Minnesota Board of Water and Soil Resources. Minutes.

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BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
ST. PAUL, MINNESOTA 55155
WEDNESDAY, JANUARY 28, 2009

BOARD MEMBERS PRESENT:
Dana Allen, Paul Brutlag, Bob Burandt, Wayne Edgerton, DNR; Quentin Fairbanks, Rebecca Flood, MPCA; Randy Kramer, Paul Langseth, Brian Napstad, Joe Martin, MDA; Faye Sleeper, U of M Extension; Louise Smallidge, Gene Tiedemann, LuAnn Tolliver, Dan Wilson, MDH

BOARD MEMBERS ABSENT:
Gordy Behm

STAFF PRESENT:
Mary Jo Anderson, Jon Fure, Tim Fredbo, Travis Germundson, Jim Haertel, Tabor Hoek, John Jaschke, Al Kean, Melissa Lewis, Kevin Lines, Jeff Nielsen, Paul Senne, Wayne Zellmer

OTHERS PRESENT:
LeAnn Buck, MASWCD
Sandy Hooker, MAT
Jack Frost, Met Council
Tim Koeher, NRCS
Barbara Weismann, MDA
Judy Ohly, Olmsted County
Beth Carlson, DNR
Les Bensch, LOHC
Louis Smith, CWC

Chair Kramer called the meeting to order at 9:03 a.m.

PLEDGE OF ALLEGIANCE

** 09-01 **ADOPTION OF AGENDA** – Moved by Louise Smallidge, seconded by Paul Langseth, to adopt the agenda as presented. Motion passed on a voice vote.

** 09-02 **MINUTES OF DECEMBER 17, 2008** – Moved by Brian Napstad, seconded by Paul Brutlag, to approve the minutes of December 17, 2008, as circulated. Motion passed on a voice vote.

INTRODUCTION OF NEW EMPLOYEES

Bill Eisele introduced Paul Senne, GIS Specialist. Paul started in December and is located in the St. Paul office. Paul provided background information about himself. Paul stated that he enjoys working for the Board. Chair Kramer welcomed Paul to the Board.

Jeff Nielsen introduced Kane Radel, Wetland Specialist, located in the Marshall office. Kane provided background information about himself. Kane stated that he appreciates the opportunity to work for the Board. Chair Kramer welcomed Kane to the Board.

Jeff Nielsen introduced Steve Lawler, Wetland Specialist in the Rochester office. Steve provided background information about himself. Steve stated that he truly appreciates working for the Board. Chair Kramer welcomed Steve to the Board.

Jeff Nielsen introduced Michelle Schaefers, Board Conservationist in the Rochester office. Michelle provided background information about herself. Michelle stated that she enjoys working for the Board. Chair Kramer welcomed Michelle to the Board.

REPORTS

Chair's Report – Randy Kramer reported that EQB did not meet. He is reading materials he received from EQB regarding review of the final phase of several projects. Chair Kramer attended the hearing on the boundary change, withdrawal of territory and enlargement of the Cedar Creek Watershed District, Turtle Creek Watershed District, and the Shell Rock Watershed District. Chair Kramer stated that the IRS mileage rate for reimbursement is now $.55 per mile. Chair Kramer reported that the Administrative Advisory Committee (AAC) met this morning. The AAC decided that a performance review will be conducted for the Executive Director. Chair Kramer will send performance review information to

board members via e-mail. The information will remain anonymous. John Jaschke just passed his second anniversary date as Executive Director. Chair Kramer and Paul Brutlag will conduct John's performance review and report back to the Board in March. Chair Kramer stressed the importance of honest comments and feedback from board members on the performance review.

Executive Director's Report – John Jaschke reported that a summary of the December 2008 Listening Sessions on the Clean Water and Outdoor Heritage Funds is provided in board members' packets. The information is available on the BWSR website. Also included in board members' packets is background information on the 3/8 Constitutional Amendment, a status and summary of prepared by the House of Representatives Research Department, explaining the process, funding, and projections tied to budget recommendations.

John reported that the House Environment Policy and Oversight Committee toured the offices of BWSR, DNR and PCA on January 22nd. Committee members had an opportunity to walk through the office and learn more about BWSR.

John reported that Bob Whiting, Regulatory Chief, U.S. Army Corps of Engineers (USACoE), is retiring next week. John met with staff of USACoE including the new Regulatory Chief, Tamara Cameron, regarding an agreement on the systematic approach to wetland mitigation. John met with USDA NRCS staff regarding the swampbuster provision of WCA, and understanding the willingness by landowners to share the information.

John reported that the Governor's budget recommendation was released yesterday. Board members have a copy of BWSR's budget narrative in their packets today. Staff will provide board members with a more clear and concise understanding of the document. A 10% reduction is noted but details are unknown at this time how BWSR will determine the reduction.

John reported that BWSR has a seat on the Clean Water Council (CWC); a report by the CWC will be provided on the agenda today. The Lessard Outdoor Heritage (LOHC) will also provide a report today.

John reported that BWSR has three Legislative policy items: RIM update; Cost-Share Program rules - proposing Board policy for process efficiency; and Drainage law - consensus language for more streamlined administrative processes.

Dispute Resolution Committee – Travis Germundson reported that no new appeals have been received since the report was distributed. Travis reported that a request for a hearing has been received. Chair Kramer asked that the DRC meet immediately following the Board meeting today to discuss a time to meet on the request.

Wetlands Committee – LuAnn Tolliver reported that the Wetlands Committee did not meet this last month. The WCA Rule SONAR is nearly complete and the Rule language has been submitted to the Revisors' Office. The Wetlands Committee will meet in March.

Grants Program and Policy Committee – Louise Smallidge reported that the Grants Program and Policy Committee did not meet this month but she anticipates the Committee will meet in March.

Public Relations, Outreach & Strategic Planning Committee – Brian Napstad stated that the Public Relations, Outreach & Strategic Planning Committee did not meet. Brian reported that Les Lemm met with the Northern Counties Land Use Coordinating Board (NCLUCB) to explain the WCA rulemaking process. Brian stated that Les represented BWSR very well and the NCLUCB greatly appreciated Les providing good information to group.

Administrative Advisory Committee (AAC) – Chair Kramer reported that AAC met this morning. Discussion included the PRAP Report; Board appointments/vacancy; Vice-Chair nomination; legislative policy items; budget; and the Executive Director's performance review.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

Coon Creek and Rice Creek Watershed Districts Boundary Change – Bob Burandt reported that the Metro Water Planning Committee met on January 13 to review the boundary change request for the Coon Creek and Rice Creek Watershed Districts and recommends approval. Moved by Bob Burandt, seconded by Louise Smallidge, to approve the Coon Creek and Rice Creek Watershed District boundary change. Paul Langseth asked about the small parcel on the bottom of map, it does not look like it's included in the boundary change. John Jaschke stated that map is for information and not the legal boundary, the actual boundary change is in the legal description. Travis Germundson will check into this and report back to the Board today. Motion passed on a voice vote.

** 09-03

City of Burnsville Comprehensive Wetland Protection and Management Plan Update – Bob Burandt reported that the Metro Water Planning Committee reviewed the City of Burnsville's Comprehensive Wetland Protection and Management Plan Update and recommends approval. Moved by Bob Burandt, seconded by Faye Sleeper, to approve the City of Burnsville Comprehensive Wetland Protection and Management Plan Update. Motion passed on a voice vote.

** 09-04

Minnehaha Creek Watershed District Watershed Management Plan Amendment – Bob Burandt reported that the Metro Water Planning Committee reviewed the Minnehaha Creek Watershed District Watershed Management Plan Amendment and recommends approval. Moved by Bob Burandt, seconded by LuAnn Tolliver, to approve the Minnehaha Creek Watershed District Watershed Management Plan Amendment. Motion passed on a voice vote.

** 09-05

Upper Rum River Watershed Management Organization Watershed Management Plan Amendment – Bob Burandt reported that the Metro Water Planning Committee reviewed the Upper Rum River Watershed Management Organization Watershed Management Plan Amendment and recommends approval. Moved by Bob Burandt, seconded by Louise Smallidge, to approve the Upper Rum River Watershed Management Organization Watershed Management Plan Amendment. Motion passed on a voice vote.

** 09-06

NEW BUSINESS

Election of Vice-Chair – Chair Kramer opened nominations for a one-year term of Vice-Chair. Louise Smallidge nominated Paul Brutlag as Vice-Chair. There were no other nominations. Moved by Brian Napstad, seconded by LuAnn Tolliver, to close the nomination and approve Paul Brutlag as Vice-Chair of BWSR for a one-year term. Motion unanimously passed as a voice vote.

** 09-07

Red River Valley Restoration Initiative (RRVRI) Project Area Selection and Approval – Kevin Lines explained that on December 17, 2008, BWSR authorized the allocation of up to $3 million to the RIM Reserve Program to establish the Red River Valley Restoration Initiative to achieve priority river/stream restoration and flood damage reduction. Four projects were brought forward by watershed districts in partnership with Soil and Water Conservation Districts. The Red River Mediation Agreement Work Group (RRMWG) reviewed and made recommendations to the BWSR's RIM Reserve Management Planning Committee (RRMPC). The RRMPC met January 16, 2009, by conference call to review the projects and the RRMWG's recommendation. The RRMPC recommends the funds be used to acquire riparian easements and establish

conservation practices on those riparian lands acquired via easements for the following projects in full: the Springbrook Coulee Protect Project, Two Rivers Watershed District; South Branch of the Buffalo River Stream Restoration and Flood Damage Reduction Project, Buffalo Red River Watershed District; and Grand Marais Creek Outlet Restoration, Red Lake Watershed District and the Lower Wild Rice River Corridor Restoration Initiative, Wild Rice Watershed District utilize the remaining balance of the $3 million for this pilot program as recommended by the RRMPC to run through June 1, 2009.

** 09-08 Moved by Paul Brutlag, seconded by Gene Tiedemann, to approve the project area selection and approve the recommendations of the RRMPC.

Paul Brutlag asked Kevin to provide easement maintenance information. Kevin explained that watershed districts are responsible for design review and maintenance of the project. Full funding for the top three is recommended with the balance going to the Lower Wild Rice project; allocation completed by June 30, 2009. If not completed the allocation would go to other to projects. Discussion followed.

Joe Martin asked about the potential flooding this spring in the Red River Valley, and if it should be factored into the decision today. Gene Tiedemann stated that flooding is an issue every year in the Valley, he feels we should move forward with the recommended projects. Kevin stated that we are meeting the obligation as directed by the Legislature. Gene Tiedemann stated that he is involved in the Grand Marais project, is Chairman of the Joint Powers Board, and will abstain from voting on this issue. Motion passed on a voice vote.

Dana Allen joined the meeting at 9:55 a.m.

Minnesota Wetland Restoration Strategy – Kevin Lines introduced Beth Carlson, DNR; and Tabor Hoek. Tabor reported that BWSR, in partnership with other agencies and organizations, has recently completed a two-year effort to develop a Minnesota Wetland Restoration Strategy (WRS). Tabor explained the parameters of the strategy. The model/tool could help establish a manageable number of restorable wetlands to target with available financial resources.

Beth explained the importance of this multi-agency, multi-discipline effort to prioritize potential wetland restorations. It will help guide restoration efforts in Minnesota that have averaged about $20 million per year on this activity. The goal is to account for fish, wildlife and native plant habitats, water quality and water quantity as fundamental criteria for project selection.

Kevin reported that the RIM Reserve Management Planning Committee reviewed the WRS and recommends the adoption and continued work to implement the Minnesota Wetland Restoration Strategy.

** 09-09 Moved by Paul Brutlag, seconded by Paul Langseth, to approve the Minnesota Wetland Restoration Strategy. Faye Sleeper asked for a couple of typo edits. Beth Carlson stated that will be addressed. Discussion followed. Brian Napstad supports this "living document" and suggested using this document to locate wetland mitigation to high priority areas. Paul Brutlag stated that this is a tool to enhance implementation in several program areas.

Rebecca Flood stated that the strategy is a good one, the next step is advocating implementation. John Jaschke suggested asking local governments to prioritize as we review the water plans. LuAnn stated that this will be a valuable tool at the local level. Joe Martin stated that this tool can be cross-referenced to other databases for analysis and planning. Kevin stated that staff are working on making this a living document, coordinated effort with other agencies. Kevin, on behalf of the RIM Reserve Management Planning Committee, thanked Beth Carlson and Tabor Hoek for their coordination of this effort. John stated the need to pursue efforts for funding, get most likely projects prioritized on short-term, long-term, and statewide goals. It was noted that minor corrections and updated information will be included in the document prior to finalization. Motion passed on a voice vote.

Chair Kramer called for a break in the meeting at 10:20 a.m. The meeting reconvened at 10:40 a.m.

RECOGNITION OF SERVICE – Chair Kramer reported that Dana Allen's term is expiring in 2009. Dana has decided to resign from the Board effective March 1, 2009 due to other ventures. Chair Kramer thanked Dana for her service to the Board, she has represented southeastern Minnesota very well. Chair Kramer, on behalf of the Board, presented Dana with a print and thanked her for the four years of service. Dana thanked the Board for the camaraderie; she explained that she has taken on new responsibilities at the national level with the Dairy Association.

Travis Germundson checked into the matter of the Coon Creek and Rice Creek Watershed District boundary change. Travis reported that the parcel on the map is included in the boundary change. Travis explained that the map is a reference piece and not part of the legal order. Chair Kramer thanked Travis for providing this information.

Draft 2009 Performance Review and Assistance Program (PRAP) Legislative Report – Don Buckhout reported that the PRAP Report identifies what BWSR staff has accomplished with limited program resources, outlines objectives for 2009, documents the results of Level I performance review of all 244 LGUs and Level II and III performance review and assistance to seven selected LGUs. Don reported that 90 out of 91 SWCDs have operating websites. Don stated that the report is on the BWSR website; updates to the report will be ongoing. Don stated that personally, he has enjoyed his position working on this program. Bob Burandt asked about the current economic status, what will the LGU obligation be if their budget is negatively affected. Don stated that the LGUs have an annual work plan that will be looked at during the performance review. Dan Wilson stated that this is an excellent document, he asked about methodology. Don stated that in working with regional supervisors, LGUs were selected for the pilot effort. Quentin Fairbanks asked about duplication of efforts. Don stated that page 13 acknowledges the program revisions and changes during the year, and in the future the program will look at clusters of GLUs and how they work together.

** 09-10 Moved by Brian Napstad, seconded by Paul Langseth, to approve the Performance Review and Assistance Program Report dated February 2009, with any final modifications necessary for publication, for transmittal to the Minnesota State Legislature and release to the general public. Discussion followed. LuAnn Tolliver stated that the evaluation checklist is important and should be mailed to the 244 LGUs to use as a benchmark tool. LuAnn asked that trends be noted, valuable information for others to see. Bob Burandt stated that forging partnerships is important. Don stated that coordination is listed on the checklist as an opportunity for the LGU to work on that. Motion passed on a voice vote.

Lessard Outdoor Heritage Council (LOHC) and Clean Water Council (CWC) Reports – John Jaschke explained that the approval of the Constitutional Amendment on November 4, 2008 puts in place four separate funds that will become viable on July 1, 2009. The outdoor heritage and clean water funds each receive 33% of the revenue generated from the 3/8% sales tax increase for the next 25 years. John introduced Les Bensch, LOHC, and Louis Smith, CWC. Les Bensch provided background information about himself and the LOHC. He is very pleased that the constitutional amendment passed, tremendous opportunities exist. Need BWSR's assistance and input and SWCD's on implementation plans. Les stated that two major concerns for the future are taxation and maintenance issues. Quentin Fairbanks asked about representation from northern Minnesota. Les asked Quentin to contact legislative representatives from that area. Discussion followed. Les explained that the LOHC is expecting to work with the Clean Water Council, is looking

at easement acquisition tools, fee title and public access, taxing authority and in-lieu payments, protection of environmental resources, and implementation costs.

Louis Smith reported that Marilyn Bernhardson was very recently elected as Chair of the Clean Water Council. Louis summarized reports to the legislature. He stated that the CWC is working to achieve as much protection work as possible through local entities and citizens. The role of CWC is an advisory role to the executive branch and the legislature. Two policy recommendations: 1) involves tracking outcomes, in coordination with U of M/Water Resources; 2) how to organize the work of the TMDLs through a watershed approach. Louis explained that CWC has made funding recommendations to the legislature, 2/3 of projects to deal with water impairments. Discussion followed.

Les stated that land preservation where threatened is also important. Joe Martin asked about how future RIM easements might be used more or differently. Brian asked how to assure the public lands are a public benefit, with perhaps a land swap possibility, as he is anxious to see public holdings to work together. Chair Kramer thanked Les and Louis for their reports.

USDA Farm Bill Rulemaking Overview – Tim Koehler, NRCS, distributed a brief update on the new federal Farm Bill. Tim provided an overview of the potential changes and the process for input. Tim reported that the Environmental Quality Incentive Program (EQIP) will now include a component for organic producers. The new Conservation Stewardship Program rules have not yet been published. Tim distributed and highlighted funding opportunities for the Agricultural Water Enhancement Program (AWEP) and the Conservation Innovation Grants (CIG). Tim reported that as part of the federal stimulus program, NRCS may receive funds for flood prevention and recovery. Tim reported that NRCS has funding for EQIP and WRP but no authority to allocate the dollars at this time. NRCS will continue to partner with BWSR on WRP. Tim stated that the State Technical Committee will meet on February 26. Joe Martin asked BWSR to serve as a catalyst for the Red River Basin Commission, making connections on AWEP "draft" to bring a small group together to talk about packaging a proposal John Jaschke noted that a meeting is scheduled for early February. Chair Kramer asked Tim about regulatory review, how does the process work. Tim stated that he's not quite sure what will happen at this point in time. Chair Kramer thanked Tim for his report.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Joe Martin reported that MDA's budget reduction is 4%. MDA has a proposal for creating an Ag 21 Fund for

innovation grants producers would apply for. Joe stated that the next budget forecast may ask for another unallotment in February. Joe reported that it's illegal for bulk storage of fertilizer on farms without a permit; this may result in bankruptcy for some farmers. MDA is working with MDH on the salmonella issue. MDA is working with DNR on the lead in venison issue. Joe reported that the Food and Drug Administration finalized rule to prevent rendering any animal over 30 months in age, MDA is proactive in working with producers. Joe reported that MDA was involved in the clean up of the train derailment on December 17th in southeast Minnesota, six train cars were carrying fertilizer, some spillage, but no major problems.

Minnesota Department of Health (MDH) – Dan Wilson reported that the Governor's budget has a provision for charging governments fees for the well program. It's now a free service, the budget recommendation contains a proposal to remove that restriction, although there is an annual fee on monitoring wells which is revenue for the State. MDH proposes to assess a flat $50 for government owned wells tracked more closely than individual owners. MDH has two proposals under Clean Water regarding drinking waters. Dan reported that MDH tests for arsenic, identified hundreds of wells that have arsenic. MDH sees measurable health effects and this needs to be addressed.

Minnesota Department of Natural Resources (DNR) – Wayne Edgerton reported that the DNR budget will be reported on at a later time. Wayne stated that the TB issue in the northwest deer herd came from a cattle herd. Wayne stated that special hunts, unlimited tags, fly-overs, and another kill this winter is scheduled. Good news, no positive tests for TB yet this year.

University of Minnesota Extension – Faye Sleeper reported that U of M and Extension are experiencing budget cuts; have not hired since September. Faye distributed CDs on the Minnesota Statewide Conservation and Preservation Plan. Faye distributed information and invited board members to attend a lecture by Dr. Pai-Yei Whung,U.S. EPA Chief Scientist on Science in the Obama Administration, January 29, at 11:00 a.m., at the St. Paul Campus.

Minnesota Pollution Control Agency (MPCA) – Rebecca Flood reported that the MPCA general fund budget reduction is 10%. MPCA reconvened an interagency group to discuss upcoming assessment and listing process of impaired waters, new listing by 2010; BWSR staff participated. Rebecca announced that Paul Eger was appointed as MPCA Commissioner. Chair Kramer, on behalf of BWSR, asked that Rebecca congratulate Paul on his appointment.

ADVISORY COMMENTS

Minnesota Association of Townships (MAT) – Sandy Hooker stated that she was unable to attend the past few board meetings. MAT is busy at the Capitol with legislative issues.

UPCOMING MEETINGS

Next BWSR Board Meeting, March 25, 2009.

Chair Kramer stated that the RIM Reserve Management and Planning Committee will convene in 15 minutes. The DRC will meet to discuss schedules immediately following adjournment of the Board meeting.

John Jaschke asked that board members not wanting hard copies of information distributed today to leave copies behind for use to others.

Chair Kramer thanked Dana Allen again for her service and wished her well in her new ventures.

** 09-11 Moved by Paul Brutlag, seconded by LuAnn Tolliver, to adjourn the meeting at 12:55 p.m. Motion passed on a voice vote.

Respectfully submitted,

Randy Kramer

Randy Kramer
Chair

BOARD OF WATER AND SOIL RESOURCES
Attendance Roster

	Name	Affiliation	Phone #
1.	Les Bensch	LOHC	701 212 0366
2.	Jeff Nielsen	BWSR - staff	
3.	Michelle Sharpes	BWSR-staff	
4.	Kane Radel	BWSR - Staff	
5.	Steve Lawler	BWSR - Staff	
6.	LeAnn Buck	MASWCD	651-690-9028
7.	Jack Frost	MCES	
8.	Beth Carlson	DNR	651-259-5531
9.	Judy Ohly	Olmsted County	507-252-9763
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Minnesota Board of Water & Soil Resources

DECEMBER 2008 LISTENING SESSIONS

ON THE CLEAN WATER AND OUTDOOR HERITAGE FUNDS

Local government conservation officials and staff from Soil and Water Conservation Districts (SWCDs), Watershed Districts, and Watershed Management Organizations contributed their **ideas for making the most of dedicated clean water and habitat funding** during a listening tour conducted by the Board of Water and Soil Resources (BWSR).

Each of the seven forums attracted 25-60 participants, including regional staff from BWSR, DNR and PCA. A typical 2 1/2-hour session started with a 10-minute overview of the Constitutional Amendment provisions (parks / trails and arts funds were not explored), and the remainder of the time was spent listening to opinions and fielding questions. Attendees were also encouraged to describe their **vision of how Minnesota will look in 25 years**.

COMMON THEMES WE HEARD

Honor and build upon existing foundations. Local boards, councils, commissions, and citizens have devoted time to prioritizing efforts that target their limited funds to the most beneficial uses. Plans have been vetted locally, reviewed by the state, and adopted in a purposeful public process. Continue watershed-based focus. Fund some base needs first, but then open competition for on-the-ground work.

Ramp up the delivery pipeline. Local capacity has been strained in recent years and there is a clear need to hire and train local staff to meet with landowners, design projects, and oversee construction -- basically a conservation sales force, which leads to a more-informed customer base. While building local capacity over two years, the state should fund point-source commitments and tools like LIDAR to deliver precision conservation.

Augment, supplement, and leverage. All three of these terms were heard repeatedly. Significant progress can be made in the next 25 years only if Heritage and Clean Water funds are matched by significant dollars from the USDA, local government, and participating landowners. Minnesota is in a strong position for competitive federal conservation funds.

Focus on on-the-ground improvements. The state/local partnership needs to keep its eyes on the prize of creating real-world improvement via multi-benefit projects. Education, advertising, research, and planning have a role, but should be primarily accomplished with base funds with only a small percentage coming from the new dedicated funds. Instead, focus on on-the-ground projects.

Provide Transparency and Accountability (and less packaging material). Instead of receiving small grant amounts for a dozen different programs with different rules and restrictions, many attendees stated a desire to receive multi-year (four to ten year) commitments for money that arrived with less packaging. With flexibility to adjust to local practices and market conditions, the state could then fairly judge them by their results and adjust future grant amounts accordingly.

Increase citizen watershed awareness. The day-to-day actions of citizens make a huge difference in the quality of our habitat and waters. Social norms will drive conservation behavior changes where incentives and disincentives don't directly reach. As the results of the efforts accumulate there should be a way to fully tell the story of what worked, and what did not, in ways citizens can understand and value.

OTHER SUGGESTIONS AND COMMENTS

- Concern was expressed in several sessions over the timing of the funds. Specifically, anticipated cuts to local budgets in calendar year 2009 could deplete staff capacity right before the dedicated funds become available.
- Both funds should be cognizant of their crucial role in addressing clean water, but the funds should not be construed as being exclusively for restoration. It is more cost-effective to protect a threatened area before it becomes degraded. For example, not allowing feedlot grants to address operations outside of already impaired watersheds is short-sighted.
- Centers for shared technical staff should be stressed. The engineering centers used by SWCDs need more capacity to deliver designs for landowners. Other non-engineering specialties (native veg, limnologist, accounting, communications) should be considered.
- Reinforce the work of formal regional or local prioritization bodies and task forces where they exist (for example, the Red River Valley basin board). They have scoring criteria and can undertake nuanced sub-granting that acknowledges important sequencing considerations.
- Public lands are a minority portion of the state and generally in good condition. But some money should be available to improve public lands.
- Local EQIP work groups are a good model for regional coordination and maximizing the leveraging of USDA funds. Ditto the potential for "County Conservation Plans" that could be pulled together from several other local plans and carried out by a county / SWCD task force in Greater MN.
- The Army Compatible Use Buffer around Camp Ripley and a state WHIP program could both increase habitat while providing an entry point for landowners needing assistance.
- Conservation plans for land parcels (whole farm or forest stewardship) take staff time but get landowners in the door. They leave with a menu of conservation alternatives and a sequence of actions they can take to improve their land for multiple benefits. (Individual stewardship plans.)
- Forest and woodland management has both habitat and water quality benefits
- Reasonable haying or grazing of riparian buffers would lessen long-term maintenance needs and make such practices more compatible with landowner operations.
- There are landowners out there who don't know how to manage their hobby properties or maintain their easements properly. Reach them and we magnify the work force.
- Establish a regular stream of funding for RIM; could sell more of this program if it was fully funded; also consider menu of different conservation alternatives and payment rates
- Need to be realistic with incentives; rental and commodity prices are competition
- Pay for permanent CRP buffers– it makes no sense to pay for them more than once
- Currently eLINK doesn't track everything local government units build, just those with state funding
- Concern of legislature supplanting, of course, but how will the state make sure the money is supplementing and not supplanting at the local level?
- Any research funds should be directed, not a competitive process.
- Concerns that language in the appropriation could (inadvertently) prohibit MS4s (large cities) from being eligible for funding.
- Encourage the grant review process to be opened up to include stakeholders
- LGUs should demonstrate ability & commitment to follow through with O&M or funded projects.
- Old structures need attention too as they approach end of lifespan
- Get citizens involved in conservation and clean water via connection to their local governments, local media and local associations.
- Multiple benefits projects should be given priority, for example, wetland restorations can be expected to provide fish and wildlife habitat, improve water quality, sequester carbon and prevent flooding.
- Funding the whole projects should be the norm even if it takes several years to complete.

- Projects should be prioritized based on a local water or conservation plan.
- Targeting tools should be utilized to maximize results.
- Results should be measurable and accountable and accessible.
- Need to accomplish behavior changes and land-use practices in combination with other projects.
- Projects should be prioritized based on both science and local citizen input. County-scale local water or conservation plans can be the bridge between science and citizens.
- County-scale conservation and clean water plans and task forces should be used to connect with citizens and local groups.
- Establish biomass for energy production
- Use cover crops in erosive ag areas and rain gardens on urban properties
- Restore wetlands to a minimum of 10% of total watershed acres for multiple uses, nitrogen decreasing in drinking water sources, and knowledgeable citizens
- Improve water storage on agricultural lands and buffer sensitive features
- Create runoff storage in small (40-acre) drainage areas to keep soil and water and nutrients in upland areas
- Treated tile discharge, crop diversity, and restored prairie parcels in agricultural areas
- A streamlined process where conservation dollars go from the pot to the local level and on the ground with federal and state governments providing funds, and technical and fiscal oversight

Research Department

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Minnesota House of Representatives

January 23, 2009

TO: Members, Cultural and Outdoor Resources Finance Committee

FROM: Patrick McCormack
Mark Shepard

RE: Background on 3/8 Constitutional Amendment

The 2008 legislature passed Chapter 151, placing an initiative to fund natural and cultural resources through a dedicated sales tax onto the November ballot. The voters passed this initiative and amended the constitution. The legislature also passed a law creating an advisory group to recommend projects to be supported by the outdoor heritage fund created within Chapter 151, the Lessard Outdoor Heritage Council (Minnesota Statutes, section 97A.056). This memo provides background on issues that will be faced by the new Cultural and Outdoor Resources Finance division in making appropriations from these new funds.

What passed into the Constitution? Into the law?

Chapter 151, and the subsequent passage of the ballot initiative, had the following effects:

- The sales and use tax has been increased, effective July 1, 2009, by 3/8 of one percent;
- This persists until the year 2034;
- The funds are allocated into 5 broad categories for outdoor heritage, clean waters, sustainable drinking water, parks and trails, and arts and cultural heritage expenditures (see chart);
- The money dedicated under this section of the constitution must be appropriated by law;
- A sentence is placed in the constitution: "The dedicated money under this section must supplement traditional sources of funding for these purposes and may not be used as a substitute."
- A provision requiring acquired land to be open for hunting and fishing under specified conditions is stated;

- Language ensures that the 3/8 tax is adjusted, if the sales and use tax base is changed by law.

These provisions are open to public, legislative, and judicial interpretation, but do constrain these funds to use for the purposes stated, and create a partial template for future legislation in this area.

How are the funds divided?

This table outlines some of the basic facts about the new funds created via Chapter 151:

Fund Name	Purpose
Outdoor Heritage Fund: 33%	Restore, protect, and enhance wetlands, prairies, forests, and habitat for fish game and wildlife
Clean Water Fund: 33%	Protect, enhance, and restore water quality in lakes, rivers, and streams, and to protect ground water from degradation. At least 5% of this fund may be spent only to protect drinking water sources.
Parks and Trails Fund: 14.25%	To support parks and trails of regional or statewide significance.
Arts and Cultural Heritage Fund: 19.75%	For arts, arts education, and arts access, and to preserve Minnesota's history and cultural heritage.

Timing

The additional tax created by this Act is collected beginning July 1, 2009, continuing through 2034. These taxes are first deposited by the Department of Revenue beginning August 15, 2009. The tax rate is set, as to the current tax base, but if the tax base is changed, the rate may be shifted, per the constitutional requirement, to ensure that the amount of funds raised stays constant over time. However, it is not clear how much money will be raised by these new taxes, because the revenues are dependent on the state of the economy, and are sensitive to expenditures by the public.

Original estimates were that the 3/8 sales tax would raise about $300 million per year. At this point, an optimistic estimate for revenues might be about $240 million per year. This unofficial estimate would divide, by law, as follows:

Forecasted Constitutional Amendment Funds Receipts (In Thousands)						
FUND	**FY 2010**	**FY 2011**	**FY 2010-11**	**FY 2012**	**FY 2013**	**FY 2012-2013**
Outdoor Heritage (33%)	79,728	83,028	162,756	86,427	90,024	176,451
Clean Water (33%)	79,728	83,028	162,756	86,427	90,024	176,451
{Drinking Water 5% min.}	{3,986}	{4,151}	{8,137}	{ 4,321}	{4,501}	{8,822}
Parks & Trails (14.25%)	34,428	35,853	70,281	37,321	38,874	76,195
Arts & Cultural Heritage (19.75%)	47,716	49,691	97,407	51,725	53,878	105,603
TOTAL ALL FUNDS (100%)	241,600	251,600	493,200	261,900	272,800	534,700

Source: November 2008 Forecast, Consolidated Fund Statement, Minnesota Management and Budget

These amounts are estimates, and in fact, are probably optimistic at this point. The actual amounts will vary according to real world sales and revenue collected. The February forecast is likely to show significant reductions in these amounts.

Responsibilities

The legislature is responsible for deciding how to spend these monies, and the Governor is also responsible, to sign or veto the expenditures. This is because the constitutional amendment says: "The money dedicated under this section shall be appropriated by law."

The legislature has created one official body to give advice regarding how to expend these monies. The Lessard Outdoor Heritage Council is charged with making recommendations on appropriations from the outdoor heritage fund. Initial recommendations are due April 1, 2009, and future recommendations by January 15th of each year. The Lessard Council is also allowed to consult with the Clean Water Council and identify projects consistent with the purpose of the outdoor heritage fund and the purpose of the clean water fund. (Under a separate law, the Clean Water Council makes recommendations for expenditures from the clean water legacy account in the environmental fund.)

PJM/MS/ct

WATER & SOIL RESOURCES BOARD

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➲ Designates that this item is a change item

Agency Purpose

The Board of Water and Soil Resources (BWSR) implements state soil and water conservation programs and wetland policies through a statewide partnership. The mission of the BWSR board and staff is to improve and protect Minnesota's water and soil resources by working in partnership with local organizations and private landowners.

Agency programs, primarily delivered through local units of government, have resulted in less sediment and nutrients entering our lakes, rivers, and streams; greater fish, wildlife and native plant habitat; and improved management of public drainage systems. These outcomes are achieved in spite of intensification of agriculture, greater demands for forest products, and urbanization in many parts of the state.

Because 78% of the state is held in private ownership, the agency's focus on private lands is critical to the state attaining its goals for clean water, clean air and abundant fish and wildlife. Managed wisely, these working lands – Minnesota's farms, forests and urban areas – can contribute to the state's environmental goals.

At A Glance

Key partnerships:

- State Conservation Cost-Share program provides about $16 million annually (includes local, state and federal dollars) for land and water treatment practices that reduce soil erosion and improve water quality
- RIM Reserve - Wetlands Reserve Program (RIM-WRP) leverages $1.4 federal for every state dollar to restore previously drained wetlands and adjacent grasslands
- Local government units (cities, counties or SWCDs) and BWSR administer the WCA, the state's wetland protection program
- BWSR and local watershed districts administer a broad range of programs and services to protect and improve water quality, inform citizens about best management practices to reduce nonpoint source pollution, and minimize damage to property caused by flooding

BWSR programs include Conservation Cost-Share, Reinvest in Minnesota (RIM) Reserve, Clean Water Legacy, the Wetland Conservation Act (WCA), and Comprehensive Local Water Management. These programs are administered locally by the state's 91 soil and water conservation districts (SWCDs), 87 county water planners (some are SWCD staff), 338 WCA local government units (including cities, counties and SWCDs), 46 watershed districts, 20 metropolitan watershed management organizations and other local government units.

Core Functions

The main duties of the board and staff include:

- Serving as the state soil conservation agency (M.S. 103B.101).
- Implementing best management practices that reduce nonpoint source pollution, promoting native vegetation and controlling invasive plant species by providing financial, technical, and administrative assistance to local government units and private landowners (M.S. 103B, 103C, 103D).
- Providing planning assistance to ensure that local water resource planning is linked with comprehensive land use planning and approving all local water management plans (M.S. 103B).
- Resolving water policy disputes (M.S. 103A.211, 103A.305, 103A.315, 103A.311).
- Providing a public forum for citizens and a broad range of interests to make decisions on complex water and soil conservation policies (M.S. 103B.101).
- Protecting wetlands from being drained or filled by implementing the Wetland Conservation Act (M.S. 103G).
- Coordinating local, state and federal resources to achieve the most effective conservation outcomes for the state's investment.

Operations

The 17-member board consists of 12 members representing citizens and local government entities (county commissioners, SWCD supervisors and watershed district managers), 4 commissioners of state agencies, and 1 representative of the University of Minnesota Extension Service. Agency staff is located in eight geographically distributed offices throughout Minnesota.

Budget

Two-year state budget:

- $49.4 million for FY 2008-2009 biennium
- $38.6 million (78%) in grants to local government units
- $10.8 million operating budget (22%)
- FY 2009 staff complement: 79 FTE, of which 49 FTE are funded by general fund

The primary funding source for agency operations is the general fund.

Contact

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

Office of the Executive Director: 651-296-3767
www.bwsr.state.mn.us

Dollars in Thousands

	Current		Governor Recomm.		Biennium
	FY2008	FY2009	FY2010	FY2011	2010-11
Direct Appropriations by Fund					
Environment & Natural Resource					
Current Appropriation	1,641	962	962	962	1,924
Recommended	**1,641**	**962**	**0**	**0**	**0**
Change		0	(962)	(962)	(1,924)
% Biennial Change from 2008-09					-100%
General					
Current Appropriation	34,953	17,717	17,717	17,717	35,434
Recommended	**34,953**	**17,717**	**15,739**	**15,491**	**31,230**
Change		0	(1,978)	(2,226)	(4,204)
% Biennial Change from 2008-09					-40.7%
Clean Water Fund					
Current Appropriation	0	0	0	0	0
Recommended	**0**	**0**	**11,450**	**23,100**	**34,550**
Change		0	11,450	23,100	34,550
% Biennial Change from 2008-09					n.m.
Expenditures by Fund					
Direct Appropriations					
Environment & Natural Resource	1,378	1,112	0	0	0
General	26,883	27,794	15,789	15,541	31,330
Miscellaneous Special Revenue	177	451	200	200	400
Clean Water Fund	0	0	11,450	23,100	34,550
Statutory Appropriations					
General	2,265	2,383	2,383	2,383	4,766
Miscellaneous Special Revenue	1,673	3,591	1,970	1,970	3,940
Federal	1,642	2,985	1,647	1,647	3,294
Total	**34,018**	**38,316**	**33,439**	**44,841**	**78,280**
Expenditures by Category					
Total Compensation	4,507	11,039	5,976	5,976	11,952
Other Operating Expenses	2,330	1,845	1,156	2,348	3,504
Capital Outlay & Real Property	2,603	3,178	2,141	2,141	4,282
Local Assistance	24,578	22,254	24,166	34,376	58,542
Total	**34,018**	**38,316**	**33,439**	**44,841**	**78,280**
Expenditures by Program					
Water & Soil Resrcs Bd	34,018	38,316	33,439	44,841	78,280
Total	**34,018**	**38,316**	**33,439**	**44,841**	**78,280**
Full-Time Equivalents (FTE)	**59.6**	**64.0**	**57.6**	**55.5**	

WATER & SOIL RESOURCES BOARD

Change Summary

Dollars in Thousands

	FY2009	Governor's Recomm. FY2010	Governor's Recomm. FY2011	Biennium 2010-11
Fund: ENVIRONMENT & NATURAL RESOURCE				
FY 2009 Appropriations	**962**	**962**	**962**	**1,924**
Technical Adjustments				
One-time Appropriations		(962)	(962)	(1,924)
Subtotal - Forecast Base	**962**	**0**	**0**	**0**
Total Governor's Recommendations	**962**	**0**	**0**	**0**
Fund: GENERAL				
FY 2009 Appropriations	**17,717**	**17,717**	**17,717**	**35,434**
Technical Adjustments				
Current Law Base Change		(128)	(403)	(531)
One-time Appropriations		(100)	(100)	(200)
Pt Contract Base Reduction		(2)	(2)	(4)
Subtotal - Forecast Base	**17,717**	**17,487**	**17,212**	**34,699**
Change Items				
Base Budget Reduction	0	(1,748)	(1,721)	(3,469)
Total Governor's Recommendations	**17,717**	**15,739**	**15,491**	**31,230**
Fund: CLEAN WATER FUND				
FY 2009 Appropriations	**0**	**0**	**0**	**0**
Subtotal - Forecast Base	**0**	**0**	**0**	**0**
Change Items				
Clean Water Amendment	0	11,450	23,100	34,550
Total Governor's Recommendations	**0**	**11,450**	**23,100**	**34,550**
Fund: GENERAL				
Planned Statutory Spending	**2,383**	**2,383**	**2,383**	**4,766**
Total Governor's Recommendations	**2,383**	**2,383**	**2,383**	**4,766**
Fund: MISCELLANEOUS SPECIAL REVENUE				
Planned Statutory Spending	**3,591**	**1,970**	**1,970**	**3,940**
Total Governor's Recommendations	**3,591**	**1,970**	**1,970**	**3,940**
Fund: FEDERAL				
Planned Statutory Spending	**2,985**	**1,647**	**1,647**	**3,294**
Total Governor's Recommendations	**2,985**	**1,647**	**1,647**	**3,294**

WATER & SOIL RESOURCES BOARD

Change Item: Base Budget Reduction

Fiscal Impact ($000s)	FY 2010	FY 2011	FY 2012	FY 2013
General Fund				
Expenditures	$(1,748)	$(1,721)	$(1,721)	$(1,721)
Revenues	0	0	0	0
Other Fund				
Expenditures				
Revenues	0	0	0	0
Net Fiscal Impact	$(1,748)	$(1,721)	$(1,721)	$(1,721)

Recommendation

The Governor recommends a reduction of $1.748 million in FY 2010 and $1,721,000 in FY 2011 to the Board of Water and Soil Resources general fund budget. The Governor intends that the Board of Water and Soil Resources should focus its operating funds on maintaining its highest priority services. In addition, the Governor intends to provide as much flexibility as possible to the agency for the implementation of these reductions.

Background

The Board of Water and Soil Resources FY 2009 General fund operating budget is $17.71 million. The Governor is proposing to reduce the Board of Water and Soil Resources general fund appropriation during the FY 2010-11 biennium.

Relationship to Base Budget

This proposal represents a 10% base level reduction to the forecast base general fund budget.

Key Goals and Measures

The budget submitted for Board of Water and Soil Resources seeks to safeguard core activities and reduce administrative overhead. The agency will manage budget reductions though various service level reductions or eliminations, staffing decreases, and/or operating expense reductions. The resulting budget will focus on new ways to operate the department's core functions.

Fiscal Impact ($000s)	FY 2010	FY 2011	FY 2012	FY 2013
General Fund				
Expenditures	$0	$0	$0	$0
Revenues	0	0	0	0
Other Fund				
Expenditures	11,450	23,100	23,100	23,100
Revenues	0	0	0	0
Net Fiscal Impact	$11,450	$23,100	$23,100	$23,100

Recommendation

The Governor recommends $11.45 million for FY 2010 and $23.1 million for FY 2011 to the Board of Water and Soil Resources for activities out of the Clean Water Fund.

The Board of Water and Soil Resources has indicated that this funding will go towards accomplishing the following items:

- Provide for Local Government Unit (LGU) reporting and accountability, training and technical certifications, and evaluation of conservation program outcomes.
- Facilitate Clean Water Legacy Act protection and restoration activities with drainage management programs implemented through Public Drainage Authorities.
- Support the implementation of non-point source restoration and protection practices to clean up state waters that are impaired and to protect waters of the state from becoming impaired.
- Support grants to local governments to develop and apply water resource protection and management measures that go beyond state minimum standards for wetlands, shorelands, stormwater, sewage treatment, etc. and undertake related projects to clean up state waters that are impaired and to protect waters of the state that are not impaired from becoming impaired.
- Provide financial and technical assistance to landowners who are willing and ready to implement required environmental upgrades of their feedlots.

Background

The citizens of Minnesota voted in November of 2008 to "dedicate funding to protect our drinking water sources; to protect, enhance, and restore our wetlands, prairies, forests, and fish, game, and wildlife habitat; to preserve our arts and cultural heritage; to support our parks and trails; and to protect, enhance, and restore our lakes, rivers, streams, and groundwater..."

This proposal seeks to use a portion of the 33% in increased sales and use tax rate directed to the newly-created Clean Water Fund which is designed to be spent only to protect, enhance, and restore water quality in lakes, rivers, streams, and groundwater, with at least 5% of the fund spent to protect drinking water sources.

Relationship to Base Budget

The Clean Water Fund is a new fund with no future obligations assigned to it at this point. The Board of Water and Soil Resources was appropriated $14.166 million of general funds as one-time appropriations in FY 2008, however this funding was designated in appropriations language as one-time, and therefore does not create a base appropriation obligation for FY 2010.

Key Goals and Measures

This funding will be used for various projects aimed to accomplish the directives set out in the Constitutional Amendment.

Statutory Change: Not Applicable.

Program Description

This purpose of this program is to implement state soil conservation policy, protect and improve water quality, increase the biological diversity of our state's open areas, enhance wildlife and native plant habitats, and reduce damage to property caused by flooding.

BWSR staff provides support to local governments for implementing the state's soil and water conservation policy, its resource protection programs, and local water planning. Staff provides technical assistance for conservation projects implemented on private land.

Budget activities are:

- BWSR Operations
- Grants to Local Governments
- Easements
- Wetland Conservation Act
- Wetland Bank Quality Assurance/Control
- Clean Water Legacy
- Public Drainage
- Southeast Flood Recovery

WATER & SOIL RESOURCES BOARD

Program: WATER & SOIL RESRCS BD

Program Summary

Dollars in Thousands

	Current		Governor Recomm.		Biennium
	FY2008	FY2009	FY2010	FY2011	2010-11
Direct Appropriations by Fund					
Environment & Natural Resource					
Current Appropriation	1,641	962	962	962	1,924
Technical Adjustments					
One-time Appropriations			(962)	(962)	(1,924)
Subtotal - Forecast Base	1,641	962	0	0	0
Total	**1,641**	**962**	**0**	**0**	**0**
General					
Current Appropriation	34,953	17,717	17,717	17,717	35,434
Technical Adjustments					
Current Law Base Change			(128)	(403)	(531)
One-time Appropriations			(100)	(100)	(200)
Pt Contract Base Reduction			(2)	(2)	(4)
Subtotal - Forecast Base	34,953	17,717	17,487	17,212	34,699
Governor's Recommendations					
Base Budget Reduction		0	(1,748)	(1,721)	(3,469)
Total	**34,953**	**17,717**	**15,739**	**15,491**	**31,230**
Clean Water Fund					
Current Appropriation	0	0	0	0	0
Subtotal - Forecast Base	0	0	0	0	0
Governor's Recommendations					
Clean Water Amendment		0	11,450	23,100	34,550
Total	**0**	**0**	**11,450**	**23,100**	**34,550**
Expenditures by Fund					
Direct Appropriations					
Environment & Natural Resource	1,378	1,112	0	0	0
General	26,883	27,794	15,789	15,541	31,330
Miscellaneous Special Revenue	177	451	200	200	400
Clean Water Fund	0	0	11,450	23,100	34,550
Statutory Appropriations					
General	2,265	2,383	2,383	2,383	4,766
Miscellaneous Special Revenue	1,673	3,591	1,970	1,970	3,940
Federal	1,642	2,985	1,647	1,647	3,294
Total	**34,018**	**38,316**	**33,439**	**44,841**	**78,280**
Expenditures by Category					
Total Compensation	4,507	11,039	5,976	5,976	11,952
Other Operating Expenses	2,330	1,845	1,156	2,348	3,504
Capital Outlay & Real Property	2,603	3,178	2,141	2,141	4,282
Local Assistance	24,578	22,254	24,166	34,376	58,542
Total	**34,018**	**38,316**	**33,439**	**44,841**	**78,280**

WATER & SOIL RESOURCES BOARD

Program: WATER & SOIL RESRCS BD

Program Summary

Dollars in Thousands

	Current		Governor Recomm.		Biennium
	FY2008	FY2009	FY2010	FY2011	2010-11
Expenditures by Activity					
Bwsr Operations	8,093	12,808	6,169	5,921	12,090
Grants To Local Govt	19,893	17,343	12,863	12,863	25,726
Easements	1,471	2,855	1,647	1,647	3,294
Wetland Conservation Act	280	920	810	810	1,620
Clean Water Legacy	2,058	3,024	11,450	23,100	34,550
Ditches	58	592	500	500	1,000
Cost Share Flood	2,165	774	0	0	0
Total	**34,018**	**38,316**	**33,439**	**44,841**	**78,280**
Full-Time Equivalents (FTE)	**59.6**	**64.0**	**57.6**	**55.5**	

Activity Description

This activity provides technical and administrative resources to achieve state soil and water resource goals. The activity provides agency staff support to local governments for implementation of the state's soil and water conservation policy, its resource protection programs, and local water planning and management, and technical assistance for conservation projects implemented on private land.

Population Served

Meeting state environmental goals requires working with a broad network of local government units that possesses many of the tools to address particular issues in land and water management. Almost 800 local units of government are empowered to deliver services on behalf of BWSR to achieve the state's soil and water conservation goals. These entities are clients as well as agents, in that they receive technical and administrative support from the activity, and also serve as the activity's major service provider.

Activity at a Glance

Activity Clientele

- Local Units of Government
  - ⇒ 91 Soil and Water Conservation Districts (SWCDs)
  - ⇒ 46 Watershed Districts
  - ⇒ 20 Watershed Management Organizations (WMOs)
  - ⇒ 87 Counties
  - ⇒ 338 Wetland Conservation Act authorities
- Private landowners throughout the state
- State and federal conservation agency partners
- Private conservation organizations

Available Statewide Land Resources

- 41.7 million acres of private lands including
  - ⇒ 23 million acres of cropland
  - ⇒ 5.3 million acres of private forest land
  - ⇒ 7.4 million acres of wetlands

Services Provided

Following is a description of key services provided by BWSR:

Soil and Water Conservation Districts (SWCD) M.S. 103C

- Hear petitions and order formation, consolidation and/or division of districts, approve location changes, conduct referenda, and order discontinuance of districts as needed.
- Approve changes to the nominating process for districts elections, hear petitions, and order removal of elected supervisors as necessary.
- Establish and enforce penalties for violation of grant programs and/or misconduct of supervisors or SWCD employees.
- Approve and administer state grants, and coordinate programs and activities with state and federal agencies.
- Develop and oversee programs designed to achieve soil and water conservation goals.
- Review and approve local soil and water conservation improvement projects.

Watershed Districts and Watershed Management Organizations (WMOs) M.S. 103B and D

- Establish, define boundaries, enlarge, consolidate or terminate districts; and appoint an initial board of managers for new districts.
- Receive and hear appeals of district project orders.
- Receive annual audits and reports, enforce member eligibility requirements, and assign areas to associated counties for watershed management.
- Approve management plans and revisions, review rules and regulations, review and approve engineering reports on proposed projects, and approve plans for establishing storm water utility fees.
- Investigate misconduct of district managers as necessary.

Counties and Cities M.S. 103B, F and G

- Approve water and land management plans.
- Hear and decide appeals of wetland replacement, wetland exemption determinations, and municipal contracts with water plans.
- Rescind enforcement authority for WCA and impose development moratoriums as necessary.
- Certify employees' completion of wetland delineation training and certify wetland banking transactions.

- Approve comprehensive local water management plans and revisions.
- Approve and allocate grant funding to counties, conduct audits, and investigate potential grant violations.

Wetland Conservation Act M.S. 103A, B and G
- Review projects, resolve disputes, and decide appeals.
- Participate on technical evaluation panels.
- Support interagency coordination and enforcement.
- Evaluate local government unit (LGU) performance.
- Administer program rules, forms, manuals, training, and delineator certification.
- Develop, review, and approve local wetland plans and ordinances.
- Acquire land and develop procedures for the local government wetland road replacement program.
- Administer the state wetland banking program.

Comprehensive Local Water Management Program M.S. 103
- Develop program guidelines for submitting local water management plans, including citizen involvement.
- Review and approve plans submitted.
- Resolve disputes arising from planning process.
- Support local implementation of water management plans.
- Support development and adoption of local ordinances to protect and improve water quality or quantity.
- Support and provide technical assistance for the installation of practices to protect, conserve or improve water quality or quantity.

Drainage Management
- Implement the legislature's directive to assess implementation of public drainage system buffers and their use, maintenance, and benefits in cooperation with farm groups, SWCDs, watershed districts, counties, conservation organizations, and the federal government.
- Analyze group recommendations regarding methods for modernizing drainage records, educating landowners on best management practices, and the efficacy of current reporting requirements for future implementation.
- Prepare and present findings and recommendations to the legislature.

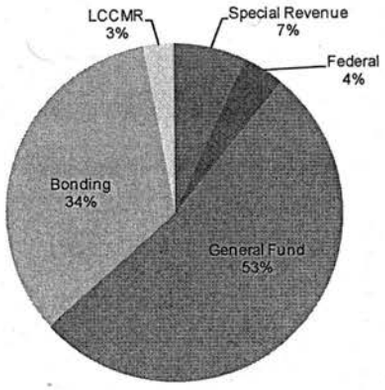
RIM RESERVE Conservation Easement Program M.S. 103F.506 – 103F.535
- Restore marginal agricultural land to protect soil and water quality and support fish and wildlife habitat.
- Acquire conservation easements from landowners to restore wetlands and establish wildlife habitat.

Expand Local Water Management Accountability and Oversight M.S. 103B.102
- Monitor and evaluate the performance and activities of local water management entities.
- Institute assistance and sanctioning mechanisms for under-performing local governments.

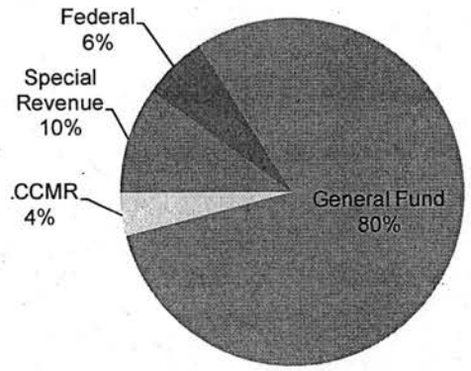
Key Activity Goals and Measures
See individual key activity goals and measures.

Program Funding

FY2008-2009 Budget, All Funds (Including Bonding) $93.0 Million



FY2008-2009, All Funds (Excluding Bonding) $61.5 Million



Contact

Minnesota Board of Water and Soil Resources
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Saint Paul, Minnesota 55155

Office of the Executive Director: (651) 296-3767, www.bwsr.state.mn.us

WATER & SOIL RESOURCES BOARD

Program: WATER & SOIL RESRCS BD

Activity: BWSR OPERATIONS

Budget Activity Summary

Dollars in Thousands

	Current		Governor's Recomm.		Biennium
	FY2008	FY2009	FY2010	FY2011	2010-11
Direct Appropriations by Fund					
Environment & Natural Resource					
Current Appropriation	1,291	712	712	712	1,424
Technical Adjustments					
One-time Appropriations			(712)	(712)	(1,424)
Subtotal - Forecast Base	1,291	712	0	0	0
Total	**1,291**	**712**	**0**	**0**	**0**
General					
Current Appropriation	6,374	5,261	5,261	5,261	10,522
Technical Adjustments					
Current Law Base Change			(175)	(450)	(625)
Pt Contract Base Reduction			(2)	(2)	(4)
Subtotal - Forecast Base	6,374	5,261	5,084	4,809	9,893
Governor's Recommendations					
Base Budget Reduction		0	(862)	(835)	(1,697)
Total	**6,374**	**5,261**	**4,222**	**3,974**	**8,196**
Expenditures by Fund					
Direct Appropriations					
Environment & Natural Resource	1,038	862	0	0	0
General	5,371	7,917	4,222	3,974	8,196
Miscellaneous Special Revenue	177	451	200	200	400
Statutory Appropriations					
Miscellaneous Special Revenue	1,301	3,356	1,747	1,747	3,494
Federal	206	222	0	0	0
Total	**8,093**	**12,808**	**6,169**	**5,921**	**12,090**
Expenditures by Category					
Total Compensation	4,089	9,766	5,106	5,106	10,212
Other Operating Expenses	2,218	1,307	(12)	15	3
Capital Outlay & Real Property	1,263	594	550	550	1,100
Local Assistance	523	1,141	525	250	775
Total	**8,093**	**12,808**	**6,169**	**5,921**	**12,090**
Full-Time Equivalents (FTE)	**54.2**	**58.7**	**52.3**	**50.2**	

Activity Description

Grant programs provide funding to local units of government to deliver soil and water conservation services to their communities. The funding is used for local program administration and implementation of conservation projects. The goal is to meet state objectives for clean water, productive soil, and abundant fish and wildlife habitat through partnerships with local government.

Grant funds are primarily used for two general purposes:

- to support and increase local capacity to implement local water management programs; and
- cost-share with private landowners who install conservation practices and projects on their land to benefit state water and soil resources.

SWCD General Services Grants provide each district with core conservation funds for general administration and operation. The grants are intended to provide districts a certain degree of funding stability. This grant represents the state contribution for staff and operating expenses associated with delivery of all state conservation programs.

Other BWSR grants are used by local units of government and landowners primarily to implement conservation practices, projects, and protection programs. The majority of these funds leverage federal, local, and landowner dollars as part of a required local match. Funding is also provided for limited planning and local administration of state regulatory programs. These dollars help local governments manage the quantity and quality of their water and provide needed funds to construct projects that improve water resources.

Activity at a Glance

Reporting for Years 2004 through 2007

Land and Water Treatment Projects

- 11,249 projects statewide
- $25.20 million in total costs with:
  - ⇒ $9.47 million in state grants
  - ⇒ $1,894,228 in landowner costs
  - ⇒ $5.18 million in federal grants
  - ⇒ $91,569 in federal loans
  - ⇒ $8.56 million: Local Government Unit cost
- 202,300 tons per year estimated of prevented soil loss
- 162,900 tons per year estimated reduction of sediment loading into surface waters
- 299,800 tons per year estimated reduction of phosphorus loading into surface waters

Feedlot Water Quality Cost Share Projects

- 184 projects
- 455,800 tons estimated reduction of phosphorus loading

Population Served

This activity issues grants to a core delivery network of approximately 250 local government units, including Soil and Water Conservation Districts, Counties, Watershed Districts and Watershed Management Organizations.

Services Provided

There are currently eight different grants programs administered by BWSR. The services provided by BWSR include establishing eligibility criteria, determining grant program policies, reviewing work plans, issuing contracts, and conducting grant close-out reviews upon completion of each grant to ensure accountability. Both one-on-one and in classroom-type settings -- training -- on grant program initiatives is regularly provided. Finally, BWSR supports and maintains eLINK, a database that grant recipients use to report grant activity and to estimate project pollution reduction and related outcomes.

Historical Perspective

The State Conservation Cost-Share Program was enacted in 1977, and it provides up to 75 percent of the total eligible costs of conservation practices on private lands. Landowners or occupiers can request financial and technical assistance from their local SWCD to implement state-approved, enduring conservation practices. A wide variety of erosion control and water quality practices are eligible for these funds.

In the 1980s and 1990s, several BWSR programs were created, including Comprehensive Local Water Management, the Wetland Conservation Act, and Reinvest In Minnesota (RIM) Reserve program. Legislation was enacted to provide grants to local government through BWSR to administer these programs locally. Some of these grants have been combined to form the Natural Resources Block Grant (NRBG). BWSR's NRBG program

has also been expanded to include pass-through grants to implement other conservation programs: such as the DNR Shoreland Management Program, the PCA Feedlot Permit Program, and PCA Subsurface Sewage Treatment System Program.

BWSR also administers the Feedlot Water Quality Management Program in cooperation with SWCDs across the state. SWCDs work with local producers to evaluate feedlots, identify water quality problems, coordinate financial and technical assistance, and implement solutions to fulfill state Feedlot Rule requirements. Between 1997 and 2007, this program was funded through base general fund appropriations. For FY 2008-2009, program funding was through Clean Water Legacy Act appropriations. Program priorities focus on water quality restoration and protection.

Local Water Management Challenge Grants have been provided by the LCCMR, which are one-time, competitive funds for high-priority local water planning projects.

Finally, two new BWSR grant programs were developed in response to 2007 legislation: the Cooperative Weed Management Area program and the Native Buffer Cost-Share program. Program policies and procedures were developed in FY 2008 and approved by the BWSR board.

Key Activity Goals

Grant-related goals from the BWSR Strategic Plan (http://www.bwsr.state.mn.us/publications/Strategic_Plan.pdf) include:

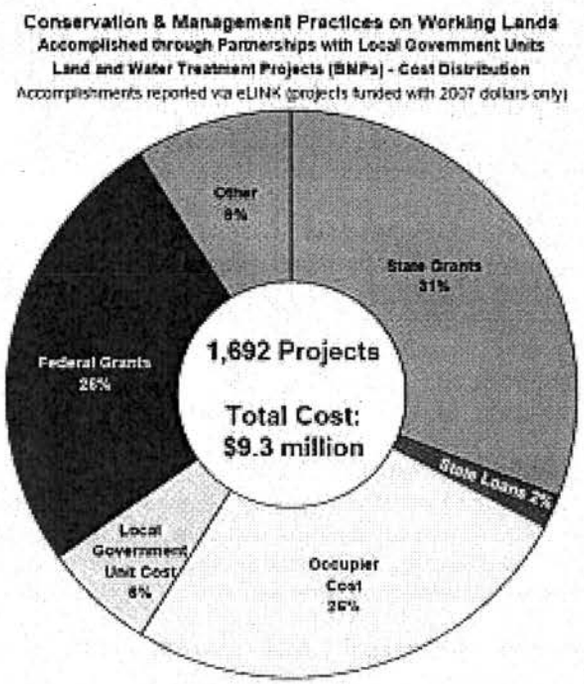
- creating an effective local delivery system and partnerships to accomplish protect and improve water quality
- redeveloping and delivering conservation programs to maximize their impact on the land and water resource

In addition, this activity contributes to meeting several Minnesota Milestones indicators, which are:

- Indicator 64: Water Quality in Lakes and Rivers;
- Indicator 66: Erosion of Cropland; and
- Indicator 67: Wildlife Habitat.

Key Activity Measures

- Administrative efficiencies have bee realized despite an increasing number of transactions. Program staff administered nearly 20% more contracts in 2007 (302) than in 2004 (255).
- Improved targeting of conservation practices have resulted in a 10% increase to currently reported outcomes of soil loss prevented and reduced sediment loading into surface waters (estimate based on LGU reporting).



Activity Funding

Funding sources include the general fund, LCCMR, and pass-through funds from the DNR and PCA.

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WATER & SOIL RESOURCES BOARD

Program: WATER & SOIL RESRCS BD

Activity: GRANTS TO LOCAL GOVT

Budget Activity Summary

Dollars in Thousands

	Current		Governor's Recomm.		Biennium
	FY2008	FY2009	FY2010	FY2011	2010-11
Direct Appropriations by Fund					
Environment & Natural Resource					
Current Appropriation	350	250	250	250	500
Technical Adjustments					
One-time Appropriations			(250)	(250)	(500)
Subtotal - Forecast Base	350	250	0	0	0
Total	**350**	**250**	**0**	**0**	**0**
General					
Current Appropriation	22,159	11,146	11,146	11,146	22,292
Technical Adjustments					
Current Law Base Change			47	47	94
One-time Appropriations			(100)	(100)	(200)
Subtotal - Forecast Base	22,159	11,146	11,093	11,093	22,186
Governor's Recommendations					
Base Budget Reduction		0	(886)	(886)	(1,772)
Total	**22,159**	**11,146**	**10,207**	**10,207**	**20,414**
Expenditures by Fund					
Direct Appropriations					
Environment & Natural Resource	340	250	0	0	0
General	16,951	14,567	10,257	10,257	20,514
Statutory Appropriations					
General	2,265	2,383	2,383	2,383	4,766
Miscellaneous Special Revenue	337	113	223	223	446
Federal	0	30	0	0	0
Total	**19,893**	**17,343**	**12,863**	**12,863**	**25,726**
Expenditures by Category					
Total Compensation	114	411	274	274	548
Other Operating Expenses	8	4	3	3	6
Capital Outlay & Real Property	0	25	0	0	0
Local Assistance	19,771	16,903	12,586	12,586	25,172
Total	**19,893**	**17,343**	**12,863**	**12,863**	**25,726**
Full-Time Equivalents (FTE)	**1.4**	**1.4**	**1.4**	**1.4**	

Activity Description

The Reinvest in Minnesota (RIM) Reserve program compensates landowners for granting conservation easements and establishing native vegetation habitat on economically marginal, flood-prone, environmentally sensitive or highly erodible lands. It protects the state's water and soil resources by retiring existing marginal agricultural lands and by restoring drained wetland and associated buffers.

BWSR's RIM Reserve program is a critical component of the state's efforts to improve water quality by reducing soil erosion, reducing phosphorus and nitrogen loading and improving wildlife habitat on private lands. RIM Reserve is implemented in cooperation with local Soil and Water Conservation Districts (SWCDs).

Degrading water quality and diminished wildlife habitats can be found throughout Minnesota. Damage to Minnesota resources occurs in the form of soil erosion, sedimentation of eroded soil and phosphorus. Soil erosion reduces farm productivity, increases the costs of farming, and creates sediment for downstream communities to address. Sedimentation fills rivers and lakes, destroys habitat, carries pollutants, increases flood severities and reduces recreational value. Phosphorus makes water unsuitable for fish or human activities, promotes excess aquatic plant growth and promotes eutrophication of water resources.

Activity at a Glance

Summary of 2008 Funding: $25 million

Target Areas

- Prairie Pothole Region
- Red River Valley riparian restoration
- Cedar/Turtle Creek watersheds
- Southeast flood disaster counties

Current Activities

- RIM/WRP Phase I: $15.9 million in state fund leverage; $18.5 million in federal WRP dollars
- Cedar/Turtle Creek watersheds – $700K funded to-date with remaining $1.3 million to be awarded in FY 2009
- Native prairie restoration for alternative energy sources – up to $1.25 million
- Vegetation / habitat enhancement projects

Population Served

Voluntary private land conservation easements with private landowners are administered in partnership with SWCDs and focus on restoring drained wetlands and enrolling highly erodible, riparian and sensitive groundwater lands. Some of the bonding dollars that BWSR received in the 2008 legislative session are targeted to high-priority areas: the Red River Valley, the seven southeast flood disaster counties, and the Cedar River and Turtle Creek watersheds. All of those target areas are receiving funding via the RIM/WRP partnership. Funding decisions were made using a ranking system and resulted in a potential allocation of $16 million state dollars and $18.5 million in federal dollars.

Services Provided

The conservation easement program is implemented at the local level by county SWCDs. BWSR provides statewide program coordination and administration such as developing easement eligibility criteria. SWCDs enroll local landowners who have land that meets the eligibility criteria and is consistent with the requirements of M.S. 103F.505.

SWCDs send their completed applications to BWSR for funding selection. BWSR provides grants to SWCDs for easement acquisition and technical assistance required to secure these perpetual easements and to install the required conservation practices. This amount is in addition to RIM Service grants.

BWSR staff provides the necessary administrative, legal and engineering duties to be able to secure the conservation easements with landowners through the local SWCDs. BWSR duties include:

- verifying land ownership
- preparing a legal description and map of the easement area
- preparing a conservation plan
- completing the agreement signed by the landowners and the state, and
- encumbering conservation practice funds.

Easements are inspected annually by SWCD staff for the first five years, then every third year thereafter.

BWSR is also providing the easement acquisition services to the Army National Guard for their Army Compatible Use Buffer (ACUB) project associated with the Camp Ripley installation near Little Falls. Thus far, BWSR has acquired over 20 easements at a cost of over $4 million in federal dollars. This fee-for-service partnership has brought additional federal dollars for implementation to BWSR, the majority of which is granted to the SWCDs in the counties where ACUB easements are being acquired.

Historical Perspective

In 1986, Reinvest in Minnesota Resources Act M.S. (103F.505) was enacted to keep certain marginal and environmentally sensitive agricultural land out of production to protect soil and water quality and support fish and wildlife habitat. The most recent RIM/Wetlands Reserve Program (RIM/WRP) Partnership between BWSR, SWCDs and the USDA Natural Resources Conservation Service (NRCS) is being delivered in an accelerated timeframe. A three-week application period in June/July 2008 resulted in demand that exceeds available funding. Approximately 260 applications were received totaling about $70 million. Of those applications, 235 were deemed eligible, and 119 were chosen as the highest priority for funding.

Key Activity Goals

The following are from the Statewide Conservation and Preservation Plan:

- Protect priority land habitats (Habitat Recommendation #1)
- Restore, land, wetlands and wetland-associated watersheds (Habitat Recommendation #5)
- Keep water on the landscape (Habitat Recommendation #7)

The following are from Minnesota Milestones:

- Changes in land use: Minnesotans will restore and maintain healthy ecosystems that support diverse plants and wildlife (Indicator #68)
- Wildlife Habitat: Minnesotans will restore and maintain healthy ecosystems that support diverse plants and wildlife (Indicator #6778)

Key Activity Measures

- Since 1986, RIM Reserve has acquired approximately 5,200 easements totaling approximately 197,000 acres of environmentally fragile land.
- The ratio of federal to state dollar investment in the easement program is 1.3:1 with $215 million in federal dollars and $164 million in state and local funding to-date.
- Water quality benefits by removing environmentally sensitive cropland from production reported by SWCDs calculate reductions of 9.6 tons/year sediment, 4.2 tons/year soil loss, and 5.3 pounds/year phosphorous from each acre enrolled in a conservation easement (based on data reported 1998-2002).

Activity Funding

All conservation easement dollars are funded through bonding, and they often leverage local and federal dollars.

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WATER & SOIL RESOURCES BOARD

Program: WATER & SOIL RESRCS BD

Activity: EASEMENTS

Budget Activity Summary

Dollars in Thousands

	Current		Governor's Recomm.		Biennium
	FY2008	FY2009	FY2010	FY2011	2010-11
Expenditures by Fund					
Statutory Appropriations					
Miscellaneous Special Revenue	35	122	0	0	0
Federal	1,436	2,733	1,647	1,647	3,294
Total	**1,471**	**2,855**	**1,647**	**1,647**	**3,294**
Expenditures by Category					
Total Compensation	58	56	56	56	112
Other Operating Expenses	0	122	0	0	0
Capital Outlay & Real Property	1,340	2,559	1,591	1,591	3,182
Local Assistance	73	118	0	0	0
Total	**1,471**	**2,855**	**1,647**	**1,647**	**3,294**
Full-Time Equivalents (FTE)	**0.5**	**0.4**	**0.4**	**0.4**	

Activity Description

This activity addresses BWSR's regulatory functions under the Wetland Conservation Act (WCA). The goal of WCA is no net loss of wetlands across the state. Wetland protection provided under WCA addresses the quality and quantity of wetlands. The activity focuses on regulating impacts to wetlands and requiring replacement of wetlands when unavoidable impacts occur. The program emphasizes wetlands located on private lands, restoration of wetlands that have been drained or filled for agriculture, and wetlands that are disturbed for urban development and transportation projects.

Activity at a Glance

Activities for the period 2004 – 2007

Wetland Impacts
- Number of landowner contacts – 67,439
- Acres of wetlands avoided – 10,990
- Acres of wetlands lost – 1,626
- Acres of wetlands replaced – 1,863
- Wetland acres exempt form WCA – 3,997

Project appeals
- Number of appeals – 139

Enforcement Activities
- Number of cease and desist orders – 1362
- Number of wetland restoration orders – 992

Population Served

Local government units — cities, counties, watershed management organizations, soil and water conservation districts, and townships — implement WCA locally. BWSR administers WCA statewide, and the Department of Natural Resources enforces it.

Services Provided

- Review local projects that require draining or filling wetlands, resolve disputes, and administer appeals process
- Participate on technical evaluation panels
- Coordinate enforcement and other activities with other state, local, and federal entities
- Evaluate local government unit (LGU) performance
- Administer program rules, forms, manuals, training, and wetland delineator certification
- Develop, review, and approve local wetland plans and ordinances
- Provide technical and administrative training to local governments and other practitioners
- Administer the state wetland banking program
- Acquire, develop and maintain wetland replacement sites for the Local Government Road Wetland Replacement Program

Approximately 20 BWSR staff members have primary responsibility or managing the WCA program, and an additional 15 staff support the program to a lesser degree.

Historical Perspective

In 1991, reacting to public concern about Minnesota's disappearing wetlands, the Minnesota Legislature approved the Wetland Conservation Act. It remains one of the most comprehensive wetlands protection laws in the country.

The legislature has amended WCA significantly four times, most often to accommodate the varying needs of the different geographic areas of Minnesota. Statutory changes enacted in 2007 were intended to reduce the loss of wetlands under the program and provide administrative improvements.

BWSR is currently developing rule amendments as required by the 2007 legislation. BWSR undertook a rigorous effort that involved over 35 stakeholder groups and organizations to review and assess the effectiveness of WCA. This program assessment was completed in November 2006, and led to legislation amending WCA that was enacted in May 2007. Temporary rules were adopted on 8-06-2007, and permanent rulemaking is currently underway with the new rule planned for adoption in August 2009.

Principal goals of this rulemaking are to comply with the current statute, reduce the loss of wetlands under the program, increase state-federal coordination, improve administrative efficiency, and improve the quality of replacement wetlands.

Key Activity Goals

Key activity goals for the WCA are found in statute at Minn. Stat. 103A.201 that establishes the state policy to:

- achieve no net loss in the quantity, quality, and biological diversity of Minnesota's existing wetlands;
- increase the quantity, quality, and biological diversity of Minnesota's wetlands by restoring or enhancing diminished or drained wetlands;
- avoid direct or indirect impacts from activities that destroy or diminish the quantity, quality, and biological diversity of wetlands; and
- replace wetland values where avoidance of activity is not feasible and prudent.

In addition, the 2007 BWSR Strategic Plan (http://www.bwsr.state.mn.us/publications/Strategic_Plan.pdf) establishes goals relative to the three strategic issues discussed in the plan:

- What do we do to create the effective local delivery system and partnerships to accomplish our mission?
- How do we redevelop and deliver our conservation programs so we maximize their impact on the land and water resource?
- How do we make our accomplishments and the state's resource conservation needs well known among those having significant influence over our mission?

Also, the Clean Water Cabinet adopted a wetland visions that provides support and direction for WCA program administration (http://www.cwc.state.mn.us/documents/Wetlands.vision.pdf).

Key Activity Measures

- Improve metrics and LGU WCA reporting accuracies to provide a comprehensive evaluation, on an annual basis, of the goal to achieve no net loss of wetlands.
- Improve overall program effectiveness by updating the rule to provide more concise and clear regulation language and providing more information and education opportunities for LGU's and the general public. This will be measured through continued and improved LGU WCA annual reporting.
- Reduce the number of WCA appeals and the length of time of achieving resolution. The BWSR WCA Appeals Coordinator will track these performance measures as well as the factors that affect the number of appeals and length of time required to achieve resolution.

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WATER & SOIL RESOURCES BOARD

Program: WATER & SOIL RESRCS BD

Activity: WETLAND CONSERVATION ACT

Budget Activity Summary

Dollars in Thousands

	Current		Governor's Recomm.		Biennium
	FY2008	FY2009	FY2010	FY2011	2010-11
Direct Appropriations by Fund					
General					
Current Appropriation	870	810	810	810	1,620
Subtotal - Forecast Base	870	810	810	810	1,620
Total	**870**	**810**	**810**	**810**	**1,620**
Expenditures by Fund					
Direct Appropriations					
General	280	920	810	810	1,620
Total	**280**	**920**	**810**	**810**	**1,620**
Expenditures by Category					
Total Compensation	246	806	540	540	1,080
Other Operating Expenses	34	94	20	20	40
Local Assistance	0	20	250	250	500
Total	**280**	**920**	**810**	**810**	**1,620**
Full-Time Equivalents (FTE)	**3.5**	**3.5**	**3.5**	**3.5**	

Activity Description

The 2006 legislature enacted the Clean Water Legacy Act (CWLA) to continue to identify impaired waters, conduct total maximum daily load (TMDL) studies and implement restoration activities in accordance with the federal Clean Water Act.

The majority of Minnesota's water impairments are caused by nonpoint source pollution. CWLA funds to the Board of Water and Soil Resources (BWSR) are used to implement conservation practices that reduce nonpoint pollution as part of the state's overall effort to address its impaired waters and protect high-quality lakes, rivers, streams, and wetlands.

Most BWSR funds are granted to local government units and they leverage federal, local, and/or landowner dollars. BWSR staff provides technical and administrative assistance to grant recipients on all phases of the program, including planning, project management, reporting, and evaluating outcomes. CWLA grants are generally larger and more targeted than other BWSR grants and they usually involve coordination among several local organizations. CWLA grants also differ from other BWSR grants in that they place a greater emphasis on selecting priority projects identified in local water plans or in approved TMDL implementation plans.

Activity at a Glance

- Total BWSR CWL appropriations: $5.9 M (2007), $9.3 M (2008), $4.9 M (2009)
- Dollars for competitive grants: $5.6 M (2007), $4.2 M (2008), $1.2 M (2009)
- Dollars requested from applicants: $44.8 M (8:1 - 2007), $27 M (6:1 - 2008)
- Dollars Leveraged: $4.25 M (2007), $3.9 M (2008-est.)

Accomplishments:

- 11 stream bank, gully and bluff stabilizations
- 32 lakeshore stabilization and restorations
- 19 sediment basins / ponds
- 37 bio-retention features
- 17 manure management practices
- 4,000 acres of native buffers and filter strips
- 95 alternative drainage tile intakes
- 10 nutrient management plans

The grants and reporting activities are targeted at protecting or restoring waters identified in an approved TMDL implementation plan or listed as a priority within Local Water Management Plans approved under M.S. 103B.

Population Served

CWLA funds are appropriated through the Local Water Resources Protection and Management Program (M.S. 103B.3369). These funds can be directed to cities, towns, counties, soil and water conservation districts, watershed districts, joint-powers organizations, or other special purpose districts or authorities with local jurisdiction in water and related land resources management.

Services Provided

BWSR staff assists local government units to coordinate and install conservation practices in targeted areas to reduce nonpoint source pollution and to effectively manage the financing and implementation of these large projects. A key component of many of these projects is to develop conservation plans for landowners and project designs for larger projects. BWSR has hired staff with the technical expertise to provide these and other essential technical services. BWSR also provides oversight for project funding and measuring outcomes.

Historical Perspective

BWSR and other agencies received one-time appropriations in the 2006 and 2007 legislative sessions. Various alternatives were discussed in the legislative progress for a long-term source of funding for the CWLA without a conclusion. The current source of CWLA funds is the General Fund. The state's new Clean Water Council has provided recommended funding levels for all aspects of the CWLA.

Key Activity Goals

Two main goals of the CWLA are found in Minnesota Milestones:

- Indicator 64, improve the quality of the air, water and earth -- specifically, ensuring that more lakes and rivers are "swimmable" and "fishable."
- Indicator 68, reduces erosion of cropland to improve water quality and ensure long-term productivity of soil.

The following goal is from the Statewide Conservation and Preservation Plan:

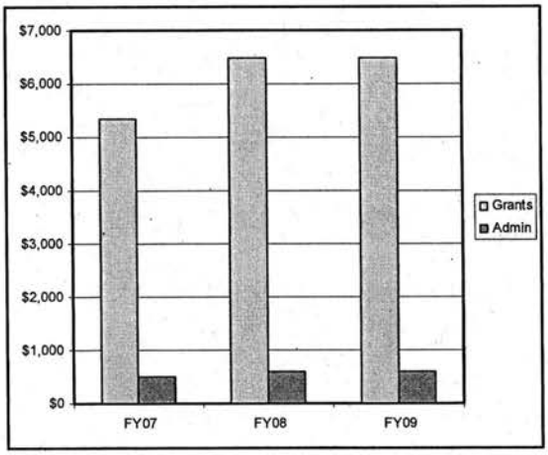
- Protect priority land habitats (Habitat recommendation #1).

Key Activity Measures

- Proportion of grant dollars to administrative dollars in the BWSR appropriation is 11 to one.
- Program outcomes are noted in "Activity at a Glance" section above.

Activity Funding

This activity is funded with general fund appropriations. Appropriation history is noted in "Activity at a Glance" section above and in the adjacent chart (dollars in thousands). The BWSR appropriation is tied to a multi-agency funding approach including MPCA, DNR and Department of Agriculture.



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WATER & SOIL RESOURCES BOARD

Program: WATER & SOIL RESRCS BD

Activity: CLEAN WATER LEGACY

Budget Activity Summary

Dollars in Thousands

	Current		Governor's Recomm.		Biennium
	FY2008	FY2009	FY2010	FY2011	2010-11
Direct Appropriations by Fund					
General					
Current Appropriation	2,175	0	0	0	0
Subtotal - Forecast Base	2,175	0	0	0	0
Total	**2,175**	**0**	**0**	**0**	**0**
Clean Water Fund					
Current Appropriation	0	0	0	0	0
Subtotal - Forecast Base	0	0	0	0	0
Governor's Recommendations					
Clean Water Amendment		0	11,450	23,100	34,550
Total	**0**	**0**	**11,450**	**23,100**	**34,550**
Expenditures by Fund					
Direct Appropriations					
General	2,058	3,024	0	0	0
Clean Water Fund	0	0	11,450	23,100	34,550
Total	**2,058**	**3,024**	**11,450**	**23,100**	**34,550**
Expenditures by Category					
Other Operating Expenses	12	226	1,145	2,310	3,455
Local Assistance	2,046	2,798	10,305	20,790	31,095
Total	**2,058**	**3,024**	**11,450**	**23,100**	**34,550**

Activity Description

Drainage management activities of the Board of Water and Soil Resources (BWSR) currently include:

- advisory review of watershed district engineers' reports and project plans (M.S. 103D);
- wetland restoration on drainage infrastructure through the Reinvest in Minnesota (RIM) Reserve Program and associated local-state-federal partnerships, and through wetland replacement for public road impacts;
- facilitation of the stakeholder Drainage Work Group;
- leadership of an interagency-university Drainage Management Team;
- development of Drainage Records Modernization Guidelines and administration of cost-share for modernization of M.S. 103E drainage records;
- update of the Minnesota Public Drainage Manual; and
- collection of M.S. 103E drainage ditch buffer strip reporting data.

Activities at a Glance

BWSR duties include:

- Restoring previously drained wetlands and adjacent uplands on public and private drainage systems.
- Reviewing watershed district engineer's reports and project plans.
- Facilitating Drainage Work Group meetings and working with all stakeholders to achieve consensus and associated outcomes.
- Developing and maintaining Drainage Records Modernization Guidelines.
- Administering cost-share grants to county and watershed district drainage authorities for public drainage records modernization.
- Updating and maintaining the Minnesota Public Drainage Manual.
- Leading and facilitating the interagency-university Drainage Management Team.

These activities are implemented to reduce erosion and sedimentation, protect and restore water quality, reduce flooding damages and improve wildlife habitat, while maintaining Minnesota's agricultural production capacity. Approximately 80 of 87 counties and 25 of 46 watershed districts in Minnesota currently serve as drainage authorities for public drainage systems under M.S. 103E.

Population Served

The drainage management activities of the BWSR are directed toward M.S. 103E drainage authorities (counties and watershed districts), private landowners, drainage engineers, viewers and associated legal advisors. These activities involve local, state and federal agencies and many other entities involved and/or interested in drainage management. These activities serve all Minnesotans through restoration and protection of state water resources and wildlife habitat while also serving landowners, drainage authorities and road authorities in multi-purpose drainage management activities.

Services Provided

BWSR provides engineering and vegetation specialist services for wetland restorations from site investigation through construction. This involves working with willing landowners and local government units to restore previously drained wetlands and adjacent uplands on public and private drainage systems.

For the other drainage management activities identified above, BWSR provides facilitation, leadership, information and education, with both generalist and specialist perspectives. Examples include:

- Reviewing watershed district engineering reports and project plans;
- Facilitating Drainage Work Group meetings and working with all stakeholders to achieve consensus and associated outcomes;
- Developing and maintaining Drainage Records Modernization Guidelines;
- Administering cost-share grants to county and watershed district drainage authorities for public drainage records modernization;
- Updating and maintaining the Minnesota Public Drainage Manual; and
- Leading and facilitating the interagency-university Drainage Management Team.

Historical Perspective

Concerns and interest regarding drainage management continue to increase. In 2006, BWSR published a Public Drainage Ditch Buffer Study, in response to a Legislative directive. A related outcome was establishment of the stakeholder Drainage Work Group, which developed consensus recommendations including: clarifications of M.S. 103E; development of drainage records modernization guidelines; increased cost-share for drainage records modernization; update of the Minnesota Public Drainage Manual; and establishment of a Drainage Management Team. The Governor and 2007 Legislature adopted the recommended clarifications of M.S. 103E and provided funding and directives to BWSR to implement and further develop Drainage Work Group consensus recommendations.

Key Activity Goals

- Minnesota Milestones Indicator 64, improve the quality of the air, water and earth -- specifically, ensuring that more lakes and rivers are "swimmable" and "fishable".
- Minnesota Milestones Indicator 68, reduce erosion of cropland to improve water quality and ensure long-term productivity of soil.
- Promote and enable multipurpose drainage management by local government units, landowners and other partners, to provide adequate drainage for agriculture and road infrastructure in accordance with state drainage law, while reducing peak flows, flooding, erosion and sedimentation, and improving water quality and wildlife habitat (BWSR Strategic Plan at: http://www.bwsr.state.mn.us/publications/Strategic_Plan.pdf).
- Review and analyze drainage policy and provide communities with the tools necessary for developing and implementing conservation-based comprehensive plans (Statewide Conservation and Preservation Plan http://environment.umn.edu/scpp/finalplan.html).

Key Activity Measures

- Expand stakeholder participation on the Drainage Work Group for increased knowledge and adoption of multipurpose drainage management practices.
- Increase the number of M.S. 103E drainage authorities with modern drainage records by approximately 10 per year.
- Update and periodically maintain the Minnesota Public Drainage Manual, including access via the BWSR web site and monitoring of its use.

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WATER & SOIL RESOURCES BOARD
Program: WATER & SOIL RESRCS BD
Activity: DITCHES

Budget Activity Summary

Dollars in Thousands

	Current		Governor's Recomm.		Biennium
	FY2008	FY2009	FY2010	FY2011	2010-11
Direct Appropriations by Fund					
General					
Current Appropriation	150	500	500	500	1,000
Subtotal - Forecast Base	150	500	500	500	1,000
Total	**150**	**500**	**500**	**500**	**1,000**
Expenditures by Fund					
Direct Appropriations					
General	58	592	500	500	1,000
Total	**58**	**592**	**500**	**500**	**1,000**
Expenditures by Category					
Other Operating Expenses	58	92	0	0	0
Local Assistance	0	500	500	500	1,000
Total	**58**	**592**	**500**	**500**	**1,000**

Activity Description

Following a severe flood event in southeast Minnesota in August 2007, Governor Tim Pawlenty called the Legislature into Special Session and authorized nearly $148 million for flood recovery, including $4 million for BWSR programs. Part of this area was again flooded in June 2008. Board of Water and Soil Resources (BWSR) worked with local and federal conservation partners to respond immediately by providing state funds and technical assistance to support the recovery effort. Staff in local Soil and Water Conservation Districts and the USDA Natural Resources Conservation Service (NRCS) conducted preliminary damage assessments and began work to complete key projects in the fall of 2007. BWSR continues to work with local and federal agencies to assess damage and prioritize workload to determine effective and efficient flood damage repairs and future flood protection strategies.

Activity at a Glance

- 152 completed erosion control projects on flood damaged sites. Examples include repairing gullies, stabilizing stream banks, sealing unused wells, and planting filter strips of native vegetation.
- 253 projects active and underway by conservation partners, most are scheduled to be completed in 2008.
- 722 acres of flood-damaged riparian lands enrolled in RIM Reserve perpetual easements with restored wetlands and native vegetation.
- 380 flood-damaged sites cannot be completed without supplemental engineering and technical assistance, so BWSR is hiring staff on a temporary basis to provide the necessary expertise to get these projects underway.

Many conservation projects require a licensed engineer to design and supervise construction. The high workload and limited availability of people with the necessary expertise has been an obstacle to getting more projects completed. Weather conditions also have delayed some projects.

In response to these challenges, the Legislature and Governor Tim Pawlenty in 2008 approved a transfer of $1.85 million from Department of Employment and Economic Development (DEED) to BWSR, which will be used to address the documented need for additional cost-share funds, and funds to hire additional engineering staff. The Legislature and governor also extended deadlines for encumbering flood-relief funds. In September 2008, BWSR hired one engineer and two engineering technicians on a limited, temporary basis to provide the technical expertise that is necessary to complete this work.

Population Served

BWSR services of this activity are provided to landowners through SWCDs, counties, watershed districts, cities and townships in the disaster-declared counties -- Winona, Houston, Fillmore, Olmsted, Wabasha, Dodge and Steele counties. The June 2008 flood caused damage in these counties and in Mower and Freeborn counties.

Services Provided

BWSR is providing financial, technical and administrative services to affected local government units (LGUs) through BWSR Conservation Cost-Share programs, Reinvest In Minnesota (RIM) Reserve easement program, and the Clean Water Legacy program. A coordinated approach to repair of flood damaged lands is implemented by local, state and federal conservation partners using the existing local conservation delivery system. BWSR set policies to balance the need to get some key projects done immediately with the need to ensure accountability of these dollars. Initially, $650,000 was allocated to SWCDs in the flood disaster counties to provide quick response to conservation repair needs and debris removal in the fall of 2007. Local, state, and federal staffs have continued to coordinate workload, assess engineering/technical assistance needs, and further document requests from landowners to repair flood-related damage. Additional cost-share funds have been allocated based on timely requests and workload. Due to the extreme amount of flood-related damage over a large area, damage assessments continued through the 2008 growing season.

Historical Perspective

The workload of conservation partners in southeast Minnesota (including BWSR, local SWCDs and the USDA Natural Resources Conservation Service) is at least three times higher than an average year's workload.

Key Activity Goals

- Provide money to match and supplement federal disaster assistance for property damaged by the floods;
- Provide aid to local governments and individuals affected by floods;
- Improve water quality in lakes and rivers and protect ground water;
- Reduce soil erosion by repairing stream banks, sealing wells, planting filter strips of native vegetation, restoring wetlands, and installing other conservation practices on privately owned lands;
- Install conservation practices that will reduce potential flood-related damage to property in the future; and
- Enhance diverse wildlife habitat.

Key Activity Measures

- As of 8-1-08, state flood-relief funds leveraged local and federal dollars to complete 152 projects, and 253 projects were underway with a total of $1.18 million total dollars spend and encumbered.
- Damage assessments have identified 321 conservation practices in need of repair with estimated costs totaling $2.75 million.
- Agreements have been secured and easements are being processed, which will restore 722 acres of wetlands and grasslands on flood damaged land.

Conservation Practice	Projects		Costs	
	Completed	*Active*	*Dollars Spent*	*Dollars Encumbered*
Stormwater 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 diversion	10	6	17,837	10,944
Grade Stabilization	15	38	169,002	201,356
Grassed Waterway	5	23	5,045	62,754
Streambank and shoreland protection	4	10	168,591	216,719
Water and sediment control basin	2	1	2,633	2,566
Debris removal	3	3	2,625	6,453
Total	**152**	**253**	**$464,512**	**$842,595**

Activity Funding

BWSR adopted a Southeast Minnesota Flood Relief Resolution on 9-25-2007 covering program waivers and funding for flood recovery dollars received in the 2007 Special Session:

- $3.0 million for Erosion, Sediment, and Water Quality Control Cost-Share; and
- $2.1 million for RIM Conservation Easements ($1 million new and $1.1 million existing BWSR RIM funding).

Additional funds have been targeted to southeast Minnesota to complement the flood-recovery dollars:

- A $51,700 Clean Water Legacy grant was awarded to the Minnesota Conservation Corp for several priority flood-relief activities, including restoring and removing debris from flood protection structures and riparian lands, and developing GIS layers of ponds, waterways and streams in Winona County to help with damage assessments and watershed modeling of the Garvin Brook watershed.
- A $750,000 loan from the Minnesota Department of Agriculture's Ag BMP Loan Program was provided by MDA to implement flood-recovery projects in the seven-county area.

Contact

Minnesota Board of Water and Soil Resources
520 Lafayette Road
Saint Paul, Minnesota 55155
Office of the Executive Director: (651) 296-3767 www.bwsr.state.mn.us

WATER & SOIL RESOURCES BOARD

Program: WATER & SOIL RESRCS BD

Activity: COST SHARE FLOOD

Budget Activity Summary

Dollars in Thousands

	Current		Governor's Recomm.		Biennium
	FY2008	FY2009	FY2010	FY2011	2010-11
Direct Appropriations by Fund					
General					
Current Appropriation	3,000	0	0	0	0
Subtotal - Forecast Base	3,000	0	0	0	0
Total	**3,000**	**0**	**0**	**0**	**0**
Expenditures by Fund					
Direct Appropriations					
General	2,165	774	0	0	0
Total	**2,165**	**774**	**0**	**0**	**0**
Expenditures by Category					
Local Assistance	2,165	774	0	0	0
Total	**2,165**	**774**	**0**	**0**	**0**

WATER & SOIL RESOURCES BOARD

Agency Revenue Summary

Dollars in Thousands

	Actual FY2008	Budgeted FY2009	Governor's Recomm. FY2010	Governor's Recomm. FY2011	Biennium 2010-11
Non Dedicated Revenue:					
Total Non-Dedicated Receipts	**0**	**0**	**0**	**0**	**0**
Dedicated Receipts:					
Grants:					
General	2,324	2,324	2,383	2,383	4,766
Federal	95	0	0	0	0
Other Revenues:					
General	292	50	50	50	100
Miscellaneous Special Revenue	2,233	2,170	2,170	2,170	4,340
Federal	1,824	2,647	1,647	1,647	3,294
Total Dedicated Receipts	**6,768**	**7,191**	**6,250**	**6,250**	**12,500**
Agency Total Revenue	**6,768**	**7,191**	**6,250**	**6,250**	**12,500**

Federal Program ($ in Thousands)	Related SFY 2008 Spending	Primary Purpose	SFY 2008 Revenues	SFY 2009 Revenues	Estimated SFY 2010 Revenues	Estimated SFY 2011 Revenues
ACUB – US Army	$1,500	GI	$1,500	$2,647	$1,647	$1, 647
NRCS Payments - USDA	$419	SO	$419	200	196	196
Agency Total	$1,919		$1,919	$2,847	$1,843	$1,843

Key:
Primary Purpose
SO = State Operations
GPS = Grants to Political Subdivision
GI = Grants to Individuals
GCBO = Grants to Community Based Organizations

Dispute Resolution Report
January 16, 2008
by: Travis Germundson

There are presently **20** appeals pending. All of the appeals involve WCA except File 05-24. There have been **no** new appeals filed since the last report dated December 17th.

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 08-35 (12-3-08) This is an appeal of a exemption decision in Grant County. The appeal resulted from issuance of a restoration order for 32 acres of wetland impacts associated with agricultural drain tile work. The appeal has been accepted and copies of the record have been obtained.

File 08-34 (12-2-08) This is an appeal of the same agricultural exemption decision in Grant County as identified in File 08-35. The appeal has been accepted and copies of the record have been obtained. The two related appeals will be combined and processed as one decision.

~~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.~~ *The appeal has been withdrawn.*

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. 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. A verbal settlement agreement is has been 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. A verbal settlement agreement has been 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. A verbal settlement agreement has been 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

Metro Water Planning Committee

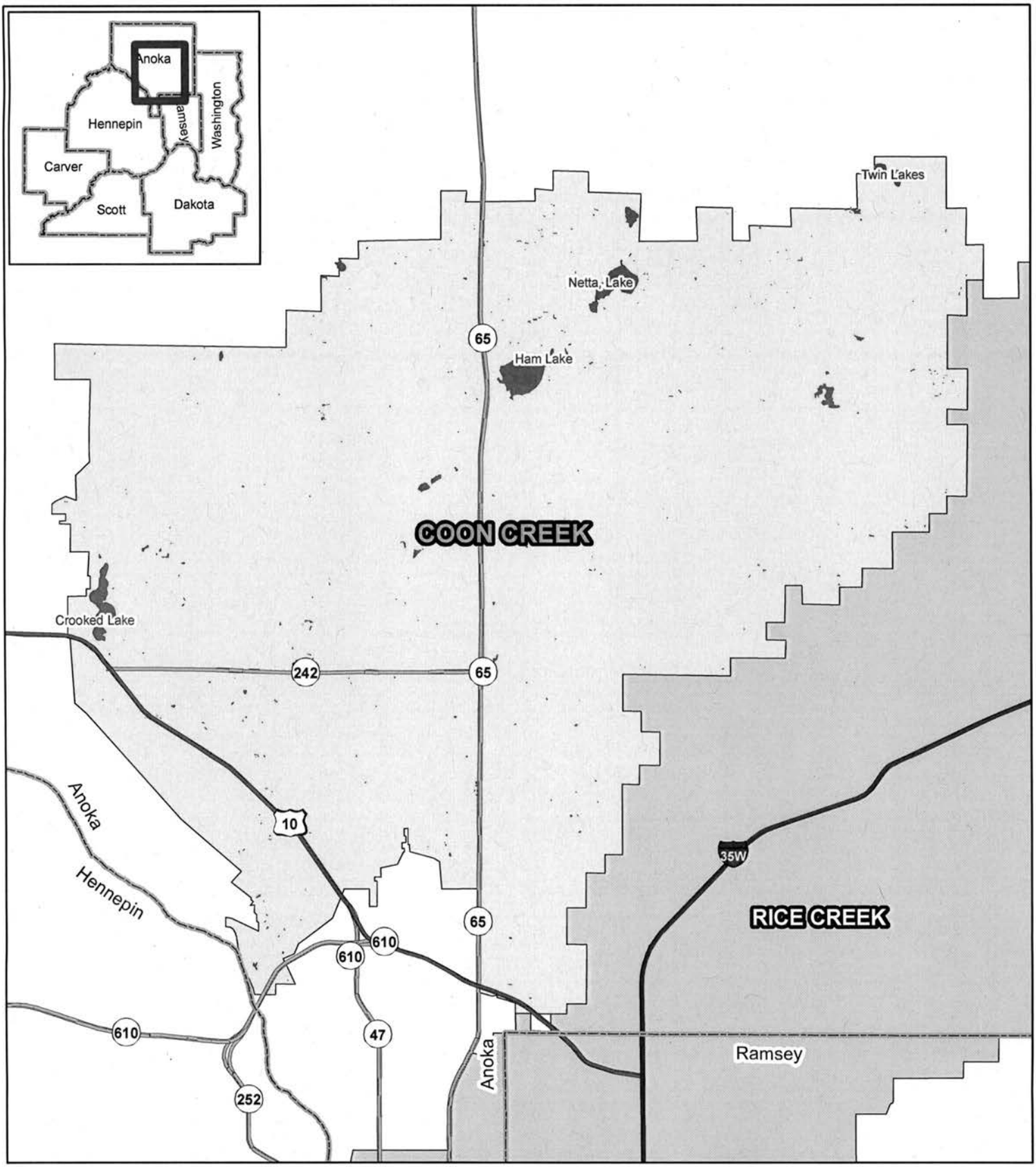
1. Coon Creek and Rice Creek Watershed Districts Boundary Change – ***DECISION ITEM***

2. City of Burnsville Comprehensive Wetland Protection and Management Plan Update - ***DECISION ITEM***

3. Minnehaha Creek Watershed District Watershed Management Plan Amendment – ***DECISION ITEM***

4. Upper Rum River Watershed Management Organization Watershed Management Plan Amendment – ***DECISION ITEM***

Coon Creek Watershed District



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

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 March 24, 2008 with the Board of Water and Soil Resources (Board) on March 26, 2008, 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 Rice Creek Watershed District (RCWD) was filed by the CCWD Board of Managers with the Board on March 26, 2008.

2. **Property Description.** The territory included in the boundary change, the Petitioned Area, is located in the City of Blaine in Sections 1, 10, 11, 15, 22, 28, 32, and 33 and the City of Columbus in Sections 9, 16, 20, 21, 29, 31, and 32 collectively in Anoka County entirely within the metropolitan area and totals approximately 1202.3 acres of land. The Petitioned Area includes the transfer of 862.68 acres from CCWD to the RCWD, and the transfer 339.58 acres from RCWD to CCWD. The Petitioned Area is depicted on nine 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 RCWD. 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 Blaine, City of Columbus, and the RCWD where 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 RCWD.

6. **Notice of Filing.** Legal Notice of Filling of the proposed boundary change, pursuant to Minn. Stat. § 103B.215, Subd. 3, was published in the Anoka County Union on May 2 and 9, 2008.

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.** The Board's Metro Water Planning Committee met on January 13, 2009, in St. Paul to review and discuss the boundary change Petition. Those in attendance from the Board's Committee were Louise Smallidge, Faye Sleeper, LuAnn Tolliver, Rebecca Flood, and Robert Burandt as chair. Board staff in attendance were Metro Region Supervisor Jim Haertel and Board Conservationists Brad Wozney and Melissa Lewis and Water Management Specialist Travis Germundson. Board staff recommended approval of the boundary change. After discussion, the Committee unanimously voted to recommend approval of the CCWD and RCWD boundary change to the full Board.

CONCLUSIONS

1. The Petition for Boundary change of the CCWD 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 CCWD or the RCWD.

5. The governing bodies of the City of Blaine and the City of Columbus, CCWD, and RCWD concur with the requested boundary change.

6. The requested boundary change is consistent with the purpose and requirements of Minn. Stat. §§ 103B.205 to 103B.255.

7. The requested boundary change can be accomplished in conformance with Minn. Stat. § 103B.225 regarding benefits and damages.

8. The proposed boundary change should be approved per the Petition.

ORDER

The Board hereby orders that the boundaries of the Coon Creek Watershed District and the Rice Creek Watershed District are changed per the Petition as identified in the three property identification tables attached to this Order and made a part hereof.

Dated at Saint Paul, Minnesota this 28th day of January, 2009.

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 55155

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 March 24, 2008 with the Board of Water and Soil Resources (Board) on March 26, 2008, 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 Rice Creek Watershed District (RCWD) was filed by the CCWD Board of Managers with the Board on March 26, 2008.

2. **Property Description.** The territory included in the boundary change, the Petitioned Area, is located in the City of Blaine in Sections 1, 10, 11, 15, 22, 28, 32, and 33 and the City of Columbus in Sections 9, 16, 20, 21, 29, 31, and 32 collectively in Anoka County entirely within the metropolitan area and totals approximately 1202.3 acres of land. The Petitioned Area includes the transfer of 862.68 acres from CCWD to the RCWD, and the transfer 339.58 acres from RCWD to CCWD. The Petitioned Area is depicted on nine 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 RCWD. 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 Blaine, City of Columbus, and the RCWD where submitted with the Petition.

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8. **Metro Water Planning Committee.** The Board's Metro Water Planning Committee met on January 13, 2009, in St. Paul to review and discuss the boundary change Petition. Those in attendance from the Board's Committee were Louise Smallidge, Faye Sleeper, LuAnn Tolliver, Rebecca Flood, and Robert Burandt as chair. Board staff in attendance were Metro Region Supervisor Jim Haertel and Board Conservationists Brad Wozney and Melissa Lewis and Water Management Specialist Travis Germundson. Board staff recommended approval of the boundary change. After discussion, the Committee unanimously voted to recommend approval of the CCWD and RCWD boundary change to the full Board.

CONCLUSIONS

1. The Petition for Boundary change of the CCWD 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 CCWD or the RCWD.

5. The governing bodies of the City of Blaine and the City of Columbus, CCWD, and RCWD concur with the requested boundary change.

6. The requested boundary change is consistent with the purpose and requirements of Minn. Stat. §§ 103B.205 to 103B.255.

7. The requested boundary change can be accomplished in conformance with Minn. Stat. § 103B.225 regarding benefits and damages.

8. The proposed boundary change should be approved per the Petition.

ORDER

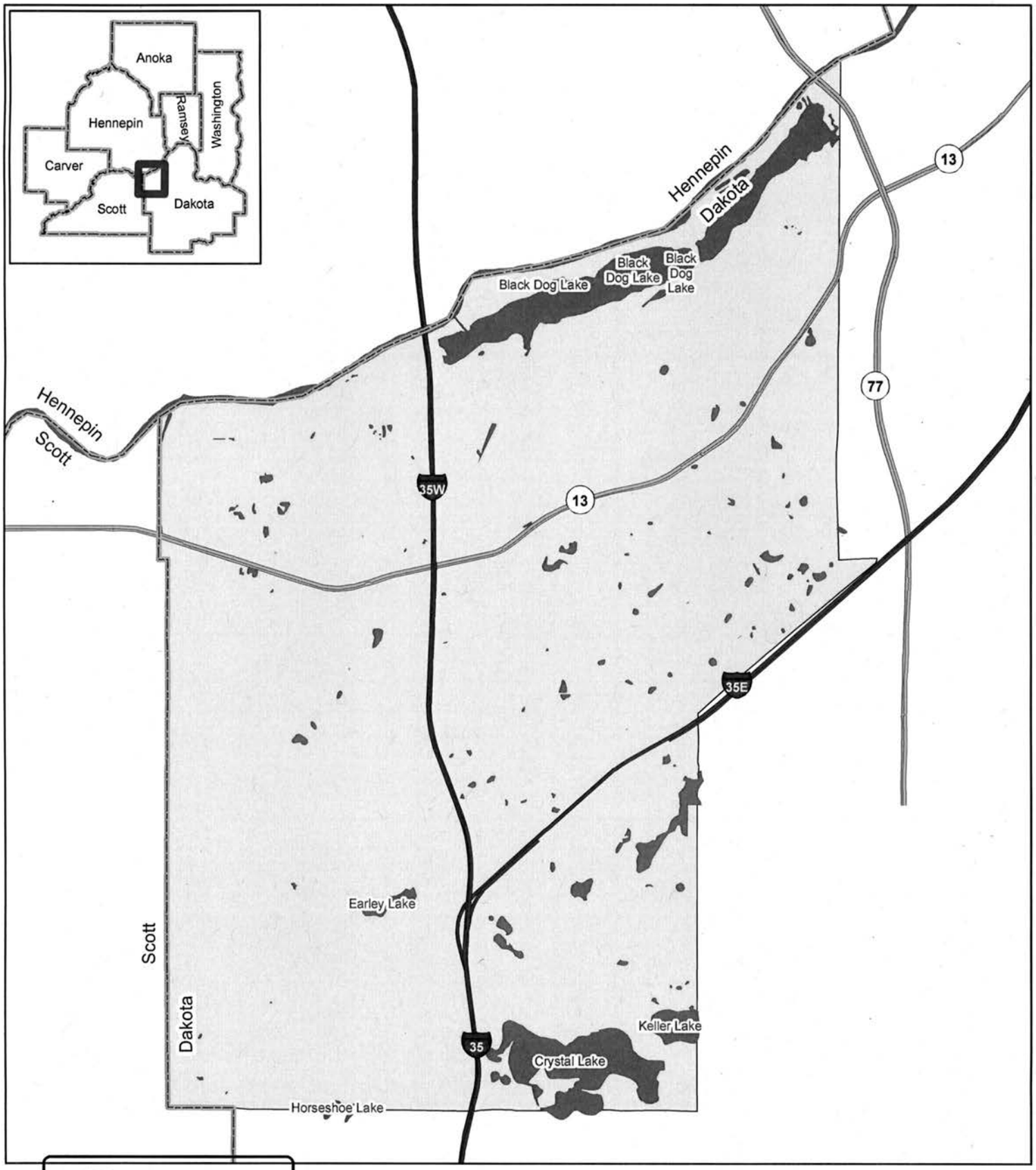
The Board hereby orders that the boundaries of the Coon Creek Watershed District and the Rice Creek Watershed District are changed per the Petition as identified in the three property identification tables attached to this Order and made a part hereof.

Dated at Saint Paul, Minnesota this 28th day of January, 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Randy Kramer, Chair

City of Burnsville



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 **City of Burnsville,** pursuant to Minnesota Statues Section 103G.2242, Subdivision 1 (c)

ORDER APPROVING UPDATED COMPREHENSIVE WETLAND PROTECTION AND MANAGEMENT PLAN

Whereas, the City of Burnsville (City) submitted a Comprehensive Wetland Protection and Management Plan (Plan) Update 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 plan is to provide the City with a wetland inventory and functions and values analysis, provide enhanced management strategies to preserve and protect wetland resources, and to comply with local watershed organization plans.

   The main objective for the plan update is to provide a current inventory of the wetland resources in the City, differentiate regulated wetlands from other water features, and to develop a comprehensive approach to regulate and protect wetlands based on wetland functions and associated public values. The plan is intended to provide a guide for City staff and residents to make informed decisions about the future development and redevelopment of the City with respect to the protection, conservation, and management of wetland resources.

2. **Nature of the Plan Area.** The City covers approximately 17,282 acres, of which approximately 2,785 acres, or 16 percent, are wetlands or other water features. These surface water resources include six lakes, 266 wetlands, 59 storm water or other created ponds, and portions of three designated trout streams that are located wholly or partially within the City. Wetlands alone constitute 1,824 acres, or about 11% of the city area. One of the most prominent features in the City is the Minnesota River and the extensive

backwater and wetlands associated with it. The Minnesota River associated wetlands and Black Dog fen within the Minnesota Valley National Wildlife Refuge account for 913 acres, or about half of the wetland habitat within the city limits. The City of Burnsville is located at the northern boundary of Dakota County and includes portions of four watersheds; the Black Dog, Lower Minnesota River, Vermillion River, and Credit River. These watersheds are managed by several watershed organizations, of which the City is an active member. This Plan has been drafted to comply or exceed the requirements of these organizations.

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 will be incorporated into the City's existing planning and zoning regulations and implemented by ordinance..

4. **Highlights of the Plan.** The critical elements of the Plan include:

   - Updated inventory of the wetlands in the City; including accurate mapping, functions and values analysis, and classification;
   - Differentiation of regulated wetlands from other water features;
   - Development of regulatory and non-regulatory options for wetland preservation and protection;
   - Identification of potential wetland mitigation sites within the city;
   - Refinement of a GIS-based wetland management system.

5. **Metro Water Planning Committee Meeting.** The Board's Metro Water Planning Committee met on January 13, 2009 with representatives of the City to review and discuss the Plan. Those in attendance from the Board's Committee were Rebecca Flood, 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 for the City were Deric Deuschle and Daryl Jacobson. 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 City of Burnsville pursuant to Minnesota Statutes Section 103G.2242, Subd. 1 (c).

3. The City of Burnsville Comprehensive Wetland Protection and Management Plan attached to this Order provides a functional assessment framework for all wetlands within the City, 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 December 2008, for the City of Burnsville, Dakota County, Minnesota.

Dated at Saint Paul, Minnesota this 28th day of January, 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

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 **City of Burnsville,** pursuant to Minnesota Statues Section 103G.2242, Subdivision 1 (c)

ORDER APPROVING UPDATED COMPREHENSIVE WETLAND PROTECTION AND MANAGEMENT PLAN

Whereas, the City of Burnsville (City) submitted a Comprehensive Wetland Protection and Management Plan (Plan) Update 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 plan is to provide the City with a wetland inventory and functions and values analysis, provide enhanced management strategies to preserve and protect wetland resources, and to comply with local watershed organization plans.

   The main objective for the plan update is to provide a current inventory of the wetland resources in the City, differentiate regulated wetlands from other water features, and to develop a comprehensive approach to regulate and protect wetlands based on wetland functions and associated public values. The plan is intended to provide a guide for City staff and residents to make informed decisions about the future development and redevelopment of the City with respect to the protection, conservation, and management of wetland resources.

2. **Nature of the Plan Area.** The City covers approximately 17,282 acres, of which approximately 2,785 acres, or 16 percent, are wetlands or other water features. These surface water resources include six lakes, 266 wetlands, 59 storm water or other created ponds, and portions of three designated trout streams that are located wholly or partially within the City. Wetlands alone constitute 1,824 acres, or about 11% of the city area. One of the most prominent features in the City is the Minnesota River and the extensive

backwater and wetlands associated with it. The Minnesota River associated wetlands, and Black Dog fen within the Minnesota Valley National Wildlife Refuge, account for 913 acres, or about half of the wetland habitat within the city limits. The City of Burnsville is located at the northern boundary of Dakota County and includes portions of four watersheds; the Black Dog, Lower Minnesota River, Vermillion River, and Credit River. These watersheds are managed by several watershed organizations, of which the City is an active member. This Plan has been drafted to comply or exceed the requirements of these organizations.

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 will be incorporated into the City's existing planning and zoning regulations and implemented by ordinance..

4. **Highlights of the Plan.** The critical elements of the Plan include:

   - Updated inventory of the wetlands in the City; including accurate mapping, functions and values analysis, and classification;
   - Differentiation of regulated wetlands from other water features;
   - Development of regulatory and non-regulatory options for wetland preservation and protection;
   - Identification of potential wetland mitigation sites within the city;
   - Refinement of a GIS-based wetland management system.

5. **Metro Water Planning Committee Meeting.** The Board's Metro Water Planning Committee met on January 13, 2009 with representatives of the City to review and discuss the Plan. Those in attendance from the Board's Committee were Rebecca Flood, 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 for the City were Deric Deuschle and Daryl Jacobson. 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 City of Burnsville pursuant to Minnesota Statutes Section 103G.2242, Subd. 1 (c).

3. The City of Burnsville Comprehensive Wetland Protection and Management Plan attached to this Order provides a functional assessment framework for all wetlands within the City, 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

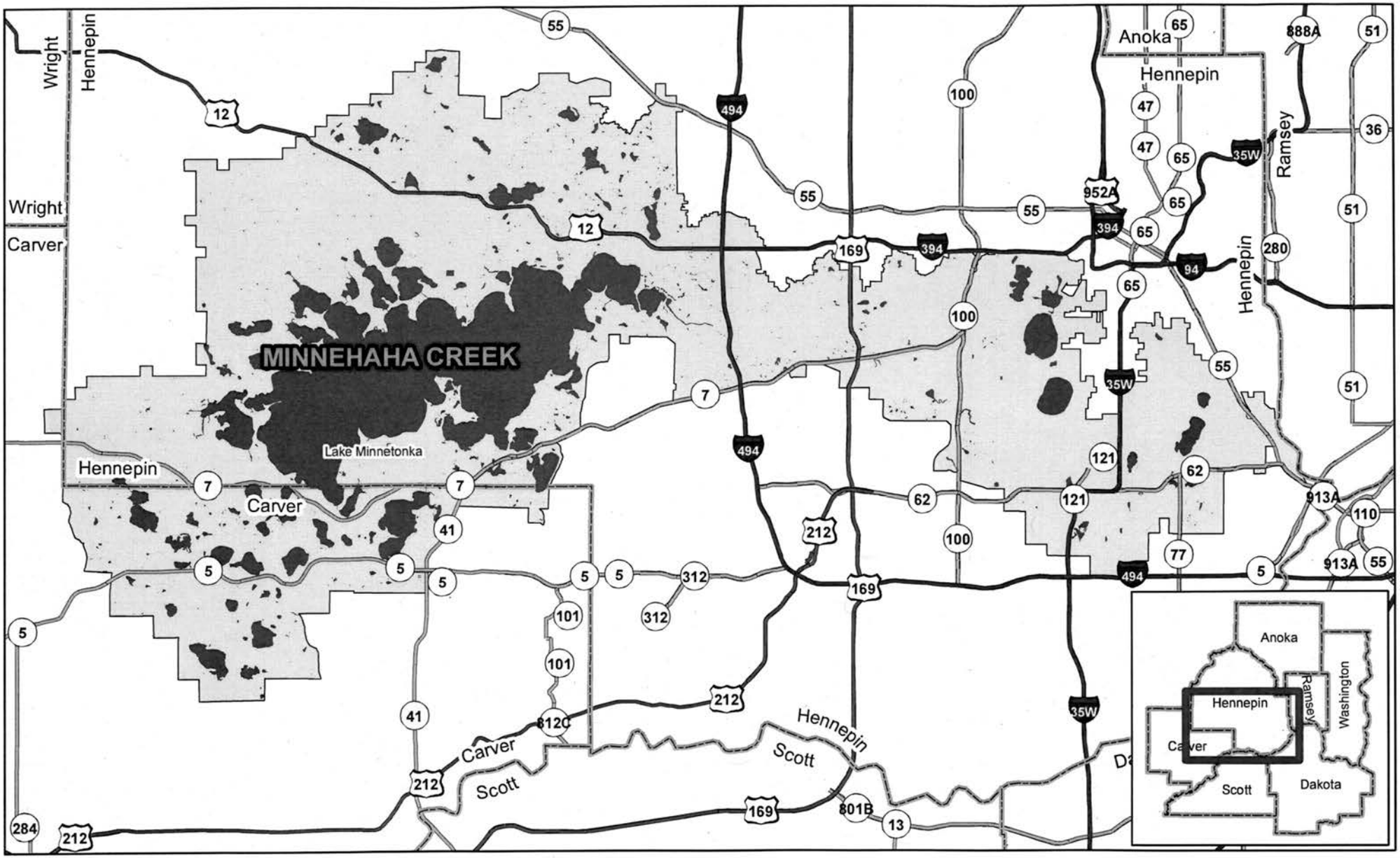
The Board hereby approves the attached Comprehensive Wetland Protection and Management Plan, dated December 2008, for the City of Burnsville, Dakota County, Minnesota.

Dated at Saint Paul, Minnesota this 28th day of January, 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Randy Kramer, Chair

Minnehaha 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 Amendment to the Watershed Management Plan for the **Minnehaha Creek 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 Minnehaha Creek Watershed District (District or MCWD) 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. **WMO Establishment.** The Hennepin County Managers asked the Minnesota Water Resource Board (MWRB) to form the Minnehaha Creek Watershed District on April 12, 1966. The MWRB established the District on March 9, 1967 under the authority of Minnesota Statutes Chapter 103D (formerly Chapter 112), the Watershed Act. In 1972 the District accepted authority over the eight county and judicial ditches located within the watershed. The District's first Water Resources Management Plan was approved in 1969 and its "second generation" Water Resources Management Plan in 1997. The Board approved the current, "third generation" Water Resources Management Plan in June 2007.

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 watershed management plan may be amended according to Minnesota Statutes Section 103B.231, Subd. 11.

3. **Nature of the Watershed.** The District spans approximately 178 square miles on the western edge of the Twin Cities Area. Most of the watershed - 148 square miles - is in Hennepin County while the remaining 29 square miles are in Carver County. Local government units within the District include two counties, two townships and 27 cities. Twelve of these cities are located wholly within the District. In Hennepin County, the local governments within the District include: Deephaven, Edina, Excelsior, Golden

Valley, Greenwood, Hopkins, Independence, Long Lake, Maple Plain, Medina, Minneapolis, Minnetonka, Minnetonka Beach, Minnetrista, Mound, Orono, Plymouth, Richfield, St. Bonifacius, St. Louis Park, Shorewood, Spring Park, Tonka Bay, Wayzata, and Woodland. In Carver County, the governmental units include: Chanhassen, Victoria, Laketown Township, and Watertown Township. Two regional park authorities exist within the District, the Minneapolis Park and Recreation Board and the Three Rivers Park District. There are 65 lakes and numerous miles of stream in the watershed district – Minnehaha Creek itself is 22 miles long. The DNR Public Waters Inventory identifies 104 protected waters and 229 protected waters wetlands.

4. **Amendment Development and Review.** The draft Amendment was submitted to the Board, other state agencies, and local governments for the required 60-day review on July 3, 2008. The Amendment establishes a budget, funding sources, and a set of criteria for establishing cost share programs to take advantage of timely opportunities with various stakeholders to assist in attaining or exceeding water quality and quantity goals. Example programs include: MCWD Low Impact Development Program, MCWD Streambank Stabilization Program, Cynthia Krieg Grant Program, MCWD/Mississippi WMO Research Grant Program, MCWD Agricultural BMP Cost-Share Program, and MCWD Watershed Assistance Initiative. The District received 60-day review comment letters from the Board, Met Council, MPCA, and City of Plymouth. The District held a public hearing on October 2, 2008. No new suggested changes were offered during the meeting. On October 3, 2008, all review agencies had received the revised draft Amendment for the required 45-day review period. The Managers received a comment letter from the Board. The final draft Amendment was submitted to the Board on December 3, 2008.

5. **Metropolitan Council Review.** Met 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.** MPCA, in their 60-day comment letter, offered their support of the Amendment and offered watershed management plan recommendations unrelated to the Amendment.

10. **Local Review.** 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. The City of Plymouth requested clarification related to maintenance responsibilities for cost-shared projects, eligible cost-share amounts, and District involvement on a project basis.

DRAFT

11. **Board Review.** Board staff had no concerns regarding the Amendment. Board staff commended the District for creating programs that take advantage of timely opportunities.

12. **Highlights of the Plan Amendment.** The main goal of the plan amendment is to clarify the need, funding sources, and program administrative details for District cost share programs. This amendment reflects the District's willingness to quickly react to project opportunities that arise with their stakeholders.

13. **Metro Water Planning Committee Meeting.** The Board's Metro Water Planning Committee met on January 13, 2009, to review and discuss the Amendment. Those in attendance from the Board's Committee were Rebecca Flood, 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.

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 Minnehaha Creek Watershed District pursuant to Minnesota Statutes Section 103B.231, Subd. 11.

3. The Minnehaha Creek Watershed District's 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.

DRAFT

ORDER

The Board hereby approves the attached Amendment, dated July 2008, to the Minnehaha Creek Watershed District Watershed Management Plan.

Dated at **Saint Paul**, Minnesota this 28th day of January, 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Randy Kramer, Chair

DRAFT

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 **Minnehaha Creek 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 Minnehaha Creek Watershed District (District or MCWD) 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. **WMO Establishment.** The Hennepin County Managers asked the Minnesota Water Resource Board (MWRB) to form the Minnehaha Creek Watershed District on April 12, 1966. The MWRB established the District on March 9, 1967 under the authority of Minnesota Statutes Chapter 103D (formerly Chapter 112), the Watershed Act. In 1972 the District accepted authority over the eight county and judicial ditches located within the watershed. The District's first Water Resources Management Plan was approved in 1969 and its "second generation" Water Resources Management Plan in 1997. The Board approved the current, "third generation" Water Resources Management Plan in June 2007.

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 watershed management plan may be amended according to Minnesota Statutes Section 103B.231, Subd. 11.

3. **Nature of the Watershed.** The District spans approximately 178 square miles on the western edge of the Twin Cities Area. Most of the watershed - 148 square miles - is in Hennepin County while the remaining 29 square miles are in Carver County. Local government units within the District include two counties, two townships and 27 cities. Twelve of these cities are located wholly within the District. In Hennepin County, the local governments within the District include: Deephaven, Edina, Excelsior, Golden

Valley, Greenwood, Hopkins, Independence, Long Lake, Maple Plain, Medina, Minneapolis, Minnetonka, Minnetonka Beach, Minnetrista, Mound, Orono, Plymouth, Richfield, St. Bonifacius, St. Louis Park, Shorewood, Spring Park, Tonka Bay, Wayzata, and Woodland. In Carver County, the governmental units include: Chanhassen, Victoria, Laketown Township, and Watertown Township. Two regional park authorities exist within the District, the Minneapolis Park and Recreation Board and the Three Rivers Park District. There are 65 lakes and numerous miles of stream in the watershed district – Minnehaha Creek itself is 22 miles long. The DNR Public Waters Inventory identifies 104 protected waters and 229 protected waters wetlands.

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5. **Metropolitan Council Review.** Met 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.** MPCA, in their 60-day comment letter, offered their support of the Amendment and offered watershed management plan recommendations unrelated to the Amendment.

10. **Local Review.** 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. The City of Plymouth requested clarification related to maintenance responsibilities for cost-shared projects, eligible cost-share amounts, and District involvement on a project basis.

11. **Board Review.** Board staff had no concerns regarding the Amendment. Board staff commended the District for creating programs that take advantage of timely opportunities.

12. **Highlights of the Plan Amendment.** The main goal of the plan amendment is to clarify the need, funding sources, and program administrative details for District cost share programs. This amendment reflects the District's willingness to quickly react to project opportunities that arise with their stakeholders.

13. **Metro Water Planning Committee Meeting.** The Board's Metro Water Planning Committee met on January 13, 2009, to review and discuss the Amendment. Those in attendance from the Board's Committee were Rebecca Flood, 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.

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 Minnehaha Creek Watershed District pursuant to Minnesota Statutes Section 103B.231, Subd. 11.

3. The Minnehaha Creek Watershed District's 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

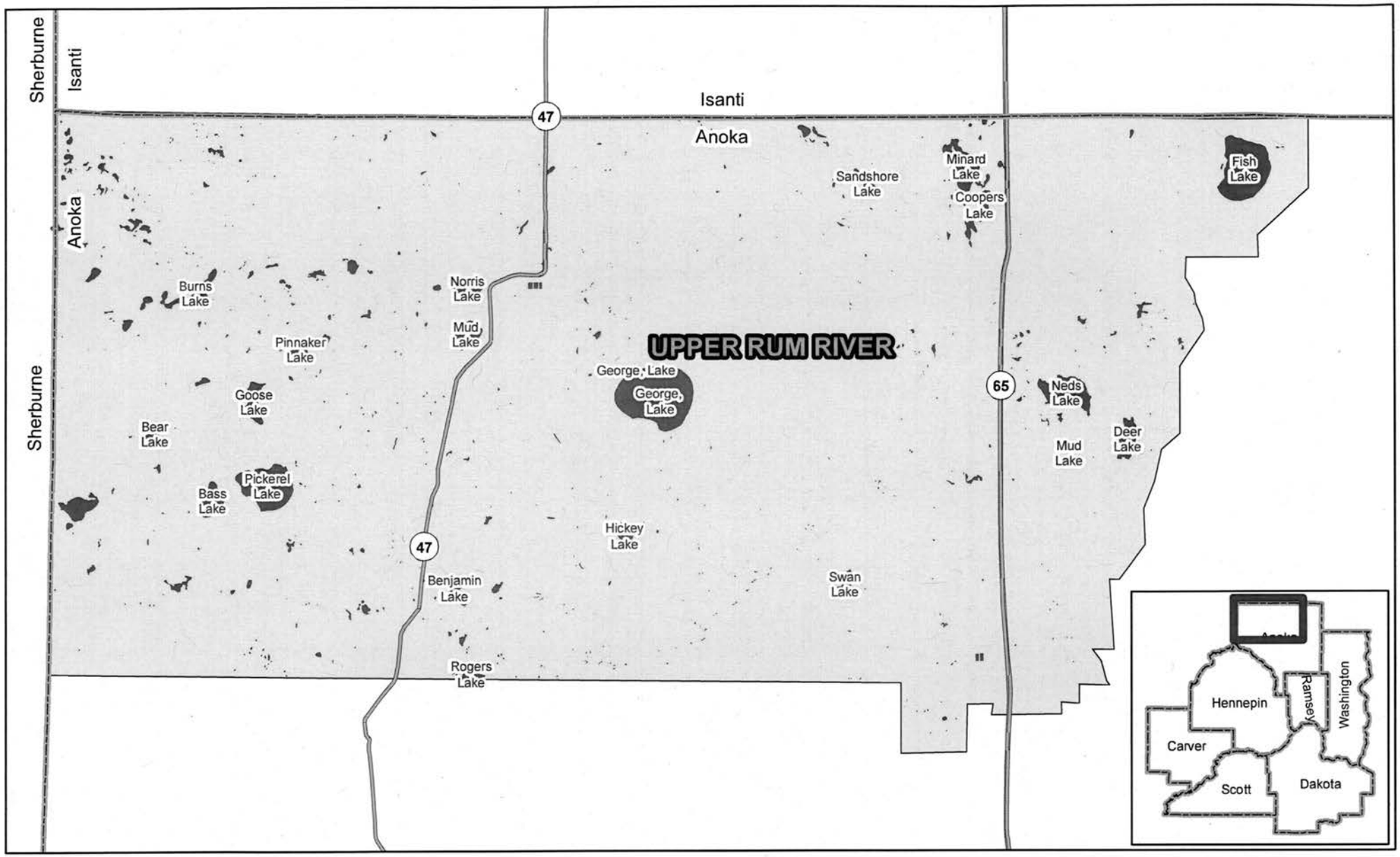
The Board hereby approves the attached Amendment, dated July 2008, to the Minnehaha Creek Watershed District Watershed Management Plan.

Dated at **Saint Paul**, Minnesota this 28th day of January, 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Randy Kramer, Chair

Upper Rum River Water Management Organization



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 Upper Rum River Watershed Management Organization, pursuant to Minnesota Statutes Section 103B.231, Subdivision 11.

ORDER APPROVING AMENDMENT TO WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the Upper Rum River Watershed Management Organization (Organization) 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. **Organization Establishment.** The Organization was established on June 18, 1991 through a Joint Powers Agreement between the Cities of Bethel, East Bethel, Ham Lake, St. Francis, and Oak Grove and the Town of Burns under the authority conferred to the member parties in 1992 through Minnesota Statutes Section 103B.201 to 103B.251. The agreement was amended and bylaws adopted in 1997. The Organization's purpose is to coordinate watershed-wide efforts to efficiently manage surface and groundwater resources. Management is aimed to improve water quality, minimize flooding, enhance wildlife values, and ensure sustainability.

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 Organization watershed management plan was approved by Board Order on April 25, 2007. The watershed management plan may be amended according to Minnesota Statutes Section 103B.231, Subd. 11.

3. **Nature of the Watershed.** The Organization encompasses approximately 126.5 miles within the northwestern corner of Anoka County, Minnesota. It is bordered by Isanti County to the north, Sherburne County to the west, the Lower Rum Watershed Management Organization to the south, the Coon Creek Watershed District to the southeast, and the Sunrise River Watershed Management Organization to the east. The Organization is bisected by the Rum River, a state-designated Scenic and Recreational Riverway. Development within the Organization's boundaries generally has consisted of

land use conversion from agriculture to rural residential with individual wells and septic systems. Approximately 25% of the land use is residential development, 8% is parkland and public land, and the remaining land is primarily agriculture, wetlands, and undeveloped land.

4. **Plan Development.** The Amendment consists of standards for water quality, stormwater infiltration and wetlands, and a water quality monitoring plan. The Amendment was developed by a technical advisory committee with representation from each member city of the Organization, local and state agencies, and the Builders Association of the Twin Cities.

   The draft Amendment was submitted to BWSR, other state agencies, and local governments for the 60-day review on April 7, 2008. A public hearing was held on July 7, 2008 to provide an opportunity for the public to comment on the draft Amendment. No comments were received. On July 9, 2008, the draft Amendment was sent to the review agencies for the 45-day review period. The final draft of the Amendment was received by BWSR on November 24, 2008.

5. **Local Review.** The Organization distributed copies of the draft Amendment to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 11.

   City of East Bethel. The City of East Bethel provided the necessary changes to the City's Water Management Plan and Subdivision Ordinance in order to be consistent with the Amendment.

6. **Metropolitan Council Review.** The Council found the Amendment to be consistent with the Council's Water Resources Management Plan and complete and accurate with respect to regional concerns.

7. **Department of Agriculture Review.** The MDA did not comment on the Amendment.

8. **Department of Health Review.** The MDH identified the drinking water supply management areas (DWSMAs) in the vicinity and recommended considering MDH guidelines for evaluating proposed stormwater infiltration projects in vulnerable wellhead protection areas in the Amendment. The Organization responded by including reference to DWSMAs and the MDH guidance.

9. **Department of Natural Resources Review.** The MDNR did not comment on the Amendment.

10. **Pollution Control Agency Review.** The MPCA found the Amendment to be consistent with Minnesota Rules Chapter 7050 but recommended an explicit statement be included in the wetland standards addressing the Organization's intention to rely on the Construction Stormwater Permit for the regulation of stormwater impacts to wetlands. The Organization responded that this intention is stated in the watershed management plan and does not need to be repeated in multiple locations.

11. **Department of Transportation Review.** The MDOT commented that conservation easements for wetland buffers would not be necessary on MDOT-owned property. The Organization responded by updating the standard to include conservation easements or functional equivalent. The MDOT questioned the justification for more stringent water quality standards than the MPCA. The Organization responded that the standards were derived from past water quality data on the specific lakes and were intended to be more protective than the MPCA.

12. **Board Review**. Board staff recommended a number of minor wording changes in the standards for clarification and consistency. Board staff also recommended the standards clearly and overtly state which of the member communities will need to update or modify their ordinances in order to be compliant with the standards and when these updates need to be completed. The Organization sufficiently addressed all comments.

13. **Highlights of the Plan Amendment**. The critical elements included in the Amendment are:
    - Water quality monitoring plan for the major recreational waterbodies within the Organization boundary. The plan includes methods and a schedule. Monitoring will include testing for common pollutants, hydrologic monitoring for calculating pollutant loads, and lake level monitoring.
    - Water quality standards for East Twin Lake, Lake George, and the Rum River including parameters to be monitored, targeted standards or thresholds, and scenarios that trigger actions by the Organization.
    - Wetland standards for topics not addressed by state law including special provisions for wetland types that are most highly valued locally, buffers, setbacks, excavations, and others.
    - Stormwater infiltration standards to ensure functionality, minimize maintenance, minimizes risks such as groundwater contamination, and maximize benefits of stormwater facilities.

14. **Metro Water Planning Committee Meeting**. The Board's Metro Water Planning Committee met on January 13, 2008 to review and discuss the Amendment. Those in attendance from the Board's Committee were Rebecca Flood, 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 decided to recommend approval of the Upper Rum River Watershed Management Organization 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 Upper Rum River Watershed Management Organization pursuant to Minnesota Statutes Section 103B.231, Subd. 11.

3. The Upper Rum River Watershed Management Organization Amendment attached to this Order consists of standards for water quality, stormwater infiltration and wetlands, and a water quality monitoring plan.

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 November 24th 2008, to the Upper Rum River Watershed Management Organization Watershed Management.

Dated at Saint Paul, Minnesota this 28th day of January, 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

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 Upper Rum River Watershed Management Organization, pursuant to Minnesota Statutes Section 103B.231, Subdivision 11.

ORDER APPROVING AMENDMENT TO WATERSHED MANAGEMENT PLAN

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land use conversion from agriculture to rural residential with individual wells and septic systems. Approximately 25% of the land use is residential development, 8% is parkland and public land, and the remaining land is primarily agriculture, wetlands, and undeveloped land.

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12. **Board Review**. Board staff recommended a number of minor wording changes in the standards for clarification and consistency. Board staff also recommended the standards clearly and overtly state which of the member communities will need to update or modify their ordinances in order to be compliant with the standards and when these updates need to be completed. The Organization sufficiently addressed all comments.

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    - Water quality monitoring plan for the major recreational waterbodies within the Organization boundary. The plan includes methods and a schedule. Monitoring will include testing for common pollutants, hydrologic monitoring for calculating pollutant loads, and lake level monitoring.
    - Water quality standards for East Twin Lake, Lake George, and the Rum River including parameters to be monitored, targeted standards or thresholds, and scenarios that trigger actions by the Organization.
    - Wetland standards for topics not addressed by state law including special provisions for wetland types that are most highly valued locally, buffers, setbacks, excavations, and others.
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14. **Metro Water Planning Committee Meeting**. The Board's Metro Water Planning Committee met on January 13, 2009 to review and discuss the Amendment. Those in attendance from the Board's Committee were Rebecca Flood, 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 decided to recommend approval of the Upper Rum River Watershed Management Organization Amendment to the full Board.

CONCLUSIONS

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ORDER

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Dated at Saint Paul, Minnesota this 28th day of January, 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Randy Kramer, Chair

NEW BUSINESS

1. Red River Valley Restoration Initiative (RRVRI) Project Area Selection and Approval - Kevin Lines - ***DECISION ITEM***

2. Minnesota Wetland Restoration Strategy – Kevin Lines, Tabor Hoek, and Beth Carlson, DNR – ***DECISION ITEM***

3. Draft 2009 PRAP Legislative Report - Don Buckhout - ***DECISION ITEM***

4. Lessard Outdoor Heritage Council (LOHC) and Clean Water Council (CWC) Reports – Les Bensch, LOHC, and Louis Smith, CWC - ***INFORMATION ITEM***

5. USDA Farm Bill Rulemaking Overview – Tim Koehler, NRCS – ***INFORMATION ITEM***

6. Election of Vice-Chair – ***DECISION ITEM***

Red River Flood Damage Reduction Working Group

January 14, 2009

Red River Flood Damage Reduction Working Group
Paul Wannarka, Red River Basin Coordinator
MN Department of Natural Resources
2115 Birchmont Beach Road NE
Bemidji, MN 56601

Kevin Lines, Conservation Easement Program
Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, MN 55155

Dear Mr. Lines:

At the January 13 meeting of the Red River Flood Damage Reduction Working Group the following projects were reviewed and recommended for funding through the Red River Valley RIM Reserve Initiative.

1. Springbrook Coulee Protection Project, Two Rivers Watershed District 300 acres
2. South Branch of the Buffalo River Stream Restoration and Flood Damage Reduction Project, Buffalo Red River Watershed District 800 acres #1.452 M
3. Grand Marais Creek Outlet Restoration, Red Lake River Watershed District 490 acres #793
4. Lower Wild Rice River Corridor Restoration Initiative, Wild Rice Watershed District 1590 acres #2.555 M

The first three projects are recommended for full funding with the balance of the available funds allocated to the Wild Rice River. That would allow the start of the much larger project. The Watershed Districts, Project Teams and SWCDs have discussed all four projects at length. Many landowners have been involved. There is a high probability that these projects will be successfully implemented and will address severe flooding and water quality problems. We urge the Minnesota Water and Soil Resources Board approval.

Sincerely,

Paul T. Swenson

Paul T. Swenson
Co-Chair
Red River Flood Damage Reduction Working Group

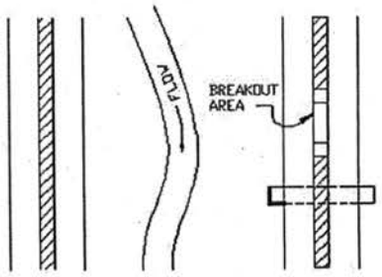
Cc: Randy Kramer, Chair BWSR Board
John Jaschke
Pete Waller
Brian Dwight
Ron Harnack

Encl: Project Proposals

Red River Valley RIM Reserve Application
Two Rivers Watershed District

Project Narrative

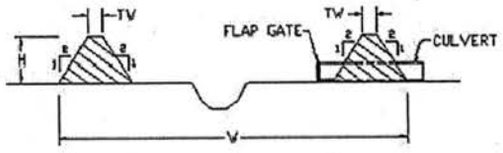
The purpose of the project is to reduce the flooding along the Unnamed Ditch to up a 10-year event, as well as to enhance riparian wildlife habitat. The plan consists of the setback dikes, channel and streambank stabilization in areas where needed, and creation of a permanent grassed riparian buffer from the outside toe to outside toe of the dikes. Below is a breakdown of where and what is planned. Setback dikes will be built along both sides of the Unnamed Ditch and along one side of the Unnamed Ditch at predetermined locations.



Funding for 300 acres of the riparian buffer is being sought through the RIM program and the remainder of the project through other sources.

Setback Dikes

Three different scenarios are used: 1) setback dike built on both sides of the channel 2) setback dike built one side of the channel 3) no setback dikes built at all.



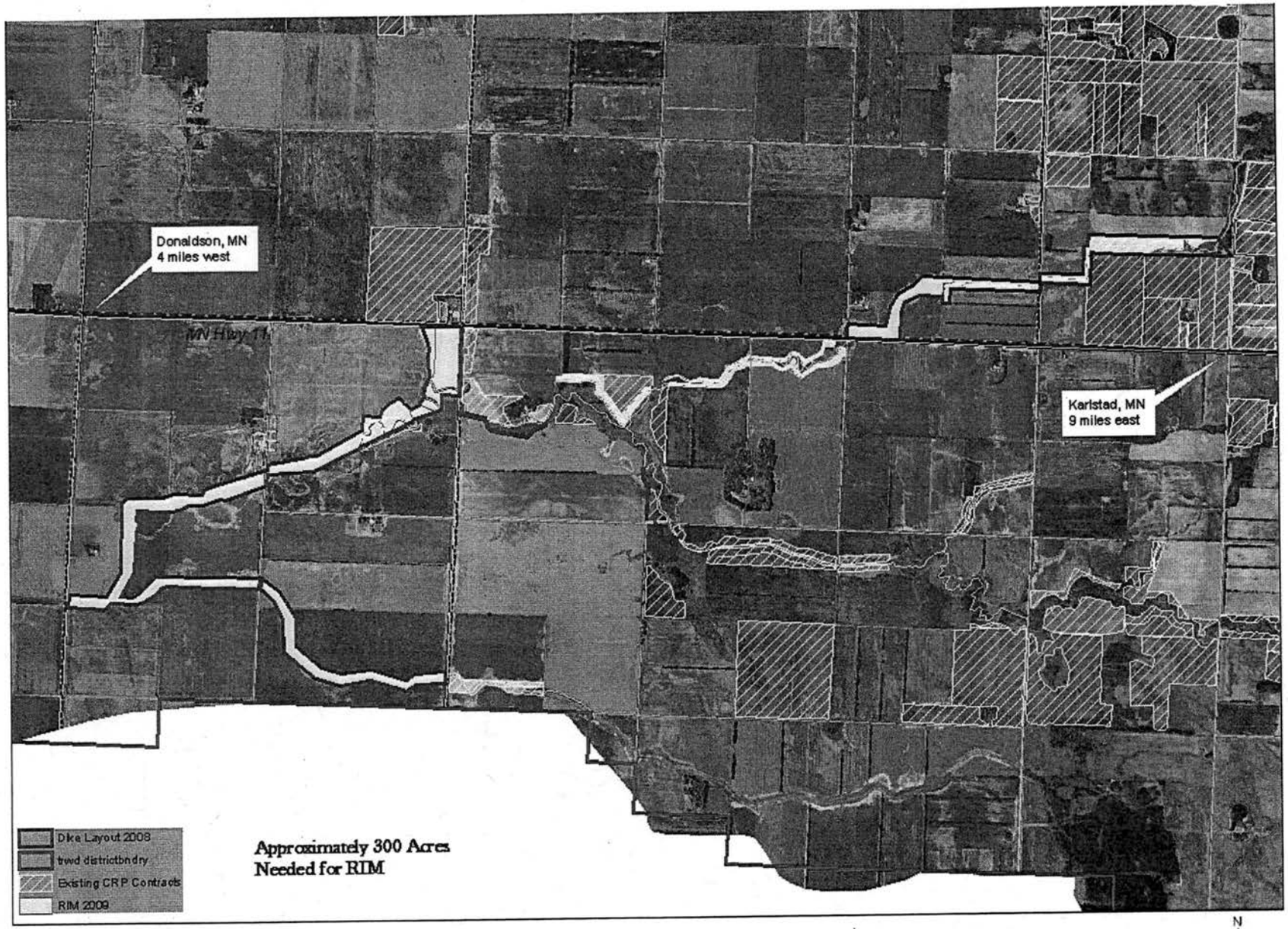
The dikes will be built to provide protection for a 10-year growing season event. The above figure illustrates the basic layout of the setback dikes. The setback dikes design is based upon NRCS practice standard 356 for Class III dikes. Approximately 93,500 feet of setback dikes will be built with a top width (TW) of 8 feet and side slopes of 3:1. The height (H) of the dikes will vary based upon the dike's location from the channel and location within the watershed. The setback dikes will be built with earthen fill that will be scraped from the area surrounding the dike. Because the height of the setback dikes ranges from 1.3' to 2.8', it was assumed that no foundation cutoff will be needed.

Grass and forbs vegetation as defined by the RIM program will be established on all dikes and areas between the dikes. It is anticipated that a maximum of 300 acres will need to be enrolled in the RIM program. The dikes will be built to an elevation of a 10-year growing season runoff event plus 1 foot freeboard. Earthen fill quantities were increased by 10 percent to account for settlement. No testing was done to verify this assumption, so actual settlement quantities may change. The existing cross-section will have the spoil piles from either side of the channel removed. The material from the existing spoil piles may be used as earthen fill for the setback dikes or graded to existing flood plain. Removing the existing spoil piles will allow the channel to access its flood plain.

Twenty side water inlets (SWI) will be placed at low points along the setback dike to allow local drainage to pass through the dike and reach the channel. On the downstream end of each SWI, a flap gate will be installed. Once the flow within the channel shuts the flap gate, the local drainage water would be stored outside of the dikes until the flow within the channel is reduced and the flap gate is opened. It is estimated that easements on 40 acres will be needed for land that is flooded because the flap gates are closed during a 10-year event. Near each SWI a breakout area will be installed. These breakout areas will be constructed at predetermined locations to allow water to move back and forth from the channel during larger events. The breakout areas will be built to an elevation of 10-year growing season event without freeboard, be approximately 150 feet wide and have an inlet/outlet side slope of 8:1 or flatter. These areas reduce maintenance/repair needed after 10-year or greater event flows spill out over the dike system.

The project will eliminate flooding on the adjacent landscape for up to a 10 year runoff event. Above a 10 year event flooding will be relatively the same as occurs now. Sediment loading to the watercourse will significantly be reduced by the establishment of an average 270' between dikes of continuous vegetation along the floodplain (188 acres restored floodplain). Fish habitat, threatened species, wildlife, and water quality will all realize significant benefits from the continuous corridor of stream vegetative buffer.

The Two Rivers Watershed District Board of Managers endorsed the project at their regular meeting held on April 2, 2008. The Two Rivers WD Project Work Team has endorsed this project at a meeting on January 8th, 2009. If approved for RIM funding, the Two Rivers WD and the Kittson SWCD are committed and ready to procure landowner signups on or before June 1, 2009. All landowners along the course of the project have been apprised of the various project components and details, and have indicated that there is a need for this project.



Springbrook Coulee Protection Project

Two Rivers Watershed District - Preliminary RRV RIM Initiative

Red River Valley RIM Reserve Application

Project Name: South Branch of the Buffalo River (SBBR) Stream Restoration and Flood Damage Reduction Project

Project Area Description: The project area is located approximately 8 miles south of Barnesville in Manston and Atherton Townships, Wilkin County.

Project Description: The project involves restoring approximately 10 miles of river channel and establishing set-back levees. The areas between the levees and the river will be reestablished to native grass vegetative buffers. We estimate that approximately 800 acres (650 crop/150 noncrop) of buffers will be installed.

In addition, the Wilkin Soil and Water Conservation District (SWCD) will aggressively promote and market soil saving best management practices in the project watershed.

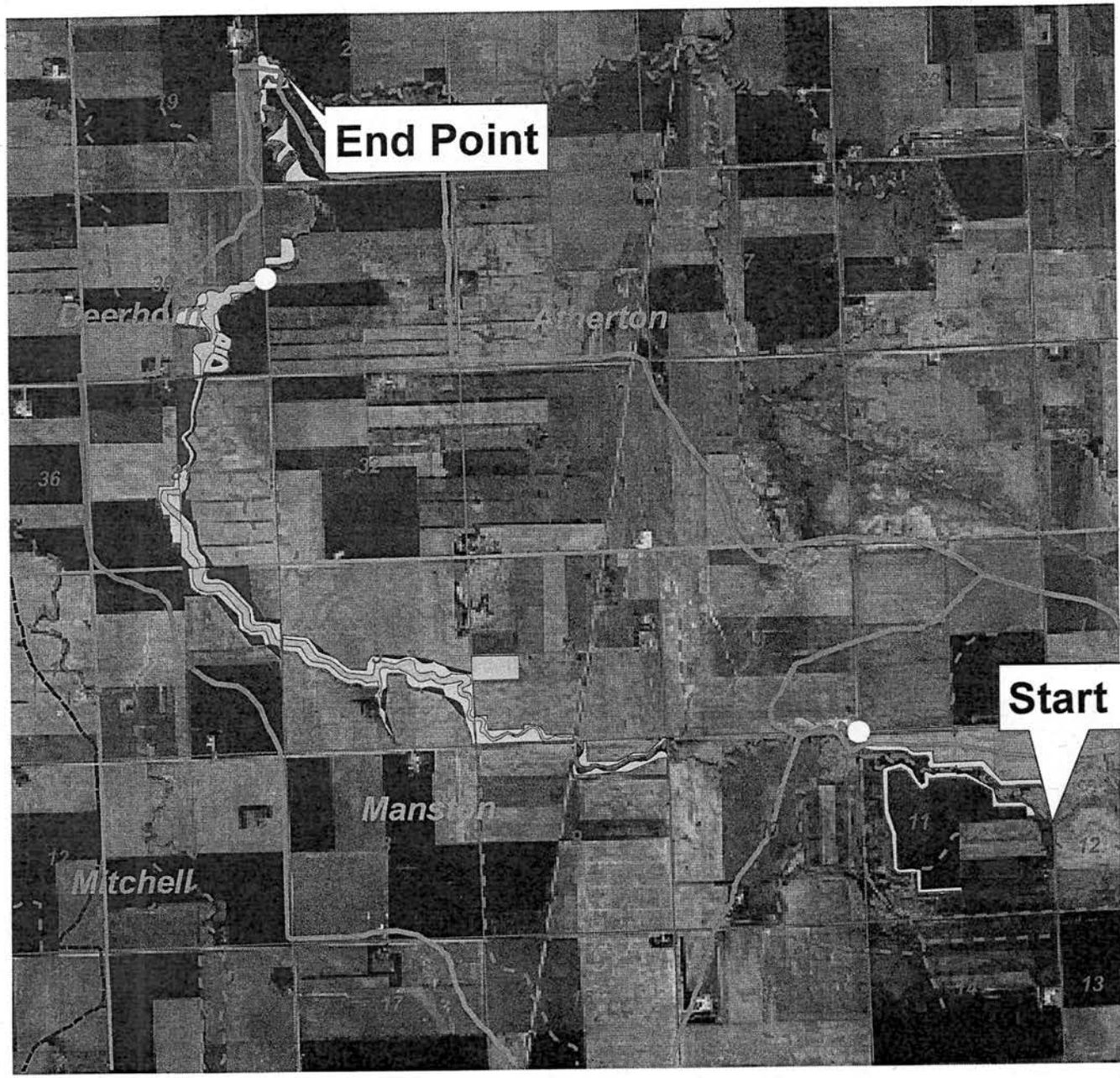
Resource Concerns to be addressed in the Project Area: Flooding and cropland damages; high turbidity levels; poor aquatic habitat; and inadequate natural corridors along the SBBR are resource concerns in the project area. In the early 1900s, parts of the original SBBR were abandoned and straightened with the establishment of Judicial Ditch No. 3 (J.D. 3). Erosion, sedimentation, and drainage contribute to the flooding problems and damage to cropland, roads, and buildings. Due to sedimentation, the stream channel lacks capacity to carry existing flows. The inadequate channel capacity also results in flow breakouts, causing water to flow through cropland and into nearby county ditch systems. Sediment also causes poor water quality and impairs aquatic habitats.

In addition to reducing sediment, there is a need to improve the existing hydrologic conditions in the river by reducing peak flows and reestablishing natural corridors.

The construction of set-back levees, channel restoration, establishment of vegetative buffers, and adoption of soil saving best management practices will help us address these and other resource concerns. Future project phases will include work in the upstream drainage area, including bufferstrips, off-channel retention, wetland restorations, restoration of the historic SBBR channel, and retirement of marginal lands.

Project Readiness: The Buffalo-Red River Watershed District (BRRWD) and their Mediation Project Team (PT) held a special PT meeting on 12/11/08 with project landowners. The landowners documented their problems and flood damages and expressed a willingness to work with the BRRWD/PT in implementing solutions. Also, a local SWCD Supervisor and area farmer has contacted all of the landowners in the project area, and has prepared maps showing lands that could be willingly enrolled into permanent riparian easements. Project problems/solutions are also documented in the BRRWD's Revised Watershed Management Plan (RWMP). The SBBR is in the "Southern" planning region.

Endorsements/Approvals: The Board of Managers, BRRWD, will meet on 1/12/09 to approve the application. PT approval will be obtained electronically, since we don't have a PT meeting scheduled until 1/29/09. PT approval will be available for the 1/28/09 BWSR meeting.



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South Branch Water Retention/ Flood Reduction/ Wildlife Enhancement Project Area (Wilkin County)

existing_filterstrips
filterstrip
PRAC1
Filterstrip
Filterstip
NewC
NonC
Streams
Sections

2003 Ortho Imagery

0 0.25 0.5 1 Miles

NRCS

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Red River Valley RIM Reserve Application

Red River Valley Restoration Initative (RRVRI)

Date: 12/26/2008

Project Name: Grand Marais Creek Outlet Restoration – Red Lake Watershed District Project 60F

Project 60F is a single component of the "Grand Marais Creek Subwatershed Flood Damage Reduction Project – Project 60". The project is critical in providing an adequate and stable outlet to the Grand Marais Creek subwatershed and its several tributaries. Although an adequate outlet generally relates to drainage capacity/conveyance issues, this project focuses on erosion control, water quality, and restoring riparian and aquatic characteristics along the lower six miles of the Grand Marais Creek to its confluence with the Red River. The Grand Marais Creek and a nearby reach of the Red River are listed as impaired waters for primarily erosion related water quality deficiencies.

The project is intended to:

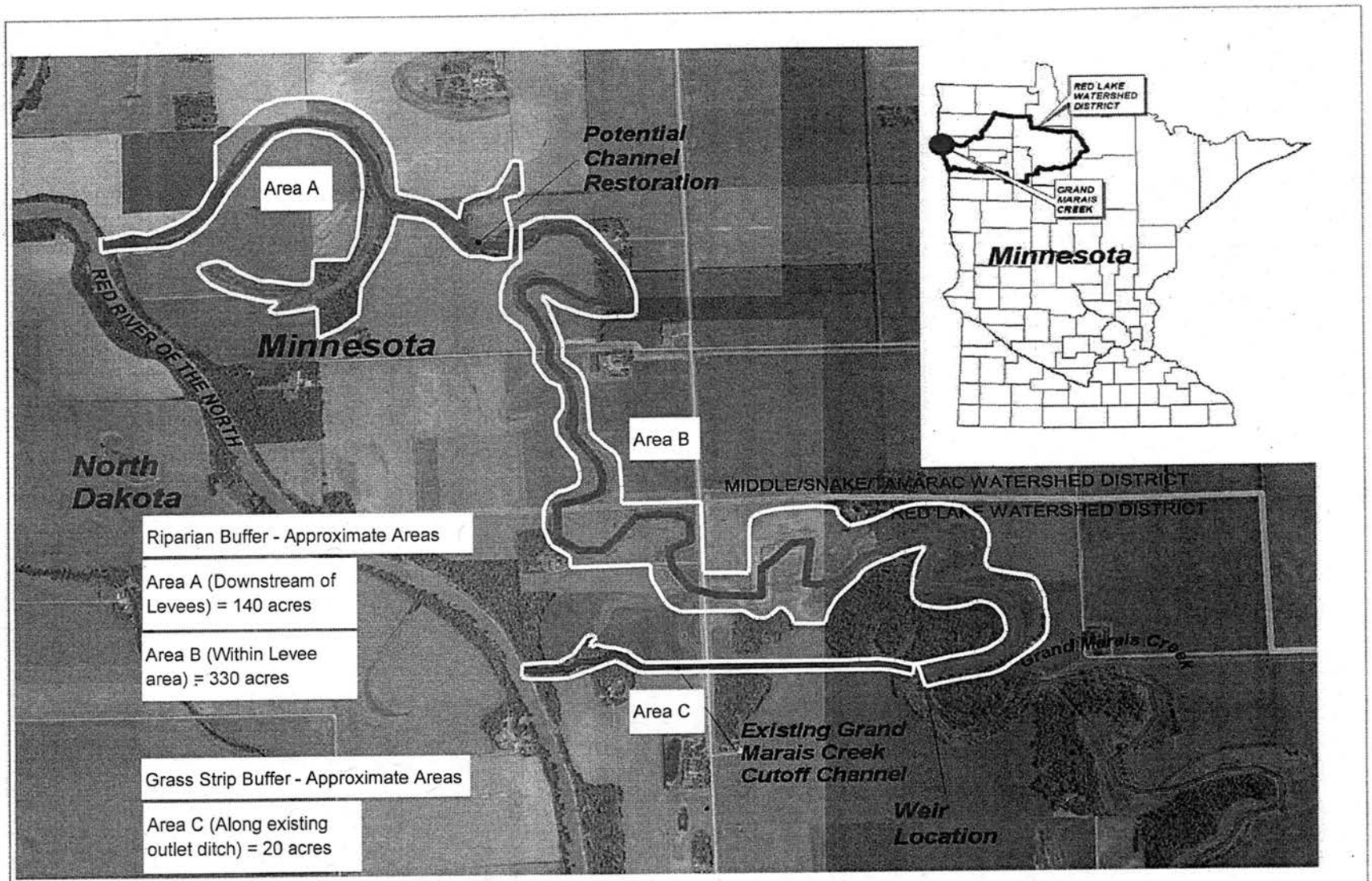
- Divert low flows away from the existing outlet channel ("Cutoff Channel")
- Restore the original Grand Marais channel for natural resource enhancement purposes
- Improve water quality through reduced erosive conditions
- Stabilize the channel bottom and banks of the existing outlet channel ("Cutoff Channel")
- Maintain existing flood stage conditions upstream of the project limits
- Minimize/contain proposed flood stage conditions within the project limits

The project features proposed to achieve the intended results are as follows:

- Construction of a diversion structure ("Weir") capable of diverting flows from the existing outlet channel ("Cutoff Channel") up to a 2 yr flood event
- Reconstruct original Grand Marais channel for Natural Resource Enhancement purposes (riparian corridor, aquatic habitat, fish passage, etc.)
- Constructing setback levees to contain the diverted flows and create a riparian buffer between the restored channel and agricultural land
- Construct grade stabilization structures on the existing outlet channel ("Cutoff Channel")

Right of Way acquisition is estimated at 490 total acres, including 330 acres estimated throughout the restored original channel and setback levee areas, and 140 acres downstream of the restored Grand Marais channel for riparian buffer restoration. 20 additional acres of R/W may be required adjacent to the diversion structure and the grade control structures on the "Cutoff Channel". Right of way acquisition will involve coordination with approximately 15 landowners. Based on conversations with several landowners, it appears realistic to achieve landowner signup by June 1, 2009.

The Preliminary Engineer's Report is complete and a Managing Board has been established to oversee the multi Watershed District project. The Project 60 Project Work Team has been discussing features and goals of this project for several years, and has conducted several public information meetings to gauge the support of the local community. No opposition to the project or land acquisition has been formally publicized or made known. Both the RLWD and MSTRWD have passed resolutions of support for the project. The Project Work Team has also displayed unanimous support of the project need and proposed conceptual solutions. It is understood that satisfying the Natural Resource Enhancement element of the 1998 Mediation Agreement is important to achieve continued progress of future flood reduction projects. This project specifically addresses the goals of this agreement.



RED LAKE WATERSHED DISTRICT
Grand Marais Creek Outlet Restoration

Application for Pilot RIM Initiative for the Red River Valley Watershed

Applicant: Wild Rice Watershed (In cooperation with Norman County SWCD)

Project: Lower Wild Rice River Corridor Restoration Initiative

i. Description of the overall project.

A project Fact Sheet is attached to provide additional information. However, in general, the Lower Wild Rice River Restoration Initiative (LWRRRI) is a comprehensive initiative to restore the natural corridor and provide additional flood control along an approximately 23 mile reach of the Wild Rice River in Northwestern Minnesota.

The corridor restoration will involve the following five basic components. The Pilot RIM Initiative would be used to fund Step 1 listed below.

1) Voluntary Land Acquisition
2) Upstream Storage / Downstream Impact Mitigation (In Development)
3) Erosion / Sedimentation Control Measures (In Development)
4) Setback Levees / Remaining Land Acquisition (In Development)
5) Channel Restoration (In Development)

ii. Acres to be taken in the project.

The Minimum Setback Levee and Channel Restoration Corridor area for the entire 23 mile reach is approximately 6,340 Acres (about 50% tillable). We have also identified a Volunteer Extended Corridor Boundary to allow adjacent landowners the option to square up field lines for ease of future agricultural production if they desire.

In 2009, the WRWD and NCSWCD will us Pilot RIM funding to target market an approximately 4-mile priority area indicated on the map. This will include approximately 1,450 acres of the total Minimum Setback Levee and Channel Restoration Corridor.

iii. Flood reduction, water quality and fish & wildlife habitat benefits of the project.

Currently the lower reach of this corridor is currently on the 303(d) Impaired Waters list for excess turbidity. A TMDL was recently completed.

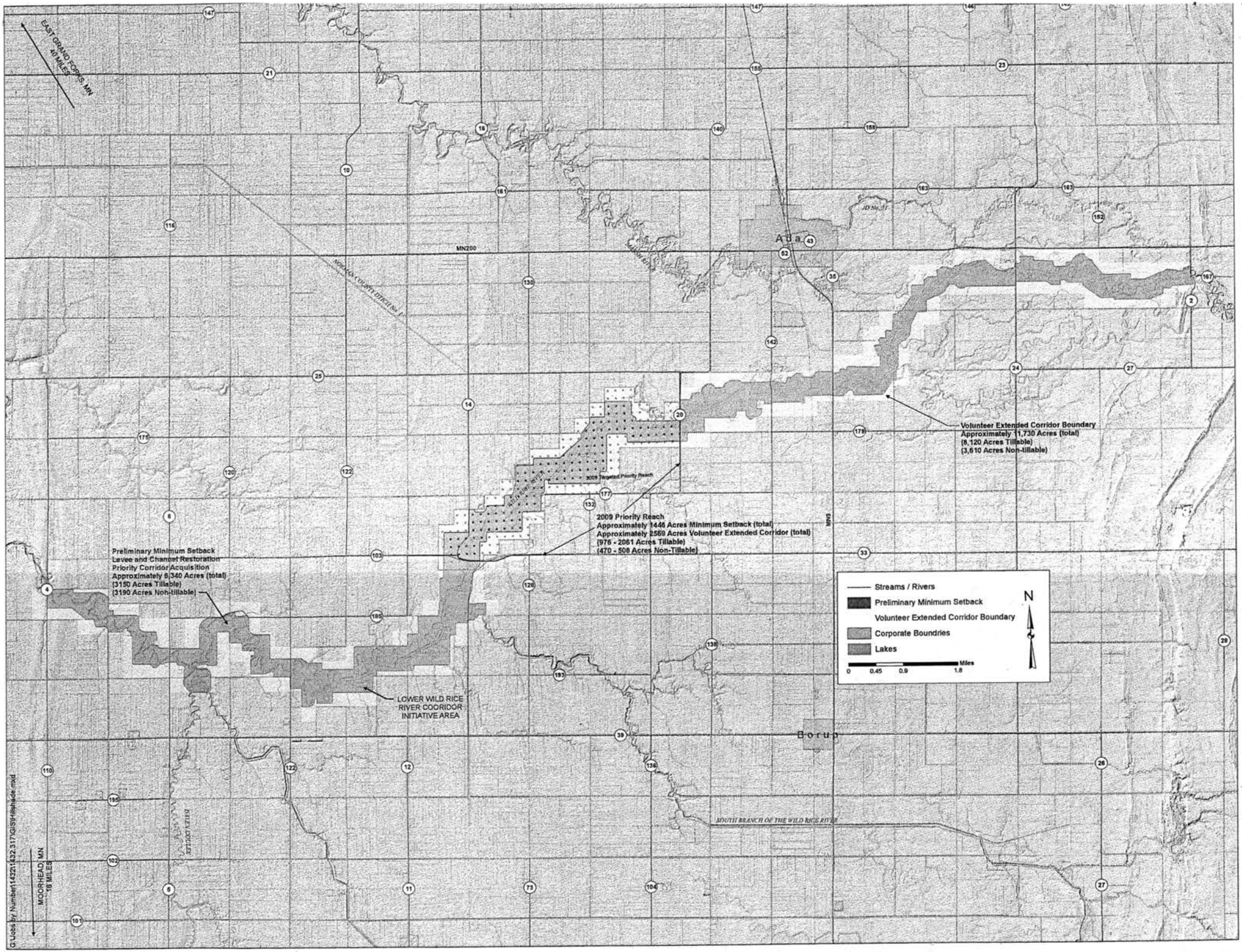
When complete, the project will provide connectivity for upland wildlife, improved fisheries, buffers to improve water quality, and additional flood protection through the implementation of setback levees and land setaside.

iv. Readiness of the project to achieve landowner sign-ups by June 1, 2009.

The WRWD and NCSWCD will cooperate to market sign-ups.

v. Endorsements/Approvals

1. Project Team - Approved at December 2008 PT Meeting
2. WRWD – Approved at December 2008 WRWD Board Meeting


EAST GRAND FORKS, MN
40 MILES
MOORHEAD, MN
16 MILES
MN200
Ada
Borup
Volunteer Extended Corridor Boundary
Approximately 11,730 Acres (total)
(8,120 Acres Tillable)
(3,610 Acres Non-tillable)
2009 Priority Reach
Approximately 1446 Acres Minimum Setback (total)
Approximately 2569 Acres Volunteer Extended Corridor (total)
(976 - 2061 Acres Tillable)
(470 - 508 Acres Non-Tillable)
Preliminary Minimum Setback
Levee and Channel Restoration
Priority Corridor Acquisition
Approximately 6,340 Acres (total)
(3150 Acres Tillable)
(3190 Acres Non-tillable)
LOWER WILD RICE
RIVER COORIDOR
INITIATIVE AREA
SOUTH BRANCH OF THE WILD RICE RIVER
Streams / Rivers
Preliminary Minimum Setback
Volunteer Extended Corridor Boundary
Corporate Boundries
Lakes
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Miles
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Board Resolution #_____
Red River Valley Restoration Initiative (RRVRI)
Project Area Selection & Approval

WHEREAS December 17, 2008 the Minnesota BWSR authorized the allocation of up to $3 million of the RIM Reserve Program Bonding bill (Chapter 179, 2008 Session law), beginning December 18, 2008 and ending June 1, 2009;

WHEREAS the Board Resolution #08-111, dated December 17, 2008, outlined the aspects of this pilot RRVI program to achieve river/stream restorations and flood damage reductions consistent with the Red River Mediation Agreement (RRMA);

WHEREAS all Red River Valley SWCD's and watershed districts were informed of this pilot program aspects and opportunities;

WHEREAS four projects were submitted prior to January 9, 2009 for consideration by the Red River Mediation Work Group (RRMWG);

WHEREAS the RRMWG met January 13, 2009 and prioritized the submitted applications and recommends: the Springbrook Coulee Protect Project, Two Rivers Watershed District; South Branch of the Buffalo River Stream Restoration and Flood Damage Reduction Project, Buffalo Red River Watershed District; and Grand Marais Creek Outlet Restoration, Red Lake Watershed District be fully funded and the Lower Wild Rice River Corridor Restoration Initiative, Wild Rice Watershed District be enabled to utilize the balance of the $3 million after the first three;

WHEREAS the RIM Reserve Management Planning Committee (RRMPC) met via a conference call on January 16, 2009 to review and comment the RRMWG's recommendation and concurred with those recommendation;

NOW, THEREFORE be it resolved that, the Minnesota Board of Water and Soil Resources authorizes the allocation of 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 for the following projects in full the Springbrook Coulee Protect Project, Two Rivers Watershed District; South Branch of the Buffalo River Stream Restoration and Flood Damage Reduction Project, Buffalo Red River Watershed District; and Grand Marais Creek Outlet Restoration, Red Lake Watershed District and the Lower Wild Rice River Corridor Restoration Initiative, Wild Rice Watershed District utilize the remaining balance of the $3 million for this pilot program as recommended by the RRMPC to run thru June 1, 2009.

_____ _____
Randy Kramer, Chair Date
Minnesota Board of Water and Soil Resources

Board Resolution # 09-08
Red River Valley Restoration Initiative (RRVRI)
Project Area Selection & Approval

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Randy Kramer, Chair
Minnesota Board of Water and Soil Resources

1/20/09
Date

draft 10-14-08

Suggested talking points to introduce the

"Wetlands Restoration Strategy: A Framework for Prioritizing Efforts in Minnesota"

WHAT THIS STRATEGY IS

It's a strategy for reclaiming benefits that wetlands provide to us. The focus is mainly on non-regulatory restoration of wetlands that have been lost over time, rather than regulatory mitigation of new losses (already addressed through WCA and other mechanisms).

Key elements of this statewide wetlands restoration strategy are:

- Prioritize restorations based on desired outcomes — specifically water quality improvements, habitat gains, flood damage reduction, and other hydrologic benefits
- Improve coordination of wetlands restoration efforts
- Design and produce better wetland restorations that stand the test of time, and provide lasting functional benefits

Prioritization is the heart of this strategy because financial resources are limited and must be used where there is the greatest return on our investment.

A strategy is not a clearinghouse or master reference for all information about restoring wetlands. For example, BWSR maintains a separate guidance manual about how to restore wetlands.

WHO IT'S FOR

A wetlands restoration strategy provides **guidance for strategic decision making** by a variety of government officials, land and water managers, and non-governmental organizations. Regional differences matter and much of the prioritization has to be figured out at the local level.

This strategy emphasizes the need to **strategically target public funding** for wetlands restoration to sites that provide the greatest environmental benefits at a landscape, watershed, or flyway scale.

Communication with target audiences will be an important step to implement the strategy. Government agencies should also do action planning for their roles in implementation.

WHAT'S THE FOUNDATION

This wetlands restoration strategy is **consistent with the Minnesota Statewide Preservation and Conservation Plan**, July 2008 (SCPP). The SCPP emphasizes the importance of prioritizing wetland restorations to achieve desired outcomes. This wetlands restoration strategy describes how to make that objective a reality.

This strategy **recommends developing a prioritization methodology** that uses identified restorable wetlands as a base layer to which filters may be applied to prioritize certain potential restoration sites. The *Minnesota Wetlands Conservation Plan 1997* (MWCP) incorporated regional differences but lacked a wetlands restoration strategy — a gap that is now filled by this strategy supplement.

HOW WAS IT DEVELOPED

The strategy was developed during FY 2008 (July 2007 - June 2-008).

The Board of Water and Soil Resources initiated the project and funded staff support, with active participation by the Pollution Control Agency and the Departments of Natural Resources, Agriculture, and Transportation.

The strategy design team was composed of state agency staff and technical participants from a variety of interested stakeholders. A description and list are provided in the appendix of the strategy.

Wetlands Restoration Strategy for Minnesota

Beth Carlson, Project Coordinator
OMBS Policy, Research, & Planning Services
Minnesota Department of Natural Resources

Strategy Development Overview

—October 2008—

BRIEF PROJECT HISTORY

- **Origins**
  - Ron Harnack and the strategy gap in the *Minnesota Wetlands Conservation Plan 1997*
  - See pg. 3 – policies in statute *plus* Clean Water Cabinet's Vision for Wetlands
- **Process design**
  - Constraints:
    - NO ONE HAS TIME
    - NO PROJECT BUDGET (except BWSR's commitment of part-time project staff hours)
  - Process was designed to minimize need for large meetings
  - Web-based feedback offered as alternative communication and feedback mechanism
    - Participation was limited
  - Core team to draft the strategy
- **Project timeline**
  - Outlines pace of meetings
  - Completed all team meetings and surveys and most of strategy writing by June 2008 target

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FEATURES OF THE STRATEGY

★ **Prioritization for decision making**
- Targeting desired outcomes from restoration, not just for acreage's sake or opportunistic
- Identifying potentially restorable wetlands – not prime farmland

★ **Conceptual model of how to prioritize restoration opportunities**
- Put those two elements together – restorable wetlands and desired outcomes – and it's possible to prioritize among restoration opportunities

★ **Making water quality outcomes more accessible for project decision making**
- Team worked hard to make water quality outcomes fit in this strategy, even though it can't be a one-size-fits-all-impairments approach
- Science isn't as far along as for habitat → must combine best available data + best professional judgment; acknowledge choices and consequences
- Agencies' interests, perspectives, and knowledge bases do differ

★ **Specific strategies outlined on pp. 12-13 describe (in general) how to get there**
- Objective = net gain in wetlands = boosting restoration of past wetland losses
- A strategy is a narrative statement of the best ways to achieve an objective
- Pg. 14 — offers conclusions about <u>moving from strategy to action</u>

★ **APPENDIX has more detailed descriptions of a prioritization approach (2 local examples) and how wetlands can help with water quality improvements**

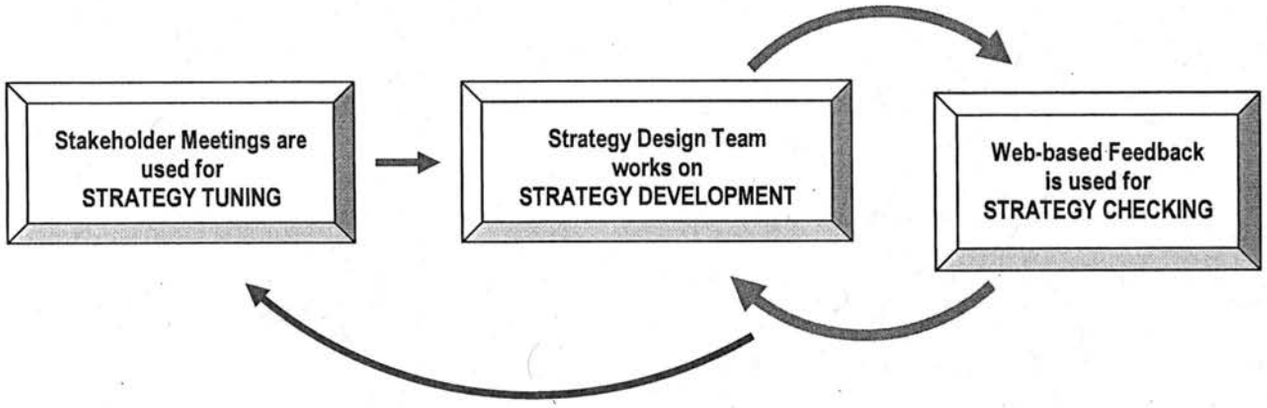
WHERE FROM HERE

➢ **Yes, it does not include a detailed action plan for implementation. Direction and a conceptual framework had to be figured out before anyone could figure out how to operationalize it.**
- The responsible government units will have to review this strategy and figure out their roles
- To some extent state agencies can do this on their own, but the responsibilities are so interwoven that joint discussions will be needed too

➢ **The Interagency Wetlands Group is one possible means of pursuing implementation questions → including representatives of SWCDs and WDs, which appear to have key roles at the local level.**
- Needs for funding and further agency commitments will be tested at this stage

Wetlands Restoration Strategy for Minnesota

An Iterative Process:



PARTICIPATION OPPORTUNITIES:

CORE STAKEHOLDER MEETINGS will commence work, address disputed strategy elements, and wrap up the effort. The number of large meetings will be minimal.

WHO:
Individuals and groups identified as having a "core interest" in the development and use of the strategy and the capacity to pay close attention, help make the strategy a good one, and play some role in implementing it.

STRATEGY DESIGN TEAM will formulate the strategy. This is a small group of people who can bring technical, programmatic, and policy knowledge and experience to bear on the drafting task.

The group will have to meet or confer frequently and seek feedback periodically from the larger audience of stakeholders.

The Project Coordinator will facilitate this team's discussions as needed.

WHO:
A core group of volunteer stakeholders who can commit the time to work on drafting a viable strategy.

WEB-BASED FEEDBACK will provide open access to the process at specified times
→ Announced in advance each time via e-mail to listserv (sign up on Web page)

Est. 2 weeks for prepare, 2 weeks for posting/receipt of input, and 2 weeks for analysis

WHO:
Broad range of interested persons and groups who are interested in the outcome, want to be able to see what's happening, and have opportunities to provide input into the process without having to be closely involved.

INTERAGENCY STEERING COMMITTEE:

This senior leadership group from the five co-sponsoring state agencies will monitor progress and provide direction and guidance to support a viable product outcome. The strategy product will be reported to Clean Water Cabinet and Governor.

Members:

John Jaschke, Executive Director, Board of Water and Soil Resources
Paul Eger, Assistant Commissioner, Pollution Control Agency
Joe Martin, Assistant Commissioner, Department of Agriculture
Frank Pafko, Environmental Services Director, Department of Transportation
Larry Kramka, Assistant Commissioner, Department of Natural Resources
(represented by Steve Hirsch, Acting Director, Division of Ecological Resources)

PROJECT STAFF:

Project Coordinator	Beth Carlson, DNR Planning Services	Project coordination, facilitation, participation
Technical Coordinator	Tabor Hoek, Working Lands Initiative	Strategy content development
GIS Services	Aaron Spence, BWSR	Data and mapping

TARGET: June 30, 2008

Strategy Development Timeline

— as of October 2008 —

DATE / TIME / LOCATION	*OBJECTIVES* / PROGRESS MADE
Thu, 19 July 2007 Plymouth, Minnesota	Kick-off meeting with stakeholders
Mon, 6 August 2007 12:30-3:30 p.m. PCA, 520 Lafayette Road, St. Paul	Initiated strategy design team work Discussed target audiences / users for strategy
Wed, 5 September 2007 9:00 a.m.-12:00 Noon DNR, 500 Lafayette Road, St. Paul	Reviewed and adjusted strategy outline and initial work plan proposed by project coordinator Briefings on Restorable Wetlands Inventory and Working Lands Initiative Team discussion about ways to develop a strategy
Thu, 11 October 2007 1:00-4:00 p.m. DNR, 500 Lafayette Road, St. Paul	Reviewed and discussed maps relevant to wetland functional outcomes Brainstormed potential outcome-based objectives (desired outcomes from a wetland restoration strategy)
Thu, 1 November 2007 1:00-4:00 p.m. DNR, 500 Lafayette Road, St. Paul	Clarified restoration definitions for this strategy Began work on prioritization strategy for habitat (waterfowl & species of special conservation concern) Project staff will develop "pilot" examples in 3-4 counties or watersheds; water quality functional aspect will be added as soon as feasible
Thu, 6 December 2007 1:00-4:00 p.m. DNR, 500 Lafayette Road, St. Paul	Ad hoc subgroup reviews possible approaches for addressing water quality in a wetland restoration strategy (NOTE: Substituted for the regular team meeting)
Thu, 20 December 2007	Steering Committee update and check-in
Thu, 3 January 2008 1:00-4:00 p.m. DNR, 500 Lafayette Road, St. Paul	Team updated re: water quality element, prioritization strategy test Reviewed evolving strategy outline and outcome objectives summary Initial brainstorming of other strategy components
January/February 2008 → analyze results in March	Web-based feedback – Round 1 STRATEGY FOUNDATION ELEMENTS (specific strategies still under development)
Thu, 7 February 2008 1:00-4:00 p.m. DNR, 500 Lafayette Road, St. Paul	Work on strategies re: funding, enhanced coordination, program improvements, etc., in support of restoration priorities *{Ad hoc group is developing a prioritization strategy with 2 watersheds}*
Thu, 6 March 2008 1:00-4:00 p.m. DNR, 500 Lafayette Road, St. Paul	Work on strategies re: funding, enhanced coordination, program improvements, etc., in support of restoration priorities *{Ad hoc group is developing a prioritization strategy with 2 watersheds}*
Wed, 9 April 2008 1:00-4:00 p.m. DNR, 500 Lafayette Road, St. Paul	Report back and team discussion about prioritization strategy Work on strategies re: funding, enhanced coordination, program improvements, etc., in support of restoration priorities
Thu, 17 April 2008	Steering Committee update and check-in
Wed, 7 May 2008 1:00-4:00 p.m. PCA, 520 Lafayette Road, St. Paul	Work on adjustments, filling gaps, and fine-tuning
May 2008 → analyze results in summer	Web-based feedback – Round 2 FULL DRAFT STRATEGY OUTLINE
Thu, 5 June 2008 1:00-4:00 p.m. DNR, 500 Lafayette Road, St. Paul	Work on adjustments, filling gaps, and fine-tuning Finalize strategy recommendations for delivery to Steering Committee * Project Coordinator to work on final edits, with assistance from agency staff
Tue, 24 June 2008	Steering Committee update and check-in
Thu, 14 August 2008	Wrap-up meeting with stakeholders
Wed, 22 October 2008	Present Wetlands Restoration Strategy to RIM Committee
Wed, 22 December 2008	Present Wetlands Restoration Strategy to BWSR Board

PRE-PUBLICATION DRAFT (October 2008) for presentation to:
BWSR RIM Committee — October 2008
BWSR Board — January 2009

Wetlands Restoration Strategy

A Framework For Prioritizing Efforts in Minnesota

December 2008
(anticipated publication date)

Supplement to the Minnesota Wetlands Conservation Plan 1997

Minnesota Department of Natural Resources
Minnesota Department of Transportation
Minnesota Board of Water & Soil Resources
Minnesota Department of Agriculture — From the Farm to Your Family
Minnesota Pollution Control Agency

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Wetlands Restoration Strategy for Minnesota

Overview

This strategy was developed to provide a statewide perspective and improved approach for restoration of wetlands. State and federal agencies, local government units, and non-governmental organizations combine and coordinate their efforts to achieve the shared goal of greater net gains in wetland functional benefits. The long-term vision for this strategy is:

> **Minnesotans will enjoy significant improvements in habitat, water quality, surface water flows, and ground water interactions that are attributable to wetlands restoration.**

Key elements of this statewide wetlands restoration strategy are:

- Prioritize restorations based on desired outcomes — specifically water quality improvements, habitat gains, flood damage reduction, and other hydrologic benefits
- Improve coordination of wetlands restoration efforts
- Design and produce better wetland restorations that stand the test of time, and provide lasting functional benefits

Prioritization is the heart of this strategy because financial resources are limited and must be used where there is the greatest return on our investment. Regardless of available resources, choices will always have be made. Greater strides can be made if wetland restorations are prioritized according to their potential for delivering functional benefits needed on the landscape and in Minnesota communities.

A wetlands restoration strategy provides guidance for strategic decision making by a variety of government officials, land and water managers, and non-governmental organizations. The approach is to restore wetlands in order to gain functional benefits that are valued and needed in watersheds and communities and for Minnesota citizens. Wetlands restoration is one of many management tools available to resource managers and decision makers.

This strategy emphasizes the need to strategically target public funding for wetlands restoration to sites that provide the greatest environmental benefits at a landscape, watershed, or flyway scale. It is also important, however, to recognize the desire of many private landowners to restore wetlands for the site-scale benefits they provide—on sites that may or may not be considered high-priority by government programs—and to acknowledge landowners' considerable investment in wetland restoration projects.

This wetlands restoration strategy is consistent with the Minnesota Statewide Preservation and Conservation Plan, July 2008 (SCPP). The two documents were developed during the same time frame and the correlation between them is noteworthy. The SCPP emphasizes the importance of prioritizing wetland restorations to achieve desired outcomes.

This strategy recommends developing a prioritization methodology that uses identified restorable wetlands as a base layer to which filters may be applied to prioritize certain potential restoration sites. The concept of prioritization is to narrow the sometimes daunting number of possible wetland restoration sites in a given watershed down to a manageable set of choices based on their ability to positively affect any of three primary categories of functional benefits: water quality improvement; wildlife habitat improvement; and water quantity management. Furthermore, 21 specific strategies are outlined to support this prioritization approach.

Wetlands Restoration Strategy for Minnesota

Strategic Vision for Wetland Restoration in Minnesota

Wetlands provide important landscape functions in Minnesota including fish and wildlife habitat, improving water quality, flood damage reduction, and ground water recharge. In the past 100 to 200 years the majority of wetlands in most of Minnesota have been converted to agriculture or development.

This strategy was developed to provide a statewide perspective and improved approach for restoration of wetlands. State and federal agencies, local government units, and non-governmental organizations combine and coordinate their efforts to achieve the shared goal of greater net gains in wetland functional benefits. The long-term vision for this strategy is:

> **Minnesotans will enjoy significant improvements in habitat, water quality, surface water flows, and ground water interactions that are attributable to wetlands restoration.**

This vision is grounded in state policies for no net loss and improvement established in *Minnesota Statutes*, section 103A.201, subd. 2 (b):

> The legislature finds that the wetlands of Minnesota provide public value by conserving surface waters, maintaining and improving water quality, preserving wildlife habitat, providing recreational opportunities, reducing runoff, providing for floodwater retention, reducing stream sedimentation, contributing to improved subsurface moisture, helping moderate climatic change, and enhancing the natural beauty of the landscape, and are important to comprehensive water management, and that it is in the public interest to:
>
> (1) Achieve no net loss in the quantity, quality, and biological diversity of Minnesota's existing wetlands
>
> (2) Increase the quantity, quality, and biological diversity of Minnesota's wetlands by restoring or enhancing diminished or drained wetlands

The Governor's Clean Water Cabinet's interpretation of these policies in February 2006 set the stage for developing this state wetlands restoration strategy:

> We will protect, restore, and enhance the values and benefits Minnesotans receive from wetlands, adding to their quantity, quality and biological diversity. We will do this by coordinating spending, policy, and partnerships to implement our priority strategies. We will target restorations to enhance wetland values and optimize benefits, recognizing regional differences and strategically locating mitigation sites, banking sites and voluntary restorations. We will coordinate and integrate local, state, and federal regulation and restoration to provide clear direction, increase efficiency, improve accounting, promote participation, and improve environmental benefits. We will engage interested Minnesotans and leverage partnerships to ensure the success of these efforts.

Strategic Approach to Wetlands Restoration

Key elements of this statewide wetlands restoration strategy are:

- **Prioritize restorations based on desired outcomes — specifically water quality improvements, habitat gains, flood damage reduction, and other hydrologic benefits**
- **Improve coordination of wetlands restoration efforts**
- **Design and produce better wetland restorations that stand the test of time, and provide lasting functional benefits**

Prioritization starts with identifying desired outcomes (functional benefits gained by restoring wetlands) and potentially restorable sites. That information will inform the decisions of government

officials, project partners, and landowners, along with other decision tools like local and state plans for land use, water, and economic development. This strategy recommends prioritizing restoration opportunities that will produce the greatest singular or multiple benefits and focuses on the functional benefit categories of water quality, wildlife habitat, and hydrologic functions. Other outcomes may also be factored in depending on the circumstances and preferences (e.g., climate change; carbon sequestration).

IMPORTANCE OF PRIORITIZING

Prioritization is the heart of this strategy because financial resources are limited and must be used where there is the greatest return on our investment. Wetland restorations throughout Minnesota occur on public and private lands for a variety of reasons. Wetland restoration planning and implementation usually depend on many factors that vary by location, conditions on site and in the watershed, and public preferences. Furthermore, funding and technical resources for wetland restorations are often not coordinated and will never be as great as the potential for restoration. Greater strides can be made if wetland restorations are prioritized according to their potential for delivering functional benefits needed on the landscape and in Minnesota communities.

Prioritization means identifying which wetland restorations are most effective at filtering different types of surface water pollutants, providing different types of aquatic and wildlife habitat, reducing flood damage, and other desired outcomes,

so that → We can prioritize wetland restorations for targeted outcomes

so that → Decision makers can use limited funding more effectively

so that → Wetland restorations play a more effective role in resource management efforts

so that → Minnesotans benefit from good water quality and abundant fish and wildlife

IMPROVING COORDINATION AND RESULTS

A wetlands restoration strategy provides guidance for strategic decision making by a variety of government officials, land and water managers, and non-governmental organizations. The approach is to restore wetlands in order to gain functional benefits that are valued and needed in watersheds and communities and for Minnesota citizens. Wetlands restoration is one of many management tools available to resource managers and decision makers.

The strategic vision for wetlands restoration can be accomplished through both local and state efforts on environmental and economic planning and development. While much work has been done on regional restoration acreage targets for waterfowl habitat, prioritization related to water quality and other desired outcomes are so location-specific that statewide targets can be, at best, an aggregate of local and regional decision making. It is important to note that regulatory mitigation for new wetland impacts is governed by specific rules and procedures that take precedence over this strategy. However, this strategy can inform decisions about restoring wetlands in mitigation situations.

ACKNOWLEDGING LANDOWNERS' ROLE AND PERSPECTIVES

This strategy emphasizes the need to strategically target public funding for wetlands restoration to sites that provide the greatest environmental benefits at a landscape, watershed, or flyway scale. It is also important, however, to recognize the desire of many private landowners to restore wetlands for the site-scale benefits they provide—on sites that may or may not be considered high-priority by government programs—and to acknowledge landowners' considerable investment in wetland restoration projects.

For example, since the late 1980s, Minnesota landowners have voluntarily restored more than 500,000 acres of wetlands and surrounding upland buffers on privately owned farmlands with help from government programs. Nearly 35% of these restored acres are protected by permanent

easements. Landowners have invested significantly in these restorations. In one cooperative program alone (Conservation Reserve Program) landowners' estimated out-of-pocket share of the cost of wetland restoration projects since 1997 exceeds $18 million (Minnesota Department of Agriculture, 2007). Additionally, an unknown number of voluntary wetland restorations have been financed entirely by landowners and/or private organizations.

This strategy is not meant to discourage private wetland restoration efforts but, rather, to encourage government agencies to adopt a more strategic approach in deciding which of several potential restorations to fund with taxpayer dollars. Also, since private landowners are key partners in achieving wetland functions and values at the landscape or watershed scale, it is important for programs that fund wetland restorations—without sacrificing high standards for restoration design and implementation—to be flexible enough to meet reasonable needs of landowners.

