The County recommended amending Section 10.4 to specify that local plans for communities within Washington County must also be sent to Washington County for review because the County has an approved groundwater plan and the District responded by including the requirement. The County commented that the Plan should incorporate goals, objectives and information from the Washington County 2003-2013 Groundwater Plan and the District responded that the suggested changes will be incorporated in the 2011 revised plan. The County recommended Section 10 be amended to add language to encourage local government units to include groundwater protection efforts in their local plans and the District responded by expanding Section 10.2 accordingly. The County commented that the Plan needs to provide additional detail on the funding for each individual capital improvement project and the District responded

by including specific funding sources for each project. The County commented that the Bixby Park project be modified in a certain manner and the District responded by including language that the feasibility and benefit of the proposed modification will be researched.

Wyoming Township. The Township commented that the wrong acreage was given for School Lake and the District responded by correcting the acreage. The Township commented about the incorrect spelling of Heims Lake and the District responded by correcting the spelling. The Township could not locate Section 11.2.2.1 that was referenced in Section 12.3.12.3 and the District responded by clarifying the reference. The Township commented that Table 3 was out of date and the District responded by updating the table.

6. **Metropolitan Council Review.** The Council cautioned about the District most likely enforcing its rules and standards through existing permit programs of member communities and the District responded by revising the language to specify that the District will establish a permit program to enforce its rules and standards. The Council provided details on what should be included in local water plans and the District incorporated the information into the Plan. The Council commented about certain wetland inventory procedures that must be included and the District responded by adding language to define the procedures. The Council recommended that certain maps be included and the District responded by including the requested maps. The Council commented on certain references that should be amended in the 2011 revised plan the District acknowledged it will incorporate the suggested changes in its 2011 plan revision.

   During the 45-day review, the Council made some comments about the 2011 plan revision and the District responded favorably. The Council commented that the list of local water plan contents is contained in a certain Council document and the District responded by referencing the document. The Council commented that most of the local water plan contents listed are required by Minnesota Rules Chapter 8410, however the District merely encourages the inclusion of the items and the District responded by modifying the language accordingly.

7. **Department of Agriculture Review.** The MDA did not comment on the Plan.

8. **Department of Health Review.** The MDH did not comment on the Plan.

9. **Department of Natural Resources Review.** The DNR commented that several initiation dates associated with the core goals in the Executive Summary are old and the District responded by eliminating the old initiation dates. The DNR had extensive comments on Section 3.6, Biological and Ecological Resources, and the District made revisions to address many of the items and responded that the other items would be incorporated in the 2011 plan revision. The DNR recommended the inclusion of waterbodies infested with invasive species in Section 3.8 and the District made revisions accordingly. The DNR recommended the use of updated data and guidelines in Sections 3.8 and 3.9 and the District made the recommended changes. The DNR recommended various information sources be used to update Figure 5 and the District responded that the figure would be updated in the 2011 plan revision. The DNR recommended Section 5.3.2

be updated and the District responded by making the recommended changes. The DNR recommended Goal WM-4 in Section 7.3.2 be revised to include protection of an aquifer and to work with the City of Forest Lake to find alternative water supply wells and the District responded that the 2011 plan revision process will consider the recommendations. The DNR recommended the Recreational Lake Goals in Section 7.3.2 be revised to address rough fish control on Bone Lake and access on Sylvan Lake and the District responded that the 2011 plan revision process will consider the recommendations. The DNR suggested Section 7.3.3 include reference to draft floodplain maps that are currently out for public review and the District responded that the 2011 plan revision process will consider the recommendation. The DNR recommended various changes to Section 7.3.5 and the District responded that the 2011 plan revision process will consider the recommendations. The DNR commented that the maps tend to be a little busy and that Figure 10 will need to be updated once the new floodplain maps are approved and the District responded that the 2011 plan revision process will consider the recommendations. The DNR recommended numerous revisions to the Capital Improvement Plan in Section 12 and the District responded by making revisions corresponding with most of the recommendations and that the 2011 plan revision process will consider the remaining recommendations.

10. **Pollution Control Agency Review.** The PCA was pleased that the Plan addresses in detail impaired waters and that the Plan is responsive to the basin-wide priority objective for phosphorus reduction in Lake St. Croix. The PCA encouraged the District to submit water quality data for inclusion in STORET and the District responded that it currently submits the data as requested.

11. **Department of Transportation Review.** The DOT clarified that the improvements planned for TH 8 are based on safety reasons and to handle the expected daily traffic volumes and the District responded by clarifying the language. The DOT requested they be listed as the Wetland Conservation Act Local Government Unit for its projects and the District responded by making the requested revision. The DOT questioned how phosphorous load is related to transportation improvements and requested the language be deleted and the District responded that studies show increases in impervious surfaces increase the rate and volume of runoff which results in increased erosion and sediments and associated nutrients thus the requested change was not made. The DOT commented that more discussion is needed in the Plan if the District intends to include volume control in its Rules and the District responded that the 2011 plan revision process will incorporate the recommendation. The DOT requested the word "permitting" be added in Section 5.3.7 and the District responded by adding the requested word.

12. **Board Review.** Board staff commented that certain wetland inventory procedures should be included and the District responded by adding language to define the procedures. Board staff commented that maps of stormwater systems should be included or it should be required in local water plans and the District responded by making revisions to include the maps in the local water plans. Board staff recommended maps of existing and future land uses and the Municipal Urban Service Area be included and the District responded by including the recommended maps. Board staff commented that local governments that have not adopted shoreland and floodplain ordinances should be identified and the

District responded by including the information. Board staff commented that the Plan should specify that it may be adopted by reference for local water plans and the District responded by adding the recommended language. Board staff recommended the procedures to enforce violations and controls of the District and of local governments should be specified and the District responded by making the recommended revisions.

13. **Plan Summary and Highlights.** The critical elements included in the Plan are:

- Inclusion of funding authorities under Minnesota Statutes Chapter 103B.
- Extensive Capitol Improvement Program containing specific details for each project including preliminary design drawings for projects.
- Strengthened Implementation section that sets forth goals that clearly indicate the steps for improving water quality within the District by implementing a variety of stormwater projects.
- Development process for Rules, Standards and a Permit program.
- Addresses in detail the impaired lakes in the District.
- Exemplary approach in developing a workplan to address impaired waters problems.

14. **Metro Water Planning Committee Meeting.** On August 4, 2008, the Board's Metro Water Planning Committee and staff met with a representative from the District in St. Paul to review and discuss the Plan. Those in attendance from the Board's Committee were Louise Smallidge, Faye Sleeper, LuAnn Tolliver and Robert Burandt as chair. Board staff in attendance were Metro Region Supervisor Jim Haertel and Board Conservationist Melissa Lewis. The representative from the District was District Administrator Randy Anhorn. Board staff recommended approval of the Plan. After discussion, the Committee unanimously voted to recommend approval of the Plan to the full Board.

CONCLUSIONS

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

2. The Board has proper jurisdiction in the matter of approving a Watershed Management Plan for the Comfort Lake - Forest Lake Watershed District pursuant to Minnesota Statutes Section 103B.231, Subd. 9.

3. The Comfort Lake - Forest Lake Watershed District Watershed Management Plan attached to this Order defines water and water-related problems within the District's boundaries, possible solutions thereto, and an implementation program.

4. The attached Watershed Management Plan is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

ORDER

The Board hereby approves the attached Watershed Management Plan dated July 2008 as the Watershed Management Plan for the Comfort Lake - Forest Lake Watershed District.

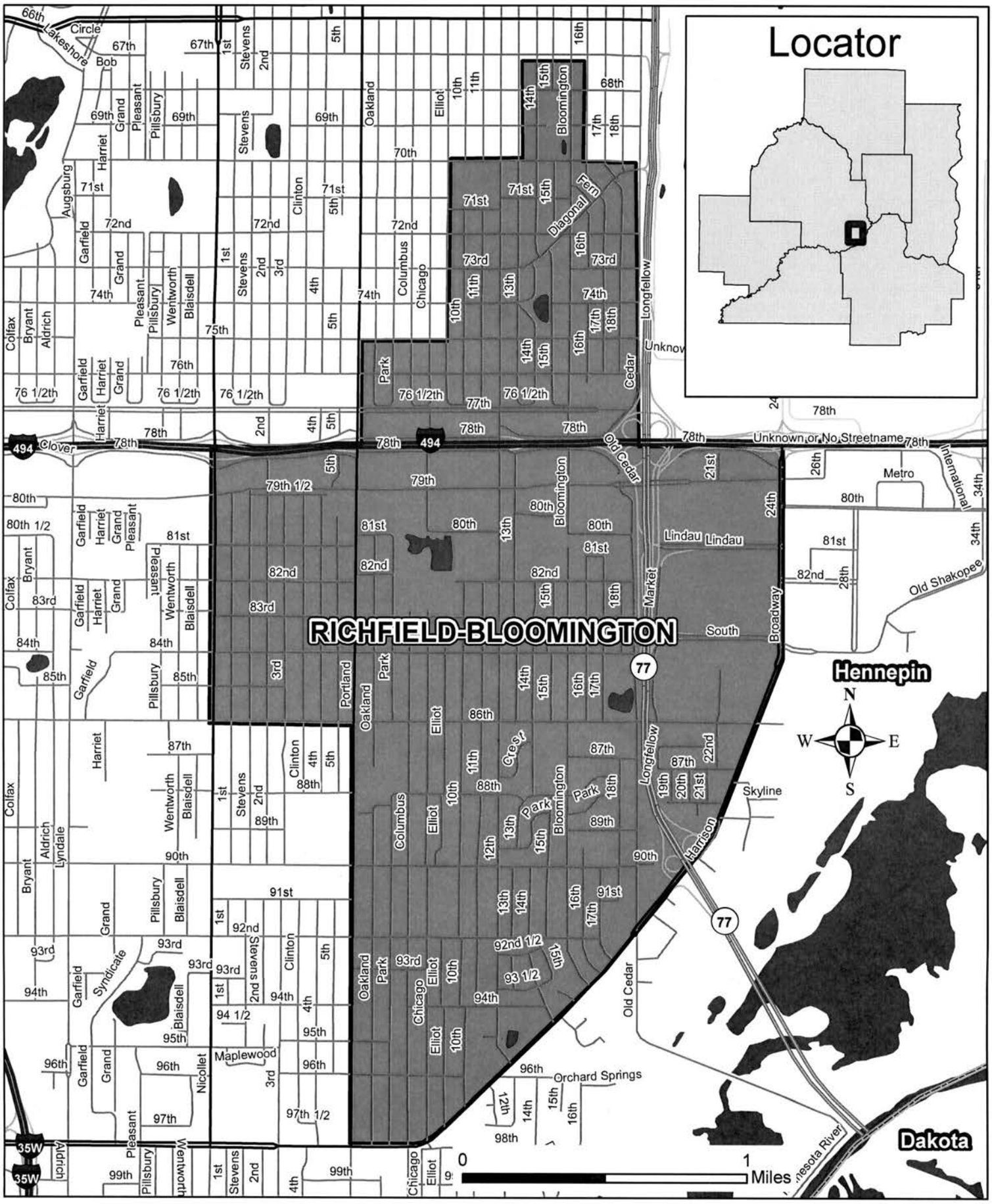
Dated at Olivia, Minnesota this 28th day of August, 2008.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

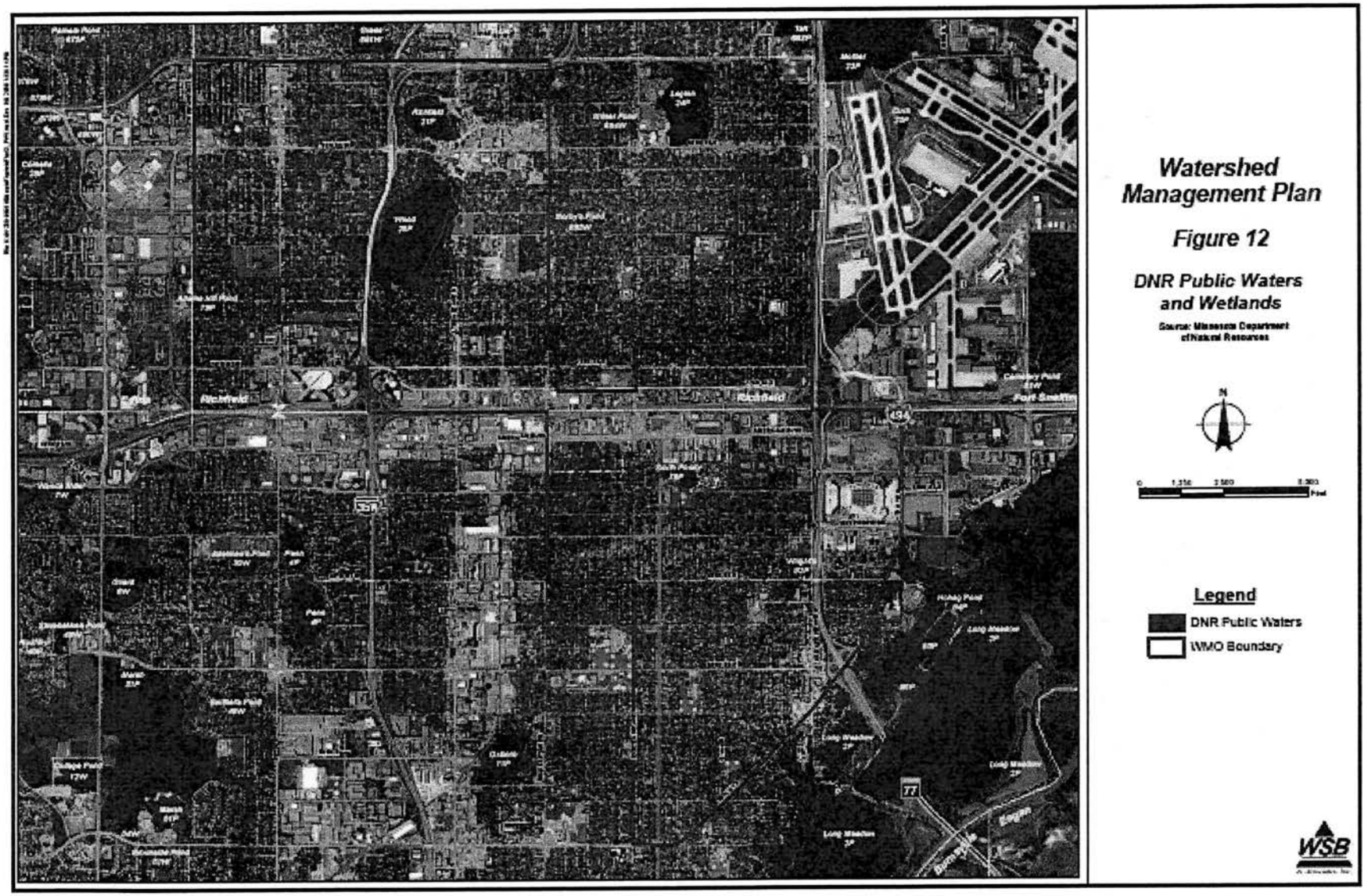
BY: Randy Kramer, Chair

Richfield-Bloomington Watershed Management Organization



Minnesota Board of Water and Soil Resources
August 2008 Metro Water Planning Committee Meeting

OVERVIEW
Richfield Bloomington Watershed Management Organization (RBWMO)
Comprehensive Watershed Management Plan Update 2008-2018 (Plan)



1. **RBWMO Establishment.** On December 19, 1983, the Richfield Bloomington Watershed Management Organization (RBWMO) was established via Joint Powers Agreement (JPA). BWSR approved their second generation plan in January 2001 under the Metropolitan Surface Water Management Act.

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

3. **Nature of the Watershed.** The RBWMO spans 7.55 square miles in southeastern Hennepin County. There are two local government units within RBWMO as the name implies: the Cities of Richfield and Bloomington. The WMO is fully developed. There are no major creeks or rivers in the watershed and the stormwater runoff flows primarily through storm sewer southeasterly into a series of large storm ponds and then into the Minnesota River. Unique features within RBWMO include Wood Lake Park and Nature Center, Smith Park, and the Mall of America. The waterbodies within the WMO include: Smith Pond, Wright's Lake, Running Pond, Sheridan Pond, Richfield Lake, Wood Lake, Augsburg Pond, and Wilson Pond.

   RBWMO is bound by the Minnehaha Creek WD to the north, Lower Minnesota River WD to the south and east, and on the west by Nine Mile Creek WD.

4. **Plan Development and Review.** BWSR and other state agency staff participated in a plan update kickoff meeting early in the process. The previous plan stated it would be in effect until December 31, 2006. The primary reason for the delayed Plan submittal is due to the numerous state agencies' comments resulting in some changes to the draft Plan. The draft 3rd generation Comprehensive Watershed Management Plan (Plan) was submitted to BWSR, other state agencies, and local governments for the required 60-day review on June 15, 2007. RBWMO received a considerable number of 60-day review comments from BWSR, DNR, Met Council, MNDOT, and MPCA. RBWMO held the required public hearing on September 17, 2007, and no comments were received. On October 12, 2007, all review agencies had received the revised draft Plan for the required 45-day review period. The Commissioners received comment letters from the BWSR, DNR, Met Council, and MPCA. In response to the comprehensive nature and number of comments, a meeting was held on January 9, 2008, between BWSR staff and RBWMO consultants to provide additional clarification and Plan review. On April 9, 2008, BWSR staff again met with RBWMO consultants to clarify several components of the Plan and refine the response to comments. The final draft Plan was submitted to BWSR on July 17, 2008.

5. **Local Review.** The RBWMO circulated a copy of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7. No formal comments were submitted by the member cities or the county.

6. **Metropolitan Council Review.** Met Council stated that with the WMO's outlined reporting and assessment mechanisms for the member cities, the Plan appears to be consistent with Council's *Water Resources Management Policy Plan.*

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

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

9. **Department of Natural Resources Review.** The DNR provided the following comments for the 60- and 45-day review periods: Within the Resource Inventory section of the Plan, DNR requested several missing strategies such as addressing the shortage of recreational fishing opportunities, rare and natural communities management, runoff volume control, groundwater conservation. RBWMO either revised the Plan accordingly or required the member communities to address these items in their local water plans.

10. **Pollution Control Agency Review.** MPCA offered comments related to RBWMO's position on TMDLs, individual sewage treatment systems, the WMO's definition of "water quality problems", and several other clarifications. RBWMO will not be involved with the direct administration of TMDLs, but rather will defer responsibility to member cities and MPCA. In addition member cities will be required to develop improved water quality monitoring programs, pursue grant funds for retrofit BMP implementation, RBWMO satisfactorily addressed the remaining items.

11. **Department of Transportation Review.** DOT requested clarification on proposed storm pond designs and WCA LGU for MNDOT projects.

12. **Board Review.** For the 60-day review, Board staff provided a substantial number of comments. Board comment recommended completion and inclusion of a self assessment, which RBWMO elected not to add to the Plan – this is not a requirement of 8410. Board staff noted during both review periods that the Plan should outline the public input acquired during the plan revision process. RBWMO explained the input process in the agency response to comments but elected not to add a narrative summary to the Plan. Additional input can be sought utilizing their new website and the formalized Citizen Advisory Committee. The Board emphasized the need to establish a systematic approach to ensuring local water plan compliance. RBWMO stated it will utilize the proposed annual evaluation and reporting process. In order to make the policies more outcome-based, a number of them were revised or eliminated. The Board requested that the Plan document that there was a meaningful assessment of the adequacy of municipal stormwater and maintenance standards. RBWMO believed there was adequate assessment during each member cities' SWPPP process. A summary of the SWPPPs has been added to the Plan and member cities are required to develop a maintenance program. In both comment periods BWSR asked to reconsider the need for runoff volume control and redevelopment standards. RBWMO created policies that require redevelopment to reduce runoff volume, nutrient loading, and runoff rates to 1988 levels. The Board requested that RBWMO outline their role in the development of TMDLs. RBWMO stated they will not be involved with the direct administration of TMDLs, but rather defers responsibility to member cities and MPCA. Member cities will also be required to develop improved water quality monitoring programs. RBWMO will pursue grant funds for retrofit BMP installation as well. In order to show the financial impact of the implementation plan for member communities, the Board in both comment periods advised that a supplemental table be provided identifying each member's annual contribution. RBWMO incorporated this information into the Plan. BWSR reminded RBWMO that local water plans must be approved by RBWMO and adopted by member cities within two years of BWSR approval of the Plan and that they should allow sufficient time for the entire process.

    For the 45-day review, the Board remained concerned about local water plan accountability and the importance of strict oversight of local water plan compliance. Based on the Board's 60- and

45-day recommendations, RBWMO established a Technical Advisory Committee that will: 1) complete a peer review and spot check of each city's local water plan activities, permits, and RBWMO Plan compliance every other year, 2) annually review NPDES annual reports for compliance with RBWMO education and maintenance requirements, and 3) summarize local activities and compliance concerns and prepare the draft RBWMO annual financial and activity report for the RBWMO Commissioners. A Board comment requested clarification on what human resources will be used implement the Plan. RBWMO noted they will strictly utilize existing city staff from both cities and no new staff is needed. The Board emphasized the need for the Commissioners to assess their budget and funding mechanisms, other than grants and stormwater utility fees, to assist cities with non-degradation, cost-share BMP programs, and other Plan implementation elements needed to achieve water quality goals. RBWMO chose to require the cities to fund all project/implementation strategies and not to provide funding for the University of Minnesota's NEMO efforts.

13. **Plan Summary.** Notable elements of the Plan include:
    - Utilization of a TAC with specified annual tasks related to member city accountability and reporting to the RBWMO Commissioners.
    - For redevelopment projects, policies require reduction of runoff volume, nutrient loading, and runoff rates to 1988 levels.
    - Continued cooperation between local governments by implementing storm water management programs, storm water management studies, and storm water improvement projects.

14. **Metro Water Planning Committee Meeting.** On August 4, 2008, the Board's Metro Water Planning Committee and staff met with representatives from the RBWMO in St. Paul to review and discuss the Plan update. Those in attendance from the Board's Committee were Robert Burandt, Louise Smallidge, and LuAnn Tolliver. Board staff in attendance were Metro Supervisor Jim Haertel and Board Conservationists Brad Wozney and Melissa Lewis. Attendees from RBWMO were Scott Anderson representing Bloomington, Kristin Asher representing Richfield, and Engineer Todd Hubmer. Board staff recommended approval of the Plan. [After discussion, the subcommittee (unanimously?) voted to recommend _____ of the Richfield Bloomington Watershed Management Organization's Comprehensive Watershed Management Plan to the full Board.]

15. **Fiscal Context and Implementation.** The entire cost of implementing the Plan and WMO operation falls to the individual cities and any acquired grant funds. The combined budgets for the member communities exceeds $10 million through 2017. Future TMDLs and other modeling efforts should result in an increase in the CIP budget. RBWMO will review and update biennially the overall CIP starting 2010.

STAFF RECOMMENDATION:

BWSR Board Conservationist Brad Wozney recommends approval of the Richfield Bloomington Watershed Management Organization 2008-2018 Watershed Management Plan.

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

In the Matter of the review of the Watershed Management Plan for the **Richfield-Bloomington Watershed Management Organization** pursuant to Minnesota Statues Section 103B.231, Subdivision 9

ORDER APPROVING WATERSHED MANAGEMENT PLAN

Whereas, the Board of Commissioners of the Richfield-Bloomington Watershed Management Organization (RBWMO) submitted a Watershed Management Plan (Plan) dated July 2008 to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 9, and;

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

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

FINDINGS OF FACT

1. **Watershed Management Organization Establishment.** On December 19, 1983, the Richfield-Bloomington Watershed Management Organization (RBWMO) was established via Joint Powers Agreement (JPA). BWSR approved their second generation plan in January 2001 under the Metropolitan Surface Water Management Act. The Board of Commissioners consist of all city council members from both member cities, five from Richfield and seven from Bloomington.

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

3. **Nature of the Watershed.** The RBWMO spans 7.55 square miles in southeastern Hennepin County. There are portions of two local government units within RBWMO as the name implies, the Cities of Richfield and Bloomington. The WMO is fully developed. There are no major creeks or rivers in the watershed and the stormwater runoff flows primarily through storm sewer southeasterly into a series of large storm ponds and then into the Minnesota River. Unique features within RBWMO include

Wood Lake Park and Nature Center, Smith Park, and the Mall of America. The waterbodies within the WMO include: Smith Pond, Wright's Lake, Running Pond, Sheridan Pond, Richfield Lake, Wood Lake, Augsburg Pond, and Wilson Pond.

RBWMO is bound by the Minnehaha Creek Watershed District to the north, Lower Minnesota River Watershed District to the south and east, and on the west by Nine Mile Creek Watershed District.

4. **Plan Development and Review.** Board staff and other state agency staff participated in a plan update kickoff meeting early in the process. The previous plan stated it would be in effect until December 31, 2006. The primary reason for the delayed Plan submittal is due to the numerous state agencies' comments resulting in some changes to the draft Plan. The draft 3rd generation Plan was submitted to Board staff, other state agencies, and local governments for the required 60-day review on June 15, 2007. RBWMO received a considerable number of 60-day review comments from Board staff, DNR, Met Council, MNDOT, and MPCA. RBWMO held the required public hearing on September 17, 2007, and no comments were received. On October 12, 2007, all review agencies had received the revised draft Plan for the required 45-day review period. The Commissioners received comment letters from the Board staff, DNR, Met Council, and MPCA. In response to the comprehensive nature and number of comments, a meeting was held on January 9, 2008, between Board staff and RBWMO consultants to provide additional clarification and Plan review. On April 9, 2008, Board staff again met with RBWMO consultants to clarify several components of the Plan and refine the response to comments. The final draft Plan was submitted to the Board on July 17, 2008.

5. **Local Review.** The RBWMO circulated a copy of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7. No formal comments were submitted by the member cities or the county.

6. **Metropolitan Council Review.** The Council stated that with the RBWMO's outlined reporting and assessment mechanisms for the member cities, the Plan appears to be consistent with Council's *Water Resources Management Policy Plan.*

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

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

9. **Department of Natural Resources Review.** The DNR provided the following comments for the 60- and 45-day review periods. Within the Resource Inventory section of the Plan, DNR requested including several missing strategies such as addressing the shortage of recreational fishing opportunities, rare and natural communities management, runoff volume control, groundwater conservation. RBWMO either revised the Plan accordingly or required the member communities to address these items in their local water plans.

10. **Pollution Control Agency Review.** MPCA offered comments related to RBWMO's position on TMDL's, individual sewage treatment systems, the WMO's definition of "water quality problems", and several other clarifications. RBWMO will not be involved with the direct administration of TMDL's, rather it will defer responsibility to member cities and MPCA. In addition, member cities will be required to develop improved water quality monitoring programs and pursue grant funds for retrofit BMP implementation. RBWMO satisfactorily addressed the remaining items.

11. **Department of Transportation Review.** MnDOT requested clarification on proposed storm pond designs and WCA LGU for MNDOT projects.

12. **Board Review.** For the 60-day review, Board staff provided a substantial number of comments. Board comments recommended completion and inclusion of a self assessment, which RBWMO elected not to add to the Plan. This is not a requirement of 8410. Board staff noted during both review periods that the Plan should outline the public input acquired during the plan revision process. RBWMO explained the input process in the agency response to comments but elected not to add a narrative summary to the Plan. Additional input can be sought utilizing their new website and the formalized Citizen Advisory Committee. The Board emphasized the need to establish a systematic approach to ensuring local water plan compliance. RBWMO stated it will utilize the proposed annual evaluation and reporting process. In order to make the policies more outcome-based, a number of them were revised or eliminated. The Board requested the Plan document that there was a meaningful assessment of the adequacy of municipal stormwater and maintenance standards. RBWMO believed there was adequate assessment during each member cities' SWPPP process. A summary of the SWPPP's has been added to the Plan and member cities are required to develop a maintenance program. In both comment periods Board staff asked to reconsider the need for runoff volume control and redevelopment standards. RBWMO created policies that require redevelopment to reduce runoff volume, nutrient loading, and runoff rates to 1988 levels. The Board requested that RBWMO outline their role in the development of TMDL's. RBWMO stated they will not be involved with the direct administration of TMDL's, rather it defers responsibility to member cities and MPCA. Member cities will also be required to develop improved water quality monitoring programs. RBWMO will pursue grant funds for retrofit BMP installation as well. In order to show the financial impact of the implementation plan for member communities, Board staff in both comment periods advised that a supplemental table be provided identifying each member's annual contribution. RBWMO incorporated this information into the Plan. Board staff reminded RBWMO that local water plans must be approved by RBWMO and adopted by member cities within two years of the Board's approval of the Plan and that they should allow sufficient time for the entire process.

For the 45-day review, Board staff remained concerned about local water plan accountability and the importance of strict oversight of local water plan compliance. Based on Board staff's 60- and 45-day recommendations, RBWMO established a Technical Advisory Committee that will: 1) complete a peer review and spot check of

each city's local water plan activities, permits, and RBWMO Plan compliance every other year, 2) annually review NPDES annual reports for compliance with RBWMO education and maintenance requirements, and 3) summarize local activities and compliance concerns and prepare the draft RBWMO annual financial and activity report for the RBWMO Commissioners. A Board comment requested clarification on what human resources will be used to implement the Plan. RBWMO noted they will strictly utilize existing city staff from both cities and no new staff is needed. Board staff emphasized the need for the Commissioners to assess their budget and funding mechanisms, other than grants and stormwater utility fees, to assist cities with non-degradation, cost-share BMP programs, and other Plan implementation elements needed to achieve water quality goals. RBWMO chose to require the cities to fund all project/implementation strategies and not to provide funding for the University of Minnesota's NEMO efforts.

13. **Plan Summary and Highlights.** Notable elements of the Plan include:
    - Utilization of a TAC with specified annual tasks related to member city accountability and reporting to the RBWMO Commissioners.
    - For redevelopment projects, policies require reduction of runoff volume, nutrient loading, and runoff rates to 1988 levels.
    - Continued cooperation between local governments by implementing storm water management programs, storm water management studies, and storm water improvement projects.

14. **Metro Water Planning Committee Meeting.** The Board's Metro Water Planning Committee met on August 4, 2008, in St. Paul to review and discuss the Plan revision. Those in attendance from the Board's Committee were Louise Smallidge, Faye Sleeper, LuAnn Tolliver and Robert Burandt as chair. Board staff in attendance were Metro Region Supervisor Jim Haertel and Board Conservationists Brad Wozney and Melissa Lewis. Attendees from RBWMO were Scott Anderson representing Bloomington and Consulting Engineer Todd Hubmer. Board staff recommended approval of the Plan. After discussion, the Committee unanimously voted to recommend approval of the RBWMO 2008-2018 Watershed Management Plan to the full Board.

CONCLUSIONS

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

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

3. The Richfield Bloomington Watershed Management Organization Watershed Management Plan attached to this Order defines water and water-related problems within the organization's boundaries, possible solutions thereto, and an implementation program.

4. The attached Plan is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

ORDER

The Board hereby approves the attached Watershed Management Plan dated July 2008 as the Watershed Management Plan for the Richfield-Bloomington Watershed Management Organization.

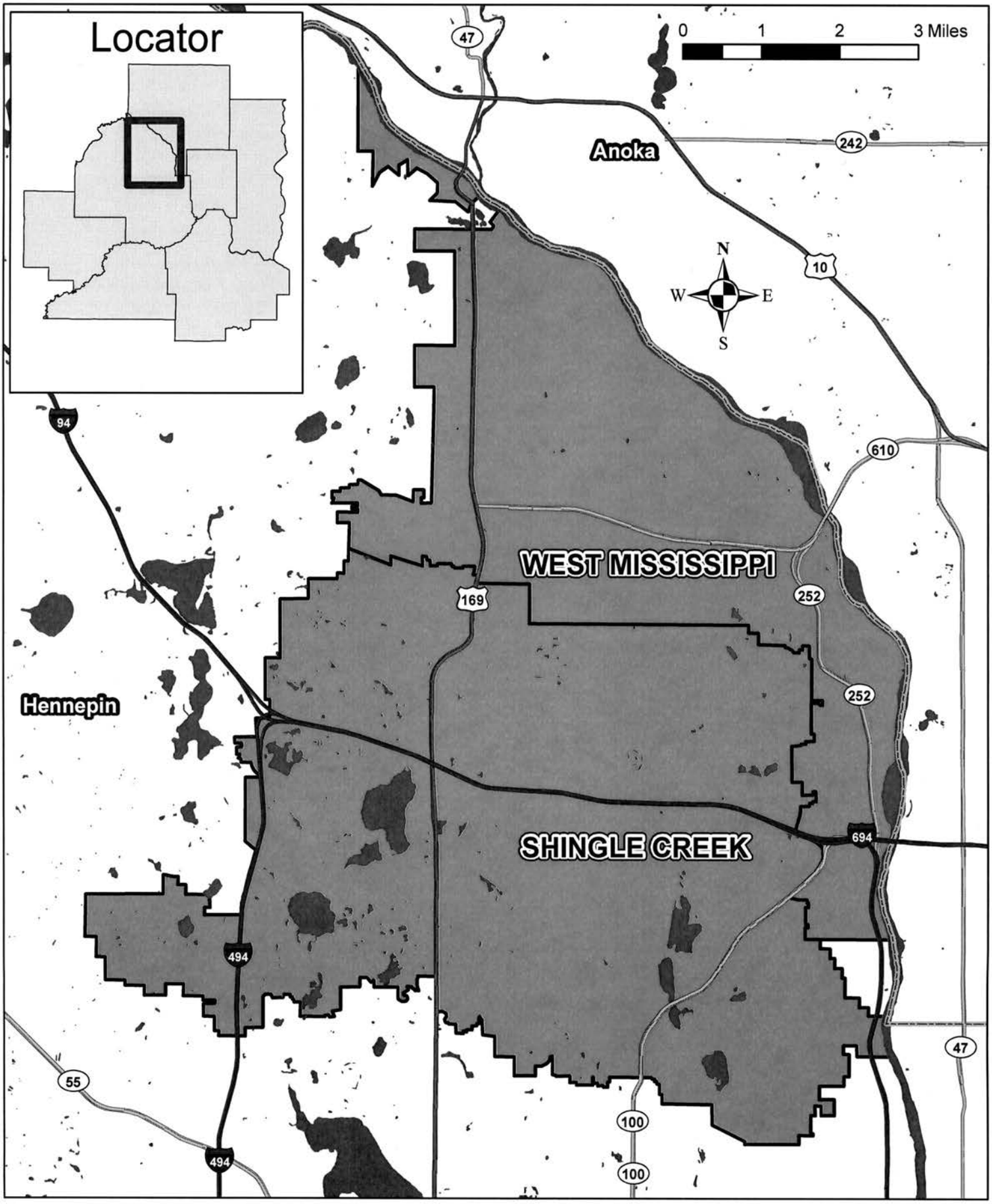
Dated at Olivia, Minnesota this 28th day of August, 2008.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Randy Kramer, Chair

DRAFT

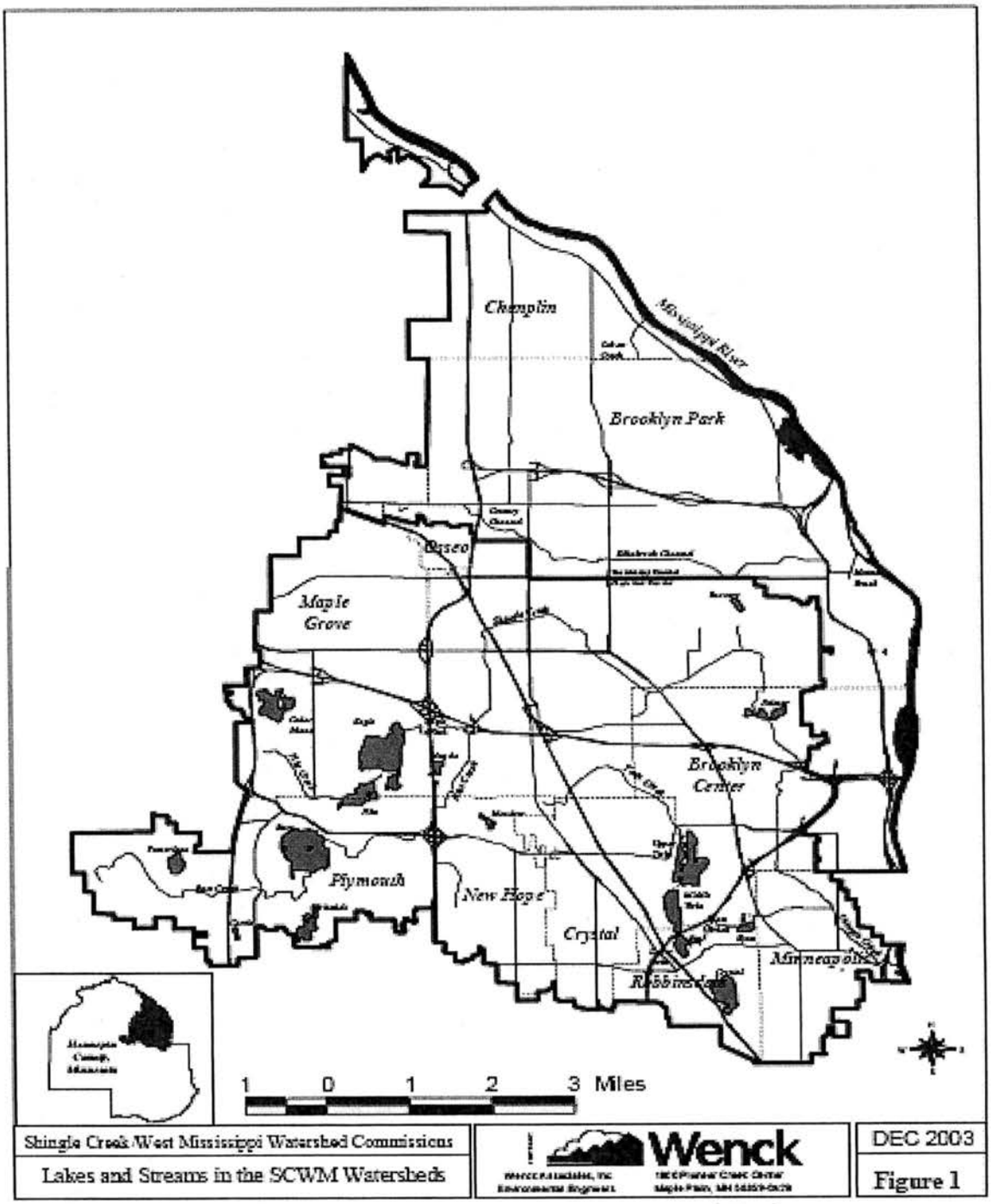
Shingle Creek & West Mississippi Watershed Management Organizations



Minnesota Board of Water and Soil Resources
August 2008 Metro Water Planning Committee Meeting

OVERVIEW

Shingle Creek / West Mississippi Watershed Management Organizations (SC-WMWMC) Major Plan Amendment 2008-2012



1. **SC-WMWMC Establishment.** Joint Powers Agreements established the Shingle Creek and West Mississippi Watershed Management Commissions (SC-WMWMC) in 1984. Each Commission is comprised of one member appointed from each community by their respective city council. The first Watershed Management Plan was published in April 1990. The second generation watershed management plan was approved by BWSR in April 2004. A major amendment was approved by BWSR in April 2007.

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

3. **Nature of the Watershed.** The Shingle Creek and West Mississippi Watershed Management Commissions are located exclusively in Hennepin County in the northwest portion of the Minneapolis – St. Paul seven county metropolitan area. They are bound by the Mississippi River to the north and east, on the southeast by the Mississippi WMO, on the south by Bassett Creek WMO, and on the west by the Elm Creek WMO. Both watersheds encompass all or part of the following ten municipalities: Brooklyn Center, Brooklyn Park, Champlin, Crystal, Maple Grove, Minneapolis, New Hope, Osseo, Plymouth, and Robbinsdale. The Shingle Creek and West Mississippi watersheds cover 44.5 square miles and 23 square miles respectively. There are fourteen lakes in the Shingle Creek watershed, and none in West Mississippi. Combined the watersheds have approximately 20.5 miles of stream. Predominantly both watersheds are fully developed, with the remaining land being currently developed.

4. **Plan Development and Review.** The draft Amendment was submitted to BWSR, other state agencies, and local governments for the required 60-day review on January 29, 2008. **The main components of the Amendment include: 1) Add the Crystal Twin Oak Pond project to the 2008 Capital Improvement Program (CIP). 2) Split the Wetland 639W project into two phases over two years - 2008 and 2009. 3) Move the Shingle Creek Restoration CR 10 to I-694 and the Maple Grove Pond P55 projects from 2009 to 2010.** The SC-WMWMC received 60-day review comment letters from BWSR and Met Council. SC-WMWMC held a public hearing on May 8, 2008. No new suggested changes were offered during the meeting. On May 22, 2008, all review agencies had received the revised draft Amendment for the required 45-day review period. The Commissioners received comment letters from BWSR and PCA. The final draft Amendment was submitted to BWSR on July 16, 2008.

5. **Local Review.** The SC-WMWMC circulated a copy of the draft Amendment to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7. There were no comments received from member cities during the formal comment period. However, at the May 8, 2008 public hearing, the representative from Brooklyn Center stated that their city will oppose the amendment primarily due to the Commission not funding a project in their city under said Amendment.

6. **Metropolitan Council Review.** Met Council was supportive of the amendment stating it is consistent with the Council's *Water Resources Management Policy Plan.*

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

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

9. **Department of Natural Resources Review.** The DNR did not provide comments on the Amendment.

10. **Pollution Control Agency Review.** MPCA, in their 45-day comment letter, offered their support of the Amendment.

11. **Department of Transportation Review.** DOT did not provide comments on the Amendment.

12. **Board Review.** Board staff had no concerns regarding the Amendment. Board staff commended the Commissions for their systematic approach to reviewing the CIP.

14. **Plan Amendment Summary and Highlights.** The main goal of the major plan amendment is to add one capital project for 2008 and revise the completion date of other planned capital projects within the Watershed Management Plan.

15. **Metro Water Planning Committee Meeting**. On August 4, 2008, the Board's Metro Water Planning Committee and staff met with representatives from the SC-WMWMC in St. Paul to review and discuss the Amendment. Those in attendance from the Board's Committee were [Louise Smallidge, LuAnn Tolliver, Faye Sleeper, and Robert Burandt as chair]. Board staff in attendance were Metro Region Supervisor Jim Haertel and Board Conservationists Brad Wozney and Melissa Lewis. There were no representatives from SC-WMWMC present at the meeting. Board staff recommended approval of the Amendment. [After review and discussion, the committee (unanimously?) voted to recommend _____ of the Shingle Creek – West Mississippi Watershed Management Commissions' Watershed Management Plan Amendment to the full Board.]

STAFF RECOMMENDATION:

With no substantial comments related to the amendment, BWSR Board Conservationist Brad Wozney recommends approval of the Shingle Creek – West Mississippi Watershed Management Commissions' Major Plan Amendment 2008-2012.

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

In the Matter of the review of the Amendment to the Watershed Management Plan for the **Shingle Creek and West Mississippi Watershed Management Organizations**, pursuant to Minnesota Statutes Section 103B.231, Subdivision 11.

ORDER APPROVING AMENDMENT TO WATERSHED MANAGEMENT PLAN

Whereas, the Boards of Commissioners of the Shingle Creek and West Mississippi Watershed Management Organizations (Commissions) submitted a Watershed Management Plan Amendment (Amendment) dated January 2008, to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 11, and;

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

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

FINDINGS OF FACT

1. **Watershed Management Organization Establishment.** Joint Powers Agreements established the Shingle Creek and West Mississippi Watershed Management Commissions (Commissions) in 1984. Each Commission is comprised of one member appointed from each community by their respective city council. The first Watershed Management Plan was published in April 1990. During the development process of the Second Generation Plan, both Commissions agreed upon merging the plan preparation, operating policies, and administration for efficiency purposes, but they remain separate, politically distinct Watershed Management Organizations. Four out of the five member cities of the West Mississippi Watershed Management Commission are also members of the Shingle Creek Watershed Management Commission. Champlin is a member of West Mississippi only. The second generation watershed management plan was approved by BWSR in April 2004. The attached Amendment will be incorporated into the joint Watershed Management Plan upon approval and adoption.

2. **Authority to Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251. The current Commissions' watershed management plan was approved by Board Order on April 28, 2004. The watershed management plan may be amended according to Minnesota Statutes Section 103B.231, Subd. 11.

3. **Nature of the Watershed.** The Commissions are located exclusively in Hennepin County in the northwest portion of the Minneapolis – St. Paul seven county metropolitan area. They are bound by the Mississippi River to the north and east, on the southeast by the Mississippi WMO, on the south by the Bassett Creek WMO, and on the west by the Elm Creek WMO. The Commissions encompass all or part of the following ten municipalities: Brooklyn Center, Brooklyn Park, Champlin, Crystal, Maple Grove, Minneapolis, New Hope, Osseo, Plymouth, and Robbinsdale. The Shingle Creek and West Mississippi watersheds cover 44.5 square miles and 23 square miles respectively. There are fourteen lakes in the Shingle Creek watershed, and none in West Mississippi. Combined the watersheds have approximately 20.5 miles of stream. Predominantly, both watersheds are fully developed, with the remaining land being currently developed.

4. **Amendment Development and Review.** The draft Amendment was submitted to Board staff, other state agencies, and local governments for the required 60-day review on January 29, 2008. The main components of the Amendment include: 1) Add the Crystal Twin Oak Pond project to the 2008 Capital Improvement Program (CIP). 2) Split the Wetland 639W project into two phases over two years - 2008 and 2009. 3) Move the Shingle Creek Restoration CR 10 to I-694 and the Maple Grove Pond P55 projects from 2009 to 2010. The Commissions received 60-day review comment letters from BWSR and the Metropolitan Council. The Commissions held a public hearing on May 8, 2008. No new suggested changes were offered during the hearing. On May 22, 2008, all review agencies had received the revised draft Amendment for the required 45-day review period. The Commissioners received comment letters from Board staff and the PCA. The final draft Amendment was submitted to the Board on July 16, 2008.

5. **Metropolitan Council Review.** The Council was supportive of the amendment stating it is consistent with the Council's *Water Resources Management Policy Plan.*

6. **Department of Agriculture Review.** The MDA did not comment on the Amendment.

7. **Department of Health Review.** The MDH did not comment on the Amendment.

8. **Department of Natural Resources Review.** The DNR did not comment on the Amendment.

9. **Pollution Control Agency Review.** The MPCA, in their 45-day comment letter, offered their support of the Amendment.

10. **Local Review.** The Commissions circulated a copy of the draft Amendment to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7. There were no comments received from member cities during the formal comment period. However, at the May 8, 2008 public hearing, the representative from Brooklyn Center stated that their city will oppose the amendment primarily due to the Commission not funding a project in their city under said Amendment. It was noted that one of the projects does extend into Brooklyn Center.

DRAFT

11. **Board Review.** Board staff had no concerns regarding the Amendment. Board staff commended the Commissions for their systematic approach to reviewing the CIP.

12. **Highlights of the Plan Amendment.** The main goal of the plan amendment is to add one capital project for 2008 and revise the completion date of other planned capital projects within the Watershed Management Plan. This amendment reflects the Commissions' willingness to regularly review their implementation program and to quickly react to project opportunities that arise.

13. **Metro Water Planning Committee Meeting.** The Board's Metro Water Planning Committee met on August 4, 2008 to review and discuss the Amendment. Those in attendance from the Board's Committee were Louise Smallidge, Faye Sleeper, LuAnn Tolliver and Robert Burandt as chair. Board staff in attendance were Metro Region Supervisor Jim Haertel and Board Conservationists Brad Wozney and Melissa Lewis. Board staff recommended approval of the Amendment. After discussion, the Committee unanimously voted to recommend approval of the Amendment to the full Board.

DRAFT

CONCLUSIONS

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

2. The Board has proper jurisdiction in the matter of approving an Amendment to the Watershed Management Plan for the Shingle Creek and West Mississippi Watershed Management Organizations pursuant to Minnesota Statutes Section 103B.231, Subd. 11.

3. The Shingle Creek and West Mississippi Watershed Management Organizations' Amendment attached to this Order defines the need and purpose of the Watershed Management Plan changes and the methods of financing.

4. The attached Amendment is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

ORDER

The Board hereby approves the attached Amendment, dated January 2008, to the Shingle Creek and West Mississippi Watershed Management Organizations' (Commissions') Watershed Management Plan.

Dated at Olivia, Minnesota this 28th day of August, 2008.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

DRAFT

Northern Water Planning Committee

1. Benton County Local Water Management Plan – Quentin Fairbanks - *DECISION ITEM*

2. Final Review – Crow Wing County Local Water Management Plan – Quentin Fairbanks - *DECISION ITEM*

3. Mahnomen County Local Water Management Plan – Quentin Fairbanks – *DECISION ITEM*

4. Aitkin County Priority Concerns Scoping Document (PCSD) – Quentin Fairbanks – *DECISION ITEM*

5. Ottertail County Priority Concerns Scoping Document (PSCD) – Quentin Fairbanks – *DECISION ITEM*

6. Red Lake County Priority Concerns Scoping Document (PCSD) – Quentin Fairbanks – *DECISION ITEM*

DATE: 7/30/2008

TO: BWSR NORTHERN REGION WATER PLANNING COMMITTEE

FROM: JASON WEINERMAN

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

Benton County submitted their Local Water Management Plan to the Brainerd office of the BWSR on May 9, 2008. From my observation of the plan development and review of the final plan, I arrived at the conclusion that the local water management plan meets the guidelines established by BWSR, as well as the requirements of 103B.313-103B.314. I recommend that BWSR approve the updated LWMP for Benton County.

During the Priority Concerns Scoping phase, the County did an excellent job of contacting state and local agencies, partners, and the public at large to solicit input and developed the following three priority concerns, which were approved by the BWSR Northern Water Planning Committee on May 9, 2007. The Priority Concerns identified were:

1. Feedlot and Nutrient Management
2. Development
3. Groundwater Quality and Quantity

During the PCSD review, the Committee commended the county for their process and provided the following recommendations:

- Include a communication and education Goal and/or Objective into each priority concern contained within the Local Water Management Plan
- Identify a goal that seeks to insure the implementation of regulations such as shoreland ordinances and subsurface sewage treatment systems (SSTS) through zoning and other efforts
- Include provisions that identify methods to protect the resource identified in Table 6 of the PCSD including Wetlands, Streams/Rivers and Lakes

The final draft of the Comprehensive Local Water Management Plan has sections that explicitly deal with each of the recommendations provided by the Northern Water Planning Committee.

On May 9, 2008 the plan was routed to the reviewing state agencies who returned the following comments.

MDA: The plan does not violate any statutory or rule requirements administered by our agency and approves the entire plan as submitted with no additional comments.

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

- Benton County has done an excellent job in addressing water management issues for the period over which this plan is intended.

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

- MPCA staff was pleased to serve in an "Other Agency Advisor" role with the Water Resources Advisory Committee (WRAC) in this process. The WRAC put much thought and effort into this LWM Plan update and is committed to putting forth the necessary effort and resources to see the Plan through.
- Currently, within Benton County, four water bodies have been designated as being impaired. As a result of these impairments, Total Maximum Daily Load (TMDL) projects have begun (Little Rock Creek-Phase II) or are currently scheduled to begin in the near future (Little Rock Lack and Mayhew Lake-spring summer/2008, and Mayhew Creek-2009). Identifying the sources of the impairments and developing a pollution reduction plan through the TMDL process is a key element in restoring the health of these resources. However, it will be the successful implementation of such actions/Best Management Practices (BMPs) as stated in the County LWM Plan that will have the greatest overall impact towards achieving the long-term water quality goals for these and other vital water resources within the County.
- The road ahead in protecting and improving the quality of the water resources within the County and throughout Minnesota will be one with numerous challenges.

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

- We commend Benton County for inviting Dan Lais, Area Hyrdologist, and Steve Marod, Fisheries Specialist, to actively participate during this planning process. We are pleased that their input was an integral component in identifying the county's priority concerns and developing the goals, objectives and actions for future water management. Dan Lais' assessment of his participation was that the County put a lot of effort into this planning process; they involved a good mixture of partners and developed a solid implementation plan that includes an initial evaluation of associated costs.

On May 6, 2008, the Water Plan was presented to the County Commissioners and held before a public hearing during the Commissioners regularly scheduled meeting. Two individuals spoke in favor of the local water management plan. One comment requested clarification on a citation in the local water management plan regarding the date of a study regarding the contribution of sediment from construction sites.

Benton County

COMPREHENSIVE LOCAL WATER MANAGEMENT PLAN 2008-2018

Prepared by Annie Felix and the Benton County Water Resources Advisory Committee
With assistance from the Benton Soil and Water Conservation District

BENTON SOIL and WATER CONSERVATION DISTRICT

14 WEST 2ND AVENUE
FOLEY, MN 56329
www.soilandwater.org

Revised April 10, 2008

Benton County Local Water Management Plan Contributors

Water Resources Advisory Committee Lead and Water Plan Technician

Annie Felix	Benton Soil and Water Conservation District

Water Resources Advisory Committee

Voting members:

John Bemboom	Benton County Township Officers Association representative
Butch Bukowski	Benton County Board of Commissioner
Duane Cekalla	Little Rock Lake Association representative
Craig Gondeck	Citizen at-large
Dan Hennek	Citizen at-large
Joe Jordan	Benton County Soil and Water Conservation District Supervisor
Brian Kaschmitter	Elk River Watershed Association representative
Larry Nadeau	Benton County municipalities representative
Ken Nodo	Citizen at-large
Guy Spence	Citizen at-large

Ex-officio members:

Pat Gehling	Natural Resources Conservation Service
Mike Howe	Minnesota Department of Health
Dan Lais	Minnesota Department of Natural Resources - Waters Division
Maggie Leach	Minnesota Pollution Control Agency
Steve Marod	Minnesota Department of Natural Resources - Fisheries Division
Dan Martens	Minnesota Extension Service
Dave Neiman	Minnesota Rural Water Association
Nick Tomczik	Benton County Department of Development
Jason Weinerman	Board of Water and Soil Resources

Other Agency Advisors:

Chelle Benson	Benton County Department of Development
Gail Haglund	Minnesota Department of Health
John Henz	City of Sauk Rapids
Gerry Maciej	Benton Soil and Water Conservation District
Bruce Montgomery	Minnesota Department of Agriculture
Jim Mosier	City of Foley
John Pokorney	Minnesota Pollution Control Agency
Mark Sauer	City of Rice
Todd Schultz	City of Sauk Rapids
Phil Votruba	Minnesota Pollution Control Agency

Benton County Commissioners:

Earl "Butch" Bukowski
Jim McMahon
Dick Soyka
Duane Walter
Joe Wollak

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EXECUTIVE SUMMARY

This is a summary of the fourth revision of the Benton County Comprehensive Local Water Management Plan. The plan is effective 2008-2018 and covers the entire county.

1. Purpose
The purpose of the Benton County Comprehensive Local Water Management Plan is to:

- Identify and address existing and potential issues for the protection, management, and development of water resources and related resources in the County
- Identify priority concerns to be addressed during the effective time frame of the plan
- Develop goals and implement actions that improve water quality and quantity and related resource management and planning in the County

2. Description of Priority Concerns
The Benton County Water Resources Advisory Committee has selected three priority concerns that will be addressed in the implementation plan. Education and outreach will be a component of each priority concern, and therefore it was not selected as a separate priority concern.

The three priority concerns selected were:

1. Feedlot and Nutrient Management
2. Development
3. Groundwater Quantity and Quality

The following is a general description of the three selected priority concerns. A more detailed discussion is found in the Priority Concerns Scoping Document (see Appendix).

Feedlot and nutrient management
Even though Benton County is experiencing development pressures, agriculture still dominates the landscape. There is concern that livestock operations and the by-products they produce are degrading surface water quality. There is a need for a focused effort to pro-actively approach livestock producers and offer cost share and technical assistance to design and install low cost best management practices that improve water quality.

Development
Benton County population is expected to increase 23% by 2015. The western part of the county is already developing rapidly around the cities of St. Cloud, Sauk Rapids, and Sartell. We need to strategically plan for how growth should be managed and where it should occur in order to preserve and protect our water quality and quantity while promoting economic progress.

Groundwater quantity and quality
There are concerns regarding groundwater over-pumping in the last few years. There is a need to locate and map groundwater resources within the county in order to plan for and promote

sustainable use of the resource. Because of the increasing population, there is also a need to protect drinking water from contamination.

NOTE
It is important to recognize previously identified water quality problems in Benton County. As of 2007, four water bodies within Benton County have been designated as impaired by the MPCA including (mercury impairment listings not included):

Little Rock Creek – Biological impairment, Fish & invertebrates
Mayhew Creek - Biological impairment, Fish & invertebrates
Little Rock Lake – Nutrient impairment
Mayhew Lake – Nutrient impairment

The causes(s) of these impairments are unknown at this time. A Total Maximum Daily Load (TMDL) study for Little Rock Creek began in 2006. The Little Rock Lake and Mayhew Lake TMDL studies are scheduled to start in 2008. The Mayhew Creek TMDL study start date has not been scheduled. A TMDL study is a process for determining the source(s) and the cause(s) of the impairments. It defines the maximum amount of a pollutant the water body can receive and still meet water quality standards. Agricultural and development related pollutant sources will be reviewed as part of the TMDL process. After the impairment sources have been identified and loads have been calculated, a pollution reduction plan is developed. The pollution reduction plan identifies all the sources of the pollutant in the watershed and allocates needed reductions among them. Addressing these impaired water bodies is a high priority ongoing activity in this plan.

3. Summary of goals and actions
The following is a summary of the goals, actions and estimated costs for each of the priority concerns. A full description of the goals, objectives, and action items including responsible entity, schedule, cost and watershed can be found in the Implementation Plan (see page 25).

Feedlot and nutrient management
Goal 1: Reduce or minimize the negative impact of animal manure and fertilizer on surface and groundwater.

Actions:
1. Host field days, meetings, publish written material, etc.
2. Recruit participants through non-traditional methods, i.e., on farm visits
3. Support compliance with MN Rule 7020 and other regulations related to water quality
4. Promote low cost feedlot solutions
5. Demonstrate economic, environmental, and other benefits of Best Management Practices adoption
6. Promote and advertise pasture/grazing management planning
7. Identify and work with non-compliant farms to install Best Management Practices
8. Provide basic manure management tools and services, i.e. spreader calibration, manure and soil testing, spreading equipment, etc.
9. Conduct demonstration trial plots and other on farm educational work with producers in cooperation with private/public entities

10. Partner with other entities who provide programs and services to this audience to adopt Best Management Practices
11. Investigate and promote improved manure handling and application systems, i.e.: community composting, small rental equipment
12. Promote adoption of manure management BMPs, targeting efforts on dairy and poultry manure and/or land areas of highest concern
13. Consider need for Local Government Unit review of new projects on feedlots under 300 Animal Units
14. Host exploratory meeting(s) regarding the county feedlot delegation topic, invite other counties/interested parties to speak on the topic

Estimated cost: $1,484,000

Development

Goal 1: Balance open space and development in Benton County in such a way as to maintain and/or improve the region's water quality.

Actions:

1. Assist in the development of the County Geologic Atlas
2. Contact agencies (DNR, County parks, Extension Service, others) to identify & compile list of existing inventories of rare/critical/vulnerable water resources
3. Develop a list of components that should go into an inventory of rare/critical/vulnerable water resource areas
4. Survey Local Government Units and public to identify water resource concern areas and priorities
5. Create sensitive areas management plan using the resource concern areas and priorities developed in 4) & list compiled in 2)
6. Develop tools such as conservation subdivision for use in designated areas as defined in 5).
    a. Host Alternative Shoreline Ordinance standard discussion between Local Government Units
7. Develop a single source of contact for developers to receive information about rules/regulations for all county and township development projects
8. Create a quick reference guide on development regulations
9. Bring together Local Government Units to discuss development issues and the needs associated with those issues.
10. Educate townships about municipal separate storm sewer systems (MS4) plans if they do not have them
11. Develop/utilize and distribute materials about best management practices to new landowners at time of purchase

Goal 2: Encourage Benton County local government units to adopt development related ordinances and policies to maintain and enhance the region's water resources.

Actions:

1. Assist MS4s with Total Maximum Daily Load (TMDL) implementation
2. Create & promote incentives to establish and maintain low impact development
    a. Explore method to make low impact development techniques standard
    b. Identify and define low impact development techniques

c. Educate developers, citizens, landowners about Low Impact Developments (LIDs) using newsletter, i.e. Solid Waste Newsletter
d. Promote distribution of educational materials for lawn/yard best management practices

3. Explore updating standards for high rainfall events
    a. Research to find an appropriate standard for rainfall on runoff requirements for developments
4. Identify standard and optional Best Management Practices for development
5. SWCD staff serve on plat review committee as BMP technical representative
6. Include the installation of perennial vegetation filters as part of any ditch cleaning/maintenance project, i.e. grass filters
    a. Educate/offer cost sharing and technical assistance to landowners to install grass buffers on private ditches
7. Review public ditch inventory, create electronic map and update it on a regular basis

Goal 3: Provide information and education opportunities to the appropriate audience concerning development impacts on water resources through a coordinated local government effort.

Actions:

1. Develop a crisis delivery system to address emergency or hot topic issues as they arise
    a. Develop procedures to address various levels of water related crisis for protection of the public and the appropriate level of response and notification.
    b. Inform the public during crisis using County City Watch (automatic dialer)
    c. Complete and maintain digital parcel layer with names, addresses, and phone numbers
2. Incorporate water resource education into a county wide environmental newsletter
3. Explore options for creating or partnering to create water resource website for the county
4. Develop a marketing plan to promote water quality within the county (work with local university business/marketing programs for assistance)
5. Establish a county wide educational water resource program that incorporates all audiences and ages
    d. Seek to establish a county wide "Water Week" through a county proclamation or other method to highlight the importance of water issues within Benton County
6. Encourage townships to have annual water resource meetings to address water issues within the township, possibly in conjunction with the County Water Week

Goal 4: Pro-actively plan for future growth in order to protect water resources and minimize land use conflicts

Actions:

1. Identify full build out areas around rapidly growing communities using Local Government Unit Comprehensive Plans
2. Model the impact of full build out in the high growth zones to plan for future developments to determine potential water quality/quantity issues

Estimated cost: $1,205,000

Groundwater quantity and quality

Goal 1: Protect and maintain groundwater quality resources in Benton County.

Actions:

1. Support Department of Agriculture Central Sands Monitoring Network (initiate a discussion of needs)
2. Promote information sharing regarding monitoring projects (trends), i.e.: Anoka Sandplain, municipalities
3. Work with Dept of Agriculture & Health to identify additional groundwater monitoring needs in County
4. Establish a groundwater quality database
5. Work with Wellhead Protection Area (WHPA) managers to share information and centralize monitoring data
6. Work with partners to educate landowners within the Wellhead Protection Area about Best Management Practices
7. Work with LGUs to address zoning issues in WHPAs
8. Promote cost share programs to encourage BMPs in WHPA
9. Recognize drinking water protection areas in existing and future water resource plans by establishing priority protection area overlays on land use and zoning maps, specifically Mississippi River
10. Develop and implement a plan to identify subsurface sewage treatment system (SSTS) priority areas in County
11. Develop and implement a plan and process to inspect and/or upgrade SSTS in priority areas of the County
12. Promote grants and low interest loan programs to upgrade SSTS
13. Develop process to inventory unused wells in County
14. Promote cost share program to seal unused wells
15. Develop process to require unused wells to be sealed (currently wells must be sealed to complete a title transfer).
16. Inventory Class V injection wells (motor vehicle waste disposal wells, large capacity septic systems and cesspools, storm water drainage wells, aquifer remediation wells) in sensitive areas and work with EPA to meet Class V Wells Rule Revisions
17. Create a process to identify performance standards for sensitive areas, recharge areas, wellhead protection areas that are impacted by developments such as storage tanks, stormwater seepage ponds, mining areas, etc.

Goal 2: Protect and maintain groundwater quantity resources in Benton County.

Actions:

1. Identify & protect possible regional water supplies
2. Identify and protect possible recharge areas
3. Identify intercommunity measures to augment community water supply in the event of water contamination or shortage
4. Continue to monitor groundwater levels in the County. Work with MN DNR Waters to investigate groundwater pumping (irrigation) effects on surface water base flow
5. Work with municipalities and agricultural community to conserve water use & implement BMPs

6. Work with appropriate entities to identify aquifer thresholds to maintain adequate water supply for consumptive use
7. Maintain surface water resources (i.e. lakes, rivers, wetlands)

Estimated cost: $1,088,900

Total estimated cost to implement priority concern action items: $3,777,900.00

4. Consistency of the plan with other local, state, and regional plans

Local plans:

- Local Water Management Plans – Mille Lacs, Sherburne, Morrison, Stearns counties
- Comprehensive Plans – Benton County, Cities of St. Cloud, Sauk Rapids, Sartell, Foley, and Rice
- Storm Water Pollution Plans – Cities of St. Cloud Sauk Rapids, Sartell, Foley, Rice
- Ordinances - Benton County; Benton County Townships; Cities of St. Cloud, Sauk Rapids, Sartell, Rice, Foley
- Wellhead Protection Plans – Cities of Rice, Sauk Rapids, Sartell
- Source Water Protections Plans – Cities of St. Cloud, St. Paul, and Minneapolis

State

- Minnesota Pollution Control Agency - Upper Mississippi River Basin Plan
- Environmental Quality Board - Minnesota Watermarks Gauging the Flow of Progress 2000 – 2010

Regional

None

The Benton County Local Water Management Plan is consistent with existing local and state plans reviewed.

5. Summary of recommended amendments to other plans and controls

All LGUs within Benton County should amend their management plans, controls and ordinances as needed for consistency with the goals and objectives listed under:

- Development Priority Concern
    - Goal 1 Objectives 1 & 2
    - Goal 2 Objective 1,2,3
    - Goal 3 Objective 1
    - Goal 4 Objective 1
- Groundwater Priority Concern
    - Goal 1 Objectives 1,2, 3
    - Goal 2 Objective 1, 2

PRIORITY CONCERNS

1. Priority Concern Assessments

The following is a general assessment of each priority concern. The assessment will examine what the concern is, why it was selected, the risks of not addressing it, who is most affected, and the geographic location of the concern (if applicable).

Feedlot and Nutrient Management Assessment

Animal agriculture is a vital industry in Benton County, contributing approximately $90 million annually to the county economy (2006 Comprehensive Plan). In the 1990s Benton County experienced a decrease of farms, but an increase was reported in the 2002 Census of Agriculture. Over the years, despite changing demographics and economics, the farming community has remained strong; see Table 1 (USDA National Agricultural Statistics Service).

Table 1.

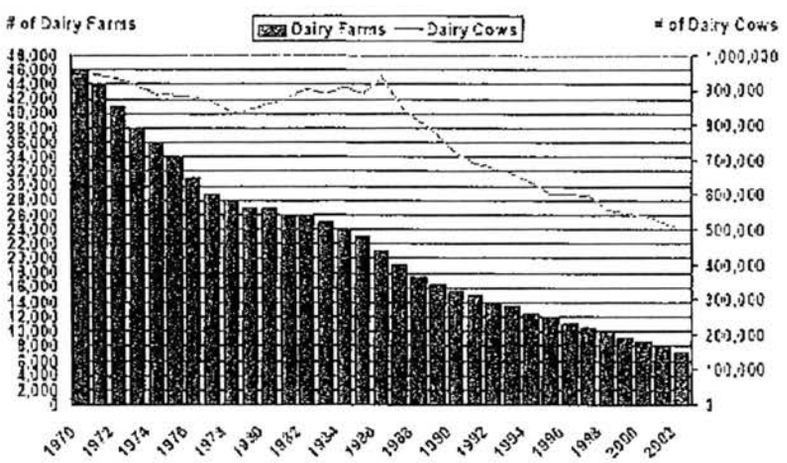
Farms by Size (Acres)	1949	1987	1992	1997	2002
1-9	42	46	25	25	35
10-49	308	129	129	158	229
50-179	1004	391	333	307	352
180-499	83	339	311	279	269
500-999	na	38	49	48	58
>1,000	na	11	18	13	22
Total Farms	**1437**	**954**	**865**	**834**	**965**

A variety of livestock are raised in Benton County. The primary types of animals produced are beef and dairy cattle, swine, layer and broiler chickens. The following is a discussion of each type of animal production and associated statistics.

CATTLE – Dairy

According the National Agricultural Statistics Service (NASS), dairy farms in Minnesota are diminishing -- from 46,000 farms in 1970 to 6,474 farms in 2002, see chart at right. Conversely, the number of cows per farm is on the rise. Between 1987 and 2002 the number of cows per farm increased 650 percent. Benton County statistics are shown in the charts below (2006 farm data not available).

Minnesota Dairy Farms & Cows 1970-2002



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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the **Benton** County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on **May 9, 2008** pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1) On **March 23, 2007,** the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from **Benton** County, pursuant to M.S. Section 103B.312.

2) On **May 23, 2007,** the Board of Water and Soil Resources approved official comments on the **Benton** County Priority Concerns Scoping Document, which were mailed to the county on **May 23, 2007.**

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

   A) Feedlot and Nutrient Management
   B) Development
   C) Groundwater Quality and Quantity

4) On **May 9, 2008,** the BWSR received the **Benton** 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 13, 2008,** the Northern Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the **Benton** County Plan Update . Recommendations of the state review agencies were:
   A) Minnesota Department of Agriculture recommends Approval
   B) Minnesota Department of Health recommends Approval
   C) Minnesota Department of Natural Resources recommends approval
   D) Minnesota Pollution Control Agency recommends approval
   E) Minnesota Environmental Quality Board: no recommendation received
   F) Minnesota Board of Water and Soil Resources regional staff recommends Approval
   G) Board Water Plan Review Committee Meeting recommends Approval

6) This update will be in effect until **August, 2018.**

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

2. The **Benton** 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 **Benton** Local Water Management Plan **August 1, 2008 to July 31, 2018 with** the Goals, Objectives and Action Items being amended prior to July 31, 2013.

Dated at **Olivia,** Minnesota, this **twenty eighth day of August, 2008.**

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

1601 Minnesota Drive, Brainerd, MN 56401

DATE: August 1, 2008

TO: BWSR North Region Water Plan Review Subcommittee

FROM: Dan Steward, BWSR Board Conservationist

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

On May 22, 2007, BWSR and other state review agencies received the Priority Concerns Scoping Document (PCSD) from Crow Wing County. The North Region Review Subcommittee (Committee) met August 8, 2007, to discuss state review comments, the content of the PCSD, and recommendations for the final plan.

BWSR's August 23, 2007, letter pursuant to M.S.section 103B.313, subdivision 5, communicated the State's official comments pertaining to the priority concerns chosen by Crow Wing County. BWSR commended Crow Wing County for the process used to select the concerns and did not require any changes to the PCSD.

Crow Wing County's six priority concerns are:

1. Protect Surface Water Quality
2. Address and Minimize Stormwater Runoff
3. Protect Ground Water Quality/Quantity
4. Address Wastewater Needs Throughout the County
5. Protect Marginal Land and Address Shoreland Ordinance Violations
6. Promote Environmental Education

Crow Wing County held the required public hearing on June 24, 2008, as part of a regular County Board meeting. The final draft of the updated Crow Wing County Water Plan was submitted on July 2, 2008, for review by state agencies. Agency comments were due to Ron Shelito by August 1, 2008.

The duration of the updated LWP will be from August 2008 to August 2013.

The following agencies provided these comments:

- On July 22, 2008, the Minnesota Department of Health, in its comments, stated that the Plan does not violate any statutory or rule requirements administered by the MDH and recommended BWSR approve the Plan as submitted. The MDH commended the county for working to protect important local water resources.

- On July 10, 2008, the Minnesota Department of Agriculture, it its comments, stated that the Plan does not violate any statutory or rule requirements administered by the MDA, and recommended BWSR approve the Plan as submitted.

- On July 29, 2008 the SWCD contacted the Environmental Quality Board who informed them that they would not be submitting comments on the update.

- The Minnesota Department of Natural Resources and Pollution Control Agency were both contacted in regard to their comments. Both informed the SWCD that their comments would be forthcoming. The comments had not been received at the time of this letter. DNR and MPCA comments will be discussed at the review committee meeting.

Keith Pohl, the Crow Wing County Water Planner, and other county representatives will attend the August 13th North Region Water Plan Review Committee meeting in Wadena, and make a presentation on the final plan.

After reviewing the final plan, I find it meets the requirements of M.S. 103B.314 for content, and is consistent with the previously reviewed PCSD. The MDH and the MDA have recommended approval. I recommend the subcommittee approve the Crow Wing County Local Water Management Plan at their meeting prior to Board approval on March 28, 2007. Crow Wing County would then adopt the plan in September, 2008.

Bemidji
01 Minnesota Avenue
Suite 234
Bemidji, MN 56601
phone (218) 755-4235
fax (218) 755-4201

Brainerd
1601 Minnesota Drive
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 Trail
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) 281-7797
fax (507) 285-7144

Saint Paul
520 Lafayette Road N
Saint Paul, MN 55155
phone (651) 296-3767
fax (651) 297-5615

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520 Lafayette Road North
St. Paul, Minnesota 55155

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Crow Wing County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board July 1, 2008, pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1) On May 22, 2007**,** the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Crow Wing County, pursuant to M.S. Section 103B.312.

2) On August 8, 2007, the BWSR North Region Water Plan Review Committee met with representatives of Crow Wing County to review the Priority Concerns Scoping Document.

3) On August 23, 2007, the Board of Water and Soil Resources approved official comments on the Crow Wing County Priority Concerns Scoping Document, which were mailed to the county on August 23, 2007.

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

- Protect Surface Water Quality
- Address and Minimize Stormwater Runoff
- Protect Ground Water Quality/Quantity
- Address Wastewater Needs Throughout the County
- Protect Marginal Land and Address Shoreland Ordinance Violations
- Promote Environmental Education

5) On July 1, 2007, the BWSR received the **Crow Wing** County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

6) On August 13, 2008, the North Region Water Plan Review Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Crow Wing County Plan Update. Recommendations of the state review agencies were:

7)

A) Minnesota Department of Agriculture: recommended approval;
B) Minnesota Department of Health: recommended approval;
C) Minnesota Board of Water and Soil Resources staff: recommended approval;
D) Board North Region Water Plan Review Committee Meeting recommended approval.

8) This update will be in effect for a five year period until August 27, 2113.

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

2. The Crow Wing 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 Crow Wing County Local Water Management Plan – August 28, 2008 to August 27, 2013.

Dated at Olivia, Minnesota, this twenty-eighth day of August 2008.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

Minnesota Board of Water and Soil Resources
520 Lafayette Road N.
Saint Paul, MN 55155

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Mahnomen County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on August 28, 2008, pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1) On July 24, 2007 the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Mahnomen County, pursuant to M.S. Section 103B.312.

2) On November 29, 2007 the Board of Water and Soil Resources approved official comments on the Mahnomen County Priority Concerns Scoping Document, which were mailed to the county on November 29, 2007.

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

   - Mahnomen County will focus on groundwater quality protection within Mahnomen County.
   - Mahnomen County will focus on surface water quality and impaired waters/TMDLs.
   - Mahnomen County will focus on erosion and sediment controls within Mahnomen County.

4) On July 24, 2008 the BWSR received the Mahnomen 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 13, 2008, the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Mahnomen County Plan Update. Recommendations of the state review agencies were:
   A) Minnesota Department of Agriculture: recommends approval;
   B) Minnesota Department of Health: recommends approval;
   C) Minnesota Department of Natural Resources: recommends approval;
   D) Minnesota Pollution Control Agency: recommends approval;
   E) Minnesota Environmental Quality Board: no recommendation received;

F) Minnesota Board of Water and Soil Resources: regional staff recommends approval;
G) Board Water Plan Review Committee: recommends approval.

6) This update will be in effect for a ten-year period until October 1, 2018.

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

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

ORDER

The Board hereby approves the attached update of the Mahnomen County Local Water Management Plan – October 1, 2008 to October 1, 2018.

Dated at Olivia, Minnesota, this twenty-eighth day of August 2008.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

DATE: August 5, 2008

TO: BWSR Northern Plan Review Committee

FROM: Dan Steward, Board Conservationist

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

The original Aitkin County Local Water Management Plan (LWMP) was approved in 1990. The first update to the original plan was completed in 1997. The current or third generation water plan would have expired October 23, 2007. Aitkin County is developing their updated Plan under a BWSR extension that extends the Plan to July 1, 2009. Aitkin is one of three counties that are developing its update through a Clean Water Legacy Grant that will help the county improve the analysis of water protection strategies and actions.

Since the county began development of their original water plan in 1989, the county has delegated implementation of the LWMP to the Aitkin Soil and Water Conservation District

On June 26, 2007, the Aitkin County Board of Commissioners passed a resolution to update the LWMP.

On July 3, 2008, Aitkin County submitted their Priority Concerns Scoping Document (PCSD) to the Board of Water and Soil Resources for review. The attached Aitkin County PCSD identifies the following priority concerns, and proposes the update be focused on these five water management issues.

1. Surface Water Management
2. Land Use and Development
3. Groundwater Quality
4. Fish and Wildlife Habitat
5. Education

The County used the following process to develop the PCSD:

- On April 18, 2007, the county held a public informational meeting to obtain comments and input for the list of priority concerns. Notice for the meeting was published in the local newspaper.

Bemidji
701 Minnesota Avenue
Suite 234
Bemidji, MN 56601
phone (218) 755-4235
fax (218) 755-4201

Brainerd
1601 Minnesota Drive
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 Trail
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) 281-7797
fax (507) 285-7144

Saint Paul
520 Lafayette Road N
Saint Paul, MN 55155
phone (651) 296-3767
fax (651) 297-5615

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- Aitkin County has a very open water planning task force meeting procedure. Everyone is welcome to attend task force meetings. As a result most of the input on the priority concerns was received through regular task force meetings. The task force met on the following dates: June 26, 2007, August 15, 2007, September 19, 2007, October 17, 2007, November 21, 2007, January 16, 2008, February 20, 2008, March 19, 2008, April 16, 2008 and May 21, 2008. The newspaper editor is a task force member and reports on task force meetings and issues followed most meetings. The date and location of future task force meetings were included in the articles.

- June 14, 2008, Rivers and Lake Fair. The public was invited to provide input on the update.

- April 4, 2008 , July 30, 2008 and miscellaneous other dates, met with Dan Steward (BWSR) to discuss the update.

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

- BWSR: Protection of water quality during and after land development in riparian areas, erosion and sediment control in developing areas, the trend toward the development of marginal lands, and county lake water quality action plans.

- MPCA: Impaired waters/Total Maximum Daily Loads (TMDL), Access to MPCA water quality data, and the Exotics problems associated with Mille Lacs Lake.

On July 3, 2008 the PCSD was sent to the required state agencies for review. Agencies were asked to send comments to Ron Shelito by August 6, 2008, the following agency comments were received:

MDH: The MDH in its comments on the PCSD concurred with the priority concerns selected by the county. The MDH noted that the process used by the county to identify priority concerns was adequate, and commended the county for recognizing the value of protecting and preserving groundwater quality/quantity.

MDA: As of the date of this letter no comments had been received from the MDA, MDH, MPCA or DNR. Comments from the agencies may be received by the committee meeting, and if so, will be discussed at the meeting. The DNR and MPCA have had staff involvement at task force meetings, and no negative comments are anticipated.

After reviewing the PCSD submitted by Aitkin County along with the comments provided by the review agencies, I conclude that the guidance requirements have been met. The county is to be commended for working with BWSR to build Clean Water Legacy protection elements into the update. I recommend the committee approve the PCSD for Aitkin County.

Bemidji
701 Minnesota Avenue
Suite 234
Bemidji, MN 56601
phone (218) 755-4235
fax (218) 755-4201

Brainerd
1601 Minnesota Drive
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 Trail
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) 281-7797
fax (507) 285-7144

Saint Paul
520 Lafayette Road N
Saint Paul, MN 55155
phone (651) 296-3767
fax (651) 297-5615

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Minnesota Board of Water & Soil Resources

August 28, 2008

Sydney Nelson, Chairman
Ottertail County Commissioners
48473 Co. Hwy 19
Sebeka, MN 56477-9223

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

Dear Mr. Nelson:

Pursuant to M.S. section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Ottertail County has chosen to address in the update of their Local Water Management Plan (LWMP). The Board of Water and Soil Resources (BWSR), along with the state review agencies, received Ottertail County's Priority Concerns Scoping Document (PCSD) on June 10, 2008.

The Ottertail County LWMP Task Force reviewed concerns brought forward. Development Pressure, with the accompanying issues as follows, were selected as the top priority concern for the water plan update:

Development Pressures:

Surface Water Issues:

- Water Quality issues: Total Maximum Daily Load allocations, shallow and smaller lakes, sensitive bays, shoreland specialist to work with lakeshore properties; and
- Regulatory issues: lake re-classification, alternative shoreland rules, agricultural rules, support state-wide process, agriculture advisory task force

Groundwater Issues:

- Quality issues: fertilizer application, reductions in CRP acres; and
- Quantity issues: pumping to other watersheds, ethanol plants, increased demand for irrigation

The LWMP Task Force will continue to meet to assist in the development of objectives and strategies to be addressed over the next ten years.

Bemidji
701 Minnesota Avenue
Suite 234
Bemidji, MN 56601
phone (218) 755-4235
fax (218) 755-4201

Brainerd
1601 Minnesota Drive
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
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Fergus Falls, MN 56537
phone (218) 736-5445
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520 Lafayette Road N
Saint Paul, MN 55155
phone (651) 296-3767
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Agency responses to the PCSD were:

- The Minnesota Pollution Control Agency (MPCA) concurs with the identified priority concerns, while asking the county to consider becoming a delegated County in the feedlot program feedlot. The MPCA offered assistance developing and implementing the forthcoming plan.
- The Minnesota Department of Health (MDH) concurs with the identified priority concerns and found the process used to identify the concerns to be adequate. MDH would like the following comments to be considered when drafting the final plan: The existence of high levels of nitrates and arsenic in the drinking water in several areas of the county represent a public health risk to a large segment of the County's population. It is important to recognize that nitrates are an acute concern, while arsenic is a chronic concern. MDH is available to assist the county in addressing these items in the drafting of the final plan.
- The Minnesota Department of Natural Resources (DNR) concurs with the priority concerns identified and found the process used to identify the concerns to be adequate. The DNR has committed to continuing to work closely with the county.
- The Minnesota Department of Agriculture (MDA) concurs with the priority concerns identified and found the process used to identify concerns to be commendable.

The Northern Water Planning Committee (hereafter referred to as the Committee) met on August 13, 2008 and discussed resources issues encountered within Ottertail County, comments made by the state review agencies, and the content of the PCSD.

At its August 28th meeting, the BWSR accepted the recommendation of the Committee. The BWSR commends the county for the process used to solicit and select the priority concerns, and deemed the priority concerns to be addressed in the plan to be appropriate.

Sincerely,

Randy Kramer, Chair
Board of Water and Soil Resources

cc: Dennis Mosher, Ottertail County Commissioner
Darren Newville, East Ottertail SWCD
Brad Mergens, West Ottertail SWCD
Ron Shelito & Pete Waller, BWSR
John Fax & Mike Carrol, DNR
Art Persons, MDH
Becky Balk, MDA
Lisa Thorvig, MPCA
John Wells, EQB

Bemidji
01 Minnesota Avenue
Suite 234
Bemidji, MN 56601
phone (218) 755-4235
fax (218) 755-4201

Brainerd
1601 Minnesota Drive
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 Trail
Fergus Falls, MN 56537
phone (218) 736-5445
fax (218) 736-7215

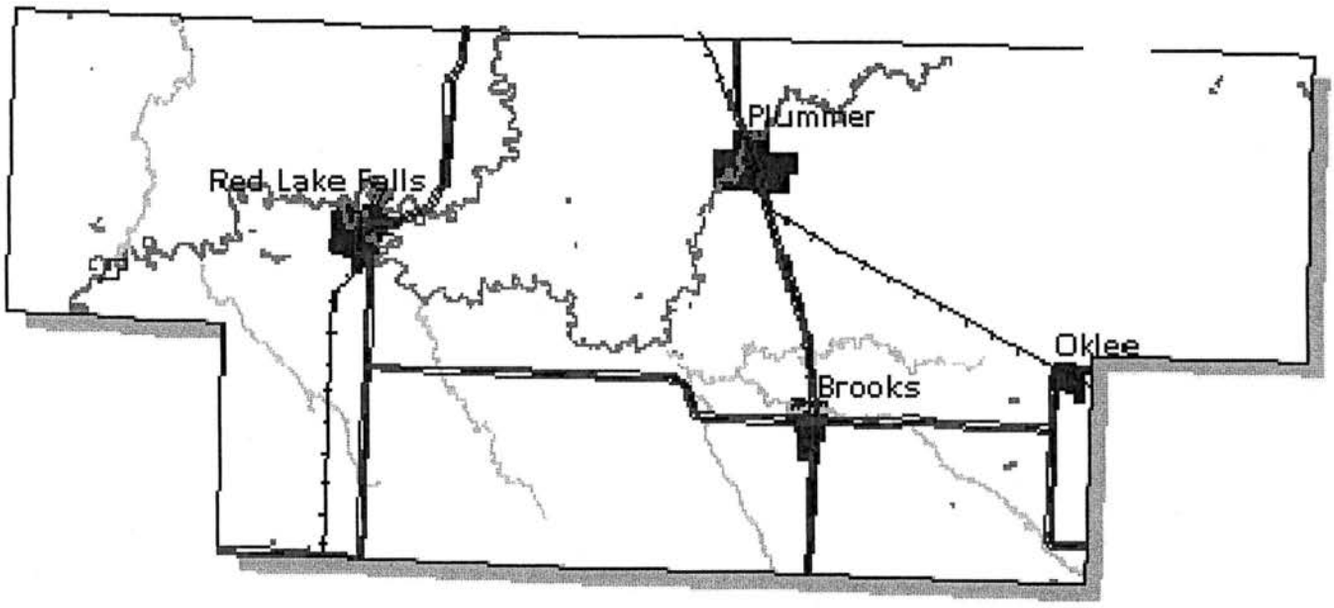
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1400 E. Lyon Street
Box 267
Marshall, MN 56258
phone (507) 537 6060
fax (507) 537-6368

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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) 281-7797
fax (507) 285-7144

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520 Lafayette Road N
Saint Paul, MN 55155
phone (651) 296-3767
fax (651) 297-5615

Red Lake County's
Priority Concerns Scoping Document



A precursor to the Red Lake County Comprehensive Local Water Management Plan.

The priority concerns scoping document of the Red Lake County Comprehensive Local Water Management Plan was developed in accordance with the changes to the Comprehensive Local Water Management Act; Statutes 103B.304 – 103B.355. The scoping document lists the priority concerns the Red Lake County Water Management Advisory Committee has chosen, along with a detailed account of how the concerns were identified and selected.

Tanya Hanson, Local Water Management Coordinator
Red Lake County Soil & Water Conservation District

LIST OF PRIORITY CONCERNS

The Red Lake County CLWMP will address the following priority concerns:

Surface Water Quality & Impaired Waters - TMDLs

Water Quality is important to Red Lake County because of our recreational opportunities, along with the downstream domestic use of the water supply.

High priority areas and activities:

- a. Rivers and streams – identifying impaired waters
- b. Non-impaired waters – water quality protection
- c. Feedlots – agricultural waste management
- d. Source water supply – Cities of Crookston & EGF
- e. Recreational uses / Tourism Opportunities
  - i. Tubing
  - ii. Red River Corridor Enhancement Group
    - a. additional river accesses
    - b. canoe routes
    - c. portages
    - d. signage
    - e. city park improvements
  - iii. Fishing and Hunting
    - a. Beach Ridge – prairie chickens, sharp tail grouse, Hungarian partridge
    - b. Woodland – deer, moose, ruffed grouse, coyotes, and smaller wildlife
  - iv. Promotion of Tourism

Surface Water Quantity

Flooding causes loss of income to farmers which greatly impacts local economy, washes out roads and bridges, and contributes to sediment deposits in the rivers and streams.

High priority areas and activities:

- a. Flooding
  - i. Agricultural – ditch and outlet maintenance
  - ii. Overland – ditch improvements
- b. Drainage
  - i. Inadequate ditches – ditch and outlet maintenance
  - ii. Aging public ditch systems – abandonment or maintenance
  - iii. Subsurface drainage – impacts to water quality
    - a. TSS, TP, and high N
    - b. Less Tillage, Reduce Runoff, Increase Infiltration
- c. Drought
  - i. Bank Sloughing
  - ii. Water Management and Supply
- d. Beaver Control
  - i. Plugging ditches, culverts, and waterways

Groundwater Quality

Groundwater quality is important to Red Lake County because of all the public and private wells that are located throughout the county.

High priority areas and activities:

- a. Observation Wells – Three DNR Wells
- b. Wellhead Protection Plan
  - i. Red Lake Falls and Oklee – completed
  - ii. Plummer and MN Wheat Growers - needed

Erosion and Sedimentation

Erosion and Sedimentation are two issues that the County is always trying to and will always be trying to address, work on, and prevent.

High priority areas and activities:

- a. Map eroded areas – prioritize erosion control projects
- b. Tributary bank instability at outlets into river
- c. Shoreland degradation
  - i. Shoreland Ordinance
- d. Ditches that outlet into rivers and streams
  - i. filling streams and rivers with sediments
    - a. establishment of buffers
- e. Channelized portion of Clearwater River
- f. Ditch Bank Sloughing and Stabilization
- g. Sediment from Wild Rice Production
  - i. install drain tile
  - ii. install outlet structures
  - iii. install sedimentation ponds
- h. Wind Erosion
  - i. highly erodible fields
    - a. residue management
    - b. conservation tillage
    - c. field windbreaks

Unique Water / Land Related Resources

Red Lake County has several unique areas of interest.

High priority areas and activities:

- a. Prairie Remnants
- b. Old Treaty Crossing at Huot Park

Minnesota Board of Water & Soil Resources

August 28, 2008

Red Lake County Commissioners
c/o Tanya Hanson, Red Lake SWCD
2602 Wheat Drive
Red Lake Falls, MN.
56750

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

Dear Red Lake County Commissioners:

Pursuant to M.S. section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Red Lake County has chosen to address in the update of their Comprehensive Local Water Management Plan. The Board of Water and Soil Resources, (BWSR) along with the state review agencies, received the Red Lake County Priority Concerns Scoping Document (PSCD) for review on January 30, 2008.

Priority concerns identified in the PCSD (no priority order):

- Surface Water Quality & Impaired Water/TMDLs
- Water quantity
- Groundwater Quality
- Erosion & Sediment Control

Final review of the priority concerns generated the following comments from the state review agencies:

DNR: **Strongly recommends revisions but does not require revisions.** Recommended revisions focused on including land use and land use changes that may be coming (CRP loss) that need to be considered in-lieu-of or in addition to drainage and drainage maintenance to reduce runoff, erosion and sedimentation. They also included some new priority concerns for consideration in the plan update which centered around fisheries and recreational opportunities in the rivers and streams in the county.

Bemidji
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Bemidji, MN 56601
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fax (218) 755-4201

Brainerd
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Suite 202
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phone (218) 828-2383
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MPCA: **Concurs with the PCSD** and re-affirmed the issues they suggested during the priority concerns input process.

MDA: **Concurs with the PCSD** and offers no further comments.

MDH: **Concurs with the PCSD** and commends their commitment to ground water protection

The Northern Water Planning Committee (hereinafter referred to as the Committee) met on August 13, 2008 to discuss the content of the PCSD, state review agency comments, and recommendations for the content of the final plan. Due to scheduling conflicts of Tanya Hanson (water plan coordinator) with an MPCA feedlot officer quarterly meeting, the PCSD was presented to the Committee by Brian Dwight of BWSR.

The Committee supports the priority concerns Red Lake County has identified: surface water quality and impaired waters/TMDLs, surface water quantity, groundwater quality, and erosion and sediment. The priority concerns to be addressed in the plan are deemed to be appropriate; the Committee does not recommend or require any changes to the PCSD as drafted.

The Committee does request that in the Local Water Management Plan the county be as specific as possible to the nature, extent, and severity of the identified concerns and develop an implementation plan that is specific to the goals and actions the county plans to take to address the priority concerns.

Sincerely,

Randy Kramer, Chair
Board of Water and Soil Resources

cc: Ron Shelito BWSR
Brian Dwight BWSR
Becky Balk MDA
John Wells EQB
Art Persons MDH
Mike Carroll DNR
David L. Johnson MPCA

Bemidji
' Bemidji Avenue N.
emidji, MN 56601
one (218) 755-4235
x (218) 755-4201

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Southern Water Planning Committee

1. Blue Earth County Local Water Management Plan – Paul Langseth - *DECISION ITEM*

2. Brown County Local Water Management Plan – Paul Langseth - *DECISION ITEM*

3. Nicollet County Local Water Management Plan – Paul Langseth - *DECISION ITEM*

Minnesota Board of Water & Soil Resources

DATE: July 25, 2008

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: Chris Hughes, Board Conservationist

SUBJECT: **Blue Earth County Local Water Management Plan Final Review**

I have completed my final review of the Blue Earth County Local Water Management Plan and recommend approval of this update.

The Blue Earth County Local Water Management Plan meets all requirements including:

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

State agency comments were received from the Minnesota Department of Natural Resources (DNR), the Minnesota Department of Health (MDH), the Minnesota Department of Agriculture (MDA) and the Minnesota Pollution Control Agency (MPCA). These agencies recommend approval of the Plan.

I look forward to assisting Blue Earth County in the implementation of their plan. County Water Plan Coordinator Julie Conrad spent considerable time and effort writing the Blue Earth County Water Plan. The update process provided ample opportunity for stakeholder involvement. The plan was developed using information gained through Greenprint and numerous work sessions with stakeholders and partners including the Blue Earth SWCD. Julie should be commended for her leadership and dedication throughout the planning process.

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Blue Earth County Water Management Plan 2008-2013

BLUE EARTH COUNTY

Blue Earth County
Soil and Water Conservation District

WATER MANAGEMENT PLAN 2008-2013

Practical, Measurable and Achievable

EXECUTIVE SUMMARY

Purpose of the Plan

The purpose of the Blue Earth County *Water Management Plan 2008-2013* is to identify and assess priority water resource concerns, develop goals and objectives to address priority concerns, and provide direction for Blue Earth County and Blue Earth County Soil and Water Conservation District (SWCD) programs and decision making. Actions to achieve plan objectives are specified along with the necessary financial and staff resources and lead agency for a five-year period, July 1, 2008 through June 30, 2013.

Priority Concerns

Written surveys, a public meeting and many workshops were used to identify the priority concerns for Blue Earth County. A *Priority Concerns Scoping Document* (PCSD) summarizing the process used to identify priority concerns was prepared and is included in the Appendix. The five priority concerns identified in the PCSD are: Ground water, Surface Water, Drainage Ditches, Wetlands and Wildlife. These priority concerns are broad and most are interrelated from a hydrological standpoint. In addition, there are a many sources of surface water pollution, and many pollutants are a concern to both ground and surface water. Land use and pollutant sources directly related to surface water and ground water priority concerns were identified and addressed separately as sub-priority concerns in the *Water Management Plan 2008-2013.* A complete list of priority concerns and sub-priority concerns includes the following:

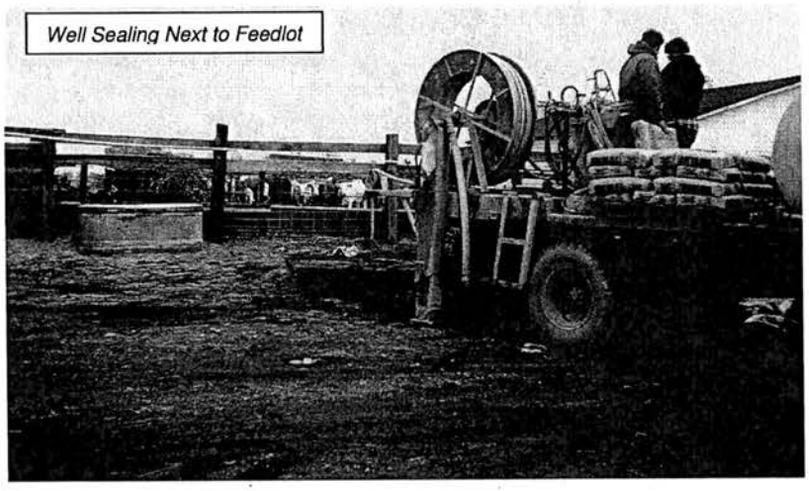
- Ground water
- Surface water
    - Impaired Waters and Total Maximum Daily Loads (TMDLs)
    - Agricultural Runoff, Erosion and Pesticides
    - Feedlots, Manure Management
    - Urban Development and Stormwater Runoff
- Drainage ditches
- Wetlands
- Wildlife
- Ground water *and* Surface water
    - Wastewater Treatment - Subsurface Sewage Treatment Systems
    - Mercury, Pesticides and Household Hazardous Waste

The permanent conversion of agricultural land and open space to urban land use is an overriding concern and is considered one of the greatest threats to natural resources in Blue Earth County. Protecting water resources and all natural resources is a local priority. The County is leading a planning effort in partnership with municipalities and many other stakeholders to develop a local plan for prioritizing, protecting, restoring and enhancing natural resources throughout Blue Earth County.

Priority Concern: Ground Water

Protecting ground water quality and quantity is the highest priority for Blue Earth County's residents. Geologic sensitivity, well construction, and land use influence the quality of ground and drinking water supplies. There are public and private wells with a higher susceptibility to contamination due to shallow depth to bedrock, coarse soils or shallow aquifers.

Groundwater supply and groundwater quality data are lacking. Better data is needed to develop more meaningful local policy to protect ground water. As described in the 2005 DNR Report to the Legislature on the *Sustainability of Minnesota's Ground Water: A Statement of Issues and Needs,* there is a State-wide need for groundwater information. The County supports State efforts to complete a geologic atlas for Blue Earth County and expanded monitoring programs such as ground water level monitoring wells and physical and chemical testing in Blue Earth County.

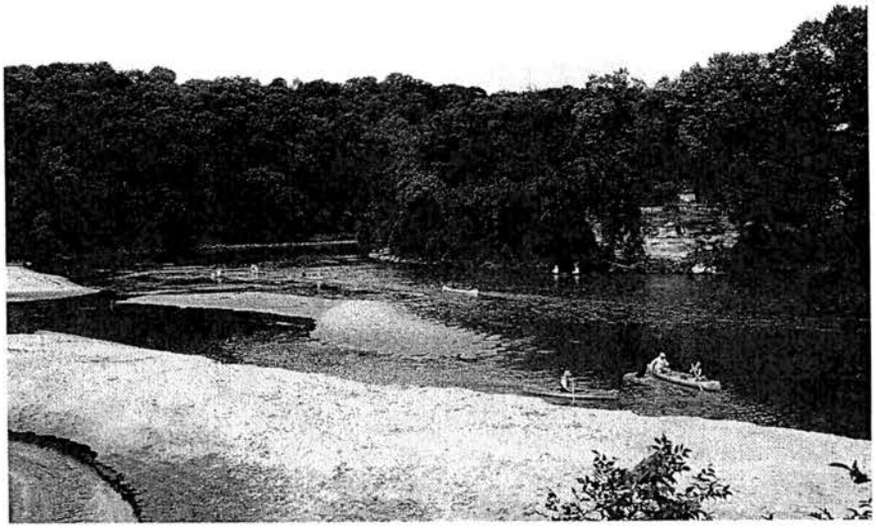


Well Sealing Next to Feedlot

Priority Concern: Surface Waters

Surface water is a broad priority concern. It includes rivers, streams, lakes and wetlands. The sources of pollution to surface waters are numerous, generally related to land use and are considered either point or nonpoint sources. Point sources are mainly municipal wastewater and industrial discharges. The MPCA regulates point sources with permitting, inspections, monitoring and reporting requirements. Nonpoint sources are less easily identified, widespread and include both agricultural and urban land use. Nonpoint source pollution is recognized as a major source of pollution.

As the dominant land use in Blue Earth County, it is generally understood that runoff from agricultural land is a major source of nonpoint source pollution related to land use. Runoff from urban areas, wastewater discharges in



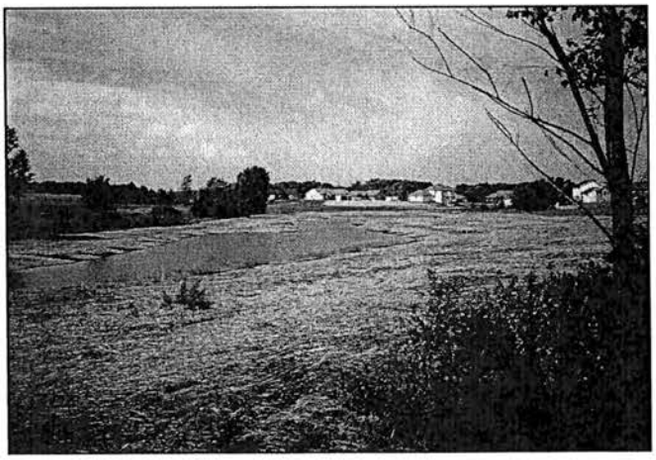
unincorporated areas and natural processes such as channel and bank erosion are also nonpoint sources contributing significantly to local water quality impairments.

Priority Concern: Impaired Waters and Total Maximum Daily Loads (TMDLs)
The MPCA is in the process of assessing surface waters in Minnesota and has identified water quality impairments in virtually every watershed in Blue Earth County. The pollutants causing these impairments affect aquatic life and include mainly turbidity, nutrients, fecal bacteria, pesticides and mercury. TMDL reports and implementation plans will be required for these impairments. TMDLs are relatively new to local water management, but addressing pollutants causing water quality impairments has been the focus of local water planning for twenty years and much longer for many local programs at the County and SWCD. Depending on available resources, the County's role with impaired waters and TMDLs will develop along with State TMDL programs.

Priority Concern: Agricultural Runoff, Erosion and Pesticides
Soil erosion and runoff containing nutrients and pesticides are known sources of pollutants to surface water. These pollutants are transported through gully, sheet and rill erosion, tile intakes, tile lines, ditches and directly to surface water. Highly erodible soils are associated with slope and are found along every river, stream and intermittent stream in Blue Earth County. Of the total existing cropland, just over one percent of the cropland in the County is considered "highly erodible" and 3.53 percent "potentially highly erodible" according to the *USDA Soil Survey for Blue Earth County.*

Priority Concern: Feedlots, Manure Management
Livestock feedlot manure can be a source of bacteria, TSS, phosphorus, nitrogen and other pollutants. Most livestock in Blue Earth County is produced in confinement barns with below-barn, concrete manure storage pits. Runoff containing manure used as fertilizer for agricultural crop production is likely the greatest source of pollution from livestock feedlots as most feedlots with direct runoff were improved or eliminated early in the County's feedlot program history.

Priority Concern: Urban Development and Stormwater Runoff
Urban stormwater runoff refers to rain water and snow melt runoff from impervious surfaces and urban type of development such as residential subdivisions, shoreland areas, commercial, business, industrial, institutional, government, and roadways located in incorporated and unincorporated areas. Pollutants contained in stormwater runoff include pesticides, nutrients, petroleum, refuse, leaves and grass, chemicals and other contaminants. Stormwater runoff can also increase the rate erosion of stream banks, ditches, gullies, and outfalls. Increasing infiltration in urban areas reduces the volume and erosion potential of stormwater discharge.

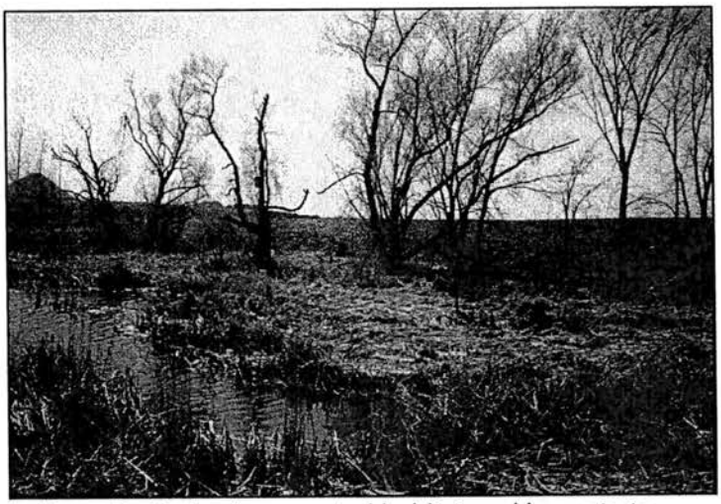


Priority Concern: Drainage Ditches

Drainage ditches can be a source of sediment from eroding ditch banks and can also transport sediment and pollutants from agricultural and urban runoff to surface waters. Buffer strips along drainage ditches help reduce erosion and sedimentation by slowing overland flow, trapping sediment and other pollutants, and holding soil in place along the ditch banks. Reducing erosion and sedimentation also reduces maintenance costs for ditch owners.

Drainage systems alter natural hydrology by efficiently removing water from poorly drained areas. Peak flows in the drainage system have the potential to cause erosion both in the drainage system and in downstream surface waters. Retaining water within drainage systems can reduce peak flows and the rate of erosion in the drainage system and downstream.

Priority Concerns: Wetlands and Wildlife



Most of the County's pre-settlement wetlands were lost due to drainage for agriculture, community development and transportation. Due to the high percentage of lost wetlands, the County is considered a "high priority region" for preservation, enhancement, restoration, and establishment of wetlands, according to the Wetland Conservation Act (WCA). Wetlands are important for water quality, flood control, wildlife and recreation. Restoring fragmented habitat and impacts to remaining wetlands that may harm wildlife are important considerations for wetland management in the County. While all land uses can harm the ecological value of wetlands, urban development is likely the greatest threat to permanent loss of wetland quantity and quality in Blue Earth County at this time.

Priority Concern: Wastewater Treatment - Subsurface Sewage Treatment Systems

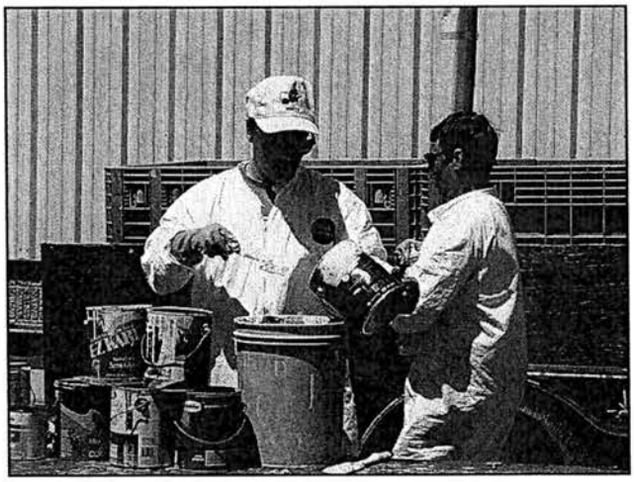


Wastewater contains bacteria, pathogens, chemicals, nutrients, and solids. Untreated wastewater is a potential threat to public health and can pollute surface and ground water. The bulk of the County population (77-percent in 2005) lives in one of the eleven municipalities utilizing State-permitted wastewater treatment systems. Most of the remaining

population utilizes onsite, subsurface soil treatment systems (SSTS) regulated by State rules and County ordinance.

Priority Concern: Mercury, Pesticides and Household Hazardous Waste

Waste from residential, business, industry and agriculture sources can pollute ground and surface water. Ground water quality, pesticide pollution and run-off from urban and rural land uses were identified as high priorities in citizen surveys administered during development of the PCSD. MDA monitoring of surface waters in Blue Earth County shows the presence of pesticides in surface waters. The pesticide, acetochlor, has been identified by the MPCA as an impairment of surface waters in Blue Earth County. The County's Household Hazardous Waste Facility is currently the only location in the area where farmers and residents can legally dispose of waste pesticides.



Mercury is identified by the MPCA as impairment of many surface waters in Blue Earth County. Although the main source of mercury impairments is atmospheric deposition, reducing use and managing the disposal of products containing mercury is part of the State's mercury TMDL plan. Mercury-containing products such as fluorescent bulbs, thermostats and thermometers are accepted for recycling at the County's Household Hazardous Waste Facility.

Implementation Summary

The bulk of the Water Management Plan 2008-2013 involves continuation of successful, existing local programs. These programs will be enhanced with use of GIS and LiDAR technology to provide more targeted education, outreach, planning and implementation activities. Public access to natural resources data and information will also be expanded.

Both urban and rural nonpoint source pollution are priority concerns addressed in the plan. However, agricultural nonpoint pollution sources are the focus of much of the implementation plan because:

1) Agricultural land use accounts for most of the land area in the County.
2) The County and SWCD are responsible for plan implementation and work directly mostly with agricultural land owners and operators.
3) Point sources are regulated by the MPCA and are located mostly in municipalities.

The following is a summary list and description of plan objectives addressing priority concerns.

Objective: Protect ground water quality.
Continuing the Minnesota Department of Health-delegated, County Well Code program, well sealing cost share program and administration of local land use regulations are high priorities. Assisting with source water protection plans, targeting education and providing information to local government officials in areas with a high susceptibility to ground water contamination are high priorities of the *Water Management Plan 2008-2013.*

Objective: Improve livestock manure management.
Continuing the County feedlot program and working with feedlot operators to improve nutrient management planning and application methods in sensitive areas are high priority actions related to livestock production and feedlots in the *Water Management Plan 2008-2013.*

Objective: Address pollutants causing impaired waters and TMDLS.
There is a high density of impaired waters with multiple pollutant stressors in Blue Earth County. Continuing existing programs to reduce nonpoint source pollution and working cooperatively on a watershed basis to prioritize local implementation efforts consistent with local, watershed and TMDL implementation plans are priorities of the *Water Management Plan 2008-2012.*

Objective: Reduce erosion and runoff from agricultural land.
Identifying and targeting high priority erosion areas and continuing local SWCD programs to reduce runoff and erosion and establishing and promoting proven soil and water conservation practices including buffer strips, filter strips, grassed waterways, terraces, crop residue, tillage practices, nutrient management, water retention, and other USDA-approved best management practices are priority actions in the *Water Management Plan 2008-2013.*

Objective: Reduce runoff from urban areas.
Promoting the reduction of pollutants in stormwater runoff, encouraging land use and urban stormwater management policy changes to minimize erosion, and constructing and other water quality projects in conjunction with local parks, transportation and other projects in all incorporated and unincorporated urban areas are priority actions in the *Water Management Plan 2008-2013.*

Urban runoff will be addressed with the collaborative efforts of the County Environmental Services Department, individual and locally organized municipalities and townships in the County, private consultants, local engineers, and State agencies.

Objective: Reduce erosion and increase water retention in County ditches.
Establishing vegetated ditch buffers and increasing water retention in County drainage systems are high priority actions of the *Water Management Plan 2008-2013.*

The 2007 Drainage Code amendments require the County to complete a ditch buffer inventory and inspect ditches every five years and every year on ditches with reported problems. The County has already developed an inspection program and buffer inventory, but the new reporting and inspection requirements are expected to increase program management needs and costs.

Objective: Increase on site waste water treatment system compliance.
Reducing public health threats and increasing compliance with State rules with installation of onsite wastewater treatment are priorities of the *Water Management Plan 2008-2013*. The County program is administered in the Environmental Services Department. The program includes a local ordinance, permits, inspections, education and enforcement.

Objective: Increase wetland area and wildlife habitat.
The County will continue administration of the Wetland Conservation Act. Identifying, assessing and prioritizing wetland areas for protection and enhancement and restoring wetlands for water quality as well as wildlife are a continuation of the County's *Greenprint* plan and are priorities of the *Water Management Plan 2008-2013.*

Objective: Provide collection sites for mercury product recycling and waste pesticide disposal.
The County will continue operating the Household Hazardous Waste Facility that currently accepts mercury products with funding from Xcel Energy, household pesticides with funding assistance from the MPCA, and ag waste pesticides with funding from the MDA. Ensuring continued convenient local collection of mercury products for recycling and ag pesticides for disposal are priorities of the *Water Management Plan 2008-2013.*

Total Projected Cost of the Implementation Program

The projected cost to implement the actions contained in the *Water Management Plan 2008-2013* is $3,035,380. This cost includes and assumes continued State grants such as the Natural Resources Block Grant (NRBG), BWSR grants for SWCD for operations, and the Erosion, Sediment Control and Water Quality Cost-Share Program. It is difficult to estimate the costs associated with highly variable USDA Farm Program funding and State and Federal water quality grants, so these costs were not projected in the budget. Historical levels of funding will not be adequate to meet State, TMDLs, watershed and County water quality goals. Additional funding will be needed for this work, mainly for SWCD staff and projects.

Plan Consistency with Local, State and Regional Plans and Controls

Ground water
The Water Management Plan supports State plans to expand ground water data, information and monitoring. The DNR and EQB have prepared reports describing these needs throughout the State.

Soil and Water Conservation Practices
The objectives and actions contained in the plan are consistent with other water related plans. The actions address the sources of pollutants common to agricultural and urban land use and soil types in the Minnesota River Basin. The plan is consistent with the State's Soil and Water Conservation Policy, Minnesota Statute 103C.005, encouraging implementation of practices that:

1) control or prevent erosion, sedimentation, siltation, and related pollution in order to preserve natural resources;
2) ensure continued soil productivity;
3) protect water quality;
4) prevent impairment of dams and reservoirs;
5) reduce damages caused by floods
6) preserve wildlife;
7) protect the tax base; and
8) protect public lands and waters.

Minnesota Statutes, Delegation Agreements and Local Programs

Much of the plan involves continuation of ongoing County and SWCD programs. Many of these programs are administered under official delegation agreements and/or the authority of State Statutes and Rules. County programs and ordinances affected by specific State controls include SSTS, Feedlots, WCA, Well Code and County Ditches (Drainage Code). The SWCD is not a regulatory agency, but administration of the SWCD and SWCD programs are defined by State Statutes. State agencies review these SWCD and County programs and reports to the State are required.

Clean Water Legacy Act

Although it was a one time appropriation, the Clean Water Legacy Act defined prioritization methods for assessing, restoring and preventing impaired waters and recognized the benefits of working with existing local authorities. The plan is consistent with and supports the following priorities and considerations contained in the Clean Water Legacy Act:

1) Coordinate with and utilize existing local authorities and infrastructure for implementation.
2) Can be implemented in whole or in part by providing support for existing and ongoing restoration efforts.
3) Use existing regulatory authorities to achieve restoration for point and nonpoint sources of pollution where applicable.
4) Promote the development and use of effective non-regulatory measures to address pollution sources for which regulations are not applicable.
5) Use restoration methods that have a demonstrated effectiveness in reducing impairments and provide the greatest long-term positive impact on water quality protection and improvement and related conservation benefits.
6) Effectively leverage other sources of funds, including federal, state, local and private sources.
7) Identify, encourage and fund implementation actions to prevent waters from becoming impaired and to improve the quality of waters that are listed as impaired but have no approved TMDL addressing the impairment using the best available data and technology.

Recommendations to Achieve Consistency

No specific amendments to plans or official controls have been identified to achieve consistency with other plans or official controls. Local programs will evolve during the planning period and changes expanding water resources protection are expected within

five years. Changes in plans and official controls at the State and watershed level are expected but the impact on local government and plan implementation is unknown.

Local Government

The plan includes objectives and County actions to encourage changes in official plans and controls at the local government level to address stormwater runoff and to protect groundwater.

State, Watershed and Other Plans

As water related plans are developed by other entities, consideration of and consistency with the *Water Management Plan 2008-2013*'s local priorities and established programs is recommended. Continuation of existing, locally developed, County- and municipal-based programs and local regulations is the foundation of the Water Management Plan. The County's existing programs integrate land use, water quality, health, waste management, and other issues protecting the health, safety and welfare of the residents of Blue Earth County. Local programs were shaped over time in a public process involving meetings and hearings which led to County standards more restrictive than standards prescribed by the State of Minnesota. Implementation of the plan and local authority for programs related to objectives and actions in the plan should not be delegated, transferred or assumed by other entities or joint powers boards that are not accountable to County residents and lack an understanding of the collective social, environmental and economic needs and priorities in Blue Earth County.

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 Blue Earth County (Minnesota Statutes, 2003, Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5.)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Blue Earth 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 5, 2008, pursuant to Minnesota Statute (M.S.) Section 103B.315, Subdivision (Subd.) 5, and

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

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

FINDINGS OF FACT

1. On June 19, 2007, the Board received a Priority Concerns Scoping Document from Blue Earth County, pursuant to M.S. Section 103B.312.

2. On October 24, 2007, the Board of Water and Soil Resources approved official comments on the Blue Earth County Priority Concerns Scoping Document, which were mailed to the County on October 24, 2007.

3. The Board received a resolution from Blue Earth County, dated November 27, 2007, requesting a six-month extension of their current Local Water Management Plan.

4. On December 19, 2007, the Board officially approved the Blue Earth County extension request, thereby extending the end date to July 1, 2008.

5. On June 5, 2008, the Board received the Blue Earth County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Plan Update for final State review pursuant to M.S. Section 103B.315, Subd. 5.

6. The priority concerns the Plan Update addresses include:
   a. **Groundwater**
   b. **Surface Water Quality**
   c. **Drainage**
   d. **Wetlands**
   e. **Wildlife and Natural Resources**

7. On August 7, 2008, the Regional Water Planning Committee of the Board reviewed the recommendation of the state review agencies regarding final approval of the Blue Earth 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.

8. This update will be in effect until June 30, 2013.

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 Blue Earth County pursuant to M.S. Section 103B.315, Subd. 5.

2. The Blue Earth 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 Blue Earth County Local Water Management Plan.

Dated at Olivia, Minnesota, this 28th day of August, 2008.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

DATE: June 10, 2008

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: Chris Hughes, Board Conservationist

SUBJECT: **Brown County Local Water Management Plan Final Review**

I have completed my final review of the Brown County Local Water Management Plan and recommend approval of this update.

The Brown County Local Water Management Plan meets all requirements including:

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

State agency comments were received from the Minnesota Department of Natural Resources (DNR), the Minnesota Department of Health (MDH), the Minnesota Department of Agriculture (MDA), and the Minnesota Pollution Control Agency (MPCA). These agencies recommend approval of the Plan.

I look forward to assisting Brown County in the implementation of their plan. Former County Water Plan Coordinator Paul Davis and current Water Plan Coordinator Desiree Hohenstein should be commended for their leadership and dedication throughout the planning process.

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

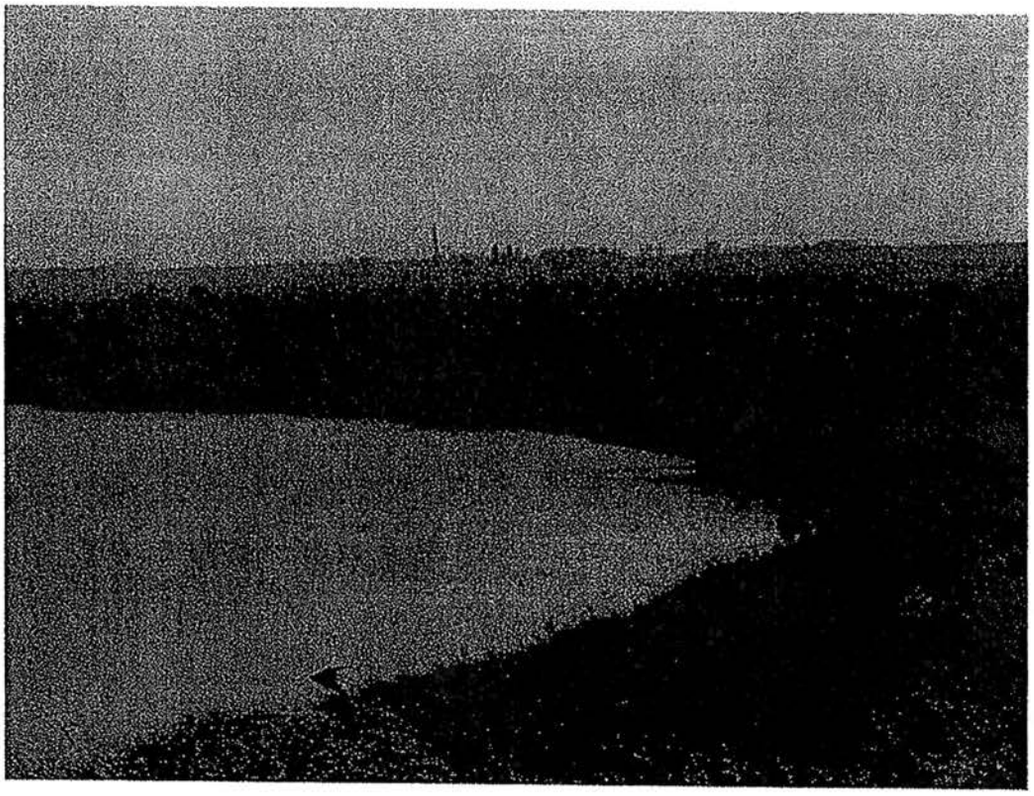
Rochester
2300 Silver Creek
Road N.E.
Rochester, MN 55906
phone (507) 280-2874
fax (507) 285-7144

Saint Paul
520 Lafayette Road N.
Saint Paul, MN 55155
phone (651) 296-3767
fax (651) 297-5615

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4/22/03

Brown County
Comprehensive Water Plan



January 1st, 2008 to December 31st, 2018

Executive Summary

VERSION AND PURPOSE:

The Brown County Comprehensive Water Plan is used as a planning tool to protect and enhance water resources including surface and groundwater and their related land uses. The Plan provides on opportunity for the local government to combine efforts of various State programs to work on the local level to improve water quality. This version allows the County to focus limited resources on defined concerns and sites that can help to show the greatest benefit. The plan includes project development and implementation strategies which will help to identify existing and potential problems and formulate implementation goals to improve hydrologic objectives.

The plan focuses on Priority Concerns as identified in coordination with local governments and State agencies 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.

Brown County is located in South Central Minnesota and is bordered by Nicollet, Blue Earth, Renville, Cottonwood, Watonwan and Redwood Counties. County population based on the 2000 census estimates is 26,911 with the County Seat, New Ulm, estimated at a population of 13,594. Countywide the population has declined by 0.3 percent while New Ulm has seen a +3.5 percent increase in the period since the 1990 census data.

Land use in Brown County is a contrasting mixture of urban/rural and industrial/agricultural. Approximately 72% of the residents live in cities with a population greater than 500. Industrial activities are present in each of the three highest populated cities; New Ulm, Sleepy Eye and Springfield. Brown County is agriculturally oriented with 335,000 acres or 85% of land use in crop production with corn and soybeans being the primary crops. Hogs are the primary livestock in the County.

There are three Major Watershed Basins associated with Brown County. The northern portion of the County lies primarily within the Middle Minnesota River watershed with the Little Cottonwood River Basin included. In this area the local drainage is north and east toward the Minnesota River which forms the northern border of Brown County. The central and western portions of the County lie primarily within the Cottonwood River Major Watershed. The Cottonwood River joins the Minnesota River south of the City of New Ulm. The south central portion of the County is drained by the Watonwan River Major Watershed with the Lake Hanska watershed being the main source for drainage to the south of the County.

The first Brown County Water Management Plan was adopted by the Brown County Board of Commissioners in 1990. Subsequently a 1996 Water Plan Update was submitted for the 10 year plan update. An extension was requested in 2007 for the update with the current plan set to expire December 31, 2008.

DESCRIPTION OF PRIORITY CONCERNS

The Priority Concerns to be addressed by the County are as follows. Concerns are not listed in order of importance and concerns were selected to be broad enough to address most concerns submitted. The Priority Concerns were selected by the Task Force after examining citizen and State comments for review.

1. **Soil Erosion Concerns** – including addressing of TMDL issues by watershed. Prevention of soil erosion and sedimentation from runoff and streambank erosion. Promotion of programs to improve residue management and conservation tillage. Incorporate urban aspects of stormwater management and runoff of impervious surfaces.

2. **Groundwater** – including addressing concerns with pesticide and fertilizer use in agricultural and urban areas. Wellhead protection and well sealing opportunities. Address potential water quantity issues involved with industrial and rural development and city water use needs.

3. **Drainage** – including possible inventory of existing system and need for improvements with the possibility for water storage. Buffer initiatives with emphasis on problem areas and erodible soils. Management focusing on public drainage system that provides agricultural production with benefits to water quality and quantity concerns.

4. **Wetlands/Water Retention** – including protection and enhancement of existing wetland resources. Inventory of existing wetlands and potential areas for restoration and water retention projects. Wetland education to contractors involved with development projects.

5. **Human Wastewater** – including the inventory of septic and municipal systems for compliance and needs. Cooperate with municipal systems to find improvements for systems and possible funding options. Upgrade of failing and non compliant individual septic systems. TMDL concerns addressed for fecal limits.

SUMMARY OF GOALS AND ACTIONS

PRIORITY CONCERN 1: SOIL EROSION

GOAL 1: Address impaired surface waters and their TMDL's

Objective A: Develop understanding of water quality issues. $64,000.00
Objective B: Reduce the impairments in surface waters. $34,000.00
Objective C: Delisting of existing impaired waters. $60,000.00

GOAL 2: Reduce soil erosion and sedimentation on agricultural lands.

Objective A: Identify areas that show potential for high erosion$13,000.00
Objective B: Cooperate and promote and market conservation programs and practices. $251,000.00

GOAL 3: Reduce stream bank and ditch bank erosion.

Objective A: Identify problems areas within the County. $10,000.00
Objective B: Provide education and options to control stream and ditch bank erosion. $55,000.00

GOAL 4: Reduce urban runoff and storm water impacts to surface waters.

Objective A: Assess urban non point source pollution in Brown County. $39,000.00
Objective B: Education to cities and citizens on runoff and storm water management. $82,000.00
Objective C: Implement Storm water and Runoff practices with cooperating Cities. $31,000.00

PRIORITY CONCERN 2: GROUNDWATER

GOAL 1: Protect ground water sources from pesticide and fertilizer contamination from agricultural and urban contamination.

Objective A: Obtain Groundwater information relating to potential impacts. $8,200.00
Objective B: Provide education on proper agricultural and residential application rates. $39,000.00

GOAL 2: Protect drinking water sources

Objective A: Recognize and support needs of public water supply wellhead protection $11,000.00
Objective B: Encourage private well protection from contamination sources. $5,000.00
Objective C: Encourage proper sealing of unused or abandoned wells. $96,000.00

GOAL 3: Minimize impacts to groundwater sources from industrial and rural development.

Objective A: Reduce impacts of rural and industrial development on groundwater resources. $8,000.00

PRIORITY CONCERN 3: DRAINAGE

GOAL 1: Improve drainage management system based on water quality goals.

Objective A: Cooperate with Drainage Authorities to inventory current drainage system. $167,000.00
Objective B: Determine and map problem areas$6,000.00
Objective C: Reduce water inputs and provide water storage to the system. $1,045,000.00
Objective D: Develop education and incentive programs to increase conservation practices. $467,000.00

PRIORITY CONCERN 4: WETANDS/WATER RETENTION

GOAL 1: Protect existing wetlands and increase wetland resources

Objective A: Identify current wetlands and potential wetland restoration sites.$75,000.00
Objective B: Educate citizens and officials on wetland functions and importance.$16,000.00
Objective C: Encourage wetland restoration and management.$157,000.00
Objective D: Develop a Local Comprehensive Wetland Protection and Management Plan. $12,000.00

PRIORITY CONCERN 5: HUMAN WASTEWATER

GOAL 1: Eliminate Subsurface Sewage Treatment System (SSTS) contamination to surface and groundwater.

Objective A: Maintain onsite sewage treatment inspection program.$22,000.00
Objective B: Provide education and seek funding for septic program. $1,570,000.00

GOAL 2: Assist with improvements and upgrades to municipal and industrial wastewater treatment systems.

Objective A: Inventory of existing processes in waste water treatment facilities $9,000.00
Objective B: Inventory of needs and funding opportunities for improved technologies. $2,044,000.00

10 YEAR PLAN TOTAL $6,384,200.00

CONSISTENCY WITH OTHER PLANS

Brown County Water Planning is based out of the Planning and Zoning Office. The Water Plan, County Zoning Ordinance, Feedlot Ordinance, Wetland Conservation Act and all other aspects of the Natural Resources Block Grant are administered out of this office. In addition there is communication and cooperation with all other Courthouse offices and the Brown County SWCD office for planning processes. This helps to provide some consistency between plans and ordinances. In addition the County has access to several local, regional and State plans for use in plan development.

SUMMARY OF RECOMMENDATIONS TO OTHER PLANS

The priority concerns and action items established in the Water Plan should allow for cooperation between the County and local governments in the development and amendments of local controls and ordinances. Reference to water quality and quantity issues developed in the plan should be considered on a voluntary basis by each organization in its planning process. The Water Plan office should act as a resource for those considering planning updates.

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 Brown County (Minnesota Statutes, 2003, Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5.)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Brown County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Minnesota Board of Water and Soil Resources (Board) on April 22, 2008, pursuant to Minnesota Statute (M.S.) Section 103B.315, Subdivision (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. The Board received a resolution from Brown County, dated June 27, 2006, requesting a two-year extension of their current Local Water Management Plan.

2. On August 24, 2006, the Board officially approved the Brown County extension request, thereby extending the end-date to December 31, 2008.

3. On August 9, 2007, the Board received a Priority Concerns Scoping Document from Brown County, pursuant to M.S. Section 103B.312.

4. On September 27, 2007, the Board's Southern Region Water Planning Committee met with representatives of Brown County to discuss state agencies review comments, the contents of the Priority Concerns Scoping Document, and recommendations for the content of the final Plan Update.

5. On October 24, 2007, the Board of Water and Soil Resources approved official comments on the Brown County Priority Concerns Scoping Document, which were mailed to the County on October 24, 2007.

6. On April 22, 2008, the Board received the Brown County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Plan Update for final State review pursuant to M.S. Section 103B.315, Subd. 5.

7. The priority concerns the Plan Update addresses include:
    a. **Soil Erosion**
    b. **Groundwater**
    c. **Drainage**
    d. **Wetlands and Water Retention**
    e. **Human Wastewater**

8. On August 7, 2008, the Southern Region Water Planning Committee of the Board reviewed the recommendation of the state review agencies regarding final approval of the Brown 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.

9. On August 7, 2008, the Board's Southern Region Water Planning Committee decision was to provide the following recommendation to the full Board at its next scheduled meeting:
    a. The Brown County Plan Update shall be in effect from January 1, 2008 through August 28, 2018, as pursuant to M.S. 103B.311 Subd. 4 (5) (a local water management plan must not extend more than ten years from the date of Board approval); and
    b. Recommend approval of the Plan Update; and
    c. Recommend that Brown County be required to update the Goals, Objectives, and Implementation section of the Plan Update and obtain Board approval by August 28, 2013.

10. This update will be in effect until August 28, 2018.

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 Brown County pursuant to M.S. Section 103B.315, Subd. 5.

2. The Brown 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 Brown County Local Water Management Plan with a required update to the Implementation section (Goals, Objectives, and Action) by August 28, 2013.

Dated at Olivia, Minnesota, this 28th day of August, 2008.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

DATE: July 21, 2008

TO: Jeff Nielsen, BWSR Southern Regional Supervisor
Southern Region Water Planning Committee

FROM: Thomas Fischer, Board Conservationist

SUBJECT: **Nicollet County Local Water Management Plan - Final Review**

Nicollet County submitted its Priority Concerns Scoping Document (PCSD) in September 2006 for state agency reviews and comments. The Board of Water and Soil Resources (BWSR) Southern Region Water Planning Committee (Committee) met with representatives of Nicollet County on November 8, 2006, to discuss state agencies review comments, the contents of the PCSD and recommendations for the content of the final Local Water Management Plan (Plan). In a letter to Nicollet County dated December 20, 2006, the BWSR communicated the State's official comments: the priority concerns to be addressed in the final Plan were deemed to be appropriate; the Committee did not recommend or require any changes to the PCSD.

On November 16, 2006, the BWSR received a resolution from Nicollet County requesting a two-year extension of their current Plan. On December 20, 2006, the BWSR officially approved the extension request. The extended end-date of the current Plan was set at December 31, 2008.

Nicollet County completed the final draft Plan, held the required public hearing on April 22, 2008, and submitted the final draft Plan to the BWSR on May 9, 2008, as required for final review by state agencies. State agency comments and recommendations were to be submitted to Jeff Nielsen by June 30, 2008.

The following state agencies provided comments/recommendations:

- Minnesota Department of Agriculture (MDA) approved the entire Plan as submitted, no other comments/recommendations.
- Minnesota Department of Health (MDH) approved the entire Plan as submitted, no other comments/recommendations.
- Minnesota Pollution Control Agency (MPCA) recommends that BWSR approve the entire Plan as submitted and provided the following for consideration:
    - work closely with the drainage authority to fully assess all impacts of proposed drainage projects;

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

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- recommended revisions to a table listing waters on the Impaired Waters List within the Plan to provide accurate and up-to-date information;
- encourages Nicollet County to utilize the MPCA's Environmental Data Access System to find and download surface water monitoring sites data.

The following state agencies did not provide comments/recommendations:

- Minnesota Department of Natural Resources
- Minnesota Environmental Quality Board

I have completed my final review of the Nicollet County Plan and find that it does meet the minimum requirements of Minnesota Statute 103B.314. The Plan:

- focuses on the priority concerns identified in the PCSD;
- assesses the priority concerns and sets forth appropriate goals and objectives;
- provides an implementation program with measurable actions, timeline and budget; and
- includes all required sections.

If approved as submitted to BWSR, there is one requirement of Minnesota Statute that the Nicollet County Plan would not comply with. Minnesota Statute 103B.311 Subdivision 4 (5) states that a local water management plan must not extend more than ten years from the date of Board approval. The BWSR Board is scheduled to take action on this plan at their August 28, 2008 meeting. To comply with Minnesota Statute, the Nicollet County Plan should expire on August 28, 2018. The Nicollet County Plan covers the period of September 1, 2008 through December 31, 2018—three months beyond the ten year maximum. A very easy problem to correct, but does need to be corrected to comply with Minnesota Statute.

I hereby recommend approval of the Nicollet County Local Water Management Plan. I look forward to assisting Nicollet County in the implementation of their Plan.

NICOLLET COUNTY



FOURTH GENERATION

LOCAL WATER MANAGEMENT PLAN

September 1, 2008
Through
August 31, 2018

NICOLLET COUNTY LOCAL WATER MANAGEMENT PLAN

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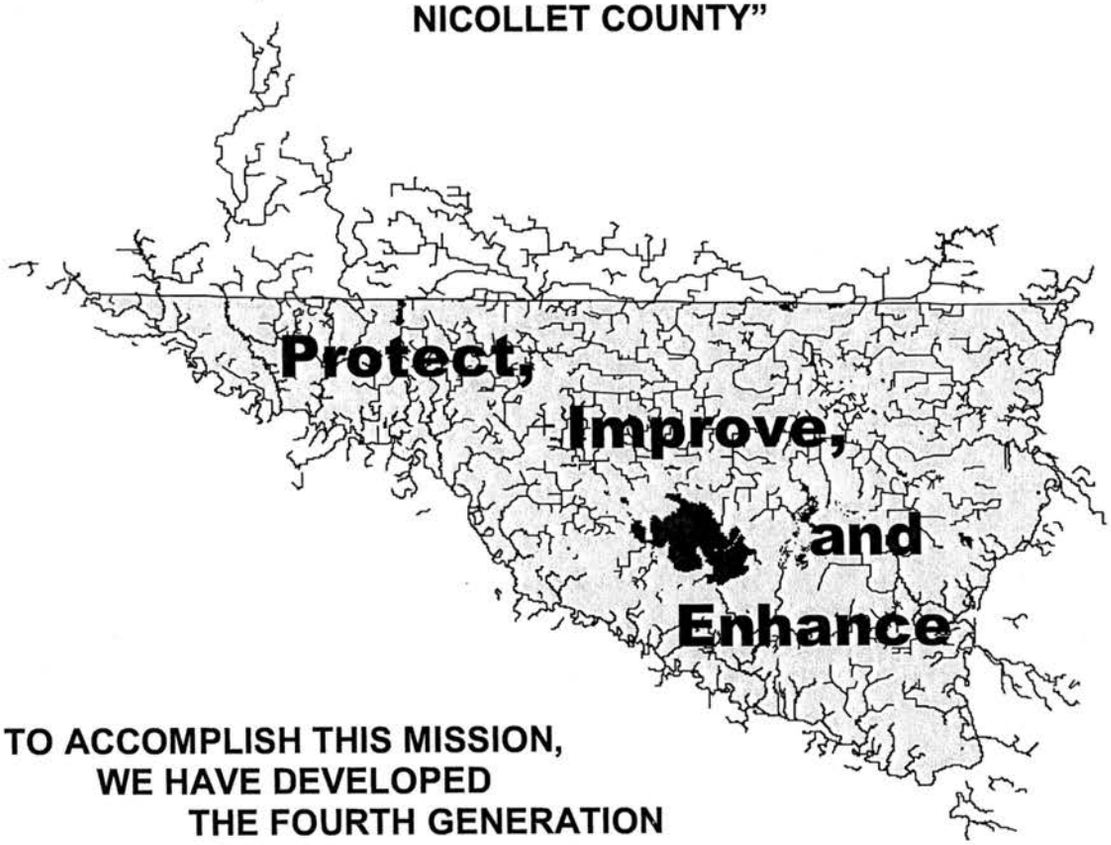
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ACRONYMS

13 County	South Central Minnesota County Comprehensive Water Planning Project Joint Powers Board consisting of Blue Earth, Brown, Cottonwood, Faribault, Freeborn, Jackson, LeSueur, Martin, Nicollet, Sibley, Steele, Waseca and Watonwan counties
Adj. Cnty	Adjacent Counties
BdCom	Nicollet County Board of Commissioners
BMP	Best Management Practices
BNC WQB	Brown-Nicollet-Cottonwood Water Quality Board
BN CHS	Brown-Nicollet Community Health Service
BWSR	Board of Water and Soil Resources
CCMR	Coalition for a Clean Minnesota River
Cities	Nicollet County Cities
Con-Gr	Conservation Groups
County	Nicollet County
CWP	MPCA Clean Water Partnership Grant
DNR	Minnesota Division of Natural Resources
ESD	Nicollet County Environmental Services Department
FSA	Farm Services Agency
GAC	Gustavus Adolphus College, St. Peter
GIS	Geographic Information System
IATP	Institute for Agriculture and Trade Policy
LGU	Local Governmental Units, Nicollet County or City Offices or Nicollet SWCD
MDA	Minnesota Department of Agriculture
MDH	Minnesota Department of Health
MES	University of Minnesota Extension Service at Nicollet County
MidMN	Middle Minnesota River Watershed
MGS	Minnesota Geological Survey
MPCA	Minnesota Pollution Control Agency
MSU-M	Minnesota State University at Mankato
NCEM	Nicollet County Emergency Management
NCLWP	Nicollet County Local Water Management Plan
NCPB	Nicollet County Park Board
NPDES/SDS	National Pollutant Discharge Elimination System/State Disposal System
NCSO	Nicollet County Sheriff's Office
NRCS	Natural Resources Conservation Service
PW	Nicollet County Public Works Department
RR WS	Rush River Watershed Clean Water Partnership
SMC	Seven Mile Creek Watershed Clean Water Partnership
SSTS	Subsurface Sewage Treatment System
SWCD	Nicollet Soil and Water Conservation District
TMDL	Total Maximum Daily Load
TRRCD	Three Rivers Resource Conservation and Development Council Association
U of M	University of Minnesota
TSW	Tri-County Solid Waste Office (LeSueur, Nicollet and Sibley Counties)
USGS	United States Geological Survey
WCA	Wetland Conservation Act
WHP	Wellhead Protection Area
WRC	Minnesota State University at Mankato – Water Resource Center
WS	Watershed

THE MISSION STATEMENT

"TO PROTECT, IMPROVE & ENHANCE THE WATER RESOURCES OF NICOLLET COUNTY"



**TO ACCOMPLISH THIS MISSION,
WE HAVE DEVELOPED
THE FOURTH GENERATION
NICOLLET COUNTY
LOCAL WATER
MANAGEMENT PLAN**

**SEPTEMBER 1, 2008
THROUGH
AUGUST 31, 2018**

A copy of this Plan and other pertinent information can be found at the Environmental Services Department at the Nicollet County Government Center, 501 South Minnesota Avenue, St. Peter, MN 56082 or by going to the Nicollet County Website at http://www.co.nicollet.mn.us/; then going to the Environmental Services Department link under the heading of Departments.

NICOLLET COUNTY CONTRIBUTORS

The following is a list of those who have contributed talent, time, money and support to the development of the Fourth Generation Nicollet County Local Water Management Plan. Without their assistance and knowledge this Plan would not have been developed. With their continued assistance it will be a successful mechanism to "Protect, Improve and Enhance Our Water Resources" in Nicollet County and beyond.

PREPARED BY:
Pamela Rivers, Nicollet County Local Water Management Plan Administrator
The Local Water Management Task Force Members

WITH ASSISTANCE FROM:
The Citizens of Nicollet County
The County Water Resources Management Citizen Task Force
The Nicollet County Board of Commissioners
The City Officials of Nicollet County
The Township Officials of Nicollet County
The Offices and Departments of Nicollet County
Nicollet Soil and Water Conservation District
Brown-Nicollet Environmental Health Office
Brown-Nicollet-Cottonwood Water Quality Joint Powers Board
Rush River Watershed Clean Water Partnership

STATE AND FEDERAL AGENCY CONTRIBUTORS:
Board of Water and Soil Resources
Minnesota Department of Agriculture
Minnesota Department of Health
Minnesota Department of Natural Resources
Minnesota Environmental Quality Board
Minnesota Geologic Survey
Minnesota Pollution Control Agency
University of Minnesota Extension Service – Nicollet County
U.S.D.A. Natural Resources Conservation Service

THE REVISION OF THE 2008-2018 LWM PLAN WAS FUNDED BY:
Nicollet County
Natural Resources Block Grant from the Minnesota Board of Water and Soil Resources

LOCAL WATER MANAGEMENT TASK FORCE MEMBERS

The following people dedicated time and expertise to the development of the LWM Plan. It is through their efforts that staff was able to develop a document that reflects the needs and desires of the citizens of the county. Thank you for your commitment.

CITIZEN MEMBERS:
Eric Peters - Area Business
John Kral - Nicollet SWCD Board Supervisor and Area Crop Farmer
Kathy Meyer – College Student and Urban Resident - Resigned 2008
Ken Albrecht – Rural Resident
Kevin Finstad – Rural Resident and Small Business Owner - Resigned 2007
Marty Schott – Area Farmer and Crop Consultant
Roger Schoeb - Rural Resident
Tim Gieseke – Area Farmer and Agricultural Business Owner
Tom Zellmer - Nicollet County Township Officer Association and Belgrade Township Supervisor
Walter Krohn – Area Farmer and represented the Nicollet Conservation Club, Deceased

TECHNICAL MEMBERS:
Kevin Ostermann - Nicollet SWCD District Manager
Blake Honetschlager – Nicollet SWCD District Technician
Mike Wagner - Nicollet County Public Works Director
Kevin Kuehner - Water Quality Specialist, B-N-C CWP (position vacant as of September 2007)
Ed Hohenstein; replacing Scott MacLean in April 2007 - Watershed Specialist, B-N-C CWP
Jack Bovee – Water Quality Technician, B-N-C CWP
Ronald Otto, Coordinator, Rush River Watershed Clean Water Partnership
Wayne Schoper – Minnesota Extension Service, Nicollet County
Pamela Rivers - Nicollet County Water Management Plan Coordinator
Joel Anderson - DNR Area Wildlife Manager
Stephanie McLain; replacing Yamika Stokes in May 2006, NRCS, District Conservationist

EX-OFFICIO MEMBERS:
Judy Hanson - County Commissioner
Dr. Bruce Beatty – County Commissioner; replacing Commissioner David Haack
Mandy Landkamer - Director, County Environmental Services, Tina Rosenstein, Retired
Thomas Fischer – Board Conservationist – Board of Water and Soil Resources

SPECIAL RECOGNITION:

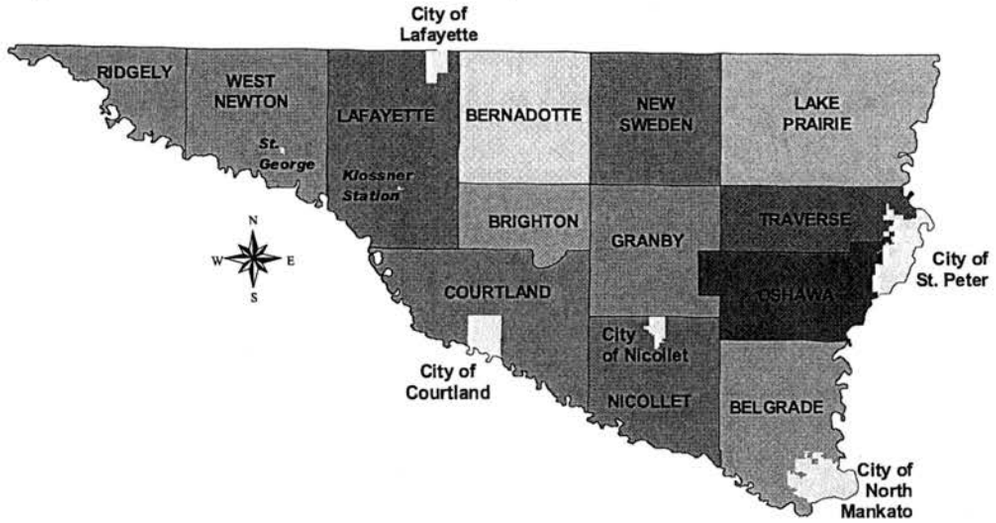
- To Ms. Tina Rosenstein, retired Director of the Environmental Services Department, who, as an intern at MSU-M Urban Studies Department, wrote some of the original county water plans within the 13 County Joint Powers and had remained active in local water management throughout her professional career.
- To Mr. Walter Krohn, who passed away in 2007, whose faithful attendance and active interest was a source of many ideas used in development of the water plans.
- To Ms. Kathy Meyer and Mr. Kevin Finstad who contributed to the development of the Priority Concerns with their knowledge of the County and regard for the importance of protecting and enhancing our natural resources.
- To Mr. Thomas Fischer, Board Conservationist with the BWSR, whose dedication and assistance has guided this process and helped the Task Force members to achieve an environmentally sound, fiscally responsible and achievable Water Plan.

EXECUTIVE SUMMARY

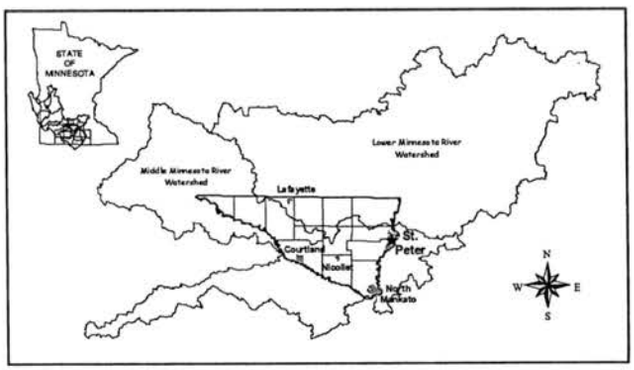
Background:

Nicollet County is located in south central Minnesota lying entirely within the Minnesota River Basin and lies adjacent to the counties of Blue Earth, Brown, Le Sueur, Renville and Sibley. The thirteen townships form a triangular shape with 104.6 miles of the Minnesota River forming the southeast and southwest boundaries. A line of forested bluffs separate the river valley from land that is relatively flat and historically used for agricultural purposes. Approximately 245,000 acres are actively farmed.

There are five cities: the largest being North Mankato with the County seat, St. Peter following closely in population and rapidity of growth. The cities of Courtland, Lafayette and Nicollet, with a small portion of the City of Mankato, complete the list of cities in the County. There are two unincorporated rural townsites; Klossner is located in Lafayette Township and Saint George is located in West Newton Township.



The County lies entirely within the Minnesota River Basin and the County Commissioners are active in the Minnesota River Board and other organizations promoting enhancement, while preserving the natural resources. The majority of the County lies within the Middle Minnesota River Watershed. Along with Nicollet County, the counties of Blue Earth, Brown, Cottonwood, LeSueur, Redwood, Renville and Sibley and a very small portion of Watonwan make up the Middle Minnesota River Watershed technical committee which meets to discuss natural resource issues. The upper 1/3 of the county lies within the Lower Minnesota River Watershed with the counties of Carver, Dakota, Hennepin, LeSueur, McLeod, Renville, Rice, Scott, Sibley and a small portion of Ramsey at the mouth of the Minnesota River. Growth of the urban population and concerns of the rural area makes this a complex watershed.

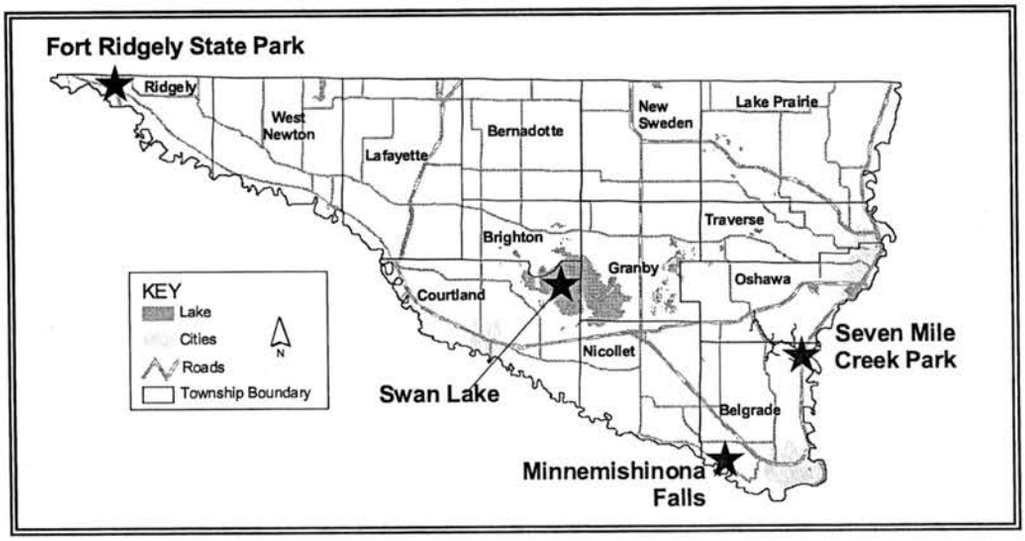


The latest population Census is listed below with the projected population increase over the next 20 years of 7% from 2000 to 2010 and 14% from 2000 to 2030.

STATE DEMOGRAPHIC CENTER COUNTY PROJECTIONS								
MCD	Adjust. Census 2000	Total Pop 2002	Extrapolated					
			2005	2010	2015	2020	2025	2030
NICOLLET COUNTY	**27,219**	**30,471**	**30,840**	**31,860**	**32,630**	**33,190**	**33,590**	**34,000**
CITIES								
Courtland	538	553	578	635	682	721	755	791
Lafayette	529	531	542	570	592	610	624	642
Mankato (pt)	0	0	0	0	0	0	0	0
Nicollet	889	922	943	994	1,034	1,067	1,094	1,126
North Mankato (pt)	11,800	12,208	12,459	13,077	13,570	13,956	14,221	14,391
St. Peter	9,765	9,979	10,037	10,239	10,377	10,463	10,525	10,639
Total for Cities	**23,521**	**24,193**	**24,559**	**25,515**	**26,255**	**26,817**	**27,219**	**27,589**
TOWNSHIPS								
Belgrade	1,031	1,049	1,065	1,106	1,137	1,161	1,183	1,209
Bernadotte	346	358	361	371	378	383	387	394
Brighton	169	165	162	158	154	150	146	144
Courtland	715	720	719	724	725	723	721	722
Granby	259	258	252	245	237	229	222	218
Lafayette	724	719	713	707	699	689	679	672
Lake Prairie	638	631	621	609	595	579	565	558
New Sweden	326	331	327	322	315	308	301	298
Nicollet	511	508	499	488	476	462	451	445
Oshawa	525	526	535	557	574	587	598	612
Ridgely	126	121	118	115	111	107	104	102
Traverse	363	372	390	429	462	489	512	538
West Newton	517	520	517	515	512	507	501	499
Total for Townships	**6,250**	**6,278**	**6,279**	**6,346**	**6,375**	**6,374**	**6,370**	**6,411**
Per Cent of Change 2000-2010 is 7%								
Per Cent of Change 2000-2030 is 14%								
Incorporates CQR corrections for 2000							28-Jun-04	
Projected population to 2030 for cities and townships outside the Twin Cities area Extrapolated population figures going out to 2030 for cities (Office of the State Demographer: Dataset, published July 1, 2004) | resource details								

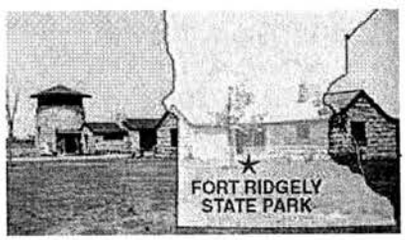
* http://www.demography.state.mn.us/DownloadFiles/00Proj/PopulationProjections02.pdf

The parks and scenic areas in the County are a source of pride to the citizens and show the desire to not only preserve and enhance the County's natural resources, but to show-case them for all to see. Among these natural amenities are wildlife management areas, numerous parks and boat landings on the Minnesota River. Below is a map of four areas described below.



- **Swan Lake** as one of the largest prairie pothole marshes in the United States, offers birding, hunting and research opportunities with public landings along its shore. Nicollet Creek/Swan Lake Outlet has one of the best water quality designations of the tributaries to the Minnesota River. Swan Lake is managed through the cooperation between DNR Wildlife and Fisheries, landowners, conservation clubs and the many visitors who enjoy this unique and beautiful area in central Nicollet County.

- **Fort Ridgely State Park** is the only state park in the County and is located at the far westerly edge of the County. The fort was built in 1853 and became a State park in 1911. There are camp sites, a 9 hold golf course, and many other recreational opportunities. In 2011, the Park will be featured on the Minnesota State Park Permit which is required for entrance to any state park. The design of the sticker is pictured at the right. This will provide the public with the reminder of this beautiful area and the opportunity to visit the ruins of this once thriving outpost. You can find out more about Fort Ridgely State Park and all that it offers by going to the DNR website at http://www.dnr.state.mn.us/state_parks/fort_ridgely/index.html.



- **Seven Mile Creek County Park** was established in 1967 and now encompasses 628 acres in Belgrade and Oshawa townships. The Park is located between North Mankato and St Peter on both sides of US 169. Some of the attractions that draw over 150,000 people to the Park annually include: picnic grounds with a shelter and playground equipment, a boat landing, ball diamonds, over eight miles of multi-use



trails (including many groomed for horse riding), the Creek which is stocked with brown trout annually and the beautiful forested areas throughout the surrounding vicinity. Since 1996 three surface water monitoring sites have been operated within the 36.8 square miles of the watershed. Those with internet access can go to the on a virtual tour of Seven Mile Creek County Park at
http://mrbdc.mnsu.edu/major/midminn/subshed/sevenmi/vtour/smvt_1.html

- **Minnemishinona Falls Scenic Outlook** which was opened to the public in 2008, is west of North Mankato along the Judson Bottom Road (County Road 41); a quarter of a mile from the junction of County Road 71 and the Judson Bottom Road. This road is designated as a Minnesota River Valley Scenic Byway and the Minnemishinona Falls Scenic Area is one of the high lights along the Byway. The parking area and fenced overlook is located along the west rim of the gorge below Minnemishinona Falls providing a view of the Minnesota River Valley and access to the 42 foot falls. One of the few waterfalls in the State, it is now preserved through the efforts of Nicollet County, private citizens and several organizations. This beautiful area is a wonderful example of the grandeur of the areas along Scenic Byways across the State.



Links to information about Seven Mile Creek Park and Minnemishinona Falls Scenic Outlook can be found on the Nicollet County website at http://www.co.nicollet.mn.us

The Purpose of the Local Water Management Plan

The purpose of the Nicollet County Local Water Management Plan (LWM Plan) is twofold and is intended for use in the ten year period of September 1, 2008 through August 31, 2018. This fourth generation Plan will:

- Identify existing and potential problems;
- Identify opportunities for the protection, management, and development of water and related land resources; and
- Develop objectives with a plan of action to promote efficient hydrologic management and effective environmental protection of water and related land resources.

Project History

The Nicollet County Board of Commissioners authorized the development of the first Nicollet County Comprehensive Water Resources Management Plan in the spring of 1987. It addressed surface water, groundwater, and related land uses and resources on a watershed basis.

Beginning that fall with an informational meeting, development and implementation of the original 1990 Local Water Plan achieved extensive citizen and intergovernmental involvement. Numerous Nicollet County residents, county organizations, local units of government, adjacent counties, state agencies, federal agencies, private companies, and institutions of higher learning assisted county staff and officials. Regular communication and cooperation with neighboring counties was essential and remained a key ingredient in the process in developing the first Water Plan.

Currently referred to as the Nicollet County Water Management Task Force, the original Water Planning and Implementation Task Force, has continued to be a part of the process. In 1994, 1999 and November 2005, the Task Force reviewed the review of the Goals, Objectives and Actions for the second, third and now fourth revisions respectively.

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Nicollet County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Minnesota Board of Water and Soil Resources (Board) on May 9, 2008, pursuant to Minnesota Statute (M.S.) Section 103B.315, Subdivision (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 7, 2006, the Board received a Priority Concerns Scoping Document from Nicollet County, pursuant to M.S. Section 103B.312.

2. On September 15, 2006, the Board distributed copies of the Priority Concerns Scoping Document to state agencies for review and comment.

3. On November 8, 2006, the Board's Southern Region Water Planning Committee met with representatives of Nicollet County to discuss state agencies review comments, the contents of the Priority Concerns Scoping Document and recommendations for the content of the final Plan Update.

4. On November 16, 2006, the Board received a resolution from Nicollet County requesting a two-year extension of their current Local Water Management Plan.

5. On December 20, 2006, the Board officially approved the Nicollet County extension request, thereby extending the end-date to December 31, 2008.

6. On December 20, 2006, the Board approved official comments on the Nicollet County Priority Concerns Scoping Document, which were communicated to the County in a letter dated December 20, 2006.

7. The priority concerns the Plan Update addresses include:
    a. **Stormwater Management** (dealing with urban and rural surface water runoff)
    b. **Urban and Resource Management** (drainage, erosion and sediment control)
    c. **Total Maximum Daily Loads** (two existing Clean Water Partnership Projects and pursuing additional funding to target impaired waters)
    d. **Groundwater** (wellhead protection assistance—community and private)

8. On May 13, 2008, the Board received the Nicollet County Plan Update for final State review pursuant to M.S. Section 103B.315, Subd. 5. The Plan Update covers the period of September 1, 2008 through August 31, 2018.

9. On May 19, 2008, the Board received 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.

10. On August 7, 2008, the Board's Southern Region Water Planning Committee reviewed the recommendation of the state review agencies regarding final approval of the Nicollet County Plan Update pursuant to M.S. Section 103B.315, Subd. 5. Recommendations of the state review agencies were:
    a. Minnesota Department of Agriculture: recommends approval;
    b. Minnesota Department of Health: recommends approval;
    c. Minnesota Pollution Control Agency: recommends approval;
    d. Minnesota Department of Natural Resources: recommends approval;
    e. Minnesota Environmental Quality Board: no recommendation received;
    f. Minnesota Board of Water and Soil Resources regional staff: recommends approval.

11. On August 7, 2008, the Board's Southern Region Water Planning Committee decision was to provide the following recommendation to the full Board at its next scheduled meeting:
    a. The Nicollet County Plan Update shall be in effect from September 1, 2008 through August 28, 2018, as pursuant to M.S. 103B.311 Subd. 4 (5) (a local water management plan must not extend more than ten years from the date of Board approval); and
    b. Recommend approval of the Plan Update; and
    c. Recommend that Nicollet County be required to update the Goals, Objectives and Implementation section of the Plan Update and obtain Board approval by August 28, 2013.

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 Nicollet County pursuant to M.S., 103B.315, Subd. 5.

2. The Nicollet 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 Nicollet County Local Water Management Plan for the period of September 1, 2008 through August 28, 2018, with the requirement that the Goals, Objectives and Implementation Schedule section be updated and receive Board approval by August 28, 2013.

Dated at Olivia, Minnesota, this 28th day of August, 2008.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

RIM Reserve Planning Committee

1. RIM/WRP Partnership Grant Payment Schedule for SWCD Services – Tabor Hoek – *DECISION ITEM*

Board Resolution # 08-84

RIM/WRP Partnership Grant Payment Schedule for SWCD Services

WHEREAS the MN State Legislature appropriate $25 million to RIM Reserve in the 2008 bonding bill (Chapter 179, 2008 Session Law) which Governor Pawlenty signed in to law on April 7, 2008, and said funding is now available for expenditures as the MN Department of Finance has established the necessary accounts;

WHEREAS the MN State Legislature determined that the BWSR may use up to ten percent of this appropriation to implement the RIM Reserve Program;

WHEREAS the new RIM Reserve funding was intended to, and will, leverage federal WRP (Wetlands Reserve Program) funding;

WHEREAS the Board of Water and Soil Resources (BWSR) adopted a resolution on June 25, 2008 authorizing Phase I of the RIM/WRP Partnership and authorized staff to develop the necessary sign-up procedures and supporting materials with the Natural Resources Conservation Service (NRCS);

WHEREAS, the RIM Reserve Program is administered by the BWSR in cooperation with local SWCDs.

WHEREAS the BWSR RIM Reserve Management Planning Committee met on August 19, 2008 to review and recommend the attached Grant Payment Schedule for Soil and Water Conservation District (SWCD) Services related to the RIM/WRP Wetland Restoration Partnership;

NOW, THEREFORE BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources approves and authorizes staff to allocate the attached grant formula for SWCD Services in support of the RIM/WRP partnership.

R/ Kramer

Randy Kramer, Chair
Minnesota Board of Water and Soil Resources

8/28/08

Date

Board Resolution #_____

RIM/WRP Partnership Program
Grant Payment Schedule for SWCD Services
August 28, 2008

Easement No. _____

DRAFT

	SWCD Compensation Per Easement	✓ for Applicable Tasks
A. Easement Development and Acquisition		
Landowner signed and accepted for funding.	**$ 1,500**	☐
B. Conservation Plan Development and Vegetation Plan Implementation		
Level 1: No involvement by SWCD.	**$ 0**	☐
Level 2: SWCD develops conservation plan and vegetation plan implementation.	**500**	☐
C. Construction Plan Development and Implementation		
1. Plan Development		
• No involvement by SWCD.	**$ 0**	☐
• SWCD performs topo survey/site assessment, simple project designs or assists in topo survey/site assessment in complex projects.	**500**	☐
2. Construction Implementation – *Staking/Layout, Oversight, Inspection, Final Check, As-Built Plan*	*Check Only One Box*	
Level 1: SWCD provides extensive role in simple project. SWCD assists project manager in complex project.	**$ 1,500**	☐
Level 2: SWCD plays extensive role in complex project.	**$ 3,000**	☐

Note: Levels to be determined by SWCD and BWSR wetland engineering staff

_____ _____ ***BWSR Approval*** _____

SWCD Representative ***Date***

NEW BUSINESS

1. Overview of Whole Farm Planning Bill (HF 2867) – Representative Al Juhnke - *INFORMATION ITEM*

2. Presentation on New Assessment and Planning Tools – Tim Gieseke, Ag Resource Strategies, LLC – *INFORMATION ITEM*

3. Demonstration of an On-line Tool-in-Progress Conservation Funding Advisor – Peter Scheffert, Minnesota Department of Agriculture – *INFORMATION ITEM*

4. 2008 Federal Farm Bill Update – Tim Koehler and Paul Flynn, NRCS – *INFORMATION ITEM*

5. '09 Non-Point Engineering Assistance Challenge Grants – Al Kean – *DECISION ITEM*

6. SWCD Technical Services Areas (TSAs) Reorganization – Al Kean - *DECISION ITEM*

7. FY 09 Drainage Records Modernization Challenge Grants – Al Kean – *DECISION ITEM*

8. FY 2009 Clean Water Legacy Grant Funding Package – Matt Drewitz and Jeff Hrubes – *DECISION ITEM*

9. Area II Minnesota River Basins Project Inc. FY 2009 Annual Work Plan – Tabor Hoek, BWSR, and Kerry Netzke, Area II Coordinator – *DECISION ITEM*

10. Minnesota River Basin Joint Powers Board, FY09 Annual Work Plan – Jeff Nielsen – *DECISION ITEM*

Viewpoint

A conservation plan for every farm



Farm Talk
By PAULA MOHR
pmohr@farmprogress.com

OUR state lawmakers have a full plate when they convene their next session the second week of February. Transportation, understandably, will dominate early discussions and decisions. Finger-pointing over the 35W bridge fiasco should end. All legislators and the governor need to look to the future. That includes the passage of a gas tax increase dedicated to pay for sorely needed transportation projects.

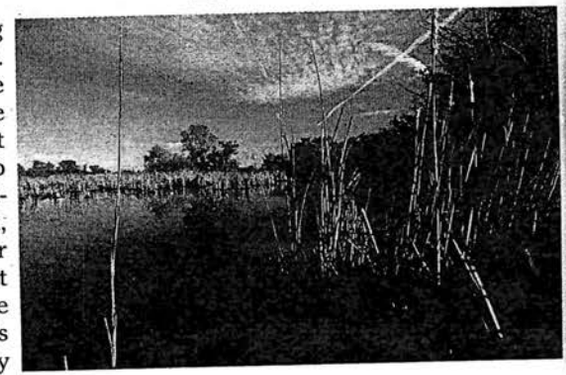
Conservation also may be at the forefront, if Rep. Al Junke, DFL-Willmar, follows through with his idea. At the Minnesota Corn Growers meeting in January, Junke said he wants agriculture to be proactive with conservation practices and prove to the nonfarming public that farmers truly care about the environment.

To show agriculture's commitment, Junke says every farm in the state should have a conservation plan in five to 10 years. Such a plan would be developed for each farm, with data coming from already established sources, and it would be voluntary for each farmer to adopt it. With existing documentation of soil types, topography, crop yields, soil fertility and so forth, conservation plans would spell out recommended crops, tillage practices, soil and water erosion controls, wildlife enhancements, and other environmental safeguards.

'What? No way!'

This idea probably will throw some of you off guard. "What? No way! The government isn't going to tell me how to farm," you say. On top of that, you might wonder about data privacy laws. What would happen if your farm information ends up in the hands of groups with less than honorable intentions? The latter is a real concern that should be addressed from the get-go. Otherwise, additional work on such a law would be in vain.

There is merit in the idea of having a conservation plan tailored for every farm. Every farm should have one implemented now, period. With all the state and federal programs, cost-share funds, agronomy advisers, with all the technology such as GPS, computerized equipment and monitors, there is no practical reason not to have one. Farmers relish the belief that they are the true stewards of soil and water. We hear it preached all the time at farm meetings. You are environmental stewards. Yet in today's agricultural-ignorant society, that's not good enough. You will have to prove you deserve that precious title by practicing conservation on all your lands.



It's true that agriculture must be more proactive these days. At least once a week, it seems, we're getting beat up in the general media. Corn ethanol has been a recent target, with opponents blaming it for higher food prices. A recent *National Geographic* magazine article portrays North Dakota's rural landscape as artfully desolate yet ignores its rural economic strengths. And in Twin Cities metro area news coverage, farmers and the ag industry continue to take the heat for water pollution — i.e., acetochlor found in southeastern Minnesota streams. A new attack on corn ethanol also surfaced in one daily metro newspaper: More acres planted to corn would be a disaster to wildlife. According to that news article, Minnesota reportedly has lost 80,000 Conservation Reserve Program acres and CRP contracts for an additional 800,000 acres will expire by 2013.

What is the flip side of this story? As of September and October 2007, according to FSA data, Minnesota ranked third in the nation for the number of contracts (62,827) and third for the number of farms (33,600) participating in CRP. The state ranked seventh for acres enrolled (1,830,917) and seventh for rental payments ($110,416,081).

This is just one of several federal conservation programs in which Minnesota farmers are voluntarily enrolled, and less than half of the state's farms have done so. Different programs work better for different farms. However, could something other than rental payments and paperwork be discouraging farmers from participating?

According to the 2006 ag census, there are about 79,000 farms in the state with 27.4 million acres. To design conservation plans for each farm sounds like an insurmountable task. Yet, is it? We'd like to hear from you. If you follow a conservation plan, why do you? If you don't have a plan, why not? What would encourage your participation? We look forward to hearing from you.

H.F. No. 2867, as introduced - 85th Legislative Session (2007-2008) Posted on Feb 13, 2008

relating to soil and water conservation; creating farm unit conservation plan program; requiring conservation plan for participation in a state cost-share program; creating farmland conservation task force; appropriating money; amending Minnesota Statutes 2006, sections 103C.101, by adding subdivisions; 103C.501, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 103C.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2006, section 103C.101, is amended by adding a subdivision to read:

Subd. 1a. **Conservation plan.** "Conservation plan" means a set of documents tailored to the natural and economic characteristics of an individual farm unit that includes projects and practices recommended to both increase the economic viability of the farm operation and preserve or enhance water, soil, wildlife, and other natural resources. Specific items contained in a conservation plan must include but are not limited to: estimated erosion and nutrient loss rates for the farm unit given current farming practices; short-term and long-term economic and environmental effects of erosion and nutrient loss; an explanation of relevant federal, state, and local erosion control and water quality laws and suggested best practices; a summary of the local district's current comprehensive plan if such a plan exists; a listing and description of suggested farming and resource management practices including potential effects on yield, income, and farm operations for each practice; and information on educational, technical, and financial assistance available from relevant agencies and nongovernment organizations.

Sec. 2. Minnesota Statutes 2006, section 103C.101, is amended by adding a subdivision to read:

Subd. 5a. **Farm unit.** "Farm unit" means a single contiguous tract of agricultural land, or two or more adjacent tracts of agricultural land with substantially similar geographic, soil, and drainage characteristics, upon which crop or livestock production or both are conducted by a person who owns or is purchasing or renting all of the land, or by that person's tenant or tenants. If a landowner has multiple farm tenants, the land on which farming operations are being conducted by each tenant is a separate farm unit.

Sec. 3. Minnesota Statutes 2006, section 103C.501, subdivision 5, is amended to read:

Subd. 5. **Contracts by districts.** (a) A district board may contract on a cost-share basis to furnish financial aid to a land occupier or to a state agency for permanent systems for erosion or sedimentation control or water quality improvement that are consistent with the district's comprehensive and annual work plans.

(b) The duration of the contract must, at a minimum, be the time required to complete the planned systems. A contract must specify that the land occupier is liable for monetary damages and penalties in an amount up to 150 percent of the financial assistance received from the district, for failure to complete the systems or practices in a timely

manner or maintain the systems or practices as specified in the contract.

(c) A contract may provide for cooperation or funding with federal agencies. A land occupier or state agency may provide the cost-sharing portion of the contract through services in kind.

(d) The state board or the district board may not furnish any financial aid for practices designed only to increase land productivity.

(e) When a district board determines that long-term maintenance of a system or practice is desirable, the board may require that maintenance be made a covenant upon the land for the effective life of the practice. A covenant under this subdivision shall be construed in the same manner as a conservation restriction under section 84.65.

(f) After January 1, 2012, a district board may not enter into a new contract with an occupier of agricultural land unless the occupier has a conservation plan for the impacted land under section 103C.55, which may consist of a comparable plan as provided by section 103C.55, subdivision 3.

Sec. 4. **[103C.55] FARM UNIT CONSERVATION PLAN.**

Subdivision 1. **Conservation plan.** Except as provided in subdivision 3, district boards, in consultation with the state board and the commissioner of agriculture, shall develop a conservation plan for each farm unit in this state. A district board shall distribute the completed conservation plan to the owner or operator of a farm unit.

Subd. 2. **Priority.** A district board must assign a higher priority to producing a conservation plan for any farm unit located wholly or partially within the watershed of a body of water included in the Pollution Control Agency's latest 303(d) total maximum daily load list of impaired waters as impaired by a source or sources other than mercury or polychlorinated biphenyls or other nonagricultural chemicals.

Subd. 3. **Existing plan.** A district board need not create a conservation plan for a farm unit already covered by a comparable conservation plan prepared in consultation with or by the Natural Resources Conservation Service or a state agency within ten years prior to the effective date of this section.

Sec. 5. **FARMLAND CONSERVATION TASK FORCE.**

(a) The Board of Water and Soil Resources and the commissioner of agriculture must convene a farmland conservation task force. The objective of the task force is to advise the legislature on how the state can achieve the expedient implementation of cost-effective soil and water conservation and nutrient management practices on the state's working farmlands, with an emphasis on farms with a completed conservation plan including recommended projects or practices both for the economic benefit of the farm operation and the preservation or enhancement of this state's water, soil, wildlife, and other natural resources. In particular, the task force must:

(1) estimate the amount of farmer demand statewide for assistance implementing soil and water conservation and nutrient management projects or practices, including an estimate of the financial and technical resources required and an implementation plan to satisfy this demand as quickly as possible;

(2) summarize the latest understanding of cost-effective soil and water conservation and nutrient management practices on agricultural lands along with the soil type, geography, cropping, or livestock rearing methods and other conditions under which each practice is most effective;

(3) describe and evaluate methods for quantitatively measuring any economic and environmental improvements at both the farm and watershed levels for each practice identified in clause (2); and

(4) describe and evaluate ways in which the state can encourage farmers to implement cost-effective soil and water conservation and nutrient management practices, including but not limited to: modifying or expanding existing state programs,

complementing existing federal working lands conservation programs, incorporating a conservation compliance component in existing state property tax benefits for the agriculture sector, and creating additional incentives.

(b) The task force must include a representative of each of the following organizations: the committee or committees of the house of representatives with jurisdiction over agriculture policy and finance, the committee or committees of the senate with jurisdiction over agriculture policy and finance, the committee or committees of the house of representatives with jurisdiction over environment and natural resources policy and finance, the committee or committees of the senate with jurisdiction over environment and natural resources policy and finance, the Department of Agriculture, the Department of Natural Resources, the Pollution Control Agency, the Board of Water and Soil Resources, the Minnesota Natural Resources Conservation Service of the United States Department of Agriculture, the University of Minnesota agricultural experiment stations, the University of Minnesota Extension Service, the Minnesota Farm Bureau, and the Minnesota Farmers Union.

(c) No later than January 15, 2009, the Board of Water and Soil Resources must report the findings and recommendations of the task force to the house and senate committees with jurisdiction over agriculture policy and finance and environment and natural resources policy and finance.

Sec. 6. **APPROPRIATION.**

(a) $..... in fiscal year 2009 is appropriated from the general fund to the Board of Water and Soil Resources for the activities required by sections 3 and 4.

(b) $..... in fiscal year 2009 is appropriated from the general fund to the commissioner of agriculture for the activities required by sections 3 and 4.

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

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

General questions or comments.

last updated: 01/04/2008

AG RESOURCE STRATEGIES, LLC

Unifying agricultural, economic and ecological solutions

Prepared for the Board of Water and Soil Resources - Olivia, MN - August 28, 2008

Preliminary Findings on Using Resource Management Indices as an Assessment, Education, Targeting, Assurance and Valuation Tool

August 27, 2008

Developed and written by Tim Gieseke, Ag Resource Strategies, LLC 40322 541st Avenue New Ulm, MN 56073
tgieseke@agresourcestrategies.com www.agresourcestrategies.com

Funding and support for various components of this effort was provided by the Minnesota Project, USDA Conservation Innovations Grant Program, USDA Sustainable Agriculture Research and Education, The McKnight Foundation, the Minnesota Pollution Control Agency Environmental Assistance Grants.

Summary
This effort began in March 2005, when 'working lands' conservation policy and potential regulatory policies demonstrated that farmers needed
1) a method to combine their production resource and natural resource management activities and costs, and
2) a means to communicate to governmental agencies and social entities how the voluntary methods are meeting economical and ecological goals of all parties.

Management Indices provided a method to integrate production and natural resource management in a transparent and succinct manner.

This **'one-stop' shop** approach recognizes farmers as the on-the-ground resource managers and as the potential 'conservation suppliers' – [delivering soil, water, habitat outcomes in unison with crop and livestock outcomes] – rather than just conservation customers – [receiving financial and technical assistance].

This **Integrated Resource Management** process allows natural resource outcomes to become **commoditized** and potentially **formalized** into the agricultural economy.

Contents

1. Why use Indices
2. Index-based Resource Assessment Example
3. Who would Conduct Resource Assessments?
4. Conservation Targeting Opportunities – Government, NGO & Farmer
5. Identifying Conservation Improvement and Providing Quality Assurance
6. Commoditizing and Valuing Resource Management
7. Opportunities for Meeting Specific Goals and Objectives

1. Why uses Management Indices?

Common Indices
Heat Index – It uses temperature and humidity measurements to describe potential stress to humans and animals
Consumer Price Index – It uses a complex set of sub-indices, databases, etc. to describe the potential impact to consumers and economy.

Both of these are 'non-measurable', but each contains items that are measurable. The basic result of an index is a relative numerical value to describe a trend, a comparison, or movement in how a situation is being effected.

Agricultural Management Indices
Uses **site-specific characteristics** such as soil, topography, weather and climate as base information and incorporates **individual cropping management components** such as crop type, tillage, fertility, fertilizer source, crop rotation, yield, cover, conservation practices, etc.

Unlike point-source pollution, non-point source pollution can not be measured due to the landscape scale and the variable nature of weather. Likewise the activities and practices used to reduce NPS pollution can not be precisely quantified. In addition, conservation practices and activities, in themselves, can not be credited a predetermined amount due to the all the variations of conditions within that NPS management unit (i.e. a specific practice will have different outcomes depending on what location that practice is applied) While site-specific conservation structures and practices are of significant importance in improving our resource base, an additional non-point source outcome approach is emerging as a significant companion option to these goals.

Decoupled Approach
A September 2007 Report from the National Association of State Conservation Agencies identified that ***reversing the trend of the program-driven process back to a resource-driven process*** would improve the efficiency of the Conservation Delivery Systems.

One way to accomplish this reversal is to decouple the resource assessment process from those that deliver the programs. After the agricultural professional completes the resource assessment, the conservation professionals can deliver the programmatic technical and financial assistance they have available to them and target their limited resources to now-known areas of concern. In this method, on-farm resource concerns that do not have programs attached to them are still identified, the farmer is aware of the potential issues and these may be addressed through non-governmental means.

2. Index-based Resource Assessment Example

1. Initial Farm Assessment																	
Farm or Tract# and/or Field#	Farm ID	Field #	Field #	Field #	Field #	Field #	Field #	Field #	Field #	Field #	Field #	Field #	Field #	**Assessment Summary**			
	5205	**1001-A**	**1001-B**	**1001-C**	**1002-A**	**1003-A**	**1004-A**	**1004-B**	**1005-A**	**1005-B**	**1005-C**	**1005-D**	**1006-Z**				
Acres		80	55	65	50	90	15	40	22	65	18	35	15	550	Total Acres		
Cropping System*		C/C/A3	C/S	W/S/C	C/S	C/S	C/S	SwC/P	C/S	W/S/C	NPG	Pasture	Pasture				
Index or Score Method **														Ave.	Acre-Wt. Ave		
Crop Equivalency Rating		88	92	68	95	100	95	85	88	75	88	65	68	83.9	85.1	CER	
Soil Conditioning Index/Soil Quality Index		0.3	-0.1	0.1	-0.2	0.1	-0.1	0.1	0.1	0.1	1	0.8	0.8	0.3	0.2	SCI/SQI	
Soil Tillage Intensity Rating		45	72	45	72	72	65	45	65	45	3	12	12	46.1	51.5	STIR	
Water Quality Score		66	52	60	52	45	40	50	40	65	90	85	85	60.8	58.7	WQ	
Phosphorus Index		0.2	0.5	0.3	0.5	0.5	0.5	0.3	0.4	0.3	0.01	0.1	0.1	0.3	0.3	P Index	
Pasture Scoring												8.5	9	8.8	0.0	Pasture	
Feedlot Index	22														22.0	Fdlt Indx	
Habitat Suitability Index***	42													42.0	42.0	HSI	

- Denotes a resource concern level

Crop Equivalency Ratings (University of Minnesota) is an index that reflect the net economic return per acre of soil when managed for cultivated crops, permanent pasture or forest, whichever provides the highest net return.

The Soil Conditioning Index (USDA) predicts the consequences of cropping systems and tillage practices on soil organic matter in a field.

Soil Tillage Intensity Rating (USDA) is intended to function as a stand-alone rating to evaluate tillage and/or planting systems on parameters other than the traditional ground cover and surface disturbance parameters.

Water Quality Score (USDA) is an approach adopted to account for multiple management activities that protect and enhance water quality on the farm.

Minnesota Phosphorus Index (University of Minnesota) is a management tool to estimate the relative risk that phosphorus is being lost from an agricultural field and delivered to a nearby ditch, stream, or lake. It allows the user to evaluate management options that can reduce the risk.

MinnFARM (University of Minnesota/ARS) was developed to calculate the annual pollutant loading from a feedlot in Minnesota.

Habitat Suitability Index (USDA) using multiple checklist spreadsheets to identify what habitat components are in existence. The evaluation will result in a quality rating or habitat suitability index that will consider the type, amount, and distribution of habitat elements required.

3. Who would conduct Resource Assessments?

Due to the existing program responsibilities given to federal, state and local conservation agencies, these staff are extremely limited in devoting effort to conduct resource assessments. As conservation professionals are aware, a resource assessment is the critical component in any conservation plan. Data-rich electronic maps and documents are helpful, but proper resource management is dependent on an on-the-ground presence.

According to the NRCS's 2006 Human Capital Strategic Plan nearly 80% of its mission-critical staff are eligible for retirement in the coming 4 years. The loss of this workforce includes a great wealth of knowledge of not just conservation expertise, but knowledge of agriculture as well. Due to the much smaller pool of people experienced in agriculture, it is estimated that 70% of the new employees will have no on-farm experience. This 'tsunami' of retirements, as stated in 2006 by Dana York, NRCS Interim Chief, is also being realized at various levels throughout federal and state governments.

Due to this attrition, a successful resource assessment process must also include an additional human resource. Fortunately, a skilled, proficient and certified agricultural professional workforce can be integrated into the conservation delivery system.

Integration of this workforce may be desirable because agricultural professionals have an **1)** on-the-ground presence, **2)** knowledge of agricultural systems and a **3)** trusted and financial relationship with farmers and can provide a firm foundation to build a cost-effective and efficient resource assessment component upon.

Because of the existing certification process and personnel, the American Society of Agronomy's Certified Crop Advisor program was initially used as the human and technical resource base. Minnesota has about 800 CCA's and there are more than 13,000 CCA's in the United States and Canada. The option exists to develop a strategy to recruit a portion of these 13,000 ag professionals to conduct integrated resource assessments using the index-based template.

Incorporating this technical and human resource into the CDS would re-incorporate a whole farm resource assessment process after being absence for several decades. It was the foundation for the success of the SCS in the 1930s and can again provide legacy success again.

Agriculture Resource Assessment training has been developed in close coordination with the U of M Water Resources Center and the TSP Workgroup and the Great Lakes Regional Water Program to be delivered in early 2009. [http://wrc.umn.edu/outreach/tsp/trainingops.html]

4. Conservation Targeting Opportunities – Government, NGO and Farmer

Providing program funding for the right practice at the right location is a primary goal of the Conservation Delivery System. Considering the vastness of even one county, it makes that a difficult task. Using overlay maps is one method to highlight susceptible areas, but that is only a small electronic step toward solving the potential resource concerns. But bridging that data map with a field specific assessment brings the necessary information and people together to determine if a problem exists and how it can be addressed. Depending on the nature of the problem a governmental or NGO program may exist to solve it. Regardless, if the farmer and his advisors understand a need they now have the information to address it themselves if it falls within their financial and technical capacity.

1. Initial Farm Assessment

Farm or Tract# and/or Field#	Farm ID	Field #	Field #	Field #	Field #	Field #	Field #	Field #	Field #	Field #	Field #	Field #	Field #	Assessment Summary	
	5205	1001-A	1001-B	1001-C	1002-A	1003-A	1004-A	1004-B	1005-A	1005-B	1005-C	1005-D	1006-Z		
Acres		80	55	65	50	90	15	40	22	65	18	35	15	550	Total Acres
Cropping System*		C/C/A3	C/S	W/S/C	C/S	C/S	C/S	SwC/P	C/S	W/S/C	NPG	Pasture	Pasture		
Index or Score Method **														Ave.	Acre-Wt. Ave
Crop Equivalency Rating		88	92	68	95	100	95	85	88	75	88	65	68	83.9	85.1 CER
Soil Conditioning Index/Soil Quality Index		0.3	-0.1	0.1	-0.2	0.1	-0.1	0.1	0.1	0.1	1	0.8	0.8	0.3	0.2 SCI/SQI
Soil Tillage Intensity Rating		45	72	45	72	72	65	45	65	45	3	12	12	46.1	51.5 STIR
Water Quality Score		66	52	60	52	45	40	50	40	65	90	85	85	60.8	58.7 WQ
Phosphorus Index		0.2	0.5	0.3	0.5	0.5	0.5	0.3	0.4	0.3	0.01	0.1	0.1	0.3	0.3 P Index
Pasture Scoring												8.5	9	8.8	0.0 Pasture
Feedlot Index	22														22.0 Fdlt Indx
Habitat Suitability Index***	42													42.0	42.0 HSI

2. Resource Management Assistance Needs

Farm or Tract# and/or Field#		Farm ID	Field #	Field #	Field #	Field #	Field #	Field #	Field #	Field #	Field #	Field #	Field #	Field #	Contract Summary		
		5205	1001-A	1001-B	1001-C	1002-A	1003-A	1004-A	1004-B	1005-A	1005-B	1005-C	1005-D	1006-Z			
Targeted Conservation Assistance Contracts															Contract $	Cost-share %	Farmer Share
EQIP Nutrient Management	2012			440		400	520	640							2000.00	0.50	1,000.00
EQIP Residue Management	2012			1100		1000	1300	1600							5000.00	0.50	2,500.00
EQIP Pest Management	2012			275		250	325	400							1250.00	0.50	625.00
BWSR C/S Waterway	2014							5500	6800						12300.00	0.75	3,075.00
CWL Feedlot C/S	2018	8,000													8000.00	0.50	4,000.00
Conservation Reserve Program	2015											200			200.00	0.90	20.00
DNR Working Lands Initiative	2012					20	40	20					25	25	105.00	0.75	26.25
Pheasant Forever Field Support Program	2013														0.00	1.00	0.00
Wetland Reserve Program	2020											325			325.00	0.85	48.75
Con't Sign-Up CRP	2018		360	200	385		290	325	500	250	350				2660.00	0.75	665.00
Totals		8000	360	2015	385	1670	2475	8485	7300	250	350	525	25	25	**$31,840.00**		**$11,960.00**

5. Identifying Conservation Management Improvements and Providing Quality Assurance

3. Resource Management Assurance																
Farm or Tract# and/or Field#	Farm ID	Field #	Field #	Field #	Field #	Field #	Field #	Field #	Field #	Field #	Field #	Field #	Field #	**Assurance Summary**		
	5205	**1001-A**	**1001-B**	**1001-C**	**1002-A**	**1003-A**	**1004-A**	**1004-B**	**1005-A**	**1005-B**	**1005-C**	**1005-D**	**1006-Z**			
Acres		80	55	65	50	90	15	40	22	65	18	35	15	550	Total Acres	
Cropping System*		C/C/A3	C/S	W/S/C	C/S	C/S	C/S	SwC/P	C/S	W/S/C	NPG	Pasture	Pasture			
Index or Score Method **														Ave.	Acre-Wt. Ave	
Crop Equivalency Rating		88	92	68	95	100	95	85	88	75	88	65	68	83.9	85.1	CER
Soil Conditioning Index		0.5	0.1	0.2	-0.2	0.1	0.8	0.1	0.1	0.4	1	0.8	0.8	0.4	0.3	SCI
Soil Tillage Intensity Rating		15	22	45	72	55	65	45	22	22	3	9	9	32.0	34.7	STIR
Water Quality Score		85	75	85	45	42	90	65	75	85	96	88	90	76.8	72.3	WQ
Phosphorus Index		0.2	0.4	0.3	0.1	0.1	0.2	0.3	0.4	0.1	0.01	0.1	0.1	0.2	0.2	P Index
Pasture Scoring												8.5	9	8.8	35.7	Pasture
Feedlot Index	4														4.0	Fdlt Indx
Habitat Suitability Index***	72													72.0	72.0	HSI

Identifying which conservation practices and activities provide improvement to our natural resources or a reduction in non-point source pollution is the basis of the 70-year old conservation delivery system and the foundation of the NRCS Field Office Technical Guide. With that said, precisely quantifying those improvements and reductions is an impossible task within the context of seasonal and weather influences.

While performance-based or outcome-based indices will not provide a direct measurement, they will provide a foundation of which practices or activities within a site-specific area will impact the resource and in which manner it will do so. Identifying what management activities or practices will impact the resources and to what degree that impact may occur does provide insight toward the solutions.

6. Commoditizing and Valuing Resource Management

4. Resource Management Outcomes/Values																				
Farm or Tract# and/or Field#			Farm ID	Field #	Field #	Field #	Field #	Field #	Field #	Field #	Field #	Field #	Field #	Field #	Field #	Field #	Valuation Summary			
			5205	1001-A	1001-B	1001-C	1002-A	1003-A	1004-A	1004-B	1005-A	1005-B	1005-C	1005-D	1006-Z					
Conservation Incentives	**End Date**	**$/Acre**															**Sub Totals**			
Conservation Stewardship Program	2015	16.00		1280	880	1040	800	1440	240	640	352	1040	288	560	240		$8,800.00			
Watershed District Program	2012	3.00		240	0	25	45	7.5	20	11	32.5	9	17.5	7.5	275		$690.00			
CWL Water Improvement	2018	0.25		20	13.75	16.25	12.5	22.5	3.75	10	5.5	16.25	4.5	8.75	3.75		$137.50			
Pheasant Forever Ph Index	2010	1.50		120	82.5	97.5	75	135	22.5	60	33	97.5	27	52.5	22.5		$825.00			
DU - Duck Nesting Index	2015	2.00		160	110	130	100	180	30	80	44	130	36	70	30		$1,100.00			
Managed Ag Land Tax Program	2016	4.50		360	247.5	292.5	225	405	67.5	180	99	292.5	81	157.5	67.5		$2,475.00			
Totals		**$27.25**		**2180.00**	**1333.75**	**1601.25**	**1257.50**	**2190.00**	**383.75**	**981.00**	**566.00**	**1585.25**	**454.00**	**856.25**	**638.75**		**14027.50**	**$14,027.50**	**Totals**	
Resource Trading	**End Date**	**$/Acre**																		
Chicago Climate Exchange - Carbon	2013	2.75		220	151.25	178.75	137.5	247.5	41.25	110	60.5	178.75	49.5	96.25	41.25		$1,512.50			
Mn River WQ Trading - Nutrient	2020	3.00		240	165	195	150	270	45	120	66	195	54	105	45		$1,650.00			
Mn River WQ Trading - Turbidity	2020	2.50		200	137.5	162.5	125	225	37.5	100	55	162.5	45	87.5	37.5		$1,375.00			
Totals		**$8.25**		**660.00**	**453.75**	**536.25**	**412.50**	**742.50**	**123.75**	**330.00**	**181.50**	**536.25**	**148.50**	**288.75**	**123.75**		**4537.50**	**$4,537.50**	**Totals**	
																		$18,565.00	**Grand Total**	
																		$33.75	**Acre Ave.**	
Regulatory Assurance	**End Date**																		**Status**	
Mn River TMDL - Nutrient	Annual			x	x	x	x	x	x	x	x	x	x	x	x				Meets Requirements	
Mn River TMDL - Turbidity	Annual			x	x	x		x	x	x	x	x	x						Pending	
Feedlot Permit	Annual		x	x	x	x	x	x	x	x	x	x	x	x	x				Meets Requirements	
Participatory Benefits	**End Date**																		**Status**	
LEQA	Annual		5-Star	x	x	x	x	x	x	x	x	x	x	x	x				Meets Requirement	
River-Friendly Farmer	Annual		1996																Meets Requirement	
Livestock Investment Grant Score	One-time		39																Acceptance Pending	
Cellulosic Energy Supplier	Annual		5-Star	x	x	x			x	x	x	x	x	x	x				Acceptance Pending	

This spreadsheet presents one vision of how a formalized resource management process may function. It contains multiple categories of values to the producer [Incentives; Resource Trading; Regulatory Assurance; and Participatory Benefits] each at conservative monetary values. A single methodology is used and is able to be applied to each and every value. Resource management outcomes are commoditized by using the index-based system and the government, market and NGOs are free to place values upon the commodities. Other values of regulatory assurance and participatory benefits can use the index system for choosing their level of standard. The example uses a Biomass purchaser

7. Opportunities for Meeting Specific Goals and Objectives

TMDL goals could be guided or achieved through using water quality specific indices.

Farm Assessment																			
Farm or Tract# and/or Field#		Farm ID	Field #	Field #	Field #	Field #	Field #	Field #	Field #	Field #	Field #	Field #	Field #	Field #	**Assessment Summary**		
		5205	1001-A	1001-B	1001-C	1002-A	1003-A	1004-A	1004-B	1005-A	1005-B	1005-C	1005-D	1006-Z			
Acres			80	55	65	50	90	15	40	22	65	18	35	15	550	Total Acres	
Cropping System*			C/C/A3	C/S	W/S/C	C/S	C/S	C/S	SwC/P	C/S	W/S/C	NPG	Pasture	Pasture			
Index or Score Method **															**Ave.**	**Acre-Wt. Ave**	
Crop Equivalency Rating			88	92	68	95	100	95	85	88	75	88	65	68	83.9	85.1	CER
Soil Conditioning Index			0.3	0.1	0.1	0.2	0.1	0.1	0.1	0.1	0.1	1	0.8	0.8	0.3	0.2	SCI
Phosphorus Index			0.2	0.2	0.3	0.2	0.1	0.3	0.3	0.1	0.3	0.01	0.1	0.1	0.2	0.2	P Index
Regulatory Assurance	**End Date**																**Status**
Mn River TMDL - Nutrient	Annual		x	x	x	x	x	x	x	x	x	x	x	x			Meets Requirements
Mn River TMDL - Turbidity	Annual		x	x	x		x	x	x	x	x	x					Pending

An industry purchasing biomass may require specific resources to be managed at a predetermined level

Farm Assessment																		
Farm or Tract# and/or Field#		Farm ID	Field #	Field #	Field #	Field #	Field #	Field #	Field #	Field #	Field #	Field #	Field #	Field #	**Assessment Summary**		
		5205	1001-A	1001-B	1001-C	1002-A	1003-A	1004-A	1004-B	1005-A	1005-B	1005-C	1005-D	1006-Z			
Acres			80	55	65	50	90	15	40	22	65	18	35	15	550	Total Acres	
Cropping System*			C/C/A3	C/S	W/S/C	C/S	C/S	C/S	SwC/P	C/S	W/S/C	NPG	Pasture	Pasture			
Index or Score Method **															**Ave.**	**Acre-Wt. Ave**	
Crop Equivalency Rating			88	92	68	95	100	95	85	88	75	88	65	68	83.9	85.1	CER
Soil Conditioning Index/Soil Quality Index			0.3	-0.1	0.1	-0.2	0.1	-0.1	0.1	0.1	0.1	1	0.8	0.8	0.3	0.2	SCI/SQI
Soil Tillage Intensity Rating			45	72	45	72	72	65	45	65	45	3	12	12	46.1	51.5	STIR
Water Quality Score			66	52	60	52	45	40	50	40	65	90	85	85	60.8	58.7	WQ
Habitat Suitability Index***		75	75	82	68	75	75	74	75	82	81	68	75	81	75.8	75.0	HSI
Participatory Benefits	**End Date**																**Status**
Biomass Processor	Annual		x	x	x			x	x	x	x	x	x	x			Acceptance Pending

A Watershed District, the State and the County Assessor may provide an Ag Land Stewardship Tax Program

Farm or Tract# and/or Field#			Farm ID	Field #	Field #	Field #	Field #	Field #	Field #	Field #	Field #	Field #	Field #	Field #	Field #	**Assessment Summary**		
			5205	1001-A	1001-B	1001-C	1002-A	1003-A	1004-A	1004-B	1005-A	1005-B	1005-C	1005-D	1006-Z			
Acres				80	55	65	50	90	15	40	22	65	18	35	15	550	Total Acres	
Cropping System*				C/C/A3	C/S	W/S/C	C/S	C/S	C/S	SwC/P	C/S	W/S/C	NPG	Pasture	Pasture			
Index or Score Method **																**Ave.**	**Acre-Wt. Ave**	
Crop Equivalency Rating				88	92	68	95	100	95	85	88	75	88	65	68	83.9	85.1	CER
Soil Conditioning Index/Soil Quality Index				0.3	-0.1	0.1	-0.2	0.1	-0.1	0.1	0.1	0.1	1	0.8	0.8	0.3	0.2	SCI/SQI
Soil Tillage Intensity Rating				45	72	45	72	72	65	45	65	45	3	12	12	46.1	51.5	STIR
Water Quality Score				66	52	60	52	45	40	50	40	65	90	85	85	60.8	58.7	WQ
Phosphorus Index				0.2	0.5	0.3	0.5	0.5	0.5	0.3	0.4	0.3	0.01	0.1	0.1	0.3	0.3	P Index
Conservation Incentives	**End Date**	**$/Acre**														**Sub Totals**		
Managed Ag Land Tax Program	2016	4.50		360	247.5	292.5	225	405	67.5	99	99	292.5	81	157.5	67.5	$2,394.00		

Acknowledgements and Next Steps

In creating the list of all those that have provided insight, feedback, critique and support in the effort, it numbered well over 200 individuals and dozens of organizations – government, NGOs and private businesses. The passage of 2002 Farm Bill's Conservation Security Program provided the opportunity to use index-based outcomes for production agriculture. The Mn NRCS, University of Wisconsin and Minnesota created a Conservation Planning training course for agricultural professionals. With the CSP on the horizon and another avenue to incorporate agricultural professionals into the conservation delivery system, a Conservation Planning Training was held by the Minnesota Project and 25 certified crop advisors and seven soil & water conservation district staff attended the 9-day course.

This lead to the challenge to combine the production management plans and the conservation management plans into one document. To meet that challenge an index-based resource assessment template and process was created. In describing the process, the most common questions asked of this was, "Why would anyone do one?" and "What is the value?"

We do know that natural resources are valued and that resource management is valued by numerous governmental agencies, NGOs, society, businesses and individuals. It is a matter of asking if this is a good process to exchange value.

As this effort has evolved is has partitioned into three phases with Phase 1 being relatively complete. The Minnesota Project would like to pursue partnerships toward developing a funding base to act on Phase 2. The most immediate consideration has been the Legislative-Citizens Commission on Minnesota Resources Phase 2 RFP.

Phase 1: Determine Feasibility of Combining Production Resource and Natural Resource Management Costs and Activities via Outcome-based Management Indices [May 2005 – August 2008]

Phase 2: Demonstrate and Evaluate the Applicability of Ag Management Indices and the Value to the Ag Producer [September 2008 – June 2010]

Phase 3: Evaluating Policy and Program Options and Implications
[June 09 – October 2011]

The Conservation Funding Advisor: An Online Tool to Promote Conservation

MN Dept of Agriculture

Barbara Weisman, barbara.weisman@state.mn.us, 651-201-6631



What is the Conservation Funding Advisor?

- "One-stop" information source for Practices, Programs & Payments
- *Not* a substitute for one-on-one assistance from local conservation professionals
- *Not* a resource assessment/conservation planning tool – but the next step



Who is the tool for?

- Supplemental information for landowners
  - "What practices will help me address a conservation need?"
  - "What $$ are available to help me establish these practices?
  - "Who do I call?"
- Reference material for conservation professionals & policymakers



How did the tool get started?

- NRCS Conservation Partnership Initiative grant to BWSR / Zumbro Watershed, 2005
  - $10K to MDA for tool prototype within a $200K watershed planning grant
  - Input from Zumbro Watershed Partnership
- Ongoing MDA in-kind investment



What's the status of the tool's development?

- Phase I – Framework
- Phase II - Content
- Phase III – Outreach & Updates
- Phase IV – Development & Maintenance



Phase I – Framework (done)

- User Site
  www2.mda.state.mn.us/webapp/cpdt/default.jsp
  - Welcome Page
  - Practice & Payment Information Table
  - Filtering Options
- Underlying Relational Database



Phase II - Content (summer/fall 2008)

- Practice Info
  - Filter Strip – Practice Info
- Payment Info
  - Filter Strip - Payments Compared Side-by-Side
- Program Info
  - CRP Continuous Signup - Program Info



Link to Test Site

Phase III - Outreach & Updates

- Outreach - plan & implement
  - Presentations
  - Links from other websites
  - Newsletters, direct mail/email, news media
- Updates – Plan, implement & refine process over time
  - As Needed (enter updates as they occur)
  - Six-Month Sweep (check whether updates are needed)
  - User-Submitted Updates (requires a verification process)

Link to Test Site

Phase IV - Further Development

- Add More Features
  - Geographic Filter – sort by county/watershed
  - User Feedback Page – questions/comments/updates
  - Search Bar – search for specific words/phrases
- Long-Term Maintenance
- Explore Potential Partnerships



Link to Test Site

Questions?



Link to Test Site

Your Thoughts Please

- How might your staff/clientele use this?
- Interagency partnership & cooperation opportunities?
- Should we explore regional collaboration opportunities?

Link to Test Site

The Conservation Funding Advisor – an online tool to promote conservation

1 - What is the Conservation Funding Advisor?

A "one-stop" source of information on a wide range of private lands conservation funding opportunities. Users can quickly access information on conservation practices, programs & payments, linked together in a simple, interactive tool on MDA's website.

The Test Site URL is www2.mda.state.mn.us/webapp/cpdt/default.jsp.

The site has three areas: a **Welcome Page**, **Filtering Options** & a **Payment Information Table** (click on the links to view each area individually). From the Payment Information Table – either the complete table or a filtered version – users can access three types of information (described below, with links to samples). ***Most of this information has yet to be entered***; see Question 5 below for details on the status.

- **Conservation Practice Information** (click at left to see a sample)

  Comprehensive yet non-technical fact sheets for ~ 30 core practices, with photos & links to technical resources from Minnesota NRCS & others.

- **Conservation Program Information** (click at left to see a sample)

  Answers to "frequently asked questions" &/or links to existing information on federal, state, local & non-government programs.

- **Conservation Payment Information**
  - **Conservation Payment Summaries** (click at left to see a sample)
    A paragraph on the type & amount of financial assistance a program offers for a given practice—viewable as side-by-side comparisons or one program at a time.
  - **Conservation Payment Details** (click at left to see a sample)
    For certain programs only, a document outlining additional practice-specific details about the payments offered.

2 - Who is the tool for?

Three main audiences: Minnesota's private rural landowners, the conservation professionals who serve them, & policy makers interested in coordinating & leveraging multiple funding sources to help meet Minnesota's conservation goals.

- **Landowners**
  - To increase awareness of the full range of conservation opportunities.
  - To complement ***(not replace)*** local one-on-one assistance from professionals.
- **Conservation Professionals**
  - To help a new generation of conservation professionals learn about myriad conservation practices, programs & payment options.
  - To provide a handy reference for new & seasoned professionals alike, including the ability to quickly & conveniently print out information for clients.

- **Policy Makers**
  - To provide a quick, convenient reference for those already familiar with conservation programs.
  - To improve state policymakers' understanding of how farm bill & other conservation programs work

3 - What is the tool *not*?

- **It is *not* a substitute for one-on-one local assistance.** The tool is designed to complement—not replace—the customized, one-on-one assistance that SWCDs & other conservation professionals provide to landowners—much like (for example) an online retirement planning calculator can help users become better informed about a complex array of choices prior to meeting with a financial advisor. The tool's Welcome Page encourages users to seek the help of local conservation professionals.
- **It is *not* a resource assessment or conservation planning tool.** The tool is not designed to assess a farm's environmental performance or determine which practices are needed. However, the tool will point users to resources for environmental assessment & conservation planning. Also, the tool's Filtering Options screen allows users to sort information according to selected environmental concerns.

4 - How did the tool get started?

- **Federal-state-local conservation partnership**: MDA proposed developing a "conservation program decision tool" prototype as part of a Zumbro Watershed Partnership watershed planning effort funded by a USDA NRCS Conservation Partnership Initiative (CPI) Grant awarded to BWSR in 2005 – one of only 8 such grants awarded nationwide that year. BWSR provided $10K to MDA from the $200K grant to develop the prototype, requiring a $10K in-kind match.
- **Considerable MDA in-kind investment**: During & since the CPI grant period, MDA has invested considerable in-kind resources to bring the tool to it's current stage, in which the framework & sample content are now fully developed.

5 - What is the status of the tool's development?

Phase I – Framework (completed)

The existing framework incorporates ideas from Zumbro Watershed SWCD & NRCS field offices & other potential users. The framework has the following elements:

- A user interface consisting of a Welcome Page, Filtering Options & a Payment Information Table (see links under Question 1).
- A data entry interface for entering content into the relational database that is the foundation of the tool.
- A complete set of sample conservation practice, program & payment documents (see links to sample documents under Question 1).

Phase II – Content (July-Sept 2008)

- Enter a prescribed set of information on practices, programs & payments into the tool using the sample documents & data entry interface developed in Phase I.
- Solicit external review of selected content from program managers/experts & revise accordingly.
- Launch the tool as soon as enough content has been entered (~ 20 Practice Information Sheets, ~ 12 Program FAQs Sheets, ~50 Payment Summaries).

Phase III – Outreach & Updates

- A full suite of outreach activities to inform potential users about the tool:
  - presentations
  - news releases
  - direct mail/email announcements
  - newsletter articles
  - links from other websites
- Procedures & protocols for updating the tool's content at least every 6 months.
- Potential partnerships to host & manage the tool.