CONSISTENCY WITH MINNESOTA STATEWIDE CONSERVATION AND PRESERVATION PLAN

This wetlands restoration strategy is consistent with the Minnesota Statewide Preservation and Conservation Plan, July 2008 (SCPP). The two documents were developed during the same time frame and the correlation between them is noteworthy. Each of the following selected quotes from the SCPP emphasizes the importance of prioritizing wetland restorations to achieve desired outcomes:

> **Habitat Recommendation 5: Restore Land, Wetlands, and Wetland-Associated Watersheds**
> "Minnesota must invest in prioritized areas to restore degraded and rare land features, wetlands (especially the many that have been drained and converted), and watershed associated with wetlands. This will provide benefits for wildlife, species of greatest conservation need, water quality, and important ecological processes." [pg. 74]
>
> **Habitat Recommendation 8: Review and Analyze Drainage Policy**
> "The LCCMR should invest in a comprehensive review and analysis of existing Minnesota statutes relating to drainage...and make recommendations to the legislature that remove barriers and better facilitate the restoration of critical wetlands in order to improve water quality and aquatic habitats." [pg. 81]
>
> **Land Use Strategy 2: Reduce streambank erosion through reductions in peak flows**
> "Invest in strategically targeted programs for reduction of peak flows through increased water detention in agricultural drainage systems, including wetland construction and restoration, in-ditch storage, and conservation drainage. Targeted drainage water detention will reduce peak flows and attendant streambank erosion. It will also reduce sediment and nutrient contributions from uplands through sediment deposition and denitrification." [pp. 122-123]

General Principles

- **Wetlands provide well-established environmental and economic benefits**
- **Restoration of depressional wetlands with long retention times can be a leading priority when water quality, flood water retention, and wildlife habitat outcomes are needed**
- **Riverine wetlands restoration can be a priority when floodwater retention, wildlife habitat, and certain water quality outcomes are needed within river and stream corridors**
- **Restorations in the upper reaches of tributaries within watersheds generally provide the greatest benefits**
- **Wetland restorations for ground water recharge can be a priority anywhere in the state**

The benefits of wetland functions and values for fish and wildlife habitat, surface water quality, floodwater reduction, and ground water recharge are well-established, but opportunities to restore wetlands vary widely across the state. Regardless of the region, opportunities to restore and protect wetlands that contribute to ground water recharge should be a priority. Its importance for a) potable drinking water, b) the long-term timetable for recharge (decades to centuries?), and c) the potential for long term water storage, makes this a priority.

In general, the most effective restorations for ground water recharge are depressional wetlands without outlets or any wetlands with lengthy retention times. When local information is available on important recharge areas it should be used to help prioritize restoration opportunities.

Depressional wetlands with long retention times are also generally the highest value for improving surface water quality, floodwater retention, and wildlife habitat. When the possibility exists for undesirable fish to invade the restored wetland, fish barriers should be an important restoration design criteria.

Riverine wetland systems are also important as a component of stream or river corridors that provide multiple benefits. Restoring watercourses is important statewide, particularly those with adjacent permanently vegetated floodplain corridors.

Wetland restorations that provide the most benefit tend to be in the upper reaches of watersheds. In general, the lower in a watershed that a wetland restoration occurs (as the watershed to restored wetland acre ratio increases) the relative value to ground water retention, surface water quality and wildlife habitat decreases. This is due largely to the difficulty of sustaining wetland quality and functions when wetlands receive excessive runoff and sediment. Prioritizing restorations adjacent to permanent upland native vegetation and a wetland complex that includes a diversity of wetland types will minimize that problem.

SCOPE OF THE STRATEGY

The goal of restoring wetlands is to restore environmental benefits lost due to wetland conversion or degradation. This strategy therefore includes wetland restoration via re-establishment and rehabilitation, and in some cases wetland enhancement, but not wetland creation. Each of these activities is defined below for the purposes of this strategy. The definitions are similar to those recently published in rule for the Clean Water Act Section 404 program (33 CFR section 332.2).

Activity	Included in this strategy?
RESTORATION involves re-establishment or rehabilitation (further defined below) at the site of a former or degraded wetland, with the goal of restoring natural, historic wetland functions. **RE-ESTABLISHMENT**: Restoring wetland functions lost due to conversion of a wetland that existed within the last 100-200 years. Provides a gain in wetland acres. **REHABILITATION**: Repairing or increasing the functionality of an existing degraded wetland. Does not provide a gain in wetland acres.	**Yes**
ENHANCEMENT involves heightening, intensifying or improving a single, specific function of an existing wetland, potentially to the detriment of other functions. It does not provide a gain in wetland acres.	**Yes**
CREATION involves converting an upland site to a wetland where no wetland has existed within the last 100-200 years. While it may provide a gain in wetland acres and functions, it is not considered a "restoration" activity.	No

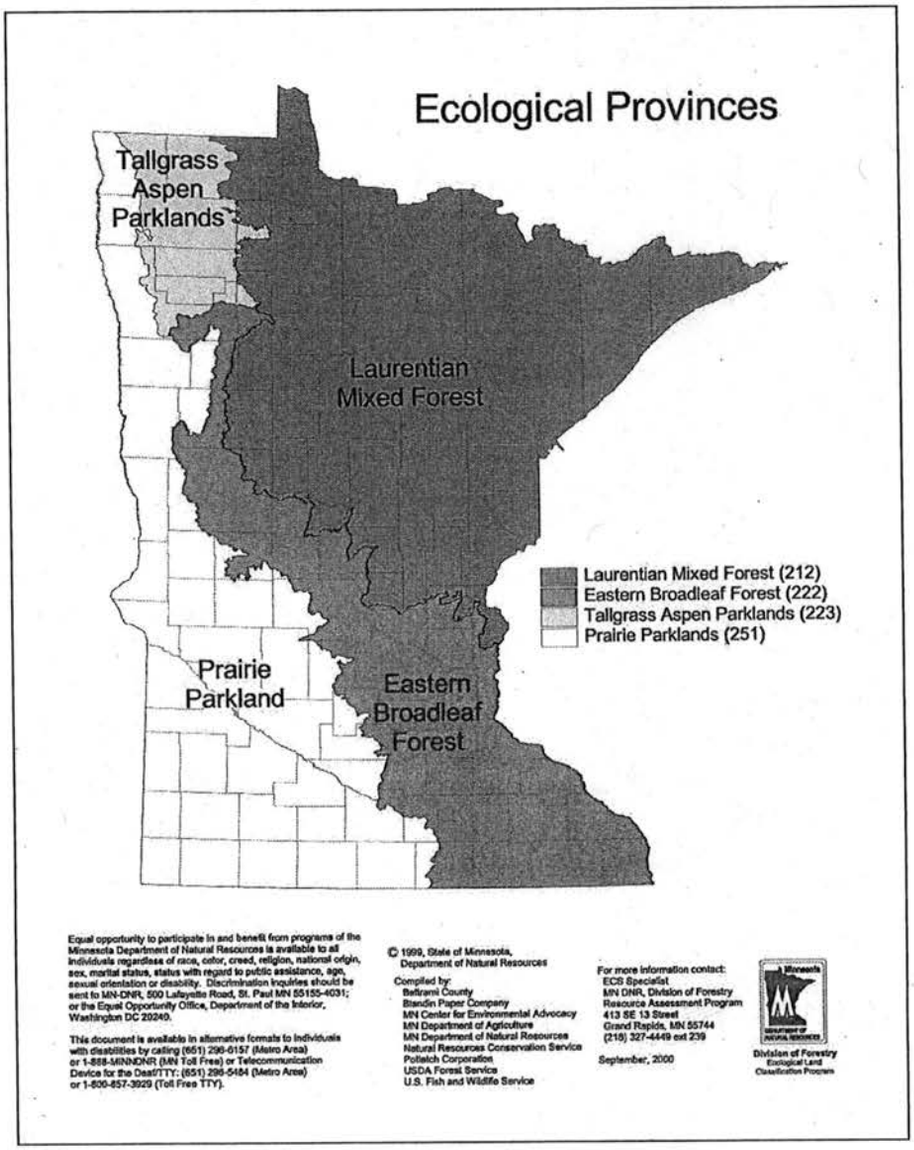
STATEWIDE GOALS FOR WETLANDS RESTORATION

The *Minnesota Wetlands Conservation Plan 1997* (MWCP) lacked a wetlands restoration strategy — a gap that is now filled by this strategy supplement. The MWCP listed two general wetland management strategic goals for broad regions of the state:

Net gain through restoration of wetland functions is the general wetland management goal for the ecological provinces experiencing conditions of degraded water quality, hydrologic instability, and degraded or lost fish and wildlife habitat. These areas include the Prairie Parkland, Tallgrass Aspen Parklands, and Eastern Broadleaf Forest provinces.

Maintaining the high quality of existing wetland resources is the primary wetland management goal in the northeastern Laurentian Mixed Forest province. There are still benefits to be gained from wetlands restoration in the northeastern part of the state, as noted in the following section.

Figure 1. Ecological provinces map



Identifying Desired Outcomes

The following chart lists general desired outcomes that could be attained through wetlands restoration, with acknowledgement of regional differences. Desired outcomes from restoring wetlands will vary depending on the degree of wetland loss over the last 100-200 years and on local conditions that can be positively impacted by wetland restoration. Some kinds of restoration outcomes are less relevant in areas of the state that have experienced little overall loss of wetlands. This is not an exhaustive list of potential desirable outcomes, which can and should be described more precisely as identified at the local level of scale.

Where there has been since the late 1800s:

HIGH LOSS ..... *vs.* ..... **LOW LOSS**

The appropriate overall management goal is:

Net gain in functional benefits ..... **Existing functional benefits maintained**

PRIMARY FUNCTIONS	*Desired outcomes from wetlands restorations:*	
WATER QUALITY	*This outcome may be needed regardless of location:* Cleaner surface water, as characterized by: • Reduced sediment and nutrient loads reaching water bodies • Decreased compaction of soils • Increased assimilation of nutrients within watercourse corridors • Maintenance of biological diversity (flora and fauna) and native plant communities	
	These outcomes may be needed in areas with high net loss of wetlands: Cleaner surface water, as characterized by: • Safe drinking water supplies • Healthy and sustainable aquatic plant and animal communities • Healthy invertebrate communities Lower costs for: • Water treatment at cities that use surface waters • Long term maintenance of drainage systems	
WILDLIFE HABITAT	*These outcomes may be needed in areas with moderate to high net loss of wetlands:* • Habitat benefits year-round for resident and migrant wildlife • Fisheries habitat benefits • Improved production of waterfowl, wildlife, and fish • Increased recreational opportunities • Viable populations of species in greatest conservation need	*This outcome may be needed where there is low net loss of wetlands:* • Reduced fragmentation of lands, which in turn will reduce overall habitat loss or degradation
SURFACE WATER FLOWS AND GROUND WATER INTERACTIONS (hydrologic functions)	*These outcomes may be needed in areas with moderate to high net loss of wetlands:* • Reduced flood damages • Self-sustaining river and stream corridors • Ground water recharge for water supply locally or further down the major watershed • Ground water recharge areas restored for fens (discharge-type wetlands)	*This outcome may be needed where there is low net loss of wetlands:* • Ground water recharge for water supply locally or further down the major watershed

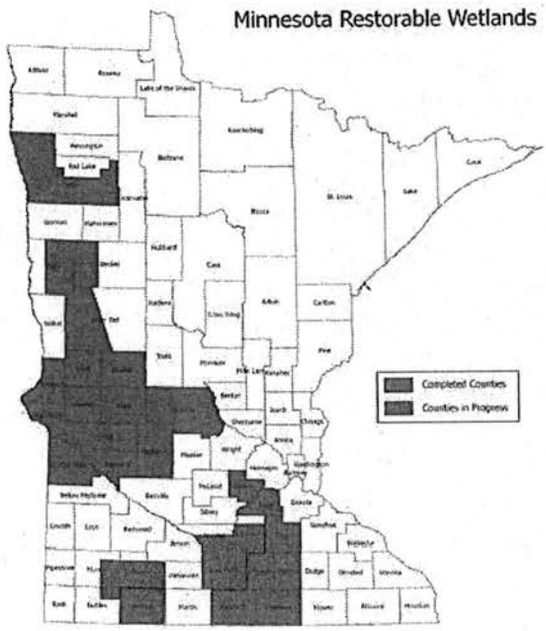
Identifying Restorable Wetlands

This strategy highlights two approaches for identifying potentially restorable sites. Restorable wetlands have been mapped at a detailed level in western and southern Minnesota counties that are part of the prairie pothole region. In places where that information will not be mapped, an alternative method is described for identifying potential restoration sites.

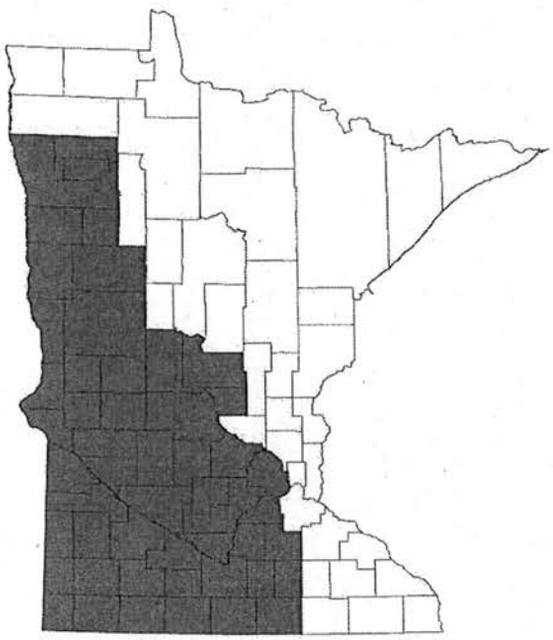
RESTORABLE WETLANDS INVENTORY (RWI)

The U.S. Fish and Wildlife Service Habitat and Population Evaluation Team (HAPET) in Fergus Falls, Minnesota, has developed a Restorable Wetlands Inventory (RWI) to identify potential depressional wetland restoration sites in the 55 prairie pothole counties in Minnesota. The RWI consists of spatial data (polygons) created using manual stereoscopic photo-interpretation of high-altitude color infrared aerial photographs. The HAPET office has produced RWI data for over 16,500 square miles so far.

Figure 2. Current progress of RWI coverage



Total area targeted for RWI coverage



The RWI is only mapping depressional wetlands. For more information about the Restorable Wetland Inventory, visit the HAPET Web site at Habitat and Population Evaluation Team (HAPET).

GIS TERRAIN ANALYSIS

Another promising approach to identifying restorable wetlands is through GIS-based digital terrain analysis of digital elevation models (DEMs). One such type of analysis uses the Compound Topographic Index (CTI). CTI values are a function of slope and catchment area. Upland depressions on the landscape (i.e., places where water tends to collect, including existing wetlands) can be identified by mapping areas that have both a CTI value greater than 11.5 and poorly or very poorly drained soils, according to USDA's Soil Survey Geographic (SSURGO) Database. National Wetlands Inventory data can be used to exclude existing wetlands, leaving only the restorable sites.

The University of Minnesota Department of Soil, Water, and Climate has explored using the CTI to identify upland depressions as part of a broader project using several types of GIS-based terrain

analysis to identify critical places on the agricultural landscape where appropriate soil and water conservation practices are most likely to reduce sediment loads to impaired waters. The project, which ends in June 2009, is funded by a Clean Water Legacy Act FY07 research appropriation to the MN Department of Agriculture.

Based on this work, it appears that GIS terrain analysis could be an important supplementary tool for identifying restorable wetlands in parts of the state that currently lack RWI data (see RWI status map, above). GIS terrain analysis can be applied to either high-resolution DEMs (e.g., LiDAR-derived) or the lower-resolution (30-meter) DEMs available statewide. Clearly, the best results will be obtained with high-resolution DEMs. Until such time as high-resolution DEMs are more widely available, however, GIS terrain analysis of 30-meter DEMs offers a fast means of identifying restorable wetlands at a coarser resolution in places where RWI data are unavailable. An area of nearly 1 million acres (the size of some of Minnesota's larger 8-digit watersheds) can be analyzed in a matter of days using this approach. Additional research is needed to evaluate the use of GIS terrain analysis with high-resolution DEMs to identify both depressional as well as riverine restorable wetlands.

The Minnesota Board of Water and Soil Resources is the most appropriate agency to check for currently available data and technologies for wetlands restoration, as well as the best information available for particular locations.

Prioritizing Wetlands for Restoration

This strategy recommends developing a prioritization methodology that uses identified restorable wetlands as a base layer to which filters may be applied to prioritize certain potential restoration sites. The concept of prioritization is to narrow down the sometimes daunting number of potential wetland restoration sites in a given watershed to a manageable set of choices, based on their ability to positively affect any of three primary categories of functional benefits:

- Water quality improvement
- Wildlife habitat improvement
- Water quantity management (e.g. flood water retention)

Although it is recognized that ground water recharge is a priority when considering wetland restoration, due to lack of data and limited resources ground water recharge analysis has not been included in the current restoration strategy.

For each of the three primary functional benefits categories, a score from 1-10 can be applied to each restorable wetland polygon in a GIS data set, based on professionally agreed upon parameters that affect its ability to positively influence that management goal. The scores for each functional benefit category can be combined to judge the site's ability to achieve multiple desired outcomes.

Prioritizing wetland restoration opportunities is a complex decision making challenge. The comparatively simple choice-making situation concerning just one functional benefit (e.g., habitat) instantly becomes more complex when multiple benefits are wanted from wetland restoration in a watershed. As is usually the case in this state with distinct regional differences, one size cannot fit all. This strategy offers a path worth pursuing and describes the further work needed to develop a decision tool that is easy to use.

See Appendix A for descriptions of current progress on ways to prioritize wetland restoration opportunities for desired outcomes related to water quality, wildlife habitat, and water quantity functional benefits.

This strategy has identified the general categories of water quality, wildlife habitat, and hydrologic functions (surface water flows and ground water interactions) as the three primary functions provided by wetlands. Ideally, standardized landscape models would be available to assess how well a potential wetland restoration site achieves these three functions. These models would then provide an objective way to compare the benefits of one restoration site to another. For example, if two wetland restoration sites were being considered, one might rank higher for water quality benefits and another might rank higher for wildlife habitat. With this information, the sponsor and funder of the wetland restoration could determine which restoration to complete.

Unfortunately, these types of standardized models have not been developed statewide. The U.S. Fish and Wildlife Service has developed several models to help prioritize wetland restorations for wildlife benefits in the prairie pothole region of Minnesota (see Appendix A). No statewide model has been developed for the water quantity functions of wetlands. Several approaches to developing models for water quantity are described in Appendix A. The next section of this document provides examples of models that can help determine relative value of restorations for water quality.

Strategies for Prioritization, Coordination, and Sustainability

1. MAKE OUTCOME-BASED CHOICES FOR WETLANDS RESTORATION

Strategies		Implementation roles
1.1	Identify desired outcomes or benefits from wetland restoration and prioritize wetland restorations for greatest effect in achieving multiple benefits or exceptional single-benefit outcomes. Use a contributing watershed approach for water quality and water quantity objectives.	LOCAL GOVERNMENT UNITS, WITH SUPPORT OF STATE AND FEDERAL AGENCIES, PROJECT PARTNERS
1.2	Promote the prioritization concept recommended in this document	BWSR, WITH SUPPORT OF OTHER STATE AGENCIES
	Strategies 1.3–1.6 require additional funding for implementation	
1.3	Fund and staff a project to develop computer desktop tools that allow local users to input their own priority parameters to get locally determined priority maps.	STATE AND FEDERAL AGENCIES
1.4	Finish updating the National Wetlands Inventory and complete the Restorable Wetlands Inventory.	U.S. FISH AND WILDLIFE SERVICE, PROJECT PARTNERS
1.5	Increase support for existing and expanded monitoring of the effectiveness of restored wetlands.	BWSR, WITH SUPPORT OF STATE AND FEDERAL AGENCIES
1.6	Support development of statewide LiDAR data.	STATE AGENCIES, LOCAL GOVERNMENT UNITS, U.S. ARMY CORPS OF ENGINEERS

2. COORDINATE WETLANDS RESTORATION EFFORTS

Strategies		Implementation roles
2.1	Encourage local government units to set priorities and targets based on local, regional, and statewide needs.	STATE AGENCIES, LOCAL GOVERNMENT UNITS
2.2	Communicate state and regional desired outcomes to other government units and coordinate work on identifying high priority restorations for those outcomes.	STATE AGENCIES, LOCAL GOVERNMENT UNITS
2.3	Develop partnerships to coordinate restoration funding and tools across geographic areas and levels of government.	BWSR WITH SUPPORT OF OTHER STATE AGENCIES
2.4	Establish an intergovernmental coordination system.	BWSR WITH SUPPORT OF OTHER STATE AGENCIES
	Strategies 2.5–2.7 require additional funding for implementation	
2.5	Agencies make staff available to participate in development of local resource plans.	STATE AGENCIES, U.S. ARMY CORPS OF ENGINEERS
2.6	Improve ability of state and federal agencies to pursue restoration opportunities in competitive land markets.	STATE LEGISLATURE, U.S. CONGRESS
2.7	Remove tax disincentives for restoring wetlands.	STATE LEGISLATURE, U.S.

		CONGRESS

3. DESIGN AND PRODUCE BETTER WETLAND RESTORATIONS

Strategies		Implementation roles
3.1	Promote high standards in the design and execution of wetland restorations to project participants and through funding sources for restorations.	STATE AND FEDERAL AGENCIES, PROJECT PARTNERS
3.2	Use the Minnesota Wetland Restoration Guide.	BWSR AND PROJECT PARTNERS
3.3	Keep the Wetland Restoration Guide up-to-date.	BWSR
3.4	Give precedence to priority restorations in funding eligibility and selection. Promote alignment with federal and state clean water programs and conservation programs based on water quality and/or habitat modeling showing that the restored wetlands will provide needed benefits more effectively or as effectively as other conservation practices.	MPCA, MDA, DNR, MDH, USDA
3.5	Use evaluation results and lessons learned to improve restoration project performance.	STATE AGENCIES, LOCAL GOVERNMENT UNITS
3.6	Identify funding sources for maintenance and monitoring of restored wetlands.	STATE AGENCIES
Strategies 3.7–3.8 require additional funding for implementation		
3.7	Provide extra incentives for restoration projects that offer greater functional benefits.	STATE AGENCIES, STATE LEGISLATURE
3.8	Ensure stable funding to achieve wetland functional benefits for water quality, wildlife, and other priorities.	STATE LEGISLATURE, U.S. CONGRESS

STRATEGY IMPLEMENTATION

Strategy development has been completed with this document. It was developed using currently available information and tools. Participants are anticipating moving from planning to action. The following commitments are what it will take to implement this strategy:

- Action plans developed by government agencies - the steps they can take separately and collectively to implement this strategy through their agency operations
- Follow-through on the action plans by government agencies
- Communications outreach about the strategy led by BWSR to other agencies, local government units, and project partners.
- Continued improvement of the restoration guidance for water quality improvements and hydrologic benefits
- Development of computer desktop tools for prioritizing wetland restorations to inform decision making
- Continued development and compilation of input data for prioritization analyses, such as high resolution DEMs, Restorable Wetland Inventory data, and local inputs to parameters of prioritization models
- Monitoring and assessment of progress over time

Additional funding will be needed for full implementation of some specific strategies, as noted above.

CONSISTENCY WITH MINNESOTA STATEWIDE CONSERVATION AND PRESERVATION PLAN

The specific strategies outlined above address the themes of prioritization and investment for desired outcomes in these general recommendations in the LCCMR-funded *Statewide Conservation and Preservation Plan* (SCPP), June 2008 draft:

> **Habitat Recommendation 5: Restore Land, Wetlands, and Wetland-Associated Watersheds**
> "Minnesota must invest in prioritized areas to restore degraded and rare land features, wetlands (especially the many that have been drained and converted), and watershed associated with wetlands. This will provide benefits for wildlife, species of greatest conservation need, water quality, and important ecological processes." [pg. 74]
>
> **Habitat Recommendation 8: Review and Analyze Drainage Policy**
> "The LCCMR should invest in a comprehensive review and analysis of existing Minnesota statutes relating to drainage...and make recommendations to the legislature that remove barriers and better facilitate the restoration of critical wetlands in order to improve water quality and aquatic habitats." [pg. 81]
>
> **Land Use Strategy 2: Reduce streambank erosion through reductions in peak flows**
> "Invest in strategically targeted programs for reduction of peak flows through increased water detention in agricultural drainage systems, including wetland construction and restoration, in-ditch storage, and conservation drainage. Targeted drainage water detention will reduce peak flows and attendant streambank erosion. It will also reduce sediment and nutrient contributions from uplands through sediment deposition and denitrification." [pp. 122-123]

Appendix A. Prioritization for Desired Functional Benefits

This appendix describes a process for prioritizing restorable wetlands, using the Chippewa River and Wild Rice watersheds as examples. These examples are not necessarily complete or comprehensive but rather provide a snapshot of the current understanding and professional judgment of the restoration strategy participants. The examples may be useful to local governments in designing their own prioritization approach. In no way are the parameters and criteria described below meant to be prescriptive; nor are they suggested to be appropriate for all areas of the state. The intent of these examples is to provide a loose framework that local planners can tailor to their own management priorities and restoration goals.

The Wild Rice and Chippewa River major watersheds were chosen as pilot areas for creating examples of how local governments might use the Restorable Wetlands Inventory (RWI) and selected criteria to prioritize wetland restorations for water quality, wildlife habitat, and flood water retention benefits. In the Chippewa River example, approximately 3% (3,720 out of 141,909) of potentially restorable wetlands ranked highly for both water quality improvement and wildlife habitat potential. In the Wild Rice example this number was approximately 5% (964 out of 18,255 restorable wetland basins). With respect to flood water retention, less than 1% (50 out of 18,255) of the restorable wetland basins in the Wild Rice example ranked highly. (Flood water retention was not included in the Chippewa River example. It is important to note that at the time of this analysis RWI data was only available for approximately 20% of the Wild Rice watershed area. (Numbers for the Chippewa watershed refer to the entire watershed. Numbers for the Wild Rice watershed refer only to those portions for which data was available from the Restorable Wetlands Inventory.)

WATER QUALITY PRIORITIZATION: DESCRIPTION OF PROCESS USED FOR CHIPPEWA & WILD RICE WATERSHED EXAMPLES

An interdisciplinary technical committee was formed to provide technical recommendations for the prioritization piece of the restoration strategy. The water quality modeling example below is based on recommendations from this group along with further suggestions from participants in a Chippewa River Watershed meeting (see Appendix D).

Sean Vaughn of the DNR, who is currently involved in creating lakeshed-level watershed data as well as flow network data statewide, provided several data sets used in this analysis. A hydrologically corrected digital elevation model (DEM) provided by the DNR was used to create a flow accumulation grid for the test area. The flow accumulation grid connects the direction of flow from cell to cell and calculates a value for each cell representing the number of "upstream" cells contributing to that cell. This flow accumulation grid was the basis for subsequent hydrologic analysis and calculation of values for the contributing water quality factors.

- Initial weighting factors considered in water quality prioritization were based on suggestions from Jim Ellickson who was involved in a previous iteration of water quality modeling for restorable wetlands. They are as follows:
    - Polygon size – the surface area of restorable wetland
    - Distance from restorable wetland to nearest stream network – the path distance calculated with spatial analyst that uses a 30 meter digital elevation model (DEM) to take surface distance and vertical cost factors into account
    - Stream distance to polygon – the hydrologic distance to the restorable wetland (i.e. the distance water travels through the stream network from the wetland to the pour point of the watershed)
    - Wetland basin to watershed ratio – this is the ratio of the surface area of the restorable wetland to the size of its total contributing watershed
- Discussions with both the interdisciplinary technical committee and Chippewa River watershed representatives suggest the use of a simpler initial model involving only polygon

size and wetland/watershed ratio as the weighting factors, with the other two factors eliminated due to perceived redundancy.

- The value set for wetland surface area is ½ acre, meaning all restorable wetlands with a surface area of less than ½ acre are not considered for restoration. This is not intended to imply that wetlands less than ½ acre should not be restored. However, the strategy design group did note some concern about the costs vs. benefits of restoring wetlands less than ½ acre, and ultimately decided not to include them in this model because confidence in the accuracy of the RWI data is dramatically lower for polygons less than ½ acre in size.
    - Recommendations for ranking (on a scale of 1 to 10) based on watershed -to-wetland ratio fall roughly into these categories:

Ratios	Rankings
Less than 5:1	10
5:1 to 10:1	10 to 5
10:1 to 20:1	5 to 1
Greater than 20:1	0

    - It was suggested to add a third weighting factor that accounts for the effect of existing wetlands on water quality. To use this weighting factor, a previously determined target or goal is needed—e.g., the percentage of a minor watershed that would need to be maintained as (or restored to) wetlands to provide the desired water quality benefits. Restorable wetlands in watersheds that have not reached the specified target would be ranked higher.
        - Based on sampling research, Paul Wymar in Chippewa County determined that 4% of the Chippewa River Watershed needs to be maintained as (or restored to) wetlands to provide acceptable water quality benefits.
        - Different watersheds will have different goals or targets.
        - Due to time and resource constraints, existing wetlands and watershed goals were not analyzed for the examples in this Appendix.

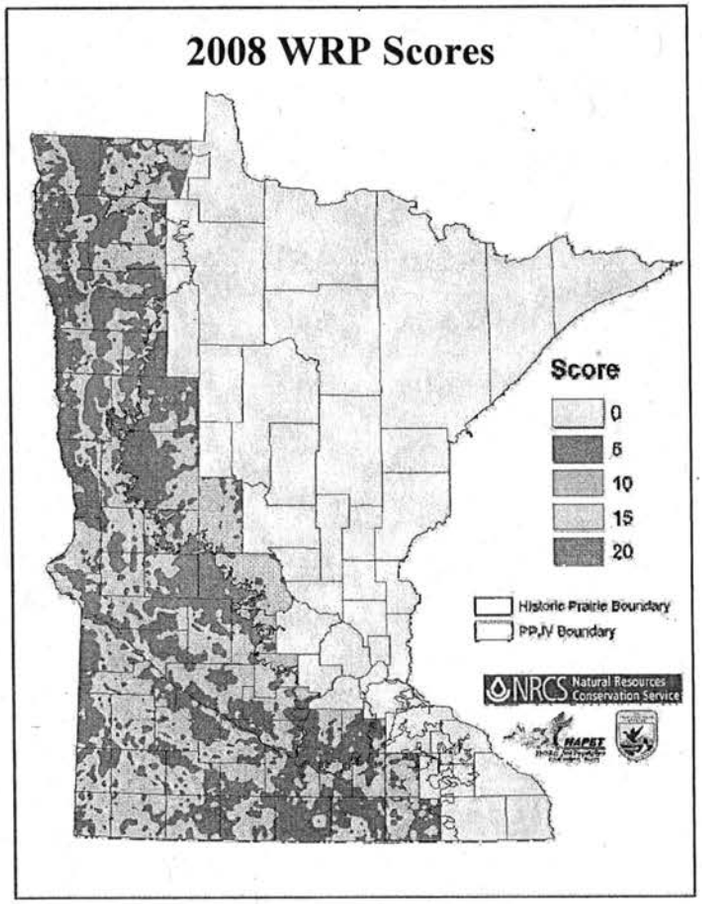
It is generally agreed that closed wetland basins (i.e., those that do not contribute to downstream flow) are the most desirable restoration sites for mitigating phosphorous and sediment loading. The implication is that wetlands with a larger (i.e., closer to a 1:1) wetland/watershed ratio are more isolated than those with a smaller ratio, hence the scoring criterion presented in these examples. However, while restoring wetlands without defined or regulated outlets is preferred, closed basins are often difficult to restore due to design considerations including acceptable water level fluctuations, water encroachment, and landowner needs. In addition isolated wetlands usually are not the most efficient option for mitigating watershed nitrogen impairments, especially in landscapes that are predominantly agricultural. For more information, see Appendix C: How Wetland Restoration Can Assist with Water Quality Improvements.

HABITAT PRIORITIZATION: DESCRIPTION OF PROCESS USED FOR CHIPPEWA & WILD RICE WATERSHED EXAMPLES

Wetland wildlife population increases are driven primarily by wetland abundance, particularly seasonal wetlands. The production of many wetland wildlife species depends on the quality and degree of nesting opportunities adjacent to wetlands. In the prairie and transition zones of the state, grasslands provide these nesting opportunities. The best wetland wildlife habitat occurs within wetland-to-grassland habitat complexes 4 to 9 square miles in size, where at least 20% of the area is wetland and 40% is grassland. At least half of the wetland acreage should be temporary or seasonal basins and ideally each complex should include one shallow lake over 50 acres. Half of the grasslands should be under long-term protection. In summary, the value of any wetland restoration from a wildlife standpoint depends on the quality of the wetland/grassland habitat complex that the restoration is part of.

The U.S. Fish and Wildlife Service's Habitat and Population Evaluation Team (HAPET) has assigned an approximate score to each 40-acre parcel in Minnesota's prairie region, based on the habitat complex of which it is a part. They have created several maps using various grassland and wetland bird models to predict priority habitat areas for grassland nesting birds. These models have been used in various combinations to map priority areas for federal conservation programs such as the Conservation Reserve Program (CRP) and the Wetlands Reserve Program (WRP). The graphic below, for example, was created by the HAPET office to identify priority areas for 2008 WRP signups in Minnesota's prairie pothole counties.

Figure 4. Wildlife Priority Areas for 2008 WRP sign-ups



It is important to recognize that these scores reflect existing habitat conditions. Even areas with low scores can have high wildlife value if the restoration is part of a larger plan to develop a quality wetland/grassland habitat complex.

In the forest zone of Minnesota, the nesting cover adjacent to wetlands for many species consists of either trees that provide cavities for nesting or shoreline bog areas dominated by sedge. The value of potential restoration projects for wetland wildlife habitat in the forest zone must be evaluated individually by site.

The models used to create the prairie pothole region wetland restoration priorities were also used to identify priority areas for grassland and wetland conservation and restoration for waterfowl habitat. These data were used to score RWI (Restorable Wetlands Inventory) polygons based on their proximity to grassland and wetland conservation and restoration priority areas.

One of the underlying principles in this approach is focusing wetland restoration in areas with sufficient grassland for nesting habitat. For more information about the underlying models used to create these data, visit the U.S. Fish and Wildlife Service Habitat and Population Evaluation Team (HAPET) website at Habitat and Population Evaluation Team (HAPET).

WATER QUANTITY MANAGEMENT: DESCRIPTION OF PROCESS USED FOR CHIPPEWA & WILD RICE WATERSHED EXAMPLES

Conversations with various private, state, federal, and local stakeholders suggest some key considerations when prioritizing restorable wetlands for the purpose of flood water retention. Some of these considerations are:

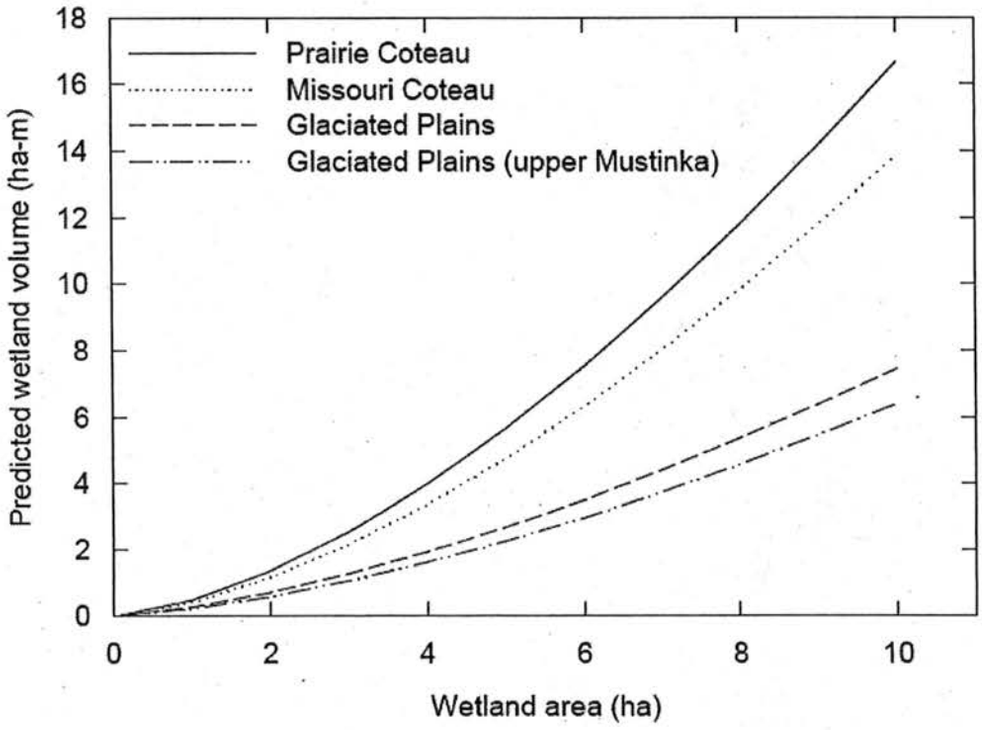
- The volume of the wetland (surface area and depth)
- The watershed to wetland ratio (ratio of the area of the total contributing watershed to the area of the restorable wetland). The current recommendation is a minimum of 10:1.
- Specific to the Red River Valley, the timing of a given sub-watershed's flood hydrograph peak relative to the hydrograph peak of the main stem.

Volume

Larger basins have greater storage capacity and a higher cost-to-benefit ratio for building control structures. There is no consensus on minimum surface area, however, with suggestions ranging from 20 acres to greater than 50 acres.

Based on a 2006 publication by Gleason and Tangen on floodwater storage and a USGS model developed for the upper Mustinka sub-basin in Grant County, the volume of a restorable wetland may be estimated based on surface area-volume relationships within different physiographic areas.

Figure 5. Comparison of surface area-volume relationships among the model developed for the upper Mustinka subbasin and models for the three physiographic regions of the Prairie Pothole Region (Gleason and Tangen, 2006).

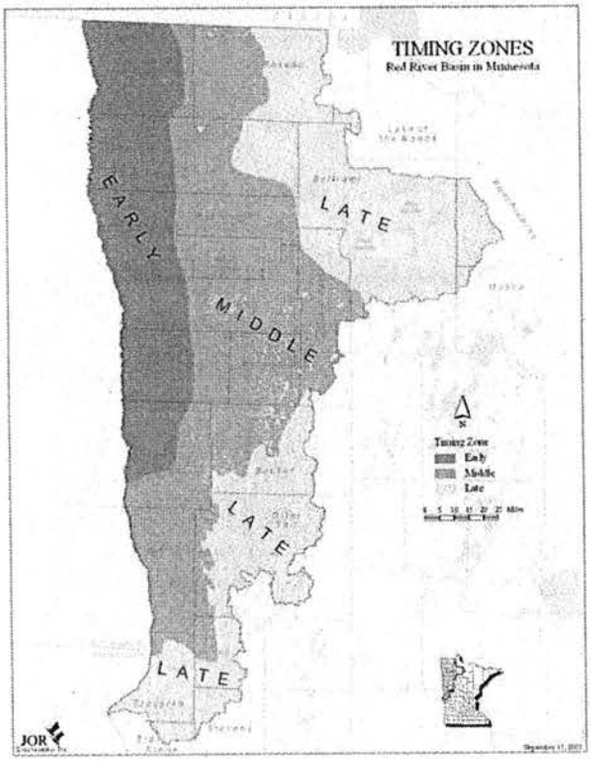


Hydrograph Peak Timing

According to the Red River Flood Damage Reduction Work Group's Technical and Scientific Advisory Committee, the timing of the hydrograph peak for a sub-watershed relative to the peak of the main stem is an important factor when considering flood storage strategies (Anderson and Kean, 2004). In general, peak contributions from areas lower in the Red River basin arrive early in the hydrograph of the main stem. Likewise peak contributions from areas in the middle and upper portions of the basin tend to arrive in the middle and late portions of the main stem hydrograph respectively.

Anderson and Kean suggest that restoration efforts in the middle and late zones of main stem contribution will most effectively reduce the peak flow of the main stem.

Figure 6. Early, middle, and late runoff areas within the Red River basin relative to the main stem.



Inputs used to develop the Red River basin map above include evaluations of historical flood hydrographs, knowledge of recent floods, and runoff travel times compiled using digital elevation data (Anderson and Kean, 2004). The same inputs could be used to develop similar maps at sub-watershed scales to provide more specific guidance for strategizing within smaller watershed delineations.

Due to funding and time constraints, high resolution elevation data based on LiDAR technology was not used in this iteration of the restoration strategy. However, with dedicated resources, LiDAR data could be utilized with tools such as ArcHydro and the HEC-GeoRAS Extension for ArcGIS to provide more detailed hydrologic modeling for flood water retention. This could potentially be a highly accurate and reliable method for predicting areas where wetland restoration can best assist in flood abatement.

Appendix B. Local Meeting Notes And Example Maps

The Wild Rice and Chippewa River major watersheds were chosen as pilot areas for developing examples of how the Restorable Wetland Inventory (RWI) could be used locally to prioritize wetland restorations for water quality, wildlife habitat, and flood water retention benefits. Meetings were held in Chippewa and Clay counties to gather local input for the prioritization examples. Below are synopses of these meetings. The maps on the following pages the show the results of applying the prioritization processes described in Appendix A to the Chippewa River and Wild Rice Watersheds.

CHIPPEWA RIVER WATERSHED

A meeting was held in January 2008 in Chippewa County to get input from local stakeholders regarding the Chippewa River watershed prioritization example. Attendees included staff from the watershed district, local SWCDs, counties, BWSR and NRCS. Much of the technical input was provided by Paul Wymar, an SWCD and watershed technician with considerable experience in water quality and land use issues in the Chippewa River watershed. There was significant general support for the draft Wetland Restoration Strategy as it was being developed, and a general sentiment that the strategy, beyond a technical process, has potential to help the watershed district with funding requests by enabling them to quantify and target specific restoration goals.

It was agreed that wetlands of less than half acre might not be worthwhile to restore on an individual basis. However, the interdisciplinary technical committee suggests that this rule-of-thumb may be overlooked when opportunities arise to restore areas in which many smaller wetlands contribute to a larger wetland complex.

Hydrology was felt to be directly related to water quality. The earliest precipitation events in spring are thought to contribute 70% of total sediment loading in a short period of time. How this water is held back and treated directly affects water quality. Early spring precipitation events may allow basin levels to fluctuate or "bounce" more without affecting wildlife.

There was general agreement by the interdisciplinary technical committee as to watershed to wetland ratios (i.e., that a ratio greater than 50:1 is too large and that wetland benefits increase as the ratio gets nearer to 1:1). It was also noted that research by Paul Wymar suggests that for the Chippewa River watershed, maintaining existing wetland area in excess of about 4% of the watershed area adequately protected water quality, so an effort should be made to screen potential restorations using National Wetland Inventory data.

WILD RICE WATERSHED

A meeting was held in March 2008 in Clay County to get input from local stakeholders regarding the Wild Rice watershed prioritization example. Attendees included staff from the watershed district, local SWCDs, USFWS, MPCA, BWSR, and NRCS as well as a Clay County Commissioner. There was general support for the Wetland Restoration Strategy as it was being developed.

The parameters for water quality and wildlife scoring previously suggested by the strategy design team, the interdisciplinary technical committee, and representatives from the Chippewa County meeting were generally accepted. In addition, water quantity parameters were discussed and the consensus was essentially that restorations with the largest impact on flood abatement are moderate to large in size (10-20 acres) and have a relatively large contributing watershed (10:1 minimum watershed to wetland ratio).

This meeting reiterated the importance of flood control as a design element. It was noted that the Mediation Agreement produced by the Red River Basin Flood Damage Reduction Working Group (December 8, 1998) suggests a 2-foot bounce limitation. An earlier suggestion by the wetlands restoration strategy design team to delineate early, middle and late flooding zones was discussed and it was generally agreed that this could be used as a screening tool (see Appendix C, Hydrograph Peak Timing). Although this information is unavailable for most of the state, it could be created using local hydrograph data.

Figure 7. Prioritization example for a portion of the Chippewa River Watershed

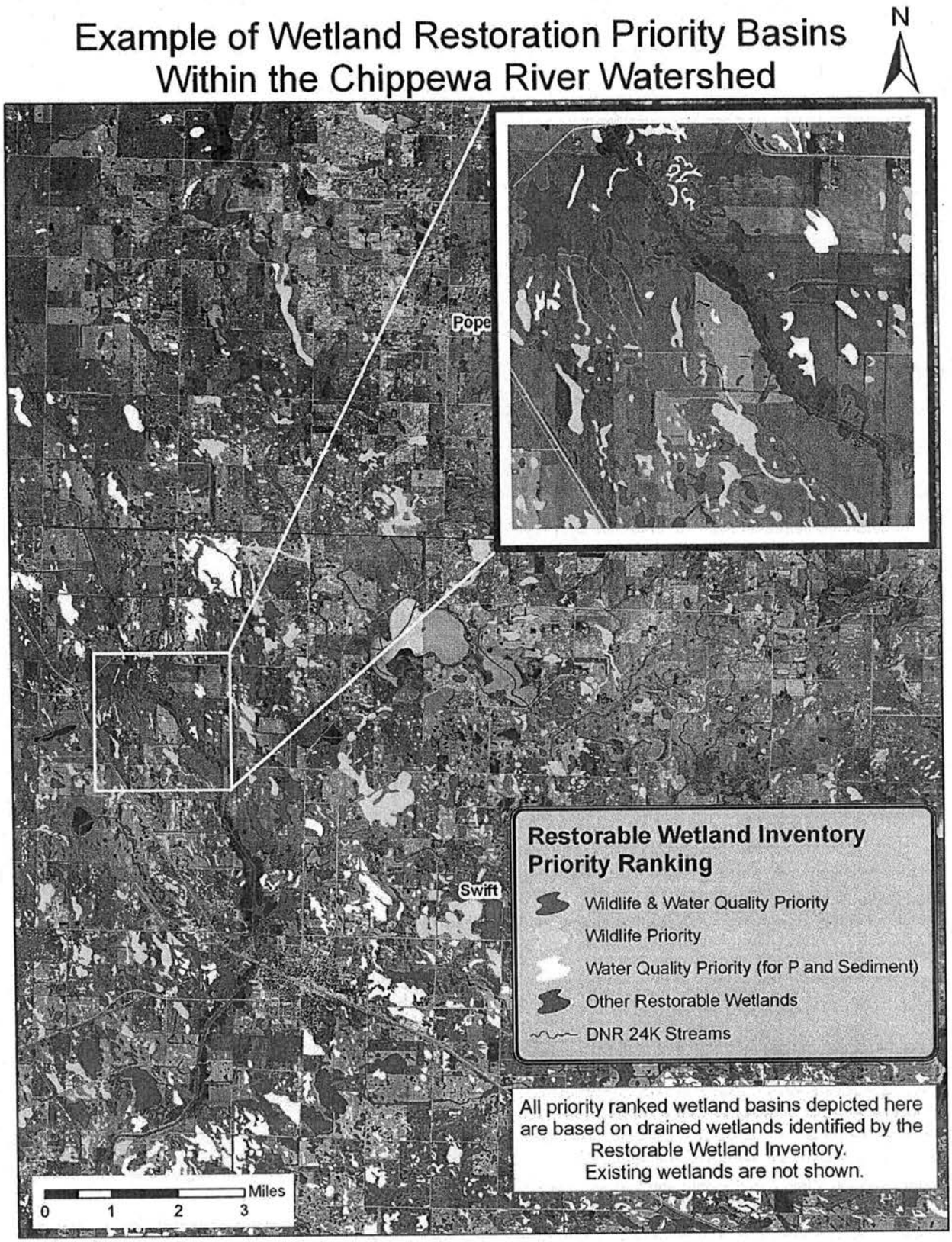
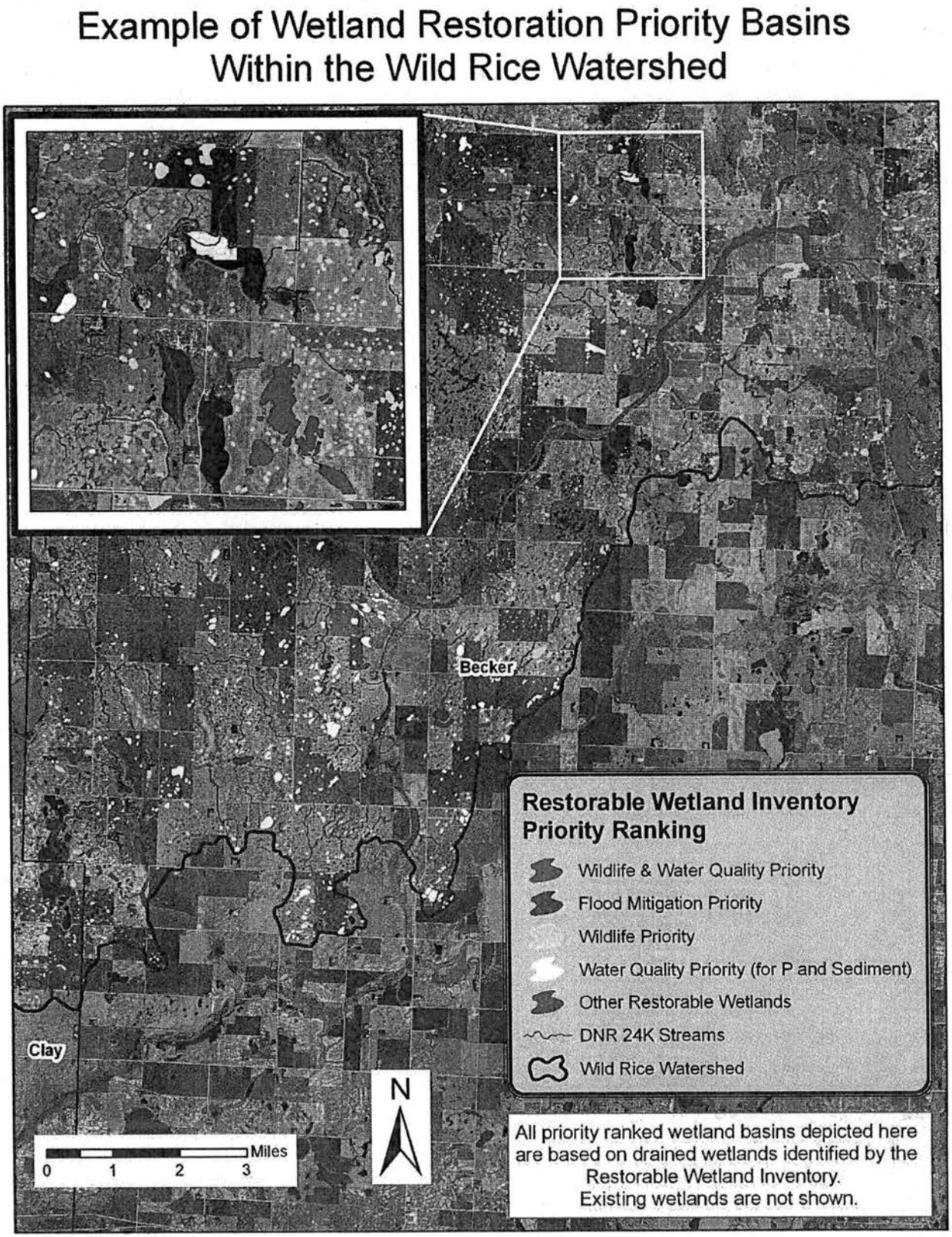


Figure 8. Prioritization example for a portion of the Wild Rice Watershed



Appendix C. How Wetland Restoration Can Assist With Water Quality Improvements

HOW DO RESTORED WETLANDS IMPROVE WATER QUALITY?

Restored wetlands improve water quality by reducing concentrations of targeted pollutants (nitrogen, phosphorus, sediment) in runoff or subsurface flows before they reach other surface waters. The basic biogeochemical processes involved in nutrient and sediment removal as well as mercury methylation are discussed below

WHICH WETLAND RESTORATIONS ARE BEST FOR IMPROVING WATER QUALITY?

Where water quality benefits are a priority, the following types of wetland restoration sites or projects are typically the most beneficial:

- Drained wetlands with effective rate controls at the outlet to maximize retention or residence time. (The less frequent the outflow and thus the longer the residence time, the better.)
- Projects that include a surrounding upland buffer (immediately adjacent catchment area) with high quality upland vegetation, such as warm season grasses, to reduce the amount of pollutants entering the wetland.
- Sites where the wetland catchment area is no more than 5 times the size of the wetland basin (a 5:1 catchment area to ponded area ratio).

Additional considerations are discussed below relative to specific pollutants.

NITROGEN & WETLANDS RESTORATION

How do restored wetlands reduce nitrogen loads in downstream waters? Nitrate removal or denitrification occurs mainly through plant uptake and microbial mediated processes. Nitrogen is an essential plant nutrient and some plants are able to absorb and use nitrate directly as a nitrogen source for their growth h, however denitrification is a more important process for nitrogen removal. Denitrification requires a retention time long enough to maximize nitrate removal, anoxic conditions (without oxygen) and enough organic carbon to support bacterial activity. Since denitrification is a biological process, it is also temperature-dependent (Kadlec and Knight 1996, Crumpton 2001).

Which sites are best for denitrification? Where nitrogen reduction is a priority, the following characteristics—in addition to those listed above for water quality concerns in general—may be especially important in selecting among potential wetland restoration projects.

- Drained wetlands in agricultural landscapes, especially if the restored wetland will receive tile-flow.
- Restorations with or without through-flow, including riverine and other riparian wetlands. (
- Wetlands with a larger ratio of catchment area to ponded water, as long as residence time is adequate. Increased retention time with ponded water will generally improve nitrate removal.
- Wetland restorations coupled with nutrient best management practices on upland crops and animal feeding operations.

Examples of wetlands restored primarily for denitrification purposes:

- In Minnesota, between approximately 2002 and 2006, a Brown-Nicollet-Cottonwood Water Quality Board project helped landowners restore wetlands primarily for the purpose of nitrate removal in the heavily agricultural Seven Mile Creek Watershed. Monitoring data show that the restored wetlands have reduced nitrates by 75% on average (Kuehner 2007). These wetlands could prevent as much as 6,000 pounds of nitrates and 1,250 tons of sediment from reaching the Minnesota River every year (Sands and Johnson 2007). The cost per pound of nitrate removed due to this type of wetland restoration compares favorably with other agricultural conservation practices that reduce nitrate concentrations in water.

- According to Sands and Johnson (2007), "studies by Iowa State University have shown that one acre of wetland can efficiently filter nitrates from up to 100 acres of cultivated land." Specifically, the research indicated that restored wetlands sited to receive significant portions of watershed flow have removed 35% of the annual nitrate load from the Walnut Creek watershed (Crumption 2001).
- Other investigators have reported nitrate reductions of up to 99% in strategically located, properly designed wetland restorations and engineered wetland treatment systems (Newbold 2005). Several such projects, including wetlands restored as part of Iowa's Conservation Reserve Enhancement Program (CREP), were designed to intercept significant portions of the watershed (Crumpton 2001; Sands and Johnson 2005)

PHOSPHORUS & WETLAND RESTORATIONS

How do restored wetlands reduce phosphorus loads in downstream waters? Phosphorus reduction and cycling in wetlands is a highly complex process. Initially, the restored wetland can intercept and retain a significant amount of phosphorus. However, as the wetland matures and reaches a saturation point (or as the water regime changes) the wetland begins to export phosphorus (Kadlec and Knight, 1996).

Wetlands are more prone to phosphorus saturation when they are well connected to upstream drainage networks, especially a drained catchment area more than 5 times the size of the wetland basin. Once a wetland is saturated, phosphorus may pulse out of the wetland into downstream lakes and streams via the drainage network.

Which wetlands restorations are best for reducing phosphorus in downstream waters?

- Where phosphorus reduction is a priority, choosing restorable sites that are more "isolated," i.e., less connected to other waters and more dispersed throughout the watershed is preferred over more hydrologically connected wetlands (Almendinger 1999, Loucks 1992, and Newbold 2005).
- A small catchment area to wetland ratio(from 2:1 to 5:1) is preferred to reduce phosphorous loading and the potential for phosphorus to pulse out of the wetland into downstream waters
- The other recommendations above relative to all water quality concerns also apply.

Identifying priority sites: See Appendix D for an example of a GIS-based process for identifying high-priority restorable wetland sites relative to excess phosphorus and sediment.

SEDIMENT & WETLAND RESTORATIONS

How do restored wetlands reduce phosphorus loads in downstream waters? During rainfall events and snowmelt periods, fine sediments are transported from land to rivers, streams, lakes, and wetlands via overland runoff and, to a lesser extent, via drainage systems. The sediment load is related to the hydraulic energy of overland or subsurface flows. High-energy flows also significantly increase streambank erosion, which increases sediment loads in streams. Properly designed wetland restorations can reduce the hydraulic energy of the water flowing through them and intercept sediments before they reach other waters.

Which wetland restorations are best for reducing sediment loads downstream? Generally, sites and projects effective at reducing phosphorus also effectively reduce sediment loading. However, significant sediment reduction can result from restoring wetlands drained by ditches, including partially drained wetlands with ditches flowing through them. Restoring the hydrology in these locations will dampen downstream flows and reduce stream bank scouring and sediment transport. Restoring ditch drained wetlands is especially valuable when the adjacent upland is restored to native plant cover or when management practices are applied to reduce upland sediment transport into the wetland. Wetlands that intercept large amounts of sediment will be unable to sustain their beneficial functions over time.

METHYL MERCURY & WETLAND RESTORATIONS

Mercury is a potent neurotoxin. Environmental exposure and damage from mercury is particularly problematic when the mercury is methylated. Mercury methylation is a complex biogeochemical change that occurs in wetlands. Methyl mercury (MeHg) is more toxic and bioavailable than elemental mercury (Hg). Mercury methylation is known to occur in inundated and saturated soil wetlands and, therefore, the production and release of methyl mercury (MeHg) due to wetland restorations has been suggested as a potential pollution concern. However wetlands can also effectively capture and remove mercury from downstream waters.

The MPCA recently compared mercury cycling in three types of wetlands: natural wetlands, stormwater wetlands and wetlands that receive water from agricultural lands (MPCA 2007). All behaved similarly in terms of mercury removal and MeHg production. However, through-flow wetlands receiving extensive urban or agricultural drainage water had a higher percentage of MeHg to total Hg. This may be at least partly due to the residence time and drainage area. However, other studies have also indicated fluctuating water levels as a key factor in mercury methylation:

- Increases in the release of MeHg from aquatic systems with fluctuating water levels were reported by Sorenson et al (2005) in northeastern Minnesota lakes and by Brigham et al., (2002) in temporarily flooded flood-control impoundments in Minnesota's Red River Valley.
- Snodgrass et al (2000) found fluctuating water levels to be a primary factor in controlling the bioavailability of Hg in southeastern U.S. depressional wetlands.

WHERE DO RESTORED WETLANDS IMPROVE WATER QUALITY?

The effectiveness of restored wetlands in reducing phosphorus, nitrogen, and/or sediment loads downstream is likely to vary from one region to another. This is partly due to the effect of different soil landscapes on wetland biogeochemical processes and partly a matter of land use and physiogeographic structure or, as termed by Almendinger (1999) "problem effectiveness," i.e., whether a pollutant is a significant problem in the region, as determined by water quality assessments, Total Maximum Daily Load (TMDL) listings or watershed planning.

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Appendix E. Acknowledgements

This strategy was developed primarily through the dedicated efforts of a small work team. Efforts to communicate with and tap into the knowledge and perspectives of the wider array of stakeholders included a day-long kickoff meeting, informational postings on a project Web page, and two Web-based stakeholder feedback surveys. The greatest challenge for participants in the strategy design was time availability. The project concluded at the designated time and project staff delivered the strategy document to the Steering Committee in mid-2008 for further consideration.

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Steve Hirsch, Acting Director, Division of Ecological Resources
Dave Schad, Director, Division of Fish and Wildlife
Joe Martin, Assistant Commissioner, Minnesota Department of Agriculture
Peter Scheffert, Director, Division of Agricultural Development, and Financial Assistance
Paul Eger, Assistant Commissioner, Minnesota Pollution Control Agency
Frank Pafko, Director, Environmental Services, Minnesota Department of Transportation

DRAFT

Board Resolution #_____
Minnesota Wetland Restoration Strategy

WHEREAS, the State of Minnesota annually spends an estimated $20 million on wetland restoration projects on private and public lands.

WHEREAS, state agencies recognize the need to focus financial resources on restoration projects that provide the greatest return on investment for the multiple benefits of improved fish, wildlife and native plant habits, water quality and water quantity.

WHEREAS, the BWSR initiated the strategy development in 2007 by contracting with DNR and assigning agency staff to work on its completion.

WHEREAS, a diverse committee of interest groups and agencies was assembled to research the issue, gather input and create a document called the *Minnesota Wetland Restoration Strategy*.

WHEREAS, the committee has completed its work in development of the strategy, but also recognizes there is much work remaining to move it towards implementation.

WHEREAS, the BWSR RIM Reserve Management Planning Committee has endorsed this strategy and would like to see continued efforts by BWSR and its partner agencies and organizations to move the strategy into the implementation phase.

NOW, THEREFORE BE IT RESOLVED, the BWSR Board hereby adopts the *Minnesota Wetland Restoration Strategy* and directs staff to pursue coordination with other agencies and partners and pursue funding to complete data needs and develop implementation tools for local project and program decision-making.

_____ Date:_____

Randy Kramer, Chair
Minnesota Board of Water and Soil Resources

Board Resolution # 09-09
Minnesota Wetland Restoration Strategy

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WHEREAS, the BWSR initiated the strategy development in 2007 by contracting with DNR and assigning agency staff to work on its completion.

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R J Kramer

Date: 1/28/09

Randy Kramer, Chair
Minnesota Board of Water and Soil Resources

PERFORMANCE REVIEW AND ASSISTANCE PROGRAM

REPORT TO THE MINNESOTA STATE LEGISLATURE

DRAFT

FEBRUARY 2009

Minnesota Board of Water & Soil Resources

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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 second report prepared by BWSR for this purpose.

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D. Level I: Overdue Annual Reports and Audits
E. Levels II and III: Summary Sheets of 2008 Pilot Performance Reviews
F. LGU Performance Standard Checklists
G. 2008 LGU Performance Awards and Recognition

Board of Water and Soil Resources
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Information contained in this report is available in an alternative format upon request.
Estimated cost for the preparation of this report was **[???]**
For more information contact: Don Buckhout 651-296-0786

Executive Summary

Program Objectives

The emphasis of the Board of Water and Soil Resources (BWSR) for the Performance Review and Assistance Program (PRAP) in 2008 has been to make all local units of government aware of this one-year-old program, to conduct as many pilot performance reviews as the program resources allow, and to expand the tabulation of routine reports and plan revision requirements. The purposes of the pilot reviews were to fine-tune the review methodology developed last year, determine the level of effort and time required for Level II review, and to more systematically account for the performance of Minnesota's local delivery system of conservation and water management services--to ensure those local government entities are the best they can be.

Program Results

Accountability for the performance of that system cuts two ways: 1) most local government units are subject to the oversight of a state agency that administers the programs and funding that are delivered locally, and 2) that oversight must also meet the needs of local governments for guidance and assistance. Consequently, this document also evaluates BWSR's performance in delivering on the PRAP objectives set last year. We accomplished most, but not all, of those objectives.

BWSR tracked the general performance of all 244 local governmental units in Minnesota that are engaged in local soil and water conservation and management activities. At this most basic level of performance review (Level I), we are looking for up-to-date management plans and submittal of required reports and documents. Two noteworthy performance improvements seen in 2008 are that 90 of 91 SWCDs now have active websites, and that revisions are underway for 16 of 18 water management plans listed as overdue. Otherwise, Level I review showed report compliance performance comparable to 2007.

Plan Implementation Progress

In Level II, BWSR staff work face-to-face with local district boards and staff to assess progress on plan implementation. In 2008 we conducted Level II reviews of seven local governmental units—2 soil and water conservation districts, 2 county water planning functions, 2 watershed districts and 1 metropolitan, joint-powers watershed management organization. Results from these reviews show generally good progress on plan execution, well-run organizations with only a few needed upgrades, and the need for some modifications to the review methods and tools.

BWSR also used the PRAP process to work with a watershed district that is facing some challenges to its on-going operation. This Level III effort was a test of the program to determine if more challenging performance or operational issues can be effectively addressed. That effort is continuing.

Proposed Changes for 2009

This report concludes with a list of program elements that we intend to add, modify, and continue in 2009.

Introduction

From Design to Implementation

Where 2007 was a year of program design for the Performance Review and Assistance Program (PRAP), in 2008 the Board of Water and Soil Resources (BWSR) has worked to implement and test the methodologies of this new program. The local government units (LGUs), which serve as the local delivery system for many of the state's water and land conservation programs, are the focus for this program. These 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 244 organizations. Even though limited funding has prevented full implementation of PRAP, most of these LGUs are now aware of the program and are adjusting their operations to comply with program performance standards. BWSR's emphasis in 2008 has been to make all LGUs aware of the new program, to conduct a limited number of performance reviews on a pilot basis, and to expand the tabulation of routine reports and plan revision requirements. The purposes of the pilot reviews were to fine-tune the review methodology, determine the level of effort and time required for Level II review, and to more systematically account for the performance of Minnesota's local delivery system of conservation and water management services--to help the LGUs be the best they can be.

Multi-level, Multi-Phase Process

PRAP has three operational components:

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

The **performance review** component is applied at four levels.

Level I: tabulation of required LGU reports and documents, website posting of results. Level I can be achieved with current program funding and does not require additional effort by LGUs.

Level II: a routine, interactive review with up to 50 LGUs per year to evaluate operational effectiveness and plan implementation progress. Because of funding limitations, BWSR conducted only seven pilot Level II reviews in 2008.

Level III: begins with elements of Level II and then adds an in-depth assessment of performance problems and issues. BWSR conducted one Level III review in 2008 and is continuing to work with that LGU in the assistance phase.

Level IV: for those LGUs that have significant performance deficiencies, requiring extensive assessment and monitoring. At this level the BWSR Board sets goals for LGU performance improvements and assigns penalties for non-compliance. So far there have not been any Level IV cases.

Assistance varies with the needs of the LGU. Level I assistance is largely routine training for LGUs. At Levels II-IV assistance is targeted to the specific needs of the LGUs and can be provided by BWSR staff or consultants, depending on availability and skills needed.

Reporting makes information about LGU performance accessible to the LGU's stakeholders and constituents. In 2008 BWSR opened a rudimentary PRAP page on its website. It contains summaries of the 2008 Level II performance review reports, the complete Level III report, and a copy of the legislative reports. Elsewhere on the BWSR website is a list of LGU award recipients. BWSR will continue to expand web-based PRAP information, including a table of LGU performance standards.

The Two Sides of Accountability

In their feedback about PRAP to BWSR staff during the past year, LGU representatives have acknowledged the need to be held accountable for how they spend public funds. They also recognize the potential benefits of a systematic performance review and assistance process. But they have expressed concerns about the numerous reporting and other administrative requirements that the state imposes and the burden that creates for some LGUs, especially those with small staffs and limited resources. For many LGUs this concern has been expressed as an appeal to BWSR to make PRAP as efficient as possible.

They also desire that state level organizations receive similar scrutiny. It is "only fair" that state agencies account for their own performance. Consequently, in reporting on this first year of PRAP implementation, BWSR is starting out by reporting on its own accountability for how this program has been implemented and, specifically, what was proposed and what was done in 2008.

Guiding Principles

PRAP operates on the following principles adopted by the BWSR Board in 2007:

- **Pre-emptive**
- **Systematic**
- **Constructive**
- **Includes consequences**
- **Transparent**
- **Retains local ownership and autonomy**
- **Maintains proportionate expectations**
- **Preserves the state/local partnership**
- **Results in "more better" on-the-ground conservation**

Performance Review of PRAP

BWSR's Accountability

During program development, the PRAP Advisory Team requested that BWSR report its own performance in implementing the program. In view of this request, BWSR included this recommendation in the 2008 legislative report: **BWSR should develop performance measures to track its own implementation of this new program.** This section reports program goals from the 2008 PRAP legislative report and what BWSR actually accomplished.

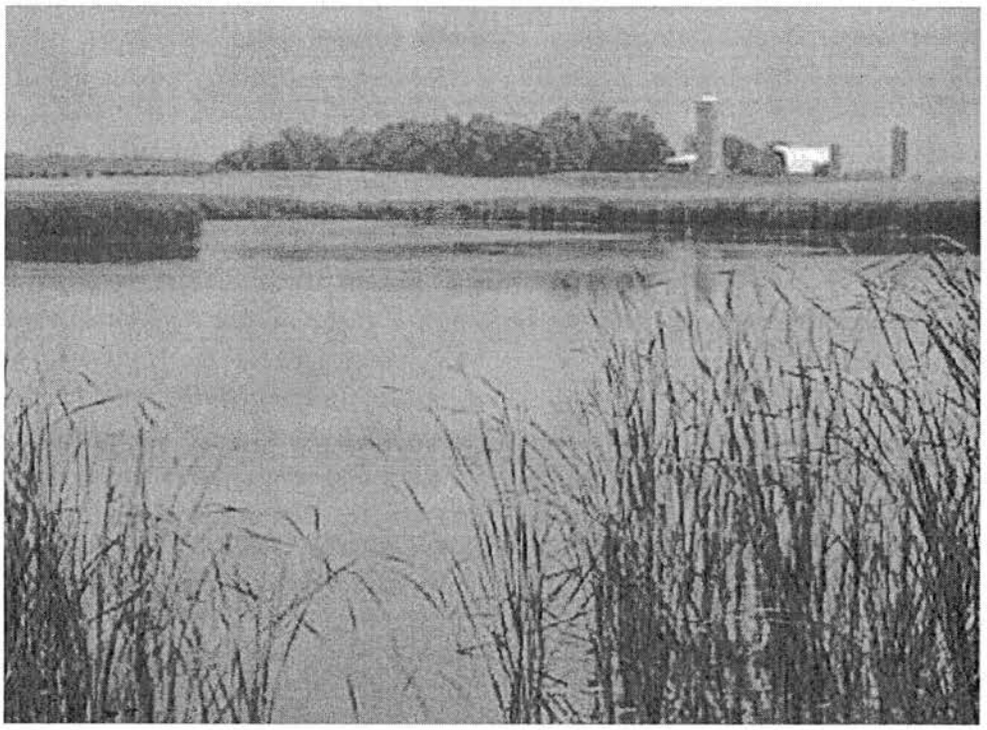
BWSR'S PERFORMANCE REVIEW ACTIVITIES	
What We Proposed	**What We Did**
Send notification letters to LGUs with overdue and expiring plan revisions	BWSR sent 25+ notifications of overdue LGU plan revisions
Send notification letters to LGUs with late audits	BWSR sent 30+ notifications to LGUs with late audits
July – November: Begin Level I performance review tabulation	BWSR began Level I tabulation in February and continued through December (see pg 9)
January – November: Based on available resources, conduct Level II performance reviews	BWSR conducted 7 Level II performance reviews from June through December (see pg 9 and App. E)
Conduct Level III review as needed and as resources allow	BWSR conducted 1 Level III performance review (See pg 10)

BWSR'S ASSISTANCE TO LGUs	
What We Proposed	**What We Did**
Provide assistance needed by LGUs with overdue management plan revisions; only 2 of 12 plans were being actively revised	BWSR increased help for LGU management plan revisions; now 16 of 18 overdue plans are at various stages of revision
Provide training on topics of benefit to most LGUs	BWSR Academy, a two-day training session for northern region LGUs, was conducted in October. Coordinated program-related courses at LGU association events.
Provide limited assistance to LGUs with known critical needs	BWSR is working with one LGU to provide assistance with issues identified in the Level III performance review.

BWSR'S PRAP REPORTING	
What We Proposed	**What We Did**
Begin tabulating Level I results on BWSR website	Level I tabulation is more standardized internally but not yet displayed on website
Establish webpage featuring high performing LGUs	BWSR website lists LGU and individual recipients of some statewide awards

PRAP Advisory Team

BWSR has continued to consult with the PRAP Advisory Team (see Appendix B) as the program moved from design to implementation. The team members made an initial commitment to assist with developing the program in 2007. They were also willing to meet in 2008, once to review the draft Level II performance review process before implementation and then again to review the preliminary results of those reviews. Team members provided advice on program implementation and gave valuable feedback to help BWSR maintain a balance between the need for accountability and the need to minimize the administrative burden on LGUs. BWSR will continue to make use of the Advisory Team as program needs warrant.



Performance Review Results

2008 Performance Review

The objectives for performance review activities in 2008 were to implement Level I tabulation of all LGU reports and plan revisions and to test the process for Level II review of LGU plan implementation on a pilot basis. BWSR also monitored the performance of LGUs undergoing significant change looking for opportunities to conduct a Level III performance review.

Level I Results

Level I performance review consisted of monitoring and tabulating the routine reports and financial documents that LGUs are required to submit to BWSR throughout the year. We also notified LGUs whose management plans were scheduled for revision and worked with them to complete the plan revision process.

Noteworthy performance improvements in 2008 are that 90 of 91 SWCDs now have active websites, and that revisions are underway for 16 of 18 water management plans listed as overdue. Otherwise Level I review shows statewide performance generally comparable to 2007. Details of the Level I tabulation are listed in Appendices C and D.

Summary of Level I Results

- Revisions are underway on 16 of 18 overdue water management plans
- 90 of 91 SWCDs have an active website
- 12 of 32 watershed districts in greater MN have overdue annual reports
- 32 of 33 metro area WD/WMO annual reports were submitted
- 47 of 49 SWCD audits done
- 29 of 32 metro WD/WMO audits done or awaiting state auditor review

One of the program goals that BWSR did not achieve in 2008 was a new, publically accessible webpage containing information about the performance of all 244 LGUs. While BWSR has made progress in developing the intra-agency databases to support the web-based application, this feature will not be available on-line until late 2009.

Level II Results

A major program emphasis in 2008 was to test the methodology for conducting a Level II performance review. This is the type of review that is envisioned by the PRAP authorizing legislation: measuring the progress of LGUs in accomplishing the elements of their water and resource management plans.

Selection Criteria for Level II LGUs

- Well-performing; no major problems
- Geographically dispersed
- Review all five types of LGUs
- Consider BWSR staff workload
- Different stages of plan implementation

BWSR designed the Level II review process with three components: a report of accomplishments by the LGU and partners in implementing plan goals and objectives (part 1), compliance with a checklist of performance standards (part 2), and LGU board members' discussion of questions designed to explore opportunities and barriers affecting plan implementation (part 3).

2008 Level II Pilot LGUs

- SWCDs: Jackson and Crow Wing
- WDs: Coon Creek and Two Rivers
- WMO: Pioneer-Sarah Creek
- Counties: Mille Lacs and Renville.

BWSR staff attended two meetings for each LGU, the first to explain the process and monitor board discussion, and the second to present a draft PRAP report to the LGU. Level II LGUs were very cooperative with the start-up of this program and offered suggestions for program improvements.

Appendix E contains summaries of the findings, recommendations, and LGU response from each Level II review.

Level III Results

BWSR received requests from Marshall County and the Red River Watershed Management Board to conduct a performance review and provide assistance to the Middle Snake Tamarac Rivers Watershed District. Both requests noted that the district was facing significant challenges and might benefit from outside assistance. BWSR decided to test a Level III approach to performance review in working with this district. The review was conducted by evaluating the district's operations using the Level II performance standards and having staff monitor the watershed board meetings. The staff submitted a Level III report to the district managers and then began the assistance component by continuing to recommend and advise the managers on follow-up actions. BWSR is continuing the assistance relationship with the district and keeping the requesting organizations informed until the issues are resolved or the watershed managers decide to terminate the process. A summary of the report findings is in Appendix E and the complete Level III report is available through BWSR's PRAP webpage.

Level IV Results

No Level II or III reviews were elevated to Level IV in 2008.

General Monitoring of LGU Performance

The PRAP Coordinator and BWSR managers are routinely monitoring LGU performance, looking for opportunities to apply the program review or assistance components as needed. LGUs that are undergoing significant change, such as major board member or staff replacements, or those facing extraordinary legal or organizational challenges receive particular attention.

PRAP Program Costs

One objective of the Level II and III pilots was to determine the amount of time and staff effort required to carry out the mandates of this program. Most LGUs involved in the first Level II pilots have expressed concerns about the amount of time required for compliance considering that there is no way to recover their cost of participation.

Ranges of Time Required for PRAP
Level II Reviews per LGU

- PRAP Coordinator: 18-50 hrs.
- BWSR Staff: 12-42 hrs
- LGU: 35-62 hrs

Level III Review and Assistance
BWSR Staff only

- Review phase: 168 hrs
- Assistance phase: 140 hrs (to date)

Factors affecting these ranges include amount of travel time; clarifying program start-up issues, and lack of program instructions for LGUs. Subsequent reviews could be reduced by as much as 25 percent as program methodologies are revised and standardized. BWSR will continue to monitor the time required to accomplish the various program elements.

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

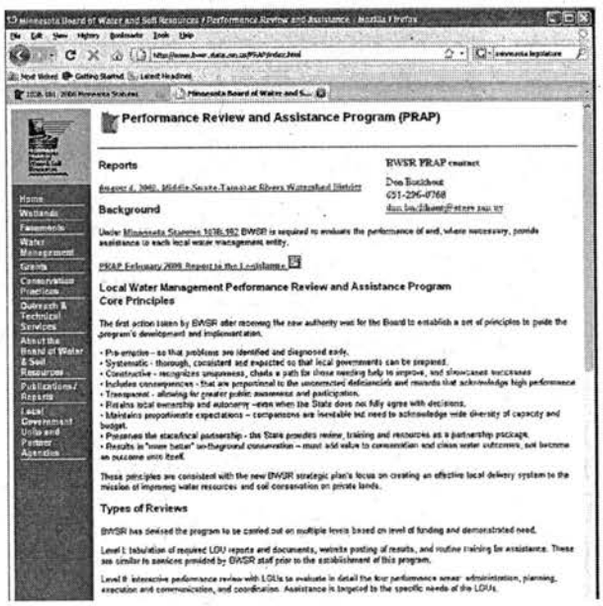
These include information posted routinely on the LGU's web-site and the required or voluntary reports submitted to BWSR, other units of government and the public about fiscal status, plans, programs and activities.

Coon Creek Watershed District used the results from its Level II PRAP report in a communication with key stakeholders: "CCWD also received high marks in efficient operation in a recent assessment by the BWSR Performance Review and Assistance Program (PRAP). An article is on our website: www.cooncreekwd.org> News & Information> Headlines.

These all serve as a means of communicating what each LGU is achieving and allow stakeholders to make their own evaluation of LGU performance. PRAP tracks each LGU's submittal of required, self-generated reports.

BWSR Website

The BWSR website now includes a page for PRAP information: (www.bwsr.state.mn.us/PRAP) It includes general program information, summaries of Level II and III performance review reports, and copies of annual legislative reports. During 2009 BWSR will expand the PRAP webpage content to include information about Level I tracking of LGU performance.



Annual Legislative Report

As required by statute, BWSR will submit an annual report to the legislature containing the results of program activities and a general assessment of the performance of the local delivery system for land and water conservation services and programs. As performance review

activities continue and as the program reaches full capacity, the report will track performance indicators that show the effectiveness of the system in effecting real resource change.

Rewards and Recognition

After the PRAP performance review component is completed, while much of the emphasis is focused on assisting LGUs with identified weaknesses, BWSR recognizes there are a significant number of LGUs that are performing admirably. (See Appendix G.) BWSR wants to recognize the contribution that these individuals and LGUs make to the conservation of Minnesota's soil and water resources. The BWSR website now contains a list of several of these award recipients. We also intend to refer LGUs to their peers who have developed good approaches to delivery of conservation services.

Minnesota Association of Soil and Water Conservation Districts President Ken Pederson (center) with representatives of the Todd SWCD, recipients of MASCWD's 2008 District Capacity/SWCD of the Year Award.

Program Revisions

Changes During the Year

BWSR heard from LGUs that expressed the need to provide feedback to BWSR in response to the issues raised in the PRAP reports. In considering program revisions, BWSR adopted a practice used by the Office of the Legislative Auditor—to make program revisions during the program review process. Consequently, subsequent reports were presented to the LGU as a draft and the LGU was asked to provide comments and corrections. An "LGU Response" section was added to the end of the report summarizing the comments from the LGU.

Changes for 2009

During 2009 BWSR will add program elements, modify some, and continue others, assuming that current program funding continues.

NEW PRAP Elements

- Test a consolidated performance review that includes all LGUs in a county or watershed
- Develop instructions for the Performance Standards checklist
- Add an LGU performance report feature to the PRAP webpage

MODIFIED PRAP Elements

- Expand SWCD expenditure statistics to include all fund sources
- To save LGU time, send Level II LGUs a filled-in Performance Standards checklist for verification

CONTINUED PRAP Elements

- Conduct 7 Level II performance reviews to provide further process testing
- Continue assistance to the 2008 Level III LGU
- Track and report Level I performance of all 244 LGUs
- Monitor the performance of LGUs experiencing change

Challenges Long-Term

After one year of program implementation, feedback from pilot LGUs, and dialogue between program staff and representatives of LGUs at various conferences and meetings, BWSR has identified a number of challenges that need to be addressed as PRAP continues.

- What are the best indicators for measuring the performance of the overall conservation services delivery system?
- How can we expand the ability to determine if the resources and people served are really better off?
- To what extent should PRAP emphasize comparisons in performance between similar LGUs?
- Should all of BWSR's LGU program review activities, such as WCA spot checks and grant match compliance checks, be consolidated within PRAP?
- What is the optimal frequency to review LGU progress on plan implementation?

Appendices

A. Minnesota Statutes Chapter 103B.102
B. PRAP Advisory Team Members
C. Level I: Overdue Plan Revisions and Resolutions
D. Level I: SWCD Website Status and Overdue Annual Reports and Audits
E. Levels II and III: Summary Sheets of 2008 Pilot Performance Reviews
F. LGU Performance Standard Checklists
G. 2008 LGU Performance Awards and Recognition

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
Todd Olson	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
Sheila Vanney	MN Assoc. of Soil &Water Cons. Districts	SWCD association
Steve Woods	BWSR-St. Paul	BWSR management

Appendix C

Level I: 2008 Overdue LGU Plan Revisions and Resolutions
as of December 2008

Soil and Water Conservation Districts

Resolution to Adopt the County Local Water Plan as the SWCD Plan is Expired
none

District Comprehensive Plan Expired
none

Counties

Local Water Plan Revision Overdue: Plan Revision in Progress
Douglas
Waseca

Watershed Districts

Management Plan Revision Overdue: No Action
Belle Creek
Bear Valley

Management Plan Revision Overdue: Plan Revision in Progress
Buffalo-Red River
Crooked Creek
Kanaranzi-Little Rock
Middle Snake Tamarac Rivers
North Fork Crow River
Okabena-Ocheda
Rice Creek
Riley-Purgatory-Bluff Creek
Sand Hill River
Stockton-Rollingstone-Minnesota City
Yellow Medicine River

Watershed Management Organizations

Management Plan Revision Overdue: Plan Revision in Progress
Carver County[1]
Lower Rum River
Six Cities

Notes: [1]Exceeded intended due date but not statutory limit.

Appendix D

Level I: Soil and Water Conservation Districts without Websites

Meeker

Level I: Status of 2007 Activity Reports and Audits	
as of December 2008	
Annual Activity Reports: Overdue	
Soil and Water Conservation Districts (eLink)	
Hennepin	[report missed Feb. 08 deadline]
Counties (eLink)	
none	
Metro Watershed Districts	
none	
Greater Minnesota Watershed Districts	
Belle Creek	Lac Qui Parle-Yellow Bank
Buffalo-Red River	Sand Hill River
Crooked Creek	Upper Minnesota River
High Island Creek	Warroad
Joe River	Wild Rice
Kanaranzi-Little Rock	Yellow Medicine River
Metro Watershed Management Organizations	
Grass Lake	
Annual or Periodic Audits: Overdue	
Soil and Water Conservation Districts	
Morrison	
Wabasha	
Metro Area Watershed Districts	
Coon Creek	[review by State Auditor's Office pending]
Prior Lake-Spring Lake	
Metro Area Watershed Management Organizations	
Grass Lake	
Upper Rum River	
Vermillion	

2008 Performance Review

Level II (Pilot): Summary of Full Report

LGU: Coon Creek Watershed District

Anoka County

Summary of Conclusions:

The Coon Creek Watershed District (CCWD) is making good progress on the implementation of their comprehensive watershed management plan. The organization is efficient in its administrative, planning, execution and communication-coordination functions. The district's annual reports and work plans provide good documentation of progress and the trends, issues and needs facing the district.

The CCWD meets all of BWSR's high performance and most of the basic performance standards for metro area watershed districts. In addition, the managers and staff regularly assess their performance against a series of organizational function standards they have developed for themselves.

Recommendations:

1. Tie annual report accomplishments to Comprehensive Plan objectives.
2. Consult BWSR staff to address Performance Indicators.
3. Report on actions taken in response to Trend and Need Analysis in Annual Report.

Summary of LGU Response:

Recommendation 1 Response: The District has formatted its annual progress by Comprehensive Plan goal and objective for all years except 2007. In 2007 the report was reformatted to emphasize program delivery. The CCWD will return to, and ensure that its annual reports contain a clear presentation of annual accomplishments in implementing its Comprehensive Plan

Recommendation 2 Response: The CCWD will

1. Submit its annual report by 120 days of the end of the year as required by MR 8410.0150
2. Request proposals for professional consulting services in 2009. The District believes that the biennial search for professional services is expensive and not constructive for District operations and suggests that a five year interval may be more appropriate.
3. Upon discussion with BWSR staff and the broader guidance of what constitutes a "stakeholder survey" provided, the District believes that we have, in fact, met this requirement with more frequency then the 5 year requirement cited in the performance standards.

Recommendation 3 Response: None

Additional Comments from the CCWD: There are several "critical inputs" that the Coon Creek Watershed District assesses annually that we feel are essential and may assist BWSR in this important work:

a. Administration/Personnel
    i. Ability to respond to changing conditions
    ii. Adaptive organizational structure
    iii. Level of staff
    iv. Knowledge/Training in job assignments
    v. Do Board members deal with issues openly?
    vi. Does the Board function as a team?
    vii. Do Board attitudes and actions reflect a sense of public service vs. personal interest
    viii. Does the Board give adequate consideration to staff recommendations
b. Finances
    i. Does the District adopt a budget by 9/15?
    ii. Does the Board of Managers understand the District's Resources?
    iii. Does the budget fund programs and activities that pursue District goals and objectives?
    iv. Is there encouragement of broad participation in the budget process?
    v. Does the Board consider the budget "their budget" versus "staffs" or the "consultant's budget"?
c. Procedures, Equipment and Technology
    i. Does the District have a Policy & Procedure Manual?
d. Public and Governmental Relations
    i. Is the relationship between the District and the public and other units of government honest and open?
    ii. Is there mutual respect between the District and other units of government?

2008 Performance Review

Level II (Pilot): Summary of Full Report

LGU: Crow Wing SWCD

Summary of Conclusions:

The Crow Wing SWCD is actively and effectively implementing a very ambitious range of conservation and regulatory programs. They implement both their own comprehensive plan goals and many of the county local water management plan goals and objectives. The organization's pursuit of new programs to accomplish its conservation goals is especially commendable.

The SWCD complies with almost all of the basic PRAP performance standards and many of the target performance standards. In recent years, the district has improved its productivity, as measured by the percentage of the state cost share grant put into on-the-ground conservation projects.

Items that need some attention are the application of the state cost share grant to projects that are viable and in high priority areas, and periodic priority setting to make sure that their programs and activities are addressing the most critical conservation needs.

Recommendations:

1. Target planning to address resource priorities
2. Update staff technical approval authorities
3. Monitor cost share grant expenditures
4. Cross-reference comprehensive and local water plan in annual plans and reports

Summary of LGU Response:

[*Crow Wing SWCD supervisors did not submit a formal response to the draft report. The following comments were provided by the district manager.*]

The biggest issue is to realize that each SWCD is different and has different priorities. The review should recognize the opportunities that each may seize when they are available to us. These items would probably not be included in our Comp Plan. In Crow Wing County, we have taken advantage of partnering with the MPCA on their Phase 2 NPDES Permit Program. We currently have 363 active NPDES sites and it is a big part of our activities.

There needs to be more of an understanding that SWCDs in different parts of the state work on different issues and that a standard evaluation cannot be completed without flexibility. The process made the Board and staff look at what we have and wish to accomplish in a more critical and thorough manner than we have in the past. In the end, I believe this to be a very valuable experience. As long as you are working to the best of your capabilities, I would not fear this review.

2008 Performance Review

Level II (Pilot): Summary of Full Report

LGU: Jackson SWCD

Summary of Conclusions:

The Jackson SWCD is a well-functioning organization that has learned how to adapt and operate effectively in view of the realities of the changing rural economy and the uncertainties of traditional program funding. The organization's pursuit of and participation in organizational and funding partnerships is especially commendable.

The Jackson SWCD complies with almost all of the basic PRAP performance standards and many of the target performance standards. The district has a strong commitment to public education, and has recently improved its productivity, as measured by the percentage of the state cost share grant put into on-the-ground conservation projects.

The Jackson SWCD has shown an interest in improving its operations by using the results from this performance review to pursue changes or additions to its operation as suggested by the performance review documents.

Recommendations:

1. Cross-reference Comprehensive Plan in annual plans and reports
2. Adopt By-laws and Operating Guidelines
3. Conduct a stakeholder survey

LGU Response:

1) *Cross-reference Comprehensive Plan in Annual Plans and Reports.* The SWCD intends to reference our annual plans and reports specific to local plan goals, objectives and actions for which we are responsible.

2) *Adopt By-laws and Operation Guidelines.* It is our intention to develop a by-laws document which will contain our operational guidelines unique to our District.

3) *Conduct a Stakeholder Survey.* We intend, at some point, to conduct a survey perhaps in coordination with our partners in the District or potentially as an insert in a newsletter.

This PRAP process proved to be constructive for our District. The report contains information that will be useful to the District in the future.

2008 Performance Review

Level II (Pilot): Summary of Full Report

LGU: Mille Lacs County

Local Water Planning

Summary of Conclusions:

At a little over one year into their new local water management plan implementation, Mille Lacs County is well positioned to implement their water plan goals and objectives. The partnership and close working relationship between the county and the soil and water conservation district in the implementation of the plan action items is noteworthy and commendable.

The county has mentioned the lack of adequate funds and engineering assistance for the feedlot program as an obstacle to addressing some of the plan objectives. This performance review finds that they are providing adequate services with the funds available, and if they had additional funds, they are well positioned to do more.

Mille Lacs County has practices in place that comply with all of the basic PRAP performance standards. They also comply with most of the target performance standards, which are designed to be stretch goals for county water planning programs. There appear to be no deficiencies in operations that need attention.

Recommendations:

1. Quantify annual report progress on action items
2. Use water quality monitoring data for trend analysis
3. Explore funding opportunities to supplement existing program dollars

Summary of LGU Response:

Mille Lacs County did not submit a formal response to the draft PRAP report findings and recommendations. However, the county environmental services director expressed concerns with the process of performance review, and in particular, the amount of duplicative effort required to comply with the information requests.

In addition, the county is taking steps to make the website link to the county local water plan easily accessible.

2008 Performance Review

Level II (Pilot): Summary of Full Report

LGU: Pioneer Sarah Creek Watershed Management Commission

Wright, Carver and Hennepin Counties

Summary of Conclusions:

The ability of the Pioneer Sarah Creek Watershed Management Commission to implement planned goals and policies has been significantly affected by large project initiatives that were unforeseen at the time the second generation watershed management plan was adopted. These initiatives, TMDL plans for Lakes Independence and Sarah and a Clean Water Legacy grant for nutrient management of the Lake Independence lakeshed, while consistent with the broad goals of land and water resource management, have diverted commission resources away from other plan priorities. The additional workload assumed by the commission for implementation of these initiatives needs support from the member cities. These factors make it difficult to provide a definitive review of the commission's performance in accomplishing planned goals and policies.

The delay in implementation of member cities' local stormwater plans is an unfortunate result of the focus on other priorities. The lack of local stormwater planning reduces the ability of the member cities to address priority water quality issues in a systematic manner. It also places additional workload on the commission as these water management issues must be addressed by the commission rather than at the municipal level.

Based on the commission's own assessment, its assumption of large-scale water management projects and regulatory responsibilities without commensurate financial support is taxing their ability to meet basic rule compliance and policy standard development.

The commission has shown an interest in improving its operations by using the results from this performance review to pursue changes or additions to its operation as suggested by the performance review documents.

Recommendations:

1. Conduct a strategic planning exercise to address priorities and redefine objectives
2. Address local stormwater plan development
3. Adopt personnel policies
4. Conduct a stakeholder survey

Summary of LGU Response:

[*BWSR note: The Commission provided extensive and thorough responses to the draft report. This summary includes their responses to the recommendation and a concluding comment.*]

Response to Recommendation 1: The Commissioners will meet with Staff in January 2009 to develop a written strategic plan. The plan will identify the "non-specific policies" referenced above and attempt to attach measurable objectives, goals, timelines and budgets. When the strategic plan has been fleshed-out, it will be presented by the Commissioners to their City Councils for review and comment before finalizing a projected 3-5 year budget and possible major plan amendment.

Response to Recommendation 2: See no. 1, above. A deadline of February 17, 2009 was established for receipt of the cities' draft plans. May 31, 2009 is the deadline for final approval of the local plans. The follow-up letter will cite consequences for non-compliance.

Response to Recommendation 3: Each member city determines how their representative is compensated for time spent on Commission business. The Commission reimburses Commissioners for Education expenses, primarily registration to attend seminars and workshops, etc., on an event-by-event basis. A reimbursement policy will be considered at the strategy session. As prescribed by Statute, the Commission solicits interest proposals biannually for administrative, legal, technical and wetland consultants. They serve at-will and are not extended contracts. Again, if BWSR has model language for an ex-parte communication policy, please share it with the Commission. The Commission has developed and/or updated its Rules, Code of Ethics, Data Practices Policy and Public Data Access Policy.

Response to Recommendation 4: With the reticence of the City Councils to spend money on required projects such as TMDLs, and the Commission's past failure to connect with citizens on the CWLA grant, any survey would need to be carefully crafted by professionals, with guidance from the Commissioners and Staff, in order to generate the information the Commission needs to move forward or change direction. If it is the desire of the Commission to conduct a survey, the Commission would have to start that process in early 2009 in order to budget for its costs in mid-2009 for 2010. At this time, the Commission has chosen to consider using the results from the existing Hennepin County and Joint Education and Public Outreach Committee (EPOC) surveys rather than go through this time-consuming and costly process. This feels like micromanagement. Question: What does BWSR anticipate we will we get from a survey?

The Commissioners and Staff found this review to be an interesting and useful exercise. However, as a point of information, to date this review and associated activity have taken the Commission's administrator 34.39 hours ($1,946.45) to complete. That equals 5.12% of the total 2008 administrative budget of $38,000! In addition, the costs of the strategic planning session were not included in the Commission's 2009 budget. Will BWSR be requesting funding from the Legislature to reimburse LGUs for these costs or is it just another unfunded mandate?

2008 Performance Review

Level II (Pilot): Summary of Full Report

LGU: Renville County
Local Water Planning

Summary of Conclusions:

At the halfway point of local water management plan implementation, Renville County has already made excellent progress in meeting their planned goals and objectives. The county attributes their progress in part to their partnership and close working relationship with other state, local and federal organizations.

County staff are providing adequate services with the funds available, and if there were additional county funds, staff are well positioned to do more. Renville County has operational practices in place that comply with almost all of the basic and target (high performance) PRAP standards. Even well-run operations can find ways to improve, and, in that regard, BWSR has suggested enhancements to website and stakeholder communications.

Recommendations:

1. Update the county website with local water plan information
2. Plan for a stakeholder survey
3. Increase staff capacity for water planning
4. Optimize use of the Water Protection and Management Task Force

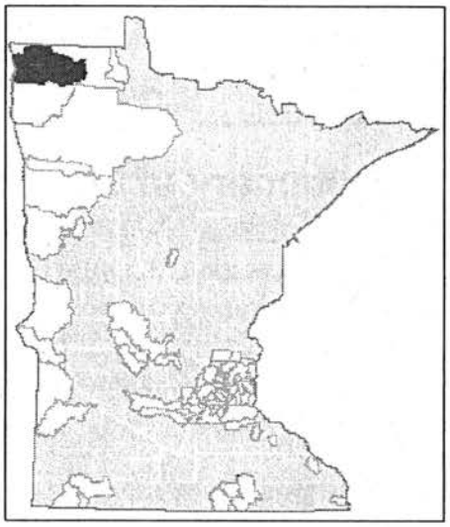
Summary of LGU Response:

Something to consider – the PRAP only looked at the number of Land & Water Projects completed and does not take into consideration the other projects we completed including Information/Education activities (i.e. storm drain stenciling, newsletters, school education activities) and Water Quality Monitoring. I am only mentioning this because some may wonder where the money is spent. As you probably concluded from our December 2008 Task Force meeting, our group often feels that education/communication or a monitoring activity can be as important as a project on the landscape.

2008 Performance Review

Level II (Pilot): Summary of Full Report

LGU: Two Rivers Watershed District
Kittson & Roseau Counties



Summary of Conclusions:

The Two Rivers WD is making good progress in the implementation of the district's 2004 overall watershed management plan. Both basic services (e.g., regulatory program) and larger projects appear to be consistent with the goals and priority issues identified in the plan. In addition, the TRWD managers and staff do an excellent job of providing the basic services of water management within the district. They have a comprehensive permitting process that is followed and enforced. They communicate their role and responsibilities through newsletters and the sense of having an "open door" to citizens. During board meetings, the managers make their decisions based on good data and open discussion. On major projects, the appropriate board member is actively involved in project development by both participating on the project team and sharing information with citizens and stakeholders.

The TRWD could enhance its operation and implementation of its planning goals by improving coordination with other agencies. The relationship between the Department of Natural Resources and the TRWD needs some repair. The TRWD would benefit from regular participation by the soil and water conservation districts on project work teams. The district could also help their cause by sponsoring tours and other public relations events, in addition to their on-going public education efforts.

Recommendations:

1. Enhance collaboration with other conservation agencies and organizations
2. Modify website content
3. Consider expanding public outreach efforts

Summary of LGU Response:

Under the "conclusions" section on page 7, the second paragraph states "...the TRWD should have a stronger working relationship with the soil & water conservation districts within the district. The reasons for this lack of engagement are not entirely clear. However, the SWCD's are an important partner for the district in carrying out its water management responsibilities."

In response to that statement, the TRWD would like clarification from BWSR, as the District feels that contrary to this statement we have a very strong relationship with both the Kittson and Roseau SWCDs. The list of cooperative efforts with the SWCD's goes on and on. The TRWD certainly does not feel that there is a "lack of engagement."

BWSR's (B. Dwight & D. Buckhout) reply when we brought this up during your visit with our Board was that it was worded the way it is because of the SWCD's lack of participation on the WD Project Work Teams. The report did not address all of the more important cooperative efforts outlined in the above paragraph.

Therefore, the TRWD requests that you re-word your report to clarify that your comments were relative solely to the PWT process, and did not take into account the numerous other examples of cooperation between the Districts.
[*BWSR response: The relevant sections of the report were modified as requested.*]

In closing, the District would like to thank you for the opportunity to be a part of the first round of PRAP reports. While the report could have been a bit more in depth, I believe it gives a sufficient "snapshot" of where the District is presently at with its operations.

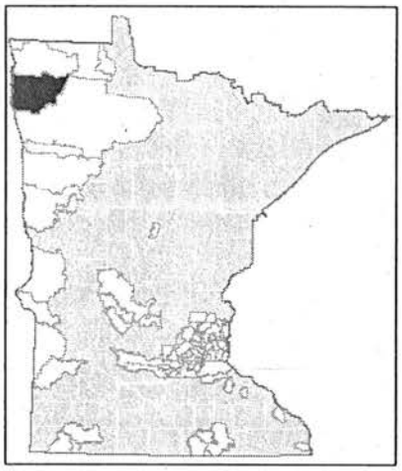
2008 Performance Review

Level II (Pilot): Summary of Full Report

LGU: Middle Snake Tamarac Rivers Watershed District

Marshall, Polk, Roseau, Pennington, Kittson Counties

Summary of Conclusions:



On the whole the MSTRWD organization is generating results in terms of project and program implementation consistent with BWSR's expectations for a watershed district in a rural, agricultural part of Minnesota. They have undertaken a number of large and small projects, have managed drainage systems under their authority, and administered a regulatory program with high demands on their time and expertise. The organization is operating under a management plan that is out-of-date and in need of revision. However, their delay in revising the plan is understandable given guidance provided to them by BWSR. They have, in fact, begun the plan revision process. BWSR's observation of recent regular meetings of the board of managers indicates that the managers and staff of the MSTRWD appear to function effectively and efficiently in their respective roles and responsibilities.

In applying the recently developed PRAP performance standards to this watershed district's operations, we note that they are in compliance with most of the basic standards and comply with several of the target or high performance standards. The MSTRWD could be said to be performing at the higher end of the scale.

However, we cannot ignore the existence of a certain level of intra-organizational conflict that, while maybe not obvious to a casual observer attending a regular board meeting, nevertheless appears to be a constant reality for the managers and staff. The fact that this board of managers and staff have been able to carry out their responsibilities with efficiency and effectiveness under these circumstances shows professionalism and dedication. However, BWSR has concerns about how long this organization will be able to maintain its effectiveness given the internal conflict that exists beneath the surface.

We are also concerned about the MSTRWD's ability to engage with the citizens and other stakeholders, and local units of government and partners in the watershed district. The fact that BWSR received requests for a performance review from two organizations, one a local unit of government and the other a partner of the district's in project implementation, indicates to us that our concerns about the organization are shared by others.

Recommendations:

1. Complete the Watershed Management Plan Revision
2. Modify annual report format
3. Seek website assistance
4. Increase manager training
5. Pursue Data Practices Act training to manage the significant number of requests
6. Consider use of the BWSR District Assessment Tool

Summary of LGU Response:

BWSR note: At the time the PRAP report was presented to the watershed district it was delivered as a final report and BWSR did not request a formal response. However in response to several formal and informal comments on the report from others, BWSR decided to modify the PRAP process and issue draft reports and then invite LGU responses. BWSR staff continue to work with the Middle Snake Tamarac Rivers Watershed District to address issues identified in the report.

SOIL AND WATER CONSERVATION DISTRICT PERFORMANCE STANDARDS

LGU Name: _____

Performance Area	Performance Standard	Level of Review	Rating	
	★ Target (high performance) standard ■ Basic practice or Statutory requirement ◊ Quantitative standard	I Annual Compliance II BWSR Staff Review & Assessment (1/5 yrs)	Yes, No, or Value	
			YES	NO
Administration	■ Financial statement: annual, on-time and balances	I		
	■ Financial audit completed within last 3 yrs or $500K	I		
	■ eLINK Annual report: submitted on-time	I		
	■ Data practices policy: exists and reviewed/updated within last 5 yrs	II		
	■ Personnel policy: exists and reviewed/updated within last 5 yrs	II		
	■ Technical approval authorities: reviewed annually	II		
	■ By-laws, operational guidelines exist and current	II		
	★ Board training: cont ed and orientation plan and record for each board member	II		
	★ Staff training: cont ed and orientation plan and record for each staff member	II		
Planning	■ Comprehensive Plan: updated within 5 yrs or current resolution adopting unexpired county LWM plan	I		
	■ Annual Plan of Work: on time; w/ cost share applied to priorities	I		
	★ Annual plan priorities based on natural resource quality trend data	II		
Execution	★ Certified wetland delineator: on staff or retainer	II		
	◊ Expenditure trend: change over past 5 yrs	II	% & $amt	
	◊ Number of projects (average per year over past 5 years)	II	#/yr	
	◊ Non-state $ leveraged	II	$/yr	
	◊ All projects: 5 yr total soil loss reduction	II	tons	
	◊ All projects: 5 yr total nutrient reduction	II	pounds	
	◊ Project $ spent in high priority problem areas	II	%	
	◊ Project expense $/total budget $ (past 5 yrs)	II	%	
	◊ State cost share grant productivity	II	%	
	◊ Actual expenses as deviation from projected expenses (5 yr total)	II	±%	
Communication & Coordination	■ Website: annual report, annual budget, minutes	I		
	■ SWCD Guidebook entry: provides background and accomplishments	II		
	★ Website: contains members, mtg agendas, minutes, updated after each board meeting	I		
	★ Stakeholder survey: within last 5 yrs	II		
	★ Public information task included in annual work plan	II		
	★ Public education program: seminars, tours	II		
	★ Annual written report: includes progress towards goals	II		
	★ Projects/programs based on stakeholder survey input	II		
	★ Coordination with County Bd Supervisors or staff	II		

METRO WATERSHED DISTRICT PERFORMANCE STANDARDS

LGU Name: _____

Performance Area	Performance Standard	Level of Review	Rating	
	★ Target (high performance) standard ■ Basic practice or Statutory requirement ◊ Quantitative standard	I Annual Compliance II BWSR Staff Review & Assessment (1/5 yrs)	Yes, No, or Value	
			YES	NO
Administration	■ Activity report: annual, on-time	I		
	■ Activity report: content MR 8410 compliant (include self-assessment of progress)	I		
	■ Financial report & audit: completed within last 12 months	I		
	■ Rules: current and reviewed by BWSR	II		
	■ Personnel policies: written and reviewed/updated within last 5 yrs	II		
	■ Data practices policy: exists and reviewed/updated within last 5 yrs	II		
	■ Manager appointments: current and reported	II		
	■ Consultant RFP: ≤2 yrs for legal, engineering, accounting	II		
	■ Water appropriation permit program exists (Hennepin and Ramsey only)	I		
	★ Have in-house staff	II		
	★ Board training: ed and certifications, orientation plan and record for each board member	II		
	★ Staff training: ed and orientation plan and record for each staff member	II		
	★ By-laws, operational guidelines exist and current	II		
	★ Public ditch records: modernized, usable, indexed (where applicable)	II		
Planning	■ Watershed management plan: up-to-date	I		
	★ Capital Improvement Plan: reviewed every 2-3 yrs	II		
	◊ Number of local water plans reviewed and/or approved	II	number	
Execution	■ Engineers Reports: submitted for DNR & BWSR review	I		
	★ Cooperative projects/tasks done with partners	II		
	◊ Expenditure trend: net change past 5 yrs	II	%/$ amt	
	◊ Project-program expense $/total budget $ (past 5 yrs)	II	%	
	★ Water quality trend completed for key water bodies	II		
	★ Watershed yield trends monitored / reported	II		
Communication & Coordination	■ Functioning advisory committee: recommendations on projects, reports, attendance at Board mtgs	II		
	■ Stakeholder survey: within last 5 yrs	II		
	■ Coordination of Watershed Plan with local water plans	II		
	■ Communication piece: sent within last 12 months	I		
	■ Website: annual report, annual budget, minutes	I		
	★ Website: contains staff and mgrs contact info, mtg agendas, minutes; updated after each board meeting	I		
	★ Public education program: seminars, tours	II		
	★ Coordination with County Bd and City/Twp officials by Managers or staff	II		
	★ Partnerships: cooperative projects/tasks done with municipalities, counties	II		
	◊ Advisory committee: # mtgs within last 12 months	II	number	

GREATER MN WATERSHED DISTRICT PERFORMANCE STANDARDS

LGU Name: _____

Performance Area	Performance Standard	Level of Review	Rating	
	★ Target (high performance) standard ■ Basic practice or Statutory requirement ◊ Quantitative standard	I Annual Compliance II BWSR Staff Review & Assessment (1/5 yrs)	Yes, No, or Value	
			YES	NO
Administration	■ Annual report: submitted by deadline	I		
	■ Annual report: contains progress report	I		
	■ Financial audit: completed within last 12 months	I		
	■ Rules: current and reviewed by BWSR	II		
	■ Personnel policies: written and reviewed/updated within last 5 yrs	II		
	■ Data practices policy: exists and reviewed/updated within last 5 yrs	II		
	■ Manager appointments are current and reported	II		
	★ Have in-house staff	II		
	★ Board training: ed and certifications, orientation plan and record for each board member	II		
	★ Staff training: ed and orientation plan and record for each staff member	II		
	★ By-laws, operational guidelines exist and current	II		
	★ Public ditch records: modernized, usable, indexed (where applicable)	II		
Planning	■ Watershed management plan: up-to-date	I		
	■ Engineer Reports: submitted for DNR / BWSR review	I		
	★ Implementation and/or CIP review every 2-3 yrs	II		
	◊ Number of local water plans reviewed and/or approved	II	number	
Execution	◊ Expenditure trend: net change past 5 yrs	II	%/$ amt	
	◊ Project-program expense $/total budget $ (past 5 yrs)	II	%	
	★ Water quality trend completed for key water bodies	II		
	★ Watershed yield trends monitored / reported	II		
Communication & Coordination	■ Functioning advisory committee: recommendations on projects, reports, attendance at Board mtgs	II		
	■ Stakeholder survey: within last 5 yrs	II		
	■ Coordination of Watershed Mgmt Plan with local water plans	II		
	■ Communication piece: sent within last 12 months	I		
	■ Website: annual report, annual budget, mtg minutes	I		
	★ Website: contains contact information for current mgrs and staff, mtg agendas, minutes, updated after each board mtg	I		
	★ Public education program: seminars, tours	II		
	★ Coordination with County Bd by Managers or staff	II		
	★ Partnerships: cooperative projects/tasks done with other LGUs, state, fed agencies	II		

COUNTY LOCAL WATER PLANNING PERFORMANCE STANDARDS

LGU Name: _____

Performance Area	Performance Standard	Level of Review	Rating	
	★ Target (high performance) standard ■ Basic practice or Statutory requirement ◊ Quantitative standard	I Annual Compliance II BWSR Staff Review & Assessment (1/5 yrs)	Yes, No, or Value	
			YES	NO
Administration	■ Block grant annual report: reported results comply with work plan	I		
	■ Local match for grant: certified	I		
	■ eLINK report completed on time	I		
	★ Public ditch records: modernized, usable, indexed	II		
	★ Self-report progress: submitted in annual report	II		
	★ Maintain record of WD manager appointments and terms	I		
Planning	■ Local water mgmt plan: 10-yr voluntary but unexpired w/o lapse	I		
	■ LWM implementation plan: completed within last 5 yrs	II		
	★ Performance review/feedback: periodic reprioritization	II		
	★ Annual plan priorities based on water quality trend data for key water resources	II		
Execution	◊ Local govt. and private $ leveraged by state grants	II	$ amt	
	◊ All projects consistent with plan: number of projects	II	#/yr	
	◊ Non-state public $ leveraged for projects	II	$/yr	
	◊★ Total expenditures relative to budgeted-projected	II	± $ amt	
	★ Water quality trends exist for key water resources	II		
Communication & Coordination	■ Stakeholder survey: within last 5 yrs	I		
	■ Communication piece: sent within last 12 months	I		
	★ Partnerships: liaison with SWCDs/WDs and cooperative projects/tasks done	II		
	★ Plan contains public education objectives	II		
	★ Public education program annual objective met	II		
	★ County water plan on county website	II		
	★ Water management ordinances on county website	II		

WATERSHED MANAGEMENT ORGANIZATION PERFORMANCE STANDARDS

LGU Name: _____

Performance Area	Performance Standard	Level of Review	Rating	
	★ Target (high performance) standard ■ Basic practice or Statutory requirement ◊ Quantitative standard	I Annual Compliance II BWSR Staff Review & Assessment (1/5 yrs)	Yes, No, or Value	
			YES	NO
Administration	■ Activity Report: annual, on-time	I		
	■ Activity report: content MR 8410 compliant (include self-assessment of progress)	I		
	■ Consultant RFP: ≤2 yrs for legal, engineering, accounting	II		
	■ Financial report & audit completed within last 12 months	I		
	■ Personnel policies: written and reviewed/updated within last 5 yrs	II		
	■ Data practices policy: reviewed/updated within last 5 yrs	II		
	■ Water appropriation permit program exists (Hennepin and Ramsey only)	II		
	■ Joint Powers Bd: tabulation of current members and terms exists	I		
	★ Staff training: cont ed and orientation record for each staff member	II		
	★ Board training: cont ed and orientation record for each board member	II		
	★ Public ditch records: modernized, usable, indexed (where applicable)	II		
	★ By-laws or operational guidelines exist and current	II		
Planning	■ Management Plan: up-to-date	I		
	★ Capital Improvement Plan: reviewed 2/3 yrs	II		
	◊ Local plan approvals by WMO	II	number	
Execution	★ Cooperative projects/tasks done with partners	II		
	★ Water quality trend completed for key water bodies	II		
	★ Watershed yield trends monitored / reported	II		
	◊ Expenditure trend: net change past 5 yrs	II	%/$ amt	
	◊ Project-program expense $/total budget $ (past 5 yrs)	II	%	
Communication & Coordination	■ Stakeholder survey: within last 5 yrs	II		
	■ Communication piece: sent within last 12 months	I		
	■ Website: contains members, minutes, updated after each board mtg	I		
	◊ Advisory committee: # mtgs within last 12 months	I	number	
	★ Public education program: seminars, tours	II		
	★ Coordination with County / City / Twp by JP Board members or staff	II		
	★ Advisory committee makes recommendations on projects, issues, reports	II		

Appendix G

2008 Local Government Unit Performance Awards and Recognition

Governor's Minnesota Great Award
Rice Creek Watershed District

Association of Minnesota Counties and Board of Water and Soil Resources
County Conservation Awards
Becker County and Becker SWCD
Fillmore County and Fillmore SWCD
Le Sueur County
Nobles County and Nobles SWCD

Department of Natural Resources Watershed District of the Year
Bois de Sioux

Minnesota Association of Watershed Districts Program of the Year
Rice Creek: Blue Thumb-Planting for Clean Water

Minnesota Association of Watershed Districts Project of the Year
Capitol Region: Arlington-Pascal Stormwater Improvement

Board of Water and Soil Resources Outstanding SWCD Employee
Darrell Buck, Winona SWCD

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

Minnesota Association of Soil and Water Conservation Districts
Outstanding Supervisor Award
Loyal Fisher, Renville SWCD

DNR Appreciation Award
Renville County SWCD

MN Assoc. of Soil and Water Conservation Districts and MN Dept. of Transportation
Living Snow Fence Achievement Award
Wilkin Soil and Water Conservation District

Minnesota Waters-Michelob Golden-National Fish and Wildlife Association
Lake and Stream Conservation Partnership Program Grant Recipients
Rice Soil and Water Conservation District
Middle Fork Crow River Watershed District

Board Resolution # _____

Performance Review and Assistance Program
2009 Report to the Minnesota State Legislature

WHEREAS, the 2007 Legislature appropriate 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, according to Minnesota Statutes Chapter 103B.102, Subdivision 3, 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 program for reviewing performance, offering assistance, and reporting results was developed in consultation with stakeholders, and

WHEREAS, the program has been implemented to the extent of current resources and capabilities, and

WHEREAS, the second annual report to the legislature was reviewed and approved by the Administrative Advisory Committee on January 28, 2009,

NOW THEREFORE BE IT RESOLVED, that the Board of Water and Soil Resources approves the attached Performance Review and Assistance Program Report dated February 2009, with any final modifications necessary for publication, for transmittal to the Minnesota State Legislature and release to the general public.

_____ Date: _____

Randy Kramer, Chair
Board of Water and Soil Resources

Board Resolution # 09-10

Performance Review and Assistance Program
2009 Report to the Minnesota State Legislature

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R J Kramer

Date: 1/28/09

Randy Kramer, Chair
Board of Water and Soil Resources

Minnesota Board of Water and Soil Resources
Performance Review and Assistance Program

Level II (Pilot) Performance Review Report
for
Pioneer-Sarah Creek Watershed Management Commission

January 26, 2009

Lead Staff

Donald Buckhout, Coordinator
Performance Review and Assistance Program

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Minnesota Board of Water and Soil Resources
Performance Review and Assistance Program
Level II (Pilot) Report
Pioneer Sarah Creek Watershed Management Commission
January 26, 2009

Report Purpose and Contents

This is an information document intended to be used by the Pioneer-Sarah Creek Watershed Management Commission (WMC) and staff of the Board of Water and Soil Resources (BWSR) to report on the results of a routine performance review of and to make recommendations for improvements in the commission's operations. While the performance review reported herein has been conducted under the authority granted to BWSR by Minnesota Statutes Chapter 103B.102, this is a staff report and it has not been reviewed or approved by the BWSR board members.

This report contains the following sections:

- Background
- Purpose
- Scope
- Findings and Discussion
- Conclusions
- Recommendations
- LGU Response
- Appendices

Background

In January 2008 the Minnesota Board of Water and Soil Resources (BWSR) adopted a strategic plan with a mission statement to *improve and protect Minnesota's water and soil resources by working in partnership with local organizations and private landowners.* The strategic plan recognizes the importance to BWSR of the local organizations, such as the state's watershed management organizations. BWSR can best accomplish its mission if it has an effective delivery system composed of those local organizations.

One approach to making that local delivery system the best it can be is BWSR's implementation of a program authorized by the 2007 Minnesota legislature. Called the Performance Review and Assistance Program (PRAP), its purpose is to periodically review and assess the performance of local units of government that have land conservation and water management responsibilities. Using the PRAP process, BWSR interacts with local governments at four levels depending on whether the review, and subsequent assistance, is routine or specialized.[1]

A Level I review annually tabulates the watershed organization's compliance with basic organizational requirements. In Level II, conducted by BWSR once every five years for each LGU, the focus is on the degree to which the organization is accomplishing its management

[1] For more information about BWSR's Performance Review and Assistance Program see the 2008 Report to the Legislature at http://www.bwsr.state.mn.us/PRAP/index.html

plan. A Level II review includes determination of compliance with BWSR's Level I and II statewide performance standards, a tabulation of progress on planned goals and objectives, a discussion among managers and staff of the factors affecting plan implementation, and a BWSR staff report to the organization with findings, conclusions and recommendations. PRAP review at all levels is intended give a local governmental unit constructive feedback it can use to recognize its strengths and identify areas needing improvement.

In 2008 BWSR conducted a limited number of Level II performance reviews statewide on a pilot basis only. BWSR selected the Pioneer-Sarah Creek WMC as one of seven local governmental units in Minnesota to test the procedures and review standards of this new program. This document reports the results of that review.

Purpose

The purpose of this Level II performance review is to determine the progress of the Pioneer-Sarah Creek WMC in accomplishing the goals and objectives of their comprehensive watershed management plan and to assess their overall performance with respect to general performance standards.

In addition, our review provides suggestions for additional actions or assistance that the commission can pursue. These suggestions are included in the Recommendations section of this report.

Because this is a pilot application of PRAP, BWSR will use the results of this review to adjust the performance standards and review criteria for subsequent reviews of other local governmental units.

Scope

This PRAP review included information gathering, analysis and reporting. Specific actions taken by BWSR in this process have included: review of the watershed commission's compliance with the PRAP Level I and II performance standards as reported by the commission, review of the Pioneer-Sarah Creek WMC comprehensive plan and annual work plans, and BWSR staff attendance at the September 18, 2008 commission meeting to present the draft PRAP report and address commissioners' comments.

The PRAP process is administered by BWSR for the purposes of performance improvement and assistance. It is neither a financial audit nor investigation and it does not replace or supersede other types of governmental review of local government unit operations.

Findings and Discussion

1. Part 1: Progress Toward Comprehensive Watershed Management Plan Goals and Objectives

   Findings: Part 1 of the Level II performance review is an evaluation, based on information provided by the LGU, of the progress made in accomplishing each

of the goals and objectives listed in the commission's comprehensive watershed management plan.

BWSR approved the second-generation Pioneer-Sarah Creek WMC Comprehensive Watershed Management Plan on October 27, 2004. The commission adopted the plan on December 16, 2004. For this Level II performance review BWSR considered the Pioneer-Sarah Creek WMC report of its progress in accomplishing the goals and objectives from this plan.

The Pioneer-Sarah Creek WMC comprehensive watershed management plan contains four main goals. (See Appendix A.) Each of these goals has one or more action items. The first goal, "Protect, preserve and manage surface water resources," has eight planned actions to develop "plans and policies" for eight different management responsibilities: water quantity; water quality; recreation, fish and wildlife; public participation, information and education; public ditches; groundwater; wetlands; and erosion control. Within these eight action items, the commission has reported numerous accomplishments on seven of them. While the heading for each action item under this goal focuses on developing goals and policies, the narrative for each action item describes program level actions that go well beyond policy development. Likewise, the accomplishments reported by the commission for each action item in this goal go beyond policy development and include such activities as water quality monitoring, administration of a wetland regulatory program, and public education and information efforts. The commission has reported progress in addressing all but one of the eight action items: the one related to management of public ditch systems. The reason given is that Hennepin County is the public ditch authority in the watershed and the commission currently has no ditch management responsibilities.

The three other goals in the comprehensive management plan address management of the commission's financial resources to accomplish watershed management responsibilities, public information, and development of local stormwater management plans and controls. Accomplishments are reported for all three of these goals. The fourth goal, regarding stormwater management, is addressed through the commission's oversight of the member cities' development of municipal stormwater management plans. The commission reports that four of the six member cities have plans in development. The 2007 annual report contains information about the status of local stormwater plans for the all of the cities. [*According to a January 2009 update, two of the member cities' local water plans have been approved by the commission and three of the remaining four are at various stages of the approval process.*]

In addition to the accomplishments reported by the commission for each of the four comprehensive management plan goals, they have also identified many

action items to implement during the remaining years of their current plan cycle.

In the report of plan accomplishments submitted to BWSR for this performance review, the commission has summarized and organized the action items under each goal differently than they are written in their plan. For example, the performance review report lists as an action item (see Appendix A) "Develop goals and policies for erosion control….Commission will develop and implement standards to minimize erosion due to development activities, implementing BMPs wherever possible." The comprehensive watershed management plan (Section III, Items H.3 and 4) includes these actions, but contains two others: "The Commission will identify locations for erosion control improvement
projects" and "The Commission shall coordinate with the Hennepin Conservation District and the Natural Resource Conservation Service to provide technical assistance and cost share programs regarding erosion control for farmers as funding becomes available." The accomplishments listed for these action items are a mixture of descriptions of intended actions by the commission and two specific instances where erosion control issues are addressed. The next steps identified for the erosion control action item include: "The commission will continue to identify and develop a list of erosion problem areas and work with the cities to remediate." This is an example of how some of the other plan accomplishments and next steps are described in general, non-quantitative, rather than specific or quantitative, terms.

Discussion: For this pilot application of the new PRAP performance review, BWSR selected LGUs that are at various points in their plan implementation cycle. Most of the Level II reviews were conducted near the middle of the plan implementation cycle (e.g., during year 5 of a 10-year plan), as is the case with the Pioneer-Sarah Creek WMC. In this case, BWSR expects that the commission has completed or made progress on some, but not all, of the plan's objectives. BWSR also recognizes that some actions in the comprehensive watershed management plan are on-going, extending over more than one plan cycle.

Based on the self-report of the commission and BWSR's review, the commission has identified accomplishments for all but one of their 11 action items. That one action item with no progress as mentioned above, relates to public ditch management for which the commission has no responsibility at present.

The 11 action items described by the Pioneer-Sarah Creek WMC for this performance review are primarily statements of general commission activities, rather than measurable objectives. The one exception is the fourth goal

regarding stormwater plan development by the six member cities. The accomplishments report that four of the six cities have plans underway. (This issue is discussed directly in the following paragraph.) With non-quantitative action items, it is difficult to determine the degree to which actions have been implemented. BWSR notes that in the commission's comprehensive watershed management plan, there are many specific, action items whose implementation can be tracked and reported quantitatively. For example, using the erosion control example, where the commission's plan states that the commission will "identify locations for erosion control improvement projects," their performance review accomplishments section should have reported how many of those locations they have identified so far. Having these quantitative planning objectives will make it easier for the commission to track and report on plan implementation in the future. (See recommendation 1.)

The commission has reported that none of the member cities have adopted local stormwater management plans, and only four of the six have plan development underway. According to the commission website, the member cities should have completed their local water plans by December 2006. [*According to a January 2009 update, two of the member cities' local water plans have been approved by the commission and three of the remaining four are at various stages of the approval process.*] Because implementation of the commission's policies and standards are tied to the member cities' administration of land use and water management practices, the overdue local plans reflect adversely on the commission's implementation of their plan objectives. (See recommendation 2.)

2. Part 2: Watershed Management Organization Performance Standards
Findings: The P-SK WMC was evaluated based on the organization's responses to a set of performance standards developed by the Board of Water and Soil Resources specifically for watershed management organizations. We reviewed the indicators as reported by the commission for their operational effectiveness in four categories—*administration, planning, execution, and communication and coordination*—for the period 2003-2007 (see appendix B).

The Pioneer-Sarah Creek WMC overall organization and operations meet 10 of 12 basic practice standards and 9 of 10 target (high performance) standards. One of the target standards (i.e., Administration: Staff training) does not apply because the commission does not have regular staff. The only basic practice standards they do not meet is having up-to-date personnel policies (Administration) and a comprehensive stakeholder survey within the last five years (Communication & Coordination). Noteworthy among the target (high performance) indicators that the Pioneer-Sarah Creek WMC meets are 1) having water quality trend data (Execution), 2) public information and education seminars and tours (Execution), and 3) an active advisory committee (Execution).

Some indicators that BWSR noted for further discussion are: 1) personnel policy (Administration), 2) data practices policy (Administration); 3) board member training (Administration); and 4) stakeholder survey (Communication & Coordination).

Discussion: In general, a watershed management organization would be expected to meet all of the basic performance standards, but not all, or even most of the high performance standards. However, these standards were developed by BWSR to serve as targets for organizations as they work to improve their performance and as a way for organizations that are meeting them to receive credit for operating at a high level of performance. The fact that the Pioneer-Sarah Creek WMC met all but two of the basic performance standards and target performance standards demonstrates that the organization is functioning well.

The two basic standards that the Pioneer-Sarah Creek WMC did not meet were "Personnel policies" (Administration) and "Stakeholder survey" (Communication & Coordination). The personnel policies in the case of a commission with no staff need not be very extensive. The policies would only need to include administrative guidance for board members, such as filing for per diem, travel expenses, and conference or special meeting attendance. (See recommendation 3.)

Regarding the commission's data practices policy, the performance review information states that the policy is on their website with a link to the relevant statutes. However, a search of the commission's website did not reveal a link to the statutes or policy.

Regarding the "Board training" standard (Administration), the commission provides a commission member handbook but apparently does not provide board training or orientation. The need for board member training depends somewhat on the technical expertise of the commissioners and their tenure on the commission. However, even with long-term members, there are new issues and topics (e.g., TMDLs) that warrant regular training. Also, providing a standard orientation process for new members ensures that there is good transfer of knowledge and that commissioners spend the least amount of time possible getting up to speed on commission programs and priorities.

Finally, BWSR encourages the Pioneer-Sarah Creek WMC to undertake a survey of stakeholders within the district. This can be done in a variety of ways using the existing public information and outreach activities of the commission. Stakeholder surveys are particularly helpful, when filtered through the existing, active advisory committee, at helping the commission to set priorities for each year's activities and in conjunction with the plan revision process. (See recommendation 4.)

3. Part 3: Pioneer-Sarah Creek WMC Review of Plan Implementation Progress
Findings: In describing factors that have benefitted the commission's accomplishment of goals and objectives, the commission has noted the effect of the Lake Independence and Lake Sarah TMDL plan development process. (See Appendix C.) The commission reports that these two planning efforts, though unforeseen at the time of the most recent comprehensive management plan revision, have demonstrated the commission's ability to work in partnership with other water management entities to accomplish watershed and lakeshed based planning. The TMDL process has allowed the commission to pursue several of its planned policies and programs in the affected subwatersheds. Other commission efforts contributing to plan implementation include the extensive water quality monitoring program in which the commission has participated. The commission noted the renewal of the stream water quality monitoring program after a 4 year hiatus.

The commission also identified several factors that have hindered the implementation of their plans and projects. These include: landowner indifference to the Lake Independence Clean Water Legacy nutrient management program; commission member cities' funding constraints; lack of a statewide agricultural nutrient management policy, litigation related to the commission's wetland regulatory program, and slow progress by cities in developing required stormwater management plans.

The Pioneer-Sarah Creek WMC listed three ways that BWSR could assist them with plan implementation: play a greater role in enforcing wetland conservation act violations, provide more leadership and enforcement of agriculture nutrient management policy, and provide technical assistance for TMDL plan implementation, particularly with voluntary programs.

Items identified by the organization for follow up based on the performance review include: establishing more concise budgets, providing more financial support for public education, and more directly addressing pros and cons of alternative project funding issues, including the option of reforming the Pioneer-Sarah Creek WMC as a watershed district to provide levy authority.

Discussion: The Pioneer-Sarah Creek WMC has clearly identified that the TMDL plan development process has placed a significant load on their organization. This responsibility, while not necessarily unwelcomed, was nevertheless unforeseen when the commission's current comprehensive management plan was revised.

The commission has identified areas where improvements could be made in the organization that would lead to efficiencies in operation and project implementation.

Conclusions

The ability of the Pioneer-Sarah Creek WMC to implement planned goals and policies has been significantly affected by large project initiatives that were unforeseen at the time the second generation watershed management plan was adopted. These initiatives, TMDL plans for Lakes Independence and Sarah and a Clean Water Legacy grant for nutrient management of the Lake Independence lakeshed, while consistent with the broad goals of land and water resource management, have diverted of commission resources away from other plan priorities. In addition, the additional workload assumed by the commission for implementation of these initiatives needs additional support from the member cities. These factors make it difficult to provide a definitive review of the commission's performance in accomplishing planned goals and policies.

The delay in implementation of member cities' local stormwater plans is an unfortunate result of the focus on other priorities. The lack of local stormwater planning reduces the ability of the member cities to address priority water quality issues in a systematic manner. It also places additional workload on the commission as these water management issues must be addressed by the commission rather than at the municipal level.

Based on the commission's own assessment, it's assumption of large-scale water management projects and regulatory responsibilities without commensurate financial support is taxing their ability to meet basic rule compliance and policy standard development.

The commission has shown an interest in improving its operations by using the results from this performance review to pursue changes or additions to its operation as suggested by the performance review documents. An example of such an improvement is the commission's intent to revise budget formats.

Recommendations

The following recommendations are based on BWSR's evaluation of the performance of the Pioneer-Sarah Creek WMC as described above. These recommendations are offered to the commission to enhance the organization's service to the citizens of the member cities and its pursuit of effective water and related land resource management.

1. Conduct a STRATEGIC Planning Exercise to Address Priorities and Redefine Objectives

   The commission's current management plan, while only 4 years old, is no longer providing the guidance needed for effective allocation of resources. Unforeseen initiatives that the commission is aggressively pursuing have caused a *de facto* revision in workload without the supporting resources. A strategic planning exercise would help the commission to reassess management priorities and allocate resources accordingly. BWSR recommends as a product of that process a written strategic plan focused on the next 3 years that could also lead to an amendment of the commission's comprehensive watershed management plan. A strategic plan will also provide an opportunity to translate non-specific policies from the management plan into concrete measurable objectives with realistic

schedules for implementation. Such objectives will allow the commission to better track progress on goals.

2. Address Local Stormwater Plan Development
   The adoption of stormwater management plans by all six member cities is an important tool for comprehensive water management. The commission should place a priority on addressing the issues that have caused delays in the plan development and adoption process. BWSR can assist with this task.

3. Adopt Personnel Policies
   This is a relatively low priority action item. BWSR can assist with this task.

4. Conduct a Stakeholder Survey
   A survey of commission stakeholders (e.g., public officials, landowners, past customers, other agency personnel) can provide valuable information to guide future actions and address barriers to plan implementation. BWSR staff can provide tools that have been used in other commissions to get useful information from a commission's citizens and officials. This information is particularly useful if collected in conjunction with periodic plan updates or strategic planning.

LGU Response

[*BWSR note: The Commission provided extensive and thorough responses to the draft report. BWSR staff will continue to advise the commission on issues and questions contained in their response. This summary includes their responses to the above recommendations and a concluding comment with BWSR responses in italics. The full text of their response letter and an attachment is in Appendix D.*]

Response to Recommendation 1: The Commissioners will meet with Staff in January 2009 to develop a written strategic plan. The plan will identify the "non-specific policies" referenced above and attempt to attach measurable objectives, goals, timelines and budgets. When the strategic plan has been fleshed-out, it will be presented by the Commissioners to their City Councils for review and comment before finalizing a projected 3-5 year budget and possible major plan amendment.

Response to Recommendation 2: A deadline of February 17, 2009 was established for receipt of the cities' draft plans. May 31, 2009 is the deadline for final approval of the local plans. The follow-up letter will cite consequences for non-compliance. [*According to a January 2009 update, two of the member cities' local water plans have been approved by the commission and three of the remaining four are at various stages of the approval process.*]

Response to Recommendation 3: Each member city determines how their representative is compensated for time spent on Commission business. The Commission reimburses Commissioners for Education expenses, primarily registration to attend seminars and workshops, etc., on an event-by-event basis. A reimbursement policy will be considered at the strategy session. As prescribed by Statute, the Commission solicits interest proposals

biennially for administrative, legal, technical and wetland consultants. They serve at-will and are not extended contracts. Again, if BWSR has model language for an ex-parte communication policy, please share it with the Commission. The Commission has developed and/or updated its Rules, Code of Ethics, Data Practices Policy and Public Data Access Policy.

Response to Recommendation 4: With the reticence of the City Councils to spend money on required projects such as TMDLs, and the Commission's past failure to connect with citizens on the CWLA grant, any survey would need to be carefully crafted by professionals, with guidance from the Commissioners and Staff, in order to generate the information the Commission needs to move forward or change direction. If it is the desire of the Commission to conduct a survey, the Commission would have to start that process in early 2009 in order to budget for its costs in mid-2009 for 2010. At this time, the Commission has chosen to consider using the results from the existing Hennepin County and Joint Education and Public Outreach Committee (EPOC) surveys rather than go through this time-consuming and costly process. This feels like micromanagement. Question: What does BWSR anticipate we will we get from a survey?
[*BWSR response: There are a variety of methods for obtaining stakeholder input. BWSR staff will continue to advise the commission on the most appropriate methods and timing.*]

The Commissioners and Staff found this review to be an interesting and useful exercise. However, as a point of information, to date this review and associated activity have taken the Commission's administrator 34.39 hours ($1,946.45) to complete. That equals 5.12% of the total 2008 administrative budget of $38,000! In addition, the costs of the strategic planning session were not included in the Commission's 2009 budget. Will BWSR be requesting funding from the Legislature to reimburse LGUs for these costs or is it just another unfunded mandate?
[*BWSR response: We appreciate the accurate accounting of time spent by this commission on the PRAP process. Because this was a pilot application of this program's performance assessment methodology we expected to learn from the process. We will be using this information in our annual legislative report and in making modifications to the program to minimize the burden on the local units of government in future applications of the program.*]

APPENDICES

A. PRAP Plan Implementation Progress Table (Level II Review, Part 1), Pioneer Sarah Creek Watershed Management Commission.

B. PRAP Watershed Management Organization Performance Standards form (Level II Review, Part 2); Pioneer Sarah Creek Watershed Management Commission.

C. PRAP Level II Part 3: Discussion Questions-Pioneer Sarah Creek Watershed Management Commission.

D. Pioneer-Sarah Creek Watershed Management Commission response letter and attachment (December 17, 2008)

APPENDIX A

LGU Name: Pioneer-Sarah Creek Watershed Management Commission **Name of Contact**: Judie A. Anderson **Date of This Review**: July 17, 2008
Type of Management Plan: Comprehensive Watershed Management Plan
Date of Last Plan Revision: Adopted December 16, 2004

GOAL No. 1
Page III-1 of Mgmt. Plan

Objective Protect, preserve and manage surface water resources.

Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Develop goals and policies for water quantity. Areas of concern noted by Stakeholders who came together to provide input as the second generation Management Plan was being developed include: high water elevations on watershed lakes; flooding of a park area in northwestern Loretto, within Tamarack Swamp in Medina, of trails along CR 50 near Lake Rebecca; flows from the Loretto Wastewater Treatment Facility (LWTF); increased rates and volumes of stormwater runoff due to increase in impervious surface area due to development; maintenance of private drainageways; and rate and volume controls associated with culverts north and south of the railroad at County Line Road. Commission will implement water quantity policies and standards outlined in the plan through project reviews and local stormwater plans. Water quantity issues will be evaluated as part of the Commission's water quantity monitoring program.	Continuous and ongoing.	Continuous and ongoing. See Accomplishments to Date.	• Occurs as part of individual project reviews and the local management plan review process. • Stream monitoring, discontinued in 2004 for lack of funding, has resumed in 2008 and will be ongoing forward.	• Urge member cities to complete their local stormwater management plans identifying areas of drainage and flooding concerns. • Coordinate implementation of remedial actions multijurisdictional situations. • Continue and, where necessary, enhance stream monitoring program as part of TMDL studies or other studies/projects as identified. • Continue to focus on areas of stakeholder concern that remain unaddressed by the Commission in past studies or TMDLs.

2. Develop goals and policies for water quality. Areas of concern noted by Stakeholders include: the water quality of watershed lakes; turbidity and low oxygen content of the Crow River; water quality impacts of the LWTF; water quality impacts associated with hobby farms, feedlots and development; fertilizer use; diminishing recreational opportunities; increase in impervious surface area; and maintenance of two stormwater detention ponds on Loretto Creek. Commission will implement water quality policies and standards outlined in the plan through individual project reviews, local stormwater plans, stream assessments, wetland buffer requirements, and TMDL implementation plans.	Continuous and ongoing.	Continuous and ongoing. See Accomplishments to Date.	• Occurs as part of individual project reviews and the local management plan review process. • Improved water quality is at the core of the Lake Independence TMDL Implementation Plan approved in 2007 and the Lake Sarah TMDL now in process. Most of the Stakeholder concerns are addressed in these TMDLs. • Lake monitoring has been an integral part of the Commission's water monitoring program since its inception. • Stream monitoring, discontinued in 2004 for lack of funding, has resumed in 2008 and will be ongoing forward. • Continue to participate in Hennepin County's River Watch macroinvertebrate monitoring program. • Continue to enforce wetland buffer and nondegradation policies.	• Urge member cities to complete their local stormwater management plans. • Continue and, where necessary, enhance lake and stream monitoring programs. • Complete Lake Sarah TMDL and Implementation Plan. • Complete Lake Independence CWL grant funding program. • Begin Phase 2 of Lake Independence TMDL Implementation Plan by developing nutrient management regulations and model ordinances for adoption by member cities. • Begin TMDLs for Haften, north and south bays Whaletail, Rebecca, Spurzem, and Swede lakes. • Participate in Hennepin County's Stream Health Evaluation Program (SHEP) • Participate/coordinate curlyleaf pondweed treatments for Rebecca and Sarah lakes. • Identify and implement nutrient reduction controls

				for Spurzem wetland. • Comment on Loretto Waste Treatment permit renewal in 2010, encourage hook-up to Met Council sewer system. • Aggressively seek funding partnerships to implement projects
3. Develop goals and policies for recreation, fish and wildlife. Impacts identified included decreased floristic diversity and impacted wildlife habitat as a result of stormwater. Commission will implement water quality policies and standards outlined in the plan through project reviews, local stormwater plans and TMDL implementation plans. Commission will implement an education program to educate citizens about BMPs to promote these resources and work with local, state and national agencies to promote public enjoyment and resource protection. Commission will consider undertaking a wetland functions and values assessment as the basis for a wetland management plan. (See 7, below.)	Continuous and ongoing.	Continuous and ongoing. See Accomplishments to Date.	• Occurs coincidentally as part of individual project reviews and the local management plan review process. and TMDL implementation. • Lake monitoring has been ongoing, stream monitoring has resumed in 2008.	• Develop educational information for distribution to cities, citizens and the website. • Continue to work with agencies to promote BMPs. • Participate in SHEP • Coordinate programs, informational meetings with Three Rivers Park District (TRPD). In particular, coordinate activities with local scouting organizations.
4. Develop goals and policies for public participation, information and education. No specific concerns were expressed. Commission will implement program to increase public participation in water management activities, responding to public concerns as they occur.	Continuous and ongoing.	Continuous and ongoing. See Accomplishments to Date.	• The Commission annually publishes at least one newsletter and an Annual Report describing the past year's activities. • The Commission continually updates its website with monthly meeting packets and approved minutes as well as other information as it	• The activities described at left will continue. • Commission must focus on ways to increase citizen awareness and participation through annual newsletter, more public information on website, fliers for events such as National Night

			becomes available. • Public participation, information and education have been key components of the Lake Independence and Lake Sarah TMDLs and stakeholder meetings occur throughout the process. • Work with U of M Extension Service and NRCS, sponsoring public information meetings for stakeholders. • Have a booth at Independence's Heritage Festival and Medina Days. • Require wetland buffer signage. • Promote installation of rain gardens, offering matching funds through county and state grant programs.	Out. • Partner with TRPD in presentations to City Councils, other groups to increase awareness of water quality/quantity issues. • Increase participation in River Watch/SHEP. • Become member of the Education and Public Outreach Committee (EPOC) of the Bassett Creek, Elm Creek, Shingle Creek and West Mississippi Commissions and the Blue Thumb partnership in 2009.
5. Develop goals and policies for public ditches. The public ditch systems within the watershed will be managed by Hennepin County, the public ditch authority. The Commission may consider other management options in the future. No action anticipated by the Commission.	N/A	N/A	N/A	N/A
6. Develop goals and policies for groundwater. Existing regulatory controls are adequate to manage or mitigate adverse impacts on public waters. Education of the public and city officials can assist in making existing controls more effective. Commission will promote and coordinate with other	Continuous and ongoing.	Continuous and ongoing. See Accomplishments to Date.	• Commission reviews and comments on cities' Wellhead Protection Plans as they are received. • Promotes infiltration where practical using tools such as rain gardens, wetland buffers,	• Commission will consider revising existing policies when appropriate.

agencies the continuation of existing groundwater monitoring, inventories and/or permitting programs and assist member cities and other governmental agencies in resolving groundwater quality problems. Commission will encourage groundwater infiltration and recharge where feasible and practical.			bioswales.	
7. Develop goals and policies for wetlands. **Existing regulatory controls are adequate to manage or mitigate adverse impacts on wetlands. Education of the public and city officials can assist in making existing controls more effective. Commission will protect and manage wetlands in conformance with WCA. Commission will act as WCA LGU for those member cities that choose not to serve in that capacity. Commission will review wetland replacement plans and applications for wetland banking credits to ensure Applicant has exhausted opportunities to avoid and minimize wetland impacts according to sequencing requirements of WCA.**	**Continuous and ongoing.**	**Continuous and ongoing. See Accomplishments to Date.**	**• Commission continues to serve as LGU for cities that choose not to serve as LGU (Greenfield, Loretto and Maple Plain), reviewing applications for wetland replacement plans and banking credits. • Commission also works with WCA violators to achieve resolution.**	**• The activities described at left will continue. • Identify priority wetlands in watershed in 2010 and begin functions and values assessments in 2011. Completion of wetland evaluations will provide Commission with information necessary to develop additional policies.**
8. Develop goals and policies for erosion control. Construction site erosion and erosion caused by commercial, hobby farm and agricultural/farming activities have reduced the depth of water within watershed water bodies and degraded their water quality. Commission will develop and implement standards to minimize erosion due to development activities, implementing BMPs wherever possible.	Continuous and ongoing.	Continuous and ongoing. See Accomplishments to Date.	• Occurs as part of individual project reviews and the local management plan review process. • Require on-site inspections of erosion and sediment control measures for individual project reviews where appropriate. • Require regular inspections of construction projects in the watershed as part of SWPPP requirements.	• The activities described at left will continue. • Commission will continue to identify and develop a list of erosion problem areas and work with the cities to remediate.

			• Commission will ensure erosion control is an element of local stormwater plans. • Addressed in detail in Lake Independence TMDL Implementation Plan.	

GOAL No. 2 **Objective** Manage public expenditures needed to study and control and/or correct flooding and water quality problems.
Page III-1 of Mgmt. Plan

Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Achieving this goal is a concurrent activity to the planned actions above. The Commission's past and proposed activities are analyzed as part of the annual budget development.	Ongoing	Ongoing	See above.	See above.

GOAL No. 3 **Objective** Educate and inform public on pertinent water resource management issues and increase public participation in water management activities.
Page III-1 of Mgmt. Plan

Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Incorporated into and part of Planned Actions for Goal No. 1	Ongoing.	Ongoing.	See Goal No. 1.	• Continue to execute Education Plan adopted as part of the Management Plan. • Become a member of the EPOC and Blue Thumb.

				• Develop and promote a Water Quality Education Grant program similar to the one developed by the EPOC. • Announce in 2009 availability of grants to local schools, church organizations and scout groups to fund water quality improvement projects.

GOAL No. 4 **Objective** Establish more uniform local policies and official controls for surface water management.
Page III-1 of Mgmt. Plan

Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Establish more uniform local policies and official controls for surface water management. Commission will continue to work with member cities to complete their local plans. Local plans are required to incorporate, at a minimum, the rules and standards of the Commission.	Ongoing.	Ongoing.	• Elements of or complete local stormwater management plans have been received from Greenfield, Loretto, Medina and Minnetrista. They are being reviewed for conformance with the Commission's Watershed Management Plan.	• Continue to work with all cities to complete their local plans. • In 2011 begin to develop work plan for Commission's third generation Watershed Management Plan. • Review and revise if necessary existing Shoreline, Erosion and Sediment Control and Stormwater Management model ordinances. • Draft manure management and wetland buffer model ordinances

APPENDIX B

WATERSHED MANAGEMENT ORGANIZATION PERFORMANCE STANDARDS

LGU Name: Pioneer-Sarah Ck. Watershed Mgmt. Comm.

Performance Area	Performance Standard ★ Target (high performance) standard ■ Basic practice or Statutory requirement ◊ Quantitative standard	Level of Review I Annual Compliance II BWSR Staff Review & Assessment (1/5 yrs)	Rating Yes, No, or Value	
			YES	NO
Administration	■ Activity Report: annual, on-time	I	X	
	■ Activity report: content MR 8410 compliant (include self-assessment of progress)	I	X	
	■ Consultant RFP: ≤2 yrs for legal, engineering, accounting	II	X	
	■ Financial report & audit completed within last 12 months	I	X	
	■ Personnel policies: written and reviewed/updated within last 5 yrs	II		X
	■ Data practices policy: reviewed/updated within last 5 yrs	II	X	
	■ Water appropriation permit program exists (Hennepin and Ramsey only)	II	X	
	■ Joint Powers Bd: tabulation of current members and terms exists	I	X	
	★ Staff training: cont ed and orientation record for each staff member	II	N/A	
	★ Board training: cont ed and orientation record for each board member	II		X
	★ Public ditch records: modernized, usable, indexed (where applicable)	II	X	
	★ By-laws or operational guidelines exist and current	II	X	
Planning	■ Management Plan: up-to-date	I	X	
	★ Capital Improvement Plan: reviewed 2/3 yrs	II	X	
	◊ Local plan approvals by WMO	II	2	
Execution	★ Cooperative projects/tasks done with partners	II	X	
	★ Water quality trend completed for key water bodies	II	X	
	★ Watershed yield trends monitored / reported	II	X	
	◊ Expenditure trend: net change past 5 yrs	II	+25% +$19,059	
	◊ Project-program expense $/total budget $ (past 5 yrs)	II	46%	
Communication & Coordination	■ Stakeholder survey: within last 5 yrs	II		X
	■ Communication piece: sent within last 12 months	I	X	
	■ Website: contains members, minutes, updated after each board mtg	I	X	
	◊ Advisory committee: # mtgs within last 12 months	I	4	
	★ Public education program: seminars, tours	II	X	
	★ Coordination with County / City / Twp by JP Board members or staff	II	X	
	★ Advisory committee makes recommendations on projects, issues, reports	II	X	

APPENDIX C

BWSR PERFORMANCE REVIEW AND ASSISTANCE PROGRAM
Level II Review: Assessing Progress Toward Plan Objectives

Name of Organization: Pioneer-Sarah Creek Watershed Management Commission
Contact Person (Name and contact info.): Judie Anderson, Administrator

Part 3: Discussion Questions

How to use this form: Please schedule a special meeting or designate time at a regular board meeting to fill out this form. Make sure you invite your BWSR board conservationist to attend the meeting. He or she will observe the discussion and can explain the review process. Your answer to each of the following questions should be based on discussion among board or advisory committee members and principal staff and must reflect the consensus of those people. Return the completed form in electronic format to the BWSR PRAP coordinator. Remember: *your responses on this form become public information.*

1. **How often does your board review your plan or assess progress on planned objectives?**
   The Management Plan is reviewed as part of the annual budget process. Plan objectives are updated in the monthly Staff report and at regular monthly meetings.

2. **Where has your organization made the most progress in implementing your plan objectives in the past few years? To what do you attribute that progress?**
   Lake Independence TMDL and Implementation Plan, Lake Sarah TMDL. While not specifically identified in the Plan, the importance of improving the water quality of these priority lakes has moved these projects to the forefront. The Commission's ongoing, working partnerships with Three Rivers Park District TRPD), the six member cities, the Lake Independence Citizens Association (LICA), and the Lake Sarah Improvement Association (LSIA) has allowed the Commission to continue to advance these projects at a steady pace. In addition, the Commission is supported very well by its technical staff at Hennepin County Department of Environmental Services (HCDES) as well as by representatives from the University of Minnesota Extension Service, NRCS and BWSR. Grants from BWSR, Metropolitan Council and HCDES have assisted the Commission in funding the development of TMDLs, nutrient management projects and other BMP projects. TRPD cooperator funds have supported these endeavors as well as allowed the Commission to expand its water monitoring program.

3. **For which objective(s) has your organization had the most difficulty making progress? What are the most likely reasons for this lack of progress?**
   Advancing the first phase of the Lake Independence TMDL Implementation Plan – nutrient management. While the Lake Independence Nutrient Management CWL Grant program has been promoted widely, only a few residents are availing themselves of the money available. Some factors may be 1) residents eschew government involvement; 2) economic uncertainty; 3) lack of appropriate municipal ordinances; and 4) lack of a state-wide agricultural nutrient management policy.

4. **Since the plan was completed, have there been any unforeseen opportunities or problems that have influenced your board's decisions about which objectives to pursue? Explain those influences.**
   • Larger, more costly capital improvement projects have been undertaken at a slower pace than originally scheduled primarily due to member funding constraints.

- Lack of a statewide agricultural nutrient-management policy also deters the Commission from ag-related BMPs – critical where animal owners are a significant percentage of the Lake Independence and Lake Sarah lakeshed population/land use.
- Emphasis and funding have been directed toward those water resources requiring TMDLs, unfunded mandates not addressed in the Management Plan.
- Many CIPs require studies before they can be evaluated for cost and effectiveness. As a result some projects, such as nutrient reduction in the Spurzem wetland, have been determined not to be cost-effective.
- While the lake monitoring program continued, in part as a data-gathering tool for current and future TMDLs, stream monitoring was curtailed from 2004-2007 due to lack of funding.

5. **What are the five most significant factors that are affecting (positively or negatively) your organization's ability to implement your planned objectives?**
- Failure of some member cities to develop their local plans.
- Failure to adequately communicate to cities the need to approve budgets that will adequately fund CIPs.
- Hesitance of Independence lakeshed residents to participate in CWLA program. Presentations were made before city councils and stakeholder groups, fliers were distributed, an informational luncheon was held, and on-site visits were made by Staff and representatives from NRCS and U of M Extension.
- Lack of state-wide agricultural nutrient management policy to support the Commission in its nutrient management BMPs endeavors.
- Wetland litigation distractions have eroded Commission resources in terms of unbudgeted time and dollars – Stephan, Raisanen v. Bleck.
- Unbudgeted time required to prepare agency audits, complete cumbersome grant reports.
- Partnerships, such as those identified in no. 2 above, have played a positive role in the Commission's success, allowing a free exchange of dialogue and information. Conversely, the Commission needs their partners to stand behind their mandates.

6. **For which of the factors listed in #4 would your organization like some assistance for either taking better advantage of positive factors or overcoming negative factors? Identify the type of assistance that would be most helpful.**
- Have a clear mechanism to deal with WCA violations. Have BWSR implement/enforce decision.
- Have statewide requirements for ag nutrient management with power of enforcement.
- Continue to provide technical, regulatory and financial assistance for TMDLs. Stress cities' responsibility to mandate to their citizens.

7. **How will your organization use any of the information you gained from this review in communicating or working with your partners and customers?**
- Commission will develop more concise budgets. Provide more complete explanations for line items. Develop a separate budget for CIPs.
- Budget additional dollars for education.
- Consider using tax levy mechanism to fund capital projects.
- Inform member cities that failure to implement CIPs could result in Commission being recreated as a watershed district. Explain the philosophical and real difference between the two types of organizations and how members will lose local control as a watershed district.

APPENDIX D

Pioneer-
Sarah Creek
Watershed Management Commission
ADMINISTRATIVE OFFICE: 3235 Fernbrook Lane N • Plymouth, MN 55447
763.553.1144 • Fax: 763.553.9326

December 17, 2008

Brad Wozney
Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, MN 55155

Don Buckhout
Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, MN 55155

Gentlemen:

Over its last three meetings the Pioneer-Sarah Creek Watershed Management Commissioners have reviewed the Performance Review and Assistance Program (PRAP) Level II Pilot Report. They have thoughtfully formulated the following responses *(in italics):*

1. The fourth goal, regarding stormwater management, is addressed through the commission's oversight of the member cities' development of municipal stormwater management plans. The commission reports that four of the six member cities have plans in development. Because implementation of the commission's policies and standards are tied to the member cities' administration of land use and water management practices, the overdue local plans reflect adversely on the commission's implementation of their plan objectives. *The Commission has sent letters to the member cities requesting that they accelerate development of their local plans (sample letter attached). If necessary, follow-up letters will be sent in early spring.*

2. Neither the commission's website nor most recent annual report (2007) contains information about the status of local stormwater plans for the other two cities. *This information is provided in Appendix 1 of the 2007 Annual Report and will be provided in more detail in the 2008 Annual Report and continually updated on the Management Plan page of the website.*

3. In addition to the accomplishments reported by the commission for each of the four comprehensive management plan goals, they have also identified many action items to implement during the remaining years of their current plan cycle. In the report of plan accomplishments submitted to BWSR for this performance review, the commission has summarized and organized the action items under each goal differently than they are written in their plan. The accomplishments listed for [these] action items are a mixture of descriptions of further intentioned actions by the commission and two specific instances where [erosion control] issues are addressed. This is an example of how some of the other plan accomplishments and next steps are described in general, non-quantitative rather than specific or quantitative terms. *For the most part, activities associated with the Commission's goals, policies and standards are general in nature, rather than specific or quantitative. They are considered when*

reviewing individual projects, reviewing local stormwater management plans, developing TMDLs, etc. At that time specific projects are identified, water resources prioritized, budgets determined and funding resources identified.
A case in point is the Lake Independence TMDL. While developing the TMDL and ensuing Implementation Plan, local water resource impairments were identified such as erosion, shoreline degradation, locations where animal units were contributing to phosphorus loading to the lake, etc. These were identified and inventoried. This information was included in the TMDL document and is available on the Commission's website with a link to the PCA website. Similar information is already available from Hennepin County Department of Environmental Services (HCDES) and Three Rivers Park District (TRPD) and will be reported in the future.

4. Based on the self-report of the commission and BWSR's review, the commission has identified accomplishments for all but one of their 11 action items. That one action item relates to public ditch management for which the commission has no responsibility at present. *The Commission **will not consider** action relating to public ditches under its second generation Watershed Management Plan. This item will be removed from future Plan updates.*

5. The P-SC WMC overall organization and operations meet 9 of 12 basic practice standards and 9 of 10 target (high performance) standards. One of the target standards, Staff training, does not apply because the commission does not have regular staff. The only basic practice standards they do not meet is having up-to-date personnel policies and a comprehensive stakeholder survey within the last five years. *The Commission has developed and/or updated its Rules, Code of Ethics, Data Practices Policy and Public Data Access Policy. (See no. 7 below.)*

6. The commission provides a commission member handbook but apparently does not provide board training or orientation. Even with long-term members, there are new issues and topics (e.g., TMDLs) that warrant regular training. Also, providing a standard orientation process for new members ensures that there is good transfer of knowledge and that commissioners spend the least amount of time possible getting up to speed on commission programs and priorities. *Commissioner handbooks will be updated and provided to the Commissioners in January 2009. JASS will provide administrative training, HCDES and TRPD will provide specific technical trainings at regular intervals. These three entities will also lead a strategic planning session for the Commissioners in January.*

7. Finally, BWSR encourages the commission to undertake a survey of stakeholders within the district. This can be done in a variety of ways using the existing public information and outreach activities of the commission. *With the reticence of the City Councils to spend money on **required** projects such as TMDLs, and the Commission's past failure to connect with citizens on the CWLA grant, any survey would need to be carefully crafted by professionals, with guidance from the Commissioners and Staff, in order to generate the information the Commission needs to move forward or change direction. From experience, such a survey would probably take 3-4 months to develop, one month to do and 1-2 months to extrapolate findings and trends. If it is the desire of the Commission to conduct a survey, the Commission would have to start that process in early 2009 in order to budget for its costs in mid-2009 for 2010. At this time, the Commission has chosen to consider using the results from the existing Hennepin County and Joint Education and Public Outreach Committee (EPOC) surveys rather than go through this time-consuming and costly process. This feels like micromanagement. Question: What does BWSR anticipate we will we get from a survey?*

8. The commission also identified several factors that have hindered the implementation of their plans and projects. These include: landowner indifference to the Lake Independence Clean Water legacy

nutrient management program; commission member cities' funding constraints; lack of a statewide agricultural nutrient management policy, litigation related to the commission's wetland regulatory

program, and slow progress by cities in developing required stormwater management plans. The commission listed three ways that BWSR could assist them with plan implementation: play a greater role in enforcing wetland conservation act violations, provide more leadership and enforcement of agriculture nutrient management policy, and provide technical assistance for TMDL plan implementation, particularly with voluntary programs. *These are still areas where the Commission would like more support from BWSR.*

9. Items identified by the organization for follow up based on the performance review include: establishing more concise budgets, provide more financial support for public education, and more directly address pros and cons of alternative project funding issues, including the option of reforming the P-SC WMC as a watershed district to provide levy authority. ***No Commissioner has expressed a desire to reform as a WD.*** *The Commission as a WMO has levy authority and has provided for that option in its JPA. The Commissioners are committed to having a local voice on local issues. As an aside, I understand that BWSR is convening a committee that will, among other discussions, consider revising the major and minor plan amendment processes to make them less cumbersome and time-consuming.*

10. Based on the commission's own assessment, it's assumption of large-scale water management projects and regulatory responsibilities without commensurate financial support is taxing their ability to meet basic rule compliance and policy standard development. The commission has shown an interest in improving its operations by using the results from this performance review to pursue changes or additions to its operation as suggested by the performance review documents. An example of such an improvement is the commission's intent to revise budget formats. *The Commissioners indicated their willingness to develop 3-5 year extended budgets. This will be an integral part of the strategic planning session in January.*

Recommendations:

11. Conduct a STRATEGIC Planning Exercise to Address Priorities and Redefine Objectives

The Commissioners will meet with Staff in January 2009 to develop a written strategic plan. The plan will identify the "non-specific policies" referenced above and attempt to attach measurable objectives, goals, timelines and budgets. When the strategic plan has been fleshed-out, it will be presented by the Commissioners to their City Councils for review and comment before finalizing a projected 3-5 year budget and possible major plan amendment.

12. Address Local Stormwater Plan Development

See no. 1, above. A deadline of February 17, 2009 was established for receipt of the cities' draft plans. May 31, 2009 is the deadline for final approval of the local plans. The follow-up letter will cite consequences for non-compliance.

13. Adopt Personnel Policies

This is a relatively low priority action item. BWSR can assist with this task.

Don Buckhout indicated this includes how board members are compensated for time spent on Commission business, how contracts for administrative or engineering services are decided, ex parte *communication policies, etc. Each member city determines how their representative is compensated for time spent on Commission business. The Commission reimburses Commissioners for Education expenses, primarily registration to attend seminars and workshops, etc., on an event-by-event basis. A reimbursement policy will be considered at the strategy session. If BSWR has some model language for this item, please share it with the Commission.*

As prescribed by Statute, the Commission solicits interest proposals biannually for administrative, legal, technical and wetland consultants. They serve at-will and are not extended contracts.

Again, if BWSR has model language for an ex-parte *communication policy, please share it with the Commission.*

APPENDIX D

14. Conduct a Stakeholder Survey

A survey of Commission stakeholders (e.g., public officials, landowners, past customers, other agency personnel) can provide valuable information to guide future actions and address barriers to plan implementation. BWSR staff can provide tools that have been used in other commissions to get useful information from a commission's citizens and officials. This information is particularly useful if collected in conjunction with periodic plan updates or strategic planning. *See item 7 above. The Commission would be interested in knowing more about these "tools." Since we are currently driven by TMDLs, they could be useful as we begin developing the third generation plan -- as a report card on how we've done and what we should be doing in the future. If an outcome of the strategic planning session is the need for a survey to gather particular information, it will be done in a future year and be budgeted as a line item.*

From Further Guidance

15. The strategic plan, mentioned in recommendation #1 of our draft report, would provide a means for the commission to focus on what is most important in the next 2-3 years. The plan would serve as a guidance document for commission decisions and a notification to the member cities of what the immediate priorities are in the Pioneer-Sarah Creek watershed. Furthermore, it would allow the commission to put some measureable outcomes into annual work plan priorities. In reviewing the 2008 Work Plan written into the 2007 Annual Report, we noted that the objectives are left somewhat indistinct. A strategic planning process could help to identify priorities. *A strategic plan will be the outcome of the scheduled strategic planning session in January. It is anticipated Section V of the Management Plan will be modified to current situations and specificity added.*

16. With respect to the cities' stormwater management plans, the commission could use the strategic planning process to set schedules for plan development and commission review based on which cities have priorities. *Another intended outcome of the strategy session will be to identify priorities as outlined in the cities' local plans.*

17. The Capital Improvement Plan in Table V-1 of Section V of the Comprehensive Watershed Management Plan needs to be updated with expansion of project priorities for each year from 2009-2012. The current version of this table has the years 2008-2012 consolidated in one column with almost no planned projects listed for those years. *As indicated in 15 above, the CIP will be reworked as part of the strategy meeting and specificity added. TRPD's close association with the Commission will make this task easier and the Impaired Waters List will identify many of the projects.*

The Commissioners and Staff found this review to be an interesting and useful exercise. However, as a point of information, to date this review and associated activity have taken the Commission's administrator 34.39 hours ($1,946.45) to complete. That equals 5.12% of the total 2008 administrative budget of $38,000! In addition, the costs of the strategic planning session were not included in the Commission's 2009 budget. Will BWSR be requesting funding from the Legislature to reimburse LGUs for these costs or is it just another unfunded mandate?

Sincerely,
Judie A. Anderson
Administrator
JAA:tim
Encls.
Z:\Pioneer-SarahCreek\PRAP\L_Reponse to report.doc

APPENDIX D

Pioneer-
Sarah Creek
Watershed Management Commission
ADMINISTRATIVE OFFICE: 3235 Fernbrook Lane N • Plymouth, MN 55447
763.553.1144 • Fax: 763.553.9326

November 20, 2008

Toni Hirsch
City of Independence
1920 County Road 90
Maple Plain, MN 55359

RE: City of Independence Local Water Management Plan (LWMP)

Dear Ms. Hirsch:

The Pioneer-Sarah Creek Watershed Management Commission's Second Generation Watershed Management Plan was approved by the Board of Water and Soil Resources on October 27, 2004 and adopted by the Commission on December 16, 2004. Minnesota Statutes 103B.235 and Minnesota Rules 8410.0160 require member cities to revise their local water management plans and local controls to be in compliance with the Commission's Plan within two years of the plan's adoption, or by December 2006.

As of this writing, the City of Independence has not yet submitted its LWMP for review.

Commission Staff's review of the LWMP will focus on the requirements outlined in Section VI of the Commission's Second Generation Plan and comments and recommendations provided by the Metropolitan Council. Local plans must be at least as restrictive as the Commission's Plan.

The Commission is requesting the City of Independence to submit its LWMP to the Commission and Metropolitan Council for review and comment by February 17, 2009. This will allow time for the City to respond to the comments received and for the Commission and Met Council to provide additional review and comment if necessary.

The Board of Water and Soil Resources has extended a **final deadline of May 31, 2009**, at which time member communities must be in full compliance with the Pioneer-Sarah Creek Commission's Second Generation Watershed Management Plan and Minnesota Rules and Statutes. After approval by the Commission, the City of Independence has 120 days to adopt and begin implementation of its plan and 180 days to amend its official controls.

Questions regarding your LWMP should be directed to the Commission's Technical Advisor, James Kujawa, 612.348.7338, or James.Kujawa@co.hennepin.mn.us.

Sincerely,
Judie A. Anderson
Administrator
JAA:tim
Cc: Carole Peter, Commissioner
Judy Sventek, Metropolitan Council

Minnesota Board of Water and Soil Resources
Performance Review and Assistance Program

Level II (Pilot) Performance Review Report
for
Renville County Local Water Planning

December 23, 2008

Lead Staff

Donald Buckhout

Donald Buckhout, Coordinator
Performance Review and Assistance Program

Board Conservationist

Tom Fischer

Tom Fischer
Southern Region (New Ulm)

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

Questions about this document should be directed to:
Don.Buckhout@state.mn.us or 651-296-0768

Minnesota Board of Water and Soil Resources
Performance Review and Assistance Program
Level II (Pilot) Report
Renville County Water Management
December 23, 2008

Report Purpose and Contents

This is an information document prepared by the staff of the Board of Water and Soil Resources (BWSR) for the Renville County board, the staff of the county Water and Household Hazardous Waste Department, the Water Protection and Management Task Force, and the general public. The information in this document reports the results of a routine performance review of the county's water plan implementation and is intended to give the task force and county staff constructive feedback they can use to capitalize on strengths and identify areas needing improvement. While the performance review reported herein has been conducted under the authority granted to BWSR by Minnesota Statutes Chapter 103B.102, this is a staff report and it has not been reviewed or approved by the BWSR board members.

This report contains the following sections:

- Background
- Purpose
- Scope
- Findings and Discussion (Parts 1-3)
- Conclusions
- Recommendations
- LGU Response
- Appendices

Background

In January 2008 the Minnesota Board of Water and Soil Resources (BWSR) adopted a strategic plan with a mission statement to *improve and protect Minnesota's water and soil resources by working in partnership with local organizations and private landowners.* The strategic plan recognizes the essential role of the system of local governments, such as county local water management staff, in delivering the programs and projects that will accomplish this mission.

One approach to making that local delivery system the best it can be is BWSR's implementation of a program authorized by the 2007 Minnesota legislature. Called the Performance Review and Assistance Program (PRAP), its purpose is to periodically review and assess the performance of local units of government that have land conservation and water management responsibilities. BWSR has developed four different levels of review and assistance, from routine to specialized, depending on the program mandates and the needs of the local governmental unit.[1]

[1] For more information about BWSR's Performance Review and Assistance Program see the 2008 Report to the Legislature at http://www.bwsr.state.mn.us/PRAP/index.html

A Level I review annually tabulates the local government unit's compliance with basic organizational requirements. In Level II, conducted by BWSR once every five years for each local government unit, the focus is on the degree to which the organization is accomplishing its management plan. A Level II review includes determination of compliance with BWSR's Level I and II statewide performance standards, a tabulation of progress on planned goals and objectives, a discussion among task force members and staff of the factors affecting plan implementation, and a BWSR staff report to the organization with findings, conclusions and recommendations.

In 2008, because of limited funding, BWSR is conducting only seven Level II performance reviews statewide on a pilot basis. BWSR selected **Renville County,** in particular its local water planning function carried out by the county's **Water and Household Hazardous Waste Management Department** and the **Water Protection and Management Task Force**, as one of the seven to test the procedures and review standards of this new program. This document reports the results of that review.

Purpose

The purpose of this Level II performance review is to determine the progress of Renville County in accomplishing the goals and objectives of the local water management plan and to assess the county's overall performance with respect to general performance standards for local water management planning and implementation.

In addition, our review provides suggestions for additional actions or assistance that the task force and county can consider.

Because this is a pilot application of PRAP, BWSR will use the results of this review to adjust the performance standards and review criteria for subsequent reviews of other local governmental units.

Scope

This PRAP review included information gathering, analysis and reporting. Specific actions taken by BWSR in this process have included: review of the county's compliance with the PRAP Level I and II performance standards as reported by the county staff and task force, BWSR staff attendance at a task force meeting to explain the PRAP process and monitor the task force's discussion of plan implementation issues (PRAP Level II Part 3), and review of the county's 2003-2007 eLINK reports to BWSR.

The PRAP process is administered by BWSR for the purposes of performance improvement and assistance. It is neither a financial audit nor investigation and it does not replace or supersede other types of governmental review of local government unit operations.

Findings and Discussion

1. Part 1: Progress Toward Local Water Plan Goals and Objectives

Findings: The Renville County local water management plan was approved in BWSR in December 2002 and adopted by the county board in February 2003 to cover the period 2003-2012. As required by BWSR, the county developed a new Five-Year Focus Plan (2008-2012) in January 2008. In Renville County the primary responsibility for plan implementation lies with the county Water and Household Hazardous Waste Management Department and in particular, the department coordinator. Assisting with and helping to guide this activity is the Water Protection and Management Task Force. In addition, the Renville Soil and Water Conservation District adopted the county plan as the district's own comprehensive plan.

Part 1 of the Level II performance review is an evaluation, based on information provided by the LGU, of the progress made in accomplishing each of the goals, objectives, and action items listed in the county local water management plan. (See Appendix A.) The plan contains 39 specific action items organized under five goals. The goals address surface water quality, groundwater quality and supply, biodiversity, wetlands, and coordination and public participation. All of the action items were proposed for implementation within the first (2003-2007) 5-year Focus Plan.

The county has reported accomplishments towards implementation of 37 action items. Many of the action items report quantitative results on progress. For example, for the action item "Restore wetlands with additional upland acres," the county reports 1,141.7 wetland acres and 1,622.6 upland acres restored. The two action items with little to no progress so far are: to develop a groundwater monitoring database from well data (Goal 2, Objective 1, Item 1), and to increase the county water planning coordinator position from half-time to full-time (Goal 5, Objective 2, Item 1). The county has indicated in the 2008-2012 5-year Focus Plan that they will continue implementation of 37 of the 39 action items. Two action items have been completed: "Revise county shoreland controls" (Goal 1, Objective 1, Item 9) and "Coordinate with Minnesota Water Plan 2000," (Goal 5, Objective 2, Item 6).

Discussion: For this pilot application of PRAP, BWSR selected LGUs that are at various points in their plan implementation cycle. Renville County is halfway through the implementation phase of their 10-year planning cycle and have just updated their five-year "focus plan" at the time of this performance review. Therefore, BWSR expects that the county would be able to report progress on most of the action items in the plan.

The Renville County local water management plan is well organized with goals, objectives, and action items, many of which set quantitative targets. The county has reported quantitative results on these items allowing for ready assessment of implementation progress.

Based on the self-report of the county and BWSR's review, Renville County has made excellent progress on plan implementation. The county has completed two of the action items and has made substantial progress on almost all of the rest. The new 2008-2012 Five-Year Focus Plan includes the remaining items for continued implementation. The minimal progress reported on two of the action items can be explained in the one case (increasing staff hours) to a county budgetary decision and in the other case (groundwater quality data base) to the complexity of the task. Nevertheless, the county will continue to pursue these items during the next five years.

2. Part 2: County Local Water Planning Performance Standards

Findings: BWSR evaluated the Renville County local water planning activities based on the county's responses to a set of performance standards developed for the PRAP process. BWSR reviewed the indicators for the county's operational effectiveness in four categories—*administration, planning, execution,* and *communication and coordination*—for the period 2003-2007. These standards are tracked by BWSR to serve as targets for counties as they work to improve their performance and as a way for counties that are meeting them to receive credit for operating at a high level of performance. (See Appendix B).

Renville County met 6 of 7 basic practice standards and 9 of the10 target (high performance) standards that apply to county water management programs. Noteworthy among the target (high performance) indicators that Renville County meets are their water management partnerships, public education, and timely reporting.

Some indicators that BWSR noted for further discussion are their website information and the value of a stakeholder survey.

Discussion: In general, a county would be expected to meet all of the basic performance standards and to consider some of the high performance standards. However, because BWSR introduced these standards in February 2008, the local governmental units being evaluated in this first PRAP review have not had the opportunity to adjust their operation to meet even the basic standards. Consequently, BWSR expects that many local units of government would be deficient in some of basic standards. Over time, as local governments become more familiar with the standards, the degree of compliance would be expected to increase. The fact that Renville County met most of the basic performance and target performance standards demonstrates that the organization's overall operational characteristics are excellent. In addition, the local program activities are consistent with the local water management plan goals.

In particular, the county water plan activities related to implementation of best management practices via partnerships reveal an area of strength for the county. This is confirmed by the reporting of accomplishments in part 1 above.

The only standards for which the county was not in compliance are in the areas of stakeholder survey (Communication & Coordination) and having the county local water plan on the county website (Communication & Coordination high performance standard). Each of these items is addressed in this paragraph.
1) Regarding the stakeholder survey, some type of method for assessing citizen and partner opinions and priorities is useful to inform program implementation decisions and future plan upgrades. Surveys are most helpful if conducted in advance of plan updates. (See recommendation 1.)
2) A BWSR review of the Renville County website found that the entire local water plan is not posted or linked on the site. This can easily be remedied to maintain basic public information for performance accountability and transparency. (See recommendation 2.)

3. Part 3: Renville Water Protection and Management Task force Discussion of Plan Implementation Progress

Findings: The local water plan task force met on July 28, 2008 for a regular meeting and spent time responding to questions designed to elicit information about factors affecting plan implementation. This discussion is summarized on the Part 3 form in Appendix C. In describing factors that have benefitted the county's accomplishment of goals and objectives, task force members mentioned coordination among local units of government. The task force consists of a wide array of local government, conservation, private industry, and local citizen representatives. With financial support from other entities the county has been able to move ahead with implementation of the local water management plan. They have also taken advantage of the Clean Water Partnership program to pursue additional revenue and to develop projects consistent with the local water management plan goals.

The task force identified two factors that have hindered the implementation of their plans and projects. These are: lack of funds to implement programs, especially large projects, and limited staff time for water management. The cutback in state grants to counties, which occurred in 2003 at the beginning of the county's current water management planning cycle, has significantly limited the county's plan implementation efforts. This has caused the task force and county staff to seek other sources of project funding. At present, water management is one of several responsibilities for the county's Water and Household Hazardous Waste Department administrator. Consequently, staff time is divided among several non-water management responsibilities. The local water management plan calls for a full-time position to administer the plan, but the county has not chosen to fund the position at that level.

Other factors, both positive and negative, have influenced the county's ability to implement the plan. On the plus side are the fact that the local water plan is locally driven with goals reflecting local realities and priorities, and secondly, that there is support from the county board, the local soil and water conservation board, and from the water management task force members. Factors that present challenges are the difficulty in balancing the demands of a strong agriculture-based economy with the need for clean water, and the past reduction in state funding for local water management.

The task force members and staff have requested BWSR assistance in increasing the state share of the natural resources block grant for county water management, supporting the value of local water management as part of overall environmental protection, and providing opportunities for local water planners to receive training and share information at some type of annual conference. The task force decided they would use the information from this performance review to help guide their on-going plan implementation efforts and they would share the results with the county board and county residents.

Discussion: The Renville County staff and the water management task force have a good grasp on the factors that are affecting their success in plan implementation. They recognize the value of working closely with other local governments, agencies and project partners to get projects on the ground. The water management task force consists of a good cross-section of agency and individual representatives. The members meet quarterly to be kept abreast of accomplishments, current issues, to prioritize funding requests, and to allocate funds. They assist the water plan coordinator in the development of each annual work plan and budget. They participate during the local water management plan revision process.

The task force identified their ability to take advantage of new programs, such as the Clean Water Partnership program, in order to fund projects consistent with the plan goals and objectives.

BWSR agrees with the task force that staff hours available to work on plan implementation is a limiting factor for the county. The county has accomplished much, but with more staff hours more could be done. The local water management plan action item (Goal 5, Objective 2) calls for the water planning coordinator position to be converted to full-time. It is apparent that sufficient managerial effectiveness exists within the department to justify expanding the position to meet the workload demands. (See recommendation 3.)

Based on direct observation and the experience of BWSR staff, the water management task force continues to be an effective entity in the implementation of the local water management plan. It is in BWSR's as well

as the county's interest to ensure that the task force continues to operate effectively. (See recommendation 4.)

Conclusions

At the halfway point of local water management plan implementation, Renville County has already made excellent progress in meeting their planned goals and objectives. Many of the plan objectives and action items contain clear quantitative target values that allow for ready assessment of accomplishments. The county attributes their progress in part to their partnership and close working relationship with other state, local and federal organizations.

BWSR realizes that the staff hours able to be devoted to water planning are less than desired. However, our assessment is that county staff are providing adequate services with the funds available, and if there were additional county funds, staff are well positioned to do more.

The county has demonstrated the ability to shift priorities to take advantage of new opportunities for funding project implementation. In a limited funding climate or with changing economic factors affecting development pressure, this ability to make adjustments is critical and will serve the county well.

Renville County has operational practices in place that comply with almost all of the basic and target (high performance) PRAP standards. Even well-run operations can find ways to improve, and, in that regard, BWSR has suggested enhancements to website and stakeholder communications.

Recommendations

The following recommendations are based on BWSR's evaluation of the performance of Renville County local water management plan implementation activities as described above. These recommendations are not mandated by BWSR, but are offered to the staff and task force to enhance the organization's service to the citizens of the county and its pursuit of effective water and related land resource management.

1. Update the County Website with Local Water Plan Information

   By adding a few items such as newsletters, task force meeting notices and minutes, and a calendar of events, the county website can serve as an additional public information tool. Posting a copy of the entire local water management plan would also be a good use of the website.

2. Plan for a Stakeholder Survey

   It is not urgent at this time, but the county should plan for conducting a stakeholder or resident survey one or two years prior to the next local water plan revision. The survey can be used to ascertain landowner priorities, water management problem areas, and the best methods for education and information efforts based on perceived needs and opinions about the success of past efforts. The survey can serve the purposes of other water management entities, such as the

watershed districts and the soil and water conservation district, and ideally would be done as a collaborative effort. The water management task force would be a good sounding board for the survey questions and can provide guidance regarding to whom the survey should be targeted.

3. Increase Staff FTE for Water Planning

The local water management plan call for increasing the water plan coordinator position from part-time to full-time is justified given the county's record of effective program implementation. Another option to increase staff component is to add a part-time or full-time staff person to help the coordinator with water plan implementation responsibilities.

4. Optimize Use of the Water Protection and Management Task Force

This group is already functioning well. These are suggestions for how to take full advantage of the task force's capabilities:

a) Consider appointing a member to serve as chairperson rather than having the water plan coordinator serve that role. This would free up the coordinator to serve as a technical advisor to the task force and may give members even more ownership of the group's decisions.
b) The task force should continue to meet quarterly.
c) Consider expanding the membership, and rotating individuals in and out as necessary to keep members fresh and interested.
d) Consider providing a tour for the task force members (could also include the general public) to see what has been accomplished within the county.

LGU Response

Something to consider – the PRAP only looked at the number of Land & Water Projects completed and does not take into consideration the other projects we completed including Information/Education activities (i.e. storm drain stenciling, newsletters, school education activities) and Water Quality Monitoring. I am only mentioning this because some may wonder where the money is spent. As you probably concluded from our December 2008 Task Force meeting, our group often feels that education/communication or a monitoring activity can be as important as a project on the landscape.

[*BWSR will be modifying future Level II performance standards to take into account all expenditures of state funds, not just the land and water project expenditures, in order to give a complete picture of how local governments are using money to address local priorities.*]

APPENDICES

A. PRAP Level II Review, Assessing Progress Toward Plan Objectives-Part 1; Renville County Local Water Plan.

B. PRAP County Local Water Planning Performance Standards form-Part 2; Renville County Local Water Planning.

C. PRAP Level II Review: Assessing Progress Toward Plan Objectives-Part 3: Discussion Questions-Renville County Water Protection and Management Task Force.

APPENDIX A

How to Use this Form: LGUs may use this form to report progress toward management plan goals and objectives or may substitute their own report that contains comparable information. The terms **Goal**, **Objective** and **Actions/Results** are generic and refer to typical plan structure elements from general to specific. Those fields on this form should be filled with information directly from the plan. **Timeframe** columns should be filled with dates when the **Action** was proposed for implementation and when it was actually implemented, if that has occurred. Make additional copies of this page as needed to cover each of the goals, objectives and actions in the management plan.

LGU Name: Renville County **Name of Contact**: Diane Mitchell, Coordinator **Date of This Review**: July 2008
Type of Management Plan: LCWP Five-Year Focus Plan
Date of Last Plan Revision: January 2003 and January 2008

GOAL No. 1: PROTECT AND IMPROVE SURFACE WATER QUALITY.

Objective 1: Decrease the nutrient and sediment concentration of surface water to the 50th percentile of the Western Corn Belt Plains Ecoregion.

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Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Implement filter strips and riparian buffers adjacent to drainage ditches, streams, rivers, wetlands, and lakes in Renville County.	2003-2007	2003-2007/ On-going	Coordinated efforts with other local, state, and federal programs to install 2,615.7 acres of filter strips and buffers.	Addressed again as a priority Action Item in revised Five-Year Focus Plan (2008-2012) under BMP Program.
2. Upgrade 500 failing septic systems.	2003-2007	2003-2007/ On-going	Upgraded 463 septic systems. Administered multiple low interest loan programs to finance septic upgrades.	Addressed again as a priority Action Item in revised Five-Year Focus Plan (2008-2012).

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3. Upgrade high priority feedlots.	2003-2007	2003-2007 /On-going	Coordinated efforts with other local, state, and federal programs to cost-share 8 feedlot improvements.	Addressed again as a priority Action Item in revised Five-Year Focus Plan (2008-2012).
4. Provide technical assistance to cities with nonconforming wastewater treatment facilities to bring them into compliance with State and Federal regulations.	2003-2007	2003-2007/ On-going	Provided support to 2 communities implementing wastewater upgrades.	Addressed again as a priority Action Item in revised Five-Year Focus Plan (2008-2012). Changed to "Cooperatively work with" rather than "Provide technical assistance".
5. Convert conventional tillage to minimum tillage.	2003-2007	2003-2007/ On-going	Utilized the AgBMP loan program for 16 conservation equipment purchases to increase minimum tillage acreage. 18,852 acres of conservation tillage (EQIP).	Addressed again as a priority Action Item in revised Five-Year Focus Plan (2008-2012) under BMP Program.
6. Install field windbreaks in the County to reduce wind erosion.	2003-2007	2003-2007/ On-going	Installed 13.2 miles of field windbreaks (SWCD).	Addressed again as a priority Action Item in revised Five-Year Focus Plan (2008-2012) under BMP Program.

7. Provide educational and technical assistance to landowners regarding the conversion of open tile intakes to alternative drainage practices.	2003-2007	2003-2007/ On-going	Funded one demonstration project through the Water Plan. Coordinated with other programs (i.e. CWP) to increase education and installation efforts. Installed 80 alternative intakes.	Addressed again as a priority Action Item in revised Five-Year Focus Plan (2008-2012) under Alternative Drainage Practices.
8. Control gully erosion by installing grade stabilization structures, grassed waterways, terraces, and sediment basins.	2003-2007	2003-2007/ On-going	Coordinated efforts with other local, state, and federal programs to cost-share 55 gully erosion projects.	Addressed again as a priority Action Item in revised Five-Year Focus Plan (2008-2012) under Goal 1, Objective 1: "Reduce erosion and...."
9. Revise County shoreland controls, as necessary, to promote consistent and sustainable development.	2003-2007	2003-2007	Completed. Updated Land Use ordinance.	MN DNR update of shoreland regulations.
10. Continue baseline and special case water quality monitoring to track surface water quality.	2003-2007	2003-2007\ On-going	Completed annual seasonal water sampling of Renville County's six creeks and Lake Allie, as well as pollution investigation events (special case monitoring).	Addressed again as a priority Action Item in revised Five-Year Focus Plan (2008-2012) under Water Quality Monitoring. Plan to cooperate with other monitoring projects (CWPs).

11. Provide educational, financial and technical assistance to landowners to implement BMPs (i.e. bank stabilization, filter strips. lakescaping, etc.) in the Lake Allie and Lake Preston and Fort Ridgely Creek watersheds.	2003-2007	2003-2007/ On-going	Established areas as "high priority". Completed direct mailings to promote BMPs. Increased BMPs. Coordinated educational, financial and technical efforts with CWP programs.	Addressed again as a priority Action Item in revised Five-Year Focus Plan (2008-2012) under BMP Program. Coordinate educational, financial and technical efforts with CWP program.

GOAL No. 2: ENSURE THE LONG-TERM QUALITY AND SUPPLY OF GROUNDWATER.
Objective 1: Establish an information base on the existing status of groundwater quality and quantity.

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Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Locate and organize groundwater monitoring data from private and public wells.	2003-2007	Not completed /On-going	Limited data collected and organized.	Addressed again as a priority Action Item in revised Five-Year Focus Plan under Water Quality Monitoring. Plan to coordinate with state other monitoring projects (CWPs).
2. Work with Kandiyohi, McLeod and Meeker counties to request the DNR to complete a regional hydrogeologic atlas for the region.	2003-2007	Not completed /On-going	Continued discussions. Currently initiating the process to participate in	Addressed again as a priority Action Item in revised Five-Year Focus Plan (2008-

			the MN Geologic Survey (MGS) County Geologic Atlas Program (Renville County only).	2012) under Hydrogeologic Atlas. Board of Commissioners recently approved submitting "Letter of Intent" to MGS.
3. Assist the MDH in wellhead protection efforts within the County through participation in technical committees, collection of data and creation of land use and property ownership maps.	2003-2007	On-going	Offered assistance and support to communities completing wellhead protection plans.	Invited communities to participate in Hydrogeologic Atlas discussions. Atlas data and maps will be made available to each community for wellhead protection planning.

GOAL No. 2: ENSURE THE LONG-TERM QUALITY AND SUPPLY OF GROUNDWATER.
Objective 2: Provide educational, financial and technical assistance to landowners to ensure that abandoned wells are not a source of groundwater contamination.

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Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Seal abandoned wells through the Water Plan cost-share program.	2003-2007	2003-2007/ On-going	Sealed numerous abandoned wells, many considered "high priority".	Continue to provide cost-share assistance program through County Water Plan funds to seal high

				priority abandoned wells.
2. Develop a Countywide inventory of abandoned wells.	2003-2007	Not completed /On-going	Provided cost-share assistance to seal abandoned wells. Coordinated with MDH to identify and enforce the sealing of abandoned wells.	Continue to provide cost-share assistance program to seal high priority abandoned wells. Continue to work with MDH to identify and enforce the sealing of abandoned wells.

GOAL No. 3: IMPROVE AND PROTECT BIODIVERSITY.
Objective 1: Increase ecosystem stability by managing natural resources for biodiversity.

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Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Work with the DNR to develop land use regulations that are receptive to protecting rare, threatened and endangered features and species.	2003-2007	2003-2007/ On-going	Coordinated with the DNR to complete a County Biodiversity Study.	Addressed again as a priority Action Item in revised Five-Year Focus Plan (2008-2012) under Land Use Regulations.

2. Support Federal, State and local agencies and groups in purchasing and protection sensitive habitat.	2003-2007	2003-2007/ On-going	SWCD secured LCCMR funding to protect rock outcrops and sensitive habitat.	Addressed again as a priority Action Item in revised Five-Year Focus Plan (2008-2012) under objective "Increase ecosystem stability by managing natural resources for biodiversity."
3. Provide technical assistance to landowners to use prescribed burning as a tool to manage native grass and forbs.	2003-2007	On-going	Provided education about the benefits of prescribed burning and resources available.	Addressed again as a priority Action Item in revised Five-Year Focus Plan (2008-2012) under Prescribed Burning.
4. Through conservation programs, develop corridors to join key habitat areas.	2003-2007	On-going	Coordinated efforts with other local, state, and federal programs to increase key habitat areas.	Addressed again as a priority Action Item in revised Five-Year Focus Plan (2008-2012) under Preservation and Restoration of Wildlife Habitat.

GOAL No. 4: PROMOTE THE PRESERVATION AND RESTORATION OF WETLANDS TO SLOW SURFACE RUNOFF AND REDUCE DOWNSTREAM FLOODING.
Objective 1: Preserve existing wetlands through education and regulation and provide technical assistance to landowners desiring to restore wetlands.

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Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Preserve existing wetlands through the enforcement of Federal, State and local wetland regulations.	2003-2007	On-going	Coordinated efforts with other local, state, and federal programs to enforce wetland regulations.	Addressed again as a priority Action Item in revised Five-Year Focus Plan (2008-2012) under goal, "Preserve and restore wetlands."
2. Restore wetlands, with additional upland acres.	2003-2007	2003-2007 /On-going	Restored 1,141.7 wetland acres and 1,622.6 upland acres. Coordinated efforts with other local, state, and federal programs to increase the restoration of wetlands.	Addressed again as a priority Action Item in revised Five-Year Focus Plan (2008-2012) under goal, "Preserve and restore wetlands."
3. Educate the public on the functions, values and technical aspects of wetlands.	2003-2007	On-going	Provided education through newsletters, presentations, WALK, etc. on the benefits and value of wetlands.	Addressed again as a priority Action Item in revised Five-Year Focus Plan (2008-2012) under goal, "Preserve and restore wetlands."
4. Educate cities on the value of using wetland restorations or storm-water ponds for water quality and quantity issues.	2003-2007	On-going	Worked with communities, especially the City of Morton and surrounding landowners, to encourage wetland restorations and storm-water ponds.	Addressed again as a priority Action Item in revised Five-Year Focus Plan (2008-2012) under goal, "Preserve and restore wetlands."