Phase IV – Maintenance & Further Development

- Database programming to add features such as:
  - a Geographic Filter enabling users to sort information by county or watershed
  - a Search feature enabling users to look up specific terms
  - a User Feedback Screen to solicit comments & suggestions from users & to enable advanced users to report errors, omissions, updates, etc.
- Other improvements based on user feedback.
- Ongoing updates & new content as needed.
- Ongoing outreach, including exploring the potential for regional applicability.

MINNESOTA DEPARTMENT OF
AGRICULTURE
FROM THE FARM TO YOUR FAMILY



COMING SOON:
THE CONSERVATION FUNDING ADVISOR

The Conservation Funding Advisor online tool is a one-stop source of information about key agricultural conservation practices—including side-by-side comparisons of payments from different programs.

The Conservation Funding Advisor will help landowners and conservation professionals quickly find information on the full range of financial assistance available to help install or maintain working lands practices and set-aside practices that improve water quality, create or enhance wildlife habitat and provide many other agronomic and environmental benefits.

Watch for more information about the Conservation Funding Advisor later this year.

CONTACTS

Barbara Weisman, 651-201-6631, Barbara.Weisman@state.mn.us

2008 Farm Bill – Summary of Selected Legislative Changes

Program/ Provision	Key Points	Funding
Program	•	
Conservation Reserve Program	• Clarifies managed haying, grazing and commercial use provisions • Expands Wetland and Buffer Pilot Program • Authority to thin CRP acres planted to trees for wildlife benefits • Encourages transfer of land from retiring/retired farmers to beginning or socially disadvantaged farmers or ranchers • Exempts CREP and continuous CRP acres from county acreage caps if the county government concurs • $50,000 annual payment limit	32 M acre cap in 2010 Scored at $9.8 B Wildlife - $100 M during 2009 – 2012 Transition – $25 M during 2009 - 2012
Wetlands Reserve Program	• Private agricultural and nonindustrial private forest land held for at least 7 years is eligible • 30-year contracts to encourage tribal participation • Improves the easement compensation method • Modifies wetlands reserve enhancement program and provides pilot authority for reserved right easements • Establishes pay-out schedule based on easement value • $50,000 annual payment limit for cost-share agreements	3,041,200 acre cap Scored $1.3 B
Chesapeake Bay Watershed Program	• Addresses conservation issues on agricultural land in the Bay watershed • Delivered through Subtitle D programs • Priority on 4 river basins	2009 - $23 M 2010 - $43 M 2011 - $72 M 2012 - $50 M
Voluntary Public Access and Habitat Incentive Program	• Creates a program to encourage farmers, ranchers and nonindustrial private forestland owners to open their land for hunting and fishing and other wildlife-related recreation	$50 M during 2009 – 2012
Regional Equity	• Priority funding for approved applications in states that do not receive allocations of $15 million in covered programs • Allocations consider demand for each program	
Agricultural Management Assistance Program	• Adds Hawaii as an eligible state • 50-40-10% distribution of program funds to NRCS-AMS-RMA • $50,000 annual payment limit	$15 M each year from 2008 – 2012
Cooperative Conservation Partnership Initiative	• Allows Secretary to work with partners to address local, regional or national conservation issues • Reserves six percent of EQIP and WHIP funds and CSP acres • Assistance delivered to producers through covered programs	
Assistance for Certain Farmers or Ranchers (Conservation Access)	• Sets aside five percent of EQIP funding and five percent of CSP acres for each group • Repools funding and acres not obligated by a date established by the Secretary	
Technical Assistance and Technical Service Providers	• Defines technical assistance and clarifies purpose • Seeks to simplify the technical service provider program • Requires review of conservation practice standards and state-level TSP certification requirements • Requires Secretary to ensure that conservation practice standards address specialty crop and organic production • Directs the Secretary to ensure adequate TA is available	

2008 Farm Bill – Summary of Selected Legislative Changes

Program/ Provision	Key Points	Funding
Environmental Quality Incentives Program	• Reaffirms work on nonindustrial private forest land • Adds energy conservation as a purpose • Authorizes incentives for planning activities • Clarifies that conservation practices related to organic transition and production systems are eligible • Increased payment rates for socially disadvantaged and beginning farmers or ranchers; allows 30 percent up front • Creates the Agricultural Water Enhancement Program (AWEP) to replace the Ground and Surface Water Conservation Program and expands the purpose to cover water quality. Producers participate directly or through partners • Emphasizes technology transfer in Conservation Innovation Grants. Provides $150 million to help producers address air quality. • $300,000 payment limit over any six-year period; allows Secretary to approve up to $450,000 for projects with special environmental significance	2008 – $1.2 B 2009 – $1.337 B 2010 - $1.450 B 2011 - $1.588 B 2012 - $1.750 B AWEP: 2009 - $73 M 2010 - $73 M 2011 - $74 M 2012 - $60 M CIG: 2009 - $37.5 M 2010 - $37.5 M 2011 - $37.5 M 2012 - $37.5 M
Conservation Stewardship Program (formerly the Conservation Security Program)	• Emphasizes new conservation • Expands eligibility of nonindustrial private forest land (10 percent of acres enrolled each year) • Participants must meet threshold for one resource concern to enroll and address another priority resource concern to the stewardship threshold over the 5 year contract • Allows nearly 13 million acres to be enrolled per year • Authorizes payments to help producers achieve beneficial crop rotations • $200,000 payment limit over 6-year period	12.769 M acres each year 2009 through 2017 Scored $2.3B
Wildlife Habitat Incentives Program	• Eligible land is private and tribal agricultural and nonindustrial private forestland • Provides increased share of funding for long-term projects • Priority for projects that address national, state, or local conservation priorities • $50,000 annual payment limitation	$85 M each year 2008 - 2012
Farmland Protection Program	• Clarifies the program purpose to protect agricultural land and related conservation values • Expands eligibility for forest land in agricultural landscapes • Clarifies appraisal requirement • Establishes certification process for eligible entities • Creates new long-term agreements that will provide certainty and flexibility for eligible entities • No payment limitation	2008 - $97 M 2009 - $121 M 2010 - $150 M 2011 - $175 M 2012 - $200 M
Grassland Reserve Program	• Requires a grazing management plan • Eligible land includes grazing land with historical/archeological resources or would address national, state, or local conservation priority • Permits activities such as livestock watering • 30-year contracts to encourage Tribal participation • Adds opportunity for eligible entities to cooperate with Secretary to purchase easements • $50,000 annual payment limit for contracts and cost-share	Additional 1.22 million acres by 2012 Scored $300 M
Healthy Forests Reserve	• Provides incentives to protect T&E species habitat • Requires a Forest Stewardship plan • 30-year contracts to encourage Tribal participation	$9.75 M each year 2009 - 2012

SEC. 12020. CROP PRODUCTION ON NATIVE SOD .

(a) Federal Crop Insurance- Section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) is amended by adding at the end the following:

`(o) Crop Production on Native Sod -

`(1) DEFINITION OF NATIVE SOD - In this subsection, the term `native sod' means land--

`(A) on which the plant cover is composed principally of native grasses, grasslike plants, forbs, or shrubs suitable for grazing and browsing; and

`(B) that has never been tilled for the production of an annual crop as of the date of enactment of this subsection.

`(2) INELIGIBILITY FOR BENEFITS-

`(A) IN GENERAL- Subject to subparagraph (B) and paragraph (3), native sod acreage that has been tilled for the production of an annual crop after the date of enactment of this subsection shall be ineligible during the first 5 crop years of planting, as determined by the Secretary, for benefits under--

`(i) this title; and

`(ii) section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

`(B) DE MINIMIS ACREAGE EXEMPTION- The Secretary shall exempt areas of 5 acres or less from subparagraph (A).

`(3) APPLICATION- Paragraph (2) may apply to native sod acreage in the Prairie Pothole National Priority Area at the election of the Governor of the respective State.'.

(b) Noninsured Crop Disaster Assistance- Section 196(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(a)) is amended by adding at the end the following:

`(4) PROGRAM INELIGIBILITY RELATING TO CROP PRODUCTION ON NATIVE SOD -

`(A) DEFINITION OF NATIVE SOD - In this paragraph, the term `native sod' means land--

`(i) on which the plant cover is composed principally of native grasses, grasslike plants, forbs, or shrubs suitable for grazing and browsing; and

`(ii) that has never been tilled for the production of an annual crop as of the date of enactment of this paragraph.

`(B) INELIGIBILITY FOR BENEFITS-

`(i) IN GENERAL- Subject to clause (ii) and subparagraph (C), native sod acreage that has been tilled for the production of an annual crop

after the date of enactment of this paragraph shall be ineligible during the first 5 crop years of planting, as determined by the Secretary, for benefits under--

`(I) this section; and

`(II) the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

`(ii) DE MINIMIS ACREAGE EXEMPTION- The Secretary shall exempt areas of 5 acres or less from clause (i).

`(C) APPLICATION- Subparagraph (B) may apply to native sod acreage in the Prairie Pothole National Priority Area at the election of the Governor of the respective State.'.

SEC. 12021. INFORMATION MANAGEMENT.

PROPOSED 09 NPEA CHALLENGE GRANT

BACKGROUND

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

The **First Funding Priority** has been to, JPBs whose member SWCDs recently receiving Feedlot Water Quality Management Grants, and propose to maintain or hire accelerated staffing to provide shared feedlot technical assistance.

In addition to technical staffing, about one-third of allocations have funded transportation, field equipment, office equipment, and training costs.

The Board has annually set-aside ten percent of the Feedlot Water Quality Management Grants (FWQMG) or $300,000 a biennium to fund this Program.

ISSUE

The Board and staff have struggled to effectively allocate these competitive funds due to the difficulties in evaluating the needs and "wants" of one JPB compared to another JPB, in this historically underfunded NPEA Program.

Until this biennium, the legislature has funded the FWQMGs through the State Cost Share Program. The FWQMG Program is now funded under the Clean Water Legacy Program.

At their January 2007 Meeting, the Board moved that the Grants Program and Policy Committee re-evaluate allocation options for the 09 Program.

Allocation Options considered by the Grants Program and Policy Committee Included:

1. Allocate competitively as in prior years
   Concern - Difficult to evaluate applications and ascertain JPB "wants" vs. needs

2. Allocate proportionately according to JPBs whose SWCDs received 09 FWQMGs
   Concern - Results in extreme disproportions of allocations (See map.)

JPB	Allocation	%
5	$87,000	29
7	11,100	4
10	21,300	7
11	180,600	60
	$300,000	100%

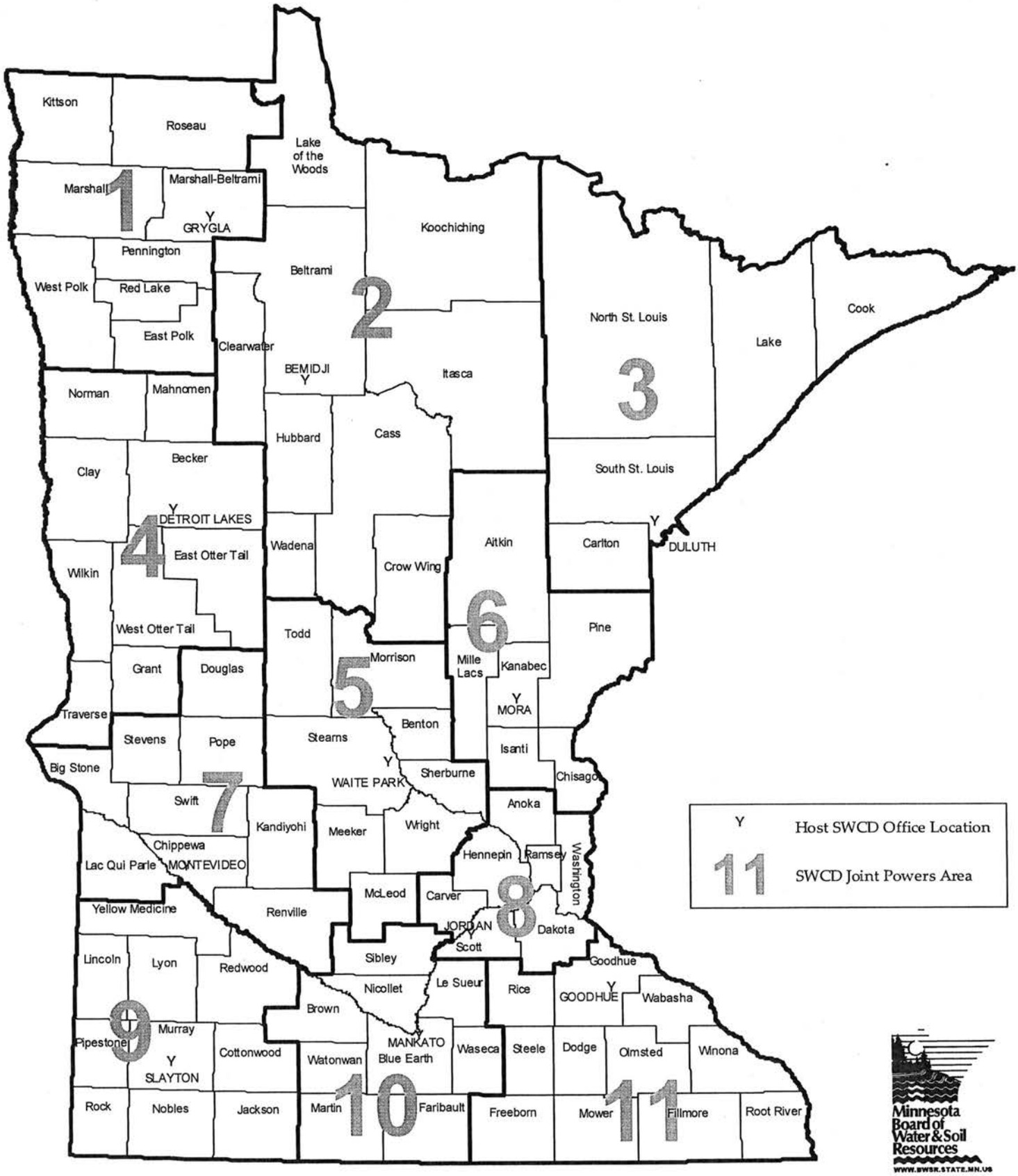
3. Add Program funds to 09 CWL Program to be applied for competitively
   Concern - JPB applications historically not competitive in CWL Program

4. Allocate $100,000 to JPBs 5, 9, and 11 to continue support for previously funded staff positions
   – Allocations would provide funding to continue positions providing Open Lot Agreement assistance and feedlot design
   - Accomplishes program objectives and Board's First Funding Priority

RECOMMENDATIONS

The Grants Program and Policy Committee recommends 1) the Board adoption of allocation option number **four**; and, 2) the NPEA Program needs its own stable funding and future CWL appropriations be allocated via the CWL Program; via Board adoption of the attached resolution.

Nonpoint Engineering Assistance Program



January 2003

Board Resolution # 08-85

FY 09 Non-Point Engineering Assistance Challenge Grant Allocations

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

WHEREAS, the Board has annually set-aside ten percent of the Feedlot Water Quality Management Grants (FWQMG) or $300,000 a biennium to fund this Program; and,

WHEREAS, the Board's funding objective is for JPBs to maintain or hire accelerated staffing to provide shared feedlot technical assistance.

NOW THEREFORE, the BWSR hereby authorizes staff to allocate the FY 09 NPEA Challenge Grants of $100,000 each to JPBs 5, 9, and 11.

R/K

Date: 8/28/08

Randy Kramer, Chair
Board of Water and Soil Resources

SWCD Technical Services Areas Reorganization for Nonpoint Engineering Assistance Program Delivery

BACKGROUND

The BWSR has received state grant funding for nonpoint engineering assistance through SWCDs (i.e. the NPEA Program), since FY 1995. Eleven joint powers areas of SWCDs were established in 1995 to use this funding to hire and share engineers and technicians. The level of annual state funding has changed from $1.04M in FY 1996, to $1.13M in FY 1997-2003, to $1.064M in FY 2004-2007, to $1.06M in FY 2008-2009. Inflation has caused financial challenges for this program. In 2002-2003, an ad hoc committee of SWCD supervisors, SWCD managers, MASWCD and BWSR staff investigated ways to address the structure and financial challenges of the NPEA Program, as well as opportunities for other shared technical expertise. However, the ad hoc committee did not achieve a strong consensus for its recommendations and the state financial situation was very constrained at that time. In 2004, the Conservation Technical Assistance Committee (CTAC), including representation from the 11 SWCD Technical Services Areas (TSAs), MASWCD, MACDE and BWSR, was formed and developed a consensus agreement to retain the 11 SWCD TSAs by requiring a minimum 25% local share.

ISSUE

In 2007, several SWCD resolutions recommended increased state funding and/or changes to the structure for delivery of the Nonpoint Engineering Assistance Program and associated SWCD Technical Services Areas. These resolutions included recommendations to consolidate the current 11 SWCD TSAs to 8 MASWCD Areas, or making SWCD TSA staff BWSR staff. These resolutions identified the inflationary costs of TSA staff, approximately flat state funding, difficulty in raising the required minimum 25% local share, and staff retention concerns, as the primary reasons for these resolutions.

The CTAC met on 9-5-07 and 11-1-07 to coordinate a response to these resolutions. A subsequent MASWCD emergency resolution was passed by SWCD Supervisors at the 2007 MASWCD Convention, recommending that the CTAC develop a recommendation to the BWSR Board regarding the structure and financial resources of the NPEA Program and its delivery. The BWSR conducted focus group meetings with TSA Host SWCD Managers and with TSA staff to provide input to the CTAC. At a meeting on 1-29-08, the CTAC requested Host SWCD Managers and BWSR staff (Recommendations Work Group) to further develop alternatives and draft recommendation(s). The Recommendations Work Group developed majority and minority recommendations to the CTAC.

The CTAC reached a consensus short-term recommendation on March 12, 2008 and requested the Recommendations Work Group to further clarify several characteristics and considerations. The Recommendations Work Group developed recommended clarifications that were adopted by consensus of the CTAC on 7-22-08. These recommendations include consolidation of 11 SWCD TSAs to 8 TSAs co-aligned with MASWCD Areas.

BWSR and MASWCD signed a Memorandum of Agreement in July 2008 to support co-alignment of SWCD TSA and MASWCD Area boundaries, as recommended by the CTAC.

Three 2008 SWCD resolutions recommend this co-alignment. The decision to realign MASWCD Areas is dependent on a positive vote for this by SWCD Supervisors at the 2008 MASWCD Convention.

RECOMMENDATION

The Grants Program & Policy Committee is requesting the Board to approve the attached resolution and associated consensus recommendations of the CTAC to reorganize the current 11 SWCD TSAs into 8 TSAs.

Board Resolution #_____

SWCD Technical Services Areas Reorganization for the Nonpoint Engineering Assistance Program

WHEREAS, several 2007 SWCD resolutions recommended changes in the funding and/or delivery structure for the Nonpoint Engineering Assistance (NPEA) Program;

WHEREAS, SWCDs passed a resolution at the 2007 MASWCD Convention recommending that the Conservation Technical Assistance Committee (CTAC), which involves representation from the 11 existing SWCD Technical Services Areas, MASWCD, MACDE and BWSR, develop a recommendation to the BWSR Board regarding changes to the NPEA program delivery;

WHEREAS, based on substantial investigation and discussion of the pros and cons of alternative program delivery structures and policies, the CTAC is recommending reorganization of the 11 SWCD TSAs into 8 TSAs statewide, and co-alignment of MASWCD Areas;

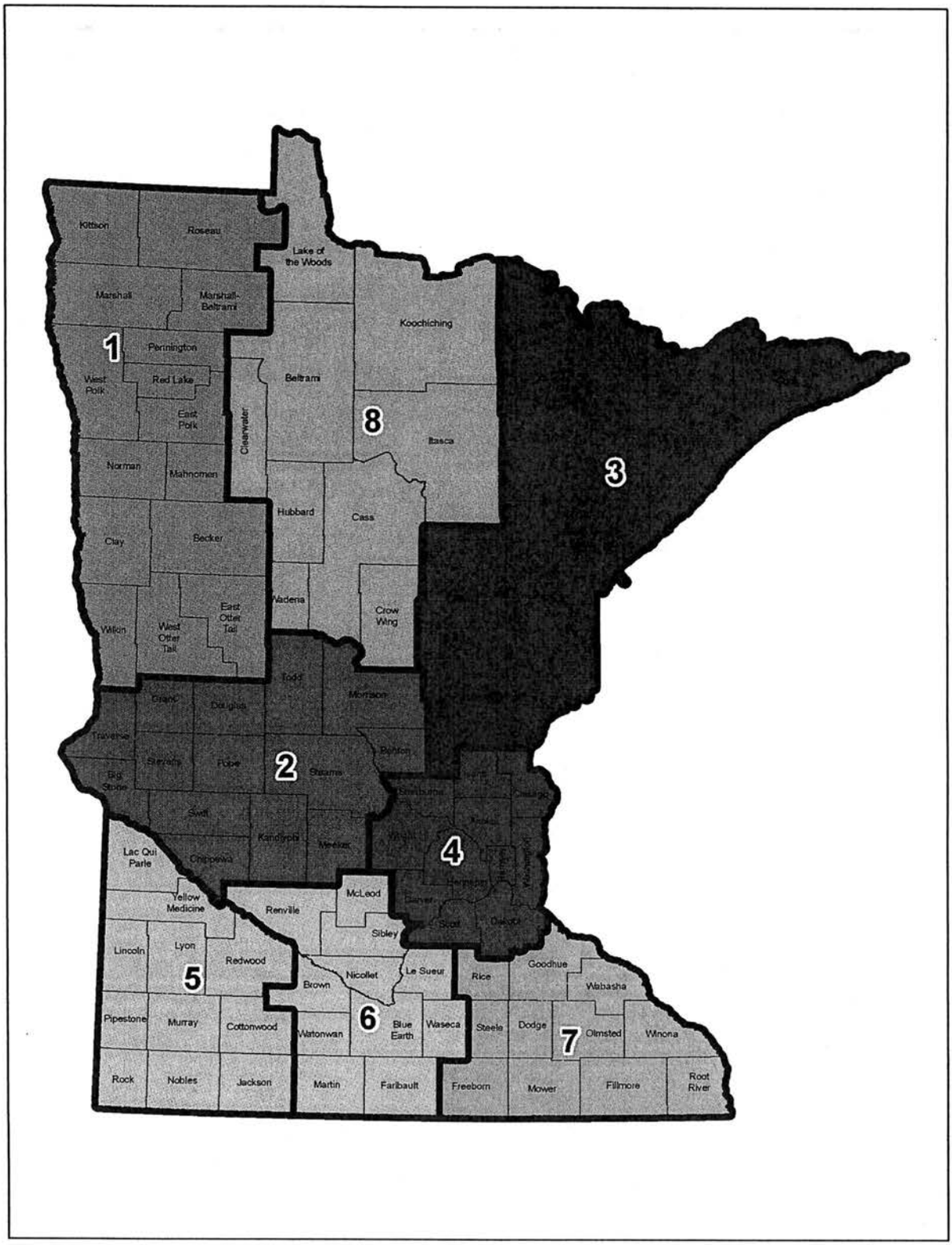
WHEREAS, the CTAC recommendations are contained in Attachment A (filename: CTAC – NPEA Consensus Recommendation 3-12-08 A.doc) and Attachment B (filename: CTAC – Clarifications of Consensus Recommendation 7-7-08 B.doc);

WHEREAS, BWSR and MASWCD have signed a Memorandum of Agreement to support co-alignment of SWCD TSAs and MASWCD Areas, as recommended by the CTAC;

NOW THEREFORE, the BWSR hereby approves the CTAC consensus recommendations in Attachments A and B dated 3-12-08 and 7-7-08, respectively, for delivery of the NPEA Program.

_____ Date: _____

Randy Kramer, Chair
Board of Water and Soil Resources


Kittson
Roseau
Lake of the Woods
Marshall
Marshall-Beltrami
Koochiching
1
Pennington
West Polk
Red Lake
Beltrami
East Polk
Clearwater
8
Itasca
3
Norman
Mahnomen
Hubbard
Cass
Clay
Becker
Wadena
Crow Wing
Wilkin
West Otter Tail
East Otter Tail
Todd
Morrison
Grant
Douglas
Traverse
Stevens
Pope
2
Benton
Big Stone
Swift
Kandiyohi
Meeker
Lac Qui Parle
Chippewa
4
Yellow Medicine
McLeod
Renville
Sibley
Lincoln
Lyon
Redwood
5
Nicollet
Le Sueur
Rice
Goodhue
Wabasha
Brown
Pipestone
Murray
Cottonwood
Watonwan
6
Blue Earth
Waseca
Steele
Dodge
7
Olmsted
Winona
Rock
Nobles
Jackson
Martin
Faribault
Freeborn
Mower
Fillmore
Root River

BWSR Resolution # _____, Attachment A

Hybrid NPEA Program Alternative to Address Structure and Financial Challenges Short-Term Consensus Recommendation of CTAC 3-12-08

<u>Alternative F)</u> – Create 8 SWCD TSAs / JPBs along modified MASWCD Area boundaries, with an 11-county Metro Area 4 and other Area boundary modifications.

Characteristics:

a) NPEA engineers and technicians employed or contracted by 8 reorganized SWCD TSAs / JPBs, coinciding with modified MASWCD Areas.
b) Area boundaries consider the key factors of common natural resources and associated expertise needs, technical center locations and workload (using average annual 2001 – 2006 NPEA accomplishments as a surrogate measure of workload, with consideration of practice types).
c) Maintain highly capable staff in current locations at this time. Have current TSA 6 staff employed by enlarged TSA 3, providing some assistance to revised Area 2, until TSA 6 staffing vacancies occur, or until a defined point in time.
d) Provide state grant funding at approximately $70,000 for full-time engineer, $50,000 for full-time technician, $5,000 per Host SWCD for rent and other administration, and require minimum 10% cash local share. If a TSA does not apply for the maximum grant funding, the annual allocation for an engineer and for a technician would be adjusted up, accordingly. (Work Group to verify/clarify recommendation.)
e) Allocate $60,000 per year for NPEA staff training, hardware, software, survey equipment and associated costs, based on an annual plan developed by NPEA staff and BWSR and coordinated with JPBs. Because state grant funding must be allocated in the year for which it is appropriated, this equipment and employee development plan would need to be developed for the upcoming FY and associated funds allocated to TSA fiscal agents along with grants for staffing.
f) Includes a recommendation for BWSR to have a dedicated engineer position to provide coordination, training, consultation and spot checks for NPEA staff, and periodic assistance where needed.

Pros:

a) Maintains more of the current SWCD local control for NPEA program delivery than Majority Alternatives 1) or 3), including standing organizations of 8 TSAs to help leverage other funds for projects and shared technical assistance.
b) Attempts to better balance workloads (although Area 2 is quite high and Area 6 significantly low).
c) Integrates ongoing trend toward an 11-county Metro area.
d) Doesn't have SWCDs outside 11-county Metro area served within the same area as the Metro.
e) If MASWCD would adopt the same area boundaries, this alternative could integrate SWCD JPB and MASWCD Area governance boundaries and functions, which is recommended.
f) Does not require Governor and Legislature action to use NPEA funding for BWSR staff, <u>if</u> BWSR could fund the dedicated engineer position identified above separate from NPEA grant funding, which would require SWCD support.
g) Two of the eight proposed TSAs are already aligned with MASWCD Areas.

Cons:

a) Does not provide opportunity to seek additional state grant funding for the NPEA program (i.e. NPEA program grant funding is lower priority to SWCDs than General Services grants), which would require local share (increasing with time) from the start.
b) Does not provide for one employer of NPEA staff to enable consistency of pay scales, fringe benefits, equipment, training and coordination of staff.
c) Retains hard boundaries for staff employment and work areas, which would require other ways to try to promote sharing and building of NPEA staff expertise statewide across these boundaries.
d) Requires revised SWCD JPB boundaries and agreements, and proposes MASWCD Area changes.
e) May necessitate some relocation and/or loss of staff over time, and requires unbalanced funding per area unless, or until, staffing levels are evened out, or worked out according to future workload.

Other Considerations:

Redistribution of existing TSA equipment and fund balances. (Work Group to develop recommendation.)

BWSR Resolution #_____, Attachment B

CTAC Short-Term Consensus Recommendation to Address Structure and Financial Challenges of the NPEA Program Proposed Clarifications by Recommendations Work Group 7-7-08

From CTAC Consensus Recommendation 3-12-08:
Characteristics:
d) Provide state grant funding at approximately $70,000 for full-time engineer, $50,000 for full-time technician, $5,000 per Host SWCD for rent and other administration, and require minimum 10% cash local share. If a TSA does not apply for the maximum grant funding, the annual allocation of an engineer and for a technician would be adjusted up, accordingly. (Work Group to verify/clarify recommendation.)
e) Allocate $60,000 per year for NPEA staff training, hardware, software, survey equipment and associated costs, based on an annual plan developed by NPEA staff and BWSR and coordinated with JPBs. Because state grant funding must be allocated in the year for which it is appropriated, this equipment and employee development plan would need to be developed for the upcoming FY and associated funds allocated to TSA fiscal agents along with grants for staffing.
Other Considerations:
a) Redistribution of existing TSA equipment and fund balances. (Work Group to develop recommendation.)

State NPEA Grant and Local Share Clarifications:
Transition period FY 2010 – 2011 state funding:
1. $65,000 per 1 FTE engineer (TSA staff or contracted)
2. $50,000 per 1 FTE technician (TSA staff or contracted)
3. Maximum annual grant amount for staff or contracted engineering services = $115,000 per TSA, except for TSA 3, which receives up to $165,000 per year for NPEA staff through FY 2011, or until it has 1 FTE engineer and 1 FTE technician, whichever occurs sooner. If less than the maximum is requested by one or more TSAs, the difference is split equally among all TSAs.
4. Additional $5,000 per Host and/or Fiscal Agent SWCD (up to 2 Host SWCDs per TSA). TSA decides how to distribute between Host and Fiscal Agent SWCD and Host-only SWCD.
5. 1 Fiscal Agent SWCD per TSA, must be a Host SWCD, if the TSA has staff
6. In order to help develop and maintain consistency across TSAs, the remaining state funding (estimate $30,000 / year, depending on number of Host SWCDs statewide) is used for NPEA staff training, computer hardware, software, survey equipment and associated costs, based on an annual plan developed by NPEA staff and BWSR and coordinated with TSAs prior to grant allocations for current fiscal year.
7. Minimum 10% cash local share, from other than NPEA grant $, for engineering assistance in the TSA.

FY 2012 and until NPEA Program state funding and/or program structure changes:
1. $70,000 per 1 FTE engineer (TSA staff or contracted)
2. $50,000 per 1 FTE technician (TSA staff or contracted)
3. Maximum grant amount for staff or contracted engineering services = $120,000 per TSA. If less than the maximum is requested by one or more TSAs, the difference is split equally among all TSAs.
4. Additional $5,000 per Host and/or Fiscal Agent SWCD (up to 2 Host SWCDs per TSA). TSA decides how to distribute between Host-Fiscal Agent SWCD and Host-only SWCD, as applicable.
5. 1 Fiscal Agent SWCD per TSA, must be a Host SWCD, if the TSA has staff
6. In order to help develop and maintain consistency across TSAs, the remaining state funding (estimate $40,000 / year, depending on number of Host SWCDs statewide) is used for NPEA staff training, computer hardware, software, survey equipment and associated costs, based on an annual plan developed by NPEA staff and BWSR and coordinated with TSAs prior to grant allocations for current fiscal year.
7. Minimum 10% cash local share, from other than NPEA grant $, for engineering assistance in the TSA.

TSA Equipment and Fund Balance Clarifications:
Equipment and fund balances stay with the new TSA where the current Host SWCD is located, except use current TSA 7 equipment for SE MN Flood response technical assistance in the short term. Transfer current TSA fund balance(s) to the Fiscal Agent for the new TSA.

Board Resolution # 08 - 86

SWCD Technical Services Areas Reorganization for the Nonpoint Engineering Assistance Program

WHEREAS, several 2007 SWCD resolutions recommended changes in the funding and/or delivery structure for the Nonpoint Engineering Assistance (NPEA) Program;

WHEREAS, SWCDs passed a resolution at the 2007 MASWCD Convention recommending that the Conservation Technical Assistance Committee (CTAC), which involves representation from the 11 existing SWCD Technical Services Areas, MASWCD, MACDE and BWSR, develop a recommendation to the BWSR Board regarding changes to the NPEA program delivery;

WHEREAS, based on substantial investigation and discussion of the pros and cons of alternative program delivery structures and policies, the CTAC is recommending reorganization of the 11 SWCD TSAs into 8 TSAs statewide, and co-alignment of MASWCD Areas;

WHEREAS, the CTAC recommendations are contained in Attachment A (filename: CTAC – NPEA Consensus Recommendation 3-12-08 A.doc) and Attachment B (filename: CTAC – Clarifications of Consensus Recommendation 7-7-08 B.doc);

WHEREAS, BWSR and MASWCD have signed a Memorandum of Agreement to support co-alignment of SWCD TSAs and MASWCD Areas, as recommended by the CTAC;

NOW THEREFORE, the BWSR hereby approves the CTAC consensus recommendations in Attachments A and B dated 3-12-08 and 7-7-08, respectively, for delivery of the NPEA Program.

R J Kramer

Date: 8/22/08

Randy Kramer, Chair
Board of Water and Soil Resources

MEMORANDUM OF AGREEMENT
Co-alignment of SWCD Technical Services Area Boundaries and Minnesota Association of Soil and Water Conservation Districts Area Boundaries

This Memorandum of Agreement is between the Minnesota Board of Water and Soil Resources (BWSR) and the Minnesota Association of Soil and Water Conservation Districts (MASWCD).

Whereas, the Nonpoint Engineering Assistance (NPEA) Program has been implemented through 11 joint powers areas of SWCDs statewide (aka SWCD Technical Services Areas (TSAs)) since 1995, funded via state grants administered by BWSR, and at least 25% local share starting in Fiscal Year 2006;

Whereas, state funding for the NPEA Program has not increased with inflation, resulting in some loss of engineer and technician capacity since the program began and the need for increasing local share to maintain capacity (currently 15.4 FTEs, plus several engineering consultants on an as-needed project basis);

Whereas, the Joint Powers Boards of the current 11 SWCD TSAs involve 90 SWCDs and Supervisors and the 8 MASWCD Areas currently involve 89 SWCDs, with different area boundaries, except in MASWCD Areas 7 and 8;

Whereas, the SWCD Technical Assistance Ad Hoc Committee report dated April 16, 2003 recommended co-alignment of MASWCD Areas and SWCD Technical Services Areas to: create stronger connections to MASWCD organizational activities; improve the identity, marketability and ownership of shared SWCD technical expertise; and streamline SWCD shared technical assistance program governance and MASWCD Area governance;

Whereas, the SWCD Technical Assistance Ad Hoc Committee report dated April 16, 2003 also recommended realigning current MASWCD and SWCD TSA boundaries to better address resource based technical expertise needs, including specialized conservation technical assistance associated with agriculture, forestry, recreation and urban land uses;

Whereas, the MASWCD membership approved Emergency Resolution No. 1 at the 2007 Annual Convention directing the Conservation Technical Assistance Committee (CTAC), which involves SWCD TSA, BWSR, MASWCD and MACDE representatives, to make a recommendation to the BWSR to address the structure and financial resources of the eleven SWCD TSAs and NPEA Program ;

Whereas, the CTAC developed a consensus recommendation dated March 12, 2008 to reorganize the current 11 SWCD TSAs into 8 TSAs, as shown on Attachment 1 (CTAC Consensus Recommendation Boundaries for 8 SWCD Technical Services Areas, 3-12-08), considering resource based technical expertise needs, locations of technical centers, estimated workloads and other factors; and

Whereas, the recent CTAC deliberations supported co-alignment of MASWCD Area boundaries and SWCD TSA boundaries as shown on Attachment 1, contingent upon MASWCD membership approval via the resolution process.

Therefore, the BWSR and MASWCD agree to support and promote the co-alignment of reorganized SWCD TSAs and MASWCD Areas, as shown on Attachment 1, contingent upon MASWCD membership approval via the resolution process.

BWSR Agrees To:

- Facilitate CTAC meetings associated with reorganization of the SWCD TSAs.
- Attend MASWCD Area meetings to help explain the history, purposes and benefits of the recommendation for co-aligned SWCD TSAs and MASWCD Areas.
- Assist sharing of recent information and experience pertinent to updating of SWCD TSA Joint Powers Agreements.

MASWCD Agrees To:

- Facilitate discussion by the MASWCD Board, MASWCD Areas and individual SWCDs about the history, purposes and benefits of the recommendation for co-aligned SWCD TSAs and MASWCD Areas.
- Facilitate the MASWCD resolution process, including consideration of SWCD resolutions for co-alignment of SWCD TSAs and MASWCD Areas.
- Support MASWCD adoption of the Area boundaries shown on Attachment 1, contingent upon MASWCD membership approval via the resolution process.

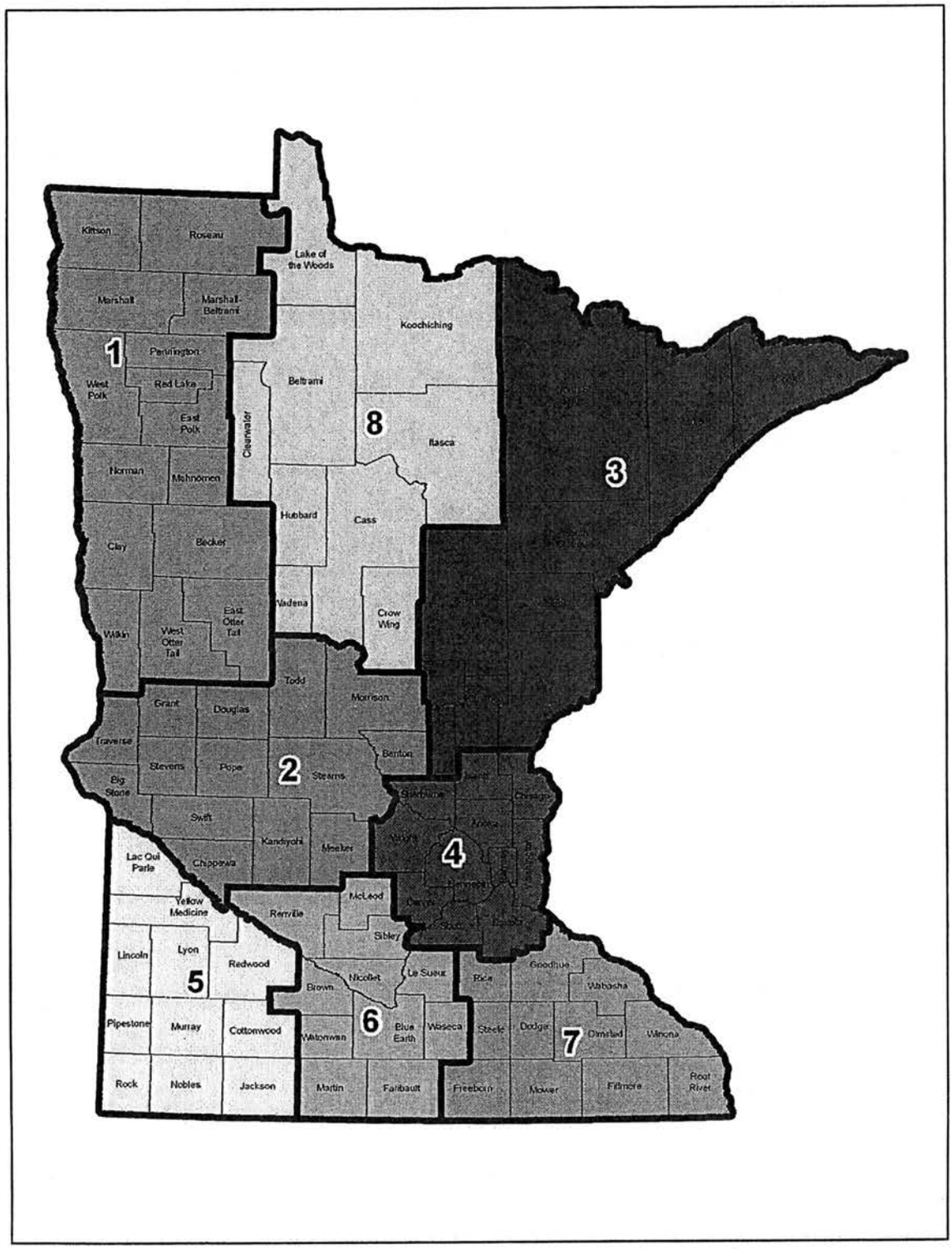
7/8/08

John Jaschke Date
Executive Director
Minnesota Board of Water and Soil Resources

LeAnn Buck July 7 '08

LeAnn Buck Date
Executive Director
Minnesota Association of Soil and Water Conservation Districts

Attachment 1
CTAC Consensus Recommendation Boundaries for 8 SWCD Technical Services Areas
3-12-08



FY 2009 Drainage Records Modernization Challenge Grants

BACKGROUND

The 2007 Legislature appropriated funding to the BWSR to develop guidelines for drainage records preservation and modernization, and $500,000 for cost-share grants to local governments for public drainage records modernization. These appropriations were in response to associated consensus recommendations of the stakeholder Drainage Work Group, which recommended $2,000,000 of additional state cost-share for this purpose. The BWSR has provided Local Water Management Challenge Grants for drainage inventories and drainage records modernization since the mid 1990s. A total of 24 such grants had been made to Chapter 103E drainage authorities through FY 2006, with a range of $5,000 to $55,000 and average grant of approximately $24,000. The BWSR contracted with the Water Resources Center, Minnesota State University, Mankato to assist in the development of drainage records modernization guidelines. The BWSR Grants Team drafted recommendations for implementation of these drainage records modernization challenge grants, considering previous Local Water Management Challenge Grant criteria and input from previous grant recipients.

ISSUE

Drainage Records Modernization Guidelines are scheduled to be complete in August 2008. These guidelines are based on the collective experience of Minnesota drainage authorities that have modernized their drainage records within approximately the past 10-15 years. The Grants Program & Policy Committee is proposing to implement the LGU challenge grant phase of the Drainage Records Modernization Program to include the following characteristics:

Application Period: September 15, 2008 – 4:00 p.m. October 31, 2008

Available Funding: $500,000

Eligible Local Government Units: Counties and Watershed Districts that administer public drainage systems under Minnesota Statutes Chapter 103E and have a current Comprehensive Local Water Management Plan or Watershed District Overall Plan.

Grant Maximum: Up to the larger of:

A) the number of Chapter 103E drainage systems administered for which drainage records modernization is proposed times up to $1,500 per drainage system up to $50,000 (Only include drainage systems jointly administered with an adjacent drainage authority if the applicant drainage authority is responsible for maintaining the primary records for the joint system.); or,

B) The miles of Chapter 103E drainage systems administered for which drainage records modernization is proposed times up to $75 per mile of drainage system up to $50,000. (For jointly administered drainage systems, only include the miles of the system that are within the applicant county or watershed district.)

(Because limited information is available to the BWSR regarding the number and total miles of drainage systems administered by Chapter 103E drainage authorities, the BWSR

reserves the authority to adjust the grant rate per number or mile of drainage system, based on evaluation of information provided by all eligible applicants. The intent is to provide grants ranging from about $10,000 to $50,000 in proportion to the number or miles of Chapter 103E drainage systems administered by an eligible drainage authority.)

Required Match: All grants must be matched at minimum one-to-one with non-state cash or in-kind contributions.

Applicable Guidance Document: Drainage Records Modernization Guidelines, August 2008. These guidelines are based on the collective experience of Minnesota drainage authorities that have modernized their drainage records within approximately the past 10-15 years.

Eligible Projects: Eligible projects must be for drainage records modernization of Chapter 103E drainage systems (e.g. digitizing, mapping and electronic filing).

Priority Ranking Considerations:

- Requested grant amount per drainage system or mile of drainage system (A request that is lower than the maximums stated above contributes to a higher grant funding priority.)
- Amount of local match above the required 1:1 minimum (Higher match commitment contributes to a higher grant funding priority.)
- Existence of previous drainage system inventory work within the jurisdiction of the applicant drainage authority (Previous investments in drainage records modernization by the drainage authority increases grant funding priority.)
- If a drainage authority has previously received a Local Water Challenge Grant for drainage records modernization, its application typically will be a lower priority than applications from drainage authorities that have not received a previous Local Water Challenge Grant for this purpose.

Ineligible Projects:
Drainage system field surveys that would typically be conducted for a drainage system establishment, improvement or repair project or proceeding.

RECOMMENDATION

The Grants Program & Policy Committee is requesting the Board to approve the attached resolution authorizing the 09 Drainage Records Modernization Challenge Grant Program and staff to implement the Program with these characteristics as discussed above.

(The Committee will be requesting the Board to approve specific LGU allocations at the December 2008 Board Meeting.)

H:09DRMCGPBA

Board Resolution # 08-87

FY 09 Drainage Records Modernization Challenge Grant Program

WHEREAS, the 2007 MN Legislature appropriated funding to the BWSR to develop guidelines for drainage records preservation and modernization;

WHEREAS, Drainage Records Modernization Guidelines are scheduled to be complete in August 2008; and

WHEREAS, the Legislature also appropriated $500,000 to the BWSR for FY 2009 for cost-share grants to local governments for public drainage records modernization.

NOW THEREFORE, the BWSR hereby authorizes the FY 2009 Drainage Records Modernization Challenge Grant Program to be implemented by staff with the following characteristics:

Application Period: September 15, 2008 – 4:00 p.m. October 31, 2008

Available Funding: $500,000

Eligible Local Government Units: Counties and Watershed Districts that administer public drainage systems under Minnesota Statutes Chapter 103E and have an current Comprehensive Local Water Management Plan or Watershed District Overall Plan.

Grant Maximum: Up to the larger of:

A) the number of Chapter 103E drainage systems administered for which drainage records modernization is proposed times up to $1,500 per drainage system up to $50,000 (Only include drainage systems jointly administered with an adjacent drainage authority if the applicant drainage authority is responsible for maintaining the primary records for the joint system.); or,

B) The miles of Chapter 103E drainage systems administered for which drainage records modernization is proposed times up to $75 per mile of drainage system up to $50,000. (For jointly administered drainage systems, only include the miles of the system that are within the applicant county or watershed district.)

(Because limited information is available to the BWSR regarding the number and total miles of drainage systems administered by Chapter 103E drainage authorities, the BWSR reserves the authority to adjust the grant rate per number or mile of drainage system, based on evaluation of information provided by all eligible applicants. The intent is to provide grants ranging from about $10,000 to $50,000 in proportion to the number or miles of Chapter 103E drainage systems administered by an eligible drainage authority.)

Required Match: All grants must be matched at minimum one-to-one with non-state cash or in-kind contributions.

Applicable Guidance Document: Drainage Records Modernization Guidelines, August 2008. These guidelines are based on the collective experience of Minnesota drainage authorities that have modernized their drainage records within approximately the past 10-15 years.

Eligible Projects: Eligible projects must be for drainage records modernization of Chapter 103E drainage systems (e.g. digitizing, mapping and electronic filing).

Priority Ranking Considerations:

- Requested grant amount per drainage system or mile of drainage system (A request that is lower than the maximums stated above contributes to a higher grant funding priority.)
- Amount of local match above the required 1:1 minimum (Higher match commitment contributes to a higher grant funding priority.)
- Existence of previous drainage system inventory work within the jurisdiction of the applicant drainage authority (Previous investments in drainage records modernization by the drainage authority increases grant funding priority.)
- If a drainage authority has previously received a Local Water Challenge Grant for drainage records modernization, its application typically will be a lower priority than applications from drainage authorities that have not received a previous Local Water Challenge Grant for this purpose.

Ineligible Projects:
Drainage system field surveys that would typically be conducted for a drainage system establishment, improvement or repair project or proceeding.

Date: 8/20/08

Randy Kramer, Chair
Board of Water and Soil Resources

H:09DRMCGBR

Comprehensive BWSR Clean Water Legacy FY 08-09 Budget

BWSR Board, Aug 28, 2008

1. Non-Point Source Restoration Assistance

(1a) Non-Point Source Restoration Legacy Assistance Grants—Legislative appropriation for financial assistance to install conservation practices and incentives associated with restoration projects. (Those waters with EPA approved TMDL pollutant allocations and MPCA-approved implementation plans.

(1b) BWSR agency appropriation —Appropriated funds available for BWSR staff, logistical support, and agency operations.

2. Restoration and Protection TA& Engineering Grants

(2a) Restoration and Protection TA& Engineering Grants —Legislative appropriation for Technical assistance, compliance and engineering assistance funds to address restoration and protection projects and assist with the installation of conservation practices initiated as a result of CWL funding or other conservation programs.

2b) Tillage Transect Survey—Continuation of comprehensive tillage transect survey begun in 2007. This information gathered by local SWCD staff and collated by Minnesota State University-Mankato will provide baseline information on land management, progress of TMDL implementation plans and can serve as one element of an effectiveness monitoring program for TMDL projects.

(2d) Farm Bill Assistance-Continuation of support for staff located in SWCD offices to provide marketing and technical assistance to landowners for CCRP, CREP EQIP and other Federal Conservation programs as well as CWL funds. These funds were identified in the June '07 board information packet.

(2e) BWSR agency appropriation—Legislative appropriation for BWSR staff, logistical support, and agency operations.

(2f) Continuation Funds---TA funds reserved for projects that received TA funding during the FY '07grant program. Those funds had a firm end date of June 30, '09. This amount will provide approximately 1 additional year of TA funding to carry those experienced staff through the '09 construction season and provide an additional opportunity to pursue long-term funding solutions at the legislature.

3. Evaluating and Reporting Practices/eLINK---Legislative appropriation to BWSR for reporting and evaluating applied soil and water conservation practices.

4. Grants to Implement County SSTS Programs

(4a) Subsurface Sewage Treatment System (SSTS) base grant funds -- For administration of county SSTS programs. These funds will be distributed as part of the NRBG grant in both FY08 and FY09.

(4b) SSTS county grants to inventory systems that are an imminent threat to public health or safety -- The program will be administered jointly with the MPCA. Funds will be available for counties to undertake SSTS inventories of systems that are imminent threats to public health or

(4c) SSTS grants to counties to address imminent threat and failing individual sewage treatment systems. Funding appropriated to BWSR. Local government (must be under an approved local water plan) options; may propose any one or combination of the three options.

- Option 1: Grants to cover significant portion of costs to low income households for system upgrade. Persons eligible for funds must attend SSTS ownership basics class to receive payment;
- Option 2: Incentive payment (not to exceed $500 per SSTS; maximum of $50,000/year/applicant) to all who upgrade, persons eligible for funds must attend SSTS ownership basics class to receive payment.
- Option 3: Capitalization of a revolving loan program; may be coordinated through the AgBMP program or other programs. There is a maximum award of $250,000 per county from this funding category.

5. Protection Lake and River Management Funds

(5a) Protection Lake and River Management Grants—Legislative appropriation for CWL grant funds to address non-point source protection activities only for FY '08. Protection activities can be initiated on unimpaired or un-assessed waters as well as those waters for which a TMDL allocation has not yet been prepared.

(5b) Protection Strategy Pilot Projects—Pilot projects led by local partners to identify protection strategies focused on those waters that are unimpaired and that can be implemented at the local level on a basin or watershed/multi-county scale. Protection strategy process can be used to provide context for the legislature and others about rational prioritization methods and implementation activity choices.

6. Feedlot Water Quality Funds for SWCDs

(6a) Feedlot Water Quality Grants—Legislative appropriation for feedlot-specific implementation practices. These funds were removed from the BWSR base cost-share budget and included in the CWL appropriation. The BWSR board authorized the distribution of funds for FY '08 at the June meeting. Funds remaining after that distribution will be included in the competitive round of CWL grants.

(6b) NPEA challenge grants—Continuation of support of NPEA areas by reserving 10% of the Feedlot Water Quality Grants as challenge grant opportunities.

7. Legislative Direct Appropriations

(7a) NE Wetland Mitigation Strategy—Direct legislative appropriation for furthering the NE MN wetland mitigation strategy. WCA staff is leading this effort.

(7b) Wetland Mine Reclamation Inventory—Direct legislative appropriation for NE MN wetland mitigation strategy though inventory and analysis of resources. WCA staff is leading this effort.

(7c) Ag hydro restoration C-S—Direct legislative appropriation. Project location, scope and program specifics are being developed.

(7d) MN Conservation Corp C-S—Direct legislative appropriation and requirement for contracting with MCC for services. A contract is in place with MCC to allow SWCDs, Counties, and WDs to work with MCC staff and crews to install implementation projects on impaired waters.

Table 1: Comprehensive BWSR Clean Water Legacy Budget

Funding Category	Category Funding Total	Sub Category	FY08	FY09	Biennium Total	Funding Mechanism
1) Non point Source Restoration C-S	$1,316,000	1a) Restoration assistance for TMDLs	$558,000	$558,000	$1,116,000	CWL Competitive Grant
		1b) BWSR agency appropriation	$100,000	$100,000	$200,000	Staff & logistic support
2) Restoration and Protection TA and Engineering	$2,625,000	2a) Restoration and Protection TA	$815,000	$490,000	$1,265,000	CWL Competitive Grant
		2b) Tillage Transect Survey	$85,000	$85,000	$170,000	Contract
		2d) Farm Bill Assistance	$100,000	$0	$100,000	One time for staffing
		2e) BWSR agency appropriation	$300,000	$300,000	$600,000	Staff and logistic support
		2f) Continuation Funds	$0	$450,000	$450,000	Grant for 2007 CWL project staff
3) Evaluating and reporting practices/eLINK	$400,000	BWSR agency appropriation	$200,000	$200,000	$400,000	Staff and logistic support
4) Grants to Implement County SSTS Programs	$3,450,000	4a) Base Grant	$730,000	$730,000	$1,460,000	NRBG
		4b) Grants up to $130K for county inventories	$990,000	$0	$990,000	CWL Competitive Grant
		4c) ISTS Grants for Imminent Health Threats	$1,000,000	$0	$1,000,000	CWL Competitive Grant
5) Protection Lake and River Management Funds	$1,000,000	5a) Protection Lake and River Management Grants	$850,000	$0	$850,000	CWL Competitive Grant
		5b) Protection Strategy Pilot Projects	$150,000	$0	$150,000	Contract
6) Feedlot Water Quality Funds to SWCDS	$3,000,000	6a) Grants to SWCDs	$1,000,000	$1,700,000	$2,700,000	Grants to SWCDs
		6b) NPEA Challenge Grant	$0	$300,000	$300,000	Grants to NPEAs
7) Legislative Direct Appropriations	$2,375,000	7a) NE Wetland Mitigation Strategy	$150,000	$0	$150,000	Contract
		7b) Wetland Mine Reclamation Inventory	$225,000	$0	$225,000	Contract
		7c) Ag hydro restoration C-S	$1,500,000	$0	$1,500,000	Outside of competitive process
		7d) MN Conservation Corp C-S	$500,000	$0	$500,000	Contract
Totals	**$14,166,000**		**$9,252,000**	**$4,914,000**	**$14,166,000**	

FY09 Interagency Competitive Clean Water Legacy Grant Time-Line

- **July 23rd:** BWSR Grants Policy Committee
- **August 28th:** BWSR Board Meeting— CWL package approval
- **September:** Outreach meetings with Local Governmental Units (LGUs)
- **October 1st to November 7th :** Application period open for LGUs
- **November 8th to December 1st :** Interagency Team reviews and ranks projects
- **December 11th:** BWSR SMT reviews recommended projects
- **~Dec 17th**: BWSR Grants Committee reviews SMT recommendations
- **~January 15, 2009:** BWSR Board Packet — Funding recommendations finalized
- **Jan. 26th:** Presentation to Clean Water Council on proposed funding recommendations
- **January 28th:** BWSR Board Approval of Funding Recommendations

FY09 Competitive Interagency Clean Water Legacy Funding Recommendation

Background

The 2007 legislature appropriated Clean Water Legacy (CWL) funds for best management practice (BMP) implementation to the Minnesota Board of Water and Soil Resources (BWSR). The MPCA is also supplying CWL implementation funds through its Federal Section 319 program. These agencies, along with the Minnesota Department of Natural Resources (DNR) and the Minnesota Department of Agriculture (MDA), have worked cooperatively to develop an interagency budget to address non-point source implementation through a competitive application process for grant and loan funds.

Clean Water Legacy funding is available for **restoration** practices to improve impaired waters that have EPA approved TMDLs and MPCA approved TMDL implementation plans. Below is a description of each specific component of this budget, along with the overall budget break-down, which is included in Table 2.

Table 2: Interagency CWL Budget

Agency Fund	FY09 Amount	Funding Eligibility
BWSR Financial Legacy Assistance Grant	$558,000	Restoration
BWSR Engineering and Technical Assistance Grant	$442,000	Restoration
BWSR Feedlot Water Quality Management Grants	$196,000	Restoration
MPCA Section 319 Grant	$2,000,000	Restoration
Totals	$3,196,000	

MPCA Section 319 Grant: The MPCA is proposing to contribute approximately $2,000,000 of Minnesota's Federal 319 grant allocation to the FY08 CWL competitive application process to fund Restoration activities.

BWSR Restoration Financial Legacy Assistance Grant: The BWSR is proposing to allocate $558,000 in FY09 for financial assistance and incentives for restoration activities.

BWSR Restoration Engineering and Technical Assistance Grant: The BWSR is proposing to allocate $442,000 in FY09 for competitive grants to local governmental units (LGUs) to provide technical assistance and engineering services for restoration activities

BWSR Feedlot Water Quality Management Grant: The BWSR is proposing to use $196,000 of remaining funds from the Feedlot Water Quality Management Grant program to help fix feedlot pollution problems in TMDL restoration areas. New or expansion feedlot projects are not eligible for funding and the feedlot operation must have less than 300 animal units. The feedlot must be out of compliance for feedlot runoff, milk house waste, or another feedlot water quality parameter in order to be eligible for grant funds. Feedlot contributions to identified impairments must be identified in the TMDL Implementation Plan.

Eligible Approved TMDLs Projects for Restoration
All restoration projects must have an EPA approved TMDL and an MPCA approved Implementation Plan. Implementation Plans must be approved no later than October 1, 2008. The TMDL projects that currently have an MPCA approved Implementation Plan and meet the criteria for restoration funding are:

- Carver-Bevens-Silver Creek Fecal Coliform TMDL
- Lake Independence Excess Nutrients TMDL
- Long Prairie River Watershed Dissolved Oxygen TMDL
- Lower Minnesota River Watershed Dissolved Oxygen TMDL
- Lower Mississippi River Basin Regional Fecal Coliform TMDL
- Lower Cannon River TMDL: Turbidity
- Lower Ottertail River Turbidity TMDL
- Shingle Creek Chloride TMDL
- North Branch Sunrise River Fecal Coliform TMDL
- South Branch Yellow Medicine Fecal Coliform TMDL
- Blue Earth River Fecal Coliform TMDL
- Twin and Ryan Lakes TMDL: Excess Nutrients
- Pipestone Creek TMDL: Fecal Coliform and Turbidity*
- Pomme de Terre Fecal Coliform TMDL*
- Rock River TMDL: Fecal Coliform and Turbidity*
- Burandt Lake TMDL: Excess Nutrients**

*TMDL study approved by EPA and TMDL implementation plan likely to be MPCA approved by October.
**TMDL public notice completed- TMDL and Implementation plan may be approved by October.

Board Resolution # 08-88

FY 09 CLEAN WATER LEGACY PROGRAM
PROJECT FUNDING ALLOCATIONS

WHEREAS, Governor Pawlenty signed the Clean Water Legacy Act (CWLA) into law on June 2nd, 2006; and,

WHEREAS, the BWSR 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; and,

WHEREAS, An inter-agency implementation initiative was conducted to coordinate funding of restoration and protection activities; and,

WHEREAS, the 2007 legislature appropriated funds for Clean Water Legacy implementation activities in fiscal years 2008 and 2009; and

WHEREAS, the interagency work team has developed a budget, grant application process and supporting materials to support Clean Water Legacy implementation activities using the following eligibility and policy guidelines:

- Projects are eligible for funding from the restoration category if they have an approved TMDL and an MPCA approved TMDL implementation plan by the beginning of the current application period—October 1, 2008.
- Restoration application requests must closely follow the TMDL implementation plan that has been developed and, to the extent possible, address implementation activities that will result in the greatest pollutant load reductions.
- The FY 2009 CWL grant application scoring criteria will be:
  - Description and documentation of the relationship of the proposed implementation activities to specific TMDL implementation plans.
  - The measurable results and estimated effect of the implementation activities on the pollutant identified.
  - Funding that can be accessed from other sources to augment CWL funding.
  - Tracking installation and evaluating the effectiveness of the project initiatives
  - The amount of conservation practices or initiatives that will be accomplished during the first construction season after CWL funds are received.
  - The level of project partners' coordination, project management community support and general project description.

NOW THEREFORE, the Grant Policy and Program Committee recommends BWSR approval of the proposed budget and grant application process to implement the FY 09 CWLA Program with the grant application period beginning October 1, 2008 and ending November 7, 2008.

R J Kramer

Date: 8/28/08

Randy Kramer, Chair
Board of Water and Soil Resources

ANNUAL PLAN – FY 2009

JULY 1, 2008 – JUNE 30, 2009



AREA II MINNESOTA RIVER BASIN PROJECTS, INC.

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FY 2009 TECHNICAL OFFICE BUDGET

2008 BOARD OF DIRECTORS

BROWN COUNTY
*ANDREW LOCHNER – **CHAIR***
CHARLES GUGGISBERG

COTTONWOOD COUNTY
*GARY SORENSON – **VICE CHAIR***
NORMAN HOLMEN

LAC QUI PARLE COUNTY
HAROLD SOLEM
TODD PATZER

LINCOLN COUNTY
CURT BLUMEYER
LARRY HANSEN

LYON COUNTY
*PHILIP NELSON - **SECRETARY/TREASURER***
RODNEY STENSRUD

MURRAY COUNTY
ROBERT MOLINE
JOHN GIESE

PIPESTONE COUNTY
LUKE JOHNSON
HAROLD MILLER

REDWOOD COUNTY
JOHN SCHUELLER
ALLEN KOKESCH

YELLOW MEDICINE COUNTY
LOUIS SHERLIN
RON ANTONY

ANNUAL PLAN – FY 2009
ADMINISTRATIVE WORK PLAN NARRATIVE

STAFF: Kerry Netzke ~ *Coordinator* Joe DeSchepper ~ *Engineering Technician* Duane Hansel, P.E. ~ *Consultant Engineer Bolton & Menk, Inc.*

Fiscal 2008, and particularly the 2007 construction season, was extremely busy with over $680,000 of projects constructed. The $500,000 LCMR funding from 2005 was successfully expended by June 30, 2007 (*see page 8*) with five projects spanning four member counties.

Spring 2008 was unusually wet which delayed the construction season well into the middle of June. The 2005 Bonding appropriation was due to expire June 30, 2008, however we were able to extend that deadline until September 30, 2008 simply due to the weather conditions. That funded will soon be expended in its entirety resulting in fourteen projects in excess of $1,537,017.82 (*see pages 5 and 6*).

Now the priority moves to spending the 2006 Bonding appropriation before its expiration date of June 30, 2009. Typically, Area II has received $500,000 in bonding every other year which has worked beautifully with our construction schedules. As you recall, there was no Bonding Bill in 2004 which resulted in Area II receiving $500,000 in bonding in 2005 and another $500,000 bonding appropriation in 2006. With a small staff and unending interest in floodwater retention projects, the shortened time frame to use the funding has been challenging. Page 7 lists the projects that are vying for this funding spanning five of the member counties.

Additionally, the 2008 Legislative Session provided construction funding to Area II via the Flood Damage Reduction Grants administered by the Department of Natural Resources. Although this funding is handled on a "first come, first served" basis, we hope to connect with the $30 million made available for work such as ours.

Beyond the routine projects, Area II is invited to participate in other projects related to floodwater retention (*see page 9*). Area II will provide this surveying and engineering expertise to our member counties in this manner.

Area II greatly appreciates the ongoing support given to them from the Minnesota Board of Water & Soil Resources. We have welcomed the new relationship with John Jaschke and look forward to what the future has in store. Area II will continue its good work and to make BWSR proud of the conservation practices that only we can do jointly in southwestern Minnesota.

FY 2008
COMPLETED PROJECTS

χ	**Monroe 3 Dam - Lyon County**	**$273,232.97**
	LCMR	$ 179,064.97
	2005 Bonding Funds	$ 18,354.00
	Lyon County	$ 72,464.02
	Area II Counties	$ 3,349.98
χ	**Monroe 7 Dam Repair - Lyon County**	**$ 40,483.48**
	2005 Bonding Funds	$ 30,362.60
	Landowner	$ 5,060.44
	Area II Counties	$ 5,060.44
χ	**Norman 35 Small Dam Repair – Yellow Medicine**	**$ 22,785.00**
	Federal EQIP Funds	$ 11,393.00
	2005 Bonding Funds	$ 5,696.00
	Landowner	$ 2,848.00
	Yellow Medicine River Watershed District	$ 2,848.00
χ	**Custer 15 Small Dam Repair - Lyon County**	**$ 11,374.81**
	RCRCA Cost-Share	$ 8,531.11
	Landowner	$ 2,843.70
χ	**Lake Marshall 31 Small Dam Repair - Lyon County**	**$ 53,606.05**
	2005 Bonding Funds	$ 32,704.55
	Federal EQIP Funds	$ 7,500.00
	Landowner	$ 13,401.50
χ	**Lynd 32 Dam - Lyon County**	**$ 47,393.00**
	LCMR	$ 35,544.75
	Landowner	$ 5,924.13
	Area II Counties	$ 5,924.12
χ	**Honner 29 Dam – Redwood County**	**$179,981.79**
	2005 Bonding Funds	$ 60,000.00
	City of Redwood Falls (Includes Federal Aviation funds)	$ 119,981.79
χ	**Germantown 4 Road Retention - Cottonwood County**	**$ 53,106.70**
	LCMR	$ 37,065.00
	Cottonwood County	$ 8,942.52
	Area II Counties	$ 7,099.18

COMPLETED PROJECTS TOTAL
$ 681,963.80

LCMR	**$251,674.72**
BONDING	**$147,117.15**
FEDERAL	**$ 18,893.00**
OTHER STATE	**$ 8,531.11**
LOCAL	**$ 255,747.82**

62/38 COST-SHARE RATIO

2005 BONDING PROJECTS

χ **Alta Vista 36 Road Retention – Lyon/Lincoln County** **$ 658,603.34**

MNDOT Local Road Improvement Grant	$250,000.00	Lyon County In-kind (asphalt surfacing)	$ 70,000.00
2005 Bonding Funds	$155,000.00	Lincoln County In-kind (engineering)	$ 58,521.98
Lincoln County – MNDOT State Aid	$ 73,104.66	Yellow Medicine Watershed District	$ 51,976.70

χ **Sodus 27 Dam - Lyon County** **$ 68,557.72**

2005 Bonding Funds	$ 51,418.29
Landowner	$ 17,139.43

χ **Amiret 29 Dam - Lyon County** **$ 14,216.57**

2005 Bonding Funds	$ 10,662.43
Landowner	$ 3,103.39
Area II Counties	$ 450.75

χ **Monroe 7 Small Dam Repair - Lyon County** **$ 40,483.48**

2005 Bonding Funds	$ 30,362.60
Landowner	$ 5,060.44
Area II Counties	$ 5,060.44

χ **Delhi 24 Small Dam Repair - Redwood County** **$ 64,904.00**

2005 Bonding Funds	$ 18,678.00
Landowner	$ 16,226.00
Federal EQIP Funds	$ 30,000.00

χ **Honner 29 Small Dam - Redwood County** **$ 179,981.79**

2005 Bonding Funds	$ 60,000.00
City of Redwood Falls	$ 119,981.79

χ **Lake Marshall 31 Small Dam Repair - Lyon County** **$ 53,606.05**

2005 Bonding Funds	$ 32,704.55
Landowner	$ 13,401.50
Federal EQIP Funds	$ 7,500.00

CONTINUED…

2005 BONDING PROJECTS

χ **Norman 35 Small Dam Repair – Yellow Medicine County** **$ 22,785.00**
- 2005 Bonding Funds $ 5,696.00
- Landowner $ 2,848.00
- Federal EQIP Funds $ 11,393.00
- Yellow Medicine River Watershed District $ 2,848.00

χ **Lyons 3 Dam Repair - Lyon County** **$ 46,522.92**
- Landowner $ 10,000.00
- Federal EQIP Funds $ 34,592.19
- Area II Counties $ 1,930.73

χ **Marble 8 Dam Repair - Lincoln County** **$ 23,294.98**
- 2005 Bonding Funds $ 17,471.24
- Landowner $ 4,950.17
- LQP-YB Watershed District $ 873.57

χ **Monroe 3 Dam - Lyon County** **$ 238,753.29**
- LCMR $ 179,064.97
- Lyon County $ 59,688.32

χ **Hansonville 18 Dam - Lincoln County** **$ 86,101.50**
- 2005 Bonding Funds $ 64,576.13
- Landowner $ 12,095.37
- US Fish & Wildlife Service $ 6,200.00
- LQP-YB Watershed District $ 3,230.00

χ **Monroe 12 Small Dam Repair - Lyon County** **$ 9,938.68**
- 2005 Bonding Funds $ 7,454.01
- Landowner $ 2,151.17
- Area II Counties $ 333.50

2005 BONDING COMPLETED PROJECTS TOTAL $1,537,017.82

χ **Lamberton 22 Dam Repair - Redwood County** **$ 29,268.50**
- 2005 Bonding Funds $ 6,951.38
- Landowner $ 7,317.12
- Clean Water Legacy Funds $ 15,000.00

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.

2006 BONDING PROJECTS FOR FY 2009

- **Drammen 15 Dam – Lincoln County**
- **Springdale 17 Dam - Redwood County**
- **Springdale 21 Road Retention - Redwood County**
- **North Hero 34 Road Retention - Redwood County**
- **Springdale 28 Dam - Redwood County**
- **Lynd 35 Small Dam Repair – Lyon County**
- **Lyons 12 Dam - Lyon County**
- **Amiret 18 Road Retention – Lyon County**
- **Island Lake 4 Dam – Lyon County**
- **Monroe 8 Dam – Lyon County**
- **Nordland 4 Dam – Lyon County**
- **Holly 22 Road Retention – Murray County**
- **Florida 22 Dam Repair – Yellow Medicine County**

LCCMR COMPLETED PROJECTS (6/30/07)

χ **Florida 9 Road Retention – Yellow Medicine County** ($112,367.09)
14.8 acres of flood easement acquired to reduce 100-year storm flows by 24.2% (947 cfs to 718 cfs); 99 acre-feet of storage.

LCMR	$ 81,207.57
Area II Counties	$ 31,059.52

χ **Holly 9 Dam and Small Dam Repair - Murray County** ($221,307.52)
13.25 acres of flood easement acquired to reduce 100-year storm flows by 82% (418 cfs to 77 cfs); 255 acre-feet of storage.

LCMR	$165,087.57
Area II counties	$ 36,219.95
Landowners	$ 20,000.00

Additionally, in-kind services of $10,640.00 were contributed by Area II and $900.51 from Murray County Hwy Dept.

χ **Monroe 3/10 Road Retention/Dam - Lyon County** ($273,232.97)
22.8 acres of flood easement acquired to reduce 100-year storm flows by 37.5% (1370 cfs to 860 cfs); 211 acre-feet of storage.

LCMR	$ 179,064.97
2005 Bonding Funds	$ 18,354.00
Lyon County	$ 72,464.02
Area II Counties	$ 3,349.98

LCMR Funding = $500,000.00
Local Match = $205,542.93
71/29 Cost-Share Ratio

χ **Lynd 32 Dam – Lyon County** ($46,933.00)
2.61 acres of flood easement acquired to reduce 100-year storm flows by 83.6% (78 cfs to 12.8 cfs); 9.6 acre-feet of storage.

LCMR	$ 35,544.75
Area II counties	$ 5,924.13
Landowners	$ 5,924.12

χ **Germantown 4 Road Retention - Cottonwood County** ($317,035.36)
98.84 acres of flood easement acquired to reduce 100-year storm flows by 10.4% (3327 cfs to 2985 cfs); 716 acre-feet of storage.

LCMR	$ 37,065.00
MNDOT Town Bridge Funds	$ 247,369.15
Cottonwood County	$ 24,423.71
Area II Counties	$ 6,177.50

FY 2009
OTHER PROJECTS

χ Lake Stay Outlet Dam Restoration – Lincoln County

The original concrete dam which was built in 1916 is now undermining and dangerously lowering the water of this popular area lake. Lincoln County has adopted ownership and responsibility of the dam and has asked Area II to assist in the survey and design of the new outlet structure. Plans and Specifications have been completed and we await lower water levels for construction to begin.

χ Beaver Creek Watershed – Murray County

Through the Murray County Comprehensive Local Water Plan, Area II was hired to assist Murray County in locating potential floodwater retention areas in the Beaver Creek watershed. This watershed is not within Area II watershed boundaries, however the water planners were willing to hire our services to help them achieve their goal to reduce floodwater damages. A meeting with the involved landowners, townships and other interested parties was held with much interest being exhibited. A bus tour of example projects in Lyon County was hosted in April with even more interest being raised.

χ Clean Water Legacy Funds – Redwood & Cottonwood Watersheds

A portion of the funding was earmarked to fund up to ten small dam repairs (up to $15,000 each) within the two watersheds. Area II is providing surveying and engineering design services. The following projects are stemming from this grant:

Paxton 2 – Redwood County
Sherman 27 – Redwood County
Lamberton 22 – Redwood County
Lamberton 25 – Redwood County
Charlestown 30 – Redwood County
Redwood Falls 17 – Redwood County
Springdale 30 – Redwood County
North Hero 3 – Redwood County
Lynd 33 – Lyon County
Monroe 4 – Lyon County
Amiret 27 – Lyon County
Amiret 35 – Lyon County

χ Wergeland 5 Streambank Stabilization – Yellow Medicine County

This streambank stabilization project lies on the watershed boundary of the Lac qui Parle and Yellow Medicine Rivers. Although the project is physically in the Lac qui Parle watershed, the damage is occurring in the Yellow Medicine watershed. A joint effort was made whereby Area II surveyed and designed the three stabilization areas, the Lac qui Parle Clean Water Partnership is provided 75% cost-share through the Clean Water Legacy appropriation, and the Yellow Medicine Watershed District is providing the 25% local match. Additionally, the adjoining landowner will receive incentives to plant a buffer along the stabilized area.

ATTACHMENT A

FY 2009 Technical Office Budget

OFFICE OPERATIONS

Personal Services:

*Directors' Compensation	$ *6,700.00**
*Directors' FICA	*512.50**
Employees' Salaries	89,100.00
Employees' FICA	6,816.00
Employees' Medical Insurance	14,995.00
Employees' Retirement	5,791.50
Employee' FlexPlan	420.00
Total Personal Services	**$ 124,335.00**

Supplies:

Office	$ 2,000.00
Field	500.00
Capital Outlay	0.00
Total Supplies	**$ 2,500.00**

Other Services and Costs:

*Directors' Expenses	$ *4,250.00**
Employees' Expenses	1,300.00
Continuing Education	0.00
Professional Services	40,000.00
Maintenance & Repairs	1,200.00
Telephone	675.00
Postage	1,000.00
Vehicle Expense	3,500.00
*Director's Insurance	*1,557.00**
Other Insurance	13,350.00
Rent	7,083.00
Miscellaneous & Other Expenses	3,000.00
*Miscellaneous Expenses - Directors	*0.00**
Total Other Services and Costs	**$ 76,915.00**

TOTAL OFFICE OPERATIONS	$ 203,750.00
Total Ineligible for Cost-Share by the State	*13,019.50**
Total Eligible for Cost-Share by the State	$ 190,730.50

**** These items not cost-shared by the State***

STATE SHARE OF ELIGIBLE OFFICE COSTS	**$** 140,000.00 (75%)
Local Share of Eligible Office Costs	63,750.00 (25%)

Minnesota Board of Water & Soil Resources

Board Resolution #____

FY 2009 Area II Minnesota River Basins Project Inc. Work Plan and Grant

WHEREAS, the Area II Minnesota River Basins Project Inc. (Area II) is eligible to receive a $140,000 FY 2009 grant from the Minnesota Board of Water and Soil Resources (BWSR). This grant is available for administrative and implementation efforts of Area II within their 9 county flood control project area. This grant is available with a 25% local match requirement.

WHEREAS, Area II have developed an annual work plan to cover activities for FY 2009,

WHEREAS, Area II has secured their 25% match requirement,

NOW THEREFORE, the BWSR hereby approves the Area II FY2009 annual work plan and grant.

_____ Date:_____

Randy Kramer, Chair
Board of Water and Soil Resources

Minnesota Board of Water & Soil Resources

Board Resolution # 08-89

FY 2009 Area II Minnesota River Basins Project Inc. Work Plan and Grant

WHEREAS, the Area II Minnesota River Basins Project Inc. (Area II) is eligible to receive a $140,000 FY 2009 grant from the Minnesota Board of Water and Soil Resources (BWSR). This grant is available for administrative and implementation efforts of Area II within their 9 county flood control project area. This grant is available with a 25% local match requirement.

WHEREAS, Area II have developed an annual work plan to cover activities for FY 2009,

WHEREAS, Area II has secured their 25% match requirement,

NOW THEREFORE, the BWSR hereby approves the Area II FY2009 annual work plan and grant.

R/K

Randy Kramer, Chair
Board of Water and Soil Resources

Date: 8/28/08



Minnesota River Basin Joint Powers Board

Plan of Work
July 1, 2008 - June 30, 2009 (FY09)*
*some aspects of the work plan extend beyond FY09

Contact Information:
Shannon J. Fisher, Executive Director
Minnesota River Board
184 Trafton Science Center South
Mankato, MN 56001
(507) 389-5491;
shannon.fisher@mnsu.edu
www.minnesotariver.org

MRB Approved on 5-19-08
Submitted by _____
Shannon Fisher, Executive Director

Minnesota River Board Basics

In 1992, the Minnesota River Citizen's Advisory Committee (MRCAC) was formed. In 1994, the MRCAC released the report, *Working Together: A Plan to Restore the Minnesota River.* The report detailed ten recommendations (listed below) that the participants believed would improve Minnesota River health.

- restore floodplains and riparian areas,
- restore wetlands,
- manage drainage ditches and storm sewers as tributaries,
- improve land management practices,
- monitor water quality throughout the Minnesota River Basin,
- establish a "Minnesota River Commission" to oversee the clean-up effort,
- establish local joint powers agreements,
- improve technical assistance to local governments,
- engage the general public, and
- enforce existing laws

As a result of the MRCAC recommendations and increasing Minnesota River awareness, the Minnesota River Basin Joint Powers Board (hereafter referred to as MRB) was forged in 1996 (*Minnesota Statute 103F.378*). The MRB was founded on

- the desire to collaborate and leverage in a judiciously appropriate manner and
- the desire to assume a leadership role and be more pro-active in the coordination of efforts at the local level.

Mission and Vision

The MRB is founded on and conducts its business based on the principles and objectives outlined in our Mission and Vision statements.

MRB Mission Statement

"To provide leadership, build partnerships, and support efforts to improve and protect water quality in the Minnesota River Basin"

MRB Vision Statement

"Conservation and restoration of Minnesota River resources and our way of life can only be achieved by a cooperative effort between citizens and all levels of government and business."

Organizational Structure

The MRB partnership structure (Figure 1) has been in place since 2003 and remains a desirable and productive organizational profile. The internal structure of the Minnesota River Board itself should be evaluated, possibly for greater inclusion of basin partners. The relationship between the Water Resources Center (WRC) and the MRB has been very good and has been highlighted by legislators during MRB negotiations. The WRC has facilitated stability and progress for both entities. Significant dedication to re-establishing relations and partnerships with the watershed programs needs to and will occur over the next few years.

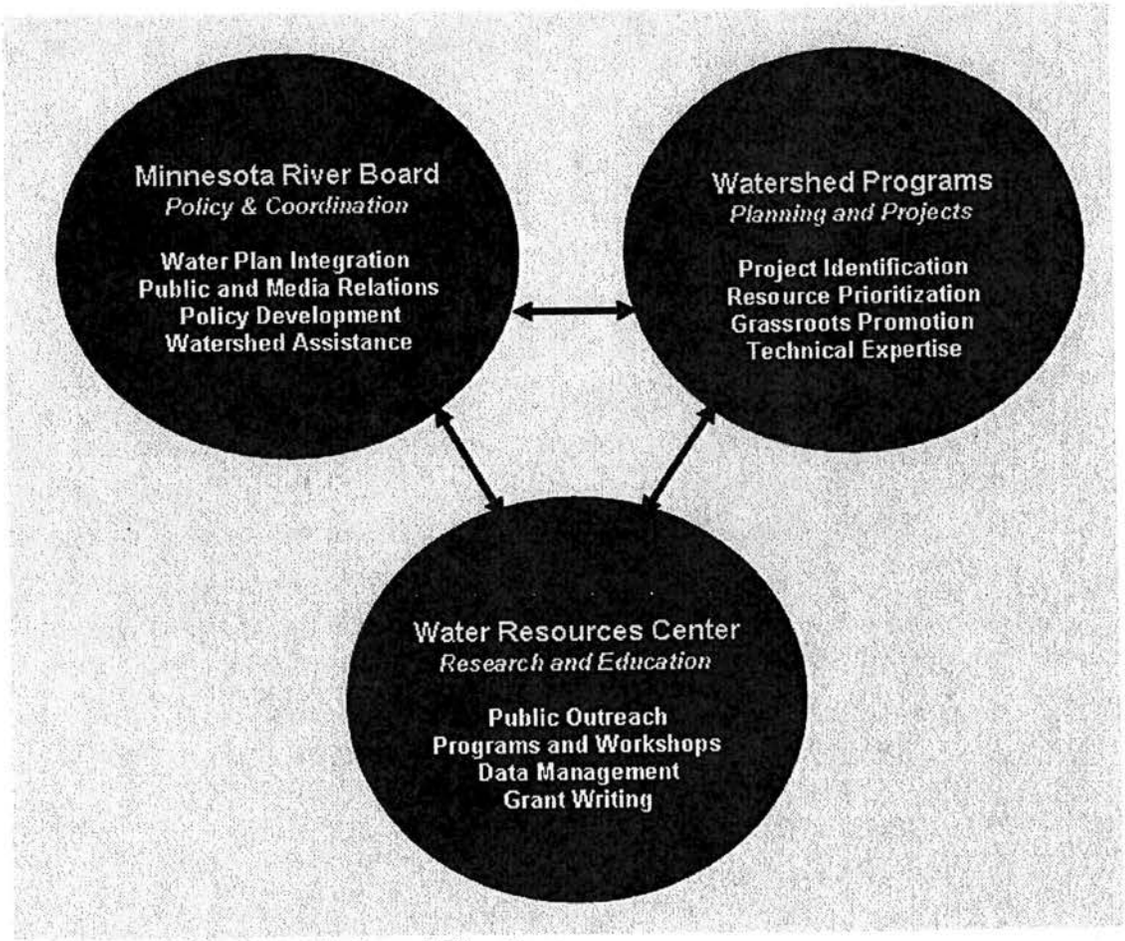


Figure 1. MRB Organizational Structure

Membership

The MRB is a joint powers board charged with coordinating efforts to improve water quality in the 38-county Minnesota River Basin and providing reporting for and assistance to 12 major watersheds (Figure 2). Upon acceptance of the joint powers agreement, each county with dues paid in full shall have one county commissioner as its delegate to the board and one county commissioner as an alternate. A technical and citizen advisory committee was established to advise the board and consisted of a technical representative from each participating county in the basin and citizens who are not county employees, but who have an interest in agriculture, conservation, sporting activities, and other relevant areas as determined by the board. This committee has not been active and should be revitalized, as input from these basin stakeholders is critical for the positive advancement of the board's mission. For counties wishing to return to the board, a new policy detailing re-admission procedures was approved in January of 2008. Contact the MRB staff for more information.

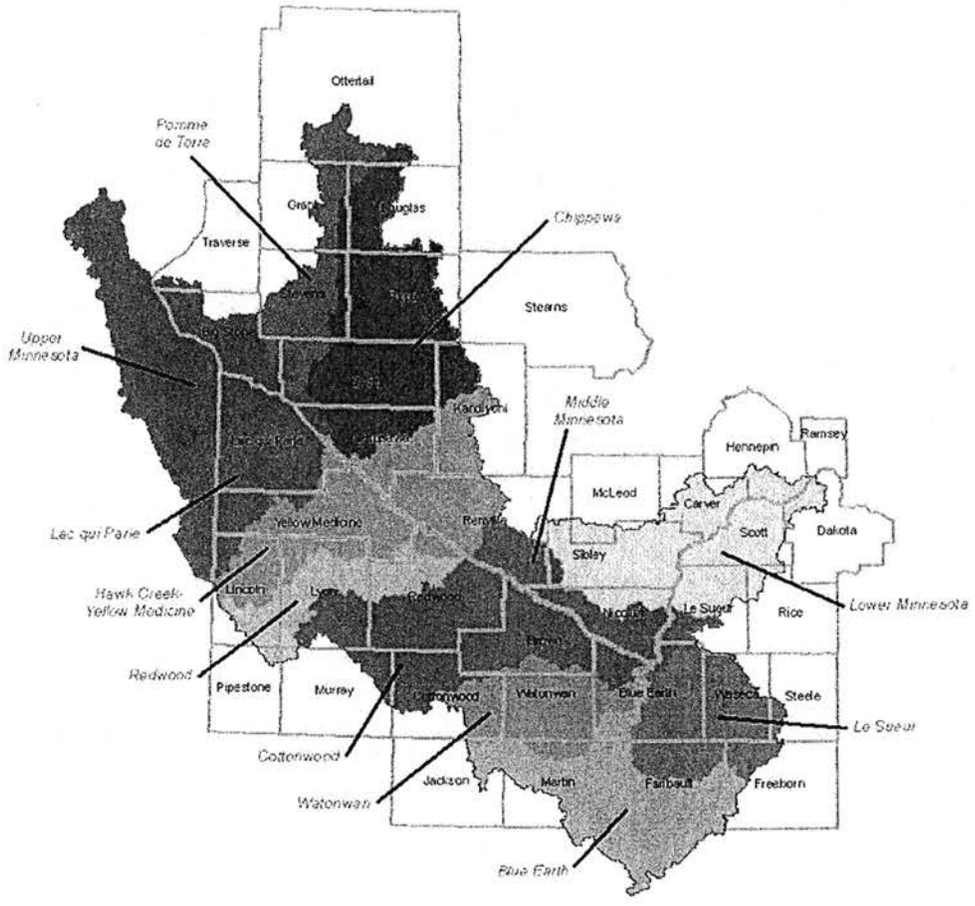


Figure 2. Figure denotes the Minnesota River basin made up of 12 major watersheds and 38 counties associated with the Minnesota River Basin Joint Powers Board.

FY09 Plan of Work

In 2006, the MRB completed a "Procedures Guide and Strategic Plan (2006-2010)" to guide our work (http://www.minnesotariver.org) and in FY08 produced the first work plan under the renewed legislative funding scenario. As a result of these plans, a substantive review of our statutory obligations and an ongoing assessment of what the MRB could and should be for the Minnesota River and our partners have been completed.

In FY08, we attempted to address all of the various statutory components where additional work was needed. For each of those components, we identified strategies for improvement; however, over this past year, the executive committee, MRB staff, and many of our partners thought it would be better to focus on areas where our services can be the most beneficial, rather than trying to be all things to all people. We quickly realized that there were several sections of the FY08 work plan that collectively were too much to handle given our available resources. We address our progress, shortcomings, and items to be carried forward (from the FY08 work plan to the FY09 work plan) in our FY08 end-of-year progress report.

Some uncompleted progress measures from the FY08 work plan were due to the magnitude of the work load, a work load that experienced several setbacks due to delays in state funds transfer to the MRB, which further delayed our hiring process. Although the funding was approved to start July 1, 2007, funds were not received until October 1, 2007 and our new staff person largely responsible for many aspect of the FY08 work plan was not hired until early January of 2008. Therefore, Director Fisher and the staff will utilize some remaining funds to get the critical aspects of the FY08 work plan completed during FY09.

The work plan for FY09 is structured using a set of goal statements that are then followed by a series of actions and products that will serve as our progress measures in FY09. Certain aspects of the FY09 plan rely heavily on completion of FY08 progress measures; therefore, several FY08 actions have been carried forward and are noted. The targeted completion dates for each item are noted in parentheses (month/year).

GOAL 1. Efficiently complete MRB administrative duties on schedule and be accountable for expenditures of public funds.

A) Prepare, obtain MRB and BWSR approval for, and implement FY09 Work Plan and budget. (9/08)
B) Evaluate and implement, if approved by the MRB, a plan to dissolve the existing Assistant Director Position and hire an administrative assistant (0.5 FTE; 9/08)
C) Finalize a calendar of events for FY09 and future years that establishes the upcoming calendar year's meeting times and locations, officer nominations and installments, budget preparation, staff reviews, award nominations, annual meetings, etc.... (10/08)
D) Provide a progress report to BWSR by February 1, 2009. (2/09)
E) Complete Executive Committee planning sessions in September of 2008 and April of 2009. (4/09)
F) Complete an annual internal audit. (5/09)
G) Conduct performance reviews as scheduled for the staff (6/09).
H) Continue to visit and communicate with county boards, water planners, SWCD representatives, and other water-quality related partners in the Minnesota River basin. (6/09)
I) Strive to bring non-member counties back to the MRB, with an objective of securing at least 1. (6/09)
J) Hold 6 full board meetings (bi-monthly), one of which will serve as the annual meeting, and two of which will be in partnership with basin organizations. (6/09)
K) Provide an Annual Report to BWSR and basin legislators by June 30, 2009. (6/09)
L) Write at least two grant and/or contract applications to bring external funds into the MRB to support our financial foundation and bring needed projects to the basin and provide significant cash and in-kind contributions to the projects. (6/09)

GOAL 2. Reconvene the technical and citizen advisory board to the MRB.*
**Completion of this goal will likely extend into FY10*

A) Establish and utilize a budget to defray the costs of participant travel to an initial advisory board meeting, to include county water planners, SWCD representatives, watershed organizations, and nongovernmental organizations. (9/08)
B) Utilize the collective experience of the basin citizens and technical staff to better develop a suite of services that the MRB can package for the basin. (12/08)
C) Establish a committee structure and process of technical representatives and citizen representatives whose input is critically important to the future work of the MRB. (1/09)
D) Develop a plan on which to formally gather input from and to provide services to the advisory group. (1/09)
E) Establish a meeting schedule and format based on input from the advisory committee. (1/09)
F) Establish a platform based on policy, education, and service, not implementation. (4/09)

GOAL 3. Resolve the real and perceived MRB identity problem.

A) Establish a committee to take another look at important questions surrounding the MRB identity, including further definition of our role(s), services that we could/should offer, and what sets the MRB apart from other watershed organizations. (9/08)
B) Provide recommendations to the MRB regarding the results of Goal 3A. (9/08)
C) Develop a proposed statutory revision based on the recommendations from Goal 3B and with input from the advisory committee. (11/08)
D) Request assistance from and work with basin legislative leaders to submit bills to make suggested modifications on Minnesota Statute 103F.378 in the 2009 legislative session (in conjunction with Goal 9 as appropriate). (11/08)

GOAL 4. Develop and implement a visibility plan.

A) Convene a committee to discuss visibility options and to develop a set of recommendations to the MRB regarding the visibility plan. (9/08)
B) Develop a brochure that highlights the MRB mission, programs, services, and strategic objectives. (11/08)
C) Develop a high quality display for use at county fairs, basin events, etc... (11/08)
D) Begin implementation of visibility plan components. (12/08)
E) Reformat the MRB website into a more user friendly and easily updated venue that can serve as a "go to" place for a variety of information. (12/08)

GOAL 5. Facilitate a process to improve and increase the level of communication within the MRB and between the MRB and our partners.

A) Implement bi-monthly MRB newsletters (2-4 pages), including features written by delegates, county staff, watershed professionals, and others. (10/08)
B) Begin to profile delegates/watershed professionals in each newsletter. (9/08)
C) Include condensed articles on major Minnesota River issues, similar to Envision 2020 reports. (9/08)
D) Develop and utilize a set of committees to draw on the expertise and input of delegates and our partners into the mainstream workings of the MRB. (11/08)
E) Enhance communications in conjunction with other media/outreach such as the Minnesota River Watershed Alliance, local newspapers, etc... (12/08)

GOAL 6. Elevate MRB involvement in continuing education and outreach.

A) Gather information as part of Goal 2 to determine what educational needs are truly warranted. (10/08)
B) Prepare a fact sheet for distribution to our various partners that highlights our programming options, available services (including funding assistance), and upcoming events. (11/08)
C) Increase activity with and visibility to the Minnesota River Watershed Alliance, watershed organizations, private partners, and county staff. (4/09)
D) Complete at least one major and one minor workshop in the basin, preferably based on needs identified from the technical advisory committee. (6/09)

GOAL 7. Serve as a "voice" and 'resource" for the Minnesota River Basin.*

**Completion of this goal will likely extend into FY10 and be ongoing*

A) Provide services as requested to support the various watershed and water quality interests in the Minnesota River basin, allowing the voice of 38 counties to be heard on issues in local areas, St. Paul, across the region, and beyond. (6/09)
B) Provide assistance to agencies, counties, watersheds, etc.... in the dissemination of information regarding policy changes, funding opportunities, and staffing/project service options. (6/09)
C) Provide *pro bono* grant preparation assistance/consulting services as requested, with a target of at least 2 collaborations that benefit MRB members and/or local partners. (6/09)
D) Provide a minimum of 2 presentations on behalf of the MRB and our partners as requested.(6/09)
E) Continue to provide assistance as needed to existing partnerships, such as BNC septic initiative, the BMP Challenge, and the Crystal Lake Clean Water Partnership. (6/09)
F) Serve as a resource for program information, legislative updates, etc.... (6/09)
G) Serve in a lobbyist capacity for approved MRB topics/legislation. (6/09)

GOAL 8. Evaluate progress measures identified in FY08 and develop a progress report for the Minnesota River Basin in FY09 that covers all the major watersheds.

A) In partnership with BWSR and water quality professionals from the Minnesota River Basin, evaluate the FY08 Progress Report Measures submitted to BWSR and the basin legislators, including ongoing collection of additional input received from agency, watershed, county, SWCD, private partner, and citizen representatives. (9/08)
B) Finalize the measures to be used and refine the data collection and reporting strategy, to include, but not be limited to, funding acquired, projects implemented, potential water quality improvements, future needs, and partner perceptions. (11/08)
C) Complete and submit a full Minnesota River Water Quality and Watershed Improvement Progress Report using the measures described above, to the legislature, governor, basin stakeholders, and other interested parties. (4/09)
D) Include in this report a summary of the county water plan updates and priorities and in conjunction with the progress report, include recommendations for measures of success on which to gauge water plans. (4/09)
E) Use the information garnered during this effort to assist MPCA, US Corp of Engineers, and others develop an updated Minnesota River Management Plan as opportunities arise. (6/09)

GOAL 9. Evaluate MRB membership structure and watershed funding and implement recommendations.

A) Form a committee to evaluate and consider revisions to the current MRB membership process and structure, to include a full consideration of the addition of watershed, citizen, and technical representatives as delegates to the MRB. (9/08)
B) Evaluate watershed-based funding scenarios, including a per household fee for water quality and watershed improvements. (11/08)
C) Work with legislators and watershed staff on future watershed-based management legislation. (11/08)
D) Utilize the information here to prepare draft bill language for the formation of a modified watershed management unit in the Minnesota River Basin in conjunction with Goal 3. (11/08)

GOAL 10. Recognize the contributions of professionals, citizens, and students in the Minnesota River Basin.

A) Re-evaluate an awards/incentive program for junior and senior high students from the basin participating in sanctioned science fair programs. (9/08)
B) Modify nominations process to allow staff to nominate after deadlines pass if no nominations are brought forward. (9/08)
C) Develop and implement an undergraduate scholarship program for students in the basin studying water quality issues. (10/08)
D) Award two deserving participants from the basin with the "Confluence" and "Tributary" awards. (6/09)

GOAL 11. Effectively manage the first year of the Conservation Innovation Grant from the NRCS for Water Quality Credit Trading

A) Provide support services for the $999,997 CIG grant to develop and implement a water quality credit trading program here in the Middle and Lower Minnesota River Watersheds, the Greater Blue Earth River Basin, and to provide administrative support for the Sauk River Watershed.
B) Provide significant administrative services and work with various partners to enhance market-driven water quality improvement via land use modifications.
C) Contract technical services with appropriate entities based on work plan requirements.

Proposed MRB FY09 Budget

Line Items (details listed below budget)	Funding Source Used for Line Item Expense: State of MN	County Income*	External**	Totals
FY08 Balances (6/30/08 estimates)	$ 44,372	$ 1,074	$ 967	$ 46,413
FY09 Funds (anticipated)	$ 100,000	$ 45,425	$ 43,473	$ 188,898
Total Funds for FY09	$ 144,372	$ 46,499	$ 44,440	$ 235,311
Expenses				
0.5 FTE Executive Director	$ 13,750	$ 23,044	$ 5,000	$ 41,794
0.45 FTE Administrative Assistant	$ 7,580	$ 4,900	$ 0	$ 12,480
1.0 FTE Program Director	$ 42,514	$ 0	$ 0	$ 42,514
CIG Related Contractual Labor	$ 0	$ 0	$ 21,739	$ 21,739
Student Worker	$ 4,000	$ 2,000	$ 0	$ 6,000
Fringe Benefits (All Staff)	$ 19,503	$ 7,158	$ 6,934	$ 33,595
MCIT Insurance	$ 0	$ 2,600	$ 0	$ 2,600
MRB Meeting Expenses	$ 0	$ 1,600	$ 0	$ 1,600
Communications	$ 2,400	$ 1,347	$ 0	$ 3,747
Travel	$ 10,750***	$ 1,450	$ 0	$ 12,200
Printing	$ 3,500	$ 0	$ 0	$ 3,500
Awards/Student Incentives Program	$ 2,600***	$ 400	$ 0	$ 3,000
Supplies/Equipment	$ 2,000	$ 0	$ 10,767	$ 12,767
Marketing/Promotions	$ 10,275***	$ 1,000	$ 0	$ 11,275
Outreach/Programming	$ 25,500***	$ 1,000	$ 0	$ 26,500
Total Expenditures	$ 144,372	$ 46,499	$ 44,440	$ 235,311

*County Dues for calendar year 2008 to be utilize for FY09 (July 1, 2008 – June 30, 2009). This column also includes other potential funds, such as insurance reimbursements, donations, etc....

**External funds include estimates on grants/contracts for projects and other paid services provided by the MRB.

***Portions of these funds may carry over into FY10 if the availability of appropriate projects is limited.

Executive Director: 50% of the Executive Director Fisher's annual salary

Administrative Assistant: 45% of an to-be-named Administrative Assistant (October-June)

Watershed Specialist: 100% of Program Director Susie Carlin's annual wages

CIG Related Contractual Labor: Funds that will be likely contracted to other organizations to help manage the CIG duties.

Student Worker: 768 hours of student worker assistance (includes internship opportunities)

Fringe Benefits: Estimated Health Insurance, Required Leave, FICA, etc.... for all MRB staff and students listed above

MCIT Insurance: Estimated Annual Insurance Payment

MRB Meeting Expenses: Expenses for 5 MRB business meetings, the annual meeting, 2 executive committee planning sessions, and other required committee meetings

Communications: Postage ($2,100), cellular phone and data services ($1,000), and web site expenses ($647).

Travel: Designated Vehicle for MRB use and lodging (7/08 – 6/09; $7,950), Guest Travel to various MRB Meetings ($2,750); staff and executive committee per diem and personal mileage ($1,500)

Printing: Preparation of various reports, newsletters, stationary needs, in-house copy needs ($3,500)

Awards Program: "Tributary" and "Confluence" Awards ($250), MRB Scholarship ($1,000), Science Fair Awards ($750), Undergraduate Student Research Award ($1,000)

Supplies/Equipment: Office furniture for staff, GPS navigator, computer hard/software, office supplies

Marketing/Promotions: MRB program advertising ($1,500), Brochure development/printing ($1,200), Display development and construction ($2,200), Marketing/visibility implementation ($2,100), Web Site Development/Updates ($4,275)

Outreach/Programming: Technical/citizen advisory committee meetings ($4,500), workshop, trainings, and conferences on grants/funding opportunities, ongoing research, program updates, etc... ($22,000)

BOARD RESOLUTION 08-90

MINNESOTA RIVER BASIN JOINT POWERS BOARD, FY09 ANNUAL WORK PLAN

WHEREAS, the Minnesota River Basin Joint Powers Board was granted $100,000 of General Funds in fiscal year 2009 from the 2007 Minnesota Legislature;

WHEREAS, the Minnesota River Basin Joint Powers Board has developed and adopted an Annual Plan of Work for fiscal year 2009 on May 19, 2008;

WHEREAS, the Board of Water and Soil Resources staff have completed its review of the Plan;

NOW THEREFORE BE IT RESOLVED, the Board of Water and Soil Resources enter into a grant agreement with the Minnesota River Basin joint Powers Board for these funds.

RK

Randy Kramer, Chair
Minnesota Board of Water & Soil Resources

8/28/08

Date

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
SECOND FLOOR CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, SEPTEMBER 24, 2008

BOARD MEMBERS PRESENT:
Dana Allen, Gordy Behm, Paul Brutlag, Bob Burandt, Paul Eger, MPCA; Quentin Fairbanks, Brian Kletscher, Randy Kramer, Larry Kramka, DNR; Paul Langseth, John Linc Stine, MDH; Joe Martin, MDA; Brian Napstad, Faye Sleeper, U of M Extension; Louise Smallidge, Gene Tiedemann, LuAnn Tolliver

STAFF PRESENT:
Mary Jo Anderson, Jim Haertel, John Jaschke, Al Kean, Julie Klocker, Melissa Lewis, Kevin Lines, Ken Powell, Dave Weirens, Steve Woods, Wayne Zellmer

OTHERS PRESENT:
Ray Bohn, MAWD
Jack Frost, Met Council
Sandy Hooker, MAT
Doug Thomas, RCWD

Chair Kramer called the meeting to order at 9:02 a.m.

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA – Chair Kramer suggested moving the Old Business item, "RIM/WRP Sign-Up and Implementation Report" under the Chair's report, as Tim Koehler has another commitment and needs to leave the meeting early.

** 08-92 Moved by Brian Napstad, seconded by Paul Langseth, to adopt the amended agenda as presented. Motion passed on a voice vote.

** 08-93 **MINUTES OF AUGUST 28, 2008 -** Moved by Louise Smallidge, seconded by Bob Burandt, to approve the minutes of August 28, 2008 as circulated. Motion passed on a voice vote.

INTRODUCTION OF NEWLY APPOINTED BOARD MEMBERS

Chair Kramer welcomed newly appointed board members Gordy Behm and Faye Sleeper to the Board.

- Gordy Behm, Watershed District representative, Middle Fork Crow River Watershed District, provided brief background information about himself.
- Faye Sleeper, University of Minnesota Extension representative, provided brief background information about herself. Faye offered her assistance with information requested for the University of Minnesota, and is happy to be officially with BWSR.

INTRODUCTION OF NEW EMPLOYEES

- Al Kean introduced Terry Ragan, newly hired Project Engineer for the southeast flood response. Terry provided background information about himself. Terry will work out of the Winona SWCD office in Lewiston.
- Al Kean introduced Jeff Larson, newly hired Engineering Technician for the southeast flood response. Jeff provided background information about himself. Jeff will work out of the Root River SWCD office in Caledonia.

Chair Kramer welcomed Terry and Jeff to the Board of Water and Soil Resources and thanked them for coming in today.

REPORTS

Chair's Report – Randy Kramer reported that the Environmental Quality Board (EQB) did not meet this month. Chair Kramer announced that he appointed Dale Gustafson from Golden Valley, to represent BWSR on the Star Lakes Board.

OLD BUSINESS

RIM/WRP Sign-Up and Implementation Report – Kevin Lines distributed a map of the RIM Reserve/WRP Partnership Phase I total applications by County, a map of selected projects, and a spreadsheet of the projects funded. Kevin gave a brief overview of the application process and the projects selected. Kevin reported that a total of 119 project applications were selected for funding; nearly $32M obligated for project funding. Tim Koehler reported that Minnesota received almost 20% of the nationwide total of WRP funds for federal FY08. Tim commended everyone involved at the local level that worked diligently to meet the deadlines and obtain applications. Tim thanked the Board and commended Kevin Lines and BWSR as well as SWCD staff for efficient efforts in getting the sign-up in place. John stated that staff are working on policy and guidelines for easement enhancement options. Tim reported that John Jaschke and Bill Hunt have entered into agreement to continue and expand an engineering contract to work on easements. Paul Brutlag stated that BWSR's role in establishing program payments, partnerships and criteria on this effort has resulted in effective implementation. Dana Allen stated that she's impressed with the effort; however, there is a need to look for ways to always improve land value information. Chair Kramer thanked Kevin and Tim for their report.

Executive Director's Report – John Jaschke reported that he met with new board member Gordy Behm yesterday; they took a boat tour of the Mississippi River, hosted by the Mississippi WMO. John attended a carbon trading conference sponsored by MEI. John reported that the BWSR Northern Region will conduct "BWSR Academy" a comprehensive training for LGUs on October 21-23. John reported that the state biennial budget process is underway. John reported that MASWCD has a newly formed Elections and Watershed Approach Committees, Steve Woods will participate on the committees representing BWSR. John will be on jury duty starting October 6.

John asked Don Buckhout to provide an update of the Performance Review and Assistance Program (PRAP) pilot efforts and the report on the Middle-Snake-Tamarac Rivers Watershed District (MSTRWD). Don explained the three levels of the pilot program: Level 1 is routine tracking of all LGUs, review and oversight responsibility; Level 2 is the "heart and soul" of the legislative request for BWSR to review the progress of implementation of comprehensive plans for each local water management authority; and Level 3 is a more direct and prescriptive engagement with an LGUs management challenges. Don explained that the PRAP process will include the Coon Creek WD and Two Rivers WD; Jackson SWCD and Crow Wing SWCD; Renville County and Mille Lacs County; and Pioneer Sarah Creek WMO in Hennepin County. A preliminary round of meetings with LGUs has been completed. A review of findings and recommendations will be completed in the next few months, then a meeting with the LGU to develop assistance actions to overcome barriers in operations. All reports will

be on the BWSR website. Don explained that requests were received from Marshall County and the RRWMB for BWSR to review the MSTRWD. The completed report is on the BWSR website. Don explained that findings included internal conflicts, lawsuits among the Board, and the need to address several issues in order to be ready for plan development and project implementation. BWSR staff are actively involved in assisting the watershed district. Don will convene the PRAP advisory committee this fall to review the process and evaluate the consistency of measuring the performance standards. LuAnn Tolliver stressed the importance of evaluating and improving the process; the advisory committee is a good group to evaluate the procedures. Don stated that BWSR is not imposing the standards, but holds the LGU accountable for their measures and outcomes, operations and execution of planned projects and programs as an LGU. LuAnn asked if this report will go to the Legislature. John Jaschke stated that the report is public information, on BWSR's website, but does not go to the Legislature. John commended the Middle-Snake-Tamarac Rivers Watershed District on their efforts to get the issues resolved. BWSR staff will continue to assist the MSTRWD as needed.

Dispute Resolution Committee – Jim Haertel reported that Travis Germundson is attending mediation training today. Jim reported that one new appeal has been received since the last report was distributed. Discussion followed.

Wetlands Committee – LuAnn Tolliver reported that the Wetlands Committee will meet this afternoon. LuAnn and staff are scheduling committee meeting dates for the duration of the year. She asked Dave Weirens to schedule a meeting with Gordy Behm to brief him on the Wetlands Committee topics, especially WCA rulemaking.

Grants Program & Policy Committee – Louise Smallidge reported that the Grants Program & Policy Committee is meeting this afternoon.

Public Relations, Outreach & Strategic Planning Committee – Brian Napstad reported that the Public Relations, Outreach & Strategic Planning Committee plans to meet in November; the date to be determined.

Administrative Advisory Committee – Randy Kramer reported that the Administrative Advisory Committee (AAC) met this morning. The AAC discussed the southeast flood response; preliminary budget process; staffing report; Star Lakes Board appointment; SWCD/MAWD/county meetings; and other items that will be addressed on the agenda today.

NEW BUSINESS

Southeast Minnesota Flood Relief –Al Kean distributed a handout "Conservation Flood Recovery 2007-2008". Al stated that there has been a coordinated effort on the flood response

in the southeast, partnerships and leveraging. Wayne Zellmer distributed the updated budget summary of the southeast flood relief effort. This is the largest single most grant effort that BWSR has ever had, $5.6M. John Jaschke explained that in June 2008, the Department of Employment and Economic Development (DEED) transferred $1.89 million of 2007 Special Session appropriations to BWSR for additional erosion, sediment and water quality control cost-share and technical assistance. The 2008 Legislature also appropriated $0.725 million of supplemental funding to BWSR for additional flood response in the southeast. Al stated that there are 301 project sites, a significant challenge is ahead of us to put this on the ground.

** 08-94 Moved by Brian Napstad, seconded by Louise Smallidge, to approve the amendment to resolution #07-85 for implementation of funds for southeast Minnesota flood relief. Discussion followed. Motion passed on a voice vote.

Wetland Enforcement; 2008 Field Report – Captain John Hunt, DNR Enforcement, reported that DNR Wetland Enforcement Officers have expanded their duties over the past year, their workload has doubled. Captain Hunt reported that there were 735 cease and desist orders issued since 2006. DNR flyovers will continue to focus on violations and involve LGU staff in planning and follow-through. Chair Kramer thanked Captain Hunt for his report.

Chair Kramer called for a break in the meeting at 10:40 a.m. The meeting reconvened at 10:55 a.m.

Watershed Approach Discussion

One Water Program Approach – Gaylen Reetz, MPCA, presented information on an integrated strategy to improve water quality management in Minnesota and Total Management Daily Loads (TMDLs). Gaylen provided information on major watersheds as a framework for monitoring and assessment; watershed planning/TMDL's; and implementation on a ten-year cycle. Discussion followed. Chair Kramer thanked Gaylen for his presentation.

Watershed Organization/Project Inventory – Steve Woods explained that there are a variety of organizations established in Minnesota specifically to address watershed issues. BWSR staff have been compiling a list of these organizations as a starting point to determine what more can be done to enhance local water management efforts. Steve distributed maps of the major river basins, watershed districts, watershed organizations in the metro area, and water management entities in Minnesota. Steve also distributed a listing of watershed contact information. Steve will provide a comprehensive report at a later date once the listing of watershed organizations has been tabulated. This is a work in progress. Joe Martin would like to see a listing aligning with the projects and organizations within the 81 major watersheds. Chair Kramer thanked Steve for his report.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

Amendment to Coon Creek Watershed District Boundary Change – Jim Haertel explained that a boundary change for the Coon Creek Watershed District was approved by Board Order dated March 26, 2008. The Order included three tables that included numerous parcels affected by the boundary change. When updating their records, the Anoka County Department of Property Records and Taxation discovered errors on the tables. The County, the District and Board staff coordinated the revisions required to amend the tables. An amendment to the Order is necessary to correct the errors. The Metro Water Planning Committee met on August 4, 2008 and reviewed the new information from the District and Anoka County, and recommends approval of the amendment to the Order. Moved by LuAnn Tolliver, seconded by Quentin Fairbanks, to approve the amendment to the Coon Creek Watershed District boundary change. Motion passed on a voice vote.

** 08-95

Rice Creek Watershed District Comprehensive Wetland Protection and Management Plan for the City of Lino Lakes – Ken Powell explained that this Plan is more encompassing than a typical wetland plan, the District refers to the plan as a "Resource Management Plan" (RMP). The RMP came about through a partnership between the Rice Creek Watershed District and the City of Lino Lakes. Ken reported that the Metro Water Planning Committee met on August 4, 2008 and recommends approval of the Plan. Doug Thomas, RCWD, provided an overview of the Plan. The purpose of the Plan and RMP is to provide a watershed-based approach to wetland management that is consistent with District goals. The approach addresses management in the context of wetland functions and the effects of anticipated future land use. This framework of guiding where wetland impacts and replacement may occur is intended to have the effect of reestablishing larger, contiguous areas of wetland and riparian edge. It is also intended to afford landowners more flexibility to create larger contiguous areas of upland for use and development than reasonably could be fashioned under standard parcel-based wetland permitting. Doug stated that the Rice Creek Watershed District looks forward to implementation of this Plan. Moved by Louise Smallidge, seconded by Bob Burandt, to approve the Rice Creek Watershed District Comprehensive Wetland Protection and Management Plan for the City of Lino Lakes. Motion passed on a voice vote. Chair Kramer thanked Doug for coming in and to keep up the good work!

** 08-96

AGENCY REPORTS

Minnesota Department of Agriculture – Joe Martin reported that the bovine tuberculosis looks manageable in the State. Joe stated that there doesn't seem to be a problem in Minnesota with the Chinese dairy products melamine scare, although some ethnic stores are being checked. Joe reported that there is additional treatment of the gypsy moth protection in the State. Joe reported that MDA is working on legislative issues.

Minnesota Department of Natural Resources – Larry Kramka reported that a significant groundbreaking event was held in the Iron Range -- the first steel mill in the State of Minnesota! Larry stated that public hearings will be held in November regarding aquatics, the public will have ample time to comment and DNR will schedule to accommodate the hunting season.

University of Minnesota Extension – Faye Sleeper reported that the Minnesota Water Resources Conference will be held October 27-28, 2008, at the St. Paul River Center. Faye distributed the conference brochure and encouraged board members to attend.

Minnesota Pollution Control Agency – Chair Kramer congratulated Paul Eger on his appointment as Deputy Commissioner of MPCA. Paul reported that the MPCA Citizens Board met yesterday and had good outcomes. Paul stated that the "2008 Watershed Achievements Report" is in the board members' packet today. The report lists the successful projects throughout the State.

ADVISORY COMMENTS

Minnesota Association of Watershed Districts (MAWD) – Ray Bohn invited board members to attend the MAWD annual meeting December 4-6, 2008. Pre-conference seminars will be held including: drainage; new managers orientation; an experienced managers seminar; and an administrative issues session. Ray reported that MAWD is putting together their legislative package. Ray stated that MAWD is redeveloping their website and is working on an inter-active page for administrators.

UPCOMING MEETINGS

- Next Board Meeting is October 22, 2008, in St. Paul.
- John Jaschke stated that the Grants Program & Policy Committee will meet immediately following the Board meeting. The Wetlands Committee will meet 45 minutes later at the same location.

John encouraged board members to attend the AMC, MAWD, and MASWCD annual meetings. Registration information will be distributed when BWSR receives it.

** 08-97 Moved by Louise Smallidge, seconded by Bob Burandt, to adjourn the meeting at 12:20 p.m. Motion passed on a voice vote.

Respectfully submitted,

Randy Kramer

Randy Kramer
Chair

Dispute Resolution Report
September 12, 2008
by: Travis Germundson

There are presently **20** appeals pending. All of the appeals involve WCA except File 05-24. Only **1** new appeal has been filed since the last report dated August 28th.

Format note: New appeals that have been filed since last report to the Board.
~~Appeals that have been decided since last report to the Board.~~

File 08-26 (08/27/08) This is an appeal of a restoration order in Stearns County. The appeal regards the draining and filling of approximately 4 acres of wetland associated with a ditch cleanout/improvement project. No decision has been made on the appeal.

File 08-25 (08/25/08) This is an appeal of a after-the-fact wetland replacement plan application in Benton County. The LGU denied the wetland replacement plan application based on the fact that it does not adequately replace the wetland impacts. It involves the same project and issue as File 07-27. No decision has been made on the appeal.

File 08-24 (08/11/08) This is an appeal of a restoration order in Grant County. The appeal regards drainage impacts to a 32 acre Type 3 wetland resulting from agricultural drain tile improvements. No decision has been made on the appeal.

~~File 08-23 (08/06/08) This is an appeal of a after-the-fact replacement plan decision in Itasca County. The LGU denied an after-the-fact wetland replacement plan application for a fill strip because wetland impacts can be avoided by the construction of an elevated boardwalk. No decision has been made on the appeal.~~ *The appeal has been denied.*

~~File 08-22 (07/31/08) This is an appeal of a restoration order in Cass County. The appeal regards the filling of approximately 16,800 square feet in a Type 7 wetland to provide storage and parking areas for several recreation vehicles. No decision has been made on the appeal.~~ *The appeal has been withdrawn.*

File 08-11. (04/29/08) This is an appeal of a restoration order in Hennepin County. The appeal regards the filling of 1.75 acres of a type 2/3 wetland for the construction of a pole barn and pasture area. The restoration order has been stayed until and the appeal has been placed in abeyance for submittal of a wetland replacement plan, exemption, or no-loss application.

File 08-9. (03/06/08) This is an appeal of a replacement order in Pine County. The appeal regards impacts to approximately 11.26 acres of wetland. No decision has been made on the appeal. The replacement order has been stayed and the appeal has been placed in abeyance pending further technical work.

File 08-8. (04/03/08) This is an appeal of a replacement order in Pine County. The appeal regards the filling of over 18,000 square feet of Type 2 wetland. No decision has been made on the appeal. The replacement order has been stayed and the appeal has been placed in abeyance pending further technical work.

File 08-4. (01/24/08) This is an appeal of no-loss and exemption decisions in Waseca County. In addition to the no-loss decision, at issue are denials of the agricultural exemption, approved development exemption, incidental wetland exemption, and claims of numerous procedural issues that were prejudicial to the applicants. Further, a Minn. Stat. § 15.99 (60-day rule) claim is pending in District Court. The appeal has been remanded for further technical work at the local level.

File 08-1. (02/04/08) This is an appeal of a restoration order in Aitkin County. The appeal involves the filling of wetland for a road in shoreland area. The restoration order has been stayed and the appeal has been placed in abeyance pending further technical work.

File 07-37. (12/16/07) This is an appeal of a restoration and replacement order in the City of Sturgeon Lake, Pine County. The appeal involves the excavation and filling of wetland. The restoration and replacement order has been placed in abeyance to allow for the submittal of a complete replacement plan.

File 07-33. (10/31/07) This is an appeal of an exemption decision in International Falls, Koochiching County. The appeal involves the approval of an exemption request that resulted from issuance of a cease and desist order for unauthorized wetland impacts. The appeal has been accepted and copies of the record have been requested. A verbal settlement agreement is being drafted.

File 07-32. (10/31/07) This is an appeal of an exemption decision in International Falls, Koochiching County. The appeal involves the approval of an exemption request that resulted from issuance of a cease and desist order for unauthorized wetland impacts. The appeal has been accepted and copies of the record have been requested. A verbal settlement agreement is being drafted.

File 07-31. (10/31/07) This is an appeal of an exemption decision in International Falls, Koochiching County. The appeal involves the approval of an exemption request that resulted from issuance of a restoration order for unauthorized filling of wetland for a building. The appeal has been accepted and copies of the record have been requested. A verbal settlement agreement is being drafted.

File 07-29. (10/25/07) This is an appeal of a restoration order in Crow Wing County. The appeal involves the filling of wetland along a driveway. The restoration order has been stayed and the appeal has been placed in abeyance pending the completion of further field work.

File 07-27. (10/19/07) This is an appeal of a restoration and replacement order in Benton County. The appeal involves the excavation of an island that was in wetland and the filling of wetland along the wetland edge. The restoration order has been stayed and the appeal has been placed in abeyance pending the completion of further field work this spring.

File 06-23. (05/19/06) This is an appeal of a replacement plan decision in Kanabec County. The LGU denied the wetland replacement plan application. A previous denial of the same replacement plan application had been appealed, the appeal was remanded for a hearing, and now the current denial has been appealed. The appeal has been placed in abeyance pending the outcome of a lawsuit between the landowner and the county. The lawsuit concerns the county's possible noncompliance with the 60-day rule. The county prevailed in district court, however the decision was appealed to the Court of Appeals where the county again prevailed. An appeal to the Minnesota Supreme Court was denied review. It is likely the appeal will soon be placed on the calendar for DRC proceedings.

File 06-17. (05/27/06) This is an appeal of a replacement plan decision in the City of Montgomery in LeSueur County. The LGU denied an after-the-fact wetland replacement plan application based on a lack of sufficient reasons why the restoration could not be completed. The appeal has been remanded for further processing at the local level.

File 06-12. (04/13/06) 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. (02/16/06) 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 05-24. (03/04/05) 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. It appears at least two of the appeals have been settled.

File 05-1. (01/13/05) This is an appeal of a replacement plan decision by the Rice Creek Watershed District. The District previously made a decision that was appealed which resulted in a remand for an expanded TEP. Now there is an appeal of the decision made under remand since the decision differed from the TEP report. At issue is a wetland delineation and the Comprehensive Wetland Protection and Management Plan that BWSR approved. After a hearing before the DRC, the board remanded the matter for a new wetland delineation and for submission on an updated, complete replacement plan application.

~~File 04-23. (08/25/04) 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.~~ *A replacement plan was approved by the LGU and the appeal has been withdrawn.*

NEW BUSINESS

1. Southeast Minnesota Flood Relief – Mary Kells - *DECISION ITEM*

2. Wetland Enforcement; 2008 Field Report – Captain John Hunt, DNR Enforcement – *INFORMATION ITEM*

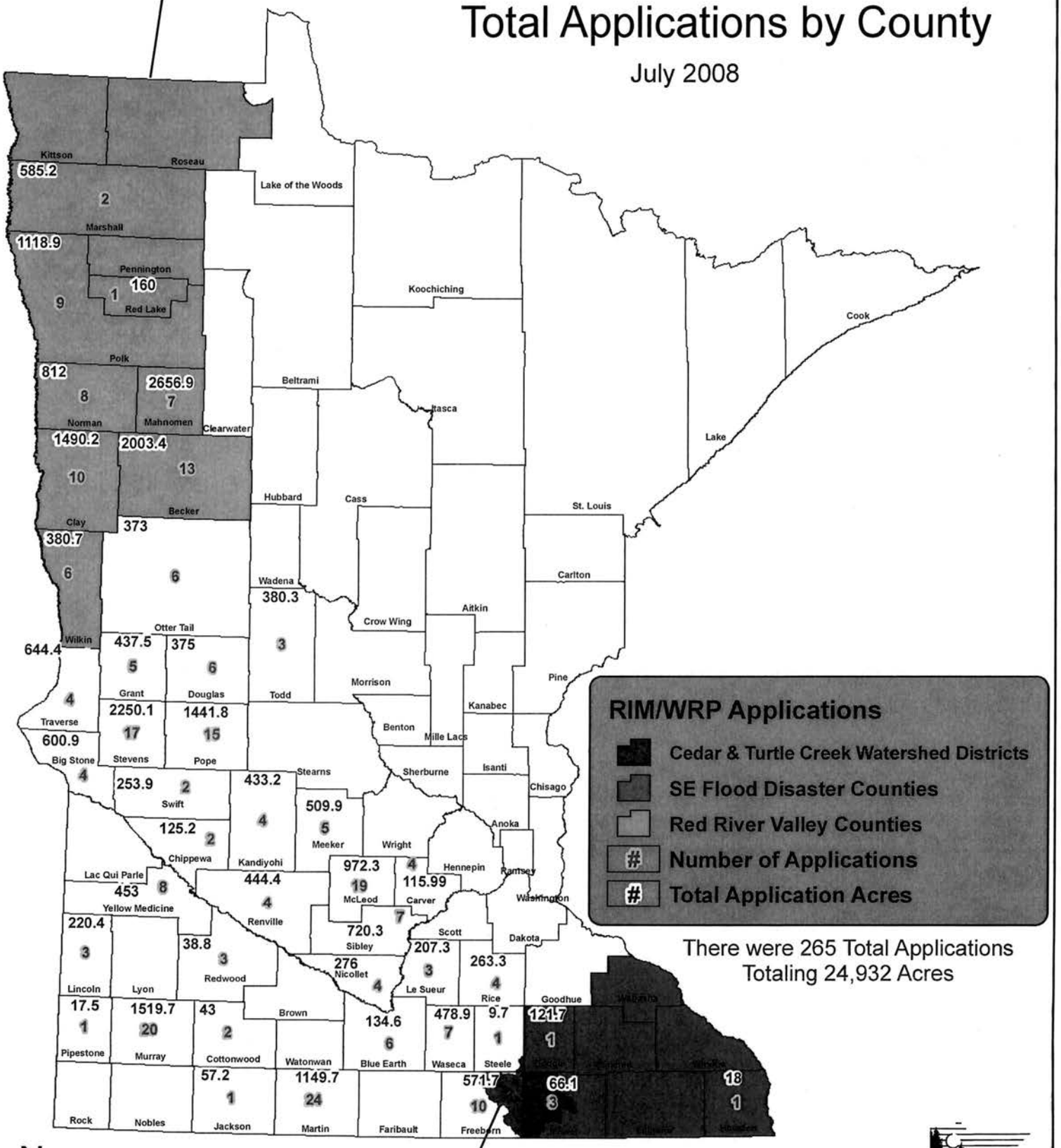
3. Watershed Approach Discussion – *INFORMATION ITEM*
   A. One Water Program Approach – Concept for review and comments: Gaylen Reetz, MPCA

   B. Watershed Organization/Project Inventory – Steve Woods, BWSR

RIM Reserve / WRP Partnership
Phase I
Total Applications by County

July 2008

Up to $8 Million is Available for All Phases



RIM/WRP Applications

- Cedar & Turtle Creek Watershed Districts
- SE Flood Disaster Counties
- Red River Valley Counties
- # Number of Applications
- # Total Application Acres

There were 265 Total Applications
Totaling 24,932 Acres

N

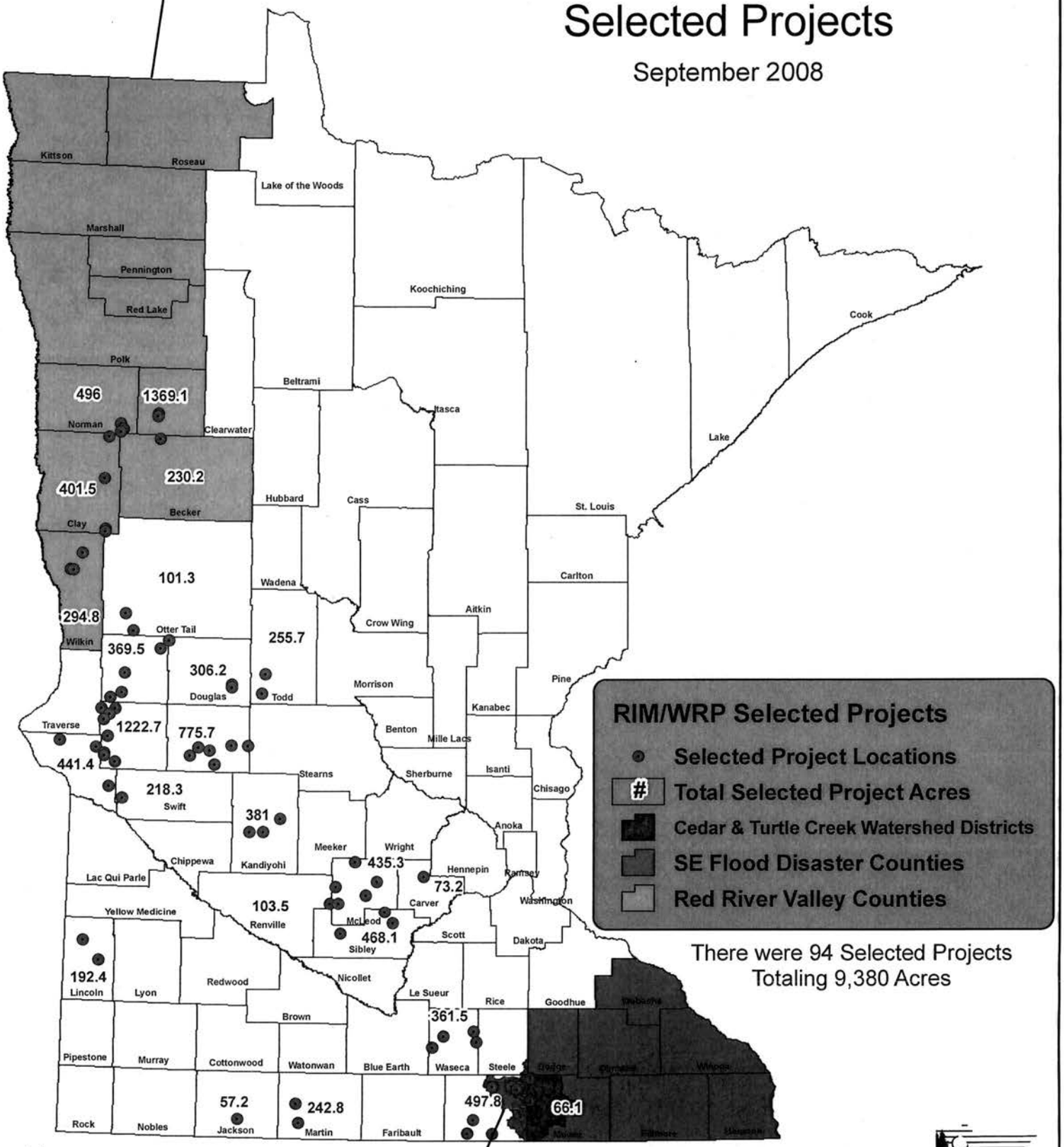
At Least $2 Million is Available for All Phases

Minnesota Board of Water & Soil Resources
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RIM Reserve / WRP Partnership
Phase I
Selected Projects

September 2008

Up to $8 Million is Available for All Phases



RIM/WRP Selected Projects

- Selected Project Locations
- # Total Selected Project Acres
- Cedar & Turtle Creek Watershed Districts
- SE Flood Disaster Counties
- Red River Valley Counties

There were 94 Selected Projects
Totaling 9,380 Acres

N

At Least $2 Million is Available for All Phases

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Reinvest in Minnesota (RIM) Reserve/Wetlands Reserve Program (WRP) Partnership

Phase I Applications Selected For Funding

July 28th, 2008	No. of Applications	Acres	RIM $'s	WRP $'s	Total $'s
Cedar/Turtle Creek Watershed:	9 (9)	397.5	$670,673.00	$880,767.00	$1,641,440.00
Red River Watershed:	24 (38)	4,889.00	$3,342,521.00	$3,869,153.00	$4,211,725.00
Statewide:	54 (190)	5,181.00	$7,174,624.00	$8,094,390.00	$15,469,014.00
August 19th, 2008:					
Statewide:	32	2,769.00	$4,629,732.00	$5,357,463.00	$9,987,195.00
Statewide Total:	86	7,950.00	$11,804,356.00	$13,451,853.00	$25,456,209.00
All Project Areas Total:	119	13,236.50	$15,907,600.00	$18,401,773.00	$34,309,374.00

( ) Number of eligible applications

Phase I: RIM/WRP Projects Funded

September, 2008	No. of Applications	Acres	RIM $'s	WRP $'s	Total $'s
Cedar/Turtle Creek Watershed:	8	366.2	$698,698.00	$809,072.24	$1,507,760.82
Red River Watershed:	16	2,791.60	$1,741,146.20	$2,016,142.19	$3,757,288.39
Statewide:	70	6,222.50	$9,723,789.05	$11,242,069.61	$20,965,858.66
All Project Areas Total:	94	9,380.30	$12,163,633.25	$14,067,284.04	$26,230,907.87

Conservation Practice $'s ($600/acre estimate)

75% Federal / 25% State: $1,407,045.00 / $4,221,135.00

Total Estimated Dollars:	**$13,570,678.00**	**$18,288,419.00**	**$31,859,097.00**

Board Resolution # 08-94

SOUTHEAST MINNESOTA FLOOD RELIEF RESOLUTION AMENDMENT

WHEREAS, a Presidential Disaster was declared on August 23, 2007 in Fillmore, Houston, Olmsted, Steele, Winona, Wabasha, and Dodge Counties, due to damage resulting from severe storms on August 18 – 20, 2007 (DR-1717); and

WHEREAS, the Minnesota Legislature in their September 12, 2007 Special Session in H.F. No. 1, Article 1, Sec. 6, appropriated cost share and easement funding to the Board of Water and Soil Resources (BWSR), and in Sec. 16 provided for the waiver of State Cost Share Program and Re-Invest in Minnesota (RIM) Reserve Conservation Easement Program Rules, including M.S. 103F.515, for both 2007 Special Session and past appropriations; and

WHEREAS, The Board adopted SE MN Flood Relief Resolution #07-85 on September 25, 2007 authorizing implementation of 2007 Special Session appropriations and waivers to BWSR for flood relief in the DR-1717 area; and

WHEREAS, In June 2008, the Department of Employment and Economic Development (DEED) transferred $1.89 million of 2007 Special Session appropriations to BWSR, in accordance with Special Session authorities, for additional erosion, sediment and water quality control cost-share and technical assistance; and

WHEREAS, The 2008 Minnesota Legislature extended use of 2007 Special Session funds to June 30, 2010 and provided $450,000 for FY09 and $275,000 for FY10 of supplemental appropriations for SE MN Flood Response in the DR-1717 area; and

WHEREAS, The 2008 MN Legislature passed a Bonding Bill that included RIM funds appropriated to BWSR for acquiring permanent easements and directed the Board to give priority to the area designated for relief and recovery from the flooding that occurred on or after August 18, 2007 in the area of SE MN designated under Presidential Declaration of Major Disaster, DR-1717.

NOW, THEREFORE, The Board amends its Resolution #07-85 adopted September 25, 2007 to include the following funds and legislative authorizations:

1. $1.89 Million transferred from DEED to BWSR from 2007 Special Session appropriations.
2. 2008 Regular Session Supplemental Appropriations for BWSR SE Flood Response.
3. Extension of availability and applicability of all 2007 Special Session funds appropriated or transferred to BWSR for SE Flood Response to June 30, 2010.

AND, The Board directs staff to include priority for use of RIM program funds appropriated by the 2008 MN Legislature in the DR-1717 area for flood relief and recovery.

AND, furthermore, the Board authorizes staff to enter into grant agreements, contracts, easements, or other agreements for project implementation of these identified programs, appropriations and transferred funds.

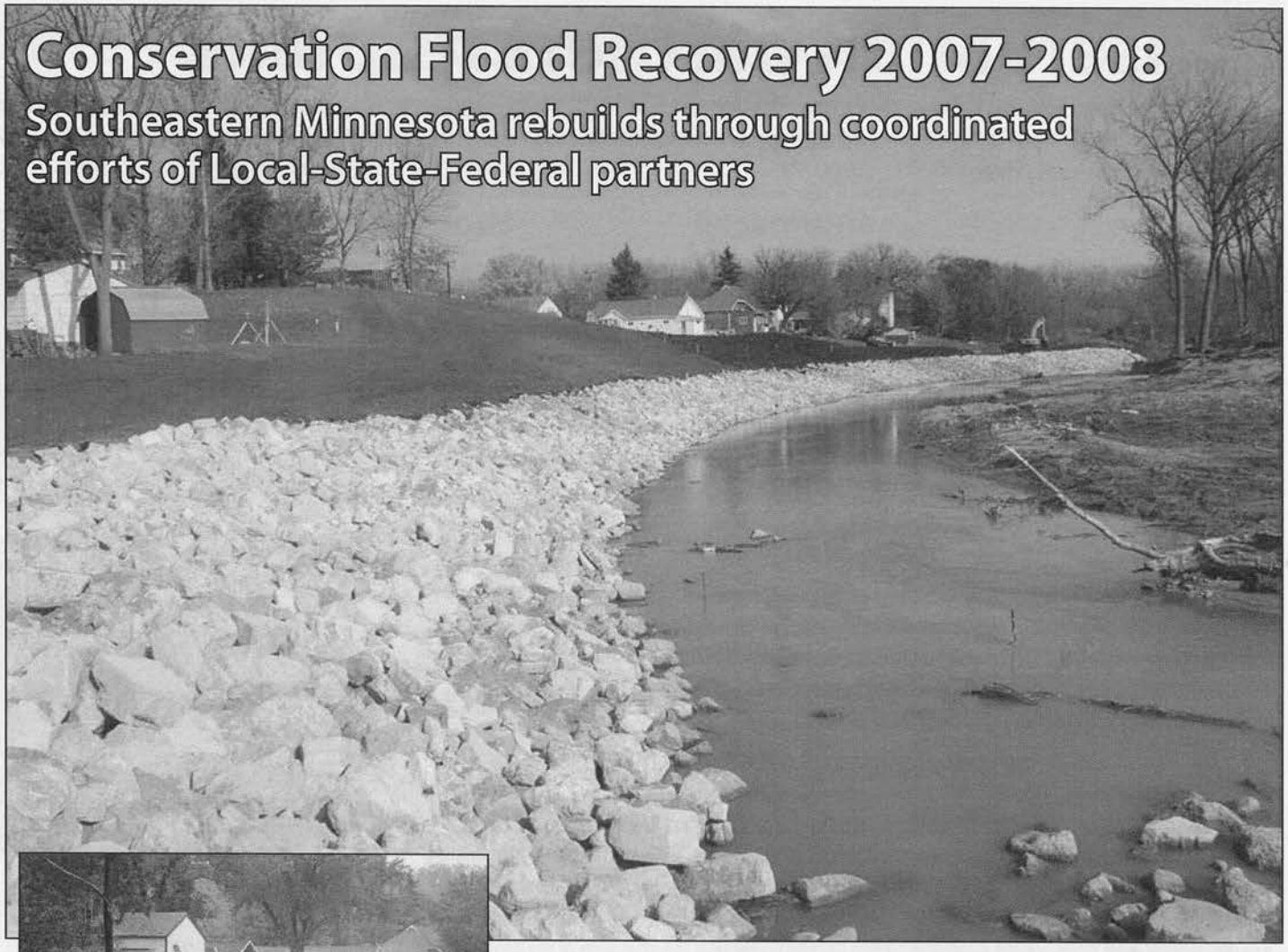
Randy Kramer

Randy Kramer, Chair
Board of Water and Soil Resources

Date: 9/24/08

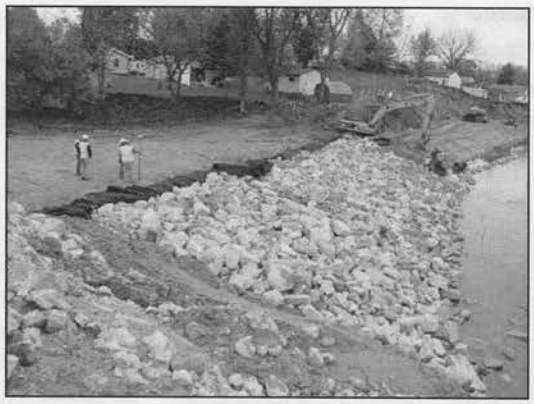
Conservation Flood Recovery 2007-2008

Southeastern Minnesota rebuilds through coordinated efforts of Local-State-Federal partners



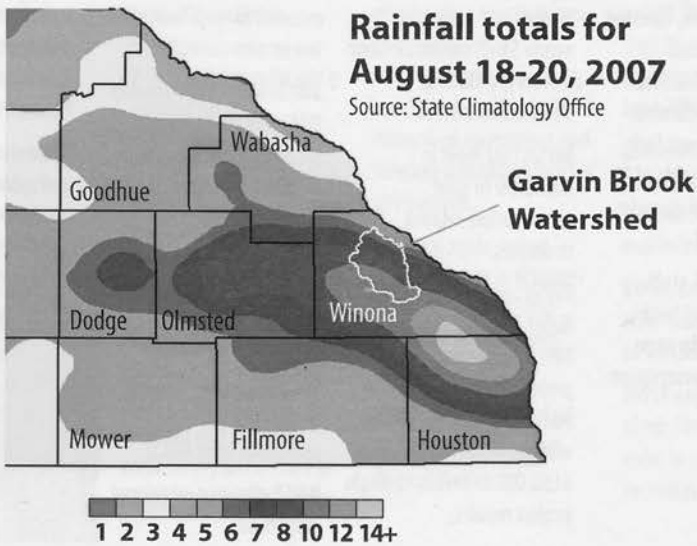


1 **August 2007:** Garvin Brook, in Minnesota City, Winona County.



2 **September 2007:** State and federal funding is authorized, and project is underway.

3 **October 2007:** A streambank stabilization project on Garvin Brook in Minnesota City was completed less than thee months after one of the most severe flooding events in Minnesota history. Estimated cost was $631,000, including $473,000 in federal funding through USDA Natural Resource Conservation Service (NRCS) + $158,000 state through the Board of Water and Soil Resources. SE Minnesota received 8-20 inches of rain over three days, inlcuding more than 15 inches of rain in 24 hours in some areas. This is the largest total ever recorded by an official of the National Weather Service reporting location in Minnesota.



Conservation partners respond

A 7-county area in SE Minnesota was devestated by a greater-than-100-year flooding event in August 2007. Part of this area was again flooded in June 2008. Recovery response was swift, thanks in part to Minnesota's coordinated approach to conservation. Good working relationships already were in place among local, state and federal entities involved in the recovery effort.

Local

Soil and Water Conservation Districts (SWCDs) work directly with landowners to promote voluntary conservation programs, and they provide technical services to get projects on the ground. Each SWCD works cooperatively with local USDA Natural Resources Conservation Service (NRCS) staff. NRCS and SWCD staff in the disaster-declared counties were essentially first responders -- their technical expertise and connections with community landowners made them uniquely positioned to lead the damage assessment and recovery efforts. Other local government partners have worked closely with SWCDs, including the cities of Stockton, Rollingstone and Minnesota City, and the Crooked Creek Watershed District. Cities, counties and townships also contributed staff and resources to the recovery.



State

The Board of Water and Soil Resources (BWSR) works with local government units, federal agencies and other organizations to leverage dollars and channel financial, technical and administrative assistance to the local level. BWSR management and field staff worked with other conservation partners and elected officials to secure funding and to provide technical and administrative assistance to SWCDs to get projects completed efficiently and effectively.



Federal

The USDA NRCS leads the Emergency Watershed Program (EWP) effort, and the ***USDA Farm Service Agency (FSA)*** leads the Emergency Conservation Program. NRCS staff worked with counties, cities and townships to document emergency erosion measures and identify sites for EWP federal funding. Through this funding and the expertise of NRCS staff, debris was removed from stream channels and several priority projects were completed to remove threats to life and property in the aftermath of the flood. NRCS also administers the EQIP program, which has brought additional federal funds to SE Minnesota for installing and repairing conservation practices on privately owned lands.

Timeline

August 2007

August 23, federal disaster declared for Dodge, Fillmore, Houston, Olmsted, Steele, Winona and Wabasha counties. Disaster response is coordinated by the MN Recovers Task Force, which consists of 17 state and federal agencies, including BWSR.

SWCD and NRCS staff and local officials begin to assess flood damage and estimate conservation funding needs.

September 2007

Gov. Tim Pawlenty calls Legislature into Special Session and authorizes nearly $148 million for flood recovery, including $4 million for BWSR.

BWSR/LGU meet in Rochester to plan conservation-related strategies.

BWSR approves SE MN Flood Relief Resolution based on SWCDs' input for prioritizing project fixes and rule waivers needed to get the work done. BWSR provides $650,000 to SWCDs to begin project repairs.

October 2007

MN Recovers Task Force receives $12 million in requests for sedimentation/ soil erosion control.

SWCD/BWSR staff develop RIM program guidelines for permanent easements on flood-damaged riparian lands.

BWSR staff coordinate a Garvin Brook Watershed meeting as requested by Rep. Steve Drazkowski. Local leadership request watershed-planning assistance from NRCS.

BWSR allocates additional state funds.

November 2007

House Wetlands, Watersheds and Buffers Subcommittee tour flood-damaged areas, guided by Root River SWCD staff in Houston County.

Conservation partners meet and submit application to MN Recovers Task Force for additional engineering and technical staff.

About 70 people attend public information meeting in Stockton on watershed management options.

December 2007

Newly formed Garvin Brook Steering Committee meets to discuss watershed goals with conservation partners.

SWCD/NRCS staff conduct "after harvest" assessment of flood damage repair needs and assist landowners in applying for federal and state programs.

Status report of projects completed, current workload and emerging issues presented at BWSR board meeting.

January 2008

A total of $1.8 Million already allocated to SWCDs for conservation flood recovery.

SWCDs submit 56 landowner applications for enrolling over 1,376 acres and requesting $3.6 million of RIM funds.

Governor provides legislature with funding/ policy changes needed for flood recovery.

BWSR approves Clean Water Legacy Program funds of $51,700 for MN Conservation Corps work in flood damaged areas.

State funds for conservation

As of September 2008, the state of Minnesota has spent $5.6 million toward conservation projects, and a federal match of $1.6 million is anticipated. Additional state funding for permanent conservation easements in flood-prone areas was appropriated by the Legislature and Gov. Tim Pawlenty in 2008.

SE Flood Relief Cost-Share Funds

$3 million for the Conservation Cost-Share program to restore and repair conservation practices on privately owned lands, including projects that control feedlot runoff, repair septic systems, or reduce soil erosion from cropland or riparian areas. Expenses related to debris removal have also been paid with this funding.

$725,000 ($450,000 available in FY 2009, $275,000 available in FY 2010) supplemental budget in 2008.

$1.85 million from the Department of Employment and Economic Development was transferred to BWSR to use for conservation projects. Some of these dollars will be used to hire engineering staff on a temporary basis.

$51,700 from a BWSR Clean Water Legacy grant to pay for the Minnesota Conservation Corps to work in partnership with the Winona SWCD, Crooked Creek Watershed District, and the Root River SWCD.

Total grant funds:	$5.615 M
Engineering staff / subcontracts	- $1.278 M
Grants available to SWCDs	= $4.337 M
Expenditures to date:	
Completed/Active Projects	$2.198 M
Obligated as per assessments	$2.139 M

Easements

$2.1 million ($1 million from the 2007 session and $1.1 million from previous appropriations) available to pay for conservation easements through the Reinvest In Minnesota (RIM) Reserve program. BWSR received 56 applications totaling over $3.6 million. Also, a new native buffer cost-share program has provided dollars that are being used to enhance these RIM lands for diversity of native vegetation.

Technical Assistance

Experienced staff with the technical expertise to design and build these projects has made Minnesota's flood recovery efficient and effective, however, **weather conditions, contractor availability, and the tremendous workload for engineering and technical staff have been obstacles.**

In response to the collective requests of SWCDs in the disaster-declared counties, BWSR has hired a Project Engineer and an Engineering Technician to assist SWCDs, NRCS and FSA to investigate, design and install engineering practices for erosion control and water quality for the next 2-plus years. BWSR is also in the process of hiring one more engineering technician for this conservation partnership effort in SE Minnesota.

February 2008

Legislature hears testimony from Winona SWCD regarding flood disaster and recovery.

Conservation partners continue technical assistance and conservation planning to landowners in preparation for spring.

March 2008

BWSR/NRCS/SWCD implementation meeting held to reaffirm short/ long term engineering needs and to plan spring construction workloads.

April 2008

Forum on SE flood's implications for natural resource management draws 150-plus resource professionals and local officials.

Work continues on repair projects and damage assessment.



Rudy Spitzer, Chairman of the Winona SWCD board of supervisors, testified before a legislative subcommittee during a tour of SE Minnesota, and also testified during the legislative session in St. Paul.

May 2008

Legislature and Gov. Pawlenty provide:

- $725,000 for flood recovery
- 2-year extension for using existing funds
- SE disaster counties have priority for additional RIM funds
- BWSR Native Buffer Cost-Share program funds allocated to SWCDs in flood-damaged counties

BWSR/NRCS/SWCD makes plans for hiring BWSR SE engineer and two civil engineering technicians to increase technical capacity.

June 2008

DEED authorizes transfer of $1.89 million to BWSR for conservation practices and engineering staff.

NRCS presents preliminary conclusions on Garvin Brook Watershed assessment and steering committee looks at alternatives.

Flooding again causes major damage in disaster-declared counties, and in Mower and Freeborn counties.

NRCS EWP and EQIP sign-up begin for 2008 flood damaged sites.

July - September

$3.2 million of additional repair needs documented by SWCDs through August. Over 70 sites have been damaged as a result of the June 2008 flood event.

Conservation partners coordinate federal EWP/ EQIP and state funds to maximize flood recovery.

BWSR sends additional state cost-share allocations to SWCDs for flood recovery.

BWSR engineering staff hired. BWSR/NRCS/SWCD meet to coordinate technical workload.

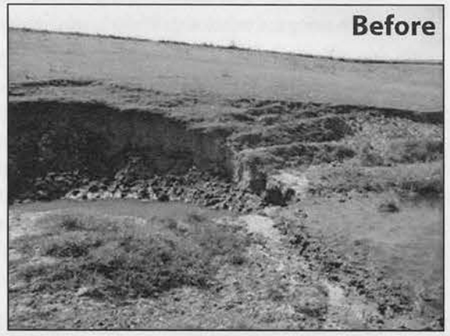
Highlights: 405 projects completed or underway through unprecedented financial and technical coordination

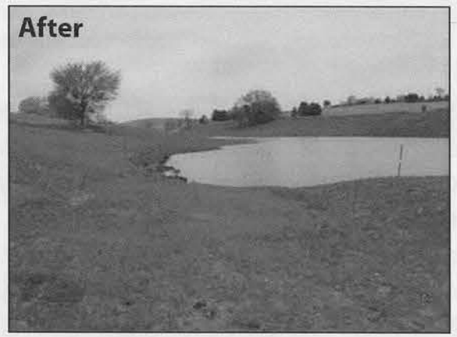
Winona SWCD

Pictured below, this buffer strip was repaired and replanted to native prairie. This area protects an important trout stream. Project costs: $2,066.52 ($1,352 state, $714 federal).









The spillway of a dike was cut out (pictured above) and the repair was completed Nov. 18, 2007. This pond helps protect County Road 117 below St. Charles, a 203-acre drainage area. Project costs: $1,755.

Project Status in the 7-county area

	Total Projects		Total Costs	
	Completed	Active	Dollars Spent	Dollars Encumbered
Pond clean out/repair	8	32	$9,523	$83,856
Gully repair and filter strip	20	43	$56,405	$163,251
Unused well sealing	85	94	$32,850	$75,400
Terrace/ water diverson	10	6	$17,837	$10,944
Grade Stabilization	15	38	$169,002	$201,356
Grassed Waterway	5	23	$5,045	$62,754
Streambank & Shoreland Protection	4	10	$168,591	$216,719
Water & Sediment Control Basin	2	1	$2,633	$2,566
Debris removal	3	3	$2,625	$6,453
Total	152	253	$464,512	$842,595

Root River SWCD (Houston County)

Pictured right: EWP and State Cost-Share funds were used to complete this project in Houston County. Total Cost: $220,000 (EWP $165,000, State $55,000)

Pictured below right: A grade stabilization project on a farm in Houston County for a 400-acre drainage area. Total cost of structure and emergency spillway repair: $3,500 (state funds $3,280).









Fillmore SWCD

Flooding in the city of Rushford caused many wells to be contaminated. The SWCD had completed nearly half of these 177 projects through August 2008.



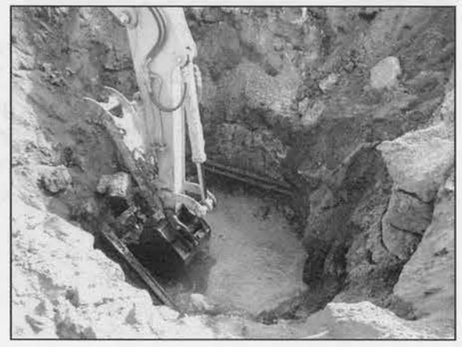


Pictured: (above/right a typical sand point well project) , and (lower right) a larger scale well sealing project.

Fillmore SWCD also worked with a landowner who lives adjacent to Torkelson Creek, to repair a severely eroded stream bank. The lush green grass outlining this popular fishing area was severely scarred with debris deposited throughout the area. The township was replacing a nearby bridge, and the DNR Fisheries was installing rip rap below the new bridge, so it was the perfect time to restore the damaged stream bank. DNR Fisheries staff designed the rip rap plan with the bridge contractor agreeing to do the work. Trout Unlimited paid for the landowner's share of the project and plans to use this for a demonstration site. The Fillmore SWCD purchased and installed fiber blanket along the banks of the creek to reduce erosion and allow the seeding to get established faster. Total project cost: $2,820.



Pictured right: Torkelson Creek after repair work



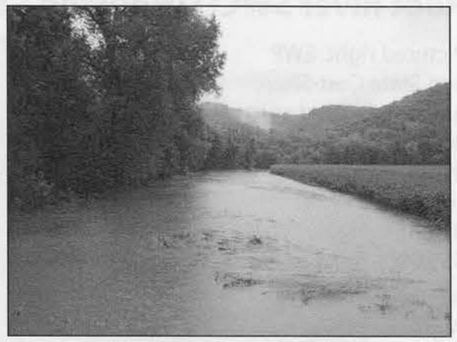
Flood recovery / prevention through conservation easements

On October 31, 2007, BWSR announced a special Reinvest In Minnesota (RIM) Reserve conservation easement program for disaster-declared counties in southeast Minnesota. The intent of the sign-up was to take perpetual RIM Reserve easements with willing landowners on lands damaged by the flood events this last August, and on lands that will help to reduce the impacts of future flood events.

The following lands were eligible for this program: 1) crop and non-crop lands that were damaged, 2) riparian cropland within the 100-year floodplain, 3) riparian cropland outside the 100-year floodplain if it has history of flooding, and 4) wetland restorations.

Funds for this new easement program came from a special session appropriation of $1 million, and BWSR made available $1.1 million from its existing bonding appropriation for a total of $2.1million. **BWSR orignially received 56 applications for a total of 1,376 acres totaling over $3.6 million.**

BWSR received additional RIM Reserve dollars during the 2008 Legislative Session, and enrolling flood-damaged riparian lands in the next RIM signup will be a high priority.





Flood-prone riparian areas like these in Winona (top) and Houston (bottom) counties were high-priority lands for the special RIM signup.

2007 special RIM enrollment for SE Minnesota

County	Acres enrolled	Payments to Landowners	Costs to Install Practice	Total Costs
Fillmore	150*	$318,943	$50,250	$369,193
Houston	280	$618,053	$32,650	$650,703
Olmsted	7	$20,208	$2,360	$22,568
Winona	319	$799,564	$136,580	$936,144
Total	**749**	**$1,700,350**	**$238,550**	**$1,978,608**

* 13 acres were donated in Fillmore County

Project highlight: St. Charles riparian buffer

The Whitewater River Watershed Project is partnering with the City of St. Charles to develop a riparian buffer plan (pictured right).

Approximately 2,600 feet of the South Branch of the Whitewater River runs through City Park in St. Charles. The riparian area through the park is currently mowed turf grass, and city officials have been excited about the idea of planting the area to native grasses and wildflowers. The city is applying for funds through the Winona Soil and Water Conservation District, for BWSR Native Buffer program funding.



Other flood-recovery highlights

Minnesota Conservation Corps

A $51,700 Clean Water Legacy grant in 2008 was awarded to the MN Conservation Corp (MCC) to work with Winona, Root River and Fillmore SWCDs on several flood-recovery activities. Pictured: MCC crews removed debris and restored vegetation in Farmers Community Park. MCC has also worked with the Winona SWCD to develop GIS layers of ponds, waterways and streams in Winona County to help with damage assessments and watershed modeling of the Garvin Brook watershed. In Fillmore County, MCC is working with the SWCD to conduct an inventory of road culverts for water management planning.







Federal dollars leveraged

Total EWP Funds spent to-date	$973,916
Additional approved EWP projects in the works	$725,500

2008 EQIP Flood Assistance

to Dodge, Fillmore, Freeborn, Houston, Mower, Olmsted, Steele, Wabasha and Winona counties

Practices	Total Costs	
	Dollars Spent	Dollars Encumbered
Gully repair and filter strip	$3,016	$23,628
Unused well sealing	$2,386	$22,071
Terrace/ water diverson	$21,300	$76,682
Grade Stabilization	$8,356	$279,925
Grassed Waterway	$11,152	$61,335
Streambank & Shoreland Protection	$52,313	$52,313
Water & Sediment Control Basin	$14,559	$49,500
Debris removal	$7,141	$47,308
Total	**$120,223**	**$612,762**



Winona SWCD representatives and residents toured projects during the SWCD's 70th Anniversary event. Pictured is a project to repair a grade stabilization structure on an area farm.

Total estimated cost of the project is $19,750, which includes $7,547 from EQIP and State Conservation Cost-Share paying $12,230.

Ongoing assessment indicates demand for technical assistance

The following projects and cost estimates have been reported as of Sept. 4, 2008. SWCD/NRCS field staff continue to conduct site assessments and cost estimates to determine reasonable fixes, priority for state funds and leveraging federal program funds. These assessment numbers are a snapshot in time and will continue to evolve as technical assistance is delivered to the landowners.

SWCDs have staff with Technical Approval Authority (TAA) for some projects. **The #In need of engineering indicates projects that require the SWCD to work with an engineer, either through the USDA NRCS or a private firm.** BWSR has hired three full-time employees to provide technical assistance for SE Minnesota flood recovery projects.

Projects To Be Completed

	Total Projects	August 2007 event	June 2008 event**	# Within TAA Capacity of SWCD	# In need of engineering	
Dodge	3	3	0	0	3	$88,000
Fillmore*	15	0	15	11	5	$68,000
Mower	13	0	13	0	13	--
Olmsted *	18	18	0	5	13	$100,000
Root River*	94	51	43	29	65	$1,305,350
Wabasha*	14	14	0	0	14	$698,700
Winona	144	144	0	111	33	$1,008,053
Total	**301**	**230**	**71**	**156**	**146**	**$3,268,103**

*Preliminary cost estimates have been completed on 25% of projects.

** BWSR does not have the authority to fund these projects. Existing SE flood relief funds are for the August 2007 event.

Types of Projects To Be Completed

SWCD	Civilian Conservation Corps Project Repair	Vegetation establishment for erosion control	Debris Removal	Grade Stabilization	Gully Washout	Pond Cleanout/repair	Sinkholes	Streambank Stabilization	Diversion/Terrace Repair	Waterway Repair	Driveway Washouts	Total
Dodge								3				3
Fillmore			10	1				1		2	1	15
Mower					12			1				13
Olmsted			1	7	3				4	3		18
Root River		13	5	12	6	14	1	22	6	11	4	94
Wabasha								14				14
Winona	1	1			16	51	8	27	17	24	1	144
	1	9	23	20	30	77	9	74	26	46	6	301

Minnesota Board of Water & Soil Resources

NRCS

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Status of BWSR SE Flood Relief C-S Program Budget
As of September 24, 2008:

SE Flood Relief Funds – Special Session Sept. 2007	3.0 M
Supplement Budget – 2008 Legislative Session *	0.725 M
Dept. Employee and Economic Development (DEED) Transfer – June 2008	1.89 M
Total State Flood Relief Funds Available**	$ 5.615 Million
Minus Engineering/Staff Budget Proposed by BWSR -	.988 M
And minus budget for engineering subcontracts	.290 M
Budgeted Funds for C-S Projects and SWCD T&A	**$ 4.337 M**
BWSR Grant Agreement Totals Sent Out To SWCDs	$ 2.198 M

(SWCD Implementation $s as of July 28, 2008)

Total Grants Amount	2,198,046
Total SWCD T & A	383,923
Total Available for Projects	1,814,122
Total Project Contracts	1,232,878
Total Completed Contracts	459,751

Total Budget Obligated for C-S of Documented Flood Damage Repair Needs (>$3.3 M)	**$ 2.139 Million**
C-S Grants in Process as of September 24, 2008 (Root River – $409,177, Winona – $321,527)	.731 M
Total C-S Budget Remaining To Be Allocated to SWCDs Based on Assessment Needs Documented above.	$ 1.4078 M

NOTE:

* $450 M available FY09, $.275 Million available FY10.

** Available to BWSR through June 30, 2010.

SOUTHEAST MINNESOTA FLOOD RELIEF

Background:

BWSR adopted the SE MN Flood Relief Resolution on September 25, 2007 covering program waivers for both regular and Special Session appropriations for conservation. Implementation of SE Conservation Flood Recovery activities resulted in the 2008 Legislative Session appropriating additional funds ($725,000) and providing the necessary time extensions for continued SE Flood Recovery Implementation. In addition, MN DEED authorized the use and transfer of $1.89 M for cost-share and engineering assistance.

Currently:

The Board SE MN Flood Relief Resolution adopted September 25, 2007 needs Resolution to incorporate the additional SE Flood Recovery funds appropriated and transferred to BWSR and the extended timeline of June 30, 2010.

BWSR staff has developed a SE Conservation Flood Recovery Publication in partnership with SWCD and NRCS. Staff will present information on the coordinated efforts of the SE Flood Recovery activities.

A BWSR SE Engineer and a Civil Engineering Technician have been hired. Staff will introduced to the Board. Information on the BWSR/NRCS/SWCD engineering and technical assistance for implementing repairs and protection of flood damaged lands will be provided.

Recommendation:

The Staff, after review by the Administrative Advisory Committee, is requesting that the Board consider the provisions as noted in the attached resolution.

Status of BWSR SE Flood Relief C-S Program Budget
As of August 19, 2008:

SE Flood Relief Funds – Sept. 2007	3.0 M
Supplement Budget – May 2008 *	0.725 M
DEED Transfer – June 2008	1.89 M
Total State C-S Funds Available	$ 5.615 Million
Minus Engineering/Staff Budget Proposed by BWSR -	.988 M
And minus budget for engineering subcontracts **	.290 M
Budgeted Funds for C-S Projects and SWCD T&A	$ 4.337 M
Following Grant Agreement Totals Sent Out Already - (Table below shows status as of July 28, 2008)	$ 2.199 M
Total Budget Remaining for C-S of current Flood Damage Repair Needs Documented	**$ 2.138 Million**

NOTE:
* $450 M available FY09, $.275 Million available FY10.
** BWSR will need to finalize Engineering staffing and consulting budget (.988 + .290 M?) to determine available funds for cost-share projects and SWCD assistance.

Total Grant Agreements and funds sent out to SWCDS as of July 28, 2008.

	Total Dollars				
SWCD	Total Grant Amount	Total T & A Amount	Total Project Amount	Total Amount Encumbered	Total Amount Spent
Root River	$777,458.00	$128,721.00	$648,737.00	$503,521.94	$199,302.30
Olmsted	$168,750.00	$33,750.00	$135,000.00	$40,000.00	$15,082.44
Winona	$706,422.00	$122,369.00	$584,053.00	$483,230.11	$192,386.10
Wabasha	$50,000.00	$10,000.00	$40,000.00	$0.00	$0.00
Steele	$50,000.00	$10,000.00	$40,000.00	$0.00	$0.00
Fillmore	$395,416.00	$69,083.20	$326,332.80	$166,126.38	$52,970.97
Dodge	$50,000.00	$10,000.00	$40,000.00	$40,000.00	$0.00
Total	$2,198,046.00	$383,923.20	$1,814,122.80	$1,232,878.43	$459,741.81

BWSR SE FLOOD RECOVERY
TIMELINE OF ACTIVITIES

AUGUST 2007

- On August 23, a federal disaster was declared for Dodge, Fillmore, Houston, Olmsted, Steele, Winona and Wabasha counties.
- State/Federal disaster response is coordinated by the MN Recovers Task Force, which consists of 17 state and federal agencies, including BWSR.
- SWCD/NRCS field staff and local officials begin to assess flood damage to determine extent of conservation funding need.

SEPTEMBER 2007

- NRCS/SWCD work with counties, cities and townships to document emergency erosion measures and identify site for EWP Federal fund.
- Gov. Tim Pawlenty calls Legislature into Special Session and authorizes nearly $148 million for flood recover, including $4 million for BWSR.
- BWSR/LGU Implementation Meeting held in Rochester to discuss strategies for repairing conservation practices and addressing soil and water erosion caused by event.
- BWSR approves SE MN Flood Relief Resolution at Sept. Board meeting based on SWCDs' input for prioritizing project fixes and rule waivers needed to get the work done.
- Damage assessment continues. BWSR provides direct allocations of $650,000 of State Cost-Share funds to SWCD to begin project repairs.

OCTOBER 2007

- MN Recovers Task Force received Community Applications including over $12M request in sedimentation/soil erosion category. SWCD/NRCS instrumental in coordinating repair measures.
- SWCD/BWSR develops RIM program guidelines covering eligibility/payments to re-vegetate flood damaged riparian lands and enroll into RIM perpetual easements.
- BWSR staff coordinate/facilitate a Garvin Brook Watershed Options Meeting in MN City at the request of Representative Steve Drazkowski. Local leadership request watershed-planning assistance from NRCS.
- BWSR announces the special SE RIM Program Sign Up. SWCDs begin accepting application from landowners with deadline date of January 15, 2008.
- SWCD/NRCS local staff continues to work with landowners to fix flood damaged sites. BWSR allocates additional state funds.

NOVEMBER 2007

- "Flood Stops" incorporated into the SE Legislative "Watershed, Wetland and Buffers" House Subcommittee Tour. Root River SWCD staff guided participates and provided information on flood damage repair in Houston County.
- SE Conservation Partners meet and submit application to MN Recovers Task Force for additional engineering and technical staff.
- Conservation Agency Partners conduct public information meeting in Stockton, MN to get input on watershed management options. Over 70 people attend.

DECEMBER 2007

- Conservation Partners meet with newly formed Garvin Brook Steering Committee to discuss watershed goals and structure.
- SWCD/NRCS staff conducts "after harvest" assessment of flood damage repair needs and assist landowners in applying for federal and state programs.
- Regional agency reps. begin plans for technical "Flood Impact" forum.
- Status report of projects completed, current workload and emerging issues presented at BWSR Board Meeting.

JANUARY 2008

- BWSR presents check for state cost-share funds to Winona SWCD. A total of $1.8 Million already allocated to 7 SWCDs for conservation flood recovery.
- SWCDs submit 56 landowner applications for enrolling over 1,376 acres and requesting $3.6 million of RIM state funds.
- Governor provides legislature with funding/policy changes needed for flood recovery.
- BWSR approves Clean Water Legacy Program funds of $51,700 for MN Conservation Corps work in flood damaged areas.

FEBRUARY 2008

- Winona SWCD reps. provide testimony during MN legislative committee hearings on behalf of SE flood disaster area.
- Fed/state/local partners continue technical assistance and conservation planning to landowners affected by the flood in preparation for spring.

MARCH 2008

- BWSR/NRCS/SWCD implementation meeting held to reaffirm short/long term engineering needs and to plan spring construction workloads.

APRIL 2008

- Regional Partners conduct the forum "Understanding the August 2007 Flood: Implications for Natural Resource Management". Over 150 resource professionals and local officials share information.
- Work begins on other projects and damage assessment continues.

MAY 2008

- Legislature and Gov. Tim Pawlenty provide $725,000 in additional funding for flood recovery, as well as a 2-year extension for using existing funds. An additional $2 Million of RIM funds targeted for continued flood recovery efforts.
- Additional BWSR Native Buffer C-S Program funds allocated to SWCDs in flood damaged counties.
- Many projects completed and more underway. Coordination of federal and state funding sources, as well as technical assistance, continue making it possible to complete projects with minimal delays.
- BWSR/NRCS/SWCD makes plans for hiring BWSR SE engineer and two civil engineering technicians to increase technical capacity.

JUNE 2008

- DEED authorizes the use of and transfers to BWSR $1.9 Million for conservation practices and temporary engineering staff.
- NRCS presents preliminary conclusions on Garvin Brook Watershed Assessment and steering committee looks at alternatives.
- Flooding again causes major damage in disaster-declared counties, as well as in Mower and Freeborn counties.
- NRCS EWP and EQIP sign-up begin for 2008 flood damaged sites.

JULY 2008

- SWCDs submit assessment reports of eligible flood damaged sites and status of project implementation.
- BWSR/NRCS/SWCD coordinate workload and eligibility of both flood events.

AUGUST 2008

- BWSR completes pending allocations for remaining state cost-share funds with over $3.2 Million of repairs documented by the assessment reports. In addition, over 70 sites have been documented as a result of the June 2008 flood event mainly in Mower, Fillmore and Houston counties.
- Coordination of Federal EWP/EQIP and State Cost-Share funds to maximize flood recovery.

SEPTEMBER 2008

- BWSR sends additional state cost-share allocations to SWCDs for flood recovery.
- BWSR Engineering staff hired. SE Engineering Team (BWSR/NRCS/SWCD) meets to coordinate technical workload.
- SE Conservation Flood Recovery Report presented to BWSR at September Board Meeting. Board reviews recommended changes to program policy and rule waivers due to additional funding for flood recovery.

Minnesota Board of Water & Soil Resources

QUESTIONS?
Mary Kells
BWSR Rochester Office
2300 Silver Creek Road NE
Rochester, MN 55906
(507)206-2890
mary.kells@state.mn.us

BWSR Field Summary:
Date: September 4, 2008

Current Assessment of Flood Damage, Engineering Needs, and Costs
Compiled by Mary Kells, Board Conservationist

Caution when using this information:

SWCD/NRCS field staff continue to conduct site assessments and cost estimates to determine reasonable fixes, priority for state c-s funds and leveraging federal program funds. These assessment numbers are a snapshot in time and will continue to evolve as technical assistance is delivered to the landowners.

County	# of Projects Total	Estimated Costs	#Field Office TAA Capacity	# Needing Engineering	2007 Aug. Event	2008 June Event
Dodge	3	88,000.00	0	3	3	0
Fillmore (6)*	15	68,000.00	11	5	0	15
Olmsted (4)*	18	100,000.00	5	13	18	0
Root River (47)*	94	1,305,350.00	29	65	51	43
Wabasha (4)*	14	698,700.00	0	14	14	0
Winona	144	1,008,053.00	111	33	144	0
Mower (13*)	13	0.00	0	13	0	13
Totals	**301**	**$3,268,103.00**	**156**	**146**	**230**	**71**

*** Preliminary cost-estimates have not been completed on 74 (25%) of the damaged sites listed. (12 sites-2007, 62 sites-2008)**

Type of Project	Dodge	Fillmore	Olmsted	Root River	Wabasha	Winona	Mower	Totals
CCC Repair						1		**1**
Critical Area Planting				13		1		**14**
Debris Removal		10	1	5				**16**
Diverson Repair				1		17		**18**
Grade Stab/Structure		1	7	12				**20**
Gully/Washouts			3	6		16	12	**37**
Pond Cleanout				9		11		**20**
Pond Repair				5		40		**45**
Sinkholes				1		6		**7**
Stream Bank Stabilization	3	1		22	14	27	1	**68**
Terrace Repair			4	5				**9**
Waterway Repair		2	3	11		24		**40**
Well Sealing								**0**
Driveway washouts		1		4		1		**6**
Totals	**3**	**15**	**18**	**94**	**14**	**144**	**13**	**301**

Board Resolution #_____

SOUTHEAST MINNESOTA FLOOD RELIEF RESOLUTION AMENDMENT

WHEREAS, a Presidential Disaster was declared on August 23, 2007 in Fillmore, Houston, Olmsted, Steele, Winona, Wabasha, and Dodge Counties, due to damage resulting from severe storms on August 18 – 20, 2007 (DR-1717); and

WHEREAS, the Minnesota Legislature in their September 12, 2007 Special Session in H.F. No. 1, Article 1, Sec. 6, appropriated cost share and easement funding to the Board of Water and Soil Resources (BWSR), and in Sec. 16 provided for the waiver of State Cost Share Program and Re-Invest in Minnesota (RIM) Reserve Conservation Easement Program Rules, including M.S. 103F.515, for both 2007 Special Session and past appropriations; and

WHEREAS, The Board adopted SE MN Flood Relief Resolution #07-85 on September 25, 2007 authorizing implementation of 2007 Special Session appropriations and waivers to BWSR for flood relief in the DR-1717 area; and

new addition → **WHEREAS**, In June 2008, the Department of Employment and Economic Development (DEED) transferred $1.89 million of 2007 Special Session appropriations to BWSR, in accordance with Special Session authorities, for additional erosion, sediment and water quality control cost-share and technical assistance; and

WHEREAS, The 2008 Minnesota Legislature extended use of 2007 Special Session funds to June 30, 2010 and provided $450,000 for FY09 and $275,000 for FY10 of supplemental appropriations for SE MN Flood Response in the DR-1717 area; and

WHEREAS, The 2008 MN Legislature passed a Bonding Bill that included RIM funds appropriated to BWSR for acquiring permanent easements and directed the Board to give priority to the area designated for relief and recovery from the flooding that occurred on or after August 18, 2007 in the area of SE MN designated under Presidential Declaration of Major Disaster, DR-1717.

NOW, THEREFORE, The Board amends its Resolution #07-85 adopted September 25, 2007 to include the following funds and legislative authorizations:

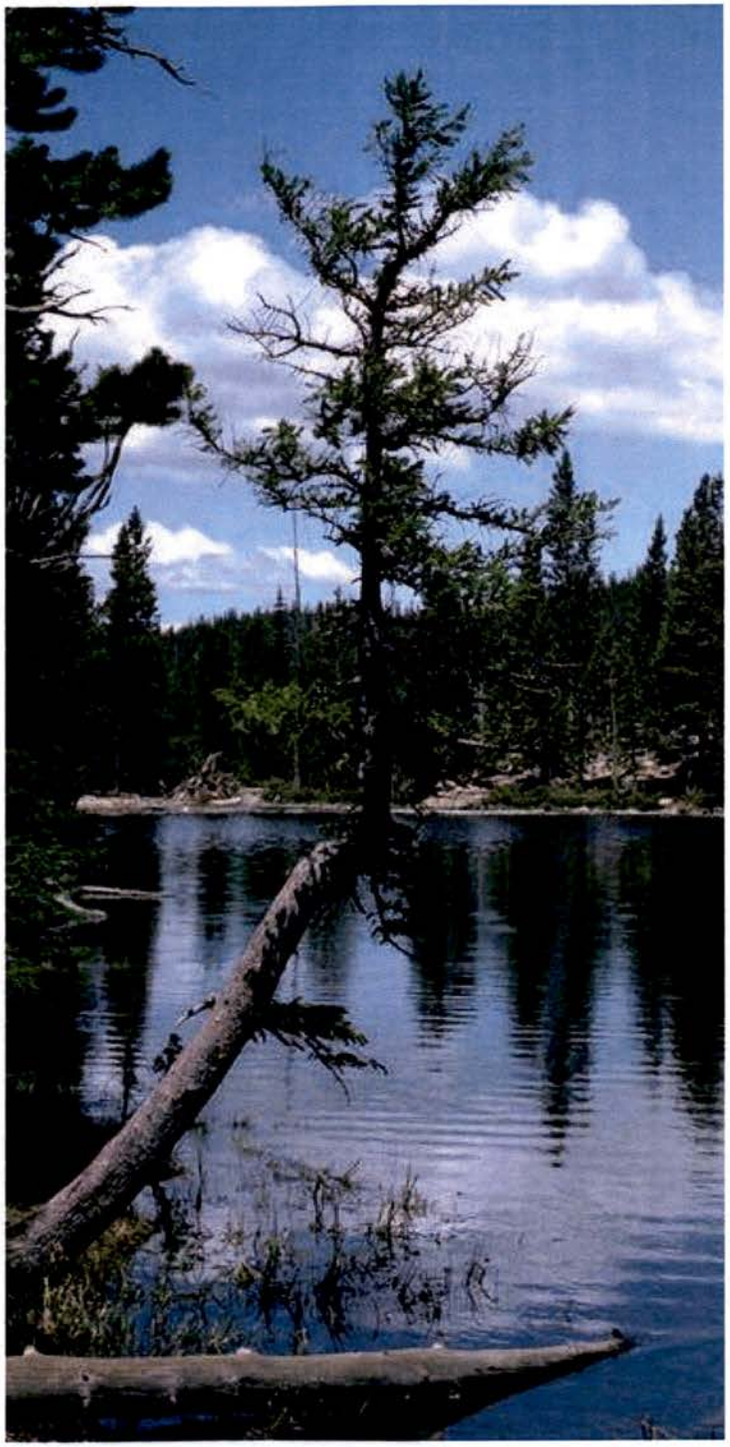
1. $1.89 Million transferred from DEED to BWSR from 2007 Special Session appropriations.
2. 2008 Regular Session Supplemental Appropriations for BWSR SE Flood Response.
3. Extension of availability and applicability of all 2007 Special Session funds appropriated or transferred to BWSR for SE Flood Response to June 30, 2010.

AND, The Board directs staff to include priority for use of RIM program funds appropriated by the 2008 MN Legislature in the DR-1717 area for flood relief and recovery.

AND, furthermore, the Board authorizes staff to enter into grant agreements, contracts, easements, or other agreements for project implementation of these identified programs, appropriations and transferred funds.

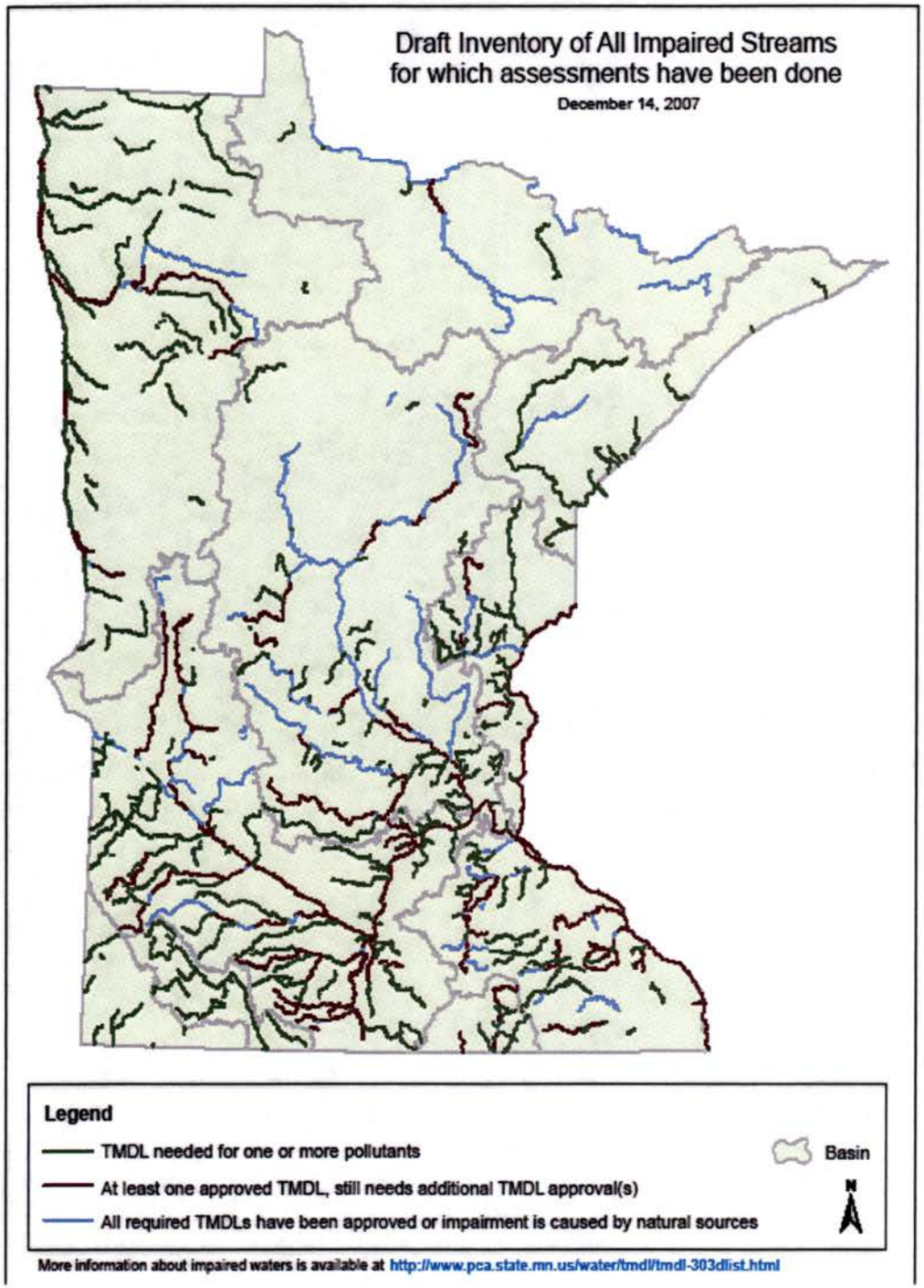
_____ Date: _____

Randy Kramer, Chair
Board of Water and Soil Resources



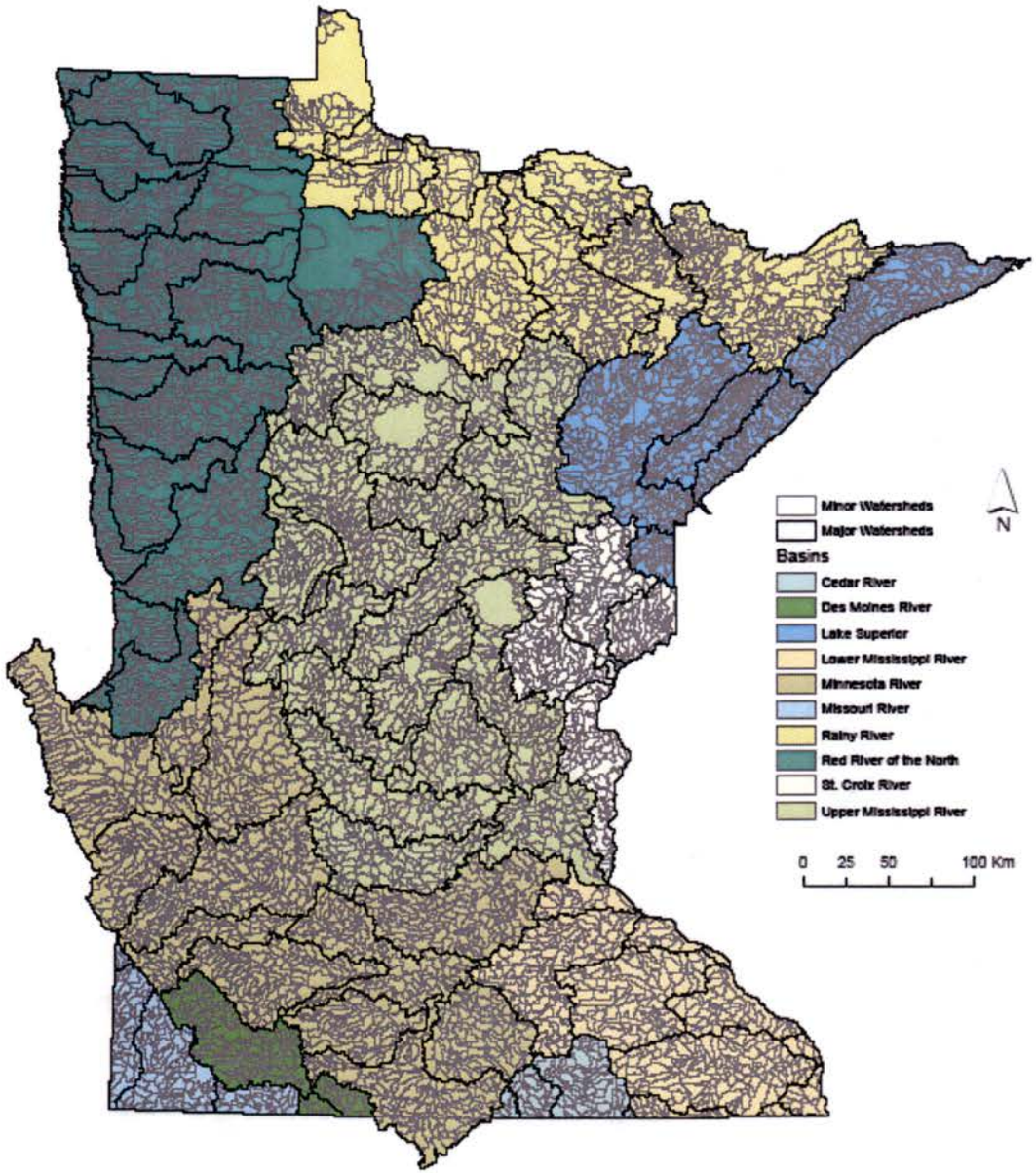
An integrated strategy to improve Water Quality Management in MN

Major watersheds as a framework for:
monitoring and assessment;
watershed planning/TMDL's;
and implementation.



- As monitoring ramps up, will result in more listings.
- May complete a TMDL only to need to return to same locality to do another.
- Current approach has been driven by the Listing process.
- Lacks predictability.
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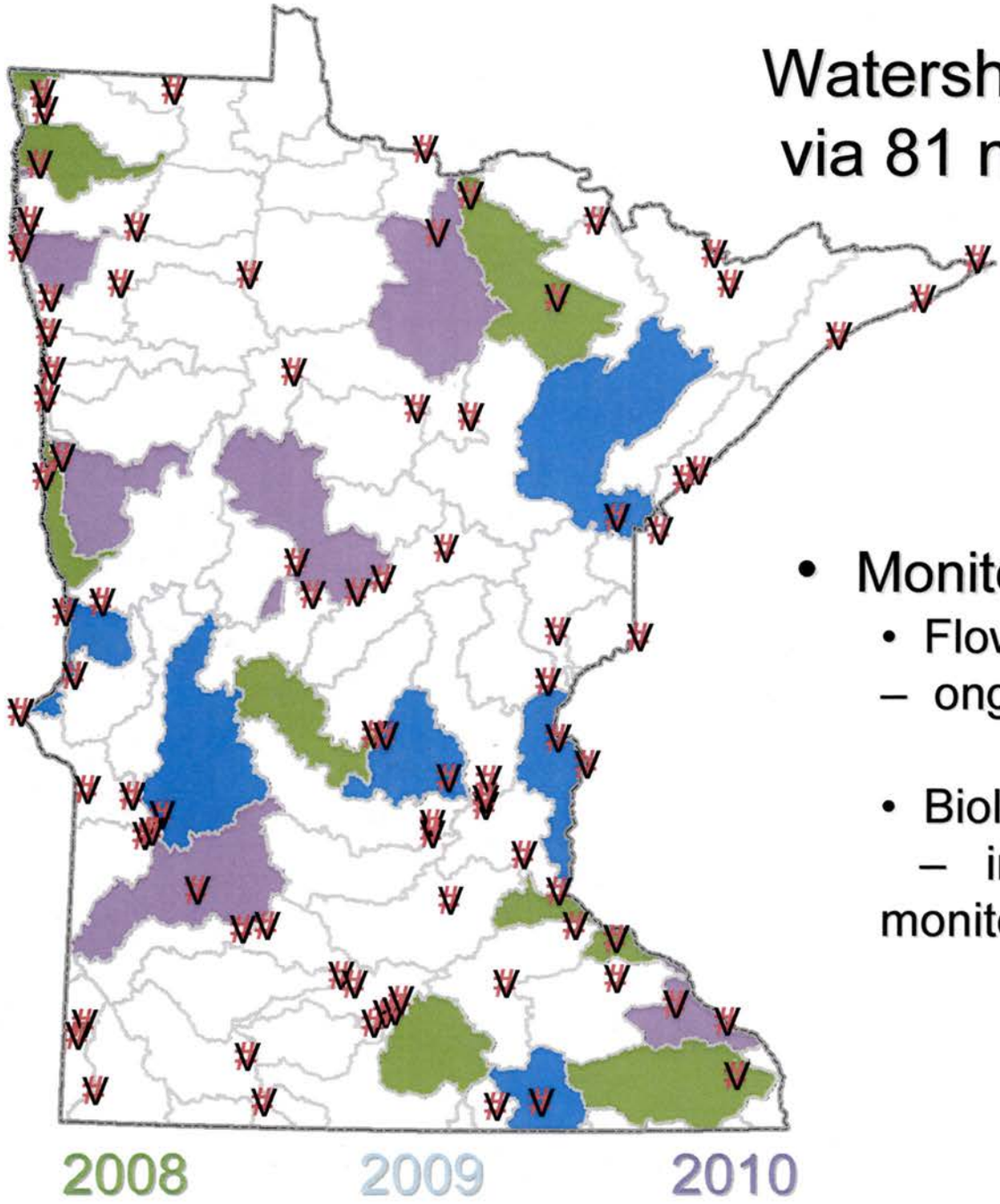
Watershed Boundaries in Minnesota



- What is the right scale and pace?
  - Pepin too large.
  - Some individual segments are too small

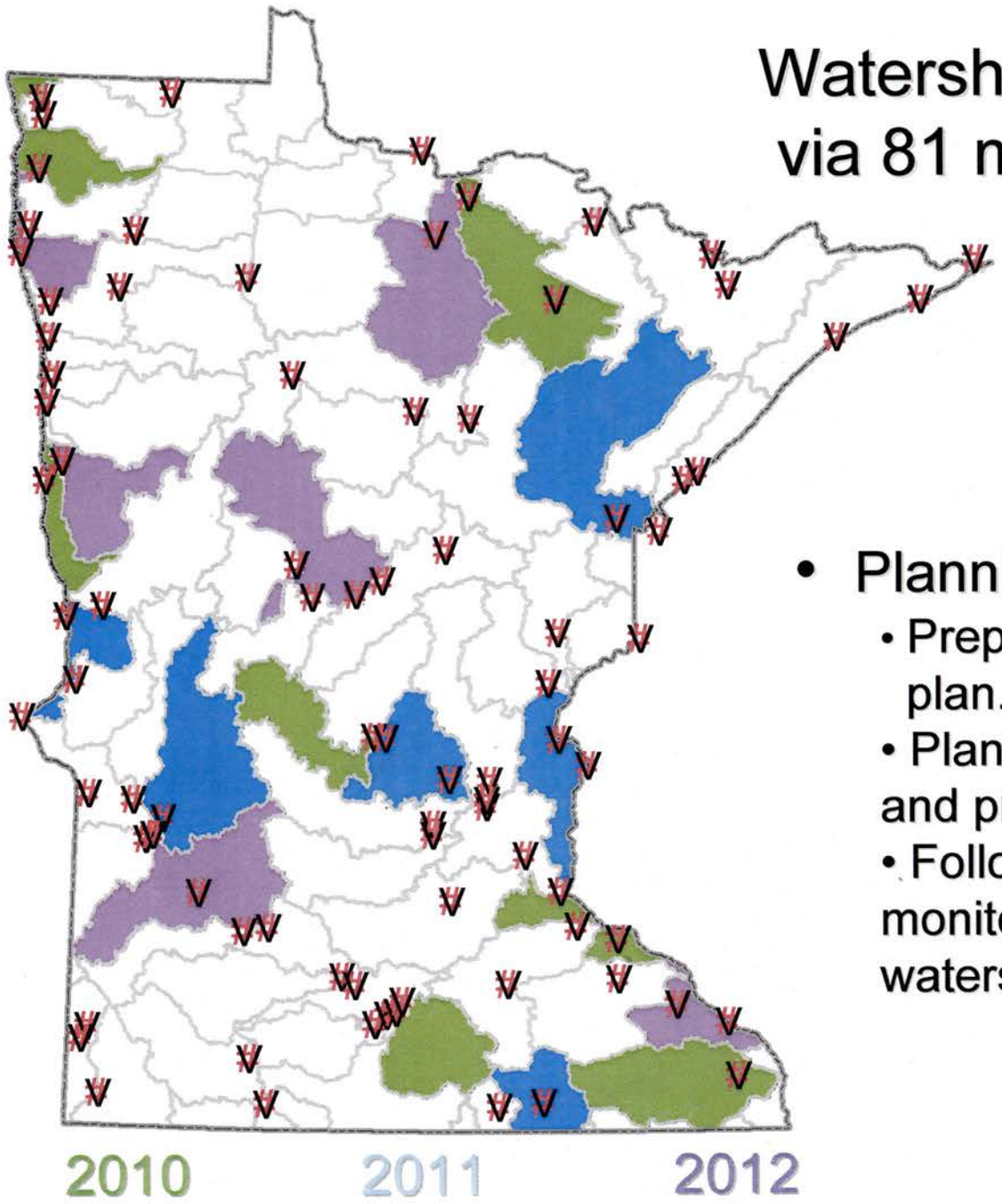
- Manage water quality through a ten year cycle of monitoring, plannng and implementation via the 81 Major watersheds.

Watershed Management via 81 major watersheds

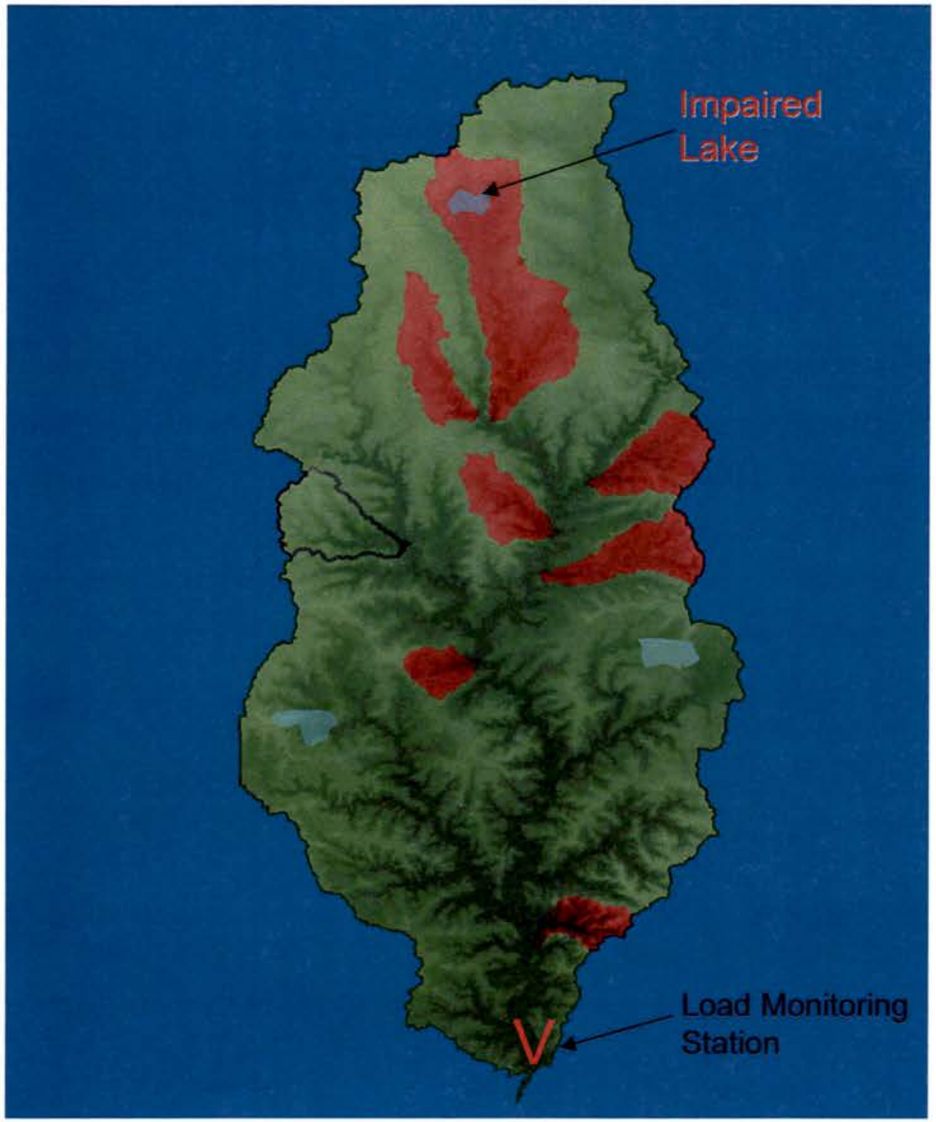


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  - Flow/chemical/load monitoring
  - ongoing at 81 pour points
  - Biological/Physical monitoring
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Watershed Management via 81 major watersheds



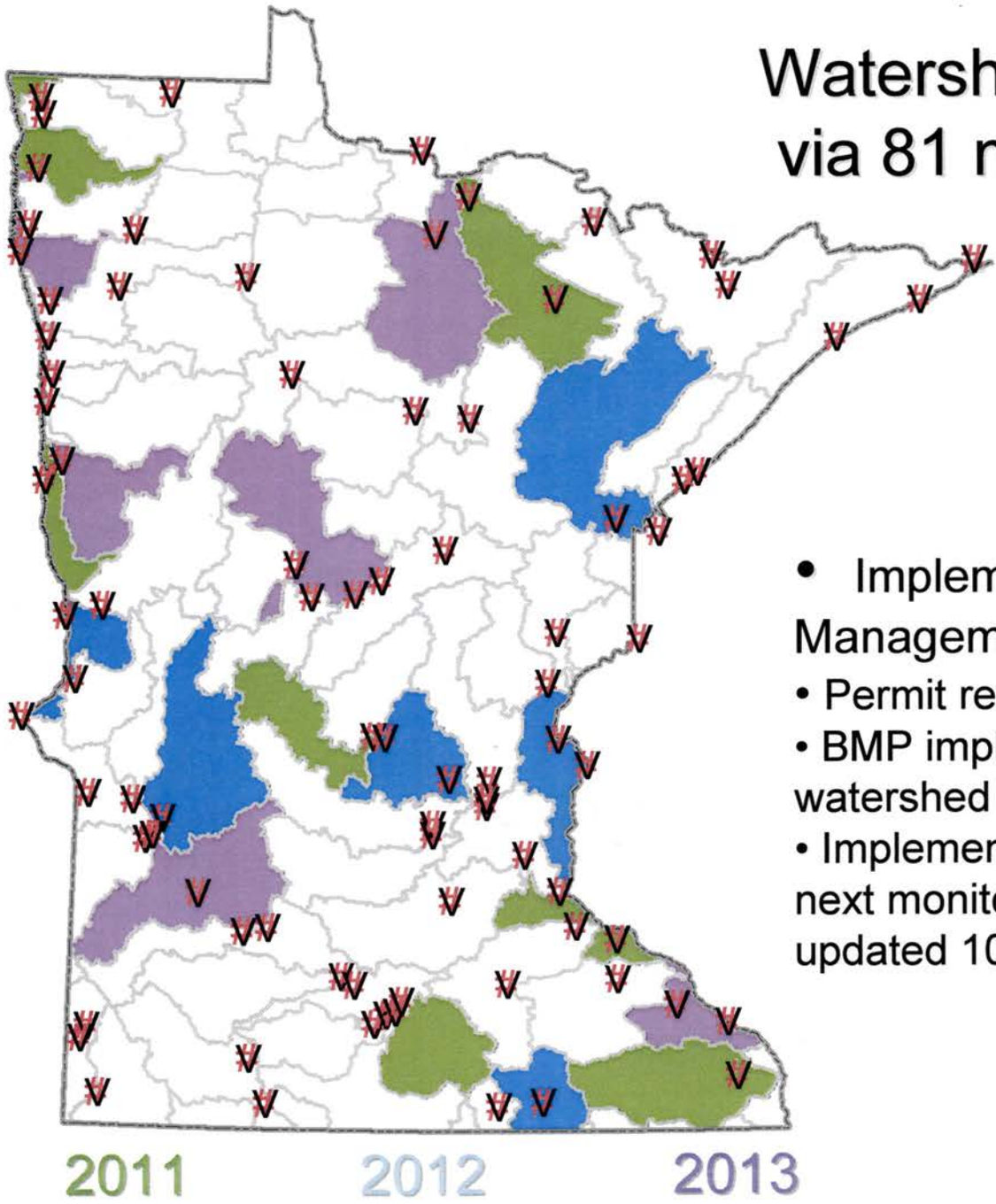
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  - Plan should cover both TMDLs and protection strategies.
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Watershed Management Plan

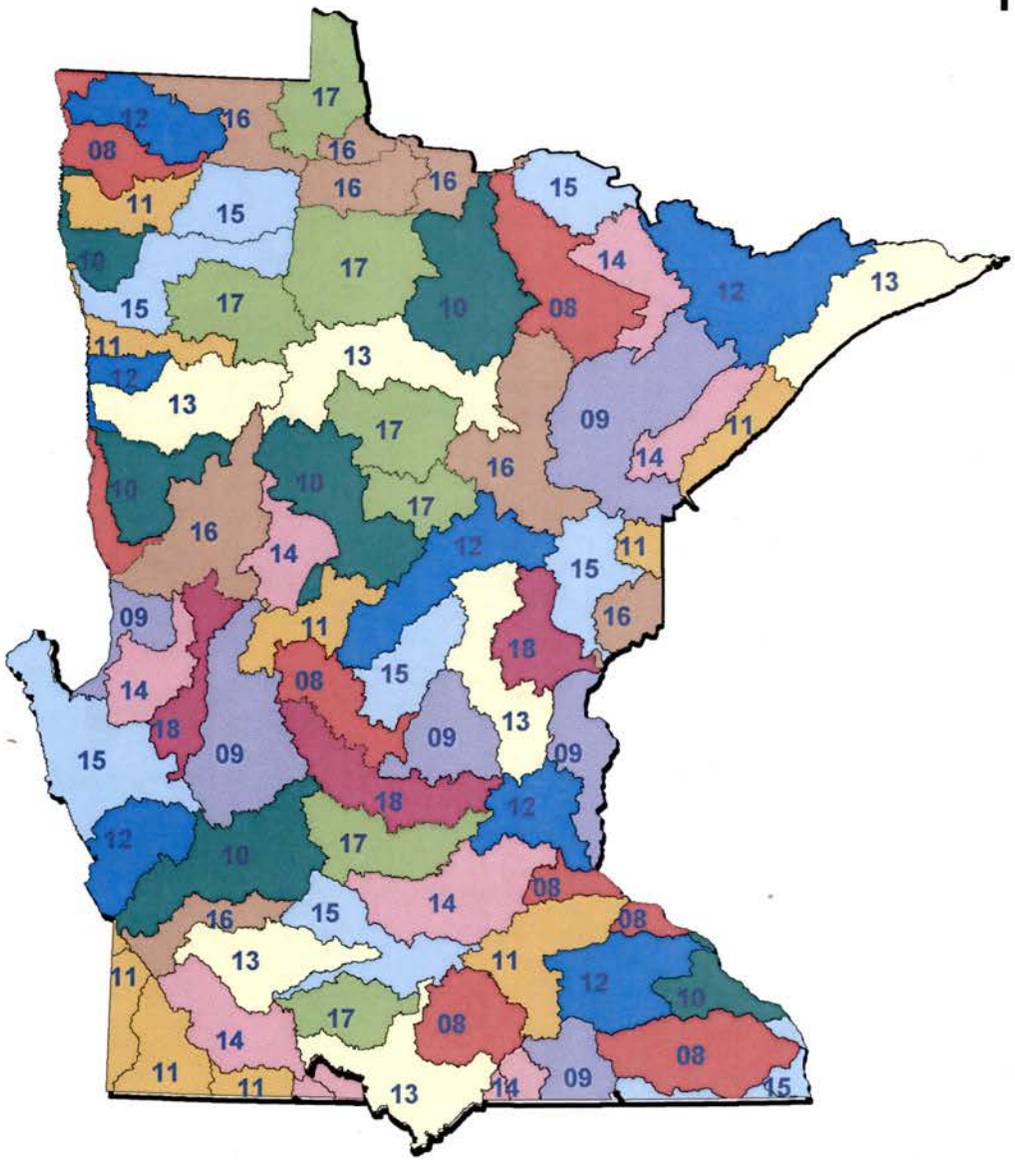
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Watershed Management via 81 major watersheds



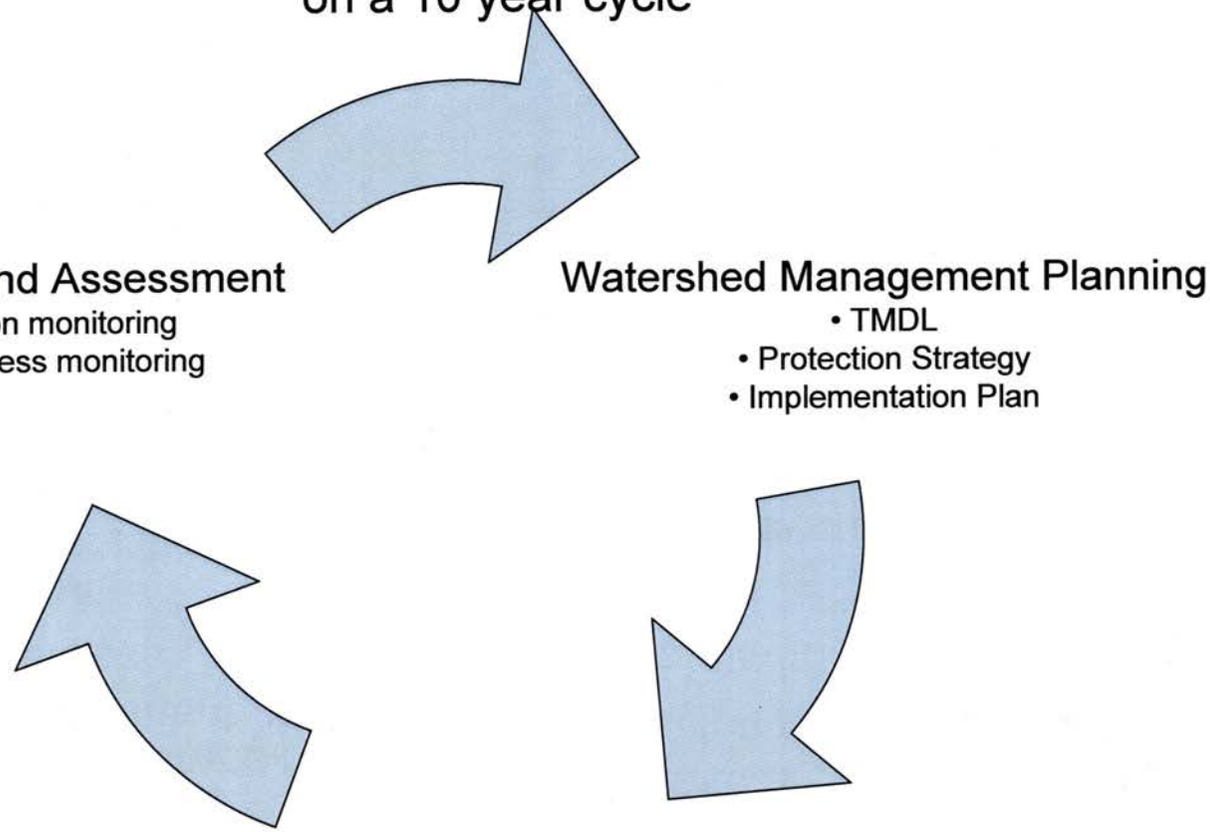
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  - BMP implementation follows the watershed management plan.
  - Implementation continues through the next monitoring cycle until the plan is updated 10 years later.