GOAL No. 5: IMPROVE AGENCY AND PUBLIC PARTICIPATION, COOPERATION AND COORDINATION IN IMPLEMENTING WATER PLAN GOALS AND OBJECTIVES.
Objective 1: Provide opportunities for the general public to become informed on water resource management and the Water Plan.

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Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. The County Water Planning Committee shall annually review implementation of this Plan.	2003-2007	2003-2007/ On-going	Referred to the Water Plan for specific project guidance. Reviewed Goal & Objectives annually. Completed update of Five-Year Focus Plan.	Utilize recently adopted Five-Year Focus Plan for guidance.
2. The County Water Planning Coordinator will be responsible for coordination and facilitation of this Plan.	2003-2007	2003-2007 /On-going	Renville County has supported the Water Plan program through the on-going funding of a half-time Water Plan Coordinator.	Continue support of the Water Plan Program. Addressed again as a priority Action Item in revised Five-Year Focus Plan (2008-2012) under "Local Water Management Coordinator."
3. Develop a semiannual information newsletter to be distributed to County residents.	2003-2007	2003-2007/ On-going	Provided 2-3 Water Management inserts annually in the County Messenger, a countywide newsletter.	Addressed again as a priority Action Item in revised Five-Year Focus Plan (2008-2012) under goal,

				"Engage the public in water resource management." Continue newsletter inserts.
4. Continue to hold quarterly meetings of the County Water Planning Committee.	2003-2007	2003-2007/ On-going	Held quarterly Water Management meetings, as well as special committee meetings during Focus Plan update.	Continue to hold quarterly meetings. Addressed again as a priority Action Item in revised Five-Year Focus Plan (2008-2012) under "Water Planning Taskforce Meetings."
5. Hold public meetings and/or frequently attend local meetings to keep the general public informed of current activities and progress.	2003-2007	2003-2007/ On-going	Frequently attend meetings to discuss Water Planning activities. Held public meeting during revision process.	Addressed again as a priority Action Item in revised Five-Year Focus Plan (2008-2012) under goal, "Engage the public in water resource management."
6. Encourage Federal, State and local agencies and groups to educate the general public of this Plan.	2003-2007	2003-2007/ On-going	Have encouraged other agencies and organizations to promote the Water Plan, especially BWSR.	Continue to encourage stronger support for Local Water Management and the effective implementation of Water Plan goals and objectives.

7. Develop and maintain a single reference for the different funding assistance programs available to landowners and interest groups from Federal, State and local sources.	2003-2007	2003-2007	Limited data collected and organized. Educated landowners on funding programs available.	Continue to educate landowners on funding programs currently available.
8. Develop and maintain water planning resource directory and fact sheet or listing of the general goals of the Water Plan.	2003-2007	2003-2007/ On-going	Utilized newsletter insert and County web site to promote goals of the Water Plan.	Addressed again as a priority Action Item in revised Five-Year Focus Plan (2008-2012) under goal, "Engage the public in water resource management."
9. The Renville County SWCD shall continue to serve as the technical agency for the Water Plan.	2003-2007	2003-2007/ On-going	Provided funding to the SWCD for technical assistance services (i.e. sampling).	Addressed again as a priority Action Item in revised Five-Year Focus Plan (2008-2012) under "Technical Coordinator."

GOAL No. 5: IMPROVE AGENCY AND PUBLIC PARTICIPATION, COOPERATION AND COORDINATION IN IMPLEMENTING WATER PLAN GOALS AND OBJECTIVES.
Objective 2: Improve communication and cooperation between Federal, State and local agencies and groups to further Water Plan goals and objectives.

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Planned Actions or Results	Proposed	Actual	Accomplishments to	Next Steps

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	Timeframe	Timeframe	Date	
1. Within five years, the County should establish the Water Planning Coordinator position to fulltime.	2003-2007	2003-2007/ On-going	Not completed. Renville County has maintained a half-time Water Plan Coordinator position.	Addressed again as a priority Action Item in revised Five-Year Focus Plan (2008-2012) under "Local Water Management Coordinator."
2. Ensure coordination with the Planning Commission and other local land use entities on land use decisions.	2003-2007	2003-2007/ On-going	Worked with Planning and Zoning to coordinate water quality/quantity issues with land use decisions.	Addressed again as a priority Action Item in revised Five-Year Focus Plan (2008-2012) under goal "Implement the County's land use controls."
3. Communicate and collaborate with Joint Powers Boards and other watershed management-like organization in implementing consistent water management activities.	2003-2007	2003-2007/ On-going	Coordinated efforts with other organizations and counties to implement consistent water plan activities.	Addressed again as a priority Action Item in revised Five-Year Focus Plan (2008-2012).
4. Ensure coordination between the Water Plan and other local water-related management plans.	2003-2007	2003-2007/ On-going	Coordinated efforts with other water-related management plans (i.e. CWP projects).	Addressed again as a priority Action Item in revised Five-Year Focus Plan (2008-2012).

5. Communicate and cooperate with agencies and groups regarding all areas of water and environmental management.	2003-2007	2003-2007/ On-going	Utilized newsletter insert and County web site to promote the Water Plan. Coordinated water management efforts with other agencies and groups.	Addressed again as a priority Action Item in revised Five-Year Focus Plan (2008-2012).
6. Coordinate with Minnesota Water Plan 2000 regarding water-related management issues.	2003-2007	2003-2007	Provided information to agencies and groups requesting water management data/information.	

APPENDIX B

COUNTY LOCAL WATER PLANNING PERFORMANCE STANDARDS

LGU Name: Renville County Water Management

Performance Area	Performance Standard	Level of Review	Rating	
	★ Target (high performance) standard ■ Basic practice or Statutory requirement ◊ Quantitative standard	I Annual Compliance II BWSR Staff Review & Assessment (1/5 yrs)	Yes, No, or Value YES	NO
Administration	■ Block grant annual report: reported results comply with work plan	I	X	
	■ Local match for grant: certified	I	X	
	■ eLINK report completed on time	I	X	
	★ Public ditch records: modernized, usable, indexed	II	X	
	★ Self-report progress: submitted in annual report	II	X	
	★ Maintain record of WD manager appointments and terms	I	n/a	
Planning	■ Local water mgmt plan: 10-yr voluntary but unexpired w/o lapse	I	X	
	■ LWM implementation plan: completed within last 5 yrs	II	X	
	★ Performance review/feedback: periodic reprioritization	II	X	
	★ Annual plan priorities based on water quality trend data for key water resources	II	X	
Execution	◊ Local $ leveraged by state grant	II	$321,123	
	◊ L&W treatment projects: number of projects	II	9/yr ave.	
	◊ L&W treatment projects: non-state $ leveraged	II	$14,059.00	
	◊★ Total expenditures relative to budgeted-projected	II	0	
	★ Water quality trends exist for key water resources	II	X	
Communication & Coordination	■ Stakeholder survey: within last 5 yrs	I		X
	■ Communication piece: sent within last 12 months	I	X	
	★ Partnerships: liaison with SWCDs/WDs and cooperative projects/tasks done	II	X	
	★ Plan contains public education objectives	II	X	
	★ Public education program annual objective met	II	X	
	★ County water plan on county website	II		X
	★ Water management ordinances on county website	II	X	

APPENDIX C

BWSR PERFORMANCE REVIEW AND ASSISTANCE PROGRAM

Level II Review: Assessing Progress Toward Plan Objectives

Name of Organization: Renville County
Contact Person (Name and contact info.): Diane Mitchell

Part 3: Discussion Questions

How to use this form: Please schedule a special meeting or designate time at a regular board meeting to fill out this form. Make sure you invite your BWSR board conservationist to attend the meeting. He or she will observe the discussion and can explain the review process. Your answer to each of the following questions should be based on discussion among board or advisory committee members and principal staff and must reflect the consensus of those people. Return the completed form in electronic format to the BWSR PRAP coordinator. Remember: *your responses on this form become public information.*

1. How often does your board review your plan or assess progress on planned objectives?

The Water Management Task Force reviews Water Plan goals and objectives at each quarterly meeting if a funding request has been made. The Task Force determines if a funding request (project) is consistent with the priorities of the Water Plan.

The Task Force reviews the progress toward Water Plan goals and objectives annually during budget preparation to guide funding priorities for the upcoming year.

Lastly, the Task Force conducts a thorough review of goals and objectives during the Water Plan update process. Renville County recently completed an update to its Five-Year Focus Plan.

2. Where has your organization made the most progress in implementing your plan objectives in the past few years? To what do you attribute that progress?

Renville County has successfully implemented numerous information and education activities focusing on water quality protection and improvement through countywide newsletters, school visits, W.A.L.K., fair displays, Enviroscape presentations, Earth Day events, and more. Renville County has also successfully implemented a Cost-Share Assistance Program with Water Plan grant funds. Grant funds are used to finance funding gaps in water quality improvement projects such as high priority abandoned well sealing and additional incentives for high priority buffers/filter strips. These projects owe their success to the availability of Natural Resource Block Grant (NRBG) funds and to an active Task Force who assist in prioritizing local environmental concerns. These are often small "locally driven" projects that address high priority water quality concerns. Although the Task Force is unable to finance a large number of projects, each small project provides the opportunity to "set an example."

In addition, Water Management has partnered with four Clean Water Partnership (CWP) Projects to collaborate on numerous programs and activities. Through extensive water quality monitoring and assessment, these Projects have helped to provide the information necessary to identify the issues and opportunities that are specific to each of Renville County's four major watersheds. Water Management supports the CWP Projects through both financial and in-kind contributions.

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The use of Water Plan grant funding, collaboration with the CWP Projects, and the combined financial support from other local, state, and federal organizations have provided a means for Renville County to further many of the goals and objectives of the Water Plan. In essence; together everyone accomplishes more (TEAM).

3. **For which objective(s) has your organization had the most difficulty making progress? What are the most likely reasons for this lack of progress?**

With limited County funding available, Water Management tends to have the most difficulty making progress towards goals and objectives that require a significant amount of funding. We often prioritize projects by "following the money." When new state funds and programs become available, that will often be an area we focus our efforts. Generally, we tend to make the most progress towards objectives where we can pool our resources with other agencies and organizations.

Another reason for a lack of progress toward objectives is due to an inefficient amount of staff time. In many rural counties, staff is required to "wear a number of hats" which can limit the amount of time available to work on Water Plan objectives. Renville County employs a half-time Water Plan Coordinator. As stated before, we tend to make the most progress toward objectives where we can pool our resources with other agencies and organizations, which also includes staff time.

Objectives/issues specifically identified by the Task Force include:

- The need for increased communication with communities/cities.
- Increased educational opportunities for communities and adults.
- Lack of target performance standards. Output versus Outcome. "What difference does the project make?" "How do you measure effectiveness?"
- Resistance to change.
- Lack of financial incentives.

4. **Since the plan was completed, have there been any unforeseen opportunities or problems that have influenced your board's decisions about which objectives to pursue? Explain those influences.**

The greatest, unforeseen influence the Task Force experienced was the 2003 unallotment of our base funding. In 2002 Renville County was in the process of lobbying for a much-needed increase in our base grant. We had been receiving $37,500 for a number of years, and an increase to $50,000 would have provided the Task Force the opportunity to implement additional Water Plan objectives. Instead Renville County, as well as all counties, lost virtually all of its funding. Since 2004, Renville County has been receiving $18,495, an amount significantly less than original funding. Fortunately, Renville County did not utilize NRBG funds to finance the Water Management Coordinator position (all funds are used for water quality projects). The unallotment forced our Task Force to refocus on priorities and the objectives we would pursue.

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A very positive, unforeseen opportunity has been the funding of our major watersheds Clean Water Partnership (CWP) Projects. Working with the CWP program has provided Renville County the opportunity to collaborate on numerous projects to further the objectives of our Water Plan.

5. **What are the five most significant factors that are affecting (positively or negatively) your organization's ability to implement your planned objectives?**

   a. – Lack of funding and staff resources.
   b. – Finding a balance between agriculture/economic development and water quality.
   c. – Lack of state agencies recognition of and involvement in the water management program.
   d. + Locally driven Water Plan that recognizes local issues and opportunities.
   e. + Strong local support for Water Management from the Renville County Board of Commissioners, SWCD Supervisors, and the Water Management Task Force.

6. **For which of the factors listed in #4 would your organization like some assistance for either taking better advantage of positive factors or overcoming negative factors? Identify the type of assistance that would be most helpful.**

   - Advocate for an increase of the NRBG base grant to the original funding level, or higher.
   - Encourage greater recognition of Comprehensive Local Water Planning's contribution to environmental protection and improvement.
   - Provide opportunities for Water Management Coordinators to attend an annual conference or training to explore emerging issues, share experiences, etc.

7. **How will your organization use any of the information you gained from this review in communicating or working with your partners and customers?**

   The Task Force will first utilize the information to reflect on future progress of the Water Plan. Information will be communicated to our Task Force members, Board of Commissioners, and SWCD Supervisors.

   Suggestions provided will be communicated to the general public through the countywide newsletter insert, web page, and other educational resources.

Minnesota Board of Water and Soil Resources
Performance Review and Assistance Program

Level II (Pilot) Performance Review Report
for
Mille Lacs County Local Water Planning

November 3, 2008

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Minnesota Board of Water and Soil Resources
Performance Review and Assistance Program
Level II (Pilot) Report
Mille Lacs County Local Water Planning
November 3, 2008

Report Purpose and Contents

This is an information document prepared by the staff of the Board of Water and Soil Resources (BWSR) for the Mille Lacs County Water Management Planning Advisory Committee, Mille Lacs County staff, and the general public. The information in this document reports the results of a routine performance review of the county's water plan implementation and is intended to give the committee and county staff constructive feedback they can use to capitalize on strengths and identify areas needing improvement. While the performance review reported herein has been conducted under the authority granted to BWSR by Minnesota Statutes Chapter 103B.102, this is a staff report and it has not been reviewed or approved by the BWSR board members.

This report contains the following sections:

- Background
- Purpose
- Scope
- Findings and Discussion
- Conclusions
- Recommendations
- LGU Response
- Appendices

Background

In January 2008 the Minnesota Board of Water and Soil Resources (BWSR) adopted a strategic plan with a mission statement to *improve and protect Minnesota's water and soil resources by working in partnership with local organizations and private landowners.* The strategic plan recognizes the importance to BWSR of the local organizations, such as the county administered local water planning programs. BWSR can best accomplish its mission if it has an effective delivery system composed of those local governmental units.

One approach to making that local delivery system the best it can be is BWSR's implementation of a program authorized by the 2007 Minnesota legislature. Called the Performance Review and Assistance Program (PRAP), its purpose is to periodically review and assess the performance of local units of government that have land conservation and water management responsibilities. Using the PRAP process, BWSR

interacts with local governments at four levels depending on whether the review, and subsequent assistance, is routine or specialized.[1]

A Level I review annually tabulates the local government unit's compliance with basic organizational requirements. In Level II, conducted by BWSR once every five years for each local government unit, the focus is on the degree to which the organization is accomplishing its management plan. A Level II review includes determination of compliance with BWSR's Level I and II statewide performance standards, a tabulation of progress on planned goals and objectives, a discussion among committee members and staff of the factors affecting plan implementation, and a BWSR staff report to the organization with findings, conclusions and recommendations.

In 2008 BWSR is conducting a limited number of Level II performance reviews statewide on a pilot basis only. BWSR selected the **Mille Lacs County's** local water management plan implementation function as one of seven local governmental units to test the program procedures and review standards. In Mille Lacs County the lead department for plan implementation is **Zoning and Environmental Services**. Both the county Water Management Plan Advisory Committee and the Mille Lacs Soil and Water Conservation District provide support to the county. This document reports the results of the review.

Purpose

The purpose of this Level II performance review is to determine the progress of Mille Lacs County in accomplishing the goals and objectives of their local water management plan and to assess their overall performance with respect to general performance standards.

In addition, our review provides suggestions for additional actions or assistance that the advisory committee and county can consider.

Because this is a pilot application of PRAP, BWSR will use the results of this review to adjust the performance standards and review criteria for subsequent routine reviews of the other local governmental units in the state.

Scope

This PRAP review included information gathering, analysis and reporting. Specific actions taken by BWSR in this process have included: review of the county's compliance with the PRAP Level I and II performance standards as reported by the advisory committee, BWSR staff attendance at an advisory committee meeting to explain the PRAP process and monitor the advisory committee's discussion of plan implementation issues (PRAP Level II Part 3), and review of the county's 2007 eLINK report to BWSR.

[1] For more information about BWSR's Performance Review and Assistance Program see the 2008 Report to the Legislature at http://www.bwsr.state.mn.us/PRAP/index.html

The PRAP process is administered by BWSR for the purposes of performance review, potential improvement, and assistance. It is neither a financial audit nor investigation and it does not replace or supersede other types of governmental review of local government unit operations.

Findings and Discussion

1. Part 1: Progress Toward Local Water Plan Goals and Objectives

Findings: The Mille Lacs County local water management plan was approved in January 2007 and adopted by the county in February 2007 to cover the years 2006 to 2016. The primary responsibility for plan implementation lies with the county zoning and environmental services department. However, the county delegated the responsibility for plan coordination to the Mille Lacs Soil and Water Conservation District, and the district manager acts as the local water plan coordinator. The county zoning & environmental services department administrator provides a lead role as chair of the Local Water Management Plan Advisory Committee. The Mille Lacs Soil and Water Conservation District also adopted the plan as the district's own comprehensive plan.

Part 1 of the Level II performance review is an evaluation, based on information provided by the LGU, of the progress made in accomplishing each of the goals, objectives, and action items listed in the county local water management plan. The plan contains 33 specific action items organized under two priority concerns. Based on the self-report of the county and BWSR's review, they have begun implementation of 28 of the 33 action items. These include at least 4 action items that are labeled as continuations of previous plan goals, such as the on-going inspection of sewage treatment systems. Only four action items have no accomplishments reported during the first year of the planning cycle. The county reports that one action item (i.e., development of a county-wide geographic information system) has been deferred to the future when additional funding may be available. (See Appendix A.)

Discussion: For this pilot application of PRAP, BWSR selected LGUs that are at various points in their plan implementation cycle. Mille Lacs County has had a little more than one year of plan implementation at the time of this performance review. Therefore, BWSR expects that the county would have only limited progress to report on most, if not all, of the action items, except for those action items that are continued from the previous plan.

The Mille Lacs County local water management plan is well organized with goals, objectives, and action items tied directly to the county's two priority concerns. The 33 action items in the plan are not quantitative—they do not contain numerical goals for land treatment practices or set goals for key water quality parameters. Many of the action items have

operative verbs such as "educate", "assist", or "encourage" that do not readily lend themselves to quantitative measurement of progress. (For example, "Educate feedlot owners about the importance of protecting surface waters from animal waste runoff.") While such objectives meet the standards for plan content, it is somewhat difficult to report and chart progress on implementation of an item that has a general goal of "education." Such on-going efforts without some method of measurement tend to become underfunded when workloads increase or funds no longer match costs. A possible solution is to track and report level of effort, which is quantitative. For example, a report of the number of feedlot owner contacts in the past year would give the county a way to track use of staff and funding resources and the stakeholders an easily understood measure of progress. (See Recommendation 1.)

Of the four action items for which no accomplishments are reported, only one has potential next steps for implementation. The items related to forest management and total maximum daily load projects are listed without actions or next steps being identified. The fact that there are some action items for which no implementation has begun is expected at this early stage of the planning cycle.

2. Part 2: County Local Water Planning Performance Standards

Findings: The Mille Lacs County local water planning activities were evaluated based on the organization's responses to a set of performance standards developed by the Board of Water and Soil Resources. BWSR reviewed the indicators for the county's operational effectiveness in four categories—*administration, planning, execution,* and *communication and coordination*—for the period 2003-2007. These standards are tracked by BWSR to serve as targets for counties as they work to improve their performance and as a way for counties that are meeting them to receive recognition for operating at a high level of performance. (See Appendix B).

Mille Lacs County met seven of seven basic practice standards and six of the ten target (high performance) standards that apply to them. Noteworthy among the target (high performance) indicators that Mille Lacs County meets are 1) their partnership with the SWCD and work on cooperative projects (Communication & Coordination), 2) meeting their annual objectives for public education (Communication & Coordination), and 3) having the county local water plan on the county website (Communication & Coordination).

Some indicators that BWSR noted for further discussion are: 1) maintain record of watershed district manager appointments and terms

(Administration), and 2) annual plan priorities based on water quality trend data for key water resources (Planning).

Discussion: In general, a county would be expected to meet all of the basic performance standards but not necessarily any of the high performance standards. However, because BWSR has been using these standards only since February 2008, the local governmental units being evaluated in this first PRAP review have not had the opportunity to adjust their operation to meet the standards. Consequently, BWSR expects that some local units of government would be deficient in even some basic standards. The fact that Mille Lacs County met all the basic performance standards and many of the target performance standards demonstrates that the organization's operational characteristics are sound.

In particular, the county water plan activities related to communication and coordination reveal an area of strength for the county. This is confirmed by the reporting of accomplishments in part 1 above. The close collaboration with the soil and water conservation district in implementation of the local water management plan is strength of how the overall program is administered in Mille Lacs County.

The Administration performance standard, "Maintain a record of WD (watershed district) manager appointments and terms" does not apply to Mille Lacs County because there are no watershed districts in the county. Therefore, this standard is marked N/A.

The county originally thought that they were in compliance with the Planning high performance standard, "Annual plan priorities based on water quality trend data for key water resources." The water quality trends, as explained by the county in narrative attached to this item, are based on the assumption that water quality degradation is associated with development pressure in certain areas of the county. While this criterion for identifying priority areas is valid, the intent of this performance standard is to recognize those counties that use water quality and other monitoring data to identify trends to inform themselves and key stakeholders. The county explanation does not meet this standard. Since the county is increasing its water quality monitoring activities, there is an opportunity to use collected data to develop trend lines for the water resources that are being sampled. (See Recommendation 2.)

3. Part 3: Mille Lacs Local Water Plan Advisory Committee Discussion of Plan Implementation Progress

Findings: The local water plan advisory committee met on July 9, 2008, to discuss and reply to questions in part 3 of the PRAP materials. (See Appendix C.) In describing factors that have benefitted the county's

accomplishment of goals and objectives, committee members mentioned coordination among local units of government.

The committee also identified several factors that have hindered the implementation of their plans and projects. These include: lack of funds to implement programs (e.g., feedlot improvements), and diversion of staff from program implementation to address state agency priorities and reporting requirements.

The county did not identify any items for follow up or assistance based on the performance review.

Discussion: The Mille Lacs County local water plan advisory committee has recognized the value of working closely with other local governmental units. Implementation of the county local water plan is a joint effort between the county zoning office and the soil and water conservation district, with the district given the lead coordinator role. The respective staff members of these governmental units have demonstrated the ability to both coordinate with and complement each other on land and water projects. The county has also collaborated on programs with cities, such as Princeton, and local watershed organizations, such as the Snake River Watershed Management Board.

The problem of inadequate funding to implement programs to the level or extent desired can be addressed by seeking additional funding partners or grants. The county understands this approach as evidenced by their participation in the Rum River surface water assessment, funded through a Minnesota Pollution Control Agency grant. They also reported potential partnering with the Minnesota Department of Transportation on a water quality project. Additional pursuit of funding partners and grants could be used to obtain additional funds to address plan action items. (See recommendation 3.)

The reported frustration with state agency reporting requirements and the consequent diversion of staff to address "unfunded mandates," including the PRAP, is noted. The county no doubt realizes that accountability (i.e., reporting) is part of the funding package. In the case of the PRAP review process, BWSR is tracking the time it takes local governmental units to complete the program requirements. BWSR will make adjustments to ensure that reporting requirements are coordinated and cross-referenced to minimize the burden on local units of government. BWSR expects that the next round of performance reviews after this initial pilot will require less local government unit reporting time.

Conclusions

At a little over one year into their new local water management plan implementation, Mille Lacs County is well positioned to implement their water plan goals and objectives. The local water management plan objectives and action items are laid out clearly and tied directly to the priority concerns. There are, or soon will be, key provisions in local ordinances and administrative procedures to facilitate the implementation of plan objectives. The partnership and close working relationship between the county and the soil and water conservation district in the implementation of the plan action items is noteworthy and commendable.

The county has mentioned the lack of adequate funds and engineering assistance for the feedlot program as an obstacle to addressing some of the plan objectives. This performance review finds that they are providing adequate services with the funds available, and if they had additional funds, they are well positioned to do more.

The county has demonstrated the ability to shift priorities to take advantage of new opportunities for water protection and monitoring. In a limited funding climate or with changing economic factors affecting development pressure, this ability to make adjustments is critical.

Mille Lacs County has practices in place that comply with all of the basic PRAP performance standards. They also comply with most of the target performance standards, which are designed to be stretch goals for county water planning programs. The county has a strong commitment to public education in their local water plan that is carried out in various ways, such as the construction of the Milaca Library rain garden as a demonstration project. There appear to be no deficiencies in operations that need attention.

Recommendations

The following recommendations are based on BWSR's evaluation of the performance of Mille Lacs County local water plan implementation activities as described above. These recommendations are not mandated by BWSR, but are offered to the staff and committee to enhance the organization's service to the citizens of the county and its pursuit of effective water and related land resource management.

1. Quantify Annual Report Progress on Action Items

   BWSR recommends that the county report progress on action items using quantitative measures wherever possible. Use of quantitative measures, such as level of effort (i.e., number of staff hours or number of landowner contacts) provides an easy means for oversight agencies and local citizens to track progress on local water management and resource protection.

2. Use Water Quality Monitoring Data for Trend Analysis

   While development of trend analysis capability may be beyond the reach of the county's current data set and water planning resources, the shift to water

quality monitoring activities in certain watersheds provides an opportunity to use hard data in place of substitutes for assessing water quality problems. The county should consider agreements with statewide resource agencies, such as the Pollution Control Agency, that could provide trend data to the county at minimal cost. The county can use trend data to provide information to county officials and the general public about the state of the county's resources, to demonstrate need for additional program funding, and to prioritize use of program funds. In anticipation of a future action item, the county should consider how data can best be stored and used for this purpose.

3. Explore Funding Opportunities to Supplement Existing Program Dollars
Within the local water plan implementation process, the county has already demonstrated the ability to seek additional funding partners. BWSR encourages this approach and can provide assistance in that search.

LGU Response

Mille Lacs County did not submit a formal response to the draft PRAP report findings and recommendations. However, some of the comments from the local water plan advisory committee, as contained in Appendix C and summarized in Part 3 Findings above, addressed concerns with the process of performance review, and in particular, the amount of duplicative effort required to comply with the information requests.

In addition, the county is taking steps to make the website link to the county local water plan easily accessible.

APPENDICES

A. PRAP Level II Review, Assessing Progress Toward Plan Objectives-Part 1; Mille Lacs County Local Water Plan.

B. PRAP County Local Water Planning Performance Standards form-Part 2; Mille Lacs County Local Water Planning.

C. PRAP Level II Review: Assessing Progress Toward Plan Objectives-Part 3: Discussion Questions-Mille Lacs County Local Water Plan.

APPENDIX A

How to Use this Form: LGUs may use this form to report progress toward management plan goals and objectives or may substitute their own report that contains comparable information. The terms **Goal**, **Objective** and **Actions/Results** are generic and refer to typical plan structure elements from general to specific. Those fields on this form should be filled with information directly from the plan. **Timeframe** columns should be filled with dates when the **Action** was proposed for implementation and when it was actually implemented, if that has occurred. Make additional copies of this page as needed to cover each of the goals, objectives and actions in the management plan.

LGU Name: Mille Lacs SWCD; Zoning & Environmental Services
Name of Contact: Susan Shaw, SWCD District Manager; Michele McPherson, Zoning Administrator **Date of This Review**: 7-9-2008
Type of Management Plan: CLWMP
Date of Last Plan Revision: January 2006
Pages 10-12 of Mgmt. Plan

Priority Concern 1: The Cumulative Effects of Development on Surface and Groundwater

Mille Lacs County is experiencing increased development pressure on the County's lakes, rivers and agricultural resources. To respond to this development pressure, the County has established the following goals:

1) To seek the protection of surface and groundwater quality in Mille Lacs County, and
2) Enhance surface and groundwater quality where degradation has already occurred.

To achieve these goals, three objectives with action steps have been identified.
Objective A Encourage development patterns that protect, enhance, maintain or restore surface and groundwater quality.

Planned Action or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Develop a process that provides a coordinated approach to resource management as it relates to development. The process would address natural resource issues that overlap the scope of individual efforts by planning & zoning entities, Wetland Conservation Act (WCA) technical evaluation panel (TEP), Soil & Water Conservation District (SWCD), and others. This	Ongoing	Ongoing	The CLWMP accomplishments were last reviewed October 10, 2007 and are to be reviewed annually as part of our Water Plan Advisory Group process. The CLWMP objectives and goals have been used during the Local Work Group process to develop local scoring for the NRCS EQIP program. They have also been used in creating a prioritization and ranking form for use in distributing the AgBMP low interest loan funds. Additionally, the Zoning Office has created an application process that provides a site inspection for new building sites to analyze wetland, flood plain etc prior to new lots	

process will provide decision makers and land use planners with the information they need to make informed land use decisions by providing technical expertise. Specifically, best management practices (BMPs), focusing in the areas of erosion, sedimentation, and stormwater control.			being created. The goal is to try to keep people from building in areas prone to flooding. Project impacts are also reviewed earlier in the platting process. A new ordinance also includes a provision for open space plats.	
2. Educate residents on restoring and preserving natural shoreline areas.	2006-2011	2006-2011	The SWCD/NRCS has been working on cost share practices for Rum River stabilization and Mille Lacs Lakeshore restoration. The local press has been very interested in these projects.	
3. Assist landowners with shoreland and riparian best management practices and provide cost-share assistance through existing programs.	2006-2011	2006-2011	The Zoning office works with landowners by issuing Land Alteration permits and enforcing BMP requirements.	
4. Educate and provide developers and communities with guidance and incentives to incorporate the use of innovative waste treatment alternatives such as cluster septic systems where appropriate.	Ongoing	Ongoing	Development has stalled due to economic influences; however, a cluster development provision has been created in the subdivision ordinance to encourage open space preservation and innovative development.	
5. Encourage the use of buffers around wetlands to ensure that wetland function is somewhat protected from direct encroachment of development and human activity within this designated buffer area. This buffer area can provide space between which human activities such as recreation, lawns, parking,	Ongoing	Ongoing	The Zoning Office has implemented a plat condition with large developments that requires 25 ft buffers around wetlands. More education is needed with individual homeowners on the importance of preserving these buffers.	

storage, agriculture, etc. and wetland functions like runoff filtration, wildlife habitat, etc can coexist.				
6. Develop a Geographic Information System (GIS) to assist in mapping natural resources and development activities for improved analysis of impacts. GIS is a means of electronically mapping information at the County level. Utilizing a parcel map in electronic format, a variety of information can be "layered" for the purpose of analysis. For example, a map of tax forfeited parcels can be layered with wetland information to identify parcels that might be suitable for wetland restoration purposes.	2008-2013	Need to push out 2-3 yrs due to other capitol improvement needs the county is addressing 2011-2016	This is a longer term project; however the County did hire a 2007 aerial flight to create orthophotos that may be available online in the future. Plans are to make these photos available to the public on the web. They are being used significantly in house for analysis of development impacts to wetlands and public waters. The eventual funding for the GIS project will likely come from the Recorders Technology fund.	

Objective B Improve stormwater runoff quality throughout the county.

Planned Action or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Develop a coordinated approach with local planning and zoning authorities to minimize stormwater impacts by encouraging good site design, especially by utilizing low impact development technologies; encouraging stormwater best management practices in all development plans; and	Ongoing	Ongoing	The Zoning Office is looking into pervious pavers around Mille Lacs Lake to offset hardsurface impacts on small residential lots. The City of Princeton is creating a water management plan to address long term stormwater needs and has invited the	PCA has volunteered to provide basic stormwater management information or

identifying sites where increased storm water discharge has a high potential for adversely impacting surface and groundwater resources.			participation of County Zoning and the SWCD. The City of Bock is undergoing a Wellhead Protection Plan and has invited the Zoning Office and the SWCD/NRCS to participate.	presentations to interested communities.
2. Work with contractors to understand and implement the NPDES permitting program and its requirements for controlling stormwater runoff during construction.	Ongoing	Ongoing	Zoning currently requires contractors to contact MPCA for a permit.	
3. Educate and provide developers with guidance and incentives to incorporate the use of innovative stormwater runoff treatment alternatives, such as rainwater gardens, and impervious surface alternatives, such as porous asphalt or geogrid type surfaces, where appropriate.	Ongoing	Ongoing	Zoning is discussing the use of porous pavers on lakeshore lots. The City of Milaca has expressed interest in making larger use of raingardens in the city following the successful installation of the raingarden at the public library.	This may be an issue we could tackle with a grant to produce brochures for lakeshore homeowners.
4. Educate the public about the impacts of stormwater runoff on water resources through cooperative programs with communities, using public awareness tools such as storm drain stenciling.	2006-2016	2006-2016	The SWCD has completed a rainwater garden demonstration project at the Milaca Public Library. The SWCD has also constructed a demonstration "stormwater tunnel" that we set up at Expo's and Fairs. Kids have the opportunity to walk through the tunnel and learn about how street drains carry water directly to rivers and the importance of keeping leaves and litter out of stormwater drains.	
5. Work with communities regarding management of stormwater inputs, such as storage of highway salt & sand, or storage of snow in winter where melt	2006-2011	2006-2011	The County Highway Facility has a new salt storage building.	

can run directly to water resources like rivers or lakes.				
6. Educate communities and homeowners about stormwater inputs they can control and improve.	2006-2016	2006-2016		Could submit an informational article to the local city newsletter.

Objective C. Maintain or improve groundwater quality throughout the county.

Planned Action or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Continue to inspect new and upgraded Individual Sewage Treatment Systems (ISTS) or undertake a random inspection program to check compliance, performance and acceptable construction practices.	2006-2011	2006-2011	The Zoning office continues to inspect new systems.	
2. Continue to check older septic systems for compliance in the shoreland and wild and scenic river districts.	2006-2011	2006-2011	The Zoning office continues to inspect new and upgraded systems in shoreland.	
3. Consider the implementation of a county-wide "point of sale" ISTS inspection program as part of the development code update.	Ongoing	Ongoing	The County Development Code Working Group is currently drafting a revised ordinance.	
4. Continue to make available well water testing opportunities to individuals in Mille Lacs County and provide free well water testing clinics for Nitrates annually in cooperation with the Minnesota Department of Agriculture.	2006-2011	2006-2011	The SWCD provides a well water testing clinic for nitrates at the Princeton Business Expo and the County Fair. County Public Health offers a low cost water sampling kit to analyze drinking water for several parameters.	
5. Educate landowners through news articles, news letters, brochures, website, workshops, radio spots, etc. on the	Ongoing	Ongoing	Articles have been submitted to the local press offering cost share for the sealing of abandoned wells.	

importance of properly sealing abandoned wells.				
6. Assist landowners with the sealing of abandoned wells and provide cost-share assistance through existing programs	2006-2011	2006-2011	Nine wells sealed since 2006	
7. Update the County's local ordinance regulating ISTS once the revised State rules are adopted.	Ongoing	Ongoing	The County Development Code Working Group is currently drafting a revised ordinance.	

Priority Concern 2: Development of TMDLs for Impaired Waters

Total Maximum Daily Loads (TMDLs) determine if water resources can meet their designated uses. The goal of the water plan is to determine the status of TMDLs of the various water resources and protect those that currently support their designated uses, and where needed, improve those that do not.

To achieve this goal two objectives with action steps have been identified.

Objective A Assess the ability of water resources in Mille Lacs County to meet their designated uses.

Planned Action or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Prioritize impaired waters in need of TMDL studies as time and funding become available.	2008-Ongoing	2008-Ongoing	Have begun a Rum River Surface Water Assessment with a grant through PCA. This is a cooperative project with Isanti County and includes three sites in Mille Lacs County and two in Isanti County.	Two years of sampling
2. Create monitoring plans of waters for a more comprehensive assessment of waters in Mille Lacs County.	Ongoing	Ongoing	Continued monitoring of tributaries to Mille Lacs Lake.	
3. Participate in the development and implementation of TMDL projects. Establish funding sources for implementation plans.	2006-2016	2006-2016		
4. Coordinate data sharing between agencies and entities	Ongoing	Ongoing	Data collected is being entered into STORET	

collecting information for TMDL monitoring.				
5. Monitor water quality on the Groundhouse and Knife Rivers (Snake River Watershed) within Mille Lacs County.	Reviewed annually	Reviewed annually	The SWCD sampled in 2006 & 2007 for fecal coliform, total suspended solids, and total phosphorous, on both the Groundhouse and Knife Rivers. Monitoring of the Anne River Headwaters (under a TMDL) was begun in 2008.	

Objective B Work with land managers, land owners and operators in Mille Lacs County, regardless of land use to encourage best management practices.

Planned Action or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Continue farm planning followed by implementation of recommended best management practices.	2006-2011	2006-2011	The SWCD/NRCS continues to offer implementation & technical assistance.	
2. Assist with the registration and inspection of all feedlot sites in Mille Lacs County.	Ongoing	Ongoing	The Zoning office continues to administer, and the SWCD assists with the review of plans for new feedlot operations. Lots of local discussion was generated in 2007, with the establishment of a feedlot subcommittee.	Schedule meeting of the feedlot subcommittee
3. Educate feedlot owners about the importance of protecting surface waters from animal waste runoff.	Ongoing	Ongoing	The Zoning office and SWCD continue to provide information.	
4. Provide information and technical assistant to operators regarding the appropriate management of animal waste.	2006-2011	2006-2011	The Zoning office and SWCD & NRCS continue to provide information. Lots of local discussion was generated in 2007. Several Water Management Plan meetings were held to cover this topic specifically.	
5. Provide technical and financial assistance to feedlot owners wishing/desiring to comply with local and state	2006-2011	2006-2011	The SWCD/NRCS continues to offer technical & financial assistance.	

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requirements.				
6. Educate forest owners and loggers about the impacts of harvest damage and provide information on best management practices (BMP), and industry BMP certifications.	2006-2011	2006-2011		
7. Educate landowners about proper forest management and sustainable forestry opportunities and available programs.	2006-2011	2006-2011		
8. Support the efforts of the Snake River Watershed Management Board in encouraging best management practices to improve water quality and wise stewardship during forestry, grazing & agricultural crop activities.	Ongoing	Ongoing	The SWCD is assisting the SRWMB with administrative changes and reporting needs. Significant time is being spent in2008 to assist with the monitoring using a technician out of the SWCD office funded using CWP funds.	
9. Work with cities local government units or state agencies to improve riverside recreation areas that will meet both water quality and community recreation needs.	2006-2011	2006-2011	The SWCD has met with and is offering assistance to the Cities of Milaca and Princeton on two community park expansion ideas.	Potential to partner with MNDOT on a water quality project as part of the reconstruction of the two bridges in Princeton.

APPENDIX B

COUNTY LOCAL WATER PLANNING PERFORMANCE STANDARDS

Mille Lacs County

X=as originally reported X=as revised

Performance Area	Performance Standard	Level of Review	Rating	
	★ Target (high performance) standard ■ Basic practice or Statutory requirement ◊ Quantitative standard	I Annual Compliance II BWSR Staff Review & Assessment (1/5 yrs)	Yes, No, or Value	
			YES	NO
Administration	■ Block grant annual report: reported results comply with work plan	I	X	
	■ Local match for grant: certified	I	X	
	■ eLINK report completed on time	I	X	
	★ Public ditch records: modernized, usable, indexed	II		X
	★ Self-report progress: submitted in annual report	II	X	
	★ Maintain record of WD manager appointments and terms	I	n/a	X
Planning	■ Local water mgmt plan: 10-yr voluntary but unexpired w/o lapse	I	X	
	■ LWM implementation plan: completed within last 5 yrs	II	X	
	★ Performance review/feedback: periodic reprioritization	II	X	
	★ Annual plan priorities based on water quality trend data for key water resources	II	X	X
Execution	◊ Local $ leveraged by state grant	II	$45,080	
	◊ L&W treatment projects: number of projects	II	6/yr	
	◊ L&W treatment projects: non-state $ leveraged	II	$5,875/yr	
	◊★ Total expenditures relative to budgeted-projected	II	103%	
	★ Water quality trends exist for key water resources	II		X
Communication & Coordination	■ Stakeholder survey: within last 5 yrs	I	X	
	■ Communication piece: sent within last 12 months	I	X	
	★ Partnerships: liaison with SWCDs/WDs and cooperative projects/tasks done	II	X	
	★ Plan contains public education objectives	II	X	
	★ Public education program annual objective met	II	X	
	★ County water plan on county website	II	X	
	★ Water management ordinances on county website	II		X

APPENDIX C

BWSR PERFORMANCE REVIEW AND ASSISTANCE PROGRAM
Level II Review: Assessing Progress Toward Plan Objectives

Name of Organization: Mille Lacs Water Management Advisory Committee
Contact Person (Name and contact info.): Susan Shaw, District Manager/Michele McPherson, Zoning Administrator

Part 3: Discussion Questions

1. **How often does your board review your plan or assess progress on planned objectives?** Annually

2. **Where has your organization made the most progress in implementing your plan objectives in the past few years? To what do you attribute that progress?**
We have made the most progress with ongoing action items such as education activities. Most of the implementation projects have been shoreline restoration or rain garden projects. Our progress is largely due to tremendous coordination between different levels of local government.

   Another area of success has been the update to the County's Development Code. This process is ongoing with a Citizen Advisory Group of ten members.

3. **For which objective(s) has your organization had the most difficulty making progress? What are the most likely reasons for this lack of progress?**
   - Big projects like creating a County GIS system have been difficult due to the expense.
   - We have found it very difficult to implement feedlot water quality improvements because the percentage of funding available to assist landowners is not feasible for them if they cannot count on being able to operate longer than 10 years. There is also very little support of encouraging operators to pursue cost-share on the part of the County Board due to the perceived increase in project costs that this program creates and also the long-term burden on operators (many operators are approaching 50 plus year of age plus are very small in size)/
   - The shortage of funding to support technical engineering staff has hindered the implementation of many projects because the landowners are not willing to wait up to a year for engineering assistance. Our JPB engineers are stretched over multiple counties and projects have to wait in line to be designed up to two years.

4. **Since the plan was completed, have there been any unforeseen opportunities or problems that have influenced your board's decisions about which objectives to pursue? Explain those influences.**
   - The slump in development has changed our focus away from action items targeting developers.
   - When an opportunity for funding a Surface Water Assessment became available it moved our focus toward water monitoring.

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5. **What are the five most significant factors that are affecting (positively or negatively) your organization's ability to implement your planned objectives?**
   a. The DNR wetland enforcement flyovers have dominated our time and negatively impacted our ability to focus on implementation of other Water Plan Objectives. Given the fact that this county has over 80% of its historical wetlands, staff finds multiple violations without "help" from the DNR.
   b. Lack of funding: for feedlot fixes in a non-impaired watershed have hindered preventative fixes; and lack of funding to fix failing septic systems.
   c. Coordination & partnerships have enabled us to accomplish many action items.
   d. State agencies and the Legislature need to trust that on the whole, LGU's know what is best for the community within which they work. The amount of additional reporting, oversight (Big Brother) and duplicate paper work require staff to spend a disproportionate amount of time on projects and processes that have no impact on improvements in the field. This process is a clear example of this type of requirement. Between the discussions at the Water Plan Advisory Group, the completion of these forms, and further review, the equivalent of 15 staff hours was eliminated from doing meaningful in the field work to improve water quality in the State.

6. **For which of the factors listed in #4 would your organization like some assistance for either taking better advantage of positive factors or overcoming negative factors? Identify the type of assistance that would be most helpful.**
State agencies and the Legislature need to re-think how it obtains information from its LGUs. The use of antiquated software (eLink), generation of multiple page reports that no one, including the environmental watchdog groups, read and other processes need to be eliminated from work requirements by understaffed, over-mandated LGUs. If State agencies and the Legislature want to know what LUGs are doing with the money that they are providing, then we (LGUs) should be willing to personally present our success stories and our challenges in a way that does not conflict with the generation of bills during the session. We need to have the undivided attention of State agencies and Legislative committee members in order to have a meaningful dialogue about the issues in this area.

7. **How will your organization use any of the information you gained from this review in communicating or working with your partners and customers?**
This process, since it duplicated activities that we were already conducting, serves only one purpose – to illustrate how little trust there is between State agencies, the Legislature, and the LGUs that are mandated to carry out these programs. Just because one LGU had issues, the remaining LGUs should not be painted with the same paint brush. It is difficult enough to implement these mandates with the little or no money that is available to us without the additional busy work of this process and unmotivating consideration that we are all the same, irresponsible LGUs that the State agencies and Legislature believe us to be.

Minnesota Board of Water and Soil Resources
Performance Review and Assistance Program

Level II (Pilot) Performance Review Report
for
Two Rivers Watershed District

December 31, 2008

Lead Staff

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Minnesota Board of Water and Soil Resources
Performance Review and Assistance Program
Level II (Pilot) Report
Two Rivers Watershed District
December 31, 2008

Report Purpose and Contents

This is an information document prepared by the staff of the Board of Water and Soil Resources (BWSR) for the Two Rivers Watershed District (TRWD) managers and staff, and the general public. The information in this document reports the results of a routine performance review of the watershed district's management plan implementation and is intended to give the managers and staff constructive feedback they can use to capitalize on strengths and address areas needing improvement. While the performance review reported herein has been conducted under the authority granted to BWSR by Minnesota Statutes Chapter 103B.102, this is a staff report and it has not been reviewed or approved by the BWSR board members.

This report contains the following sections:

Background
Purpose
Scope
Findings and Discussion
Conclusions
Recommendations
LGU Response
Appendices

Background: What is the Performance Review and Assistance Program?

In January 2008 the Minnesota Board of Water and Soil Resources (BWSR) adopted a strategic plan with a mission statement to *improve and protect Minnesota's water and soil resources by working in partnership with local organizations and private landowners.* The strategic plan recognizes the importance to BWSR of the local organizations, such as watershed based planning programs. BWSR can best accomplish its mission if its local governmental unit delivery system is operating effectively.

One approach to making that local delivery system the best it can be is BWSR's implementation of a program authorized by the 2007 Minnesota legislature. Called the Performance Review and Assistance Program (PRAP), its purpose is to periodically review and assess the performance of local units of government that have land conservation and water management responsibilities. Using the PRAP process, BWSR interacts with local governments at four levels depending on whether the review and subsequent assistance is routine or specialized.[1]

A Level I review annually tabulates the local government unit's compliance with basic organizational requirements. In Level II, conducted by BWSR once every five years for each local government unit, the focus is on the degree to which the organization is accomplishing its

[1] For more information about BWSR's Performance Review and Assistance Program see the 2008 Report to the Legislature at http://www.bwsr.state.mn.us/PRAP/index.html

management plan. A Level II review includes determination of compliance with BWSR's Level I and II statewide performance standards, a tabulation of progress on planned goals and objectives, a discussion among board members and staff of the factors affecting plan implementation, and a BWSR staff report to the organization with findings, conclusions and recommendations.

In 2008 BWSR is conducting a limited number of Level II performance reviews statewide on a pilot basis only. BWSR selected the **Two Rivers Watershed District** as one of seven local governmental units in Minnesota to test the procedures and review standards of this new program. This document reports the results of that review.

Purpose

The purpose of this Level II performance review is to determine the progress of the Two Rivers Watershed District in accomplishing the goals and objectives of their management plan and to assess their overall performance with respect to general performance standards.

In addition, our review provides suggestions for additional actions or assistance that the district managers and staff can consider.

Because this is a pilot application of PRAP, BWSR will use the results of this review to adjust the performance standards and review criteria for subsequent reviews of other local governmental units.

Scope

This PRAP review included information gathering, analysis and reporting. Specific actions taken by BWSR in this process have included: review of the watershed district's compliance with the PRAP Level I and II performance standards as reported by the district, BWSR staff attendance at a board of managers meeting to explain the PRAP process and the need for the managers and staff to discuss of plan implementation issues (PRAP Level II Part 3), and review of the district's recent annual reports.

The PRAP process is administered by BWSR for the purposes of performance improvement and assistance. It is neither a financial audit nor investigation and it does not replace or supersede other types of governmental review of local government unit operations.

Findings and Discussion

1. Part 1: Assessing Progress Toward Management Plan Goals and Objectives

   Findings: The TRWD watershed management plan covers the years 2004 to 2013. It was approved by BWSR in June 2004. The watershed district has been implementing the plan since then. The primary responsibility for plan implementation lies with the TRWD managers and staff. They are assisted by the watershed district citizen advisory committee and various other governmental and non-governmental partners.

Part 1 of the Level II performance review is an evaluation, based on information provided by the LGU, of the progress made in accomplishing each of the goals, objectives, and action items listed in the district's management plan. The TRWD management plan contains 42 specific action items (priority issues) organized under 12 goals. The plan also contains descriptions of 13 impoundment and drainage projects that the district has examined for feasibility and construction, and a variety of other coordination, monitoring and public education activities.

Using the PRAP Level II Part 1 form the district has reported on their accomplishments for each action item and for the 13 projects and other program activities. (See Appendix A.) According to their report, the TRWD has conducted activities related to 38 of the 42 action items. These range from the construction of a multi-million dollar flood control impoundment to investigations conducted in conjunction with potential projects. The district also reported activities related to the 13 projects listed in the plan: 4 have been constructed, 3 are on hold, 2 are progressing, and 4 were dropped. The district also reported accomplishments related to program and coordination objectives.

The four action items from the management plan for which the district has reported no accomplishments so far are related to controlling drought-related resource losses, provide fish passage around stream barriers, and promoting soil conservation and erosion control practices.

Discussion: For this pilot application of PRAP, BWSR selected LGUs that are at various points in their plan implementation cycle. The TRWD has had four years of plan implementation at the time of this performance review. The goals and action items (priority issues) in the plan do not have an order or schedule for implementation. Therefore, given the equal priority for all plan goals and the amount of time since the plan has been in effect, BWSR expects that the district would report progress on most of the goals.

That is, in fact, what the TRWD has reported. The accomplishments are consistent with BWSR's expectation for plan implementation at this stage of the planning cycle. The completion of a large flood damage reduction impoundment (Ross #7) is particularly noteworthy. This multi-function project, developed in consultation with the district's multi-stakeholder project team, addresses several of the district's water and resource management goals. In addition, the TRWD is pursuing a stream rehabilitation project as the local sponsor for a U.S. Department of Agriculture PL-566 project. The district has completed engineering, has secured landowner support and is seeking funding to implement the project.

The goals with little or no progress to report so far deal with resource management, conservation and erosion control activities that the district should address in collaboration with other local partners, such as the soil and water conservation

districts (SWCDs) and the Department of Natural Resources. (See Recommendation 1.)

2. Part 2: Greater Minnesota Watershed District Performance Standards

Findings: The TRWD watershed management activities were evaluated based on the organization's responses to a set of performance standards developed by the Board of Water and Soil Resources. BWSR reviewed the district's responses to the standards for operational effectiveness in four categories—*administration, planning, execution,* and *communication and coordination*—for the period 2003-2007. (See Appendix B).

The TRWD met 11 of 14 basic practice standards and 9 of 12 target (high performance) standards. The district met all of the basic and high performance standards for administration and planning. For the quantitative indicator that tracks expenses compared to budget, the district reported average spending of 122 percent of their budget, a result of receiving and spending additional funds for flood control projects. The district reported meeting half of the basic and high performance standards for communication and coordination.

In response to the standards regarding a website (e.g., "website: annual report, annual budget, meeting minutes") the TRWD maintains that watershed districts are not required to maintain their own website and therefore the performance standard should not be listed as a basic practice. The district contributes information to two different websites, reporting such items as names of managers and staff, contact info, and the management plan, but not board meeting agendas and minutes. The district believes that annual report and meeting information can be effectively provided through other media and, especially for districts with few staff, the time needed for maintaining a website could actually detract from program implementation.

The other high performance standard that district does not currently meet relates to public education. The standard suggests seminars and tours as the methods to provide public education about the district's projects and programs. The TRWD does not provide tours or seminars; however the district publishes a newsletter and news releases, and participates in the River Watch and Envirothon student environmental education programs.

Discussion: The performance standards were developed with the expectation that a watershed district would meet all of the basic performance standards and some of the target high performance standards. However, BWSR has been using these standards only since February 2008, a few months before the review was conducted, and the local government units evaluated in this first PRAP review have not had the opportunity to adjust their operations to meet the standards. Consequently, BWSR expects that many local units of government would be

deficient in some of basic standards and meet only a few of the target high performance standards. The fact that the TRWD met most of the basic performance standards and many of the target performance standards indicates that the TRWD has better than expected operational effectiveness. The watershed organization shows particularly strong performance in the administration and business management of the watershed district organization.

For those basic standards that the district does not currently meet, they have provided reasons as noted above. In response to the reasons given, BWSR states:
1) While the website requirement is not mandatory, it is still recognized by BWSR as an essential public information medium for local governmental units' accountability. In the case of the TRWD, even though they do not maintain their own website, they maintain basic information about their district on the Minnesota Association of Watershed Districts' website and also on the Red River Watershed Management Board's website. Except for having the annual report and budget and the board meeting information posted on the website, the use of these organizations' websites meets the requirements of this standard. While the district's concern about the burden on a limited staff district of maintaining a website is understandable, the additional time to maintain the information that meets the basic standard on these surrogate websites is minimal because the annual report and budget information is posted once per year and only the meeting minutes require regular updating. BWSR agrees that other media, such as newsletters, can also effectively inform the district's residents and stakeholders. (See recommendation 2.)
2) The use of tours, workshops or other more "hands-on" methods of public education can be very effective at raising the interest of stakeholders and citizens in the mission and work of the watershed district. The education programs that the district already participates in (e.g., Envirothon and River Watch) are excellent methods primarily targeted at young people. Tours and workshops can be very effective at giving adults practical information about what the watershed district does and how it affects them. A stakeholder survey, or other opinion gathering techniques, is useful in setting district priorities and as a prelude to the next major plan revision. A simple survey of the district's stakeholders need not be expensive. BWSR can assist with examples of what other districts have done to survey stakeholder opinions. (See Recommendation 3.)

In addition, the basic practice standard about the advisory committee (i.e., "Functioning advisory committee: recommendations on projects, reports, attendance at Board meetings") is only partially met by the TRWD. For the purposes of this review, if a standard is not completely met then only the "no" column should be checked, not "yes" and "no."

3. Part 3: Two Rivers Watershed District Board of Managers Discussion of Plan Implementation Progress

Findings: At a meeting of the TRWD board of managers on August 6, 2008, the managers were presented with the questions designed to stimulate their discussion

of factors affecting plan implementation. The managers then conducted additional discussion at their September board meeting and their responses to the questions were compiled into a general board response to these questions. (See Appendix C.)

In their response, the managers report good progress in implementation of the large Ross #7 flood control project, the smaller Springbrook/County Road 61 ditch rehabilitation, and other ditch projects. The Ross #7 and Springbrook/CR 61 projects are multi-stakeholder, multi-purpose projects that took, especially in the case of the Ross project, many years of planning and coordination. The managers also recognize their public information and data acquisition and monitoring programs as being particularly effective. The Nereson 8 flood impoundment project was given as an example of a project that proved to be very difficult to manage. The project was eventually put on hold after a segment of the local landowners opposed it. In addition, the managers recognize that they have not made much progress in implementing plan objectives that related to drought planning, groundwater management and land conservation enhancements.

The managers identified five factors that are negatively affecting their plan implementation: technical resources/staffing, financial support, cooperation from other agencies, local politics, and regulatory and environmental review requirements that delay project implementation.

The TRWD has requested assistance from BWSR to improve their working relationship with the Minnesota Department of Natural Resources.

Discussion: The TRWD has provided a comprehensive list of issues for consideration as they work on the implementation of goals for the district. The managers should be pleased with the straightforward approach they have taken to constructing the Ross #7 flood control impoundment project. This is a large, multi-million dollar project with complex path of regulatory and funding requirements to negotiate.

Based on the responses to several questions, it appears that the district would benefit from mechanisms for enhancing the collaboration and cooperation with other local and state government agencies that complement the TRWD mission. In particular, there is a need for improved relationships with the Department of Natural Resources and local soil and water conservation districts. In the case of the former, to be able to move ahead on projects and programs even though their respective missions are not completely compatible. In the case of the latter, the SWCDs have the expertise to help and partner with the TRWD in accomplishing their soil erosion and land conservation goals.

The use of the mediation project team, which has been a feature of the work on the Ross #7 project, will also serve some of these coordination and cooperation needs. In addition, the project team process, if properly applied, has the potential to

streamline the regulatory and environmental review processes that the district has found burdensome in the past. (See Recommendation 1.)

Conclusions

The Two Rivers WD is making good progress in the implementation of the district's 2004 overall watershed management plan. Both basic services (e.g., regulatory program) and larger projects appear to be consistent with the goals and priority issues identified in the plan. In addition, the TRWD managers and staff do an excellent job of providing the basic services of water management within the district. They have a comprehensive permitting process that is followed and enforced. They communicate their role and responsibilities through newsletters and the sense of having an "open door" to citizens. During board meetings, the managers make their decisions based on good data and open discussion. On major projects, the appropriate board member is actively involved in project development by both participating on the project team and sharing information with citizens and stakeholders.

The TRWD could enhance its operation and implementation of its planning goals by improving coordination with other agencies. The relationship between the Department of Natural Resources and the TRWD needs some repair. The work of the TRWD project work teams would also benefit from regular participation by the soil and water conservation districts. In other ways, the SWCDs are an important partner for the district in carrying out its water management responsibilities. Having good working relationships with these and other partners is a key to successful project and program implementation.

The district could help their cause by sponsoring tours and other public relations events, in addition to their on-going public education efforts. This would provide the opportunity for the TRWD to educate a wider ranging target audience (e.g., farmer-landowners) on the basics of watershed management and the mission and goals of the watershed district.

Recommendations

The following recommendations are based on BWSR's evaluation of the performance of the Two Rivers Watershed District management plan implementation activities as described above. These recommendations are not mandated by BWSR, but are offered to the managers and staff to enhance the organization's pursuit of effective water and related land resource management and its service to the stakeholders of the district.

1. Enhance Collaboration with Other Conservation Agencies

   The TRWD should consider ways to secure the participation of the soil and water conservation districts on the project work teams. Such collaboration would help with the implementation of projects soil conservation and erosion control components, which the SWCDs are particularly equipped to address. The strain in working relationships with the Department of Natural Resources also needs to be resolved if the district is to make progress on some of the projects identified in the overall plan. The project team process can be a useful tool in this effort. BWSR staff may be able to assist in strengthening these partnerships.

2. Modify Website Content

By simply adding their current annual report and the annual budget to the TRWD webpage on the MAWD website and labeling the management plan link that is already there, the district would substantially meet the basic performance standard for website content. By adding a link to each other's webpage on both the MAWD and the RRWMB site the web-based information about the district would be even more accessible.

3. Consider Expanding Public Outreach Efforts

The TRWD has undertaken both large and innovative projects in the last few years that deserve to be showcased among the district's residents. One of the most effective ways to do this is with some type of tour. When landowners see projects on-the-ground it often gives them ideas about other areas where similar techniques can be applied. It also can have the effect of increasing the status of the watershed district as an organization that knows how to get things done to benefit the landowners of the district. The other side of the public education coin is the survey of stakeholders and or district residents. Surveys come in a variety of forms depending on the group to be surveyed and what information the district wants to obtain. A general watershed-wide survey will be useful several years from now when the district begins the management plan update process. BWSR staff can assist the district with both public education tours and surveys.

LGU Response

We have only one comment regarding the draft report, as follows:

Under the "conclusions" section on page 7, the second paragraph states "...the TRWD should have a stronger working relationship with the soil & water conservation districts within the district. The reasons for this lack of engagement are not entirely clear. However, the SWCD's are an important partner for the district in carrying out its water management responsibilities."

In response to that statement, the TRWD would like clarification from BWSR, as the District feels that contrary to this statement we have a very strong relationship with both the Kittson and Roseau SWCDs. I would like to point out the many times the [watershed] district has utilized the SWCD state cost share program. We are co-located in the same building with the Kittson SWCD, and therefore are in contact with them on a weekly basis, if not a daily basis. We have utilized the SWCD's joint powers board engineer on several projects. We sit on SWCD - CLWP committees and participate in that process. In the past we have cooperated / coordinated with water quality monitoring programs. From 1991 to 1998, the Kittson SWCD CLWP Coordinator position was a shared staff position being 80% employed with Kittson SWCD and 20% with TRWD. The list of cooperative efforts with the SWCD's goes on and on. The TRWD certainly does not feel that there is a "lack of engagement."

BWSR's (B. Dwight & D. Buckhout) reply when we brought this up during your visit with our Board, was that it was worded the way it is because of the SWCD's lack of participation on the

WD Project Work Teams. Your report did not address all of the more important cooperative efforts outlined in the above paragraph.

Therefore, the TRWD requests that you re-word your report to clarify that your comments were relative solely to the PWT process, and did not take into account the numerous other examples of cooperation between the Districts.
[*BWSR response: The relevant section of the report was modified as requested.*]

In closing, the District would like to thank you for the opportunity to be a part of the first round of PRAP reports. While the report could have been a bit more in depth, I believe it gives a sufficient "snapshot" of where the District is presently at with its operations.

APPENDICES

A. PRAP Level II Review: Assessing Progress Toward Plan Objectives-Part 1: Two Rivers Watershed District.

B. PRAP Greater Minnesota Watershed District Performance Standards-Part 2; Two Rivers Watershed District.

C. PRAP Level II Review: Assessing Progress Toward Plan Objectives-Part 3: Discussion Questions-Two Rivers Watershed District.

D. Response from Two Rivers Watershed District (December 17, 2008)

APPENDIX A

How to Use this Form: LGUs may use this form to report progress toward management plan goals and objectives or may substitute their own report that contains comparable information. The terms **Goal**, **Objective** and **Actions/Results** are generic and refer to typical plan structure elements from general to specific. Those fields on this form should be filled with information directly from the plan. **Timeframe** columns should be filled with dates when the **Action** was proposed for implementation and when it was actually implemented, if that has occurred. Make additional copies of this page as needed to cover each of the goals, objectives and actions in the management plan.

LGU Name: Two Rivers Watershed District
Type of Management Plan: Overall Plan
Date of Last Plan Revision: 2004

Name of Contact: Dan Money

Date of This Review: 9/1/08

GOAL: Flood Damage Reduction

Objective: Coordinate with other boards the delivery of flow to the Red River

Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Support work of RRBFDRWG & RRBC to identify basin strategy & identify how much each tributary contributes to main stem river flooding			Stream flow monitoring, computer modeling	Continue efforts
2. Determine the contribution and timing of each branch of the Two Rivers to the main stem Two Rivers. Based upon this, set targets for flow reduction on each branch.			Stream flow monitoring, computer modeling	Continue efforts
3. Establish water retention areas (impoundments) and set aside funding to pay landowners to promote this type of practice. Utilize the Technical Advisory and Citizen's Advisory Committees to review potential impoundment sites, identify new sites, and follow through to construction two (2) impoundments in the next 10 years.			Constructed one of two impoundments, investigated several possible locations for second impoundment	Continue to investigate locations for flood control and utilize project work teams

APPENDIX A

Objective: Maintain, modify, construct, or improve properly functioning watercourses to provide protection to agricultural land for a 10 - year event, while ensuring that there are no resulting downstream adverse impacts.

Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Reduce the number of drainage systems with outlets that are in disrepair.			Installed corrective measures on RCD #4; SD 85 improvement; working with landowners on public waters	Annual inspections and maintenance
2. Address problem of debris in river channels.			Annual log jam removal on rivers; beaver control	Annual inspections
3. Address blockages in drainage systems from sediment, vegetation, and other causes.			Annual inspections and maintenance as necessary	Annual inspections and maintenance as necessary
4. Reduce "flashiness" of the hydrograph related to ditches and natural watercourses.			Ross #7 impoundment; Springbrook/CR 61 meandering channel;	Look for opportunities to accomplish this goal
5. Reduce damages to legal ditch systems by preventing or correcting slope failures.			Judicial Ditch #10; work with counties	Annual inspections and maintenance
6. Ensure proper construction to prevent erosion problems such as gullies, side slope failures, and washouts.			Utilize SWCD programs to install rock chutes, buffers, etc	Annual inspections and maintenance

Objective: Reduce the duration, peak, and frequency of overland flooding

Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Reduce road & culvert damages from flooding.			♦ Culvert inventory of entire TRWD 1450 sq miles completed ♦ Use permitting to implement culvert sizing policy	Review data and work with road authorities, culvert owners to correct identified problems

2. Reduce damages to cropland from flooding (delayed planting or destroyed crops).			Ross #7 impoundment; Springbrook CR61 channel project; JD 10 repair; Springbrook PL 566 planning	Impoundment investigations, culvert sizing, look for other opportunities
3. Reduce damages to pastures from flooding.			Ross #7 impoundment; Springbrook CR61 channel project; JD 10 repair	Impoundment investigations, culvert sizing, look for other opportunities
4. Address issues associated with crossover flooding from the Roseau River.			Meeting with Joint Ditch Authority, Townships, Landowners, DNR, & others; Survey and data acquisition to come up with action plan	Complete survey and data review of literature; continue meeting to formulate flood control plan
5. Address beaver dams on ditches and natural watercourses.			Assisted in procuring grant monies for beaver damage control	Continue to look for funding sources to control problem beavers

Objective: Reduce damages to and loss of residential areas from flooding for a 100 year event (minimum)

Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Reduce damages and losses to urban and rural residents from flooding.			22 farmstead ring dikes constructed	Technical and financial assistance available to cities and individuals upon request

Objective: Minimize effects of drought relative to land use practices

Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Address losses to pasture and cropland associated with drought			None	Unknown
2. Address issues related to wind erosion			None	Unknown

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Objective: Enhance and protect ground water supplies.

Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Maintain an adequate water supply and sustain healthy water quality levels			Permit review of potential projects	Unknown
2.				

Objective: Improve and sustain surface water quality

Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Reduce erosion & sedimentation to waterways & wetlands			JD 10 project, Springbrook CR61 & PL 566 projects,	Implement projects as opportunities arise
2. Restore more natural hydrographs to waters in the watershed – reduce the "flashiness"			Springbrook CR61 & Springbrook PL 566; culvert sizing on permits,	Implement projects as opportunities arise
3. Restore & rehabilitate unstable stream channels in the watershed			JD 10 project, Springbrook CR61 & PL 566 projects	Implement projects as opportunities arise
4. Total Maximum Daily Load's (TMDL) & Water Quality Monitoring			Water quality monitoring program in conjunction w/ RRWMB & MPCA	Analyze data, identify impairments, implement TMDL

APPENDIX A

Objective: Reduce erosion & sedimentation

Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Restore more natural hydrographs to waters in the watershed – reduce the "flashiness"			Springbrook CR61 & PL 566 projects	Implement projects as opportunities arise
2. Restore & rehabilitate unstable stream channels in the watershed			Springbrook CR61 & PL 566 projects	Implement projects as opportunities arise
3. Establish and maintain functional buffers along ditches. This should include the use of side inlets to minimize erosion from fields			JD 10, Kennedy #6, Springbrook PL 566	Implement projects as opportunities arise
4. Land use practices (i.e. tillage)			None	Implement projects as opportunities arise

Objective: Participate in efforts to enhance, establish, and protect stream corridors and riparian areas

Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Restore & rehabilitate unstable stream channels in the watershed			JD 10 project, Springbrook CR61 & PL 566 projects	Implement projects as opportunities arise
2. Identify and protect existing riparian corridors / areas			JD 10 project, Springbrook CR61 & PL 566 projects	Implement projects as opportunities arise
3. Enhance / widen / improve degraded riparian corridors / areas			JD 10 project, Springbrook CR61 & PL 566 projects	Implement projects as opportunities arise
4. Establish functioning riparian areas along all waterways in the watershed			JD 10 project, Springbrook CR61 & PL 566 projects	Implement projects as opportunities arise
5. Establish and maintain functional buffers along ditches. This should include the use of side inlets to minimize erosion from fields.			JD 10 project, Springbrook CR61 & PL 566 projects	Implement projects as opportunities arise

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Objective: Participate in efforts to enhance, provide, & protect habitats

Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Restore more natural hydrographs to waters in the watershed. Reduce the flashiness of the hydrograph.			JD 10 project, Springbrook CR61 & PL 566 projects	Implement projects as opportunities arise
2. Restore and rehabilitate unstable stream channels in the watershed			JD 10 project, Springbrook CR61 & PL 566 projects	Implement projects as opportunities arise
3. Maintain and restore fish passage in streams throughout the watershed			None	Implement projects as opportunities arise
4. Identify and protect existing wetland habitat			Nereson 8	Implement projects as opportunities arise
5. Enhance degraded wetland habitats (identify them first)			Nereson 8	Implement projects as opportunities arise
6. Establish new wetlands (identify where & for what purpose)			Nereson 8	Implement projects as opportunities arise
7. Establish and maintain functional buffers along ditches. This should include the use of side inlets to minimize erosion from fields			Kennedy 6, JD 10	Implement projects as opportunities arise
8. Establish large habitat blocks of grassland, wetland, and forest			PL 566, Klondike 1 & 2, Ross #7	Implement projects as opportunities arise
9. Identify and protect existing upland habitats			Ross #7	Implement projects as opportunities arise

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Objective: Support the expansion of water based recreation

Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Public access for boats, canoes, hunting, recreational vehicles, etc.			Boat landings at City of Hallock, Red River (Neither project was done by TRWD)	

Objective: Provide educational and outreach opportunities

Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Increase public knowledge and understanding of watershed district activities and programs			Northland Conservation Newsletter, Envirothon, River Watch, News Releases, 50 year anniversary open house	Continue as is

Objective: Policies & Proposed Actions of the District

The Overall Plan identifies several project investigations of both proposed projects and potential projects. These are listed in the table below.

Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Ross Impoundment			Construction Completed	Annual maintenance & Inspection
2. Nereson Sub Impoundmnet			Construction Completed	Annual maintenance & Inspection
3. Klondike 1 & 2			On Hold	
4. Stokes 18			Dropped	

5. Kittson CD 22			Dropped	
6. Skull Lake Modification			Construction Completed	Annual maintenance & Inspection
7. Twistal Swamp			Dropped	
8. Percy 9/10			Dropped	
9. Dewey 5 Improvement			On Hold	Construction to be done in conjunction with Roseau County road project
10. State Ditch #85 Improvement			Construction Completed	Annual maintenance & Inspection
11. Springbrook PL 566			Planning Complete, looking for funding package	Secure funding, then construction
12. Kennedy 6			Petition project progressing	Public Hearing, construction
13. Polonia – Barto			On Hold	

Objective: Miscellaneous Studies, Investigations, & Inventories

The Overall Plan identifies several programs involving monitoring, data collection, and other initiatives. These are listed in the table below.

Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Ditch Inspections			Annual inspection & maintenance	

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2. Flood Impacts to Communities			Nereson 8 could help Greenbush	
3. Review of existing operating plans			Horseshoe Lake completed	
4. Beaver Control Policy			Policy in place, funding	
5. Water Quality Monitoring			Monitoring program in place	Analyze & organize data
6. Stream Flow Monitoring			Monitoring program in place	Analyze & organize data
7. Snow Survey			Monitoring program in place	Analyze & organize data
8. Culvert Inventory			Field work completed	Analyze & organize data
9. Project Monitoring			Done as necessary	
10. Stream Maintenance			Annual log jam removal	
11. Newsletter			Semi annual in coop with Kittson SWCD	
12. Education			Envirothon, River Watch	
13. Public Outreach			Newsletters, 50 year anniversary, CAC	
14. FDRWG - RRWMB			Participate monthly	

APPENDIX B

GREATER MN WATERSHED DISTRICT PERFORMANCE STANDARDS

LGU Name: Two Rivers Watershed District

Performance Area	Performance Standard	Level of Review	Rating	
	★ Target (high performance) standard ■ Basic practice or Statutory requirement ◊ Quantitative standard	I Annual Compliance II BWSR Staff Review & Assessment (1/5 yrs)	Yes, No, or Value	
			YES	NO
Administration	■ Annual report: submitted by deadline	I	x	
	■ Annual report: contains progress report	I	x	
	■ Financial audit: completed within last 12 months	I	x	
	■ Rules: current and reviewed by BWSR	II	x	
	■ Personnel policies: written and reviewed/updated within last 5 yrs	II	x	
	■ Data practices policy: exists and reviewed/updated within last 5 yrs	II	x	
	■ Manager appointments are current and reported	II	x	
	★ Have in-house staff	II	x	
	★ Board training: ed and certifications, orientation plan and record for each board member	II	x	
	★ Staff training: ed and orientation plan and record for each staff member	II	x	
	★ By-laws, operational guidelines exist and current	II	x	
	★ Public ditch records: modernized, usable, indexed (where applicable)	II	x	
Planning	■ Watershed management plan: up-to-date	I	x	
	■ Engineer Reports: submitted for DNR / BWSR review	I	x	
	★ Implementation and/or CIP review every 2-3 yrs	II	x	
	◊ Number of local water plans reviewed and/or approved	II	2	
Execution	◊ Expenditure trend: net change past 5 yrs	II	900,000	
	◊ Project-program expense $/total budget $ (past 5 yrs)	II	122%	
	★ Water quality trend completed for key water bodies	II	x	
	★ Watershed yield trends monitored / reported	II		x
Communication & Coordination	■ Functioning advisory committee: recommendations on projects, reports, attendance at Board mtgs	II	x	x
	■ Stakeholder survey: within last 5 yrs	II		x
	■ Coordination of Watershed Mgmt Plan with local water plans	II	x	
	■ Communication piece: sent within last 12 months	I	x	
	■ Website: annual report, annual budget, mtg minutes	I		x
	★ Website: contains contact information for current mgrs and staff, mtg agendas, minutes, updated after each board mtg	I		x
	★ Public education program: seminars, tours	II		x
	★ Coordination with County Bd by Managers or staff	II	x	
	★ Partnerships: cooperative projects/tasks done with other LGUs, state, fed agencies	II	x	

APPENDIX C

BWSR PERFORMANCE REVIEW AND ASSISTANCE PROGRAM

Level II Review: Assessing Progress Toward Plan Objectives

Name of Organization: TWO RIVERS WATERSHED DISTRICT

Contact Person (Name and contact info.): Dan Money

Part 3: Discussion Questions

How to use this form: Please schedule a special meeting or designate time at a regular board meeting to fill out this form. Make sure you invite your BWSR board conservationist to attend the meeting. He or she will observe the discussion and can explain the review process. Your answer to each of the following questions should be based on discussion among board or advisory committee members and principal staff and must reflect the consensus of those people. Return the completed form in electronic format to the BWSR PRAP coordinator. Remember: *your responses on this form become public information.*

1. **How often does your board review your plan or assess progress on planned objectives?**

   At least once per year.

2. **Where has your organization made the most progress in implementing your plan objectives in the past few years? To what do you attribute that progress?**

   Construction of Ross #7, Springbrook CR61, JD 10 & other projects. We've had a strong planning process the past 5 to 10 years with input from CAC & project work teams. These projects are the culmination of many years of prep work in obtaining permissions, project coordination, land acquisition, and following statute requirements.

   The District is also very strong in the areas of monitoring, data collection, and public information. The Board and staff have worked well together to plan what needs to be done and to implement these activities in a timely manner when needed.

3. **For which objective(s) has your organization had the most difficulty making progress? What are the most likely reasons for this lack of progress?**

   Nereson 8 project planning. This project had a very large group that was in favor of the project, but an equally large group that was against it. In the end, local politics got in the way of the District making any positive progress.

   The District has not progressed very much in the areas of groundwater, drought, and certain natural resource enhancements. These either have not been a real high priority, or the District does not possess the technical and financial resources to accomplish these. Therefore the first four years of OP implementation have focused on the goals that are the most attainable.

4. **Since the plan was completed, have there been any unforeseen opportunities or problems that have influenced your board's decisions about which objectives to pursue? Explain those influences.**

   Local politics. See discussion above on the Nereson 8 project.

5. **What are the five most significant factors that are affecting (positively or negatively) your organization's ability to implement your planned objectives?**

   a. Technical Resources and Staffing

b. Financial Support
c. Cooperation / Negotiation / Resistance from / with other agencies (DNR Wildlife, Counties, SWCD, etc.)
d. Local Politics / Dynamics
e. Obtaining Permits / Environmental Review (delays a project)

6. **For which of the factors listed in #5 would your organization like some assistance for either taking better advantage of positive factors or overcoming negative factors? Identify the type of assistance that would be most helpful.**

We would like some help in working with the local DNR Wildlife office. Sometimes, it seems that the DNR initiatives do not mesh well with local drainage and flood control initiatives, and severe resistance has come from the DNR. We will not always agree, but we do need to work together as much as possible to accomplish common goals.

It is often nuclear as to who has authority. In one instance a ditch authority thought it was doing its job by cleaning out / maintaining a legal ditch system. This was met by a lawsuit from DNR and MCEA. This case is currently making its way through the legal system.

DNR has cooperated on our Horseshoe Lake project, but has been a stumbling block on our Twistal Swamp issue and the above mentioned ditch issue.

7. **How will your organization use any of the information you gained from this review in communicating or working with your partners and customers?**

Unknown

APPENDIX D

Hello Don,

This email is to convey comments from the Two Rivers Watershed District to BWSR regarding the draft PRAP report that you presented to us at our December 3, 2008 Board meeting.

We have only one comment regarding the draft report, as follows:

Under the "conclusions" section on page 7, the second paragraph states "....the TRWD should have a stronger working relationship with the soil & water conservation districts witihn the district. The reasons for this lack of engagement are not entirey clear. However, the SWCD's are an important partner for the distrit in carrying out its water management responsibilities.

In response to that statement, the TRWD would like clarification from BWSR, as the District feels that contrary to this statement we have a very strong relationship with both the Kittson and Roseau SWCD's. I would like to point out the many times the District has utilized the SWCD state cost share program. We are co-located in the same building with the Kittson SWCD, and therefore are in contact with them on a weekly basis, if not a daily basis. We have utilized the SWCD's joint powers board engineer on several projects. We sit on SWCD - CLWP committees and participate in that process. In the past we have cooperated / coordinated with water quality monitoring programs. From 1991 to 1998, the Kittson SWCD CLWP Coordinator position was a shared staff postion being 80% employed with Kittson SWCD and 20% with TRWD. The list of cooperative efforts with the SWCD's goes on and on. The TRWD certainly does not feel that there is a "lack of engagement".

BWSR's (B. Dwight & D. Buckhout) reply when we brought this up during your visit with our Board, was that it was worded the way it is because of the SWCD's lack of participation on the WD Project Work Teams. Your report did not address all of the more important cooperative efforts outlined in the above paragraph.

Therefore, the TRWD requests that you re-word your report to clarify that your comments were relative solely to the PWT process, and did not take into account the numerous other examples of cooperation between the Districts.

In closing, the District would like to thank you for the opportunity to be a part of the first round of PRAP reports. While the report could have been a bit more in depth, I believe it gives a sufficient "snapshot" of where the District is presently at with its operations.

Thank you, and have a Merry Christmas.

Dan Money, Administrator
Two River Watershed District
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Hallock, MN 56728
Phone (218) 843-3333

Minnesota Board of Water and Soil Resources
Performance Review and Assistance Program

Level II (Pilot) Performance Review Report
for
Coon Creek Watershed District

December 23, 2008

Lead Staff

Donald Buckhout, Coordinator
Performance Review and Assistance Program

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Questions about this document should be directed to:
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Minnesota Board of Water and Soil Resources
Performance Review and Assistance Program
Level II (Pilot) Report
Coon Creek Watershed District

December 23, 2008

Report Purpose and Contents

This is an information document prepared by the staff of the Board of Water and Soil Resources (BWSR) for the Coon Creek Watershed District (CCWD) managers and staff, and the general public. The information in this document reports the results of a routine performance review of the watershed district's management plan implementation and is intended to give the managers and staff constructive feedback they can use to capitalize on strengths and address areas needing improvement. While the performance review reported herein has been conducted under the authority granted to BWSR by Minnesota Statutes Chapter 103B.102, this is a staff report and it has not been reviewed or approved by the BWSR board members.

This report contains the following sections:

- Background
- Purpose
- Scope
- Findings and Discussion
- Conclusions
- Recommendations
- LGU Response
- Appendices

Background

In January 2008 the Minnesota Board of Water and Soil Resources (BWSR) adopted a strategic plan with a mission statement to *improve and protect Minnesota's water and soil resources by working in partnership with local organizations and private landowners.* The strategic plan recognizes the importance to BWSR of the local organizations, such as watershed based planning programs. BWSR can best accomplish its mission if its local governmental unit delivery system is operating effectively.

One approach to making that local delivery system the best it can be is BWSR's implementation of a program authorized by the 2007 Minnesota legislature. Called the Performance Review and Assistance Program (PRAP), its purpose is to periodically review and assess the performance of local units of government that have land conservation and water management responsibilities. Using the PRAP process, BWSR interacts with local governments at four levels depending on whether the review and subsequent assistance is routine or specialized.[1]

[1] For more information about BWSR's Performance Review and Assistance Program see the 2008 Report to the Legislature at http://www.bwsr.state.mn.us/PRAP/index.html

A Level I review annually tabulates the local government unit's compliance with basic organizational requirements. In Level II, conducted by BWSR once every five years for each local government unit, the focus is on the degree to which the organization is accomplishing its management plan. A Level II review includes determination of compliance with BWSR's Level I and II statewide performance standards, a tabulation of progress on planned goals and objectives, a discussion among board members and staff of the factors affecting plan implementation, and a BWSR staff report to the organization with findings, conclusions and recommendations.

In 2008 BWSR is conducting a limited number of Level II performance reviews statewide on a pilot basis only. BWSR selected the **Coon Creek Watershed District** as one of seven local governmental units in Minnesota to test the procedures and review standards of this new program. This document reports the results of that review.

Purpose

The purpose of this Level II performance review is to determine the progress of the Coon Creek Watershed District in accomplishing the goals and objectives of their comprehensive plan and to assess their overall performance with respect to general performance standards.

In addition, our review provides suggestions for additional actions or assistance that the district managers and staff can consider.

Because this is a pilot application of PRAP, BWSR will use the results of this review to adjust the performance standards and review criteria for subsequent reviews of other local governmental units.

Scope

This PRAP review included information gathering, analysis and reporting. Specific actions taken by BWSR in this process have included: review of the district's compliance with the PRAP Level I and II performance standards as reported by the district, BWSR staff attendance at board of managers meeting to explain the PRAP process and monitor the board's discussion of plan implementation issues (PRAP Level II Part 3), and review of various district reports, such as the annual report.

The PRAP process is administered by BWSR for the purposes of performance improvement and assistance. It is neither a financial audit nor investigation and it does not replace or supersede other types of governmental review of local government unit operations.

Findings and Discussion

1. Part 1: Progress Toward Comprehensive Plan Goals and Objectives
   Findings: The CCWD comprehensive plan covers the years 2000 to 2010, but did not receive final approval until October 2004. The watershed district has

been implementing the plan since then. The primary responsibility for plan implementation lies with the CCWD managers and staff. They are assisted by the watershed district citizen advisory committee and various other governmental and non-governmental partners.

Part 1 of the Level II performance review is an evaluation, based on information provided by the LGU, of the progress made in accomplishing each of the goals, objectives, and action items listed in the district's comprehensive plan. The CCWD comprehensive plan contains 42 specific objectives organized under eleven goals. For this review the CCWD has chosen to report its progress on plan implementation using information in their annual reports in place of the PRAP form designed for this purpose. From 2004 through 2006 the annual reports describe progress on plan implementation in terms of specific, and in many cases quantitative, actions taken by the district under each plan objective and include an overview of activities by program. These reports show accomplishments for 40 of the 42 plan objectives. For the 2007 annual report the district changed the format to report accomplishments by program area in more detail (e.g., operations and maintenance, development regulation) and dropped the section of accomplishments by plan goals and objectives.[2]

The two objectives from the plan that are not addressed directly in the annual reports are: "4.5- To encourage compatibility between land use activities upstream and downstream and natural resource capacity," and "11.3- Hold at least one public meeting per year addressing the Storm Water Pollution Prevention Program annual report." Neither the annual reports nor the district staff provided information as to why plan objectives 4.5 and 11.3 are not referred to in the reporting of accomplishments.

Discussion: For this pilot application of PRAP, BWSR selected LGUs that are at various points in their plan implementation cycle. The CCWD has had four years of plan implementation at the time of this performance review. In addition, the timeframes for implementing the plan objectives are listed in the plan as either on-going (the majority) or specific years, all of which have passed by the time of this review. Therefore, BWSR expects that the district would have progress to report on most, if not all, of the objectives.

Based on the self-report of the CCWD and BWSR's review, the district has significant accomplishments for 40 of the plan's 42 objectives. These accomplishments are easy to track by plan objective in the district's 2004 through 2006 annual reports. The program format of the 2007 annual report also reports accomplishments, but these are not tied to specific comprehensive plan objectives. Many of the accomplishments are reported in quantitative terms of the specific actions relative to each objective.

[2] The CCWD administrator has indicated that the accomplishments by plan objective section will be continued in the 2008 Annual Report.

For the purposes of BWSR's PRAP review, the district's annual report format from 2004-2006 provides an excellent tracking of progress on plan objectives by reporting district activities by objective. The 2007 report gets away from this completely. While it is understandable that the managers prefer seeing the district's activities reported in reference to programs rather than plan objectives, some ability to track progress on plan objectives should be retained to keep the district's stakeholders informed. A compromise would be to retain the reporting-by-program format and provide cross-references to the plan objectives that are related to the reported activities. (See Recommendation 1.)

2. Part 2: Metro Area Watershed District Performance Standards

Findings: The CCWD watershed management activities were evaluated based on the organization's responses to a set of performance standards developed by the Board of Water and Soil Resources. BWSR reviewed the district's responses to the indicators for operational effectiveness in four categories—*administration, planning, execution,* and *communication and coordination*—for the period 2003-2007. (See Appendix A).

The CCWD met 12 of 15 basic practice standards and all 13 target (high performance) standards that apply. Noteworthy among the target (high performance) standards that the CCWD meets are 1) they have complete board and staff training programs (Administration), 2) they use water quality and watershed yield trends (Execution), and 3) they coordinate and partner with other local governments in the district (Communication & Coordination).

The CCWD provided explanations for the three basic standards they did not meet and a fourth standard that was addressed in consultation with BWSR.
1) Their annual activity report is not submitted by the "late February" deadline because the annual report preparation is part of their annual review of district performance and budget development in late March. Also, their financial report and audit are not completed until late March or early April and they wait to include those in the report.
2) The district's rules have undergone continued staff review and revision and a formal update is on hold pending input from the Minnesota Pollution Control Agency regarding discharge permit requirements, non-degradation requirements and potential total maximum daily load (TMDL) provisions.
3) Regarding the overdue reissuance of consultant contract requests for proposals, the CCWD has cited cost for both the district and consultants as reason for the delay.
4) In the initial response to the "stakeholder survey within last 5 years" standard, the CCWD checked "no." Subsequent discussion with the staff and managers have clarified the district's stakeholder feedback efforts.

Discussion: In general, a metro area watershed district would be expected to meet all of the basic performance standards and a few of the target high performance standards. However, BWSR has been using these standards only since February 2008, and the local government units evaluated in this first PRAP review have not had the opportunity to adjust their operations to meet the standards. Consequently, BWSR expects that many local units of government would be deficient in some of basic standards. The fact that the CCWD met most of the basic performance standards and all of the target performance standards demonstrates greater than expected operational effectiveness.

For those basic standards that the district does not currently meet, they have provided reasons as noted above. In response to the reasons given, BWSR makes the following responses:
1) The deadline for annual reports, according to Minn. Rules 8410-0150, is within 120 days of the end of the district's fiscal year. If the district operates on a calendar fiscal year, the reports would be due at the end of April.
2) The delay in updating the district's rules is reasonable given the need to incorporate additional water quality provisions. BWSR may be able to assist in expediting the involvement of MPCA in the rule revision process.
3) The district needs to meet the standard for updating its consultant contract requests for proposals. BWSR staff may be able to assist the district in this regard using examples from other metro area watershed districts that do comply in a cost-effective manner.
4) In the initial response to the standard for stakeholder survey the district initially understood this standard to refer to a general population survey of watershed district residents and therefore checked the "no" box. Subsequent discussions with the district have revealed that they use regular and targeted citizen feedback methods that are targeted to those people affected by a particular water management problem or potential project. The district maintains that these are useful surveys of citizen opinion and concern that are used by the district to inform their decisions. (See Recommendation 2 and the LGU Response section for more information on this issue.)

3. Part 3: Coon Creek Watershed District Board of Managers Discussion of Plan Implementation Progress

Findings: At a meeting of the CCWD board of managers on July 14, 2008, the managers discussed and passed a staff prepared response to questions in part 3 of the PRAP materials. (See Appendix B.) The managers briefly discussed the administrator's proposed responses and then approved them unanimously.

In their response, the managers report good progress in implementation of the comprehensive plan objectives. They noted that the ability to integrate water quality management into to their other water management activities has been

particularly beneficial. The factors that are affecting, positively or negatively, their plan implementation are the five items identified in their plan and annual reports. They have not identified any objectives for which they would like BWSR assistance.

Discussion: The CCWD board and staff did not spend much time discussing the issues raised in the part 3 discussion questions at the meeting attended by BWSR program staff. The most likely reason for this, as indicated in the question responses and confirmed by informal conversations with the administrator, is that the managers and staff routinely conduct a thorough discussion of plan implementation progress and factors in conjunction with annual budgeting each spring. Review of progress on plan implementation is a routine item of business for this district.

Likewise, the CCWD routinely monitors the trends and factors affecting plan implementation and district management. The managers' attention to these issues is reported in the district annual activity reports. In particular, the 2007 Annual Plan contains a well documented analysis of district strengths and weaknesses in response to management trends and the issues, opportunities and needs related to external trends. In reviewing the district needs identified in section 6 of the 2007 Annual Plan, it may useful to track in subsequent annual reports how these needs were addressed. (See Recommendation 3.)

Conclusions

The CCWD is making good progress in the implementation of their comprehensive watershed management plan. The organization is efficient in its administrative, planning, execution and communication-coordination functions. The district's annual reports and work plans provide good documentation of progress and the trends, issues and needs facing the district.

In the 2004-2006 Annual Reports, the district provided excellent reporting of progress on plan implementation by listing program activities by plan objective. As noted in Finding 1 above, that practice changed with the 2007 Annual Report. It is understandable that the district managers want to see progress reported in terms of programs, because that is how staff and funds are allocated and tracked. Furthermore, reporting activities by plan objective results in much duplication because one activity usually serves multiple objectives. The district should be able to continue reporting accomplishments by program while cross-referencing the program activities to the applicable comprehensive plan objectives.

The CCWD meets all of BWSR's high performance and most of the basic performance standards for metro area watershed districts. In addition, the managers and staff regularly assess their performance against a series of organizational function standards they have developed for themselves.

Recommendations

The following recommendations are based on BWSR's evaluation of the performance of Coon Creek Watershed District comprehensive plan implementation activities as described above. These recommendations are not mandated by BWSR, but are offered to the managers and staff to enhance the organization's pursuit of effective water and related land resource management and its service to the stakeholders of the district.

1. Tie Annual Report Accomplishments to Comprehensive Plan Objectives
   The CCWD should consider referencing the comprehensive plan objectives that are addressed by the program activities listed in the annual reports. Also, there should be some discussion of the progress, or lack thereof, on plan objectives 4.5 and 11.3.

2. Consult BWSR Staff to Address Performance Indicators
   BWSR staff may be able to assist the CCWD with low cost methods for issuing biennial consultant RFPs and for conducting a periodic stakeholder survey. BWSR recommends the use of stakeholder input beyond that of the advisory committee to inform identification of planning and operational priorities. Because the district is already monitoring trends that affect district management and operations, stakeholder input would also serve that function well.

3. Report on Actions Taken in Response to Trend and Need Analysis
   The CCWD does an excellent job of reporting on the analysis of trend data as exemplified by the 2006 Annual Report Sections 5 and 6. The 2007 Report returned to an earlier reporting format on trends and factors. It may be helpful to continue to track response to the identified trends in whatever actions are taken, such as adjustments in district staff time and fund allocation. If the format of the 2006 report is continued, a new column could be added to indicate what adjustments or activities were implemented to address the identified needs.

LGU Response

[*The CCWD reviewed the draft of this report and submitted manager approved responses to the recommendations. Complete text of the CCWD response is in Appendix C.*]

Recommendation 1 Response: As noted earlier in the BWSR report, the District has formatted its annual progress by Comprehensive Plan goal and objective for all years except 2007. In 2007 the report was reformatted to emphasize program delivery. The CCWD will return to, and ensure that its annual reports contain a clear presentation of annual accomplishments in implementing its Comprehensive Plan including more clearly reporting progress on objectives 4.5 and 11.3. The District wishes to note that the performance measures for these two are objectives have been reported annually and are reviewed by the Board of Managers on a monthly basis.

Recommendation 2 Response: The CCWD will

1. Submit its annual report by 120 days of the end of the year as required by MR 8410.0150

2. Request proposals for professional consulting services in 2009. The District believes that the biannual search for professional services is expensive and not constructive for District operations and suggests that a five year interval may be more appropriate. [*BWSR staff will provide additional guidance and assistance regarding this requirement.*]
3. Upon discussion with BWSR staff and the broader guidance of what constitutes a "stakeholder survey" provided, the District believes that we have, in fact, met this requirement with more frequency then the 5 year requirement cited in the performance standards. [*BWSR concurs. The Appendix A checklist and Findings and Discussion Part 2 text has been corrected to reflect this.*]

   The District also believes that the manner in which this standard is worded/formatted is misleading, and connotes implementation or reliance of a questionnaire type survey mailed district wide to a significant sample of the watershed's populace, and that this mail survey would have the goal of fishing or trolling for issues. As discussed at the November 24 Board meeting, all of the examples provided by BWSR staff used such surveys to flesh out, or help refine existing problems or concerns. [*BWSR staff will provide additional guidance regarding use of general stakeholder surveys.*]

Recommendation 3 Response: None

Additional Comments from the CCWD: At the November 24 meeting, BWSR staff noted that the intent of the Metro Area Watershed Performance Standards were to assess "critical inputs" for effective water management. There are several "critical inputs" that the Coon Creek Watershed District assesses annually that we feel are essential and may assist BWSR in this important work:

a. Administration/Personnel
   i. Ability to respond to changing conditions
   ii. Adaptive organizational structure
   iii. Level of staff
   iv. Knowledge/Training in job assignments
   v. Do Board members deal with issues openly?
   vi. Does the Board function as a team?
   vii. Do Board attitudes and actions reflect a sense of public service vs personal interest
   viii. Does the Board give adequate consideration to staff recommendations
b. Finances
   i. Does the District adopt a budget by 9/15?
   ii. Does the Board of Managers understand the District's Resources?
   iii. Does the budget fund programs and activities that pursue District goals and objectives?

iv. Is there encouragement of broad participation in the budget process?
v. Does the Board consider the budget "their budget" versus "staffs" or the "consultants budget"?

c. Procedures, Equipment and Technology
   i. Does the District have a Policy & Procedure Manual?
d. Public and Governmental Relations
   i. Is the relationship between the District and the public and other units of government honest and open?
   ii. Is there mutual respect between the District and other units of government

[*BWSR appreciates the information about the district's self-evaluation standards. This type of regular introspection promotes good organizational health. These standards are appropriate for the Level III (i.e., more in-depth) performance review.*]

APPENDICES

A. PRAP Metro Watershed District Performance Standards form-Part 2; Coon Creek Watershed District.

B. PRAP Level II Review: Assessing Progress Toward Plan Objectives-Part 3: Discussion Questions-Coon Creek Watershed District.

C. Coon Creek Watershed District Response: Board of Managers approved comments, December 8, 2008.

APPENDIX A

METRO WATERSHED DISTRICT PERFORMANCE STANDARDS

LGU Name: Coon Creek

Performance Area	Performance Standard	Level of Review	Rating	
	★ Target (high performance) standard ■ Basic practice or Statutory requirement ◊ Quantitative standard	I Annual Compliance II BWSR Staff Review & Assessment (1/5 yrs)	Yes, No, or Value	
			YES	NO
Administration	■ Activity report: annual, on-time	I		X
	■ Activity report: content MR 8410 compliant (include self-assessment of progress)	I	X	
	■ Financial report & audit: completed within last 12 months	I	X	
	■ Rules: current and reviewed by BWSR	II		X
	■ Personnel policies: written and reviewed/updated within last 5 yrs	II	X	
	■ Data practices policy: exists and reviewed/updated within last 5 yrs	II	X	
	■ Manager appointments: current and reported	II	X	
	■ Consultant RFP: ≤2 yrs for legal, engineering, accounting	II		X
	■ Water appropriation permit program exists (Hennepin and Ramsey only)	I	NA	
	★ Have in-house staff	II	X	
	★ Board training: ed and certifications, orientation plan and record for each board member	II	X	
	★ Staff training: ed and orientation plan and record for each staff member	II	X	
	★ By-laws, operational guidelines exist and current	II	X	
	★ Public ditch records: modernized, usable, indexed (where applicable)	II	X	
Planning	■ Watershed management plan: up-to-date	I	X	
	★ Capital Improvement Plan: reviewed every 2-3 yrs	II	X	
	◊ Number of local water plans reviewed and/or approved	II	5	
Execution	■ Engineers Reports: submitted for DNR & BWSR review	I	X	
	★ Cooperative projects/tasks done with partners	II	X	
	◊ Expenditure trend: net change past 5 yrs	II	5%	
	◊ Project-program expense $/total budget $ (past 5 yrs)	II	90%	
	★ Water quality trend completed for key water bodies	II	X	
	★ Watershed yield trends monitored / reported	II	X	
Communication & Coordination	■ Functioning advisory committee: recommendations on projects, reports, attendance at Board mtgs	II	X	
	■ Stakeholder survey: within last 5 yrs	II	X	
	■ Coordination of Watershed Plan with local water plans	II	X	
	■ Communication piece: sent within last 12 months	I	X	
	■ Website: annual report, annual budget, minutes	I	X	
	★ Website: contains staff and mgrs contact info, mtg agendas, minutes; updated after each board meeting	I	X	
	★ Public education program: seminars, tours	II	X	
	★ Coordination with County Bd and City/Twp officials by Managers or staff	II	X	
	★ Partnerships: cooperative projects/tasks done with municipalities, counties	II	X	
	◊ Advisory committee: # mtgs within last 12 months	II	4	

APPENDIX B

Level II Review: Assessing Progress Toward Plan Objectives

Part 3: Discussion Questions: Coon Creek Watershed District

1. **How often does your board review your plan or assess progress on planned objectives?**
   Annually- The goals, objectives and strategies of the comprehensive plan are reviewed annually as one of the first steps in the District budgeting process.

   Monthly- Progress on planned objectives are reviewed monthly as part of the monthly staff report

2. **Where has your organization made the most progress in implementing your plan objectives in the past few years?**
   Integrating water quality management into the management framework for the District

   To what do you attribute that progress?
   Increase in staff and the requirements of the NPDES permit

3. **For which objective(s) has your organization had the most difficulty making progress?**
   We are making progress on all of them

   What are the most likely reasons for this lack of progress?
   Not applicable

4. **Since the plan was completed, have there been any unforeseen opportunities or problems that have influenced your board's decisions about which objectives to pursue? Explain those influences.**

   (None)

5. **What are the five most significant factors that are affecting (positively or negatively) your organization's ability to implement your planned objectives?**
   I. Economic forces Affecting Land Use and Water Management
   II. Increasing Complexity of the Water Management Agenda
   III. Demographic Pressure Driving Use of Water Resources
   IV. Dependence on External Sources of Water Management Technology
   V. Unusual or Prolonged Adverse Environment Conditions

6. **For which of the factors listed in #4 would your organization like some assistance for either taking better advantage of positive factors or overcoming negative factors? Identify the type of assistance that would be most helpful.**
   (None)

APPENDIX B

7. **How will your organization use any of the information you gained from this review in communicating or working with your partners and customers?**
   Unknown/Depends

APPENDIX C

From: Tim Kelly [tkelly@cooncreekwd.org]
Sent: Tuesday, December 09, 2008 8:58 AM
To: Donald Buckhout (BWSR); Melissa Lewis (BWSR)
Subject: CCWD Comments
At their meeting last night, the Board of Managers unanimously approved the following responses to the District performance review conducted by the BWSR as part of the PRAP. The review made three recommendations which are discussed below

1. **Tie the Annual Report Accomplishments to Comprehensive Plan Objectives:**
   Response: As noted earlier in the BWSR report, the District has formatted its annual progress by Comprehensive Plan goal and objective for all years except 2007. In 2007 the report was reformatted to emphasize program delivery. The CCWD will return to, and ensure that its annual reports contain a clear presentation of annual accomplishments in implementing its Comprehensive Plan including more clearly reporting progress on objectives 4.5 and 11.3. The District wishes to note that the performance measures for these two are objectives have been reported annually and are reviewed by the Board of Managers on a monthly basis.

2. **Consult BWSR Staff to Address Performance Indicators:**
   Response: The CCWD will
   4. Submit its annual report by 120 days of the end of the year as required by MR 8410.0150
   5. Request proposals for professional consulting services in 2009. The District believes that the biannual search for professional services is expensive and not constructive for District operations and suggests that a five year interval may be more appropriate

   6. **Upon discussion with BWSR staff and the broader guidance of what constitutes a "stakeholder survey" provided, the District believes that we have, in fact, met this requirement with more frequency then the 5 year requirement cited in the performance standards.**

      The District also believes that the manner in which this standard is worded/formatted is misleading, and conotates implementation or reliance of a questionnaire type survey mailed District wide to a significant sample of the watersheds populace. And that this mail survey would have the goal of fishing or trolling for issues. As discussed at the November 24 Board meeting, all of the examples provided by BWSR staff used such surveys to flesh out, or help refine existing problems or concerns.

3. **Report on Actions Taken in Response to Trend and Need Analysis:**
   Response: None

APPENDIX C

NOTE: At the November 24 meeting, BWSR staff noted that the intent of the Metro Area Watershed Performance Standards were to assess "critical inputs" for effective water management. There are several "critical inputs" that the Coon Creek Watershed District assesses annually that we feel are essential and may assist BWSR in this important work:

e. Administration/Personnel
   i. Ability to respond to changing conditions
   ii. Adaptive organizational structure
   iii. Level of staff
   iv. Knowledge/Training in job assignments
   v. Do Board members deal with issues openly?
   vi. Does the Board function as a team?
   vii. Do Board attitudes and actions reflect a sense of public service vs personal interest
   viii. Does the Board give adequate consideration to staff recommendations

f. Finances
   i. Does the District adopt a budget by 9/15?
   ii. Does the Board of Managers understand the District's Resources?
   iii. Does the budget fund programs and activities that pursue District goals and objectives?
   iv. Is there encouragement of broad participation in the budget process?
   v. Does the Board consider the budget "their budget" versus "staffs" or the "consultants budget"?

g. Procedures, Equipment and Technology
   i. Does the District have a Policy & Procedure Manual?

h. Public and Governmental Relations
   i. Is the relationship between the District and the public and other units of government honest and open?
   ii. Is there mutual respect between the District and other units of government

If you have any questions please call me.

Tim Kelly
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Minnesota Board of Water and Soil Resources
Performance Review and Assistance Program

Level II (Pilot) Performance Review Report
for
Jackson Soil and Water Conservation District

January 2, 2009

Lead Staff

Donald Buckhout

Donald Buckhout, Coordinator
Performance Review and Assistance Program

Board Conservationist

Mark L. Hiles

Mark Hiles
Southern Region (New Ulm)

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

Questions about this document should be directed to:
Don.Buckhout@state.mn.us or 651-296-0768

Minnesota Board of Water and Soil Resources
Performance Review and Assistance Program
Level II (Pilot) Report
Jackson Soil and Water Conservation District
January 2, 2009

Report Purpose and Contents

This is an information document prepared by the staff of the Board of Water and Soil Resources (BWSR) for the supervisors and staff of the Jackson Soil and Water Conservation District (Jackson SWCD) and the general public. The information in this document reports the results of a routine performance review of the district's comprehensive plan implementation and is intended to give the supervisors and staff constructive feedback they can use to capitalize on strengths and identify areas needing improvement. While the performance review reported herein has been conducted under the authority granted to BWSR by Minnesota Statutes Chapter 103B.102, this is a staff report and it has not been reviewed or approved by the BWSR board members.

This report contains the following sections:

- Background
- Purpose
- Scope
- Findings and Discussion
- Conclusions
- Recommendations
- LGU Response
- Appendices

Background

In January 2008 the Minnesota Board of Water and Soil Resources (BWSR) adopted a strategic plan with a mission statement to *improve and protect Minnesota's water and soil resources by working in partnership with local organizations and private landowners.* The strategic plan recognizes the importance to BWSR of local organizations, such as the state's soil and water conservation districts. BWSR can best accomplish its mission if it has an effective delivery system composed of those local organizations.

One approach to making that local delivery system the best it can be is BWSR's implementation of a program authorized by the 2007 Minnesota legislature. Called the Performance Review and Assistance Program (PRAP), its purpose is to periodically review and assess the performance of local units of government that have land conservation and water management responsibilities. Using the PRAP process, BWSR interacts with local governments at four levels depending on whether the review, and subsequent assistance, is routine or specialized.[1]

[1] For more information about BWSR's Performance Review and Assistance Program see the 2008 Report to the Legislature at http://www.bwsr.state.mn.us/PRAP/index.html

A Level I review annually tabulates the watershed organization's compliance with basic organizational requirements. In Level II, conducted by BWSR once every five years for each LGU, the focus is on the degree to which the organization is accomplishing its management plan. A Level II review includes determination of compliance with BWSR's Level I and II statewide performance standards, a tabulation of progress on planned goals and objectives, a discussion among managers and staff of the factors affecting plan implementation, and a BWSR staff report to the organization with findings, conclusions and recommendations. PRAP review at all levels is intended give a local governmental unit constructive feedback it can use to recognize its strengths and identify areas needing improvement.

In 2008, BWSR is conducting a limited number of Level II performance reviews statewide on a pilot basis only. BWSR selected the **Jackson Soil and Water Conservation District** (Jackson SWCD) as one of seven local governmental units in Minnesota to test the procedures and review standards of this new program. This document reports the results of that review.

Purpose

The purpose of this Level II performance review is to determine the progress of the Jackson Soil and Water Conservation District in accomplishing the goals and objectives of their comprehensive plan and to assess their operational performance with respect to general performance standards.

In addition, our review provides suggestions for additional actions or assistance that the board can consider. These suggestions are included in the Recommendations section of this report.

Because this is a pilot application of PRAP, BWSR will use the results of this review to adjust the performance standards and review criteria for subsequent reviews of other local governmental units.

Scope

This PRAP review included information gathering, analysis and reporting. Specific actions taken by BWSR in this process have included: review of the organization's compliance with the PRAP Level I and II performance standards as reported by the Jackson SWCD, BWSR staff attendance at a Jackson SWCD board of supervisors meeting to explain the PRAP process and monitor the supervisors' discussion of plan implementation issues (PRAP Level II Part 3), and review of the Jackson SWCD comprehensive plan and annual work plans.

The PRAP process is administered by BWSR for the purposes of performance improvement and assistance. It is neither a financial audit nor investigation and it does not replace or supersede other types of governmental review of local government unit operations.

Findings and Discussion

1. Part 1: Progress Toward Comprehensive Plan Goals and Objectives

   Findings: Part 1 of the Level II performance review is an evaluation, based on information provided by the LGU, of the progress made in accomplishing each

of the goals and objectives listed in the district's comprehensive plan. In writing and adopting a comprehensive plan, the district sets a standard for itself by which stakeholders can express their priorities, the organization signals their intentions to the public, and the supervisors have a benchmark for decision-making.

The Jackson SWCD operated under their own comprehensive plan from 2000-2004. After that the district began using the 1997-2007 Jackson County Water Plan as its comprehensive plan through 2007.[2] For this Level II performance review, BWSR evaluated the Jackson SWCD's progress in accomplishing those actions from the county water plan for which the district was listed as a responsible agency. There are 36 such action items out of the total of 192 specific action items in the plan.

Based on the self-report of the district and BWSR's review, they have made significant progress on all but three of the 36 action items. In particular, the district has reported very good success in the action items promoting land enrollment in set-aside or easement programs and establishing wetlands for water retention and water quality improvement (see for example, Appendix A, Wildlife Habitat, Objective 1.4 and 1.5).

Two of the action items for which there was no progress during the 10-year planning cycle relate to a "wetlands preservations area program" (Wildlife Habitat goal, Objective 1.14, and Heron Lake goal, Objective 3.3). The district reports that the reason these action items were not implemented is that the wetlands preservation area program was not supported by the county board. The third action item with no progress reported directed the district to "lobby for additional RIM and CRP dollars." No explanation is provided for the lack of progress on this item.

Discussion: For this pilot application of the Level II PRAP performance review, BWSR selected LGUs that are at various points in their plan implementation cycle. The review of the Jackson SWCD's plan implementation was conducted at the end of their 5-year planning cycle. In this case, BWSR expects that the district has completed or made progress on most, if not all, of the actions assigned to it. BWSR recognizes that some actions in the comprehensive plan are on-going and extend over more than one plan cycle.

The Jackson SWCD has made reasonable progress on plan implementation. The items with substantial progress reported are the core programs of a soil and water conservation district: land treatment practices and wetland

[2] The Jackson County local water plan was revised in late 2007 by Jackson County. In March 2008 it was approved by the Board of Water and Soil Resources and adopted by resolution of the Jackson SWCD as the district's comprehensive plan. It will be in effect from 2008 to 2017.

restorations. Two of the three items for which no progress was reported required the establishment of a new program by the county board, which they were unwilling or unable to do.

The 36 action items from the 1997-2007 local water plan for which the Jackson SWCD was a responsible partner are not quantitative—they do not contain numerical goals for land treatment practices or set targets for landowner contacts in educational efforts. Many of them "encourage" the implementation of a particular program, such as "Encourage enrollment of lands in RIM and CRP." Therefore, while it is appropriate to report progress on these items, it is difficult to determine whether the district has underachieved or performed extraordinarily.[3]

Nevertheless, the Jackson SWCD has been able to report actions taken that represent progress on their assigned action items. Given that this review was undertaken with very little guidance or instruction to the district regarding expected detail in reporting, the fact that the reported results are not quantified is understandable. The pilot process is being used in part to develop a workable reporting system that provides meaningful results for the public without an unreasonable administrative burden on the district. BWSR will provide guidance to local governments that more clearly explains what is expected in reporting progress in plan implementation.

The report of no progress on three items, especially considering that two of them required county board action that was not forthcoming, is not unexpected. (See recommendation 1.)

2. Part 2: Soil and Water Conservation District Performance Standards

Findings: The Jackson SCWD was evaluated based on the organization's responses to a set of performance standards developed by the Board of Water and Soil Resources specifically for soil and water conservation districts. We reviewed the indicators for the district's operational effectiveness in four categories—*administration, planning, execution,* and *communication and coordination*—for the period 2003-2007 (see appendix B).

The Jackson SWCD met 10 of 11 basic practice standards and 6 of 11 target (high performance) standards. The only basic practice standard they do not meet is having a current set of by-laws and/or operational guidelines. Noteworthy among the target (high performance) indicators that the Jackson SWCD meets are 1) having annual plan priorities based on natural resource

[3] It should be noted that the new 2008-2017 Jackson County Local Water Plan contains many quantitative, measureable objectives (e.g., "enroll 500 acres of marginal land into RIM easement and other appropriate programs"). In addition, the district's most recent annual work plans have very specific, quantitative objectives (e.g., Provide cover on 1,000 acres of land in the floodplain). Having these quantitative planning objectives will make it easier for the district to track progress and report on plan implementation in the future.

trend data, 2) public information and public education priorities and programs, and 3) on-going coordination with the Jackson county board.

BWSR identified four performance indicators that require further discussion or correction: 1) by-laws, operational guidelines exist and current (Administration), 2) percent of state cost share grant used (Execution), 3) the annual report includes progress toward plan goals and objectives (Communication & Coordination), and 4) both stakeholder survey indicators (Communication & Coordination). These are addressed in the following section.

Discussion: The performance standards serve as indicators of overall operational effectiveness based on BWSR staff experience working with a variety of local governmental units. They can serve both as guidance for districts that want to improve their performance and as a way for districts that are meeting them to receive credit for operating at a high level of performance. In general, a soil and water conservation district would be expected to meet all of the basic performance standards and some, but not all or even most, of the high performance standards. BWSR developed and publicized these standards in February 2008. So any districts reviewed in 2008 did not have the opportunity to adjust their operation to achieve compliance with the standards. The fact that the Jackson SWCD met all but one of the basic performance standards and many of the target performance standards demonstrates that the organizational management of the district is sound.

The only basic standard that the Jackson SWCD did not meet was "By-laws, operational guidelines exist and current" (Administration). By-laws or operational guidelines are written documents that define how the board and staff operate and conduct the business of the district. These documents address such topics as regular meeting dates and times, a schedule of recurring board action items (e.g., election of officers, staff performance reviews), and policies (e.g., staff vehicle use, rental rates for district equipment). The purpose of by-laws and guidelines is to promote consistency in administration and to minimize board meeting time spent addressing policy issues. During the performance review meeting with the board and staff on July 21, 2008, BWSR staff agreed to provide by-laws from a nearby district that the Jackson SWCD can use as an example for writing their own. (See recommendation 2.)

The district's report of using an average of 84.5% of the state cost share grant for the last five years is above the statewide average of 78%, which shows excellent productivity. However, the actual percentage may not be as high as reported because it includes a 100% data point for the FY 2007 grant that reports the amount encumbered but not necessarily spent. The average actually spent for the last five years for which data is complete is 80.5%, which is still good, and would move the Jackson SWCD into the highest of BWSR's three productivity categories.

The Communication & Coordination target performance standard, "Annual written report: includes progress toward goals," was checked as a "yes" by the district. The intent of this performance indicator is to recognize those districts that annually report accomplishments on the specific goals, objectives and action items in their comprehensive plan. This method of reporting allows for easy tracking of plan implementation by the board of supervisors as well as the organization's stakeholders. In the Jackson SWCD's most recent annual reports, accomplishments are reported by program area without reference to specific comprehensive plan (i.e., county water plan) goals, objectives or action items. Reporting accomplishments by program activity is appropriate but without specific reference to plan elements, the district does not meet this performance standard. BWSR acknowledges that the wording of this standard is ambiguous. That will be corrected for subsequent reviews. However, the correct response for this performance standard is "no." (See recommendation 1.)

The Jackson SWCD reported that it has not conducted a formal stakeholder survey in the past 5 years and, consequently, has not targeted projects and programs based on stakeholder survey input. While both of these indicators are target (high performance) standards, and therefore not required, a worthwhile stretch goal for the Jackson SWCD would be to conduct some type of periodic survey of stakeholders to provide additional information for annual work plans. (See recommendation 3.)

3. Part 3: Jackson SWCD Review of Plan Implementation Progress
Findings: In describing factors that have benefitted the district's accomplishment of goals and objectives, both supervisors and staff mentioned partnerships with public sector and private non-profit organizations, particularly Pheasants Forever. The organization also identified the federal Environmental Quality Incentive Program (EQIP) and the Farm Bill Assistance Grant program as beneficial to the implementation of their conservation objectives.

The supervisors and staff also identified several factors that have hindered the implementation of their plans and projects. These include: 1) the overall cost of conservation projects exemplified by the escalating cost of land rental and construction without a corresponding increase in cost share grant funds, 2) the difficulty of establishing conservation practices on farms with absentee landowners, and 3) a lack of staff to meet the demand for services.

Items identified by the organization for follow up based on the performance review include: establishing by-laws, trying to secure a wetland delineator staff position, and conducting a stakeholder survey.

A copy of the district's responses to the discussion questions is attached as Appendix C.

Discussion: The Jackson SWCD has recognized that partnerships are a key to on-going project implementation in an economic environment where traditional project funding is not keeping up with escalating costs. This is a key realization that will serve the district well in the future. Projects conducted in cooperation with the local watershed district and coalition organizations, such as Pheasants Forever and the Iowa Great Lakes Initiative, allow the district to make their available dollars go further in accomplishing widescale conservation. In addition, they recognize the effectiveness of working within watersheds and applying their organization's resources of staff and money to address critical issues.

The district has identified areas where improvements could be made in the organization that would lead to efficiencies in operation and project implementation.

Conclusions

The Jackson SWCD is a well-functioning organization that has learned how to adapt and operate effectively in view of the realities of the changing rural economy and the uncertainties of traditional program funding. The organization's pursuit of and participation in organizational and funding partnerships to accomplish conservation goals within and beyond the district's operating boundaries is especially commendable.

The Jackson SWCD has several practices in place that comply with almost all of the basic PRAP performance standards and many of the target performance standards. The district's website meets both the basic and target performance standards. The district has a strong commitment to public education in their annual work plan that is verified in their annual report of education and outreach activities. In recent years, the district has improved its productivity, as measured by the percentage of the state cost share grant put into on-the-ground conservation projects, so that the Jackson SWCD has the potential to move into BWSR's high productivity category of soil and water conservation districts statewide.

The Jackson SWCD has shown an interest in improving its operations by using the results from this performance review to pursue changes or additions to its operation as suggested by the performance review documents. An example of such an improvement is the district's intent to adopt by-laws.

Recommendations

The following recommendations are based on BWSR's evaluation of the performance of the Jackson SWCD as described above. None of these recommendations are mandated by BWSR, but are offered to the board to enhance the organization's service to the citizens of the district and its pursuit of effective water and related land resource management.

1. Cross-reference Comprehensive Plan in Annual Plans and Reports
   The Jackson SWCD should consider cross-referencing their annual plans and reports to the specific local water plan goals, objectives and action items for which the district is responsible. Then, the district's reports will serve as a record of plan implementation.

2. Adopt By-laws and Operating Guidelines
   The Jackson SWCD has already indicated an interest in developing a set of by-laws and operating guidelines to standardize and maintain a record of standard administrative procedures, meeting schedules, and board policies. BWSR staff will provide examples from other comparable districts and work with the Jackson SWCD to develop a set of appropriate operating documents.

3. Conduct a Stakeholder Survey
   The Jackson SWCD should consider conducting a stakeholder survey in collaboration with Jackson County and the Heron Lake Watershed District. A survey of district stakeholders (e.g., public officials, landowners, past customers, other agency personnel) can provide valuable information to guide future actions and address barriers to plan implementation. BWSR staff can provide tools that have been used in other districts to get useful information from a districts citizens and officials. This information is particularly useful if collected in conjunction with annual work planning and local water plan updates.

LGU Response

In response to the recommendations listed above, the Jackson SWCD has made the following response (see Appendix D for copy of the response letter):

1) *Cross-reference Comprehensive Plan in Annual Plans and Reports.* The SWCD intends to reference our annual plans and reports specific to local plan goals, objectives and actions for which we are responsible.

2) *Adopt By-laws and Operation Guidelines.* It is our intention to develop a by-laws document which will contain our operational guidelines unique to our District.

3) *Conduct a Stakeholder Survey.* We intend, at some point, to conduct a survey perhaps in coordination with our partners in the District or potentially as an insert in a newsletter.

This PRAP process proved to be constructive for our District. The report contains information that will be useful to the District in the future.

APPENDICES

A. PRAP Level II Review, Assessing Progress Toward Plan Objectives-Part 1; Jackson Soil and Water Conservation District Comprehensive Plan.

B. PRAP County Local Water Planning Performance Standards form-Part 2; Jackson Soil and Water Conservation District.

C. PRAP Level II Review: Assessing Progress Toward Plan Objectives-Part 3: Discussion Questions-Jackson Soil and Water Conservation District.

D. Jackson Soil and Water Conservation District response (December 15, 2008)

APPENDIX A

Type of Management Plan: Jackson County Water Plan		Brian Nyborg		
Date of Last Plan Revision:		Jackson SWCD		
		603 South Hwy 86		
		Lakefield, MN 56150		
Goal: Surface Water		**Objective 1:**	To maintain streams and ditches.	
Page 86 of Mgmt. Plan				

Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Encourage volunteer Buffer Strips on ditches and catch basins with financial incentives.	2003-2007	2003-2007	Have successfully implemented both RIM and CRP buffer programs.	Continue
2. Provide education on the benefits of filter strips.	2003-2007	2003-2007	Project examples in field as well as newsletters and farmer/landowner meetings.	Continue

APPENDIX A

Goal: Surface Water		Objective 2:	Improve the water quality and control the water quantity reaching all county lakes.	
Page 86 of Mgmt. Plan				
Planned Actions or Results	**Proposed Timeframe**	**Actual Timeframe**	**Accomplishments to Date**	**Next Steps**
1. Work with existing watershed and conservation district staff to identify water holding areas.	2003-2007	2003-2007	Work with HLWD and Iowa Alliance to target wetland restoration projects in their watersheds.	Continue
2. Restrict new dikes and/or remove existing dikes.	2003-2007	2003-2007	With RIM Wetland restoration have breached dikes in Heron Lake Area.	Continue
3. Continue to monitor water entering the Heron Lake System as well as county wide baseline sampling to assess the effectiveness of BMP activities.	2003-2005	2003-2005	Sampling in coordination with water plan on streams exiting Jackson Co.	Continue with SWAG type programs.

APPENDIX A

Goal: Surface Water		Objective 5:	Reduce sedimentation entering water bodies.	
Page 89 of Mgmt. Plan				
Planned Actions or Results	**Proposed Timeframe**	**Actual Timeframe**	**Accomplishments to Date**	**Next Steps**
1. Promote the installation of ponds, traps and proper upland conservation practices in priority areas.	2003-2007	2003-2007	Implement state cost-share sediment basins. Promote and assist both in office and field with EQIP.	Continue
2. Cooperate with the Soil and Water District to provide financial incentives to install conservation practices during the growing season.	2003-2007	2003-2007	Conserving use acres program to set aside land for summer construction.	Continue
3. Continue transect surveys to monitor the trend in tillage practices.	2003-2007	2003-2007	Bi-annual Tillage transect survey throughout county.	Continue
4. Continue to administer the Wetland Conservation Act of 1991.	2003-2007	2003-2007	LGU for WCA	Continue

APPENDIX A

Goal: Surface Water		Objective 6:	To ensure best use land practices are developed to reduce sedimentation effects.	
Page 90 of Mgmt. Plan				

Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Discourage the conversion of erosion prone soils to row crops and encourage State and Federal agencies to develop a program of paying taxes on property which is equal to private landowner rates. Discourage the tiling of non crop areas.	2003-2007	2003-2007	DNR Prairie Bank Promoted DNR Tax Exemption Promoted	Continue

Goal: Ground Water		Objective 1:	Identify aquifers that serve Jackson County for recharge points - work with MSU and MDH.	
Page 95 of Mgmt. Plan				

Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Use Monitor wells for contamination checks and water depths.	2003-2007	2003-2007	Many years worth of data sub-mitted to MN DNR Waters	Continue

APPENDIX A

Goal: Lakes and Recreation		Objective 1:	To better utilize Jackson County's lakes, river and	
Page 115 of Mgmt. Plan			other water resources.	

Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Coordinate efforts of county groups, associations, and State and Federal agencies to ensure the best use.	2003-2007	2003-2007	Partnership with P&Z, Environmental, Highway, MN DNR, MPCA, BWSR, NRCS, USFWS, PF etc. Other SWCD's.	Continue
2 Encourage the preservation and enhancement of undisturbed natural areas in the county.	2003-2007	2003-2007	Include existing non crop prairie in conservation easements, provide tech assistance to landowners who have undisturbed natural areas.	Continue to coordinate w/ DNR Prairie Biologist.
3. Install siltation basins and sedimentation traps to improve water quality in all lakes where feasible.	2003-2007	2003-2007	Wetland Restoration projects have been completed throughout the county, as well as sediment basins.	Continue to partner with EQIP, promote easement programs.
4. Explore funding sources such as SLR, RIM, State Cost Share and special Projects.	2003-2007	2003-2007	CREP	FLWQ, WLI

APPENDIX A

Goal: Lakes and Recreation		Objective 9:	Improve the quantity and quality of water in the lakes and streams in the county through citizen involvement.	
Page 119 of Mgmt. Plan				
Planned Actions or Results	**Proposed Timeframe**	**Actual Timeframe**	**Accomplishments to Date**	**Next Steps**
1. Identify as priority waters in Jackson County the following: Chandler, Boot, Independence, Fish, Loon, Clear, Little Spirit, Rush, Pearl, Flaherty, North and South Heron, Timber and Round Lakes, Des Moines and Little Sioux Rivers; Elm, Jack and Okab	2003-2007	2003-2007	Have worked hard to get practices on the ground adjacent to and within the watersheds of the waterbodies.	Make sure there is stable funding for the Farm Bill Technician position.

APPENDIX A

Goal: Wildlife Habitat		Objective 1:	Maintain and restore wetland areas in best land use practice.	
Page 125 of Mgmt. Plan				
Planned Actions or Results	**Proposed Timeframe**	**Actual Timeframe**	**Accomplishments to Date**	**Next Steps**
1. Encourage enrollment of lands in RIM and CRP.	2003-2007	2003-2007	Have been very successful in implementation of both programs.	Continue Farm Bill Assistant position to focus efforts on these programs.
2 Encourage establishment of more wetland areas for water retention and water quality improvement.	2003-2007	2003-2007	Very good projects have been established in the field.	Further our goals with WLI, RIM/WRP, CCRP
3. Encourage incentives to establish more wildlife habitat on cropped areas. (e.g. trees)	2003-2007	2003-2007	Strong working relationship with PF to provide additional incentives for Landowners.	Continue partnership with PF.
4. Inventory, map and prioritize wetlands to be restored. U.S. Fish and Wildlife Service	2003-2007	2003-2007	Have available for GIS the Restorable Wetlands Inventory.	Completed Lidar Data for entire county would be super.
5. Educate the public on the values of wetlands; flooding, sediment, wildlife production. SWCD, NRCS, and U.S. Fish and Wildlife.	2003-2007	2003-2007	Newsletters, Individual contacts, Fair, Farm & Home Show	Further promote education.
6. Lobby for additional Rim and CRP dollars for targeted areas.	2003-2007	2003-2007		
7. Accept and process applications to enroll land in the wetland preservation area program.	2005	2005	Shot down by County Board	None

APPENDIX A

Goal: Heron Lake		Objective 2:	Reduce the degradation of water quality within the Heron lake	
Page 132 of Mgmt. Plan			watershed generated by agricultural use of the land.	
Planned Actions or Results	**Proposed Timeframe**	**Actual Timeframe**	**Accomplishments to Date**	**Next Steps**
1. Extension Service, Jackson County Soil and Water Conservation District and Soil Conservation Service to encourage proper management systems (e.g. buffer strips, sedimentation traps and wetland restoration, erosion control measures on fields and str	2003-2007	2003-2007	Intensive efforts have been made in the H.L. watershed. Many of our best programs.	Continue to pursue any and every opportunity.
2. Install water rention areas in Jackson County where needed and as money becomes available.	2003-2007	2003-2007	A good percentage of our wetland projects are in the HL area.	Continue
3. Work with Jackson and Murray Counties to install upstream retention areas in high priority sub-sheds. Needing to be addressed are: a. Structures b. Reclaim drained lowlands as wetlands.	2003-2007	2003-2007	Same as 2.	Continue
4. Promote low interest loan packaging for landowners involving conservation tillage equipment, waterways, buffer strips, feedlot corrections, septic upgrades, etc.	2003-2007	2003-2007	Explain the Ag BMP program to landowners.	Continue

APPENDIX A

Goal: Heron Lake		Objective 3:	Improve water level management of the lake.	
Page 133 of Mgmt. Plan				
Planned Actions or Results	**Proposed Timeframe**	**Actual Timeframe**	**Accomplishments to Date**	**Next Steps**
1. Identify the drained wetland which can be restored.	2003-2007	2003-2007	Soils maps, topography and air photo interpretation.	Lidar would be nice.
2. Accept and process applications to enroll lands into Wetland Preservation Areas Program.	2005	2005	Shot down by County Board	None
3. Restrict new dikes and/or remove existing diles in the Heron Lake system to maintain or increase the basin to reduce flooding and water level fluctuations.	2003-2007	2003-2007	Big project between North and South Heron Lake - breach dike.	Yes
4. Work with local landowners to implement techniques to slow the movement of water such as tile inlet risers, buffer strips, implementation easements etc.	2003-2007	2003-2007	Rock inlets, CREP, RIM, CCRP other partners programs	RIM/WRP CREP Implementation

APPENDIX A

Goal: Heron Lake		Objective 4:	Increase and improve fish and wildlife habitat.	
Page 134 of Mgmt. Plan				
Planned Actions or Results	**Proposed Timeframe**	**Actual Timeframe**	**Accomplishments to Date**	**Next Steps**
1. Encourage the creation of wetlands and wildlife habitat on private lands wherever possible, including monetary incentives and to utilize all available state and federal programs such as RIM and CRP.	2003-2007	2003-2007	RIM/CREP HLWD Incentive PF Incentive	Continue
2. Provide technical assistance to improve wildlife habitat on private lands.	2003-2007	2003-2007	Many hours have been spent putting together conservation plans as well as one on one contacts with landowners.	More Wildlife information in newsletters.

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Goal: Heron Lake		Objective 6:	Increase public awareness of the water quality.	
Page 135 of Mgmt. Plan				
Planned Actions or Results	**Proposed Timeframe**	**Actual Timeframe**	**Accomplishments to Date**	**Next Steps**
1. Support the development of demonstration sites for septic systems, wetland restorations, BMP's and shoreline management actions.	2003-2007	2003-2007	Great projects have been established that are easily viewed from roads.	More projects.

Goal: Heron Lake		Objective 7:	Coordinate the restoration efforts.	
Page 135 of Mgmt. Plan				
Planned Actions or Results	**Proposed Timeframe**	**Actual Timeframe**	**Accomplishments to Date**	**Next Steps**
1. Provide technical assistance to watershed landowners.	2003-2007	2003-2007	Has been our #1 priority in the watershed and throughout the county.	Will continue to be our #1 priority in Jackson county.

APPENDIX A

Goal: Heron Lake		Objective 9:	Compile and maintain a common watershed data base.	
Page 136 of Mgmt. Plan				
Planned Actions or Results	**Proposed Timeframe**	**Actual Timeframe**	**Accomplishments to Date**	**Next Steps**
1. Develop a watershed geographic information systems capable of storing all the available data and analyzing various components based on sub-watersheds. This would include information such as private and public drainage, feedlot locations, septic sys	2003-2007	2003-2007	SWCD/NRCS has a multitude of GIS Data in addition to our own data sets. Have Lidar for Iowa Great Lakes.	Lidar for the watershed as well as the rest of the county would be valuable.

APPENDIX B

SOIL AND WATER CONSERVATION DISTRICT PERFORMANCE STANDARDS

LGU Name: Jackson SWCD

Performance Area	Performance Standard	Level of Review	Rating	
	★ Target (high performance) standard ■ Basic practice or Statutory requirement ◊ Quantitative standard X=original **X**=corrected rating	I Annual Compliance II BWSR Staff Review & Assessment (1/5 yrs)	Yes, No, or Value	
			YES	NO
Administration	■ Financial statement: annual, on-time and balances	I	x	
	■ Financial audit completed within last 3 yrs or $500K	I	x	
	■ eLINK Annual report: submitted on-time	I	x	
	■ Data practices policy: exists and reviewed/updated within last 5 yrs	II	x	
	■ Personnel policy: exists and reviewed/updated within last 5 yrs	II	x	
	■ Technical approval authorities: reviewed annually	II	x	
	■ By-laws, operational guidelines exist and current	II		x
	★ Board training: cont ed and orientation plan and record for each board member	II		x
	★ Staff training: cont ed and orientation plan and record for each staff member	II		x
Planning	■ Comprehensive Plan: updated within 5 yrs or resolution adopting unexpired county LWM plan	I	x	
	■ Annual Plan of Work: on time; w/ cost share applied to priorities	I	x	
	★ Annual plan priorities based on natural resource quality trend data	II	x	
Execution	★ Certified wetland delineator: on staff or retainer	II		x
	◊ Expenditure trend: change over past 5 yrs	II	$190,500	
	◊ L&W treatment projects: number of projects	II	7.2	
	◊ L&W treatment projects: non-state $ leveraged	II	$79,302	
	◊ L&W treatment projects: 5 yr total soil loss reduction	II	653.83	
	◊ L&W treatment projects: 5 yr total nutrient reduction	II	1809.93	
	◊ Project $ spent in high priority problem areas	II	100%	
	◊ Project expense $/total budget $ (past 5 yrs)	II	91.93%	
	◊ State cost share grant used (past 5 yrs)	II	84.6/**80.5%**	
	◊ Actual expenses as deviation from projected expenses (5 yr total)	II	14.09%	
Communication & Coordination	■ Website: annual report, annual budget, minutes	I	x	
	■ SWCD Guidebook entry: provides background and accomplishments	II	x	
	★ Website: contains members, mtg agendas, minutes, updated after each board meeting	I	x	
	★ Stakeholder survey: within last 5 yrs	II		x
	★ Public information task included in annual work plan	II	x	
	★ Public education program: seminars, tours	II	x	
	★ Annual written report: includes progress towards goals	II	x	**X**
	★ Projects/programs based on stakeholder survey input	II		x
	★ Coordination with County Bd Supervisors or staff	II	x	

APPENDIX C

BWSR PERFORMANCE REVIEW AND ASSISTANCE PROGRAM

Level II Review: Assessing Progress Toward Plan Objectives

Name of Organization:

Contact Person (Name and contact info.):

Part 3: Discussion Questions

How to use this form: Please schedule a special meeting or designate time at a regular board meeting to fill out this form. Make sure you invite your BWSR board conservationist to attend the meeting. He or she will observe the discussion and can explain the review process. Your answer to each of the following questions should be based on discussion among board or advisory committee members and principal staff and must reflect the consensus of those people. Return the completed form in electronic format to the BWSR PRAP coordinator. Remember: *your responses on this form become public information.*

1. **How often does your board review your plan or assess progress on planned objectives?**

   Monthly staff reports/progress at every board meeting which include activity reports by program/task/objective. Annual plan reviewed at least 2 times per year.

2. **Where has your organization made the most progress in implementing your plan objectives in the past few years? To what do you attribute that progress?**

   Partnership with EQIP has increased total number of projects, CREP II, and Farm Bill Assistance Grant has increased acres on the ground.

3. **For which objective(s) has your organization had the most difficulty making progress? What are the most likely reasons for this lack of progress?**

   Overall cost of doing conservation, in particular cost of construction has increased while base funding and state cost share has remained flat. Absentee landowners is an issue as well, it takes a dedicated tenant to see a project through.

4. **Since the plan was completed, have there been any unforeseen opportunities or problems that have influenced your board's decisions about which objectives to pursue? Explain those influences.**

   EQIP and that partnership has been a benefit. Farm Bill Assistance Grant has been a great opportunity. Partnership with Pheasants Forever and others has been an unforeseen opportunity.

5. **What are the five most significant factors that are affecting (positively or negatively) your organization's ability to implement your planned objectives?**

   a. Partnerships-PF, USFWS, WLI, HLWD, Water Plan
   b. Ag Economy/Rental Rates/Land Values
   c. Lack of Staff/Funding
   d Existing Staff
   e. Partnerships-FSA

APPENDIX C

6. **For which of the factors listed in #5 would your organization like some assistance for either taking better advantage of positive factors or overcoming negative factors? Identify the type of assistance that would be most helpful.**

   Continue to build on Partnerships. General Services Grants have been flat while all other costs have continued to increase.

7. **How will your organization use any of the information you gained from this review in communicating or working with your partners and customers?**

   By Laws are needed. Certified Wetland Delineator is needed. Stakeholder Survey.

APPENDIX D

Letter from Jackson Soil and Water Conservation District sent in response to their review of the LGU draft version of this report.

JACKSON SOIL & WATER CONSERVATION DISTRICT

603 South Hwy 86
Lakefield, MN 56150-3295
(507) 662-6682 Ext. # 3

MINNESOTA
SOIL AND WATER CONSERVATION DISTRICTS

December 15, 2008

Donald Buckhout
BWSR PRAP Coordinator
520 Lafayette Road
St. Paul, MN 55155

Donald,

The Jackson SWCD, at our November 17, 2008 meeting, had an opportunity to review the Level II Performance Review Report for our agency. Thank you for attending the meeting and explaining the findings of the report.

The report makes three recommendations for which the SWCD can make improvements and/or implement.

1. *Cross-reference Comprehensive Plan in Annual Plans and Reports* - The SWCD intends to reference our annual plans and reports specific to local plan goals, objectives and actions for which we are responsible.
2. *Adopt By-Laws and Operation Guidelines* – It is our intention to develop a by-laws document which will contain our operational guidelines unique to our District.
3. *Conduct a Stakeholder Survey* – We intend, at some point, to conduct a survey perhaps in coordination with our partners in the District or potentially as an insert in a newsletter.

This PRAP process proved to be constructive for our District. The report contains information that will be useful to the District in the future.

Overall, as stated in the report, the District is performing quite well at meeting or exceeding the basic and target performance standards. This is very important to us as we implement programs on behalf of our cooperators.

Thank you,

Dennis Daberkow

Dennis Daberkow, Vice Chair
Jackson SWCD

Cc: Mark Hiles, BWSR BC

AN EQUAL OPPORTUNITY EMPLOYER

Minnesota Board of Water and Soil Resources
Performance Review and Assistance Program

Level II (Pilot) Performance Review Report
for
Crow Wing Soil and Water Conservation District

December 29, 2008

Lead Staff

Donald Buckhout

Donald Buckhout, Coordinator
Performance Review and Assistance Program

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Minnesota Board of Water and Soil Resources
Performance Review and Assistance Program
Level II (Pilot) Report
Crow Wing Soil and Water Conservation District
December 29, 2008

Report Purpose and Contents

This is an information document prepared by the staff of the Board of Water and Soil Resources (BWSR) for the supervisors and staff of the Crow Wing Soil and Water Conservation District (Crow Wing SWCD) and the general public. The information in this document reports the results of a routine performance review of the district's comprehensive plan implementation and is intended to give the supervisors and staff constructive feedback they can use to capitalize on strengths and identify areas needing improvement. While the performance review reported herein has been conducted under the authority granted to BWSR by Minnesota Statutes Chapter 103B.102, this is a staff report and it has not been reviewed or approved by the BWSR board members.

This report contains the following sections:

- Background
- Purpose
- Scope
- Findings and Discussion
- Conclusions
- Recommendations
- Appendices
- LGU Response

Background

In January 2008 the Minnesota Board of Water and Soil Resources (BWSR) adopted a strategic plan with a mission statement to *improve and protect Minnesota's water and soil resources by working in partnership with local organizations and private landowners.* The strategic plan recognizes the importance to BWSR of local organizations, such as the state's soil and water conservation districts. BWSR can best accomplish its mission if it has an effective delivery system composed of those local organizations.

One approach to making that local delivery system the best it can be is BWSR's implementation of a program authorized by the 2007 Minnesota legislature. Called the Performance Review and Assistance Program (PRAP), its purpose is to periodically review and assess the performance of local units of government that have land conservation and water management responsibilities. Using the PRAP process, BWSR interacts with local governments at four levels depending on whether the review and subsequent assistance is routine or specialized.[1]

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[1] For more information about BWSR's Performance Review and Assistance Program see the 2008 Report to the Legislature at http://www.bwsr.state.mn.us/PRAP/index.html

A Level I review annually tabulates the watershed organization's compliance with basic organizational requirements. In Level II, conducted by BWSR once every five years for each LGU, the focus is on the degree to which the organization is accomplishing its management plan. A Level II review includes determination of compliance with BWSR's Level I and II statewide performance standards, a tabulation of progress on planned goals and objectives, a discussion among managers and staff of the factors affecting plan implementation, and a BWSR staff report to the organization with findings, conclusions and recommendations. PRAP review at all levels is intended give a local governmental unit constructive feedback it can use to recognize its strengths and identify areas needing improvement.

In 2008, BWSR conducted a limited number of Level II performance reviews statewide on a pilot basis only. BWSR selected the **Crow Wing Soil and Water Conservation District** (Crow Wing SWCD) as one of seven local governmental units in Minnesota to test the procedures and review standards of this new program. This document reports the results of that review.

Purpose

The purpose of this Level II performance review is to determine the progress of the Crow Wing Soil and Water Conservation District in accomplishing the goals and objectives of their comprehensive plan and to assess their overall performance with respect to general performance standards for soil and water conservation districts.

In addition, our review provides suggestions for additional actions or assistance that the board can consider. These suggestions are included in the Recommendations section of this report.

Because this is a pilot application of PRAP, BWSR will use the results of this review to adjust the performance standards and review criteria for subsequent reviews of other local governmental units.

Scope

This PRAP review included information gathering, analysis and reporting. Specific actions taken by BWSR in this process have included: review of the organization's compliance with the PRAP Level I and II performance standards as reported by the Crow Wing SWCD, BWSR staff attendance at a Crow Wing SWCD board of supervisors meeting to explain the PRAP process and monitor the supervisors' discussion of plan implementation issues (PRAP Level II Part 3), and review of the Crow Wing SWCD comprehensive plan and annual work plans.

The PRAP process is administered by BWSR for the purposes of performance improvement and assistance. It is neither a financial audit nor investigation and it does not replace or supersede other types of governmental review of local government unit operations.

Findings and Discussion

1. Part 1: Progress Toward Comprehensive Plan Goals and Objectives

Findings: Part 1 of the Level II performance review is an evaluation, based on information provided by the LGU, of the progress made in accomplishing each of the goals and objectives listed in the district's comprehensive plan. In writing and adopting a comprehensive plan, the district sets a general direction for itself by which stakeholders can express their priorities, the organization signals their intentions to the public, and the supervisors have a benchmark for decision-making.

During the period of review for this PRAP report, the Crow Wing SWCD operated under its own district comprehensive plan and the Crow Wing County local water management plan. For this review, BWSR is reporting on the district's implementation of action items in their 2006 and 2008 comprehensive plans and action items in the 2002-2007 Crow Wing County local water management plan for which the district is a lead or supporting agency. There are 129 action items in the district's own 2006 comprehensive plan, changed to 121 items in the 2008 comprehensive plan, and 11 action items in the county local water management plan for which the district is identified as a lead or supporting agency.

Based on the self-report of the district and BWSR's review, the Crow Wing SWCD has completed or made significant progress on all but 17 of the 129 action items from the district's 2006 comprehensive plan. Approximately half of those action items are demand driven, meaning the district will take action in response to requests, and so far, no requests have been received. There are 8 other action items from the comprehensive plan that have been modified in the 2008 plan or have been dropped because of a shift in responsibility to another conservation agency, such as the Natural Resource Conservation Service. The district has reported progress on 6 of the 11 action items in the county local water management plan. For three of the five county plan action items not completed a similar action item is in the district's 2008 comprehensive plan to make sure that the item will be addressed. Among the objectives for which the district is reporting progress are implementation of the stormwater runoff regulatory program at construction sites, administration of the Wetland Conservation Act, updating the county soil survey, education of landowners on forestland stewardship, and conducting cooperative projects with other governmental agencies and non-governmental organizations.

Two of the action items from the county local water management plan for which there was no progress during the 5-year planning cycle relate to a feedlot inspection program (Goal 2, Objective C), and encouraging the Pollution Control Agency to designate Crow Wing as an MS4 county (Goal 5, Objective A). In the first case, the district reports that the number of feedlots has decreased and inspections are now handled on an individual basis without the need for a countywide inspection program.

Discussion: For this pilot application of the Level II PRAP performance review, BWSR selected LGUs that are at various points in their plan

implementation cycle. The review of the Crow Wing SWCD's plan implementation was conducted near the middle of their 5-year comprehensive planning cycle and at the end of the county local water management plan cycle. In this case, BWSR expects that the district has completed or made progress on most, but not necessarily all, of the actions from the 2006 comprehensive plan and on all of the action items from the 2002-2007 county local water management plans. BWSR recognizes that some actions in the comprehensive plan are on-going and extend over more than one plan cycle.

The Crow Wing SWCD has made substantial progress on plan implementation. The degree of progress is even more noteworthy when considering the large number of action items for the district to pursue. In addition, the district has pursued an aggressive approach to planning by adopting both their own comprehensive plan and the county's local water management plan to address water management and resource conservation issues on a broad front. Furthermore, in choosing to update their comprehensive plan every two years they are demonstrating a dynamic approach to the wide range of resource management challenges in their district.

The items for which the district has reported no progress are, for the most part, associated with programs that are demand driven or limited by lack of funds. For a busy district like Crow Wing SWCD, progress on these items will depend on how voluntary conservation programs or new program funding fit into district priorities. If they are not already doing it, there may be some benefit for the supervisors and staff to identify short-term (annual) priorities and to make sure these are communicated to stakeholders in the annual reports and work plans. Then, the district can decide which of these programs to market or which funding sources to pursue based on those priorities. (See Recommendation 1.)

2. Part 2: Soil and Water Conservation District Performance Standards
Findings: The Crow Wing SCWD was evaluated based on the organization's responses to a set of performance standards developed by the Board of Water and Soil Resources specifically for soil and water conservation districts. We reviewed the indicators for the district's operational effectiveness in four categories—*administration, planning, execution,* and *communication and coordination*—for the period 2003-2007 (see appendix B).

The Crow Wing SWCD met 10 of 11 basic practice standards. The only basic practice standard they do not meet is conducting an annual review of their technical approval authorities. The district met 6 of 11 target (high performance) standards and these are all in the Communication/Coordination sector, where the district met both basic practice standards and all but one of the high performance standards.

BWSR identified four performance indicators that require further discussion or correction: 1) review of technical approval authorities (Administration), 2)

project $ spent in high priority problem areas (Execution), 3) percent of state cost share grant used (Execution), and 4) the annual report includes progress toward plan goals and objectives (Communication & Coordination). These are addressed in the following section.

Discussion: The performance standards serve as indicators of overall operational effectiveness based on BWSR staff experience working with a variety of local governmental units. They can serve both as guidance for districts that want to improve their performance and as a way for districts that are meeting them to receive credit for operating at a high level of performance. BWSR developed and publicized these standards in February 2008. So any districts reviewed in 2008 did not have the opportunity to adjust their operation to achieve compliance with the standards. In general, a soil and water conservation district would be expected to meet all of the basic performance standards and some, but not all or even most, of the high performance standards.

The Crow Wing SWCD met all but one of the basic performance standards and many of the target performance standards demonstrates that the organizational management of the district is sound. In particular, the district shows strong performance in the Communication and Coordination sector, meeting all the basic standards and all but one of the high performance standards.

1) The only basic standard that the Crow Wing SWCD did not meet was "Technical approval authorities: reviewed annually" (Administration). This is a routine review that the board can address in cooperation with the local Natural Resource Conservation Services staff to bring the district into full compliance with all the basic practices standards. (See Recommendation 2.) In information provided in response to the draft of this report, the district explained that they rely on technical service area engineers for the few land and water projects that they construct so they do not have to have updated technical approval authority for their own staff.
2) The report of using only 37 percent of the state cost share grant project funds in high priority areas is of concern. State statute required SWCDs to use at least 70 percent of the cost share project dollars in high priority areas. (See Recommendation 3.)
3) The district's report of spending an average of 70 percent of the state cost share grant for the last five years is below the statewide average of 78 percent which indicates the need for more accountability of project applicants. In the past, the Crow Wing SWCD has been in the high productivity category (i.e., 80 percent or above). The fact that the district may be moving out of that category in the future means that the cost share grant bonus will no longer be available. (See Recommendation 3).
4) The Communication & Coordination target performance standard, "Annual written report: includes progress toward goals," was checked as a "yes" by the district. The intent of this performance indicator is to recognize those districts that annually report accomplishments on the specific goals, objectives and action items in their comprehensive plan. This method of reporting allows for

easy tracking of plan implementation by the board of supervisors as well as the organization's stakeholders. In the Crow Wing SWCD's most recent annual reports, accomplishments are reported by program activity without reference to specific comprehensive plan (or county water plan) goals, objectives or action items. Reporting accomplishments by program activity is appropriate but without specific reference to plan elements, the district does not meet this performance standard. BWSR acknowledges that the wording of this standard is ambiguous. That will be corrected for subsequent reviews. However, the correct response for this performance standard is "no." (See Recommendation 4.)

3. Part 3: Crow Wing SWCD Review of Plan Implementation Progress

Findings: At a regular meeting on September 18, 2008, the board of supervisors and staff of the Crow Wing SWCD held a discussion in response to questions about their progress on plan and program implementation. These questions were developed by BWSR in order to stimulate general discussion among the members of the organization about successes, challenges, threats, opportunities, and the need for assistance by BWSR. A copy of the district's responses to the discussion questions is attached as Appendix C.

In describing factors that have benefitted the district's accomplishment of goals and objectives, supervisors and staff have mentioned networking and maintaining connections with other governmental units as a key factor. The district also sees as a strength its willingness to seek out and pursue conservation related programs that have adequate funding support. The Army Compatible Use Buffer (ACUB) effort is given as an example of such a program.

The supervisors also cited their high quality staff and communication with others as strengths of the district that have benefitted their ability to accomplish their goals and objectives over the past several years. They also identified factors such as financial constraints, lack of communication, and underperformance by other governmental units that have hindered the implementation of their plans and projects.

The Crow Wing SWCD identified needs for assistance with: finding additional funding, facilitating coordination with other governmental units, and keeping responsibility for the comprehensive local water plan within the district.

Discussion: The Crow Wing SWCD has recognized the value of and positioned itself to pursue new programs and other conservation initiatives that come with funding for implementation. In addition, they recognize the effectiveness of working with other local resource management partners to address critical issues. But this realization generates a request for assistance

where the coordination with other local government is not as effective as it should be.

Conclusions

The Crow Wing SWCD is actively and effectively implementing a very ambitious range of conservation and regulatory programs within its district. They implement both their own comprehensive plan goals and many of the county local water management plan goals and objectives. The organization's pursuit of and participation in new programs to accomplish its conservation goals is especially commendable.

The Crow Wing SWCD has several practices in place that comply with almost all of the basic PRAP performance standards and many of the target performance standards. The district's website meets both the basic and target performance standards. The district has a strong commitment to public education in their annual work plan that is verified in their annual report of education and outreach activities. In recent years, the district has improved its productivity, as measured by the percentage of the state cost share grant put into on-the-ground conservation projects, so that the Crow Wing SWCD has the potential to move into BWSR's high productivity category of soil and water conservation districts statewide.

Items that need some attention are the application of the state cost share grant to projects that are viable and in high priority areas and periodic priority setting to make sure that their programs and activities are addressing the most critical conservation needs. The Crow Wing SWCD has shown an interest in improving its operations by using the results from this performance review to pursue changes or additions to its operation as suggested by the performance review standards.

Recommendations

The following recommendations are based on BWSR's evaluation of the performance of the Crow Wing SWCD as described above. These recommendations are offered to the board to ensure compliance with mandatory operating standards and to enhance the organization's service to the stakeholders of the district and its pursuit of effective water and related land resource management.

1. Target Planning to Address Resource Priorities

   The Crow Wing SWCD should consider using its active planning process strategically. In practical terms it would mean identifying priorities based on resource needs and then setting some short-term implementation goals (targets) for programs that address those priorities. These priorities can then be used in communicating with stakeholders and in deciding which programs or additional funding sources to pursue.

2. Update Technical Approval Authorities

   The Crow Wing SWCD should work with Natural Resource Conservation Service staff to ensure that appropriate staff technical approval authorities for conservation practices are up-to-date. This is only a priority, however, if the district decides to

do its own engineering work rather than rely on the technical service area engineer and technician.

3. Monitor Cost Share Grant Expenditures
   The Crow Wing SWCD should work with the BWSR Board Conservationist for ideas on how to ensure that cost share grant funds are applied to priority areas and to maintain the district's position in the high productivity category so that they continue to be eligible for the cost share grant bonus.

4. Cross-reference Comprehensive and Local Water Plan in Annual Plans and Reports
   The Crow Wing SWCD should consider cross-referencing their annual plans and reports to the specific comprehensive plan and local water plan goals, objectives and action items for which the district is responsible. Then, the district's reports will serve as a record of plan implementation.

LGU Response

[*Crow Wing SWCD supervisors did not submit a formal response to the draft report. The following comments were provided by the district manager and edited slightly for this section.*]

The biggest issue is to realize that each [SWCD] is different and has different priorities. The review should recognize the opportunities that each may seize when they are available to us. Each SWCD has opportunities that we have to take due to funding or a natural disaster that may occur. These items would probably not be included in our Comp Plan. This would include the Drought Disaster Assistance program that we were involved in a couple of years ago or the flood relief activities that are taking place in southeastern Minnesota. In Crow Wing County, we have taken advantage of partnering with the MPCA on their Phase 2 NPDES Permit Program. We currently have 363 active NPDES sites and it is a big part of our activities.

[There needs to be] more of an understanding that SWCDs in different parts of the state work on different issues and that a standard evaluation cannot be completed without flexibility. As an example, much of the northern part of the state does not have a significant agricultural presence. Therefore, having Technical Approval Authority is not as important in our part of the state. We typically use our Technical Service Area Engineer to do this when it is required. The major focus areas in Crow Wing County are lakeshore and streambank erosion, wetlands, development, and stormwater management.

[The process] made the Board and staff look at what we have and wish to accomplish in a more critical and thorough manner than we have in the past. It allowed the Board and staff to discuss issues that may have been taken for granted in the past. In the end, I believe this to be a very valuable experience. As long as you are working to the best of your capabilities, I would not fear this review.

APPENDICES

A. PRAP Level II Review, Assessing Progress Toward Plan Objectives-Part 1; Crow Wing Soil and Water Conservation District Comprehensive Plan.

B. PRAP County Local Water Planning Performance Standards form-Part 2; Crow Wing Soil and Water Conservation District.

C. PRAP Level II Review: Assessing Progress Toward Plan Objectives-Part 3: Discussion Questions-Crow Wing Soil and Water Conservation District.

How to Use this Form: LGUs may use this form to report progress toward management plan goals and objectives or may substitute their own report that contains comparable information. The terms **Goal**, **Objective** and **Actions/Results** are generic and refer to typical plan structure elements from general to specific. Those fields on this form should be filled with information directly from the plan. **Timeframe** columns should be filled with dates when the **Action** was proposed for implementation and when it was actually implemented, if that has occurred. Make additional copies of this page as needed to cover each of the goals, objectives and actions in the management plan.

LGU Name: Keith Pohl
Name of Contact: Keith Pohl
Date of This Review: August 27, 2008
Type of Management Plan: SWCD Annual Plan
Date of Last Plan Revision: March 15, 2008

GOAL No. A: **Objective:** Improve the management and maintenance of the Crow Wing SWCD.

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Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Implement conservation practices and programs to benefit the water and soil resources of Crow Wing County including assisting with the update of the Crow Wing County soil survey.	**Ongoing**	**Ongoing**	**Three years into soil survey project, NPDES pilot.**	**Complete soil survey by September 2004. Reapply for completing NPDES inspections.**
2. Improve communication among all persons associated with the district.	**Ongoing**	**Ongoing**	**Staff meetings as needed, keep Board informed via e-mail.**	**Continuing communications between Board and staff.**
3. Improve relations with other governmental entities.	**Ongoing**	**Ongoing**	**Biweekly meetings with County Land Services Director, completed municipality survey.**	**Continue meetings with Land Services Director. Have Supervisors meet with municipalities and**

				possibly townships within their areas
4. Improve overall district operating efficiency while actively pursuing existing and new sources of revenue to increase staff capability and continue District solvency.	Ongoing	Ongoing	Created one half time Water Planner position. Work with adjacent counties on joint grant applications for Water Planning.	Fill half time Water Planner position after incumbent resigned. Continue search and application for funds to promote conservation practices with other counties and alone.
5. Maintain accurate records of all financial transactions.	Ongoing	Ongoing	Use of outside accountant to maintain records. Use of Quickbooks to track expenses in house.	
6. Maintain updated technical and computer capability.	Ongoing	Ongoing	Have kept updated hardware and software.	SWCD will be breaking away from USDA network. Complete migration to new software and internet/e-mail provider.
7. Have adequate staffing for Wetland Conservation Act, NPDES, water plan and Shoreland Management responsibilities.	Ongoing	Ongoing	Have staffed office as well as possible under current budget constraints.	Fill Water Planner/Administrative Assistant position.

8. Implement a fee schedule for services.	**March 2008**	**March 2008**	**Have adopted fee schedule for services.**	**Update on an annual basis or as conditions change (i.e. increasing fuel costs.**
9. Maintain a vehicle replacement fund.	**January 2008**	**January 2008**	**Adopted budget with vehicle/equipment replacement fund. $5,000 per year.**	**Maintain fund on an annual basis.**
10. Improve natural resource conservation by participating in the MASWCD Area VIII Tour.	**September 2008**	**September 2008**	**Have sent in registrations for three Supervisors and one staff to attend.**	**Attend meeting and tour on September 11-12, 2008.**

GOAL No. B: **Objective:** Technical review of projects for zoning authorities in Crow Wing County as required by their ordinances.

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Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Assist the zoning authorities to revise their ordinances as needed.	**Ongoing**	**Ongoing**	**Have discussed potential WCA and stormwater changes to the Crow Wing County Planning and Zoning office with P&Z staff.**	**Provide draft language to Crow Wing County.**

2. Conduct onsite inspections and provide technical reports as required by the ordinances.	**Ongoing**	**Ongoing**	**Approximately 50% of field staff time spent on onsites is for this purpose. Most are on behalf of Crow Wing County.**	**Continue onsites when requested.**
3. Review and approve stormwater management plans for new developments when required.	**Ongoing**	**Ongoing**	**It is estimated that approximately 75 reviews have been completed.**	**Continue review. Work with Crow Wing County Planning and Zoning to verify that that our responsibility is limited to review.**
4. Review reclamation plans for gravel pits when required.	**Ongoing**	**Ongoing**	**No requests for review have been received.**	**Review plans when requested.**
5. Pursue training as needed for these duties.	**Ongoing**	**Ongoing**	**Staff has attended training sponsored by the Minnesota Erosion Control Association and MPCA.**	**Continue to attend training as it is available.**

GOAL No. C: **Objective:** Administer the Wetland Conservation Act for Crow Wing County.

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Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Follow rules of Wetland Conservation Act as determined by the Board of Water and Soil Resources and place information into eLINK.	**Ongoing**	**Ongoing**	**Have completed applications and reviews as required with no appeals.**	**Continue to complete these items. Attend BWSR training sessions when available.**
2. Be involved in the mitigation process.	**Ongoing**	**Ongoing**	**SWCD is involved in all of the projects in Crow Wing County that require wetland replacement. Convene and conduct monthly TEP meetings.**	**Continue to be involved in TEP process and all of the other required Wetland Replacement Plan procedures.**
3. Assist other zoning entities as requested.	**Ongoing**	**Ongoing**	**Have assisted the following cities: Baxter, Brainerd, Cuyuna, and Deerwood. Also assisted Crow Wing and Irondale Townships.**	**Continue to assist zoning authorities as needed.**
4. Assist county, city, and township road authorities to comply with the Wetland Conservation Act.	**Ongoing**	**Ongoing**	**Have assisted Crow Wing County, Fort Ripley Township, and Irondale Township.**	**Continue to assist road authorities as needed.**
5. Establish a wetland bank in Crow Wing County.	**Ongoing**	**Ongoing**	**Have volunteered to assist BWSR with the NE Minnesota Mitigation ground truthing.**	**Complete all required elements by October 30, 2008.**

6. Conduct informational meetings and distribute informational sheets for landowners, realtors, and contractors about the Wetland Conservation Act	**Ongoing**	**Ongoing**	**Have combined WCA information into NPDES meetings and lake association meetings.**	**Begin draft informational sheets for completion in 2009 after the permanent WCA rules are in place.**
7. Complete inspections of wetland projects to ensure compliance.	**Ongoing**	**Ongoing**	**Have reviewed four wetland projects.**	**Continue to review project completion as allowable.**
8. Inform the Crow Wing County Board of Commissioners on Wetland Conservation Act activity on a quarterly basis.	**Ongoing**	**Ongoing**	**Quarterly verbal reports have been completed for the first quarter of 2008 and the 2007 year-end report.**	**Complete verbal reports for second and third quarters of 2008.**
9. Administer wetland water quality fund for wetland replacement.	**Ongoing**	**Ongoing**	**No activity has occurred.**	**Search for projects to improve water quality on in Baxter.**

D. **GOAL No. D:** **Objective:** Update the Crow Wing County Soil Survey.

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Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps

1. Continue to read and place more piezometers to track groundwater movement in the soil when needed.	**Ongoing**	**Ongoing**	**Read piezometers twice a month through June 15th when NRCS determined that they were inaccurate and did not want them read.**	**Replace Piezometers in 2009 where needed.**
2. Provide adequate staffing to assist with updating the soil survey and legend.	**Ongoing**	**Ongoing**	**NRCS has fully staffed soil survey party.**	**Work with NRCS to insure soil survey party remains fully staffed.**
3. Continue fieldwork for MLRA legend development.	**Ongoing**	**Ongoing**	**Fieldwork has been completed that meets NRCS goals for the project. Soil pits have been dug.**	**Continue to work with soil survey party to dig soil pits.**
4. Cooperate with Soil Survey Crew Leader.	**Ongoing**	**Ongoing**	**Have obtained LIDAR data from the county to assist with the accuracy of the soil survey at no charge.**	**Continue to communicate with crew leader to assist when needed.**
5. Complete 2008 soil mapping goals.	**2008**	**2008**	**Soil survey party is on pace to meet 2008 goals.**	**Assist soil survey party when needed to help meet their goals.**

E. **GOAL No. E:** **Objective:** Work with MPCA on the Construction Stormwater Partnership Education and Assistance Model.

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Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Identify construction sites in the county that are one acre or greater in size.	Through November 2008	Through November 2008	Currently have 373 open Construction Stormwater Permits in Crow Wing County. Approximately 250 are active.	Continue to identify sites.
2. Determine the number of construction sites that are not covered by a Construction Stormwater Permit and work to get the sites permitted if required.	Through November 2008	Through November 2008	Found 4 unpermitted sites that have now obtained permits.	Continue to deal with this issue as it arises.
3. Conduct stormwater technical assistance inspections and assist MPCA with enforcement as necessary.	Through November 2008	Through November 2008	Have completed 162 inspections. Participated in one case that went through the MPCA forum process.	Complete inspections of each active site and participate in the Forum process as needed.
4. Provide field data to MPCA in the required format.	Through November 2008	Through November 2008	Field data has been provided to the MPCA on all 162 inspections on the date they are completed.	Continue to provide inspection data on the date that the inspections are completed.
5. Attend stormwater training as required by the MPCA.	Through November 2008	Through November 2008	Beth attended annual MECA conference, site management and enforcement training. Jim attended the annual MECA conference and enforcement training.	Attend MPCA training near the end of October.

6. Complete stormwater training for contractors, developers, and real estate agents.	**Through November 2008**	**Through November 2008**	**Provided training to students at Central Lakes College, SWCD staff at MACDE Annual Meeting, Contractors in Douglas County, Build Smart Summit, Breezy Point Homeowners Association, Crosslake Community Center, and stormwater practices for homeowners.**	**Provide winter practices training for contractors in October or November.**
7. Complete quarterly and annual reports and submit to MPCA as required.	**Through November 2008**	**Through November 2008**	**Have submitted two quarterly reports to MPCA (March and June).**	**Complete and submit August quarterly report and November annual report.**

GOAL No. F: **Objective:** Encourage more and better use of the small privately owned forestland within the county
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Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Work to develop a private forest management program for area landowners who own less than 20 acres of forest land.	**Ongoing**	**Ongoing**	**Have met with landowners onsite. Conducted field days highlighting small scale logging equipment and chainsaw safety**	**Develop management plan criteria and seek funding for plan writing and implementation**

2. Promote more intense forest management.	**Ongoing**	**Ongoing**	**Determination of ecological classification system native plant community and integration into stewardship plans**	**Landowner training and promotion of non-traditional forest products to use this information in management activities**
3. Write Forest Stewardship Plans and encourage their implementation on acreage of 20 to 1,000 in conjunction with DNR-Forestry and its rules and guidelines under the three-county Clean Water Legacy Grant working with landowners within one mile of the Mississippi, Pine, a Nokasippi Rivers.	**Ongoing**	**Ongoing**	**One plan completed for 97 acres. On-site visits and inventory completed on two others totaling approximately 130 acres**	**Find staffing and funding to increase acreage numbers**
4. Assist landowners in planning forest roads to prevent erosion.	**Ongoing**	**Ongoing**	**Conducted field day highlighting low impact logging equipment to reduce compaction and erosion (150 landowners)**	**Conduct similar programs every three years**
5. Provide forestry advice to the municipalities and townships in Crow Wing County when requested.	**Ongoing**	**Ongoing**	**No requests for assistance**	**Seek funding for staffing to fill this role and promote service**
6. Offer trees to landowners for conservation and wildlife purposes and conduct a tree sale open house.	**Ongoing**	**Ongoing**	**Sold 41,300 seedlings through annual tree sale**	**Complete order form for 2009.**

7. Turn stewardship plans into total conservation plans.	**Ongoing**	**Ongoing**	**No activity**	**No activity**
8. Conduct follow-up visits to convince landowners to implement conservation plans.	**Ongoing**	**Ongoing**	**No activity**	**No activity**
9. Assist landowners with agroforestry, hybrid poplar, and silvopasturing.	**Ongoing**	**Ongoing**	**Conducted professional training session for NRCS/SWCD/BWSR staff with UMN Extension**	**Work with UMN Extension on Silvopasture research and demonstration**
10. Work with MNDOT and other road authorities to place living snow fences in areas that have a high amount of snow drifting along public roads.	**Ongoing**	**Ongoing**	**Worked with one township on a 300' living snow fence and contacted Irondale Township.**	**Work with MNDOT to determine problem areas and follow up with landowner contacts**
11. Work with the MN SWCD Forestry Committee.	**Ongoing**	**Ongoing**	**Attended by-monthly meetings and assist with annual Forestry Conference**	**Continue with ongoing program**
12. Support and work with the MN Forestry Association.	**Ongoing**	**Ongoing**	**Technician elected to State Board , Chair of Brainerd Chapter, Conduct field days and safety training**	**Continue with ongoing program**

13. Promote the MN Forest Resource Council's "Voluntary Site-Level Forest Management Guidelines."	**Ongoing**	**Ongoing**	**Integrate into forest stewardship plans**	**Continuing this integration.**

GOAL No. G: **Objective:** Administer the Crow Wing County Comprehensive Water Plan.
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Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Assist with the education of shoreland/watershed residents about BMPs with the Extension Service, LARA, lake associations, Planning and Zoning, and Thirty Lakes Watershed District.	**Ongoing**	**Ongoing**	**Have given presentations to various Lake Associations about shoreland BMP's and water quality.**	**Continue to educate the public about BMP's.**
2. Submit reports on Water Plan activities that are completed to BWSR, District Board, and County Board.	**Ongoing**	**Ongoing**	**Have completed 2007 final, first, and second quarter reports**	**Complete third quarter report.**
3. Review water plan Board structure and prioritize activities within the current water plan.	**Mid 2008**	**End of 2008**	**The County Board has received a recommendation from the SWCD and is still reviewing the structure**	**County Board to develop new committee structure and decide how to prioritize activities.**
4. Work with Initiative Foundation on Healthy Lake Partnership when possible.	**Ongoing**	**Ongoing**	**The Initiative Foundation did not have funds available for Crow Wing County in 2008.**	**Assist lakes in joining the HLRP program and keep list of interested participants.**

5. Work with MPCA on Total Maximum Daily Loads for area water bodies when necessary.	**Ongoing**	**Ongoing**	**Working on getting 39 lakes assessed according to MPCA 303d standards.**	**Will work with lakes that have not been assessed to help them become assessed.**
6. Work on joint grants with Aitkin and Cass Counties as well as joint grants with other entities. Search for grants that are for Crow Wing County resources.	**Ongoing**	**Ongoing**	**Working with Aitkin and Cass Counties on the Easement Challenge Grants (completed) and the Enhanced Water Plan Update Project.**	**Work with vendors to complete assessments for the Enhanced Water Plan Update Project.**
7. Promote and coordinate a countywide water monitoring program.	**Ongoing**	**Ongoing**	**Started to coordinate a countywide surface water monitoring program. 39 lakes participated in an organized program in 2008.**	**The SWCD will continue to work with lakes that are currently monitoring and will work to add new lakes to the program.**
8. Complete the update and the enhanced portion of the Crow Wing County Comprehensive Water Plan.	**October 2009**	**September 2008 for update. October 2009 for enhanced version to receive final approval.**	**The 2008 Water Plan Update has been completed. RMB Laboratory has started working on the enhanced portion of the update.**	**RMB Labs will continue to work on the enhanced portion of the update and is expected to be complete in the spring of 2009.**

9. Ensure there is adequate staff to implement the water plan.	**Ongoing**	**Ongoing**	**Have advertised for replacement Water Planner**	**Hire replacement Water Planner on September 16, 2008**
10. Work on the Surface Water Assessment Grant and assist 29 lakes with water quality sampling.	**September 2009**	**September 2009**	**27 lakes have completed one season of surface water sampling. 7 of those lakes have completed the program.**	**The remaining 20 lakes will continue to sample for the 2009 sampling season.**
11. Complete the Crow Wing County Shoreland Homeowners Guide and provide a hands-on shoreline training workshop.	**September 2009**	**September 2009**	**The Crow Wing County Homeowners guide is complete and is printed.**	**A hands-on training workshop and demonstration project will be completed in 2009.**
12. Assist with the SSTS grant through Crow Wing County.	**June 2009**	**June 2009**	**Assisted Crow Wing County with obtaining grant.**	**Will assist with eLINK reporting.**

GOAL No. H: **Objective:** Assist other governmental agencies, non-profit groups, and private landowners.
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Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Participate in the WesMin RC&D and Region Five Development Commission.	**Ongoing**	**Ongoing**	**Have SWCD Supervisor participation on both boards. Attend most meetings**	**Continue to participate on the boards.**

2. Participate in the North Central Minnesota Technical Service Area and use the TSA Engineer and Technician for engineering assistance.	**Ongoing**	**Ongoing**	**Have five projects with the engineering completed and three projects that are in the process of being engineered. Supervisor is on the CTAC. Supervisor and District Manager attend all TSA meetings.**	**Continue to have projects engineered and attend CTAC and TSA meetings.**
3. Assist local non-profit groups such as LARA, the Northland Arboretum, the Paul Bunyan Nature Learning Center, lake associations, and the Minnesota Forestry Association.	**Ongoing**	**Ongoing**	**LARA uses the USDA conference room for their monthly meetings. Have answered questions at lake association meetings. Forestry Technician is on the MFA board.**	**Continue to allow LARA use of the conference room and attend MFA and lake association meetings.**
4. Continue to participate in Brainerd Lakes Area Environmental Learning Network.	**Ongoing**	**Ongoing**	**Technicians attend monthly BAELN meetings.**	**Continue attendance at BAELN meetings as time permits.**
5. Invite FSA Committeemen, legislators, CED, County Administrator and County Commissioners to SWCD monthly board meetings.	**Ongoing**	**Ongoing**	**New CED was scheduled to attend August meeting but was unable to attend. Has rescheduled for September meeting. Two County Commissioners attended July**	**Continue to send agendas to County Administrator's office.**

			Supervisors meeting. Monthly agendas are sent to County Administrator's office.	
6. Sponsor a joint conservation demonstration project.	**Summer 2008**	**Summer 2008**	**Working on a joint conservation project with the Thirty Lakes Watershed District. The project is to restore the shoreline at the Parker Boy Scout Camp.**	**Complete maintenance of joint demonstration project.**
7. Assist with the Environmental Quality Incentive Program and Section 319 Program and help provide leadership to these programs.	**Ongoing**	**Ongoing**	**None**	**See what the new Farm Bill requires and complete it.**
8. Work with other counties and SWCDs on projects.	**Ongoing**	**Ongoing**	**Working with Aitkin and Cass Counties on joint projects through Water Planning.**	**Continue to cooperate on projects on similar issues.**
9. Work with USDA to implement the conservation provisions of the Federal Farm Bill.	**Ongoing**	**Ongoing**	**Main work has been limited to assisting with windbreaks by the Forestry Technician.**	**Continue to assist when requested.**
10. Work on shoreline activities with all governmental entities.	**Ongoing**	**Ongoing**	**Have worked with most of the Crow Wing County municipalities, Crow Wing County, and Thirty Lakes Watershed**	**Continue to assist when requested.**

			District on permitting projects within the shoreland management zone.	
11. Work with Thirty Lakes Watershed District within their boundaries.	**Ongoing**	**Ongoing**	**Parker Boy Scout Camp, also work together on shoreline issues and other projects within the Thirty Lakes Watershed boundaries.**	**Continue to work together.**
12. Support the BHS Community Ag Center FFA Alumni and Education Agriculture Technology Group (EAT).	**Ongoing**	**Ongoing**	**District Manager is an EAT Board member that is a project of the Brainerd FFA Alumni and attends weekly meetings to support ag education in the area.**	**Continue to be involved with EAT and the FFA Alumni.**

GOAL No. I: Objective: Reduce organic and inorganic pollution to improve the water quality of the surface and ground water within the District.

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Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Work on strategies to reduce impact from livestock to rivers, lakes, and streams.	**Ongoing**	**Ongoing**	**None**	**Work to identify potential impacts from livestock.**
2. Streambank and lakeshore stabilization projects.	**Ongoing**	**Ongoing**	**Numerous shoreline restoration projects completed. Use of TSA engineer.**	**Continue to work with volunteers.**

3. (1) Agricultural waste management system.	**Ongoing**	**Ongoing**	**Cost-share has been approved for one ag waste management system.**	**Work with producer to complete project.**
4. Review and approve stormwater management plans for new developments when required.	**Ongoing**	**Ongoing**	**It is estimated that 75 reviews have been completed.**	**Continue review. Work with Crow Wing County Planning and Zoning to verify that that our responsibility is limited to review.**
5. Assist landowners with the design of plans and for applying to DNR for funding of Lakescaping projects.	**Ongoing**	**Ongoing**	**No projects have been identified.**	**Continue to work with volunteers.**
6. Implement the AgBMP SSTS Loan Program through the Region Five Development Commission.	**Ongoing**	**Ongoing**	**There have been seven loans that have been approved since July 1, 2007.**	**Continue to provide loans through Region Five**
7. Assist producers in transition to organic production standards.	**Ongoing**	**Ongoing**	**No activity.**	**Assist when requested.**
8. Provide landowners with Natural Landscaping Protection Plans and BMPs when they are needed.	**Ongoing**	**Ongoing**	**No requests within the Mississippi River corridor as required by the Mississippi River Headwaters Board.**	**Work with applicants when required.**
9. Use North Central Minnesota Technical Service Area engineer and technician to develop specifications for water quality projects.	**Ongoing**	**Ongoing**	**See Goal H2.**	**See Goal H2.**

10. Promote rain gardens and pervious pavement for stormwater management.	**Ongoing**	**Ongoing**	**Assisted with the ArtSpace-Franklin School, Crosby Cross Avenue, and Fairview Office Park rain garden projects.**	**Work to complete ArtSpace- Franklin School and Crosby Cross Avenue rain gardens.**
11. Assist with wellhead protection activities.	**Ongoing**	**Ongoing**	**No requests for assistance in 2008.**	**Assist when requested.**
12. Continue to assist MPCA with the NPDES program.	**Ongoing**	**Ongoing**	**See Goal E.**	**See Goal E.**

GOAL No. J: **Objective:** Expose and educate more non-agricultural landowners, general public and groups to the benefit of the surrounding soil and water conservation measures.
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Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Utilize the County Fair to inform and educate public about Soil and Water Conservation practices.	**July-August**	**July-August**	**Sponsored a joint USDA-SWCD booth at the Crow Wing County Fair. The booth was staffed by SWCD employees during the day and Supervisors at night.**	**Completed.**
2. Formulate informational news release 4/year.	**Ongoing**	**Ongoing**	**Sent newsletter with the tree order form in January 2008. Sent news release on July 1st to provide information on filing for election.**	**Complete one news release and one newsletter.**

3. Continue support of Soil Stewardship Week activities.	February-April	February-April	Ordered and distributed 9,730 Soil Stewardship Week brochures and distributed to 44 churches.	Project completed for 2008.
4. Use various methods to update the Crow Wing County Commissioners on SWCD projects.	Ongoing	Ongoing	Have attended three County Board meetings and one County Board Committee of the Whole meeting. Also, had a breakfast meeting with two Commissioners and two Commissioners attended one SWCD meeting.	Continue to meet with Commissioners as the need arises.
5. Support the Envirothon and work with other youth groups.	Ongoing	Ongoing	Sponsored Crosby-Ironton Envirothon team, had two staff and one Supervisor attend Envirothon as judges. Visited two elementary schools in Brainerd to talk about conservation.	Work to get Brainerd and Pequot Lakes to establish Envirothon teams. Work with elementary teachers to allow presentations on conservation.
6. Support phosphorus fertilizer reduction programs.	Ongoing	Ongoing	None	None
7. Maintain the Crow Wing SWCD web page on the internet.	Ongoing	Ongoing	All required information has been posted on the website and it is updated regularly and after SWCD meetings.	Continue to update website as needed.

GOAL No. K: **Objective:** Reduce the soil erosion T-value throughout the District by aiding and encouraging accepted conservation practices.

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Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Promote shoreland and streambank buffers throughout the county.	Ongoing	Ongoing	Completed four shoreland projects to be used for educational purposes. Completing Landowners Guide to Lake Stewardship.	Continue to promote shoreland and streambank buffers. Distribute Landowners Guide once it is printed and delivered.
2. Sell tree packets for conservation purposes.	Ongoing	Ongoing	See Goal F6	See Goal F6
3. Promote other water resources management.	Ongoing	Ongoing	See Goal G1	See Goal G1
4. Write Forest Stewardship plans.	Ongoing	Ongoing	See Goal F3	See Goal F#
5. 1 wetland restoration (improvement).	Ongoing	Ongoing	No activity	Look for opportunities.

GOAL No. L: **Objective:** Improve Water Quality by preventing runoff and sedimentation of rivers and lakes.

Page 7-8 of Mgmt. Plan

Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps

1. Educate landowners, golf course operators, and resort owners about best management practices of lawn fertilization.	**Ongoing**	**Ongoing**	**Have provided information during lake association meetings. Have soil sampling bags for landowners to have the soil tested by the University of Minnesota.**	**Plan for training session to be held in 2009.**
2. Assist with educational efforts to promote conforming septic systems.	**Ongoing**	**Ongoing**	**See Goal G 11**	**Work with county Planning and Zoning to have information available specific to individual septic systems.**
3. Advise the county, municipalities, and individuals on vegetation management.	**Ongoing**	**Ongoing**	**The majority of this work is completed when reviewing county dirtmoving permit applications and variances. Over 75 instances so far in 2008.**	**Work with county Planning and Zoning on new stormwater ordinance that will use native vegetation.**
4. Encourage the use of riparian buffer strips.	**Ongoing**	**Ongoing**	**See Goal K1**	**See Goal K!**
5. Provide education and support for pervious pavement demonstrations and bioretention (rain gardens).	**Ongoing**	**Ongoing**	**See Goal I10**	**See Goal I10**

6. Continue to complete NPDES inspections that promote BMPs.	November 2008	November 2008	See Goal E	See Goal E

GOAL No. M: **Objective:** Provide other services beneficial to Crow Wing County landowners.
Page 8 of Mgmt. Plan

Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Rent a GA 500 Gopher Getter Machine to all interested landowners and maintain it in good working order.	April - November	April - Freeze Up	Rented to two landowners.	Replace torpedo tube.
2. Assist landowners with Shoreland Management Act.	Ongoing	Ongoing	The SWCD receives numerous requests for assistance with dirtmoving and stormwater issues in shoreland areas.	Continue to assist when requested.
3. Complete lot development plan reviews on new plats or as requested by zoning authorities.	Ongoing	Ongoing	All county plat requests are sent to the SWCD for review.	Continue to review plats when received.
4. Review of stormwater management plans when required.	Ongoing	Ongoing	See Goal B3	See Goal B3
5. Offer mapping services using ArcView.	Ongoing	Ongoing	No requests	Offer service when requested.

6. Offer technical services as capability allows.	**Ongoing**	**Ongoing**	**Assist with wetlands, stormwater, forestry, buffers, and other conservation practices.**	**Continue to assist with conservation technical services upon request.**

GOAL No. N: **Objective:** Apply for Special Project grants.
Page 8 of Mgmt. Plan

Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Prioritize and submit Special Project applications to BWSR when available.	**Annual**	**Annual**	**No funds available.**	**Continue to monitor availability of funds.**
2. Complete approved Special Projects.	**Annual**	**Annual**	**No funds available for projects.**	**Work to complete projects if funds are obtained.**

GOAL No. O: **Objective:** Administer the Army Compatible Use Buffer, Reinvest in Minnesota and Permanent Wetland Preserves Programs.

Page 8 of Mgmt. Plan

Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps

1. Meet all state guidelines.	**Ongoing**	**Ongoing**	**Have completed one ACUB application and are working on three others.**	**Complete three applications that are in progress and start others as funds become available.**
2. Encourage landowners to enroll in the program.	**Ongoing**	**Ongoing**	**Are working to encourage three landowners to participate in ACUB.**	**As funds become available, work to receive application from the three interested landowners.**
3. Cooperate with Camp Ripley, Cass SWCD, Morrison SWCD and BWSR to implement the Army Compatible Use Buffer Program.	**Ongoing**	**Ongoing**	**Participate in monthly conference calls and in person meetings**	**Continue to participate in conference calls and meetings.**

GOAL No. P: **Objective:** Implement EEO and Civil Rights responsibilities resulting in strong working relationships with agencies, units of government, and organizations.

Page 8-9 of Mgmt. Plan

Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Quarterly review data by race and sex for deficiencies.	**Quarterly**	**Quarterly**	**NRCS activity**	**Assist NRCS when requested.**
2. Document corrections of disparities in the Civil Rights case file.	**Ongoing**	**Ongoing**	**NRCS activity**	**Assist NRCS when requested.**

3. Review MOU with SWCD Board and employees including Civil Rights, EEO, and Drug Free Workplace.	**Annual**	**Annual**	**Not completed**	**Complete review by the end of the year.**
4. Include non-discrimination statements on all public information.	**Ongoing**	**Ongoing**	**Information is included on all public information.**	**Continue to include information.**
5. Review policies and encourage equal representation.	**Ongoing**	**Ongoing**	**NRCS activity**	**Assist when requested.**
6. Maintain Civil Rights Case File.	**Ongoing**	**Ongoing**	**NRCS activity**	**Assist when requested.**
7. Review handicapped accessibility of buildings and parking lot.	**Annual**	**Annual**	**USDA activity**	**Assist when requested**

LGU Name: Crow Wing SWCD
Type of Management Plan: 2006 Comp Plan
Date of Last Plan Revision: March 15, 2008

Name of Contact: Keith Pohl

Date of This Review: November 20, 2008

GOAL No. __A___:
Page 13 of Mgmt. Plan

Objective _10__:

Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Increased public relations capability in new building	**2005-2007**	**2005**	**Moved into new building January 2005**	**Complete**

GOAL No. __D___: **Objective _4__:**
Page 14 of Mgmt. Plan

Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Obtain Aerial photos for soil survey update.	2006	2006	Completed by NRCS	Complete

GOAL No. __F___: **Objective ___:**
Page 14 of Mgmt. Plan

Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Complete stormwater management study on Whiskey Creek	2005-2006	2005-2006	Complete	Complete
2. Work with Aitkin and Cass counties on Conservation Easement Challenge Grant	2005-2007	2005-2008	Voluntary easements were obtained in all three counties	Complete
3. Complete Water Plan update	2005-2007	2005-2008	Water Plan update has been completed and adopted by the county.	Complete

GOAL No. __I___: **Objective ___:**
Page 16 of Mgmt. Plan

Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Support and assist with Pine River Taxing District	2006	None	Group decided not to go forward with the project	Complete

GOAL No. __K___: Objective ___:
Page 17 of Mgmt. Plan

Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Promote conservation through Crow Wing SWCD's 50th anniversary	2006	2006	Held anniversary open house and promoted at county fair	Complete

GOAL No. __L___: Objective ___:
Page 17 of Mgmt. Plan

Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Keep at least 19,000 acres under conservation tillage	Ongoing	Dropped in 2008	Was accurate through 2007	Due to decreasing numbers of farmer's, the responsibility was shifted to NRCS
2. 100 feet of grassed waterways and 2 diversions	Ongoing	Dropped in 2008	Unable to track since it is an NRCS responsibility.	Shifted to NRCS.
3. 4 livestock watering ponds	Ongoing	Dropped in 2008	Completed 17 watering facilities during Drought Disaster Assistance Program	Shifted to NRCS
4. 1 erosion control structure	Ongoing	Dropped in 2008	None	Shifted to NRCS
5. 750 acres pasture management	Ongoing	Dropped in 2008	Believed to be accurate as of 2007	Shifted to NRCS

LGU Name: Crow Wing SWCD
Type of Management Plan: Local Water Plan
Date of Last Plan Revision: October 28, 2008

Name of Contact: Keith Pohl

Date of This Review: November 20, 2008

GOAL No. 1:
Page 4 of Mgmt. Plan

Objective A:

Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Utilize Water Quality Committee & data collection	2002-2007	2002-2007	40 lakes are in the process of monitoring.	Continue with MPCA Surface Water Assessment Grant and search for new partners to work on Water Quality Monitoring.

GOAL No. 1:
Page 4 of Mgmt. Plan

Objective B:

Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Utilize E&I Committee to streamline educational efforts	2002-2007	Not Completed	This goal fits under Goal G7 in the 2008 SWCD Comp Plan	See Comp Plan Goal G7

GOAL No. __2___:
Page 5 of Mgmt. Plan

Objective _A__:

Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Landscape 10 properties for water quality	2002-2007	2002-2007	See Goal I 10 of initial submittal	See Goal I 10 of initial submittal
2. Stabilize three miles of riparian areas	2002-2007	2002-2007	Changed focus. See Goal K1 of initial submittal	See Goal K1 of initial submittal
3. Assist with Updating soil survey	2002-2012	2005-2015	See Goal D of initial submittal	See Goal D of initial submittal

GOAL No. __2___:
Page 5 of Mgmt. Plan

Objective _B__:

Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Double WCA mitigation ratio where banking will be used for replacement and adopt setbacks from wetlands	2002-2007	2003	County has adopted structure setbacks from wetlands. See Goal 3C of initial submittal	Complete. County will not adopt ratio doubling.
2. Ordinance to tighten WCA exemptions	2003	2005	Many of the WCA exemptions are not allowed in shoreland areas.	Complete. County will not tighten additional WCA exemptions

3. Create three wetland banks in the county	2002-2007	Ongoing	Two banks are in progress, but not deposited. One bank was completed, but purchased by BWSR for Road Replacement Program.	Have two banks that are in progress to be deposited into the BWSR Bank.

GOAL No. __2___: **Objective _C__:**
Page _5_ of Mgmt. Plan

Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Inspect and address feedlot issues within the county	2002-2007	Ongoing	Inspections are completed when requested by landowner. The issues are addressed by NRCS.	Assist NRCS when requested.

GOAL No. __4___: **Objective _A__:**
Page _6_ of Mgmt. Plan

Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Provide low interest ISTS loans	2002-2007	Ongoing	Work through the North Central MN TSA to secure funding. Region 5 RDC acts as the local lender.	Continue work with Region 5.

GOAL No. __5___:
Page _7__ of Mgmt. Plan

Objective _A__:

Planned Actions or Results	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Next Steps
1. Encourage MPCA to adopt all of Crow Wing County as an MS4	2002-2007	None	County did not pursue this.	Complete.