10 year cycle through the 81 majors watersheds



- 2008
- 2009
- 2010
- 2011
- 2012
- 2013
- 2014
- 2015
- 2016
- 2017
- 2018

Rotating through the major watersheds
on a 10 year cycle



Watershed Management via 81 major watersheds

Pros

- Get through all watersheds in 10 years
- Integrates impaired/unimpaired into a single management plan.
- Preventative approach
- Watershed focus
- Impaired waters list isn't the driver
- Predictable cycle
- Engage everyone in the watershed
- It's a plan people can understand
- Predictable path
- Should limit impairments
- Starts an ongoing cycle of management and evaluation
- Can integrate source water protection

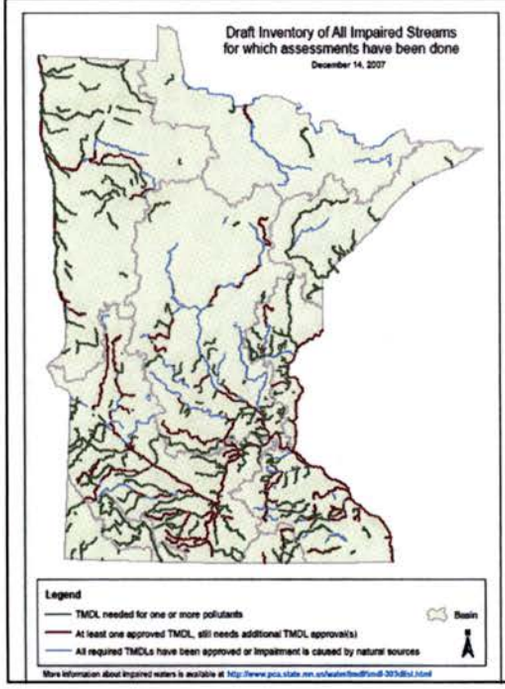
Cons

- Some watersheds wait 10 years
- Will take a couple years to transition to this approach
- Depends on long term stable funding
- Unusual events could disrupt cycle

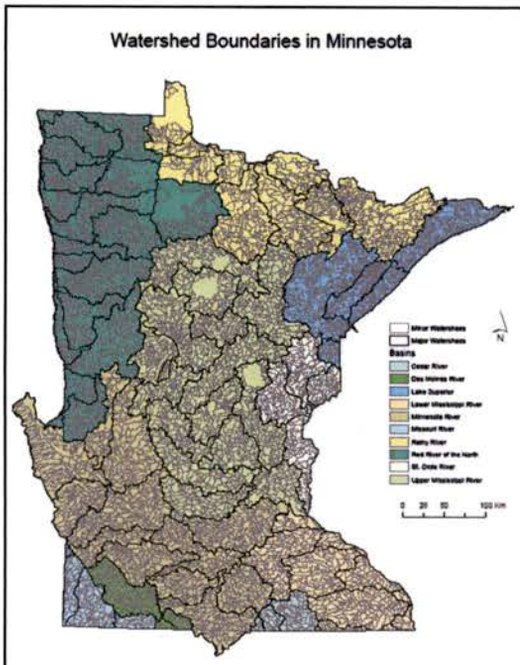


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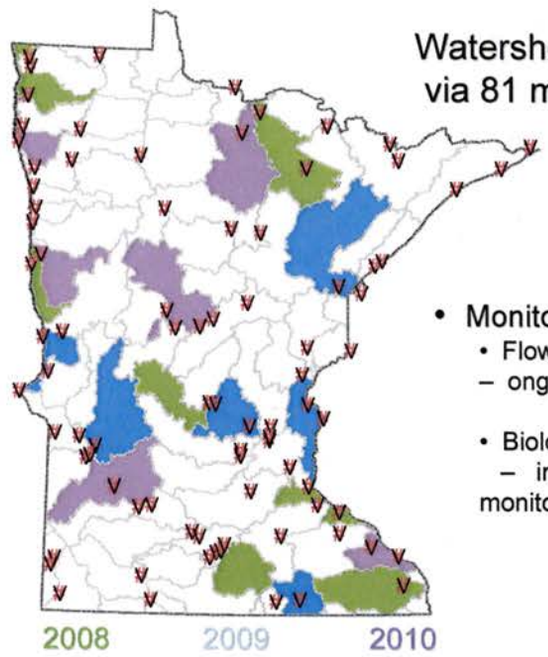


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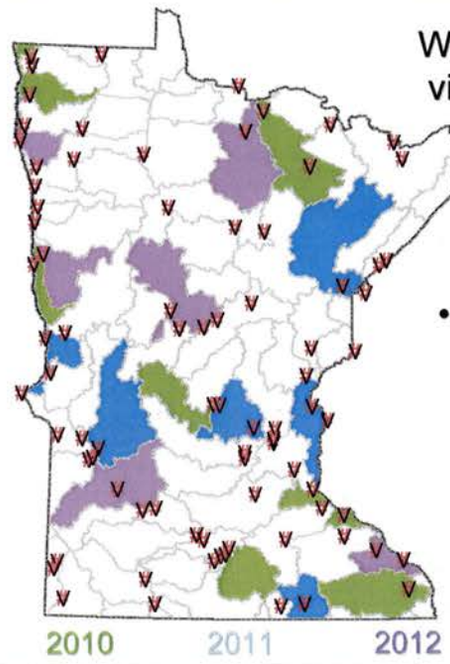
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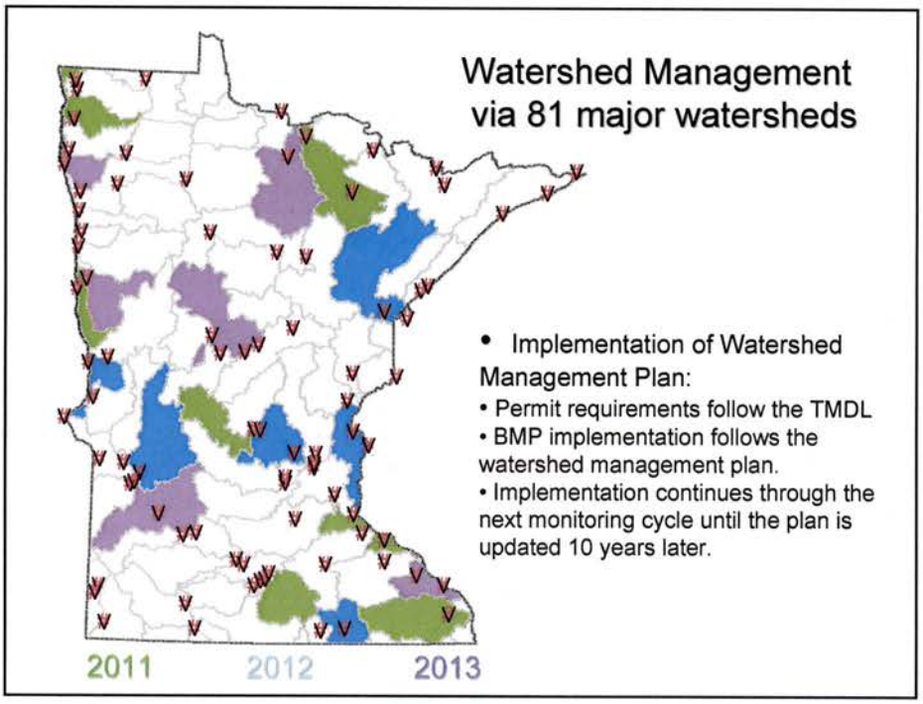
Watershed Management via 81 major watersheds

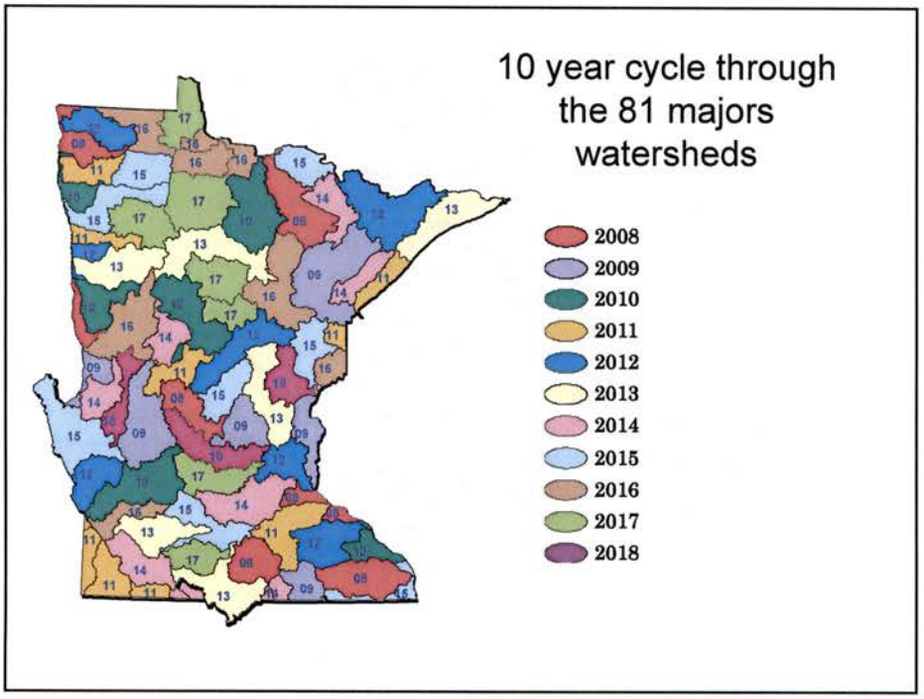
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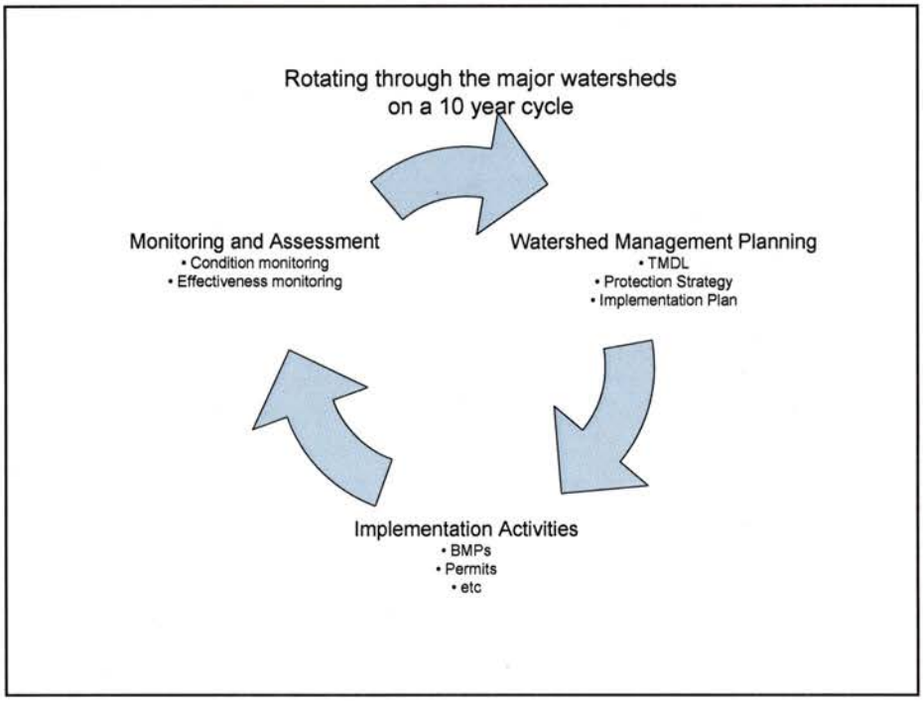


Watershed Management Plan

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Watershed Management via 81 major watersheds
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Watershed Management via 81 major watersheds

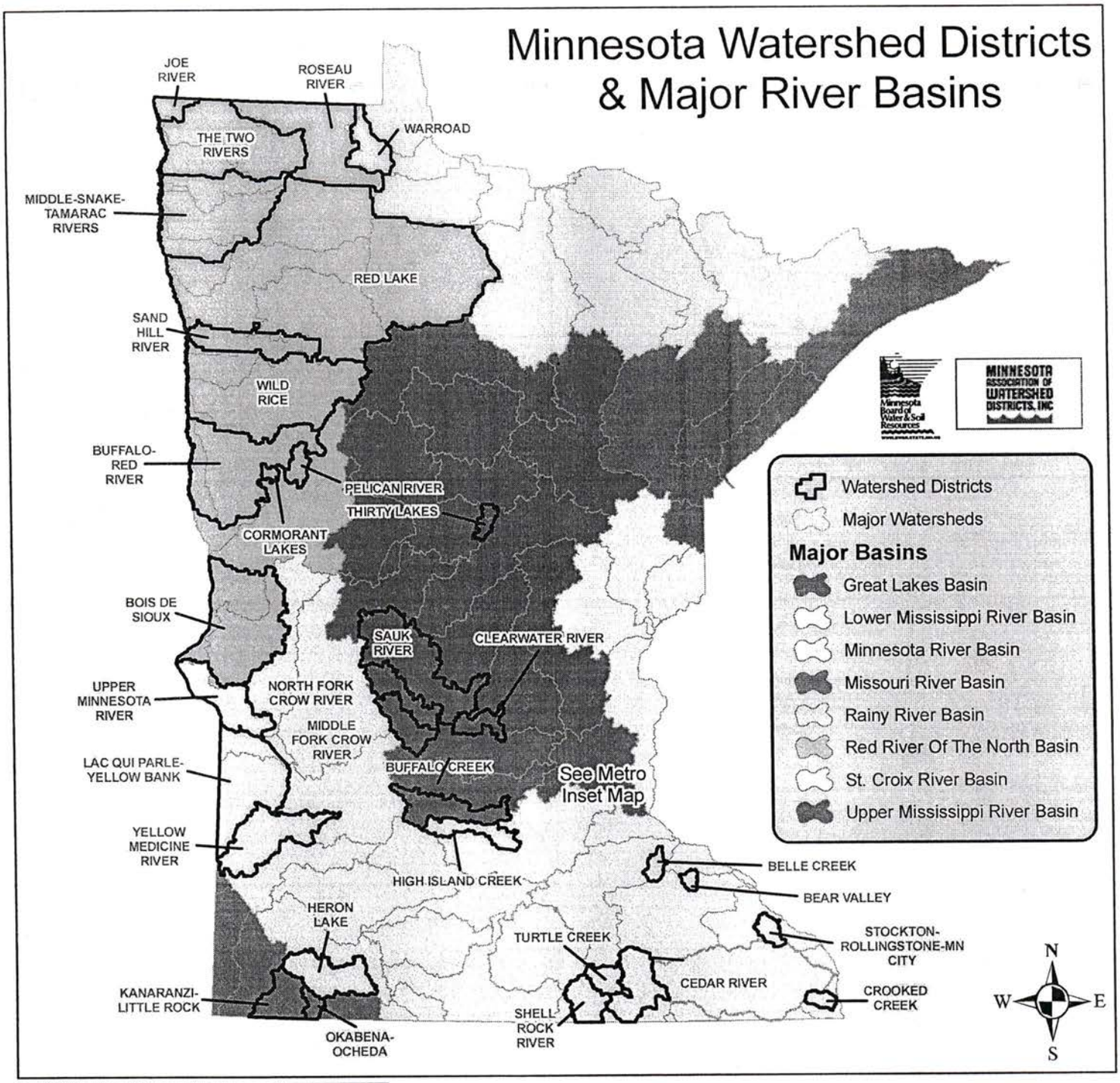
Pros

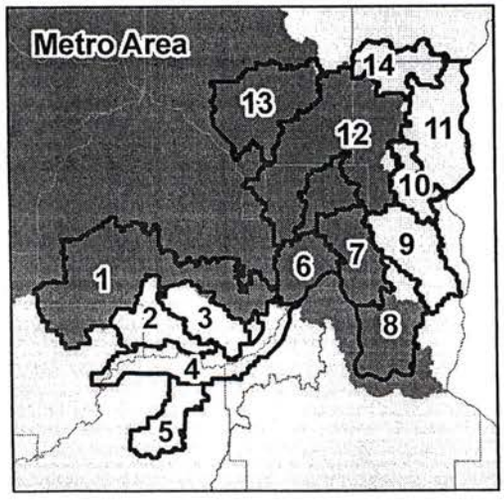
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Minnesota Watershed Districts & Major River Basins

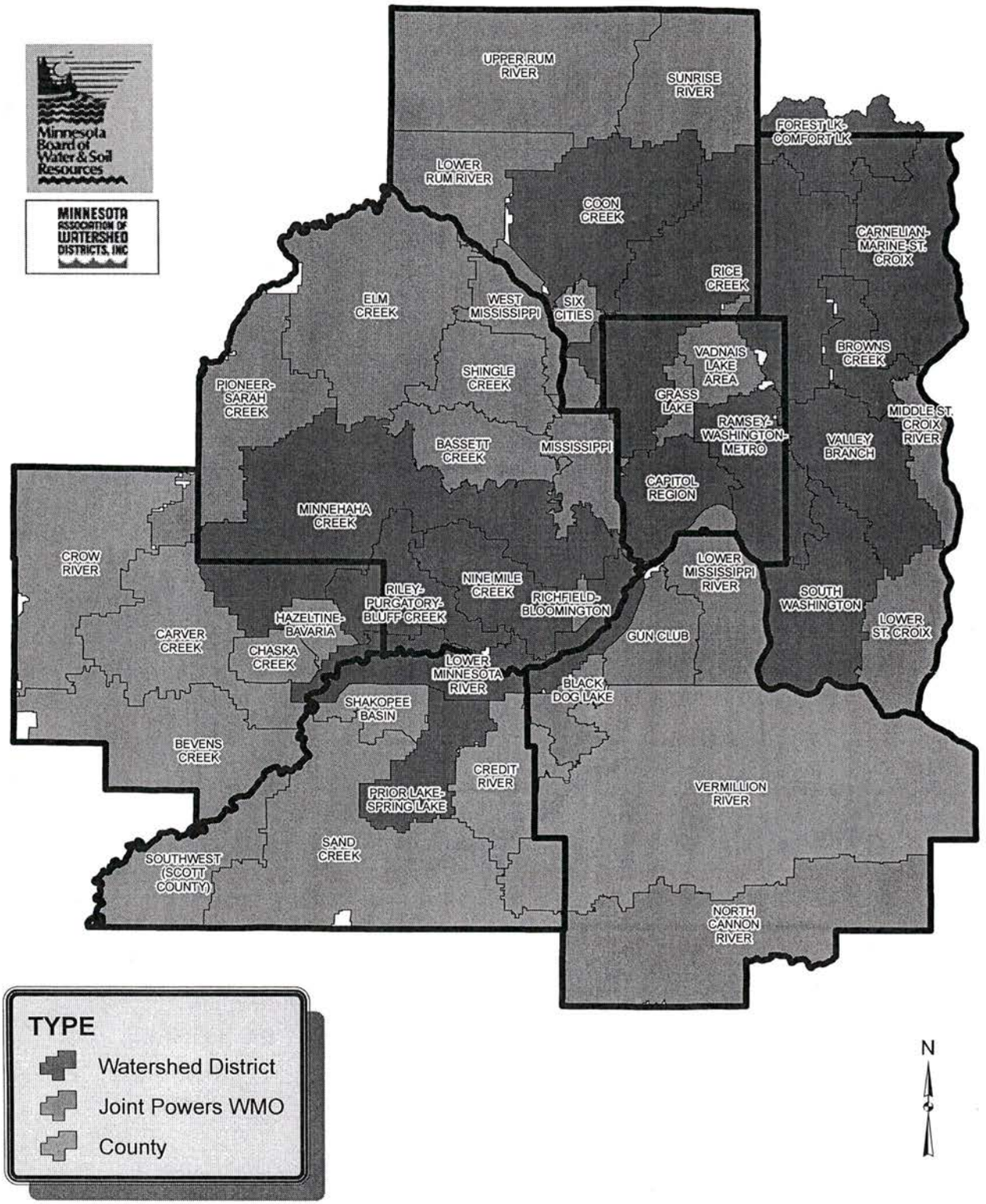




Metro Watershed Districts

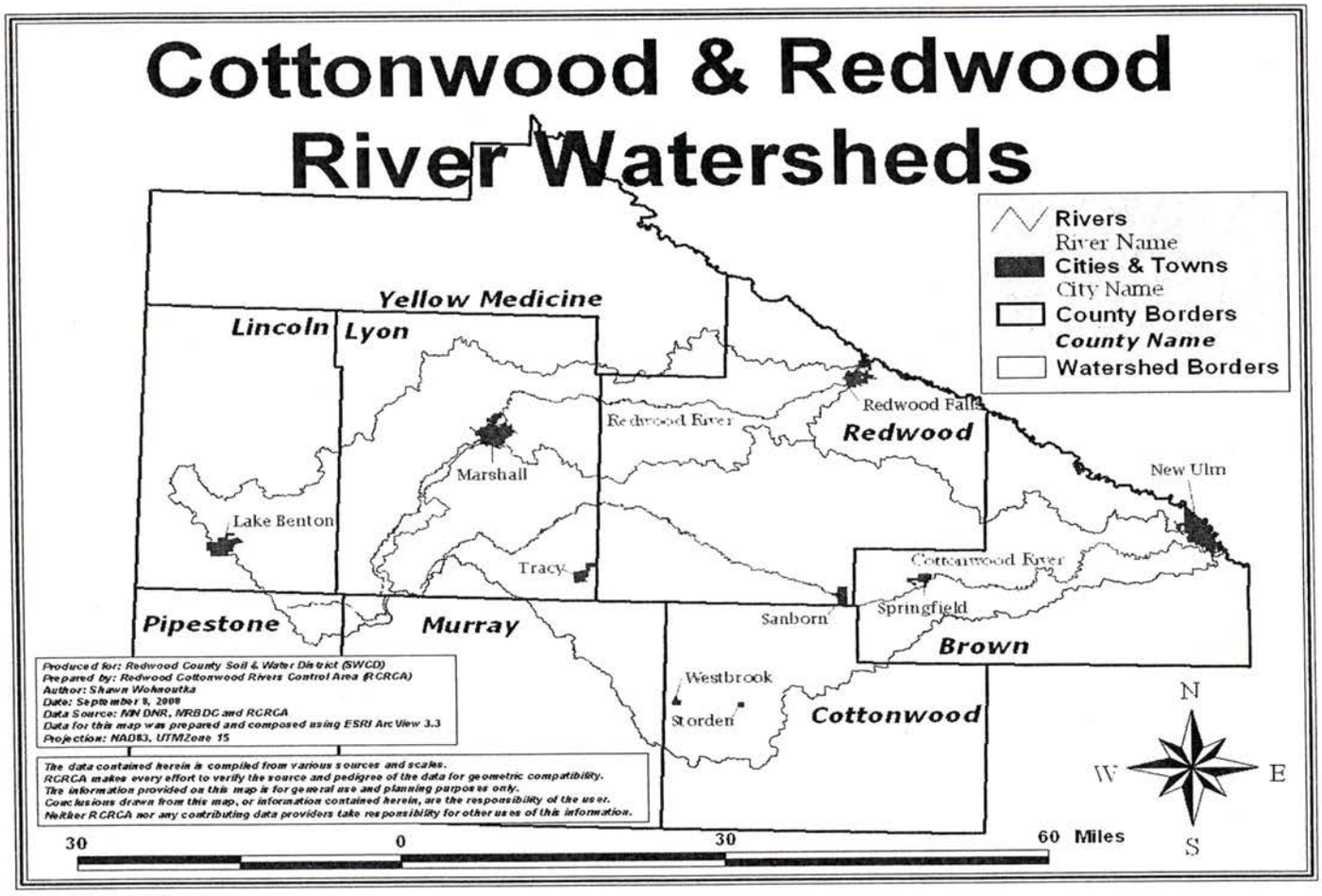
1, MINNEHAHA CREEK
2, RILEY-PURGATORY-BLUFF CREEK
3, NINE MILE CREEK
4, LOWER MINNESOTA RIVER
5, PRIOR LAKE-SPRING LAKE
6, CAPITOL REGION
7, RAMSEY-WASHINGTON-METRO
8, SOUTH WASHINGTON
9, VALLEY BRANCH
10, BROWNS CREEK
11, CARNELIAN-MARINE-ST. CROIX
12, RICE CREEK
13, COON CREEK
14, FOREST LK-COMFORT LK

Watershed Districts and Management Organizations in the Twin Cities Metropolitan Area



Redwood-Cottonwood Rivers
Total Maximum Daily Load – TMDL
Clean Water Legacy Project
2006 & 2008

This is a restoration project to implement the Low dissolved oxygen TMDL in the Lower Minnesota River.



The Soil and Water Conservation Districts involved in implementing this project:

Brown	**Lincoln**	**Murray**	**Redwood**
Cottonwood	**Lyon**	**Pipestone**	**Yellow Medicine**

Projects completed or plan to be completed in the project area.

2006 Program Year	**2008 Program Year**
6 Water Sediment Control Basins	19 Water Sediment Control Basins
11,433 feet of Waterways	4,000 feet of Terraces
4,150 feet of Terraces	8,000 feet of Waterway
1,050 acres of Nutrient Management	10 Multi-purpose Dam Repair
580 acres of No-Till/Strip	1 Grade Stabilization Structure
213 Alternative Intakes	3,000 acres Nutrient Management
	213 Alternative Intakes

Total Amount of Grants for 2 Project Years was $900,000.

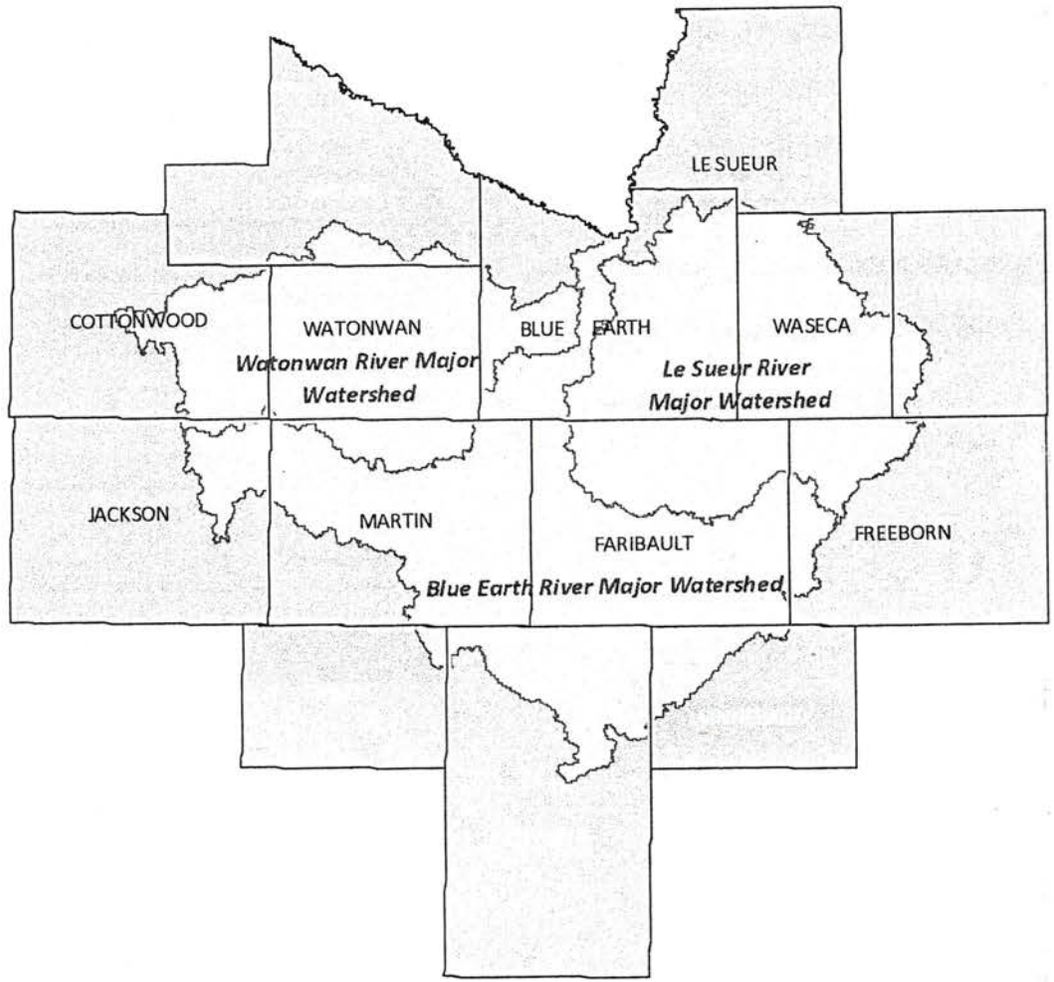
Background

The Greater Blue Earth River Basin Alliance was formed during the summer of 2003. Two local natural resource groups (Blue Earth River Basin Initiative and the South Central Minnesota Comprehensive Water Planning Project) joined forces to for this Alliance. GBERBA consists of Commissioners and County Local Water Management staff, Soil and Water Conservation (SWCD) Supervisors and staff of nine counties. These counties are:

- Blue Earth
- Cottonwood
- Faribault
- Freeborn
- Jackson
- Le Sueur
- Martin
- Waseca
- Watonwan

The Organization consists of a Policy Board that oversees the Alliance. An Executive Board and Technical Committee are under the Policy Board. The Alliance Policy and Executive Boards meet bi-monthly and the Technical Committee meets on a monthly basis.

Greater Blue Earth River Basin Alliance

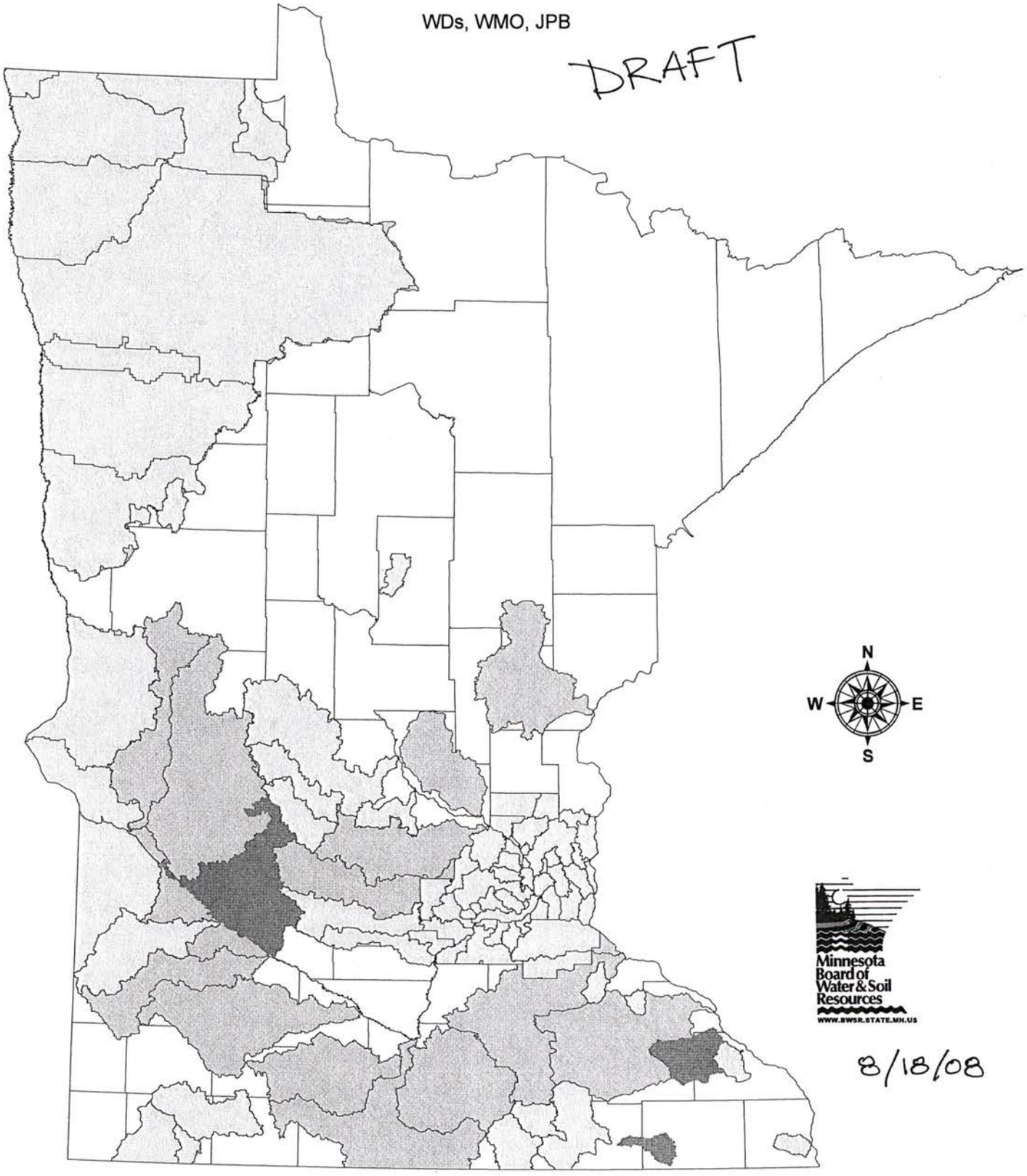


The Greater Blue Earth River Watershed, a tributary of the Minnesota River, covers approximately 2.26 million acres and includes parts of eleven South Central Minnesota counties and three Iowa counties. The Le Sueur and Watonwan Rivers join the Blue Earth River before it joins the Minnesota River at Mankato.

Areas Covered
by Water Management Entities

WDs, WMO, JPB

DRAFT



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

8/18/08

Watershed	Map Information
Brown-Nicollet-Cottonwood Water Quality Board	http://mrbdc.mnsu.edu/org/bnc/
Cannon River Watershed Partnership JPB	http://www.mepartnership.org/sites/CANNONRIVER/
Cannon River Watershed Joint Powers Board	
Bear Creek Watershed	
Chippewa River Watershed Project	http://www.chippewariver.com/maps.aspx
Crow River Organization of Water	http://www.crowriver.org/images/CROW%20map.JPG
Greater Blue Earth River Basin Alliance	
Hawk Creek Watershed Project	http://www.hawkcreekwatershed.org/
Lake Crystal Watershed Project	
Leech Lake Watershed Foundation	http://www.leechlakewatershed.org/llawfabout.htm
Minnesota River Basin JPB	http://mrbdc.mnsu.edu/org/mrbd/pdf/map_watersheds.pdf
Pomme de Terre JPB	http://www.pdtriver.org/index_files/page0015.htm
Red River Watershed Management Board	http://www.rrwmb.org/html/info.cfm?ID=14
Red River Basin Commission	http://www.redriverbasincommission.org/
Redwood-Cottonwood-Rivers Control Area	
Shakopee Creek Headwater Project (Sub watershed of the Chippewa River Watershed, info. Above)	http://www.chippewariver.com/sc_headwater.aspx
Snake River Watershed Management Board	http://kanabeccounty.govoffice2.com/vertical/Sites/{DF6C195B-A507-4144-A2C4-98906E3F0669}/uploads/{20EF6150-D23D-4757-B04D-236B07255F52}.PDF
South Branch Root River Watershed Poject	http://www.co.fillmore.mn.us/RRWS/Maps/SBRR%20General%20Map%20No%20Intermittant.pdf
South Zumbro JPB	
Whitewater Watershed JPB	http://whitewaterwatershed.org/maps/pages/map1.htm
Zumbro Watershed Partnership	http://www.zumbrowatershed.org/files/zumbro_watershed_sixcounty.pdf
Rainy Rapid River Board	
International Roseau River Watershed Board	
Big Fork River Board	http://www.minnesotawaters.org/index.php?uberKey=1208
Littlefork Rat Root River	
Garvin Brook Watershed Alliance	
Lake of the Woods Control Board	http://www.lwcb.ca/
International Lake of the Woods Control Board	http://www.ijc.org/conseil_board/wood_lake/en/wood_home_accueil.htm
Lake of the Woods Water Sustainability Foundation	http://www.lowwsf.com/
Elk River JPB	
Area II Minnesota River Basin Projects, Inc.	http://www.bwsr.state.mn.us/outreach/engineering/areaII.html
Southeast MN Water Resources Board	http://www.winona.edu/geology/WRB/WRB/SEMNWRB_member_counties.pdf
Project Riverbend Board	
Mississippi Headwaters Board	http://mississippiheadwaters.org/maps/maps.htm
North Shore Management Board	http://www.arrowheadplanning.org/Default.asp?PageID=150
Basin Alliance of the Lower Mississippi in Minnesota	http://www.umbsn.org/news/documents/balmm_brochure.pdf

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Amendment to Coon Creek Watershed District Boundary Change – Jim Haertel – *DECISION ITEM*

2. Rice Creek Watershed District Comprehensive Wetland Protection and Management Plan for the City of Lino Lakes – Jim Haertel, BWSR and Doug Thomas (RCWD) – *DECISION ITEM*

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

In the Matter of the Boundary Change for the Coon Creek Watershed District in Anoka County pursuant to Minnesota Statutes § 103B.215

AMENDMENT TO BOUNDARY CHANGE ORDER

Whereas, the Coon Creek Watershed District filed a Petition dated December 10, 2007 with the Board of Water and Soil Resources (Board) on December 13, 2007, to change the boundary of the Coon Creek Watershed District (CCWD) pursuant to Minn. Stat. § 103B.215, and;

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

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

FINDINGS OF FACT

1. **Boundary Change.** The Petition to change the boundary of the CCWD with the Upper Rum River Watershed Management Organization (URRWMO) was filed by the CCWD Board of Managers with the Board on December 13, 2007. The boundary change was made according to the petition by Board Order dated March 26, 2008.

2. **Affected Property.** The territory included in the boundary change, the Petitioned Area, is located in Anoka County entirely within the metropolitan area. The Petitioned Area includes the transfer of area from the CCWD to the URRWMO, the assignment of area currently under both jurisdictions to the CCWD, and the assignment of area currently under both jurisdictions to the URRWMO. The Petitioned Area is depicted on seven maps attached to the Petition and further identified in three property identification tables attached to the Petition.

3. **Amendment to Affected Property.** The Anoka County Department of Property Records and Taxation discovered errors on the property identification tables attached to the Petition and the Board Order. The CCWD requested an amendment to the Board's Boundary Change Order dated March 26, 2008. The County, CCWD and Board staff coordinated the revisions required to amend the tables, as follows:

   A. Remove from Table 1 the following parcels:
      01-32-24-44-0009
      12-32-24-11-0002
      12-32-24-11-0014

   B. Remove from Table 1 and include on Table 2 the following parcels:
      04-32-23-14-0001
      04-32-23-33-0001
      04-32-23-33-0008
      04-32-23-33-0010
      05-32-23-23-0016
      05-32-23-42-0008
      05-32-23-44-0002
      05-32-23-44-0003
      05-32-23-44-0019
      06-32-23-14-0009
      07-32-23-22-0002
      07-32-23-22-0014
      07-32-23-22-0021

   C. Remove from Table 2 the following parcels:
      06-32-23-14-0002
      06-32-23-14-0008

   D. Add to Table 1 the following parcels:
      04-32-23-32-0041
      05-32-23-23-0002

4. **Metro Water Planning Committee.** On August 4, 2008, the Board's Metro Water Planning Committee and staff met to review and discuss the requested amendment. Those in attendance from the Board's Committee were Louise Smallidge, Faye Sleeper, LuAnn Tolliver and Robert Burandt as chair. Board staff in attendance were Metro Region Supervisor Jim Haertel and Board Conservationists Melissa Lewis and Brad Wozney. Board staff recommended approval of the amendment. After discussion and based on the entire record in this matter including no

comments or requests for hearing in response to the published Notice of Filing, the Committee unanimously voted to recommend to the full Board that the requested amendment to the Board's Boundary Change Order dated March 26, 2008 be approved for the CCWD because the amendments to the property identification Table 1 and Table 2 are necessary for the Petitioned Area to be divided as close as practicable to the hydrologic boundary, areas of overlap should not exist, the change is consistent with the purposes and requirements of the Metropolitan Surface Water Management Act in Minn. Stat. §§ 103B.205 to 103B.255, the change can be accomplished in conformance with Minn. Stat. § 103B.225 regarding benefits and damages, and the governing bodies of the City of Ham Lake, the CCWD and the URRWMO concur in the requested boundary change. Because the Board does not have the authority to change the URRWMO boundary, the URRWMO should be encouraged to change their organizational boundary consistent with the CCWD boundary change.

CONCLUSIONS

1. The Petition for boundary change of the Coon Creek Watershed District and the District's request for amendment to the Board's Boundary Change Order is valid in accordance with Minn. Stat. § 103B.215.

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

3. The Board has proper jurisdiction in the matter of ordering a watershed district boundary change.

4. The territory included in the requested boundary change amendment is within the hydrologic boundaries of the Coon Creek Watershed District or the Upper Rum River Watershed Management Organization.

5. The governing bodies of the City of Ham Lake, the Coon Creek Watershed District and the Upper Rum River Watershed Management Organization concur in the requested boundary change.

6. The requested amendment to the Boundary Change Order is consistent with the purposes and requirements of Minn. Stat. §§ 103B.205 to 103B.255.

7. The requested amendment to the Boundary Change Order can be accomplished in conformance with Minn. Stat. § 103B.225 regarding benefits and damages.

8. The requested amendment to the Boundary Change Order should be approved for the Coon Creek Watershed District and the Upper Rum River Watershed Management Organization should be encouraged to change their organizational boundaries consistent with this Order.

ORDER

The Board hereby orders that the Boundary Change Order for the Coon Creek Watershed District dated March 26, 2008 be amended at property identification Table 1 and Table 2 which are attached to this Order and made a part hereof. Property identification Table 3 remains unchanged. The Board strongly recommends the Upper Rum River Watershed Management Organization take immediate action to change its organizational boundary consistent with this Order.

Dated at Saint Paul, Minnesota this 24th day of September, 2008.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Randy Kramer, Chair

9/24/08

Property Identification

Table 1 indicates parcels currently within Coon Creek Watershed District that are proposed to be transferred to Upper Rum River Watershed Management Organization. This area totals 445.77 acres.

Table 1. Parcels to be subtracted from CCWD and added to URRWMO

	PIN	Acres	Owner	Address	City	State, Zip
Delete	~~003-013224440009~~	~~2.20~~	~~JOHNSON JEFFREY J & DIANE J~~	~~28 173RD LN NW~~	~~ANDOVER~~	~~MN, 55304~~
Delete	~~003-123224110014~~	~~9.74~~	~~CAPELING LAWRENCE & R M~~	~~17251 BUTTERNUT ST NW~~	~~ANDOVER~~	~~MN, 55304~~
Delete	~~003-123224110002~~	~~0.95~~	~~LENARZ BONNIE D~~	~~17182 CROSSTOWN BLVD NW~~	~~ANDOVER~~	~~MN, 55304~~
	003-043223120002	11.84	KNUTSON GREGORY E	2217 SWEDISH DR	HAM LAKE	MN, 55304
	003-043223210001	34.56	HAM LAKE HOLDINGS LLC	2195 SILVER LAKE RD	NEW BRIGHTON	MN, 55112
	003-043223130003	2.99	G E KNUTSON INC	14855 ABERDEEN ST NE	HAM LAKE	MN, 55304
	003-053223130001	31.29	EICHI INC	2195 SILVER LK RD	NEW BRIGHTON	MN, 55112
	003-043223240001	36.27	HAM LAKE HOLDINGS LLC	2195 SILVER LAKE RD	NEW BRIGHTON	MN, 55112
	003-043223230001	35.52	HAM LAKE HOLDINGS LLC	2195 SILVER LAKE RD	NEW BRIGHTON	MN, 55112
	003-053223230008	3.93	BYERS LAURA	17820 FILMORE ST NE	HAM LAKE	MN, 55304
	003-053223230018	0.91	PHILLIPS TODD A & JENNY L J	1205 178TH AVE NE	HAM LAKE	MN, 55304
	003-053223230017	2.50	HANSON LANCE	17829 FILLMORE ST NE	HAM LAKE	MN, 55304
	003-063223140002	23.16	LINDSAY ROBERT T	17712 CONCORD DR NE	HAM LAKE	MN, 55304
	003-053223230014	2.72	CURTISI ANTHONY & CHRISTINE	17812 TAYLOR ST NE	HAM LAKE	MN, 55304
	003-053223230005	2.40	HEILLE DALE R & MARY K	17827 TAYLOR ST NE	HAM LAKE	MN, 55304
	003-063223140006	1.22	OSBORNE WALTER & LORETTA	17100 HIGHWAY 65 NE	HAM LAKE	MN, 55304
	003-043223240004	3.48	HRBACEK JOSEPH R & STEPHANIE L	2159 SWEDISH DR NE	HAM LAKE	MN, 55304
	003-053223230011	2.95	ETTER ERIC	17755 FILLMORE ST NE	HAM LAKE	MN, 55304
	003-063223140001	0.99	BERENS RICHARD A & SANDRA L	17803 CONCORD DR	HAM LAKE	MN, 55304
	003-053223230007	2.50	RYLANDER TANJA M & NELSON B D	1121 177TH LN NE	HAM LAKE	MN, 55304
	003-053223230015	3.33	ZELLNER ERIC W	17848 TAYLOR ST NE	HAM LAKE	MN, 55304
	003-063223140010	0.75	LEYSEN NATHAN A	17751 CONCORD DR NE	HAM LAKE	MN, 55304
	003-053223230006	1.77	LACOURSIERE DONALD	17751 TAYLOR ST NE	HAM LAKE	MN, 55304
	003-063223140007	0.86	LIVINGOOD AARON	17741 CONCORD DR NE	HAM LAKE	MN, 55304
	003-053223230012	2.62	LEE CHAD W & KRISTEN M	1130 177TH LN NE	HAM LAKE	MN, 55304
	003-063223140008	1.08	HAM LAKE CITY OF	15544 CENTRAL AVE NE	HAM LAKE	MN, 55304

9/24/08

PIN	Acres	Owner	Address	City	State, Zip
move to T612 ~~003-053223230016~~	~~2.33~~	~~OSBORNE WALTER F~~	~~17100 HWY 65 NE~~	~~HAM LAKE~~	~~MN, 55304~~
003-053223240023	2.66	ROOT MICHAEL J & MICHELLE A	17714 JOHNSON ST NE	HAM LAKE	MN, 55304
move to T612 ~~003-063223140009~~	~~2.32~~	~~KOWALZEK THEO S~~	~~17717 CONCORD DR NE~~	~~HAM LAKE~~	~~MN, 55304~~
003-053223230013	1.39	WALSH SUSAN	17717 TAYLOR ST NE	HAM LAKE	MN, 55304
003-043223320004	1.09	REYNOLDSON WM L & MARY E	17655 SWEDISH DR NE	ANOKA	MN, 55304
003-053223410002	2.15	CRAWFORD MAUREEN M & DARIN D	1755 176TH LN NE	HAM LAKE	MN, 55304
003-053223410003	0.88	FRANK DALE R & JUDY K	1737 176TH LN NE	ANOKA	MN, 55304
003-043223320001	6.70	KETZ BRADLEY K & COLLEEN A	1920 SWEDISH DR NE	HAM LAKE	MN, 55304
003-053223410014	20.75	HAENSEL PAUL & PHYLLIS	1647 CROSSTOWN BLVD NE	ANOKA	MN, 55304
003-053223410005	4.91	HER MAO	17626 SWEDISH DR NE	HAM LAKE	MN, 55304
003-053223410004	0.65	FRANK DALE R & JUDY K	1737 176TH LN NE	ANOKA	MN, 55304
003-043223310027	2.56	TRIMBO JOSEPH G & VICTORIA A	17655 LONDON ST NE	HAM LAKE	MN, 55304
003-053223420006	0.91	H K & A LLP	1837 86TH LN NE	BLAINE	MN, 55449
003-053223420012	4.42	CROSSTOWN SHOPPING CENTER INC	17 WASHINGTON AVE N STE 500	MINNEAPOLIS	MN, 55401
003-043223320003	1.30	REYNOLDSON WILLIAM L & MARY	17655 NE SWEDISH DR	ANOKA	MN, 55304
003-053223420005	1.89	WESTYS PROPERTIES LLC	17758 PALM ST NW	ANDOVER	MN, 55304
003-043223310028	2.62	CLICK AUDREY	17630 LONDON ST NE	HAM LAKE	MN, 55304
003-053223420025	1.02	21ST CENTURY BANK	9380 CENTRAL AVE NE	BLAINE	MN, 55434
003-043223320034	2.21	BOWEN JR RON	17633 SWEDISH DR NE	HAM LAKE	MN, 55304
003-043223320004	0.76	REYNOLDSON WM L & MARY E	17655 SWEDISH DR NE	ANOKA	MN, 55304
003-053223420022	0.70	CROSSTOWN SHOPPING CTR	9380 CENTRAL AVE NE	BLAINE	MN, 55434
003-043223320024	0.37	BOWEN JR RON	17633 SWEDISH DR NE	HAM LAKE	MN, 55304
003-043223320023	0.39	TEESELINK PAUL	1821 176TH AVE NE	HAM LAKE	MN, 55304
003-043223320022	0.33	BONA ROCKFORD R	1809 176TH LN NE	HAM LAKE	MN, 55304
003-053223420026	2.94	CROSSTOWN SHOPPING CTR	9380 CENTRAL AVE NE	BLAINE	MN, 55434
003-053223420019	0.65	CROSSTOWN SHOPPING CTR	9380 CENTRAL AVE NE	BLAINE	MN, 55434
003-053223420013	1.72	HAM LAKE PROFESSIONAL CENTER LLC	29490 FRANCIS LAKE DR NW	ISANTI	MN, 55040
003-053223410006	0.52	SODERQUIST JARRYL D & R	17614 SWEDISH DR NE	ANOKA	MN, 55304
003-053223410007	0.43	SODERQUIST JARRYL D & R	17614 SWEDISH DR NE	ANOKA	MN, 55304
003-043223320039	8.35	ZURN ROBERT M & ELIZABETH	17540 LONDON ST NE	HAM LAKE	MN, 55304

9/24/08

PIN	Acres	Owner	Address	City	State, Zip
003-053223410008	1.80	SODERQUIST JARRYL D & R	17614 SWEDISH DR NE	ANOKA	MN, 55304
003-043223320033	0.38	CITY OF HAM LAKE	15544 CENTRAL AVE NE	ANOKA	MN, 55304
003-053223420023	1.55	CROSSTOWN SHOPPING CTR	9380 CENTRAL AVE NE	BLAINE	MN, 55434
003-043223320016	0.35	MURAWSKI ROY SCOTT & PATRICIA	17565 SWEDISH DR NE	HAM LAKE	MN, 55304
003-043223320017	0.33	HIPP THOMAS E	17558 ISANTI ST NE	HAM LAKE	MN, 55304
003-053223420021	0.38	CROSSTOWN SHOPPING CTR	9380 CENTRAL AVE NE	BLAINE	MN, 55434
003-043223320029	0.34	FORWARD TRENT J & BAHIA M	17565 ISANTI ST NE	HAM LAKE	MN, 55304
003-043223320031	0.81	JOHNSON DOUGLAS	17545 ISANTI ST NE	HAM LAKE	MN, 55304
003-053223420020	0.52	CROSSTOWN SHOPPING CTR	9380 CENTRAL AVE NE	BLAINE	MN, 55434
003-043223320015	0.35	OLSON JEFFREY A & MARY B	17557 SWEDISH DR NE	HAM LAKE	MN, 55304
003-043223320018	0.31	HIPP CONSTANCE M	17558 ISANTI ST NE	ANOKA	MN, 55304
003-053223410009	2.31	PETRY LESTER H & MARLYS V	1703 175TH LN NE	ANOKA	MN, 55304
003-043223320028	0.31	NELSON DARYL O & TABITHA R	17557 ISANTI ST NE	HAM LAKE	MN, 55304
003-053223410013	1.88	KIKEN DUANE C	1733 175TH LN NE	ANOKA	MN, 55304
003-053223410010	0.45	CHRISTIANSEN DANIEL W	17556 SWEDISH DR NE	ANOKA	MN, 55304
003-053223420003	1.97	ANDERSON HOWARD A & RITA E	17535 CHISHOLM ST NE	HAM LAKE	MN, 55304
003-043223320014	0.38	FREUND DANIEL & THERESA A	17545 SWEDISH DR NE	ANOKA	MN, 55304
003-043223320019	0.36	AMUNDSON JOHN P	17548 ISANTI ST NE	HAM LAKE	MN, 55304
003-043223320027	0.36	JOHNSON DOUGLAS	17545 ISANTI ST NE	HAM LAKE	MN, 55304
003-053223420010	0.93	CROSSTOWN SHOPPING CENTER INC	17 WASHINGTON AVE N STE 500	MINNEAPOLIS	MN, 55401
003-053223410011	0.52	RUDE ANN L & ROBERT B	17552 SWEDISH DR NE	HAM LAKE	MN, 55304
003-043223320013	0.36	DUMIRE WANDA L	17537 SWEDISH DR NE	ANOKA	MN, 55304
003-043223320020	0.33	ZACH DONALD A & DIANNE M	17538 ISANTI ST NE	HAM LAKE	MN, 55304
003-043223320026	0.33	JONES KENNIETH S SR & JULIE R	17537 ISANTI ST NE	ANOKA	MN, 55304
~~003-053223420008~~	~~2.85~~	~~SODERQUIST & SODERQUIST~~	~~17525 HIGHWAY 65 NE~~	~~HAM LAKE~~	~~MN, 55304~~
003-043223320032	0.51	BALL RICKY T & GAYLENE M	1861 175TH LN NE	HAM LAKE	MN, 55304
003-053223410012	0.40	ODONNELL JOLENE M	17530 SWEDISH DR NE	HAM LAKE	MN, 55304
003-043223320012	0.36	SCHULE THOMAS J & CARRIE A	17525 SWEDISH DR NE	HAM LAKE	MN, 55304
003-043223320021	0.32	JOHNSON JAMES A & CYNTHIA J	17528 ISANTI ST NE	ANOKA	MN, 55304
003-043223320025	0.34	MARTY RICHARD R & LUANN M	17500 ISANTI ST NE	ANOKA	MN, 55304
003-043223320036	2.56	MEISTER GREGORY	1926 175TH LN NE	HAM LAKE	MN, 55304

move to Table 2

9/24/08

PIN	Acres	Owner	Address	City	State, Zip
003-043223320040	2.30	NEUMAN CLAYTON L & BEVERLY J	17520 LONDON ST NE	HAM LAKE	MN, 55304
003-043223320006	0.34	HEDIN BERNICE	1810 175TH LN NE	HAM LAKE	MN, 55304
003-043223320007	0.36	POJANOWSKI PAUL M & IRENE B	1820 175TH LN NE	HAM LAKE	MN, 55304
003-043223320008	0.38	FORD MICHAEL V & LINDA M	1830 175TH LN NE	HAM LAKE	MN, 55304
003-043223320009	0.37	BERNDT JOHN L	1840 175TH LN NE	ANOKA	MN, 55304
003-043223320010	0.35	REGINO ANTONIO	1850 175TH LN NE	HAM LAKE	MN, 55304
003-043223320038	0.43	SABA BRANDI	1860 175TH LN NE	HAM LAKE	MN, 55304
~~003-053223440002~~	~~1.64~~	~~MOUA MAI~~	~~1747 SODERVILLE DR~~	~~HAM LAKE~~	~~MN, 55304~~
~~003-053223440003~~	~~1.55~~	~~SMITH RUEDIGER & TURNER L A~~	~~1731 SODERVILLE DR NE~~	~~HAM LAKE~~	~~MN, 55304~~
~~003-053223440019~~	~~2.83~~	~~SODERQUIST DONALD A & L~~	~~3652 SAYBROOK PL~~	~~BONITA SPRINGS~~	~~FL, 34134~~
~~003-043223330008~~	~~1.32~~	~~SCHOLL JEROME D~~	~~1811 SODERVILLE DR NE~~	~~HAM LAKE~~	~~MN, 55304~~
~~003-043223330001~~	~~1.43~~	~~HIRSCH GLEN & SHARON~~	~~1827 SODERVILLE DR NE~~	~~ANOKA~~	~~MN, 55304~~
~~003-043223330010~~	~~0.74~~	~~GUNDERSON DAWN~~	~~1851 SODERVILLE DR NE~~	~~HAM LAKE~~	~~MN, 55304~~
003-043223330009	1.86	OLMSCHEID KEITH L & SUSAN E	1909 SODERVILLE DR NE	HAM LAKE	MN, 55304
003-043223330011	0.93	NORDIN CRAIG	1929 SODERVILLE DR NE	HAM LAKE	MN, 55304
003-043223330007	0.82	HANSE GARY H & MARY J	1943 SODERVILLE DR	HAM LAKE	MN, 55304
003-043223330002	1.56	HELMBRECHT MARY A	2011 SODERVILLE DR NE	HAM LAKE	MN, 55304
003-043223340036	0.15	MN STATE OF IN TRUST	2100 3RD AVE	ANOKA	MN, 55303
003-073223220019	7.78	MITCHELL JAMES W & BETH A	99 CROSSTOWN BLVD NE	HAM LAKE	MN, 55304
~~003-073223220002~~	~~1.06~~	~~ROGERS DANIEL~~	~~304 CROSSTOWN BLVD NE~~	~~HAM LAKE~~	~~MN, 55304~~
~~003-073223220021~~	~~3.16~~	~~BRAASTAD RONALD~~	~~21119 CEDAR DRIVE~~	~~CEDAR~~	~~MN, 55011~~
~~003-073223220014~~	~~0.87~~	~~CHA TXIA & VANG BEE~~	~~17150 3RD ST NE~~	~~HAM LAKE~~	~~MN, 55304~~
003-053223410020	0.84	GALE JAMES G & WENDY M	17504 SWEDISH DR NE	HAM LAKE	MN, 55304
003-053223410019	1.00	VANREESE L I & K J	1730 175TH LN	HAM LAKE	MN, 55304
003-053223410018	1.25	NIKSTAD RONALD G & TRACY J	1716 175TH LN	HAM LAKE	MN, 55304
~~003-043223140001~~	~~41.97~~	~~DOSEDEL JOHN F & JOAN A~~	~~17102 E LAKE NETTA DR NE~~	~~HAM LAKE~~	~~MN, 55304~~
003-053223140002	13.25	EICHI INC	2195 SILVER LAKE RD	NEW BRIGHTON	MN, 55112
003-053223140003	27.00	HAM LAKE HOLDINGS LLC	2195 SILVER LAKE RD	NEW BRIGHTON	MN, 55112
003-043223320003	0.78	REYNOLDSON WILLIAM L & MARY	17655 NE SWEDISH DR	ANOKA	MN, 55304
003-043223320004	0.05	REYNOLDSON WM L & MARY E	17655 SWEDISH DR NE	ANOKA	MN, 55304

move to Table 2

move to Table 2

move to Tbl 2

Add to Table 1 the following parcels:
04-32-23-32-0041
05-32-23-23-0002

9/24/08

Table 2 indicates parcels currently within both Coon Creek Watershed District and Upper Rum River Watershed Management Organization that are proposed to be assigned to Coon Creek Watershed District. This area totals 145.06 acres.

Table 2. Parcels in overlap area to be assigned to CCWD

Delete
Delete

PIN	Acres	Owners	Address	City	State, Zip
~~003-063223140002~~	~~23.16~~	~~LINDSAY ROBERT T~~	~~17712 CONCORD DR NE~~	~~HAM LAKE~~	~~MN, 55304~~
~~003-063223140008~~	~~1.08~~	~~HAM LAKE CITY OF~~	~~15544 CENTRAL AVE NE~~	~~HAM LAKE~~	~~MN, 55304~~
003-063223140009	2.32	KOWALZEK THEO S	17717 CONCORD DR NE	HAM LAKE	MN, 55304
003-063223410012	9.12	GILBERT DONALD A & BARBARA	939 CROSSTOWN BLVD NE	HAM LAKE	MN, 55304
003-063223410015	7.45	ZARLING LINDA L	17665 CONCORD DR NE	HAM LAKE	MN, 55304
003-063223410014	3.50	ZARLING LINDA L	17665 CONCORD DR NE	HAM LAKE	MN, 55304
003-063223410011	4.17	OLSON ROGER E & CONNIE M	919 CROSSTOWN BLVD NE	HAM LAKE	MN, 55304
003-063223410009	3.76	HALVORSON DEAN H & MONICA A	17545 CONCORD DR NE	HAM LAKE	MN, 55304
003-063223420020	3.10	NUTTER MICHAEL J	745 CROSSTOWN BLVD NE	HAM LAKE	MN, 55304
003-063223410010	2.72	TRAUTWEIN THOMAS F & M M	839 CROSSTOWN BLVD NE	HAM LAKE	MN, 55304
003-063223410004	0.84	WIENER FRANCIS D	901 CROSSTOWN BLVD NE	HAM LAKE	MN, 55304
003-063223410003	1.10	MARTINI JEROME WILMER	811 CROSSTOWN BLVD NE	HAM LAKE	MN, 55304
003-063223440001	35.00	RONO LYNDIA JEAN ETAL	831 173RD AVE NE	HAM LAKE	MN, 55304
003-063223430006	30.71	RONO LYNDIA JEAN ETAL	831 173RD AVE NE	HAM LAKE	MN, 55304
003-063223430002	0.74	HOLMQUIST JAMES	600 CROSSTOWN BLVD NE	ANOKA	MN, 55304
003-063223340002	0.29	HOLMQUIST JAMES	600 CROSSTOWN BLVD NE	ANOKA	MN, 55304
003-063223340004	10.56	RONO LYNDIA JEAN ETAL	831 173RD AVE NE	HAM LAKE	MN, 55304
003-063223440002	2.76	RONO FRANCIS E & LYNDIA J	831 173RD AVE NE	ANOKA	MN, 55304
003-063223430005	2.68	RONO ARNOLD H & JEAN M	609 173RD AVE NE	HAM LAKE	MN, 55304

Remove from Table 1 and include on Table 2 the following parcels:

04-32-23-14-0001
04-32-23-33-0001
04-32-23-33-0008
04-32-23-33-0010
05-32-23-23-0016
05-32-23-42-0008
05-32-23-44-0002
05-32-23-44-0003
05-32-23-44-0019
06-32-23-14-0009
07-32-23-22-0002
07-32-23-22-0014
07-32-23-22-0021

9/24/08

Table 3 indicates parcels currently within both Coon Creek Watershed District and Upper Rum River Watershed Management Organization that are proposed to be assigned to Upper Rum River Watershed Management Organization. This area totals 276.57 acres.

Table 3. Parcels in overlap area to be assigned to URRWMO

PIN	Acres	Owners	Address	City	State, Zip
003-043223240001	36.27	HAM LAKE HOLDINGS LLC	2195 SILVER LAKE RD	NEW BRIGHTON	MN, 55112
003-043223230001	35.52	HAM LAKE HOLDINGS LLC	2195 SILVER LAKE RD	NEW BRIGHTON	MN, 55112
003-053223230009	1.97	NIEKEN LYLE E & KAREN L	17865 FILLMORE ST NE	HAM LAKE	MN, 55304
003-053223230008	3.93	BYERS LAURA	17820 FILMORE ST NE	HAM LAKE	MN, 55304
003-053223230004	1.77	ORCHARD ROBERT W & ROBIN L	1025 178TH LN NE	HAM LAKE	MN, 55304
003-053223230003	1.28	JUMER LARRY M & ROBYN M	1019 178TH LN NE	HAM LAKE	MN, 55304
003-063223140004	2.22	MURRAY TIMOTHY L & JENELL E	17865 CONCORD DR NE	HAM LAKE	MN, 55304
003-063223140003	3.09	JESINOSKI THEODORE & GWEN	17862 CONCORD DR NE	HAM LAKE	MN, 55304
003-063223130007	21.97	DOWNS DAVID R & JOANNE M	17815 NE JEFFERSON ST	HAM LAKE	MN, 55304
003-053223230018	0.91	PHILLIPS TODD A & JENNY L J	1205 178TH AVE NE	HAM LAKE	MN, 55304
003-053223230017	2.50	HANSON LANCE	17829 FILLMORE ST NE	HAM LAKE	MN, 55304
003-063223140002	23.16	LINDSAY ROBERT T	17712 CONCORD DR NE	HAM LAKE	MN, 55304
003-053223230014	2.72	CURTISI ANTHONY & CHRISTINE	17812 TAYLOR ST NE	HAM LAKE	MN, 55304
003-063223140012	0.77	OSBORNE WALTER F	17100 HWY 65 NE	HAM LAKE	MN, 55304
003-053223230005	2.40	HEILLE DALE R & MARY K	17827 TAYLOR ST NE	HAM LAKE	MN, 55304
003-063223130001	10.84	LAKE JEANNE	17745 JEFFERSON ST NE	HAM LAKE	MN, 55304
003-063223140006	1.22	OSBORNE WALTER & LORETTA	17100 HIGHWAY 65 NE	HAM LAKE	MN, 55304
003-063223130006	6.81	SCHENDEL TIMOTHY T & JEANNIE A	715 176TH LN NE	HAM LAKE	MN, 55304
003-063223240005	3.97	MEYER LAWRENCE & MITZIE	460 177TH AVE NE	HAM LAKE	MN, 55304
003-063223130008	2.39				
003-063223140008	1.08	HAM LAKE CITY OF	15544 CENTRAL AVE NE	HAM LAKE	MN, 55304
003-063223130005	3.40	STRAND MELVIN A	17715 JEFFERSON ST NE	HAM LAKE	MN, 55304
003-063223420023	2.58	HEINISCH DENIS & MARY TRUSTEES	712 176TH LANE NE	HAM LAKE	MN, 55304
003-063223410002	2.64	ANDERSON CARL E & S A	17670 CONCORD DR NE	HAM LAKE	MN, 55304
003-063223310002	6.77	STEIN DOUGLAS A & BARBARA A	17620 JEFFERSON ST NE	HAM LAKE	MN, 55304
003-063223420012	3.19	BRANDJORD MARY	639 176TH LN NE	HAM LAKE	MN, 55304
003-063223410006	1.16	BLATCHLEY BRUCE	17640 CONCORD DR NE	HAM LAKE	MN, 55304

9/24/08

PIN	Acres	Owners	Address	City	State, Zip
003-063223420005	3.87	FAGERNESS STANLEY & P K	5306 408TH ST	NORTH BRANCH	MN, 55304
003-063223420007	0.37	ANOKA CTY COMM ACTION PROGRAM	1201 89TH AVE NE	BLAINE	MN, 55434
003-063223420008	0.61	NYMAN JOEL G & LISA A	644 176TH LN NE	HAM LAKE	MN, 55304
003-063223420002	1.09	RAMBOW RICHARD E & MARIE D	660 176TH LN NE	HAM LAKE	MN, 55304
003-063223420006	0.60	STHILAIRE ARTHUR W & SHARON	17625 JEFFERSON ST NE	HAM LAKE	MN, 55304
003-063223410014	3.50	ZARLING LINDA L	17665 CONCORD DR NE	HAM LAKE	MN, 55304
003-063223420003	0.68	ALEXANDER JACK L & J L	17609 JEFFERSON ST NE	HAM LAKE	MN, 55304
003-063223420010	0.94	BRUESTLE MARK & TRACY	17532 CONCORD DR NE	HAM LAKE	MN, 55304
003-063223420011	0.58	PETERSON SANDRA	17526 CONCORD DR NE	HAM LAKE	MN, 55304
003-063223420022	2.51	PETERSON SANDRA E	17526 CONCORD DR	HAM LAKE	MN, 55304
003-063223420016	1.24	JAMES JOSEPH C	2714 KNOX AVE N	MINNEAPOLIS	MN, 55411
003-063223420015	1.22	ROHLOFF WILLIAM M & TRACY L	17550 MADISON ST NE	HAM LAKE	MN, 55304
003-063223420001	4.54	CEDAR UNITED METHODIST	17541 JEFFERSON ST NE	HAM LAKE	MN, 55304
003-063223410009	3.76	HALVORSON DEAN H & MONICA A	17545 CONCORD DR NE	HAM LAKE	MN, 55304
003-063223420020	3.10	NUTTER MICHAEL J	745 CROSSTOWN BLVD NE	HAM LAKE	MN, 55304
003-063223420009	1.18	CHOUINARD PETER J & LINDA K	17522 CONCORD DR NE	HAM LAKE	MN, 55304
003-063223420021	1.30	MORRIS MARLENE M	659 175TH AVE NE	HAM LAKE	MN, 55304
003-063223420019	1.29	LARSON WILLIAM E & B J	643 175TH AVE NE	HAM LAKE	MN, 55304
003-063223430006	30.71	RONO LYNDIA JEAN ETAL	831 173RD AVE NE	HAM LAKE	MN, 55304
003-063223430004	2.65	RONO LYNDIA JEAN ETAL	831 173RD AVE NE	HAM LAKE	MN, 55304
003-063223340006	20.67	RONO LYNDIA JEAN ETAL	831 173RD AVE NE	HAM LAKE	MN, 55304
003-053223210009	2.43	CRISLIP MARTHA & MICHAEL J	1206 180TH LN NE	HAM LAKE	MN, 55304
003-063223130009	1.20				

The addition or transfer of the property as described above in this Petition will not affect the benefits or damages for any improvement previously constructed by the Coon Creek Watershed District or the Upper Rum River Watershed Management Organization, and such boundary change can be accomplished in accordance with Minnesota Statutes section 103B.225.

Minnesota Board of Water and Soil Resources
August 2008 Metro Committee Meeting

RICE CREEK WATERSHED DISTRICT, LINO LAKES COMPREHENSIVE WETLAND MANAGEMENT PLAN OVERVIEW

Purpose

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 RMP came about through a partnership between the RCWD and the City of Lino Lakes. This collaboration was initiated in 2006 and included extensive coordination between the City, the Watershed and other regulatory agencies.

The stated purpose of the RMP is to:

- Provide maximum consistency with Minnesota Wetland Conservation Act (WCA) requirements for a Comprehensive Wetland Management Plan and no net loss in acreage and function of wetland resources;
- Be consistent with the Federal Clean Water Act requirements for Section 404;
- Provide an implementation strategy for multiple Total Maximum Daily Load projects;
- Provide watershed-based context to the public Ditch Repair process proceeding on a parallel track;
- Provide guidance to the City of Lino Lakes for ecological-based land use decisions during their Comprehensive Plan Update process;
- Provide stormwater management guidance to the City of Lino Lakes for their Comprehensive Plan Update requirements and municipal stormwater permitting.

The RMP provides a watershed-based approach to wetland management that is consistent with RCWD goals. The approach addresses management in the context of wetland functions and the effects of anticipated future land use. This framework of guiding where wetland impact and replacement may occur is intended to have the effect of reestablishing larger, contiguous areas of wetland and riparian edge. It is also intended to afford landowners more flexibility to create larger contiguous areas of upland for use and development than reasonably could be fashioned under standard parcel-based wetland permitting. This is one of several respects in which the RCWD believes that the plan will provide benefits to landowners as compared with standard wetland permitting, while providing for greater water resource protection.

Nature of the Watershed

Public Ditch System

The majority of the drainage system was constructed during the late 1800's and early 1900's. Over the decades, much of the system was minimally maintained by different ditch authorities. Today, many ditches function as straightened creeks within a partially or marginally drained wetland slough or riparian corridor. The major public ditch systems in Lino Lakes are:

- ACD 10-22-32
- ACD 25
- ACD 55
- ACD 72

ACD 55 and 72 are each separate tile systems. Also found within Lino Lakes is the former public ditch ACD 47 , a small portion of Anoka/Washington Judicial Ditch #3 (Clearwater Creek) and a small portion of Anoka Ramsey Judicial Ditch 8.

Watershed Runoff
Lino Lakes is at a midpoint in the Rice Creek watershed. From the Chain of Lakes, Rice Creek flows west to the Mississippi River. Three large subwatersheds contribute to Peltier Lake: Clearwater Creek, Hardwood Creek, and Upper Rice Creek (Figure 4). Through Peltier Lake these subwatersheds contribute to the condition of the entire Chain of Lakes. The majority of the Clearwater Creek, Hardwood Creek, and Upper Rice Creek subwatersheds are located in other communities.

Lake Amelia, located in the southeast corner of Lino Lakes does not have such large contributing surface water flows. The drainage area flows south into North Oaks and the Vadnais Lake Area Watershed Management Organization.

Nutrient Loads
Five lakes are impaired from excess phosphorus in the water. All of the 'listed waters' in Lino Lakes recently had investigations completed to determine the sources of pollution. Peltier Lake receives inflow from Rice Creek from the north, Hardwood Creek from the northeast, and Clearwater Creek from the southeast.

The Status of Wetlands
A great diversity of wetlands exist in both large, diverse assemblages and scattered throughout the City of Lino Lakes. Marshes and shallow lakes are the most common wetland habitats.

Past alterations to wetlands were primarily agricultural ditching and draining. These activities resulted in areas that have hydric soils but are not mapped as wetland. Wetland restoration projects function to retain and treat stormwater and at the same time enhance natural resources, all of which were determined to be of highest priority for the citizens of Lino Lakes.

Creeks
Hardwood Creek and Clearwater Creek, both TMDL-listed streams, are directly impacted by development activities in the Lino Lakes and Centerville portions of their drainage area. For both of these streams, stormwater volume and sediment load are stressors to biotic life. The Hardwood Creek TMDL is expected to be finalized in 2008. In 2007 the Clearwater Creek went through the stressor identification process. The TMDL project for Clearwater Creek is expected to be funded by MPCA in 2008

Key Elements of the Plan

High Priority Wetlands and Wetland Preservation Corridors
The RCWD identified core selection criteria for establishing high priority wetlands at a landscape scale. These criteria included the following:

- High Wetland restoration potential
- High Vegetative Integrity
- Within trunk drainageways, including ditch systems
- Within the documented floodzone
- Harboring documented rare species
- Includes groundwater-dependent plant communities

Based on these criteria, preliminary high priority wetlands were identified and "Wetland Preservation Corridors" (WPC's) were mapped. These WPC's form the basis of the resulting wetland regulations. Regulations are applied such that wetland impacts within WPC's are discouraged (via higher

replacement ratios) and wetland replacement within WPC's is encouraged (increased credit allocations). See table below from proposed rule.

Table 1. Wetland Impact Ratios

Wetland Plant Community Type	Location	
	Outside WPC	Within WPC
*Degraded** shallow, deep marshes or open water	1:1	2:1
Non-Degraded shallow, deep marshes or open water	1.25:1	2.25:1
*Degraded** sedge meadow, wet meadow, or wet to mesic prairie	1:1	2:1
Non-Degraded sedge meadow, wet meadow, or wet to mesic prairie	1.5:1	2.5:1
*Degraded** shrub carr or alder thicket	1:1	2:1
Non-Degraded shrub carr or alder thicket	1.5:1	2.5:1
*Degraded** hardwood, coniferous swamp, floodplain forest, or bog	1.25:1	2.25:1
Non-Degraded hardwood, coniferous swamp, floodplain forest, or bog	2:1	3:1
*Degraded** seasonally flooded basin	1:1	2:1
Non-Degraded seasonally flooded basin	1.25:1	2.25:1

* The term degraded includes marginally, moderately & severely degraded per the definitions.

Table 2. Replacement Credit Ratios

1. Primary Replacement Credits For all replacement meeting the minimum 1:1, Percentages are applied to area of proposed replacement activity.	Column 1 In WPC	Column 2 Outside WPC
Hydrologic and vegetative restoration of partially drained marginally degraded wetlands	25%	12.5%
Hydrologic and vegetative restoration of partially drained moderately degraded wetlands	50%	25%
Hydrologic and vegetative restoration of partially drained severely degraded wetlands	75%	37%
Establishment (creation) in nonnative upland (refer to 5 (h ii))	75%	37%
Restoration of effectively drained, former wetland	100%	50%
2. Secondary Replacement Credits For all replacement obligations exceeding 1:1		
Upland buffer contiguous with wetland	25%	12.5%
Upland habitat area contiguous with final WPC wetland (2 ac. minimum)	100%	n/a
Vegetation restoration of existing low scoring wetland for "Vegetative Integrity" using MnRAM in the final WPC	100%	n/a
Exceptional Natural Resource Values Wetlands (WCA guidance)	50%	25%

Resource Management Unit Recommendations

Resource Management Units (RMUs) are subwatershed based drainage areas that break the City of Lino Lakes into distinct hydrologic units. The purpose of creating RMUs is to provide drainage-area specific management recommendations that address the unique conditions of the area. This level of analysis requires a full understanding of the resources and the stressors that cause impairments. For some RMU's stormwater volume is a stressor, for others it is nutrients, for example. The plan provides

recommendations on management strategies for each RMU. These Resource Management Unit recommendations are intended to meet plan goals for aquatic resource protection and management and to satisfy a watershed approach to high priority wetland and flood protection. Although impaired waterbody TMDL goals have not been finalized, the recommendations follow the expected implementation strategies to work towards meeting the loading reduction goals.

Plan Review and Approval

The final draft Plan was submitted to BWSR, other state agencies, and local governments for the official 60-day BWSR review and approval period on July 24, 2008.

Citizen & Agency Participation

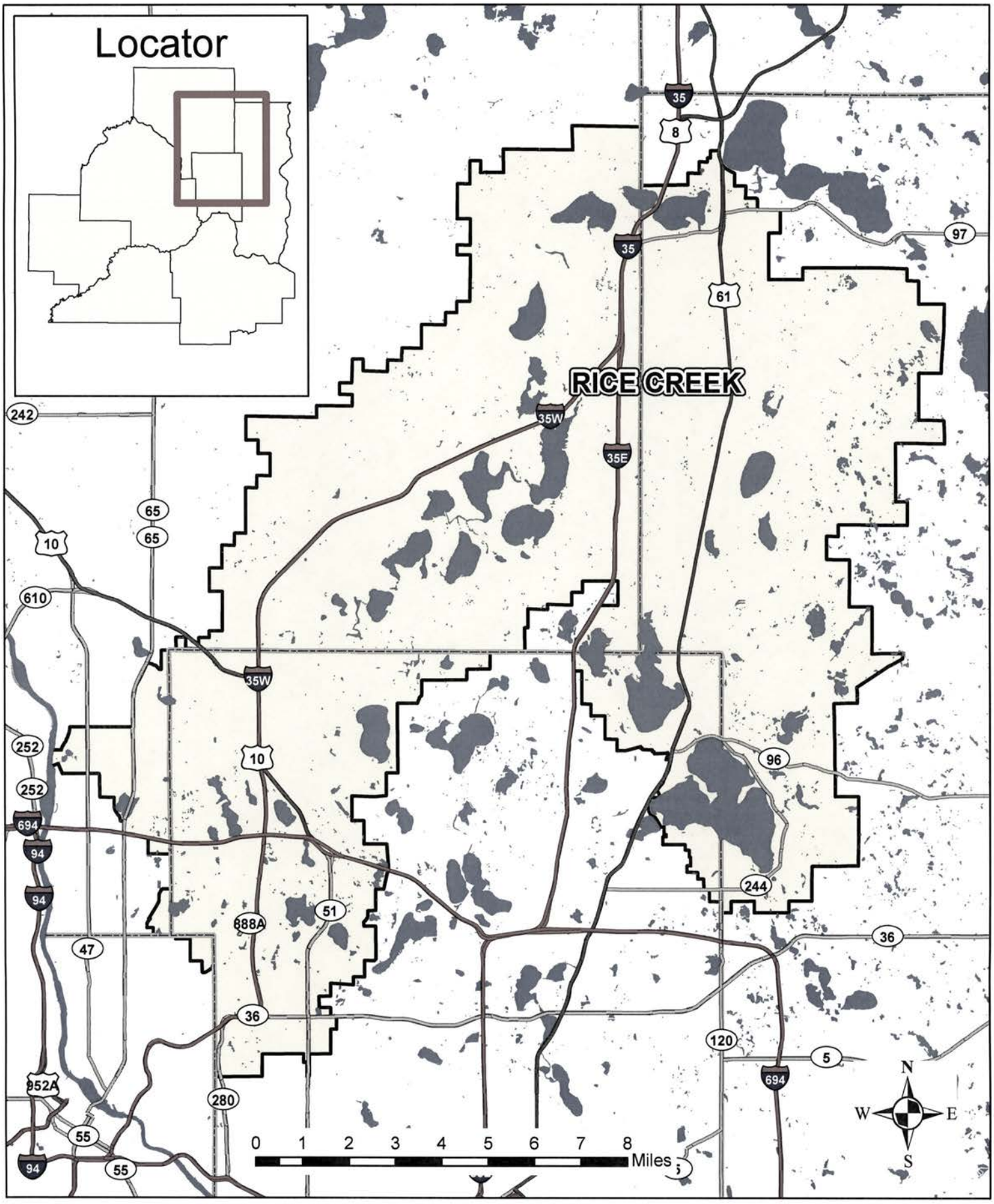
Citizen and agency participation is well documented in the accompanying checklist and table. BWSR staff provided technical input at TEP meetings on elements of the plan and implementing rule. The current version of the rule reflects most of the changes suggested by BWSR staff. Remaining items for discussion are minor in nature and include the following:

- BWSR staff recommends that the rule provide more specificity as to who (RCWD staff versus RCWD Board) makes decisions regarding both technical and nontechnical matters in the permit review process.
- BWSR staff recommends that paragraph 5d in the rule be re-worded to better clarify the process for establishment of the WPZ for project-specific permitting.
- BWSR staff recommends that paragraph 5g in the rule be altered to reference the applicable wetland functions in MnRAM rather than the abbreviated functional references.
- In Table 2 of the rule (Replacement Credit Ratios), BWSR staff recommends that the percentages associated with the ENRV replacement credits be replaced with "per current WCA guidance".

Staff Recommendation

BWSR Senior Wetland Specialist Ken Powell recommends approval of the Rice Creek Watershed District Comprehensive Wetland Management Plan for the City of Lino Lakes.

Rice Creek Watershed District



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

In the Matter of the review of the Comprehensive Wetland Protection and Management Plan for the **Rice Creek Watershed District, City of Lino Lakes,** pursuant to Minnesota Statues Section 103G.2242, Subdivision 1 (c)

ORDER APPROVING COMPREHENSIVE WETLAND PROTECTION AND MANAGEMENT PLAN

Whereas, the Rice Creek Watershed District (District) submitted a Comprehensive Wetland Protection and Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103G.2242, Subd. 1 (c), and;

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

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

FINDINGS OF FACT

1. **Authority to Plan.** Minnesota Statutes Section 103G.2242, Subd. 1 (c) and Minnesota Rules Chapter 8420.0650 allow the Board to approve a Comprehensive Wetland Protection and Management Plan developed by a local government unit, provided it is implemented through the local government unit's official controls.

   The purpose of the Resource Management Plan (RMP), which the Comprehensive Wetland Protection and Management Plan is a part of, is to provide a watershed-based approach to wetland management that is consistent with District goals. The approach addresses management in the context of wetland functions and the effects of anticipated future land use. This framework of guiding where wetland impacts and replacement may occur is intended to have the effect of reestablishing larger, contiguous areas of wetland and riparian edge. It is also intended to afford landowners more flexibility to create larger contiguous areas of upland for use and development than reasonably could be fashioned under standard parcel-based wetland permitting. The RMP was developed through a partnership between the District and the City of Lino Lakes. This collaboration was initiated in 2006 and included extensive coordination between the City, the District and other regulatory agencies.

2. **Nature of the Plan Area.** Lino Lakes is at a midpoint in the Rice Creek watershed. From the Chain of Lakes, Rice Creek flows west to the Mississippi River. Three large subwatersheds contribute to Peltier Lake: Clearwater Creek, Hardwood Creek, and Upper Rice Creek. Through Peltier Lake these subwatersheds contribute to the condition of the entire Chain of Lakes. The majority of the Clearwater Creek, Hardwood Creek, and

Upper Rice Creek subwatersheds are located in other communities. The area includes extensive public drainage ditch systems. The majority of the drainage system was constructed during the late 1800's and early 1900's. Over the decades, much of the system was minimally maintained by different ditch authorities. Today, many ditches function as straightened creeks within a partially or marginally drained wetland slough or riparian corridor.

3. **Local Review.** The Plan was developed, reviewed, and revised in consultation with the state agencies, the technical evaluation panel, citizens, 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. **Highlights of the Plan.** The critical elements of the Plan include:

- The plan identified high priority wetlands and "Wetland Preservation Corridors" (WPC's) were mapped. These WPC's form the basis of the resulting wetland regulations. Regulations are applied such that wetland impacts within WPC's are discouraged (via higher replacement ratios) and wetland replacement within WPC's is encouraged (via increased credit allocations).

- The plan identifies Resource Management Units (RMU's) which are subwatershed based drainage areas that break the City of Lino Lakes into distinct hydrologic units. The purpose of creating RMU's is to provide drainage-area specific management recommendations that address the unique conditions of the area. This level of analysis requires a full understanding of the resources and the stressors that cause impairments. For some RMU's stormwater volume is a stressor, for others it is nutrients, for example. The plan provides recommendations on management strategies for each RMU. These Resource Management Unit recommendations are intended to meet Plan goals for aquatic resource protection and management, and to satisfy a watershed approach to high priority wetland and flood protection. Although impaired waterbody TMDL goals have not been finalized, the recommendations follow the expected implementation strategies to work towards meeting the loading reduction goals.

5. **Metro Water Planning Committee Meeting.** The Board's Metro Water Planning Committee met on August 4, 2008 with representatives of the District to review and discuss the Plan. Those in attendance from the Board's Committee were Louise Smallidge, Faye Sleeper, LuAnn Tolliver and Robert Burandt as chair. Board staff in attendance were Metro Region Supervisor Jim Haertel and Senior Wetland Specialist Ken Powell. The representatives from the District were District Administrator Doug Thomas, District consultant Jason Naber, and City of Lino Lakes Community Development Director Mike Grochala. Board staff recommended approval of the Plan. After discussion, the Committee unanimously voted to recommend approval of the Plan to the full Board.

CONCLUSIONS

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

2. The Board has proper jurisdiction in the matter of approving a Comprehensive Wetland Protection and Management Plan for the Rice Creek Watershed District pursuant to Minnesota Statutes Section 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 City of Lino Lakes, 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 June 2008, for the Rice Creek Watershed District City of Lino Lakes, Anoka County, Minnesota.

Dated at Saint Paul, Minnesota this 24th day of September, 2008.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

COLLEGE OF CONTINUING EDUCATION

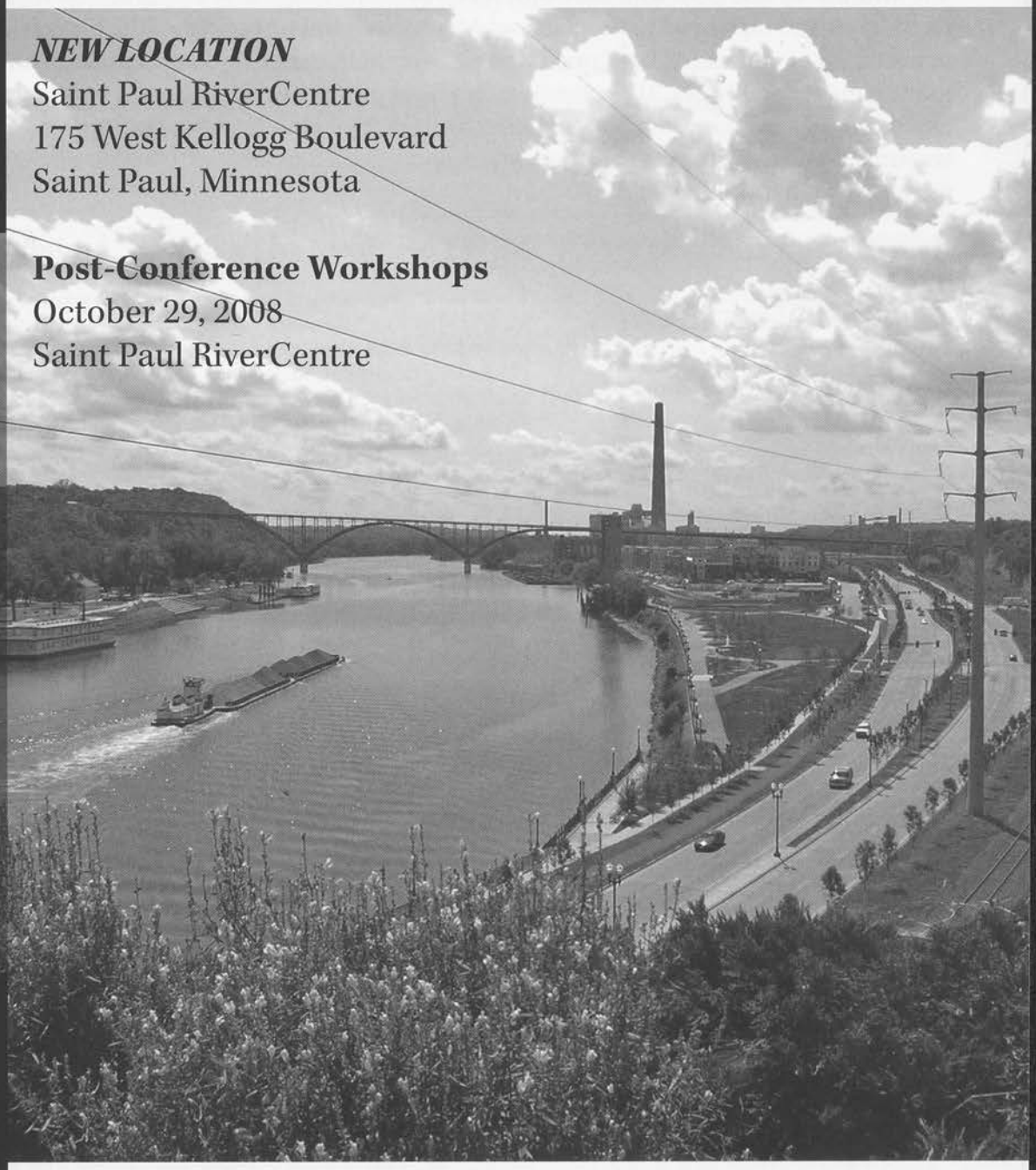
Water Resources Center

Minnesota Water Resources Conference

October 27-28, 2008

NEW LOCATION
Saint Paul RiverCentre
175 West Kellogg Boulevard
Saint Paul, Minnesota

Post-Conference Workshops
October 29, 2008
Saint Paul RiverCentre



Sponsored by:
Water Resources Center, University of Minnesota
College of Continuing Education, University of Minnesota

Cosponsored by:
Department of Civil Engineering, University of Minnesota
Minnesota Section, American Society of Civil Engineers
Minnesota Sea Grant College Program, University of Minnesota
Natural Resources Research Institute, University of Minnesota

UNIVERSITY OF MINNESOTA

http://wrc.umn.edu/waterconf/

Minnesota Water Resources Conference

October 27-28, 2008

The **Minnesota Water Resources Conference** presents innovative and practical water resource management techniques and highlights research about Minnesota's water resources. The conference provides an opportunity to address: 1) **best practices** discovered in the **design and application** of water resource management techniques, 2) implications of **water policy** decisions, and 3) **research** into **current and emerging issues**. The conference facilitates interaction among water resources professionals including resource managers; researchers; local, state, and federal agency staff; consultants; practicing engineers; as well as students in the field.

Registration and Fees

Early registration
(postmarked on or before October 13)
Two-day - $225
One-day - $155
Student - $50

Late registration
(postmarked after October 13 or on site)
Two-day - $245
One-day - $175
Student - $70

The registration fee for the Minnesota Water Resources Conference includes instructional materials, lunch and refreshment breaks each day, and the Monday evening reception. Participants may register by mail, fax, or online for either both days or one day only.

Cancellations

Refunds, minus a $30 fee, will be issued to participants who provide a written cancellation notice by October 20. If you cancel after this date, you will not be eligible for a refund. The University reserves the right to cancel the conference, if necessary, in which case a full refund would be made.

Continuing Education Units (CEUs); Professional Development Hours (PDHs)

Conference attendees will receive .675 CEUs/PDHs for each day of the Minnesota Water Resources Conference. Participants who wish to receive full credit must attend all scheduled hours of the event. Forms will be available.

NEW Location and Parking

The Water Conference will be held at a NEW LOCATION. This year's conference will be held at the Saint Paul RiverCentre, 175 Kellogg Boulevard, Saint Paul, Minnesota. Parking is available in the RiverCentre parking ramp, which is located on Kellogg Boulevard across the street from RiverCentre. Event parking is $10.00 for the day, payable upon entering the ramp. Please see the map for the location of RiverCentre. Convenient bus service to the RiverCentre is available. Call Metropolitan Transit, 612-373-3333 for specific route information.

Lodging

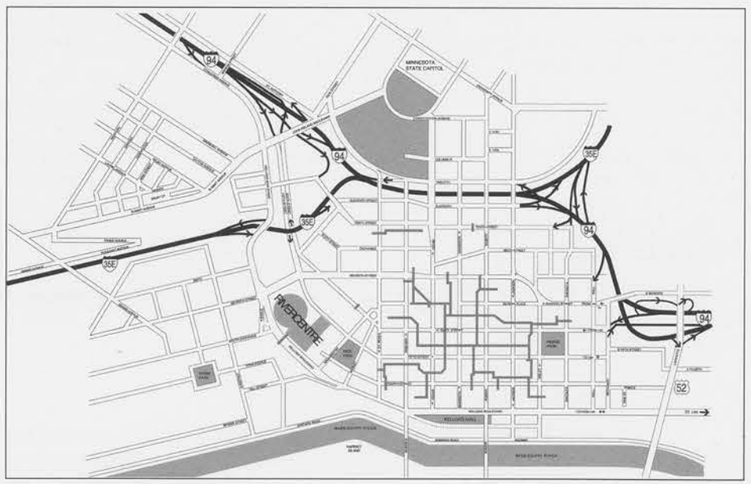
Convenient lodging for out-of-town participants is available at the Holiday Inn RiverCentre, 175 West 7th Street, Saint Paul, Minnesota. Call the hotel directly at 651-225-1515 or toll free at 888-465-4329 and ask for the College and Universities rate of $109 based on availability. Make your reservation early in order to ensure a room at the hotel.

For Registration Questions

Contact: 612-624-4000

For Program Questions

Contact: Sara Van Essendelft
University of Minnesota
Phone: 612-624-3708
E-mail: cceconf5@umn.edu



Post-Conference Workshops

Wednesday, October 29, 2008
RiverCentre, St. Paul, Minnesota

The following post-conference workshops will be offered concurrently on Wednesday, October 29, 2008. Space is limited in each workshop so register early to reserve your seat.

Using the P8 Urban Catchment Model (UCM) for Water Quality Improvement

This one-day course will introduce participants to the P8 Urban Catchment Model (P8). P8 is a water quality model for simulating pollutant generation and treatment in urban areas. This course is a hands-on introduction to the Windows version of the model that combines model theory with applications. In the course, participants will learn to use the model to: 1) simulate pollutant generation in urban watersheds; 2) evaluate pollutant removal with infiltration devices and detention ponds, and 3) network watersheds and treatment devices.

Participants are required to bring their own laptop to the session with the latest version of the P8 model already downloaded. The P8 model can be downloaded free of charge from http://wwwalker.net/p8/. Review the Version Notes link on the Web site before installing.

P8 requires the Microsoft .Net Version 2.0 framework, which will be installed automatically when P8 is installed. P8 also requires Windows XP and Microsoft Excel 2003.

Workshop Instructors: *Patrick Eagan*, University of Wisconsin, Extension and *Paul McGinley*, University of Wisconsin - Stevens Point

Surface Water Monitoring Projects—Getting Them Started, Funded, and Successfully Completed

The workshop will consist of a mixture of case studies about project objectives, monitoring design, methods, implementation, pitfalls, promotion (getting interest and funding), successful follow-through, and reporting. The morning will consist of practical presentations about monitoring, and the afternoon will be primarily case studies.

Workshop Instructors: *Representatives from the following agencies and organizations:* Metropolitan Council, Minnesota Board of Water and Soil Resources, Minnesota Department of Agriculture, Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, Science Museum of Minnesota, U.S. Geological Survey, and local water management organizations.

Schedule

Workshop registration and continental breakfast will begin at 8:00 a.m. The workshop will run from 8:30 a.m. - 4:30 p.m. Luncheon will be served from noon-1:00 p.m.

Fees

The early registration fee for the **P8 Workshop** is $250 and the late fee is $270 (postmarked after October 13). The early registration fee for **Surface Water Monitoring Workshop** is $75 and the late fee is $95 (postmarked after October 13). Registration fees for both workshops include materials, lunch, and refreshment breaks.

Cancellation

Refunds, minus a $30 fee, will be issued to participants who provide a written cancellation notice by October 20. If you cancel after this date, you will not be eligible for a refund. The University reserves the right to cancel the workshop, if necessary, in which case a full refund would be made.

Program at a Glance

Monday, October 27, 2008

7:00 a.m. **Registration and Continental Breakfast**

8:00 **Welcome**
Faye Sleeper, Water Resources Center, University of Minnesota

8:10 **Dave Ford Water Resources Award**
Award Recipient: *Steven A. Heiskary*, Minnesota Pollution Control Agency

8:20 **Killer Aps for the Green Global Village**
Jack Bacon, Futurist and Author of *My Grandfather's Clock*

9:30 **Poster Session and Refreshment Break**

10:00 – 11:30 Concurrent Sessions I

A	B	C	D
Innovative Storm Water BMPs: A Surf 'n' Turf Special	Managing Water Quantity and Quality in the Minnesota River Basin	Fresh Water Sustainability	Biologic Integrity of Streams

11:30 – 12:15 p.m. **Lunch**

12:15 – 1:00 p.m. **Luncheon Presentation**
Moderator: *Andrea Hendrickson*, Minnesota Department of Transportation

Chicago Green Alley Project
Janet L. Attarian, Project Director, Streetscape & Urban Design Program, Chicago Department of Transportation

1:15 – 2:45 Concurrent Sessions II

A	B	C	D
Infiltration	Agricultural Drainage Impacts	Groundwater—Aquifer Characterization and Availability	Stream Erosion

2:45 – 3:15 **Poster Session and Refreshment Break**

3:15 – 4:45 Concurrent Sessions III

A	B	C	D
Low Impact Development	Pesticides, Contaminants of Concern, and Emerging Contaminants	Hydrologic Impacts of Climate Change	Sediment Loading

4:45 – 5:45 **Reception and Poster Session**

Join us for the Water Conference Reception and Poster Session — 4:45-5:45 p.m.

Program at a Glance

Tuesday, October 28, 2008

7:00 a.m. **Registration and Continental Breakfast**

8:00 **Welcome**
Andrea Hendrickson, Minnesota Department of Transportation

8:10 **The SE Minnesota Floods of August 2007: In Historical and Future Context**
Mark Seeley, Professor, University of Minnesota

9:30 **Poster Session and Refreshment Break**

10:00 – 11:30 Concurrent Sessions IV

A	B	C	D	E
Lake Pepin TMDL	Impact of Southeast Minnesota Floods	Policy and Permitting	Wetland Restoration and Mitigation Design Strategies	Lakes

11:30 – 12:15 p.m. **Lunch**

12:15 – 1:00 p.m. **Luncheon Presentation**
Moderator: *Faye Sleeper*, Water Resources Center, University of Minnesota

Total Water Resources Management: Bringing Together Wetland, Storm Water, Floodplain, and Water Quality Management
Edward Thomas, Attorney, Michael Baker Corporation

1:15 – 2:45 Concurrent Sessions V

A	B	C	D	E
Lower Minnesota TMDL	Mopping Up Once the Rain Ends: The 2007 Floods in SE Minnesota	Education/Planning	Understanding Trout Streams	Storm Water Monitoring: Cool Case Studies and Updating Particle Size Data

2:45 – 3:00 **Refreshment Break**

3:00 – 4:30 Concurrent Sessions VI

A	B	C	D
TMDL	35W Bridge	Urban Pollutants: Source, Transport and Treatment	Flood Reduction and Riverine Habitat

4:30 Adjourn

Program Schedule – Monday, October 27, 2008

8:00 – 8:10 **Welcome**
Faye Sleeper, Water Resources Center, University of Minnesota

8:10 – 8:20 **Dave Ford Water Resources Award**
Award Recipient: *Steven A. Heiskary*, Minnesota Pollution Control Agency

8:20 – 9:30 **Killer Aps for the Green Global Village**
Jack Bacon, Futurist and Author of *My Grandfather's Clock*

9:30 – 10:00 **Break**

10:00 – 11:30 Concurrent Sessions I

TRACK A

Innovative Storm Water BMPs: A Surf 'n' Turf Special
Moderator: *Ron Leaf*
Co-Moderator: *Tina Carstens*

A Cooperative Approach to Innovative Storm Water Management
Todd Shoemaker, Wenck Associates, Inc. and *Mike Wyatt*, Minnehaha Creek Watershed District

City of St. Anthony Water Reuse Facility
Todd Hubmer and *Paul Hudalla*, WSB and Associates, Inc.

Football and Storm Water Management: A Look at the University of Minnesota's New On-Campus Football Stadium
Lisa Goddard, SRF Consulting Group, Inc.; *Brian Swanson* and *Van-Anh Tang*, University of Minnesota

TRACK B

Managing Water Quantity and Quality in the Minnesota River Basin
Moderator: *Leslie Everett*
Co-Moderator: *Adam Birr*

Rush River Hydrologic Study and Watershed Assessment Project
Bob Barth and *Emily Resseger*, Bonestroo

Evaluating Different Strategies for Reducing Nonpoint Source Pollution in Seven Mile Creek Watershed
Brent Dalzell and *David Mulla*, University of Minnesota

Effects of Restored Perennial Vegetation: Wetlands Complexes on Stormflow, Sediment, and Nutrient Loading From Small Watersheds in Southern Minnesota
Greg Fransen and *Kenneth Brooks*, University of Minnesota; *Christian Lenhart*, Kestrel Design Group, Inc.; and *Joe Magner*, Minnesota Pollution Control Agency

TRACK C

Fresh Water Sustainability
Moderator: *John Blackstone*
Co-Moderator: *Suzanne Jiwani*

Concepts of Freshwater Sustainability
John Nieber, *Roman Kanivetsky*, *David Mulla*, *Heidi Peterson*, and *Francisco Lahoud*, University of Minnesota; *Boris Shmagin*, South Dakota State University

Building a Framework for Sustainable Water Management in Minnesota
John Wells and *Princesa Vanburen*, Minnesota Environmental Quality Board

Water Use Conflicts
Julie Ekman, Minnesota Department of Natural Resources

TRACK D

Biologic Integrity of Streams
Moderator: *Greg Wilson*
Co-Moderator: *Gene Soderbeck*

Determination of Appropriate Metric(s) for Sediment-related Maximum Daily Loads (TMDLs)
Anne Lightbody, *Patrick Belmont*, *Jeff Marr*, *Cailin Orr*, *Chris Paola*, University of Minnesota

Relation of Nutrient Concentrations and Biological Responses in Minnesota Rivers: Implications for River Nutrient Criteria Development
Steven Heiskary and *Howard Markus*, Minnesota Pollution Control Agency

The Effectiveness of Various Stream Restoration Techniques on Restoring Biological Integrity
Diane Spector and *Ed Matthiesen*, Wenck Associates, Inc.

Program Schedule – Monday, October 27, 2008 (continued)

11:30 – 12:15 p.m. **Lunch**

12:15 – 1:00 **Luncheon Presentation**
Moderator: *Andrea Hendrickson*, Minnesota Department of Transportation

Chicago Green Alley Project
Janet L. Attarian, Project Director, Streetscape & Urban Design Program, Chicago Department of Transportation

1:15 – 2:45 Concurrent Sessions II

TRACK A

Infiltration
Moderator: *Tina Carstens*
Co-Moderator: *Greg Wilson*

Tillage and Compost: Do They Improve Infiltration Rates of Compacted Soil?
Nicholas Olson and *John Gulliver*, University of Minnesota

Understanding Bioretention in Cold Climates
Jim Davidson, Dakota Soil and Water Conservation District and *Nancy-Jeanne Lefevre*, Emmons & Olivier Resources, Inc.

The 1-Inch Infiltration Standard for Water Quality: One Year Later
Forrest Kelley, Capitol Region Watershed District

TRACK B

Agricultural Drainage Impacts
Moderator: *Lorin Hatch*
Co-Moderator: *Les Everett*

Effect of Tillage and Nutrient Sources on Dissolved Organic Carbon Fluxes From Soil
Holly Dolliver, University of Wisconsin-River Falls, *Satish Gupta*, University of Minnesota

Measuring and Modeling the Impacts of Shallow Subsurface Drainage in a Cold Climate
Gary Sands, *Wan Luo*, and *Jeffrey Strock*, University of Minnesota

Evaluating Field-Scale Agriculture Drainage and Best Management Practices on Water Quality
Lucas Bistodeau and *Shannon Fisher*, Minnesota State University, Mankato

TRACK C

Groundwater—Aquifer Characterization and Availability
Moderator: *James Stark*
Co-Moderator: *John Baker*

Case Studies and Local Ordinances Addressing the Importance of Interbedded Aquifers and Impermeable Shale Aquitards on Surface and Groundwater Resources of the Blufflands and Paleozoic Plateau of Southern Minnesota
Jeffrey Broberg, McGhie & Betts Environmental Services, Inc.

Improved Aquifer Characterization in an Urban Area: A Hydrochemical and Hydrostratigraphic Approach
Robert Tipping, Minnesota Geological Survey and *E. Calvin Alexander, Jr.*, University of Minnesota

Regional Groundwater Flow Modeling in the Twin Cities Metropolitan Area: Determining Groundwater Availability
Lanya Ross, Metropolitan Council

TRACK D

Stream Erosion
Moderator: *Suzanne Jiwani*
Co-Moderator: *Gene Soderbeck*

Estimation of Nutrient Loads From Streams Affected by Agriculture Land Retirement Using Continuous Monitoring and Laboratory Concentrations
Victoria Christensen, U.S. Geological Survey

Using Current Knowledge of River Channel Processes to Predict the Equilibrium Topography of a Sand-Bed Channel
Jeff Marr, *Anne Lightbody*, and *Chris Paola*, University of Minnesota

Spatial Analysis and Modeling of Stream Bank Erosion for Carver and Bevens Creeks, Minnesota
Steve Kloiber, Metropolitan Council

2:45 – 3:15 **Break**

3:15 – 4:45 Concurrent Sessions III

TRACK A

Low Impact Development
Moderator: *Wayne Sicora*
Co-Moderator: TBD

Amery Regional Medical Center – A Rural LID Precedent
Kevin Biehn, Emmons & Olivier Resources, Inc.

Low Impact Storm Water Management – Lessons Learned
Jessica Collin-Pilarski, *Daniel Bigalke*, Ayres Associates

Vegetation – Can It Fix Soils in Raingardens? Not in Your Lifetime!
Dave Bauer, Rice Creek Watershed District, and *Dan Wheeler*, University of Minnesota

TRACK B

Pesticides, Contaminants of Concern, and Emerging Contaminants
Moderator: *Mark Edlund*
Co-Moderator: *John Baker*

Fermentation Processes: Effect on Contaminant Partitioning and Water Quality
Denice Nelson and *Paige Novak*, University of Minnesota

Identification and Degradation of Industrial Phytoestrogens
Mark Lundgren and *Paige Novak*, University of Minnesota

A 2007 Assessment of Pesticides in Minnesota Lakes
William VanRyswyk, Minnesota Department of Agriculture, and *Steven Heiskary*, Minnesota Pollution Control Agency

TRACK C

Hydrologic Impacts of Climate Change
Moderator: *Rick Voigt*
Co-Moderator: *Randy Neprash*

Adapting Storm Water Management to Climate Change
Jennifer Olson and *Camilla Correll*, Emmons & Olivier Resources, Inc.

Devils Lake: Hydrologic Analysis of a Closed Basin System
Kari Layman and *Rick Hauck*, U.S. Army Corps of Engineers

Influence of Climate Change on Flow in the Minnesota River at Mankato
Jeramy Kulesa and *David Mulla*, University of Minnesota

TRACK D

Sediment Loading
Moderator: *Jon Hendrickson*
Co-Moderator: *Karen Jensen*

Sediment Loading in the Le Sueur River Basin
Stephanie Day and *Patrick Belmont*, University of Minnesota; *Karen Gran* and *Andrea Johnson*, University of Minnesota, Duluth; and *Carrie Jennings*, Minnesota Geological Survey

Wild Rice River Sediment Budget
Jonathan Petersen, *Jon Hendrickson*, and *Rebecca Soileau*, U.S. Army Corps of Engineers

Quantifying Erosion Rates from Ravines, Streambanks, and Bluffs
John Nieber, University of Minnesota

4:45 – 5:45 **Poster Session and Reception**

Minnesota Section, American Society of Civil Engineers (ASCE), Meeting

Monday, October 27, 2008 – 6 p.m. Social Hour, 7 p.m. Dinner, 8 p.m. Program
Location: Mancini's Char House and Lounge, 531 West Seventh Street, Saint Paul, Minnesota
Cost: $30
This meeting is open to anyone who is interested.

The Rain Falls, the Rain Runs Off. Should I Be Concerned?

Speaker: *John S. Gulliver*, Joseph T. and Rose S. Ling Professor, Department of Civil Engineering, University of Minnesota

As civil engineers, we should be concerned about storm water runoff because it is a significant portion of any civil engineering project and a large portion of maintenance requirements. For example, handling storm water runoff constitutes five percent of highway construction projects on average, and the maintenance of these storm water facilities can be up to 10 percent of their initial construction cost every year. In addition, a good design can reduce construction costs by up to 50 percent, reduce maintenance costs by up to 50 percent, and sometimes do both!

So, transportation, geotechnical, structural, and construction professionals, take note: Regulations for storm water handling can create substantial opportunities for cost savings; innovations with the use of the water can also create an improved human environment, and should be a part of your initial construction planning process.

This talk will address the construction process with innovative storm water planning. The result is the merging of landscape and infrastructure to provide for improved water quality, reduced water runoff quantity, and an improved environment.

For questions or additional registration information, contact Teresa Kes, Barr Engineering (tkes@barr.com), or John F. Blackstone, PE (jblackstone@comcast.net or 651-266-6324).

Reservations can be made online at www.ascemn.org or through voice mail at 952-832-2929.

8:00 – 8:10 **Welcome**
Andrea Hendrickson, Minnesota Department of Transportation

8:10 – 9:30 **The SE Minnesota Floods of August 2007: In Historical and Future Context**
Mark Seeley, Professor, Univeristy of Minnesota

9:30 – 10:00 **Break**

10:00 – 11:30 Concurrent Sessions IV

TRACK A

Lake Pepin TMDL
Moderator: *Gene Soderbeck*
Co-Moderator: *Tina Carstens*

Why Is Lake Pepin Filling up at a Rapid Rate?
Satish Gupta, University of Minnesota; *Heather Johnson*, Minnesota Department of Agriculture; and *Greg Spoden*, Minnesota Department of Natural Resources

Water Quality Model for Support of the Upper Mississippi River: Lake Pepin TMDL: Results of Load Reduction Scenarios
Joseph DePinto, *Hans Holmberg*, *Todd Redder*, and *Edward Verhamme*, LimnoTech; *Norman Senjem*, and *Hafiz Munir*, Minnesota Pollution Control Agency

Development of a Water Quality Model of the Upper Mississippi River: Brainerd to Ford Dam
Hans Holmberg, LimnoTech

TRACK B

Impact of Southeast Minnesota Floods
Moderator: *Stew Thornley*
Co-Moderator: *John Blackstone*

Flood Response
Paul Halvorson, Minnesota Department of Health

Flood Impact on Rushford
Windy Block, City of Rushford

Wells
Danny Nubbe, Mineral Service Plus

TRACK C

Policy and Permitting
Moderator: *Jennifer Olson*
Co-Moderator: *Lisa Goddard*

Wetland Conservation Act Rulemaking Process, Anticipated Changes, and Relationship to the Corps Mitigation Rule
Les Lemm, Minnesota Board of Water and Soil Resources

New Changes to the NPDES General Permit for Construction Activity
Todd Smith, Minnesota Pollution Control Agency

What Makes a Good TMDL Implementation Plan for Permitted MS4 Storm Water?
Michael Trojan, *Jeff Risberg*, *Anna Kerr*, *Brooke Asleson*, and *Chris Zadak*, Minnesota Pollution Control Agency

TRACK D

Wetland Restoration and Mitigation Design Strategies
Moderator: *Brad Wozney*
Co-Moderator: *Ron Leaf*

Wetlands Restoration to Improve Water Quality
Lorin Hatch and *Suresh Hettiarachchi*, HDR Engineering, Inc. and *Renae Clark*, Minnehaha Creek Watershed District

Wetland Mitigation Design: Flexibility From Concept to Construction
Lydia Nelson and *Tony Luft*, HDR Engineering, Inc.

Managing Storm Water and Restoring a Natural Wetland Corridor in an Urban Setting
Ron Leaf and *Jeremy Walgrave*, SEH, Inc.

TRACK E

Lakes
Moderator: *Heinz Stefan*
Co-Moderator: *Barb Liukkonen*

Predicting Phosphorus Releases From Lake Sediments
Sergei Katsev, University of Minnesota, Duluth; and *Maria Dittrich*, Swiss Institute For Environmental Science and Technology (EAWAG)

Establishing State-wide Nutrient Criteria Using a Stochastic Modeling Approach
Mark Deutschman, *Wesley Saunders-Pearce* and *Brennon Schaefer*, Houston Engineering, Inc. and *Michael J. Ell*, North Dakota Department of Health

A View From Space: Spatial and Temporal Water Clarity Trends of Minnesota 10,000 Lakes
Leif Olmanson, *Marvin Bauer*, and *Patrick Brezonik*, University of Minnesota

11:30 – 12:15 p.m. **Lunch**

12:15 – 1:00 **Luncheon Presentation**
Moderator: *Faye Sleeper,* Water Resources Center, University of Minnesota

Total Water Resources Management: Bringing Together Wetland, Storm Water, Floodplain, and Water Quality Management
Edward Thomas, Attorney, Michael Baker Corporation

1:15 – 2:45 Concurrent Sessions V

TRACK A

Lower Minnesota TMDL
Moderator: *Gene Soderbeck*
Co-Moderator: *Mark Edlund*

Bridge Over Troubled Waters: Monitoring and Modeling the Lower Minnesota River
Catherine Larson, Metropolitan Council

Phosphorus Dynamics and Loading in the Turbid Minnesota River (USA): Controls and Recycling Potential
William James, U.S. Army Engineer Research and Development Center; and *Catherine Larson*, Metropolitan Council

Modeling the Hydrodynamics and Water Quality of the Lower Minnesota River Using CE-QUAL-W2
David Smith, *Tammy Threadgill*, and *Barry Bunch*, U.S. Army Engineer Research and Development Center; and *Catherine Larson*, Metropolitan Council

TRACK B

Mopping Up Once the Rain Ends: The 2007 Floods in SE Minnesota
Moderator: *Lisa Goddard*
Co-Moderator: *Rick Voigt*

"And the rain, rain, rain, came down, down, down...". Impacts to Mn/DOT Structures During the August 2007 Flooding
Petra DeWall, Minnesota Department of Transportation

Mn/DOT District 6 Repair Work for August 2007 SE Minnesota Flood
Dave Redig and *Kjersti Anderson*, Minnesota Department of Transportation

TRACK C

Education/ Planning
Moderator: *Randy Neprash*
Co-Moderator: *Lorin Hatch*

Engaging Diverse Groups in Environmental Education: A Case Study of the Hmong Community in Minnesota
Jenny Winkelman, Mississippi Watershed Management Organization; *Katherine Barton*, Barton and Associates; and *Foung Heu*, Digital Motion, LLC

Low Impact Design (LID) as a Shaping Element in the Urban Planning Process: A Case Study of the 46th and Hiawatha Transit-Oriented Development Strategy, Minneapolis, MN
Timothy Gross and *Carter Hubbard*, Olsson Associates

How Do Water Quality Projects Evaluate Impacts and Outcomes? The Minnesota NPS Project Survey
Karlyn Eckman, *Rachel Walker*, and *Lilao Bouapao*, University of Minnesota

TRACK D

Understanding Trout Streams
Moderator: *Barb Liukkonen*
Co-Moderator: *Heinz Stefan*

Trout Stream Spring Characterization Methods and Springshed Mapping
Scott Alexander, *Andrew Luhmann*, *E. Calvin Alexander, Jr.*, University of Minnesota; *Jeffrey Green* and *Andrew Peters*, Minnesota Department of Natural Resources

Stream Flow and Temperature Analysis of the Vermillion River
William Herb, *Ben Janke*, *Omid Mohseni*, and *Heinz Stefan*, University of Minnesota

An Innovative Approach to Setting Peak Flow Standards in the Vermillion River
Jamie Smedsmo, *Brandon Barnes*, and *Scott Sobiech*, Barr Engineering Company

TRACK E

Storm Water Monitoring: Cool Case Studies and Updating Particle Size Data
Moderator: *C. Bruce Wilson*
Co-Moderator: *Wayne Sicora*

Paired-Watershed Assessment of Retrofitted Storm Water Volume Reduction BMPs
Kristy Treichel, City of River Falls; *Rich Brasch*, Bonestroo; *Reid Wronski*, City of River Falls

Local Urban Storm Water Monitoring, Results and Implications for Future Management
Katie Huser and *Melissa Baker*, Capitol Region Watershed District

Storm Water Particle Size Distribution and Composition
Greg DeGroot and *John Gulliver*, University of Minnesota

2:45 – 3:00 **Break**

3:00 – 4:30 Concurrent Sessions VI

TRACK A

TMDL
Moderator: *Gene Soderbeck*
Co-Moderator: *Faye Sleeper*

Water Quality Data for Lake Nutrient TMDLS: How Much Is Enough?
Rebecca Kluckhohn and *Diane Spector*, Wenck Associates, Inc.; *Merle C. Anderson*, Clearwater River Watershed District

Integrating Geomorphologic Field Assessment and Watershed Modeling for a Turbidity TMDL
Troy Naperala, URS Corporation; *Greg Johnson* and *Karen Evens*, Minnesota Pollution Control Agency; and *Julianne Socha*, U.S. Environmental Protection Agency

Setting Storm Water WLAs: TMDL Case Study
Andrea Plevan, Emmons & Olivier Resources, Inc.; *Michael Trojan* and *Chris Zadak*, Minnesota Pollution Control Agency; and *Mike Wyatt*, Minnehaha Creek Watershed District

TRACK B

I-35W Bridge
Moderator: *Rick Voigt*
Co-Moderator: *Andrea Hendrickson*

Hydraulic Design Considerations for Replacing the I-35W Bridge
Andrea Hendrickson, Minnesota Department of Transportation

Responding to the I-35W Bridge Collapse as a Hydraulic Engineer
Aaron Buesing, U.S. Army Corps of Engineers

Developing, Implementing, and Monitoring Pollution Discharge Prevention During the I-35W St. Anthony Bridge Removal Under the Clean Water Act NPDES Permit Program
Dwayne Stenlund, Minnesota Department of Transportation

TRACK C

Urban Pollutants: Source, Transport and Treatment
Moderator: *Karen Jensen*
Co-Moderator: *Brad Wozney*

Land Cover and Impervious Classifications of the Minneapolis/St. Paul Metropolitan Statistical Area
Marvin Bauer, University of Minnesota

Inventory and Hydrologic Transport of Road Salt in the Twin Cities Metropolitan Area
Eric Novotny, *Andrew Sander*, *Omid Mohseni*, and *Heinz Stefan*, University of Minnesota

Assessing Hydrodynamic Separators Under High Water Flow Conditions
David Saddoris, *Omid Mohseni*, and *John Gulliver*, University of Minnesota

TRACK D

Flood Reduction and Riverine Habitat
Moderator: *Barb Liukkonen*
Co-Moderator: *James Stark*

Impoundments: An Integral Part of the Overall Flood Damage Reduction Strategy in the Flood-Prone Red River of the North Basin
Nate Dalager, HDR Engineering, Inc.

Non-Invasive Solution to Prevent Flooding in the North Platte River at North Platte, Nebraska, to Allow for Increased River Flows During the Migratory Season
Rocky Keehn, Short Elliott Hendrickson, Inc.

Home on the Big River: Great River Habitat Quality Indices
Debra Taylor, *Mark Pearson*, *Theodore Angradi*, *David Bolgrien*, *Brian Hill*, *Terri Jicha*, and *Mary Moffett*, U.S. Environmental Protection Agency

4:30 **Adjourn**



Poster Display

The following posters will be displayed during the breaks and Monday reception.

Carver County TMDLs: Sharing Our Slice of the TMDL Pie
Tiffany Babich, Carver County Water Management

Development of an Ecological Assessment Method for Minnesota Lakes
Marcus Beck, University of Minnesota

NEMO Outdoors! Creating More Effective Water Resource Education and Outreach for Local Decision Makers
John Bilotta, University of Minnesota, Extension

Highway 36 Reconstruction: Erosion Control Is a Collaborative Effort
Nicole Danielson-Bartelt, Minnesota Department of Transportation; *Mike Goodnature*, Ramsey County Soil and Water Conservation District; *Dwayne Stenlund*, Minnesota Department of Transportation; *Paige Wein*, Ramsey-Washington Metro Watershed District

Linking Submerged Aquatic Vegetation Restoration to the TMDL for the Upper Mississippi River—Lake Pepin System
Joseph DePinto, Wendy Larson, Todd Redder and *Dan Rucinski*, LimnoTech; *Hafiz Munir* and *Norman Senjem*, Minnesota Pollution Control Agency

Reducing Uncertainty and Bounding Variability of Stream Ecosystem Indicators
Christine Dolph, University of Minnesota

The Mound Transit Station Parking Facility – Multifaceted Storm Water Management Along Lake Minnetonka
Troy Erickson, SRF Consulting Group, Inc. and *Carlton Moore*, City of Mound

Minnesota Pollution Control Agency's Environmental Data Access System
Jason Ewert and *David Fawcett*, Minnesota Pollution Control Agency

Flooding in Illinois, Iowa, Minnesota, and Wisconsin, August 17-23, 2007
James Fallon, U.S. Geological Survey; *Herb Garn*, U.S. Geological Survey, Wisconsin; *Marvin Harris*, U.S. Geological Survey, Illinois; *Kris Lund*, U.S. Geological Survey, Iowa

Stream Bed Slope Response to Gravel and Sand
John Gaffney, Kimberly Hill, and *Chris Paola*, University of Minnesota

Water Quality in Saint Paul: BMP Cards as Education/Outreach Tool
Joni Giese, SRF Consulting Group, Inc. and *Tim Griffin*, Saint Paul on the Mississippi Design Center

Bacterial Encapsulation for PCB Degradation
Jenna Grady, University of Minnesota

Application of Wireless and Sensor Technologies for Urban Water Quality Management: Pollutant Detection in Urban Streams
Michael Henjum, William Arnold, Miki Hondzo, Paige Novak, Jim Kang, and *Chris Wennen*, University of Minnesota

Development of Riverbank Stabilization Guidance for the Mississippi River
Hans Holmberg, LimnoTech; *Dan Kalmon*, Mississippi Watershed Management Organization

Brooklyn Center TIF District 3 Regional Storm Water Treatment Facility
Todd Hubmer and *Paul Hudalla*, WSB & Associates, Inc.; *Todd Blomstrom*, City of Brooklyn Center

Saint Paul's Water Comprehensive Plan Chapter, and Saint Paul's Water Comprehensive Plan: An Inclusive Approach to Meeting State and Local Requirements
George Johnson, SEH, Inc.

Policy Considerations in the Poplar River Turbidity TMDL Study
Greg Johnson, Pat Carey, Karen Evens, Minnesota Pollution Control Agency; *Troy Naperala*, URS Corporation

A General Method for Modeling Bacterial TMDLs Along the Texas Gulf Coast
Stephanie Johnson, University of Texas at Austin

Water: Recycle, Reuse, Protect the Environment, and Save Money
Michael Jungbauer, Landform

Regionalization of Groundwater Systems in Support of Water Resources Sustainability Atlases in Minnesota
Roman Kanivetsky, University of Minnesota

Soil Seed Bank Analysis of a Drained Peatland in East-central Minnesota Pre- and Post-Grading: A Case Study for Wetland Restoration
Allyz Kramer, SEH, Inc.

Tower Harbor: Design Considerations for a Small Boat Harbor on Lake Vermilion
Erin Krueger, SEH, Inc.

Degradation of Persistent, Bioaccumulative, and Toxic Compounds in Groundwater by Dehalococcoides-like Organisms
Mark Krzmarzick, University of Minnesota; *Jevon Harding, Alessandra Leri, Satish Myneni*, Princeton University; *Paige Novak*, University of Minnesota

Expanding Storm Water Education and Outreach Through Private-Public Partnerships
Kate Kubiak, Regional Stormwater Protection Team; *Mindy Granley*, Minnesota Department of Natural Resources

Utilizing Beaver in Stream Restorations
Terry Lee, Olmsted County

Innovative Techniques to Use Plants and Soils for Storm Water Services in Ultra-Urban Environments With Limited Open Space
Peter MacDonagh, The Kestrel Design Group, Inc.

Boulders and Wattles and Live Stakes! Oh my!
Pamela Massaro, Wenck Associates, Inc.; *David Beaudet*, Middle St. Croix Watershed Management Organization; *Tory Christensen, Peter MacDonagh, Veronika Phillips*, The Kestrel Design Group, Inc.; *Melissa Lewis*, Minnesota Board of Water and Soil Resources; and *Ed Matthiesen*, Wenck Associates, Inc.

Targeted Stabilization of an Urban Stream
Stephanie McNamara, Vadnais Lake Area Water Management Organization

Ditched Stream Restoration
Tom Miller, Emmons & Olivier Resources, Inc.

Developing Aquatic Life Benchmarks for Pesticides
Phil Monson, Minnesota Pollution Control Agency

Blue Thumb: Planting for Clean Water
Dawn Pape, Rice Creek Watershed District; *Angie Hong*, Washington Conservation District; *Elizabeth Storey*, Capitol Region Watershed District

Creating a Database of Empirical Watershed Characteristics for Atlases of Minnesota's Water Resources Sustainability
Heidi Peterson, Roman Kanivetsky, Francisco Lahoud, David Mulla, and *John Nieber*, University of Minnesota; *Boris Shmagin*, South Dakota State University

Spatio-Temporal Regime of Stream Runoff During Climate Change and the Influence on Minnesota's Water Resources Sustainability
Heidi Peterson and *John Nieber*, University of Minnesota; *Boris Shmagin*, South Dakota State University

CONCEPTS: A Tool for Stream Restoration and TMDLs
Joel Peterson, Howard R. Green Company

Helping Small Minnesota Communities Solve Their Wastewater Issues
Valerie Prax, Doug Malchow and *Laurie Brown*, University of Minnesota, Extension

Development of a Practical Method to Analyze Sod Farm Wetland Hydrology
V. (Rama) Ramanathan, URS Corporation

Wetland Web Map Connects Citizens, Staff, Data
Nancy Read, Metro Mosquito Control

Measuring the Volume of Lake Water Losses to Groundwater Through Wintertime Water Surface Elevation Surveys
Matthew Redington and *Adam Kessler*, HDR Engineering; *John Nieber*, Chisago Lakes Lake Improvement District

Vertical Agricultural Drains as a Source of Phosphorus to Streams
Jason Roth, University of Minnesota

Cyber Model, Fuzzy Logic, and Data Analysis: Improving Knowledge About Regional Water Balance in Minnesota
Boris Shmagin, South Dakota State University; *Roman Kanivetsky, Francisco Lahoud, David Mulla, John Nieber*, and *Heidi Peterson*, University of Minnesota

Variability in Nitrate Concentrations in Subsurface Drains Along a Reach of an Agricultural Stream
Erik Smith, US Geological Survey; *Paul Capel*, U.S. Geological Survey/University of Minnesota; *Jason Roth*, University of Minnesota

Hydroxylated Polybrominated Diphenyl Ether Photolysis Quantum Yields and Product Identification
Peter Steen, William A. Arnold, Matthew Grandbois, Kristopher McNeill, University of Minnesota

The Future of Energy and Minnesota's Water Resources
Sangwon Suh, Laura Schmitt Olabisi, and *Yowen Chin*, University of Minnesota

Citizen Stream Monitoring: Examples and Lessons Learned
Bill Thompson, Minnesota Pollution Control Agency

City Sustainability: Water as Part of the Big Picture
Lisa Tilman and *Brett Emmons*, Emmons & Olivier Resources, Inc.

Taming the Lower Sheyenne River
Jeffry Volk, Moore Engineering, Inc.

RoofBloom
Chris Wegscheid, Cermak Rhoads Architects; *Camilla Correll*, Emmons & Olivier Resources, Inc.; *Corrie Zoll*, Earth Wizards

Property Owner Preferences for Water Quality Improvements in Impaired Lakes: Willingness-to-Pay Surveys in Two Minnesota Watersheds
Patrick Welle, Bemidji State University; *James Hodgson*, Minnesota Pollution Control Agency

Application of Wireless and Sensor Technologies for Urban Water Quality Management: Pollutant Loading in Storm Water Ponds
Christine Wennen, University of Minnesota

Environmental Knowledge, Behaviors, and Communication Preferences in the Hmong Community in Minnesota
Jenny Winkelman, Kaozouapa Elizabeth Lee, Erica Schram, Mississippi Watershed Management Organization; *Foung Heu*, Digital Motion, LLC

The Red River Basin Commission: The Power of Relationships and a Dream in Land and Water Management
Lance Yohe, Red River Basin Commission

Responding to Acetochlor in Minnesota's Waters
Joe Zachmann, Gregg Regimbal, Ron Struss, Minnesota Department of Agriculture

2008 Water Resources Planning Committee

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Tina Carstens	Ramsey-Washington Metro Watershed District
Mark Edlund	St. Croix Watershed Research Station
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October 27-29, 2008

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Concurrent Sessions II
1:15 p.m. A B C D

Concurrent Sessions III
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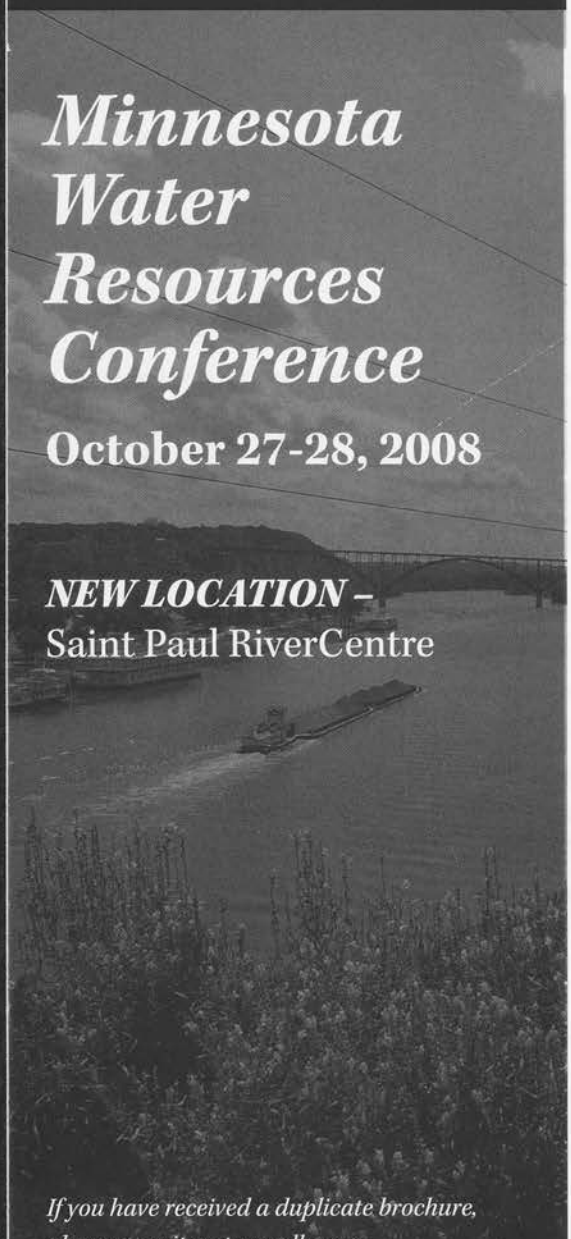
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BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
ST. PAUL, MINNESOTA 55155
WEDNESDAY, OCTOBER 22, 2008

BOARD MEMBERS PRESENT:
Dana Allen, Gordy Behm, Paul Brutlag, Paul Eger, MPCA; Quentin Fairbanks, , Randy Kramer, Larry Kramka, DNR; Paul Langseth, John Linc Stine, MDH; Joe Martin, MDA; Faye Sleeper, U of M Extension; Louise Smallidge, Gene Tiedemann, LuAnn Tolliver

BOARD MEMBERS ABSENT:
Bob Burandt
Brian Kletscher
Brian Napstad

STAFF PRESENT:
Mary Jo Anderson, Travis Germundson, Jim Haertel, Jeff Hrubes, John Jaschke, Al Kean, Julie Klocker, Kevin Lines, Carol Stronjy, Karli Swenson, Pete Waller, Dave Weirens

OTHERS PRESENT:
Jim Anderson
Wayne Edgerton, DNR
Jack Frost, Met Council
LeAnn Buck, MASWCD
Rick Reimer, MACDE
Susan Thornton and Shelley Shreffler, LCCMR
Jean Coleman, CR Planning
Randy Neprash, Bonestroo
Deb Swackhamer, University of Minnesota
Marian Bender, Minnesota Waters
Jill Trescott and David Swenson, Dakota County Water Resources Department

Chair Kramer called the meeting to order at 9:02 a.m.

PLEDGE OF ALLEGIANCE

** 08-98 **ADOPTION OF AGENDA** – Moved by Louise Smallidge, seconded by Quentin Fairbanks, to adopt the agenda as presented. Motion passed on a voice vote.

** 08-99 **MINUTES OF SEPTEMBER 24, 2008** – Moved by Paul Langseth, seconded by John Linc Stine, to approve the minutes of September 24, 2008, as circulated. Motion passed on a voice vote.

RECOGNITION OF RETIREES

- John Jaschke acknowledged Jim Anderson's retirement from University of Minnesota and BWSR service. Jim has been a BWSR board member for 13 years. John recognized Jim's service by presenting a "Certificate of Retirement" to Jim from Governor Tim Pawlenty. John also presented a print to Jim from BWSR, and wished him well in his retirement. Jim thanked the Board for the recognition and stated that he appreciated the time the University of Minnesota allowed him to serve on the Board. Jim stated that he learned a lot from board members, the Board has made many conservation accomplishments and he was happy to be a part of that. Jim stated that he will be doing some consulting work for on-site sewage systems.

- John Jaschke acknowledged Greg Larson's retirement from State service. Greg Larson has been BWSR staff for 32 years. John stated that Greg's current connection with the U of M has been a good working partnership for BWSR. John recognized Greg's service by presenting a "Certificate of Retirement" to Greg from Governor Tim Pawlenty. A celebration of Greg's retirement will be held November 18 in a more informal setting. Greg stated that he takes pride in how BWSR gets important things done at the local level and he fully expects that to grow and continue.

Chair Kramer thanked Jim and Greg for their efforts, and wished them good luck in retirement!

REPORTS

Chair's Report – Randy Kramer reported that the Environmental Quality Board did not meet this month. Randy stated that a letter from Matt Kramer, Governor Pawlenty's Chief of Staff, was sent to board members regarding the statutory requirement of public officials to disclosure information under the Minnesota

Campaign Finance and Public Disclosure Act. Chair Kramer stated that the Act requires board members to file a Statement of Economic Interest on an annual basis. Chair Kramer stated that he's been busy with harvesting. Chair Kramer has worked closely with John Jaschke and communicates with him on various issues.

Executive Director' Report – John Jaschke stated that if board members have questions regarding the Minnesota Campaign Finance and Public Disclosure Act they should contact him for assistance. John reiterated the importance of submitting the information. John has been meeting with the U.S. Army Corps of Engineers and NRCS regarding state and federal alignment of WCA and the wetland banking program. John stated that they are making progress; the Wetlands Committee is involved as well. John attended the first "BWSR Training Academy". This is a new opportunity for training with local governments all at one time, over a three day period. John thanked the northern BWSR staff and program staff for making this happen. It seems to be successful and BWSR is likely to continue with this approach in the future. John and staff have been processing budget proposal documents and numbers.

Dispute Resolution Committee – Travis Germundson presented the Dispute Resolution Committee report. Chair Kramer thanked Travis for his report.

Wetlands Committee – LuAnn Tolliver reported that the Wetlands Committee met last night to discuss permanent rules. LuAnn stated that they had good discussion and provided direction for staff. LuAnn stated that the Wetlands Committee will meet all day meeting on November 20; the rules will be presented to the full Board on December 17.

Grants Program and Policy Committee – Louise Smalldige reported that the Grants Program and Policy Committee met after the last Board meeting on September 24, items will be addressed on the agenda today.

Administrative Advisory Committee (AAC) – Chair Kramer reported that the Administrative Advisory Committee met this morning and discussed the Compliance Team interim results; legislation proposals, policy and budget initiatives; and issues and activities with AMC, MASWCD, and MAWD. Chair Kramer reported that he appointed Quentin Fairbanks to the Grants Program and Policy Committee; Gordy Behm has been appointed to the Public Relations, Outreach and Strategic Planning Committee and the Northern Water Planning Committee; and Faye Sleeper has been appointed to the Public Relations, Outreach and Strategic Planning Committee and the Metro Water Planning

Committee. Board members have an updated Committee listing in their packets today.

Chair Kramer encouraged board members to attend the upcoming MAWD, MASWCD, and AMC annual meetings. John Jaschke stated that board members have information on the annual meetings of MAWD, MASWCD, and AMC in their packets today. John also encouraged board member attendance, and asked that registration forms be submitted to Mary Jo Anderson by October 29 for direct billing; after that date expenses will be reimbursed on expense reports.

OLD BUSINESS

Clean Water Legacy (CWL) Technical Assistance Continuation Funds for FY07 Projects – Jeff Hrubes provided background information on the need to continue the conservation work being accomplished with local governmental unit staff hired with the FY07 Clean Water Legacy technical assistance and engineering funding. Jeff reported that the Grants Policy and Program Committee recommends approval of the proposed technical assistance allocations. Moved by Louise Smallidge, seconded by Paul Langseth, to approve the recommendation and adopt the proposed technical assistance allocations to further continue CWL funded technical staff. Motion passed on a voice vote.

** 08-100

Cook County SWCD Request for Allocation of State Cost-Share Program Rollover Funds to Facilitate Flood Response to June 6, 2008 Storm Event – Jeff Hrubes reported that Cook County SWCD has requested additional Cost-Share funds to assist private landowners with erosion control and water quality improvement projects resulting from a flood event that occurred on June 6, 2008. Jeff reported that the Grants Policy and Program Committee recommends BWSR distribute up to $125,000 of available cost-share rollover funds to the Cook SWCD to mitigate erosion and water quality damages caused by the flood event of June 6, 2008. Moved by Louise Smallidge, seconded by Gene Tiedemann, to approve up to $125,000 of cost-share rollover funds to Cook County SWCD. Discussion followed. Faye Sleeper asked if precedence has been set; and will Lake County be included in funding assistance. Jeff stated that this was a concentrated storm near Grand Marais; Lake County will not be requesting funds. Quentin Fairbanks asked if BWSR has a policy on this as a wash-out took place in his area. John Jaschke stated that this area is different as a federal disaster has been declared in Cook County. The projects have to meet criteria of the cost-share program, it's the decision at the local level to request funding and then select projects for funding. Chair Kramer stated that this is for private landowners. FEMA is providing funding for public areas/sites. John stated that

** 08-101

Cook County will be short of funds, but this cost-share assistance will help. Motion passed on a voice vote.

Statewide Conservation and Preservation Plan - Susan Thornton, Director of LCCMR, appreciated John Jaschke's request to present the Minnesota Statewide Conservation and Preservation Plan to the Board. Susan introduced Jean Coleman, CR Planning; Randy Neprash, Bonestroo; and Deb Swackhamer, University of Minnesota. Susan stated that in 2006 the University of Minnesota Institute on the Environment was awarded a contract by the Legislative-Citizen Commission on Minnesota Resources (LCCMR) to produce a Statewide Conservation and Preservation Plan ("Plan") with funds from the Minnesota Environment and Natural Resources Trust Fund. The resulting Plan is an integrated inventory and assessment of Minnesota's environment and natural resources with recommendations to guide decision-makers on future short and long term planning, policy, and funding investments. Susan appreciated the work by everyone that participated in this effort.

Jean Coleman presented the framework for recommendations. The Final Plan provides a series of recommendations for addressing the issues and trends identified. The recommendations included in the Final Plan are useful to a wide variety of public and private entities, but in particular, they will be used to help guide expenditures from the Minnesota Environment and Natural Resources Trust Fund. Randy Neprash presented land use practices and information regarding protection of water resources in urban areas. The Project goal is to achieve a better future for Minnesota's natural resources. Deb Schawkhamer provided a brief background on the University of Minnesota's involvement with recommendations. Susan stated that the Plan consists of two parts: a Preliminary Plan released in July 2007 and a Final Plan released July 2008. She stated that a limited number of print copies of the final Plan will be available at public locations due to the large size of the document. The Preliminary and Final Plans are available at www.lccmr.leg.mn. Discussion followed. Chair Kramer thanked them for the presentation.

Chair Kramer called for a break in the meeting at 10:20 a.m. The meeting reconvened at 10:50 a.m.

Jeff Hrubes presented pictures of the Cook County flood.

Presentation "Working Together to Address Drinking Water Issues in the City of Hastings and the Vermillion River Watershed" – John Jaschke introduced David Swenson and Jill Trescott, Dakota County Water Resources

Department. Jill appreciated John's request for the presentation. Jill commended John Jaschke on his prior efforts and work in Dakota County. Jill provided an overview on working together to address drinking water issues. Jill explained that the City of Hastings has struggled since the mid-1990s with rising nitrate levels in its public water supply. Dakota County worked with the City of Hastings, the Minnesota Department of Health, Minnesota Department of Agriculture, Dakota Soil and Water Conservation District, and Metropolitan Council to identify the extent and sources of nitrate contamination in groundwater and to develop an implementation strategy to address it. Implementation included outreach to the agricultural community and the general public; protection and improvement of the Vermillion River; protection of natural areas within the Watershed; septic system maintenance and upgrades; and regulation of well construction and sealing. Implementing these activities has been a collaboration between the County, the SWCD, the Vermillion River Watershed Joint Powers Organization, the University of Minnesota Extension, Minnesota Department of Agriculture, the City of Hastings, and other agencies. Discussion followed. John Linc Stine commended the Dakota County Water Resources Department regarding their outreach program. The MDH staff worked closely with Dakota County. David Swenson appreciated the MDH's participation and collaboration in the effort. John Jaschke stated that it's important to have local involvement in order to be successful. Chair Kramer thanked Jill for the informative presentation.

Minnesota Waters Update – Julie Klocker, BWSR and President of Minnesota Waters, introduced Marian Bender, Executive Director. Marian stated that Minnesota Waters evolved from the merger of the Rivers Council of Minnesota and the Minnesota Lakes Association. Marian provided an update on the organization's programs and partnerships with BWSR clientele. Engaging citizens in watershed monitoring and stewardship is a key component to many comprehensive water plans. However, due to staff and budget considerations many local units find it difficult to provide the specialized training and assistance to build a network of active volunteers. Minnesota Waters works with many watershed districts, SWCD's and counties to fill the gap and expand citizen engagement. The organizations web site is: www.Minnesotawaters.org
Chair Kramer thanked Marian for her presentation.

Star Lakes Update – Julie Klocker reported that Legislation passed in the 2008 session called for the creation of a Star Lakes Program and the development of a non-profit corporation to oversee the program. BWSR was given the responsibility to appoint a member of the new Star Lakes board and call the first meeting. The Star Lakes Board received a one-time appropriation of $100,000

for start-up expenses. Julie provided an overview of BWSR's effort to organize the group and the progress the appointed board members made at their inaugural meeting which was held October 9. Julie distributed the listing of the Star Lakes Board appointments that have been made. Chair Kramer thanked Julie for her report.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Joe Martin reported that MDA has been working on review of the herbicide atrazine to see if additional restrictions are needed. A scoping document has been prepared to guide the review and has been published in the State Register.

Minnesota Department of Health (MDH) – John Linc Stine reported that a public hearing was held for health risk limits for groundwater and proposed rules revision. John reported that nitrate information is available on the MDH website.

Department of Natural Resources (DNR) – Larry Kramka stated that the hunting season is here, go out and enjoy it!

University of Minnesota Extension – Faye Sleeper invited and encouraged board member attendance at the Minnesota Water Resources Conference, October 27-28, 2008, at the St. Paul River Centre.

ADVISORY COMMENTS

Minnesota Association of Conservation District Employees (MACDE) – Rick Reimer reported that the MACDE met on September 30 in Waite Park. The MACDE will meet in December in St. Paul. Ricked thanked the Board for allowing BWSR staff to assist with the MACDE summer conference. Rick encouraged board members to attend at the MASWCD annual meeting and asked for their participation in the MACDE raffle. Rick stated that MACDE is interested in a possible collaborative effort with BWSR on a summer training session. Rick stated that MACDE provides scholarship funds for leadership training.

Minnesota Association of Soil and Water Conservation Districts (MASWCD) – Chair Kramer stated that LeAnn Buck needed to leave the meeting; however, on behalf of MASWCD, she thanked BWSR staff for assistance with their upcoming convention.

Natural Resources Conservation Service (NRCS) – Tim Koehler was excited to announce that Minnesota was selected as one of the two national sites to celebrate the 2,000,000th acre of Wetlands Reserve Program (WRP) land enrolled in the U.S. under the federal Farm Bill. The event will take place on October 29, 2008 at a farm just north of Waconia, from 10:30 a.m. to 12:30 p.m. USDA NRCS Chief Alan Lancaster will provide the keynote address. Tim encouraged board members to attend. He distributed an invitation and the agenda for the program in Waconia. Tim stated that the RIM/WRP partnership will be highlighted. Tim reported that NRCS is still working on developing rules for the new Farm Bill. Chair Kramer thanked Tim for his report.

UPCOMING MEETINGS

- MAWD Annual Meeting, December 4-6, 2008, Arrowwood, Alexandria
- MASWCD Annual Meeting, December 7-9, 2008, Crown Plaza, St. Paul
- AMC, December 8-10, 2008, DECC, Duluth
- Next BWSR Board Meeting, December 17, 2008, St. Paul
- Wetlands Committee, November 20 at 10:00 a.m.
- RIM Reserve Planning Committee, November 24, 9:00 a.m.–3:00 p.m., St. Paul

** 08-102 Moved by Dana Allen, seconded by Quentin Fairbanks, to adjourn the meeting at 12:10 p.m. Motion passed on a voice vote.

Respectfully submitted,

Randy Kramer
Chair

Dispute Resolution Report
October 10, 2008
by: Travis Germundson

There are presently **22** appeals pending. All of the appeals involve WCA except File 05-24. There have been **2** new appeals filed since the last report dated September 24th.

Format note: New appeals that have been filed since last report to the Board.
~~Appeals that have been decided since last report to the Board.~~

File 08-29 (10/3/08) This is an appeal of a replacement plan in the City of Redwood falls. The LGU approved a wetland replacement plan application for 1.06 acres of fill for the expansion of an industrial/business park. The approval required that a restrictive covenant be placed on the adjacent wetlands. No decision has been made on the appeal.

File 08-28 (9/25/08) This is an appeal of a after-the-fact replacement order in Stearns County. The LGU approved a wetland replacement plan application for an agricultural road crossing that would impact 5,000 sq ft of a Type 2 wetland. No decision has been made on the appeal.

File 08-27 (9/17/08) This is an appeal of a restoration order in Stearns County. The appeal regards the draining and filling of approximately 15.7 acres of wetland associated with a ditch cleanout/improvement project. No decision has been made on the appeal.

File 08-26 (08/27/08) This is an appeal of a restoration order in Stearns County. The appeal regards the draining and filling of approximately 4 acres of wetland associated with a ditch cleanout/improvement project. No decision has been made on the appeal.

File 08-25 (08/25/08) This is an appeal of a after-the-fact wetland replacement plan application in Benton County. The LGU denied the wetland replacement plan application based on the fact that it does not adequately replace the wetland impacts. It involves the same project and issue as File 07-27. The appeal has been remanded for further processing at the local level.

~~File 08-24 (08/11/08) This is an appeal of a restoration order in Grant County. The appeal regards drainage impacts to a 32 acre Type 3 wetland resulting from agricultural drain tile improvements~~. *The appeal has been dismissed.*

File 08-11. (04/29/08) This is an appeal of a restoration order in Hennepin County. The appeal regards the filling of 1.75 acres of a type 2/3 wetland for the construction of a pole barn and pasture area. The restoration order has been stayed until and the appeal has been placed in abeyance for submittal of a wetland replacement plan, exemption, or no-loss application.

File 08-9. (03/06/08) This is an appeal of a replacement order in Pine County. The appeal regards impacts to approximately 11.26 acres of wetland. No decision has been made on the appeal. The replacement order has been stayed and the appeal has been placed in abeyance pending further technical work.

File 08-8. (04/03/08) This is an appeal of a replacement order in Pine County. The appeal regards the filling of over 18,000 square feet of Type 2 wetland. No decision has been made on the appeal. The replacement order has been stayed and the appeal has been placed in abeyance pending further technical work.

File 08-4. (01/24/08) This is an appeal of no-loss and exemption decisions in Waseca County. In addition to the no-loss decision, at issue are denials of the agricultural exemption, approved development exemption, incidental wetland exemption, and claims of numerous procedural issues that were prejudicial to the applicants. Further, a Minn. Stat. § 15.99 (60-day rule) claim is pending in District Court. The appeal has been remanded for further technical work at the local level.

File 08-1. (02/04/08) This is an appeal of a restoration order in Aitkin County. The appeal involves the filling of wetland for a road in shoreland area. The restoration order has been stayed and the appeal has been placed in abeyance pending further technical work.

File 07-37. (12/16/07) This is an appeal of a restoration and replacement order in the City of Sturgeon Lake, Pine County. The appeal involves the excavation and filling of wetland. The restoration and replacement order has been placed in abeyance to allow for the submittal of a complete replacement plan.

File 07-33. (10/31/07) This is an appeal of an exemption decision in International Falls, Koochiching County. The appeal involves the approval of an exemption request that resulted from issuance of a cease and desist order for unauthorized wetland impacts. The appeal has been accepted and copies of the record have been requested. A verbal settlement agreement is being drafted.

File 07-32. (10/31/07) This is an appeal of an exemption decision in International Falls, Koochiching County. The appeal involves the approval of an exemption request that resulted from issuance of a cease and desist order for unauthorized wetland impacts. The appeal has been accepted and copies of the record have been requested. A verbal settlement agreement is being drafted.

File 07-31. (10/31/07) This is an appeal of an exemption decision in International Falls, Koochiching County. The appeal involves the approval of an exemption request that resulted from issuance of a restoration order for unauthorized filling of wetland for a building. The appeal has been accepted and copies of the record have been requested. A verbal settlement agreement is being drafted.

File 07-29. (10/25/07) This is an appeal of a restoration order in Crow Wing County. The appeal involves the filling of wetland along a driveway. The restoration order has been stayed and the appeal has been placed in abeyance pending the completion of further field work.

File 07-27. (10/19/07) This is an appeal of a restoration and replacement order in Benton County. The appeal involves the excavation of an island that was in wetland and the filling of wetland along the wetland edge. The restoration order has been stayed and the appeal has been placed in abeyance pending the completion of further field work this spring.

File 06-23. (05/19/06) This is an appeal of a replacement plan decision in Kanabec County. The LGU denied the wetland replacement plan application. A previous denial of the same replacement plan application had been appealed, the appeal was remanded for a hearing, and now the current denial has been appealed. The appeal has been placed in abeyance pending the outcome of a lawsuit between the landowner and the county. The lawsuit concerns the county's possible noncompliance with the 60-day rule. The county prevailed in district court, however the decision was appealed to the Court of Appeals where the county again prevailed. An appeal to the Minnesota Supreme Court was denied review. It is likely the appeal will soon be placed on the calendar for DRC proceedings.

File 06-17. (05/27/06) This is an appeal of a replacement plan decision in the City of Montgomery in LeSueur County. The LGU denied an after-the-fact wetland replacement plan application based on a lack of sufficient reasons why the restoration could not be completed. The appeal has been remanded for further processing at the local level.

File 06-12. (04/13/06) 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. (02/16/06) 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 05-24. (03/04/05) 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. It appears at least two of the appeals have been settled.

File 05-1. (01/13/05) This is an appeal of a replacement plan decision by the Rice Creek Watershed District. The District previously made a decision that was appealed which resulted in a remand for an expanded TEP. Now there is an appeal of the decision made under remand since the decision differed from the TEP report. At issue is a wetland delineation and the Comprehensive Wetland Protection and Management Plan that BWSR approved. After a hearing before the DRC, the board remanded the matter for a new wetland delineation and for submission on an updated, complete replacement plan application.

OLD BUSINESS

1. Clean Water Legacy (CWL) Technical Assistance Continuation Funds for FY07 Projects – Matt Drewitz. See attachment. ***DECISION ITEM***

BOARD OF WATER AND SOIL RESOURCES **MEMORANDUM**

DATE: October 10, 2008

TO: BWSR Board

FROM: Matt Drewitz, Jeff Hrubes, and Marcey Westrick – Clean Water Specialists

SUBJECT: **DECISION ITEM**: Clean Water Legacy (CWL) Technical Assistance Continuation Funds for FY07 Projects

The purpose of this memorandum is to provide the BWSR Board background information on continuation funds for FY2007 CWL implementation projects that hired staff with BWSR engineering and technical assistance funds. Additional budget detail has been provided in Attachment A for your review. BWSR staff presented this proposal to the BWSR Senior Management Team (SMT) on September 16, 2008 and the SMT approved the recommendation to go forward to the BWSR Grants Program and Policy Committee. On September 24, 2008, the BWSR Grants Program and Policy Committee recommended approval of this proposal and moved this proposal to the BWSR Board for final adoption.

The 2006 legislature provided CWL funds for BWSR Cost Share, Technical Assistance and Engineering, Lake and River Management, and Public Interest Lands (bonding) grants for State FY07. There was a caveat that these first year funds needed to be encumbered by BWSR by June 30, 2007 and needed to be completely spent by the grant recipients by June 30, 2009 (BWSRs current CWL allocation for FY08-09 allows for funds to be available until spent). Because of the later caveat, BWSR is unable to provide any extensions to FY07 grants beyond June 30, 2009. Also, our grant agreements with the Local Governmental Units (LGUs) could not go beyond that date. For LGUs that hired staff, the issue is that most projects that hired staff have just enough funds to employ those staff until June 30, 2009 (in some cases the money will run out earlier). This creates a problem of having to lay off a technical resource staff in the middle of the construction season. Also, the uncertainty of any future funding may result in staff leaving their positions early.

The short-term solution to this issue was that BWSR has put $450,000 of its current CWL Technical Assistance and Engineering allocation into a line item for continuation funds for FY07 projects that hired staff. BWSR Clean Water Specialists surveyed each LGU with staff to see how much funding they would need to keep their staff on board for an additional 6 months and 1 year. Through our analysis, the $450,000 set aside for continuations will results in providing each LGU 92% of what they requested for one-year worth of staff time. Attachment A shows the budget breakdown by each LGU and individual staff person.

These continuation funds will help the LGUs:

- Keep existing staff on to continue working towards meeting TMDL and County Water Plan goals.
- Provide a bridge for LGUs to apply for technical assistance funds for staff in FY10 in the event that additional CWL funding is made available from the legislature or from the potential 3/8 sale tax referendum.
- Provide some short-term stability for LGU management creating their calendar year 2009 budget.
- Provide incentive for staff hired through these positions to stay and not seek other employment.
- Give guidance to LGUs if they should apply for FY09 CWL technical assistance funds or not.

Therefore, we would like to obtain the BWSR Board's approval of the budget breakdown shown in Attachment A. Upon BWSR Board approval, we will work with BWSR grants staff to modify current grant agreements or develop new grant agreements for these projects. Work plans would be amended to illustrate this additional funding and subsequent work to be accomplished.

Attachment A: On-going Funding Needs for Techinical Assistance Staff Hired by LGUS with CWL Funds in FY07

Project Funded in FY 2007	Position Description	Partially Funded in FY07 CWL	FY07 TA Funds	FY08 TA Funds	FY09 TA Funds	LGU Extension Requests	Opt. A: Aribitrary Allocaiton without TSP Funds	Option B: Arbitrary Allocation with TSP Funds	Option C: Proportional to Requests	Justificaiton for Funds	Option C: Final
GBERBA	Nutrient Specialist	Fully funded with CWL	40	80	80	95	80	95	88.831	Funds for technician salary, training, oversight, and office space rental.	**$88,831**
GBERBA	Stormwater Specialist	319, PS2 Stormwater, CWL	20	40	40	50	50	50	46.753	Salary for stormwater specialist.	**$46,753**
GBERBA	Conservagtion Agronomist	U of M Extension, CWL	10	35	35	40	40	40	37.403	Partial salary for U of M Extension Agronomist.	**$37,402**
Area 11 JPB	Nutrient Specialist-Rice SWCD	Fully funded with CWL	20	45	45	25	25	25	23.377	Salary for half-time nutrient specialist.	**$23,376**
Area 11 JPB	Nutrient Specialist-Fillmore SWCD	Fully funded with CWL	20	45	45	55	55	55	51.429	Salary for full-time nutrient specialist.	**$51,428**
Root River Watershed	Grazing Specialist-Fillmore SWCD	Fully funded with CWL	20	45	45	55	55	55	51.429	Salary for full-time grazing specialist.	**$51,428**
Shell Rock WD	Nutrient/ISTS Specialist	SRWD, CWL	5	16	0	10.25	10	10.25	9.584	Parial salary for Freeborn County staff to conduct work for Shell Rock WD.	**$9,584**
Dakota SWCD	Conservation Tech	SWCD, BWSR Normal TA, CWL	4	6	6	16	0	20	14.961	Partial salary for SWCD Conservation Technician.	**$14,961**
Impack 6 JPB	Shoreland Specialist	Fully funded with CWL	20	40	40	40	40	44.75	37.403	Salary for full-time Shoreland specialist.	**$37,402**
Wilkin SWCD	Conservation Tech	Funded Through successful '08 app	20	40	0	0	0	0	0.000	Staff funds not needed.	**$0**
Wadena SWCD (protection)	Forestry Technician	Fully funded with CWL	45	45	45	45	45	45	42.078	Salary for full time Forestry Technician.	**$42,077**
Benton SWCD (protection)			60	50	50	50	50	50	46.753	Technical assistance needed to complete implement CWL protection activities.	**$46,758**
Total Funds in $1,000			284	$ 486.5	$ 431.0	$ 481.25			450		**$450,000**
Total Funds with Inflation of 5%						$ 505.31					
							450	490			

CWL TA Budgeted	$450,000
CWL TSP Funding	$40,000
Total Available	$490,000
Total Requests	$485,250

Board Resolution # 08-100

CLEAN WATER LEGACY PROGRAM

Continuation of Technical Assistance Funding for Staff Funded with BWSR's FY07 Allocation

WHEREAS, Governor Pawlenty signed the Clean Water Legacy Act (CWLA) into law on June 2nd, 2006; and,

WHEREAS, the BWSR 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; and,

WHEREAS, an inter-agency implementation initiative was conducted to coordinate funding of restoration and protection activities; and,

WHEREAS, the 2006 legislature appropriated funds to the BWSR for Clean Water Legacy Technical Assistance and Engineering Grants in fiscal year 2007; and

WHEREAS, there is a need to continue the conservation work being accomplished with local governmental unit (LGU) staff hired with the FY07 Clean Water Legacy Technical Assistance and Engineering funding for the following reasons:

- Keep existing staff on to continue working towards meeting TMDL and County Water Plan goals,
- Provide a bridge for LGUs to apply for technical assistance funds for staff in FY10 in the event that additional CWL funding is made available from the legislature or from the potential 3/8 sale tax referendum,
- Provide some short-term stability for LGU management creating their calendar year 2009 budget,
- Provide incentive for staff hired through these positions to stay and not seek other employment, and
- Give guidance to LGUs if they should apply for FY09 CWL technical assistance funds or not.

NOW THEREFORE, the Grant Policy and Program Committee recommends BWSR approval of the proposed technical assistance allocations to further continue CWL funded technical staff.

Randy Kramer, Chair
Board of Water and Soil Resources

Date: 10/22/08

NEW BUSINESS

1. Cook County SWCD Request for Allocation of State Cost Share Program Rollover Funds to Facilitate Flood Response to June 6, 2008 Storm Event – Jeff Hrubes and Dan Steward. See attachment. ***DECISION ITEM***

3. Presentation "Working Together to Address Drinking Water Issues in the City of Hastings and the Vermillion River Watershed" - David Swenson and Jill Trescott, Dakota County Waters Resources Department. See attachment. ***INFORMATION ITEM***

Soil & Water Conservation District
411 W 2nd Street, Grand Marais, MN 55604
(218) 387-3647

Date: September 19, 2008
To: Wayne Zellmer, BWSR Cost Share
From: Rebecca Wiinanen, Cook SWCD

Subject: Request for Roll-Over Cost Share for Practices to Repair Damage from June 6 Storm

Hello Wayne. Thank you for your help to Cook SWCD in its assistance to landowners suffering damage in the June 6 record-breaking storm. Thanks also to Jeff Hrubes and Dan Steward for their help. The June 6 storm exceeded records for both a 12-hour and 6-hour event. The rain poured onto ground already saturated from a late spring melt.

Cook County is in the Federal disaster declaration signed by President Bush on June 25, 2008, for the State of Minnesota for FEMA public assistance. It has also been designated an agricultural disaster area by the USDA.

After twenty-two landowners stopped by the Soil & Water office asking for help, the Cook SWCD Board voted to work with the MN Conservation Corps (MCC) for labor for stream and gully repair. The Board later voted to advertise technical assistance, MCC labor, and cost share for storm damage repairs that would protect water quality. To-date SWCD staff, Tristan Beaster and Keith Anderson, CCLNS engineer, have reviewed damages on thirty-four private properties. Jeff Hrubes and Dan Steward, BWSR Board Conservationists, toured eleven of these properties on September 18.

Projects will be ranked by potential for further damage and sediment discharge into Lake Superior and inlet streams.

Cook SWCD requests $145,000 in roll-over cost share. Cook SWCD has $19,986 available to encumber to projects. This is not enough to fix damages caused by the storm.

Included with this request:

1. List of the types of practices
2. Federal disaster declaration
3. Federal agriculture disaster designation
4. Documentation from state climatology of the record-breaking event
5. Representative photos
6. Map of potential project locations

JOINT FEDERAL/STATE FIELD OFFICE
ROCHESTER, MINNESOTA
CONGRESSIONAL ADVISORY

FEMA-DR1772 MN
Joint Federal/State Field Office
Rochester, Minnesota
Congressional Advisory #05
August 11, 2008

FEMA – Ken Higginbotham Ph: 507-252-3247
Cell: 818-599-7422

State of MN: Rima Kawas Ph: 651-201-7169

PUBLIC ASSISTANCE (PA) APPLICANT BRIEFING

SCHEDULED FOR COOK COUNTY

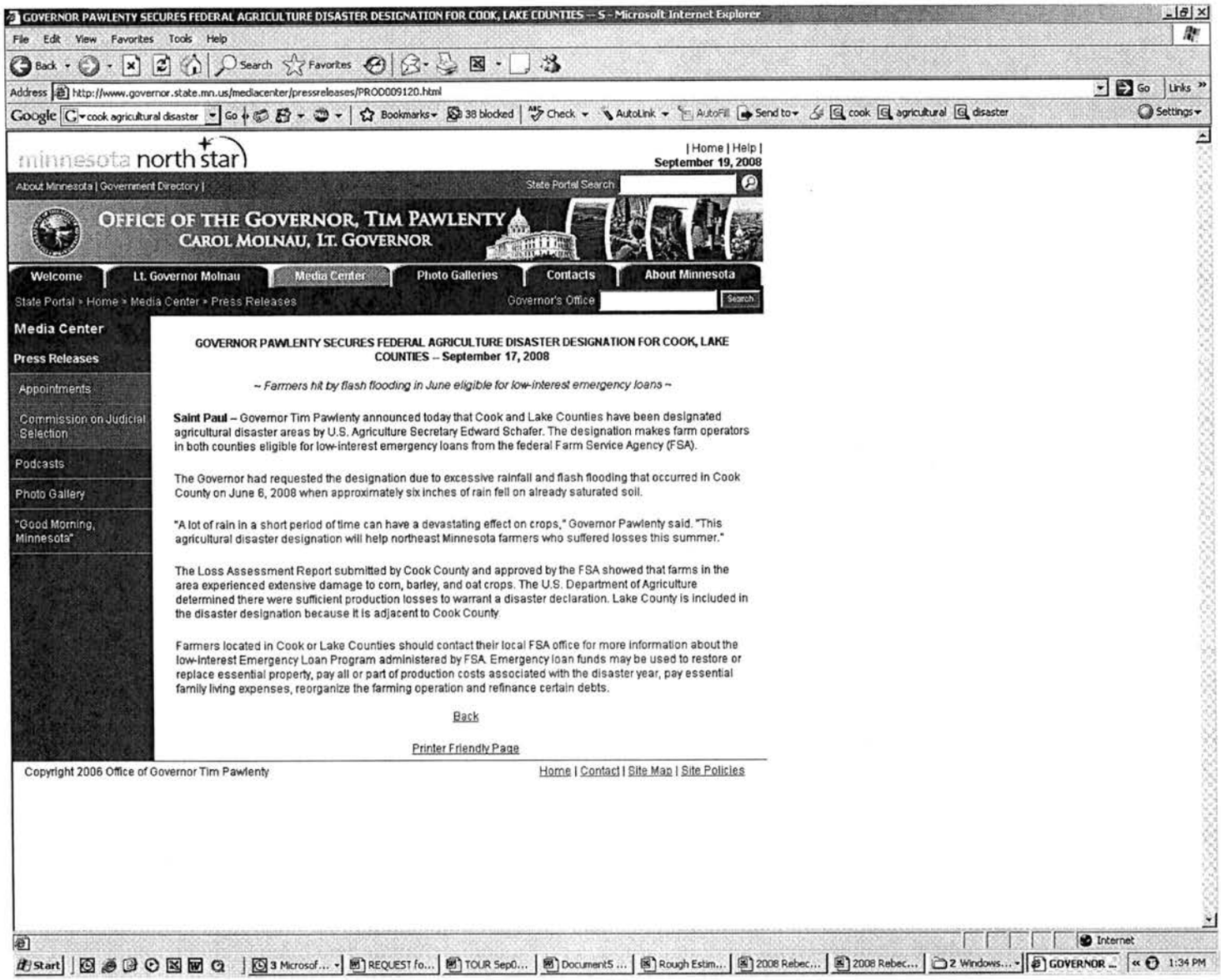
Who: **FEMA and the Minnesota Department of Public Safety Division of Homeland Security and Emergency Management.**

What: **The Federal disaster declaration signed by President Bush on June 25, 2008, for the State of Minnesota, has been amended to include Public Assistance for Cook County. FEMA's Public Assistance (PA) program offers assistance to State and local governments, and certain private nonprofit organizations, for emergency work and the repair or replacement of disaster-damaged facilities. A PA applicant briefing is scheduled for Cook County.**

When: **8:30 a.m. Thursday, August 14, 2008**

Where: **Cook County Community Center**
317 West 5th Street
Grand Marais, MN 55604

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GOVERNOR PAWLENTY SECURES FEDERAL AGRICULTURE DISASTER DESIGNATION FOR COOK, LAKE COUNTIES -- S - Microsoft Internet Explorer
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GOVERNOR PAWLENTY SECURES FEDERAL AGRICULTURE DISASTER DESIGNATION FOR COOK, LAKE COUNTIES -- September 17, 2008
~ Farmers hit by flash flooding in June eligible for low-interest emergency loans ~
Saint Paul -- Governor Tim Pawlenty announced today that Cook and Lake Counties have been designated agricultural disaster areas by U.S. Agriculture Secretary Edward Schafer. The designation makes farm operators in both counties eligible for low-interest emergency loans from the federal Farm Service Agency (FSA).
The Governor had requested the designation due to excessive rainfall and flash flooding that occurred in Cook County on June 6, 2008 when approximately six inches of rain fell on already saturated soil.
"A lot of rain in a short period of time can have a devastating effect on crops," Governor Pawlenty said. "This agricultural disaster designation will help northeast Minnesota farmers who suffered losses this summer."
The Loss Assessment Report submitted by Cook County and approved by the FSA showed that farms in the area experienced extensive damage to corn, barley, and oat crops. The U.S. Department of Agriculture determined there were sufficient production losses to warrant a disaster declaration. Lake County is included in the disaster designation because it is adjacent to Cook County.
Farmers located in Cook or Lake Counties should contact their local FSA office for more information about the low-interest Emergency Loan Program administered by FSA. Emergency loan funds may be used to restore or replace essential property, pay all or part of production costs associated with the disaster year, pay essential family living expenses, reorganize the farming operation and refinance certain debts.
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1:34 PM

The June 5-6, 2008 storm event of 5.10 inches at Grand Marais harbor will rank as the 2nd highest 24-hour rainfall since 1950. It was one of only five 24-hour events since 1950 over 3 inches. The three highest 24-hour storms were in the last 12 years. The highest was in June of 1996 with 5.43 inches. Records were broken - during 6-hrs 4.81 inches and during 12 hours 5.08 inches fell.

YEARS 1950 to 2007

Precipitation from events of 2.00 inches or more

Sorted by Amount of Precipitation

Grand Marais harbor gauge station.
Precipitation > 2 inches within 24-hrs
Data from MN State Climatology
Data also available for 48-hr, 72-hr, and 10-day events

Number of events	Year	Month	Day	Precip	Temp max	Temp min	Temp avg
1	1996	6	29	**5.43**	75	49	62
2	*2008**	*6*	*5th-6th*	***5.10***	13 hour storm		
3	1999	7	5	**3.60**	70	50	60
4	1961	9	10	**3.49**	69	62	66
5	1970	7	27	**3.24**	81	61	71
6	1987	8	1	**2.93**	70	63	67
7	1950	5	5	**2.78**	54	35	45
8	1977	9	24	**2.74**	54	49	52
9	1988	8	17	**2.64**	74	62	68
10	1967	4	17	**2.62**	44	34	39
11	1970	9	21	**2.61**	69	56	63
12	1977	8	31	**2.61**	60	52	56
13	1993	7	4	**2.57**	65	50	58
14	1968	10	9	**2.55**	53	49	51
15	1989	6	13	**2.50**	50	47	49
16	2004	10	23	**2.47**	56	45	51
17	1972	9	20	**2.45**	64	56	60
18	1998	10	17	**2.40**	59	51	55
19	1973	9	1	**2.37**	71	63	67
20	1980	8	30	**2.34**	73	60	67
21	2001	7	31	**2.31**	72	55	64
22	1959	8	25	**2.28**	73	60	67
23	1964	5	23	**2.25**	64	52	58
24	1989	9	4	**2.25**	62	55	59
25	1954	7	27	**2.12**	71	60	66
26	1964	6	9	**2.12**	66	48	57
27	1961	8	25	**2.07**	69	58	64
28	1986	6	16	**2.05**	64	47	56
29	1951	7	16	**2.00**	67	44	56
30	1952	3	20	**2.00**	99	26	
31	1968	7	13	**2.00**	66	48	57
32	1974	7	2	**2.00**	63	47	55
33	2007	10	18	**2.00**	55	50	53

www.sws.uiuc.edu/

from "Rainfall Frequency atlas", 1992

Table 6. Sectional Mean Frequency Distributions for Storm Periods of 5 Minutes to 10 Days and Recurrence Intervals of 2 Months to 100 Years in Minnesota

Sectional code (see figure 1 on page 4)

01 - Northwest
02 - North Central
* *03 - Northeast*
04 - West Central
05 - Central
06 - East Central
07 - Southwest
08 - South Central
09 - Southeast

Grand Marais Jun 08

Rainfall (inches) for given recurrence interval

Section	Duration	2-month	3-month	4-month	6-month	9-month	1-year	2-year	5-year	10-year	25-year	50-year	100-year *	
01	10-day	1.53	1.84	2.12	2.50	2.87	3.12	3.83	4.89	5.80	6.97	7.88	8.75	
01	5-day	1.27	1.53	1.73	2.00	2.30	2.50	3.11	4.11	5.01	6.12	7.05	7.94	
01	72-hr	1.11	1.30	1.47	1.70	1.96	2.13	2.70	3.61	4.43	5.55	6.41	7.27	
01	48-hr	1.03	1.20	1.34	1.55	1.78	1.94	2.42	3.25	4.05	5.13	5.91	6.70	
01	24-hr	0.94	1.09	1.20	1.39	1.57	1.71	2.16	2.94	3.69	4.57	5.41	6.11	
01	18-hr	0.89	1.03	1.13	1.30	1.48	1.61	2.03	2.76	3.47	4.30	5.09	5.74	
01	12-hr	0.82	0.95	1.04	1.21	1.37	1.49	1.88	2.56	3.21	3.98	4.71	5.32	
01	6-hr	0.70	0.82	0.90	1.04	1.18	1.28	1.62	2.20	2.77	3.43	4.06	4.58	
01	3-hr	0.60	0.70	0.76	0.88	1.00	1.09	1.38	1.88	2.36	2.92	3.46	3.91	
01	2-hr	0.54	0.63	0.69	0.80	0.91	0.99	1.25	1.71	2.14	2.65	3.14	3.54	
01	1-hr	0.44	0.51	0.56	0.65	0.74	0.80	1.02	1.38	1.73	2.15	2.54	2.87	
01	30-min	0.35	0.40	0.44	0.51	0.58	0.63	0.80	1.09	1.37	1.69	2.00	2.26	
01	15-min	0.25	0.29	0.32	0.37	0.42	0.46	0.58	0.79	1.00	1.23	1.46	1.65	
01	10-min	0.20	0.23	0.25	0.29	0.33	0.36	0.45	0.62	0.77	0.96	1.14	1.28	
01	5-min	0.12	0.13	0.15	0.17	0.19	0.21	0.26	0.35	0.44	0.55	0.65	0.73	
02	10-day	1.67	2.01	2.32	2.73	3.14	3.41	4.15	5.08	5.81	6.84	7.68	8.52	
02	5-day	1.35	1.61	1.82	2.11	2.43	2.64	3.27	4.14	4.84	5.86	6.71	7.57	
02	72-hr	1.24	1.45	1.64	1.90	2.19	2.38	2.90	3.64	4.31	5.28	6.10	6.96	
02	48-hr	1.14	1.33	1.48	1.72	1.98	2.15	2.68	3.38	3.97	4.86	5.62	6.45	
02	24-hr	1.07	1.24	1.36	1.57	1.78	1.94	2.41	3.06	3.58	4.39	5.10	5.88	
02	18-hr	1.00	1.16	1.27	1.47	1.67	1.82	2.27	2.88	3.37	4.13	4.79	5.53	
02	12-hr	0.93	1.08	1.18	1.37	1.55	1.69	2.10	2.66	3.11	3.82	4.44	5.12	
02	6-hr	0.80	0.93	1.02	1.18	1.34	1.46	1.81	2.30	2.68	3.29	3.82	4.41	
02	3-hr	0.68	0.79	0.87	1.00	1.14	1.24	1.54	1.96	2.29	2.81	3.26	3.76	
02	2-hr	0.62	0.72	0.79	0.92	1.04	1.13	1.40	1.77	2.08	2.55	2.96	3.41	
02	1-hr	0.50	0.58	0.64	0.74	0.84	0.91	1.13	1.44	1.68	2.06	2.40	2.76	
02	30-min	0.40	0.46	0.50	0.58	0.66	0.72	0.89	1.13	1.32	1.62	1.89	2.18	
02	15-min	0.29	0.33	0.36	0.42	0.48	0.52	0.65	0.83	0.97	1.19	1.38	1.59	
02	10-min	0.23	0.26	0.29	0.33	0.38	0.41	0.51	0.64	0.75	0.92	1.07	1.23	
02	5-min	0.13	0.15	0.16	0.19	0.21	0.23	0.29	0.37	0.43	0.53	0.61	0.71	
03	10-day	1.66	1.99	2.30	2.70	3.11	3.38	4.04	4.82	5.41	6.28	6.96	7.58	7.06
03	5-day	1.36	1.62	1.84	2.13	2.45	2.66	3.24	4.05	4.69	5.54	6.16	6.57	5.62
03	72-hr	1.19	1.39	1.57	1.82	2.10	2.28	2.83	3.57	4.16	4.96	5.53	6.09	5.47
03	48-hr	1.09	1.28	1.42	1.65	1.90	2.06	2.54	3.21	3.74	4.49	5.06	5.63	
03	24-hr	1.05	1.22	1.34	1.55	1.76	1.91	2.31	2.88	3.36	4.08	4.64	5.20	5.10
03	18-hr	0.99	1.15	1.26	1.46	1.66	1.80	2.17	2.71	3.16	3.84	4.36	4.89	
03	12-hr	0.91	1.06	1.16	1.34	1.53	1.66	2.01	2.51	2.92	3.55	4.04	4.52	5.08 *
03	6-hr	0.79	0.92	1.00	1.16	1.32	1.43	1.73	2.16	2.52	3.06	3.48	3.90	4.81 **
03	3-hr	0.67	0.78	0.85	0.99	1.12	1.22	1.48	1.84	2.15	2.61	2.97	3.33	3.30 *
03	2-hr	0.61	0.71	0.78	0.90	1.02	1.11	1.34	1.67	1.95	2.37	2.69	3.02	
03	1-hr	0.50	0.58	0.63	0.73	0.83	0.90	1.09	1.35	1.58	1.92	2.18	2.44	1.62
03	30-min	0.39	0.45	0.50	0.58	0.65	0.71	0.85	1.07	1.24	1.51	1.72	1.92	
03	15-min	0.29	0.33	0.36	0.42	0.48	0.52	0.62	0.78	0.91	1.10	1.25	1.40	
03	10-min	0.22	0.26	0.28	0.32	0.37	0.40	0.49	0.60	0.71	0.86	0.97	1.09	
03	5-min	0.13	0.15	0.16	0.19	0.21	0.23	0.28	0.35	0.40	0.49	0.56	0.62	

* record breaker

Rebecca

From: Greg Spoden [gspoden@umn.edu]
Sent: Friday, June 13, 2008 12:20 PM
To: rebecca.wiinanen@co.cook.mn.us
Cc: pboulay@umn.edu; jzandlo@umn.edu; mseeley@umn.edu; carol.christenson@noaa.gov; amanda.graning@noaa.gov
Subject: Grand Marais hourly rainfall totals June 5-6, 2008

Rebecca,

Here are hourly rainfall totals measured at the federally-operated automated weather station (KGNA) located on the Bay of Grand Marais.

Thursday, June 5, 2008 - hour ending 21:56 CDT - 0.03 inch
22:56 CDT - 0.05
23:56 CDT - 0.05
Friday, June 6, 2008 - hour ending 00:56 CDT - 0.02
01:56 CDT- 0.17
02:56 CDT - 1.05
03:56 CDT - 1.06
04:56 CDT - 0.62
05:56 CDT - 1.62 (four-hour subtotal 2:00 AM through 6:00 AM = 4.35 inches)
06:56 CDT - 0.29 (six-hour subtotal 1:00 AM through 7:00 AM = 4.81 inches)
07:56 CDT = 0.06
08:56 CDT = 0.06
09:56 CDT = 0.02

event total 5.10 inches

The one-percent probability six-hour rain event for the Grand Marais area is approximately 3.75 inches. See page 77 (page 84 of the PDF) of the "Rainfall Frequency Atlas of the Midwest" (http://www.sws.uiuc.edu/pubdoc/B/ISWSB-71.pdf).

Unfortunately, the state-operated automated weather station located at the Cook County airport does not transmit rainfall data.

As we discussed on the phone, viewing daily precipitation totals can be accomplished using the mapping tools available at http://climate.umn.edu/mngage .

Please feel free to phone or e-mail if you have any questions,

Greg

--

Greg Spoden
State Climatology Office
Minnesota Department of Natural Resources - Division of Waters
439 Borlaug Hall, University of Minnesota
1991 Upper Buford Circle
St. Paul, MN 55108-6028
phone: (651) 296-4214
fax: (612) 626-1276
e-mail: gspoden@umn.edu or greg.spoden@dnr.state.mn.us
http://climate.umn.edu and http://www.dnr.state.mn.us/waters

Request for Roll-Over Cost Share
for Practices to Repair Damage from June 6 Storm
from Cook SWCD, 9/17/08

Practice	Cost Estimate
Stream Bank Stabilization/Slump	
trout stream bank stabilization; slump	2,000
trout stream bank stabilization; slump	30,000
stream crossing culvert repair and upgrade	18,000
stream bank stabilization	4,000
stream bank stabilization	4,000
Stream Bank Stabilization/Slump	*58,000*
Berm along Stream for Gully Prevention	
berm on stream; gully erosion control; water bars	3,000
berm on stream	2,000
berm on stream	2,000
Berm along Stream for Gully Prevention	*7,000*
Agricultural Erosion Control	
agricultural erosion control, grassed waterway improvements, sediment basins	80,000
Agricultural Erosion Control	*80,000*
Total	*145,000*

*The storm exceeded records for both a 12-hour and 6-hour event. The rain poured onto ground already saturated from a late spring melt.

*Cook County is a federal disaster declaration for FEMA public assistance. It has also been designated an agricultural disaster area by the USDA.

*Projects will be ranked by potential for further damage and sediment discharge into Lake Superior and inlet streams.

Board Resolution #_____

Use of State Cost Share Program Rollover Funds for Flood Response Activities in Cook County Minnesota

---

WHEREAS, On June 6th, 2008, the area around Grand Marais, Minnesota received rainfall totals of at least 5.1 inches over a 13 hour period; and,

WHEREAS, Cook County was included in the Presidential disaster declaration of June 25th 2008 for flood events occurring on June 7th, 2008 in SE Minnesota; and,

WHEREAS, FEMA assistance for Cook County was limited to public infrastructure and certain non-profit organizations: and,

WHEREAS, The US Department of Agriculture declared Cook County an agricultural disaster area on September 17, 2008; and,

WHEREAS, the Cook County Soil and Water District has requested the Board of Water and Soil Resources to consider providing additional cost-share funds that may be used to assist private landowners with projects that focus on flood damages contributing to sediment delivery and water quality concerns.

NOW THEREFORE, the Grant Policy and Program Committee recommends BWSR distribute up to $125,000 of available Cost Share Program rollover funds to the Cook SWCD to mitigate erosion and water quality damages caused by the flood event of June 6, 2008.

FURTHER, the Grant Policy and Program Committee identified the following conditions for use of the Cost Share Program rollover funds:

+ The State Cost Share Program rules and procedures must be followed
+ To the maximum extent practicable, the Cook SWCD should ensure coordination with available Federal Resources and use the rollover funds in a supporting role when possible, subject to practical considerations of timing and administrative efficiencies.
+ The Cook County SWCD should identify and implement an evaluation mechanism to determine priorities for use of the Cost Share Program rollover funds.
+ The Flood Response Rollover Funds should be tracked and reported separately from regular State Cost Share Program allocations.

_____ Date: _____

Randy Kramer, Chair
Board of Water and Soil Resources

Board Resolution # 08-101

Use of State Cost Share Program Rollover Funds for Flood Response Activities in Cook County Minnesota

---

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Randy Kramer

Date: 10/22/08

Randy Kramer, Chair
Board of Water and Soil Resources

Minnesota Statewide Conservation and Preservation Plan

Board of Water and Soil Resources
10/22/08

INSTITUTE ON THE ENVIRONMENT

UNIVERSITY OF MINNESOTA

CR Planning Bonestroo

1

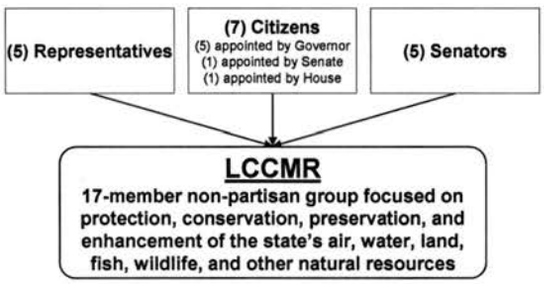
Presenters

- Susan Thornton, Director, LCCMR
- Jean Coleman, CR Planning
- Randy Neprash, Bonestroo

Presentation Goals

- Introduce the LCCMR Statewide Conservation and Preservation Plan project
- Describe the process used to develop the recommendations
- Summarize the habitat and non-point recommendations

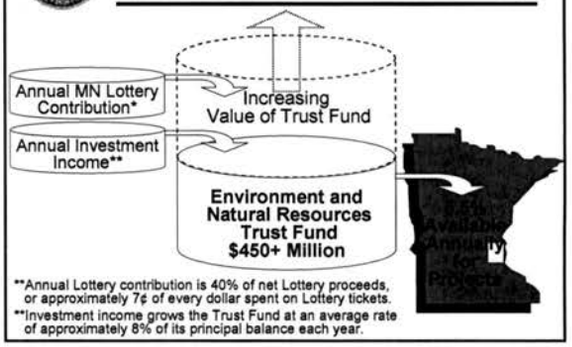
Legislative-Citizen Commission on Minnesota Resources (LCCMR)



Legislative-Citizen Commission on Minnesota Resources (LCCMR)

- Makes funding recommendations to the MN Legislature for special environment and natural resources projects around the state
- Recommendations today are primarily for funds from the Environment & Natural Resources Trust Fund
- Issues annual Request for Proposals (RFP)
- Since 1963, over $600 million appropriated to over 1,250 projects

Minnesota Environment & Natural Resources Trust Fund



*Annual Lottery contribution is 40% of net Lottery proceeds, or approximately 7¢ of every dollar spent on Lottery tickets.
**Investment income grows the Trust Fund at an average rate of approximately 8% of its principal balance each year.

Entire Plan available at
www.lccmr.leg.mn

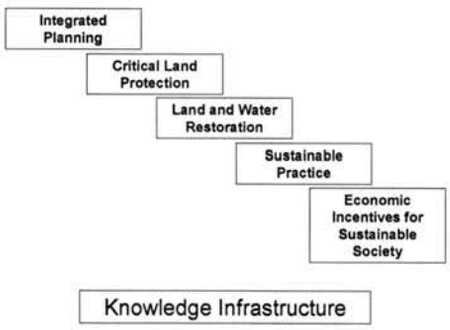
Goals of the Project

- Comprehensive inventory and assessment of Minnesota's environment and natural resources
- Review, analyze, integrate, & build upon existing information and plans pertaining to Minnesota's environment and natural resources
- Identify & prioritize important issues and trends affecting MN's environment and natural resources
- Develop and prioritize recommendations for strategies to best address issues and trends

Key issues investigated in Final Plan



Framework for Recommendations



Natural Resource Values Assessment of Recommendations



Page 7 Final Plan

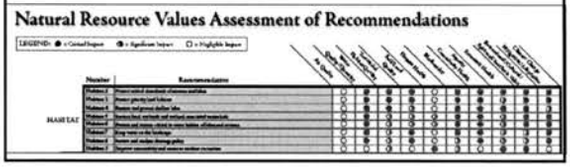
Land and Aquatic Habitat Conservation: Products

- Identify/map critical land & aquatic areas necessary to maintain/improve:
  - Water quality
  - Biodiversity
  - Sustainable outdoor recreation
  - Quality of Minnesota habitats
- Identify strategies & policies needed to maintain or restore critical land & water areas

Habitat Team recommendations:

- Have potential impact on multiple drivers of change
- Operate at landscape and watershed scales
- Assist in adaptation to climate change

Natural Resource Values Assessment of Recommendations



Entire Plan available at
www.lccmr.leg.mn

Mapping habitat quality: Methods and results

- Goal: to prioritize important areas for conservation
- Statewide
- Use existing information
- Integrative – analyzes both positive (resources) and negative (threats to resources) information

Aquatic data – Resources

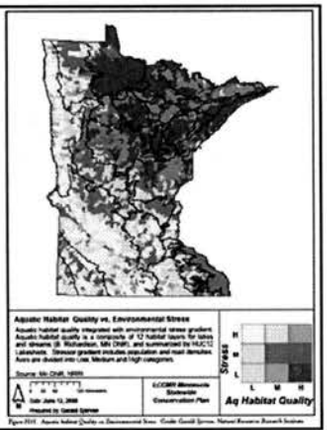
- Key rivers
- Wetland communities and habitat analysis
- Trout streams and trout lakes
- TNC portfolio lakes
- Sturgeon, walleye, cisco lakes
- Open water and wetlands
- Shallow, wildlife, waterfowl, and wild rice lakes

Aquatic data – Threats to resources

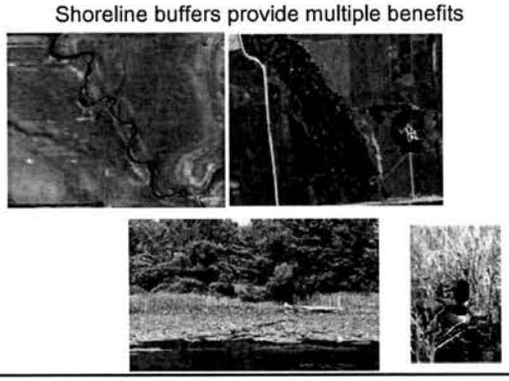
- Population density
- Road density
- Percent agriculture and urban lands in lakesheds
- Percent invasives in lakes



Integration of aquatic habitat quality and environmental stress



Habitat 2: Protect critical shorelands of streams & lakes
Shoreline buffers provide multiple benefits



Habitat 2: Protect critical shorelands of streams and lakes

2A. Acquire high-priority shorelands

- *Permanent protection of highest priority shorelands within each ecological subsection*

2B. Protect private shoreland via economic incentives and other tools

- *Greatly increased and combined use of diverse incentives:*
  - Conservation easements
  - BMPs and technical guidance
  - Shoreland regulations
  - Zoning ordinances
  - Conservation income tax credits

Entire Plan available at
www.lccmr.leg.mn

Habitat 4: Restore and protect shallow lakes



Habitat 4: Restore and protect shallow lakes

- Accelerate restoration & improvement of shallow lake habitat to reduce number of lakes in turbid water state
- Restore some of the 1000+ drained shallow lakes
- Funding needed for:
  - Conservation easements to restore lakesheds
  - Fish barriers to keep out invasive species
  - Water control structures to allow temporary draw-downs
- Support active management to maintain water quality and habitat

Habitat 5: Restore land, wetlands, and wetland-associated watersheds

- Major wetlands focus in south & western Minnesota
- Increased restoration of wetlands in forested areas and wild rice lakes
- Multiple benefits to water quality, wildlife, outdoor recreation, etc.
- Public and especially private land

Habitat 6: Protect and restore critical in-water habitat of lakes and streams

6A. Restore habitat structure within lakes
- Add woody habitat
- Restore emergent & floating vegetation
- Work with lake-home owners & lake associations

6B. Protect and restore in-stream habitat
- Rivers - reduce negative effects of recreational boat traffic; reduce negative effects of built structures
- Streams - reverse negative effects of channelization

Habitat 7: Keep water on the landscape

Retain water over broader areas and slow down its movement across the landscape to return to more natural conditions.

a) Enhance and expand perennial vegetation, preferably native plants
b) Storm water controls to infiltrate most of the rainwater
c) Maintain and restore riparian buffers
   - Encourage wider vegetated buffers
   - Discourage new drainage tile

Habitat 8: Review and analyze drainage policy

- Invest in comprehensive review and analysis of MN statutes relating to drainage, including chapter 103E on drainage
- Make recommendations to legislature for removing barriers to and better facilitate restoration of critical wetlands

Entire Plan available at
www.lccmr.leg.mn

Habitat 9: Overall research on land and aquatic habitats

- Research 'a priori' can result in cost savings
- Complex process – integration of information
- How much land or aquatic habitat is necessary to maintain or improve MN's native natural resources?
- Needed for more credible & defensible use of state resources
- Establish a proportion of budget to research

Habitat 10: Research on near-shore habitat vulnerability

- Map aquatic species richness
- Identify sensitive lakeshore areas statewide
- Investigate economic benefits of preserving undeveloped shoreline and trails
- Determine barriers and benefits of good near-shore stewardship by lake-home owners
- Initiate pilot program to change behavior or limit choices on near-shore habitat alterations

Habitat 11: Improve understanding of ground water resources

Need major, sustained investment to improve information base on ground water & understand connection to surface waters

- Complete geologic atlases & combine with assessments to understand what are sustainable withdrawals
- Upgrade monitoring network

Habitat 12: Improve understanding of watershed responses to multiple drivers of change

- Monitoring, research & evaluation of land use, climate, invasive species, and other changes
- Need improved knowledge in decision-making and management
- Leverage with other state, federal, & private funds (e.g. Clean Water Legacy, NSF, EPA, etc.)
- May require large-scale experimental design

Habitat 13: Habitat and landscape conservation education and training for all citizens

- Citizens need to be educated – e.g. erosion, watershed, landscape, 'action & impact'
- Population demography – disconnect with natural resources
- Leverage excellent on-going programs – MN Master's Naturalist Program, WOW, River Friendly Farmers, Healthy Rivers: A Water Course, etc.
- Dedicate a proportion of the budget to education

Land Use Practices: Products

- Identify public/private land use choices needed to:
  - Improve environmental quality
  - Anticipate and adapt to environmental changes in Minnesota
- Identify land use practices & policies to best support these choices

Entire Plan available at
www.lccmr.leg.mn

Land Use Practices Team

- Focus is on how land is used on a particular parcel or site
- Three major types of land uses in Minnesota
  - Urban/Community
  - Agriculture
  - Forest

Community Land Use

- *Land Use 2:* Support local and regional conservation-based planning
  - 2A. Demonstrate conservation-based planning through pilot projects
  - 2B. Provide incentives to local governments and conservation organizations for conservation-based planning and implementation
  - 2C. Provide tools and technical assistance for conservation-based planning
    - Invest in building state agency assistance capabilities

Community Land Use

- *Land Use 3:* Ensure protection of water resources in urban areas by evaluating and improving current programs
  - Impaired waters and TMDL
  - NPDES stormwater permitting
  - Nondegradation for all waters
  - Shoreland management

Protect water resources in urban areas

3A. Credit system for stormwater and low-impact development (LID) best management practices (BMPs)

- Good scientific and research suport
- Specific and detailed design guidelines
- Quantification of benefits
- Integration into all levels of stormwater regulations – State, city, watershed, etc.

Protect water resources in urban areas

3B. Simple modeling for TMDL compliance

- Review current model
- Integrate with the credit system for stormwater and LID BMPs
- Develop an integrated loading rate and total load reduction model
- Prepare guidance documents
- Integrate model into TMDL protocols and implementation plans
- Develop and implement outreach and training

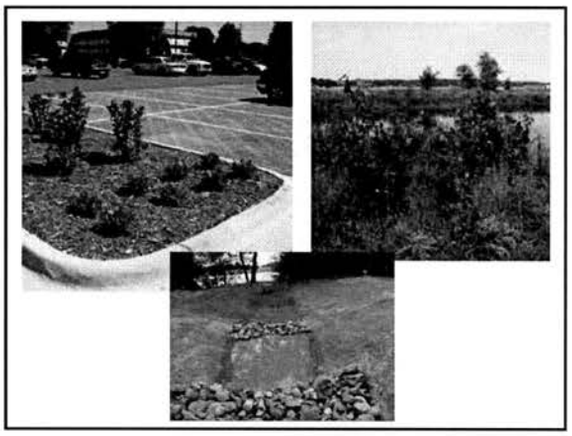
Protect water resources in urban areas

3C. TMDL BMP implementation monitoring

- Draft and implement a program of detailed BMP monitoring
- Selected representative watersheds
- Monitoring beyond the waterbody; monitor the watershed



Entire Plan available at
www.lccmr.leg.mn



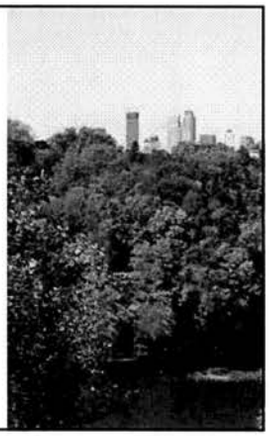
Protect water resources in urban areas

3D. Water quality media campaign

- Build on existing program to enhance public education and awareness of stormwater pollution prevention strategies
- Further develop and expand the "*Minnesota Water – Let's Keep It Clean!*" campaign
- Mass media
- Materials for educators and municipal staff

Project Goal

To achieve a better future for Minnesota's natural resources



Thank You!

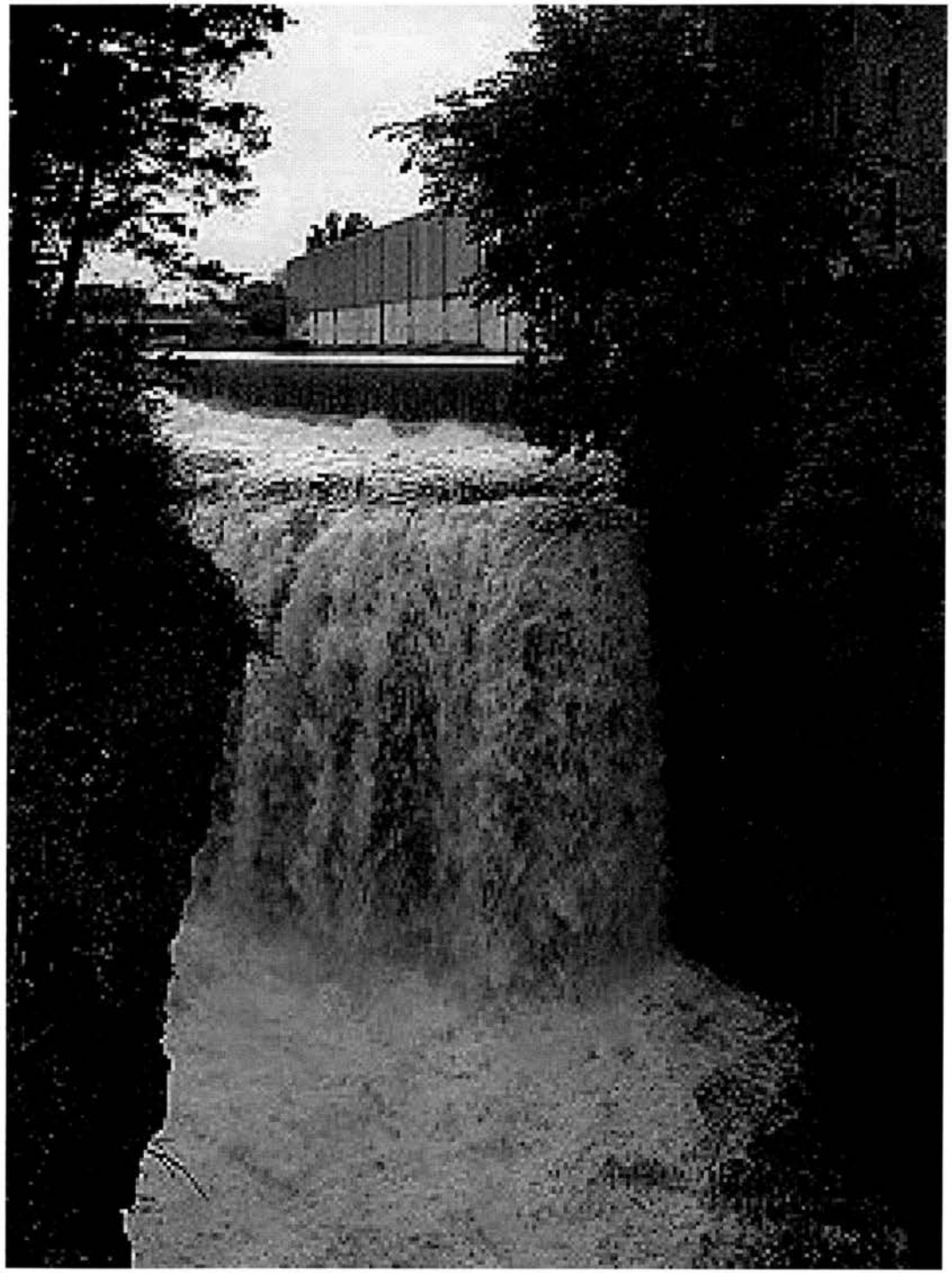
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CR Planning

Bonestroo

Entire Plan available at
www.lccmr.leg.mn



For more information:

Jill V. Trescott
Dakota County
Water Resources
Department
jill.trescott@co.dakota.mn.us
952-891-7019

Dakota COUNTY

Dakota County's Hastings Area Nitrate Study: Collaboration for Water Quality

Phase III: 2008-2011
Clean Water Partnership (MPCA) Grant: $214,888
Total Project Budget: $521,888

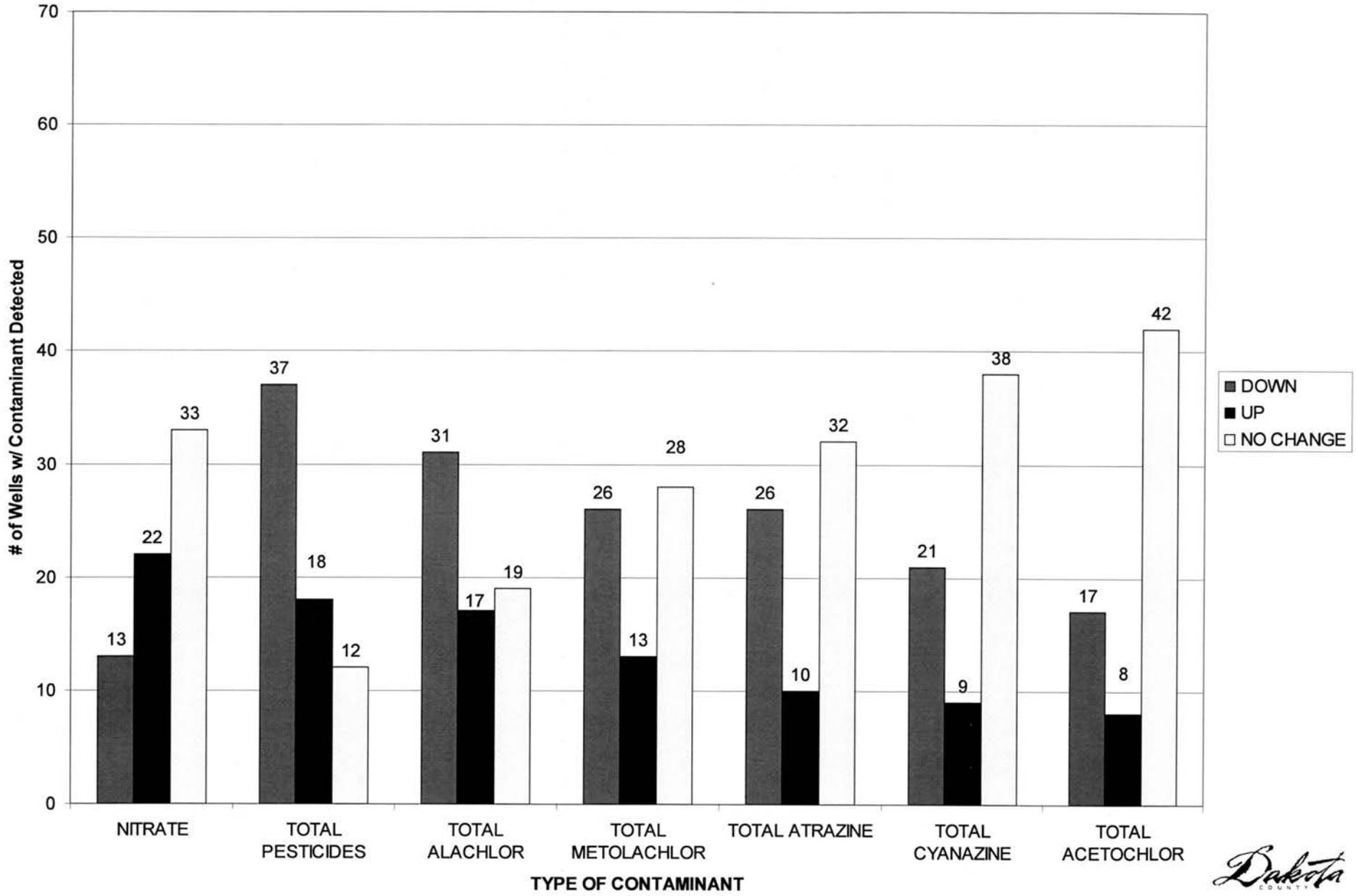
Ongoing Partnerships

Plans
- **Agricultural and Public Outreach**
- **Monitoring**
- **New Well-Sealing Pilot Program w/ City of Hastings**

Dakota COUNTY

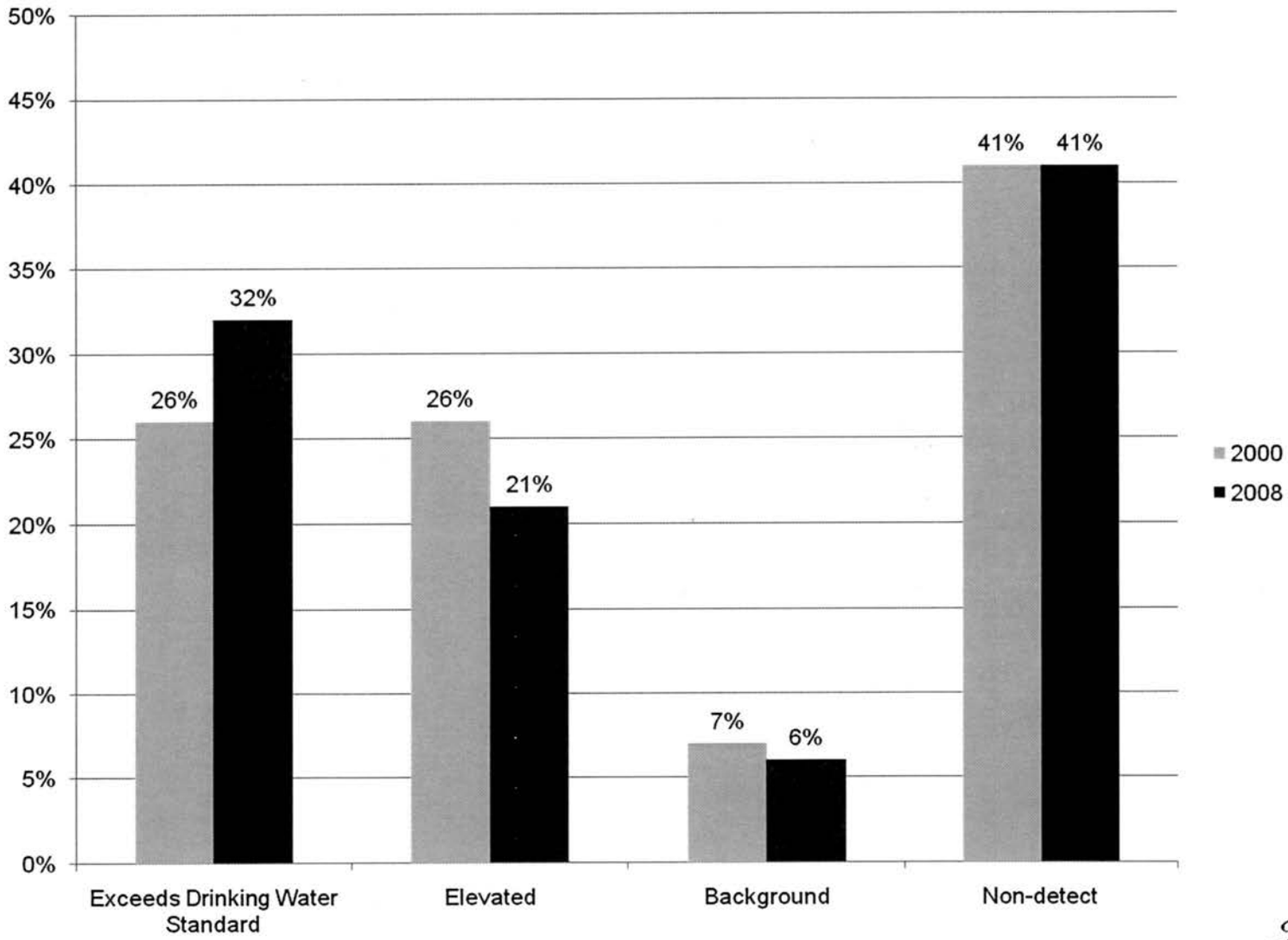
County-Wide Nitrate and Pesticide Results, 2005-2007

Changes in Individual Wells



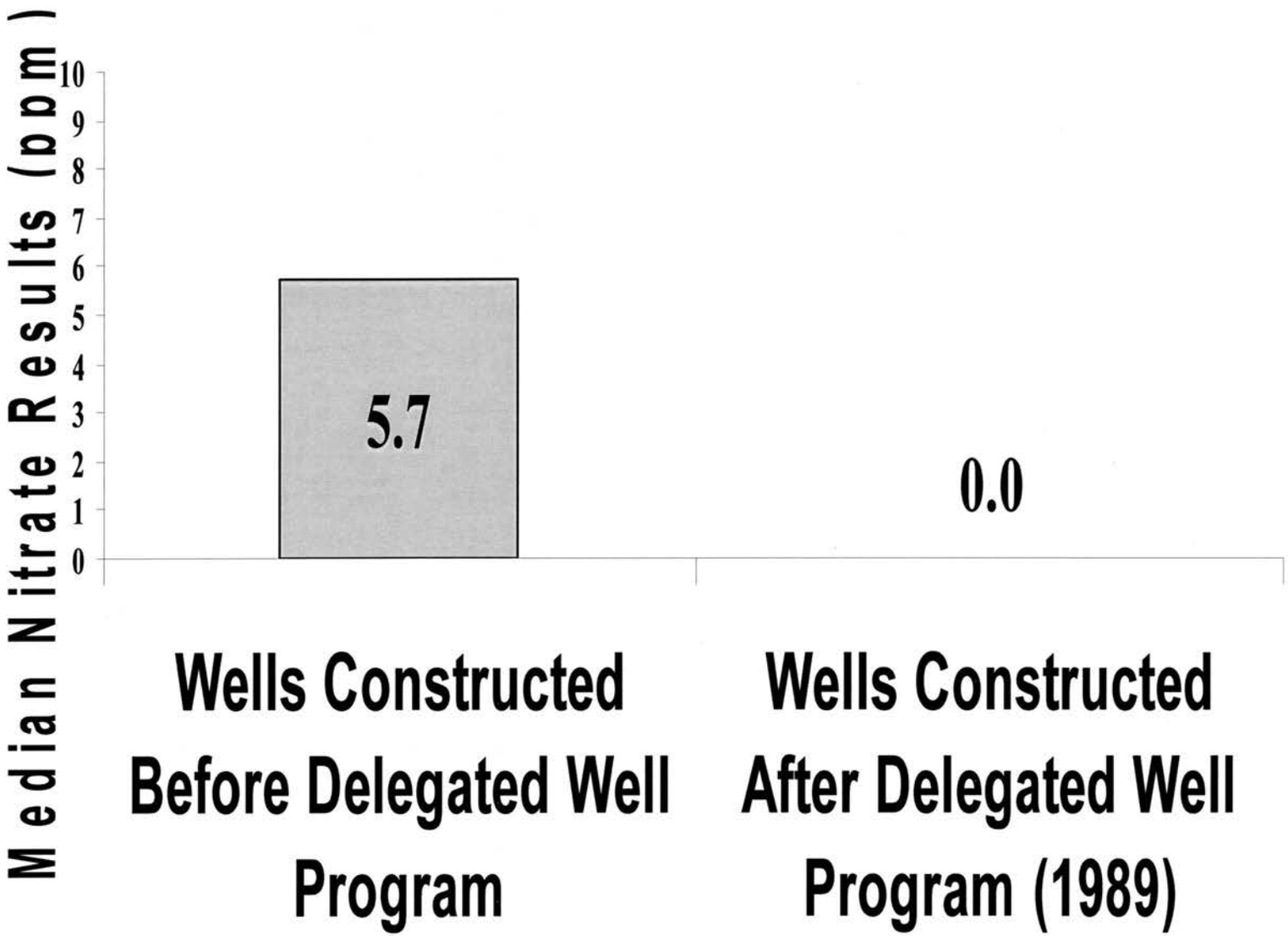
Dakota COUNTY

Phase II: Integrated Strategies
Groundwater Monitoring: Private Well Sampling
2000-2008 Comparison (Preliminary)



Dakota COUNTY

Phase II: Integrated Strategies
Regulation of Well Construction and Sealing



Dakota COUNTY

Phase II: Integrated Strategies

Strategy: Protection of natural areas

- **Dakota County Farmland and Natural Areas Program (2002)**

Strategy: Septic system maintenance and upgrades

- **Soil and Water Conservation District – EPA 319 Grant for Complaint Septic System Initiative**
- **Joint Powers Agreement with townships and cities to administer septic system maintenance program**

Dakota COUNTY

Phase II: Outreach to Private Well Owners

Dakota COUNTY

July 2006

Nitrate and Pesticides in Private Drinking Water Wells in Dakota County

Inside:

What testing has Dakota County done? What has been found?	2
What is nitrate?	2
What health risks are associated with elevated nitrate levels?	3
What are pesticides?	3
What can you do to ensure that your family has safe drinking water?	4
What can you tell about your own well water?	6

This information is applicable to private well owners in Dakota County:

- A long-term study detected contaminants presenting potential health risks in private drinking water wells
- Reverse-osmosis treatment can remove this contamination
- Test your water for coliform bacteria each year; test for nitrate every two or three years

A message from
The Dakota County Board of Commissioners
to the owners of private drinking water wells:

Dakota County staff has been conducting a long-term study of groundwater and private wells. The results raise concerns about contamination found in some residential wells that we think you should know about.