APPENDIX B

SOIL AND WATER CONSERVATION DISTRICT PERFORMANCE STANDARDS

LGU Name: Crow Wing Soil and Water Conservation District

Performance Area	Performance Standard	Level of Review	Rating	
	★ Target (high performance) standard ■ Basic practice or Statutory requirement ◊ Quantitative standard	I Annual Review II 1 in 5 yr Review	Yes, No, or Value	
			YES	NO
Administration	■ Financial statement: annual, on-time and balances	I	X	
	■ Financial audit completed within last 3 yrs or $500K	I	X	
	■ eLINK Annual report: submitted on-time	I	X	
	■ Data practices policy: exists and reviewed/updated within last 5 yrs	II	X	
	■ Personnel policy: exists and reviewed/updated within last 5 yrs	II	X	
	■ Technical approval authorities: reviewed annually	II		X
	■ By-laws, operational guidelines exist and current	II	X	
	★ Board training: cont ed and orientation plan and record for each board member	II		X
	★ Staff training: cont ed and orientation plan and record for each staff member	II		X
Planning	■ Comprehensive Plan: updated within 5 yrs or resolution adopting unexpired county LWM plan	I	X	
	■ Annual Plan of Work: on time; w/ cost share applied to priorities	I	X	
	★ Annual plan priorities based on natural resource quality trend data	II		X
Execution	★ Certified wetland delineator: on staff or retainer	II		X
	◊ Expenditure trend: change over past 5 yrs	II	124%, $246,317	
	◊ L&W treatment projects: number of projects	II	2.5/yr, 13	
	◊ L&W treatment projects: non-state $ leveraged	II	$17,825/yr	
	◊ L&W treatment projects: 5 yr total soil loss reduction	II	65.7 tons	
	◊ L&W treatment projects: 5 yr total nutrient reduction	II	320.5 lbs	
	◊ Project $ spent in high priority problem areas	II	37.49%	
	◊ Project expense $/total budget $ (past 5 yrs)	II	34.47%	
	◊ State cost share grant used (past 5 yrs)	II	70.41%	
	◊ Actual expenses as deviation from projected expenses (5 yr total)	II	-3%	
Communication & Coordination	■ Website: annual report, annual budget, minutes	I	X	
	■ SWCD Guidebook entry: provides background and accomplishments	II	X	
	★ Website: contains members, mtg agendas, minutes, updated after each board meeting	I	X	
	★ Stakeholder survey: within last 5 yrs	II	X	
	★ Public information task included in annual work plan	II	X	
	★ Public education program: seminars, tours	II	X	
	★ Annual written report: includes progress towards goals	II	X	X
	★ Projects/programs based on stakeholder survey input	II	X	
	★ Coordination with County Bd Supervisors or staff	II	X	

BWSR PERFORMANCE REVIEW AND ASSISTANCE PROGRAM

Level II Review: Assessing Progress Toward Plan Objectives

Name of Organization: Crow Wing SWCD
Contact Person (Name and contact info.): Keith Pohl (218) 828-6197
keith.pohl@mn.nacdnet.net

Part 3: Discussion Questions

How to use this form: Please schedule a special meeting or designate time at a regular board meeting to fill out this form. Make sure you invite your BWSR board conservationist to attend the meeting. He or she will observe the discussion and can explain the review process. Your answer to each of the following questions should be based on discussion among board or advisory committee members and principal staff and must reflect the consensus of those people. Return the completed form in electronic format to the BWSR PRAP coordinator. Remember: *your responses on this form become public information.*

1. **How often does your board review your plan or assess progress on planned objectives?** There usually is not a formal review of the plan. Items within the plan are listed on the agenda for monthly Supervisor meetings with an occasional look at parts of the plan when necessary. The annual plans are developed by the Planning Committee and approved by the Board of Supervisors during their February meeting. Staff time and cost-share go to priorities that are identified in the annual plan.

2. **Where has your organization made the most progress in implementing your plan objectives in the past few years? To what do you attribute that progress?** WCA, NPDES, ACUB, Water Planning. The Crow Wing SWCD continuously looks for new opportunities in conservation as they arise. We will take on any conservation activity as long as there is a way to cover the costs. ACUB is a strong example of this. Good staff has been hired and they are flexible. The staff is able to attend a variety of training to work on new and existing programs. Networking and maintaining connections with other governmental units is important.

3. **For which objective(s) has your organization had the most difficulty making progress? What are the most likely reasons for this lack of progress?** Forestry, RIM, Wes-Min RC&D funding. Most of these are for lack of funding sources. RIM is a program that we are responsible for, but does not work well in Crow Wing County.

4. **Since the plan was completed, have there been any unforeseen opportunities or problems that have influenced your board's decisions about which objectives to pursue? Explain those influences.** ACUB, NPDES, Drought Disaster Cost-Share. For the most part, the ACUB and NPDES programs fit the answer in question 2. They were new conservation programs that could pay for themselves Financial influences are involved in any decision. The Drought Disaster Cost-Share came about due to the dry conditions in this part of the state.

This was seen as an opportunity to assist the agricultural community during a difficult time.

5. **What are the five most significant factors that are affecting (positively or negatively) your organization's ability to implement your planned objectives?**
   a. Good staff (positive)
   b. Cooperation with others (positive)
   c. Financial constraints (negative)
   d. Good communication or lack of (can be positive or negative)
   e. Other governmental units not doing their job (negative)

6. **For which of the factors listed in #4 would your organization like some assistance for either taking better advantage of positive factors or overcoming negative factors? Identify the type of assistance that would be most helpful.** Help with finding additional funding, potential facilitation with other governmental units, keeping Comprehensive Local Water Plan with SWCD.

7. **How will your organization use any of the information you gained from this review in communicating or working with your partners and customers?** Going through this exercise showed the value of cooperation and communication with others.

Koehler, Tim - St. Paul, MN

From: Koehler, Tim - St. Paul, MN
Sent: Friday, January 23, 2009 3:25 PM
To: Krick, Carolyn - St Paul, MN
Cc: Koehler, Tim - St. Paul, MN
Subject: Farm Bill Update

Attachments: AWEPsharepoin1-09t.doc

AWEPsharepoin1-0
9t.doc (44 KB)...

All:

As most of you know in 2008 a new Federal Farm Bill was passed by Congress and signed into law by the President. As a part of the process to implement these provisions and programs Rules have been formulated and a few program Request For Proposals (RFP) have been published. These will be discussed in the near future at a State Technical Committee Meeting, details will be forthcoming. As a prelude to the meeting we wanted to inform you of the Rules and RFP's in case you want to provide comments or submit proposals. Here are some details:

1. Two RFP's are now posted, they include Agricultural Water Enhancement Program (AWEP) and The National Component of The Conservation Innovative Grant (CIG). AWEP information is found in the attached word file, a link is in the news release that directs you to the RFP. CIG information may be found at the link listed below:

The 2009 CIG RFP for the National competition is available now. Please visit the following links:

Announcement for Program Funding:
http://www.nrcs.usda.gov/programs/cig/pdf_files/Fiscal_Year_2009
_Announcement_for_Program_Funding.pdf

2. Rules have been published and you may now comment on them to the address in the rule for programs and the State Technical Committee. The programs include - the Environmental Quality Incentives Program (EQIP), the Farm and Ranch Lands Protection Program (FRPP), the Grasslands Reserve Program,(GRP), the Healthy Forests Reserve Program, Technical Service Provider (TSP), the Wildlife Habitat Incentives Program (WHIP), and the Wetlands Reserve Program (WRP).

Follow the link below to access:

Rules

http://www.nrcs.usda.gov/programs/farmbill/2008/interim-rules.html

Or

News Releases

http://www.nrcs.usda.gov/news/index.html

3. The Conservation Stewardship Program (CStP) rules are still being formulated.

In February at the next State Technical Committee Meeting we will have discussions on these rules but remember if you have comments send them to Washington at the address listed in the rules to make sure your voice is heard. Proposals for AWEP and CIG are to

be to Washington by March 2, 2009.

If you have problems accessing any of the information referenced in this email let me know and we can provide an alternative format for your viewing.

Take care.

Tim Koehler
Assistant State Conservationist
NRCS

USDA **NEWS RELEASE**

United States Department of Agriculture • Office of Communications • 1400 Independence Avenue, SW
Washington, DC 20250-1300 • Voice: (202) 720-4623 • Email: oc.news@usda.gov • Web: http://www.usda.gov

Release No. 0012.09

Contact:
Sylvia Rainford (202) 720-2536

SCHAFER ANNOUNCES AVAILABILITY OF $58.4 MILLION TO PRODUCERS, ENTITIES THROUGH NEW CONSERVATION PROGRAM

WASHINGTON, Jan. 14, 2009-Agriculture Secretary Ed Schafer today announced that up to $58.4 million in financial assistance is available to agricultural producers and entities through the Agricultural Water Enhancement Program (AWEP), established in the new farm bill to promote ground and surface water conservation and water quality improvement.

USDA is seeking project proposals from potential partners through this program. A Request for Proposals was published in the Federal Register today. Proposals must be submitted by March 2, 2009.

The AWEP Request for Proposals can be viewed at the USDA-Natural Resources Conservation Service's (USDA-NRCS) Web site; at the official government regulation Web Site; and at the Federal Register.

The Food, Conservation, and Energy Act of 2008, or 2008 Farm Bill, established AWEP as a component of the Environmental Quality Incentives Program (EQIP), USDA's largest conservation program on working agricultural lands. All EQIP requirements and policies will apply to AWEP.

USDA-NRCS administers EQIP, a voluntary conservation program that provides technical assistance and payments to help crop and livestock producers address environmental concerns through conservation improvements on agricultural and non-industrial private forests lands. Farmers and ranchers can use EQIP to farm in an environmentally friendly manner and still meet their agricultural production goals. In addition, it is designed to produce significant environmental benefits to the public, such as improved soil, water and air quality, and enhanced wildlife habitat.

The new farm bill expanded EQIP to include AWEP. AWEP offers financial and technical assistance to help farmers and ranchers carry out water enhancement activities that conserve ground and surface water and improve water quality on agricultural lands such as cropland, pasture, grassland and rangeland.

Agricultural water enhancement activities include:

- water quality or water conservation plan development;
- water conservation restoration or enhancement projects, including conversion to the production of less water-intensive agricultural commodities or dry land farming;
- water quality or quantity restoration or enhancement projects;

- irrigation system improvement or irrigation efficiency enhancement;
- activities designed to reduce drought's impacts; and
- other related activities that will help achieve water quality or water conservation benefits on agricultural land.

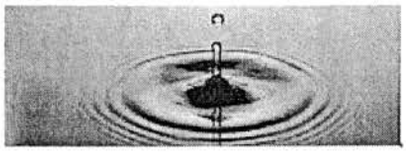
Under this new program, USDA-NRCS can contract directly with agricultural producers who are included in approved partner proposals. Eligible partners include federally- recognized tribes, states, units of local government, or agricultural or silvicultural associations. Producers who apply for AWEP assistance must meet EQIP eligibility requirements. All AWEP funding must go to producers. Like EQIP, contract terms for producers under AWEP run from 1 year to 10 years.

Agricultural producers in selected project areas can apply for available AWEP funds at their local USDA service center.

For additional information about the AWEP under EQIP, please visit http://www.nrcs.usda.gov/programs/EQIP or call (202) 720-1845 during business hours.

#

United States Department of Agriculture
NRCS Natural Resources Conservation Service



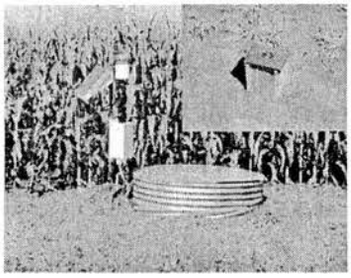
USDA Announces Fiscal Year 2009 Sign-up for $20 Million in Conservation Innovation Grants

Contact: Terry Bish 202-720-5974

WASHINGTON, Jan. 16, 2009-Natural Resources Conservation Service (NRCS) Chief Arlen Lancaster today announced the availability of program funding for Conservation Innovation Grants (CIG) for fiscal year (FY) 2009. The CIG program is designed to stimulate the development and adoption of innovative conservation approaches and technologies.

"CIG projects can help keep us at the leading edge of building sustainable communities," said Lancaster. "This competitive grant program helps us advance environmental goals that also contribute to and protect local economies."

The Department of Agriculture's NRCS administers CIG. For FY 2009, up to $20 million is available for the National CIG competition. Funds for single- or multi-year projects, not to exceed three years, will be awarded through a nationwide competitive grants process with applications accepted from all 50 States, the Caribbean Area (Puerto Rico and the Virgin Islands) and the Pacific Islands Area (Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands) from all eligible non-federal government or non-government organizations or individuals, including federally recognized tribes.



CIG Project Profile. Minnesota CIG recipient the Mower Soil and Water Conservation District, along with its partners, have developed controlled drainage structures that allow farmers to adjust the water table in their fields based on the time of year and weather conditions. This site above is located on the Ray & Donna Cerise farm in Bennington Township. In connection with this controlled drainage site, a woodchip bioreactor was installed to remove nitrates from the drainage water.

Read more about this important CIG project...

FY 2009 CIG categories are:

• Natural Resource Concerns Category—up to $5 million available for proposals addressing one or more of the CIG natural resource concerns. This category has been offered since 2004.

• Technology Category—up to $6 million available for proposals addressing one or more of the CIG technology categories. This category was offered for the first time in 2006.

• Grant Leveraging Category—up to $4 million to pilot the leveraging of CIG grants projects that provide further grants that align with the purposes of CIG. This is the first year CIG offers this category.

• Chesapeake Bay Watershed Category—up to $5 million available for proposals addressing one or more of the CIG natural resource concerns in the Chesapeake Bay watershed. This category has been offered since 2005.

Applicants should explain the geographic area that the project would benefit including information about the natural resource concern. Applicants should also describe the innovative technologies or

approaches which will be used to address the natural resource conservation concern. Other requirements are identified in the Announcement of Program Funding.

Funding for CIG is made available through the Environmental Quality Incentives Program (EQIP). All proposed CIG projects must involve EQIP-eligible producers. CIG funds that are used to provide direct or indirect payments to individuals or entities to implement structural, vegetative or management practices are subject to the EQIP payment limitation. CIG is not a research program, but rather a tool to stimulate the adoption of conservation approaches or technologies that have been studied sufficiently to indicate a high likelihood of success, and are likely candidates for eventual technology transfer.

CIG Supports Sustainability. Through Conservation Innovation Grants, conservation partners support sustainable crop production systems such as this no-till cover crop roller developed by the Rodale Institute. The roller is part of a one-pass approach that allows farmers to control a soil-conserving cover crop and plant the next season's cash crop at the same time by mounting two implements on the same tractor. The system cuts tractor time, energy consumption, and herbicide use. NRCS photo by John Lee.

CIG will fund projects targeting innovative on-the-ground conservation, including pilot projects and field demonstrations. Technologies and approaches that are commonly used in the geographic area covered by the application, and which are eligible for funding through EQIP, are not eligible for funding through CIG. Proposed projects must conform to the description of innovative conservation projects or activities published in the Announcement of Program Funding.

CIG funds pilot projects and conservation field trials that can last from one to three years. Grants for approved projects cannot exceed 50 percent of the total project cost. The federal contribution for a single project cannot exceed $2 million. At least 50 percent of the total cost of the project must come from non-federal matching funds (cash and in-kind contributions) provided by the grantee. While NRCS will provide technical oversight for each project receiving an award, the grantee is responsible for providing the technical assistance required to successfully complete the project.

Applications must be received in the NRCS National Headquarters by close of business March 2, 2009. Applications should be sent to: USDA Natural Resources Conservation Service; Conservation Innovation Grants Program; Financial Assistance Programs Division, Room 5239-S; 1400 Independence Ave, SW; Washington, DC 20250. View the complete Announcement of Program Funding. To apply, visit.

For more information about NRCS conservation programs online, visit or visit the nearest USDA Service Center in your area. Since its inception in 1935, the NRCS conservation delivery system has advanced a unique partnership with state and local governments and private landowners delivering conservation based on specific, local conservation needs, while accommodating sate and national interests.

Links...

Conservation Innovation Grants Web page

USDA Announces Fiscal Year 2009 Sign-up for $20 Million in Conservation Innovation Grants news release (formatted)

Water Resources Center

UNIVERSITY OF MINNESOTA
Driven to Discover℠

Guest Seminar:

U.S. EPA Chief Scientist on Science in the Obama Administration

When: 11:00 a.m. Thursday, January 29, 2009
10:45 a.m. Pre-lecture refreshments
Where: 105 Cargill Building
1500 Gortner Avenue
St. Paul Campus
Free and open to the public

Dr. Pai-Yei Whung, Chief Scientist for the U.S. Environmental Protection Agency (EPA) and head of the agency's Office of the Science Advisor, will speak on "Science Priorities and Using Science for Decision Making at the U.S. EPA," at 11:00 a.m. January 29 in room 105 Cargill Building for Microbial and Plant Genetics on the University of Minnesota's St. Paul campus. As the EPA's lead scientist, Whung oversees planning and implementing of cross-agency scientific efforts including program management, coordination of independent scientific opinions and science-policy functions. She has more than 15 years of field research experience and eight years of program management in bioenergy, air quality, water quality, weather, sustainable ecosystems, climate change and agricultural research.

The University of Minnesota's Water Resources Center provides leadership in freshwater management through cutting-edge research, educational opportunities for students and professionals, and community outreach.

DIRECTORS
Faye Sleeper
Deborah Swackhamer

WATER RESOURCES CENTER
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BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
ST. PAUL, MINNESOTA 55155
WEDNESDAY, MARCH 25, 2009

BOARD MEMBERS PRESENT:
Gordy Behm, Paul Brutlag, Bob Burandt, Wayne Edgerton/Larry Kramka, DNR; Quentin Fairbanks, Glenn Skuda/Rebecca Flood, MPCA; Randy Kramer, Paul Langseth, Brian Napstad, Faye Sleeper, U of M Extension; Louise Smallidge, Gene Tiedemann, LuAnn Tolliver, Dan Wilson, MDH

BOARD MEMBERS ABSENT:
Joe Martin, Department of Agriculture

STAFF PRESENT:
Mary Jo Anderson, Travis Germundson, Jim Haertel, John Jaschke, Al Kean, Julie Klocker, Melissa Lewis, Kevin Lines, Pete Waller, Marcey Westrick, Steve Woods

OTHERS PRESENT:
Stephanie McNamara, VLAWMO
Tim Koehler, NRCS
Bill Becker, Lessard Council

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

PLEDGE OF ALLEGIANCE

** 09-12 **ADOPTION OF AGENDA** – Moved by Brian Napstad, seconded by Louise Smallidge, to adopt the agenda as presented. Motion passed on a voice vote.

** 09-13 **MINUTES OF JANUARY 28, 2009** – Moved by Paul Langseth, seconded by Quentin Fairbanks, to approve the minutes of January 28, 2009, as circulated. Motion passed on a voice vote.

REPORTS

Chair's Report – Randy Kramer reported that he attended the MASWCD Legislative Day at the Capitol and their Board of Directors meeting. Chair Kramer attended the EQB meeting on March 12. The Governor's recommendation is to shift EQB to MPCA, however, legislative action needs to occur, EQB is now meeting on a quarterly basis, next meeting in June.

Chair Kramer asked that board members respond and submit information to the Campaign Finance and Public Disclosure Board to meet the annual reporting requirement.

Chair Kramer met with Paul Brutlag last night regarding the 2008 performance review of John Jaschke, Executive Director. Chair Kramer thanked board members for their response. Very positive comments were received from board members, other partners and legislators. The Administrative Advisory Committee (AAC) met this morning to discuss the performance evaluation in detail. They will write a report that will be included in John's personnel file. If board members have any questions, contact Chair Kramer. It has been decided to develop a policy proposal for the evaluation process for review of the executive director's performance. The AAC will work on writing a policy recommendation to be brought before the full board in the near future.

Executive Director's Report – John Jaschke reviewed information in board members' packets; including an updated Board member listing. The Governor's Appointments Office is reviewing current board member vacancies.

John reported that there is a Budget hearing this morning on dedicated funding, some of the agency board members will be attending.

John reported that the "BWSR Snapshots" is a new piece of information from staff that will be provided to board members. Mary Jo Anderson will post this on the website.

John stated that the WCA Rule Notice of Hearing is included for board members' information.

John reported that BWSR has been acknowledged by the Minnesota Environmental Initiative by recognizing that the RIM-WRP Partnership has been nominated for their annual award. Also, BWSR is the recipient of the Great River Greening's "Environmental Community Partner of the Year Award".

John reported that the Minnesota Watershed District Guidebook second version has been published, the electronic version is on the BWSR website: www.bwsr.state.mn.us/publications/WD_Guidebook/

John provided a legislative update of bills and budget deliberations.

John provided a short review of the BWSR's FY2010-2011 Biennial Budget Request that was presented to the House Finance Committee. John highlighted the General Fund reductions and change items.

Faye Sleeper arrived at the meeting at 9:45 a.m.

Dispute Resolution Committee – Travis Germundson reported that 21 appeals are pending with no new appeals since March 12. A pre-conference hearing was held on two appeals in Grant County. John Jaschke reported that he met with Faye Sleeper and Rebecca Flood for orientation and discussed the appeal process. John stated that the appeal process remains the same, allowing the review of appeals, an opportunity for hearings, with multiple communications with the DRC for review on appeals. Paul Brutlag stated that Travis, as a new employee does an excellent job. Paul received compliments regarding Travis' professionalism as he remains neutral in the process.

Wetlands Committee – LuAnn Tolliver reported that the WCA rule hearings are set for public comments statewide, with a deadline of August 5. LuAnn stated that the Wetland Committee will meet as needed to conduct discussions to develop a recommendation for adoption of the rules in order to meet statute deadlines. Quentin Fairbanks requested meetings to be held in the north central part of the state. John Jaschke stated that the best efforts were made to schedule locations.

Grants Program & Policy Committee – Louise Smallidge reported that the Grants Program & Policy Committee met earlier this month. Three items are on the agenda today and will be discussed later.

Public Relations, Outreach & Strategic Planning Committee – Brian Napstad reported that the Public Relations, Outreach & Strategic Planning Committee has not met.

Administrative Advisory Committee (AAC) – Randy Kramer reported that the AAC met this morning to discuss the executive director's performance review in detail; board member vacancies; and the legislative and budget update. The AAC recommends that the April Board meeting scheduled for April 22 be cancelled due to budget constraints. The AAC recommends that a special board meeting be held tentatively on April 15 at 8:00 a.m., to discuss one item, the RIM/WRP Partnership Phase II authorization.

RIM Reserve Management Planning Committee – John Jaschke reported that the RIM Reserve Planning Committee meets today immediately following the Board meeting to discuss RIM WRP funding and sign-up.

COMMITTEE RECOMMENDATIONS

Appointed Water Management Committee

Order for Boundary Change, Withdrawal of Territory, and Enlargement for the Cedar River, Shell Rock River and Turtle Creek Watershed Districts – Travis Germundson explained that six petitions from Freeborn and Mower Counties and three watershed districts were submitted on November 1, 2008 requesting boundary changes, withdrawals of territory and enlargement for 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 seek to have the watershed district boundaries more closely aligned to the hydrologic boundaries and were accompanied by supporting resolutions from the two counties and three watershed districts. At the December 17, 2008 Board meeting, the Board ordered a public hearing be held on the petitions. The legal notice of the public hearing was published in a legal newspaper for each of the four counties affected by the changes. A joint public hearing was held on the petitions on January 14, 2009 at the Moscow Town Hall in Freeborn County. The appointed Water Management Committee presided over the hearing and decided with a unanimous vote to recommend to the full Board that the petitions be approved per the draft Order. Moved by Paul Langseth, seconded by Gene Tiedemann, to approve the Order for Boundary Change, Withdrawal of

** 09-14

Territory, and Enlargement for the Cedar River, Shell Rock River and Turtle Creek Watershed Districts. Discussion followed. Motion passed on a voice vote.

Metro Water Planning Committee

Rice Creek Watershed District (RCWD) and Ramsey Washington Metro Watershed District (RWMWD) Boundary Changes Involving the Vadnais Lake Area – Travis Germundson explained that the Vadnais Lake Area Water Management Organization (VLAWMO) submitted two Petitions dated November 26, 2008 to change the boundaries of the VLAWMO by requesting the boundaries of the RCWD and the RWMWD be changed. The Petitions were submitted pursuant to Minn. Stat. § 103B.215 together with the required written statements of concurrence from each affected city, township, and watershed district. A joint legal Notice of Filing was published in a legal newspaper for each of the two counties affected by the changes, and no timely request for a hearing was received. The proposed boundary changes would achieve a more accurate alignment between the hydrologic and legal boundaries of the three Water Management Organizations. The Metro Water Planning Committee considered the petitions on March 4, 2009 and unanimously recommends approval of the draft Order.

** 09-15 Travis introduced Stephanie McNamara, from VLAWMO. Moved by Bob Burandt, seconded by Louise Smallidge, to approve the Rice Creek Watershed District (RCWD) and Ramsey Washington Metro Watershed District (RWMWD) Boundary Changes involving the Vadnais Lake area. Motion passed on a voice vote.

Lower St. Croix Watershed Management Organization, Watershed Management Plan Amendment – Bob Burandt reported that the Metro Water Planning Committee reviewed the Lower St. Croix Watershed Management Organization, Watershed Management Plan Amendment and voted unanimously to recommend approval. Although another agenda item pertains to the dissolution of this watershed management organization, the Board must take action on the plan amendment pursuant to MS 103B.231, subds. 9 and 11, before the dissolution is finalized. Moved by Bob Burandt, seconded by Rebecca Flood, to approve the Lower St. Croix Watershed Management Organization, Watershed Management Plan Amendment. Motion passed on a voice vote.

** 09-16

Order Public Hearing on Petitions from Washington County to Enlarge the Valley Branch Watershed District and the South Washington Watershed District – Jim Haertel reported that the Metro Committee reviewed two draft petitions at their meeting. The Washington County Board met yesterday and approved the filing of the two petitions to enlarge the South Washington Watershed District and the Valley Branch Watershed District with the pending dissolution of the Lower St. Croix Watershed Management Organization. The petitions were

accompanied by a resolution of support from the Valley Branch Watershed District and a letter of support from the City of Cottage Grove. Also, resolutions of dissolution were received from all the member communities in the Lower St. Croix Watershed Management Organization. Washington County has proper standing under MS 103D.261 to file the petitions and staff have determined the petitions sufficiently meet the statutory requirements such that a public hearing should be ordered. Clarification was given that the only decision before the Board today is the ordering of a hearing. Jim Haertel stated that the draft Order in the Board packet would have delegated authority to the Executive Director to set the meeting date and location, however not all committee members and pertinent parties had been coordinated with and a hearing date and location has now been set. Jim Haertel reviewed each revision to the draft Order to include the various resolutions that were received with the petitions and to schedule the hearing for 7:00 PM on Wednesday, April 22, 2009 at the Washington County Service Center-Cottage
** Grove. Moved by Bob Burandt, seconded by LuAnn Tolliver to approve the Order
09-17 for Hearing as revised. Louise Smallidge abstained from voting. Motion passed on a voice vote.

Chair Kramer called for a break in the meeting at 10:20 a.m. The meeting reconvened at 10:40 a.m.

Southern Water Planning Committee

Nobles County Local Water Management Plan Update – Paul Langseth reported that the Southern Water Planning Committee reviewed the Nobles County Local Water Management Plan Update which incorporates the Nobles Soil and Water Conservation District comprehensive plan and the watershed district plans for Okabena-Ocheda Watershed District and Kanaranzi-Little Rock Watershed
** District, and recommends approval. Moved by Paul Langseth, seconded by Dan
09-18 Wilson, to approve the Nobles County Local Water Management Plan Update. Motion passed on a voice vote.

Yellow Medicine River Watershed District (YMRWD) Watershed Management Plan – Paul Langseth reported that the Southern Water Planning Committee reviewed the Yellow Medicine River Watershed District (YMRWD) Watershed Management Plan
** and recommends approval. Moved by Paul Langseth, seconded by Dan Wilson, to
09-19 approve the Yellow Medicine River Watershed District Watershed Management Plan. Motion passed on a voice vote.

Grants Program and Policy Committee

MPCA County Feedlot Program '09 Performance Credit Award Grants – Wayne Zellmer explained that MPCA County Feedlot Grants appropriations are

transferred to BWSR and allocated to delegated counties as part of the Natural Resources Block Grant (NRBG) Program. A component of the County Feedlot Program allows for counties to receive Performance Credit Award Grants, in addition to their Base Grants. These Performance Credit Award Grants are based on County Feedlot Program performance according to the following MPCA procedure. MPCA County Feedlot Program appropriations, according to the Laws of Minnesota 2007 and the Office of the Legislative Auditor, must be allocated to counties before the end of the current biennium (June 30, 2009). Base Grants have already been allocated to counties, as part of the 2009 NRBG, but Performance Credit Award Allocations have not.

Wayne reported that the Grants Program and Policy Committee recommends approval of the 2009 MPCA County Feedlot Program Performance Credit Award Allocations. The total amount requested to be allocated is $182,804.

'09 MPCA Feedlot Base Grant to Lyon County – Wayne Zellmer explained that Lyon County has requested and received MPCA County Feedlot Program delegation. This delegation makes Lyon County eligible to receive a pro-rated allocation of their MPCA County Feedlot Base Grant of about $34,000. ('09 Feedlot Base Grants were approved by the Board at their June 2008 Meeting.) The Grants Program & Policy Committee is recommending Board approval of a pro-rated allocation to Lyon County of their '09 MPCA County Feedlot Base Grant of $8,366.

'09 Clean Water Legacy (CWL) Grant to Washington Conservation District
Wayne Zellmer explained that BWSR has received a request for CWL funding from Washington CD for a high priority 80 AU riparian dairy feedlot project. This project has not before been submitted to BWSR for funding. The Grants Program & Policy Committee supports funding this project at $33,012.

** 09-20 Moved by Louise Smallidge, seconded by Paul Langseth, to authorize staff to allocate: 1) Performance Credit Awards totaling $182,804 to counties meeting the County Feedlot program requirements, as determined by the MPCA, and indicated on the Performance Credit Award Schedule; and 2) A pro-rated allocation to Lyon County of their '09 MPCA County Feedlot Base Grant of $8,366; and 3) A CWL FWQMG allocation to Washington CD of $33,012 for the Rydeen feedlot project.

Discussion followed. Rebecca Flood stated that this proposed grant resolution is consistent with MPCA guidelines. Motion passed on a voice vote.

NEW BUSINESS

Kevin Lines announced that a new conservationist was born yesterday, Tate William Lines. Kevin's first grandchild will carry on his granddad's conservation legacy!

Red River Valley Restoration Initiative (RRVRI) Grant Payment Schedule for SWCD Services – Kevin Lines explained that the RIM Reserve Management Planning Committee met on January 28, 2009, and unanimously recommends approval of the Red River Valley Restoration Initiative Partnership Grant Payment Schedule for SWCD Services. This payment schedule will adequately compensate SWCDs for their services and participation in the RRVRI. The grant recognizes the critical role SWCDs play in delivering RIM Reserve conservation easements to Minnesota's private landowners. Moved by Paul Brutlag, seconded by Brian Napstad, to approve the Red River Valley Restoration Initiative Partnership Grant Payment Schedule for SWCD Services. Discussion followed. Motion passed on a voice vote.

** 09-21

A) Outdoor Heritage Fund Status Report – Bill Becker, Lessard Outdoor Heritage Council (LOHC), explained the mission of the Council, and emphasized the importance of cooperative conservation efforts used by the LOHC to develop funding recommendations. The Council recognizes the importance to fund successful programs, proven processes and integrated partners. He reported on the projects and programs funded. BWSR received a $9.05M recommendation for the RIM/WRP Partnership. Bill thanked BWSR for their assistance to the LOHC deliberations. The next LOHC recommendations are due to the legislature January 2010. A strategic plan will be put in place this summer. John Jaschke stated that more information is on the LOHC website www.lohc@state.mn.us. Bill was pleased to announce that these recommendations were presented to the Legislature yesterday. Chair Kramer thanked Bill Becker for his update.

B) Clean Water Fund Status Report – Julie Klocker reported that she is a part of the interagency team coordinating legislative discussions. Julie explained that the Clean Water Fund inter-agency proposal went into the Governor's recommendation. Julie provided an overview of the watershed framework, assessment and monitoring outcomes on a ten-year schedule, and BWSR agency initiatives. Discussion followed. LuAnn Tolliver commended Julie on her excellent presentation. Rebecca Flood stated that if board members have questions please feel free to contact her on the watershed framework approach. Chair Kramer thanked Julie for her presentation.

AGENCY REPORTS

Minnesota Department of Health – Dan Wilson reported that MDH has a major role in the spring flooding. MDH is now using the national emergency response structure, especially for improved communications. Dan stated that there are ongoing daily discussions with their operations center to make sure response is immediate. MDH will provide free water testing and technical assistance to owners of flooded wells. MDH is also concerned with overland flooding in counties farther from the Red River, where flood mediation efforts over the past decade have generally been less aggressive. MDH is also working on mental health response issues.

Minnesota Department of Natural Resources – Wayne Edgerton reported that the interim rules are done for the federal Farm Bill, a joint letter was sent recently from DNR, MPCA, MDA, and BWSR. Wayne reported that there have been no additional tuberculosis reports. Chronic wasting disease testing is being done. Wayne stated that released pot belly pigs are an issue that is being addressed in the Big Stone County area.

Minnesota Extension Service – Faye Sleeper commented on a legislative bill for a statewide water plan and study that may be introduced; she will keep BWSR informed.

ADVISORY COMMENTS

Natural Resources Conservation Service – Tim Koehler announced that a new NRCS Chief has been hired, Dave White. Tim reported that Minnesota will receive some stimulus package funding. NRCS is part of the recovery task force and received an allocation yesterday. Tim reported that all conservation sign-ups started on March 1st, NRCS will be working through that. Tim reported that Bill Hunt has made a decision to increase EQIP up to the 75% rate.

UPCOMING MEETINGS

Next BWSR Board Meetings:
- tentatively scheduled for April 15, 2009 at 8:00 a.m.
- May 27, 2009

** 09-22 Moved by Paul Brutlag, seconded by Louise Smallidge, to adjourn the meeting at 12:20 p.m. Motion passed on a voice vote.

Respectfully submitted,

Randy Kramer
Chair

3/25/09 meeting

BOARD OF WATER AND SOIL RESOURCES
Attendance Roster

	Name	Affiliation	Phone #
1.	Stephanie McNamara	VLAWMO	651 [illegible]4-6073
2.	PETE WINKEL		
3.	Bill Becker	Lessard Council	651-259-5327
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2009 Legislative Tracking Sheet 3/24/09

Senate File	House File	Chief Author	Description
SF 0002	HF 0006	Cohen, Solberg	Budget recommendation development specified and state agencies required to provide information, fiscal note request disclosure required, state budget requirement modified, general fund cash flow forecast required, notice of deficiency requests deadline imposed, whistleblower protection provided for state employees, budget working group required, and obsolete requirements eliminated.
SF 0003	HF 0003	Berglin, Welti	Unnecessary state mandates eliminated.
SF 0035	HF 0661	Torkelson, Vickerman	Area II Minnesota River Basin Projects, Inc. Flood plain management appropriation
SF 0139	HF 0387	B. Anderson, Koch	Green Acres law modification.
SF 0153	HF 0184	Vandeveer, Dettmer	Green Acres law 2008 changes repealed.
SF 0157	HF 0031	Rest, Hansen	Presidential primary required to be held on the first Tuesday in February, public official definition expanded in campaign finance and public disclosure law, primaries required for election of soil and water conservation district supervisors.
SF 0183	HF 1552	M. Olson, Persell	Star Lake Board appropriation to BWSR.
SF 0238	HF 0010	Fobbe, Doty	Green Acres law modification.
SF 0240	HF 0099	Metzen, Aitkin	Minnesota Land Conservation property Tax Law created.
SF 0244	HF 0153	Erickson Ropes, Davids	2008 Green Acres law changes repealed.
SF 0252	HF 0392	Bakk, Lenzcewski	Internal Revenue Code federal update provided, net income and payment of corporate franchise ta refunds computation modified. "Green Acres Bill"
SF 0266	HF 0109	Dettmer, Vandeveer	Watershed districts and watershed management organizations required to submit information to counties.
SF 0275	HF 0955	Morrow, Frederickson	Minnesota River basin joint powers board renaming and board duties and membership clarification
SF 0286	HF 0217	Olseen, Faust	Minnesota agricultural property tax law modified.
SF 0293	HF 0345	Metzen, Hansen	Minnesota Conservation Corps funding provided for parks, natural resource protection and restoration, flood protection contracts, and money appropriated to BWSR
SF 0364	HF 0162	Sparks, Hansen	Drainage system provisions modified, and money appropriated.
SF 0386	HF 0540	Koenen, Skoe	Rural vacant land assessment provided, and recapture modified that applies to certain property in the green acres program.
SF 0391		Lynch	Minnesota agricultural property tax law (Green Acres) property tax law provisions modifications; tax deferment ineligible agricultural property repeal.
SF 0435	HF 0421	Frederickson, Hansen	Wildlife area land acquisition and improvement and publicly owned dams funding provided, and money appropriated.
SF 0442	HF 0338	Erickson Ropes, Kalin	Minnesota agricultural property tax law modified and new property tax law classification established for preservation and legacy land.
SF 0549	HF 0898	Hornstein, Dibble	Greenhouse gas reduction goals and strategies;

Senate File	House File	Chief Author	Description
			sensible communities grant program; vehicle miles traveled reduction; appropriations
SF 0607	**HF 1007**	Wagenius, Anderson	Environment and natural resources appropriations; Legislative-Citizen Commission on Minnesota Resources (LCCMR) membership modification.
SF 0640	**HF 1539**	Kelash, Rosenthal	Public waters temporary drawdown.
SF 0671	**HF 0424**	Sieben, Hansen	Critical Areas Act of 1973 modified.
SF 0682	**HF 0489**	Koch, Kohls	Periodic sunset and evaluation of state agencies provided.
SF 692	**HF 762**	Stumpf, Eken	Grasslands definitions repeal.
SF 0756	**HF 0880**	Vandeveer, Dettmer	Watershed districts and watershed management organizations required to submit information to counties, and county approval of levies and fees required.
SF 0767	**HF 0530**	Doll, Nelson	Comprehensive plan reviews by adjacent government unit time period modified, and water management plan requirements clarified.
SF 0771	**HF 0021**	Erickson Ropes, Juhnke	Farm unit conservation plan program created, conservation plan required for participation in a state cost-share program, farmland conservation task force created, and money appropriated.
SF 0773 = *rolled into SF 1110*	**HF 0591 = *rolled into HF 1237***	Rummel, Hansen Chaudhary, Eken	Reinvest in Minnesota Resources Law modified. Natural resources and state park provisions.
SF 0824	**HF 0886**	Cohen, Solberg	General fund balance allocation exempted at end of fiscal year 2009.
SF 0850 = *rolled into SF 1110*	**HF 0952 = *rolled into HF 1237***	Chaudhary, Eken	Board of Water and Soil Resources modified.
SF 0922	**HF 0635**	Bakk, Hosch	Green Acres Program 2008 changes delayed by one year.
SF 0924	**HF 1031**	Anderson, Wagenius	Comprehensive statewide sustainable water resources detailed framework funding provided, and money appropriated.
SF 0988 = *rolled into SF 1110*	**HF 0435**	Chaudhary, Wagenius	Cost-Share Program rulemaking and authority modified.
SF 0995	**HF 1086**	Anderson, Wagenius	Park and trails fund, outdoor heritage fund, clean water fund, and environment and natural resources trust fund oversight provided and criteria established.
SF 1012	**HF 2049**	Anderson, Wagenius	Environment and natural resources appropriations (LCCMR Bill)
SF 1029	**HF 1061**	Sparks, Brown	Shell Rock River watershed district improvements grant bond issue and appropriations.
SF 1038	**HF 1062**	Sparks, Brown	Shell Rock River Watershed District flood mitigation project grant bond issue and appropriation.
SF 1094 = *rolled into SF 1110*	**HF 536 = *rolled into HF 1237***	Saxhaug, Persell	Local match requirements for certain grants modified.
SF 1249	**HF 1348**	Gimse, Juhnke	Kandiyohi County; Green Lake water quality pilot program funding provided, money appropriated.

Senate File	House File	Chief Author	Description
SF 1314	HF 1054	Koering, Doty	Acquisition of certain easements authorized (ACUB for DNR).
SF 1319	HF 1588	Vickerman, Koenen	Minnesota River basin projects floodplain management grant bond issue and appropriation.
SF 1410	HF 1367	Kubly, Juhnke	Minnesota Noxious Weed Law provisions modified, assistance fund and advisory committee established, grants provided.
SF 1395	HF 1781	Betzold, Kahn	State government finance and appropriations; technology lease-purchase, state appropriation bonds, statewide electronic licensing system; cooperative purchasing; Environmental Quality Board transfer to Pollution Control Agency
SF 1480		Doll	Environmental Quality Board climate adaptation plan submission to Governor and legislature.
SF 1527	HF 1649	Bakk, Dill	Clair A. Nelson memorial forest grant bond issue and appropriation.
SF 1556	HF 2037	Cohen, Solberg	General fund dedicated revenues appropriations movement.
SF 1629	HF 1727	Chaudhary, Hansen	Wellhead protection areas made eligible for the Reinvest in Minnesota Reserve program, Conservation Reserve Program modified, and money appropriated.
SF 1641	HF 1299	Anderson, Hackbarth	Environment, natural resources, and energy funding provided, fees established, disposition of certain fees provided, insurance form requirements modified, and assessments for regulatory expenses modified and established.
SF 1642	HF 2089	Anderson, Hilty	Energy and environmental protection department creation; labor and commerce department creation.
SF 1657	HF 2084	M. Olson, Eken	State environment and natural resources agencies and departments reorganization, consolidation and restructure; environment and natural resources organization advisory committee establishment and task force.
SF 1680	HF 1606	Langseth, Eken	Buffalo River watershed water quality pilot project funding provided, money appropriated.
SF 1717	HF 1762	Hann, Buesgens	Sales and use tax rate increase dedicated for natural resources and cultural heritage purposes repealed, and constitutional amendment proposed.
SF 1763	HF 1891	Sieben, Johnson	State agencies required to develop ppolicies regarding telecommuting by state employees.
SF 1769	HF 2016	Gerlach, Buesgens	Anoka and Washington Counties excepted from certain land plan requirements.
SF 1783	HF 1928	Anderson, Hansen	High-resolution digital elevation data funding provided, and money appropriated.
SF 1784		Anderson	High-resolution elevation data collection for impaired waters modeling and total maximum daily load implementation.
SF 1795		Clark	Lake Wobegon and Sherburne counties established.
SF 1796	HF 1786	Fobbe, Haws	Unnecessary mandate elimination provided, better public understanding of the roles and responsibilities of state and county governments provided, and financial accountability between state and county governments provided.

Senate File	House File	Chief Author	Description
SF 1833	HF 2092	Langseth, Eken	Red River basin management and water quality improvements appropriation.
SF 1836	HF 2014	Chaudhary, Juhnke	Clean water legacy and drinking water protection activities appropriations.
SF 1840	HF 2010	Vandeveer, Dettmer	Watershed districts information submission to counties requirement; watershed levies and fees county approval requirement.
	HF 0216	Faust	Minnesota agricultural property tax law modified.
	HF 0437	Drazkowski	Open lot agreement deadline extended.
	HF 0634	Jackson	Minnesota agricultural property tax law modified, new property tax classification established for preservation and legacy land, and property valuation modified.
	HF 0725	Kahn	County consolidation and internal boundary rationalization feasibility study required, and money appropriated.
	HF 0858	Lenzcewski	Public waters temporary drawdown.
	HF 1146	Hackbarth	Public walk-in access program on private property established, money appropriated.
	HF 1231	M.Murphy	Dedicated funding provided for natural resource and cultural heritage, and money appropriated.
	HF 1660	Eken	County cooperative weed management programs appropriation to BWSR
	HF 1663	Jackson	Modifying Green Acres and agricultural property tax provisions – Companion to Sen Skoe's bill see 4.32 – 5.6
	HF 1673	Wagenius	Conservation easement management account established, contributions required.
	HF 1734	Lanning	Basin watershed boards, management policies, and taxing authority established, money appropriated.
	HF 1735	Lanning	Buffalo-Red River Watershed District; flood hazard mitigation funding provided; bonds issues, money appropriated.
	HF 1965	Buesgens	County governments allowed to opt out of state mandates.
	HF 1981	Kahn	Minnesota Geospatial Information Office created.
	HF 2097	Kahn	Establishing a position of chief environmental officer, requiring a report
	HF 2113	Hansen	Property valuation reduction provided for land constituting a riparian buffer.

Clean Water Funding Proposal (millions)

TOTAL BY FUNCTION	FY07 Spending	FY08 Spending	FY09 Spending	FY 10 Gov Rec	FY 11 Gov Rec	FY12	FY13	FY14	FY15	FY16	FY17	FY18	TOTALS
Assessment & Monitoring	$1.798	$5.410	$7.599	$5.052	$10.823	$10.823	$10.823	$10.823	$10.823	$10.823	$10.823	$10.823	$106.443
TMDL Development	$3.153	$8.917	$9.083	$8.409	$16.688	$16.688	$16.688	$16.688	$16.688	$16.688	$16.688	$16.688	$163.066
Nonpoint Source Protection & Restoration	$7.840	$11.150	$4.943	$15.385	$29.280	$30.030	$29.280	$30.030	$29.280	$30.030	$29.280	$30.030	$276.558
Point Source Protection & Restoration	$4.000	$0.000	$0.000	$8.125	$17.250	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$29.375
Drinking Water Protection	$0.000	$0.000	$0.000	$3.062	$6.250	$8.000	$8.000	$8.000	$8.000	$8.000	$8.000	$8.000	$65.312
TOTAL	$16.791	$25.477	$21.625	$40.033	$80.291	$65.541	$64.791	$65.541	$64.791	$65.541	$64.791	$65.541	$640.754

MPCA	FY07 Spending	FY08 Spending	FY09 Spending	FY 10 Gov Rec	FY 11 Gov Rec	FY12	FY13	FY14	FY15	FY16	FY17	FY18	TOTALS
Assessment/monitoring	1.798	5.295	7.339	3.600	7.200	7.200	7.200	7.200	7.200	7.200	7.200	7.200	75.632
Endocrine disruptor monitoring/analysis	0.000	0.115	0.260	0.125	0.250	0.250	0.250	0.250	0.250	0.250	0.250	0.250	2.500
TMDL development/research	3.153	8.917	9.083	7.125	14.250	14.250	14.250	14.250	14.250	14.250	14.250	14.250	142.278
Database development and rules	0.000	0.000	0.000	0.563	1.125	1.125	1.125	1.125	1.125	1.125	1.125	1.125	9.563
Drinking Water Protection - Ground water assessment	0.000	0.000	0.000	0.750	1.500	2.000	2.000	2.000	2.000	2.000	2.000	2.000	16.250
St. Louis River Restoration	0.000	0.000	0.000	0.750	0.000	0.750	0.000	0.750	0.000	0.750	0.000	0.750	3.750
MPCA Total	4.951	14.327	16.682	12.913	24.325	25.575	24.825	25.575	24.825	25.575	24.825	25.575	249.973

DNR	FY07 Spending	FY08 Spending	FY09 Spending	FY 10 Gov Rec	FY 11 Gov Rec	FY12	FY13	FY14	FY15	FY16	FY17	FY18	TOTALS
WQ assessment	0.000	0.000	0.000	1.327	2.373	2.373	2.373	2.373	2.373	2.373	2.373	2.373	20.311
TMDL development & implementation	0.000	0.000	0.000	0.721	1.313	1.313	1.313	1.313	1.313	1.313	1.313	1.313	11.225
Nonpoint restoration and protection	0.000	0.000	0.000	0.060	0.530	0.530	0.530	0.530	0.530	0.530	0.530	0.530	4.300
Drinking Water Protection Options	0.000	0.000	0.000	0.375	0.750	1.000	1.000	1.000	1.000	1.000	1.000	1.000	8.125
DNR Total	0.000	0.000	0.000	2.483	4.966	5.216	5.216	5.216	5.216	5.216	5.216	5.216	43.961

BWSR	FY07 Spending	FY08 Spending	FY09 Spending	FY 10 Gov Rec	FY 11 Gov Rec	FY12	FY13	FY14	FY15	FY16	FY17	FY18	TOTALS
Nonpoint protection/restoration/costshare/incentive payments/technical assistance	4.610	2.995	2.050	8.300	16.600	16.600	16.600	16.600	16.600	16.600	16.600	16.600	150.755
Local Resource Conservation and Preservation Grants	0.730	2.848	0.600	1.500	3.000	3.000	3.000	3.000	3.000	3.000	3.000	3.000	29.678
Local Government Support and reporting	0.500	0.571	0.543	0.625	1.250	1.250	1.250	1.250	1.250	1.250	1.250	1.250	12.239
Feedlot water quality grants	0.000	1.136	1.750	1.250	2.500	2.500	2.500	2.500	2.500	2.500	2.500	2.500	24.136
Drainage Management and Assistance	0.000	0.000	0.000	0.325	0.650	0.650	0.650	0.650	0.650	0.650	0.650	0.650	5.525
BWSR Total	5.840	7.550	4.943	12.000	24.000	24.000	24.000	24.000	24.000	24.000	24.000	24.000	222.333

MDA	FY07 Spending	FY08 Spending	FY09 Spending	FY 10 Gov Rec	FY 11 Gov Rec	FY12	FY13	FY14	FY15	FY16	FY17	FY18	TOTALS
AgBMP Loan Program	1.200	2.500	0.000	1.575	3.000	3.000	3.000	3.000	3.000	3.000	3.000	3.000	29.275
Technical assistance/research	0.800	1.100	0.000	1.000	1.750	1.750	1.750	1.750	1.750	1.750	1.750	1.750	16.900
Increased Monitoring for Pesticides	0.000	0.000	0.000	0.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	8.000
Drinking Water Protection for Ag Chemicals	0.000	0.000	0.000	0.500	0.750	1.000	1.000	1.000	1.000	1.000	1.000	1.000	8.250
MDA Total	2.000	3.600	0.000	3.075	6.500	6.750	6.750	6.750	6.750	6.750	6.750	6.750	62.425

PFA	FY07 Spending	FY08 Spending	FY09 Spending	FY 10 Gov Rec	FY 11 Gov Rec	FY12	FY13	FY14	FY15	FY16	FY17	FY18	TOTALS
Small community technical assistance	2.000	0.000	0.000	0.125	0.250	0.000	0.000	0.000	0.000	0.000	0.000	0.000	2.375
Small community WWT - construction grants/loans	0.000	0.000	0.000	0.500	2.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	2.500
TMDL grants (WWTP and stormwater)	0.000	0.000	0.000	5.000	10.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	15.000
Phosphorus Reduction grants	2.000	0.000	0.000	2.500	5.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	9.500
PFA Total	0.000	0.000	0.000	8.125	17.250	0.000	0.000	0.000	0.000	0.000	0.000	0.000	29.375

MDH	FY07 Spending	FY08 Spending	FY09 Spending	FY 10 Gov Rec	FY 11 Gov Rec	FY12	FY13	FY14	FY15	FY16	FY17	FY18	TOTALS
Prevent Degradation of Drinking Water - Source Water Protection	0.000	0.000	0.000	0.805	1.610	2.000	2.000	2.000	2.000	2.000	2.000	2.000	16.415
Public Health & Emerging Contaminants in Drinking Water	0.000	0.000	0.000	0.445	0.890	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.335
MDH Total	0.000	0.000	0.000	1.250	2.500	3.000	3.000	3.000	3.000	3.000	3.000	3.000	17.750

Metropolitan Council	FY07 Spending	FY08 Spending	FY09 Spending	FY 10 Gov Rec	FY 11 Gov Rec	FY12	FY13	FY14	FY15	FY16	FY17	FY18	TOTALS
Drinking Water Protection - Twin City Metro area master water supply plan	0.000	0.000	0.000	0.187	0.750	1.000	1.000	1.000	1.000	1.000	1.000	1.000	7.937
Met Council Total	0.000	0.000	0.000	0.187	0.750	1.000	1.000	1.000	1.000	1.000	1.000	1.000	7.937

NOTES:

1. Table assumes FY11 Governor Recommendations continue in the out years, except as highlighted below.
2. Table does not address unallotments that individual agencies may have made in these funds.
3. Sampling, TMDL development, and TMDL restoration is not done in 10 years. The cycle of 10-years is for basin monitoring, TMDLs follow the rotation by watershed, and restoration then follows
4. MPCA can meet 10-year cycle for monitoring by substituting smaller basins in FY10 and picking up an extra basin in the out Fiscal Years. MPCA staff have figured out the average sampling needs over a 10-year period.
5. While Chart shows same costs needed for 10-years, we expect that monitoring and TMDL costs will increase with inflation and new science (i.e.parameters being evaluated), but that this increase will be small in comparison to the restoration and protection increases. Did not make an estimate of how to divide the protection and restoration components into the future.
6. The increased sales tax revenue is expected to be split among protection and restoration efforts, with some increase to research, monitoring and drinking water protection.
7. Drinking Water Protection will increase as the first level of monitoring and understanding is completed. Assumed at least going up to the next whole million. Much like Governor's proposal being greater than 5 percent, the drinking water needs in the future will be greater than the mnimum 5 percent required in the constitutional amendment.

Goal	Programs and Activities	Estimated FY 2010-11 Budgeted Expenditures (in thousands)	Estimated % 2010-2011 Budgeted Expenditures	Change Items (FY 2010-11)	2010-11 Example Indicators/ Key Measures	Outcome Description
Goal 1: Preserve and protect water and soil resources						
	Conservation Cost Share Program through 91 SWCD's focuses on soil and erosion prevention, native vegetation restoration, wind break and shelterbelts establishment and Weed Cooperative Management Program. Total 2008/09 appropriation: $6.323M after 2008 decrease. Formula based allocation with performance incentives. Annual July allocations to SWCDs via 2 – yr. grant agreement. SWCDs must encumber funds for BMPs into local contracts by end of second yr. Local BMP contracts must be completed by end of their second yr. Example FY 06 allocations in July of 2005 may not be reported until end of 2009. FY 07 allocations in July of 2006 may not be reported until end of 2010.	Grant Program: $5,170 Admin: 2.0 FTE/$432	8%	General Fund Decrease of -$1,680	Funds leveraged. Percent of cost-share funds used for projects. Percent of practices installed in critical areas.	Cost share requires at least a 25% match. No more than 20% of total cost-share funds are used for technical and administrative services. Cost share rules require at least 80% of the projects to address priority concerns.
					Number of practices installed. Length of streambank/shoreline restoration. Length of grassed waterways installed. Number of acres of shetlerbelts installed.	The number, type and amount of practices will be tracked and mapped via e-LINK reporting system.
					CWMP: Number of Cooperative Weed Management Areas established. Number of partners involved in CWMAs for control of weeds across geographic boundaries. Acres of invasive species controlled. Acres of natural area protected from invasive species. Control of populations of emerging invasive species threats. Plans developed by CWMAs to target invasive species control.	CWMP: 2007-09 developed this new program. Results were: 18 New CWMA partnerships established in the state. 180 partners involved in 18 new CWMAs. 3500 acres of invasive species controlled as part of first grant allocation. Protection of State's natural areas in counties involved in program. Emphasis in new CWMAs on removal of emerging invasive species threats. Plan's developed by each new CWMA to strategically control invasive species. We will continue to track these measures.
					Native Buffers: Acres of native buffers established (4,600 acre goal). Percentage used to protection priority resources as identified in plans. Communicate effective strategies.	Native Buffers: 2007-09 newly created program. Extent of native buffer area established in high priority areas will indicate multiple benefits of protecting water resources while providing native habitat. Collecting information about and communicating effective restoration strategies strategies in an important component to insuring this program success.
	Drainage Management: Implement the Legislature's directives to facilitate the stakeholder Drainage Work Group and the interagency Drainage Management Team, administer public drainage ditch buffer strip annual reporting requirements, provide guidance and available grants for Drainage Records Modernization, and provide information / education and other technical assistance to public drainage authorities and their advisors.	Admin: 1.0 FTE/$216	< 1%	General Fund Decrease of -$320	Stakeholder participation on the Drainage Work Group (approximately 20 groups represented). Facilitation of DWG (6-8 mtgs/year)	Drainage Work Group identifies and addresses priority drainage management issues, shares current information and makes consensus recommendations to the legislature and others. Outcomes documented on BWSR web site.
					Interagency Drainage Management Team participation for coordination, information / education, technical assistance and partnership connections to improve drainage management.	Drainage quantity and quality management in Minnesota includes increasing numbers of best management practices and multipurpose projects. Drainage Management Team activities and outcomes documented on BWSR web site.
					Miles of public drainage ditch buffer strips established, monitored and reported. Percentage of Public Drainage Authority responses.	Increasing compliance with required public drainage ditch buffer strip establishment and monitoring requirements. Reporting compliance documented via Performance Review and Assistance Program.

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	Drainage Management continued.				Drainage management guidance materials are updated and available via website.	BWSR is currently working to update the Drainage Management Guidebook and provide for regularly updated information to be available via the website.
					Number of Chapter 103E drainage authorities with modern drainage records.	Increasing number of drainage authorities with modern drainage system records, subject to cost-share availability. 46 grants have been provided, but may not include all drainage systems for each authority.
	Reinvest In Minnesota (RIM): began in 1986 - protects and improves water quality, reduces soil erosion, and enhances fish and wildlife habitat by retiring private land from agricultural production, planting permanent native vegetation, and restoring previously drained wetlands. Other benefits include flood control and groundwater recharge. $25M bonding in 2008. LOHC FY 2010 recommendation of $9.05M.	Admin: 6.5 FTE $1,404 (non-GF)	2%	N/A	Acres of wetland restored. Acres of upland buffer created for every acre of wetland restored. Funds leveraged or matched (goal of 1.4 Federal to 1State)	About $14.2 M in bond funds leveraged $19.1 million in Federal WRP funds. Outcome: 9,775 acres of wetlands and adjacent grasslands will be restored. LOHC recommendation and remaining RIM bonding funds could leverage another $15M in Federal WRP funds.
					Number of easements updated to include bio-energy provisions, number of easements with restored native vegetation	Provisions in the 2008 Bonding Bill allowed for easements to be amended for harvesting of materials for biofuels and for a portion of the bond funds to be available for the restoration of native vegetation.
	Wetland Conservation Act (WCA): Protect and manage Minnesota's wetland resources by requiring landowners to avoid wetland impacts when possible, minimize project impacts on wetlands, and mitigate unavoidable impacts by providing replacement wetland resources of equal or greater public value. Minnesota Rule 8420 provides the framework of the Wetland Conservation Act program, based on various statutory provisions within sections 103A, 103B, 103F, and 103G. Local government units (LGU) and Soil and Water Conservation Districts are responsible for implementing WCA with enforcement provided by the Department of Natural Resources Enforcement Division and other licensed peace officers. BWSR provides oversight and assistance, and participates in project review.	Admin: 11.5 FTE/$2,484	3.5%	N/A	Complete update of WCA rules. The WCA rules provide statewide standards for wetland protection and management. The rules affect LGUs who implement WCA and provide assistance to landowners, state agencies who participate in project review, and landowners who intend to drain or fill wetlands.	BWSR recently conducted an extensive public input process to obtain input from LGUs, stakeholder groups, state and federal government agencies, technical and advisory committees, and landowners. The draft rule has been completed and formal rulemaking will begin in March, 2009. Adoption of the updated rule early in FY10 will improve administrative efficiency, provide for greater oversight of LGU implementation, improve the quality of wetland mitigation, and better protect Minnesota's wetland resources.
					Technical and administrative assistance to local government units. BWSR primarily provides assistance through the Technical Evaluation Panel, which reviews projects that affect wetlands. BWSR also provides assistance on an individual, as-needed basis.	Provide technical assistance for wetland delineations, replacement plans, exemption and no-loss determinations, enforcement, and other technical and administrative issues regarding implementation of WCA. This assistance will provide for improved decision-making and more efficient administration by LGUs, protection of valuable resources, and appropriate mitigation of unavoidable wetland impacts.
					Oversight of local government units in implementing WCA, including annual reporting and tracking of activities and accomplishments.	Oversee local government unit implementation through BWSR's role on the technical evaluation panel, spot checks, program audits, and review of annually reported activities. Modify the annual reporting form to reflect the updated rule and ensure all necessary data is collected. Proper oversight and data collection will provide transparency and ensure the requirements of rule and statute are properly implemented.

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	WCA continued.				Hear and resolve appeals of local government unit decisions.	Provide an administrative process for landowners, governmental agencies, and interested parties to appeal decisions made by local government units in implementing WCA. This process provides an avenue for resolution of disagreements or improper decisions without going to court.
	Wetland Banking: Provide an efficient mechanism for replacing unavoidable wetland impacts with pre-established, high quality wetland resources. Minnesota Rule, parts 8420.0700 to 8420.0760 provide the structure and requirements for the state wetland bank according to the authority granted BWSR in Minnesota Statutes, section 103G.2242. Minnesota Rule, part 8420.0544 provides for BWSR replacement of qualifying public transportation projects according to the requirements of Minnesota Statutes, section 103G.222. Program: $3,500 bonding and $400 wetland banking fee revenue.	Admin: 8.0 FTE/$1,728 (all non-GF)	2.5%	N/A	Timely and transparent administration of the state wetland bank. Maintain and provide publicly available information.	Provide a structure that allows landowners to deposit pre-established wetlands into the state wetland bank to be sold or otherwise used in replacing unavoidable wetland impacts. Credit and debit bank accounts upon notification of the approved use or deposit of credits, with current data available on the BWSR website. Sustain bank integrity through oversight, accounting, and noticing of the use of wetland bank credits.
					Replacement wetland credits are available in sufficient quantity to replace impacts from local government road projects.	Maintain a positive balance of pre-established replacement wetlands in each of the state's 10 bank service areas (bank service area boundaries are based on major river basins). Improve targeting of wetland replacement projects to increase the functional gain and public value provided.
	Targeting and Prioritization: Insuring that the best practice is in the best place to obtain the best environmental impacts. This has not been a formal BWSR program, but will play an increasingly important role in obtaining measurable outcomes.	Prog: $286 (LCCMR Grant) Admin: 1 FTE/$216 (portion non-GF)	1%	N/A	Development of a mapping system for prioritizing conservation practices. Outreach and training provided to conservation program professionals.	Achieving the greatest impact requires targeting of conservation practices such as towards lands with expiring CRP contracts and based on soil erosion indices, crop productivity indices, proximity to surface water features and other natural resource features.
	Local Water Management and Planning: Watershed Management Organizations (103B.201); Local Water Management (103B.301), Watershed Districts (103D). Water managers with a state-approved, locally adopted plan generally have authority to compel LGU adoption of regulatory controls.	Admin: 2.5 FTE/$540	1%	General Fund decrease of -680 for basin JBPs (RRBC: 200; MN River: 280; Area II: 200)	Number of LGUs with up-to-date approved long range plans. Number with expired plans. Percentage of LGU plans completed on time.	Up-to-date plans assure that emerging concerns are addressed and technologies are incorporated. The plan update process requires public input and allows for re-evaluation of priorities.
					BWSR staff assistance and quality review of plans and plan updates.	BWSR Board conservationists play a key role in insuring that high quality LGU plans that adequately address priority concerns and determine measurable goals and outcomes.
Goal 2: Clean Water Restoration and Protection						
	> Feedlot Water Quality Improvement: This program provides financial and technical assistance for environmental upgrades of feedlots that are not in compliance with the state Feedlot Rule. Formerly funded by Conservation Cost-share, this program received a 2008-09 one-time appropriation of $3M through Clean Water Legacy Act funding.	Prog: $3,750 ~~Admin: 1.0 FTE~~/$216	6%	Clean Water Fund	Number of polluting feedlots upgraded in priority areas including riparian locations, impaired waters and livestock producers participating in a recognized livestock environmental quality stewardship program.	Priority feedlots are assisted into compliance with the state Feedlot Rule to improve state water quality. Includes coordination with county and state feedlot regulators.

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	> Clean Water Fund Non-Point Implementation: Competitive grant program that builds on CWLA implementation success. Majority of the funds targeted toward restoration, then protection, and finally source-water protection. Inter-agency ranking criteria includes: relationship to TMDL or approved local water management plan, measurable results and estimated pollution reduction outcomes, leveraging, effectiveness tracking, readiness and support. 2008/09 one-time appropriation of $3.6M	Prog: $24,700; Admin: 5.0 FTE/$1,080	37%	Clean Water Fund	Estimated reduction of pollutant loading. Number of practices installed. Cost effectiveness of nutrient reduction. Percentage of specific resource targeted activities.	Project proposals will indicate anticipated water quality benefits as well as the types and numbers of practices expected to be implemented. Grant recipients will be required to report on actual outcomes.
					Percent of TMDL implementation plans funded. Percent of grant recipients funded at a 90% ranking level. Percentage of funding for restoration, protection or source-water protection.	These measures indicate the quality of the proposals that are funded, indicate amount of funding directed to restoration vs protection concerns, and indicate unmet funding needs.
	> Conservation Drainage: Hydrologically altered watersheds (open ditches, subsurface tile, and channelized streams) exist in most agricultural regions of Minnesota. The Conservation Drainage program is aimed at reducing impacts to surface waters through retrofitting existing drainage systems with water quality improvement and runoff management practices, evaluating outcomes, and providing outreach to landowners, public drainage authorities, drainage engineers and others. This program includes agricultural watershed restoration project studies, conservation drainage research and demonstration, information dissemination, and conservation practice financial and technical assistance.	$980 Clean Water Funds	2%	Clean Water Fund	Number of conservation drainage practices assisted and installed. Evaluation of results for retrofit practices and associated drainage systems. Number of conservation drainage research and demonstration projects assisted and conservation drainage information opportunities provided.	Improved water quality and quantity management through conservation drainage practice understanding and implementation. Associated program, practice and outcomes information provided via BWSR web site.
	> Clean Water Fund Local Protection: Implementation of ISTS inventories and programs to address failing and imminent health threat systems. Development of ordinances and other protection controls that exceed state standards.	$3,250 Clean Water Funds	5%	Clean Water Fund	Number of septic inventories completed. Number of failing or imminent health threat ISTS identified.	ISTS inventories around sensitive or impaired waters will result determining systems that are failing or are an imminent health threat. Upon identification, the county will begin a process that requires a system upgrade will take place. Grants can be used for incentive payments, can be targeted towards low-income households, or can be used to implement a loan program.
					Number of enhanced ordinances adopted.	Enhanced local protection tools such as Shoreland, Wetland, Stormwater ordinances are developed and adopted.
Goal 3: Maintain and effective and efficient local delivery						
	Natural Resources Block Grant (NRBG): a composite of base grants available to Counties to partially off-set the costs of implementing state-mandated programs designed to protect and improve water resources. Individual programs include: Comprehensive Local Water Management; Wetland Conservation Act; DNR Shoreland Management Program; MPCA Feedlot Permit Program; and the MPCA Subsurface Sewage Treatment Systems Program. Only counties are eligible and must have a locally adopted and BWSR approved comprehensive local water management plan. A local match is required.	Program: $8,402, of which $4,400 is WCA base grant, $3,000 is LWM and $804 is Shoreland; Admin: 2.0 FTE/$432	13%	N/A	Pass-through grants to off-set LGU costs for implementing state programs.	In total more nearly $7M in grants is provided to counties on an annual basis. Counties may in turn delegate responsibilities to the SWCD and must transfer at least $5,000K to SWCDs for WCA implementation. LWM grants range from $10,657 to $20,877/year. WCA grants range from $10,000 to $86,000. Shoreland grants range from $2,995 to $22,712. All require an average match of 1:1.

Goal	Programs and Activities	Estimated FY 2010-11 Budgeted Expenditures (in thousands)	Estimated % 2010-2011 Budgeted Expenditures	Change Items (FY 2010-11)	2010-11 Example Indicators/ Key Measures	Outcome Description
	General Services Grants: General Conservation Services Grants provide each Soil and Water Conservation District with a portion (approx. 5-25%) of the funds needed for operation of the district. Although they are elected officials, SWCDs do not have taxing authority and thus the grants are intended to provide districts a certain degree of funding stability to accomplish the priorities in their annual plan of work. These state conservation funds provide a base from which to secure private, local government and federal funds for projects. This base funding allows the SWCDs to be technically proficient and connected to landowners in order to accomplish both planned projects and special efforts such as the SE MN Flood Recovery and the RIM/WRP wetland restoration partnership - both of which have leveraged federal funds many times over.	Prog: $6,442, of which $2,100 is for Non-Point Engineering Assistance grants; Admin: 2.0 FTE/$432	10%	N/A	Pass-through grants to off-set LGU costs for implementing state programs.	The average grant for the 91 SWCDs is $21,800. Currently SWCDs receive about 40% of their funding from counties, about 30% from the State and the remaining amount is locally generated.
	> Performance Review and Assistance: this program was developed after MN Statutes 103B.102 was approved in 2007. There are 4 levels of performance review with Level 1 being a tabulation of required reports and Level IV providing extensive assessment, monitoring and assistance to improve performance. Funding for this program was provided through the cost-share program which allowed up to $100K/year to fund PRAP activities.	Prog: $500; Admin: 2.0 FTE/$432	1%	Clean Water Fund	Number of Level II performance reviews. Number of BWSR Staff hours per Level II Performance Review	BWSR will conduct 10-20 Level II Performance Reviews on an annual basis. As the program develops it is expected that the current hours per Level II review of 56 will decrease to 40. Level II is a routine, interactive review to evaluate operational effectiveness and plan implementation progress. Funding limitations in 2008 resulted in only 7 pilot Level II reviews.
					Percent of SWCDs with websites that meet minimum reporting requirements	New requirement and a grant program was provided to incent requirement adoption.
					Track and report Level I performance of all 244 LGUs. Percent LGUs meeting reporting requirements (Goals is 100%). Add an LGU performance report feature to the PRAP webpage.	This measure aims to determine basic performance levels of the 244 LGUs BWSR tracks and provide for information to be made available to the public via the BWSR website.
	> Training and Certification. BWSR does not have a comprehensive training program. There is a well established Certified Wetland Delineator Program co-managed by the U of M Soil Science Department and BWSR. Other technical training is limited and provided through partnerships with NRCS, U of M and others. The is the 'quality assurance' component of the Clean Water Funds, allowing for increased technical capacity to meet increased needs.	Program: $150; Admin 1.0 FTE/$216	< 1%	Clean Water Fund	WCA and Wetland Training: Provide technical and administrative training to LGU staff and other wetland professionals, measured in participant days. Facilitate the certification of wetland delineators by providing coordinated training through BWSR's partnership with the University of Minnesota Wetland Delineator Certification Program. Currently, 199 delineators are certified through the program and 11% of WCA LGUs have a certified wetland delineator on staff.	In FY09, 24 separate WCA training sessions have been or will be provided, varying from one to five days in length and resulting in approximately 1200 participant days of training. For FY10, BWSR intends to provide 24 separate WCA training sessions and increase participation resulting in 1600 participant days of training. The total number of certified delineators and the percentage of LGUs with available certified delineators will increase. Increasing certification and providing training on wetland delineation, program administration, and implementation of new rule requirements will provide for knowledgeable and trained staff, resulting in accurate and efficient program implementation and improved resource protection.

Goal	Programs and Activities	Estimated FY 2010-11 Budgeted Expenditures (in thousands)	Estimated % 2010-2011 Budgeted Expenditures	Change Items (FY 2010-11)	2010-11 Example Indicators/ Key Measures	Outcome Description
	Training and certification continued.				Comprehensive Training Program established	Coordinate a training needs assessment, establish an inter-agency training team, develop comprehensive plan and curriculums as appropriate, implement training program.
Goal 4: Evaluate and communicate the effectiveness and outcomes of conservation programs						
	Grant compliance and close-outs: verification of LGU efficiency and accountability in grant programs. Conducted by board conservationist on an annual basis.	Admin: 4.0 FTE/$846	1%	N/A	NRBG match verified. Match above minimum. Cost share audits 100% on schedule and all administrative irregularities corrected and violations remedied	BWSR verifies match on a sample set basis. The match verification program began in 2008. All matching levels were met. Cost share close-outs conducted annually. Penalties assessed for violations. Performance increases awarded based on 80% implementation rate.
	> e-LINK: this web-based grant management system also provides for documenting conservation practices, funding streams, estimated nutrient reduction and on-ling mapping tools. (Funded by MPCA agreement and one-time Clean Water Fund appropriation)	Admin: $300 2.0 FTE (1/2 GF)	1%	Clean Water Fund	Pound of P reduced/watershed. Tons of sediment prevented from entering waterways. Tons of soil erosion prevented. Establish and implement new calculators/indicators	Scientifically based calculators estimate overall reduction of soil erosion, sediment loading and phosphorus loading on a conservation practice basis. Enhancements to e-LINK will include: adding comparison to watershed total, evaluation and updating of empirical estimates based on recent research findings, and adding habitat and carbon sequestration calculators.
	> Evaluate landscape implementation progress indicators: . Most of the funds will be grants or contracts to LGUs for implementing the landscape trend surveys and evaluations.	Program: $570 Admin: 1.0 FTE/$216	1%	Clean Water Fund	Conservation tillage rates. Soil erosion rates. Determine trends in watershed health indicators.	Evaluation of natural resource indicators such as soil erosion rates, conservation tillage adoption rates, and other landscape level factors to determine the health of the land and can be used as a leading indicator of water quality trends
	Providing transparent accountability and reporting of conservation outcomes: increasing the ability for public and decision makers to easily access information on LGU performance and progress towards conservation goals.	Admin: 1.5 FTE/$324	1%	N/A	Documenting LGU success stories. Up-to-date web information. Public access to web-based information and reporting systems, such as e-LINK and easement mapping tools. Reporting to legislature on progress towards achieving conservation and water quality goals.	BWSR is developing communication tools that allow for the public and decision makers to easily access information and data regarding LGU performance and conservation outcomes.
Goal 5: Insure long-term integrity of the State's Investment						
	RIM Easement Inspections: SWCDs inspect every RIM easement site to determine compliance with the easement agreement. 5,200 easements are inspected once/year for the first five years and then once every three years. Grants to SWCDs are for $70/easement.	Prog: $690 Admin: 1.0 FTE/$216 (non-GF)	1%	N/A	Percent of easements inspected, percent not in compliance with easement, percent with major easement violations, percent failing to control noxious weeds, percent requiring BWSR action.	SWCDs inspect each easement once/yr for the first 5yrs, then once every 3 yrs. SWCDs inspected over 3,200 easements per year from 2003-2006. In 2008 SWCDs performed inspections on 1,844 easements.

Goal	Programs and Activities	Estimated FY 2010-11 Budgeted Expenditures (in thousands)	Estimated % 2010-2011 Budgeted Expenditures	Change Items (FY 2010-11)	2010-11 Example Indicators/ Key Measures	Outcome Description
	Wetland bank monitoring: (Series of 1-year cooperative agreements with USDA/NRCS has provided majority of funding).	Admin: 1.0 FTE/$216 (non GF)	< 1%	N/A	Perform systematic inspection and monitoring of established wetland bank sites to assess compliance with long term maintenance responsibilities. Since the inception of the wetland banking program in 1994, Minnesota landowners have established 255 wetland bank sites on 10,550 acres of land.	In FY08-09, 110 wetland bank sites were monitored, a majority of which will require follow-up to address varying degrees of identified concerns. In FY09, BWSR intends to complete monitoring activities on 9 road bank sites across the state and 30 to 50 private bank sites in the metro area and west-central Minnesota. Identified areas of concern will be followed up according to degree of severity and risk to the wetland bank site. This systematic monitoring and correction of identified problems will ensure the public interest in replacement wetland sites is maintained.
Goal 6: Increase technical knowledge/capacity to meet changing resource trends and needs						
	State soils office (.5 FTE)	Admin: 0.5 FTE/$108	< 1%	N/A	Number of counties with modern soils data and digital soil surveys.	State and local contribution have accelerated updated and digitized data acquisition in MN
	SE Flood Response	Admin: 2 FTE/$432	1%	N/A	Number of projects completed by end of FY 10. Amount of Federal funding secured for projects.	Temporary response effort which will peak in 2009 construction season.
Central and Regional Operations Support						
	Staff not listed above in Goals 1-7. Coordination, work planning, budgeting, accounting, training, OET, problem solving and internal/external communication.	16.0 FTE/$3,456	4%	General Fund agency operations decrease of $789	Key measure 1) 100% of annual workplans completed by January 1 and reevaluated or amended by July 1. Key measure 2) agency website interactive components doubled by 2011. Key measure 3) best practices for fiscal management evaluated and adhered to at 99% threshold.	BWSR's strategic plan emphasizes clean water and conservation achievements through locally lead assessment, planning, programs and projects that connect citizens to science and get results through participation and ownership. Using and modeling techniques for prioritization, targeting, transparency and accountability accomplishes agency outcomes and demonstrates best practices to local government partners who are being asked to do the same.

Dispute Resolution Report
March 12, 2009
by: Travis Germundson

There are presently **21** appeals pending. All of the appeals involve WCA except File 05-24. There have been **4** new appeals filed since the last report dated January 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 09-4 (3-9-09) This is an appeal of a replacement order in Isanti County. The appeal regards the filling of approximately 3,500 square feet of a type 6/7 wetland for placement of a residential home. *No decision has been made on the appeal.*

File 09-3 (2-20-09) This is an appeal of a replacement plan decision in Anoka County. The appeal regards the approval of a wetland replacement plan for 11,919 square feet of impacts associated with a residential development. *No decision has been made on the appeal.*

File 09-2 (2-19-09) This is an appeal of a restoration order in Stearns County. The appeal regards the filling of approximately 6,833 square feet of a type 5 wetland with various debris materials. *No decision has been made on the appeal.*

File 09-1 (2-9-09) This is an appeal of a restoration order in Ottertail County. The appeal regards the draining and filling of a type 3 wetland on agricultural land. *No decision has been made on the appeal.*

File 08-35 (12-3-08) This is an appeal of a exemption decision in Grant County. The appeal resulted from issuance of a restoration order for 32 acres of wetland impacts associated with agricultural drain tile work. The appeal has been accepted and copies of the record have been obtained. *A verbal settlement agreement has been drafted.*

File 08-34 (12-2-08) This is an appeal of the same agricultural exemption decision in Grant County as identified in File 08-35. The appeal has been accepted and copies of the record have been obtained. The two related appeals will be combined and processed as one decision. *A verbal settlement agreement has been drafted.*

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~~. *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. 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. 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 Appellant 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.~~ *The appeal has been denied and the restoration and replacement have been affirmed in part and revised in part to reduce the required mitigation ratio.*

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. A verbal settlement agreement is has been 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. A verbal settlement agreement has been 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. A verbal settlement agreement has been 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.~~ *The appeal has been denied and the restoration order affirmed.*

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.

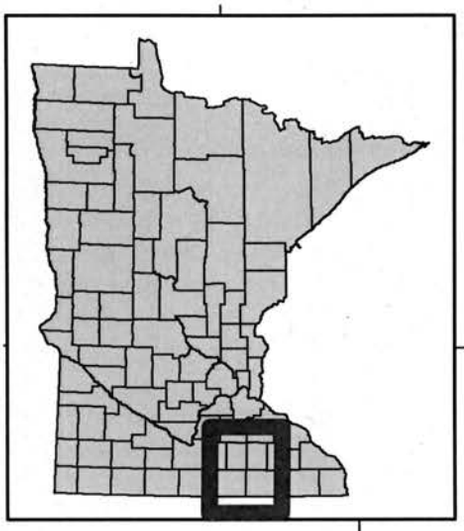
File 05-1. (01/13/05) This is an appeal of a replacement plan decision by the Rice Creek Watershed District. The District previously made a decision that was appealed which resulted in a remand for an expanded TEP. Now there is an appeal of the decision made under remand since the decision differed from 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

Appointed Water Management Committee

1. Order for Boundary Change, Withdrawal of Territory, and Enlargement for the Cedar River, Shell Rock River and Turtle Creek Watershed Districts – Travis Germundson – ***DECISION ITEM***

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
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EXHIBIT
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COMMON BOUNDARY BETWEEN WATERSHEDS

Parcels *transferred* from Shell Rock River Watershed District to Turtle Creek Watershed District:

Freeborn County

NE1/4 NE1/4	30-103-20
SW1/4 SW1/4	35-104-21

Parcels *transferred* from Turtle Creek Watershed District to Shell Rock River Watershed District:

Freeborn County

NE1/4 SW1/4	3-102-20
NW1/4 SE1/4	3-102-20
NW1/4 NW1/4	2-102-20
SW1/4 SW1/4	19-103-20
SW1/4 SE1/4	19-103-20
S1/2 SW1/4	28-103-20
E1/2 NE1/4	11-103-21
S1/2 NE1/4	13-103-21
SE1/4 NE1/4	24-103-21
NE1/4 SE1/4	24-103-21
S1/2 SW1/4	21-104-21
N1/2 NW1/4	28-104-21
NW1/4 SE1/4	34-104-21

Parcels *transferred* from Shell Rock River Watershed District to Cedar River Watershed District:

Freeborn County

NE1/4 NW1/4	36-102-20

Parcels *transferred* from Cedar River Watershed District to Shell Rock River Watershed District:

Freeborn County

N1/2 NW1/4	20-102-19
SE1/4 NW1/4	20-102-19
SW1/4	19-102-19
SW1/4 SE1/4	19-102-19
W1/2 NW1/4	25-102-20

Parcels *transferred* from Turtle Creek Watershed District to Cedar River Watershed District:

Freeborn County

NW1/4 SE1/4	1-103-19
NE1/4 SW1/4	1-103-19
SE1/4 NE1/4	24-103-19
NE1/4 SE1/4	24-103-19

Mower County

N1/2 SE1/4	29-103-18
N1/2 SW1/4	28-103-18
SW1/4	30-104-18
SW1/4 NW1/4	30-104-18
NW1/4 NW1/4	31-104-18

City of Austin, Mower County

Austin Homesteads Addition, Block 2, Lot 3
Austin Homesteads Addition, Block 3, Lots 1, 3, 5-7
Austin Homesteads Addition, Block 4, Lots 2-12
Austin Homesteads Addition, Block 5, Lots 2-5
Austin Homesteads Addition, Block 6, Lots 2, 4, and 5
Austin Homesteads Addition, Block 7, Lots 2-4
Austin Homesteads Addition, Block 8, Lots 1-5
Austin Homesteads Addition, Block 9, Lots 1, 5-8, and Outlots A-G and M
Baudler's East View Addition, Block 2, Lots 1-12
Bigelow Acres, Block 1, Lots 1-6
Bushaw Addition, Block 1, Lots 1 and 2
Martin Bustad First Addition, Block 1, Lots 1-16
Martin Bustad First Addition, Block 2, Lots 1-18
Martin Bustad First Addition, Block 3, Lots 1-21
Champlin, Block 1, Lot 3
Green Acres, Block 1, Lots 2-4
Jacob's Addition, Block 1, Lots 1-6
Jensen Acres, Block 1, Lots 1 and 2
Keenan Acres, Block 1, Lots 1-5
Keenan Acres, Block 2, Lots 1-13
Keenan Acres Second Addition, Block 1, Lots 1-4
Kenevan and Kings Addition, Block 3, Lots 1-12
Lacom's Addition, Block 1, Lots 1-7
Lastine Addition, Block 1, Lots 1-3
Milbrath Addition, Block 1, Lots 1-3
Munk Addition, Block 1, Lots 1-4

Nordaune lst Subdivision, Block 1, Lots 3-5
Old Oaks Second Addition, Block 2, Lots 1-11
Peters Addition, Block 1, Lots 1-3
Shaw School Addition, Block 1, Lots 1-8
Sunny's Run, Block 1, Lot 2
Woodlawn Park Addition, Block 1, Lots 1-12
Woodlawn Park Addition, Block 8, Lots 1-12
Woodlawn Park Addition, Block 9, Lots 1-12

Parcels *transferred* from Cedar River Watershed District to Turtle Creek Watershed District:

Freeborn County

SW1/4	5-102-19
E1/2 SE1/4	6-102-19
NW1/4 SE1/4	36-104-19
SE1/4 SE1/4	11-104-19
NE1/4 SW1/4	13-104-19

Mower County

SE1/4 NW1/4	30-103-18
SW1/4 SE1/4	28-103-18

City of Austin, Mower County

Kenwood Park Place, Block 2, Lots 1-13
Licktieg Second Addition, Block 1, Lots 1-4
Licktieg Second Addition, Block 2, Outlot A
Auditor's Plat, Outlots 1-5
Christiansen's Addition, Block 1, Lots 1-6
West 522' of North 330' of SW1/4 SW1/4 NE1/4 Section 10-102-18
West 522' of South 330' of NW1/4 SW1/4 NE1/4 Section 10-102-18
Oak Park Mall Subdivision, Block 1, Lots 5, 6, 10-12
Oak Park Mall Subdivision, Block 1, Portions of Lots 1, 4 & 9, East of the west line SW1/4 NW1/4 Section 34-103-18
Otto Baudler Addition, Block 2, Lots 2-7 and Outlot A
SE1/4 SE1/4 SW1/4 Section 3-102-18, less Shaw Acres, Block 1, Lots 1-4 and Kenwood Park Place, Block 2, Lots 1-13
Orchard Creek, Block 1, Lots 1-9
Orchard Creek, Block 2, Lots 3-13 & Lots 27-36
Orchard Creek, Block 3, Lots 1-8
Shaw Acres, Block 1, Lots 1-4
Southgate First Addition, Outlots 8, 9, 12, 13, 16, 17, 20, 39-43, 49-66 & 68
Southgate Second Addition, Block 2, Lots 1, 14, & Outlot D

Southgate Second Addition, Block 3, Lots 1-26
Southgate Second Addition, Block 4
Southgate Second Addition, Block 5, Lots 1-16
Southgate Second Addition, Block 6, Lots 1-7
Southgate Third Addition, Block 1, Lots 1-10 & Outlot A
Southgate Fourth Addition, Block 1, Lots 1 and 2
Yates and Lewis Addition, Block 3, Lots 1-10
Yates and Lewis Addition, Block 4, Lots 1-10
Yates and Lewis Addition, Block 5, Lots 1-10
Yates and Lewis Addition, Block 6, Lots 1-10
Yates and Lewis Addition, Block 8
Yates and Lewis Addition, Block 9, Lots 1-12
Yates and Lewis Addition, Block 10, Lots 1-12
Yates and Lewis Addition, Block 11, Lots 1-12
Yates and Lewis Addition, Block 41, Lots 1-12
Yates and Lewis Addition, Block 42, Lots 1-12

Orphan parcels *added* to Shell Rock River Watershed District:

Freeborn County

NW1/4 NW1/4	3-102-20
SW1/4 NW1/4	2-102-20
N1/2 NE1/4	24-103-21
SW1/4 NE1/4	24-103-21
SW1/4 SW1/4	27-104-21
N1/2 SW1/4	34-104-21

Orphan parcels *added* to Turtle Creek Watershed District:

Freeborn County

SW1/4 SW1/4	35-103-19
W1/2 SE1/4	34-103-19
E1/2 SW1/4	34-103-19
SW1/4 SE1/4	29-103-20
W1/2 E1/2 NE1/4	2-103-21
W1/2 E1/2 SE1/4	2-103-21
SW1/4 NW1/4	2-104-19
SW1/4 NE1/4	2-104-19
N1/2 SE1/4 SE1/4	2-104-19
SE1/4 NE1/4	36-104-19

Orphan parcels *added* to Cedar River Watershed District:

Freeborn County	
E1/2 NE1/4	2-104-19
NE1/4 SE1/4	2-104-19
W1/2 NW1/4	1-104-19
W1/2 SW1/4	1-104-19
SE1/4 SE1/4	24-103-19
Mower County	
SW1/4	19-104-18
NW1/4 NW1/4	30-104-18

EXHIBIT
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CEDAR RIVER WATERSHED DISTRICT

Parcels *added* to Cedar River Watershed District – Outer Boundary

Mower County	
S½ SW¼	5-101-16
SW¼ SE¼	5-101-16
SW¼ NE¼	19-101-17
NE¼ NE¼	1-101-17
NW¼ SE¼	24-103-16
SW¼ NW¼	15-103-16
NW¼ SE¼	31-104-16
NW¼ SW¼	7-104-16
Freeborn County	
SE¼ SW¼	16-101-19
W½ NE¼	21-101-19
SE¼ NE¼	21-101-19
NW¼ SW¼	26-101-19
Steele County	
NW¼ SE¼	26-105-19
SW¼ NE¼	34-105-19
N½ NE¼	34-105-19

EXHIBIT A

Parcels *removed* from Cedar River Watershed District – Outer Boundary

Mower County	
NE¼ SE¼	6-101-16
NE¼ NW¼	3-101-17
NW¼ SE¼	6-102-15
SW¼ SE¼	32-102-16
NW¼ SE¼	29-102-16
SW¼ SE¼	20-102-16
NW¼ NE¼	17-102-16
SE¼ NE¼	14-102-16
SE¼ SE¼	13-102-16
SE¼ SW¼	15-103-16
NW¼ SE¼	8-103-16
Freeborn County	
SW¼ NE¼	27-101-19
Dodge County	
NE¼ SE¼	11-105-17
SW¼ SW¼	4-105-17
NW¼ SW¼	31-106-17
NE¼ SE¼	36-106-18
Steele County	
NW¼ NW¼	12-105-19

EXHIBIT B

SHELL ROCK RIVER WATERSHED DISTRICT

Parcels *added* to Shell Rock River Watershed District – Outer Boundary

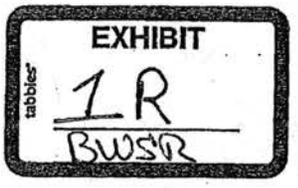
Freeborn County	
NW¼ SW¼	1-101-20
NE¼ SE¼	2-101-20
NW¼ SE¼	10-101-20
NW¼	34-101-20
SE¼ SE¼	4-101-22
N½ SE¼	4-101-22
SW¼ NE¼	4-101-22
W½ NE¼	28-102-22
N½ SW¼ SW¼	6-102-22
SW¼ SW¼ SW¼	6-102-22
SE¼ SE¼	1-102-23
E½ SE¼	36-103-23
NE¼ SW¼	30-104-21

EXHIBIT A

Parcels *removed* from Shell Rock River Watershed District – Outer Boundary

Freeborn County	
SE¼ SW¼	2-101-20
SE¼ SE¼	16-101-20
N½ NE¼	21-101-20
SE¼ NE¼	21-101-20
NW¼ SW¼	22-101-20
SW¼ SW¼	17-103-22
NW¼ NW¼	9-103-22
SW¼ NE¼	2-103-22

EXHIBIT B



TURTLE CREEK WATERSHED DISTRICT

Parcels *added* to Turtle Creek Watershed District – Outer Boundary

Freeborn County	
SW¼ NE¼	9-104-19
N½ NW¼	10-104-19
NE¼ SE¼	3-104-20
SW¼ NW¼	21-104-21
SE¼ SW¼	16-104-21
SE¼ SE¼	9-104-21
W½ NW¼	10-104-21
SE¼ SW¼	3-104-21
NE¼ NE¼	12-104-21

Parcels *removed* from Turtle Creek Watershed District – Outer Boundary

Freeborn County	
NE¼ SE¼	3-104-19
SW¼ NE¼	9-104-20
NE¼ NW¼	10-104-20
NE¼ NW¼	11-104-20
N½ NE¼	11-104-20
NE¼ SE¼	3-104-21
W½ NE¼	3-104-21
SE¼ NE¼	3-104-21
W½ NW¼	2-104-21
NE¼ NE¼	2-104-21
NW¼	1-104-21
NE¼	1-104-21
NE¼ SE¼	1-104-21

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, AND ENLARGEMENT CEDAR RIVER, SHELL ROCK RIVER, AND TURTLE CREEK WATERSHED DISTRICTS

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;

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

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

FINDINGS OF FACT

1. **Petition.** On November 1, 2008 the Board received six petitions labeled Exhibit 1 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. **Property Description.** The Petitioned Areas, located in Freeborn, Mower, Dodge, and Steele Counties and which includes land in the Townships of Nunda, Manchester, Bath, Geneva, Newry, London, Shell Rock, Hayward, Bancroft, Moscow, Riceland, Oakland, Pickerel Lake in Feeborn County; and Sargeant, Dexter, Clayton, Marshall, Adams, Nevada, Udolopho, Lansing, and Austin, and the city of Austin in Mower County; and Westfield, Ripley, Ashland, and Hayfield in Dodge County; and Blooming Prairie in Steele County; and further depicted on a map labeled Exhibit 2 and listing of proposed parcels by Section Township, and Range in Exhibits 1E, 1J,1N and 1R.

3. **Hearing Order.** At its regular meeting on December, 17 2008, the Board determined that the Petitions met the requirements of Minn. Stat. §§ 103D.251, 103D.255, and 103D.261, and consequently ordered a public hearing to be held on the Petitions and appointed a committee to preside over the hearing and bring recommendations to the Board. (Exhibit 3)

4. **Hearing Notice.** Legal notice of the public hearing on the Petitions, pursuant to Minn. Stat. §§ 103D.251, Subd. 6, 103D.255, Subd. 1 (e), and 103D.261 Subd. 1 (c), was published in the Albert Lea Tribune on December 29, 2008 (Exhibit 5), in the Austin Daily Herald on December 29, 2008 (Exhibit 6), in the News Enterprise on December 31, 2008 (Exhibit 7), in the Owatonna Peoples Press on December 30, 2008 (Exhibit 8), and in the Hayfield Herald on December 31, 2008 (Exhibit 9). Further, a copy of the hearing notice and map was mailed to several addresses notifying them of the public hearing, including the Freeborn, Dodge, Mower, and Steele County Auditors, Administrators, and Soil and Water Conservation Districts; all of the cities in the Petitioned Area; and representatives for the Watershed Districts (Exhibit 4).

5. **Public Hearing**. A public hearing was held on the Petitions on January 14, 2009, at the Moscow Town Hall in Freeborn County, 24225 – 885th Avenue, Austin, Minnesota. The proceedings were recorded. The hearing panel was Paul Langseth, Dan Wilson, Bob Burandt, Gene Tiedemann, and Randy Kramer as chair.

   Travis Germundson, Board staff, entered Exhibit 1 consisting of Exhibits 1A-1S through Exhibit 9 into the record by reading a brief description of each exhibit.

Exhibit 1. Boundary Petitions packet for Cedar River Watershed District, Shell Rock River Watershed District, and Turtle Creek Watershed District, received November 1, 2008 consisting of Exhibits 1A-1S.

Exhibit 1A. Letter dated October 31, 2008 from Matthew L. Benda, Law Offices Peterson, Savelkoul, & Benda, Ltd. to Travis Germundson, Board of Water and Soil Resources transmitted with Exhibit 1.

Exhibit 1B. Joint Petition to Make Boundary Changes between the Cedar River Watershed District, the Turtle Creek Watershed District, and the Shell Rock River Watershed District submitted from Turtle Creek Watershed District Chairman.

Exhibit 1C. Signature page for the Joint Petition to Make Boundary Changes between the Cedar River Watershed District, the Turtle Creek Watershed District, and the Shell Rock River Watershed District submitted from Cedar River Watershed District Chairman.

Exhibit 1D. Signature page for the Joint Petition to Make Boundary Changes between the Cedar River Watershed District, the Turtle Creek Watershed District, and the Shell Rock River Watershed District submitted from Shell Rock River Watershed District Chairman.

Exhibit 1E. Listing of proposed common boundary changes for individual parcels affected by Watershed District, County, Section, Township and Range.

Exhibit 1F. Cedar River Watershed District Resolution authorizing joint petition to make boundary changes dated July 16, 2008.

Exhibit 1G. Shell Rock River Watershed District Resolution authorizing joint petition to make boundary changes dated July 8, 2008.

Exhibit 1H. Turtle Creek Watershed District Resolution authorizing joint petition to make boundary changes dated July 15, 2008.

Exhibit 1I. Petition to Enlarge and to Remove Parcels from the Cedar River Watershed District dated August 5, 2008 submitted by the County of Mower and the Cedar River Watershed District.

Exhibit 1J. Listing of parcels proposed to be added and removed from Cedar River Watershed District by County, Section, Township and Range.

Exhibit 1K. Cedar River Watershed District Resolution authorizing petition to Enlarge and Remove parcels from Cedar River Watershed District dated July 16, 2008.

Exhibit 1L. Commissioner's Record of the Special Session of the Mower County Board of Commissioners dated August 5, 2008 approving the petition to enlarge and remove parcels from Cedar River Watershed District.

Exhibit 1M. Petition to Enlarge and to Remove Parcels from the Shell Rock River Watershed District dated August 5, 2008 submitted by the County of Freeborn and the Shell Rock River Watershed District.

Exhibit 1N. Listing of proposed parcels to be added and removed from Shell Rock River Watershed District by County, Section, Township and Range.

Exhibit 1O. Freeborn County Resolution, dated August 5, 2008 authorizing petition to Enlarge and to Remove parcels from the Shell Rock River Watershed District.

Exhibit 1P. Shell Rock River Watershed District Resolution, dated July 8, 2008 authorizing petition to Enlarge and Remove parcels from the Shell Rock River Watershed District.

Exhibit 1Q. Petition to Enlarge and to Remove Parcels from the Turtle Creek Watershed District, dated August 19, 2008 submitted by the County of Freeborn and the Turtle Creek Watershed District.

Exhibit 1R. Listing of proposed parcels to be added and removed from Turtle Creek Watershed District by County, Section, Township and Range.

Exhibit 1S. Turtle Creek Watershed District Resolution authoring petition to Enlarge and Remove Parcels from Turtle Creek Watershed District dated July 15, 2008.

Exhibit 2. Map of the watershed districts and proposed boundary change, withdrawal of territory, and enlargement dated May 2007.

Exhibit 3. Order dated December 17, 2008, from the Board of Water and Soil Resources for a public hearing on the Petitions.

Exhibit 4. Letter dated December 29, 2008, from Travis Germundson to several addressees notifying them of the public hearing, including copies of the legal notice and map.

Exhibit 5. Affidavit of Publication dated December 29, 2008, of Legal Notice in the Albert Lea Tribune on December 29, 2008.

Exhibit 6. Affidavit of Publication dated December 31, 2008, of Legal Notice in the Austin Daily Herald on December 29, 2008.

Exhibit 7. Affidavit of Publication dated January 2, 2009, of Legal Notice in the News Enterprise on December 31, 2008.

Exhibit 8. Affidavit of Publication dated January 2, 2009, of Legal Notice in the Owatonna Peoples Press on December 30, 2008.

Exhibit 9. Affidavit of Publication dated January 8, 2009, of Legal Notice in the Hayfield Herald on December 31, 2008.

6. **Hearing Panel.** The hearing panel met on January 14, 2009, and based on the oral and written record in this matter, decided with a unanimous vote to recommend to the full Board that the Cedar River Watershed District, Shell Rock River Watershed District, and Turtle Creek Watershed District boundaries be changed as proposed in the Petitions, that territory be withdrawn as proposed in the Petitions, and the area be enlarged as proposed in the Petitions. The hearing record was than closed, and no written comments were received following the hearing.

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. Proper notice of hearing was given and one public hearing was held in accordance with applicable laws.

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

4. The Board has proper jurisdiction in the matter of ordering a watershed district boundary change, withdrawal of territory, and enlargement.

5. The boundary change, withdrawal of territory, and enlargement of the Cedar River Watershed District, Shell Rock River Watershed District, and Turtle Creek Watershed District as proposed in the Petitions would be for the public welfare and public interest and the purpose of Minn. Stat. Chapter 103D would be served.

6. The Shell Rock River Watershed District and Turtle Creek Watershed District Plans should be amended within one year to include the boundary change, withdrawal of territory, and enlargement areas. The Cedar River Watershed District should incorporate these changes as they continue to develop their plan.

ORDER

The Board hereby orders the Cedar River Watershed District, Shell Rock River Watershed District, and Turtle Creek Watershed District boundaries changed per Petitions at Exhibits 1B, 1C, and 1D, according to Exhibit 1E of said Petitions, that Cedar River Watershed District be enlarged and territory withdrawn per Petition at Exhibit 1I according to Exhibit 1J, that Shell Rock River Watershed District be enlarged and territory withdrawn per Petition at Exhibit 1M according to Exhibit 1N, and that Turtle Creek Watershed District be enlarged and territory withdrawn per Petition at Exhibit 1Q according to Exhibit 1R. Exhibits 1E, 1J, 1N, and 1R are attached and made a part of this Order hereof.

Dated at Saint Paul, Minnesota this 25th day of March, 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Randy Kramer, Chair

COMMITTEE RECOMMENDATIONS

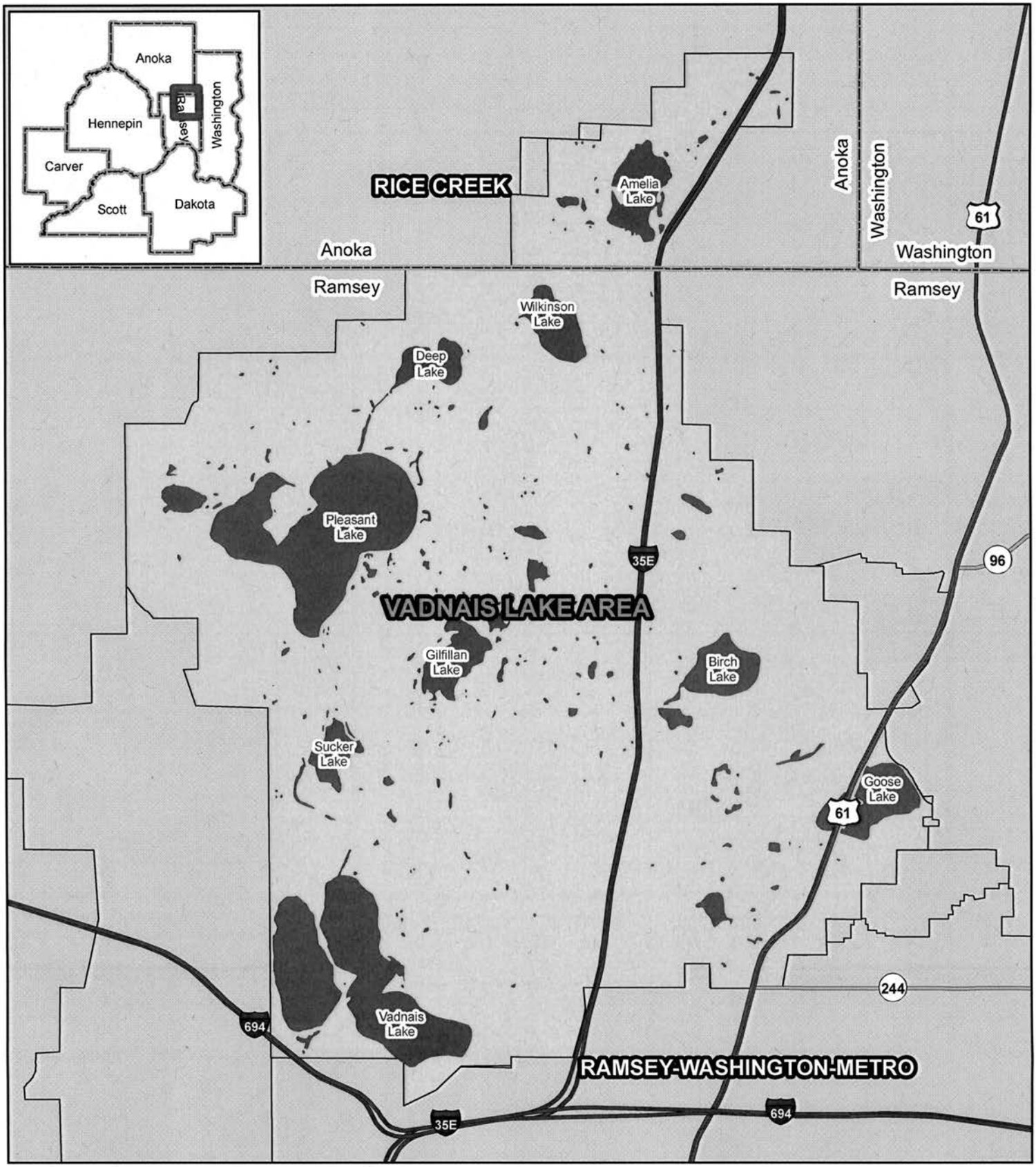
Metro Water Planning Committee

1. Rice Creek Watershed District (RCWD) and Ramsey Washington Metro Watershed District (RWMWD) Boundary Changes Involving the Vadnais Lake Area – Travis Germundson - ***DECISION ITEM***

2. Lower St. Croix Watershed Management Organization, Watershed Management Plan Amendment – Melissa Lewis – ***DECISION ITEM***

3. Order Public Hearing on Petitions from Washington County to Enlarge the Valley Branch Watershed District and the South Washington Watershed District – Melissa Lewis - ***DECISION ITEM***

Vadnais Lakes Water Management Organization



Vadnais Lakes WMO
Adjacent Watershed Districts
Counties

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

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N W E S

Property Identification

City of Lino Lakes

Table 4a indicates the parcels currently in the Vadnais Lake Area Water Management Organization that are proposed to be transferred to Rice Creek Watershed District in the City of Lino Lakes. This area totals 19.31 acres.

Table 4a

PIN	BLDG_NUM	STREETNAME		ACRES	LAND USE	LEGAL CHANGE TO
003-343122110006				1.01	RESIDENTIAL SINGLE FAMILY	RCWD
003-343122110007	1554	HOLLY	DR	4.77	RESIDENTIAL SINGLE FAMILY	RCWD
003-343122110008	1564	HOLLY	DR	2.51	RESIDENTIAL SINGLE FAMILY	RCWD
003-343122110009	1520	HOLLY	DR	1.1	RESIDENTIAL SINGLE FAMILY	RCWD
003-343122110009				0.97	RESIDENTIAL SINGLE FAMILY	RCWD
003-343122110010	1528	HOLLY	DR	0.45	RESIDENTIAL SINGLE FAMILY	RCWD
003-343122110010				2.61	RESIDENTIAL SINGLE FAMILY	RCWD
003-343122110011	1556	HOLLY	DR	0.85	RESIDENTIAL SINGLE FAMILY	RCWD
003-343122120005	1474	HOLLY	DR	2.9	RESIDENTIAL SINGLE FAMILY	RCWD
003-343122120006	1486	HOLLY	DR	1.82	RESIDENTIAL SINGLE FAMILY	RCWD
003-343122120006				0.32	RESIDENTIAL SINGLE FAMILY	RCWD

Table 4b indicates parcels currently within the Rice Creek Watershed District that are proposed to be transferred to Vadnais Lake Area Water Management Organization in the City of Lino Lakes. This area totals 65.61 acres.

Table 4b						
PIN	BLDG_NUM	STREETNAME		ACRES	LAND USE	LEGAL CHANGE TO
003-253122340006	6440	OTTER LAKE	RD	11.46	AGRICULTURAL	VLAWMO
003-253122340007				18.87	AGRICULTURAL	VLAWMO
003-253122310004	6516	OTTER LAKE	RD	14.58	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122310007				0	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122310008	2218	TART LAKE	RD	0.37	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122310009	2212	TART LAKE	RD	0.38	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122310010	2206	TART LAKE	RD	0.35	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122310011	2200	TART LAKE	RD	0.34	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122340005				2.24	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122420005	2219	TART LAKE	RD	0.3	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122420006	2225	TART LAKE	RD	0.29	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122420007	2231	TART LAKE	RD	0.32	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122420070				0.09	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122420071	6485	LANGER	LN	0.25	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122420072	6491	LANGER	LN	0.18	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122420073	6497	LANGER	LN	0.13	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122420074	6503	LANGER	LN	0.15	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122420075	6515	LANGER	LN	0.23	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122420076	6527	LANGER	LN	0.19	RESIDENTIAL SINGLE FAMILY	VLAWMO

003-253122420077	6533	LANGER	LN	0.16	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122420078	6539	LANGER	LN	0.18	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122420079	6545	LANGER	LN	0.23	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122420080	2230	TART LAKE	RD	0.49	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122420081	2224	TART LAKE	RD	0.38	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122430035	2223	FLORA	CT	0.34	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122430036	2229	FLORA	CT	0.35	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122430037	2235	FLORA	CT	0.35	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122430038	6441	LANGER	LN	0.37	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122430039	6445	LANGER	LN	0.35	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122430040	6449	LANGER	LN	0.37	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122430041	6455	LANGER	LN	0.36	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122430042	6461	LANGER	LN	0.35	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122430043	6467	LANGER	LN	0.34	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122430044	6473	LANGER	LN	0.18	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122310012				3.11	TAX FORFEIT	VLAWMO
003-253122310013				1.64	TAX FORFEIT	VLAWMO
003-253122420085				2.19	TAX FORFEIT	VLAWMO
003-253122420086				1.02	TAX FORFEIT	VLAWMO
003-253122430047				2.13	TAX FORFEIT	VLAWMO

White Bear Lake

Table 5a indicates the parcels currently in the Vadnais Lake Area Water Management Organization that are proposed to be transferred to Rice Creek Watershed District in the White Bear Lake. This area totals 2.45 acres.

Table 5a						
PIN	BLDG_NUM	STREETNAME		ACRES	LAND USE	LEGAL CHANGE TO
123-233022430003	2145	GARDENETTE	DR	0.44	RESIDENTIAL	RCWD
123-233022430004	4181	HAZEL	ST	0.72	RESIDENTIAL	RCWD
123-233022430005	4173	HAZEL	ST	0.86	RESIDENTIAL	RCWD
123-233022440011	2149	GARDENETTE	DR	0.43	RESIDENTIAL	RCWD

Table 5b indicates parcels currently within the Rice Creek Watershed District that are proposed to be transferred to Vadnais Lake Area Water Management Organization in the White Bear Lake. This area totals 245.21 acres.

Table 5b						
PIN	BLDG_NUM	STREETNAME		ACRES	LAND USE	LEGAL CHANGE TO
123-143022110039	4941	LONG	AVE	0.99	AGRICULTURAL	VLAWMO
123-143022110040	4933	LONG	AVE	0.95	AGRICULTURAL	VLAWMO
123-233022420025		WHITE BEAR	AVE	2.66	CEMETERY-PRIVATE	VLAWMO
123-143022130050	4821	BLOOM	AVE	1.09	CHURCH	VLAWMO
123-143022130072	2015	5TH	ST	0.08	COMM LAND & BLDGS	VLAWMO
123-143022140061	4901	LONG	AVE	0.4	COMM LAND & BLDGS	VLAWMO
123-143022140075	4875	61		0.74	COMM LAND & BLDGS	VLAWMO
123-143022140086	2180	7TH	ST	0.48	COMM LAND & BLDGS	VLAWMO
123-143022140095		6TH	ST	0.17	COMM LAND & BLDGS	VLAWMO
123-143022140096		6TH	ST	0.34	COMM LAND & BLDGS	VLAWMO
123-143022140125	4801	61		0.61	COMM LAND & BLDGS	VLAWMO
123-143022140135		WASHINGTON	AVE	0.25	COMM LAND & BLDGS	VLAWMO
123-143022310005	4771	BALD EAGLE	AVE	0.25	COMM LAND & BLDGS	VLAWMO
123-143022410157	2137	4TH	ST	0.61	COMM LAND & BLDGS	VLAWMO
123-143022420003	2126	5TH	ST	0.35	COMM LAND & BLDGS	VLAWMO
123-143022420006	4787	BLOOM	AVE	0.28	COMM LAND & BLDGS	VLAWMO
123-143022420030	2126	4TH	ST	0.03	COMM LAND & BLDGS	VLAWMO
123-143022420122		3RD	ST	0.04	COMM LAND & BLDGS	VLAWMO
123-143022420128	4779	BLOOM	AVE	0.12	COMM LAND & BLDGS	VLAWMO
123-143022420132	4703	HWY 61		2.6	COMM LAND & BLDGS	VLAWMO
123-143022420133	2025	4TH	ST	0.34	COMM LAND & BLDGS	VLAWMO
123-143022120021	4857	BLOOM	AVE	26.72	K-12 SCH-PUBLIC	VLAWMO
123-143022130044		BLOOM	AVE	0.38	K-12 SCH-PUBLIC	VLAWMO
123-143022130045		BLOOM	AVE	0.38	K-12 SCH-PUBLIC	VLAWMO
123-143022130060		CENTRAL	AVE	0.33	K-12 SCH-PUBLIC	VLAWMO
123-143022130061		UNASSIGNED		0.11	K-12 SCH-PUBLIC	VLAWMO
123-143022130062		CENTRAL	AVE	0.22	K-12 SCH-PUBLIC	VLAWMO
123-143022130063		CENTRAL	AVE	0.32	K-12 SCH-PUBLIC	VLAWMO
123-143022130080		BALD EAGLE	AVE	0.53	K-12 SCH-PUBLIC	VLAWMO
123-143022240009	1961	6TH	ST	11.07	K-12 SCH-PUBLIC	VLAWMO
123-143022410158		DIVISION	ST	1.31	LEASED PUBLIC PROP	VLAWMO
123-143022420026	2125	4TH	ST	0.09	LEASED PUBLIC PROP	VLAWMO
123-143022420112		5TH	ST	0.18	LEASED PUBLIC PROP	VLAWMO
123-143022420113		DIVISION	ST	0.26	LEASED PUBLIC PROP	VLAWMO
123-143022420114		DIVISION	ST	0.15	LEASED PUBLIC PROP	VLAWMO
123-143022420115	2135	4TH	ST	0.15	LEASED PUBLIC PROP	VLAWMO
123-143022420120		4TH	ST	0.55	LEASED PUBLIC PROP	VLAWMO
123-143022420124		BLOOM	AVE	0.49	LEASED PUBLIC PROP	VLAWMO
123-143022420125		4TH	ST	0.24	LEASED PUBLIC PROP	VLAWMO
123-143022420011	2060	5TH	ST	2.13	MFR	VLAWMO
123-143022420052	250	MILLER	AVE	1.04	MUN LENFRC,FIRE,ADM	VLAWMO
123-143022240058		CAMPBELL	AVE	0.09	MUNICIPAL PUB-OTHER	VLAWMO

123-143022420051		3RD	ST	0.09	MUNICIPAL PUB-OTHER	VLAWMO
123-143022420094	4701	61		1.09	MUNICIPAL PUB-OTHER	VLAWMO
123-143022420117	4751	61		0.21	MUNICIPAL PUB-OTHER	VLAWMO
123-143022420123		3RD	ST	0.24	MUNICIPAL PUB-OTHER	VLAWMO
123-233022420024		UNASSIGNED		0.24	MUNICIPAL PUB-OTHER	VLAWMO
123-143022140136		WASHINGTON	AVE	0.18	RAILROAD	VLAWMO
123-143022420099		UNASSIGNED		0.23	RAILROAD	VLAWMO
123-113022340056		GARDEN	LN	0.04	RES 1-3 UNITS	VLAWMO
123-143022130046	4847	BLOOM	AVE	0.38	RES 1-3 UNITS	VLAWMO
123-143022140129	2160	7TH	ST	0.09	RES 1-3 UNITS	VLAWMO
123-143022210069		UNASSIGNED		0.71	RES 1-3 UNITS	VLAWMO
123-143022210082		BALD EAGLE	AVE	0.34	RES 1-3 UNITS	VLAWMO
123-143022210087		9TH	ST	1.35	RES 1-3 UNITS	VLAWMO
123-143022240041		UNASSIGNED		0.48	RES 1-3 UNITS	VLAWMO
123-143022340081	1944	FLORENCE	ST	0.31	RES 1-3 UNITS	VLAWMO
123-143022340081	1944	FLORENCE	ST	0.31	RES 1-3 UNITS	VLAWMO
123-143022340083		FLORENCE	ST	0.15	RES 1-3 UNITS	VLAWMO
123-143022340083		FLORENCE	ST	0.15	RES 1-3 UNITS	VLAWMO
123-143022340092	1937	EUGENE	ST	0.15	RES 1-3 UNITS	VLAWMO
123-143022340092	1937	EUGENE	ST	0.15	RES 1-3 UNITS	VLAWMO
123-143022340093	1941	EUGENE	ST	0.15	RES 1-3 UNITS	VLAWMO
123-143022340093	1941	EUGENE	ST	0.15	RES 1-3 UNITS	VLAWMO
123-143022340096	1959	EUGENE	ST	0.15	RES 1-3 UNITS	VLAWMO
123-143022340096	1959	EUGENE	ST	0.15	RES 1-3 UNITS	VLAWMO
123-143022340097	1965	EUGENE	ST	0.15	RES 1-3 UNITS	VLAWMO
123-143022340097	1965	EUGENE	ST	0.15	RES 1-3 UNITS	VLAWMO
123-143022340098	1967	EUGENE	ST	0.15	RES 1-3 UNITS	VLAWMO
123-143022340098	1967	EUGENE	ST	0.15	RES 1-3 UNITS	VLAWMO
123-143022340117	1960	EUGENE	ST	0.15	RES 1-3 UNITS	VLAWMO
123-143022420013	4786	BALD EAGLE	AVE	0.34	RES 1-3 UNITS	VLAWMO
123-143022140141	4800	DIVISION	ST	2.1	RES 4 OR MORE UNITS	VLAWMO
123-143022120012	4971	DIVISION	AVE	0.24	RES DUPLEX/TRIPLEX	VLAWMO
123-143022140073	2180	8TH	ST	0.17	RES DUPLEX/TRIPLEX	VLAWMO
123-143022240075	1931	5TH	ST	0.5	RES DUPLEX/TRIPLEX	VLAWMO
123-143022340075	1986	FLORENCE	ST	0.31	RES DUPLEX/TRIPLEX	VLAWMO
123-143022340075	1986	FLORENCE	ST	0.31	RES DUPLEX/TRIPLEX	VLAWMO
123-143022420008	2090	5TH	ST	0.28	RES DUPLEX/TRIPLEX	VLAWMO
123-113022330036	5048	CAMPANARO	LN	0.27	RESIDENTIAL	VLAWMO
123-113022330037	5049	GEORGIA	LN	0.37	RESIDENTIAL	VLAWMO
123-113022330038	5048	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-113022330039	5056	GEORGIA	LN	0.36	RESIDENTIAL	VLAWMO
123-113022330040	1895	GARDEN	LN	0.3	RESIDENTIAL	VLAWMO
123-113022330041	1885	GARDEN	LN	0.37	RESIDENTIAL	VLAWMO
123-113022330042	5057	LEMIRE	LN	0.41	RESIDENTIAL	VLAWMO
123-113022330043	5047	LEMIRE	LN	0.26	RESIDENTIAL	VLAWMO
123-113022330044	5048	LEMIRE	LN	0.3	RESIDENTIAL	VLAWMO
123-113022340055	1905	GARDEN	LN	0.35	RESIDENTIAL	VLAWMO
123-113022340057	1904	GARDEN	LN	0.34	RESIDENTIAL	VLAWMO
123-113022340058	1920	GARDEN	LN	0.42	RESIDENTIAL	VLAWMO
123-113022340059	1930	GARDEN	LN	0.28	RESIDENTIAL	VLAWMO
123-113022340060	5051	WOOD	AVE	0.2	RESIDENTIAL	VLAWMO
123-143022110041	4923	LONG	AVE	0.57	RESIDENTIAL	VLAWMO
123-143022110042	4919	LONG	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022110043	4920	WASHINGTON	AVE	0.42	RESIDENTIAL	VLAWMO
123-143022110044	4925	WASHINGTON	AVE	0.23	RESIDENTIAL	VLAWMO
123-143022110045	4922	DIVISION	AVE	0.36	RESIDENTIAL	VLAWMO
123-143022110046	4930	DIVISION	AVE	0.36	RESIDENTIAL	VLAWMO
123-143022110047	4938	DIVISION	AVE	0.35	RESIDENTIAL	VLAWMO
123-143022110048	4946	DIVISION	AVE	0.22	RESIDENTIAL	VLAWMO
123-143022110049	4952	DIVISION	AVE	0.34	RESIDENTIAL	VLAWMO
123-143022110049	4952	DIVISION	AVE	0.34	RESIDENTIAL	VLAWMO
123-143022110050	4962	DIVISION	AVE	1.1	RESIDENTIAL	VLAWMO
123-143022110050	4962	DIVISION	AVE	1.1	RESIDENTIAL	VLAWMO
123-143022110051	4970	DIVISION	AVE	0.77	RESIDENTIAL	VLAWMO
123-143022110051	4970	DIVISION	AVE	0.77	RESIDENTIAL	VLAWMO

123-143022110052	4980	DIVISION	AVE	0.79	RESIDENTIAL	VLAWMO
123-143022110052	4980	DIVISION	AVE	0.79	RESIDENTIAL	VLAWMO
123-143022120003	5038	BALD EAGLE	AVE	0.46	RESIDENTIAL	VLAWMO
123-143022120003	5038	BALD EAGLE	AVE	0.46	RESIDENTIAL	VLAWMO
123-143022120004	5028	BALD EAGLE	AVE	0.46	RESIDENTIAL	VLAWMO
123-143022120004	5028	BALD EAGLE	AVE	0.46	RESIDENTIAL	VLAWMO
123-143022120005	5018	BALD EAGLE	AVE	0.7	RESIDENTIAL	VLAWMO
123-143022120005	5018	BALD EAGLE	AVE	0.7	RESIDENTIAL	VLAWMO
123-143022120006	5014	BALD EAGLE	AVE	1.03	RESIDENTIAL	VLAWMO
123-143022120006	5014	BALD EAGLE	AVE	1.03	RESIDENTIAL	VLAWMO
123-143022120007	5000	BALD EAGLE	AVE	1.03	RESIDENTIAL	VLAWMO
123-143022120007	5000	BALD EAGLE	AVE	1.03	RESIDENTIAL	VLAWMO
123-143022120008	4990	BALD EAGLE	AVE	0.86	RESIDENTIAL	VLAWMO
123-143022120008	4990	BALD EAGLE	AVE	0.86	RESIDENTIAL	VLAWMO
123-143022120013	4965	DIVISION	AVE	0.24	RESIDENTIAL	VLAWMO
123-143022120014	4957	DIVISION	AVE	0.22	RESIDENTIAL	VLAWMO
123-143022120015	4953	DIVISION	AVE	0.24	RESIDENTIAL	VLAWMO
123-143022120016	4947	DIVISION	AVE	0.26	RESIDENTIAL	VLAWMO
123-143022120017	4941	DIVISION	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022120018	4931	DIVISION	AVE	0.38	RESIDENTIAL	VLAWMO
123-143022120019	4921	DIVISION	AVE	0.34	RESIDENTIAL	VLAWMO
123-143022130001	4915	DIVISION	AVE	0.34	RESIDENTIAL	VLAWMO
123-143022130002	4901	DIVISION	AVE	0.34	RESIDENTIAL	VLAWMO
123-143022130003	4893	DIVISION	AVE	0.34	RESIDENTIAL	VLAWMO
123-143022130004	4883	DIVISION	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022130005	4875	DIVISION	AVE	0.34	RESIDENTIAL	VLAWMO
123-143022130006	4865	DIVISION	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022130007	4859	DIVISION	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022130008	4853	DIVISION	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022130010	4839	DIVISION	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022130011	4835	DIVISION	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022130012	4825	DIVISION	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022130013	4821	DIVISION	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022130014	4817	DIVISION	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022130015	4811	DIVISION	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022130016	4807	DIVISION	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022130017	4803	DIVISION	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022130018	2125	5TH	ST	0.22	RESIDENTIAL	VLAWMO
123-143022130019	2121	5TH	ST	0.11	RESIDENTIAL	VLAWMO
123-143022130020	2117	5TH	ST	0.22	RESIDENTIAL	VLAWMO
123-143022130021	4818	BLOOM	AVE	0.26	RESIDENTIAL	VLAWMO
123-143022130022	4826	BLOOM	AVE	0.26	RESIDENTIAL	VLAWMO
123-143022130023	2125	6TH	ST	0.15	RESIDENTIAL	VLAWMO
123-143022130024	4838	BLOOM	AVE	0.2	RESIDENTIAL	VLAWMO
123-143022130025	4844	BLOOM	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022130026	4848	BLOOM	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022130027	4852	BLOOM	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022130028	4858	BLOOM	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022130029	4864	BLOOM	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022130030	4870	BLOOM	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022130031	4874	BLOOM	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022130032	4882	BLOOM	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022130033	4886	BLOOM	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022130034	2122	8TH	ST	0.17	RESIDENTIAL	VLAWMO
123-143022130035	2119	8TH	ST	0.2	RESIDENTIAL	VLAWMO
123-143022130036	2117	8TH	ST	0.14	RESIDENTIAL	VLAWMO
123-143022130037	4920	BLOOM	AVE	0.38	RESIDENTIAL	VLAWMO
123-143022130039	4920	BALD EAGLE	AVE	0.77	RESIDENTIAL	VLAWMO
123-143022130040	4910	BALD EAGLE	AVE	0.61	RESIDENTIAL	VLAWMO
123-143022130041	4902	BALD EAGLE	AVE	0.67	RESIDENTIAL	VLAWMO
123-143022130042	4894	BALD EAGLE	AVE	0.67	RESIDENTIAL	VLAWMO
123-143022130047	4837	BLOOM	AVE	0.38	RESIDENTIAL	VLAWMO
123-143022130048	4825	BLOOM	AVE	0.52	RESIDENTIAL	VLAWMO
123-143022130049	4823	BLOOM	AVE	0.27	RESIDENTIAL	VLAWMO
123-143022130051	2081	5TH	ST	0.24	RESIDENTIAL	VLAWMO

123-143022130052	2071	5TH	ST	0.38	RESIDENTIAL	VLAWMO
123-143022130053	4804	CENTRAL	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022130054	4814	CENTRAL	AVE	0.16	RESIDENTIAL	VLAWMO
123-143022130055	4820	CENTRAL	AVE	0.23	RESIDENTIAL	VLAWMO
123-143022130056	4826	CENTRAL	AVE	0.21	RESIDENTIAL	VLAWMO
123-143022130057	4832	CENTRAL	AVE	0.23	RESIDENTIAL	VLAWMO
123-143022130058	4838	CENTRAL	AVE	0.31	RESIDENTIAL	VLAWMO
123-143022130059	4848	CENTRAL	AVE	0.28	RESIDENTIAL	VLAWMO
123-143022130065	4847	CENTRAL	AVE	0.25	RESIDENTIAL	VLAWMO
123-143022130066	4837	CENTRAL	AVE	0.35	RESIDENTIAL	VLAWMO
123-143022130067	4825	CENTRAL	AVE	0.3	RESIDENTIAL	VLAWMO
123-143022130068	4819	CENTRAL	AVE	0.47	RESIDENTIAL	VLAWMO
123-143022130070	2027	5TH	ST	0.19	RESIDENTIAL	VLAWMO
123-143022130071	2021	5TH	ST	0.19	RESIDENTIAL	VLAWMO
123-143022130073	4804	BALD EAGLE	AVE	0.27	RESIDENTIAL	VLAWMO
123-143022130074	4810	BALD EAGLE	AVE	0.23	RESIDENTIAL	VLAWMO
123-143022130075	4816	BALD EAGLE	AVE	0.29	RESIDENTIAL	VLAWMO
123-143022130076	4820	BALD EAGLE	AVE	0.37	RESIDENTIAL	VLAWMO
123-143022130077	4828	BALD EAGLE	AVE	0.37	RESIDENTIAL	VLAWMO
123-143022130078	4838	BALD EAGLE	AVE	0.37	RESIDENTIAL	VLAWMO
123-143022130079	4848	BALD EAGLE	AVE	0.37	RESIDENTIAL	VLAWMO
123-143022130081	4854	BALD EAGLE	AVE	0.29	RESIDENTIAL	VLAWMO
123-143022130082	4855	CENTRAL	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022130083	4847	DIVISION	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022130084	4843	DIVISION	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022130085	4805	CENTRAL	AVE	0.22	RESIDENTIAL	VLAWMO
123-143022130086		CENTRAL	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022140060	4915	LONG	AVE	0.18	RESIDENTIAL	VLAWMO
123-143022140062	2181	8TH	ST	0.34	RESIDENTIAL	VLAWMO
123-143022140063	2175	8TH	ST	0.17	RESIDENTIAL	VLAWMO
123-143022140065	2149	8TH	ST	0.24	RESIDENTIAL	VLAWMO
123-143022140066	2145	8TH	ST	0.24	RESIDENTIAL	VLAWMO
123-143022140067	2121	8TH	ST	0.31	RESIDENTIAL	VLAWMO
123-143022140068	2146	8TH	ST	0.23	RESIDENTIAL	VLAWMO
123-143022140069	4856	DIVISION	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022140070	2152	8TH	ST	0.34	RESIDENTIAL	VLAWMO
123-143022140071	2160	8TH	ST	0.15	RESIDENTIAL	VLAWMO
123-143022140072	2174	8TH	ST	0.17	RESIDENTIAL	VLAWMO
123-143022140074	2184	8TH	ST	0.17	RESIDENTIAL	VLAWMO
123-143022140077	2159	7TH	ST	0.17	RESIDENTIAL	VLAWMO
123-143022140078	2153	7TH	ST	0.19	RESIDENTIAL	VLAWMO
123-143022140079	2149	7TH	ST	0.15	RESIDENTIAL	VLAWMO
123-143022140080	2145	7TH	ST	0.26	RESIDENTIAL	VLAWMO
123-143022140081	2121	7TH	ST	0.17	RESIDENTIAL	VLAWMO
123-143022140137	4923	WASHINGTON	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022140138	2159	8TH	ST	0.31	RESIDENTIAL	VLAWMO
123-143022210007	4971	BALD EAGLE	AVE	0.44	RESIDENTIAL	VLAWMO
123-143022210008	1995	10TH	ST	0.24	RESIDENTIAL	VLAWMO
123-143022210009	1985	10TH	ST	0.24	RESIDENTIAL	VLAWMO
123-143022210010	1975	10TH	ST	0.24	RESIDENTIAL	VLAWMO
123-143022210011	4970	CAMPBELL	AVE	0.24	RESIDENTIAL	VLAWMO
123-143022210012	4971	CAMPBELL	AVE	0.24	RESIDENTIAL	VLAWMO
123-143022210013	4961	CAMPBELL	AVE	0.28	RESIDENTIAL	VLAWMO
123-143022210014	1950	10TH	ST	0.31	RESIDENTIAL	VLAWMO
123-143022210015	1960	10TH	ST	0.22	RESIDENTIAL	VLAWMO
123-143022210019	2000	10TH	ST	0.24	RESIDENTIAL	VLAWMO
123-143022210020	2010	10TH	ST	0.24	RESIDENTIAL	VLAWMO
123-143022210023	4933	BALD EAGLE	AVE	0.12	RESIDENTIAL	VLAWMO
123-143022210027	1977	9TH	ST	0.13	RESIDENTIAL	VLAWMO
123-143022210028	1971	9TH	ST	0.25	RESIDENTIAL	VLAWMO
123-143022210042	1941	9TH	ST	1	RESIDENTIAL	VLAWMO
123-143022210049	5030	WOOD	AVE	0.31	RESIDENTIAL	VLAWMO
123-143022210050	1934	11TH	ST	0.3	RESIDENTIAL	VLAWMO
123-143022210051	5005	WOOD	AVE	0.75	RESIDENTIAL	VLAWMO
123-143022210052	1926	11TH	ST	0.36	RESIDENTIAL	VLAWMO

123-143022210053	1922	11TH	ST	0.28	RESIDENTIAL	VLAWMO
123-143022210054	1921	11TH	ST	0.23	RESIDENTIAL	VLAWMO
123-143022210055	1927	11TH	ST	0.28	RESIDENTIAL	VLAWMO
123-143022210056	5041	WOOD	AVE	0.29	RESIDENTIAL	VLAWMO
123-143022210057	5040	WOOD	AVE	0.35	RESIDENTIAL	VLAWMO
123-143022210063	1990	10TH	ST	0.34	RESIDENTIAL	VLAWMO
123-143022210064	4940	WALNUT	AVE	0.41	RESIDENTIAL	VLAWMO
123-143022210065	4930	WALNUT	AVE	0.41	RESIDENTIAL	VLAWMO
123-143022210066	1970	10TH	ST	0.25	RESIDENTIAL	VLAWMO
123-143022210067	4941	WALNUT	AVE	0.24	RESIDENTIAL	VLAWMO
123-143022210068	4931	WALNUT	AVE	0.24	RESIDENTIAL	VLAWMO
123-143022210071	5020	WOOD	AVE	0.48	RESIDENTIAL	VLAWMO
123-143022210072	4993	BALD EAGLE	AVE	0.59	RESIDENTIAL	VLAWMO
123-143022210075	1947	9TH	ST	0.26	RESIDENTIAL	VLAWMO
123-143022210076	1951	9TH	ST	0.27	RESIDENTIAL	VLAWMO
123-143022210077	1961	9TH	ST	0.22	RESIDENTIAL	VLAWMO
123-143022210078	1967	9TH	ST	0.18	RESIDENTIAL	VLAWMO
123-143022210079	1985	9TH	ST	0.27	RESIDENTIAL	VLAWMO
123-143022210080	1993	9TH	ST	0.27	RESIDENTIAL	VLAWMO
123-143022210081	2001	9TH	ST	0.27	RESIDENTIAL	VLAWMO
123-143022210083	4947	BALD EAGLE	AVE	0.35	RESIDENTIAL	VLAWMO
123-143022210084	1921	9TH	ST	0.51	RESIDENTIAL	VLAWMO
123-143022210085	4981	BALD EAGLE	AVE	0.59	RESIDENTIAL	VLAWMO
123-143022210088	1905	9TH	ST	0.39	RESIDENTIAL	VLAWMO
123-143022210090	1915	LEMIRE	CIR	0.24	RESIDENTIAL	VLAWMO
123-143022210091	1925	LEMIRE	CIR	0.3	RESIDENTIAL	VLAWMO
123-143022210092	1920	LEMIRE	CIR	0.27	RESIDENTIAL	VLAWMO
123-143022210093	1910	LEMIRE	CIR	0.26	RESIDENTIAL	VLAWMO
123-143022210094	1925	10TH	ST	0.37	RESIDENTIAL	VLAWMO
123-143022210095	4945	WOOD	AVE	0.24	RESIDENTIAL	VLAWMO
123-143022210096	4955	WOOD	AVE	0.24	RESIDENTIAL	VLAWMO
123-143022210097	4965	WOOD	AVE	0.24	RESIDENTIAL	VLAWMO
123-143022210098	4975	WOOD	AVE	0.24	RESIDENTIAL	VLAWMO
123-143022210099	4985	WOOD	AVE	0.24	RESIDENTIAL	VLAWMO
123-143022210100	4995	WOOD	AVE	0.24	RESIDENTIAL	VLAWMO
123-143022210101	4940	WOOD	AVE	0.4	RESIDENTIAL	VLAWMO
123-143022210102	4950	WOOD	AVE	0.24	RESIDENTIAL	VLAWMO
123-143022210103	4960	WOOD	AVE	0.24	RESIDENTIAL	VLAWMO
123-143022210104	4970	WOOD	AVE	0.24	RESIDENTIAL	VLAWMO
123-143022210105	4980	WOOD	AVE	0.24	RESIDENTIAL	VLAWMO
123-143022210106	4990	WOOD	AVE	0.24	RESIDENTIAL	VLAWMO
123-143022210107	1920	10TH	ST	0.29	RESIDENTIAL	VLAWMO
123-143022210110	5015	BALD EAGLE	AVE	0.77	RESIDENTIAL	VLAWMO
123-143022210113	4979	CAMPBELL	AVE	0.27	RESIDENTIAL	VLAWMO
123-143022210114	4987	CAMPBELL	AVE	0.26	RESIDENTIAL	VLAWMO
123-143022210115	4995	CAMPBELL	AVE	0.24	RESIDENTIAL	VLAWMO
123-143022210116	5003	CAMPBELL	AVE	0.28	RESIDENTIAL	VLAWMO
123-143022210117	5011	CAMPBELL	AVE	0.26	RESIDENTIAL	VLAWMO
123-143022210118	5019	CAMPBELL	AVE	0.26	RESIDENTIAL	VLAWMO
123-143022210119	4986	CAMPBELL	AVE	0.25	RESIDENTIAL	VLAWMO
123-143022210120	4978	CAMPBELL	AVE	0.25	RESIDENTIAL	VLAWMO
123-143022210121	1980	CAMPBELL	CIR	0.3	RESIDENTIAL	VLAWMO
123-143022210122	1988	CAMPBELL	CIR	0.3	RESIDENTIAL	VLAWMO
123-143022210123	1996	CAMPBELL	CIR	0.42	RESIDENTIAL	VLAWMO
123-143022210124	1997	CAMPBELL	CIR	0.25	RESIDENTIAL	VLAWMO
123-143022210127	1973	CAMPBELL	CIR	0.29	RESIDENTIAL	VLAWMO
123-143022210128	1965	CAMPBELL	CIR	0.24	RESIDENTIAL	VLAWMO
123-143022210129	5010	CAMPBELL	AVE	0.24	RESIDENTIAL	VLAWMO
123-143022210130	1972	11TH	ST	0.24	RESIDENTIAL	VLAWMO
123-143022210131	1980	11TH	ST	0.24	RESIDENTIAL	VLAWMO
123-143022210132	1988	11TH	ST	0.25	RESIDENTIAL	VLAWMO
123-143022210133	1996	11TH	ST	0.44	RESIDENTIAL	VLAWMO
123-143022210134	1997	11TH	ST	0.46	RESIDENTIAL	VLAWMO
123-143022210135	1989	11TH	ST	0.25	RESIDENTIAL	VLAWMO
123-143022210136	1981	11TH	ST	0.26	RESIDENTIAL	VLAWMO

123-143022210137	1973	11TH	ST	0.26	RESIDENTIAL	VLAWMO
123-143022210138	1965	11TH	ST	0.26	RESIDENTIAL	VLAWMO
123-143022210139	1957	11TH	ST	0.26	RESIDENTIAL	VLAWMO
123-143022210140	1949	11TH	ST	0.26	RESIDENTIAL	VLAWMO
123-143022210142	1981	CAMPBELL	CIR	0.27	RESIDENTIAL	VLAWMO
123-143022210143	5005	BALD EAGLE	AVE	0.93	RESIDENTIAL	VLAWMO
123-143022210144	5037	BALD EAGLE	AVE	0.45	RESIDENTIAL	VLAWMO
123-143022210145	5025	BALD EAGLE	AVE	0.65	RESIDENTIAL	VLAWMO
123-143022220001	1895	9TH	ST	0.41	RESIDENTIAL	VLAWMO
123-143022220003	1871	9TH	ST	0.44	RESIDENTIAL	VLAWMO
123-143022220005	5032	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220006	5040	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220007	5024	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220008	5016	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220009	5008	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220010	5000	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220011	4992	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220012	4984	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220013	4976	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220014	4968	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220015	4960	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220016	4952	GEORGIA	LN	0.29	RESIDENTIAL	VLAWMO
123-143022220017	4936	GEORGIA	LN	0.31	RESIDENTIAL	VLAWMO
123-143022220018	4928	GEORGIA	LN	0.29	RESIDENTIAL	VLAWMO
123-143022220019	4920	GEORGIA	LN	0.31	RESIDENTIAL	VLAWMO
123-143022220020	4921	GEORGIA	LN	0.29	RESIDENTIAL	VLAWMO
123-143022220021	4929	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220022	4937	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220023	4945	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220024	4953	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220025	4961	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220026	4969	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220027	4977	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220028	4985	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220029	4993	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220030	5001	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220031	5009	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220032	5017	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220033	5025	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220034	5033	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220035	5041	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220036	5040	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220037	5032	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220038	5024	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220039	5016	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220040	5008	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220041	5000	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220042	4992	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220043	4984	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220044	4976	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220045	4968	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220046	4960	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220047	4952	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220048	4944	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220049	4936	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220050	4928	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220051	4920	CAMPANARO	LN	0.29	RESIDENTIAL	VLAWMO
123-143022220052	4921	CAMPANARO	LN	0.29	RESIDENTIAL	VLAWMO
123-143022220053	4929	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220054	4937	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220055	4945	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220056	4953	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220057	4961	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220058	4969	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220059	4977	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO

123-143022220060	4985	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220061	4993	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220062	5001	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220063	5009	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220064	5017	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220065	5025	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220066	5033	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220067	5041	CAMPANARO	LN	0.36	RESIDENTIAL	VLAWMO
123-143022220068	5040	WOODCREST	RD	0.27	RESIDENTIAL	VLAWMO
123-143022220069	5032	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220070	5024	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220071	5016	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220072	5008	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220073	5000	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220074	4992	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220075	4984	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220076	4976	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220077	4968	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220078	4960	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220079	4952	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220080	4944	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220081	4936	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220082	4928	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220083	4920	WOODCREST	RD	0.29	RESIDENTIAL	VLAWMO
123-143022220084	4921	WOODCREST	RD	0.29	RESIDENTIAL	VLAWMO
123-143022220085	4929	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220086	4937	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220087	4945	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220088	4953	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220089	4961	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220090	4969	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220091	4977	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220092	4985	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220093	4993	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220094	5001	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220095	5009	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220096	5017	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220097	5025	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220098	5033	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220099	5041	WOODCREST	RD	0.31	RESIDENTIAL	VLAWMO
123-143022220100	5041	LEMIRE	LN	0.26	RESIDENTIAL	VLAWMO
123-143022220101	5033	LEMIRE	LN	0.26	RESIDENTIAL	VLAWMO
123-143022220102	5025	LEMIRE	LN	0.26	RESIDENTIAL	VLAWMO
123-143022220103	5017	LEMIRE	LN	0.26	RESIDENTIAL	VLAWMO
123-143022220104	5009	LEMIRE	LN	0.26	RESIDENTIAL	VLAWMO
123-143022220105	5001	LEMIRE	LN	0.26	RESIDENTIAL	VLAWMO
123-143022220106	5042	LEMIRE	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220107	5034	LEMIRE	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220108	5026	LEMIRE	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220109	5018	LEMIRE	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220110	5010	LEMIRE	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220111	5002	LEMIRE	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220115	1881	9TH	ST	0.39	RESIDENTIAL	VLAWMO
123-143022220116	4945	LEMIRE	LN	0.26	RESIDENTIAL	VLAWMO
123-143022220117	4955	LEMIRE	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220118	4965	LEMIRE	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220119	4975	LEMIRE	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220120	4985	LEMIRE	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220121	4995	LEMIRE	LN	0.26	RESIDENTIAL	VLAWMO
123-143022220122	1905	LEMIRE	CIR	0.24	RESIDENTIAL	VLAWMO
123-143022220123	1900	LEMIRE	CIR	0.25	RESIDENTIAL	VLAWMO
123-143022220124	4950	LEMIRE	LN	0.3	RESIDENTIAL	VLAWMO
123-143022220125	4940	LEMIRE	LN	0.31	RESIDENTIAL	VLAWMO
123-143022220126	1910	10TH	ST	0.24	RESIDENTIAL	VLAWMO
123-143022220127	1900	10TH	ST	0.24	RESIDENTIAL	VLAWMO

123-143022220128	1890	10TH	ST	0.24	RESIDENTIAL	VLAWMO
123-143022220129	1880	10TH	ST	0.3	RESIDENTIAL	VLAWMO
123-143022240001	4917	BALD EAGLE	AVE	0.3	RESIDENTIAL	VLAWMO
123-143022240002	4909	BALD EAGLE	AVE	0.3	RESIDENTIAL	VLAWMO
123-143022240003	2000	9TH	ST	0.47	RESIDENTIAL	VLAWMO
123-143022240004	1990	9TH	ST	0.4	RESIDENTIAL	VLAWMO
123-143022240005	1980	9TH	ST	0.3	RESIDENTIAL	VLAWMO
123-143022240006	1974	9TH	ST	0.4	RESIDENTIAL	VLAWMO
123-143022240007	1964	9TH	ST	0.2	RESIDENTIAL	VLAWMO
123-143022240008	1962	9TH	ST	0.21	RESIDENTIAL	VLAWMO
123-143022240010	1930	9TH	ST	0.23	RESIDENTIAL	VLAWMO
123-143022240011	1920	9TH	ST	0.23	RESIDENTIAL	VLAWMO
123-143022240012	1912	9TH	ST	0.23	RESIDENTIAL	VLAWMO
123-143022240013	1904	9TH	ST	0.3	RESIDENTIAL	VLAWMO
123-143022240014	1911	LOMBARDY	LN	0.25	RESIDENTIAL	VLAWMO
123-143022240015	1915	LOMBARDY	LN	0.23	RESIDENTIAL	VLAWMO
123-143022240016	1925	LOMBARDY	LN	0.22	RESIDENTIAL	VLAWMO
123-143022240017	1924	LOMBARDY	LN	0.29	RESIDENTIAL	VLAWMO
123-143022240018	1922	LOMBARDY	LN	0.34	RESIDENTIAL	VLAWMO
123-143022240019	1920	LOMBARDY	LN	0.3	RESIDENTIAL	VLAWMO
123-143022240020	1914	LOMBARDY	LN	0.25	RESIDENTIAL	VLAWMO
123-143022240021	4890	WOOD	AVE	0.27	RESIDENTIAL	VLAWMO
123-143022240022	4876	WOOD	AVE	0.62	RESIDENTIAL	VLAWMO
123-143022240023	4868	WOOD	AVE	0.37	RESIDENTIAL	VLAWMO
123-143022240024	4860	WOOD	AVE	0.37	RESIDENTIAL	VLAWMO
123-143022240025	4850	WOOD	AVE	0.37	RESIDENTIAL	VLAWMO
123-143022240026	4842	WOOD	AVE	0.37	RESIDENTIAL	VLAWMO
123-143022240027	1903	6TH	ST	0.25	RESIDENTIAL	VLAWMO
123-143022240028	1919	6TH	ST	0.2	RESIDENTIAL	VLAWMO
123-143022240029	1985	6TH	ST	0.23	RESIDENTIAL	VLAWMO
123-143022240030	1991	6TH	ST	0.23	RESIDENTIAL	VLAWMO
123-143022240031	1999	6TH	ST	0.19	RESIDENTIAL	VLAWMO
123-143022240032	2005	6TH	ST	0.19	RESIDENTIAL	VLAWMO
123-143022240033	4837	BALD EAGLE	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022240034	4847	BALD EAGLE	AVE	0.18	RESIDENTIAL	VLAWMO
123-143022240035	4853	BALD EAGLE	AVE	0.18	RESIDENTIAL	VLAWMO
123-143022240038	4863	BALD EAGLE	AVE	0.99	RESIDENTIAL	VLAWMO
123-143022240039	4871	BALD EAGLE	AVE	0.57	RESIDENTIAL	VLAWMO
123-143022240040	4875	BALD EAGLE	AVE	0.22	RESIDENTIAL	VLAWMO
123-143022240042	4881	BALD EAGLE	AVE	0.26	RESIDENTIAL	VLAWMO
123-143022240043	4891	BALD EAGLE	AVE	0.26	RESIDENTIAL	VLAWMO
123-143022240044	4901	BALD EAGLE	AVE	1	RESIDENTIAL	VLAWMO
123-143022240045	4821	BALD EAGLE	AVE	0.45	RESIDENTIAL	VLAWMO
123-143022240046	2002	6TH	ST	0.19	RESIDENTIAL	VLAWMO
123-143022240047	1996	6TH	ST	0.23	RESIDENTIAL	VLAWMO
123-143022240048	1988	6TH	ST	0.18	RESIDENTIAL	VLAWMO
123-143022240049	4813	BALD EAGLE	AVE	0.99	RESIDENTIAL	VLAWMO
123-143022240050	4805	BALD EAGLE	AVE	0.99	RESIDENTIAL	VLAWMO
123-143022240053	4818	CAMPBELL	AVE	0.22	RESIDENTIAL	VLAWMO
123-143022240054	1956	6TH	ST	0.28	RESIDENTIAL	VLAWMO
123-143022240055	1964	6TH	ST	0.27	RESIDENTIAL	VLAWMO
123-143022240056	1972	6TH	ST	0.4	RESIDENTIAL	VLAWMO
123-143022240057	1980	6TH	ST	0.4	RESIDENTIAL	VLAWMO
123-143022240059	4805	CAMPBELL	AVE	0.2	RESIDENTIAL	VLAWMO
123-143022240060	4811	CAMPBELL	AVE	0.2	RESIDENTIAL	VLAWMO
123-143022240061	4817	CAMPBELL	AVE	0.19	RESIDENTIAL	VLAWMO
123-143022240062	1940	6TH	ST	0.2	RESIDENTIAL	VLAWMO
123-143022240063	1930	6TH	ST	0.2	RESIDENTIAL	VLAWMO
123-143022240065	1914	6TH	ST	0.97	RESIDENTIAL	VLAWMO
123-143022240066	4826	WOOD	AVE	0.13	RESIDENTIAL	VLAWMO
123-143022240067	4822	WOOD	AVE	0.13	RESIDENTIAL	VLAWMO
123-143022240068	4816	WOOD	AVE	0.13	RESIDENTIAL	VLAWMO
123-143022240069	4810	WOOD	AVE	0.13	RESIDENTIAL	VLAWMO
123-143022240070	4804	WOOD	AVE	0.23	RESIDENTIAL	VLAWMO
123-143022240071	4804	CAMPBELL	AVE	0.48	RESIDENTIAL	VLAWMO

123-143022240073	4810	CAMPBELL	AVE	0.51	RESIDENTIAL	VLAWMO
123-143022240074	1924	6TH	ST	0.56	RESIDENTIAL	VLAWMO
123-143022240076	4859	BALD EAGLE	AVE	1	RESIDENTIAL	VLAWMO
123-143022310001	4799	BALD EAGLE	AVE	0.49	RESIDENTIAL	VLAWMO
123-143022310002	4793	BALD EAGLE	AVE	0.49	RESIDENTIAL	VLAWMO
123-143022310003	4787	BALD EAGLE	AVE	0.66	RESIDENTIAL	VLAWMO
123-143022310004	4781	BALD EAGLE	AVE	0.25	RESIDENTIAL	VLAWMO
123-143022310006	2005	4TH	ST	0.25	RESIDENTIAL	VLAWMO
123-143022310007	1999	4TH	ST	0.21	RESIDENTIAL	VLAWMO
123-143022310008	1991	4TH	ST	0.21	RESIDENTIAL	VLAWMO
123-143022310011	1973	4TH	ST	0.27	RESIDENTIAL	VLAWMO
123-143022310012	1967	4TH	ST	0.46	RESIDENTIAL	VLAWMO
123-143022310013	1961	4TH	ST	0.25	RESIDENTIAL	VLAWMO
123-143022310014	4784	CAMPBELL	AVE	0.25	RESIDENTIAL	VLAWMO
123-143022310015	4794	CAMPBELL	AVE	0.25	RESIDENTIAL	VLAWMO
123-143022310016	4793	CAMPBELL	AVE	0.26	RESIDENTIAL	VLAWMO
123-143022310017	4783	CAMPBELL	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022310018	4775	CAMPBELL	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022310019	4769	CAMPBELL	AVE	0.23	RESIDENTIAL	VLAWMO
123-143022310020	1945	4TH	ST	0.23	RESIDENTIAL	VLAWMO
123-143022310022	1925	4TH	ST	0.52	RESIDENTIAL	VLAWMO
123-143022310023	1919	4TH	ST	0.52	RESIDENTIAL	VLAWMO
123-143022310024	1913	4TH	ST	0.52	RESIDENTIAL	VLAWMO
123-143022310025	4794	WOOD	AVE	0.21	RESIDENTIAL	VLAWMO
123-143022310026	4786	WOOD	AVE	0.14	RESIDENTIAL	VLAWMO
123-143022310027	4778	WOOD	AVE	0.18	RESIDENTIAL	VLAWMO
123-143022310028	4772	WOOD	AVE	0.13	RESIDENTIAL	VLAWMO
123-143022310029	1903	4TH	ST	0.36	RESIDENTIAL	VLAWMO
123-143022310097	1985	4TH	ST	0.26	RESIDENTIAL	VLAWMO
123-143022310098	1979	4TH	ST	0.57	RESIDENTIAL	VLAWMO
123-143022310099	1933	4TH	ST	0.24	RESIDENTIAL	VLAWMO
123-143022310100	1932	5TH	ST	0.27	RESIDENTIAL	VLAWMO
123-143022340003	2004	BIRCH LAKE	AVE	0.31	RESIDENTIAL	VLAWMO
123-143022340003	2004	BIRCH LAKE	AVE	0.31	RESIDENTIAL	VLAWMO
123-143022340004	2000	BIRCH LAKE	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340004	2000	BIRCH LAKE	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340005	1996	BIRCH LAKE	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340005	1996	BIRCH LAKE	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340006	1992	BIRCH LAKE	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340006	1992	BIRCH LAKE	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340007	1986	BIRCH LAKE	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340007	1986	BIRCH LAKE	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340008	1982	BIRCH LAKE	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340008	1982	BIRCH LAKE	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340009	1966	BIRCH LAKE	AVE	0.35	RESIDENTIAL	VLAWMO
123-143022340009	1966	BIRCH LAKE	AVE	0.35	RESIDENTIAL	VLAWMO
123-143022340010	1962	BIRCH LAKE	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340010	1962	BIRCH LAKE	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340011	1958	BIRCH LAKE	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340011	1958	BIRCH LAKE	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340012	1954	BIRCH LAKE	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340012	1954	BIRCH LAKE	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340013	1946	BIRCH LAKE	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340013	1946	BIRCH LAKE	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340014	1942	BIRCH LAKE	AVE	0.23	RESIDENTIAL	VLAWMO
123-143022340014	1942	BIRCH LAKE	AVE	0.23	RESIDENTIAL	VLAWMO
123-143022340026	1933	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340026	1933	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340027	1941	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340027	1941	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340028	1947	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340028	1947	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340029	1953	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340029	1953	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340030	1959	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO

123-143022340030	1959	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340032	1971	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340032	1971	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340033	1983	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340033	1983	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340034	1987	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340034	1987	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340035	1991	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340035	1991	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340036	1995	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340036	1995	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340037	1999	WEBBER	ST	0.16	RESIDENTIAL	VLAWMO
123-143022340037	1999	WEBBER	ST	0.16	RESIDENTIAL	VLAWMO
123-143022340038	2005	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340038	2005	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340043	2004	WEBBER	ST	0.29	RESIDENTIAL	VLAWMO
123-143022340043	2004	WEBBER	ST	0.29	RESIDENTIAL	VLAWMO
123-143022340044	1994	WEBBER	ST	0.17	RESIDENTIAL	VLAWMO
123-143022340044	1994	WEBBER	ST	0.17	RESIDENTIAL	VLAWMO
123-143022340045	1986	WEBBER	ST	0.31	RESIDENTIAL	VLAWMO
123-143022340045	1986	WEBBER	ST	0.31	RESIDENTIAL	VLAWMO
123-143022340046	1982	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340046	1982	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340047	4655	1ST	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340047	4655	1ST	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340048	1966	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340048	1966	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340049	1962	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340049	1962	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340050	1958	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340050	1958	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340051	1954	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340051	1954	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340052	1946	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340052	1946	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340053	1942	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340053	1942	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340054	4656	2ND	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340054	4656	2ND	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340055	4648	2ND	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340055	4648	2ND	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340059	1939	FLORENCE	ST	0.31	RESIDENTIAL	VLAWMO
123-143022340059	1939	FLORENCE	ST	0.31	RESIDENTIAL	VLAWMO
123-143022340060	1931	FLORENCE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340060	1931	FLORENCE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340061	1947	FLORENCE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340061	1947	FLORENCE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340062	1953	FLORENCE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340062	1953	FLORENCE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340063	1959	FLORENCE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340063	1959	FLORENCE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340064	1967	FLORENCE	ST	0.31	RESIDENTIAL	VLAWMO
123-143022340064	1967	FLORENCE	ST	0.31	RESIDENTIAL	VLAWMO
123-143022340065	4643	1ST	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340065	4643	1ST	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340066	4644	1ST	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340066	4644	1ST	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340067	1991	FLORENCE	AVE	0.31	RESIDENTIAL	VLAWMO
123-143022340067	1991	FLORENCE	AVE	0.31	RESIDENTIAL	VLAWMO
123-143022340068	1999	FLORENCE	ST	0.31	RESIDENTIAL	VLAWMO
123-143022340068	1999	FLORENCE	ST	0.31	RESIDENTIAL	VLAWMO
123-143022340069	2005	FLORENCE	ST	0.18	RESIDENTIAL	VLAWMO
123-143022340069	2005	FLORENCE	ST	0.18	RESIDENTIAL	VLAWMO
123-143022340077	1970	FLORENCE	ST	0.31	RESIDENTIAL	VLAWMO
123-143022340077	1970	FLORENCE	ST	0.31	RESIDENTIAL	VLAWMO

123-143022340078	1962	FLORENCE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340078	1962	FLORENCE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340079	1958	FLORENCE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340079	1958	FLORENCE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340080	1954	FLORENCE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340080	1954	FLORENCE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340082	1934	FLORENCE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340082	1934	FLORENCE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340091	4596	2ND	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340091	4596	2ND	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340094	1947	EUGENE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340094	1947	EUGENE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340095	1955	EUGENE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340095	1955	EUGENE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340099	4585	1ST	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340099	4585	1ST	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340100	1983	EUGENE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340100	1983	EUGENE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340101	1987	EUGENE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340101	1987	EUGENE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340102	1995	EUGENE	ST	0.31	RESIDENTIAL	VLAWMO
123-143022340102	1995	EUGENE	ST	0.31	RESIDENTIAL	VLAWMO
123-143022340103	1999	EUGENE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340103	1999	EUGENE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340104	2005	EUGENE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340104	2005	EUGENE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340112	1988	EUGENE	ST	0.14	RESIDENTIAL	VLAWMO
123-143022340114	4572	1ST	AVE	0.13	RESIDENTIAL	VLAWMO
123-143022340115	4571	1ST	AVE	0.22	RESIDENTIAL	VLAWMO
123-143022340116	4565	1ST	AVE	0.22	RESIDENTIAL	VLAWMO
123-143022340118	1964	EUGENE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340119	1948	EUGENE	ST	0.31	RESIDENTIAL	VLAWMO
123-143022340120	1936	EUGENE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340121	1932	EUGENE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340131	1931	96		0.15	RESIDENTIAL	VLAWMO
123-143022340132	1935	96		0.15	RESIDENTIAL	VLAWMO
123-143022340133	1941	96		0.15	RESIDENTIAL	VLAWMO
123-143022340134	1947	96		0.15	RESIDENTIAL	VLAWMO
123-143022340135	1953	96		0.15	RESIDENTIAL	VLAWMO
123-143022340136	1959	96		0.31	RESIDENTIAL	VLAWMO
123-143022340137	4561	1ST	AVE	0.29	RESIDENTIAL	VLAWMO
123-143022340138	1932	BIRCH LAKE	AVE	0.25	RESIDENTIAL	VLAWMO
123-143022340138	1932	BIRCH LAKE	AVE	0.25	RESIDENTIAL	VLAWMO
123-143022340139	4668	2ND	AVE	0.14	RESIDENTIAL	VLAWMO
123-143022340139	4668	2ND	AVE	0.14	RESIDENTIAL	VLAWMO
123-143022340140	1998	FLORENCE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340140	1998	FLORENCE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340141	2002	FLORENCE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340141	2002	FLORENCE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340144	1961	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340144	1961	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340145	1963	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340145	1963	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340146	1988	FLORENCE	ST	0.31	RESIDENTIAL	VLAWMO
123-143022340146	1988	FLORENCE	ST	0.31	RESIDENTIAL	VLAWMO
123-143022340152	4562	1ST	AVE	0.13	RESIDENTIAL	VLAWMO
123-143022420007	2100	5TH	ST	0.28	RESIDENTIAL	VLAWMO
123-143022420009	4796	MILLER	AVE	0.14	RESIDENTIAL	VLAWMO
123-143022420010	4786	MILLER	AVE	0.14	RESIDENTIAL	VLAWMO
123-143022420012	4796	BALD EAGLE	AVE	0.35	RESIDENTIAL	VLAWMO
123-143022420014	4780	BALD EAGLE	AVE	0.34	RESIDENTIAL	VLAWMO
123-143022420017	2077	4TH	ST	0.14	RESIDENTIAL	VLAWMO
123-143022420018	4780	MILLER	AVE	0.14	RESIDENTIAL	VLAWMO
123-143022420019	2083	4TH	ST	0.14	RESIDENTIAL	VLAWMO
123-143022420020	2091	4TH	ST	0.28	RESIDENTIAL	VLAWMO

123-143022420021	2101	4TH	ST	0.28	RESIDENTIAL	VLAWMO
123-143022420034	2100	4TH	ST	0.25	RESIDENTIAL	VLAWMO
123-143022420035	2092	4TH	ST	0.25	RESIDENTIAL	VLAWMO
123-143022420036	2084	4TH	ST	0.16	RESIDENTIAL	VLAWMO
123-143022420037	4748	MILLER	AVE	0.14	RESIDENTIAL	VLAWMO
123-143022420046	2091	3RD	ST	0.25	RESIDENTIAL	VLAWMO
123-143022420047	2093	3RD	ST	0.25	RESIDENTIAL	VLAWMO
123-143022420048	2101	3RD	ST	0.17	RESIDENTIAL	VLAWMO
123-143022420050	2109	3RD	ST	0.15	RESIDENTIAL	VLAWMO
123-143022420129	2107	4TH	ST	0.12	RESIDENTIAL	VLAWMO

White Bear Township

Table 6a indicates the parcels currently in the Vadnais Lake Area Water Management Organization that are proposed to be transferred to Rice Creek Watershed District in the City of White Bear Lake. This area totals 33.88 acres.

Table 6a						
PIN		ADDRESS		ACRES	LAND USE	LEGAL CHANGE TO
123-043022140027		HALPER	WAY	1.46	MUNICIPAL PUB-OTHER	RCWD
123-043022140038		HALPER	WAY	1.08	MUNICIPAL PUB-OTHER	RCWD
123-043022140071		OTTER VIEW	TRL	1.49	MUNICIPAL PUB-OTHER	RCWD
123-103022220034		FISHER	ST	0.11	MUNICIPAL PUB-OTHER	RCWD
123-043022140061		UNASSIGNED		0.5	RES 1-3 UNITS	RCWD
123-033022330005	1301	JONQUIL	LN	0.36	RESIDENTIAL	RCWD
123-033022330043	1303	STUART	AVE	0.38	RESIDENTIAL	RCWD
123-043022140021	5846	OTTER VIEW	TRL	0.28	RESIDENTIAL	RCWD
123-043022140022	5838	OTTER VIEW	TRL	0.28	RESIDENTIAL	RCWD
123-043022140023	5830	OTTER VIEW	TRL	0.28	RESIDENTIAL	RCWD
123-043022140024	5824	OTTER VIEW	TRL	0.28	RESIDENTIAL	RCWD
123-043022140025	1253	HALPER	WAY	0.3	RESIDENTIAL	RCWD
123-043022140026	1259	HALPER	WAY	0.3	RESIDENTIAL	RCWD
123-043022140028	1283	HALPER	WAY	0.31	RESIDENTIAL	RCWD
123-043022140029	1289	HALPER	WAY	0.33	RESIDENTIAL	RCWD
123-043022140030	1293	HALPER	WAY	0.4	RESIDENTIAL	RCWD
123-043022140031	1299	HALPER	WAY	0.44	RESIDENTIAL	RCWD
123-043022140032	1300	HALPER	WAY	0.42	RESIDENTIAL	RCWD
123-043022140033	1296	HALPER	WAY	0.45	RESIDENTIAL	RCWD
123-043022140034	1292	HALPER	WAY	0.28	RESIDENTIAL	RCWD
123-043022140035	1288	HALPER	WAY	0.28	RESIDENTIAL	RCWD
123-043022140036	1284	HALPER	WAY	0.31	RESIDENTIAL	RCWD
123-043022140037	1280	HALPER	WAY	0.45	RESIDENTIAL	RCWD
123-043022140039	1268	HALPER	WAY	0.39	RESIDENTIAL	RCWD
123-043022140040	1264	HALPER	WAY	0.28	RESIDENTIAL	RCWD
123-043022140041	1258	HALPER	WAY	0.28	RESIDENTIAL	RCWD
123-043022140042	1252	HALPER	WAY	0.33	RESIDENTIAL	RCWD
123-043022140043	1255	HALPER	PL	0.33	RESIDENTIAL	RCWD
123-043022140044	1261	HALPER	PL	0.28	RESIDENTIAL	RCWD
123-043022140045	1267	HALPER	PL	0.29	RESIDENTIAL	RCWD
123-043022140046	1271	HALPER	PL	0.29	RESIDENTIAL	RCWD
123-043022140047	1275	HALPER	PL	0.31	RESIDENTIAL	RCWD
123-043022140048	1276	HALPER	PL	0.33	RESIDENTIAL	RCWD
123-043022140049	1270	HALPER	PL	0.34	RESIDENTIAL	RCWD
123-043022140050	1266	HALPER	PL	0.28	RESIDENTIAL	RCWD
123-043022140051	1260	HALPER	PL	0.28	RESIDENTIAL	RCWD
123-043022140052	1254	HALPER	PL	0.33	RESIDENTIAL	RCWD
123-043022140055	5879	OTTER VIEW	TRL	0.22	RESIDENTIAL	RCWD
123-043022140062		UNASSIGNED		0.39	RESIDENTIAL	RCWD
123-043022410191	1281	GREENBRIAR	CT	0.02	RESIDENTIAL	RCWD
123-043022410199	1257	GREENBRIAR	CT	0.04	RESIDENTIAL	RCWD
123-043022410200	5726	OTTER VIEW	TRL	0.02	RESIDENTIAL	RCWD
123-043022410218	1272	GREENBRIAR	CT	0.02	RESIDENTIAL	RCWD
123-043022410226	1261	GREENBRIAR	CT	0.02	RESIDENTIAL	RCWD
123-043022410234	5690	OTTER VIEW	TRL	0.02	RESIDENTIAL	RCWD
123-043022410242	1251	BRANDLWOOD	RD	0.02	RESIDENTIAL	RCWD
123-043022410254	5676	BRANDLWOOD	CT	0.02	RESIDENTIAL	RCWD
123-043022410262	5648	BRANDLWOOD	CT	0.02	RESIDENTIAL	RCWD
123-043022410270	5649	BRANDLWOOD	CT	0.02	RESIDENTIAL	RCWD
123-043022410278	5669	BRANDLWOOD	CT	0.02	RESIDENTIAL	RCWD
123-043022440017	5616	OTTER VIEW	TRL	0.2	RESIDENTIAL	RCWD
123-043022440018	1255	BRIDLE PATH	CT	0.18	RESIDENTIAL	RCWD
123-043022440019	1257	BRIDLE PATH	CT	0.19	RESIDENTIAL	RCWD
123-043022440020	1265	BRIDLE PATH	CT	0.19	RESIDENTIAL	RCWD
123-043022440021	1267	BRIDLE PATH	CT	0.19	RESIDENTIAL	RCWD

123-043022440022	1275	BRIDLE PATH	CT	0.19	RESIDENTIAL	RCWD
123-043022440023	1277	BRIDLE PATH	CT	0.15	RESIDENTIAL	RCWD
123-043022440024	1285	BRIDLE PATH	CT	0.47	RESIDENTIAL	RCWD
123-043022440025	1283	BRIDLE PATH	CT	0.22	RESIDENTIAL	RCWD
123-043022440026	1279	BRIDLE PATH	CT	0.12	RESIDENTIAL	RCWD
123-043022440027	1273	BRIDLE PATH	CT	0.11	RESIDENTIAL	RCWD
123-043022440028	1269	BRIDLE PATH	CT	0.11	RESIDENTIAL	RCWD
123-043022440029	1263	BRIDLE PATH	CT	0.11	RESIDENTIAL	RCWD
123-043022440030	1259	BRIDLE PATH	CT	0.11	RESIDENTIAL	RCWD
123-043022440031	1253	BRIDLE PATH	CT	0.11	RESIDENTIAL	RCWD
123-043022440032	5614	OTTER VIEW	TRL	0.12	RESIDENTIAL	RCWD
123-043022440033	5596	OTTER VIEW	TRL	0.12	RESIDENTIAL	RCWD
123-043022440034	1252	BRIDLE PATH	CT	0.11	RESIDENTIAL	RCWD
123-043022440035	1258	BRIDLE PATH	CT	0.11	RESIDENTIAL	RCWD
123-043022440036	1262	BRIDLE PATH	CT	0.11	RESIDENTIAL	RCWD
123-043022440037	1268	BRIDLE PATH	CT	0.11	RESIDENTIAL	RCWD
123-043022440038	1272	BRIDLE PATH	CT	0.11	RESIDENTIAL	RCWD
123-043022440039	1278	BRIDLE PATH	CT	0.12	RESIDENTIAL	RCWD
123-043022440040	1282	BRIDLE PATH	CT	0.25	RESIDENTIAL	RCWD
123-043022440041	1286	BRIDLE PATH	CT	0.17	RESIDENTIAL	RCWD
123-043022440042	1287	BRIDLE PATH	CT	0.21	RESIDENTIAL	RCWD
123-043022440043	1284	BRIDLE PATH	CT	0.38	RESIDENTIAL	RCWD
123-043022440044	1276	BRIDLE PATH	CT	0.16	RESIDENTIAL	RCWD
123-043022440045	1274	BRIDLE PATH	CT	0.2	RESIDENTIAL	RCWD
123-043022440046	1266	BRIDLE PATH	CT	0.2	RESIDENTIAL	RCWD
123-043022440047	1264	BRIDLE PATH	CT	0.19	RESIDENTIAL	RCWD
123-043022440048	1256	BRIDLE PATH	CT	0.19	RESIDENTIAL	RCWD
123-043022440049	1254	BRIDLE PATH	CT	0.19	RESIDENTIAL	RCWD
123-043022440050	5594	OTTER VIEW	TRL	0.2	RESIDENTIAL	RCWD
123-043022440058	1255	JONQUIL	LN	0.3	RESIDENTIAL	RCWD
123-043022440059	1265	JONQUIL	LN	0.29	RESIDENTIAL	RCWD
123-043022440060	1275	JONQUIL	LN	0.3	RESIDENTIAL	RCWD
123-043022440061	1283	JONQUIL	LN	0.34	RESIDENTIAL	RCWD
123-043022440062	1291	JONQUIL	LN	0.37	RESIDENTIAL	RCWD
123-043022440063	5564	OTTER VIEW	TRL	0.31	RESIDENTIAL	RCWD
123-043022440064	5556	OTTER VIEW	TRL	0.28	RESIDENTIAL	RCWD
123-043022440065	5548	OTTER VIEW	TRL	0.37	RESIDENTIAL	RCWD
123-043022440066	5542	OTTER VIEW	TRL	0.31	RESIDENTIAL	RCWD
123-043022440067	1261	STUART	AVE	0.32	RESIDENTIAL	RCWD
123-043022440068	1271	STUART	AVE	0.31	RESIDENTIAL	RCWD
123-043022440069	1281	STUART	AVE	0.38	RESIDENTIAL	RCWD
123-043022440070	1287	STUART	AVE	0.38	RESIDENTIAL	RCWD
123-043022440071	1295	STUART	AVE	0.38	RESIDENTIAL	RCWD
123-043022440072	1300	JONQUIL	LN	0.34	RESIDENTIAL	RCWD
123-043022440073	1292	JONQUIL	LN	0.36	RESIDENTIAL	RCWD
123-043022440074	1286	JONQUIL	LN	0.38	RESIDENTIAL	RCWD
123-043022440075	1278	JONQUIL	LN	0.4	RESIDENTIAL	RCWD
123-043022440076	1268	JONQUIL	LN	0.35	RESIDENTIAL	RCWD
123-103022220026	1355	H2		0.35	RESIDENTIAL	RCWD
123-103022220027	5422	FISHER	ST	0.22	RESIDENTIAL	RCWD
123-103022220028	5430	FISHER	ST	0.22	RESIDENTIAL	RCWD
123-103022220031	5450	FISHER	ST	0.26	RESIDENTIAL	RCWD
123-103022220032	5460	FISHER	ST	0.29	RESIDENTIAL	RCWD
123-103022220033	1357	LYNX	RD	0.29	RESIDENTIAL	RCWD
123-103022220035	5488	FISHER	ST	0.28	RESIDENTIAL	RCWD
123-103022220036	5500	FISHER	ST	0.28	RESIDENTIAL	RCWD
123-103022220037	5512	FISHER	ST	0.29	RESIDENTIAL	RCWD
123-103022220083	5440	FISHER	ST	0.22	RESIDENTIAL	RCWD
123-043022410167		UNASSIGNED		2.85	TRUST EXEMPT	RCWD

Table 6b indicates parcels currently within the Rice Creek Watershed District that are proposed to be transferred to Vadnais Lake Area Water Management Organization in the White Bear Township. This area totals 7.96 acres.

Table 6b						
PIN		ADDRESS		ACRES	LAND USE	LEGAL CHANGE TO
123-043022110062		J		0.38	COMM LAND & BLDGS	VLAWMO
123-043022110063	1210	J		0.49	COMM LAND & BLDGS	VLAWMO
123-043022110055		UNASSIGNED		7.09	INDS LAND & BLDGS	VLAWMO

Property Identification

City of White Bear Lake

Table 5a indicates the parcels currently in the Vadnais Lake Area Water Management Organization that are proposed to be transferred to Ramsey Washington Metro Watershed District in the City of White Bear Lake. This area totals 0.5 acres.

Table 4a				
PIN	ADDRESS	ACRES	LAND USE	LEGAL CHANGE TO
123-273022440186	1760 LINDEN COVE	0.5	MFR	RWMWD

Table 5b indicates parcels currently within the Ramsey Washington Metro Watershed District that are proposed to be transferred to Vadnais Lake Area Water Management Organization in the City of White Bear Lake. This area totals 2.01 acres.

Table 4b				
PIN	ADDRESS	ACRES	LAND USE	LEGAL CHANGE TO
123-273022410124	1779 LINDEN COVE	0.5	MFR	VLAWMO
123-273022410128	3809 LINDEN AVE	0.5	MFR	VLAWMO
123-273022410058	1781 TONY CT	0.08	MFR	VLAWMO
123-273022410059	1783 TONY CT	0.08	MFR	VLAWMO
123-273022410060	1785 TONY CT	0.08	MFR	VLAWMO
123-273022410061	UNASSIGNED	0.77	OUTLOT	VLAWMO

City of Vadnais Heights

Table 4a indicates the parcels currently in the Vadnais Lake Area Water Management Organization that are proposed to be transferred to Ramsey Washington Metro Watershed District in the City of Vadnais Heights. This area totals 73.27 acres.

Table 3a				
PIN	ADDRESS	ACRES	LAND USE	LEGAL CHANGE TO
123-313022130006	208 TWIN LAKE BLVD	0.96	CHURCH	RWMWD
123-313022230006	RICE ST	0.38	COMM LAND & BLDGS	RWMWD
123-313022230007	3364 RICE ST	0.68	COMM LAND & BLDGS	RWMWD
123-313022240006	80 VADNAIS BLVD	3.69	MFR	RWMWD
123-313022130008	UNASSIGNED	2.4	MFR	RWMWD
123-313022130002	80 VADNAIS BLVD	10.3	MFR	RWMWD
123-313022240005	TWIN LAKE BLVD	4.14	MFR	RWMWD
123-313022240003	80 VADNAIS BLVD	16.9	MFR	RWMWD
123-313022230010	TWIN LAKE BLVD	0.06	MUNICIPAL PUB SERV	RWMWD
123-313022240001	VADNAIS BLVD	13.68	MUNICIPAL PUB SERV	RWMWD
123-313022230005	VADNAIS BLVD	7.55	MUNICIPAL PUB SERV	RWMWD
123-323022320061	UNASSISGNED	2.62	MUNICIPAL PUB-OTHER	RWMWD
123-323022320047	431 VADNAIS LAKE DR	1.15	SFR	RWMWD
123-323022320046	VADNAIS LAKE DR	0.77	SFR	RWMWD
123-323022320045	427 VADNAIS LAKE DR	0.7	SFR	RWMWD
123-323022320044	425 VADNAIS LAKE DR	0.49	SFR	RWMWD
123-323022320043	423 VADNAIS LAKE DR	0.48	SFR	RWMWD
123-323022330037	436 VADNAIS LAKE DR	1.4	SFR	RWMWD
123-323022330041	432 VADNAIS LAKE DR	1.88	SFR	RWMWD
123-323022330038	436 VADNAIS LAKE DR	0.55	SFR	RWMWD
123-323022330040	VADNAIS LAKE DR	0.16	SFR	RWMWD
123-313022140003	220 TWIN LAKE BLVD	0.47	SFR	RWMWD
123-313022140004	228 TWIN LAKE BLVD	0.61	SFR	RWMWD
123-313022140005	236 TWIN LAKE BLVD	0.48	SFR	RWMWD
123-313022140006	TWIN LAKE CT	0.21	SFR	RWMWD
123-313022130009	99 TWIN LAKE BLVD	0.56	SFR	RWMWD

Table 4b indicates parcels currently within the Ramsey Washington Metro Watershed District that are proposed to be transferred to Vadnais Lake Area Water Management Organization in the City of Vadnais Heights. This area totals 0.53 acres.

Table 3b				
123-323022310008	3330 CENTERVILLE	0.53	SFR	VLAWMO

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

In the Matter of the Boundary Change for the Vadnais Lake Area Water Management Organization, the Rice Creek Watershed District, and the Ramsey Washington Metro Watershed District pursuant to Minnesota Statutes § 103B.215

ORDER BOUNDARY CHANGE

Whereas, the Vadnais Lake Area Water Management Organization (VLAWMO) filed two Petitions dated November 26, 2008 with the Board of Water and Soil Resources (Board) on December 1, 2008, to change the boundaries of the VLAWMO by requesting the boundaries of the Rice Creek Watershed District (RCWD) and the Ramsey Washington Metro Watershed District (RWMWD) be changed pursuant to Minn. Stat. § 103B.215, and;

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

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

FINDINGS OF FACT

1. **Petition.** The Petitions to change the boundaries of the VLAWMO with the RCWD and RWMWD were filed by the VLAWMO Board of Directors with the Board on December 1, 2008.

2. **Property Description.** The territory included in the boundary changes, the Petitioned Areas, are located in the City of Lino Lakes in Sections 25, 34, and 35, the City of White Bear Lake in Sections 14, and 23, in the City of Vadnais Heights in Sections 31 and 32, in White Bear Township in Sections 4, 10, and 26 all within Anoka and Ramsey Counties entirely within the metropolitan area and totals approximately 450.7 acres of land. The Petitioned Areas includes the transfer of 55.64 acres from VLAWMO to the RCWD, the transfer of 318.78 acres from RCWD to VLAWMO, the transfer of 73.77 acres from VLAWMO to RWMWD, and the transfer of 2.54 acres from RWMWD to VLAWMO. The Petitioned Areas are depicted on eight maps attached to the petitions and further identified in ten property identification tables attached to the Petitions.

3. **Reasons for Boundary Change.** The proposed boundary changes would achieve a more accurate alignment between the hydrologic and legal boundaries of the VLAWMO, RCWD, and RWMWD. The requested boundary changes are 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 Lino Lakes, City of White Bear Lake, City of Vadnais Heights, White Bear Township, RCWD, and the RWMWD where submitted with the Petitions.

5. **Effect on Benefits and Damages.** The Petitions state the proposed boundary changes will not affect the benefits or damages for any improvements previously constructed by the VLAWMO, RCWD or the RWMWD.

6. **Notice of Filing.** A joint Legal Notice of Filling of the proposed boundary changes, pursuant to Minn. Stat. § 103B.215, Subd. 3, was published in the Anoka County Union on January 16 and 23, 2009, in the Shoreview Press on January 20 and 27, 2009 and in the Ramsey County Review January 20 and 28, 2009.

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 Petitions 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.** The Board's Metro Water Planning Committee met on March 4, 2009, in St. Paul to review and discuss the boundary change Petitions. Those in attendance from the Board's Committee were Louise Smallidge, Faye Sleeper, LuAnn Tolliver, Rebecca Flood, and Robert Burandt as chair. Board staff in attendance were Metro Region Supervisor Jim Haertel, Board Conservationists Melissa Lewis, and Water Management Specialist Travis Germundson. Board staff recommended approval of the boundary changes. After discussion, the Committee unanimously voted to recommend approval of the RCWD and RWMWD boundary changes involving the Vadnais Lake Area to the full Board. Because the Board does not have the authority to change the VLAWMO boundary, the VLAWMO should be encouraged to change their organizational boundary consistent with the RCWD and RWMWD boundaries changes.

CONCLUSIONS

1. The Petitions for Boundary change of the VLAWMO, RCWD, and RWMWD are valid in accordance with Minn. Stat. § 103B.215 except the Board is not authorized to change the boundary of the VLAWMO.

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 watershed district boundary changes.

4. The territory included in the requested boundary changes is within the hydrologic boundaries of the VLAWMO, RCWD, or the RWMWD.

5. The governing bodies of the City of Lino Lakes, the City of White Bear Lake, and the City of Vadnais Heights, White Bear Township, RCWD, and RWMWD concur with the requested boundary changes.

6. The requested boundary changes are consistent with the purpose and requirements of Minn. Stat. §§ 103B.205 to 103B.255.

7. The requested boundary changes can be accomplished in conformance with Minn. Stat. § 103B.225 regarding benefits and damages.

8. The proposed boundary changes should be approved per the Petitions for RCWD and RWMWD, and the VLAWMO should be encouraged to change their organizational boundaries consistent with this Order.

ORDER

The Board hereby orders that the boundaries of the Rice Creek Watershed District and the Ramsey Washington Metro Watershed District are changed per the Petitions as identified in the ten property identification tables attached to this Order and made a part hereof. The Board strongly recommends the Vadnais Lake Area Water Management Organization take immediate action to change its organizational boundaries consistent with this Order.

Dated at Saint Paul, Minnesota this 25th day of March, 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

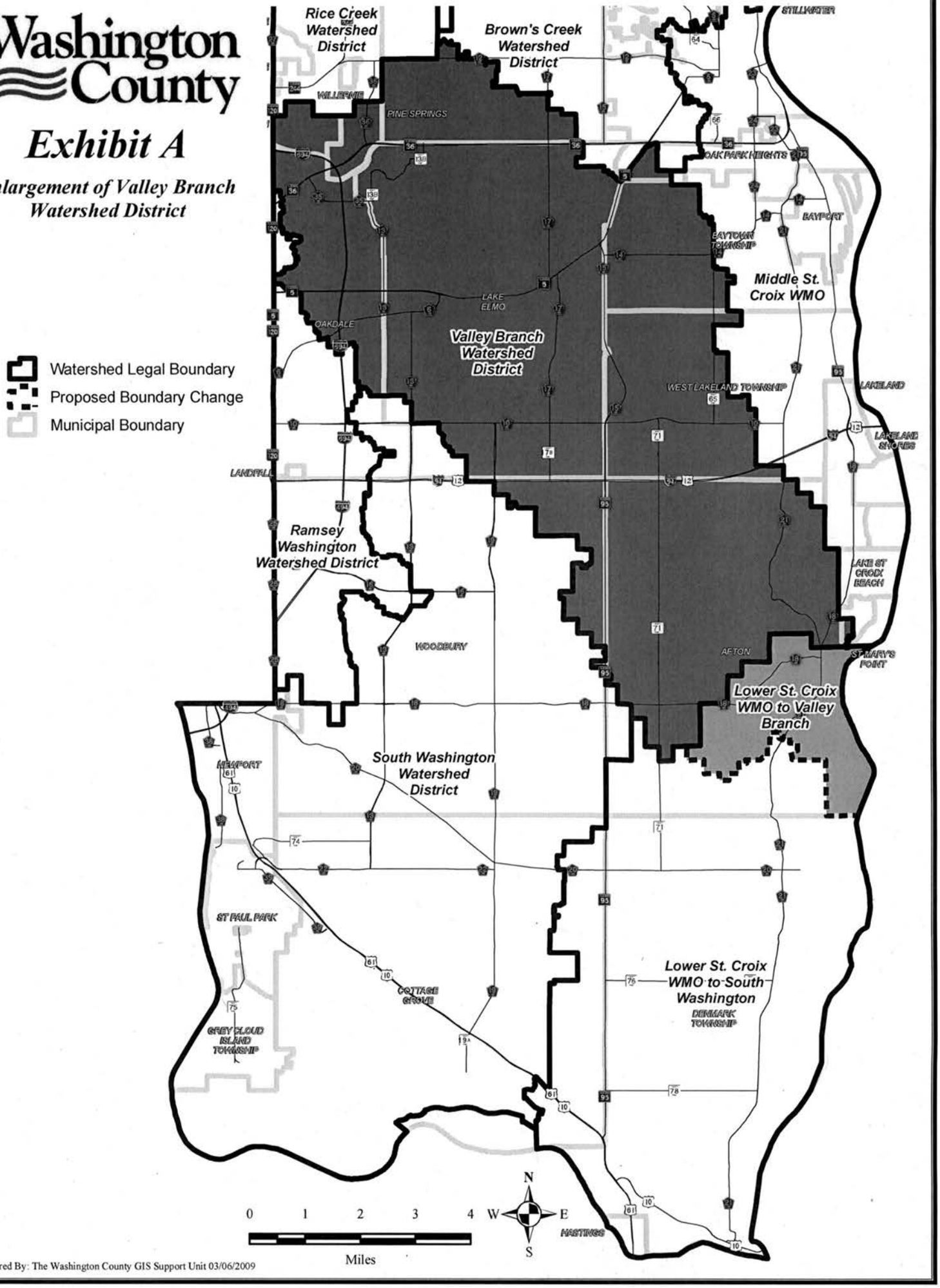
By: Randy Kramer

Randy Kramer, Chair

Washington County

Exhibit A

Enlargement of Valley Branch Watershed District

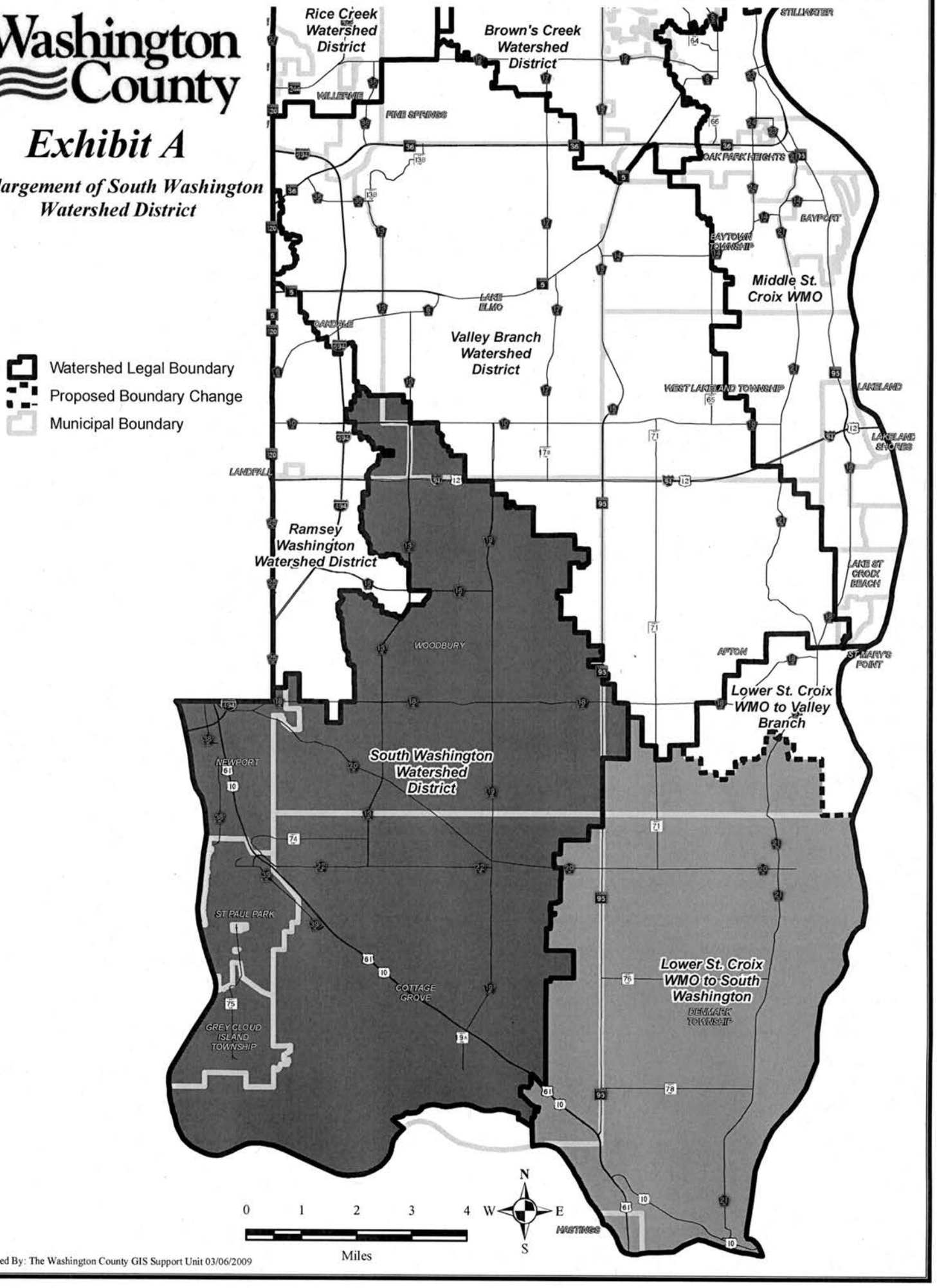


Prepared By: The Washington County GIS Support Unit 03/06/2009

Washington County

Exhibit A

Enlargement of South Washington Watershed District



Prepared By: The Washington County GIS Support Unit 03/06/2009

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

In the Matter of Petitions for Enlargement of the South Washington Watershed District and the Valley Branch Watershed District, Washington County, pursuant to Minnesota Statutes Section 103D.261.

ORDER FOR WATERSHED DISTRICT ENLARGEMENT PUBLIC HEARING

Whereas, Washington County submitted two petitions (Petitions) dated March 13, 2009 for enlargement of the South Washington Watershed District (SWWD) and the Valley Branch Watershed District (VBWD) to the Board on March 24, 2009, pursuant to Minn. Stat. § 103D.261, and;

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

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

FINDINGS OF FACT

1. On March 24, 2009 the Board received two Petitions from Washington County for enlargement of the SWWD and the VBWD pursuant to Minn. Stat. §103D.261. The proposed watershed district enlargements involve lands presently in the Lower St. Croix Watershed Management Organization (LSCWMO). The Petitions were filed based on the voluntary dissolution of the LSCWMO. The Petitions were accompanied by supporting resolutions from Washington County and VBWD, and a letter of support from the City of Cottage Grove. The Petitions were also accompanied by resolutions of dissolution from all of the member communities comprising the LSCWMO.

2. Staff has determined that valid Petitions exist pursuant to Minn. Stat. § 103D.261.

3. Minn. Stat. § 103D.261 requires 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 interdependency of the pending dissolution of the LSCWMO on the actions requested in the Petitions involving the SWWD and the VBWD.

5. The Board's Metropolitan Water Planning Committee should preside over the hearing and bring recommendations to the Board after the public hearing has been held.

6. The hearing panel members and other pertinent parties have been coordinated with to hold the hearing on Wednesday, April 22, 2009 starting a 7:00 PM.

7. The public hearing should be held at the Washington County Service Center-Cottage Grove, Conference Rooms 147 and 148, 13000 Ravine Parkway South, Cottage Grove, MN 55016, which is handicap accessible, located within the boundaries of the SWWD, and in close geographical proximity to the LSCWMO and the VBWD.

8. The Board's Metro Water Planning Committee met on March 4, 2009, to review and discuss holding a public hearing on the draft Petitions. Those in attendance from the Board's Committee were Rebecca Flood, 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 ordering a public hearing on the Petitions. After discussion, the Committee unanimously voted to recommend to the full Board that a public hearing be held on the Petitions.

CONCLUSIONS

1. The Petitions for enlargement are valid in accordance with Minn. Stat. § 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 watershed district enlargements would be for the public welfare and public interest and the purposes of Chapter 103D would be served.

4. One public hearing should be held on both Petitions.

5. The Board's Metropolitan Water Planning Committee should preside over the public hearing and bring recommendations on the Petitions to the Board after the public hearing has been held.

6. The public hearing should be held on Wednesday, April 22, 2009 starting a 7:00 PM.

7. The public hearing should be held, after proper legal notice has been given, at the Washington County Service Center-Cottage Grove, Conference Rooms 147 and 148, 13000 Ravine Parkway South, Cottage Grove, MN 55016, which is handicap accessible, located within the boundaries of the SWWD, and in close geographical proximity to the LSCWMO and the VBWD.

ORDER

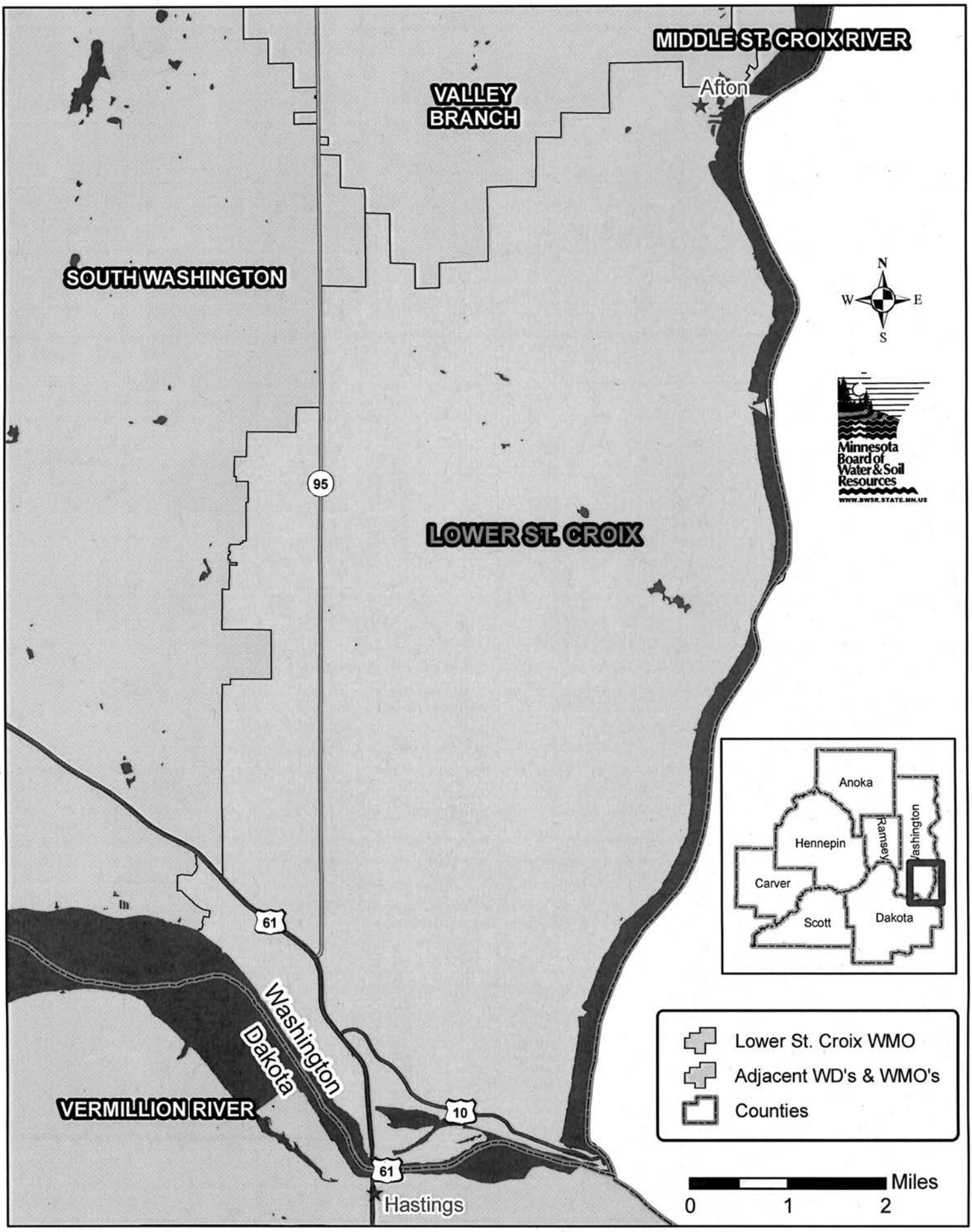
The Board hereby orders one public hearing be held on Petitions for enlargement of the South Washington Watershed District and the Valley Branch Watershed District to be presided over by the Board's Metropolitan Water Planning Committee on Wednesday, April 22, 2009 starting a 7:00 PM at the Washington County Service Center-Cottage Grove, Conference Rooms 147 and 148, 13000 Ravine Parkway South, Cottage Grove, MN 55016, after proper legal notice of the public hearing has been given.

Dated at Saint Paul, Minnesota this 25th day of March, 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Randy Kramer, Chair

Lower St. Croix Water Management Organization



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 Lower St. Croix Watershed Management Organization, pursuant to Minnesota Statutes Section 103B.231, Subdivision 11.

ORDER APPROVING AMENDMENT TO WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the Lower St. Croix Watershed Management Organization (Organization) 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. **Organization Establishment.** The Organization was established on June 21, 1985 through a Joint Powers Agreement between Denmark Township and the Cities of Afton, Cottage Grove, and Hastings under the authority conferred to the member parties in 1982 through Minnesota Statutes Sections 103B.201 to 103B.255. The Organization's vision is to focus activities on resource preservation and management, protect high quality natural resources through active participation in development activities, operate in a fiscally responsible manner, and maintain a high degree of cooperation and responsibility among community members.

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.255. The current Organization watershed management plan was approved by Board Order on May 25, 2005. The watershed management plan may be amended according to Minnesota Statutes Section 103B.231, Subd. 11.

3. **Nature of the Watershed.** The Organization is located entirely in Washington County in the east-central portion of the Minneapolis – St. Paul Metropolitan Area and is approximately 45.85 square miles in size. It is bound by the Valley Branch Watershed District to the north, the South Washington Watershed District to the west, the Vermillion River Watershed Management Organization (Dakota County) to the south, and the St. Croix River to the east. The Organization encompasses the entirety of Denmark Township and portions of the Cities of Afton, Cottage Grove, and Hastings. The

watershed includes a major surface and groundwater hydrologic divide for the Mississippi and St. Croix River basins. The main hydrologic features of this watershed are Trout Brook, Kelle's Coulee, O'Connor's Creek and Lake, and numerous tributaries to the Mississippi and St. Croix Rivers.

4. **Amendment Development and Review.** The Amendment consists of revisions to the policies and standards for rate control, volume control, water quality, flooding, and permitting; revisions to the resource inventory, watershed goals and policies, and implementation plan to incorporate resource-specific management plans; and an extension of the capital improvement plan through 2013. The revised policies and standards were developed through a rulemaking process that relied on involvement of the public and member communities and included a public hearing. Resource-specific management plans include the Karst Feature Inventory and Management Plan, the O'Connor's Creek and Lake Management Plan, and the Kelle's Coulee Stream Management Plan. These plans were developed using a comprehensive public involvement process including a public hearing for each resource plan.

   The 60-day review draft of the Amendment was submitted to the Board, other state review agencies, Metropolitan Council, and local governments on May 9, 2008. The 45-day review draft was received on October 28, 2008. A public hearing was held on January 14, 2009 where no substantial comments were received. The final draft of the Amendment was received by BWSR on February 17, 2009.

5. **Local Review.** The Organization distributed copies of the draft Amendment to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 11.

   Washington County. Washington County provided comments regarding incorporating groundwater protection in local water management plans and including Washington County in review of local water management plans. Washington County also requested the Organization refer to county policy for capital projects. The Organization sufficiently addressed all comments.

6. **Metropolitan Council Review.** The Council found the Amendment to be consistent with the Council's Water Resources Management Plan.

7. **Department of Agriculture Review.** The MDA did not comment on the Amendment.

8. **Department of Health Review.** The MDH did not comment on the Amendment.

9. **Department of Natural Resources Review.** The MDNR did not comment on the Amendment.

10. **Pollution Control Agency Review.** The MPCA provided a series of comments that did not require a response by the Organization or were already addressed in areas of the plan that were not part of the amendment.

11. **Department of Transportation Review.** The MDOT commented that additional definitions and clarifications were needed for the revised standards. The Organization sufficiently addressed all comments.

12. **Board Review**. Board staff requested justification for decreases in the Organization's budget and activities, and clarification on the prioritization of goals and policies. The Organization sufficiently addressed all comments and emphasized the Organization's goal of balancing the resource needs with limited financial resources.

13. **Highlights of the Plan Amendment**. The critical elements included in the Amendment are:
    - Revises the standards of the watershed management plan for consistency with the rules. The rules were developed with input from the public and member communities and incorporated into the plan with the intention to ease the adoption by reference and implementation of the plan as a community local water management plan.
    - Incorporates goals and policies of the Karst Feature Inventory and Management Plan, the O'Connor's Creek and Lake Management Plan, and the Kelle's Coulee Stream Management Plan into the watershed management plan.
    - Extend the capital improvements plan through 2013 based on items identified in the resource management plans.

14. **Metro Water Planning Committee Meeting**. The Board's Metro Water Planning Committee met on March 4, 2009 to review and discuss the Amendment. Those in attendance from the Board's Committee were Rebecca Flood, 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 decided to recommend approval of the Lower St. Croix Watershed Management Organization 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 Lower St. Croix Watershed Management Organization pursuant to Minnesota Statutes Section 103B.231, Subd. 11.

3. The Lower St. Croix Watershed Management Organization Amendment attached to this Order consists of revised standards, updated resource management plans, and extension of the capital improvement plan.

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 February 17, 2009, to the Lower St. Croix Watershed Management Organization Watershed Management Plan.

Dated at Saint Paul, Minnesota this 25th day of March, 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Randy Kramer, Chair

COMMITTEE RECOMMENDATIONS

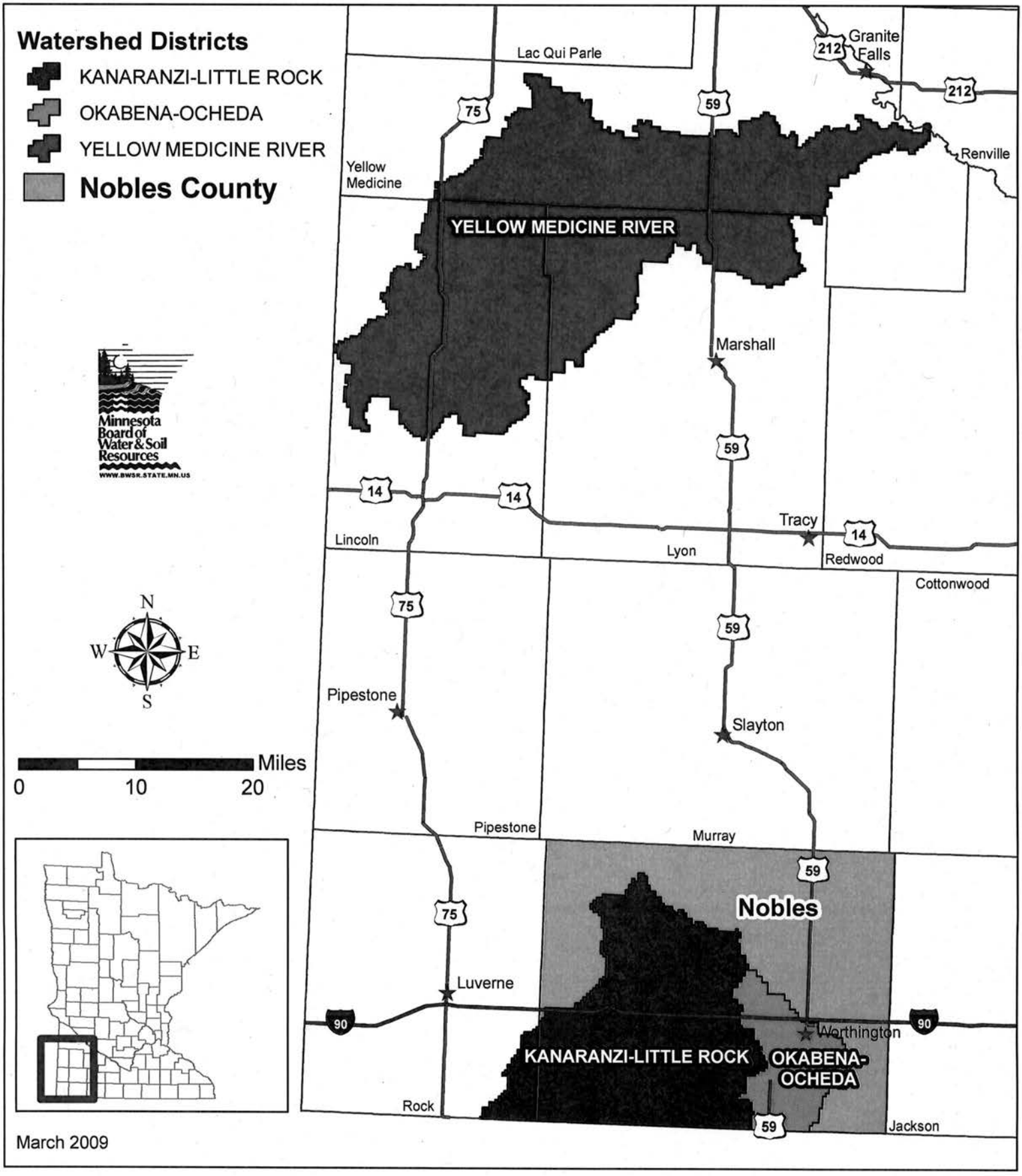
Southern Water Planning Committee

1. Nobles County Local Water Management Plan Update – ***DECISION ITEM***

2. Yellow Medicine River Watershed District (YMRWD) Watershed Management Plan – ***DECISION ITEM***

Kanaranzi-Little Rock & Okabena-Ocheda Watershed Districts within Nobles County

& Yellow Medicine Watershed District



March 2009

Minnesota Board of Water & Soil Resources

DATE: February 19, 2009

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: Mark Hiles, Board Conservationist

SUBJECT: **Nobles County Local Water Management Plan Final Review**

I have completed my final review of the Nobles County Local Water Management Plan and recommend approval of this update.

The Nobles 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 Nobles County in the implementation of their plan. Nobles County developed a unified Comprehensive Water Plan for the entire county, incorporating the Nobles Soil & Water Conservation District comprehensive plan and the watershed district plans for Okabena-Ocheda Watershed District and Kanaranzi-Little Rock Watershed District. The significant cooperation and coordination of all the water management entities in Nobles County should be commended as well as the leadership and dedication shown throughout the planning process.

Bemidji
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Bemidji, MN 56601
phone (218) 755-4235
fax (218) 755-4201

Brainerd
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Suite 202
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Duluth
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Room 403
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phone (218) 723-4752
fax (218) 723-4794

Fergus Falls
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fax (651) 297-5615

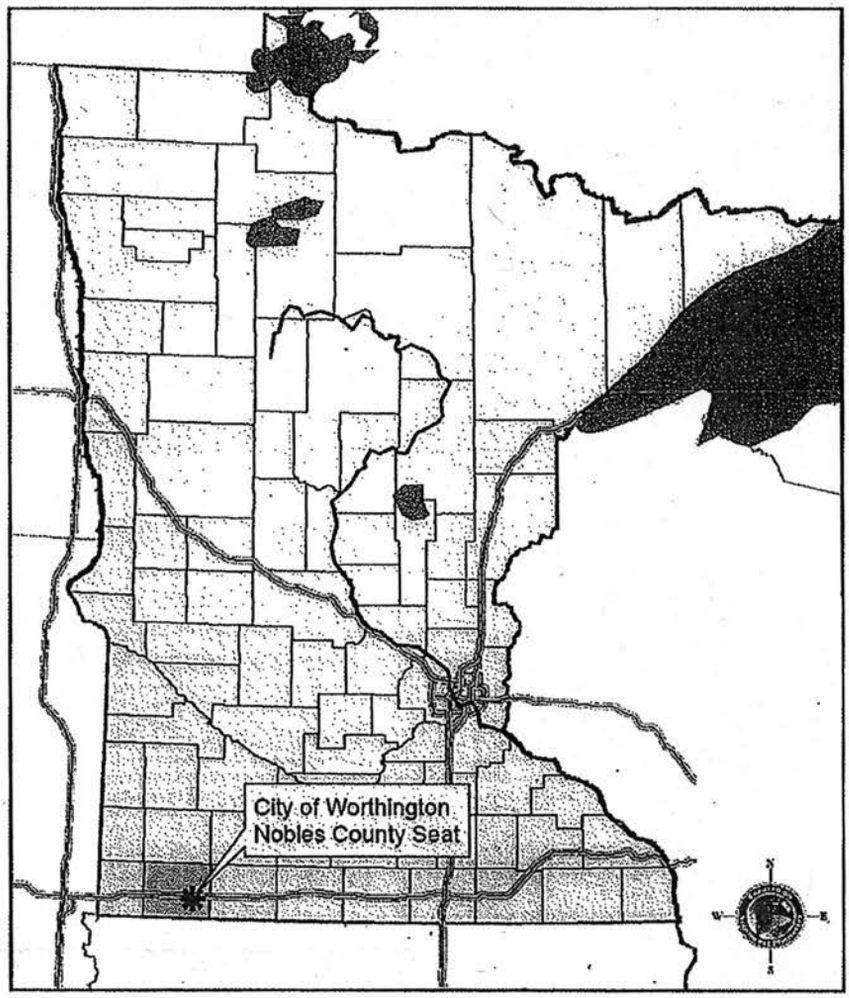
Web: www.bwsr.state.mn.us TTY: (800) 627-3529 An equal opportunity employer Printed on recycled paper

NOBLES LOCAL WATER MANAGEMENT PLAN

A 10-year plan with a 5-year implementation schedule 2009-2018

DRAFT NOVEMBER 2008

Prepared for the Nobles County Local Water Management Plan Task Force
By Nobles Soil & Water Conservation District and
Southwest Regional Development Commission
Covering Nobles SWCD, Nobles County Environmental Services,
Kanaranzi-Little Rock Watershed District, Okabena-Ocheda Watershed District



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NOBLES LOCAL WATER MANAGEMENT PLAN – DRAFT NOVEMBER 2008

A 10-year plan with a 5-year implementation schedule 2009-2018

Prepared for the Nobles County Local Water Management Plan Task Force
By Nobles Soil & Water Conservation District and Southwest Regional Development Commission

Covering the Nobles SWCD, Nobles County Environmental Services,
Kanaranzi-Little Rock Watershed District, and Okabena-Ocheda Watershed District.

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For additional information on water management in Nobles County, Minnesota, contact:

Nobles Soil & Water Conservation District
1567 McMillan St., Ste 3
Worthington, MN 56187
(507) 376-9150

Nobles County Environmental Services
960 Diagonal Road
PO Box 187
Worthington, MN 56187
(507)295-5322

Kanaranzi-Little Rock Watershed District
PO Box 327
Adrian, MN 56110
(507) 483-2971

Okabena-Ocheda Watershed District
960 Diagonal Road
PO Box 114
Worthington, MN 56187
(507) 372-8228

A. Executive Summary

Nobles County is located in southwestern Minnesota, adjacent to Rock, Murray, Cottonwood and Jackson counties. Iowa's Lyon and Osceola counties are located south of the state line. The City of Worthington is the county seat. Nobles County's population in the 2000 U.S. Census was 20,832, with a density of 29 persons per square mile. The Minnesota State Demographic Center estimates a current population (2007) of 20,399. The Demographic Center projects total population of 20,590 by 2030.

Nobles County is divided between the Mississippi and Missouri major water basins. The West Fork Des Moines major watershed flows east into the Heron Lake system. The Little Sioux watershed drains southeast into Iowa. The Rock River watershed drains the western part of the county south and west. Groundwater is the primary source of dinking water.

A.1 Purpose & Introduction

The *Nobles 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.

Nobles County developed a unified comprehensive water resources management plan for the entire county over a period from 1994 to 1998, incorporating the Nobles Soil & Water Conservation District (SWCD) comprehensive plan and watershed district plans for the Kanaranzi-Little Rock Watershed District (KLRWD) and Okabena-Ocheda Watershed District (O-OWD). While not a formal member of this plan, the Heron Lake Watershed District (HLWD) is an important collaborator on water planning in Nobles County. The KLRWD also includes areas of Rock County.

A.1.a Plan Requirements

The most recent edition of Nobles County's water plan was approved by the Board of Water and Soil Resources (BWSR) on 23 April 2003, and adopted by the County Board on 20 May 2003. This plan expired on 23 April 2008, with an extension granted by BWSR. The Nobles County Board of Commissioners adopted a resolution on 8 May 2007 to revise the current plan, according to Minnesota Statutes now in effect. The intention is that this plan will continue to cover the four participating water resources management organizations.

Requirements of a local water plan are set forth in current state statute (Minnesota Statute §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.

Soil and Water Conservation Districts often adopt the local water management plan as their comprehensive plan required for certain state funding, as long as the plan has details of "high priority erosion problems" and "high priority water quality problems". Watershed Districts have additional requirements to meet for their Watershed Management Plan, which like the SWCD are subject to BWSR guidelines and are implemented in more detailed work plans. Minn. Stat. §103D.405 requires that a revised watershed management plan include:

> (1) updates and supplements of the existing hydrological and other statistical data of the watershed district;
>
> (2) specific projects and programs to be considered for implementation;
>
> (3) a statement of the extent that the purposes for which the watershed district had been established have been accomplished;
>
> (4) a description of problems requiring future action by the watershed district;
>
> (5) a summary of completed studies on active or planned projects, including financial data; and
>
> (6) an analysis of the effectiveness of the watershed district's rules and permits in achieving its water management objectives in the watershed district.

This plan attempts to balance the requirements of each water management organization to achieve a useful, strategic document that is easily understandable and useful for decision makers and residents of Nobles County. It is intended to describe a vision for the future, not as an encyclopedic reference of the past. Historical information contained in previous editions of the water plan are incorporated by reference.

A.1.b Accomplishments

Major accomplishments under Nobles County's previous water management plans included:

- Appointed Co-Water Planners in the SWCD and County Environmental Office.
- Funded the $231,000 upgrading and digitizing of the NRCS Soil Survey.
- Provided technical assistance, guidance and in some cases funds, for wellhead protection programs for the cities of Ellsworth, Adrian, Lismore, Worthington and the Community of Leota.
- Partnered with the Heron Lake Watershed for continuation of a MPCA Clean Water Partnership.
- Provided technical assistance, supplied data and assisted with education efforts with the West Fork Des Moines River Project.
- Supplied data and collected surveys for a Red Rock Rural Water project to bring water to the four townships in southeast Nobles County.

- Funded a conservation tillage cost share program for the Upper Elk Creek.
- Co-sponsored conservation tillage demonstration plots.
- Funded a bill board education program with the Okabena Lake Association and provided education by the Prairie Ecology Bus Center for local schools.
- Participated in the multi-state Upper Des Moines River Watershed Accelerated Implementation Plan.

Nobles Local Water Management Plan
AgBMP Loans--New and Revolving Funds

	Tillage Equipment		Ag Waste		SSTS Upgrades		Erosion Control	
2005	7	222,900	1	31,500	4	20,800	2	16,900
2006	7	174,700	6	285,545	2	9,500		
2007	15	300,870	2	26,850	1	5,000		

Source: Nobles SWCD

A.1.c Plan Update, Adoption and Amendment

Nobles SWCD and Nobles County Environmental Services (Env) are responsible for local water management in Nobles County, including facilitation of public input and convening the Local Water Management Task Force. Nobles County retained John C. Shepard, AICP, Development Planner for the Southwest Regional Development Commission to assist with the Plan update. Task Force membership included:

- Dean Christopherson, Nobles Co. Farm Bureau
- Connie Frahm, K-LR Watershed board
- Norm Gallagher, Nobles Co. Commissioner
- Harberts Gregg, City of Rushmore
- Colcen Gruis, City of Rushmore
- Tim Henning, Nobles Co. Farmers Union
- Al Langseth, Nobles Co. Env. Serv., staff
- Paul Langseth, Nobles SWCD, supervisor
- Ed Lenz, Nobles SWCD, staff
- Dan Livdahl, O-O Watershed, staff
- Jerry Lonneman, Lincoln-Pipestone Rural Water
- Jim McGowan, O-O Watershed board
- Rick Nelsen, Nobles SWCD, supervisor
- Kevin Norskog, K-LR W/S and City of Adrian
- Gary Reker, Reker Construction
- Eric Roos, Worthington Public Utilities
- Wayne Smith, Nobles Co. Env. Serv., staff
- Jane Steffl, Nobles SWCD, staff
- Diane Thier, Nobles Co. Commissioner
- Genny Turner, Lakes Association
- Shirley Vis, City of Rushmore

The following public and internal forums and meetings were held to provide public input into the update process:

5/8/2007 Nobles Board of County Commissioners adopt resolution to update.

5/17/07 Nobles Soil & Water Conservation District moved to hire Southwest Regional Development Commission to manage update process.

5/21/07 Update planning meeting w/SWCD, County Environ Office, KLR and O-O watershed districts, NRCS, SRDC, BWSR (9 att.)

5/30/07 Mail/email Notice to Revise and Update to BWSR routing list, adjacent counties, cities & townships.

5/30/07 Notice to Revise and Update published in *Nobles County Review & Fulda Free Press.*

5/31/07 Notice to Revise and Update published in *Worthington Daily Globe.*

6/16/07 Requested date for submission of Priority Concerns.

6/21/07 Notice of Public Meeting published in *Worthington Daily Globe.*

7/31/07 Local Water Plan Public Update Information Meeting held at Nobles County Public Works Building, Worthington (22 att.)

8/17/07 KDOM-AM/FM interview with Southwest Regional Development Commission Development Planner, discussing water plan updates in the region.

8/28/07 Continuation of Public Meeting to confirm Priority Concerns, Nobles County Public Works Building, Worthington (22 att)

12/6/07 BWSR Southern Regional Committee meeting at DNR Building in New Ulm to review PCSD.

1/29/2008 Local Water Management Plan Task Force meeting to consider Priority Concerns regarding Surface Water Quality held at Ag Service Center in Worthington. (19att).

2/28/08 Local Water Management Plan Task Force meeting to consider Priority Concerns regarding Drainage Management held at the Nobles County Public Works. (19att).

3/25/08 Local Water Management Plan Task Force meeting to consider Priority Concerns regarding Public Water Supply held at the Nobles County Public Works. (22att).

8/26/08 Local Water Management Plan Task Force meeting to consider Goals, Objectives and Implementation measures. (17att).

10/24/08 Notice of Public Hearing Published in *Worthington Daily Globe.*

11/4/08 Public Hearing before Nobles County Board of Commissioners.

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. The local Watershed District boards have 45 days from BWSR's recommendation to hold a public hearing on the revised plan. 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 no 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. Surface Water Quality.

Minnesota has an abundance of surface waters. A number of these waters in Nobles County and the region are listed as TMDL Impaired by MPCA and the U.S. EPA. Impaired waters affect both the local environment and communities' ability to provide for their future. High priority soil erosion problems continue to be present, while management of nutrients, feedlots and sewage treatment systems require ongoing attention.

Priority Concern 2. Drainage Management.

The landscape of Southwest Minnesota has changed greatly since settlement. Management of the resulting drainage system—the modern hydrograph—is often disjointed and uncoordinated, leading to issues with both quantity and quality of water. Flooding and stormwater retention remain concerns across the county. There are also particular issues in the region with wetlands, habitat and critical species.

Priority Concern 3. Public Water Supply.

A long-term, sustainable supply of surface and ground water is essential to growth and development in Nobles County. There is particular concern with wellhead protection, protection of critical lands, and provisions for both urban and rural water supply systems.

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 prevent further degradation of stream and lake water quality, with a priority for shoreland areas, TMDL-listed waters, and un-sewered communities. Objectives include addressing TMDL impaired waters, preventing soil erosion; promoting agricultural best management practices (AgBMPs), and facilitating compliance of nutrient management, feedlot and septic treatment systems with state and federal requirements.

Implementation actions include promotion and education, administration and review of plans and ordinances, working with state and federal agencies on measures to improve water quality, technical assistance with programs and best management practices, financial incentives for conservation practices, and development of information systems.

Projected costs over the five years of the management plan to implement all actions would include about $1,250,000 for TMDL plans and implementation, $2,730,000 to complete projects, $222,000 for technical assistance and administration, and $49,500 for outreach and education, as well as annual in-kind services. All dollar figures are rough estimates and recognize approximate known costs of identified implementation partners.

Priority Concern 2. Drainage Management.

This concern will be addressed to restore more natural flows in the drainage system, focusing on shoreland areas. Objectives include improving shoreland and impervious surface areas; improving flood control, drainage systems and stormwater retention; encouraging wetland restoration; and addressing habitat and critical species issues.

Implementation actions include providing education and outreach, administration and review of rules and ordinances, maintenance of GIS data, technical assistance with conservation and wetlands projects, and mitigation improvements in flood control.

Projected costs would include about $9,500,000 for the flood control project on County Ditch 12 in Worthington, $675,000 for other projects, $105,000 for technical assistance and administration, and $17,500 for outreach and education, as well as annual in-kind services.

Priority Concern 3. Public Water Supply.

This concern will be addressed to assure long-term quality and quantity of water supplies, with a priority for drinking water supply management areas and areas not currently served by public/community systems. Objectives include encouraging well head protection, preventing groundwater contamination, facilitating land retirement, and supporting rural water systems and long-term water supplies.

Implementation actions include outreach and education, technical assistance and incentives for landowners and water providers, review of plans and ordinances, maintenance of GIS data, providing assistance to seal unused wells, cooperative efforts for land retirement, and working with cities and water providers for long-term water supplies.

Projected costs would include about $500,000 towards land retirement partnerships, $50,000 for assistance to landowners sealing unused wells, $10,000 for technical assistance and administration, and $60,000 for outreach and education, as well as annual in-kind services.

A.4 Consistency with Local, State and Regional Plans

Nobles County Environmental Services administers the County's comprehensive land use plan and zoning ordinance. This helps to maintain consistency between this plan and the County's 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. Task Force members are also familiar with Heron Lake Watershed District management documents, and operations procedures for Kanaranzi-Little Rock Watershed District, and Okabena-Ocheda Watershed District. While portions of the KLRWD are located in Rock County, Minnesota, this plan has fully considered (and is based on the format of) the *Rock County Water Plan* (revised and adopted 6/2007). No other formal 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 consideration of updates to 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.

E. Kanaranzi-Little Rock Watershed District

The Kanaranzi-Little Rock Watershed District was established on October 1, 1981, for the following purposes:

1. To provide for the orderly management of all the waters in the District for the protection of the public health and welfare and the provident use of the natural resources; and
2. To prevent recurring damage to property and resources caused by uncontrolled flooding, erosion and siltation.

Information on existing and updated statistical data, description of problems and summaries of completed studies, is included in *B.2 Assessment of Priority Concerns* above, as well as in the historical editions of the Nobles County Water Plan referenced herein. Specific projects and programs are described in *Section C. Implementation to Address Priority Concerns* and *Section D. Implementation Schedule of Ongoing Concerns*, above. Additional information specific to the KLR Watershed District follows.

E.1 Progress Since District Formation

a. First Overall Plan

The District's first Overall Plan was approved in August 1982. The overall goal of the plan was to scientifically manage the District's surface and groundwater to assure that an adequate quantity and quality is maintained to meet domestic, commercial, and recreational and wildlife needs. To meet the goals, the objectives of the District included, but were not limited to, the following:

1. To provide adequate water quantity and quality for essential human and animal needs;
2. To reduce flooding;
3. To control sheet, rill, gully, and streambank erosion and the siltation of watercourses;
4. To protect surface and groundwater from pollution;
5. To prevent flood plain encroachments that would materially increase the flood damage potential;
6. To preserve wetlands for water retention, recharge, soil conservation, and wildlife habitat;
7. To improve wildlife habitat and recreational opportunities;
8. To coordinate District activities with neighboring watershed districts and all other interested units and agencies to the fullest practical extent; and
9. To compile hydrologic information on the District.

b. Kanaranzi-Little Rock Watershed PL-566 Project

Planning for the Kanaranzi-Little Rock Watershed PL-566 Project began at the time the District formed. The project area covers the entire District or 198,400 acres in Nobles and Rock counties. The project's primary goal is to prevent serious soil erosion and at the same time reduce flooding. Sponsors including the Kanaranzi-Little Rock Watershed District, Nobles SWCD, Rock SWCD and the Nobles County Board of Commissioners formed a Joint Powers Board to locally plan and administer the project. The project administration is primarily funded the District's levy, but some state grant assistance was received.

The first long-term contracts providing landowners with conservation planning and planning assistance were approved in 1989. Since then, 124 contracts have been written with the District's landowners. Approximately 22,141 acres have been protected by conservation practices using about $1.9 million of federal money. As of 2008, the total cost of the conservation practices is $2.97 million, including the landowners' contributions.

The Kanaranzi-Little Rock Watershed Project PL566 was directed in 2008 by the NRCS state office to discontinue writing any additional contracts and any contracts that were in progress were to be completed before the end of the year. $68,000.00 remains in project agreements for this project. The Kanaranzi-Little Rock Watershed is working with the NRCS state office to try to commit the remaining funding to a project to address flooding in the watershed district.

c. Current Programs

Meeting the goals and objectives stated at the time of District's formation will be an ongoing long-term process. The programs in the adjacent table have been developed and are currently in place for the benefit of the District's residents and natural resources. The District will continue to fund these programs through its levy, grants and other sources in the future.

Nobles Local Water Management Plan
KLR Watershed District Projects and Incentive Programs Summary
August 2008

Program Name	Number of Participants	Approximate Cost
PL-566 Project	124	$2,970,656.00
Local Cost-Share	103	$175,564.00
Streambank Stabilization	1	$1,000.00
Tree Plantings	15	$2,500.00
Conservation Use Acres	75	$26,000.00
CRP Filter/Buffer Strips	25	$9,322.50
Well Sealing	82	$7,071.00

Source: KLRWD

At present time the Little Rock River watershed is listed by MPCA to be impaired for turbidity. The District is working with the Nobles SWCD to do more water testing in the Little Rock River and the Kanaranzi Creek Watersheds. TMDL's will need to be completed during the next several years for the Little Rock River for turbidity as well

F. Okabena-Ocheda Watershed District

On February 28, 1961, the Minnesota Water Resources Board issued an order dissolving the Worthington Drainage and Conservancy District and establishing the Okabena-Ocheda Watershed District with approximately its present boundaries.

The Districts Overall Management Plan was adopted in 1962 and later amended in 1965 and 1972. The 1972 plan listed the following objectives for the District:

1. Control or alleviation of damage by flood waters;
2. Improvement of stream channels;
3. Reclaiming or filling wet and overflowed lands;
4. Providing water supply for irrigation;
5. Regulating the flow of streams and conserving the waters thereof;
6. Diverting or changing watercourses in whole or in part;
7. Providing and conserving water supply for the domestic, industrial, recreational and other public use;
8. Providing for sanitation and public health and regulating the use of streams, ditches, or watercourses for the purpose of disposing of waste;
9. Repair, improve, relocate, modify, consolidate, and abandon, in whole or in part, drainage systems within the district;
10. Imposition of preventive or remedial measures for the control or alleviation of land and soil erosion and siltation of watercourses or bodies of water affected thereby;
11. Regulating improvements by riparian landowners of the beds, banks, and shores of lakes, streams and marshes by permit or otherwise in order to preserve the same for beneficial use.

The 1972 overall plan was not updated until 1998 when the District adopted the Nobles County Comprehensive Water Management Plan as its management plan. The District again adopted the updated version of the county comprehensive water management plan in 2002. The 1998 and 2002 plans did not include objectives for improvement of stream channels, filling and draining wetlands and diverting or changing watercourses. Instead, these versions focused on protecting surface water and groundwater quality, preventing flood damage by reducing and treating runoff, establishing grassed buffers along streams and around lakes, protecting and restoring wetlands and retiring marginal agricultural land.

The District's goals and objectives and management strategies listed in the 2002 Nobles County Comprehensive Water Management plan are replaced by the priority concerns, goals and objectives in section C of this plan.

F.1 Progress Since District Formation

During the District's first twenty-five years, activities focused on regulating private drainage projects, establishing public drainage projects, diverting water to maintain lake

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

In the Matter of Prescribing a Revised Watershed Management Plan for the Okabena-Ocheda Watershed District Pursuant to Minnesota Statutes Section 103D.405

ORDER PRESCRIBING WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the Okabena-Ocheda Watershed District (OOWD) filed a proposed Revised Watershed Management Plan (Plan) with the Minnesota Board of Water and Soil Resources (Board) on November 12, 2008, pursuant to Minnesota Statutes Section 103D.405, and;

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

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

FINDINGS OF FACT

1. **District Establishment.** The Minnesota Water Resources Board, by order, established the OOWD on February 25, 1961.

2. **Requirement to Plan.** A watershed district is required to revise their watershed management plan at least once every ten years pursuant to Minnesota Statutes Section 103D.405, Subd. 1 (a). The plan includes an inventory of the District's physical features and water resources, describes water-related problems and possible solutions, describes activities and projects that the District has completed, and states objectives for current and future water resources management within the District.

3. **Nature of the Watershed.** The OOWD is approximately 76 square miles in size and is located in southwestern Minnesota. Lands within the District are distributed in the County of Nobles (100%). The District is located on the drainage divide between the Mississippi and Missouri river basins. It contains three lakes and is the origin of the Ocheyedan River and Okabena Creek. Approximately 40,000 acres of the District are drained southward to the Ocheyedan River. The Ocheyedan River is a tributary of the Little Sioux River that flows into the Missouri River. Flood control structures and diversions in the District cause about 8,000 acres to drain either southward into the Ocheyedan River or eastward into Okabena Creek. The District also contains a portion of the City of Worthington where storm water drains north and east into Okabena Creek. Okabena Creek flows through the Heron Lake Watershed into the Des Moines River. During the District's first twenty-five years, activities focused on flood control, regulating private drainage projects, establishing public drainage projects, diverting water to maintain lake levels and protecting and enhancing Worthington's groundwater supply. Recent projects have focused on protecting surface water and groundwater quality by reducing and treating runoff, establishing grassed buffers along streams and around lakes, protecting and restoring wetlands and retiring marginal agricultural land.

4. **Local Review**. A copy of the draft Plan was sent to units of government for their review pursuant to Minnesota Statutes Section 103D. 405.

5. **Department of Natural Resources Review.** The Plan was submitted to the Director, DNR Division of Waters on November 13, 2008. Comments dated January 30, 2009, stated the Plan will be a practical tool to use in managing the water resources of the District by dedicated staff.

6. **Minnesota Pollution Control Agency Review.** The MPCA recommended approval of the plan in comments dated January 2, 2009.

7. **Minnesota Department of Agriculture Review**. The MDA recommended approval of the plan in comments dated November 24, 2008.

8. **Minnesota Department of Health Review**. The MDH recommended approval of the plan in comments dated December 2, 2008.

9. **Board of Water and Soil Resources Review.** Board staff provided numerous minor comments, primarily specifying items that needed further clarification or corrections. The comments have been incorporated into the Plan.

10. **Highlights of the Plan.** Nobles County developed a unified comprehensive water resources management plan for the entire County incorporating the Nobles County Local Water Plan, Nobles Soil and Water Conservation District (SWCD) comprehensive plan and watershed district plans for the Kanaranzi-Little Rock Watershed District and Okabena-Ocheda Watershed District. This is a collaborated effort to achieve goals for sound hydrological management of water and related resources.

    - The Plan identifies three priority concerns:
        - **Surface Water Quality** – Goal 1: Prevent further degradation of stream and lake water quality, with a priority for shoreland, Total Maximum Daily Load (TMDL)-listed waters, and un-sewered communities.
        - **Drainage Management** – Goal 2: Restore more natural flow in the drainage system, with a priority for shoreland.
        - **Public Water Supply** – Goal 3: Assure long-term quality and quantity of public water supplies, with a priority for Drinking Water Supply Management Area (DWSMA) and areas not currently served by public/community systems.

11. **Publish Notice of Filing.** Legal Notice of Filing was published in the Rock County Star Herald on February 12, 2009, and in the Worthington Daily Globe on February 6, 2009. The Legal Notice of Filing was also mailed in a memo from Board staff Travis Germundson dated February 9, 2009, to several addresses, including the Nobles and Rock county auditors and administrators, the Nobles and Rock soil and water conservation districts, and cities with land in the District.

12. **Public Hearing.** The Legal Notice of Filing was published pursuant to Minnesota Statutes Section 103D.105, Subd. 2 and 103D.405, Subd. 5 which require within 30 days of the last date of publication of the Notice of Filing of the Plan that at least one request for hearing be received by the Board before a hearing will be held. No request for hearing and no comments were received during the specified period of time and no hearing was held.

13. **Southern Region Water Planning Review Committee Meeting.** On March 5, 2009, the Board's southern region water planning review committee (Committee) and staff met in Renville County to review and discuss the plan. Those in attendance from the Board's Committee were Becky Balk, Randy Kramer, Paul Langseth, and Dan Wilson. Board staff in attendance were Jeff Nielsen, regional supervisor, and David Sill, board conservationist. Board staff recommended approval of the Plan. After discussion, the subcommittee unanimously voted to recommend approval of the Okabena-Ocheda Watershed District Plan to the full Board; contingent upon any substantive comments as determined by the Chair (because the comment period runs through March 13, 2009 based on the date of the last publication).

CONCLUSIONS

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

2. The Board has proper jurisdiction in the matter of approving a Revised Watershed Management Plan for the Okabena-Ocheda Watershed District pursuant to Minnesota Statutes Section 103D.405.

3. The Okabena-Ocheda Watershed District Revised Watershed Management Plan attached to this Order defines water-related problems within the District boundaries, possible solutions thereto, and an implementation program.

4. The attached Plan is in conformance with the requirements of Minnesota Statutes Chapter 103D, Board guidelines for Watershed District Plan content and is consistent with the affected county comprehensive water plans.

ORDER

The Board hereby prescribes the attached plan as the Revised Watershed Management Plan for the Okabena-Ocheda Watershed District.

Dated in St. Paul, Minnesota this 25th day of March 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Randy Kramer, Chair

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

In the Matter of Prescribing a Revised Watershed Management Plan for the Kanaranzi-Little Rock Watershed District Pursuant to Minnesota Statutes Section 103D.405	**ORDER PRESCRIBING WATERSHED MANAGEMENT PLAN**

Whereas, the Board of Managers of the Kanaranzi-Little Rock Watershed District (KLRWD) filed a proposed Revised Watershed Management Plan (Plan) with the Minnesota Board of Water and Soil Resources (Board) on November 12, 2008, pursuant to Minnesota Statutes Section 103D.405, and;

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

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

FINDINGS OF FACT

1. **District Establishment.** The Minnesota Water Resources Board, by order, established the KLRWD on October 1, 1981.

2. **Requirement to Plan.** A watershed district is required to revise their watershed management plan at least once every ten years pursuant to Minnesota Statutes Section 103D.405, Subd. 1 (a). The plan includes an inventory of the District's physical features and water resources, describes water-related problems and possible solutions, describes activities and projects that the District has completed, and states objectives for current and future water resources management within the District. The portion of the District within Rock County (approximately 20 square miles) will be governed by the Goals, Objectives and Actions listed in the revised Rock County water plan, adopted June 16, 2007.

3. **Nature of the Watershed.** The KLRWD is approximately 310 square miles in size and is located in southwestern Minnesota. Lands within the District are distributed in the following counties: Nobles, 290 square miles (94%) and Rock, 20 square miles (6%). Kanaranzi Creek originates in northwestern Nobles County, flows through the southeast corner of Rock County and joins the Rock River in Iowa. The Little Rock River originates in south central Nobles County, flows southwest and also joins the Rock River in Iowa. The Rock River joins the Big Sioux River at the Iowa-South Dakota border. The Big Sioux River flows south and enters the Missouri River at Sioux City, Iowa. From inception, the District's focus has been to manage surface and ground water to assure that an adequate quantity and quality is maintained to meet domestic, commercial, recreational and wildlife needs.

4. **Local Review**. A copy of the draft Plan was sent to units of government for their review pursuant to Minnesota Statutes Section 103D. 405.

5. **Department of Natural Resources Review.** The Plan was submitted to the Director, DNR Division of Waters on November 13, 2008. Comments dated January 30, 2009, stated the Plan will be a practical tool to use in managing the water resources of the District by dedicated staff.

6. **Minnesota Pollution Control Agency Review.** The MPCA recommended approval of the plan in comments dated January 2, 2009.

7. **Minnesota Department of Agriculture Review**. The MDA recommended approval of the plan in comments dated November 24, 2008.

8. **Minnesota Department of Health Review**. The MDH recommended approval of the plan in comments dated December 2, 2008.

9. **Board of Water and Soil Resources Review.** Board staff provided numerous minor comments, primarily specifying items that needed further clarification or corrections. The comments have been incorporated into the Plan.

10. **Highlights of the Plan.** Nobles County developed a unified comprehensive water resources management plan for the entire County incorporating the Nobles County Local Water Plan, Nobles Soil and Water Conservation District (SWCD) comprehensive plan and watershed district plans for the Kanaranzi-Little Rock Watershed District and Okabena-Ocheda Watershed District. This is a collaborated effort to achieve goals for sound hydrological management of water and related resources.

    - The Plan identifies three priority concerns:
        - **Surface Water Quality** – Goal 1: Prevent further degradation of stream and lake water quality, with a priority for shoreland, Total Maximum Daily Load (TMDL)-listed waters, and un-sewered communities.
        - **Drainage Management** – Goal 2: Restore more natural flow in the drainage system, with a priority for shoreland.
        - **Public Water Supply** – Goal 3: Assure long-term quality and quantity of public water supplies, with a priority for Drinking Water Supply Management Area (DWSMA) and areas not currently served by public/community systems.

11. **Publish Notice of Filing.** Legal Notice of Filing was published in the Rock County Star Herald on February 12, 2009, and in the Worthington Daily Globe on February 6, 2009. The Legal Notice of Filing was also mailed in a memo from Board staff Travis Germundson dated February 9, 2009, to several addresses, including the Nobles and Rock county auditors and administrators, the Nobles and Rock soil and water conservation districts, and cities with land in the District.

12. **Public Hearing.** The Legal Notice of Filing was published pursuant to Minnesota Statutes Section 103D.105, Subd. 2 and 103D.405, Subd. 5 which require within 30 days of the last date of publication of the Notice of Filing of the Plan that at least one request for hearing be received by the Board before a hearing will be held. No request for hearing and no comments were received during the specified period of time and no hearing was held.

13. **Southern Region Water Planning Review Committee Meeting.** On March 5, 2009, the Board's southern region water planning review committee (Committee) and staff met in Renville County to review and discuss the plan. Those in attendance from the Board's Committee were Becky Balk, Randy Kramer, Paul Langseth, and Dan Wilson. Board staff in attendance were Jeff Nielsen, regional supervisor, and David Sill, board conservationist. Board staff recommended approval of the Plan. After discussion, the subcommittee unanimously voted to recommend approval of the Kanaranzi-Little Rock Watershed District Plan to the full Board; contingent on any substantive comments as determined by the Chair (because the comment period runs through March 13, 2009 based on the date of the last publication).

CONCLUSIONS

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

2. The Board has proper jurisdiction in the matter of approving a Revised Watershed Management Plan for the Kanaranzi-Little Rock Watershed District pursuant to Minnesota Statutes Section 103D.405.

3. The Kanaranzi-Little Rock Watershed District Revised Watershed Management Plan attached to this Order defines water-related problems within the District boundaries, possible solutions thereto, and an implementation program.

4. The attached Plan is in conformance with the requirements of Minnesota Statutes Chapter 103D, Board guidelines for Watershed District Plan content and is consistent with the affected county comprehensive water plans.

ORDER

The Board hereby prescribes the attached plan as the Revised Watershed Management Plan for the Kanaranzi-Little Rock Watershed District.

Dated in St. Paul, Minnesota this 25th day of March 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Randy Kramer, Chair

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

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Nobles County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on November 12, 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 August 29, 2007, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Nobles County, pursuant to M.S. Section 103B.312.

2. On December 19, 2007, the Board of Water and Soil Resources approved official comments on the Nobles County Priority Concerns Scoping Document, which were mailed to the County on December 19, 2007.

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

    a. **Surface Water Quality** – Goal 1: Prevent further degradation of stream and lake water quality, with a priority for shoreland, TMDL-listed waters, and un-sewered communities.
    b. **Drainage Management** – Goal 2: Restore more natural flow in the drainage system, with a priority for shoreland.
    c. **Public Water Supply** – Goal 3: Assure long-term quality and quantity of public water supplies, with a priority for DWSMA and areas not currently served by public/community systems.

4. On February 20, 2008, the Minnesota Board of Water and Soil Resources received a resolution from Nobles County requesting a one-year extension of the current water plan to April 30, 2009.

5. On March 26, 2008, the Board of Water and Soil Resources approved the Nobles County water plan extension request to April 30, 2009.

6. On November 12, 2008, the BWSR received the Nobles County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Plan Update for the final State review pursuant to M.S. Section 103B.315, Subd. 5.

7. On March 5, 2009, the Board's southern region water planning review committee (Committee) reviewed the recommendation of the state review agencies regarding final approval of the Nobles 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 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;
    g. Board Southern Region Water Planning Review Committee: recommends approval;

8. This update will be in effect until March 25, 2019.

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 Nobles County pursuant to Minnesota Statutes, 103B.315, Subd. 5.

2. The Nobles 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 Nobles County Local Water Management Plan with a required update to the Implementation section (Goals, Objectives, and Action) by March 25, 2014.

Dated at St. Paul, Minnesota, this 25th day of March, 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

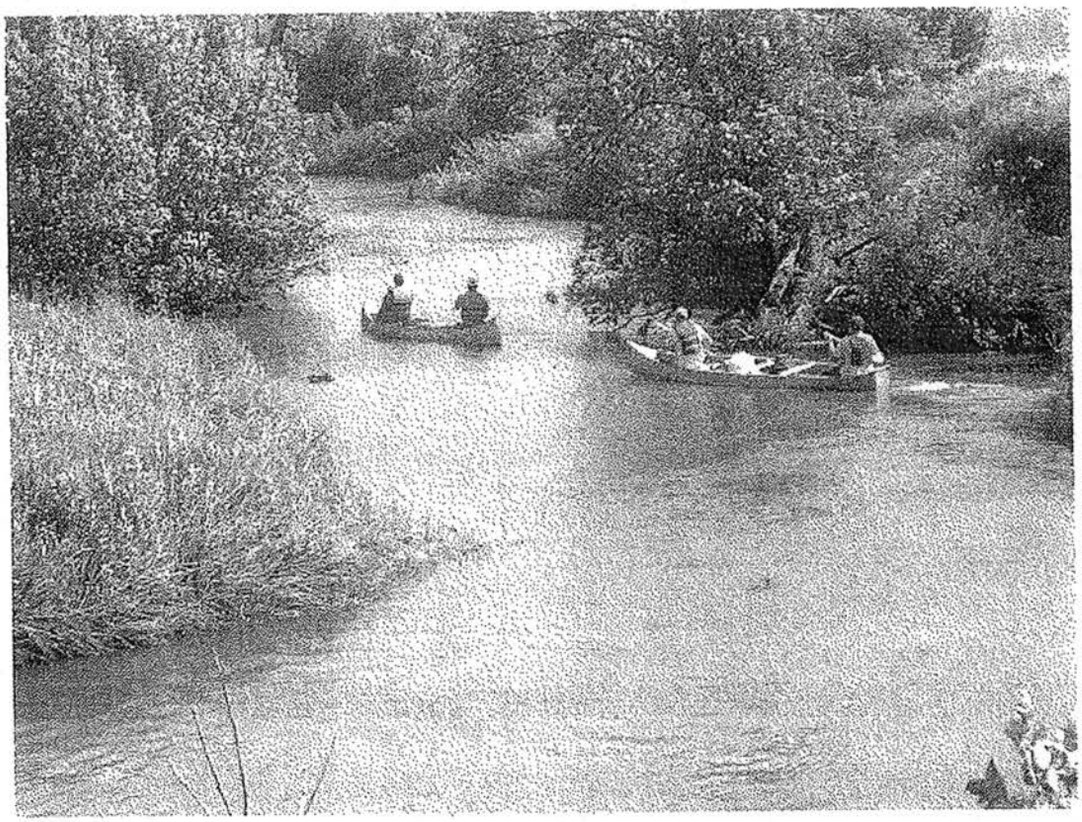
BY: Randy Kramer, Chair

YELLOW MEDICINE RIVER WATERSHED DISTRICT

10 YEAR OVERALL WATERSHED PLAN

SCHULER ENVIRONMENTAL ENGINEERING SERVICES

January 2009-January 2019



I. Executive Summary

The Yellow Medicine River 10 year plan comprises a description of the current state of the watershed and organization, a review of the past plan accomplishments, and a plan of goals and strategies for the next 10 years. The plan is divided into twelve chapters including:

- An introduction
- A general profile of the District
- A description of regulatory programs
- A profile of district stakeholders
- A demographic and economic profile
- A physical environment profile
- A description of complete and current projects
- A description of the outcomes from the past plan
- Goals and objectives for the next plan
- A ten year strategic plan
- A description of resource management
- A description of the plan administration

The intent of the plan is to review the past plan accomplishments in view of the goals and objectives that were planned, describe the current state of the Watershed District, and set a vision for the next ten years. The new plan identifies many goals for hydrology, water quality, organizational capability, and public outreach. Numeric goals are established where practical, and broad strategies and detailed tactical plans are included that describe the path to achieve the goals. The intent is to utilize the numeric goals as performance measures to track the progress and have a better understanding of where we have been, where we are currently, and what is required to achieve our goals.

An emphasis is placed on managing the hydrology of the watershed and in particular flooding issues. Providing protection and improvement of the water quality of the streams, rivers, and lakes within the watershed is also a top priority in this plan. A prominence is placed on the Total Maximum Daily Load program in achieving the water quality goals. The next priority is providing applicable research to move to a new level of capability in controlling pollutant discharges. An emphasis is also placed on public outreach and education to inform residents of watershed issues and receive input from the general public.

The plan is also focused on managing the watershed resources, with a focus on providing public outreach on issues important to the citizens at large and private and public organizations. An importance is placed on relaying an understanding of the cause and effect of flooding, water quality, natural resources, economic trends, and additional issues to the general public.

II. Introduction

The Yellow Medicine River Watershed District (YMRWD) is located in southwestern Minnesota, encompassing 685 square miles. Lands within the District are distributed in the following counties; Lincoln (39%), Lyon (23%), and Yellow Medicine (38%).

The previous 10-year plan process began in 1994 under the direction of the Yellow Medicine River Watershed District Managers and their plan consultant - George Holcomb, retired University of Minnesota Extension Specialist. The new plan represents a compilation of inputs from the watershed community, citizens advisory committee, staff, project partners, local and state agencies, consultants, and private organizations. The plan developed a vision, goals, strategies, and tactical plans to address watershed issues, problems, and change through the next ten years.

Overall Plan Content

The 10-year overall plan consists of several elements including: information and education, monitoring, watershed assessment and inventories, water quality and hydrologic investigations, diagnostic and feasibility studies, total maximum daily load analysis, strategic plans and capital improvement projects. The 10-year strategic plan structure consists of, in a hierarchical order, a mission statement, goals, strategic plans, and supporting tactical plans. The mission statement describes the ultimate intent of the organization. The goals describe specific components of the mission. The strategic plan describes general initiatives that will lead to and support the intended goals. The tactical plans are the actual projects such as diagnostics, feasibility studies, and implementations of structures, cultural attitudes, best practices, etc. that accomplish the specific strategies. The plan also includes a tracking mechanism to determine the relative progress of the strategic plans toward accomplishing the mission. This feature is a performance measure that indicates both qualitatively and especially quantitatively, the current status of the tactical plans relative to the strategic plans, and ultimately to the organizational mission.

The revised plan provides an updated inventory of the watershed setting and physical features, and describes the water resources and water use within the District. Existing and potential problems of the District are then identified and described in detail. The plan identifies flooding, drainage, erosion and sedimentation, and associated water quality deterioration as major problems. Fish and wildlife resources and water supply are also identified as issues. A strategic plan is outlined in the context of improvement projects, public information and education, regulatory initiatives, resource management programs, and intergovernmental coordination and cooperation.

Flood damage reduction is a major concern of the previous 10-year plan and remains the number one concern through the new plan. The initiatives addressing flooding involve improvements in the data collection process. These improvements include a more intense data collection effort for drain-tile plans, flood control structures, road crossings and bridge design, and other features throughout the watershed that influence flooding. The

intent of the plan is to develop GIS based models to: 1) predict runoff from various rainfall events, simulate control strategies, and determine realistic flooding goals, and develop tactical plans to achieve the goals. The plan involves the use of these tools to depict areas subject to flooding and provide leadership and coordination across political boundaries in the acceleration of best management practices. The new plan continues to encourage road retention projects and other flood control structures. The strategies include plans for the continued operation of the current stream-gauging network.

These initiatives have been completed to various extents and the new plan calls for linking flood reduction programs to numeric goals. The inventory will become the basis for estimating regional and local flooding extent, refine the effect of flood reduction methods, develop priority flooding areas, and ultimately realistic flood reduction goals for the watershed.

The previous plan (January 24, 1997) established goals, objectives and proposed actions for each of the previously identified problems. Several actions included: identification, evaluation and prioritization of sub-basins within the District for a comprehensive approach to resource management. The District prioritized 15 sub-basins in the past 10 years and has implemented many lake and stream restorations, erosion control measures, and nutrient management projects. The sub-basins are prioritized by phosphorus, nitrogen, and suspended solids content of stream runoff, and GIS maps of these watersheds have been delineated. The new plan furthers this effort by refining the goals and performance measures that will accompany and track the progress implementation efforts.

The plan also includes efforts to:

1. Complete impaired water listings and pursue Total Maximum Daily Loads (TMDL's) on impaired waters within the watershed.

2. Protect existing watershed resources; request appropriate agencies to identify priority areas for fish, wildlife and recreational resources for preservation, development or improvement.

3. Provide leadership and coordination across political boundaries regarding water supply, and projects monitoring the quantity and quality of ground and surface water; review and amend current District rules and regulations.

4. Provide leadership in reviewing and adapting to changing regulatory and technological environment.

Description of the Planning Process

The planning process developing the new 10-year plan included assembling a technical committee involving the YMRWD Board and staff, Board of Water and Soil Resources

(BWSR), the three Soil and Water Conservation Districts (SWCD's Lincoln, Yellow Medicine, and Lyon counties), the Natural Resources Conservation District (NRCS), three county water planners, and the Minnesota Pollution Control Agency (MPCA) to provide input and guidance through the process. A meeting was held with the DNR area hydrologist at the beginning of the planning process to discuss opportunities and priorities. Several meetings with the citizens advisory committee, local cities, townships, and interested citizens were conducted to document input on watershed concerns and develop plans to address these concerns. This planning process linked data findings, projects, and the experience of the past efforts to landowners, citizens, agencies, and the general public to identify and address watershed goals.

Public Informational Meeting Issues

The YMRWD conducts annual Advisory Committee hearings. The committee consists of: one Lincoln County, one Lyon County and one Yellow Medicine County Commissioner, one Lincoln, one Lyon and one Yellow Medicine SWCD supervisor, and one Lincoln, one Lyon and one Yellow Medicine Water Management Task Force coordinator or representative. The official notice of the advisory hearing is published in the Tri-County News, Canby News, Minneota Mascot, and Marshall Independent.

A major issue concerning public meetings for the YMRWD is poor attendance by the local residents. Drainage issues rank high among the issues and interested parties are usually limited to the affected landowners. Chief among the concerns is the capacity of tile lines and the effect of adding additional tile lines to existing systems. These issues are usually limited to a local drainage area, and the problems address localized conditions of tile capacity and reduction in flow.

The YMRWD also conducts special meetings concerning water quality projects, TMDL's, and special issues such as culvert downsizing projects. The South Branch Fecal Coliform TMDL meetings involved presenting the scope of the plans initially, and subsequent meetings addressed the findings of the TMDL study and the presentation of the implementation plan. Some of the chief concerns include the impact of the implementation plan on the local landowner, especially the agricultural producer. The issues revolve around the conflict between the profitability of agricultural operations impacted by conservation best management practices (BMP's). The most apparent conflict is the loss of revenue resulting from land retirement or set aside such as conservation reserve program (CRP) and riparian buffer strips. Additional concerns include the modification of cultivating practices that can reduce yields and profitability, and introduce additional steps into the growing process.

The rising costs of production vs. crop prices remain a basic issue in the agricultural community. Payments for installing conservation practices usually fall short of potential profits from crop production, and the growers are concerned about the sustainability of the farm.

X. 10 Year Goals and Objectives

Looking Out 10 Years

The current trend for the District residents is a decline in populations, both rural and municipal. The problems developing include a decline in some of the basic support institutions such as schools and hospitals, as well as a decline in the entertainment industry. A consolidation in farm operations with fewer population and larger farms is being addressed by similar consolidations in support institutions. Restaurants and shops in local cities are closing, and the trend is moving entertainment, food, and commerce to the regional centers such as the city of Marshall.

The dominance of agriculture in the District has continued for many decades and has been accompanied by limited development of alternate industries. The diversity of industry may develop significantly over the next ten years with alternative crops supplying a growing "organic" foods demand by consumers. There is also a large initiative to move toward bio-fuel production that is being driven by the rising costs of oil production. Ethanol production is rapidly increasing and is moving from corn as a primary grain source to other types of native grasses, woody vegetation and other plant bi-products for energy production.

Public Outreach and Education Goals

The intent of the next plan will be to increase the awareness of watershed issues within the District community. The use of new communication tools will be a goal of the District staff and Board. The District will continue to develop web applications and the use of wireless communication devices to interact with citizens and agencies. Education goals for the District community will include:

1. Provide a clear understanding of the role of the YMRWD to the public
2. Provide the public with an understanding of causes and effects of river flooding.
3. Provide the public with a clear understanding of the causes of water quality deterioration and the challenges of restoration.
4. Identification of agencies, programs, and resources to address individual and regional watershed problems and issues.
5. Provide educational opportunities for schools within the District.

Hydrologic/Flooding Goals

The District will make a concerted effort to compile and analyze all hydrological information such as topography, landuse, structural, tile lines, and ditch and stream morphology to access the current state of flooding in the District. An effort will be made to include the proper amount of detail to predict stream and river discharges throughout the watershed for a wide range of rainfall and soil moisture conditions. The information will be used to model the watershed and develop cost effective control measures and determine realistic hydrologic goals.

The State of Minnesota is compiling a "Wetlands Restoration Strategy" that is estimated to be finished by the end of 2008. This initiative will provide guidance in prioritizing wetland restorations for specific water quality improments, habitat gains, flood damage reduction, and additional benefits. The strategy for drainage management should consider an integrated management effort that combines many technologies and efforts to provide beneficial improvements.

Watershed district began with the intent to focus on flooding issues, water quantity

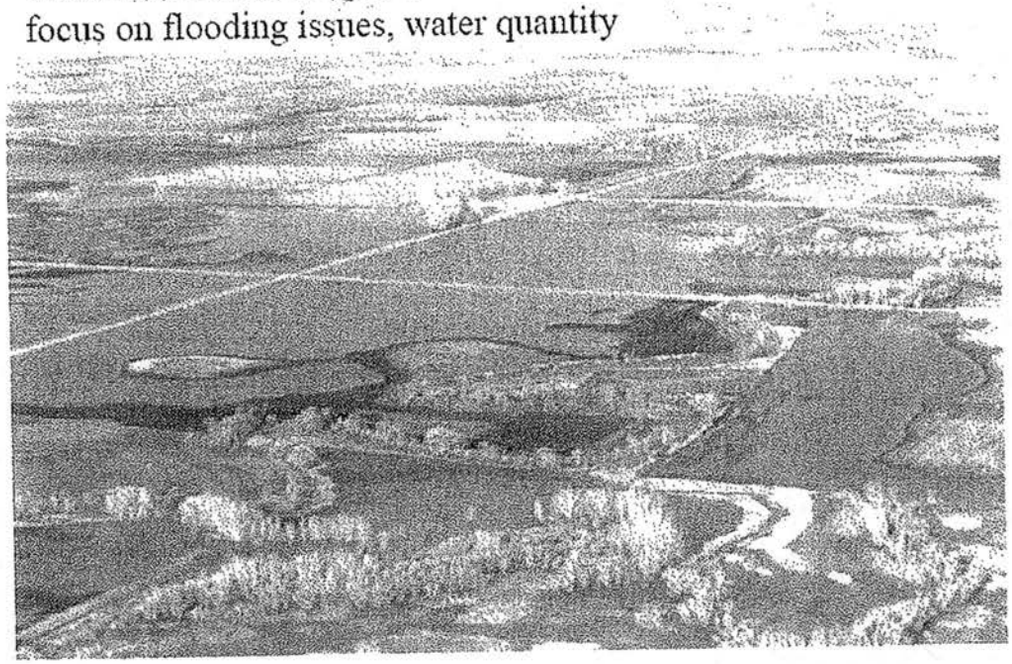


Figure 26 Yellow Medicine River Flooding

Table 21 shows the land area that has been subject to flooding in terms of the 25 year and 100 year frequency rainfall event.

Table 21 YMR Acreages Subject to Flooding

Sub-Watershed	Annual Ave.	25 year	100 year
Yellow Medicine Main Channel	7,963	14,497	18,019
Taunton	269	681	934
Antelope Valley	889	1,554	1,887
Mud Creek	1,794	2,821	3,311
South Branch	882	2,488	3,120
Spring Creek	2,879	4,695	5,478
Total	13,685	26,736	32,749

Water Quality Goals

Water quality goals for the District is currently a 25% reduction in phosphorus, nitrogen, and suspended solids mass loading at the mouth of the Yellow Medicine River. The reduction is compared to the mass loading assessments determined during the 1997-1999 Greater Yellow Medicine River CWP.

Priority sub watersheds were established during the GYMR CWP and are displayed in Figures 27 The initial goal was to achieve a 25% reduction in the three water quality parameters within a six year period. A more realistic goal will be to achieve this reduction in the next ten years.

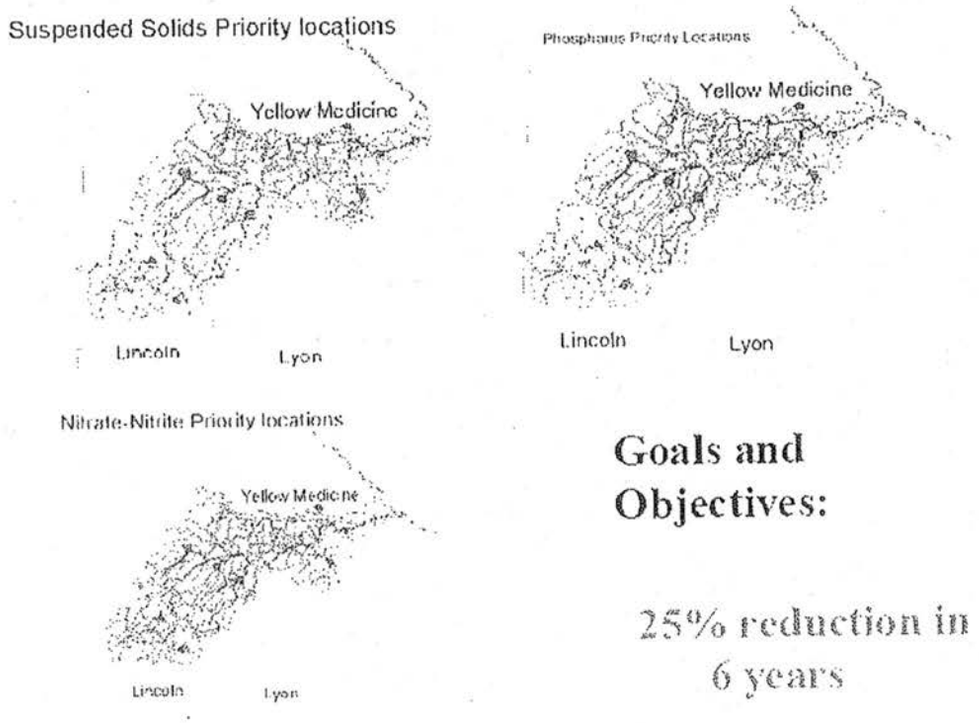


Figure 27 Priority Sub Watersheds

Incorporation of New Regulations, Technologies, and Practices

1. Regulatory Environment

The regulatory environment for the next 10 years will focus initially on the TMDL program. Every two years, additional impaired waters will be added to the current 303d list. Presumably a great deal of Minnesota surface waters and numerous reaches of the Yellow Medicine River will be on the impaired list. The chief focus and effort should shift from assessing waters and writing TMDL's to implementation activities. Several challenges are currently present and will compound in the future revolving around the issue of pollutant allocations resulting from TMDL studies. Development issues and

restrictions will need to be resolved, along with funding issues for the required implementation measures. Important issues will involve:

- Implementation costs – with the numeric TMDL goals costs of corrective action will be high.
- Funding – long term funding mechanisms will need to develop.
- Zoning – regulation of development with a focus on regulated pollutant allocations.
- Trading – sharing of pollution reduction credits will develop to address a series of complex issues involved including watershed specific trading and the uncertainty of pollution reduction credit for various conservation management practices.
- Discharge regulations – presumably the regulatory environment will become increasingly restrictive for municipal and rural non-point discharges.
- Clearly educating citizens concerning water quality impairments and the corrections/solutions that will be needed; and local government coordination of implementation activities, programs and staff expertise.

2. Chemical Treatments

The use of chemical treatments such as aluminum and iron salts to surface waters will become an increasingly necessary control option. With the increasing development of watershed runoff and associated pollutant discharges are difficult to successfully control with standard conservation practices. The costs and residual problems associated with the use of aluminum and iron will pose a challenge to their wide spread use.

3. Ethanol Production

Ethanol production in the US is increasing at a rapid pace due to the rising costs of gasoline and diesel. The corn growers have been anxiously anticipating a rise in corn prices as a result. However, each increase of $1.00 per mmbtu raises the cost of ethanol $0.034 per gallon. Table 22 illustrates the relationship between rising corn prices and the corresponding rise in cost of ethanol.

Table 22 Cost of Corn vs. Cost of Ethanol

Corn Price	Net Cost/Gallon
$2.00	$1.27
$2.50	$1.45
$3.00	$1.63
$3.50	$1.80
$4.00	$1.98
$4.50	$2.16
$5.00	$2.34

Many environmental factors play a role in ethanol production from corn. With rising prices many acres of corn production would be anticipated offsetting acreage that are currently not in production. Current and future lands enrolled in conservation programs would presumably be placed in corn production instead. The net effect of the increase in

production could have a significant negative impact on the water quality of surface waters.

Table 23 shows the potential energy produced per unit of fossil fuel used in the production comparing ethanol from two sources, grain and cellulose, and biodiesel from soybean oil to two traditional fuels, gasoline and diesel. Favorable ratios are above 1.0 and fuels that yield less energy than was used their production have ratio less than 1.0. As can be seen, both ethanol and biodiesel have favorable ratios while gasoline and diesel have negative ratios. In addition, ethanol from cellulose is far superior to ethanol from grain. Many sources of cellulose such as switch grass are environmentally friendly and can act as a "cash crop" in ethanol production.

This could potentially be a boon for water quality restoration efforts using switch grass for a cash crop and replacing intensive corn production with stable grasses. The USEPA and the MPCA are actively developing plans to realize the benefits of cellulose based ethanol production in conservation practices.

Table 23 Comparison of Ethanol Production to Conventional Fuels[8]

Fuel	Energy Out/Fossil Energy In	%GHG Reduction vs. Gas/Diesel
Gasoline	.81	-
Ethanol from Grain	1.35	26
Ethanol from Cellulose	4.17	85
Diesel	.91	-
Biodiesel from Soybean Oil	3.24	53

4. Carbon and Phosphorus Credits/Trading

Water quality trading is an innovative approach to achieve water quality goals more efficiently. Trading is based on the fact that sources in a watershed can face very different costs to control the same pollutant. Trading programs allow facilities facing higher pollution control costs to meet their regulatory obligations by purchasing environmentally equivalent (or superior) pollution reductions from another source at lower cost, thus achieving the same water quality improvement at lower overall cost.

While trading can take many different forms, the foundations of trading are that a water quality goal is established and that sources within the watershed have significantly different costs to achieve comparable levels of pollution control.

[8] Biodiesel Sources: International Energy Agency. Biofuels For Transport, OECD, Paris, France, April 2004, Tables 3 & 7. Michael Wang, "An Update of Energy and Greenhouse Emissions: Impacts of Fuel Ethanol," Center for Transportation Studies, Argonne National Laboratory, Feb. 8, 2005.533.24Biodieselfrom

Water quality trading works best where watershed circumstances favor trading. The program can be a powerful tool for achieving pollutant reductions faster and at lower cost. Under favorable conditions there is a need that motivates facilities to seek pollutant reductions, usually a Total Maximum Daily Load (TMDL) or a more stringent water quality-based requirement in an NPDES permit, and the pollutant sources within the watershed have significantly different costs to control the pollutant of concern.

If the necessary levels of pollutant reduction are not so large that all sources in the watershed must be reduced as much as possible to achieve the total reduction needed, and trading can be used to sell surplus pollution reductions as credits. The program has the possibility of bringing more money to the landowner for specific implementations. The watershed stakeholders and the state regulatory agencies have to be willing to try an innovative approach and engage in trading design and implementation issues.

The reduction in pollution that a producer generates by implementing conservation practices can be "traded" with an industrial or municipal facility that is required by law to reduce the amount of pollution in its wastewater. Under these circumstances a landowner could be paid more money to implement conservation practices.

Water quality credit trading is not without problems, however. The value of any water quality credit would be based on estimates of environmental benefit that carries a significant amount of uncertainty. Most estimates are grounded in modeled simulations and can vary greatly in different situations. The ranges of edge of field pollutants reported that have been measured and reported in the literature generally show a wide range of values. To account for the uncertainty credits could be traded in ratios of 2:1 or greater to add a margin of safety.

In situations that are economically feasible to trade credits at a ratio of 2:1 or better, water quality trading offers a new and potentially effective tool to the currently limited pool of conservation applications.

Milestone Schedule

Goal 1 – Reduce Flooding

Strategy: Implement projects that will reduce total discharges from rain events

Tactical Plan	Start – End	Cost
Restore Wetlands	2008-2018	$200,000
Implement Cropping Practices	2008-2018	$20,000
Implement Residue Management	2008-2018	$20,000
Promote CRP adoption	2008-2018	$150,000

Strategy: Implement projects that will reduce peak hydrographs during rainfall events

Implement Road Retention Projects	2008-2018	$200,000
Communications with Counties and DOT	2008-2018	$5,000
Downsizing Feasibility Projects	2008-2018	$5,000

Goal 2 – Track the effectiveness of the flood reduction program

Strategy: Determine the effect of tile permit implementation

Develop a Drain Tile Database	2008-2018	$110,000
Improve the preservation and Modernization of existing database		$50,000

Strategy: Determine the rainfall-response relationship for the entire Yellow Medicine Watershed

Develop a Watershed Hydraulic Model	2008-2010	$30,000
Develop Rainfall-Runoff Scenarios With Control Techniques	2008-2010	$6,000

Goal 3 – Improve the Water Quality of the Yellow Medicine River

Strategy: Reduce phosphorus, nitrate, and total suspended solids by 25%

Activity	Start-End	Cost
Continue supporting the Greater YMR CWP	2008-2009	$25,000[9]
Continue supporting the South Branch YMR TMDL Implementation	2008-2010	$35,000[10]
Support the Lake Shaokatan TMDL	2009-2011	$34,000[11]
Water Quality Routing Model for YMRW	2008-2010	$15,000

Goal 4 – Provide Research to Develop Water Quality Improvement

Develop chemical dose-response relationships	2009-2011	$15,000
Implement manure reduction pilot studies	2008-2010	$15,000
Implement E. Coli reduction pilot studies	2008-2010	$15,000
Monitor stream flows and nutrients	2008-2018	$150,000
Partner with State Agencies to support bio-fuel production with native grasses	2008-2018	$15,000

[9] Currently funded
[10] YMRWD local share
[11] potential cost as depicted in draft TMDL

Goal 5 – Improve Stakeholders' Participation, Cooperation, and Coordination in Watershed District Decisions and Guidance

Activity	Start-End	Cost
Meet with state and local governments	2008-2018	$5,000
Utilize a designated contact person	2008-2018	$15,000
Meet with stakeholders on a regular basis	2008-2018	$15,000
Exchange technical assistance with local governments	2008-2018	$5,000
Record recommendations from stakeholder meetings and incorporate into strategic plans	2008-2018	$5,000

Goal 6 – Coordinate Activities between Watershed District and Local Governments

Review local controls, ordinances And rules	2008-2018	$ 5,000
Transfer authority to local Governments when feasible	2008-2018	$5,000
Adopt local government ordinances and plans when applicable	2008-2018	$5,000
Avoid duplicating efforts towards common goals	2008-2018	$5,000

Goal 7 – Utilize the Citizen's Advisory Committee to Address Issues and Develop Goals and Strategies

Activity	Start-End	Cost
Provide regularly scheduled meetings with citizen's advisory group	2008-2010	$10,000
Provide the Citizen's advisory group with frequent progress reports	2008-2018	$10,000
Provide regular scheduled educational presentations	2008-2018	$10,000
Record and prioritize recommendations from citizen's advisory group	2008-2018	$10,000

Goal 8 – Provide Public Information on Important Events and Issues and the Status of the Strategic Plan

Establish contacts with local media	2008-2018	$10,000
Develop and maintain YMRWD Website	2008-2018	$5,000
Provide annual newsletter	2008-2018	$10,000
Continue to work with local educational institutions and provide monitoring instructions	2008-2018	$5,000
Provide a web-based GIS map showing watershed, infrastructure	2008-2018	$10,000
Provide a web-based, computerized field device for YMRWD Board	2008-2018	$10,000

Goal 9 - Leverage Existing Local, State, and Federal Programs to Realize Economy of Scale Resources In Accomplishing Common Goals and Strategies. Our current existing levy received from Lyon, Lincoln and Yellow Medicine Counties is $125,000.00 per year. We anticipate the acquisition of funds from implementation and continuation grants to supplement our costs.

Total $1,379,500

Performance Measures

The performance measure for hydrological (flooding) improvements will need to be developed during the course of the new plan. The goals and strategies of the new plan call for a more in depth record keeping effort and a model of the system to understand the current response of the watershed to rainfall events. This model will be used to develop realistic goals for the inhibition of flooding events and track the progress and performance toward the goals. The water quality performance measures are largely built into the TMDL program. Each impaired stream or lake has a numeric, quantifiable goal and progress can be obtained through sampling protocols that are already established. The based line or current condition has been quantified and water quality goals will be tracked by successive implementation followed by monitoring and analysis.

Resource management and public outreach performance measures are more difficult to quantify. Resource management measures will be largely dependent on data and assessments from third party agencies such as the MPCA, DNR and BWSR. Public outreach progress will be assessed in public meeting attendance, feedback from these meetings, and periodic surveys.

Plan Evaluation

XIV. Plan Coordination

Managing the water resources of the YMRWD is a complicated task, involving many local, State and Federal agencies, as well as private citizens and special interest groups. For any water management activity to be successful, a well-coordinated effort is needed. The YMRWD is committed to working with all of its stakeholders to ensure proper management of its water resources.

Implementation

The District will ensure coordination and implementation of its overall plan through is Advisory Committee. The committee will meet, at least annually, to review progress, identify emerging problems, opportunities and issues and continue to direct the implementation of the plan.
The Board of Managers shall coordinate the activities of the Advisory Committee and direct the administration of the plan.

Schedule

Coordination of the Overall Plan's initiatives will commence with the Board of Managers' adoption of the plan. Initiatives will be carried out throughout the lifetime of the plan, which is specified as January 01, 2009 to January 31, 2019.

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

In the Matter of prescribing the
Watershed Management Plan for the
Yellow Medicine River Watershed District
Pursuant to Minnesota Statutes Section 103D.405

ORDER PRESCRIBING WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the Yellow Medicine River Watershed District (District) submitted a Watershed Management Plan (Plan) dated August 2008 to the Minnesota Board of Water and Soil Resources (Board) pursuant to M.S. Section 103D.405, and;

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

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

FINDINGS OF FACT

1. **District Establishment.** The District was established by the Minnesota Water Resources Board on August 27, 1971, under the authority of Minnesota Statutes Chapter 103D.

2. **Requirement to Plan.** A watershed district is required to revise their watershed management plan at least once every ten years pursuant to Minnesota Statutes Section 103D.405, Subd. 1 (a). The Plan includes an inventory of the District's physical features and water resources, describes water-related problems and solutions, describes activities and projects that the District has completed, and states objectives for current and future water resources management within the District.

3. **Nature of the Watershed.** The District is located in southwestern Minnesota, encompassing 685 square miles. Lands within the District are distributed in the following counties; Lincoln (39%), Lyon (23%), and Yellow Medicine (38%). The Yellow Medicine River begins at Lake Shaokatan in Lincoln County at an elevation of 1750 feet, flowing northeast for approximately 81 miles before entering the Minnesota River below Granite Falls at 860 t0 870 feet above sea level. The river has three major branches, the North Branch, the main stem, and the South Branch. There are two major tributaries to the river; Mud Creek and Spring Creek. There are three distinct topographical areas in the District; the upland plain, the transition slope or escarpment, and the lowland plain. The headwaters of the watershed originate in the southwestern part of the District on an undulating upland plain, the Coteau des Prairies. This occupies approximately one-third of the area in the District. The transition slope from the upland to the lowland plain is approximately 6 miles wide during which the elevation drops 300 feet. The remainder of the area eastward, consisting of about two-thirds of the District, is flat to gently undulating except near the Minnesota River valley. There are extensive floodplains along the main stem and branches of the Yellow Medicine River. Stream valleys are shallow and drainage is poor on both the upland and lowland plains. On the transition slope and on the slope to the Minnesota River valley, the gradients are steep and stream valleys are deep and gorge-like, resulting in rapid runoff of water. Regarding priorities – an emphasis is placed on managing the hydrology of the watershed and in particular flooding issues. Equally important is providing protection and water quality improvement to the rivers, streams, and lakes in the watershed.

4. **Local Review.** Pursuant to Minnesota Statutes Section 103D.405, the Yellow Medicine River Watershed District was required to send a copy of the revised Plan to specific local government units and state agencies for their review. On August 7, 2008, the Yellow Medicine River Watershed District distributed a copy of the draft Plan to those required by Statute and to several other entities.

5. **Minnesota Department of Agriculture Review.** In a letter dated September 26, 2008, the MDA thanked the District for the opportunity to provide comments and commended the planning effort. MDA encouraged greater representation of agricultural interests on the technical committee. In addition the Department's Pesticide and Fertilizer Management Division was correctly referenced. It was also noted that the Department has a statewide water quality monitoring program for pesticides and nutrients. Finally it was noted that available bmps for both pesticides and nutrients are effective in addressing impairments and should be coordinated with the monitoring and development of total maximum daily load related activities.

6. **Minnesota Pollution Control Agency Review.** In a letter dated October 15, 2008, MPCA regional staff provided several additions and corrections to current MPCA programs and opportunities mentioned in the Plan. In addition staff suggested the plan should reflect the estimated overall budget of the South Branch TMDL, not just what is currently committed by the watershed district.

7. **Minnesota Department of Natural Resources Review.** The DNR provided brief written comments on November 10, 2008. Several grammatical edits were provided: In addition to the minor edits, staff proposed two tactical plans relating to ag tile drainage noting tile permitting is discussed under the tracking goal, but not within the flood reduction goal.

8. **Board of Water and Soil Resources Review.** In a letter dated September 21, 2007, the BWSR commented on and approved the draft Yellow Medicine River Watershed District Overall Plan outline. In a letter dated May 30, 2008, BWSR staff provided a follow-up comment letter on the draft plan. Numerous comments and suggestions were provided. Specific information regarding drainage management issues was suggested. Also an action relating to ditch records preservation and modernization was encouraged. Finally it was suggested a summary table reflecting the estimated costs associated with implementation of the 10 year plan be added, including estimated revenues the District generates per year through its general fund tax levy. In a letter dated September 26, 2008, BWSR staff provided final review and comment offering a number of editorial suggestions, needed clarifications, omissions, and recommended additions. In summary the District should be commended for this plan. Much has changed over the past ten year. The plan clearly identifies water quality and quantity issues facing the watershed. Significant monitoring has been completed and the data has been collected and is being used to establish implementation goals. Finally numerous implementation successes can be pointed to by the District and its citizens.

9. **Highlights of the Plan.** Critical elements (goals) in the Plan include:
   Goal 1 – Reduce Flooding.
   Goal 2 – Track the effectiveness of the flood reduction program.
   Goal 3 – Improve the water quality of the Yellow Medicine River.
   Goal 4 – Provide research to develop water quality improvements.
   Goal 5 – Improve stakeholders participation, cooperation, and coordination in Watershed District decisions and guidance.
   Goal 6 – Coordinate activities between the Watershed District and Local Governments.
   Goal 7 – Utilize the Citizens Advisory Committee to address issues and develop goals and strategies.
   Goal 8 – Provide public information on important events and issues and the status of the strategic plan.
   Goal 9 – Leverage existing local, state and federal programs to realize economy of scale resources in accomplishing common goals and strategies.

14. **Publish Notice of Filing.** The Board provided for legal notice of filing for the District Plan. Notices were published in the "Ivanhoe Times" on December 18, 2008; the "Marshall Independent" on December 18, 2008; and the "Advocate Tribune" on December 18, 2008. Also, a letter containing the Legal Notice of Filing was sent from Board staff Travis Germundson dated December 15, 2008, to several addresses, including the affected county auditors, county soil and water conservation districts, cities, and the Yellow Medicine River Watershed District. This notice provided an invitation to submit written comments on the Plan or submit a written request for a hearing if opposed to the Plan. Written comments or requests were to be submitted by January 16, 2009. No written comments or written requests for a hearing were received.

15. **Public Hearing.** No written request for a hearing was received, therefore, no hearing was held.

16. **Board Water Planning Review Committee Meeting.** On March 5, 2009, the Board's Southern Region Water Planning Review Committee (Committee) and staff met with representatives from the District at the Renville County Government Services Center in Olivia, Minnesota to review and discuss the Plan. Those in attendance from the Board's Committee were Randy Kramer, Paul Langseth, Becky Balk and Daniel Wilson. Board staff in attendance were Southern Region Supervisor Jeff Nielsen and Board Conservationist David Sill. In attendance representing the District were Don Oerter – Chairman, John Boulton – Manager, Mark Paluch – staff, and David Schuler - Plan consultant. Board staff recommended approval of the Plan. After discussion, the Committee voted to recommend approval of the Yellow Medicine River Watershed District 2009 – 2019 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 Yellow Medicine River Watershed District pursuant to Minnesota Statutes Chapter 103D.405.

3. The Yellow Medicine River Watershed District 2009 – 2019 Watershed Management Plan attached to this Order defines water and water-related problems within the District boundaries, possible solutions thereto, and an implementation program.

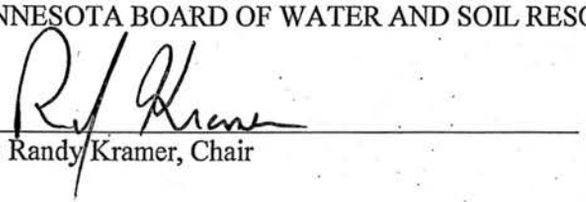
4. The attached Plan is in conformance with the requirements of Minnesota Statutes Chapter 103D, BWSR guidelines for Watershed District Plan content, and is consistent with the affected counties' comprehensive water plans.

ORDER

The Board hereby prescribes the attached Plan as the 2009 – 2019 Watershed Management Plan for the Yellow Medicine River Watershed District.

Dated at Saint Paul, Minnesota this 25th day of March 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES



BY: Randy Kramer, Chair

COMMITTEE RECOMMENDATIONS

Grants Program and Policy Committee

1. MPCA County Feedlot Program '09 Performance Credit Award Grants – Wayne Zellmer – ***DECISION ITEM***

2. '09 MPCA Feedlot Base Grant to Lyon County – Wayne Zellmer – ***DECISION ITEM***

3. '09 Clean Water Legacy (CWL) Grant to Washington Conservation District – Wayne Zellmer - ***DECISION ITEM***

Minnesota Pollution Control Agency
Feedlot Program

2009 Annual County Feedlot Officer and Performance Credit Report
(Data for the Period July 1, 2008 - December 31, 2008)

Name of County:	
Contact Person:	
Phone Number:	
E-mail Address:	
Signature:	_____ (Signature of County Board Commissioner) _____ (Date)

		Number	*PC	PC Total
Registration	Number of feedlots registered in shoreland with 10 - 299 AU:			
	Number of feedlots registered outside shoreland with 50-299 AU:			
	Number of feedlots registered with 300 - 999 AU:			
	Number of feedlots registered with 1,000 or more AU:			
	Total:	0		
Number of Sites Inspected	Number of sites inspected at feedlots with 10 - 99 AU that are required to be registered:		0.75	0
	Number of sites inspected with 100 - 299 AU:		1.25	0
	Number of sites inspected with 300 - 999 AU:		1.5	0
	Number of inspections at sites with 1,000 or more AU:		1	0
	Total number of sites inspected at feedlots that are required to be registered:	0		
	Number of sites that were inspected that were not required to be registered but were the result of a complaint or referral:		1	0
	Number of sites inspected at feedlots required to be registered that were the result of a complaint:			
Specialty Inspections	Number of sites >100 AU located in a DWSMA where a Level 2 land application inspection was conducted (applies where the owner has records sufficient to complete a Level 2 inspection):		2	0
	Number of sites with 300 - 999 AU where a Level 2 land application review was conducted (applies where the owner has records sufficient to complete a Level 2 inspection):		1	0
	Number of sites where a Level 3 land application review was conducted on, at least, one field parcel being used for manure application: (The review does not require an accompanying compliance inspection to be eligible for a PC but the owner must be notified of the Level 3 review results in writing.)		1	0
	Number of sites constructing (new or modifications) where 2 or more on-site producer contacts and/or inspections were done:		1	0
	Number of sites with OLAs where 2 or more on-site producer contacts and/or inspections were done:		1	0
	Number of sites with an interim permit where 2 or more on-site producer contacts and/or inspections were done:		1	0
	Number of sites inspected that are located in shoreland, or a Drinking Water Supply Management Area (DWSMA):		0.25	0
Permitting	Number of 30-day construction/expansion notifications received:			
	Number of interim permits issued for feedlots with < 300 AU:		1	0
	Number of interim permits issued for feedlots with 300 - 999 AU:		1	0
	Number of short-form permits issued by the county:			

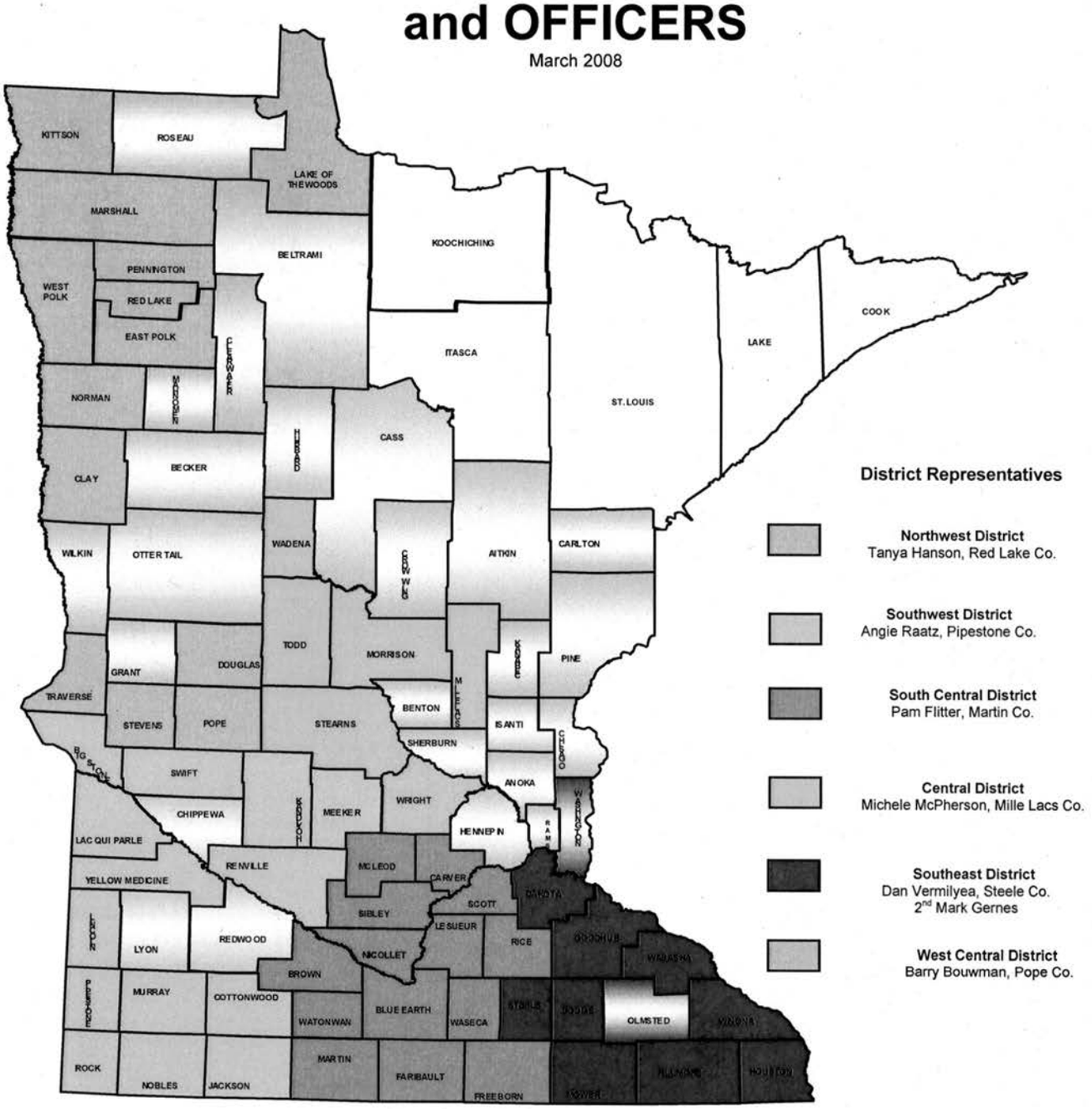
PC means performance credits. Counties are awarded an incentive payment according to the number of performance credits they earn. The numbers in the PC column refer to the performance unit value for the associated line item.

October 10, 2008

Emergency Response	Number of pollution events where an emergency response was conducted: (To qualify as an emergency event, a Duty Officer Report must have been filed and the CFO must have conducted an inspection of the site/event.)		2	0
Scheduled Compliance Goals	Number of sites <300 AU in shoreland where a partial corrective action was achieved in the current program year:		2	0
(Fixes must meet either Minn R. 7020.2003 and/or interim permit requirements and must be verified by an on-site inspection.)	Number of sites <300 AU in shoreland where a complete corrective action was achieved in the current program year:		2	0
	Number of sites <300 AU not in shoreland where a partial corrective action was achieved in the current program year:		2	0
	Number of sites <300 AU not in shoreland where a complete corrective action was achieved in the current program year:		2	0
	Number of sites >300 AU with an interim permit where corrective actions were completed in the current program year:		2	0
Owner Assistance Goals	Number of workshops or trainings events hosted and/or co-sponsored by the CFO (maximum PC credits = 10; please describe event on Supplemental Form):		2	0
	Number of feedlot owners attending feedlot producer workshops, training events or information meetings:			
	Number of mailings to feedlot owners: (Please describe newsletters/mailings on provided on Supplemental Form).			
	Number of feedlot articles placed in local newspapers: (Please list article title(s) on the Supplemental Form.)			
Staffing Level and Training	Number of FTEs (Full Time Equivalents) supplied by the CFO:			
	Number of FTEs of other county staff, including administrative and support, assigned by the county to the feedlot program:			
Please use whole numbers and decimals (such as 1 or .25 or 1.25) to record FTE values.	Number of FTEs supplied through contract to other LGUs:			
	The total number of FTEs positions that supported the county program:	0		
	Number of CFO-training units completed (a training unit = 4 hours; maximum PC credits = 10):		1	0
	Number of new CFO in-office mentoring units provided (an in-office mentoring unit is 4 hours; maximum PC credits = 12):		3	0
	Number of new CFO inspection mentoring events provided (maximum PC credits = 12):		2	0
EAW	Total number of EAW (environmental assessment worksheets) petitions received:			
	Total number of EAWs prepared:			
Air Quality Notifications	Number of notifications received from feedlot owners claiming air quality exemptions:			
Enforcement Actions Taken	Number of letters of warning issued:			
	Number of notices of violation issued:			
	Number of court actions commenced:			
	Other: (Please provide details on Supplemental Form.)			
Other Program Activities	Number of sites where a FLEval/MinnFARM was conducted:		1	0
	Meetings with other local government services and producer groups: (Please provide meeting details on Supplemental Form.)			
	Feedlot Ordinance Revisions: (Please describe ordinance revision and/or adoption proceedings on Supplemental Form.)			
	Other county feedlot program activities conducted during this reporting period not already identified in this form: (Please provide details on the Supplemental Form.)			
Total Credits				0

2008 MACFO
DISTRICT REPRESENTATIVES
and OFFICERS

March 2008



District Representatives

Northwest District
Tanya Hanson, Red Lake Co.

Southwest District
Angie Raatz, Pipestone Co.

South Central District
Pam Flitter, Martin Co.

Central District
Michele McPherson, Mille Lacs Co.

Southeast District
Dan Vermilyea, Steele Co.
2nd Mark Gernes

West Central District
Barry Bouwman, Pope Co.

President: Becky Schlorf-Von Holdt, Stearns County
Vice President: Ben Crowell, Jackson County
Secretary: Doug Bos, Rock County
Treasurer: Tracy Janikula, Wright County

Not delegated

MPCA
County Feedlot Program

Performance Credit Award Schedule
(July 1, 2008 - December 31, 2008)

Delegated County	Number of Performance Credits Generated.	Award	Delegated County	Number of Performance Credits Generated.	Award
BIG STONE	12.75	555	NICOLLET	120.25	5,231
BLUE EARTH	67.5	2,936	NOBLES	71.75	3,121
BROWN	46.75	2,034	NORMAN	13.00	566
CARVER	112.25	4,883	PENNINGTON	14.00	609
CLAY	32	1,392	PIPESTONE	94.50	4,111
COTTONWOOD	31	1,349	POLK	23.25	1,011
DAKOTA	45.15	1,964	POPE	31.75	1,381
DODGE	65.25	2,838	RED LAKE	10.50	457
DOUGLAS	52.25	2,273	RENVILLE	51.00	2,219
FARIBAULT	69.5	3,023	RICE	55.25	2,403
FILLMORE	139.5	6,068	ROCK	217.75	9,472
FREEBORN	38.75	1,686	SCOTT	24.75	1,077
GOODHUE	152	6,612	SIBLEY	58.00	2,523
HOUSTON	100.5	4,372	STEARNS	867.50	37,736
JACKSON	37.5	1,631	STEELE	72.00	3,132
KANDIYOHI	174.25	7,580	SWIFT	15.50	674
KITTSON	12	522	TODD	70.75	3,078
LAC QUI PARLE	16	696	TRAVERSE	45.00	1,958
LAKE OF THE WOODS	23	1,001	WABASHA	82.25	3,578
LINCOLN	95.75	4,165	WADENA	23.50	1,022
MARTIN	173.25	7,536	WASECA	30.75	1,338
MCLEOD	60.75	2,643	WATONWAN	31.00	1,349
MEEKER	54.5	2,371	WINONA	212.75	9,255
MILLE LACS	17.5	761	WRIGHT	40.50	1,762
MORRISON	134.75	5,862	YELLOW MEDICINE	41.75	1,816
MOWER	50.75	2,208			
MURRAY	68.25	2,969	Total	4,202.40	182,804

2009 Combined Clean Water Legacy Grant Application

Id#: _____

Use TAB key to move from field to field

1. Applicant Organization

Applicant Organization: Washington Conservation District		
Day-to-Day Operation Contact Person: Pete Young		
Mailing Address: 1380 West Frontage Road, Highway 36		
City: Stillwater	State: MN	Zip:55082
Phone: 651-275-1136	Extension: 21	Fax: 651-275-1254
E-mail address: peter.young@mnwcd.org		
Organization Web Site: www.mnwcd.org		

2. Fiscal Agent – Organization that will financially oversee use of awards

Fiscal Agent Organization: Washington Conservation District		
Fiscal Agent Contact Person: Pete Young		
Fiscal Agent Address: 1380 West Frontage Road, Highway 36		
City: Stillwater	State: MN	Zip:55082
Phone: 651-275-1136	Extension: 21	Fax: 651-275-1254
E-mail address: peter.young@mnwcd.org		

3. Project Reporting

List the organization(s) that will be responsible for reporting project outcomes into BWSR's eLINK reporting system: Washington Conservation District

4. Overall Project Objectives

a. Clean Water Legacy Project Title: Provide a title for your project (10 words or less)

East Boot Lake Feedot Runoff and Waste Management System

Select TMDL Plan that will be implemented:

Approved TMDL Implementation Plan: ***** Select One TMDL Plan *****

b. List all counties in the project area:

Washington

c. List all Major Watersheds in the project area: (8 digit HUC number only – do not list name)

07030005

d. Project Narrative: (one page or less)

Summarize the overall objectives of this proposed project and any other information to support your request. Suggested topics include an explanation of each initiative, a description of how and what will be done, relevant project history, coordinating partners, administration and oversight, needs assessments and inventories, current status, significant budget items, outcomes, deliverables, and other pertinent information to justify your project.

The objective of the project is to implement agricultural conservation practices that will greatly reduce the impact of an existing dairy feedlot on East Boot Lake, a nutrient-impaired lake within the Carnelian-Marine-St. Croix Watershed District (CMSCWD). Washington Conservation District (WCD) is partnering with the Natural Resources Conservation Service (NRCS) and CMSCWD to design and install the project. This project received BWSR feedlot funding in the past, but due to unforseen circumstances, it was put on hold and the funding was returned. NRCS engineers completed a revised (landowner-approved) design for the project late in 2008 and no further delays are anticipated. The main components of the project include runoff diversions, a geotextile-lined manure management pond, exclusion and safety fencing, and a manure transfer (pump) system. Runoff and manure that currently discharge to East Boot Lake with little treatment will be captured in the pond for evaporation and land application. The system is designed to be total containment (no discharge). The expected annual reduction in phosphorus of 19 pounds is roughly equivalent to 9,500 pounds of algae in East Boot Lake. The landowner has received preliminary bids and is prepared to start construction in the spring of 2009. WCD will provide construction oversight and overall project management services. The cost estimate to install the project is $98,500. NRCS has allocated a maximum of $32,390 in federal EQIP funds. CMSCWD has approved a $15,000 BMP grant to assist the landowner with the costs to install the project. WCD will allocate up to $16,500 to the project from a FY2008 FWQM grant where the original landowner backed out of the project (must be approved by BWSR).The goal of WCD is to make additional BWSR funding available to the landowner, not to exceed allowable rates outlined in the BWSR state cost-share rules. The requested CWL grant of $33,012 includes $26,410 in project costs and $6,602 in technical and administrative costs for WCD.

5. Project Initiatives (maximum of 5 initiatives)

List in the table below, the specific initiatives that are proposed to be undertaken to meet the objectives and goals of the TMDL Implementation Plan. Proposed initiatives should correlate to priority areas identified in the TMDL Implementation Plan.

- Provide a short identifying name for each initiative

- Provide an estimate of the pollutant reduction over some period of time (for example, RUSLE calculation, reported literature values, observations) or other measurable results for EACH proposed initiative. Provide a description of the anticipated pollutant reduction, stormwater volume control, or other environmental/natural resource benefits associated with the project, along with the methods used to calculate and/or estimate them.

No.	Initiative Name	Description
1	Install Feedlot WMS	Installation of a feedlot runoff and waste management system for a dairy feedlot located on East Boot Lake, which is impaired for nutrients/eutrofication and biological indicators.
	Estimated Reduction:	19 lbs P, 1354 lbs COD, 301 lbs BOD5, 71 lbs N, 2.9x10^14 cfu fecal coliform - annual reduction from MinnFARM estimation, assuming a total containment system.
2		
	Estimated Reduction:	
3		
	Estimated Reduction:	
4		
	Estimated Reduction:	
5		
	Estimated Reduction:	

6. Pending Activities

If funds are awarded, list any and all pending activities that will commence by 6/30/2009. (Costs must start to be incurred by 6/30/2009 to be considered "pending".)

- Identifying activity name (include Name and Address of landowner for BMPs on private property)
- A brief activity description
- Estimated cost

Activity or Landowner Name & Address	Activity Description	Estimated Cost
Gary Rydeen, 14447 Norell Avenue N, Marine, MN	Project construction	$98,500.00
	TOTAL	**$98,500.00**

7. Coordination with Partners and Other Funding

List up to five other types of funds that your organization has already received or may receive shortly that will be coordinated with Clean Water Legacy funds. This may include other Federal, State, and Local funds. Some examples include, but are not limited to: NRCS EQIP allocation, Federal Section 319 and Clean Water Partnership funds, local grant and loan programs, and local landowner contributions. Show the source organization, the general purpose of the funds, the amount of funding that has been applied or may become available and the dollar amount that is firmly committed.

Organization Providing Funds	Purpose of Funding	Potentially Available	Firmly Committed
NRCS - EQIP (Federal)	Construction	$32,390.00	$32,390.00
CMSCWD - BMP (Local)	Construction	$15,000.00	$15,000.00
BWSR - FY2008 FWQMG	Construction	$16,500.00	$0.00
	TOTAL	**$63,890.00**	**$47,390.00**

8. TMDL Implementation Plan Citation, Relationship of Initiative to Plan, and Effectiveness Evaluation

- For each initiative, give the page and paragraph as a reference citation AND briefly paraphrase the plan's recommended action steps.
- For each initiative, describe the relationship between the proposed action and the plan.
- For each initiative, describe how the effectiveness of the proposed initiative will be evaluated or measured.

1	Install Feedlot WMS - Citation: Although the TMDL for the project area is not complete, any future TMDL implementation plan would focus on this site as the main source of impairment for East Boot Lake.
	Relationship: The proposed action, were it part of a TMDL implementation plan, would match the recommended plan action.
	Evaluation: The effectiveness of the proposed initiative will be measured in the long term by the ongoing water quality monitoring of East Boot Lake, and the de-listing of the lake (from the 303d list)
2	- Citation:
	Relationship:
	Evaluation:
3	- Citation:
	Relationship:
	Evaluation:
4	- Citation:
	Relationship:
	Evaluation:
5	- Citation:
	Relationship:
	Evaluation:

9. Comprehensive Clean Water Legacy Implementation Budget

Initiatives	Anticipated Type and Number of Activities to be Completed	Grant Funds		Total Funding Amount Requested
		Technical Assistance	Implementation	
Initiative 1: Install Feedlot WMS	Complete installation of a feedlot runoff and waste management system	$6,602	$26,410	$33,012
Initiative 2:		$	$	$0
Initiative 3:		$	$	$0
Initiative 4:		$	$	$0
Initiative 5		$	$	$0
	TOTAL:	**$6,602**	**$26410**	**$33,012**

Acceptable CWL Funding Sources

☒ BWSR Clean Water Legacy Assistance or Engineering and Technical Assistance Grants
☒ BWSR Feedlot Water Quality Management Grant
☐ MPCA Section 319 –1:1 non-federal matching funds are required – see last page of application.

10. Past Performance with FY2007 and/or FY 2008 Clean Water Legacy Funds

Did your organization receive CWL funds though past Clean Water Legacy Applications?	☐ YES ☒ NO
How much CWL funding did your organization receive?	
How much CWL funding has been spent so far?	
How much CWL funding has been encumbered?	

11. MPCA Section 319 Required Budget for Matching Contributions

COMPLETE ONLY IF REQUESTING MPCA SECTION 319 FUNDS

Project Support Budget: Complete the following sections for all the sources of grant, loan, match money, and in-kind contributions for your project. The match requirement must be no less than the amount of the grant.

	Project Costs		
Project Sponsors (Attach additional sheets if necessary)	Cash Contribution To Project	In-kind Contribution To Project	Total Project Support
A. Project Sponsor Contribution			$0
B. Local Contributing Sponsors:			
1.			$0
2.			$0
3.			$0
4.			$0
B. Subtotal	$0	$0	$0
C. State and/or Federal Contributing Sponsors:			
5.			$0
6.			$0
7.			$0
8.			$0
State and/or Federal Contributing Sponsors ** (not including funds being applied for in this application) **C. Subtotal**	$0	$0	$0
TOTAL: All project sponsors (A+B+C)	$0	$0	$0
MPCA Section 319 Grant amount requested in this CWL application ..... (cannot exceed $300,000)			$0
GRAND TOTALS	Total Cash **$0**	Total In-kind **$0**	Total Project Cost **$0**

COMPLETE ONLY IF REQUESTING MPCA SECTION 319 FUNDS

Fiscal Year 2009 FWQM Grant
Applications Report
Total Project Costs $4,804,026
Total FWQM Grant Requested $2,074,035
Total Producers **60**
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	Washington	Gary Rydeen	80	Dairy	46	A	No	05/18/09	No	East Boot Lake	Nutrients/Eutrofication					
18	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**
19	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**
20	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**
21	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**
22	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**
23	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**
24	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**
25	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**
26	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**
27	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**
28	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**
29	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**
30	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**

Fiscal Year 2009 FWQM Grant
Applications Report
Total Project Costs $4,804,026
Total FWQM Grant Requested $2,074,035
Total Producers **60**
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
31	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**
32	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**
33	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**
34	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**
35	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**
36	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**
37	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**
38	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**
39	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**
40	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**
41	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**
42	***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**
43	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**
44	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**
45	Olmsted	Steve Lawler	118	Beef	49	NONE		06/01/08	No	Silver Creek	Fecal Coliform	$20,790	$15,593	$1,559	$17,152	**$1,683,421**
46	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**
47	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**
48	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**
49	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**
50	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**
51	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**
52	****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**
53																
54	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**
55	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**
56	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**
57	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**
58	****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**
59																
60	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	$1,682,428	$189,259	$2,071,687	

Board Resolution # 09-20

MPCA County Feedlot Program Performance Credit Award Allocations, Lyon County MPCA Feedlot Base Grant, CWL FWQMG to Washington CD

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 and Clean Water Legacy funds to BWSR and MPCA; and,

WHEREAS, a component of the County Feedlot Program allows for counties to receive Performance Credit Award Allocations in addition to their Base Grants.

NOW THEREFORE, the BWSR hereby authorizes staff to allocate

1. Performance Credit Awards totaling $182,804 to counties meeting the County Feedlot Program requirements, as determined by the MPCA, and indicated on the attached spreadsheet *Performance Credit Award Schedule;* and,
2. A pro-rated allocation to Lyon County of their 09 MPCA County Feedlot Base Grant of $8,366; and,
3. A CWL FWQMG allocation to Washington CD of $33,012 for the Rydeen feedlot project.

Date: 3/25/09

Randy Kramer, Chair
Board of Water and Soil Resources

Attachment: 2009 Performance Credit Award Allocations

H:09CFPPCABR

NEW BUSINESS

1. Red River Valley Restoration Initiative (RRVRI) Grant Payment Schedule for SWCD Services – Kevin Lines – ***DECISION ITEM***

Board Resolution # 09-21

Red River Valley Restoration Initiative Grant Payment Schedule for SWCD Services

WHEREAS the MN State Legislature appropriated $25 million to RIM Reserve Program in the 2008 bonding bill (Chapter 179, 2008 Session Law) which Governor Pawlenty signed into law on April 7, 2008, with funding now available for expenditures as the MN Department of Finance has established the necessary accounts;

WHEREAS the MN State Legislature prescribed that the BWSR may use up to ten percent of this appropriation to implement the RIM Reserve Program;

WHEREAS the Board of Water and Soil Resources (BWSR) adopted a resolution on December 17, 2008 authorizing establishment of and authorized staff to develop the necessary sign-up procedures and supporting materials to successfully deliver the Red River Valley Restoration Initiative (RRVRI);

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 January 28, 2009 to review and recommend the attached Grant Payment Schedule for Soil and Water Conservation District (SWCD) Services related to the RRVRI.

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 Red River Valley Restoration Initiative.

R J Kramer

Randy Kramer, Chair
Minnesota Board of Water and Soil Resources

3/25/09
Date

Clean Water Fund Partnership Proposal

Minnesota Pollution Control Agency

Metropolitan Council

PFA

Minnesota Department of Agriculture

Minnesota MDH Department of Health

March 2009

Presentation Overview

- Clean Water Act Background
- Clean Water Legacy Background
- Watershed Framework
- Clean Water Fund Proposal
  - All Agencies
  - By Function and Agency
  - Individual Agency Outcomes

Clean Water Act Background

The TMDL Process

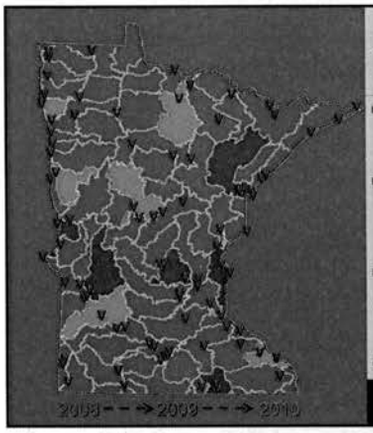
Assess the state's waters
↓
List those that do not meet standards
↓
Identify sources and reductions needed (TMDL Study)
↓
Implement restoration activities (Implementation Plan)
↓
Evaluate water quality

Clean Water Legacy Background

- Clean Water Legacy Act (2006)
  - Provides authority and direction
  - One-time funding
- Clean Water Council created
- Partner agencies connected with and supported work of the Council
- Monitoring framework developed

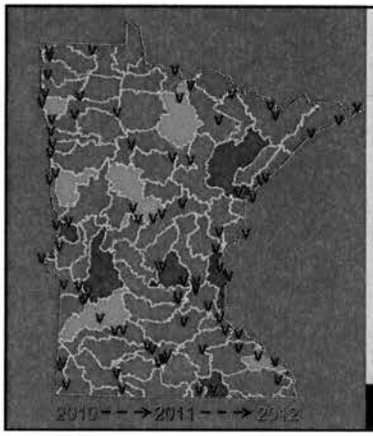
Watershed Framework

- Current approach for assessment monitoring
  - Monitor/assess lakes and streams following a 10-year cycle
  - Organized on major watershed scale
  - Integrated monitoring approach
- Opportunity for TMDL/protection strategy development, implementation activities



Monitoring via Major Watersheds

- Load Monitoring
  - Annually at major watershed "pour points"
- Biological/Physical Monitoring
  - Intensive stream monitoring by watershed
- Lake Monitoring
  - Focus on lakes >500 ac and smaller "representative" lakes
- 10-year cycle



Planning via Major Watersheds

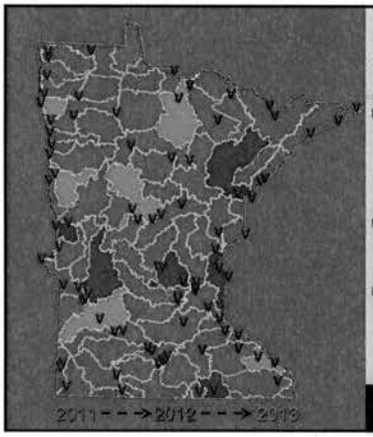
- TMDL Plans
  - Watershed management plan/strategies
  - Address restoration and protection strategies
  - Follow cycle of watershed monitoring for the major watersheds

7

Watershed Management Plan

- Integrates TMDL and protection into **one** implementation plan
  - TMDL for impaired subwatersheds
  - Protection strategy for unimpaired subwatersheds
  - Connects to existing local water management plans

8

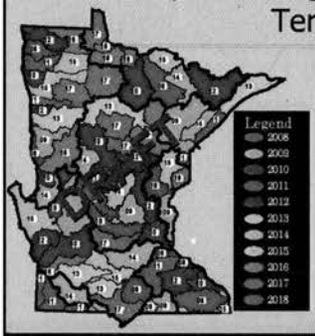


Management via Major Watersheds

- Implementation follows plan development
  - Permits
  - BMPs
- Continues through the next monitoring cycle
- Update plan every 10 years

9

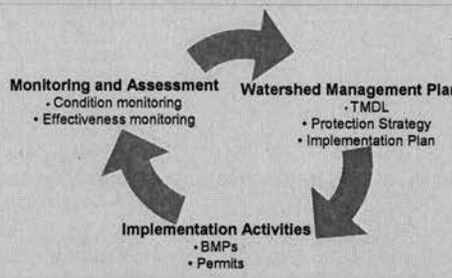
Implementing the Approach: Ten Year Schedule



- Scheduling Criteria
  - Risk to human and aquatic health
  - Probability of impairment
  - Alignment with TMDL schedules
  - Readiness of partners
  - Collaboration opportunities
  - Staff, partner, contractor workload
  - Basin priorities and partner input
- Refine schedule annually, as needed

** The ten-year schedule runs from 2008 to 2017. In 2018, the Snake, North Fork Crow and Pomme de Terre watersheds will be revisited; the first intensive watershed surveys on these watersheds were completed in 2006 and 2007.*

Rotating Through the Major Watersheds on a Ten-Year Cycle



11

Amendment Dedications

- 3/8th of one percent sales tax increase for 25 years
  - 33% to wildlife habitat
  - **33% to water quality**
  - 14.25% to parks and trails
  - 19.75% arts and cultural heritage

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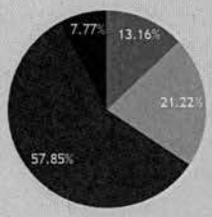
All Partners: Clean Water Fund Proposal

$118.24 million for FY 2010-11



- Monitoring/Assessment: $15.56M
- TMDL Development: $25.094M
- Protection/Restoration: $68.40M
- Drinking Water Protection: $9.19M

13

Assessment and Monitoring: Clean Water Fund Proposal

$15.56 million total in FY2010-11

- MN Pollution Control Agency: $11.18M
- MN Dept of Natural Resources: $ 3.70M
- MN Dept of Agriculture: $ .675 M

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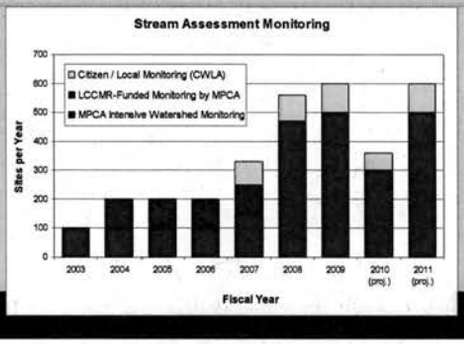
Assessment and Monitoring: Outcomes

- Intensive monitoring of water quality and quantity in rivers and streams once every 10 years
- Monitor the outlets of major watersheds every year
- Monitor all lakes greater than 500 acres and 25% of lakes smaller than 500 acres at least once every 10 years
- Increase pesticide monitoring
- Increase fish tissue mercury monitoring
- Increase development of biologic monitoring

15

FY2010-2011 Monitoring Streams



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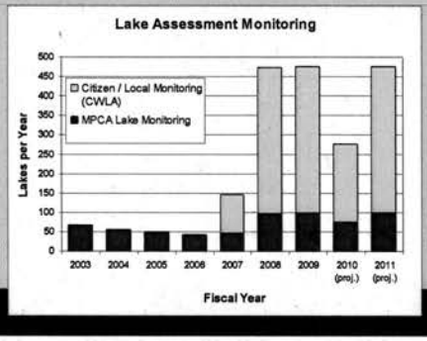
FY2010-2011 Monitoring Lakes



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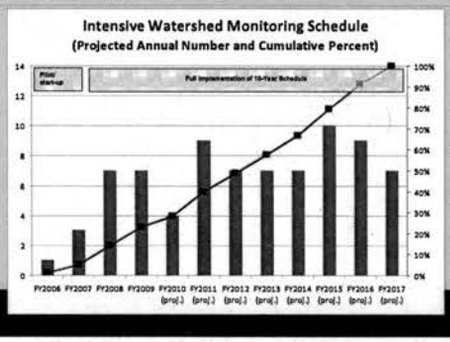
Watershed Monitoring Schedule



18

TMDL Development: Clean Water Fund Proposal

$25.094 million total in FY2010-11

- MN Pollution Control Agency: $23.06M
- MN Dept of Natural Resources: $2.034M

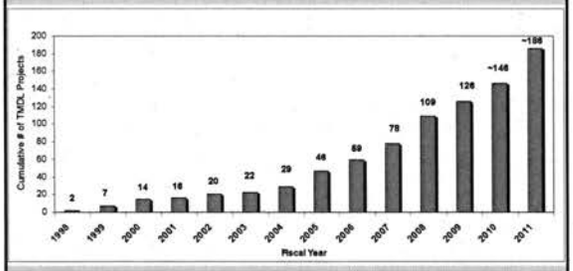
19

TMDL Development: Outcomes

- Addition of approximately 60 more TMDL studies and completion of current projects
- More than 80% of the projects are locally led
- Meet EPA targets of at least 60 impairments per year

20

TMDL Project Ramp-Up



21

Protection and Restoration: Clean Water Fund Proposal

$68.40 million total in FY2010-11

- MN Pollution Control Agency: $ 0.75M
- MN Dept of Natural Resources: $ 0.59M
- Board of Water & Soil Resources: $34.55M
- MN Dept of Agriculture: $ 7.13M
- Public Facilities Authority: $25.38M

22

Protection and Restoration: Outcomes

- St. Louis River Restoration
- Non-point implementation priority is restoration, followed by protection and source-water
- Agricultural best management practices
- Wastewater infrastructure grants/loans

23

Non-Point Implementation: BWSR

- Projects implemented through an established delivery system
- Optimizes outcomes through local Land use authorities
- Builds on the Clean Water Legacy success
- Leverages to the max:
  - Farm Bill: over $1Billion in the last 10 years
  - Local match: at least 25%, in most cases

BWSR Agency Initiatives

- Streamlining the grants process
- Front-end loading the expected outcomes/projects
- Enhancing e-LINK to a more unified application, tracking, reporting system
- Providing transparency via public website query

Non-Point Implementation Strategy

- Non-Point Restoration/Protection Projects: $24.7M
- Local Resource Conservation and Preservation Grants: $3.25M
- Conservation Drainage: $0.98M
- Feedlot Water Quality Improvement Projects: $3.75M
- Measures, Results and Accountability: $1.87M

Protection and Restoration: $24.7M

- Most to restoration, then protection and finally source-water protection
- Builds on Clean Water Legacy success
- Competitive based on:
  - Relationship to specific plans
  - Measurable results and estimated effectiveness
  - Leveraging, readiness, support and cooperation
- Estimate between 40-60 LGU grant projects, depending on $ requested

Local Resource Conservation and Preservation Grants: $3.25M

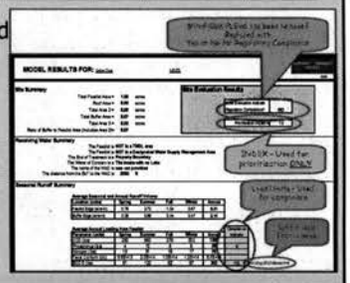
- Support local government efforts
- Protection and preservation strategies that go beyond the state standards
  - Wetlands
  - Shorelands
- Implement ISTS inventories
- Address Imminent Health Threat Systems

Conservation Drainage: $0.98M

- Improve surface water quality in hydrologically altered drainage systems
- Retrofits and new practices
- Implementation, evaluation, and outreach

Feedlot Water Quality Projects: $3.75M

- Targeted toward riparian and shoreline areas
- MinnFARM: annual loading and allows for prioritization



Measures, results and accountability: $1.87M

- Oversight and reporting of LGU performance
- Training, assistance and certification programs
- Landscape level resource indicators
- Transparent communication of conservation outcomes

Drinking Water Protection: Clean Water Fund Proposal

$9.19 million total in FY2010-11

- MN Pollution Control Agency: $2.25M
- MN Dept of Natural Resources: $1.125M
- MN Dept of Agriculture: $1.125M
- MN Dept of Health: $3.75M
- Metropolitan Council: $0.94M

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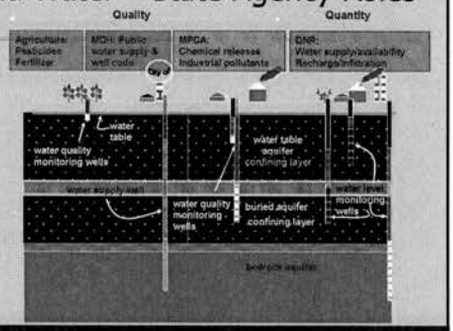
Ground Water – State Agency Roles



Credit: Laurel Reeves, DNR Waters

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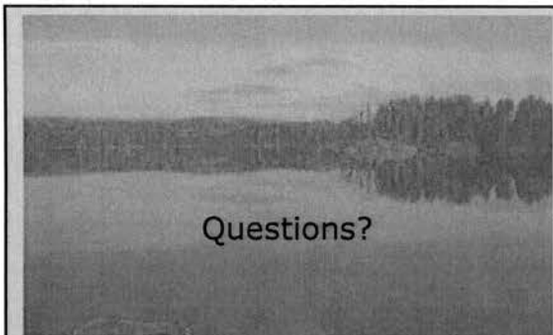
Drinking Water Protection: Outcomes

- Increased nitrate and agricultural chemical investigations
- Expanded emerging contaminant research
- Accelerated wellhead protection
- Expanded water supply evaluation and protection

34



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BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
ST. PAUL, MINNESOTA 55155
WEDNESDAY, APRIL 15, 2009

BOARD MEMBERS PRESENT:
Paul Brutlag, Bob Burandt, Rebecca Flood, MPCA; Larry Kramka, DNR; Randy Kramer, Joe Martin, MDA; Faye Sleeper, U of M Extension; Louise Smallidge, John Linc Stine, MDH; LuAnn Tolliver

BOARD MEMBERS ON CONFERENCE CALL:
Gordy Behm, Quentin Fairbanks, Paul Langseth, Brian Napstad, Gene Tiedemann

STAFF PRESENT:
Mary Jo Anderson, Tim Fredbo, John Jaschke, Julie Klocker, Kevin Lines

OTHERS PRESENT:
Tim Koehler, NRCS
Barbara Weisman, MDA

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

Meet-Me Conference Call Participation – Gordy Behm, Quentin Fairbanks, Paul Langseth, Brian Napstad, Gene Tiedemann.

Chair Kramer stated that board members attending the meeting via conference call are unable to vote at the meeting today due to the Open Meeting Law.

PLEDGE OF ALLEGIANCE

** 09-23 **ADOPTION OF AGENDA** – Moved by Louise Smallidge, seconded by Bob Burandt, to adopt the agenda as presented. Motion passed on a voice vote.

COMMITTEE RECOMMENDATION
RIM Reserve Planning Committee
Establish Rates and Sign-up Procedures for the Reinvest in Minnesota Reserve-Wetlands Reserve Program (WRP) Partnership: Phase II -
Moved by Paul Brutlag, seconded by Larry Kramka, to approve the RIM Reserve Planning Committee's Recommendation to authorize staff to commence Phase II of the RIM-WRP partnership sign-up to begin no sooner than April 16, 2009 and run no later than June 5, 2009. The total partnership payment rate for cropland acres shall no exceed 135% of AATV (formerly EMV) and for non-cropland acres shall not exceed 70% AATV. Rates are to be calculated using the township mean for tillable property value established by county assessors for the 2009 tax year.

Paul Brutlag reported that the RIM Reserve Planning Committee met on April 3, 2009, and unanimously recommended the Phase II RIM-WRP partnership sign-up begin no sooner than April 16, 2009 and run no later than June 5, 2009. In addition, the RIM-WRP Partnership project has received a recommendation from the Lessard Outdoor Heritage Council (LOHC) to the Minnesota Legislature in 2009 for $9.05 M in constitutionally dedicated funding for the RIM-WRP partnership.

Kevin Lines reported that BWSR and the Minnesota USDA Natural Resources Conservation Service (NRCS) are prepared to announce Phase II of a RIM Reserve-WRP Partnership for Minnesota. This highly successful partnership will leverage any remaining 2008 State RIM Reserve bond fund balances and an anticipated 2009 LOHC appropriation with federal WRP funds in federal fiscal year 2009.

Tim Koehler thanked the Board for the special meeting today and expressed appreciation to the RIM Reserve Planning Committee for their efforts. Tim reported that the WRP interim rule is in the national process of finalization. Tim stated that NRCS is confident that federal funding is available for WRP to be paired with state RIM funds. Tim stated that he anticipates there will be a good sign-up. Tim reported that NRCS WRP payment rates will be the same number as RIM.

Kevin reviewed the RIM Reserve Planning Committee's recommendations and changes to the payment rates and the Minnesota Wetland Restoration Evaluation Worksheet. Discussion followed.

Brian Napstad asked for clarification on the worksheet regarding the definition of basin. Tim Koehler explained that it's the average restorable prairie pothole/depressional basin area.

Joe Martin asked if a guidebook is used to score the applications. Tim stated that there are WRP guidelines and instructions for scoring on the worksheet. Kevin stated that consistency is important; and staff are also available for one-on-one questions/answers. Tim stated that all scores are reviewed by staff for consistency on the documentation. Kevin stated that field staff instructions for ranking and scoring as well as a subcommittee will be appointed to assist in the priority ranking.

Larry Kramka stated that the ecological subsections described on the worksheet and the map need to match.

John Linc Stine asked about special consideration for groundwater. Tim explained that inclusion of wellhead protection areas have a potential benefit. John Linc Stine stated that in the future MDH is interested in helping more with priority site selection factors and ranking. John Jaschke stated that the wellhead protection areas included in policy legislation would address this.

Kevin explained that a subcommittee of the Board to be appointed by Chair Kramer is a critical factor in reviewing the applications and making project selections in coordination with NRCS. Tim stated that the WRP subcommittee of the State Technical Committee will also meet this summer to have more people involved in the ranking process.

Larry Kramka thanked the RIM Reserve Planning Committee on revising the form. Larry stated that this is a process and partnership and encouraging to see the expected results. He complimented staff on their good work.

Kevin stated that there were 265 applications for 2008 RIM-WRP sign-up with 98 projects funded, $14.2M of RIM and $19.1M of WRP. Kevin estimates over $100M in applications in the Phase II sign-up.

John Jaschke explained that as applications come in and are prioritized, funding will be allocated incrementally. Kevin explained that RIM and WRP construction will not start in this growing season; restoration at the earliest would be next year.

** 09-24 Chair Kramer called for a roll call vote on the motion: Affirmative: Paul Brutlag, Bob Burandt, Rebecca Flood, Larry Kramka, Joe Martin, Faye Sleeper, Louise Smallidge, John Linc Stine, LuAnn Tolliver, and Randy Kramer. Motion passed unanimously.

Chair Kramer appointed the subcommittee: Paul Brutlag, Bob Burandt, Larry Kramka or designee, Paul Langseth, and Joe Martin or designee.

** 09-25 Moved by LuAnn Tolliver, seconded by Bob Burandt, to adjourn the meeting at 9:48 a.m. Motion passed on a voice vote.

Respectfully submitted,

Randy Kramer
Chair

BWSR Meeting Date 4/15/09

Motion: RIM - WRP

Moved by: _____

Seconded by: _____

		Affirmative	Opposed
Aaly	~~*Dana Allen*~~	___	___
	Gordy Behm	___	___
✓	*Paul Brutlag*	___	___
✓	*Bob Burandt*	___	___
✓	~~*Paul Eger*~~ Rebecca Flood	___	___
	Quentin Fairbanks	___	___
✓	*Larry Kramka*	___	___
	~~*Brian Kletscher*~~	___	___
	Paul Langseth	___	___
✓	*Joe Martin*	___	___
	Brian Napstad	___	___
✓	*Faye Sleeper*	___	___
✓	*Louise Smallidge*	___	___
	Gene Tiedemann	___	___
✓	*LuAnn Tolliver*	___	___
✓	*John Linc Stine~~/Dan Wilson~~*	___	___
✓	*Randy Kramer*	___	___

H: roll-call vote

4/7/2009

Minnesota Wetland Restoration Evaluation Worksheet

(for WRP and RIM-WRP)

Landowner/Project Name:	County (Field Office):	Prepared By:	Date:

SECTION I. Environmental Considerations

A. WILDLIFE BENEFITS *(determine score from Appendix 1 map and check appropriate score box)*

☐ 20 ☐ 15 ☐ 10 ☐ 5 ☐ 0

Score _____ **(Maximum 20)**

B. LANDSCAPE SIGNIFICANCE *(only one check per wetland class/shaded region)*

PROPOSED RESTORATION ACCOMPLISHMENTS AND WETLAND CLASS

Depressional				Floodplain		Non-Depressional (flats, swales, bogs)	
Number of Restorable Basins	Upland : Wetland Ratio ≥1:1	0.5:1-.9:1	<0.5:1	Total Restorable Wetland Area (acres)		Total Restorable Wetland Area (acres)	
> 5	☐ 20	☐ 15	☐ 10	≥ 120	☐ 8	≥ 120	☐ 5
3 – 4	☐ 15	☐ 10	☐ 5	40 – 119	☐ 5	40 – 119	☐ 3
< 3	☐ 10	☐ 5	☐ 3	< 40	☐ 1	< 40	☐ 1

- OR -

Basin Size (Size of largest restorable wetland basin)	
≥ 50 acres	☐ 20
30 - 50 acres	☐ 18
10 - 30 acres	☐ 15

Score _____ **(Maximum 20)**

C. HYDROLOGY AND WATER QUALITY BENEFITS

(only one check per wetland type/shaded region)

PROPOSED HYDROLOGIC RESTORATION

Current Condition/Status of Wetlands Proposed for Restoration		Expected Extent of Hydrologic Restoration	
Wetland Class	*Extent of Drainage/Alteration*	*Full*	*Partial*
Depressional	Effectively Drained	☐ 30	☐ 20
	Partially Drained	☐ 20	☐ 10
	Not Drained-Cropped	☐ 10	☐ 5
Floodplain	Effectively Drained	☐ 10	☐ 5
	Partially Drained	☐ 5	☐ 3
	Not Drained-Cropped	☐ 3	☐ 1
Non-Depressional	Effectively Drained	☐ 5	☐ 1
	Partially Drained	☐ 3	☐ 1
	Not Drained-Cropped	☐ 1	☐ 1

Score _____ **(Maximum 30)**

WATER QUALITY BENEFITS OF EASEMENT

☐ 2.5	Majority of easement area is in watershed of a designated impaired waters for excessive nutrients or turbidity
☐ 2.5	Majority of runoff from easement drains to and is within 1/2 mile of DNR Protected Waters
☐ 2.5	Majority of immediate contributing watershed(s) to easement is in agricultural use
☐ 2.5	Predominant soil in easement is HEL or PHEL

Score _____ **(Maximum 10)**

SECTION II. Cost Considerations

A. EASEMENT VALUE

AVERAGE PER ACRE COST FOR PURCHASING EASEMENT [1]				
< $1,500 ☐ 4	$1,500 - $1,999 ☐ 3	$2,000 - $2,499 ☐ 2	$2,500 - $2,999 ☐ 1	> $3,000 ☐ 0

[1] Based on perpetual WRP payment or total partnership payment, whichever is higher

Score ☐ **(Maximum 4)**

B. RESTORATION VALUE

(only one check per shaded region)

ESTIMATED PER ACRE COST FOR RESTORING/ ESTABLISHING VEGETATION			
< $200 ☐ 3	$200 - $299 ☐ 2	$300 - $399 ☐ 1	> $400 ☐ 0

ESTIMATED PER ACRE CONSTRUCTION COST FOR RESTORING WETLAND AREAS			
< $300 ☐ 3	$300 - $699 ☐ 2	$700 - $1,000 ☐ 1	> $1,000 ☐ 0

Score ☐ **(Maximum 6)**

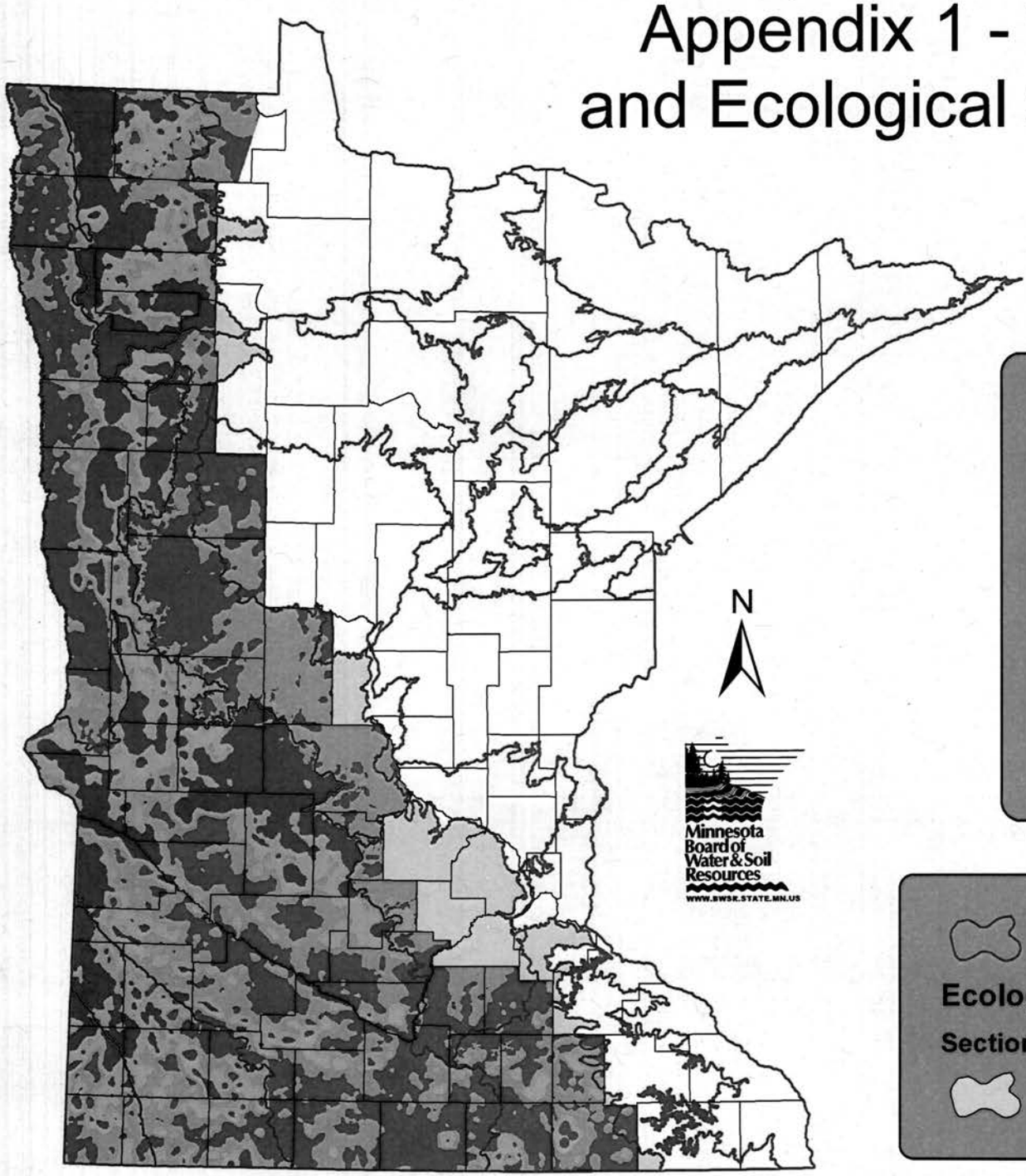
SECTION III. Additional Considerations *(check all applicable areas)*

A. Easement application is beneficial to, and within 1 mile of breeding/population of Federal or State listed Endangered or Threatened species as identified by DNR Natural Heritage Database **(State Special Concern species shall not be considered).**	☐ 2.5
B. Application is a local high priority resource project which is specifically identified in an existing comprehensive plan **(site specific projects only, not general focus areas).**	☐ 2.5
C. Easement application is within a designated Habitat Conservation Partnership or Working Land Initiative target area.	☐ 2.5
D. Easement application is located within 1.0 miles of an existing permanent conservation area (public land, conservation easement etc.).	☐ 2.5
E. Easement application contains CRP contract or limited duration easement expiring within 5 years.	☐ 2.5
F. Easement application is located within the Ecological Classification System (ECS) subsections (see Appendix 1) and did not receive points for wildlife benefits under Section I, Part A on page 1 of this form.	☐ 5.0

Score ☐ **(Maximum 10)**

APPLICATION TOTAL SCORE ☐

Appendix 1 - Wildlife Benefits and Ecological Subsection Priority



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Wildlife Benefits Score

Section I - Category A

- 0 Points
- 5 Points
- 10 Points
- 15 Points
- 20 Points

- Ecological Subsections of Minnesota

Ecological Subsection Priority Score

Section III - Category F

- 5 Points

March 2009

Board Resolution # 09-24

Establish Rates and Sign-up Procedures for Reinvest in Minnesota Reserve-Wetlands Reserve Program (RIM-WRP) Partnership Project – Phase 2

WHEREAS the MN State Legislature appropriated $25 M to RIM Reserve in the 2008 bonding bill (Chapter 179, 2008 Session Law) which Governor Pawlenty signed into law on April 7, 2008;

WHEREAS this RIM Reserve funding is intended to leverage federal WRP (Wetlands Reserve Program) funds appropriated to the Natural Resource Conservation Service (NRCS);

WHEREAS the Board of Water and Soil Resources (Board) has an estimated $4.1 M balance available from the 2008 bond appropriation for a Phase 2 RIM-WRP sign-up;

WHEREAS up to $16.5 M of federal WRP funding is expected to be available for MN for federal fiscal year 2009, and to match federal funding the Board will be expected to allocate approximately $11.5 M;

WHEREAS the Lessard Outdoor Heritage Council (LOHC) has made a recommendation to the Minnesota Legislature in 2009 for $9.05 M in constitutionally dedicated funding for RIM-WRP;

WHEREAS the Board has authorized staff to work with NRCS to develop sign-up procedures and supporting materials for Phase 2 (federal fiscal year 2009) of the RIM-WRP partnership;

WHEREAS the Board RIM Reserve Management Planning Committee met on March 25 and April 3, 2009 to review and recommend the following provisions to successfully launch Phase 2 of the RIM-WRP partnership;

WHEREAS the Board and NRCS staff, in consultation with the University of Minnesota Applied Economics Department, have determined that the most recent Average Assessed Tillable Value by township as established by the Minnesota Department of Revenue is the most consistent and available land value data to use as the basis for easement payment rates and which is posted at the Minnesota Land Economics Website: www.landeconomics.umn.edu;

WHEREAS the Board has renamed Estimated Market Value (EMV) rates from Phase I to Average Assessed Tillable Value (AATV) township rates, or farmland values when tillable values are not available at the township level, for Phase 2 of the RIM-WRP partnership to more accurately describe the basis for the easement payment rates;

WHEREAS the Minnesota NRCS has adopted a 30-year WRP payment rate, specific to the RIM-WRP Partnership, of 75% of AATV for cropland acres and 45% of AATV for non-cropland acres;

WHEREAS the NRCS MN Wetland Restoration Evaluation Worksheet has been updated to better reflect the importance of restoring floodplain and non-depressional wetlands and estimate the wildlife habitat enhancement potential for each proposed wetland restoration site;

WHEREAS a subcommittee shall be appointed by the Chair of the Board of Water and Resources to review the applications and make project selections in coordination with NRCS;

NOW, THEREFORE BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources authorizes staff to commence Phase 2 of the RIM-WRP partnership sign-up to begin no sooner than April 16, 2009 and run no later than June 5, 2009. The total partnership payment rate for cropland acres shall not exceed 135% of AATV (formerly EMV) and for non-cropland acres shall not exceed 70% AATV. 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
Minnesota Board of Water and Soil Resources

4/15/09
Date

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
ST. PAUL, MINNESOTA 55155
WEDNESDAY, MAY 27, 2009

BOARD MEMBERS PRESENT:
Gordy Behm, Bob Burandt, Wayne Edgerton, DNR; Quentin Fairbanks, Glenn Skuta, MPCA; Randy Kramer, Paul Langseth, John Linc Stine, MDH; Tom Loveall, Joe Martin, MDA; John Meyer, Brian Napstad, Faye Sleeper, U of M Extension; Louise Smallidge, Gene Tiedemann, LuAnn Tolliver

BOARD MEMBERS ABSENT:
Paul Brutlag

STAFF PRESENT:
Mary Jo Anderson, Jon Fure, Jim Haertel, Jeff Hrubes, Chris Hughes, John Jaschke, Al Kean, Julie Klocker, Melissa Lewis, Kevin Lines, Jeff Nielsen, Dan Steward, Tom Wenzel, Dave Weirens, Steve Woods, Brad Wozney

OTHERS PRESENT:
Sandy Hooker, MAT
LeAnn Buck, MASWCD
Felicia Brockoff, MACDE
Steve Hughes, Aitkin SWCD
Tim Koehler, NRCS
Wayne Anderson, MPCA
Doug Norris, DNR
Steve Kernik, City of Woodbury
Jack Lavold, SWWD
Jessica Collin-Pilarski, Washington County
Amanda Stromme, Washington County
James Vagle, BATC

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

PLEDGE OF ALLEGIANCE

** 09-26 **ADOPTION OF AGENDA** – John Jaschke stated that Old Business/RIM-WRP Partnership Sign-Up Status has been added to the agenda. Moved by Louise Smallidge, seconded by Brian Napstad, to adopt the agenda as amended. Motion passed on a voice vote.

** 09-27 **MINUTES OF MARCH 25, 2009** – Moved by LuAnn Tolliver, seconded by John Linc Stine, to approve the minutes of March 25, 2009, as circulated. Motion passed on a voice vote.

** 09-28 **MINUTES OF APRIL 15, 2009** – Moved by Brian Napstad, seconded by Louise Smallidge, to approve the minutes of April 15, 2009, as circulated. Motion passed on a voice vote.

INTRODUCTION OF NEW BOARD MEMBERS

Chair Kramer welcomed newly appointed board members Tom Loveall and John Meyer to the Board.

- Tom Loveall, county commissioner representative from Faribault County, provided brief background information about himself.
- John Meyer citizen member from Winona County, provided brief background information about himself.

Chair Kramer congratulated Bob Burandt on his reappointment. Their four-year terms of office expire January 7, 2013.

REPORTS

Chair's Report – Randy Kramer reported that new board members have been appointed to Committees. If board members would like to change their representation on a committee or are interested in serving on another committee let him know.

Chair Kramer reported that the Legislature expanded the BWSR Board membership. The Board will be expanded by three board members effective August 1, 2009. Two are representatives of cities, with at least one representing the metropolitan area and one is a representative of townships.

Chair Kramer reported that he attended the State Envirothon on May 18 in Stewartville. It was an enjoyable day and an excellent Envirothon. Chair Kramer thanked Mary Jo Anderson, Jon Fure, and Mary Jo Flemming for their efforts.

Executive Directors' Report – John Jaschke reported that most of his time during the last few months has been spent on legislation. BWSR will have a new structure after August 1st with additions of cities and townships represented on the Board. John briefly commented on the Clean Water Restoration Act, a piece of federal legislation being considered with a rulemaking process to follow if enacted, the authority remains to be seen in Minnesota.

John reported that a BWSR All Staff Meeting will be held June 2-3, at the Tamarack Nature Center in Vadnais Heights.

John reported that the MAWD Summer Tour and Meeting will be hosted by the Shell Rock River Watershed District, on June 25-27, in Albert Lea. Board members interested in attending should contact Mary Jo Anderson for registration.

John announced that the BWSR Snapshots has an article about the RIM-WRP Partnership receiving the top honor in the Minnesota Environmental Initiative (MEI) Awards. MEI annually honors projects that have achieved extraordinary outcomes for Minnesota's environment by harnessing the power of partnerships. The RIM-WRP project received the most votes from about 300 members and guests who attended the event and voted for the 2009 Partnership of the Year.

Paul Langseth entered the meeting at 9:15 a.m.

Dispute Resolution Committee – Travis Germundson reported that there are no new appeals since May 15. Travis stated that File 09-5, wetland banking appeal was remanded back. Travis reported that the Court of Appeals decision on File 08-13, wetland type boundary petition in Hennepin County was denied. The Court reversed the Board's decision, deemed merit; the Board will now hear the appeal.

Wetlands Committee – LuAnn Tolliver reported that the Wetlands Committee will meet today immediately following the Board meeting. The Wetlands Committee has a tentative meeting date of June 4 that may be cancelled; the June 18 Wetland Committee evening meeting is confirmed.

Grants Program & Policy Committee – Louise Smallidge reported that the Grants Program & Policy Committee will meet on June 18 in the afternoon.

Public Relations, Outreach & Strategic Planning Committee – Brian Napstad reported that the Public Relations, Outreach & Strategic Planning Committee has

not met; no cause to meet for several months. Now that we have two new members on the Committee they may meet in the next few months, especially if the scope of the Committee is adjusted.

Administrative Advisory Committee – Randy Kramer reported that the Administrative Advisory Committee (AAC) met this morning. Items discussed included the Committee Member changes; the Board tour and meeting on August 26-27, at the Holiday Inn Express in Winona; and legislative and budget updates.

State Envirothon Report – Jon Fure reported that the State Envirothon was held May 18 at the Ironwood Springs Christian Ranch in Stewartville. The State Envirothon is an environmental education competition for high school students. The State Envirothon first place went to St. John's Prep; second place to Rushford-Peterson High School; and third place to Hopkins High School. The winning team will attend the Canon Envirothon in North Carolina, August 2-7, to compete against teams nationwide and Canada. Chair Kramer stated that he was amazed at the distance schools travel to attend. Chair Kramer thanked Jon Fure, Mary Jo Anderson and Mary Jo Flemming for their efforts.

LuAnn Tolliver presented board members with the "Nine Mile Creek Watershed District Preserving Heritage & Environment" book. The history book of the watershed district includes pre-settlement conditions at the turn of the century, watershed law in the State, and regional activities. The Nine Mile Creek WD is proud of the watershed district and excited about this publication.

COMMITTEE RECOMMENDATIONS
Metro Water Planning Committee
Petition for Enlargement of Valley Branch WD, and Petition for Enlargement and Increase in Number of Managers of South Washington WD – Jim Haertel introduced Melissa Lewis and stated she has been working on this agenda item for the past year. Jim reported that a public hearing was held on April 22 for both petitions. The major issue contained in the hearing record is opposition to the proposed boundary because it does not follow the major hydrologic divide. The Lower St. Croix WMO (LSCWMO) members have all adopted resolutions to dissolve the WMO contingent on the proposed boundary being approved. Jim explained that if the LSCWMO does not dissolve, the WDs cannot enlarge. Jim read the standard of review from Minn. Stat. Section 103D.261, subd. 2, item a. The Metro Water Planning Committee met on May 6, 2009, recommends approval of the two petitions; and found that the proposed enlargements of the two WDs associated with the dissolution of the LSCWMO would accomplish more in the area of watershed management than the LSCWMO has and would

be for the public welfare and public interest and the purpose of Minn. Stat. Chapter 103D would be served.

Jim reported a letter of opposition and a resolution were received from the City of Woodbury before the public hearing objecting to the petitions. In the letter the city objected to the proposed new boundary between the two districts and the increase in number of managers, although the city did not object to the dissolution of the LSCWMO. Jim explained that a meeting was held before the public hearing with several cities including Woodbury, Washington County staff and the two watershed districts. As a result of the meeting Jim thought the opposition to the number of managers was dropped. Woodbury staff presented oral testimony at the public hearing and introduced a letter into the hearing record that all focused on the boundary issue. Jim recommended that the draft Order be changed, on page eight, finding of fact number 10, the last paragraph, proposing to delete the first sentence and the last sentence which regard the lack of opposition to the increase in number of managers.

** 09-29 Moved by Bob Burandt, seconded by Faye Sleeper, to approve the Order with proposed changes, to delete two sentences. The Board hereby orders that the South Washington Watershed District and the Valley Branch Watershed District be enlarged according to the Petitions, and that the number of managers for the South Washington Watershed District be increased from five (5) to seven (7), contingent on the dissolution of the Lower St. Croix Watershed Management Organization occurring within three months from the date of this Order. The Board further orders that the Watershed Management Plans for the South Washington Watershed District and the Valley Branch Watershed District be amended within one year of the date of this Order to include the Petitioned Areas.

Brian Napstad asked about taxing authority in another watershed within a watershed district. Jim stated that the South Washington Watershed District uses a water management district funded by a stormwater utility fee that works on a subwatershed basis. Discussion followed. Louise Smallidge abstained from the vote as this is the area she represents. Motion passed on a voice vote.

Scott Watershed Management Organization Watershed Management Plan – Brad Wozney reported that the Metro Water Planning Committee met on May 6, and unanimously recommends approval of the Watershed Management Plan.

** 09-30 Moved by Bob Burandt, seconded by Louise Smallidge, to approve the Scott Watershed Management Organization Watershed Management Plan. Motion passed on a voice vote.

Northern Water Planning Committee

Carlton County Priority Concerns Scoping Document – Quentin Fairbanks reported that the Northern Water Planning Committee met on April 8, 2009, reviewed the Carlton County Priority Concerns Scoping Document and recommends approval. Moved by Quentin Fairbanks, seconded by Brian Napstad, to approve Carlton County Priority Concerns Scoping Document. Motion passed on a voice vote.

** 09-31

Carlton County Local Water Plan Extension Request – Quentin Fairbanks reported that the Northern Water Planning Committee reviewed the Carlton County Local Water Plan extension request and recommends approval of the two-year extension. Moved by Quentin Fairbanks, seconded by Brian Napstad, to approve the extension of the Carlton County Local Water Plan until May 27, 2011. Motion passed on a voice vote.

** 09-32

Clearwater County Priority Concerns Scoping Document – Quentin Fairbanks reported that the Northern Water Planning Committee reviewed the Clearwater County Priority Concerns Scoping Document and recommends approval. Moved by Quentin Fairbanks, seconded by Brian Napstad, to approve the Clearwater County Priority Concerns Scoping Document. Motion passed on a voice vote.

** 09-33

Cass County Local Water Management Plan Final Review – Quentin Fairbanks reported that the Northern Water Planning Committee reviewed the Cass County Local Water Management Plan and recommends approval. Moved by Quentin Fairbanks, seconded by Brian Napstad, to approve the Cass County Local Water Management Plan final review. Discussion followed. Brian Napstad commended Cass County for the excellent job of water planning and implementation. Motion passed on a voice vote.

** 09-34

Douglas County Local Water Management Plan – Quentin Fairbanks reported that the Northern Water Planning Committee reviewed the Douglas County Local Water Management Plan and recommends approval. Moved by Quentin Fairbanks, seconded by Brian Napstad, to approve the Douglas County Local Water Management Plan. Motion passed on a voice vote.

** 09-35

Kittson County Priority Concerns Scoping Document – Wayne Edgerton reported that the Northern Water Planning Committee reviewed the Kittson County Priority Concerns Scoping Document and recommends approval. Moved by Wayne Edgerton, seconded by Brian Napstad, to approve the Kittson County Priority Concerns Scoping Document. Motion passed on a voice vote.

** 09-36

Roseau County Priority Concerns Scoping Document – Wayne Edgerton reported that the Northern Water Planning Committee reviewed the Roseau
** County Priority Concerns Scoping Document and recommends approval. Moved
09-37 by Wayne Edgerton, seconded by Quentin Fairbanks, to approve the Roseau County Priority Concerns Scoping Document. Quentin Fairbanks stated that ditches are a big issue in Roseau County. Motion passed on a voice vote.

OLD BUSINESS

RIM-WRP Partnership – Sign-Up Status – Kevin Lines reported that the RIM-WRP Partnership-Phase II sign-up began April 20th and runs through June 5, 2009. Kevin explained that BWSR will receive $100M in funding requests. Kevin reported that the Lessard-Sams Outdoor Heritage Council made a recommendation to the Legislature in 2009 for $9.05M in constitutionally dedicated funding from RIM-WRP Partnership. The Legislature approved this recommendation for the appropriation on May 18th, and Governor Pawlenty signed the Outdoor Legacy funding bill into law.

Tim Koehler, NRCS, reported that State Conservationist Bill Hunt made a $23M funding request to Washington for WRP based on the Lessard-Sams Outdoor Heritage Council's recommendation. Discussion followed. Tim explained that NRCS will be meeting with BWSR easement staff to rank and select projects for funding the RIM-WRP Phase II in mid-June. Chair Kramer thanked Kevin and Tim for their report.

Tim Koehler, NRCS, reported that NRCS submitted $5M in applications for flood recovery in the northwest and southeastern Minnesota. Tim reported that EQIP received $23M in allocations; $40M in applications received. Tim reported that NRCS will work with local producers/landowners on the Farm and Ranchland Protection Program (FRPP). Dakota County is the only county involved in FRPP to-date. Tim will provide more information in June. Chair Kramer congratulated Tim and Kevin on the MEI Award, and thanked them for their efforts. Chair Kramer asked Tim to thank Bill Hunt also.

Chair Kramer called for a break in the meeting at 10:25 a.m. The meeting reconvened at 10:40 a.m.

NEW BUSINESS

Legislative Overview – John Jaschke summarized the Omnibus Environment, Natural Resources and Energy Finance Bill, BWSR General Fund – signed into law. John reviewed the budget reductions and the rider language provisions. BWSR's reductions are a 10.8% general fund decrease. The Governor may also unallot as a mechanism to balance the budget. Discussion followed. Brian Napstad commented on the unfunded mandates by the State. Counties and LGUs are asked to do more with less.

Julie Klocker summarized the Constitutional Amendment Dedicated Funding, House File 1231 – we do not know yet when the funding is available; don't expect anything until January 2010. Julie explained that the constitutionally dedicated funding governance provisions will measure outcomes and accountability for each dollar spent. Julie summarized the Clean Water Fund appropriations for the biennium.

John Linc Stine, MDH, reported that MDH received $3.75M funding for source water protection.

Joe Martin, MDA, reported that MDA received $675,000/biennium for pesticide sampling. MDA also received $1.125M/biennium for nitrate issues in groundwater; $2.265M for research pilot projects; and rider language to work on LCCMR projects up to $395,000 for monitoring small watersheds in the Root River.

Glenn Skuta, MPCA, reported that MPCA received $1.25M/year from general fund for water quality monitoring baseline efforts and additional $7.5/year from the Clean Water Fund. MPCA received an additional $35M for River Watch; $.5M for the St. Croix Watershed Management; received $2.35M/year base funding; additional Clean Water Funding for impaired waters; $18M for TMDL studies; $250,000/biennium from Clean Water Council for public involvement. Glenn reported that the Governor line item vetoed an appropriation to the Star Lakes Board.

Julie summarized the Outdoor Heritage Fund. John summarized the Bonding/Red River Valley Flood Relief Bill and the Omnibus Environmental Policy Bill (House File 1237). Julie summarized the Legislative-Citizen Commission on Minnesota Resources (LCCMR) Bill (Senate File 1012); and the MN River Board Update (SF275); Green Acres/Rural Preserves (HF392); and Drainage (HF162/SF364).

Wayne Edgerton briefly commented that the inflation aspects of the budget recommendations must be absorbed also.

John Jaschke stated that overall all state agencies and local governments are dealing with reductions; the good news is that dedicated funding is available. Chair Kramer thanked staff for the update.

Three County Water Quality Protection Strategy – Jeff Hrubes reported that Cass, Aitkin and Crow Wing Counties received Clean Water Legacy funding to develop lake water quality protection strategies as part of their County Water

Plan Updates. Jeff distributed a handout, and introduced Dan Steward and Steve Hughes, Aitkin SWCD. Jeff presented the project background, objectives, and acknowledged partners. Dan Steward explained that Aitkin, Cass, and Crow Wing Counties are enhancing their water plans. Steve Hughes stated that Aitkin County has a very active lake association on Cedar Lake and presented the pilot project. Jeff presented the potential benefits of implementing the protection strategies developed through the plan update process, citizen engagement on websites. Discussion followed. Brian Napstad commented on the rain garden project as low cost for runoff; need to get the word out regarding shoreland BMPs, long-term funded programs that are available. John Jaschke stated that it will be interesting to see this project move forward.

Wayne Edgerton stated that DNR has shoreline restoration technical assistance information on the DNR website. Faye Sleeper stated that Extension also has information available. LuAnn Tolliver stated that the metro area has been working on stormwater best management practices for years, educating on drive-way techniques, rain gardens, etc. LuAnn would like to meet to share ideas from the metro area. Chair Kramer thanked Jeff, Dan, and Steve for their presentation.

AGENCY REPORTS
John Jaschke reported that Joe Martin, MDA, needed to leave the meeting, but Joe asked that John mention that MDA and DNR are jointly taking the state lead in conjunction with the U.S. Department of Agriculture, on emerald ash borer invasion. Joe Martin will provide more information at the June Board meeting regarding the response team and funding.

Minnesota Department of Health – John Linc Stine thanked the public nurses and doctors in local areas for assistance provided to the H1N1 flu outbreak. John reported that Viruses grow more in cooler weather than warm. John also thanked the public health officials statewide on this effort. John reported that the debate is on for relicensing of the Prairie Island Power Plant.

Minnesota Department of Natural Resources – Wayne Edgerton distributed fact sheet on wolf delisting. Wayne reported that the tuberculosis (TB) issue continues to be dealt with, monitoring continues; 12 herd have been taken out of existence due to TB. Wayne stated that TB has not be detected outside of the previous core area. Wayne reported that DNR fishing licenses are free for citizens that are 90+ years old.

Doug Norris, DNR, expressed appreciation to BWSR staff for assistance on the statewide training sessions held to carry out the Wetland Conservation Act.

Minnesota Extension Service – Faye Sleeper reported that the University of Minnesota is dealing with budget cuts. The Water Resources Center has two retirements this week. Faye invited board members to attend the retirement party on Friday, May 29th for Barb Liukkonen.

Minnesota Pollution Control Agency – Glenn Skuta reported that MPCA received funding through EPA, a double allocation will be received this year for 319, administrative challenges with that; TMDLs implementation targeted. Glenn reported that 20% of the state is on a ten-year cycle for intensive monitoring and watershed management. Glenn stated that MPCA is addressing impairment listings.

ADVISORY COMMENTS

Minnesota Association of Conservation District Employees (MACDE) – Felicia Brockoff thanked BWSR for partnering with MACDE on the BWSR Academy; they appreciate the combined effort on training. Felicia reported that MACDE has a $2,000 scholarship for an MACDE employee to attend the NACD Legislative Conference in Washington D. C.; Grant Pearson, Stearns SWCD will attend. Felicia stated that she is the Area Envirothon Coordinator and is happy that the State Envirothon winner, St. John's Prep, is from her area.

Minnesota Association of Soil and Water Conservation Districts (MASWCD) – LeAnn Buck reported that MASWCD is working on their legislative update; the largest cut was to the SWCD Cost-Share Program at 17%, concerned how reductions impact the future. MASWCD is pleased with new money from the Lessard-Sams Outdoor Heritage Council. LeAnn reported that the MASWCD Board of Directors met yesterday; good conversation with Steve Woods, BWSR, and NRCS, and appreciates technical assistance. LeAnn thanked John Jaschke and Julie Klocker for their leadership during the legislative session; as well as the collective effort with agencies. LeAnn reported that the MASWCD Board of Directors planning session will be held in June. LeAnn was honored and privileged to be in attendance at the MEI Awards Program when Kevin Lines and Tim Koehler were recognized.

Minnesota Association of Townships (MAT) – Sandy Hooker reported that MAT has 13 township officers statewide. Sandy is frustrated that things didn't get done during the Legislative session. MAT is working on funding for sign replacement, a federal mandate, using new high reflectivity. MAT will meet in early June at Breezy Point to discuss legislative issues. Township officers

support counties, many unfunded mandates come to counties, something needs to be done.

UPCOMING MEETINGS

- Next BWSR Meeting, June 24, 2009 in St. Paul
- August Board Meeting and Tour, August 26-27, 2009, in Winona

Chair Kramer reported that the Southern Water Planning Committee will meet immediately following adjournment of the Board meeting.

The Wetlands Committee will meet as soon as the Southern Water Planning Committee adjourns.

** 09-38 Moved by Quentin Fairbanks, seconded by Louise Smallidge, to adjourn the meeting at 12:40 p.m.

Respectfully submitted,

Randy Kramer
Chair

BOARD OF WATER AND SOIL RESOURCES
Attendance Roster

	Name	Affiliation	Phone #
1.	[illegible]	MN Dept of Ag	651-201-6487
2.	STEVE KERNIK	CITY OF WOODBURY	651-714-3536
3.	JACK LAVOLD	SWWD	651-459-9981
4.	Jessica Collin-Pilarski	Wash. County	651-430-6703
5.	Chris Hugh	BWSR	507-389-6784
6.	Amanda Strommer	WaCo.	651-491-7149
7.	[illegible]	BWSR	218-828-2598
8.	Steve Hughes	Aitkin Co. SWCD	218-927-6565
9.	[illegible]	MASWCD	651-690-9028
10.	Felicia Brockoff	MACDE	952-442-5101
11.	JAMES VAGLE	BATC	651.697.7578
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Dispute Resolution Report
May 15, 2009
by: Travis Germundson

There are presently **16** appeals pending. All of the appeals involve WCA except File 05-24. There have been **4** new appeals filed since the last report dated March 25th.

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 09-8 (5-11-09) This is an appeal of a restoration order in Chisago County. The appeal regards the filling of approximately 3,000 square feet of a type 2/6 wetland for a private access road. *No decision has been made on the appeal.*

File 09-7 (5-11-09) This is an appeal of a replacement order in Stearns County. The appeal disputes a number of facts regarding compliance with an approved replacement plan for 9,900 square feet of wetland impacts associated with residential development. *No decision has been made on the appeal.*

File 09-6 (5-06-09) This is an appeal of a exemption decision in Otter Tail County. The appeal regards the denial of an exemption request for agricultural/drainage activities that resulted from issuance of a Restoration Order (File 09-1). *No decision has been made on the appeal.*

File 09-5 (4-24-09) This is an appeal of a wetland bank application decision in Lake of the Woods County. The appeal regards the denial of a wetland bank application to restore a type 1/2 wetland. *No decision has been made on the appeal.*

~~File 09-4 (3-9-09) This is an appeal of a replacement order in Isanti County. The appeal regards the filling of approximately 3,500 square feet of a type 6/7 wetland for placement of a residential home.~~ *The appeal has been denied and the Replacement Order affirmed.*

File 09-3 (2-20-09) This is an appeal of a replacement plan decision in Anoka County. The appeal regards the approval of a wetland replacement plan for 11,919 square feet of impacts associated with a residential development. *The appeal has been placed in abeyance and the replacement plan decision stayed for submittal of a revised replacement plan application. (at the request of the petitioner).*

File 09-2 (2-19-09) This is an appeal of a restoration order in Stearns County. The appeal regards the filling of approximately 6,833 square feet of a type 5 wetland with various debris materials. *No decision has been made on the appeal.*

~~File 09-1 (2-9-09) This is an appeal of a restoration order in Ottertail County. The appeal regards the draining and filling of a type 3 wetland on agricultural land.~~ *The appeal has been denied and the Restoration Order affirmed.*

File 08-35 (12-3-08) This is an appeal of a exemption decision in Grant County. The appeal resulted from issuance of a restoration order for 32 acres of wetland impacts associated with agricultural drain tile work. The appeal has been accepted and copies of the record have been obtained. *A verbal settlement agreement has been drafted.*

File 08-34 (12-2-08) This is an appeal of the same agricultural exemption decision in Grant County as identified in File 08-35. The appeal has been accepted and copies of the record have been obtained. The two related appeals will be combined and processed as one decision. *A verbal settlement agreement has been drafted.*

~~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.~~ *The applicant declined moving forward with the local appeal process and signed a settlement agreement.*

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. 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. The replacement order has been stayed and the appeal has been placed in abeyance pending further technical work~~. *The appeal has been denied and the replacement order affirmed.*

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 Appellant 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.~~ *The Order has been complied with and a Certificate of Satisfactory Restoration has been issued.*

~~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~~. *A settlement agreement is has been certified.*

~~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~~. *A settlement agreement has been certified.*

~~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.~~ *A settlement agreement has been certified.*

~~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.~~ *The applicant declined moving forward with the local appeal process and signed a settlement agreement.*

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.

BWSR Board Report:
2009 Minnesota State Envirothon

BWSR Chairman Randy Kramer attended the 2009 State Envirothon in the Rochester area on May 18th. The Envirothon is an outdoor environmental learning competition for high school students that is coordinated by SWCDs, BWSR and several partner organizations.

SWCDs coordinate 10 regional competitions, and the top 3 teams qualify for the State Envirothon, which was at Ironwood Springs Christian Ranch near Stewartville. Randy Kramer presented plaques and medals to the top three teams. First place went to St. John's Preparatory School; second place to Rushford-Peterson High School; and third place to Hopkins High School. A total of 169 students from 24 schools participated.

The winning team will travel to North Carolina on August 2-7 to compete against teams from all over the USA and Canada in the Canon Envirothon (named after the corporate sponsor, Canon USA, Inc.).

Volunteer presenters from PCA, DNR, NRCS, and McGhie & Betts tested the students on six topics: soils, aquatics, forestry, wildlife, and biodiversity. Those volunteers also provide study materials in advance so that the students can prepare. The students also give an oral presentation to a panel of judges on a problem that they receive in advance. Their task this year was to advocate a plan for maintaining biodiversity to landowners surrounding a proposed flood control project, and they were judged partly on how well they addressed the problem from the local landowners' perspectives. The judges at the State Envirothon were from BWSR, The Nature Conservancy, NRCS, SE MN Water Resources Board, and SWCDs in MASWCD Area 7.

It takes lots of volunteers to coordinate all of these events, and the SWCD do an outstanding job of keeping the regional competitions going every year. BWSR staff MaryJo Anderson, Mary Jo Flemming and Jon Fure worked with a committee of SWCD staff to plan the state event. MaryJo Flemming, BWSR Duluth Office, takes the lead on most of the event coordination logistics. BWSR also does some fundraising to help pay for the expenses, including a travel stipend for the winning team to travel to the Canon Envirothon.

Plans are already underway for next year's Envirothon, and the theme of the oral presentation will be "protecting groundwater," so we have been talking with people from the Minnesota Ground Water Association and other organizations to get their ideas on how to continue making this a challenging and fun learning experience for high school students.

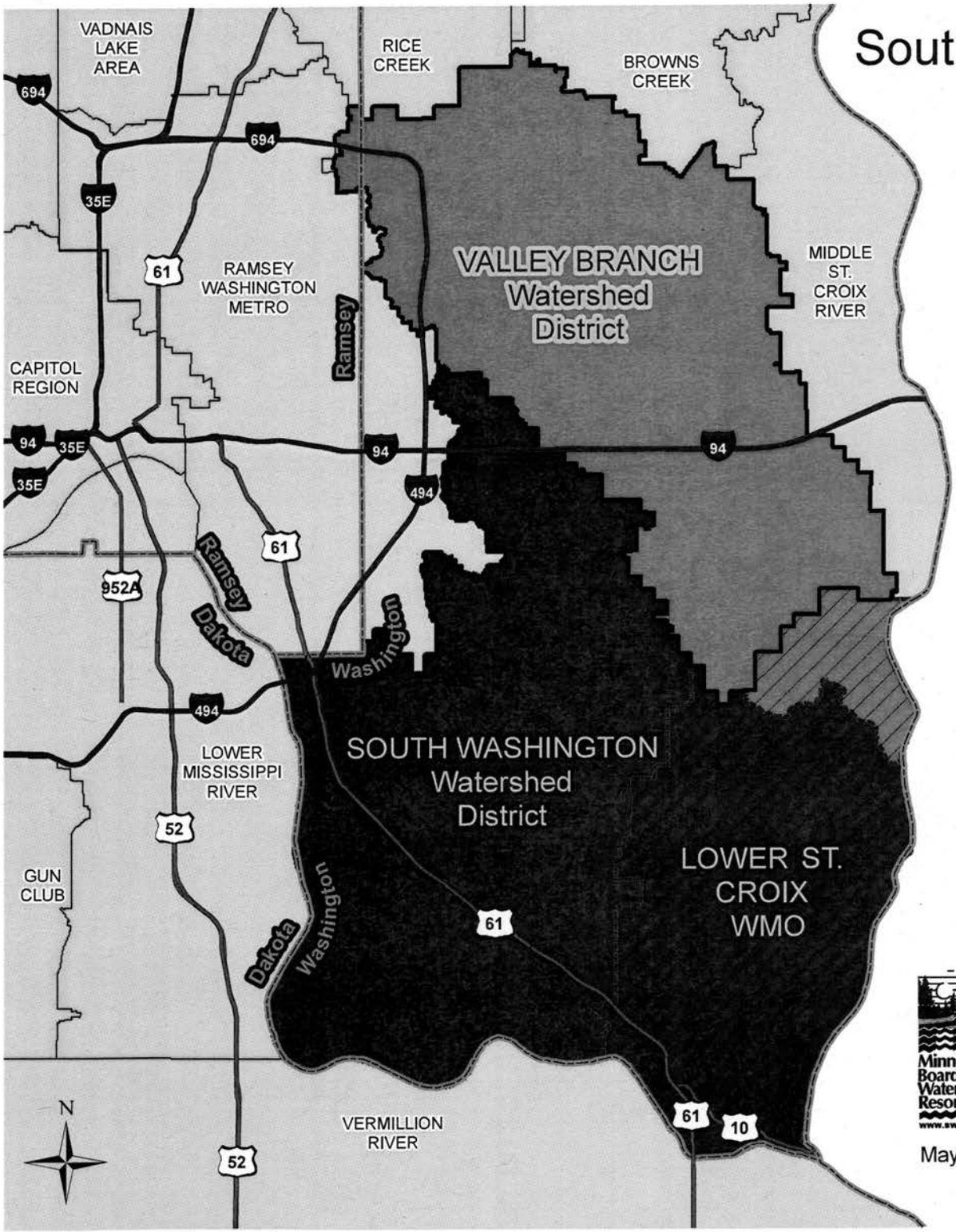
COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

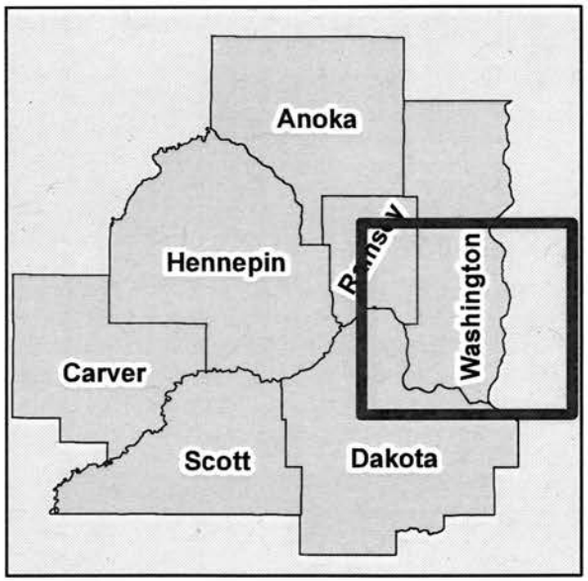
1. Petition for Enlargement of Valley Branch WD, and Petition for Enlargement and Increase in Number of Managers of South Washington WD – ***DECISION ITEM***

2. Scott Watershed Management Organization Watershed Management Plan – ***DECISION ITEM***

South Washington & Valley Branch Watershed Districts Expansion Into Lower St. Croix WMO



- Current Watershed District Boundaries
- Boundary Change
- Expanded Areas
- Expanded Valley Branch Watershed District
- Expanded South Washington Watershed District
- Surrounding Watershed Districts & WMOs
- County Boundaries



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

May 2009

EXHIBIT
tabbies 12

CITY OF Woodbury

8301 Valley Creek Road • Woodbury, Minnesota 55125-3300 • www.ci.woodbury.mn.us
651/714-3500 • TDD 651/714-3568 • FAX 651/714-3501

April 13, 2009

Mr. Jim Haertel
Minnesota Board of Water and Soil Resources
520 Lafayette Road N.
St. Paul, MN 55155

Re: Woodbury Resolution of Objection to Petition

Dear Mr. Haertel:

Attached to this letter is a resolution passed by the City of Woodbury on April 8, 2009 stating our objection to the petitions submitted by Washington County to expand the South Washington Watershed District (SWWD), and the Valley Branch Watershed District (VBWD). While we do not object to the dissolution of the Lower St. Croix WMO, we do feel the proposed new boundary between the two districts is inappropriate. The following bullet points cover our main objections:

1. The major hydrologic boundary in this area is the divide between the St. Croix River and the Mississippi River. Currently, this hydrologic divide is the basis for the boundary between the SWWD and the VBWD. It seems logical to continue using this major hydrologic divide as the boundary between the two watershed districts through the Lower St. Croix WMO area. State statutes define "watershed" as "...a drainage area having boundaries which are coterminous with those of an aggregation of contiguous minor watershed units *possessing similar drainage patterns* (emphasis added) and which cross the borders of two or more local government units." It does not seem logical to combine an area that drains to both the St. Croix and Mississippi rivers into one watershed.

2. The current petition is contrary to Washington County's own Water Governance Study Revised Implementation Plan, which was adopted by the County in 2002. This plan proposed that the LSCWMO be incorporated entirely within the VBWD. Following the plan would add 29,344 acres to VBWD, and zero acres to the SWWD. The current proposal would add only 3,183 acres to VBWD, with 26,161 acres going to the SWWD. Dividing along the major hydrologic divide would result in 23,768 to VBWD, and 5,576 acres to SWWD, which is much more in line with the vision of the County's Water Governance Plan.

3. The St. Croix River is a state designated Outstanding Resource Value Water, and has different requirements for stormwater discharge than the Mississippi River. Currently, all areas of the VBWD are subject to these regulations, and the district is familiar with implementing and enforcing these requirements through its permit program. This would be a new set of unfamiliar regulations to enforce for the SWWD.

4. Expanding the number of managers to seven would dilute Woodbury's representation on the board of the SWWD. Currently, Woodbury has two out of five managers. If that were to become two out of seven managers, Woodbury's proportional representation on the board would decrease.

5. Increasing the size of the SWWD by 65% by adding an area that has a significantly lower tax capacity than most areas within the SWWD could easily result in an increase in administration and monitoring costs to Woodbury and Cottage Grove.

6. Land use within the existing SWWD is considerably more urban than land use within the Lower St. Croix WMO. In the past, combining communities with such differing land use and stormwater management philosophies has led to conflicts. In the early 1990s, the Cottage Grove Ravine Watershed Management Organization was dissolved and re-established as the South Washington Watershed District because it proved impossible to reconcile the stormwater management needs of the urban communities within the watershed with the rural perspectives. Expanding the SWWD and adding additional managers to represent this predominantly rural area seems to be a step backwards and could result in more difficulty in implementing needed major urban infrastructure projects in the SWWD.

Please consider this letter and the attached resolution as official comments from the City of Woodbury on the Washington County petitions for enlargement of the SWWD and the VBWD, and add these documents into the hearing record. If you have any questions about our comments, please contact Steve Kernik, Environmental Planner at 651-714-3536, or via email at skernik@ci.woodbury.mn.us.

Sincerely,

Clint Gridley
City Administrator

EXHIBIT
tabbies 12A

STATE OF MINNESOTA)
)
COUNTY OF WASHINGTON) ss
)
CITY OF WOODBURY)

I, Kimberlee K. Blaeser, being the duly qualified and acting City Clerk of the City of Woodbury, Minnesota, DO HEREBY CERTIFY that I have compared the attached and foregoing **Council Resolution No. 09-73, "RESOLUTION OF OBJECTION TO THE PROPOSED BOUNDARIES IDENTIFIED IN THE SOUTH WASHINGTON WATERSHED DISTRICT AND VALLEY BRANCH WATERSHED DISTRICT ENLARGEMENT PETITIONS SUBMITTED TO THE BOARD OF WATER AND SOIL RESOURCES BY WASHINGTON COUNTY",** with the original thereof on file in my office, and that the same is a true and complete transcript of the resolution of the City Council of said municipality at a meeting duly called and held on the 8th day of April 2009.

WITNESS my hand and the seal of said City this 9th day of April 2009.

Kimberlee K. Blaeser
City Clerk

(SEAL)

Attachment: Resolution No. 09-73

EXHIBIT
tabbies
12B

RESOLUTION NO. 09 -73

RESOLUTION OF THE CITY OF WOODBURY, WASHINGTON COUNTY, MINNESOTA

RESOLUTION OF OBJECTION TO THE PROPOSED BOUNDARIES IDENTIFIED IN THE SOUTH WASHINGTON WATERSHED DISTRICT AND VALLEY BRANCH WATERSHED DISTRICT ENLARGEMENT PETITIONS SUBMITTED TO THE BOARD OF WATER AND SOIL RESOURCES BY WASHINGTON COUNTY

WHEREAS, the Lower St. Croix Watershed Management Organization has submitted a resolution to dissolve the Organization; and

WHEREAS, Washington County has submitted petitions for enlargement of the South Washington Watershed District and the Valley Branch Watershed District to the Board of Water and Soil Resources; and

WHEREAS, the City of Woodbury does not oppose the dissolution of the Watershed Management Organization; and

WHEREAS, the new district boundaries proposed in the petitions for enlargement do not follow the major hydrologic boundary in the affected area; and

WHEREAS, the Washington County Water Governance Study Revised Implementation Plan suggested combining the Lower St. Croix Watershed Management Organization into the Valley Branch Watershed District; and

WHEREAS, establishing the new boundaries of the districts based upon the drainage divide between the Mississippi and St. Croix rivers would result in the majority of the area of the Lower St. Croix Watershed Management Organization being located within the Valley Branch Watershed District as previously envisioned by Washington County; and

WHEREAS, establishing the district boundaries based upon the drainage divide between the Mississippi and St. Croix rivers would follow the intent of state statutes in establishing watershed district boundaries; and

WHEREAS, establishing the district boundaries based upon the drainage divide between the Mississippi and St. Croix rivers would result in a water management structure easier to administer, more financially equitable, and more likely to succeed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Woodbury, Washington County, Minnesota as follows:

The City of Woodbury objects to the boundaries proposed for the expansion of the South Washington Watershed District and the Valley Branch Watershed District as

outlined in the petitions by Washington County to the Board of Water and Soil Resources; and

BE IT FURTHER RESOLVED that the City of Woodbury supports a boundary between the South Washington Watershed District and the Valley Branch Watershed District that is based on the hydrologic boundary between areas that drain to the Mississippi River and the St. Croix River.

This Resolution was declared duly passed and adopted and was signed by the Mayor and attested to by the City Administrator this 8th day of April, 2009.

William J. Hargis, Mayor

Attest:

Clinton P. Gridley, City Administrator

(SEAL)

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

In the Matter of Petitions for Enlargement of the Valley Branch Watershed District and Enlargement and Increase in Number of Managers of the South Washington Watershed District, Washington County, pursuant to Minnesota Statutes Sections 103D.261 and 103D.305.

ORDER FOR ENLARGEMENT OF WATERSHED DISTRICTS

Whereas, Washington County submitted two petitions (Petitions) dated March 13, 2009 for enlargement of the Valley Branch Watershed District (VBWD) and for enlargement and increase in number of managers of the South Washington Watershed District (SWWD) to the Board on March 24, 2009, pursuant to Minn. Stat. §§ 103D.261 and 103D.305, and;

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

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

FINDINGS OF FACT

1. **Petitions.** On March 24, 2009 the Board received two Petitions from Washington County for enlargement of the VBWD pursuant to Minn. Stat. § 103D.261, and enlargement and increase in number of managers of the SWWD pursuant to Minn. Stat. §§ 103D.261 and 103D.305. The proposed watershed district enlargements involve lands presently in the Lower St. Croix Watershed Management Organization (LSCWMO), a joint powers watershed management organization. The Petitions were filed based on the pending voluntary dissolution of the LSCWMO. The Petitions were accompanied by a supporting resolution from Washington County and a letter of support from the City of Cottage Grove. The Petitions were also accompanied by resolutions of dissolution from the LSCWMO and from all of the member communities comprising the LSCWMO.

2. **Property Description.** The territory to be included in the watershed districts, the Petitioned Areas, are depicted in maps labeled Exhibits A of the Petitions and comprise an area located in Washington County entirely within the metropolitan area that is approximately 45.4 square miles contiguous to the SWWD and VBWD, which includes land in the Cities of Afton, Cottage Grove, and Hastings, and the Town of Denmark. The Petitioned Areas include all land currently within the LSCWMO.

The proposed enlarged SWWD consists of a total of 110.38 square miles, of which 4.82 square miles are located within the City of Afton, 36.56 square miles are located within the City of Cottage Grove, 30.14 square miles are located within the Town of Denmark, 2.71 square miles are located within the Town of Grey Cloud Island, 0.40 square miles are located within the City of Hastings, 0.98 square miles are located within the city of Lake Elmo, 3.89 square miles are located within the City of Newport, 1.02 square miles are located within the City of Oakdale, 3.61 square miles are located within the City of St. Paul Park, and 26.25 square miles are located within the City of Woodbury.

The proposed enlarged VBWD consists of a total of 71.33 square miles, of which 21.01 square miles are located within the City of Afton, 4.44 square miles are located within the Town of Baytown, 4.33 square miles are located within the City of Grant, 22.93 square miles are located within the City of Lake Elmo, 0.87 square miles are located within the City of Mahtomedi, 5.55 square miles are located within the City of Oakdale, 0.30 square miles are located within the City of Oak Park Heights, 0.90 square miles are located within the City of Pine Springs, 0.08 square miles are located within the City of St. Mary's Point, 7.47 square miles are located within the Town of West Lakeland, 2.75 square miles are located within the City of Woodbury, 0.10 square miles are located within the City of Maplewood, 0.30 square miles are located within the City of North St. Paul, 0.30 square miles are located within the City of White Bear Lake.

3. **Number of Managers.** The Petition for SWWD specifies the proposed number of managers shall be increased to seven (7) from the present number of five (5) managers.

4. **Petition Service.** The Petitions were served on the Board, SWWD and VBWD pursuant to Minn. Stat. § 103D.261, Subd. 1 (c).

5. **LSCWMO Dissolution.** The LSCWMO member communities have adopted resolutions dissolving the LSCWMO contingent on the Board's approval of the Petitions for enlargement of the SWWD and VBWD according to the boundary depicted on the maps attached to the Petitions. Minnesota case law precludes the enlargement of a watershed district over area already under the jurisdiction of a watershed management organization.

6. **Reasons for Change.** In May 1998, the Washington County Board of Commissioners authorized a Water Governance Study to identify and evaluate the best governance structure for water management for the county. In April 2002, the county developed a plan defining the expectations of watershed management organizations for actively managing the water resources of the county. The Washington County Board of Commissioners approved the findings and recommendations of the Water Governance Study that the number of water management units in the county should be reduced and that local water management units should be watershed districts, not joint powers water management organizations. Washington County has worked with representatives of each of the water management units to develop recommendations for key issues related to the enlargements, such as financing policies, coordination of water management plans, and board representation. Goals from the Revised Implementation Plan for Water Governance are as follows:

a. To create a water management structure that will provide long term protection for surface and groundwater resources.

b. To create local water management units with the fiscal capacity and authority to govern efficiently and effectively.

c. To identify financing mechanisms that are fair and adequate to meet the needs of the county.

d. To coordinate surface water, groundwater, land use, and natural resources management to provide for a more comprehensive approach to resource management.

e. To adopt a proactive rather than a reactive approach to countywide water resources.

f. To increase the accountability of the water management structure.