The information in this brochure, and on our website, is to inform private well owners that contaminants with potential health risks have been detected in some private drinking water wells in Dakota County. Treatment systems, available commercially, **can** remove the types of contaminants found.

City water supplies are regularly tested for many contaminants, but private well testing is the responsibility of the well owner. If your drinking water is provided by the city, this brochure may not directly apply to you.

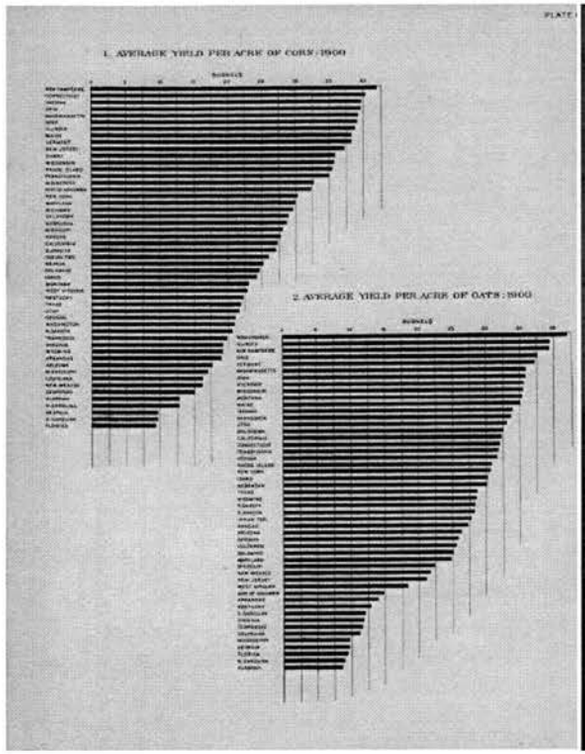
We are sending this letter to all 8,000 private well owners in Dakota County because we are committed to ensuring safe, healthy citizens and a quality physical environment.

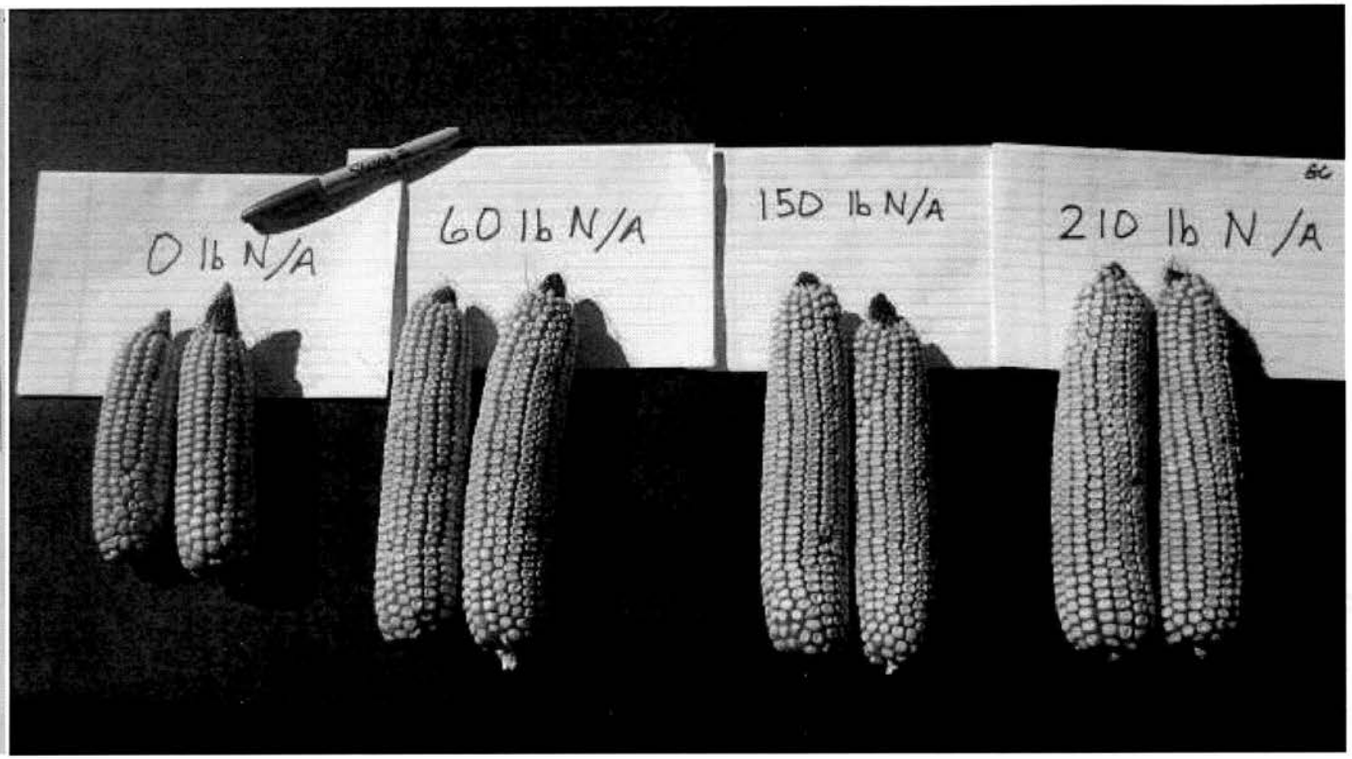
Go to www.co.dakota.mn.us/environ/water.htm or call 952-891-7557 if you have questions about your drinking water or would like to request a water test kit. A small fee is charged for the water test.

Dakota COUNTY

If you use private well water in your home or business, ensure that your family and employees are drinking safe water by:

- Testing your water for coliform bacteria each year, and for nitrate every two to three years
- Installing and maintaining a point-of-use water treatment system if necessary
- Protecting your well from contamination.





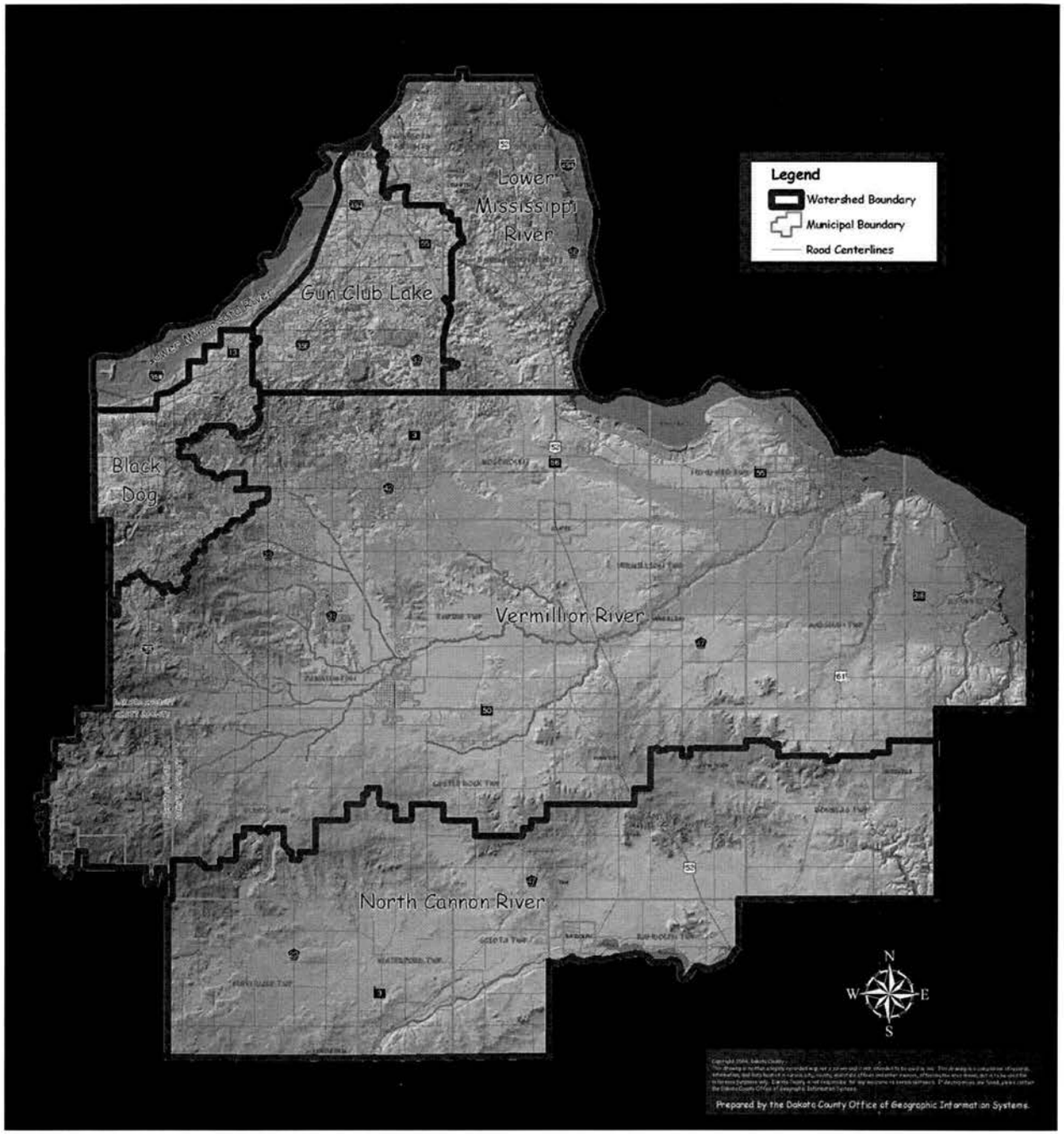
Nitrogen Application Rate (Lbs. N/Acre)	Average Yield (Bu./Acre)
0	163
60	206
150	239
210	241

Dakota COUNTY




OLIVER 1550

Dakota County Watershed Organizations



Dakota County's Hastings Area Nitrate Study: Collaboration for Water Quality

Phase II: 2005-2008
EPA 319 Grant

New Partners

- **Vermillion River Watershed Joint Powers Organization**
- **University of Minnesota**
- **University of Minnesota Extension**
- **USDA – Natural Resources Conservation Service**
- **USDA – Agricultural Research Service**

Dakota COUNTY

Dakota County's Hastings Area Nitrate Study: Collaboration for Water Quality

Phase II: 2005-2008
EPA 319 Grant: $191,539
Total Project Budget: $447,811

Partners from Phase I

- Dakota County
- City of Hastings
- Dakota Soil and Water Conservation District
- Minnesota Department of Agriculture
- Minnesota Department of Health
- United States Geological Survey
- Private well owners
- Local land owners

Dakota COUNTY

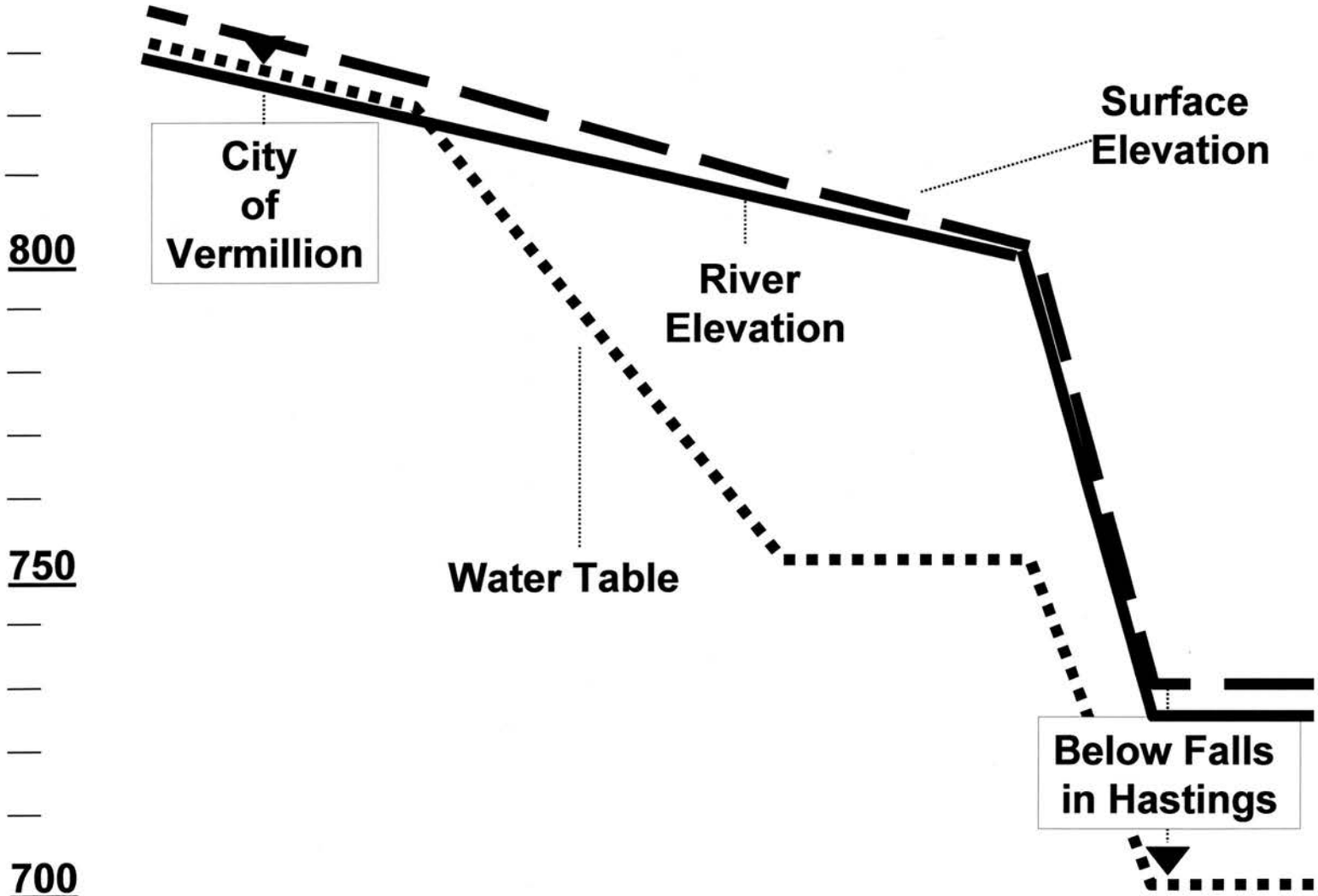
Dakota County's Hastings Area Nitrate Study: Collaboration for Water Quality

Phase I Implementation Plan

- Outreach to agricultural community
- Outreach to the general public
- Protection and improvement of the Vermillion River
- Protection of natural areas
- Septic system maintenance and upgrades
- Continue existing regulation of well construction and sealing
- Continue monitoring groundwater and surface water quality

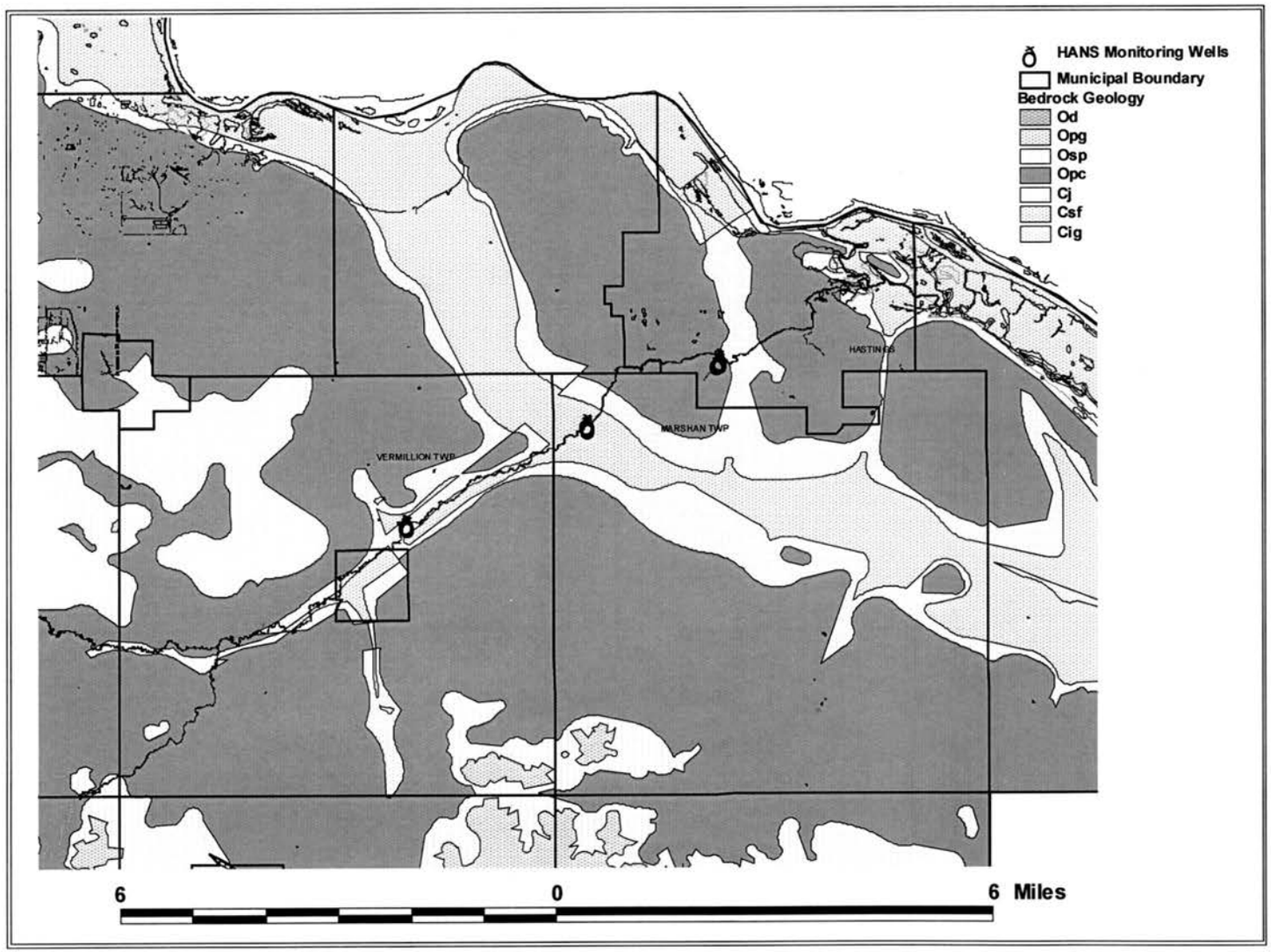
Dakota COUNTY

Groundwater/Surface Water Changes Between Vermillion and Hastings



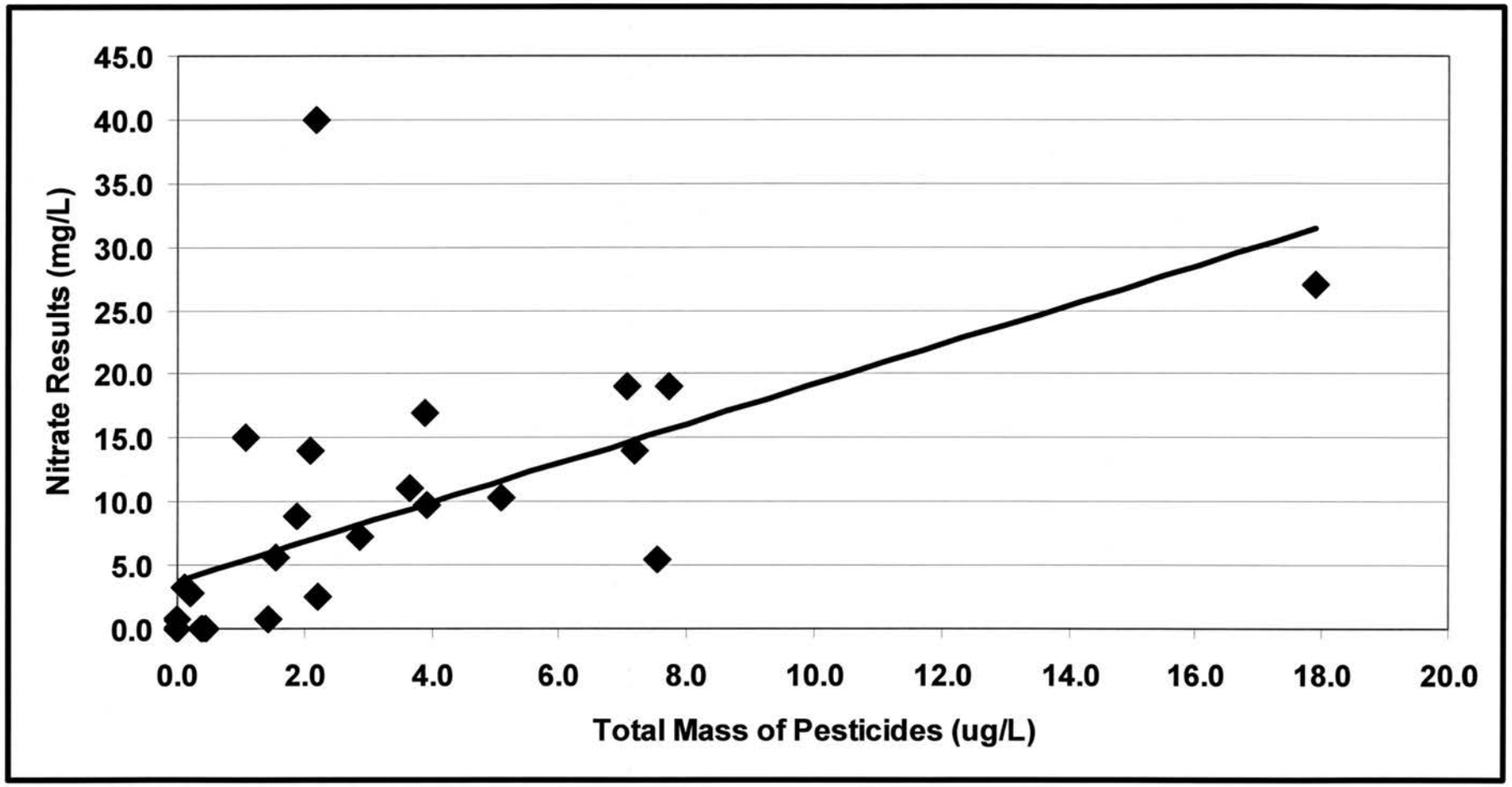
Dakota COUNTY

Phase I: Vermillion River Monitoring Wells and Bedrock Geology



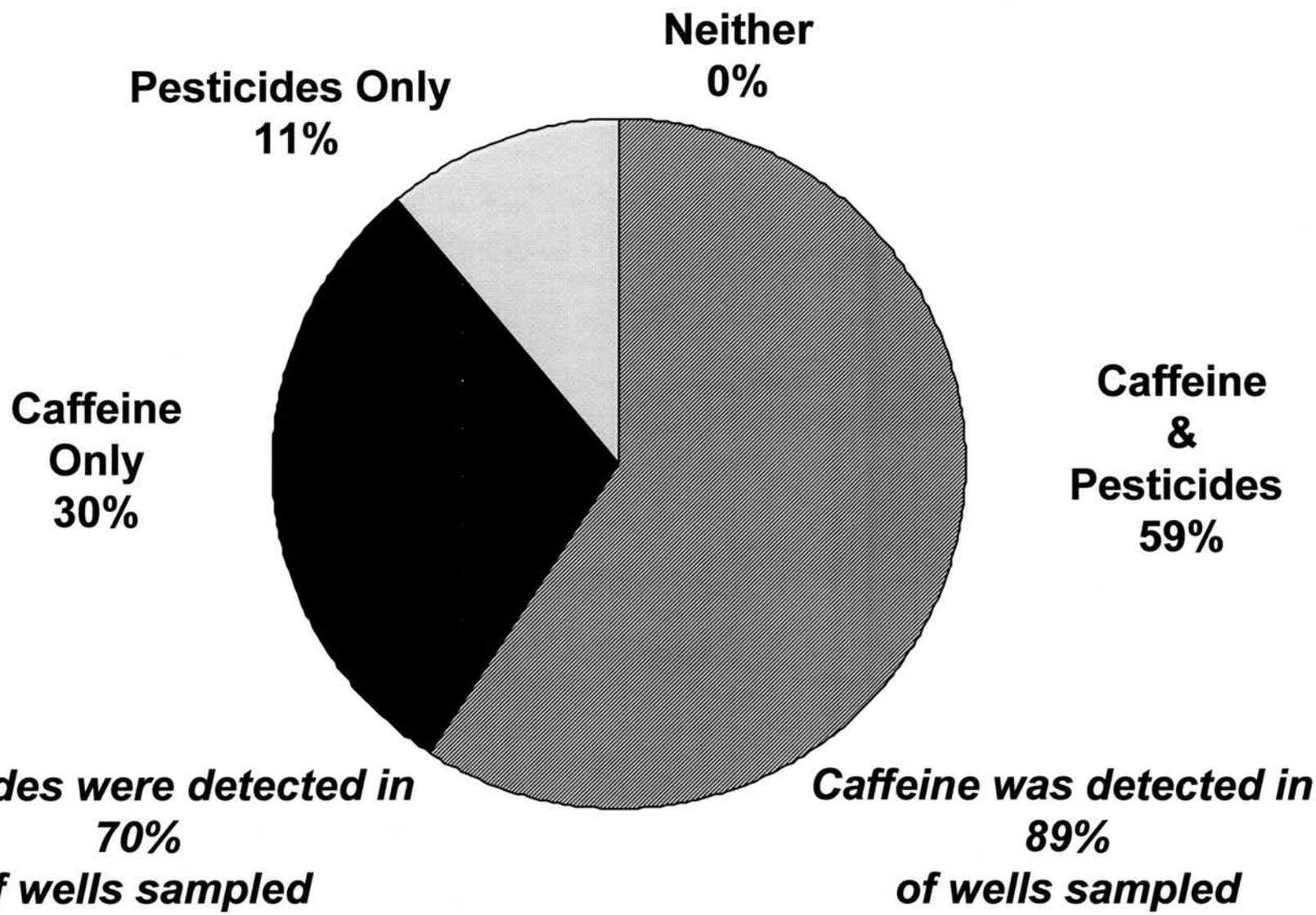
Dakota COUNTY

Phase I: Private Drinking Water Wells
Correlation of Nitrate and Total Pesticides (30 Wells)

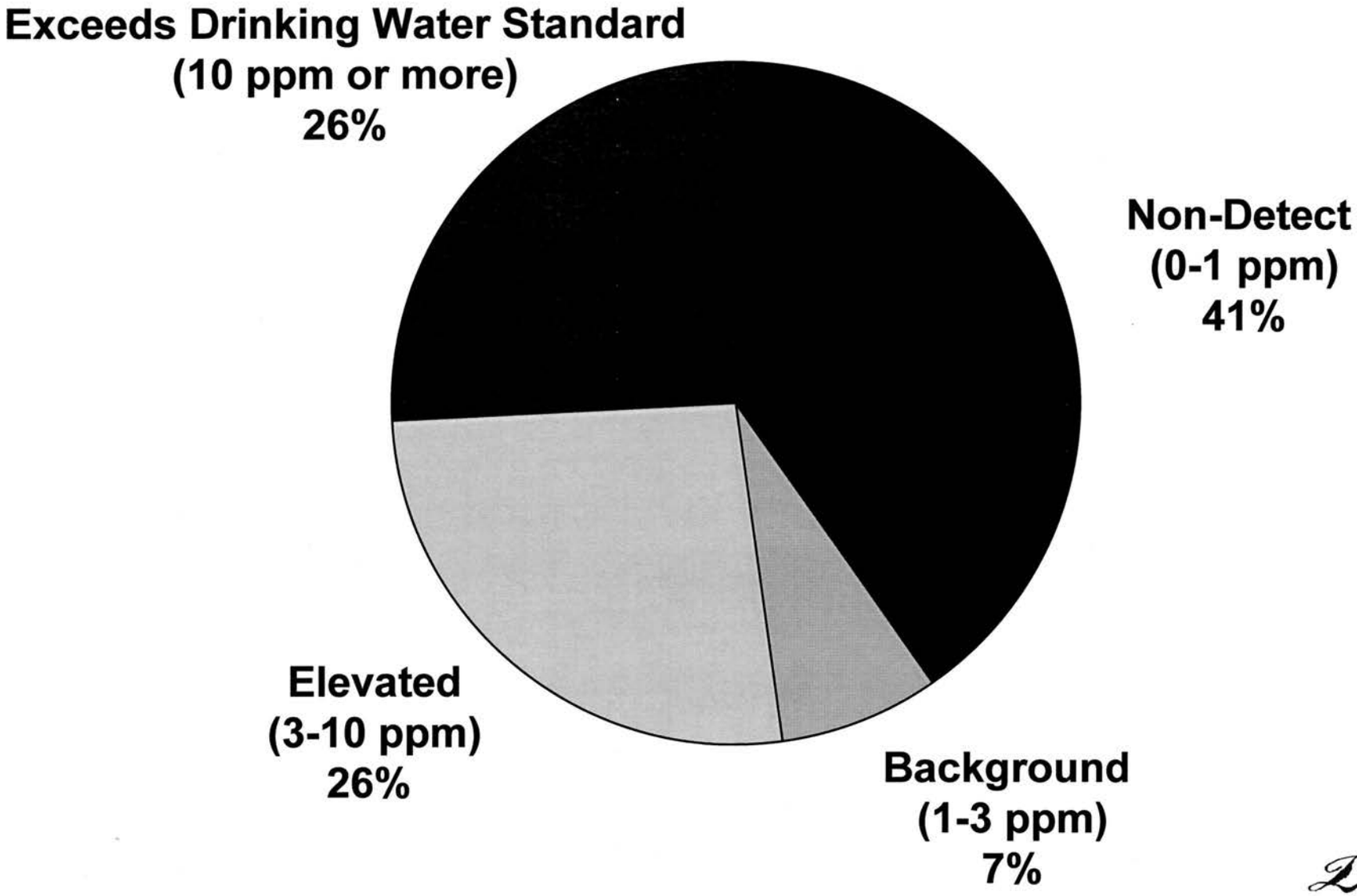


Dakota COUNTY

Phase I: Private Drinking Water Wells
Detection of Caffeine and Pesticide Tracers (30 Wells)

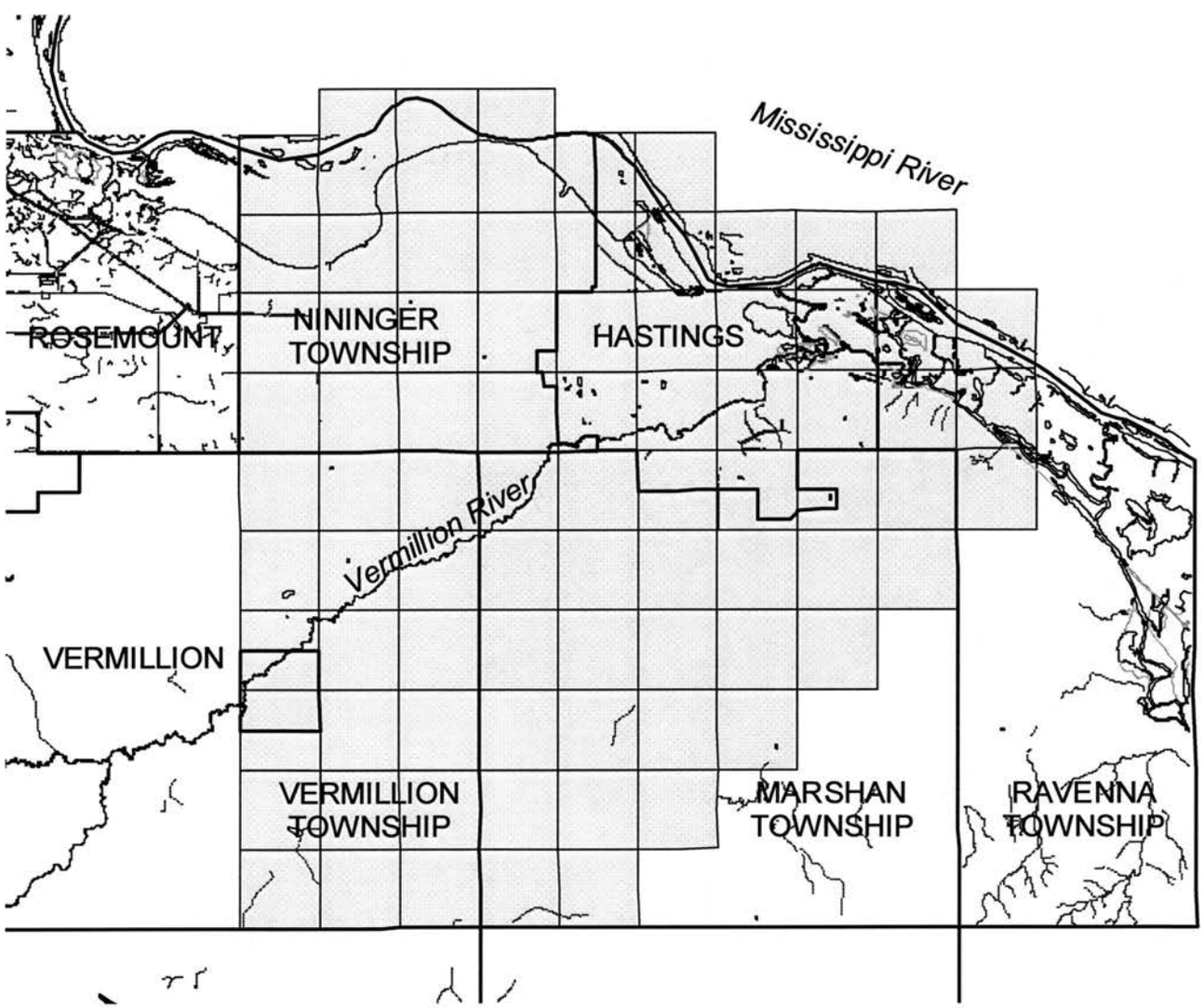


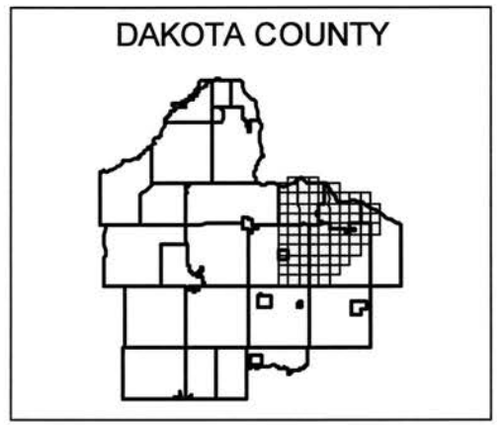
Phase I: Private Drinking Water Wells
Nitrate Results (146 Wells)



Dakota COUNTY

Phase I: Hastings Nitrate Study Area





Municipal Boundaries
Study Area, Showing Section Lines

3 0 3 6 9 **Miles**

N
W E
S

Dakota COUNTY

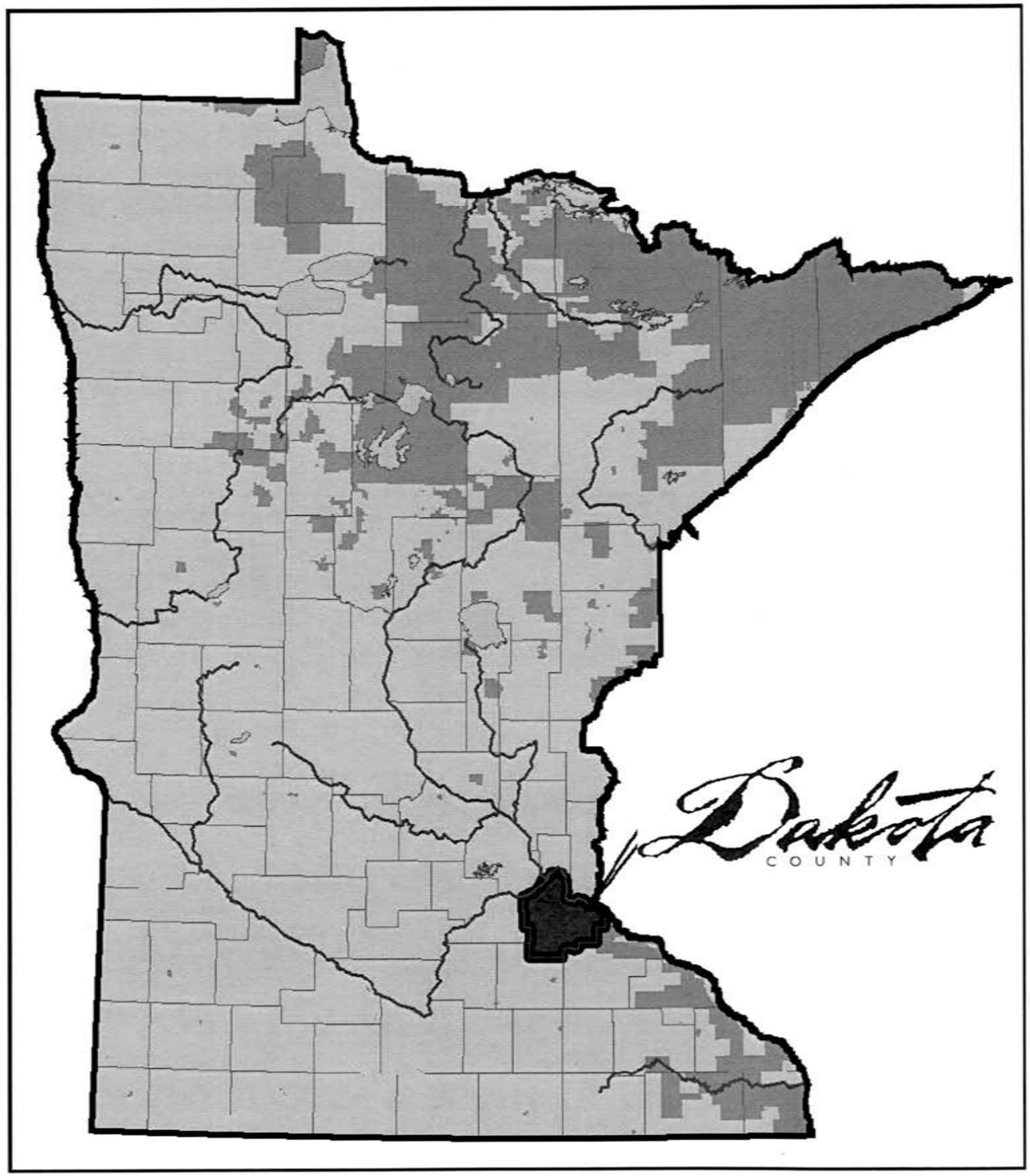
Dakota County's Hastings Area Nitrate Study: Collaboration for Water Quality

Phase I: 1999-2003
Clean Water Partnership (MPCA) Grant: $75,000
Total Project Budget: $175,000

Partners

- Dakota County
- City of Hastings
- Dakota Soil and Water Conservation District
- Minnesota Department of Agriculture
- Minnesota Department of Health
- Metropolitan Council
- Minnesota Department of Natural Resources
- United States Geological Survey
- Private well owners
- Local land owners

Dakota COUNTY


Dakota
COUNTY

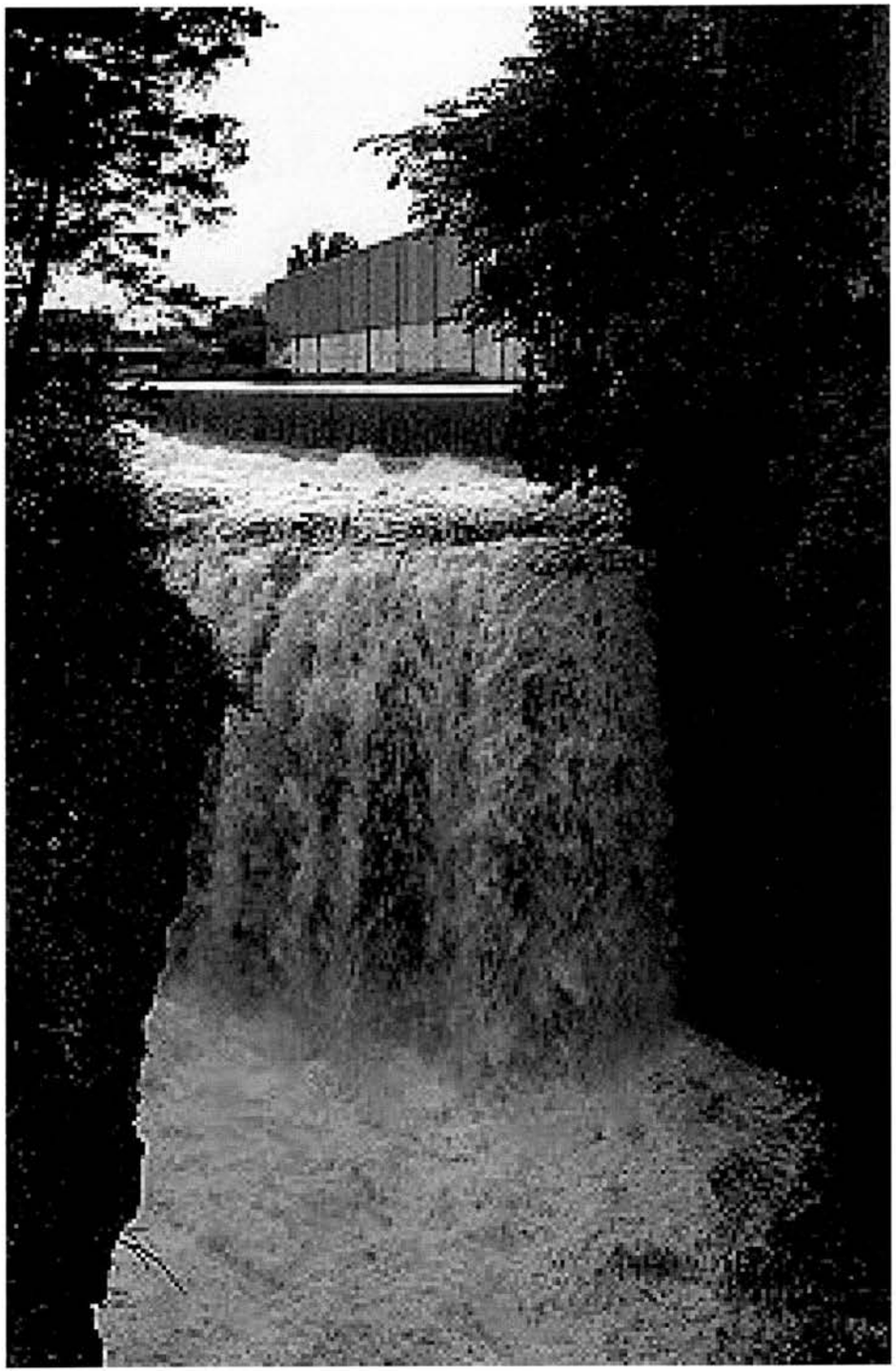
Dakota County's Hastings Area Nitrate Study: Collaboration for Water Quality

Phase I: 1999-2003
Clean Water Partnership (MPCA)
- **Partners**
- **Results**

Phase II: 2005-2008
EPA 319 Grant: Nonpoint Source Reduction Program
- **Partners**
- **Results**

Phase III: 2008-2011
Clean Water Partnership (MPCA) Continuation Grant
- **Partners**
- **Plans**

Dakota COUNTY



Dakota County's Hastings Area Nitrate Study:

Collaboration for Water Quality

Board of Water and Soil Resources

October 22, 2008

Jill V. Trescott
David Swenson

Dakota COUNTY

Dakota County Water Resources Department

Presentation to the Minnesota Board of Soil and Water Resources: *"Working together to address drinking water issues in the City of Hastings and the Vermillion River Watershed"*

October 22, 2008

Outline:

The City of Hastings, county seat of Dakota County, has struggled since the mid-1990s with rising nitrate levels in its public water supply. At the same time, Dakota County was finding elevated nitrate in private drinking water wells in the townships around Hastings. With a Clean Water Partnership grant from the Minnesota Pollution Control Agency, Dakota County worked with the City of Hastings, the Minnesota Department of Health, Minnesota Department of Agriculture, Soil and Water Conservation District, and Metropolitan Council to identify the extent and sources of nitrate contamination in groundwater and to develop an implementation strategy to address it.

The first phase of the Hastings Area Nitrate Study was conducted from 1999 to 2003. In it, the County found widespread nitrate contamination of drinking water in the Hastings area, with one quarter of the private drinking water wells exceeding the drinking water guideline and another quarter with elevated levels. In order to differentiate between potential sources of nitrate, a representative subset of the private wells were analyzed for certain compounds that were considered tracers, in addition to nitrate. Specifically, the samples were analyzed for agricultural herbicides, to evaluate the impacts of row-crop agriculture, and for caffeine, to evaluate the impacts of leaking septic systems. Caffeine was detected in 89% of the samples; pesticides or their breakdown products were detected in 70% of the samples. The caffeine was not correlated to the wells' nitrate results, and subsequent testing has called the caffeine detections into question.

On the other hand, pesticide levels in the wells were very highly correlated with the nitrate results, and this relationship has been repeatedly verified with ongoing testing of other private drinking water wells. Because of this, the study concluded that the major source of nitrate in this area is from row-crop agriculture, especially the corn-soybean rotation that dominates the County's agriculture. The study also found that the Vermillion River, which passes through the study area and flows into the Mississippi at Hastings, was a possible transport mechanism for nitrate contamination. The upper (trout stream) reaches of the Vermillion are fed by groundwater, whereas the lower reaches lose water back into the groundwater. Any contamination that enters the river in the upper reaches can potentially flow back to the groundwater in the lower, losing reaches.

Based on these findings, Dakota County developed an implementation plan that included outreach to the agricultural community and the general public; protection and improvement of the Vermillion River; protection of natural areas within the Watershed; septic system maintenance and upgrades; and regulation of well construction and sealing. Implementing these activities has been a collaboration between the County, the Vermillion River Watershed Joint Powers Organization, the University of Minnesota Extension, Minnesota Department of Agriculture, the City of Hastings, and other agencies. The second phase was conducted from 2005 until September 30, 2008. The third phase began on October 1, 2008. This talk will focus on the details of this ongoing collaboration.

United States Department of Agriculture

NRCS
Natural Resources Conservation Service
375 Jackson Street, Suite 600
St. Paul, MN 55101-1854

Phone: (651) 602-7900
Fax: (651) 602-7914

October 21, 2008

This is your invitation to attend a national celebration of the 2,000,000th acre of Wetlands Reserve Program (WRP) land enrolled in the U.S. under the federal Farm Bill. We are pleased and proud that Minnesota was selected as one of the two National commerative sites.

The event will take place on **October 29, 2008** at a farm just north of Waconia, Minnesota from **10:30 am to 12:30 pm**. It will feature a keynote address from Chief Arlen Lancaster of the USDA Natural Resources Conservation Service (NRCS). Governor Tim Pawlenty, U.S. Senators Norm Coleman and Amy Klobuchar, Congressman John Kline and several additional partners and guests have been invited and are expected to participate and speak.

WRP is the nation's premier wetland restoration program and recently NRCS nationwide completed enrollment of its 2,000,000th acre into the program. The celebration event farm in Carver County was one of the final sites in the country to be entered into WRP this year, in order to reach the 2,000,000 acre milestone.

Private landowners from across the U.S. have voluntarily participated in the WRP, receiving an easement payment in exchange for agreeing to restore the formerly cropped wetland and associated upland habitat back to its native condition. Once restored these WRP sites provide valuable wildlife habitat, especially for migratory wildlife species. In addition, benefits include improvements to water quality, reduction in flood damages, enhanced economic conditions for local landowners and the surrounding community, and visual open space benefits.

Minnesota is one of the leading states in the country in Federal Farm Bill WRP participation. Currently we have over 600 landowners enrolled on nearly 75,000 acres across the state. Partnerships in this state are the key and have helped make WRP an overwhelming success. Willing landowners, non-profits (e.g. Ducks Unlimited, Minnesota Waterfowl Association, Pheasants Forever and The Nature Conservancy, etc.) and agencies have worked together to provide a multitude of economic and environmental benefits through WRP.

One of our most significant partners is the Minnesota Board of Water and Soil Resources (BWSR) who has partnered with NRCS utilizing the Reinvest In Minnesota (RIM) Reserve Program to leverage federal and state dollars and technical resources to get a much bigger bang for the buck. The RIM/WRP partnership has been used successfully in the state with over 300 landowners to secure a USDA WRP easement for 30 years and then enrolling these same acres into perpetuity with a MN RIM easement. This has enabled both the state and federal government to accomplish twice as much as we would have been able to do working alone.

Enclosed with this invitation letter are an Agenda and link to a website giving directions to the parking spot for this event (Safari Island Community Center and Brook Peterson Community Park, Waconia) where buses will then transport you to the ceremony site. Parking on site is very limited. If you have special needs please inform NRCS when you RSVP so we can accommodate you.

Please RSVP to Helen Beeler at helen.beeler@mn.usda.gov as early as possible but no later than October 28th to verify your attendance at this historic event. See you there.

Sincerely,

William Hunt

WILLIAM HUNT
MN NRCS State Conservationist

Enclosures

Agenda
USDA - Natural Resources Conservation Service
Wetlands Reserve Program 2,000,000 Acre Ceremony
October 29, 2008

10:30 –10:45 am	Welcome and Opening Remarks	William Hunt, State Conservationist, MN NRCS
	Flag Presentation	American Legion Post
10:45-11:00 am	Governor's Address	Honorable Tim Pawlenty (invited)
11:00-11:45 am	Partner and Invited Speaker Remarks	US Senator Amy Klobuchar (invited) US Senator Norm Coleman (invited) US Representative John Kline (invited) State Senator Julianne Ortman (invited) State Representative Paul Kohls (invited) State Representative Joe Hoppe (invited) Carver County Commissioner (invited) John Jaschke, Executive Director, BWSR Ryan Heiniger, Director of Conservation Programs Minnesota & Iowa, Ducks Unlimited Peggy Ladner, State Director, The Nature Conservancy
11:45-12:15 pm	Keynote Address – 2,000,000 acres of Wetlands Reserve Program (WRP) enrolled	Chief Arlen Lancaster, NRCS
12:15 –12:30 pm	Closing Remarks	William Hunt, State Conservationist, MN NRCS

From Indian Affairs Council:

Jim Jones, Cultural Resources Director
Indian Affairs Council
161 St. Anthony Avenue, Suite 924
St. Paul, MN 55103
Phone: 651-296-0041
Jim.jones@state.mn.us

From DNR:

Dan Lais, Area Hydrologist
DNR Division of Waters
940 Industrial Drive South, #103
Sauk Rapids, MN 56379
Office Phone: 320-255-4279, ext. 232
Fax: 320-255-3999
Dan.lais@dnr.state.mn.us

Personal:
Resident of St. Cloud with my wife and two boys. I enjoy outdoor recreation and community/civic involvement.
Education:
Graduate of St. Cloud State University;1989 B.S. Water Resource Management Minors Chemistry/Geology
Employment:
19 years with the State of MN DNR Waters, Hydrologist Extensive background with Lake Associations, Watershed Districts, Citizens, Government and Consultants.

From PCA:

Dana Vanderbosch
MPCA Lakes & Streams Monitoring Unit Supervisor
520 Lafayette Road N.
St. Paul, MN 55155
Phone: 651-297-1832
dana.vanderbosch@state.mn.us

Dana supervises the MPCA's Lakes & Streams Monitoring Unit. This Unit is responsible for monitoring the condition of Minnesota's lakes and streams, and for coordinating the water quality monitoring activities carried out by the Agency's citizen and local group partners. Dana has served in various positions at the MPCA ranging from program development to project management. From 2006-2007, she was also temporarily employed as the interim coordinator of the DNR's Clean Water Legacy Program. Dana has a B.S. in Ecology, and is completing an M.S. in Water Resources Science, both from the University Minnesota.

Star Lakes

Appointments:

From Senate:

Dave Kavanaugh, Mayor (*city government)*
11744 Sylvan Circle
East Gull Lake, MN 56401

William Stearns
Wadena County Commissioner (*county government)*
1215 6th Street SW
Wadena, MN 56482

John Sturner (*representing an organization that promotes clean rivers and lakes)*
6070 Bacon Avenue E.
Inver Grove Heights, MN 55077

From House:

Katy Wortel (*representing a county*)
Blue Earth County Commissioner
1411 Pohl Road
Mankato, MN 56001
507-345-4494 (H)
katy.wortel@co.blue-earth.mn.us

Dann Siems (*representing an organization)*
Beltrami Soil and Water Conservation District
3217 Bemidji Ave North
Bemidji, MN 56601
218-7554339
dann.seims@mn.nacdnet.net

Lester Heitke, Mayor (*representing a city)*
City of Willmar
709 26th St NE
Willmar, MN 56201
phone: 320-282-8697
e-mail: lheitke@ci.willmar.mn.us

From BWSR:

Dale Gustafson
1845 Wisconsin Avenue N.
Golden Valley, MN 55427
Home: 763-544-2772
Work: 763-544-4215
dalegus@earthlink.net

Registration Information for Annual Meetings

MAWD, December 4 – 6, Arrowwood Conference Center, Alexandria

- Registration form
- Pre-Conference Seminar Registration form
- Hotel and Meal Reservations form

MASWCD, December 7 – 9, Crowne Plaza St. Paul Riverfront Hotel, St. Paul

- Registration form
- Need to make your own hotel reservation

AMC, December 8 – 10, Convention Center, Duluth

- Registration form
- Need to make your own hotel reservation

Submit completed registration forms to Mary Jo Anderson by October 29th

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
ST. PAUL, MINNESOTA 55155
WEDNESDAY, DECEMBER 17, 2008

BOARD MEMBERS PRESENT:
Gordy Behm, Paul Brutlag, Bob Burandt, Rebecca Flood, MPCA; Randy Kramer, Larry Kramka, DNR; Paul Langseth, Brian Napstad, Joe Martin, MDA; Louise Smallidge, Gene Tiedemann, LuAnn Tolliver, Dan Wilson, MDH

BOARD MEMBERS ABSENT:
Dana Allen
Quentin Fairbanks
Brian Kletscher
Faye Sleeper, U of M Extension

STAFF PRESENT:
Mary Jo Anderson, Matt Drewitz, Tim Fredbo, Jon Fure, Travis Germundson, Jim Haertel, Jeff Hrubes, Ryan Hughes, John Jaschke, Al Kean, Dale Krystosek, Les Lemm, Kevin Lines, Jeff Nielsen, Joel Petersen, Dan Shaw, Ron Shelito, Dan Steward, Sarma Straumanis, Dave Weirens, Marcey Westrick, Wayne Zellmer

OTHERS PRESENT:
LeAnn Buck, MASWCD
Ray Bohn, MAWD
Lance Yohe, RRBC
Mollie Dean, Sierra Club
Chris Radatz, MN Farm Bureau
Annalee Garletz, AMC
Monte Mraz, Builders Association of Minnesota
Leonard Binstock, Agricultural and Drainage Stakeholders
Dan Larson, Minnesota Rural Counties Caucus
Michelle Rosier, Sierra Club
Henry Van Offelen, Minnesota Center for Environmental Advocacy
Wade Pavlek, Koochiching County Commissioner

Chair Kramer called the meeting to order at 9:02 a.m.

PLEDGE OF ALLEGIANCE

** 08-103 **ADOPTION OF AGENDA** – Moved by Louise Smallidge, seconded by Brian Napstad, to adopt the agenda as presented. Motion passed on a voice vote.

** 08-104 **MINUTES OF OCTOBER 22, 2008** – Moved by LuAnn Tolliver, seconded by Paul Langseth, to approve the minutes of October 22, 2008, as circulated. Motion passed on a voice vote.

INTRODUCTION OF NEW BOARD MEMBER
John Jaschke introduced Rebecca Flood, MPCA Assistant Commissioner for Water Policy. Rebecca is the new board member representing MPCA, replacing Paul Eger. Rebecca provided background information about herself and stated that she is looking forward to her new responsibilities. Chair Kramer welcomed Rebecca to the Board.

RECOGNITION OF BRIAN KLETSCHER – John Jaschke stated that Brian Kletscher is absent from the meeting today. Chair Kramer will recognize Brian's efforts at an upcoming Redwood County Board meeting. John reported that Brian resigned as a county commissioner effective December 31, 2008. Brian will be the general manager and chief executive officer of the Highwater Ethanol Plant in Lamberton. John stated that the Notice of Vacancy has been filed with the Secretary of State's Office via the Open Appointments process.

INTRODUCTION OF NEW EMPLOYEE
Ron Shelito introduced Ryan Hughes, board conservationist. Ryan provided background information about himself. Ryan started December 1, and is located in the Duluth office. Chair Kramer welcomed Ryan to the Board.

REPORTS
Chair's Report – Randy Kramer reported that he met with John Jaschke in Willmar as part of the field staff meeting. Chair Kramer attended the Environmental Quality Board (EQB) meeting in October. Randy reported that EQB will now be meeting on a quarterly basis. Chair Kramer attended the RIM Reserve Planning Committee meeting. Chair Kramer attended the MASWCD annual meeting last week in St. Paul.

Executive Director's Report – John Jaschke reported that he attended the MAWD annual meeting in Alexandria. John stated that good training sessions

and meetings were held with a record turn-out in attendance. State Representative Morrie Lanning addressed the group. John attended the MASWCD meeting in St. Paul. State Representative Rick Hansen and House Speaker Margaret Anderson-Kelliher addressed the group. John also attended the AMC annual meeting in Duluth. John reported that BWSR presented the first-ever County Conservation Awards; Paul Langseth was present to accept the award with County Commissioners on behalf of Nobles County. There were three other award winners.

John reported that BWSR is sponsoring a statewide round of listening sessions regarding dedicated funding via the new constitutional amendment. Sessions were held in early December in Rochester, Mankato, and Marshall. Sessions will be held this week and next in St. Paul, Grand Rapids, Bemidji, and St. Cloud.

John reported that the BWSR budget development process is well underway. We will await the current biennium deficit to see what comes of that. The Governor's budget recommendation will be out in January and will address the future budget deficit.

Dispute Resolution Committee – Travis Germundson reported that there are presently 22 appeals pending. All of the appeals involve WCA except File 05-24. There have been four new appeals filed since October 22. Chair Kramer thanked Travis for his report.

Wetlands Committee – LuAnn Tolliver reported that Wetlands Committee met all day on November 20, and met again last night. The Local Road Wetland Replacement Program Project, Wetland Banking Fee Policy, and the Wetland Conservation Act rules will be addressed on the agenda today.

Grants Program and Policy Committee – Louise Smallidge reported that the Grants Program and Policy Committee met on December 12. The Committee has five items on the agenda today.

Public Relations, Outreach & Strategic Planning Committee – Brian Napstad reported that the Public Relations, Outreach & Strategic Planning Committee has not met recently.

Administrative Advisory Committee (AAC) – Chair Kramer reported that the AAC met this morning. Discussions included the Order for a public hearing for a boundary change, withdrawal of territory and enlargement of the Cedar River Watershed District, Shell Rock River Watershed District, and the Turtle Creek

Watershed District; the Affirmative Action Plan; and budget items. John Jaschke reported that two legislative policy items were also discussed: RIM Reserve flexibility, and the Cost-Share grants oversight and streamlining.

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee **-** Chair Kramer reported that Paul Langseth is the new chair of the Southern Water Planning Committee.

Lyon County Local Water Management Plan Update – Paul Langseth reported that the Southern Water Planning Committee met in November to review the Lyon County Local Water Management Plan Update and recommend approval.

** 08-105 Moved by Paul Langseth, seconded by Dan Wilson, to approve the Lyon County Local Water Management Plan Update. Motion passed on a voice vote.

Watonwan County Local Water Management Plan Update – Paul Langseth reported that the Southern Water Planning Committee met in November to review the Watonwan County Local Water Management Plan Update and

** 08-106 recommend approval. Moved by Paul Langseth, seconded by Dan Wilson, to approve the Watonwan County Local Water Management Plan Update. Motion passed on a voice vote.

Rice County Priority Concerns Scoping Document – Paul Langseth reported that the Southern Water Planning Committee reviewed the Rice County Priority

** 08-107 Concerns Scoping Document and recommend approval. Moved by Paul Langseth, seconded by Dan Wilson, to approve the Rice County Priority Concerns Scoping Document. Motion passed on a voice vote.

Rice County Request for Extension of the Rice County Comprehensive Water Management Plan- Paul reported that the Southern Water Planning Committee reviewed the Rice County request for extension of the Rice County Comprehensive Water Management Plan and recommends approval of the one-year extension. Jeff Nielsen stated that the one-year extension request is due to

** 08-108 a staff maternity leave. Moved by Paul Langseth, seconded by Dan Wilson, to approve the Rice County one-year extension of the Rice County Comprehensive Water Management Plan. Motion passed on a voice vote.

NEW BUSINESS

Order Public Hearing for Boundary Change, Withdrawal of Territory and Enlargement of the Cedar River Watershed District (CRWD), the Shell Rock River Watershed District (SRRWD), and the Turtle Creek Watershed District (TCWD) – Travis Germundson reported that six petitions from Freeborn and Mower Counties and three watershed districts have been submitted requesting boundary changes, withdrawals of territory and enlargement for the CRWD, SRRWD, and TCWD. The petitions seek to have the watershed districts' boundaries more closely align to the actual watershed boundaries. One public hearing for all six petitions is recommended due to the interrelationship of the three watershed districts. Staff find the petitions valid such that a public hearing should be ordered. Travis stated that a change in the Order allows the Chair of BWSR to appoint a committee to preside over the public hearing. Moved by Paul Langseth, seconded by Brian Napstad, that the Board orders a public hearing to be held within 35 days of the date of this Order for boundary change, withdrawal of territory, and enlargement of the Cedar River Watershed District, the Shell Rock River Watershed District, and the Turtle Creek Watershed District presided over by a committee appointed by the Chair of the Board at a date and location to be determined by the Executive Director. Motion passed on a voice vote. Chair Kramer appointed the following board members to the Committee: Paul Langseth, Dana Allen, Joe Martin or designee, John Linc Stine or designee, Bob Burandt, Gene Tiedemann, and Randy Kramer to chair the Committee.

** 08-109

RIM Reserve Vegetation Management and Enhancement of Conservation Easement Lands Policy – Kevin Lines explained that the Board recognized the need to establish an updated policy and procedure for vegetative management and enhancement of conservation easements. This updated policy includes new legislative responsibilities provided to the BWSR in the 2008 Bonding Bill (Chapter 179, 2008 Session Law) and incorporates historical and new innovative practices into one new policy document. Kevin reported that the RIM Reserve Management Planning Committee unanimously recommends Board adoption of this new policy. Moved by Bob Burandt, seconded by Paul Langseth, that the Board approves and adopts the updated Vegetative Management and Enhancement of Conservation Easement Lands Policy and authorizes staff to proceed with implementation. Discussion followed. Motion passed on a voice vote.

** 08-110

Red River Valley Restoration Initiative (RRVRI) Establishment – Kevin Lines reported that the Board received $25M from the Legislature for the RIM Reserve Program in 2008. In addition, the Legislature identified that up to $8M is available to restore wetlands and reduce flooding in the Red River Valley. BWSR staff

worked with the Red River Watershed Management Board to develop this pilot RRVRI. The RIM Reserve Management Planning Committee (RRMPC) unanimously recommends an allocation of up to $3M to RRVRI to acquire riparian easements and establish conservation practices on those riparian lands acquired in easements. These funds must be obligated by June 1, 2009. Kevin reported that the RIM Reserve Management Planning Committee recommends the payment rate for permanent easements on cropland be 100% of Estimated Market Value (EMV) and the payment rate for non-cropland be 60% of EMV. Rates are to be calculated using township means for tillable property value established by county assessors for the 2009 tax year. Moved by Paul Brutlag, seconded by Paul Langseth, to approve the RRVRI project. Discussion followed. Motion passed on a voice vote. Kevin stated that the SWCD delivery system will be the primary mode of implementation.

** 08-111

Northeast Wetland Mitigation Inventory – Dale Krystosek introduced Keith Hanson, Barr Engineering. Dale distributed the Phase I Interim Report. Dale reported that the 2007 legislature appropriated $375,000 to BWSR to conduct an inventory of northeast wetland mitigation inventory. The Northeastern Minnesota Wetland Mitigation Inventory and Siting Study (inventory) is a two-phase project to identify potential wetland mitigation opportunities located in northeastern Minnesota and analyze those opportunities to develop goals and priorities. Phase I is designed to identify potential wetland mitigation sites and inventory and assess mineland wetlands and Phase 2 will provide siting recommendations based on priorities, including but not limited to mitigation types/methods, water quality, proximity to impaired waters, technical feasibility and wetland functions.

Keith Hanson reported that prioritization factors were also addressed by the technical committee and the stakeholder group. Both concluded the importance of sorting data by prioritization factors. The second phase of the project will begin in January and will include utilizing the findings of the inventory to conduct a region-wide wetland mitigation siting analysis for greater than 80 percent areas of the state. The results of the two elements of the project will provide detailed information on the wetland mitigation potential in this region of the state, how much and where these sites are located, and may provide recommendations on regulatory program changes in response to these wetland mitigation findings. Discussion followed. The final report will be presented to the Board in January. Chair Kramer thanked Dale and Keith for their report.

Larry Kramka entered the meeting at 10:00 a.m.

Federal Highway Administration (FHWA) Exemplary Ecosystem Initiative Award – Cheryl Martin, FHWA Enviromental Engineer, explained that this award was jointly given to the Minnesota Board of Water and Soil Resources, Minnesota Department of Natural Resources, and the Minnesota Department of Transportation for the Bob Jacobson Restoration Site (previously referred to as the Vesledahl Project and/or the Wingard Wetland and Grassland Restoration Project). The Bob Jacobson Restoration Site received an FHWA Award in 2007. Cheryl Martin presented a plaque to each agency; Randy Kramer, BWSR; Larry Kramka, DNR; and Frank Pfako, MNDOT.

Local Road Wetland Replacement Program Project – Dave Weirens explained that BWSR is tasked with replacing wetland impacts associated with the repair, rehabilitation, reconstruction and replacement of currently serviceable existing state, city, county or town public roads. Dave stated that the Wetlands Committee reviewed and prioritized development agreement proposals and three easement agreement projects, where wetlands are restored privately and publically, to generate replacement credits for the program. Dan Girolamo distributed a map of the local road wetland replacement program project locations from 1997 – 2008. Dan presented an overview of the six projects recommended for funding. Dan reported that the Wetland Committee reviewed the proposed development agreement proposals on September 24, 2008, and reviewed the proposed easement agreement proposals on November 20, 2008 and recommends approval. Moved by LuAnn Tolliver, seconded by Gene Tiedemann, that the Board authorize staff to proceed with steps to accept and finalize the six development agreement proposals and the three easement agreement proposals totaling $3.237M. Motion passed on a voice vote.

** 08-112

Wetland Banking Fee Policy: Update Calculated Wetland Credit Values – Dave Weirens reported that the Board last updated the Wetland Banking Fee Policy on September 25, 2007. These calculated values are used to determine wetland bank fees and staff are recommending they be updated annually. The basis of the values are land values reported to the Department of Revenue from local property tax administrators. The Wetland Committee met November 20, 2008, and recommends the values be updated for purposes of calculating wetland banking fees. Moved by LuAnn Tolliver, seconded by Gene Tiedemann, that the Board update the wetland credit values by taking the 2008 tillable land values, seasonal recreational land values, or green acres values, mulitpled by the wetland credit value coefficient of 6.0, with a maximum increase of 75% over the values established in Board action #07-88. Discussion followed. Motion passed on a voice vote.

** 08-113

Chair Kramer called for a break in the meeting at 10:30 a.m. The meeting reconvened at 10:45 a.m.

Wetland Conservation Act (WCA): Adopt Draft Rule and Authorize Formal Rulemaking – Dave Weirens reported that with significant stakeholder and local government input, staff have been working on the Wetland Conservation Act rule amendments since Fall 2007. The permanent rule needs to be adopted before the exempt rule expires on August 5, 2009. The rule amendments incorporate changes including those made for the exempt rule, statutory amendments, provisions of the Wetland Mitigation Memorandum of Understanding, and numerous suggestions proposed by BWSR staff and stakeholders. The Wetland Committee has met four times to consider rule issues and provide direction to staff. The Wetlands Committee met on November 20, and December 16, 2008, and recommends Board adoption of the draft WCA permanent rule and authorize the formal rulemaking process.

Dave highlighted the chronology of the WCA rule. Dave reported that several proposed changes have been identified since the December 5, 2008 draft of the WCA rule. Les Lemm reported that the rule making process is ongoing; this is the beginning of the formal process. Les presented the Addendum to the December 5, 2008 draft, and briefly summarized the changes.

Chair Kramer asked for verbal testimony to be taken at this time. This is an opportunity for up to three minutes of public testimony to be provided by interested persons or organizations. (Paul Langseth was the timekeeper).

Monte Mraz, representing the Builders Association of Minnesota (BAM), expressed gratitude to BWSR staff for their work with BAM. Mr. Mraz is concerned with M.S.15.99, regarding the application process; it's critical to understand monitoring and the buffers issue.

Leonard Binstock, representing Agricultural and Drainage Stakeholders, addressed the ag exemption issue, it needs to be clarified and applied in an orderly and quick manner as it affects landowners and contractors.

Dan Larson, representing Minnesota Rural Counties Caucus, is in support of the Wetlands Committee's decision last night. He is concerned with the exemption requirements on reporting activities; data collection issue; no additional dollars but additional staff time burden.

Michelle Rosier, representing the Sierra Club, is the government relations coordinator of the Sierra Club – is in opposition of #9, exemption applications. Ms. Rosier distributed a written letter to Chair Kramer and expressed disappointment with the Wetlands Committee action last night as it appears BWSR does not have a definitive answer about exemptions. She commended BWSR on communicating; but no communication with landowners that seek application.

Henry VanOffelen, representing the Minnesota Center for Environmental Advocacy – distributed handouts. Concerned with the Wetlands Committee discussions last night regarding no-net loss, exemptions, wetland losses in prairie pothole region. Mr. VanOffelen asked BWSR to consider: 1) better reporting of exemptions; 2) in-kind replacement isn't factored in ratios.

Wade Pavlek, Koochiching County Commissioner – Mr. Pavlek attended and testified at the Wetlands Committee last night. He does not support landowner reporting of exemptions. The Koochiching County Board would otherwise be frustrated with BWSR by pushing too hard on reporting. He urges adoption of the Wetlands Committee recommendation.

Chair Kramer stated that written comments are also welcome and will be part of the record and rulemaking process.

** 08-114 Moved by LuAnn Tolliver, seconded by Paul Brutlag, the BWSR adopts the draft Wetland Conservation Act permanent rule (Minn.Rule Chapter 8420) and authorizes staff to:

(i) make minor grammatical, formatting, and reference changes to prepare the rule for publishing;
(ii) complete the State of Need and Reasonableness associated with the rule;
(iii) seek approval from the Governor's Office to proceed with adopting the rule;
(iv) submit the rule to the Revisor of Statutes for review and approval of the form of the rule; and
(v) complete the processes necessary to adopt the rule by August 5, 2009.

Discussion followed. LuAnn Tolliver stated that the Wetlands Committee has been diligent, it's difficult not being able to satisfy everyone; the Committee spent considerable time with the exemptions, and recommends changes. Brian Napstad supports the recommendation of the Wetlands Committee. He stated he

supports the addendum dated 12-16-08, landowner reporting requirements draft policy. The big picture issue of exemption data is to address the issue of estimates with further work on this as we move forward. Les stated that initiatives are being pursued to clarify, communicate, and address data in the exemption rule. Larry Kramka asked for examples of compliance with the statute. Les stated that wetland losses are being categorized to improve data; providing guidance; reporting process for landowners is being streamlined; data collection; requiring LGUs to report activities to the Board; implementing dramatically reformed detail on individual exemptions; and good accurate data from DNR fly-overs. John Jaschke stated that this will all be open to public review and comment via the SONAR. Paul Brutlag stated that he strongly supports the Wetlands Committee recommendations on data reporting. Motion passed on a voice vote.

Dave Weirens expressed appreciation to BWSR staff on the rules team, Les Lemm for moving things along, stakeholders, those that testified, everyone provided invaluable information. Chair Kramer thanked LuAnn Tolliver for all her efforts and diligence as Chair of the Wetlands Committee.

Grants Program & Policy Committee Recommendations – Wayne Zellmer reported that the Grants Program & Policy Committee met on December 12, 2008, and recommends approval of the following grants:

'09 Drainage Records Modernization Grant – Joel Peterson, Drainage Management Engineer, reported that forty six applicants have requested $1.35M to update local drainage records. The Grants Program & Policy Committee is requesting approval of their allocation recommendations.

'09 Native Buffer Cost-Share Allocations – Dan Shaw reported that the competitive applications from SWCDs were received and the Grants Program & Policy Committee is requesting approval of the $753,524 grant allocation recommendations.

'09 Ag-land Hydrologic Restoration Grants – Matt Drewitz reported that Phase II proposals for hydrologic modeling and data processing have been refined. The Grants Program & Policy Committee is requesting approval of the $531,981 grant allocation.

'09 Clean Water Legacy Project Grants – Matt Drewitz distributed a map of the geographic distribution of funds and reported that the Committee recommends approval of the $2.64M ($1.03M from BWSR).

Red River Basin Commission (RRBC) Annual Plan and Allocation – Lance Yohe, RRBC Executive Director, explained the goals of the RRBC and reported on current activities. Lance distributed the RRBC Conference flyer and invited board members to attend the RRBC's Conference on January 20-22, 2009, in Winnipeg. Wayne reported that the Committee recommends approval of the $100,000 grant allocation to the RRBC.

Wayne Zellmer reported that the Grants Program & Policy Committee recommends approval of the aforementioned grant allocations. Moved by Louise Smallidge, seconded by Paul Langseth, that BWSR authorizes staff to allocate the following FY09 Grant Program funds according to the respective allocation:

- Drainage Records Modernization Grants - $500,000
- Native Buffer Cost-Share Grants - $753,524
- Ag-Land Hydrologic Restoration Grants - $531,981
- Clean Water Legacy Project Grants - $2.64M ($1.03M BWSR)
- Red River Basin Commission - $100,000

** 08-115 Motion passed on a voice vote. Louise Smallidge commended staff for their timely efforts on the recommendations so the grant process can proceed.

BWSR Proposed 2009 Meeting Schedule – John Jaschke presented the
** 08-116 proposed Board meeting schedule for 2009. Moved by Brian Napstad, seconded by Bob Burandt, to approve the meeting schedule. Motion passed on a voice vote.

LuAnn Tolliver acknowledged and thanked staff for their good work on WCA. She really appreciated the efforts of everyone: Dave Weirens, John Jaschke, Randy Kramer was at every meeting, the dedication of the Wetlands Committee, Gene Tiedemann made it to every meeting from northwestern Minnesota.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Joe Martin reported that MDA is looking at their budget and unallotments, the pain is being shared. Joe reported that MDA is looking at Clean Water Legacy funding and allocations for groundwater, drinking water, and impaired waters. The Clean Water Legacy has gone through the final RFP and is close to awarding contracts. Joe recognized MDA for their quick incident response to the train derailment in southeast Minnesota this morning. Joe reported that President-Elect Obama has appointed former Iowa Governor Tom Vilsack as U.S. Secretary of Agriculture.

Minnesota Department of Health (MDH) – Dan Wilson reported MDH is going through the budget processes. Dan reported that the housing market averages 11,500 new wells annually; this year there are about 6,000 new wells.

Department of Natural Resources (DNR) – Larry Kramka reported that DNR is working on budget scenarios also; it will be challenging for all agencies. Larry reported that DNR has merged two divisions, Parks and Recreation and Trails and Waterways will now be one division. DNR is going through transitions of the merger.

Pollution Control Agency (PCA) – Rebecca Flood reported that PCA is working through the budget evaluation process, unallotment and Clean Water Legacy funding.

ADVISORY COMMENTS

Minnesota Association of Soil and Water Conservation Districts (MASWCD) –Chair Kramer thanked MASWCD for an excellent convention. LeAnn Buck thanked the Wetlands Committee for their recommendation on the WCA rules. LeAnn reported that about 730 people attended the three-day MASWCD conference. She thanked agencies for the awards they presented at the convention and looks forward to continued partnerships. LeAnn stated that Representative Rick Hansen and House Speaker Margaret Anderson Kelliher attended the convention. LeAnn distributed a copy of the MASWCD annual report. LeAnn reported that Steve Sunderland, Chippewa SWCD, is the newly elected President; and Kathryn Kelly is the newly elected Vice-President of MASWCD. Chair Kramer thanked Ken Pedersen for all his efforts as President of MASWCD.

Minnesota Association of Watershed Districts (MAWD) – Ray Bohn reported that MAWD had a really good conference; new this year was one more pre-conference workshop held for advanced managers, it worked out well. MAWD will have a staff oriented training workshop next year as watershed district staff have grown. A total of 560 people attended the convention; 14 training sessions, new managers orientation, advanced managers session; drainage session, good participation. New members on the MAWD Board include: Jerome Deal, Craig Lesser, and Darrell Ellefson. Barbara Haake is now President. Technology improvements include webinar with BWSR's listening session on Friday, December 19, at the Capitol Region Watershed District. Ray thanked LuAnn Tolliver and members of the Wetlands Committee for all the work on the exemption issues, he appreciates all their hard work.

UPCOMING MEETINGS

- Next BWSR Meeting, January 28, 2009
- RIM Reserve Planning Committee immediately following the Board meeting on January 28.

** 08-117 Moved by Louise Smallidge, seconded by Brian Napstad, to adjourn the meeting at 12:50 p.m. Motion passed on a voice vote.

Chair Kramer wished happy holidays to everyone!

Respectfully submitted,

Randy Kramer
Chair

BOARD OF WATER AND SOIL RESOURCES
Attendance Roster

	Name	Affiliation	Phone #
1.	Leonard Blastock	ADMC	507-456-8892
2.	Keith Hanson	Barr Eng	218-529-8222
3.	Lance Yohe	RRBC	218-291-0422
4.	Dale Krysfosek	BWSR	
5.	Ron Shelito	BWSR	
6.	Ryan Hughes	BWSR	
7.	Frank Pafko	MnDOT	
8.	Cheryl Martin	FHWA	651-291-6120
9.	Mollie Dear	Sierra Club	612-825-2771
10.	Jeff Nielsen	BWSR	507-359-6075
11.	Lynn Kennedy	BAM	651-646-7959
12.	WADE PAVLECK	Kooch Co.	218-283-5211
13.	Julie Perrus	Larkin Hoffman	952 896 5308
14.	LeAnn Buck	MASWCD	651-690-9028
15.	Ray Behm	MAWD	651 452-5506
16.	Dan Larson	MN Rural Counties Caucus	952-423-7218
17.	Harry VanOffelen	MCEA	
18.	Chris Radatz	MN Farm Bureau	651 905 2109
19.	ANNALEE GARUTZ	AMC	651-357-8526
20.			
21.			
22.			
23.			
24.			
25.			

DRAFT DRAFT DRAFT

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
ST. PAUL, MINNESOTA 55155
WEDNESDAY, OCTOBER 22, 2008

BOARD MEMBERS PRESENT:
Dana Allen, Gordy Behm, Paul Brutlag, Paul Eger, MPCA; Quentin Fairbanks, , Randy Kramer, Larry Kramka, DNR; Paul Langseth, John Linc Stine, MDH; Joe Martin, MDA; Faye Sleeper, U of M Extension; Louise Smallidge, Gene Tiedemann, LuAnn Tolliver

BOARD MEMBERS ABSENT:
Bob Burandt
Brian Kletscher
Brian Napstad

STAFF PRESENT:
Mary Jo Anderson, Travis Germundson, Jim Haertel, Jeff Hrubes, John Jaschke, Al Kean, Julie Klocker, Kevin Lines, Carol Stronjy, Karli Swenson, Pete Waller, Dave Weirens

OTHERS PRESENT:
Jim Anderson
Wayne Edgerton, DNR
Jack Frost, Met Council
LeAnn Buck, MASWCD
Rick Reimer, MACDE
Susan Thornton and Shelley Shreffler, LCCMR
Jean Coleman, CR Planning
Randy Neprash, Bonestroo
Deb Schwakhamer, University of Minnesota
Marian Bender, Minnesota Waters
Jill Trescott and David Swenson, Dakota County Water Resources Department

Chair Kramer called the meeting to order at 9:02 a.m.

PLEDGE OF ALLEGIANCE

** 08-98 **ADOPTION OF AGENDA** – Moved by Louise Smallidge, seconded by Quentin Fairbanks, to adopt the agenda as presented. Motion passed on a voice vote.

** 08-99 **MINUTES OF SEPTEMBER 24, 2008** – Moved by Paul Langseth, seconded by John Linc Stine, to approve the minutes of September 24, 2008, as circulated. Motion passed on a voice vote.

RECOGNITION OF RETIREES

- John Jaschke acknowledged Jim Anderson's retirement from University of Minnesota and BWSR service. Jim has been a BWSR board member for 13 years. John recognized Jim's service by presenting a "Certificate of Retirement" to Jim from Governor Tim Pawlenty. John also presented a print to Jim from BWSR, and wished him well in his retirement. Jim thanked the Board for the recognition and stated that he appreciated the time the University of Minnesota allowed him to serve on the Board. Jim stated that he learned a lot from board members, the Board has made many conservation accomplishments and he was happy to be a part of that. Jim stated that he will be doing some consulting work for on-site sewage systems.

- John Jaschke acknowledged Greg Larson's retirement from State service. Greg Larson has been BWSR staff for 32 years. John stated that Greg's current connection with the U of M has been a good working partnership for BWSR. John recognized Greg's service by presenting a "Certificate of Retirement" to Greg from Governor Tim Pawlenty. A celebration of Greg's retirement will be held November 18 in a more informal setting. Greg stated that he takes pride in how BWSR gets important things done at the local level and he fully expects that to grow and continue.

Chair Kramer thanked Jim and Greg for their efforts, and wished them good luck in retirement!

REPORTS

Chair's Report – Randy Kramer reported that the Environmental Quality Board did not meet this month. Randy stated that a letter from Matt Kramer, Governor Pawlenty's Chief of Staff, was sent to board members regarding the statutory requirement of public officials to disclosure information under the Minnesota

Campaign Finance and Public Disclosure Act. Chair Kramer stated that the Act requires board members to file a Statement of Economic Interest on an annual basis. Chair Kramer stated that he's been busy with harvesting. Chair Kramer has worked closely with John Jaschke and communicates with him on various issues.

Executive Director' Report – John Jaschke stated that if board members have questions regarding the Minnesota Campaign Finance and Public Disclosure Act they should contact him for assistance. John reiterated the importance of submitting the information. John has been meeting with the U.S. Army Corps of Engineers and NRCS regarding state and federal alignment of WCA and the wetland banking program. John stated that they are making progress; the Wetlands Committee is involved as well. John attended the first "BWSR Training Academy". This is a new opportunity for training with local governments all at one time, over a three day period. John thanked the northern BWSR staff and program staff for making this happen. It seems to be successful and BWSR is likely to continue with this approach in the future. John and staff have been processing budget proposal documents and numbers.

Dispute Resolution Committee – Travis Germundson presented the Dispute Resolution Committee report. Chair Kramer thanked Travis for his report.

Wetlands Committee – LuAnn Tolliver reported that the Wetlands Committee met last night to discuss permanent rules. LuAnn stated that they had good discussion and provided direction for staff. LuAnn stated that the Wetlands Committee will meet all day meeting on November 20; the rules will be presented to the full Board on December 17.

Grants Program and Policy Committee – Louise Smalldige reported that the Grants Program and Policy Committee met after the last Board meeting on September 24, items will be addressed on the agenda today.

Administrative Advisory Committee (AAC) – Chair Kramer reported that the Administrative Advisory Committee met this morning and discussed the Compliance Team interim results; legislation proposals, policy and budget initiatives; and issues and activities with AMC, MASWCD, and MAWD. Chair Kramer reported that he appointed Quentin Fairbanks to the Grants Program and Policy Committee; Gordy Behm has been appointed to the Public Relations, Outreach and Strategic Planning Committee and the Northern Water Planning Committee; and Faye Sleeper has been appointed to the Public Relations, Outreach and Strategic Planning Committee and the Metro Water Planning

Committee. Board members have an updated Committee listing in their packets today.

Chair Kramer encouraged board members to attend the upcoming MAWD, MASWCD, and AMC annual meetings. John Jaschke stated that board members have information on the annual meetings of MAWD, MASWCD, and AMC in their packets today. John also encouraged board member attendance, and asked that registration forms be submitted to Mary Jo Anderson by October 29 for direct billing; after that date expenses will be reimbursed on expense reports.

OLD BUSINESS

Clean Water Legacy (CWL) Technical Assistance Continuation Funds for FY07 Projects – Jeff Hrubes provided background information on the need to continue the conservation work being accomplished with local governmental unit staff hired with the FY07 Clean Water Legacy technical assistance and engineering funding. Jeff reported that the Grants Policy and Program Committee recommends approval of the proposed technical assistance allocations. Moved by Louise Smallidge, seconded by Paul Langseth, to approve the recommendation and adopt the proposed technical assistance allocations to further continue CWL funded technical staff. Motion passed on a voice vote.

** 08-100

Cook County SWCD Request for Allocation of State Cost-Share Program Rollover Funds to Facilitate Flood Response to June 6, 2008 Storm Event – Jeff Hrubes reported that Cook County SWCD has requested additional Cost-Share funds to assist private landowners with erosion control and water quality improvement projects resulting from a flood event that occurred on June 6, 2008. Jeff reported that the Grants Policy and Program Committee recommends BWSR distribute up to $125,000 of available cost-share rollover funds to the Cook SWCD to mitigate erosion and water quality damages caused by the flood event of June 6, 2008. Moved by Louise Smallidge, seconded by Gene Tiedemann, to approve up to $125,000 of cost-share rollover funds to Cook County SWCD. Discussion followed. Faye Sleeper asked if precedence has been set; and will Lake County be included in funding assistance. Jeff stated that this was a concentrated storm near Grand Marais; Lake County will not be requesting funds. Quentin Fairbanks asked if BWSR has a policy on this as a wash-out took place in his area. John Jaschke stated that this area is different as a federal disaster has been declared in Cook County. The projects have to meet criteria of the cost-share program, it's the decision at the local level to request funding and then select projects for funding. Chair Kramer stated that this is for private landowners. FEMA is providing funding for public areas/sites. John stated that

** 08-101

Cook County will be short of funds, but this cost-share assistance will help. Motion passed on a voice vote.

Statewide Conservation and Preservation Plan - Susan Thornton, Director of LCCMR, appreciated John Jaschke's request to present the Minnesota Statewide Conservation and Preservation Plan to the Board. Susan introduced Jean Coleman, CR Planning; Randy Neprash, Bonestroo; and Deb Swackhamer, University of Minnesota. Susan stated that in 2006 the University of Minnesota Institute on the Environment was awarded a contract by the Legislative-Citizen Commission on Minnesota Resources (LCCMR) to produce a Statewide Conservation and Preservation Plan ("Plan") with funds from the Minnesota Environment and Natural Resources Trust Fund. The resulting Plan is an integrated inventory and assessment of Minnesota's environment and natural resources with recommendations to guide decision-makers on future short and long term planning, policy, and funding investments. Susan appreciated the work by everyone that participated in this effort.

Jean Coleman presented the framework for recommendations. The Final Plan provides a series of recommendations for addressing the issues and trends identified. The recommendations included in the Final Plan are useful to a wide variety of public and private entities, but in particular, they will be used to help guide expenditures from the Minnesota Environment and Natural Resources Trust Fund. Randy Neprash presented land use practices and information regarding protection of water resources in urban areas. The Project goal is to achieve a better future for Minnesota's natural resources. Deb Schawkhamer provided a brief background on the University of Minnesota's involvement with recommendations. Susan stated that the Plan consists of two parts: a Preliminary Plan released in July 2007 and a Final Plan released July 2008. She stated that a limited number of print copies of the final Plan will be available at public locations due to the large size of the document. The Preliminary and Final Plans are available at www.lccmr.leg.mn. Discussion followed. Chair Kramer thanked them for the presentation.

Chair Kramer called for a break in the meeting at 10:20 a.m. The meeting reconvened at 10:50 a.m.

Jeff Hrubes presented pictures of the Cook County flood.

Presentation "Working Together to Address Drinking Water Issues in the City of Hastings and the Vermillion River Watershed" – John Jaschke introduced David Swenson and Jill Trescott, Dakota County Water Resources

Department. Jill appreciated John's request for the presentation. Jill commended John Jaschke on his prior efforts and work in Dakota County. Jill provided an overview on working together to address drinking water issues. Jill explained that the City of Hastings has struggled since the mid-1990s with rising nitrate levels in its public water supply. Dakota County worked with the City of Hastings, the Minnesota Department of Health, Minnesota Department of Agriculture, Dakota Soil and Water Conservation District, and Metropolitan Council to identify the extent and sources of nitrate contamination in groundwater and to develop an implementation strategy to address it. Implementation included outreach to the agricultural community and the general public; protection and improvement of the Vermillion River; protection of natural areas within the Watershed; septic system maintenance and upgrades; and regulation of well construction and sealing. Implementing these activities has been a collaboration between the County, the SWCD, the Vermillion River Watershed Joint Powers Organization, the University of Minnesota Extension, Minnesota Department of Agriculture, the City of Hastings, and other agencies. Discussion followed. John Linc Stine commended the Dakota County Water Resources Department regarding their outreach program. The MDH staff worked closely with Dakota County. David Swenson appreciated the MDH's participation and collaboration in the effort. John Jaschke stated that it's important to have local involvement in order to be successful. Chair Kramer thanked Jill for the informative presentation.

Minnesota Waters Update – Julie Klocker, BWSR and President of Minnesota Waters, introduced Marian Bender, Executive Director. Marian stated that Minnesota Waters evolved from the merger of the Rivers Council of Minnesota and the Minnesota Lakes Association. Marian provided an update on the organization's programs and partnerships with BWSR clientele. Engaging citizens in watershed monitoring and stewardship is a key component to many comprehensive water plans. However, due to staff and budget considerations many local units find it difficult to provide the specialized training and assistance to build a network of active volunteers. Minnesota Waters works with many watershed districts, SWCD's and counties to fill the gap and expand citizen engagement. The organizations web site is: www.Minnesotawaters.org
Chair Kramer thanked Marian for her presentation.

Star Lakes Update – Julie Klocker reported that Legislation passed in the 2008 session called for the creation of a Star Lakes Program and the development of a non-profit corporation to oversee the program. BWSR was given the responsibility to appoint a member of the new Star Lakes board and call the first meeting. The Star Lakes Board received a one-time appropriation of $100,000

for start-up expenses. Julie provided an overview of BWSR's effort to organize the group and the progress the appointed board members made at their inaugural meeting which was held October 9. Julie distributed the listing of the Star Lakes Board appointments that have been made. Chair Kramer thanked Julie for her report.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Joe Martin reported that MDA has been working on review of the herbicide atrazine to see if additional restrictions are needed. A scoping document has been prepared to guide the review and has been published in the State Register.

Minnesota Department of Health (MDH) – John Linc Stine reported that a public hearing was held for health risk limits for groundwater and proposed rules revision. John reported that nitrate information is available on the MDH website.

Department of Natural Resources (DNR) – Larry Kramka stated that the hunting season is here, go out and enjoy it!

University of Minnesota Extension – Faye Sleeper invited and encouraged board member attendance at the Minnesota Water Resources Conference, October 27-28, 2008, at the St. Paul River Centre.

ADVISORY COMMENTS

Minnesota Association of Conservation District Employees (MACDE) – Rick Reimer reported that the MACDE met on September 30 in Waite Park. The MACDE will meet in December in St. Paul. Ricked thanked the Board for allowing BWSR staff to assist with the MACDE summer conference. Rick encouraged board members to attend at the MASWCD annual meeting and asked for their participation in the MACDE raffle. Rick stated that MACDE is interested in a possible collaborative effort with BWSR on a summer training session. Rick stated that MACDE provides scholarship funds for leadership training.

Minnesota Association of Soil and Water Conservation Districts (MASWCD) – Chair Kramer stated that LeAnn Buck needed to leave the meeting; however, on behalf of MASWCD, she thanked BWSR staff for assistance with their upcoming convention.

Natural Resources Conservation Service (NRCS) – Tim Koehler was excited to announce that Minnesota was selected as one of the two national sites to celebrate the 2,000,000th acre of Wetlands Reserve Program (WRP) land enrolled in the U.S. under the federal Farm Bill. The event will take place on October 29, 2008 at a farm just north of Waconia, from 10:30 a.m. to 12:30 p.m. USDA NRCS Chief Alan Lancaster will provide the keynote address. Tim encouraged board members to attend. He distributed an invitation and the agenda for the program in Waconia. Tim stated that the RIM/WRP partnership will be highlighted. Tim reported that NRCS is still working on developing rules for the new Farm Bill. Chair Kramer thanked Tim for his report.

UPCOMING MEETINGS

- MAWD Annual Meeting, December 4-6, 2008, Arrowwood, Alexandria
- MASWCD Annual Meeting, December 7-9, 2008, Crown Plaza, St. Paul
- AMC, December 8-10, 2008, DECC, Duluth
- Next BWSR Board Meeting, December 17, 2008, St. Paul
- Wetlands Committee, November 20 at 10:00 a.m.
- RIM Reserve Planning Committee, November 24, 9:00 a.m.–3:00 p.m., St. Paul

** 08-102 Moved by Dana Allen, seconded by Quentin Fairbanks, to adjourn the meeting at 12:10 p.m. Motion passed on a voice vote.

Respectfully submitted,

Mary Jo Anderson
Recorder

BOARD OF WATER AND SOIL RESOURCES
DECEMBER 17, 2008

SIGN-UP SHEET TO PROVIDE VERBAL TESTIMONY
ON THE WCA RULE *(up to three-minute limit)*

	Name	Address	Phone	
1.	Monte Mraz	BWSR	651-646-7957	
2.	Leonard Blastock	AOMC		
3.	DAN LARSON	MN Rural County Caucus		
4.	Michelle Rosier	2327 E Franklin Ave Mpls, MN 55406	612 659 9124	Sierra Club
5.	Henry VanOffelen	~~50785~~ Detroit Lakes	218-849-5270	MCEA N.S. chapter
6.				
7.	Wade Paulek	Koochiching Co Commissioner		
8.				
9.				
10.				

BOARD OF WATER AND SOIL RESOURCES
DECEMBER 17, 2008

SIGN-UP SHEET TO PROVIDE WRITTEN TESTIMONY ON THE WCA RULE *(up to three-minute limit)*

	Name	Address	Phone
1.	Michelle Rosier (see verbal)		
2.			
3.			
4.			
5.			
6.			
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10.			

Dispute Resolution Report
December 2, 2008
by: Travis Germundson

There are presently **22** appeals pending. All of the appeals involve WCA except File 05-24. There have been **4** new appeals filed since the last report dated October 22th.

Format note: New appeals that have been filed since last report to the Board.
~~Appeals that have been decided since last report to the Board.~~

File 08-33 (11/24/08) This is an appeal of a after-the-fact wetland replacement plan decision in Hennepin County. The LGU deemed the after-the-fact replacement plan as incomplete. This involves the same project/wetland impacts as File 08-11. No decision had been made on the appeal.

File 08-32 (11/10/08) This is an appeal of a after-the-fact wetland replacement plan decision in Carlton County. The LGU denied the after-the-fact replacement plan application for 28,533 square feet of wetland impacts for a driveway addition. No decision has been made on the appeal.

File 08-31 (11/6/08) This is an appeal of a restoration order in Blue Earth County. The appeal regards the filling of over 6,000 square feet of a Type 1 wetland to construct a new parking surface. No decision has been made on the appeal.

~~File 08-30 (10/23/08) This is an appeal of a wetland banking plan decision in Stearns County. The appellant prematurely appealed an anticipated LGU denial of the banking plan. The banking plan was later approved by the LGU.~~ *The appeal has been withdrawn.*

~~File 08-29 (10/3/08) This is an appeal of a replacement plan in the City of Redwood falls. The LGU approved a wetland replacement plan application for 1.06 acres of fill for the expansion of an industrial/business park. The approval required that a restrictive covenant be placed on the adjacent wetlands.~~ *The appeal was remanded to the Redwood County Joint Powers Appeal Board and then withdrawn by the appellant*

File 08-28 (9/25/08) This is an appeal of a after-the-fact replacement plan in Stearns County. The LGU approved a wetland replacement plan application for an agricultural road crossing that would impact 5,000 sq ft of a Type 2 wetland. *The appeal has been remanded for further processing at the local level.*

~~File 08-27 (9/17/08) This is an appeal of a restoration order in Stearns County. The appeal regards the draining and filling of approximately 15.7 acres of wetland associated with a ditch cleanout/improvement project~~. *The appeal was dismissed.*

~~File 08-26 (08/27/08) This is an appeal of a restoration order in Stearns County. The appeal regards the draining and filling of approximately 4 acres of wetland associated with a ditch cleanout/improvement project~~. *The appeal was dismissed.*

File 08-25 (08/25/08) This is an appeal of a after-the-fact wetland replacement plan application in Benton County. The LGU denied the wetland replacement plan application based on the fact that it does not adequately replace the wetland impacts. It involves the same project and issue as File 07-27. The appeal has been remanded for further processing at the local level.

File 08-11. (04/29/08) This is an appeal of a restoration order in Hennepin County. The appeal regards the filling of 1.75 acres of a type 2/3 wetland for the construction of a pole barn and pasture area. The restoration order has been stayed until and the appeal has been placed in abeyance for submittal of a wetland replacement plan, exemption, or no-loss application.

File 08-9. (03/06/08) This is an appeal of a replacement order in Pine County. The appeal regards impacts to approximately 11.26 acres of wetland. No decision has been made on the appeal. The replacement order has been stayed and the appeal has been placed in abeyance pending further technical work.

File 08-8. (04/03/08) This is an appeal of a replacement order in Pine County. The appeal regards the filling of over 18,000 square feet of Type 2 wetland. No decision has been made on the appeal. The replacement order has been stayed and the appeal has been placed in abeyance pending further technical work.

File 08-4. (01/24/08) This is an appeal of no-loss and exemption decisions in Waseca County. In addition to the no-loss decision, at issue are denials of the agricultural exemption, approved development exemption, incidental wetland exemption, and claims of numerous procedural issues that were prejudicial to the applicants. Further, a Minn. Stat. § 15.99 (60-day rule) claim is pending in District Court. The appeal has been remanded for further technical work at the local level.

File 08-1. (02/04/08) This is an appeal of a restoration order in Aitkin County. The appeal involves the filling of wetland for a road in shoreland area. The restoration order has been stayed and the appeal has been placed in abeyance pending further technical work.

File 07-37. (12/16/07) This is an appeal of a restoration and replacement order in the City of Sturgeon Lake, Pine County. The appeal involves the excavation and filling of wetland. The restoration and replacement order has been placed in abeyance to allow for the submittal of a complete replacement plan.

File 07-33. (10/31/07) This is an appeal of an exemption decision in International Falls, Koochiching County. The appeal involves the approval of an exemption request that resulted from issuance of a cease and desist order for unauthorized wetland impacts. The appeal has been accepted and copies of the record have been requested. A verbal settlement agreement is being drafted.

File 07-32. (10/31/07) This is an appeal of an exemption decision in International Falls, Koochiching County. The appeal involves the approval of an exemption request that resulted from issuance of a cease and desist order for unauthorized wetland impacts. The appeal has been accepted and copies of the record have been requested. A verbal settlement agreement is being drafted.

File 07-31. (10/31/07) This is an appeal of an exemption decision in International Falls, Koochiching County. The appeal involves the approval of an exemption request that resulted from issuance of a restoration order for unauthorized filling of wetland for a building. The appeal has been accepted and copies of the record have been requested. A verbal settlement agreement is being drafted.

File 07-29. (10/25/07) This is an appeal of a restoration order in Crow Wing County. The appeal involves the filling of wetland along a driveway. The restoration order has been stayed and the appeal has been placed in abeyance pending the completion of further field work.

File 07-27. (10/19/07) This is an appeal of a restoration and replacement order in Benton County. The appeal involves the excavation of an island that was in wetland and the filling of wetland along the wetland edge. The restoration order has been stayed and the appeal has been placed in abeyance pending the completion of further field work this spring.

File 06-23. (05/19/06) This is an appeal of a replacement plan decision in Kanabec County. The LGU denied the wetland replacement plan application. A previous denial of the same replacement plan application had been appealed, the appeal was remanded for a hearing, and now the current denial has been appealed. The appeal has been placed in abeyance pending the outcome of a lawsuit between the landowner and the county. The lawsuit concerns the county's possible noncompliance with the 60-day rule. The county prevailed in district court, however the decision was appealed to the Court of Appeals where the county again prevailed. An appeal to the Minnesota Supreme Court was denied review. It is likely the appeal will soon be placed on the calendar for DRC proceedings.

File 06-17. (05/27/06) This is an appeal of a replacement plan decision in the City of Montgomery in LeSueur County. The LGU denied an after-the-fact wetland replacement plan application based on a lack of sufficient reasons why the restoration could not be completed. The appeal has been remanded for further processing at the local level.

File 06-12. (04/13/06) 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. (02/16/06) 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 05-24. (03/04/05) 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. It appears at least two of the appeals have been settled.

File 05-1. (01/13/05) This is an appeal of a replacement plan decision by the Rice Creek Watershed District. The District previously made a decision that was appealed which resulted in a remand for an expanded TEP. Now there is an appeal of the decision made under remand since the decision differed from the TEP report. At issue is a wetland delineation and the Comprehensive Wetland Protection and Management Plan that BWSR approved. After a hearing before the DRC, the board remanded the matter for a new wetland delineation and for submission on an updated, complete replacement plan application.

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

1. Lyon County Local Water Management Plan Update – Brian Kletscher – ***DECISION ITEM***

2. Watonwan County Local Water Management Plan Update – Brian Kletscher – ***DECISION ITEM***

3. Rice County Priority Concerns Scoping Document – Brian Kletscher – ***DECISION ITEM***

4. Rice County Request for Extension of the Rice County Comprehensive Water Management Plan – Brian Kletscher – ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

DATE: September 16, 2008

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: David Sill, Board Conservationist

SUBJECT: **Lyon County Local Water Management Plan Final Review**

I have completed my final review of the Lyon County Local Water Management Plan and recommend approval of this update.

The Lyon County Water Management Plan meets all requirements including:

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

State agency comments were received from the Minnesota Department of Agriculture (MDA), the Minnesota Department of Health (MDH), the Minnesota Pollution Control Agency (MPCA), and the Minnesota Department of Natural Resources (DNR). These agencies recommend approval of the Plan.

I look forward to assisting Lyon County in implementing their local water management plan. With teamwork and coordination between the County, Soil and Water Conservation District, and watershed projects significant conservation activity is taking place!

Bemidji
701 Minnesota Avenue
Suite 234
Bemidji, MN 56601
phone (218) 755-4235
fax (218) 755-4201

Brainerd
1601 Minnesota Drive
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 Trail
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) 281-7797
fax (507) 285-7144

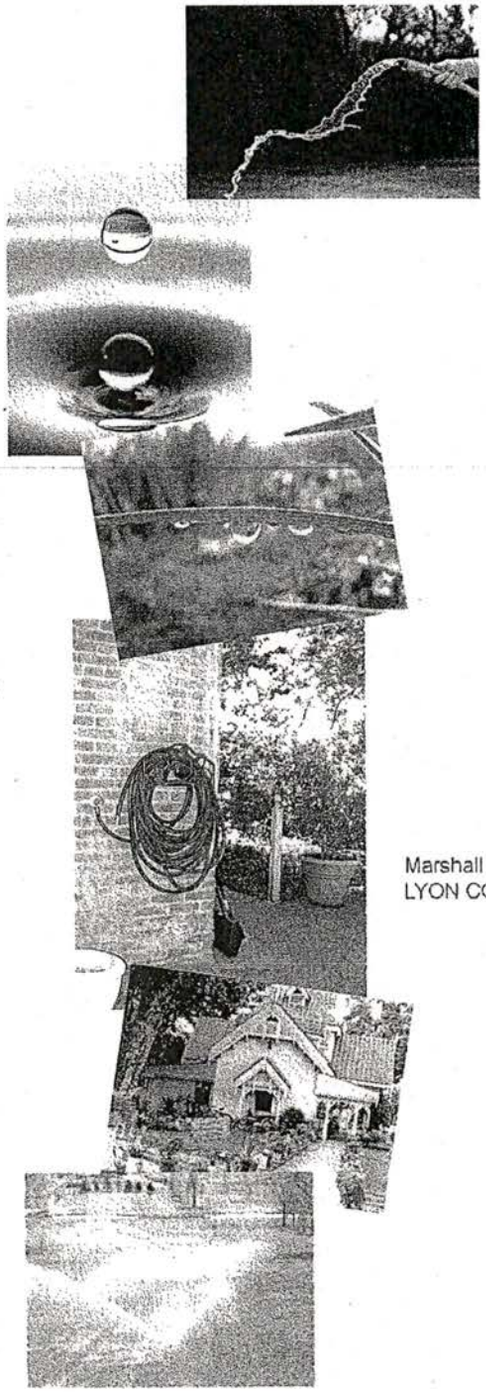
Saint Paul
520 Lafayette Road N.
Saint Paul, MN 55155
phone (651) 296-3767
fax (651) 297-5615

Lyon County Local Comprehensive Water Management Plan

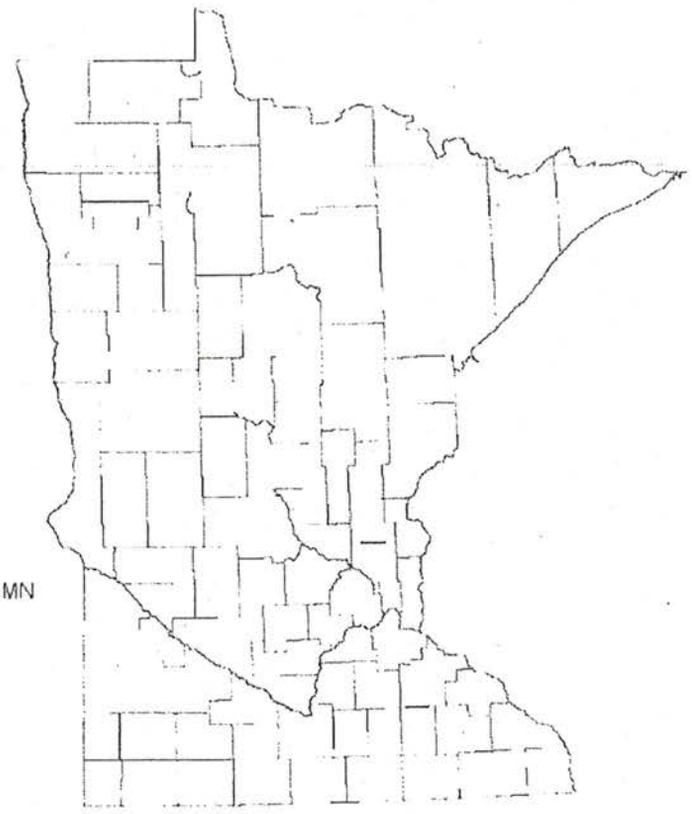
Update: to Cover the Calendar Years 2009-2018*

*updates of the Implementation Components are planned for 2012, and 2015

FINAL DRAFT VERSION



This document represents the collaborative efforts, and expressed ideas and concerns from local residents, business owners, academics, and representatives from local, state, and federal water management professionals. This document was prepared by Roger Schroeder, Lyon County Environmental Specialist. Phone (507) 532-8210



Marshall
LYON COUNTY, MN

Lyon County Water Plan Coordinator

Lyon County Environmental Office
504 Fairgrounds Road, Marshall, MN 56258
Phone: (507) 532-8210
email: paulhenriksen@co.lyon.mn.us

FINAL DRAFT VERSION

Water

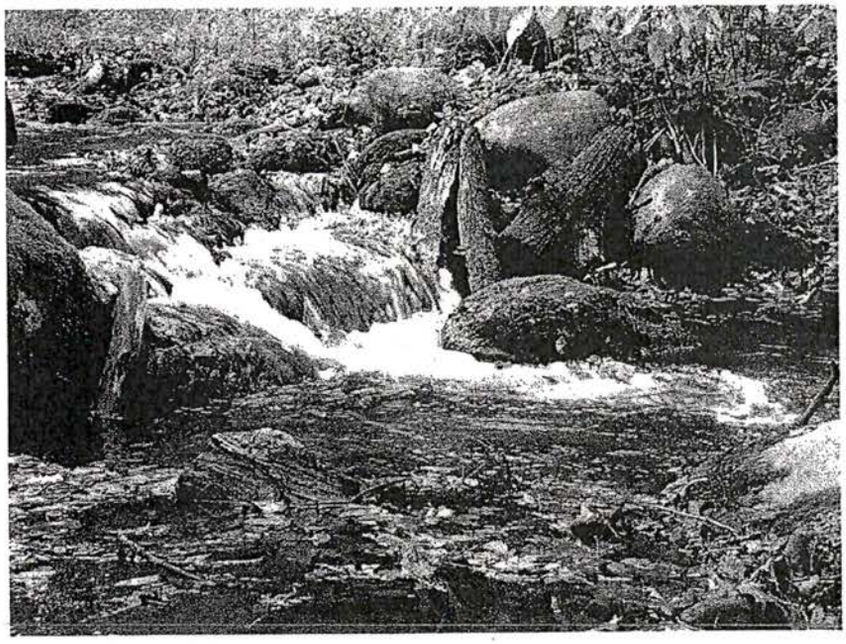
We need it. We use it. We love it. Do we value it? Respect it? Do we fully understand it?

The purpose of this section is to provide an overview of the areas of concern regarding water management issues in Lyon County. The first part of this section outlines specific topics pertaining to top water management, while the second part of this section provides an overview of the primary issues of the four major watershed areas of the county.

Local Water Management is a cooperative effort between many governmental organizations that are responsible to the people. The people—however—are the solution to overcoming the water management challenges we face. Without a healthy dialogue with the people we serve, our success at implementing the water management strategies aimed at solving existing problems will be limited.

Partners of the water plan each have their area of expertise, breadth of knowledge, and ability to leverage resources—be those resource, funding or cooperation. As partners, it is our duty to understand and acknowledge the strengths of one another in order to find the commonalities and potential collaborative efforts we can pursue to bring about success in local water management activities in Lyon County.

EXECUTIVE SUMMARY



Lyon County Local Water Management Plan Overview

This is the third revision of the original Lyon County Water Management Plan, which was adopted and enacted in 1988. This update to the water plan adapts to changes in involvement, expectations, and focus from previous plans, yet does not entirely supplant previous plans. Valuable information is contained especially in the most previous revision of the water plan; specifically **Section III**: *Description of Features Affecting Water Resources*, **Section IV**: *Description of Water Resources*, **Section V**: *Related Land Resources*, **Section VI**: *Special Land Uses and Conditions*, and the **Associated Maps**.

The existing comprehensive local water plan document for Lyon County was accepted by the Minnesota Board of Water and Soil Resources in April 2003, and will expire in December 2008. This current revision is intended to be adopted before December 31, 2008. It is a 10-year plan to cover calendar years 2009-2018, and will contain two revisions of the Implementation Sections of the plan at the end of 2011, and 2015.

In passing the Resolution to update the water plan, the Lyon County Board of Commissioners also voted unanimously to charge water plan administration to the Lyon County Environmental Office; which will continue to serve as the Local Governmental Unit (LGU) responsible for the local water management program as it has since the plan's inception. The County Board further supported a restructuring of the existing Water Plan Task Force for the purpose of this update process. The restructured Water Plan Board will provide oversight of water planning activities.

EXECUTIVE SUMMARY

Focus on Phosphorus:

The Lower Minnesota River has a dissolved oxygen impairment. During low flows, excess phosphorus generates algal blooms, which eventually die off and decompose. The decomposition process creates a shortage of the dissolved oxygen needed to sustain aquatic life.

In response to this impairment, the Minnesota Pollution Control Agency (MPCA) developed the Lower Minnesota River Dissolved Oxygen Total Maximum Daily Load (TMDL). The TMDL required the development of the Minnesota River Basin General Phosphorus Permit – Phase I (Permit) to reduce phosphorus discharged by point sources to the Minnesota River Basin (Basin).

The Permit required the 40 larger existing continuously discharging wastewater treatment facilities in the Basin to apply for coverage and receive a 5-Month Mass Phosphorus Limit. .

Water Management Plan Purpose

The Lyon County Comprehensive Local Water Plan has two purposes that focus on priority concerns as identified in coordination with other local governments and state agencies (2003 Statutory M.S. 103B.301), and an implementation plan that addresses the priority concerns.

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 land resources and effective environmental protection.

Summary of Priority Concerns

The process used to derive priority concerns for Lyon County water resources (outlined completely in the Priority Concerns Scoping Document—Section IV) resulted in four general concern areas that are detailed below.

1. **Impaired Waters:** Several specific surface waters in Lyon County have been analyzed to determine that impairments to aquatic life or human use exist. Total Maximum Daily Load (TMDL) analysis has identified that the waters listed below have been impaired as of the date of this document. TMDL is a scientific measure of how much of a certain contaminant can be present in the water without negatively impacting the overall health or usability of that water for recreation or consumption. With research completed on these waters we have solid direction for how to best support implementation activities to support recovery efforts of these surface waters. Not all surface waters in Lyon County have been thoroughly analyzed, and it is expected that during the span of this water plan update additions will be made to this list of impaired surface waters.

   - ***Coon Creek***: Index of Biotic Integrity (fish)
   - ***Cottonwood River***: Fecal Coliform Bacteria, Turbidity, Mercury
   - ***South Branch Yellow Medicine River***: Turbidity, Suspended Solids, Mercury, Fish Consumption Advisory
   - ***Redwood River***: Ammonia, Fecal Coliform Bacteria, Turbidity, Index of Biotic Integrity for fish, Mercury, Total Suspended Solids
   - ***Three Mile Creek***: Fecal Coliform Bacteria, Turbidity, Suspended Solids
   - ***Unnamed Creek (South Branch Yellow Medicine):*** Fecal Coliform
   - ***Lady Slipper Lake***: Mercury, Fish Consumption Advisory

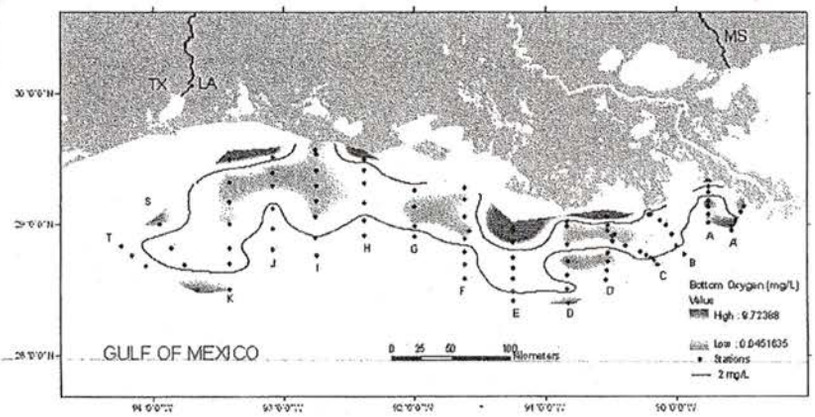
GOALS, ACTION, AND PROJECTED COST

An extensive array of activities are intended for the first three-year Implementa-

EXECUTIVE SUMMARY

tion Period to address the Impaired Waters priority concern areas. These activities include Subsurface Sewage Treatment System (SSTS) low-interest loans, crop residue and conservation Best Management Practices (BMPs), wetland replacement, tile intake replacement, and grass buffers along waterways. A complete list of intended activities is included on Page 8 of the Impaired Waters Priority Concern Section (Red). Anticipated cost (not-including landowner contributions) is $565,000, though this number includes dollars also listed in the three other Priority Concerns Sections.

"Till taught by pain, Men really know not what good water's worth"
Lord Byron



2. **Hydrologic System Management**: The altered Southwest Minnesota landscape from its native, pre-settlement state has transformed the flow, retention, and replenishment of the hydrologic cycle. Pattern tiling, ditching, wetland removal, development, stormwater drainage, excessive groundwater use, etc. have resulted in the cumulative effect of rapidly transporting a greater amount of water to major rivers and streams, and away from groundwater recharge potential. Some impacts of this human-induced activity can already be seen, such as the impaired list of waters previously discussed. Slowing this rapid export of water is in need of greater attention through comprehensive study and continual implementation of beneficial projects. Further study would provide data to more specifically target areas of need with respect to flood control, erosion and nutrient loading reductions. Another issue related to water flow management pertains to the maintenance of existing flood control structures and protection of wetlands in order to retain longevity of benefits from what is already in place. Although a targeted approach to incorporating additional flood control measures would prudent, it is generally believed that any additional wetland acres, flood control measures, and bank stabilization efforts would provide lasting cumulative benefits.

GOALS, ACTION, AND PROJECTED COST

An extensive array of activities are intended for the first three-year Implementation Period to address the Hydrologic System priority concern areas. These activities include restoring 60 acres of wetlands, repairing impoundment structures, installing small dams, and a variety of education components focusing on BMPs associated with land management. A complete list of intended activities is included on Page 4 of the Hydrologic System Management Priority Concern Section (Green). Anticipated cost (not-including landowner contributions) is $463,000.

Quick Science

Minnesota contributes its share of nutrients to Gulf of Mexico, an estimated 7%

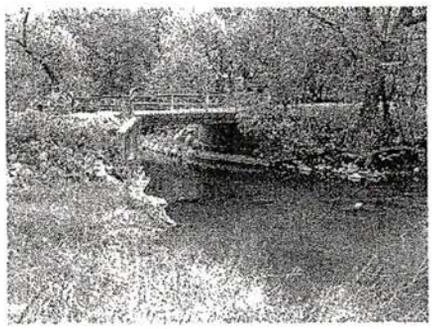
An estimated 77% of sediments from core samples in Lake Redwood (Redwood Falls) came from water erosion of stream/river banks.

The MPCA estimates that between 40-50% of Lyon County septic systems are not in compliance.

It is suspected by many water resource professionals that Mercury contamination

EXECUTIVE SUMMARY

"The formula for Water is H_2O. Is the Formula for an ice cube H_2O squared? "
- Lily Tomlin



On a 2007 Internet Survey of Lyon County residents (172 respondents) the following points were noted:

100% of the respondents agreed *Protecting drinking water quality is important for future*

96% disagreed with the statement: *It is okay for septic systems to discharge into the ditch.*

82% agreed that wetlands are an important to the landscape.

The most common water-related activities were camping/ picnicking and relaxing.

67% felt replacing failing septics systems should be high priority.

58% ranked drinking water quality protection as the Number One Priority Concern

3. **Nutrient Loading Reduction:** Nutrient loads into surface waters is a primary culprit for the degradation of water quality. Although some impaired waters have already been identified through TMDL studies, many surface waters have yet to be comprehensively evaluated to ascertain if impairments exist. For this reason, limiting excessive nutrients, such as fertilizer in cities and agricultural lands, from reaching surface waters is of primary consideration. Existing controls are already in place that are designed to address nutrient loading including Individual Septic Treatment System (ISTS) compliance inspections at the time of property transfer and nutrient management plan requirements for feedlots. However, additional controls are necessary, as is a mechanism for funding these controls such as the low-interest loan dollars for septic system upgrades.

GOALS, ACTION, AND PROJECTED COST

An extensive array of activities are intended for the first three-year Implementation Period to address the Nutrient Reduction priority concern areas. These activities include providing funding to livestock producers to upgrade their facilities, installing rain gardens, grazing management and conservation tilling assistance, and SSTS low-interest loan financing. A complete list of intended activities is included on Page 4 of the Nutrient Reduction Priority Concern Section (Beige). Anticipated cost (not-including landowner contributions) is $ 973,000.

4. **Public Drinking Water Supply Protection:** Extensive concern has been expressed with regards to drinking water quality, quantity, and availability. Wellhead protection through land use best management practices in well recharge areas has been specifically highlighted as a top priority; not only for existing well recharge areas, but also for developing additional well sites in the future. The availability of groundwater for future use is a concern that has been addressed several times throughout this water plan update process thus far. Data appears inconclusive, but it is generally felt that water resources used for consumption are easily replenished. Of greater concern than availability are the land use practices that may have future impacts on drinking water supplies.

GOALS, ACTION, AND PROJECTED COST

An extensive array of activities are intended for the first three-year Implementation Period to address the Groundwater Protection priority concern areas. These activities primarily include an education focus, especially concerning water conservation, and wellhead protection. Activities also include abandon and unused well sealing, and wellhead protection land use controls. A complete list of intended activities is included on Page 4 of the Groundwater Protection Concern Section (Blue). Anticipated cost (not-including landowner contributions) exceeds $6,000.

EXECUTIVE SUMMARY

Conflicts and References

After careful review of the numerous plans submitted for review by other local, state, and federal water resource management and protection entities, it has been determined that no conflicts exist between established plans and controls, and this Lyon County Local Water Management Plan update.

This update of the Lyon County Water Management Plan utilized the key considerations of several existing land and water management plans including (but is not limited to) the following:

- Wellhead Protection plans
- South Branch Yellow Medicine River TMDL plans
- Redwood and Cottonwood Rivers (TMDL) plans
- Lyon SWCD Annual Workplan
- Lyon County Comprehensive Land Use Plan
- Minnesota River Dissolved Oxygen TMDL
- Stormwater Management plans
- Local ordinances
-

Summary of Previous Accomplishments

Though we cannot afford to stand around and pat ourselves on the back for past work completed, it is important to summarize efforts covered in during the previous water plan document. The total dollars spent on water resource protection, reclamation, and protection is very difficult to measure since numerous local, state, and federal entities have programs affecting Lyon County.

During the previous years of water plan activities and accomplishments—as covered by the previous water management plan during the calendar years of 2003-2008—an estimated $100,000 were spent on education and implementation activities through the water plan Natural Resource Block Grant (NRBG) program.

An additional $810,000 has been funneled through the Natural Resource Conservation Service (NRCS) through their WHIP and EQIP programs to include wetland reclamation and upland wildlife habitat creation, nutrient management, grass waterways, flood control structures, and soil management among other essential conservation and protective practices.

Lyon Soil and Water Conservation District (SWCD) cost share and grant programs. Low-interest loan dollars

*These figure does not include local land owner contributions involved in cost



More Internet Survey Results:

Rank of Water Concerns:

1. Drinking Water Quality
2. Surface Water Quality
3. Habitat Protection
4. Storm Water Runoff
5. Erosion of shore land
6. Groundwater Quantity and Allocation
7. Flood Control
8. Excessive Water Use
9. Water Drainage-Ditching
10. Recreational Uses

Of all the respondents:

64% agree there are not enough native prairie acres

58% agree drained wetland acres should be restored

51% disagree that surface water quality is good enough for recreation

61% agree flood-prone land should not be farmed

61% are concerned about harmful chemicals entering drinking water

share programs.

Continual Activities Augmenting Water Plan Efforts

Several entities—by their scope of operation, and/or guiding documents—greatly contribute to water resource protection without the direct involvement, or oversight of the Lyon County Water Management plan. These entities are to be commended for their continual efforts in serving the public well-being by their dedicated persistence in reducing pollution potential, and public education. Such activities include:

- Shoreland Management
- Floodplain management through participation in the National Floodplain Insurance Program
- Household Hazardous Waste Collection
- Solid Waste Management
- Municipal Utility water conservation education and promotion
- Rural Water system land use controls
- Natural resource educational efforts
- County land use planning and ordinances
- Feedlot management

Water Plan Update Chronology

A chronological description of actions and meetings is offered here in quick format for your reference. Meetings used to facilitate the public process, and meetings at which the Water Plan Board, and Technical Advisory Committee discussed and developed this update to the Lyon County Water Plan are also listed in the Priority Concerns Scoping Document. Minutes for these meetings is available from the Lyon County Internet site: http://dev.lyonco.org.

- 20-March-2007: Lyon County Board of Commissioners Approve Resolution to update Lyon County Water Plan
- 1-May-2007: Lyon County Board of Commissioners Approve Resolution to restructure the Lyon County Water Plan Board
- 31-May-2007: Public Meeting to identify priority concerns
- 12-June-2007: Technical Committee meeting to identify and discuss priority concerns
- 21-June-2007: Water Plan Board to review and discuss Priority Concerns
- 17-July-2007: Technical Committee meeting to prioritize concerns
- 26-July-2007: Public Meeting to receive comments on Priority Concern

EXECUTIVE SUMMARY

Scoping Document

- 03-October-2007: Submitted PCSD to necessary State agencies
- 6-December-2007: Met with BWSR Citizens Board to discuss PCSD
- 17-January-2008: Water Plan Board meeting to offer final corrections on draft water plan document
- 19-February-2008: Lyon County Board of Commissioners passed a resolution to request an extension to the current Lyon County Water Management Plan
- 19-February-2008: Water Plan extension request, and resolution forwarded to BWSR
- 12-June-2008: Final draft of Lyon County Water Plan submitted to BWSR
- 17-July-2008: Final Public Hearing on draft water plan document

Minutes from several of these meetings are available upon request.

Water Plan Board Restructuring

Of particular interest for this update is the action taken by the Lyon County Board of Commissioners to restructure the composition of the Lyon County Water Plan Board in time for this update of the Local Water Plan. It was recommended that the Lyon County Park & Recreation Board be charged with the responsibilities to serve as the Lyon County Water Plan Board in addition to their existing duties as the Park & Recreation Board. The new Water Plan Advisory Committee is structured as follows: All members of the existing Lyon County Park & Recreation Board, 1 County Commissioner, 1 Lyon Soil & Water District Supervisor, 1 Yellow Medicine Watershed District Board Member, and 2 citizens at large. The existing membership is as follows: Chauncey Muedeking, Chair, Betsy Desy, Co-Chair, Otto Nyquist, Harlan Magnuson, Tim Buysse, Michelle Schultz, Bob Richards, Kevin Henkel, Nancy Dilley, Wayne Budde, Denny Alexander, and Phil Nelson, Commissioner.

Technical Assistance Committee

In addition to the public review process, and water plan board membership, the update process relied on the areas of expertise of local, state, and federal water resource professionals. These individuals and the entities they represent were a crucial part of this process. Their guidance and expertise offered significantly contributed to the content to this water management plan, and is very much appreciated.

Members of the Technical Assistance Committee include Kerry Netzke, Area II Minnesota River Basin, Jamie Thomazin, Natural Resource Conservation Service (NRCS) Rose Anderson, Lyon Soil and Water Conservation District (SWCD), Ta-

New Water

All those years—
almost a hundred—
the farm had hard water.
Hard orange. Buckets lined in orange.
Sink and tub and toilet, too,
once they got running water.
And now, in less than a lifetime,
just by changing the well's location,
in the same yard,
mind you,
the water's soft,
clear, delicious to drink.
All those years to shake your head over.
Look how sweet life has become;
you can see it in the couple who live here,
their calmness as they sit at their table,
the beauty as they offer you new water to drink.

EXECUTIVE SUMMARY

bor Hoek, and Dave Sill, Minnesota Board of Water and Soil Resources (BWSR), Rich Papasso, United States Fish and Wildlife Service (USFWS), Anita Benson, Lyon County Public Works, Emily Deaver, Southwest Minnesota State University (SMSU), Maurey Chaplin, Marshall Municipal Utilities (MMU), Steve Johnson, MMU, Emma Volz, MMU, Mark Volz, Lyon County Geographic Information Systems (GIS), Ryan Wendt, GIS, Jim Sehl, Minnesota Department of Natural Resources (DNR), Todd Hammer, Lyon County Planning and Zoning (P&Z), John Biren, P&Z, Kent Henkel, City of Balaton, Jason Overby, Lincoln-Pipestone Rural Water Systems (LPRW), Terry Renken, Yellow Medicine River Watershed District (YMRWD), Jim Doering, Redwood-Cottonwood Rivers Control Area (RCRCA), Glenn Olson, City of Marshall, Paul Henriksen, Lyon County Water Plan Coordinator, Rick Anderson, Lyon County Parks, Roger Schroeder, Lyon County Environmental.

Plan Adoption and Amendment

The Lyon County Local Comprehensive Water Plan is intended to guide water management decisions through the year 2018. The Lyon County Board of Commissioners intends to adopt this update of the plan by December 31, 2008.

The Water Plan Board will provide an review and update of the Implementation activities by December 31, 2011, and December 31, 2015 in order to better hone in on current needs and opportunities. Any plan amendments will be conducted in accordance with BWSR standards.

Closing Remarks

The environment (including water management concerns) do not rate high on the minds of residents of this state when compared to transportation, education, employment, and safe communities. Local water management efforts—in a way—are trying to assure that water quality never makes it to the top of the list of concerns for Minnesotans, for we know that if that should happen, communities in this State would be experiencing big trouble. As Water Plan Partners, we need to continue to do the good work we are to make certain that water quality and quantity never become urgent concerns. That process of good work is invigorated by updating water management plans in the manner in which we have proceeded. The challenge now is to maintain this momentum through project completion.

'Tis a little thing
To give a cup of water;
yet its draught
Of cool refreshment,
drain'd by fever'd lips,
May give a shock
of pleasure
to the frame.
More exquisite than
when nectarean juice
Renews the life of joy
in happiest hours.

- Sir Thomas Noon Talford

(*Ion*, Act I)



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 Lyon County (Minnesota Statutes, 2003, Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5.)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Lyon County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on June 16, 2008 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 28, 2008, the Minnesota Board of Water and Soil Resources received a resolution from Lyon County requesting an eight-month extension of the current water plan to December 31, 2008.

2. On March 26, 2008, the Board of Water and Soil Resources approved the Lyon County water plan extension request to December 31, 2008.

3. On September 28, 2007, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Lyon County, pursuant to M.S. Section 103B.312.

4. On December 6, 2007, the Board's Southern Region Water Planning Committee met with representatives of Lyon County to discuss state agencies review comments, the contents of the Priority Concerns Scoping Document, and recommendations for the content of the final Plan Update.

5. On December 19, 2007, the Board of Water and Soil Resources approved official comments on the Lyon County Priority Concerns Scoping Document, which were mailed to the county on December 19, 2007.

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

   a. Impaired Waters;
   b. Hydrologic System Management;
   c. Nutrient Loading Reductions;
   d. Public Drinking Water Supply Protection.

7. On June 16, 2008, the BWSR received the Lyon County Plan Update for final State review pursuant to M.S. Section 103B.315, Subd. 5. A final public hearing on the Lyon County Local Water Management Plan was held on July 17, 2008; no comments pertaining to the plan were received.

8. On November 14, 2008, the southern region water planning review committee of the Board reviewed the recommendation of the state review agencies regarding final approval of the Lyon County Plan Update. Recommendations of the state review agencies were:
   a. Minnesota Department of Agriculture: recommends approval;
   b. Minnesota Department of Health: recommends approval;
   c. Minnesota Department of Natural Resources: recommends approval;
   d. Minnesota Pollution Control Agency: recommends approval;
   e. Minnesota Environmental Quality Board: no recommendation received;
   f. Minnesota Board of Water and Soil Resources regional staff: recommends approval;
   g. Board Water Planning Review Committee: recommends approval.

9. This update will be in effect until December 17, 2018.

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

2. The Lyon 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 Lyon County Local Water Management Plan with a required update to the Implementation section (Goals, Objectives and Action) by December 31, 2011 and December 31, 2015.

Dated at St. Paul, Minnesota, this 17th day of December, 2008.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

DATE: October 15, 2008

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: Chris Hughes, Board Conservationist

SUBJECT: **Watonwan County Local Water Management Plan Final Review**

I have completed my final review of the Watonwan County Local Water Management Plan and recommend approval of this update.

The Watonwan County Local Water Management Plan meets all requirements including:

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

State agency comments were received from the Minnesota Department of Health, the Minnesota Department of Agriculture, the Minnesota Department of Natural Resources, and the Minnesota Pollution Control Agency. These agencies recommend approval of the Plan.

I look forward to assisting Watonwan County in the implementation of their plan. County Water Plan Coordinator Bruce Johnson should be commended for his leadership and dedication throughout the planning process.

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

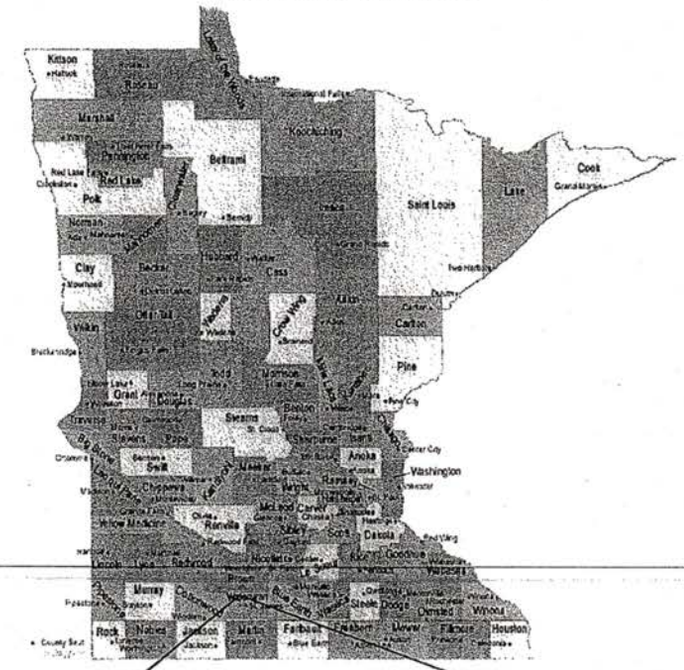
New Ulm
261 Highway 15 S.
New Ulm, MN 56073
phone (507) 359-6074
fax (507) 359-6018

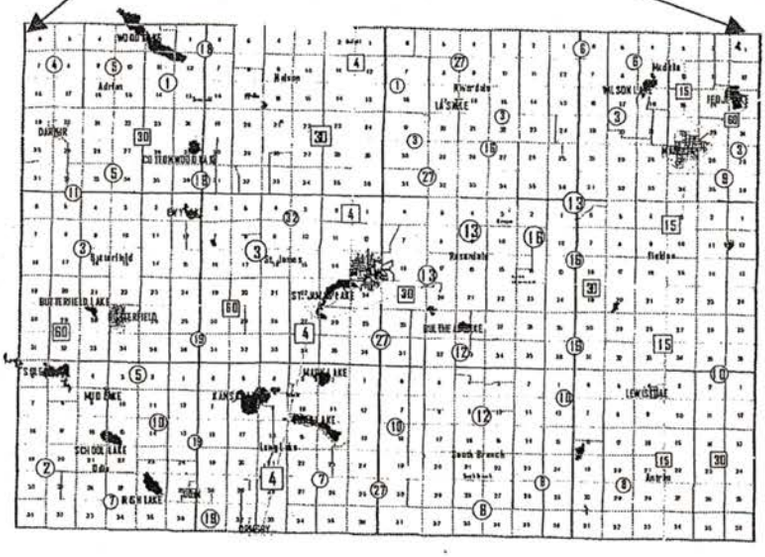
Rochester
2300 Silver Creek
Road N.E.
Rochester, MN 55906
phone (507) 280-2874
fax (507) 285-7144

Saint Paul
520 Lafayette Road N.
Saint Paul, MN 55155
phone (651) 296-3767
fax (651) 297-5615

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WATONWAN COUNTY
LOCAL WATER MANAGEMENT PLAN
2008-2018





Submitted by: Watonwan County Environmental Services
July 2008

A) EXECUTIVE SUMMARY

Watonwan County is a Southwestern Minnesota County surrounded by the borders of Martin, Jackson, Cottonwood, Brown and Blue Earth counties. The county seat of Watonwan County is St. James, with a population of 4,627 at the 2000 census. The 2000 census total put Watonwan County's population at 11,876.

A1) PURPOSE & INTRODUCTION

The Watonwan County Local Water Management Plan is intended to identify existing and potential water related issues in the context of watershed units and groundwater systems, informing specific implementation activities and goals for sound hydrological management of water and related resources. The Watonwan County Board of Commissioners adopted a resolution to revise the plan on August 15, 2006.

This Water Plan is a ten-year management plan with a five year implementation docket and schedule. It is the third edition of a local water management plan for Watonwan County. The original plan was adopted in 1989 and first updated in 1998.

Throughout the duration of the previous plans a Local Water Plan Task Force has met on a regular quarterly basis to discuss ongoing activities and address budget issues. Task Force members were informed at the September 11, 2006 meeting of the need for an update of the Water Plan. Survey forms were then sent out to a wide range of organizations, units of government, agencies and individuals seeking comment on priorities that should be addressed in an updated plan. Comments were submitted and compiled and were subsequently presented on December 11, 2006, upon which a discussion was held. Priority concerns were selected by staff based on those comments and discussions; and were presented to the Task Force on March 19th, 2007 for approval.

Under Watonwan County's present Water Management Plan, these accomplishments and activities have taken place:

- The replacement of 414 non-compliant septic systems from 1998-2008
- Delegated county in the state feedlot program, working with the MPCA and the Minnesota Association of County Feedlot Officers.
- Worked with local feedlot owners and developers with permitting, registration and securing manure management plans.
- Provided funds for collection of manure samples by county livestock producers.

- Provided cost share for feedlot repairs and compliance issues.
- Supported and participated in the South Central Minnesota County Comprehensive Water Planning Project, informally known as the 13 County organization.
- Through the 13 County organization, we worked with the Water Resource Center at the University of Minnesota Mankato in the development of GIS capabilities for Watonwan County and Watonwan SWCD.
- Participated in the Blue Earth River Basin Initiative joint powers organization.
- Participated, along with other counties in the Greater Blue Earth River Watershed in the creation of the Greater Blue River Basin Alliance, a joint powers of counties and Soil and Water Districts in the Greater Blue Earth River Watershed, upon the cessation of the activities of 13 County organization and of BERBI.
- Participated in the Water Implementation at the Local Level process and from 2000 through early 2008 provided administration and served as county representative for a Phase 2 Clean Water Partnership for the Watonwan River Watershed.
- Provided support to the Watonwan County Friends of the Library in the 2005 celebration of Mary Ellen Lewis Day, which entailed an environmental education field day for county residents held at the Meadowlark Learning Center near St. James.
- Provided support funds for the improvement of the Meadowlark Learning Center.
- Provided funding and staff support for highly successful Green Saturday events as they were put on by the Watonwan SWCD.
- Supported Watonwan County Townships with annual grant funding opportunities for water quality improvement projects as determined by township officials.
- Supplied county residents with drinking water testing kits.
- Provided technical support and advice to the Watonwan County Planning Commission and Watonwan County Board of Commissioners as land use projects were proposed and considered.
- Watonwan County and SWCD worked with the small communities in the county on their wastewater needs. Utilized a BWSR challenge grant to help fund the procurement of preliminary engineering reports for the four remaining unsewered small communities in Watonwan County. Out of the four, two are in the construction phase and two are in the final design phase as this plan is being written.
- Supported sealing of 168 abandoned wells.
- Utilization of Zone 10 engineers for construction projects.
- Installation of 130 rock tile intakes and intake buffers.
- Planting of shelterbelts, field windbreaks and living snow fences.
- Maintenance and upkeep of the Meadowlark Learning Center
- Administered the volunteer rain gauge reader program (SWCD)
- Citizens Stream Monitoring Program
- Annual Arbor Day Tree Program

- Bi-annual Habitat Workshops
- Bi-annual Green Saturday Program
- Conduct transect survey
- Stewardship Week program with area churches
- Environmental Poster Contest in county schools
- Environmental Awareness Day with county 6th graders.
- Reclamation and improvement of Long Lake Public Beach.
- Streambank survey conducted on North Fork of the Watonwan River and Perch Creek.
- Three wetland banking sites established
- Established one wildlife area
- Goose Lake Basin (440 acres) restored in Fieldon Township
- Ag waste lagoon closure demonstration for area engineers and state and county feedlot staff.
- Published and distributed news articles and brochures to inform public on programs.
- $1,100,497.04 were spent on EQIP projects
- Mitigation – 3 sites/10 acres
- 14 Streambank repairs were completed which included 4,137 feet

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The Watonwan County Environmental Services Department administers local water management in Watonwan County. Duties include convening of the local Task Force. The Task Force membership currently includes these individuals who have participated in this update process:

NAME	REPRESENTING
Dorothy Raney	SWCD
Bruce Johnson	Environmental Services/Water Planner
Marlin Ziemer	Planning Commission
Noren Durheim	SWCD Supervisor
John Baerg	County Commissioner
Mark Sturm	City of St. James
Mark Rentz	County Commissioner
Ron Lindeen	Adrian Township
Hank Kohn	St. James Township
Chris Hughes	BWSR/New Ulm
Roger Risser	Watonwan County Public Works
Phillis Brey	NRCS
Jack Krech	Watonwan SWCD
Julie Sulflow	Environmental Services
Paul Sawatzky	Nelson Township
Bill Yock	Nelson Township
Ruth Wiederhoeft	Antrim Township
Jerry Karau	Antrim Township
Sanford Seibert	Fieldon Township

Special thanks to Jack Krech, Phillis Brey, Dorothy Raney and Roger Risser for their direct assistance in the preparation of this plan.

PUBLIC & INTERNAL FORUM

8/15/06 County Commissioners approve resolution to update Local Water Management Plan.

8/25/06 Notice of Decision to Revise and Update the Local Water Management Plan to units of government, organization and responsible agencies.

10/1/06 Requested date for recommendations of priority concerns to be returned to Watonwan County Environmental Services.

12/11/06 Task Force meeting – Water Plan Survey Results

3/19/07 Task Force meeting – Water Plan update/priority concerns

6/11/07 Task Force meeting – Local Water Management Plan Scoping Document

11/6/07 Resolution Authorizing Extension of the Watonwan County Comprehensive Water Management Plan

11/15/07 Water Plan Special Public Meeting with Task Force

11/20/07 Resolution Authorizing Extension of the Watonwan County Comprehensive Water Management Plan

3/10/08 Task Force meeting – Scoping Document Discussion

6/9/08 Task Force meeting – Discussion of meeting with BWSR regarding Scoping Document approval

7/28/08 Public Hearing on Local Water Management Plan before the County Board of Commissioners.

Upon approval of this plan, the Minnesota Board of Water and Soil Resources (BWSR) 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.

A2) DESCRIPTION OF PRIORITY CONCERNS

The priority concerns listed below were selected by the Water Plan Task Force members after reviewing the comments and concerns. These concerns were selected as a result of information on implementation activities and program over time, a history of degrees of success in implementation and evaluation of a balance of need for further implementation with an assessment of what can realistically be achieved within the local economic and civic climate and culture.

- **Priority Concern 1: Surface Water Quality Protection & Improvement**

Surface water quality for all waters addressing established and discovered impairments for phosphorus, nitrogen and fecal coliform bacteria, turbidity and Biological Fish Index of Biological Integrity.

- **Priority Concern 2: Groundwater Protection**

Groundwater protection, taking into consideration availability as well as drinking quality.

- **Priority Concern 3: Drainage Management**

Drainage management with the goal of establishing wetland restoration and water retention areas. These and other drainage decisions should be aided by a refined, accurate and expanded local drainage inventory.

- **Priority Concern 4: Sediment Control & Stream Protection**

Comprehensive sediment control efforts focusing on tillage and residue practices and management, and on flooding and flows as they affect stream banks and bluffs.

A3) SUMMARY OF GOALS, ACTIONS AND PROJECTED COSTS

Goals and actions were selected to address priority concerns.

- **Priority Concern 1: Surface Water Quality Protection & Improvement**

Watonwan County lies almost exclusively within the Watonwan River Watershed and nearer to its entirety within the Greater Blue Earth River Watershed. There is a need to protect and reduce further impairment of the Watonwan River, its tributaries and the lakes in the watersheds.

Consideration will be made to any high priority water quality problems. "High priority water quality problems" means areas where sediment, nutrients, chemicals, or other pollutants discharge to Department of Natural Resources designated waters or to any high priority waters as identified in a comprehensive local water plan or the conservation districts comprehensive plan, or discharge to a sinkhole or ground water. The pollutant delivery rate to the water source is in amounts that will impair the quality or usefulness of the water resource.

Desired objectives will be a continuation of local efforts to bring individual onsite septic systems into compliance with local and state rules, to continue efforts to bring community wastewater treatment facilities within the county into compliance with state and federal regulations and continue to bring feedlot operations into full compliance with an emphasis on manure management practices.

Implementation actions include review and revision of county ordinances, promoting and educating property owners on the operation and maintenance of onsite septic systems, providing technical assistance to feedlot operators and owners in determination of needs for site improvements and provide financial assistance for the improvement of feedlots and replacement of noncompliant septic systems. Maintenance of information systems to track implementation activities is seen as an important objective.

Projected costs for implementation of the actions proposed are approximately $2,325,000 in required cost share funds and property owner costs. $115,750 and in-kind services are estimated to be required for administration, education and outreach.

(Dollar figures are estimates based on historic costs.)

- **Priority Concern 2: Groundwater Protection**

Groundwater protection will be addressed for the purpose of protecting both quality and quantity. Drinking Water Supply Management Areas and private and community wells will be a focus of implementation efforts, with the objective of protecting long-term supplies from contamination and depletion.

Implementation actions include working with municipal and rural water providers on land use activities within supply and management areas, provision of assistance to owners of abandoned wells in the sealing of those wells, maintenance of well sealing records, supporting drinking water well screening and testing programs and supporting well owner and water user education efforts.

Projected costs for the actions proposed are $43,000 for implementation actions and $8,500 and in-kind services for administration, education and outreach.

(Dollar figures are estimates based on historic costs.)

- **Priority Concern 3: Drainage Management**

This concern will be addressed through the promotion of the restoration of wetlands, the establishment of water retention areas and the continued development of an accurate inventory of drainage infrastructure within the county.

Objectives include supporting the continuation of existing development of modernized drainage information systems and encouraging landowners to consider alternatives such as controlled drainage, restoration and other retention BMP's through promotional and educational efforts. An additional objective will be to seek financial assistance for the purpose of supplementing traditional cost share sources for easements and costs that may be required to achieve meaningful implementation.

Project costs for implementation activities and actions are $225,000 and $1000 and in-kind services for technical services, outreach and administration.

(Dollar figures are estimates based on historic costs.)

- **Priority Concern 4: Sediment Control & Stream Protection**

This concern will be addressed to reduce the delivery of sediment over surface features to surface waters and to create restorations and structures that will slow delivery of precipitation waters, with emphasis on waters designated as TMDL impaired.

The Watonwan SWCD work plan indicates erosion problems as high priority. "High priority erosion problems" means areas where erosion from wind or water is occurring equal to, or in excess of, 2 x T tons per acre per year or is occurring on any area that exhibits active gully erosion or is identified as high priority in the comprehensive local water plan or the conservation district's comprehensive plan.

Implementation actions include the promotion of BMP's, providing technical assistance in the selection and design of practices, providing financial incentives for implementation of BMP's. It will also be an objective through this plan to work with state and federal agencies in the implementation of TMDL's as they continue to be set and as plans are developed.

Projected costs for implementation of the actions proposed are $105,000. $62,500 and in-kind services are estimated to be required for outreach activities and technical assistance.

(Dollar figures are estimates based on historic costs.)

A4) CONSISTENCY WITH LOCAL, STATE AND REGIONAL PLANS

Watonwan County Environmental Services and the Watonwan County Public Works Department administer the county's land use ordinances. The Watonwan County Zoning Ordinance is reviewed on an ongoing basis for reflection of the goals of this plan. The Watonwan County Board of Commissioners are open to recommendations from county staff and citizens for consideration of amendment. It is deemed at the time of the creation of this implementation plan that it is consistent with county land use requirements. The City of St. James Drinking Water Supply Management Plan was submitted for review during the preparation of this plan and is given consideration in the objectives of this plan. The Greater Blue Earth River Fecal TMDL Plan is in place and the objectives and goals of this plan are consistent with that plan. It is anticipated that a succession of additional TMDL plans will be commissioned and approved over the duration of this plan.

A5) SUMMARY OF RECOMMENDED AMENDMENTS TO OTHER PLANS AND OFFICIAL CONTROLS

The review and amendments of the Mining and Extraction section of the Watonwan County Zoning Ordinance is recommended at the completion and approval of this document. Action is also required by the State of Minnesota to amend the county's wastewater treatment rules by 2010 and this plan is consistent with Watonwan County's intentions and plans to do so.

Action 5) Direct developers and contractors to obtain NPDES construction stormwater permits for projects that meet minimum affected area requirements.
Agency: WCES, Public Works, MPCA
Timeframe: 2008-2012
Estimated Cost: Inkind

Action 6) Provide financial support to townships in continuation of self determined projects for reduction of sedimentation. Provide technical assistance and financial support for culvert end, bridge abutments, ditch bank erosion and other sediment delivery sources within the townships.
Agency: WCES, Townships, SWCD, Public Works
Timeframe: 2008-2012
Estimated Cost: $40,000

D) ONGOING ACTIVITIES

While many of the activities and actions described and proposed in this plan as responses to the priority concerns are extensions of ongoing activities, there are other efforts ongoing that serve the goals of sound water management. Among them are:

- County administration of hazardous waste and recycling programs
- Collection of pesticide containers and used electronic equipment and appliances
- Technical Assistance through the SWCD for conservation programs
- Continuation of the SWCD tree program
- Administration of the Wetland Conservation Act
- Environmental Services general permitting of land use through the Watonwan County Zoning Ordinance and the Planning and Zoning Commission
- Working with MDA and townships on the noxious weed program
- Active Citizens Stream Monitoring Program and rain gauge readers network
- Assisting with testing for commercial pesticide application certification
- Provide seed and equipment for establishing conservation acreage
- Cooperate with landowners, Watonwan County Highway Department and Minnesota Department of Transportation on living snow fence projects
- Participate in youth programs in the county
- Seeking of funds for cost share assistance for conservation and environmental efforts
- Utilization of GIS to plot conservation and land use activities and developments
- Provisions of local well water screening and testing materials

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 Watonwan County (Minnesota Statutes, 2003, Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Watonwan County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on July 31, 2008 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 November 30, 2007, the Minnesota Board of Water and Soil Resources received a resolution from Watonwan County requesting a one-year extension of the current water plan to December 31, 2008.

2. On December 19, 2007, the Board of Water and Soil Resources approved the Watonwan County water plan extension request to December 31, 2008.

3. On March 17, 2008, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Watonwan County, pursuant to M.S. Section 103B.312.

4. On May 28, 2008, the Board of Water and Soil Resources approved official comments on the Watonwan County Priority Concerns Scoping Document, which were mailed to the County on May 28, 2008.

5. The priority concerns the local water management plan addresses include:
   a. Surface Water Quality for Impaired Waters;
   b. Groundwater Quantity and Quality Protection;
   c. Drainage Management and Wetland Restoration and Water Retention;
   d. Comprehensive Sediment Control;

6. On July 31, 2008, the BWSR received the Watonwan 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.

7. On November 14, 2008, the Board's southern region water planning review committee (Committee) reviewed the recommendation of the state review agencies regarding final approval of the Watonwan 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 Pollution Control Agency: recommends approval;
    d. Minnesota Environmental Quality Board: no recommendation received;
    e. Minnesota Board of Water and Soil Resources regional staff: recommends approval;
    f. Board Southern Region Water Planning Review Committee: recommends approval;

8. This update will be in effect until December 31, 2018.

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

2. The Watonwan 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 Watonwan County Local Water Management Plan with a required update to the Implementation section (Goals, Objectives, and Action) by December 31, 2013.

Dated at St. Paul, Minnesota, this 17th day of December, 2008.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Randy Kramer, Chair

County Commissioners

DISTRICT 1
Jake Gillen
(507) 334-5746

DISTRICT 2
Galen Malecha
(507) 645-6041

DISTRICT 3
Milt Plaisance
(507) 334-7612

DISTRICT 4
Steven R. Bauer
(507) 334-9700

DISTRICT 5
Jim Brown
(507) 744-4500

RICE COUNTY
BOARD OF COMMISSIONERS
Government Services Building
320 N.W. Third Street - Suite 3 • Faribault, MN 55021
www.co.rice.mn.us

Telephones:
(507) 332-6101
Toll Free from Northfield
(507) 645-9576
Toll Free from Lonsdale
(507) 744-5185
TDD (507) 332-6138
Fax (507) 332-5999

November 3rd, 2008

Minnesota Board of Water and Soil Resources (BWSR)
261 Highway 15 South
New Ulm, MN 56073

Dear BWSR Review Agency,

The five-year Rice County Comprehensive Local Water Management Plan is effective until January 28th, 2009. Rice County is currently updating the Water Management Plan in accordance with Minnesota Statutes, Chapter 103B.301, Comprehensive Local Water Management Act. Rice County submitted a Priority Concerns Scoping Document to the Board of Water and Soil Resources on September 9th, 2008, in accordance with Minnesota Statutes, Chapter 103B.313 of the Comprehensive Local Water Management Act.

Currently, Rice County representatives are scheduled to meet with the Board of Water and Soil Resources' Southern Region Water Planning Committee on November 14th, 2008 to discuss the Priority Concerns Scoping Document and make changes as suggested.

Rice County is requesting additional time to allow for public hearings, review, and approval of the Water Management Plan by the Board of Water and Soil Resources, and official plan adoption by the County Board of Commissioners as required in accordance with Minnesota Statutes, Chapter 103B.315 of the Comprehensive Local Water Management Act.

The Board of Water and Soil Resources has 90 days following receipt of the plan to review and notify the County if the plan is approved or disapproved in accordance with the Minnesota Statutes, Chapter 103B.315, of the Comprehensive Local Water Management Act.

Rice County Board of Commissioners requests from the Board of Water and Soil Resources an extension of the effective dates of the existing County Water Management Plan until January 28th, 2010, in order to complete the Water Management Plan update process in accordance with Minnesota Statutes, Chapter 103B.301, Comprehensive Local Water Management Act.

Sincerely,

Steven R. Bauer

Steve Bauer, Chair
Rice County Board of Commissioners

Rice County does not discriminate on the basis of race, color, national origin, sex, religion, age and handicapped status in employment or the provision of services.

Rice County Water Plan Update Extension Request

On November 3, 2008 Rice County submitted an official request to extend the current County Water Management Plan to January 28, 2010. The reason for the request is to allow for additional time to complete the Water Management Plan update process in accordance with 103B.301.

I recommend that based on Rice County's progress to date that this one year extension be approved. The county water planning technical committee met yesterday to review text, goals, objectives and actions for the final draft and are making good progress toward completing the final draft update. I anticipate the completed draft update will be submitted for final agency review in early 2009 and the process completed well ahead of the requested extension end date.

Respectfully Submitted
Chris Hughes
Board Conservationist
November 14, 2009

Minnesota Board of Water & Soil Resources

October 17, 2008

Mr. Jeff Nielsen
Minnesota Board of Water and Soil Resources
261 Highway 15 South
New Ulm, MN 56073

Dear Jeff:

Rice County has submitted their Priority Concerns Scoping Document (PCSD) for the 2008/2009 Local Water Management Plan Update to BWSR and other state agencies. BWSR received this document on September 11, 2008.

State agency comments were received from Minnesota Department of Agriculture (MDA), Minnesota Department of Health (MDH), Minnesota Department of Natural Resources (DNR), and Minnesota Pollution Control Agency (MPCA).

MDA commented that the process to identify priority concerns was commendable and concurs with the priority concerns identified. The MDA did note, however, that MDA's priority concerns were inadvertently missing from the scoping document. The county has agreed to include MDA's priority concerns in the scoping document.

MDH commented that the process to identify priority concerns was commendable and concurs with the priority concerns identified.

DNR commented that the process to identify priority concerns was adequate and concurs with the priority concerns identified.

The MPCA concurred with the priority concerns and provided additional comments. MPCA provided the 2008-2010 list of impaired waters and asked that the list be addressed in the local water management plan (LWM). MPCA indicated mercury TMDL reports have received EPA approval and that MPCA will lead study efforts on polychlorinated biphenols (PCB). MPCA noted that although animal agriculture and wetlands have been incorporated into the erosion, stormwater, and waste disposal/management priorities, these issues should not be deemed less important because of this. MPCA asked that the LWM clarify the status of unused well sealing as this was also identified as a

Bemidji
701 Minnesota Avenue
Suite 234
Bemidji, MN 56601
phone (218) 755-4235
fax (218) 755-4201

Brainerd
1601 Minnesota Drive
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 Trail
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) 281-7797
fax (507) 285-7144

Saint Paul
520 Lafayette Road N
Saint Paul, MN 55155
phone (651) 296-3767
fax (651) 297-5615

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priority in the previous LWM. MPCA indicated that providing information regarding surface waters in environmentally sensitive areas is a good idea and suggested the LWM define "environmentally sensitive areas." In addition to these comments, MPCA indicated that the PCSD includes many good methods of implementing priorities -- specifically relating to waste disposal/management, agricultural buffers rule, and the evaluation of groundwater extraction in developing areas. No agency comments were received from the Environmental Quality Board during this review period.

In addition to PCSD comments the MPCA, BWSR, DNR, MDA, MDH provided comments early on in the process. Additionally a citizen survey was completed and the LWM technical committee met to provide input to the PCSD.

On behalf of the BWSR I have completed my review of the Rice County PCSD and recommend the BWSR concur with the priority concerns identified

I look forward to working with County elected officials, staff, and residents as the plan update moves forward. If you have questions or need additional information, please contact me at 507-389-6784.

Sincerely,

Chris Hughes
Board Conservationist

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 Rice County	ORDER EXTENDING WATER MANAGEMENT PLAN

Whereas, the Rice County Board of Commissioners has a state-approved Comprehensive Local Water Management Plan (Plan) that is effective until January 28, 2009, 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 9, 2008, Rice County's Priority Concerns Scoping Document (PCSD) was distributed for state agencies review pursuant to Minnesota Statutes 103B.305, Subdivision 8a.

On November 14, 2008, the Board's southern region water planning review committee (Committee) met with representatives of Rice 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 Rice County PCSD.

On November 3, 2008, the Board received a request from Rice County requesting a one-year extension of their Plan. The reason for the request was to allow for additional time to complete the Water Management Plan update process in accordance with 103B.301.

On November 14, 2008, the Committee reviewed and recommended approval of the extension request by Rice County.

On December 17, 2008, the Committee presented its recommendation of approval of the Rice County one-year extension 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 Rice County pursuant to Minnesota Statutes 103B.311, Subdivision 4 (a) (5).

ORDER

The Board hereby approves the extension of the Rice County Comprehensive Local Water Management Plan until January 28, 2010. Rice County shall strive to complete the updating of their Comprehensive Local Water Management Plan in a timely manner.

Dated at St. Paul, Minnesota, this 17th day of December, 2008.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Randy Kramer, Chair

NEW BUSINESS

1. Federal Highway Administration (FHWA) Exemplary Ecosystem Initiative Award - Cheryl Martin, Environmental Engineer, FHWA – ***INFORMATION ITEM***

2. Order Public Hearing for Boundary Change, Withdrawal of Territory and Enlargement of the Cedar River Watershed District (CRWD), the Shell Rock River Watershed District (SRRWD), and the Turtle Creek Watershed District (TCWD) –Travis Germundson – ***DECISION ITEM***

3. RIM Reserve Vegetation Management and Enhancement of Conservation Easement Lands Policy – Kevin Lines – ***DECISION ITEM***

4. Red River Valley Restoration Initiative (RRVRI) Establishment – Kevin Lines – ***DECISION ITEM***

5. Northeast Wetland Mitigation Inventory - Dale Krystosek, BWSR Senior Wetland Specialist and Keith Hanson, Barr Engineering – ***INFORMATION ITEM***

6. Local Road Wetland Replacement Program Project – Dan Girolamo and Dave Weirens – ***DECISION ITEM***

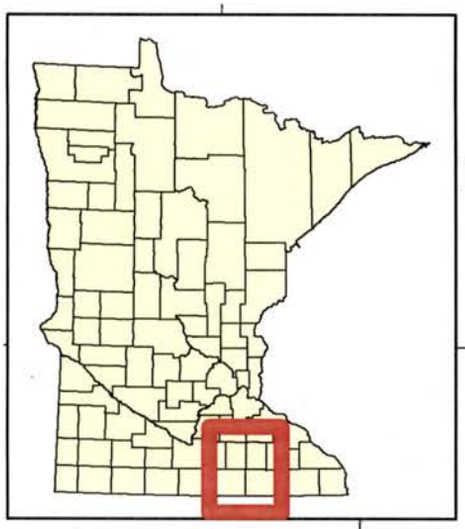
7. Wetland Banking Fee Policy: Update Calculated Wetland Credit Values – Dave Weirens – ***DECISION ITEM***

8. Wetland Conservation Act: Adopt Draft Rule and Authorize Formal Rulemaking – Dave Weirens and Les Lemm – ***DECISION ITEM***

9. Grants Program & Policy Committee Recommendations –
   The following grant program allocations are currently scheduled as follows:
   A. '09 Drainage Records Modernization Grant, $500K – Forty six applicants have requested $1.35M
   B. '09 Native Buffer Cost-Share Grants, $700K
   C. '09 Ag-land Hydrologic Restoration Grants, $1.5M
   D. '09 Clean Water Legacy Project Grants, $3.2M ($1.2M BWSR, $2.0M PCA)

   DECISION ITEM
   (A separate set of draft resolutions and supporting materials for these items will be sent to you prior to the 17th.

Cedar River, Shell Rock River and Turtle Creek Watershed Districts



Rice

Goodhue

Wabasha

Waseca

Steele

Dodge

Olmsted

Freeborn

TURTLE CREEK

CEDAR RIVER

SHELL ROCK RIVER

Mower

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

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

In the Matter of petition for Boundary Change, Withdrawal of Territory, and Enlargement of the Cedar River Watershed District, the Shell Rock River Watershed District, and the Turtle Creek Watershed District pursuant to Minn. Stat. §§ 103D.251, 103D.255, and 103D.261.

ORDER FOR BOUNDARY CHANGE WITHDRAWAL OF TERRITORY ENLARGEMENT HEARING

Whereas, two counties and three watershed districts have submitted six petitions for boundary change, withdrawal of territory, and enlargement of the Cedar River Watershed District, the Shell Rock River Watershed District, and the Turtle Creek Watershed District pursuant to Minn. Stat. §§ 103D.251, 103D.255, and 103D.261, and;

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

FINDINGS OF FACT

1. On November 1, 2008 the Board received six petitions from Freeborn and Mower Counties and three watershed districts for boundary change, withdrawal of territory, and enlargement of the Cedar River Watershed District, the Shell Rock River Watershed District, and the Turtle Creek Watershed District pursuant to Minn. Stat. §§103D.251, 103D.255, and 103D.261. The petitions were accompanied by supporting resolutions from the two counties and the three watershed districts.

2. Staff has determined that valid petitions exist pursuant to Minn. Stat. §§ 103D.251, 103D.255, and 103D.261.

3. Minn. Stat. §§ 103D.251, 103D.255, and 103D.261 require a public hearing to be held within thirty-five days of the Board determining a valid petition has been received.

4. One public hearing should be held due to the geographical proximity of the three watershed districts and the interdependency of the actions being petitioned.

5. The Chair of the Board should appoint a committee to preside over the hearing and bring recommendations to the Board.

6. The Executive Director should determine the date of the hearing after coordinating with the appropriate parties.

7. The public hearing should be held at the Moscow Town Hall in Freeborn County as requested.

8. If scheduling conflicts arise the Executive Director should choose another suitable location.

CONCLUSIONS

1. The petitions for boundary change, withdrawal of territory, and enlargement are valid in accordance with Minn. Stat. §§ 103D.251, 103D.255, and 103D.261.

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 hearing to determine whether the proposed changes would be for the public welfare and public interest and the purposes of Chapter 103D would be served.

4. One public hearing shall be held within thirty-five days of the date of this order.

5. A committee appointed by the Chair of the Board shall preside over the hearing and bring recommendations on the petitions to the Board.

6. The Executive Director shall make a decision on the date of the public hearing after coordinating with the appropriate parties.

7. The public hearing shall be held at the Moscow Town Hall in Freeborn County.

8. If scheduling conflicts arise the Executive Director shall choose another suitable location.

ORDER

The Board hereby orders a public hearing be held within 35 days of the date of this Order for boundary change, withdrawal of territory, and enlargement of the Cedar River Watershed District, the Shell Rock River Watershed District, and the Turtle Creek Watershed District presided over by a committee appointed by the Chair of the Board at a date and location to be determined by the Executive Director.

Dated at Saint Paul, Minnesota this 17th day of December, 2008.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Randy Kramer, Chair

POLICY
DECEMBER 17, 2008
VEGETATIVE MANAGEMENT AND ENHANCEMENT OF CONSERVATION EASEMENT LANDS

The MN Board of Water and Soil Resources (BWSR) recognizes the need to establish a policy and procedure for vegetative management and enhancement of conservation easements. This may include the practices of mowing, haying, grazing, harvest for seed or energy, prescribed burning, establishment of native grasses, forest land and wetland management. This policy applies to conservation easements held by the BWSR and is to compliment language already stated in the easement terms and conditions. Easements held in partnership with other agencies may have limitations that prohibit some or all of the activities outlined in this policy.

A Conservation Plan exists for each easement that identifies the location and type of practices found on the site. Easements require ongoing management to assure their quality is maintained. To that end this policy supports landowner efforts to achieve the highest degree of quality from every easement. A Management Plan needs to be developed and attached to the Conservation Plan for all activities being conducted on the easement site.

In some cases financial assistance will be available for certain practices, while others will be at the owner expense, entirely or partially. Certain practices may produce an economic return to the landowner, as long as wildlife benefits are protected. Practices to be implemented are best determined by the landowner in consultation with the SWCD and BWSR staff. The Management Plan shall be signed by all three parties. Consultation will be made with other professionals as deemed necessary by this group. Activities eligible for financial assistance must be consistent with the RIM program guidelines and approved by BWSR prior to practices being implemented.

Easement vegetation can be broken into three distinct cover types:

I. Grassland Management: For purposes of species diversity, wildlife habitat, water quality and erosion control, it may be necessary to undertake practices to enhance or modify some or all of the cover of a conservation easement. Practices may include:

A. Mechanical (mowing, haying, harvest, energy)
Mechanical methods can successfully manipulate growth stages of habitat. Annual mowing and mowing of entire stands is not allowed without technical justification from the resource manager preparing the management plan. Removal of biomass can increase the vigor of desirable vegetation, remove stored nutrients for water quality and provide a seed bed for restoration or enhancement. Generally, mechanical treatment will be done no more frequently than once every third year, with no more than one third of the acreage mowed each year. In some cases it may be not be practical to manage smaller sites in stages, especially, if they are within a larger habitat complex. Mowing, haying, or harvest is not allowed during the nesting season May 15 to August 1. Minimum stubble

eights are 4-6 inches. Any modifications to these criteria should be explained and specified in the management plan.

B. Chemical/Biological

Chemical Application: Herbicides used must follow label restrictions and be conducted in a way that maintains plant diversity and wildlife habitat. Care should be taken to minimize impacts to desired vegetation while controlling target species as specified in the Management Plan.

Biological Control: Biological control agents may be used for the control of invasive plant species. Minnesota DNR and Minnesota Department of Agriculture guidelines for using biological control agents should be followed and incorporated into the Management Plan.

C. Grazing

Livestock may be used to manage health and vigor of permanent vegetative cover when done in accordance with a grazing plan. Grazing on easement lands requires very careful management to assure the site is not overgrazed. Grazing should not be recommended unless the landowner fully understands the plan and is capable of managing the system. Grazing plans are to be developed according to applicable NRCS practice standards. Generally, grazing will not be done more often than once every three years on the same acres, and only one third of the area will be grazed each year. In some cases it may be not be practical to manage smaller sites in stages, especially if they are within a larger habitat complex. Grazing shall not occur during the primary nesting season of May 15 to August 1. Minimum stubble heights are 4-6 inches. Livestock will be removed from the site when the grass on the site is grazed to these stubble heights. Any modifications to these criteria should be explained and specified in the management plan.

D. Prescribed Burning

Improvement of plant species diversity, control of brush, and recycling of nutrients can be achieved by controlled burning. Burning will be allowed on cool season as well as warm season grass stands. The Management Plan will indicate the timing of burns for the area being treated. Appropriate permits must be obtained by the landowner prior to performance of a prescribed burn. Follow appropriate NRCS practice standards for prescribed burning.

E. Native Prairie Planting.

Enhancement or re-establishment of existing native prairie or replacement of cool season vegetation shall use native grasses & forbs of local eco-type where possible or as required by statute or rule. Quality of habitat can be increased by conversion of introduced grass stands to native grass stands. Follow appropriate NRCS practice standards for habitat management and restoration of declining habitats. BWSR has suggested native grass and forbs seed mixes available as well as recommendations for inter seeding of grasslands.

II. Forest Land Management: Necessary to provide regeneration, maintenance, or conversion of species to manage forest stands for wildlife benefits and stand density.

Easement lands planted to trees need to be managed to maintain and improve preferred species that are critical to providing specific wildlife habitat. When tree cover is requested in the RIM conservation plan and established, the planting should not be considered the final product. The planting should be viewed as a component of the desired future condition to retain tree cover on the site. Harvesting can be done for a variety of purposes such as to create wildlife openings, manage browse for specific wildlife species, and for forest stand improvement. The Management Plan should outline the necessary steps to achieve this desired future condition.

III. Wetland Management:

Wetland management activities for vegetation and water level control are site specific. Wildlife habitat and nutrient reduction benefits of wetlands are affected by: vegetative quality, fish, minnows, invasive species, sedimentation, and water depth to name a few. Detailed plans exist for each restoration project that lay out the engineering of the restoration as well as any vegetative component. The BWSR is updating the MN Wetland Restoration Guide which should be consulted for further information. Any questions or requests regarding management of wetland areas should be directed to the BWSR Easement Program Manager.

Board Resolution #_____

RIM Reserve Vegetation Management and Enhancement of Conservation Easement Lands Policy

WHEREAS the MN State Legislature appropriated $25 million dollars to the RIM Reserve in the 2008 Bonding bill (Chapter 179, 2008 Session law) which governor Pawlenty signed into law on April 7, 2008;

WHEREAS, the 2008 MN State Legislature identified that up to $1.25M be used to expand the BWSR's policies on vegetation management to include energy production activities.

WHEREAS, the BWSR recognizes the need to update the August 26, 1998 policy on vegetation management options on conservation easement land to maintain the habitat and environmental quality of the State's investment.

WHEREAS, the BWSR has historically provided financial assistance to landowners on a case by case basis as RIM funding has been available to re-establish conservation practices on easement lands.

WHEREAS, the BWSR RIM Management Planning Committee has developed a new policy to incorporate historical and new innovative practices into one new policy document.

NOW THEREFORE BE IT RESOLVED, the Board of Water and Soil Resources approves and adopts the updated and attached Vegetative Management and Enhancement of Conservation Easement Lands policy and authorizes staff to proceed with implementation.

_____ Date: _____

Randy Kramer, Chair
Board of Water and Soil Resources

Attachment

Board Resolution # 08 - 110

RIM Reserve Vegetation Management and Enhancement of Conservation Easement Lands Policy

WHEREAS the MN State Legislature appropriated $25 million dollars to the RIM Reserve in the 2008 Bonding bill (Chapter 179, 2008 Session law) which governor Pawlenty signed into law on April 7, 2008;

WHEREAS, the 2008 MN State Legislature identified that up to $1.25M be used to expand the BWSR's policies on vegetation management to include energy production activities.

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WHEREAS, the BWSR RIM Management Planning Committee has developed a new policy to incorporate historical and new innovative practices into one new policy document.

NOW THEREFORE BE IT RESOLVED, the Board of Water and Soil Resources approves and adopts the updated and attached Vegetative Management and Enhancement of Conservation Easement Lands policy and authorizes staff to proceed with implementation.

Randy Kramer, Chair
Board of Water and Soil Resources

Date: 12/17/08

Attachment

Red River Valley Restoration Initiative (RRVRI) Establishment

The BWSR received $25M from the Sstate legislature for the RIM Reserve Program in 2008. In addition, the legislature identified that up to $8M is available to restore wetlands and reduce flooding in the Red River Valley. BWSR staff worked with the Red River Watershed Management Board to develop this pilot RRVRI.

The goals and objectives of the RRVRI are to achieve priority river/stream restoration and flood damage reduction outcomes consistent with the Red River Mediation Agreement (RRMA) and RIM Reserve Program established in MS 103F.515.

The RIM Reserve Management Planning Committee (RRMPC) is unanimously recommending to the Board an allocation of up to $3M to RRVRI to acquire riparian easements and establish conservation practices on those riparian lands acquired in easements. These funds must be obligated by June 1, 2009 for the stated purposes of the RRVRI. The RRMPC is recommending the payment rate for permanent easements on cropland be 100% of Estimated Market Value (EMV) and the payment rate for non-cropland be 60% of EMV. Rates are to be calculated using township mean for tillable property value established by county assessors for the 2009 tax year.

Project areas will be developed through the Red River Mediation Work Group (RRMWG) and local project work teams consistent with the Red River Mediation Agreement (RRMA) and its natural resource enhancement goals and objectives. Projects recommendations will be submitted to the BWSR from the RRMWG for consideration.

DECISION

RED RIVER VALLEY RESTORATION INITIATIVE (RRVRI)
RIM Reserve Pilot Project
November 24, 2008 Revision

Approved by the RIM Reserve Management Planning Committee (RRMPC) for recommendation to the BWSR Board, December 17th, 2008.

CONTEXT

The recently passed bonding bill provided for the following:

1. To acquire conservation easements from landowners to preserve, restore, create, and enhance wetlands, restore and enhance rivers and streams, riparian lands, and associated uplands in order to protect soil and water quality, support fish and wildlife habitat, reduce flood damages, and other public benefits.

2. Up to $8,000,000 of this amount is available for use to restore wetlands and reduce flooding in the Red River Valley area.

The Red River Mediation Agreement (RRMA), representing state and federal permitting agencies including BWSR, along with landowners, counties, SWCDs, watershed districts, cities, conservation organizations and environmental organizations, is an agreement on goals and objectives for flood damage reduction and natural resources enhancement. It is an agreement regarding a process involving local project teams that assess problems and develop and select preferred alternatives for addressing those problems. The Red River Mediation Work Group (RRMWG) provides general oversight and support, assists with conflict resolution, and provides recommendations for state and federal funding consistent with the goals and objectives of the RRMA. This process is a model for cooperation, coordination and achievement of on-the-ground outcomes, without which addressing the flooding issues in the Red River Valley would still be locked in litigation and denied permits. The RRMA also advocated an integrated flood damage reduction/natural resource enhancement (FDR/NRE) project approach of 75/25 state/non-state funding relationship. The NRE components of the projects are the focus of this initiative.

OBJECTVE

The objective of the (RIM Reserve) Red River Valley RIM Restoration Initiative (RRVRI) is to achieve priority river/stream restoration and flood damage reduction outcomes consistent with the RRMA. The specific goals/outcomes of the RRMA that will be achieved are:

1. Reduced Flood Damages to cropland, roads and bridges by eliminating cross over flow and improving channel efficiency.

2. Improved Water Quality by reducing channel and upland erosion with buffers and designed channel stabilization.
3. Restored Fish Habitat and River Fishery by reestablishing the natural stream channel meandering and creating natural channel stabilization.
4. Improved Wildlife Habitat by establishing native vegetative buffers along the river/stream.

CRITERIA for the RRVRI

1. Eligibility for RIM Reserve with a focus on riparian flood prone lands.
2. Project is consistent with the RRMA's FDR/NRE goals and objectives.
3. Project will evolve through, and be recommended by, the local project team and the Watershed District (WD).
4. Project will be recommended to BWSR by the RRMWG. The RRMWG, in addition to the above, will consider the readiness of the project to proceed and the leveraging of other resources.

PAYMENT RATES

1. Permanent Easements on Cropped Lands – The payment rate for permanent easements on cropland would be 100% of Estimated Market Value (EMV) for the township as determined by the county assessors.
2. Permanent Easements on Non-Cropped Lands – The payment rate for permanent easements on non-cropped land would the current RIM Reserve payment rate of 60% of EMV for the township as determined by the county assessors.
3. Limited duration easements would not be offered as there are other short-term program options available to landowners.

Since EMVs for townships are generally at least one year in arrears with respect to actual values, use of 100% of the township EMV would be the preferred payment rate. In any situation the WD will still need to augment the RIM payment by 10–25% to be competitive in most areas.

PRACTICE COSTS

Conservation Practice Implementation – RIM Reserve would pay costs relating to land preparation, seed costs, and seeding of the RRVRI RIM lands up to $300/acre for native plantings which is the current RIM Reserve maximum cost-share reimbursement rate.

OTHER PROJECT COSTS

1. Engineering and Design – The engineering and design costs will be the responsibility of the WD.
2. Project Administration – The administration of the project will be the responsibility of the WD.
3. River/Stream Restoration Construction – WDs will be responsible for the river/stream restoration construction cost.

4. Conservation Plan – The maintenance of the conservation plan will be the responsibility of the WD as part of their overall project responsibilities rather than the responsibility of the individual landowner.

LEVERAGING

1. Where practical, the WD will leverage other resources. Generally CRP does not appear to be practical in many instances as CRP limits what can be done on the property while enrolled. Stream restoration would require the landowner or WD to "buy out" the contract for construction to be done. That's not a practical approach. This initiative does not fit will within the current WRP priorities, rules and regulations according to Tim Koehler, NRCS. Therefore, federal leveraging through USDA would appear to be limited for many projects, but has significant potential for some.
2. There will be leveraging available through the COE's, FEMA, NRCS and potentially other state and federal agencies as well as local conservation organizations.
3. WD leveraging through
    a. Engineering and design of the project;
    b. Project administration;
    c. Land acquisition; and
    d. Construction of river/stream restoration.

IMPLEMENTATION

Acknowledging the BWSR RIM Reserve Management Planning Committees timeframes for having the allocated funds committed, it is the intent of this initiative to commit authorized dollars to landowner sign-ups by June 1, 2009. With $3,000,000 available for this pilot initiative, committing the dollars within this timeframe should be doable.

Draft

Board Resolution # 08-111

Red River Valley Restoration Initiative (RRVRI) Establishment

WHEREAS the MN State Legislature appropriated $25 million to the RIM Reserve Program in the 2008 Bonding bill (Chapter 179, 2008 Session law) which governor Pawlenty signed into law on April 7, 2008;

WHEREAS the MN State Legislature identified that up to $8 million is available for use to restore wetlands and reduce flooding in the Red River Valley Area;

WHEREAS the Minnesota Board of Water and Soil Resources authorized staff to work with the Red River Watershed Management Board to develop a (RIM Reserve) Red River Valley Restoration Initiative (RRVRI);

WHEREAS the role and responsibilities of the Watershed Districts in the RRVRI is project engineering and design, project administration, river/stream restoration construction, and maintenance of the conservation plan on behalf of the landowner;

WHEREAS projects will be identified through the Red River Mediation Work Group (RRMWG) and local project work teams consistent with the Red River Mediation Agreement (RRMA) and its natural resource enhancement (NRE) goals and objectives;

WHEREAS the objective of the RRVRI is to achieve priority river/stream restoration and flood damage reduction outcomes consistent with the RRMA and RIM Reserve Program established in MS 103F.515;

WHEREAS the RIM Reserve Management Planning Committee (RRMPC) is recommending up to $3 million in 2008 RIM Reserve funds be used to acquire riparian easements and establish conservation practices on those riparian lands acquired via easements. These funds must be obligated by June 1, 2009 for the stated purposes of the RRVRI;

WHEREAS the RRMPC is recommending the payment rate for permanent easements on cropland be 100% of Estimated Market Value (EMV) and the payment rate for non-cropland be 60% of EMV for non-cropland. Rates are to be calculated using township mean for tillable property value established by county assessors for the 2009 tax year;

WHEREAS the RRVRI project recommendations will be submitted to the BWSR from the Red River Mediation Work Group for consideration;

WHEREAS the Minnesota Board of Water and Soil Resources will select and approve project areas for the RRVRI submitted for consideration by the RRMWG;

WHEREAS the Minnesota Board of Water and Soil Resources will acquire RIM Reserve easements and establish conservation practices through the Soil and Water Conservation Districts who are members of the local project work teams, unless otherwise determined locally;

WHEREAS the RRMPC met on November 24th, 2008 and is recommending the establishment of the RRVRI beginning December 18, 2008 and ending June 1, 2009 with a payment rate of 100% EMV for cropland and 60% EMV non-cropland;

NOW, THEREFORE BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources authorizes the allocation of up to $3M for establishment of, and payment rates as recommended by the RRMPC, for the RRVRI to begin December 18, 2008 and run through June 1, 2009.

Randy Kramer, Chair
Minnesota Board of Water and Soil Resources

12/17/08
Date

Northeastern Minnesota Wetland Mitigation Inventory and Siting Study
Project Status – December 2, 2008

The Northeastern Minnesota Wetland Mitigation Inventory and Siting Study (Inventory) is a two phase project to identify potential wetland mitigation opportunities located in northeastern Minnesota and analyze those opportunities to develop goals and priorities. Phase 1 is designed to identify potential wetland mitigation sites and inventory and assess mineland wetlands and Phase 2 will provide siting recommendations based on priorities.

The purpose of Phase 1 is to gather baseline historical data to develop an initial understanding of the existing wetland resources and conduct a regional assessment of potential opportunities for wetland restoration, enhancement, preservation and creation within the 18 counties containing more than 80 percent of their historic wetlands. The Phase 1 report is intended to provide documentation of the process, methods, and results; including discussion of the project study area, the participants and outcomes of public outreach meetings, the inventory methodologies, the outcome of the study, and prioritization factors.

During Phase I of the project, a technical committee was convened to provide review and guidance over the inventory process. Wetland stakeholders were also consulted to gather feedback on the major components of the study and to provide information on local issues which could impact the success of the project.

Based on the technical committee and stakeholder feedback, four general categories of mitigation methods were evaluated: wetland restoration, preservation, enhancement, and creation. A GIS model analysis was conducted utilizing existing data sources to identify potential wetland mitigation opportunities within the project area. Potential wetland mitigation opportunities were identified throughout the study area.

Approximately one percent of the potential mitigation opportunities spread across 17 of the 18 counties will have been evaluated in the field to determine the accuracy of the modeling methods and to get a sampling of landowner interest. The field verification was performed by Soil and Water Conservation Districts and other Local Government Units. The results of the field efforts indicated that approximately 40 percent of the sites evaluated had moderate to high technical feasibility. However, landowners expressed a possible interest within only about 25 percent of the potential sites with moderate to high technical feasibility. In addition, more than 50 percent of the potential mitigation acreage identified was on sites determined to be farmed wetlands, many of which may only yield limited credit under state mitigation guidelines.

The mineland water resources inventory analysis identified nearly 2,000 wetlands and water bodies covering nearly 23,000 acres, about 20 percent of the study area. Approximately 4,000 acres of wetlands were identified that have developed on former minelands along with nearly 6,000 acres of mine pit waters and 13,000 acres of natural wetlands located adjacent to mine features. A sample of approximately 10 percent of those water features were field verified and their functions assessed using the Minnesota Routine Assessment Method for Evaluating Wetland Functions. The potential for conducting wetland mitigation on reclaimed minelands is discussed based on the inventory and assessment.

Prioritization factors were also addressed by the technical committee and the stakeholder group. Both groups concluded that it is important to have the ability to sort data by prioritization factors. The prioritization factors considered include: potential wetland mitigation types, wetland mitigation method, wetland mitigation site size, land ownership, landowner interest, area water quality, proximity to impaired waters, technical feasibility, and watershed location. The potential wetland mitigation opportunities will be analyzed in the context of these prioritization factors during Phase 2 of the project.

Northeast Minnesota Wetland Mitigation Inventory & Assessment

Phase 1: Interim Report

Prepared for
The Board of Water and Soil Resources (BWSR)

December 2008

BARR

Northeast Minnesota Wetland Mitigation Inventory & Assessment

Phase 1: Interim Report

Prepared for
The Board of Water and Soil Resources (BWSR)

December 2008

BARR

4700 West 77th Street
Minneapolis, MN 55435-4803
Phone: (952) 832-2600
Fax: (952) 832-2601

Northeast Minnesota
Wetland Mitigation Inventory & Assessment
Phase 1: Interim Report

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1.0 Executive Summary

The Northeast Minnesota Wetland Mitigation Inventory and Assessment Project is a two phase project to identify potential wetland mitigation opportunities located in northeastern Minnesota and analyze those opportunities to develop goals and priorities. Phase 1 is designed to identify potential wetland mitigation sites and inventory and assess mineland wetlands and Phase 2 will assess siting recommendations based on priorities, including but not limited to: mitigation types/methods, water quality, proximity to impaired waters, technical feasibility and wetland functions.

The purpose of Phase 1 is to gather baseline historical data to develop an initial understanding of the existing wetland resources and conduct a regional assessment of potential opportunities for wetland restoration, enhancement, preservation and creation within the 18 counties containing more than 80 percent of their historic wetlands. The Phase 1 report is intended to provide documentation of the process, methods, and results; including discussion of the project study area, the participants and outcomes of public outreach meeting, the inventory methodologies, the outcome of the study, and prioritization factors.

During Phase I of the project, a technical committee was convened to provide review and guidance over the inventory process. Wetland stakeholders were also consulted to gather feedback on the major components of the study and to provide information on local issues which could impact the success of the project.

Based on the technical committee and stakeholder feedback, four general categories of mitigation methods were evaluated: wetland restoration, preservation, enhancement, and creation. A GIS model analysis was conducted utilizing existing data sources to identify potential wetland mitigation opportunities within the project area. Potential wetland mitigation sites were identified throughout the study area.

Approximately three percent of the potential mitigation opportunities spread across 17 of the 18 counties have been evaluated in the field to determine the accuracy of the modeling methods and to get a sampling of landowner interest. The field verification was performed by Soil and Water Conservation Districts and other Local Government Units. The results of the field efforts indicated that approximately 13 percent of the sites evaluated had a high technical feasibility rating. However, landowners expressed interest in wetland mitigation only 11 percent of the time. Over 98 percent of

the potential wetland mitigation area identified is associated with wetland mitigation methods that would only qualify for partial credit ranging from 12.5 percent to 75 percent. In addition, more than 50 percent of the total potential mitigation acreage identified was on sites determined to be farmed wetlands, many of which may not qualify for credit or may only yield limited credit under state mitigation guidelines.

The mineland inventory study area includes a much smaller subset area encompassing the Mesabi Iron Range mining corridor that extends from west of Grand Rapids to south of Ely (Figure 2).The mineland water resources inventory analysis identified nearly 2,000 wetlands and water bodies covering nearly 23,000 acres. Approximately 4,000 acres of wetlands were identified that have developed on former minelands along with nearly 6,000 acres of mine pit waters and 13,000 acres of natural wetlands located adjacent to mine features. A sample of approximately 10 percent of those water features were field verified and their functions assessed using the Minnesota Routine Assessment Method for Evaluating Wetland Functions. The potential for conducting wetland mitigation on reclaimed minelands is discussed based on the inventory and assessment.

Prioritization factors were also addressed by the technical committee and the stakeholder group. Both groups concluded that it is important to have the ability to sort data by prioritization factors. The prioritization factors considered include: potential wetland mitigation types, wetland mitigation method, wetland mitigation site size, land ownership, landowner interest, area water quality, proximity to impaired waters, technical feasibility, and watershed location. The potential wetland mitigation opportunities will be analyzed in the context of these prioritization factors during Phase 2 of the project.

2.0 Introduction

The Northeast Minnesota Wetland Mitigation and Assessment Project is a two phase project to identify potential wetland mitigation opportunities located in northeastern Minnesota and analyze those opportunities to develop goals and priorities. In 2006, interested parties from federal, state and local agencies; mining groups; consultants; environmental groups; wetland mitigation bankers; and others met as an ad hoc committee to discuss northeastern Minnesota's current and future wetland mitigation needs and challenges and to develop a wetland mitigation strategy (Strategy) to address those challenges.

The northeastern part of the state faces unique challenges for wetland mitigation due to the presence of extensive wetland resources, approximately 57 percent of land in public (federal and state) and tribal ownership, few established wetland mitigation banks, a perceived lack of traditional wetland mitigation opportunities, and the need for approximately 550 acres of wetland mitigation annually in the foreseeable future.

The ad hoc committee met numerous times over nearly two years to map out the Strategy. Several stakeholder meetings were held throughout the process to get input on the proposed strategy. The strategy included five main recommendations:

- Conduct a regional wetland mitigation inventory to determine the availability of wetland mitigation opportunities in the region.
- Conduct a regional mitigation siting study to summarize the results of the regional inventory and help to streamline mitigation planning in the region.
- Develop a northeastern Minnesota wetland bank cooperative – a third party to coordinate, promote, and develop wetland banking within the region.
- Compile up-to-date knowledge or research on non-traditional mitigation methods
- Update the National Wetlands Inventory for northeastern Minnesota

Area legislators were contacted and requested to fund the regional wetland mitigation inventory and the mitigation siting study. In 2007, after receiving stakeholders' testimony the Legislature funded the inventory and the siting study recommendations through a two-year appropriation to the Board of Water and Soil Resources (BWSR) for 2008-2009.

This interim report to BWSR is intended to provide documentation of the first phase of the project, the wetland mitigation inventory. This report includes documentation of the process, methods, and results; including discussion of the project study area, the participants and outcomes of public outreach meetings, the inventory methodologies, the outcome of the study, and prioritization factors.

The project team consists of numerous organizations including: Barr Engineering Company (Barr), Community GIS Services, BWSR, numerous Soil and Water Conservation Districts (SWCD), and Local Government Units (LGU) in the region. Barr is the project leader working under the direction of BWSR. Community GIS Services provides GIS services for the project. The SWCDs, LGUs, and a consultant have conducted field assessment services under the direction of BWSR.

3.0 Project Purpose and Goals

3.1 Wetland Mitigation Inventory

The Strategy concluded that there were inherent difficulties in planning wetland mitigation in northeastern Minnesota due to a perceived shortage of traditional wetland mitigation opportunities compounded by significant future demand. Therefore, the primary purpose of this task was to conduct a comprehensive search for potential wetland mitigation opportunities in each of the 18 counties identified as containing greater than 80 percent of their pre-settlement wetlands in northern Minnesota (Figure 1).

There is a growing concern for the protection of stream and lake water quality with an understanding of the important role wetlands play in watershed processes. Therefore, the wetland mitigation inventory has been conducted with a watershed emphasis to identify watershed improvement needs and water quality improvement opportunities within the study area. Baseline data was collected to develop an initial understanding of the existing wetland resources and a regional assessment was conducted of potential opportunities for wetland restoration, enhancement, preservation and creation. The intent of this study is to use existing data to identify potential wetland mitigation opportunities and verify and assess the technical feasibility of a limited sampling of sites in the field.

3.2 Mineland Wetland Inventory and Assessment

Present and future mining operations have the potential to affect large areas of wetlands, thus requiring significant wetland mitigation. With the perceived lack of mitigation opportunities within the Mesabi Iron Range watersheds, wetland development on mining properties during reclamation can be one strategy to maintain wetland functions in the affected watersheds. Therefore, the purpose of this task is to gain a better understanding of the potential for wetland development on reclaimed minelands by conducting an inventory of wetlands that have developed on former minelands and assessing the functions of those wetlands. The project team developed a preliminary inventory of potential wetland and water resources, reviewed it with the Technical Committee for further guidance, and embarked on field verification efforts to verify the existence of those resources and assess the wetland functions. The functions and values of a representative sample of wetlands identified were assessed in the field utilizing the Minnesota Routine Assessment Method for Evaluating Wetland Functions (MNRAM) Version 3.2.

4.0 Technical Committee

The project team assembled a Technical Committee to provide technical review and guidance of the inventory process. The Committee included representatives of BWSR, the Minnesota Department of Natural Resources (MNDNR), the University of Minnesota's Natural Resources Research Institute (NRRI), the U.S. Army Corps of Engineers (COE), the U.S. Fish and Wildlife Service (USFWS), the Minnesota Pollution Control Agency (MPCA), and the St. Louis County Land Department. A complete list of the Technical Committee is found in Appendix G.

The Technical Committee provided input on:

- Project Study Area,
- Data sources,
- GIS modeling and methodologies for evaluating mitigation sites,
- Mitigation methods to be evaluated,
- Regional needs and the prioritization of geographic areas to be studied,
- Field verification of GIS modeling data and collection protocols, and
- Mineland water resource GIS modeling and assessment methodologies.

5.0 Project Study Area

5.1 Wetland Mitigation Inventory

The scope of the project includes all 18 counties defined in the Wetland Conservation Act as containing greater than 80 percent of the historic wetland resources. Regulatory agencies also recognize Bank Service Areas, encompassing larger watershed areas as acceptable areas for utilizing wetland bank credits for compensatory wetland mitigation (Figure 1).

5.2 Mineland Wetland Inventory and Assessment

The mineland inventory study area includes a much smaller subset area encompassing the Mesabi Iron Range mining corridor that extends from west of Grand Rapids to south of Ely (Figure 2). The Mesabi Iron Range is active today with many mining operations currently underway and some currently developing and expanding. The inventory identified wetlands and water resources that have developed within the inactive portions of the mining study area. The functions and values of a representative sample of wetlands identified were assessed in the field utilizing the Minnesota Routine Assessment Method for Evaluating Wetland Functions (MNRAM) Version 3.2. The Cuyuna Range was evaluated to determine if it would be appropriate for inclusion in the study area. It was determined to not be valid due to the fact that the mining methods utilized there were considerably different from those used today and would not provide valuable information for today's mining operations.

The potential extent of the mineland study area was initially identified as the area encompassing mine operations documented in the MNDNR 2007 mine features GIS layer. Those features were then outlined to develop a contiguous area. The final step in identifying the study area involved removing actively permitted mine operations (based on MNDNR data) from the previously defined area. The resulting study area encompasses approximately 192 square miles (Figure 2).

6.0 Data Sources

6.1 Inventory Data Sources

The following list of data sources were used in order to build a geographic information system (GIS) model to identify and assess the wetland mitigation opportunities within the project study area. This information included the following data sets obtained from the Minnesota DNR Data Deli and county sources.

1. USGS 30-Meter digital elevation model (DEM)

   Slope percentages were calculated for all counties and areas of 1% slope or less were extracted except St. Louis, Lake, and Cook counties where areas of 4% slope or less were extracted.

2. NRCS SSURGO 2.2 Soil Surveys

   All hydric soils were extracted from the SURGO certified soil surveys. Database queries were run to identify the hydric soils and hydrologic soil groups. The resulting dataset is a hybrid of the hydric soils and hydrologic soil groups that have a water table within 1 foot of the ground surface during at least fifty percent of the growing season. Some counties within the project area did not have a completed soil survey at the time of the analysis. In those areas, geomorphology data was used as a substitute for hydric soil information.

3. MN DNR Geomorphology

   Areas containing attributes of peat, alluvial, lacustrine, outwash plains, and flat areas such as marshes and bogs were identified in counties with incomplete soil surveys as a substitute for hydric soils.

4. USGS 2001 National Land Cover Data (NLCD)

   Lowland attributes were identified and extracted from the dataset. These attributes included scrub shrub, woody wetlands, and emergent herbaceous wetlands.

5. MN DNR GAP Land Cover Data (Vector Data)

   Lowland attributes were identified and extracted from the dataset. These attributes included lowland deciduous shrub, lowland evergreen shrub, floating aquatic, sedge meadow, broadleaf sedge/cattail, balsam fir mix, lowland black spruce, stagnant black spruce, tamarack, stagnant tamarack, lowland northern white cedar, stagnant northern white cedar, stagnant conifer, aspen/birch, black ash, lowland deciduous, lowland conifer/deciduous mix)

6. Manitoba Land Cover
7. International Coalition Land Cover

8. National Wetlands Inventory (NWI)

   NWI systems of Palustrine and Riverine were extracted from the dataset.

9. FEMA Floodplains

   100 and 500-year floodplains were identified and extracted from the dataset. Any floodplains that were categorized as being open water were excluded.

10. County Boundaries
11. Major Watershed Boundaries
12. Property Ownership
13. Ditches and Streams
14. Aerial Photography
15. Invasive Species
16. Endangered and Threatened Species
17. Impaired Waters (including TMDL Streams, Lakes, and Wetlands)

Various attributes of the slope, hydric soils, land cover, NWI and floodplain data layers were selected to create a "potential historic wetland areas" base layer. Then other attributes were intersected with the base layer to identify the potential wetland mitigation opportunities. Available metadata for each dataset is provided in Appendix A. The methods and process of putting the data together is described Appendix B.

6.2 Mineland Wetland Inventory and Assessment

The mineland wetland and water resource inventory started with the compilation of existing data to assist in identifying potential wetlands and water bodies. The following data sources were overlaid in GIS to identify potential wetland and water resources that have developed on former minelands:

- 2007 MNDNR Mine Features

  Active and inactive iron mining features such as pits, stockpiles and tailings basins located along the Mesabi Iron Range.

- 1997 Mesabi elevation contours

  Aerial topography commissioned by the MnDNR for the entire Mesabi Iron Range, including 5 foot contours

- Municipal Boundaries

- National Wetland Inventory

- 2003 Aerial Photography

  Orthorectified, color aerial topography taken in 2003, leaf-on with mature crops prior to harvest

It was recognized that, since the NWI was conducted in the late 1970s to early 1980s, that wetland mapping may no longer accurately depict wetlands that have developed on former minelands. Therefore, interpretation of recent aerial photography was utilized to augment the NWI data.

7.0 Methods

7.1 Wetland Mitigation Inventory Methods

Wetland mitigation methods were identified and reviewed with the members of the Technical Committee. The project team and Technical Committee used Minnesota Rules MN 8420.0541 Actions Eligible for Credit and the proposed 2008-2009 Rule amendments as a guide in this process. The Committee provided many creative suggestions about potential mitigation methods which were divided into four general categories: restoration, preservation, enhancement, and creation.

A search was conducted to identify existing digital data sources that would assist in identifying potential mitigation opportunities within each of the accepted methods. It was determined that opportunities for some of the suggested mitigation methods (e.g., abandoned roads and trails, entrenched streams, starved floodplains, beaver dams, etc.) could not be consistently identified because there was insufficient data available. Due to the project funding limits and time constraints, only existing digital data sources were used in compiling GIS data for the modeling.

7.1.1 Historic Wetland Identification

The GIS modeling analysis started with the development of a historic wetland layer. Six main data layers, indicative of historic wetland conditions, were layered in GIS and analyzed to document where features from multiple data sets overlapped (Appendix B). The purpose of this analysis was to identify likely historic wetland areas as a baseline for assisting with the identification of potential wetland mitigation opportunities. More overlapping data layers indicated a higher likelihood of historic wetland conditions.

Following the development of the historic wetland mapping layer, GIS modeling routines were established to identify potential wetland mitigation opportunities for each mitigation method. In general, the historic wetland layer was overlaid with other data to identify potential mitigation sites based on the criteria described in Appendix C. The Technical Committee recommended a minimum potential mitigation site size for the analysis. For restoration sites, a minimum size for polygons of 20 acres or more was recommended. For other methods, a five acre minimum size for sites was suggested. However, it is important to consider the feasibility of smaller potential mitigation sites for methods that only qualify for partial credit. For example, wetland preservation is generally only allocated 12.5 percent credit for the area preserved, so a five acre site would only yield 0.6 acres of credit.

7.2 Wetland Mitigation Methods Evaluated

The following is a list of the mitigation methods that were evaluated and the general criteria utilized to identify potential mitigation sites:

- **Restoration of Wetlands:** Restoration of existing or former wetlands.
    - **Drained Wetlands** – wetlands with ditches greater than 2' deep spaced closer than 300' or tile drained
    - **Partially Drained Wetlands** – wetlands with ditches less than 2' deep or with ditches greater than 300' apart
    - **Farmed Wetlands** – lands under agricultural production that would revert to wetlands if farming ceased.



- **Preservation (usually Exceptional Natural Resources Value [ENRV] wetlands):** Preservation of wetlands or upland buffers of high value wetlands also requires some restoration of hydrology or vegetation. Following are examples of some ENRV categories outlined in Actions Eligible for Credit in Minnesota Rules 8420.0548 that were identified in this study.



    - **White Cedar Swamps**
    - **Wetlands Adjacent to Trout Streams**
    - **Wetlands with Threatened & Endangered Species, Rare Communities**
    - **Outstanding Resource Value Waters, Scientific and Natural Areas (SNA's)**
    - **County and State Owned Wetlands**

- **Enhancement:** Enhancement of diminished wetlands
    - **Enhancement of Wetland Within an Impaired Watershed**
    - **Water Quality / Habitat Enhancement –** Upland improvement to protect high value wetlands or wildlife habitat.
- **Creation:**
    - **Creation of Wetlands on Mineral Extraction Sites**



The data sources and approximate formulas for identifying potential wetland mitigation sites using GIS are briefly described in Appendix C.

7.3 Mineland Wetland Inventory and Assessment

Potential wetland and water resource features within former minelands were identified using the NWI, topography; MnDNR mine features data, aerial imagery interpretation and field delineation and verification. The MNRAM Version 3.2 was utilized to assess the following wetland functions:

- Vegetative Diversity
- Hydrologic Regime
- Storm Water Retention
- Downstream Water Quality
- Wetland Water Quality
- Shoreline Protection
- Fish, Wildlife, and Amphibian Habitat

Field maps were generated based on the GIS layering of aerial photo imagery, topography, MnDNR mine features, NWI and other information. Potential wetland and water resources features were identified using the NWI and aerial interpretation for field verification and the MNRAM assessment process. These included:

- Deepwater habitats within mine pits
- Wetlands within former tailings basins
- Wetland on former stockpiles
- Wetlands within other mine land features
- Wetlands within 100 feet of a mine feature
- Wetlands within 500 feet of a mine feature

The wetland features were sampled across the Mesabi Range on former minelands ranging in location from west of Grand Rapids to inactive mines east of Babbitt. The primary focus was on wetlands and water resources that developed within former tailings basins, mine pits and impoundments. Both mine pits and impoundments have some potential for littoral area development. Wetlands are less likely to form on former stockpiles, and therefore, assessment efforts were reduced proportionally. Natural wetlands located near mining areas (within 100 and 500 feet of a mine feature) were also assessed to determine the effects of mining on wetland functions.

Artificial wetlands, essentially created through the mining process, within tailings basins and mine pits, on stockpiles and adjacent to impoundments were assessed to determine the functional capacity of wetlands developed in a reclaimed mine landscape. Natural wetlands were inventoried to verify their sustainability and evaluated to see how they function in close proximity to mining features such as tailings basins, stockpiles and mine pits. For example, wetlands often form within tailings basins due to the low permeability of the tailings. Wetlands also form where stockpiles block drainage and allow seepage water to pond.

8.0 Mitigation Types

Various wetland classification systems have been used in Minnesota, including: U.S. Fish and Wildlife Service (USFWS) Circular 39, USFWS Cowardin and Wetland Plant Communities (Eggers and Reed, 1997). Recognizing the need to have a consistent classification system, the Board of Water and Soil Resources (BWSR) and the U.S. Army Corps of Engineers (COE) have entered into a Memorandum of Understanding concerning wetlands and mitigation which classifies all wetlands using the Wetland Plant Communities Classification System. Therefore, all potential opportunity sites were evaluated using this method. Field sites were evaluated to determine the most likely mitigation method and the potential wetland community types that could be restored, preserved, enhanced or created on the site.

These 12 wetland community types include: shallow open water, deep marshes, shallow marshes, sedge meadows, wet meadows, open bogs, conifer bogs, conifer swamps, hardwood swamps, alder thickets, shrub carrs, and floodplain forests. A description of each of the twelve plant community types are described below. In addition, a table comparing plant community types with the Cowardin and Circular 39 classifications is included in Appendix D.

- Shallow, Open Water: These are plant communities with water depths generally less than 6.6 feet (2 meters). This community has submergent, floating and floating-leaved aquatic vegetation including pondweeds, water lilies, water milfoils, coontail and duckweeds. The hydrology is permanently inundated.

- Deep Marshes: Deep marshes typically have emergent plants growing in permanent to seasonal shallow water varying usually between six inches and 3 feet or more during the growing season. Deep marsh vegetation usually includes such species as cattails, hard stemmed bulrush, pickerel reed, giant bur-reed, Phragmites, wild rice, pondweeds and or water lilies. The hydrology is permanently to semi-permanently inundated.

- Shallow Marshes: Shallow marshes have soils that range from saturated to inundated, with standing water up to six inches in depth. Typical shallow marsh vegetation includes herbaceous emergent species such as cattails, bulrushes, arrowheads, lake sedges, duckweeds and grasses.

- Sedge Meadows: Sedge meadows are usually dominated by the sedges growing on saturated soils but may also include spike rushes, bulrushes, grasses and various forbs, such as asters,

goldenrods, milkweed, and beggarticks. The hydrology may be supported by ground water or surface water runoff.

- Wet meadows: Wet meadows are more dominated by grasses such as reed canary grass and redtop grass and by forbs than sedges. Typical forbs may include giant sunflower, joe-pye weed, asters, nettles and jewelweed. The soils in wet meadows may have a seasonally high water table and be seasonally saturated at or near the surface.

- Open bogs: Open bogs are saturated wetlands on acid soils with are low in nutrients. For the most part bogs are carpeted with sphagnum moss growing over peat. Herbs and/or low shrubs of the heath family such as bog rosemary, Labrador tea, leatherleaf, small cranberry, large cranberry and even a few scattered tamarack or black spruce usually typify the bog landscape. Occasionally, insectivorous plants such as pitcher plants and sundews may be found. The hydrology is usually saturated to the surface through the growing season.

- Conifer bogs: Conifer bogs are similar to open bogs, except that the mature conifer species of at least six inches in diameter are dominant on a sphagnum moss mat. Tree species can include tamarack, black spruce and northern white cedar. Herbs and low shrubs species found in open bogs, which tolerate more shade, will be found here. The hydrology is usually saturated to the surface through the growing season.

- Shrub Carrs: Shrub carrs are communities of tall shrubs growing on saturated or seasonally flooded soils. They are usually dominated by various species of willows and dogwood. In addition, the ground cover will usually include some ferns, sedges, grasses and forbs of the sedge and wet meadow communities.

- Alder Thickets: Alder thickets are similar to shrub carrs except that speckled alder is more dominant. Other shrub species that may be found can include elderberry, winterberry and Spireas. Jewelweed, cinnamon fern, Canada bluejoint grass, manna grass, and hummock sedge are commonly found on these sites.

- Hardwood Swamps: Hardwood swamps are dominated by deciduous hardwood trees and have soils that are saturated much of the growing season and may even be inundated by as much as a foot of water at times. Red maple, black ash, American elm and yellow birch are some of the dominant trees in a hardwood swamp. Occasionally, white cedar can be a subdominant species. Shrub species usually include alder and dogwoods.

- Conifer Swamps: Conifer swamps are forested wetlands that are usually dominated with conifer species such as northern white cedar, tamarack, black spruce, and balsam fir. The hydrology is also saturated like hardwood swamps and differs from conifer bogs in that a continuous sphagnum moss mat is not present.

- Floodplain Forests: Floodplain forests are dominated by deciduous trees and alluvial soils found along the floodplains of rivers and streams. The soils are inundated during flood events but are usually well drained for the rest of the growing season. Typical species found on these sites are black willow, silver maple, green ash, cottonwood, and American elm. Jewelweed and nettles can usually be found in the herbaceous layer while shrubs species may be limited due to frequent flooding.

9.0 Prioritization Factors

The identification of potential wetland mitigation sites was conducted in a manner that allowed for the compilation of possible prioritization factors that may be used to more effectively plan future mitigation. The prioritization factors were reviewed with the Technical Committee. Their concerns were addressed both in the mitigation methods studied and also in the factors that may be considered in prioritization of the resulting data. It was determined that, in order to establish goals and priorities for mitigation during Phase 2, it is important to have the ability to sort the data by the following prioritization factors:

- Potential Wetland Mitigation Types – These types include the 12 Wetland Community Types described in Section 8. The possible wetland mitigation type was determined for sites that were evaluated in more detail through field verification.

- Wetland Mitigation Method –The most likely mitigation method was identified for each potential wetland mitigation site during the GIS modeling analysis, which was also verified for selected sites during field verification efforts. The methods include those specific actions described in the general categories of restoration, preservation, enhancement, and creation (Section7.2).

- Land Ownership – Ownership categories, including State, Tax-forfeit, County, Private and Private (Industrial) Lands were compiled during the GIS modeling analysis and were verified in more detail for selected sites during field verification. Tribal and Federal lands were not analyzed because conservation easements (required for mitigation) historically have not been possible on these lands.

- Water Quality/Impaired Waters – Wetlands play an important role in maintaining water quality. Therefore, the proximity of potential wetland mitigation sites to impaired streams or lakes or their watersheds was noted during the GIS modeling analysis, recognizing the role restored wetlands could play in moderating impairments.

- Technical Feasibility –The GIS modeling methods used to identify potential wetland mitigation sites could not assess technical feasibility. Therefore, the technical feasibility of selected sites was evaluated during field verification efforts (Appendix E).

- Watershed Location– The Wetland Conservation Act requires that wetland replacement be conducted within the project watershed, when feasible. Therefore, it was important to the Technical Committee to identify the major and minor watersheds, as well as the Wetland Bank Service Area in which each potential wetland mitigation site lies.

In addition to the prioritization factors described, other specific information related to each potential mitigation site was compiled that may assist in analyzing the data and determining mitigation goals and priorities.

- County Location –The Wetland Conservation Act currently gives some preference to replacing unavoidable wetland impacts within the county where the impacts occur. Some of the stakeholders also indicated a preference for maintaining wetland resources within each county. The GIS modeling analysis and field verification efforts were conducted on a county-by-county basis and the county location was compiled for all potential mitigation sites.

- Potential Wetland Mitigation Site Size – The potential acreage was identified for each site during the GIS modeling analysis and was verified during field verification efforts for selected sites.

- Landowner Interest – Landowner interest in wetland mitigation was assessed for selected sites during the field verification efforts (Appendix E).

10.0 Outcomes from Public Outreach Meeting

A public outreach meeting was held on July 10, 2008 in Grand Rapids, a centralized meeting location to the project study area. The purpose of the meeting was to communicate the project progress to stakeholders and solicit their input on the Inventory (Phase 1) and subsequent siting analysis (Phase 2). Attendees at the meeting included State Representative Tom Anzelc, who sponsored the Inventory legislation; County Commissioners; agency staff from the U.S. Army Corps of Engineers U.S. Fish and Wildlife Service, MNDNR, BWSR, MPCA, Soil and Water Conservation Districts, Counties, and Cities; the Natural Resources Research Institute; representatives from various mining companies; wetland banking groups; consultants; environmental groups; and private citizens. The meeting included a general session or project overview, and three breakout sessions in the second part of the meeting.

10.1 General Session – Project Background and Update

John Jaschke, BWSR's Executive Director opened the meeting and welcomed the attendees. Representative Tom Anzelc shared his vision for the Inventory. Brian Napstad, Aitkin County Commissioner and BWSR Board Member, shared his local perspective on the project. In the main session, the attendees were briefed by BWSR staff on the project background and status. Following the main project discussion, three breakout sessions were provided for further public input on the project. These included: the Mineland Study, Mitigation and Siting Strategy, and the Field Verification sessions.

10.2 Mineland Breakout Session

This session discussed three key areas of the mineland wetland and water resource inventory and assessment: (1) the study area, (2) the assessment method, (3) the data sources upon which the study will be based, and (4) the field assessment process. The focus of this study was to conduct an evaluation of water resources on former minelands and therefore, no active mining areas were examined. The study area is the Mesabi Iron Range from west of Grand Rapids to east of Babbitt. The audience was able to ask questions and comment on the process. Meeting notes are provided in Appendix F.

10.3 Mitigation and Siting Breakout Session

This session focused on Phase 2 of the project, the Siting Study, emphasizing the following topics:

- Project goal is to identify wetland mitigation opportunities based on science rather than social, economic and other considerations
- It is understood that policy issues exist, which at some point may need to be addressed, most likely as a follow-up from the completed siting assessment
- There are recent and ongoing policy developments, which may impact actions eligible for credit (WCA Rule revision, BWSR/COE MOU, COE St Paul District Guidance, and National Mitigation Policy)
- Project information that could benefit regulatory programs include:
    - Detailed information on mitigation potential
    - Locations and quantity of mitigation sites
    - Additional banking opportunities
    - Possible recommendations for regulatory program changes

10.4 Field Verification Breakout Session

This session discussed the GIS model for identifying potential mitigation sites and explained the proposed field procedures and related technical information to assist the participants in the field verification of GIS data. In addition, this session was used as an opportunity to determine the level of interest on the part of local government units and Soil and Water Conservation Districts in participating in field verification efforts. The Soil and Water Conservation Districts and some Counties expressed their desire to participate in the field work.

There was a concern expressed about protecting the privacy rights of the property owners that would be contacted. It was decided that no private properties would be entered without the permission of the property owner. It was also decided that efforts would be made to the extent practicable, to protect the privacy of property owners not interested in wetland mitigation from unwanted future speculators.

11.0 Field Verification of GIS Data

This field verification task was both an effort to check the accuracy of the GIS model used to identify potential sites, and an effort to evaluate the interest of landowners in developing wetland mitigation on their property. The Board of Water and Soil Resources contracted with Counties, Soil and Water Conservation District, and a consultant to conduct field verification of selected potential wetland mitigation sites identified by GIS modeling within each of the eighteen counties in the study area. A GIS map of polygons identifying individual wetland mitigation opportunities within each county and a list of prospective sites were generated along with data forms, instructions, guidance and handouts for property owners.

Two training sessions were held to train prospective field verification staff to evaluate the sites consistently. Participants were instructed to review the prospective site list and choose random sites representing different mitigation methods in different watersheds across their county. In addition, participants were instructed to ask for permission from property owners to access their property in order to evaluate the technical feasibility of each site and to assess landowner interest in potential future wetland mitigation on their property. Care was taken to protect the privacy of those landowners whom were not interested in conducting wetland mitigation.

11.1 Field Verification Data Results

Each of the sites selected for field verification were rated for overall wetland mitigation potential. The ratings of high, medium, low and no potential, were based on a variety of factors for each wetland method, including: whether there was any allowable credit according to the rules, potential conflicts with other landowners, potential for restoration of hydrology, etc. Other factors evaluated during field verification are included on the Field Verification Form provided in Appendix E.

Field verification of selected sites is expected within 17 of the 18 study area counties. One county was not granted permission to access any of the targeted properties after 30 attempts to contact landowners. Approximately 176 sites (one percent) were assessed in the field including a representative sample of all wetland mitigation methods. Results are summarized in Tables 1-4.

Approximately 14 percent of the sites evaluated on the ground were rated high potential for mitigation. An additional one-third (30 percent) of the sites viewed were considered as having medium potential for mitigation. Another one-third (36 percent) of the sites were rated low in potential. Approximately 20 percent were deemed to have no potential at all. Only four sites had no technical feasibility rating.

The following is a summary of reasons given for the various mitigation site potential ratings.

Reasons for sites with a "High" rating included:

- Presence of a degraded wetland or special resource wetland
- Wetlands could easily be restored, enhanced, preserved or wetlands could be created.

Reasons for "Medium" ratings included:

- Potential conflicts between multiple landowners (shared ditch, different objectives)
- Some potential agricultural conflicts – cattle
- Some landowners not interested
- Invasive species such as buckthorn, reed canary grass were observed
- Ditches are not maintained
- Portions of the site were already wetland and not restorable

Reasons for "Low" ratings included:

- Property owner not interested.
- Active farmed area or conflicts with owners objectives
- Conflicts with restoring the hydrology – flooding roads or other infrastructure, or other farming operations
- Little potential to improve existing wetland
- Area observed did not appear to be restorable wetland
- Preservation areas – no observed imminent threat, no white cedar observed or no invasive species observed
- Low water table in gravel pits or it was deemed too costly to move material in order to create a wetland

Reasons for "No potential" ratings included:

- Unfarmed area for the last 20 years (no actions eligible for credit)
- Site high above the water table and well drained (upland)
- Site was drained by a publicly maintained ditch
- Site was a highly functional wetland
- Owner is interested in draining not restoring site
- No invasive species observed
- Area is already in a state park – no potential credit
- No white cedar observed, or in a highly developed area with homes

Landowner interest in developing wetland mitigation sites on their property is a key factor in the assessing the true potential for wetland mitigation in the study area. The field verification efforts were not able to consistently assess the overall landowner interest in wetland mitigation within all 18 counties. Landowners expressed a possible interest in only 25 percent of those sites rated medium to high for technical feasibility. In addition, no data was collected in one county because of the lack of interest in landowners granting permission to access their property to verify data or interest in potential mitigation on their property. Table 2 illustrates the overall landowner interest by county that was obtained. Table 4 illustrates the overall interest by mitigation method.

12.0 Mineland Data Results

12.1 Mineland Inventory Results

A total of 1,846 potential wetlands and water resources were identified through GIS analyses within the mineland study area covering nearly 23,000 acres (Table 8), which makes up about 20 percent of the study area. Approximately 4,000 acres of wetlands were identified that have developed on former minelands along with nearly 6,000 acres of mine pit waters and 13,000 acres of natural wetlands located adjacent to mine features. A target was set to assess 181 wetlands or approximately ten percent of the projected polygons across the entire Mesabi Iron Range with an emphasis on wetlands that have formed on mine features, particularly tailings basins. Due to time and access constraints, approximately 110 wetlands and water bodies were field verified and assessed using MNRAM Version 3.2.

12.2 Mineland Assessment Results

The assessment results were not yet complete at the time this report was completed, but will be included in the final version.

13.0 Summary

A total of approximately 15,300 potential wetland mitigation sites with a total area of over 1 million acres were identified in GIS throughout the study area (Table 6). Potential wetland restoration sites, including drained wetlands, partially drained wetlands, and farmed wetlands, make up 84 percent of the total potential mitigation area. Farmed wetlands represent over 56 percent of the potential wetland mitigation area identified and drained wetlands make up 27 percent of the area.

When the typical regulatory credit percentage is applied to the potential wetland mitigation acreage for each method, the credit potential drops by more than one-half (Table 7, Figure 3). Over 95 percent of the credit potential is within the three wetland restoration methods (i.e., drained wetlands, partially drained wetlands, and farmed wetlands). Since wetland preservation and enhancement methods are generally only allowed 12.5 percent credit, those potential mitigation methods only comprise about two percent of the credit potential.

To understand the true potential for wetland mitigation in the study area, one must also consider the likely technical feasibility. Partially drained wetlands in northeastern Minnesota can be difficult to restore with relatively low credit potential and they have historically not been a focus of mitigation. Depending on the type of agricultural practices, many farmed wetlands may not qualify for wetland mitigation credit. Drained wetlands, which generally have the highest technical feasibility, comprise a relatively small acreage throughout the study area.

Field verification efforts resulted in the inspection of 225 sites or approximately three percent of the total sites identified (that were at least 20 acres in size). The field mitigation assessments rated only 13 percent of the sites as having high potential. Sites rated with high potential are those that would generally be targeted for mitigation projects and those that would have a high likelihood of success. Assuming that the field verification efforts are representative of the entire sample of sites identified such that 13 percent of the total potential mitigation site area would be rated with high potential, the likely total mitigation credit area would be just over 72,000 acres (Figure 4). Farmed wetlands and partially drained wetlands make up 90 percent of the high potential mitigation acreage (Figure 4).

A transitive factor that must be kept in mind is landowner interest or willingness. Without interest by the landowner to change land use on their property (Tables 2 and 4), there is little potential for developing wetland mitigation. During field verification efforts, attempts were made to determine the landowner interest in wetland mitigation on approximately two percent of the total sites identified (that were at least 20 acres in size). The results of those efforts indicated that approximately 11

percent of those landowners were interested in wetland mitigation (Table 2). The probable magnitude of potential wetland mitigation credits is therefore affected by three factors that were considered in conducting the wetland mitigation inventory:

1. Regulatory credit
2. Technical feasibility
3. Landowner interest

Applying the regulatory credit for each method, applying the percentage of sites verified as having high potential, and applying the percentage of landowners that expressed an interest in wetland mitigation; results in an assessment of the overall potential for developing wetland mitigation credits. This analysis indicates that there could be the potential for 8,000 acres of wetland mitigation credits within the study area (Figure 5). Restoration methods comprise approximately 93 percent of the total with preservation, enhancement, and creation methods together totaling less than 600 acres of potential credits.

Partially drained wetlands in northeastern Minnesota can be difficult to restore with relatively low credit potential and they have historically not been a focus of mitigation. Depending on the type of agricultural practices, many farmed wetlands may not qualify for wetland mitigation credit. Finally, drained wetlands, which generally have the highest technical feasibility, comprise a relatively small acreage throughout the study area.

Tables

Table 1: Field Verification Summary and Mitigation Site Potential Ratings by County

		Forms Returned	Site Potential				
	County	Total Sites Reviewed	High	Medium	Low	None	No Info.
1	Aitkin	16	1	3	11	0	1
2	Beltrami	9	3	4	1	2	0
3	Carlton	10	0	3	6	0	0
4	Cass	13	1	1	4	7	0
5	Clearwater	9	4	1	4	0	0
6	Cook	13	0	6	7	0	0
7	Crow Wing	12	6	3	2	1	0
8	Hubbard	15	1	3	6	5	0
9	Isanti	18	1	1	10	3	3
10	Itasca	18	3	5	7	3	0
11	Kanabec *	0	0	0	0	0	0
12	Koochiching	4	1	2	1	0	0
13	Lake	23	2	9	11	1	0
14	Lake of the Woods	8	0	6	2	0	0
15	Mille Lacs	10	1	0	9	0	0
16	Pine	16	3	7	5	1	0
17a	St. Louis North	5	1	1	1	0	0
17b	St. Louis South	17	2	4	3	8	0
18	Wadena	9	0	9	0	0	0
	Total Number	225	30	68	90	31	6
	Sites Targeted	207					
	Percent of Total	100%	13%	30%	40%	14%	3%

* No permissions were granted for access to field verify data.

Table 2: Land Owner Interest Summary by County

	County	Total Sites Reviewed	Landowner Interest			
			Yes	Possibly	No	No Info.
1	Aitkin	16	0	11	0	5
2	Beltrami	9	2	4	3	0
3	Carlton	10	2	7	0	1
4	Cass	13	1	8	2	2
5	Clearwater	9	4	4	0	1
6	Cook	13	0	12	0	1
7	Crow Wing	12	6	3	1	2
8	Hubbard	15	0	1	14	0
9	Isanti	18	0	16	1	1
10	Itasca	18	2	4	5	7
11	Kanabec *	0	0	0	0	0
12	Koochiching	4	1	1	1	1
13	Lake**	0	0	0	0	0
14	Lake of the Woods	8	0	1	7	0
15	Mille Lacs**	0	0	0	0	0
16	Pine**	0	0	0	0	0
17	St. Louis North	5	0	0	2	3
18	St. Louis South	17	0	15	0	2
19	Wadena	9	1	1	7	0
	Total Number	176	19	88	43	26
	Percent of Total	100%	11%	50%	24%	15%

* No permissions were granted for access to field verify data.

** Land owner interest was not surveyed in these counties.

Table 3: Field Verification of Site Potential by Mitigation Method

Mitigation Method (Model)								
			All Field Checked Site Potential By Method					
	RESTORATION	**Total Sites Reviewed**		**High**	**Medium**	**Low**	**None**	**No Info.**
1	DW- Drained Wetland	15		2	6	4	3	0
2	PDW -Partially Drained Wetland	4		1	0	2	1	0
3	FW - Farmed Wetland	68		11	21	25	11	0
	Total Restoration Sites	87		14	27	31	15	0
	Percentage of Restoration Sites	39%		16%	31%	36%	17%	0%
	PRESERVATION/ENRV							
4	WC - White Cedar	19		4	6	3	5	1
5	TS - Trout Streams	25		3	12	10	0	0
6	ENRVPVT - ENRV Private Lands	18		2	3	10	1	2
7	ENRVCS - ENRV County / State	15		2	4	6	2	1
	Total Preservation Sites	77		11	25	29	8	4
	Percentage of Preservation Sites	34%		14%	32%	38%	10%	5%
	ENHANCEMENT							
8	IS - Invasive Species	17		1	4	5	6	1
9	IW - Impaired Waters	20		2	4	14	0	0
	Total Enhancement Sites	37		3	8	19	6	1
	Percentage of Enhancement Sites	16%		8%	22%	51%	16%	3%
	CREATION							
10	GP - Creation Mineral Extraction	24		2	8	11	2	1
	Total Creation Sites	24		2	8	11	2	1
	Percentage of Creation Sites	11%		8%	22%	51%	16%	4%
	Total Number Sites	225		30	68	90	31	6
	Percentage of Total Sites	100%		13%	30%	40%	14%	3%

Table 4: Field Verification of Landowner Interest by Site Potential

	Mitigation Method (Site Potential)									
Landowner	**High**		**Medium**		**Low**		**None**		**Total**	
Interest	24	14%	52	29%	63	36%	37	21%	176	100%
Response	Responses	Percentage	Responses	Percentage	Responses	Percentage	Responses	Percentage	Responses	Percentage
Yes	10	42%	6	12%	5	8%	1	3%	22	13%
Possibly	9	37%	20	38%	38	60%	19	51%	86	49%
No	2	8%	19	37%	13	21%	9	24%	43	24%
No Information	3	13%	7	13%	7	11%	8	22%	25	14%
Total	24	100%	52	100%	63	100%	37	100%	176	100%

Table 5: Field Verification Summary by Method Inventoried by County

	Number of Sites Field Verified										Total
	Restoration			Preservation				Enhancement		Creation	
County	FW	DW	PDW	ENRVCS	ENRVPVT	TS	WC	IW	IS	GP	225
Aitkin	2	3	0	2	0	1	2	4	1	1	16
Beltrami	3	1	0	0	1	0	1	1	1	1	9
Carlton	6	0	0	0	0	0	0	3	0	1	10
Cass	10	0	0	0	0	0	1	0	0	2	13
Clearwater	4	1	0	0	0	0	1	2	0	1	9
Cook	0	0	0	1	3	7	0	0	0	2	13
Crow Wing	2	1	0	2	1	1	1	1	1	2	12
Hubbard	3	0	0	3	2	1	3	0	3	0	15
Isanti	7	3	0	0	4	0	0	0	3	1	18
Itasca	9	0	0	0	0	0	3	2	2	2	18
Kanabec *											0
Koochiching	1	1	1	0	0	0	0	0	0	1	4
Lake	0	0	0	2	4	7	4	3	1	2	23
Lake of the Woods	2	2	1	0	1	0	0	0	0	2	8
Mille Lacs	5	2	0	1	0	0	0	2	0	0	10
Pine	4	1	0	0	2	3	1	2	0	3	16
St. Louis North	1	0	1	0	0	1	1	0	0	1	5
St. Louis South	6	0	1	1	0	2	1	0	4	2	17
Wadena	4	0	0	2	1	1	0	0	1	0	9

*No permissions were granted for access to field verify data.

Table 6: Area of Potential Wetland Sites Summarized by Mitigation Method

Mitigation Method	Total # Sites	Total Area (ac)	% of Total Area	Total Area of 20-100 Acre Sites (ac)	% of Total Sites	Total Area of Sites Over 100 Acres (ac)	% of Total Sites	Largest (ac)
Restoration								
Drained Wetlands	324	17,900	1.5%	11,200	1%	6,700	0.5%	700
Partially Drained	886	309,200	27%	25,800	2%	283,400	25%	21,400
Farmed Wetlands	5,316	669,500	56%	174,200	16%	495,300	44%	18,900
Subtotal	**6,526**	**1,006,700**	**84%**	**211,200**	**19%**	**785,400**	**70%**	**21,400**
Preservation /ENRV								
White Cedar	219	7,500	2%	6,500	0.5%	1,000	<0.5%	300
Trout Streams	142	6,900	1%	5,000	0.5%	1,900	<0.5%	300
Private ENRV	529	38,200	4%	18,400	2%	19,800	2%	4,200
County & State ENRV	179	13,300	1%	6,200	0.5%	7,100	0.5%	900
Subtotal	**1,069**	**65,900**	**9%**	**36,100**	**3%**	**29,800**	**3%**	**4,200**
Enhancement								
Invasive Species	137	16,700	2%	4,900	0.5%	11,900	1%	1,800
Impaired Water Enhancement	425	21,500	3%	14,500	1%	7,000	0.5%	1,100
Subtotal	**562**	**38,200**	**5%**	**19,400**	**2%**	**18,900**	**2%**	**1,800**
Creation								
Gravel - Subtotal	**292**	**16,900**	**2%**	**9,900**	**1%**	**7,000**	**0.5%**	**1,100**
Grand Total	**8,449**	**1,117,700**	**100%**	**276,600**	**25%**	**841,100**	**75%**	**21,400**

Table 7: Potential Wetland Credits by Mitigation Method

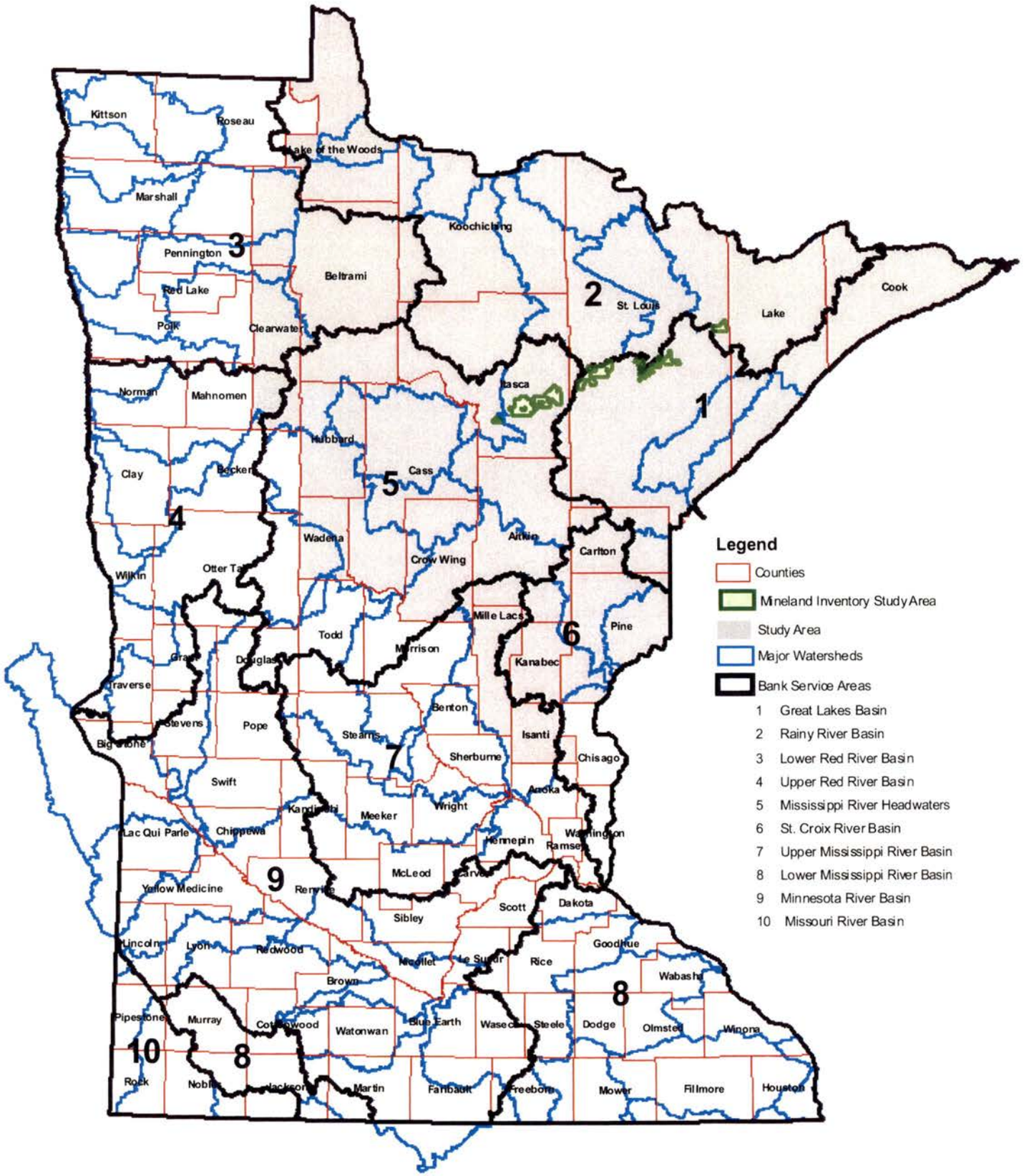
Mitigation Method	Total # Sites	Total Area (ac)	Credit %	Potential Credits (ac)
Restoration				
Drained Wetlands	324	17,900	100%	17,900
Partially Drained	886	309,200	50%	154,600
Farmed Wetlands	5,316	669,500	50%	334,700
Subtotal[1]	**6,526**	**996,700**	**N/A**	**507,300**
Preservation /ENRV				
White Cedar	219	7,500	12.5%	940
Trout Streams	142	6,900	12.5%	860
Private ENRV	529	38,200	12.5%	4,800
County & State ENRV	179	13,300	12.5%	1,700
Subtotal[1]	**1,069**	**65,900**	**N/A**	**8,200**
Enhancement				
Invasive Species	137	16,700	12.5%	2,100
Impaired Water Enhancement	425	21,500	12.5%	2,700
Subtotal[1]	**562**	**38,200**	**N/A**	**4,800**
Creation				
Gravel – Subtotal[1]	**292**	**16,900**	**75%**	**12,600**
Grand Total	**8,449**	**1,117,700**	**N/A**	**533,000**

[1]Totals may not add up due to rounding.

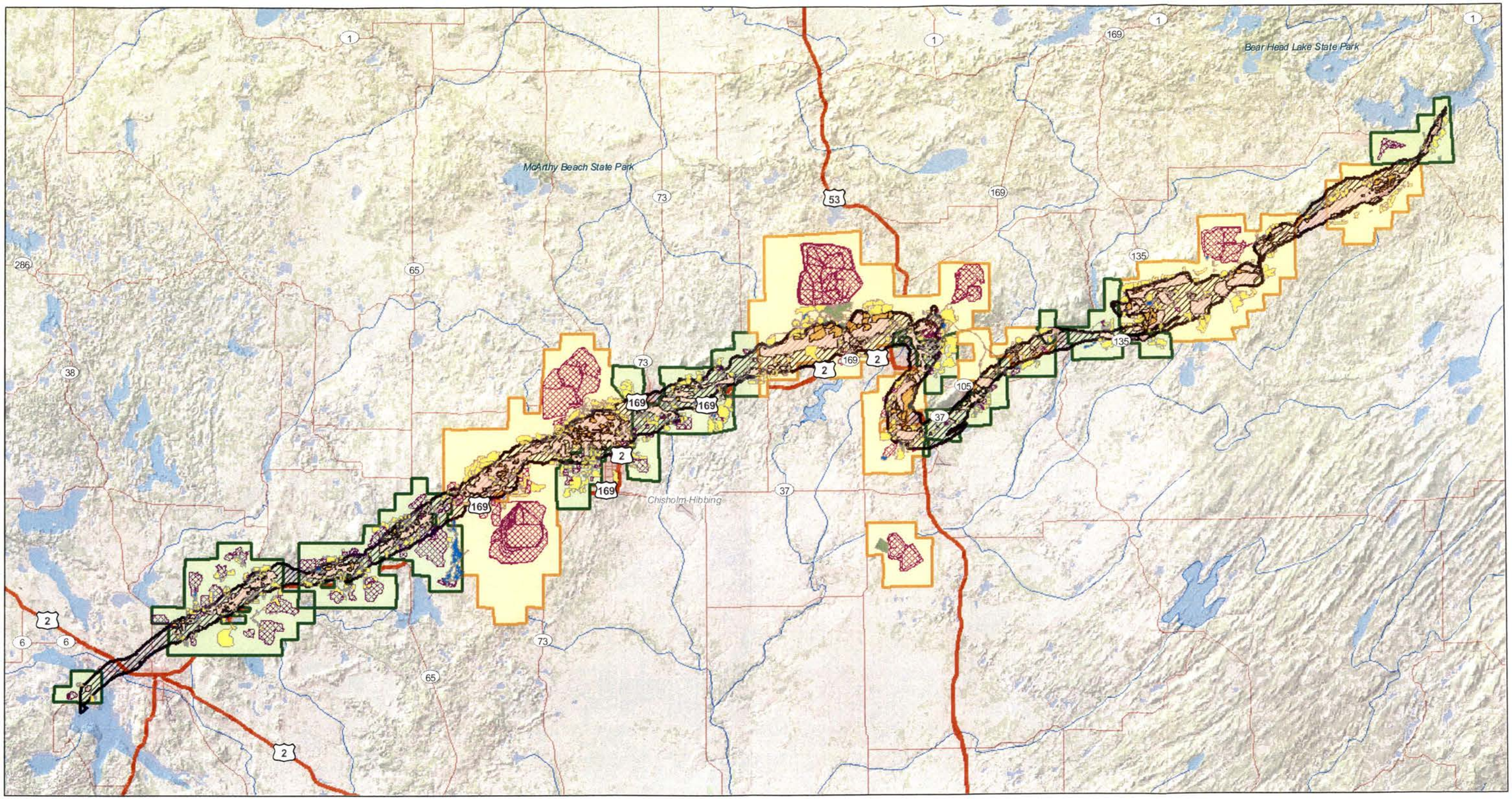
Table 8: Mineland Data Results

Wetland Class	Water Feature Area (acres)	Number of Wetland Polygons	Target # Assessments
Waters Within Mine Pits	5,826	110	26
Wetlands on Stockpiles	85	38	14
Wetlands Within Other Mine Features	1,211	200	18
Wetlands Within Tailings Basins	2,721	430	97
Within 100 Feet of Mine Feature	10,393	602	13
Within 500 Feet of Mine Features	2,556	384	13
TOTAL	22,792	1,846	181

Figures



Barr Footer: Date: 11/26/2008 3:02:28 PM File: I:\Projects\23\62\992\Maps\Reports\Phase I Draft Report\Figure 1 Study Area.mxd User: MAJ



Barr Fowler: Date: 11/26/2008 3:23:40 PM File: I:\Projects\23\62\992\Maps\Reports\Phase I Draft Report\Figure 2 Mineland Study Area.mxd User: MAJ

MNDNR 2007 Mine Features

- Other Feature; plant or shop area
- Stockpiles
- In-pit Stockpile
- Mining Related Water Feature
- Pits
- Tailings Basin
- Biwabik Iron Formation

Mineland Study Area

- Exclusions
- Study Area

N

0 3 6 12

Miles

Figure 2

MINELAND INVENTORY
STUDY AREA
Northeast Wetland Mitigation
Inventory and Assessment Project

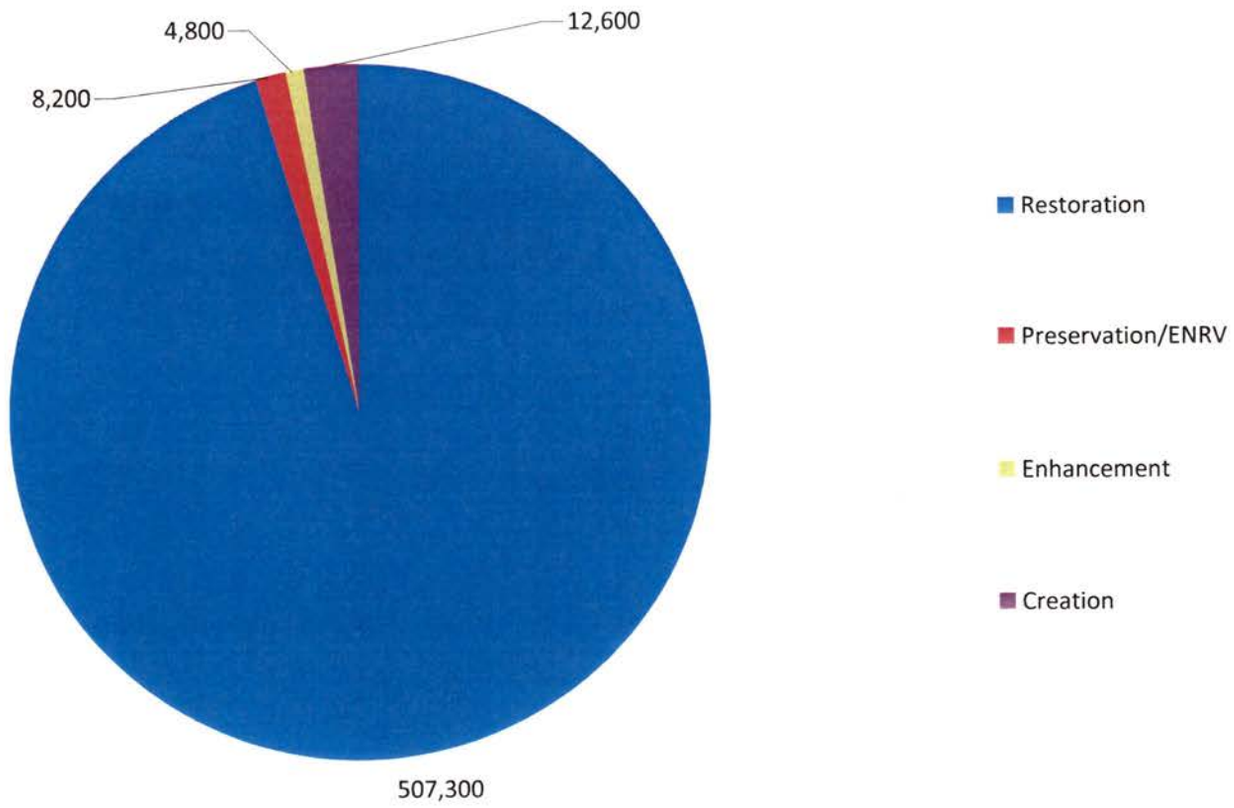


Figure 3
Potential Wetland Mitigation Credit (acres)
GIS Analysis

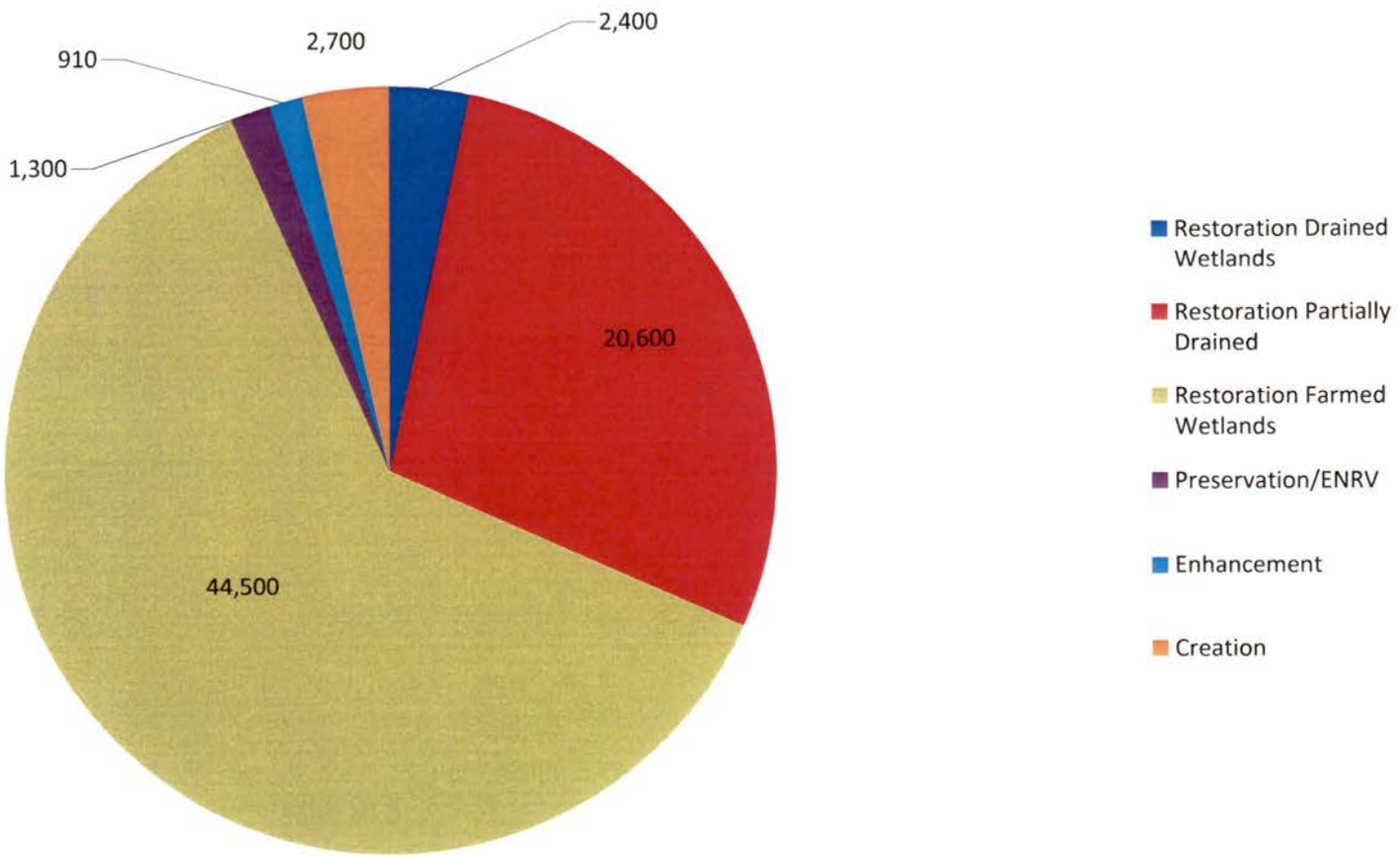


Figure 4
High Potential Wetland Mitigation Area (acres)
Summarized by Mitigation Method

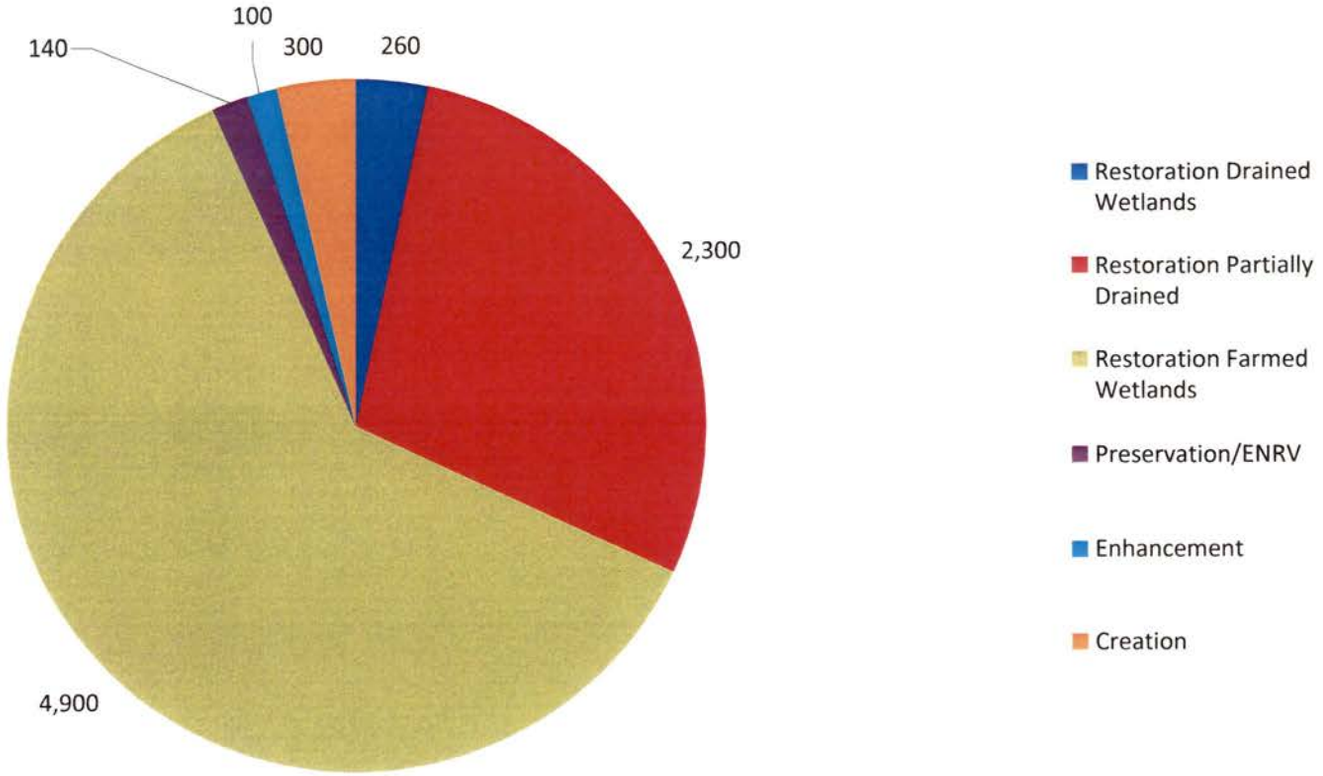


Figure 5
High Potential Mitigation Area and
Landowner Willingness (acres)

Appendices

Appendix A

Geographic Information System Metadata

Appendix B

Historic Wetland Identification Analysis

Historic Wetland Identification Analysis

The Wetland Identification Model was assembled by Community GIS Services by compiling the data from six main data categories described below. The purpose of this analysis was to identify likely historic wetland areas as a baseline for assisting with the identification of potential wetland mitigation opportunities.

1. USGS 30-Meter digital elevation model (DEM)

Slope percentages were calculated for all counties and areas of 1% slope or less were extracted except St. Louis, Lake, and Cook counties where areas of 4% slope or less were extracted.

2. NRCS SSURGO 2.2 Soil Surveys

All hydric soils were extracted from the SURGO certified soil survey. Database queries were run to identify the hydric soils and hydrologic group soil types. The resulting dataset is a hybrid of the hydric soils and hydrologic group soils that are less than or equal to 1 foot water table height during at least fifty percent of the growing season. Some counties within the project area did not have a completed soil survey at the time of the analysis. Geomorphology data (2a.) was used as a substitute for hydric soil information.

2a. MN DNR Geomorphology

Areas containing attributes of peat, alluvial, lacustrine, outwash plains, and flat areas such as marshes and bogs were identified in counties with incomplete soil surveys as a substitute for hydric soils.

3. USGS 2001 National Land Cover Data (NLCD)

Lowland attributes were identified and extracted from the dataset. These attributes included scrub shrub, woody wetlands, and emergent herbaceous wetlands.

4. MN DNR GAP Land Cover Data (Vector Data)

Lowland attributes were identified and extracted from the dataset. These attributes included lowland deciduous shrub, lowland evergreen shrub, floating aquatic, sedge meadow, broadleaf sedge/cattail, balsam fir mix, lowland black spruce, stagnant black spruce, tamarack, stagnant tamarack, lowland northern white cedar, stagnant northern white cedar, stagnant conifer, aspen/birch, black ash, lowland deciduous, lowland conifer/deciduous mix)

5. National Wetlands Inventory (NWI)

NWI systems of Palustrine and Riverine were extracted from the dataset.

6. FEMA Floodplains

100 and 500-year floodplains were identified and extracted from the dataset. Any floodplains that were categorized as being open water were excluded.

Historic Wetland Likelihood

The following wetland features were extracted from each parent dataset and assigned a flat value of 1. A spatial analysis was performed on the derived wetlands datasets. The data was layered in GIS with multiple overlapping data indicating the likely presence of historic wetland. The resulting polygon dataset contains attributes of each input dataset. A 'Score' field is added to the database that is calculated by adding the fields together resulting in a calculated value (or score) for each polygon. The higher the score, the higher likelihood that historic wetlands were present.

SLOPE	GAP	HYDRICSOIL	NLCD	NWI	FEMA	SCORE
1	0	1	0	1	1	4
0	1	1	1	1	1	5
1	1	1	1	1	1	6
0	0	0	0	1	0	1
1	1	1	1	1	1	6
0	1	1	0	1	0	3

Datasets utilized: In addition to the six data categories listed previously, the following data sets were utilized for all wetland mitigation methods for which GIS polygons were generated:

- Wetland mitigation method
- Historic Wetland Model layer values
- Ownership (private, tax forfeit, state, federal, tribal)
- Restoration area (acres)
- Major watershed (81 in the state)
- Minor watershed (5,600 in the state)
- County

Data was then compiled by major wetland mitigation categories: restoration, enhancement, preservation and creation. Polygons were generated using selected features described on the following pages for each method. In some cases, no data was able to be found and consequently those methods were dropped from analysis.

Appendix C

Wetland Mitigation Opportunity Identification Analysis

Restoration Potential – GIS Mitigation Methods

1. **Drained Wetlands –**
   - Select from Historic Wetland Model values of 1 for slope and hydric soils, but values of 0 for NWI, NLCD, GAP, & FEMA layers
   - Intersect Historic Wetland Model selection with 300' buffer on ditch layer data (MnDot, MN DNR, and any known County ditch data)

2. **Farmed Wetlands -**
   - Select from Historic Wetland Model polygons with values of 1 for slope and hydric soils
   - Intersect Historic Wetland Model selection with areas containing cropland, grass land or shrub landcover attributes from the MN DNR GAP land cover and/or Manitoba / International data sets for agricultural land covers

   Dataset(s) Unique to this Method
   - Farmed wetlands would not need to have ditching or drainage. What sets this method apart from drained wetlands is the agricultural land uses.

3. **Partially Drained Wetlands**
   - Select from Historic Wetland Model polygons with values of 1 for slope, hydric soils, NWI and at least one of the land cover attributes. (GAP or NLCD)
   - Intersect Historic Wetland Model selection with 600' buffer on ditch layer data (MnDot, MN DNR, and any known County ditch data)
   - If a potential mitigation area intersects with a Scientific and Natural Area (SNA), the SNA's name will be added to the partially drained wetlands database
   - If a potential mitigation area intersects with an NWI wetland with a beaver modifier, then a beaver presence field name will be added to the partially drained wetlands database

   Dataset(s) Unique to this Method
   - SNA – could identify potential restoration opportunities intersecting or abutting an SNA, also helps to identify whether restoring hydrology could threaten or enhance an SNA.
   - Beaver Dams – Steve Eggers (COE) has proposed structures to permanently restore hydrology as a beaver dam does. This idea was directed at a specific area of drained peatlands in northern sections of St. Louis, Koochiching, Beltrami and Lake of the Woods Counties.

4. **Removal of fill -** Road abandonment was pursued in each county but no data was available – No further analysis of method was pursued

ENHANCEMENT POTENTIAL

5. **Invasive Species –**
   - Select Historic Wetland Model polygons with scores of 3 or higher
   - Intersect Historic Wetland Model selection with point data for purple loosestrife

   Dataset(s) Unique to this Method

   Database file of known purple loosestrife locations was obtained from MN DNR and converted into GIS point coverage. No other invasive species GIS data was received.

6. **Reforestation of Wetlands** – This was taken off the list of potential mitigation methods because it is not really a separate method but an estimation of restoration community.

7. **Impaired Waters Enhancement -**
   - Select Historic Wetland Model polygons with scores 3 or higher
   - Intersect Historic Wetland Model selection with 300-foot buffer on all streams within the impaired minor watershed
   - Intersect with human disturbance attributes – either through MN DNR GAP land cover and/or Manitoba / International data (agriculture, development, gravel pits, and grasslands)
   - Stream name and impairment type(s) were added into impaired waters enhancement database

   Dataset(s) Unique to this Method

   - Impaired Waters (MN PCA)

CREATION POTENTIAL

8. **Aggregate / Mining Pits** –
   - Select from Historic Wetland Model values of 1 for NWI or hydric soils
   - Intersect Historic Wetland Model selection with 300-foot gravel pit locations from the Manitoba land use data

   Dataset(s) Unique to this Method

   - Gravel pits/mines

PRESERVATION/ENHANCEMENT POTENTIAL

9. **White Cedar** –
   - Select Historic Wetland Model polygons with scores 3 or higher
   - Intersect Historic Wetland Model selection with white cedar polygons identified from county forest inventory data and GAP Land Cover data and apply 300-foot buffer
   - Intersect with human disturbances attributes - either through MN DNR GAP land cover and/or Manitoba / International data (agriculture, development, gravel pits, and grasslands) to identify potential threat and preservation opportunities
   - Add ownership as attributes in white cedar database

   Dataset(s) Unique to this Method

   - White cedar stands

10. **North Shore Trout Streams** –
    - Select Historic Wetland Model polygons with scores 3 or higher
    - Intersect with 300-foot buffer along all trout streams
    - Intersect with human disturbances attributes - either through MN DNR GAP land cover and/or Manitoba / International data (agriculture, development, gravel pits, and grasslands)
    - Add ownership as attributes in trout streams database

Dataset(s) Unique to this Method

- Trout streams

11. **Preservation of ENRV's (High Quality Wetlands, etc.)–**
    - Select Historic Wetland Model polygons with scores 3 or higher
    - Intersect Historic Wetland Model selection with Natural Heritage database for threatened and endangered species
    - Intersect Minnesota County Biological Survey for natural communities with biodiversity significance high or outstanding (if available)
    - Intersect with Scientific and Natural Areas (SNA)
    - Apply 300-foot buffer for (human disturbance layer – either through MN DNR GAP land cover and/or Manitoba / International data (agriculture, development, gravel pits, and grasslands) & municipal boundaries to identify potential or existing threats to resources
    - Intersect polygons with private property ownership

Dataset(s) Unique to this Method

- Natural Heritage Database
- MCBS Biodiversity Significance data
- SNAs

Preservation of County and State Land – This represents a new statute and is being incorporated into the rules. This provision is covered by #11 above as high value wetlands on county tax forfeit or state lands.

- Intersect polygons with county and state land ownership

MISCELLANEOUS CATEGORIES

12. **Beaver dams** - moved and consolidated with restoration of drained peatlands
13. **Entrenched Streams and Starved Floodplains and other categories listed under misc. –** no available digital GIS data – **no further analysis of method**

Appendix D

Wetland Mitigation Types

Wetland Plants and Plant Communities of Minnesota and Wisconsin (Eggers and Reed 1997), as modified by the BWSR and USACE Memorandum of Understanding (May 2007)	Classification of Wetlands and Deepwater Habitats of the United States (Cowardin et al. 1979)	U.S. 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; 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; broad and 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; scrub/shrub; broad-leaved deciduous	Type 2: Inland fresh meadow Type 6: Shrub swamp
Open bog or coniferous bog	Palustrine; moss/lichen; scrub/shrub; broad leaved evergreen, 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 Seasonally flooded basin	Palustrine; forested; broad leaved deciduous Palustrine; flat; emergent; persistent and nonpersistent	Type 1: seasonally flooded basin or flat; Type 1: seasonally flooded basin or flat;

Appendix E

Field Verification Data Form

Field Verification Form – August 13, 2008

Form Instructions: This form is intended to assist in gathering information to assess the value of potential wetland mitigation opportunities within the northern Minnesota watersheds. It is intended to be a rapid field assessment with an estimated site visit time of 30 to 90 minutes utilizing map data provided along with field observations. This is not meant to be a detailed field characterization.

Reviewer (name)	Assessment Date:	Site Number:
Reviewer's Phone Number	**Site Location (township):**	**County (name)**

Note:* * Do not complete field investigation unless landowner grants permission or data sheets can be accurately completed from a public road.

Date Landowner contacted _____ Access **Granted** ☐Yes ☐No ☐No Response ☐Other

Landowner interested in wetland mitigation? ☐Yes ☐No ☐Possibly, need more information.

Is the landowner willing to be contacted in the future regarding wetland banking? __Yes __No

Field Verification – Factors to consider in assessing a potential mitigation site:

1. **How many landowners are within the potential mitigation area (polygon)?** _____

2. **Actions eligible for credit, check the method that is likely to apply to the majority of the site:**
   - **a.** Restoration: ☐ Drained wetland (ditches >2' deep or ditches 300' apart or closer)
     ☐ Partially drained wetland (ditches <2' deep or ditches >300' apart)
     ☐ Farmed wetland (altered to produce crops, revert to wetland if farming stops)
   - **b.** Restoration/ Preservation: ☐ White cedar swamps ☐ Wetlands or buffers adjacent to trout waters
     ☐ Wetlands with T & E species, rare natural communities ☐ORV/SNA waters
     ☐Other ENRVs MN 8420.0548 ☐ County and State owned wetlands
   - **c.** Enhancement: ☐ Impaired water wetland enhancement (within watershed of impaired water)
     ☐ Water quality/habitat enhancement -upland improvement to protect high value wetland
   - **d.** Creation: ☐ Mineral extraction site

3. **Current site hydrology? Check all that apply.**
   ☐ Deep drainage ditches (ditches deeper than 2 feet resulting in some subsurface drainage)
   Approximate ditch spacing ☐ 0-300 ft ☐ 300-600 ft ☐ 1/4 mi ☐1/2 mi ☐ ≥1 mi
   Beaver dams present ☐ none ☐some (1-4) ☐ many >4
   ☐ Shallow surface ditching (ditches <2 feet deep draining only surface water)
   Approximate ditch spacing ☐ 0-300 ft ☐ 300-600 ft ☐ 1/4 mi ☐1/2 mi ☐ ≥1 mi
   Ditches maintained ☐Yes ☐No
   ☐ Drain tile (look for tile outlets into ditches surface inlet flags, etc.)
   ☐ Diking, dams, other structures (i.e. wild rice farming, other hydrologic control)
   ☐ Watershed diversion (i.e. cutoff ditches to divert flow around property or collection and routing of water to the property with control structures for flooding fields)
   ☐ Pumping (i.e. pump stations with electricity for flooding wild rice fields)
   ☐ Lowered outlet
   ☐ Is there upstream drainage through site from other wetlands, streams, ditches, lakes, etc.?

4. **What are the likely natural wetland types that could be restored, created, preserved or enhanced?**
(This will depend on the method, site topography, local landscape, adjacent wetland communities, and soils.)

☐Conifer swamps	☐Shallow marsh	☐Alder thickets	☐Wet meadows
☐Hardwood swamps	☐Deep marsh	☐Shrub carrs	☐Sedge meadows
☐Open bogs	☐Conifer bogs	☐Open water	

5. **Approximate restoration area (acres) * Minimum size for agricultural areas 20 acres**

☐0-10	☐10-20	☐20-40	☐40-100	☐100-250	☐250-500	☐>500

6. **Does the restoration or creation project have a potential to affect infrastructure?**
   a. Could the project affect public/utility infrastructure?
   ☐Roads ☐Power lines ☐Phone lines ☐Pipe lines

   b. Potential for flooding private property? ☐yes ☐no ☐don't know

7. **What are the current land uses (restoration area and surrounding the site)? Check all that apply.**

☐ Residential	☐ Cultivated agriculture	☐ Hay, pasture	☐ Well
☐ Forest	☐ Parks	☐ Transportation (roads, trails)	
☐ Peat mining	☐ Gravel quarry	☐ Utilities (gas, transmission)	
☐ Dumping/landfill	☐ Easements (CRP, WRP)	☐ Other _____	

8. **What is the existing vegetation on the site? Check up to 5 types. Estimate percentage of each (≥20%)**

☐ Undisturbed, native-dominated wetland vegetation	_____%	☐ Row crops	____%
☐ Dominated by altered wetland vegetation	_____%	☐ Hay, pasture land	____%
☐ Prevalence of invasive species	_____%	☐ Other crops	____%
☐ Prevalence of upland vegetation	_____%	☐ CRP land	____%
Number of years seeded within past 20 years (if known)	_____yrs	☐ Fallowed w/in 5-10yrs	_____%

9. **What is the estimated observed vegetation types present? (Percent of each ≥20%) Check up to 5.**

☐conifer swamp ____%	☐shallow marsh____%	☐alder thicket ____%	☐sedge meadow ____%
☐hardwood swamp____%	☐deep marsh ____%	☐shrub carr ____%	☐wet meadow ____%
☐open bog ____%	☐open water ____%	☐conifer bog ____%	
☐shrub upland ____%	☐upland forest ____%	☐grass upland ____%	

10. **Access to construct and maintain necessary restoration infrastructure?**

☐ Public roads	☐Private roads	☐ Trails	☐ None apparent	☐ Winter road

11. **Are there other observed conflicting interests for this site (on-site or nearby)?**

☐ Peat resources	☐ Gravel resources	☐ Timber resources	☐ Agriculture	☐ Livestock grazing

12. Photo Documentation: For each photo taken, describe in detail below:

Photo Type		Descriptor Examples
Azimuth required	**Abbreviations**	
General landscape	GLS	Project view
Wetland landscape	WLS	Eggers/Reed types
Upland landscape	ULS	Upland
Vegetation	VEG	
Area of Concern	AOC	Mowing, Dumps, etc.
Threatened/Endangered	T/E	Species, Common Names

Photo Type		Descriptor Examples
Azimuth required	**Abbreviations**	
Invasive Species	INV	Species, Common Names
Noxious Weeds	NOX	Species, Common Names
Water Control Structure	WCS	Outlet, Control Box
Wildlife	Wild	Nest box
Recreational use	REC	Deer Stand

Photo type	Descriptor	Azimuth	Comments
1.			
2.			
3.			
4.			

1. Circle the site's overall mitigation potential.

High Medium Low No Potential

2. Reasons why.

3. Other site observations and comments?

Field Notes

Appendix F

Public Outreach Meeting Notes

Meeting Notes
Mining Issues Breakout Session
July 10, 2008

Organizations Represented

Corps of Engineers, SWCDs, Iron Range Resources, U.S. Fish and Wildlife Service, BWSR, DNR Minerals, Mining Companies, County Commissioners, Wetland Bankers Association.

Breakout Session Presentation Summary

Approximately 25 representatives from the organizations cited above participated in the breakout session.

Mr. Jacobson covered three areas of the Mining Wetland Assessment Study: (1) the study area, (2) the assessment method, and (3) the geo-database sources upon which the study will be based.

The study area is the Mesabi Iron Range from west of Grand Rapids to Ely. While portions of the Cuyuna Iron Range were examined for inclusion, the type of mining and resulting landscape did not appear to lend itself to providing valuable information regarding the development of wetlands on former minelands.

The study will take place on FORMER MINELANDS, with no active mining areas to be examined.

GIS Analysis

Base layer will be the DNR, Division of Minerals 2007 Mine Features. Potential wetland features will be delineated using the NWI, imagery interpretation and field delineation and verification employing a formal field Functional Assessment.

Functional Assessment

Minnesota Routine Assessment Method, Version 3.2

Functions Evaluated:

- Vegetative Diversity
- Hydrologic Regime
- Storm Water Retention
- Water Quality (focus on W.Q. within the retaining basin)
- Shoreline Protection
- Fish, Wildlife, and Amphibian Habitat
- Mine Pit Water resources

Participant Comments

Comment: How will the Functional Analysis be accomplished: representative sample or each specific potential mitigation site?

Answer: Each site for which access can be secured will be analyzed.

Comment: Be careful and do not engage in a broad interpretation of sites not actually examined.

Answer: Access to these potential sites is critical and could be a significant challenge.

Comment: You do not have to investigate each site but include enough sites and examples to build a functional analysis model.

Answer: Our charge is to do actual and specific assessment on these inactive sites. We will be starting the field work in August.

Comment: Who will be doing the on-site assessments?

Answer: Barr employees with the MSHA training.

Comment: What kind of sites will you be identifying?

Answer:
Existing wetlands that have formed on tailings basins
Mine pits that have potential for littoral area development
Impoundments, although those are not as valuable
Existing wetlands that may be valuable for future reclamation
Wetland banking opportunities and
Determining the potential for restoration and enhancement.

Comment: What areas of the Range is not covered by the study?

Answer: Areas where there is an active permit to mine. Many of the wetlands within the areas we will investigate are exempt from the WCA, including many sites where wetlands have already developed.

Comment: The Laurentian Vision Partnership coalition is very interested in promoting wetland restoration as a part of planning for the post-mining landscape and land uses. The Laurentian Vision meets quarterly and should be a part of this study process.

Answer: We will meet with the Laurentian Vision and solicit their participation.

Comment: A new mining technique that reworks old tailings for magnetic and semi-magnetic iron units is underway. This process will remove 20-30 per cent of the tailings by volume and could improve wetland development of these old tailings basins.

Answer: We are aware of this technology and agree that it might be a valuable contribution to wetland development and a good demonstration model.

Comment: If you can't get access, you could use low level aerial inspections to do the ground truthing.

Answer: Nothing really can replace on-the-ground analysis and being on the site is essential for the Assessment protocol.

Comment: Why are you less interested in impoundments for wetland development?

Answer: Impoundments are usually deeper water that will have to be modified to provide a shallower environment. But this could be utilized in future enhancement activity.

Comment: Mineral and Iron Unit ownership is so complex and varied. For example, the stockpiles and tailings basins are in some cases personal property not associated with surface or mineral ownership. You should have some representatives of the fee owners involved with this study.

Answer: That is a good idea and we will contact those associations of fee holders.

Comments after formal adjournment:

- "The Mining Study should have an advisory group of its own since the Iron Range issues in wetland mitigation are really unique and need to communicate with so many different landowners and interests."
- "I wonder how many of the potential mitigation sites will be subject to future mining expansion?"
- "Can any of these sites get permanent easements for mitigation when even the tailings now are being mined?"
- "Access to these areas will be really difficult."

Meeting Notes
Mitigation and Siting Breakout Session
July 10, 2008

Breakout Session Presentation Summary

Approximately 20 stakeholders participated in the session. Participants included:

- County Commissioners
- MPCA
- Industry (Mining,
- SWCD's
- NRRI
- Bankers
- Others

The overview presentation for the Mitigation and Siting Breakout Session emphasized the following topics:

- Project goal is to identify wetland mitigation opportunities based on science rather than social, economic and other considerations
- It is understood that policy issues exist, which at some point may need to be addressed, most likely as a follow-up from the completed siting assessment
- There are recent and ongoing policy developments, which may impact actions eligible for credit (WCA Rule revision, BWSR/COE MOU, COE St Paul District Guidance, and National Mitigation Policy)
- Project information that could benefit regulatory programs include:
    - Detailed information on mitigation potential
    - Locations and quantity of mitigation sites
    - Additional banking opportunities
    - Possible recommendations for regulatory program changes

The participants in the session were asked the following series of questions:

- Does the study address the wetland mitigation issues in NE Minnesota? If not, what is missing?
- What policy issues generate the most concern/discussion?
- What role should the public sector take in addressing mitigation needs? The private sector?
- What are the priority mitigation types?
- What is a reasonable site size for mitigation and banking sites?
- What effect does land ownership have?
- What are the water quality improvement needs for impaired waters & watersheds in your county?
- What are the significant regional and local siting issues?
- What groups/organizations should be represented on the Mitigation Siting Advisory Committee?

Stakeholder Feedback

The feedback received can be categorized as policy and technical related. Overall, there is a concern that the policy issues need to be addressed at some point, most likely once the final report is sent to the BWSR Board and Wetland Committees. While policy issues dominated the discussion, feedback on the presentation questions was noteworthy. A summary of both technical and policy issues is outlined below.

Technical Issues	**Policy/Prioritization Suggestions**
A sector for Public Infrastructure projects should be included	Must evaluate the social and economic impacts of targeting mitigation in areas important to the local economy
Address river watershed impacts and mitigation opportunities, while this is beyond the scope of the study mitigation opportunties will exist near rivers.	Ability of the counties to accommodate wetland mitigation to accommodate a local economy
Policy forums likely to change actions eligible for credit, this is being accounted for in the development of this project.	Science becomes less clear when most of a specific watershed is outside of the study area, along border waters (ability to make improvements is limited), ability to be ecologically based
Look at land use changes, this should be accounted for during the GIS modeling process	Wetland functional assessments should be done on potential mitigation sites, this is beyond the scope of this study.
Prioritization roles exist for public and private sectors may different and should be accounted for.	Public value is different in parts of the state which should influence priorities, no specific comments on the prioritization factors
Conservation practices should be identified during the GIS process if records exist.	Attempt to identify the level of impact a large wetland complex could sustain before a loss of function and values would actually occur
The Corps should be a more active participant in reviewing the technical aspects of the project	

Suggestions for the Siting Advisory Committee included:

- COE
- Counties (NCLUB)
- DNR
- LGU's
- SWCDs
- Agricultural
- Industry
- Mining
- Pulp & Paper
- Bankers
- 1 or 2 Key Environmental Organizations (MCEA)
- DEED
- Fish & Wildlife Service
- IRR
- NRRI

Follow-up Items

- Identify the Advisory Committee members
- Include public infrastructure projects as sector in the siting analysis
- Document breakout session in summary memo under Work Order 1 deliverable
- Expand upon prioritization factors based on comments received

Meeting Notes
Field Verification and Siting Analysis
July 10, 2008

Breakout Session Presentation Summary

Approximately 20 Stakeholders participated in the session. Participants included:

- BWSR
- USFWS
- SWCD's (Approximately 8-10)
- MN DNR
- Others

The Presentation discussed the following topics:

- Ground truthing (field verification)of the GIS modeling results
- Cooperative assistance needed from the SWCD's to verify modeling results
- Forms and maps to aid in the field
- Estimated field time per on-site visit is expected to be 60-90 minutes
- How the GIS modeling was generated
- Additional digital data was requested from the SWCD's if available – invasive species locations, digital ditch information, and mitigation opportunities

Stakeholder Feedback

- Almost all SWCD's present expressed an interest in participating in the ground truthing effort.
- At least one SWCD was interested in receiving the mitigation site potential data in GIS format, although many preferred receiving site information in hard copy through the mail.
- MNDNR suggested that some work could be done from the office looking at color IR photos to help speed up the field review time.
- There was a question about verifying the model and the validity of the work, if the property owner wasn't interested or would not agree to allow a site visit.
- There was also a concern about protecting the privacy of the property owner from unwanted contacts from speculators.
- One SWCD wanted to know whether or not they could pursue development of a wetland mitigation project on a site identified as having good potential during the ground truthing effort. If this is allowed, there will be a need to provide information back to BWSR because of Phase II.

Tasks Remaining

- Identification of all participating SWCD's and which counties will need to be ground truthed by others.
- Set up training of the SWCD's very soon
- Complete the GIS analyses for each of the Counties to identify opportunities

- Identify if ground truthing efforts will extend beyond >80 % boundaries and if so by whom
    - The USFWS has a restorable wetlands layer for Polk and Morrison counties that could be compared against the GIS model developed in this project
- Discuss how to review and assess the data that comes in.
    - Where does the data go and to whom?
    - Will it need to be entered into a database?

Issues:

1) Landowner interest is an important component of the inventory process. Further discussion on this is needed and it may require need to modify the data form and incorporate some guidance for the training in August.
2) The issue of data confidentiality also came up. Can landowners be protected from unwanted contacts from speculators, etc? Rick Dahlman (MNDNR Forestry) has had significant experience doing forestry BMP audits on private lands and had some insight on how to deal with this issue. Rick is willing to share MNDNR's experience and methods of dealing with landowner privacy issues.

Appendix G

Technical Committee Members

Technical Committee Meeting Participants

Member	Representing
Dale Krystosek	Board of Water & Soil Resources (BWSR)
Joan Weyandt	Board of Water & Soil Resources (BWSR)
David G. Holmbeck	Department of Natural Resources (ConCon Lands)
Bill Schnell	Department of Natural Resources (Forestry)
Doug Norris	Department of Natural Resources (Ecological Services)
Brian Frederickson	Pollution Control Agency
Steve Eggers	U.S. Army Corps of Engineers
Nick Rowse	U.S. Fish and Wildlife Service
Brian Huberty	U.S. Fish and Wildlife Service
Tom Malterer	University of MN, Natural Resources Research Institute
Kurt Johnson	University of MN, Natural Resources Research Institute
Jason Meyer	St. Louis County Land Department
Gary Walton	Botany Consultant
Mark Jacobson	Barr Engineering Company
Keith Hanson	Barr Engineering Company
Tom Tri	Barr Engineering Company
Tony Kroska	Community GIS Services
John Kubiak	Community GIS Services

FHWA Exemplary Ecosystem Initiative

Wingard Wetland and Grassland Restoration Project

Not until now have government agencies in Minnesota undertaken a wetland-restoration effort as large as the Wingard (formerly Vesledahl) project in the state's Red River Valley. The 1,900 acres of restored areas—former croplands--will one day resemble what the land looked like before it was farmed. In its restored condition the area will once again be a vast expanse of shallow wetland basins set against a mosaic of tall grass prairie on the flat expanse of historic Lake Aggasiz.

Typically, state agencies develop wetland-restoration projects by themselves. On the Wingard project, the Minnesota Department of Transportation (Mn/DOT) and the Board of Water and Soil Resources (BWSR) worked together from the very beginning. Both agencies wanted to create a wetland bank, and since both needed wetland-replacement credits to mitigate the impacts of ongoing road repair and reconstruction projects, it made sense to form a partnership. In the resulting agreement specified Mn/DOT funded the land purchase and undertook the title searches and right-of-way issues. BWSR managed the project, certifying wetland-replacement credits and providing technical assistance on seeding plans and wetland-restoration design. Two other cooperating agencies, the state Department of Natural Resources (DNR) and the U.S. Fish and Wildlife Service, provided technical assistance.

The numbers are impressive and unique. The restoration project has restored approximately *750 acres* of wetlands and *1,150 acres* of native upland vegetation. More than 130 individual basins have been restored and range in size from ½ acre to 50 acres. Construction ctrews adjusted the elevation of the water flow on the rolling terrain. Water was then taken out of an existing upstream ditch system and routed through 2 miles of basins onto the various wetlands.

The first planting phase occurred on more than 600 acres--the largest single block of native planting ever done by a Minnesota state agency. The DNR donated seed for the restoration from a nearby native prairie which had never been plowed. By using seed harvested from this source, the resulting restorations will closely parallel the species composition that existed on the site before it was drained and filled for farming. *Seventy-five* different seeds were identified in the mix used, among them blazing star, fox sedge, and purple prairie clover.

The combination of routing the water through the restored wetlands and converting cropland to native prairie will help reduce runoff, sedimentation, and flooding.
The restoration will also create badly needed habitat for waterfowl and other wildlife. Wildlife use of the restored portions of the site has already included migratory waterfowl, as well as moose, sand hill cranes, trumpeter swans and bald eagles. It will even create conditions for a future greenway connecting Department of Natural Resources and U.S. Fish and Wildlife Service lands downstream of this site.

Eventually the Wingard site will be transferred to the Department of Natural Resources to become one of the Department's Wildlife Management Areas. The site will link two existing federal waterfowl production areas and will form one contiguous public land complex more than 2,600 acres in size and open to the public. Since both the USFWS and The Nature Conservancy have large management units near the Wingard project, they'll help DNR manage the site.

2008 Local Government Roads Wetland Replacement Program Funding Recommendation

This funding recommendation is for the 2008 Local Government Roads Wetland Replacement Program. Our solicitation utilized two processes including Development Agreement, where the applicant does the work and Easement Agreement, where BWSR does the work. The Development Agreement process summary and funding recommendation is provided below.

- The **Development Agreement** process generated 23 individual applications requesting in excess of 18 million dollars. To prepare this recommendation the following process was followed:

  1) BWSR Land and Water section staff collected 23 individual proposals and entered them into our 2008 RFP spreadsheet.
  2) Technical Services staff reviewed all proposals for completeness resulting in five rejections.
  3) Comments were solicited from our state and federal partners during the Interagency Bank Review Team meeting held on July 30, 2008.
  4) Proposals were scored using the following formula: Score = 10 – cost ratio (calculated value/bid price) x technical score (using technical data from the Interagency Bank Team review Meeting).
  5) BWSR wetland specialists completed an on site assessment for 5 of the 6 proposals recommended for funding. One site (Whittet - Red Wood County) will be viewed after harvest.
  6) BWSR bank staff shared their preliminary recommendation with BWSR Senior Management Team resulting in one substitution. (Schroeder –Todd County for Hasbargen – Koochiching County)
  7) Wetland Program Manager submits funding proposal to BWSR Wetland Committee for review and discussion.

The six projects recommended for funding are briefly described as follows:

Mike Reed	**Kooch. County**	**Rapid River Watershed - #75**	**BSA - NWC - #2 128.25**	**PVC- 135.00**

The Reed project consists of approximately 270 acres and is currently in crop production. The site is partially drained with strong crop history and some existing Conservation Reserve Program acres. The site is located within ½ mile of the Rainy River with artificial drainage delivering runoff from the site directly to the river. A fresh wet meadow restoration is planned.

Steve Whittet	**Redwood County**	**Redwood River Watershed #27**	**BSA - #9**	**NWC - 4800 PVC- 10.00**

The Whittet project consists of approximately 58 acres and is currently in crop production. The site is well drained with full restoration yielding the maximum credit. The site is located within a ¼ mile of a creek. A fresh wet meadow restoration is planned.

Arnold Oldenberg	**Douglas County**	**Long Prairie Watershed #14**	**BSA - #5**	**NWC - 10.00 PVC - 10.00**

The Oldenberg project consists of 22 small seasonally flooded basins totaling approximately 20 acres with heavy crop history. This site will serve well to demonstrate restoration of a pot hole prairie landscape. A seasonally flooded basin restoration is planned.

Carl Jaranak	**Beltrami County**	**Mississippi River Watershed #7**	**BSA - #5**	**NWC - 9.50 PVC - 4.50**

The Jaranak project consists of approximately 14 acres and is currently unfarmed and used for grass hay. The site is partially drained with a ditch which delivers runoff to the Mississippi River which is ¾ mile downstream. A fresh meadow/shallow marsh restoration is planned.

Mike Nelson	**Ottertail County**	**Red Eye River #13**	**BSA #5**	**NWC - 40.99 PVC - 40.99**

The Nelson project consists of approximately 100 acres with heavy crop history. The site will rely totally on vegetative restoration as no hydrologic restoration is planned. Runoff from the site flows approximately ½ mile to the Red Eye River. A variety of wetland types are proposed for restoration.

Lauren Schroeder	**Todd County**	**Long Prairie River #14**	**BSA #5**	**NWC- 21.00 PVC- 2.00**

The Schroeder project consists of approximately 23 acres of existing Conservation Reserve Program acres. The site is drained by a ditch which delivers runoff to a public drainage ditch. A fresh wet meadow restoration is planned.

Next, the Easement Agreement process summary and funding recommendation is provided below.

- The **Easement Agreement** process generated 1 individual application. Two others proposal were needed and identified by reviewing the unfunded 2008 RIM/WRP applications and selected two that met our location criteria. To prepare this funding recommendation the following process was followed:

    1) The single Easement Agreement proposal was reviewed as submitted and all unfunded RIM/WRP applications were screen for location.
    2) Two unfunded RIM/WRP applications were selected for further consideration and field verification.
    3) Field staff completed an onsite risk assessment for all three sites
    4) The two added landowners were contacted to see if they were interested in banking.
    5) Cost estimates were prepared for each project and summarized.
    6) BWSR banking staff shared their preliminary recommendation with BWSR Senior Management Team.
    7) The SMT approved funding recommendation was presented to the BWSR Wetland Committee for review and discussion.

The three proposals recommended for funding are briefly described as follows:

Don Hansen	**Murray County**	**Cottonwood River #29**	**BSA #9**	**NWC- 40.00**	**PVC- 40.00**

The Hansen project consists of approximately 100 acres of farmland that adjoins a large CREP site. The site is drained by a large tile and laterals. The project will be enhanced if the east neighbor participates allowing for restoration of a shared basin divided by a property line. A fresh wet meadow restoration is planned.

Allen Bryce	**Pope County**	**Chippewa River #26**	**BSA #9**	**NWC- 6.00**	**PVC- 6.00**

The Bryce project consists of approximately 61 acres of marginal farmland which adjoins a DNR Wildlife Management Area. The site is drained by shallow ditches which delivers runoff to a protected water. A fresh wet meadow restoration is planned.

Bill Schmidt	**Traverse County**	**Mustinka River #55**	**BSA #4**	**NWC- 10.00**	**PVC- 10.00**

The Schmidt project consists of approximately 60 acres of existing farmland. The site is adjacent to Walls Basin, a US Fish and Wildlife property and has been degraded by a long history of row crop agriculture. This restoration will involve significant sediment removal and several shallow scrapes. This restoration will restore fresh wet meadow, shallow marsh and deep marsh communities.

2008 LGRWRP RFP Funding Recommendation

by dg 11/26/08

Development Agreements

Score*	Name	County	# of NW Credits	$/NW Credits	$ for NWC	# of PV Credits	$/PV Credit	$ for PVC	Contract Total
85.59	Mike Reed	Koochiching	110	$6,250.00	$687,500.00	110	$1,562.50	$171,875.00	$859,375.00
77.85	Steve Whittet	Redwood	29.00	$14,500.00	$420,500.00	6.00	$3,625.00	$21,750.00	$442,250.00
67.68	Arnold Oldenberg	Douglas	10.00	$16,500.00	$165,000.00	10.00	$4,125.00	$41,250.00	$206,250.00
64.89	Mike Nelson	Ottertail	40.99	$7,800.00	$319,722.00	40.99	$1,950.00	$79,930.50	$399,652.50
64.89	Carl Jaranak	Beltrami	9.50	$8,000.00	$76,000.00	4.50	$2,000.00	$9,000.00	$85,000.00
62.72	Lauren Schroeder	Todd	21.00	$11,200.00	$235,200.00	2.00	$2,800.00	$5,600.00	$240,800.00
			220.49		*$1,668,722.00*	*173.49*		*$329,405.50*	
			Ave $/NW credit	*$7,568.24*		*Ave $/PV credit*	*$1,898.70*		

* The score was calculated using the following formula: 10 - cost ratio x tech score

Easement Agreements

Name	County	WS #	Watershed Name	Easement Acres	# of NW Credits	# of PV Credits	Easement Cost	Project Costs	Total Costs
Hansen	Murray	29	Cottonwood River	100.00*	40.00	40.00	$456,200.00	$135,000.00	$591,200.00
Bryce	Pope	26	Chippewa River	61.50*	6.00	6.00	$157,271.64	$40,000.00	$197,271.64
Schmidt	Traverse	55	Mustinka River	60.00*	10.00	10.00	$173,785.61	$42,000.00	$215,785.61
				Totals	56.00	56.00	$787,257.25	$217,000.00	$1,004,257.25
					Total Ave $/cred	$8,966.58			

* All three sites will likely have paid acres included in the easement that will not generate credit.

Total Funding Recommendation

Development Agreements	$2,233,327.50
Easement Agreements	$1,004,257.25
Total	$3,237,584.75

Accum Dollars
$859,375.00
$1,301,625.00
$1,507,875.00
$1,907,527.50
$1,992,527.50
$2,233,327.50

Accum Dollars
$591,200.00
$788,471.64
$1,004,257.25

Resolution # 08-112

LOCAL GOVERNMENT ROADS WETLAND REPLACEMENT PROJECT APPROVAL

WHEREAS, BWSR is directed pursuant Minn. Stat. 103G.222, Subd. 1 (1) 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 two solicitations, in June and July, requesting interested landowners to apply to BWSR for wetland restorations for the purposes of the Local Government Roads Wetland Replacement Program; and

WHEREAS, BWSR received 23 unique proposals, requesting $18,563,419.00 for 1,697 credits for the development agreement option and have identified three proposals, requesting $1,004,257.25 for 112 credits by the respective July 15th and August 9th deadlines; and

WHEREAS, the Interagency Wetland Banking Committee reviewed and prioritized the 23 development agreement proposals and the BWSR wetland banking staff identified three viable easement agreement proposals. This prioritization for development agreements and selection of easement agreements was further refined by BWSR Senior Management staff; and

WHEREAS, this process led to staff recommending approval of 6 development agreement proposals, projected to cost $2,233,327.50 and generate 394 credits and 3 easement agreement proposals projected to cost $1,004,257.25 and generate 112 credits; and

WHEREAS, the Wetland Committee reviewed the proposed development agreement proposals on September 24, 2008 and reviewed the proposed easement agreement proposals on November 20th, 2008 and is recommending Board approval.

NOW THEREFORE BE IT RESOLVED, that the BWSR authorize staff to proceed with steps to accept and finalize the six development agreement proposals and the three easement agreement proposals as recommended by the Wetland Committee.

Randy Kramer, Chair

12/17/08
Date

Wetland Banking Fee Policy:
Update Calculated Wetland Credit Values

December 17, 2008

Background.
Minnesota Statutes 103G.2242, Subds. 14 and 15, require the Board of Water and Soil Resources to collect fees for administering the state wetland banking program.

The statute reads:
Subd. 14. Fees Established. Fees must be assessed for managing wetland bank accounts and transactions as follows:
(1) account maintenance annual fee: one percent of the value of credits not to exceed $500;
(2) account establishment, deposit, or transfer: 6.5 percent of the value of credits not to exceed $1,000 per establishment, deposit, or transfer; and
(3) withdrawal fee: 6.5 percent of the value of credits withdrawn.

Subd. 15. Fees Paid To Board. All fees established in subdivision 14 must be paid to the Board of Water and Soil Resources and credited to the general fund to be used for the purpose of administration of the wetland bank.

Description of Wetland Bank Fee Policy and determination and use of the Calculated Values.
(from the existing policy available on the BWSR website)

The fee structure and procedures described in Part III were implemented beginning Jan. 1, 2004, and are subject to annual evaluation and possible change.

III. Fee Structure and Procedures
- **A. Account Establishment and Deposit Fees.**
- **B. Account Maintenance Fee.**
- **C. Account Transfer Fee.**
- **D. Withdrawal Fee.**

The 2009 values will go into effect for wetland bank credit sales made after December 31, 2008. A signed / dated copy of the purchase agreement must accompany applications received after that date if the 2007 values are used to calculate fees. The current policy provisions on determining the value of the credits (shown below) are unchanged from the policy adopted in 2007.

E. Value of Credits. The value of wetland credits for the purpose of assessing fees will be determined as follows:

1. Credit Value ($/acre) = Avg. agricultural land value ($/acre) in the county where the bank is located (from Dept. Revenue) x Wetland Credit Value Coefficient (currently 6.0).

The Wetland Credit Value Coefficient reflects the value added to the land by the wetland credits. It is determined by BWSR based on the average ratio of credit sale price to county land value for credits that BWSR has purchased from existing bank accounts statewide. The current coefficient is based on credit sales from 1999-2007. This coefficient will be updated by BWSR Board Policy to reflect recent wetland credit market values. For the purposes of the formula above, the most

recent agricultural land values available from the Minnesota Department of Revenue will be used. Increases are limited to 75% of the previous value.

2. For determining withdrawal or transfer fees, account holders may present other evidence to BWSR demonstrating the value of credits, such as actual sales values. When using actual sales data to determine credit values, account holders will be required to submit to BWSR actual bills of sale as documentation.

The Calculated Wetland Value spreadsheet (attached) uses the tillable land value data from the UM Land Economics website. The data for a few counties is inaccurate and/or unavailable if based on tillable value. For a number of northern counties, seasonal recreational land value is used. For Hennepin and Ramsey Counties, the average of Green Acres market and taxable values is used. The policy adopted in 2007 limited the increase to 75%.

Wetland Committee Recommendation. The Wetland Committee met on November 20, 2008 and is recommending the Board update the Calculated Wetland Credit Values using the tillable land values, seasonal recreational land values, or green acres values as indicated on the attached spreadsheet. The update continues to use the policies adopted last year of applying the wetland Credit Value Coefficient of 6.0 and limiting the increase to 75% over the 2007 policy.

Proposed 2009 Calculated Wetland Bank Credit Values for Fee Pricing

(values based on Tillable Land Value except as noted)

County	2008 Base Value Per Acre (from Dept. of Revenue)	Calculated Value for 2009 (2008 Est. Value * 6)	% increase	75% over 2008 Value (2008+(2008 * 0.75))	2008 Adjusted Calc. Value	2008 Calculated Value (2006 value *6)	% increase
Aitkin* #	$4,371	$26,226	295%	**$11,631**	$6,647	$21,427	464%
Anoka*	$8,325	$49,950	117%	**$40,215**	$22,980	$22,980	13%
Becker	$1,289	**$7,734**	22%		$6,336	$6,336	30%
Beltrami	$907	**$5,442**	30%		$4,200	$4,200	75%
Benton	$2,900	**$17,400**	49%		$11,664	$11,664	15%
Big Stone	$2,157	**$12,942**	29%		$10,020	$10,020	58%
Blue Earth	$4,037	**$24,222**	23%		$19,626	$19,626	25%
Brown	$3,247	**$19,482**	16%		$16,752	$16,752	16%
Carlton* #	$2,658	$15,948	135%	**$11,876**	$6,787	$19,487	403%
Carver*	$7,370	$44,220	79%	**$43,166**	$24,666	$24,666	55%
Cass	$1,708	**$10,248**	20%		$8,526	$8,526	60%
Chippewa	$2,761	**$16,566**	14%		$14,502	$14,502	46%
Chisago*	$4,825	$28,950	117%	**$23,321**	$13,326	$13,326	20%
Clay	$1,730	**$10,380**	38%		$7,530	$7,530	26%
Clearwater	$830	**$4,980**	44%		$3,456	$3,456	23%
Cook* #	$10,049	$60,294	326%	**$24,754**	$14,145	$39,729	392%
Cottonwood	$3,157	**$18,942**	28%		$14,796	$14,796	26%
Crow Wing	$2,417	**$14,502**	38%		$10,500	$10,500	43%
Dakota*	$7,432	$44,592	126%	**$34,482**	$19,704	$19,704	36%
Dodge	$3,521	**$21,126**	23%		$17,142	$17,142	19%
Douglas	$1,996	**$11,976**	12%		$10,734	$10,734	51%
Faribault	$3,212	**$19,272**	16%		$16,668	$16,668	22%
Fillmore	$2,967	**$17,802**	16%		$15,402	$15,402	33%
Freeborn	$3,214	**$19,284**	14%		$16,866	$16,866	31%
Goodhue	$3,958	**$23,748**	8%		$22,038	$22,038	59%
Grant	$1,818	**$10,908**	19%		$9,138	$9,138	26%
Hennepin*	$42,648	$255,885	422%	**$85,796**	$49,026	$310,134	1007%
Houston	$2,545	**$15,270**	24%		$12,306	$12,306	18%
Hubbard	$1,996	**$11,976**	47%		$8,166	$8,166	14%
Isanti*	$5,290	$31,740	136%	**$23,562**	$13,464	$13,464	46%
Itasca* #	$6,329	$37,974	747%	**$7,849**	$4,485	$23,583	820%
Jackson	$3,209	**$19,254**	26%		$15,336	$15,336	21%

* Indicates that the increase was limited to 75% of last year's value.

Seasonal Recreational Land Values were used.

^ An average of Green Acres Market and Green Acres Taxable values was used.

The proposed final values are shown in BOLD.

Proposed 2009 Calculated Wetland Bank Credit Values for Fee Pricing

(values based on Tillable Land Value except as noted)

County	2008 Base Value Per Acre (from Dept. of Revenue)	Calculated Value for 2009 (2008 Est. Value * 6)	% increase	75% over 2008 Value (2008+(2008 * 0.75))	2008 Adjusted Calc. Value	2008 Calculated Value (2006 value *6)	% increase
Kanabec	$1,564	**$9,384**	14%		$8,250	$8,250	23%
Kandiyohi	$2,773	**$16,638**	8%		$15,342	$15,342	54%
Kittson	$868	**$5,208**	10%		$4,728	$4,728	51%
Koochiching* #	$2,567	$15,402	253%	**$7,634**	$4,362	$4,362	31%
Lac Qui Parle	$2,230	**$13,380**	21%		$11,016	$11,016	49%
Lake* #	$2,822	$16,932	88%	**$15,757**	$9,004	$24,273	372%
Lake of the Woods	$620	**$3,720**	39%		$2,676	$2,676	47%
Le Sueur	$4,351	**$26,106**	41%		$18,498	$18,498	15%
Lincoln	$2,054	**$12,324**	29%		$9,564	$9,564	53%
Lyon	$2,813	**$16,878**	23%		$13,770	$13,770	35%
Mahnomen	$956	**$5,736**	16%		$4,956	$4,956	34%
Marshall	$693	**$4,158**	24%		$3,360	$3,360	7%
Martin	$3,514	**$21,084**	24%		$16,980	$16,980	12%
McLeod	$3,438	**$20,628**	35%		$15,330	$15,330	18%
Meeker	$2,850	**$17,100**	16%		$14,712	$14,712	46%
Mille Lacs	$2,501	**$15,006**	67%		$8,994	$8,994	35%
Morrison	$2,346	**$14,076**	56%		$9,006	$9,006	19%
Mower	$3,342	**$20,052**	18%		$16,944	$16,944	21%
Murray	$2,821	**$16,926**	21%		$14,004	$14,004	32%
Nicollet	$4,089	**$24,534**	27%		$19,290	$19,290	10%
Nobles	$3,109	**$18,654**	25%		$14,904	$14,904	23%
Norman	$1,219	**$7,314**	49%		$4,920	$4,920	6%
Olmsted	$3,775	**$22,650**	23%		$18,360	$18,360	44%
Otter Tail	$1,569	**$9,414**	40%		$6,714	$6,714	29%
Pennington	$654	**$3,924**	33%		$2,952	$2,952	38%
Pine	$1,828	**$10,968**	25%		$8,802	$8,802	17%
Pipestone	$2,546	**$15,276**	26%		$12,150	$12,150	24%
Polk	$1,159	**$6,954**	33%		$5,214	$5,214	7%
Pope	$2,115	**$12,690**	11%		$11,388	$11,388	65%
Ramsey*	$74,767	$448,599	815%	**$85,796**	$49,026	$520,590	1758%
Red Lake	$750	**$4,500**	33%		$3,372	$3,372	40%
Redwood	$3,081	**$18,486**	24%		$14,922	$14,922	24%

* Indicates that the increase was limited to 75% of last year's value.

\# Seasonal Recreational Land Values were used.

^ An average of Green Acres Market and Green Acres Taxable values was used.

The proposed final values are shown in BOLD.

Proposed 2009 Calculated Wetland Bank Credit Values for Fee Pricing

(values based on Tillable Land Value except as noted)

County	2008 Base Value Per Acre (from Dept. of Revenue)	Calculated Value for 2009 (2008 Est. Value * 6)	% increase	75% over 2008 Value (2008+(2008 * 0.75))	2008 Adjusted Calc. Value	2008 Calculated Value (2006 value *6)	% increase
Renville	$3,318	**$19,908**	19%		$16,668	$16,668	30%
Rice	$6,103	**$36,618**	20%		$30,570	$30,570	68%
Rock	$3,805	**$22,830**	38%		$16,518	$16,518	26%
Roseau	$494	**$2,964**	21%		$2,442	$2,442	18%
Scott*	$10,435	$62,610	139%	**$45,833**	$26,190	$26,190	5%
Sherburne*	$5,884	$35,304	166%	**$23,205**	$13,260	$13,260	60%
Sibley	$3,456	**$20,736**	15%		$18,060	$18,060	30%
St. Louis* #	$22,389	$134,334	2708%	**$8,373**	$4,785	$18,464	575%
Stearns*	$2,924	$17,544	90%	**$16,160**	$9,234	$9,234	5%
Steele	$3,570	**$21,420**	21%		$17,634	$17,634	26%
Stevens	$2,412	**$14,472**	24%		$11,688	$11,688	49%
Swift	$2,452	**$14,712**	20%		$12,258	$12,258	51%
Todd	$1,491	**$8,946**	36%		$6,570	$6,570	28%
Traverse	$2,082	**$12,492**	10%		$11,322	$11,322	40%
Wabasha	$3,112	**$18,672**	25%		$14,880	$14,880	30%
Wadena	$1,259	**$7,554**	14%		$6,612	$6,612	35%
Waseca	$3,515	**$21,090**	25%		$16,830	$16,830	9%
Washington*	$15,009	$90,054	195%	**$53,414**	$30,522	$30,522	9%
Watonwan	$3,246	**$19,476**	15%		$16,950	$16,950	35%
Wilkin	$2,015	**$12,090**	29%		$9,342	$9,342	29%
Winona	$3,539	**$21,234**	55%		$13,656	$13,656	11%
Wright*	$8,118	$48,708	187%	**$29,673**	$16,956	$16,956	37%
Yellow Medicine	$2,423	**$14,538**	16%		$12,564	$12,564	41%
green acres market value / taxable value (lower)							

* Indicates that the increase was limited to 75% of last year's value.

Seasonal Recreational Land Values were used.

^ An average of Green Acres Market and Green Acres Taxable values was used.

The proposed final values are shown in BOLD.

Resolution # _____

Wetland Banking Fee Policy:
Update Calculated Wetland Credit Values

WHEREAS, BWSR is directed pursuant to Minn. Stat. 103G.2242, Subd. 14 and 15 to collect fees for administering the state wetland bank program;

WHEREAS, BWSR Board action 03-93 established the Wetland Banking Fee Policy, which included use of the average agricultural land values (as provided by the Minn. Dept. of Revenue) as the basis for determining credit value for purposes of assessing the fee;

WHEREAS, BWSR Board action 07-88 updated the previous policy by taking the 2006 tillable land value multiplied by the wetland credit value coefficient of 6.0, with a maximum increase of 75% over the values established in Board action 03-93; and

WHEREAS, the Wetland Committee reviewed the calculated values on November 20, 2008, and is recommending updating these values for purposes of calculating wetland banking fees.

NOW THEREFORE BE IT RESOLVED, that the BWSR update the wetland credit values by taking the 2008 tillable land values, seasonal recreational land values, or green acres values (as shown on the attached spreadsheet), multiplied by the wetland credit value coefficient of 6.0, with a maximum increase of 75% over the values established in Board action 07-88.

_____ _____

Randy Kramer, Chair Date

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Wetland Banking Fee Policy

September 2007, Board Action 07-88

Example Calculations

I. Background

Minnesota Statutes 103G.2242, Subds. 14 and 15, require the Board of Water and Soil Resources to collect fees for administering the state wetland banking program.

The statute reads:
Subd. 14. Fees Established. Fees must be assessed for managing wetland bank accounts and transactions as follows:
(1) account maintenance annual fee: one percent of the value of credits not to exceed $500;
(2) account establishment, deposit, or transfer: 6.5 percent of the value of credits not to exceed $1,000 per establishment, deposit, or transfer; and
(3) withdrawal fee: 6.5 percent of the value of credits withdrawn.

Subd. 15. Fees Paid To Board. All fees established in subdivision 14 must be paid to the Board of Water and Soil Resources and credited to the general fund to be used for the purpose of administration of the wetland bank.

The fee structure and procedures described in Part III were implemented beginning Jan. 1, 2004, and are subject to annual evaluation and possible change. 2008 rates will go into effect for sales made after Dec. 31, 2007. A signed / dated copy of the purchase agreement must accompany applications received after that date if the 2004 rates are used to calculate fees.

II. Definitions

A. Account or wetland bank account. "Account" or "wetland bank account" means a record of wetland banking debits and credits established by an account holder within the state wetland banking system.

B. Account holder. "Account holder" in the state wetland banking system, is a person, corporation, government agency, or organization that is the owner of credits.

C. Wetland banking credits."Wetland banking credits" means acres or parts of acres of restored or created wetland or adjacent upland buffer described by type and topographic setting, or areas as described in parts 8420.0540 and 8420.0541, that have been approved for deposit in the wetland bank.

NOTE: Send checks for fees in care of the Wetland Bank Accountant, Minnesota BWSR, 520 Lafayette Road North, St. Paul, MN 55155.

III. Fee Structure and Procedures

A. Account Establishment and Deposit Fees. Account establishment and deposit fees will be assessed at 6.5% of the value of the credits deposited, not to exceed $1,000. The value of the credits will be determined according to Part III.E.1. The account establishment fee will be collected at the time of initial deposit of wetland credits into the bank for the subject account[a]. The establishment and deposit fees are limited to $1,000 for each

account, i.e., credits deposited into an account after the initial establishment (for instance, if the Technical Evaluation Panel did not certify all of the credits at one time) will be assessed a 6.5% deposit fee until the $1,000 limit is reached. Subsequent deposits into the same account will not be assessed deposit fees unless the restrictive easement for the bank site has to be revised to reflect the additional credits. In that case, deposit fees will be assessed at 6.5% of the value of the credits deposited, not to exceed $1,000.(To avoid these additional fees, banking applicants are encouraged to draft the original restrictive easement to cover all anticipated deposits.)

When the "Application to Deposit Wetland Bank Credits" form has been approved by the appropriate Local Government Unit (LGU), the applicant should submit the form, along with a check (payable to BWSR) for the amount due to the BWSR Wetland Bank Administrator. Applicants may contact the BWSR Wetland Bank Administrator to verify the amount due. Wetland credits deposited into a wetland bank account cannot be used for replacement purposes until the establishment/deposit fees have been paid.

Accounts for which the Wetland Banking Plan Application has received approval by the Local Government Unit after Aug. 1, 2000, and prior to Jan. 1, 2004, are exempt from account establishment fees. However, subsequent deposits after Jan. 1, 2004, will be assessed deposit fees as described above.

B. Account Maintenance Fee. Account maintenance fees will be assessed annually at 1% of the value of the credits in each account, not to exceed $500. The value of the credits will be determined according to Part III.E.1. Account maintenance fees will be assessed at the time of the first transaction (withdrawal, transfer, or deposit) of each year and will be based on the credits in the account at that time. If there are no transactions in an account for the year, then no maintenance fees will be assessed for that year. No transactions will be processed until the current year's maintenance fees have been paid.

C. Account Transfer Fee. Account transfer fees will be assessed at 6.5% of the value of the credits transferred, not to exceed $1,000. The value of the credits will be determined according to Part III.E.1 or Part III.E.2. Transfer fees are assessed when credits are transferred by any means (e.g., sale, gift, donation, exchange) from one account holder to a new owner, but not used for replacement purpose s[b] . To transfer credits, an "Application to Transfer" form, along with a check (payable to BWSR) for the applicable transfer fee should be submitted to the BWSR Wetland Bank Administrator. The Wetland Bank Administrator may be contacted to verify the amount of the transfer fee. BWSR will not transfer the credits until the fee is paid.

D. Withdrawal Fee. Withdrawal fees are incurred when credits are withdrawn for the purposes of wetland replacement and will be assessed at 6.5% of the value of the credits withdrawn. The value of the credits will be determined according to Part III.E.1 or Part III.E.2. The applicable withdrawal fee should be submitted to the BWSR Wetland Bank Administrator along with the "Application for Withdrawal of Wetland Credits" form that has been approved by the appropriate regulatory authority(ies). Credits will not be withdrawn from the bank until the applicable withdrawal fees have been paid. After receiving payment, BWSR will deduct the appropriate credits from the subject account and notify the account holder, the user of the credits and the approving regulatory authority(ies).

E. Value of Credits. The value of wetland credits for the purpose of assessing fees will be determined as follows:

1. Credit Value ($/acre) = Avg. agricultural land value ($/acre) in the county where the bank is located (from Dept. Revenue - see Table 1 for 2006 values) x Wetland Credit Value Coefficient (currently 6.0).

The Wetland Credit Value Coefficient reflects the value added to the land by the wetland credits. It is determined by BWSR based on the average ratio of credit sale price to county

land value for credits that BWSR has purchased from existing bank accounts statewide. The current coefficient is based on credit sales from 1999 □ 2007. This coefficient will be updated by BWSR Board Policy to reflect recent wetland credit market values. For the purposes of the formula above, the most recent agricultural land values available from the Minnesota Department of Revenue will be used. Increases are limited to 75% of the previous value.

2. For determining withdrawal or transfer fees, account holders may present other evidence to BWSR demonstrating the value of credits, such as actual sales values. When using actual sales data to determine credit values, account holders will be required to submit to BWSR actual bills of sale as documentation.

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a. The exception to this is if the credits are deposited in a new account by transfer from an existing account. In that case, account transfer fees (see Part III.C) will be assessed.

b. In cases of account transfers, the new account holder will not be charged account establishment or deposit fees.

Table 1. Average agricultural land values for Minnesota counties for 2006 (from Minn. Dept. Revenue, in effect Jan. 1, 2008)

County	Calculated Wetland Value per Acre (2008)
Aitkin*	$6,646.50
Anoka	$22,980.00
Becker	$6,336.00
Beltrami	$4,200.00
Benton	$11,664.00
Big Stone	$10,020.00
Blue Earth	$19,626.00
Brown	$16,752.00
Carlton*	$6,786.50
Carver	$24,666.00
Cass	$8,526.00
Chippewa	$14,502.00
Chisago	$13,326.00
Clay	$7,530.00
Clearwater	$3,456.00
Cook*	$14,145.25
Cottonwood	$14,796.00
Crow Wing	$10,500.00
Dakota	$19,704.00
Dodge	$17,142.00
Douglas	$10,734.00
Faribault	$16,668.00
Fillmore	$15,402.00
Freeborn	$16,866.00
Goodhue	$22,038.00
Grant	$9,138.00
Hennepin*	$49,026.25
Houston	$12,306.00
Hubbard	$8,166.00
Isanti	$13,464.00
Itasca*	$4,485.25
Jackson	$15,336.00

Kanabec	$8,250.00
Kandiyohi	$15,342.00
Kittson	$4,728.00
Koochiching	$4,362.00
Lac Qui Parle	$11,016.00
Lake*	$9,003.75
Lake of the Woods	$2,676.00
Le Sueur	$18,498.00
Lincoln	$9,564.00
Lyon	$13,770.00
Mahnomen	$4,956.00
Marshall	$3,360.00
Martin	$16,980.00
McLeod	$15,330.00
Meeker	$14,712.00
Mille Lacs	$8,994.00
Morrison	$9,006.00
Mower	$16,944.00
Murray	$14,004.00
Nicollet	$19,290.00
Nobles	$14,904.00
Norman	$4,920.00
Olmsted	$18,360.00
Otter Tail	$6,714.00
Pennington	$2,952.00
Pine	$8,802.00
Pipestone	$12,150.00
Polk	$5,214.00
Pope	$11,388.00
Ramsey*	$49,026.25
Red Lake	$3,372.00
Redwood	$14,922.00
Renville	$16,668.00
Rice	$30,570.00
Rock	$16,518.00
Roseau	$2,442.00
Scott	$26,190.00
Sherburne	$13,260.00
Sibley	$18,060.00
St. Louis*	$4,784.50
Stearns	$9,234.00
Steele	$17,634.00
Stevens	$11,688.00
Swift	$12,258.00
Todd	$6,570.00
Traverse	$11,322.00
Wabasha	$14,880.00
Wadena	$6,612.00
Waseca	$16,830.00
Washington	$30,522.00
Watonwan	$16,950.00
Wilkin	$9,342.00
Winona	$13,656.00
Wright	$16,956.00
Yellow Medicine	$12,564.00

* Increase limited to 75% of previous value.

Notes:

Withdrawals must pay 6.5% of the total transaction value (multiply the total by 0.065).
Deposits and transfer fees are capped at $1,000.
Annual fees are 1% of the total value of the account (multiply the total acres by the rate, then 0.01), with a $500 cap.
To convert square feet to acres, divide the number of square feet by 43,560.
For previous Wetland Banking fees, go to: **Wetland Banking Fees effective 2004-2007**

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
Saint Paul, MN 55155
(651) 296-3767; Fax (651) 297-5615; TTY (800) 627-3529
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Resolution # 08-113

Wetland Banking Fee Policy:
Update Calculated Wetland Credit Values

WHEREAS, BWSR is directed pursuant to Minn. Stat. 103G.2242, Subd. 14 and 15 to collect fees for administering the state wetland bank program;

WHEREAS, BWSR Board action 03-93 established the Wetland Banking Fee Policy, which included use of the average agricultural land values (as provided by the Minn. Dept. of Revenue) as the basis for determining credit value for purposes of assessing the fee;

WHEREAS, BWSR Board action 07-88 updated the previous policy by taking the 2006 tillable land value multiplied by the wetland credit value coefficient of 6.0, with a maximum increase of 75% over the values established in Board action 03-93; and

WHEREAS, the Wetland Committee reviewed the calculated values on November 20, 2008, and is recommending updating these values for purposes of calculating wetland banking fees.

NOW THEREFORE BE IT RESOLVED, that the BWSR update the wetland credit values by taking the 2008 tillable land values, seasonal recreational land values, or green acres values (as shown on the attached spreadsheet), multiplied by the wetland credit value coefficient of 6.0, with a maximum increase of 75% over the values established in Board action 07-88.

R/ K

Randy Kramer, Chair

12/17/08

Date

Wetland Conservation Act
Minnesota Rule Chapter 8420
Addendum to the 12-5-08 Draft

Several proposed changes have been identified since the 12-5-08 draft of the Wetland Conservation Act rule. Proposed changes are shown in red strikeout and underline. Page numbers correspond to the clean version of the 12-05-08 draft rule.

1) Page 3; SCOPE, second paragraph.

- Change: This chapter does not regulate normal farming practices in a wetland. "Normal farming practices" means farming, silvicultural, grazing, and ranching activities such as plowing, seeding, cultivating, and harvesting for the production of feed, food, and fiber products, but does not include activities that ~~impact~~ result in the draining of wetlands.

- Reason for change: Return to existing language to retain statutory intent.

2) Page 3; SCOPE, third paragraph.

- Change: Incidental wetlands include drainage ditches, impoundments, or excavations constructed in non-wetlands solely for the purpose of effluent treatment, containment of waste material, storm water retention or detention, drainage, 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.

- Reason for change: Clarification of intent, prevent misapplication of the rule due to literal interpretation of "retention."

3) Page 7; OTHER LOCAL GOVERNMENT UNIT WETLAND RULES AND ORDINANCES.

- Change: This chapter and the act provide minimum standards. ~~Local government units who choose to require landowners to submit an application and obtain approval to be eligible for an exemption or for temporary impacts that may result in a no-loss must do so through ordinance or rule.~~ Local government units may require more procedures and more wetland protection, but not less.

- Reason for change: To prevent misinterpretation, return to existing rule language by deleting the middle sentence that was previously proposed to be added. Returning to the existing language will not change to the ability of local government units to be more restrictive or the necessity to do it through rule or ordinance. The issue can be addressed in guidance and training.

4) Page 8; LOCAL GOVERNMENT UNIT APPLICATION AND DECISION PROCEDURES; Subpart 2, Determination of complete application.

- Change: The local government unit may determine an application incomplete when seasonal constraints prevent on-site review and verification of the application, provided the notification to the applicant includes a date, no later than the average start to the growing season, when the application will be considered complete.

- Reason for change: Clarification that the determination of an incomplete application due to seasonal constraints is not open-ended, and may not extend beyond the start of the growing season.

5) Page 8; LOCAL GOVERNMENT UNIT APPLICATION AND DECISION PROCEDURES; Subpart 3, Notice of application.

- Change: This subpart does not apply to exemption or no-loss applications.

- Reason for change: This sentence was added in order to return to the process utilized in the existing rule regarding local government unit approval of exemptions, where exemption decisions can be made without noticing the application. The change was made because the proposed process had the potential to discourage landowners from requesting approval of exemptions. The change will also reduce local government unit implementation costs as compared to the previous proposal.

6) Page 8; LOCAL GOVERNMENT UNIT APPLICATION AND DECISION PROCEDURES; Subpart 4, Decision.

- Change: The local government unit may make on-site exemption and no-loss decisions provided the decision is noticed according to subpart 5 and project details are provided sufficient to document eligibility.

- Reason for Change: This language was added to encourage landowners to request local government unit approval of an exemption or no-loss by allowing for on-site approval. The language allows for an easier process but does not change the application of the Rule, the information required to document eligibility, or the requirement to notice the decision.

7) Page 9; NO-LOSS APPLICATIONS.

- Change: A landowner may apply to the local government unit for a no-loss decision or request an on-site no-loss decision.

- Reason for change: This addition clarifies that a landowner can request an on-site no-loss decision consistent with item 6 above.

8) Page 10; EXEMPTION APPLICATIONS; Item A.

- Change: A landowner intending to impact a wetland without replacement, claiming exemption under part 8420. XXXX, may apply to the local government unit for an exemption decision, or request an on-site exemption decision, before ~~impacting the wetland for a decision~~ beginning the activity to verify whether or not the proposed impact is exempt.

- Reason for change: This addition clarifies that a landowner can request an on-site exemption decision consistent with item 6 above.

9) Page 10; EXEMPTION APPLICATIONS; Item C.

- Change: Delete item C (mandatory landowner reporting of exemptions).

- Reason for change: The requirement for landowner reporting of exemptions was added to the draft rule during the previous BWSR Wetland Committee meeting. Since that time, substantial discussion has taken place among stakeholder groups, many of whom provided comments to the Committee and/or staff. At the 12-16-08 meeting, the Committee discussed the potential requirement in greater depth, including concerns raised by stakeholders, and decided to remove the provision from the draft rule. This issue was also discussed in depth throughout the public input process utilized for rulemaking, with a majority of comments opposed to the requirement and several concerns identified. Removal of the landowner reporting requirement from the draft rule is consistent with the original staff recommendation.

10) Page 14; EXEMPTION STANDARDS; Subpart 1, Scope.

- Change: Certain impacts may qualify for an exemption from replacement requirements. An impact is exempt from replacement if it qualifies for any one of the exemptions, even though it may be indicated as not exempt under another exemption. Persons proposing to conduct an exempt activity are encouraged to contact the local government unit to verify eligibility for an exemption and to evaluate alternatives to avoid or minimize wetland impacts. If the total amount of impact exceeds the amount allowed under the applicable exemption, the impact is not exempt and the entire amount of impact must be replaced.

- Reason for change: This change restores existing rule language for clarification. It was not included in the previous draft of the rule as it was seen as unnecessary, however, recent discussions with stakeholder groups have indicated the language would be beneficial. There is no change in the eligibility for, or implementation of, exemptions.

11) Page 15; EXEMPTION STANDARDS; Subpart 2, Agricultural Activities; Item C.

- Change: A replacement plan is not required for: impacts resulting from soil and water conservation projects that are certified by soil and water conservation district technical staff after review by the technical evaluation panel, provided the project minimizes ~~the impact~~ adverse effects on the hydrologic and biologic characteristics of the wetland. For purposes of this item, examples of soil and water conservation practices include those identified in the State Cost Share Program Manual, available from the board or soil and water conservation districts, and federally funded demonstration, research, and cost share programs and projects;

- Reason for change: The language was changed to clarify intent and prevent misinterpretation as the term "impact" has a specific definition that is not intended here. Also, the new language allows for improvements by adding the word "adverse."

12) Page 15; EXEMPTION STANDARDS; Subpart 2, Agricultural Activities; Item G.

- Change: impacts resulting from agricultural activities that are subject to federal farm program restrictions that meet minimum state standards under this chapter and

Minnesota Statutes, sections 103A.202 and 103B.3355, and that have been approved by the board, the commissioners of natural resources and agriculture, and the Pollution Control Agency. ~~This~~ An exemption under this item is not valid until such agreement is approved.

- Reason for change: To clarify that the indicated language applies only to Item G, and not to the entire subpart or any other exemptions.

13) Page 17; EXEMPTION STANDARDS; Subpart 4, Federal approvals.

- Change: A replacement plan is not required for impacts 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, the Department of Agriculture, the Department of Natural Resources, and the Pollution Control Agency. ~~This~~ An exemption under this subpart is not valid until such agreement is approved.

- Reason for change: To clarify that the indicated language applies only to Subpart 4, and not to any other exemptions.

14) Page 25; REPLACEMENT STANDARDS; Subpart 9, Financial assurance.

- Change: For wetland replacement that is not in advance, a financial assurance acceptable to the local government unit must be submitted to, and approved by, the local government unit to ensure successful replacement. The local government unit may waive this requirement if it determines the financial assurance is not necessary to ensure successful replacement. The local government unit may incorporate this requirement into any financial assurance required by the local government unit for other aspects of the project. The financial assurance may be used to cover costs of actions necessary to bring the project into compliance with the approved replacement plan specifications and monitoring requirements. The financial assurance does not serve as an in-lieu fee and is not a substitute for enforcement, but may be used for repair, construction, vegetation establishment and management, maintenance, monitoring, or other actions the local government unit determines necessary to ensure adequate replacement. Prior to drawing on the financial assurance, the local government unit must provide written notice to the landowner stating the actions necessary to bring the replacement project into compliance and that the landowner has 30 days to complete the actions, after which the local government unit will utilize the financial assurance to gain compliance. Use of the financial assurance by the local government unit may be appealed by the landowner within 30 days after the date on which the notice is mailed, according to part 8420.XXXX, subpart X.

- Reason for change: The first sentence was added to clarify that the financial assurance may be added into any financial assurance required by the local government for other purposes and does not need to be a separate, stand-alone assurance. The second change was made to clarify the process for utilization of the financial assurance by requiring prior notice to the landowner and allowing an opportunity for the landowner to complete the necessary actions before the local government unit could draw on the

financial assurance. The added language also allows for an appeal of the use of the financial assurance.

15) Page 39; COMPREHENSIVE WETLAND PROTECTION AND MANAGEMENT PLANS; Subpart 9, Implementation; Item B.

- Change: After board approval and local government adoption, decisions made in implementing this chapter and the act must be made according to the plan and ordinance or rule.

- Reason for change: Clarification for instances where a watershed district is the local government unit.

16) Page 41; APPEALS; Subpart 1, Appeal of replacement and restoration orders to the board.

- Change: A landowner or responsible party may appeal the terms and conditions of a restoration or replacement order issued pursuant to part 8420.XXXX to the board's executive director within 30 days of receipt of written notice by filing a written request for review and paying a nonrefundable filing fee to the board. The timeframe for appeal may be extended beyond 30 days upon mutual agreement, in writing, between the landowner or responsible party, the local government unit, and the enforcement authority.

- Reason for change: The language was added to allow for an extension of the appeal window when the parties agree there is the potential to work out a resolution to the issue that may prevent the appeal.

17) Page 41; APPEALS; Subpart 3, Appeal of local government unit decisions to the board.

- Change: The decision of a local government unit to approve, approve with conditions, or deny an application becomes final if not appealed to the board within 30 days after the date on which the decision is sent to those required to receive notice of the decision, unless the applicant and local government unit mutually agree, in writing, to an extension of time beyond the 30 days.

- Reason for change: The language was added to allow for an extension of the appeal window when the parties agree there is the potential to work out a resolution to the issue that may prevent the appeal.

18) Page 43; ENFORCEMENT PROCEDURES; Subpart 2, Cease and desist orders.

- Changes:

  Subp. 2. **Cease and desist orders; notice of potential violation.**

  A. Cease and desist orders may be issued when the enforcement authority has probable cause that an activity is being or ~~has been~~ will again be conducted that impacts a wetland and does not qualify for an exemption or a no-loss under parts 8420.XXXX and 8420.XXXX and is being or ~~has been~~ will again be conducted without prior approval of a replacement plan by a local government unit under part 8420.XXXX or involving a

decision stayed by the board pursuant to part 8420.XXXX. Alternatively, when the activity has been completed and is not likely to resume, the enforcement authority may issue a notice of potential violation.

B. A cease and desist order or notice of potential violation must not be issued if the landowner has, and is complying with, a valid replacement plan, exemption, or no-loss approved by the local government unit, or a completed and submitted public road project notification that has not been stayed, remanded, or reversed on appeal under provisions of part 8420.XXXX, or has sufficient evidence to support qualification for an exemption or no-loss. ~~The enforcement authority issuing a cease and desist order must submit copies to the soil and water conservation district, local government unit, and Department of Natural Resources.~~ The enforcement authority must consult with the local government unit to determine whether or not the landowner is in compliance prior to issuing a notice of potential violation.

~~B~~ C. The enforcement authority must advise the landowner that the landowner's written application, if any, for a replacement plan, exemption, or no-loss should be made immediately to the local government unit and that any wetland that has been impacted may require restoration if the application for replacement plan, exemption, or no-loss is denied or reversed on appeal. The enforcement authority issuing a cease and desist order or notice of potential violation must promptly submit copies to the soil and water conservation district, local government unit, and Department of Natural Resources.

~~C~~ D. If an application for a replacement plan, exemption, or no-loss approval is triggered by a cease and desist order or notice of potential violation, the local government unit must make the decision in accordance with parts 8420.XXXX to 8420.XXXX. If the decision is that the activity is exempt or qualifies for a no loss, the decision-maker must request that the enforcement authority rescind the cease and desist order or notice of potential violation, pending the outcome of any appeal, and notify the soil and water conservation district, the enforcement authority, and the landowner. If the application is denied, the decision-maker must immediately notify the soil and water conservation district, the enforcement authority, and the landowner.

~~D~~ E. In cases where the cease and desist order or notice of potential violation has been issued to a local government unit, the decision of exemption or no-loss must be made by the board.

- Reason for changes: The changes above allow for an alternative to issuing a cease and desist order when the activity has already been completed by giving the enforcement authority the option of issuing a "notice of potential violation." The notice would inform the landowner of a likely violation and give the opportunity to provide information to support qualification for an exemption or no-loss, or to submit a replacement plan. A sentence was also added, based on a BWSR Wetland Committee recommendation, to require the enforcement authority to consult with the local government unit to determine if the landowner is in compliance or not prior to issuing a notice of potential violation. The sentence regarding submittal of copies of the order was relocated back to its original position in the existing rule for organizational purposes.

19) Page 45; ENFORCEMENT PROCEDURES; Subpart 6, After-the-fact replacement.

- Changes: If a landowner or responsible party seeks approval of a replacement plan after the proposed project has already impacted the wetland ~~or if sufficient replacement has not been provided under an approved replacement plan~~, or if an approved replacement plan has not been implemented in advance of or concurrent with the impact, the local government unit must require the landowner or responsible party to

replace the impacted wetland at a ratio twice the replacement ratio otherwise required, unless the local government unit and enforcement authority concur that ~~an increased~~ a lesser ratio is ~~not required~~ acceptable.

- Reason for changes: The first change was made to clarify intent and prevent misinterpretation. The second change was made to allow for an intermediate replacement ratio rather than an all-or-nothing increase for after-the-fact replacement.

20) Pages 41-45; Appeals, Compensation, and Enforcement; rule order.

- Change: The Enforcement Procedures part was moved up three parts (ahead of appeals) and the name of the section was rearranged to correspond to the new order (Enforcement, Appeals, and Compensation). The table of contents was also changed to correspond.

- Reason for change: To better follow a logical and sequential order.

Assessing Wetland Changes in the Prairie Pothole Region of Minnesota from 1980 to 2007

Fred T. Oslund, Rex R. Johnson, and Dan R. Hertel

U.S. Fish and Wildlife Service, Habitat and Population Evaluation Team, 18965 County Highway 82, Fergus Falls, Minnesota, USA 56537 Email: Fred_Oslund@fws.gov

Abstract: Wetlands in the Minnesota Prairie Pothole Region (PPR) are critical landscape elements because of their unmatched importance to breeding waterfowl, other wildlife, and because of their value as nutrient sinks, for runoff storage, and other environmental and socio-economic reasons. The data collected by the U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) is information for developing conservation strategies and evaluating net landscape changes affecting fish and wildlife populations. Minnesota wetlands were mapped 27 years ago by the NWI. To determine the current accuracy of the NWI data we use for conservation planning and evaluation, we examined 176 10.2-km^2 (4-mi^2) sample plots, in the Minnesota PPR using aerial photo interpretation techniques. We stratified our analysis by Bailey's (1995) Ecological Subsections (ES). We estimated that across the entire Minnesota PPR 4.3% of wetland area has been lost since 1980 with losses varying from 0-17% among ES. The implications of these findings suggest that NWI data should be regularly updated in areas subject to rapid wetland change due to human activities or climate change.

Keywords: National Wetlands Inventory, Minnesota, Prairie Pothole Region, wetlands

Introduction

The PPR was once one of the largest grassland-wetland ecosystems on earth before crop-based agriculture transformed the landscape (Prairie Pothole Joint Venture 2005). The region is composed of millions of small depressional wetlands, called potholes, which were left in the wake of retreating glaciers (Johnson et al. 2008). These potholes provide critical habitat for breeding waterfowl and other migratory birds. In wet years, the PPR may contribute over 70% of the total production of duck species that comprise the majority of the North American harvest (Bruce et al. 1989). As well as being essential for the production of migratory birds, potholes are also important nutrient

and sediment sinks from surrounding agricultural and urban lands, retain runoff which reduces flooding, sequester large amounts of organic carbon, and have other environmental and socio-economic values (Johnson et al. 2008).

Historically, prairie potholes once covered as much as 20% of the PPR and often exceeded 40/km² (100/mi²) (Johnson and Higgins 1997, Johnson, R. R. U.S. Fish and Wildlife Service, Unpublished Data for Minnesota, Kantrud et al. 1989). A 5-county area in west-central Minnesota that was estimated to historically support approximately 300,000 breeding dabbling duck pairs is able to support less than 59,000 breeding pairs today (-80%) (Johnson et al. 2008). In this same area, 81% of historic wetlands and 49% of wetland area have been converted to agriculture illustrating the propensity of farmers to drain small, shallow wetlands.

By 1980, when aerial photography used to create the National Wetlands Inventory (NWI) were acquired, the estimated statewide number of wetland acres in Minnesota had been reduced by 42% to 3,521,000 ha (8,700,000 ac) (Dahl 1990). The most significant losses occurred in the PPR of Minnesota. Although prairie pothole began as early as the last quarter of the 19th century at the time of European settlement (Dahl and Allord 1996, Wooten and Jones 1955) it reached its zenith from the 1950s through the 1970s as more powerful farming implements became commonplace on farms (McManis 1964). Most Minnesota prairie wetlands (>75%) had been drained by 1980 (R. Johnson, unpublished).

The NWI was established in 1974 to develop and provide information on the location, extent, and types of wetlands (U.S. Fish and Wildlife Service [USFWS] NWI 2002). The NWI delineated wetlands in the Minnesota PPR using circa 1980 high altitude color-infrared photographs at a 1:65,000-scale obtained from the National

Aeronautics and Space Administration (NASA) (Wilen et al. 1996). NWI mapping for Minnesota was completed over 27 years ago (USFWS NWI 2002).

The objective of this study was to assess the current accuracy of circa 1980 NWI data for conservation planning in the Minnesota PPR. Evaluation of post-1980 wetland gains and losses was necessary to quantify the amount and type of wetland change.

Study Area

We evaluated wetland change in five Ecological Subsections (ES) within the Minnesota PPR (Bailey 1995, Fig. 1). The Prairie Coteau, Minnesota River Prairie, and Red River Prairie ES comprise the Prairie Parkland Province (Bailey 1995). This province was historically dominated by tall grass prairie and presently is intensely farmed. The Aspen Parklands ES lies within the Tall Grass Aspen Parklands Province, which is a transitional area between prairie and semi humid mixed conifer-deciduous forests and, although frequently farmed in the early 20th century retains large areas of grassland pasture and hayland and aspen-dominated (*Populus tremuloides*) deciduous forest. The Hardwood Hills ES lies in the Eastern Broadleaf Forest, an area regarded as a transitional zone from open grassland to forest and woodland (Minnesota Department of Natural Resources 2008) (Fig. 1).

Methods

We used existing 10.2-km^2 (4-mi^2) breeding waterfowl and wetland survey plots for this assessment because long-term aerial photography data (circa 1988-present) was available for these sites (Fig. 1). The plot sample was stratified based on land ownership, i.e., private (the plot was >93% private and state-owned land); Federal (the plot contained at least 65 ha [160 ac] of USFWS Waterfowl Production Area [WPA]); easement (the

plot contained 65 ha [160 ac] of USFWS wetland easements); and refuge (the plot contained any amount of National Wildlife Refuge System land excluding WPA). Plots were restratified by Bailey (1995) subsections for this assessment (Table 1) so we did not have a truly random sample for estimating wetland change.

Color infra-red aerial photographs for each sample plot, 1991 to 2007, were used to determine wetland change. These aerial photographs were acquired each spring, during the wettest time of the year. Aerial photographs were overlaid with the NWI imagery, which allowed for detection of wetland alteration (Figure 2). TNT MIPS software (MicroImages, Inc.), version 7.3, was used to compare and map changes in wetland condition and to add or delete wetlands on aerial photographs by comparing them to NWI data. Circa 1980 wetland delineation were assumed to be accurate at that time. Data on presence, absence, classification and size were recorded for every wetland that occurred in the NWI data base and/or on aerial photos for each plot. Wetlands that were significantly altered in extent, including those that were completely drained or restored were recorded.

Wetlands were recorded as completely or partially drained if they showed altered hydrology (e.g., altered size or duration of ponding) in four consecutive years of recent aerial photography from 2004-2007 or we saw evidence of indicated tiling, ditching, filling, or intensive cultivation without crop damage that usually results from short-duration ponding. If partially drained, the remaining wetland area was delineated and compared to the NWI delineation to determine wetland area loss.

"Restored" wetlands resulted when a wetland was purposely restored or a drainage system fell into disrepair. Wetlands were classified as restored when water or

emergent vegetation was visible on aerial photographs in at least two consecutive years between 2004 and 2007. Deliberately restored wetlands were usually easily identified because there was a dike, water control structure, or ditch plug visible on aerial photos. Excavated or impounded features such as dugouts or stock dam were also included in this category. "Expanded" wetlands were significantly larger than the NWI delineation and were unlike restored wetlands in that they were not necessarily accompanied by a water retention structure. They were delineated and compared to NWI delineation to estimate increased wetland area.

Wetlands that were drainage affected (i.e. generally partially drained) were assigned a *d* modifier in circa 1980 NWI data (Cowardin et al. 1979). Drained wetlands with *d* modifiers were compared with those without *d* modifiers to determine if drainage rates differed between these and wetlands that were unmodified by drainage circa 1980.

Finally, data were compiled by ES and the plot-based estimates were expanded to each ES based on the ratio of plots sampled to the total of each ownership stratum within the ES. This, combined with NWI data, enabled us to estimate the overall change in wetland area and number in each ES.

Results

The 176 plots we sampled contained a total of 22497 ha of wetlands. There were a total of 1028 wetland ha that were lost to drainage and a total of 479 wetland ha that were restored (Table 2). Total net loss of wetland area in the sample plots since 1980 were 549 ha (Table 2) or approximately 2.28% (Table 2). This estimate increased to 4.34% when the sample was weighted by ownership strata and expanded to the entire Minnesota PPR (Table 3). Total wetland losses in the Minnesota PPR were estimated to

be 52,097 ha and a total of 13,011 ha were estimated to have been restored deliberately or due to failing drainage systems (Table 3) for a net loss of 39,086 ha since 1980. Estimates of net change by ES are provided (Table 3, Fig. 3).

Wetlands with *d* modifiers in the NWI data base accounted for 72% of post-1980 losses, and wetlands without a prior drainage history or for which drainage was missed in the NWI mapping process accounted for 28% of all losses.

Discussion

We routinely assume that the geospatial data used for conservation planning is accurate. Accuracy assessment is crucial if we are to have confidence in the outcomes of conservation planning and evaluation. In the case of land cover and wetlands, accuracy may be expected to degrade over time. Periodically checking accuracy, and remapping when warranted, is essential to developing credible conservation strategies.

Although this assessment indicated that wetland changes throughout the entire Minnesota PPR were relatively small (-4.3% of total area) over nearly 30 years, data for some regions are more outdated and should be priorities for remapping. For example, net change was -8% to -17% for ES in west central and southern Minnesota. Remapping wetlands in these regions should be a high priority for conservation partnerships in the state. We believe that most of these losses can be attributed to fixing or in some cases enhancing pre-existing drainage systems. Regardless of the legality of this drainage, it represents a significant loss of wetland functions in these areas. Finally, much of the new drainage (post 1980) can be attributed to the loss of small temporary wetlands (PEMA) which are routinely plowed through altering their depth due to redistribution of soil to the extent that they are incapable of retaining water in wet years. Improvements in drainage

technology, including pattern tiling fields around wetlands which intercepts runoff, are likely to exacerbate these losses in the future.

In an era of pledges of "No net loss of wetlands" we continue to loose wetlands and the functions and values they provide the citizens of Minnesota and the rest of the Country. This is even more remarkable in Minnesota given the long history and extensive progress made on wetland drainage prior to 1980 when, arguably, little remained to be drained in the state's PPR.

Finally, it is difficult to overstate the importance of reliable up-to-date NWI data for conservation planning and evaluating progress toward our trust species population objectives. For example, every joint venture needs information on changes in wetland status at about 5-year intervals to assess net progress toward population objectives. We recommend that the USFWS make regular NWI updates a high priority in regions of the U.S. experiencing rapid changes in wetland abundance, type or distribution due to human activities or climate change, and recommend that the USFWS work to secure long-term dedicated funding accordingly.

Literature Cited:

Bailey, Robert G. 1995. Description of the ecoregions of the United States (2nd ed.). Misc. Pub. No. 1391, Map scale 1:7,500,000. USDA Forest Service. 108pp.

Batt, B.D.J., M.G. Anderson, C.D. Anderson, and F.D. Caswell. 1989. The Use of Prairie Potholes By North American Ducks. Pages 204-227 *in* A. Van Der Valk, editor. Northern Prairie Wetlands. Iowa State University Press, Ames, USA.

Cleland, D.T., P.E. Avers, W.H. McNab, M.E. Jensen, R.G Bailey, T. King, and W.E. Russell. 1997. National Hierarchical Framework of Ecological Units. Published in, Boyce M.S. and A. Haney, ed. 1997. Ecosystem Management Applications for Sustainable Forest and Wildlife Resources. Yale University Press, New Haven, CT. p. 181-200.

Cowardin, L.M., V. Carter, F.C. Goblet, and E.T. LaRoe. 1979. Classification of wetlands and deepwater habitats of the United States. U.S. Fish and Wildlife Service. Washington, DC, USA: FWS/OBS - 79/31.

Dahl, T.E., and G.J. Allord, 1996, History of Wetlands in the Conterminous United States, in Fretwell, Judy D., Williams, John S., and Redman, Phillip J., compilers, 1996, National Water Summary on Wetland Resources: U.S. Geological Survey Water-Supply Paper 2425, p. 19-26.

Dahl, Thomas E. 1990. Wetlands losses in the United States 1780's to 1980's. U.S. Department of the Interior, Fish and Wildlife Service, Washington,D.C. Jamestown, ND: Northern Prairie Wildlife Research Center Online.

Goolsby, D.A., W.A. Battaglin, G.B. Lawrence, R.S. Artz, B.T. Aulenbach, R.P. Hooper, D.R. Keeny, and G.J. Stensland. 1999. Flux and sources of nutrients in the Mississippi-Atchafalaya River Basin. Decision Analysis Series No. 17: NOAA Ocean Program.

Johnson, R.R. and K.F. Higgins. 1997. Wetland Resources of Eastern South Dakota. Brookings: South Dakota State University. 102pp.

Johnson, R.R., F.T. Oslund, and D.R. Hertel. 2008. The past, present, and future of prairie potholes in the United States. Journal of Soil and Water Conservation. 63:84-87.

Kantrud, H.A., G.L. Krapu, and G.A. Swanson. 1989. Prairie basin wetlands of the Dakotas: community profile. U.S. Fish and Wildlife Service Biol Rep 85(7.28), Washington, D.C.

McManis, D.R., 1964, The initial evaluation and utilization of the Illinois prairies, 1815 1840 : Chicago, Ill ., University of Chicago, Department of Geography Research Paper no. 94, p.109

Minnesota Department of Natural Resources. 2008. MNDNR Ecological Classification System. <http://www.dnr.state.mn.us/ecs/index.html> Accessed 2008 Feb 4.

U.S. Fish and Wildlife Service National Wetlands Inventory. 2002. A Strategy for the 21st Century. U.S. Fish and Wildlife Service. Washington, DC, USA.

Prairie Pothole Joint Venture. 2005. Implementation Plan. Section 1 Plan Foundation. U.S. Fish and Wildlife Service

Wilen, B.O., V. Carter, and J.R. Jones, 1996. Wetland Mapping and Inventory, Fretwell, J.D., J.S. Williams, and P.J. Redman, 1996, National Water Summary on Wetland Resources: U.S. Geological Survey Water-Supply Paper 2425, p. 73-78.

Wooten, H.H., and L.A. Jones, 1955, The history of our drainage enterprises, in The yearbook of agriculture, 1955: Washington, D.C., U.S. Department of Agriculture, 84th Congress, 1st Session, House Document no. 32, p. 478-498.

Whittmier, H. G.D. Mack. 1982. Wetland status in the Yellow Bank River and upper Big Sioux River watersheds in South Dakota. Unpublished. Pierre, South Dakota: USFWS.

Table 1: Number of Private, Federal/State, Easement, and Refuge stratum and total number of plots per Ecological Subsection (ES).

Subsection Region	Private	Federal/State	Easement	Refuge	Total Plots
Aspen Parklands	11	0	0	0	11
Coteau Moraines	12	2	1	0	15
Hardwood Hills	10	8	4	0	22
Inner Coteau	4	0	0	0	4
Minnesota River Prairie	64	22	9	2	97
Red River Prairie	16	9	2	0	27

Table 2: Wetland change data since 1980 collected from sample plots within each ES.

Ecological Region	Total Wetland Hectares in Sample	Wetland Hectares Drained	Wetland Hectares Restored	Net Change	Percent Change
Aspen Parklands	3718.68	78.53	0.7	77.83	-2.35
Coteau Moraines	472.5	50.28	10.06	40.22	-8.51
Inner Coteau	57.43	5.15	0	5.15	-8.97
Hardwood Hills	4962.76	45.77	42.13	3.64	-0.07
Minnesota River Prairie	11592.92	769.72	333.28	436.44	-3.76
Red River Prairie	3295.75	78.23	92.6	14.37	0.44
TOTAL	**22497.45**	**1027.68**	**478.77**	**548.91**	**-2.28**

Table 3: Estimates of wetland change since 1980 expanded to ES and the entire Minnesota PPR.

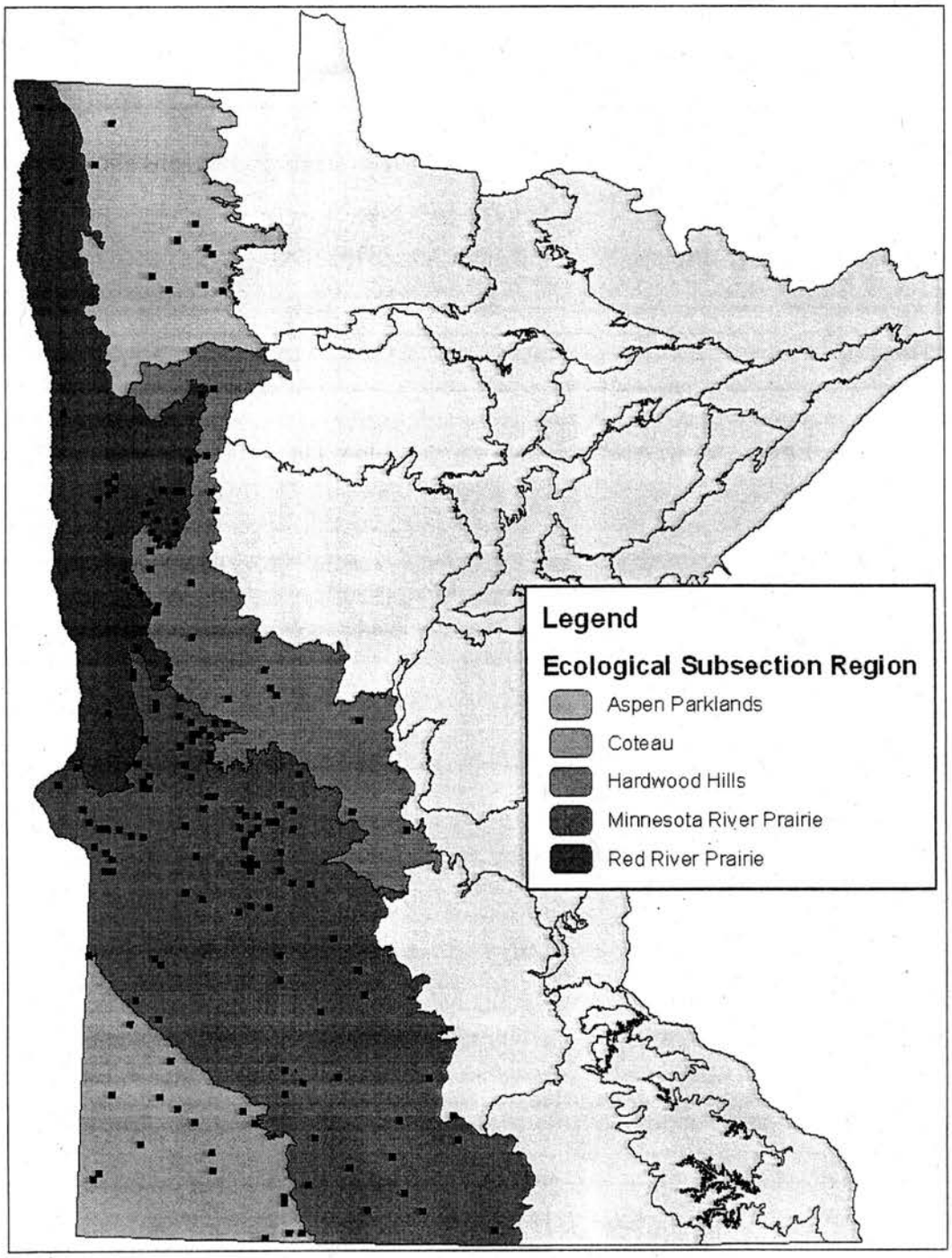
Ecological Region	Total Wetland Hectares in MN PPR	Wetland Hectares Drained	Wetland Hectares Restored	Net Change for PPR	Percent Change
Aspen Parklands	345256.27	8181.08	72.94	8108.14	-2.35
Coteau Moraines	15009.65	2603.47	73.09	2530.38	-16.86
Inner Coteau	4665.88	418.58	0	418.58	-8.97
Hardwood Hills	54907.24	1958.19	1703.50	254.69	-0.46
Minnesota River Prairie	353883.16	35204.08	7382.72	27821.36	-7.86
Red River Prairie	127781.31	3731.97	3778.57	46.60	0.04
TOTAL	**901503.51**	**52097.37**	**13010.81**	**39086.56**	**-4.34**

Figures

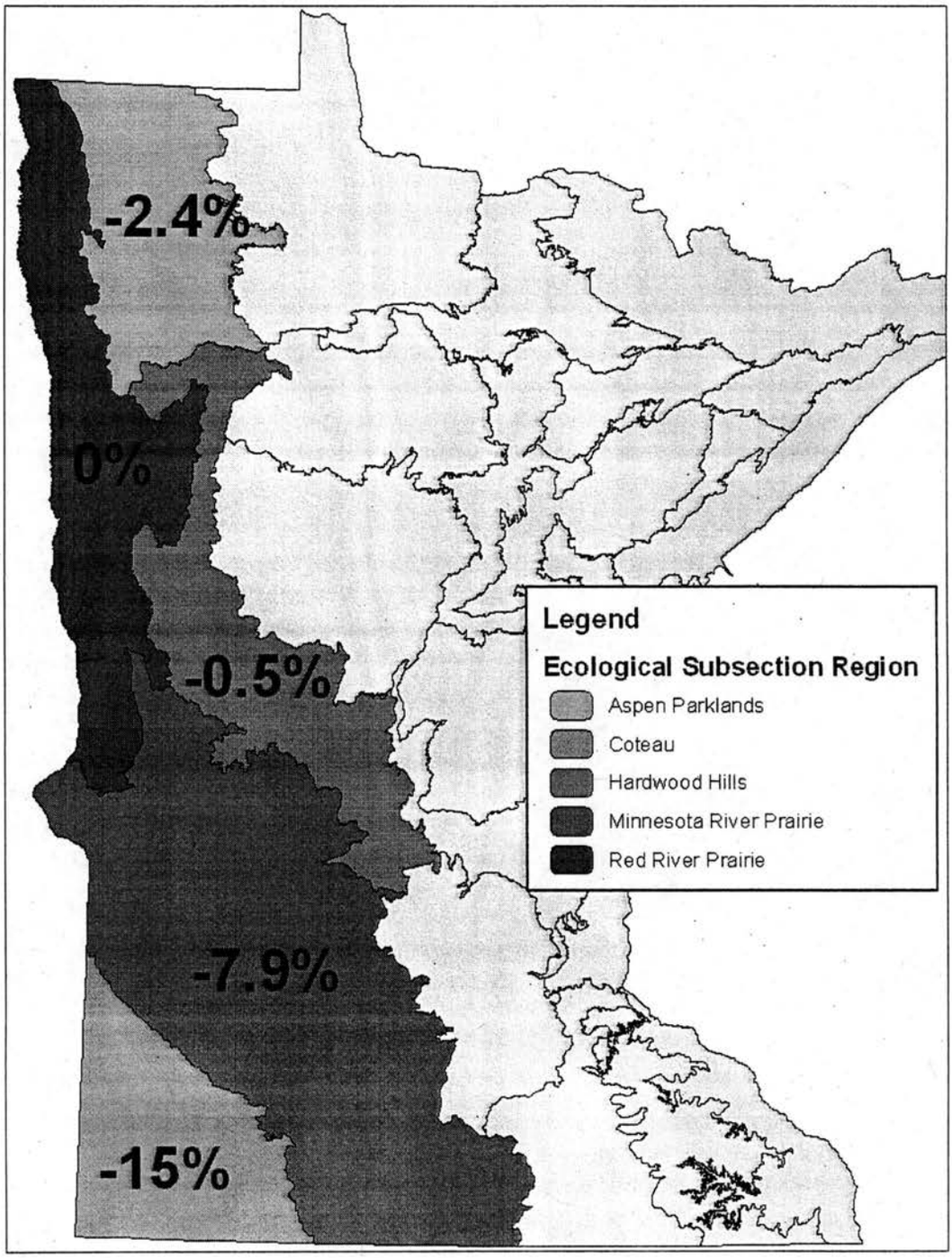
1. The Prairie Pothole Region (PPR) of western Minnesota showing locations of sample plots and ecological subsections (ES).

2. National Wetlands Inventory (NWI) data overlaid on aerial photographs allowed for detection of altered wetlands.

3. Percent net change displayed by Ecological Subsection (ES).


Legend
Ecological Subsection Region
Aspen Parklands
Coteau
Hardwood Hills
Minnesota River Prairie
Red River Prairie




-2.4%
0%
-0.5%
-7.9%
-15%
Legend
Ecological Subsection Region
Aspen Parklands
Coteau
Hardwood Hills
Minnesota River Prairie
Red River Prairie

December 16, 2008

Randy Kramer
Chair, Minnesota Board of Water and Soil Resources
42808 County Road 11
Bird Island, MN 55310

RE: Comments on the December 5 Version of the Draft Wetland Conservation Act (WCA) Rules, Minnesota Rules, Chapter 8420.

Dear Mr. Kramer:

This letter provides comments from the undersigned organizations on the current version of the draft Wetland Conservation Act (WCA) Rules, Minnesota Rules, chapter 8420. We represent a coalition of conservation and environmental groups that have a deep interest in wetland conservation in Minnesota. Staff members and volunteers from our organizations have participated in the wetland conservation act review process that preceded this rulemaking and have participated in this rulemaking process. We appreciate the time and professionalism of the Minnesota Board of Water and Soil Resources (BWSR) staff during this process. We also note that BWSR has kept this rulemaking process on the scheduled timeline. Their commitment to getting these rules finished in an open and fair process is worth noting because we are not aware of any other recent rulemaking processes that have kept to the scheduled timeline.

These comments refer to the December 5, 2008 version of the Draft Rules with strikeouts.

General Comments

The numerous structural, grammatical, punctuation, and wording changes to these draft rules were needed to streamline the rules and allow for easier reading and clearer interpretations. A review of the mark-up version of the rules reveals that there have been many changes including substantial structural changes such as deletions and relocations of multiple sections, subparts, and paragraphs. We support these changes which are generally good and seem to be an attempt to make it easier to read and understand this rather complicated set of rules.

Most changes conform to statutory changes enacted by the legislature in 2007 (S.F. 2096 and S.F. 1311). The legislature directed BWSR to make numerous changes to the WCA rules. These draft rules are generally consistent with legislative directives.

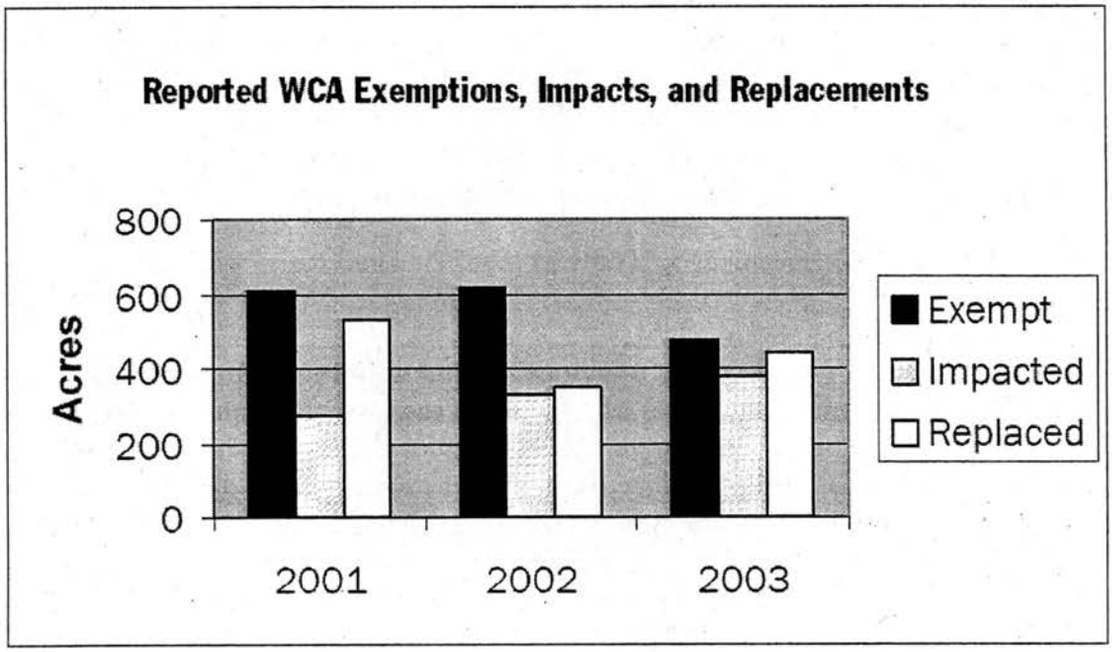
PRIMARY ISSUES OF SUPPORT AND CONCERN

Exemption Reporting (Determining Local Government Duties. Subp. 3. *page 10 and 11*)
A primary goal of the Wetland Conservation Act (WCA) is to achieve "no net loss" of wetland functions and values in Minnesota (M.S. 103A.201). The law included a number of "exemptions" when originally enacted. In subsequent revisions of this law the de minimus exemption was expanded.

As stated in the BWSR 2001-2003 Minnesota Wetland Report:
"WCA currently includes nine separate categories of activities that are exempt from regulation. While these exemptions may be necessary to maintain the broadest public support for the Act, they also make it difficult to track net wetland gains and losses. This is because exempt activities are legal and the local governments are not required to approve or track exemptions. Therefore, the data on wetlands lost due to exempt activities are incomplete."

This report also states and includes the following figure demonstrating a net loss in wetland acres even with incomplete reporting of exemptions:
"Analysis of reported WCA data shows a net loss of 1,367 (average of 456/year) acres over 2001- 2003, when counting acres impacted through reported exemptions, regulated impacts, and required mitigation."

Figure 2



Specifically, in regards to exemptions the 2001-2003 report states:
The data reported by LGUs indicate that exempt wetland impacts exceed the acreage gain from the 2 to 1 replacement that is required for most other impacts.

Likewise, a recent investigation conducted by United States Fish and Wildlife Service demonstrates that wetland acres have been lost since 1980 in the Prairie Pothole Region of Minnesota even with accounting for voluntary conservation practices that have temporarily or permanently restored wetlands on the landscape. (See, Oslund et. al. 2008, attached).

Based on the best available evidence, WCA is helping conserve wetlands but it is not achieving "no net loss." In addition, because reporting exemptions is not required and the data on exemptions is incomplete, the net effect of the WCA is not fully known.

Given this information, we fully support the changes to exemptions reporting made at the 11/20/08 BWSR Board's wetland committee meeting, which require landowner exemptions be reported. Reporting exemptions is a reasonable way to obtain sufficiently accurate data to provide for estimates of exempt wetland impacts as was required by the 2007 legislation (addition of item d. 103G.2241, subdivision 11). Reporting exemptions in the convenient online or mail-in manner BWSR is proposing, or via other possible methods, does not represent an undue burden on citizens or local government units (LGUs). The changes here give LGUs the flexibility to track and check exemptions if they choose, but does not require them to do so. Exemption reporting does not interfere with a landowner's entitlement to an exemption. Instead, requiring reporting may help landowners avoid accidental transgressions of wetland law and also helps raise awareness of exemptions so that landowners are more likely to stay within the bounds of available exemptions.

In-Kind Replacement and Wetland Banking (Replacement Standards. Subp. 3. Replacement Ratios. *Page 36*)
Replacement ratios when banking wetlands only consider whether the replacement is within or outside of the banking service area. It causes us great concern that replacement through use of wetland banking does not require any consideration of actual in-kind replacement. This is of particular concern for bogs, swamps, floodplain forest, and seasonal "riparian" wetlands associated with watercourses. The functions and public value of these types of wetlands are particularly difficult to replace and we are not aware of any wetland banks that replace these wetland types. We believe that in-kind replacement must be factored into the minimum replacement ratios for banking these types of wetlands.

Role of Enforcement (Enforcement Procedures Subp. 5. Restoration and Replacement Orders. *Page 74*)
The proposed change removes enforcement authorities from the decision making process for ordering wetland replacement or wetland restoration. We ask that the proposed changes not be made. In the current rules, replacement can be ordered only if the local Soil and Water Conservation Districts (SWCD), technical evaluation panel and enforcement authority all concur that restoration is not feasible or prudent. In effect, that gives the SWCD, technical evaluation panel (TEP), and the enforcement authority equal opportunity to object to a proposal for replacement instead of restoration. BWSR has said that they've had a complaint or two about the enforcement representative not going along with the SWCD and TEP. BWSR has also said that determining whether a restoration is feasible and prudent is purely technical inquiry/decision, and that enforcement authorities lack that technical ability. We disagree on all points: DNR's Wetland Enforcement Officers (WEOs) and Conservation Officers (Cos) have training and develop substantial experience in wetlands law and science. In addition, we believe that there is a non-technical part of the decision to consider, which is whether the law will continue to have deterrent power without a strong presumption that restoration will be required provided with back up by a person who has an enforcement mentality. The enforcement authority plays an essential role in determining whether it is prudent in an enforcement action to

allow a variance from the presumed consequence of a violation, the presumed consequence being wetland restoration. This aspect of law enforcement, whereby enforcement retains limited discretion to allow a variation from the default penalty when deterrence would not be harmed and when other factors permit, is well within the traditional role of law enforcement.

COMMENTS ON SPECIFIC SECTIONS OF DRAFT RULES

The following comments are based on an initial review of the December 5, 2008 version of the Draft Rules.

PURPOSE AND SCOPE *(page 5)*

Proposed changes, additions, deletions are generally acceptable and make this section more understandable.

LOCAL GOVERNMENT UNIT DUTIES AND RESPONSIBILITIES *(page 8)*

Proposed changes, additions, and deletions are generally acceptable. They provided needed clarification to some of LGU duties and responsibilities that will benefit the LGU, agencies, and citizens. We are well aware that LGUs are instrumental in conserving wetlands and support changes and additions such as these because they will help ensure more efficient and effective implementation of the WCA.

Determining Local Government Unit Duties and Procedures

Subp 2. *Local Government Duties* (page 11), the addition of items D, E, F, G, and I provide needed clarification to the duties of the LGU as they relate to the technical evaluation panel and records of decision (D and E) while providing the LGU with some needed clarity regarding flexibility (item F) and clear recording and reporting requirements (G and H). Future implementation of this section will provide for better decisions and better record keeping than is required today.

Then, in Subp. 3, *Procedures and penalty for local government unit failure to apply law*, the changes in items A and B and the additions of item C here clear up any previous misunderstandings regarding the procedures and penalties for LGUs if they do not properly implement the WCA.

Other Local Government Units Wetland Rules and Ordinances:

The added sentence provides needed guidance for those LGUs who choose to require tracking of exemptions and temporary impacts.

Technical Evaluation Panel Procedures:

The technical evaluation panel is an important component in the effective implementation of the WCA. The changes, additions, and deletions in this section provide needed clarifications and updates to the current rules based on practical experiences of the past 15 plus years.

We suggest one structural change to this section on page 12 under item C. This section begins with "The technical evaluation panel, if requested to do so…." The last portion of this section states "The panel must review applications…." Including these last few sentences in item C may lead to some confusion. We suggest that the last three sentences of this section be removed from item C and become a new item D with the current items D and E then becoming E and F, respectively.

Local Government Unit Application and Decision Procedures
The changes, additions, and deletions in this section have created an easy to understand overview of the step by step process that LGUs must follow during application and decision procedures. We suggest strengthening the following sentence in Subp. 2 *Decision.* on page 14.
"The local government unit must also consider any comments received from those required to receive notice."

We suggest it be changed to:
"The local government unit must also consider *and include* any comments received from those required to receive notice."

This change would be consistent with the requirement in the sentence preceding this one that says the LGU must "consider and include the technical evaluation panel's recommendation, if there is one."

Previously Approved Applications:
No specific comment.

APPLICATION PROCEDURES *(page 16)*

General Application Requirements
This new section provides straightforward guidance and a complete overview of the general application requirements.

Wetland Boundary or Type Applications
This new section provides clear guidance for landowners and LGUs related to wetland boundary or type applications.

No Loss Applications
We generally supports the changes, additions, deletions to this section of the draft rules; however, we believe the use of the term "no loss" here and throughout the draft rules should be replaced with the term phrase "no loss decision." The phrase "no loss" is used frequently throughout these draft rules as a noun. It is an adjective. In this section, the phrase "no loss decision" is used. For clear reading and understanding elsewhere in these rules we suggest that the phrase "no loss" be replaced with "no loss decision" wherever it occurs in the draft rules. We also note that there is no definition of "no loss" or "no loss decision" in the definitions section. The addition of a definition for "no loss" or "no loss decision" would also be beneficial since the term is used often prior to it being defined in this section.

Exemption Applications
Comments on this section are provided in primary comment section of this letter above.

Sequencing Applications
This new section provides landowners with an option to get feedback on sequencing prior to submittal of a detailed replacement plan. Written documentation of sequencing, whether provided under this section or within a replacement plan, is essential for the WCA to be effective at wetland conservation.

Replacement Plan Applications
This section presents a straightforward process and application requirements for replacement plan application. Encouraging the use of a pre-application process and a site visit in subpart 2 makes good sense. The other new subparts are needed to ensure effective implementation of the WCA.

Contractor's Notification Responsibility
This relocated section provides clear guidance to contractor's related to their responsibilities under WCA.

WETLAND BOUNDARY, NO-LOSS, AND EXEMPTION STANDARDS *(page 21)*

Wetland Boundary or Type
The changes, additions, and deletions to this section are more descriptive and complete than the previous rules and are needed to effectively implement WCA.

No-Loss and Exemption Conditions
The conditions described in this new section are generally acceptable and needed and they are consistent with basic stormwater and construction management practices.

No-Loss Categories
The inclusive list of activities that can be considered a "no-loss" in WCA is comprehensive and reasonable. The list is needed to help avoid misinterpretations of what can be considered a no-loss.

Exemption Standards
Subpart 1. *Scope.* The changes, deletions and additions in items A, B, and C are generally acceptable and needed for effective implementation of the WCA. Item C is needed based on experiences in recent years where exemptions have been claimed for agricultural purposes when a future land use change to residential is anticipated. Items C should clear up this loophole in WCA rules.

Subpart 2. *Agricultural Activities.* Most changes, deletions, and additions to this section have been made to clarify the rules. We disagree with the addition of item D which exempts: "filling a wetland to accommodate wheeled booms on irrigation devices if the fill does not impede normal drainage;"
To our knowledge there is no demonstrated need for this wholesale exemption of filling a wetland to accommodate booms from irrigation devices. This exemption could easily lead to fill beyond that needed "to accommodate wheeled booms" and no agency or entity is specified to determine whether "the fill does not impede normal drainage." We suggest this exemption be removed and such activities be subject to replacement just as any other wetland impact.

Subpart 3. *Drainage.* Most of the changes, additions and deletion in this subpart are not substantive and only reorganize text from the previous rules.

Item A. *Drainage maintenance or repair,* references Minnesota drainage law M.S. 103E. "Maintenance" in regards to drainage is not defined in these rules or in M.S. 103E. Without a clear definition, it is difficult to assess the use of the word "maintenance" here in these rules. In contrast, "repair" is clearly defined in M.S. 103E. Presumably, maintenance relates to activities that do not substantively increase the dimensions or conveyance capacity of a public drainage system but do not rise to the level of a "repair" as described in statute.

Item B. *Drainage enhancement* is a new term and apparently defined here by this item in the draft WCA rules. It seems that the text in part 1 of this item are from previous rules which describes an exemption for what are commonly known as "prior converted" and "farmed wetlands" that are within a public drainage system. The text in part 2 of this item describes an exemption for draining wetlands that are part of a drainage system that was maintained or repaired prior to 1992 as long as the drainage is not for residential or commercial development. We suggest the content of this item should be placed under "drainage" without adding and defining new terms here as a new item B.

Item C. This sentence should be moved to be the second sentence under Subp. 3. rather than being placed at the end of this subpart as a separate item.

Subp. 7. *Forestry.* The changes, additions, and deletions to this section provide for more effective implementation of the WCA. Forestry should track and report exemptions as required by other landowners and exemptions should only be in effect when roads are used "primarily" for forestry.

Subp 8. *De minimus.* The changes, additions, and deletions to this subpart are generally consistent with those required by 2007 statute changes.

WETLAND REPLACEMENT *(page 30)*

Purpose and Requirement

Changes, additions, and deletions to this section are generally acceptable and needed for effective implementation of the WCA.

Special Considerations
Changes, additions, and deletions to this section are generally acceptable and needed for effective implementation of the WCA.

Sequencing
Changes, additions, and deletions to this section are generally acceptable and needed for effective implementation of the WCA.

Replacement Standards
We support the changes, additions, and deletions to this section with the exceptions noted below. The modifications strengthen and clarify WCA rules. Subp. 5 and Subp. 6 are particularly good additions.

Subpart 1. *General Requirement.* What is the intent of the sentence "*Replacement of wetland function and value may occur at more than one location.*"? Does this imply that wetland functions from more than one impacted wetland can be parsed and replaced among different wetland banks or projects?

Subpart 3. *Replacement Ratios.* The ratios described are generally reasonable; however, as discussed in the primary issues section of this letter above.

Actions Eligible for Credit
Changes, additions, and deletions to this section are generally acceptable and needed for effective implementation of the WCA.

Replacement Construction Standards
Changes, additions, and deletions to this section are generally acceptable and needed for effective implementation of the WCA.

Replacement for Public Transportation Projects
Changes, additions, and deletions to this section are generally acceptable and needed for effective implementation of the WCA.

WETLAND BANKING *(page 51)*

Purpose of Wetland Banking
Changes, additions, and deletions to this section are generally acceptable and needed for effective implementation of the WCA.

Establishing a Wetland Bank
Changes, additions, and deletions to this section are generally acceptable and needed for effective implementation of the WCA. This section outlines a clear process to establish a wetland bank.

Certification and Deposit of Credits
Changes, additions, and deletions to this section are generally acceptable and needed for effective implementation of the WCA.

Monitoring and Corrective Actions
Changes, additions, and deletions to this section are generally acceptable and needed for effective implementation of the WCA.

Withdrawals and Transfers
Changes, additions, and deletions to this section are generally acceptable and needed for effective implementation of the WCA.

Bank Account
Changes, additions, and deletions to this section are generally acceptable and needed for effective implementation of the WCA.

Administration
Changes, additions, and deletions to this section are generally acceptable and needed for effective implementation of the WCA.

INSPECTION AND MONITORING OF REPLACEMENT WETLANDS *(Page 60)*

Replacement Wetland Construction
Changes, additions, and deletions to this section are generally acceptable and needed for effective implementation of the WCA.

Replacement Wetland Monitoring
Changes, additions, and deletions to this section are generally acceptable and needed for effective implementation of the WCA. The monitoring section has been strengthened.

Local Government Unit Monitoring Responsibilities
Changes, additions, and deletions to this section are generally acceptable and needed for effective implementation of the WCA. This section is not included in the table of contents under "inspection and monitoring of replacement wetlands". It needs to be added.

WETLAND PLANNING *(page 63)*

Local Comprehensive Wetland Protection and Management Plans
Changes, additions, and deletions to this section are generally acceptable and needed for effective implementation of the WCA. Detailed guidance is provided for LGUs to follow if they choose to develop and implement a local wetland plan.

High Priority Regions and Areas
Changes, additions, and deletions to this section are generally acceptable and needed for effective implementation of the WCA.

Wetland Preservation Areas
Changes, additions, and deletions to this section are generally acceptable and needed for effective implementation of the WCA.

APPEALS, COMPENSATION, AND ENFORCEMENT *(page 70)*

Appeals
Excepted as noted below, changes, additions, and deletions to this section are generally acceptable and needed for effective implementation of the WCA.

Subp. 2. *Appeal of local government unit staff decisions.* This subpart requires that 100 residents are needed to petition for an appeal of a staff decision. Setting the minimum at 100 is too high. We suggest this be changed to 25.

Compensation Claim Against Local Government Units
The few changes to this section are generally acceptable and needed for effective implementation of the WCA.

Compensation To Landowners
Changes, additions, and deletions to this section are generally acceptable and needed for effective implementation of the WCA.

Enforcement Procedures
Except as noted in the primary issue section above, the changes, additions, and deletions to this section are generally reasonable and needed for effective implementation of the WCA.

ACTIVITIES UNDER DEPARTMENT OF NATURAL RESOURCES AUTHORITY *(page 75)*

Mining
Changes to this section are generally acceptable and needed for effective implementation of the WCA.

Standards and Criteria for Identification, Protection, and Management of Calcareous Fens
The few changes to this section are generally acceptable and needed for effective implementation of the WCA.

Subp. 3. *Procedures to list calcareous fens.* In item C. an updated list is mentioned; however, no timeframe is mentioned for updates. Is this intended to be an annual update or some other timeframe?

DEFINITIONS AND REFERENCES *(page 77)*

Definitions
The changes, additions, and deletions to this section are generally acceptable and needed for effective implementation of the WCA.

Incorporation By Reference
The addition of Item P. in this section is reasonable and needed for effective implementation of the WCA.

Thank you for the opportunity to provide comments on these rules. We look forward to providing additional comments as needed as these rules proceed through the rulemaking process.

Sincerely,

Martha Brand /st
Martha Brand
Executive Director
Minnesota Center for Environmental Advocacy

Dave Zentner /st
Dave Zentner
Minnesota Division, Izaak Walton League of America

Gary Botzek /st
Gary Botzek
Executive Director
Minnesota Conservation Federation

Margaret Levin /st
Margaret Levin
State Director
Sierra Club North Star Chapter

Lance Ness /st
Lance Ness
President
Fish and Wildlife Legislative Alliance

cc: Dave Weirens
John Jaschke

December 16, 2008

John Bailey
Policy Director
1000 Friends of Minnesota

Mark Peterson
Executive Director
Audubon Minnesota

Ken Bradley
Executive Director
Clean Water Action Alliance – Minnesota

Paul Austin
Executive Director
Conservation Minnesota

Dave Zentner
Past National President
Minnesota Division Izaak Walton League

Martha Brand
Executive Director
Minnesota Center for Environmental Advocacy

Gary Botzek
Executive Director
Minnesota Conservation Federation

Margaret Levin
State Director
Sierra Club North Star Chapter

Dear Chair Kramer and members of the Board:

We request the BWSR board to pass the exemption reporting language passed by the Wetlands Subcommittee on November 20, 2008 and provided in the December 5, 2008 Draft Rules.

Wetlands are a treasured resource for Minnesota: swamps, bogs, marches, potholes, and wet meadows all are a part of Minnesota's great water heritage. Wetlands provide filtration that improves water quality, recreation for people, habitat for resident and migratory birds and a myriad of other animal and plant species, and flood and pollution control. The Wetland Conservation Act (WCA), passed by the Minnesota legislature in 1991, has provided important protection for the quantity, quality, and biological diversity of Minnesota's remaining wetlands. One of its goals is to ensure that there is no net loss of wetlands. In order to know if this goal is achieved, the losses due to use of exemptions must be tracked.

While we have a number of outstanding issues with proposed changes in the 2008-2009 Permanent Rules, our respective organizations support the December 5, 2008 Draft rules language on exemption reporting:

"Landowners who choose not to seek local government unit approval of an exemption must, prior to impacting a wetland, report the exempt activity to the board using a website or other methods developed by the board. The report must provide information required by the board, including the name and contact information of the landowner, the location of the activity by township, range, and section, the exemption being claimed, and the amount of wetland impact in square feet. Information collected regarding exemptions serves the purpose of gathering data on the use of exemptions." (Draft Rules, 12/5/08, p.17)

We believe this language addresses a major barrier to collecting accurate information regarding estimates of exempt wetland impacts: communication from landowners to LGUs or BWSR directly regarding the use of exemptions. This language has the potential to address that barrier, and meets the intent of the 2007 amendment to Minnesota Statute §103G.2241, Subd. 11 which directs BWSR to: "develop rules that address the application and implementation of exemptions and that provide for estimates and reporting of exempt wetland impacts, including [agricultural drainage activities, utilities/public works, and *de minimis*]" [referenced by statute.]

Minnesota Timber Producers Association
903 Medical Arts Building • 324 W. Superior St. • Duluth, Minnesota 55802
Phone 218-722-5013 • Fax 218-722-2065

December 17, 2008

Mr. Randy Kramer, Chair
Board of Water and Soil Resources
520 Lafayette Road
St. Paul, MN 55155

RE: Wetland Conservation Act Draft Rule

Dear Mr. Kramer:

We strongly urge that the revised draft wetland conservation act rule not be adopted in its present form. There are several items contained in the draft rule that we would draw your attention to.

Requirement to Notify for Exemptions

There are 6 – 8,000 logging jobs in Minnesota each year. During the processes leading up to the publication of the draft rule substantial information was provided on the silvicultural and forest road exemptions. The information showed virtually no impacts to wetlands from these activities. We have also previously asked BOWSR staff for a review of violations of these exemptions since the passage of the Wetlands Conservation Act nearly twenty years ago. From this request we are aware of a few dozen problems since passage of the act.

Requiring landowners and loggers to file 6 – 8,000 notifications with BOWSR or local units of government will do nothing more than create a pile of 6 – 8,000 notifications. It is an undue burden and, in our opinion, contrary to the legal authorities that BOWSR has.

We respectfully request that this passage be eliminated.

Forest Roads

The draft rule substantially changes the forest road exemption. First it changes the construction standard from primary purpose (silvicultural activities) to sole purpose. This was not the legislative intent. It also adds a primary use provision. Forest roads are constructed for the purpose of performing silvicultural activities. These activities occur periodically. The roads, if they are not gated or obstructed, are used by citizens to watch birds, pick berries, hunt etc.

This paper is made from Minnesota trees.

The draft rule also eliminates important language in this section and further changes the construction standards. The sum of these changes is to make the rule more vague and to place the construction of forest roads, an exempt activity in the law, further under the discretion of BOWSR staff.

We believe that these changes are beyond the purview of BOWSR and contrary to law as are the notification changes discussed above. Given the changing nature of the draft rule we may have additional comments.

We urge you to make these requested changes. This is a very important issue to our members who have a commendable track record in protecting wetlands as documented by the DNR and the MN Forest Resources Council.

Sincerely,

Wayne. E. Brandt
Executive Vice President

C: John Jaschke

12-5-08 Draft

Wetland Conservation Act

Minnesota Rule Chapter 8420

Summary of changes from the 11-17-08 version of the draft rule.

The 12-5-08 draft rule includes the following changes since the 11-17-08 draft:

1. Changes resulting from the 12/20/08 BWSR Wetland Committee meeting.
2. Numerous edits relating to organization, grammar, punctuation, and wording clarification.
3. Minor wording changes to better clarify intent.
4. Specification of current requirements.

The following is a brief listing of substantive changes, with page references corresponding to the strikeout version of the 12-5-08 draft rule:

- **Wetland Boundary and Replacement Plan Applications** (LGU Application and Decision Procedures, subpart 2, page 13; and Wetland Boundary or Type Applications, page 16): Language was added to the 12-5-08 draft rule to clarify that a wetland boundary or type application: 1) may be submitted independently from a no-loss, exemption, replacement plan, or banking plan application; 2) after approval, may be incorporated into a subsequent no-loss, exemption, replacement plan, or banking plan application; and 3) when approved and incorporated into a subsequent application, may not serve as the basis for determining an application incomplete.
- **Landowner Reporting of Exemptions** (Exemption Applications, item C, page 17): The 11-17-08 draft rule encourages landowners to report information on exempt activities to BWSR. The 12-5-08 draft rule requires landowners to report exempt activities to BWSR.
- **Replacement Plan Applications** (Replacement Plan Applications subpart 3, page 19): A sub-item was added for replacement plan applications to include a description of how the replacement wetland meets the ecological suitability and sustainability requirements of the Replacement Standards part.
- **Replacement via Banking** (Replacement Plan Applications subpart 3 item C and subpart 4 item C, page 20): Provisions were added to identify the information required to be included with a replacement plan that utilizes bank credits for replacement, and to be clear that an approval of a replacement plan utilizing bank credits for replacement is not valid until the credits have been withdrawn.
- **Determining Replacement Ratios** (Replacement Standards subpart 3, page 36): Two tables were added to summarize replacement ratios.
- **Upland Buffers** (Replacement Standards subpart 6, pages 37 and 38): For replacement wetlands less than 2 acres in size, the required buffer width was changed from a minimum of 25 feet to an average of 25 feet. Language was also added to allow for LGU variance of the buffer requirements when it is ecologically beneficial based on a review by the TEP.
- **Wetland Banking Applications** (Establishing a Wetland Bank Site subparts 1 and 3, page 56): Language was added to clarify the wetland bank application requirements.
- **Duration of Monitoring** (Replacement Wetland Monitoring subpart 3, page 61): Language was edited to clarify intent. The monitoring period is 5 growing seasons, but applicants may request early TEP review and certification of replacement no sooner than after the 3rd full growing season.

12-5-08 DRAFT

WETLAND CONSERVATION ACT

MINNESOTA RULE CHAPTER 8420

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PURPOSE AND SCOPE

8420.0100 PURPOSE.

This chapter implements the regulatory provisions of the Wetland Conservation Act of 1991, Laws 1991, chapter 354, as amended by Laws 1993, chapter 175; Laws 1994, chapter 627; Laws 1996, chapter 462; Laws 2000, chapter 382; Laws 2001, chapter 146; Laws 2002, chapter 220; Laws 2003, chapter 128; Laws 2004, chapters 221 and 255; Laws 2007, chapters 57 and 131; and Laws 2008, chapter 368. This chapter shall be interpreted to implement the purpose of the act, which is to:

A. achieve no net loss in the quantity, quality, and biological diversity of Minnesota's existing wetlands;

B. increase the quantity, quality, and biological diversity of Minnesota's wetlands by restoring or enhancing diminished or drained wetlands;

C. avoid direct or indirect impacts from activities that destroy or diminish the quantity, quality, and biological diversity of wetlands; and

D. replace wetland value where avoidance of activity is not feasible and prudent.

The regulatory provisions of the Wetland Conservation Act advance the purpose in this part by requiring persons proposing to impact a wetland to first, attempt to avoid the impact; second, attempt to minimize the impact; and finally, replace any impacted area with another wetland of at least equal function and value. As specified in greater detail in part 8420.XXXX, certain projects are exempt from the requirement for a replacement plan under the Wetland Conservation Act.

The Wetland Conservation Act is administered by local government units with oversight provided by the Board of Water and Soil Resources. Enforcement of the act is provided by Department of Natural Resources conservation officers and other peace officers. The Wetland Conservation Act became effective on January 1, 1992, and this chapter and portions of Minnesota Statutes, chapters 103A, 103B, 103E, 103F, and 103G, govern its implementation. The public is encouraged to contact their local government unit or soil and water conservation district for general information on wetlands and the interpretation of this chapter.

8420.XXXX SCOPE.

Wetlands must not be impacted unless replaced by restoring or creating wetland areas of at least equal public value. This chapter regulates the draining or filling of wetlands, wholly or partially, and excavation in the permanently and semipermanently flooded areas of type 3, 4, or 5 wetlands, and in all wetland types if the excavation results in filling, draining, or conversion to nonwetland.

This chapter does not prevent the use of the bed of wetlands for pasture or cropland during dry periods if dikes, ditches, tile lines, or buildings are not constructed or improved and the agricultural use does not impact the wetlands. This chapter does not regulate normal farming practices in a wetland. "Normal farming practices" means farming, silvicultural, grazing, and ranching activities such as plowing, seeding, cultivating, and harvesting for the production of feed, food, and fiber products, but does not include activities that impact wetlands. This chapter does not prevent control of noxious weeds if the control does not impact the wetland.

This chapter does not regulate impacts to incidental wetlands. Incidental wetlands are wetland areas that the landowner can demonstrate, to the satisfaction of the local government unit, were created in non-wetland areas solely by actions, the purpose of which was not to create the wetland. Incidental wetlands include drainage ditches, impoundments, or excavations constructed in non-wetlands solely for the purpose of effluent treatment, containment of waste material, storm water retention, drainage, 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.

This chapter does not apply to the public waters and public waters wetlands as defined in Minnesota Statutes, section 103G.005, subdivisions 15 and 15a, which have been inventoried by the commissioner of natural resources according to Minnesota Statutes, section 103G.201, except that:

A. for projects affecting public waters wetlands, and for public transportation projects affecting the wetland areas of public waters, when the commissioner waives the requirement for a public waters work permit consistent with chapter 6115, the local government unit must make replacement, banking, wetland boundary, wetland type, no-loss, public road project notification, or exemption decisions; or

B. for projects affecting both public waters and wetlands, the local government unit may, by written agreement with the commissioner, waive the requirement for a replacement plan, no-loss, or exemption

decision if a public waters work permit is required and the commissioner includes the provisions of this chapter in the public waters work permit.

This chapter is in addition to other regulations including those of the United States Army Corps of Engineers, United States Department of Agriculture, Minnesota state agencies, watershed districts, and local governments.

This chapter does not apply to peat mining as defined in Minnesota Statutes, section 93.461, which is subject to the permit to mine and reclamation requirements of Minnesota Statutes, sections 93.44 to 93.51, and the rules of the commissioner adopted under those sections.

This chapter does not require state agencies to obtain local government unit approvals. However, the state agencies must follow the procedures and standards prescribed by this chapter.

In addition to the provisions of this chapter, governmental decisions on impacting wetlands are subject to Minnesota Statutes, chapters 116B and 116D, which provide that an action which is likely to have material adverse effects on natural resources must not be allowed if there is a feasible and prudent alternative consistent with the requirements of the public health, safety, and welfare and the state's paramount concern for the protection of its natural resources. Economic considerations alone do not justify adversely effective actions.

8420.XXXX PRESETTLEMENT WETLAND ACRES AND AREAS.

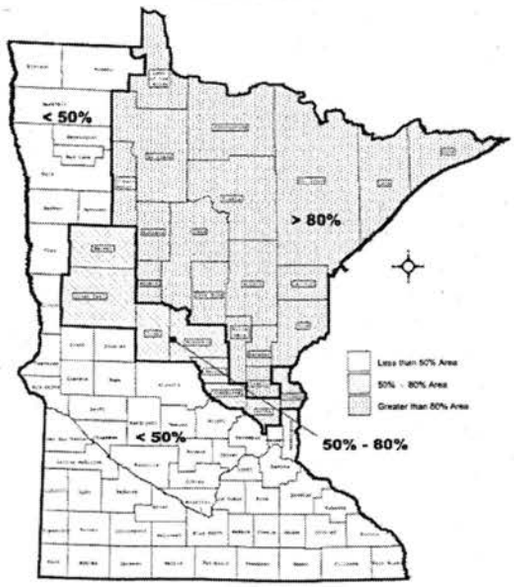
Subp. 1. **County classification.** For purposes of parts 8420.XXXX to 8420.XXXX:

A. the following counties are greater than 80 percent areas: Aitkin; Beltrami; Carlton; Cass; Clearwater; Cook; Crow Wing; Hubbard; Isanti; Itasca; Kanabec; Koochiching; Lake; Lake of the Woods; Mille Lacs; Pine; St. Louis; and Wadena;

B. the following counties are 50 to 80 percent areas: Anoka; Becker; Benton; Chisago; Morrison; Otter Tail; Sherburne; and Todd; and

C. the following counties are less than 50 percent areas: Big Stone; Blue Earth; Brown; Carver; Chippewa; Clay; Cottonwood; Dakota; Dodge; Douglas; Faribault; Fillmore; Freeborn; Goodhue; Grant; Hennepin; Houston; Jackson; Kandiyohi; Kittson; Lac Qui Parle; Le Sueur; Lincoln; Lyon; Mahnomen; Marshall; Martin; McLeod; Meeker; Mower; Murray; Nicollet; Nobles; Norman; Olmsted; Pennington; Pipestone; Polk; Pope; Ramsey; Red Lake; Redwood; Renville; Rice; Rock; Roseau; Scott; Sibley; Stearns; Steele; Stevens; Swift; Traverse; Wabasha; Waseca; Washington; Watonwan; Wilkin; Winona; Wright; and Yellow Medicine.

Minnesota Wetland Conservation Act
Pre - Statehood Wetland Areas



Subp. 2. **County or watershed reclassification.**

A. A local government unit may request the board to reclassify a county or major watershed wholly or partly within its jurisdiction on the basis of its percentage of presettlement wetlands remaining. After receipt of satisfactory documentation from the local government, the board must change the classification of a county or major watershed. If requested by the local government unit, the board must assist in developing the documentation. Within 30 days of its action to approve a change of wetland classifications, the board must publish a notice of the change in the Environmental Quality Board Monitor.

B. One hundred citizens who reside within the jurisdiction of the local government unit may request the local government unit to reclassify a county or major watershed on the basis of its percentage of presettlement wetlands remaining. In support of their petition, the citizens must provide satisfactory documentation to the local government unit. The local government unit must consider the petition and forward the request to the board or provide a reason why the petition is denied.

LOCAL GOVERNMENT UNIT DUTIES AND PROCEDURES

8420.XXXX DETERMINING LOCAL GOVERNMENT UNIT; DUTIES.

Subpart 1. **Determining local government unit.** The local government unit responsible for making decisions must be determined according to items A to G.

A. Outside the seven-county metropolitan area, the local government unit is the county or city in which the activity is located, or its delegate.

B. In the seven-county metropolitan area, the local government unit is the city, town, or water management organization regulating surface-water-related matters in the area in which the activity is located, or its delegate. The watershed management plan adopted under Minnesota Statutes, section 103B.231, and related board rules will normally indicate the appropriate local government unit. Lacking an indication, the local government unit must be the city, town, or its delegate.

C. For activities on state land, the local government unit is the state agency, or the agency's designee, with administrative responsibility for that land. However, state agencies must coordinate with local government units that would otherwise have jurisdiction according to items A and B when conducting activities in wetlands.

D. Notwithstanding items A to I, the Department of Natural Resources is the approving authority for activities associated with projects requiring permits to mine under Minnesota Statutes, section 93.481, and for projects affecting calcareous fens.

E. Delegation of implementation of this chapter and the act from a county, city, or town, as applicable according to item A or B, to a soil and water conservation district or other governmental entity must occur by the passage of resolutions by both parties. The delegation becomes effective when resolutions have been passed by both parties, or on the date specified in the resolutions, whichever is later. Both parties must provide notice to the board, the commissioner, and the soil and water conservation district within 15 business days of adoption of the resolution. The notice must include a copy of the resolution and a description of the applicable geographic area.

F. If the activity is located in two jurisdictions, the local government unit is the one exercising zoning authority over the project or if both have zoning authority, the one in which most of the wetland impacts will occur. If no zoning permits are required, the local government unit is the one in which most of the wetland impacts will occur. If an activity will affect wetlands in more than one local government unit, the board may coordinate the project review to ensure consistency and consensus among the local government units involved. Local government units may maintain separate jurisdiction if mutually agreed upon.

G. For a replacement site located in more than one jurisdiction, the local government unit is the one in which most of the replacement wetland area occurs.

H. For replacement plans where the project-specific replacement will occur in a different local government unit than the impact, approval of all local government units involved or as specified in items A to G will constitute final approval of the replacement plan and is required before the project may proceed. The local government unit with jurisdiction for the impact site must approve all components of the replacement plan, following the procedures in parts 8420.XXXX to 8420.XXXX. The local government unit with jurisdiction for the replacement site must limit the review to evaluation of the replacement site as in parts 8420.XXXX to 8420.XXXX and make a decision accordingly.

As part of the approval of the replacement plan, the local government unit with jurisdiction for the replacement site assumes responsibility for ensuring compliance with monitoring provisions according to parts 8420.XXXX to 8420.XXXX. The local government unit with jurisdiction for the replacement site may enter into joint powers agreements with a local government unit with jurisdiction for the impact site, assess fees, or develop other procedures considered necessary to facilitate the process.

I. For instances where the activity or replacement occur in multiple jurisdictions, the local government unit with decision-making authority must coordinate with the other local government units.

J. The board will resolve all questions as to which government entity is the responsible authority, applying the guidelines in items A to H.

Subp. 2. **Local government unit duties.**

A. Local government units are responsible for making decisions on applications made under this chapter. Each local government unit of the state, except tribal lands and state agencies, must send a written acknowledgement, including a copy of the adopting resolution, to the board that it is assuming its responsibilities under this chapter and the act.

B. A local government unit must provide knowledgeable and trained staff with experience in water resource management to manage the program or secure a qualified delegate. Otherwise, the board may declare a moratorium as prescribed in part 8420.XXXX or take other appropriate legal action to assure proper implementation and compliance with this chapter. The board may establish standards and requirements for training, experience, and certification.

C. The local government unit may, through resolution, rule, or ordinance, place decision-making authority with staff according to procedures it establishes. For final decisions made by staff, the local government unit must establish a local appeal process that includes an evidentiary public hearing before appointed or elected officials.

D. As provided for in part 8420.XXXX, technical questions concerning the public value, location, size, and type of wetland must be submitted to the technical evaluation panel. The local government unit may use a technical evaluation panel to predetermine public value, location, size, or type of wetlands under its jurisdiction and use this determination in administering the act.

E. An application must not be approved unless entitlement thereto is established by a fair preponderance of the evidence. For each finding of fact and recommendation included in a written technical evaluation panel report that is not adopted by the local government unit, the local government unit must provide detailed reasons for rejecting the finding of fact or recommendation in its record of decision, otherwise the local government unit has not sufficiently considered the technical evaluation panel report.

F. The local government unit may evaluate evidence for a no-loss, an exemption, or sequencing without making a decision.

G. The local government unit must retain a record of all decisions for a minimum of 10 years after all applicable requirements and conditions pertaining to the project are fulfilled.

H. The local government unit and soil and water conservation district may charge processing fees in amounts not greater than are necessary to cover the reasonable costs of implementing this chapter and for technical and administrative assistance to landowners in processing other applications for projects affecting wetlands.

I. The local government unit must annually report information to the board regarding implementation of this chapter in a format and time period provided by the board. Failure to comply with the board's reporting requirements may subject the local government to penalty under subpart 3.

Subp. 3. **Procedures and penalty for local government unit failure to apply law.**

A. If a local government unit fails to acknowledge in writing its responsibilities under this chapter and the act as required in subpart 2, the board will impose, in the local government unit's jurisdiction, a 60-day moratorium on making decisions and implementing this chapter and the act. The board will notify the local government unit in writing of the start and end dates of the moratorium. The board must end the moratorium within the 60 days upon written agreement by the local government unit that it will assume, and is currently capable of implementing, its duties under this chapter and the act. If at the end of the initial 60-day moratorium a written agreement has not been made for the local government unit to apply the law, the board may extend the moratorium until the local government unit agrees to apply the law.

B. If the board has information that a local government unit is not following this chapter or the act in making decisions; if the local government unit does not have knowledgeable and trained staff with experience in water resource management; or if the local government unit fails to comply with the board's

reporting requirements, the board must notify the local government unit in writing of its concerns. The local government unit must respond in writing within 60 days of being notified by the board. If not satisfied with the local government unit's written response, or none is received, the board must ask the local government unit to appear at a hearing before the board to discuss the matter. The board may invite comments from other local governments or state and federal agencies. If the board determines at the hearing, that corrective action is necessary, the board must write the local government unit directing specific corrective action to occur within 60 days of receiving the board's decision. The notice must explain the reason for the action.

If, after the 60-day period, the local government unit has not corrected the problem to the satisfaction of the board, the board must declare a moratorium as prescribed in item A or take other appropriate legal action to ensure compliance.

C. When a moratorium is declared as prescribed in items A or B, a decision cannot be made on an application because a local government unit authorized to implement this chapter does not exist while the moratorium is in effect. Applications pending a local government unit decision when a moratorium is declared must be returned by the local government unit to the applicant within 15 days of the moratorium being placed in effect. Applications submitted while a moratorium is in effect must be returned by the local government unit to the applicant with an explanation and within 15 days of the local government unit's receipt of the application.

8420.XXXX OTHER LOCAL GOVERNMENT UNIT WETLAND RULES AND ORDINANCES.

This chapter and the act provide minimum standards. Local government units who choose to require landowners to submit an application and obtain approval to be eligible for an exemption or for temporary impacts that may result in a no-loss must do so through ordinance or rule. Local government units may require more procedures and more wetland protection, but not less.

8420.XXXX TECHNICAL EVALUATION PANEL PROCEDURES.

A. For each local government unit, there is a technical evaluation panel. Panel membership consists of a technical professional employee of the board, a technical professional employee of the soil and water conservation district of the county in which the activity is occurring, and a technical professional with expertise in water resource management appointed by the local government unit. For projects affecting public waters, public waters wetlands, or wetlands within the shoreland protection zone, the panel also includes a technical professional employee of the Department of Natural Resources. The local government unit must coordinate the panel.

B. Two members of the technical evaluation panel must be knowledgeable and trained in applying methodologies of the "United States Army Corps of Engineers Wetland Delineation Manual" (January 1987), "Wetlands of the United States" (United States Fish and Wildlife Service Circular 39, 1971 edition), "Wetland Plants and Plant Communities of Minnesota & Wisconsin" (S. Eggers and D. Reed 1997), and "Classification of Wetlands and Deepwater Habitats of the United States" (Cowardin, et al., 1979 edition), including updates and supplements, and any modifications or guidance provided by the board. The panel must also be knowledgeable and trained in evaluation of wetland functions and the resulting public values. The panel may seek advice and assistance from others with additional expertise to help the panel in its work.

C. The technical evaluation panel, if requested to do so by the local government unit, the landowner, or a member of the panel, must make technical findings and recommendations regarding applications, the scope of this chapter and the act, the applicability of exemption and no-loss standards, wetland functions and the resulting public value, direct and indirect impacts, possible violations of this chapter and the act, enforcement matters under 8420.XXXX, comprehensive wetland protection and management plans and implementing rules and ordinances, and other technical issues related to implementation of this chapter. The panel must review applications for replacement of public road projects as provided in 8420.XXXX, banking projects as provided in 8420.XXXX, and monitoring of replacement wetlands as provided in 8420.XXXX. The panel must provide its findings to the local government unit for consideration. For violations of this chapter that may result in the issuance of an enforcement order, the panel must consult with the enforcement authority.

D. The panel may recommend to the local government unit approval, approval with changes or conditions, or denial of an application. When a technical evaluation panel assembles findings or makes a recommendation, the local government unit must consider the findings or recommendation of the panel in

its approval or denial of an application. The panel will make no findings or recommendations without at least one member having made an on-site inspection. Panel findings and recommendations must be documented and endorsed by a majority of the members. If the local government unit does not agree with the panel's findings and recommendation, the detailed reasons for the disagreement must be part of the local government unit's record of decision.

E. Applicants must cooperate in providing local government unit staff and members of the technical evaluation panel and their designated experts with access to proposed project sites for investigation. Such investigations must be preceded by notice to the landowner or designated agent, unless prior approval has been granted. If an applicant refuses to allow access, the local government unit may deny an application.

8420.XXXX LOCAL GOVERNMENT UNIT APPLICATION AND DECISION PROCEDURES.

Subpart 1. **General.** Noticing and local government unit decisions made under this chapter must be in compliance with Minnesota Statutes, section 15.99.

Subpart 2. **Determination of Complete Application.** If, within 15 business days of receipt of an application, the local government unit finds that an application is incomplete, the local government unit must notify the applicant and list in writing what items or information is missing. Part 8420.XXXX must be the basis for determining a complete application. The local government unit may determine an application incomplete when seasonal constraints prevent on-site review and verification of the application. When an application contains a previously approved wetland boundary for which the approval remains valid, the wetland boundary may not serve as the basis for determining an application incomplete.

Subpart 3. **Notice of Application.** Within fifteen business days of receipt of a complete application, the local government unit must send a copy of the application and a notice of application on a form provided by the board to members of the technical evaluation panel; the watershed district or water management organization if there is one; the commissioner of natural resources and individual members of the public who request a copy. The notice must identify the type of application, the date the comment period ends, and where to provide comments. Individual members of the public who request a copy must be sent a summary of the application that includes information to identify the applicant and the location and scope of the project. The comment period must be at least 15 business days from the date the notice of application is sent. Revisions of an approved and valid replacement plan must be noticed according to this subpart by sending a summary of the proposed revisions if:

A. the wetland area to be impacted under the revised replacement plan is:
   (1) increased by more than ten percent;
   (2) a different type;
   (3) part of a different wetland; or
   (4) more than 500 feet from the location of the previously approved wetland impact; or

B. the replacement is:
   (1) a different type;
   (2) more than 500 feet from the location of the previously approved replacement; or
   (3) a different action eligible for credit.

Subp. 4. **Decision.** The local government unit decision must be based on the standards in parts 8420.XXXX to 8420.XXXX, and on the technical evaluation panel's findings and recommendation, if there is one. The local government unit must consider and include in their record of decision the technical evaluation panel's recommendation, if there is one, to approve, modify, or deny the application. The local government unit must also consider any comments received from those required to receive notice. The local government unit decision must be made in compliance with the time period prescribed by Minnesota Statutes, section 15.99 which, at the date of this rule, generally requires a decision in 60 days. The local government unit decision is valid for three years or as otherwise specified in the local government unit's decision. The local government unit may extend its decision with the concurrence of the technical evaluation panel.

Subp. 5. **Notice of Decision.** The local government unit decision must be mailed to the landowner within ten business days of the decision. A summary of the local government unit decision, in a format provided by the board, must be sent within ten business days of the decision to those required to receive notice of the application. The notice of decision must include information on the process and time period to appeal the decision of the local government unit.

Subp. 6. **Decisions and noticing for replacement via banking.** For replacement plan applications proposing the use of banking credits, the local government unit must verify, prior to approving the application, that the credits to be withdrawn are available and the applicant has a purchase agreement with the seller. For an approval of a replacement plan using banking credits as replacement, the local government unit must notify the board's banking administrator of the approval. The notification must be sent concurrent with the notice of decision and must include the bank account, the user of credits, and the amount of credit approved for withdrawal.

8420.XXXX PREVIOUSLY APPROVED APPLICATIONS.

Activities for which an application was approved may be completed under the laws, rules, conditions, and guidelines in effect when they were approved, provided the local government unit's approval is still valid.

APPLICATION PROCEDURES

8420.XXXX GENERAL APPLICATION REQUIREMENTS.

A. Persons requesting approval of a wetland boundary or type, no-loss, exemption, sequencing, or replacement plan application must fulfill the application requirements of this part and those applicable to the type of application submitted. Application requirements for establishment of a wetland bank are provided in part 8420.XXXX.

B. The following information must be submitted to the local government unit for all types of applications:

(1) the post office address of the applicant;

(2) for corporations, the principal officers of the corporation, any parent companies, owners, partners, and joint venturers, and a designated contact person;

(3) managing agents, subsidiaries, or consultants that are or may be involved with the activity;

(4) the type of decision requested;

(5) the location of the project by township, range, section, and quarter section;

(6) evidence of ownership of the project area or the requisite property rights to perform the activity;

(7) an accurate map, survey, or recent aerial photograph showing boundary of the project area and boundary, size, and type of each wetland relevant to the type of decision requested;

(8) if applicable to the type of decision requested, a written description of the proposed project and project area, including its areal extent, with sufficient detail to allow the local government unit to assess the amount and types of wetland to be affected; and

(9) other information considered necessary for evaluation of the application or project by the local government unit.

C. A landowner may seek advice from the local government unit regarding the applicability of a no-loss or exemption, the adequacy of sequencing arguments and alternatives, or other interpretation of this chapter without submitting an application.

8420.XXXX WETLAND BOUNDARY OR TYPE APPLICATIONS.

A landowner may apply for a wetland boundary or type decision from the local government unit. The landowner is responsible for submitting proof necessary to make the decision. Applications for approval of wetland boundary or type must include information in accordance with wetland delineation report submittal guidelines provided by the board. A wetland boundary or type application may be submitted independently or as part of a no-loss, exemption, sequencing, replacement plan, or banking application. When an independent wetland boundary or type application is approved, and the approval remains valid, it may be incorporated in a subsequent application for a no-loss, exemption, sequencing, replacement plan, or banking application.

8420.XXXX NO-LOSS APPLICATIONS.

A landowner may apply to the local government unit for a no-loss decision. A landowner who does not request a decision from the local government unit and proceeds with the activity may be subject to the enforcement provisions in part 8420.XXXX and Minnesota Statutes, section 103G.2372. The landowner applying for a no-loss is responsible for submitting the proof necessary to show qualification for the claim. The local government unit may require a wetland delineation report or functional assessment be submitted if it determines the report or assessment necessary to make a decision on the no-loss application. This part also applies to applications requesting a decision on whether an activity or wetland falls within the scope of this chapter.

8420.XXXX EXEMPTION APPLICATIONS.

A. A landowner intending to impact a wetland without replacement, claiming exemption under part 8420. XXXX, may apply to the local government unit before impacting the wetland for a decision to whether or not the impact is exempt. A landowner who does not request a decision from the local government unit and proceeds with the activity may be subject to the enforcement provisions in part 8420.XXXX and Minnesota Statutes, section 103G.2372. An exemption may apply whether or not the local government unit has made an exemption decision. If the landowner requests an exemption decision, then the local government unit must make one.

B. The landowner applying for exemption must identify the specific exemption being claimed and submit the proof necessary to show qualification for the exemption.

C. Landowners who choose not to seek local government unit approval of an exemption must, prior to impacting a wetland, report the exempt activity to the board using a website or other methods developed by the board. The report must provide information required by the board, including the name and contact information of the landowner, the location of the activity by township, range, and section, the exemption being claimed, and the amount of wetland impact in square feet. Information collected regarding exemptions serves the purpose of gathering data on the use of exemptions.

8420.XXXX SEQUENCING APPLICATIONS.

An applicant may either submit the information required for sequencing analysis as part of a replacement plan application or apply separately for a preliminary sequencing decision from the local government unit before preparing a complete replacement plan. The local government unit may request additional information needed to make a decision. The applicant must provide written documentation of the projects' compliance with the sequencing standards in 8420.XXXX, including the identification of the project purpose and a detailed description of the project and alternatives considered.

8420.XXXX REPLACEMENT PLAN APPLICATIONS.

Subp. 1. **Requirement.** Landowners proposing wetland impacts that require replacement under this chapter must apply to the local government unit and gain approval of a replacement plan prior to impacting wetlands.

Subp. 2. **Pre-application conference and site visit.** Before preparation of a replacement plan, it is recommended that the landowner meet with the local government unit for a pre-application conference and site visit. The local government unit is encouraged to inform the landowner of all sequencing requirements and the criteria used to evaluate replacement plans.