The Petitions state the enlargements would be conducive to the public health and public welfare and for the purposes of Minnesota Statutes Chapter 103D. The territory in the LSCWMO will be free of financial liabilities at the time of the enlargements. The Petition for SWWD states the increase in number of managers is necessary due to the complex nature of managing water resources in the southern portion of the county and to provide representation from the sub-watershed areas, and that the county will establish a plan to shift representation throughout the entire enlarged watershed district through the appointment of new managers.

7. **Hearing Order.** At its regular meeting on March 25, 2009, the Board determined the Petitions met the requirements of Minn. Stat. §§ 103D.261 and 103D.305, and consequently ordered a public hearing to be held on the Petitions.

8. **Hearing Notice.** Legal notice of the public hearing on the proposed watershed district enlargements, and increase in number of managers, pursuant to Minn. Stat. §§ 103D.261, Subd. 1 (d) and 103D.305, Subd. 4, was published in the Oakdale/Lake Elmo Review on April 8, 2009, the Woodbury Bulletin on April 8, 2009, the South Washington County Bulletin on April 8, 2009, and the Hastings Star Gazette on April 9, 2009. Further, a copy of the hearing notice was mailed to several addressees including the Washington County Auditor, the Washington County Board of Commissioners, all of the cities and towns in the SWWD and VBWD, the SWWD, the VBWD, the LSCWMO, the SWCD, and the DNR.

9. **Public Hearing.** A public hearing was held on the Petitions on April 22, 2009, at the Washington County Service Center—Cottage Grove, 13000 Ravine Parkway South, Cottage Grove, Minnesota. The audio of the proceedings was recorded. The hearing panel was the Metro Water Planning Committee which consisted of Board members Louise Smallidge, Rebecca Flood, Faye Sleeper, LuAnn Tolliver and Robert Burandt as chair.

   Travis Germundson, Board staff, entered Exhibits 1 through 16 into the record by reading a brief description of each exhibit.

Exhibit 1. Enlargement and Increase the number of Managers Petition packet for South Washington Watershed District from Washington County, received March 24, 2009 consisting of Exhibits 1A-1E.

Exhibit 1A. Letter dated March 24, 2009 from Linda C. Krafthefer, Assistant Washington County Attorney to the Board of Water and Soil Resources transmitted with Exhibit 1.

Exhibit 1B. Affidavit of certified copy of Resolution from James R. Schug, Washington County Administrator, dated March 27, 2009.

Exhibit 1C. Washington County Resolution No. 2009-023 authorizing the filing of a petition with the Board of Water and Soil Resources to enlarge the South Washington Watershed District, dated March 24, 2009.

Exhibit 1D. Washington County Petition to Enlarge the South Washington Watershed District and Increase the number of Managers dated March 13, 2009, 6 pages.

Exhibit 1E. Map of the South Washington Watershed District proposed enlargement dated March 6, 2009.

Exhibit 2. Enlargement Petition packet for Valley Branch Watershed District from Washington County, received March 24, 2009 consisting of Exhibits 2A-2E.

Exhibit 2A. Letter dated March 24, 2009 from Linda C. Krafthefer, Assistant Washington County Attorney to the Board of Water and Soil Resources transmitted with Exhibit 2.

Exhibit 2B. Affidavit of certified copy of Resolution from James R. Schug, Washington County Administrator, dated March 27, 2009.

Exhibit 2C. Washington County Resolution No. 2009-024 authorizing the filing of a petition with the Board of Water and Soil Resources to enlarge the Valley Branch Watershed District, dated March 24, 2009.

Exhibit 2D. Washington County Petition to Enlarge the Valley Branch Watershed District dated March 13, 2009, 5 pages.

Exhibit 2E. Map of the Valley Branch Watershed District proposed enlargement dated March 6, 2009.

Exhibit 3. Washington County Memorandum to the Board of Water and Soil Resources on resolutions of support for South Washington Watershed District and Valley Branch Watershed District Enlargement Petitions, dated March 24, 2009 consisting of Exhibits 3A-3H.

Exhibit 3A. Lower St. Croix Watershed Management Organization Resolution No. 2009-01 recommending dissolution, dated March 11, 2009, 4 pages.

Exhibit 3B. City of Afton Resolution No. 2009-11 ratifying dissolution of the Lower St. Croix Water Management Organization and supporting the petitions to expand South Washington Watershed District and Valley Branch Watershed District, dated March 17th 2009, 2 pages.

Exhibit 3C. Letter dated March 18, 2009, from the City of Cottage Grove supporting the enlargement petitions, 2 pages.

Exhibit 3D. City of Cottage Grove Resolution No. 2009-042 ratifying dissolution of the Lower St. Croix Water Management Organization and supporting the petitions to expand South Washington Watershed District and Valley Branch Watershed District, dated March 18, 2009, 2 pages.

Exhibit 3E. Town of Denmark Resolution No. 2009-03 ratifying dissolution of the Lower St. Croix Water Management Organization and supporting the petitions to expand South Washington Watershed District and Valley Branch Watershed District, dated March 11, 2009, 2 pages.

Exhibit 3F. City of Hastings Resolution No. 2009-3-05-09 ratifying the dissolution of the Lower St. Croix Water Management Organization, dated March 16, 2009.

Exhibit 3G. City of Hastings Resolution No. 2009-3-06-09 supporting the petitions to expand South Washington Watershed District and Valley Branch Watershed District, dated March 16, 2009.

Exhibit 3H. Valley Branch Watershed District Resolution No. 2009-01 supporting the petitions from Washington County to expand the South Washington Watershed District and Valley Branch Watershed District , dated March 12, 2009, 2 pages.

Exhibit 4. Map of watershed districts and proposed enlargement dated March 6, 2009.

Exhibit 5. Order dated March 25, 2009 from the Board of Water and Soil Resources for a public hearing on the Petitions, 3 pages.

Exhibit 6. Letter dated April 3, 2009, from Jim Haertel with the Board of Water and Soil Resources to several addressees notifying them of the public hearing, including copies of the a.) Addressees b.) Legal notice, and c.) Map, 4 pages.

Exhibit 7. Affidavit of Publication dated April 8, 2009 of Legal Notice in The South Washington County Bulletin and The Woodbury Bulletin on April 8, 2009.

Exhibit 8. Affidavit of Publication dated April 8, 2009 of Legal Notice in the Oakdale/Lake Elmo Review on April 8, 2009.

Exhibit 9. Affidavit of Publication dated April 9, 2009 of Legal Notice in the Hastings Star Gazette on April 9, 2009.

Exhibit 10. Acceptance of Service of Enlargement Petition by Valley Branch Watershed District Attorney Ray Marshall dated March 30, 2009.

Exhibit 11. Acceptance of Service of Enlargement Petition by South Washington Watershed District Attorney Jack Clinton dated April 8, 2009.

Exhibit 12. Letter dated April 13, 2009 from Clint Gridley with the City of Woodbury to Jim Haertel with the Board of Water and Soil Resources stating the city's objections to the two petitions consisting of Exhibits 12A and 12B, 2 pages

Exhibit 12A. Affidavit of certified copy of Resolution from Kimberlee Blaeser, City Clerk for the City of Woodbury, dated April 9, 2009.

Exhibit 12B. City of Woodbury Resolution No. 09-73 of Objection to the proposed boundaries identified in the two petitions, dated April 8, 2009, 2 pages

Exhibit 13. Letter dated April 20, 2009 from Kevin Walsh with the City of St. Paul Park to Matt Moore with the South Washington Watershed District stating the city's support for the enlargement.

Exhibit 14. Letter dated April 21, 2009 from Matt Moore with the South Washington Watershed District to James Schug with Washington County supporting the petition to enlarge the South Washington Watershed District boundary, 2 pages.

Exhibit 15. Letter dated April 21, 2009 from Barry Sittlow with the City of Newport to James Schug with Washington County supporting the petition to enlarge the South Washington Watershed District.

Exhibit 16. Letter dated April 15, 2009 from Myron Bailey, Mayor City of Cottage Grove to Jim Haertel with the Board of Water and Soil Resources supporting the dissolution of the St. Croix Watershed Management Organization and the enlargement petitions for South Washington Watershed District and Valley Branch Watershed District, 2 pages.

Exhibit 17. City of Cottage Grove map illustrating the perfluorobutanoic acid (PFBA) Aquifer Relationship Study, dated April 20, 2009.

After all people present at the public hearing were given an opportunity to speak, the hearing record was left open for one week until 4:30 PM on April 29, 2009, for receipt of written comments. The following exhibits were received while the hearing record was open.

Exhibit 18. Letter dated April 22, 2009 from Bill Hargis, Mayor of the City of Woodbury to Jim Haertel with the Board of Water and Soil Resources stating additional objections to the two watershed district expansion petitions, 3 pages.

Exhibit 19. Letter dated April 27, 2009 from Kathleen Higgins, Chairperson Denmark Township Board to Jim Haertel with the Board of Water and Soil Resources confirming the Township's support of the petitions for dissolution of the Lower St. Croix Water Management Organization and enlargement of the Valley Branch Watershed District and South Washington Watershed District, 2 pages.

Exhibit 20. Comments opposing the petition to Enlarge the South Washington Watershed District and Increase the Number of Managers from Daniel Belka to the Board of Water and Soil Resources, dated April 28, 2009.

Exhibit 21. Board of Water and Soil Resources Staff Advisory Report on Petitions to Enlarge the South Washington Watershed District and the Valley Branch Watershed District, dated April 29, 2009, 5 pages.

10. **Hearing Panel.** The Metro Water Planning Committee met on May 6, 2009. Committee members in attendance were Louise Smallidge, Rebecca Flood, Faye Sleeper, LuAnn Tolliver and Robert Burandt as chair. Based on the entire record in this matter and after due consideration, the committee, with Smallidge abstaining, decided with a unanimous voice vote to recommend to the full Board that the SWWD and VBWD be enlarged according to the Petitions and that the SWWD number of managers be increased to seven (7).

In arriving at their decisions, the Committee endorsed the findings and conclusions in the Staff Advisory Report regarding the enlargements (See Exhibit 21). The Board's standard of review in making determinations on a proposed enlargement of a watershed district is set forth in Minn. Stat. § 103D.261, Subd. 2, item a, as follows:

> After the hearing, if the board determines that the enlargement of the watershed district as asked for in the petition would be for the public welfare and public interest and the purpose of this chapter would be served, the board shall, by making findings and an order, enlarge the watershed district and file a certified copy of the findings and order with the secretary of state.

The Committee found that the SWWD and VBWD will accomplish more in the area of watershed management than the LSCWMO has. The Committee found the enlargement would benefit the public welfare and public interest and the purposes of Minnesota Statutes Chapters 103B and 103D would be served. The Committee found it is evident from review of past annual reports that the SWWD and VBWD more proactively manage their water resources as indicated by the many accomplishments in watershed management of the SWWD and VBWD, while not so with the LSCWMO. The Committee found that eliminating a less effective organization and its administrative costs will lead to better management and negligible additional administrative increases for the SWWD and VBWD. The Committee noted the proximity of the LSCWMO to the confluence of the St. Croix River and Mississippi River regarding the major watershed boundary currently within the LSCWMO. The Committee noted the overwhelming support in the hearing record for the Petitions and the small amount of opposition to the Petitions in the hearing record.

The Committee found, consistent with the LSCWMO Dissolution Resolution (See Exhibit 3A), approval of this Order and filing with the Secretary of State needs to be contingent on the dissolution of the LSCWMO taking place first. The SWWD and VBWD Watershed Management Plans should be amended within one year to include the Petitioned Areas.

Other than ~~the Petition for SWWD, the hearing record is silent on the proposed increase in number of managers.~~ The Committee found that the increase in number of managers is necessary to provide for better representation of the various hydrologic units. An increase in the number of managers will provide for more continuity with veteran managers and newly appointed managers. ~~The Committee noted the absence of opposition in the hearing record regarding the proposed increase in number of managers.~~

CONCLUSIONS

1. The Petitions for the enlargement of the Valley Branch Watershed District, and the enlargement and increase in number of managers of the South Washington Watershed District are valid in accordance with Minn. Stat. §§ 103D.261 and 103D.305.

2. Proper notice of hearing was given and the public hearing was held in accordance with applicable laws.

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

4. The Board has proper jurisdiction in the matter of ordering a watershed district enlargement and denying an increase in number of managers.

5. The enlargements of the South Washington Watershed District and the Valley Branch Watershed District as proposed in the Petitions would benefit the public welfare and public interest and the purposes of Minnesota Statutes Chapters 103B and 103D would be served because the South Washington Watershed District and the Valley Branch Watershed District will accomplish more in the area of watershed management than the Lower St. Croix Watershed Management Organization has.

6. The South Washington Watershed District and the Valley Branch Watershed District can be enlarged into the area of the Lower St. Croix Watershed Management Organization because the organization will dissolve per the resolutions of its member communities upon approval of the Petitions.

7. The South Washington Watershed District and the Valley Branch Watershed District enlargements cannot occur before the Lower St. Croix Watershed Management Organization is dissolved.

8. The territory in the Lower St. Croix Watershed Management Organization will be free of financial liabilities at the time of the enlargements.

9. The South Washington Watershed District and the Valley Branch Watershed District Watershed Management Plans should be amended within one year to include the Petitioned Areas.

10. The increase in number of managers as proposed in the Petition for the South Washington Watershed District should be approved because the various hydrologic units will have better representation and there will be more continuity with veteran managers and newly appointed managers .

ORDER

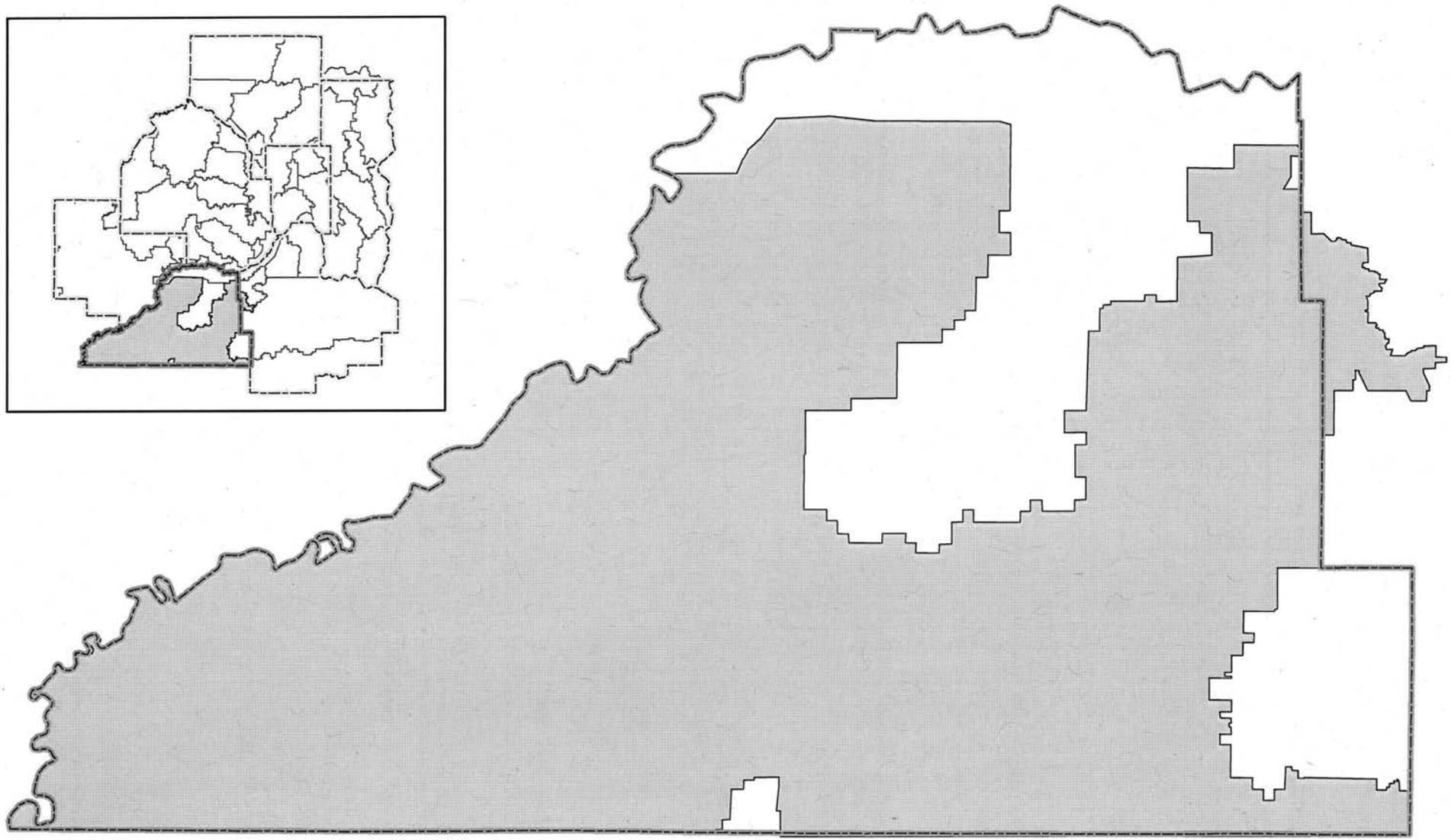
The Board hereby orders that the South Washington Watershed District and the Valley Branch Watershed District be enlarged according to the Petitions, and Exhibits A of said Petitions attached herewith to this Order and fully incorporated herein, and that the number of managers for the South Washington Watershed District be increased from five (5) to seven (7), contingent on the dissolution of the Lower St. Croix Watershed Management Organization occurring within three months from the date of this Order. The Board further orders that the Watershed Management Plans for the South Washington Watershed District and the Valley Branch Watershed District be amended within one year of the date of this Order to include the Petitioned Areas.

Dated at Saint Paul, Minnesota this 27th day of May, 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Randy Kramer, Chair

Scott Water Management Organization



Scott WMO

Metro WDWMOs

Metro Counties

Minnesota Board of Water & Soil Resources
WWW.BWSR.STATE.MN.US
May 2009

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 **Scott Watershed Management Organization**, pursuant to Minnesota Statutes Section 103B.231, Subdivision 9.

ORDER APPROVING WATERSHED MANAGEMENT PLAN

Whereas, the Board of Commissioners of the Scott Watershed Management Organization (SWMO) 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 Management Organization Establishment.** The SWMO became necessary after the failure of four WMO's in 1996 which had originally been established under the Metropolitan Surface Water Management Act. Scott County resolved to take over water planning activities in the areas previously addressed by the Sand Creek, Shakopee Basin, Southwest Scott, Credit River, and portions of Prior Lake-Spring Lake watershed management organizatons in July 2000.

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 SWMO watershed management plan was approved by Board order dated January 28, 2004. The watershed management plan may be revised according to Minnesota Statutes Section 103B.231, Subd. 9.

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

4. **Plan Development and Review.** The previous SWMO Plan extended five years whereas most watershed management organization plans dictate the maximum ten year expiration. The draft revised Plan was submitted to the Board, other state agencies, and local governments for the 60-day review on August 23, 2008. A public hearing was held on December 2, 2008. On January 9, 2009, 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 March 27, 2009.

5. **Local Review.** The SWMO distributed copies of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7.

Scott County Public Works Division. Public works recommended, based on their research of cost benefits associated with achieving proposed water quality standards and minimal water quality improvement, that the WMO consider changing the water quality ponding standard from NURP standards to MPCA's NPDES general construction permit standards. SWMO revised the standard accordingly.

City of Prior Lake. The City recommended a simplification of the stormwater crediting calculations and the rules overall. SWMO modified several crediting calculations and agreed to explore ways to format the rules differently. The City agreed with the proposed process for updating and approving local water plans and recommended the process be as flexible as possible. Prior Lake expressed serious concern about the regulatory fallout of TMDLs and the potential for multi-tiered overlay districts for MS4s, each with its own waterbody-specific design and management framework. SWMO shares their concern and as a result created an action item in the Plan to assess the feasibility and benefits of pollutant trading. The City recommended the SWMO regularly assess its flood model and assure that no additional risk is being placed on existing infrastructure and property downstream through upstream development. SWMO cited a number of modeling efforts and FEMA floodplain updates to address this concern, but expects LGUs to identify issues in their local water plans. SWMO will then consider assisting LGUs in addressing microscale hydrologic analyses with cross jurisdictional origins or impacts. The City believes a more thorough understanding of rate and volume control is needed particularly for undeveloped drainage systems. SWMO listed a number of strategies included in the Plan to address this concern. Prior Lake recognized the need to discuss development in the proposed annexation areas. SWMO will require LGUs to consider this issue in their local water plan update. The City wished to discuss timing for adopting a rule to address septic systems in city wellhead areas. SWMO agreed to discuss this issue at Technical Advisory Committee and/or special meetings with the city.

Credit River Township. The Township requested more guidance regarding the street sweeping assessment requirement, and recommended that it be done only on urban road sections and only once annually in the spring. SWMO stated that specifics are included in the Plan and that the specifics require LGUs assess their own needs with an emphasis on early spring sweeping and more intensive sweeping in shoreland areas that LGUs consider priority waterbodies. To remain consistent with a proposed SWMO strategy, the Township recommends adopting the MPCA NPDES General Construction Permit as the basic standards. Originally opposed to the suggestion but upon reconsideration after the 45-day comment period, SWMO revised the standard in the Plan as recommended. The

Township requested consideration of minimum access path width, minimum drainage and utility easement width, and maximum slope for stormwater infrastructure. SWMO leaves these specific features to each LGU's discretion. SWMO standards do require maintenance provisions for stormwater facilities, but only encourage LGUs to adopt minimum standards or produce design manuals outlining these types of issues. Credit River Township inquired about the degree of modeling the WMO will do to comply with Minnesota Statutes Section 103B.235. SWMO responded by noting several modeling efforts and regional ponding studies ongoing or recently completed, the results of which will be made available to all LGUs. The finer detailed subwatershed modeling can be undertaken by the LGUs.

Spring Lake Township. The Township noted a referencing error in the stormwater standard and claimed it difficult to follow, which SWMO corrected and reformatted accordingly. SWMO anticipates updating the guidance document once the new Plan and standards are adopted. The Township felt that the stormwater standard applies more stringent stormwater controls to unincorporated areas than to incorporated areas, resulting in larger stormwater areas. SWMO disagreed with the opinion that the difference is arbitrary since the rationale for this difference was included in the previous Plan and vetted in the previous Standards and Rulemaking processes. The basic premise and justification has to do with whether or not a managed stormwater infrastructure system is in place. SWMO added a narrative to the standards section of the Plan justifying the rationale. The Township believes the required assessment of potential downstream impacts for developments greater than 20 acres within the stormwater standard is unmanageable and too costly. SWMO has adopted guidance since rules were adopted in 2005 that in effect reduces the amount of effort required to complete this analysis. SWMO determined the rule thresholds based on the potential impervious surface created. The Township requested the WMO reduce the maximum buffer width to 45 feet due to the restrictive nature of a large setback. SWMO agreed with the recommendation after the 60-day comment period, however later changed the standard back to 65 feet upon reconsideration. The Township noted that the WMO policy for wetland replacement siting criteria is more restrictive than the Wetland Conservation Act and requests defaulting to WCA. SWMO stated that it was included in the previous plan. However review of the current WCA rule revealed that siting criteria was virtually the same as the WMO's and therefore SWMO agreed to delete the policy and defer to WCA.

Scott Soil and Water Conservation District. The Scott SWCD recommended the buffer width requirement be no less than 65 feet for wetlands categorized as "preserve", or if less than 65 feet to remove the buffer averaging provision. Based on numerous studies, SWMO concurred with the comment and retained the width at 65 feet and allowing buffer averaging.

6. **Metropolitan Council Review.** The Council stated the Plan appears to be consistent with their *Water Resources Management Policy Plan.*

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 did not comment on the Plan.

10. **Pollution Control Agency Review.** PCA stated that the Plan fully addresses impaired waters in the watershed but requested the WMO rank each impaired waterbody to assist PCA with prioritization of future TMDLs. SWMO added language to the Plan clarifying the intent to work with PCA's TMDL schedule. WMO staff estimate that monitoring efforts have cost approximately $100,000, which represents a substantial local contribution toward the completion of future TMDLs. PCA commended the WMO for establishing exceptional stormwater standards, however recommended adding a couple of definitions and listing certain acronyms. SWMO incorporated the suggested changes in the Plan. PCA recommended additional detail related to the WMO's approach to septic system compliance. SWMO explained that this issue was assessed in the "needs assessment matrix" and gaps analysis in the Plan. The conclusion is that nonconforming septic systems were not identified as a priority problem for the WMO and that existing programs address the problem. SWMO also recognizes that TMDL studies may result in identification of problematic systems and would amend the Plan accordingly at that time. PCA also requested more discussion on feedlots including implementation strategies to address problem sites. Scott County is a delegated county for feedlot regulation and therefore no gap was identified for the WMO. Further, feedlots were not selected as an issue by citizens or agencies in the early part of the planning process, possibly due to the decline in animal agriculture in the county. SWMO provides cost share funds for feedlot fixes and added Plan language to clarify the intent to more closely consider them if identified as issues through TMDLs or other diagnostic studies. PCA stated that the Plan adequately addresses wetland issues. The PCA encouraged the SWMO to submit water quality data for inclusion in STORET and the SWMO responded that it currently submits the data as requested.

11. **Department of Transportation Review.** MNDOT asked if the trigger for the stormwater standard could be presented upfront in Section 1, which SWMO added. MNDOT inquired about the applicability of the stormwater standard to linear projects. This comment resulted in the rewording of the standard to indicate "project area" rather than the "site". Linear projects exceeding the threshold are subject to the stormwater standard. MNDOT questioned the limits regarding the volume control standard. SWMO explained that the limits are determined by the downstream analysis requirements. No change was made to the Plan in response to this comment. MNDOT requested they be listed as the Wetland Conservation Act Local Government Unit (LGU) for its projects within their right-of-way and the SWMO responded by making the requested revision. MNDOT noted that a number of issues identified in the planning process relate to agriculture, but it appeared unclear how those issues will be addressed in the Goals/Policies and Implementation Sections. SWMO's response was an explanation of the relevant planning processes and an extensive list of goals, policies, and strategies addressing the agricultural related issues. No change in the Plan was made in response to this comment.

12. **Board Review.** Board staff recommended adding the following to the Plan: a description of citizen input, a self assessment of implementation of the previous plan, start and completion dates for several implementation strategies, a statement that all or

indicate which parts of the Plan may be adopted by reference by LGUs for their local water plans, language that is more outcome based for several implementation strategies, maintenance standards, inclusion of two maps that are referenced but missing from the document, a list of all revenue sources intended to be utilized for each program and project, and a list of communities who serve as LGU for the Wetland Conservation Act. SWMO responded by making these recommended revisions to the Plan. Board staff commented that a more substantial assessment of the adequacy of the proposed capital improvement projects be completed based on the results of completed studies and inventories. SWMO staff disagreed with the comment stating that results of the completed geomorphic assessment constitutes a substantial assessment, and was sufficient for the SWMO to make an informed decision of creating a buffered environment as described in the Goals, Policies, and Strategies section of the Plan. SWMO also believes that capital improvements will be adequately addressed and implemented through various SWMO cost share programs, periodic plan amendments incorporating large scale projects as identified in future modeling efforts and TMDL studies, and through the requirement of LGU capital improvement project assessments in local water plans. Board staff expressed concern that the Plan falls short of fully describing the WMO role in the development of future TMDLs. SWMO staff strongly disagree that the Plan falls short of describing the role by citing Plan strategies indicating their willingness to work with the PCA to complete TMDLs, by identifying PCA's proposed TMDL schedule, and orienting their monitoring efforts to provide some support. SWMO added language to Sections 3 and 5 further clarifying the WMO's overall approach to TMDLs. In response to BWSR staff comment, SWMO added an analysis of the financial impact on LGUs administering the regulatory controls of the WMO standards. In both comment letters, Board staff requested more specificity on the SWMO oversight of local water plan compliance, implementation, and LGU reporting. SWMO responded by outlining the annual LGU review protocols and consequences for noncompliance. Board staff recommended refining Table 5.2 to reflect all responsible stakeholders/LGUs so that it is clear to LGUs what must be included in their local water plans. Board staff asked for cost estimates for several strategies missing this component and clarification on the "Targeted project implementation" strategy to indicate whether it includes funding for technical assistance and staff time or just project construction costs. SWMO adequately addressed this comment. Board staff pointed out that summaries of the annual LGU review meetings must be included in the annual WMO activities reports.

13. **Plan Summary and Highlights.** The Plan outlines a collaborative approach to achieving the WMO's "green infrastructure vision." Overall the Plan is well thought out, provides a thorough assessment of issues, and is an excellent mix of structural, non-structural, and programmatic solutions. The highlights of the revised Plan include:

- Short and long term metrics to assess progress and performance, and a schedule for assessing the metrics to improve accountability, and make midcourse adjustments as needed. SWMO will review the implementation section and if necessary update the Plan through amendments every two years.

- Extensive Capitol Improvement Program containing specific details for cost share programs with a projected budget of $7.8 million over the next ten years.

- A strategic, targeted approach to resource management and conservation.

- Exemplary rules, standards and Permit program, particularly for stormwater management.

- The Water Plan Update was completed in conjunction with the County Comprehensive Land Use Plan Update in order to take advantage of the authorities of both processes to have land use management align with water management.

- Completion of a model benchmarking (self-assessment) exercise and a matrix used to identify gaps in current programs and regulations for prioritization purposes.

- Collaborative approach to educating the public and stakeholders via creation of the Joint MS4 Education Plan reducing redundancy and duplicative efforts in the county.

14. **Metro Water Planning Committee Meeting.** On May 6, 2009, the Board's Metro Water Planning Committee and staff met with representatives from the SWMO in St. Paul to review and discuss the Plan. Those in attendance from the Board's Committee were Rebecca Flood, 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. Representatives from the SWMO included SWMO Administrator Paul Nelson and Senior Planner Melissa Bokman. Board staff recommended approval of the Plan. After discussion, the Committee voted 5-0 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 Scott Watershed Management Organization pursuant to Minnesota Statutes Section 103B.231, Subd. 9.

3. The Scott Watershed Management Organization Watershed Management Plan attached to this Order defines water and water-related problems within the Scott Watershed Management Organization'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 March 2009 as the Watershed Management Plan for the Scott Watershed Management Organization.

Dated at Saint Paul, Minnesota this 27th day of May, 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

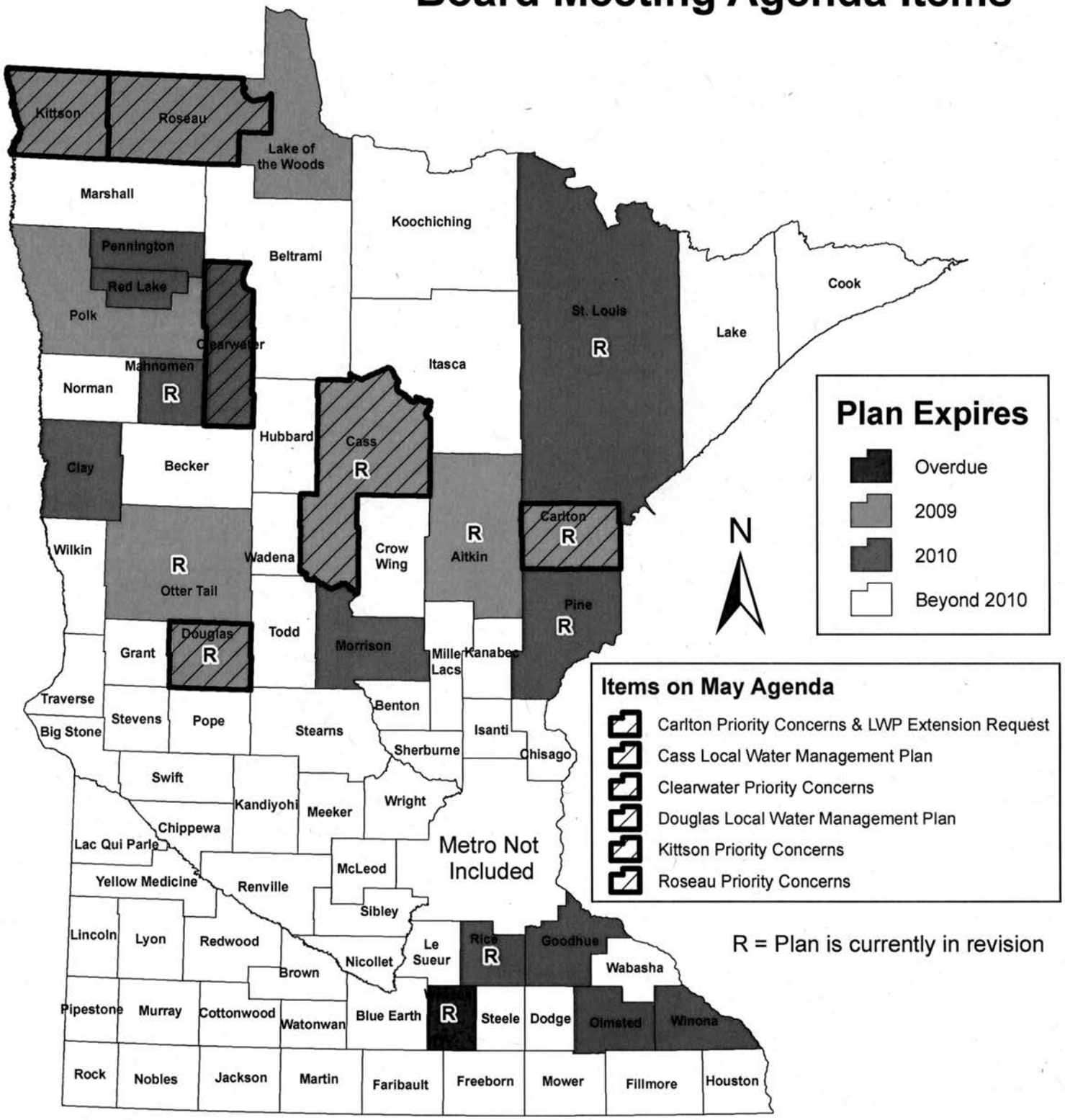
BY: Randy Kramer, Chair

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

1. Carlton County Priority Concerns Scoping Document – ***DECISION ITEM***
2. Carlton County Local Water Plan Extension Request – ***DECISION ITEM***
3. Clearwater County Priority Concerns Scoping Document - ***DECISION ITEM***
4. Cass County Local Water Management Plan Final Review - ***DECISION ITEM***
5. Douglas County Local Water Management Plan – ***DECISION ITEM***
6. Kittson County Priority Concerns Scoping Document - ***DECISION ITEM***
7. Roseau County Priority Concerns Scoping Document - ***DECISION ITEM***

County Water Plan Expirations
&
Board Meeting Agenda Items



map updated: May 2009

DATE: March 26, 2009

TO: BWSR Northern Region Planning Subcommittee

FROM: Ryan Hughes, BWSR Board Conservationist

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

The expiration date of the current Carlton County Local Water Plan (LWP) is June 26, 2009. On April 8, 2008 the Carlton County Board of Commissioners adopted a resolution to commit to revise and update the Carlton County LWP. Carlton County has actively sought input for their PCSD since April 18, 2008. On August 12, 2008 the Carlton County Board of Commissioners approved the Carlton County Water Plan Task Force to coordinate the LWP update process.

Priority Concerns Input Process

Carlton County received responses from the following entities after requesting input for priority concerns:

- Carlton County
- Carlton County Soil and Water Conservation District (SWCD)
- City of Thomson
- Chub Lake Association
- Hanging Horn Lake Association
- Tamarack Watershed Group
- Fond du Lac Environmental Program
- Minnesota Board of Water and Soil Resources (BWSR)
- Minnesota Department of Health (MDH)
- Minnesota Department of Natural Resources (DNR)
- Minnesota Pollution Control Association (MPCA)
- Pine County SWCD

Carlton County also developed the following processes to receive public input related to water resources priority concerns:

- Distributed a citizen survey at the Carlton County Fair (56 responses)
- Website Survey (12 responses)
- Various Public Meetings (13 responses)

The responses to the public input processes are summarized in the PCSD.

Selected Priority Concerns

Based on the input received through the public input process the Carlton County Water Plan Task Force selected the following three priority concerns:

1. Water Quality in County Lakes, Rivers and Streams
2. Development Impacts and Land Use
3. Promote and Educate the Public about the County's Water Resources

On November 19, 2008 Carlton County distributed the PCSD to the appropriate state agencies for review. The comments are summarized as follows:

MPCA

The agency strongly recommended the County target South Island Lake as a priority for TMDL development and the Nemadji River Watershed as a clear priority in the CWMP. In addition, the agency offered consideration of the Total Maximum Daily Loads and Environmental Data Access System information when drafting the CWMP.

MDH

The agency concurs with the priority concerns identified. The agency felt the process followed to identify the priority concerns was adequate. The MDH commended Carlton County for recognizing the value of protecting and preserving groundwater.

DNR

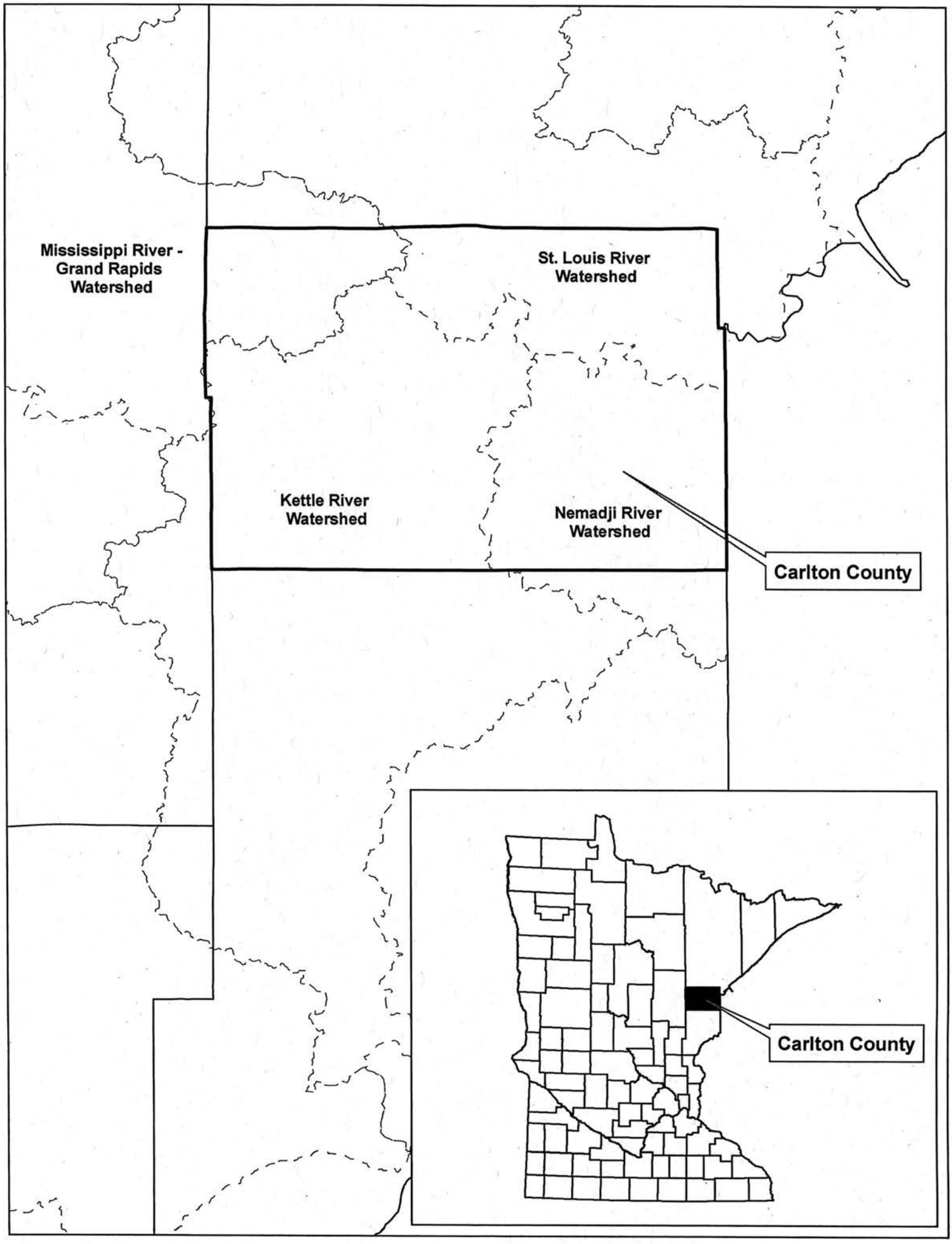
The DNR Duluth/Carlton Area Team reviewed the document and did not have any comments.

MDA

The MDA did not have any comments.

Board Conservationist's Recommendation

The Carlton County PCSD satisfies the requirements of M.S. 103B.312, therefore I recommend the BWSR Northern Region Planning Subcommittee approve the Carlton County PCSD as submitted and forward this document to the full board for approval.


Mississippi River -
Grand Rapids
Watershed
St. Louis River
Watershed
Kettle River
Watershed
Nemadji River
Watershed
Carlton County
Carlton County

Minnesota Board of Water & Soil Resources

May 27, 2009

Carlton County Board of Commissioners
c/o Heather A. Cunningham
P.O. Box 220
301 Walnut Avenue, Room 101
Carlton, MN 55718

Dear Carlton County Commissioners,

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

Pursuant to M.S. Section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns that Carlton County has chosen to address in the update of their Local Water Plan. The Board of Water and Soil Resources, along with the state review agencies, received the Carlton County Priority Concerns Scoping Document (PCSD) on November 24, 2008. The North Water Planning Committee (hereinafter referred to as Committee) met on April 8, 2009, to discuss the state review agency comments, the content of the PCSD and recommendations for the content of the final plan.

The Committee commends the county for the process they used to select the priority concerns to be addressed by the plan. The Committee requested more participation with the local paper mills in the development of the final plan and encourages the county to submit the final plan for board approval within six (6) months of receiving this letter.

Sincerely,

Randy Kramer
Chair

cc: Ron Shelito, BWSR
David Weirens, BWSR
Ryan Hughes, BWSR
Rebecca Flood, MPCA
Beth Kluthe, MDH
Eunice Luedtke, DNR
Becky Balk, MDA

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DATE: March 26, 2009

TO: BWSR Northern Water Planning Committee

FROM: Ryan Hughes, BWSR Board Conservationist

SUBJECT: Carlton County Local Water Plan (LWP) Extension Request

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The Carlton County Board of Commissioners adopted a resolution requesting an extension to the Carlton County LWP at their February 10, 2009 meeting. Carlton County submitted an extension request cover letter and the resolution to the BWSR Board Conservationist February 17, 2009.

Progress has been completed to update the Carlton County LWP but has been delayed due to a maternity leave by the Carlton County staff coordinating the update process and a Board Conservationist transition in the Duluth office. Carlton County originally contacted BWSR about the maternity leave September 9, 2008.

Due to the valid circumstances of the delays and the progress completed by Carlton County I recommend approval of the request to extend the expiration date of the Carlton County LWP and that the extension be granted for two years per M.S. 103B.311, Subdivision 4.

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

In the Matter of Extending the Local Water Plan For Carlton County pursuant to M.S. 103B.311, Subdivision 4, Authorizing BWSR to Grant Extensions	**ORDER EXTENDING LOCAL WATER PLAN**

Whereas, Carlton County has a state approved Local Water Plan that is effective until June 26, 2009, pursuant to M.S. 103B.301, and

Whereas, the Board of Water and Soil Resources has authorization to grant extensions pursuant to M.S. 103B.311, Subdivision 4.

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

FINDINGS OF FACT

1. On February 17, 2009 the Board of Water and Soil Resources Board Conservationist received a cover letter and resolution from Carlton County requesting an extension of their Local Water Plan.
2. The Board Conservationist recommended approval of the extension due to the progress completed by Carlton County and valid issues resulting in the delay of the update process.
3. In accordance with Board of Water and Soil Resources Local Water Plan guidance, the extension request must be for two (2) years.

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 Local Water Plan for Carlton County pursuant to Minnesota Statute 103B.311, Subdivision 4.

ORDER

The Board of Water and Soil Resources hereby approves the extension of the Carlton County Local Water Plan until May 27, 2011. Dated at St. Paul, Minnesota, this 27th day of May 2009.

By:_____
Randy Kramer, Chairperson
May 27, 2009

Minnesota Board of Water & Soil Resources

DATE: March 30, 2009

TO: BWSR Northern Subcommittee

FROM: Chad Severts, Board Conservationist

SUBJECT: Review of Clearwater County's Priority Concerns Scoping Document (PCSD)

The original local water management plan was adopted in 1989. This will be the fourth generation of the Clearwater County Local Water Management Plan (LWMP).

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

The update process began on December 11, 2007, when Clearwater County passed a resolution to update the county's LWMP. The current plan update effective date is set to expire March 23, 2010.

The process followed by Clearwater 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.

Clearwater County's priority concern statements were:

1. Surface Water Quality Protection and Enhancement
2. Drinking Water Source Protection
3. Exotic and Invasive Species Management
4. Land Use Impacts on Water Quality

The following was used to develop the PCSD:

- A citizen survey was developed and distributed to all townships and lake associations in the County. Surveys were also made available at the Clearwater SWCD, various County offices, and also made available online at the Districts website. A total of 38 responses were

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received to the survey and the results were as follows.

- Top County Issues: 1) Water Clarity; 2) Erosion; 3) Runoff 4) "Other" was identified a number of times with aquatic invasive species as a concern.
- Most threatened resources: 1) Lakes; 2) Wetlands; 3) Streams/Rivers; 4) Groundwater.
- Additional comments included concerns about chemicals and groundwater contamination, regulations and over-management and wetlands.

- The following priority concerns were submitted by the state agencies mentioned in statute:
  - DNR: 1) Aquatic invasive species; 2) Water level management and preservation of the shallow lakes in Clearwater County.
  - MDH: 1) Protect groundwater-based drinking water sources; 2) Seal unused, unsealed wells; 3) Develop a local ground-water quality data base.
  - MDA: 1) Manure management and ISTS; 2) Agricultural chemical use and potential impacts to unconfined shallow groundwater; 3) Agricultural chemical use and potential impacts to surface water.
  - BWSR: 1) Waters listed as impaired for fecal coliform; 2) Forest Land Management; 3) Land Use Impacts on Lake and Stream Water Quality.
- The following priority concerns were also provided:
  - Red Lake Department of Natural Resources: 1) Land Use Impacts on Water Quality in the Clearwater River; 2) Stormwater Management.
  - White Earth Department of Natural Resources: 1) Ensuring Pollution/runoff is not entering Lower Rice Lake; 2) Wetland protection/education; 3) Groundwater; 4) Surface Water.
- A public meeting was held at the Clearwater County Courthouse on March 18, 2008. Despite efforts to inform the public, nobody showed up at the meeting.
- The LWM Task Force met three times during the writing of the PCSD. At the January 20, 2008 meeting the members voted for their initial top priorities and they are as follows: 1) Finding and implementing solutions to water quality problems; 2) Agricultural activities; 3) Coordination between agencies, government, associations, ect; 4) Buffers for shoreland development; 5) Local awareness/education to solve water problems; 6) Maintain a high quality of life and economic viability. The Task Force approved the final priority concerns and PCSD at the January 7, 2009 meeting.

On February 2, 2009 the PCSD was sent to the required state agencies for review and asked comments to be sent to Ron Shelito by March 2, 2009.

The responses as of March 27, 2009 were:

- February 3, 2009, MDA concurs with the priority concerns and feels the process was commendable.

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- February 4, 2009, DNR concurs with the priority concerns and feels the process was commendable.
- February 3, 2009, MDH concurs with the priority concerns and feels the process was adequate.
- February 27, 2009, MPCA attached the original priority concerns input and would like them added to the PCSD. The information has been added to the Summary of Agency Input section of the PCSD. The following are suggestions for consideration for the final plan. Discussions on the possible pursuit of County feedlot program delegation status. The MPCA also recommends the inventory of feedlots within the county and language addressing finding and fixing feedlot and land application runoff problems adjacent to impaired waters in the County. MPCA encourages the County to fully participate in the development of the TMDL pollutant allocations for impaired waters and the implementation of the plan. The MPCA also encourages the County to consider for the final plan, how additional water quality monitoring may be conducted to provide a more comprehensive assessment of waters in the County.

With the addition of the MPCA priority concern information, I've concluded that the PCSD does meet the requirements of the guidance material provided by the BWSR and that of 103B.312 and 103B.313 subp.1-4.

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Minnesota Board of Water & Soil Resources

May 27, 2009

Clearwater County Commissioners
C/O John Knisley, Clearwater Soil and Water Conservation District
312 Main Ave N Ste 3
Bagley, MN 56621

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

Dear Clearwater County Commissioners:

Pursuant to M.S. section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Clearwater 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 Clearwater County Priority Concerns Scoping Document (PCSD) on February 2, 2009, and asked that comments be sent within 30 days to Ron Shelito, BWSR Regional Supervisor.

A number of water resource concerns were submitted to the Clearwater Local Water Management Task Force. The Task Force chose the following priority concerns that will be addressed in the Water Plan Revision.

1. Surface Water Quality Protection and Enhancement
2. Drinking Water Source Protection
3. Exotic and Invasive Species Management
4. Land Use Impacts on Water Quality

The following state review agencies provided comments pertaining to the priority concerns selection:

- February 27, 2009, MPCA attached the original priority concerns input and would like them added to the PCSD. The information has been added to the Summary of Agency Input section of the PCSD. The following are suggestions for consideration for the final plan. Discussions on the possible pursuit of County feedlot program delegation status. The MPCA also recommends the inventory of feedlots within the county and language addressing finding and fixing feedlot and land application runoff problems adjacent to

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impaired waters in the County. MPCA encourages the County to fully participate in the development of the TMDL pollutant allocations for impaired waters and the implementation of the plan. The MPCA also encourages the County to consider for the final plan, how additional water quality monitoring may be conducted to provide a more comprehensive assessment of waters in the County.

- February 4, 2009, DNR concurs with the priority concerns and feels the process was commendable.
- February 3, 2009, MDA concurs with the priority concerns and feels the process was commendable.
- February 3, 2009, MDH concurs with the priority concerns and feels the process was adequate.

On April 8, 2009, the Northern Regional Local Water Resources Subcommittee (hereinafter referred to as the committee) met with the Clearwater SWCD representatives to discuss local water management activities within Clearwater County, the process used to gather public input, the content of the PCSD, and the state review agency comments and recommendations for the content of the final plan.

Based on the subcommittee's recommendations, the Board of Water and Soil Resources commends Clearwater 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
Becky Balk, MDA
Art Persons, MDH
Mike Carroll, DNR
David Johnson, MPCA
John Wells, EQB

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COMPREHENSIVE LOCAL WATER MANAGEMENT PLAN UPDATE

CASS COUNTY, MINNESOTA

January 2009 – January 2014

FOR INFORMATION CONTACT:

Brent Rud, Water Plan Coordinator
Cass County Environmental Services
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EXECUTIVE SUMMARY

INTRODUCTION

Cass County is pleased to present our fourth generation Comprehensive Local Water Management Plan. This plan is a five-year action strategy designed to achieve County water resource and management goals. This plan is one of four components of a revised Cass County Comprehensive Plan, also including a private land use plan, public land use plan, and public infrastructure plan. First integrated in 2002 these components affords a clear understanding of overall county involvement and strategies, and places the full force of the county, supporting agencies, and groups behind the implementation of its objectives. This plan is in effect in all of Cass County and there are no inconsistencies with any other local, state, or regional plans.

Cass County Environmental Services Department (ESD) is the sole Department charged with writing and implementing this plan. ESD includes planning and zoning administration, subsurface sewage treatment systems (SSTS) regulation, solid waste administration, Soil and Water Conservation District, and other duties as directed by the County Board. The County ordinances regulating these areas are generally written by ESD, adopted by the County Board, and implemented by ESD under the direction of the County Comprehensive Plan and the Local Water Management Plan. The focus of ESD is; land use permit application review, shoreland alteration permit application review, variance application technical review, conditional use permit technical review, SSTS permit application review, plat reviews, stormwater management, shoreline buffer restorations, education and consultation with citizens and industry professionals, enforcement, and every day customer service.

We continue to recognize that our greatest asset is our immense and varied natural resource base. We also recognize that these high quality resources provide a unique opportunity for development and growth. We must place the highest priority on maintaining and preserving the unique environment of the County by tempering growth through wise management. To date there is only one identified impaired water (Lake Margaret) in Cass County. The local water management plan is mainly written as a protection strategy for maintaining the quality of our natural resources. Cass County is currently working towards a complete protection strategy for our surface waters beginning with the 17-lake LCCMR-funded DNR Sensitive Area Study and the BWSR-funded Enhanced Water Planning Large Lake Water Quality Trend Assessment Project. There are many additional projects that could benefit our understanding of how to better protect our natural resources. We will find funding sources to attain the goals in this local water management plan from DNR, MPCA, BWSR, EPA, the Initiative Foundation, Clean Water Legacy, LCCMR, Lessard Outdoor Heritage Council, and any other available source.

PURPOSE OF THE LOCAL WATER MANAGEMENT PLAN

- Identify existing and potential problems and opportunities for the protection, management, and development of water and related land resources
- Preserve the pristine quality of the county's ground and surface waters and, where degradation has occurred, provide for water quality restoration
- Monitor water quality, use, and availability
- Develop objectives and carry out a plan of action to promote sound hydrologic management, effective environmental protection
- Provide coordinated and efficient delivery of environmental services to assure the long term protection of water resources and watersheds

PRIORITY CONCERNS

Cass County ESD has identified three key areas or priority concerns during the development of the Priority Concerns Scoping Document (Appendix 1). How we address those concerns into the future may change from how they were addressed in the past but these are the priority areas that will continue to receive attention in the every day activities of Cass County ESD.

- Groundwater protection
- Surface water protection
- Education

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Cass County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on March 3, 2009, 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 18, 2008, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Cass County, pursuant to M.S. Section 103B.312.

2) On May 14, 2008, the BWSR North Region Water Plan Review Committee met with representatives of Cass County to review the Priority Concerns Scoping Document.

3) On May 28, 2008, the Board of Water and Soil Resources approved official comments on the Cass County Priority Concerns Scoping Document, which were mailed to the county on May 28, 2008.

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

- Ground Water Quality Protection
- Surface Water Quality Protection
- Education and Information

5) On March 3, 2009, the BWSR received the **Cass** 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 April 8, 2009, the North Region Water Plan Review Committee of the board reviewed the recommendations of the state review agencies regarding final approval of the Cass County Plan Update. Recommendations of the state review agencies were:
   A) Minnesota Pollution Control Agency: recommended approval;
   B) Minnesota Department of Agriculture: recommended approval;
   C) Minnesota Department of Health: recommended approval;

D) Minnesota Department of Natural Resources: recommended approval;
E) Minnesota Board of Water and Soil Resources staff: recommended approval;
F) Board Water Plan Review Committee recommended approval.

7) This update will be in effect for a five year period until May 27, 2114.

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 Cass County pursuant to Minnesota Statutes, 103B.315, Subd. 5.

2. The Cass 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 Cass County Local Water Management Plan – May 27, 2009 to May 27, 2014.

Dated at St Paul, Minnesota, this twenty-seventh day of May 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

Board Conservationist Summary and Recommendation of the Douglas County Comprehensive Local Water Management Plan

The development of the final draft plan utilized a Priority Concerns Scoping Document, which was submitted December 14, 2007 to BWSR. These four priorities are;

- Development Pressures and Land Uses;
- Natural Habitat Destruction;
- Wastewater and Stormwater Management; and
- Water Quality.

The Northern Regional Water Management Subcommittee met to discuss state agencies review comments, the content of the PCSD and recommendations for the content of the final plan. Pursuant to M.S. section 103B.313, subdivision 5, BWSR's March 27, 2008 letter communicated the State's official comments pertaining to the priority concerns chosen by Douglas County. BWSR in its comments commended Douglas County for the process used to select the concerns and did not recommend or require any changes to the PCSD.

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

Douglas County submitted the final draft of the LWMP on February 11, 2009 for state agency review. Agency comments were to be sent to Ron Shelito, BWSR Regional Supervisor. The required public hearing was held February 17, 2009.

MPCA, DNR MDH and MDA correspondence recommended approval.

BSWR staff reviewed the draft final plan and found to it contain all requirements of M.S. 103B.314 for content and consistency with the previously reviewed PSCD and recommends approval.

The Northern Regional subcommittee of the Board met April 8th. The subcommittee recommends approval of the final plan.

Submitted by: Pete Waller

Douglas County

Comprehensive Local Water Management Plan

2009-2019

Implementation Plan Update: 2014

Douglas Soil and Water Conservation District
900 Robert Street, Suite 102
Alexandria, MN 56308
www.DouglasSWCD.com

I. Executive Summary

Background

Douglas County is located in west-central Minnesota approximately 130 miles northwest of Minneapolis. Rich in water resources, Douglas County is home to over 200 lakes over 40 acres in size. The City of Alexandria serves as the county seat nestled within the Chain of Lakes area. The county's population in 2005 was estimated at 35,467, an 8.1% increase since 2000, and it is projected that the population will increase 41% by 2030. Douglas County experiences the common struggle of working to accommodate rapid growth and development while protecting valuable water resources. Agriculture, in the form of cultivated land, is the dominant land use within the county.

This is the fourth revision of the Douglas County Comprehensive Local Water Management (LWM) Plan and the first revision done by the Douglas SWCD. This plan will become effective upon final approval by the Board of Soil and Water Resources and after official adoption by the Douglas County Board of Commissioners. The LWM Plan will be in effect through 2019 and covers the entire county.

Purpose

The goal of the Douglas County Comprehensive Local Water Management (LWM) Plan is to serve as a guide for resource protection and preservation in Douglas County for the next 10 years. An assessment of the progress made toward the completion of the goals will be done after the first five years and any necessary revisions will be made at that time.

The Douglas County LWM Plan is developed and written under the legislative authority of the "Comprehensive Local Water Management Act" (Minnesota Statutes sections 103B.301 to 103b.355). The purpose of the Douglas County Comprehensive Local Water Management Plan is to:

- Identify existing and potential problems and opportunities for the protection, management, and development of water and related land resources;
- 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.

Description of Priority Concerns - Summary of Goals & Actions

Priority Concerns, as defined by M.S. 103B.305, subd. 5, are issues, resources, subwatersheds, or demographic areas that are identified as a priority by the plan authority. The priority concerns for Douglas County were selected after tabulating survey responses, reviewing agency comments,

and through discussion with the Water Plan Task Force. See the Priority Concerns Scoping Document for more detailed information about the selection process (Appendix A). The Priority concerns are: Development Pressures and Land Use, Natural Habitat Destruction, Waste and Stormwater Management, and Water Quality. Education and outreach will be a component of each priority concern and therefore are not listed as separate concerns. A complete assessment of each Priority Concern as well as Goals, Objectives and Action items can be found in later sections of this Plan.

Development Pressures and Land Use

Douglas County is continuing to experience strong residential and commercial development pressures. The LWM Plan seeks to strategically plan for continued growth while protecting the County's natural resources. The goal is to balance open space and development in Douglas County in such a way as to maintain and/or improve the region's water quality. The following is a partial list of the intended action items:

- Incorporate the LWM Plan into the updated County Comprehensive Plan
- Promote the use and updating of the sensitive areas maps
- Create incentives for conservation developments
- Protect shore impact zones (SIZ), define intensive clearing, prohibit filing of wetlands in SIZ
- Assist with the evaluation of preliminary plats as needed, encourage low impact development (LID)

Projected Total Cost: $ 248,500

Natural Habitat Destruction

Natural fish and wildlife habitat has been declining with development sprawling into more rural parts of the county, around natural environment lakes and large wetlands, and with the conversion of agricultural land to rural housing. The goal is to preserve, restore, and enhance natural habitat in Douglas County. The following is a partial list of the intended action items:

- Encourage surface water zoning for the protection of aquatic habitat, vegetation, and lake bottom sediment
- Consider all wetlands in Douglas County to be high priority and work to further restrict wetland impacts
- Work with Douglas County Land and Resource Management (LRM) to update ordinances to include surface water restrictions on shallow basins or bays of larger lakes
- Work to restore large drained lake basins (Crooked Hansford lakes or others)
- Research the feasibility of establishing a county tax incentive for installing, restoring and maintaining shore line buffers
- Assist the DNR and other organizations with exotic species control and education

Projected Total Cost: $ 378,000

Waste and Stormwater Management

As the population of Douglas County increases, so do the impacts waste and stormwater have on the overall water quality of the region. Large populations increase the need for higher capacity sewage treatment facilities. As current infrastructure ages, there may be an increase in the amount failing septic systems. The construction of buildings, roads, and parking lots increases the amount of impervious surface. The result is an increase in runoff and erosion that can cause negative changes to stream flow, aquatic habitat, and water quality. The goals are to improve waste and stormwater runoff management in Douglas County. The following is a partial list of the intended action items:

- Encourage the use of pervious pavement systems and proper maintenance
- Promote the use of BMPs in commercial, residential, and agricultural settings to reduce sediment and nutrient loading
- Enhance the awareness of stormwater issues by implementing storm drain marking projects
- Require SSTS inspections within five years in all shoreland zoning districts
- Purse grants and low-interest loans to assist with SSTS upgrades
- Educate property owners on proper septic system maintenance

Projected Total Cost: $2,972,000

Water Quality

The LWM Plan recognizes that there are a myriad of issues that contribute to the degradation of water quality. Many of these issues are examined in more length in the previously listed Priority Concerns. However items such as trend analysis of lake data, advanced water quality monitoring, ground water protection plans, and participation in the TMDL process for the ever increasing amount of listed impaired water bodies have not yet been addressed elsewhere in the Plan. The goals that the LWM plan focuses on include: protecting and maintaining surface water quality from further degradation; improving or restoring impaired surface waters; and protecting and maintaining ground water resources. The following is a partial list of the intended action items:

- Collect water quality data on currently unmonitored lakes
- Assist lake associations with lake management plans
- Encourage lakeshed based planning
- Assist with the development of TMDL studies and implementation plans
- Provide technical advice and assist in the coordination of water quality improvement efforts
- Develop plans to protect ground water quality and quantity

Projected Total Cost: $259,000

Consistency with Other Plans

A number of plans were considered in the development of this plan. The Douglas County Comprehensive Local Water Management Plan is consistent with other local and state plans.

Local Water Management Plans – Todd, Stearns, Otter Tail, Grant, and Pope Counties
Comprehensive Plans – Douglas County
Wellhead Protection Plans – Alexandria, Carlos, Evansville, and Osakis
Stormwater Pollution Plan - Alexandria

Recommendations to Other Plans and Official Controls

The Minnesota Department of Natural Resources (DNR) oversees the Shoreland Management program. 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.

The Douglas County LRM has a Joint Powers agreement to permit and inspect NPDES construction sites. Given the significant impacts that can occur if the permits are not followed, it is important that an assertive inspection and enforcement program remains in effect. It is recommended that the MPCA continues to fund this program on an ongoing basis.

The MPCA has given responsibility of administering the feedlot program to Douglas County. It is recommended that the County continue with the county delegation for the feedlot program.

In the November 2008 election, Minnesotans approved a constitutional amendment (Minnesota Constitution, Article XI, Sec. 15) dedicating sales tax funds to outdoor heritage, clean water, parks and trails, and arts and cultural heritage effective July 1, 2009 to June 30, 2034. It is the recommendation of this plan that these dedicated funds be used to supplement, not replace the current funding mechanisms and state appropriations regardless for the economic status of the state. It is also recommended that these dedicated funds be awarded to specific projects or credible organizations based on sound science, logic, and environmental benefit to the state.

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Douglas County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on September 28, 2009, 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 14, 2007, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Douglas County, pursuant to M.S. Section 103B.312.

2) On March 27, 2008, the Board of Water and Soil Resources provided official comments on the Douglas County Priority Concerns Scoping Document, which were mailed to the county on March 27, 2008.

3) The priority concerns the local water management plan addresses include:
   - Development Pressures and Land Uses;
   - Natural Habitat Destruction
   - Wastewater and Stormwater Management
   - Water Quality

4) On February 11, 2009, the BWSR received the Douglas County Plan Update, a record of the February 17, 2009 public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5) On April 8, 2009, the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Douglas County Plan Update. Recommendations of the state review agencies were:
   A) Minnesota Department of Agriculture: 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, 2019; with the Goals, Objectives and Action Items amended by December 31, 2014.

CONCLUSIONS

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

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

ORDER

The Board hereby approves the attached update of the Douglas County Comprehensive Local Water Management Plan through December 31, 2019; with the Goals, Objectives and Action Items being amended prior to December 31, 2014.

Dated at St Paul, Minnesota, this twenty-seventh day of May 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

DATE: March 23, 2009

TO: BWSR Northern Subcommittee

FROM: Chad Severts, Board Conservationist

SUBJECT: Review of Kittson County's Priority Concerns Scoping Document (PCSD)

The original local water management plan was adopted in 1990. This will be the fourth generation of the Kittson County Local Water Management Plan (LWMP).

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

The update process began on June 3, 2008, when Kittson County passed a resolution to update the county's LWMP. The current plan update effective date is set to expire December 31, 2009.

The process followed by Kittson County in the development of their PCSD provided opportunity for local, state, and federal agencies and governments to submit priority concern input regarding water related management issues and concerns.

Kittson County's priority concern statements were:

1. Land Use
2. Surface Water
3. Ground Water

The following was used to develop the PCSD:

- An article explaining the CLWP and the update process were included in the Northland Conservation Newsletter in August. A citizen survey was included in the newsletter that was distributed to 2,300 landowners in Kittson County. Surveys were also available at the SWCD and County Land and Water Planning Office. No surveys were returned to the SWCD.
- The following priority concerns were submitted by the state agencies mentioned in statute:
  - DNR: 1) Erosion and Sedimentation; 2) Flood Damage Reduction; 3) Protect Groundwater Resources
  - MDH: 1) Protect groundwater-based drinking water sources; 2) Seal unused, unsealed wells; 3) Develop a local ground-water quality data base

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- MPCA: 1) Impaired Waters/Total Maximum Daily Loads (TMDL); 2) Stormwater Issues; 3) Feedlot Compliance – finding/fixing feedlot and land application runoff problems; 4) Subsurface Sewage Treatment Systems and Unsewered areas
- MDA: 1) Address flooding issues to improve water quality; 2) Improve drainage infrastructure and implement conservation drainage practices to improve water quality; 3) Manure management and individual septic treatment systems; 4) Agricultural chemical use and potential impacts to unconfined shallow groundwater
- BWSR: 1) Flood Damage Reduction; 2) Erosion and Sediment Control; 3) Natural Resource Preservation and Restoration in the Beach Ridge Area of the County

- The following priority concerns were also provided:
  - Two Rivers Watershed District: 1) Flood Control; 2) Water Quality; 3) Natural Resource Enhancements
  - Kittson County Environmental Services: 1) Flooding
- The WRAC referenced the existing Kittson County Comprehensive Local Water Management Plan and the plans for the Two Rivers Watershed District and the Roseau River Watershed District in the selection of priority concerns.

On December 30, 2008 the PCSD was sent to the required state agencies for review and asked comments to be sent to Ron Shelito by January 30, 2009.

The responses as of January 30, 2009 were:

- January 23, 2009, MPCA concurs with the priority concerns identified, but recommends that the County be a partner in the TMDL process and determines where the Kittson SWCD/LWM Plan fits in the process. The MPCA recommends language in the final plan addresses locating and fixing feedlot and land application runoff problems adjacent to impaired waters in the County. Also recommended is listing specific reaches of impaired waters as priorities for surface water activities.
- January 9, 2009, DNR concurs with the priority concerns but would like to see a paragraph added that would describe the conservation value of public lands in the County. DNR would also like to be listed as cooperator for the following activities: public education on riparian buffer establishment; development of best management practices for Surface Water; developing and reviewing the ground water data base.
- January 3, 2009, MDH concurs with the priority concerns.
- January 8, 2009, MDA concurs with the priority concerns and feels the process was commendable.

Based on my review of the Kittson 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.

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Minnesota Board of Water & Soil Resources

May 27, 2009

Kittson County Commissioners
C/O Holly Anderson, Kittson Soil and Water Conservation District
410 S 5th St Ste 106
Hallock, MN 56728

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

Dear Kittson County Commissioners:

Pursuant to M.S. section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Kittson 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 Kittson County Priority Concerns Scoping Document (PCSD) on December 30, 2008, and asked that comments be sent within 30 days to Ron Shelito, BWSR Regional Supervisor.

A number of water resource concerns were submitted to the Kittson Water Resource Advisory Committee(WRAC). The WRAC chose the following priority concerns that will be addressed in the Water Plan Revision.

1. Land Use
2. Surface Water
3. Ground Water

The following state review agencies provided comments pertaining to the priority concerns selection:

- January 23, 2009, MPCA concurs with the priority concerns identified, but recommends that the County be a partner in the TMDL process and determines where the Kittson SWCD/LWM Plan fits in the process. The MPCA recommends language in the final plan addresses locating and fixing feedlot and land application runoff problems adjacent to impaired waters in the County. Also recommended is listing specific reaches of impaired waters as priorities for surface water activities.
- January 9, 2009, DNR concurs with the priority concerns but would like to see a

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paragraph added that would describe the conservation value of public lands in the County. DNR would also like to be listed as cooperator for the following activities: public education on riparian buffer establishment; development of best management practices for Surface Water; developing and reviewing the ground water data base.

- January 8, 2009, MDA concurs with the priority concerns and feels the process was commendable.
- January 3, 2009, MDH concurs with the priority concerns.

On April 8, 2009, the Northern Regional Local Water Resources Subcommittee (hereinafter referred to as the committee) met with the Kittson SWCD representative to discuss local water management activities within Kittson County, the process used to gather public input, the content of the PCSD, the state review agency comments and recommendations for the content of the final plan.

Based on the subcommittee's recommendations, the Board of Water and Soil Resources commends Kittson 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
Becky Balk, MDA
Art Persons, MDH
Mike Carroll, DNR
David Johnson, MPCA
John Wells, EQB

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Minnesota Board of Water & Soil Resources

DATE: March 23, 2009

TO: BWSR Northern Subcommittee

FROM: Chad Severts, Board Conservationist

SUBJECT: Review of Roseau County's Priority Concerns Scoping Document (PCSD)

The original local water management plan was adopted in 1991. This will be the fourth generation of the Roseau County Local Water Management Plan (LWMP).

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

The update process began on June 3, 2008, when Roseau County passed a resolution to update the county's LWMP. The current plan update effective date is set to expire December 31, 2009.

The process followed by Roseau County in the development of their PCSD provided opportunity for local, state, and federal agencies and governments to submit priority concern input regarding water related management issues and concerns.

Roseau County's priority concern statements were:

1. Erosion & Sedimentation of Surface Waters, Stormwater Runoff and Wetlands
2. Flood Control and Flood Damage Reduction
3. Surface Water Quality Improvement and Protection
4. Managing Existing Ditch Systems
5. Groundwater Protection and Quality

The following was used to develop the PCSD:

- An article explaining the CLWP and the update process were included in the Roseau SWCD Newsletter. A citizen survey was included in the newsletter and also made available online at the Districts website. A total of 50 responses were received from the survey and the results were as follows.

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- Top County Issues: 1) Flooding (21 responses); 2) Stormwater/Drainage Management (17 responses); 3) Erosion (13 responses); 4) Declining water clarity (12 responses); 5) Development pressure/impacts (11 responses); 5) Lack of environmental education (11 responses); 5) Contaminated runoff (11 responses); 5) Groundwater contamination (11 responses).
- Most threatened resources: 1) Groundwater; 2) Streams/Rivers; 3) Lakes; 4) Wetlands.
- Importance of resource concerns: 1) Flooding (30 responses); 2) Drinking Water (27 responses); 3) Source water protection (21 responses); 4) Stormwater (13 responses).

- The following priority concerns were submitted by the state agencies mentioned in statute:
  - DNR: 1) Erosion and Sedimentation; 2) Water Quality/Groundwater Protection.
  - MDH: 1) Protect groundwater-based drinking water sources; 2) Seal unused, unsealed wells; 3) Develop a local ground-water quality data base.
  - MPCA: 1) Impaired Waters/Total Maximum Daily Loads (TMDL); 2) Stormwater Issues; 3) Subsurface Sewage Treatment Systems and Unsewered areas
  - MDA: 1) Address flooding issues to improve water quality; 2) Improve drainage infrastructure and implement conservation drainage practices to improve water quality; 3) Manure management and individual septic treatment systems; 4) Agricultural chemical use and potential impacts to unconfined shallow groundwater
  - BWSR: 1) Flood Damage Reduction; 2) Erosion and Sediment Control; 3) Groundwater quality.
- The following priority concerns were also provided:
  - Two Rivers Watershed District: 1) Flood Control; 2) Water Quality; 3) Natural Resource Enhancements.
  - City of Warroad: 1) Stormwater Runoff and Ditch Systems; 2) Co. Highway #74 inadequate drainage; 3) County Ditch cleanout needed on "Hacket" property; 4) Drainage needed for new Westside commercial area; 5) Improvement needed on ditch by Co. Rd. 35; 6) Warroad River restoration for 2002 flood damages.
- The WRAC met on September 4, 2008 and December 1, 2008. The goal of the first meeting was to select the priority concerns based on agency and citizen input and also any concern from the WRAC. The second meeting consisted of approving the final PCSD.

On February 5, 2009 the PCSD was sent to the required state agencies for review and asked comments to be sent to Ron Shelito by March 5, 2009.

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The responses as of March 30, 2009 were:

- February 24, 2009, MPCA strongly recommends the following revisions, but does not require them. MPCA would like the County to commit to submitting any water quality-related data it collects to the MPCA and also establish a delegated feedlot program. Finding and fixing feedlot problems is recommended as a priority concern. The following comments shall be considered when writing the final plan. MPCA encourages the county to fully participate in the development of the TMDL pollutant allocations for impaired waters and the implementation of the plan. The MPCA also encourages the County to consider for the final plan, how additional water quality monitoring may be conducted to provide a more comprehensive assessment of waters in the County.
- March 2, 2009, DNR strongly recommends revisions to the priority concerns scoping document, but does not require them. A revised PCSD was attached that addressed revisions to descriptions of DNR-administered lands and intended to address an apparent confusion between Con-Con and LUP lands. A copy of the recommended changes will be provided at the meeting. The DNR would also like further information and discussion about the "uncontrolled water flow" and "repair three government dams in Beltrami Island State Forest" mentioned on page 7 of the PCSD. The DNR is particularly interested in the development of the action plan related to the Managing Existing Ditch Systems priority concern, especially when the ditches and water control projects affect DNR administered lands.
- March 5, 2009, MDH concurs with the priority concerns and feels the process was adequate.

Based on my review of the Roseau 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.

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Minnesota Board of Water & Soil Resources

May 27, 2009

Roseau County Commissioners
C/O Janine Lovold, Roseau Soil and Water Conservation District
502 7th St SW, Ste 8
Roseau, MN 56751

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

Dear Roseau County Commissioners:

Pursuant to M.S. section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Roseau 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 Roseau County Priority Concerns Scoping Document (PCSD) on February 5, 2009, and asked that comments be sent within 30 days to Ron Shelito, BWSR Regional Supervisor.

A number of water resource concerns were submitted to the Roseau Water Resource Advisory Committee(WRAC). The WRAC chose the following priority concerns that will be addressed in the Water Plan Revision.

1. Erosion & Sedimentation of Surface Waters, Stormwater Runoff and Wetlands
2. Flood Control and Flood Damage Reduction
3. Surface Water Quality Improvement and Protection
4. Managing Existing Ditch Systems
5. Groundwater Protection and Quality

The following state review agencies provided comments pertaining to the priority concerns selection:

- February 24, 2009, MPCA strongly recommends the following revisions, but does not require them. MPCA would like the County to commit to submitting any water quality-related data it collects to the MPCA and also establish a delegated feedlot program. Finding and fixing feedlot problems is recommended as a priority concern. The following comments shall be considered when writing the final plan. MPCA encourages

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the county to fully participate in the development of the TMDL pollutant allocations for impaired waters and the implementation of the plan. The MPCA also encourages the County to consider for the final plan, how additional water quality monitoring may be conducted to provide a more comprehensive assessment of waters in the County.

- March 2, 2009, DNR strongly recommends revisions to the priority concerns scoping document, but does not require them. A revised PCSD was attached that addressed revisions to descriptions of DNR-administered lands and intended to address an apparent confusion between Con-Con and LUP lands. A copy of the recommended changes will be provided at the meeting. The DNR would also like further information and discussion about the "uncontrolled water flow" and "repair three government dams in Beltrami Island State Forest" mentioned on page 7 of the PCSD. The DNR is particularly interested in the development of the action plan related to the Managing Existing Ditch Systems priority concern, especially when the ditches and water control projects affect DNR administered lands.
- March 5, 2009, MDH concurs with the priority concerns and feels the process was adequate.

On April 8, 2009, the Northern Regional Local Water Resources Subcommittee (hereinafter referred to as the committee) met with the Roseau SWCD representative to discuss local water management activities within Roseau County, the process used to gather public input, the content of the PCSD, the state review agency comments and recommendations for the content of the final plan.

Based on the subcommittee's recommendations, the Board of Water and Soil Resources commends Roseau 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

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Reinvest in Minnesota (RIM)-Wetlands Reserve Program (WRP) Partnership: Sign-up Status-Kevin Lines, BWSR and Tim Koehler, Natural Resource Conservation Service (NRCS)-INFORMATION ITEM

On April 16th, 2009 the BWSR established rates and sign-up procedures for the RIM-WRP partnership-Phase II. The sign-up began April 20th and runs through June 5th, 2009. The Board established a total Partnership payment rate for cropland acres that shall not exceed 135% of the Average Assessed Township Value (AATV) and for non-cropland acres shall not exceed 70% of AATV. Rates are to be calculated using township mean for tillable or farmland property value established by county assessors for the 2009 tax year.

This highly successful partnership will leverage any remaining 2008 State RIM Reserve bond fund balances with Federal WRP funds in federal fiscal year 2009. In addition, the RIM-WRP Partnership received a recommendation from the Lessard-Sams Outdoor Heritage council to the Minnesota legislature in 2009 for $9.05M in constitutionally dedicated funding for RIM-WRP Partnership. The Minnesota legislature approved this appropriation to the RIM-WRP Partnership on May 18th, and Governor Pawlenty signed the Outdoor Legacy funding bill into law.

Based on the Lessard-Sams Outdoor Heritage Council's recommendation, Bill Hunt, NRCS State Conservationist for Minnesota, made a $23M WRP fund request to their National office.

We are receiving applications daily. The application deadline is June 5th, and we have given the field offices until June 12th to get all the necessary paper work in to the NRCS State Office. NRCS and BWSR easement staff will be reviewing applications for eligibility/feasibility determination the week of June 15th. NRCS and BWSR easement staff along with the subcommittee of the BWSR Board will meet to rank and select projects for funding the RIM-WRP Phase II on June 18th or 19th (date to be determined).

BWSR 2009 Legislative Session Summary
May 27, 2009

Omnibus Environment, Natural Resources and Energy Finance Bill

BWSR General Fund. Session Law Chapter 37, BWSR items in Section 5. Our reductions amount to about a 10.8% general fund decrease. *Note:* the Governor may unallot as a mechanism to balance the budget.

The law makes the following budget reductions:

- Cost Share Grants: decrease by 17% from $6.3M in 2008-09 to $5.2M for the 2010-11 biennium. At least $900K per year is designated for riparian buffers which allows for no more than $1.1M per year for regular cost-share. The cooperative weed management program is funded at $100K per year. Feedlot Cost Share is funded at $500K per year. Rider language in the bill allows the Board to shift cost-share funds if needed to leverage federal funds or to address high-priority projects identified in local water management plans.
- Natural Resource Block Grants: decrease of 5% from $8.2M in 2008-09 to $7.8M for 2010-2011.
- SWCD General Service Grants: decrease of 1.8% from $7.1M in 2008-09 to $7.0M for 2010-2011.
- Funding for the Red River Basin Commission and the MN River JBP decreased from $200K each in 2008-09 to $180K each in 2010-11. The Area II Flood Plain Mgmt Board decreased 7% from $280K in 2008-09 to $260K in 2010-11.
- BWSR Administration: decrease of 8.8% from $10.4M in 2008-09 to $9.4M for 2010-2011.

The law also includes the following rider language provisions:

- Cost-share program has been provided greater flexibility. Now the Board is allowed to shift cost-share funds and to adjust the technical and administrative assistance portion of the grant to leverage federal funds or to address high-priority projects identified in local water management plans.
- Native seed language also was adjusted to provide greater flexibility by stating, "*To the extent possible, any person conducting a restoration with money appropriated in this section must plant vegetation or sow seed only of ecotypes native to Minnesota, and preferably of the local ecotype, using a high diversity of species originating from as close to the restoration site as possible, and protect existing native prairies from genetic contamination".* This means the definitions in MS 84.02 for distance and diversity of seed sources will not be limiting as they were in the past biennium.
- Increased accountability and reporting requirements, as outlined in the following language, *"A recipient of a grant funded by an appropriation under this section shall display on its Web site detailed information on the expenditure of the grant funds, and measurable outcomes as a result of the expenditure of funds, and submit this information to the board by June 30 each year. A recipient without an active Web site shall report to the board by June 30 each year detailed information on the expenditure of the grant funds, and measurable outcomes as a result of the expenditure of funds. The board shall display the information received by recipients under this paragraph on the board's Web site".*

As noted above, BWSR specific information can be found starting on page 28 of this link: https://www.revisor.leg.state.mn.us/bin/showPDF.php also available at Session Law 37: https://www.revisor.leg.state.mn.us/laws/?id=37&doctype=Chapter&year=2009&type=0

Constitutional Amendment Dedicated Funding House File 1231, Session Law Chapter 172. (https://www.revisor.leg.state.mn.us/laws/?id=172&doctype=chapter&year=2009&type=0)

Constitutionally Dedicated Funding Governance Provision: The Legislative Coordinating Commission (LCC) will develop and maintain a user-friendly, public-oriented website that informs, educates and demonstrates how the funds are being expended to meet the requirements of the constitution. Must include proposed measurable outcomes, the plan for measuring outcomes, and the measured outcomes and evaluation of the projects.

Clean Water Fund	**2010**	**2011**	**Biennium**
Buffer easements	$3.25M	$3.25M	$6.5M

Purchase and restore permanent conservation easements on riparian buffers adjacent to public waters, except wetlands. Buffers must be at least 50 ft where possible and no more than 100 ft. May be used for restoration of riparian buffers and stream bank restoration.

Wellhead Protection Conservation Easements	$1.0M	$1.0M	$2.0M

Permanent Conservation Easements on wellhead protection areas under MS 103F.515 Subd 2, paragraph (d). Must be in drinking water supply management areas (DWSMA) designated as high or very high by the Commissioner of Health.

WD/WMO BMPs	$2.8M	$3.124M	$5.924M

Grants to WDs and WMOs for: 1) structural or vegetative practices that reduce storm water runoff from developed or disturbed lands or 2) to leverage federal funds for restoration, protection or enhancement of water quality in surface waters and to protect groundwater. Must have long-lasting benefit, include local match (which can be staff/admin), and be consistent with TMDL implementation plans or local water management plans. Priority may be given to school projects that demonstrate water retention practices.

Non-point implementation grants	$3.0M	$3.0M	$6.0M

Grants to WDs, WMOs, Counties and SWCDs to keep water on the land and to protect, enhance, and restore water quality in lakes, rivers and streams and to protect groundwater and drinking water. Must have long-lasting benefit, include local match, and be consistent with TMDL implementation plans or local water management plans. Priority may be given to school projects that demonstrate water retention practices.

Anoka Conservation District	$0.4M	$0.6M	$1.0M

For 7-county metropolitan landscape restoration program for water quality and improvement projects.

Feedlot Water Quality Improvement Grants	$2.0M	$2.0M	$4.0M

For feedlots under 300 animal units on riparian land, to include water quality assessment to determine the effectiveness in protecting, enhancing and restoring water quality in lakes, rivers and streams and in protecting groundwater from degradation.

Stream bank, stream channel, and shoreline	$2.33M	$1.83M	$4.16M
• *Conservation Drainage*	$0.33M	$0.33M	$0.6M

Technical assistance and grants to establish a conservation drainage program in consultation with the DWG. Program consists of projects to retrofit existing drainage systems with water quality practices, evaluate outcomes, and provide outreach.

• *Hennepin County*	$0.5M	-0-	$0.5M

Grant for riparian restoration and stream bank stabilization in the 10 primary stream systems in Hennepin County. County will work with WDs and WMOs to identify and prioritize projects. To the extent possible, county shall employ youth through MCC and Tree Trust. Must be matched by non-state sources, including in-kind contributions.

Oversight, support, accountability reporting $0.275M $0.315M $0.59M
Includes an annual report to the legislature prepared jointly with DNR and MPCA, detailing recipients and projects funded; anticipated water quality benefits; relationship of restoration projects to TMDL load allocations; relationship of protection projects to monitored water quality trends; and individual county progress in implementing SSTS programs and upgrading open lot feedlots <300 AU in shoreland areas. Organizations receiving grants under this section shall provide this information to BWSR. BWSR will require grantees to specify outcomes achieved by the grants prior to any grant awards.

Technical Assistance and Engineering $1.25M $1.5M $2.75M
Targeted nonpoint restoration technical assistance and engineering.

SSTS Programs $1.6M $1.9M $3.5M
Grants to counties to implement SSTS programs including inventories, enforcement, development of databases, and systems to insure SSTS maintenance reporting program results to BWSR and the MPCA and base grants. Priority must be given to protection of lakes, rivers and streams. Grants can only be provided to counties that have adopted SSTS ordinances and can demonstrate enforcement of the ordinances.

Imminent health threat systems $0.8M $1.0M $1.8M
Grants to address imminent health threat and failing SSTS

Items of note in BWSR section:

- BWSR must contract with MCC for restoration, maintenance and other activities for at least $1.0M ($500,000 each year).
- BWSR may shift grant or cost share funds and may adjust the technical and administrative assistance portion of the funds to leverage federal or other non-state funds or to address oversight responsibilities or high-priority needs identified in local water management plans.
- BWSR shall give priority consideration to projects and practices that compliment, supplement or exceed current standards or that protect groundwater from degradation.
- Native species language: "To the extent possible, a person conducting a restoration with money appropriated in this section must plant vegetation or sow seed only of ecotypes native to Minnesota, and preferably of the local ecotype, using a high diversity of species originating from as close to the restoration site as possible, and protect existing native prairies from genetic contamination".
- BWSR must submit a report on the expenditure and use of appropriation to the House and Senate Committee Chairs with jurisdiction over environment and natural resources by March 1 of each year. Report must provide detail on effectiveness in protecting, enhancing, restoring lake, stream and river water quality; protecting groundwater from degradation; and effectiveness of keeping water on the land.

Other Agency items of note:

- MN Dept of Agriculture:
  - $4.5M total for ag BMP loans. At least $4.0M of which is for a new Clean Water Ag Practices BMP Loan account.
  - $0.3M total for Livestock Environmental Quality Assurance Program (LEQA)
- MPCA:
  - $0.25M total for TMDL pilot project with Buffalo Red River WD
  - $2.5M total for the Clean Water Partnership Program
  - $0.346M total for Red River Watershed Management Board for river watch programs
  - $0.5M total for St. Croix Basin Water Resources Planning Team and St. Croix River Assn to implementing monitoring and phosphorus reduction activities.
  - $0.25M total for civic engagement in TMDL development, consideration shall be given to the Mississippi Headwaters Board, Mn River JBP, Area II MN River Basin, and the Red River Basin Commission.

- DNR:
  - $5.6M total for LiDAR
  - $0.5M total to adopt rules for the Mississippi River Corridor critical area

- University of Minnesota
  - $0.75M total for the development of a comprehensive statewide sustainable water resources 10-year plan and 25-year detailed framework. This will be developed in cooperation with BWSR, WMOs, WDs, SWCDs and others.

Outdoor Heritage Fund **2010**

RIM Wetlands Reserve Program $9.058M

In cooperation with USDA WRP. A list of proposed acquisitions and a list of proposed projects, describing types and locations of restorations, must be provided as part of the required accomplishment report.

Items of note:

- All Outdoor Heritage funds are appropriated for 2010 only.
- Appropriation is available until June 30, 2012. However projects receiving federal funds, the time of the appropriation is extended to equal the availability of federal funding.
- An accomplishment plan and periodic accomplishment reports in a form determined by the LSOHC (Lessard-Sams Outdoor Heritage Council) must be submitted to the LSOHC. The accomplishment plan must account for the use of the appropriation and outcomes of the expenditures and an evaluation of results. None of the money may be expended unless the council has approved the plan.
- Native species language: same as above.
- All easements involving restoration: must be permanent; include a long-term stewardship plan and funding for monitoring and enforcing the easement agreement; have an ecological restoration and management plan including timetable for implementing the restoration.
- BWSR must submit documentation of selection process and provide documentation of all related transaction costs.

Bonding/Red River Valley Flood Relief Bill: Session Law Chapter 93, BWSR items in Article 1, Section 6 and Article 2, Section 4.
https://www.revisor.leg.state.mn.us/bin/bldbill.php?bill=ccrhf0855.html&session=ls86

RIM Reserve Program: $0.5M total.
Disaster Relief: $2.0M total

- RIM Easements on marginal land: $0.5M
- Erosion, Sediment and water quality control cost share program: $1.0M
- Red River Basin Commission Grant: $0.5M for comprehensive plan to address, mitigate, and respond to flooding and related water quality and land conservation issues. Commission will report to the legislature progress on goals and outcomes by January 15, 2010. Any remaining money can be used to implement the plan
- Cost share program waivers were provided in the same manner as for the southeast flood.

Omnibus Environmental Policy Bill: BWSR items HF 1237, Session Law Chapter 176 (https://www.revisor.leg.state.mn.us/bin/bldbill.php?bill=H1237.4.html&session=ls86)

- Carbon sequestration added as a wetland functions based on broad scientific findings, but defers incorporation into rulemaking until after August 2009 so that the current Wetland Conservation Act rulemaking now nearly completed is uninterrupted. This provision will not substantively change the application of the law
- Counties provided the flexibility to derive their local grant matching contribution to the local water planning program grant from a source other than a dedicated levy. This is agency proposed legislation that had full consensus.

- Efficiency and flexibility changes to update the state's conservation cost share program. These changes will eliminate a redundant reporting requirement and allow BWSR to establish policy to supplement (but remain wholly within) the current statute and rule provisions. The policies will be established to adapt to federal funding opportunities and to incorporate enhancements to best management practices based on recent and scientific findings. This is agency proposed legislation that had full consensus.
- "Reinvest in Minnesota" (RIM) Reserve Law updated. Technical updates provide flexibility to RIM to take full advantage of partnerships with federal, local and non-government partners. The language delete's the reference to the "conservation reserve program". In addition, references to specific payment rates for conservation easements and practices are modified to allow for a consistent but adaptable framework for establishing fair land acquisition payment rates. Repeals outdated and unneeded statute and related rule provisions that prescribed certain technical assistance roles. This is agency proposed legislation has had full consensus.
- BWSR Board Membership Expanded: The board will be expanded by three board members who are the Governor's appointees. Two are representatives of cities, with one representing the metropolitan area, and one is a representative of townships.

LCCMR (Legislative-Citizen Commission on Minnesota Resources) Bill: SF 1012, Session Law Chapter 143.
(https://www.revisor.leg.state.mn.us/laws/?id=143&doctype=chapter&year=2009&type=0)
Soil Survey: $0.4M for continuation of the county soil survey program. Greg Larson, BWSR lead staff.
Statewide Ecological Ranking of CRP and other Critical Lands: $0.107M. Determining ecologically critical lands to better target conservation program efforts. In cooperation with the University of Minnesota. Project already received $0.168M from the emerging issues account. Greg Larson/Julie Klocker, BWSR lead staff.
MN Farm bill Assistance Program: $1.0M for funding technical staff to implement provisions of conservation programs in the federal farm bill. Tabor Hoek, BWSR lead staff.

Other Bills of Interest:

- **MN River Board Update (SF275):** renames board to the Minnesota River Board and makes changes to the duties and purpose for the board, including working together with the Water Resources Center at Minnesota State University, Mankato. Provides specific reporting requirements for the board, including advice on the implementation and coordination of TMDLs under the Clean Water Legacy Act. Also requires the board to take an advocacy role at the state agency and legislative levels to promote and advance basin issues identified by the board's partners. It renames the advisory committee serving the board as the advisory board, specifies that members are appointed by the chair of the Minnesota River Board, and requires the advisory board to provide input on areas of concern identified by the delegates to the board or the advisory board. See: https://www.revisor.leg.state.mn.us/revisor/pages/search_status/status_detail.php?b=Senate&f=SF0275&ssn=0&y=0&ls=86
- **Green Acres/Rural Preserves (HF392) –** language was included in the mid-session tax bill that has SWCDs approving conservation plans for land being considered for future enrollment. SWCDs can charge fees for this role and can also do so for development of the plans if that is a service they choose to offer. BWSR will be providing guidance and training in concert with Dept. of Revenue. (See Section 5, Subd. 1 at https://www.revisor.leg.state.mn.us/bin/bldbill.php?bill=ccrhf0392.html&session=ls86.)
- **Drainage (HF162/SF364):** Although the bills contain the consensus recommendations from the Drainage Work Group, it did not progress this year because of attention and time focused on budget issues this year.

NEW BUSINESS

1. Three County Water Quality Protection Strategy - Steve Hughes, Aitkin SWCD Manager, Dan Steward and Jeff Hrubes, BWSR Brainerd office staff - ***INFORMATION ITEM***

North Central Lake Counties Pilot Protection Project

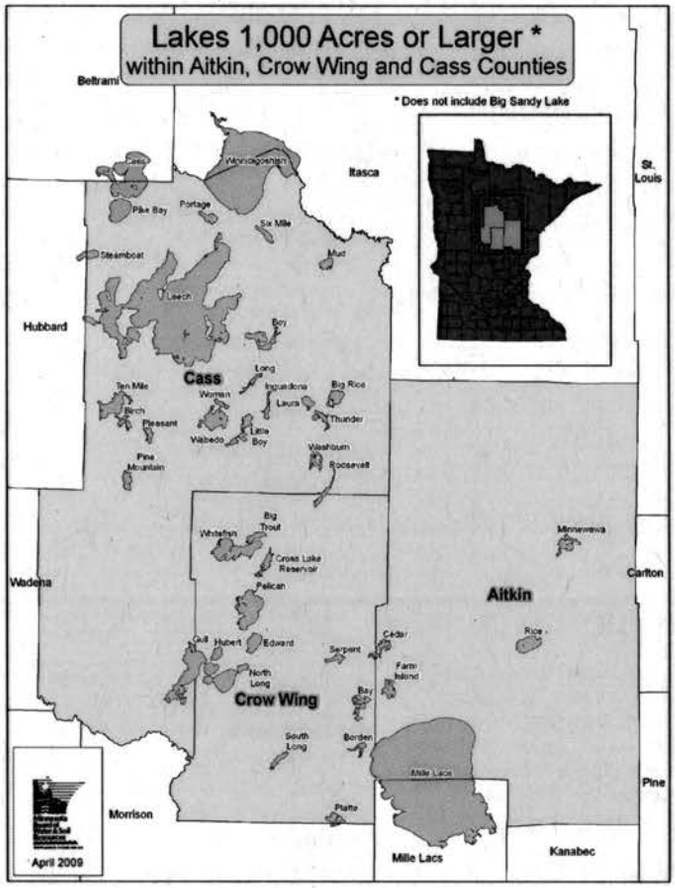
Funded through the Clean Water Legacy Act

Project Intent

Protection strategies for lakes need to take into account the varied mix of watershed size and defining land characteristics including forested acreage, public and private ownership, land cover/land use and population trends unique to each water body. Targeting conservation activities to each situation and working with lake associations that have a vested interest in these lakes will produce comprehensive watershed strategies resulting in water quality protection.

The goal of this project is use this cost effective analytical framework and available water quality data to produce a lake strategy for merging it into local water management plans.

Once water quality protection strategies are identified, funds from a variety of sources including the Clean Water Fund established by the passage of the 2008 Clean Water, Cultural Heritage and Natural Areas amendment to the Minnesota constitution.



Background

Aitkin, Cass and Crow Wing Counties have over 1,200 lakes between them. Attempting to manage such a large number of lakes as a group does not take into account the individual lake characteristics that can have an effect on water quality. The Soil and Water Conservation Districts in these counties devised strategies that were incorporated into their comprehensive local water management plan .

These counties began with lakes over 1,000 acres in size that are very important resources for fish and wildlife as well as people.

To help these counties in this pilot assessment process, the BWSR provided $75,000, through the Clean Water Legacy Act, to enhance their water plans by including specific metrics that allow qualitative assessment of potential water quality threats.

Currently Participating Counties

County	*Lakes*
Cass	*23*
Crow Wing	*16*
Aitkin	*6*

Project Partners

- Aitkin, Cass and Crow Wing Water Plan Coordinators and Task Forces
- MN Board of Water and Soil Resources
- MN Forest Resources Council
- MN Pollution Control Agency
- MN Department of Natural Resources
- Leech Lake Band of Chippewa
- Bemidji State University-Geography Department
- Lake Associations

North Central Lake Counties

Setting the Stage for Lake Water Quality Protection

Phase 1: Existing Lake Water Quality Assessment

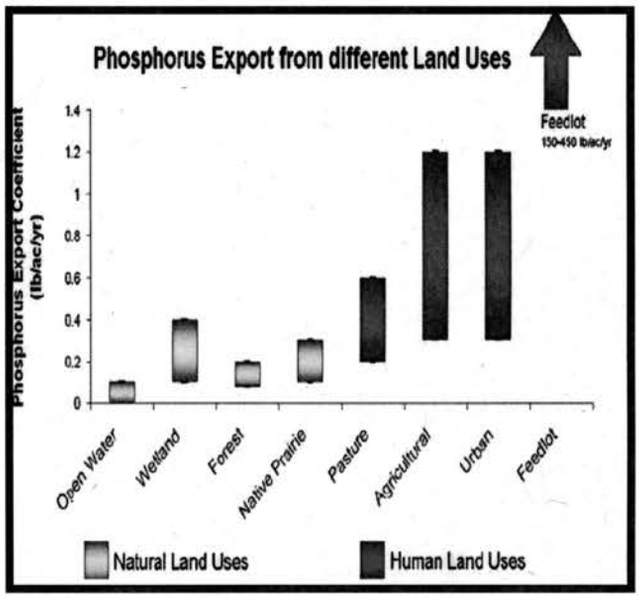
- Gather existing water quality data from local, state, and tribal entities
- Examine data for water quality trends
- Analyze chemical, biological and physical lake factors
- Compare data with regional and state standards

Phase 2: Watershed/Land Cover Assessment

- IdentifyPublic and private ownerships
- Calculate land use/land cover percentages
- Calculate watershed size
- Include phosphorous export coefficients per land use category
- Project anticipatec demographic changes

Phase 3: Working the Data!

- Resource professionals working with lake associations
- Integrate information with the local water management plan.
- Target lake specific protection and conservation activities
- Local/State partnership for implementation



Trophic State Index

Phosphorus (nutrients), chlorophyll *a* (algae concentration) and Secchi depth (transparency) are related. As phosphorus increases, there is more food available for algae, resulting in increased algal concentrations. When algal concentrations increase, the water becomes less transparent and the Secchi depth decreases.

Trophic State Index	North Basin Site 202	West Basin Site 101	East Basin Site 204
TSI Total Phosphorus	40	42	44
TSI Chlorophyll-a	46	46	44
TSI Secchi	41	42	43
TSI Mean	42	43	44
Trophic State:	Mesotrophic	Mesotrophic	Mesotrophic

Numbers represent the mean TSI for each parameter.

The results from these three measurements cover different units and ranges and thus cannot be directly compared to each other or averaged. In order to standardize these three measurements to make them directly comparable, we convert them to a trophic state index (TSI).

The mean TSI indicates all basins are mesotrophic (Figure 10). There is good agreement between the TSI for phosphorus, and transparency, indicating that these variables are strongly related. The chlorophyll *a* TSI is slightly higher than the others.

The east basin has a slightly higher mean TSI than the north and west basins. These results are consistent with the other monitoring results for Washburn Lake.

Mesotrophic lakes (TSI 40-50) are characterized by moderately clear water most of the summer. "Meso" means middle or mid; therefore, mesotrophic means a medium amount of productivity. Mesotrophic lakes are commonly found in central Minnesota and have clear water with some algal blooms in late summer.

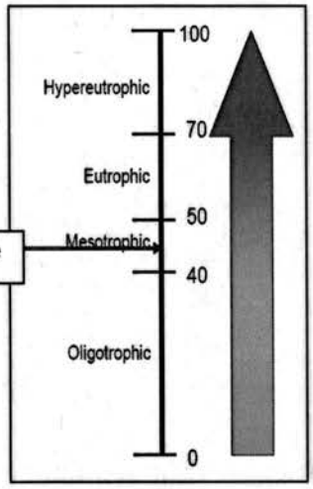


Figure 10. Trophic state index chart with corresponding trophic status.

Example of Lake Summary Information for Washburn Lake, Cass County

Deliverables (Outcomes)

Outcome 1: Lake Protection Strategy based on factors that influencing long term water quality.

Outcome 2: Water quality trends and land use trends combined into a suite of metrics to measure change.

Outcome 3: Team of state and local resource professionals and lake association members working from a common data set to identify implementation strategies.

Outcome 4: Merge the lake management plans into official Water Plans as a way to formalize future actions, strategies and align local funding sources.

Cedar Lake 01-0209-00 AITKIN COUNTY

Summary

Cedar Lake is located in Aitkin County near Aitkin, MN. With a surface area of 1,729 acres, it is in the upper 10% of lakes in Minnesota in terms of its size.

Cedar Lake has 7 inlets and one outlet, which classifies it as a drainage lake. There are only two streams that flow most of the year that enter Cedar Lake - Cedar Brook and Casey Brook. The others flow intermittently. Water flows north out of Cedar Lake into Cedar Creek, which drains into the Mississippi River.

Water quality data has been collected for Cedar Lake off and on since 1981. The Cedar Lake Conservancy has participated in lake monitoring and stream inlet/outlet monitoring since 1995. These data show that Cedar Lake is mesotrophic (page 8). Mesotrophic lakes are commonly found in central Minnesota and have clear water with occasional algal blooms in late summer.

Vitals

MN Lake ID:	01-0209-00
County:	Aitkin
Ecoregion:	Northern Lakes and Forest
Major Drainage Basin:	Upper Mississippi River
Latitude/Longitude:	46.64583333 / -93.52111111
Water Body Type:	Public Waters
Monitored Sites (Primary):	206
Monitored Sites (Secondary):	201, 202, 203, 204, 205, 207, 208

Invasive species present: none documented

Physical Characteristics

Surface area (acres):	1,745	
Littoral area (acres):	405	
% Littoral area:	23%	
Max depth (ft):	105	(m): 31.8
Mean depth (ft):	28	(m): 8.5
Watershed size (acres):	23,488	
Watershed:lake area ratio	17:1	
Inlets	7	
Outlets	1	
Accesses	1 public	

Data Availability

Transparency data		Transparency data were collected through the MPCA CLMP program from 1995-2007.
Chemical data		Chemical data were only collected in 1981 and 2002 by the MPCA.
Inlet/Outlet data		Inlet/outlet data were collected as part of an MPCA LAP study in 2002.
Recommendations		For recommendations refer to page 12.

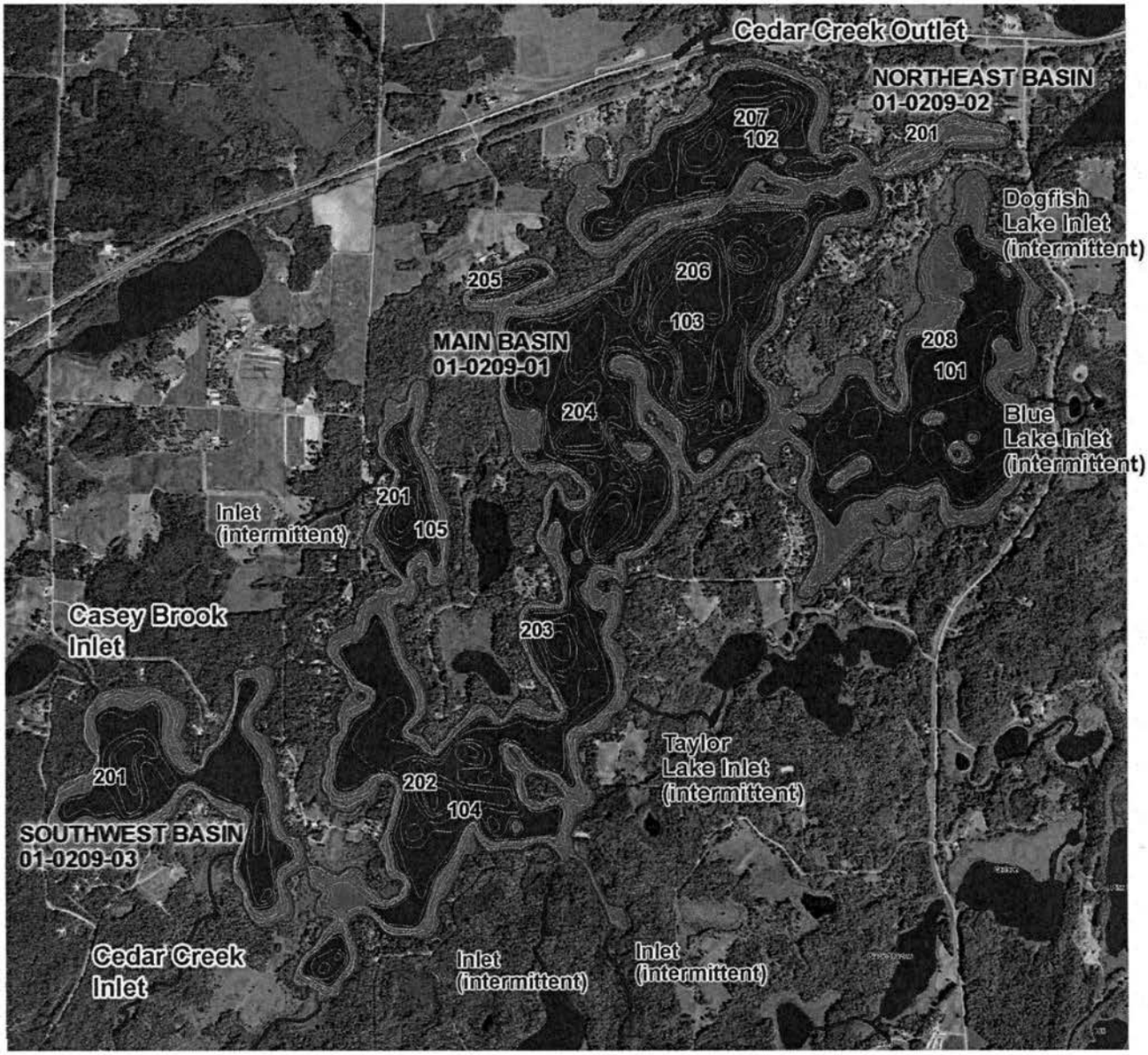


Figure 1. Map of Cedar Lake illustrating bathymetry, lake sample site locations, stream inlets and outlets and aerial land use. The pink shaded areas in the lake illustrate the littoral zone, where the sunlight can usually reach the lake bottom allowing aquatic plants to grow.

Basin	Lake Site	Depth (ft)	Monitoring Programs
Main	201 (105)	65	CLMP: 1995-1996, 1998-2001, 2004-2005
Main	202 (104)	84	CLMP: 1995-2002, 2006
Main	203	65	CLMP: 1995-2001, 2005-2006
Main	204	80	CLMP: 1995-1996, 2000-2001, 2005-2006
Main	205	71	CLMP: 1995-2001, 2005-2006
Main	206 (103) *Primary Site	80	CLMP: 1995-2000, 2002, 2005
Main	207 (102)	70	CLMP: 1995, 1997, 2000-2007
Main	208	30	CLMP: 1995, 1997-1998, 2000-2007
Southwest	201	50	CLMP: 1995-2002, 2005
Northeast	201	24	CLMP: 1995, 2001-2002, 2006-2007

The information below describes available chemical data for Cedar Lake through 2008 for the primary site 206(103). The data set is limited, and all parameters with the exception of total phosphorus, chlorophyll *a* and secchi depth, are means for just 2002 data.

Minnesota is divided into 7 ecoregions based on land use, vegetation, precipitation and geology. The MPCA has developed a way to determine the "average range" of water quality expected for lakes in each ecoregion. For more information on ecoregions and expected water quality ranges, see page 10.

Parameter	Mean	Ecoregion Range[1]	Impaired Waters Standard[2]	Interpretation
Total phosphorus (ug/L)	18.3	14 - 27	> 35	Results are within the expected range for the ecoregion, and show that Cedar Lake is mesotrophic. For more information about Impaired Waters Assessment, see page 12.
[3]Chlorophyll *a* (ug/L)	7.3	4 - 10	> 12	
Chlorophyll *a* max (ug/L)	8.9	<15		
Secchi depth (ft)	11.2	7.5 - 15	< 4.5	
Dissolved oxygen				Dissolved oxygen depth profiles show that the deeper areas of the lake are anoxic in late summer
Total Kieldahl Nitrogen (mg/L)	0.59	0.4 - 0.75		Indicates insufficient nitrogen to support summer nitrogen-induced algae blooms
Alkalinity (mg/L)	103	40 - 140		Indicates a low sensitivity to acid rain and a good buffering capacity
Color (Pt-Co Units)	22	10 - 35		Indicates clear water with little to no tannins (brown stain)
pH	8.3	7.2 - 8.3		A pH of 8 is common in a hardwater lake. Lake water pH less than 6.5 can affect fish spawning and the solubility of metals in the water
Chloride (mg/L)	3.7	0.6 - 1.2		Chloride levels are slightly higher than the ecoregion range, but still considered low level.
Total Suspended Solids (mg/L)	3	<1 - 2		Indicates moderately clear water
Total Suspended Volatile Solids (mg/L)	2	<1 - 2		Indicates moderately clear water
Conductivity (umhos/cm)	206	50 - 250		Within the expected range for the ecoregion
Total Nitrogen :Total Phosphorus	31:1	25:1 – 35:1		Indicates the lake is phosphorus limited, which means that algae growth is limited by the amount of phosphorus in the lake.

Data Source: Minnesota Pollution Control Agency 2002

[1]The ecoregion range is the 25th-75th percentile of summer means from ecoregion reference lakes
[2]For further information regarding the Impaired Waters Assessment program, refer to http://www.pca.state.mn.us/water/tmdl/index.html
[3]Chlorophyll *a* measurements have been corrected for pheophytin
Units: 1 mg/L (ppm) = 1,000 ug/L (ppb)

Water Quality Characteristics - Historical Means

Years monitored: 1981, 1995-2007

Parameters	Primary Site 206	Site 201	Site 202	Site 203	Site 204	Site 205	Site 207	Site 208	South West Basin 201	North East Basin 201
Phosphorus Mean:	**18.3**	**12**	**17**				**9**	**18**	**22**	
Total Phosphorus Min:	13		11					14	16	
Total Phosphorus Max:	22		22					21	26	
Number of Observations:	4	1	4				1	4	3	
Chlorophyll *a* Mean:	**7.3**	**7.7**	**8**					**8.3**	**15.9**	
Chlorophyll-a Min:	4.2		3.7					5.4	4.5	
Chlorophyll-a Max:	8.9		11.8					10.9	36	
Number of Observations:	4	1	4					4	3	
Secchi Depth Mean:	**11.2**	**11.5**	**9.7**	**10.8**	**12.1**	**12.5**	**10.8**	**9.4**	**9.2**	**11.2**
Secchi Depth Min:	8.9	6.5	6	7	7.5	8.5	8	6	3.5	8
Secchi Depth Max:	15	16	15	14	16	18	13	13.5	12.5	14.5
Number of Observations:	55	92	75	87	68	110	93	104	132	33

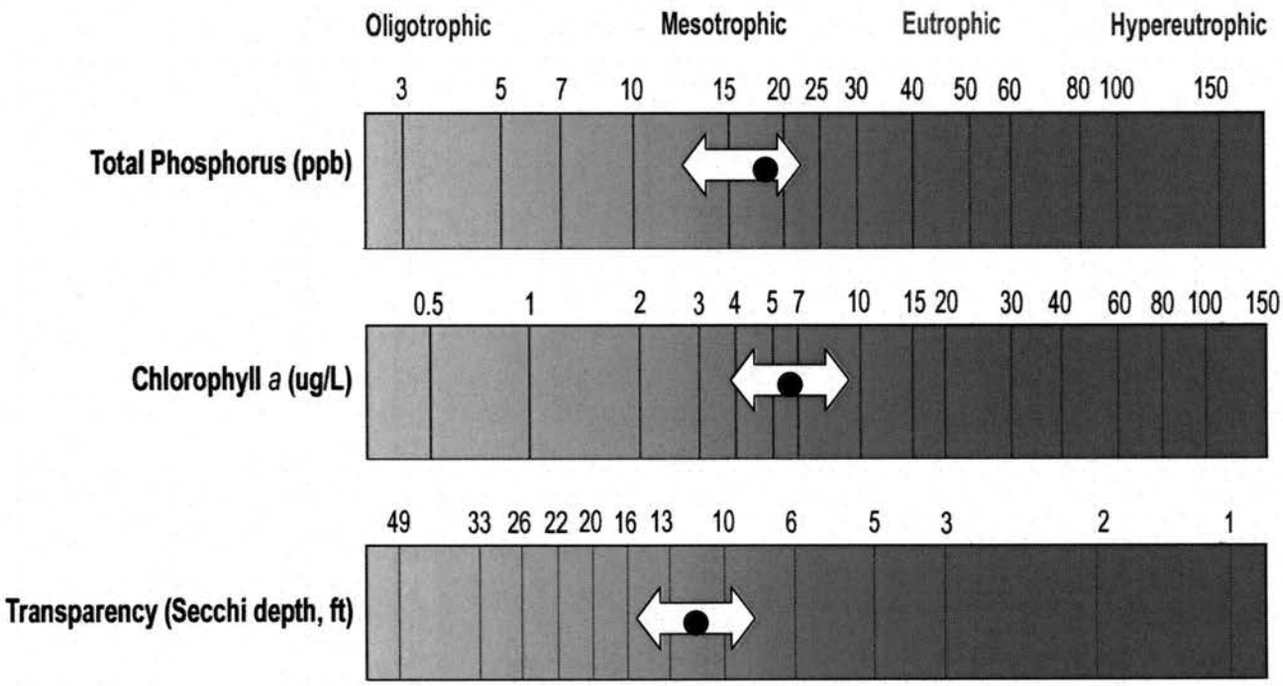


Figure 2. Cedar Lake total phosphorus, chlorophyll *a* and transparency historical ranges. The arrow represents the range and the black dot represents the historical mean (Primary Site 206). Figure adapted after Moore and Thornton, [Ed.]. 1988. Lake and Reservoir Restoration Guidance Manual. (Doc. No. EPA 440/5-88-002)

Transparency (Secchi Depth)

Transparency is how easily light can pass through a substance. In lakes it refers to how deep sunlight penetrates through the water. Plants and algae need sunlight to grow, so they are only able to grow in areas of lakes where the sun penetrates. Water transparency depends on the amount of particles in the water. An increase in particulates results in a decrease in transparency.

For all the sites, the mean transparency ranges from 9.2 to 12.5 feet. The transparency throughout the lake appears to be better toward the north end of the lake and less at the south end of the lake. The south end of the main basin had an average of 9.7 feet and the southwest bay had an average of 9.2 feet transparency.

The transparency was best in 2000, 2006 and 2007 (Figure 3). There is no transparency data at the primary site since 2005. It is recommended that the lake association begin collecting transparency data at all sites again to compare to the previous data.

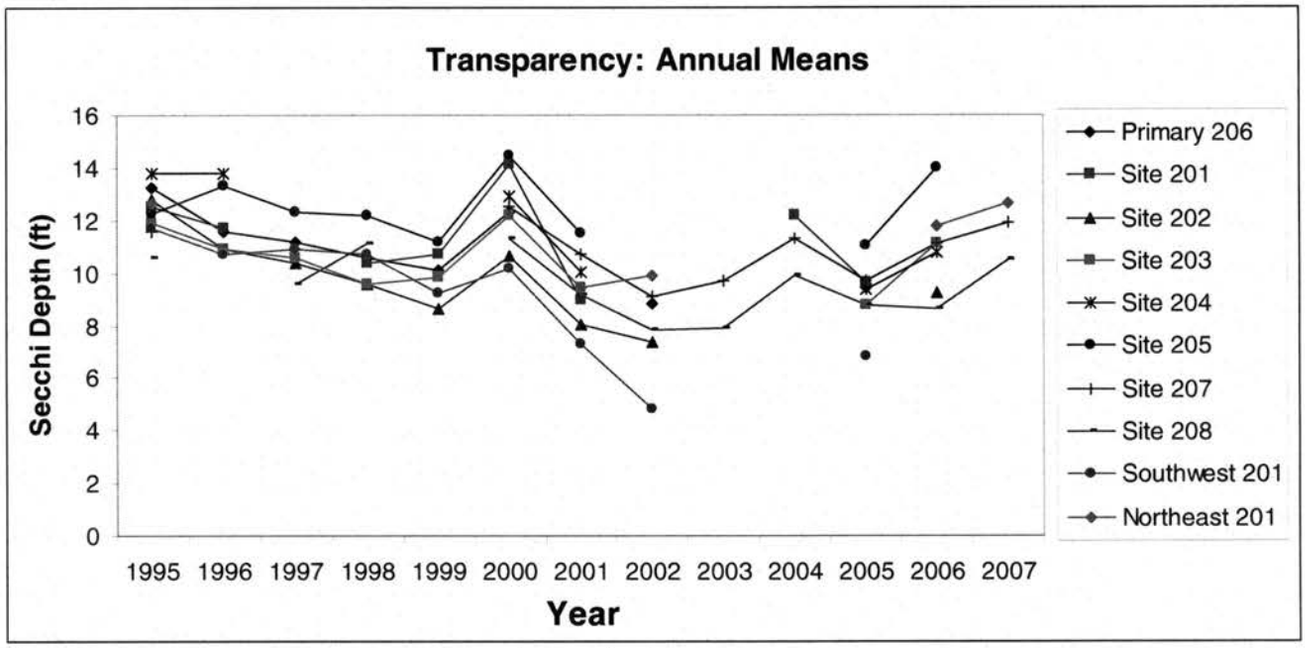


Figure 3. Annual mean transparency for each sample site.

Cedar Lake transparency ranges from 8.9 to 15 ft at the primary site (206). Figure 4 shows the seasonal transparency dynamics. The transparency in the main basin of Cedar Lake remains fairly constant throughout the year without following a pattern. Some lakes have fairly constant transparency while others follow seasonal highs and lows.

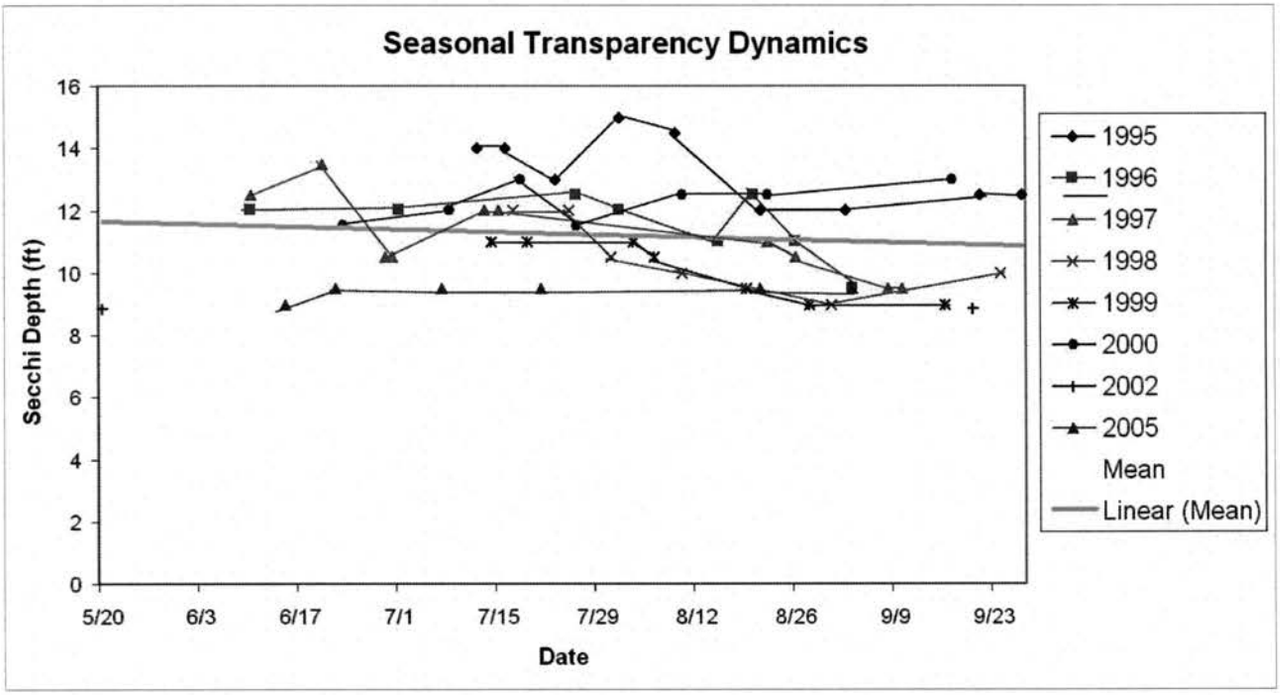


Figure 4. Seasonal transparency dynamics and year to year comparison (Primary Site 206).

User Perceptions

When volunteers collect secchi depth readings, they record their perceptions of the water based on the physical appearance and the recreational suitability. These perceptions can be compared to water quality parameters to see how the lake "user" would experience the lake at that time. Looking at transparency data, as the secchi depth decreases the perception of the lake's physical appearance rating decreases. Cedar Lake was rated as being "not quite crystal clear" 66% of the time between 1995-2007.

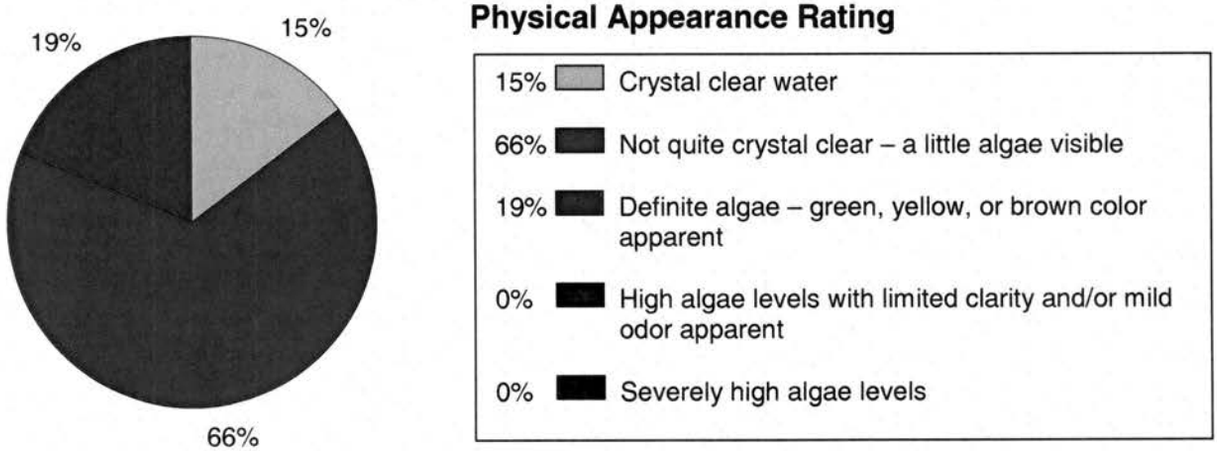


Figure 5. Physical appearance rating, as rated by the volunteer monitor (all sites, 1995-2007).

As the secchi depth decreases, the perception of recreational suitability of the lake decreases. Cedar Lake was rated as having "very minor aesthetic problems" 59% of the time from 1995-2007.

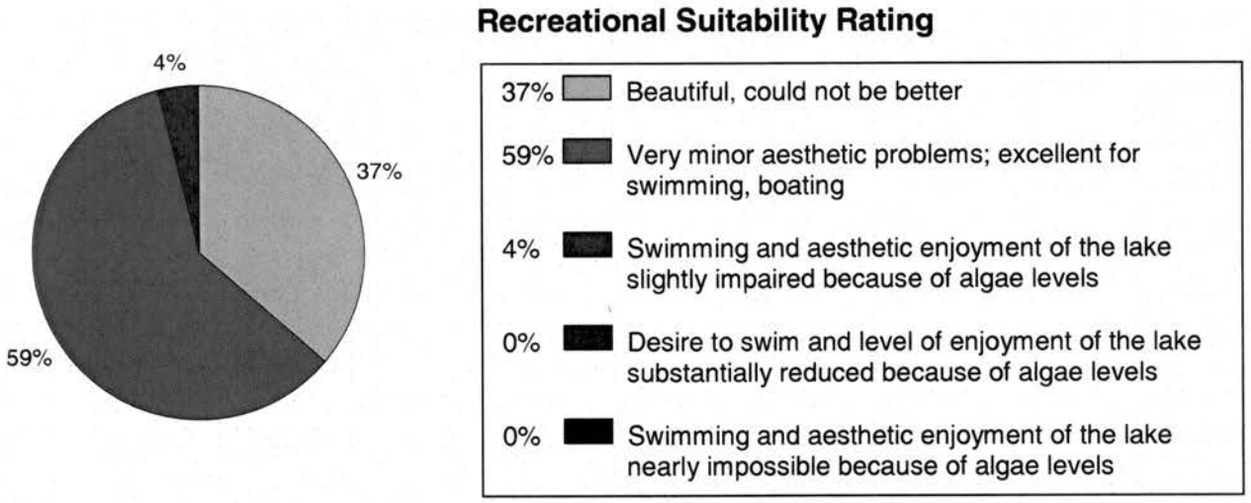


Figure 6. Recreational suitability rating, as rated by the volunteer monitor (all sites, 1995-2007).

Total Phosphorus

Cedar Lake is phosphorus limited. This means that algae and aquatic plant growth is dependent upon available phosphorus, and reducing phosphorus sources to the lake will decrease algae concentrations.

Total phosphorus was evaluated in Cedar Lake in 1981 and 2002. In 1981, only one phosphorus sample was collected in August, so those data were not included in Figure 7.

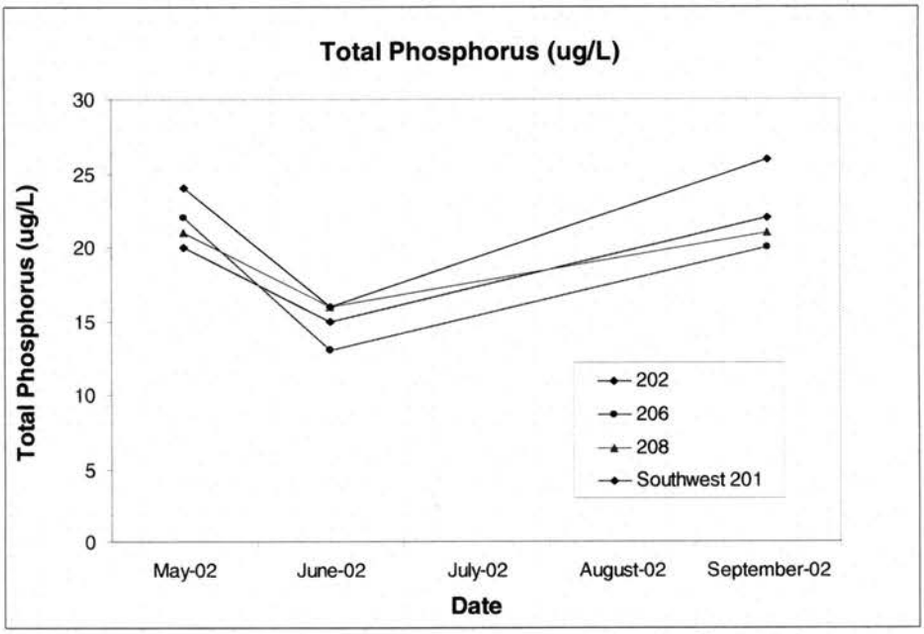


Figure 7. 2002 total phosphorus concentrations (ug/L) for Cedar Lake.

Phosphorus concentrations at all sites followed the same pattern in 2002 of being lowest in June and highest in September. The primary site, 206 had the lowest phosphorus concentrations overall, while the southwest bay had the highest concentrations. Phosphorus should be tested more often to get a better understanding of Cedar Lake.

Chlorophyll *a*

Chlorophyll *a* is the pigment that makes plants and algae green. Chlorophyll *a* is tested in lakes to determine the algae concentration or how "green" the water is.

Chlorophyll *a* concentrations greater than 10 ug/L are perceived as a mild algae bloom, while concentrations greater than 20 ug/L are perceived as a nuisance.

Chlorophyll *a* was evaluated in Cedar Lake in 1981 and 2002. In 1981, only one chlorophyll *a* sample was collected in August, so those data were not included in Figure 8.

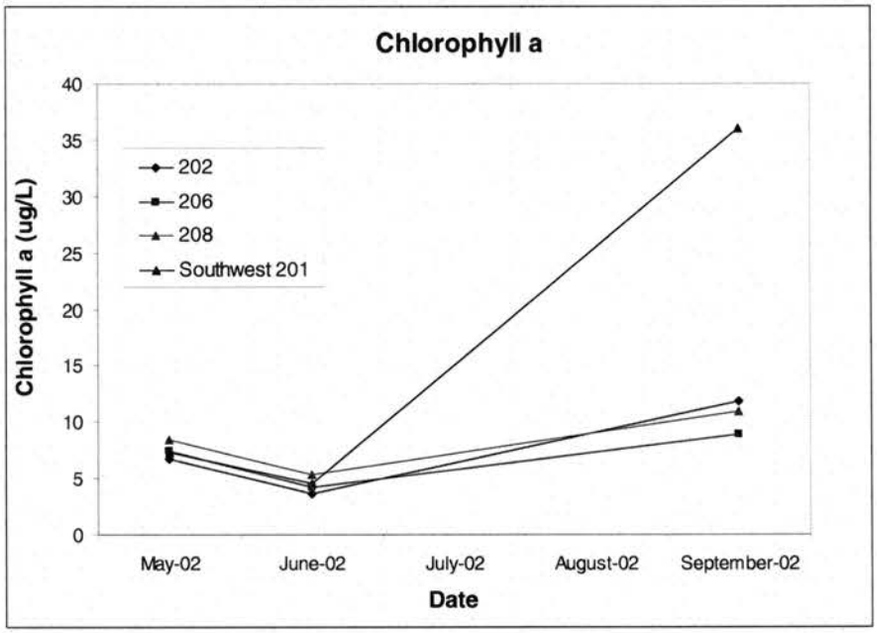
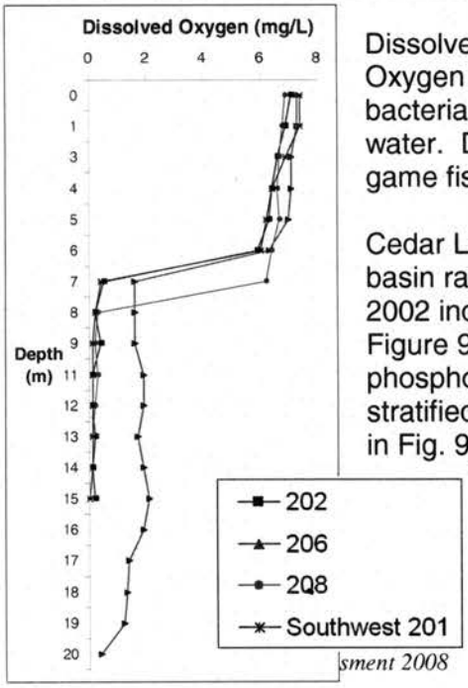


Figure 8. 2002 chlorophyll *a* concentrations (ug/L) for Cedar Lake.

Chlorophyll *a* concentrations in the main basin were relatively similar and did not fluctuate much throughout the year. In addition, main basin chlorophyll a concentrations stayed below 10 ug/L, which is perceived as a mild algae bloom. Chlorophyll a concentrations in the southwest bay were very high in September, indicating a nuisance algae bloom. User perceptions during this period were rated as a severe algae bloom. Chlorophyll *a* should be tested more often to get a better understanding of Cedar Lake, and to see if the southwest bay has a severe algae bloom each year or only in 2002.

Dissolved Oxygen



Dissolved Oxygen (DO) is the amount of oxygen dissolved in lake water. Oxygen is necessary for all living organisms to survive except for some bacteria. Living organisms breathe in oxygen that is dissolved in the water. Dissolved oxygen levels of <5 mg/L are typically avoided by game fisheries.

Cedar Lake is a relatively deep lake. Most of the middle of the main basin ranges from 60-80 feet deep. Dissolved oxygen profiles from 2002 indicate that both the main basin and the southwest basin stratify. Figure 9 illustrates stratification in September of 2002. Benthic phosphorus concentrations indicate internal loading when this site is stratified (total phosphorus ranged from 120 ug/L – 234 ug/L for all sites in Fig. 9).

Figure 9. Dissolved oxygen profile for Cedar Lake, September, 2002.

Trophic State Index

Phosphorus (nutrients), chlorophyll *a* (algae concentration) and Secchi depth (transparency) are related. As phosphorus increases, there is more food available for algae, resulting in increased algal concentrations. When algal concentrations increase, the water becomes less transparent and the Secchi depth decreases.

Trophic State Index	Site 202	Site 206	Site 208	Southwest 201
TSI Total Phosphorus	44	46	46	48
TSI Chlorophyll-a	50	50	51	54
TSI Secchi	45	42	45	46
TSI Mean	*Not appropriate	*Not appropriate	*Not appropriate	*Not appropriate
Trophic State:	Mesotrophic	Mesotrophic	Mesotrophic	Mildly Eutrophic

Numbers represent the mean TSI for each parameter.

**Because the TSI for phosphorus and chlorophyll a are not within 5 points of each other, it is not appropriate to average them to determine an overall TSI mean*

The results from these three measurements cover different units and ranges and thus cannot be directly compared to each other or averaged. In order to standardize these three measurements to make them directly comparable, we convert them to a trophic state index (TSI).

In all sites, the TSI for Secchi is relatively similar to the TSI for phosphorus. The TSI for chlorophyll *a* is higher than expected for all sites. This result could be due to the fact that the chlorophyll *a* data cover only one year. Because the TSI for phosphorus and chlorophyll *a* are not within 5 points of each other, it is not appropriate to average them to determine an overall TSI mean.

The main bay is classified as mesotrophic, while the southwest bay is mildly eutrophic. Collecting more data would better explain the pattern and the relationship between phosphorus, chlorophyll *a* and transparency in Cedar Lake.

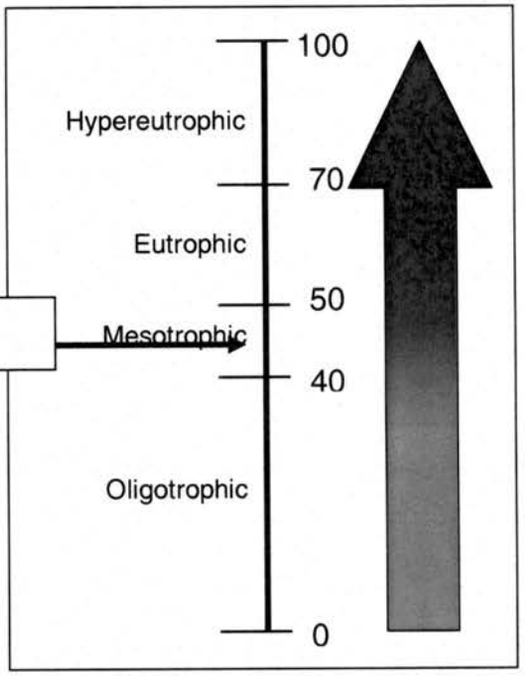


Figure 10. Trophic state index chart with corresponding trophic status.

TSI	Attributes	Fisheries & Recreation
<30	**Oligotrophy:** Clear water, oxygen throughout the year at the bottom of the lake, very deep cold water.	Trout fisheries dominate
30-40	Bottom of shallower lakes may become anoxic (no oxygen).	Trout fisheries in deep lakes only. Walleye, Tullibee present.
40-50	**Mesotrophy:** Water moderately clear most of the summer. May be "greener" in late summer.	No oxygen at the bottom of the lake results in loss of trout. Walleye may predominate.
50-60	**Eutrophy:** Algae and aquatic plant problems possible. "Green" water most of the year.	Warm-water fisheries only. Bass may dominate.
60-70	Blue-green algae dominate, algal scums and aquatic plant problems.	Dense algae and aquatic plants. Low water clarity may discourage swimming and boating.
70-80	**Hypereutrophy:** Dense algae and aquatic plants.	Water is not suitable for recreation.
>80	Algal scums, few aquatic plants	Rough fish (carp) dominate; summer fish kills possible

Source: Carlson, R.E. 1997. A trophic state index for lakes. *Limnology and Oceanography*. 22:361-369.

Trend Analysis

For detecting trends, a minimum of 8-10 years of data with 4 or more readings per season are recommended. Minimum confidence accepted by the MPCA is 90%. This means that there is a 90% chance that the data are showing a true trend and a 10% chance that the trend is a random result of the data. Only short-term trends can be determined with just a few years of data, because there can be different wet years and dry years, water levels, weather, etc, that affect the water quality naturally.

There is not enough historical data to perform trend analysis for total phosphorus or chlorophyll *a* on Cedar Lake. Sites 202, 206, 208 and southwest basin 201 had enough transparency data from to perform a long-term trend analysis. Bear in mind these data are disjointed, and there are gaps in the data in different years for different lake sites. The data was analyzed using the Mann Kendall Trend Analysis.

Basin	Lake Site	Parameter	Date Range	Trend	Probability
Main	202	Transparency	1995-2002, 2006	Declining	99.9%
Main	206	Transparency	1995-2000, 2005	Declining	99.9%
Main	208	Transparency	1995, 1997-1998, 2000-2007	Declining	99.9%
Southwest	201	Transparency	1995-2002, 2005	Declining	99.9%

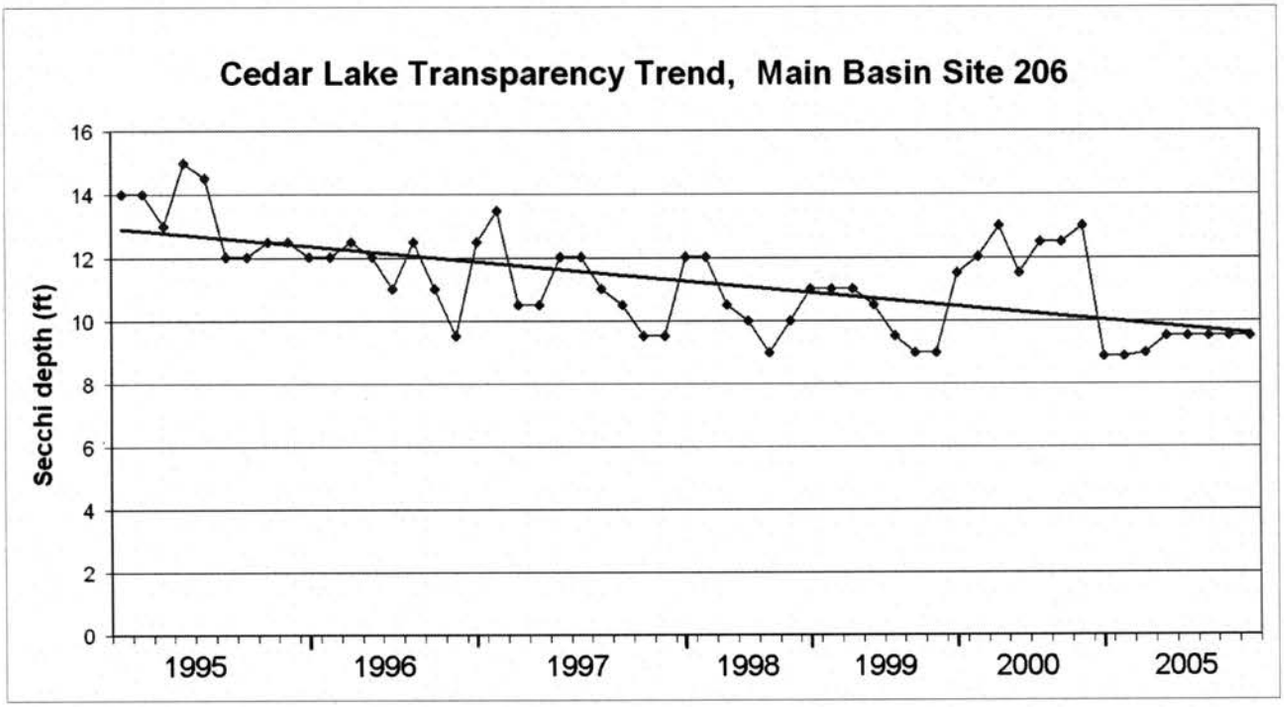
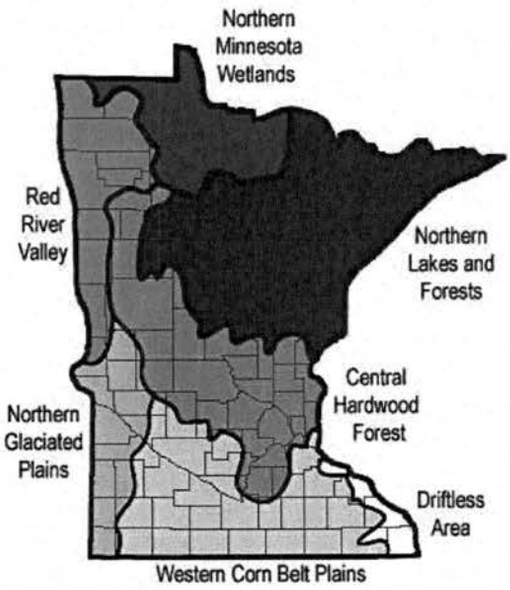


Figure 11. Transparency trends for site 206 from 1995-2000, 2005.

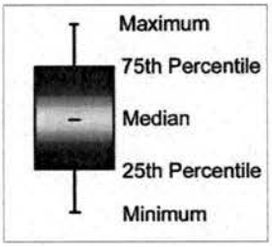
All four sites show a declining transparency trend from 1995-2007. The southwest bay has shown the greatest decline in average transparency from 12 ft in 1995 to 6 ft in 2005. In the main basin, site 206 declined from about 13 ft to about 10 ft, site 202 declined from about 11 ft to about 8 ft and site 208 from about 10 ft to about 8 ft. Transparency data should be collected again to determine if this trend continues or not.

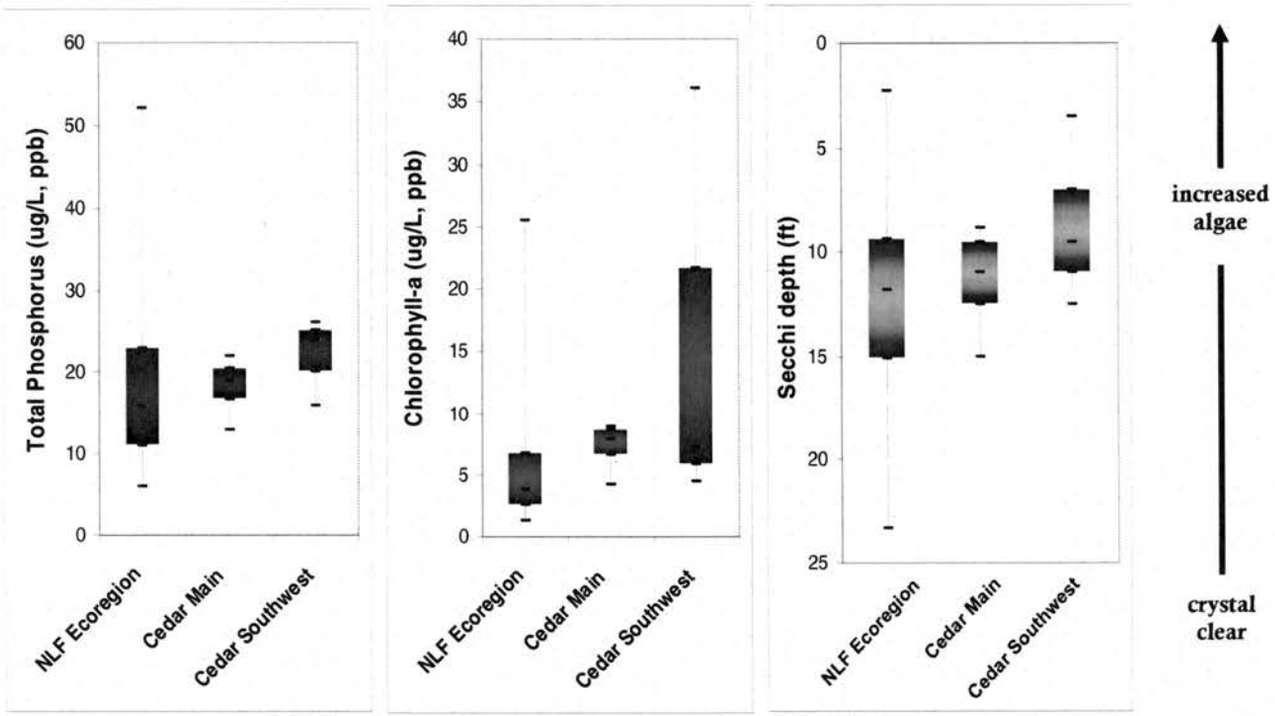
Ecoregion Comparisons

Minnesota is divided into 7 ecoregions based on land use, vegetation, precipitation and geology. The MPCA has developed a way to determine the "average range" of water quality expected for lakes in each ecoregion. From 1985-1988, the MPCA evaluated the lake water quality for reference lakes. These reference lakes are not considered pristine, but are considered to have little human impact and therefore are representative of the typical lakes within the ecoregion. The "average range" refers to the 25th - 75th percentile range for data within each ecoregion. For the purpose of this graphical representation, the means of the reference lake data sets were used.



Cedar Lake is in the Northern Lakes and Forests (NLF) Ecoregion. The mean total phosphorus, chlorophyll a and transparency (secchi depth) for the main basin of Cedar Lake are within the expected ecoregion ranges. The southwest basin is slightly higher than the ecoregion ranges. This result could be due to the difference in the watershed of that area. In addition, the southwest basin is much smaller than the main basin.





Figures 12a-c. Cedar Lake ranges compared to Northern Lakes and Forest Ecoregion ranges. The Cedar Lake total phosphorus and chlorophyll *a* ranges are from 4 data points collected in 1981 and 2002. The Cedar Lake secchi depth range is from 132 data points collected in May-September from 1995-2005.

Inlet/Outlet Data Assessment

The MPCA conducted a Lake Assessment Program (LAP) project for Cedar Lake in 2002. As part of this project, the Lake Association monitored total phosphorus (TP) and flow in several tributaries to the lake. The following text is excerpted from the LAP report.

The aggregate TP from all tributary measurements was 55 ug/L, which is fairly close to the typical range for streams in the NLF ecoregion. Cedar outlet TP concentrations were rather similar to the in-lake TP concentrations, which they should be. Based on the 2002 sampling effort, it appears that the most emphasis should be placed on the watershed drained by Cedar inlet as it tended to have the highest flow and a high TP concentration. The Sandstrom tributary may merit additional consideration as well since TP was high on all three 2002 sample dates. There are only two streams that flow most of the year that enter Cedar Lake - Cedar Brook and Casey Brook. The others flow intermittently. For stream names and locations, see Figure 1 on page 2 of this report.

Assessment/Findings Recommendations

Transparency

Transparency data is extremely disjointed for Cedar Lake. Monitoring at sites 202, 206 and 208 in the main basin and site 201 in the southwest basin should be continued each year. It is important to continue transparency monitoring weekly or at least bimonthly every year to enable year to year comparisons and trend analyses.

Impaired Waters Assessment 303(d) List

There are two main types of Impaired Waters Assessment for lakes: eutrophication (phosphorus) for aquatic recreation and mercury in fish tissue for aquatic consumption. Cedar Lake was listed as impaired for aquatic consumption on the 2006 Impaired Waters List; however it is part of the statewide mercury TMDL and therefore was not on the 2008 Impaired Waters List.

As of the date of this report, the Cedar Lake data set is insufficient for Impaired Waters Assessment for eutrophication. A data set of 10 data points each of total phosphorus, chlorophyll *a*, and secchi depth over a two-year period in the past 10 years is required for eutrophication assessment. In 2002, chemical monitoring was conducted on Cedar Lake. Scheduling one more year of chemical data collection before 2011 would complete this assessment data set (see standards on page 3).

Aquatic Recreational Use Assessment 305(b)

In the 2008 MPCA Aquatic Use Assessment (305(b)), Cedar Lake did not have enough data to be included this assessment.

Inlet/Outlet Assessment

Inlet/Outlet monitoring was completed in 2002, with limited monitoring in 2003 and 2006. This monitoring could be continued yearly to determine changes in watershed contributions to Cedar Lake.

Organizational contacts and reference sites

Cedar Lake Association	http://www.cedarlake.info/
Aitkin Soil and Water Conservation District	130 Southgate Drive, Aitkin, MN 56431 (218) 927-6565, http://www.aitkincountyswcd.org/
DNR Fisheries Office	1200 Minnesota Avenue South, Aitkin, MN 56431 (218) 927-3751, http://www.dnr.state.mn.us/lakefind/index.html
Regional Minnesota Pollution Control Agency Office	7678 College Road, Suite 105, Baxter, MN 56425 (218) 828-2492, http://www.pca.state.mn.us
Regional Board of Soil and Water Resources Office	1601 Minnesota Drive, Brainerd, MN 56401 (218) 828-2383, http://www.bwsr.state.mn.us

Cedar Lake Lakeshed Assessment

The lakeshed vitals table identifies where to focus organizational and management efforts for each lake. Criteria were developed using limnological concepts to determine the effect to lake water quality.

Lakeshed Vitals		Rating
Major Basin	Upper Mississippi River	descriptive
Major Watershed	Mississippi River - Brainerd	descriptive
Minor Watershed	10033	descriptive
Lakeshed	Cedar Creek (1003301)	descriptive
Ecoregion	Northern Lakes and Forests	descriptive
Lake Area	1,745 acres	descriptive
Miles of Shoreline	26.8	descriptive
Miles of Stream	6.2	descriptive
Miles of Road	29.8	descriptive
Lake Max Depth	105 ft (31.8 m)	descriptive
Lake Mean Depth	28 ft (8.5 m)	+
Water Residence Time	2 - 3 years	+
Municipalities	None	+
Sewage Management	Individual waste treatment systems (septic systems and holding tanks – inspections only for new permit requests)	x
Public Drainage Ditches	CD-1; Open ditch-county	x
Lake Management Plan	None	x
Lake Vegetation Survey/Plan	None	x
Forestry Practices	None	+
Development Classification	Recreational Development	x
Shoreline Development Index	4.6	-
Total Lakeshed to Lake Area Ratio (total lakeshed includes lake area)	4.9:1	x
Public Lake Accesses	1	x
Inlets	7 – Cedar Brook, Casey Brook, 5 Unnamed	x
Outlets	1 – Cedar Creek	x
Feedlots	2	-
Agriculture Zoning	1,514 acres > 200 ft. from lake	x
Public Land : Private Land	.03:1	-
Wetland Coverage	17%	+
Lake Transparency Trend	Declining trend (99.9% probability)	-
Exotic Species	None	+

Rating Key:
+ *beneficial to the lake*
- *possibly detrimental to the lake*
x *warrants attention*

Lakeshed

Understanding a lakeshed requires the understanding of basic hydrology. A watershed is the area of land that drains into a surface water body such as a stream, river, or lake and contributes to the recharge of groundwater. There are three categories of watersheds: 1) basins, 2) major watersheds, and 3) minor watersheds.

Cedar Lake is found within the Upper Mississippi River Basin, which includes the Mississippi River - Brain**erd Major Watershed** as one of its sixteen major watersheds (Figure 1). The basin covers 20,000 square miles, while the Mississippi River - Brainerd Watershed covers 1,687 square miles (approximately 1,079,950 acres). Cedar Lake falls within **minor watershed 10033**, one of the 126 minor watersheds that comprise the Mississippi River - Brainerd Major Watershed (Figure 2).

Within this watershed hierarchy, lakesheds also exist. A lakeshed is defined simply as the land area that drains to a lake. While some lakes may have only one or two minor watersheds draining into them, others may be connected to a large number of minor watersheds, reflecting a larger drainage area via stream or river networks. Cedar Lake falls within the **Cedar Creek (1003301) lakeshed**, covering 8,564 acres (includes lake area) (Figure 3). Even though Cedar Lake receives water from minor watersheds 10034 and 1035, for the purpose of this assessment it is decided that only the immediate lakeshed be inventoried and assessed.

Cedar Lake Lakeshed Water Quality Protection Strategy

Each lakeshed has a different makeup of public and private lands. Looking in more detail at the makeup of these lands can give insight on where to focus protection efforts. The protected lands (easements, wetlands, public land) are the future water quality infrastructure for the lake. Developed land and agriculture have the highest phosphorus runoff coefficients, so this land should be minimized for water quality protection.

The majority of Cedar Lake's lakeshed is made up of private forested uplands. This land can be the focus of development and protection efforts in the lakeshed.

	Private (75%)					23%	Public (2%)		
	Developed	**Agriculture**	**Forested Uplands**	**Other**	**Wetlands**	**Open Water**	**County**	**State**	**Federal**
Land Use (%)	5.5%	6%	38%	10.5%	15%	23%	0%	1.7%	0.3%
Runoff Coefficient Lbs of phosphorus/acre/ year	0.45 - 1.5	0.26 - 0.9	0.09		0.09		0.09	0.09	0.09
Description	Focused on Shoreland	Cropland	Focus of development and protection efforts	Open, pasture, grassland, shrubland	Protected				
Potential Phase 3 Discussion Items	Shoreline restoration	Restore wetlands; CRP	Forest stewardship planning, 3rd party certification, SFIA, local woodland cooperatives		Protected by Wetland Conservation Act		County Tax Forfeit Lands	State Forest	National Forest

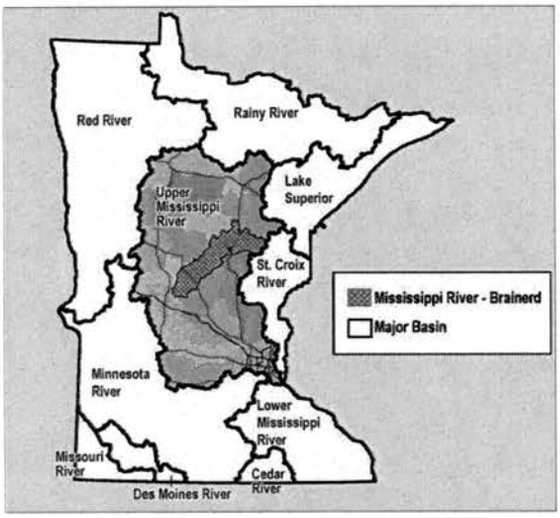


Figure 1. Upper Mississippi Basin and the Mississippi River - Brainerd Watershed.

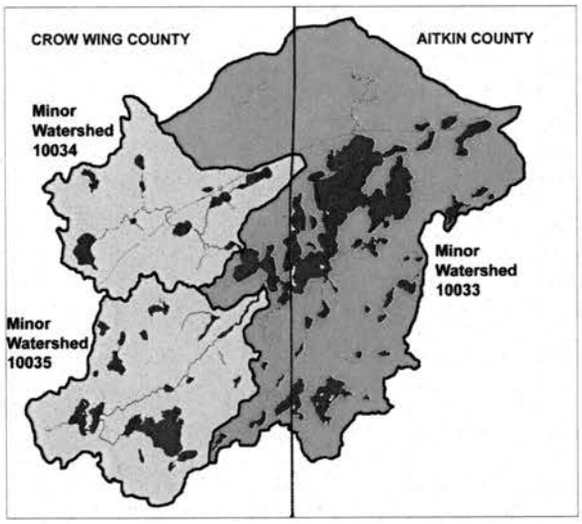


Figure 2. Minor Watersheds 10033, 10034, & 10035 contribute water to Cedar Lake.

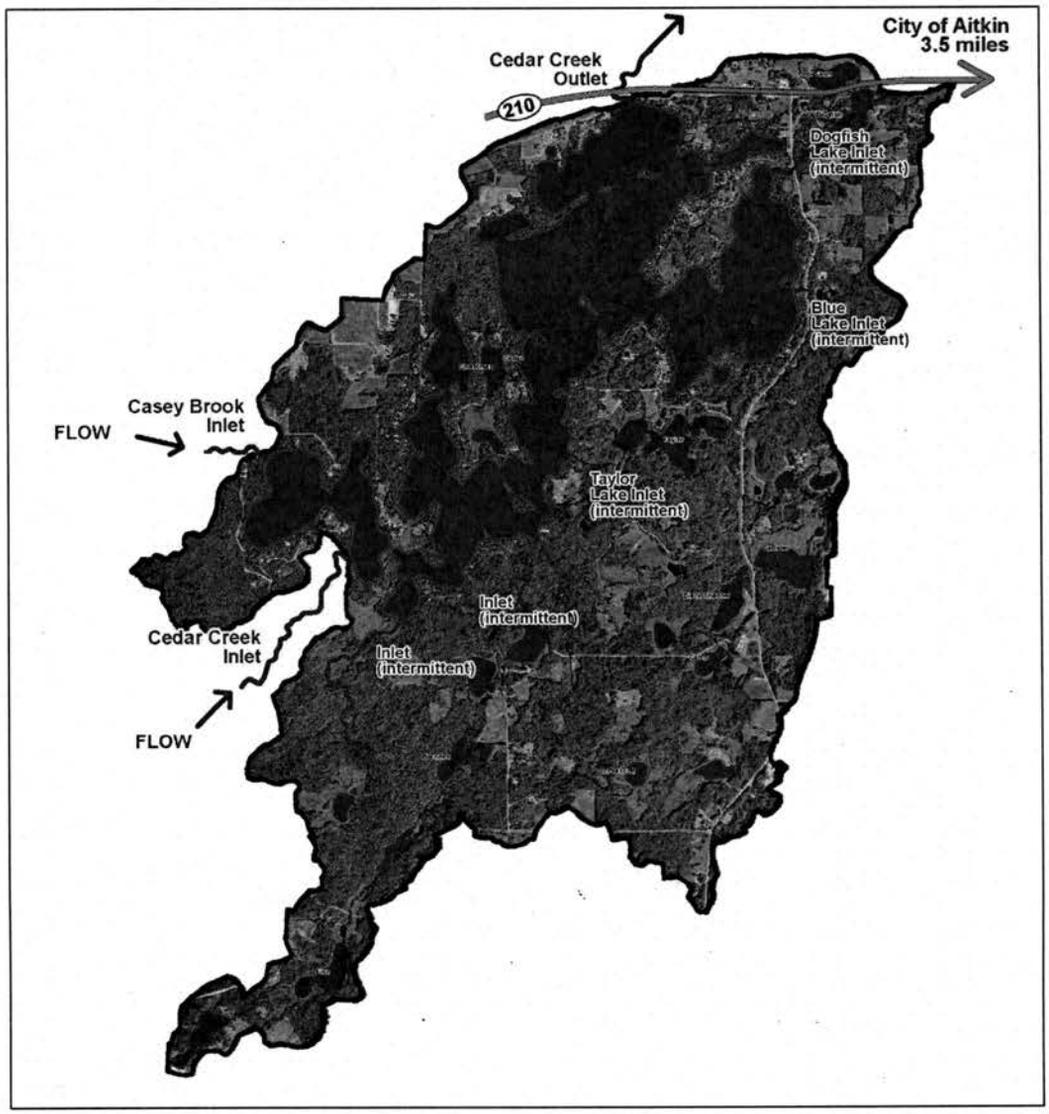


Figure 3. The Cedar Creek (1003301) Lakeshed (Aerial Imagery 2008 1M).

Land Cover / Land Use

The activities that occur on the land within the lakeshed can greatly impact a lake. Land use planning helps ensure the use of land resources in an organized fashion so that the needs of the present and future generations can be best addressed. The basic purpose of land use planning is to ensure that each area of land will be used in a manner that provides maximum social benefits without degradation of the land resource.

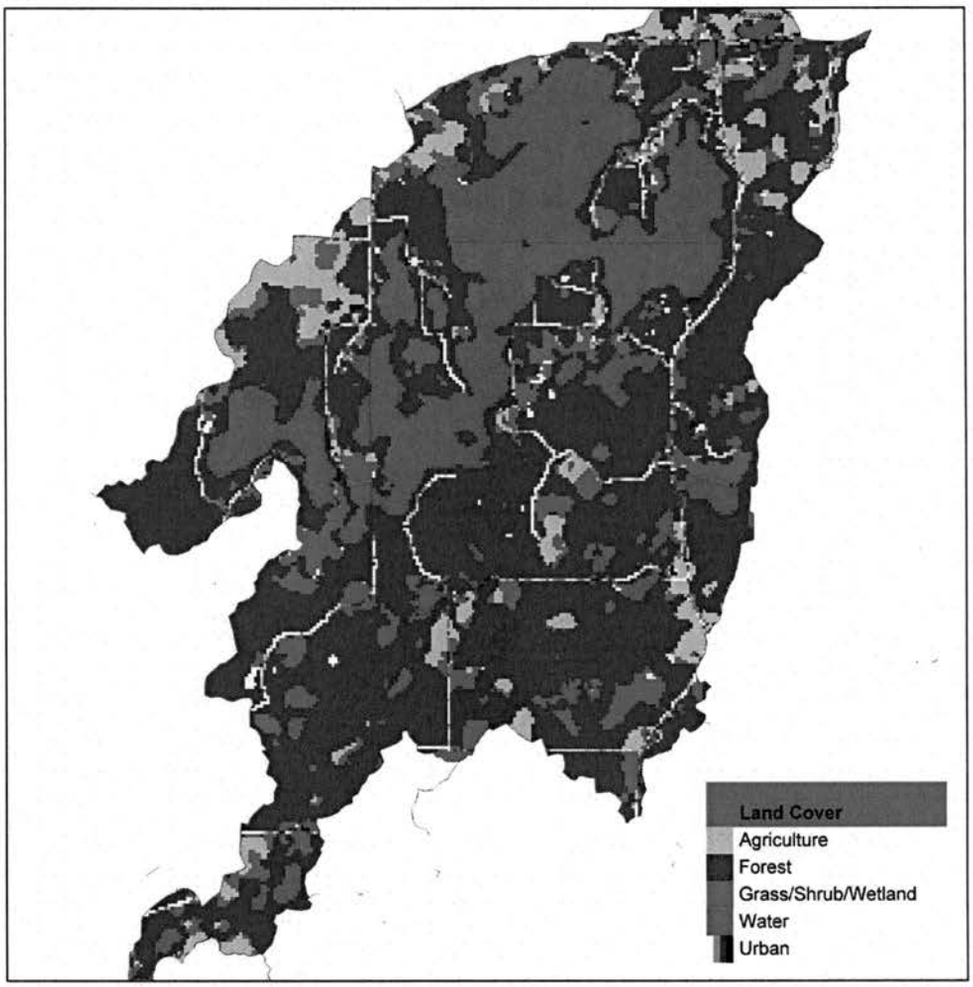


Figure 5. The Cedar Creek (1003301) lakeshed land cover (http://land.umn.edu).

Changes in land use, and ultimately land cover, impact the hydrology of a lakeshed. Land cover is also directly related to the lands ability to absorb and store water rather than cause it to flow overland (gathering nutrients and sediment as it moves) towards the lowest point, typically the lake. Impervious intensity decribes the lands inability to absorb water, the higher the % impervious intensity the more area that water cannot penetrate in to the soils. Monitoring the changes in land use can assist in future planning procedures to address the needs of future generations.

Phosphorus export, which is the main cause of lake eutrophication, depends on the type of land cover occurring in the lakeshed. Figure 5 depicts Cedar Lake's lakeshed land cover.

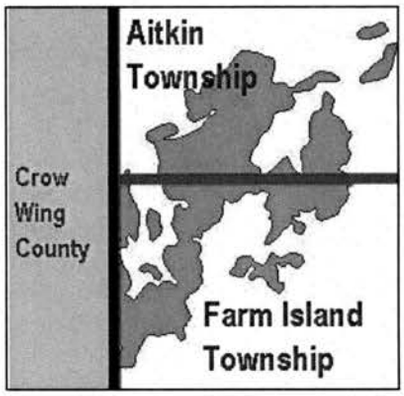
The University of Minnesota has online records of land cover statistics from years 1990 and 2000 (http://land.umn.edu). Table 1 describes Cedar Lake's lakeshed land cover statistics and percent change from 1990 to 2000. Due to the many factors that influence demographics, one cannot determine with certainty the projected statistics over the next 10, 20, 30+ years, but one can see the transition within the lakeshed from agriculture and grass/shrub/wetland acreages to forest and urban acreages. The largest change in percentage is the decrease in agriculture (42.1%); however, in acreage, forest cover has increased the most (1,117 acres). In addition, the impervious intensity has increased, which has implications for storm water runoff into the lake. The increase in impervious intensity is consistent with the increase in urban acreage.

Table 1. Cedar Lake's lakeshed land cover statistics and % change from 1990 to 2000 (http://land.umn.edu).

	1990		2000		% Change
Land Cover	**Acres**	**Percent**	**Acres**	**Percent**	**1990 to 2000**
Agriculture	901	10.52	522	6.1	42.1 % Decrease
Forest	3,759	43.89	4,876	56.94	29.7 % Increase
Grass/Shrub/Wetland	1,297	15.14	874	10.21	32.6% Decrease
Water	2,199	25.68	1,817	21.22	17.4 % Decrease
Urban	408	4.76	476	5.56	16.7 % Increase
Impervious Intensity %					
0	8,304	96.96	8,227	96.06	0.9 % Decrease
1-10	96	1.12	116	1.35	20.8 % Increase
11-25	110	1.28	125	1.46	13.6 % Increase
26-40	27	0.32	60	0.7	122.2 % Increase
41-60	14	0.16	23	0.27	64.3 % Increase
61-80	9	0.11	8	0.09	11.1 % Decrease
81-100	5	0.06	4	0.05	20.0 % Decrease
Total Area	8,564		8,564		
Total Impervious Area (Percent Impervious Area Excludes Water Area)	50	0.79	66	0.98	32 % Increase

Demographics

Cedar Lake is classified as a recreational development lake. Recreational development lakes usually have between 60 and 225 acres of water per mile of shoreline, between 3 and 25 dwellings per mile of shoreline, and are more than 15 feet deep.



Aitkin County records indicate that the population in Farm Island Township increased 50-100% from 1990-2000, while the population of Aitkin Township decreased 0-50% from 1990-2000. The Minnesota Department of Administration Geographic and Demographic Analysis Division extrapolated future population in 5-year increments out to 2035. These projections are shown in Figure 6 below. Compared to Aitkin County as a whole, Farm Island Township has a higher extrapolated growth over the next 30 years, whereas Aitkin Township has a negative extrapolated growth.

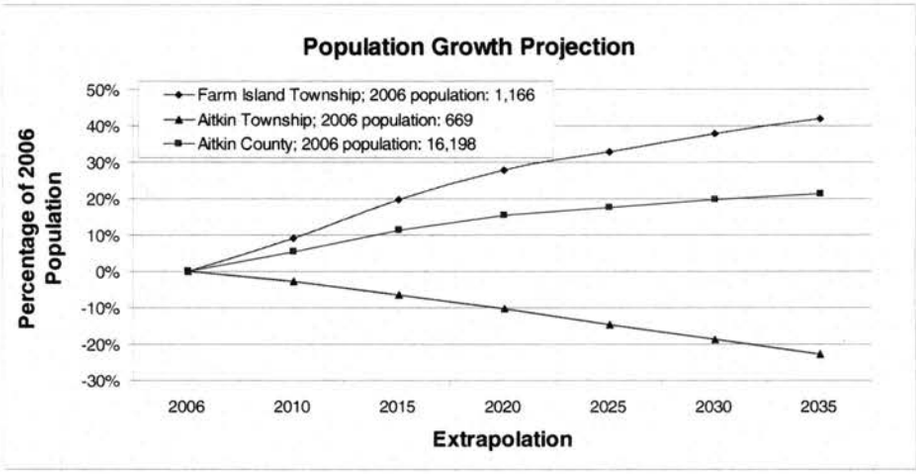


Figure 6. Population growth projection for the townships around Cedar Lake and Aitkin County (source: http://www.demography.state.mn.us/resource.html?Id=19332)

Status of the Fishery (DNR, as of 08/13/2007)

Cedar Lake is a large, complex lake located in western Aitkin County approximately 3 miles west of Aitkin. There is a state owned Public access with a concrete ramp that is located on the South side of the lake off of County Road 28. Cedar Lake is comprised of seven basins that vary in size from several hundred acres to less than forty acres. Water clarity varies from dark bog stained with a low secchi disk reading to light green with a 14 foot secchi disk reading. Much of the 26 miles of shoreline has a sharp drop-off with the maximum depth of the basins varying from 28 feet to 106 feet. With the exception of the main basin, none of the basins have oxygen below the thermocline.

Walleye fishing is very popular on Cedar Lake with both the local residents and seasonal cabin owners. Cedar Lake's walleye population has a healthy size distribution, including some real trophies, as documented by a 30.5-inch walleye caught in this survey. The sharp drop-offs and the many shallow reefs and gravel bars provide the walleye angler a host of areas to fish for Minnesota's state fish. Catch per unit effort for walleye was 3.4 fish per net, which was the highest we've observed and the mean size was 19.1 inches. The 2001 and 2004 year classes are the most abundant in the system right now. Walleye fingerlings are stocked in Cedar Lake on an annual basis.

Muskellunge have created a popular fishery since being introduced in 1994. They have been stocked annually except for 2005. A spring survey of the muskellunge population was conducted in 2007 with trap nets and with electrofishing. A total of 24 muskellunge were sampled in this assessment with fish ranging from 22 inches to nearly 51 inches. The mean length was 40 inches. For comparison, in 2004, we caught 18 fish in trap nets ranging in size from 22.8 to 48 inches with a mean length of 39.7 inches. In addition, seven muskellunge were sampled in one night of electrofishing, suggesting that this technique may be more effective at sampling spawning muskellunge in Cedar Lake.

Traditionally, northern pike angling has been good on Cedar Lake and numbers have increased since 2002 to 5.8 pike per gill net lift with a mean size of about 20 inches. The size structure of the pike population seems to be improving or at least maintaining itself with 2-pounds being average. For many years, Cedar Lake, like many lakes throughout central Minnesota, had an over abundant northern pike population that was dominated by small "hammer handle" northern pike. The size structure has improved in this survey, with the CUE for pike over 24 inches at 1.3 fish per net. This is the highest we have seen since the 1987 survey when there were 1.65 fish per net over 24 inches.

Black crappie numbers reached an all time high in this survey with a gill net catch of 7.3 per net, which is the highest ever recorded by DNR surveys going back to 1959. Although trap net catches for crappie were below average in this survey, they do not appear to adequately sample crappie in Cedar Lake. Strong year classes in 2001 and 2002 are producing fish in the 8-10 inch range. The 2005 year class is also strong with numerous fish 5-6 inches long. Individuals up to 11.6 inches were sampled and the mean length was 7.4 inches. Bluegill sunfish growth is slow for the first 5 years, but appears to recover to normal levels after that. The stronger year classes of 2001 and 2002 should provide a good fishery for 7 inch fish in the next few years.

The largemouth bass population in Cedar Lake appears to be increasing. The gill net catch rates are the highest we have seen. This is good news for anglers, as largemouth bass was the most sought after fish in Cedar Lake as documented by a creel survey in 1994.

Yellow perch are still below the average catch rates for this lake type, but we are seeing an upward trend in the population. In the last two surveys (2002 and 2007) catch rates have been the highest we have seen since the 1959 survey. Hopefully we continue to see this trend in the 2012 survey. Tullibee are also present in Cedar Lake and have provided good forage for existing game fish. However, just as in many lakes statewide, tullibee numbers in Cedar Lake appear to be declining. See the link below for specific information on gillnet surveys, stocking information, and fish consumption guidelines. http://www.dnr.state.mn.us/lakefind/showreport.html?downum=01020900.

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	Governor/OHC			House			Senate			Conference		
	FY 10	FY 11	FY 10-11	FY 10	FY 11	FY 10-11	FY 10	FY 11	FY 10-11	FY 10	FY 11	FY 10-11
BOARD OF WATER AND SOIL RESOURCES												
Wetlands												
Reinvest in Minnesota Wetlands Reserve Program Leveraging Project	9,058		9,058	9,058		9,058	9,058		9,058	9,058		9,058
BOARD OF WATER & SOIL RESOURCES TOTAL APPROPRIATIONS	9,058		9,058	9,058		9,058	9,058		9,058	9,058		9,058
LEGISLATURE												
Administration & Other												
LCC; OHC Admin. Support & Council Expenses; Water Resources Acct. Reimbursement	695		695	403		403	695		695	695		695
LCC; Public Information Web Site				54	36	90	10		10	10		10
Legislative Auditor; Restoration & Financial Audits				63	129	192						
LEGISLATURE TOTAL	695		695	520	165	685	705		705	705		705
DEPARTMENT OF AGRICULTURE												
Forest Protection Reserve / State Invasive & Exotic Tree Pest Plans Update				2,000		2,000				2,000		2,000
DEPARTMENT OF AGRICULTURE TOTAL APPROPRIATIONS				2,000		2,000				2,000		2,000
OUTDOOR HERITAGE FUND TOTAL APPROPRIATIONS	69,522		69,522	71,347	165	71,512	69,532	16,000	85,532	69,532	18,000	87,532
OUTDOOOR HERITAGE FUND FORECASTED RECEIPTS	77,247	81,486	158,733	77,247	81,486	158,733	77,247	81,486	158,733	77,247	81,486	158,733
OUTDOOR HERITAGE FUND BALANCE AFTER APPROPRIATIONS	7,725	81,486	89,211	5,900	81,321	87,221	7,715	65,486	73,201	7,715	63,486	71,201

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		FY 10	FY 11	FY 10-11	FY 10	FY 11	FY 10-11	FY 10	FY 11	FY 10-11	FY 10	FY 11	FY 10-11
	ARTICLE 1 OUTDOORS HERITAGE FUND	OUTDOOR HERITAGE COUNCIL			HOUSE			SENATE			CONFERENCE		
1	DEPARTMENT OF NATURAL RESOURCES												
2													
3	***Prairies***												
4	DNR Wildlife; Accelerated Prairie/Grassland Management	1,700		1,700	1,700		1,700	1,700		1,700	1,700		1,700
5	SW Initiative Foundation; Green Corridor Legacy Acquisition	1,617		1,617	1,617		1,617	1,617		1,617	1,617		1,617
6	Pheasants Forever; Prairie Heritage Fund - Acquisition & Restoration	3,000		3,000	3,000		3,000	3,000		3,000	3,000		3,000
7	DNR Wildlife; Accelerated Prairie Grassland WMA Acquisition	3,913		3,913	3,913		3,913	3,913		3,913	3,913		3,913
8	USF&WS: Northern Tall Grass Prairie NWR Acquisition	1,583		1,583	1,583		1,583	1,583		1,583	1,583		1,583
9	MN Land Trust; Bluffland Prairie Protection Initiative	500		500	500		500	500		500	500		500
10	Anoka County; Rum River/Cedar Creek Initiative	1,900		1,900	1,900		1,900	1,900		1,900	1,900		1,900
11	***Forests***												
12	DNR Forestry; Forests for the Future/Upper Mississippi River Project	20,000		20,000	20,000		20,000	20,000	16,000	36,000	18,000	18,000	36,000
13	***Wetlands***												
14	DNR Wildlife; Accelerated Wildlife Management Area Acquisitions	2,900		2,900	2,900		2,900	2,900		2,900	2,900		2,900
15	Ducks Unlimited; Accelerated Shallow Lake Restorations & Enhancements	2,528		2,528	2,528		2,528	2,528		2,528	2,528		2,528
16	Pheasants Forever; Accelerating the Waterfowl Production Area Program in MN	5,600		5,600	5,600		5,600	5,600		5,600	5,600		5,600
17	Ducks Unlimited; Shallow Lake Critical Shoreland	450		450	450		450	450		450	450		450
18	***Fish, Game & Wildlife Habitat***												
19	Conservation Partners Allocation	4,000		4,000	4,000		4,000	4,000		4,000	4,000		4,000
20	DNR Fish & Wildlife; Aquatic Management Areas (AMA) Acquisition	5,748		5,748	5,748		5,748	5,748		5,748	5,748		5,748
21	Trout Unlimited; Cold Water River & Stream Restoration, Protection & Enhancement	2,050		2,050	2,050		2,050	2,050		2,050	2,050		2,050
22	Dakota County; Habitat Protection	1,000		1,000	1,000		1,000	1,000		1,000	1,000		1,000
23	Three Rivers Park Dist.; Lake Rebecca Water Quality Improvement Project	450		450	450		450	450		450	450		450
24	Shell Rock River Watershed Dist.; Fountain Lake Fish Barriers	655		655	655		655	655		655	655		655
25	**Administration & Other**												
26	FY 2010-11 Contract Management	175		175	175		175	175		175	175		175
27													
28	**DEPARTMENT OF NATURAL RESOURCES TOTAL APPROPRIATIONS**	59,769		59,769	59,769		59,769	59,769	16,000	75,769	57,769	18,000	75,769
29													

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ARTICLE 2												
CLEAN WATER FUND	**GOVERNOR**			**HOUSE**			**SENATE**			**CONFERENCE**		
DEPARTMENT OF AGRICULTURE												
Monitor Nonpoint Agriculture Pollution				339		339						
Pesticide Monitoring and Assessment	325	350	675	325	350	675	140	170	310	325	350	675
Root River Watch Program							395		395	395		395
Drinking Water Protection	375	750	1,125	375	750	1,125	300	440	740	375	750	1,125
Research, Projects and Technical Assistance (Drainage Grants to BWSR)	875	1,750	2,625	875	1,750	2,625	600	800	1,400	695	1,570	2,265
Livestock Env Quality Assurance <Designated>							150	150	300	<150>	<150>	<300>
TMDL Technical Assistance <Included>							200	300	500		<Included>	
South Central Service Coop Pilot							150		150			
Agriculture Best Practices Loan Program	1,500	3,000	4,500	1,000	2,500	3,500	2,000	2,500	4,500	2,000	2,500	4,500
Feedlot Water Quality Improvement Grants (Moved to BWSR)				500	500	1,000						
DEPARTMENT OF AGRICULTURE TOTAL APPROPRIATIONS	3,075	5,850	8,925	3,414	5,850	9,264	3,935	4,360	8,295	3,790	5,170	8,960
PUBLIC FACILITIES AUTHORITY												
Total Maximum Daily Load Grant Program	5,000	10,000	15,000	5,000	10,000	15,000	10,522	12,628	23,150	8,816	12,834	21,650
Phosphorus Reduction Grant Program	2,500	5,000	7,500	2,500	5,000	7,500	6,550	6,850	13,400	4,125	4,425	8,550
Small Community Wastewater Treatment Construction Loans & Grants	500	2,000	2,500	500	2,000	2,500				500	2,000	2,500
Small Community Wastewater Treatment Technical Assistance Grants <Included>	125	250	375	125	250	375	2,200	3,200	5,400		<Included>	
Wastewater Re-use Pilot Projects (Moved to PCA)							1,000	1,000	2,000			
PUBLIC FACILITIES AUTHORITY TOTAL APPROPRIATIONS	8,125	17,250	25,375	8,125	17,250	25,375	20,272	23,678	43,950	13,441	19,259	32,700

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		FY 10	FY 11	FY 10-11	FY 10	FY 11	FY 10-11	FY 10	FY 11	FY 10-11	FY 10	FY 11	FY 10-11
96	**POLLUTION CONTROL AGENCY**												
97													
98	Assessment and Monitoring/Endocrine Disruptor	3,350	7,450	10,800				5,500	6,454	11,954	7,500	7,500	15,000
99	Endocrine Disruptor Monitoring/Analysis <Designated>	375		375				175	200	375	<175>	<200>	[375]
100	Red River Watch Program							150	196	346	150	196	346
101	St. Croix Watershed Monitoring							200	300	500	200	300	500
102	TMDL Development/Data Base & Rules	7,688	15,375	23,063	9,000	9,000	18,000	8,000	10,000	18,000	9,000	9,000	18,000
103	MN River Water Quality Testing <Designated>				348		348				<348>		<348>
104	Buffalo River Watershed <Designated>							250		250	<250>		<250>
105	Civic Engagement/TDLM Development							100	150	250	100	150	250
106	Enhanced Data Base				500	1,188	1,688				500		500
107	Beneficial Reuse of Water Grants				1,500	3,500	5,000				1,500	3,169	4,669
108	Small City Reuse Grant <Designated>										<1,000>		<1,000>
109	Drinking Water Protection	750	1,500	2,250	750	1,500	2,250	600	900	1,500	1,125	1,125	2,250
110	Clean Water Partnership Grants				2,500	7,500	10,000				2,500		2,500
111	Star Lakes Board (Moved From BWSR)							100	100	200	100	100	200
112	Wastewater Treatment Endocrine Monitoring				1,000		1,000				896		896
113	Coal Tar Best Management Practices				155	1,000	1,155				155	345	500
114	Ground Water Protection											5,000	5,000
115	St. Louis River & Duluth Harbor Restoration	750		750	750		750	350	400	750	350	400	750
116													
117	**POLLUTION CONTROL AGENCY TOTAL APPROPRIATIONS**	12,913	24,325	37,238	16,503	23,688	40,191	15,425	18,700	34,125	24,076	27,285	51,361
118													
119													
120	**DEPARTMENT OF NATURAL RESOURCES**												
121													
122	Water Quality Assess	1,050	1,665	2,715	1,050	1,665	2,715	1,240	1,760	3,000	1,240	2,460	3,700
123	Water Quality Assess, TMDL Study & Implement and Watershed Restore/Protect (F&WM)		950	950		950	950						
124	Water Quality Assess, TMDL Study & Implement and Watershed Restore/Protect (ES)	1,058	1,601	2,659	1,058	1,601	2,659						
125	TMDL Study Development & Implementation							900	1,200	2,100	1,050	1,050	2,100
126	Drinking Water Source Planning & Protection	375	750	1,125	375	750	1,125	300	440	740	600	525	1,125
127	High-Resolution Digital Elevation Data				2,500	2,500	5,000	2,500	3,100	5,600	2,800	2,800	5,600
128	Nonpoint Source Restoration and Preservation							1,500	2,000	3,500	250	250	500
129	Critical Areas Act Program Rulemaking and Public Notification				225	225	450	225	225	450	250	250	500
130	County Geologic Atlas Program Acceleration (Investigate Re-Charge Characteristics)					1,875	1,875	278	417	695	500	500	1,000
131													
132	**DEPT. OF NATURAL RESOURCES TOTAL APPROPRIATIONS**	2,483	4,966	7,449	5,208	9,566	14,774	6,943	9,142	16,085	6,690	7,835	14,525
133													

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		FY 10	FY 11	FY 10-11	FY 10	FY 11	FY 10-11	FY 10	FY 11	FY 10-11	FY 10	FY 11	FY 10-11
134													
135	**BOARD OF WATER AND SOIL RESOURCES**												
136													
137	Non-Point Protection/Restoration & Source Water Protection	8,500	16,200	24,700				8,300	8,900	17,200			
138	Non-Point Protection/Restoration & Source Water Protection—Riparian Buffers				1,500	5,000	6,500				3,250	3,250	6,500
139	Non-Point Protection/Restoration & Source Water Protection—Water Retention				1,500	4,424	5,924				2,800	3,124	5,924
140	Non-Point Protection/Restoration & Source Water Protection—Water Shed/WMO Grants				1,500	4,500	6,000				3,000	3,000	6,000
141	Local Nonpoint Conservation & Preservation Grants <eligible>							1,700	2,300	4,000		<eligible>	
142	Non-Point Protection/Restoration—Wellhead Protection Areas				500	1,500	2,000				1,000	1,000	2,000
143	Anoka Cons District/Metro Landscapes							400	600	1,000	400	600	1,000
144	MN Cons Corp Contracted Services <Designated>				<500>	<500>	<1,000>	500	500	1,000	<500>	<500>	<1,000>
145	Targeted Non-Point Restoration Technical Assistance							2,500	3,000	5,500	1,250	1,500	2,750
146	County SSTS Programs							1,600	1,900	3,500	1,600	1,900	3,500
147	Imminent Threat/Failing SSTS Grants							800	1,000	1,800	800	1,000	1,800
148	Civic Engagement/TDLM Development							100	150	250			
149	Star Lakes Board [Moved to PCA]												
150	Local Resource Conservation & Preservation Grants	750	2,500	3,250									
151	Measures, Results & Accountability	620	1,250	1,870				275	315	590	275	315	590
152	Feedlot Water Quality Projects and Assessments—Riparian Waters [Includes House Ag.]	1,250	2,500	3,750	1,000	2,000	3,000	1,800	2,200	4,000	2,000	2,000	4,000
153	Streams & Lakeshore Water Quality Protection Grants				1,000	1,000	2,000	1,600	1,900	3,500	2,330	1,830	4,160
154	Hennepin County Stream Banks Projects <Designated>							500		500	<500>		<500>
155	Conservation Drainage Grants <Designated>	330	650	980							<330>	<330>	<660>
156													
157	**BD. OF WATER & SOIL RESOURCES TOTAL APPROPRIATIONS**	11,450	23,100	34,550	7,000	18,424	25,424	20,075	22,765	42,840	18,705	19,519	38,224
158													
159													
160	**METROPOLITAN COUNCIL**												
161													
162	Water Supply Planning	188	750	938				400	500	900	400		400
163													
164	**METROPOLITAN COUNCIL TOTAL APPROPRIATIONS**	188	750	938				400	500	900	400		400
165													

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	FY 10	FY 11	FY 10-11	FY 10	FY 11	FY 10-11	FY 10	FY 11	FY 10-11	FY 10	FY 11	FY 10-11
DEPARTMENT OF HEALTH												
Drinking Water Source Protection	805	1,610	2,415	805	1,610	2,415	1,000	1,415	2,415	1,200	1,215	2,415
Drinking Water Contaminants	445	890	1,335	445	890	1,335	600	735	1,335	445	890	1,335
DEPARTMENT OF HEALTH TOTAL APPROPRIATIONS	1,250	2,500	3,750	1,250	2,500	3,750	1,600	2,150	3,750	1,645	2,105	3,750
UNIVERSITY OF MINNESOTA												
County Geologic Atlas					820	820	122	183	305		305	305
Statewide Sustainable [illegible] Resources 10 year Plan and 25-year Framework				750		750	750		750	750		750
UNIVERSITY TOTAL APPROPRIATIONS				750	820	1,570	872	183	1,055	750	305	1,055
LEGISLATURE												
LCC; Public Information Web Site				54	36	90	25		25	25		25
Legislative Auditor; Restoration & Financial Audits				63	129	192						
LEGISLATURE TOTAL APPROPRIATIONS				117	165	282	25		25	25		25
CLEAN WATER FUND APPROPRIATIONS	39,484	78,741	118,225	42,367	78,263	120,630	69,547	81,478	151,025	69,522	81,478	151,000
CLEAN WATER FUND FORECASTED RECEIPTS	77,247	81,486	158,733	77,247	81,486	158,733	77,247	81,486	158,733	77,247	81,486	158,733

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	FY 10	FY 11	FY 10-11	FY 10	FY 11	FY 10-11	FY 10	FY 11	FY 10-11	FY 10	FY 11	FY 10-11
CLEAN WATER FUND BALANCE AFTER APPROPRIATIONS	37,763	2,745	40,508	34,880	3,223	38,103	7,700	.8	7,708	7,725	8	7,733
ARTICLE 3 PARKS AND TRAILS FUND	GOVERNOR			HOUSE			SENATE			CONFERENCE		
DEPARTMENT OF NATURAL RESOURCES												
State Parks & Trails Legacy	6,536	13,642	20,178	6,749	14,807	21,556	13,000	15,500	28,500	12,641	15,140	27,781
Regional Significance Parks & Trails Grants	4,128	8,616	12,744	2,650	4,450	7,100	3,500	4,300	7,800	3,970	4,900	8,870
Grants for Solar/Regional Significant Parks <Designated>				1,000	2,000	3,000				<500>	<600>	<1,100>
State & Regional Parks & Trails 10 year Plan and 25–Year Framework				250		250				250		250
DEPARTMENT OF NATURAL RESOURCES TOTAL APPROPRIATIONS	10,664	22,258	32,922	10,649	21,257	31,906	16,500	19,800	36,300	16,861	20,040	36,901
METROPOLITAN COUNCIL												
Metropolitan Regional Parks & Trails	6,536	13,642	20,178	7,500	14,600	22,100	13,000	15,500	28,500	12,641	15,140	27,781
METROPOLITAN COUNCIL TOTAL APPROPRIATIONS	6,536	13,642	20,178	7,500	14,600	22,100	13,000	15,500	28,500	12,641	15,140	27,781
UNIVERSITY OF MINNESOTA												
Parks Framework & Inventory							400		400	400		400
UNIVERSITY TOTAL APPROPRIATIONS							400		400	400		400

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	FY 10	FY 11	FY 10-11	FY 10	FY 11	FY 10-11	FY 10	FY 11	FY 10-11	FY 10	FY 11	FY 10-11
LEGISLATURE												
LCC; Public Information Web Site				23	15	38	15		15	15		15
Legislative Auditor; Restoration & Financial Audits				28	53	81						
LEGISLATURE TOTAL APPROPRIATIONS				51	68	119	15		15	15		15
PARKS AND TRAILS FUND TOTAL APPROPRIATIONS	17,200	35,900	53,100	18,200	35,925	54,125	29,915	35,300	65,215	29,917	35,180	65,097
PARKS AND TRAILS FUND FORECASTED RECEIPTS	33,357	35,187	68,544	33,357	35,187	68,544	33,357	35,187	68,544	33,357	35,187	68,544
PARK & TRAILS FUND BALANCE AFTER APPROPRIATIONS	16,157	(713)	15,444	15,157	(738)	14,419	3,442	(113)	3,329	3,440	7	3,447
ARTICLE 4												
ARTS AND CULTURAL HERITAGE FUND	**NO GOVERNOR**			**HOUSE**			**SENATE**			**CONFERENCE**		
MINNESOTA STATE ARTS BOARD												
Arts & Arts Access Initiatives							18,400	18,400	36,800	16,775	16,775	33,550
Arts Education Collaborations							3,562	3,562	7,124	3,245	3,245	6,490
Arts in Cultural Heritage							1,188	1,188	2,376	1,080	1,080	2,160
Community Arts Access <included>				6,000	6,000	12,000						
Statewide Arts Access <included>				1,000	1,000	2,000						
Artist's Economic Development <included>				500	500	1,000						
Arts Education: Grants to School Districts <included>				2,000	2,000	4,000						
Arts Access: Grants <included>				4,000	4,000	8,000						
Census of MN Artists and Artistic Works <included>				150		150						
Fiscal Oversight & Accountability							600	600	1,200	550	550	1,100
ARTS BOARD TOTAL APPROPRIATIONS				13,650	13,500	27,150	23,750	23,750	47,500	21,650	21,650	43,300

Clean Water, Land & Legacy Constitution Amendment
2009 Session: House – Senate Conference
HF 1231: Appropriations Tracking
(all dollars in thousands)

		Governor/OHC			House			Senate			Conference		
		FY 10	FY 11	FY 10-11	FY 10	FY 11	FY 10-11	FY 10	FY 11	FY 10-11	FY 10	FY 11	FY 10-11
268													
269	**HISTORICAL SOCIETY**												
270													
271	Minnesota History Educational Network				2,000	1,000	3,000						
272	Statewide Programs & Projects							5,625	5,625	11,250	3,000	4,750	7,750
273	Statewide Historic & Cultural Grants				6,000	6,000	12,000				2,250	4,500	6,750
274	Competitive Grants							3,750	3,750	7,500			
275	Assistance to Local Historical Societies				500	500	1,000						
276	History Partnerships							3,125	3,125	6,250	1,250	2,750	4,000
277	Collections				250		250						
278	HELP Projects				2,000		2,000						
279	Analysis of Historical Programs				150		150						
280	Statewide Survey of Historical, Archaeological Sites				500	500	1,000				250	250	500
281	Minnesota Digital Library				500	500	1,000				500		500
282	Exhibit on Regional, Local & Cultural Diversity				2,000	500	2,500				2,500		2,500
283													
284	**HISTORICAL SOCIETY TOTAL APPROPRIATIONS**				13,900	9,000	22,900	12,500	12,500	25,000	9,750	12,250	22,000
285													
286													
287													
288	**DEPARTMENT OF ADMINISTRATION: FISCAL AGENT**												
289													
290	Public Television: Materials & Programming on MN Cultural Heritage				2,000	5,000	7,000	3,500	3,500	7,000	2,800	3,500	6,300
291	Public TV & Radio: Documentaries on Use of Dedicated Funding				500	500	1,000						
292	Minnesota Public Radio: Materials & Programming on MN Cultural Heritage				2,000	3,000	5,000	1,325	1,325	2,650	1,150	1,500	2,650
293	AMPERS: Materials & Programming on MN Cultural Heritage				1,000	2,000	3,000	1,325	1,325	2,650	1,150	1,500	2,650
294	Children's Museums				500	500	1,000	200	200	400	500	500	1,000
295	Science Museum				500	500	1,000	500	500	1,000	450	450	900
296	MN Zoos: Program Development				2,000	2,000	4,000		100	100	450	450	900
297													
298	**DEPARTMENT OF ADMINISTRATION TOTAL APPROPRIATIONS**				8,500	13,500	22,000	6,850	6,950	13,800	6,500	7,900	14,400
299													

Clean Water, Land & Legacy Constitution Amendment
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(all dollars in thousands)

		Governor/OHC			House			Senate			Conference		
		FY 10	FY 11	FY 10-11	FY 10	FY 11	FY 10-11	FY 10	FY 11	FY 10-11	FY 10	FY 11	FY 10-11
300													
301	**DEPT OF EDUCATION**												
302													
303	Libraries: Grants to Regional Library Systems				5,000	5,000	10,000				4,250	4,250	8,500
304													
305	**DEPT OF EDUCATION TOTAL APPROPRIATIONS**				5,000	5,000	10,000				4,250	4,250	8,500
306													
307													
308	**INDIAN AFFAIRS COUNCIL**												
309													
310	Grants for Preservation of Languages / Educational Programs in Native languages				600	750	1,350				550	700	1,250
311	Working Group on Dakota & Ojibwe Language Revitalization & Preservation				150		150				150		150
312	Arts, History & Cultural							500	500	1,000			
313	Dakota and Ojibwe Immersion Programs <Spreadsheet>				250	250	500	<150>	<150>	<300>	250	250	500
314	Becker County Indian Burial Mound <Spreadsheet>							<80>		<80>			
315													
316	**INDIAN AFFAIRS COUNCIL TOTAL APPROPRIATIONS**				1,000	1,000	2,000	500	500	1,000	950	950	1,900
317													
318													
319	**PERPICH CENTER FOR THE ARTS**												
320													
321	Perpich Center for the Arts							400	1,200	1,600	300	700	1,000
322													
323	**PERPICH CENTER FOR THE ARTS TOTAL APPROPRIATIONS**							400	1,200	1,600	300	700	1,000
324													
325													
326	**HUMANITIES CENTER**												
327													
328													
329	MN Center for the Humanities: Civics Education Grants				1,000	1,000	2,000				250	250	500
330	Council on Asian Pacific Minnesotans: Community Events & Cultural Preservation				125	125	250				125	125	250
331	Council on Black Minnesotans: Community Events & Baseline Study				125	125	250				125	125	250
332	Indian Affairs Council: Site Preservation				125	125	250				125	125	250
333	Chicano/Latino Affairs Council: Research on Community Needs				125	125	250				125	125	250
334	MN Center for the Humanities: Grants to Organizations Celebrating Ethnic Identities				500	500	1,000	1,500	1,500	3,000			
335	Program Development/Admin				500	500	1,000				300	300	600
336													
337	**HUMANITIES CENTER TOTAL APPROPRIATIONS**				2,500	2,500	5,000	1,500	1,500	3,000	1,050	1,050	2,100

Clean Water, Land & Legacy Constitution Amendment
2009 Session: House – Senate Conference
HF 1231: Appropriations Tracking
(all dollars in thousands)

		Governor/OHC			House			Senate			Conference		
		FY 10	FY 11	FY 10-11	FY 10	FY 11	FY 10-11	FY 10	FY 11	FY 10-11	FY 10	FY 11	FY 10-11
338													
339													
340	**EXPLORE MINNESOTA TOURISM**												
341													
342	Minnesota Film & TV Board				50		50	500	500	1,000			
343													
344	**EXPLORE MINNESOTA TOURISM TOTAL APPROPRIATIONS**				50		50	500	500	1,000			
345													
346													
347	**LEGISLATURE**												
348													
349	LCC; Public Information Web Site				33	21	54				20		
350	Legislative Auditor; Financial Audits					35	35						
351	Arts & Cultural Heritage Fund 10 year Plan and 25–Year Framework				250		250						
352													
353	**LEGISLATURE TOTAL APPROPRIATIONS**				283	56	339				20		
354													
355													
356													
357													
358	**ARTS & CULTURAL HERITAGE FUND TOTAL APPROPRIATIONS**				44,883	44,556	89,439	46,000	46,900	92,900	44,470	48,750	93,220
359													
360													
361	**ARTS & CULTURAL HERITAGE FUND FORECASTED RECEIPTS**	46,232	48,768	95,000	46,232	48,768	95,000	46,232	48,768	95,000	46,232	48,768	95,000
362													
363													
364	**ARTS & CULTURAL HERITAGE FUND BALANCE AFTER APPROPRIATIONS**				1,349	4,212	5,561	232	1,868	2,100	1,762	18	1,780
365													
366													

Clean Water, Land & Legacy Constitution Amendment
2009 Session: House – Senate Conference
HF 1231: Appropriations Tracking
(all dollars in thousands)

		Governor/OHC			House			Senate			Conference		
		FY 10	FY 11	FY 10-11	FY 10	FY 11	FY 10-11	FY 10	FY 11	FY 10-11	FY 10	FY 11	FY 10-11
367													
368	ARTICLE 6												
369	MANAGEMENT	NO GOVERNOR			HOUSE			NO SENATE			CONFERENCE		
370													
371	DEPARTMENT OF NATURAL RESOURCES												
372													
373													
374	Long-Term Land Management Account (Revenue)				(5,350)	(5,350)	(10,700)						
375	Natural Resources Land Onetime Payment					unknown							
376													
377													
378													
379	ALL FUNDS												
380	TOTAL APPROPRIATIONS	OHC/GOVERNOR			HOUSE			SENATE			CONFERENCE		
381													
382	OUTDOOR HERITAGE FUND	69,522		69,522	71,347	165	71,512	69,532	16,000	85,532	69,532	18,000	87,532
383	CLEAN WATER FUND	39,484	78,741	118,225	42,367	78,263	120,630	69,547	81,478	151,025	69,522	81,478	151,000
384	PARKS & TRAILS FUND	17,200	35,900	53,100	18,200	35,925	54,125	29,915	35,300	65,215	29,917	35,180	65,097
385	ARTS & CULTURAL HERTIAGE FUND	N/A	N/A	N/A	44,883	44,556	89,439	46,000	46,900	92,900	44,470	48,750	93,220
386	OTHER					unknown							
387													
388													
389	**TOTAL APPROPRIATIONS**	**126,206**	**114,641**	**240,847**	**176,797**	**158,909**	**335,706**	**214,994**	**179,678**	**394,672**	**213,441**	**183,408**	**396,849**
390													

Wolf Delisting in Minnesota

The U.S. Secretary of interior has affirmed the U.S. Fish and Wildlife Service decision to delist gray wolves in Minnesota and the Western Great Lakes Distinct Population Segment. As of May 4, 2009, wolves will be officially delisted and the DNR will resume management authority for wolves in Minnesota. The ruling delists wolves in Minnesota, Wisconsin, Michigan, and portions of North Dakota, South Dakota, Iowa, Illinois, Indiana, and Ohio will be delisted

Rebounding from a few hundred wolves in Minnesota in the 1970s when listed as endangered, the region's gray wolf population now numbers about 4,000 and occupies large portions of Minnesota, Wisconsin, and Michigan. Wolf numbers in the three states have exceeded the numerical recovery criteria established in the species' recovery plan for more than a decade. In Minnesota alone, the population was estimated at 2,921 wolves in 2008.