Subp. 3. **Application contents.** On an application form approved by the board in consultation with the commissioner of natural resources, provided through the local government unit, and with required attachments supplied by the applicant, the following documentation must be provided in addition to the general application requirements of part 8420.XXXX:

A. for the impacted wetland:

(1) the amount, in square feet or acres, of wetland proposed to be impacted by type;

(2) the minor watershed, major watershed, county, and bank service area;

(3) a soil survey map of the site showing soil type and identifying hydric soils, where available;

(4) a map showing the locations of any surface inlets or outlets, natural or otherwise, draining into or out of the wetlands, and if the wetland is within the shoreland wetland protection zone or floodplain, the distance and direction to the nearest watercourse;

(5) information known to the applicant or readily available concerning the special considerations criteria in part 8420.XXXX, subpart X;

(6) a list of all other known local, state, and federal permits and approvals required for the activity; and

(7) written documentation to demonstrate the projects' compliance with the sequencing standards in part 8420.XXXX, including the identification of the project purpose and a detailed description of the project and alternatives considered;

B. for the replacement wetland when the replacement is project-specific:

(1) the proposed action eligible for credit from part 8420.XXXX;

(2) the minor watershed, major watershed, county, and bank service area;

(3) evidence of ownership or property rights to the replacement areas;

(4) information known to the applicant or readily available concerning the special considerations criteria in part 8420.XXXX, subpart X;

(5) a description of how the proposed replacement meets the ecological suitability and sustainability criteria of part 8420.XXXX subpart 4;

(6) a map showing the locations of any existing surface inlets or outlets, natural or otherwise, draining into or out of the replacement wetland, and if the replacement wetland is within the shoreland wetland protection zone or floodplain, the distance and direction to the nearest watercourse;

(7) scale drawings showing plan and profile views of the replacement wetland areas;

(8) a description of how the replacement area will be constructed, for example, excavation or restoration by blocking an existing tile; the type, size, and specifications of outlet structures; elevations, relative to Mean Sea Level, of key features, for example, sill, emergency overflow, and structure height; and best management practices that will be implemented to prevent erosion or site degradation;

(9) a soil survey map of the site showing soil type and identifying hydric soils, where available, and site-specific soils information sufficient to determine the capability of the site to produce and sustain wetland characteristics and replacement goals;

(10) a timetable that clearly states how and when implementation of the replacement plan shall proceed, and when construction of the replacement area will be completed;

(11) statements signed by the applicant confirming that:

(a) the wetland will be replaced in advance of, or concurrent with, the actual impact;

(b) the replacement area was not previously restored or created under a prior approved replacement plan;

(c) the replacement area was not impacted under an exemption during the previous ten years;

(d) the replacement area was not, and will not be, restored or created with financial assistance from public conservation programs or restored or created for other unrelated regulatory purposes;

(e) the replacement area was not and will not be, restored or created using private funds other than those of the landowner unless the funds are paid back with interest to the individual or organization that funded the restoration or creation and the individual or organization notifies the local government unit in writing that the restored wetland may be considered for replacement; and

(f) monitoring will occur in accordance with parts 8420.XXXX and 8420.XXXX unless the local government unit will be conducting the monitoring of the wetland replacement area;

(12) evidence that a person proposing to create or restore a wetland within the easement of a pipeline as defined in Minnesota Statutes, section 299J.02, subdivision 11, has first notified the easement holder and the director of the Office of Pipeline Safety in writing. The person may not create or restore the wetland if, within 90 days after receiving the required notice, the easement holder or the director of the of Office of Pipeline Safety provides to the person a written notice of objection that includes the reasons for the objection;

(13) a list of all other known local, state, and federal permits and approvals required for the activity;

(14) evidence that any drainage or property rights potentially detrimental to the replacement area have been acquired, subordinated, or otherwise eliminated; and

(15) a vegetation establishment and management plan in accordance with part 8420.XXXX; and

(16) the size, type, and credits expected to result from the proposed replacement actions;

C. for the replacement wetland when the replacement consists of wetland bank credits:

(1) the wetland bank account number;

(2) the minor watershed, major watershed, county, and bank service area;

(3) the amount of credits to be withdrawn in square feet; and

(4) a completed application for withdrawal of wetland credits from the Minnesota wetland bank in a form provided by the board, or a purchase agreement signed by the applicant and bank account holder; and

D. a description of the required replacement as determined according to the replacement standards of part 8420.XXXX.

Subp. 4. **Approval conditions.** A landowner must not impact a wetland under an approved replacement plan until submittal of the following, to the satisfaction of the local government unit:

A. for project-specific replacement that is not in advance according to part 8420.XXXX, a financial assurance in accordance with part 8420.XXXX, unless waived by the local government unit;

B. for project-specific replacement, evidence that a notice in a form provided by the board has been attached to and recorded with the deed for lands containing a replacement wetland, specifying the following:

(1) the location of the replacement area;

(2) that the replacement area is subject to the act;

(3) that the fee title owner is responsible for the costs of repairs or reconstruction and management, if necessary, or for replacement costs;

(4) that reasonable access to the replacement area will be granted to the proper authorities for inspection, monitoring, and enforcement purposes;

(5) that costs of title review and document recording is the responsibility of the fee title owner; and

(6) that the local government unit or board can require necessary repairs or reconstruction and revegetation work to return the wetland to the specifications of the approved replacement plan and require reimbursement of reasonable costs from the wetland owner, or can require replacement of the wetland according to this chapter and the act; and

C. for replacement consisting of wetland bank credits, confirmation that the board has withdrawn the credits from the state wetland bank as specified in the approved replacement plan.

8420.XXXX CONTRACTOR'S NOTIFICATION RESPONSIBILITY.

For the purposes of this part, "contractor" means an individual, business, or other organization providing, to a landowner or the landowner's agent, a product or service that drains, fills, or excavates a wetland.

A. A contractor must not drain, excavate, or fill a wetland, wholly or partially, unless the contractor has, on a form provided by the board:

(1) obtained a signed statement from the landowner or landowner's agent stating that the wetland replacement plan required for the work has been obtained or that a replacement plan is not required; and

(2) sent a copy of the statement to the local government unit with jurisdiction over the wetland.

B. Work in violation of this part is a misdemeanor.

BOUNDARY OR TYPE, NO-LOSS, AND EXEMPTION STANDARDS

8420.XXXX BOUNDARY OR TYPE.

Subpart 1. **Wetland Boundary.** Wetland boundaries must be determined using the methodologies in the United States Army Corps of Engineers Wetlands Delineation Manual (January 1987), including subsequent updates and supplements, and guidance provided by the board.

Subp. 2. **Wetland Type.** Wetland type must be identified according to United States Fish and Wildlife Service Circular No. 39 (1971 edition) "Wetlands of the United States" and Classification of Wetlands and Deepwater Habitats of the United States (Cowardin, et al., 1979), including modifications or guidance provided by the board. Wetland type in relation to Wetland Plants and Plant Communities of Minnesota and Wisconsin (S. Eggers and D. Reed, 1997) is shown in the following table:

Wetland Plants and Plant Communities of Minnesota and Wisconsin (Eggers and Reed 1997), as modified by the Board of Water and Soil Resources-United States Army Corps of Engineers Wetland Mitigation Memorandum of Understanding (May 2007)	Classification of Wetlands and Deepwater Habitats of the United States (Cowardin et al. 1979)	Fish and Wildlife Service Circular 39 (Shaw and Fredine 1971)

Shallow, open water	Palustrine or lacustrine, littoral; aquatic bed; submergent, floating, and floating-leaved	Type 5: Inland open fresh water
Deep marsh	Palustrine or lacustrine, littoral; aquatic bed; submergent, floating, and floating-leaved; 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 flatType 2: Inland fresh meadow
Calcareous fen	Palustrine; emergent; narrow-leaved persistent; scrub/shrub; broad-leaved deciduous	Type 2: Inland fresh meadowType 6: Shrub swamp
Open bog or coniferous bog	Palustrine; moss/lichen; scrub/shrub; broad-leaved evergreen; 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

8420.XXXX NO-LOSS AND EXEMPTION CONDITIONS.

A person conducting an activity in a wetland under a no-loss in part 8420.XXXX or an exemption in part 8420.XXXX must ensure that:

A. appropriate erosion control measures are taken to prevent sedimentation of the wetland or of any receiving waters;

B. the activity does not block fish activity in a watercourse, except when done purposely to prevent movement of undesirable fish species in accordance with a recommendation from the commissioner; 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.XXXX, and water resource protection requirements established under Minnesota Statutes, chapter 103H.

8420.XXXX NO-LOSS CATEGORIES.

No-Loss means no permanent loss of, or impact to, wetlands from an activity according to the criteria in this part. Activities that do not qualify for a no-loss according to this part may be subject to replacement according to parts 8420.XXXX to 8420.XXXX. The following qualify for a no-loss:

A. an activity that will not impact a wetland;

B. excavation in wetlands when limited to removal of sediment or debris such as trees, logs, stumps, beaver dams, blockage of culverts, and trash, provided the removal does not result in alteration of the original cross-section of the wetland or watercourse. Wetland areas created solely 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;

C. temporary or seasonal water level management activities, done for the purpose of performing maintenance or as part of vegetation or habitat management activities, that will not result in the conversion of a wetland to a non-wetland or conversion of a non-degraded wetland to a different type;

D. an activity conducted as part of an approved replacement or banking plan or conducted or authorized by public agencies for the purpose of wetland restoration, fish and wildlife habitat restoration or improvement using guidance in part 8420.XXXX, item X, or repair and maintenance of earthen containment structures;

E. excavation limited to the removal of deposited sediment in wetlands that are presently utilized as stormwater management basins, or excavation and removal of contaminated substrate, and the excavated area is limited to the minimum dimensions necessary for achieving the desired purpose and stabilized to prevent water quality degradation;

F. an activity associated with the operation, routine maintenance, or emergency repair of existing utilities and public works structures, including pipelines, provided the activity does not result in additional wetland intrusion or additional impacts, either wholly or partially;

G. 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

H. a temporary impact that is rectified by repairing, rehabilitating, or restoring the affected wetland. A no-loss under this item only applies if all of the following conditions are met:

(1) the physical characteristics of the affected wetland, including ground elevations, contours, inlet dimensions, outlet dimensions, substrate, plant communities, and hydrologic regime, are restored to pre-project conditions sufficient to ensure that all pre-project functions are restored;

(2) the activity is completed and the physical characteristics of the wetland are restored within six months of the start of the activity, unless an extension is granted by the local government unit after consultation with the technical evaluation panel;

(3) the landowner provides sufficient financial assurance acceptable to the local government unit to cover the estimated cost to restore the wetland to pre-project conditions. The local government unit must return any remaining financial assurance to the landowner upon a determination by the local government unit that the conditions in this item have been met by the landowner; and

(4) a no-loss has not been approved under the criteria in this item for a particular site within a wetland within the previous 10 years, except that repairs to the original project may be allowed under the no-loss if the local government unit determines the request to be necessary and reasonable.

8420.XXXX EXEMPTION STANDARDS.

Subpart 1. **Scope.** Certain impacts may qualify for an exemption from replacement requirements. An impact is exempt from replacement if it qualifies for any one of the exemptions. Persons proposing to conduct an exempt activity are encouraged to contact the local government unit to verify eligibility for an exemption and to evaluate alternatives to avoid or minimize wetland impacts. If the total amount of impact exceeds the amount allowed under the applicable exemption, the impact is not exempt and the entire amount of impact must be replaced.

A. No exemptions apply to:

(1) calcareous fens as identified by the commissioner;

(2) wetlands that have been deposited in the state wetland bank;

(3) wetlands that have previously received replacement credit as a result of an approved replacement or banking plan; or

(4) wetlands that were partially impacted so that the remainder would be eligible for an exemption, when the exemption would not have been applicable before the impact.

Impacts to any such wetlands are subject to replacement according to the requirements of parts 8420.XXXX to 8420.XXXX or, for calcareous fens, part 8420.XXXX.

B. Exemptions may not be combined on a project.

C. Present and future owners of wetlands impacted without replacement under an exemption for agricultural activities in subpart X or drainage in subpart X must make no use of the wetland area after it is impacted, other than as agricultural land or other use specified in subpart X, for at least ten years after the impact, unless it is first replaced under the requirements of Minnesota Statutes, section 103G.222. Except for land in public ownership, at the time of impact, the local government unit may require the landowner to record a notice of these restrictions in the office of the county recorder for the county in which the project is located if it determines the wetland area impacted is at risk of conversion to a nonagricultural use or other use than specified in subpart X within ten years, based on the zoning classification, proximity to a municipality or full service road, or other criteria as determined by the local government unit. In making a decision under this item, the local government unit must review the applicable comprehensive plan, if one exists, when evaluating the risk of conversion to a nonagricultural use and monitor and enforce the prohibition on using the area impacted for a nonagricultural purpose for at least ten years. At a minimum, the recorded document must contain the name or names of the landowners, a legal description of the property to which the restrictions apply, a statement of the restrictions, the date on which the restrictions expire, the name of the local government that approved the exemption, if such occurred, the signatures of all owners, and an acknowledgment.

Subp. 2. **Agricultural activities.** A replacement plan is not required for:

A. impacts resulting from agricultural activities in a wetland that was planted with annually seeded crops or was in a crop rotation seeding of pasture grass or legumes in six of the last ten years prior to January 1, 1991. Documentation, such as aerial photographs, United States Department of Agriculture records, or other applicable documentation may be used as evidence for this exemption. Impacts eligible for this exemption must be to types 1 or 2 wetlands;

B. impacts resulting from agricultural activities in a type 1 wetland on agricultural pasture land that remains in the same use, except for bottomland hardwood type 1 wetlands, and impacts resulting from agricultural activities in a type 2 or type 6 wetland that is less than two acres in size and located on agricultural pasture land that remains in the same use;

C. impacts resulting from soil and water conservation projects that are certified by soil and water conservation district technical staff after review by the technical evaluation panel, provided the project minimizes the impact on the hydrologic and biologic characteristics of the wetland. For purposes of this item, examples of soil and water conservation practices include those identified in the State Cost Share Program Manual, available from the board or soil and water conservation districts, and federally funded demonstration, research, and cost share programs and projects;

D. filling a wetland to accommodate wheeled booms on irrigation devices if the fill does not impede normal drainage;

E. impacts resulting from aquaculture activities including pond excavation and construction and maintenance of associated access roads and dikes authorized under, and conducted in accordance with, a permit issued by the United States Army Corps of Engineers under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344, but not including construction or expansion of buildings;

F. impacts resulting from 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; or

G. impacts resulting from agricultural activities that are subject to federal farm program restrictions that meet minimum state standards under this chapter and Minnesota Statutes, sections 103A.202 and 103B.3355, and that have been approved by the board, the commissioners of natural resources and agriculture, and the Pollution Control Agency. This exemption is not valid until such agreement is approved. If approved, the conditions and standards will be noticed by the board to local government units and published in the State Register. The conditions and standards will take effect 30 days after

publication and remain in effect unless superseded by subsequent statute, rule, or notice in the State Register. Upon taking effect, this exemption will only apply to impacts on agricultural land annually enrolled in the federal Farm Program as long as the impacts are not beyond what is:

(1) allowed under the other exemptions in this part;

(2) necessary to replace, maintain, or repair existing private drainage infrastructure with a capacity not to exceed that which was originally constructed; or

(3) replaced at a ratio of 1:1 or greater under United States Department of Agriculture provisions as supported by documentation from the United States Department of Agriculture which must be included as evidence to support this exemption.

If the impact would result in loss of eligibility, the landowner cannot qualify for the exemption.

Subp. 3. **Drainage.** 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.

A. Drainage maintenance or repair. A replacement plan is not required for:

(1) impacts resulting from maintenance or repair of existing public drainage systems conducted or authorized by a public drainage authority pursuant to Minnesota Statutes, chapter 103E, when the maintenance or repair does not drain type 3, 4, or 5 wetlands that have existed for more than 25 years prior to the proposed impact; or

(2) impacts resulting from maintenance or repair of existing drainage systems other than public drainage systems, when the maintenance or repair does not drain wetlands that have existed for more than 25 years prior to the proposed impact.

For projects proposed under this item, the landowner must provide documentation that the wetlands to be partially or completely drained by the maintenance or repair 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 drainage system maintenance records.

B. Drainage enhancement. A replacement plan is not required for:

(1) draining a wetland on agricultural land when the wetland was:

(a) planted with annually seeded crops prior to July 5, except for crops that are normally planted after this date, in eight out of the ten most recent years prior to the impact;

(b) in a crop rotation seeding of pasture grass, cover crop, or legumes or was fallow for a crop production purpose in eight out of the ten most recent years prior to the impact; or

(c) enrolled in a state or federal land conservation program and met the requirements of subitem (1) (a) or (1) (b) prior to enrollment.

(2) 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:

(a) during the 20-year period that ended January 1, 1992:

(*i*) there was an expenditure made from the drainage system account for the public drainage system;

(*ii*) the public drainage system was repaired or maintained as approved by the drainage authority; or

(*iii*) no repair or maintenance of the public drainage system was required under Minnesota Statutes, section 103E.705, subdivision 1, as determined by the public drainage authority; and

(b) the wetlands are not drained for conversion to:

(*i*) platted lots;

(*ii*) planned unit, commercial, or industrial developments; or

(*iii*) any development with more than one residential unit per 40 acres, except for parcels subject to local zoning standards that allow family members to establish an additional residence on the same 40 acres.

If wetlands drained under sub-item (2) are converted to prohibited uses during the ten-year period following drainage, the wetlands must be replaced under Minnesota Statutes, section 103G.222. Documentation, such as aerial photographs, United States Department of Agriculture records, or other applicable documentation may be used as evidence for the exemption under this item.

C. For projects completed under this subpart, spoil must be placed and stabilized in a manner that minimizes wetland impacts without jeopardizing the stability of the ditch or contributing to the degradation of downstream water quality.

D. 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.

E. 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 must 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.

Subp. 4. **Federal approvals.** A replacement plan is not required for impacts 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, the Department of Agriculture, the Department of Natural Resources, and the Pollution Control Agency. This exemption is not valid until such agreement is approved. If approved, the conditions and standards will be noticed by the board to local government units and published in the State Register. The exemption will take effect 30 days after publication and remain in effect unless superseded by subsequent statute, rule, or notice in the State Register.

Subp. 5. **Restored Wetlands.** A replacement plan is not required for:

A. impacts to a wetland that was restored or created for conservation purposes under a contract or easement providing the landowner with the right to drain the restored or created wetland to pre-project hydrologic conditions. The landowner must provide a contract or easement conveyance demonstrating that the landowner or a predecessor restored or created the wetland for conservation purposes but retained the right to subsequently drain the restored or created wetland to the conditions that existed prior to restoration or creation; or

B. impacts to a wetland that was restored or created by a landowner without any assistance or financing from public agencies or private entities other than the landowner and the wetland has not been used for wetland replacement or deposited in the state wetland bank. For purposes of this item, assistance by public agencies does not include consultation on project design or advice on the project's relationship to state or federal programs. The landowner must provide a contract, billing statements, or other evidence sufficient to demonstrate that the landowner or a predecessor restored or created the wetland without any assistance or financing from public agencies or private entities other than the landowner. The landowner must also provide sufficient information to determine that the area was not wetland prior to the restoration or creation activity.

Subp. 6. **Utilities.**

A. A replacement plan is not required for impacts resulting from:

(1) the installation, maintenance, repair, or replacement of utility lines, including pipelines, provided that the impacts have been avoided and minimized to the extent possible and the proposed project significantly modifies or alters less than one-half acre of wetlands; or

(2) the repair or updating of existing subsurface sewage treatment systems as necessary to comply with local, state, and federal regulations. This exemption does not apply if the wetland impacts are a result of the treatment system being expanded to accommodate greater use.

B. For maintenance, repair, and replacement, the local government unit may issue a seasonal or annual exemption approval or the utility may proceed without local government unit approval if the utility is carrying out the work according to approved best management practices. Work of an emergency nature may proceed as necessary and any impacts must be addressed with the local government unit after the emergency work has been completed.

Subp. 7. **Forestry.** This exemption is for roads and crossings solely constructed, and primarily used, for the purpose of providing access for the conduct of silvicultural activities. A replacement plan is not required for impacts resulting from the construction of forest roads and crossings so long as the activity limits the impact on the hydrologic and biologic characteristics of the wetland; the construction activities do not include, or result in, the access becoming, a dike, drainage ditch, or tile line; impacts are avoided wherever possible; and there is no drainage of the wetland or public waters.

Subp. 8. **De minimis.**

A. Except as provided in items B and C, a replacement plan is not required for projects that impact up to the following amounts of wetlands:

(1) in a greater than 80 percent area:

(a) 10,000 square feet, except for types 3, 4, 5, 8 and white cedar and tamarack wetland, outside of the shoreland wetland protection zone;

(b) 400 square feet, except for types 3, 4, 5, 8 and white cedar and tamarack wetland, outside of the building setback zone, as defined in the local shoreland management ordinance, but within the shoreland wetland protection zone. This amount may be increased to 1,000 square feet by the local government unit if the wetland is isolated and determined to have no direct surficial connection to the public water;

(c) 100 square feet of type 3, 4, 5, 8, and white cedar and tamarack wetland outside of the building setback zone, as defined in the local shoreland management ordinance; or

(d) 20 square feet of any wetland inside the building setback zone, as defined in the local shoreland management ordinance;

(2) in a 50 to 80 percent area:

(a) 5,000 square feet, except for types 3, 4, 5, 8 and white cedar and tamarack wetland, outside of the shoreland wetland protection zone and outside of the 11-county metropolitan area;

(b) 2,500 square feet, except for types 3, 4, 5, 8 and white cedar and tamarack wetland, outside of the shoreland wetland protection zone and inside the 11-county metropolitan area;

(c) 400 square feet, except for types 3, 4, 5, 8 and white cedar and tamarack wetland, outside of the building setback zone, as defined in the local shoreland management ordinance, but within the shoreland wetland protection zone;

(d) 100 square feet of type 3, 4, 5, 8, and white cedar and tamarack wetland outside of the building setback zone, as defined in the local shoreland management ordinance; or

(e) 20 square feet of any wetland inside the building setback zone, as defined in the local shoreland management ordinance; or

(3) in a less than 50 percent area:

(a) 2,000 square feet of type 1, 2, or 6 wetland outside of the shoreland wetland protection zone and outside the 11-county metropolitan area;

(b) 1,000 square feet of type 1, 2, or 6 wetland outside of the shoreland wetland protection zone and inside the 11-county metropolitan area;

(c) 400 square feet of type 1, 2, or 6 wetland outside of the the building setback zone, as defined in the local shoreland management ordinance, but within the shoreland wetland protection zone;

(d) 100 square feet of type 3, 4, 5, 7, and 8 wetland outside of the building setback zone, as defined in the local shoreland management ordinance; or

(e) 20 square feet of any wetland inside the building setback zone, as defined in the local shoreland management ordinance.

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. Property may not be divided to increase the amounts listed in item A or to gain an exemption.

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.

F. For purposes of this subpart, the 11-county metropolitan area consists of the counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright.

Subp. 9. **Wildlife habitat.** A replacement plan is not required for:

A. excavation or the associated deposition of spoil within a wetland for the primary purpose of wildlife habitat improvement, if:

(1) the total 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 to prevent erosion and native, noninvasive vegetation is established;

(2) the project does not have an adverse effect 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.

WETLAND REPLACEMENT

8420.XXXX PURPOSE AND REQUIREMENT.

Subpart 1. **Purpose**. Parts 8420.XXXX to 8420.XXXX specify the procedures and criteria for avoiding and minimizing impacts and for ensuring adequate replacement of lost public value from unavoidable impacts.

Subp. 2. **Requirement.** No person may impact a wetland, wholly or partially, without being eligible for an exemption or no-loss, or first having a wetland replacement plan approved by the local government unit. Prior to approval of a replacement plan, the local government unit must ensure that the applicant has exhausted all possibilities to avoid and minimize wetland impacts according to the sequencing requirements of part 8420.XXXX. The applicant must demonstrate to the local government unit that the replacement plan complies with this part and the replacement standards of parts 8420.XXXX and 8420.XXXX. A replacement plan that fails to meet the requirements of this chapter must be considered inadequate in replacing lost function and value and must be denied by the local government unit.

Subp. 3. **Alternative evaluation methodologies.** The local government unit may evaluate the replacement plan using a scientifically accepted methodology that evaluates all wetland functions specified in Minnesota Statutes, section 103B.3355, for both the impacted and replacement wetlands. Such alternative methodologies must be approved and listed by the board, in consultation with the commissioners of natural resources and agriculture, and local government units. When using alternative evaluation methodologies to evaluate replacement plans, the ratio of replacement credit to impacted wetland must not be less than the minimum requirements as listed in part 8420.XXXX, except as provided for in part 8420.XXXX, comprehensive wetland protection and management plans.

8420.XXXX SPECIAL CONSIDERATIONS.

Subpart 1. **Scope.** The factors in this part, when identified as being applicable to an impact site or a replacement site, must be considered by the applicant prior to submittal of a replacement plan, and by the local government unit in the review of replacement plans.

Subp. 2. **Endangered and threatened species.** A replacement plan for activities that involve taking species listed as endangered or threatened in parts 6134.XXXX to 6134.XXXX must be denied unless the commissioner issues a permit pursuant to part 6212.XXXX or Minnesota Statutes, section 84.0895, subdivision 7. Applicants may determine if there are known locations of listed species at a particular site by contacting the Department of Natural Resources' natural heritage and nongame research program.

Subp. 3. **Rare natural communities.** A replacement plan for activities that involve the modification of a rare natural community as determined by the Department of Natural Resources' natural heritage program must be denied if the local government unit determines that the proposed activities will permanently adversely affect the natural community.

Subp. 4. **Special fish and wildlife resources.** A replacement plan for activities that would have a significant adverse effect on a special or locally significant fish and wildlife resource that cannot be functionally replaced must be denied. These resources include, but are not limited to:

A. fish passage and spawning areas;

B. colonial waterbird nesting colonies;

C. migratory waterfowl concentration areas;

D. deer wintering areas; and/or

E. wildlife travel corridors.

Activities involving streams must not block fish passage unless approved by the Department of Natural Resources.

Subp. 5. **Archaeological, historic, or cultural resource sites.** A replacement plan for activities that involve the modification of known archaeological, historical, or cultural resource sites on or eligible for the

National Register of Historic Places, as designated by the state historic preservation officer, must be denied, if the local government unit, in consultation with the State Historical Preservation Office, determines that the proposed activities will have a significant adverse effect on the archaeological or historical value of the site.

Subp. 6. **Groundwater sensitivity.** A replacement plan for activities must be denied if the local government unit determines the activities would have a significant adverse effect on groundwater quality. The publication "Criteria and Guidelines for Assessing Geologic Sensitivity of Ground Water Resources in Minnesota" (MDNR, 1991) may be used as a guide in determining potential impacts.

Subp. 7. **Sensitive surface waters.** A replacement plan must be denied if the local government unit determines the activities will have a significant adverse effect on the water quality of outstanding resource value waters listed in part 7050.0180 or on trout waters designated by the commissioner.

Subp. 8. **Education or research use.** A replacement plan for impacts to wetlands known to be used for educational or research purposes must be denied if the local government unit determines that those uses will not be maintained or adequately replaced.

Subp. 9. **Waste disposal sites.** The local government unit must evaluate the type and amount of waste material found at the site. Activities involving known or potential hazardous wastes or contaminants must be conducted according to applicable federal and state standards.

Subp. 10. **Consistency with other plans.** The local government unit must consider the extent to which proposed activities are consistent with other plans, such as local water management plans, watershed management plans, land use plans, zoning, and comprehensive plans.

8420.XXXX SEQUENCING.

Subpart 1. **Requirement.** The local government unit must not approve a wetland replacement plan unless the local government unit finds that the applicant has demonstrated that the activity impacting a wetland complies with all of the following principles in descending order or priority:

A. avoids direct or indirect impacts that may destroy or diminish the wetland under the criteria in subpart 2;

B. minimizes impacts by limiting the degree or magnitude of the wetland activity and its implementation under the criteria in subpart 3;

C. rectifies impacts by repairing, rehabilitating, or restoring the affected wetland under the criteria in subpart 4;

D. reduces or eliminates impacts over time by operating the project in a manner that preserves and maintains the remaining wetland under the criteria in subpart 5; and

E. replaces unavoidable impacts by restoring or, if wetland restoration opportunities are not reasonably available, creating replacement wetland areas having equal or greater public value as provided for in parts 8420.XXXX to 8420.XXXX. Wetlands located in cultivated fields that are subject to subpart 8 are an exception to this part.

Subp. 2. **Impact avoidance.**

A. Avoidance is required when indicated by part 8420.XXXX.

B. Wetland dependence determination:

(1) Based on information provided by the applicant, the local government unit must determine if the proposed project is wetland dependent. A project is wetland dependent if wetland features or functions are essential to fulfill the basic purpose of the project. A wetland present at the site of a proposed project does not make that project wetland dependent.

(2) A project that has been determined by the local government unit to be wetland dependent is exempt from the analysis of avoidance alternatives in item C.

C. Alternatives analysis:

(1) In addition to the proposed project, the applicant must provide the local government unit with documentation describing at least two alternatives that avoid wetland impacts, one of which may be the no-build alternative. For projects that repair or rehabilitate existing infrastructure, only one alternative is required. The alternatives may include consideration of alternate sites or alternative project configurations on the proposed site. The alternatives must be judged by the local government unit as good faith efforts, or the local government unit may require the applicant to redraft them for reconsideration.

(2) The local government unit must determine whether any proposed feasible and prudent alternatives are available that would avoid impacts to wetlands. An alternative is considered feasible and prudent if it meets all of the following requirements:

(a) it is capable of being done from an engineering point of view;

(b) it is in accordance with accepted engineering standards and practices;

(c) it is consistent with reasonable requirements of the public health, safety, and welfare;

(d) it is an environmentally preferable alternative based on a review of social, economic, and environmental impacts; and

(e) it would create no truly unusual problems.

(3) The local government unit must consider the following in evaluating avoidance alternatives as applicable:

(a) whether the basic project purpose can be reasonably accomplished using one or more other sites in the same general area that would avoid wetland impacts. An alternate site must not be excluded from consideration only because it includes or requires an area not owned by the applicant that could reasonably be obtained, used, expanded, or managed to fulfill the basic purpose of the proposed project;

(b) the general suitability of the project site and alternate sites considered by the applicant to achieve the purpose of the project;

(c) whether reasonable modification of the size, scope, configuration, or density of the project would avoid impacts to wetlands;

(d) efforts by the applicant to accommodate or remove constraints on alternatives imposed by zoning standards or infrastructure, including requests for conditional use permits, variances, or planned unit developments;

(e) the physical, economic, and demographic requirements of the project. Economic considerations alone do not make an alternative not feasible and prudent; and

(f) the amount, distribution, condition, and public value of wetlands and associated resources to be affected by the project and the potential for direct and indirect effects over time.

(4) If the local government unit determines that a feasible and prudent alternative exists that would avoid impacts to wetlands, it must deny the replacement plan. If no feasible and prudent alternative is available that would avoid impacts to wetlands, the local government unit must evaluate the replacement plan for compliance with subparts 3 to 8.

Subp. 3. **Impact minimization.**

A. The applicant shall demonstrate to the local government unit's satisfaction that the activity will minimize impacts to wetlands. In reviewing the sufficiency of the applicant's proposal to minimize wetland impacts, the local government unit must consider all of the following:

(1) the spatial requirements of the project;

(2) the location of existing structural or natural features that may dictate the placement or configuration of the project;

(3) the purpose of the project and how the purpose relates to placement, configuration, or density;

(4) the sensitivity of the site design to the natural features of the site, including topography, hydrology, and existing vegetation;

(5) the value, function, and spatial distribution of the wetlands on the site;

(6) individual and cumulative impacts; and

(7) an applicant's efforts to:

(a) modify the size, scope, configuration, or density of the project;

(b) remove or accommodate site constraints including zoning, infrastructure, access, or natural features;

(c) confine impacts to the fringe or periphery of the wetland; and

(d) otherwise minimize impacts.

Subp. 4. **Impact rectification.** Temporary impacts must be rectified by repairing, rehabilitating, or restoring the affected wetland in accordance with the no-loss provisions of part 8420.XXXX.

Subp. 5. **Reduction or elimination of impacts over time.** After an activity is completed, further impacts must be reduced or eliminated by maintaining, operating, and managing the project in a manner that preserves and maintains remaining wetland functions. The local government unit must require applicants to implement best management practices to protect wetland functions.

Subp. 6. **Unavoidable impacts**. Unavoidable impacts that remain after efforts to minimize, rectify, or reduce or eliminate them must be replaced according to parts 8420.XXXX to 8420.XXXX.

Subp. 7. **Sequencing flexibility.**

A. Flexibility in application of the sequencing steps may be requested by the applicant and allowed at the discretion of the local government unit, subject to the conditions in item B, as determined by the local government unit if:

(1) the wetland to be impacted has been degraded to the point where replacement of it would result in a certain gain in function and public value;

(2) avoidance of a wetland would result in severe degradation of the wetland's ability to function and provide public value, for example, because of surrounding land uses and the wetland's ability to function and provide public value cannot reasonably be maintained through implementation of best management practices, land use controls, or other mechanisms;

(3) the only feasible and prudent upland site available for the project or replacement has greater ecosystem function and public value than the wetland. This may be appropriate only if the applicant:

(a) demonstrates impact minimization to the wetland;

(b) agrees to perpetually preserve the designated upland site; and

(c) completely replaces the impacted wetland's function and public value; or

(4) the wetland is a site where human health and safety is a factor.

B. Flexibility in the order and application of sequencing standards cannot be implemented unless alternatives have been considered and the proposed replacement wetland is certain to provide equal or greater public value as determined based on a functional assessment reviewed by the technical evaluation panel using a methodology approved by the board. The project sponsor must provide the necessary information and the local government unit must document the application of sequencing flexibility in the replacement plan approval.

Subp. 8. **Wetlands on cultivated fields.** If the wetland is located on a cultivated field and will be replaced through restoration, then the priority order for sequencing in subpart 1 is not required. A wetland impacted under this provision must not be converted to nonagricultural land for ten years. The landowner must execute and record a notice of this requirement in the office of the county recorder for the county in which the property is located and, as a condition of the approval, provide documentation of the recording to the local government unit.

8420.XXXX REPLACEMENT STANDARDS.

Subpart 1. **General Requirement.** Wetland replacement must replace the public value of wetlands lost as a result of an impact. Replacement of wetland function and value may occur at more than one location. The public value of wetlands is based upon the functions of wetlands, including:

A. water quality, including filtering of pollutants to surface and groundwater, utilization of nutrients that would otherwise pollute public waters, trapping of sediments, shoreline protection, and utilization of the wetland as a recharge area for groundwater;

B. flood water and storm water retention, including the potential for flooding in the watershed, the value of property subject to flooding, and the reduction in potential flooding by the wetland;

C. public recreation and education, including hunting and fishing areas, wildlife viewing areas, and nature areas;

D. commercial uses, including wild rice and cranberry growing and harvesting and aquaculture;

E. fish, wildlife, and native plant habitats;

F. low-flow augmentation; and

G. other functions and public uses as identified in board-approved wetland evaluation methods.

The board will maintain a publicly available list of preapproved wetland evaluation methods.

Subp. 2. **Determining impacts of partial drainage.** In cases where wetlands will be partially drained, the amount of wetland to be replaced must be determined as follows:

The area impacted by partially draining a wetland is determined in two parts. The wetland area where the hydrology will be totally removed must be considered an impact in its entirety. The area of impact for the area that is partially drained must be at least 50 percent of the acreage of the remaining wetland area determined by an assessment acceptable to the technical evaluation panel.

Subp. 3. **Replacement Ratios.**

A. The replacement ratio is 2.5 replacement credits for each acre of wetland impacted, except in greater than 80 percent areas and on agricultural land the replacement ratio is 1.5 replacement credits for each acre of wetland impacted. The replacement ratio is reduced by 0.5:1 when the replacement consists of:

(1) withdrawal of available credits from an approved wetland bank site within the same bank service area as the impacted wetland; or

(2) project-specific replacement within the same major watershed or county as the impacted wetland, a majority of which is in-kind.

Minimum Replacement Ratios: Banking

Location of Impact	Replacement	Minimum Replacement Ratio
>80% Area or Ag Land	Outside BSA	1.5:1
	Within BSA	1:1
<50% Area, 50-80% Area, or non-Ag Land	Outside BSA	2.5:1
	Within BSA	2:1

Minimum Replacement Ratios: Project-Specific

Location of Impact	Replacement	Minimum Replacement Ratio
>80% Area or Ag Land	Outside Major Watershed or Out-of-Kind	1.5:1
	Within Major Watershed and In-Kind	1:1
<50% Area, 50-80% Area, or non-Ag Land	Outside Major Watershed or Out-of-Kind	2.5:1
	Within Major Watershed and In-Kind	2:1

B. For replacement via banking, impacts in bank service area 10 that are replaced in bank service area 9 or the Des Moines River Basin in bank service area 8, and impacts in bank service area 1 that are replaced in bank service area 2 will count as replacement within the same bank service area for the purpose of reducing the minimum required replacement ratio according to this subpart.

C. Wetland replacement must be of a size sufficient to ensure that it provides equal or greater public value than the impacted wetland it will replace. The actual replacement ratio required may be more than the ratio required in item A if the local government unit determines that a higher ratio is necessary to replace the public value of the wetland lost. In no case can the replacement ratio be less than 1:1 in greater than 80 percent areas or agricultural land, and 2:1 in all other areas.

D. Owners of wetlands impacted for use as agricultural land may make no use of the wetland area after it is impacted, other than as agricultural land, for a period of ten years unless future replacement to achieve a ratio equaling or exceeding the appropriate ratio for non-agricultural land in item A occurs. The landowner must record a notice of this restriction in the office of the county recorder in which the project is located and, as a condition of local government unit approval, provide documentation of the recording to the local government unit.

E. The board may approve special replacement ratios based on data derived from comprehensive inventories of replacement opportunities. The board must give notice of the replacement ratios to local government units and publish the ratios in the State Register. The board must provide opportunities for public input and comment prior to publishing the special replacement ratios. The conditions and standards shall take effect 30 days after publication and remain in effect unless superseded by subsequent statute, rule, or notice in the State Register.

Subp. 4. **In-kind wetland replacement.** In-kind wetland replacement refers to replacement of the functions lost to an impact. The replacement wetland is in-kind if it is:

(1) the same type or plant community as the impacted wetland except, for degraded wetlands, the same type or plant community that historically occurred at the impact site;

(2) the same hydrologic conditions and landscape setting as the impacted wetland; or

(3) a type that has been significantly lost in the watershed or will provide important functional benefits to the watershed as determined by the technical evaluation panel based on a review of available evidence or according to a local plan approved by the board.

Subp. 5. **Ecological suitability and sustainability.**

A. The preferred method of replacement is that which takes advantage of naturally occurring hydrogeomorphic conditions with minimal landscape alteration and is most likely to result in a wetland area that functions wholly, perpetually, and naturally. Wetland restoration is generally preferred over creation and restoration of completely impacted wetlands is generally preferred over other methods of replacement.

B. Restoration and replacement of wetlands must be accomplished according to the ecology of the landscape area. The replacement site must be ecologically suitable for providing the desired functions and compatible with adjacent land uses. A replacement plan that would result in wetland types or characteristics that do not naturally occur in the landscape area in which the replacement will occur must be denied. Replacement must not adversely affect other habitat types or ecological communities that are important in maintaining the overall biological diversity of the area.

C. Replacement projects must be located and designed, to the maximum extent practicable, to be self-sustaining once performance standards have been achieved. Self-sustaining refers to the sustainability of resource functions and the ability of type and location to provide the desired functions over time in a changing landscape.

D. In addition to items A through C, when determining the location, type, function, and design of replacement, applicants and local government units must consider landscape position, habitat requirements, development and habitat loss trends, sources of watershed impairment, the protection and maintenance of upland resources and riparian areas, and providing a suite of functions.

Subp. 6. **Required upland buffer.**

A. Establishment or preservation of unmanicured vegetated upland buffer areas is required adjacent and contiguous to replacement wetlands receiving credit under part 8420.XXXX, subparts 3 to 7.

B. For replacement wetlands less than two acres in size, the buffer must be a minimum average width of 25 feet. For all other replacement wetlands, the buffer must be a minimum width of 25 feet and an average width of 50 feet.

C. The applicant may request the local government unit to vary the upland buffer standards under items A and B. The local government unit may vary the standards under A and B when it is not practicable or feasible or the variance would be ecologically beneficial based on a recommendation by the technical evaluation panel.

Subp. 7. **Siting of replacement.**

A. Siting wetland replacement must follow this priority order:

(1) in the same minor watershed as the affected wetland;

(2) in the same major watershed as the affected wetland;

(3) in the same county as the affected wetland;

(4) for replacement by wetland banking, in the same wetland bank service area as the impacted wetland, except that impacts in a 50 to 80 percent area must be replaced in a 50 to 80 percent area and impacts in a less than 50 percent area must be replaced in a less than a 50 percent area;

(5) for project-specific replacement, in an adjacent major watershed to the affected wetland or, for replacement by wetland banking, in an adjacent wetland bank service area, except that impacts in a 50 to 80 percent area must be replaced in a 50 to 80 percent area and impacts in a less than 50 percent area must be replaced in a less than 50 percent area;

B. Notwithstanding item A, siting wetland replacement in greater than 80 percent areas may follow the priority order under this subitem:

(1) by wetland banking after evaluating replacement within the minor and major watersheds;

(2) replaced in an adjacent wetland bank service area if wetland bank credits are not reasonably available in the same wetland bank service area as the affected wetland, as determined by a comprehensive inventory approved by the board; or

(3) statewide; or

C. Notwithstanding item A, siting wetland replacement in the seven-county metropolitan area must follow the priority order under this subitem:

(1) in the affected county;

(2) in another of the seven metropolitan counties; or

(3) in one of the major watersheds that are wholly or partially within the seven-county metropolitan area, but at least one-to-one must be replaced within the seven-county metropolitan area.

D. Siting wetland replacement for public transportation projects must follow the requirements of 8420.XXXX, item B.

E. When reasonable, practicable, and environmentally beneficial replacement opportunities are not available in siting priorities listed in items A through D, the applicant may seek opportunities at the next level. For the purposes of this item, "reasonable, practicable, and environmentally beneficial replacement opportunities" means opportunities that are ecologically suitable according to 8420.XXXX subpart 2 and are available and capable of being done after taking into consideration cost, existing technology, and logistics consistent with overall project purposes. The cost of replacement credits alone is not sufficient reason to conclude that reasonable, practicable, or environmentally beneficial replacement opportunities are not available.

F. Regulatory agencies, local government units, and other entities involved in wetland restoration must collaborate to identify potential replacement opportunities in watersheds within their jurisdictional areas.

Subp. 8. **Timing of Replacement.**

A. Replacement of wetland function and value must be completed in advance of or concurrent with the actual wetland impact. For replacement that is not in advance, a financial assurance is required according to subpart 9.

B. Replacement is in advance if the replacement is:

(1) approved wetland bank credits withdrawn prior to impact; or

(2) project specific replacement for which construction has been certified and the first monitoring report of the first full growing season following construction certification has been submitted according to part 8420.XXXX, and the replacement meets all goals and performance standards applicable to that development stage of the replacement site.

C. Any action being proposed for replacement credit must be specifically identified for replacement purposes and approved by the local government unit as part of a replacement or banking plan prior to initiating the actual restoration or creation activity.

Subp. 9. **Financial Assurance.** For wetland replacement that is not in advance, a financial assurance acceptable to the local government unit must be submitted to, and approved by, the local government unit to ensure successful replacement. The local government unit may waive this requirement if it determines the financial assurance is not necessary to ensure successful replacement. The financial assurance may be used to cover costs of actions necessary to bring the project into compliance with the approved replacement plan specifications and monitoring requirements. The financial assurance does not serve as an in-lieu fee and is not a substitute for enforcement, but may be used for repair, construction, vegetation establishment and management, maintenance, monitoring, or other actions necessary to ensure adequate replacement. The local government unit may release a portion of the financial assurance upon successful completion of construction, but must retain a sufficient amount to ensure successful vegetative establishment and completion of monitoring requirements. Within 60-days of certification of successful replacement and completion of the monitoring requirements of part 8420.XXXX, the local government unit must release any remaining financial assurance submitted by the applicant, provided all other conditions of the approval are met.

8420.XXXX ACTIONS ELIGIBLE FOR CREDIT.

Subpart 1. **Scope.**

A. The actions in this part are eligible for replacement credit as determined by the local government unit in parts 8420.XXXX to 8420.XXXX. Sufficient information to determine eligibility and credit must be provided to the local government unit as part of a replacement or banking plan application.

B. This part identifies the amount of credit allowed for each action, however, the actual amount may be less as determined by the local government unit. When the local government unit allows less replacement credit than the maximum amounts described in this part, the local government unit must provide justification for the lower credit allocation.

C. Subparts 3 through 7 require the incorporation of upland buffers meeting the minimum requirements described in part 8420.XXXX.

D. Modification or conversion of nondegraded wetlands from one wetland type to another by damming, diking, impounding, or excavating does not constitute replacement credit. Restoration of wetlands drained or filled in violation of this chapter are not eligible for replacement credit. Wetlands impacted under an exemption may not be restored for replacement credit for ten years after the impact.

Subp. 2. **Upland buffer areas.**

A. Replacement credit may be granted for 10 percent of the buffer area for establishment or preservation of non-native vegetation and 25 percent of the buffer area for establishment or preservation of native, non-invasive vegetation. Credit may be allowed for establishing upland buffer around existing high value wetlands adjacent to the replacement wetland when the minimum widths are maintained and the maximum buffer area is not exceeded.

B. The area of buffer for which replacement credit is granted under item A cannot exceed the area of the replacement wetland.

C. For buffer areas of native, non-invasive vegetation, the local government unit may increase the amount of credit to 50% if the technical evaluation panel finds that additional buffer will improve replacement wetland sustainability and provide significant functional benefits. Buffers add to replacement wetland sustainability and provide significant functional benefits when they:

(1) extend upstream in the watershed, provide slope and soil stability, and otherwise protect and improve water quality;

(2) protect valuable native plant communities or habitats that could otherwise be lost or degraded;

(3) provide important habitat connections; or

(4) otherwise substantially improve important wetland functions based on a functional assessment and consideration of current and future adjacent land use.

Subp. 3. **Restoration of completely drained** or filled **wetland areas.** Restoration of both the natural hydrology regime and native, noninvasive vegetation on wetlands that have been completely drained or filled may receive replacement credit in an amount up to100 percent of the wetland area hydrologically and vegetatively restored. The vegetation management plan must set a goal of restoring the historic native vegetation typical of the wetland being restored, unless determined to be not ecologically feasible by the technical evaluation panel.

Subp. 4. **Restoration of partially drained** or filled **wetland areas.** Restoration of both the natural hydrology regime and native, noninvasive vegetation of wetlands that have been degraded by prior drainage, filling, or a diversion of the natural watershed may receive credit in accordance with the following:

A. any wetland area substantially degraded by partial drainage or fill that was planted with annually seeded crops, was in a crop rotation seeded to pasture grasses or legumes, or was required to be set aside to receive price supports or equivalent payments in at least ten of the last 20 years prior to the date of application may receive credit based on the percent of the time the wetland area was annually seeded, in rotation, or set aside during the 20-year period prior to application; or

B. all other wetland areas substantially degraded by partial drainage or fill may receive wetland credit of up to 50 percent of the wetland area restored.

Subp. 5. **Vegetative restoration of farmed wetlands.** Reestablishment of permanent native, noninvasive vegetative cover on farmed wetland areas that have not been affected by prior drainage or filling may receive replacement credit for:

A. up to 50% of the area restored for wetland areas that were planted with annually seeded crops, were in a crop rotation seeded to pasture grasses or legumes, or were required to be set aside to receive price supports or equivalent payments in at least ten of the last 20 years prior to the date of application for a replacement or bank plan; or

B. up to 90% of the area restored for wetland areas in bank service areas 2, 3, and 4 based on the percent of time the wetland areas were planted with annually seeded crops, were in a crop rotation seeded to pasture grasses or legumes, or were required to be set aside to receive price supports or

equivalent payments during the 20 year period prior to the date of application for a replacement or bank plan.

Subp. 6. **Protection of wetlands previously restored via conservation easements.** Replacement credit may be granted for permanently protecting wetlands previously restored or created for conservation purposes under a contract or easement, where the contract or easement has expired and gives the landowner the right to drain or fill the wetland upon termination. The area receiving credit must meet the wetland replacement standards of 8420.XXXX. Replacement credit may be granted for up to 75% of the area created or restored under the conservation contract or easement. Alternatively, credit may be allocated according to the other subparts in this part as applied prior to initiation of the contract or easement, when the applicant can document eligible credit yield to the satisfaction of the local government unit.

Subp. 7. **Wetland creations.** Wetlands created in upland areas may receive replacement credit in an amount up to 75 percent of the total wetland area created. Created wetlands that are:

A. established due to mineral extraction activities may receive replacement credit in accordance with this subpart only for those areas actively mined within 10 years prior to the application for credit; or

B. constructed as part of water quality treatment systems may receive replacement credit in accordance with this subpart only when the wetland area receiving credit is a functioning wetland designed for a maximum 24-inch rise in water level for the ten-year critical storm event. Any portions of water quality treatment systems allowed for replacement are not eligible for the exemptions in part 8420.XXXX and are subject to parts 8420.XXXX to 8420.XXXX.

Subp. 8. **Restoration and protection of exceptional natural resource value.** Replacement credit may be granted for activities that restore and protect wetlands and adjacent areas that improve or directly contribute to the function and sustainability of exceptional natural resources. For purposes of this subpart, exceptional natural resources are:

A. habitat for state listed endangered or threatened species;

B. rare native plant communities;

C. special fish and wildlife resources such as fish passage and spawning areas, colonial water bird nesting colonies, migratory waterfowl concentration areas, deer wintering areas, and wildlife travel corridors;

D. sensitive surface waters; or

E. other resources determined to be exceptional by the technical evaluation panel based on the value relative to other resources in the watershed or a board approved plan.

Restoration and protection of calcareous fens, white cedar swamps, floodplain or riparian wetlands and upland buffers, habitat corridors with other important resources, or wetlands adjacent to designated trout waters are examples of potential qualifying activities. The allocation of credit under this subpart is determined by the local government unit with concurrence of the technical evaluation panel based on the actions proposed and the resulting contribution to the value and sustainability of the exceptional resource. Areas receiving credit must be protected by a permanent conservation easement in a format provided by the board that is granted to and accepted by the state.

Subp. 9. **Preservation of wetlands owned by the state or a local unit of government.** In greater than 80 percent areas, replacement credit may be granted for up to 12.5 percent of wetland areas and adjacent buffer owned by a state or local unit of government and protected by a permanent conservation easement. The easement must be in a format provided by the board that is granted to and accepted by the board after approval of the replacement or banking plan application. Replacement credit for wetland preservation can only be granted after considering replacement as provided under subparts 3 through 8. To be eligible for credit under this subpart, the technical evaluation panel, must determine that there is a high probability the wetland will be degraded or impacted and the wetland:

A. contains or benefits an exceptional resource identified in subpart 6;

B. is of a type or function that is rare, difficult to replace, or of high value to the watershed;

C. contains a rare or declining native plant community; or

D. is of a type that is not likely to regenerate, such as northern white cedar.

Subp. 10. **Replacement Credit Conversion.** Replacement plans and banking plans approved after the effective date of this rule must determine replacement credit according to subparts 2 to 9. Public value credit that has been deposited in the state wetland bank or approved as part of a banking plan application prior to the effective date of this rule will be converted according to the following:

A. up to 100 percent replacement credit for existing public value credit derived from activities within wetlands; and

B. up to 90 percent replacement credit for existing public value credit derived from upland buffers. Previously approved public value credit must be converted according to this subpart on the effective date of this rule for deposited credits, and at the time of deposit for future deposits resulting from a previously approved banking plan.

8420.XXXX REPLACEMENT WETLAND CONSTRUCTION STANDARDS.

Subpart 1. **General requirement.** The standards and guidelines in this part must be followed in wetland creation and restoration efforts to ensure adequate replacement of wetland functions and values. In evaluating a proposed replacement or banking plan application, the local government unit must determine that the plan will adequately replace the public value of wetlands lost. If the local government unit determines that the proposed replacement is not likely to result in adequate replacement of function and public value, the local government must either require modifications necessary to obtain adequate replacement or deny the application.

Subp. 2. **Design requirements.** The standards in this subpart must be met for all replacement wetlands unless the local government unit, with concurrence of the technical evaluation panel, determines that a standard is clearly not appropriate.

A. Water control structures must be constructed using specifications provided in the Minnesota Wetland Restoration Guide or their equivalent. Control structures may be subject to the Department of Natural Resources dam safety regulations.

B. Best management practices must be established and maintained at the replacement site as necessary to protect the replacement wetland and other waterbodies. Erosion control measures must be employed during construction and until permanent ground cover is established.

C. Native, non-invasive vegetation must be established in restored and created wetlands. Each replacement or banking plan must include a vegetation establishment and management plan that specifies provisions for vegetative establishment and includes a goal of establishing plant communities that correspond to the hydrology and landscape position of the replacement site. If the replacement wetland is seeded or planted, the seed or planting stock should be from native, noninvasive species in accordance with the Minnesota Wetland Restoration Guide. In evaluating the vegetation establishment and management plan, the local government unit must determine that implementation of the plan is likely to result in the establishment of the appropriate native, non-invasive vegetation within the monitoring period. During the monitoring period, the applicant must take reasonable steps to control invasion by any nonnative or invasive species.

D. The bottom contours of created types 3, 4, and 5 wetlands must provide a variety of water depths, comparable to natural wetlands in the vicinity of the replacement, and be consistent with part 8420.XXXX, subpart X.

E. The edge of created or graded wetlands must be comparable to other naturally occurring wetlands of similar hydrologic condition and landscape position in the major watershed. Sideslopes of created wetlands, graded portions of restored wetlands, and graded buffer strips, must not be steeper than 8:1, eight feet horizontally for every one foot vertically, or flatter unless the technical evaluation panel concurs that steeper slopes are acceptable based on the surrounding landscape and the characteristics of other natural occurring wetlands in the vicinity. Sideslopes of 10:1 to 15:1 are preferred.

F. Treatment of runoff prior to discharge to replacement areas is required to improve sustainability and minimize degradation of the wetland over time. The replacement area must be physically separated from any water quality treatment system. Treatment of runoff in this part means:

(1) any part of a stormwater treatment system needed to comply with water quality treatment requirements of state or local stormwater permits or ordinances, provided the treatment system is physically separated from the replacement wetland; or

(2) when water quality treatment is not required by state or local permits or ordinances, the installation of appropriate best management practices, to the extent practicable and feasible, to protect long term wetland function.

G. For projects that contain elements that include dams, dikes, or other impoundment features, the construction plans must be designed, overseen, and certified by a registered professional engineer.

Subp. 3. **Design Considerations.** The following replacement wetland design elements must be considered for replacement wetlands and incorporated to the extent practicable and feasible:

A. Restored wetlands should emulate the hydrology and vegetation of the pre-settlement wetland condition.

B. Expanded buffers should be incorporated into the design of replacement wetlands in areas where there is a high potential for erosion and the buffer will improve slope stability, or when necessary to provide wildlife habitat corridor connections with other wetlands or habitats.

C. Measures should be taken to manage hydraulic bounce as indicated in guidance document 8420.XXXX subpart X.

D. For all restored wetlands where the original organic substrate has been stripped away, and for all created wetlands, the organic substrate must be sufficient to establish a functioning wetland and to accomplish the goals of the replacement or banking plan. When feasible, organic soil used for backfill should be salvaged from the impacted wetland for utilization in the replacement wetland. Organic soil for backfill from wetlands dominated by non-native or invasive species should be avoided.

8420.XXXX REPLACEMENT FOR PUBLIC TRANSPORTATION PROJECTS.

A. Impacts resulting from public transportation projects must be replaced according to the requirements of this chapter, except as provided for in this part.

B. Wetlands impacted by public transportation projects:

(1) outside of the seven-county metropolitan area may be replaced statewide, except that impacts in less than 50 percent areas must be replaced in less than 50 percent areas; and

(2) in the seven-county metropolitan area must be replaced in the seven-county metropolitan area or in one of the major watersheds that are wholly or partially within the seven-county metropolitan area, but at least one-to-one must be replaced within the seven-county metropolitan area.

C. A replacement plan is required for public transportation projects that involve new roads or roads expanded solely for additional traffic capacity lanes.

D. A replacement plan is not required for individual public road projects that impact wetlands for the repair, rehabilitation, reconstruction, or replacement of a currently serviceable existing state, city, county, or town public road necessary, as determined by the public road authority, to meet state or federal design or safety standards or requirements. This item only applies to authorities for public road projects that:

(1) minimize impacts associated with the project and consider replacing important site-specific wetland functions on site; and

(2) provide project specific plans and information including project locations, wetland boundaries, amount and type of wetlands impacted, demonstration of impact minimization, and any changes or addenda to the board's bank administrator, the technical evaluation panel, the commissioner of natural resources, and members of the public requesting a copy:

(a) at least 30 days prior to construction;

(b) at an annual meeting of the parties required to receive notice convened to review projects to be commenced during the upcoming year; or

(c) within 30 days of commencing minor and emergency maintenance work impacting less than 10,000 square feet.

Public road authorities that do not follow the process required in this item for a project must submit a complete replacement plan application to the local government unit and provide for replacement of impacts associated with that project according to the requirements of this chapter.

E. For impacts associated with a new public road project, or public road projects expanded solely for additional traffic capacity, public transportation authorities may purchase credits from the board at the cost to the board to establish credits. Purchase of credits under this item is allowed only when the board has determined that sufficient credits are available for sale.

F. The technical evaluation panel must review minimization and delineation decisions made by the public road authority and provide recommendations regarding on-site replacement if requested to do so by the local government unit, a contiguous landowner, or a member of the technical evaluation panel.

G. Those required to receive notice of public road projects may appeal minimization, delineation, and on-site replacement decisions made by the public road authority to the board according to part 8420.XXXX.

H. Changes to impacts proposed by local road authorities in item D must be reported to the board within six months from the date of the change being finalized.

I. Except for state public transportation projects, for which the state Department of Transportation is responsible, and public road authority projects that do not meet the requirements of item D, the board

must replace public road project impacts to wetlands and wetland areas of public waters if authorized by the commissioner or a delegated authority, that result from local government projects on existing roads.

J. Public road authorities, at their discretion, may deviate from federal and state design standards on existing road projects when practical and reasonable to avoid impacts, provided that public safety is not unreasonably compromised. The local road authority and its officers and employees are exempt from liability for any tort claim for injury to persons or property arising from travel on the highway and related to the deviation from the design standards for construction or reconstruction under this item. This item does not preclude an action for damages arising from negligence in construction or maintenance on a highway.

WETLAND BANKING

8420.XXXX PURPOSE OF WETLAND BANKING.

The purpose of parts 8420.XXXX to 8420.XXXX is to provide standards for the establishment and administration of a state wetland banking system, including individual wetland bank sites, as authorized by Minnesota Statutes, section 103G.2242. The purpose of the state wetland banking system is to provide a market-based structure that allows for replacement of unavoidable impacts with pre-established replacement wetlands. The board or board's designee is responsible for management of the bank including the recording of all bank transactions, maintaining bank records, and ensuring that the operation of the bank complies with parts 8420.XXXX to 8420.XXXX.

8420.XXXX ESTABLISHING A WETLAND BANK SITE.

Subpart. 1. **Eligibility for wetland banking.** Replacement wetland credits that result from any of the eligible actions in part 8420.XXXX, and meet the standards of part 8420.XXXX and part 8420.XXXX, may be deposited in the state wetland bank for later use in replacing unavoidable impacts. In order to be eligible for deposit in the bank, the credits must be specifically designated for wetland banking purposes prior to undertaking the replacement actions and certified by the local government unit prior to deposit. Designation of credits for wetland banking is accomplished by approval of a wetland banking plan by a local government unit. Replacement actions completed or initiated without prior local government unit approval are not eligible for deposit in the wetland bank.

Subp. 2. **Local government unit and board authority**.

A. Based on a comprehensive local water or wetland protection and management plan approved by the board, a local government unit may, by rule or ordinance, limit the establishment of bank sites within its jurisdiction. The local government unit that approves a banking plan application is responsible for certifying the credits for deposit under part 8420.XXXX, subpart 1 and for ensuring that the monitoring provisions in part 8420.XXXX are fulfilled.

B. The board may reject or modify an application for deposit if, during its review, any part of the bank application or plan is missing, incorrect, or inconsistent with this chapter.

Subp. 3. **Application procedures.** When replacement actions are proposed for banking purposes, the applicant must submit to the local government unit a banking plan application, in a form provided by the board, containing the information identified in part 8420.XXXX, item B and part 8420.XXXX, subpart 3B, and other information required by the board. The banking plan must also contain specific performance standards and a credit release schedule based upon achievement of those standards. The local government unit is responsible for ensuring that a copy of the banking plan application is sent to the administrator of the state wetland bank, to the St. Paul District Office of the United States Army Corps of Engineers, and to those required to receive a copy of an application in part 8420.XXXX. The technical evaluation panel must review the banking plan application, and may recommend changes or additions to the performance standards and credit allocation schedule. The wetland banking plan applicant must be advised of any panel recommendations. Based on the panel's findings and recommendations and other comments received, the local government unit must determine the likelihood that the replacement actions will be successful and approve, approve with modifications, or deny the banking plan application.

Subp. 4. **Combined banking and project-specific replacement.** When a banking plan applicant wishes to use a portion of the credits generated for project-specific replacement, the banking plan must identify the project-specific impact and the amount of credits to be used according to a corresponding replacement plan. The credits must meet the requirements of part 8420.XXXX and the approved replacement plan, and be deducted prior to deposit of any credits into the state wetland bank.

Subp. 5. **Conservation and access easement.** No credits may be deposited in the state wetland bank until a perpetual conservation easement, in a format provided by the board, is granted to and accepted by the state. The easement must encompass the entire replacement area, unless the local government unit and the board approve an alternate boundary at the time of bank application approval. The easement must provide for preservation of the banked wetland's functions by the fee owner and wetland banking plan applicant. The wetland banking plan applicant must also provide a title insurance policy that is acceptable to the state naming the State of Minnesota as the insured. If the conservation easement does not abut a public road, the fee owner and wetland banking plan applicant must also grant and record an access easement in favor of the board, the local government unit, and any other state, local, or federal regulatory authority that has authorized use of credits from the site for wetland replacement. The boundary of bank areas must be clearly marked as prescribed in the conservation and access easement. This subpart does not apply to state land.

Subp. 6. **Time limits for construction.** Replacement actions under an approved banking plan must be initiated within three years of banking plan approval or the banking plan must be resubmitted to the local government for consideration. Construction certification must be gained within five years of banking plan approval.

8420.XXXX CERTIFICATION AND DEPOSIT OF CREDITS.

A. To be deposited into the state wetland bank, replacement credits must be certified for deposit by the local government unit in which they are located. Certification of credits by the local government unit is requested by the banking plan applicant and may occur at any time during the monitoring period. The certification must be based on the findings and recommendation of the technical evaluation panel and must identify the area by type, area of buffer, and credits eligible for deposit. The technical evaluation panel must ensure that sufficient time has passed for the wetland to become established, especially vegetation and hydrology, before recommending certification. The area certified must be based on a land survey or comparable method of field measurement. The person making the measurement must verify in writing as to the method and accuracy of the measurement. Failure to follow the approved construction specifications or vegetation management plan is sufficient grounds for the local government unit to deny certification of credits for deposit.

B. The certification and request for deposit of credits must be in a form provided by the board and must contain the following information:

(1) name, address, and telephone number of the banking plan applicant;

(2) a complete copy of the banking plan application and local government unit approval, supporting documents, and a legal boundary survey of the land area that will be subject to restrictions (for initial deposit only);

(3) a copy of the deed for the property containing the wetland and any easement if the banking plan applicant is not the fee owner (for initial deposit only);

(4) a copy of the recorded conservation and access easement in accordance with part 8420.XXXX subpart 5;

(5) amount of replacement credit to be deposited, to the square foot, by wetland type;

(6) technical evaluation panel recommendation and local government unit certification; and

(7) other information required by the board.

C. Up to 15 percent of the credits proposed for banking are eligible for deposit in the bank immediately after certification of construction according to part 8420.XXXX and the recording of a conservation and access easement in accordance with part 8420.XXXX, subpart 5.

D. After the initial deposit, the remaining credits proposed for banking are eligible for deposit in accordance with the credit release schedule and performance standards included in the approved banking plan, subject to review by the technical evaluation panel and certification by the local government unit. If the approved banking plan does not contain a credit release schedule and associated performance standards, remaining credits will be eligible for deposit based on the findings and recommendation of the technical evaluation panel regarding the success of the proposed replacement action.

E. After certifying the credits for deposit, the local government unit must forward the signed request for deposit form to the board. No credits will be deposited until receipt of the completed and approved request to deposit form by the board. The board must acknowledge the deposit to the banking plan

applicant and local government unit and enter the information in Paragraph B, items (1) through (7) into the wetland bank.

F. If the banking plan applicant chooses not to proceed with the initial deposit, the banking plan applicant may return the site to its preconstruction condition without replacement. If credits have been deposited but none have been withdrawn, the banking plan applicant may request the board vacate the conservation and access easement at the applicant's expense. If the board vacates the conservation and access easement, the account will be closed and the site may be returned to preconstruction condition without replacement. Replacement areas wholly or partially deposited into the bank on which withdrawals have occurred or which otherwise have been used for replacement are subject to this chapter, including replacement for any subsequent impacts.

8420.XXXX MONITORING AND CORRECTIVE ACTIONS.

Subpart. 1. **Monitoring**.

A. Monitoring of wetland bank sites must conform to the monitoring requirements of part 8420.XXXX. Failure to submit the required monitoring reports or otherwise comply with monitoring requirements will prevent the deposit of credits and may result in the freezing of the bank account by the board until compliance is attained.

B. After completion of the required monitoring period the board will periodically inspect wetlands deposited into the bank at a frequency sufficient to ensure that easement conditions are being met.

Subp. 2. **Maintenance responsibilities.** The fee owner and the banking applicant, if different from the fee owner, are jointly and severally responsible for the success of the banking project in accordance with the approved banking plan, and maintaining the banking project in accordance with the conditions of the conservation easement. The banking plan applicant, if different from the fee owner, is not responsible after monitoring for maintenance if the banking plan applicant no longer owns an easement interest in the real estate or credits associated with the banked wetland.

Subp. 3. **Corrective Actions.**

A. If, during the monitoring period, the local government unit or the technical evaluation panel determines that a bank site does not meet the specifications in the approved banking plan, the local government unit must require corrective actions and notify the board's banking administrator. The board may restrict further deposits, withdrawals, and transfers of all credits associated with the bank site until the local government unit, technical evaluation panel, or the board determines that the banking project has been brought into compliance.

B. If, after the monitoring period, the board determines that wetlands deposited in the bank are not in compliance with the conditions of the conservation easement, the board must require corrective actions to the fee owner or banking plan applicant to bring the bank site into compliance with easement conditions.

C. If satisfactory remediation does not result, the local government unit or the board may undertake reconstruction work and require reimbursement of reasonable costs from the fee owner or banking plan applicant.

E. Fee owners, banking plan applicants, or account holders may appeal restrictions on credit deposits, withdrawals and transfers, or demands for reimbursement of reconstruction costs to the board.

F. Noncompliance with easement conditions or impacts to bank sites are subject to enforcement under part 8420.XXXX.

8420.XXXX WITHDRAWALS AND TRANSFERS.

Subpart. 1. **General.** Credits from the state wetland bank may be used to replace wetland impacts authorized by local government units pursuant to this chapter or by other local, state, and federal regulatory authorities provided the impacted wetland is within the state of Minnesota and the credit withdrawal procedures of this chapter are followed. No sale, withdrawal, transfer, or use of banking credits for replacement is valid until the board debits the applicable bank account. Bank credits may be used only once to replace wetland impacts. Bank accounts must maintain a positive balance. When all credits have been withdrawn or transferred, the account is closed.

Subp. 2. **Withdrawals.** Replacement plan applicants seeking to use banking credits for replacement are responsible for contacting and arranging for acquisition of the credits from the holder of a bank account in accordance with the wetland replacement requirements of this chapter. The board will supply information on wetland bank sites according to 8420.XXXX, subpart X. Replacement plan applicants

proposing the use of bank credits for replacement must complete a credit withdrawal form provided by the board and include it as part of the replacement plan application submitted to the local government unit. If the local government unit approves the use of bank credits for replacement, the local government unit must sign the credit withdrawal form and notify the board's banking administrator in accordance with 8420.XXXX subpart X. The board will not withdraw credits from a bank account unless a regulatory entity with authority over the use of the credits has approved the use of the subject credits for replacement of a specific wetland impact. Local government unit approval of replacement plans involving the use of banking credits is conditional upon withdrawal of the credits by the board. Impacts under such replacement plans must not occur until the board has notified the replacement plan applicant that the credits have been withdrawn.

Subp. 3. **Transfers**. Wetland credits deposited in the state wetland bank may be transferred from one account to another. If the recipient of the credits does not already have an account, one must be established. To transfer credits, a credit transfer form provided by the board must be completed and submitted to the board's bank administrator. The board will notify all affected account holders upon transfer of the credits.

Subp. 4. **Reporting credit transactions.** Upon the sale, use, or transfer of credits, the owner of the account must immediately report the transaction to the board's banking administrator on withdrawal or transfer forms provided by the board and include a copy of the bill of sale when applicable. The board will complete the accounting transactions and send a notice of credit withdrawal to the local government unit, the account holder, and the applicant. Failure to report the sale, use, or transfer of credit may result in restrictions on withdrawals until the account is reconciled.

8420.XXXX BANK ACCOUNT ADMINISTRATION.

Subp. 1. **Account Information.**

A. For each wetland bank site, the board will maintain at least the following information:

(1) ownership (fee owner, address, telephone number);

(2) location (public land survey coordinates, local government unit, county, major watershed and bank service area);

(3) replacement acres by amount, type and replacement action, the restoration or creation date, and bank acceptance date;

(4) withdrawals made from the bank site, including for each impact wetland, the amount and type of wetland, ownership (fee owner, address, telephone number) and location (public land survey coordinates, local government unit, county, and watershed); and

(5) the original copy of the recorded conservation and access easement for the site and a title insurance policy naming the State as an insured party.

B. The board will provide the following information to persons inquiring about available bank credits within a local government unit, county, major watershed, or bank service area:

(1) account holder name, address, telephone number, and e-mail address if available;

(2) acres or square feet of available credit by type; and

(3) location by section, township, range, county, major watershed, and bank service area.

Subp. 2. **Administrative Fees.** The board may collect administrative fees for managing bank accounts. The following fees must be paid to the board to be used for administering and monitoring the wetland bank:

A. account maintenance annual fee: one percent of the value of credits not to exceed $500 for any year the account is active;

B. account deposit or transfer: 6.5 percent of the value of credits not to exceed $1,000 per deposit or transfer; and

C. withdrawal fee: 6.5 percent of the value of credits withdrawn.

Subp. 3. **Audit.** The board may periodically inspect wetland bank records and correspondence maintained by a local government unit to determine compliance with this part.

INSPECTION AND MONITORING OF REPLACEMENT WETLANDS

8420.XXXX REPLACEMENT WETLAND CONSTRUCTION CERTIFICATION.

Subp. 1. **Purpose.** The local government unit must certify the initial construction of replacement wetlands prior to replacement wetland monitoring. The local government unit may require a preconstruction meeting prior to initiation of replacement wetland construction and may inspect the replacement wetland at any time during construction. This part applies to both wetland banking and project specific replacement.

Subp. 2. **Construction as-built documentation.** Upon completion of initial construction or restoration activities, the landowner must provide the local government unit with as-built information that documents compliance with the approved replacement plan. As-built information includes but is not limited to:

A. surveyed elevations of slopes, contours, outlets, and dikes;

B. seed tags and contractor receipts or other documentation of seeding or planting;

C. description of site preparation activities such as mulching, seedbed preparation, seeding methods, or initial weed control activities;

D. a survey map showing relevant areas of seeding and construction activities;

E. construction photos showing relevant restoration work;

F. evidence that, for projects including dams, dikes, or other impoundment features, the construction was designed, overseen, and certified by a registered professional engineer; and

G. a comparison of the as-built documentation versus the design specifications and a description and rationale for significant changes.

Subp. 3. **Construction inspection and certification.** Upon receipt of the as-built documentation from the landowner, the local government unit must inspect the replacement wetland to determine whether the as-built conditions comply with the construction specifications of the approved replacement plan. The local government unit may inspect the replacement wetland at any time during the construction and monitoring periods to assess its long-term viability. If the local government unit determines that the construction is not in compliance with the approved plan, it must promptly notify the landowner of the deficiencies and actions required to gain compliance. For projects involving the practice of engineering, the local government unit must ensure the engineer has certified the construction. When the local government unit certifies that the construction specifications have been met, the local government unit must notify the applicant and technical evaluation panel. Upon construction certification, the local government unit may release a portion of any financial assurance the applicant had provided, while retaining a sufficient amount to ensure compliance with monitoring and replacement requirements.

8420.XXXX REPLACEMENT WETLAND MONITORING.

Subpart 1. **Purpose**. The purpose of replacement wetland monitoring is to measure replacement wetland success relative to the goals of the approved replacement plan and to identify any needed corrective actions during the monitoring period.

Subpart 2. **Responsibilities.**

A. Monitoring of replacement wetlands is the responsibility of the landowner of the property where the replacement wetland is located. Any agreement to transfer the monitoring responsibilities from the landowner to a local government unit or other party must be in writing and signed by both parties, and does not release the applicant from the responsibility to provide replacement as specified in the approved replacement plan.

B. For project-specific replacement in which the wetland impact site occurs in a different local government unit from the replacement site, the local government unit for the impact site may assume the monitoring enforcement responsibility for the replacement site upon written agreement between the local government units.

Subpart 3. **Duration of Monitoring**.

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A. Monitoring may, at the discretion of the local government unit, begin upon construction certification, but must begin no later than the first full growing season following construction certification. Monitoring must continue for five full growing seasons or until the local government unit determines, with the concurrence of the technical evaluation panel, that the replacement is successful, but in no case can this determination be made prior to the end of the third full growing season.

B. If the goals of the approved plan have not been achieved after the fifth season of monitoring but, in the written opinion of the technical evaluation panel, may be achieved with more time, the local government unit may, through written notification of the applicant, extend the monitoring period for not more than an additional five growing seasons. The local government unit's notification of extension must

specify the reasons for the extension and any corrective actions necessary to bring the replacement wetland into compliance with the approved plan.

C. For project-specific replacement plans, if the local government unit determines that, at any time during the monitoring period and based on the recommendation by the technical evaluation panel, the goals of the replacement have not been achieved and will not be achieved with more time, the local government unit must pursue one or more corrective actions identified in 8420.XXXX, local government unit monitoring responsibilities.

Subpart 4. **Monitoring reports.**

A. Requirement. Following the first full growing season after construction certification, the applicant must submit annual monitoring reports documenting the progress of the replacement wetlands during the monitoring period. The first annual monitoring report must include any monitoring required by the local government unit during the previous year. The applicant must submit the annual report to the appropriate local government unit on a date determined by the local government unit, but no later than December 31. The local government unit must ensure that copies of the monitoring report are distributed to the technical evaluation panel. For wetland banking projects, the applicant must also submit the annual report to the board's wetland banking administrator. The monitoring reports must be submitted annually, or bi-annually if the local government unit determines that, after the third full growing season, bi-annual reports are sufficient for long term monitoring, until the local government unit determines the replacement has been successful.

B. Report content. The purpose of the annual report is to describe actual wetland restoration or creation activities completed during the past year, activities planned for the upcoming year, and the success of the replacement activities in achieving identified goals and performance standards. The annual report must, at minimum, include the following information:

(1) a project location map with legal description;

(2) description of replacement wetland goals and performance standards in terms of size, replacement credit amount, wetland types, hydrology, and wetland functions and a comparison of the current replacement wetland to these goals and standards;

(3) description of activities completed during the past year;

(4) description of activities planned for the upcoming year;

(5) hydrology measurements during the growing season including water level elevations at fixed, repeatable locations representative of the replacement wetland types, or areal coverage measurements of inundation for replacement wetlands with deeper hydrologic regimes;

(6) a map of plant communities within the boundaries of the replacement site, including estimates of square footage or acreage of each and identification of areas of invasive or non-native vegetation;

(7) color photographs of all replacement areas taken during the growing season from fixed, repeatable reference locations that are representative of each plant community type;

(8) delineation and survey of the replacement wetland areas, if applicable, for the final monitoring season; and

(9) other information specified in the approved monitoring plan or subsequently requested by the local government unit;

8420.XXXX LOCAL GOVERNMENT UNIT MONITORING RESPONSIBILITIES.

Subpart 1. **Monitoring Oversight.**

A. The local government unit must evaluate all monitoring reports for compliance with report requirements and must determine if the goals of the approved plan can be met within the specified monitoring period based on the current condition of the replacement wetland and the applicant's proposed management activities for the following growing season.

B. For project-specific replacement, if the local government unit determines that the goals of the approved replacement plan will not be met, it must take one or more of the following actions:

(1) order specific corrective actions on the replacement wetlands;

(2) order the applicant to prepare and implement a new or revised replacement plan;

(3) request the enforcement authority to issue a cease and desist order on the wetland impact activity if it has not been completed;

(4) request the local soil and water conservation district and enforcement authority to order restoration of the impacted wetland;

(5) utilize any financial assurance collected from the applicant to replace the lost wetland function and value;

(6) pursue a district court order requiring the applicant to fulfill the replacement plan; or

(7) other actions that the local government unit determines necessary to achieve the goals of the replacement plan.

C. If the applicant fails to submit the annual report associated with a project-specific replacement plan in accordance with 8420.XXXX subpart 4, the local government unit responsible for monitoring oversight must either pursue enforcement actions in item B or prepare the annual report for the applicant. The local government unit may charge fees for preparing the report or utilize any financial assurance the applicant had provided to complete monitoring requirements.

Subpart 2. **Certification of successful replacement and completion of monitoring.** Upon completion of the minimum monitoring period, the applicant may request a field review by the local government unit and technical evaluation panel to evaluate the success of the replacement wetland. If the replacement is determined successful, the local government unit must provide written notification to the applicant that the replacement has been certified and the monitoring requirements have been fulfilled.

WETLAND PLANNING

8420.XXXX LOCAL COMPREHENSIVE WETLAND PROTECTION AND MANAGEMENT PLANS.

Subpart 1. **Purpose and eligibility.**

A. As an alternative to the rules adopted under Minnesota Statutes, section 103G.2242, subdivision 1, and the public value criteria established or approved under Minnesota Statutes, section 103B.3355, a comprehensive wetland protection and management plan may be developed by a local government unit, or one or more local government units operating under a joint powers agreement, provided that the requirements of this part are met. This part provides minimum standards. Local government units must require equivalent or greater standards and procedures for wetland conservation, but not less.

B. The ultimate goal of a plan is to maintain and improve the quality, quantity, and biological diversity of wetland resources within watersheds through the prioritization of existing wetlands and the strategic selection of replacement sites. The purpose of developing a plan is to provide a watershed and ecosystem based framework to make wetland impact and replacement decisions that meet state standards and locally identified goals, and that support the sustainability or improvement of wetland resources in watersheds while providing local flexibility as allowed under subpart 4.

C. Any local government unit opting to pursue development of a plan and incorporating this chapter into local ordinance must provide documentation to the board demonstrating local capacity to implement the plan.

Subp. 2. **Relationship to other plans.** To maximize effectiveness, the comprehensive wetland protection and management plan should be developed as part of, or in coordination with, other relevant local or regional plans and requirements. The plan should provide a mechanism for integrating local land use decisions with wetland ecosystem management goals at the watershed level.

Subp. 3. **Plan area.** To the extent practical and feasible, the plan should be based on watershed boundaries. The size of watershed addressed should not be larger than is appropriate to ensure that the wetland resources provided through replacement will effectively compensate for approved impacts. For local governments with multiple watersheds, a separate analysis should be completed for each watershed substantially within the local government's jurisdiction. Local governments should consider joint planning efforts for those watersheds that cross political boundaries.

Subp. 4. **Flexibility options under a local plan.** The comprehensive wetland protection and management component of the local water plan may:

A. vary application of the sequencing standards in part 8420.XXXX, for projects based on the classification and criteria set forth in the plan;

B. vary the replacement standards of part 8420.XXXX, based on the classification and criteria set forth in the plan provided there is no net loss of public value within the area subject to the plan, and so long as:

(1) in a 50 to 80 percent area, a minimum acreage requirement of one acre of replaced wetland for each acre of impacted wetland requiring replacement is met within the area subject to the plan; and

(2) in a less than 50 percent area, a minimum acreage requirement of two acres of replaced wetland for each acre of impacted wetland requiring replacement is met within the area subject to the plan;

C. in a greater than 80 percent area, allow replacement credit, based on the classification and criteria set forth in the plan, for any project that increases the public value of wetlands, including activities on adjacent upland acres;

D. in a greater than 80 percent area, based on the classification and criteria set forth in the plan, expand the application of the exemptions in part 8420.XXXX, subpart 2, item B, to also include nonagricultural land, provided there is no net loss of wetland value;

E. prescribe standards for size and location of replacement wetlands by establishing type requirements, size/ratio requirements, functional quality requirements, location requirements, and criteria for wetland mitigation fee in lieu of direct replacement. Requirements for replacement must have a direct relationship with wetland classification as defined in the plan and must result in no net loss of wetland quantity, quality, and biological diversity over the life of the plan; and

F. allow exemptions based on ordinance standards, eligibility criteria, and processes that are not less restrictive than the requirements in parts 8420.XXXX, 8420.XXXX, and 8420.XXXX based on wetland classifications as defined in the plan.

Subp. 5. **Plan content.**

A. Assessment of existing conditions and determination of watershed goals. The plan must be based on an analysis of the ecological conditions of the plan area and the development of corresponding goals for maintaining and improving those conditions. The ecological condition of the plan area should be based on inventories of historic and existing wetland resources, including identification of degraded wetlands, existing high quality wetlands, and immediate and long-term resource needs within the plan area. This analysis may be completed as part of the comprehensive wetland protection and management plan, or adopted from a relevant local or regional water plan if one exists.

B. Classification of existing wetlands. The plan may provide for the classification of wetlands in the plan area based on:

(1) an inventory of wetlands in the plan area;

(2) an assessment of the wetland functions listed in part 8420.XXXX, using a methodology chosen by the technical evaluation panel and based on one of the methodologies established or approved by the board;

(3) landscape position, adjacent habitats or buffers, connectivity with or between important resources, projected land use, and other watershed-scale criteria; and

(4) the resulting public value.

C. Inventory and prioritization of replacement sites. The plan must include an analysis of the types and locations of replacement projects that will provide the desired wetland functions, benefit the watershed from a landscape perspective, and best offset losses of public value caused by approved impacts. The goal of this analysis is to provide a framework from which replacement actions and locations will provide the greatest value to the public based on the ecological needs of the watershed. Priority should be given to naturally self-sustaining replacement that best achieves watershed goals and improves the ecological condition of the watershed. The plan must include strategies for the promotion and establishment of high priority replacement sites that best meet the goals of the plan.

D. High priority areas. Comprehensive wetland protection and management plans developed as part of county, watershed district, or watershed management organization plans may identify those areas that qualify as high priority areas for wetland preservation, enhancement, restoration, and establishment according to part 8420.XXXX.

E. Assessing plan effectiveness. The plan must include a provision for periodic assessment of the effectiveness of the plan, and the local government unit's implementation of it, in achieving plan goals. Updates to previously approved plans must include an analysis of the effectiveness of the previous plan, including the identification of barriers to achieving identified goals and the development of strategies to overcome them.

F. Effective date and expiration. The plan must specify the period covered by the plan, which must extend at least five years but no more than ten years from the date the board approves the plan.

Subp. 6. **Plan development and review process.**

A. A notice of intent to plan must be sent, at the beginning of the planning process, to the technical evaluation panel, the Department of Natural Resources, the Department of Agriculture, the Pollution

Control Agency, watershed management organizations within the plan area, local government units within and adjacent to the plan area, and the United States Army Corps of Engineers with an invitation to actively participate in the development of the plan. The notice should also include a general description of the planning effort, the planning area, and an anticipated timeline.

B. The technical evaluation panel must be consulted in all components of plan and ordinance development including, but not limited to, conducting wetland functional assessments, establishing wetland management classifications, prioritizing replacement sites, and identifying local reference standard wetlands.

C. The local government unit must implement a process for notifying and involving local citizens in the development of the plan and the determination of local value. Local citizen involvement can include the formation of a citizen's advisory committee or utilization of other existing citizen groups.

D. Upon completion, the local government unit must submit the draft plan and ordinance for a 60-day review and comment period to those required to receive notice in item A. The local government unit must respond in writing to any comments received during the review period within 30 days of the end of the review period.

E. The local government unit must conduct a public hearing on the plan no sooner than 30 days after the end of the 60-day review period but before submittal of the final draft plan to the board for approval.

F. After conducting the public hearing but before final adoption, the local government unit must submit the plan and ordinance, all written comments received, a record of the public hearing, and a summary of responses to comments and changes incorporated as a result of the review process to the board for review under subpart 7.

G. An organization that is invited to participate in the development of the draft local plan, but declines to do so or fails to participate or to provide written comments during the local review process, waives the right during the review under item D to submit comments, except comments concerning consistency of the plan with laws and rules administered by that agency. In determining the merit of an agency comment, the board must consider the involvement of the agency in the development of the local plan.

H. Except as otherwise provided for in this part, all other requirements relating to development of the plan must be consistent with the local water plan processes under Minnesota Statutes, section 103B.231, 103B.311, or 103D.401. A plan developed as part of a local water management plan may follow the review and approval process applicable to the local water management plan instead of items D, E, and F.

Subp. 7. **Board decision; mediation; judicial review.**

A. The board must make a decision to approve or disapprove a plan within 60 days of receipt of a complete and final draft of the plan and ordinance as required in subpart 6F. The board may disapprove all or parts of the plan if the board determines it does not meet the requirements of this part. If the board has not made a decision within 60 days of receipt of the final plan, the plan is deemed approved. The 60 day period may be extended upon mutual agreement of the board and the local government unit.

B. In its review of a plan, the board must advise the local government unit of those elements of the plan that are more restrictive than this chapter and the act.

C. If the board disagrees with the plan or any elements of the plan, the board must, in writing, notify the local government unit of the plan deficiencies and suggested changes. The board must include in the response to the local government unit the scientific justification, if applicable, for the board's concerns with the plan. Upon receipt of the board's concerns with the plan, the local government unit has 60 days to revise the plan and resubmit the plan to the board for reconsideration, or the local government unit may request a hearing before the board. The board must hold a hearing within the boundaries of the jurisdiction of the local government within 60 days of the request for hearing. After the hearing, the board must, within 60 days, prepare a report of its decision and inform the local government unit.

D. If, after the hearing, the board and local government unit disagree on the plan, the board must, within 60 days, initiate mediation through a neutral party. If the board and local government unit agree in writing not to use mediation or the mediation does not result in a resolution of the differences between the parties, then the board may commence a declaratory judgment action in the district court of the county where the local government unit is located. If the board does not commence a declaratory judgment action within the applicable 60-day period, the plan is deemed approved.

E. The declaratory judgment action must be commenced within 60 days after the date of the written agreement not to use mediation or 60 days after conclusion of the mediation. If the board commences a declaratory judgment action, the district court must review the board's record of decision and the record of decision of the local government unit. The district court must affirm the plan if it meets the requirements of this part.

Subp. 8. **Effective date and amendments.**

A. The plan becomes effective after approval by the board as provided in subpart 7 and after adoption of the plan into the official controls of the local government unit.

B. Comprehensive wetland protection and management plans remain in effect according to subpart 5F, unless revised according to subpart 6 and approved by the board. Plans that contain revision dates inconsistent with this part must comply with that date provided it is not more than 10 years beyond the date of board approval. An extension of the revision date of the plan may be granted by the board.

C. All amendments to the adopted plan and ordinance become effective upon completion of the same process required for the original plan, except when the proposed amendments constitute minor amendments and:

(1) a public hearing has been held to explain the amendments;

(2) the local government unit has sent copies of the amendments to those required to receive notice in subpart 6; and

(3) the board has either agreed that the amendments are minor or failed to act within 60 days of receipt of the amendments.

D. For the purposes of this subpart, minor amendments include clarifications, updates to wetland or replacement site inventories, and other changes that do not substantially alter the standards of the approved plan and ordinance, as determined by the board. Amendments required to bring the plan into conformance with revisions to this chapter may also be considered minor.

Subp. 9. **Implementation.**

A. The plan must be implemented by ordinance as part of the local government unit's official controls under Minnesota Statutes, chapter 394, for a county; Minnesota Statutes, chapter 462, for a city; Minnesota Statutes, chapter 366, for a town; and by rules adopted under Minnesota Statutes, chapter 103D, for a watershed district; and Minnesota Statutes, chapter 103B, for a watershed management organization.

B. After board approval and local government adoption, decisions made in implementing this chapter and the act must be made according to the plan and ordinance.

C. Noticing, appeals, and all other administrative processes under a local plan must follow the requirements of this chapter.

Subp. 10. **Reporting.** In addition to, and as part of, the reporting requirements of part 8420.XXXX, a local government unit with an approved and adopted comprehensive wetland management plan must annually provide information to the board regarding activities that vary from this chapter, this part notwithstanding, and documenting compliance with the minimum plan standards required in subpart X. Failure to provide this information on an annual basis may subject the local government unit to penalties under part 8420.XXXX.

8420.XXXX HIGH PRIORITY REGIONS AND AREAS.

Subpart 1. **High priority regions.** Parts of the state that are high priority regions for preservation, enhancement, restoration, and establishment of wetlands include all major watersheds with a majority of their land area contained within counties that have lost 50 percent or more of their presettlement wetland base, which are those listed in part 8420.XXXX. In all other major watersheds of the state, high priority regions are high priority areas approved as such by the board according to subpart 2.

Subp. 2. **High priority areas.**

A. Planning context. Water management plans prepared by water management organizations in the metropolitan area under Minnesota Statutes, section 103B.231, by counties outside the metropolitan area under Minnesota Statutes, section 103B.311, and by watershed districts outside the metropolitan area under Minnesota Statutes, sections 103D.401 and 103D.405, may identify those areas that qualify as high priority areas for wetland preservation, enhancement, restoration, and establishment. In order to designate a high priority area, the preservation, enhancement, restoration, and establishment of wetlands must have or achieve high public value based on the functions of wetlands listed in part 8420.XXXX and the goals of the water management plan.

B. Priority watersheds. High priority areas should be designated by minor or sub-watershed. Strong consideration should be given to identifying as high priority areas minor watersheds having less than 50 percent of their original wetland acreages and where restoration of previously impacted or degraded wetlands will contribute towards achieving watershed-based goals. Consideration should also be given to watersheds that contain high valued wetlands that are at risk of degradation or loss and whose protection is integral to maintaining the ecology and condition of the watershed. Identification of high priority watersheds should be consistent with 8420.XXXX subpart 5.

C. Priority wetlands. Water management plans may identify individual wetlands, or criteria to establish individual wetlands, as high priority areas. Individual wetlands identified as high priority areas should be of high local value, at risk of degradation or loss, and consistent with any existing wetland classification criteria established under part 8420.XXXX subpart 5B. Plans may also identify individual sites as high priority areas for wetland restoration and establishment. High priority restoration sites should be identified according to the criteria in part 8420.XXX subpart 5C.

D. Wetland Preservation Area Criteria. Water management plans that identify high priority areas and intend to accept applications for wetland preservation areas under part 8420.XXXX should include criteria for eligibility and prioritization of applications.

E. Board review and approval. The board will review the inclusion of high priority areas in plans as part of the standard process for plan review. High priority areas approved by the board that are not in a high priority region listed in subpart 1 become high priority regions with board approval.

8420.XXXX WETLAND PRESERVATION AREAS.

Subpart 1. **Purpose and eligibility.** The purpose of this part is to provide local governments with a tool to promote the preservation of high valued wetlands and the restoration and enhancement of wetland areas that will contribute towards meeting watershed-based goals identified in a local water management plan. Wetlands located in high priority areas as identified in part 8420.XXXX and a local water plan are eligible for enrollment as wetland preservation areas. A wetland so enrolled is exempt from property tax. Sites identified as high priority areas for wetland restoration and establishment are only eligible for wetland preservation area designation after restoration of the wetland. Wetland areas receiving replacement credit are not eligible for designation as a wetland preservation area.

Subp. 2. **Landowner application for wetland preservation area.** A landowner may apply to the county or watershed district, if the county or watershed district chooses to accept wetland preservation areas, for designation of a wetland as a wetland preservation area on forms provided by the board. The applicant must include a buffer strip that meets the requirements of part 8420.XXXX subpart X around the perimeter of the wetland. The applicant may include up to four acres of upland for each acre of wetland. The application must be accompanied by a restrictive covenant on a form provided by the board. The covenant will contain the same limitations on use that are provided in Minnesota Statutes, section 103F.515, subdivision 4, including a covenant that the enrolled upland area will be vegetated by the landowner to permanent vegetation other than noxious weeds. The covenant must be signed, acknowledged, and ready for recording.

Subp. 3. **County or watershed district review of application.** Upon receipt of a complete application, the county or watershed district must send a copy of the application to the county assessor, the board, and the soil and water conservation district where the land is located. The soil and water conservation district must prepare an advisory statement of existing and potential preservation problems or conflicts and send the statement to the owner of record and to the county or watershed district. The county or watershed district may accept the application if the wetland is in a high priority region and high priority area, if it includes the required buffer and is accompanied by the proper covenant. The county or watershed district may limit or reject additional upland proposed to be included according to criteria identified in the approved plan and standards the county may establish. The county or watershed district may reject the application if the application does not qualify, or require modification and resubmittal of the application. If the application qualifies, the county or watershed district may approve it and mark the date of approval on the application. The county or watershed district must notify the landowner of the acceptance or denial of the application within 60 days from the date of the application. Within five business days of approval of the application, the county or watershed district must forward it to the county recorder for recording of the restrictive covenant or memorialization of the application on the certificate of title. The county or watershed district must also send a copy of the approved application to the county assessor for entry in the assessor's records as a wetland preservation area. The county or watershed

district must also send copies of the approved application to the soil and water conservation district, the local government unit, and the board.

Subp. 4. **Applicable statutes.** In addition to this chapter, wetland preservation areas are subject to Minnesota Statutes, sections 103F.612 to 103F.616, and the property tax provisions of Minnesota Statutes, section 272.02, subdivision 11.

Subp. 5. **Commencement of wetland preservation area.** The wetland is a wetland preservation area commencing 30 days from the date the county notifies the landowner of acceptance of the application under subpart 3.

Subp. 6. **Fee.** The county or watershed district may require an application fee to defray administrative costs of the program.

Subp. 7. **Maps.** Counties having approved wetland preservation areas within their legal boundaries must maintain maps illustrating land covenanted as wetland preservation areas.

Subp. 8. **Reimbursement of unpaid taxes.** A county or watershed district with an approved wetland preservation area will be reimbursed for lost tax revenue according to Minnesota Statutes, section 275.295.

APPEALS, COMPENSATION, AND ENFORCEMENT

8420.XXXX APPEALS.

Subpart 1. **Appeals of replacement and restoration orders to the board.** A landowner or responsible party may appeal the terms and conditions of a restoration or replacement order issued pursuant to part 8420.XXXX to the board's executive director within 30 days of receipt of written notice by filing a written request for review and paying a nonrefundable filing fee to the board. The filing fee is $200, or an amount otherwise determined by the board not to exceed $1,000. If the written request is not submitted within 30 days, the restoration or replacement order becomes final. The executive director must review the request and supporting evidence and render a decision within 60 days of the request for review. The executive director may stay the restoration or replacement order until the appeal is resolved.

Subp. 2. **Appeal of local government unit staff decisions.** A decision made by staff becomes final if not appealed to the local government unit within 30 days after the date on which the decision is sent to those required to receive notice of the decision. Notwithstanding the time frames of Minnesota Statutes, section 15.99, or any other law to the contrary, the local government unit must make a ruling within 30 days from the date of the filing of the appeal, unless the appellant and local government unit mutually agree, in writing, to an extension of time beyond the 30 days. Appeal of a final decision made by staff may be made by the landowner, by any of those required to receive notice of the decision, or by 100 residents of the county in which a majority of the wetland is located. An appeal is effective upon mailing of a petition and payment of any applicable fees to the local government unit. A filing fee is not required for appeals petitioned by state agencies or members of the technical evaluation panel.

Subpart 3. **Appeal of local government unit decisions to the board.** The decision of a local government unit to approve, approve with conditions, or deny an application becomes final if not appealed to the board within 30 days after the date on which the decision is sent to those required to receive notice of the decision. Appeals of decisions made by local government staff must be made to the local government unit as provided for in subpart 2. This subpart also applies to decisions made under comprehensive wetland protection and management plans.

Appeal may be made by the landowner, by any of those required to receive notice of the decision, or by 100 residents of the county in which a majority of the wetland is located.

Appeal is effective upon mailing of a petition and payment of a nonrefundable filing fee of $200, or an amount otherwise determined by the board not to exceed $1,000, to the board with evidence that a copy of the petition has been mailed to the local government unit. The petition should include information to establish sufficient grounds for the appeal. The filing fee is not required for appeals petitioned by state agencies or members of the technical evaluation panel. Another filing fee is not required for appeals that have been remanded if the filing fee was paid and the same party appeals the new decision made under remand. Subsequent to receipt of a petition, the local government unit must send a copy of the petition to all those to whom it was required to send a notice of the decision.

Subp. 4. **Board appeal procedures.** Within 30 days after receiving the petition, the board or its dispute resolution committee or executive director must decide whether to grant the petition and hear the

appeal. After considering the size of the proposed impacts and the quality of the affected wetland, any patterns of similar acts by the petitioner or the local government unit in administration of this chapter and the act, and the consequences of the delay resulting from the appeal, the board, its dispute resolution committee, or its executive director will grant the petition unless the appeal is without sufficient merit, trivial, or brought solely for the purposes of delay; the petitioner has not exhausted all local administrative remedies; or the petitioner has not submitted the required filing fee.

The board, its dispute resolution committee, or its executive director may stay the local government unit decision until the appeal is resolved.

The board, its dispute resolution committee, or its executive director may remand the appealed decision back to the local government unit if the petitioner has not exhausted all local administrative remedies such as a local government unit evidentiary public hearing, if expanded technical review is needed, or if the local government unit's record is not adequate. If an appeal is remanded, a new application is not required and additional information may be submitted before a decision is made by the local government unit. The local government unit must make a decision on an appeal that has been remanded within 60 days unless the remand order, or a subsequent order, specifies a longer period. After granting the petition, the appeal must be heard by the dispute resolution committee and decided by the board within 60 days after the filing of the local government unit's written record, submittal of the written briefs for the appeal, and the hearing by the dispute resolution committee. Parties to the appeal are the appellant, the landowner, the local government unit, and those required to receive notice of the local government unit decision.

The board or its executive director may elect to combine related appeals and process as one decision, either multiple appeals on the same project or appeals of different local government unit decisions on the same project.

Within 30 days of the granting of an appeal, unless an extension of time is approved by the board, the local government unit must forward to the board the written record on which it based its decision. The board will forward one copy of the record to each of the parties to the appeal. The board will make its decision on the appeal after hearing. Thirty days' notice of the hearing will be given by the board to the parties. The board will base its review on the record and the argument presented to the board by the parties. However, if the local government unit did not consider fundamental information, such as aerial photographs, soils maps, or wetland maps, or did not make formal findings contemporaneously with its decision, if there is not accurate verbatim transcript of the proceedings, if the proceedings were not fairly conducted, or if the record is otherwise incomplete or deficient, the board may remand the matter or receive additional evidence. If, before the date set for the hearing, application is made to the board for leave to present additional evidence on the issues in the case, and it is shown to the satisfaction of the board that additional evidence is material and that there were good reasons for failure to present it in the proceeding before the local government unit, the board may order that the additional evidence be taken before the local government unit upon such conditions that the board deems proper. The local government unit may modify its findings and decision by reason of the additional evidence and must file with the board, to become a part of the record, the additional evidence, together with any modifications or new findings or decision.

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

Subp. 5. **Appeal of board decisions.** An appeal of a board decision is taken to the state court of appeals and must be considered an appeal from a contested case decision for purposes of judicial review under Minnesota Statutes, sections 14.63 to 14.69.

8420.XXXX COMPENSATION CLAIMS AGAINST LOCAL GOVERNMENT UNITS.

Subpart 1. **Intervention.** At the request of a local government unit against which a compensation action is brought based at least in part on the local government unit's application of Minnesota Statutes, section 103G.222, 103G.2241, 103G.2242, 103G.237, or 103G.2372, or rules adopted by the board to implement these sections, the state, through the attorney general, must intervene in the action on behalf of the local government unit and will thereafter be considered a defendant in the action. A local government unit making a request under this subpart must provide the attorney general with a copy of the

complaint as soon as possible after being served. If requested by the attorney general, the court must grant additional time to file an answer equal to the time between service of the complaint on the local government unit and receipt of the complaint by the attorney general.

Subp. 2. **Liability of state for certain costs.** The state is liable for costs, damages, fees, and compensation awarded in the action based on the local government unit's adoption or implementation of standards that are required by state law, as determined by the court. The local government unit is liable for costs, damages, fees, and compensation awarded in the action based on local standards that are more restrictive than state law and rules.

Subp. 3. **Definition.** For purposes of this part, "compensation action" means an action in which the plaintiff seeks compensation for taking private property under the state or federal constitution.

8420.XXXX COMPENSATION TO LANDOWNERS.

Replacement plan applicants who have completed the local government unit process and the board appeal process, and the replacement plan has not been approved as submitted, may apply to the board for compensation under Minnesota Statutes, section 103G.237.

The application must identify the applicant, locate the wetland, and refer the board to its appeal file in the matter. The application must include an agreement that, in exchange for compensation, the applicant will convey to the state a perpetual conservation easement in the form required by Minnesota Statutes, section 103F.516. The applicant must provide an abstract of title demonstrating the ability to convey the easement free of any prior title, lien, or encumbrance. Failure to provide marketable title negates the state's obligation to compensate. The applicant must submit official documentation from the United States Army Corps of Engineers, the Minnesota Pollution Control Agency, the watershed district or water management organization if any, the county, and the town or city, as applicable, that the proposed impact and the proposed subsequent use of the wetland are lawful under their respective legal requirements. The landowner must demonstrate that the proposed impact is a feasible and prudent project and that the replacement plan as proposed is a reasonable good faith effort to fulfill the replacement requirements of parts 8420.0500 to 8420.0630 and the act.

If the replacement plan was approved, but with conditions or modifications, the applicant must show that the conditions or modifications make the replacement unworkable or not feasible. A plan is unworkable or not feasible if the replacement must be on land that the applicant does not own, the applicant has made good faith efforts to acquire a replacement site and not succeeded, and there is not a qualifying replacement available in a wetland bank. A plan is also unworkable or not feasible if it is not possible to carry out for engineering reasons. The applicant must show that not going ahead with the proposed project will cause the applicant damages and that disallowing the proposed use will enhance the public values of the wetland.

The applicant must submit the requirements in this part in writing, by certified mail, to the board. If the applicant wants to make oral argument to the board, it must be indicated as part of the application. The board may require that the applicant appear before the board. If the board finds that the applicant has submitted a complete application and proved the requirements in this part, the board must compensate the applicant as required by law within 90 days after the board received a completed application, provided that within the same time period the applicant must convey to the board a conservation easement in the form required by Minnesota Statutes, section 103F.516. If the board does not provide the required compensation in exchange for the conservation easement, the applicant may impact the wetland in the manner proposed, without replacement.

8420.XXXX ENFORCEMENT PROCEDURES.

Subpart 1. **Enforcement authorities.** The commissioner, conservation officers, and other peace officers may issue cease and desist orders and restoration and replacement orders.

Subp. 2. **Cease and desist orders.**

A. Cease and desist orders may be issued when the enforcement authority has probable cause that an activity is being or has been conducted that impacts a wetland and does not qualify for an exemption or a no-loss under parts 8420.XXXX and 8420.XXXX and is being or has been conducted without prior approval by a local government unit under part 8420.XXXX or involving a decision stayed by the board pursuant to part 8420.XXXX. A cease and desist order must not be issued if the landowner has, and is complying with, a valid replacement plan, exemption, or no-loss approved by the local government unit, or a completed and submitted public road project notification that has not been stayed, remanded, or

reversed on appeal under provisions of part 8420.XXXX, or has sufficient evidence to support qualification for an exemption or no-loss. The enforcement authority issuing a cease and desist order must submit copies to the soil and water conservation district, local government unit, and Department of Natural Resources.

B. The enforcement authority must advise the landowner that the landowner's written application, if any, for an replacement plan, exemption, or no-loss should be made immediately to the local government unit and that any wetland that has been impacted may require restoration if the application for replacement plan, exemption, or no-loss is denied or reversed on appeal.

C. If an application for a replacement plan, exemption, or no-loss approval is triggered by a cease and desist order, the local government unit must make the decision in accordance with parts 8420.XXXX to 8420.XXXX. If the decision is that the activity is exempt or qualifies for a no loss, the decision maker must request that the enforcement authority rescind the cease and desist order, pending the outcome of any appeal, and notify the soil and water conservation district, the enforcement authority, and the landowner. If the application is denied, the decision-maker must immediately notify the soil and water conservation district, the enforcement authority, and the landowner.

D. In cases where the cease and desist order has been issued to a local government unit, the decision of exemption or no-loss must be made by the board.

Subp. 3. **Restoration and replacement orders.** The enforcement authority must issue a restoration order or replacement order when:

A. the impact has already been completed when discovered, or after a cease and desist order has been issued and the landowner does not apply for an replacement plan, exemption, or no-loss within three weeks;

B. the local government unit grants the application but it is reversed on appeal; or

C. the local government unit denies the application.

Promptly upon being informed by the enforcement authority or the local government unit of the need, the soil and water conservation district staff person must inspect the site and prepare a plan in consultation with the local government unit and the enforcement authority for restoring the site to its prealtered condition. The soil and water conservation district may request assistance from the local government unit in inspecting the site and preparing the plan. Restoration must be ordered unless the technical evaluation panel concludes that restoration is not possible or prudent. The soil and water conservation district must incorporate its plan into a restoration or replacement order and send it to the enforcement authority for service in person or by certified mail to the landowner or responsible party.

Subp. 4. **Contents of order.**

A. A restoration order must specify dates by which the landowner or responsible party must either:

(1) restore the wetland according to the soil and water conservation district plan and obtain a certificate of satisfactory restoration from the soil and water conservation district; or

(2) submit a complete replacement plan, exemption, or no loss application to the local government unit.

If an application is submitted and subsequently denied, the landowner or responsible party must restore the wetland as specified in the order. The restoration order must be rescinded if the landowner or responsible party obtains approval of an after-the-fact replacement plan, exemption, or no-loss from the local government unit that is not reversed on appeal. A replacement order must specify a date by which the landowner or responsible party must submit a complete replacement plan application to the local government unit and a subsequent date by which the landowner or responsible party must replace the wetland according to the approved replacement plan and obtain a certificate of satisfactory replacement from the soil and water conservation district. The restoration or replacement order must specify a time period of at least 30 days for submittal of a complete application under this subpart.

B. A certificate of satisfactory restoration or replacement may be issued with conditions that must be met in the future, such as but not limited to, issues with wetland vegetation, weed control, inspections, monitoring, or hydrology. Failure to fully comply with any conditions that have been specified may result in the issuance of a new restoration or replacement order.

C. Failure to submit a complete application within the time period specified in the restoration order, or as properly extended, will result in the landowner or responsible party having to comply with the order before an application under this chapter may be submitted, unless the local government unit and the enforcement authority agree otherwise or unless allowed under appeal.

Subp. 5. **Enforcement authority orders.** If the technical evaluation panel determines that restoration will not restore all the loss caused by the impact, the order may require a combination of restoration and replacement, or replacement rather than restoration. The order must direct the landowner or responsible party to obtain replacement plan approval from the local government unit. The order must specify that if replacement plan approval is not obtained, the landowner or responsible party must restore the wetland as ordered. Each cease and desist, restoration, and replacement order must state that violation of the order is a misdemeanor. If, as part of a misdemeanor proceeding, the court orders restoration or replacement, the technical evaluation panel, must determine which is appropriate, and if it is restoration, the method of restoration. If the court orders replacement, the landowner or responsible party must follow the replacement plan process in subpart 6 and parts 8420.XXXX to 8420.XXXX.

Subp. 6. **After-the-fact replacement.** If a landowner or responsible party seeks approval of a replacement plan after the proposed project has already impacted the wetland or if sufficient replacement has not been provided under an approved replacement plan, the local government unit must require the landowner or responsible party to replace the impacted wetland at a ratio twice the replacement ratio otherwise required, unless the local government unit and enforcement authority concur that an increased ratio is not required.

Subp. 7. **Misdemeanor.** A violation of an order issued under this part is a misdemeanor and must be prosecuted by the county attorney where the wetland is located or the illegal activity occurred.

ACTIVITIES UNDER DEPARTMENT OF NATURAL RESOURCES AUTHORITY

8420.XXXX MINING.

Wetlands must not be impacted as part of a project for which a permit to mine is required by Minnesota Statutes, section 93.481, except as approved by the commissioner. Impacts to wetlands created by pits, stockpiles, or tailing basins by actions whose purpose was not to create the wetland are exempt under part 8420.XXXX.

A. For new mining operations that are permitted and initiated after July 1, 1993:

(1) mining must not be conducted without first receiving a permit to mine issued under chapter 6130 for iron ore and taconite or chapter 6132 for nonferrous metallic minerals; and

(2) the mining and reclamation operating plans or annual reports submitted by the applicant as required in the permit to mine must include an approved wetland replacement plan that meets the same principles and standards for replacing wetlands under parts 8420.XXXX to 8420.XXXX.

B. For mining operations in existence before July 1, 1993, and operated on or after that date under a permit to mine issued under chapter 6130 for iron ore and taconite or chapter 6132 for nonferrous metallic minerals:

(1) wetlands for which impacts were approved but not initiated before July 1, 1993 must not be impacted until the operating plan or annual report as required in the permit to mine includes an approved wetland replacement plan for the undisturbed wetlands. The wetland replacement plan must meet the same principles and standards for replacing wetlands under parts 8420.XXXX to 8420.XXXX;

(2) for filling activities that were approved and initiated before July 1, 1993, the placement of fill atop a stockpile, roadway, or other mining-related facility that occupies a wetland filled before July 1, 1993, will be allowed to continue within the areal extent, as it existed on July 1, 1993, of the stockpile, roadway, or other mining-related facility without the requirement of a replacement plan or amendment of the permit to mine. An expansion of the areal extent of the fill in the wetland requires an approved replacement plan in the operating plan or annual report as required in the permit to mine, according to subitem (1);

(3) for draining activities that were approved and initiated before July 1, 1993, the draining of a wetland to facilitate mining, using ditches and other drainage facilities that existed on July 1, 1993, will be allowed to continue without the requirement of a replacement plan or amendment of the permit to mine. Maintenance of the ditches and structures will be allowed without the requirement of a replacement plan or amendment of the permit to mine, provided that as a result of the maintenance, wetlands are not drained beyond the extent that existed as of July 1, 1993. Otherwise, the permit to mine must be amended to provide for replacement according to subitem (1).

C. Replacement wetlands approved under this part must only be used for mining-related impacts covered under a permit to mine unless the credits are approved and deposited in the state wetland bank according to parts 8420.XXXX to 8420.XXXX.

D. Applicable procedures are those required for permits to mine.

E. This part does not apply to peat mining as defined under Minnesota Statutes, section 93.461, that is subject to the mine permit and reclamation requirements under Minnesota Statutes, sections 93.44 to 93.51, and the rules of the commissioner adopted under those sections.

8420.XXXX STANDARDS AND CRITERIA FOR IDENTIFICATION, PROTECTION, AND MANAGEMENT OF CALCAREOUS FENS.

Subpart 1. **Purpose.** The purpose of this part is to provide minimum standards and criteria for the identification, protection, and management of calcareous fens as authorized by Minnesota Statutes, section 103G.223. Calcareous fens, as identified by the commissioner, must not be impacted or otherwise altered or degraded, wholly or partially, by any action, unless the commissioner, under an approved management plan decides some alteration is necessary. The exemptions contained in part 8420.XXXX, and the sequencing provisions in part 8420.XXXX, do not apply to calcareous fens.

Subp. 2. **Identifying calcareous fens.** A calcareous fen is a peat-accumulating wetland dominated by distinct groundwater inflows having specific chemical characteristics. The water is characterized as circumneutral to alkaline, with high concentrations of calcium and low dissolved oxygen content. The chemistry provides an environment for specific and often rare hydrophytic plants.

Subp. 3. **Procedures to list calcareous fens.**

A. The commissioner must investigate wetlands to determine if the wetland is properly identified as a calcareous fen.

B. The commissioner must maintain a current list of known calcareous fens in the state and their location.

C. The commissioner must provide an updated list of calcareous fens to the board for further distribution.

Subp. 4. **Management plans.** Calcareous fens must not be impacted or otherwise altered or degraded except as provided for in a management plan approved by the commissioner. The commissioner will provide technical assistance to landowners or project sponsors in the development of management plans.

Subp. 5. **Restoration.** The commissioner may approve management plans to restore or upgrade a previously damaged calcareous fen.

Subp. 6. **Appeals.**

A. A landowner or project proposer may challenge the commissioner's determination that a wetland is a calcareous fen or the commissioner's calcareous fen management plan by demanding a hearing. The hearing will be carried out in the same manner as water permit hearings under Minnesota Statutes, chapter 103G.

B. The determination that a wetland is a calcareous fen may be appealed at any time by demanding a hearing. For a decision under a management plan, the hearing must be demanded within 30 days after mailing of the notice of the commissioner's decision to the project proposer, otherwise the decision becomes final and may not be challenged by the project proposer.

C. Appeal of the commissioner's decision after the hearing must be done in the manner provided for appeals from contested case decisions in Minnesota Statutes, chapter 14.

Subp. 7. **Enforcement procedures.** Enforcement procedures for calcareous fens must be conducted consistent with Minnesota Statutes, sections 103G.141 and 103G.2372, except that necessary restoration or replacement activities, if required, will be determined by the commissioner, in consultation with the local soil and water conservation district.

DEFINITIONS AND REFERENCES

8420.XXXX DEFINITIONS.

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

Subp. X. **Account or wetland bank account.** "Account" or "wetland bank account" means a record of wetland banking debits and credits established by an account holder within the state wetland banking system.

Subp. X. **Account holder.** "Account holder," in the state wetland banking system, is a person, corporation, government agency, or organization that is the owner of credits.

Subp. X. **Act.** "Act," when not used in reference to a specific state or federal act, means the Wetland Conservation of 1991, Laws 1991, chapter 354, as amended.

Subp. X. **Activity.** "Activity" means any work or action conducted in or near a wetland that could potentially affect a wetland. An activity may or may not result in an impact as defined at subpart X of this part.

Subp. X. **Agricultural land.** "Agricultural land," means land used for horticultural, row, close grown, pasture, and hayland crops; growing nursery stocks; animal feedlots; farmyards; associated building sites; and public and private drainage systems and field roads located on any of these lands. "Agricultural land" must be used principally for the cultivation or production of plants or farm animals and includes former agricultural land that is presently enrolled in conservation easements.

Subp. X. **Applicant.** "Applicant" is a person, corporation, government agency, or organization that submits an application.

Subp. X. **Application.** "Application" means a formal request for a decision by a local government unit, made under this chapter and the act, for an exemption, no-loss, wetland boundary, wetland type, sequencing, replacement plan, or banking plan. The application is made on a form provided by the board.

Subp. X. **Approve or Approval.** "Approve" or "Approval" means the formal authorization by a local government unit of an activity described in an application.

Subp. X. **Aquaculture.** "Aquaculture" means to cultivate plants and animals in water for harvest, including hydroponics and raising fish in fish farms.

Subp. X. **Banking credits.** "Banking credits" means replacement credits, as described in parts 8420.XXXX and 8420.XXXX, that have been deposited in the wetland bank.

Subp. X. **Best management practices.** "Best management practices" means state-approved and published practices that are capable of preventing and minimizing degradation of surface water and groundwater.

Subp. X. **Board.** "Board" means the Board of Water and Soil Resources under Minnesota Statutes, section 103B.101.

Subp. X. **City.** "City" means a home rule charter or statutory city.

Subp. X. **Commissioner.** "Commissioner" means the commissioner of the Department of Natural Resources.

Subp. X. **Creation.** "Creation" means construction of wetlands in an area that was not wetlands in the past.

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

Subp. X. **Decision.** "Decision" means a formal action by the local government unit or delegated staff to approve, approve with conditions, or deny an application.

Subp. X. **Degraded wetland.** "Degraded wetland" means a wetland that provides minimal wetland function and value due to human activities such as drainage, diversion of watershed, filling, excavating, pollutant runoff, and vegetative or adjacent upland manipulation.

Subp. X. **Determination or determine.** "Determination" or "Determine" refers to a technical finding by the technical evaluation panel or local government unit staff.

Subp. X. **Ditch.** "Ditch" means an open channel to conduct the flow of water, as defined in Minnesota Statutes, section 103E.005, subdivision 8.

Subp. X. **Drain or drainage.** "Drain" or "drainage" means any method for removing or diverting waters from wetlands. The methods shall include, but are not limited to, excavation of an open ditch, installation of subsurface drainage tile, filling, diking, or pumping.

Subp. X. **Drainage system.** "Drainage system" means a system of ditch or tile, or both, to drain property, including laterals, improvements, and improvements of outlets.

Subp. X. **Excavation.** "Excavation" means the displacement or removal of substrate, sediment, or other materials by any method.

Subp. X. **Fill.** "Fill" means any solid material added to or redeposited in a wetland that would alter its cross-section or hydrological characteristics, obstruct flow patterns, change the wetland boundary, or convert the wetland to a nonwetland. It does not include posts and pilings for linear projects such as bridges, elevated walkways, or powerline structures, or structures traditionally built on pilings such as docks and boathouses. It does include posts and pilings that result in bringing the wetland into a nonaquatic use or significantly altering the wetland's functions and values, such as the construction of office and industrial developments, parking structures, restaurants, stores, hotels, housing projects, and similar structures. It does not include slash or woody vegetation, if the slash or woody vegetation originated from vegetation growing in the wetland and does not impair the flow or circulation of water or the reach of the wetland.

Subp. X. **50 to 80 percent area.** "50 to 80 percent area" means a county or watershed with at least 50 percent but less than 80 percent of the presettlement wetland acreage intact.

Subp. X. **Greater than 80 percent area.** "Greater than 80 percent area" means a county or watershed where 80 percent or more of the presettlement wetland acreage is intact and:

A. ten percent or more of the current total land area is wetland; or

B. 50 percent or more of the current total land area is state or federal land.

Subp. X. **Hayland.** "Hayland" means an area that was mechanically harvested or that was planted with annually seeded crops in a crop rotation seeded to grasses or legumes in six of the last ten years.

Subp. X. **Hydric soils.** "Hydric soils" means soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

Subp. X. **Hydrophytic vegetation.** "Hydrophytic vegetation" means macrophytic plant life growing in water, soil, or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

Subp. X. **Impact.** "Impact" means a loss in the quantity, quality, or biological diversity of a wetland caused by draining or filling of wetlands, wholly or partially, or by excavation in the permanently and semi-permanently flooded areas of type 3, 4, or 5 wetlands, and in all wetland types if the excavation results in filling, draining, or conversion to nonwetland.

Subp. X. **Impacted wetland.** "Impacted wetland" means a wetland that has been partially or wholly subjected to an impact.

Subp. X. **Indirect impact.** "Indirect impact" means an impact that is the result of an activity that occurs outside of the wetland boundary.

Subp. X. **Infrastructure.** "Infrastructure" means public water facilities, storm water and sanitary sewer piping, outfalls, inlets, street subbase, roads, and ditches, culverts, bridges, and any other work defined specifically by a local government unit as constituting a capital improvement within the context of an approved development plan.

Subp. X. **Landowner.** "Landowner" means a person or entity having the rights necessary to drain, excavate, or fill a wetland, or to establish and maintain a replacement or banked wetland. Typically, the landowner is a fee title owner or a holder of an easement, license, lease, or rental agreement providing the necessary rights. The right must not be limited by a lien or other encumbrance that could override the obligations assumed with the replacement or banking of a wetland.

Subp. X. **Less than 50 percent area.** "Less than 50 percent area" means a county or watershed with less than 50 percent of the presettlement wetland acreage intact or any county or watershed not defined as a greater than 80 percent area or 50 to 80 percent area.

Subp. X. **Local government unit.** "Local government unit" means:

A. outside of the seven-county metropolitan area, a city council, county board of commissioners, or soil and water conservation district or their delegate;

B. in the seven-county metropolitan area, a city council, a town board, a watershed management organization under Minnesota Statutes, section 103B.205, subdivision 13, or soil and water conservation district or their delegate; and

C. in those cases where an activity or replacement will occur on state land, the agency with administrative responsibility for that land.

Subp. X. **Local water plan.** "Local water plan" means either a watershed plan pursuant to Minnesota Statutes, sections 103B.201 to 103B.255, a comprehensive local water management plan pursuant to Minnesota Statutes, sections 103B.301 to 103B.355, or a watershed management plan pursuant to Minnesota Statutes, section 103D.401.

Subp. X. **Major watershed.** "Major watershed" means the 81 major watershed units delineated by the map "State of Minnesota Watershed Boundaries - 1979" as produced by the Minnesota Department of Natural Resources.

Subp. X. **Mining.** "Mining" means the removal of peat and metallic minerals as provided in Minnesota Statutes, sections 93.461 and 93.481.

Subp. X. **Minor watershed.** "Minor watershed" means one of the 5,600 minor watersheds established by the Minnesota Department of Natural Resources for the "1979 Watershed Mapping Project" pursuant to Laws 1977, chapter 455, section 33, subdivision 7, paragraph (a).

Subp. X. **Municipal.** "Municipal" means within a municipality as defined in Minnesota Statutes, section 103G.005, subdivision 12.

Subp. X. **Native vegetation.** "Native vegetation" means plant species that are indigenous to Minnesota, or that expand their range into Minnesota without being intentionally or unintentionally introduced by human activity and are classified as native in the Minnesota Plant Database (Minnesota DNR, 2002).

Subp. X. **Noninvasive vegetation.** "Noninvasive vegetation" means plant species that do not typically invade or rapidly colonize existing, stable plant communities.

Subp. X. **Nonwetland.** "Nonwetland" means upland areas or previously converted areas that do not meet the criteria for classification as a jurisdictional wetland using the United States Army Corps of Engineers Wetland Delineation Manual (January 1987) and deepwater habitats identified using "Classification of Wetlands and Deepwater Habitats of the United States" (Cowardin et al., 1979 edition).

Subp. X. **On-site.** "On-site" means within or directly adjacent to a project.

Subp. X. **Ordinance.** "Ordinance" means a body of regulations developed, approved, and implemented by a county, city, or township as authorized by Minnesota Statutes, section XXXX.

Subp. X. **Pasture.** "Pasture" means an area that was grazed by domesticated livestock or that was planted with annually seeded crops in a crop rotation seeded to grasses or legumes in six of the last ten years.

Subp. X. **Peace officer.** "Peace officer" has the meaning given it in Minnesota Statutes, section 626.84.

Subp. X. **Permanently and semipermanently flooded area of a type 3, 4, or 5 wetland.** "Permanently and semipermanently flooded area of a type 3, 4, or 5 wetland" means the portion of a type 3, 4, or 5 wetland below the level where the water has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly the point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

Subp. X. **Plant community.** "Plant community" means a wetland plant community classified according to Wetland Plants and Plant Communities of Minnesota & Wisconsin (S. Eggers and D. Reed 1997).

Subp. X. **Presettlement wetland.** "Presettlement wetland" means a wetland or public waters wetland that existed in Minnesota at the time of statehood in 1858.

Subp. X. **Project.** "Project" means a specific plan, contiguous activity, proposal, or design necessary to accomplish a goal as defined by the local government unit. As used in this chapter, a project may not be split into components or phases for the purpose of gaining additional exemptions.

Subp. X. **Project-specific.** "Project-specific" means the applicant for the replacement plan approval provides the replacement as part of the project, rather than obtain the replacement from a wetland bank.

Subp. X. **Public transportation project.** "Public transportation project" means a project conducted by a public agency involving transportation facilities open to the public.

Subp. X. **Public value of wetlands.** "Public value of wetlands" means the importance and benefit to the public derived from the wetland functions listed in part 8420.XXXX.

Subp. X. **Public waters wetlands.** "Public waters wetlands" means public waters wetlands, as defined in chapter 6115.

Subp. X. **Public waters.** "Public waters" means public waters as defined in part 6115.XXXX.

Subp. X. **Replacement wetland.** "Replacement wetland" means a wetland restored or created or an area designated in part 8420.XXXX, or the equivalent, to replace wetland area or public value of wetland functions lost at an impacted wetland.

Subp. X. **Responsible party.** "Responsible party" means an individual, business, or other organization causing the draining, excavation, or filling of wetlands on the property of another, with or without the landowner's permission or approval.

Subp. X. **Restoration.** "Restoration" means reestablishment of an area that was historically wetlands or remains as a degraded wetland.

Subp. X. **Rule.** "Rule" means a body of regulations developed, approved, and implemented by a watershed management organization as authorized by Minnesota Statutes, section XXXX.

Subp. X. **Shoreland or Shoreland wetland protection zone.**

A. For local government units that have a shoreland management ordinance approved under Minnesota Statutes, sections 103F.201 to 103F.221, "shoreland" or "shoreland wetland protection zone" means:

(1) 1,000 feet from the ordinary high water level of a water basin that is a public water identified in the shoreland management ordinance or the shoreland area approved by the commissioner as provided in the shoreland management rules adopted under Minnesota Statutes, section 103F.211, whichever is less; or

(2) 300 feet from the ordinary high water level of a watercourse identified in the shoreland management ordinance or the shoreland area approved by the commissioner as provided in the shoreland management rules adopted under Minnesota Statutes, section 103F.211, whichever is less; and

B. For local government units that do not have a shoreland management ordinance approved under Minnesota Statutes, sections 103F.201 to 103F.221, "shoreland" or "shoreland wetland protection zone" means:

(1) 1,000 feet from the ordinary high water level of a water basin that is a public water that is at least ten acres in size within municipalities and at least 25 acres in size in unincorporated areas; or

(2) 300 feet from the ordinary high water level of a watercourse identified by the public waters inventory under Minnesota Statutes, section 103G.201.

Subp. X. **Silviculture.** "Silviculture" means the management of forest trees.

Subp. X. **Soil and water conservation district.** "Soil and water conservation district" means a legal subdivision of state government under Minnesota Statutes, chapter 103C.

Subp. X. **State wetland banking system, wetland bank, or bank.** "State wetland banking system," "wetland bank," or "bank" means a system of identifying wetlands restored or created for replacement credit, providing for, and facilitating and tracking the exchange of wetland banking credits for projects that require replacement plans or wetland mitigation required by other local, state, or federal authorities.

Subp. X. **Structure.** "Structure" means any object erected or placed in, under, over, or anchored or attached to, a wetland area.

Subp. X. **Utility.** "Utility" means a sanitary sewer, storm sewer, potable water distribution, and transmission, distribution, or furnishing, at wholesale or retail, of natural or manufactured gas, petroleum products, electricity, telephone, or radio service or communications.

Subp. X. **Watershed.** "Watershed" means a land area that drains to a common waterway, such as a stream, lake, estuary, or wetland.

Subp. X. **Watershed management organization.** "Watershed management organization" means a watershed district wholly within the metropolitan area or a joint powers entity established wholly or partly within the metropolitan area by special law or by agreement that performs some or all of the functions of a watershed district for a watershed and that has the characteristics and the authority specified under Minnesota Statutes, section 103B.211. Lake improvement or conservation districts are not watershed management organizations.

Subp. X. **Wetlands, a wetland, the wetland, or wetland area.**

A. "Wetlands" means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water.
For purposes of this subpart, wetlands must:

(1) have a predominance of hydric soils;

(2) be inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and

(3) under normal circumstances, support a prevalence of hydrophytic vegetation.

B. "A wetland" or "the wetland" means a distinct hydrologic feature with characteristics of item A, surrounded by nonwetland and including all contiguous wetland types, except those connected solely by riverine wetlands. "Wetland area" means a portion of "a wetland" or "the wetland."

C. Wetlands does not include public waters wetlands and public waters unless reclassified as wetlands by the commissioner under Minnesota Statutes, section 103G.201.

D. The wetland size is the area within its boundary. The boundary must be determined according to the United States Army Corps of Engineers Wetland Delineation Manual (January 1987). The wetland type must be determined according to United States Fish and Wildlife Service Circular No. 39 (1971 edition). The local government unit may seek the advice of the technical evaluation panel as to the wetland size and type.

Subp. X. **Wetlands in a cultivated field.** "Wetlands in a cultivated field" means a wetland where greater than 50 percent of its boundary abuts land that was in agricultural crop production in six of the ten years before January 1, 1991.

Subp. X. **Wetlands located on agricultural land.** "Wetlands located on agricultural land" means a wetland where greater than 50 percent of its boundary abuts agricultural land.

Subp. X. **Wetland type or type.** "Wetland type" or "type" means a wetland type classified according to Wetlands of the United States, United States Fish and Wildlife Service Circular 39 (1956 and 1971 editions), as summarized in this subpart. "Classification of Wetlands and Deepwater Habitats of the United States" (Cowardin et al., 1979 edition) is a separate, parallel wetland typing system that may be used to characterize components of a wetland.

A. "Type 1 wetlands" are seasonally flooded basins or flats in which soil is covered with water or is waterlogged during variable seasonal periods but usually is well-drained during much of the growing season. Type 1 wetlands are located in depressions and in overflow bottomlands along watercourses, and in which vegetation varies greatly according to season and duration of flooding and includes bottomland hardwoods as well as herbaceous growths.

B. "Type 2 wetlands" are inland fresh meadows in which soil is usually without standing water during most of the growing season but is waterlogged within at least a few inches of the surface. Vegetation includes grasses, sedges, rushes, and various broad-leafed plants. Meadows may fill shallow basins, sloughs, or farmland sags, or may border shallow marshes on the landward side.

C. "Type 3 wetlands" are inland shallow fresh marshes in which soil is usually waterlogged early during a growing season and often covered with as much as six inches or more of water. Vegetation includes grasses, bulrushes, spikerushes, and various other marsh plants such as cattails, arrowheads, pickerelweed, and smartweeds. These marshes may nearly fill shallow lake basins or sloughs, or may border deep marshes on the landward side and are also common as seep areas on irrigated lands.

D. "Type 4 wetlands" are inland deep fresh marshes in which soil is usually covered with six inches to three feet or more of water during the growing season. Vegetation includes cattails, reeds, bulrushes, spikerushes, and wild rice. In open areas, pondweeds, naiads, coontail, water milfoils, waterweeds, duckweeds, water lilies, or spatterdocks may occur. These deep marshes may completely fill shallow lake basins, potholes, limestone sinks, and sloughs, or may border open water in such depressions.

E. "Type 5 wetlands" are inland open fresh water, shallow ponds, and reservoirs in which water is usually less than ten feet deep and is fringed by a border of emergent vegetation similar to open areas of type 4 wetland.

F. "Type 6 wetlands" are shrub swamps in which soil is usually waterlogged during growing season and is often covered with as much as six inches of water. Vegetation includes alders, willows, buttonbush, dogwoods, and swamp privet. This type occurs mostly along sluggish streams and occasionally on floodplains.

G. "Type 7 wetlands" are wooded swamps in which soil is waterlogged at least to within a few inches of the surface during growing season and is often covered with as much as one foot of water. This type occurs mostly along sluggish streams, on floodplains, on flat uplands, and in shallow basins. Trees include tamarack, arborvitae, black spruce, balsam, red maple, and black ash. Northern evergreen swamps usually have a thick ground cover of mosses. Deciduous swamps frequently support beds of duckweeds and smartweeds.

H. "Type 8 wetlands" are bogs in which soil is usually waterlogged and supports a spongy covering of mosses. This type occurs mostly in shallow basins, on flat uplands, and along sluggish streams. Vegetation is woody or herbaceous or both. Typical plants are heath shrubs, sphagnum moss, and sedges. In the north, leatherleaf, Labrador-tea, cranberries, carex, and cottongrass are often present. Scattered, often stunted, black spruce and tamarack may occur.

8420.XXXX INCORPORATION BY REFERENCE.

This chapter incorporates by reference the following documents and any subsequent updates, addenda, or derivations related to them, as approved by the board:

A. Wetlands of the United States (United States Fish and Wildlife Service Circular No. 39, 1956 and 1971 editions).

B. United States Army Corps of Engineers Wetland Delineation Manual (January 1987).

C. Classification of Wetlands and Deepwater Habitats of the United States (Cowardin, et al., 1979 edition).

D. Criteria and Guidelines for Assessing Geologic Sensitivity of Groundwater Resources in Minnesota (Minnesota Department of Natural Resources, 1991).

E. United States Geological Survey Hydrologic Unit Map for Minnesota (1974).

F. National Wetland Inventory maps (United States Fish and Wildlife Service).

G. Growing Energy Crops on Minnesota Wetlands: The Land Use Perspective, Anderson and Craig, 1984.

H. Wetland Restoration Guide, Minnesota Board of Water and Soil Resources (December 1982).

I. Vegetation in Restored and Created Wetlands, Minnesota Board of Water and Soil Resources, September 2000.

J. 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.

K. Sustaining Minnesota Forest Resources: Voluntary Site-Level Forest Management Guidelines for Landowners, Loggers and Resource Managers. Minnesota Forest Resources Council, St. Paul, 1999.

L. Minnesota Construction Site Erosion and Sediment Control Planning Handbook. Minnesota Board of Water and Soil Resources and the Association of Metropolitan Soil and Water Conservation Districts, St. Paul, 1988.

M. Agriculture and Water Quality: Best Management Practices for Minnesota, Minnesota Pollution Control Agency, St. Paul, 1991.

N. Storm-Water and Wetlands: Planning and Evaluation Guidelines for Addressing Potential Impacts of Urban Storm-Water and Snow-Melt Runoff on Wetlands, Minnesota Storm-Water Advisory Group, 1997.

O. Minnesota Plant Database, Minnesota Department of Natural Resources, St. Paul, 2002.

P. Wetland Plants and Plant Communities of Minnesota & Wisconsin (S. Eggers and D. Reed 1997).

These documents are available through the State Law Library, except the National Wetland Inventory maps, which are available at Minnesota soil and water conservation district offices. Except for the Minnesota Plant Database in item O, none of the documents are subject to frequent change.

12-5-08 DRAFT

WETLAND CONSERVATION ACT

MINNESOTA RULE CHAPTER 8420

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PURPOSE AND ~~DEFINITIONS~~ SCOPE

8420.0100 PURPOSE.
This chapter implements the regulatory provisions of the Wetland Conservation Act of 1991, Laws 1991, chapter 354, as amended by Laws 1993, chapter 175; Laws 1994, chapter 627; Laws 1996, chapter 462; Laws 2000, chapter 382; ~~and~~ Laws 2001, chapter 146; Laws 2002, chapter 220; Laws 2003, chapter 128; Laws 2004, chapters 221 and 255; Laws 2007, chapters 57 and 131; and Laws 2008, chapter 368. This chapter shall be interpreted to implement the purpose of the act, which is to:
A. achieve no net loss in the quantity, quality, and biological diversity of Minnesota's existing wetlands;
B. increase the quantity, quality, and biological diversity of Minnesota's wetlands by restoring or enhancing diminished or drained wetlands;
C. avoid direct or indirect impacts from activities that destroy or diminish the quantity, quality, and biological diversity of wetlands; and
D. replace wetland value~~s~~ where avoidance of activity is not feasible and prudent.

~~**8420.0102 INTRODUCTION.**~~
The regulatory provisions of the Wetland Conservation Act ~~achieves~~ advance the purpose in this part ~~8420.0100~~ by requiring persons proposing to impact a wetland ~~by draining, excavating, or filling~~ to first, attempt to avoid the impact; second, attempt to minimize the impact; and finally, replace any impacted area with another wetland of at least equal function and value. As specified in greater detail in part 8420.~~0122~~XXXX, certain projects are exempt from the requirement for a replacement plan under the Wetland Conservation Act.
The Wetland Conservation Act is administered by local government units with oversight provided by the Board of Water and Soil Resources. Enforcement of the act is provided by Department of Natural Resources conservation officers and other peace officers. The Wetland Conservation Act became effective on January 1, 1992, and this chapter and portions of Minnesota Statutes, chapters 103A, 103B, 103E, 103F, and 103G, govern its implementation. The public is encouraged to contact their local government unit or soil and water conservation district for general information on wetlands and the interpretation of this chapter. ~~This part is for general introductory information only. The other parts of this chapter shall control over this part.~~

~~**8420.0103 WETLAND FUNCTIONS FOR DETERMINING PUBLIC VALUES.**~~
The entire 8420.0103 was relocated to the Replacement Standards part and edited there.

8420.~~0105~~XXXX SCOPE.
Wetlands must not be ~~drained, excavated, or filled wholly or partially~~ impacted unless replaced by restoring or creating wetland areas of at least equal public value. This chapter regulates the draining or filling of wetlands, wholly or partially, and excavation in the permanently and semipermanently flooded areas of type 3, 4, or 5 wetlands, and in all wetland types if the excavation ~~includes~~ results in filling, ~~or~~ draining, or ~~results in~~ conversion to nonwetland.
This chapter does not prevent the use of the bed of wetlands for pasture or cropland during dry periods if dikes, ditches, tile lines, or buildings are not constructed or improved and the agricultural use does not ~~result in the drainage of~~ impact the wetlands. ~~This chapter does not prevent filling a wetland to accommodate wheeled booms on irrigation devices if the fill does not impede normal drainage.~~ This chapter does not regulate normal farming practices in a wetland. "Normal farming practices" means farming, silvicultural, grazing, and ranching activities such as plowing, seeding, cultivating, and harvesting for the production of feed, food, and fiber products, but does not include activities that impact wetlands.
This chapter does not prevent control of noxious weeds if the control does not ~~drain or fill~~ impact the wetland.
This chapter does not regulate impacts to incidental wetlands. Incidental wetlands are ~~W~~wetland areas ~~may be drained, excavated, or filled if~~ that the landowner can ~~show~~ demonstrate, to the satisfaction of the local government unit, ~~that the wetland was~~ were created in non-wetland areas solely by actions, the purpose of which was not to create the wetland. Incidental wetlands include drainage ditches, ~~i~~impoundments, or excavations constructed in non-wetlands solely for the purpose of effluent treatment, containment of waste material, storm water retention, drainage, 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~~.

This chapter does not apply to the public waters and public waters wetlands as defined in Minnesota Statutes, section 103G.005, subdivisions 15 and 15a, which have been inventoried by the commissioner of natural resources according to Minnesota Statutes, section 103G.201, except that:

A. for projects affecting public waters wetlands, and for public transportation projects affecting the wetland areas of public waters, when the commissioner waives the requirement for a public waters work permit consistent with chapter 6115, the local government unit ~~shall~~ must make replacement, banking, wetland boundary, wetland type, no-loss, public road project notification, or exemption ~~determinations~~ decisions; or

B. for projects affecting both public waters and wetlands, the local government unit may, by written agreement with the commissioner, waive the requirement for a replacement plan, no-loss, or exemption ~~determination~~ decision if a public waters work permit is required and the commissioner includes the provisions of this chapter in the public waters work permit.

This chapter is in addition to other regulations including those of the United States Army Corps of Engineers, United States Department of Agriculture, Minnesota state agencies, watershed districts, and local governments.

This chapter does not apply to peat mining as defined in Minnesota Statutes, section 93.461, which is subject to the permit to mine and reclamation requirements of Minnesota Statutes, sections 93.44 to 93.51, and the rules of the commissioner adopted under those sections.

This chapter does not require state agencies to obtain local government unit approvals. ~~However, state agencies shall coordinate with local government units when conducting activities in wetlands within the jurisdiction of the local government unit.~~ ~~The~~ However, the state agencies ~~shall~~ must follow the ~~same sequencing and replacement requirements as~~ procedures and standards prescribed by this chapter.

In addition to the provisions of this chapter, governmental decisions on ~~draining, excavating, and filling of~~ impacting wetlands are subject to Minnesota Statutes, chapters 116B and 116D, which provide that an action which is likely to have material adverse effects on natural resources must not be allowed if there is a feasible and prudent alternative consistent with the requirements of the public health, safety, and welfare and the state's paramount concern for the protection of its natural resources. Economic considerations alone do not justify adversely effective actions.

8420.~~0545~~XXXX PRESETTLEMENT WETLAND ACRES AND AREAS.

Subp. 1. **County classification.** For purposes of parts 8420.XXXX to 8420.XXXX:

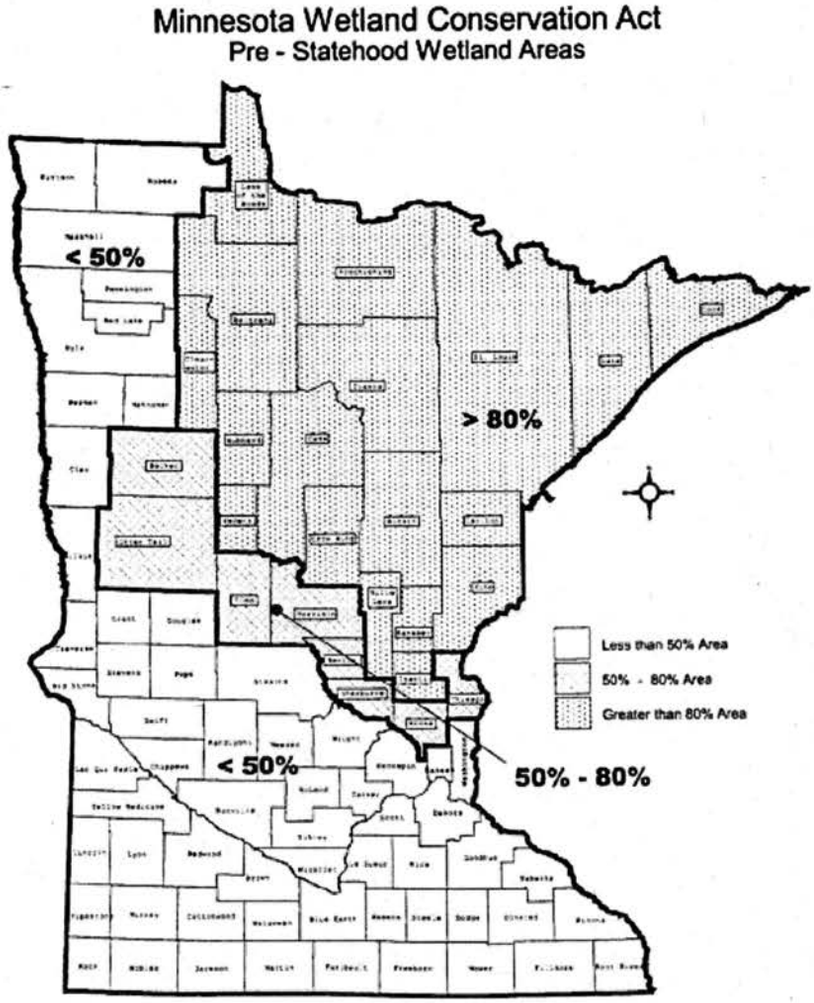
A. ~~For purposes of parts 8420.0540 to 8420.0549,~~ the following counties are greater than 80 percent areas: Aitkin; Beltrami; Carlton; Cass; Clearwater; Cook; Crow Wing; Hubbard; Isanti; Itasca; Kanabec; Koochiching; Lake; Lake of the Woods; Mille Lacs; Pine; St. Louis; and Wadena~~.~~;

B. the following counties are 50 to 80 percent areas: Anoka; Becker; Benton; Chisago; Morrison; Otter Tail; Sherburne; and Todd; and

~~B~~ C. ~~For purposes of parts 8420.0540 to 8420.0549,~~ the following counties are less than 50 percent areas: Big Stone; Blue Earth; Brown; Carver; Chippewa; Clay; Cottonwood; Dakota; Dodge; Douglas; Faribault; Fillmore; Freeborn; Goodhue; Grant; Hennepin; Houston; Jackson; Kandiyohi; Kittson; Lac Qui Parle; Le Sueur; Lincoln; Lyon; Mahnomen; Marshall; Martin; McLeod; Meeker; Mower; Murray; Nicollet; Nobles; Norman; Olmsted; Pennington; Pipestone; Polk; Pope; Ramsey; Red Lake; Redwood; Renville; Rice; Rock; Roseau; Scott; Sibley; Stearns; Steele; Stevens; Swift; Traverse; Wabasha; Waseca; Washington; Watonwan; Wilkin; Winona; Wright; and Yellow Medicine.

~~C. For purposes of parts 8420.0540 to 8420.0549, the following counties are 50 to 80 percent areas: Anoka; Becker; Benton; Chisago; Morrison; Otter Tail; Sherburne; and Todd.~~

~~WETLAND AREAS~~



Subp. 4 2. **County or watershed reclassification.**

A. A local government unit may request the board to reclassify a county or major watershed wholly or partly within its jurisdiction on the basis of its percentage of presettlement wetlands remaining. After receipt of satisfactory documentation from the local government, the board ~~shall~~ must change the classification of a county or major watershed. If requested by the local government unit, the board must assist in developing the documentation. Within 30 days of its action to approve a change of wetland classifications, the board ~~shall~~ must publish a notice of the change in the Environmental Quality Board Monitor.

B. One hundred citizens who reside within the jurisdiction of the local government unit may request the local government unit to reclassify a county or major watershed on the basis of its percentage of presettlement wetlands remaining. In support of their petition, the citizens ~~shall~~ must provide satisfactory documentation to the local government unit. The local government unit ~~shall~~ must consider the petition and forward the request to the board or provide a reason why the petition is denied.

Subpart 2, County or watershed reclassification, was relocated here from the previous 8420.0250

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~~8420.0110 DEFINITIONS.~~
The entire 8420.0110 was relocated to the new Definitions and References section and edited there.

~~8420.0112 INCORPORATION BY REFERENCE.~~
The entire 8420.0112 was relocated to the new Definitions and References section and edited there.

~~8420.0115 SCOPE OF EXEMPTION STANDARDS.~~
The entire 8420.0115 was relocated to the Exemption Standards part and edited there.

~~8420.0122 EXEMPTION STANDARDS.~~
The entire 8420.0122 was relocated to the Wetland Boundary, No-Loss, and Exemption Standards section and edited there.

LOCAL GOVERNMENT UNIT DUTIES AND PROCEDURES

8420.~~0200~~XXXX DETERMINING LOCAL GOVERNMENT UNIT; DUTIES.

Subpart 1. ~~Determinations of~~ Determining **local government unit.** The local government unit responsible for making ~~exemption, wetland type, wetland boundary, and no-loss determinations and approving replacement and wetland banking plans~~ decisions ~~shall~~ must be determined according to items A to ~~D~~G.

A. Outside the seven-county metropolitan area, the local government unit is the county or city in which the ~~drain or fill~~ activity is located, or its delegate.

B. In the seven-county metropolitan area, the local government unit is the city, town, or water management organization regulating surface-water-related matters in the area in which the ~~drain or fill~~ activity is located, or its delegate. The watershed management plan adopted under Minnesota Statutes, section 103B.231, and related board rules will normally indicate the appropriate local government unit. Lacking an indication, the local government unit must be the city, town, or its delegate.

~~C. If the activity in a wetland is located in two jurisdictions, the local government unit is the one exercising zoning authority over the project or if both have zoning authority, the one in which most of the wetland loss will occur. If no zoning permits are required, the local government unit is the one in which most of the wetland loss will occur. If an activity will affect wetlands in more than one local government unit, the board will coordinate the project review to ensure consistency and consensus among the local government units involved.~~

~~D~~ C. ~~In those cases where an activity will occur~~ For activities on state land, the local government unit is the state agency, or the agency's designee, with administrative responsibility for that land. However, state agencies must coordinate with local government units that would otherwise have jurisdiction according to items A and B when conducting activities in wetlands. ~~The board will resolve all questions as to which government entity is the responsible authority, applying the guidelines in items A to D.~~

D. Notwithstanding items A to ~~D~~ I, the Department of Natural Resources ~~shall be~~ is the approving authority for activities associated with projects requiring permits to mine under Minnesota Statutes, section 93.481, and for projects affecting calcareous fens.

E. Delegation of implementation of this chapter and the act from a county, city, or town, as applicable according to item A or B, to a soil and water conservation district or other governmental entity must occur by the passage of resolutions by both parties. The delegation becomes effective when resolutions have been passed by both parties, or on the date specified in the resolutions, whichever is later. Both parties must provide notice to the board, the commissioner, and the soil and water conservation district within 15

business days of adoption of the resolution. The notice must include a copy of the resolution and a description of the applicable geographic area.

F. If the activity is located in two jurisdictions, the local government unit is the one exercising zoning authority over the project or if both have zoning authority, the one in which most of the wetland impacts will occur. If no zoning permits are required, the local government unit is the one in which most of the wetland impacts will occur. If an activity will affect wetlands in more than one local government unit, the board may coordinate the project review to ensure consistency and consensus among the local government units involved. Local government units may maintain separate jurisdiction if mutually agreed upon.

G. For a replacement site located in more than one jurisdiction, the local government unit is the one in which most of the replacement wetland area occurs.

H. For replacement plans where the project-specific replacement will occur in a different local government unit than the impact, approval of all local government units involved or as specified in items A to G will constitute final approval of the replacement plan and is required before the project may proceed. The local government unit with jurisdiction for the impact site must approve all components of the replacement plan, following the procedures in parts 8420.~~0500~~XXXX to 8420.~~0630~~XXXX. The local government unit with jurisdiction for the replacement site must limit the review to evaluation of the replacement site as in parts 8420.~~0540~~XXXX to 8420.~~0630~~XXXX and make a decision accordingly. As part of the approval of the replacement plan, the local government unit with jurisdiction for the replacement site assumes responsibility for ensuring compliance with monitoring provisions according to parts 8420.~~0600~~XXXX to 8420.~~0630~~XXXX. The local government unit with jurisdiction for the replacement site may enter into joint powers agreements with a local government unit with jurisdiction for the impact site, assess fees, or develop other procedures considered necessary to facilitate the process.

I. For instances where the activity or replacement occur in multiple jurisdictions, the local government unit with decision-making authority must coordinate with the other local government units.

J. The board will resolve all questions as to which government entity is the responsible authority, applying the guidelines in items A to H.

Subp. 2. **Local government unit duties.**

A. Local government units are responsible for making decisions on applications made under this chapter. Each local government unit of the state, except tribal lands and state agencies, must send a written acknowledgement, including a copy of the adopting resolution, to the board that it is assuming its responsibilities under this chapter and the act.

AB. A local government unit must provide knowledgeable and trained staff with experience in water resource management to manage the program or secure a qualified delegate. Otherwise, the board may declare a moratorium as prescribed in part 8420.~~0260~~XXXX or take other appropriate legal action to assure proper implementation and compliance with this chapter. The board may establish standards and requirements for training, experience, and certification.

~~B~~C. The local government unit may, through resolution, rule, or ordinance, place ~~the~~ decision-making authority ~~for exemption, no-loss, wetland boundary and type, replacement plan, and wetland banking determinations~~ with ~~local government unit~~ staff according to procedures it establishes. For final ~~determinations~~ decisions made by staff, the local government unit must establish a local appeal process that includes an evidentiary public hearing before appointed or elected officials. ~~The determination of staff becomes final if not appealed to the local government unit within 30 days after the date on which the decision is mailed to those required to receive notice of the decision. Notwithstanding the time frames of Minnesota Statutes, section 15.99, or any other law to the contrary, the local government unit must make a ruling within 30 days from the date of the filing of the appeal, unless the appellant and local government unit mutually agree, in writing, to an extension of time beyond the 30 days. Appeal of a final determination~~

~~made by staff may be made by the landowner, by any of those required to receive notice of the decision, or by 100 residents of the county in which a majority of the wetland is located.~~

~~C. The notice of decision mailed by the local government unit must include information on the process and time frames to appeal the decision of the local government unit.~~

D. As provided for in part 8420.0240XXXX, technical questions concerning the public value, location, size, and type of wetland must be submitted to the technical evaluation panel. The local government unit may use a technical evaluation panel to predetermine public value, location, size, or type of wetlands under its jurisdiction and use this determination in administering the act.

E. An application must not be approved unless entitlement thereto is established by a fair preponderance of the evidence. For each finding of fact and recommendation included in a written technical evaluation panel report that is not adopted by the local government unit, the local government unit must provide detailed reasons for rejecting the finding of fact or recommendation in its record of decision, otherwise the local government unit has not sufficiently considered the technical evaluation panel report.

F. The local government unit may evaluate evidence for a no-loss, an exemption, or sequencing without making a decision.

G. The local government unit must retain a record of all decisions for a minimum of 10 years after all applicable requirements and conditions pertaining to the project are fulfilled.

~~D~~H. The local government unit and soil and water conservation district may charge processing fees in amounts not greater than are necessary to cover the reasonable costs of implementing this chapter and for technical and administrative assistance to landowners in processing other applications for projects affecting wetlands.

I. The local government unit must annually report information to the board regarding implementation of this chapter in a format and time period provided by the board. Failure to comply with the board's reporting requirements may subject the local government to penalty under subpart 3.

~~8420.0260 PENALTY FOR LOCAL GOVERNMENT UNIT FAILURE TO APPLY LAW.~~
This entire part (now subpart 3) was relocated and edited here.
Subp. 3. **Procedures and penalty for local government unit failure to apply law.**
A. ~~Each local government unit of the state, except tribal lands, shall acknowledge, in writing, to the board that it is assuming its responsibilities under this chapter and the act. Local government units from which an affirmative response is not received shall be given written notice by the board that there is a 60-day moratorium in the local government unit's jurisdiction on exemption, wetland boundary, wetland type, no-loss, replacement plan, and banking determinations.~~ If a local government unit fails to acknowledge in writing its responsibilities under this chapter and the act as required in subpart 2, the board will impose, in the local government unit's jurisdiction, a 60-day moratorium on making decisions and implementing this chapter and the act. The board will notify the local government unit in writing of the start and end dates of the moratorium. The board ~~shall~~ must end the moratorium within the 60 days upon written agreement by the local government unit that it will assume, and is currently capable of implementing, its duties under this chapter and the act. If at the end of the initial 60-day moratorium a written agreement has not been made for the local government unit to apply the law, the board ~~can~~ may extend the moratorium until the local government unit agrees to apply the law.

B. If the board has information that a local government unit is not following this chapter or the act in making ~~exemption, no-loss, replacement plan, public road project notice reviews, wetland boundary, wetland type, or banking determinations~~ decisions;~~, or~~ if the local government unit does not have knowledgeable and trained staff with experience in ~~wetland~~ water resource management; or if the local government unit fails to comply with the board's reporting requirements, the board ~~shall~~ must notify the local government unit in writing of its concerns. The local government unit ~~shall~~ must respond in writing within 60 days of being notified by the board. If not satisfied with the local government unit's written

response, or none is received, the board ~~shall~~ must ask the local government unit to appear at a hearing before the board to discuss the matter. The board may invite comments from other local governments or state and federal agencies. If the board determines at the hearing, that corrective action is necessary, the board ~~shall~~ must write the local government unit directing specific corrective action to occur within 60 days of receiving the board's decision. The notice ~~shall~~ must explain the reason for the action.
~~C.~~ If, after the 60-day period, ~~described in this part~~ the local government unit has not corrected the problem to the satisfaction of the board, the board ~~shall~~ must declare a moratorium as prescribed in item A or take other appropriate legal action to ensure compliance.

C. When a moratorium is declared as prescribed in items A or B, a decision cannot be made on an application because a local government unit authorized to implement this chapter does not exist while the moratorium is in effect. Applications pending a local government unit decision when a moratorium is declared must be returned by the local government unit to the applicant within 15 days of the moratorium being placed in effect. Applications submitted while a moratorium is in effect must be returned by the local government unit to the applicant with an explanation and within 15 days of the local government unit's receipt of the application.

~~8420.0210 EXEMPTION DETERMINATIONS.~~
The entire 8420.0210 was relocated to the Application Procedures section and edited there.

~~8420.0220 NO-LOSS DETERMINATIONS.~~
~~A landowner unsure if proposed work will result in a loss of wetland may apply to the local government unit for a determination. A landowner who does not request a determination may be subject to the enforcement provisions in part 8420.0290 and Minnesota Statutes, section 103G.2372. The local government unit must keep on file all documentation and findings of fact concerning no-loss determinations for a period of ten years.~~
~~The landowner applying for a no-loss determination is responsible for submitting the proof necessary to show qualification for the claim, including proof of the requisite property rights to do the activity. The local government unit may evaluate evidence for a no-loss claim without making a determination.~~
~~The local government unit decision must be made in compliance with Minnesota Statutes, section 15.99.~~
~~The local government unit decision must be sent to the landowner, members of the technical evaluation panel, the watershed district or water management organization if there is one, the commissioner of natural resources, and individual members of the public who request a copy within ten working days of the decision.~~
~~The local government unit shall make a no-loss determination if the landowner requests and if either:~~
~~A. the work will not impact a wetland;~~
~~B. the excavation work is limited to removal of debris such as trees, logs, stumps, and trash, provided the removal does not alter the original cross-section of the wetland;~~
~~C. temporary or seasonal water level management activities will not result in the conversion of a wetland;~~
~~D. the activities are in a surface impoundment for containment of waste material or water treatment;~~
~~E. the activity is being conducted as part of an approved replacement or banking plan or is conducted or authorized by public agencies for the purpose of wetland restoration, fish and wildlife habitat restoration or improvement using guidance in part 8420.0112, item J, or repair and maintenance of earthen containment structures;~~
~~F. the activity is limited to excavation and removal of deposited sediment in constructed stormwater management basins or wetlands that are presently utilized as stormwater management basins, or to excavation and removal of contaminated substrate, and the excavated area is stabilized so as to prevent water quality degradation and the excavation is limited to the minimum dimensions necessary for achieving the desired purpose; or~~
~~G. the project is an impact rectification activity listed in part 8420.0520, subpart 5.~~

~~8420.0225 WETLAND BOUNDARY OR TYPE DETERMINATIONS.~~
~~A. A landowner may apply for a wetland boundary or type determination from the local government unit. The landowner applying for the determination is responsible for submitting proof necessary to make the determination, including, but not limited to, wetland delineation field data, observation well data,~~

~~topographic mapping, survey mapping, and information regarding soils, vegetation, hydrology, and groundwater both within and outside of the proposed wetland boundary.~~
~~B. A local government unit that receives an application under item A may seek the advice of the technical evaluation panel and, if necessary, expand the technical evaluation panel.~~
~~C. The local government unit decision must be made in compliance with Minnesota Statutes, section 15.99. Within ten working days of the decision, the local government unit decision must be sent to the landowner, members of the technical evaluation panel, the watershed district or watershed management organization if there is one, the commissioner of natural resources, and individual members of the public who request a copy.~~
~~D. The local government unit decision is valid for three years unless the technical evaluation panel determines that natural or artificial changes to the hydrology, vegetation, or soils of the area have been sufficient to alter the wetland boundary or type.~~

8420.~~0245~~XXXX OTHER LOCAL GOVERNMENT UNIT WETLAND RULES AND ORDINANCES.
This chapter and the act provide minimum standards. Local government units who choose to require landowners to submit an application and obtain approval to be eligible for an exemption or for temporary impacts that may result in a no-loss must do so through ordinance or rule. Local government units may require more procedures and more wetland protection, but not less.

8420.~~0240~~XXXX TECHNICAL EVALUATION PANEL PROCEDURES.
A. For each local government unit, there is a technical evaluation panel. Panel membership consists of ~~at least three persons:~~ a technical professional employee of the board, a technical professional employee of the soil and water conservation district of the county in which the activity is occurring, and a technical professional with expertise in ~~wetland~~ water resource management appointed by the local government unit. For projects affecting public waters, ~~or~~ public waters wetlands, or ~~affecting wetlands adjacent to the public waters or public waters~~ wetlands within the shoreland protection zone, the ~~technical evaluation~~ panel ~~shall~~ also includes a technical professional employee of the Department of Natural Resources. ~~For purposes of this section, "adjacent" means within the shoreland wetland protection zone or 1,000 feet, whichever is less.~~ The local government unit ~~shall~~ must coordinate the panel.

B. Two members of the technical evaluation panel must be knowledgeable and trained in applying methodologies of the "United States Army Corps of Engineers Wetland Delineation Manual" (January 1987), "Wetlands of the United States" (United States Fish and Wildlife Service Circular 39, 1971 edition), "Wetland Plants and Plant Communities of Minnesota & Wisconsin" (S. Eggers and D. Reed 1997), and "Classification of Wetlands and Deepwater Habitats of the United States" (Cowardin, et al., 1979 edition), including updates~~, supplementary guidance~~ and supplements, ~~or replacements of these methods~~ and any modifications or guidance provided by the board. The panel ~~shall~~ must also be knowledgeable and trained in evaluation of wetland functions and the resulting public values. The ~~technical evaluation~~ panel may ~~invite~~ seek advice and assistance from others with additional expertise to help the panel in its work.

C. The technical evaluation panel,if requested to do so by the local government unit, the landowner, or a member of the panel, ~~shall~~ must make technical findings and recommendations regarding applications, the scope of this chapter and the act, the applicability of exemption and no-loss standards, wetland functions and the resulting public values, direct and indirect impacts, possible violations of this chapter and the act, enforcement matters under 8420.XXXX, ~~location, size, and type for replacement plans, and wetland banking plans and exemption, no-loss, wetland boundary or type, and sequencing requests, and for~~ comprehensive wetland protection and management plans and ~~wetland~~ implementing rules and ordinances, and other technical issues related to implementation of this chapter ~~if requested to do so by the local government unit, the landowner, or a member of the technical evaluation panel.~~ The panel must review applications for replacement of public road projects as provided in 8420.XXXX, banking projects as provided in 8420.XXXX, and monitoring of replacement wetlands as provided in 8420.XXXX. The panel must provide its findings to the local government unit for consideration. For violations of this chapter that may result in the issuance of an enforcement order, the panel must consult with the enforcement authority.

D. The panel may ~~review replacement plans and wetland banking plans and exemption, no-loss, wetland boundary or type, and sequencing requests, and~~ recommend to the local government unit ~~either~~ approval, approval with changes or conditions, or ~~rejection~~ denial of an application. When a technical evaluation panel assembles findings or makes a recommendation, the local government unit must consider the findings or recommendation of the ~~technical evaluation~~ panel in its approval or denial of an application ~~plan or determination~~. The panel ~~shall~~ will make no findings or recommendations without at least one member having made an on-site inspection. Panel findings and recommendations must be documented and endorsed by a majority of the members. If the local government unit does not agree with the ~~technical evaluation~~ panel's findings and recommendation, the detailed reasons for the disagreement must be part of the local government unit's record of decision.

E. Applicants ~~for replacement plans, wetland banking plans and exemption, no-loss, and wetland boundary or type, and sequencing determinations~~ must cooperate in providing local government unit staff and members of the technical evaluation panel and their designated experts with access to proposed project sites for investigation. Such investigations ~~shall~~ must be preceded by notice to the landowner or designated agent, unless prior approval has been granted. If an applicant refuses to allow access, the local government unit may deny an application.

~~If the local government unit has a comprehensive wetland protection and management plan that delineates location, size, and type for all wetlands, approved by the technical evaluation panel, and subsequently incorporated into local ordinance, then the local government unit can make determinations without a recommendation from the technical evaluation panel.~~

~~If requested by the local government unit, the landowner, or a member of the technical evaluation panel, the panel shall answer technical questions or participate in the monitoring of replacement wetlands according to parts 8420.0600 to 8420.0630, and shall similarly participate in the monitoring of banked wetlands according to parts 8420.0700 to 8420.0760.~~

8420.0230XXXX ~~REPLACEMENT PLAN DETERMINATIONS~~ LOCAL GOVERNMENT UNIT APPLICATION AND DECISION PROCEDURES.

Subpart 1. General. Noticing and local government unit decisions made under this chapter must be in compliance with Minnesota Statutes, section 15.99.

Subpart 2. Determination of Complete Application. If, within 15 business days of receipt of an application, the local government unit finds that an application is incomplete, the local government unit must notify the applicant and list in writing what items or information is missing. Part 8420.XXXX must be the basis for determining a complete application. The local government unit may determine an application incomplete when seasonal constraints prevent on-site review and verification of the application. When an application contains a previously approved wetland boundary for which the approval remains valid, the wetland boundary may not serve as the basis for determining an application incomplete.

Subpart ~~1~~ 3. Notice of **Application.** ~~A landowner intending to drain, excavate, or fill a wetland who does not qualify for an exemption or no-loss determination shall obtain approval of a replacement plan from the local government unit before beginning draining or filling. A person who does not do so is subject to the enforcement provisions in this chapter and Minnesota Statutes, section 103G.2372.~~

~~Within ten days of receipt of an application for an activity affecting less than 10,000 square feet of wetland, the local government unit must send a summary of the application, which includes information to identify the applicant and the location and scope of the project, to members of the technical evaluation panel, the commissioner of natural resources, and individual members of the public who have requested a copy. The project notification must state when the comment period ends.~~

Within ~~ten working~~ fifteen business days of receipt of a~~n~~ complete application ~~for approval of a replacement plan for an activity affecting 10,000 square feet or more of total wetland impacts~~, the local government unit must send a copy of the application and ~~an invitation to submit comments~~ a notice of application on a form provided by the board to members of the technical evaluation panel; the watershed district or water management organization if there is one; the commissioner of natural resources and individual members of the public who request a copy. The notice must identify the type of application, the date the comment period ends, and where to provide comments. Individual members of the public who request a copy must be sent a summary of the application that includes information to identify the applicant and the location and scope of the project. The comment period must be at least 15 business days ~~or more~~ from the date the notice of application is sent. ~~The project notification must state when the comment period ends.~~

~~An application for approval of a replacement plan includes a revised application for replacement plan approval and an application for a r~~Revisions of ~~to~~ an approved and valid replacement plan must be noticed according to this subpart by sending a summary of the proposed revisions if:

A. the wetland area to be ~~drained or filled~~ impacted under the revised replacement plan is:
(1) increased by more than ten percent ~~larger than the area to be drained or filled under the original replacement plan~~; ~~or~~
(2) a different type;
(3) part of a different wetland; or
(4) ~~B. the wetland area to be drained or filled under the revised replacement plan is located~~ more than 500 feet from the location of the previously approved wetland impact ~~area to be drained or filled under the original replacement plan.~~; or

B. the replacement is:
(1) a different type;
(2) more than 500 feet from the location of the previously approved replacement; or
(3) a different action eligible for credit.

Subp. ~~2~~ 4. **Decision.** The local government unit decision ~~shall~~ must be based on the ~~replacement~~ standards in parts 8420.~~0500~~XXXX to 8420.~~0630~~XXXX, and on the technical evaluation panel's ~~determination~~ findings and recommendation, if there is one~~, concerning the wetland functions and resulting public values, location, size, and type of the wetland being altered. The local government unit decision must be made in compliance with Minnesota Statutes, section 15.99.~~ The local government unit ~~shall~~ must consider and include in their record of decision the technical evaluation panel's recommendation, if there is one, to approve, modify, or ~~reject~~ deny the ~~proposed replacement plan~~ application. The local government unit must also consider any comments received from those required to receive notice. The local government unit decision must be made in compliance with the time period prescribed by Minnesota Statutes, section 15.99 which, at the date of this rule, generally requires a decision in 60 days. The local government unit decision is valid for three years or as otherwise specified in the local government unit's decision. The local government unit may extend its decision with the concurrence of the technical evaluation panel.

Subp. 5. **Notice of Decision.** The local government unit decision must be ~~sent~~ mailed to the landowner within ten ~~working~~ business days of the decision. A summary of the local government unit decision, in a format provided by the board, must be sent within ten ~~working~~ business days of the decision to those required to receive notice of the application. The notice of decision must include information on the process and time period to appeal the decision of the local government unit.

Subp. 6. **Decisions and noticing for replacement via banking.** For replacement plan applications proposing the use of banking credits, the local government unit must verify, prior to approving the application, that the credits to be withdrawn are available and the applicant has a purchase agreement with the seller. For an approval of a replacement plan using banking credits as replacement, the local government unit must notify the board's banking administrator of the approval. The notification must be sent concurrent with the notice of decision and must include the bank account, the user of credits, and the amount of credit approved for withdrawal.

~~For wetland replacement plans involving more than one local government unit, approval of all local government units involved or as specified in part 8420.0200 shall constitute final approval of the replacement plan and is required before the project may proceed. The local government unit with jurisdiction for the impact site must approve all components of the replacement plan, following the procedures in parts 8420.0500 to 8420.0630. The local government unit with jurisdiction for the replacement site shall limit the review to evaluation of the replacement site as in parts 8420.0540 to 8420.0630 and make a decision accordingly.~~
~~As part of the approval of the replacement plan, the local government unit with jurisdiction for the replacement site assumes responsibility for ensuring compliance with monitoring provisions according to parts 8420.0600 to 8420.0630. The local government unit with jurisdiction for the replacement site may enter into joint powers agreements with a local government unit with jurisdiction for the impact site, assess fees, or develop other procedures considered necessary to facilitate the process.~~

~~8420.0235 [Repealed, 27 SR 135]~~

8420.~~0505~~XXXX PREVIOUSLY APPROVED ~~DETERMINATIONS~~ APPLICATIONS.
~~Replacement plan, banking plans exemption, public road project notification, wetland boundary, wetland type, and no-loss determinations~~ Activities for which an application was approved may be completed under the laws, rules, conditions, and guidelines in effect when they were approved, provided the local government unit's approval is still valid.

~~8420.0240 TECHNICAL EVALUATION PANEL PROCEDURES.~~
The entire 8420.0240 was relocated to the Local Government Unit Duties and Procedures section.

~~8420.0245 OTHER LOCAL GOVERNMENT UNIT WETLAND RULES AND ORDINANCES.~~
The entire 8420.0245 was relocated to the Local Government Unit Duties and Procedures section.

~~8420.0250 APPEALS.~~
~~Subpart 1. Appeal of local government unit decisions.~~
~~Subp. 2. [Repealed, 22 SR 1877]~~
~~Subp. 3. Board appeal procedures.~~
8420.0250 Subparts 1 and 3 were relocated to Appeals part and edited there.
~~Subp. 4. County or watershed reclassification.~~
8420.0250 Subpart 4 was relocated to the Presettlement Wetland Acres and Areas part and edited there.
~~Subp. 5. [Repealed, 27 SR 135]~~

~~8420.0260 PENALTY FOR LOCAL GOVERNMENT UNIT FAILURE TO APPLY LAW.~~
The entire 8420.0260 was relocated to the Local Government Unit Duties and Procedures section and edited there.

~~8420.0268 COMPENSATION CLAIMS AGAINST LOCAL GOVERNMENT UNITS.~~
The entire 8420.0268 was relocated to the Appeals, Compensation, and Enforcement section.

~~8420.0270 COMPENSATION.~~
The entire 8420.0270 was relocated to the Appeals, Compensation, and Enforcement section.

~~8420.0280 APPEAL FROM BOARD DECISIONS.~~
8420.0280 was relocated to the Appeals, Compensation, and Enforcement section.

~~8420.0290 ENFORCEMENT PROCEDURES.~~
~~Subpart 1. Enforcement authorities.~~
~~Subp. 2. Cease and desist orders.~~
~~Subp. 3. Restoration and replacement orders.~~
~~Subp. 3a. Contents of order.~~

~~Subp. 3b. Enforcement authority orders.~~
~~Subp. 3c. Appeals of replacement and restoration orders.~~
~~Subp. 4. After-the-fact replacement.~~
420.0280 Subparts 1 through 5 were relocated to the Appeals, Compensation, and Enforcement section. All remain in the Enforcement Procedures part except Subpart 3c, which was relocated to the Appeals part.

~~Subp. 6. Contractor's responsibility when work drains, excavates, or fills wetlands.~~
420.0280 Subpart 6 was relocated to the Application Procedures section.

~~MINING~~

~~8420.0300 MINING.~~
The entire part 8420.0300 was relocated to the Activities Under Department of Natural Resources Authority section.

~~HIGH PRIORITY REGIONS AND AREAS~~
~~8420.0350 HIGH PRIORITY REGIONS AND AREAS.~~
The entire part 8420.0350 was relocated to the Wetland Planning section.

~~WETLAND PRESERVATION AREAS~~
~~8420.0400 WETLAND PRESERVATION AREAS.~~
The entire part 8420.0400 was relocated to the Wetland Planning section.

APPLICATION PROCEDURES

8420.XXXX GENERAL APPLICATION REQUIREMENTS.
A. Persons requesting approval of a wetland boundary or type, no-loss, exemption, sequencing, or replacement plan application must fulfill the application requirements of this part and those applicable to the type of application submitted. Application requirements for establishment of a wetland bank are provided in part 8420.XXXX.

B. The following information must be submitted to the local government unit for all types of applications:
(1) the post office address of the applicant;
(2) for corporations, the principal officers of the corporation, any parent companies, owners, partners, and joint venturers, and a designated contact person;
(3) managing agents, subsidiaries, or consultants that are or may be involved with the activity;
(4) the type of decision requested;
(5) the location of the project by township, range, section, and quarter section;
(6) evidence of ownership of the project area or the requisite property rights to perform the activity;
(7) an accurate map, survey, or recent aerial photograph showing boundary of the project area and boundary, size, and type of each wetland relevant to the type of decision requested;
(8) if applicable to the type of decision requested, a written description of the proposed project and project area, including its areal extent, with sufficient detail to allow the local government unit to assess the amount and types of wetland to be affected; and
(9) other information considered necessary for evaluation of the application or project by the local government unit.

C. A landowner may seek advice from the local government unit regarding the applicability of a no-loss or exemption, the adequacy of sequencing arguments and alternatives, or other interpretation of this chapter without submitting an application.

8420.~~0225~~XXXX WETLAND BOUNDARY OR TYPE ~~DETERMINATIONS~~ APPLICATIONS.
A landowner may apply for a wetland boundary or type decision from the local government unit. The landowner is responsible for submitting proof necessary to make the decision. Applications for approval of wetland boundary or type must include information in accordance with wetland delineation report

submittal guidelines provided by the board. A wetland boundary or type application may be submitted independently or as part of a no-loss, exemption, sequencing, replacement plan, or banking application. When an independent wetland boundary or type application is approved, and the approval remains valid, it may be incorporated in a subsequent application for a no-loss, exemption, sequencing, replacement plan, or banking application.

8420.~~0220~~ XXXX NO-LOSS ~~DETERMINATIONS~~ APPLICATIONS.
A landowner ~~unsure if proposed work will result in a loss of wetland~~ may apply to the local government unit for a ~~determination~~ no-loss decision. A landowner who does not request a ~~determination~~ decision from the local government unit and proceeds with the activity may be subject to the enforcement provisions in part 8420.~~0290~~XXXX and Minnesota Statutes, section 103G.2372. ~~The local government unit must keep on file all documentation and findings of fact concerning no-loss determinations for a period of ten years.~~
The landowner applying for a no-loss ~~determination~~ is responsible for submitting the proof necessary to show qualification for the claim~~, including proof of the requisite property rights to do the activity~~. The local government unit may require a wetland delineation report or functional assessment be submitted if it determines the report or assessment necessary to make a decision on the no-loss application. This part also applies to applications requesting a decision on whether an activity or wetland falls within the scope of this chapter. ~~The local government unit may evaluate evidence for a no-loss claim without making a determination.~~

8420.~~0210~~XXXX EXEMPTION ~~DETERMINATIONS~~ APPLICATIONS.
A. A landowner intending to ~~drain or fill~~ impact a wetland without replacement, claiming exemption under part 8420.~~0122~~XXXX, may ~~contact~~ apply to the local government unit before ~~beginning draining or filling activities~~ impacting the wetland for a ~~determination~~ decision to whether or not the ~~activity~~ impact is exempt. A landowner who does not request a ~~determination~~ decision from the local government unit and proceeds with the activity may be subject to the enforcement provisions in part 8420.~~0290~~XXXX and Minnesota Statutes, section 103G.2372. ~~The local government unit must keep on file all documentation and findings of fact concerning exemption determinations for a period of ten years.~~ An exemption may apply whether or not the local government unit has made an exemption ~~determination~~ decision. If the landowner requests an exemption ~~determination~~ decision, then the local government unit must make one.

B. The landowner applying for exemption ~~is responsible for submitting~~ must identify the specific exemption being claimed and submit the proof necessary to show qualification for the ~~particular~~ exemption ~~claimed, including proof of the requisite property rights to do the activity~~. ~~The local government unit may evaluate evidence for an exemption without making a determination.~~

~~The local government unit decision shall be based on the exemptions standards in part 8420.0122. If the decision requires a finding of wetland size or type, the local government unit should seek the advice of the technical panel as described in part 8420.0240. The local government unit decision must be made in compliance with Minnesota Statutes, section 15.99. The local government unit decision must be sent to the landowner, members of the technical evaluation panel, the watershed district or water management organization if there is one, the commissioner of natural resources, and individual members of the public who request a copy within ten working days of the decision.~~

C. Landowners who choose not to seek local government unit approval of an exemption must, prior to impacting a wetland, report the exempt activity to the board using a website or other methods developed by the board. The report must provide information required by the board, including the name and contact information of the landowner, the location of the activity by township, range, and section, the exemption being claimed, and the amount of wetland impact in square feet. Information collected regarding exemptions serves the purpose of gathering data on the use of exemptions.

8420.XXXX SEQUENCING APPLICATIONS.
An applicant may either submit the information required for sequencing analysis as part of a replacement plan application or apply separately for a preliminary sequencing decision from the local government unit before preparing a complete replacement plan. The local government unit may request additional

information needed to make a decision. The applicant must provide written documentation of the projects' compliance with the sequencing standards in 8420.XXXX, including the identification of the project purpose and a detailed description of the project and alternatives considered.

8420.~~0530~~XXXX REPLACEMENT PLAN ~~COMPONENTS~~ APPLICATIONS.

Subp. 1. **Requirement.** Landowners proposing wetland impacts that require replacement under this chapter must apply to the local government unit and gain approval of a replacement plan prior to impacting wetlands.

Subp. 2. **Pre-application conference and site visit.** Before preparation of a replacement plan, it is recommended that the landowner meet with the local government unit for a pre-application conference and site visit. The local government unit is encouraged to inform the landowner of all sequencing requirements and the criteria used to evaluate replacement plans.

Subp. 3. **Application contents.** On an application form approved by the board in consultation with the commissioner of natural resources, provided through the local government unit, and with required attachments supplied by the applicant, the following documentation must be provided in addition to the general application requirements of part 8420.XXXX; ~~except that for replacement plans utilizing the wetland bank in parts 8420.0700 to 8420.0760, items B, subitem (1); and D, do not apply; instead the applicant shall submit the wetland banking credit withdrawal form prescribed in part 8420.0740, subpart 2, item E:~~

~~A. generally, organizational information, including but not limited to the following:~~

~~(1) the post office address of the applicant;~~

~~(2) for corporations, the principal officers of the corporation, any parent companies, owners, partners, and joint venturers, and a designated contact person; and~~

~~(3) managing agents, subsidiaries, or consultants that are or may be involved with the wetland draining or filling project;~~

~~B. either:~~

~~(1) a signed statement confirming that the wetland acres and values will be replaced in advance of or concurrent with the actual draining or filling of a wetland; or~~

~~(2) an irrevocable bank letter of credit, a performance bond, or other security acceptable to the local government unit in an amount sufficient to guarantee the successful completion of the wetland replacement;~~

~~C~~ A. for the impacted wetland:

~~(1) a recent aerial photograph or accurate map of the impacted wetland area;~~

~~(2) the location of the wetland;~~

~~(3) the size of the wetland;~~

~~(4) the type of the wetland;~~

~~(5) a list of the dominant vegetation in the impacted wetland area, if known;~~

(1) the amount, in square feet or acres, of wetland proposed to be impacted by type;

(2) the minor watershed, major watershed, county, and bank service area;

(~~6~~3) a soils survey map of the site showing soil type and ~~substrate~~ identifying hydric soils, where available;

(~~7~~4) a map showing the locations of any surface inlets or outlets, natural or otherwise, draining into or out of the wetlands, and if the wetland is within the shoreland wetland protection zone or floodplain ~~of a stream, river, or other watercourse~~, the distance and direction to the nearest watercourse;

~~(8) the nature of the proposed project, its areal extent, and the impact on the wetland must be described in sufficient detail to allow the local government unit to determine the amount and types of wetland to be impacted and to demonstrate compliance with the replacement sequencing criteria in part 8420.0520, if applicable;~~

~~(9) evidence of ownership or property rights to the affected areas; and~~

~~F.~~ (5) information known to the applicant or readily available concerning the special considerations criteria in part 8420.~~0540~~XXXX, subpart ~~9~~X;~~.~~

(~~10~~6) a list of all other known local, state, and federal permits and approvals required for the activity~~, if known~~; and

(7) written documentation to demonstrate the projects' compliance with the sequencing standards in part 8420.XXXX, including the identification of the project purpose and a detailed description of the project and alternatives considered;

~~D~~ B. for the replacement wetland when the replacement is project-specific~~, item C, subitems (1) to (7), (9), and (10), and~~:
(1) the proposed action eligible for credit from part 8420.XXXX;
(2) the minor watershed, major watershed, county, and bank service area;
(3) evidence of ownership or property rights to the replacement areas;
(4) information known to the applicant or readily available concerning the special considerations criteria in part 8420.XXXX, subpart X;
(5) a description of how the proposed replacement meets the ecological suitability and sustainability criteria of part 8420.XXXX subpart 4;
(6) a map showing the locations of any existing surface inlets or outlets, natural or otherwise, draining into or out of the replacement wetland, and if the replacement wetland is within the shoreland wetland protection zone or floodplain, the distance and direction to the nearest watercourse;
~~(1) an explanation of the size and type of wetland that will result from successful completion of the replacement plan;~~
(~~2~~7) scale drawings showing plan and profile views of the replacement wetland areas;
(~~3~~8) a description of how the replacement ~~wetland shall~~ area will be constructed, for example, excavation or restoration by blocking an existing tile; the type, size, and specifications of outlet structures; elevations, relative to Mean Sea Level ~~or established bench mark~~, of key features, for example, sill, emergency overflow, and structure height; and best management practices that will be implemented to prevent erosion or site degradation;
(~~4~~9) ~~for created wetlands only, additional~~ a soil survey map of the site showing soil type and identifying hydric soils, where available, and site-specific soils information sufficient to determine the capability of the site to produce and ~~maintain~~ sustain wetland characteristics and replacement goals;
(~~5~~10) a timetable that clearly states how and when implementation of the replacement plan shall proceed, and when construction of the replacement ~~wetland shall~~ area will be ~~finalized~~ completed;
~~(6) a notice in a form provided by the board attached to and recorded with the deed for lands containing a replacement wetland, specifying the following:~~
~~(a) the location of the replacement wetland;~~
~~(b) that the wetland is subject to the act;~~
~~(c) that the fee title owner is responsible for the costs of repairs or reconstruction and management, if necessary, or for replacement costs;~~
~~(d) that reasonable access to the replacement wetland shall be granted to the proper authorities for inspection, monitoring, and enforcement purposes;~~
~~(e) that costs of title review and document recording is the responsibility of the fee title owner; and~~
~~(f) that the local government unit or board can require necessary repairs or reconstruction and revegetation work to return the wetland to the specifications of the approved replacement plan and require reimbursement of reasonable costs from the wetland owner, or can require replacement of the wetland according to the act;~~
(~~7~~11) statements signed by the applicant confirming that:
(a) the wetland will be replaced in advance of, or concurrent with, the actual impact;
(b) ~~an affidavit that~~ the replacement ~~wetland~~ area was not previously restored or created under a prior approved replacement plan;
(~~8~~c) ~~a statement that~~ the replacement ~~wetland~~ area was not ~~drained or filled~~ impacted under an exemption during the previous ten years;
(~~9~~d) ~~a statement that~~ the replacement ~~wetland~~ area was not, and will not be, restored or created with financial assistance from public conservation programs~~,~~ or ~~was not~~ restored or created for other unrelated regulatory purposes;
(~~10~~e) ~~a statement that~~ the replacement ~~wetland~~ area was not and will not be, restored or created using private funds other than those of the landowner unless the funds are paid back with interest to the individual or organization that funded the restoration or creation and the individual or organization notifies the local government unit in writing that the restored wetland may be considered for replacement; and

(~~11~~f) ~~a statement by the applicant that~~ monitoring will occur in accordance with parts 8420.~~0610~~XXXX and 8420.~~0620~~XXXX unless the local government unit will be conducting the monitoring of the wetland replacement area;
(~~12~~12) evidence that a person proposing to create or restore a wetland within the easement of a pipeline as defined in Minnesota Statutes, section 299J.02, subdivision 11, has first notified the easement holder and the director of the Office of Pipeline Safety in writing. The person may not create or restore the wetland if, within 90 days after receiving the required notice, the easement holder or the director of the of Office of Pipeline Safety provides to the person a written notice of objection that includes the reasons for the objection;
(13) a list of all other known local, state, and federal permits and approvals required for the activity;
(~~13~~ 14) evidence that any drainage or property rights potentially detrimental to the replacement ~~wetland~~ area have been acquired, subordinated, or otherwise eliminated; and
(~~14~~ 15) a ~~five-year~~ vegetation establishment and management plan~~, including seeding rates, planting methods, seed and plant mixes, herbicide treatments, and control of noxious weeds and invasive or nonnative species~~ in accordance with part 8420.XXXX; and
~~E. other information considered necessary for evaluation of the project by the local government unit; and~~
~~F. information known to the applicant or readily available concerning the special considerations criteria in part 8420.0540, subpart 9.~~
(16) the size, type, and credits expected to result from the proposed replacement actions;

C. for the replacement wetland when the replacement consists of wetland bank credits:
(1) the wetland bank account number;
(2) the minor watershed, major watershed, county, and bank service area;
(3) the amount of credits to be withdrawn in square feet; and
(4) a completed application for withdrawal of wetland credits from the Minnesota wetland bank in a form provided by the board, or a purchase agreement signed by the applicant and bank account holder; and

D. a description of the required replacement as determined according to the replacement standards of part 8420.XXXX.

Subp. 4. **Approval conditions.** A landowner must not impact a wetland under an approved replacement plan until submittal of the following, to the satisfaction of the local government unit:

A. for project-specific replacement that is not in advance according to part 8420.XXXX, a financial assurance in accordance with part 8420.XXXX, unless waived by the local government unit;

B. for project-specific replacement, evidence that a notice in a form provided by the board has been attached to and recorded with the deed for lands containing a replacement wetland, specifying the following:
(1) the location of the replacement area;
(2) that the replacement area is subject to the act;
(3) that the fee title owner is responsible for the costs of repairs or reconstruction and management, if necessary, or for replacement costs;
(4) that reasonable access to the replacement area will be granted to the proper authorities for inspection, monitoring, and enforcement purposes;
(5) that costs of title review and document recording is the responsibility of the fee title owner; and
(6) that the local government unit or board can require necessary repairs or reconstruction and revegetation work to return the wetland to the specifications of the approved replacement plan and require reimbursement of reasonable costs from the wetland owner, or can require replacement of the wetland according to this chapter and the act; and

C. for replacement consisting of wetland bank credits, confirmation that the board has withdrawn the credits from the state wetland bank as specified in the approved replacement plan.

~~Subp. 6. **Contractor's responsibility when work drains, excavates, or fills wetlands.**~~
The Contractor's Responsibility part was relocated from the previous 8420.0290 and edited here.

8420.XXXX CONTRACTOR'S NOTIFICATION RESPONSIBILITY.
For the purposes of this part, "contractor" means an individual, business, or other organization providing, to a landowner or the landowner's agent, a product or service that drains, fills, or excavates a wetland.

A. ~~An agent or employee of another may~~ A contractor must not drain, excavate, or fill a wetland, wholly or partially, unless the ~~agent or employee~~ contractor has, on a form provided by the board:
(1) obtained a signed statement from the landowner or landowner's agent stating that the wetland replacement plan required for the work has been obtained or that a replacement plan is not required; and
(2) ~~mailed~~ sent a copy of the statement to the local government unit with jurisdiction over the wetland.

B. Work in violation of this part is a misdemeanor.

~~C. The board shall develop a form to be distributed to contractor's associations, local government units, and soil and water conservation districts to comply with this part. The form must include:~~
~~(1) a listing of the activities for which a replacement plan is required;~~
~~(2) a description of the penalties for violating Minnesota Statutes, sections 103G.2212 to 103G.237;~~
~~(3) the telephone number for information on the responsible local government unit;~~
~~(4) a statement that national wetland inventory maps are on file with the soil and water conservation district office; and~~
~~(5) spaces for a description of the work and the names, mailing addresses, and telephone numbers of the person authorizing the work and the agent or employee proposing to undertake it.~~

BOUNDARY OR TYPE, NO-LOSS, AND EXEMPTION STANDARDS

8420.XXXX BOUNDARY OR TYPE.
Subpart 1. **Wetland Boundary.** Wetland boundaries must be determined using the methodologies in the United States Army Corps of Engineers Wetlands Delineation Manual (January 1987), including subsequent updates and supplements, and guidance provided by the board.

Subp. 2. **Wetland Type.** Wetland type must be identified according to United States Fish and Wildlife Service Circular No. 39 (1971 edition) "Wetlands of the United States" and Classification of Wetlands and Deepwater Habitats of the United States (Cowardin, et al., 1979), including modifications or guidance provided by the board. Wetland type in relation to Wetland Plants and Plant Communities of Minnesota and Wisconsin (S. Eggers and D. Reed, 1997) is shown in the following table:

Wetland Plants and Plant Communities of Minnesota and Wisconsin (Eggers and Reed 1997), as modified by the Board of Water and Soil Resources-United States Army Corps of Engineers Wetland Mitigation Memorandum of Understanding (May 2007)	Classification of Wetlands and Deepwater Habitats of the United States (Cowardin et al. 1979)	Fish and Wildlife Service Circular 39 (Shaw and Fredine 1971)
Shallow, open water	Palustrine or lacustrine, littoral; aquatic bed; submergent, floating, and floating-leaved	Type 5: Inland open fresh water
Deep marsh	Palustrine or lacustrine, littoral; aquatic bed; submergent, floating, and floating-leaved; 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-	Type 2: Inland fresh

	leaved persistent	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 flatType 2: Inland fresh meadow
Calcareous fen	Palustrine; emergent; narrow-leaved persistent; scrub/shrub; broad-leaved deciduous	Type 2: Inland fresh meadowType 6: Shrub swamp
Open bog or coniferous bog	Palustrine; moss/lichen; scrub/shrub; broad-leaved evergreen; 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

The preceding table was relocated here from the previous part 8420.0549. The table may be updated for the final version of the rule.

8420.XXXX NO-LOSS AND EXEMPTION CONDITIONS.
A person conducting an activity in a wetland under a no-loss in part 8420.XXXX or an exemption in part 8420.~~0122~~XXXX must ensure that:
A. appropriate erosion control measures are taken to prevent sedimentation of the wetland or of any receiving waters;
B. the activity does not block fish activity in a watercourse, except when done purposely to prevent movement of undesirable fish species in accordance with a recommendation from the commissioner; 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~~XXXX, and water resource protection requirements established under Minnesota Statutes, chapter 103H.

8420.XXXX NO-LOSS CATEGORIES.
No-Loss means no permanent loss of, or impact to, wetlands from an activity according to the criteria in this part. Activities that do not qualify for a no-loss according to this part may be subject to replacement according to parts 8420.~~0530~~XXXX to 8420.~~0630~~XXXX. The following qualify for a no-loss:

A. an activity that will not impact a wetland;

B. excavation in wetlands when limited to removal of sediment or debris such as trees, logs, stumps, beaver dams, blockage of culverts, and trash, provided the removal does not result in alteration of the original cross-section of the wetland or watercourse. Wetland areas created solely 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;

C. temporary or seasonal water level management activities, done for the purpose of performing maintenance or as part of vegetation or habitat management activities, that will not result in the conversion of a wetland to a non-wetland or conversion of a non-degraded wetland to a different type;

D. an activity conducted as part of an approved replacement or banking plan or conducted or authorized by public agencies for the purpose of wetland restoration, fish and wildlife habitat restoration or improvement using guidance in part 8420.~~0112~~XXXX, item X, or repair and maintenance of earthen containment structures;

E. excavation limited to the removal of deposited sediment in wetlands that are presently utilized as stormwater management basins, or excavation and removal of contaminated substrate, and the excavated area is limited to the minimum dimensions necessary for achieving the desired purpose and stabilized to prevent water quality degradation;

F. an activity associated with the operation, routine maintenance, or emergency repair of existing utilities and public works structures, including pipelines, provided the activity does not result in additional wetland intrusion or additional impacts, either wholly or partially;

G. 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

H. a temporary impact that is rectified by repairing, rehabilitating, or restoring the affected wetland. A no-loss under this item only applies if all of the following conditions are met:
(1) the physical characteristics of the affected wetland, including ground elevations, contours, inlet dimensions, outlet dimensions, substrate, plant communities, and hydrologic regime, are restored to pre-project conditions sufficient to ensure that all pre-project functions are restored;
(2) the activity is completed and the physical characteristics of the wetland are restored within six months of the start of the activity, unless an extension is granted by the local government unit after consultation with the technical evaluation panel;
(3) the landowner provides sufficient financial assurance acceptable to the local government unit to cover the estimated cost to restore the wetland to pre-project conditions. The local government unit must return any remaining financial assurance to the landowner upon a determination by the local government unit that the conditions in this item have been met by the landowner; and
(4) a no-loss has not been approved under the criteria in this item for a particular site within a wetland within the previous 10 years, except that repairs to the original project may be allowed under the no-loss if the local government unit determines the request to be necessary and reasonable.

8420.~~0115~~XXXX ~~SCOPE OF~~ EXEMPTION STANDARDS.
Subpart 1. **Scope.** Certain impacts may qualify for an exemption from replacement requirements. An impact is exempt from replacement if it qualifies for any one of the exemptions. **Persons proposing to conduct an exempt activity are encouraged to contact the local government unit** ~~or the local government unit's designee for advice on determining whether a proposed project is eligible~~ to verify eligibility **for an exemption and to evaluate alternatives to avoid or minimize wetland impacts.** If the total amount of impact exceeds the amount allowed under the applicable exemption, the impact is not exempt and the entire amount of impact must be replaced.
~~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.~~

A. ~~These~~ No **exemptions** ~~do not~~ **apply to**:

(1) calcareous fens as identified by the commissioner;.
(2) wetlands that have been deposited in the state wetland bank;
(3) No exemptions apply to wetlands that have been previously restored or created received replacement credit as a result of an approved replacement or banking plan; or. All such wetlands are subject to replacement on subsequent drainage, excavation, or filling.
(4) Wwetlands may not be that were partially drained, excavated, or filled impacted in order to claim an exemption or no-loss determination on so that the remainder. Therefore, an exemption or no-loss determination may not be applied to the remaining wetland if it would be eligible for an exemption, when the exemption would not have been applicable before the impact.
Impacts to any All such wetlands are subject to replacement according to the requirements of parts 8420.XXXX to 8420.XXXX or, for calcareous fens, part 8420.XXXX on subsequent drainage, excavation, or filling.

B. Exemptions may not be combined on a wetland that is impacted by a project.

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.

C. Present and future owners of wetlands impacted without replacement under an exemption for agricultural activities in subpart X or drainage in subpart X must make no use of the wetland area after it is impacted, other than as agricultural land or other use specified in subpart X, for at least ten years after the impact, unless it is first replaced under the requirements of Minnesota Statutes, section 103G.222. Except for land in public ownership, at the time of impact, the local government unit may require the landowner to record a notice of these restrictions in the office of the county recorder for the county in which the project is located if it determines the wetland area impacted is at risk of conversion to a nonagricultural use or other use than specified in subpart X within ten years, based on the zoning classification, proximity to a municipality or full service road, or other criteria as determined by the local government unit. In making a decision under this item, the local government unit must review the applicable comprehensive plan, if one exists, when evaluating the risk of conversion to a nonagricultural use and monitor and enforce the prohibition on using the area impacted for a nonagricultural purpose for at least ten years. At a minimum, the recorded document must contain the name or names of the landowners, a legal description of the property to which the restrictions apply, a statement of the restrictions, the date on which the restrictions expire, the name of the local government that approved the exemption, if such occurred, the signatures of all owners, and an acknowledgment.

8420.0120 [Repealed, 22 SR 1877]

8420.0122 EXEMPTION STANDARDS.

Subp. art 1 2. **Agricultural activities.** A replacement plan for wetlands is not required for:
A. impacts resulting from agricultural activities in a wetland that was planted with annually seeded crops or was in a crop rotation seeding of pasture grass or legumes in six of the last ten years prior to January 1, 1991. Documentation, such as aerial photographs, United States Department of Agriculture records, or affidavit of landowner must be required by the local government unit to show and use other applicable documentation may be used as evidence for this exemption. Land Impacts eligible for this exemption must be to wetland types 1 and or 2 wetlands;

B. impacts resulting from agricultural activities in a type 1 wetland on agricultural pasture land that remains in the same use, except for bottomland hardwood type 1 wetlands, and impacts resulting from agricultural activities in a type 2 or type 6 wetland that is less than two acres in size and located on agricultural pasture land that remains in the same use;

~~C. activities in a wetland conducted as part of normal farming practices. For purposes of this item, "normal farming practices" means farming, silvicultural, grazing, and ranching activities such as plowing, seeding, cultivating, and harvesting for the production of feed, food, and fiber products, but does not include activities that result in the draining of wetlands;~~

~~D~~ C. impacts resulting from soil and water conservation ~~practices that do not permanently drain or fill a wetland and~~ projects that are ~~approved~~ certified by ~~the~~ soil and water conservation district technical staff after review by the technical evaluation panel, provided the project minimizes the impact on the hydrologic and biologic characteristics of the wetland. For purposes of this item, examples of soil and water conservation practices include those identified in the State Cost Share Program Manual, available ~~at~~ from the ~~Board of Water and Soil Resources Web site (http://www.bwsr.state.mn.us/cs/costsharemanual.pdf)~~ board or soil and water conservation districts, and federally funded demonstration, research, and cost share programs and projects;

D. filling a wetland to accommodate wheeled booms on irrigation devices if the fill does not impede normal drainage;

E. impacts resulting from aquaculture activities including pond excavation and construction and maintenance of associated access roads and dikes authorized under, and conducted in accordance with, a permit issued by the United States Army Corps of Engineers under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344, but not including construction or expansion of buildings;

F. impacts resulting from 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; ~~and~~ or

G. impacts resulting from agricultural activities that are subject to federal farm program restrictions that meet minimum state standards under this chapter and Minnesota Statutes, sections 103A.202 and 103B.3355, and that have been approved by the ~~B~~board ~~of Water and Soil Resources~~, the commissioners of natural resources and agriculture, and the Pollution Control Agency. This exemption is not valid until such agreement is approved. ~~The~~ If approved, the conditions and standards ~~shall~~ will be noticed by the board to local government units and published in the State Register. The conditions and standards ~~shall~~ will take effect 30 days after publication and remain in effect unless superseded by subsequent statute, rule, or notice in the State Register. Upon taking effect, ~~T~~this exemption ~~may be applied~~ will only apply to impacts on agricultural land annually enrolled in the federal Farm Program as long as ~~wetlands~~ the impacts are not ~~drained, excavated, or filled~~ beyond what is:
(1) allowed under the other exemptions in this part;
(2) necessary to replace, maintain, or repair existing private drainage infrastructure with a capacity not to exceed that which was originally constructed; or
(3) replaced at a ratio of 1:1 or greater under United States Department of Agriculture provisions as supported by documentation from the United States Department of Agriculture which must be included as evidence to support this exemption.
If the ~~activity~~ impact would result in loss of eligibility, the landowner cannot qualify for the exemption.

Subp. ~~2~~ 3. **Drainage.** ~~A.~~ For the purposes of this subpart, "public drainage system" means a drainage system as defined in Minnesota Statutes, section 103E.005, subdivision 12, and any ditch or tile lawfully connected to the drainage system.
~~B. A replacement plan is not required for draining of type 1 wetlands, or up to five acres of type 2 or type 6 wetlands, in an unincorporated area on land that has been assessed drainage benefits for a public drainage system, provided that:~~
~~(1) during the 20-year period that ended January 1, 1992:~~
~~(a) there was an expenditure made from the drainage system account for the public drainage system;~~
~~(b) the public drainage system was repaired or maintained as approved by the drainage authority; or~~
~~(c) no repair or maintenance of the public drainage system was required under Minnesota Statutes, section 103E.705, subdivision 1, as determined by the public drainage authority; and~~

~~(2) the wetlands are not drained for conversion to:~~
~~(a) platted lots;~~
~~(b) planned unit, commercial, or industrial developments; or~~
~~(c) any development with more than one residential unit per 40 acres, except for parcels subject to local zoning standards that allow family members to establish an additional residence on the same 40 acres. If wetlands drained under this item are converted to uses prohibited under subitem (2) during the ten-year period following drainage, the wetlands must be replaced under Minnesota Statutes, section 103G.222.~~

A. Drainage maintenance or repair. A replacement plan is not required for:
~~C.~~ (1) ~~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,~~ impacts resulting from maintenance ~~and~~ or repair of existing public drainage systems conducted or authorized by a public drainage authority pursuant to Minnesota Statutes, chapter 103E, when the maintenance or repair does not drain type 3, 4, or 5 wetlands that have existed for more than 25 years prior to the proposed impact; or.
~~D.~~ (2) ~~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,~~ impacts resulting from maintenance ~~and~~ or repair of existing drainage systems other than public drainage systems, when the maintenance or repair does not drain wetlands that have existed for more than 25 years prior to the proposed impact.
For ~~items C and D~~ projects proposed under this item, the landowner must provide documentation that the wetlands ~~which will~~ to be partially or completely drained by the maintenance or repair 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 drainage system maintenance records ~~sworn affidavits~~.

~~E~~ B. Drainage enhancement. A replacement plan is not required for:
(1) draining a wetland on agricultural land ~~that~~ when the wetland was:
(~~1~~a) ~~was~~ planted with annually seeded crops prior to July 5, except for crops that are normally planted after this date, in eight out of the ten most recent years prior to the impact;
(~~2~~b) ~~was~~ in a crop rotation seeding of pasture grass, cover crop, or legumes or was fallow for a crop production purpose in eight out of the ten most recent years prior to the impact; or
(~~3~~c) ~~was~~ enrolled in a state or federal land conservation program and met the requirements of subitem (1) (a) or (~~2~~1) (b) prior to enrollment.
(2) 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:
(a) during the 20-year period that ended January 1, 1992:
(*i*) there was an expenditure made from the drainage system account for the public drainage system;
(*ii*) the public drainage system was repaired or maintained as approved by the drainage authority; or
(*iii*) no repair or maintenance of the public drainage system was required under Minnesota Statutes, section 103E.705, subdivision 1, as determined by the public drainage authority; and
(b) the wetlands are not drained for conversion to:
(*i*) platted lots;
(*ii*) planned unit, commercial, or industrial developments; or
(*iii*) any development with more than one residential unit per 40 acres, except for parcels subject to local zoning standards that allow family members to establish an additional residence on the same 40 acres. If wetlands drained under sub-item (2) are converted to prohibited uses during the ten-year period following drainage, the wetlands must be replaced under Minnesota Statutes, section 103G.222.
Documentation, such as aerial photographs, United States Department of Agriculture records, or ~~an affidavit of the landowner or another landowner with knowledge of the subject agricultural land~~ other applicable documentation may be ~~required by the local government unit~~ used as evidence for the exemption under this item.

C. For projects completed under this subpart, spoil must be placed and stabilized in a manner that minimizes wetland impacts without jeopardizing the stability of the ditch or contributing to the degradation of downstream water quality.

~~F~~ D. 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~~ E. 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~~ must give priority to acquisition of easements on types 3, 4, and 5 wetlands that have been in existence for more than 25 years on public drainage systems and other wetlands that have the greatest risk of drainage from a public drainage repair project.

~~H. Present and future owners of wetlands drained or filled without replacement under an exemption in item B or E may make no use of the wetland area after it is drained, excavated, or filled, other than as agricultural land, for at least ten years after the draining, excavating, or filling, unless it is first replaced under the requirements of Minnesota Statutes, section 103G.222. Also, for at least ten years, the wetland may not be restored for replacement credit. Except for land in public ownership, at the time of draining, excavation, or filling, the local government unit may require the landowner to record a notice of these restrictions in the office of the county recorder for the county in which the project is located. The local government unit may require recording a notice of these restrictions if it determines the wetland area drained is at risk of conversion to a nonagricultural use within ten years based on the zoning classification, proximity to a municipality or full service road, or other criteria as determined by the local government unit. In making a determination under this item, the local government unit must review the applicable comprehensive plan when evaluating the risk of conversion to a nonagricultural use and monitor and enforce the prohibition on using the area drained, filled, or excavated for a nonagricultural purpose for at least ten years. At a minimum, the recorded document must contain the name or names of the landowners, a legal description of the property to which the restrictions apply, a statement of the restrictions, the date on which the restrictions expire, the name of the local government that certified the exemption, if such occurred, the signatures of all owners, and an acknowledgment.~~

Subp. ~~3~~ 4. **Federal approvals.** A replacement plan ~~for wetlands~~ is not required for ~~activities~~ impacts 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 Bboard ~~of Water and Soil Resources~~, the Department of Agriculture, the Department of Natural Resources, and the Pollution Control Agency. This exemption is not valid until such agreement is approved. If approved, the conditions and standards will be noticed by the board to local government units and published in the State Register. The exemption will take effect 30 days after publication and remain in effect unless superseded by subsequent statute, rule, or notice in the State Register.

Subp. 4 5. Restored **Wetlands** ~~restoration.~~ A replacement plan ~~for wetlands~~ is not required for:
A. ~~activities in a~~ impacts to a wetland that was restored or created for conservation purposes under a contract or easement providing the landowner with the right to drain the restored or created wetland to pre-project hydrologic conditions. The landowner must provide a contract or easement conveyance ~~or affidavit~~ demonstrating that the landowner or a predecessor restored or created the wetland for conservation purposes but retained the right to subsequently drain the restored or created wetland to the conditions that existed prior to restoration or creation; or

B. ~~activities in a~~ impacts to a wetland that was restored or created by a landowner without any assistance or financing from public agencies or private entities other than the landowner and the wetland has not been used for wetland replacement or deposited in the state wetland bank. For purposes of this item, assistance by public agencies does not include consultation on project design or advice on the project's relationship to state or federal programs. The landowner must provide a contract, billing statements, or ~~an affidavit~~ other evidence sufficient to demonstrate~~ing~~ that the landowner or a predecessor restored or created the wetland without any assistance or financing from public agencies or private entities other than the landowner. The landowner must also provide sufficient information to determine that the area was not wetland prior to the restoration or creation activity.