The DNR supports the Secretary's decision to move forward with wolf delisting. Minnesota has established a comprehensive wolf management plan to ensure the long-term survival of wolves and to resolving conflicts between wolves and humans. Wolves were extirpated from all of the lower 48 states, except Minnesota and Isle Royale on Lake Superior in Michigan. By removing unregulated human caused mortality the wolf population rapidly recovered by expanding into suitable areas of the state.

The DNR will resume management of gray wolves in compliance with Minnesota Statute and guided by the Minnesota wolf management plan. There are no changes to how wolves will be managed from the previous period they were delisted in Minnesota from March 2007 to September 2008. The DNR will implement the Minnesota wolf management plan as it was completed and approved in 2001 with no changes. There will be no hunting authorized for at least five years to ensure a stable wolf population.

Legal challenges are expected based on the Humane Society of the United States notice of intent sent to the U.S. Fish and Wildlife Service that they will be filing a law suit to challenge the delisting.

Below are some quick facts and answers to some common questions. For additional information about wolf management and delisting in Minnesota and the western Great Lakes region go to the wolf page on www.dnr.state.mn.us/wolfmanagement.

Fact Sheet: Wolf Delisting

Wolves are Recovered in the Western Great Lakes

- The Western Great Lakes gray wolf population first met the biological recovery goals in 1996. The western Great Lakes regional population is comprised of wolf populations in Minnesota, Wisconsin and Michigan. About 4,000 wolves live in the region, where individual wolves regularly travel between states.
- Federal rules require Minnesota to maintain a minimum of 1251-1400 wolves. Minnesota has exceeded this population level since the early 80's.
- An estimated 2921 wolves inhabited Minnesota in 2008 in about 503 packs. Minnesota's wolf population has stabilized over the last 10 years because nearly all the suitable habitat has been occupied.
- Legal challenges are a possibility as occurred with the 2007 wolf delisting decision.

Wolf Delisting and Minnesota

- DNR conducted an extensive public involvement process to develop a wolf management plan starting in 1998 and completed in 2001.
- Minnesota DNR and tribal authorities on their respective reservations will have full legal authority for wolf conservation and management in Minnesota after delisting takes effect.
- Under State management wolves are allowed to occur anywhere in Minnesota with no maximum population goal. There is a minimum population goal of at least 1600 wolves to ensure the continued survival of the wolf in Minnesota.

• Upon delisting, the wolf will be classified as a protected wild animal with no open season. The DNR is authorized to develop a wolf season 5 years following the date that wolves are delisted, but must allow an opportunity for public comment.
• Wolves may be killed in defense of human life and under certain circumstances to protect livestock and pets (see facts under Wolves, Livestock, and Pets).

Wolf Monitoring
• DNR will continue to conduct periodic surveys of Minnesota's wolf population at five year intervals.
• DNR conducts annual scent post surveys and winter track surveys which provide indices of the wolf population.
• DNR is looking at other methods to assess wolf population numbers, distribution and demography.
• DNR will continue to encourage and conduct telemetry monitoring of wolves in certain areas.
• DNR will assess wolf health and disease through blood and tissue samples of wolves handled for research and from wolves killed by natural causes or in control actions for livestock depredation management.

Wolf damage management
• An integrated wildlife damage management program that combines animal husbandry considerations, cost-effective nonlethal deterrents, lethal wolf removal, and compensation payments to owners of livestock killed by wolves.
• DNR Enforcement is responsible for verifying livestock depredation complaints and signing compensation claim forms.
• The current USDA Wildlife Services wolf damage control program will be continued under a cooperative agreement with the DNR.
• State certified predator controllers may also be available as another option to trap wolves for depredation management purposes.
• Wolf depredation compensation claims are administered by the Minnesota Department of Agriculture.
• Two wolf depredation management zones (Zone A and Zone B) are established with different options for managing wolf depredation.
• Zone A comprises approximately 30,000 square miles in northeastern Minnesota; Zone B is the remainder of the state.

Wolves, Livestock, and Pets
• In Zone A, the killing of depredating wolves is limited to situations of immediate threat, and immediately following verified losses of livestock, domestic animals, or pets.
• An "immediate threat" is defined as the observed behavior of a wolf in the act of stalking, attacking, or killing livestock, a guard animal, or a domestic pet under the supervision of the owner.
• In Zone B, documentation of an immediate threat or a verified loss is not required, but the killing of wolves is limited to land, owned, leased, or managed by the domestic animal owner.
• A person must report a wolf killed under these circumstances to a conservation officer as soon as practicable, but within 48 hours.
• It may not be possible to eliminate the risk of wolf predation to livestock or pets; however precautions may be taken to reduce the risk.

Cost and Funding
• Implementation of Minnesota's wolf management plan was expected to cost about $900,000 a year.
• To fund wolf management, DNR recommended appropriation needs for gray wolf management to the Minnesota legislature through the governor's 2010-2011 budget cycle.
• DNR may seek additional funds to augment wolf research and monitoring through grants.

Federal Oversight for Five Years
• Minnesota must monitor the wolf population and annually submit population status reports to the U.S. Fish and Wildlife Service for at least five years.
• U.S. Fish and Wildlife will evaluate how each state carries out its management plan, regulations and state laws.
• U.S. Fish and Wildlife also will examine any change in state plans or laws to determine whether it would jeopardize the population and could do an emergency relisting at any time during the 5-year post delisting monitoring period.

Wolves Can Be Relisted

• The U.S. Fish and Wildlife can initiate a status review to determine whether relisting is warranted for three reasons:

• If the wolf population falls below wolf population recovery levels of 1251-1400 wolves in Minnesota or the WI and MI populations fell below 100 wolves.

• If a change in state law or management objectives would significantly increase the threat to the wolf population.

• A federal judge or the U.S. Fish and Wildlife Service could also relist the wolf in the Western Great Lakes Distinct Population Segment in response to a federal court ruling.

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
ST. PAUL, MINNESOTA 55155
WEDNESDAY, JUNE 24, 2009

BOARD MEMBERS PRESENT:
Gordy Behm, Paul Brutlag, Bob Burandt, Wayne Edgerton, DNR; Quentin Fairbanks, Rebecca Flood, MPCA; Randy Kramer, Paul Langseth, Linda Bruemmer, MDH; Tom Loveall, Brian Napstad, Faye Sleeper, U of M Extension; Louise Smallidge, Gene Tiedemann, LuAnn Tolliver

BOARD MEMBERS ABSENT:
Joe Martin, MDA
John Meyer

STAFF PRESENT:
Mary Jo Anderson, Travis Germundson, Jim Haertel, Ryan Hughes, John Jaschke, Al Kean, Julie Klocker, Les Lemm, Kevin Lines, Jeremy Maul, Michelle Schaefers, Ron Shelito, Sarma Stramanius, Dave Weirens, Tom Wenzel, Marcey Westrick, Wayne Zellmer

OTHERS PRESENT:
Sandy Hooker, MAT
Lance Yohe, RRBC

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

PLEDGE OF ALLEGIANCE

** 09-39 **ADOPTION OF AGENDA** – Chair Kramer stated that a few adjustments will be made in the order of the agenda. New Business item #1, Proposed Wetland Conservation Rule will be agenda item #6; item #2, Appeal Fee Schedule will be agenda item #7; and agenda item #7, FY10 Clean Water Fund Program Targeted Non-Point Restoration Technical Assistance and Engineering Project Funding Authorization will be moved to item #1. Moved by Louise Smallidge, seconded by Paul Langseth, to approve the agenda as amended. Motion passed on a voice vote.

** 09-40 **MINUTES OF MAY 27, 2009** – Moved by Paul Langseth, seconded by Louise Smallidge, to approve the minutes of May 27, 2009, as circulated. Motion passed on a voice vote.

REPORTS

Chair's Report – Randy Kramer reported that he attended the Environmental Quality Board (EQB) meeting on June 18. The EQB adopted Phase 2 of the shoreland ordinance. There has been lots of discussion on this issue, not without controversy. The next EQB meeting is scheduled for September; full board meetings are now held quarterly; with commissioners meeting monthly. Chair Kramer reported that Bob Patton is now the half-time EQB Executive Director; he continues working half-time with the Department of Agriculture.

Chair Kramer asked that Board Members submit their expense reports immediately as they are due by the end of month. Chair Kramer asked Mary Jo Anderson to also send Board Members a reminder notice tomorrow via e-mail.

Executive Director's Report – John Jaschke commented on articles in the "BWSR Snapshots". John briefly explained that the Legislature passed new language this session regarding conducting meetings electronically, effective August 1, 2009.

John reported that he met individually with new board members Tom Loveall and John Meyer for orientation purposes. John attended the MAT Legislative and Research Policy Committee meeting on June 8th. John will attend the MAWD Summer Tour on June 26 in Albert Lea. John will attend the Minnesota Ag Water Resources Coalition meeting in Mankato on June 25th. John reported that he has been communicating with the Red River Basin Commission; the Board will take action on the regional flood solutions grant today. John reported that special federal EQIP funding for ring dikes is available in the Red River Valley, and will continue to pursue other funding. John reported that Julie Klocker will attend a Legislative Forum Conference on June 25-27, in

Winnipeg; Julie will speak on dedicated funding for water quality. John reported that the WCA/Swampbuster Fact Sheet is now in place for producers, the next step is to develop an MOU for federal and state identification and mitigation of wetlands, and possibly incorporate into WCA rules. Board members will receive a copy of the fact sheet.

Dispute Resolution Committee – Travis Germundson reported that there are currently 17 appeals. A new restoration order appeal was received from Brown County. Travis reported that the City of Woodbury has directed their attorney to file an appeal with the Court of Appeals to contest the Board's May 27, 2009 decision on the Order for the Enlargement of the Valley Branch Watershed District and enlargement and increase in the number of managers of the South Washington Watershed District within an area previously managed by the Lower St. Croix WMO (which has been dissolved).

LuAnn Tolliver stated that the Wetlands Committee requests that a status and resolution column be included in Travis' DRC report. Travis will provide that.

Wetlands Committee – LuAnn Tolliver reported that the Wetlands Committee met on May 22, June 18 and June 23; items to be considered later today on the agenda.

Grants Program & Policy Committee – Louise Smallidge reported that the Grants Program and Policy Committee met on June 18; there are12 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 has not met; the Strategic Plan was the Committee's last main project. Staff are meeting to review the scope and charter of the Committee, additional oversight efforts will be included; the Committee will schedule a meeting as needed.

RIM Reserve Planning Committee – Paul Brutlag reported that due to the state and federal agencies' partnership, Minnesota has received the most WRP funds. Kevin Lines reported that 233 eligible applications were received, just under 19,000 acres requested; $58M in requests. $1.3M of carryover from Phase 1, with 750 acres to complete. Kevin stated that there is $12.7M RIM available statewide to allocate to 115 applications; 13,000 total in easement acres. Kevin recognized the partnership with BWSR and NRCS; looking at leveraging WRP funds. Kevin recognized the efforts of NRCS staff Tim Koehler, Mark Oja, Myron Taylor, and John Corrigan. Kevin recognized BWSR staff Tom Wenzel and Tim Fredbo on their efforts, and the tremendous amount of work at the local delivery system. Chair Kramer thanked staff for their efforts.

Administrative Advisory Committee – Randy Kramer stated that the Administrative Advisory Committee did not meet this month.

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

Waseca County Local Water Management Plan Update – Paul Langseth reported that the Southern Water Planning Committee reviewed the Waseca County Local Water Management Plan Update and recommends approval of the Plan for 2009-2018.

** 09-41 Moved by Paul Langseth, seconded by Brian Napstad, to approve the Waseca County Local Water Management Plan Update. Motion passed on a voice vote.

NEW BUSINESS

FY10 Clean Water Fund Program Targeted Non-Point Restoration Technical Assistance and Engineering Project Funding Authorization – Julie Klocker reported that the Clean Water Fund appropriation was made for targeted non-point restoration technical assistance and engineering and Federal Section 319 funds could be applied for a local match through the MPCA review process. Julie stated that an urgency exists as applications need to be submitted to MPCA by July 15. Julie reported that the Grant Program & Policy Committee met on June 18th and made the following recommendation: 1) that up to $1,250,000 from the Clean Water Fund targeted non-point restoration technical assistance and engineering appropriations be designated to leverage the currently available Federal Section 319 Funds; and 2) staff to coordinate with MPCA and communicate to local government project sponsors that said funds are available for up to 20% of the total project costs for the technical assistance and engineering portion of Section 319 implementation grant applications that are approved for funding; and 3) staff to participate in the Federal Section 319 project evaluation, selection and validation process and enter into grant agreements with the local government unit project sponsors or partners for the non-point restoration technical assistance and engineering components of the selected projects.

** 09-42 Moved by Louise Smallidge, seconded by Paul Langseth, to approve the FY10 Clean Water Fund Program Targeted Non-Point Restoration Technical Assistance and Engineering Project Funding Authorization. Discussion followed. Motion passed on a voice vote.

FY 2010 SWCD Base Grant Allocations

State Cost-Share Base Grants - Wayne explained that the Grants Program and Policy Committee recommends approval of the State Cost-Share Base Grants to be allocated according to Alternative #1 and that performance increases be suspended for FY11 due to such limited funding. The Committee also recommends allowing SWCDs, with Board Conservationists approval, to use all or part of their allocation for technical assistance

when: 1) Federal funds will be leveraged and the couldn't do the project otherwise; or 2) Funds are used on a project(s) that is State Cost-Share Program or EQIP eligible and their 2008 Financial Report indicates less than an 18-month fund balance.

** 09-43 Moved by Louise Smallidge, seconded by Quentin Fairbanks, to approve the State Cost-Share Base Grants (Alternative #1); authorizing staff to allocate $1,145,743 to eligible SWCDs as presented. Motion passed on a voice vote.

General Services Grants - Wayne explained that the Grants Program and Policy Committee recommends approval of the General Services Grants (Alternative #1).

** 09-44 Moved by Louise Smallidge, seconded by Paul Langseth, to approve the General Services Grants (Alternative #1); authorizing staff to allocate $2,086,078 to SWCDs as presented. Motion passed on a voice vote.

Easement Services Grants - Wayne explained that the Grants Program and Policy

** 09-45 Committee recommends approval of the Easement Services Grants. Moved by Louise Smallidge, seconded by Quentin Fairbanks, to approve the Easement Services Grants; authorizing staff to allocate $344,993 to SWCDs as presented. Motion passed on a voice vote.

Non-Point Engineering Assistance (NPEA) Base Grants - Wayne explained that the Non-Point Engineering Assistance (NPEA) Base Grants are allocated annually to the NPEA (TSA) Joint Powers Boards for the purpose of providing technical assistance to landowners to apply conservation practices. The Legislature appropriated $1.06M for FY10. The Grants Program & Policy Committee recommends approval of the FY10

** 09-46 NPEA Base Grants. Moved by Louise Smallidge, seconded by Rebecca Flood, to approve the Non-Point Engineering Assistance Base Grants; authorizing staff to allocate $1,060,000 to JPBs as presented. Motion passed on a voice vote.

FY 2010 Natural Resources Block Grant (NRBG) Allocations – Wayne Zellmer explained that the NRBG are administered by BWSR, providing 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 Subsurface Sewage Treatment Systems. Wayne reported that the Grants Program & Policy Committee recommends approval of the following FY10 Natural Resources Block Grants:

Local Water Management (LWM)	$1,559,817
Wetland Conservation Act (WCA)	$2,171,973
DNR Shoreland Management	$ 429,926
MPCA County Feedlot	$1,839,857
MPCA SSTS	$ 863,997

** 09-47 Moved by Louise Smallidge, seconded by Bob Burandt, to approve the NRBG allocations; authorizing staff to allocate the appropriate individual grant amounts to counties meeting the NRBG Program requirements as determined by BWSR, MPCA, and DNR staff, as presented. Discussion followed. Brian Napstad questioned the WCA formula noting the time required for wetland banking applications, and the need to examine the formula so it compensates all of the activities within WCA. John Jaschke stated that the Grants Program & Policy Committee will look at the formula and allocation, and make sure it is up-to-date. Motion passed on a voice vote.

FY 2010 Farm Bill Assistance Grants – Wayne Zellmer explained that the Farm Bill Assistance Grant Program is administered by BWSR, providing grants to SWCDs for hiring staff to accelerate implementation of the Federal Farm Bill as well as other state and local conservation projects that involve grasslands and wetlands. Wayne reported that the Grants Program & Policy Committee recommends approval of the FY10 Farm

** 09-48 Bill Assistance Grant. Moved by Louise Smallidge, seconded by Paul Langseth, to approve the FY10 Farm Bill Assistance Grant and authorize staff to allocate $710,000 according to the Board's policies. Discussion followed. Motion passed on a voice vote.

Chair Kramer called for a break in the meeting at 10:35 a.m. The meeting reconvened at 10:50 a.m.

Red River Basin Commission - Regional Flood Solutions Grant – John Jaschke explained that the 2009 Legislature appropriated $500,000 to the Red River Basin Commission for planning and flood response issues in conjunction with an equal appropriation from North Dakota. John introduced Lance Yohe, Executive Director of the RRBC. John reported that the Grants Program & Policy Committee recommends approval of the work plan; and authorizes staff to:

1. Develop agreements with the RRBC related to Minnesota 2009 legislative appropriation and coordinate such agreements and related work with the North Dakota State Water Commission, and
2. Oversee implementation of the workplan for Phase I in conjunction with the North Dakota State Water Commission, and
3. Authorize, in conjunction with the North Dakota State Water Commission, RRBC efforts to:
    a. develop and conduct a survey of flood damage and prevention needs, opportunities, obstacles and ideas, and
    b. develop, as needed, a Request for Proposals (RFP) for consulting services for evaluation of the survey results and potential follow-up, and

c. conduct or contract for analysis of past plans, assessments and recommendations, and
d. develop an RFP for Phase II and related tasks toward completion of the project, and

4. Authorize expenditures for Phase I up to $200K and the remainder for Phase II activities in conjunction with the North Dakota State Water Commission.
5. Report progress on the project to the Board at least every six months.

Lance explained the expenditures for Phase I (what should be done) up to $200K and the remainder for Phase II (how to make it happen) activities in conjunction with the North
** Dakota State Water Commission. Moved by Quentin Fairbanks, seconded by Paul
09-49 Brutlag, to approve the Grants Program & Policy Committee's recommendation. John stated that the Legislation requires a report back to the legislature. BWSR will allocate money and require a progress report at least every six months. Motion passed on a voice vote.

Proposed Wetland Conservation Rule – Dave Weirens distributed a WCA permanent rulemaking chronology. Les Lemm provided comments from the public hearings that were held in April and May; and the proposed changes. Dave distributed and explained the response to the ALJ report. Dave reported that the Wetlands Committee met on June 23, 2009, and recommends adoption of the rule. Dave explained the series of steps to be followed regarding the WCA final rule; BWSR's targeted date of July 27, 2009, to submit notice of adoption of rule amendments to the State Register. The amended rule to be published in the State Register August 2009, the rules are effective
** five days after publishing. Moved by LuAnn Tolliver, seconded by Paul Brutlag, to
09-50 approve the Wetlands Committee recommendation to adopt the WCA rules as published in the State Register with changes noted; and to authorize staff to proceed with the final steps to complete the rulemaking process.

LuAnn thanked staff for keeping the lines of communication open, and for the excellent job of moving the process along. She thanked the Wetlands Committee for their flexibility in meetings. Discussion followed. Quentin Fairbanks commented on the wetland issues in International Falls. John Jaschke stated that he and the District Engineer from the USACOE will be going to International Falls to discuss the wetland issues. Brian Napstad thanked staff for their efforts in reordering the WCA rule. Dave commended Les Lemm for all his great work. Les credited the staff rule team for their role in the effort of reorganizing this huge undertaking. Chair Kramer noted that no one signed-up to provide testimony at today's Board meeting. Motion passed on a voice vote. Chair Kramer thanked staff and the Wetlands Committee, and LuAnn Tolliver for her diligence and leadership in chairing the Wetlands Committee.

Appeals Fees Schedule – Dave Weirens explained that BWSR is required by law to establish a fee schedule to defray the administrative costs of appeals made to the Board. This is non-refundable fee. Dave reported that the Wetland Committee recommends approval of the following: 1) Increase the administrative filing fee for appeals to $500; 2) require this fee for appeals filed after August 1, 2009; and 3) review the fee and protocols for reimbursing the prevailing party within two years. Moved by
** 09-51 LuAnn Tolliver, seconded by Louise Smallidge, to approve Wetlands Committee recommendation of the fee schedule as presented. Discussion followed. Quentin asked about a waiver process for fees. John Jaschke stated that in the new proposed rule there is the ability to extend the appeal process which might help with the waiver issue. Brian Napstad questioned the protocols for reimbursement. LuAnn Tolliver stated that the Wetlands Committee reviews the protocols. Motion passed on a voice vote.

Paul Brutlag commented on the budgetary burden for LGUs for ag exemption enforcement issues which is related to the NRBG formula discussed earlier.

AGENCY REPORTS

Minnesota Department of Health (MDH) – Linda Bruemmer reported that MDH is working with BWSR staff to develop new language and review data for implementing and prioritizing RIM easement lands for wellhead protection.

Minnesota Department of Natural Resources (DNR) – Wayne Edgerton distributed a factsheet on Minnesota's "Working Lands for Wildlife Initiative" and also a map showing the targeted counties in the State for Board Members' information. Wayne stated that Tabor Hoek is working half time with BWSR and DNR on this effort. Wayne stated that DNR is working on the ash borer infestation.

Minnesota Extension Service – Faye Sleeper explained that the Water Resources Center received Clean Water funding, but needs to know how to get the funding into the University. Co-Director Deb Swackhamer, has established teams and a large stakeholder component to get this effort more formalized, contact Deb or Faye with questions on this effort.

Minnesota Pollution Control Agency (MPCA) – Rebecca Flood reported that MPCA is in the process of rulemaking for Air and Water; there will be changes in discharge fees. MPCA is in the process of developing revisions on non-degradation rules. Rebecca reported that MPCA will be placing on public notice feedlot applications beginning in July. MPCA is beginning interagency meetings on Clean Water Funding, teams are looking at proposals and outcomes as the funding comes through agencies to LGUs.

John stated that there has been a pilot program for construction site stormwater permit funding for LGUs to interface with landowners; due to budget reductions MPCA will not be able to continue that program.

UPCOMING MEETINGS

- August Board Meeting and Tour – August 26-27, 2009, Winona
  John stated that Mary Jo Anderson is in the process of planning logistics and information will be provided to Board Members as plans are finalized. Accommodations have been made at the Holiday Inn Express in Winona.
- Southern Water Planning Committee – August 25, 2009 @ 5:00 p.m., in Austin
- Grants Program & Policy Committee – August 25, 2009 @ 7:00 p.m. in Winona

** 09-52 Moved by Louise Smallidge, seconded by Quentin Fairbanks, to adjourn the meeting at 12:30 p.m. Motion passed on a voice vote.

Respectfully submitted,

Randy Kramer
Chair

Dispute Resolution Report
June 11, 2009
by: Travis Germundson

There are presently **16** appeals pending. All of the appeals involve WCA except File 05-24. There have been no 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 09-8 (5-11-09) This is an appeal of a restoration order in Chisago County. The appeal regards the filling of approximately 3,000 square feet of a type 2/6 wetland for a private access road. No decision has been made on the appeal.

File 09-7 (5-11-09) This is an appeal of a replacement order in Stearns County. The appeal disputes a number of facts regarding compliance with an approved replacement plan for 9,900 square feet of wetland impacts associated with residential development. No decision has been made on the appeal.

File 09-6 (5-06-09) This is an appeal of a exemption decision in Otter Tail County. The appeal regards the denial of an exemption request for agricultural/drainage activities that resulted from issuance of a Restoration Order (File 09-1). The appeal has been remanded for further technical evaluation.

File 09-5 (4-24-09) This is an appeal of a wetland bank application decision in Lake of the Woods County. The appeal regards the denial of a wetland bank application to restore a type 1/2 wetland.. The appeal has been remanded for further technical evaluation.

File 09-3 (2-20-09) This is an appeal of a replacement plan decision in Anoka County. The appeal regards the approval of a wetland replacement plan for 11,919 square feet of impacts associated with a residential development. The appeal has been placed in abeyance and the replacement plan decision stayed for submittal of a revised replacement plan application. (at the request of the petitioner).

File 09-2 (2-19-09) This is an appeal of a restoration order in Stearns County. The appeal regards the filling of approximately 6,833 square feet of a type 5 wetland with various debris materials. No decision has been made on the appeal. The appellant has granted BWSR additional time to make a decision on the appeal.

File 08-35 (12-3-08) This is an appeal of a exemption decision in Grant County. The appeal resulted from issuance of a restoration order for 32 acres of wetland impacts associated with agricultural drain tile work. The appeal has been accepted and copies of the record have been obtained. A verbal settlement agreement has been drafted.

File 08-34 (12-2-08) This is an appeal of the same agricultural exemption decision in Grant County as identified in File 08-35. The appeal has been accepted and copies of the record have been obtained. The two related appeals will be combined and processed as one decision. A verbal settlement agreement has been drafted.

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. 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 Appellant Court. The appeal has been remanded for further technical work at the local level.

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.

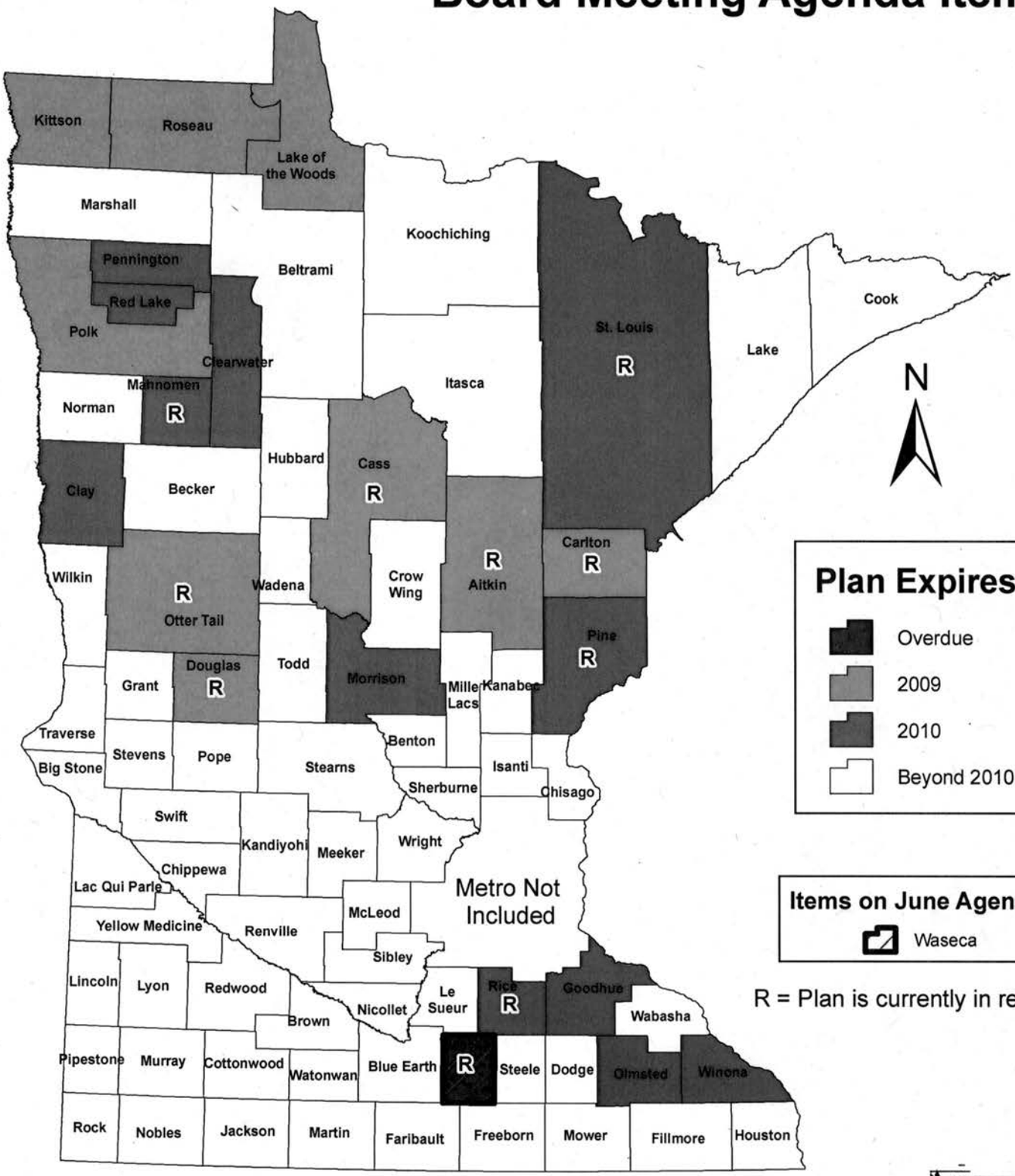
File 06-12. (04/13/06) This is an appeal of a no-loss decision in Stearns County. It involves the same project and issues as File 06-6. After a restoration order was issued, a no-loss application was submitted by the developer and denied by the LGU. The appeal has been remanded for further technical 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.

County Water Plan Expirations & Board Meeting Agenda Items



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

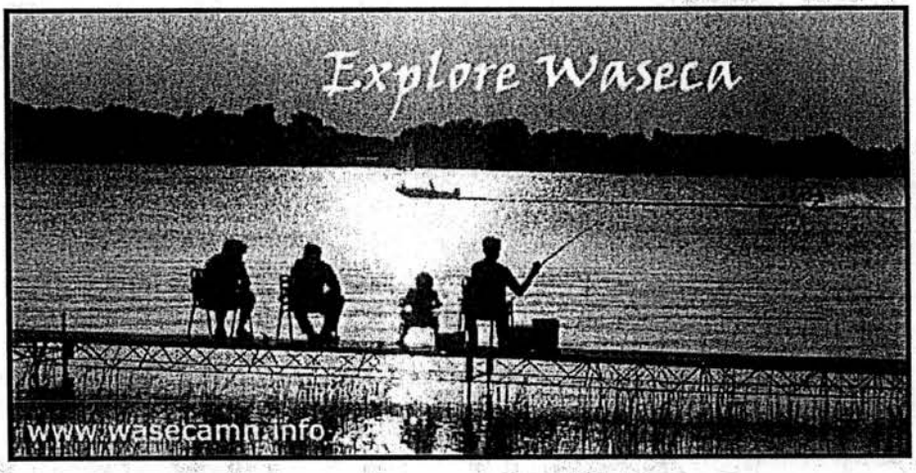
map updated: June 2009

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

1. Waseca County Local Water Management Plan Update – ***DECISION ITEM***

THE WASECA COUNTY COMPREHENSIVE LOCAL WATER PLAN 2009 - 2018



~ Clear Lake, Waseca, Minnesota ~

WITH A FIVE-YEAR IMPLEMENATION PLAN 2009 - 2013

Prepared by Waseca County and Midwest Community Planning, LLC

EXECUTIVE SUMMARY

Clear Lake, Waseca County

Water Plan Contents…

Following Minnesota State Statues, 103B.314, this Waseca County Water Plan includes the following information:

- ✓ **Executive Summary:** this includes a section on the purpose of the local water management plan, a description of the priority concerns to be addressed by the plan, a summary of the goals and actions to be taken, a summary of the consistency of the plan with other pertinent local, state, and regional plans and controls, and a summary of recommended amendments to other plans and official controls.

- ✓ **Assessment of Priority Concerns:** Chapter One analyzes the relevant data, plans, and policies for each of the County's priority concerns, including how the concern is impacting or changing the County's land and water resources.

- ✓ **Goals and Objectives:** Chapter Two contains a set of goal, objectives, and action steps for each of the County's priority issues. These items were put together by using a Water Plan Task Force appointed by the County Board (see the list of members on the inside cover of the Plan).

- ✓ **Implementation:** Chapter Three provides information on how the Waseca County Water Plan will be implemented. In addition, information on how the Plan can be amended (if needed) is outlined.

- ✓ **Priority Concerns Scoping Document:** this document, which outlines the process used to identify the County's priority concerns, can be found in Appendix C. Previous water planning accomplishments are also listed in the document.

Section One:
Purpose of the Plan

The Comprehensive Local Water Management Act (Minnesota Statutes Sections 103B.301 to 103B.355) encourages counties to develop and implement a comprehensive water plan. Pursuant to the requirements of the law, this plan:

- Covers the entire area of the County;
- Addresses water problems in the context of watershed units and groundwater systems;
- Is based upon principles of sound hydrologic management of water, effective environmental protection and efficient management;
- Is consistent with comprehensive water plans prepared by counties and watershed management organizations wholly or partially within a single watershed unit or groundwater system; and
- The comprehensive water plan must specify the period covered by the comprehensive water plan and must extend at least five years, but no more than ten years, from the date the Board of Water and Soil Resources (BWSR) approves the comprehensive water plan. Comprehensive water plans that contain revision dates inconsistent with this section must comply with that date, provided it is not more than ten years beyond the date of BWSR approval. A two-year extension of the revision date of a comprehensive water plan may be granted by BWSR, provided no projects are ordered or commenced during the period of the extension.

In response to the last requirement, this Waseca County Water Plan shall cover the years 2009-2018, with the implementation components needed to be updated after five years, or sometime in the year 2013. As a result, most of the action items listed in Chapter Two are designated to take place sometime between 2009 and 2013 (or continuously and/or annually).

Section Two:
Waseca County Priority Concerns

Waseca County's priority concerns were identified by two primary sources. First, a Countywide Public Issues Meeting was held on July 17, 2007. The meeting was held at night to accommodate most people's working schedules and was advertised in the newspaper. Thirty-three people attended the meeting, which lasted about two hours. An overview of the planning process was provided along with a scoping session to key water-planning issues. Second, written comments were received from a variety of sources, including State agencies and local water management organizations. The County's Water Plan Task Force (members listed on the next page) then reviewed the overall list of concerns and grouped the majority of them into the following four categories:

Waseca County
Water Plan Task Force*

Member	*Representing*
Hugh Valiant	Minnesota Department of Natural Resources
Kathy Guse	Farm Bureau Association - Citizen
Lester Kroeger	Twp & Ag - River
Clinton Rogers	Lake Elysian, City of Janesville
Lane Warner	St. Olaf Lake Assn. Rep
Duane Rathmann	Waseca Lakes Assn Rep
Jim Williams	Twp Official
Richard Androli	County Commissioner / Alliance
Dan Kuhns	County Commissioner
Marla Watje	Soil & Water Conservation District (SWCD)
Wayne Cords	SWCD Supervisor
Bob Drager	SWCD Supervisor
Chris Hughes	Board on Water & Soil Resources
Sarah DeLong	Public Health Services
Mark Leiferman	Planning & Zoning/Water Planner[1]

[1] Angela Knish was the Planning & Zoning Administrator/Water Plan Coordinator for the majority of the water planning process. Laura Rohde, the Interim Planning and Zoning Administrator, also assisted with the Water Plan.
* Matthew Johnson, from Midwest Community Planning, facilitated the Water Plan Task Force.

1. **Reducing Priority Pollutants**

   a. **Total Maximum Daily Loads (TMDLs)** – A TMDL, or Total Maximum Daily Load, is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. When a waterbody cannot sustain a number of identified pollutants, it is placed on the Minnesota Pollution Control Agencies TMDL list of impaired waters. The 2008 list of Impaired Waters in Waseca County is found in Chapter One. The County would simply like to work with the various water-resource partners on getting these waters off the TMDL listing. The MPCA generates the 303d list and is responsible for TMDL development.

   b. **Feedlots** – Waseca County has approximately 329 feedlots, of which approximately 28 are Concentrated Animal Feeding Operations. The potential stress to water quality from the huge volumes of manure is clearly a water quality priority for management. There are many related animal management issues besides the direct runoff of manure with its common pollutants (biochemical oxygen demand, ammonia, nutrients and fecal coliform bacteria). There are also environmental concerns with nitrate and chloride pollution to ground waters (demonstrating the need for adequate nutrient management for farmers/agricultural producers) and emerging issues related to antibiotic resistant organisms spreading in the environment. Manure management issues will also be discussed.

   c. **Septic Systems** - Upgrading Subsurface Sewage Treatment Systems (SSTS, formerly known as ISTS) in Waseca County will help reduce loading of fecal coliform bacteria and nutrients to surface waters. Because of this large task, it is important that the County continue to develop strategies to address this issue.

   d. **Erosion & Runoff** - Protection of agricultural soils from erosion provides for the long-term productive capability of the soil resource base of the County. Prevention of soil loss due to erosion also reduces sediment and attached phosphorous in receiving waters helping to improve water quality. Erosion and sedimentation from runoff and stream banks are a major source of pollutants to surface waters. The Minnesota River Basin Plan and the Lower Minnesota River Dissolved Oxygen Plan have recommended increased adoption of soil erosion practices.

   e. **Stormwater Management** - Stormwater is the water that flows over the land after a rain event or snowmelt. It carries with it pollutants such as sediment, phosphorus, coliform bacteria, oils, toxins, and debris. The temperature of the water also increases. When natural areas are developed the amount of impervious land surface increases and in turn the volume and velocity of stormwater does as well. This polluted stormwater discharges into streams and lakes. It is important to minimize the amount, velocity and increased temperature of this water that reaches surface water in order to help maintain the health of the water and biological communities within. A number of stormwater management ideas will be considered by Waseca County to address this priority issue.

2. **Drainage/Wetlands Management** - Agricultural drainage in Waseca County consists of a significant number of open ditches and tile drainage systems. According to the MPCA these systems contain the following: the County has 54 public ditches: 42 are County, four are joint County, and eight are judicial. Public ditches extend for approximately 264 miles. There are 121 miles of open ditches and 143 miles of tile mains, or closed ditches. Private systems are also common throughout the County. These systems are a major component of Waseca County's water resources and as such should and do receive considerable attention by the county. Agricultural drainage systems in Waseca County date back to the early 1900's and are reaching the end of their functional life span. In many cases the systems are under designed and the cost to replace them is high. Thus, the agricultural drainage system deserves continued attention in this local water management plan update. A preliminary discussion has already been started regarding the possibility of conducting a thorough Drainage Management Plan to properly address the various issues. This study would also include the identification of potential wetland restorations to assist with water quality and flood control.

3. **Natural Corridors and Shoreland Management** - Natural corridors and shoreland management go hand-in-hand with protecting water resources for a variety of reasons. Natural corridors (sometimes referred to as open space), also help to maintain biological diversity and provide connectivity between the community's most valuable resources. As shorelands continue to be developed, valuable natural assets are slowly being lost. Over the past decade, the importance of protecting shallow lakes (or wetlands) for water-quality purposes has received an increasing amount of public scrutiny. As a result, the County is currently examining adopting tougher shoreland management provisions.

4. **Public Education** - Water plans have traditionally focused on providing education on a number of key water-related issues. Waseca County is committed to continuing this tradition, by focusing their educational efforts on the County's priority water-planning issues. In addition, a number of the miscellaneous issues, such as the importance of protecting groundwater, will be considered in the County's educational efforts. This priority issue will also be a way for the County to cooperate with a number of the key water-planning stakeholders.

The County's official Priority Concerns Scoping Document can be found in Appendix C.

Section Three:
Summary of Goals & Objectives

The Water Plan Task Force met three times to review the County's priority concerns and to develop Goals, Objectives, and Implementation Steps. Collectively, these represent the County's commitment to properly addressing the issues identified in the County's Priority Concerns Scoping Document. Chapter Two contains the complete results, including information on estimated costs. A summary of the County's four goal areas and corresponding objectives is provided below:

GOAL 1:
PROTECT AND IMPROVE THE QUALITY OF WATER RESOURCES THROUGHOUT THE COUNTY

Objective 1: Work towards getting all of Waseca County's waters off the TMDL list of impaired waters.

Objective 2: Properly manage pollution caused by feedlots and industry.

Objective 3: Identify non-compliant septic systems.

Objective 4: Reduce erosion and sediment loading of surface water resources.

Objective 5: Properly manage stormwater runoff.

GOAL 2:
MAINTAIN AND ENHANCE THE COUNTY'S DRAINAGE SYSTEM AND WETLAND RESOURCES

Objective 1: Properly manage the County's drainage system.

Objective 2: Preserve and restore wetlands.

GOAL 3:
PROTECT AND ENHANCE THE COUNTY'S SHORELAND AND NATURAL CORRIDORS

Objective 1: Develop and implement reasonable strategies to protect and enhance shorelands.

Objective 2: Develop and implement reasonable strategies to protect and enhance natural corridors.

GOAL 4:
INCREASE AWARENESS ON KEY WATER PLANNING ISSUES

Objective 1: Expand the public's knowledge and understanding of important water issues and resources.

Section Four:
Consistency with Other Plans & Recommended Changes

One of the requirements of local water management plans is to review other local, state, and regional plans for consistency and to identify recommend changes if needed. A summary of the findings is provided below.

The Waseca County Comprehensive Land Use Plan (2005) outlines a number of goals, objectives, and guiding principles that directly impact the County's water resources. One of the Plan's four key principles is to pursue having "sustainable community development," including "A community where streets are safe to walk, and the air and water are clean…"

The Comprehensive Plan nicely complements this water plan by identifying protecting Natural Resources Corridors, Rural Open Space, and Shoreland Developments with the following statements:

- ✓ Encourage management coordination of public lands.
- ✓ Promote maintenance of these natural areas through continued private stewardship and public ownership or, if necessary, through acquisition of easements or additional public lands.
- ✓ Promote the network and scale of public lands as a unique natural recreation resource.
- ✓ Encourage new development adjacent to public lands to reflect the natural large-scale character of these lands.
- ✓ Promote a residential/open space zoning option, created through three proposed zoning districts, which would provide higher density incentives for dedicated or deed restricted open space. This would be accomplished through open space zoning provisions or rural clustering of residential units.
- ✓ Promote low-density residential parcels with incentives for higher densities using cluster or open space zoning provisions.
- ✓ Encourage local establishment of and participation in lake property owners associations to further protect the County's water and wetland resources.
- ✓ Encourage restoration of developed shoreland buffer zones through volunteer programs or mitigation tied to permitted property improvements.
- ✓ Establish an incentive program for development of shoreland buffer zones.
- ✓ Revisit lakes and stream classification and shoreland development standards periodically.

The Waseca County Zoning Ordinance (2008 Draft) divides the unincorporated areas of the County into 7 distinct zoning districts, ranging from agricultural to industrial development. In addition, the Ordinance creates four overlay districts, including ones to regulate both shoreland development and floodplain management. These types of overlay districts are common in counties throughout Minnesota. The provisions found in the Water Plan nicely complement the standards set forth in the Zoning Ordinance.

The cities of Waseca and Janesville, located in Waseca County, are the only two communities that have municipal Comprehensive Plans and Zoning Ordinances. These documents control land use development in the incorporated areas and have numerous natural resource standards consistent with the County's Water Plan.

The Minnesota Pollution Control Agency (MPCA) adopted a 2008 Strategic Plan that can be found on their website (www.pca.mn.us). The Plan outlines a number of vision statements, all geared towards having a cleaner environment. In addition, the MPCA has numerous plans and programs dealing with point (i.e. feedlots) and nonpoint (i.e., stormwater) pollution. The MPCA is also charged with implementing the Minnesota River Basic Plan (2002) and has responsibility for listing 303(d) impaired waters and corresponding TMDL development. The Waseca County Water Plan strongly complements a number of the initiatives identified in these documents.

The Minnesota Department of Health (MDH) requires that all public water suppliers develop wellhead protection plans. One of the main features of these plans is identifying the wellhead area on a set of maps for each public water supplier. The mapped area is based upon land features, such as topography, and simply identify which areas on the surface affect groundwater supplies. In the future these plans will increasingly prescribe the types of land uses which are acceptable or which mitigation steps are necessary to adequately protect public drinking water supplies.

Recommended Changes to Plans

As TMDL studies identify solutions to getting various Waseca County's waters off the 303(d) List of Impaired Waters, the County's Comprehensive Plan and Zoning Ordinance may need to be revised to identify land use changes. These needed changes could take place either countywide or on a sub-watershed basis. The overall hope is that any local changes which are needed will be accompanied with a number of win-win scenarios for local landowners. The other plans reviewed all nicely complement the Goals, Objectives, and Implementation Steps identified in the Water Plan.

Amendments Format

All amendments adopted by the County will be printed in the form of replacement pages for the Comprehensive Local Water Plan. Each page will show deleted text as stricken and new text as underlines on draft amendments, as needed, and include the effective date of the amendment. The County will maintain a distribution list of agencies and individuals who have received a copy of the Comprehensive Local Water Plan and the County shall distribute copies of the amendment(s) within thirty days of adoption.

Section Two:
Ongoing Water Plan Activities

The following list identifies a number of key ongoing water plan activities carried out by Waseca County and a number of its water planning partners:

1. **Reducing Priority Pollutants**

   a. **TMDLs** – Waseca County is currently implementing a number of programs that will ultimately assist in getting waters off the 303d List of Impaired Waters. These activities include implementing the County's feedlot program, the State's SSTS provisions, and partnering in the promotion and installation of Best Management Practices (BMPs) where needed. The County's Water Plan Coordinator's role in TMDL study and implementation plan development will be increasing in the future.

   b. **Feedlots** – County Feedlot Officer performs regular inspections and follow-up as prescribed in each year's work plan that gets approved by MPCA.

   c. **Septic Systems** – zoning permit applications must show that septic issues are in compliance before zoning permits can be issued; Waseca County Planning & Zoning obtains grants from the Minnesota Department of Agriculture and participates and has funded approximately 97 Ag BMP loans since 1995 to replace septic systems; Waseca County Public Health obtained funding from the Small Cities Loan Program for septic replacements and sent a survey to interested income eligible landowners with failing septics to inform them of the program; Waseca County Public Health also received a Clean Water Legacy Grant through the Greater Blue Earth River Basin Alliance (GBERBA) to be used by Waseca County for a septic system mapping project;

   d. **Erosion and Runoff** – soil erosion BMPs have been discussed and are proposed in the new Waseca County zoning ordinance that has been under review and revision during the past 2 years, and which is projected for adoption January 2009; CRWP representative Ross Hoffman gave a presentation to the Waseca County Board of Commissioners and the Waseca County Planning Commission regarding vegetative buffers and MN Statute enforcement. The Waseca County feedlot officer has

publicized and assisted in several waste pesticide and pesticide container recycling events.

e. **Stormwater Management** – to address these issues at the time of new residential and industrial development, please see proposed Waseca County Zoning Ordinance at the following link:

http://www.co.waseca.mn.us/

2. Drainage/Wetlands Management

There have been numerous wetlands created or restored by individual property owners, as well as by contractors involved with MNDOT in the new Highway 14 project through Waseca County. SWCD and the Waseca Lakes Association have also received a grant to install rain gardens and other vegetative buffers in conjunction wit the new pedestrian trail around Clear Lake. The County has recently applied for a BWSR grant to obtain funding to update recordkeeping and tracking.

3. Natural Corridors and Shoreland Management

Waseca County is currently in the process of updating its zoning ordinance, including new provisions for shoreland management. The Waseca County Planning Commission has reviewed the water plan scoping document for their discussion in the preparation of the revised zoning ordinance and unified development code so that the two policy documents would be compatible. There have been recent shoreland enforcement on violations. As a general practice, every time there is a variance or CUP request that potentially impacts water quality on lakes or rivers, conditions are required as part of any approvals of these land uses.

Funding from the water plan has been used to protect the island on Loon Lake. This historic island was once seven acres in size, but has been reduced to just less than one acre due to erosion. Upland native grasses and shrubs have been planted where the buckthorn has been removed. This project will continue next year with adding aquatic vegetation and fencing to eliminate geese until vegetation has been established.

4. Public Education

Activities include a wide variety of items, ranging from handing out informational packets in permit applications, to helping out at the Waseca Lakes Association booth at the County Fair. The Waseca County Planning & Zoning office has a display of educational materials on various water quality topics. And finally, the water plan continues to support the annual 1st grade environmental day. Each year, 350 students have the opportunity to spend a day to learn about wetlands, fish, soils, forestry, water quality and more from individuals. The county both contributes staff and water plan funding for the event.

Minnesota Board of Water & Soil Resources

DATE: May 19, 2009

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: Chris Hughes, Board Conservationist

SUBJECT: **Waseca County Local Water Management Plan Final Review**

I have completed my final review of the Waseca County Local Water Management Plan and offer the following comments:

Specific Comments

1. The wetland section of the draft plan references a restorable wetland map in the appendices. I could not find this map in the appendices. Please add this map.

2. County water plans must identify those areas that qualify as "high priority area for wetland preservation, enhancement, restoration, and establishment." The expired water plan did a nice job of this on page 43; however, the draft update is lacking this language. I suggest using the same language from the expired plan and the restorable wetland map could then be considered prioritized sites within the high priority area for wetland preservation, enhancement, restoration and establishment.

3. The MPCA has asked that the information on public ditches in the executive summary (page vii) and on page 20 of Section 3 be revised to show that the information was derived from the current expired water plan rather than MPCA.

General Comment

The following language on plan coordination and implementation from the implementation section on page 47 of the draft plan is key to the success of county water planning in Waseca County. Future attendance and participation at meetings of the Greater Blue Earth River Basin Alliance (GBERBA) technical committee and Cannon River Watershed Partnership (CRWP) is an important part of plan coordination. Also, facilitation of periodic meetings of the Waseca County Taskforce is critical to the future success of the program.

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Plan Coordination

Managing Waseca County's water resources is a complicated task, involving many local, state and federal agencies, as well as private citizens and special interest groups. Most of these entities are previously listed in the Water Plan. For any water planning activity to be successful, a well-coordinated effort is needed. Waseca County is committed to working with each of these entities to ensure proper management of its water resources.

Implementation

Waseca County will ensure coordination and implementation of its Comprehensive Local Water Plan through its established Water Plan Taskforce. The taskforce will meet to review progress, identify emerging problems, opportunities and issues and continue to direct the implementation of the plan. The taskforce will be supported by the County Board appointed water plan coordinator. The coordinator shall administer the implementation of this plan, coordinate the taskforce activities, write grant proposals, prepare annual work plans and reports and other activities as specified by the Waseca County Board of Commissioners.

Conclusion

The Waseca 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. MPCA asked that the county consider efforts to monitor and assess for impaired waters and encouraged the use of the MPCA Environmental Data Access System.

I recommend approval contingent on the County addressing the specific comments listed above. Mark Leiferman has scheduled a water planning workshop and task force meeting for early June. Scheduling of these activities is a good indicator that Waseca County will work toward more effective coordination and implementation of their water plan.

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 Waseca County (Minnesota Statutes, 2003, Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Waseca County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on April 13, 2009 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 26, 2007, the Board of Water and Soil Resources received a resolution from Waseca County to update the current water plan.

2. On September 5, 2007 the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Waseca County, pursuant to M.S. Section 103B.312.

3. On November 6, 2007, Waseca County passed a resolution to request the Minnesota Board of Water and Soil Resources approve a one-year extension of the current water plan to December 31, 2008.

4. On December 19, 2007, the Board of Water and Soil Resources approved the Waseca County water plan extension request to December 31, 2008.

5. On December 19, 2007 the Board of Water and Soil Resources approved official comments on the Waseca County Priority Concerns Scoping Document, which were mailed to the County on December 19, 2007.

5. The priority concerns the local water management plan addresses include:
   a. Reducing Priority Pollutants
   b. Drainage and Wetlands Management
   c. Natural Corridors and Shoreland Management
   d. Public Education

6. On April 13, 2009 the BWSR received the Waseca 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. On May 27, 2009 the Board's southern region water planning review committee (Committee) reviewed the recommendation of the state review agencies regarding final approval of the Waseca 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 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;
    g. Board Southern Region Water Planning Review Committee: recommends approval.

8. This update will be in effect until June 24, 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 Waseca County pursuant to Minnesota Statutes, 103B.315, Subd. 5.

2. The Waseca 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 Waseca Local Water Management Plan with a required update to the Implementation section (Goals, Objectives, and Action) by June 24, 2014.

Dated at St. Paul, Minnesota, this 24th day of June, 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Randy Kramer, Chair

NEW BUSINESS

1. Proposed Wetland Conservation Rule — ***DECISION ITEM***

2. Appeal Fees Schedule – ***DECISION ITEM***

3. Grant County LIDAR Project – ***DECISION ITEM***

4. FY 2010 SWCD Base Grant Allocations – ***DECISION ITEM***

5. FY 2010 Natural Resources Block Grant Allocations – ***DECISION ITEM***

6. FY 2010 Farm Bill Assistance Grants – ***DECISION ITEM***

7. Red River Basin Commission - Regional Flood Solutions Grant – ***DECISION ITEM***

Board Resolution # 09-42

FY 10 CLEAN WATER FUND PROGRAM
Targeted nonpoint restoration technical assistance and engineering
PROJECT FUNDING AUTHORIZATION

WHEREAS, Clean Water Fund appropriations for FY10-11 were enacted via Chapter 172 of MN Sessions Laws 2009; and,

WHEREAS, A specific appropriation within the Clean Water Funds (Article 2, Section 6) was made for targeted nonpoint restoration technical assistance and engineering; and,

WHEREAS, The appropriation language in Chapter 172 recognizes the importance of leveraging federal or other non-state funds; and,

WHEREAS, The Federal Clean Water Act (CWA) Section 319 Nonpoint Source Grant Program (Section 319) provides federal grant money for nonpoint pollution abatement and water resource restoration, and

WHEREAS, The MPCA expects to receive approximately $6.7 million in Section 319 implementation funds (Federal FY10) available through grant applications that must be submitted to MPCA by July 15th as noticed in the State Register on June 15th and then submitted to EPA for approval by August 31st, 2009; and

WHEREAS, A portion of Section 319 funds are available for TMDL implementation projects addressing TMDL restoration activities; and

WHEREAS, Current budgetary constraints may limit the ability of local government partners to provide the necessary 45% non-federal match and to cash flow projects on a reimbursement basis as required by the Section 319 grants; and

WHEREAS, The BWSR Grant Policy and Program Committee met on June 18th, 2009 to evaluate the options for leveraging federal Section 319 funds and made a recommendation as described below.

NOW THEREFORE, the Board authorizes:

1. that up to $1,250,000 from the Clean Water Fund targeted nonpoint restoration technical assistance and engineering appropriations be designated to leverage the currently available Federal Section 319 Funds, and
2. staff to coordinate with MPCA and communicate to local government project sponsors that said funds are available for up to 20% of the total project costs for the technical assistance and engineering portion of Section 319 implementation grant applications that are approved for funding, and
3. staff to participate in the Federal Section 319 project evaluation, selection and validation process and enter into grant agreements with the local government unit project sponsors or partners for the nonpoint restoration technical assistance and engineering components of the selected projects.

R J Kramer

Date: 6/24/09

Randy Kramer, Chair
Board of Water and Soil Resources

WaterFront Bulletin

Minnesota Pollution Control Agency

June 2009 EXTRA

Working with Minnesotans to protect, conserve and improve our environment and enhance our quality of life.

Funding Updates

MPCA seeking proposals for Section 319 grants through July 15

The Minnesota Pollution Control Agency (MPCA) is accepting proposals for Section 319 grant funding. Proposals will be accepted from local governmental units and other entities interested in leading a nonpoint source pollution control project. The MPCA anticipates more than $6 million for grants this year, contingent upon Congressional appropriation.

The complete RFP and proposal form are available at: www.pca.state.mn.us/water/cwp-319.html. The RFP can also be requested via e-mail at: CWP-319.grant.program@pca.state.mn.us.

The Federal Clean Water Act (CWA) Section 319 Nonpoint Source Grant Program (Section 319) provides federal grant money for nonpoint pollution abatement and water resource restoration. This year, the MPCA will offer these funds for developmental, education or applied research projects (DER) and for Total Maximum Daily Load (TMDL) restoration projects.

DER proposals must offer a statewide or regional applicability that:

- Demonstrates new or innovative technology
- Demonstrates new best management practices
- Develops educational programs related to reducing nonpoint source pollution
- Answers a research question related to the goal of reducing nonpoint source pollution

Questions

- Send an email to: CWP-319.grant.program@pca.state.mn.us
- Call Sara Johnson at 651-757-2473
- Frequently Asked Questions (FAQs) at: http://www.pca.state.mn.us/publications/wq-cwp7-20e.pdf

All DER proposals must address at least one specific Action Step in the Minnesota Nonpoint Source Management Plan at www.pca.state.mn.us/water/nonpoint/mplan.html.

DER proposals are also encouraged to address needs identified by the Impaired Waters Research Symposium, as found in its final report at: http://wrc.umn.edu/prod/groups/cfans/@pub/@cfans/@wrc/documents/asset/cfans_asset_115819.pdf .

In addition to DER proposals, Section 319 funds are available for TMDL Implementation projects addressing TMDL restoration activities. Proposals should focus on the estimated effect and prioritization of BMPs identified in the TMDL implementation plan. Eligible proposers must have Implementation Plans approved by the MPCA by July 15, 2009.

There are no maximum or minimum limits on the amount requested for each project funding request. Projects must be funded with at least a 45-percent local cash or in-kind match. The Federal share can be no more than 55- percent of the total project cost.

The due date for proposals is 4:30 PM CDT July 15, 2009. Proposals must be sent electronically to: CWP-319.grant.program@pca.state.mn.us.

Section 319 Grants will be administered via standard four-year grant agreements. Successful applicants will be required to submit a detailed work plan and budget by August 25, 2009.

Eligible applicants for 319 grants:

- Soil and water conservation districts
- Watershed districts
- Tribal authorities
- Cities and Counties
- Regional development centers
- Local school systems
- Colleges and universities
- Local nonprofit organizations
- State agencies (except the MPCA)
- For-profit groups and individuals interested in leading a non-point source pollution control project

WaterFront is a web-based bulletin featuring updates on impaired waters, watershed project funding and water restoration and protection activities underway throughout the state. WaterFront is published to share information with internal MPCA staff and external watershed partners.

Minnesota Pollution Control Agency

Regional Division

RFP Notice

Proposals Accepted for Nonpoint Source Water Pollution Project Grants through the Federal Clean Water Act Section 319 Grant program

The Minnesota Pollution Control Agency (MPCA) hereby announces that it will accept grant proposals for nonpoint source developmental, education or applied research (DER) projects and for TMDL Implementation Projects to be funded through the Federal Clean Water Act (CWA) Section 319 Nonpoint Source Grant Program (Section 319). Proposals will be accepted from local governmental units and other entities interested in leading a nonpoint source pollution control project. The MPCA anticipates that over six million dollars will be available this year, contingent upon Congressional appropriation.

Section 319 provides federal grant money for nonpoint pollution abatement and water resource restoration. This year, these funds will be offered for developmental, education or applied research projects (DER) with statewide or regional applicability that demonstrate new or innovative technology, new best management practices, or develop educational programs related to reducing nonpoint source pollution. A research project must answer a research question related to the goal of reducing nonpoint source pollution. All DER proposals must address at least one specific Action Step in the state Nonpoint Source Management Program Plan, *http://www.pca.state.mn.us/water/nonpoint/mplan.html*

Funds are also available for TMDL Implementation projects addressing TMDL implementation plans that will have been approved by the MPCA by July 15, 2009.

For a copy of the Request for Proposal

The complete RFP and proposal form are available at

http://www.pca.state.mn.us/water/cwp-319.html and can also be requested via e-mail at

CWP-319.grant.program@pca.state.mn.us

Proposals are due by 4:30 p.m. CDST, July 15, 2009. Proposals must be received by the due date to be eligible. Electronic submission of proposals is required to

CWP-319.grant.program@pca.state.mn.us

Questions

Questions may be emailed to CWP-319.grant.program@pca.state.mn.us Responders may also call Sara Johnson at 651-757-2473. A list of Frequently Asked Questions (FAQs) is provided on the MPCA web site, http://www.pca.state.mn.us/water/cwp-319.html

(i) $1,250,000 the first year and $1,500,000 the second year are for targeted nonpoint restoration technical assistance and engineering. At least 93 percent of this amount must be made available for grants.

(j) $1,600,000 the first year and $1,900,000 the second year are for grants to implement county subsurface sewage treatment system (SSTS) programs, including inventories, enforcement, development of databases, and systems to insure SSTS maintenance reporting program results to the Board of Water and Soil Resources and the Pollution Control Agency, and base grants. Priority must be given to the protection of lakes, rivers, and streams. Grants are limited to counties with ordinances adopted pursuant to Minnesota Statutes, section 115.55, subdivision 2, that can demonstrate enforcement of the ordinances.

(k) $800,000 the first year and $1,000,000 the second year are for grants to address imminent threat and failing subsurface sewage treatment systems.

The board shall contract for services with the Minnesota Conservation Corps for restoration, maintenance, and other activities under this section for at least $500,000 the first year and $500,000 the second year.

The board may shift grant or cost-share funds in this section and may adjust the technical and administrative assistance portion of the funds to leverage federal or other nonstate funds or to address oversight responsibilities

Using Clean Water Funds to Leverage Federal 319 Funds

Background

MPCA has received a one time increase in the available amount of EPA Section 319 funds this year. Approximately $6 million is available as grants versus a 'normal' year's allocation of approximately $3 million. A requirement for the EPA funds this year is that applications must be completed, ranked and submitted to EPA for approval by September of 2009. MPCA has published a notice in the State Register that the grant application period is open from June 15th through July 15th, 2009.

There are 2 categories of grant eligibility for FY 2010. Development, Education and Research (DER) is available statewide and includes projects that demonstrate new or improved best management practices (BMPs) that promote nonpoint source pollution control, generate information/educational materials for the public relating to nonpoint source pollution and its impact on water quality, or answer a research question related to the above topics. TMDL Implementation Funds must be used to further the goals of TMDL implementation plans.

There is no grant maximum or minimum for 319 funds but the dollar amount requested must be matched by 45% non-federal cash and in-kind funds. In addition to the match requirements, Section 319 funds are only available on a reimbursement basis. The upcoming availability of substantial amounts of Section 319, Clean Water Partnership and Clean Water Funds for implementation activities will require LGUs to have the technical capacity to provide the needed technical assistance and engineering capacity to work with landowners on the installation of conservation alternatives and best management practices. With current budget uncertainties, match funding and cash flowing the up-front costs for the 319 grants may prove difficult for many LGUs.

The Clean Water Fund appropriation language specifically states that "The board may shift grant or cost-share funds in this section and may adjust the technical and administrative assistance portion of the funds to leverage federal or other nonstate funds…" The Clean Water Specialists have identified options for leveraging federal funds to increase the technical capacity of TSA areas or LGUs in areas where TMDLs are completed.

Recommendation

The Grants Program & Policy Committee recommends that the Board Authorize:

1. that up to $1,250,000 from the Clean Water Fund targeted nonpoint restoration technical assistance and engineering appropriations be designated to leverage the currently available Federal Section 319 Funds, and
2. staff to coordinate with MPCA and communicate to eligible local government project sponsors that said funds are available for up to 20% of the total project costs for the technical assistance and engineering portion of Section 319 implementation grant applications that are approved for funding, and

3. staff to participate in the Federal Section 319 project evaluation, selection and validation process and enter into grant agreements with the local government unit project sponsors or partners for the nonpoint restoration technical assistance and engineering components of the selected projects.

According to the attached resolution.

Minnesota Board of Water & Soil Resources

June 19, 2009

TO : Board Members

FROM : BWSR Grants Program & Policy Committee

RE : **Committee Recommendations**

The Grants Program & Policy Committee convened on June 18, 2009 and is forwarding their recommendations for Board consideration at the June 24, 2009 Meeting. These recommendations concern New Business items as follows:

1. FY '10 SWCD Grants
   - State Cost Share Base Grants
   - General Services Grants
   - Easement Services Grants
   - Non Point Engineering Assistance Grants

2. Proposed FY '10 Natural Resources Block Grants
   - Comprehensive Local Water Management Base Grants
   - Wetland Conservation Act Base Grants
   - DNR Shoreland Management Base Grants
   - MPCA County Feedlot Base Grants
   - MPCA Subsurface Sewage Treatment Systems Base Grants

3. Proposed 2010 Farm Bill Assistance Grants

4. Using Clean Water Funds to Leverage Federal 319 Funds

Background materials and funding recommendations are enclosed.

H:GPPCBR

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FY '10 SWCD GRANTS

The Grants Program & Policy Committee is requested to approve the Grant Team FY '10 SWCD allocation recommendations for four BWSR grant programs. These grant programs are:

A. State Cost Share Base Grants
B. General Services Grants
C. Easement Services Grants
D. Non Point Engineering Assistance Base Grants

A brief summary of each of these programs follows with highlights and topics of concern for this year.

A. STATE COST SHARE BASE GRANTS

Background

These base grants are for the installation of conservation practices. The FY '09 State Cost Share Base Grant allocations were $2,132,939. The legislative appropriation was $1,785,000 and BWSR added $359,308 from roll-over. The range of '09 grants was $7,738 - $68,834. The average was $23,597.

Currently

The FY 2010 State Cost Share Base Grant appropriation is $1,100,000. The amount of roll-over available is an additional $88,000 for a total of $1,188,000. Overall, this is a 44 % reduction in available funds from '09.

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 (57) will receive a $1,000 high level of performance increase for spending 80% or more of their base grant on projects:

Anoka	Becker	Brown	Carlton	Carver	Cass
Chippewa	Chisago	Clay	Cook	Crow Wing	Douglas
Fillmore	Freeborn	Goodhue	Hennepin	Itasca	Kanabec
Kandiyohi	Kittson	Koochiching	Lake/Woods	Lake	Le Sueur
Lincoln	Lyon	Mahnomen	Mar-Beltrami	Mille Lacs	Morrison
Nicollet	East Ottertail	West Ottertail	Pennington	Pine	Pipestone
East Polk	Pope	Ramsey *	Red Lake	Redwood	Renville
Rice	Root River	Roseau	Scott	N. St. Louis	S. St. Louis
Stearns	Steele	Swift	Todd	Wadena	Waseca
Wilkin	Wright	Yellow Medicine			

Isanti and McLeod SWCD are to receive a 5% decrease for spending less than 60% of their base grant on projects.

* The Ramsey performance increase is not recommended because of State Cost Share Program Rule violations.

Cost Share Performance Range: Highest – Pine 98%, Lowest – McLeod 43%

Allocation Alternatives

#1 Apply the proportional reduction from the '09 allocations to the '10 appropriation ($2,132,939 to $1,100,000 or 48 %), and add the performance increases for '10.

#2 Apply the proportional reduction from the '09 allocations to the total available in'10 ($2,132,939 to $1,188,000 or 44%), and no performance increases.

#3 =, =, =, or $13,055 each

#4 The Team also discussed adding the performance increases to the '09 grants and then making proportional reductions.

Additional Option

Allow SWCDs to use all or part of their allocation for technical assistance (as provided for in the appropriation language).

Recommendation

The Grants Program & Policy Committee recommends these grants be allocated according to Alternative #1 and that *performance increases be suspended for FY '11.* They also recommend allowing SWCDs, with Board Conservationist approval, to use all or part of their allocation for technical assistance when:

1. Federal funds will be leveraged and they couldn't do the project otherwise.
   Or,
2. Funds are used on a project(s) that is State Cost Share Program or EQIP eligible and their 2008 Financial Report indicates less than an 18-month fund balance.

The SMT concludes that any practical manipulations of the allocation strategy result in only minor adjustments to actual grants when the amount of available funds is so relatively limited, therefore, the existing allocation policy (#1) should be implemented.

The suspension of performance increases for FY '11 is appropriate due to such limited funding.

FY '09 and alternative #1 and #2 allocations are listed on the included spreadsheet *SWCD State Cost Share Base Grant FY 2010 Alternative Allocations.*

H:FY10GRAN

SWCD STATE COST SHARE BASE GRANT
FY 2010 ALTERNATIVE ALLOCATIONS

SWCD	FY '09	ALTERNATIVE #1	ALTERNATIVE #2
AITKIN	$7,738	$3,970	$4,287
ANOKA	$18,803	$10,646	$10,417
BECKER	$46,711	$24,963	$25,878
BELTRAMI	$10,975	$6,630	$6,080
BENTON	$20,869	$10,706	$11,561
BIG STONE	$12,239	$6,279	$6,780
BLUE EARTH	$32,340	$16,590	$17,916
BROWN	$25,624	$14,145	$14,196
CARLTON	$13,000	$7,669	$7,202
CARVER *	$29,202	$13,865	$14,062
CASS	$13,648	$8,001	$7,561
CHIPPEWA	$19,001	$10,748	$10,527
CHISAGO	$16,524	$8,477	$9,154
CLAY	$28,821	$15,785	$15,967
CLEARWATER	$14,025	$7,195	$7,770
COOK	$17,000	$9,721	$9,418
COTTONWOOD	$26,328	$13,506	$14,586
CROW WING	$16,000	$9,208	$8,864
DAKOTA	$41,207	$21,139	$22,829
DODGE	$18,513	$9,497	$10,256
DOUGLAS	$28,712	$15,729	$15,906
FARIBAULT	$23,637	$12,126	$13,095
FILLMORE	$43,432	$23,281	$24,061
FREEBORN	$28,846	$15,798	$15,981
GOODHUE	$46,358	$24,782	$25,682
GRANT	$21,173	$10,862	$11,730
HENNEPIN *	$23,072	$12,040	$11,986
HUBBARD	$14,500	$7,439	$8,033
ISANTI	$11,303	$5,798	$6,262
ITASCA	$11,000	$6,643	$6,094
JACKSON	$21,990	$11,281	$12,182
KANABEC *	$16,000	$8,639	$8,295
KANDIYOHI	$24,759	$13,701	$13,716
KITTSON	$16,000	$9,208	$8,864
KOOCHICHING	$17,000	$9,721	$9,418
LAC QUI PARLE	$38,341	$19,669	$21,241
LAKE	$17,000	$9,721	$9,418
LAKE OF THE WOODS	$17,000	$9,721	$9,418

SWCD	FY '09	ALTERNATIVE #1	ALTERNATIVE #2
LE SUEUR	$34,447	$18,671	$19,084
LINCOLN	$27,062	$14,883	$14,992
LYON	$24,472	$13,554	$13,557
MAHNOMEN	$18,229	$10,351	$10,099
MARSHALL	$11,745	$6,025	$6,507
MARSHALL-BELTRAMI	$10,025	$6,143	$5,554
MARTIN	$33,528	$17,200	$18,575
MC LEOD	$20,529	$10,531	$11,373
MEEKER	$27,983	$14,355	$15,503
MILLE LACS	$11,025	$6,656	$6,108
MORRISON	$40,665	$21,861	$22,528
MOWER	$20,214	$10,370	$11,199
MURRAY	$20,336	$10,432	$11,266
NICOLLET	$22,082	$12,328	$12,233
NOBLES	$32,479	$16,662	$17,993
NORMAN	$17,947	$9,207	$9,943
OLMSTED	$57,252	$29,370	$31,718
OTTER TAIL EAST	$29,809	$15,292	$16,514
OTTER TAIL WEST	$37,159	$20,063	$20,586
PENNINGTON	$18,674	$10,580	$10,345
PINE	$22,424	$12,504	$12,423
PIPESTONE	$27,707	$15,214	$15,350
POLK EAST	$17,282	$9,866	$9,574
POLK WEST	$25,063	$12,857	$13,885
POPE	$35,283	$19,100	$19,547
RAMSEY *	$18,988	$8,767	$9,467
RED LAKE	$8,574	$5,398	$4,750
REDWOOD	$23,418	$13,013	$12,974
RENVILLE	$17,594	$10,026	$9,747
RICE	$25,873	$14,273	$14,334
ROCK	$27,802	$15,262	$15,402
ROOT RIVER	$37,104	$20,034	$20,556
ROSEAU	$17,716	$10,088	$9,815
SCOTT	$32,366	$17,604	$17,931
SHERBURNE	$14,000	$7,182	$7,756
SIBLEY	$16,825	$8,631	$9,321
ST. LOUIS NORTH	$14,025	$8,195	$7,770
ST. LOUIS SOUTH	$11,352	$6,824	$6,289
STEARNS	$66,834	$35,286	$37,026
STEELE	$17,874	$10,169	$9,902
STEVENS	$28,603	$14,673	$15,846
SWIFT	$16,839	$9,638	$9,329

SWCD	FY '09	ALTERNATIVE #1	ALTERNATIVE #2
TODD	$29,056	$15,906	$16,097
TRAVERSE	$10,044	$5,153	$5,564
WABASHA	$28,775	$14,762	$15,941
WADENA	$17,000	$9,721	$9,418
WASECA	$17,767	$10,114	$9,843
WASHINGTON	$21,927	$11,249	$12,148
WATONWAN	$18,113	$9,292	$10,035
WILKIN	$23,139	$12,870	$12,819
WINONA	$21,728	$11,146	$12,037
WRIGHT	$27,565	$15,141	$15,271
YELLOW MEDICINE	$29,926	$16,352	$16,579
ALLOCATED TOTALS	**$2,132,939**	**$1,145,743**	**$1,177,115**

Recommended Penalties

Ramsey – 10% to State Cost Share Base Grant and no performance increase for State Cost Share Program violations.

Kanabec - $569 to State Cost Share Base Grant for State Cost Share Program violation.

Carver - $2,116 to State Cost Share Base Grant for State Cost Share Program violation.

Hennepin - $796 to State Cost Share Base Grant for State Cost Share Program violations.

2010 SWCD SERVICE GRANTS

Background
SWCD Service Grants include (B) General Services, (C) Easement Services, and (D) NPEA Base Grants. The 2009 legislative appropriation for these grants was $3,566,000.

Currently
The total legislative appropriation for 2010 SWCD Service Grants is $3,500,000. This is a $66,000 reduction from 2009.

Allocation Alternatives

#1 Apply the $66,000 reduction to the (B) General Services Grants only. This would be a reduction of $725/SWCD. The average 2009 General Services grant was $23,683.

#2 Apply the $66,000 reduction to the (C) Easement Services Grants only. This would be an average reduction of $725/SWCD. (NOTE: 34 SWCDs received $0 - $725 in 2009.)

#3 Apply the $66,000 reduction to the (D) NPEA Base Grant. This would be an average reduction of $8,250/JPB. (NOTE: Only eight JPBs will receive NPEA Base Grants in 2010.)

#4 Apply the $66,000 reduction as $22,000 per service grant (B, C, & D) Program.

Recommendation
The Grants Program & Policy Committee is recommending the Board approve Alternative #1 as it would generally have an absorbable impact on SWCDs and their programs.

Proposed '01 SWCD (B) General and (C) Easement Services Grants allocations are included, along with additional Easement Services Grants Background.

C. Conservation Easement Service Grants – FY 10

Background

$750,000 from general fund was disbursed annually from 1988 to 2003. This was reduced to $345,000 for 2004 due to BWSR general fund budget reductions. The Board approved a new service grant allocation methodology for FY06 service grants at the May 25, 2005 meeting as contained in resolution 05 – 40. This formula simply provides a service grant amount per recorded and non-expired easement. The amount per easement is arrived at by dividing the current number of recorded, non-expired conservation easements into the $345,000 available for easement service grants from the state's general revenue fund.

Current Easement Numbers and Service grant Amounts to SWCDs

The BWSR currently holds 5,063 conservation easements on 187,235 acres throughout the state. SWCDs range from a low of 0 easements, in 12 SWCDs, to a high of 372 easements in Renville SWCD. The service grant amount for FY10 is $68.14 per easement.

The attached spreadsheet (FY10 column) stipulates the grant amount proposed for each SWCD (# of easements in each SWCD X $68.14). This grant amount is to assist each SWCD with their site inspection costs and other miscellaneous management activities associated with the easements in their county. These activities include ownership changes, staking boundaries, conservation plan revisions and assisting landowners with ongoing maintenance of installed conservation practices.

FY '10 EASEMENT SERVICE GRANTS

SWCD	Total # of Easements	$ FY08	$ FY09	$ FY10
Aitkin	1	71.25	69.53	**68.14**
Anoka	0	0.00	0.00	**0.00**
Becker	9	641.25	625.77	**613.26**
Beltrami	7	498.75	486.71	**476.98**
Benton	25	1,781.25	1,738.25	**1,703.50**
Big Stone	34	2,422.50	2,364.02	**2,316.76**
Blue Earth	208	14,820.00	14,462.24	**14,173.12**
Brown	165	11,756.25	11,472.45	**11,243.10**
Carlton	0	0.00	0.00	**0.00**
Carver	38	2,707.50	2,642.14	**2,589.32**
Cass	1	71.25	69.53	**68.14**
Chippewa	163	11,613.75	11,333.39	**11,106.82**
Chisago	8	570.00	556.24	**545.12**
Clay	59	4,203.75	4,102.27	**4,020.26**
Clearwater	4	285.00	278.12	**272.56**
Cook	0	0.00	0.00	**0.00**
Cottonwood	187	13,323.75	13,002.11	**12,742.18**
Crow Wing	0	0.00	0.00	**0.00**
Dakota	7	498.75	486.71	**476.98**
Dodge	12	855.00	834.36	**817.68**
Douglas	97	6,911.25	6,744.41	**6,609.58**
Faribault	184	13,110.00	12,793.52	**12,537.76**
Fillmore	38	2,707.50	2,642.14	**2,589.32**
Freeborn	92	6,555.00	6,396.76	**6,268.88**
Goodhue	68	4,845.00	4,728.04	**4,633.52**
Grant	24	1,710.00	1,668.72	**1,635.36**
Hennepin	32	2,280.00	2,224.96	**2,180.48**
Hubbard	1	71.25	69.53	**68.14**
Isanti	6	427.50	417.18	**408.84**
Itasca	0	0.00	0.00	**0.00**
Jackson	104	7,410.00	7,231.12	**7,086.56**
Kanabec	7	498.75	486.71	**476.98**
Kandiyohi	134	9,547.50	9,317.02	**9,130.76**
Kittson	7	498.75	486.71	**476.98**
Koochiching	0	0.00	0.00	**0.00**
Lac Qui Parle	174	12,397.50	12,098.22	**11,856.36**
Lake	0	0.00	0.00	**0.00**
Lake of Woods	0	0.00	0.00	**0.00**
LeSueur	93	6,626.25	6,466.29	**6,337.02**
Lincoln	98	6,982.50	6,813.94	**6,677.72**
Lyon	143	10,188.75	9,942.79	**9,744.02**
Mahnomen	2	142.50	139.06	**136.28**
Marshall	17	1,211.25	1,182.01	**1,158.38**
Marshall-Beltrami	3	213.75	208.59	**204.42**
Martin	199	14,178.75	13,836.47	**13,559.86**
McLeod	55	3,918.75	3,824.15	**3,747.70**

SWCD	Total # of Easements	$ FY08	$ FY09	$ FY10
Meeker	73	5,201.25	5,075.69	**4,974.22**
Mille Lacs	13	926.25	903.89	**885.82**
Morrison	32	2,280.00	2,224.96	**2,180.48**
Mower	80	5,700.00	5,562.40	**5,451.20**
Murray	110	7,837.50	7,648.30	**7,495.40**
Nicollet	72	5,130.00	5,006.16	**4,906.08**
Nobles	24	1,710.00	1,668.72	**1,635.36**
Norman	33	2,351.25	2,294.49	**2,248.62**
Olmsted	21	1,496.25	1,460.13	**1,430.94**
Otter Tail, East	11	783.75	764.83	**749.54**
Otter Tail, West	48	3,420.00	3,337.44	**3,270.72**
Pennington	1	71.25	69.53	**68.14**
Pine	1	71.25	69.53	**68.14**
Pipestone	23	1,638.75	1,599.19	**1,567.22**
Polk, East	3	213.75	208.59	**204.42**
Polk, West	3	213.75	208.59	**204.42**
Pope	162	11,542.50	11,263.86	**11,038.68**
Ramsey	0	0.00	0.00	**0.00**
Red Lake	5	356.25	347.65	**340.70**
Redwood	311	22,158.75	21,623.83	**21,191.54**
Renville	372	26,505.00	25,865.16	**25,348.08**
Rice	59	4,203.75	4,102.27	**4,020.26**
Rock	21	1,496.25	1,460.13	**1,430.94**
Root River	55	3,918.75	3,824.15	**3,747.70**
Roseau	1	71.25	69.53	**68.14**
Scott	49	3,491.25	3,406.97	**3,338.86**
Sherburne	0	0.00	0.00	**0.00**
Sibley	93	6,626.25	6,466.29	**6,337.02**
St. Louis, North	0	0.00	0.00	**0.00**
St. Louis, South	0	0.00	0.00	**0.00**
Stearns	18	1,282.50	1,251.54	**1,226.52**
Steele	50	3,562.50	3,476.50	**3,407.00**
Stevens	68	4,845.00	4,728.04	**4,633.52**
Swift	166	11,827.50	11,541.98	**11,311.24**
Todd	4	285.00	278.12	**272.56**
Traverse	22	1,567.50	1,529.66	**1,499.08**
Wabasha	24	1,710.00	1,668.72	**1,635.36**
Wadena	6	427.50	417.18	**408.84**
Waseca	107	7,623.75	7,439.71	**7,290.98**
Washington	2	142.50	139.06	**136.28**
Watonwan	102	7,267.50	7,092.06	**6,950.28**
Wilkin	29	2,066.25	2,016.37	**1,976.06**
Winona	67	4,773.75	4,658.51	**4,565.38**
Wright	43	3,063.75	2,989.79	**2,930.02**
Yellow Medicine	173	12,326.25	12,028.69	**11,788.22**
STATE TOTAL	5,063	360,738.75	352,030.39	**344,992.82**

PROPOSED FY 2010 GENERAL AND EASEMENT SERVICES BASE GRANTS

SWCD	GENERAL SERVICES ACTUAL 09	GENERAL SERVICES PROPOSED 10	EASEMENT SERVICES
AITKIN	$24,649	$23,924	$68
ANOKA	$25,304	$24,579	$0
BECKER	$23,245	$22,520	$613
BELTRAMI	$23,105	$22,380	$477
BENTON	$23,479	$22,754	$1,704
BIG STONE	$22,075	$21,350	$2,317
BLUE EARTH	$23,058	$22,333	$14,173
BROWN	$23,152	$22,427	$11,243
CARLTON	$22,824	$22,099	$0
CARVER	$24,041	$23,316	$2,589
CASS	$22,356	$21,631	$68
CHIPPEWA	$23,152	$22,427	$11,107
CHISAGO	$24,087	$23,362	$545
CLAY	$23,526	$22,801	$4,020
CLEARWATER	$22,918	$22,193	$273
COOK	$22,263	$21,538	$0
COTTONWOOD	$23,152	$22,427	$12,742
CROW WING	$22,450	$21,725	$0
DAKOTA	$25,866	$25,141	$477
DODGE	$23,620	$22,895	$818
DOUGLAS	$24,602	$23,877	$6,610
FARIBAULT	$23,620	$22,895	$12,538
FILLMORE	$24,555	$23,830	$2,589
FREEBORN	$23,386	$22,661	$6,269
GOODHUE	$24,462	$23,737	$4,634
GRANT	$23,245	$22,520	$1,635
HENNEPIN *	$31,417	$27,623	$2,180
HUBBARD	$22,216	$21,491	$68
ISANTI	$24,602	$23,877	$409
ITASCA	$23,011	$22,286	$0
JACKSON	$22,403	$21,678	$7,087
KANABEC	$22,871	$22,146	$477
KANDIYOHI	$23,807	$23,082	$9,131
KITTSON	$23,432	$22,707	$477
KOOCHICHING	$22,590	$21,865	$0
LAC QUI PARLE	$22,918	$22,193	$11,856
LAKE	$22,403	$21,678	$0
LAKE OF THE WOODS	$22,075	$21,350	$0
LE SUEUR	$23,947	$23,222	$6,337
LINCOLN	$24,275	$23,550	$6,678
LYON	$23,479	$22,754	$9,744
MAHNOMEN	$22,169	$21,444	$136
MARSHALL	$22,497	$21,772	$1,158
MARSHALL-BELTRAMI	$22,824	$22,099	$204
MARTIN	$23,105	$22,380	$13,560

SWCD	GENERAL SERVICES ACTUAL 09	GENERAL SERVICES PROPOSED 10	EASEMENT SERVICES
MC LEOD	$22,965	$22,240	$3,748
MEEKER	$22,684	$21,959	$4,974
MILLE LACS	$23,058	$22,333	$886
MORRISON	$24,696	$23,971	$2,180
MOWER	$25,351	$24,626	$5,451
MURRAY	$22,309	$21,584	$7,495
NICOLLET	$23,479	$22,754	$4,906
NOBLES	$22,637	$21,912	$1,635
NORMAN	$23,198	$22,473	$2,249
OLMSTED	$26,474	$25,749	$1,431
OTTER TAIL EAST	$23,198	$22,473	$750
OTTER TAIL WEST	$23,198	$22,473	$3,271
PENNINGTON	$22,871	$22,146	$68
PINE	$23,198	$22,473	$68
PIPESTONE	$22,824	$22,099	$1,567
POLK EAST	$23,011	$22,286	$204
POLK WEST	$23,011	$22,286	$204
POPE	$22,731	$22,006	$11,039
RAMSEY	$23,620	$22,895	$0
RED LAKE	$22,122	$21,397	$341
REDWOOD	$23,620	$22,895	$21,192
RENVILLE	$23,807	$23,082	$25,348
RICE	$27,878	$27,153	$4,020
ROCK	$23,620	$22,895	$1,431
ROOT RIVER	$27,363	$26,638	$3,748
ROSEAU	$22,918	$22,193	$68
SCOTT	$24,321	$23,596	$3,339
SHERBURNE	$26,333	$25,608	$0
SIBLEY	$23,058	$22,333	$6,337
ST. LOUIS NORTH	$22,965	$22,240	$0
ST. LOUIS SOUTH	$22,965	$22,240	$0
STEARNS	$26,801	$26,076	$1,227
STEELE	$24,415	$23,690	$3,407
STEVENS	$23,432	$22,707	$4,634
SWIFT	$22,731	$22,006	$11,311
TODD	$24,462	$23,737	$273
TRAVERSE	$23,386	$22,661	$1,499
WABASHA	$23,947	$23,222	$1,635
WADENA	$22,871	$22,146	$409
WASECA	$23,198	$22,473	$7,291
WASHINGTON	$25,070	$24,345	$136
WATONWAN	$22,497	$21,772	$6,950
WILKIN	$23,526	$22,801	$1,976
WINONA	$25,538	$24,813	$4,565
WRIGHT	$26,006	$25,281	$2,930
YELLOW MEDICINE	$23,526	$22,801	$11,788
ALLOCATED TOTALS	**$2,155,122**	**$2,086,078**	**$344,993**

Recommended Penalty

Hennepin - 10% to General Services Base Grant for late Annual Plan and website non-compliance.

D. PROPOSED FY '10 NPEA BASE GRANTS

BACKGROUND

The Non Point Engineering Assistance (NPEA) Base Grants are allocated annually to the NPEA (TSA) Joint Powers Boards for the purpose of providing technical assistance to landowners to apply conservation practices. For FY '10, the legislature has appropriated $1.06 M for this Program.

ISSUE

This Grant Program is proposed be implemented according to the August 2008 BWSR adopted *CTAC Short-Term Consensus Recommendation to Address Structure and Financial Challenges of the NPEA Program Proposed Clarifications by Recommendations Work Group*

The following policy from this Recommendation directs the '10 allocations as follows:

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.

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:

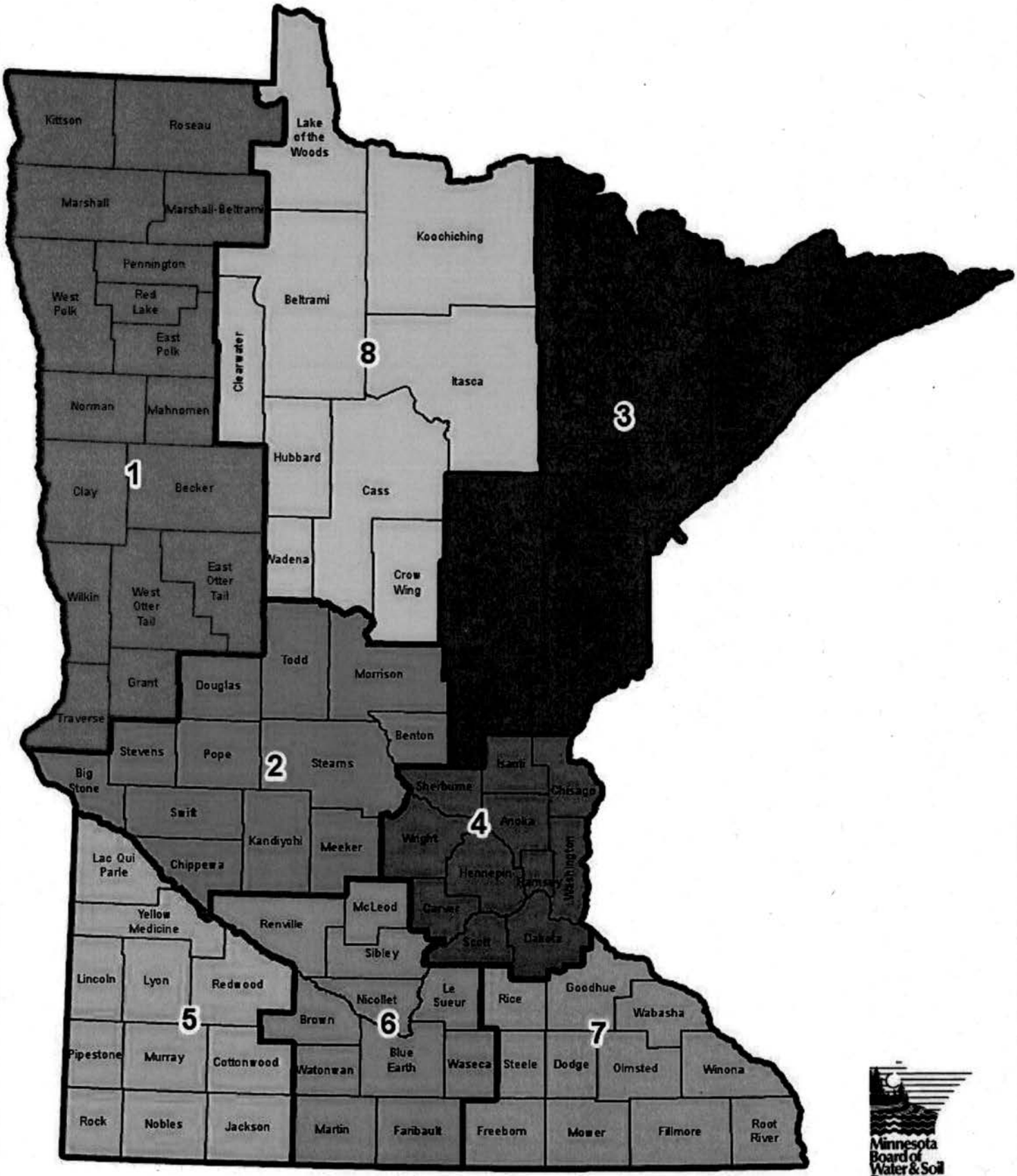
- Fees for services (from landowners, or other sources)
- Member SWCD cash contributions
- Federal TSP funding
- Federal grant funds
- Other state programs
- Gifts and donations

RECOMMENDATION

The Grants Program & Policy Committee is requesting the Board to approve their recommended allocation of the '10 NPEA Base Grants according to the Board adopted policy as follows:

NPEA Area	Base Grant	Host SWCD Grant	AutoCAD Civil 3D	Total Grant
1	$115,000	$10,000	$3,750	**$128,750**
2	$115,000	$5,000	$3,750	**$123,750**
3	$165,000	$10,000	$3,750	**$178,750**
4	$115,000	$5,000	$3,750	**$123,750**
5	$115,000	$10,000	$3,750	**$128,750**
6	$115,000	$5,000	$3,750	**$123,750**
7	$115,000	$10,000	$3,750	**$128,750**
8	$115,000	$5,000	$3,750	**$123,750**
				$1,060,000

Planned SWCD TSA and MASWCD Areas



Minnesota Board of Water & Soil Resources
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December 2008

Board Resolution # 09-43

FISCAL YEAR '10 SOIL AND WATER CONSERVATION DISTRICT GRANT ALLOCATIONS

WHEREAS, Fiscal Year '10 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, General Services Grants, and Easement Services Grants, and Non Point Engineering Assistance Grant Programs; and,

WHEREAS, the Laws of Minnesota for 2009, in H.F. 2123, 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 grants as listed on the attachments, to eligible SWCDs and JPBs, for these respective grant programs; totaling:

State Cost Share Base Grants (alternative #1) -	$1,145,743
General Services Grants -	$2,086,078
Easement Services Grants -	$344,993
Non Point Engineering Assistance Base Grants -	$1,060,000

Randy Kramer, Chair
Board of Water and Soil Resources

Date: 6/24/09

Attachments: SWCD State Cost Share Base Grant FY 2010 Alternative Allocations
Proposed FY 2010 General and Easement Services Base Grants
Proposed FY '10 NPEA Base Grants

H:10SWCDBR

PROPOSED FY 2010 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.

Selected Program Highlights of the FY 2010 NRBG:
The 2009 Legislature reduced the FY '10 NRBG appropriation for Comprehensive Local Water Management, the Wetland Conservation Act, and the DNR Shoreland Management Base Grants $202,000 from $4,102,000 in FY '09 to $3,900,000.

The SMT recommends the $202,000 reduction be applied to the CLWM Base Grant only. The Team also recommends this reduction is offset by supplementing $264,000 from unallocated CWL (CW2 Non Point Technical) funds. This supplement is supported by the intended protection and restoration planning inclusions in LWPs.

Comprehensive Local Water Management - $1,559,817
This component is for implementing comprehensive local water plans. A statutory local levy match or cash equivalent 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 - $1,839,857

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. The 2009 Legislature has reduced the FY '10 appropriation $130,000 from FY '09. Grant amounts are based on the grant formula that includes the following highlights:

- 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.

- The base grant funding rate for 2010 is $94.50/feedlot. This is a reduction from the 2009 rate of $99/feedlot.

- With several exceptions, June 30, 2007 Registration Update Data, as recorded on eLINK, has been used as the number of feedlots eligible for funding.

- 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 - $863,997 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 $9,931 is determined by equal county allocations. These funds are appropriated under the CWA Program.

Recommendation

On behalf of the Grants Program & Policy Committee, and DNR and MPCA Staffs, the Board is requested to approve allocations of the '10 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 *2010 BWSR Natural Resources Block Grant, Base Grant Breakdown by Program.*

2010 BWSR Natural Resources Block Grant, Base Grant Breakdown by Program.

	ACTUAL 2009	PROPOSED 2010					
	$1.50 M	$1.56 M	$2.17 M	$.43 M	$1.84	$.86 M	
	LOCAL WATER MANAGEMENT	LOCAL WATER MANAGEMENT	WCA	DNR SHORELAND	MPCA FEEDLOT	MPCA SSTS	
COUNTY	CLWM BASE GRANT	CLWM BASE GRANT	WCA BASE GRANT	SHORELAND BASE GRANT	FEEDLOT BASE GRANT	SSTS BASE GRANT	TOTAL 2010 NRBG
AITKIN	$18,285	$19,016	$37,870	$12,288		$9,931	**$79,105**
ANOKA	$10,657	$11,083	$71,992	$2,979		$9,931	**$95,985**
BECKER	$17,210	$17,898	$27,613	$12,234		$9,931	**$67,676**
BELTRAMI	$18,022	$18,743	$69,034	$6,272		$9,931	**$103,980**
BENTON	$17,473	$18,172	$36,000	$3,744		$9,931	**$67,847**
BIG STONE	$20,685	$21,512	$10,000	$3,065	$7,500	$9,931	**$52,008**
BLUE EARTH	$13,197	$13,725	$20,710	$3,695	$34,115	$9,931	**$82,176**
BROWN	$17,949	$18,667	$10,000	$3,048	$40,352	$9,931	**$81,998**
CARLTON	$17,575	$18,278	$25,641	$4,474		$9,931	**$58,324**
CARVER	$10,657	$11,083	$36,000	$2,979	$25,326	$9,931	**$85,319**
CASS	$13,827	$14,380	$51,000	$12,189		$9,931	**$87,500**
CHIPPEWA	$19,592	$20,376	$10,000	$2,990		$9,931	**$43,297**
CHISAGO	$14,803	$15,395	$31,558	$5,631		$9,931	**$62,515**
CLAY	$16,685	$17,352	$18,737	$3,354	$11,340	$9,931	**$60,714**
CLEARWATER	$20,086	$20,889	$22,682	$3,604		$9,931	**$57,106**
COOK	$19,528	$20,309	$14,793	$4,780		$9,931	**$49,813**
COTTONWOOD	$19,544	$20,326	$10,000	$3,158	$29,295	$9,931	**$72,710**
CROW WING	$10,657	$11,083	$43,392	$21,792		$9,931	**$86,198**
DAKOTA	$10,657	$11,083	$60,158	$2,979	$16,821	$9,931	**$100,972**
DODGE	$19,070	$19,833	$18,734	$3,047	$29,295	$9,931	**$80,840**
DOUGLAS	$15,901	$16,537	$24,655	$9,734	$42,147	$9,931	**$103,004**
FARIBAULT	$19,157	$19,923	$10,000	$3,116	$37,800	$9,931	**$80,770**
FILLMORE	$18,799	$19,551	$10,000	$3,067	$78,813	$9,931	**$121,362**
FREEBORN	$17,274	$17,965	$10,000	$3,576	$35,910	$9,931	**$77,382**
GOODHUE	$12,419	$12,916	$18,737	$3,158	$73,427	$9,931	**$118,169**
GRANT	$20,411	$21,227	$15,779	$3,482		$9,931	**$50,419**
HENNEPIN	$10,657	$11,083	$65,089	$0		$9,931	**$86,103**
HOUSTON	$19,353	$20,127	$14,793	$3,105	$38,934	$9,931	**$86,890**
HUBBARD	$17,438	$18,136	$28,599	$9,609		$9,931	**$66,275**
ISANTI	$17,447	$18,145	$28,599	$4,562		$9,931	**$61,237**
ITASCA	$13,754	$14,304	$50,296	$11,514		$9,931	**$86,045**
JACKSON	$19,376	$20,151	$10,000	$3,430	$37,989	$9,931	**$81,501**
KANABEC	$19,843	$20,637	$28,599	$4,660		$9,931	**$63,827**
KANDIYOHI	$15,829	$16,462	$24,655	$7,693	$43,092	$9,931	**$101,833**
KITTSON	$20,116	$20,921	$18,737	$3,016	$7,500	$9,931	**$60,105**
KOOCHICHING	$19,782	$20,573	$32,939	$3,101		$9,931	**$66,544**
LAC QUI PARLE	$20,346	$21,160	$10,000	$2,995	$7,500	$9,931	**$51,586**
LAKE	$19,401	$20,177	$18,737	$5,257		$9,931	**$54,102**
LAKE OF THE WOODS	$20,814	$21,647	$38,461	$3,978	$7,500	$9,931	**$81,517**
LE SUEUR	$17,776	$18,487	$18,737	$5,603	$19,467	$9,931	**$72,225**
LINCOLN	$20,391	$21,207	$10,000	$3,153	$41,108	$9,931	**$85,399**
LYON	$18,023	$18,744	$10,000	$3,119	$31,941	$9,931	**$73,735**
MCLEOD	$16,645	$17,311	$18,737	$3,404	$34,965	$9,931	**$84,348**
MAHNOMEN	$20,853	$21,687	$14,793	$3,828		$9,931	**$50,239**
MARSHALL	$19,740	$20,530	$21,696	$2,979	$7,500	$9,931	**$62,636**
MARTIN	$18,033	$18,754	$10,000	$3,445	$57,173	$9,931	**$99,303**
MEEKER	$18,419	$19,156	$21,696	$5,394	$31,280	$9,931	**$87,457**
MILLE LACS	$18,908	$19,664	$25,641	$5,478		$9,931	**$60,714**

2010 BWSR Natural Resources Block Grant, Base Grant Breakdown by Program.

	ACTUAL 2009	PROPOSED 2010					
	$1.50 M	$1.56 M	$2.17 M	$.43 M	$1.84	$.86 M	
	LOCAL WATER MANAGEMENT	LOCAL WATER MANAGEMENT	WCA	DNR SHORELAND	MPCA FEEDLOT	MPCA SSTS	
COUNTY	CLWM BASE GRANT	CLWM BASE GRANT	WCA BASE GRANT	SHORELAND BASE GRANT	FEEDLOT BASE GRANT	SSTS BASE GRANT	TOTAL 2010 NRBG
MORRISON	$17,918	$18,635	$34,517	$4,494	$54,716	$9,931	**$122,293**
MOWER	$17,178	$17,865	$14,793	$3,719	$39,407	$9,931	**$85,715**
MURRAY	$19,815	$20,608	$10,000	$3,670	$38,840	$9,931	**$83,049**
NICOLLET	$17,321	$18,014	$18,737	$3,055	$39,501	$9,931	**$89,238**
NOBLES	$18,962	$19,720	$10,000	$3,032	$45,738	$9,931	**$88,421**
NORMAN	$20,461	$21,279	$14,793	$2,989	$7,500	$9,931	**$56,492**
OLMSTED	$10,657	$11,083	$28,599	$3,588		$9,931	**$53,201**
OTTER TAIL	$12,934	$13,451	$68,047	$20,219		$9,931	**$111,648**
PENNINGTON	$20,198	$21,006	$18,737	$3,228	$7,500	$9,931	**$60,402**
PINE	$18,241	$18,971	$39,448	$6,720		$9,931	**$75,070**
PIPESTONE	$20,075	$20,878	$10,000	$2,979	$48,668	$9,931	**$92,456**
POLK	$17,732	$18,441	$24,655	$3,939	$9,261	$9,931	**$66,227**
POPE	$19,874	$20,669	$17,751	$4,842	$31,658	$9,931	**$84,851**
RAMSEY	$10,657	$11,083	$19,000	$0		$9,931	**$40,014**
RED LAKE	$20,877	$21,712	$14,793	$3,273	$7,500	$9,931	**$57,209**
REDWOOD	$19,054	$19,816	$11,834	$2,979		$9,931	**$44,560**
RENVILLE	$18,495	$19,235	$10,000	$3,033	$33,075	$9,931	**$75,274**
RICE	$13,768	$14,319	$27,613	$4,772	$32,792	$9,931	**$89,427**
ROCK	$19,980	$20,779	$10,000	$2,979	$49,235	$9,931	**$92,924**
ROSEAU	$19,922	$20,719	$27,613	$3,073		$9,931	**$61,336**
ST. LOUIS	$10,657	$11,083	$86,193	$22,712		$9,931	**$129,919**
SCOTT	$10,657	$11,083	$47,337	$2,979	$15,971	$9,931	**$87,301**
SHERBURNE	$10,657	$11,083	$36,000	$5,551		$9,931	**$62,565**
SIBLEY	$19,242	$20,012	$15,325	$3,076	$30,146	$9,931	**$78,490**
STEARNS	$10,657	$11,083	$52,268	$10,257	$163,296	$9,931	**$246,835**
STEELE	$16,405	$17,061	$13,806	$3,266	$29,579	$9,931	**$73,643**
STEVENS	$20,151	$20,957	$10,000	$3,108	$15,120	$9,931	**$59,116**
SWIFT	$19,816	$20,609	$13,806	$3,126	$14,364	$9,931	**$61,836**
TODD	$19,323	$20,096	$24,655	$5,620	$70,875	$9,931	**$131,177**
TRAVERSE	$20,520	$21,341	$10,000	$3,195	$7,500	$9,931	**$51,967**
WABASHA	$18,665	$19,412	$13,806	$4,008	$48,006	$9,931	**$95,163**
WADENA	$20,262	$21,072	$22,682	$3,514	$11,435	$9,931	**$68,634**
WASECA	$18,790	$19,542	$13,806	$3,425	$25,043	$9,931	**$71,747**
WASHINGTON	$10,657	$11,083	$47,337	$2,979		$9,931	**$71,330**
WATONWAN	$19,892	$20,688	$10,000	$3,114	$20,507	$9,931	**$64,240**
WILKIN	$20,055	$20,857	$10,000	$2,999		$9,931	**$43,787**
WINONA	$15,598	$16,222	$13,806	$3,021	$56,700	$9,931	**$99,680**
WRIGHT	$10,657	$11,083	$48,323	$10,640	$27,972	$9,931	**$107,949**
YELLOW MEDICINE	$19,980	$20,779	$10,000	$2,995	$29,862	$9,931	**$73,567**
MARSHALL-BELTRAMI SWCD	$0	$0	$6,004	$0	$0	$0	**$6,004**
TOTALS	**$1,499,824**	**$1,559,817**	**$2,171,973**	**$429,926**	**$1,839,857**	**$863,997**	**$6,865,570**

H:10NRBG

Board Resolution # 09-47

FY '10 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 Subsurface Sewage Treatment Systems; and,

WHEREAS, the Laws of Minnesota for 2009 in H. F. 2123 appropriated FY '10 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 *2010 BWSR Natural Resources Block Grant, Base Grant Breakdown by Program;* totaling:

LWM-	$1,559,817
WCA -	$2,171,973
DNR Shoreland -	$429,926
MPCA Feedlot -	$1,839,857
MPCA SSTS -	$863,997

Randy Kramer, Chair
Board of Water and Soil Resources

Date: 6/24/09

Attachment: 2010 BWSR Natural Resources Block Grant, Base Grant Breakdown by Program

H:10NRBGBR

PROPOSED 2010 FARM BILL ASSISTANCE GRANTS

BACKGROUND

Started in 2002, the purpose of this Grant Program is to provide financial assistance to selected SWCDs to accelerate the implementation of grassland and wetland projects. The primary focus has been with the conservation programs found in the Federal Farm Bill. These proposed grants are for Phase IX that will run from July 1, 2009 through June 30, 2010. To date nearly $7million dollars have been spent on this project with a result of 264,000 acres of projects.

The BWSR provides oversight and administration of the Farm Bill Assistance Project, specifically, in reporting and financial reimbursements to participants. The day-to-day operation of the Program is taken care of by the Farm Bill Assistance Committee, which is made up of one member from DNR, BWSR, and Pheasants Forever.

CURRENTLY

New for this year is a two-year $1 M grant from LCCMR to help fund this effort. The FY '10 Program budget is as follows:

FY 2010 Budget:	
LCCMR	$500,000
DNR	$150,000
BWSR	$0
FY 2009 Carry Over	$60,000
State Total	$710,000
Local Match 30%	$304,000
Total Project FY 2010	**$1,014,000**

RFPs were sent to SWCDs announcing the following duties were eligible for funding:

- Marketing conservation programs that achieve grass and wetland cover Programs such as CRP, CCRP, CREP, WRP, WLI, WHIP, CRP Re-enrollment
- Developing Conservation plans for the above programs
- Practice implementation via vendors
- Mid-contract management planning
- Guidance of landowners on non-FBA activities to appropriate staff/programs
- General office assistance as part of local workload if kept in balance

Upon recommendation of the FBA Committee the BWSR will enter into a contractual relationship with successful applicants starting July 1, 2009 and run through July 31, 2010. These contracts with SWCDs will reimburse 70% of the budgeted cost of the employee. The remaining 30% will be provided as cash match from local sources. For purposes of this project, a maximum FTE cost of $45,000/year has been put in place. Less than full time positions will be pro-rated. SWCDs will be required to invoice BWSR for services rendered on a semi-annual basis.

RECOMMENDATION

This committee will make initial allocation selections by July 1, 2009. There is potential to build upon this initial listing with available funding as the project evolves and need arises. Staff positions will be selected for funding based upon historical performance, location within DNR Working Lands areas, resource opportunity/need, ability to provide match to grant, and goals identified by each applicant on their application.

The Grants Program & Policy Committee is requesting the Board to authorize, the '10 Farm Bill Assistance Program, and staff to enter into SWCD contracts according to recommendations of the FBA Committee.

H:10FBAP

Board Resolution # 09-48

FY '10 Farm Bill Assistance Grant Authorization

WHEREAS, the Farm Bill Assistance Grant Program administered by the Board of Water and Soil Resources (BWSR), provides grants to SWCDs 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; and,

WHEREAS, the same grant process will be used for FY '10 of this ongoing project that started in FY '03; and,

WHEREAS, the BWSR, and DNR, have secured funding and coordinated the application process; and,

WHEREAS, the BWSR has adopted the following grant and allocation policies based upon the Farm Bill Assistance Committee's recommendations;

Eligible SWCDs in Working Lands Initiative Focus Areas will be eligible to receive a 70% state funded grant. SWCDs 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 $710,000 for the Farm Bill Assistance Grant Program according to these policies.

Date: 6/24/09

Randy Kramer, Chair
Board of Water and Soil Resources

H:10FBABR

Using Clean Water Funds to Leverage Federal 319 Funds

Background

MPCA has received a one time increase in the available amount of EPA Section 319 funds this year. Approximately $6 million is available as grants versus a 'normal' year's allocation of approximately $3 million. A requirement for the EPA funds this year is that applications must be completed, ranked and submitted to EPA for approval by September of 2009. MPCA has published a notice in the State Register that the grant application period is open from June 15th through July 15th, 2009.

There are 2 categories of grant eligibility for FY 2010. Development, Education and Research (DER) is available statewide and includes projects that demonstrate new or improved best management practices (BMPs) that promote nonpoint source pollution control, generate information/educational materials for the public relating to nonpoint source pollution and its impact on water quality, or answer a research question related to the above topics. TMDL Implementation Funds must be used to further the goals of TMDL implementation plans.

There is no grant maximum or minimum for 319 funds but the dollar amount requested must be matched by 45% non-federal cash and in-kind funds. In addition to the match requirements, Section 319 funds are only available on a reimbursement basis. The upcoming availability of substantial amounts of Section 319, Clean Water Partnership and Clean Water Funds for implementation activities will require LGUs to have the technical capacity to provide the needed technical assistance and engineering capacity to work with landowners on the installation of conservation alternatives and best management practices. With current budget uncertainties, match funding and cash flowing the up-front costs for the 319 grants may prove difficult for many LGUs.

The Clean Water Fund appropriation language specifically states that "The board may shift grant or cost-share funds in this section and may adjust the technical and administrative assistance portion of the funds to leverage federal or other nonstate funds…" The Clean Water Specialists have identified options for leveraging federal funds to increase the technical capacity of TSA areas or LGUs in areas where TMDLs are completed.

Recommendation

The Grants Program & Policy Committee recommends that the Board Authorize:

1. that up to $1,250,000 from the Clean Water Fund targeted nonpoint restoration technical assistance and engineering appropriations be designated to leverage the currently available Federal Section 319 Funds, and
2. staff to coordinate with MPCA and communicate to eligible local government project sponsors that said funds are available for up to 20% of the total project costs for the technical assistance and engineering portion of Section 319 implementation grant applications that are approved for funding, and

3. staff to participate in the Federal Section 319 project evaluation, selection and validation process and enter into grant agreements with the local government unit project sponsors or partners for the nonpoint restoration technical assistance and engineering components of the selected projects.

According to the attached resolution.

Minnesota Board of Water & Soil Resources

June 22, 2009

The Honorable Raymond R. Krause
Chief Administrative Law Judge
Office of Administrative Hearings
600 North Robert Street
P.O. Box 64620
St. Paul, MN 55164-0620

Re: In the Matter of the Proposed Rules of the Board of Water and Soil Resources Relating to Wetland Conservation, Minnesota Rules Chapter 8420;
OAH Docket Number 12-3300-20315-1; Governor's Tracking Number AR458.

Dear Judge Krause:

This letter contains the Board of Water and Soil Resources (BWSR) responses to the Report of the Administrative Law Judge regarding the above referenced rulemaking. BWSR agrees with the following numbered items, and will make the recommended changes to the proposed rule identified in each item:

47. 8420.0100 Purpose.

69. 8420.0111 Definitions.

88. 8420.0240 Technical Evaluation Panel Procedures.

100. 8420.0255 Local Government Unit Application and Decision Procedures.

103. 8420.0310 Wetland Boundary or Type Applications.

117. 8420.0335 Contractor's Notification Responsibility.

126. 8420.0420 Exemption Standards.

157. 8420.0526 Actions Eligible for Credit. Subp. 2. Upland buffer areas.

166. 8420.0526 Actions Eligible for Credit. Subp. 5. Vegetative restoration of farmed wetlands.

169. 8420.0526 Actions Eligible for Credit. Subp. 6. Protection of Wetlands previously restored via conservation easements

173. 8420.0526 Actions Eligible for Credit. Subp. 7. Wetland creations.

179. 8420.0526 Actions Eligible for Credit. Subp. 9. Preservation of wetlands owned by the state or a local unit of government.

In addition to the above items, BWSR agrees that a change is necessary and proposes to modify the language contained in the Report as provided below:

76. 8400.0200 Determining Local Government Unit; Duties.
The report recommends modifying item F to read, "In the absence of an application, the local government unit may evaluate evidence for a no-loss, an exemption, or sequencing upon the request of a landowner. The evaluation provided does not constitute a decision for the purposes of these rules."

BWSR agrees with the recommendation and proposes an additional change to this Item. The identification of specific actions that are contained in the rule may limit the discretion of a local government to provide informal advice to a landowner. Therefore, BWSR proposes to amend the recommendation as follows:

"In the absence of an application, the local government unit may evaluate ~~evidence for a no-loss, an exemption, or sequencing~~ information related to a potential activity upon the request of a landowner. The evaluation provided does not constitute a decision for the purposes of these rules."

Activity is defined in the rule as, "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." This change will ensure that local governments have full authority to evaluate information and provide advice to a landowner prior to undertaking a project that constitutes an activity as defined in the rule.

121. 8420.0415 No-Loss Criteria.
The Report recommends amending language to improve its clarity, which is an important goal of this rulemaking. However, instead of making the recommended change, BWSR proposes to delete the identified sentence in its entirety. This sentence makes a statement that may apply, regardless of whether it is contained in the rule. Similar language should be provided for exemptions, as an activity that does not qualify for an exemption should be evaluated to determine if it qualifies for a no loss or if replacement is required. The proposed rule does not contain similar language in exemption standards (8420.0420). This informative language would be more appropriate as guidance to local governments and landowners, than in the rule.

With this change, the following sentence will be deleted from the proposed rule, "~~Activities that do not qualify for no-loss according to this part may be subject to the replacement requirements of this chapter.~~"

134. 8420.0522 Replacement Standards.
BWSR agrees with the recommendation, but proposes an additional change to avoid an unintended consequence of this language. A concern is that the recommended change would require BWSR to establish an approval process that does not currently exist. Adding a State process to local government approvals required under this rule would likely result in default approvals under Minn. Stat. 15.99 and give BWSR authority not granted in statute. Deleting the middle sentence from the recommended language would avoid this potential outcome.

BWSR proposes the recommended language be modified as follows:

> G. other functions and public uses as identified in wetland evaluation methods demonstrated to reasonably identify appropriate candidates for wetland replacement. ~~No function or public use identified under this item will be applied prior to board approval.~~ The board shall maintain a publicly available list of the methods that have been approved for wetland evaluation under the standards set out in this item.

160. 8420.0526 Actions Eligible for Credit. Subp. 3. Restoration of completely drained or filled wetland areas.

The correction of the defect by replacing "may" with "is eligible for" is accepted and BWSR will incorporate this change. However, the restructuring of this subpart inadvertently makes a substantive change to the application of this provision. The re-lettering of the sub-items a) and b) would establish a more stringent requirement that does not provide the flexibility intended in this provision. BWSR proposes to modify this provision to read as follows:

> 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 is eligible for replacement credit in an amount up to 100 percent of the wetland area hydrologically and vegetatively restored. ~~only where: a)~~ To be eligible for replacement credit, the vegetation establishment and management plan must sets a goal of restoring the historic native vegetation typical of the wetland being restored~~; and b)~~, unless it is

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> determined to be not ecologically feasible by the technical evaluation panel ~~determines that the plan is ecologically feasible~~.

164. 8420.0526 Actions Eligible for Credit. Subp. 4. Restoration of partially drained or filled wetland areas.

BWSR agrees with the recommended change. However, in reviewing the Report, several additional changes were identified to ensure the rule language is consistent with other rule provisions. These proposed changes are shown below.

> 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 is eligible for replacement credit as follows:
>
> 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 before the date of application, is eligible for replacement credit in a percentage equivalent to the percent of the time the wetland area was annually seeded, in rotation, or set aside during the prior 20-year period; and
>
> B. all other wetland areas substantially degraded by partial drainage or fill are eligible for ~~wetland~~ replacement credit of up to 50 percent of the wetland area restored.

175. 8420.0526 Actions Eligible for Credit. Subp. 8. Restoration and protection of exceptional natural resource value.

BWSR agrees with the recommendation and will make the change. However, part of the recommendation changes the intent of the language and may have the unintended consequence of actions being eligible for credit under this provision without meeting the standard. The standard "improve or directly contribute to the function and sustainability of exceptional natural resources" is fundamental to this subpart and the identified actions must all meet this standard to be eligible for replacement credit.

BWSR proposes to modify the recommendation as follows:

> A. Restoration and protection of calcareous fens, white cedar swamps, floodplain or riparian wetlands and upland buffers, habitat corridors with other important resources, wetlands adjacent to designated trout waters; or other ~~activities~~ actions that restore and protect wetlands and adjacent areas are eligible for replacement credit when the action ~~that~~ improves or directly contributes to the function and sustainability of an exceptional natural resources ~~are eligible for replacement credit~~. For purposes of this subpart, exceptional natural resources are:

Finally, one additional change has been identified during the process that BWSR proposes to make to the rule. The change is only intended to ensure consistency throughout the rule and in the intention that 8420.0522, Subp. 5 Ecological suitability and sustainability should also apply to banking plans. This proposed change is shown below.

71.13 providing the desired functions and compatible with adjacent land uses. A replacement or banking
71.14 plan that would result in wetland types or characteristics that do not naturally occur in the
71.15 landscape area in which the replacement will occur must be denied. Replacement must

I, and all BWSR staff involved in this rulemaking, extend our appreciation to your office in assisting us in completing this important rulemaking. Please contact me if you have any question, or the proposals contained in this letter require further discussion.

Sincerely,

David Weirens
Land and Water Section Manager

Randy Kramer, Chair
LuAnn Tolliver, Chair Wetland Committee
John Jaschke, Executive Director
Julie Klocker, Assistant Director
Les Lemm, WCA Coordinator

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OAH 12-3300-20315-1
Governor's Tracking No. AR 458

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE BOARD OF WATER AND SOIL RESOURCES

In the Matter of the Proposed Amendments to Rules of the Board of Water and Soil Resources Relating to the Wetland Conservation Act, Minnesota Rules, Chapter 8420

REPORT OF THE CHIEF ADMINISTRATIVE LAW JUDGE

The above-entitled matter came on for review by the Chief Administrative Law Judge pursuant to the provisions of Minnesota Rules, part 1400.2240, subpart 4. Based upon a review of the record in this proceeding, the Chief Administrative Law Judge hereby approves the Report of the Administrative Law Judge, dated June 19, 2009, in all respects.

In order to correct the defects enumerated by the Administrative Law Judge in the attached Report, the agency shall either take the action recommended by the Administrative Law Judge, make different changes to the rules to address the defects noted, or submit the rules to the Legislative Coordinating Commission and the House of Representatives and Senate policy committees with primary jurisdiction over state governmental operations, for review under Minnesota Statutes, section 14.15, subdivision 4.

If the agency chooses to take the action recommended by the Administrative Law Judge, or if the agency chooses to make other changes to correct the defects, it shall submit to the Chief Administrative Law Judge a copy of the rules as originally published in the *State Register*, the agency's order adopting the rules, and the rules showing the agency's changes. The Chief Administrative Law Judge will then make a determination as to whether the defects have been corrected and whether the modifications to the rules make them substantially different than originally proposed.

Dated this 22nd day of June, 2009.

/s/ Raymond R. Krause

RAYMOND R. KRAUSE
Chief Administrative Law Judge

OAH Docket No. 12-3300-20315-1
Governor's Tracking No. AR 458

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE BOARD OF WATER AND SOIL RESOURCES

In the Matter of the Proposed Amendments to the Rules of the Board of Water and Soil Resources Relating to the Wetland Conservation Act, Minnesota Rules Chapter 8420

REPORT OF THE ADMINISTRATIVE LAW JUDGE

Administrative Law Judge Steve M. Mihalchick conducted hearings concerning the proposed amendments to rules relating to the Wetland Conservation Act. On April 30, 2009, hearings were held at the Blandin Foundation, 100 Pokegama Avenue, Grand Rapids, Minnesota beginning at 1:00 p.m. and resuming at 6:00 p.m. On May 1, 2009, hearings were held at the Youngquist Auditorium of the University of Minnesota-Crookston, 2900 University Avenue, Crookston, Minnesota beginning at 1:00 p.m. and resuming at 6:00 p.m. On May 4, 2009, hearings were held at the Kandi Entertainment Center, 500 19th Avenue S.E., Willmar, Minnesota beginning at 1:00 p.m. and resuming at 6:00 p.m. On May 5, 2009, the hearings concluded with afternoon and evening sessions at the Minnesota Board of Water and Soil Resources Board Room, 520 Lafayette Road North, Saint Paul, Minnesota. The hearings at each location continued until all interested persons, groups, and associations had an opportunity to be heard concerning the proposed rules.

The hearing and this Report are part of a rulemaking process governed by the Minnesota Administrative Procedure Act.[1] The Legislature has designed the rulemaking process to ensure that state agencies have met all of the requirements that Minnesota law specifies for adopting rules. Those requirements include assurances that the proposed rules are necessary and reasonable, that they are within the agency's statutory authority, and that any modifications that the agency may have made after the proposed rules were initially published are not impermissible substantial changes.

The rulemaking process includes a hearing when a sufficient number of persons request that a hearing be held. The hearing is intended to allow the agency and the Administrative Law Judge reviewing the proposed rules to hear public comment regarding the impact of the proposed rules and what changes might be appropriate. The Administrative Law Judge is employed by the Office of Administrative Hearings, an agency independent of the Board of Water and Soil Resources (Board or BWSR).

[1] Minn. Stat. §§ 14.131 through 14.20 (2008).

David Weirens, Land and Water Section Manager, Les Lemm, Wetland Conservation Act Coordinator, and Ken Powell, Metro Region Senior Wetlands Specialist, appeared at the rule hearings on behalf of the Board. Fourteen members of the public signed the hearing register at Grand Rapids, three at Crookston, twelve at Willmar, and fifteen at Saint Paul.

The Board received written comments on the proposed rules before the hearing. After the hearing, the record remained open until May 12, 2009, to allow interested persons and the Board an opportunity to submit written comments. Following the initial comment period, the record remained open for an additional five working days to allow interested persons and the Board the opportunity to file a written response to the comments submitted. The OAH hearing record closed on May 19, 2009. All of the comments received were read and considered. The comments were also posted on the OAH website for the benefit of all participants.

Based upon all the testimony, exhibits and written comments, the Administrative Law Judge makes the following:

FINDINGS OF FACT

Nature of the Proposed Rules

1. The Board is the responsible administrative agency for Minnesota's 91 soil and water conservation districts, 45 watershed districts, 18 metropolitan watershed management organizations, and 80 county water managers. The Board describes its purpose as protecting and enhancing Minnesota's soil and water resources "by implementing the state's soil and water conservation policy, comprehensive local water management, and the Wetland Conservation Act as it relates to the 41.7 million acres of private land in Minnesota."[2] These responsibilities are carried out through the actions of local governments. BWSR is governed by a Board consisting of 17 members, including local government representatives, state agencies, and citizens.

2. In 1991, the Wetland Conservation Act (WCA) was enacted.[3] The WCA is intended to maintain and protect Minnesota's wetlands and thereby enhance the benefits that wetlands provide to the environment. The WCA is implemented locally by cities, counties, watershed management organizations, soil and water conservation districts (SWCD), and townships (collectively local governmental units or LGUs). The Minnesota Department of Natural Resources (DNR) Conservation Officers and other licensed peace officers enforce the statute. BWSR administers the WCA statewide.

3. The WCA requires anyone proposing to drain, fill, or excavate a wetland first to try to avoid disturbing the wetland; second, to try to minimize any impact on the wetland; and, finally, to replace any lost wetland acres, function, and value. Certain wetland activities are exempt from the WCA, allowing projects with minimal impact or projects located on land where certain preestablished land uses are present to proceed

[2] Statement of Need and Reasonableness (SONAR), at 2.
[3] Laws of Minnesota 1991, Chapter 354.

without regulation. The Legislature has amended WCA many times since 1991, most recently in 2007 and 2008.[4]

4. The 2007 amendment to the WCA, codified at Laws of Minnesota 2007, Chapter 57, Section 166, states:

> Within 90 days of the effective date of this section, the Board of Water and Soil Resources shall adopt rules that amend Minnesota Rules, chapter 8420, to incorporate statute changes and to address the related wetland exemption provisions in Minnesota Rules, parts 8420.0115 to 8420.0210, and the wetland replacement and banking provisions in Minnesota Rules, parts 8420.0500 to 8420.0760. These rules are exempt from the rulemaking provisions of Minnesota Statutes, chapter 14, except that Minnesota Statutes, section 14.386, applies and the proposed rules must be submitted to the senate and house committees having jurisdiction over environment and natural resources at least 30 days prior to being published in the State Register. The amended rules are effective for two years from the date of publication in the State Register unless they are superseded by permanent rules.

5. The exempt rules authorized by the Legislature were published on August 5, 2007. The permanent WCA rule process was begun by publishing a request for comments on this same date.[5]

6. In developing the proposed permanent rules, the BWSR staff held a series of meetings with stakeholder organizations in 2007 to discuss the rulemaking process and related issues. The Board formed a Permanent Rule Advisory Committee and a Technical Advisory Committee. Membership on these committees included representatives from organizations in the areas of agriculture; business, environment/conservation; local government, state and federal government, and technical/professional organizations. These advisory committees held meetings beginning in January 2008 to review rule issues and proposed language.[6]

Rulemaking Legal Standards

7. Under Minn. Stat. § 14.14, subd. 2, and Minn. Rule 1400.2100, a determination must be made in a rulemaking proceeding as to whether the agency has established the need for and reasonableness of the proposed rule by an affirmative presentation of facts. In support of a rule, an agency may rely upon legislative facts, namely general facts concerning questions of law, policy and discretion, or it may simply rely upon interpretation of a statute, or stated policy preferences.[7] The Board prepared a Statement of Need and Reasonableness (SONAR) in support of the proposed rules. At the hearing, the Board primarily relied upon the SONAR as its affirmative

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[4] SONAR, at 2.
[5] SONAR, at 2.
[6] SONAR, at 4.
[7] *Mammenga v. Department of Human Services*, 442 N.W.2d 786 (Minn. 1989); *Manufactured Housing Institute v. Pettersen*, 347 N.W.2d 238, 244 (Minn. 1984).

presentation of need and reasonableness for the proposed rule. The SONAR was supplemented by comments made by Board representatives at the public hearing and in written post-hearing submissions.

8. The question of whether a rule has been shown to be reasonable focuses on whether it has been shown to have a rational basis, or whether it is arbitrary, based upon the rulemaking record. Minnesota case law has equated an unreasonable rule with an arbitrary rule.[8] Arbitrary or unreasonable agency action is action without consideration and in disregard of the facts and circumstances of the case.[9] A rule is generally found to be reasonable if it is rationally related to the end sought to be achieved by the governing statute.[10]

9. The Minnesota Supreme Court has further defined an agency's burden in adopting rules by requiring it to "explain on what evidence it is relying and how the evidence connects rationally with the agency's choice of action to be taken."[11] An agency is entitled to make choices between possible approaches as long as the choice made is rational. Generally, it is not the proper role of the Administrative Law Judge to determine which policy alternative presents the "best" approach since this would invade the policy-making discretion of the agency. The question is rather whether the choice made by the agency is one that a rational person could have made.[12]

10. In addition to need and reasonableness, the Administrative Law Judge must also assess whether the rule adoption procedure was complied with, whether the rule grants undue discretion, whether the Board has statutory authority to adopt the rule, whether the rule is unconstitutional or illegal, whether the rule constitutes an undue delegation of authority to another entity, or whether the proposed language is not a rule.[13]

11. At the hearings in this matter, the Board proposed several revisions to the proposed rule language after the proposed rules were published in the *State Register*.[14] The Administrative Law Judge must determine if new language, either proposed by the Board or suggested to correct defects, is substantially different from that which was originally proposed.[15]

Procedural Requirements of Chapter 14

12. On August 6, 2007, the Board published a Request for Comments on the proposed rules. The Request for Comments was published at 32 *State Register* 304.[16]

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[8] *In re Hanson*, 275 N.W.2d 790 (Minn. 1978); *Hurley v. Chaffee*, 231 Minn. 362, 367, 43 N.W.2d 281, 284 (1950).
[9] *Greenhill v. Bailey*, 519 F.2d 5, 19 (8th Cir. 1975).
[10] *Mammenga*, 442 N.W.2d at 789-90; *Broen Memorial Home v. Department of Human Services*, 364 N.W.2d 436, 444 (Minn. Ct. App. 1985).
[11] *Manufactured Housing Institute*, 347 N.W.2d at 244.
[12] *Federal Security Administrator v. Quaker Oats Co.*, 318 U.S. 218, 233 (1943).
[13] Minn. R. 1400.2100.
[14] Ex. M.
[15] Minn. Stat. § 14.15, subd. 3 (2008).
[16] Ex. A.

13. By letter dated March 13, 2009, the Board requested that the Office of Administrative Hearings schedule a hearing on the proposed rules and assign an Administrative Law Judge. Along with the letter, the Board filed a proposed Notice of Hearing, a copy of the proposed rules, and a draft of the Statement of Need and Reasonableness (SONAR). The Board also requested that the Office of Administrative Hearings give prior approval of its Additional Notice Plan. The Board described its notice plan as follows:

> BWSR intends to send a copy of the Public Hearing Notice to:
>
> - All individuals who have registered with BWSR for the purpose of receiving notice of rule proceedings as required by Minn. Stat. 14.14, subd. 1a;
> - All organizations that have participated in the stakeholder advisory committee (see list of organizations above);
> - All WCA local government units, all soil and water conservation districts, all watershed districts, and all local water planners;
> - All individuals and representatives of associations that BWSR has on file as interested and affected parties;
> - Minn. Stat. 14.116 requires a copy of the notice, the rules, and SONAR be sent to the chairs and ranking minority members of the committees with jurisdiction over the subject matter of the proposed rules. This statute also states that if the mailing of the notice is within two years of the effective date of the law granting rulemaking authority that the agency must make reasonable efforts to send a copy of the notice and SONAR to all sitting legislators who were chief authors of the bill granting the rulemaking authority. Under this statutory directive the following legislators will be sent the above referenced documents: the chairs and ranking minority members of (1) the House Environment and Natural Resources Policy Committee; (2) the House Environment and Natural Resources Finance Committee; (3) the Senate Environment and Natural Resources Committee; (4) Environment, Energy and Natural Resources Budget Division; and chief authors of WCA legislation in 2007 and 2008: Rep. Rick Hanson; Rep. Tom Anzelc; Sen. Satveer Chaudhary; and Sen. Tom Saxhaug.
> - In addition, a copy of the notice, proposed rule and draft SONAR will be posted on the BWSR website. [17]

14. Administrative Law Judge Steve M. Mihalchick was assigned to the rule hearing. In a letter dated March 18, 2009, Judge Mihalchick approved the Board's Notice of Hearing and Additional Notice Plan.

15. On March 25 and 26, 2009, the Board mailed copies of the Notice of Hearing, proposed rules, and SONAR to the chairs, chief authors, and ranking minority members of designated legislative committees.[18]

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[17] Ex. D, at 11 (hereinafter SONAR).

16. On March 26, 2009, the Board mailed a copy of the SONAR to the Legislative Reference Library as required by law.[19]

17. On March 25 and 26, 2009, the Board mailed a copy of the Notice Hearing to all persons and associations who had registered their names with the Department for purpose of receiving such notice and to all persons identified in the Additional Notice Plan.[20]

18. On March 30, 2009, a copy of the Dual Notice was published in the *State Register* at 33 S.R. 1641.[21]

19. On the first day of the hearings in this matter, the Board placed the following documents in the record:

- The Request for Comments on Planned Amendments to Rules Governing Wetland Conservation, published August 6, 2007, at 32 SR 304. (Ex. A);
- A copy of the proposed rules with Revisor's approval dated March 16, 2009 (Ex. C);
- A copy of the SONAR (Ex. D);
- Certificate of Mailing the SONAR to the Legislative Reference Library, with cover letter dated March 26, 2009 (Ex. E);
- A copy of the Notice of Hearing as published in 33 S.R. 1641 (Ex. F);
- Certificate of Mailing the Notice of Hearing to the Rulemaking Mailing List on March 25, 2009 and Certificate of Accuracy of the Mailing List, with mailing list (Ex. G);
- Certificate of Additional Notice (Ex. H);
- Written public comments received during the public comment period (Ex. I);
- Written public comments received after the public comment period ended (Exs. 90-95);
- Other documents to show compliance with any other law or rule which the Agency is required to follow (Ex. K);
- A summary of the rulemaking distributed to the public (Ex. L);
- Errata to the proposed rules distributed to the public (Ex. M);
- A paper copy of the electronic presentation made at the hearings in this matter (Ex. N); and
- A concordance between the citations to rule parts as developed and citations adjusted by the Revisor of Statutes (Ex. O).

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[18] Ex. H. *See* Minn. Stat. § 14.116.
[19] Ex. E.
[20] Ex. H.
[21] Ex. F.

20. Written comments received during the hearing (Public Exs. 1-9), comments received during the posthearing comment periods, and the Board's responses were placed in the record.

Additional Notice

21. Minnesota Statutes §§ 14.131 and 14.23, require that the SONAR contain a description of the Board's efforts to provide additional notice to persons who may be affected by the proposed rules. The Board submitted an additional notice plan to the Office of Administrative Hearings, which reviewed and approved it by letter dated March 18, 2009. In addition to notifying those persons on the Department's rulemaking mailing list for Wetland Conservation Act rules, the Board represented that it would mail a Notice of Hearing to over 500 persons, organizations, and government entities that have an interest in these rules. The Board held eight stakeholder meetings (described as local government listening sessions) at locations throughout the state. Three rule development meetings involving environmental, business, and governmental associations were held in November, 2007. In arriving at the specific rule language, the Board relied on a Technical Advisory Committee, comprised primarily of government representatives, and the WCA Permanent Rule Advisory Committee (WCA Permanent Committee), comprised a wide range of stakeholders. The WCA Permanent Committee had thirty-five members, representing the areas of agriculture, business, environment/conservation, local, state, and federal government, and professionals involved in wetland issues. Both the Technical Advisory Committee and the WCA Permanent Committee each met eleven times regarding these proposed rules. Other interested groups were invited to attend and participate.[22]

22. Throughout the development of the proposed rule, the Board provided draft rule language, advisory committee meeting notes, rule process information, and supporting information on the agency's website. When available, the Board posted a copy of the proposed rules, SONAR, and the Dual Notice of this proceeding on the agency website.[23]

23. The Administrative Law Judge finds that the Board fulfilled its additional notice requirement.

Statutory Authorization

24. In its SONAR, the Board cited as general authority to develop the proposed permanent rules: Minn. Stat. §§ 103B.101, 103B.3355, and 103G.2242. The Board cited Laws of Minnesota 2007, Chapter 57, Section 166, as specific authority for this rulemaking.[24]

25. Under Minn. Stat. § 103B.101, subd. 7, the Board is authorized to "hold public hearings and adopt rules necessary to execute its duties." The Board's statutory rulemaking authority as set out in Minn. Stat. § 103B.3355 is as follows:

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[22] SONAR at 9-10.
[23] SONAR at 11.
[24] Sonar Errata, May 12, 2009.

(b) The Board of Water and Soil Resources, in consultation with the commissioners of natural resources and agriculture and local government units, shall adopt rules establishing:

(1) scientific methodologies for determining the functions of wetlands; and

(2) criteria for determining the resulting public values of wetlands.

26. The authority cited by the Board in Minn. Stat. § 103G.2242, subd. 1, also relates to wetland replacement valuation and states:

> Subdivision 1. Rules. (a) The board, in consultation with the commissioner, shall adopt rules governing the approval of wetland value replacement plans under this section and public waters work permits affecting public waters wetlands under section 103G.245. These rules must address the criteria, procedure, timing, and location of acceptable replacement of wetland values; may address the state establishment and administration of a wetland banking program for public and private projects, which may include provisions allowing monetary payment to the wetland banking program for alteration of wetlands on agricultural land; the administrative, monitoring, and enforcement procedures to be used; and a procedure for the review and appeal of decisions under this section. In the case of peatlands, the replacement plan rules must consider the impact on carbon balance described in the report required by Laws 1990, chapter 587, and include the planting of trees or shrubs.

27. The Administrative Law Judge finds that the Board has the statutory authority to adopt rules in these subject areas. Whether the proposed rules are consistent with the statute is addressed in the part-by-part analysis below.

Regulatory Analysis in the SONAR

28. The Administrative Procedure Act requires an agency adopting rules to consider seven factors in its Statement of Need and Reasonableness. The first factor requires:

> **(1) A description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.**

The Board identified present and future landowners of property containing wetlands and local governments as the classes of persons who will be affected by the proposed rule. The Board noted that "the current rule imposes costs that are primarily borne by the affected landowners, taxpayers supporting local government operations,

and state taxpayers who support state grants to local government and the state operations required to oversee the program." To the extent that the proposed rule amendments result in changes in costs, the Board indicated that these will affect the same classes of persons. Regarding the amount of these costs, the Board stated:

> However, this rule proposes to reduce inconsistency with federal regulations. This improved coordination should result in direct benefits to local governments and landowners through reduced delays in project approvals, reduced costs in program administration, and reduced cost in complying with state and federal regulatory requirements. Beneficiaries of the rule will be the general citizenry who realize the environmental benefits of wetland protection (water quality, flood control, fish and wildlife habitat, etc.) benefit from and bear the cost of the proposed rule.[25]

The Board identified beneficiaries of the proposed rule amendments as "the general citizenry who realize the environmental benefits of wetland protection (water quality, flood control, fish and wildlife habitat, etc.)."[26]

(2) The probable costs to the Agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

The Board estimated that the state agencies which will be most affected by the rule are BWSR, followed by the DNR, the Minnesota Department of Transportation (MnDOT), the Minnesota Pollution Control Agency (PCA), and the Minnesota Department of Agriculture. The Board noted that under the existing rule, dedicated appropriations to these agencies exist for implementation costs. The Board concluded that the impacts on these agencies will likely be unchanged by the proposed rule adoption. The Board concluded that the effect on state revenues was negligible as compared to the current rule.[27]

(3) The determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

The Board indicated that there is no known alternative to the proposed rule that would be less costly or less intrusive. The Board noted that the existing rule and the proposed rule amendments are required by and necessary to implement a statute. During the development of the proposed rule, BWSR staff and stakeholders discussed numerous ideas for accomplishing the purpose of the statute. The Board noted that many of these ideas were incorporated into the proposed rule to provide a means to achieve statutory compliance in an efficient and effective manner.[28]

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[25] SONAR at 5.
[26] SONAR at 5.
[27] SONAR at 5.
[28] SONAR at 6.

(4) A description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule.

In meeting its obligation to consider less costly or intrusive methods, the Board noted that it developed the rules "as the fundamental comprehensive document used to understand and administer WCA."[29] The Board noted that:

> It would be possible to develop a slightly smaller rule (fewer pages) if all statute language were omitted and the rules only addressed program elements that required further elaboration or specificity. However, the confusion it would cause among local governments implementing the program and the regulated public affected by this action would quickly outweigh any initial savings in printing costs.[30]

The Board noted that its exempt rule incorporated most of the statutory changes enacted in 2007. Since that rule was adopted, BWSR has received comments and suggestions from interest group representatives to improve the application and effectiveness of the rules by local governments. This interaction with local governments and interested parties will, in the Board's opinion, ensure that these changes will have positive effects on the proposed permanent rule.[31]

(5) The probable costs of complying with the proposed rules, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals.

In its SONAR, the Board described the probable costs of compliance with the proposed rules as "difficult to determine but it is likely that these costs will be relatively unchanged from current levels." The Board forecast increased costs of compliance with the permanent rules due to the statutory changes intended to reduce wetland losses and the improved wetland replacement standards that have been incorporated into the proposed permanent rule. The Board also anticipated a decrease in some costs as the rule streamlines administrative requirements and improves consistency with federal regulations. The proposed permanent rule changes in these areas will reduce costs for local governments and landowners.[32]

The Red River Water Management Board (RRWMB) asserted that the Board had failed to adequately identify the total costs to LGUs imposed by a reporting requirement, stating:

> This provision requires the reporting of information by the local units of government annually to BWSR. The amount of information, the format and the timing of the reporting required will impact the actual cost to the local governments. The SONAR suggests that this cost is less than

[29] SONAR at 6.
[30] SONAR at 6.
[31] SONAR at 6.
[32] SONAR at 6.

$25,000/year. This may be true for some of the local governments, however, others that have significant wetland activities under WCA could well be required to spend in excess of $25,000/year. When there is an increase in requirements for the local governments that is not compensated by the state the local government will generally increase local fees to cover the additional costs. The SONAR seems to be deficient in the assessment of what this reporting will cost local governments individually and collectively statewide. There needs to be acknowledgement that the recent passage of the Environment and Natural Resources Omnibus budget bill has reduced the natural resources block grant program that provides the state's funding share for implementation of these rules. In addition the state has proposed reducing the local government aids program as part of the budget balancing for the biennium. Even a minor increase in cost to local governments will be very difficult to accommodate when placed against other much higher priority programs. It would be appropriate to defer mandatory implementation of this provision until January of 2011 to allow the state and local economic recovery to begin to be realized.[33]

The Minnesota Association of Soil and Water Conservation Districts (MASWCD) expressed its concerns on this issue as follows:

> However, we share the concerns of the Red River Watershed Management Board that costs to other LGUs, could exceed $25,000 per LGU. This would be at a time when cities and counties will likely be faced with reductions in funding from the state both through their WCA funding (through the Natural Resources Block Grant, NRBG), and their Local Government Aid (LGA).
>
> For SWCDs, it will be difficult enough to maintain the current level of their wetland efforts in the face of budget cuts. Consequently, we would caution against any more prescriptive or cumbersome reporting requirements as both costly and impractical. At the state level, SWCDs will face budget cuts both through the NRBG as well as through their General Service Grants for operating costs. At the local level, districts will also face budget cuts from their counties and other LGUs that help financially support their efforts.[34]

The Board responded that the potential for increased costs would not reach the $25,000 threshold, stating:

> The mandatory reporting requirement only affects those LGUs who are not currently reporting either as a requirement of the NRBG or voluntarily. For those LGUs who are not currently reporting, the increased cost will be minimal as the reporting consists of submitting a summary of the previous year's implementation activities and decisions (the current reporting form is 2 pages). LGUs that are properly implementing WCA will have this

[33] RRWMB Comment, at 2.
[34] MASWCD Comment, at 2.

information readily available. The information is not only necessary to improve the completeness of reported data, including data on the use of exemptions, but is also necessary for BWSR to perform its oversight responsibilities.

Other proposed changes to the rule do not alter how an application is reviewed or a decision is made, and no changes are proposed to LGU procedures that would result in a significant increase in cost. In fact, several changes are proposed that will reduce costs for LGUs and increase program efficiency.[35]

There is certain to be some increase in costs to LGUs arising from the reporting requirements in the rules. No commentator has quantified the actual costs to any particular LGU to demonstrate what financial impact will be caused by these rules. The provision cited as causing the increase in costs, reporting to the Board, was proposed to meet a legislative change in the WCA. The increase in costs to LGUs appears to be modest, and very likely to be below $25,000 for any one LGU.

(6) The probable costs or consequences of not adopting the proposed rule, including those costs borne by individual categories of affected parties, such as separate classes of governmental units, businesses, or individuals.

The Board did not attempt to quantify costs to affected parties from not adopting the proposed rule. The Board indicated that the current situation results in "conflicts and inconsistencies between statute and rule." The Board opined that retaining these inconsistencies would result in "confusion and uncertainty [that] would have negative consequences for landowners who would have difficulty in determining how to undertake projects that comply with state wetland regulatory requirements."[36] The Board noted that LGUs would experience "similar difficulty in administering the rule and law that would have conflicts and inconsistencies." The Board identified "Project delays and increased project costs ... [as] the principal result of not implementing measures to improve state and federal coordination."[37]

(7) An assessment of any differences between the proposed rules and existing federal regulation and a specific analysis of the need for and reasonableness of each difference.

The Board noted that its Wetland Mitigation Memorandum of Understanding entered into with the U.S. Army Corps of Engineers in May 2007 forms the basis for many of the wetland replacement requirements of the proposed rule. The Board indicated that the Corps is expected to make changes to its regulatory guidance that corresponds to the new WCA rule provisions.[38]

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[35] Board Comment, at 4.
[36] SONAR at 6.
[37] SONAR at 6.
[38] SONAR at 7.

Regarding differences between the proposed rules and existing federal regulation, the Board stated:

> However, much of the proposed rules cover areas that are not addressed by federal laws or regulations.
>
> The Corps/EPA Mitigation Rule was jointly released by the U.S. Environmental Protection Agency and Corps on March 31, 2008. A key component of this rule is to base wetland regulatory decisions, to the extent appropriate and practicable, on a watershed approach. According to guidance from the EPA, "mitigation decisions should be made from a watershed perspective in which the type and location of compensatory mitigation follows from an analytically-based watershed assessment to assure that the proposed compensation furthers watershed goals". This approach emphasizes analysis, planning, and determining the wetland regulatory decision is not just tied to the specific wetland proposed to be impacted, but on broader watershed needs.
>
> BWSR believes increased focus on watershed based wetland management in these proposed rule amendments will benefit the wetland resources in Minnesota, will allow for improved coordination between WCA and other water quality and natural resource management programs, and foster improved state/federal wetland regulatory coordination.[39]

29. The Administrative Law Judge finds that the Board has demonstrated that it has adequately considered the probable costs of adopting the proposed rules, including the costs that would be borne by LGUs to report to the Board. The Board has adequately considered all the factors in the regulatory analysis required by Minn. Stat. § 14.131.

Performance Based Rules

30. The Administrative Procedure Act[40] requires an agency to describe how it has considered and implemented the legislative policy supporting performance based regulatory systems. A performance based rule is one that emphasizes superior achievement in meeting the agency's regulatory objectives and maximum flexibility for the regulated party and the agency in meeting those goals.[41]

31. In its SONAR, the Board described how it approached this obligation as follows:

> BWSR's objective with regards to wetland protection is to provide for resource conservation, public health and safety, and equitable use, while maintaining flexibility for local government and the public to enjoy and use the wetland resources consistent with state and federal law. Consistent

[39] SONAR at 7.
[40] Minn. Stat. § 14.131.
[41] Minn. Stat. § 14.002.

with this overall agency objective, the goals and considerations of this rule making are to:

- Clarify rule requirements;
- Simplify the rule where possible;
- Ensure the changes are implementable;
- Have a tangible result;
- Improve accountability;
- Limit impacts to local government workload;
- Limit unintended consequences;
- Balance public costs and benefits; and
- Be aware of stakeholder support.

These goals and considerations span the breadth of ecological, economic, and sociopolitical issues that relate to wetlands management and protection. BWSR, in undertaking our responsibilities in overseeing implementation of WCA, have (*sic*) always worked to balance the economic and social impacts with the biological requirements needed to conserve and protect Minnesota's wetland resources. Obtaining this balance is a challenge due to increased demands for regulation on the one hand, and demands for increased program simplicity and reduced costs associated with regulation on the other.

In developing the proposed rules, BWSR sought to provide local governments with increased decision-making flexibility and reduced administrative burden without compromising resource protection. The proposed rule amendments provide for consistent requirements in processing applications, increased support from the technical evaluation panel, and increased ability to place approval conditions to meet local needs and issues.

The agency has also sought to provide the regulated public increased flexibility in complying with regulatory requirements, again, without compromising resource protection. The proposed changes include increased flexibility in providing wetland replacement, increased ability to work with the LGU and TEP [Technical Evaluation Panel] in establishing appropriate project approval conditions, and increased ability to coordinate project planning that will comply with state and federal regulations. Overall, the proposed rule provides greater flexibility and accountability by moving towards a more outcome-based decision-making framework.[42]

32. The Board noted that the requirements of the Corps for application under the Clean Water Act, Section 404 program, constitute a significant barrier to performance-base rules. BWSR noted that it has promoted the voluntary development of local comprehensive wetland protection and management plans at the local level, seeking to:

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[42] SONAR at 7-8.

- Generate an increased understanding of the importance of wetland resources to those affected by the rules;
- Integrate wetlands into daily local land use decisions rather than being as a separate land use decision;
- Encourage local governments to develop a WCA-consistent approach that addresses specific local needs and issues; and
- Improve the acceptance and compliance by the public with wetland protection goals of the WCA as a means of promoting conservation of these resources without additional increased regulation.[43]

33. The Administrative Law Judge finds that the Board has met the requirements set forth in Minn. Stat. § 14.131 for assessing the impact of the proposed rules, including consideration and implementation of the legislative policy supporting performance-based regulatory systems.

Consultation with the Commissioner of Finance

34. Under Minn. Stat. § 14.131, the Agency is also required to "consult with the commissioner of finance to help evaluate the fiscal impact and fiscal benefits of the proposed rule on units of local government." Minnesota Management and Budget (MMB) is the successor agency to the Department of Finance.[44]

35. On January 20, 2009, the Board sent to the Commissioner of MMB the Governor's Office Proposed Rule and SONAR Form; the proposed rules; and the proposed SONAR. The MMB sent a response dated January 28, 2009. In its response the Department stated, "that BWSR has adequately analyzed and presented the potential costs to local units of government of the proposed rule and that the rule will have minimal fiscal impact on local units of government."[45]

36. The Administrative Law Judge finds that the Board has met the requirements set forth in Minn. Stat. § 14.131.

Farming Operations

37. Under Minn. Stat. § 14.111, where an agency "adopts or repeals rules that affect farming operations," that agency must provide notice of the rulemaking to the Commissioner of Agriculture at least 30 days prior to publication of the rule change in the State Register. The Board noted that the proposed rule was designed to have minimal impact on agricultural activity, but that there would be some impact on farming operations. Based on this assessment, the Board sent a copy of the rule to the Commissioner of Agriculture on February 25, 2009. The Board also noted that the Department of Agriculture has participated as a member in the WCA Permanent Committee and that the Department of Agriculture is a member of the BWSR Board.[46]

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[43] SONAR at 8.
[44] Minnesota Management and Budget was formed from the merger of the Department of Finance and Department of Employee Relations. Laws of Minnesota 2008, Chapter 204.
[45] SONAR at 12.
[46] SONAR, at 12.

The Administrative Law Judge finds that the Board has met the requirements set forth in Minn. Stat. § 14.111.

Compliance Costs to Small Businesses and Cities

38. Under Minn. Stat. § 14.127, the Board must "determine if the cost of complying with a proposed rule in the first year after the rule takes effect will exceed $25,000 for: (1) any one business that has less than 50 full-time employees; or (2) any one statutory or home rule charter city that has less than ten full-time employees."[47] The Board must make this determination before the close of the hearing record, and the Administrative Law Judge must review the determination and approve or disapprove it.[48]

39. The Board has determined that the cost of complying with the proposed rule in the first year after it takes effect will not exceed $25,000 for any one small city. The Board did not identify any probable costs are could be expected to arise from these rules.[49]

40. The Board concluded that most small businesses will experience only a minimal fiscal impact arising from these rule changes. This conclusion was based on the assessment that "Regulatory process reductions will be offset by increased wetland development and monitoring requirements for a minimal overall impact." With the exception of one class of business, the Board concluded that "The net affect is that no small business will experience an increased cost of more than $25,000 in the first year after the rules take affect."[50]

41. The only exception to the small business impact assessment was described by the Board as follows:

> One class of small business warrants special consideration. Wetland bank account holders businesses' are built around selling wetland replacement credits to allow landowners to meet their wetland replacement requirements under WCA and Section 404 of the U.S. Clean Water Act. The rule amendments propose to eliminate the current two credit system (new wetland credit — NWC and public value credit — PVC) to a single credit system which requires converting existing PVC to this new system. Existing non-wetland PVC will be converted to the new single - credit system at 90% of the amount of current NWCs.[51]

42. The Board set out reasons why this conversion factor is reasonable and included in the proposed rule. BWSR calculated the net effect of these changes and initially determined that up to seven banks may lose economic value from their wetland banks. The comparison of each bank's ratio of NWC to PVC, and sales volume resulted in six of these bank accounts "being extremely unlikely to experience a financial impact of more than $25,000 in the first year after the rules become

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[47] Minn. Stat. § 14.127, subd. 1.
[48] Minn. Stat. § 14.127, subd. 2.
[49] SONAR at 13.
[50] SONAR at 12.
[51] SONAR at 12-13.

effective."[52] Regarding the remaining business, the Board considered the following additional factors:

- The rule places a greater emphasis on wetland banking as a means to provide wetland replacement credits. The increased demand should serve to increase the price that 'wetland bank account holders can receive for their credits, thereby offsetting any lost value by a conversion rate of less than 100%.
- The Corps currently regulates a significant majority of projects that impact wetlands in Minnesota. Their current guidance "converts" PVC at 25% (1 acre of PVC = 0.25 credits). The effect of dual regulation is that PVC in many cases is already available at a rate far below the 90% proposed by these rule amendments.
- The Minnesota economy is experiencing a recession that has been especially significant for land development businesses that are a major market for wetland banking credits.[53]

43. From its additional analysis, the Board concluded that "no wetland bank account holder should have a cost of $25,000 for complying with the rule."[54] As discussed in foregoing Findings, no individual statutory or home rule charter city with fewer than ten full-time employees was identified that would experience costs of $25,000 or more to comply with the proposed rules.

44. The Administrative Law Judge finds that the agency has made the determination required by Minn. Stat. § 14.127 with regard to proposed revisions to the proposed rules.

Analysis of the Proposed Rules

General

45. This report is limited to discussion of the portions of the proposed rules that received significant comment or otherwise need to be examined. When rules are adequately supported by the SONAR or the Board's oral or written comments, a detailed discussion of the proposed rules is unnecessary. The agency has demonstrated the need for and reasonableness of all rule provisions not specifically discussed in this report by an affirmative presentation of facts. All provisions not specifically discussed are authorized by statute and there are no other problems that would prevent the adoption of the rules.

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[52] SONAR at 13.
[53] SONAR at 13.
[54] SONAR at 13.

Discussion of Proposed Rule

Part by Part Analysis

8420.0100 Purpose

46. Rule part 8420.0100 sets out the background and goals of these rules and describes the regulatory system imposed by the WCA. The Board proposed modifications to the existing language, to be identified as subpart 1, and two new subparts, describing methods of implementing the WCA and the entities that administer the WCA.

47. Proposed subpart 3, describing administration, closes with the sentence, "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." The foregoing sentence is not rule language. To correct this defect, the rule should read, "Persons seeking general information on wetlands and the interpretation of this chapter may contact their local government unit or soil and water conservation district"

48. The approach of the rule is consistent with the statutory structure for applications and administration of the WCA. The Administrative Law Judge finds the rule part, with the suggested modification, is needed and reasonable. The new language does not result in a substantially different rule from that published in the *State Register*.

8420.0105 Scope

49. Rule part 8420.0105 describes the areas that are generally subject to restrictions on draining, excavation, and filling. The Board proposed modifications to the existing language, breaking it out into subparts, conforming language to changes throughout the rule, and clarifying that normal farming practices and incidental wetlands are not regulated under this rule.

50. Item A of subpart 2 clarifies that the rule does not prevent using "the bed of wetlands for pasture or cropland during dry periods" so long as "dikes, ditches, tile lines, or buildings are not constructed or improved and the agricultural use does not impact the wetlands." A commentator suggested that the term "impact" be deleted in Item A, maintaining that use of the word would likely result in a determination of an impact, even if the activity were to qualify as no-loss.

51. The Board explained that the definition of "impact" set out in part 8420.0111, subd. 31, provides a specific meaning under WCA, and that based on this definition, not all activities in a wetland are an impact.[55]

52. The proposed rule language replaces the existing phrase "does not result in the drainage of the wetlands." As the Board has explained, not all impacts are covered by the term "drainage." Use of the term "impact" appropriately conveys the

[55] Board Comment at 1.

Board's intent regarding the rule. The use of that term here will not affect no-loss or exempt activities, which are covered under other portions of this rule.

53. Item B of subpart 2 sets out the "normal farming practices that are not restricted by these rules. Josh Stromlund of Lake of the Woods County suggested that the rule language be modified to switch the order of farming and ranching to ensure the appropriate application of this provision.[56] The Board agreed with the comment and modified the rule to read in pertinent part, "'Normal farming practices' means ranching, silvicultural, grazing, and farming activities." The rule as modified is needed and reasonable. The new language does not result in a substantially different rule from that published in the *State Register.*

8420.0111 Definitions

54. Proposed rule part 8420.0111 defines the terms used throughout the proposed rules. The definitions are largely drawn from the existing rule 8420.0110. Some of these definitions are amended and other definitions consist of entirely new language.

55. The Board has proposed the definition of agricultural land at subpart 6 of part 8420.0111 to read as follows:

> Subp. 6. **Agricultural land**. "Agricultural land" means land used for horticultural, row, close grown, pasture, or hayland crops; growing nursery stocks; animal feedlots; farmyards; or 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.

56. This definition is unchanged from the existing rule (8420.0110, subp. 4). The Minnesota Association of Soil and Water Conservation Districts (MASWCD) and Ron Harnack of the Red River Watershed Management Board (RRWMB) endorsed the retention of conservation easements in the definition and urged the inclusion of "conservation contracts" to include the "considerable agricultural land that does have conservation contracts (CRP & CCRP) that last for 10 to 15 years."[57] The Board agreed and proposed to change the last sentence in subpart 6 to read, "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 a conservation program under contract or easements."[58]

57. The new language addresses the concern raised and treats similarly situated land similarly. The rule as modified is needed and reasonable. The new language does not result in a substantially different rule from that published in the *State Register.*

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[56] Crookston Hearing Tr., at 51-52.
[57] RRWMB Comment.
[58] Board Comment at 2.

58. The Board has proposed at subpart 12 to define "best management practices" as "state-approved and published practices that are capable of preventing and minimizing degradation of surface water and groundwater." The Board noted that the "current definition is proposed to be modified to clarify that best management practices can be associated with all activities, not just those associated with draining, filling, or replacing wetlands."[59]

59. RRWMB urged the Board to endorse specific practices that would meet the definition of "best management practices[60] The Board responded that:

> There are a substantial number of best management practices that have varying levels of effectiveness depending on site conditions, practice goals, etc. BWSR cannot anticipate site conditions or individual project needs that will dictate what is an appropriate best management practice for a particular site and does not want to limit the availability of particular best management practices to project sponsors. A prescriptive rule would limit innovation in what is an evolving science. [61]

60. The Board's approach maximizes the flexibility of meeting the rule standards, which is a priority established by the Legislature in rulemaking. The absence of a listing of specific practices is not likely to unduly restrict what is determined to be available in the application process. The rule as proposed is needed and reasonable.

61. The Board has proposed the definition of degraded wetland at subpart 19 of part 8420.0111 to read as follows:

> Subp. 19. 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.

62. This definition is unchanged from the existing rule (8420.0110, subp. 13a). RRWMB suggested that the definition constituted an automatic definition of all wetlands in Minnesota as degraded. RRWMB suggested defining "vegetative or adjacent upland manipulation" or deleting that portion of the definition.[62]

63. The Board noted that the existing language, using examples of activities that could result in a wetland meeting the definition, is not prescriptive. The Board also noted that "Vegetative and adjacent upland manipulation is in fact one of the causes of wetland degradation."[63]

64. The definition in subpart 19 relates to the malfunctioning of the wetland arising from human activities. Providing examples of activities that could result in that malfunctioning does not constitute a defect in the proposed rule. Subpart 19 as proposed is needed and reasonable.

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[59] SONAR, at 16.
[60] Harnack Comment.
[61] Board Comment at 2.
[62] Harnack Comment.
[63] Board Comment at 2.

65. The Board has proposed at subpart 23 to define "drainage system" as "a system of ditch or tile, or both, to drain property, including laterals, improvements, and improvements of outlets." This definition is unchanged from the existing rule (8420.0110, subp. 16). RRWMB suggested that Minn. Stat. Chapter 103E might contain a definition of this term and that the proposed definition might conflict with the statute.[64] MASWCD urged that the definition of "drainage system" in Minn. Stat. § 103E.005, subd. 12, be used.

66. The Board indicated that no conflict exists between the definition and Minnesota Statute § 103E, since as defined in the rule, "drainage system" includes both private and public systems. The subject of 103E, public drainage systems, is defined in the drainage exemption language contained in part 8420.0122, subp. 2.[65] Subpart 23 as proposed is needed and reasonable.

67. The Board has proposed at subpart 25 to define "fill" as "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." The definition describes specific things that are and are not fill within the meaning of the definition. This definition is essentially unchanged from the existing rule (8420.0110, subp. 18, where "it" is replaced by "fill"). RRWMB questioned whether underground utilities through a wetland fall within the definition. RRWMB suggested that such utilities be expressly listed in the "nonfill" group.[66] The Board responded that "Whether the solid material is minor or short-term is not relevant to determining if something meets the definition of fill. The no-loss provisions of part 8420.0415 and various exemptions contained in part 8420.0420 address ... this concern."[67] Subpart 25 is needed and reasonable as proposed.

68. Subparts 26, 27, and 36 defined the different areas of the state based on the percentage of wetlands in each. RRWMB suggested that each subpart have a reference to the map of the current counties within each area. BWSR agreed that such a change would improve clarity in the rule. The Board modified each subpart to reference part 8420.0117 (which contains that information). These subparts are needed and reasonable as modified. The new language does not constitute substantially different language from that published in the *State Register*.

69. Throughout the rules, the Board chose the term "may" to describe authority to act. This usage has been found to be defective throughout the rules. The ALJ has suggested item-by-item changes for each such defect. The ALJ also suggests that the Board correct these defects, where appropriate, by replacing "may" with the term "eligible." The ALJ suggests that "eligible" be defined as "meaning the maximum extent to which an LGU or, where appropriate, delegated staff, can set the applicable parameter in the application of the Wetlands Conservation Act and these rules. The actual amount awarded is determined by the specific circumstances of each application, determined on a case-by-case basis, applying the standards set out in these rules."

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[64] Harnack Comment.
[65] Board Comment at 2.
[66] Harnack Comment.
[67] Board Comment at 3.

70. The suggested definition supplants the permissive meaning of "may" with a defined standard which comports with the current practice, is capable of meaningful review, and does not afford unfettered discretion. Adding such a term and using it throughout the rules would be needed and reasonable. The suggested language would not constitute substantially different language from that published in the *State Register.*

8400.0200 Determining Local Government Unit; Duties.

71. Rule part 8420.0200 provides the mechanism for determining which LGU is responsible for carrying out particular actions, and what actions to carry out under the WCA. The Board proposed changes to the rule to conform the language to the WCA statutory changes enacted in 2003 and "to achieve a statewide standard for defining a local government unit (LGU)." The Board also proposed new language to clarify the process for delegating WCA authority from one local government to another.[68]

72. Subpart 1 of rule part 8420.0200 sets out the determination criteria where multiple LGUs are involved. The DNR suggested that state agencies should be required to coordinate with LGUs when acting on applications by others to work on State-owned land. The Board agreed with the suggestion and modified item C to "making decisions on" as matters that state agencies must coordinate with LGUs.[69] The rule as modified is needed and reasonable. The new language does not result in a substantially different rule from that published in the *State Register.*

73. Subpart 2 sets out the LGU duties, including its authority to delegate the initial decision-making authority to staff. Svoboda Ecological Resources, Ellingson Companies, and the Agricultural Drainage Management Coalition objected to the rule as allowing too much authority to staff.[70] The delegation authority is in the existing rule and not being changed in this proceeding. An appeal process from a staff decision is provided. The delegation language in subpart 2 is needed and reasonable.

74. Item F of subpart 2 states, "The local government unit may evaluate evidence for a no-loss, an exemption, or sequencing without making a decision." In its SONAR, the Board sets out its reasoning for this language, stating:

> Item F clarifies the LGU's ability to evaluate evidence and provide advice, without making a decision, on all wetland activities without the landowner going through the expense of developing an application. This language is proposed to be modified to not only apply to exemptions and is relocated from the current 8420.0210. Finally, the proposed practice is existing practice among LGUs to work with landowners on potential projects.[71]

75. The proposed language is inconsistent with the explanation. The proposed item F purports to authorize the LGU to take no action. The Board did not indicate that authorizing inaction was intended for this rule. This item has not been shown to be needed or reasonable.

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[68] SONAR at 19.
[69] Board Reply, at 1.
[70] Public Exhibit 8.
[71] SONAR at 20.

76. To correct this defect, the Board must modify the language of the rule to reflect the authority of the LGU. The ALJ suggests that the Board modify item F to read, "In the absence of an application, the local government unit may evaluate evidence for a no-loss, an exemption, or sequencing upon the request of a landowner. The evaluation provided does not constitute a decision for the purposes of these rules." The suggested language clarifies the practice to be memorialized in the rules and the impact of following that practice. The suggested language is needed and reasonable and does not constitute substantially different language from that published in the *State Register*.

77. Item I of subpart 2 requires the LGU to "annually report information to the board regarding implementation of this chapter in a format and time period prescribed by the board." In its SONAR, the Board sets out its reasoning for this language, stating:

> Item I clarifies that LGUs are required to provide an annual report to BWSR. LGU data is necessary for BWSR to evaluate the effectiveness of the rule and of LGU's implementation of it. The proposed language states that BWSR may subject the LGU to penalty under subpart 3 for failure to comply with this requirement. This language also complies with the exemption reporting requirement of Minn. Stat. 103G.2241, subd. 11(d)..[72]

78. RRWWB suggested that the reporting requirement would increase costs to LGUs and recommended delaying implementation until January 2011.[73] The Association of Minnesota Counties (AMC) maintained that a reporting requirement would increase LGU workloads without returning a commensurate benefit. A number of Minnesota counties maintained that incorporating a mandatory reporting requirement would not be needed or reasonable because:

a) There will be an increase to the LGU's workload.

b) These requirements would not carry a penalty for non-compliance, thus be unenforceable.

c) These requirements may be less effective in rural or agricultural areas.

d) Landowners lack the technical expertise to be aware of that they are in a wetland.

e) Landowners would not be aware of these requirements.

f) It is contrary to the original intent of the Wetland Conservation Act (WCA).

g) The cost of implementation would not justify the benefits obtained.

h) The data collected would not be justifiable and consistent.

i) These requirements would require a statute change to implement since currently exempt projects would then require a permit.

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[72] SONAR at 20.
[73] RRWWB Comment, at 2.

79. William Barton, Director of the Minnesota Division of the Izaak Walton League (IWL), urged adoption of a mandatory reporting requirement for exempt and no-loss activities, stating:

> Reporting via a simple form or thru a website by landowners is a reasonable approach that will not burden local government units. The Minnesota Division of the IWLA has taken a stronger position asking that all exemptions require a qualifying determination. (MN Division IWLA 2008) I agree that even this position is reasonable as the State of Minnesota is giving away a public resource with every exemption use.
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> * * *
>
> I believe the deletion of the rule requiring reporting of exempt wetland activities by the wetlands committee does not follow the intent of the 2008 Minn. Stat. 103G.2241 Subd. 11(d). The draft rules do not follow legislative direction on this subject and should be revised to include mandatory reporting of exemption use

80. The Minnesota Center for Environmental Advocacy (MCEA), noted that a significant problem in wetland management is the absence of data on wetland loss through exempt activities. MCEA described the efforts to obtain legislation on this issue, stating:

> During the 2007 legislative session, MCEA, the Izaak Walton League of America, the Sierra Club, and other conservation organizations lobbied for WCA exemption reporting requirements. MCEA and the Sierra Club were asked to support a bill that would amend WCA to insert certain language, and were convinced to do so after being assured that exemption reporting requirements would be included in the present rulemaking. .... The intent and purpose of the statutory change is to ensure that BWSR corrects a significant fault in the Rules that frustrates wetland gain and loss tracking efforts, that being the absence of means to collect data on the use of wetland exemptions by landowners, and the total acreage of wetlands acres that are being lost. [74]

81. MCEA disputed the contentions regarding the potential for increased costs to LGUs, stating:

> MCEA had thought that the argument about increased costs to BWSR had fallen by the wayside, after BWSR staff agreed that online reporting of exemption use would suffice for those with access to the internet. MCEA has also suggested paper mail-in forms on which to report exemption use should be made available at LGU offices, as an option for those without internet. Reporting exemptions in the convenient online or mail-in manner BWSR was proposing, or via other possible methods, does not represent an undue burden on citizens or LGUs. The LGUs would have the flexibility

[74] MCEA Comment, at 4.

to track and check exemptions if they chose, but would not be required to do so.[75]

82. The Sierra Club maintained that there is a "great need for accurate data on the use of exemptions." The Sierra Club supported a mandatory reporting requirement, stating:

> • The goal of the original Wetlands Conservation Act is to have no net loss of quantity or quality of wetlands in Minnesota. It is impossible to know the true status of loss of wetlands unless exempt activity is reported on.
>
> • The 2001-2003 Minnesota Wetland Report approved by the BWSR Board shows a net loss of 5821 acres. This is the last year for which a report is available. Since some Local Government Units (LGU) do require reporting of exemption use, some data is available. This limited data points to the need for gathering information on all uses of exemptions.
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> • During the multi-year process to identify ideas for bettering wetland law, all parties, even those opposed to gathering exemption data, often pointed out the lack of credible loss data on which to base our proposals.[76]

83. MASWCD related its experience with reporting through the Board's eLink system. MASWCD expressed its satisfaction "that extending this reporting requirement to other LGUs will help provide BWSR with a more comprehensive set of data, and would better reflect the wetland activities across the state."[77] MASWCD only qualified its support for the proposed rule with concern about the potential costs, discussed above. For that reason, MASWCD opposed any more stringent reporting requirements on LGUs.

84. Proposed item I implements Minn. Stat. § 103G.2241, subd. 11(d), which states, "(d) The board shall develop rules that address the application and implementation of exemptions and that provide for estimates and reporting of exempt wetland impacts, including those in section 103G.2241, subdivisions 2, 6, and 9." The referenced subdivisions govern exempt impacts arising from drainage, utilities, public works, and de minimis activities. The plain language of the rule requires reporting wetland impacts that fall within the exemptions established by the WCA. The Board has shown that the proposed rule is needed to carry out this legislative directive. While the Board could have chosen a more inclusive mandatory reporting requirement, there is nothing in the statute which requires such an approach. The mechanism proposed is reasonable and does not impose undue costs on LGUs.

8420.0233 Other Local Government Unit Wetland Rules and Ordinances.

85. Proposed rule part 8420.0233 describes these rules and the WCA as establishing minimum standards. The rule provides that LGU's may require more procedures and more stringent wetland protection, but not less stringent or protective standards. The rule language is taken entirely from rule part 8420.0245, with no

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[75] MCEA Comment, at 7.
[76] Sierra Club Comment, at 1.
[77] MASWCD Comment.

changes in the language of the rule.[78] The rule part is needed and reasonable as proposed.

8420.0240 Technical Evaluation Panel Procedures.

86. Rule part 8420.0240 sets out the composition, duties, and processes of the Technical Evaluation Panel (TEP) that each LGU must convene for assessing applications under the WCA. Each TEP must meet minimum requirements for knowledge and background. The requirements for members being from the Board, the local soil and water conservation district, and the LGU, are kept from the existing rule. The background requirement is updated in the proposed rule to cite more recent reference works in wetland classification.

87. Item C of part 8420.0240 requires the TEP to make technical findings and recommendations where requested by an applicant, an LGU, or a member of the panel. Additionally, certain projects are identified where the TEP must provide (even in the absence of a request) its recommendation. The Board proposed item D to read as follows:

> 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 shall 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

88. The language in item D appears to leave the issuance of a report to the discretion of the TEP. This appears to be at odds with the required issuance language in item C. The ALJ recommends that the two items be made consistent by clarifying that the TEP must issue its report which may suggest one of the listed outcomes. The ALJ recommends that the first sentence of item D be changed to read: "The panel's recommendation to the local government unit may recommend approval, approval with changes or conditions, or denial of an application." The suggested language renders item C and D consistent with each other and removes the suggestion that the TEP has the discretion to issue no report. The suggested language is not substantially different from that published in the *State Register*. The rule part is needed and reasonable with the modification.

8420.0255 Local Government Unit Application and Decision Procedures.

89. Proposed rule part 8420.0255 establishes the process for receiving and evaluating applications under these rules. The rule part is divided into six subparts to

[78] SONAR at 21.

address different stages of the decision process. Subpart 1 references the overall standards governing the application process that are set out in Minn. Stat. § 15.99.

90. Subpart 2 sets out the limitations for finding an application complete. As to finding an application incomplete, the subpart was proposed with the language: "The local government unit may determine an application incomplete when seasonal constraints prevent on-site review and verification of the application ...."

91. MASWCD supported the wording of this provision, stating:

> Some SWCDs have struggled with how to comply with the requirements of Minnesota Statutes, section 15.99, in the face of seasonal constraints that prohibit on-site reviews. SWCDs and other LGUs do not always have the types of resources available to them that would allow them to make decisions without going out and actually seeing the site. However, in those cases, and under specific circumstances, the USACOE's 1987 manual does provide "off-site" procedures that would allow the LGU to make such a determination. We appreciate that the above wording provides flexibility and does not prevent approvals with conditions.[79]

92. Ellingson Companies, the Builders Association of Minnesota (BAM), Kent Rodelius of the Minnesota Land Improvement Contractors Association and the Agricultural Drainage Management Coalition, and other commentators proposed that the "seasonal constraints" sentence be deleted to avoid potentially permanent delays in decisions on applications.[80] Svoboda Ecological Resources suggested that a date certain be provided, no later than the start of the growing season. The Board responded to these suggestions by deleting the final two sentences in subpart 2, stating:

> The proposed language does not prevent or restrict a conditional approval, nor does it prevent approval of a delineation outside the growing season when conditions allow or off-site procedures can be utilized, as the intent is only to provide a more consistent process for LGUs to avoid a denial or automatic approval under Minnesota Statute § 15.99. However, BWSR is sensitive to the concerns raised regarding the possibility of unintended consequences of the proposed language. While there is a legitimate issue resulting from the conflict between the 87 Manual and Minnesota Statute § 15.99, the issue may be more appropriately dealt with through training and guidance.[81]

93. Removal of the "seasonal constraint" language removes a potential conflict with a statutory deadline. The tools available, such as conditional approval, to address applications where information cannot be independently verified are adequate. The suggested language is not substantially different from that published in the *State Register.* Subpart 2 is needed and reasonable with the modification.

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[79] MASWCD Comment, at 3.
[80] Public Exhibits 2 and 7; Grand Rapids Hearing Tr., at 88-89; St. Paul Hearing Tr., at 162-168 and 201-204.
[81] Board Comment, at 5-6.

94. Subpart 3 sets out the requirements for providing notice of applications. The DNR suggested that the rule be amended to clearly state that LGUs had discretion to provide notice of exempt and no-loss applications. The Board agreed that this discretion should be included in the rule and proposed an additional sentence be added that allows an LGU to issue notice of the exemption or no-loss application when the LGU "believes that input from those required to receive notice will be useful in determining whether an exemption or no-loss applies."[82]

95. The new language establishes an appropriate standard by which an LGU exercises discretion to provide additional notice. The rule as modified is needed and reasonable. The new language does not result in a substantially different rule from that published in the *State Register*.

96. Subpart 4 establishes the standards for an LGU decision on an application. The subpart requires that the LGU decision be based on the record established through the TEP process, with consideration of the comments received regarding the application. Svoboda Ecological Resources recommended that a requirement for consideration of comments in the subpart be deleted. The commentator maintained that only the TEP recommendation and the suggestions of other experts should be considered. Consideration of comments does not constitute a defect in the proposed subpart.

97. Included in subpart 4 is the language: "The local government unit may make on-site exemption and no-loss decisions if the decisions are noticed according to subpart 5 and project details are provided sufficient to document eligibility." The discretion afforded to the LGU is appropriately constrained by standards to avoid arbitrary application of the rule.

98. The final two sentences of the subpart state: "The local government unit's 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" The effect of this language is to afford unfettered discretion to the LGU to set its own expiration date for the decision without regard for any particular standard.

99. In the SONAR, the Board described its rationale for this language as "Language regarding the validity of a decision (3 years) unless otherwise specified has been moved to this subpart from the current 8420.0220 and expanded to include all types of decisions for simplicity and consistency among LGUs."[83] The language from the existing rule (Minn. Rule 8420.0225) states: "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." The existing rule sets out a standard for when the LGU can exercise its discretion to extend the validity of its decision. That standard was omitted in the revision of the rule.

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[82] Board Reply, at 1-2.
[83] SONAR at 23.

100. The language in subpart 4 that affords unfettered discretion constitutes a defect in the proposed rule. The Board has adequately supported the need for an LGU to extend its decision on an application, where circumstances warrant. The ALJ suggests that subpart 4 be amended to read, "The local government unit's decision is valid for three years or as otherwise specified in the local government unit's decision where the technical evaluation panel advises that a longer period is justified in accordance with the standards in these rules." The recommended language ensures that the LGU will make its extension decision based on standards in the WCA rules. The addition of an expiration date will ensure that LGU decisions are tethered to relevant conditions displayed in the affected wetland. The suggested language is not substantially different from that published in the *State Register*. The rule part is needed and reasonable with the suggested modification.