~~Subp. 5. **Incidental wetlands.** A replacement plan for wetlands is not required for activities in wetland areas created solely as a result of:~~
~~A. beaver dam construction;~~
~~B. blockage of culverts through roadways maintained by a public or private entity;~~
~~C. actions by public or private entities that were taken for a purpose other than creating the wetland; or~~
~~D. any combination of items A to C.~~
~~Wetland areas created by beaver activities may be drained by removing those materials placed by beaver. Drainage is permitted by removing or moving materials blocking installed roadway culverts and related drainage structures. Additional excavation or removal of other materials is not permitted unless it can be shown by aerial photographs that the proposed activity will not drain or fill wetland that was there before the beaver dam was built or before the culvert became plugged.~~
~~Wetland areas may be drained, excavated, or filled if the landowner can show that the wetland was created solely by actions, the purpose of which was not to create the wetland.~~
~~Impoundments or excavations constructed in nonwetlands solely for the purpose of effluent treatment, storm water retention, soil and water conservation practices, and water quality improvements, and not as part of a wetland replacement process that may, over time, take on wetland characteristics, are also exempt.~~

Subp. 6. **Utilities; ~~public works~~.**
A. A replacement plan ~~for wetlands~~ is not required for impacts resulting from:
(1) ~~new placement or maintenance, repair, enhancement, or replacement of existing utility or utility-type service, including pipelines, if:~~
~~(a) the direct and indirect impacts of the proposed project have been avoided and minimized to the extent possible; and~~
~~(b)~~ the installation, maintenance, repair, or replacement of utility lines, including pipelines, provided that the impacts have been avoided and minimized to the extent possible and the proposed project significantly modifies or alters less than one-half acre of wetlands; or
(2) ~~activities associated with the 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~~
~~(3)~~ the repair ~~and~~ or updating of existing ~~individual~~ subsurface sewage treatment systems as necessary to comply with local, state, and federal regulations. This exemption does not apply if the wetland impacts are a result of the treatment system being expanded to accommodate greater use.

B. For maintenance, repair, and replacement, the local government unit may issue a seasonal or annual exemption ~~certification~~ approval or the utility may proceed without local government unit ~~certification~~ approval if the utility is carrying out the work according to approved best management practices. Work of an emergency nature may proceed as necessary and any ~~drain or fill activities shall~~ impacts must be addressed with the local government unit after the emergency work has been completed.

Subp. 7. **Forestry.** This exemption is for roads and crossings solely constructed, and primarily used, for the purpose of providing access for the conduct of silvicultural activities. 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~~ impacts resulting from the construction of forest roads and crossings ~~across wetlands~~ so long as the activity limits the impact on the hydrologic and biologic characteristics of the wetland; the construction activities do not include, or result in, the access becoming, a dike, drainage ditch, or tile line; ~~filling is~~ impacts are avoided wherever possible; and there is no drainage of the wetland or public waters.
~~This exemption is for roads constructed for the primary purpose of providing access for the conduct of silvicultural activities.~~

~~Subp. 8. [Repealed, 32 SR 281]~~

Subp. ~~9~~ 8. **De minimis.**
A. Except as provided in items B and C, a replacement plan ~~for wetlands~~ is not required for ~~draining, excavating, or filling~~ projects that impact up to the following amounts of wetlands ~~as part of a project~~:

(1) in a greater than 80 percent area~~, including Isanti County~~:
(a) 10,000 square feet ~~of type 1, 2, 6, or 7 wetland~~, except for types 3, 4, 5, 8 and white cedar and tamarack wetland, outside of the shoreland wetland protection zone; ~~or~~
(b) 400 square feet ~~of type 1, 2, 6, or 7 wetland~~, except for types 3, 4, 5, 8 and white cedar and tamarack wetland, outside of the building setback zone, as defined in the local shoreland management ordinance, but within the shoreland wetland protection zone. This amount may be increased to 1,000 square feet by the local government unit if the wetland is isolated and determined to have no direct surficial connection to the public water;
(c) 100 square feet of type 3, 4, 5, 8, and white cedar and tamarack wetland outside of the building setback zone, as defined in the local shoreland management ordinance; or
(d) 20 square feet of any wetland inside the building setback zone, as defined in the local shoreland management ordinance;

(2) in a 50 to 80 percent area:
(a) 5,000 square feet ~~of type 1, 2, 6, or 7 wetland~~, except for types 3, 4, 5, 8 and white cedar and tamarack wetland, outside of the shoreland wetland protection zone and outside of the 11-county metropolitan area;
(b) 2,500 square feet ~~of type 1, 2, 6, or 7 wetland~~, except for types 3, 4, 5, 8 and white cedar and tamarack wetland, outside of the shoreland wetland protection zone and inside the 11-county metropolitan area; ~~or~~
(c) 400 square feet ~~of type 1, 2, 6, or 7 wetland~~, except for types 3, 4, 5, 8 and white cedar and tamarack wetland, outside of the building setback zone, as defined in the local shoreland management ordinance, but within the shoreland wetland protection zone;
(d) 100 square feet of type 3, 4, 5, 8, and white cedar and tamarack wetland outside of the building setback zone, as defined in the local shoreland management ordinance; or
(e) 20 square feet of any wetland inside the building setback zone, as defined in the local shoreland management ordinance; or

(3) in a less than 50 percent area:
(a) 2,000 square feet of type 1, 2, or 6 wetland outside of the shoreland wetland protection zone and outside the 11-county metropolitan area;
(b) 1,000 square feet of type 1, 2, or 6 wetland outside of the shoreland wetland protection zone and inside the 11-county metropolitan area;
(c) 400 square feet of type 1, 2, or 6 wetland outside of the the building setback zone, as defined in the local shoreland management ordinance, but within the shoreland wetland protection zone; ~~or~~
(d) 100 square feet of type 3, 4, 5, 7, and 8 wetland outside of the building setback zone, as defined in the local shoreland management ordinance; or
(e) 20 square feet of any wetland inside the building setback zone, as defined in the local shoreland management ordinance.
~~(4) statewide:~~
~~(a) 100 square feet of type 3, 4, 5, 8, and white cedar and tamarack wetland outside of the building setback zone, as defined in the local shoreland management ordinance; or~~
~~(b) 20 square feet of wetland, regardless of type, inside the building setback zone, as defined in the local shoreland management ordinance.~~

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~~ D. Property may not be ~~sub~~divided ~~solely~~ to increase the amounts listed in item A or to gain an exemption.

~~F~~ 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.

~~G~~ F. For purposes of this subpart, the 11-county metropolitan area consists of the counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright.

Subp. ~~10~~ 9. **Wildlife habitat.** A replacement plan ~~for wetlands~~ is not required for:
A. excavation or the associated deposition of spoil within a wetland for the primary purpose of ~~a~~ wildlife habitat improvement ~~project~~, if:
(1) the total 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 to prevent erosion and ~~permanently seeded with~~ native, noninvasive vegetation is established ~~species to prevent erosion~~;
(2) the project does not have an adverse ~~impact~~ effect 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.

~~STANDARDS AND PROCEDURES FOR EVALUATING~~ WETLAND REPLACEMENT ~~PLANS~~

8420.~~0500~~XXXX PURPOSE AND REQUIREMENT.
Subpart 1. Purpose. Parts 8420.~~0500~~XXXX to 8420.~~0630~~XXXX specify the procedures and criteria for avoiding and minimizing ~~wetland~~ impacts and for ensuring adequate replacement of lost public values ~~for~~ from unavoidable ~~wetland~~ impacts.

~~8420.0505 PREVIOUSLY APPROVED DETERMINATIONS.~~
The entire 8420.0505 was relocated to the Local Government Unit Duties and Procedures section and edited there.

~~8420.0510 REPLACEMENT PLAN PROCEDURES.~~
~~Subpart 1. Generally.~~ Subp. 2. Requirement. No person ~~shall drain, excavate in the permanent or semipermanently flooded areas of type 3, 4, or 5 wetlands, or fill~~ may impact a wetland, wholly or partially, ~~or otherwise impact wetlands~~ without being eligible for an exemption or no-loss, or first having a wetland replacement plan ~~or other determination~~ approved by the local government unit. Prior to approval of a replacement plan, the local government unit must ensure that the applicant has exhausted all possibilities to avoid and minimize wetland impacts according to the sequencing requirements of part 8420.~~0520~~XXXX. The applicant must demonstrate to the local government unit that the replacement plan complies with this part and the replacement standards of parts 8420.~~0550~~XXXX and 8420.XXXX. A replacement plan that fails to meet the requirements of this chapter must be considered inadequate in replacing lost function and value and must be denied by the local government unit.

~~Subp. 2. **Preapplication conference and site visit.** Before preparation of a wetland value replacement plan, it is recommended that the landowner meet with the local government unit for a preapplication conference and site visit. The local government unit is encouraged to inform the landowner of all sequencing requirements and the criteria used to evaluate replacement plans. A landowner may submit the information required in part 8420.0520 and request a determination of compliance with the sequencing requirements from the local government unit before preparing a replacement plan.~~

~~Subp. 3. **Evaluation.** As provided for in part 8420.0240, technical questions concerning the public value, location, size, and type of wetland shall be submitted to the technical evaluation panel. The local government unit may use a technical evaluation panel to predetermine public value, location, size, or type of wetlands under its jurisdiction and use this determination in administering the act. Wetland boundaries must be determined using the methodologies in the United States Army Corps of Engineers Wetland Delineation Manual (January 1987). Wetland type must be identified according to Classification of Wetlands and Deepwater Habitats of the United States (Cowardin, et al., 1979), United States Fish and Wildlife Service Circular No. 39 (1971 edition) "Wetlands of the United States," or Wetland Plants and Plant Communities of Minnesota and Wisconsin (S. Eggers and D. Reed, 1997), as modified by the Board of Water and Soil Resources-United States Army Corps of Engineers Wetland Mitigation Memorandum of Understanding (May 2007). The documents referenced under this subpart are incorporated by reference, are not subject to frequent change, and are available through the Minitex interlibrary loan system or on the board's Web site at http://www.bwsr.state.mn.us. The technical evaluation panel shall provide its determinations to the local government unit for consideration.~~

Subp. ~~6~~ 3. **Alternative evaluation methodologies.** The local government unit may evaluate the replacement plan using a scientifically accepted methodology that evaluates all wetland functions specified in Minnesota Statutes, section 103B.3355, for both the impacted and replacement wetlands. Such alternative methodologies must be approved and listed by the board, in consultation with the commissioners of natural resources and agriculture, and local government units. When using alternative evaluation methodologies to evaluate replacement plans, the ratio of replacement credit to impacted wetland ~~to replacement wetland~~ must not be less than the minimum ~~acreage~~ requirements as listed in part 8420.~~0546~~ XXXX, except as provided for in part 8420.~~0650~~XXXX, comprehensive wetland protection and management plans.

The preceding subpart was relocated from the previous 8420.0549 subpart 8 and edited here.

8420.~~0548~~XXXX SPECIAL CONSIDERATIONS.

Subpart 1. **Scope.** The factors in this part, when identified as being applicable to an impact site or a replacement site, must be considered by the applicant prior to submittal of a replacement plan, and by the local government unit in the review of replacement plans.

Subp. 2. **Endangered and threatened species.** A replacement plan for activities that involve taking species listed as endangered or threatened in parts 6134.~~0200~~XXXX to 6134.~~0400~~XXXX must be denied unless the commissioner issues a permit pursuant to part 6212.~~1800~~XXXX or Minnesota Statutes, section 84.0895, subdivision 7. Applicants may determine if there are known locations of listed species at a particular site by contacting the Department of Natural Resources' natural heritage and nongame research program.

Subp. 3. **Rare natural communities.** A replacement plan for activities that involve the modification of a rare natural community as determined by the Department of Natural Resources' natural heritage program must be denied if the local government unit determines that the proposed activities will permanently adversely affect the natural community.

Subp. 4. **Special fish and wildlife resources.** A replacement plan for activities that would have a significant adverse ~~impact that cannot be mitigated~~ effect on a special or locally significant fish and wildlife resource that cannot be functionally replaced must be denied. These ~~activities~~ resources include, but are not limited to:

A. fish passage and spawning areas;

B. colonial waterbird nesting colonies;

C. migratory waterfowl concentration areas;
D. deer wintering areas; and/or
E. wildlife travel corridors.
Activities involving streams must not block fish passage unless approved by the Department of Natural Resources.

Subp. 5. **Archaeological, historic, or cultural resource sites.** A replacement plan for activities that involve the modification of known archaeological, historical, or cultural resource sites on or eligible for the National Register of Historic Places, as designated by the state historic preservation officer, must be denied, if the local government unit, in consultation with the State Historical Preservation Office, determines that the proposed activities will have a significant adverse ~~impact~~ effect on the archaeological or historical value of the site.

Subp. 6. **Groundwater sensitivity.** A replacement plan for activities must be denied if the local government unit determines the activities would have a significant adverse ~~impact~~ effect on groundwater quality. The publication "Criteria and Guidelines for Assessing Geologic Sensitivity of Ground Water Resources in Minnesota" (MDNR, 1991) may be used as a guide in determining potential impacts.

Subp. 7. **Sensitive surface waters.** A replacement plan must be denied if the local government unit determines the activities will have a significant adverse ~~impact~~ effect on the water quality of outstanding resource value waters listed in part 7050.0180 or on trout waters designated by the commissioner.

Subp. 8. **Education or research use.** A replacement plan for impacts to ~~W~~wetlands known to be used for educational or research purposes must be denied if the local government unit determines that those uses will not be maintained or adequately replaced.

Subp. 9. **Waste disposal sites.** The local government unit must evaluate the type and amount of waste material found at the site. Activities involving known or potential hazardous wastes or contaminants must be conducted according to applicable federal and state standards.

Subp. 10. **Consistency with other plans.** The local government unit must consider the extent to which proposed activities are consistent with other plans, such as local water management plans, watershed management plans, land use plans, zoning, and ~~master~~ comprehensive plans.

8420.~~0520~~XXXX SEQUENCING.
Subpart 1. **Requirement.** The local government unit ~~may~~ must not ~~consider or~~ approve a wetland replacement plan unless the local government unit finds that the applicant has demonstrated that the activity impacting a wetland ~~has complied~~ complies with all of the following principles in descending order or priority:
A. avoids direct or indirect impacts ~~to the wetland~~ that may destroy or diminish the wetland under the criteria in subpart ~~3~~ 2;
B. minimizes ~~the~~ impacts ~~to the wetland~~ by limiting the degree or magnitude of the wetland activity and its implementation under the criteria in subpart ~~4~~ 3;
C. rectifies ~~the~~ impacts by repairing, rehabilitating, or restoring the affected wetland under the criteria in subpart ~~5~~ 4;
D. reduces or eliminates ~~the~~ impacts ~~to the wetland~~ over time by operating the project in a manner that preserves~~ation~~ and ~~maintenance~~ maintains the remaining wetland ~~operations~~ under the criteria in subpart ~~6~~ 5; and
E. replaces unavoidable impacts ~~to the wetland~~ by restoring or, if wetland restoration opportunities are not reasonably available, creating ~~substitute~~ replacement wetland areas having equal or greater public value as provided for in parts 8420.~~0530~~XXXX to 8420.~~0760~~XXXX. ~~Exceptions to this part include~~ ~~w~~Wetlands located in cultivated fields that are subject to subpart 8 are an exception to this part ~~, and calcareous fens that are subject to subpart 9~~.

~~Subp. 2. Application options. An applicant may either submit the information required for sequencing analysis as part of a replacement plan application or apply for a preliminary sequencing determination~~

~~from the local government unit before preparing a replacement plan. The local government unit may request additional information needed to make a determination. For projects impacting wetland areas less than 10,000 square feet more than the de minimis amount listed in part 8420.0122, subpart 9, item A, the local government unit may provide an on-site sequencing determination without written documentation from the applicant.~~

Subp. ~~3~~ 2. ~~Determination of i~~**Impact avoidance.**
A. Avoidance ~~must be~~ is required when indicated by part 8420.~~0548~~XXXX.
B. Wetland dependence determination:
(1) Based on information provided by the applicant, the local government unit ~~shall~~ must determine if the proposed project is wetland dependent. A project is wetland dependent if wetland features~~,~~ or functions~~, or values~~ are essential to fulfill the basic purpose of the project. A wetland present at the site of a proposed project does not make that project wetland dependent.
(2) A project that has been determined by the local government unit to be wetland dependent is exempt from the analysis of avoidance alternatives in item C.
C. Alternatives analysis:
(1) In addition to the proposed project, ~~T~~the applicant ~~shall~~ must provide the local government unit with documentation describing at least two alternatives that avoid wetland impacts, ~~in addition to the proposed project to avoid wetland impacts. O~~one of which may be the no-build alternative~~, that would avoid impacts to wetlands~~. For projects that repair or rehabilitate existing infrastructure, only one alternative is required. The alternatives may include consideration of alternate sites or alternative project configurations on the proposed site. The alternatives must be judged by the local government unit as good faith efforts, or the local government unit may require the applicant to redraft them for reconsideration.
(2) The local government unit ~~shall~~ must determine whether any proposed feasible and prudent alternatives are available that would avoid impacts to wetlands. An alternative ~~shall be~~ is considered feasible and prudent if it meets all of the following requirements:
(a) it is capable of being done from an engineering point of view;
(b) it is in accordance with accepted engineering standards and practices;
(c) it is consistent with reasonable requirements of the public health, safety, and welfare;
(d) it is an environmentally preferable alternative based on a review of social, economic, and environmental impacts; and
(e) it would create no truly unusual problems.
~~(3) For projects proposing impacts to type 3, 4, or 5 wetlands, the local government unit shall also determine that there are no environmentally preferable alternatives that would avoid the impact.~~
(~~4~~ 3) The local government unit ~~shall~~ must consider the following in evaluating avoidance alternatives as applicable:
(a) whether the basic project purpose can be reasonably accomplished using one or more other sites in the same general area that would avoid wetland impacts. An alternate site ~~may~~ must not be excluded from consideration only because it includes or requires an area not owned by the applicant that could reasonably be obtained, used, expanded, or managed to fulfill the basic purpose of the proposed project;
(b) the general suitability of the project site and alternate sites considered by the applicant to achieve the purpose of the project;
(c) whether reasonable modification of the size, scope, configuration, or density of the project would avoid impacts to wetlands;
(d) efforts by the applicant to accommodate or remove constraints on alternatives imposed by zoning standards or infrastructure, including requests for conditional use permits, variances, or planned unit developments; ~~and~~
(e) the physical, economic, and demographic requirements of the project. Economic considerations alone do not make an alternative not feasible and prudent~~.~~; and
(f) the amount, distribution, condition, and public value of wetlands and associated resources to be affected by the project and the potential for direct and indirect effects over time.
(~~5~~ 4) If the local government unit determines that a feasible and prudent alternative exists that would avoid impacts to wetlands, it ~~shall~~ must deny the replacement plan. If no feasible and prudent alternative is available that would avoid impacts to wetlands, the local government unit ~~shall~~ must evaluate the replacement plan for compliance with subparts ~~4~~ 3 to 8.

Subp. ~~4~~ 3. ~~Determination of i~~**Impact minimization.**
A. The applicant shall demonstrate to the local government unit's satisfaction that the activity will minimize impacts to wetlands. In reviewing the sufficiency of the applicant's ~~efforts~~ proposal to minimize wetland impacts, the local government unit must consider all of the following:
(1) the spatial requirements of the project;
(2) the location of existing structural or natural features that may dictate the placement or configuration of the project;
(3) the purpose of the project and how the purpose relates to placement, configuration, or density;
(4) the sensitivity of the site design to the natural features of the site, including topography, hydrology, and existing vegetation;
(5) the value, function, and spatial distribution of the wetlands on the site;
(6) individual and cumulative impacts; and
(7) an applicant's efforts to:
(a) modify the size, scope, configuration, or density of the project;
(b) remove or accommodate site constraints including zoning, infrastructure, access, or natural features;
(c) confine impacts to the fringe or periphery of the wetland; and
(d) otherwise minimize impacts.
~~B. If the local government unit finds that an applicant has not complied with the requirements to minimize wetland impacts, the local government unit shall list, in writing, its objections to the project. If, within 30 days, the applicant does not withdraw the project proposal or indicate intent to submit an amended project proposal satisfying the local government unit's objections, the statement of objections shall constitute a denial.~~

Subp. ~~5~~ 4. ~~Determination of i~~**Impact rectification.** Temporary impacts ~~to a wetland~~ must be rectified by repairing, rehabilitating, or restoring the affected wetland in accordance with the no-loss provisions of part 8420.XXXX.
~~A. Activities may qualify for a no-loss determination in part 8420.0220 by meeting all of the following conditions:~~
~~(1) the physical characteristics of the affected wetland, including ground elevations, contours, inlet dimensions, outlet dimensions, substrate, plant communities, and hydrologic regime, are restored to preproject conditions sufficient to ensure that all preproject functions and values are restored;~~
~~(2) the activity is completed and the physical characteristics of the wetland are restored within six months of the start of the activity; and~~
~~(3) the party responsible for the activity provides a performance bond to the local government unit for an amount sufficient to cover the estimated cost to restore the wetland to preproject conditions. The local government unit shall return the performance bond to the responsible party upon a determination by the local government unit that the conditions in this item and item B have been met.~~
~~B. An applicant shall be granted a no-loss determination under the criteria in item A once in a ten-year period for a particular site within a wetland, except that repairs to the original project shall be allowed under the no-loss determination, if the local government unit determines the request to be necessary and reasonable.~~
~~C. Wetland impacts that do not qualify for a no-loss determination according to the criteria in item A are subject to replacement under the criteria in parts 8420.0530 to 8420.0630.~~

Subp. ~~6~~ 5. ~~Determination of r~~**Reduction or elimination of impacts over time.** After an activity is completed, further ~~wetland~~ impacts ~~from the draining or filling~~ must be reduced or eliminated by maintaining, operating, and managing the project in a manner that preserves and maintains remaining wetland functions ~~and values~~. The local government unit must require applicants to implement best management practices to protect wetland functions ~~and values~~.

Subp. ~~7~~ 6. **Unavoidable impacts**. Unavoidable ~~wetland~~ impacts that remain after efforts to minimize, rectify, or reduce or eliminate them must be replaced according to parts 8420.~~0530~~XXXX to 8420.~~0630~~XXXX.

Subp. 7a. **Sequencing flexibility.**

~~A. Sequencing flexibility cannot be implemented unless alternatives have been considered and unless the proposed replacement wetland is certain to provide equal or greater functions and public values as determined based on a functional assessment reviewed by the technical evaluation panel using a methodology approved by the board. The project sponsor must provide the necessary information and the local government unit must document the application of sequencing flexibility in the replacement plan approval.~~

~~B~~ A. Flexibility in application of the sequencing steps may be ~~applied~~ requested by the applicant and allowed at the discretion of the local government unit, subject to the conditions in item A B, as determined by the local government unit if:

(1) the wetland to be impacted has been degraded to the point where replacement of it would result in a certain gain in function and public value;

(2) ~~preservation~~ avoidance of a wetland would result in severe degradation of the wetland's ability to function and provide public values, for example, because of surrounding land uses and the wetland's ability to function and provide public values cannot reasonably be maintained through implementation of best management practices, ~~other~~ land use controls, or other mechanisms;

(3) the only feasible and prudent upland site available for the project or ~~wetland~~ replacement ~~or development~~ has greater ecosystem function and public value than the wetland. ~~Although this is a rare circumstance since there will usually be several options for siting the replacement wetland or development, it~~ This may be appropriate only if the ~~project sponsor~~ applicant:

(a) demonstrates impact minimization to the wetland;

(b) agrees to perpetually preserve the designated upland site; and

(c) completely replaces the impacted wetland's functions and public values; or

(4) the wetland is a site where human health and safety is a factor.

B. Flexibility in the order and application of sequencing standards cannot be implemented unless alternatives have been considered and the proposed replacement wetland is certain to provide equal or greater public value as determined based on a functional assessment reviewed by the technical evaluation panel using a methodology approved by the board. The project sponsor must provide the necessary information and the local government unit must document the application of sequencing flexibility in the replacement plan approval.

Subp. 8. **Wetlands on cultivated fields.** If the wetland is located on a cultivated field and will be replaced through restoration, then the priority order for sequencing in subpart 1 is not required. A wetland ~~drained or filled~~ impacted under this provision must not be converted to nonagricultural land for ten years. The landowner must execute and record a notice of this requirement in the office of the county recorder for the county in which the property is located and, as a condition of the approval, provide documentation of the recording to the local government unit.

~~Subp. 9. **Calcareous fens.** Calcareous fens, as identified by the commissioner, may not be filled, drained, or otherwise degraded, wholly or partially, by any action, unless the commissioner, under an approved management plan, decides some alteration is necessary, as provided in part 8420.1010.~~

8420.0103XXXX ~~WETLAND FUNCTIONS FOR DETERMINING PUBLIC VALUES~~ REPLACEMENT STANDARDS.

Subpart 1. **General Requirement.** Wetland replacement must replace the public value of wetlands lost as a result of an impact. Replacement of wetland function and value may occur at more than one location.

The public values of wetlands ~~must be~~ is based upon the functions of wetlands, including:

A. water quality, including filtering of pollutants to surface and groundwater, utilization of nutrients that would otherwise pollute public waters, trapping of sediments, shoreline protection, and utilization of the wetland as a recharge area for groundwater;

B. flood water and storm water retention, including the potential for flooding in the watershed, the value of property subject to flooding, and the reduction in potential flooding by the wetland;

C. public recreation and education, including hunting and fishing areas, wildlife viewing areas, and nature areas;

D. commercial uses, including wild rice and cranberry growing and harvesting and aquaculture;

E. fish, wildlife, and native plant habitats;

F. low-flow augmentation; and
G. other functions~~, values,~~ and public uses as identified in board-approved wetland evaluation methods. The board ~~shall~~ will maintain a publicly available list of preapproved wetland evaluation methods.

Subp. ~~5~~ 2. **Determining impacts of partial drainage.** In cases where wetlands will be partially ~~or incompletely~~ drained, the amount of wetland to be replaced must be determined as follows:
The area impacted by partially draining a wetland is determined in two parts. The wetland area where the hydrology ~~is~~ will be totally removed must be ~~replaced in its entirety~~ considered an impact in its entirety. The area of impact for the area that is partially drained must be ~~replaced in an amount that is~~ at least 50 percent of the acreage of the remaining wetland area ~~or~~ determined by an assessment ~~of the wetland functions listed in part 8420.0103, using a methodology chosen by~~ acceptable to the technical evaluation panel ~~from one of the methodologies established or approved by the board~~.
The preceding subpart was relocated here from the previous 8420.0549 subpart 5 and edited here.

Subp. 3. **Replacement Ratios.**
A. The replacement ratio is 2.5 replacement credits for each acre of wetland impacted, except in greater than 80 percent areas and on agricultural land the replacement ratio is 1.5 replacement credits for each acre of wetland impacted. The replacement ratio is reduced by 0.5:1 when the replacement consists of:
(1) withdrawal of available credits from an approved wetland bank site within the same bank service area as the impacted wetland; or
(2) project-specific replacement within the same major watershed or county as the impacted wetland, a majority of which is in-kind.

Minimum Replacement Ratios: Banking

Location of Impact	Replacement	Minimum Replacement Ratio
>80% Area or Ag Land	Outside BSA	1.5:1
	Within BSA	1:1
<50% Area, 50-80% Area, or non-Ag Land	Outside BSA	2.5:1
	Within BSA	2:1

Minimum Replacement Ratios: Project-Specific

Location of Impact	Replacement	Minimum Replacement Ratio
>80% Area or Ag Land	Outside Major Watershed or Out-of-Kind	1.5:1
	Within Major Watershed and In-Kind	1:1
<50% Area, 50-80% Area, or non-Ag Land	Outside Major Watershed or Out-of-Kind	2.5:1
	Within Major Watershed and In-Kind	2:1

B. For replacement via banking, impacts in bank service area 10 that are replaced in bank service area 9 or the Des Moines River Basin in bank service area 8, and impacts in bank service area 1 that are replaced in bank service area 2 will count as replacement within the same bank service area for the purpose of reducing the minimum required replacement ratio according to this subpart.

C. Wetland replacement must be of a size sufficient to ensure that it provides equal or greater public value than the impacted wetland it will replace. The actual replacement ratio required may be more than the ratio required in item A if the local government unit determines that a higher ratio is necessary to

replace the public value of the wetland lost. In no case can the replacement ratio be less than 1:1 in greater than 80 percent areas or agricultural land, and 2:1 in all other areas.

D. Owners of wetlands impacted for use as agricultural land may make no use of the wetland area after it is impacted, other than as agricultural land, for a period of ten years unless future replacement to achieve a ratio equaling or exceeding the appropriate ratio for non-agricultural land in item A occurs. The landowner must record a notice of this restriction in the office of the county recorder in which the project is located and, as a condition of local government unit approval, provide documentation of the recording to the local government unit.

E. The board may approve special replacement ratios based on data derived from comprehensive inventories of replacement opportunities. The board must give notice of the replacement ratios to local government units and publish the ratios in the State Register. The board must provide opportunities for public input and comment prior to publishing the special replacement ratios. The conditions and standards shall take effect 30 days after publication and remain in effect unless superseded by subsequent statute, rule, or notice in the State Register.

Subp. 4. **In-kind wetland replacement.** In-kind wetland replacement refers to replacement of the functions lost to an impact. The replacement wetland is in-kind if it is:
(1) the same type or plant community as the impacted wetland except, for degraded wetlands, the same type or plant community that historically occurred at the impact site;
(2) the same hydrologic conditions and landscape setting as the impacted wetland; or
(3) a type that has been significantly lost in the watershed or will provide important functional benefits to the watershed as determined by the technical evaluation panel based on a review of available evidence or according to a local plan approved by the board.

Subp. 5. **Ecological suitability and sustainability.**
A. The preferred method of replacement is that which takes advantage of naturally occurring hydrogeomorphic conditions with minimal landscape alteration and is most likely to result in a wetland area that functions wholly, perpetually, and naturally. Wetland restoration is generally preferred over creation and restoration of completely impacted wetlands is generally preferred over other methods of replacement.

B. Restoration and replacement of wetlands must be accomplished according to the ecology of the landscape area. The replacement site must be ecologically suitable for providing the desired functions and compatible with adjacent land uses. A replacement plan that would result in wetland types or characteristics that do not naturally occur in the landscape area in which the replacement will occur must be denied. Replacement must not adversely affect other habitat types or ecological communities that are important in maintaining the overall biological diversity of the area.

C. Replacement projects must be located and designed, to the maximum extent practicable, to be self-sustaining once performance standards have been achieved. Self-sustaining refers to the sustainability of resource functions and the ability of type and location to provide the desired functions over time in a changing landscape.

D. In addition to items A through C, when determining the location, type, function, and design of replacement, applicants and local government units must consider landscape position, habitat requirements, development and habitat loss trends, sources of watershed impairment, the protection and maintenance of upland resources and riparian areas, and providing a suite of functions.

Subp. 6. **Required upland buffer.**
A. Establishment or preservation of unmanicured vegetated upland buffer areas is required adjacent and contiguous to replacement wetlands receiving credit under part 8420.XXXX, subparts 3 to 7.
B. For replacement wetlands less than two acres in size, the buffer must be a minimum average width of 25 feet. For all other replacement wetlands, the buffer must be a minimum width of 25 feet and an average width of 50 feet.

C. The applicant may request the local government unit to vary the upland buffer standards under items A and B. The local government unit may vary the standards under A and B when it is not practicable or feasible or the variance would be ecologically beneficial based on a recommendation by the technical evaluation panel.

Subp. 7. **Siting of replacement.**
A. Siting wetland replacement must follow this priority order:
(1) ~~on site or~~ in the same minor watershed as the affected wetland;
(2) in the same major watershed as the affected wetland;
(3) in the same county as the affected wetland;
(4) for replacement by wetland banking, in the same wetland bank service area as the impacted wetland, except that impacts in a 50 to 80 percent area must be replaced in a 50 to 80 percent area and impacts in a less than 50 percent area must be replaced in a less than a 50 percent area;
(5) for project-specific replacement, in an adjacent major watershed to the affected wetland or, for replacement by wetland banking, in an adjacent wetland bank service area, except that impacts in a 50 to 80 percent area must be replaced in a 50 to 80 percent area and impacts in a less than 50 percent area must be replaced in a less than 50 percent area;

~~(6) notwithstanding subitems (1) to (5), public transportation projects may be replaced statewide, except that wetlands affected in less than 50 percent areas must be replaced in less than 50 percent areas, and wetlands affected in the seven-county metropolitan area must be replaced at a ratio of two-to-one in:~~
~~(a) the affected county;~~
~~(b) if no restoration opportunities exist in the affected county, in another seven-county metropolitan area county; or~~
~~(c) in one of the major watersheds that are wholly or partially within the seven-county metropolitan area, but at least one-to-one must be replaced within the seven-county metropolitan area;~~

~~(7)~~ B. ~~n~~Notwithstanding ~~subitems (1) to (5)~~ item A, siting wetland replacement in greater than 80 percent areas may follow the priority order under this subitem:
(a1) by wetland banking after evaluating ~~on-site replacement and~~ replacement within the minor and major watersheds;
(b2) replaced in an adjacent wetland bank service area if wetland bank credits are not reasonably available in the same wetland bank service area as the affected wetland, as determined by a comprehensive inventory approved by the board; or
(c3) statewide; or

~~(8)~~ C. ~~n~~Notwithstanding ~~subitems (1) to (5)~~ item A, siting wetland replacement in the seven-county metropolitan area must follow the priority order under this subitem:
(a1) in the affected county;
(b2) in another of the seven metropolitan counties; or
(c3) in one of the major watersheds that are wholly or partially within the seven-county metropolitan area, but at least one-to-one must be replaced within the seven-county metropolitan area.

D. Siting wetland replacement for public transportation projects must follow the requirements of 8420.XXXX, item B.

~~B. Until December 31, 2012, existing wetland bank account holders outside of the seven-county metropolitan area, but within a major watershed that is wholly or partially within the seven-county metropolitan area, may withdraw wetland credits according to part 8420.0541 that was in effect at the time of the deposit of the public value credit or new wetland credits.~~

~~C. Until December 31, 2012, local government units may approve wetland replacement plans that propose replacement via wetland banking, using credits established according to the replacement siting rule in effect on August 5, 2007.~~

~~D~~ E. When reasonable, practicable, and environmentally beneficial replacement opportunities are not available in siting priorities listed in items A through D, the applicant may seek opportunities at the next level. ~~E.~~ For the purposes of this item ~~D~~, "reasonable, practicable, and environmentally beneficial replacement opportunities" means opportunities that~~:~~ are ecologically suitable according to 8420.XXXX subpart 2
~~(1) take advantage of naturally occurring hydrogeomorphological conditions and require minimal landscape alteration;~~
~~(2) have a high likelihood of becoming a functional wetland that will continue in perpetuity;~~
~~(3) do not adversely affect other habitat types or ecological communities that are important in maintaining the overall biological diversity of the area;~~ and
~~(4)~~ are available and capable of being done after taking into consideration cost, existing technology, and logistics consistent with overall project purposes. The cost of replacement credits alone is not sufficient reason to conclude that reasonable, practicable, or environmentally beneficial replacement opportunities are not available.

F. Regulatory agencies, local government units, and other entities involved in wetland restoration ~~shall~~ must collaborate to identify potential replacement opportunities in watersheds within their jurisdictional areas.
The replacement siting subpart above was relocated from the previous 8420.0543 and edited here.

Subp. 8. **Timing of Replacement.**
A. Replacement of wetland function and value must be completed in advance of or concurrent with the actual wetland impact. For replacement that is not in advance, a financial assurance is required according to subpart 9.

B. Replacement is in advance if the replacement is:
(1) approved wetland bank credits withdrawn prior to impact; or
(2) project specific replacement for which construction has been certified and the first monitoring report of the first full growing season following construction certification has been submitted according to part 8420.XXXX, and the replacement meets all goals and performance standards applicable to that development stage of the replacement site.

C. Any action being proposed for replacement credit must be specifically identified for replacement purposes and approved by the local government unit as part of a replacement or banking plan prior to initiating the actual restoration or creation activity.

Subp. 9. **Financial Assurance.** For wetland replacement that is not in advance, a financial assurance acceptable to the local government unit must be submitted to, and approved by, the local government unit to ensure successful replacement. The local government unit may waive this requirement if it determines the financial assurance is not necessary to ensure successful replacement. The financial assurance may be used to cover costs of actions necessary to bring the project into compliance with the approved replacement plan specifications and monitoring requirements. The financial assurance does not serve as an in-lieu fee and is not a substitute for enforcement, but may be used for repair, construction, vegetation establishment and management, maintenance, monitoring, or other actions necessary to ensure adequate replacement. The local government unit may release a portion of the financial assurance upon successful completion of construction, but must retain a sufficient amount to ensure successful vegetative establishment and completion of monitoring requirements. Within 60-days of certification of successful replacement and completion of the monitoring requirements of part 8420.XXXX, the local government unit must release any remaining financial assurance submitted by the applicant, provided all other conditions of the approval are met.

~~8420.0530 REPLACEMENT PLAN COMPONENTS.~~
The entire 8420.0530 was relocated to the Application Procedures section and edited there.

~~8420.0540 REPLACEMENT PLAN EVALUATION CRITERIA.~~
~~Subpart 1. Sequencing. Before consideration or approval of a replacement plan, the local government unit must ensure that the applicant has exhausted all possibilities to avoid and minimize adverse wetland impacts according to sequencing in part 8420.0520. The applicant must demonstrate to the local government unit that the replacement plan complies with this part and part 8420.0550.~~

~~Subp. 2. Type of replacement.~~
~~A. The preference for the method of replacement is that which is most likely to result in a wetland area that functions wholly, perpetually, and naturally. Wetland restoration is generally preferred over creation and restoration of completely impacted wetlands is generally preferred over other methods of replacement.~~
~~B. Modification or conversion of nondegraded wetlands from one wetland type to another by damming, diking, impounding, or excavating does not constitute replacement credit.~~
~~C. Wetlands drained or filled under an exemption may not be restored for replacement credit for ten years after draining or filling.~~
~~D. [Renumbered, 8420.0541, subps 1,6,7]~~
~~E. [Repealed by amendment, 27 SR 135]~~
~~Subp. 3. [Renumbered 8420.0542]~~
~~Subp. 4. [Renumbered 8420.0543]~~
~~Subp. 5. [Renumbered 8420.0544]~~
~~Subp. 5a. [Renumbered 8420.0545]~~
~~Subp. 6. [Renumbered 8420.0546]~~
~~Subp. 7. [Renumbered 8420.0547, subpart 1]~~
~~Subp. 8. [Renumbered 8420.0547, subp 2]~~
~~Subp. 9. [Renumbered 8420.0548, subps 1 to 10]~~
~~Subp. 10. [Renumbered 8420.0549, subps 1 to 8]~~

~~8420.0541 ACTIONS ELIGIBLE FOR CREDIT.~~ ***The entire 8420.0541 was relocated to the new Wetland Replacement section and edited there.***

~~8420.0542 TIMING OF REPLACEMENT.~~
~~Replacement of wetland functions and values must be completed in advance of or concurrent with the actual draining, excavation, or filling of a wetland, unless an irrevocable bank letter of credit or other security acceptable to the local government unit is submitted to the local government unit to guarantee successful completion of the replacement. Local government units may require performance bonds or similar instruments to assure that the replacement wetland is successfully established.~~
~~All wetlands to be restored or created for replacement must be designated for replacement before restoration or creation. Submission to the local government unit of the information required in part 8420.0530 and subsequent approval, shall be considered evidence of designation for replacement, provided the information is submitted before the actual restoration or creation. The exceptions contained in part 8420.0544 do not apply to replacement completed using wetland banking credits established by a person who submitted a complete wetland banking application to a local government unit by April 1, 1996.~~

~~8420.0543 WETLAND REPLACEMENT SITING.~~
The entire 8420.0543 was relocated to the Replacement Standards part and edited there.

~~8420.0544 REPLACEMENT FOR PUBLIC TRANSPORTATION PROJECTS.~~
The entire 8420.0544 was relocated to the end of the new Wetland Replacement section and edited there.

~~8420.0545 PRESETTLEMENT WETLAND ACRES AND AREAS.~~
The entire 8420.0545 was relocated to the Purpose and Scope part and edited there.

~~8420.0546 SIZE OF REPLACEMENT WETLANDS.~~

~~Replacement wetlands must be of a size sufficient to ensure that they provide equal or greater public value than the wetland that was drained or filled. The minimum amount of replacement wetland that must be provided is shown in part 8420.0549, subpart 4c.~~

~~For a wetland located on nonagricultural land in a 50 to 80 percent area or a less than 50 percent area, the minimum size of the replacement wetland must be in the ratio of two acres of replaced wetland for each acre of drained or filled wetland. For a wetland located on agricultural land, or in greater than 80 percent areas, the minimum size of the replacement wetland must be in the ratio of one acre of replaced wetland for each acre of drained or filled wetland.~~

~~The actual replacement ratios required for a replacement wetland may be more than the minimum, subject to the evaluation of wetland functions and values in part 8420.0549.~~

~~For wetlands located in a 50 to 80 percent area or a less than 50 percent area, future owners may make no use of the wetland after it is altered, other than as agricultural land for a period of ten years unless future replacement to achieve a ratio equaling or exceeding the appropriate ratio in part 8420.0549, subpart 4c, occurs. The landowner shall record a notice of this restriction in the office of the county recorder in which the project is located.~~

~~8420.0547 OTHER REQUIREMENTS.~~

~~Subpart 1. **Carbon balance.** When it is necessary to replace a drained or filled peatland, the replacement wetland must be revegetated with planted or naturally pioneering native vegetation established within three growing seasons.~~

~~Subp. 2. **Ecological consistency.** Restoration and replacement of wetlands must be accomplished according to the ecology of the landscape area affected. A replacement plan that would result in wetlands or wetland characteristics that do not naturally occur in the landscape area in which the replacement will occur will not be approved.~~

~~8420.0548 SPECIAL CONSIDERATIONS.~~ ***The entire 8420.0548 was relocated within the new Wetland Replacement section and edited there.***

~~8420.0549 EVALUATION OF WETLAND FUNCTIONS AND VALUES.~~

~~Subpart 1. **Evaluation options.** Replacement wetlands must replace the functions and values that are lost from a wetland that is drained or filled. When environmentally preferable, a replacement wetland should replace the same combination of functions and values provided by the impacted wetland. Replacement of wetland functions and values may occur at more than one location. The local government unit may allow the evaluation of wetlands by measuring and comparing public values specified in Minnesota Statutes, section 103B.3355, with a scientifically accepted methodology in subparts 7 and 8.~~

~~Subp. 2. **Wetland types.** For wetland replacement ratio determinations, wetland type shall be based on the 12 wetland plant community types as listed in this subpart.~~

The Wetland Type table was relocated to the Wetland Boundary or Type part of the Wetland Boundary or Type, No Loss, and Exemption Standards section.

~~STATE OF MINNESOTA WATERSHED BOUNDARIES - 1979~~
~~(81 MAJOR WATERSHED UNITS)~~
The watershed list and map will be relocated after a new map is developed.

~~Subp. 3. **In-kind wetland replacement.** Wetland replacement for drainage, excavation, or fill shall be considered in-kind if the replacement wetland is of the same type as the impacted wetland.~~

~~Subp. 4. **Out-of-kind wetland replacement.** Out-of-kind replacement is any replacement that is not in-kind in subpart 3.~~

~~If a wetland to be drained or filled exhibits more than one wetland type as determined by the technical evaluation panel, and more than one wetland type is proposed to be drained or filled, the local government unit shall use the following procedure to determine needed replacement. The acreage of~~

each wetland type to be impacted shall be determined. The sum of the replacement for each wetland type shall be the resultant acreage requirement.

Subp. 4a. **In advance replacement.** Replacement is in advance if the replacement is:
A. approved wetland bank credits; or
B. a replacement site that has established wetland hydrology and vegetation, but the vegetation may not be mature.
At a minimum, the replacement site must have wetland hydrology and hydrophytic vegetation established one full growing season (April-October) prior to the impact. Further, the site must meet all performance standards applicable to that development stage of the replacement site.

Subp. 4b. **In-place replacement.** Replacement is in-place if the mitigation occurs within the same watershed as the permitted activity or, if wetland credits are withdrawn from an approved wetland bank site, in the same bank service area as that where the permitted impact occurred, according to the map in this subpart. The following exceptions apply to this definition:
A. replacement for impacts in bank service area 10 can be accomplished in bank service area 9 or the Des Moines River Basin in bank service area 8 with no increase in the replacement ratio;
B. replacement for impacts in bank service area 1 can be accomplished in bank service area 2 with no increase in the replacement ratio; and
C. the board may approve special replacement ratios based on data derived from comprehensive inventories of replacement opportunities. The board shall give notice of the replacement ratios to local government units and shall publish the ratios in the State Register. The board shall provide opportunities for public input and comment prior to publishing the special replacement ratios. The conditions and standards shall take effect 30 days after publication and remain in effect unless superseded by subsequent statute, rule, or notice in the State Register.

Subp. 4c. **Minimum wetland replacement ratios.** The minimum wetland replacement ratios are based on the location of the impact and replacement, and the wetland type, and the timing of replacement, as determined by the table below.

Impact Location	Replacement Location (in-place)	Type of Replacement Wetland (in type)	Replacement Process (in time)	Minimum Replacement Ratio
> 80% area (or agricultural land)	In-place	Same type as impact wetland	In advanceNot in advance	1:11.25:1
		Different type	In advanceNot in advance	1.25:11.5:1
	Not in-place	Same type as impact wetland	In advanceNot in advance	1.25:11.5:1
		Different type	In advanceNot in advance	1.5:11.5:1
< 80% area (and non-agricultural land)	In-place	Same type as impact wetland	In advanceNot in advance	2:12.25:1
		Different type	In advanceNot in advance	2.25:12.5:1
	Not in-place	Same type as impact wetland	In advanceNot in advance	2.25:12.5:1
		Different type	In advanceNot in advance	2.5:12.5:1

Subp. 5. **Determining impacts of partial drainage.** ***The entire subpart 5 was relocated to the Replacement Standards part and edited there.***

~~Subp. 6. Alternative evaluation methodologies.~~
The entire subpart 6 was relocated to the Purpose and Requirement part in the Wetland Replacement section and edited there.

~~Subp. 7. Special cases or appeals. For projects of unusual complexity, or replacement plans that have been denied and are being appealed, and for which the local government unit believes an alternative evaluation process may produce a substantially different replacement requirement, the local government unit may evaluate the replacement plan using the current version of the Minnesota wetland evaluation methodology or another scientifically accepted methodology approved by the board, in consultation with the commissioner, that evaluates all wetland functions and values for both the impacted and replacement wetlands.~~
~~When using a board-approved methodology to evaluate replacement plans, the ratio of impact wetland to replacement wetland must not be less than the minimum acreage requirements as listed in part 8420.0546. Further, the topographic setting ratio in subpart 4 and the local public value ratio, if any, in subpart 4 must also be considered when using a board-approved methodology.~~

~~Subp. 8. Adequacy decision. A replacement plan that fails to meet the requirements in this part must be considered inadequate in replacing lost functions and values and must be denied by the local government unit. A replacement plan that has been considered by the local government unit and not approved may be revised and resubmitted for consideration by the local government unit. As required by part 8420.0250, the decision of a local government unit to approve, approve with conditions, or deny a replacement plan becomes final if not appealed to the board within 30 days after the date on which the decision is mailed to those required to receive notice of the decision. Within 30 days of completing construction of a replacement wetland, the notice specified in part 8420.0530, item D, subitem (6), must be recorded and proof of recording provided to the local government unit.~~

8420.~~0541~~XXXX ACTIONS ELIGIBLE FOR CREDIT.
Subpart 1. **Scope.**
A. The actions in this part are eligible for replacement credit ~~or wetland banking credit~~ as determined by the local government unit in parts 8420.~~0500~~XXXX to 8420.~~0760~~XXXX. Sufficient information to determine eligibility and credit must be provided to the local government unit as part of a replacement or banking plan application.

B. This part identifies the amount of credit allowed for each action, however, the actual amount may be less as determined by the local government unit. When the local government unit allows less replacement credit than the maximum amounts described in this part, the local government unit must provide justification for the lower credit allocation.

C. Subparts 3 through 7 require the incorporation of upland buffers meeting the minimum requirements described in part 8420.XXXX.

D. Modification or conversion of nondegraded wetlands from one wetland type to another by damming, diking, impounding, or excavating does not constitute replacement credit. Restoration of wetlands drained or filled in violation of this chapter are not eligible for replacement credit. Wetlands impacted under an exemption may not be restored for replacement credit for ten years after the impact.

Subp. 2. **Upland buffer areas.**
A. Replacement credit may be granted for 10 percent of the buffer area for establishment or preservation of non-native vegetation and 25 percent of the buffer area for establishment or preservation of native, non-invasive vegetation. Credit may be allowed for establishing upland buffer around existing high value wetlands adjacent to the replacement wetland when the minimum widths are maintained and the maximum buffer area is not exceeded.

B. The area of buffer for which replacement credit is granted under item A cannot exceed the area of the replacement wetland.

C. For buffer areas of native, non-invasive vegetation, the local government unit may increase the amount of credit to 50% if the technical evaluation panel finds that additional buffer will improve replacement wetland sustainability and provide significant functional benefits. Buffers add to replacement wetland sustainability and provide significant functional benefits when they:
(1) extend upstream in the watershed, provide slope and soil stability, and otherwise protect and improve water quality;
(2) protect valuable native plant communities or habitats that could otherwise be lost or degraded;
(3) provide important habitat connections; or
(4) otherwise substantially improve important wetland functions based on a functional assessment and consideration of current and future adjacent land use.

Subp. ~~2~~3. **Restoration of completely drained** or filled **wetland areas.** Restoration of both the natural hydrology regime and native, noninvasive vegetation on wetlands that have been completely drained or filled ~~wetlands~~ may receive ~~new wetland~~ replacement credit in an amount ~~not~~ up to ~~exceed~~ 100 percent of the ~~total~~ wetland area hydrologically and vegetatively restored. The vegetation management plan must set a goal of restoring the historic native vegetation typical of the wetland being restored, unless determined to be not ecologically feasible by the technical evaluation panel.

Subp. ~~3~~4. **Restoration of partially drained** or filled **wetland areas.** Restoration of both the natural hydrology regime and native, noninvasive vegetation of ~~jurisdictional~~ wetlands that have been degraded by prior drainage, filling, or a diversion of the natural watershed~~, or filling~~ may receive credit in accordance with the following:

A. ~~in a less than 80 percent area, receive public value credit in an amount up to 50 percent of the degraded wetland area or receive new wetland credit in an amount not to exceed 25 percent of the total wetland area hydrologically restored, provided that permanent native, noninvasive vegetation is established within the restored wetland area and on an upland buffer, which may receive replacement credit according to subpart 6; and~~ any wetland area substantially degraded by partial drainage or fill that was planted with annually seeded crops, was in a crop rotation seeded to pasture grasses or legumes, or was required to be set aside to receive price supports or equivalent payments in at least ten of the last 20 years prior to the date of application may receive credit based on the percent of the time the wetland area was annually seeded, in rotation, or set aside during the 20-year period prior to application; or

B. ~~in a greater than 80 percent area, receive new wetland credit in an amount not to exceed 25 percent of the total wetland area hydrologically restored.~~ all other wetland areas substantially degraded by partial drainage or fill may receive wetland credit of up to 50 percent of the wetland area restored.

~~Subp. 4. **Exceptional natural resource value projects.** Projects that restore exceptional natural resource values of wetlands may receive either public value or new wetland replacement credit solely or in combination as determined by the local government unit with concurrence of the technical evaluation panel. The amount and type of credit allowed shall be based on a functional assessment that documents the restoration of these values.~~

Subp. 5. ~~Restoration~~ Vegetative restoration **of farmed wetlands.** Reestablishment of permanent native, noninvasive vegetative cover on a farmed wetland areas that ~~was~~ have not been affected by prior drainage or filling may receive replacement credit for:

A. up to 50% of the area restored for wetland areas that were planted with annually seeded crops, ~~was~~ were in a crop rotation seeded to pasture grasses or legumes, or ~~was~~ were required to be set aside to receive price supports or equivalent payments in ~~six~~ at least ten of the last 20 years prior to the date of application for a replacement ~~plan~~ or bank plan ~~may receive credit in accordance with one of the following considerations~~; or

B. up to 90% of the area restored for wetland areas in bank service areas 2, 3, and 4 based on the percent of time the wetland areas were planted with annually seeded crops, were in a crop rotation seeded to pasture grasses or legumes, or were required to be set aside to receive price supports or

equivalent payments during the 20 year period prior to the date of application for a replacement or bank plan.

~~A. if the wetland was annually seeded, in rotation, or set aside for six or more of the last 20 years, the wetland is eligible for public value credit not to exceed 50 percent of the wetland area; or~~
~~B. if the wetland was annually seeded, in rotation, or set aside for ten or more of the last 20 years, the wetland is eligible for new wetland credit based on the percent of the time the wetland area was annually seeded, in rotation, or set aside during the prior 20-year period.~~

~~Subp. 6. **Upland buffer areas.** Buffer areas of permanent native and noninvasive dominated vegetative cover established or preserved on upland adjacent and contiguous to replacement wetlands may receive credit, provided that the upland buffer must have an average width of at least 50 feet for wetlands in nonmunicipal areas and an average width of at least 25 feet for wetlands in a municipal area and the buffer vegetative establishment or preservation plan must be approved by the technical evaluation panel. Replacement credit for the buffer may not exceed 100 percent of the replacement wetland area and may only be used as public value credits for replacement above a 1:1 ratio.~~

Subp. ~~7~~ 6. Protection of ~~W~~wetlands previously restored via conservation easements. ~~Wetland areas previously restored for conservation purposes under terminated easements or contracts are eligible for up to 75 percent new wetland credit and adjacent upland buffer areas reestablished to permanent native, noninvasive vegetative cover are eligible for public value credit above a 1:1 ratio in an amount not to exceed 25 percent of the restored wetland area.~~

Replacement credit may be granted for permanently protecting wetlands previously restored or created for conservation purposes under a contract or easement, where the contract or easement has expired and gives the landowner the right to drain or fill the wetland upon termination. The area receiving credit must meet the wetland replacement standards of 8420.XXXX. Replacement credit may be granted for up to 75% of the area created or restored under the conservation contract or easement. Alternatively, credit may be allocated according to the other subparts in this part as applied prior to initiation of the contract or easement, when the applicant can document eligible credit yield to the satisfaction of the local government unit.

~~Subp. 8. **Restoration of wetland vegetation.** Reestablishment and maintenance of permanent native, noninvasive vegetation cover on a wetland that is dominated by invasive or exotic species may receive public value credit. Replacement credit may not exceed 25 percent of the total wetland area vegetatively restored and the vegetative restoration and maintenance plan must be approved by the technical evaluation panel. The technical evaluation panel may require a monitoring period in excess of 12 months after the vegetative restoration is completed before approving the site for replacement credit.~~

~~Subp. 9. **Wetlands established via mineral extraction site reclamation.** Wetland areas established in nonwetland areas due to mineral extraction activities may receive new wetland credits if all of the following criteria are met:~~
~~A. application for replacement credit is made within ten years after the last day that extraction activities have taken place;~~
~~B. a wetland establishment and management plan has been approved by the technical evaluation panel and implemented by the landowner or authorized agent;~~
~~C. the wetland area meets the criteria in part 8420.0550; and~~
~~D. if the land is not state-owned, a conservation easement in favor of the state has been accepted by the state and recorded in the county recorder's office, or if the land is state-owned, covenants and restrictions are recorded that identify that the wetland area is a replacement wetland subject to this chapter.~~

~~Subp. 10. **Water quality treatment areas.**~~
~~A. New wetland credit of up to 100 percent for wetland areas constructed as part of water quality treatment systems may be granted by the local government unit with the concurrence of the technical evaluation panel, provided that:~~
~~(1) the local government unit has an approved and active stormwater management plan;~~

~~(2) the water quality treatment system design includes pretreatment of runoff before discharge to the wetland area receiving credit;~~
~~(3) the wetland area receiving credit is constructed in nonwetland areas;~~
~~(4) the water quality treatment system is associated with an ongoing or proposed project that will impact a wetland or public waters;~~
~~(5) the wetland area receiving credit is separated from the water quality treatment system that pretreats runoff before discharge to the wetland area receiving credit;~~
~~(6) the wetland area receiving credit is designed for a maximum 24-inch rise in water level for the ten-year critical storm event;~~
~~(7) the standards in part 8420.0550 are followed; and~~
~~(8) the wetland area receiving credit is a functioning wetland.~~
~~B. Stormwater detention basins allowed for replacement are not eligible for the exemptions in part 8420.0122 and are subject to parts 8420.0500 to 8420.0630.~~

Subp. ~~11~~ 7. **Wetland creations.** ~~All other w~~Wetlands ~~creation sites~~ created in upland areas may receive ~~new wetland~~ replacement credit in an amount ~~not to exceed 100~~ up to 75 percent of the total wetland area created. ~~Except for public projects, a performance bond or other surety shall be secured and held until the local government unit has determined that the design goal for the wetland replacement site, as approved in the replacement plan, is fully achieved.~~ Created wetlands that are:
A. established due to mineral extraction activities may receive replacement credit in accordance with this subpart only for those areas actively mined within 10 years prior to the application for credit; or
B. constructed as part of water quality treatment systems may receive replacement credit in accordance with this subpart only when the wetland area receiving credit is a functioning wetland designed for a maximum 24-inch rise in water level for the ten-year critical storm event. Any portions of water quality treatment systems allowed for replacement are not eligible for the exemptions in part 8420.0122XXXX and are subject to parts 8420.0500XXXX to 8420.0630XXXX.

Subp. 8. **Restoration and protection of exceptional natural resource value.** Replacement credit may be granted for activities that restore and protect wetlands and adjacent areas that improve or directly contribute to the function and sustainability of exceptional natural resources. For purposes of this subpart, exceptional natural resources are:
A. habitat for state listed endangered or threatened species;
B. rare native plant communities;
C. special fish and wildlife resources such as fish passage and spawning areas, colonial water bird nesting colonies, migratory waterfowl concentration areas, deer wintering areas, and wildlife travel corridors;
D. sensitive surface waters; or
E. other resources determined to be exceptional by the technical evaluation panel based on the value relative to other resources in the watershed or a board approved plan.

Restoration and protection of calcareous fens, white cedar swamps, floodplain or riparian wetlands and upland buffers, habitat corridors with other important resources, or wetlands adjacent to designated trout waters are examples of potential qualifying activities. The allocation of credit under this subpart is determined by the local government unit with concurrence of the technical evaluation panel based on the actions proposed and the resulting contribution to the value and sustainability of the exceptional resource. Areas receiving credit must be protected by a permanent conservation easement in a format provided by the board that is granted to and accepted by the state.

Subp. 9. **Preservation of wetlands owned by the state or a local unit of government.** In greater than 80 percent areas, replacement credit may be granted for up to 12.5 percent of wetland areas and adjacent buffer owned by a state or local unit of government and protected by a permanent conservation easement. The easement must be in a format provided by the board that is granted to and accepted by the board after approval of the replacement or banking plan application. Replacement credit for wetland preservation can only be granted after considering replacement as provided under subparts 3 through 8. To be eligible for credit under this subpart, the technical evaluation panel, must determine that there is a high probability the wetland will be degraded or impacted and the wetland:

A. contains or benefits an exceptional resource identified in subpart 6;
B. is of a type or function that is rare, difficult to replace, or of high value to the watershed;
C. contains a rare or declining native plant community; or
D. is of a type that is not likely to regenerate, such as northern white cedar.

Subp. 10. **Replacement Credit Conversion.** Replacement plans and banking plans approved after the effective date of this rule must determine replacement credit according to subparts 2 to 9. Public value credit that has been deposited in the state wetland bank or approved as part of a banking plan application prior to the effective date of this rule will be converted according to the following:
A. up to 100 percent replacement credit for existing public value credit derived from activities within wetlands; and
B. up to 90 percent replacement credit for existing public value credit derived from upland buffers.
Previously approved public value credit must be converted according to this subpart on the effective date of this rule for deposited credits, and at the time of deposit for future deposits resulting from a previously approved banking plan.

8420.~~0550~~XXXX ~~WETLAND~~ REPLACEMENT WETLAND CONSTRUCTION STANDARDS.
Subpart 1. **General requirements.** The standards and guidelines in this part ~~shall~~ must be ~~used~~ followed in wetland creation and restoration efforts to ensure adequate replacement of wetland functions and values.
In evaluating a ~~wetland~~ proposed replacement or banking plan application, ~~the local government unit must determine whether the wetland type stated as the replacement plan goal will result from the replacement plan specifications. If a wetland type other than the replacement plan goal is likely to result, the local government unit must evaluate the plan based on this determination.~~ ~~T~~the local government unit must ~~also~~ determine that the ~~proposed replacement~~ plan will adequately replace ~~functions and~~ the public values of wetlands lost. If the local government unit determines that the proposed replacement is not likely to result in adequate replacement of function and public value ~~is not likely to result~~, the local government must ~~determine what further measures are~~ either require modifications necessary to obtain adequate replacement or deny the ~~replacement plan~~ application.

Subp. 2. ~~Specific~~ Design **requirements.** The standards in ~~items A to H shall~~ this subpart must be ~~followed in~~ met for all replacement wetlands ~~replacements~~ unless the local government unit, with concurrence of the technical evaluation panel, determines that a standard is clearly not appropriate.

A. Water control structures must be constructed using specifications provided in the Minnesota Wetland Restoration Guide or their equivalent. Control structures may be subject to the Department of Natural Resources dam safety regulations.

B. Best management practices must be established and maintained ~~adjacent to the entire perimeter of all replacement wetlands~~ at the replacement site as necessary to protect the replacement wetland and other waterbodies. Erosion control measures must be employed during construction and until permanent ground cover is established.

C. ~~For replacement wetlands where native, noninvasive vegetation that is characteristic of the wetland type identified as the replacement goal in part 8420.0530, item D, is not likely to become dominant naturally in a five-year period, the replacement wetland shall be seeded or planted with appropriate native, noninvasive species, as determined by the technical evaluation panel.~~ Native, non-invasive vegetation must be established in restored and created wetlands. Each replacement or banking plan must include a vegetation establishment and management plan that specifies provisions for vegetative establishment and includes a goal of establishing plant communities that correspond to the hydrology and landscape position of the replacement site. If the replacement wetland is seeded or planted, the seed or planting stock should be from native, noninvasive species ~~of regional wetland origin~~ in accordance with the Minnesota Wetland Restoration Guide. In evaluating the vegetation establishment and management plan, the local government unit must determine that implementation of the plan is likely to result in the establishment of the appropriate native, non-invasive vegetation within the monitoring period. During the monitoring period, the applicant must take reasonable steps to control invasion by any nonnative or

invasive species~~, for example, reed canary grass, Canada thistle, common buckthorn, spotted knapweed, leafy spurge, purple loosestrife, and Eurasian water milfoil, that would defeat the revegetation goal of the replacement plan~~.

~~D. Erosion control measures as determined by the soil and water conservation district must be employed during construction and until permanent ground cover is established to prevent siltation of the replacement wetland or nearby water bodies.~~

~~E. For all restored wetlands where the original organic substrate has been stripped away and for all created wetlands, provisions must be made for providing an organic substrate unless the technical evaluation panel recommends otherwise. When feasible, the organic soil used for backfill should be taken from the drained or filled wetland dominated by native, noninvasive species. Organic soil for backfill from wetlands dominated by nonnative, invasive species should be avoided.~~

~~F~~ D. The bottom contours of created types 3, 4, and 5 wetlands ~~should~~ must ~~be undulating, rather than flat, to~~ provide a variety of water depths, comparable to natural wetlands in the vicinity of the replacement, and be consistent with part 8420.~~0547~~ XXXX, subpart ~~2~~ X.

~~G~~ E. The edge of created or graded wetlands must be comparable to other naturally occurring wetlands of similar hydrologic condition and landscape position in the major watershed. Sideslopes of created wetlands, graded portions of restored wetlands, and graded buffer strips, must not be steeper than ~~5:1~~ 8:1, ~~five~~ eight feet horizontally for every one foot vertically, or flatter ~~as averaged around the wetland. Sideslopes of 10:1 to 15:1 are preferred. More than half of the slopes of graded areas inside the exterior boundaries of restored, created, or enhanced wetlands must be no steeper than 10:1~~ unless the technical evaluation panel concurs that steeper slopes are acceptable based on the surrounding landscape and the characteristics of other natural occurring wetlands in the vicinity. Sideslopes of 10:1 to 15:1 are preferred.

F. ~~(2) the water quality treatment system design includes pret~~Treatment of runoff ~~before~~ prior to discharge to ~~the~~ replacement ~~wetland~~ areas ~~receiving credit;~~ is required to improve sustainability and minimize degradation of the wetland over time. ~~(5) t~~The ~~wetland~~ replacement area ~~receiving credit~~ must be physically ~~is~~ separated from ~~the~~ any water quality treatment system ~~that pretreats runoff before discharge to the wetland area receiving credit~~. Treatment of runoff in this part means:
(1) any part of a stormwater treatment system needed to comply with water quality treatment requirements of state or local stormwater permits or ordinances, provided the treatment system is physically separated from the replacement wetland; or
(2) when water quality treatment is not required by state or local permits or ordinances, the installation of appropriate best management practices, to the extent practicable and feasible, to protect long term wetland function.

G. For projects that contain elements that include dams, dikes, or other impoundment features, the construction plans must be designed, overseen, and certified by a registered professional engineer.

~~H. Created wetlands should have an irregular edge to create points and bays, consistent with part 8420.0547, subpart 2.~~

~~Subp. 3. [Repealed, 27 SR 135]~~

Subp. 3. **Design Considerations.** The following replacement wetland design elements must be considered for replacement wetlands and incorporated to the extent practicable and feasible:
A. Restored wetlands should emulate the hydrology and vegetation of the pre-settlement wetland condition.
B. Expanded buffers should be incorporated into the design of replacement wetlands in areas where there is a high potential for erosion and the buffer will improve slope stability, or when necessary to provide wildlife habitat corridor connections with other wetlands or habitats.
C. Measures should be taken to manage hydraulic bounce as indicated in guidance document 8420.~~0112~~XXXX subpart ~~N~~X.

D. For all restored wetlands where the original organic substrate has been stripped away, and for all created wetlands, the organic substrate must be sufficient to establish a functioning wetland and to accomplish the goals of the replacement or banking plan. When feasible, organic soil used for backfill should be salvaged from the impacted wetland for utilization in the replacement wetland. Organic soil for backfill from wetlands dominated by non-native or invasive species should be avoided.

8420.0544XXXX REPLACEMENT FOR PUBLIC TRANSPORTATION PROJECTS.

A. Impacts resulting from public transportation projects must be replaced according to the requirements of this chapter, except as provided for in this part.

AB. **Wetlands impacted by public transportation projects**: ~~may be replaced statewide, only for wetlands affected in greater than 80 percent areas and for public transportation projects, except that wetlands affected in less than 50 percent areas must be replaced in less than 50 percent areas, and wetlands affected in the seven-county metropolitan area must be replaced at a ratio of two-to-one in:~~

~~(1) the affected county;~~

~~(2) in another of the seven metropolitan counties; or~~

(1) outside of the seven-county metropolitan area may be replaced statewide, except that impacts in less than 50 percent areas must be replaced in less than 50 percent areas; and

(2) in the seven-county metropolitan area must be replaced in the seven-county metropolitan area or ~~(3)~~ in one of the major watersheds that are wholly or partially within the seven-county metropolitan area, but at least one-to-one must be replaced within the seven-county metropolitan area.

~~Part 8420.0543, item A, subitem (6), does not apply to replacement completed using wetlands banking credits established by an applicant who submitted a complete wetland banking application to a local government unit by April 1, 1996.~~

~~B. Replacement of wetlands may be accomplished under the rules for wetland banking as provided for in parts 8420.0700 to 8420.0760.~~

~~C. For projects involving draining or filling of wetlands associated with a new public transportation project, and for projects expanded solely for additional traffic capacity, public transportation authorities may purchase credits from the board at the cost to the board to establish credits.~~

C. A replacement plan is required for public transportation projects that involve new roads or roads expanded solely for additional traffic capacity lanes.

D. A replacement plan ~~for wetlands~~ is not required for individual public road projects that ~~result in the draining, excavating, or filling of~~ impact wetlands for the repair, rehabilitation, reconstruction, or replacement of a currently serviceable existing state, city, county, or town public road necessary, as determined by the public road authority, to meet state or federal design or safety standards or requirements~~, excluding new roads or roads expanded solely for additional traffic capacity lanes~~. This item only applies to authorities for public road projects that:

(1) minimize ~~the amount of wetland draining, excavating, or filling~~ impacts associated with the project and consider ~~mitigating~~ replacing important site-specific wetland functions on site; and

(2) provide project specific plans and information including project locations, wetland boundaries, amount and type of wetlands impacted, demonstration of impact minimization, and any changes or addenda to the board's bank administrator, the technical evaluation panel, the commissioner of natural resources, and members of the public requesting a copy:

(a) ~~submit,~~ at least 30 days prior to construction~~, project-specific reports, and any changes or addenda, to the board, the technical evaluation panel, the commissioner of natural resources, and members of the public requesting a copy that indicate the location, amount, and type of wetlands drained, excavated, or filled by the project~~;

(b) ~~convene~~ at an annual meeting of the parties required to receive notice convened to review projects to be commenced during the upcoming year; or

(c) within 30 days of commencing ~~for~~ minor and emergency maintenance work impacting less than 10,000 square feet~~, the public road authority may submit project-specific reports, within 30 days of~~

~~commencing the activity, to the board and the technical evaluation panel that indicate the location, amount, and type of wetlands that have been drained, excavated, or filled.~~
Public road authorities that do not follow the process required in this item for a project must submit a complete replacement plan application to the local government unit and provide for replacement of impacts associated with that project according to the requirements of this chapter.

E. For impacts associated with a new public road project, or public road projects expanded solely for additional traffic capacity, public transportation authorities may purchase credits from the board at the cost to the board to establish credits. Purchase of credits under this item is allowed only when the board has determined that sufficient credits are available for sale.

~~E~~ F. The technical evaluation panel ~~shall~~ must review minimization and delineation decisions made by the public road authority and provide recommendations regarding on-site ~~mitigation~~ replacement if requested to do so by the local government unit, a contiguous landowner, or a member of the technical evaluation panel.

~~F~~ G. Those required to receive notice of public road projects may appeal minimization, delineation, and on-site ~~mitigation~~ replacement decisions made by the public road authority to the board according to part 8420.~~0250~~XXXX.

~~G~~ H. Changes to ~~wetland~~ impacts proposed by local road authorities in item D ~~shall~~ must be reported to the board within six months from the date of the change being finalized.

~~H~~ I. Except for state public transportation projects, for which the state Department of Transportation is responsible, and public road authority projects that do not meet the requirements of item D, the board must replace public road project impacts to wetlands and wetland areas of public waters if authorized by the commissioner or a delegated authority, that ~~are drained, excavated, or filled by~~ result from local government projects on existing roads. ~~Replacement of the wetlands must occur in critical watersheds.~~

~~I~~ J. Public road authorities, at their discretion, may deviate from federal and state design standards on existing road projects when practical and reasonable to avoid ~~wetland filling or draining~~ impacts, provided that public safety is not unreasonably compromised. The local road authority and its officers and employees are exempt from liability for any tort claim for injury to persons or property arising from travel on the highway and related to the deviation from the design standards for construction or reconstruction under this item. This item does not preclude an action for damages arising from negligence in construction or maintenance on a highway.

~~8420.0600 MONITORING.~~

~~8420.0610 DURATION OF MONITORING.~~
~~Monitoring shall be by means of an annual report as specified in part 8420.0620 and shall continue for five years following completion of the wetland replacement project, or until the technical evaluation panel deems the replacement wetland to be fully functional. Through written notification to the applicant, the local government unit may extend the required monitoring period for not more than an additional five-year period if the goal of the replacement plan not been achieved, but may be achieved with more time.~~

~~8420.0620 MONITORING ANNUAL REPORT.~~
8420.0620 was relocated to the Inspection and Monitoring of Replacement Wetlands Section and edited there.

~~8420.0630 MONITORING DETERMINATIONS BY THE LOCAL GOVERNMENT UNIT.~~
8420.0620 was relocated to the Inspection and Monitoring of Replacement Wetlands Section and edited there.

~~8420.0650 LOCAL COMPREHENSIVE WETLAND PROTECTION AND MANAGEMENT PLANS.~~
The entire 8420.0650 was relocated to the Wetland Planning section and edited there.

~~STANDARDS AND CRITERIA FOR STATE~~ WETLAND BANKING

8420.~~0700~~XXXX PURPOSE OF WETLAND BANKING.
The purpose of parts 8420.~~0700~~XXXX to 8420.~~0760~~XXXX is to provide standards for the establishment and administration of a state wetland banking system, including individual wetland bank sites, as authorized by Minnesota Statutes, section 103G.2242. The purpose of the state wetland banking system is to provide a market-based structure that allows for replacement of unavoidable impacts with pre-established replacement wetlands. The board or board's designee is responsible for management of the bank including the recording of all bank transactions, maintaining bank records, and ensuring that the operation of the bank complies with parts 8420.~~0700~~XXXX to 8420.~~0769~~XXXX.

~~8420.0720 PRINCIPLES OF WETLAND BANKING.~~
~~Subpart 1. **Goal.** Implementation of a wetland banking system must comply with the purposes and goals of the act by achieving a no-net loss in the quantity, quality, and biological diversity of Minnesota's existing wetlands.~~
~~Subp. 2. **Sequencing prerequisite.** The state wetland banking system may only be used for replacement of drained or filled wetlands when the local government unit determines that the applicant has complied with all of the sequencing requirements of part 8420.0520 and that the owner of the account agrees to the withdrawal of wetland banking credits from the account.~~
~~Subp. 3. **Geographic limitations.** Wetland banking is allowed for any impact subject to the requirements of part 8420.0543.~~
~~Subp. 4. **Eligible wetlands.** Only wetland and buffer areas eligible for replacement credit under parts 8420.0540 to 8420.0549 are eligible for deposit in the state wetland bank.~~
~~Subp. 5. **Ineligible wetlands.** Wetlands that are drained or filled under an exemption in part 8420.0122 and subsequently restored are not eligible for deposit in the wetland bank. Modification or conversion of nondegraded naturally occurring wetlands from one type to another are not eligible for enrollment in a statewide wetlands bank.~~
~~Subp. 6. **Account balance.** Accounts must maintain a positive balance. A wetland bank account shall specify acreage by wetland type deposited by the account holder minus subsequent withdrawals.~~
~~Subp. 7. **Wetland banking credit withdrawals and transfers.** Wetland banking credits may be withdrawn to provide replacement pursuant to an approved replacement plan or equivalent. Wetland banking credits may also be transferred to another account holder for future use or resale if a conservation and access easement has been recorded as required in subpart 8. Wetland banking credits may be withdrawn from an account or transferred to another account by submittal of such requests on forms provided by the board along with any authorized fees. No sale, withdrawal, or transfer of credits is final until the board approves and debits the account of origin.~~
~~Subp. 8. **Conservation and access easement.** No credits may be deposited in the state wetland bank until a perpetual conservation easement, in a format provided by the board, is granted to and accepted by the state. The easement shall provide for preservation of the banked wetland's functions by the fee owner and wetland banking plan applicant. The wetland banking plan applicant must also provide a title insurance policy that is acceptable to the state naming the state of Minnesota as the insured. If the conservation easement does not abut a public road, the fee owner and wetland banking plan applicant must also grant and record an access easement in favor of the board, the local government unit, and any other state, local, or federal regulatory authority that has authorized use of credits from the site for mitigation. This subpart does not apply to state land.~~
~~Subp. 8a. **Reporting of sale of credits.** The owner of an account in the state wetland bank must report the sale of credits to the board on withdrawal or transfer forms prescribed by the board and include a copy of the bill of sale. Proposed withdrawals are not complete until at least one regulatory authority has approved the use of the subject credits for a specific purpose. Failure to report credit sales may result in restrictions on withdrawals until the account is reconciled.~~
~~Subp. 9. **[Repealed, 27 SR 135]**~~
~~Subp. 10. **Marking of boundaries of bank areas.** The boundary of bank areas must be clearly marked as prescribed in the conservation and access easement.~~

Subp. 11. **Administrative fees.** The board and local government units may collect administrative fees for managing wetland banking accounts.
Subp. 12. **Wetland banking appeals.** Appeals of the local government unit banking determinations are taken according to part 8420.0250.
Subp. 13. **Fees established.** Fees must be assessed for managing wetland bank accounts and transactions as follows:
A. account maintenance annual fee: one percent of the value of credits not to exceed $500;
B. account establishment, deposit, or transfer: 6.5 percent of the value of credits not to exceed $1,000 per establishment, deposit, or transfer; and
C. withdrawal fee: 6.5 percent of the value of credits withdrawn.
Subp. 14. **Fees paid to board.** All fees established in subpart 13 must be paid to the Board of Water and Soil Resources and credited to the general fund to be used for the purpose of administration of the wetland bank.

8420.0730 ADMINISTRATION AND MANAGEMENT AUTHORITY.
Subpart 1. **Establishment.** The board shall establish a state wetland bank. The board or the board's assignee is responsible for management of the bank including recording all bank transactions, maintaining bank records, and ensuring that the operation of the bank complies with parts 8420.0700 to 8420.0760. The board shall notify all local government units upon establishment of the bank. Any separate banking system including those established by local governments must comply with parts 8420.0700 to 8420.0760 and must be approved by the board and the commissioner.
Subp. 2. **Deposit prerequisites.** To be deposited into the state wetland bank, a wetland must be certified as eligible for deposit by the local government unit in which it is located, according to part 8420.0740, subpart 1. If a local government unit elects to certify wetlands for deposit in the wetland bank, the local government unit is also responsible for ensuring that the monitoring provisions in part 8420.0750 are fulfilled. A local government unit may decline to certify all wetlands within its jurisdiction or, based on a comprehensive local water or wetland protection and management plan, a local government unit may elect to certify wetlands for deposit into the wetland bank only in selected areas, for example, high priority regions and areas. If the local government unit elects to reject or limit banking, it must do so by rule or ordinance, as applicable. The board may reject or modify an application for deposit if, during its review, any part of the bank application or plan is missing, incorrect, or inconsistent with this chapter.
Subp. 3. **[Repealed, 27 SR 135]**

8420.0740 PROCEDURES.
Subpart 1. **Deposits and credits.**
A. Wetland replacement credits approved before July 1, 1993, are eligible for deposit into the state wetland banking system if the wetland replacement credit was authorized by a public agency specifically for a wetland bank that has been approved by the commissioner. Also, wetland replacement credits that have been deposited in a local government unit bank before July 1, 1993, and after January 1, 1992, are eligible for deposit into the state wetland banking system if the deposit meets all the criteria in parts 8420.0700 to 8420.0760 based on a site inspection and review by the board and the commissioner.
B. After July 1, 1993, wetlands restored or created without prior local government unit approval as specified in this part are not eligible for deposit into the wetland bank.
C. There is no maximum or minimum wetland acreage eligible for deposit in the wetland bank. Based on the recommendation of the technical evaluation panel, the local government unit must identify the acreage that will receive credit. The acreage must be based on a land survey or comparable method of field measurement of the credit areas recommended for deposit. The person making the measurement must certify in writing as to the method and accuracy of the measurement.
D. The initial deposit of wetland banking credits must be done by the fee title owner or easement holder of the wetland bank area.
E. Except as provided for in item A, in order to deposit wetland acres into the wetland bank, the wetland banking plan applicant must notify the local government unit in writing, before restoration or creation, that the proposed wetland is specifically designated for deposit into the wetland bank. This notification may be part of the documentation requested in item F. In cases where excess wetland acreage is expected to result from a specific replacement plan according to parts 8420.0530 to 8420.0550, the owner must indicate on the replacement plan that the excess acreage is to be considered available for wetland

banking or lose the opportunity to use the excess credits for future projects. If the excess credit is less than 1.0 acre, an account may be established without the need to grant a perpetual conservation easement to the state of Minnesota.

F. In cases where a wetland is proposed to be restored or created solely for wetland banking purposes, that is, the wetland is not part of a project-specific wetland replacement plan, the wetland banking plan applicant must submit to the local government unit a bank plan containing the information required in part 8420.0530, items A and D. The bank plan must include design plans that show structural, earthmoving, and vegetative management components. The plan must clearly show existing jurisdictional wetlands and areas proposed to receive credit, and be signed, dated, and consistent with part 8420.0550.

A copy of the bank plan shall be mailed to members of the technical evaluation panel, the administrator of the state wetland bank, members of the public who have requested a copy, the commissioner of natural resources, the district office of the United States Army Corps of Engineers, and the watershed district or watershed management organization if there is one. Based on input from the technical evaluation panel and other comments received, the local government unit must determine the likelihood that the restoration or creation will be successful and approve, modify, or reject the banking plan. The local government unit decision must be made in compliance with Minnesota Statutes, section 15.99, which generally requires a decision to be made within 60 days of receipt of a complete application. The local government unit decision must be mailed to the wetland banking plan applicant within ten working days of the decision. A summary of the government unit decision must be mailed within ten working days of the decision to those required to receive notice of the application.

G. In cases where a wetland is to be restored or created by an agency, department, or subdivision of the local government unit for deposit into the wetland bank, the local government unit must prepare the information required in part 8420.0530, items A and D, and notice this information according to item F.

H. The proposed wetland must be restored or created within two years of approval or the bank plan must be resubmitted for consideration. Upon approval, the wetland banking plan applicant shall restore or create the wetland and notify the local government unit when construction has been completed. The technical evaluation panel shall inspect the site when construction is completed to ensure that construction specifications and the vegetation management plan have been followed. Failure to follow approved construction specifications and the vegetation management plan is sufficient grounds for the local government unit to deny consideration of the wetland for banking.

I. Up to 15 percent of the proposed credits are eligible for deposit in the bank immediately after completion of construction and vegetative planting if all of the following subitems apply:

(1) For projects that contain elements that include dams, dikes, or other impoundment features, the construction plans were designed, overseen, and certified by a registered professional engineer.

(2) The technical evaluation panel certifies that the initial planting has been completed in accordance with the vegetation management plan.

(3) The provisions of part 8420.0720, subpart 8, have been complied with.

The remaining proposed credits may be eligible for deposit no sooner than six months after construction has been completed and approved for restored wetlands, and no sooner than one year after construction has been completed and approved for created wetlands. The wetland banking plan applicant shall contact the local government unit to request a determination of wetland bank acceptability and approved quantities of wetland banking credits for initial and subsequent deposits. The technical evaluation panel shall ensure that sufficient time has been allowed for the wetland to become established, especially vegetation and hydrology, before making this determination. If the technical evaluation panel has reason to believe that the wetland characteristics may change substantially, the panel must postpone its recommendation to the local government unit until the wetland has stabilized. As part of its initial review and comment on the bank plan, the panel may recommend specific performance standards that are linked to a credit allocation schedule. The wetland banking plan applicant must be advised of any performance standards and credit allocation schedule recommended by the panel.

Based on a site visit, the technical evaluation panel will determine the size and type of wetland as well as topographic setting characteristics and, if applicable, the new wetland credits and public value credits resulting from the to be deposited wetland. The technical evaluation panel will provide the information to the local government unit.

J. The local government unit shall consider the recommendations of the technical evaluation panel and comments from those required to receive a copy of the banking plan prior to developing findings. The local government unit shall review and approve wetland banking credits and submit the complete wetland

bank application for deposit, wetland bank project application, and plans to the board. If the wetland banking plan applicant chooses not to proceed with the deposit, the wetland banking plan applicant may return the wetland to its preconstruction condition without replacement within five years. At any time within the five-year period, the wetland banking plan applicant may request the board to deposit any or all eligible and approved credits into the bank or may amend the bank plan and resubmit the plan to the local government unit for board certification. After five years, any activity in the wetland is subject to this chapter.

K. To be deposited into the bank, the following information concerning the wetland must be submitted to the board by the wetland banking plan applicant or by local government unit in which the wetland is located:

(1) name, address, and telephone number of the wetland banking plan applicant;

(2) a complete copy of the wetland banking plan application, supporting documents, and a survey of the land area that will be subject to restrictions;

(3) a copy of the deed for the property containing the wetland and any easement if the wetland banking plan applicant is not the fee owner;

(4) size of the wetland acreage to be deposited, to the 0.1 acre, by wetland type and topographic setting characteristics and, if applicable, the new wetland credits and public value credits; and

(5) local government unit certification that the wetland is approved for deposit into the bank.

L. The board shall acknowledge the deposit to the wetland banking plan applicant and local government unit and officially enter the information in item K into the wetland bank. Information on deposited wetlands shall be available from the board on request according to subpart 2, item D.

M. Wetlands deposited into the wetland bank, on which withdrawals have occurred, are subject to replacement for any subsequent drainage or filling.

N. Wetlands deposited into the wetland bank are subject to the monitoring provisions in part 8420.0750.

Subp. 2. **Withdrawals.**

A. Before consideration of use of the wetland bank, replacement plan applicants must satisfy the requirements of part 8420.0520 or equivalent.

B. Credits from the state wetland bank may be used to mitigate wetland losses authorized by local government units or other local, state, and federal regulatory authorities provided the impacted wetland is within the state of Minnesota and the credit withdrawal procedures of this chapter are followed.

C. When using the wetland bank to replace drained or filled wetlands, the replacement must comply with parts 8420.0540 to 8420.0549.

D. The board, on request, will provide the following information to persons making inquiries concerning available wetland bank deposits with a local government unit jurisdiction, county, or watershed:

(1) account holder: name, address, and telephone number;

(2) available wetlands: wetland acres by type and topographic setting characteristics, and, if applicable, the new wetland credits and public value credits;

(3) location: section, township, range, county, and watershed.

E. The applicant may contact, negotiate, and purchase the required wetland banking credits from the account holder. When the account holder and applicant come to agreement, the applicant will provide requested information on a wetland banking credit withdrawal form developed by the board, and include the wetland banking credit withdrawal form as part of the wetland replacement plan transmitted to the local government unit. The wetland banking credit withdrawal form will include information indicating the wetland type by acres for withdrawal, location of banked wetland, and the topographic setting characteristics and, if applicable, the new wetland credits and public value credits of the banked wetland.

F. The local government unit must circulate the applicant's wetland replacement plan and the wetland banking credit withdrawal form to identify specific wetland banking credits as the applicable replacement wetland, using the public comment and review process in part 8420.0230 and to the local government unit whose jurisdiction covers the location of the wetland banking credits. The local government unit must contact the board to verify that replacement credits indicated on the wetland banking credit withdrawal form are available before final approval of wetland bank withdrawals.

G. On approval of the applicant's wetland replacement plan using wetland banking credits as wetland replacement, the local government unit shall notify the board to debit the appropriate account by type and amount. The board will complete the accounting transactions and send a notice of wetland banking credit withdrawal to the account holder and the applicant. No sale, withdrawal, transfer, or use of wetland credits is valid until the board debits a wetland bank account. Wetland credits may be only used once.

H. The applicant shall not be allowed to begin proposed drain or fill activities until the local government unit formally approves the wetland replacement plan using the acknowledged wetland banking credits as replacement and the applicant has received notice of withdrawal of the wetland banking credits from the board or local government unit.

I. An individual, corporation, local government unit, state or federal agency, or other organization may buy and hold wetland banking credits from account holders in the bank for later use or resale. Transfer of wetland banking credits must be accomplished through use of a board wetland banking credit transfer form, and must be maintained in an account in the state wetland banking system. An account will be established for the individual or organization on presentation to the board of a wetland banking credit transfer form, and evidence that the perpetual conservation easement required by part 8420.0720, subpart 8, has been recorded. The board will notify both account holders on transfer of the wetland banking credits.

8420.0750 AUDITING AND MONITORING.

Subpart 1. **Annual report and audit.**

A. The board will develop wetland bank deposit, withdrawal, and credit transfer and withdrawal forms and distribute them to local government units indicating a desire to certify restored wetland banking credits for deposit in the wetland bank.

B. The wetland bank data file maintained by the board will contain at least the following information:

(1) wetland acres by type, topographic setting characteristics, restoration or creation date, and bank acceptance date, fee owner, location by (public land survey coordinates, local government unit, county, and watershed of the banked wetland); and

(2) previous withdrawals against each banked wetland by impact wetland (wetland acres by type, topographic setting characteristics, and, if applicable, the new wetland credits and public value credits, date of wetland impact), ownership (fee owner, address, telephone number) and location (public land survey coordinates, local government unit, county, and watershed of the impacted wetland).

C. The board may periodically inspect wetland bank records and correspondence maintained by a local government unit to determine compliance with this part.

D. A wetland bank status report shall be prepared as part of the report required by Minnesota Statutes, section 103G.2373, and distributed by the board to applicable local government units, soil and water conservation districts, watershed districts, watershed management organizations, the departments of natural resources and agriculture, and on request.

Subp. 2. **Monitoring.**

A. After the wetland is entered into the bank, the local government unit responsible for monitoring under part 8420.0230 and the wetland banking plan applicant shall continue monitoring according to parts 8420.0600 to 8420.0630. A copy of each monitoring report must be submitted to the local government unit and the board.

B. The board shall inspect wetlands deposited into the wetland bank at least once each five years to ensure that the wetlands conform to conditions specified in the approved bank plan, and to make a determination of needed corrective action.

8420.0760 ENFORCEMENT AND CORRECTIVE ACTIONS.

A. The fee owner and the wetland banking applicant, if different from the fee owner, are jointly and severally responsible for the success of the wetland banking project and maintaining the wetland banking project in accordance with the approved wetland banking plan both during and after monitoring. The wetland banking plan applicant, if different from the fee owner, is not responsible after monitoring if the wetland banking plan applicant no longer owns an easement interest in the real estate or credits associated with the banked wetland.

B. If, on inspection, the board determines that wetlands deposited in the wetland bank are not in compliance with this chapter, the board must prescribe corrective measures to the local government unit and fee owner or wetland banking plan applicant to bring the wetland into compliance.

C. If satisfactory remediation does not result, the board may refuse future wetland bank certifications by the local government unit and future deposits from the fee owner or wetland banking plan applicant.

D. If, whether during or after the completion of the monitoring, a local government unit or the technical evaluation panel determines that a banked wetland does not substantially meet the specifications in the approved bank plan, the local government unit or technical evaluation panel must notify the board. The

~~board shall restrict further withdrawals and transfers of all credits associated with the wetland, whether held by the wetland banking plan applicant or a subsequent account holder, until the local government unit or technical evaluation panel notifies the board, or the board otherwise determines, that the wetland banking project has been brought into compliance.~~
~~E. The local government unit or the board may undertake reconstruction work and require reimbursement of reasonable costs from the fee owner or wetland banking plan applicant.~~
~~F. Fee owners, wetland banking plan applicants, or account holders may appeal restrictions on credit withdrawals and transfers or demands for reimbursement of reconstruction costs to the dispute resolution committee of the board which shall make a recommendation to the full board.~~
~~G. Noncompliance with or impacts to, wetland banking projects are subject to enforcement under part 8420.0290.~~

8420.XXXX ESTABLISHING A WETLAND BANK SITE.

Subpart. 1. **Eligibility for wetland banking.** Replacement wetland credits that result from any of the eligible actions in part 8420.XXXX, and meet the standards of part 8420.XXXX and part 8420.XXXX, may be deposited in the state wetland bank for later use in replacing unavoidable impacts. In order to be eligible for deposit in the bank, the credits must be specifically designated for wetland banking purposes prior to undertaking the replacement actions and certified by the local government unit prior to deposit. Designation of credits for wetland banking is accomplished by approval of a wetland banking plan by a local government unit. Replacement actions completed or initiated without prior local government unit approval are not eligible for deposit in the wetland bank.

Subp. 2. **Local government unit and board authority.**
A. Based on a comprehensive local water or wetland protection and management plan approved by the board, a local government unit may, by rule or ordinance, limit the establishment of bank sites within its jurisdiction. The local government unit that approves a banking plan application is responsible for certifying the credits for deposit under part 8420.XXXX, subpart 1 and for ensuring that the monitoring provisions in part 8420.~~0750~~XXXX are fulfilled.
B. The board may reject or modify an application for deposit if, during its review, any part of the bank application or plan is missing, incorrect, or inconsistent with this chapter.

Subp. 3. **Application procedures.** When replacement actions are proposed for banking purposes, the applicant must submit to the local government unit a banking plan application, in a form provided by the board, containing the information identified in part 8420.XXXX, item B and part 8420.XXXX, subpart 3B, and other information required by the board. The banking plan must also contain specific performance standards and a credit release schedule based upon achievement of those standards. The local government unit is responsible for ensuring that a copy of the banking plan application is sent to the administrator of the state wetland bank, to the St. Paul District Office of the United States Army Corps of Engineers, and to those required to receive a copy of an application in part 8420.XXXX. The technical evaluation panel must review the banking plan application, and may recommend changes or additions to the performance standards and credit allocation schedule. The wetland banking plan applicant must be advised of any panel recommendations. Based on the panel's findings and recommendations and other comments received, the local government unit must determine the likelihood that the replacement actions will be successful and approve, approve with modifications, or deny the banking plan application.

Subp. 4. **Combined banking and project-specific replacement.** When a banking plan applicant wishes to use a portion of the credits generated for project-specific replacement, the banking plan must identify the project-specific impact and the amount of credits to be used according to a corresponding replacement plan. The credits must meet the requirements of part 8420.XXXX and the approved replacement plan, and be deducted prior to deposit of any credits into the state wetland bank.

Subp. 5. **Conservation and access easement.** No credits may be deposited in the state wetland bank until a perpetual conservation easement, in a format provided by the board, is granted to and accepted by the state. The easement must encompass the entire replacement area, unless the local government unit and the board approve an alternate boundary at the time of bank application approval. The easement

must provide for preservation of the banked wetland's functions by the fee owner and wetland banking plan applicant. The wetland banking plan applicant must also provide a title insurance policy that is acceptable to the state naming the State of Minnesota as the insured. If the conservation easement does not abut a public road, the fee owner and wetland banking plan applicant must also grant and record an access easement in favor of the board, the local government unit, and any other state, local, or federal regulatory authority that has authorized use of credits from the site for wetland replacement. The boundary of bank areas must be clearly marked as prescribed in the conservation and access easement. This subpart does not apply to state land.

Subp. 6. **Time limits for construction.** Replacement actions under an approved banking plan must be initiated within three years of banking plan approval or the banking plan must be resubmitted to the local government for consideration. Construction certification must be gained within five years of banking plan approval.

8420.XXXX CERTIFICATION AND DEPOSIT OF CREDITS.

A. To be deposited into the state wetland bank, replacement credits must be certified for deposit by the local government unit in which they are located. Certification of credits by the local government unit is requested by the banking plan applicant and may occur at any time during the monitoring period. The certification must be based on the findings and recommendation of the technical evaluation panel and must identify the area by type, area of buffer, and credits eligible for deposit. The technical evaluation panel must ensure that sufficient time has passed for the wetland to become established, especially vegetation and hydrology, before recommending certification. The area certified must be based on a land survey or comparable method of field measurement. The person making the measurement must verify in writing as to the method and accuracy of the measurement. Failure to follow the approved construction specifications or vegetation management plan is sufficient grounds for the local government unit to deny certification of credits for deposit.

B. The certification and request for deposit of credits must be in a form provided by the board and must contain the following information:
(1) name, address, and telephone number of the banking plan applicant;
(2) a complete copy of the banking plan application and local government unit approval, supporting documents, and a legal boundary survey of the land area that will be subject to restrictions (for initial deposit only);
(3) a copy of the deed for the property containing the wetland and any easement if the banking plan applicant is not the fee owner (for initial deposit only);
(4) a copy of the recorded conservation and access easement in accordance with part 8420.XXXX subpart 5;
(5) amount of replacement credit to be deposited, to the square foot, by wetland type;
(6) technical evaluation panel recommendation and local government unit certification; and
(7) other information required by the board.

C. Up to 15 percent of the credits proposed for banking are eligible for deposit in the bank immediately after certification of construction according to part 8420.XXXX and the recording of a conservation and access easement in accordance with part 8420.XXXX, subpart 5.

D. After the initial deposit, the remaining credits proposed for banking are eligible for deposit in accordance with the credit release schedule and performance standards included in the approved banking plan, subject to review by the technical evaluation panel and certification by the local government unit. If the approved banking plan does not contain a credit release schedule and associated performance standards, remaining credits will be eligible for deposit based on the findings and recommendation of the technical evaluation panel regarding the success of the proposed replacement action.

E. After certifying the credits for deposit, the local government unit must forward the signed request for deposit form to the board. No credits will be deposited until receipt of the completed and approved request to deposit form by the board. The board must acknowledge the deposit to the banking plan

applicant and local government unit and enter the information in Paragraph B, items (1) through (7) into the wetland bank.

F. If the banking plan applicant chooses not to proceed with the initial deposit, the banking plan applicant may return the site to its preconstruction condition without replacement. If credits have been deposited but none have been withdrawn, the banking plan applicant may request the board vacate the conservation and access easement at the applicant's expense. If the board vacates the conservation and access easement, the account will be closed and the site may be returned to preconstruction condition without replacement. Replacement areas wholly or partially deposited into the bank on which withdrawals have occurred or which otherwise have been used for replacement are subject to this chapter, including replacement for any subsequent impacts.

8420.XXXX MONITORING AND CORRECTIVE ACTIONS.

Subpart. 1. **Monitoring.**
A. Monitoring of wetland bank sites must conform to the monitoring requirements of part 8420.XXXX. Failure to submit the required monitoring reports or otherwise comply with monitoring requirements will prevent the deposit of credits and may result in the freezing of the bank account by the board until compliance is attained.

B. After completion of the required monitoring period the board will periodically inspect wetlands deposited into the bank at a frequency sufficient to ensure that easement conditions are being met.

Subp. 2. **Maintenance responsibilities.** The fee owner and the banking applicant, if different from the fee owner, are jointly and severally responsible for the success of the banking project in accordance with the approved banking plan, and maintaining the banking project in accordance with the conditions of the conservation easement. The banking plan applicant, if different from the fee owner, is not responsible after monitoring for maintenance if the banking plan applicant no longer owns an easement interest in the real estate or credits associated with the banked wetland.

Subp. 3. **Corrective Actions.**
A. If, during the monitoring period, the local government unit or the technical evaluation panel determines that a bank site does not meet the specifications in the approved banking plan, the local government unit must require corrective actions and notify the board's banking administrator. The board may restrict further deposits, withdrawals, and transfers of all credits associated with the bank site until the local government unit, technical evaluation panel, or the board determines that the banking project has been brought into compliance.

B. If, after the monitoring period, the board determines that wetlands deposited in the bank are not in compliance with the conditions of the conservation easement, the board must require corrective actions to the fee owner or banking plan applicant to bring the bank site into compliance with easement conditions.

C. If satisfactory remediation does not result, the local government unit or the board may undertake reconstruction work and require reimbursement of reasonable costs from the fee owner or banking plan applicant.

E. Fee owners, banking plan applicants, or account holders may appeal restrictions on credit deposits, withdrawals and transfers, or demands for reimbursement of reconstruction costs to the board.

F. Noncompliance with easement conditions or impacts to bank sites are subject to enforcement under part 8420.XXXX.

8420.XXXX. WITHDRAWALS AND TRANSFERS.

Subpart. 1. **General.** Credits from the state wetland bank may be used to replace wetland impacts authorized by local government units pursuant to this chapter or by other local, state, and federal

regulatory authorities provided the impacted wetland is within the state of Minnesota and the credit withdrawal procedures of this chapter are followed. No sale, withdrawal, transfer, or use of banking credits for replacement is valid until the board debits the applicable bank account. Bank credits may be used only once to replace wetland impacts. Bank accounts must maintain a positive balance. When all credits have been withdrawn or transferred, the account is closed.

Subp. 2. **Withdrawals.** Replacement plan applicants seeking to use banking credits for replacement are responsible for contacting and arranging for acquisition of the credits from the holder of a bank account in accordance with the wetland replacement requirements of this chapter. The board will supply information on wetland bank sites according to 8420.XXXX, subpart X. Replacement plan applicants proposing the use of bank credits for replacement must complete a credit withdrawal form provided by the board and include it as part of the replacement plan application submitted to the local government unit. If the local government unit approves the use of bank credits for replacement, the local government unit must sign the credit withdrawal form and notify the board's banking administrator in accordance with 8420.XXXX subpart X. The board will not withdraw credits from a bank account unless a regulatory entity with authority over the use of the credits has approved the use of the subject credits for replacement of a specific wetland impact. Local government unit approval of replacement plans involving the use of banking credits is conditional upon withdrawal of the credits by the board. Impacts under such replacement plans must not occur until the board has notified the replacement plan applicant that the credits have been withdrawn.

Subp. 3. **Transfers**. Wetland credits deposited in the state wetland bank may be transferred from one account to another. If the recipient of the credits does not already have an account, one must be established. To transfer credits, a credit transfer form provided by the board must be completed and submitted to the board's bank administrator. The board will notify all affected account holders upon transfer of the credits.

Subp. 4. **Reporting credit transactions.** Upon the sale, use, or transfer of credits, the owner of the account must immediately report the transaction to the board's banking administrator on withdrawal or transfer forms provided by the board and include a copy of the bill of sale when applicable. The board will complete the accounting transactions and send a notice of credit withdrawal to the local government unit, the account holder, and the applicant. Failure to report the sale, use, or transfer of credit may result in restrictions on withdrawals until the account is reconciled.

8420.XXXX BANK ACCOUNT ADMINISTRATION.

Subp. 1. **Account Information.**
A. For each wetland bank site, the board will maintain at least the following information:
(1) ownership (fee owner, address, telephone number);
(2) location (public land survey coordinates, local government unit, county, major watershed and bank service area);
(3) replacement acres by amount, type and replacement action, the restoration or creation date, and bank acceptance date;
(4) withdrawals made from the bank site, including for each impact wetland, the amount and type of wetland, ownership (fee owner, address, telephone number) and location (public land survey coordinates, local government unit, county, and watershed); and
(5) the original copy of the recorded conservation and access easement for the site and a title insurance policy naming the State as an insured party.

B. The board will provide the following information to persons inquiring about available bank credits within a local government unit, county, major watershed, or bank service area:
(1) account holder name, address, telephone number, and e-mail address if available;
(2) acres or square feet of available credit by type; and
(3) location by section, township, range, county, major watershed, and bank service area.

Subp. 2. **Administrative Fees.** The board may collect administrative fees for managing bank accounts. The following fees must be paid to the board to be used for administering and monitoring the wetland bank:
A. account maintenance annual fee: one percent of the value of credits not to exceed $500 for any year the account is active;
B. account deposit or transfer: 6.5 percent of the value of credits not to exceed $1,000 per deposit or transfer; and
C. withdrawal fee: 6.5 percent of the value of credits withdrawn.

Subp. 3. **Audit.** The board may periodically inspect wetland bank records and correspondence maintained by a local government unit to determine compliance with this part.

INSPECTION AND MONITORING OF REPLACEMENT WETLANDS

8420.XXXX REPLACEMENT WETLAND CONSTRUCTION CERTIFICATION

Subp. 1. **Purpose.** The local government unit must certify the initial construction of replacement wetlands prior to replacement wetland monitoring. The local government unit may require a preconstruction meeting prior to initiation of replacement wetland construction and may inspect the replacement wetland at any time during construction. This part applies to both wetland banking and project specific replacement.

Subp. 2. **Construction as-built documentation.** Upon completion of initial construction or restoration activities, the landowner must provide the local government unit with as-built information that documents compliance with the approved replacement plan. As-built information includes but is not limited to:
A. surveyed elevations of slopes, contours, outlets, and dikes;
B. seed tags and contractor receipts or other documentation of seeding or planting;
C. description of site preparation activities such as mulching, seedbed preparation, seeding methods, or initial weed control activities;
D. a survey map showing relevant areas of seeding and construction activities;
E. construction photos showing relevant restoration work;
F. evidence that, for projects including dams, dikes, or other impoundment features, the construction was designed, overseen, and certified by a registered professional engineer; and
G. a comparison of the as-built documentation versus the design specifications and a description and rationale for significant changes.

Subp. 3. **Construction inspection and certification.** Upon receipt of the as-built documentation from the landowner, the local government unit must inspect the replacement wetland to determine whether the as-built conditions comply with the construction specifications of the approved replacement plan. The local government unit may inspect the replacement wetland at any time during the construction and monitoring periods to assess its long-term viability. If the local government unit determines that the construction is not in compliance with the approved plan, it must promptly notify the landowner of the deficiencies and actions required to gain compliance. For projects involving the practice of engineering, the local government unit must ensure the engineer has certified the construction. When the local government unit certifies that the construction specifications have been met, the local government unit must notify the applicant and technical evaluation panel. Upon construction certification, the local government unit may release a portion of any financial assurance the applicant had provided, while retaining a sufficient amount to ensure compliance with monitoring and replacement requirements.

8420.0XXXX REPLACEMENT WETLAND MONITORING.

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Subpart 1. **Purpose.** The purpose of replacement wetland ~~replacement~~ monitoring is to measure replacement wetland success relative to the goals of the approved replacement plan and to identify any needed corrective actions during the monitoring period. ~~ensure that the replacement wetland achieves the goal of replacing lost functions~~,

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Subpart 2. **Responsibilities.**
A. Monitoring of replacement wetlands is the responsibility of the landowner of the property where the replacement wetland is located. Any agreement to transfer the monitoring responsibilities from the landowner to a local government unit or other party must be in writing and signed by both parties, and does not release the applicant from the responsibility to provide replacement as specified in the approved replacement plan.

B. For project-specific replacement in which the wetland impact site occurs in a different local government unit from the replacement site, the local government unit for the impact site may assume the monitoring enforcement responsibility for the replacement site upon written agreement between the local government units.

Subpart 3. **Duration of Monitoring.**
A. Monitoring may, at the discretion of the local government unit, begin upon construction certification, but must begin no later than the first full growing season following construction certification. Monitoring must continue for five full growing seasons or until the local government unit determines, with the concurrence of the technical evaluation panel, that the replacement is successful, but in no case can this determination be made prior to the end of the third full growing season.

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B. If the goals of the approved plan have not been achieved after the fifth season of monitoring but, in the written opinion of the technical evaluation panel, may be achieved with more time, the local government unit may, through written notification of the applicant, extend the monitoring period for not more than an additional five growing seasons. The local government unit's notification of extension must specify the reasons for the extension and any corrective actions necessary to bring the replacement wetland into compliance with the approved plan.

C. For project-specific replacement plans, if the local government unit determines that, at any time during the monitoring period and based on the recommendation by the technical evaluation panel, the goals of the replacement have not been achieved and will not be achieved with more time, the local government unit must pursue one or more corrective actions identified in 8420.XXXX, local government unit monitoring responsibilities.

~~**8420.0620 MONITORING ANNUAL REPORT.**~~
Subpart ~~1~~4. ~~**Purpose**~~ **Monitoring reports.**
A. Requirement. Following the first full growing season after construction certification, the applicant must submit annual monitoring reports documenting the progress of the replacement wetlands during the monitoring period. The first annual monitoring report must include any monitoring required by the local government unit during the previous year. **The applicant** ~~shall~~ must **submit the annual report to the appropriate local government unit** ~~where the replacement wetland is located~~ **on a date determined by the local government unit,** but no later than December 31 ~~until the applicant has fulfilled all of the requirements of the local government unit. The local government unit, at its discretion, may prepare the annual report for the applicant.~~ The local government unit must ensure that copies of the monitoring report are distributed to the technical evaluation panel. For wetland banking projects, the applicant must also submit the annual report to the board's wetland banking administrator. The monitoring reports must be submitted annually, or bi-annually if the local government unit determines that, after the third full growing season, bi-annual reports are sufficient for long term monitoring, until the local government unit determines the replacement has been successful.

~~Subp. 2.~~ B. **Report content.** **The purpose of the annual report is to describe actual wetland restoration or creation activities completed during the past year, activities planned for the upcoming year, and the** success of the replacement activities in achieving identified goals and performance standards ~~information in subpart 2~~. **The annual report** ~~shall~~ must, at minimum, **include the following information** ~~and other site-specific information identified by the local government unit~~:
~~A.~~(1) **a** ~~description of the~~ **project location** map with legal description~~, size, current wetland type (Cowardin classification), and desired wetland type (goal)~~;

B.(2) a comparison of the as-built specifications versus the design specifications (first annual plan only) and a rationale for significant changes description of replacement wetland goals and performance standards in terms of size, replacement credit amount, wetland types, hydrology, and wetland functions and a comparison of the current replacement wetland to these goals and standards;
(3) description of activities completed during the past year;
(4) description of activities planned for the upcoming year;
C.(5) hydrology measurements during the growing season; seasonal including water level elevations at fixed, repeatable locations representative of the replacement wetland types, or areal coverage measurements during the period April through October of inundation for replacement wetlands with deeper hydrologic regimes;
D.(6) a map of plant communities within the boundaries of the replacement site, hydrologic indicators observed including estimates of square footage or acreage of each and identification of areas of invasive or non-native vegetation; and
E.(7) color photographs of all replacement areas the project area taken anytime during the growing season from fixed, repeatable reference locations that are representative of each plant community type;
(8) delineation and survey of the replacement wetland areas, if applicable, for the final monitoring season; and
(9) other information specified in the approved monitoring plan or subsequently requested by the local government unit;

8420.0630XXXX MONITORING DETERMINATIONS BY THE LOCAL GOVERNMENT UNIT MONITORING RESPONSIBILITIES.
The local government unit responsible for monitoring as determined under part 8420.0230:
A. must inspect the project when construction is complete and certify compliance with construction specifications, and may inspect the project at any time during the construction and monitoring period, and any time after that to assess the long-term viability of the replaced wetland. When the local government unit certifies that the construction specifications have been met, the local government unit shall so advise the applicant and return any construction bond or other construction security that the applicant had provided;

Subpart 1. **Monitoring Oversight.**
A. The local government unit must evaluate all monitoring reports for compliance with report requirements and must determine if the goals of the approved plan can be met within the specified monitoring period based on the current condition of the replacement wetland and the applicant's proposed management activities for the following growing season.

B. may order corrective action at any time during the required monitoring period if it For project-specific replacement, if the local government unit determines that the goals of the approved replacement plan will not be met, it and may require the applicant to prepare an amended wetland value replacement plan for review and approval by the local government unit, which describes in detail the corrective measures to be taken to achieve the goal of replacing lost wetland functions and values;
C. shall make a finding based on a site visit at the end of the monitoring period as to whether the goal of the replacement plan has been met. If the goal of the replacement plan has not been met, the local government unit shall order corrective action and extend the monitoring period; and
D. shall require must take one or more of the following actions if during the monitoring period the local government unit finds that the goal of the replacement plan will not be met:
(1) order specific corrective actions on the replacement wetlands;
(2) order the applicant to prepare and implement a new or revised replacement plan;
(23) request the enforcement authority to issue a cease and desist order on the draining and filling wetland impact activity if it has not been completed;
(34) request the local soil and water conservation district and enforcement authority to order restoration of the impacted wetland;
(45) obtain forfeiture of a bond or other security and use the proceeds utilize any financial assurance collected from the applicant to replace the lost wetland functions and values;
(56) ask the pursue a district court to order requiring the applicant to fulfill the replacement plan; or

(~~6~~7) other actions that the local government unit determines necessary to achieve the goals of the replacement plan.

C. If the applicant fails to submit the annual report associated with a project-specific replacement plan in accordance with 8420.XXXX subpart 4, the local government unit responsible for monitoring oversight must either pursue enforcement actions in item B or prepare the annual report for the applicant. The local government unit may charge fees for preparing the report or utilize any financial assurance the applicant had provided to complete monitoring requirements.

Subpart 2. **Certification of successful replacement and completion of monitoring.** Upon completion of the minimum monitoring period, the applicant may request a field review by the local government unit and technical evaluation panel to evaluate the success of the replacement wetland. If the replacement is determined successful, the local government unit must provide written notification to the applicant that the replacement has been certified and the monitoring requirements have been fulfilled.

WETLAND PLANNING

8420.~~0650~~XXXX LOCAL COMPREHENSIVE WETLAND PROTECTION AND MANAGEMENT PLANS.

Subpart 1. ~~General requirements and participation~~ Purpose and eligibility.

A. As an alternative to the rules adopted under Minnesota Statutes, section 103G.2242, subdivision 1, and the public value criteria established or approved under Minnesota Statutes, section 103B.3355, a comprehensive wetland protection and management plan may be developed by a local government unit, or one or more local government units operating under a joint powers agreement, provided that: the requirements of this part are met.

~~(1) a notice is made at the beginning of the planning process to the board, the commissioner of natural resources, the Pollution Control Agency, local government units, and local citizens to actively participate in the development of the plan; and~~
~~(2) the plan is implemented by ordinance as part of the local government unit's official controls under Minnesota Statutes, chapter 394, for a county; Minnesota Statutes, chapter 462, for a city; Minnesota Statutes, chapter 366, for a town; and by rules adopted under Minnesota Statutes, chapter 103D, for a watershed district; and Minnesota Statutes, chapter 103B, for a watershed management organization.~~

~~B. An organization that is invited to participate in the development of the local plan, but declines to do so and fails to participate or to provide written comments during the local review process, waives the right during board review to submit comments, except comments concerning consistency of the plan with laws and rules administered by that agency. In determining the merit of an agency comment, the board shall consider the involvement of the agency in the development of the local plan. The technical evaluation panel must be consulted in all components of plan and ordinance development including, but not limited to, conducting wetland functional assessments, establishing wetland management classifications, and identifying local reference standard wetlands.~~

~~C. After board approval and local government adoption, replacement plan, exemption, and no-loss determinations are made according to the plan and ordinance.~~ This part provides minimum standards. Local government units must require equivalent or greater standards and procedures for wetland conservation, but not less.

B. The ultimate goal of a plan is to maintain and improve the quality, quantity, and biological diversity of wetland resources within watersheds through the prioritization of existing wetlands and the strategic selection of replacement sites. The purpose of developing a plan is to provide a watershed and ecosystem based framework to make wetland impact and replacement decisions that meet state standards and locally identified goals, and that support the sustainability or improvement of wetland resources in watersheds while providing local flexibility as allowed under subpart 4.

C. Any local government unit opting to pursue development of a plan and incorporating this chapter into local ordinance must provide documentation to the board demonstrating local capacity to implement the plan.

Subp. 2. **Relationship to other plans.** To maximize effectiveness, the comprehensive wetland protection and management plan should be developed as part of, or in coordination with, other relevant local or regional plans and requirements. The plan should provide a mechanism for integrating local land use decisions with wetland ecosystem management goals at the watershed level.

Subp. 3. **Plan area.** To the extent practical and feasible, the plan should be based on watershed boundaries. The size of watershed addressed should not be larger than is appropriate to ensure that the wetland resources provided through replacement will effectively compensate for approved impacts. For local governments with multiple watersheds, a separate analysis should be completed for each watershed substantially within the local government's jurisdiction. Local governments should consider joint planning efforts for those watersheds that cross political boundaries.

Subp. ~~2~~4. ~~**Plan contents**~~ **Flexibility options under a local plan.** The comprehensive wetland protection and management component of the local water plan may:
~~A. provide for classification of wetlands in the plan area based on:~~
~~(1) an inventory of wetlands in the plan area;~~
~~(2) an assessment of the wetland functions listed in part 8420.0103, using a methodology chosen by the technical evaluation panel from one of the methodologies established or approved by the board; and~~
~~(3) the resulting public values;~~

~~B~~A. vary application of the sequencing standards in part 8420.~~0520~~XXXX, for projects based on the classification and criteria set forth in the plan;

~~C~~B. vary the replacement standards of part 8420.~~0540~~XXXX, based on the classification and criteria set forth in the plan~~, for specific wetland impacts~~ provided there is no net loss of public value~~s~~ within the area subject to the plan, and so long as:
(1) in a 50 to 80 percent area, a minimum acreage requirement of one acre of replaced wetland for each acre of ~~drained or filled~~ impacted wetland requiring replacement is met within the area subject to the plan; and
(2) in a less than 50 percent area, a minimum acreage requirement of two acres of replaced wetland for each acre of ~~drained or filled~~ impacted wetland requiring replacement is met within the area subject to the plan~~, except that replacement for the amount above a 1:1 ratio can be accomplished as described in part 8420.0540, subpart 2~~;

~~D~~C. in a greater than 80 percent area, allow replacement credit, based on the classification and criteria set forth in the plan, for any project that increases the public value of wetlands, including activities on adjacent upland acres;

~~E~~D. in a greater than 80 percent area, based on the classification and criteria set forth in the plan, expand the application of the exemptions in part 8420.~~0122~~XXXX, subpart ~~1~~2, item B, to also include nonagricultural land, provided there is no net loss of wetland value~~s~~;

~~F~~E. prescribe standards for size and location of replacement wetlands by establishing type requirements, size/ratio requirements, functional quality requirements, location requirements, and criteria for wetland mitigation fee in lieu of direct replacement ~~criteria~~. Requirements for replacement must have a direct relationship with wetland classification as defined in the plan and must result in no net loss of wetland quantity, quality, and biological diversity over the life of the plan ~~which cannot exceed ten years~~; and

~~G~~F. allow exemptions based on ordinance standards, eligibility criteria, and processes that are not less restrictive than the requirements in parts 8420.~~0115~~XXXX, 8420.~~0122~~XXXX, and 8420.~~0210~~XXXX based on wetland classifications as defined in the plan.~~; and~~

~~H. define and establish high priority wetland areas pursuant to parts 8420.0350 and 8420.0400.~~

~~Subp. 2a. **Project notice and appeal under local ordinance.**~~
~~A. The local government unit shall submit to the commissioner of natural resources, the watershed district if there is one, local government units, members of the technical evaluation panel, and local citizens who request it, a copy of the application and provide at least 15 days' notice for comments and a schedule for a hearing if one is to be held. A copy of all decisions shall be forwarded to those mentioned above within ten days of the action.~~
~~B. Appeals of ordinance decisions. Persons may appeal replacement plan, no-loss and exemption determinations made pursuant to an approved wetland ordinance according to the procedures defined in part 8420.0250.~~

Subp. 5. **Plan content.**
A. **Assessment of existing conditions and determination of watershed goals.** The plan must be based on an analysis of the ecological conditions of the plan area and the development of corresponding goals for maintaining and improving those conditions. The ecological condition of the plan area should be based on inventories of historic and existing wetland resources, including identification of degraded wetlands, existing high quality wetlands, and immediate and long-term resource needs within the plan area. This analysis may be completed as part of the comprehensive wetland protection and management plan, or adopted from a relevant local or regional water plan if one exists.

B. **Classification of existing wetlands.** The plan may provide for the classification of wetlands in the plan area based on:
(1) an inventory of wetlands in the plan area;
(2) an assessment of the wetland functions listed in part 8420.~~0103~~XXXX, using a methodology chosen by the technical evaluation panel and based on one of the methodologies established or approved by the board;
(3) landscape position, adjacent habitats or buffers, connectivity with or between important resources, projected land use, and other watershed-scale criteria; and
(4) the resulting public value.

C. **Inventory and prioritization of replacement sites.** The plan must include an analysis of the types and locations of replacement projects that will provide the desired wetland functions, benefit the watershed from a landscape perspective, and best offset losses of public value caused by approved impacts. The goal of this analysis is to provide a framework from which replacement actions and locations will provide the greatest value to the public based on the ecological needs of the watershed. Priority should be given to naturally self-sustaining replacement that best achieves watershed goals and improves the ecological condition of the watershed. The plan must include strategies for the promotion and establishment of high priority replacement sites that best meet the goals of the plan.

D. **High priority areas.** Comprehensive wetland protection and management plans developed as part of county, watershed district, or watershed management organization plans may identify those areas that qualify as high priority areas for wetland preservation, enhancement, restoration, and establishment according to part 8420.XXXX.

E. **Assessing plan effectiveness.** The plan must include a provision for periodic assessment of the effectiveness of the plan, and the local government unit's implementation of it, in achieving plan goals. Updates to previously approved plans must include an analysis of the effectiveness of the previous plan, including the identification of barriers to achieving identified goals and the development of strategies to overcome them.

F. **Effective date and expiration.** The plan must specify the period covered by the plan, which must extend at least five years but no more than ten years from the date the board approves the plan.

Subp. 6. **Plan development and review process.**

A. A notice of intent to plan must be sent, at the beginning of the planning process, to the technical evaluation panel, the Department of Natural Resources, the Department of Agriculture, the Pollution Control Agency, watershed management organizations within the plan area, local government units within and adjacent to the plan area, and the United States Army Corps of Engineers with an invitation to actively participate in the development of the plan. The notice should also include a general description of the planning effort, the planning area, and an anticipated timeline.

B. The technical evaluation panel must be consulted in all components of plan and ordinance development including, but not limited to, conducting wetland functional assessments, establishing wetland management classifications, prioritizing replacement sites, and identifying local reference standard wetlands.

C. The local government unit must implement a process for notifying and involving local citizens in the development of the plan and the determination of local value. Local citizen involvement can include the formation of a citizen's advisory committee or utilization of other existing citizen groups.

D. Upon completion, the local government unit must submit the draft plan and ordinance for a 60-day review and comment period to those required to receive notice in item A. The local government unit must respond in writing to any comments received during the review period within 30 days of the end of the review period.

E. The local government unit must conduct a public hearing on the plan no sooner than 30 days after the end of the 60-day review period but before submittal of the final draft plan to the board for approval.

F. After conducting the public hearing but before final adoption, the local government unit must submit the plan and ordinance, all written comments received, a record of the public hearing, and a summary of responses to comments and changes incorporated as a result of the review process to the board for review under subpart 7.

G. An organization that is invited to participate in the development of the draft local plan, but declines to do so or fails to participate or to provide written comments during the local review process, waives the right during the review under item D to submit comments, except comments concerning consistency of the plan with laws and rules administered by that agency. In determining the merit of an agency comment, the board must consider the involvement of the agency in the development of the local plan.

H. Except as otherwise provided for in this part, all other requirements relating to development of the plan must be consistent with the local water plan processes under Minnesota Statutes, section 103B.231, 103B.311, or 103D.401. A plan developed as part of a local water management plan may follow the review and approval process applicable to the local water management plan instead of items D, E, and F.

Subp. ~~3~~7. **Board ~~review and approval~~ decision; mediation; judicial review.**
A. The board must make a decision to approve or disapprove a plan within 60 days of receipt of a complete and final draft of the plan and ordinance as required in subpart 6F. The board may disapprove all or parts of the plan if the board determines it does not meet the requirements of this part. If the board has not made a decision within 60 days of receipt of the final plan, ~~T~~the plan is deemed approved ~~60 days after the local government unit submits the final plan to the board, unless the board disagrees with the plan as provided in item D~~. The 60 day period may be extended upon mutual agreement of the board and the local government unit.

~~B. The board may not disapprove a plan if the board determines the plan meets the requirements of this part.~~

~~C~~B. In its review of a plan, the board ~~shall~~ must advise the local government unit of those elements of the plan that are more restrictive than ~~state law and rules~~ this chapter and the act.

~~D~~C. If the board disagrees with the plan or any elements of the plan, the board ~~shall~~ must, in writing, notify the local government unit of the plan deficiencies and suggested changes. The board ~~shall~~ must include in the response to the local government unit the scientific justification, if applicable, for the board's concerns with the plan. Upon receipt of the board's concerns with the plan, the local government unit has 60 days to revise the plan and resubmit the plan to the board for reconsideration, or the local government unit may request a hearing before the board. The board ~~shall~~ must hold a hearing within the boundaries of the jurisdiction of the local government within 60 days of the request for hearing. After the hearing, the board ~~shall~~ must, within 60 days, prepare a report of its decision and inform the local government unit.

~~E~~D. If, after the hearing, the board and local government unit disagree on the plan, the board ~~shall~~ must, within 60 days, initiate mediation through a neutral party. If the board and local government unit agree in writing not to use mediation or the mediation does not result in a resolution of the differences between the parties, then the board may commence a declaratory judgment action in the district court of the county where the local government unit is located. If the board does not commence a declaratory judgment action within the applicable 60-day period, the plan is deemed approved.

~~F~~E. The declaratory judgment action must be commenced within 60 days after the date of the written agreement not to use mediation or 60 days after conclusion of the mediation. If the board commences a declaratory judgment action, the district court ~~shall~~ must review the board's record of decision and the record of decision of the local government unit. The district court ~~shall~~ must affirm the plan if it meets the requirements of this part.

~~G. The comprehensive wetland protection and management plan may be developed as part of, or in conjunction with, a local water plan. Except as otherwise provided for in this part, all other requirements relating to development of the plan must be consistent with the local water plan processes under Minnesota Statutes, section 103B.231, 103B.311, or 103D.401.~~

Subp. 4~~8~~. **Effective date and amendments.**
A. The plan becomes effective after approval by the board as provided in subpart 3~~7~~ and after adoption of the plan into the official controls of the local government unit.

B. Comprehensive wetland protection and management plans remain in effect according to subpart 5F, unless revised according to subpart 6 and approved by the board. Plans that contain revision dates inconsistent with this part must comply with that date provided it is not more than 10 years beyond the date of board approval. An extension of the revision date of the plan may be granted by the board.

C. All amendments to the adopted plan and ordinance become effective upon completion of the same process required for the original plan, except when the proposed amendments constitute minor amendments and: ~~must be approved by the board.~~
(1) a public hearing has been held to explain the amendments;
(2) the local government unit has sent copies of the amendments to those required to receive notice in subpart 6; and
(3) the board has either agreed that the amendments are minor or failed to act within 60 days of receipt of the amendments.
~~C. After the effective date of the plan, a local government unit shall make replacement, exemption, no-loss, and other determinations consistent with the plan.~~

D. For the purposes of this subpart, minor amendments include clarifications, updates to wetland or replacement site inventories, and other changes that do not substantially alter the standards of the approved plan and ordinance, as determined by the board. Amendments required to bring the plan into conformance with revisions to this chapter may also be considered minor.

~~Subp. 5. **[Repealed, 27 SR 135]**~~
~~Subp. 6. **[Repealed, 27 SR 135]**~~
~~Subp. 7. **Local program capacity requirements.** Any local government unit opting to pursue incorporating this chapter into local ordinance must provide documentation to the board demonstrating~~

~~local capacity to implement the program consistent with requirements prescribed in part 8420.0200, subpart 2, item A.~~

Subp. 9. **Implementation.**
~~(2)~~ A. The plan ~~is~~ must be implemented by ordinance as part of the local government unit's official controls under Minnesota Statutes, chapter 394, for a county; Minnesota Statutes, chapter 462, for a city; Minnesota Statutes, chapter 366, for a town; and by rules adopted under Minnesota Statutes, chapter 103D, for a watershed district; and Minnesota Statutes, chapter 103B, for a watershed management organization.

B. After board approval and local government adoption, decisions made in implementing this chapter and the act must be made according to the plan and ordinance.

C. Noticing, appeals, and all other administrative processes under a local plan must follow the requirements of this chapter.

Subp. ~~8~~10. **Reporting ~~and oversight~~.** ~~An annual activity report must be provided to the board which documents compliance with plan standards as required in subpart 2. The annual report shall include such items as the number and type of permits and exemptions issued, including documentation of the area of wetlands impacted and replaced, complaints received, plan and ordinance violations including number of cease and desist orders, projects constructed, variances granted, and local appeal proceedings.~~ In addition to, and as part of, the reporting requirements of part 8420.XXXX, a local government unit with an approved and adopted comprehensive wetland management plan must annually provide information to the board regarding activities that vary from this chapter, this part notwithstanding, and documenting compliance with the minimum plan standards required in subpart X. Failure to provide this information on an annual basis may subject the local government unit to penalties under part 8420.XXXX.

8420.~~0350~~ XXXX HIGH PRIORITY REGIONS AND AREAS.

Subpart 1. **High priority regions.** Parts of the state that are high priority regions for preservation, enhancement, restoration, and establishment of wetlands include all major watersheds with a majority of their land area contained within counties that have lost 50 percent or more of their presettlement wetland base, which are those listed in part 8420.~~0540, subpart 5, item B~~XXXX. In all other ~~counties~~ major watersheds of the state, high priority regions are high priority areas approved as such by the board according to subpart 2.

Subp. 2. **High priority areas.**
A. Planning context. Water management plans prepared by water management organizations in the metropolitan area under Minnesota Statutes, section 103B.231, by counties outside the metropolitan area under Minnesota Statutes, section 103B.311, and by watershed districts outside the metropolitan area under Minnesota Statutes, sections 103D.401 and 103D.405, ~~must~~ may identify those areas that qualify as high priority areas for wetland preservation, enhancement, restoration, and establishment. ~~These priority areas shall be included in the next scheduled water management plan update.~~ In order to designate a high priority area, the preservation, enhancement, restoration, and establishment of wetlands must have or achieve high public value based on the functions of wetlands listed in part 8420.~~0103~~XXXX and the goals of the water management plan.

B. **Priority watersheds.** High priority areas should be designated by minor or sub-watershed. ~~Plans should give s~~Strong consideration should be given to identifying as high priority areas minor watersheds having less than 50 percent of their original wetland acreages and where restoration of previously impacted or degraded wetlands will contribute towards achieving watershed-based goals. Consideration should also be given to watersheds that contain high valued wetlands that are at risk of degradation or loss and whose protection is integral to maintaining the ecology and condition of the watershed. Identification of high priority watersheds should be consistent with 8420.XXXX subpart 5.

~~and intact wetlands, diminished wetlands, and the areas once occupied by wetlands that have been diminished or eliminated and could feasibly be restored taking into account the present hydrology and use of the area. Plans should give strong consideration to identifying as high priority areas all type 1 or 2 wetlands, and other wetlands at risk of being lost by permanent conversion to other uses. When individual wetlands are identified as high priority for preservation and restoration, the high priority area shall include the wetland and an adjacent buffer strip not less than 16.5 feet wide around the perimeter of the wetland and may include up to four acres of upland for each wetland acre.~~

C. **Priority wetlands.** Water management plans may identify individual wetlands, or criteria to establish individual wetlands, as high priority areas. Individual wetlands identified as high priority areas should be of high local value, at risk of degradation or loss, and consistent with any existing wetland classification criteria established under part 8420.XXXX subpart 5B. Plans may also identify individual sites as high priority areas for wetland restoration and establishment. High priority restoration sites should be identified according to the criteria in part 8420.XXX subpart 5C.

D. **Wetland Preservation Area Criteria.** Water management plans that identify high priority areas and intend to accept applications for wetland preservation areas under part 8420.XXXX should include criteria for eligibility and prioritization of applications.

~~C. In all counties, plans may identify additional high priority areas where preservation, enhancement, restoration, and establishment of wetlands would have high public value by providing benefits for water quality, flood water retention, public recreation, commercial use, and other public uses. High priority areas should be delineated by minor or major watershed. For the purposes of this part, "watershed" means major or minor watershed or subwatershed. To identify high priority areas, the local government unit shall consider at a minimum those items listed in part 8420.0103.~~

~~D~~E. **Board review and approval.** The board ~~shall~~ will review the inclusion of high priority areas in plans as part of the standard process for plan review ~~established in statute~~. High priority areas approved by the board that are not in a high priority region listed in subpart 1 become high priority regions with board approval.

8420.~~0400~~ XXXX WETLAND PRESERVATION AREAS.

Subpart 1. **Purpose and eligibility.** The purpose of this part is to provide local governments with a tool to promote the preservation of high valued wetlands and the restoration and enhancement of wetland areas that will contribute towards meeting watershed-based goals identified in a local water management plan. Wetlands located in ~~areas that are both high priority regions and~~ high priority areas as identified in part 8420.~~0350~~XXXX and a local water plan are eligible for enrollment as wetland preservation areas. A wetland so enrolled is exempt from property tax. Sites identified as high priority areas for wetland restoration and establishment are only eligible for wetland preservation area designation after restoration of the wetland. Wetland areas receiving replacement credit are not eligible for designation as a wetland preservation area.

Subp. 2. **Landowner application for wetland preservation area.** A landowner may apply to the county or watershed district, if the county or watershed district chooses to accept wetland preservation areas, for designation of a wetland as a wetland preservation area on forms provided by the board. The applicant must include a buffer strip ~~of upland 16.5 feet wide~~ that meets the requirements of part 8420.XXXX subpart X around the perimeter of the wetland. The applicant may include up to four acres of upland for each acre of wetland. The application must be accompanied by a restrictive covenant on a form provided by the board. The covenant will contain the same limitations on use that are provided in Minnesota Statutes, section 103F.515, subdivision 4, including a covenant that the enrolled upland area will be vegetated by the landowner to permanent vegetation other than noxious weeds. The covenant must be signed, acknowledged, and ready for recording.

Subp. 3. **County or watershed district review of application.** Upon receipt of a complete application, the county or watershed district must send a copy of the application to the county assessor, the board,

and the soil and water conservation district where the land is located. The soil and water conservation district must prepare an advisory statement of existing and potential preservation problems or conflicts and send the statement to the owner of record and to the county or watershed district. The county or watershed district may accept the application if the wetland is in a high priority region and high priority area, if it includes the required buffer ~~16.5 foot strip,~~ and is accompanied by the proper covenant. The county or watershed district may limit or reject additional upland proposed to be included according to criteria identified in the approved plan and standards the county may establish~~es~~. The county or watershed district may reject the application if the application does not qualify, or require ~~send it back for~~ modification and resubmittal ~~if that is appropriate~~ of the application. If the application qualifies, the county or watershed district may approve it and mark the date of approval on the application. The county or watershed district ~~shall~~ must notify the landowner of the acceptance or denial of the application within 60 days from the date of the application. Within five ~~working~~ business days of approval of the application, the county or watershed district ~~shall~~ must forward it to the county recorder for recording of the restrictive covenant or memorialization of the application on the certificate of title. The county or watershed district ~~shall~~ must also send a copy of the approved application to the county assessor for entry in the assessor's records as a wetland preservation area. The county or watershed district ~~shall~~ must also send copies of the approved application to the soil and water conservation district, the local government unit, and the board.

Subp. 4. **Applicable statutes.** In addition to this chapter, wetland preservation areas are subject to Minnesota Statutes, sections 103F.612 to 103F.616, and the property tax provisions of Minnesota Statutes, section 272.02, subdivision 11.

Subp. 5. **Commencement of wetland preservation area.** The wetland is a wetland preservation area commencing 30 days from the date the county notifies the landowner of acceptance of the application under subpart 3.

Subp. 6. **Fee.** The county or watershed district may require an application fee to defray administrative costs of the program.

Subp. 7. **Maps.** ~~The c~~Counties having approved wetland preservation areas within their legal boundaries ~~shall~~ must maintain ~~wetland preservation area~~ maps illustrating land covenanted as wetland preservation areas.

Subp. 8. **Reimbursement of unpaid taxes.** A county or watershed district with an approved wetland preservation area will be reimbursed for lost tax revenue according to Minnesota Statutes, section 275.295.

APPEALS, COMPENSATION, AND ENFORCEMENT

8420.~~0250~~XXXX APPEALS.

Subpart ~~3c~~1. **Appeals of replacement and restoration orders** to the board. A landowner or responsible party may appeal the terms and conditions of a restoration or replacement order issued pursuant to ~~subpart 3~~ part 8420.XXXX to the board's executive director within 30 days of receipt of written notice by filing a written request for review and paying a nonrefundable filing fee to the board. The filing fee is $200, or an amount otherwise determined by the board not to exceed $1,000. If the written request is not submitted within 30 days, the restoration or replacement order becomes final. The executive director ~~shall~~ must review the request and supporting evidence and render a decision within 60 days of the request for review. The executive director may stay the restoration or replacement order until the appeal is resolved.
The preceding subpart was relocated from 8420.0290 Enforcement Procedures, subp. 3c.

~~Subp. 2. [Repealed, 22 SR 1877]~~

Subp. 2. **Appeal of local government unit staff decisions.** A decision made by staff becomes final if not appealed to the local government unit within 30 days after the date on which the decision is sent to those required to receive notice of the decision. Notwithstanding the time frames of Minnesota Statutes, section 15.99, or any other law to the contrary, the local government unit must make a ruling within 30 days from the date of the filing of the appeal, unless the appellant and local government unit mutually agree, in writing, to an extension of time beyond the 30 days. Appeal of a final decision made by staff may be made by the landowner, by any of those required to receive notice of the decision, or by 100 residents of the county in which a majority of the wetland is located. An appeal is effective upon mailing of a petition and payment of any applicable fees to the local government unit. A filing fee is not required for appeals petitioned by state agencies or members of the technical evaluation panel.

Subpart ~~1~~ 3. **Appeal of local government unit decisions** to the board**.** The decision of a local government unit to approve, approve with conditions, or ~~reject a replacement plan, banking plan, public road project notice, exemption, no-loss, or wetland boundary or type request~~ deny an application becomes final if not appealed to the board within 30 days after the date on which the decision is ~~mailed~~ sent to those required to receive notice of the decision. Appeals of decisions made by local government staff must be made to the local government unit as provided for in ~~part 8420.0200,~~ subpart 2~~, item B~~. This subpart also applies to ~~those determinations which are~~ decisions made under comprehensive wetland protection and management plans.
Appeal may be made by the landowner, by any of those required to receive notice of the decision, or by 100 residents of the county in which a majority of the wetland is located.
Appeal is effective upon mailing of ~~the~~ a petition and payment of a nonrefundable filing fee of $200, or an amount otherwise determined by the board not to exceed $1,000, to the board with evidence that a copy of the petition has been mailed to the local government unit. The petition should include information to establish sufficient grounds for the appeal. The filing fee is not required for appeals petitioned by state agencies or members of the technical evaluation panel. Another filing fee is not required for appeals that have been remanded if the filing fee was paid and the same party appeals the new decision made under remand. Subsequent to receipt of a petition, the local government unit must send a copy of the petition to all those to whom it was required to send a notice of the decision.

Subp. ~~3~~ 4. **Board appeal procedures.** Within 30 days after receiving the petition, the board or its dispute resolution committee or executive director ~~shall~~ must decide whether to grant the petition and hear the appeal. After considering the size of the proposed impacts and the quality of the affected wetland, any patterns of similar acts by the petitioner or the local government unit in administration of this chapter and the act, and the consequences of the delay resulting from the appeal, ~~T~~the board, its dispute resolution committee, or its executive director ~~shall~~ will grant the petition unless the appeal is ~~deemed meritless~~ without sufficient merit, trivial, or brought solely for the purposes of delay; ~~that~~ the petitioner has not exhausted all local administrative remedies; or ~~that~~ the petitioner has not ~~posted a letter of credit, cashier's check, or cash if required by the local government unit~~ submitted the required filing fee.
The board, its dispute resolution committee, or its executive director may stay the local government unit decision until the appeal is resolved.
The board, its dispute resolution committee, or its executive director may remand the appealed decision back to the local government unit if the petitioner has not exhausted all local administrative remedies such as a local government unit evidentiary public hearing, if expanded technical review is needed, or if the local government unit's record is not adequate. If an appeal is remanded, a new application is not required and additional information may be submitted before a decision is made by the local government unit. ~~If an appeal is remanded, t~~The local government unit must make a decision on an appeal that has been remanded within 60 days unless the remand order, or a subsequent order, specifies a longer period.
After granting the petition, the appeal ~~shall~~ must be heard by the dispute resolution committee and decided by the board within 60 days after the filing of the local government unit's written record, submittal of the written briefs for the appeal, and the hearing by the dispute resolution committee. Parties to the appeal are the appellant, the landowner, the local government unit, and those required to receive notice of the local government unit decision.
The board or its executive director may elect to combine related appeals and process as one decision, either multiple appeals on the same project or appeals of different local government unit decisions on the same project.

~~Upon~~ Within 30 days of the granting of an appeal, unless an extension of time is approved by the board, the local government unit ~~shall~~ must forward to the board the written record on which it based its decision. The board will forward one copy of the record to each of the parties to the appeal. The board will make its decision on the appeal after hearing. Thirty days' notice of the hearing ~~shall~~ will be given by the board to the parties. ~~The parties may present written and oral argument. When the local government unit has made formal findings contemporaneously with its decision and there is an accurate verbatim transcript of the proceedings and the proceedings were fairly conducted, the board will base its review on the record. Otherwise it may take additional evidence, or remand the matter.~~ The board will base its review on the record and the argument presented to the board by the parties. However, if the local government unit did not consider fundamental information, such as aerial photographs, soils maps, or wetland maps, or did not make formal findings contemporaneously with its decision, if there is not accurate verbatim transcript of the proceedings, if the proceedings were not fairly conducted, or if the record is otherwise incomplete or deficient, the board may remand the matter or receive additional evidence. If, before the date set for the hearing, application is made to the board for leave to present additional evidence on the issues in the case, and it is shown to the satisfaction of the board that additional evidence is material and that there were good reasons for failure to present it in the proceeding before the local government unit, the board may order that the additional evidence be taken before the local government unit upon such conditions that the board deems proper. The local government unit may modify its findings and decision by reason of the additional evidence and must file with the board, to become a part of the record, the additional evidence, together with any modifications or new findings or decision.

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

~~8420.0280 APPEAL FROM BOARD DECISIONS.~~
Subp. 5. Appeal of board decisions. An appeal of a board decision is taken to the state court of appeals and must be considered an appeal from a contested case decision for purposes of judicial review under Minnesota Statutes, sections 14.63 to 14.69.

8420.~~0268~~XXXX COMPENSATION CLAIMS AGAINST LOCAL GOVERNMENT UNITS.

Subpart 1. **Intervention.** At the request of a local government unit against which a compensation action is brought based at least in part on the local government unit's application of Minnesota Statutes, section 103G.222, 103G.2241, 103G.2242, 103G.237, or 103G.2372, or rules adopted by the board to implement these sections, the state, through the attorney general, ~~shall~~ must intervene in the action on behalf of the local government unit and ~~shall~~ will thereafter be considered a defendant in the action. A local government unit making a request under this subpart ~~shall~~ must provide the attorney general with a copy of the complaint as soon as possible after being served. If requested by the attorney general, the court ~~shall~~ must grant additional time to file an answer equal to the time between service of the complaint on the local government unit and receipt of the complaint by the attorney general.

Subp. 2. **Liability of state for certain costs.** The state is liable for costs, damages, fees, and compensation awarded in the action based on the local government unit's adoption or implementation of standards that are required by state law, as determined by the court. The local government unit is liable for costs, damages, fees, and compensation awarded in the action based on local standards that are more restrictive than state law and rules.

Subp. 3. **Definition.** For purposes of this part, "compensation action" means an action in which the plaintiff seeks compensation for taking private property under the state or federal constitution.

8420.~~0270~~XXXX COMPENSATION TO LANDOWNERS.

Replacement plan applicants who have completed the local government unit process and the board appeal process, and the replacement plan has not been approved as submitted, may apply to the board for compensation under Minnesota Statutes, section 103G.237.

The application must identify the applicant, locate the wetland, and refer the board to its appeal file in the matter. The application must include an agreement that, in exchange for compensation, the applicant will convey to the state a perpetual conservation easement in the form required by Minnesota Statutes, section 103F.516. The applicant must provide an abstract of title demonstrating the ability to convey the easement free of any prior title, lien, or encumbrance. Failure to provide marketable title negates the state's obligation to compensate. The applicant must submit official documentation from the United States Army Corps of Engineers, the Minnesota Pollution Control Agency, the watershed district or water management organization if any, the county, and the town or city, as applicable, that the proposed ~~drain or fill activity~~ impact and the proposed subsequent use of the wetland are lawful under their respective legal requirements.

The landowner must demonstrate that the proposed ~~drain or fill~~ impact is a feasible and prudent project and that the replacement plan as proposed is a reasonable good faith effort to fulfill the replacement requirements of parts 8420.0500 to 8420.0630 and the act.

If the replacement plan was approved, but with conditions or modifications, the applicant must show that the conditions or modifications make the replacement unworkable or not feasible. A plan is unworkable or not feasible if the replacement must be on land that the applicant does not own, the applicant has made good faith efforts to acquire a replacement site and not succeeded, and there is not a qualifying replacement available in a wetland bank. A plan is also unworkable or not feasible if it is not possible to carry out for engineering reasons. The applicant must show that not going ahead with the proposed project will cause the applicant damages and that disallowing the proposed use will enhance the public values of the wetland.

The applicant must submit the requirements in this part in writing, by certified mail, to the board. If the applicant wants to make oral argument to the board, it must be indicated as part of the application. The board may require that the applicant appear before the board. If the board finds that the applicant has submitted a complete application and proved the requirements in this part, the board ~~shall~~ must compensate the applicant as required by law within 90 days after the board received a completed application, provided that within the same time period the applicant must convey to the board a conservation easement in the form required by Minnesota Statutes, section 103F.516. If the board does not provide the required compensation in exchange for the conservation easement, the applicant may ~~drain or fill~~ impact the wetland in the manner proposed, without replacement.

8420.~~0290~~XXXX ENFORCEMENT PROCEDURES.

Subpart 1. **Enforcement authorities.** The commissioner, conservation officers, and other peace officers may issue cease and desist orders and restoration and replacement orders.

Subp. 2. **Cease and desist orders.**

A. Cease and desist orders may be issued when the enforcement authority has probable cause that an ~~drain, excavation, or fill~~ activity is being or has been conducted ~~in~~ that impacts a wetland and does not qualify for an exemption or a no-loss ~~determination~~ under parts 8420.~~0210~~XXXX and 8420.~~0220~~XXXX and is being or has been conducted without prior approval ~~of a replacement plan~~ by a local government unit under part 8420.~~0230~~XXXX or involving a ~~determination~~ decision stayed by the board pursuant to part 8420.~~0250~~XXXX. A cease and desist order must not be issued if the landowner has, and is complying with, a valid replacement plan, exemption, or no-loss~~, or replacement plan determination from~~ approved by the local government unit, or a completed and submitted public road project notification that has not been stayed, remanded, or reversed on appeal under provisions of part 8420.~~0250~~XXXX, or has sufficient evidence to support qualification for an exemption or no-loss ~~determination~~. The enforcement authority issuing a cease and desist order must submit copies to the soil and water conservation district, local government unit, and Department of Natural Resources.

B. The enforcement authority ~~shall~~ must advise the landowner that the landowner's written application, if any, for an replacement plan, exemption, or no-loss~~, or replacement plan determination,~~ should be made immediately to the local government unit and that ~~whatever drain, excavation, or fill work~~ any wetland that

has been ~~done~~ impacted may require restoration if the application for replacement plan, exemption, or no-loss~~, or replacement plan determination~~ is denied or reversed on appeal.

~~The enforcement authority issuing a cease and desist order shall promptly submit copies to the soil and water conservation district, local government unit, and Department of Natural Resources.~~

C. If an application for a~~n~~ replacement plan, exemption, or no-loss~~, or replacement plan determination~~ approval is triggered by a cease and desist order, the local government unit ~~shall~~ must make the ~~determination~~ decision in accordance with parts 8420.~~0210~~XXXX to 8420.~~0230~~XXXX.
~~In cases where the cease and desist order has been issued to a local government unit, the determination of exemption or no-loss shall be made by the board.~~
If the ~~determination~~ decision is that the activity is exempt or ~~results in~~ qualifies for a no loss ~~of wetland~~, the decision maker ~~shall~~ must request that the enforcement authority rescind the cease and desist order, pending the outcome of any appeal, and notify the soil and water conservation district, the enforcement authority, and the landowner. If the application is denied, the decision-maker ~~shall~~ must immediately notify the soil and water conservation district, the enforcement authority, and the landowner.

D. In cases where the cease and desist order has been issued to a local government unit, the decision of exemption or no-loss must be made by the board.

Subp. 3. **Restoration and replacement orders.** The enforcement authority ~~shall~~ must issue a restoration order or replacement order when:

A. the ~~drain, excavation, or fill~~ impact has already been completed when discovered, or after a cease and desist order has been issued and the landowner does not apply for a~~n~~ replacement plan, exemption, ~~replacement plan,~~ or no-loss ~~determination~~ within three weeks;

B. the local government unit grants the application but it is reversed on appeal; or

C. the local government unit denies the application.

Promptly upon being informed by the enforcement authority or the local government unit of the need, the soil and water conservation district staff person ~~shall~~ must inspect the site and prepare a plan in consultation with the local government unit and the enforcement authority for restoring the site to its prealtered condition. The soil and water conservation district may request assistance from the local government unit in inspecting the site and preparing the plan. Restoration ~~shall~~ must be ordered unless the ~~soil and water conservation district, with the concurrence of the~~ technical evaluation panel ~~and the enforcement authority,~~ concludes that restoration is not possible or prudent. The soil and water conservation district ~~shall~~ must incorporate its plan into a restoration or replacement order and send it to the enforcement authority for service in person or by certified mail to the landowner or responsible party.

Subp. ~~3a~~ 4. **Contents of order.**

A. A restoration order must specify dates by which the landowner or responsible party must either:
~~A.~~ (1) restore the wetland according to the soil and water conservation district plan and obtain a certificate of satisfactory restoration from the soil and water conservation district; or
~~B.~~ (2) submit a complete replacement plan, exemption, or no loss application to the local government unit.
If ~~the replacement plan~~ an application is submitted and subsequently denied, the landowner or responsible party ~~shall~~ must restore the wetland as specified in the order. The restoration order ~~shall~~ must be rescinded if the landowner or responsible party obtains approval of an after-the-fact replacement plan, exemption, or no-loss ~~determination~~ from the local government unit that is not reversed on appeal.
A replacement order must specify a date by which the landowner or responsible party must submit a complete replacement plan application to the local government unit and a subsequent date by which the landowner or responsible party must replace the wetland according to the approved replacement plan and obtain a certificate of satisfactory replacement from the soil and water conservation district. The

restoration or replacement order must specify a time period of at least 30 days for submittal of a complete application under this subpart.

B. A certificate of satisfactory restoration or replacement may be issued with conditions that must be met in the future, such as but not limited to, issues with wetland vegetation, weed control, inspections, monitoring, or hydrology. Failure to fully comply with any conditions that have been specified may result in the issuance of a new restoration or replacement order.

C. Failure to submit a complete application within the time period specified in the restoration order, or as properly extended, will result in the landowner or responsible party having to comply with the order before an application under this chapter may be submitted, unless the local government unit and the enforcement authority agree otherwise or unless allowed under appeal.

Subp. ~~3b~~ 5. **Enforcement authority orders.** If the ~~soil and water conservation district, with the concurrence of the~~ technical evaluation panel ~~and the enforcement authority,~~ determines that restoration will not restore all the loss caused by the ~~drain, excavation, or fill activity~~ impact, the ~~enforcement authority~~ order may ~~order~~ require a combination of restoration and replacement, or ~~may order~~ replacement rather than restoration. The order must direct the landowner or responsible party to obtain replacement plan approval from the local government unit. The order must specify that if replacement plan approval is not obtained, the landowner or responsible party must restore the wetland as ordered. Each cease and desist, restoration, and replacement order ~~shall~~ must state that violation of the order is a misdemeanor. If, as part of a misdemeanor proceeding, the court orders restoration or replacement, ~~the soil and water conservation district, with the concurrence of~~ the technical evaluation panel ~~and the enforcement authority~~, ~~shall~~ must determine which is appropriate, and if it is restoration, the method of restoration. If the court orders replacement, the landowner or responsible party must follow the replacement plan process in subpart ~~4~~ 6 and parts 8420.~~0500~~XXXX to 8420.~~0630~~XXXX.

~~Subp. 3c. Appeals of replacement and restoration orders.~~ ***The entire subpart 3c was relocated to the subpart 1 of the Appeals part.***

Subp. ~~4~~ 6. **After-the-fact replacement.** If a landowner or responsible party seeks approval of a replacement plan after the proposed project has already impacted the wetland or if sufficient replacement has not been provided under an approved replacement plan, the local government unit ~~shall~~ must require the landowner or responsible party to replace the impacted wetland at a ratio twice the replacement ratio otherwise required, unless the local government unit and enforcement authority concur that an increased ratio is not required.

Subp. ~~5~~ 7. **Misdemeanor.** A violation of an order issued under this part is a misdemeanor and must be prosecuted by the county attorney where the wetland is located or the illegal activity occurred.

ACTIVITIES UNDER DEPARTMENT OF NATURAL RESOURCES AUTHORITY

8420.~~0300~~XXXX MINING.
Wetlands ~~may~~ must not be ~~drained, excavated, or filled~~ impacted as part of a project for which a permit to mine is required by Minnesota Statutes, section 93.481, except as approved by the commissioner. ~~Draining, excavating, or filling of~~ Impacts to wetlands created by pits, stockpiles, or tailing basins by actions whose purpose was not to create the wetland are exempt under part 8420.~~0122~~XXXX.

A. For new mining operations that are permitted and initiated after July 1, 1993:
(1) mining ~~shall~~ must not be conducted without first receiving a permit to mine issued under chapter 6130 for iron ore and taconite or chapter 6132 for nonferrous metallic minerals; and
(2) the mining and reclamation operating plans or annual reports submitted by the applicant as required in the permit to mine ~~shall~~ must include an approved wetland replacement plan that meets the same principles and standards for replacing wetlands under parts 8420.~~0500~~XXXX to 8420.~~0630~~XXXX.

B. For mining operations in existence before July 1, 1993, and operated on or after that date under a permit to mine issued under chapter 6130 for iron ore and taconite or chapter 6132 for nonferrous metallic minerals:
(1) ~~no draining, excavating, or filling activities shall be conducted within~~ wetlands for which ~~these activities~~ impacts were approved but not initiated before July 1, 1993~~,~~ must not be impacted until the operating plan or annual report as required in the permit to mine includes an approved wetland replacement plan for the undisturbed wetlands. The wetland replacement plan ~~shall~~ must meet the same principles and standards for replacing wetlands under parts 8420.~~0500~~XXXX to 8420.~~0630~~XXXX;
(2) for filling activities that were approved and initiated before July 1, 1993, the placement of fill atop a stockpile, roadway, or other mining-related facility that occupies a wetland filled before July 1, 1993, ~~shall~~ will be allowed to continue within the areal extent, as it existed on July 1, 1993, of the stockpile, roadway, or other mining-related facility without the requirement of a replacement plan or amendment of the permit to mine. An expansion of the areal extent of the fill in the wetland requires an approved replacement plan in the operating plan or annual report as required in the permit to mine, according to subitem (1);
(3) for draining activities that were approved and initiated before July 1, 1993, the draining of a wetland to facilitate mining, using ditches and other drainage facilities that existed on July 1, 1993, ~~shall~~ will be allowed to continue without the requirement of a replacement plan or amendment of the permit to mine. Maintenance of the ditches and structures ~~shall~~ will be allowed without the requirement of a replacement plan or amendment of the permit to mine, provided that as a result of the maintenance, wetlands are not drained beyond the extent that existed as of July 1, 1993. Otherwise, the permit to mine must be amended to provide for replacement according to subitem (1).

C. Replacement wetlands approved under this part must only be used for mining-related impacts covered under a permit to mine unless the credits are approved and deposited in the state wetland bank according to parts 8420.~~0700~~XXXX to 8420.~~0760~~XXXX.

~~C~~D. Applicable procedures are those required for permits to mine.

~~D~~E. This part ~~shall~~ does not apply to peat mining as defined under Minnesota Statutes, section 93.461, that is subject to the mine permit and reclamation requirements under Minnesota Statutes, sections 93.44 to 93.51, and the rules of the commissioner adopted under those sections.

8420.XXXX STANDARDS AND CRITERIA FOR IDENTIFICATION, PROTECTION, AND MANAGEMENT OF CALCAREOUS FENS.

~~**8420.1010 PURPOSE.**~~ Subpart 1. **Purpose.** The purpose of this part~~s 8420.1010 to 8420.1070~~ is to provide minimum standards and criteria for the identification, protection, and management of calcareous fens as authorized by Minnesota Statutes, section 103G.223. Calcareous fens, as identified by the commissioner, ~~may~~ must not be ~~drained or filled~~ impacted or otherwise altered or degraded, wholly or partially, by any action, unless the commissioner, under an approved ~~except as provided for in a~~ management plan decides some alteration is necessary ~~approved by the commissioner~~.
The exemptions contained in ~~P~~part 8420.~~0122~~XXXX, and the sequencing provisions in part 8420.XXXX, do~~es~~ not apply to calcareous fens.

~~**8420.1020 IDENTIFYING CALCAREOUS FENS.**~~ Subp. 2. **Identifying calcareous fens.** A calcareous fen is a peat-accumulating wetland dominated by distinct groundwater inflows having specific chemical characteristics. The water is characterized as circumneutral to alkaline, with high concentrations of calcium and low dissolved oxygen content. The chemistry provides an environment for specific and often rare hydrophytic plants.

~~**8420.1030 PROCEDURES TO LIST CALCAREOUS FENS.**~~ Subp. 3. **Procedures to list calcareous fens.**
A. The commissioner ~~shall~~ must investigate wetlands to determine if the wetland is properly identified as a calcareous fen.
B. The commissioner ~~shall~~ must maintain a current list of known calcareous fens in the state and their location.

C. The commissioner ~~shall~~ must provide an updated list of calcareous fens to the board for further distribution.

~~8420.1040 MANAGEMENT PLANS.~~ Subp. 4. **Management plans.** Calcareous fens ~~may~~ must not be ~~drained or filled~~ impacted or otherwise altered or degraded except as provided for in a management plan approved by the commissioner. The commissioner will provide technical assistance to landowners or project sponsors in the development of management plans.

~~8420.1050 RESTORATION.~~ Subp. 5. **Restoration.** The commissioner may approve management plans to restore or upgrade a previously damaged calcareous fen.

~~8420.1060 APPEALS.~~ Subp. 6. **Appeals.**
A. A landowner or project proposer may challenge the commissioner's determination that a wetland is a calcareous fen or the commissioner's calcareous fen management plan by demanding a hearing. The hearing will be carried out in the same manner as water permit hearings under Minnesota Statutes, chapter 103G.
B. ~~The hearing must be demanded within 30 days after mailed notice of the commissioner's decision to the project proposer, otherwise the decision becomes final and may not be challenged by the project proposer.~~ The determination that a wetland is a calcareous fen may be appealed at any time by demanding a hearing. For a decision under a management plan, the hearing must be demanded within 30 days after mailing of the notice of the commissioner's decision to the project proposer, otherwise the decision becomes final and may not be challenged by the project proposer.
C. Appeal of the commissioner's decision after the hearing must be done in the manner provided for appeals from contested case decisions in Minnesota Statutes, chapter 14.

~~8420.1070 ENFORCEMENT PROCEDURES.~~ Subp. 7. **Enforcement procedures.** Enforcement procedures for calcareous fens ~~shall~~ must be conducted consistent with Minnesota Statutes, sections 103G.141 and 103G.2372, except that necessary restoration or replacement activities, if required, will be determined by the commissioner, in consultation with the local soil and water conservation district.

DEFINITIONS AND REFERENCES

8420.~~0110~~XXXX DEFINITIONS.
Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part.
Subp. ~~1a~~X. **Account or wetland bank account.** "Account" or "wetland bank account" means a record of wetland banking debits and credits established by an account holder within the state wetland banking system.
Subp. ~~1b~~X. **Account holder.** "Account holder," in the state wetland banking system, is a person, corporation, government agency, or organization that is the owner of credits.
Subp. ~~2~~X. **Act.** "Act," when not used in reference to a specific state or federal act, means the Wetland Conservation of 1991, Laws 1991, chapter 354, as amended.
Subp. ~~3~~X. **Activity.** "Activity" means ~~draining or filling a wetland, wholly or partially, or excavating in permanently and semipermanently flooded areas of type 3, 4, or 5 wetlands.~~ any work or action conducted in or near a wetland that could potentially affect a wetland. An activity may or may not result in an impact as defined at subpart X of this part.
Subp. ~~4~~X. **Agricultural land.** "Agricultural land," means land used for horticultural, row, close grown, pasture, and hayland crops; growing nursery stocks; animal feedlots; farmyards; associated building sites; and public and private drainage systems and field roads located on any of these lands. "Agricultural land" must be used principally for the cultivation or production of plants or farm animals and includes former agricultural land that is presently enrolled in conservation easements.
~~Subp. 5. [Repealed, 22 SR 1877]~~
Subp. ~~5a~~X. **Applicant.** "Applicant" is a person, corporation, government agency, or organization that submits an application ~~applies for an exemption, no-loss, wetland boundary, wetland type, replacement plan, or banking plan determination or equivalent, or someone who makes an application to withdraw wetland banking credits from the wetland bank~~.

Subp. X. **Application.** "Application" means a formal request for a decision by a local government unit, made under this chapter and the act, for an exemption, no-loss, wetland boundary, wetland type, sequencing, replacement plan, or banking plan. The application is made on a form provided by the board.

Subp. X. **Approve or Approval.** "Approve" or "Approval" means the formal authorization by a local government unit of an activity described in an application.

Subp. ~~6~~X. **Aquaculture.** "Aquaculture" means to cultivate plants and animals in water for harvest, including hydroponics and raising fish in fish farms.

Subp. X. **Banking credits.** "Banking credits" means replacement credits, as described in parts 8420.XXXX and 8420.XXXX, that have been deposited in the wetland bank.

Subp. ~~7~~X. **Best management practices.** "Best management practices" means state-approved and published practices ~~associated with draining, filling, or replacing wetlands~~ that are capable of preventing and minimizing degradation of surface water and groundwater.

Subp. ~~8~~X. **Board.** "Board" means the Board of Water and Soil Resources under Minnesota Statutes, section 103B.101.

Subp. ~~9~~X. **City.** "City" means a home rule charter or statutory city.

Subp. ~~10~~X. **Commissioner.** "Commissioner" means the commissioner of the Department of Natural Resources.

~~Subp. 10a. **Contractor.** "Contractor" means an individual, business, or other organization providing a product or service to a landowner or the landowner's agent.~~

Subp. ~~11~~X. **Creation.** "Creation" means construction of wetlands in an area that was not wetlands in the past.

Subp. ~~12~~X. **Day.** "Day" means a calendar day unless specified otherwise. The day of the event shall not be used in counting any time period.

~~Subp. 13. [Repealed, 22 SR 1877]~~

Subp. X. **Decision.** "Decision" means a formal action by the local government unit or delegated staff to approve, approve with conditions, or deny an application.

Subp. ~~13a~~X. **Degraded wetland.** "Degraded wetland" means a wetland that provides minimal wetland function and value due to human activities such as drainage, diversion of watershed, filling, excavating, pollutant runoff, and vegetative or adjacent upland manipulation.

Subp. X. **Determination or determine.** "Determination" or "Determine" refers to a technical finding by the technical evaluation panel or local government unit staff.

Subp. ~~14~~X. **Ditch.** "Ditch" means an open channel to conduct the flow of water, as defined in Minnesota Statutes, section 103E.005, subdivision 8.

Subp. ~~15~~X. **Drain or drainage.** "Drain" or "drainage" means any method for removing or diverting waters from wetlands. The methods shall include, but are not limited to, excavation of an open ditch, installation of subsurface drainage tile, filling, diking, or pumping.

Subp. ~~16~~X. **Drainage system.** "Drainage system" means a system of ditch or tile, or both, to drain property, including laterals, improvements, and improvements of outlets.

Subp. ~~17~~X. **Excavation.** "Excavation" means the displacement or removal of substrate, sediment, or other materials by any method.

Subp. ~~18~~X. **Fill.** "Fill" means any solid material added to or redeposited in a wetland that would alter its cross-section or hydrological characteristics, obstruct flow patterns, change the wetland boundary, or convert the wetland to a nonwetland. It does not include posts and pilings for linear projects such as bridges, elevated walkways, or powerline structures, or structures traditionally built on pilings such as docks and boathouses. It does include posts and pilings that result in bringing the wetland into a nonaquatic use or significantly altering the wetland's functions and values, such as the construction of office and industrial developments, parking structures, restaurants, stores, hotels, housing projects, and similar structures. It does not include slash or woody vegetation, if the slash or woody vegetation originated from vegetation growing in the wetland and does not impair the flow or circulation of water or the reach of the wetland.

Subp. ~~18a~~X. **50 to 80 percent area.** "50 to 80 percent area" means a county or watershed with at least 50 percent but less than 80 percent of the presettlement wetland acreage intact.

~~Subp. 19. **Floodplain wetland.** "Floodplain wetland" means a wetland located in the floodplain of a watercourse, with no well defined inlets or outlets, including tile systems, ditches, or natural watercourses. This may include the floodplain itself when it exhibits wetland characteristics.~~

~~Subp. 20. **Flow-through wetland.** "Flow-through wetland" means a wetland with both a well defined outlet and one or more well defined inlets, including tile systems, ditches, or natural watercourses.~~
Subp. ~~20a~~X. **Greater than 80 percent area.** "Greater than 80 percent area" means a county or watershed where 80 percent or more of the presettlement wetland acreage is intact and:
A. ten percent or more of the current total land area is wetland; or
B. 50 percent or more of the current total land area is state or federal land.
Subp. ~~20b~~X. **Hayland.** "Hayland" means an area that was mechanically harvested or that was planted with annually seeded crops in a crop rotation seeded to grasses or legumes in six of the last ten years.
Subp. ~~21~~X. **Hydric soils.** "Hydric soils" means soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.
Subp. ~~22~~X. **Hydrophytic vegetation.** "Hydrophytic vegetation" means macrophytic plant life growing in water, soil, or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.
Subp. ~~23~~X. **Impact.** "Impact" means a loss in the quantity, quality, or biological diversity of a wetland caused by draining~~,~~ or filling of wetlands, wholly or partially, or ~~excavating, as described in part 8420.0105~~ by excavation in the permanently and semi-permanently flooded areas of type 3, 4, or 5 wetlands, and in all wetland types if the excavation results in filling, draining, or conversion to nonwetland.
Subp. ~~24~~X. **Impacted wetland.** "Impacted wetland" means a wetland that has been partially or wholly subjected to an impact.
Subp. X. **Indirect impact.** "Indirect impact" means an impact that is the result of an activity that occurs outside of the wetland boundary.
Subp. ~~25~~X. **Infrastructure.** "Infrastructure" means public water facilities, storm water and sanitary sewer piping, outfalls, inlets, street subbase, roads, and ditches, culverts, bridges, and any other work defined specifically by a local government unit as constituting a capital improvement within the context of an approved development plan.
~~Subp. 26. [Repealed, 22 SR 1877]~~
~~Subp. 27. [Repealed, 22 SR 1877]~~
~~Subp. 28. **Isolated wetland.** "Isolated wetland" means a wetland without well defined inlets or outlets, including tile systems, ditches, or natural watercourses.~~
Subp. ~~29~~X. **Landowner.** "Landowner" means a person or entity having the rights necessary to drain, excavate, or fill a wetland, or to establish and maintain a replacement or banked wetland. Typically, the landowner is a fee title owner or a holder of an easement, license, lease, or rental agreement providing the necessary rights. The right must not be limited by a lien or other encumbrance that could override the obligations assumed with the replacement or banking of a wetland.
Subp. ~~29a~~X. **Less than 50 percent area.** "Less than 50 percent area" means a county or watershed with less than 50 percent of the presettlement wetland acreage intact or any county or watershed not defined as a greater than 80 percent area or 50 to 80 percent area.
Subp. ~~30~~X. **Local government unit.** "Local government unit" means:
A. outside of the seven-county metropolitan area, a city council, county board of commissioners, or soil and water conservation district or their delegate;
B. in the seven-county metropolitan area, a city council, a town board, a watershed management organization under Minnesota Statutes, section 103B.205, subdivision 13, or soil and water conservation district or their delegate; and
C. in those cases where an activity or replacement will occur on state land, the agency with administrative responsibility for that land.
Subp. ~~30a~~X. **Local water plan.** "Local water plan" means either a watershed plan pursuant to Minnesota Statutes, sections 103B.201 to 103B.255, a comprehensive local water management plan pursuant to Minnesota Statutes, sections 103B.301 to 103B.355, or a watershed management plan pursuant to Minnesota Statutes, section 103D.401.
Subp. X. **Major watershed.** "Major watershed" means the 81 major watershed units delineated by the map "State of Minnesota Watershed Boundaries - 1979" as produced by the Minnesota Department of Natural Resources.
Subp. ~~31~~X. **Mining.** "Mining" means the removal of peat and metallic minerals as provided in Minnesota Statutes, sections 93.461 and 93.481.

Subp. ~~31a~~X. **Minor watershed.** "Minor watershed" means one of the 5,600 minor watersheds established by the Minnesota Department of Natural Resources for the "1979 Watershed Mapping Project" pursuant to Laws 1977, chapter 455, section 33, subdivision 7, paragraph (a).
Subp. ~~31b~~X. **Municipal.** "Municipal" means within a municipality as defined in Minnesota Statutes, section 103G.005, subdivision 12.
~~Subp. 31c. New wetland credit or NWC. "New wetland credit" or "NWC" means wetland replacement credit that can be used for any portion of wetland replacement.~~
Subp. ~~31d~~X. **Native vegetation.** "Native vegetation" means plant species that are indigenous to Minnesota, or that expand their range into Minnesota without being intentionally or unintentionally introduced by human activity and are classified as native in the Minnesota Plant Database (Minnesota DNR, 2002).
~~Subp. 32. Nondegraded wetland. "Nondegraded wetland" means a wetland that has not been degraded by human activities.~~
Subp. ~~32a~~X. **Noninvasive vegetation.** "Noninvasive vegetation" means plant species that do not typically invade or rapidly colonize existing, stable plant communities.
Subp. ~~32b~~X. **Nonwetland.** "Nonwetland" means upland areas or previously converted areas that do not meet the criteria for classification as a jurisdictional wetland using the United States Army Corps of Engineers Wetland Delineation Manual (January 1987) and deepwater habitats identified using "Classification of Wetlands and Deepwater Habitats of the United States" (Cowardin et al., 1979 edition).
Subp. ~~32c~~X. **On-site.** "On-site" means within or directly adjacent to a project.
Subp. X. **Ordinance.** "Ordinance" means a body of regulations developed, approved, and implemented by a county, city, or township as authorized by Minnesota Statutes, section XXXX.
Subp. ~~33~~X. **Pasture.** "Pasture" means an area that was grazed by domesticated livestock or that was planted with annually seeded crops in a crop rotation seeded to grasses or legumes in six of the last ten years.
Subp. ~~34~~X. **Peace officer.** "Peace officer" has the meaning given it in Minnesota Statutes, section 626.84.
Subp. ~~34a~~X. **Permanently and semipermanently flooded area of a type 3, 4, or 5 wetland.** "Permanently and semipermanently flooded area of a type 3, 4, or 5 wetland" means the portion of a type 3, 4, or 5 wetland below the level where the water has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly the point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.
Subp. X. **Plant community.** "Plant community" means a wetland plant community classified according to Wetland Plants and Plant Communities of Minnesota & Wisconsin (S. Eggers and D. Reed 1997).
Subp. ~~34b~~X. **Presettlement wetland.** "Presettlement wetland" means a wetland or public waters wetland that existed in Minnesota at the time of statehood in 1858.
Subp. ~~35~~X. **Project.** "Project" means a specific plan, contiguous activity, proposal, or design necessary to accomplish a goal as defined by the local government unit. As used in this chapter, a project may not be split into components or phases for the ~~sole~~ purpose of gaining additional exemptions.
Subp. ~~36~~X. **Project-specific.** "Project-specific" means the applicant for the replacement plan approval ~~will construct~~ provides the replacement as part of the project, rather than obtain the replacement from a wetland bank.
Subp. ~~37~~X. **Public transportation project.** "Public transportation project" means a project conducted by a public agency involving transportation facilities open to the public.
~~Subp. 37a. Public value credit or PVC. "Public value credit" or "PVC" means wetland replacement credit that can only be used for the portion of wetland replacement required above a 1:1 ratio.~~
Subp. ~~38~~X. **Public value of wetlands.** "Public value of wetlands" means the ~~public~~ importance and benefit to the public ~~and use of wetlands as determined based upon an assessment of~~ derived from the wetland functions listed in part 8420.~~0103~~XXXX.
Subp. ~~39~~X. **Public waters wetlands.** "Public waters wetlands" means public waters wetlands, as defined in chapter 6115.
Subp. ~~39a~~X. **Public waters.** "Public waters" means public waters as defined in part 6115.~~0170~~XXXX.
Subp. ~~40~~X. **Replacement wetland.** "Replacement wetland" means a wetland restored or created or an area designated in part 8420.~~0541~~XXXX, or the equivalent, to replace wetland area or public values of wetland functions lost at an impacted wetland.

Subp. ~~40a~~X. **Responsible party.** "Responsible party" means an individual, business, or other organization causing the draining, excavation, or filling of wetlands on the property of another, with or without the landowner's permission or approval.
Subp. ~~41~~X. **Restoration.** "Restoration" means reestablishment of an area that was historically wetlands or remains as a degraded wetland.
~~Subp. 42. **Right-of-way acreage.** "Right-of-way acreage" has the meaning given it in Minnesota Statutes, section 103E.285, subdivision 6.~~
~~Subp. 43. **Riverine wetland.** "Riverine wetland" means a wetland contained within the banks of a channel that may contain moving water or that forms a connecting link between two bodies of standing water.~~
~~Subp. 44. [Repealed, 27 SR 135]~~
Subp. X. **Rule.** "Rule" means a body of regulations developed, approved, and implemented by a watershed management organization as authorized by Minnesota Statutes, section XXXX.
~~Subp. 44a. **Shoreland wetland.** "Shoreland wetland" means a wetland located in the shoreland wetland protection zone.~~
Subp. ~~44b~~X. Shoreland or **Shoreland wetland protection zone.**
A. For local government units that have a shoreland management ordinance approved under Minnesota Statutes, sections 103F.201 to 103F.221, "shoreland" or "shoreland wetland protection zone" means:
(1) 1,000 feet from the ordinary high water level of a water basin that is a public water identified in the shoreland management ordinance or the shoreland area approved by the commissioner as provided in the shoreland management rules adopted under Minnesota Statutes, section 103F.211, whichever is less; or
(2) 300 feet from the ordinary high water level of a watercourse identified in the shoreland management ordinance or the shoreland area approved by the commissioner as provided in the shoreland management rules adopted under Minnesota Statutes, section 103F.211, whichever is less; and
B. For local government units that do not have a shoreland management ordinance approved under Minnesota Statutes, sections 103F.201 to 103F.221, "shoreland" or "shoreland wetland protection zone" means:
(1) 1,000 feet from the ordinary high water level of a water basin that is a public water that is at least ten acres in size within municipalities and at least 25 acres in size in unincorporated areas; or
(2) 300 feet from the ordinary high water level of a watercourse identified by the public waters inventory under Minnesota Statutes, section 103G.201.
Subp. ~~45~~X. **Silviculture.** "Silviculture" means the management of forest trees.
Subp. ~~46~~X. **Soil and water conservation district.** "Soil and water conservation district" means a legal subdivision of state government under Minnesota Statutes, chapter 103C.
~~Subp. 47. [Repealed, 22 SR 1877]~~
Subp. ~~47a~~X. **State wetland banking system, wetland bank, or bank.** "State wetland banking system," "wetland bank," or "bank" means a system of identifying wetlands restored or created for replacement credit, providing for, and facilitating and tracking the exchange of wetland banking credits for projects that require replacement plans or wetland mitigation required by other local, state, or federal authorities.
Subp. ~~47b~~X. **Structure.** "Structure" means any object erected or placed in, under, over, or anchored or attached to, a wetland area.
~~Subp. 48. **Tributary wetland.** "Tributary wetland" means a wetland with a well defined outlet, including tile systems, ditches, or natural watercourses, but without a well defined inlet.~~
Subp. ~~49~~X. **Utility.** "Utility" means a sanitary sewer, storm sewer, potable water distribution, and transmission, distribution, or furnishing, at wholesale or retail, of natural or manufactured gas, petroleum products, electricity, telephone, or radio service or communications.
Subp. ~~50~~X. **Watershed.** "Watershed" means ~~the 81 major watershed units delineated by the map "State of Minnesota Watershed Boundaries - 1979" as produced by the Minnesota Department of Natural Resources, Office of Planning and Research, Water Policy Planning Program, with funding from the Legislative-Citizen Commission on Minnesota Resources~~ a land area that drains to a common waterway, such as a stream, lake, estuary, or wetland.
Subp. ~~51~~X. **Watershed management organization.** "Watershed management organization" means a watershed district wholly within the metropolitan area or a joint powers entity established wholly or partly within the metropolitan area by special law or by agreement that performs some or all of the functions of a watershed district for a watershed and that has the characteristics and the authority specified under

Minnesota Statutes, section 103B.211. Lake improvement or conservation districts are not watershed management organizations.

~~Subp. 51a. **Wetland banking credits.** "Wetland banking credits" means acres or parts of acres of restored or created wetland or adjacent upland buffer described by type and topographic setting, or areas as described in parts 8420.0540 and 8420.0541, that have been approved for deposit in the wetland bank.~~

Subp. ~~52~~X. **Wetlands, a wetland, the wetland, or wetland area.**

A. "Wetlands" means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water.

For purposes of this subpart, wetlands must:

(1) have a predominance of hydric soils;

(2) be inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and

(3) under normal circumstances, support a prevalence of hydrophytic vegetation.

B. "A wetland" or "the wetland" means a distinct hydrologic feature with characteristics of item A, surrounded by nonwetland and including all contiguous wetland types, except those connected solely by riverine wetlands. "Wetland area" means a portion of "a wetland" or "the wetland."

C. Wetlands does not include public waters wetlands and public waters unless reclassified as wetlands by the commissioner under Minnesota Statutes, section 103G.201.

D. The wetland size is the area within its boundary. The boundary must be determined according to the United States Army Corps of Engineers Wetland Delineation Manual (January 1987). The wetland type must be determined according to United States Fish and Wildlife Service Circular No. 39 (1971 edition). The local government unit may seek the advice of the technical evaluation panel as to the wetland size and type.

Subp. ~~53~~X. **Wetlands in a cultivated field.** "Wetlands in a cultivated field" means a wetland where greater than 50 percent of its boundary abuts land that was in agricultural crop production in six of the ten years before January 1, 1991.

Subp. ~~54~~X. **Wetlands located on agricultural land.** "Wetlands located on agricultural land" means a wetland where greater than 50 percent of its boundary abuts agricultural land.

Subp. ~~54a~~X. **Wetland type** or type**.** "Wetland type" or "type" means a wetland type classified according to Wetlands of the United States, United States Fish and Wildlife Service Circular 39 (1956 and 1971 editions), as summarized in this subpart. "Classification of Wetlands and Deepwater Habitats of the United States" (Cowardin et al., 1979 edition) is a separate, parallel wetland typing system that may be used to characterize components of a wetland.

A. "Type 1 wetlands" are seasonally flooded basins or flats in which soil is covered with water or is waterlogged during variable seasonal periods but usually is well-drained during much of the growing season. Type 1 wetlands are located in depressions and in overflow bottomlands along watercourses, and in which vegetation varies greatly according to season and duration of flooding and includes bottomland hardwoods as well as herbaceous growths.

B. "Type 2 wetlands" are inland fresh meadows in which soil is usually without standing water during most of the growing season but is waterlogged within at least a few inches of the surface. Vegetation includes grasses, sedges, rushes, and various broad-leafed plants. Meadows may fill shallow basins, sloughs, or farmland sags, or may border shallow marshes on the landward side.

C. "Type 3 wetlands" are inland shallow fresh marshes in which soil is usually waterlogged early during a growing season and often covered with as much as six inches or more of water. Vegetation includes grasses, bulrushes, spikerushes, and various other marsh plants such as cattails, arrowheads, pickerelweed, and smartweeds. These marshes may nearly fill shallow lake basins or sloughs, or may border deep marshes on the landward side and are also common as seep areas on irrigated lands.

D. "Type 4 wetlands" are inland deep fresh marshes in which soil is usually covered with six inches to three feet or more of water during the growing season. Vegetation includes cattails, reeds, bulrushes, spikerushes, and wild rice. In open areas, pondweeds, naiads, coontail, water milfoils, waterweeds, duckweeds, water lilies, or spatterdocks may occur. These deep marshes may completely fill shallow lake basins, potholes, limestone sinks, and sloughs, or may border open water in such depressions.

E. "Type 5 wetlands" are inland open fresh water, shallow ponds, and reservoirs in which water is usually less than ten feet deep and is fringed by a border of emergent vegetation similar to open areas of type 4 wetland.

F. "Type 6 wetlands" are shrub swamps in which soil is usually waterlogged during growing season and is often covered with as much as six inches of water. Vegetation includes alders, willows, buttonbush, dogwoods, and swamp privet. This type occurs mostly along sluggish streams and occasionally on floodplains.
G. "Type 7 wetlands" are wooded swamps in which soil is waterlogged at least to within a few inches of the surface during growing season and is often covered with as much as one foot of water. This type occurs mostly along sluggish streams, on floodplains, on flat uplands, and in shallow basins. Trees include tamarack, arborvitae, black spruce, balsam, red maple, and black ash. Northern evergreen swamps usually have a thick ground cover of mosses. Deciduous swamps frequently support beds of duckweeds and smartweeds.
H. "Type 8 wetlands" are bogs in which soil is usually waterlogged and supports a spongy covering of mosses. This type occurs mostly in shallow basins, on flat uplands, and along sluggish streams. Vegetation is woody or herbaceous or both. Typical plants are heath shrubs, sphagnum moss, and sedges. In the north, leatherleaf, Labrador-tea, cranberries, carex, and cottongrass are often present. Scattered, often stunted, black spruce and tamarack may occur.

8420.~~0112~~XXXX INCORPORATION BY REFERENCE.
This chapter incorporates by reference the following documents and any subsequent updates, addenda, or derivations related to them, as approved by the board:
A. Wetlands of the United States (United States Fish and Wildlife Service Circular No. 39, 1956 and 1971 editions).
B. United States Army Corps of Engineers Wetland Delineation Manual (January 1987).
C. Classification of Wetlands and Deepwater Habitats of the United States (Cowardin, et al., 1979 edition).
D. Criteria and Guidelines for Assessing Geologic Sensitivity of Groundwater Resources in Minnesota (Minnesota Department of Natural Resources, 1991).
E. United States Geological Survey Hydrologic Unit Map for Minnesota (1974).
F. National Wetland Inventory maps (United States Fish and Wildlife Service).
G. Growing Energy Crops on Minnesota Wetlands: The Land Use Perspective, Anderson and Craig, 1984.
H. Wetland Restoration Guide, Minnesota Board of Water and Soil Resources (December 1982).
I. Vegetation in Restored and Created Wetlands, Minnesota Board of Water and Soil Resources, September 2000.
J. 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.
K. Sustaining Minnesota Forest Resources: Voluntary Site-Level Forest Management Guidelines for Landowners, Loggers and Resource Managers. Minnesota Forest Resources Council, St. Paul, 1999.
L. Minnesota Construction Site Erosion and Sediment Control Planning Handbook. Minnesota Board of Water and Soil Resources and the Association of Metropolitan Soil and Water Conservation Districts, St. Paul, 1988.
M. Agriculture and Water Quality: Best Management Practices for Minnesota, Minnesota Pollution Control Agency, St. Paul, 1991.
N. Storm-Water and Wetlands: Planning and Evaluation Guidelines for Addressing Potential Impacts of Urban Storm-Water and Snow-Melt Runoff on Wetlands, Minnesota Storm-Water Advisory Group, 1997.
O. Minnesota Plant Database, Minnesota Department of Natural Resources, St. Paul, 2002.
P. Wetland Plants and Plant Communities of Minnesota & Wisconsin (S. Eggers and D. Reed 1997).
These documents are available through the State Law Library, except the National Wetland Inventory maps, which are available at Minnesota soil and water conservation district offices. Except for the Minnesota Plant Database in item O, none of the documents are subject to frequent change.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Wetland Conservation Act Permanent Rulemaking
Summary of Significant Revisions

December 17, 2008

The Wetland Conservation Act (WCA) permanent rulemaking process included extensive staff involvement and public input, and resulted in substantial revisions to the rule. The resolution of each issue was based on detailed discussions, consideration of implications, and a strong rationale. This summary is intended to provide a brief overview of significant changes to the rule.

Rule organization and order.
Stakeholders and staff identified reorganization of the rule as the single most important and easiest way to simplify and clarify the rule. In the draft rule, related requirements that were previously located in different areas of the rule are consolidated under common headings. In addition, the draft rule follows a more intuitive order – the order in which an applicant or local government unit (LGU) would go through when starting or reviewing a project. The draft rule starts with Purpose and Scope, followed by LGU Duties and Procedures, and continuing through Appeals and Enforcement.

Scope, No-Loss, and Exemption Framework.
The current WCA rule does not clearly differentiate between types of activities that are identified in the scope of the rule, as a no-loss, or as an exemption. Including activities that do not result in permanent wetland impacts under an exemption and some that do under scope or no-loss is confusing, results in inaccurate data on wetland losses, and complicates policy issues such as how the rule treats road ditches through upland. The draft rule clarifies the distinctions between activities in scope versus an exemption versus a no-loss as follows:

- Scope contains those landscape features that may be wetland but are not regulated by WCA (i.e. road ditches in upland) and activities in certain wetland types that are not regulated because statute does not allow it. In essence, scope contains wetlands and activities that are "non-jurisdictional" to WCA.
- No-Losses are activities in wetlands that do not typically impact wetlands or result in a permanent loss of wetland functions, but could if conducted differently. For example, removal of debris from a wetland typically does not result in a loss, but if that removal results in fill or changes the wetland cross section, a loss could result.
- Exemptions are impacts to wetlands where replacement is not required.

The above solutions provide a consistent framework for dealing with wetlands and activities in wetlands that are not regulated or do not require replacement. The end result does not effectively change how WCA is applied or the implementation of statutory intent. It does, however, simplify and clarify the rule while improving the accuracy of data reported on jurisdictional wetlands lost due to exemptions, which is consistent with the direction from the legislature to obtain improved data on exemptions.

LGU reporting.
Currently, only those LGUs who receive funding through the Natural Resources Block Grant are required to annually report their WCA implementation activities to the Board. While this covers most WCA activities, there are gaps; specifically some cities, townships and watershed districts. The draft rule requires all LGUs to report annually to the Board. Required reporting will provide more accurate and complete data, and is consistent with the direction from the legislature to obtain improved data on exemptions.

Landowner reporting of exemptions.
The 2007 Minnesota Legislature directed the Board to develop rules that (1) address the application and implementation of WCA exemptions, and that (2) provide for estimates and reporting of exempt wetland impacts, specifically the drainage, utilities/public works, and de minimis exemptions. This directive is addressed through several provisions in the draft rule and non-rule initiatives. Landowner reporting of exemptions was an additional option discussed during the rulemaking process, with a significant amount disagreement among stakeholders. At the November 20, 2008 meeting of the Board's Wetland Committee, the Committee added to the draft rule the requirement for landowners to report information on the use of exemptions to the Board. The details of the requirement, including development of the reporting mechanism, its implementation, and potential enforcement will be developed during the implementation of the revised rule.

Replacement credit system.
A major component of the Wetland Mitigation Memorandum of Understanding (MOU) between the U.S. Army Corps of Engineers (Corps) and the Board is the use of a single credit system for allocating replacement credit. WCA currently uses both "New Wetland Credit" (NWC) and "Public Value Credit" (PVC). The draft rule eliminates the two-credit system in favor of a single credit system where all replacement actions are allocated one type of credit.

Conversion of existing credit.
Changing to a single replacement credit system requires addressing existing PVC that has been deposited in the state wetland bank or included in an approved replacement plan prior to the effective date of the revised rule. The existing PVC consists mainly of upland buffer, with a small amount of PVC derived from wetland related activities. WCA currently allows 100% PVC for upland buffer and varying amounts for eligible wetland related activities. The sale price of banked PVC versus NWC provides an indication of the use and value of PVC. An analysis of sale prices indicates that PVC has roughly 95% of the value of NWC. The draft rule requires conversion of existing PVC on the effective date of the rule according to the following:

- Up to 100% replacement credit for existing PVC derived from activities within wetlands.
- Up to 90% replacement credit for existing PVC derived from upland buffers.

Replacement.
A significant amount of stakeholder comments requested simplification of the replacement requirements, many of which are also contained in the MOU. Many of the comments requested a greater focus on requirements that are implementable and will result in improved wetland quality and function. The draft rule simplifies the table of replacement ratios and creates an incentive based system with a preference for replacement through banking.

- In-kind. The draft rule does not use in-kind to determine replacement ratios when replacement is accomplished via banking. In relation to banking, the objectives of the in-kind requirement will be achieved through the up-front prioritization of replacement sites and a greater incentive for wetland restoration over creation. For project-specific replacement, replacement must be in-kind in order to reduce the replacement ratio. However, the draft rule allows hydrology, landscape position, and watershed considerations to play a greater role in determining in-kind, while the current WCA rule only uses plant communities in this determination.
- In-place. The draft rule places a greater emphasis on replacement within the watershed or bank service area. For replacement via banking, the replacement ratio can only be reduced when the replacement is in the same bank service area. For project-specific replacement, the replacement ratio can only be reduced when the replacement is within the same watershed (in addition to in-kind).
- In-advance. For purposes of reducing the replacement ratio, the draft rule defines in-advance as banking. Therefore, the only way to achieve a reduction in the replacement ratio for being in-advance is to provide replacement via banking.

Watershed approach.
The new Federal Mitigation Rule was released in 2008 during the rulemaking process. It includes the requirement for a "watershed approach" to mitigation. The draft rule contains several provisions to provide for a greater focus on replacement sites that are ecologically suitable, sustainable, and will provide the greatest public value based on the needs of the watershed. This will allow for greater consistency with the Federal Rule and should result in improved wetland replacement.

Financial assurance.
One of the rulemaking goals was to improve accountability and outcomes. Improving the quality of replacement wetlands has also been an ongoing objective of WCA implementation. Many of our LGUs and other stakeholders identified financial assurance as an important element of achieving these goals. Currently, WCA requires financial assurance in certain situations (i.e. when created wetlands are proposed for replacement credit). The draft rule requires financial assurance for all project-specific replacement that is not in-advance, while allowing the LGU the ability to waive the requirement if it determines it is not necessary to ensure successful replacement.

Actions eligible for credit.
Various changes were made to the Actions Eligible for Credit provisions. Actions related to upland buffers, wetland creations, and preservation are the most notable proposed changes.

- Upland buffer areas. With the switch to a single credit system, the upland buffer areas action eligible for credit changed significantly. The MOU calls for buffer credit to be typically allocated at 25% (i.e. 1 acre of land results in 0.25 acres of credit), while nearly all of our stakeholders have indicated that the amount of credit needs to be significantly higher than 25%. The draft rule requires buffers around all replacement wetlands with a minimum width of 25 feet and an average width of 50 feet, with exceptions and the ability of the LGU to vary the requirement. A base credit amount is allocated at 25% with the ability to increase the credit amount up to 50% when the buffer provides significant functional benefits. The draft language intends to balance staff and stakeholder input with consistency with the Corps as outlined in the MOU. It also intends to balance the replacement of wetland acres (quantity) with the need for improved function and sustainability (quality and biological diversity) of replacement wetlands.

- Wetland creations. Water quality treatment areas and wetlands established via mineral extraction site reclamation are separate subparts in the current WCA rule. The draft rule consolidates them in the wetland creations action. Additionally, the amount of credit allowed is reduced to 75%. This credit reduction addresses concerns over the quality of created wetlands, creates an incentive for restorations, provides consistency with a watershed approach to replacement, and allows for simplification and flexibility in other parts of the rule, particularly in-kind.

- Preservation. Currently, WCA does not include a provision to allow for credit for preservation as a stand-alone replacement action. The MOU and staff support the use of preservation for replacement credit. In 2008, legislation was passed specifically allowing for the use of preservation as replacement credit, but limited it to wetlands owned by the state or a local unit of government in greater than 80 percent areas. The draft rule allows for up to 12.5% credit for preservation of high valued wetlands under threat of degradation or loss in instances of public ownership as required by statute.

Replacement wetland monitoring.
Providing for greater consistency in the implementation of monitoring requirements by both applicants and LGUs was identified as necessary to improve the quality of replacement wetlands. Current WCA requires monitoring and certification of construction, but contains very little detail. The draft rule builds on the existing requirement and clearly lays out the process, timelines, and responsibilities for replacement wetland construction certification and monitoring. The draft rule also utilizes the technical evaluation panel to a greater extent in making the technical determination of replacement wetland success.

Comprehensive wetland protection and management plans.
Three objectives relating to wetland planning were identified: clarification of the process, a greater focus on selection of replacement types and locations under a watershed approach, and plans that allow for recognition by the Corps. The draft rule provides greater detail on the plan development and approval process, including increased consistency with water planning processes and the involvement of the Corps. The draft rule also requires the inventory and prioritization of replacement sites, an increased focus on watersheds, and a provision for periodic assessment of plan effectiveness.

Enforcement.
The draft rule allows the Soil and Water Conservation District (SWCD) to request assistance from the LGU in inspecting violations and preparing a restoration plan. The draft rule also clearly differentiates between issues that are purely technical vs. those that include an enforcement component. The Technical Evaluation Panel (TEP) is utilized for making technical determinations while requirements were added for the SWCD and TEP to involve the enforcement authority early and throughout the process of developing the restoration plans and dealing with potential violations.

Appeals.
When an appeal of an LGU decision is made to the Board, the draft rule now only requires one copy of the written record be forwarded to the Board. The Board will be responsible for making copies of the record and forwarding to the parties of the appeal. This may result in an increase in Board appeal costs, but will provide consistency and a reduction in LGU workload.

WETLAND CONSERVATION ACT
Permanent Rulemaking Chronology

May 9, 2007	Statutory amendments enacted, including requirement to adopt temporary rules within 90 days.
August 6, 2007	Temporary rules published in the State Register, become effective. Request for comments on planned amendments to rules governing wetland conservation published in the State Register.
September 20, 2007	Comment period on planned amendments to rules governing wetland conservation ends.
October-December 2007	Meetings with representatives of environment, agriculture, business, and local government organizations to discuss WCA rule process and issues.
October 25, 2007	Staff rule team formed and holds first meeting.
January 2008	Local government listening sessions in Cloquet, Brainerd, Thief River Falls, Fergus Falls, Marshall, New Ulm, and Rochester.
January 7, 2008	First meeting of Technical Advisory Committee, consisting of local government staff and consultants. This Committee met 11 times through October 6, 2008.
January 31, 2008	First meeting of WCA Permanent Rule Advisory Committee, consisting of numerous stakeholder organizations and state and federal agencies. This Committee met 11 times through October 23, 2008.
March 25, 2008	Wetland Committee meets to review rule issues and provide direction to staff. The Committee met 6 times during the rule development process with another meeting scheduled for December 16, 2008.
April 12, 2008	Presentation on WCA Rulemaking at Wetlands Summit.
August-September 2008	Numerous meetings with the U.S. Army Corps of Engineers, St-Paul District to discuss WCA rule, District Guidance, and the Wetland Mitigation Memorandum of Understanding.

October-November 2008	Meetings with Wetlands for Minnesota, Builders Association of the Twin Cities, Builders Association of Minnesota, Sierra Club, Minnesota Center for Environmental Advocacy, representatives of agricultural organizations, and a presentation at the Water Resources Conference in St. Paul.
November 20, 2008	Wetland Committee meets and recommends the Board adopt the draft rule and authorize formal rulemaking.
December 17, 2008	Board meets to consider the draft WCA rule amendments and the Wetland Committee's recommendation.

December 2008	* Rule submitted to the Revisor of Statutes and Governor's Office. * Submit request to Office of Administrative Hearings to schedule a rule hearing(s).
January 2009	* Publish notice in State Register of (1) intent to adopt Rule amendments and (2) request for comments. * Legislature and interested persons are notified of the rule amendments.
February-March 2009	* Public Hearings.
March 2009	* Comment period closes, following public hearings. * Wetland Committee meets to consider rule issues.
April 2009	* Administrative Law Judge (ALJ) completes report on the proposed adoption of the rules.
May 2009	* BWSR reviews ALJ report, consider and/or make changes based on comments and/or ALJ report. * Wetland Committee considers rule issues, including adoption of the final Rule.
June 2009	* Submit rules to chief ALJ. * Board adopts final Rule.
July 2009	* Office of Administrative Hearings files approved rules with Secretary of State. * Revisor of Statutes prepares notice of adoption. * BWSR submits notice of adoption of rule amendments to the State Register.
August 2009	* Amended rule published in the State Register.

Resolution # _____

Wetland Conservation Act:
Adopt Draft Rule Amendments and Authorize Formal Rulemaking

WHEREAS, the Board of Water and Soil Resources is required by Laws of Minnesota 2007, Chapter 57, Section 166 to adopt rules amending the Wetland Conservation Act Rules (Minn. Rule Chapter 8420);

WHEREAS, the Board adopted exempt rules on August 6, 2007, which expire two years from this date, unless superseded by permanent rules prior to this date;

WHEREAS, a notice of request for comments on planned amendments to the rules governing wetland conservation (WCA-Minn. Rule Chapter 8420) was published in the State Register on August 5, 2007;

WHEREAS, a BWSR Staff WCA Rule Team was formed that has met 18 times from October 2007 through October 2008;

WHEREAS, significant stakeholder input was achieved through:
(i) series of stakeholder meetings held in October-December 2007;
(ii) a series of local government listening sessions held in January 2008;
(iii) a Technical Advisory Committee and a Permanent Rule Advisory Committee that each met 11 times from January 2008 through October 2008; and
(iv) numerous additional meetings held with individual interest groups;

WHEREAS, the proposed rule includes changes necessary to:
(i) incorporate the rule changes in the exempt rule;
(ii) incorporate statutory changes made in 2007 and 2008;
(iii) implement the BWSR-U.S. Army Corps of Engineers Wetland Mitigation Memorandum of Understanding adopted by the Board on May 23, 2007; and
(iv) incorporate suggestions identified by BWSR staff and stakeholders that will improve WCA effectiveness and efficiency;

WHEREAS, the Board's Wetland Committee met on July 23, September 24, October 21, and November 20 to review the draft rule, provide direction to staff, and develop a recommendation regarding adoption of the rule for the Board consideration; and

WHEREAS, the Wetland Committee on November 20 is recommending the Board adopt the draft rule and authorize staff to proceed with formal rulemaking.

NOW THEREFORE BE IT RESOLVED, the Board of Water and Soil Resources hereby adopts the draft Wetland Conservation Act permanent rule (Minn. Rule Chapter 8420) and authorizes staff to:
(i) complete the Statement of Need and Reasonableness associated with the rule;
(ii) seek approval from the Governor's Office to proceed with adopting the rule;

(iii) submit the rule to the Revisor of Statutes for review and approval of the form of the rule; and

(iv) complete the processes necessary to adopt the rule by August 5, 2009.

_____ _____

Randy Kramer, Chair Date

Resolution # 08-114

Wetland Conservation Act:
Adopt Draft Rule Amendments and Authorize Formal Rulemaking

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WHEREAS, the Wetland Committee on November 20 is recommending the Board adopt the draft rule and authorize staff to proceed with formal rulemaking.

NOW THEREFORE BE IT RESOLVED, the Board of Water and Soil Resources hereby adopts the draft Wetland Conservation Act permanent rule (Minn. Rule Chapter 8420) and authorizes staff to:

(i) make minor grammatical, formatting, and reference changes to prepare the rule for publishing;
(ii) complete the Statement of Need and Reasonableness associated with the rule;
(iii) seek approval from the Governor's Office to proceed with adopting the rule;
(iv) submit the rule to the Revisor of Statutes for review and approval of the form of the rule; and
(v) complete the processes necessary to adopt the rule by August 5, 2009.

R/K
Randy Kramer, Chair

12/17/08
Date

Minnesota Board of Water & Soil Resources

DATE: December 12, 2008

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

FROM: John Jaschke, Executive Director

SUBJECT: Supplemental Information for December 17, 2008 Board Meeting

Attached is the R*evised* Preliminary Agenda and additional materials and information that pertain to the Board meeting agenda.

NEW BUSINESS

4. **Red River Valley Restoration Initiative (RRVRI) Establishment** – The attached revised resolution has two provisions that were added:

   WHEREAS *the Minnesota Board of Water and Soil Resources will select and approve project areas for the RRVRI submitted for consideration by the RRMWG;*

   WHEREAS *the Minnesota Board of Water and Soil Resources will acquire RIM Reserve easements and establish conservation practices through the Soil and Water Conservation Districts who are members of the local project work teams, unless otherwise determined locally;*
   DECISION ITEM

9. **Grants Program & Policy Committee Recommendations** – The Grants Program & Policy Committee met this morning to discuss and make recommendations on the following items: The following grant program allocations are being recommended as follows:
   A. '09 Drainage Records Modernization Grant, $500K – Forty six applicants have requested $1.35M
   B. '09 Native Buffer Cost-Share Grants, *$753,000*
   C. '09 Ag-land Hydrologic Restoration Grants, *$532K*
   D. '09 Clean Water Legacy Project Grants, *$2.64M ($1.03M BWSR, $1.61M PCA)*
   E. '09 Red River Basin Commission Annual Plan and $100,000 Allocation Approval
   DECISION ITEMS

10. ***Adoption of 2009 Board Meeting Schedule*** – The attached BWSR Meeting Schedule is proposed for 2009. ***DECISION ITEM***

Please contact me if you have any questions.

Bemidji
701 Minnesota Avenue
Suite 234
Bemidji, MN 56601
phone (218) 755-4235
fax (218) 755-4201

Brainerd
1601 Minnesota Drive
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 Trail
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) 281-7797
fax (507) 285-7144

Saint Paul
520 Lafayette Road N
Saint Paul, MN 55155
phone (651) 296-3767
fax (651) 297-5615

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BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
ST. PAUL, MINNESOTA 55155
WEDNESDAY, DECEMBER 17, 2008

PRELIMINARY AGENDA

******REVISED 12/12/08******

9:00 AM CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF OCTOBER 22, 2008

OPEN MIKE (10-minute agenda time, two-minute limit/person)
Note: for those wishing to provide up to three minutes verbal testimony on the WCA Rule (New Business Item #8) a sign-up sheet will be provided. Written testimony will also be accepted and entered as part of the rule development record.

INTRODUCTION OF NEW BOARD MEMBER
- Rebecca Flood, MPCA

RECOGNITION OF BRIAN KLETSCHER

INTRODUCTION OF NEW EMPLOYEES
- Ryan Hughes

REPORTS
- Chair – Randy Kramer
- Executive Director – John Jaschke
- Dispute Resolution Committee – Randy Kramer
- Wetlands Committee – LuAnn Tolliver
- Grants Program & Policy Committee – Louise Smallidge
- Public Relations, Outreach & Strategic Planning Committee – Brian Napstad
- Administrative Advisory Committee – Randy Kramer

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

1. Lyon County Local Water Management Plan Update – Brian Kletscher – ***DECISION ITEM***

2. Watonwan County Local Water Management Plan Update – Brian Kletscher – ***DECISION ITEM***

3. Rice County Priority Concerns Scoping Document – Brian Kletscher – ***DECISION ITEM***

4. Rice County Request for Extension of the Rice County Comprehensive Water Management Plan – Brian Kletscher – ***DECISION ITEM***

NEW BUSINESS

1. Federal Highway Administration (FHWA) Exemplary Ecosystem Initiative Award - Cheryl Martin, Environmental Engineer, FHWA – ***INFORMATION ITEM***

2. Order Public Hearing for Boundary Change, Withdrawal of Territory and Enlargement of the Cedar River Watershed District (CRWD), the Shell Rock River Watershed District (SRRWD), and the Turtle Creek Watershed District (TCWD) –Travis Germundson – ***DECISION ITEM***

3. RIM Reserve Vegetation Management and Enhancement of Conservation Easement Lands Policy – Kevin Lines – ***DECISION ITEM***

4. Red River Valley Restoration Initiative (RRVRI) Establishment – Kevin Lines – ***DECISION ITEM***

5. Northeast Wetland Mitigation Inventory - Dale Krystosek, BWSR Senior Wetland Specialist and Keith Hanson, Barr Engineering – ***INFORMATION ITEM***

6. Local Road Wetland Replacement Program Project – Dan Girolamo and Dave Weirens – ***DECISION ITEM***

7. Wetland Banking Fee Policy: Update Calculated Wetland Credit Values – Dave Weirens – ***DECISION ITEM***

8. Wetland Conservation Act: Adopt Draft Rule and Authorize Formal Rulemaking – Dave Weirens and Les Lemm – (testimony) ***DECISION ITEM***

9. Grants Program & Policy Committee Recommendations – Louise Smallidge and Wayne Zellmer - The following grant program allocations are being recommended as follows:
   A. '09 Drainage Records Modernization Grant, $500K – Forty six applicants have requested $1.35M

   B. '09 Native Buffer Cost-Share Grants, $753,000

   C. '09 Ag-land Hydrologic Restoration Grants, $532K

   D. '09 Clean Water Legacy Project Grants, $2.64M ($1.03M BWSR, $1.61M PCA)

   E. '09 Red River Basin Commission Annual Plan and $100,000 Allocation Approval

DECISION ITEMS

10. Adoption of 2009 Board Meeting Schedule – John Jaschke – ***DECISION ITEM***

AGENCY REPORTS

- Minnesota Department of Agriculture – Joe Martin
- Minnesota Department of Health – John Linc Stine
- Minnesota Department of Natural Resources – Larry Kramka
- Minnesota Extension Service – Faye Sleeper
- Minnesota Pollution Control Agency – Rebecca Flood

ADVISORY COMMENTS

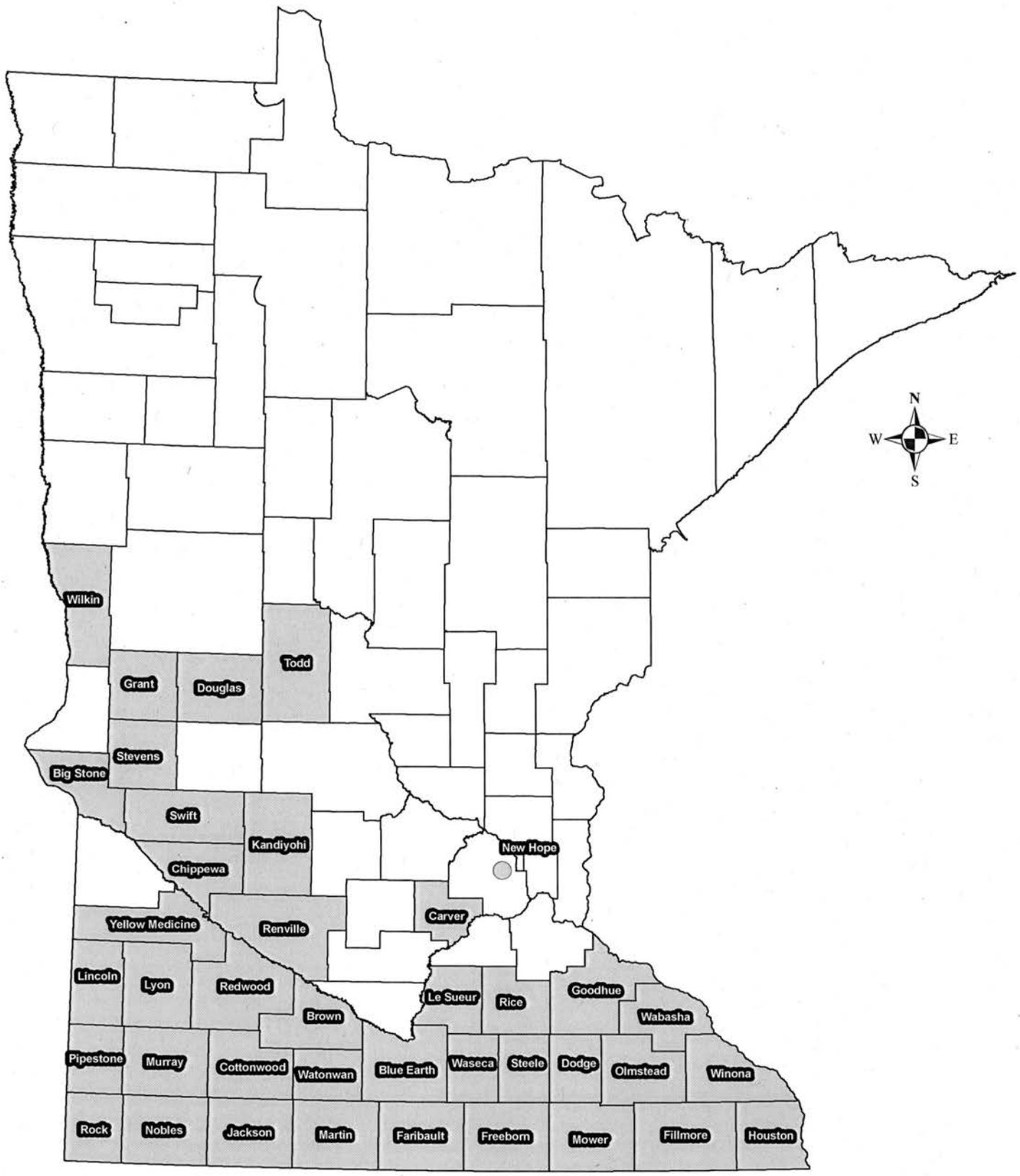
- Association of Minnesota Counties – Annalee Garletz
- Minnesota Association of Conservation District Employees – Rick Reimer
- Minnesota Association of Soil and Water Conservation Districts – LeAnn Buck
- Minnesota Association of Townships – Sandy Hooker
- Minnesota Association of Watershed Districts – Ray Bohn
- Natural Resources Conservation Service – Tim Koehler

UPCOMING MEETINGS

- Next BWSR Board Meeting, January 28, 2009

2:00 PM ADJOURN

Geographic Distribution of Proposed 2009 Clean Water Legacy Grant Recipients



RED RIVER BASIN COMMISSION
ACTIVITY REPORT

www.redriverbasincommission.org

6 November 2008

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. It is organized as a 501(c)(3) tax-exempt corporation in the United States and a registered charity in Canada.

RRBC Vision: A Red River Basin where residents, organizations and governments work together to achieve basin-wide commitment to comprehensive integrated watershed stewardship and management.

RRBC Mission: To develop a Red River Basin integrated natural resources framework plan (NRFP), to achieve commitment to implement the framework plan, and to work toward a unified voice for the Red River Basin.

CURRENT ACTIVITIES:

Red River Basin Commission activities are focused around four centers:

I. **Leadership**
II. **Partnership**
III. **Communications**
IV. **Technical Resource**

The numbers in parenthesis following each section relate to the NRFP goals and objectives.

I. LEADERSHIP CENTER

The activities in this center focus on RRBC activities related to leadership in promoting a basin wide vision for the future through the Natural Resource Framework Plan (NRFP).

A. Plan Implementation Committee: This committee meets four times a year to guide the implementation of the Natural Resources Framework Plan (NRFP). The next meeting is 5 November 2008 and will discuss all WG activities, the IISD project, & data entry on the NRFP Objectives/Actions.

- **Natural Resources Framework Plan (NRFP):** RRBC developed, promotes, and regularly updates the NRFP and is seeking support from others around the basin to do their part to realize the 13 NRFP basin goals and related objectives by their actions. We have received 47 signed "Resolutions of Support" from local governments around the basin who are interested in doing their part to realize the NRFP goals. (1.1.1, 1.1.2)

- **Working Groups (WG):** RRBC has established working groups assist in implementing the NRFP goals, assisting with annual "Updates" on progress, and providing input to the annual conferences as needed. The following WG have been established:
  1. **Watershed WG: Goal # 1:** Will work on the 1st Update for the 2009 conference.
  2. **Integration WG: Goal # 2:** Will work on the 1st Update for the 2009 conference.
  3. **Data and Technical: Goal # 3:** Will work on the 1st Update for the 2009 conference.
  4. **Education and Information: Goal # 4:** Will work on the 1st Update for the 2009 conference.
  5. **FDR: Forecasting: Goal # 5:** The precipitation group is working to identify better and timely communication of precipitation data. Will work on the 1st Update on this goal alone for the 2009 conference.
  6. **FDR: Mitigation: Goal # 6:** Will work on the 3rd Update for the 2009 conference and work with PIC on objectives and action agenda items in the NRFP.
  7. **FDR: Response and Recovery: Goal # 7:** Will work on the 1st Update on this goal alone for the 2009 conference.

8. **Drainage: Goal # 8: Water Quality: Goal # 9:** Will work on the 1st Update for the 2009 conference.
9. **Water Quality:** Goal # 9: Will work on the 3rd Update for the 2009 conference and assist with the annual summit conference agenda.
10. **Water Supply WG: Goal # 10:** Will work on the 2nd Update for the 2009 conference and assist with the annual summit conference agenda. The contract for the Drought Process in complete and the first draft is ready for review. The Drought Conservation/Soft Path project is underway.
11. **Conservation: Goal # 11:** Will work on finalizing the 2008 Update and the 2nd Update for the 2009 conference and assist with the annual summit conference agenda. This WG will also meet to solidify its basin network.
12. **Fish and Wildlife: Goal # 12:** Will work on the 1st Update for the 2009 conference and provide input for the annual summit conference. They have met and began their efforts.
13. **Outdoor Recreation: Goal # 13:** Will work on the 1st Update for the 2009 conference and provide input for the annual summit conference. They have met and began their efforts.

- Task Forces (TF): RRBC establishes task forces as needed to focus on specific strategies or needs for targeted outcomes.
    1. **Agriculture Commodity TF:** RRBC facilitated a meeting of representatives from Agricultural Commodity groups from around the basin to strategize on agricultural issues and the NRFP. Jurisdictional follow up meetings will be held over the winter followed by a basin meeting to explore opportunities for NRFP implementation.

B. Legislative Committee: This committee meets as needed to carry out communication and education for provincial, state, and federal elected officials and their staff to update them on Red River Basin activities, projects, and needs.

- Legislative Meetings: These bring 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 was held for dialogue, presentations on current activities and needs hosted jointly by RRBC, the Red River Watershed Management Board, and the MN Flood Damage Reduction Work Group. The RRWMB has continued these meetings since. Similar meetings in MB, ND, and SD will be held in the future, as needed. A recent meeting with MN legislators was held January 2008 for the upcoming session, again hosted by the RRWMB. RRBC participated. (4.2.12) Legislative briefing meetings for ND and MN upcoming 2009 sessions will be explored.

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 on identified needs. (1.3.1)

- Basin Drought Process Project: A review of the scope of work by a jurisdictional committee has clarified y the project and HDR Engineering has been engaged to carry it out, using funds already secured. A draft is ready for review by the Water Supply WG. (10.1.4)

- Basin Conservation/Soft Path Project: A review of the scope of work by a jurisdictional committee will clarify the project and HDR Engineering will be engaged to carry it out, using funds already secured. The initial scoping is complete and work on the document has begun. (10.1.4)

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 website is www.redriverbasincommission.org.

A. Annual Conference Committee: RRBC holds an annual basin-wide land and water international summit conference begun by TIC in 1983. The 26th Conference will be January 20-22, 2009, at the Ft. Garry Hotel in Winnipeg, Manitoba: Theme: "Shaping the Basin's Future Together" Plans are moving along, speakers & sponsors are being finalized. The conference brochure will be out the first part of November. (4.2.9)

B. Communication Committee: This committee meets in conjunction with the annual conference committee and provides guidance to and ideas for RRBC communication strategies.

- **Newsletter:** RRBC produces a newsletter, "Around the Basin," as needed to keep over 3,800 leaders and stakeholders in the basin informed of water issues and projects around the basin and to use as an outreach tool. This is sent out electronically and is also available in hard copy. The 2008 edition is now available. **(4.2.13)**

- **Water Minutes**: A series of radio spots called "Water Minutes" are produced by RRBC to help educate the public on water issues in the Basin. The Water Minutes air daily on KFGO radio. They began in 2006. Strategies for the northern part of the basin are being added to the 2009 budget. (4.2.14)

- **Ripple Effect:** RRBC regularly produces short articles for local newspapers under the heading *"The Ripple Effect."* Columns focus on topics related to the NRFP goals. Ripple Effect is now produced twice a month. **(4.2.15)**

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. RRBC continues to facilitate these cross-boundary efforts on a regular basis.

- **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 by facilitating their meetings. The last meeting was held in October to develop a strategy for future meetings and activities that can be worked on across the border will comprise the agenda. The next meeting will be in early 2009. (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 meet 3-4 times a year 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. The PRBAB met on the border for a meeting and tour of the Pembina River in late July. The next meeting will be at the RRB Annual Summit Conference in January 2009. (1.2.3)

- **SVI**: The South Valley Initiative (SVI) consists of local leaders in MN, ND and SD who meet 3-4 times a year to work together on land and water issues affecting the southern end of the basin. RRBC helped form this group and continues to assist them by facilitating their meetings. The SVI was held in July with a presentation on the Fargo South Side Project and group discussion of retention potential using a large scale watershed map. The next meeting was to be in

October/November, but heavy rains and delayed harvest have prompted a move to the next meeting in early 2009. (1.2.4)

- **MB Chapters**: RRBC (and its predecessors) established a north of Winnipeg chapter, with officers and nine regularly scheduled meetings each year. Education and dialogue are the main focus of these chapter meetings. The North Chapter meets monthly. They met in September with a presentation on Devils Lake. They have begun to plan and implement activities to do Phase II of the Dredging Study. A South Chapter formation is being discussed. (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. The JPB will meet in November and select/elect 2 MN County delegates to the RRBC Board. (4.2.5)

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:

- **Assiniboine River Project**: Funding has been received. East MB Development Corp will assist in the management and Duncan Steward (Reeve of Brenda) is doing the local outreach. Outreach has been ongoing through summer and early fall. A one day workshop on October 30, 2008 in Portage La Prairie, MB result in a final report for RRBC Board consideration at their November board meeting and also will be submitted to the funder (MBWS).. (1.1.1)

- **University of Manitoba Governance for Watershed Based Source Water Protection in Canada: A National Evaluation**: This national project, previously supported by RRBC in resolution, has now been funded by the Canadian Water Network ($800,000 over four years). RRBC will be providing in-kind support working with U of MB to provide input into the design of the national assessment and review reports to undertake a comprehensive national evaluation of governance for source water protection in Canada that provides quality direction and innovative strategies. Official start date is April 1. No committee activity has required RRBC input to date. (2.1)

- **IISD: Red River Basin Land Use Study**: RRBC is supporting the concept, working with the conceptualization, and will assist in seeking funding. The prime objective of the proposed research is to explore various land use scenarios which will improve the resilience of the ecological and socio-economic systems within the Lake Winnipeg watershed. Funding options in Canada and the United States are being explored. The project was presented to the RRBC PIC on 18 September 2008 to receive comments and feedback regarding approach and content. PIC will discuss it further on 5 November 2008. (1.1.1)

- **MB Southeast Regional Groundwater Management Plan**: RRBC is assisting on the planning committee. There has been a tour and regular meetings over the summer and early fall. (9.1.1)

- **Leadership Summit on Lake Winnipeg (LSLW)**: RRBC assisted with the summit planning, address information gathering, and fiscal management of the Winnipeg Foundation grant. The summit was held on 28 May 2008. The final report to the Foundation is being prepared for submittal. (1.1.1)

- **Mainstem Modeling of Scenarios Run #2**: This draws upon the expertise and experience of basin modelers/hydrologists to establish tributary and ungaged % flow reduction goals for the mainstem locations in the model. The initial targeted % flow reduction that was modeled is 20%. This effort was successful through Grand Forks on the mainstem when flow errors at the international boundary became evident and re-calibration of the model became necessary at which time the 20% flow reduction modeling will be completed. This project will commence once the re-calibration of Mike II at the border is completed. (6.2.1)

- **Mainstem Modeling Calibration IV:** UMA Engineering has been hired to complete a recalibration of Mike II from the International Boundary upstream to south of Grand Forks. This effort will incorporate the Pembina River modeling data that has now been completed into the border flows for Mike II mainstem. This effort is waiting for the new LiDAR information for the north end of the basin before proceeding. The data is due out shortly. (6.2.1)

- **Dredging Study Phase II:** This project is being initiated by the RRBC North Chapter and is gathering support for the effort from local government, First Nations, and other groups. The study will look at economic, environmental, and social impacts from dredging. (4.3.1)

PAST ACTIVITIES:

I. LEADERSHIP CENTER

A. Plan Implementation Committee:

- **NRFP Outreach Document:** A basin NRPF Outreach Document provides guidance to RRBC for NRFP outreach. There are 7 sections: overview; a foundation for stewardship; desired outcome; relationship management; knowledge management; outreach mechanisms and tools; and monitoring, evaluation, and improvement.

- **Nutrient and NRFP Workshops:** RRBC held a series of pilot workshops throughout the basin in 2005 to educate citizens and local leaders 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:

- **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 assisted in some of the meetings with the water related portions of the discussion. (4.2.11)

C. Facilitation/Mediation Strategy:

- **Out of Basin Supply Discussions:** RRBC facilitated discussions between the jurisdictions regarding out of basin water supply options. This group met and established a technical committee that explored various treatment options to establish common ground in the discussions between the jurisdictions. This effort resulted in the MB and MN concerns being expressed and addressed, in the RRV Water Supply Project Supplemental Draft EIS. A comment letter from RRBC has been developed and was submitted to the BOR. (10.1.5)

- **Water Use and Allocation:** RRBC convened key water law experts from each jurisdiction appointed by the Jurisdictional Committee to assist in developing 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 future decisions regarding policy strategies for the committee. RRBC received funding from IJC for this project. (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. RRBC drafted a revised CFMP-F, "Flood Mitigation Strategies," that was forwarded to the IRRB Hydrology Committee co-chairs for further refinement. (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 percentage 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)

- **Basin Drought Scoping Document:** This document was prepared by HDR Engineering with jurisdictional input and guidance and was approved by the Board in January 2008. (10.1.4)

II. COMMUNICATION CENTER

A. Communication Committee:

- **Red River of Expression:** This 2003-06 project encouraged youth in grades K-12 to become more aware of and involved in basin land and water issues. Prizes were offered for poetry, artwork and photography, with winners having an opportunity for their entry to be displayed on billboards around the basin. The RRBC is working with the River Watch program director to partner and implement this project in 2008-2009. (4.2.3)

- **Science Fair Contest:** RRBC provided financial awards to students in 2004-05 for science fair projects related to land and water. These science fairs are organized through local high schools. (4.2.3)

- **Social Based Marketing:** RRBC worked with MPCA in 2004-2007 to provide the opportunity to learn about new methods to reach people regarding land and water issues. Public outreach through radio public service announcements (Water Minutes, etc.) and community focus groups and workshops continues to be effective communication tools. (4.2.4)

III.PARTNERSHIP CENTER

- **Barnes County Water Management Team**: RRBC helped Barnes County, ND, gather entities in the county together in 2002-04 to initiate a process of regular sharing and updating of water related activities within the county. The effort was discontinued as new local leadership changed. (4.2.10)

- **Canadian Heritage Rivers Conference:** This conference was held June 10-14, 2007, in Winnipeg. RRBC supported the conference with funds and staff on the planning level. RRBC had three presentations: Trans-Boundary Panel, the NRFP and Mainstem Modeling. (4.2).

- **Lake Winnipeg Implementation Strategy (LWIS):** RRBC provided input and fiscal assistance for a Canada Provincial and Federal team to develop a report "Restoring the Health of Lake Winnipeg" Canada's Sixth Great Lake, recommending a Lake Winnipeg Strategy for the future. (4.2.16)

- **Lake Winnipeg Implementation Committee Forum (LWIC):** RRBC provided fiscal management and assisted in planning and implementing a Lake Winnipeg forum held February 15, 2007, to

bring together Provincial, Federal, local and other stakeholders to react to the LWIS Report and Recommendations and chart a future course to address Lake Winnipeg. (4.2.16)

- **We Are Upstream Lake Winnipeg Conference:** RRBC partnered with Partners FOR the Saskatchewan River Basin (PFSRB) to co-sponsor a conference November 5-7, 2007, to bring major Lake Winnipeg tributary stakeholders together.

IV. TECHNICAL RESOURCE CENTER

- **Watershed Information Network (WIN):** RRBC prepared a report on water quality needs in the basin related to networking and gaps. This report is available on the RRBC web-site. (9.1.1)

- **CREP:** The Conservation Reserve Enhancement Program (CREP) is a program 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 in 2004. MN is moving forward to establish 52,500 acres in the Red River Basin as part of CREP under the Board of Water and Soil Resources, ND did not move the idea forward. The MN CREP was partially successful but limited by farmer interest because of the payment schedule. (11.1.2)

- **RRBDIN:** RRBC was 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)

- **Dredging Study Phase I:** This project was completed by RRBC predecessor organization in 2001 and provided insight into the need for a more thorough study of Dredging on the Red and the mouth of Lake Winnipeg.

- **Buffer Strip Project:** RRBC worked MPCA in 2004-2007 as well as 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. The project was extended to coincide with MN CREP. The final report is available on the RRBC web-site. (9.3.3)

- **Fargo/Moorhead Upstream Feasibility Study:** The USCOE 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. RRBC participated on several committees and assisted with the public meetings, providing in-kind dollar contributions for the local project sponsors. The USCOE is 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 Red River Valley Water Supply study. (3.3.4)

- **RRWP:** RRBC assisted the Rural Municipalities of Franklin, Montcalm, Piney, and Stuartburn, Roseau River First Nation in the development of a plan in 2004-2007 for the MB portion of the Roseau River that is compatible with the plan developed for the river's MN portion. The Roseau River Watershed Plan is complete and available on the RRBC web-site. (1.2.2)

- **Roseau River Hydrology:** RRBC (and its predecessors) worked with a consultant (Water Management Associates) in 2001-2002 to model the MB portion of the Roseau River and produce a report that is available on the RRBC web-site. (1.2.1)

- **F/M TMDL:** The Total Maximum Daily Load project was 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. The results are available on the RRBC web-site. (9.3.2)

- **International Institute for Sustainable Development (IISD) Prairie Water Policy Project:** RRBC prepared and presented reports on ND, MN, and trans-boundary 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. The reports are available on the RRBC web site. (1.2.20)

- **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-US 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. This modeling effort was terminated before completion and a new modeling effort (IJC- CN) report began to incorporate the new culvert inventory and LiDAR data. (3.3.3, 6.1.8)

- **Mainstem Model - Mike 11 - Phase I:** RRBC worked 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. The model was calibrated using the 1997 flood and verified using the 1989, 1996, and 2001 floods. The Phase I report is available on the RRBC web-site. (3.3.1, 3.3.2)

- **Mainstem Model Workshop #1:** A 2004 stakeholders' workshop shared 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 (3.3.1)

- **Mainstem Modeling - Mike 11 - 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)

- **Mainstem Modeling Calibration III:** UMA Engineering has completed a re-calibration of Mike II from the International Boundary to the Winnipeg Floodway Inlet. The next step will be to incorporate the Pembina River modeling data that is now underway into the border flows for Mike II mainstem. (6.2.1)

- **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. The final report has been approved by IJC. (6.2.1)

- **Mainstem Modeling of Scenarios Run #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, showing 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. The final report and recommendation has been approved by IJC. (6.2.1)

- **Nutrient Ion Inventory Data Base:** RRBC gathered water quality data for the Red River Basin for nitrogen and phosphorous as they relate to stream flow data. The information was 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 was IJC-US funded and developed from the IRRB Aquatic Ecosystem Health (AEH) Committee. This information was provided to the IJC and the IWI where it was used to analyze trends in the basin. (9.1.2, 9.5.2)

- **Pembina Structure Survey:** RRBC received funding from IJC-US for this project and subcontracted with Houston Engineering for a field survey effort that identified culvert and dike parameters for a 30+ mile stretch of road/dykes along the north side of the Pembina River, as well as some information for the township road and County Road 55 that parallel the road/dyke on the south side in Pembina County. The final report has been submitted to the IJC and is now available to the jurisdictions. (6.1.8)

- **Pembina LiDAR**: A LiDAR mapping effort the North Dakota side of the Pembina River, with Manitoba and Minnesota overlap, began Oct. 25, 2006. Agriculture Canada (PFRA) is funding the project; RRBC is fiscal agent and manager. LiDAR Services International, Inc., is the contractor and ND SWC provided the ground truthing GPS sites and the quality control cover types. The data has been processed and the project is now complete.

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ORGANIZATIONAL BACKGROUND: The RRBC was formed in July 2002 when the following organizations merged:

- **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.

- **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 continued the dialogue and exchange of information between the states and federal agencies. Manitoba was invited to the table during the study and as part of the RRWRC. The RRWRC has re-formed to allow for more specific and direct discussion between jurisdictional agency heads.

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BOARD MEMBERSHIP: The RRBC is made up of 41 members (each chooses their own alternate).

New Board members either selected by their respective groups or elected at the Annual Meeting began their two year terms on January 25, 2007 at the first Board meeting of 2007.

A. **Manitoba Board Membership:**
   i. 3 appointed by Premier (Dwight Williamson, Muriel Smith, Steven Topping)
   ii. 4 elected by Rural Municipalities (N—Kurtiss Krasnesky, Marvin Magnusson; S—John Falk, 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 (Karen Scott)

vi. 1 appointed by Pembina Valley Water Cooperative (Sam Schellenberg)
vii. 1 elected at-large by annual conference attendees (Bill Paulishyn)

B. **Minnesota and North Dakota Board Membership:** (each state representation is the same)
   i. 3 appointed by Governor (MN—John Jaschke, Mark Holsten, Brad Moore ND—Dale Frink, Dave Glatt, Terry Steinwand)
   ii. 2 elected by Counties (MN—Jerry Dahl, Jon Evert; ND—Joe Belford, Hetty Walker)
   iii. 2 elected by Watershed Districts (MN—John Finney, Dan Wilkens; ND—Tom Fischer, Ben Varnson)
   iv. 3 elected by Cities (MN—Mark Voxland, Hank Ludtke, Steve Nordhagen ND—Dennis Walaker, Curt Kruen, Fred Bott)
   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— Roger Navratil)

D. **Tribal Membership:**
   i. 3 appointed by Tribal/First Nations (Canada—Melissa Hotain; US—Allen Pemberton; 1 vacant)

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BOARD MEETINGS:

4 -- Board Meetings for 2008 are as follow:

- January 24, 2008 — Organizational for the year
- March 6, 2008 — Moorhead, MN
- June 4-5, 2008 — Winnipeg, MB - Tour on 4th - Board Meeting on 5th
- September 4, 2008 — Fargo, ND - Federal Ex- Officio and Board Meeting
- November 5-6, 2008 — Grand Forks, ND - Board Retreat begins 5th - Board Meeting 6th

Contact Information:

Red River Basin Commission
119 S. 5th St. • PO Box 66
Moorhead, MN 56561-0066
Ph: 218-291-0422 • Fax: 218-291-0438
staff@redriverbasincommission.org

Red River Basin Commission
206-309 Hargrave Street
Winnipeg, MB R3B 3B2
Ph: 204-982-7254 • Fax: 204-982-7255
admin.redriverbasincommission@shawcable.com

www.redriverbasincommission.org

2009 RRBC WORK PLAN

NRFP GOAL & ISSU	RRBC ACTION	FTE's	NRFP ACTION	TIMELINE	STAFF
				MT Management Team: ly, jg, nbm	
	CODES:			ly - Lance	js-Jennifer
	Yellow = RRBC Lead Current Project			jg - Julie	jr-Jacque 3/4
	Orange = RRBC Lead Planned Project			nm-north has	jst - Janeen
	Lt Green = RRBC Support Current Project			con- Consult	ks - Kathy 1/2
	Green = RRBC Support Planned Project			JPB- Arneson	db- Donna 3/4
				Outreach - En	lt- Leah
				Grant Writer-	all - all staff
				Com Consultant	
	ADMINISTRATION				
	Board Meetings				
	Board Meetings in 2008-Jan, Mar, Sept	304		Jan, Mar,Sep	MT,js, lt, jst (ks,jr,db)
	1 Board Meeting & Tours -- June	136		June	MT,js, lt, jst (ks,jr,db)
	1 Board Meetin & Retreat--Nov	112		Nov	MT,js, lt, jst (ks,jr,db)
	Executive Committee Meetings				
	12 Executive Committee Meetings --3rd Thursday	108		3rd Th -- Mo	ly,jg,nm
	Executive Director Evaluation	12		2/1/2008	ly
	Human Resource Committee Meetings	12		as Needed	ly
	General				
	All Staff Evaluations,	64		Dec 2007-Jan	MT
	Documentation, Records	1991			all
	Work Plans--Annual	24			ly
	Weekly Staff Meetings	250		Monday	all
	Face to Face Staff Meetings (2)--Retreat (2)	252		Friday 2x yea	all
	Management Team Meetings (12)	42		monthly phon	MT
	Update Governing Documents	52		as needed	ly,db
	FIANANCE				
	Finance Committee Meetings				
	12 Finance Committee Meetings -- as needed	12		as needed	ly
	General				
	Monthly Finances	1187		ongoing	jr,db,ly,
	Base Funding --Local, Provincial, State	176			ks,jr,db,ly
	Base Funding -- Federal	144			ly,jg,nm
	Project Funding--as needed	384		2007	ly,jg,nm,grant con
	Prepare 2009 Budget	80		6/1/08 to 12/3	MT
	2007 Audit	128		1/1/08 to 6/3	ly,nm,jr,db
	LEADERSHIP				
	Plan Implementation Committee (4)	268		4 mtg year	jg,ly
	WG # 1 - Watersheds--snapshot, conf	68		phone calls, n	ly,jg,lt, nm, jst, js
	WG # 2- Integration--snapshot, conf	90		phone calls, n	ly,js,jst
	WG # 3 - Data-Tools for Decision Making--snapshot, conf	104		phone calls, n	jg, jst
	WG # 4- Education-Information--snapshot, conf	68		phone calls, n	js,lt,
	WG # 5 - Flood Forecasting	84			js,lt,ly
	WG # 6 - Flood Mitigation	84			ly,lt
	WG # 7 - Flood Response & Recovery -- snapshot;obj, act ag; conf	84		phone calls, n	ly,lt
	WG # 8 - Drainage	88			jst,ly
	WG # 9 - Water Quality--snapshot;obj, act ag; conf	104		phone calls, n	nm,ly,js
	WG # 10 - Water Supply--snapshot; obj, act ag; conf	84		phone calls, n	js
	WG # 11 - Conservation--snapshot;obj, act ag; conf	88		phone calls, n	js
	WG # 12 - Fish & Wildlife	88			lt,jst
	WG # 13 - Outdoor Recreation	68			
	Precipitation Committee	40		1-2 Mtgs	js,lt,ly
	Ag Commodity Committee	40		Mtg a year	lt, nm
	Facilitation				
	Drought Process	248			MT
	Drought Conservation/Soft Path	256			MT
	Forum for Basin Issues	144		If Board Dec	all
	Forum Water Quality	104		If Board Dec	all
	Legislative Committee	104		as needed	MT

	COMMUNICATIONS							
	Communication Committee	288		10 mtgs a yea	jg,lt,ly,js			
	Web Site	104		weekly updat	jg,			
	Newsletter- 2	208		2 x year for e	jg, grant con			
	Ripple Effect - 24	252		twice a month	jg,			
	Water Minutes- 2x mo	106		2-4 a week	jg,			
	Monthly Activity Update	32						
	State of Basin--Snapshot Updates	102		8 next year	all			
	Annual Report	88		yearly	ly,jg			
	Other Flyers/Information/PR materials --projects and activies	88		as needed pr	jg,			
	Press Releases	288		as appropria	jg,cc,jst,js			
	Power Point Presentations--conferences, speaking engagements, etc	112		conf, speak e	jg,ly,js,lt,nbm			
	River Center	180		if needed	MT			
	Annual Summit Conference	746		2009 Winnip	all			
	Speaker Contacts	756		2010 Winnip	lt,jgnbm,ly			
	Sponsorship, ads, booths	632		2011 Winnip	lt,jg,ly,nbm			
	Annual Summit Conference - Flyer, Brochure, Conf Booklet	436		2012 Winnip	lt,j,ksp			
	Other Conference							
	FDR Goals Conference	208		Late Winter,	all			
	Conservation Conference	104		summer	js			
	Lake Winnipeg Conf	60						
	PARTNERSHIPS							
	Partnerhsip Committee							
	IRRB	32		July	ly			
	IRRB-AEII	64		2 x a year	nbm			
	IRRB-Hydrology	32		2 x a year	ly			
	Pembina River Basin Advisory Board (PRBAB) Meetings	72		4 a year	js,nbm,ly			
	PRBAB Activities	160		as needed	js,nbm,ly			
	Roseau River International Watershed (RRIW) Meetings	72		4 a year	jst,nbm,ly			
	RRIW Activities	208		as needed	jst,nbm,ly			
	South Valley Initiative (SVI) Meetings	72		4 a year	lt,ly,jg			
	SVI Activities	160		as needed	lt,ly,jg			
	MN Joint Powers Board (JPB)	96		4 a year	jg			
	MB North/South Chapters	192		10 x year	js,db,nmb			
	Outreach SD, MB, First Nation	72		ongoing	lt,nbm,ly,jst			
	Outreach Provincail, State, Federal	136		ongoing	ly,jg,nbm			
	Reg mtgs---NDJWRB, MNRRWMB, MBCDA,UPP Shey, Dev Lake,	240		regualarly sc	jg,ly,jst,lt			
	annual mtgs- MBCDA, MBAMM, NDJWater, MAWD, NDAC,	168		annually	jg,ly,js,lt,jst			
	TECHNICAL RESOURCE--PROJECTS							
	Technical Resource Committee	0		if it is set up	ly			
	Mainstem Modeling Calibration IV	160		as needed	ly,nbm,lt			
	Bush Outreach Project	3364		as needed	all			
	Mainstem Modeling Run # 2	188		as needed	ly,nbm,lt			
	Dredging Study II	16		as needed	ly,nbm,js			
	Dredging Study II--fin and workshop roles	136		If it goes forv	ly,nbm,js,db,			
	TOTALS	18206						

	2006 - BOARD RETREAT PRIORITIES							
GOAL # 1								
Increase Coor & Comp Wat Plan								
1 - S 24 - L	Provide Forum for identifying, disclosing & implementing solut to cross bndry issues	0	1.2.18					
8 - L	Educ & Adoption of NRFP by member jurisdictions	0	1.1.1					
6 - L	Continue to refine bsin goals & processes for NRFP implementation	0	1.1.2					
7 - S 5 - L	RRBC briefing / marketing documents -- accomplishments, gen info, SI, LT goals 1x yr	0	1.1.3					
3 - S 1 - L	Roseau River International Watershed planning - MB	0	1.2.2					
4 - S 1 - L	South Valley Initiative (ND &SD Wild Rice effort)	0	1.2.4					
11 - S 1 - L	Pembina River Basin Advisory Board activities - ND & MB	0	1.2.3					
1 - S	Brokenhead River Restoration Project - MB	0	1.2.10					
Goal # 2								
Integrate Natural Resource Mangt								
1 - S 1 - L	Increase planners' awareness of conservation principles	0	2.2.1					
Goal # 3								
Increase Appld Res & Data Mngt								
5 - L	Run Mike 11 mainstem from L Trav to L Winnipeg run # 2	0	3.3.1					
1 - L	Lower Pembina area modeling - link with MIKE-11 above	0	3.3.3					
5 - S 1 - L	Dev of 3-D gw models for the basin similar to that of the MN Geological Survey/IBDR	0	3.3.4					
1 - S	Coor above with the devel of HEC/RAS unsteady flow model from L Traverse to the Can border	0	3.3.2					
3 - S	Support continued devel, fund, & use of (RRBDIN) for data access and sharing	0	3.1.2					
4 - S	Identify and share research needs and gaps.	0	3.1.1					
Goal # 4								
Develop Stake Part & Awareness								
4 - S 11 - L	Use RRBC annual Sumit Conf to provide education & outreach	0	4.2.9					
2 - S 5 - L	Provide annual repr card on compr, integrated, watershed stewad & management	0	4.2.1					
6 - S 2 - L	Define and adopt a stewardship ethic for RRBC members	0	4.1.1					
3 - S 1 - L	Continue to convene MB North and South RRBC Chapters & conduct workshops	0	4.2.6					
2 - S	Use Community Based Social Marketing to increase awareness of conservation programs	0	4.2.4					
5 - S	Continue to convene the MN Joint Powers Board	0	4.2.5					
1 - S	Revision of Lake Winnipeg Shoreline Management Handbook	0	4.2.8					
Goal # 5								
Maintain Flood Forecast Tools								
1 - L	MIKE-11 Mainstem hydrology model (line 3.3.1 above)	0	5.1.1					
Goal # 6								
Red Risk of fdr main & trib								
10 - L	Est collective benefits fo projects using Mike 11 mainstem model	0	6.2.1					
2 - S 3 - L	Define fdr needs in the upper basin that are not being met	0	6.2.2					
1 - L	North Ottawa Dam (line 2.1.5 above)	0	6.1.6					
2 - S	Maple River Dam (ND)	0	6.1.5					
2 - S	Fargo-Moorhead Upstream Feasibility Study (line 2.1.1 above)	0	6.1.7					
3 - S	Lake Roseau Flood protection	0	6.1.4					

Goal # 7									
Ensure Resp & Rec address needs		0							
6 - S	Document program availability, identify gaps	0	7.1.1						
		0							
		0							
		0							
Gaol # 8		0							
Mang Drain Syst Prod & Min Dam		0							
4 - S 3 - L	Promote stream restoration concepts as FDR measures	0							
3 - S 2 - L	Continue projects (MN Buffer Initiative and CREP) that minimize environmental impacts (lines 9.3.3 & 11.1.2 below)	0							
		0							
		0							
Goal # 9		0							
Main Prot & Res SW & GW Qty		0							
2 - L	Ensure jurnd interp wat qty dat undertaken with basin wide perspective.	0	9.1.3						
2 - S 2 - L	RRB Buffer Initiative (MN) example F-M TMDL study (turbidity & Fecal Colif)	0	9.3.3						
2 - S 1 - L	Basin-wide analysis of nutrient concentrations and loads	0	9.1.2						
3 - S	Basin-wide analysis of nutrient concentrations and loads (line 9.1.2 above)	0	9.5.2						
1 - S 4 - L	Provide forum for each juris to discuss issues rel to implem basin appr ot wat qty mang	0	9.1.1						
1 - S 3 - L	Provide forum for each juris to discuss issues rel to cont & manag of exot species	0	9.6.1						
4 - S 3 - L	Lake Winnipeg Dredging Study II	0	9.4.3						
5 - S 3 - L	Provide a forum juris to discuss issues rel to devel strat to reduce ext load L. Wrpg	0	9.4.1						
2 - S 2 - L	Provide basin-wide perspective to jurisdictional interpretation of exotic species status.	0	9.6.3						
1 - L	Provide basin-wide persp to each jurisd's persp (e.g., ND Aq Nuis Spec plan, devel 2005)	0							
7 - S 1 - L	Water Quality Forum (line 9.1.1 above)	0	9.5.1						
3 - S	Provide a forum for jurisd to discuss issues related to developing restoration goals	0	9.2.1						
		0							
Goal # 10									
Ensure App Use & Sust of SW & GW									
		0							
Goal # 11									
Increse Soil Conservation									
4 - S 3 - L	Provide a forum for mangrs and soil cons staff to strategize how to implement this recommendation.	0	11.2.1						
1 -S 2 - L	CREP II - Red River Basin (MN)	0	11.2.1						
9 - S	MN Buffer Initiative (line 9.3.3 above)	0	11.1.3						
		0							
Goal # 12									
Cons Mang & Res fish, wild & habit									
2 - S 3 - L	Provide a forum for agency staff to strategize how to implement this recommendation.	0	12.2.1						
1 - S 1 - L	Provide a forum for agency staff to strategize how to implement this recommendation.	0	12.1.1						
1 - S 1 - L	Provide a forum for agency staff to strategize how to implement this recommendation.	0	12.4.1						
1 - S	Provide a forum for agency staff to strategize how to implement this recommendation.	0	12.3.1						
Goal # 13									
Enh & Dev Rec Infa & Acess									
5 - S 2 - L	Provide a forum for agency staff to strategize how to implement this recommendation.	0	13.1.1						
1 - S 1 - L	Provide a forum for agency staff to strategize how to implement this recommendation.	0	13.2.1						
2 - S 1 - L	Inventory public lands	0	13.1.2						
0-S 16 - L	Conflict resolution mechanism for the board to use externally for inter-jurisdictional issues	0							
3 - S 14 - L	Bring together scientific data app Dev Lake and other contentious issues comm coord data & usage	0							
2 - S 12 - L	Basin-wide drought response planning	0							
4 - S 11 - L	Coordinate River Watch expansion basin-wide	0							
9 - S	Study Red River mainstem capacity for industrial development	0							
	Plan of action for succession: Board members, Elected officials, agency officials	0							

RRBC 2009 BUDGET

	2008 Budget US	2009 BUDGET -US	2008 Budget Can	2009 BUDGET-CN
2008 Carry Over General		$ 287,169.05	$ 99,402.18	
2008 Carry Over Projects		$ 34,140.00	$ 9,500.00	
2008 Carry Over Total		$ 321,309.05	$ 99,402.18	
Income			$ 100,000.00	$ 100,000.00
4001 · Manitoba	$ 100,000.00	$ 100,000.00		
4002 · Minnesota	$ 100,000.00	$ 100,000.00		
4003 · North Dakota	$ 6,000.00		$ 100,000.00	$ 100,000.00
4004 · South Dakota				
4005 · LGUs - Manitoba	$ 100,000.00	$ 100,000.00		
4006 · LGUs - Minnesota	$ 100,000.00	$ 100,000.00		
4007 · LGUs - North Dakota				
4008 · LGUs - Sorth Dakota				
4009 · Federal - Canada				$ 2,000.00
4010 · Federal - US				
4011 · Refunds GST/PST				
4012 · Interest Income	$ 5,000.00	$ 5,000.00		
4013 · Joint Powers Bd				
4014 · Endowments				
4015 · Bremer				
4016 · Rent	$ 25,000.00	$ 45,000.00	$ 40,000.00	$ 30,000.00
4062 · Annual Summit Conference				
4020 · Con/F/W/OR Division				
4021 · Buffer Strip				
4022 · CREP				
4030 · Qly/Qnty Division				
4031· TMDL				
4032· IJC Ion & Nut Data Base				
4033· IJC Nut & NRFP Out & Cons				
4034· Drought Scoping Document				
4035· Drought Process	$ 15,000.00			
4035· Drought Cons/Soft Path	$ 30,000.00			
14000 · FDR/Hydrology Division				
4041 · Mainstem Modeling--Phase II				
4042 · IJC Mainstem Modeling Scen Rept	$ 9,890.00			
4043 · IJC MM-Run # 1	$ 28,725.65			
4044 · IJC Pembina Modeling	$ 26,000.00			
4045 · IJC Pembina Structure Survey				
4046 · MM Run # 2	$ 11,270.12	$ 11,270.00		
4048 · MM Cal III	$ 13,632.85		$ 9,500.00	$ 9,500.00
4049 · Map Project		$ 3,000.00		
14010 · MM Cal IV				
14020 · MM Cal V				
4050 · Partnerships				
4051 · RRWP				
4053 · IISD Jurisd Rept				
4054 · LWIS				
4055 · Sask L Winpg Conf				
4056 · Flood 2008 Intl Conf				
4057 · Network Project	$ 15,700.00		$ 50,000.00	
4058 · LSLW				
4060 · Comm/Education				
4061 · Red River of Expression				
4063 · Soc Based Mark				
4064 · IJC Water Law				
4065 ·River Center- MB				
4066 ·Bush Outreach-2007/2008	$ 43,706.33	$ -		
4067 ·Bush Outreach-2008/2009	$ 64,280.00	$ 25,000.00		
4068 ·Bush Outreach-2009/2010		$ 64,280.00		
4069 ·History Project	$ 3,481.24			
4070 · Bremer				
4071 · Bremer I				
4072 · Bremer II-2006/2007	$ 5,000.00			
4073 · Bremer II-2007/2008	$ 20,000.00			
4074 · Bremer II-2008/2009	$ 15,000.00	$ 15,000.00		
4000 Total Income without Projects or Carry Over	$ 436,000.00	$ 450,000.00	$ 240,000.00	$ 232,000.00
Canadian Income Adjusted to US dollars	$ 240,000.00	$ 232,000.00		
Total Without Projects	$ 676,000.00	$ 682,000.00	$ 240,000.00	$ 232,000.00
4000 Total Income with Projects & Carryover	$ 737,686.19	$ 889,859.05	$ 398,902.18	$ 241,500.00
Canadian Income Adjusted to US dollars	$ 398,902.18	$ 241,500.00	$ 398,902.18	$ 241,500.00
Total With Projects and Carryover	$ 1,136,588.37	$ 1,131,359.05		

RRBC 2009 BUDGET

Expense					
5000 · BOARD OF DIRECTORS					
5021 · Board Meetings	$ 8,000.00	$ 8,000.00	$ 4,000.00	$ 4,000.00	
5022 · Board Expenses	$ 14,000.00	$ 14,000.00	$ 6,000.00	$ 6,000.00	
5023 · RRBC Retreat	$ 4,000.00	$ 3,000.00		$ 1,000.00	
5024 · Internal Commitees	$ 4,000.00	$ 4,000.00	$ 2,000.00	$ 2,000.00	
5098 · Expenses	$ 1,500.00	$ 1,000.00	$ 2,500.00	$ 750.00	
5099 · Board Of Directors - Other		$ 100.00		$ 100.00	
Total 5000 · BOARD OF DIRECTORS	$ 31,500.00	$ 30,100.00	$ 14,500.00	$ 13,850.00	
5100 · ADMINISTRATION					
5101 · Executive Director 35%	$ 29,524.95	$ 30,410.70			
5102 · Deputy Director 15%					
5103 · South Basin Mngr/Com 15%	$ 8,586.50	$ 8,844.10			
5104 · North Basin Mangr/Qly 15%			$ 7,340.10	$ 7,340.10	
5106 · Ad Asst 3/4-Mrd 50%	$ 9,360.00	$ 9,640.80			
5107 · Ad Asst 3/4-Wnpg 60%			$ 11,587.48	$ 11,935.10	
5116 · Conf Asst pt					
5114 · Ad Asst 1/2-Mrd 40%	$ 7,300.01	$ 7,519.01			
5115 · Staff - Temporary					
5121 · Staff Training	$ 1,600.00	$ 2,400.00	$ 800.00	$ 1,200.00	
5122 · Staff Retreat	$ 1,000.00	$ 1,000.00	$ 500.00	$ 500.00	
5123 · River Center EOI					
5124 · River Center Business Plan		$ 20,000.00	$ 25,000.00	$ 20,000.00	
5196· Project Staff	$ 9,890.00	$ 5,000.00			
5197· Project Related	$ 15,000.00				
5198 · Expenses	$ 5,000.00	$ 5,000.00	$ 2,500.00	$ 2,500.00	
5199 · Administration - Other					
Total 5100 · ADMINISTRATION	$ 62,371.46	$ 84,814.61	$ 47,727.58	$ 43,475.20	
5200 · BENEFITS					
5221 · Flex Plan Fee	$ 1,000.00	$ 1,000.00			
5222 · Health & Dental Insurance	$ 37,851.00	$ 45,802.50	$ 4,297.80	$ 4,297.80	
5223 · Long Term Disability	$ 283.55	$ 322.12	$ 718.20	$ 718.20	
5224 · Short Term Disability	$ 5,000.00	$ 1,443.60	$ 313.20	$ 313.20	
5225 · Accidental Death			$ 197.76	$ 197.76	
5226 · RRBC Pension	$ 6,438.61	$ 8,048.49	$ 3,190.50	$ 3,190.50	
5227 · Retirement--SS/CPP	$ 12,311.36	$ 16,633.55	$ 6,147.90	$ 6,147.90	
5228 · Medicare--MB Supp	$ 2,879.27	$ 3,890.10			
5229 · Unemployment--MN-Fed	$ 1,075.20	$ 336.00			
5230 · MN Workers compensation	$ 1,609.65	$ 2,012.12			
5231 · Manitoba Employment Taxes-EI			$ 2,986.32	$ 2,986.32	
5232 · Life Insurance				$ 485.76	
5296· Project Staff Benefits					
5297· Project Related			$ 700.00	$ 700.00	
5299 · Benefits - Other			$ 18,551.68	$ 19,037.44	
Total 5200 · BENEFITS	$ 68,448.65	$ 79,488.49			
5300 Office					
5321 · Computer	$ 3,000.00	$ 3,000.00	$ 1,500.00	$ 2,000.00	
5322 · Corporation Filing Fees	$ 500.00	$ 500.00	$ 900.00	$ 900.00	
5323 · Insurance (Surety Bonds)	$ 1,000.00	$ 1,000.00	$ 1,000.00	$ 1,000.00	
5324 · Internet	$ 500.00	$ 500.00	$ 1,500.00	$ 1,500.00	
5325 · Legal Fees	$ 2,000.00	$ 2,000.00	$ 2,000.00	$ 2,000.00	
5326 · Office Equipment	$ 4,000.00	$ 4,000.00	$ 1,500.00	$ 1,500.00	
5327 · Petty Cash	$ 500.00	$ 500.00	$ 500.00	$ 500.00	
5328 · PO Box Rent & Bulk Mail Permit	$ 250.00	$ 250.00	$ 250.00	$ 250.00	
5329 · Recycling	$ 100.00	$ 100.00	$ 100.00	$ 200.00	
5330 · Rent	$ 19,000.00	$ 19,000.00	$ 22,000.00	$ 22,000.00	
5331 · Repairs & Maint.	$ 2,000.00	$ 2,000.00	$ 2,000.00	$ 2,000.00	
5332 · Subscriptions/Ads	$ 2,000.00	$ 2,000.00	$ 1,000.00	$ 1,000.00	
5333 · Supplies	$ 6,000.00	$ 6,000.00	$ 5,000.00	$ 5,000.00	
5334 · Telephone	$ 18,000.00	$ 15,000.00	$ 5,000.00	$ 5,000.00	
5335 · Copies	$ 8,000.00	$ 10,000.00	$ 3,000.00	$ 3,000.00	
5336 · Postage	$ 2,000.00	$ 2,000.00	$ 1,000.00	$ 1,000.00	
5337 · Bank Fees, Finance Charges	$ 200.00	$ 200.00	$ 200.00	$ 200.00	
5338· Auto	$ 6,000.00	$ 6,000.00	$ 6,000.00	$ 6,000.00	
5396· Project Staff					
5397· Project Related					
5398 · Expenses	$ 2,000.00	$ 2,000.00	$ 2,000.00	$ 2,000.00	
5399 · Office - Other	$ 1,000.00	$ 1,000.00	$ 1,000.00	$ 1,000.00	
Total 5300 · OFFICE	$ 78,050.00	$ 77,050.00	$ 57,450.00	$ 58,050.00	

RRBC 2009 BUDGET

5400 · FUNDING/FINANCE					
5401 · Executive Director 35%	$ 29,524.95	$ 30,410.70			
5403 ·South Basin Mngr/Com 15%	$ 8,586.50	$ 8,844.10			
5404 · North Basin Mngr/Qly 15%			$ 7,340.10	$ 7,340.10	
5406 · Ad Asst 3/4-Mrd 10%	$ 936.00	$ 1,928.16			
5407 · Ad Asst 1/2-Wnpg 20%			$ 3,862.49	$ 3,978.37	
5410 · Outreach Coordinator 20%			$ 9,000.02	$ 9,270.02	
5413 · Accounting Consultant	$ -				
5414 · Ad Asst 1/2-Mrd 30%	$ 5,475.01	$ 5,639.26			
5415 · Grant Writer Consultant	$ 6,000.00	$ 6,180.00			
5416 · Grant Writer Consultant			$ 4,500.00	$ 4,500.00	
5421 · Audit	$ 5,000.00	$ 5,000.00	$ 200.00	$ 500.00	
5422 · MB Bank Charges			$ 1,200.00	$ 1,200.00	
5423 · MB Payroll Accounting		$ 5,000.00			
5496 · Project Staff			$ 4,000.00	$ 4,000.00	
5497 · Project Related	$ 6,000.00	$ 6,000.00			
5498 · Expenses			$ 30,102.61	$ 30,788.49	
5499 · Funding/Finance - Other					
Total 5400 · FUNDING/FINANCE	$ 61,522.46	$ 64,002.21			
6000 · LEADERSHIP					
6000 Plan Management					
6001 · Exec Director 5%	$ 4,217.85	$ 4,344.39			
6003 · South Basin Mngr/Com 5%	$ 2,862.17	$ 2,948.03			
6004 · North Basin Mngr/Qly 5%			$ 2,446.70	$ 2,446.70	
6005 · Basin Coordination	$ -	$ 21,630.00			
6010 · Outreach Coordinator 15%			$ 6,750.02	$ 6,952.52	
6021 · NRFP Chair Meeting					
6022 · NRFP Buy-In Out Reach					
6023 · NRFP INV Teams					
6024 · NRFP Reports					
6025 · PI Mang Activities	$ 500.00	$ 500.00	$ 250.00	$ 250.00	
6026 · State of Basin Report	$ 250.00	$ 100.00	$ 200.00		
6027 · Div Act: G 1 Watershed	$ 250.00				
6028 · Div Act: G 2 Integration	$ 250.00	$ 250.00			
6029 · Drought Scoping Document					
6096 · Project Staff		$ 20,000.00			
6097 · Project Related	$ 1,500.00	$ 1,500.00	$ 1,500.00	$ 1,500.00	
6098 · Expenses					
6099 · Plan Management - Other					
Total 6000 · Plan Management	$ 9,830.02	$ 31,272.42	$ 11,146.72	$ 11,149.22	
6100 Legislative					
6101 · Executive Director 10%	$ 8,435.70	$ 8,688.77			
6102 · Deputy Director 10%					
6103 · South Basin Mngr/Com 5%	$ 2,862.17	$ 2,948.03			
6104 · North Basin Mngr/Qly 5%			$ 2,446.70	$ 2,446.70	
6110 · Outreach Coordinator 15%			$ 6,750.02	$ 6,952.52	
6005 · Basin Coordination					
6121 · Committee Activities	$ 500.00	$ 500.00	$ 100.00	$ 250.00	
6122 · Legislative Outreach	$ 250.00	$ 250.00	$ 100.00	$ 100.00	
6123 · Legislative Meetings	$ 500.00	$ 100.00	$ 250.00	$ 100.00	
6196 · Project Staff					
6197 · Project Related					
6198 · Expenses	$ 4,000.00	$ 4,000.00	$ 3,000.00	$ 3,000.00	
6199 · Legislative - Other					
Total 6100 · Legislative	$ 16,547.87	$ 16,486.80	$ 12,646.72	$ 12,849.22	
6200 Water Quility/Supply Division					
6204 · North Basin Mngr/Qly 45%			$ 22,020.31	$ 22,020.31	
6209 · Hydrologist Consultant					
6225 · Division Activities	$ 500.00	$ 250.00	$ 100.00	$ 250.00	
6226 · State of Basin Reports	$ 500.00	$ 200.00	$ 200.00		
6227 · Div Act: G 9 Qly	$ 500.00			$ 250.00	
6228 · Div Act: G 10 Qnty	$ 500.00	$ 250.00			
6229 · Drought Scoping Doc - RRBC					
6296 · Project Staff					
6297 · Project Related					
6298 · Expenses	$ 250.00	$ 250.00	$ 500.00	$ 500.00	
6299 · Other					
Total 7300 · WQ/S Division	$ 2,250.00	$ 950.00	$ 22,820.31	$ 23,020.31	

RRBC 2009 BUDGET

6300 · Con/FishWildOutRec Division			$ 4,500.01	$ 6,952.52	
6010 · Outreach Coordinator 10%					
6325 · Division Activities	$ 500.00	$ 250.00	$ 100.00	$ 500.00	
6326 · State of Basin Reports	$ 500.00	$ 300.00	$ 200.00		
6327 · Div Act: G 11 Conservation	$ 500.00			$ 250.00	
6328 · Div Act: G 12 F & W	$ 500.00			$ 250.00	
6329 · Div Act: G 13 OR					
6396 · Project Staff					
6397 · Project Related					
6398 · Expenses	$ 500.00	$ 250.00	$ 250.00	$ 500.00	
6399 · Other					
Total 6300 · C/F/W/OR Division	$ 2,500.00	$ 800.00	$ 5,050.01	$ 8,452.52	
6400 · Hydro/FDR/Drainage Division			$ 2,250.01	$ 2,317.51	
6410 · Outreach Coordinator 5%					
6421 · Modeling Meetings	$ 1,000.00				
6425 · Division Activites	$ 500.00	$ 1,000.00	$ 100.00		
6426 · State of Basin Reports	$ 500.00	$ 400.00	$ 100.00		
6427 · Div Act: G 5, 6, & 7 FDR	$ 500.00	$ 750.00			
6428 · Div Act: G 8 Drainage	$ 500.00	$ 250.00			
6429 · Mainstem Modeling RRBC			$ 3,000.00		
6430 · Basin Maps RRBC					
6496 · Project Staff					
6497 · Project Related					
6498 · Expenses	$ 250.00	$ 500.00	$ 500.00	$ 250.00	
6499 · Other					
Total 6400 · H/FDR/D Division	$ 3,250.00	$ 2,900.00	$ 5,950.01	$ 2,567.51	
6500 Watershed/Fac/Med		$ 4,344.39			
6001 · Exec Director 5%		$ 2,948.03			
6003 · South Basin Mngr/Com 5%			$ 2,250.01	$ -	
6510 · Outreach Coordinator 5%		$ 500.00	$ 100.00	$ 250.00	
6525 · Div Act: G 1 Watersheds		$ 100.00	$ 100.00		
6526 · State of Basin Report	$ 500.00				
6596 · Project Staff					
6597 · Project Related					
6598 · Expenses	$ 500.00	$ 500.00	$ 500.00	$ 250.00	
6599 · Other					
Total 6500 · I/L/F/M Division	$ 1,000.00	$ 1,100.00	$ 2,950.01	$ 500.00	
Total 6000-6500 · LEADERSHIP	$ 35,377.88	$ 53,509.22	$ 60,563.76	$ 58,538.76	
6600 · COMMUNICATIONS					
6600 · Conferencing					
6603 · South Basin Mngr/Com 5%	$ 2,862.17	$ 2,948.03			
6606 · Ad Asst 3/4-Mrd 30%	$ 5,616.00	$ 5,784.48			
6607 · Ad Asst 1/2-Wnpg 20%			$ 3,862.49	$ 3,978.37	
6608 · Conf Coor/Out Spec 50%	$ 18,025.00	$ 20,065.75			
6614 · Ad Asst 1/2-Mrd 30%	$ 5,475.01	$ 5,639.26			
6616 · Conf Assistant pt	$ 5,000.00				
6621 · Conference Start-Up					
6622 · Conference Expenses	$ 25,000.00	$ 45,000.00	$ 40,000.00	$ 35,000.00	
6623 · Assist other Conferences	$ 3,000.00	$ 3,000.00	$ 3,000.00	$ 3,000.00	
6696 · Project Staff		$ 8,000.00		$ 1,000.00	
6697 · Project Related					
6698 · Expenses		$ 1,500.00	$ 1,500.00		
6699 · Annual Conference - Other					
Total 6600 · Conferencing	$ 64,978.18	$ 75,937.52	$ 48,362.49	$ 40,978.37	
6700 · Education/Information					
6701 · Executive Director 5%	$ 4,217.85	$ -			
6703 · South Basin Mngr/Com 30%	$ 20,035.17	$ 17,688.20			
6704 · North Basin Mngr/Qly 5%			$ 2,446.70	$ 2,446.70	
6005 · Basin Coordination	$ -	$ 10,815.00			
6710 · Outreach Coordinator 5%			$ 2,250.01	$ 2,317.51	
6717 · Communication Consultant	$ 20,000.00	$ 20,000.00			
6718 · Education Consultant					
6721 · Newsletter					
6722 · Media Promotion	$ 4,000.00	$ 4,000.00	$ 2,000.00	$ 5,000.00	
6723 · Meeting Expense					
6724 · Website	$ 500.00	$ 500.00			
6725 · RRBC Tours	$ 4,000.00	$ 2,000.00	$ 2,000.00		
6726 · State of Basin	$ 500.00	$ 100.00	$ 100.00		
6727 · Div Act: G 4 Ed Infor	$ 500.00	$ 250.00	$ 100.00		
6731 · Advertising Promotion	$ 4,500.00	$ 5,000.00	$ 1,000.00	$ 5,000.00	
6732 · Conferences/Booths/Displays	$ 1,000.00	$ 1,000.00	$ 1,500.00	$ 1,500.00	
6733 · Comm Activities	$ 750.00	$ 500.00	$ 250.00		
6734 · Display	$ 12,500.00	$ 12,500.00	$ 12,500.00	$ 12,500.00	
6796 · Project Staff		$ 10,000.00			
6797 · Project Related					
6798 · Expenses	$ 5,000.00		$ 1,500.00		
6799 · Education/Information - Other	$ 1,500.00		$ 1,000.00		
Total 6600-6700 · Education/Information	$ 79,003.02	$ 74,353.20	$ 26,646.71	$ 28,764.21	
Total 6600-6700 · COMMUNICATIONS	$ 143,981.20	$ 150,290.72	$ 75,009.20	$ 69,742.57	

RRBC 2009 BUDGET

6800 · PARTNERSHIP					
6801 · Executive Director 5%	$ 4,217.85	$ 4,344.39			
6803 · South Basin Mngr/Com 15%	$ 8,586.50	$ 8,844.10			
6804 · North Basin Mngr/Qly 5%			$ 2,446.70	$ 2,446.70	
6005 · Basin Coordination 25%	$ -				
6806 · Ad Asst 3/4-Mrd 10%	$ 1,872.00	$ 1,928.16			
6808 · Conf Coor/Out Spec 50%	$ 18,025.00	$ 20,065.75			
6810 · Outreach Coordinator 35%		$ 10,815.00	$ 11,250.03		
6811 · Outreach Consultant-MB				$ 11,587.53	
6812 · JPB Consultant	$ 2,000.00	$ 2,000.00			
6819 · Outreach Consultant-MN					
6820 · Outreach Consultant -ND			$ 500.00		
6823 · Meeting Expense	$ 500.00			$ 250.00	
6825 · Partneeship Activities	$ 500.00	$ 500.00	$ 100.00		
6826 · State of Basin Rept	$ 500.00				
6827 · JPB Expenses	$ 1,000.00	$ 1,000.00			
6828 · Chapters			$ 500.00	$ 500.00	
6833 · PRBAB	$ 500.00		$ 500.00	$ 1,000.00	
6834 · RRIW	$ 500.00	$ 1,000.00			
6835 · Wild Rice-South Basin	$ 1,000.00	$ 1,000.00			
6896 · Project Staff		$ 10,000.00	$ -	$ 9,500.00	
6897 · Project Related					
6898 · Expenses	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00	
6899 · Partnership - Other					
Total 6800 · PARTNERSHIP	$ 44,201.35	$ 56,497.39	$ 20,796.73	$ 20,784.23	
6900 · TECHNICAL RESOURCE					
6901 · Executive Director 5%	$ 4,217.85	$ 4,344.39			
6903 · South Basin Mngr/Com 5%	$ 2,862.17	$ 2,948.03			
6904 · North Basin Mngr/Qly 5%			$ 2,446.70	$ 2,446.70	
6910 · Outreach Coordinator 5%			$ -		
6918 · Data Consultant	$ -				
6921 · ESRI Maintenance	$ 400.00	$ 400.00	$ 400.00		
6923 · Research Meetings			$ 100.00		
6925 · Division Activities	$ 250.00				
6926 · State of Basin Report	$ 250.00	$ 100.00	$ 100.00		
6927 · Div Act: G 3 Res & Data	$ 250.00	$ 500.00	$ 100.00		
6996 · Project Staff					
6997 · Project Related					
6998 · Expenses	$ 500.00		$ 500.00		
6999 · Technical Resource - Other					
Total 6900 · TECHNICAL RESOURCE	$ 8,730.02	$ 8,292.42	$ 3,646.70	$ 2,446.70	
OPERATIONAL SUB-TOTAL	$ 534,183.03	$ 604,045.06	$ 328,348.26	$ 316,713.39	
Canadian Operational in US dollars	$ 328,348.26		$ 328,348.26	$ 316,713.39	
Total US Operational dollars--2009		$ 604,045.06			
Total CN Operational dollars--2009	$ 534,183.03	$ 316,713.39			
Total Combined wo Projects--2009	$ 862,531.28	$ 920,758.45			
PROJECTS					
8100 · Bremer Grant I					
Total 8100 · Bremer Grant I	$ -				
8200 · Bremer Grant II - 2006/2007					
· Water Minutes	$ 15,000.00				
· Other					
Total 8200 · Bremer Grant II - 2006/2007	$ 15,000.00				
8300 · Bremer Grant II - 2007/2008					
· Water Minutes	$ 15,000.00	$ 15,000.00			
· Other	$ 5,000.00				
Total 8300 · Bremer Grant II 2007/2008	$ 20,000.00				
8400 · Bremer Grant II - 2008/2009		$ 15,000.00			
· Water Minutes	$ 1,000.00				
· Other					
Total 8400 · Bremer Grant II 2008/2009	$ 1,000.00				

RRBC 2009 BUDGET

9000 · Buffer Strip			
Total 9000 · Buffer Strip	$ -		
9100 · CREP			
Total 9100 · CREP	$ -		
9200 ·TMDL			
Total 9200 · TMDL	$ -		
9300 · Mainstem Hydrology--Phase II			
Total 9300 · Mainstem Hydorology--Phase II	$ -		
9400 · RRWP			
940011 · Basin Planner			
Total 9400 · RRWP	$ -		
9500 ·Social Based Marketing Project			
Total 9500 · Social Based Marketing Project	$ -		
9600 ·Lake Winnipeg Implementation Strategy - LWIS			
9600-01 · Exec Dir			
9600-07 · Ad Asst/Conf			
9600-21 · Consultants			
Total 9600 · LWIS	$ -		
9700 ·IISD Jurisdictional Rept			
Total 9700 · IISD Jurisdictional Rept	$ -		
9800 ·IJC Modeling Scenario Rept			
9800-01 · Exec Dir	$ 9,890.00		
Total 9800 · IJC Modeling Scenario Rept	$ 9,890.00		
9900 ·IJC MM-Run # 1			
9900-21 · Consultant	$ 13,725.65		
9900-23 · Other	$ 15,000.00		
Total 9900 · IJC Mainstem Scenario Modeling	$ 28,725.65		
10000 ·IJC Pembina Structural Survey			
Total 10000 · IJC Pembina Structural Survey	$ -		
10100 ·IJC Pembina Modeling			
10100-21 · WMC Inc.	$ 26,000.00		
Total 10100 · IJC Pembina Modeling	$ 26,000.00		
10200 ·IJC Ion & Nutrient Data Base			
Total 10200 · IJC Ion & Nutrient Data Base	$ -		
10300 ·IJC Nutrient & NRFP Out & Cons			
Total 10300 · IJC Nut & NRFP Out & Cons	$ -		
10400 ·IJC Water Law			
10400 ·IJC Water Law	$ -		
10700 ·Bush Outreach-2007/2008			
Outreach Consultants--MN-ND	$ 30,000.00		
Data Consultant			
Outreach Expenses	$ 11,696.33		
Materials	$ 2,010.00		
Total 10700 ·Bush Outreach	$ 43,706.33		
10730 ·Bush Outreach-2008/2009			
Outreach Consultants--MN-ND	$ 20,600.00	$ 10,000.00	
Data Consultant	$ 5,150.00	$ 5,000.00	
Outreach Expenses	$ 5,385.00	$ 10,000.00	
Materials	$ 1,005.00		
Total 10730 ·Bush Outreach	$ 32,140.00	$ 25,000.00	
10760 ·Bush Outreach-2009/2010			
Outreach Consultants--MN-ND		$ 30,000.00	
Data Consultant		$ 5,000.00	
Outreach Expenses		$ 7,000.00	
Total 10760 ·Bush Outreach	$ -	$ 42,000.00	

RRBC 2009 BUDGET

10500 ·MM Run # 2					
Consultants	$ 1,270.12	$ 1,270.12			
Other	$ 10,000.00	$ 10,000.00			
Total 10500 ·MM Run # 2	$ 11,270.12	$ 11,270.12			
10800 ·Drought Scoping Project					
Consultants	$ 1,000.00				
Other	$ 1,000.00				
Total 10800 ·Drought Scoping Project	$ 2,000.00				
10900 ·Map Project			$ 9,500.00	$ 9,500.00	
Consultants			$ 9,500.00		
Total 10900 ·Map Project	$ -				
11000 ·Drought Process Project					
Consultant	$ 15,000.00				
Total 11000 ·MM Cal III	$ 15,000.00				
11100 ·Drought Cons/Soft Path					
Consultant	$ 30,000.00				
Total 11100 ·Drought Cons/Soft Path	$ 30,000.00				
11300 ·MM Cal III					
Consultant	$ 13,632.85				
Total 11300 ·MM Cal III	$ 13,632.85				
11400 ·3-D Display					
Consultant					
Total 11400 ·3-D Display	$ -				
11500 River Center Business Plan					
Consultant			$ -		
Total 11500 ·River Center Business Plan	$ -				
13100 ·Network Project					
Consultant	$ 15,700.00				
Total 11300 ·Network Project	$ 15,700.00				
13200 ·History Project-30 Yrs					
Consultant	$ 3,481.24				
Total 11300 ·History Project- 30 Yrs	$ 3,481.24				
13300 ·LSLW			$ 35,000.00		
Consultants			$ 15,000.00		
Other			$ 50,000.00		
Total 13300 ·LSLW	$ -				
24010 · Cal IV		$ 3,000.00			
Consultants		$ 3,000.00			
24010 · Cal IV					
Total 9200 · Special Project Expenses	$ 267,546.19	$ 96,270.12	$ 59,500.00	$ 9,500.00	
Total Revenue Without Proects	$ 676,000.00	$ 682,000.00			
Total Expenses Without Proects	$ 862,531.28	$ 920,758.45			
Difference	$ (186,531.28)	$ (238,758.45)			
Total Expense – Operational and Projects					
Total Canadian Expenses in US dollars					
Total Expense Budget Expressed in US dollars					
Income with Projects & Carry-Over	$ 1,136,588.37	$ 1,131,359.05			
Expenses with Projects	$ 1,226,347.59	$ 1,026,528.57			
Total After All Income/Expenses	$ (89,759.22)	$ 104,830.48			



KEYNOTE SPEAKER

Dr. David Sauchyn is Professor of Geography and Research Coordinator at the Prairie Adaptation Research Collaborative (PARC) at the University of Regina. Since 2000, he has been responsible for facilitating and managing many research projects on climate change impacts in the Prairie Provinces. Dr. Sauchyn's main research interests are the climate of the past millennium in Canada's western interior and how knowledge of past climate can inform scenarios of future climate. He is a co-investigator in a five-year multi-disciplinary study of adaptation to climate change in northern Chile and the Canadian plains. He also participated in the expert review of the Fourth Assessment Report of the Intergovernmental Panel on Climate Change and he is a lead author of the Canada's National Assessment of Climate Change released on March 7, 2008.

For up-to-date information or to register, please look on our web site,

www.redriverbasincommisison.org

Red River Basin Commission
119 5th St. S., Ste. 209
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SHAPING THE BASIN'S FUTURE TOGETHER

January 20-22, 2009

Fort Garry Hotel
Winnipeg, MB

Sponsored by:
The Red River Basin Commission

RED RIVER BASIN COMMISSION

Tuesday, January 20

1:00 **Welcome & Introductions**
National Anthems

1:15 **Keynote – Climate Change in the Prairies: An Assessment of Impacts and Adaptation - David Sauchyn, Professor of Geography and Research Coordinator – Prairie Adaptation Research Collaborative, University of Regina**

2:20 **Building on the past, Shaping the Basin's Future Together**
Connecting the Dots: You and the Future:
Lance Yohe, RRBC Executive Director

2:35 **Break and Exhibits**

3:00 **Overview – Soil Conservation: Brian Dwight**, MN Board of Water & Soil Resources; **Ute Holweger**, Agriculture & Agri-Food Canada; **Glen Kajewski**, Natural Resources Conservation Service, MN; **Keith Weston**, Natural Resources Conservation Service, ND

Overview – Fish, Wildlife, and Outdoor Recreation: Roger Hollevoet, US Fish & Wildlife Service; **Tom Groshens**, MN Dept. of Natural Resources; Manitoba Representative

5:15 **Social and Exhibits**

***Program Subject to Change**

Wednesday, January 21

7:30 **Continental Breakfast**

8:15 **SMALL GROUP SCENARIOS – "Participating in the Future"**

9:30 **Break and Exhibits**

10:00 **SMALL GROUP SCENARIOS – "Participating in the Future" continued**

11:45 **Lunch**

12:45 **Overview - Water Quality: Nicole Armstrong**, MB Water Stewardship; **Jim Ziegler**, MN Pollution Control Agency; **Dennis Fewless**, ND Dept. of Health

Overview – Outdoor Recreation: Rhonda Kennedy Rogers, Rivers West, MB; **Melanie Parvey-Biby**, City of Grand Forks, ND; **Bob Backman**, River Keepers

2:15 **Break and Exhibits**

2:35 **Fish, Wildlife, and Outdoor Recreation/Soil Conservation Breakouts – 1st session**

Fish and Wildlife – Habitat
1. **Wildlife Effects of CRP Losses in North Dakota:** ND Game & Fish Dept.
2. **Wetland Changes in the Prairie Pothole Region of MN:** U.S. Fish & Wildlife Service
3. **Impacts of Wetlands in Manitoba:** Ducks Unlimited, Canada

Outdoor Recreation – Greenways: The Link Between River and Residents
1. **Rivers West**
2. **Grand Forks/East Grand Forks Greenway**
3. **Fargo-Moorhead Metropolitan Council of Governments**

Soil Conservation – Perceived Future Needs in Soil Conservation in the US and Canada
1. **Manitoba**
2. **United States**

3:30 **Water Quality and Fish, Wildlife, and Outdoor Recreation Breakouts – 2nd session**

Water Quality
1. **Tiered Aquatic Life Use Standards**
2. **MN Water Planning on Watershed Scale:** Gaylen Reetz, MN Pollution Control Agency
3. **Lake Winnipeg: Are We Making Any Real Progress?:** Al Kristofferson, Lake Winnipeg Research Consortium Inc.

Fish/Wildlife
1. **Channel Catfish Fishery of the Red River of the North, or, Yes, Virginia, There Are Catfish Fishermen:** Lynn Schlueter, ND Game & Fish Dept.
2. **Sturgeon Restoration:** Tom Groshens, MN Department of Natural Resources
3. **First Nations Fish Habitat Program: Lessons Learned and Plans for Moving Forward:** Mike Pierre, Centre for Indigenous Environmental Resources, MB

Outdoor Recreation
1. **Economic Base of Wildlife in ND:** Roger Hollevoet
2. **Recreational Fishing Trends in Manitoba: Preliminary Results of the 2008 Red River Creel Survey:** Derek Kroeker, MB Water Stewardship, Fisheries Branch
3. TBD

5:00 **Social and Exhibits**

6:30 **Awards Banquet**
- **Awards**
- **Presentations**
- **Outreach Recognition**
- **Silent Auction Winners**

***Program Subject to Change**

Thursday, January 22

7:30 **Continental Breakfast**

8:00 **Annual Meeting**
- **Board Chair report**
- **Executive Director report**
- **Financial/Audit Report**
- **Elections** – Citizen At Large

9:00 **Water Supply – Overview**
1. **Drought – Jurisdictional Process**
2. **City of Winnipeg Drought Conservation/Soft Path Strategy:** City of Winnipeg, MB
3. **Red River of the North Low Flow Impacts Database:** Donna Woudenberg, National Drought Mitigation Center

10:00 **Break and Exhibits**

10:30 **FDR – Overview: Charlie Anderson**, JOR Engineering; **Randy Gjestvang**, ND State Water Commission; **Alf Warkentin**, MB Water Stewardship
1. **Manitoba's Ice Jam Mitigation Strategy:** Steve Topping, MB Water Stewardship
2. **Basin Precipitation Strategy**
3. **Southside Fargo Project Update:** Jeff Volk, Moore Engineering, Inc.

11:30 **Looking Ahead: Challenge for Tomorrow: Yohe**

12:00 **Lunch**

Conference Funding Partners:

Agriculture and Agri-Food Canada / Agriculture et Agroalimentaire Canada

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NORTHWEST MINNESOTA REGIONAL SUSTAINABLE DEVELOPMENT PARTNERSHIP

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Before Jan. 5: $ 190 US/ CA $ at current exchange
After Jan. 5: $215 / CA $ at current exchange
Registration includes attendance to all plenary and special sessions, entry to exhibits, breakfasts, reception, lunches, banquet and refreshment breaks. Extra meals for guests are available for purchase at the registration table.

You may also register on line at
www.redriverbasincommission.org

Conference Lodging **Fort Garry Hotel**
1-800-665-8088
222 Broadway Ave. Rate is $110
Winnipeg MB

Ask for **Group Code 10219T** to receive this rate.

A block of rooms will be held until December 18, 2008, or until the block is full. The rate is the same for standard queen, double/double or king rooms.

Border Crossing Requirements Have Changed

U.S. and Canadian citizens need to present either (a) a passport, or (b) a government-issued photo ID, such as a driver's license, AND proof of citizenship, such as a birth certificate.

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119 S. 5th St. • PO Box 66
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* Registrations not canceled by January 14 are required to pay the full conference fee.

* We apologize, but we are unable to accept credit cards.

Red River Basin Commission
206-309 Hargrave Street
Winnipeg, MB R3B 2J8
Phone: 204-982-7250 • Fax: 204-982-7255

Board Resolution #_____

Red River Valley Restoration Initiative (RRVRI) Establishment

WHEREAS the MN State Legislature appropriated $25 million to the RIM Reserve Program in the 2008 Bonding bill (Chapter 179, 2008 Session law) which governor Pawlenty signed into law on April 7, 2008;

WHEREAS the MN State Legislature identified that up to $8 million is available for use to restore wetlands and reduce flooding in the Red River Valley Area;

WHEREAS the Minnesota Board of Water and Soil Resources authorized staff to work with the Red River Watershed Management Board to develop a (RIM Reserve) Red River Valley Restoration Initiative (RRVRI);

WHEREAS the role and responsibilities of the Watershed Districts in the RRVRI is project engineering and design, project administration, river/stream restoration construction, and maintenance of the conservation plan on behalf of the landowner;

WHEREAS projects will be identified through the Red River Mediation Work Group (RRMWG) and local project work teams consistent with the Red River Mediation Agreement (RRMA) and its natural resource enhancement (NRE) goals and objectives;

WHEREAS the objective of the RRVRI is to achieve priority river/stream restoration and flood damage reduction outcomes consistent with the RRMA and RIM Reserve Program established in MS 103F.515;

WHEREAS the RIM Reserve Management Planning Committee (RRMPC) is recommending up to $3 million in 2008 RIM Reserve funds be used to acquire riparian easements and establish conservation practices on those riparian lands acquired via easements. These funds must be obligated by June 1, 2009 for the stated purposes of the RRVRI;

WHEREAS the RRMPC is recommending the payment rate for permanent easements on cropland be 100% of Estimated Market Value (EMV) and the payment rate for non-cropland be 60% of EMV for non-cropland. Rates are to be calculated using township mean for tillable property value established by county assessors for the 2009 tax year;

WHEREAS the RRVRI project recommendations will be submitted to the BWSR from the Red River Mediation Work Group for consideration;

WHEREAS the Minnesota Board of Water and Soil Resources will select and approve project areas for the RRVRI submitted for consideration by the RRMWG;

WHEREAS the Minnesota Board of Water and Soil Resources will acquire RIM Reserve easements and establish conservation practices through the Soil and Water Conservation Districts who are members of the local project work teams, unless otherwise determined locally;

WHEREAS the RRMPC met on November 24th, 2008 and is recommending the establishment of the RRVRI beginning December 18, 2008 and ending June 1, 2009 with a payment rate of 100% EMV for cropland and 60% EMV non-cropland;

NOW, THEREFORE BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources authorizes the establishment of, and payment rates for, the RRVRI to begin December 18, 2008 and run through June 1, 2009.

_____ _____

Randy Kramer, Chair
Minnesota Board of Water and Soil Resources

Date

BACKGROUND SHEET

RRBC EX-OFFICIO DISCUSSION
4 SEPTEMBER 2008
FARGO, ND

US FARM BILL
AGRICULTURAL WATER ENHANCEMENT PROGRAM (AWEP)

Farm bill language:

The Conference substitute adopts the House provision with an amendment. The substitute creates the Agricultural Water Enhancement Program (AWEP) and provides an additional $40,000,000 in mandatory funding for the program.

The purpose of AWEP is to address water quality and water quantity concerns on agricultural land. The Managers expect the Department to balance its resources among the needs of producers in performing water quantity and quality activities. The Managers intend for producers to participate in the program directly or with other producers who have come together with a partner. The Managers intend for the Department to manage the program so that a producer who chooses to participate as an individual has the same opportunities as one who chooses to participate with a partner.

The purpose of authorizing partners in AWEP is to leverage federal funds and to encourage producers to collectively Address specific water quality or quantity concerns. The Managers intend for the program to be delivered according to applicable program rules. Any federal funding must be delivered to producers; no federal funding may be used to cover the administrative expenses of partners.

The Managers expect the Department to require partners to clearly state their objectives and describe how they intend to leverage federal funds and the water quantity or water quality issues they intend to address. The Managers encourage the Department to require the measurement and quantification of actual resource outcomes as part of AWEP projects.

The Managers recognize that water quantity conservation is a significant nation-wide concern. The Ogallala Aquifer is a critical source of groundwater for agricultural and municipal uses. Due to the scope and significance of the aquifer, there is a need for regional efforts to address groundwater management in the region. The Managers urge the Department to work with States and agricultural producers in the Ogallala region to coordinate Federal assistance with State programs and to encourage cooperation among States in implementing conservation programs and water reduction practices.

The Managers recognize that water use efficiency projects are an important means to encourage water conservation and expect the Department to continue to support such activities. The Managers intend that additional significance should be placed on water conservation practices that convert irrigated farming to dryland farming to encourage substantial water savings.

To ensure the effectiveness of proposals that convert irrigated farming to dryland farming, the Managers have included provisions to allow the Department to fund proposals for an extended period of five years. In setting the payment rate, the Secretary should take into account the change in the land value of converting an irrigated farming operation to a dryland farming operation.

The Managers intend for the Department to make the construction of small, on-farm reservoirs or irrigation ponds eligible for assistance through AWEP in drought- stricken areas. The Managers intend the Department to use the Drought Monitor as a guide to determine the areas eligible. Any area that has received a D4 drought designation for a month-long period during the previous two years should be eligible. The Managers intend the ponds to be no more than 40 acres in size.

The Managers believe these ponds and related activities will benefit wildlife and demonstrate the potential to capture on-farm surface water runoff in an environmentally beneficial manner. The Managers do not intend for any State water regulation or law to be waived.

In utilizing the authority to waive the eligibility provisions in Section 1001D, the Managers expect the Secretary to take into account the need to accomplish the purposes of the program by en-rolling and that would be ineligible to participate in other conservation programs.

The Managers intend for the Secretary to give priority to producers in six priority areas: The Eastern Snake Plain Aquifer region, Puget Sound, the Ogallala Aquifer, the Sacramento River watershed, Upper Mississippi River Basin, the Red River of the North Basin, and the Everglades. (Section 2510 of Conference substitute)

Additional Comments:

1. This is not planning money. If planning money is needed it will need to looked for in other programs.
2. This language is left up to interpretation from USDA.
3. Rulemaking is in progress, we should provide written comments.
4. Some commitment from the current administration regarding the following would be useful.
    1. Follow the intent of language—target the six watersheds—keeping RRB.
    2. Funds to go equally to all six targeted watersheds.
    3. Link funds regionally to RRB-NRFP goals.
    4. Explore a regional project concept with USDA, as RFP, using the RRB.

9. Grants Program & Policy Committee Recommendations

A. **09 Drainage Records Modernization Grant, $500K** – Forty Six applicants have requested $1.35 M. to update local drainage records. The Grants Program & Policy Committee is requesting approval of their allocation recommendations. **Decision Item.**

B. **09 Native Buffer Cost Share Allocations, $753,524** – Competitive applications from SWCDs were received and the Grants Program & Policy Committee is requesting approval of their allocation recommendations. **Decision Item.**

C. **09 Ag-land Hydrologic Restoration Grants, $531,981 –** Phase II proposals for hydrologic modeling and data processing have been refined. The Grants Program & Policy Committee is requesting approval of their allocation recommendations. **Decision Item.**

D. **09 Clean Water Legacy Project Grants, $1.03 M BWSR, $1.61 M PCA –** The Grants Program & Policy Committee is forwarding the interagency Workteam recommendations for funding approval. **Decision Item**.

E. **Red River Basin Commission Annual Plan and Allocation –** The Grants Program & Policy Committee has reviewed the Commissions annual report, their annual plan for 2009, and recommends approval of their $100,000 annual allocation. **Decision Item.**

Wayne Zellmer
Grants Coordinator
651-297-7361
fax: 651-297-5615
wayne.zellmer@state.mn.us

From: Wayne Zellmer (BWSR)
Sent: Thursday, December 04, 2008 11:58 AM
To: 'rlburandt@gmail.com'; 'Paul Langseth'; 'Louise Smallidge'; 'Dana Allen'; 'Brian Kletscher'; 'Gene Tiedemann'; 'Joe Martin'; 'Rebecca.Flood@state.mn.us'
Cc: John Jaschke (BWSR); Julie Klocker (BWSR); David.Weirens@state.mn.us; 'rlkramer@westtechwb.com'; Joel R Peterson (BWSR); Al Kean (BWSR); Dan Shaw (BWSR); #BWSR_BWSR-Clean Water Specialists; Mary Jo Anderson (BWSR); Kari Keating (BWSR)
Subject: GRANTS PROGRAM & POLICY COMMITTEE MEETING CHANGE

The December 17 Grants Program & Policy Committee Meeting has been re-scheduled for December 12. The Meeting will be held in the BWSR Conference Room beginning at 10 AM with a planned ending around 12:30 PM. Committee members that cannot attend in person may attend via telephone. The number to call is 1-888-677-3050 and the pass code number is 43354.

Agenda items will include the following:

A. 09 Drainage Records Modernization Grant, $500K – Forty Six applicants have requested $1.35 M

B. 09 Native Buffer Cost Share Grants, $700K.

C. 09 Ag-land Hydrologic Restoration Grants, $1.5M

D. 09 Clean Water Legacy Project Grants, $3.2 M ($1.2M BWSR, $2.0M PCA).

E. State Cost Share Policy Revisions/Updates

- Livestock Waste Management Practice Eligible Components Revision
- Rain Garden/Bioretention Addition to Cost Share Program

F. 09 Red River Basin Commission Annual Plan and $100,000 Allocation Approval

Selected background materials for the above items will be provided to you prior to our December 12 Meeting. These items will be forwarded to the Board for their consideration at their December 17 Meeting.

Please contact me if there are any questions or concerns.

Thanks

Wayne Zellmer
Grants Coordinator

BOARD OF WATER AND SOIL RESOURCES INTERNAL MEMORANDUM

DATE: December 10, 2008

TO: Grants Program & Policy Committee

FROM: Joel Peterson

SUBJECT: **DECISION ITEM:** Drainage Records Modernization Grants

The grant application period was September 18, 2008 – October 31, 2008.

Electronic versions of the submission materials and a spreadsheet summarizing the pertinent data as well as some preliminary scoring can be found in the following folder.

\\Adm-data\BWSR\Shared Library\BWSR Grants Program Contents\Miscellanous Grant Programs\Drainage Records Modernization

Six scoring scenarios for the Drainage Records Modernization Grant were presented to the G-Team on November 24th. The recommendation from the G-Team was to present the following two scoring methods to the SMT for consideration.

Scenarios:

1) Applicants that partnered with one or more drainage authorities were grouped together and their scores averaged. This assumes an all or none for partnerships. Priority given to groups not receiving grants previously but **those who have can still be ranked higher than those who have not.**

2) Applicants that partnered with one or more drainage authorities were grouped together and their scores averaged. This assumes an all or none for partnerships. Significant priority given to groups not receiving grants before. Those not previously receiving grants were **moved to the front of the queue.**

The G-Team's preferred Scenario was #1 above, Table 1 of the attachment.

The Senior Management Team (SMT) recommended that the projects on Table 1 recommended for funding be forwarded to the Grants Program & Policy Committee. This would result in 17 of 32 proposals being funded (individual and joint applications). The 17 proposals comprise 22 drainage authorities. Seven (7) of the 22 drainage authorities have previously received grants for drainage records modernization.

This scenario assumes: 1) project partners are lumped together and their score is averaged. 2) Drainage authorities who have previously received grants can receive them.

File Link	No	Applicant Name	Amount Requested	Amount Recommended	Number of Systems or Miles	Cost/Mi or Cost/System	Basis/Cost	Total In-Kind	Ratio of Request to In-Kind (1:x)	Previous Work On Drainage Modernization?	Multi-Jurisdictional	Previous Grant?	Proposal Quality (H:M:L)	Score	Group Score		Cumulative Grant Request	Rank
	1	Aitkin County	$ 50,000		41	$ 1,219.51	1.23	$ 50,000	1.00	1	0	2	2	7.23	7.23	7.23		26
	2	Benton County	$ 22,107	$ 22,107	57.7	$ 383.14	3.92	$ 22,215	1.00	1	0	2	1	8.92	8.92	8.92	$ 280,907	11
	3	Big Stone County	$ 36,000		24	$ 1,500.00	1.00	$ 36,000	1.00	0	0	2	1	5.00	5.00	5.00		42
	4	Bois de Sioux Watershed District	$ 15,000	$ 15,000	10	$ 1,500.00	1.00	$ 20,000	1.33	1	0	2	3	8.33	8.33	8.33	$ 303,907	13
	5	Brown County	$ 46,346	$ 46,346	90	$ 514.95	2.91	$ 100,000	2.16	0	0	0	3	8.07	8.07	8.07	$ 350,253	14
	6	Buffalo Red River Watershed District	$ 50,000		64	$ 781.25	1.92	$ 62,500	1.25	1	0	0	2	6.17	6.17	6.17		40
	7	Chippewa County	$ 14,800	$ 14,800	1500	$ 9.87	7.60	$ 14,800	1.00	1	0	0	1	10.60	10.60	10.60	$ 38,800	2
	8	Faribault County	$ 24,000	$ 24,000	120	$ 200.00	7.50	$ 63,550	2.65	1	0	0	3	14.15	14.15	14.15	$ 24,000	1
	9	Jackson County	$ 42,000	$ 42,000	28	$ 1,500.00	1.00	$ 42,000	1.00	1	0	2	3	8.00	8.00	8.00	$ 392,253	15
	10	Kanabec County	$ 15,000		10	$ 1,500.00	1.00	$ 18,000	1.20	1	0	2	1	6.20	6.20	6.20		39
	11	Kittson County	$ 43,200	$ 13,269	36	$ 1,200.00	1.25	$ 86,400	2.00	0	1	2	1	7.25		7.56	$ 577,253	19
	12	Two River Watershed	$ 10,800	$ 3,317	9	$ 1,200.00	1.25	$ 21,600	2.00	1	1	2	1	8.25	7.56	7.56		19
	13	Roseau County	$ 50,000	$ 15,357	831	$ 60.17	1.25	$ 124,650	2.49	0	1	2	1	7.74		7.56		19
	14	Roseau River Watershed District	$ 7,500	$ 2,304	5	$ 1,500.00	1.00	$ 15,000	2.00	0	1	2	1	7.00		7.56		19
	15	Lake of the Woods County	$ 48,790		650.53	$ 75.00	1.00	$ 48,790	1.00	1	0	0	2	5.00	5.00	5.00		44
	16	Marshall County	$ 30,000	$ 30,000	25	$ 1,200.00	1.25	$ 45,000	1.50	0	1	2	2	7.75	9.03	9.03	$ 258,800	9
	17	Middle-Snake-Tamarac River Watershed District	$ 20,000	$ 20,000	24	$ 833.33	1.80	$ 50,000	2.50	1	1	2	2	10.30		9.03		9
	18	Martin County	$ 50,000	$ 50,000	178	$ 280.90	5.34	$ 126,725	2.53	0	0	0	2	9.87	9.87	9.87	$ 153,800	5
	19	Meeker County	$ 15,000	$ 15,000	48	$ 312.50	4.80	$ 20,000	1.33	1	1	0	2	10.13	9.13	9.13	$ 208,800	7
	20	Buffalo Creek Watershed District	$ 15,000	$ 15,000	28	$ 535.71	2.80	$ 20,000	1.33	1	1	0	2	8.13		9.13		7
	21	Nobles County	$ 48,000		32	$ 1,500.00	1.00	$ 50,000	1.04	1	0	2	2	7.04	7.04	7.04		35
	22	North Fork Crow River Watershed District	$ 15,000		16	$ 937.50	1.60	$ 25,000	1.67	1	1	0	2	7.27	7.37	7.37		24
	23	Pope County	$ 15,000		18	$ 833.33	1.80	$ 25,000	1.67	1	1	0	2	7.47		7.37		24
	24	Polk County	$ 50,000	$ 50,000	143	$ 349.65	4.29	$ 50,000	1.00	1	0	2	2	10.29	10.29	10.29	$ 103,800	4
	25	Red Lake Watershed District	$ 26,400		24	$ 1,100.00	1.36	$ 26,400	1.00	1	1	0	1	5.36	6.38	6.38		37
	26	Pennington County	$ 20,000		32	$ 625.00	2.40	$ 20,000	1.00	0	1	2	1	7.40		6.38		37
	27	Rice Creek Watershed District	$ 25,000	$ 25,000	23	$ 1,086.96	1.38	$ 70,000	2.80	1	0	2	2	9.18	9.18	9.18	$ 178,800	6
	28	Sandhill River Watershed District	$ 13,500	$ 13,500	9	$ 1,500.00	1.00	$ 22,500	1.67	1	0	2	2	7.67	7.67	7.67	$ 465,753	18
	29	Sauk River Watershed District	$ 12,000	$ 12,000	12	$ 1,000.00	1.50	$ 15,000	1.25	1	0	2	2	7.75	7.75	7.75	$ 452,253	17
	30	Sherburne County	$ 48,000	$ 48,000	32	$ 1,500.00	1.00	$ 48,000	1.00	1	0	2	3	8.00	8.00	8.00	$ 440,253	15
	31	Stevens County	$ 42,000		28	$ 1,500.00	1.00	$ 42,000	1.00	0	0	2	2	6.00	6.00	6.00		41
	32	Todd County	$ 27,560		49	$ 562.45	2.67	$ 31,000	1.12	1	0	0	2	6.79	6.79	6.79		36
	33	Waseca County	$ 50,000		39	$ 1,282.05	1.17	$ 50,000	1.00	0	1	2	2	7.17	7.17	7.17		27
	34	Watonwan County	$ 48,000		32	$ 1,500.00	1.00	$ 48,000	1.00	1	0	0	2	5.00	5.00	5.00		42
	35	Wild Rice Watershed District	$ 15,000	$ 15,000	44	$ 340.91	4.40	$ 30,000	2.00	1	1	0	2	10.40	10.40	10.40	$ 53,800	3
	36	Wilkin County	$ 8,000	$ 8,000	20	$ 400.00	3.75	$ 8,000	1.00	0	0	2	2	8.75	8.75	8.75	$ 288,907	12
	37	Wright County	$ 50,000		51	$ 980.39	1.53	$ 50,000	1.00	1	0	2	2	7.53	7.53	7.53		23
	38	Yellow Medicine River Watershed District	$ 40,000		30	$ 1,333.33	1.13	$ 40,000	1.00	1	0	2	2	7.13	7.13	7.13		34
	39	Chisago County	$ 21,000		14	$ 1,500.00	1.00	$ 21,000	1.00	0	1	2	2	7.00		7.14		28
	40	Nicollet County	$ 34,170		455.59	$ 75.00	1.00	$ 34,170	1.00	0	1	0	2	5.00		7.14		28
	41	Carver County - App #2	$ 20,000		14	$ 1,428.57	1.05	$ 20,000	1.00	1	1	2	2	8.05	7.14	7.14		28
	42	Rice County	$ 46,500		31	$ 1,500.00	1.00	$ 46,500	1.00	1	1	2	2	8.00		7.14		28
	43	Lincoln County-App#2	$ 25,000		50	$ 500.00	3.00	$ 25,000	1.00	1	1	0	2	8.00		7.14		28
	44	McLeod County	$ 50,000		52	$ 961.54	1.56	$ 63,000	1.26	1	1	0	2	6.82		7.14		28

This scenario assumes: 1) project partners are lumped together and their score is averaged. 2) Drainage authorities who have previously received grants will not receive them before those who have not.

File Link	No	Applicant Name	Amount Requested	Amount Recommended	Number of Systems or Miles	Cost/Mi or Cost/System	Basis/Cost	Total In-Kind	Ratio of Request to In-Kind (1:x)	Previous Work On Drainage Modernization?	Multi-Jurisdictional	Previous Grant?	Proposal Quality (H:M:L)	Score	Group Score		Cumulative Grant Request	Rank
	1	Aitkin County	$ 50,000	$ 50,000	41	$ 1,219.51	1.23	$ 50,000	1.00	1	0	2	2	7.23	7.23	7.23	$ 497,107	17
	2	Benton County	$ 22,107	$ 22,107	57.7	$ 383.14	3.92	$ 22,215	1.00	1	0	2	1	8.92	8.92	8.92	$ 147,107	5
	3	Big Stone County	$ 36,000		24	$ 1,500.00	1.00	$ 36,000	1.00	0	0	2	1	5.00	5.00	5.00		23
	4	Bois de Sioux Watershed District	$ 15,000	$ 15,000	10	$ 1,500.00	1.00	$ 20,000	1.33	1	0	2	3	8.33	8.33	8.33	$ 170,107	7
	9	Jackson County	$ 42,000	$ 42,000	28	$ 1,500.00	1.00	$ 42,000	1.00	1	0	2	3	8.00	8.00	8.00	$ 212,107	8
	10	Kanabec County	$ 15,000		10	$ 1,500.00	1.00	$ 18,000	1.20	1	0	2	1	6.20	6.20	6.20		21
	11	Kittson County	$ 43,200	$ 43,200	36	$ 1,200.00	1.25	$ 86,400	2.00	0	1	2	1	7.25		7.56	$ 397,107	12
	12	Two River Watershed	$ 10,800	$ 10,800	9	$ 1,200.00	1.25	$ 21,600	2.00	1	1	2	1	8.25	7.56	7.56		12
	13	Roseau County	$ 50,000	$ 50,000	831	$ 60.17	1.25	$ 124,650	2.49	0	1	2	1	7.74		7.56		12
	14	Roseau River Watershed District	$ 7,500	$ 7,500	5	$ 1,500.00	1.00	$ 15,000	2.00	0	1	2	1	7.00		7.56		12
	16	Marshall County	$ 30,000	$ 30,000	25	$ 1,200.00	1.25	$ 45,000	1.50	0	1	2	2	7.75	9.03	9.03	$ 125,000	3
	17	Middle-Snake-Tamarac River Watershed District	$ 20,000	$ 20,000	24	$ 833.33	1.80	$ 50,000	2.50	1	1	2	2	10.30		9.03		3
	21	Nobles County	$ 48,000		32	$ 1,500.00	1.00	$ 50,000	1.04	1	0	2	2	7.04	7.04	7.04		20
	24	Polk County	$ 50,000	$ 50,000	143	$ 349.65	4.29	$ 50,000	1.00	1	0	2	2	10.29	10.29	10.29	$ 50,000	1
	27	Rice Creek Watershed District	$ 25,000	$ 25,000	23	$ 1,086.96	1.38	$ 70,000	2.80	1	0	2	2	9.18	9.18	9.18	$ 75,000	2
	28	Sandhill River Watershed District	$ 13,500	$ 13,500	9	$ 1,500.00	1.00	$ 22,500	1.67	1	0	2	2	7.67	7.67	7.67	$ 285,607	11
	29	Sauk River Watershed District	$ 12,000	$ 12,000	12	$ 1,000.00	1.50	$ 15,000	1.25	1	0	2	2	7.75	7.75	7.75	$ 272,107	10
	30	Sherburne County	$ 48,000	$ 48,000	32	$ 1,500.00	1.00	$ 48,000	1.00	1	0	2	3	8.00	8.00	8.00	$ 260,107	8
	31	Stevens County	$ 42,000		28	$ 1,500.00	1.00	$ 42,000	1.00	0	0	2	2	6.00	6.00	6.00		22
	33	Waseca County	$ 50,000	$ 2,893	39	$ 1,282.05	1.17	$ 50,000	1.00	0	1	2	2	7.17	7.17	7.17	$ 547,107	18
	36	Wilkin County	$ 8,000	$ 8,000	20	$ 400.00	3.75	$ 8,000	1.00	0	0	2	2	8.75	8.75	8.75	$ 155,107	6
	37	Wright County	$ 50,000	$ 50,000	51	$ 980.39	1.53	$ 50,000	1.00	1	0	2	2	7.53	7.53	7.53	$ 447,107	16
	38	Yellow Medicine River Watershed District	$ 40,000		30	$ 1,333.33	1.13	$ 40,000	1.00	1	0	2	2	7.13	7.13	7.13		19
	5	Brown County	$ 46,346		90	$ 514.95	2.91	$ 100,000	2.16	0	0	0	3	8.07	8.07	8.07		
	6	Buffalo Red River Watershed District	$ 50,000		64	$ 781.25	1.92	$ 62,500	1.25	1	0	0	2	6.17	6.17	6.17		
	7	Chippewa County	$ 14,800		1500	$ 9.87	7.60	$ 14,800	1.00	1	0	0	1	10.60	10.60	10.60		
	8	Faribault County	$ 24,000		120	$ 200.00	7.50	$ 63,550	2.65	1	0	0	3	14.15	14.15	14.15		
	15	Lake of the Woods County	$ 48,790		650.53	$ 75.00	1.00	$ 48,790	1.00	1	0	0	2	5.00	5.00	5.00		
	18	Martin County	$ 50,000		178	$ 280.90	5.34	$ 126,725	2.53	0	0	0	2	9.87	9.87	9.87		
	19	Meeker County	$ 15,000		48	$ 312.50	4.80	$ 20,000	1.33	1	1	0	2	10.13	9.13	9.13		
	20	Buffalo Creek Watershed District	$ 15,000		28	$ 535.71	2.80	$ 20,000	1.33	1	1	0	2	8.13		9.13		
	22	North Fork Crow River Watershed District	$ 15,000		16	$ 937.50	1.60	$ 25,000	1.67	1	1	0	2	7.27	7.37	7.37		
	23	Pope County	$ 15,000		18	$ 833.33	1.80	$ 25,000	1.67	1	1	0	2	7.47		7.37		
	25	Red Lake Watershed District	$ 26,400		24	$ 1,100.00	1.36	$ 26,400	1.00	1	1	0	1	5.36	6.38	6.38		
	26	Pennington County	$ 20,000		32	$ 625.00	2.40	$ 20,000	1.00	0	1	2	1	7.40		6.38		
	32	Todd County	$ 27,560		49	$ 562.45	2.67	$ 31,000	1.12	1	0	0	2	6.79	6.79	6.79		
	34	Watonwan County	$ 48,000		32	$ 1,500.00	1.00	$ 48,000	1.00	1	0	0	2	5.00	5.00	5.00		
	35	Wild Rice Watershed District	$ 15,000		44	$ 340.91	4.40	$ 30,000	2.00	1	1	0	2	10.40	10.40	10.40		
	39	Chisago County	$ 21,000		14	$ 1,500.00	1.00	$ 21,000	1.00	0	1	2	2	7.00		7.14		
	40	Nicollet County	$ 34,170		455.59	$ 75.00	1.00	$ 34,170	1.00	0	1	0	2	5.00		7.14		
	41	Carver County - App #2	$ 20,000		14	$ 1,428.57	1.05	$ 20,000	1.00	1	1	2	2	8.05	7.14	7.14		
	42	Rice County	$ 46,500		31	$ 1,500.00	1.00	$ 46,500	1.00	1	1	2	2	8.00		7.14		
	43	Lincoln County-App#2	$ 25,000		50	$ 500.00	3.00	$ 25,000	1.00	1	1	0	2	8.00		7.14		
	44	McLeod County	$ 50,000		52	$ 961.54	1.56	$ 63,000	1.26	1	1	0	2	6.82		7.14		

Native Buffer Cost-share Program

Requesting approval of FY 2009 Native Buffer Cost-share applications

History:

- Native Buffer Cost-share program developed Summer/Fall 2007
- Grants for cost-sharing contracts to establish and maintain vegetation buffers of restored native prairie and restored prairie, using seeds of local ecotype region within the BWSR state Cost-share program.
- $ 950,000 distributed to 74 SWCDs through an allocation process for FY2008

Current Applications:

- Approximately 1.16 million available for FY2009
- $753,523.80 requested from 16 SWCDs ($356,443 matching funds)
- 39 Individual projects proposed

    Shoreline (lake) 14

    Remnant Prairie 6

    Ag Buffer 5

    Shoreline (River) 3

    Stormwater (Raingarden) 3

    Stormwater (Sediment Pond) 2

    Wetland Buffer 2

    Wellhead Protection 1

    Groundwater Protection 1

    RIM Enhancement 1

    Feedlot Buffer 1

- BWSR staff worked with applicants to ensure fit with cost-share requirements and program guidelines

Next Steps:

- December 17th BWSR Board Meeting

2009 Native Buffer Cost-Share Applications

SWCD	Project Name	Landowner	Project Type	BWSR Fund	Match	Comments
Anoka						
1	Bunker Lake Savanna Restoration	County	Remnant Prairie	$56,136.00	$36,352.00	Buffer for Bunker Lake
Becker						
1	City of Detroit Lakes - Buffer Wet Sediment Ponds	City	Stormwater (SP)	$3,188.00	$850.00	Increasing diversity around pond
2	Guetter Project - Establish New Buffer Area and Enhance Existing Native Seeding	Private Landowner	Wetland Buffer	$9,375.00	$2,500.00	Eroding hillside -Wetland buffer
Benton						
1	Little Rock Lake Watershed Buffer Projects	Private Landowner	Shoreline (Lake)	$10,000.00	$5,475.00	720 linear feet of shoreline
Cottonwood						
1	Midway Township Section 16 Buffer Planting	Private Landowner	Agricultural Buffer	$8,000.00	$2,000.00	Pasture conversion to natives - on Watonwan River
2	Rosehill Township Section 18 Buffer Planting	Private Landowner	Wetland Buffer	$10,000.00	$2,500.00	Current RIM site
East Otter Tail						
1	Amor Park Demonstration Site and Outdoor Classroom	Township	Shoreline (Lake)	$3,000.00	$1,000.00	Eroding slope, replacing non-natives
2	Ferguson Shoreline Stabilization and Restoration	Private Landowner	Shoreline (Lake)	$6,000.00	$2,000.00	Eroding Shoreline
3	Jack Pearson Shoreline Restoration	Private Landowner	Shoreline (Lake)	$3,300.00	$1,100.00	Replacing Kentucky bluegrass shoreline
4	Girls Scout Rain Garden at Prairie Wetlands Learning Center	Federal (FWS)	Stormwater (RG)	$3,600.00	$1,200.00	Demonstration rain garden
5	Otter Tail County Shoreline Restoration and Stabilization Demonstration Site	Multiple	Shoreline (Lake)	$22,500.00	$7,500.00	10 Native plant buffers planned by SWCD
6	Otter Trail County Water Plan Assistance Program	Private Landowner	Shoreline (Lake)	$2,822.50	$8,467.50	County water plan cost-share assistance

7	Little Pine Lake Access Stabilization and Restoration	City	Shoreline (Lake)	$6,700.00	$2,234.00	Replacing turf shoreline
8	Wellhead Area Expiring CRP Incentive	Private Landowner	Wellhead Protectio	$9,200.00	$12,667.00	Expiring CRP-Landowner Incentive
(Pooling agreement) 9.	Shoreline Stabilization and Restoration	Private Landowner	Shoreline (Lake)	$24,000.00	$6,667.00	demonstration sites, eroding shorelines
(Pooling Agreement) 10	Storm Water Retention	City	Stormwater (SP)	$24,000.00	$6,667.00	Diverse plantings around stormwater ponds
(Pooling agreement) 11	Remnant Prairie Protection and Enhancement	Private Landowner	Remnant Prairie	$12,000.00	$3,334.00	prescribed burning, interseeding and invasive sp. control
Isanti						
1	Anderson Park Buffer	County	Shoreline (River)	$35,000.00	$8,750.00	North Branch Sunrise River Buffer
LeSuer						
1	Hugh Valiant - Native Prairie Restoration/Buffer	Private Landowner	Agricultural Buffer	$21,815.30	$10,420.00	CRP enhancement, Waterville Creek buffer
Martin						
1	Martin SWCD Native Buffer Cost share program	Private Landowner	Agricultural Buffer	$45,000.00	$15,000.00	Cost-share program for interested landowners
Nobles						
1	Grand Prairie Township Restoration	Private Landowner	Groundwater Prote	$6,000.00	$2,000.00	Gravel pit with low water table,
Ramsey						
1	Shoreline Restoration on McCarron's and Long Lakes and other High Priority Lakes Shorelines within Ramsey County	Private Landowner	Shoreline (Lake)	$80,000.00	$40,000.00	Focus on Long and McCarron's Lakes
2	Residential, Commercial and Institutional Property Stormwater Infiltration BMPs	Private Landowner	Stormwater (RG)	$20,000.00	$20,000.00	20-40 Residential Rain Gardens
Renville						
1	Local Ecotype Native Seeding and RIM Conversions	Private Landowner	Agricultural Buffer	$50,400.00	$16,800.00	Four projects buffering MN River

2	Remnant Prairie Management	Private Landowner	Remnant Prairie	$16,000.00	$5,333.00	Five landowners with remnants buffering MN River
3	Native Rain Garden Plantings	Private Landowner	Stormwater (RG)	$2,500.00	$833.00	Minnesota River water quality improvement
Sherburne						
1	Oak Savanna Restoration, Uncas Dunes SNA	DNR	Remnant Prairie	$49,068.00	$62,368.00	Remnant Adjacent to Lake Ann
Stearns						
1	North Lake Native Buffer Shoreline Restoration	City	Shoreline (Lake)	$15,939.00	$5,313.00	Educational lakeshore
2	Native Buffer Shoreline Restoration Projects	Private Landowner	Shoreline (Lake)	$54,000.00	$18,000.00	5 projects determined by SWCD
Waseca						
1	Dave Arndt RIM Enhancement	Private Landowner	RIM Enhancement	$19,610.00	$4,902.50	Existing RIM
2	Dawn McGregor Lakeshore	Private Landowner	Shoreline (Lake)	$5,000.00	$1,250.00	Lake Elysian - 350 feet
3	Lake Elysian Shoreline Planting	Private Landowner	Shoreline (Lake)	$5,000.00	$1,250.00	Lake Elysian - 350 feet
Washington						
1	St.Croix River Islands Buffers	Federal (NPS)	Shoreline (River)	$15,000.00	$5,000.00	St. Croix River islands erosion
2	Lake St. Croix Beach Shoreline Buffer	City	Shoreline (River)	$18,750.00	$6,250.00	Slumping bluff adjacent to river
3	Long Lake Shoreline Buffer	City	Shoreline (Lake)	$43,500.00	$14,500.00	Reed canary grass conversion
4	Big Marine Lake Feedlot Buffer	Private Landowner	Feedlot Buffer	$11,250.00	$3,750.00	Buffer/cattle exclusion area
5	Washington County Parks Cropland Conversion Buffers	County	Agricultural Buffer	$10,000.00	$10,000.00	Farmland currently draining to St. Croix River
Yellow Medicine						
1	Bergeson/Bakken Remnant Prairie Restoration	Private Landowner	Remnant Prairie	$7,923.00	$1,260.00	Remnant 1000 ft from Minn. River
2	Doom Remnant Prairie Restoration	Private Landowner	Remnant Prairie	$7,947.00	$950.00	Buffer Canby Creek
			Total	$753,523.80	$356,443.00	

Minnesota Board of Water & Soil Resources

DATE: December 12, 2008 .

TO: BWSR Grants Program and Policy Committee

FROM: Matt Drewitz, Jeff Hrubes, and Marcey Westrick – Clean Water Specialists

SUBJECT: **DECISION ITEM**: Clean Water Legacy (CWL) Agricultural Watershed Restoration (AWR) Phase II Awards

The purpose of this memorandum is to provide the BWSR Grants Program and Policy Committee with a brief update on the activities that have taken place regarding the Agricultural Watershed Restoration project and to request the committee to approve the phase II funding recommendations listed in Table 1.

In January, 2008, the BWSR Grants Program and Policy Committee recommended and the full BWSR Board approved entering into grant agreements with 6 organizations to carry out the AWR project. In July, 2008, BWSR staff drafted an example RFP and distributed to the sponsoring organizations, who then further refined the RFP for their particular area. The local sponsors then distributed their RFP through their regular communication channels to interested technical consultants.

The technical consultants were asked to investigate multiple scenarios within each watershed in order to develop proposed implementation activities that would achieve water quality standards through hydrologic modification. All proposals have been returned to the local sponsors and proposal evaluations have been finalized by the review committees and consultant teams have been selected. See Table 1 for technical consultant selections by watershed and the associated grant requests to undertake these projects. Funding will be granted to the local sponsor to hire the consultant to do the modeling effort (Column A) and to the local sponsor to collect and package data for the modeling effort, conduct outreach efforts for the project, work with local landowners to identify implementation areas, and report results in eLINK or other required reports (Column B). A maximum grant of 20% of the AWR modeling project has been set for the administrative and planning portion of the grant.

Bemidji
701 Minnesota Avenue
Suite 234
Bemidji, MN 56601
phone (218) 755-4235
fax (218) 755-4201

Brainerd
1601 Minnesota Drive
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 Trail
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) 281-7797
fax (507) 285-7144

Saint Paul
520 Lafayette Road N
Saint Paul, MN 55155
phone (651) 296-3767
fax (651) 297-5615

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Table 1. AWR Consultant Selection and Grant Requests for Projects

LGU	Watershed	Consultant Selected	Project Cost for Consultant (A)	Local Sponsor Grant*(B)
Clearwater SWCD	Lost River	EERC – U of ND	$64,340	$16,085
Stearns SWCD	Hoboken Creek	Kieser and Associates	$74,000	$18,500
Whitewater JPB	Logan Creek	Barr Engineering	$54,675	$13,669
Scott WMO	West Raven Creek	Houston Eng.	$78,500	$19,625
Cedar River Watershed District	Dobbins Creek	HDR	$87,170	$21,792
Brown-Nicollet Cottonwood WQ Board	7 Mile Creek	Barr Engineering	$66,900	$16,725
A + B = **$531,981** for all costs *Grant maximum of 20% of Project Cost		**Total Costs**	$425,585	$106,396

If approved, this funding recommendation will be presented to the full BWSR board at their December 17th meeting. Watershed modeling, stakeholder participation and other Phase II activities will commence upon execution of grant agreements between BWSR and the local sponsors. Implementation of identified land management and conservation BMPs will begin to be implemented during Phase III of the project, which will commence later in 2009 upon completion of Phase II.

Bemidji
701 Minnesota Avenue
Suite 234
Bemidji, MN 56601
phone (218) 755-4235
fax (218) 755-4201

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

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Fergus Falls
1004 Frontier Trail
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) 281-7797
fax (507) 285-7144

Saint Paul
520 Lafayette Road N.
Saint Paul, MN 55155
phone (651) 296-3767
fax (651) 297-5615

Minnesota Board of Water & Soil Resources

DATE: December 12, 2008

TO: Grants Program and Policy Committee

FROM: Matt Drewitz, Jeff Hrubes, and Marcey Westrick – Clean Water Specialists

SUBJECT: **Decision Item -** Clean Water Legacy Reporting and Closeout Policy Document

The purpose of this memorandum is to update the BWSR Grants Program and Policy Committee (GPPC)on the history of the Clean Water Legacy Reporting and Closeout Policy Document (Attachment 1). In addition, we are looking for the GPPC to endorse this document so it can be taken to the BWSR Board for their consideration at their January 2008 meeting.

The need to come up with a close out policy for the Clean Water Legacy competitive grant funds was discussed in February of this year. With input from Steve Woods and the Clean Water Legacy Subcommittee, we came up with an idea of what this would look like and in the beginning of April, took this to Wayne Zellmer. At this time, it was suggested by Wayne that we also create a brief policy/handbook document for CWL funds. Below is the history leading up today:

- The concept version of this document was presented at the dry staff meeting held in Saint Cloud on April 30th.
- On June 5th, the Clean Water Specialists presented the document to the Grants Committee, received feedback and made edits.
- On July 1st, the Clean Water Subcommittee group met and reviewed the document. Feedback was received and edits were made.
- On July 17th, the Clean Water Specialists presented the document to the Grants Committee who endorsed the document. Some minor suggestions were given and edits were made.
- On August 19th, the Clean Water Specialists met with the three regional supervisors to discuss the policy document. Suggestions were given to make some minor edits and take the document to Steve.
- On August 25th, the Clean Water Specialists met with Steve who recommended taking the document to the September 16th, 2008 SMT meeting for their endorsement.
- On September 16th, 2008 SMT reviewed the document and recommended taking the document to the BWSR Grants Program and Policy Committee.

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Suite 234
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Clean Water Legacy Policy for Competitive Grants – Clean Water Legacy Assistance Grants

1.0 Purpose

The Clean Water Legacy Act (CWL)(M.S. 114D) was adopted by the State Legislature in 2006. Through this Act, the State employed an interagency strategy to fund implementation efforts to address impaired waters and water quality protection activities. This policy was developed by BWSR to provide clear guidance for implementation funds appropriated to BWSR associated with Clean Water Legacy.

This policy document establishes a set of policies for competitive grants; also know as Clean Water Legacy Assistance Grants. BWSR will use grant agreements as contracts for assurance of deliverables and compliance with appropriate statutes, rules and established policies. Willful disregard of relevant statutes, rules and policies may lead to imposition of financial penalties on the grant recipient. State statute 114D.20, authorizes BWSR to "impose monetary damages in an amount up to 150 percent of the financial assistance received for failure to comply."

2.0 Eligible Activities

Policy. The primary purpose of activities funded with Clean Water Legacy Assistance Grants (LAG) is the control or prevention of chemical or nutrient runoff, soil erosion, sedimentation, runoff volume or materials that affect human or aquatic system health. Eligible projects can consist of structural practices, technical assistance or non-structural measures and best management practices. Local government units are eligible to receive grant funds if they are working under a current state approved, locally adopted water management plan. All practices must be consistent with an approved TMDL implementation plan, or a current watershed or county comprehensive local water management plan that has been state approved and locally adopted.

1. All structural practices must be designed and maintained for a minimum effective life of ten years,

2. An operation and maintenance plan for the life of the structural practice is included with the design standards, and

3. An inspection schedule shall be included as a component of maintaining the effectiveness of the conservation practice.

3.0 Incentive Payments

Policy. Incentives using CWL funds may be used to encourage landowners to install structural practices or to adopt land management practices that improve water quality. Incentive payments

should be reasonable and justifiable, approved by LGU Board policy, consistent with prevailing local conditions and must be associated with established practices.

4.0 Financial Assistance for Structural Practices

Policy. MS 114D.20, Subd 6 (3) identifies priorities for projects that: "most effectively leverage other sources of restoration funding, including federal, state, local, and private sources of funds." In order to encourage long-term operation and maintenance of structural practices, matching cash or in-kind contributions provided by the landowner, land occupier or other sources at a rate acceptable to the LGU may be used to match Legacy Assistance Grant funds for practice installation. The amount of funding leveraged by the CWL application will be considered as part of the application process.

1. For non-priority practices or areas, combined state and federal funding may not exceed 75% of the total project costs.
2. Priority practices or priority sub-watersheds that maximize pollution reduction identified in the TMDL implementation plan or local water management plan may provide up to 90% combined state and federal funding assistance. Priority areas and practices must be identified in the CWL application with reference citations and the pollution reduction must be documented.
3. Specific CWL funding categories identified in the grant announcement and guidance (i.e. Subsurface Sewage Treatment System (SSTS) upgrade grants for low income households may exceed the above assistance limits.

5.0 Board Approval

Policy. BWSR finds that the Board of LGUs has both the authority and responsibility to approve expenditure of funds within their own organization.

1. The board of the LGU administering the grant must approve or deny expenditure of funds. The action taken must be documented in the LGUs meeting minutes.
2. Individual member organizations of Joint Powers Boards or project partners may make agreements with the primary grant recipient to approve implementation of conservation practices at the member level. The details of the agreement should be agreed upon before administration of the CWL funds begins.
3. Grant reporting and administration is the responsibility of the grant recipient organization.
4. Contracts to provide financial assistance to landowners or other local governments are expected to be developed or modified from existing documents to meet CWL requirements. BWSR recommends all contracts be reviewed by the organization's legal counsel.

6.0 Technical Expertise

Policy. BWSR finds that the Boards and staff of LGU's have the responsibility to ensure that the designated technical staff for a project have the appropriate technical expertise, skills and training for their assigned role(s). Further, BWSR requires that structural practices be designed and installed

consistent with appropriate standards.

1. BWSR reserves the right to review the licensure of all technical staff selected by the LGU where appropriate.
2. BWSR reserves the right to consult with other agencies or entities regarding technical questions and expertise where appropriate.

7.0 Structural Practice Construction and sign-off

Policy. BWSR realizes that how a structural practice is designed and constructed can have a significant impact on the performance of the practice

1. The technical staff will attest that the practice was properly installed and completed according to the plans and specifications, including technically approved modifications, prior to authorization for payment.

8.0 Post Construction and Follow Up Activities

Policy. Identifying operation and maintenance needs is necessary to plan and schedule effective operation and maintenance activities. BWSR also finds that it is necessary to follow up on practices once they have been installed by conducting periodic site inspections.

1. Technical staff must prepare an operation and maintenance plan tailored to fit the conservation practice and the site where it is located. The operation and maintenance plan should be as detailed as necessary to identify all of the maintenance activities that are likely to be needed and specify how to accomplish them. The plan should be prepared and reviewed with the land owner or occupier before installation of the conservation practices begins.

2. Technical staff are to determine that the operation and maintenance plan is being followed and that the practices have not been altered or removed.

9.0 Project Close Out Reporting Requirements

Policy. To ensure the continued success of the Clean Water Legacy Program, it is important for the LGU and BWSR to show the accomplishments and benefits of the program. As such, BWSR requires that the LGU show the accomplishments and benefits of their projects by documentation. BWSR has developed a two-tiered reporting system for LGUs to follow.

Tier 1 Contracts: Those projects that use CWL funds exclusively to hire staff to provide technical assistance or to implement activities where the grant recipient is the primary initiator of the project, and maintains substantial operational control over all aspects of the practice installation, operation and maintenance.

Tier 2 Contracts: Those projects that utilize secondary financial assistance contracts with landowners or other units of government to implement project activities.

10.0 BWSR Program Close-out Procedures

Policy. BWSR will review at least 10% of CWL grant agreements in detail for compliance with contractual requirements on an annual basis

1. Elements described in Table 1 will be reviewed in the program Close-out.
2. Project files for CWL expenditures including landowner contact information, contracts, bills and invoices, inspection schedule, O&M information, design plans and miscellaneous communication must be retained by the LGU pursuant to MS 138.17 and consistent with ongoing record retention schedules.

Table 1. CWL Grant Administration Comparison

	Tier 1 Grant Contracts	Tier 2 Grant Contracts
Work Plans	Work Plans will be submitted and a summary of measurable results will be reported semi annually in e-link or its successor. BMPs will be mapped via the Land and Water Module or its equivalent.	Work Plans will be submitted and a summary of measurable results will be reported semi annually in e-link or its successor. BMPs will be mapped via the Land and Water Module or its equivalent
Interim Reports	Additional interim reports will not be required.	Additional interim reports will be submitted electronically outside of e-link or its equivalent. BWSR CWL staff will develop a template that can be used as an interim report and updated for a final report.
Final Reports	Final Report will be published on the grant recipient's web site in a format provided by BWSR.	Final Report will be published on the grant recipient's web site in a format provided by BWSR.
Interaction with BWSR Staff	BWSR staff will meet with grant recipients periodically (as specified in grant agreement—minimum requirement will be annually) to discuss attainment of project goals and timelines and review project budget.	BWSR staff will meet with grant recipients periodically (as specified in grant agreement—minimum requirement will be annually) to discuss attainment of project goals and timelines and review project budget.
Grant Actions Table		A table that summarizes LGU actions on legacy assistance contracts and implementation activities funded with CWL grants. This should be updated periodically, at a minimum when interim reports and final reports are due. This form will be provided by BWSR
Web Publishing of Project Information	All project final reports and program materials will be posted on the grant recipient's web site. Final report template will be provided by BWSR. . • Board minutes authorizing expenditures of CWL funds. • Final Report in template provided by BWSR	All project final reports and program materials will be posted on the grant recipient's web site. Final report template will be provided by BWSR. • Board minutes authorizing expenditures of CWL funds. • Final Report in template provided by BWSR
Project Final Review Requirements	BWSR review could be of on-line documents • Measurable results summary in Elink or equivalent • Final Report template • Spreadsheet or accounting software reports showing project expenditures	BWSR review could be of on-line documents. • Measurable results summary in Elink or equivalent • Final Report template • Grant Action Table • Spreadsheet or accounting software reports showing project expenditures
Final Review Procedure	Final Report will be reviewed by CWL staff to determine if the project has accomplished all contractual grant agreement requirements. Upon satisfactory completion, a letter will be sent to the grant recipient verifying that the project has been	Final Report will be reviewed by CWL staff to determine if the project has accomplished all contractual grant agreement requirements. Upon satisfactory completion, a letter will be sent to the grant recipient verifying that the project has been closed out.

	closed out. BWSR reserves the right to review specific project documents at a future time.	BWSR reserves the right to review specific project documents at a future time.

Clean Water Legacy Grant Recommendation
Background:

- Grant Period ran from October 1st through November 7th
- Staff conducted approximately 7 statewide information outreach sessions starting immediately after the September board meeting
- Those outreach sessions were coordinated with MPCA staff to provide information about the Surface Water Assessment Grants (volunteer monitoring) that was running at the same time.
- There were 21 Clean Water Legacy applications requesting 5.8 million dollars.

Total Funding	BWSR LAG	BWSR TA	BWSR FLWQ	MPCA 319
$3,196,000	$558,000	$442,000	$196,000	$2,000,000

- Only restoration funds were available for Fiscal Year 2009.
- The interagency ranking team consisted of DNR, MPCA, MDA and BWSR staff.
- Applications and scoring criteria were distributed to regional agency staff for input into the scoring process. Matt, Jeff, and Marcey met with BC staff for their input into the ranking process.
- The Interagency Team met on Monday December 10th to finalize ranking and allocate funds from the various funding programs.

2009 CWL Funding Recommendations

				Fund Type	MPCA 319	BWSR LAG	BWSR Tech Asst.	BWSR Feedlot
				Amt. Available	$2,000,000	$558,000	$442,000	$196,000
				Amt. Remaining	$389,591	$0	$18,500	$146,000
Project I	Applicant	Final Rank			MPCA 319 Request	BWSR LAG Request	BWSR Tech Asst. Request	BWSR Feedlot Request
09R15	Southeast Minnesota Water Resources Board	1			$300,000			
09R07	Renville County - Hawk Creek Watershed Project	2			$148,525			
09R14	Todd County Soil & Water Conservation District	3			$300,000	$300,000		
09R19	City of New Hope	4				$55,155		
09R10	Fillmore Soil and Water Conservation District	5					$85,000	
09R05	Goodhue County Soil & Water Conservation District	5						$50,000
09R09	Rock River TMDL Organization	7			$147,372			
09R02	Redwood-Cottonwood Rivers Control Area	8			$253,440			
09R03	Pomme de Terre Watershed Project	8			$286,322			
09R01	Soil & Water Conservation Districts in Lincoln, Lyon &Yellow Medicine Counties	8				$100,000	$20,000	
09R20	Carver County Land and Water Services	8					$120,000	
09R08	GREATER BLUE EARTH RIVER BASIN ALLIANCE	12			$108,000	$102,845	$20,000	
09R04	SE SWCD TECHNICAL SUPPORT JOINT POWERS BOARD	16					$150,000	
09R06	Wilkin SWCD	17			$66,750		28,500	

1. **D.6 Livestock Waste Management Eligible Components** – Because, the practice standard for eligible component Wastewater and Feedlot Runoff Control (784) no longer exists (this was an interim standard), Filter Strip (393) has been replaced by Waste Treatment Strip (635), and Runoff Management System (570) applicability is now mainly for construction sites, the SMT is recommending the following be added/removed as eligible components to the D.6 Livestock Waste Management State Cost Share Program practice category:

   Add:

   Pumping Plant (533)
   Underground Outlet (620)
   Manure Transfer (634)
   Composting Facility (317)
   Subsurface Drain (606)
   Waste Treatment (629)
   Waste Treatment Strip (635)

   Remove:

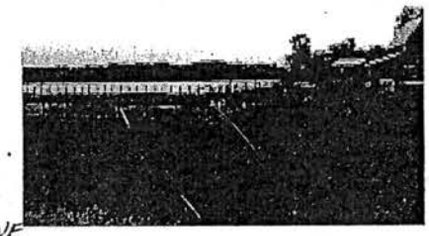
   Runoff Management System (570)
   Filter Strip (393)
   Wastewater and Feedlot Runoff Control (784)

   These additions/removals don't really change anything that we have or have not already been doing, but they bring our policy up-to-date. **Decision**.
   (See attached Adobe file D.6 Eligible Components.)

D. 6 Livestock Waste Management

Conservation Practice

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



Eligible Component(s):

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

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

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

STATE FEEDLOT COST-SHARE POLICIES

General Policies

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

NATURAL RESOURCES CONSERVATION SERVICE
CONSERVATION PRACTICE STANDARD

PUMPING PLANT
(No.)
CODE 533

DEFINITION

A pumping facility installed to transfer water for a conservation need.

PURPOSE

Provide a dependable water source or disposal facility for water management.

CONDITIONS WHERE PRACTICE APPLIES

Wherever water must be pumped to accomplish a conservation objective, which may include but is not limited to one of the following:

- To provide a water supply for such purposes as irrigation, recreation, livestock, or wildlife.
- To maintain critical water levels in swamps, marshes, open water, or for newly constructed wetlands and ponds.
- To transfer wastewater for utilization as part of a waste management system.
- To provide drainage by the removal of surface runoff water or groundwater.

CRITERIA

Design, installation, and operation of a pumping plant shall comply with all federal, state, and local laws, rules and regulations.

The efficiency of units, type of power, quality of building, automation features, and other accessories installed shall be in keeping with the economic and environmental value of the system to accomplish the conservation objectives.

Criteria for the design of components not addressed in NRCS practice standards shall be consistent with sound engineering principles.

Pump requirements. Capabilities, range of operating heads, and general class and efficiency of equipment shall be determined by appropriate technical means. Size and number of pumps and their performance shall be determined on the basis of system conservation requirements in order to meet the intended purpose. Total head shall be determined for critical operating conditions, taking into account all hydraulic losses. Automatic controls shall be included as required.

Pumps utilized for the transfer of wastewater or manure shall be sized to transfer material at the required system head and flow rate determined by the waste management plan. The pump type shall be based on the consistency of material being pumped and manufacturer's recommendations.

Power units. Power units shall be selected on the basis of availability of fuel or power costs, operating conditions, conservation needs, and objectives, including the need for automation. The power unit shall be matched to the pump and be capable of operating the pump efficiently and effectively within the range of operating conditions. The horsepower requirements, pump efficiency and total head on the pump shall be computed.

Suction and discharge pipes. The size of suction and discharge pipes shall be based on a hydraulic analysis, operating cost, and compatibility with other system components. The arrangement and length of discharge pipe shall be based on the need for recovery of head through siphoning action, and for delivery of water in keeping with conservation

NRCS-Minnesota
March 2004

Conservation practice standards are reviewed periodically and updated if needed. To obtain the current version of this standard, contact the Natural Resources Conservation Service.

NATURAL RESOURCES CONSERVATION SERVICE
CONSERVATION PRACTICE STANDARD

UNDERGROUND OUTLET
(no.)
CODE 620

DEFINITION

A conduit installed beneath the surface of the ground to collect surface water and convey it to a suitable outlet.

PURPOSE

To dispose of excess water from terraces, diversions, subsurface drains, surface drains, trickle tubes or principal spillways from dams (outside the dam area only), or other concentrations without causing damage by erosion or flooding.

CONDITIONS WHERE PRACTICE APPLIES

This practice applies where: (1) excess surface water needs to be disposed of; (2) a buried outlet is needed for Diversions (362), Terraces (600), or similar practices; (3) an underground outlet can be installed that will safely dispose of excess water; and (4) surface outlets are impractical because of stability problems, climatic conditions, land use, or equipment traffic. It does not apply to trickle tubes or to principal spillways in Pond (378) or in Subsurface Drain (606).

DESIGN CRITERIA

Capacity. The underground outlet shall be designed, alone or in combination with other practices, with adequate capacity to insure that the terrace, diversion, or other practices function according to the standard for the specific practice. For example, an underground outlet can be used in combination with a grassed waterway or a surface drain to carry part of the design flow. The capacity of the underground outlet for natural basins shall be adequate for the intended purpose without causing excessive damage to crops, vegetation, or improvements.

Simplified flood routing techniques may be used to determine the relationship between flooding duration, underground release rate, and basin storage volume. Table M-1, found the NRCS Engineering Field Handbook, Chapter 8, "Terraces", MN–EFH Notice 3, page 8-72.1 may be used for this purpose.

Inlet. An inlet can be a collection box, a perforated riser, a blind inlet (gravel), or other appropriate devices. Its capacity shall be adequate to provide the maximum design flow in the conduit. Flow-control devices shall be installed as necessary. Perforated risers must be of durable material, structurally sound, and resistant to damage by rodents or other animals. If burning of vegetation is likely, the inlet shall be fire resistant.

Blind inlets can be used where they are effective. Collection boxes must be large enough to facilitate maintenance and cleaning operations.

The inlet must have an appropriate trash guard to insure that trash or other debris entering the inlet passes through the conduit without plugging. The trash guard must be adequate to also prevent the entry of rodents or other animals.

Inlets shall be offset from the main conduit a minimum of 8 ft, except for the top inlet in the system. At least 8 ft. of sealed conduit shall be installed downstream from any vertical inlet.

Perforated risers or blind inlets shall be used where crop residues or other trash could plug ground level inlets. The minimum diameter of perforated risers shall be 5 inches. To compensate for possible plugging, slots or holes in risers shall be adequate to provide at least twice the design flow with the water depth in the basin at the design depth. Minnesota supplement to the NRCS Engineering Field Handbook, page 8-102.2 provides a chart of maximum tile intake capacities.

Hydraulics. Underground outlets shall be continuous conduits, tubing, or tile. Joints shall be hydraulically smooth, and the materials and methods used shall be recommended by the manufacturer.

If a pressure system is used, joints shall be adequate to withstand the design pressure, including surges

Conservation practice standards are reviewed periodically, and updated if needed. To obtain the current version of this standard, contact the Natural Resources Conservation Service.

NATURAL RESOURCES CONSERVATION SERVICE
CONSERVATION PRACTICE STANDARD

MANURE TRANSFER
(No.)
CODE 634

DEFINITION

A manure conveyance system using structures, conduits, or equipment.

PURPOSE

To transfer animal manure (bedding material, spilled feed, process and wash water, and other residues associated with animal production may be included) through a hopper or reception pit, a pump (if applicable), and a conduit to;

a manure storage/treatment facility,

- a loading area, and
- to agricultural land for final utilization. This includes application of manure to the utilization area.

CONDITIONS WHERE PRACTICE APPLIES

The manure transfer component is a part of a planned agricultural manure management system.

Where manure is generated by livestock production or processing; and a conveyance system is necessary to transfer manure from the source to a storage/treatment facility and/or a loading area, and/or from storage/treatment to an area for utilization.

CRITERIA

Criteria for all purposes

Manure transfer components shall comply with all federal, state, and local laws, rules and regulations.

Structures - All structures, including those which provide a work area around pumps, will be designed to withstand the anticipated static and dynamic loading. The structure shall withstand earth and hydrostatic loading in accordance with Practice Standard 313, Waste Storage Facility. The minimum thickness of component elements of concrete structures shall also be in accordance with Practice Standard 313. When needed, covers shall be designed to support the anticipated dead and live loads.

Reception pits shall be sized to contain one full days manure production.

Openings to structures to receive manure from alley scrape collection shall be a minimum of 9 square feet with one dimension no smaller than 4 feet. The opening shall be equipped with a grate designed to support the anticipated loads.

When curbs are needed in conjunction with structures, they shall be constructed of either concrete or wood. Curbs shall be of sufficient height to insure total manure flow into the structure and be adequately anchored.

Pipelines - Design of pipelines shall be in accordance with Practice Standard 430, Irrigation Water Conveyance. The minimum pipeline capacity from collection facilities to storage/treatment facilities shall be the maximum flow anticipated on a daily basis. The minimum pipeline capacity from storage/treatment facilities to utilization areas shall insure the storage/treatment facilities can be emptied within the time limits stated in the management plan for manure utilization. Pipelines shall be designed to have a minimum of 2 feet per second and a maximum of 6 feet per second velocity except where ruminant manure is transferred in a gravity system; in which case velocities can be reduced if a minimum of 5 feet of head is provided on the pipe system.

Clean-out access shall be provided for gravity pipelines at a maximum interval of 200 feet for lines carrying non-bedded manure. For pipelines carrying bedded manure the maximum interval shall be 150 feet. Gravity pipelines shall not have horizontal curves or bends except minor deflections (less than 10 degrees) in the pipe joints unless special design considerations are used.

Other Conduits - Concrete lined ditches shall be designed in accordance with Practice Standard 428A, Irrigation Water Conveyance-Non-reinforced Concrete Ditch and Canal Lining. A minimum design velocity of 1.5 feet per second shall be used.

NRCS-Minnesota
August 2003

Conservation practice standards are reviewed periodically and updated if needed. To obtain the current version of this standard, contact the Natural Resources Conservation Service.

NATURAL RESOURCES CONSERVATION SERVICE
CONSERVATION PRACTICE STANDARD

COMPOSTING FACILITY

(No.)
CODE 317

DEFINITION

A facility to process raw manure or other raw organic by-products into biologically stable organic material.

PURPOSE

To reduce the pollution potential of organic agricultural wastes to surface and ground water.

The material for composting may include livestock and poultry manure, dead animal carcasses, and food processing wastes where food is processed as part of normal farming operation. Municipal sludge, solid waste, and other non-farm type wastes are not included in this standard.

CONDITIONS WHERE PRACTICE APPLIES

This practice applies where:

- Organic waste material is generated by agricultural production or processing.
- A composting facility is a component of a planned agricultural waste management system;
- A composting facility can be constructed, operated and maintained without polluting air and/or water resources;
- There is a need to improve air quality by reducing the emissions of odorous gases; and,
- The facility is operated as a component of an agricultural management system.

CRITERIA

General Criteria Applicable to All Purposes

Laws and Regulations. The installation and operation of the composting facility shall comply with all federal, state and local laws, rules and regulations.

Safety. Safety and personal protection features and practices shall be incorporated into the facility and its operation as appropriate to minimize the occurrence of equipment hazards and biological agents during the composting process.

Facility Siting. The bottom elevation of the composting facility shall be above the seasonal high water table and on soils with an acceptable permeability that does not allow materials to contaminate the ground water, and meets all applicable regulations, or the facility shall be installed on concrete slabs or other appropriate liners.

Ideally, compost facilities should be located outside of floodplains. However, if site restrictions require location within a floodplain, they shall be protected from inundation or damage from a 25-year flood event, or larger.

Locate compost facilities so prevailing winds and landscape elements such as building arrangement, landforms and vegetation minimize odors and protect the visual resource.

Direct surface runoff away from the compost facility. Direct contaminated runoff from compost facilities to an appropriate storage or treatment facility for further management.

Compost Mix. Develop a compost mix that encourages aerobic microbial decomposition and avoids nuisance odors.

Carbon-Nitrogen Ratio. The initial compost mix shall result in a carbon to nitrogen (C:N) ratio between 25:1 and 40:1. Compost with a greater carbon to nitrogen ratio can be used if nitrogen immobilization is not a concern.

NRCS-Minnesota
August 2004

Conservation practice standards are reviewed periodically, and updated if needed. To obtain the current version of this standard, contact the Natural Resources Conservation Service.

NATURAL RESOURCES CONSERVATION SERVICE
CONSERVATION PRACTICE STANDARD

SUBSURFACE DRAIN
(Ft)
CODE 606

DEFINITION

A conduit, such as corrugated plastic tubing, tile, or pipe, installed beneath the ground surface to collect and/or convey drainage water.

SCOPE

This standard applies to the design and installation of conduits placed beneath the surface of the ground to provide drainage.

PURPOSE

The purpose of subsurface drainage is to:

1. Improve the soil environment for vegetative growth, reduce erosion, and improve water quality by:

   a. regulating water table and ground water flows,
   b. intercepting and preventing water movement into a wet area,
   c. relieving artesian pressures,
   d. removing surface runoff,
   e. leaching of saline and sodic soils,
   f. serving as an outlet for other subsurface drains, and
   g. regulating subirrigated areas or waste disposal areas.

2. Collect ground water for beneficial uses.

3. Remove water from heavy use areas, such as around buildings, roads, and play areas; and accomplish other physical improvements related to water removal.

4. Regulate water to control health hazards caused by pests such as live fluke, flies, or mosquitoes.

CONDITIONS WHERE PRACTICE APPLIES

This practice applies to areas having a high water table where the benefits of lowering the water table or controlling ground water or surface runoff justify installing such a system.

This standard applies to areas suitable for the intended use after installation of required drainage and other conservation practices. The soil shall have enough depth and permeability to permit installation of an effective and economically feasible system. The ability to drain and treat saline and sodic soils shall be considered where this is a problem.

In areas where an outlet is available, either by gravity flow or by pumping, the outlet shall be adequate for the quantity and quality of effluent to be discharged. Consideration shall be given to possible damages above or below the point of discharge that might involve legal actions under state or local laws. Consideration shall be given to maintaining or enhancing environmental values.

DESIGN CRITERIA

The design and installation shall be based on adequate surveys and investigations.

Capacity. The required capacity shall be determined by one or more of the following:

1. Application of a locally tried and proven drainage coefficient to the acreage drained, including added capacity required to dispose of surface water entering through inlets.

The drainage coefficient is the rate at which excess water must be removed from cropland in order to provide the proper degree of protection for crops to be grown. Coefficients are expressed in inches (millimeters) of water to be removed in 24 hours. Minimum coefficients are as follows:

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October 1999

Conservation practice standards are reviewed periodically, and updated if needed. To obtain the current version of this standard, contact the Natural Resources Conservation Service.

Natural Resources Conservation Service
Conservation Practice Standard

WASTE TREATMENT

(No.)
Code 629

DEFINITION

The mechanical, chemical or biological treatment of agricultural waste.

PURPOSE

To use mechanical, chemical, or biological treatment facilities and/processes as part of an agricultural waste management system.

- To improve ground and surface water quality by reducing the nutrient content, organic strength, and/or pathogen levels of agricultural waste.
- To improve air quality by reducing odors and gaseous emissions
- To produce value added byproducts
- To facilitate desirable waste handling, storage, or land application alternatives.

CONDITIONS WHERE PRACTICE APPLIES

This practice applies to the treatment of milking center wastewater generated from the cleaning of empty milking lines and tanks and to the liquid portion of milk parlor wash water. It applies for facilities with less than 300 AU and not permitted under current MN NPDES permit.

This practice does not apply to the treatment of waste milk, manure, or human waste.

CRITERIA

The following criteria establishes minimum allowable limits for design parameters, acceptable installation processes, or performance requirements.

General Criteria.
All tanks shall meet the structural requirements for waste storage structures found in Practice Standard 313, Waste Storage Facility. Tanks shall be installed with a minimum of 2 feet of soil cover over the top to protect from freezing.

Pipelines shall be designed to avoid freezing.

The treatment system shall be located a minimum of 25 feet from drainage tile.

A sanitary trap is required to prevent gasses from flowing into the milking center from the treatment system.

All riser joints, access openings, and pipe connections shall be installed watertight.

Federal, State and Local Laws. All systems must comply with all national, state and local laws, rules and regulations. State and national laws, rules, and regulations shall be as interpreted by the Minnesota Pollution Control Agency (MPCA). This standard does not contain the text of the federal, state, or local laws, rules or regulations.

Treatment Systems. Treatment systems covered under this standard are:

1. Chemical Batch Reactor. Milking center wastewater only.
2. Bark bed. Milking center wastewater only.
3. Aeration and Media Filtration. Milking center wastewater only.

NRCS-Minnesota
November 2006

Conservation practice standards are reviewed periodically and updated if needed. To obtain the current version of this standard, contact the MN Natural Resources Conservation Service in your area, or download it from the electronic Field Office Technical Guide for Minnesota

NATURAL RESOURCES CONSERVATION SERVICE
CONSERVATION PRACTICE STANDARD

WASTEWATER TREATMENT STRIP

(Ac.)
CODE 635

DEFINITION

A treatment component of an agricultural waste management system consisting of a strip or area of herbaceous vegetation.

PURPOSE

The purpose of this practice is to improve water quality by reducing loading of nutrients, organics, pathogens, and other contaminants associated with animal manure and other wastes, and wastewater by treating agricultural wastewater and runoff from livestock holding areas

CONDITIONS WHERE PRACTICE APPLIES

The control of wastewater and feedlot runoff is bracketed into five levels of control with Level 1 being full runoff control. The primary Minnesota NRCS practice standards addressing the control of wastewater and feedlot runoff and their respective levels of control are:

- Waste Storage Facility (313), Level 1
- Waste Facility Cover (367), Level 1, Feedlot Roof Structure
- Wastewater Treatment Strip (635), Levels 2 - 5

Wastewater and feedlot runoff from Concentrated Animal Feeding Operations (CAFO's) must be controlled using LEVEL 1 methods, unless all necessary permits have been obtained from the MPCA.

This practice applies:

- To provide levels 2 thru 5 control of contaminated runoff from such areas as feedlots, barnyards, and other livestock holding areas
- Where the treatment system is a component of a planned agricultural waste management system
- Where the treatment system can be constructed, operated and maintained without polluting air or water resources

Conditions where each level of treatment covered in this standard applies are as follows:

LEVEL 2—Vegetated Infiltration Area.

Runoff is pretreated in a settling basin. Liquids are discharged onto a confined vegetated area to be infiltrated into the soil root zone and utilized by vegetation. This is considered to be zero surface water discharge.

Acceptable uses:

1. Runoff from all feedlots designated as AFO's by MPCA where site conditions are appropriate and adequate land is available.
2. Where manure solids from the feedlot can be effectively trapped prior to discharge to the treatment area.

LEVEL 3—Controlled Discharge Vegetated Treatment Strip (sunny day release).

Runoff is stored in an impoundment for solids separation and during periods of dormant vegetation or filter strip saturation. Liquids are discharged onto a graded vegetated treatment strip with active growth in such a way as to eliminate or minimize discharge from the strip.

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November 2006

Conservation practice standards are reviewed periodically and updated if needed. To obtain the current version of this standard, contact the MN Natural Resources Conservation Service in your area, or download it from the electronic Field Office Technical Guide for Minnesota.

NATURAL RESOURCES CONSERVATION SERVICE
CONSERVATION PRACTICE STANDARD

RUNOFF MANAGEMENT SYSTEM
(No. and acre)
CODE 570

DEFINITION

A system for controlling excess runoff caused by construction operations at development sites, changes in land use, or other land disturbances.

PURPOSE

To regulate the rate and amount of runoff and sediment from development sites during and after construction operations to minimize such undesirable effects as flooding, erosion, and sedimentation.

CONDITIONS WHERE PRACTICE APPLIES

The practice applies if there is a need to control runoff, erosion, and sedimentation to compensate for increased peak discharges and erosion resulting from construction operations at development sites or from other changes in land use. The discharges may be caused by such factors as increased runoff, reduced time of concentration, reduced natural storage.

DESIGN CRITERIA

Overall. A runoff management system must be compatible with the flood plain management program of the local jurisdiction and with local regulations for controlling sediment, erosion, and runoff. The system, a single component or a combination of components, must properly regulate storm discharges from a site to a safe, adequate outlet. Consideration shall be given to the duration of flow as well as the peak discharge. Adequate erosion-control measure and other water-quality practices must be provided. The components must be planned and designed to insure minimal impact on visual quality and human enjoyment of the landscape. Structures and materials must harmonize with surrounding areas.

The peak discharge from the 2-year and 100-year, 24-hour storms shall be analyzed. No increase in peak from these storms shall be allowed unless downstream increases are compatible with the overall flood plain management system.

Components. Components include but are not limited to dams, excavated ponds, infiltration trenches, parking lot storage, rooftop storage, and underground tanks.

Each component shall be designed according to sound engineering principles to insure that the system achieves its intended purpose. Design criteria for individual components shall be based on the following:

1. Dams shall meet the requirements specified in the National Engineering Manual, Part 520, Subpart C.

2. Excavated ponds shall meet the requirements specified in NRCS Conservation Practice Standard 378, Pond.

3. The design of infiltration trenches shall be based on such factors as soil permeability, soil depth, seepage, quality of water to be temporarily stored, foundations for adjacent buildings and structures, drainage conditions, and vegetation. Other considerations are:

   a. Only relatively clean water shall enter the trench to insure that oils, grease, and sediments do not seal trench walls and bottom and thus reduce the effectiveness of the practice. At parking lots and at other areas having a similar contamination potential, filter strips; sediment traps; grease traps or filter traps, or both, shall be installed to remove objectionable materials from the water before it reaches the infiltration device. A strip of close growing grasses at least 25 ft wide must be properly placed and maintained to insure the effectiveness of the

Conservation practice standards are reviewed periodically, and updated if needed. To obtain the current version of this standard, contact the Natural Resources Conservation Service.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION PRACTICE STANDARD

FILTER STRIP

(ACRES)

CODE 393

DEFINITION

A strip or area of herbaceous vegetation situated between cropland, grazing land, or disturbed land (including forestland) and environmentally sensitive areas.

PURPOSE

- To reduce movement of pathogens, particulate organics; sediment and sediment adsorbed nutrients; pesticides and other materials towards sensitive areas. *
- To reduce movement of dissolved nutrients and other dissolved material towards sensitive areas.
- To serve as Zone 3 of a Riparian Forest Buffer, Practice Standard 391
- To restore, create or enhance herbaceous habitat for wildlife and beneficial insects.

*Sensitive areas include but may not be limited to perennial and intermittent streams, lakes, and wetlands, wells, drainage ditches, grassed waterways, sinkholes, crevices, springs, surface tile inlets, surface water side inlets and other surface inlets which deliver surface runoff to ground water or surface water.

CONDITIONS WHERE PRACTICE APPLIES

This practice applies when planned as part of a conservation management system:

- In cropland, grazing land, or disturbed land (including forestland) where contaminants are transported towards sensitive areas.
- In areas where permanent vegetative establishment is needed to enhance wildlife and beneficial insects.

This practice is unsuitable and does not apply:

- When greater than 50% of the runoff from the area to be filtered is or will remain concentrated in gullies or other channelized flow mechanisms.
- Where sheet and rill soil losses of areas contributing sediment to the filter strip are greater than 10 tons/acre/year.
- Where combined sheet, rill, and wind soil losses of areas contributing sediment to the filter strip are greater than 3 tons/acre/year and the area of the land contributing that sediment is ≥ 60 times the area of the filter strip (≥ 60:1 upland to filter strip ratio).
- On sites where it is historically difficult to maintain a stand of perennial grasses or legumes due to high water tables or frequency or timing of flooding.
- On unstable channel banks eroding due to undercutting of the bank toe.
- Where the predominant slope of the contributing area is ≥ 10% unless runoff is controlled to low levels (Runoff Curve Number of ≤ 70) or soil losses are controlled to the soil quality criteria level
- To conditions where treatment of high levels of pollutants is desired (e.g. animal feedlot

NRCS-Minnesota
December, 2002

Conservation practice standards are reviewed periodically, and updated if needed. To obtain the current version of this standard, contact the Natural Resources Conservation Service.

2. **Rain Garden/Bioretention** – Follow-up on 2006 MASWCD resolution. GP&P Com. Supported resolution but tabled action because of no adequate practice standard. The SMT recommends that the new standard Bioretention Basin (712), now adopted by NRCS, should be added as eligible components to D.7 Filter Strips and D.8 Sediment Basins. **Decision.**

   (See attached file Bio Basin.pdf.)

NATURAL RESOURCES CONSERVATION SERVICE
MINNESOTA INTERIM CONSERVATION PRACTICE STANDARD

BIORETENTION BASIN
(No.)
CODE 712

DEFINITION

A bioretention basin is a constructed stormwater management practice that accepts and treats stormwater runoff through filtration and/or infiltration. The basin is not in a direct flow path for runoff, but is sufficiently adjacent for efficient water diversion.

PURPOSE

A bioretention basin may be applied individually or as part of a system of stormwater management practices to support one or more of the following purposes:

- Enhance stormwater infiltration and/or filtration
- Reduce discharge of stormwater pollutants to surface and ground waters
- Decrease runoff peak flow rates and volumes
- Preserve base flow in streams
- Reduce temperature impacts of stormwater runoff

CONDITIONS WHERE PRACTICE APPLIES

Bioretention basins are suitable for drainage areas less than 2 acres in size where increased urban stormwater pollutant loadings, thermal impacts, runoff volumes, and peak flow discharges are a concern and the area is suitable for infiltration. Bioretention basins are best suited to providing on-site stormwater management opportunities adjacent to source areas such as landscaped areas, rooftops, parking lots, and streets.

Bioretention basins are not suitable for controlling construction site erosion. These basins will not treat chlorides, and will be damaged by heavy loading of salt-based de-icers.

CRITERIA

General Criteria Applicable to All Purposes

Site Criteria. The bioretention basin shall be located a minimum of fifty (50) feet from any private onsite wastewater treatment system and shall not be hydraulically connected to the treatment system's dispersal system or cause negative impacts such as cross contamination.

The bioretention basin shall not be hydraulically connected to any building or pavement foundation or cause negative impacts to structures.

Sloped areas immediately adjacent to the bioretention basin shall be less than 20% (excluding berms constructed as part of the bioretention basin) but greater than 0.5% for pavement and greater than 1% for vegetated areas to ensure positive flow toward the basin.

The area draining to the bioretention basin shall not exceed 2 acres, including up to 1 acre of impervious surface. The drainage area shall not contain significant sources of sediment. The watershed above a basin should be stabilized to the maximum extent possible.

Design. The bioretention components may include pretreatment, flow regulation, ponding area, planting bed vegetation and surface mulch layer, engineered soil planting bed, storage layer, underdrain, sand/native soil interface layer and observation well. See Figures 1, 2, and 3.

If the bioretention basin is constructed to provide treatment for new impervious surfaces, it shall be sufficient to infiltrate a volume of ½ inch of runoff (1 inch for protected waters) from the new surfaces. If the bioretention basin is to provide runoff treatment for existing impervious surfaces, a design volume of ½ inch runoff is required.

The minimum depth to bedrock or seasonally high ground water table shall be 3 feet. The minimum surface area (at the high water level (HWL)) of the bioretention practice shall be 200 square feet.

NRCS-Minnesota
June 2008

Conservation practice standards are reviewed periodically and updated if needed. To obtain the current version of this standard, contact the MN Natural Resources Conservation Service in your area, or download it from the electronic Field Office Technical for Minnesota.

Flow Regulation. The flow at the inlet to the bioretention basin shall be controlled to prevent erosion and achieve uniform distribution across the surface of the soil planting bed.

The overflow system shall meet the following requirements:

- A weir or standpipe shall be used to regulate the maximum ponding depth. The invert of the overflow structure shall be at the elevation of the maximum ponding depth of the bioretention basin.
- Water discharged from the overflow shall be conveyed to a stable outlet leading to a suitable conveyance such as a swale, storm drain, or surface water.
- Overflow control structures such as curtain drains, that bypass the soil planting bed and discharge directly to ground water are allowed only if the sole source of stormwater runoff is from rooftops without significant contamination from industrial activity.

Ponding Area. The design ponding depth shall not exceed 18 inches. The maximum drawdown time for each basin is 48 hours. The optimal design pond depth for overall system function is 6 to 9 inches.

The side slopes of the berm that form the ponding area shall be between 0.5H:1V and 3H:1V. The outer slopes are recommended to be 5H:1V or flatter.

Vegetation and Mulch. A vegetation plan and planting specifications shall be prepared. The following apply:

- The plan shall identify planting zones based on anticipated depth of water level fluctuations and duration of inundation.
- Rootstock and plugs shall be used in establishing trees, shrubs, and herbaceous perennials. Seed shall not be used to establish vegetation.
- If the bioretention basin receives runoff from non-residential source areas or streets, the plant density at maturity must be low enough to accommodate long-term maintenance or replenishment of the surface mulch layer. If the bioretention basin receives runoff only from residential land uses other than streets, the mulch layer can be discontinued at maturity provided that a dense vegetation layer is formed.
- Plants shall be native to the area when possible and capable of withstanding the environmental conditions of the bioretention basin such as insect and disease infestations, drought, water level fluctuations, and regional temperature variations.
- Turf grass shall not be used to vegetate the bioretention basin, although it may be used in the pretreatment area. Invasive plants and noxious weeds shall not be used.
- Woody vegetation shall not be specified at inflow locations. Trees and other vegetation shall not block flow paths, create traffic or safety issues, or obstruct utilities.
- The planting plan shall cover plant placement, planting sequence, time of year to plant, watering, and protection from other stresses such as animals, wind, and sun to maximize plant growth and survival. Use of fertilizer is not recommended.
- If the engineered planting media soil will be left to settle prior to planting, the surface shall be mulched.

Double shredded hardwood mulch shall be placed on the surface of the bioretention area. The mulch shall be MNDOT Type 6 or equivalent, spread evenly to a depth of 3 inches. The mulch shall be free of foreign material, including bark, chips, trash, and other plant material.

Engineered Planting Media. The surface slope of the basin shall not exceed 1%. After settling, sufficient soil must be present to support the rooting depth of the vegetation. The soil layer shall be at least 30 inches deep and without gravel to encourage deep root penetration. The soil layer shall be a minimum of 48 inches for installations with large trees.

The soil shall be engineered to the following specifications:

The engineered planting media shall consist of a mixture of sand and compost. The mix shall be 30% compost and 70% clean sand (USDA coarse sand 0.02 to 0.04 inches). For the compost component, MNDOT Grade 2 organic leaf compost or equivalent shall be used. The sand component shall consist of mineral sand that is at least 97% SiO2. Substitutions, such as calcium carbonated sand, dolomitic sand, manufactured sand, or stone dust are not allowed. The sand shall be washed to remove clay and silt particles, and well-drained prior to mixing.

The engineered planting media shall be free of rocks, stumps, roots, brush, or other material over 1 inch in diameter. No other materials shall be mixed with the planting media that may be harmful to plant growth or prove a hindrance to planting or maintenance.

Storage Layer. A porous sand or gravel storage layer, free of fines, situated beneath the underdrain will facilitate groundwater recharge because water in this storage area cannot exit via the underdrain, but only by infiltration into the native soil. The following requirements shall be met in designing the storage layer:

- The storage layer is required when the design infiltration rate of the native soil is less than 0.3 inches/hour.
- The design thickness of the storage layer shall be that which results in a total basin drain time of 48 hours, but shall not exceed 48 inches. In calculating the total basin drain time, assume that event runoff has ended and the bioretention basin is fully saturated prior to the initiation of drawdown.

Pretreatment. Pretreatment is mandatory and will extend the life of the bioretention basin, particularly when runoff is from parking lots and streets, or other areas expected to contribute sediment and other pollutants. Alternatives include, but are not limited to, a two-stage sand/peat box, grass channels, grass filter strips, sumps, or forebays. Sumps and forebays should be sized to trap coarse sand (0.02 to 0.04 inch). Table 1 provides guidelines for sizing filter strips.

Table 1a. Pretreatment Filter Strip Sizing : Stormwater Runoff Inflow Approach from Impervious Parking Lots

Maximum inflow approach length	35 feet	35 feet	75 feet	75 feet
Filter strip slope	≤2%	>2%	≤2%	>2%
Filter strip minimum length	10 feet	15 feet	20 feet	25 feet

Note: The maximum slope is 6% for a pretreatment filter strip

Table 1b. Pretreatment Filter Strip Sizing : Stormwater Runoff Inflow Approach from Lawns/Landscaped Areas

Maximum inflow approach length	75 feet	75 feet	150 feet	150 feet
Filter strip slope	≤2%	>2%	≤2%	>2%
Filter strip minimum length	10 feet	12 feet	15 feet	18 feet

Note: The maximum slope is 6% for a pretreatment filter strip

A level spreader must be used between the grass channel and the bioretention basin. The channel shall have:

- A parabolic or trapezoidal cross-section with a bottom width of 2 to 8 feet.
- Channel side slopes that are 3H:1V or flatter.
- Flow velocities under 1 foot per second for the 1- year 24-hour design storm.
- A flow depth of 4 inches or less for the 1-year 24-hour design storm.

Underdrain. A perforated underdrain pipe is required unless no suitable outlet for the pipe exists, or if the design infiltration rate of the native soil is determined to be at least 0.8 inches/hour, which is considered minimal design risk.

- The underdrain pipe shall be placed at the top of the sand storage layer, or suspended two feet below the basin floor, not on the bottom of the engineered soil at the native soil interface.
- The pipe shall have a minimum diameter of 8 inches and be made of flexible pipe or other material approved by the site designer. The pipe shall be capable of

withstanding expected traffic loads over the portions of the pipe extending beyond the soil planting bed.

- The underdrain orifice shall be restricted as necessary so that the design infiltration rate plus the underdrain flow rate equal the design draw down rate. The restriction shall be achieved by using an adjustable restrictor plate or valve. The restriction basin shall be accessible for adjustment.
- The total opening area of all perforation holes combined shall be sufficient to allow the underdrain pipe to discharge at full capacity, as would occur if no orifice restriction were used. The amount of perforation shall be increased to provide a margin of safety but shall not be so great as to compromise the structural integrity of the pipe material.
- The underdrain pipe shall be protected from clogging by use of filter fabric or a filter sock. Filter fabric shall cover the underdrain pipe and shall not extend laterally from either side of the pipe more than two (2) feet. The fabric shall meet the MnDOT specifications for Type 1 nonwoven geotextile.
- The underdrain pipe shall discharge to an existing drainage system. Examples of drainage systems include swales, storm sewers, subsurface dispersal fields, and surface waters. A check valve shall be installed when backflow is possible. Access for maintenance of the check valve shall be provided.
- A secondary underdrain can be installed and left capped, only to be made operational should the first become non-functional.

Native Soil Interface. All dissimilar soil interfaces must be mixed to a 6" or greater matrix. For example, the engineered planting media must be tilled into the native soil at least 6 inches before remaining lifts are placed. If a storage layer is used and it consists of a material that cannot be mixed into the native soil interface, three inches of sand shall be placed below the storage layer and vertically mixed with the native soil to a depth of 2-4 inches.

Construction Sequencing and Oversight. A person trained and experienced in the construction, operation, and maintenance of bioretention basins shall be responsible for construction oversight of the basin.

Construction site runoff from disturbed areas shall not be allowed to enter the bioretention basin. Runoff from pervious areas shall be diverted from the basin until the pervious areas have reached final stabilization, defined as uniform perennial vegetative cover with a density of at least 70%.

Construction shall be suspended during periods of rainfall or snowmelt. Construction shall remain suspended if ponded water is present or if residual soil moisture contributes significantly to the potential for soil smearing, clumping, or other forms of compaction.

Compaction and smearing of the soils beneath the floor and side slopes of the bioretention area and compaction of the soils used for backfill in the soil planting bed shall be minimized. During site development, the area dedicated to the bioretention basin shall be cordoned off to prevent access by heavy equipment. Acceptable equipment for constructing the bioretention basin includes excavation hoes with toothed buckets, light equipment with turf type tires, marsh equipment, or wide-track loaders. Minimize machinery use in the bioretention basin itself.

The soil shall be tilled or ripped to a depth of at least 12 inches on all sites, and possibly deeper if compaction has occurred. If smearing occurs, the affected areas shall be ripped with a frost-ripper and then tilled.

Prior to placement in the bioretention basin, the engineered soil shall be premixed and the moisture content shall be low enough to prevent clumping and compaction during placement. The engineered soil shall be placed in multiple lifts, each approximately 12 inches in depth. Steps may be taken to induce mild settling of the engineered soil bed as needed to prepare stable planting medium and to stabilize the ponding depth. Excavator buckets and vibrating plate-style compactors shall not be used to induce settling.

The entire soil planting bed shall be mulched prior to planting vegetation to help prevent compaction of the planting soil during the planting process. Mulch shall be pushed aside for the placement of each plant. Mulch shall be spread evenly to a

maximum 3 inch depth. To discourage pests and disease, do not mound mulch at the base of plants.

CONSIDERATIONS

A bioretention basin that promotes infiltration is especially suitable where other benefits are desired such as a windbreak for shade, noise absorption, reduction in reflected light, microhabitat for plants and wildlife, and improved aesthetics.

The bioretention basin should be placed such that it is visible to encourage routine maintenance. Place the site such that ample access is available to all parts of the bioretention basin. Consider traffic visibility and other safety issues when siting the bioretention basin. Some local ordinances prohibit obstruction of corners.

The bioretention basin may be constructed as a filtration and recovery system, with discharge to a storm sewer or surface outlet.

The underdrain pipe diameter shall be 8" minimum. Include extra storage for snowmelt runoff; this may involve setting the underdrain above the bottom of the basin.

The bioretention basin is not suitable for treating chlorides. Aggressive sweeping, along with pretreatment options will reduce the impact of sand and chlorides on the bioretention basin.

A maximum drainage area is established to protect the basin and reduce risk of failure. Potential problems such as erosion at the inflow points, disruption of the mulch layer, premature clogging of the basin, and inputs of chlorides and sodium will be reduced by limiting the drainage area. Numerous smaller bioretention basins are expected to have better long term performance when compared to one large basin. For large impervious areas, such as parking lots, dividing the drainage area up into smaller portions (0.5 to 1 acre) is recommended. An alternative practice should be selected if the drainage area of a basin would exceed 2 acres.

Longevity of the engineered soil is decreased by clogging, reduced cation exchange capacity, and accumulation of sodium. Clogging problems can be reduced by limiting the input of sediment. Cation exchange capacity can be rejuvenated by tilling in MNDOT Grade 2 compost or by the full replacement of the engineered soil. Sodium accumulation can be countered by adding gypsum to the soil and/or by allowing about 1 inch of clean water to percolate through the planting bed 3 or 4 times in the spring.

Erosion at the inlet to the bioretention basin can be reduced by using a sump inlet or gravel bed. Level spreading can be enhanced by the use of a level spreader or by using multiple pipe inlets.

When possible, the dimensions of the planting bed should have a minimum width of 10 feet, a minimum length of 15 feet, and a width to length ratio of about 2:1.

If no vegetated pretreatment area is provided, for example if a device such as a sump is used, snow may be piled upgradient of the bioretention basin, preferably upgradient of the pretreatment forebay or sump. If a vegetated pretreatment area, such as a filter strip, is provided, heavy machinery should not be driven onto or across the vegetated area. No storage of snow shall be allowed within a bioretention facility.

If possible, settling of the planting bed should be accomplished naturally by allowing the filled bed to sit for several months. This will require over-filling the planting area so that after settling the proper ponding depth is achieved. Watering each lift of the planting bed to induce settling is not recommended unless water can be gently applied and the watered lift is allowed sufficient time (at least 24 hours) to thoroughly drain prior to adding the subsequent lift and at least 48 hours prior to adding mulch.

To reduce lateral flow of water from the bioretention basin towards the pavement foundations, a geotextile fabric may be placed along the sidewalls of the basin.

Plant community selection shall be based on existing and designed growing conditions, including duration of inundation and saturation, light availability, light intensity, and shade. Forest and forest fringe communities should contain a mix of trees and shrubs. The spacing of trees, shrubs, and shrub-tree mixes should be determined by the characteristics of the species selected. Ornamental communities should contain a mix of shrubs and perennial herbaceous plants. The foliage canopy of ornamental communities should completely cover the soil planting bed at the end of two growing seasons. Mesic-meadow communities shall consist of a minimum of 50% sedges with remaining species to be a mix of forbs, grasses, and/or shrubs. Prairie communities shall

consist of a minimum of 50% grasses with the remaining species to be a mix of forbs and/or shrubs.

Use plant materials from a certified nursery that offers a plant warranty. Select plants that can thrive with minimum maintenance in the environment of the bioretention basin and that have added wildlife value as food or cover. Consultation with an individual experienced in plant selection is recommended.

The rooting depth of plants is likely to exceed the depth of the underdrain. Some plant roots may clog holes in the underdrain.

A reasonable underdrain perforation safety factor is 2 to 4. The underdrain outlet may be fitted with an end wall and rodent shield if allowed by local ordinances.

If no underdrain is installed, one or more observation wells may be installed to monitor drainage from the basin. A minimum of one well per 1000 square feet of effective infiltration area is recommended, or one well per basin, whichever results in more wells. The wells shall be located at the center of each section being monitored. Each shall be constructed of a minimum 4 inch diameter slotted PVC pipe, anchored vertically to a footplate at the bottom of the bioretention basin. The top of the pipe shall be high enough to prevent the entry of water ponded within the bioretention basin. An above-ground cap that secures well is required.

A 72-hour time limit is established in this standard for draining water from a fully saturated storage layer. A 24-hour limit is desirable for the live storage portion of the bioretention basin. These limits are established to reduce the risk of declining infiltration caused by persistent saturation at the native soil interface.

The maximum allowable thickness of the storage layer will depend on how much time is available to drain water from that layer after time is taken to drain water from the ponding area and engineered soil. The water in the ponding area and the engineered soil exits the bioretention basin via the underdrain and the native soil. The water in the storage layer exits only via the native soil.

A municipal easement may be acquired to facilitate maintenance.

Once the design depth of the storage layer is determined, it can be reduced as long as the total storage volume is maintained. This will require making a corresponding increase in the surface area of the storage layer. This may be necessary at some sites to meet the required groundwater separation.

PLANS AND SPECIFICATIONS

Plans and specifications shall be prepared for each specific field site in accordance with the criteria of this standard and shall describe the requirements for applying the bioretention basin to achieve its intended use. Plans shall specify the materials, construction processes and sequence, location, size, and elevations of all components of the bioretention basin to allow for certification of construction upon completion.

The plans shall include:

- A vicinity map showing the drainage area, basin location, and flow paths to and from the basin.
- On-site soils data including a profile to at least a 6-foot depth, preferably to at least 2' below the proposed bottom of the bioretention basin.
- A plan view of the basin showing the shape, dimensions, flow paths to and from the basin, vegetation plan (including plant names and planting locations), and pretreatment components.
- Longitudinal and cross-section views of the basin.
- Construction details of all inlets, outlets, flow splitters, and other basins.

Specifications need to require:

- site preparation sufficient to establish and allow growth of the selected species;
- planting dates, care, and handling of the plants to ensure an acceptable rate of survival, including weeding and watering responsibilities;
- a vegetation warranty period.

OPERATION AND MAINTENANCE

An operation and maintenance plan shall be developed that is consistent with the purposes of this bioretention basin, its intended life, safety requirements and the criteria for its design. The plan shall be developed for inspection, operation and maintenance of the basin. The plan shall assign responsibility for activities and state the minimum qualifications of the personnel performing the work.

At a minimum, the plan shall address operation and maintenance of all vegetative and non-vegetative components identified in this standard.

The plan shall include details on:

- Frequency of inspections
- Inspecting for sediment buildup and clogging
- Erosion, trash and debris buildup
- Plant health
- Frequency of sediment removal
- Disposal locations for sediment
- pH testing of the soil
- frequency of soil, mulch, and plant replacement
- inlet and outlet maintenance
- providing access to perform the operation and maintenance activities

Snow shall not be dumped directly onto the conditioned plant bed.

REFERENCES

ASCE, 1992, ASCE Manuals and Reports of Engineering Practice No. 77, Design and Construction or Urban Stormwater Management Systems.

Bannerman, Roger, and E. Considine, 2003. Rain Gardens: A How-to Manual for Homeowners. University of Wisconsin Extension Publication GWQ037 or Wisconsin Department of Natural Resources Publication PUB-WT-776 2003.

Claytor, R.A., and T. Schueler. 1996. Design of Stormwater Filtering Systems. Center for Watershed Protection, Silver Spring, Maryland.

Davis, A.P. et al., 2003. Water Quality Improvement through Bioretention: Lead, Copper, and Zinc Removal. Wat. Envir. Res., Vol 75(1), pp 73-82.

Davis, A.P., et al.,, 1981. Laboratory Study of Biological Retention for Urban Stormwater Management. Wat. Envir. Res., Vol 73(1), pp 5-14.

Hunt, Bill, 2003. Bioretention Use and Research in North Carolina and Other Mid-Atlantic States. The NCSU Water Quality Group Newsletter, May, 2003. North Carolina State University and A&T State University Cooperative Extension. 10 pp.

Hunt, Bill. Designing Rain Gardens (Bio-Retention Area) Urban Waterways Series Publication, North Carolina State University and A&T State University Cooperative Extension. 12 pp.

Livingston, E.H., E. Shaver, J. Skupien, and R. Horner. 1997. Operation , Maintenance, and management of Stormwater Management Systems. Watershed Management Institute, Ingleside, MD.

Minnesota Pollution Control Agency. November 2005. Minnesota Stormwater Manual. http://www.pca.state.mn.us/water/stormwater/stormwater-manual.html

Prince George's County Department of Environmental Resources. 1993. Design Manual for Use of Bioretention in Stormwater Management. Division of Environmental Management, Watershed Protection Branch, Landover, MD.

Prince George's County Department of Environmental Resources. 1999. Low-Impact Development Design Strategies: An Integrated Design Approach. Prince George's County, MD.

Prince George's County, MD. Prince George's County Bioretention Manual, November 2001 (revised December, 2002).

Schueler T. and H. K. Holland. 2000. Bioretention as a Water Quality Best Management Practice, in The Practice of Watershed Protection. Center for Watershed Protection. Ellicott City, MD.

Shaw, Daniel and R. Schmidt. 2003. Plants for Stormwater Design. Minnesota Pollution Control Agency, St. Paul, MN.

Stormwater Management Manual for Western Washington, Volume 5, Runoff Treatment BMPs, prepared by the Washington Department of Ecology, August 2001, Publication No. 99-15.

United States Environmental Protection Agency. 1999. Stormwater Technology Fact Sheet: Bioretention. Publ. EPA-832-F-99-012. Office of Water, Washington, D.C.

United States Environmental Protection Agency. 2000. Low Impact Development: A Literature Review. Publ. EPA-841-B-00-005. US EPA Low Impact Development Center, Office of Water, Washington, D.C.

Wisconsin Department of Natural Resources, Standards 1003 "Infiltration Basin" (Oct. 2004) and 1004 "Bioretention for Infiltration" (July 2006).

DEFINITIONS

Bioretention Basin: A soil and plant-based stormwater management structure or mechanism engineered to facilitate the entry and movement of precipitation or runoff into or through the soil.

Curtain Drain: An overflow system with structures consisting of vertical columns of gravel or sand, called curtain drains, that allow the water quality volume to bypass the soil planting bed and discharge untreated to ground water.

Design Drawdown Rate: The rate in inches per hour at which water drains from the ponding area through a combination of infiltration into the native soil and discharge through the underdrain.

Design Infiltration Rate: The infiltration rate of the native soil selected as a basis to size a bioretention basin.

Design Ponding Depth: The distance in inches between the top of the mulch layer and the invert of the overflow structure.

Effective Infiltration Area: The area of the bioretention system that is used to infiltrate runoff, not to include the area used for site access, berms, or pretreatment. For bioretention, the effective infiltration area is considered to be the surface area of the bottom of the excavated hole at the native soil interface.

Fully Saturated: A bioretention basin that has a saturated storage layer, a saturated engineered soil layer and water ponded to the invert of the overflow pipe in the ponding area.

Heavy equipment: Equipment with narrow tracks or narrow tires, rubber tires with large lugs, or high-pressure tires.

Hydraulically Connected: Two entities are said to be hydraulically connected if a surface or subsurface conduit exists between the two such that water is transmitted from one entity to the other.

Infiltration: Entry and movement of precipitation or runoff into or through the soil. It includes water that may be subsequently evapotranspired. It does not include water discharged through underdrains or overflow basins.

Native soil: The undisturbed soil, situated below the bioretention basin.

Pretreatment: Preliminary reduction of pollutants from stormwater prior to discharge of the stormwater to the bioretention basin.

Source Area: A component of land use including rooftops, sidewalks, driveways, parking lots, storage areas, streets, and lawns from which urban runoff pollutants and volumes are generated during periods of snow melt and rainfall runoff.

Target Stay-on Depth: The amount of infiltration required on an average annual basis. It is the portion of the annual rainfall (in inches) on the development site that must be infiltrated on an annual basis to meet the infiltration goal.

Total Basin Drain Time: The time it takes water to drain from a fully saturated bioretention basin. This includes the time it takes to drain water from the ponding area, the engineered soil, and the storage layer. Water from the ponding area and engineered soil exit via a combination of the underdrain and native soil. Water from the storage layer exits only via the native soil.

Underdrain: A perforated drain pipe situated below the engineered soil bed and above the sand storage layer.

Underdrain Flow Rate: The rate at which water is discharged from the underdrain, as determined by the orifice flow equation.

Figure 1. Example of **Bioretention Basin – plan view**



Figure 2. Example of **Bioretention Basin** – cross-section across width of basin

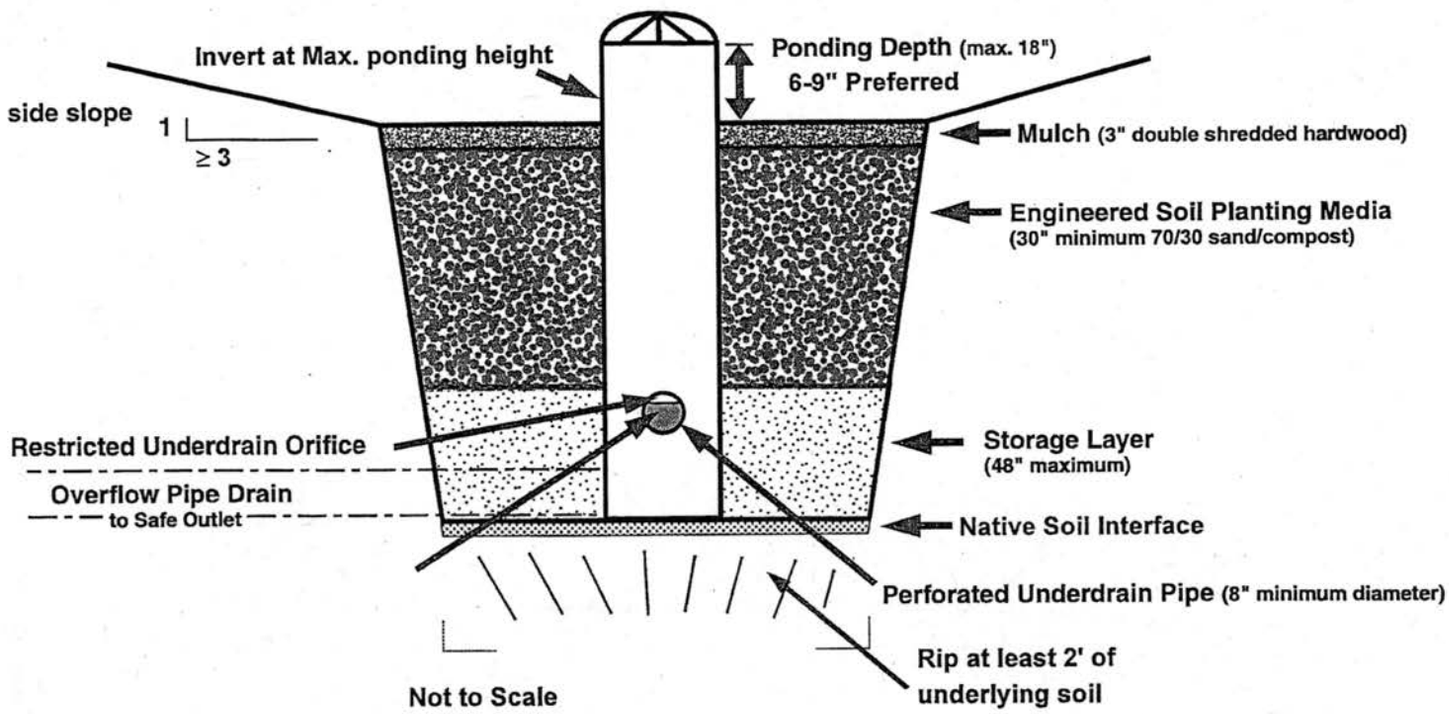
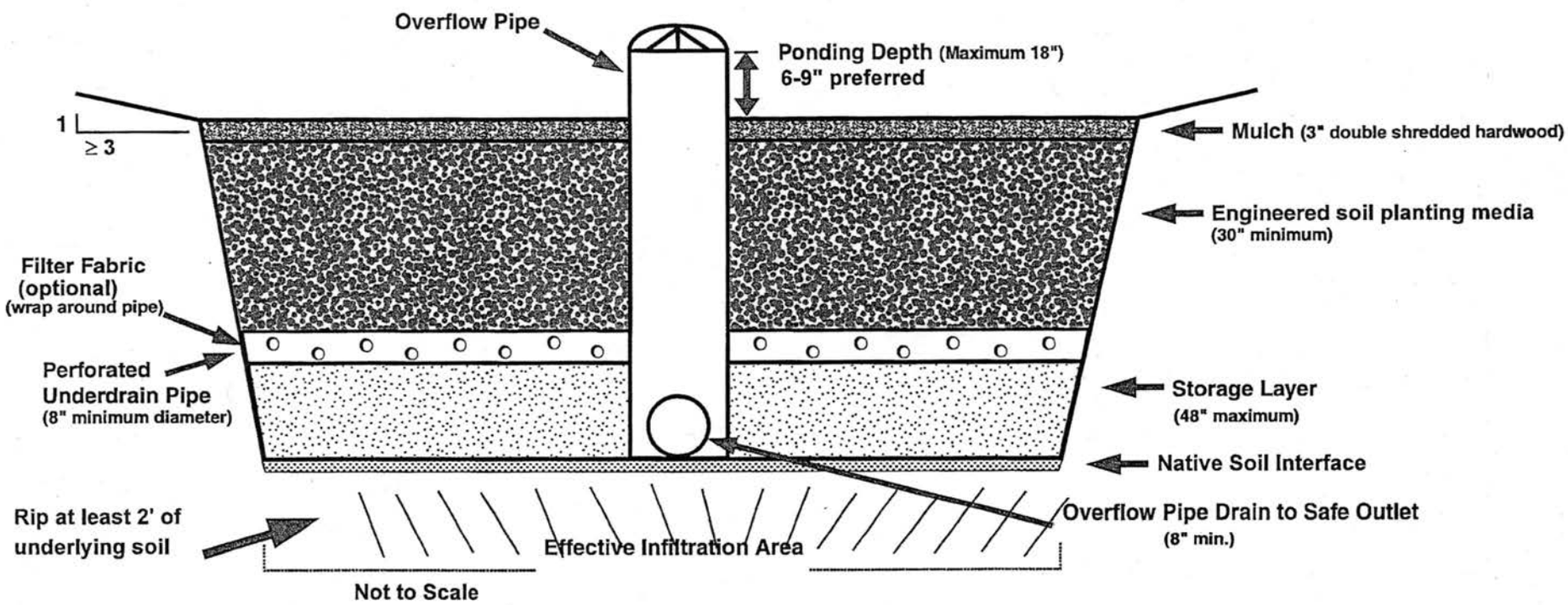


Figure 3. Example of **Bioretention Basin – profile along length of basin**



D. 7 Filter Stips



Conservation Practice

Filter Strip (393): A strip or area of herbaceous vegetation situated between cropland, grazing land, or distributed land (including forest land) and environmentally sensitive areas.

Eligible Component(s):

- Channel Bank Vegetation (322)
- Clearing and Snagging (326)
- Fencing (382)
- Field Border (386)
- Use/Livestock Exclusion(472)
- **Riparian/Forest Buffers(391)**
- Pasture & Hayland Planting (512)
- Pipeline (516)
- Tree/Shrub Establishment (612)
- Trough or Tank
- Water Facility (614)

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

Policies

Cost sharing is authorized for the materials and activities required to establish the practice and protect the site during construction of the practice. They include, but are not limited to:

Materials:

- Seed
- Trees & Shrubs
- Herbicides*
- Fertilizer*
- Fence Materials
- Minerals
- Mulch
- Netting
- Pipeline
- Rip Rap
- Trough or Tank

Activities:

- Earthwork- Grading & Shaping
- Site Preparation-Seeding
- Planting
- Fertilizer/Herbicide Application
- Mulching & Netting Labor
- Fencing Labor

* The use of herbicides and fertilizers is permitted only in conjunction with soil tests and an application plan developed by the district technical representative.

- Construction of livestock watering facilities outside of the filter strip is authorized.
- Areas established to grass may be grazed or hayed periodically if it is identified in a conservation farm plan and the conservation district determines that these management measures are needed for wildlife management, weed control, or nutrient removal. The operation and maintenance plan must include provisions for approved grazing or haying.

D. 8 Sediment Basins



Conservation Practices

Sediment Basin (350): A basin constructed to collect and store debris or sediment.

Pond (378): A water impoundment made by constructing a dam or an embankment or by excavating a pit or dugout.

Grade Stabilization Structure (410): A structure used to control the grade and head cutting in natural or artificial channels.

Water & Sediment Control Basin (638): An earth embankment or a combination ridge and channel generally constructed across the slope and minor watercourses to form a sediment trap and water detention basin.

Eligible component(s):

Critical Area Planting (342)
Fencing (382)
Mulching (484)
Subsurface Drainage (606)
Underground Outlet (620)

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

POLICIES

Cost sharing is authorized for the materials and activities required to establish the practice and protect the site during construction of the practice. They include, but are not limited to:

Materials:
Tile Systems
Pipes
Rip Rap
Filter Material
Seed
Herbicides
Fertilizer
Minerals
Fence Materials
Mulch
Netting

Activities:
Earthwork—Grading & Shaping
Site Preparation—Seeding
Planting
Fertilizer/Herbicide Application
Mulching & Netting Labor
Tile Installation

- Cost share is authorized where at least 75 percent of the contributing watershed controlled by the land occupier has the appropriate cultural, management, or structural practices in place (or scheduled to be installed) to stabilize sources of sediment and reduce surface water runoff.
- Cost share is not authorized where runoff or sediment from the contributing watershed would prevent the practice from achieving its intended purpose with normal operation and maintenance. The contributing watershed includes land not controlled by the land occupier.
- Cost share of subsurface drain tile is limited to the minimum size and length of tile needed for the proper functioning of the structure and to convey the water to a safe and stable outlet as determined by the conservation district technical representative. If the land occupier wants to install larger tile (s)he must document, in writing, the purpose and the area to be served, and must be responsible for the additional material and installation costs.

Board Resolution # 08-115

Pertaining to the Allocations of the following FY 09 Grant Programs:

- **Drainage Records Modernization Grants**
- **Native Buffer Cost Share Grants**
- **Ag-Land Hydrologic Restoration Grants**
- **Clean Water Legacy Project Grants**

WHEREAS, the 2007 Laws of Minnesota, Chapter 57, Section 5, appropriated funds to BWSR for these pertinent Grant Programs; and,

WHEREAS, the BWSR has authorized via previously adopted resolutions 08-87, 08-52, 08-63, and 08-88, respectively, these Grant Programs; and,

WHEREAS, competitive LGU requests for these funds have been received and reviewed according to applicable rules and policies; and,

WHEREAS, the Red River Basin Commission has requested $100,000 for coordination of their water management activities; and,

WHEREAS, the Board has approved their annual plan and report.

NOW THEREFORE, the BWSR hereby authorizes staff to allocate the following FY 09 Grant Program funds according to the attached respective allocation lists (Exhibit A) which are incorporated into this resolution.

- **Drainage Records Modernization Grants - $500,000**
- **Native Buffer Cost Share Grants - $753,524**
- **Ag-Land Hydrologic Restoration Grants - $531,981**
- **Clean Water Legacy Project Grants - $2.64 M ($1.03 M BWSR)**

AND, the BWSR authorizes the allocation of $100,000 to the Red River Basin Commission.

Randy Kramer

Date: 12/17/08

Randy Kramer, Chair
Board of Water and Soil Resources

H:091217BR

Board Resolution # 08-116

BWSR Proposed 2009 Meeting Schedule

January 28, 2009

February 25, 2009 (tentative) – Committee Meetings

March 25, 2009

April 22, 2009

May 27, 2009

June 24, 2009

July – no meeting

August 26 – 27, 2009 Tour and Meeting

September 23, 2009

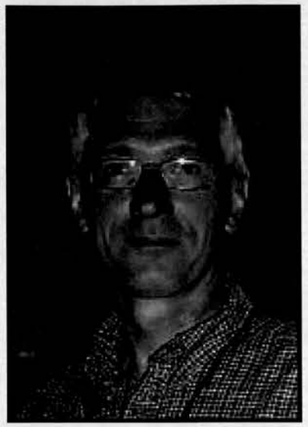
October 28, 2009

November – no meeting

December 16, 2009

Randy Kramer, Chair
Minnesota Board of Water and Soil Resources

Date 12/17/08



KEYNOTE SPEAKER

Dr. David Sauchyn is Professor of Geography and Research Coordinator at the Prairie Adaptation Research Collaborative (PARC) at the University of Regina. Since 2000, he has been responsible for facilitating and managing many research projects on climate change impacts in the Prairie Provinces. Dr. Sauchyn's main research interests are the climate of the past millennium in Canada's western interior and how knowledge of past climate can inform scenarios of future climate. He is a co-investigator in a five-year multi-disciplinary study of adaptation to climate change in northern Chile and the Canadian plains. He also participated in the expert review of the Fourth Assessment Report of the Intergovernmental Panel on Climate Change and he is a lead author of the Canada's National Assessment of Climate Change released on March 7, 2008.

For up-to-date information or to register, please look on our web site,

www.redriverbasincommisison.org

Red River Basin Commission
119 5th St. S., Ste. 209
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Moorhead, MN 56560-006

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SHAPING THE BASIN'S FUTURE TOGETHER

January 20-22, 2009

Fort Garry Hotel
Winnipeg, MB

Sponsored by:
The Red River Basin Commission

Tuesday, January 20

1:00 **Welcome & Introductions**
National Anthems

1:15 **Keynote – Climate Change in the Prairies: An Assessment of Impacts and Adaptation - David Sauchyn, Professor of Geography and Research Coordinator – Prairie Adaptation Research Collaborative, University of Regina**

2:20 **Building on the past, Shaping the Basin's Future Together**
Connecting the Dots: You and the Future:
Lance Yohe, RRBC Executive Director

2:35 **Break and Exhibits**

3:00 **Overview – Soil Conservation: Brian Dwight**, MN Board of Water & Soil Resources; **Ute Holweger**, Agriculture & Agri-Food Canada; **Glen Kajewski**, Natural Resources Conservation Service, MN; **Keith Weston**, Natural Resources Conservation Service, ND

Overview – Fish, Wildlife, and Outdoor Recreation: Roger Hollevoet, US Fish & Wildlife Service; **Tom Groshens**, MN Dept. of Natural Resources; Manitoba Representative

5:15 **Social and Exhibits**

Program Subject to Change

Wednesday, January 21

7:30 **Continental Breakfast**

8:15 **SMALL GROUP SCENARIOS – "Participating in the Future"**

9:30 **Break and Exhibits**

10:00 **SMALL GROUP SCENARIOS – "Participating in the Future" continued**

11:45 **Lunch**

12:45 **Overview - Water Quality: Nicole Armstrong**, MB Water Stewardship; **Jim Ziegler**, MN Pollution Control Agency; **Dennis Fewless**, ND Dept. of Health

Overview – Outdoor Recreation: Rhonda Kennedy Rogers, Rivers West, MB; **Melanie Parvey-Biby**, City of Grand Forks, ND; **Bob Backman**, River Keepers

2:15 **Break and Exhibits**

2:35 **Fish, Wildlife, and Outdoor Recreation/Soil Conservation Breakouts – 1st session**

Fish and Wildlife – Habitat
1. **Wildlife Effects of CRP Losses in North Dakota:** ND Game & Fish Dept.
2. **Wetland Changes in the Prairie Pothole Region of MN:** U.S. Fish & Wildlife Service
3. **Impacts of Wetlands in Manitoba:** Ducks Unlimited, Canada

Outdoor Recreation – Greenways: The Link Between River and Residents
1. **Rivers West**
2. **Grand Forks/East Grand Forks Greenway**
3. **Fargo-Moorhead Metropolitan Council of Governments**

Soil Conservation – Perceived Future Needs in Soil Conservation in the US and Canada
1. **Manitoba**
2. **United States**

3:30 **Water Quality and Fish, Wildlife, and Outdoor Recreation Breakouts – 2nd session**

Water Quality
1. **Tiered Aquatic Life Use Standards**
2. **MN Water Planning on Watershed Scale:** Gaylen Reetz, MN Pollution Control Agency
3. **Lake Winnipeg: Are We Making Any Real Progress?:** Al Kristofferson, Lake Winnipeg Research Consortium Inc.

Fish/Wildlife
1. **Channel Catfish Fishery of the Red River of the North, or, Yes, Virginia, There Are Catfish Fishermen:** Lynn Schlueter, ND Game & Fish Dept.
2. **Sturgeon Restoration:** Tom Groshens, MN Department of Natural Resources
3. **First Nations Fish Habitat Program: Lessons Learned and Plans for Moving Forward:** Mike Pierre, Centre for Indigenous Environmental Resources, MB

Outdoor Recreation
1. **Economic Base of Wildlife in ND:** Roger Hollevoet
2. **Recreational Fishing Trends in Manitoba: Preliminary Results of the 2008 Red River Creel Survey:** Derek Kroeker, MB Water Stewardship, Fisheries Branch
3. TBD

5:00 **Social and Exhibits**

6:30 **Awards Banquet**
- **Awards**
- **Presentations**
- **Outreach Recognition**
- **Silent Auction Winners**

***Program Subject to Change**

Thursday, January 22

7:30 **Continental Breakfast**

8:00 **Annual Meeting**
- **Board Chair report**
- **Executive Director report**
- **Financial/Audit Report**
- **Elections** – Citizen At Large

9:00 **Water Supply – Overview**
1. **Drought – Jurisdictional Process**
2. **City of Winnipeg Drought Conservation/Soft Path Strategy:** City of Winnipeg, MB
3. **Red River of the North Low Flow Impacts Database:** Donna Woudenberg, National Drought Mitigation Center

10:00 **Break and Exhibits**

10:30 **FDR – Overview: Charlie Anderson**, JOR Engineering; **Randy Gjestvang**, ND State Water Commission; **Alf Warkentin**, MB Water Stewardship
1. **Manitoba's Ice Jam Mitigation Strategy:** Steve Topping, MB Water Stewardship
2. **Basin Precipitation Strategy**
3. **Southside Fargo Project Update:** Jeff Volk, Moore Engineering, Inc.

11:30 **Looking Ahead: Challenge for Tomorrow: Yohe**

12:00 **Lunch**

Conference Funding Partners:

Agriculture and Agri-Food Canada / Agriculture et Agroalimentaire Canada

FLOOD DEFENCE GROUP USA

NORTHWEST MINNESOTA REGIONAL SUSTAINABLE DEVELOPMENT PARTNERSHIP

Cargill

Conference Registration
Before Jan. 5: $ 190 US/ CA $ at current exchange
After Jan. 5: $215 / CA $ at current exchange
Registration includes attendance to all plenary and special sessions, entry to exhibits, breakfasts, reception, lunches, banquet and refreshment breaks. Extra meals for guests are available for purchase at the registration table.

You may also register on line at
www.redriverbasincommission.org

Conference Lodging **Fort Garry Hotel**
1-800-665-8088
222 Broadway Ave. Rate is $110
Winnipeg MB

Ask for **Group Code 10219T** to receive this rate.

A block of rooms will be held until December 18, 2008, or until the block is full. The rate is the same for standard queen, double/double or king rooms.

Border Crossing Requirements Have Changed

U.S. and Canadian citizens need to present either (a) a passport, or (b) a government-issued photo ID, such as a driver's license, AND proof of citizenship, such as a birth certificate.

Registration Form

Name _____

Position/Title _____

Organization/Business _____

Address _____

City _____

State/Province _____ Zip/Postal Code _____

Phone _____

Fax _____

Email _____

Mail or Fax to:
Red River Basin Commission
119 S. 5th St. • PO Box 66
Moorhead, MN 56561-0066
Phone: 218-291-0422 • Fax: 218-291-0438

Bus from Fargo to Winnipeg Information:
Pick-up location: _____ Fargo
_____ Grand Forks
_____ Pembina

Home Address _____

Birth date (MM/DD/YYYY): _____
(Home address and birth date are required for border crossing by bus)
Cost is $40 per person. We will notify you with times and location after sign-up.

Before Jan. 5, 2009	**After Jan. 5, 2009**
☐ $190 US	☐ $215 US
☐ Canadian at current exchange	☐ Canadian at current exchange
☐ Bill Me	☐ Check Enclosed

* Registrations not canceled by January 14 are required to pay the full conference fee.

* We apologize, but we are unable to accept credit cards.

Red River Basin Commission
206-309 Hargrave Street
Winnipeg, MB R3B 2J8
Phone: 204-982-7250 • Fax: 204-982-7255



Education Committee Report

by Ian Cunningham, Chair, Pipestone SWCD Supervisor

The MASWCD Education Committee met in August and identified three main areas of emphasis. The priorities are **supervisor training, staff training** and **assisting districts with reaching youth and educators**.

Orientation training will be available for newly elected supervisors. Veteran supervisors are also encouraged to attend. This is an opportunity for networking, mentoring and learning something you didn't know you didn't know. Supervisors should view attendance at area meetings, state, regional and national conventions as opportunities to learn and grow as elected servants.

Support MASWCD Staff's efforts toward developing Management 101 Training. The committee feels the SWCD supervisors should encourage and support their staff to attend training. Staff training should be considered an investment, not an expense.

2008 marked the last year of the statewide video and poster contest. However, districts and areas have the opportunity to continue the contests at the local/area level. The materials are available on the MASWCD website. Start-up funds are still available for junior envirothon pilot programs. Areas two, four and six have held pilot junior envirothons. Some districts are experiencing new challenges working with educators due to increased transportation costs and curriculum needs. **SWCDs need to continue to be innovative in assisting teachers with the environmental education in Minnesota classrooms.**

Thank you for your continued efforts in conservation education.



MASWCD, BWSR and NRCS representatives attended the October Wetland Reserve Program celebration in Carver County, including NRCS Chief Arlen Lancaster (center).



MASWCD Vice President Steve Sunderland, Koochiching SWCD Manager Pam Tomevi and MASWCD President Ken Pederson attended July meetings with Minnesota's Congressional delegation in Washington D.C.



Awards Committee Report

by Rudie Spitzer, Chair
Winona SWCD Supervisor & MASWCD Area 7 Director

The MASWCD annual awards program recognizes individuals and organizations for outstanding work and leadership in soil and water conservation. The Association is committed to utilizing the awards programs as a service to our members, and to highlight the accomplishments of the past year.

The awards program also serves as an opportunity to highlight the Association's partnerships with other agencies and partners. This year, the MASWCD is proud to announce a new award. MASWCD has partnered with the Minnesota Department of Transportation to provide recognition to SWCDs that have put forth extraordinary effort in establishing living snow fences in Minnesota. Living snow fences not only provide the public with the benefit of safer winter driving, but also provide conservation benefits.

The Association would like to thank our other award sponsors, including the Minnesota Pollution Control Agency, DNR Waters, DNR Forestry, BWSR, and *The Farmer* magazine.

The MASWCD awards committee has the overwhelming task of selecting award recipients for several different award categories. As the committee members met earlier this year to review the nominations, I couldn't help but think of all the planning and hard work that goes into these local conservation projects. Year after year, Soil and Water Conservation Districts nominate so many deserving projects that it seems almost impossible to select a single award recipient. It is truly an honor to be nominated and selected in any award category, and to be recognized during the annual MASWCD convention.



Members of the MASWCD Leadership Institute's graduating class of 2008 gathered for a photo opportunity at their last session in August.

MASWCD

Minnesota Association of Soil & Water Conservation Districts
790 Cleveland Ave. So. Suite 201
St. Paul, MN 55116
Phone (651) 690-9028, FAX (651) 690-9065
www.maswcd.org

MASWCD

MASWCD Annual Report

December, 2008

The following are annual reports of the Minnesota Association of Soil and Water Conservation Districts (MASWCD) President & Standing Committees.

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MASWCD President's Report

by Ken Pederson



2008 proved to be another interesting year. Campaigns and elections occupied our nation and public policy debates. The financial crisis in our country put the skids on many aspects of our country. Fuel prices rose to record highs and then fell just as quickly. Commodity prices and forecasts kept everyone guessing. All of these issues have an impact on the conservation of our natural resources and our land use decisions. This year will not soon be forgotten.

2008 also proved to be an interesting year for conservation policy and programs. Funding for conservation seemed to have a bleak future, but on November 4th, voters approved a constitutional amendment to dedicate funding for natural resources and water quality. Minnesota voters see the need for protecting our water resources. With the experience that Soil and Water Conservation Districts (SWCDs) have in putting projects on our land, I believe districts are poised to take on the task of improving water quality and wildlife habitat in our state. With this opportunity local districts have the potential for being at the forefront of conservation in Minnesota.

This has also been a successful year for SWCD conservation programs. The Association worked with the Board of Water and Soil Resources (BWSR), legislators and other partners to obtain $25 million for the Reinvest In Minnesota (RIM) Reserve Program. SWCDs, BWSR and the Natural Resources Conservation Service (NRCS) were able to use state bonding dollars to leverage federal funding for wetland restorations. We were able to utilize RIM Reserve and USDA Wetland Reserve Program (WRP) funding to protect sensitive areas across the State of Minnesota. Districts are to be complimented for their hard work and quick turn around on this program. Twenty percent of the federal

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MASWCD President's Report (continued from page 1)

WRP funds came to our state because of our successful local, state and federal conservation partnership and our relationships with landowners. Earlier this fall, USDA conducted an event celebrating the 2 millionth acre of land enrolled in the WRP program. This national event took place in Carver County - another example of Minnesota's commitment to conservation.

Districts continue to be active in the work of our Association. Our office hosted over thirty meetings with member districts to provide insight and guidance on Association activities. MASWCD BELONGS TO ALL OF US. I'm proud of the many individuals and districts that sacrifice time and money to keep our SWCDs and our Association strong. Besides our regular committees, we also commissioned a watershed task force and an elections task force. We have invested a lot of time and effort in the SWCD elections process. Our Association's website was used extensively to share information about SWCD elections and we continue to improve election awareness.

The past two years I have represented Minnesota on the National Association of Conservation Districts (NACD) board and also serve as chair for NACD North Central Region. This has given me the opportunity to work with many other states and learn from them as well as share our success stories. This year, we saw the passage of the federal farm bill. NACD helped to shape the conservation and forestry policies related to this major federal conservation legislation. I was also able to serve on the NACD awards committee and was able to review award applications from all over the nation. Our Association and district activities are very competitive on a national basis and Minnesota will have two award recipients honored at the national convention in February.

In the past two years I have seen the respect that our organization has earned from our partners and peers. This respect comes from years of hard work and consistency in the work of districts and MASWCD. We are not only respected in Minnesota but nationally as well. We are watched by many as they learn by our example. Despite our great success stories, we need to continue face the challenges of today.

Looking back at my two years as President of MASWCD I see it as a great experience. The challenge I answered has proven to be something I will always value. The great staff of Stefanie, Sheila and LeAnn has made my job a lot easier. Their expertise, talent and understanding are real assets. Staff and supervisors who were willing to help out when asked made decision making easy. We couldn't do what we do without BWSR, NRCS and other partners that share our goals.

I want to thank everyone for being part of the team that makes MASWCD so successful and made my job as president such a joy. We faced many challenges and will continue face more. We live in a complex and diverse world that doesn't always see issues the same way we do, but as long as we continue to do the work that we have the passion for and work with our partners and legislators, we can accomplish protecting our environment and educating those in our state.



MASWCD board members and staff met at the June, 2008 MACDE conference at Breezy Point Conference Ctr.



MASWCD President Ken Pederson, Vice President Steve Sunderland, and Executive Director LeAnn Buck met with Rep. Rick Hansen during MASWCD's February, 2008 Legislative Day at the Capitol to discuss bonding dollars for conservation.



MASWCD Executive Director LeAnn Buck signed a Memorandum of Understanding (MOU) with other conservation organizations in January, 2008 at the National Pheasant Fest in St. Paul. The MOU renewed a strong commitment to Farm Bill conservation programs in Minnesota.



MASWCD Executive Director LeAnn Buck joined representatives of USDA Farm Services Agency, Minnesota Dept. of Transportation, and USDA Natural Resources Conservation Service in renewing an MOU on living snow fences in September, 2008.

"...getting to know your legislators, and letting them know the essential work of the soil and water conservation district, is one of your most important duties as you carry out your role as a SWCD supervisor or district employee."



Legislative Committee Report

by Marilyn Bernhardson, Chair, Redwood SWCD Manager

What is one of the first things that come to mind when you think of the term, "legislative?" Tough question, isn't it? It is also a tough question for the legislative committee. There are so many issues and such diversity among soil and water conservation districts that it makes the committee's task very challenging.

The challenge is made easier with the advice and counsel of our legislative specialist, Judy Erickson and our Executive Director, LeAnn Buck. MASWCD owes many thanks to these two individuals who have their eyes and ears open to what is happening at the legislature. Their insight helps the legislative committee decide what issues should be brought to the forefront for the organization.

MASWCD's 2008 legislative platform contained three major issues:

1. Bonding for Soil and Water District Programs
2. Supplemental Budget
3. Dedicated Funding for Conservation

Bonding – MASWCD and its partners were successful in obtaining $25 million for RIM Reserve. We were not able to obtain funding for RIM Clean Energy. MASWCD should be proud that we were able to be awarded these funds, as there were many more bonding dollars requested than funds were available.

Supplemental Budget – With the state facing a huge deficit, districts' base programs remained at full funding. However, several of the newly established programs received reductions. Through BWSR, the legislature provided additional funds for the southeast flood area.

Dedicated Funding for Conservation - MASWCD supported dedicated funding for conservation. The Legislature placed the decision in the hands of the public by having them vote on the constitutional amendment on the November 4th ballot. The initiative was approved by the voters.

MASWCD once again hosted the Legislative Briefing on conservation issues. We would like to thank all that attended and helped the legislature understand the important work of the soil and water conservation districts. However, do you realize that we could be one of the **strongest** lobbying groups in the state, if every soil and water conservation district did their part by increasing the number of supervisors and employees that attend this event each year?

As I will continue to say, getting to know your legislators and letting them know the essential work of the soil and water conservation district, is one of your most important duties as you carry out your role as a SWCD supervisor or district employee.

Resolutions/Policy Committee Report



by Steve Sunderland,Chair, Chippewa SWCD Supervisor, MASWCD Vice President

This year your resolution/policy committee met to review possible legislation involving a watershed bill. We invited the bill's author, some advisors, and our entire policy committee. We had a very good discussion on the details of the bill and possible effects to districts.

We also took time to help prioritize resolutions approved at our 2007 convention. The MASWCD board reviewed their work and found it helpful in planning our workload for the year.

The committee met in August to review resolutions submitted by SWCDs throughout the state. The process allows all supervisors and districts to provide input into the policy of the Association and the programs that districts offer.

The committee process involves Supervisors from all eight areas along with advisors from the Employees Association and partner agencies. We started with 30+ resolutions and reviewed all to see if any were current MASWCD policy. We also verified that each resolution met the Association's requirements and clarified the intent when necessary. The committee is very careful not to change the intent of the resolution as written by the author.

I want to thank all the members of the committee, along with Sheila and LeAnn, for all their hard work. It takes a lot of time and travel for all members and we appreciate everyone's effort.