8420.0265 Previously Approved Applications.

101. Proposed rule part 8420.0265 sets out the impact of a previously approved application on work to be performed. The rule part states in full: "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." The SONAR describes the rationale for this rule as, "This clarification requires that the LGU approval to be valid for this part to apply to an activity."[84] The rule affords the applicant the ability to follow the standards in place when the application was granted, rather than more stringent subsequent standards. The rule part is needed and reasonable as proposed.

8420.0310 Wetland Boundary or Type Applications.

102. Proposed rule part 8420.0310 authorizes a landowner to apply to an LGU for a wetland type or boundary decision. The rule also describes the interrelation of different applications as:

> 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.

103. The rule language has some standards for including an existing determination into a subsequent application. But the rule language appears to leave that incorporation to the exercise of discretion, while not identifying who can choose or under what conditions. This lack of clarity and absence of limits on discretion are defects in the proposed rule. To correct these defects, the ALJ recommends changing the last sentence to read:

> When an independent wetland boundary or type application is approved, and the approval remains valid, the applicant may incorporate the

[84] SONAR at 24.

approval in a subsequent application for a no-loss, exemption, sequencing, replacement plan, or banking application.

104. The suggested language assumes that the Board intended the applicant have the discretion to incorporate the existing decision into a later application. If the LGU was intended to have that authority, the language should be altered accordingly. The suggested language is not substantially different from that published in the *State Register*. The rule part is needed and reasonable with the suggested modification.

8420.0315 No-Loss Applications.

105. Proposed rule part 8420.0315 authorizes a landowner to apply to an LGU for a no-loss determination. Item A of the proposed rule notes that landowners proceeding without such a determination could be subject to enforcement proceedings, if the property does not qualify for the no-loss exemption. While parts of the proposed language are not strictly rules, the intent of the Board is to inform the public of the opportunity for the landowner to obtain the "safe harbor" of a no-loss determination. The language is not so lacking in clarity as to result in a defect in the proposed rule.

106. Item B sets out the information requirements for no-loss applications as:

> B. 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 that a wetland delineation report or functional assessment be submitted if the local government unit determines that the report or assessment is 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.

107. Svoboda Ecological Resources and Ellingson Companies maintained that landowners are already required to submit proof of qualifications and that any further requirement is unduly burdensome. The Board responded that the language clarifies "that the LGU may require a wetland delineation or functional assessment when needed to provide the baseline conditions necessary to ensure that temporary impacts are restored to pre-impact condition."[85] The Board noted that the required information depends on the specific category of no-loss that is requested and that for temporary impacts that information could include a wetland delineation or functional assessment. Since that information is covered by the first sentence of item B, the Board proposed to delete the second sentence of item B.

108. The suggested change does not affect the information that can be requested by an LGU. The suggested language is not substantially different from that published in the *State Register*. The rule part is needed and reasonable with the suggested modification.

8420.0320 Exemption Applications.

109. Proposed rule part 8420.0320 authorizes a landowner to apply to an LGU for a no-loss determination. Item A of the proposed rule notes that landowners

[85] Board Comment, at 7.

proceeding without such a determination could be subject to enforcement proceedings, if the property does not qualify for the no-loss exemption. While parts of the proposed language are not strictly rules, the intent of the Board is to inform the public of the opportunity for the landowner to obtain the "safe harbor" of a no-loss determination. The language is not so lacking in clarity as to result in a defect in the proposed rule.

110. Numerous commentators discussed exemption reporting and the extent to which the proposed rule complies with Minn. Stat. § 103G.2241, subd. 11(d). MCEA and IWLA maintained that the proposed rule does not adequately comply with the statute absent a requirement that landowners report exempt activities to either BWSR or the LGU.[86] Other commentators opposed including a requirement in the rule due to, among other reasons, increased cost to LGUs, the inability of landowners to properly apply the rule, and that the requirement could have a negative affect on landowners conducting wetland restorations. The Board responded to these suggestions, stating:

> Several of the exemptions are activity based (such as certain elements of the Agricultural Activities and Drainage Exemptions), therefore it is not necessary for the landowner to know if the activity is occurring in a wetland. Requiring reporting of exemptions runs counter to this statutory construction and reasonable implementation of the exemptions.
>
> Furthermore, the quality and completeness of the data that would be collected under a reporting requirement does not warrant the expense. Identifying wetlands is not necessarily an easy task, nor is identifying which exemption applies to the activity or land. Errors in wetland identification, area affected, and exemption application would compromise the data. Furthermore, there is no way to compel landowners to report under current statutory authority. A reporting mechanism would still be hampered by a lack of certainty on how much exempt activity is not captured by the reporting requirement. Having data of uncertain provenance, of uncertain completeness, would lead to compromised policy debates built on false assumptions of exempt activity.
>
> The actions taken by BWSR both in this proposed rule, and outside of it will improve the data on all WCA activities, including exemptions. The required reporting from LGUs to BWSR is consistent with the statute and clear implementation of it. In addition, BWSR is proposing to conduct a study to generate estimates of exempt activity. This study would be designed to answer some of the questions raised when the statute was debated, with a lower impact on the public, LGUs and BWSR.[87]

111. The governing statute on this issue is Minn. Stat. § 103G.2241, subd. 11(d), which states, "The board shall develop rules that address the application and implementation of exemptions and that provide for estimates and reporting of exempt wetland impacts, including those in section 103G.2241, subdivisions 2, 6, and 9." The statute is silent as to who is to do the reporting. The statute does not specify the extent of the reporting. The language "estimates and reporting" implies that a mandatory

[86] MCEA Comment, at 13-14.
[87] Board Comment, at 8.

reporting provision by landowners was not intended by the Legislature. The Board has provided a reasoned approach that is consistent with the statutory language. The rule is needed and reasonable as proposed.

8420.0330 Replacement Plan Applications.

112. Proposed rule part 8420.0330 sets out the process for landowners to apply to the LGU to receive approval of a replacement plan. The replacement plan must be approved before conducting activities that impact a nonexempt wetland. The rule part is comprised of four subparts, detailing what must be submitted for approval of a replacement plan.

113. One commentator suggested consistent use of the terms "encourage" or "recommend" in subpart 2. The Board maintained that "the current terminology is reasonable and appropriate" and declined to change the rule language. While neither term is rule language, the Board's intent in subpart 2 is clear and there is no defect in the subpart. Part 8420.0330 is needed and reasonable, as proposed.

8420.0335 Contractor's Notification Responsibility.

114. Proposed rule part 8420.0335 prohibits a contractor from draining, excavating, or filling a wetland, absent obtaining a signed statement from the landowner or landowner's agent that the wetland replacement plan required for the work has been obtained or that a replacement plan is not required. The contractor must also submit a copy of the statement to the appropriate LGU. Item C of the originally proposed rule purports to make violation of this rule a misdemeanor.

115. A commentator suggested that this requirement not apply to exemptions. The commentator maintained that notification by the contractor should be encouraged, but not required, in order to protect the landowner. The Board responded that the "provision is in the previous permanent rule and is required by Minnesota Statute § 1030.2212, regardless of the purpose of the wetland activity."[88] The Board noted that the prior rule included language requiring that the Board supply the notification form. The Board amended the rule to add an item C to require the Board to supply that form. The notification requirements are needed and reasonable as modified.

116. Item D contains a provision purporting to make a violation of this rule part a criminal offense. Absent specific statutory authorization for an agency to define a crime by rule, state agencies lack the authority to render actions criminal violations. Only the Legislature can enact statutes which criminalize conduct.[89] Relettered item D exceeds the Board's statutory authority which constitutes a defect in this rule part.

117. The ALJ suggests that item D be modified to read: "Work performed in violation of this part is made a misdemeanor by operation of Minn. Stat. § 103G.141." The new language clarifies that the statute, not this rulemaking, renders the identified

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[88] Board Comment, at 9.

[89] See Minn. Stat. § 609.02, subd.1. Crime. "Crime" means conduct which is prohibited by statute and for which the actor may be sentenced to imprisonment, with or without a fine. Minn. Stat. § 609.02, subd. 3. Misdemeanor. "Misdemeanor" means a crime for which a sentence of not more than 90 days or a fine of not more than $1,000, or both, may be imposed.

conduct criminal. The suggested language is not substantially different from that published in the *State Register*. The item is needed and reasonable with the suggested modification.

8420.0410 No-Loss and Exemption Conditions.

118. Proposed rule part 8420.0410 requires that a person conducting an activity in a wetland under part 8420.0415 (no-loss) or part 8420.0420 (exemption) must avoid erosion and fish impacts and comply with other requirements, including best management practices. Svoboda Ecological Resources, Ellingson Companies, and the Agricultural Drainage Management Coalition suggested that agricultural activities be exempted from the erosion impact requirement.[90]

119. The Board responded that item A is existing language and also required by Minn. Stat. § 103G.2241, subd. 1.[91] The Board pointed out that "appropriate" erosion control measures are all that are being required by the rule. No defect has been shown in the proposed language. The rule part is needed and reasonable as proposed.

8420.0415 No-Loss Criteria.

120. Proposed rule part 8420.0415 describes "No-loss" as "no permanent loss of, or impact to, wetlands from an activity according to the criteria in this part." The rule part continues: "Activities that do not qualify for no-loss according to this part may be subject to the replacement requirements of this chapter." The rule then lists activities and impacts that qualify as no-loss.

121. Describing activities that "may be subject" suggests that the replacement requirements may not apply, rather than a project qualifying for no required replacement. This language is not sufficiently clear. To clarify the proposed rule, the ALJ recommends changing the sentence to read, "Activities that do not qualify for no-loss according to this part must be assessed under the replacement requirements of this chapter." The suggested language does not assume any outcome under the replacement requirements. The suggested language is not substantially different from that published in the *State Register*. The rule part is needed and reasonable with the suggested modification.

122. MCEA objected to the manner in which no-loss is used throughout the rules.

> "No-loss" is a grammatically dubious term that BWSR has created and is meant to apply to actions that in fact cause no loss of wetland acres. The effect of reclassifying items now considered exempt impacts as "no-losses" is that they will not be tracked or reported on in the 'future, even if reporting of exemption use is required. An example of a current exemption that the Proposed Rules would reclassify to "no-loss," is the draining of any wetlands — even very old wetlands — created by a beaver dam. MCEA opposes this change, and the most experienced and respected

[90] Public Exhibit 8.
[91] Board Comment, at 9.

wetlands expert for the Department of Natural Resources likewise stated that wetland loss by removal of established beaver dams does in fact cause a loss of wetland area. This proposed change of BWSR' s actually runs counter to the legislature's direction to develop a rule that provides for estimates and reporting of exempt wetland impacts.[92]

123. The Board responded to the comment as follows:

When the removal of dams/debris placed by beaver only drains the new or increased wetland area caused by the beaver and does not reduce the condition of any pre-existing wetland, the removal is an activity that does not permanently drain a wetland. Counting every temporarily saturated area resulting from beaver activities that block culverts or drainage ditches as a permanent wetland impact is unreasonable and would provide a misleading picture of wetlands lost to exemptions. In fact, the language is more restrictive than the previous permanent rule as the wetland areas must be created "solely" by beaver activities in order to qualify for a no-loss under the proposed rule. The word "solely" was added as a result of a recommendation by the commenter during the rule development process. The applicability of this provision to wetland areas that have existed for significantly long periods of time, i.e. when the beaver dam has degraded to the point of becoming a permanent landscape feature, should be dealt with on a case-by-case basis in accordance with history and conditions of the site. Whether the activity is classified as an exemption or no-loss does not change the application of the provision.[93]

124. No defect has been shown in the proposed language. The rule part is needed and reasonable as proposed.

8420.0420 Exemption Standards.

125. Proposed rule part 8420.0420 sets out the standards under which impacts or activities can qualify as exempt from the replacement requirements of the WCA. Subpart 1 states:

A. 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

126. The foregoing is not sufficiently definite to constitute rule language. The ALJ suggests that the following language be used:

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[92] MCEA Comment, at 9.
[93] Board Comment, at 10.

A. An impact is exempt from replacement if it qualifies for any one of the listed exemptions. An impact is not disqualified where it is indicated as not exempt under a different exemption. Persons proposing to conduct an exempt activity may contact the local government unit to verify eligibility for an exemption and to evaluate alternatives to avoid or minimize wetland impacts. Where 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.

127. The suggested language clarifies what the rule is intended to require. The suggested language is not substantially different from that published in the *State Register*. The rule part is needed and reasonable with the suggested modification..

128. Subpart 2 identifies activities for which no replacement plan is required. Svoboda Ecological Resources and other commentators stated that subpart 2, item G suggests there are applicable requirements in addition to the WCA rules that must be complied with in Minn. Stat. Chapters §§ 103A and 103B. This provision requires agreement by a group of agencies that have not yet met. The commentators urged that the agencies should be required to meet within a specific timeframe to iron out potential conflicts between the systems adopted under all these statutes. The Board responded that:

> Both Subp. 2, item G and Subp. 4 [regarding Federal approvals] are consistent with existing statute and rule. Amending the rule as proposed by the commenters would establish a direct conflict with statute.
>
> Concurrent with the development of these proposed rule changes, BWSR has met with the U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS) several times to identify opportunities for coordination between WCA and the federal farm program. These discussions included possible activities that could fall under subp. 2, item G. These meetings have identified significant program differences, but BWSR is committed to continue working with NRCS. It is the position of BWSR that the discussions need to progress with the administrator of the federal farm program prior to engaging the state agencies identified in the statute.
>
> Regarding Subp. 4, BWSR has demonstrated an ongoing commitment to coordinating WCA requirements with those of Clean Water Act, Section 404, and intends to begin working on this provision following the adoption of this proposed rule.[94]

129. MCEA suggested that the addition of item D to subpart 2 is unneeded. Item D states, "filling a wetland to accommodate wheeled booms on irrigation devices if the fill does not impede normal drainage." MCEA maintained that there is "no demonstrated need for this wholesale exemption of filling a wetland to accommodate booms from irrigation devices." MCEA expressed concern that no agency was tasked

[94] Board Comment, at 10-11.

with the responsibility to determine that these standards are being met.[95] Item D addresses a specific need in farming. There is no indication in the record that this activity will lead to significant loss of wetlands.

130. Subpart 5 relates to exemptions in restored wetlands. A commentator suggested that the use of the term "impacts" in item B was overbroad, as only drainage was applicable. The Board agreed with the suggestion and made that modification.[96] impact

131. Subpart 7 addresses the exemptions relating to forestry MCEA generally supported the new rule language, particularly regarding limiting exemptions when roads are used primarily for forestry. One commentator suggested adding "agricultural activities which do not qualify under the agricultural activities exemption", as newly developed and formerly agricultural lands are not addressed elsewhere. The Board was not clear on what was being suggested and declined to make that change.[97] The subpart is needed and reasonable as proposed.

132. Subpart 8 sets the standards for de minimis activities. MCEA generally supported the new rule language as comporting with the 2007 statutory amendments. One commentator suggested that the de minimis exemption should be based on wetland quality rather than wetland type. Another commentator stated the 20 square foot allowance under this exemption is unreasonably small and expensive to administer. The Board noted that the rule language is based on statutory requirements.[98] The rule is needed and reasonable as proposed.

8420.0522 Replacement Standards.

133. Proposed rule part 8420.0522 sets out the replacement standards for wetlands lost through impacts. Subpart 1 states:

> 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:
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> > A. water quality, including filtering pollutants to surface water and groundwater, using nutrients that would otherwise pollute public waters, trapping sediments, protecting shoreline, and recharging 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;

[95] MCEA Comment, at 17.
[96] Board Reply, at 4.
[97] Board Comment, at 11.
[98] Board Comment, at 11.

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 shall maintain a publicly available list of preapproved wetland evaluation methods.

134. The language in item G creates a mechanism for the Board to effectively amend its rule without engaging in rulemaking. This process violates the Administrative Procedures Act (Minn. Stat. Chapter 14) and constitutes a defect in these rules. To correct this defect, the ALJ suggests that the Board adopt the standards by which board approval will be given to the evaluation methods and note that approved methods will be publicly available from the Board. The ALJ suggests the following language:

> G. other functions and public uses as identified in wetland evaluation methods demonstrated to reasonably identify appropriate candidates for wetland replacement. No function or public use identified under this item will be applied prior to board approval. The board shall maintain a publicly available list of the methods that have been approved for wetland evaluation under the standards set out in this item.

135. The suggested language provides the Board with a means of assessing and approving wetland evaluation methods on a case-by-case basis that does not require rulemaking. The suggested language relies on the standards set out throughout the proposed rules and is not substantially different from that published in the *State Register*. The rule part is needed and reasonable with the suggested modification.

136. Subpart 2 sets out the standards for determining the amount of replacement when a wetland is partially drained. Jason McCarty, P.E., Director of Residential Development for Westwood Development Consultants (Westwood), asserted that the allocation of credit at 10% or 25% of buffer areas is a hardship for landowners and that the amount of land that will have be set aside for replacement will increase significantly beyond no net loss.[99]

137. Subpart 3 sets out replacement ratios of 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. In addition to setting those ratios, subpart 1 allows for the replacement ratio to be reduced by 0.5:1 when the replacement consists of certain wetland bank or in-kind replacements.

138. Tamara Cameron, Superintendent of the Saint Paul District of the U.S. Army Corps of Engineers (Corps), suggested that the reduction in the replacement ratio by 0.5:1 if a "majority" of project specific replacement is in-kind could allow a percentage

[99] Public Exhibit 6.

as low as 51% to be considered in-kind. Concern was expressed that this proposed standard may depart from the Corps policy regarding replacement.[100]

139. The Board responded that:

> The proposed language resulted from significant concerns raised by stakeholders regarding the complicated nature of the process for determining replacement ratios, particularly in regards to in-kind. Projects that impact wetlands typically impact more than one wetland type or plant community due to wetland distribution or landscape gradients. When several wetland types require replacement the exact ratio of impact to replacement for each particular plant community is nearly impossible to achieve. Therefore, impacts and replacement must be compared to separately identify what amount of each plant community is in-kind and what amount is out-of-kind, with different replacement ratios applying to each. Then the breakdown for all plant communities are added together and the required replacement ratio can be determined. Since the required replacement ratio is dependent on the type of plant communities proposed (rather than a flat ratio with adjustments made up-front in the actions eligible for credit), modifications often need to be made to reach the newly calculated replacement ratio. Those modifications now require recalculation through the same process to again determine the ratio. Since the ratio is dependent on the replacement action, and the amount of replacement is dependent on the ratio, obvious complications result. A common effect of the above described process as required in the exempt rule was for applicants to ignore the requirement and skip to the higher replacement ratio. If a provision is too complicated to achieve its desired effect, the provision should be modified.
>
> The proposed language also is a result of concerns raised by BWSR and LGU staff concerning the achievement of specific ratios of plant communities in replacement wetlands. Rather than blending seed mixes across gradients and between plant communities to obtain a more natural and sustainable vegetative community, some applicants were creating abrupt changes between plant, communities in an attempt to obtain the exact percentage of each plant community impacted.
>
> BWSR is also aware of a strict interpretation by some LGUs regarding enforcement of the in-kind provision. That is to say that, if the exact proportion of impacted to replaced, plant communities were not obtained at the end of the monitoring period, that additional replacement would be required and the applicant would be in violation of WCA. While that is the literal reading of the language, it clearly is not the intent.
>
> The proposed language, allowing in-kind to be determined by a majority of wetland type/plant community, allows for a "big picture" focus on the entire wetland basin, where the majority of the type impacted would be the

[100] Public Exhibit 4.

majority type of the basin but other types could be restored or created as part of a wetland complex. This will improve diversity, increase the likelihood that restorations could be in-kind, and allow for plant communities to be matched to a greater degree to the replacement site.[101]

140. The need for replacement ratios arises from the demonstration that replacement wetlands fail to provide the full benefit of the wetland lost. The Board has affirmatively shown that its proposed ratios in subparts 2 and 3 are reasonable to meet the State policy of no net loss of wetlands by ensuring that replacements are conducted by function.

141. Subpart 4 lists the standards for replacements that qualify as in-kind replacement. Ms. Cameron stated that the proposed rule is not consistent with Corps policy or the Wetland Mitigation MOU, and as such undermines the goal of regulatory simplification. The Corps requested that two of the replacement items be dropped to render the rule consistent with Corps policy.[102] MCEA supported the Corps' position and urged that in-kind replacement not be expanded to different types.[103] Josh Stromlund, Land and Water Planning Director for Lake of the Woods County, recommended eliminating the in-kind requirement for wetland replacement, asserting that replacement of a wetland by a different type may result in greater public value than an in-kind replacement.[104]

142. The Board responded that the Wetland Mitigation MOU language regarding "in-kind" used in the exempt rule became the starting point for discussions concerning the permanent rule provision. Using the experience from the implementation of the exempt rule, BWSR staff, LGUs, and stakeholders identified several issues with the definition. Changes to the rule language were suggested and negotiated through several meetings with the St. Paul District of the Corps. The Board noted that concessions were made on both sides in an effort to achieve consistency.[105]

143. In its reply comment, the Board acceded to the suggestion that the two additional in-kind types not be adopted. The language in subpart 4 was changed to reflect this modification. The language removed for those types was placed in the provision governing out-of-kind replacement, originally proposed as subpart 3, in a new item C.[106] The new language also included some advisory language that difficult to replace wetlands, such as white cedar swamps or bogs, are typically not suitable for out-of-kind replacement. While the advisory language is not strictly a rule, the subpart is not sufficiently ambiguous to constitute a defect. The new language is not substantially different from that published in the *State Register*. Subpart 4 is needed and reasonable as modified.

144. Subpart 5 establishes the standards for replacement regarding ecological suitability and sustainability. A commentator suggested that Item C would be clearer if

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[101] Board Comment, at 11-12.
[102] Public Exhibit 4.
[103] MCEA Comment, at 14.
[104] Stromlund Comment, at 3.
[105] Board Comment, at 13.
[106] Board Reply, at 1.

"without human intervention" was added to the description of "self-sustaining" in the subpart. The Board agreed and made that change.[107] The new language is not substantially different from that published in the *State Register*. Subpart 5 is needed and reasonable as modified.

145. Subpart 6 establishes an upland buffer requirement. BAM and Westwood asserted that requiring a standard upland buffer width of 25 and 50 feet lacks a scientific basis.[108] These commentators suggested that the buffer width should he determined by the LGU based on site conditions, as the appropriate buffer width is dependent on a variety of factors. Westwood performed a study that concluded "[m]ost reductions in volume, total solids, and total phosphorus occurred within the first five' [feet of the buffer]."[109] BAM argued that allowing average buffer widths results in arbitrary and capricious application of the rule to different landowners. BAM also argued that the buffer requirement constituted an unlawful taking of private property.

146. The DNR supported the proposed buffer width requirements, stating:

> We support the establishment of mandatory upland buffers in the proposed Rule and believe that the proposed buffer widths represent the minimum widths necessary to maintain wetland integrity. The goal of the WCA is to achieve no net loss and to increase the quantity, quality and biological diversity of the state's wetlands. Many wildlife species associated with wetlands also require adjacent uplands as part of their habitat needs, including waterfowl, wading birds, amphibians, some reptiles, and certain insects such as dragonflies and damselflies. Therefore, adjacent upland buffers are critical for maintaining wetland biological diversity, as required by the WCA. Depending on the wildlife species, or group of species considered, recommended buffer widths extend to over 5000 feet. The 25 and 50 foot widths proposed in the Rule reflect the practical realities of implementation but are minimally adequate for maintaining wetland-associated wildlife and should not be reduced further. There are numerous published studies regarding buffers. A recent, concise evaluation is attached to these comments (McElfish, J.M. Jr., R. L. Kihslinger, and S. S. Nichols. 2008. Planner's Guide to Wetland Buffers for Local Governments. Environmental Law Institute).

147. The Board responded that "the requirement will only apply in instances when a landowner 1) chooses to impact a wetland and replace it through project-specific replacement, or 2) chooses to restore a wetland and deposit the credits in the wetland bank for sale or later use. In these instances when an upland buffer is required, replacement credit is given for the buffer area."[110]

148. The Board relied upon its experience and scientific literature in concluding that "a rule requirement for a sufficient upland buffer ... [is] the single most effective tool to increase the function, sustainability, and public value of replacement wetlands." The

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[107] Board Reply, at 5.
[108] Public Exhibit 7; Grand Rapids Hearing Tr., at 84-85; St. Paul Hearing Tr., at 159-162.
[109] Public Exhibit 7, at 4.
[110] Board Comment, at 18.

Board maintained that "A tremendous amount of research and scientific literature exists to support the importance of and need for buffers around wetlands."[111] Specifically, the Board described its assessment for the proposed buffer distances as follows:

> In their "Planner's Guide to Wetland Buffers for Local Governments" (see SONAR for citation), the Environmental Law Institute (ELI) examined several hundred scientific studies and analyses of buffer performance and identified the following buffer distances that most effectively accomplish the functions of water quality and wildlife habitat: "*30 - >100 feet for sediment and phosphorous removal; 100 - > 160 feet for nitrogen removal; and 100 - 300 feet for wildlife protection.*" Minnesota Statute § 103B.3355 requires that several wetland functions be considered in determining the public value of wetlands. Thus, a focus solely on one particular function is not consistent with statute. The challenge is to find a buffer width that will effectively provide some level of benefit to sustainability and to most functions in most circumstances, while being capable of being implemented on a programmatic basis and being reasonable from a land-use perspective.[112]

149. The Board has demonstrated that upland buffers have an accepted scientific basis in wetland restoration. The Board has fully supported both the need and reasonableness of its approach to upland buffers. The takings argument advanced by BAM requires that the impairment of property rights not have a scientifically grounded basis. The Board has demonstrated that its rule is based on the weight of scientific opinion regarding the width of wetland buffers. The Board accepted a suggestion to change item C to ensure that a variance from the buffer standard recommended by the TEP only be allowed if the functionality of the wetland is not jeopardized. The new language is not substantially different from that published in the *State Register.* The subpart is needed and reasonable as modified.

150. Subpart 7 establishes a priority order of wetland replacement, by type. Different priories are established for the seven-county metropolitan area and for greater than 80 percent areas. An alternative is provided where "reasonable, practicable, and environmentally beneficial replacement opportunities are not available" in the applicable siting priorities.

151. A commentator questioned the overall preference for wetland banking, when on-site replacement is generally preferred. The Board responded that there is no stated preference for replacement through banking in the proposed rule. The Board noted that several provisions have the effect of making wetland banking easier and potentially more attractive than on-site project specific wetlands replacement. The Board indicated that staff experience and scientific literature have shown that on-site replacement results in lesser quality wetlands than banked wetlands. The Board considers this outcome a result of on-site replacement occurring through installations that are isolated from other wetlands or habitats and often have intrusions into the buffer or wetland boundary, resulting in negative effects and limited replacement functions.

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[111] Board Comment, at 18.
[112] Board Comment, at 20 (emphasis in original).

The Board contrasted this with replacement through banking, which was characterized as resulting in larger wetlands with larger buffers and greater connectivity with other habitats. This difference was described by the Board as providing "multiple functional benefits; and increases efficiency of administration."[113]

152. MCEA objected to parts of the wetland replacement ratio formula, stating:

> Certain situations (impacts occurring in >80% areas or on agricultural lands, where the replacement wetlands are in the same bank service area, or where the project is in the same major watershed and in-kind) in the Proposed Rules permit replacement ratios as low as 1:1 The Proposed Rules also would increase the allowable wetland credit for replacement uplands from 0.25 of the wetland area required to 0.5. This is a fundamentally flawed proposal and conflicts impermissibly with the no-net-loss policy and purpose of WCA. The reason for the conflict is that when the acreage of destroyed wetlands is calculated, there is no fractional increase in the "impacted acres" to represent the ecological value of surrounding destroyed upland acres when they are present. Yet when the value of replacement wetland acres is calculated, up to 1/2 of the "replacement wetland" area can in fact be upland acres. As described in the rules, upland restoration can contribute substantially to the function of a restored wetland but uplands are not wetlands, and the counting of uplands should not be one-sided.
>
> The system in the Proposed Rules practically ensures that there will be net loss of Wetland acres through projects that count upland acres as fractional wetland acres, when those projects occur in 1:1 replacement situations. MCEA urges BWSR to keep the current 0.25 credit for uplands in 1:1 replacement situations.[114]

153. The analysis by MCEA contrasts with the analysis performed by Westwood, purporting to show that significantly more land is likely to be required by the operation of the buffer requirement. The Board has supported the buffer requirement, stating, "Providing a means to increase buffer credit is intended to create an incentive for landowners to provide more buffer than the minimum amount, particularly when those buffers will significantly improve wetland function and sustainability."[115] The rule strikes an appropriate balance between competing interests. The subpart is needed and reasonable as proposed

8420.0526 Actions Eligible for Credit.

154. Proposed rule part 8420.0526 sets out the standards for assessing replacement credit for various actions. Subpart 2 allows replacement credit for buffer areas. Westwood asserted that the allocation of credit at 10% or 25% of buffer areas is a hardship for landowners and that the amount of land that will have to be set aside for

[113] Board Comment, at 21.
[114] MCEA Comment, at 17-18.
[115] SONAR, at 41.

replacement will increase significantly beyond no net loss.[116] The Corps expressed concern that the proposed rule provision that will allow up to 0.5:1 credit for upland buffer areas is in conflict with the Wetland Mitigation MOU and is not consistent with the St. Paul District Mitigation Policy published earlier this year. The Corps noted that uplands do not function as wetlands and therefore, the Corps maintained that upland buffers do not warrant the same level of credit as wetland restoration or enhancement.[117] Mr. Stromlund maintained that upland buffers are difficult to achieve in Northern Minnesota and adjacent wetlands should be allowed as credit instead.

155. The Board responded that a number of factors were taken into account regarding the proposed rule, including the vital importance of buffers to the successful replacement of wetlands. In arriving at the percentages of credit, the Board relied upon scientific literature, other information that is known to the Board, and staff experience, that large upland buffers around replacement sites are essential to sustainability, to enhancing wetland functions, and to replacing the public value lost to wetland impacts.[118]

156. The language of subpart 2 reads as follows:

> Subp. 2. Upland buffer areas. A. Replacement credit may be granted for ten percent of the buffer area for establishment or preservation of nonnative vegetation and 25 percent of the buffer area for establishment or preservation of native, noninvasive 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

157. The use of may, even with the limiting language regarding scope in subpart 1, suggests undue discretion. To correct this, clarifying the rule with language regarding eligibility is appropriate. In addition, the Board agreed with a suggestion to include a cross-reference to the minimum width requirement. The suggested modification, with the Board's agreed-upon language reads as follows:

> Subp. 2. Upland buffer areas. A. Up to ten percent of the buffer area is eligible for replacement credit for establishment or preservation of nonnative vegetation and up to 25 percent of the buffer area is eligible for replacement credit for establishment or preservation of native, noninvasive vegetation. Establishing upland buffer around existing high value wetlands adjacent to the replacement wetland is eligible for credit only when the minimum widths provided in 8420.0522, subpart 6, are maintained and the maximum buffer area is not exceeded.

158. The suggested language is not substantially different from that published in the *State Register*. The subpart is needed and reasonable with the modification.

159. Subpart 3 sets out the credit available for restoration of completely drained or filled wetland areas. The proposed rule states:

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[116] Public Ex. 6.
[117] Public Ex. 4.
[118] Board Comment, at 22.

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 to 100 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.

160. The language "may receive replacement credit" does not set out a standard for awarding credit and affords undue discretion. To correct this defect, the ALJ suggests the following language:

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 is eligible for replacement credit in an amount up to 100 percent of the wetland area hydrologically and vegetatively restored only where: a) the vegetation management plan sets a goal of restoring the historic native vegetation typical of the wetland being restored; and b) the technical evaluation panel determines that the plan is ecologically feasible.

161. The suggested language is not substantially different from that published in the *State Register*. The subpart is needed and reasonable with the modification.

162. Subpart 4 establishes credit for restoration of partially drained or filled wetland areas as follows:

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 as follows:

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 before 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 prior 20-year period; and

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.

163. A commentator suggested that the credit be proportional to the total wetland that was restored. The Board responded that item A allows for up to 100 percent credit to recognize that the impact of farming results in a more significant functional degradation of a wetland and thus the functional gain obtained through restoration is greater. The Board explained that item B does not allow as much credit for the partially drained area because the level of degradation is generally less and the

wetland is still providing wetland functions, just to a lesser degree. The Board explained the basis for this difference as follows:

> Also, partially drained wetland basins generally consist of 1) the outer part of the basin which is fully drained, and 2) the inner part of the basin which is partially drained. The fully drained area could receive up to 100% credit and Item B would only apply to the partially drained area. Thus, in effect, the basin as a whole is allocated credit proportional to the total wetland restored. This is accomplished through a process that is implementable and that provides clarity and certainty to landowners.[119]

164. The Board has shown that its intended result is needed and reasonable. But item A states that credit will be "based on the percent of the time the wetland area ..." This language does not state a formula for awarding credit. In addition, the "may" language should be eliminated. The ALJ recommends the following language:

> 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 is eligible for credit as follows:
>
> 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 before the date of application, is eligible for credit in a percentage equivalent to the percent of the time the wetland area was annually seeded, in rotation, or set aside during the prior 20-year period; and
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> B. all other wetland areas substantially degraded by partial drainage or fill are eligible for wetland credit of up to 50 percent of the wetland area restored.

165. The suggested language is not substantially different from that published in the *State Register*. The subpart is needed and reasonable with the modification.

166. Subpart 5 provides similar treatment for vegetative restoration of farmed wetlands as subpart 4 does for partially drained wetlands. Subpart 5 suffers from the same defect as that in subpart 4, that is, the formula for credit is not described and the term "may" is not sufficiently descriptive. To correct these defects, the ALJ suggests the following language:

> 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 is eligible for replacement credit for: A. up to 50 percent 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

[119] Board Comment at 23.

the last 20 years before the date of application for a replacement or bank plan; or

B. up to 90 percent of the area restored for wetland areas in bank service areas 2, 3, and 4 in a percentage equivalent to 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.

167. The suggested language is not substantially different from that published in the *State Register*. The subpart is needed and reasonable with the modification.

168. Subpart 6 allows credit for wetlands previously restored through conservation easements. The rule states:

> 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, when 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 replacement wetland construction standards of part 8420.0528. Replacement credit may be granted for up to 75 percent 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.

169. The language "credit may be granted" does not set out a standard for awarding credit and affords undue discretion. To correct this defect, the ALJ suggests the following language:

> Permanently protecting wetlands previously restored or created for conservation purposes under a contract or easement, when the contract or easement has expired and gives the landowner the right to drain or fill the wetland upon termination, is eligible for replacement credit where the area receiving credit meets the replacement wetland construction standards of part 8420.0528. The maximum replacement credit is 75 percent 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.

170. The suggested language is not substantially different from that published in the *State Register*. The subpart is needed and reasonable with the modification.

171. Subpart 7 allows the award of replacement credit for wetlands created in upland areas in an amount up to 75 percent of the total wetland area created. Westwood asserted that replacement credit under this part should equal 100 percent,

since replacement wetlands are indistinguishable from naturally existing wetlands.[120] The Board disagreed with the assertion, and supported its position, stating:

> Created wetlands are allocated 75% wetlands in the proposed rule since, in general, created wetlands are of lower quality and reduced function than restored wetlands. A lower credit allocation creates an incentive for wetland restorations.[121]

172. In its reply, the Board modified item C to require treatment of runoff prior to that storm water reaching the wetland as a requirement for credit.[122] The modification supports the sustainability of the wetland and is needed and reasonable.

173. As with the foregoing subparts, the "may" language should be replaced with "is [are] eligible for". The suggested language and the Board's modification to item C are not substantially different from that published in the *State Register*. Subpart 7 is needed and reasonable with the modifications.

174. Subpart 8, item A provides in part that:, "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. As with other rule provisions, modifying the language to state that the activities are "eligible for replacement credit" clarifies the extent of the rule. Item B provides that:

> B. 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 prescribed by the board, that is granted to and accepted by the state.

175. While providing examples is helpful to the regulated public, the foregoing does not constitute rule language. Further, some of the language in item B is more appropriately located in item A. The ALJ suggests the following language for subpart 8:

> A. Restoration and protection of calcareous fens, white cedar swamps, floodplain or riparian wetlands and upland buffers, habitat corridors with other important resources, wetlands adjacent to designated trout waters; or other activities that restore and protect wetlands and adjacent areas that improve or directly contribute to the function and sustainability of exceptional natural resources are eligible for replacement credit. For purposes of this subpart, exceptional natural resources are:
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> [subitems as proposed]

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[120] Public Ex. 6.
[121] Board Comment, at 24.
[122] Board Reply, at 10.

B. 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 prescribed by the board, that is granted to and accepted by the state.

176. The suggested language is not substantially different from that published in the *State Register*. The subpart is needed and reasonable with the modification.

177. Subpart 9 sets out eligibility standards for replacement credit for public lands in greater than 80 percent areas. One commentator objected to this provision as allowing mitigation credit for already existing wetlands.[123] The Corps indicated that its policy allows wetland credit for preservation as appropriate on private lands as well as public lands.[124]

178. The Board described the provision as "a narrowly targeted option ... It's hard to image its use."[125] The Board responded that making the listed actions eligible for credit was added "as a direct result of a statutory amendment made in 2008."[126] The Board noted that the proposed rule language was consistent with that of Minn. Stat. § 103G.2251.[127]

179. Subpart 9 appropriately follows the statutory provisions of Minn. Stat. § 103G.2251. But the rule uses the "replacement credit may be granted" formula that has been found to be defective. To correct the defect, the ALJ recommends that the first sentence of the rule be changed to read, "In greater than 80 percent areas, up to 12.5 percent of wetland areas and adjacent buffer owned by the state or a local unit of government and protected by a permanent conservation easement is eligible for replacement credit." Modifying the proposed rule in this way renders the rule needed and reasonable. This language does not make the rule substantially different from that published in the *State Register*.

8420.0544 Replacement for Public Transportation Projects.

180. The Board proposed to modify the language in existing rule part 8420.0544. These modifications include deleting some portions as no longer needed. The Minnesota Department of Transportation (MnDOT) disagreed with one proposed deletion, stating:

> The rationale given in the SONAR for deletion of this sentence (page 46, Item A, second to the last sentence) is that the language "pertains to applications submitted by April 1, 1996 and is no longer relevant." We disagree with this statement and believe that it is relevant for the following reasons.

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[123] Willmar Hearing Tr., at 54.
[124] Public Ex. 4.
[125] Willmar Hearing Tr., at 55.
[126] Board Comment, at 24.
[127] *Id.*

The purpose of this sentence was to allow wetland bank credits from a wetland bank plan submitted by the cited date to be used without regard to the siting restrictions of current item A, subitem (6). The August 1993 version of Chapter 8420.0540, Subpart 5 allowed wetland credits for transportation projects to be replaced statewide without any restrictions. The June 1996 version of Chapter 8420.0540, Subpart 5 placed restrictions in less than 50% areas and the seven-county metropolitan area, however Subpart 3 included a statement that "the exceptions in Subpart 5 do not apply to replacement completed using wetland banking credits established by a person who submitted a complete banking application to a local government unit by April 1, 1996"

Prior to 1996, the use of wetland bank credits, for transportation projects was not geographically restricted. Prior to 1996, MNDOT's Metro Division purchased a number of out state wetland bank credits for the purpose of using them to replace impacts in the seven-county metropolitan area. Mn/DOT follows the proper mitigation ratios for both BWSR and the Army Corps of Engineers wetland impacts. Mn/DOT invested funds in these pre April 1, 1996 credits and believes that we should be able to use those credits as we were allowed to do under the June 1996 Rule. Currently, Mn/DOT Metro District has a balance of 77 acres in Aitkin County and 20 acres in Waseca County that we would like to use up. Mn/DOT purchased these wetland credits from private bankers, so these credits are available in the wetland bank. If the language is not reinstated in the Rules, then we will not be able to use these credits.

181. MnDOT recommended that the rule language include: "Part 8420.0543, item A, subitem (6), does not apply to replacement completed using wetland banking credits established by an applicant who submitted a complete wetland banking application to a local government unit by April 1, 1996." MnDOT suggested that the language be placed in rule part 8420.0544, item B. MnDOT has shown that the proposed rule change will have an impact that has not been shown to be needed or reasonable. The Board agreed with the suggestion and proposed language to accomplish this treatment.[128] The new language renders the rule needed and reasonable. Retaining this language does not make the rule substantially different from that published in the *State Register*.

8420.0705 Establishing Wetland Bank Site.

182. Proposed rule part 8420.0705 establishes the eligibility and use standards for banking wetland restoration credits to be applied against wetland degradation in subsequent projects. Subpart 1 establishes eligibility standards, subpart 2 makes the LGU the responsible authority for administering banking in its jurisdiction, subpart 3 sets out application standards, subpart 4 establishes standards for combined banking and project-specific replacement, subpart 5 requires a perpetual easement as a precondition for banking, and subpart 6 sets time limits on construction.

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[128] Board Reply, at 12.

183. MASWCD expressed the need to clarify that the easement is for access to enable BWSR monitoring and inspection and not to provide access to the public. The Board agreed with the suggestion and proposed that subpart 5 be modified to add the following language, "The access easement does not confer a right of access to the public." The Board proposed a similar change in all the places where "and access" appeared to ensure that the effect of the rule is clear.[129] The suggested language is not substantially different from that published in the *State Register*. The subpart is needed and reasonable with the modification.

8420.0735 Monitoring and Corrective Actions.

184. Proposed rule part 8420.0735 governs monitoring and reporting of wetland bank sites for compliance with the wetland banking plan. A commentator suggest that the Board be allowed to vacate the conservation easement in place where the bank site requires corrective action but the credits have not been used. The Board agreed with the suggestion and proposed language that the Board "may vacate the conservation and access easement and close the account." In this instance, the rule language properly reflects the Board's discretion. The suggested language is not substantially different from that published in the *State Register*. The rule part is needed and reasonable with the modification.

8420.0800 Replacement Wetland Construction Certification.

185. Proposed rule part 8420.0800 is intended by the Board to clarify differences between the initial construction, and subsequent monitoring of a replacement wetland's hydrology, vegetation, and function. While parts of the rule are drawn from the monitoring portion of the existing rule (8420.0600 to 8420.0630), the Board provided new language affording a more formal review and approval of initial construction activities. Additionally, LGU certification of construction is incorporated into the rule.

186. Westwood noted that item F of subpart 2 refers to a "registered professional engineer." The commentator noted that "licensed professional engineer" is the correct terminology.[130] The Board agreed to change the rule in accordance with the suggestion.[131]

187. The new language is not substantially different from that published in the *State Register*. The subpart is needed and reasonable with the modification.

8420.0810 Replacement Wetland Monitoring.

188. Proposed rule part 8420.0810 is taken from existing rules 8420.0600 through 8420.0630 that governed wetland replacement projects after the certification of construction. Subpart 1 of the proposed rule sets out the purpose of the monitoring. Subpart 2 clarifies the monitoring responsibilities for applicants and LGUs. Subpart 4

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[129] Board Reply, at 12.
[130] Saint Paul Hearing Tr., at 127.
[131] Board Comment, at 25.

requires monitoring reports from the applicant to the LGU. Subpart 3 establishes the duration of the monitoring and reads as follows:

> Subp. 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 may the determination be made before 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.
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> 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 of the technical evaluation panel, the goals of the approved replacement plan 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 part 8420.0820, subpart 1.

189. BAM and RRWMB maintained that the proposed rule should not increase the length of monitoring from 3 years to 5 years.[132] The Board responded:

> The proposed rule does not increase the length of the monitoring period. Five years is the length of the monitoring period required in the previous permanent rule and the exempt rule. The proposed rule changes the terminology from "years" to "growing seasons" to improve clarity. The proposed rule also allows for an early end to monitoring (as early as 3 years) if the TEP concurs. A 5 year monitoring period is also consistent with the St Paul District of the Army Corps of Engineers policy.[133]

190. The Board has shown that its choice of monitoring period is needed and reasonable. The language affording discretion in subpart 3 is appropriately grounded in standards that render the rule clear and does not result in unfettered discretion. Part 8420.0810 is needed and reasonable as proposed.

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[132] Grand Rapids Hearing Tr., at 89-90; Saint Paul Hearing Tr., at 59-60 and 168-169.
[133] Board Comment, at 25-26.

8420.0900 Enforcement Procedures.

191. Proposed rule part 8420.0900 is taken from the existing rule part 8420.0290. As originally proposed, subpart 1 adds a "notice of potential violation" as a new enforcement mechanism. A commentator objected to this new type of enforcement procedure, due to the requirement to contact the LGU prior to it being issued. The Board agreed to change the rule in accordance with the suggestion. The Board deleted the reference to "notice of potential violation" from the rule.[134]

192. RRWMB stated that a number of provisions in this part refer to exemptions and these provisions will result in requiring a landowner to get certification, which is contrary to the intent of exemptions from the WCA.[135] The Board responded that:

> Including exemptions in the enforcement provisions is not a change from the current rule. The purpose for including exemptions, with all other WCA decisions in this part, is to specify the options available to landowners when they receive an enforcement order. Exemptions are legal activities when undertaken in accordance with the appropriate rule provisions. One purpose of enforcement is to ensure that an activity in a wetland meets these rule provisions. When a landowner is served with an enforcement order, one option is to apply for an exemption determination which, if the activity were eligible, would satisfy the order. This process assists in ... ensuring the rule provisions are complied with.[136]

193. The references to exempt activity are in the nature of clarifying how enforcement proceeds when there is an exemption claim. The Board's approach to enforcement has been shown to be needed and reasonable. The suggested language is not substantially different from that published in the *State Register*. The subpart is needed and reasonable with the modification.

194. Subpart 3 sets out the provisions for restoration and replacement orders. MCEA maintained that enforcement officers have a role to play in determining whether restoration or replacement should be ordered and the rule removes these officers from that process, stating:

> In the current rules, replacement can be ordered only if the local SWCD, technical evaluation panel and enforcement authority all concur that restoration is not feasible or prudent. In effect, that gives the SWCD, TEP, and the enforcement authority equal opportunity to object to a proposal for replacement instead of restoration.
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> * * *
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> DNR's WEOs and COs have training and develop substantial experience in wetlands law and science. In addition, MCEA believes that there is a non-technical part of the decision to consider, which is whether the law will

[134] Board Comment, at 26.
[135] Saint Paul Hearing Tr., at 60-61.
[136] Board Comment, at 26.

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.[137]

195. The Board responded that:

The determination of whether restoration or replacement is ordered is purely technical and should be the responsibility of the technical evaluation panel. Furthermore, the enforcement officer is not removed from the process, to the contrary, 8420.0249, Item C requires the technical evaluation panel to consult with the enforcement authority for violations of Minnesota Rules Chapter 8420. This process will ensure that technical considerations drive the restoration vs. replacement decision, with appropriate consultation with the enforcement authority.[138]

196. The Board has chosen to make the TEP the responsible entity to make restoration and replacement decisions. Consultation with the enforcement officer is retained in the rule. Nothing has been shown regarding the role of the enforcement officer that would render the Board's approach to be unreasonable. The Board has demonstrated that subpart 3 is needed and reasonable.

8420.0905 Appeals.

197. Proposed rule part 8420.0905 sets out the appeal provisions for the various levels of decisions and orders made under the WCA. RRWMB maintained that the Board should select a time frame for the LGU to make a decision when the result of an appeal is a remand to the LGU.[139] The Board noted that an LGU must make a decision within 60 days after remand under subpart 4, item C. The Board amended subpart 1 to identify the request for review period as 30 days. The Board explained that the change was needed to conform to the requirements of Minn. Stat. § 103G.2242.[140] The new language is not substantially different from that published in the *State Register*. The appeal provisions are needed and reasonable as modified.

Based upon the foregoing Findings of Fact, the Administrative Law Judge makes the following:

CONCLUSIONS

1. The Board gave proper notice of the hearing in this matter.

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[137] MCEA Comment, at 14-15.
[138] Board Comment, at 26.
[139] St. Paul Hearing Tr., at 63-64.
[140] Board Reply, at 13.

2. The Board has fulfilled the procedural requirements of Minnesota Statutes § 14.14 and all other procedural requirements of law or rule.

3. The Board has demonstrated its statutory authority to adopt the proposed rule and has fulfilled all other substantive requirements of law or rule within the meaning of Minn. Stat. §§ 14.05, subd. 1, 14.15, subd. 3, and 14.50 (i) and (ii), except as noted at Findings 116 and 134.

4. The Board has documented the need for and reasonableness of its proposed rule with an affirmative presentation of facts in the record within the meaning of Minn. Stat. §§ 14.14, subd. 2, and 14.50 (iii), except as noted at Findings 47, 75, 88, 100, 103, 121, 126, 157, 160, 164, 166, 169, and 173-175.

5. The amendments and additions to the proposed rules which were suggested by the Board after publication of the proposed rules in the *State Register* do not result in rules which are substantially different from the proposed rules as published in the *State Register* within the meaning of Minn. Stat. §§ 14.05, subd. 2 and 14.15, subd. 3.

6. That due to Conclusions 3 and 4, this Report has been submitted to the Chief Administrative Law Judge for his approval pursuant to Minn. Stat. § 14.15, subd. 3.

7. Any Findings that might properly be termed Conclusions and any Conclusions that might properly be termed Findings are hereby adopted as such.

8. A finding or conclusion of need and reasonableness in regard to any particular rule subsection does not preclude and should not discourage the Board from further modification of the proposed rules based upon an examination of the public comments, provided that the rule finally adopted is based upon facts appearing in this rule hearing record.

Based upon the foregoing Conclusions, the Administrative Law Judge makes the following:

RECOMMENDATION

IT IS HEREBY RECOMMENDED that the proposed rules be adopted except where specifically otherwise noted above.

Dated: June 19, 2009

/s/ Kathleen Sheehy for
STEVE M. MIHALCHICK
Administrative Law Judge

NOTICE

The Board must wait at least five working days before taking any final action on the rules; during that period, this Report must be made available to all interested persons upon request.

Pursuant to the provisions of Minn. Stat. § 14.15, subds. 3 and 4, and Minn. R. 1400.2240, subp. 4, this Report has been submitted to the Chief Administrative Law Judge for his review. If the Chief Administrative Law Judge approves the adverse findings of this Report, he will advise the Board of actions which will correct the defects and the Board may not adopt the rules until the Chief Administrative Law Judge determines that the defects have been corrected. However, in those instances where the Chief Administrative Law Judge identifies defects which relate to the issues of need or reasonableness, the Board may either adopt the Chief Administrative Law Judge's suggested actions to cure the defects, or if the Board does not elect to adopt the suggested actions, the statute requires the proposed rules be submitted to the Legislative Coordinating Commission and to the House of Representatives and the Senate policy committees with primary jurisdiction over state governmental operations for advice and comment.

If the Board chooses to follow the Chief Judge's recommended corrections and makes the suggested changes and/or others in order to cure the defects found, the agency must resubmit the rules for review by the Chief Judge. The Board may not adopt the rules until the Chief Judge reviews all changes and determines that all defects have been corrected.

If the Board chooses to submit the rules to the Legislative Coordinating Commission and the legislative committees for review, the agency must wait at least 60 days after its submission before adopting the rules.

After the rules have been adopted, the Office of Administrative Hearings will file the rules with the Secretary of State. The Board must give notice of the rules filing to all persons who requested that they be informed.

Resolution # _____

Wetland Conservation Act (WCA):
Adoption of Rule Amendments

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 (WCA) 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 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, November 20, and December 16, 2008 to review the draft rule, provide direction to staff, and develop a recommendation regarding adoption of the rule for Board consideration;

WHEREAS, the Board adopted the draft rule and authorized staff to proceed with formal rulemaking on December 17, 2008;

WHEREAS, the draft rule was published in the State Register on March 30, 2009;

DRAFT

WHEREAS, public hearings presided over by Administrative Law Judge Steven Mihalchick were held on April 30, 2009 in Grand Rapids, May 1, 2009 in Crookston, May 4, 2009 in Willmar and May 5, 2009 in St. Paul;

WHEREAS, the Board's Wetland Committee met on May 27 and June 18 to review: (1) the results of the public hearings; (2) the changes to the draft rule as published that resulted from the comments received prior to and during the public hearings; and (3) draft a recommendation for the Board's consideration;

WHEREAS, the Report of the Administrative Law Judge was completed and delivered to BWSR staff on June 22, 2009;

WHEREAS, the Board's Wetland Committee met on June 23, 2009 and is recommending the Board adopt the draft rule as published in the State Register on March 30, 2009, as modified by changes contained in the following documents:

- The 4/29/09 Errata to the 3/16/09 Draft Rule;
- The May 12, 2009 rule comment letter to Judge Mihalchick;
- The May 19, 2009 rule reply letter to Judge Mihalchick; and
- The June 22, 2009 response to the June 22, 2009 Report of the Administrative Law Judge.

In addition, the Committee recommends authorizing staff to proceed with the final steps to complete the rulemaking process.

NOW THEREFORE BE IT RESOLVED, the Board of Water and Soil Resources hereby adopts the Wetland Conservation Act rule (Minn. Rule Chapter 8420), as published in the State Register with the changes noted in the above documents reviewed by the Board's Wetland Committee and furthermore authorizes:

(i) Staff to make minor grammatical, formatting, and reference changes;
(ii) Staff to make additional changes consistent with complying with the Report of the Administrative Law Judge;
(iii) Staff to complete the processes necessary to adopt the rule by August 5, 2009, including working with the Revisor of Statues on preparing the final rule, providing the rule to the Governor's Office; and
(iv) Authorize the Executive Director to sign the order adopting the rule in compliance with Minnesota Rules Chapter 1400.

_____ _____

Randy Kramer, Chair Date

DRAFT

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 16, 2008	Wetland Committee meets to hear testimony and provide final rule review
December 17, 2008	Board meets to consider the draft WCA rule amendments and the Wetland Committee's recommendation.
January 2009	* Rule submitted to the Revisor of Statutes and Governor's Office. * Submit request to Office of Administrative Hearings to schedule a rule hearing(s).
March 30, 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.
April 30 –May 1, 4, 5, 2009	* Public Hearings.
May 12 and 19, 2009	* Comment periods close, following public hearings. Staff respond to comments, which include proposing rule changes.
May 27, 2009	* Wetland Committee meets to consider rule issues.
June 22, 2009	* Administrative Law Judge (ALJ) completes report on the proposed adoption of the rules. * BWSR staff review ALJ report, propose changes based on comments and/or ALJ report.
June 23, 2009	* Wetland Committee considers rule issues, recommends adoption of the rule.
June 24, 2009	* Board Considers Wetland Committee recommendation, adopts rule.
July 2009	* Submit Final Rule Form to Governor's Office. * Revisor of Statutes prepares certified copy of final rule. * Submit rules to chief ALJ. * Office of Administrative Hearings files approved rules with Secretary of State. * Governor's Office receives certified rule from Secretary of State, may veto rule within 14 days. * 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 – **Target date: July 27**. (rules effective 5 days after publishing)

BOARD OF WATER AND SOIL RESOURCES

In the Matter of the Proposed Rules of the Board of Water and Soil Resources Relating to Wetland Conservation, Minnesota Rules Chapter 8420
OAH Docket Number 12-3300-20315-1
Governor's Tracking Number AR458.

Response to the Report of the Administrative Law Judge
June 22, 2009

This document contains the Board of Water and Soil Resources (BWSR) responses to the Report of the Administrative Law Judge regarding the Wetland Conservation Act rulemaking. BWSR agrees with the following numbered items, and will make the recommended changes to the proposed rule identified in each item:

47. 8420.0100 Purpose.

69. 8420.0111 Definitions.

88. 8420.0240 Technical Evaluation Panel Procedures.

100. 8420.0255 Local Government Unit Application and Decision Procedures.

103. 8420.0310 Wetland Boundary or Type Applications.

117. 8420.0335 Contractor's Notification Responsibility.

126. 8420.0420 Exemption Standards.

157. 8420.0526 Actions Eligible for Credit. Subp. 2. Upland buffer areas.

166. 8420.0526 Actions Eligible for Credit. Subp. 5. Vegetative restoration of farmed wetlands.

169. 8420.0526 Actions Eligible for Credit. Subp. 6. Protection of Wetlands previously restored via conservation easements

173. 8420.0526 Actions Eligible for Credit. Subp. 7. Wetland creations.

179. 8420.0526 Actions Eligible for Credit. Subp. 9. Preservation of wetlands owned by the state or a local unit of government.

In addition to the above items, BWSR agrees that a change is necessary, but proposes to modify the language contained in the Report as provided below.

BWSR Response to the Administrative Law Report
June 22, 2009

76. 8400.0200 Determining Local Government Unit; Duties.
The report recommends modifying item F to read, "In the absence of an application, the local government unit may evaluate evidence for a no-loss, an exemption, or sequencing upon the request of a landowner. The evaluation provided does not constitute a decision for the purposes of these rules."

BWSR agrees with the recommendation, but proposes an additional change to this Item. The identification of specific actions that are contained in the rule may limit the discretion of a local government to provide informal advice to a landowner. Therefore, BWSR proposes to amend the recommendation as follows:

"In the absence of an application, the local government unit may evaluate ~~evidence for a no-loss, an exemption, or sequencing~~ information related to a potential activity upon the request of a landowner. The evaluation provided does not constitute a decision for the purposes of these rules."

Activity is defined in the rule as, "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." This change will ensure that local governments have full authority to evaluate information and provide advice to a landowner prior to or separate from undertaking a project that constitutes an activity as defined in the rule.

121. 8420.0415 No-Loss Criteria.
The Report recommends amending language to improve its clarity, which is an important goal of this rulemaking. However, instead of making the recommended change, BWSR proposes to delete the identified sentence in its entirety. This sentence makes a statement that may apply, regardless of whether it is contained in the rule. Similar language should be provided for exemptions, as an activity that does not qualify for an exemption should be evaluated to determine if it qualifies for a no loss or if replacement is required. The proposed rule does not contain similar language in exemption standards (8420.0420). This informative language would be more appropriate as guidance to local governments and landowners, than in the rule.

With this change, the following sentence will be deleted from the proposed rule, "~~Activities that do not qualify for no-loss according to this part may be subject to the replacement requirements of this chapter.~~"

134. 8420.0522 Replacement Standards.
BWSR agrees with the recommendation, but proposes an additional change to avoid an unintended consequence of this language. A concern is that the recommended change would require BWSR to establish an approval process that does not currently exist. Adding a State process to local government approvals required under this rule would likely result in default approvals under Minn. Stat. 15.99 and give BWSR authority not granted in statute. Deleting the middle sentence from the recommended language would avoid this potential outcome.

BWSR proposes the recommended language be modified as follows:

BWSR Response to the Administrative Law Report
June 22, 2009

G. other functions and public uses as identified in wetland evaluation methods demonstrated to reasonably identify appropriate candidates for wetland replacement. ~~No function or public use identified under this item will be applied prior to board approval.~~ The board shall maintain a publicly available list of the methods that have been approved for wetland evaluation under the standards set out in this item.

160. 8420.0526 Actions Eligible for Credit. Subp. 3. Restoration of completely drained or filled wetland areas.

The correction of the defect by replacing "may" with "is eligible for" is accepted and BWSR will incorporate this change. However, the restructuring of this subpart inadvertently makes a substantive change to the application of this provision. The re-lettering of the sub-items a) and b) would establish a more stringent requirement that does not provide the flexibility intended in this provision. BWSR proposes to modify this provision to read as follows:

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 is eligible for replacement credit in an amount up to 100 percent of the wetland area hydrologically and vegetatively restored. ~~only where: a)~~ To be eligible for replacement credit, the vegetation establishment and management plan must ~~sets~~ a goal of restoring the historic native ~~vegetation~~ plant community typical of the wetland being restored~~; and b)~~ or another plant community when the technical evaluation panel determines that ~~the plan is~~ establishment of the historic native plant community is not ecologically feasible.

164. 8420.0526 Actions Eligible for Credit. Subp. 4. Restoration of partially drained or filled wetland areas.

BWSR agrees with the recommended change. However, in reviewing the Report, several additional changes were identified to ensure the rule language is consistent with other rule provisions. These proposed changes are shown below.

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 is eligible for replacement credit as follows:

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 before the date of application, is eligible for replacement credit in a percentage equivalent to the percent of the time the wetland area was annually seeded, in rotation, or set aside during the prior 20-year period; and

BWSR Response to the Administrative Law Report
June 22, 2009

> B. all other wetland areas substantially degraded by partial drainage or fill are eligible for ~~wetland~~ replacement credit of up to 50 percent of the wetland area restored.

175. 8420.0526 Actions Eligible for Credit. Subp. 8. Restoration and protection of exceptional natural resource value.

BWSR agrees with the recommendation and will make the change. However, part of the recommendation changes the intent of the language and may have the unintended consequence of actions being eligible for credit under this provision without meeting the standard. The standard "improve or directly contribute to the function and sustainability of exceptional natural resources" is fundamental to this subpart and the identified actions must all meet this standard to be eligible for replacement credit.

BWSR proposes to modify the recommendation as follows:

> A. Restoration and protection of calcareous fens, white cedar swamps, floodplain or riparian wetlands and upland buffers, habitat corridors with other important resources, wetlands adjacent to designated trout waters; or other ~~activities~~ actions that restore and protect wetlands and adjacent areas are eligible for replacement credit when the action ~~that~~ improves or directly contributes to the function and sustainability of an exceptional natural resources ~~are eligible for replacement credit~~. For purposes of this subpart, exceptional natural resources are:

Finally, one additional change has been identified during the process that BWSR proposes to make to the rule. The change is only intended to ensure consistency throughout the rule and in the intention that 8420.0522, Subp. 5 Ecological suitability and sustainability should also apply to banking plans. This proposed change is shown below.

71.13 providing the desired functions and compatible with adjacent land uses. A replacement or banking
71.14 plan that would result in wetland types or characteristics that do not naturally occur in the
71.15 landscape area in which the replacement will occur must be denied. Replacement must

Resolution # 09-50

Wetland Conservation Act (WCA):
Adoption of Rule Amendments

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 (WCA) 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 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, November 20, and December 16, 2008 to review the draft rule, provide direction to staff, and develop a recommendation regarding adoption of the rule for Board consideration;

WHEREAS, the Board adopted the draft rule and authorized staff to proceed with formal rulemaking on December 17, 2008;

WHEREAS, the draft rule was published in the State Register on March 30, 2009;

WHEREAS, public hearings presided over by Administrative Law Judge Steven Mihalchick were held on April 30, 2009 in Grand Rapids, May 1, 2009 in Crookston, May 4, 2009 in Willmar and May 5, 2009 in St. Paul;

WHEREAS, the Board's Wetland Committee met on May 27 and June 18 to review: (1) the results of the public hearings; (2) the changes to the draft rule as published that resulted from the comments received prior to and during the public hearings; and (3) draft a recommendation for the Board's consideration;

WHEREAS, the Report of the Administrative Law Judge was completed and delivered to BWSR staff on June 22, 2009;

WHEREAS, the Board's Wetland Committee met on June 23, 2009 and is recommending the Board adopt the draft rule as published in the State Register on March 30, 2009, as modified by changes contained in the following documents:

- The 4/29/09 Errata to the 3/16/09 Draft Rule;
- The May 12, 2009 rule comment letter to Judge Mihalchick;
- The May 19, 2009 rule reply letter to Judge Mihalchick; and
- The June 22, 2009 response to the June 22, 2009 Report of the Administrative Law Judge, as amended by the Wetland Committee on June 23, 2009.

In addition, the Committee recommends authorizing staff to proceed with the final steps to complete the rulemaking process.

NOW THEREFORE BE IT RESOLVED, the Board of Water and Soil Resources hereby adopts the Wetland Conservation Act rule (Minn. Rule Chapter 8420), as published in the State Register with the changes noted in the above documents reviewed by the Board's Wetland Committee and furthermore authorizes:

(i) Staff to make minor grammatical, formatting, and reference changes;
(ii) Staff to make additional changes consistent with complying with the Report of the Administrative Law Judge, upon the approval of the Executive Director and Chair;
(iii) Staff to complete the processes necessary to adopt the rule by August 5, 2009, including working with the Revisor of Statues on preparing the final rule, providing the rule to the Governor's Office; and
(iv) Authorize the Executive Director to sign the order adopting the rule in compliance with Minnesota Rules Chapter 1400.

Randy Kramer, Chair

6/24/09
Date

BWSR Fees – Appeals
June 18, 2009

Minnesota Statutes 103G.2242, subdivision 9, was amended in 2007 to read:

Appeal. (e) Notwithstanding section 16A.1283, the board shall establish a fee schedule to defray the administrative costs of appeals made to the board under this subdivision. Fees established under this authority shall not exceed $1,000. Establishment of the fee is not subject to the rulemaking process of chapter 14 and section 14.386 does not apply.

Appeal Fees:

- The current fee for appeals is $200, as it has been since1996. From 1991 to 1996 there was no fee to file an appeal.
- BWSR receives an average of 35 appeals per year.
- Appeals revenue received in 2008 was $2,600.
- The discrepancy between the number of appeals and the revenue generated is due to the fact that State agencies do not pay the fee.

There are a number of ways of analyzing how to establish a new fee schedule. These include estimating actual costs, applying inflationary increases to the current fee, and comparing the BWSR fee to other similar fees.

Estimating Actual Costs.

The majority of the cost of managing the appeals process is staff time. Estimated staff time dedicated to appeals are listed below.

- 50 percent of the Water Management Specialist Position.
- 5 percent of the Executive Director's time.
- 5 percent of the Office and Administrative Specialist Position.
- 20 hours per appeal by Field Staff.
- $250.00 annually on postage.
- Add 25 percent of indirect cost the above items.

This results in a total annual amount of $84,245 or an average of **$2,407 per appeal.** This estimate does not include any costs of Dispute Resolution Committee or Board meetings to address appeals. In addition, under the proposed Wetland Conservation Act rule, BWSR will prepare copies of the record in place of the LGU, increasing our costs over current efforts.

Inflation.

There are numerous online Consumer Price Index (CPI) calculators. A calculator from the U.S. Department of Labor web site indicated that $200.00 in 1996 has the same buying power of **$271.82** in 2008 (an average annual inflation rate of 2.666%).

Other Similar Appeal/Filing Fees.

- BWSR Easement Alteration Release Fee $500.
- DNR Public Waters Appeal/Hearing fee $500.
- MN Court of Appeals filing fee $500.
- MN Supreme Count filing fee $500.

Options.

- Increase fee to $350 to cover inflationary cost.
- Increase fee to $500 similar with other appeal fees.
- Increase fee to the maximum amount of $1,000 to help defer actual cost.

Wetland Leadership Team Recommendation.

The Wetland Leadership Team reviewed this issue on Wednesday, June 3 and is recommending the following:

- Increase the appeals fee to $500;
- Review the fee in no more than 2 years.

Senior Management Team Recommendation.

The Senior Management Team met on Tuesday, June 9 and recommends the Wetland Committee adopt the Wetland Leadership Team Recommendation.

Wetland Committee Recommendation.

The Wetland Committee met on June 18, 2008 and recommends the Board adopt the following regarding an appeals fee schedule:

- Increase the administrative filing fee for appeals to $500;
- Require this fee for appeals filed after August 1, 2009; and
- Review the fee and protocols for reimbursing the prevailing party within 2 years.

Resolution # 09-51

Fee Schedule for Appeals to BWSR

WHEREAS, the Board of Water and Soil Resources is required by Laws of Minnesota 2007, Chapter 57, Section 130 (Minn. Stat. 103G.2242, subd. 9(e)) to establish a fee schedule to defray the administrative costs of appeals made to the Board;

WHEREAS, the current fee to file an appeal is $200 which was established in 1996;

WHEREAS, staff developed a recommendation after reviewing the affects of inflation on the current fee, estimating actual costs, and comparing the current fee to other similar fees;

WHEREAS, the Board's Wetland Committee reviewed the staff recommendation on June 18 and recommends Board adopt the following:

- Increase the administrative filing fee for appeals to $500;
- Require this fee for appeals filed after August 1, 2009; and
- Review the fee and protocols for reimbursing the prevailing party within 2 years.

NOW THEREFORE BE IT RESOLVED, the Board of Water and Soil Resources adopts the recommendation of the Wetland Committee.

R. J. Kramer
Randy Kramer, Chair

6/24/09
Date

Wetlands on Ag Land in Minnesota

U.S. and Minnesota laws were enacted a couple of decades ago to address the draining and filling of wetland areas. Both sets of laws rely on the knowledge and actions of landowners to assure compliance with their requirements. It is important for agricultural producers to be aware of these regulations in order to limit their risk. Landowners need to know that just because you're in compliance with the one program doesn't always mean you're in compliance with others.

What are federal requirements (i.e. Swampbuster)?

Since 1985, the Wetland Conservation provision of the federal farm bills (Swampbuster) requires all agricultural producers to protect the wetlands on the farms they own or operate in order to be eligible for USDA farm program benefits. Producers will not be eligible if they plant an agricultural commodity on a converted wetland that was converted by drainage, leveling, or any other means after December 23, 1985, or convert a wetland for the purpose of or to make agricultural commodity production possible after November 28, 1990.

What is the state law (i.e. Wetland Conservation Act)?

The Minnesota Wetland Conservation Act (WCA) is a state law that regulates activities that result in the draining, filling, or excavating of wetlands in Minnesota, including those on agricultural land. It is administered by local government units; in rural areas this is usually the County or Soil and Water Conservation District (SWCD). SWCDs also provide technical assistance to landowners.

What should agricultural landowners do before starting a project, including drainage and maintenance, that may impact a wetland?

1. Complete your "AD1026" form for your local USDA office.
2. Bring a copy to the SWCD and explain what you plan to do.

The SWCD can advise you if your project is allowed under the state law, WCA, or if you need to submit an application to the local government. **Involving your local SWCD is the easiest and best way to avoid problems.**

Request a field visit by the local government that administers WCA. This can help identify regulated wetlands on your property, and regulations that could affect your project. Many wetlands do not contain standing water or are only saturated for part of the year, and can be difficult for landowners to identify.

Tell your contractor to submit a "Contractor Liability form". Contractors who conduct projects that will impact a wetland are required to notify the local government. The Contractor Responsibility and Landowner Statement Form is available at www.bwsr.state.mn.us/wetlands/forms (see "Replacement Plan Forms") and must be mailed to the local government prior to starting work.

Communication is the key! Compliance with USDA does not mean compliance with other wetland laws. A quick call or stop at your SWCD or local government office prior to beginning your project will help you comply with the laws and save a project from potential additional costs and delays.

USDA NRCS
United States Department of Agriculture
Natural Resources Conservation Service
www.mn.nrcs.usda.gov

Minnesota Board of Water & Soil Resources

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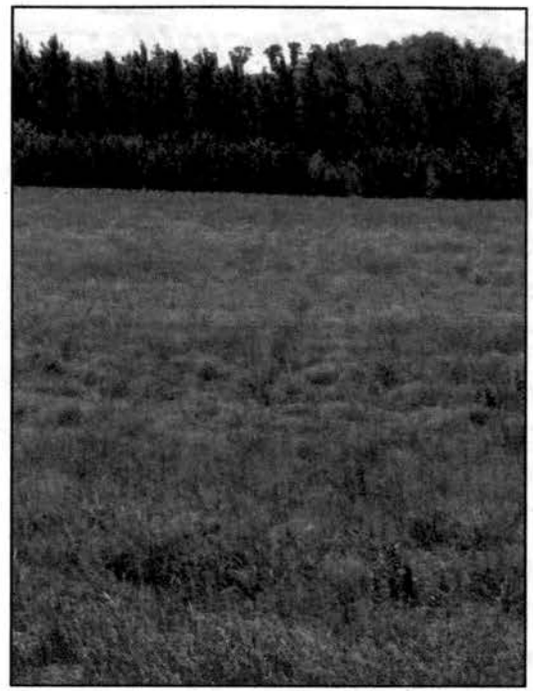
Habitat complexes maximize benefits

Individual projects should fit within a larger functional system, in contrast to stand-alone projects.

Focused efforts will concentrate on specific **4 to 9-square mile wetland/grassland complexes.** Each complex should strive to include **40 percent total grassland acres** (one-half in permanent grassland) and **20 percent total wetland acres** (one-half in seasonal and temporary basins).

Priority areas are those where a significant investment has already been made or major components of habitat are already in place. "Working Lands" can add the remaining management or restoration activity to complete the system, thereby maximizing wildlife benefits on minimal acres.



For more information about the Working Lands Initiative, please contact:

Tabor Hoek,
Board of Water and Soil Resources
(507) 537-7260

Wayne Edgerton,
Minnesota DNR
(651) 259-5223

NRCS Photo

Minnesota's "Working Lands For Wildlife Initiative"

A public/private partnership for wildlife development on working farms

Goals:

Sustainable and increasing wildlife populations
--AND--
Agronomic enhancement for landowners

Private Lands is Key

In Minnesota's prairie pothole region the fate of wildlife is largely determined by what happens on private lands. With sufficient technical and financial assistance, **private landowners can affect landscape changes that would dramatically benefit wildlife.**

"Working Lands" brings together public, private, and non-profit organizations in local project teams to provide assistance to landowners interested in identifying economically viable conservation focus areas and strategies. These areas are identified with the benefit of GIS tools, computer models, and local knowledge.

In some cases, land might be set aside to restore wildlife habitat. Other projects might involve changes in certain agricultural practices in ways that support both wildlife and the economic vitality of the farming operation.

Guiding Principles:

-Private land holds the key to wildlife populations in the Prairie Pothole Region of Minnesota

-Food and energy production on agricultural land will be preserved.

- In some cases wildlife and agriculture share the same acres, while in others they complement one another.

-Balance agricultural production and conservation.

-Private landowners assume a wildlife management role.

-Use best available technology-models and mapping combined with local knowledge.

--Flexibility of teams to meet local needs and priorities. Local teams have decision-making authority.

Project Examples:

-Managed haying and grazing projects

-Delayed drainage of cropland creating seasonal wetlands on years when soybeans are planted at a later date

-Prairie management to increase habitat quality.

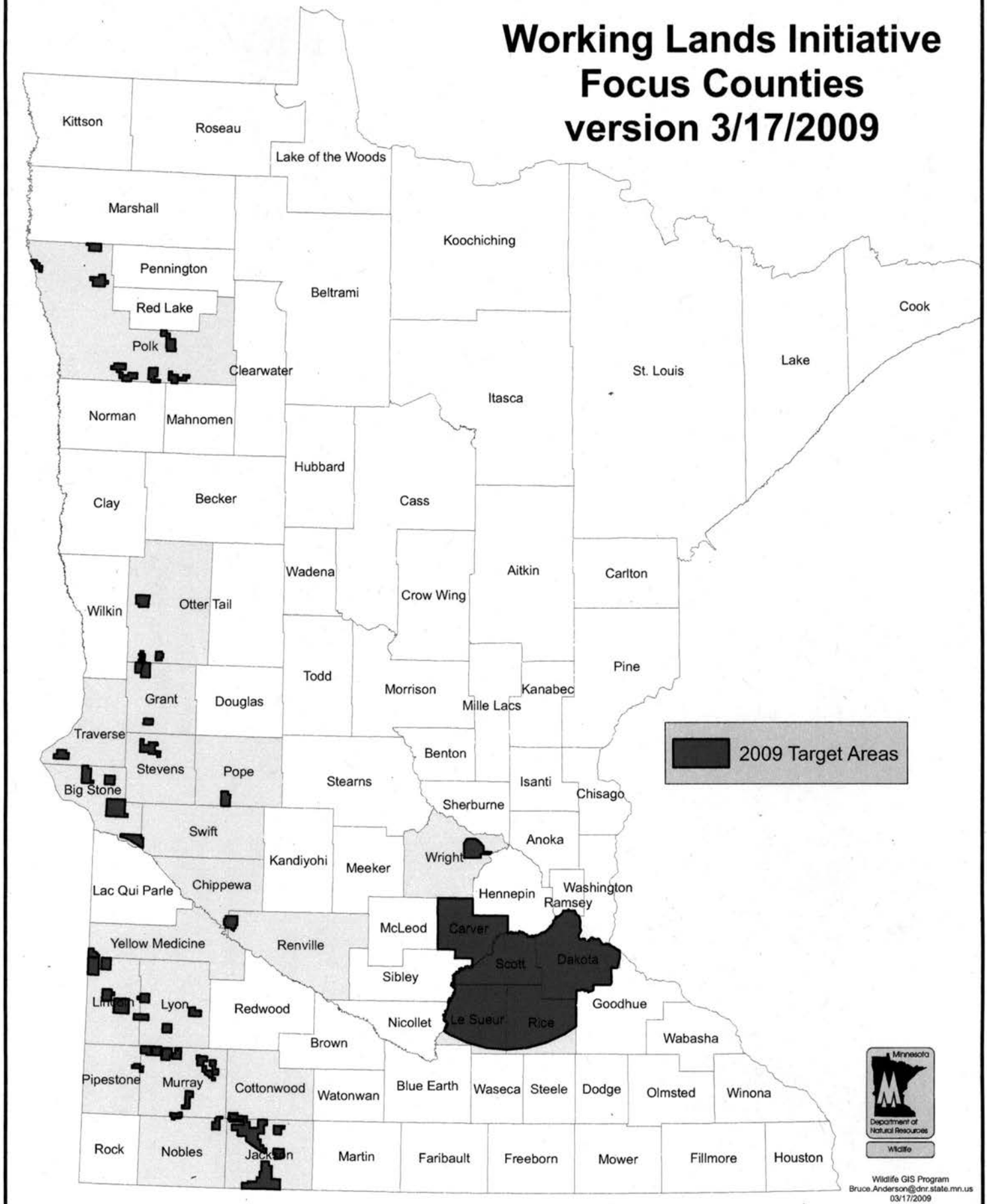
-Bio mass production for energy

-Critical buffers installed between cropland and surface waters

-Key wetlands restored or reclaimed

-Increased quantity and quality of nesting cover, including both short and long-term needs

Working Lands Initiative Focus Counties version 3/17/2009



Wildlife GIS Program
Bruce.Anderson@dnr.state.mn.us
03/17/2009

BOARD RESOLUTION: # 09 - 49

Whereas; the Red River Valley lands and communities experienced significant flood damages and threats in Spring 2009 as noted by the federal disaster declaration made on April 9, 2009; and

Whereas; the Minnesota Laws of 2009, Chapter 93, Section 6, included a $500,000 appropriation to the Board of Water and Soil Resources (BWSR) for an agreement with the Red River Basin Commission (RRBC) to develop an action plan to address Red River Valley regional flooding problems; and,

Whereas; the state of North Dakota has enacted a similar provision that also appropriated $500,000 for the same purpose; and

Whereas; on June 4, 2009, the RRBC adopted a resolution to accept the management responsibilities for developing an action plan to address Red River Valley regional flooding problems in coordination with the MN BWSR and the North Dakota State Water Commission; and

Whereas; the BWSR Grants Program and Policy Committee met on 6-18-09 to review the resolution adopted by the RRBC on 6-4-09 outlining the approach to carry forward the expectations and provisions of respective Minnesota and North Dakota 2009 appropriations for long-term Red River flood control solutions; and

Now therefore; the Committee is recommending to the Board that the workplan submitted by the RRBC be approved, and furthermore, that staff be authorized to:

1. Develop agreements with the RRBC related to Minnesota 2009 legislative appropriation and coordinate such agreements and related work with the North Dakota State Water Commission, and
2. Oversee implementation of the workplan for Phase I in conjunction with the North Dakota State Water Commission, and
3. Authorize, in conjunction with the North Dakota State Water Commission, RRBC efforts to:
    a. develop and conduct a survey of flood damage and prevention needs, opportunities, obstacles and ideas, and
    b. develop, as needed, a Request for Proposals (RFP) for consulting services for evaluation of the survey results and potential follow-up, and
    c. conduct or contract for analysis of past plans, assessments and recommendations, and
    d. develop an RFP for Phase II and related tasks toward completion of the project, and
4. Authorize expenditures for Phase I up to $200K and the remainder for Phase II activities in conjunction with the North Dakota State Water Commission.
5. Report progress on the project to the Board at least every six months.

R J Kramer

Randy Kramer, Chairman, BWSR, State of Minnesota

6/24/09

Date

W:\ExecTeam\Board Administration\BWSR Board RRBC Resolution 6 24 2009.doc

BOARD OF WATER AND SOIL RESOURCES
RIVERPORT INN
SUGAR LOAF ROOM
900 BRUSKI DRIVE
WINONA, MINNESOTA 55987
THURSDAY, AUGUST 27, 2009

BOARD MEMBERS PRESENT:
Gordy Behm, Paul Brutlag, Bob Burandt, Wayne Edgerton, DNR; Quentin Fairbanks, Rebecca Flood, MPCA; Randy Kramer, Paul Langseth, Tom Loveall, Joe Martin, MDA; John Meyer, Brian Napstad, Faye Sleeper, U of M Extension; Louise Smallidge, Gene Tiedemann, LuAnn Tolliver

BOARD MEMBERS ABSENT:
John Linc Stine, MDH

STAFF PRESENT:
Julie Blackburn, Tim Fredbo, Jon Fure, Travis Germundson, Jim Haertel, John Jaschke, Al Kean, Kari Keating, Mary Kells, Jeff Nielsen, Michelle Schaefers, Wayne Zellmer

OTHERS PRESENT:
Ray Bohn, MAWD
LeAnn Buck, MASWCD
Linda Dahl, SE MN Water Resources Board JPB
Barbara Haake, MAWD/RCWD
Donna Rasmussen, Fillmore SWCD
Glen Roberson, Goodhue SWCD
Steven Sunderland, MASWCD
Tim Terrill, Winona SWCD
Ralph Tuck, Root River SWCD

Chair Kramer called the meeting to order at 8:30 a.m.

PLEDGE OF ALLEGIANCE

** **ADOPTION OF AGENDA**

09-53 Moved by Brian Napstad, seconded by Louise Smallidge, to adopt the agenda as presented. Motion passed on a voice vote.

** **MINUTES OF JUNE 24, 2009**

09-54 Moved by Louise Smallidge, seconded by Paul Brutlag, to approve the minutes of June 24, 2009, as circulated. Motion passed on a voice vote.

REPORTS

Chair's Report – Randy Kramer thanked the BWSR and LGU staff that developed and carried out the very informative and successful tour yesterday.

Executive Director's Report – John Jaschke reported on summer agency activities including Northwest MN Flood Response, International Falls wetland meetings with COE, and steps to launch the new Clean Water Fund grant program.

Dispute Resolution Committee – Travis Germundson reported that there are currently 20 pending appeals. 5 are new as of the last two weeks. Travis gave a brief description of the 5 new appeals because they were not included in the DRC Report in the board packet and provided the board with a status and resolution table as requested at the last board meeting.

Wetlands Committee – LuAnn Tolliver reported that the Wetlands Committee has not met since the last board meeting. She reported that the committee will need to meet soon to discuss the guidance documents that will need to be created for the new Wetland Conservation Act Rule. LuAnn was asked about the timeliness of the new rule and if there were any issues. She reported that there were two days between when the old rule expired and the new rule took effect and that LGU staff were instructed to avoid decisions on those two days.

Grants Program & Policy Committee – Louise Smallidge reported that the Grants Program and Policy Committee met on Tuesday evening, August 25th. She reported that the committee along with staff is working on a uniform grant application process. Next committee meeting will be on October 28, 2009 after the board meeting.

Public Relations, Outreach & Strategic Planning Committee – Brian Napstad reported that the Public Relations, Outreach & Strategic Planning Committee have not met.

RIM Reserve Planning Committee – Paul Brutlag reported that this spring the RIM/WRP held its Phase II statewide sign-up. 250 applications were received for over 20,000 acres requesting $45 million WRP and $30 million RIM Reserve easement dollars. 12 of 18 applications for Turtle Creek-Cedar River Watershed Restoration were selected for funding for the legislatively mandated project. Tim Fredbo talked briefly about the 127 easement applications that have been approved for funding totaling 13,060 acres with an estimated cost of $16 million state dollars and $24.82 million federal dollars.

Administrative Advisory Committee – Randy Kramer reported that the Administrative Advisory Committee has not met.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee (Bob Burandt)

Carver Soil and Water Conservation District Change of Headquarters – Bob Burandt reported that the Metro Water Planning Committee met on August 4. He recommends the approval of the Carver SWCD headquarter change from
** Waconia to Cologne. Moved by LuAnn Tolliver, seconded by Louise Smallidge
09-55 to approve the Carver Soil and Water Conservation District change of headquarters. Motion passed on a voice vote.

Chisago County Comprehensive Local Water Management Plan Amendment – Bob reported that the committee reviewed the Chisago County Comprehensive Local Water Management Plan Amendment and recommends approval of the amendment to the Chisago County 2006 – 2011 Comprehensive
** Local Water Plan. Moved by Bob Burandt, seconded by Louise Smallidge to
09-56 approve the Chisago County Comprehensive Local Water Management Plan Amendment. Motion passed on a voice vote.

Rice Creek Watershed District Watershed Management Plan Amendment – Bob reported that the committee reviewed the Rice Creek Watershed District Water Management Plan Amendment and recommends approval of the
** amendment to the Watershed Management Plan. Moved by Bob Burandt,
09-57 seconded by Faye Sleeper to approve the Rice Creek Watershed District Watershed Management Plan Amendment. Motion passed on a voice vote.

Shingle Creek and West Mississippi Watershed Management Organizations' Watershed Management Plan Amendment – Bob reported that the committee reviewed the Shingle Creek and West Mississippi Watershed Management Organizations' Watershed Management Plan Amendment and
** recommends approval of the amendment. Moved by Bob Burandt, seconded by
09-58 Louise Smallidge to approved the Shingle Creek and West Mississippi Watershed Management Organizations' Watershed Management Plan Amendment. Motion passed on a voice vote.

Northern Water Planning Committee (Quentin Fairbanks)

Aitkin County Local Water Management Plan Final Review – Brian Napstad reported that the Northern Water Planning Committee met on August 12th and reviewed the Revised Aitkin County Local Water Management Plan and

** recommends approval. Moved by Brian Napstad, seconded by Quentin

09-59 Fairbanks to approve the Revised Aitkin County Local Water Management Plan. Motion passed on a voice vote.

Morrison County Priority Concerns Scoping Document – Paul Brutlag reported that the committee reviewed the Morrison County Priority Concerns

** Scoping Document and recommends approval. Moved by Paul Brutlag,

09-60 seconded by Brian Napstad to approve the Priority Concerns Scoping Document as part of an update to their Comprehensive Local Water Management Plan. Motion passed on a voice vote.

Otter Tail County Local Water Management Plan – Wayne Edgerton reported that the committee reviewed the Otter Tail County Local Water Management

** Plan and recommends approval. Moved by Wayne Edgerton, seconded by Paul

09-61 Brutlag to approve the Otter Tail County Local Water Management Plan. Motion passed on a voice vote.

Pine County Priority Concerns Scoping Document – Quentin Fairbanks reported that the committee reviewed the Pine County Priority Concerns Scoping

** Document and recommends approval. Moved by Quentin Fairbanks, seconded

09-62 by Brian Napstad to approve the Pine County Priority Concerns Scoping Document. Motion passed on a voice vote.

Polk County Local Water Management Plan Extension – Quentin Fairbanks reported that the committee reviewed the Polk County Local Water Management

** Extension and recommends approval. Moved by Quentin Fairbanks, seconded

09-63 by Paul Brutlag to approve a two year extension to the Polk County Local Water Management Plan. Motion passed on a voice vote.

Southern Water Planning Committee (Paul Langseth)

Minnesota River Basin Joint Powers Board, FY10 Annual Work Plan – Paul Langseth reported that the Southern Water planning committee met on August 25th and reviewed the Minnesota River Basin Joint Powers Board, FY10 Annual

** Work Plan and recommends approval. Moved by Paul Langseth, seconded by

09-64 Tom Loveall to approved the Minnesota River Basin Joint Powers Board, FY10 Annual Work Plan. Motion passed on a voice vote.

NEW BUSINESS

FY '10 Red River Valley Flood Recovery – Wayne Zellmer reported that the BWSR Grants Program and Policy Committee met on August 25th and supports the Minnesota Recovers Task Force, Natural Resources Sub-Committee and Senior Management Team funding recommendations for the $1 million

legislatively appropriated funds for area damaged during the spring flooding.

** 09-65 Moved by Louise Smallidge, seconded by Gene Tiedemann to approve the Red River Valley Flood Recovery funding recommendations. Motion passed on a voice vote.

Drainage Work Group Update – Al Kean reported that the Drainage Work Group met at the end of July. Al provided some background information for new board members about the work group and why it was developed and mentioned that Tom Loveall has been appointed to the Drainage Work Group as a representative from the Board.

"Success Through Regional Collaborative Partnerships" – Jeff Nielsen introduced Donna Rasmussen, Chair of the Basin Alliance for the Lower Mississippi in MN (BALMM); Linda Dahl, Executive Director, SE MN Water Resources Board JPB; and Glen Roberson, host Manager, SE SWCD Technical Support JBP who gave a presentation on the joint efforts of local governments managing water and soil resources in SE Minnesota.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) - Joe Martin had to leave early and this was not available give a report.

Minnesota Department of Natural Resources (DNR) – Wayne Edgerton reported that there are new changes to the hunting and trapping regulations and handed out a new regulations handbook.

Minnesota Extension Service (MES) – Faye Sleeper reported that the Water Resources Center is leading the statewide water plan. They are still in the organizing phase. Maybe in the future the board will want a presentation. In October there is a large water resources conference planned. It will focus on education, outreach and implementation, and she will bring brochures to the next meeting. They are also working on a watershed specialist training program that will be a two part training to educate the new people that are expected to come in with the amendment money. Faye reported that former board member Jim Anderson has been rehired on a part-time basis.

Minnesota Pollution Control Agency (MPCA) – Rebecca Flood reported that at the end of July Commissioner Eger appointed her to be a liaison to the agricultural community. She also reported on the formation of a Clean Water Fund interagency team that has been developed to deal with the new amendment money, and will be working on developing outcomes and measures and RFP processes.

ADVISORY COMMENTS

Minnesota Association of Soil & Water Conservation Districts (MASWCD) –

Steve Sunderland (Chippewa SWCD) introduced himself as the president of MASWCD. He reported that at their board meeting they had a presentation of a forestry easement program concept and he said that they would be continuing with the idea and potentially come to the board with more information. Steve also reported on an NACD trip to Washington DC last month and about some of the significant topics that were discussed.

Minnesota Association of Watershed Districts (MAWD) – Ray Bohn congratulated BWSR on a great tour. Ray reported that MAWD's 2009 tour was in the Shell Rock River Watershed District. He reported that he has been working with Faye Sleeper to help with the training for watershed districts and he has been working with Al Kean on the drainage workgroup buffer study as well. MAWD has also been working on Watershed District levy authority and they would like to have some final authority over certain Watershed District budgets.

Natural Resources Conservation Service (NRCS) – John Nicholson was not there.

UPCOMING MEETINGS

- ❑ Next Board Meeting, September 23, 2009, St. Paul

** 09-66 Moved by Paul Langseth, seconded by Louise Smallidge, 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
RIVERPORT INN
SUGAR LOAF ROOM
900 BRUSKI DRIVE
WINONA, MINNESOTA 55987
THURSDAY, AUGUST 27, 2009

PRELIMINARY AGENDA

8:30 AM **CALL MEETING TO ORDER**

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF JUNE 24, 2009

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
- RIM Reserve Planning Committee – Paul Brutlag
- Administrative Advisory Committee – Randy Kramer

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Carver Soil and Water Conservation District Change of Headquarters – ***DECISION ITEM***

2. Chisago County Comprehensive Local Water Management Plan Amendment – ***DECISION ITEM***

3. Rice Creek Watershed District Watershed Management Plan Amendment – ***DECISION ITEM***

4. Shingle Creek and West Mississippi Watershed Management Organizations' Watershed Management Plan Amendment – ***DECISION ITEM***

Northern Water Planning Committee

1. Aitkin County Local Water Management Plan Final Review – ***DECISION ITEM***

2. Morrison County Priority Concerns Scoping Document - ***DECISION ITEM***

3. Otter Tail County Local Water Management Plan – ***DECISION ITEM***

4. Pine County Priority Concerns Scoping Document – ***DECISION ITEM***

5. Polk County Local Water Management Plan (LWMP) Extension – ***DECISION ITEM***

Southern Water Planning Committee

1. Minnesota River Basin Joint Powers Board, FY10 Annual Work Plan – ***DECISION ITEM***

NEW BUSINESS

1. FY '10 Red River Valley Flood Recovery – Wayne Zellmer – ***DECISION ITEM***

2. Drainage Work Group Update – Al Kean – ***INFORMATION ITEM***

3. "Success Through Regional Collaborative Partnerships" – Jeff Nielsen and Donna Rasmussen, Chair of the Basin Alliance for the Lower Mississippi in MN (BALMM); Linda Dahl, Executive Director, SE MN Water Resources Board JPB; and Glen Roberson, host Manager, SE SWCD Technical Support JPB - ***INFORMATION ITEM***

AGENCY REPORTS

- Minnesota Department of Agriculture – Joe Martin
- Minnesota Department of Health – John Linc Stine
- Minnesota Department of Natural Resources – Wayne Edgerton
- 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 – Felicia Brockoff
- 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 Board Meeting, September 23, 2009, St. Paul

NOON ADJOURN

Dispute Resolution Report
August 14, 2009
by: Travis Germundson

There are presently **17** appeals pending. All of the appeals involve WCA except File 05-24. There have been **2** new appeals filed since the last report dated June 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 09-11 (8-6-09) This is an appeal of a public road notice in Sherburne County. The appeal regards the Technical Evaluation Panel's recommendation that 12,677 square feet of wetland impacts be replaced through the BWSR's Road Replacement Program. No decision has been made on the appeal.

File 09-10 (7-9-09) This is an appeal of a banking plan application in Aitkin County. The appeal regards the LGU's denial of a banking plan application to restore 427.5 acres of wetlands through the use of exceptional natural resource value. The appeal has been accepted and the record has been requested from the LGU.

File 09-9 (6-22-09) This is an appeal of a restoration order in Brown County. The appeal regards a no-loss request\determination for the placement of agricultural tile lines within a wetland area. The landowner requested a no-loss determination from the LGU, and then proceeded to do the work prior to obtaining a determination. Both parties mutually agreed to extend the time period for BWSR to render a final decision. No decision has been made on the appeal.

~~File 09-8 (5-11-09) This is an appeal of a restoration order in Chisago County. The appeal regards the filling of approximately 3,000 square feet of a type 2/6 wetland for a private access road.~~ *The appeal has been denied and the restoration order affirmed.*

~~File 09-7 (5-11-09) This is an appeal of a replacement order in Stearns County. The appeal disputes a number of facts regarding compliance with an approved replacement plan for 9,900 square feet of wetland impacts associated with residential development. No decision has been made on the appeal.~~ *The replacement order was affirmed in part and modified to reduce the required wetland replacement ratio from 4:1 to 2:1.*

File 09-6 (5-06-09) This is an appeal of a exemption decision in Otter Tail County. The appeal regards the denial of an exemption request for agricultural/drainage activities that resulted from issuance of a Restoration Order (File 09-1). The appeal has been remanded for further technical evaluation.

File 09-5 (4-24-09) This is an appeal of a wetland bank application decision in Lake of the Woods County. The appeal regards the denial of a wetland bank application to restore a type 1/2 wetland. . The appeal has been remanded for further technical evaluation.

File 09-3 (2-20-09) This is an appeal of a replacement plan decision in Anoka County. The appeal regards the approval of a wetland replacement plan for 11,919 square feet of impacts associated with a residential development. The appeal has been placed in abeyance and the replacement plan decision stayed for submittal of a revised replacement plan application at the request of the petitioner.

File 09-2 (2-19-09) This is an appeal of a restoration order in Stearns County. The appeal regards the filling of approximately 6,833 square feet of a type 5 wetland with various debris materials. No decision has been made on the appeal. The appellant has granted BWSR additional time to make a decision on the appeal.

File 08-35 (12-3-08) This is an appeal of a exemption decision in Grant County. The appeal resulted from issuance of a restoration order for 32 acres of wetland impacts associated with agricultural drain tile work. The appeal has been accepted and copies of the record have been obtained. A verbal settlement agreement has been drafted.

File 08-34 (12-2-08) This is an appeal of the same agricultural exemption decision in Grant County as identified in File 08-35. The appeal has been accepted and copies of the record have been obtained. The two related appeals will be combined and processed as one decision. A verbal settlement agreement has been drafted.

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. 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 Appellant Court. The appeal has been remanded for further technical work at the local level.

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.

Draft Summary Table

Type of Decision	Total for Calendar Year 2009
Order in favor of appellant	
Order not in favor of appellant	1
Order Modified	1
Order Remanded	2
Order Place Appeal in Abeyance	1
Negotiated Settlement	

2009 RIM-WRP Partnership Update

August 17, 2009

In spring 2009, the RIM-WRP Partnership held its Phase II statewide sign-up. Once again, we experienced an outstanding effort by NRCS, SWCDs, DU contractors and Minnesota Waterfowl Association staff working with interested landowners. In total, we received 250 applications for over 20,000 acres requesting $45 million WRP and $30 million RIM Reserve easement dollars.

The RIM-WRP Partnership easement staff, along with the BWSR subcommittee, ranked and selected for funding statewide the highest 115 scored applications based on the Minnesota Wetlands Restoration Evaluation Worksheet. In addition, we selected for funding 12 of the 18 applications received in the legislatively mandated Turtle Creek-Cedar River Watershed project areas.

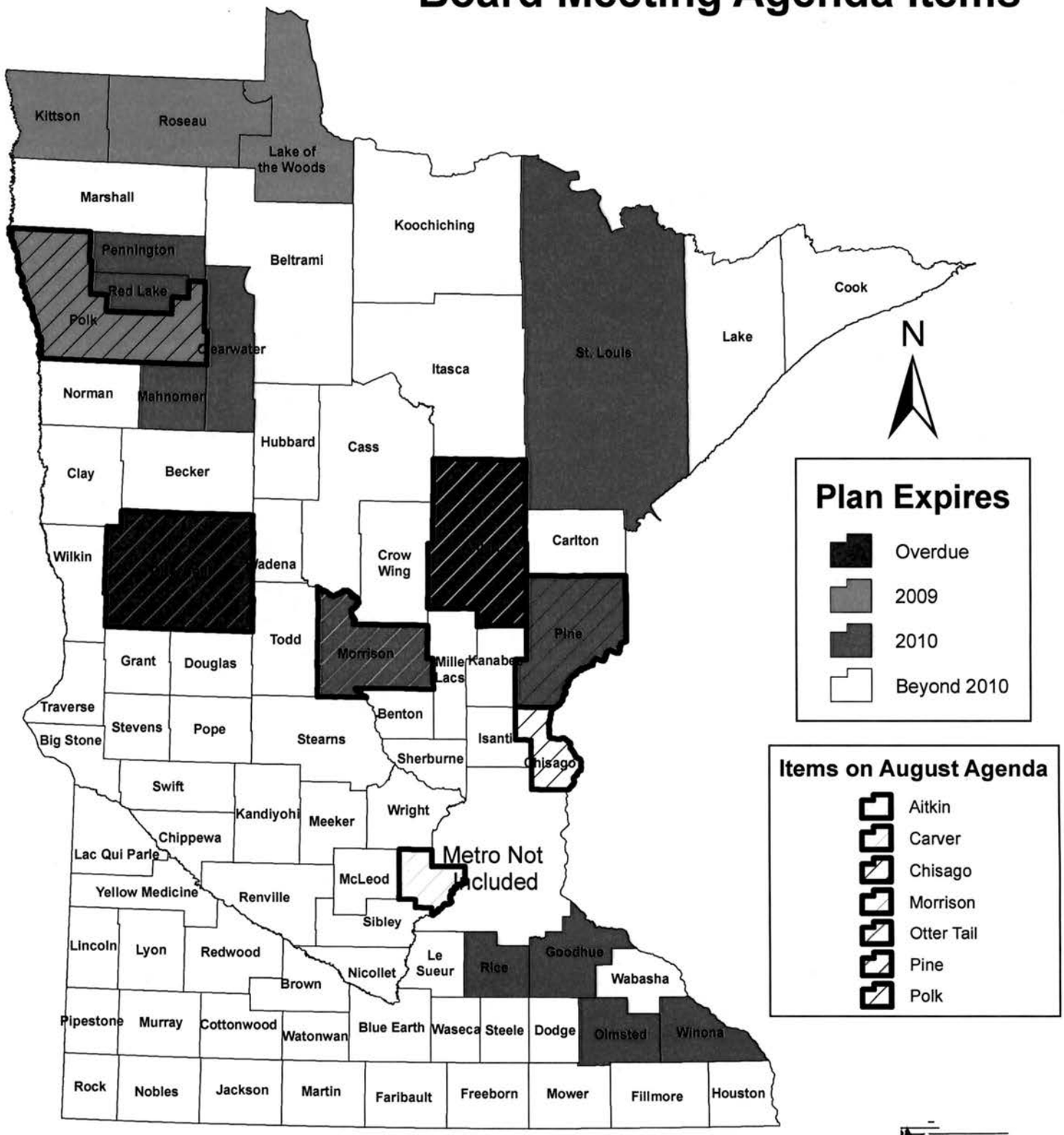
This selection process was based on available RIM Reserve funds of approximately $16 million. We selected for funding a total of 127 easements totaling 13,060 acres with an estimated cost of $16 million state dollars and $24.82 million federal dollars. If landowners cancel or otherwise do not meet eligibility criteria, we will fund eligible RIM-WRP Partnership applications based on the next highest score.

It is extremely important to recognize that the RIM-WRP Partnership received a $9.058 million appropriation from the Outdoor Heritage Fund and received approval of the RIM-WRP Partnership Accomplishment Plan at their August 13, 2009 Lessard-Sams Outdoor Heritage Council (LSOHC) meeting. In addition, 2008 RIM Reserve capital investment fund balances were made available along with a 2009 appropriation of $0.5 million to leverage federal WRP funds.

Beginning October 1, 2009 Minnesota NRCS expects to receive their next fiscal year's appropriation of WRP funds which is expected to be at least $25 million. We will be seeking 2010/11 bond funds and a second LSOHC recommendation for funding to leverage these anticipated future federal funds.

Competitive payment rates, local delivery and interested landowners have made the RIM-WRP Partnership the premier private lands wetland restoration program in the nation.

County Water Plan Expirations
&
Board Meeting Agenda Items



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

map updated: August 2009

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Carver Soil and Water Conservation District Change of Headquarters - ***DECISION ITEM***

2. Chisago County Comprehensive Local Water Management Plan Amendment – ***DECISION ITEM***

3. Rice Creek Watershed District Watershed Management Plan Amendment – ***DECISION ITEM***

4. Shingle Creek and West Mississippi Watershed Management Organizations' Watershed Management Plan Amendment – ***DECISION ITEM***

RESOLUTION FOR CHANGE OF HEADQUARTERS

Be it resolved by the Carver Soil and Water Conservation District supervisors that the headquarters of the district be changed from 219 East Frontage Road, Waconia MN to 11360 Hwy 212, Cologne, Minnesota. The effective date of this change shall be October 1, 2009.

State of Minnesota
County of Carver

I, Ted Beise, Chairman of the Soil and Water Conservation District, do hereby certify that the above resolution relating to the change of the location of the principal office of the supervisors of the Carver Soil and Water Conservation District was adopted by the said district supervisors at a regular meeting thereof held on July 16, 2009, that I have compared it with the original resolution as set forth in the minutes of the said meeting, and that said copy is a true and correct copy of and transcript from said original and the whole thereof. I further certify that said meeting of the Board was duly called and held, that a quorum of the members of said Board was present thereat, and that said resolution was duly adopted thereat by a majority vote of the members present.

Signed: _____, Chairman

Carver Soil and Water Conservation District

Dated: July 16, 2009

DRAFT

Minnesota Board of Water and Soil Resources Resolution No. _____

RESOLUTION ACCEPTING CHANGE IN OFFICE LOCATION FOR CARVER SOIL AND WATER CONSERVATION DISTRICT

WHEREAS, the Carver Soil and Water Conservation District Board of Supervisors adopted a resolution dated July 16, 2009, to change the office headquarters from 219 East Frontage Road, Waconia, MN to 11360 Highway 212, Cologne, MN, effective October 1, 2009, and;

WHEREAS, the Board of Water and Soil Resources must act on the change of office location pursuant to Minn. Stat. § 103C.221;

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

The Board of Water and Soil Resources hereby approves the change in office location of the Carver Soil and Water Conservation District from 219 East Frontage Road, Waconia, MN to 11360 Highway 212, Cologne, MN, effective October 1, 2009.

Dated at Winona, Minnesota this 27th day of August, 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____

Randy Kramer, Chair

Minnesota Board of Water and Soil Resources Resolution No. 09-55

RESOLUTION ACCEPTING CHANGE IN OFFICE LOCATION FOR CARVER SOIL AND WATER CONSERVATION DISTRICT

WHEREAS, the Carver Soil and Water Conservation District Board of Supervisors adopted a resolution dated July 16, 2009, to change the office headquarters from 219 East Frontage Road, Waconia, MN to 11360 Highway 212, Cologne, MN, effective October 1, 2009, and;

WHEREAS, the Board of Water and Soil Resources must act on the change of office location pursuant to Minn. Stat. § 103C.221;

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

The Board of Water and Soil Resources hereby approves the change in office location of the Carver Soil and Water Conservation District from 219 East Frontage Road, Waconia, MN to 11360 Highway 212, Cologne, MN, effective October 1, 2009.

Dated at Winona, Minnesota this 27th day of August, 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Randy Kramer, Chair

June 29, 2009

Chisago County Local Water Management Plan Amendment

Goal 1: Ground and surface water is safe and available for human consumption, recreational use and wildlife habitat.

Objective E: Obligations of the Chisago County Individual Sewage Treatment System pilot program are fulfilled (Priority Concern).

Task 3:

Chisago County supports the construction of community wastewater treatment systems in the unsewered Rural Village Centers as defined in the Chisago County Comprehensive Plan: Almelund, Sunrise, Palmdale, Rush Point and Stark.

Support will be provided through staff assistance to the community in researching grant opportunities, as well as technical assistance on potential systems design and capacity as requested. Providing a community wastewater treatment system in these communities is a priority for the County.

Partners: Chisago County, MPCA, townships
Funding: $5,000 yearly Chisago County staff in-kind contribution
Timeframe: 2009 - 2014

DRAFT

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 **Chisago County** (Minnesota Statutes, Section 103B.314, Subdivision 6)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN AMENDMENT

Whereas, on September 27, 2006, the Minnesota Board of Water and Soil Resources (Board), by Board Order, approved the Chisago County 2006 – 2011 Comprehensive Local Water Plan Update (Plan); and

Whereas, the Chisago County Board of Commissioners submitted a Comprehensive Local Water Plan Amendment (Amendment) to the Board on June 29, 2009; 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. On April 28, 2009 the Board received a petition from Chisago County stating its intent to amend its current Plan, pursuant to M.S. Section 103B.314, Subd. 6.

2. On May 26, 2009, Chisago County provided proper notice to local units of government and state agencies of the county's intent to amend its current Plan and invited all recipients to participate in the amendment process.

3. Chisago County received written comments from the Board of Water and Soil Resources on May 26, 2009.

4. No other state agency or local government unit provided written comments to Chisago County.

5. On June 17, 2009, after providing for proper public notice, Chisago County conducted a public hearing on the proposed Amendment. No additional comments were submitted at the hearing.

6. On June 29, 2009 the BWSR received the Amendment, a record of the public hearing, and copies of all written comments pertaining to the Amendment, pursuant to M.S. Section 103B.314, Subd. 6.

7. On August 4, 2009, the Board's regional Water Planning Committee (Committee) reviewed the Amendment, pursuant to 103B.301 and guidelines established by the Board.
    a. Board regional staff provided its recommendation of approval to the Committee.
    b. The Committee voted to recommend approval to the full Board at its next scheduled meeting.

8. This Amendment will be in effect until September 27, 2011.

CONCLUSIONS

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

2. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Amendment of Chisago County pursuant to Minnesota Statutes, 103B.314, Subd. 6.

3. The Amendment attached to this Order is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached Amendment, dated June 29, 2009 to the Chisago County 2006 – 2011 Comprehensive Local Water Plan.

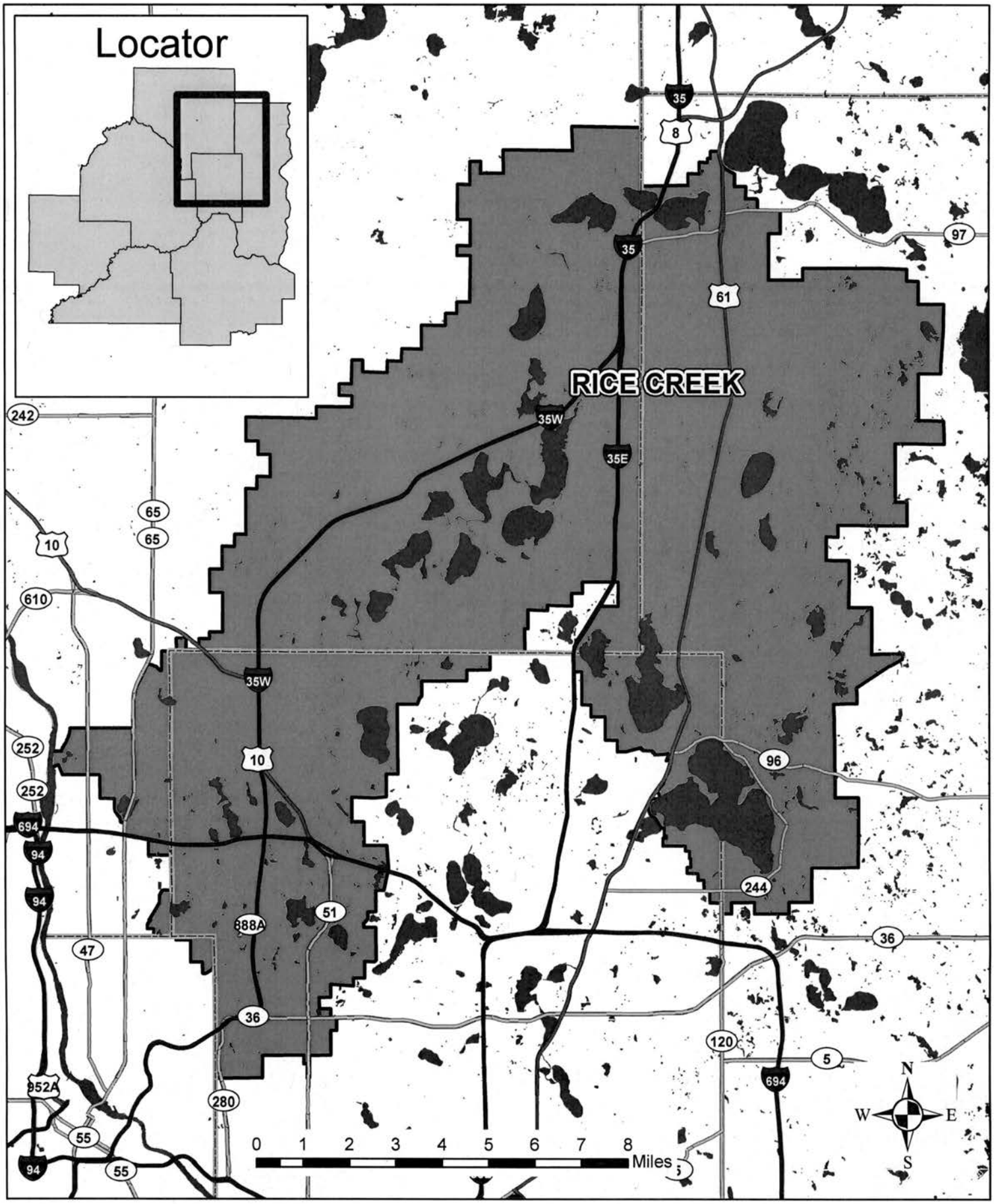
Dated at Winona, Minnesota, this 27th day of August, 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

Rice Creek Watershed District



DRAFT

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 Rice Creek 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 Rice Creek Watershed District (District) submitted a Watershed Management Plan Amendment (Amendment) dated April 22, 2009, 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 District was established in 1972 by the Minnesota Water Resources Board. The District Board consists of two representatives each from Anoka and Ramsey counties and one representative from Washington County.

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 22, 1997. The watershed management plan may be amended according to Minnesota Statutes Section 103B.231, Subd. 11.

3. **Nature of the Watershed.** The District encompasses approximately 201 square miles of urban and rural land in Anoka, Hennepin, Ramsey and Washington counties in Minnesota. Portions of the district can be found in the following municipalities: Arden Hills, Birchwood Village, Blaine, Centerville, Circle Pines, Columbia Heights, Columbus, Dellwood, Falcon Heights, Forest Lake, Fridley, Grant, Hugo, Lauderdale, Lexington, Lino Lakes, Mahtomedi, May Township, Mounds View, New Brighton, Roseville, Scandia, Shoreview, Spring Lake Park, Saint Anthony, White Bear Lake, White Bear Township, and Willernie. Land in the District is relatively flat, particularly

in the north-central portion where the Rice Creek Chain of Lakes is the dominant feature. The southern portion of the watershed is primarily urban in nature. Rice Creek is the principal stream of the watershed.

4. **Amendment Development and Review.** The Amendment consists of the establishment of the Bald Eagle Lake Water Management District to address long-term water quality goals and implement the Bald Eagle Lake Management Plan and Total Maximum Daily Load Implementation Plan. The Bald Eagle Lake Association requested the District undertake this plan amendment for the purpose of raising funds to support water quality restoration and enhancement projects for Bald Eagle Lake.

   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. The 60-day review draft of the Amendment was submitted to the Board, other state agencies, Metropolitan Council, and local governments on January 15th, 2009. A public hearing was held on April 16th, 2009 with over fifty residents attending. The 45-day review draft was submitted on April 23rd, 2009. The final draft of the Amendment was received by the Board on April 25th, 2008.

5. **Metropolitan Council Review.** The Council determined that the amendment is consistent with the Council's 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 did not comment on the Amendment.

10. **Local Review.** The City of Hugo Council approved a motion indicating support for the citizen-initiated effort leading to the proposed amendment.

11. **Board Review.** Board staff found the amendment to be consistent with statute and rule and commended the District for its coordination with local partners.

12. **Highlights of the Plan Amendment.** The critical elements of the Amendment are the establishment of the Water Management District, the identification of projects eligible for the funding, total estimated cost, area for inclusion, methods for determining charges, and the duration of the Water Management District.

13. **Metro Water Planning Committee Meeting.** The Board's Metro Water Planning Committee met on August 4, 2009 to review and discuss the Amendment. Those in attendance from the Board's Committee were Rebecca Flood, 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 Rice Creek Watershed District pursuant to Minnesota Statutes Section 103B.231, Subd. 11.

3. The attached Amendment is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

ORDER

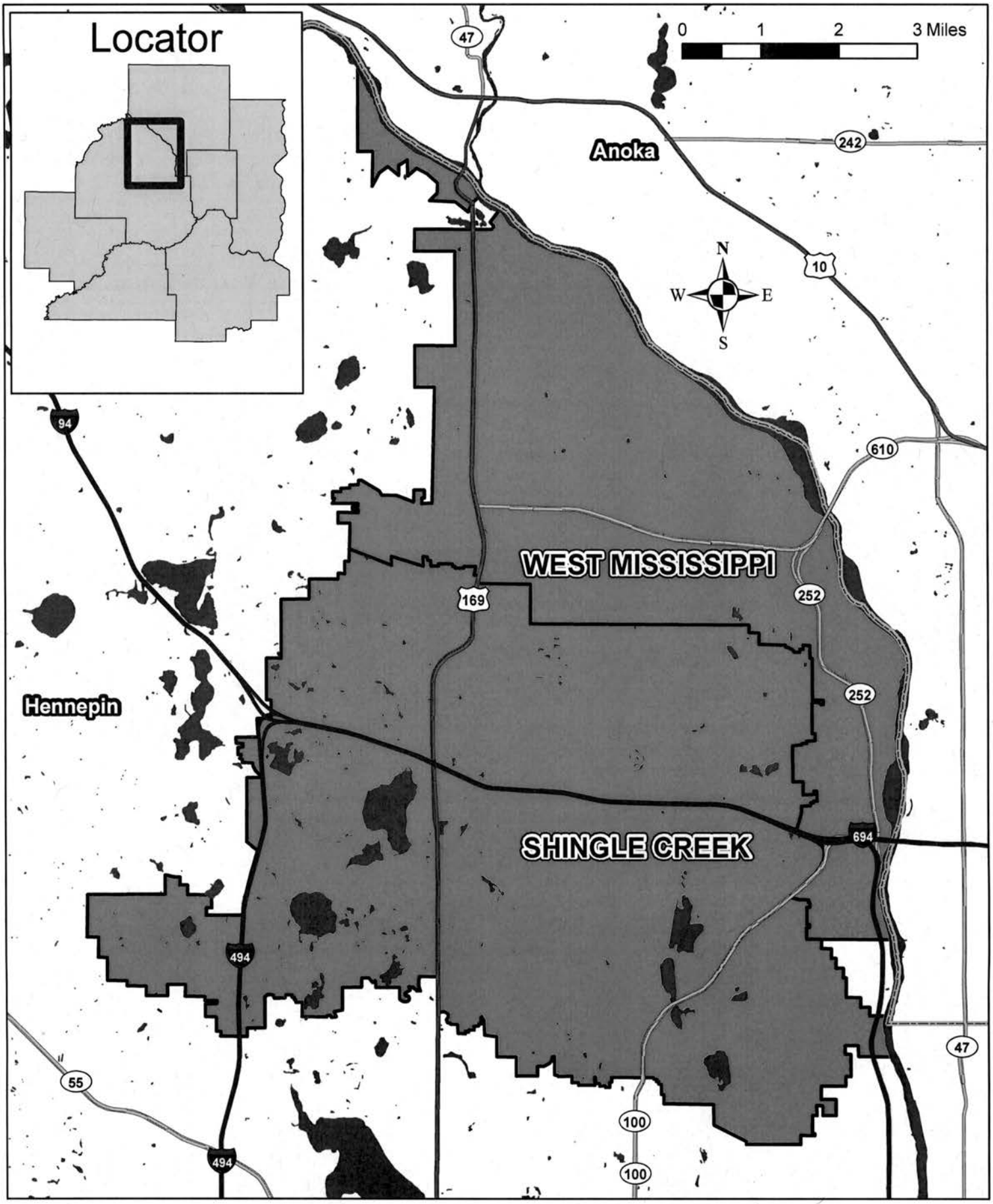
The Board hereby approves the attached Amendment, dated April 22nd 2009, to the Rice Creek Watershed District Watershed Management Plan.

Dated at Winona, Minnesota this 27th day of August, 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Randy Kramer, Chair

Shingle Creek & West Mississippi Watershed Management Organizations



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 July 2009, 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. **WMO Establishment.** Joint Powers Agreements established the Shingle Creek and West Mississippi Watershed Management Organizations (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 will remain separate, politically distinct Watershed Management Organizations. Four out of the five member cities of West Mississippi Watershed Management Commission are also members of Shingle Creek Watershed Management Commission; Champlin is a member of West Mississippi only. The second generation watershed management plan was approved by the Board in April 2004. The attached amendment will be incorporated into the joint Watershed Management Plan once approved and adopted.

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 watershed management plan may be amended according to Minnesota Statutes Section 103B.231, Subd. 11.

3. **Nature of the Watershed.** The Shingle Creek and West Mississippi Watershed Management Organizations 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. 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. **Amendment Development and Review.** The draft Amendment was submitted to the Board, other state agencies, and local governments for the required 60-day review on January 30, 2009. The main component of the Amendment adds one new streambank restoration project to the Capital Improvement Program (CIP) in 2010 identified as the "Shingle Creek Restoration, Regent to Nobles Avenues" at an estimated cost of $750,000. Projected costs are strictly for project planning and a feasibility study. The Commissions received 60-day review comment letters from the Board, Met Council, MPCA, and the City of Brooklyn Park. The Commissions held a public hearing on May 14, 2009. No new suggested changes were offered or adopted during the meeting. On May 26, 2009, all review agencies had received the revised draft Amendment for the required 45-day review period. The Commissioners received a comment letter from the Board only. The final draft Amendment was submitted to the Board on July 23, 2009.

5. **Metropolitan Council Review.** The Met 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 stated they support the direction the Commissions are taking with 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. Brooklyn Center stated that their city supports the $500,000 maximum annual levy guideline and requested project revisions be made to comply with the guideline for 2010. The Commissions responded that the actual cost of the project will depend on the selected design developed in the feasibility study, then the Commissions will be able to better evaluate the impact to the maximum levy guideline. The city commented that the area north of Regent Avenue was recently improved warranting no further investment by the watershed to reconstruct or revise any recent improvements. The Commissions noted that the "visioning process" now underway for the Regent to Noble Avenue corridor is

still in its early stages with no specific project details at this time, which a future feasibility study will help identify. The city also supports enhancing the corridor and buffer to Shingle Creek including a possible regional trail. As such the city expects the existing mature trees to remain intact, which can be discussed throughout the project planning stages. The Commissions stated that if this project moves forward the feasibility study and preliminary and final designs will be completed jointly by the cities of Brooklyn Park and Brooklyn Center via a cooperative agreement.

11. **Board Review.** Board staff had no concerns regarding the Amendment. Board staff commended the Commissions for their systematic approach to maintaining a current watershed management plan.

12. **Highlights of the Plan Amendment.** The main goal of the major plan amendment is to add one capital project for 2010 to 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, 2009, to review and discuss the Amendment. Those in attendance from the Board's Committee were Rebecca Flood, Faye Sleeper, Louise Smallidge, 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.

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 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 July 2009, to the Shingle Creek and West Mississippi Watershed Management Organizations' Watershed Management Plan.

Dated at Winona, Minnesota this 27th day of August, 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Randy Kramer, Chair

DRAFT

Northern Water Planning Committee

1. Aitkin County Local Water Management Plan Final Review – ***DECISION ITEM***

2. Morrison County Priority Concerns Scoping Document - ***DECISION ITEM***

3. Otter Tail County Local Water Management Plan – ***DECISION ITEM***

4. Pine County Priority Concerns Scoping Document – ***DECISION ITEM***

5. Polk County Local Water Management Plan (LWMP) Extension – ***DECISION ITEM***

DATE: August 3, 2009

TO: BWSR North Region Water Plan Review Subcommittee

FROM: Dan Steward, BWSR Board Conservationist

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

On July 3, 2008, BWSR and other state review agencies received the Priority Concerns Scoping Document (PCSD) from Aitkin County. The North Region Review Subcommittee (Committee) met August 13, 2008, to discuss state review comments, the content of the PCSD, and recommendations for the final plan. The current Aitkin County Local Water Management Plan was due to expire in July 2007. The county received an extension that expired July 1, 2009. Aitkin County is one of three counties that are working with BWSR on a Clean Water Legacy project to define a water quality protection strategy for unimpaired lakes. The results of the protection strategy project have been included in the updated Aitkin County Water Plan.

BWSR's August 28, 2008, letter pursuant to M.S. section 103B.313, subdivision 5, communicated the State's official comments pertaining to the priority concerns chosen by Aitkin County. BWSR commended Aitkin County for the process used to select the concerns and did not require any changes to the PCSD.

Aitkin County's five priority concerns are:

1. Surface Water Management
2. Land Use and Development
3. Groundwater Quality
4. Fish and Wildlife Habitat
5. Education

Aitkin County held the required public hearing on August 11, 2008, as part of a regular County Board meeting. The final draft of the updated Aitkin County Water Plan was submitted on July 7, 2009, for review by state agencies. Agency comments are due to Ron Shelito by August 3, 2009.

The duration of the LWP is from August 2009 to August 2014.

The following agencies provided these comments:

- On August 3, 2009, the Minnesota Department of Natural Resources in its comments stated that the Plan does not violate any statutory or rule requirements administered be the DNR, and recommended BWSR approve the Plan as submitted.

- On August 3, 2009, the Minnesota Department of Agriculture in 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.

Steve Hughes, Aitkin County Water Planner, and Aitkin SWCD Manager and other representatives from the county will attend the review meeting in Wadena , and make a presentation on the update.

Cass, Aitkin and Crow Wing Counties have been working on a cooperative Clean Water Legacy project with BWSR to help define a water quality protection strategy as part of their water plan updates. Each of the three counties is focusing on lakes over 1,000 acres.

The two phased project includes, assessment of existing lake water quality data along with trend determination, watershed assessment, and identifying an action plan through a meeting with local and state technical and lake association input. Aitkin County has 6 lakes greater than 1,000 acres that are unimpaired. Phase 1 and 2 reports for each of the six lakes have been included in the Update. The county will meet with lake association representatives to review and select implementation options specific to each lake. To my knowledge this is the first water plan to include water quality and watershed assessments for their large unimpaired lakes.

I have reviewed the final plan for consistency with the requirements of M. S. 103B.314.
The state agency review period is complete. The County is still working on elements of the Plan related to the Clean Water Legacy part n of the update. I am ready to recommend approval of the Plan, and will do so at the review committee meeting in Wadena.

Section I. EXECUTIVE SUMMARY

Aitkin County's first Generation Water Plan was adopted in July of 1990. The second Generation Water Plan made significant changes and improvements and was adopted in 1995. The third Generation Water Plan started out as a minor revision and evolved into a near total re-write. The fourth generation plan has been expanded to include the great strides forward in technology and data that has occurred since 2002. This is the first plan to use the Priority Concerns Scoping Document (PCSD) as a tool to gather input at the front end of the process. In this plan the PCSD directly follows the Executive Summary. Three counties (Cass, Crow Wing and Aitkin)contracted with RMB to obtain additional information on large lakes and their watersheds in the 3 counties. In Aitkin County we selected six lakes for intensive study. The lakes are: 1.Mille Lacs 2.Hill Lake 3.Rice Lake 4.Farm Island Lake 5.Cedar and 6.Gun Lake. This section follows the Priority Concerns Scoping Document. Ideally, we could complete such a detailed section for all of the lakes in Aitkin County. This may be too large of a task but we will move in that direction with several lakes and hope to expand that effort in cooperation with lake associations. This plan will be in effect from July 2009 until July 2014 (estimated dates).

The Aitkin County Water Planning Task Force mission statement is: ***"It is the mission of the Aitkin County Water Planning Task Force to promote responsible stewardship of water and land resources through education, incentives, and collaboration with individuals, groups and government entities."***

The Internet contains large quantities of water quality data, aerial photographs, and research results. Some of the applicable Internet sites will be referenced as part of this document. Where possible maps, charts and tables will replace or accompany written descriptions. This will be a concise, easy to understand and user-friendly Water Plan.

The Water Planning Task Force has been a success in Aitkin County. Task Force involvement and interest remains high and is a key factor in our continued success. This plan is intended to be flexible and to be modified by the Task Force Membership as needs and opportunities are identified.

The Water Planning Task Force prepared a Priority Concerns Scoping Document and identified five priority concerns.

1. **Surface Water Management**
2. **Land Use and Development**
3. **Ground Water Quality**
4. **Fish and Wildlife Habitat**
5. **Education**

We conduct regular monthly meetings and enjoy input from a good cross-section of citizens. This plan's emphasis will continue to be efforts that make a tangible, measurable difference in land and water use issues in Aitkin County. Incentive versus regulation, voluntary rather than mandatory,

these projects do the most for the effort and dollars expended. We are developing a Conservation Easement Program that will protect high value properties that are currently being compromised by rapidly increasing lakeshore values and development. We help fund and support the County's Shoreland Management Ordinance and the one to one contacts with lakeshore property owners. Native vegetation saved, soils kept in place and education of shoreland stewards are benefits of these personal contacts.

We have compiled a partial list of Water Planning Accomplishments for the years 1990 through 2009:

1. Education
    a. Assisted 40 Lake Associations w/170 informational newsletters
    b. Sent county-wide mailings (16000 recipients) three separate years
    c. Participated in contractor and real estate agent training
    d. Radio and newspaper articles
    e. Best management practices guidebooks
    f. User's Guide to Shoreland Management
2. Implementation
    a. Created Green Shores buffer program
    b. Maintained a 25 member Water plan Task Force
    c. Working with four schools to implement Riverwatch
    d. Established baseline water quality data on 36 lakes
    e. Averaged 250 contacts per year re: individual shoreland management
    f. Fiscal agent and staffing of the Big Sandy Watershed CWP
    g. Promotion of Forest Stewardship Planning
    h. Promote and assist with shoreline re-vegetation
    i. Sampling of lake bottom sediments for phosphorus recycling
    j. Encourage and fund ISTS upgrade program
    k. Fund the sealing of abandoned wells
    l. Monitor water levels (lakes and groundwater)
    m. Initiate a Conservation Easement program
    n. Assisting Mille Lacs Watershed project
    o. Received and administered several implementation grants
3. Ordinances
    a. Assist landowners with feedlot registration and information
    b. Shoreland ordinance updates
    c. Wetland Conservation Act support and assistance
    d. Participate in the Comprehensive Land Use Plan

4. Coordination
    e. Work with Federal, State and County agencies
    f. Geographic Information System

5. Conservation Easements
    a.Completed a 90 acre permanent conservation easement that includes all the private land surrounding two natural environment lakes
    b.Completed a 220 acre conservation easement that protects hundreds of feet of a stream that goes directly to Mille Lacs

c,Completed a 7 acre easement protecting a bluff and the outlet of the Prairie River at Big Sandy Lake

Prioritized activities for the next five years:

-Continue a strong LCWP Task Force and expand roles
-Increase public education/property owners/shoreland
-Implement the plan
-Continue funding projects
-Enforcement of Shoreland Ordinance (Zoning/Attorney)

-Maintain autonomy and a strong task force with diverse interests
-Education
-On the ground projects that make a measurable improvement
-Support, encourage and promote those groups, activities and agencies that share our goals

To sum up this plan, the focus will be on implementation goals for the next several years. Data will be presented in maps, charts and tables with accompanying narrative as required. We move forward with clearly defined and attainable goals.

Thank you.

Steve Hughes
Water Plan Coordinator

GUIDE TO AGENCY and ORGANIZATION ABBREVIATIONS

FSA	FARM SERVICE AGENCY
NRCS	NATURAL RESOURCE CONSERVATION SERVICE
SWCD	SOIL AND WATER CONSERVATION DISTRICT
DNR	DEPARTMENT OF NATURAL RESOURCES FISHERIES, WATERS, FORESTRY
ACLD	AITKIN COUNTY LAND DEPARTMENT
ACPZ	AITKIN COUNTY PLANNING AND ZONING
MN EXT	MINNESOTA EXTENSION SERVICE
MHB	MISSISSIPPI HEADWATERS BOARD
US F&WS	UNITED STATES FISH & WILDLIFE SERVICE
ACOE	UNITED STATES ARMY CORPS OF ENGINEERS
BWSR	MN BOARD OF WATER AND SOIL RESOURCES
LSOHC	LESSARD SAMS OUTDOOR HERITAGE COUNCIL
MPCA	MINNESOTA POLLUTION CONTROL AGENCY
CWL	CLEAN WATER LEGACY

A PARTIAL LIST OF USEFUL WEBSITES

www.bwsr.state.mn.us
www.dnr.state.mn.us
www.ardc.org
www.mhbriverwatch.dst.mn.us
www.crh.noace.gov
www.riverwatch.noaa.gov
www.pca.state.mn.us
www.co.aitkin.mn.us
www.usace.army.mil
mn.usgs.gov
www.aitkinswcd.com

Section II.
AITKIN COUNTY WATER PLANNING PRIORITY CONCERNS SCOPING DOCUMENT
JUNE 2008

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Aitkin County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on July 9, 2009, 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 3, 2008, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Aitkin County, pursuant to M.S. Section 103B.312.

2) On August 13, 2008, the BWSR North Region Water Plan Review Committee met with representatives of Aitkin County to review the Priority Concerns Scoping Document.

3) On August 28, 2008, the Board of Water and Soil Resources approved official comments on the Aitkin County Priority Concerns Scoping Document, which were mailed to the county on August 28, 2008.

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

- Surface Water Management
- Land Use and Development
- Groundwater Quality
- Fish and Wildlife Habitat
- Education

5) On July 7, 2009, the BWSR received the **Aitkin** County Plan Update, for final State review pursuant to M.S. Section 103B.315, Subd. 5.

6) On August 12, 2009, the North Region Water Plan Review Committee of the board reviewed the recommendations of the state review agencies regarding final approval of the Aitkin County Plan Update. Recommendations of the state review agencies were:

A) Minnesota Pollution Control Agency: recommended approval;
B) Minnesota Department of Agriculture: recommended approval;
C) Minnesota Department of Health: recommended approval;
D) Minnesota Department of Natural Resources: recommended approval;
E) Minnesota Board of Water and Soil Resources staff: recommended approval;
F) Board Water Plan Review Committee recommended approval.

7) This update will be in effect for a five year period until August 27, 2014.

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 Aitkin County pursuant to Minnesota Statutes, 103B.315, Subd. 5.

2. The Aitkin 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 Aitkin County Local Water Management Plan – August 7, 2009 to August 27, 2014.

Dated at Winona, Minnesota, this twenty-seventh day of August 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

DATE: August 3, 2009

TO: BWSR Northern Plan Review Committee

FROM: Dan Steward, Board Conservationist

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

The original Morrison County Local Water Management Plan (LWMP) was approved in 1990. The first update to the original plan was completed in 1995. The current or third generation water plan would have expired May 28, 2008. Morrison County is developing their updated Plan under a BWSR extension that extends the Plan to May 28, 2010.

Since the county began development of their original water plan in 1989, the county has delegated implementation of the LWMP to the Morrison County Planning and Zoning Department. In April 2009, due to funding and staff constraints, Morrison County contracted with the Soil and Water Conservation District to update the water plan.

On October 23, 2007, the Morrison County Board of Commissioners passed a resolution to update the LWMP.

On June 29, 2009, Morrison County submitted their Priority Concerns Scoping Document (PCSD) to the Board of Water and Soil Resources for review. The attached Morrison County PCSD identifies the following priority concerns, and proposes the update be focused on these three water management issues.

1. Protect the Quality and Manage the Quantity of Groundwater Resources
2. Protect the Quality and Manage the Quantity of Surface Water Resources
3. Promote and Implement Sound Land Use Practices that Reduce the Impacts on all Water Resources

The County used the following process to develop the PCSD:

- On March 2, 2009, the county sent out written notice to interested parties of the intent to update. Parties were also asked to submit water related conflicts, problems or opportunities, and were asked to fill out a survey. 26 surveys were returned.

- On April 16, 2009 a meeting with BWSR board conservationist Dan Steward was held.

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- On May 17, 2009, a citizen input survey was published in the Morrison County Record and the Morrison County website. 49 citizen surveys were returned.

- On May 20, 2009 a radio spot was conducted regarding the counties intent to update the water plan, and promoting the citizen survey.

- The Morrison County Water Plan Task Force met on May 5, May 27, and June 10, to discuss the input received from the public, and the priority concerns.

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

- BWSR: Groundwater Quality Protection, Lake water quality protection, Inventory of water quality priorities adjacent to the Mississippi River.

- MPCA: Feedlot runoff, Sediment and stormwater erosion, Impaired waters, Irrigation practices, and Surface water quality.

- DNR: Floodwaters, Impaired waters, Groundwater data collection, Local coordination, Watershed land use, Irrigation practices, and Surface water quality.

- MDA: Surface and groundwater protection from agricultural chemical use.

On June 29, 2009 the PCSD was sent to the required state agencies for review. Agencies were asked to send comments to Ron Shelito by July 29, 2009; the following agency comments were received:

MPCA: The MPCA in its comments on the PCSD concurred with the priority concerns selected by the county. The MPCA offered two comments, one related to their Environmental Data Access System, and the other regarding the five impaired waters in the county. The MPCA appreciated the opportunity to serve on the technical committee, and noted that the task force has put much thought and effort into the PCSD, and has shown a commitment to move the plan ahead.

MDA: The MDA in its comments on the PCSD concurred with the priority concerns selected by the county.

After reviewing the PCSD submitted by Morrison County along with the comments provided by the review agencies, I conclude that the guidance requirements have been met. Any other agency comments that are received by the committee meeting will be discussed at the meeting. The SWCD is to be commended for agreeing to update the water plan on short notice, and building a good public input process to provide the task force with input. I recommend the committee approve the PCSD for Morrison County.

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Minnesota Board of Water & Soil Resources

1601 Minnesota Drive, Brainerd, MN 56401

August 27, 2009

Morrison County Commissioners
C/O Helen McLennan, Morrison Soil and Water Conservation District
16776 Heron Road
Little Falls, MN 56345

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

Dear Morrison County Commissioners:

Pursuant to M.S. section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Morrison 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 Morrison County Priority Concerns Scoping Document (PCSD) on June 29, 2009, and asked comments be sent by July 29. 2009, to Ron Shelito, BWSR Regional Supervisor.

Several water resources concerns were submitted to the Morrison 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. Protect the Quality and Manage the Quantity of Groundwater Resources
2. Protect the Quality and Manage the Quantity of Surface Water Resources
3. Promote and Implement Sound Land Use Practices that Reduce the Impacts on all Water Resources

The Minnesota Department of Agriculture concurred with the priority concerns identified. The MPCA also concurred with the priority concerns identified.

On August 12, 2009, the Northern Regional Water Resources Subcommittee (hereinafter referred to as the subcommittee) met with the Morrison County/SWCD representatives to discuss local water management activities within Morrison County, the process used to gather public input, the content of the PCSD, the state review agency comments and recommendations for the content of the final plan.

Based on the subcommittee's recommendations, the Board of Water and Soil Resources commends

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Morrison 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. BWSR encourages Morrison 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

cc: Dan Steward, BWSR
Ron Shelito, BWSR
Wayne Edgerton, DNR
Lisa Thorvig, PCA
John Wells, EQB
Becky Balk, MDA
Beth Kluthe, MDH

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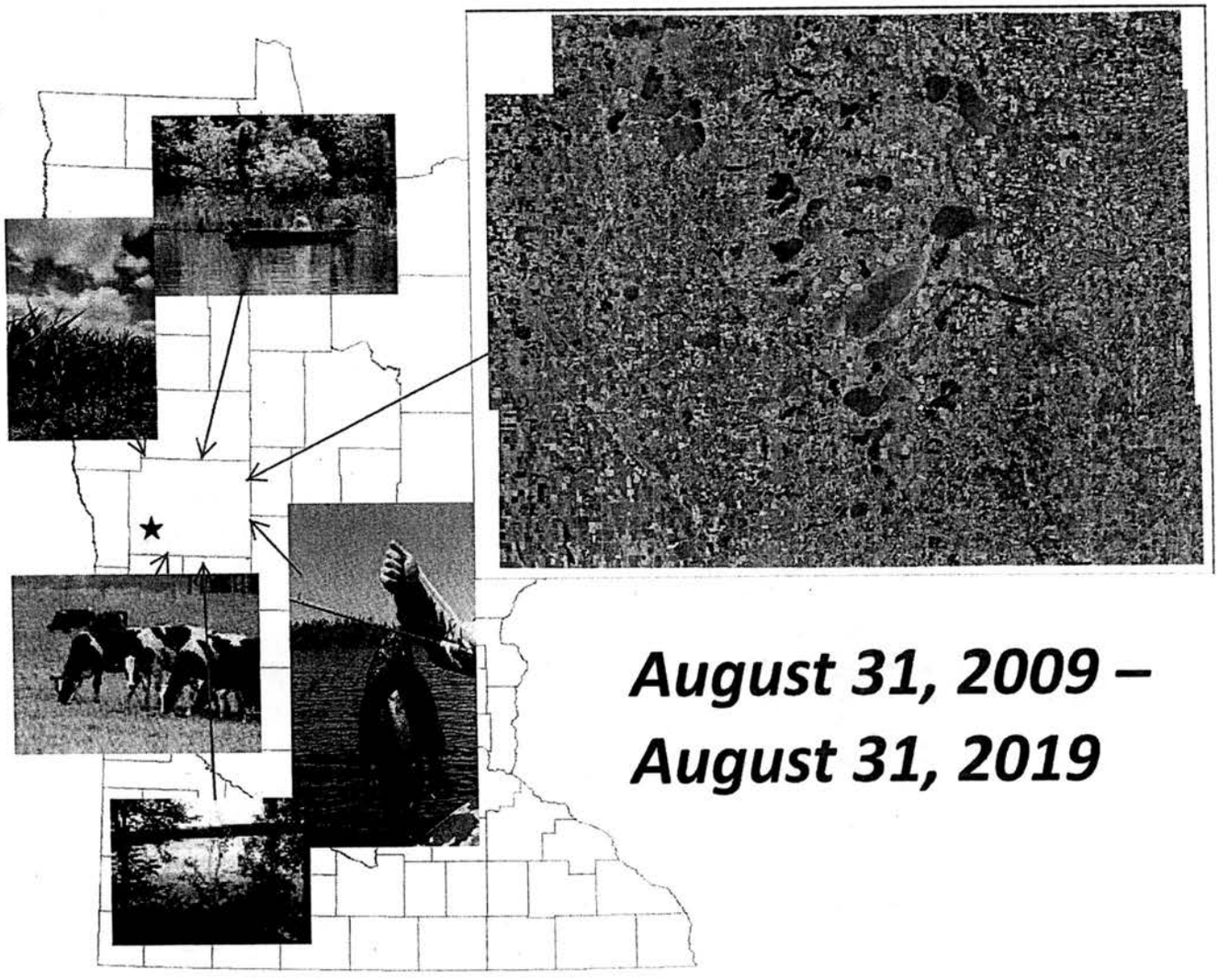
Otter Tail County

Local Water Management Plan



August 31, 2009 – August 31, 2019

BAYERL WATER RESOURCES

Prepared by Bayerl Water Resources, with mapping by Otter Tail County GIS Department and BWSR and technical assistance from the LWMP task force

I. Executive Summary

The priority concerns of the residents of Otter Tail County have been well documented through a survey process and two public meetings conducted for that purpose. Each of these concerns will be addressed at length in this plan, with emphasis on surface and groundwater resources. These two resources were identified by survey as the most threatened. The Priority Concerns Scoping Document can be found, in its entirety, in the Appendix of this plan.

A. Background

Otter Tail County is located in west-central Minnesota amid the sandy glacial outwash plain with gently rolling hills. Along the northwestern and southeastern edges lie steeper hills and bluffs. The majority of the county's 1,048 lakes are formed in the sandy areas. The Pelican and Otter Tail Rivers flow to the west in the Red River Watershed, then north to Hudson Bay. The Leaf River starts north of Henning and flows to the Red Eye River and out the eastern edge to the Upper Mississippi River, while the Pomme de Terre and Chippewa Rivers headwater in the southwest corner and flow to the Minnesota River. Both the Upper Mississippi and the Minnesota Rivers end up in the Gulf of Mexico. The continental divide runs along the major basin boundaries. The City of Fergus Falls is the county seat. The population in Otter Tail County between 1990 and 2000 has increased by 12.7%. The number of households has risen 16.2%, from 19,510 in 1990 to 22,671 in 2000. A greater than 40% increase in population is predicted throughout the county. Development is occurring mainly around the lakes and greater than 50% growth is predicted in Perham, Pelican Rapids, Otter Tail and New York Mills.

Agriculture, in the form of cultivated land is the dominant land use within the county. In the past twenty years, cultivated land has decreased and grasslands have doubled. The county acreage includes 12% water and 4.7% wetlands classification.

Otter Tail County's Local Water Management Plan (LWMP) is implemented by the Soil and Water Conservation Districts. Due to the size of the county, it is split into the East and West Otter Tail SWCD. Currently, the administration of the LWMP is the responsibility of East Otter Tail Office Manager, with support from the West Otter Tail District Manager. The original LWMP was formally adopted on October 10, 1990. The responsible government unit for implementation of the original plan was the Land and Resource Management Department. Two plan revisions have been implemented since then. This third revision will be implemented by August 31, 2009.

B. Plan Purpose

The purpose of this LWMP is to identify existing and potential problems and opportunities for protection, management and development of water resources and related land resources in Otter Tail County. Pursuant to the requirements of Minn. Stat. 103B.311subd., the five requirements of this plan are as follows:

1. The plan must cover the entire county.
2. The plan must address problems in the context of watershed units and groundwater systems.
3. The plan must be based upon principals of sound hydrologic management of water, effective environmental protection, and efficient management.
4. The plan must be consistent with local water management plans prepared by counties and watershed management organizations wholly or partially within a single watershed unit or ground water system.

5. The plan will be effective for a ten year period until August 31, 2019; with the Goals, Objectives & Action Items amended by August 31, 2014.

Changing development patterns and economic growth will eventually create more pressure on natural resources and impact agricultural, water resources and recreational needs of Otter Tail County residents.

C. Description of Priority Concerns

Following a series of two public participation meetings in Otter Tail County, priority concerns were established. These meetings were facilitated with both a survey of perceived threatened resources and problems within the county and an active participation process to address these problems. From this process, Development Pressure was identified as the over-reaching issue for Otter Tail County. Based on this premise, the following priority concerns were identified:

1. Surface Water Quality Issues
    a. Water Quality Issues
        i. Total Maximum Daily Load Allocations, Shallow, smaller lakes, Sensitive bay, Need for shoreland specialist to work with lakeshore properties
    b. Regulatory Issues
        i. Lake re-classification, Alternative shoreland rules, Agricultural rules, Support state-wide process, Agriculture advisory task force
2. Groundwater Issues:
    a. Quality Issues:
        i. Fertilizer application, Reductions in CRP acres
    b. Quantity Issues:
        i. Pumping to other watersheds, Ethanol plants, Increased demand for irrigation water

These issues will be the focus in the establishment of goals, objectives and strategies for implementation.

D. Consistency of plan with other pertinent local, state, and regional plans

Numerous plans were considered in the completion of this document. Major basin plans include the Minnesota Red River Basin Water Quality Plan, Upper Mississippi Basin Plan and the Minnesota River Basin Plan. Watershed District Plans include the Buffalo-Red and Bois de Sioux. Watershed joint-powers and associations with plans include the Otter Tail River, the Pomme de Terre River, and the Chippewa River Watersheds. Wellhead protection plans from the cities of Perham and Parkers Prairie were reviewed for appropriate strategies; as well as plans from the Pelican Group of Lakes Improvement District, Long Range Planning Task Force report and recommendations, "Building Local Partnerships for Managing Water Resources in Otter Tail County", and US Fish and Wildlife Service Comprehensive Conservation Plan and Environmental Assessment. These plans were reviewed for compatibility and collaboration. Otter Tail County Local Water Management Plan update has utilized appropriate action items to support these plans, and is consistent with the data and goals presented therein.

E. Recommendations to Other Plans and Official Controls

The Otter Tail County Local Water Management task force supports the statewide revision of the Shoreland Regulations. It was the feeling of the general public, supported by the task force, that the existing regulations do not adequately preserve the sensitive shorelines that are still undeveloped.

B. Goals, Objectives and Actions addressing Priority Concerns

The Otter Tail County Local Water Management Task Force has hosted four public input meetings to find out citizen concerns. These meetings resulted in the Priority Concerns Scoping Document, and the development of the following priority issues:

DEVELOPMENT PRESSURES

- ***Surface Water Issues***
  - *Surface Water Quality*
  - *Regulatory Issues*
- ***Groundwater Issues***
  - *Groundwater Quality*
  - *Groundwater Quantity*

The development of the **goals** and **objectives** within this chapter defines broad directions that county residents who participated in the public forum of the Local Water Management planning process wish to pursue to protect their resources. **Action** items describe specific measures that the county will implement, with assistance from appropriate state and federal agencies, to achieve the goals and objectives. Goals may have one or more objectives.

The goals, objectives and action items listed provide the guidance for day-to-day operations of Otter Tail County Soil and Water Conservation Districts, Land and Resource Management, Local Water Management Task Force and State and Local Government Units. This document will provide assistance in annual budgeting and in grant writing decisions.

CHAPTER DEFINITIONS: Abbreviations used throughout this chapter are defined as follows:

BMP	= Best Management Practices	**LWMP**	= Local Water Management Plan
BWSR	= Board of Water and Soil Resources	**MDA**	= Minnesota Department of Agriculture
COLA	= Otter Tail County Coalition of Lake Associations	**MDH**	= Minnesota Department of Health
		MW	= Minnesota Waters
CRP	=Conservation Reserve Program	**MPCA**	= Minnesota Pollution Control Agency
DNR	= Minnesota Department of Natural Resources	**NRCS**	= Natural Resource Conservation Service
		RIM	= Reinvest in Minnesota
DU	= Ducks Unlimited	**PF**	= Pheasants Forever
EOTSWCD	= East Otter Tail Soil and Water Conservation District	**SS**	= Shoreland Specialist
		SSTS	= Sub-surface Sewage Treatment System
EQIP	= Environmental Quality Incentives Program	**SWCD**	= Soil and Water Conservation District
		USFWS	= United States Fish and Wildlife Service
FFA	= Future Farmers of America	**WOTSWCD**	= West Otter Tail Soil and Water Conservation District
GIS	= Otter Tail County Geographic Information Systems Department	**WHIP**	= Wildlife Habitat Incentive Program
LA	= Lake Associations	**WLI**	= Working Lands Initiative
LID	= Lake Improvement District	**WRP**	= Wetland Reserve Program
LRM	= Otter Tail County Land and Resource Management Department		

OTTER TAIL COUNTY OVERALL PRIORITY: DEVELOPMENT PRESSURES

Surface Water Priority Issues:

Water Quality Goal: Otter Tail County will maintain or improve the quality of the surface waters within their boundaries.

Water Quality Objectives:

1. Total Maximum Daily Load Allocations: *Address current impaired waters within Otter Tail County.*

Action

a) *Participate in the development of TMDLs as determined by the 303(d) listing of impaired waters (Otter Tail River from Rice Lake to Mud Lake for dissolved oxygen and West Spirit Lake for Total Phosphorus). Provide BMP information to the Chippewa and Pomme de Terre watershed projects for implementation practices on impairments downstream of Otter Tail County. The Otter Tail County Board, SWCD and/or LWMP will attend meetings and provide input in the writing of TMDLs.*

Timeline: 10 years
Agency (Who): MPCA, DNR, LWMP, SWCDs, Otter Tail County, Chippewa and Pomme de Terre Watershed Projects
Cost: Agency and staff time

b) *Develop and implement a method to determine the existence of additional impaired waters.*

Timeline: 2010, then on-going
Agency (Who): SWCDs, BWSR, SS, COLA and MPCA
Cost: $2,500 per year plus staff time

c) *Work with the MPCA on the development of a TMDL for Nutrient/Eutrophication and Biological Indicators (Total Phosphorus) for West Spirit Lake.*

Timeline: 2010
Agency (Who): SWCDs, SS, DNR, BWSR and MPCA
Cost: Staff time

d) *Review monitoring assessments by Chippewa and Pomme de Terre watershed organizations to determine effectiveness of BMPs.*

Timeline: 2 years
Agency (Who): LRM, COLA, and DNR
Cost: Staff time

e) *Pursue Surface Water Assessment grants and investigate the feasibility of high school students completing surface water monitoring.*

Timeline: 2010, on-going
Agency (Who): MPCA, COLA, SWCDs, SS, High School Teachers
Cost: $6,000 to $8,000 start-up per site. Target 4 to 6 sites. $24,000 to $42,000

2. Lake Association Support: *Support lake associations and the Otter Tail County COLA to protect and preserve the lakes and lakeshed environment.*

Action

a) Continue to support Shoreland Specialist position at EOTSWCD to provide the lake associations with an advocate and advisory contact.

Timeline: On-going
Agency (Who): SWCDs, BWSR, Otter Tail County Board, LWMP
Cost: $465,382 (avg. $46,538 per year)

b) Continue annual workshops through the Otter Tail COLA, teaching lakeshore property owners lakescaping BMPs.

Timeline: 10 years
Agency (Who): SS, BWSR, COLA
Cost: $250 per year plus staff and volunteer time

c) Provide mailings to smaller lakes in Otter Tail County to promote pro-active development and land use within their lakesheds. Notify lake associations of training available through MN Waters.

Timeline: 2009 then re-assess
Agency (Who): LRM, COLA, BWSR, SS
Cost: $500 per year printing and mailing costs

d) Work with Otter Tail COLA and MPCA to add 5-10 lakes per year to their monitoring program. Ensure all data is entered into MPCA STORET system. Fund monitoring on smaller lakes as available.

Timeline: 10 years
Agency (Who): COLA, BWSR, SS, MPCA, LA
Cost: Up to $2,000 per year

e) Continue connection with stakeholders such as BWSR, MDA, MDH, MPCA, DNR, LIDs, and Watershed Districts; completing studies in Otter Tail County and list available data sources on Otter Tail County's website.

Timeline: On-going
Agency (Who): GIS and DNR
Cost: Staff time

f) Set-up and participate in existing environmental education programs for youth such as the envirothon, conservation days, lake management curriculum, ag-in-the-classroom, conservation camps for kids (pheasants forever), prairie wetlands center programs, FFA, 4-H.

Timeline: On-going
Agency (Who): LWMP task force, PF, area high schools, and extension
Cost: Staff and volunteer time

g) *Pursue funding sources for display media to be made available to area restaurants encouraging Best Management Practices for city, lakes, agriculture and residential property. Identify need for phosphorus free fertilizer and present facts to property owners.*

Timeline: Every two years
Agency (Who): COLA, BWSR, SS, LWMP
Cost: Up to $400 every 2 years

h) *Work with Otter Tail County Lake Associations on completion and implementation of Lake Management Plans.*

Timeline: On-going
Agency (Who): SS, LWMP, MPCA, DNR, BWSR, GIS, SWCD, LRM
Cost: Staff time

i) *Update information brochure listing agencies and organizations responsible for available information with person, phone number, and web page.*

Timeline: 2014
Agency (Who): COLA and LWMP task force
Cost: Volunteer time plus $200 printing costs

j) *Support the completion of aquatic vegetation mapping on priority lakes in Otter Tail County (52 lakes completed to date). Re-assess for changes after completion.*

Timeline: On-going
Agency (Who): DNR, LRM, SS, GIS
Cost: $15,000 per year

k) *Maintain Local Water Management Update on county web site.*

Timeline: 2009
Agency (Who): GIS, LRM
Cost: Staff time

l) *Hold annual water plan meeting with presentation of accomplishments and work plan for upcoming year.*

Timeline: Annually
Agency (Who): EOTSWCD
Cost: Staff time

3. Stormwater/Drainage Management: *Offer education and incentive programs aimed at mitigating the effects of overland runoff on the surface waters of Otter Tail County, utilizing available regulations if necessary.*

Action

a) *Coordinate with the Bois de Sioux Watershed District to increase water storage through water retention structures and non-structures, and other temporary and permanent structures in the Mustinka and Bois de Sioux watershed.*

Timeline: On-going
Agency (Who): WOTSWCD
Cost: Staff time

b) *Coordinate with the Buffalo-Red River Watershed District to increase water storage through water retention structures and other temporary and permanent structures within the watershed.*

Timeline: On-going
Agency (Who): WOTSWCD
Cost: Staff time

c) *Support DNR and local government efforts in establishing and/or maintaining lake levels at appropriate elevations, creating outlets and discharge conditions with regard to water quality and quantity issues pursuant to MN Rules 6115.0221.*

Timeline: On-going
Agency (Who): DNR, Lake Associations, LIDs, COLA, LRM, LWMP
Cost: Staff time

d) *Provide incentive funding for high priority buffer strips where appropriate along water courses and basins.*

Timeline: On-going
Agency (Who): SWCD, BWSR, NRCS, DNR, PF
Cost: Up to $25,000 per year

e) *Enforce existing lakeshore buffer regulations on new developments. Provide buffer incentives for existing lakeshore owners through DNR Shoreland Initiative Grant.*

Timeline: On-going
Agency (Who): LRM, DNR and WOTSWCD
Cost: Staff time and up to $20,000

f) *Enforce existing required buffer area between rivers / streams / lakes and Ag fields and existing requirement for vegetation on steep slopes and bluffs.*

Timeline: On-going
Agency (Who): LRM and DNR
Cost: Staff time

g) *Reward existing BMPs through the Conservation Security Program in eligible watersheds as funding allows.*

Timeline: On-going
Agency (Who): SWCD, NRCS, BWSR
Cost: Staff time

h) *Pursue funding for perpetual easements on developments around sensitive areas.*

Timeline: On-going
Agency (Who): SWCD, BWSR, NRCS
Cost: Staff time

i) *Support 20 no-till farming practices / year through cost-share incentives such as EQIP.*

Timeline: On-going
Agency (Who): NRCS
Cost: Staff time

j) *Map the county ditch system and scan old documents into digital data.*

Timeline: 5 years
Agency (Who): LRM, GIS, BWSR
Cost: $20,000 for scanning

k) *Support adoption of an annual assessment maintenance fund for each county ditch.*

Timeline: 2009
Agency (Who): LWMP, COLA, GIS, County Auditor, LRM
Cost: Staff time

4. Wetlands/Wildlife Habitat: *Identify and protect wetland and wildlife habitat areas located within Otter Tail County.*

Action

a) *Enhance existing and new wetland restoration and buffers programs such as CRP, WHIP, WLI, RIMWR and USFWS. Promote wetlands within the shoreland and groundwater recharge areas.*

Timeline: On-going
Agency (Who): WOTSWCD, NRCS, BWSR
Cost: $50,000 per year

b) *Restore 1000 - 2000 acres of wetland and wildlife habitat annually.*

Timeline: On-going
Agency (Who): East and West Otter Tail SWCD
Cost: Staff time

Regulatory Issues Goal: Develop regulations, education and incentives to ensure orderly development with minimal impacts to sensitive areas to preserve Otter Tail County's natural resources.

Regulatory Issues Objectives:

1. Sensitive areas: *Develop a model to identify areas sensitive to intensive development throughout Otter Tail County.*

Action

a) *Explore available sensitivity models being utilized by other counties and work with LRM, Eagle Lake Township and Dead Lake to determine feasibility of use as a lake districting pilot project, for potential use in county-wide land use planning.*

Timeline: 2009 - 2013
Agency (Who): LRM, GIS, Eagle Lake Township, Dead Lake Association, BWSR
Cost: Staff time / GIS / $50,000

b) *Develop Lake Districting county-wide to protect sensitive areas from degradation due to overdevelopment.*

Timeline: 2009 and on-going
Agency (Who): LRM, DNR, Lake Associations
Cost: $10,000

c) *Request DNR re-classification of 203 lakes in Otter Tail County. Adopt and implement re-classification of lakes 150 acres or less in size from General or Recreational Development to Natural Environment Shoreline.*

Timeline: 2009
Agency (Who): LRM, DNR
Cost: Staff time

d) *Participate in and support state-wide process of shoreland rulemaking and support adoption of new rules when approved by the State.*

Timeline: 2009-2010
Agency (Who): LRM, COLA, and DNR
Cost: Staff time

e) *Educate the decision makers of Otter Tail County by pursuing funding to bring training to the decision makers locally.*

Timeline: 2009-2010
Agency (Who): LRM, COLA, SWCDs, County Board, Planning Advisory Commission, Board of Adjustment
Cost: $3,000 to $5,000

2. Agriculture: *Support the Agriculture Advisory Task Force and their recommendations to the Otter Tail County Board regarding regulation of agriculture practices.*

Action

a) *Actively participate as a member of the Ag Advisory Task Force. Support the recommendation of the need for a long-range county comprehensive plan and investigate the obstacles preventing it from happening.*

Timeline: 2010-2012
Agency (Who): LRM, COLA, SWCD
Cost: Staff time

b) *Support county delegation for feedlots by informing the County Board of the program, and the feasibility of one designated feedlot officer and technical support staff to complete inventory through MPCA feedlot program, and administer the program.*

Timeline: 2009-2012
Agency (Who): SWCD, BWSR, LWMP, Ag Advisory Task Force
Cost: $120,000

c) *Support the adoption of the agriculture rules included in the new State Shoreland Rules.*

Timeline: 2010-2011
Agency (Who): LRM, DNR, Otter Tail County Board, SWCD
Cost: Staff time

3. Sub-surface Sewage Treatment: *Promote county-wide Sub-surface Sewage Treatment System compliance through systematic inspection, education and regulation.*

Action

a) *Continue systematic Sub-surface Sewage Treatment System (SSTS) inspection around the shorelines of Otter Tail County Lakes. Target lakes identified in Section II:*

Timeline: On-going
Agency (Who): LRM and LWMP task force
Cost: $15,000 - $20,000 annually

b) *Support the county adoption of the new SSTS rules in 2010, requiring system certification every three years.*

Timeline: 2010 - 2011
Agency (Who): LWMP task force and LRM
Cost: Staff / volunteer time

c) *Utilize Extension products to develop maintenance fact sheet to be issued with 800-plus compliance letters on SSTS.*

Timeline: Annually
Agency (Who): LRM and Extension
Cost: $500 per year

d) *Facilitate land-owners meetings to encourage cluster systems with maintenance agreements in sensitive areas, moving the disposal site away from inadequate soils.*

Timeline: On-going
Agency (Who): LRM
Cost: Staff time

e) *Continue low interest loan program for failing septic systems. Prioritize sensitive areas such as high water table, wellhead protection area, excessively sandy or heavy soils.*

Timeline: On-going
Agency (Who): East and West Otter Tail SWCD
Cost: Staff time

Groundwater Priority Issues:

Groundwater Quality Goal: Otter Tail County will protect the existing groundwater quality for drinking water purposes.

Groundwater Quality Objectives:

1. Sourcewater Protection: *Otter Tail County will participate in the preservation of the quality of the drinking water supply resources.*

Action

a) *Participate on wellhead/source water protection teams during the development and implementation of Wellhead Protection Plans.*

Timeline: On-going
Agency (Who): SWCD, MDH, LRM
Cost: Staff time

b) *Identify Wellhead Protection Areas on a County GIS map layer.*

Timeline: 2009, update annually
Agency (Who): GIS Department
Cost: Staff time

c) *Conduct four Nitrate testing clinics (Otter Tail, New York Mills, Fergus Falls, and Perham) per year through MDA and cooperative efforts with lake associations and communities.*

Timeline: On-going
Agency (Who): EOTSWCD and MDA
Cost: Staff time with equipment provided by MDA

d) *As part of the Nitrate testing clinics, distribute handouts to inform landowners of potential causes of contamination from arsenic, whether artificial or natural and available testing for groundwater.*

Timeline: On-going
Agency (Who): EOTSWCD
Cost: Staff time

e) *Encourage the DNR to work with the local unit of government to incorporate conservation practices with irrigation permits within sensitive groundwater areas.*

Timeline: On-going
Agency (Who): SWCD
Cost: Staff time

f) *Coordinate groundwater monitoring results throughout the county and request MDH presentation of information every two years to the LWMP task force and county board per the sand plain agreement with MDH.*

Timeline: On-going
Agency (Who): EOTSWCD, MDA and MDH
Cost: Staff time

g) *Cost-share up to 75% toward sealing of abandoned wells. Prioritize wellhead protection, groundwater recharge, and other sensitive areas for funding.*

Timeline: On-going
Agency (Who): SWCD, BWSR, MDH
Cost: $2,000 - $3,000 per year

h) *Continue low interest loan program for failing SSTS. Prioritize sensitive areas such as high water table, wellhead protection area, excessively sandy or heavy soils.*

Timeline: On-going
Agency (Who): SWCD, BWSR
Cost: Staff time

i) *Promote education of the general public on chemical/fertilizer use and BMPs through EOTSWCD, WOTSWCD and Extension newsletters, and articles in the local newspapers.*

Timeline: Annually
Agency (Who): WOTSWCD and Extension
Cost: Staff time

j) *Develop and implement 20 Nutrient Management Plans annually to prevent over-application of livestock and commercial fertilizer.*

Timeline: On-going
Agency (Who): NRCS
Cost: Staff time

Groundwater Quantity Goal: Otter Tail County will work to maintain the existing adequate volumes of groundwater for the use of the constituents.
Groundwater Quality Objectives:

1. *Preservation of Aquifer volume:* *Preserve the adequacy of the groundwater volume through education, incentive and regulation.*

a) *Address the Otter Tail County Commissioners and the East and West Otter Tail SWCD Boards resolutions to prevent movement of groundwater from within the boundaries of the county to other major watersheds.*

Timeline: On-going
Agency (Who): SWCD
Cost: Staff time

b) *Investigate and comment on future proposed ethanol plants for volume of surface and/or groundwater needed and the capacity of the aquifer or surface water system.*

Timeline: On-going
Agency (Who): DNR, SWCD
Cost: Staff time

c) *Work with irrigators within the county on utilizing BMPs to reduce the irrigation needs.*

Timeline: On-going
Agency (Who): SWCD and MDA
Cost: Staff time

d) *Develop a program to educate the public and support the sustainability of the aquifer resources in Otter Tail County.*

Timeline: On-going
Agency (Who): SWCD, DNR
Cost: Staff time

Surface Water Priority Issues

Water Quality Goal: Otter Tail County will maintain or improve the quality of the surface waters within their boundaries.

Objective 1: Total Maximum Daily Load Allocations: Address current impaired waters within Otter Tail County.

	Action	Priority Subwatershed	Proposed Time Frame	Coordinating Agencies *Lead Agency	Estimated Cost
a)	Participate in the development of TMDLs as determined by the 303(d) listing of impaired waters (Otter Tail River from Rice Lake to Mud Lake for dissolved oxygen and West Spirit Lake for Total Phosphorus). Provide BMP information to the Chippewa and Pomme de Terre watershed projects for implementation practices on impairments downstream of Otter Tail County. The Otter Tail County Board, SWCD and/or LWMP will attend meetings and provide input in the writing of TMDLs.	Otter Tail River, Chippewa River, Pomme de Terre River	2009 - 2019	*MPCA, DNR, LWMP, SWCDs, Otter Tail County, Chippewa and Pomme de Terre Watershed Projects	Agency and Staff time
b)	Develop and implement a method to determine the existence of additional impaired waters.	All	2010 - 2019	*SWCDs, BWSR, SS, COLA, MPCA	$25,000
c)	*Work with the MPCA on the development of a TMDL for Nutrient/Eutrophication and Biological Indicators (Total Phosphorus) for West Spirit Lake.*	Otter Tail River	2010	*MPCA,SWCDs, SS, BWSR	Staff time
d)	*Review monitoring assessments by Chippewa and Pomme de Terre watershed organizations to determine effectiveness of BMPs.*	Chippewa and Pomme de Terre River	2010 - 2012	*LRM, COLA, DNR	Staff time
e)	*Pursue Surface Water Assessment grants and investigate the feasibility of high school students completing surface water monitoring.*	Otter Tail River	2010 - 2019	*SWCDs, MPCA, COLA, SS, HS teachers	$42,000

Objective 2: Lake Association Support: Support lake associations and the Otter Tail County COLA to protect and preserve the lakes and lakeshed environment.

a)	*Continue to support Shoreland Specialist position at EOTSWCD to provide the lake associations with an advocate and advisory contact.*	All	2009 - 2019	*SWCD, BWSR, LWMP, Otter Tail County Board	$465,382
b)	*Continue annual workshops through the Otter Tail COLA, teaching lakeshore property owners lakescaping BMPs.*	All	2009 - 2019	*COLA, SS, BWSR	$2,500
c)	*Provide mailings to smaller lakes in Otter Tail County to promote pro-active development and land use within their lakesheds. Notify lake associations of training available through MN Waters.*	All	2009 - 2019	*COLA, LRM, BWSR, SS	$5,000
d)	*Work with Otter Tail COLA and MPCA to add 5-10 lakes per year to their monitoring program. Ensure all data is entered into MPCA STORET system. Fund monitoring on smaller lakes as available.*	All	2009 - 2019	*SS, COLA, LA, BWSR, MPCA	$20,000
e)	*Continue connection with stakeholders such as BWSR, MDA, MDH, MPCA, DNR, LIDs, and Watershed Districts; completing studies in Otter Tail County and list available data sources on Otter Tail County's website.*	All	2009 - 2019	*GIS, DNR	Staff time
f)	*Set-up and participate in existing environmental education programs for youth such as the envirothon, conservation days, lake management curriculum, ag-in-the-classroom, conservation camps for kids (pheasants forever), prairie wetlands center programs, FFA, 4-H.*	All	2009 - 2019	*LWMP task force, area high schools, extension, PF	Staff and Volunteer time

	Action	Priority Subwatershed	Proposed Time Frame	Coordinating Agencies *Lead Agency	Estimated Cost
g)	*Pursue funding sources for display media to be made available to area restaurants encouraging Best Management Practices for city, lakes, agriculture and residential property. Identify need for phosphorus free fertilizer and present facts to property owners.*	All	2009 - 2019 even years	*COLA, BWSR, SS, LWMP	$2,000
h)	*Work with Otter Tail County Lake Associations on completion and implementation of Lake Management Plans.*	All	2009 - 2019	*SS, LWMP, MPCA, DNR, BWSR, GIS, SWCD, LRM	Staff time
i)	*Update information brochure listing agencies and organizations responsible for available information with person, phone number, and web page.*	All	2014	*COLA, LWMP task force	$200
j)	*Support the completion of aquatic vegetation mapping on priority lakes in Otter Tail County (52 lakes completed to date). Re-assess for changes after completion.*	All	2009 - 2019	*LRM, DNR, SS,GIS	$150,000
k)	*Maintain Local Water Management Update on county web site.*	All	2009 - 2019	*GIS, LRM	Staff time
l)	*Hold annual water plan meeting with presentation of accomplishments and work plan for upcoming year.*	All	2009 - 2019	*EOTSWCD	staff time
Objective 3: Stormwater / Drainage Management: Offer education and incentive programs aimed at mitigating the effects of overland runoff on the surface waters of Otter Tail County, utilizing available regulations if necessary.					
a)	*Coordinate with the Bois de Sioux Watershed District to increase water storage through water retention structures and non-structures, and other temporary and permanent structures in the Mustinka and Bois de Sioux watershed.*	Bois de Sioux, Mustinka	2009 - 2019	*WOTSWCD	Staff time
b)	*Coordinate with the Buffalo-Red River Watershed District to increase water storage through water retention structures and other temporary and permanent structures within the watershed.*	Buffalo-Red	2009 - 2019	*WOTSWCD	Staff time
c)	*Support DNR and local government efforts in establishing and/or maintaining lake levels at appropriate elevations, creating outlets and discharge conditions with regard to water quality and quantity issues pursuant to MN Rules 6115.0221.*	All	2009 - 2019	*DNR, LA, LIDs, COLA, LRM, LWMP	Staff time
d)	*Provide incentive funding for high priority buffer strips where appropriate along water courses and basins.*	All	2009 - 2019	*SWCD, BWSR, NRCS, DNR, PF	$250,000
e)	*Enforce existing lakeshore buffer regulations on new developments. Provide buffer incentives for existing lakeshore owners through DNR Shoreland Initiative Grant.*	All	2009 - 2019	*LRM, DNR, WOTSWCD	$20,000
f)	*Enforce existing required buffer area between rivers / streams / lakes and Ag fields and existing requirement for vegetation on steep slopes and bluffs.*	All	2009 - 2019	*LRM, DNR	Staff time
g)	*Reward existing BMPs through the Conservation Security Program in eligible watersheds as funding allows.*	All	2009 - 2019	*SWCD, NRCS, BWSR	Staff time
h)	*Pursue funding for perpetual easements on developments around sensitive areas.*	All	2009 - 2019	*SWCD, NRCS, BWSR	Staff time
i)	*Support 20 no-till farming practices / year through cost-share incentives such as EQIP.*	All	2009 - 2019	*NRCS	Staff time

	Action	Priority Subwatershed	Proposed Time Frame	Coordinating Agencies *Lead Agency	Estimated Cost
j)	*Map the county ditch system and scan old documents into digital data.*	All	2009 - 2014	*LRM, BWSR,GIS	$20,000
k)	*Support adoption of an annual assessment maintenance fund for each county ditch.*	All	2009 - 2019	*LRM, LWMP, COLA, GIS, County Auditor	Staff time
Objective 4: Wetlands / Wildlife Habitat: Identify and protect wetland and wildlife habitat areas located within Otter Tail County.					
a)	*Enhance existing and new wetland restoration and buffers programs such as CRP, WHIP, WLI, RIMWR and USFWS. Promote wetlands within the shoreland and groundwater recharge areas.*	All	2009 - 2019	*WOTSWCD, NRCS, BWSR	$500,000
b)	*Restore 1000 - 2000 acres of wetland and wildlife habitat annually.*	All	2009 - 2019	*East and West Otter Tail SWCD	Staff time
Regulatory Issues Goals: Develop regulations, education and incentives to ensure orderly development with minimal impacts to sensitive areas to preserve Otter Tail County's natural resources.					
Objective 1: Sensitive Areas: Develop a model to identify areas sensitive to intensive development throughout Otter Tail County.					
a)	*Explore available sensitivity models being utilized by other counties and work with LRM, Eagle Lake Township and Dead Lake to determine feasibility of use as a lake districting pilot project, for potential use in county-wide land use planning.*	Otter Tail River	2009 - 2013	*LRM, GIS, Eagle Lake Township, Dead Lake Association, BWSR	$50,000
b)	*Develop Lake Districting county-wide to protect sensitive areas from degradation due to overdevelopment.*	All	2009 - 2019	*LRM, DNR, LA	$10,000
c)	*Request DNR re-classification of 203 lakes in Otter Tail County. Adopt and implement re-classification of lakes 150 acres or less in size from General or Recreational Development to Natural Environment Shoreline.*	All	2009	*LRM, DNR	Staff time
d)	*Participate in and support state-wide process of shoreland rulemaking and support adoption of new rules when approved by the State.*	All	2009 - 2010	*LRM, COLA, DNR	Staff time
e)	*Educate the decision makers of Otter Tail County by pursuing funding to bring training to the decision makers locally.*	All	2009 - 2010	*LRM, COLA, SWCDs, County Board, Planning Advisory Commission, Boars of Adjustment	$5,000
Objective 2: Agriculture: Support the Agriculture Advisory Task Force and their recommendations to the Otter Tail County Board regarding regulation of agricultural practices.					
a)	*Actively participate as a member of the Ag Advisory Task Force. Support the recommendation of the need for a long-range county comprehensive plan and investigate the obstacles preventing it from happening.*	All	2010 - 2012	*LRM, COLA, SWCDs	staff time

	Action	Priority Subwatershed	Proposed Time Frame	Coordinating Agencies *Lead Agency	Estimated Cost
b)	*Support county delegation for feedlots by informing the County Board of the program, and the feasibility of one designated feedlot officer and technical support staff to complete inventory through MPCA feedlot program, and administer the program.*	All	2009 - 2012	*SWCD, BWSR, MPCA, LWMP, Ag, Advisory Task Force	$120,000
c)	*Support the adoption of the agriculture rules included in the new State Shoreland Rules.*	All	2010 - 2011	*LRM, DNR, SWCD, Otter Tail County Board	staff time
Objective 3: Sub-Surface Sewage Treatment: Promote county-wide Sub-Surface Sewage Treatment System compliance through systematic inspection, education and regulation.					
a)	*Continue systematic Sub-surface Sewage Treatment System (SSTS) inspection around the shorelines of Otter Tail County Lakes. Target lakes identified in Section II:*	All	2009 - 2019	*LRM, LWMP Task Force	$200,000
b)	*Support the county adoption of the new SSTS rules in 2010, requiring system certification every three years.*	All	2010 - 2011	*LRM, LWMP Task Force	Staff time
c)	*Utilize Extension products to develop maintenance fact sheet to be issued with 800-plus compliance letters on SSTS.*	All	2009 - 2019	*LRM, Extension	$5,000
d)	*Facilitate land-owners meetings to encourage cluster systems with maintenance agreements in sensitive areas, moving the disposal site away from inadequate soils.*	All	2009 - 2019	*LRM	Staff time
e)	*Continue low interest loan program for failing septic systems. Prioritize sensitive areas such as high water table, wellhead protection area, excessively sandy or heavy soils.*	All	2009 - 2019	*East and West Otter Tail SWCD	Staff time
Groundwater Priority Issues:					
Groundwater Quality Goal: Otter Tail County will protect the existing groundwater quality for drinking water purposes.					
Objective 1: Sourcewater Protection: Otter Tail County will participate in the preservation of the quality of the drinking water supply resources.					
a)	*Participate on wellhead/source water protection teams during the development and implementation of Wellhead Protection Plans.*	All	2009 - 2019	*SWCD, MDH, LRM	Staff time
b)	*Identify Wellhead Protection Areas on a County GIS map layer.*	All	2009 - 2019	*GIS	Staff time
c)	*Conduct four Nitrate testing clinics (Otter Tail, New York Mills, Fergus Falls, and Perham) per year through MDA and cooperative efforts with lake associations and communities.*	Otter Tail River All	2009 - 2019	*EOTSWCD, MDA	Staff time
d)	*As part of the Nitrate testing clinics, distribute handouts to inform landowners of potential causes of contamination from arsenic, whether artificial or natural and available testing for groundwater.*	All	2009 - 2019	*EOTSWCD, MDA	Staff time
e)	*Encourage the DNR to work with the local unit of government to incorporate conservation practices with irrigation permits within sensitive groundwater areas.*	All	2009 - 2019	*SWCD	Staff time

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Otter Tail County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on July 9, 2009, pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1) On June 10, 2008, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Otter Tail County, pursuant to M.S. Section 103B.312.

2) On August 28, 2008, the Board of Water and Soil Resources provided official comments on the Otter Tail County Priority Concerns Scoping Document, which were mailed to the county on August 28, 2008.

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

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

4) On July 9, 2009, the BWSR received the Otter Tail County Plan Update, a record of the June 23, 2009 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 12, 2009, the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Otter Tail County Plan Update. Recommendations of the state review agencies were:
   A) Minnesota Department of Agriculture: 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 August 31, 2019 with a five year implementation program to 2014; the Goals, Objectives and Action Items amended by August 31, 2014.

CONCLUSIONS

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

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

ORDER

The Board hereby approves the attached update of the Otter Tail County Comprehensive Local Water Management Plan through August 31, 2019; with the Goals, Objectives and Action Items being amended prior to August 31, 2014.

Dated at Winona, Minnesota, this twenty-seventh day of August 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

DATE: August 5, 2009

TO: BWSR Northern Region Planning Subcommittee

FROM: Ryan Hughes, BWSR Board Conservationist

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

The expiration date of the current Pine County Local Water Plan (LWP) is August 28, 2010. On March 4, 2008 the Pine County Board of Commissioners adopted a resolution to commit to revise and update the Pine County LWP pursuant to M.S. 103B.301. Pine County has actively sought input for their PCSD since July 24, 2008.

Priority Concerns Input Process

Pine County advertised and held three public meetings in July and August of 2008 to obtain public input.

- The first meeting was held at Sturgeon Lake City Hall July 24th. The input received at the meeting primarily focused on water quality issues related to septic systems. Other issues discussed at the meeting included aquatic invasive species and surface water monitoring.

- The second meeting was held at the Askov Community Center August 2nd. The input focused on surface water monitoring and invasive species. Additional concerns were groundwater pollution and alternative power using wind and water.

- The third meeting was held at the Pine County Courthouse August 21st. The input received primarily focused on surface water management. Issues discussed included groundwater contamination, septic systems and stormwater management. Other concerns were related to wetlands and flooding. Many concerns discussed at this meeting were related to specific problems in the County.

In an effort to obtain additional citizen input Pine County SWCD developed a survey that was distributed to cities, townships and lake associations. The survey was also published in the *Pine County Waters* newsletter which is mailed to all property owners in Pine County(approximately 23,500). In addition, the survey was made available at the Pine County SWCD booth at the Pine County Fair. Based on the results included in the PCSD, 30 people responded to the survey. The responses to the public input process are summarized in the PCSD.

Priority Concerns Selection

Based on the input received through the public input process the Pine County Water Plan Working Group selected the following two priority concerns:

1. Water Quality
    a. Improving Impaired Waters
    b. Maintaining Unimpaired Waters
2. Natural Resources Conservation, Utilization and Education

The Working Group discussed all priority concerns received thru the input process. Most, if not all, of the priority concerns received could either be included in the selected priority concerns or were decided to be the responsibilities of other regulatory agencies.

Agency Comments

Pine County distributed the PCSD to the appropriate state agencies for review on June 3, 2009. The BWSR Regional Supervisor requested comments from review agencies in a June 30, 2009 email and provided a comment form. The comments received are summarized as follows:

MN Pollution Control Agency

The agency concurs with the priority concerns selected.

MN Department of Natural Resources

The agency provided contact information for the scenic easements program. The agency requested the consideration of following in the final plan:

- Information on mapped sites of biodiversity significance.
- Land conversion by watershed and relationship to water quality.
- Digital mapping initiatives.
- Shoreland and floodplain management.

MN Department of Agriculture

The agency deferred to the priority concerns input submitted November 6, 2008. This input encouraged the participation of the local farm and commodity group representatives, discussed manure management and surface and groundwater impacts from agriculture chemical use.

Board Conservationist's Recommendation

The process followed by Pine County provided for ample opportunity by citizens and regulatory agencies to submit water resources related management input. The Pine County PCSD satisfies the requirements of M.S. 103B.312 and M.S. 103B.313 Subd.1-4, therefore I recommend the BWSR Northern Region Planning Subcommittee approve the Pine County PCSD as submitted and forward this document to the full board for approval.

Minnesota Board of Water & Soil Resources

August 27, 2009

Pine County Board of Commissioners
C/O Jill Carlier Pine Soil and Water Conservation District
260 Morris Ave N.
Hinkley, Mn 55037

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

Dear Pine County Commissioners:

Pursuant to M.S. section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Pine 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 Pine County Priority Concerns Scoping Document PCSD on June 3, 2009 and asked to forward comments to Ron Shelito, BWSR Regional Supervisor by July 5, 2009.

Several water resources concerns were submitted to the Pine County Water Planning Advisory Committee. These comments and concerns were arranged into the following priority concerns that will be addressed in the Water Plan Revision.

1. Water Quality
    a. Improving impaired waters
    b. Maintaining unimpaired waters
2. Natural Resource Conservation, Utilization and Education

The Minnesota Pollution Control Agency concurs with the priority concerns selected.

The Minnesota Department of Natural Resources requested the consideration of the following in the final plan:

- Information on mapped sites of biodiversity significance.
- Land conversion by watershed and relationship to water quality.
- Digital mapping initiatives.
- Shoreland and floodplain management.

The Minnesota Department of Agriculture encouraged the participation of the local farm and commodity group representatives in the water planning process, encouraged the water plan to

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address ISTS and manure management issues, and asked for a review of available monitoring data regarding pesticides in ground water.

Based on the BWSR North Region Water Plan Committee's review, the BWSR deems the priority concerns selected to be appropriate and does not require any changes to the PCSD as submitted. The committee did note that erosion effects on water quality could be emphasized more clearly in the final plan. BWSR encourages Pine County and SWCD to continue to take advantage of opportunities to play the coordination role that is often a key to improved local water management.

Sincerely,

Randy Kramer, Chair
Board of water and Soil Resources

C: Ryan Hughes, BWSR
Wayne Edgerton, DNR
John Wells, EQB
Rebecca Flood, MPCA
Becky Balk, MDA
Beth Kluthe, MDH
Mike Peloquin, DNR

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RESOLUTION OF THE POLK COUNTY
BOARD OF COMMISSIONERS

The following resolution (2009-7-48) was offered by Commissioner Affeldt:

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 basic within 10 years, 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, Polk County has a current state approved and locally adopted (July 12, 2005) Comprehensive Local Water Management Plan which is due to expire on December 31, 2009, and

WHEREAS, The priority concerns stated in the Polk County Local Water Management Plan are still priority for the County, and

WHEREAS, With the passage of a constitutional amendment which provides a potential funding source for many of Polk County's priority concern for the next twenty five years, and

WHERAS, with the relevance of the existing concerns and the newness of these potential new funding sources Polk County would like to delay the scheduled update so it can better format the updated plan in a manner to better align it with these funding sources.

NOW, THEREFORE BE IT RESOLVED that the Polk 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 Polk County will not order or commence any project during the period of the extension pursuant to M.S. 103B.331 subd. 3 and 4.

Commissioner Buness seconded the foregoing resolution and it was declared adopted upon the following vote. YEAS: Buness, Strandell, Montague, Affeldt. NAYS: None.

STATE OF MINNESOTA)
) ss.
COUNTY OF POLK)

I, John P. Schmalenberg, County Coordinator to and Clerk of the Polk County Board of Commissioners do hereby certify that I have compared the foregoing resolution with the original resolution filed in my office on the 28th day of July, 2009 and that the same is a true and correct copy of the whole thereof.

WITNESS my hand and Official Seal of Polk County at Crookston, Minnesota this 28th day of July 2009.

John P. Schmalenberg
County Coordinator
Clerk of the Board

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

Whereas, Polk County has a state approved Local Water Management Plan (LWMP) that is effective until December 31, 2009, 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 make the following Findings of Fact, Conclusions and Order:

FINDINGS OF FACT

1. On July 28, 2009, Polk County Board of Commissioners passed a resolution requesting an extension of their Local Water Management Plan from December 31, 2009 to December 31, 2011.
2. Board of Water and Soil Resources staff has reviewed the justification for this extension request and finds it in the best interest of the State of Minnesota and the County of Polk to grant this extension request.
3. On August 12, 2009, Board of Water and Soil Resources Northern Water Planning Committee reviewed and recommended approval of the extension request by Polk 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 Local Water Management Plan of Polk County pursuant to M.S. Section 103B.311, Subd. 4.

ORDER

The Board of Water and Soil resources hereby approves the extension of the Polk County Local Water Management Plan until December 31, 2011. Dated at Winona, Minnesota, this 27th day of August 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chairperson
August 27, 2009

Southern Water Planning Committee

1. Minnesota River Basin Joint Powers Board, FY10 Annual Work Plan – ***DECISION ITEM***

Minnesota River Board

Plan of Work

July 1, 2009 - June 30, 2010 (FY10)*

*some aspects of the work plan extend beyond FY10

Contact Information:
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shannon.fisher@mnsu.edu
www.minnesotariver.org

MRB Approved on 7-27-09
Submitted by _____
Shannon Fisher, Exec. Dir.

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 (formally changed names to the Minnesota River Board in 2009 and 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 basin-wide water quality improvement efforts at all levels.

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.

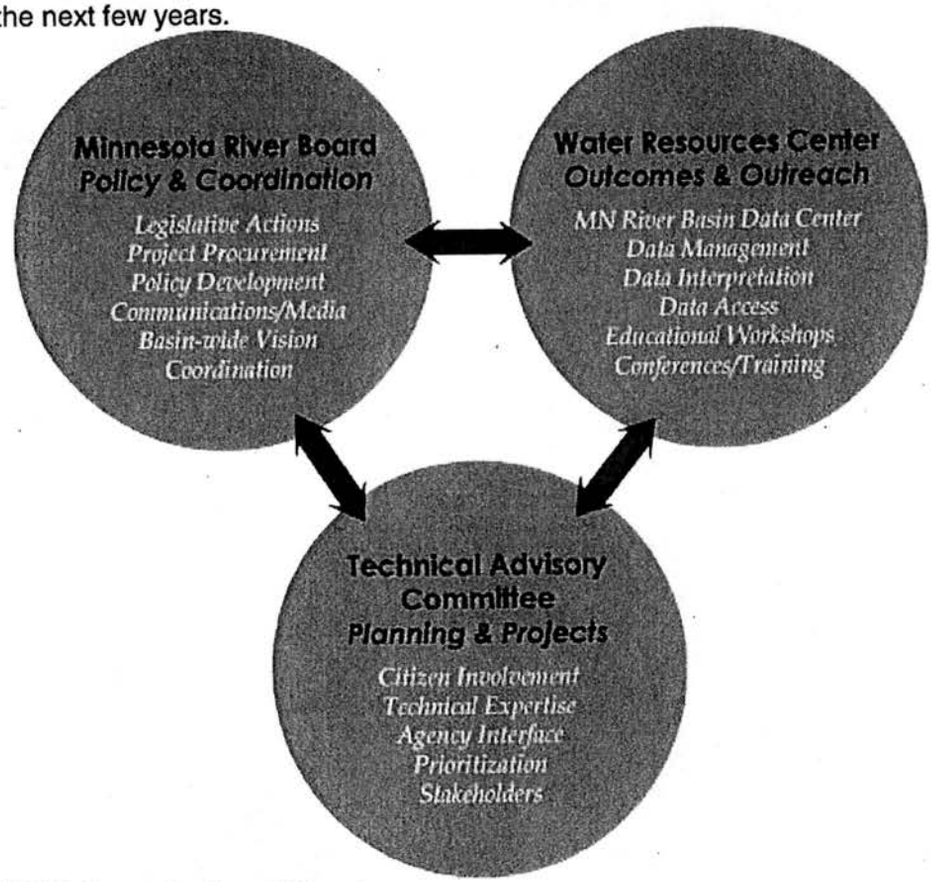


Figure 1. MRB Organizational Structure

Staff and Contact Information

Shannon J. Fisher, Executive Director	(507) 389-5690; shannon.fisher@mnsu.edu
Susie D.G. Carlin, Program Director	(507) 389-6279; susan.carlin@mnsu.edu
Karnell W. Johnson, Office Administrator	(507) 389-5491; karnell.johnson@mnsu.edu

Minnesota River Board
184 Trafton Science Center South
Mankato, MN 56001
www.minnesotariver.org

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.

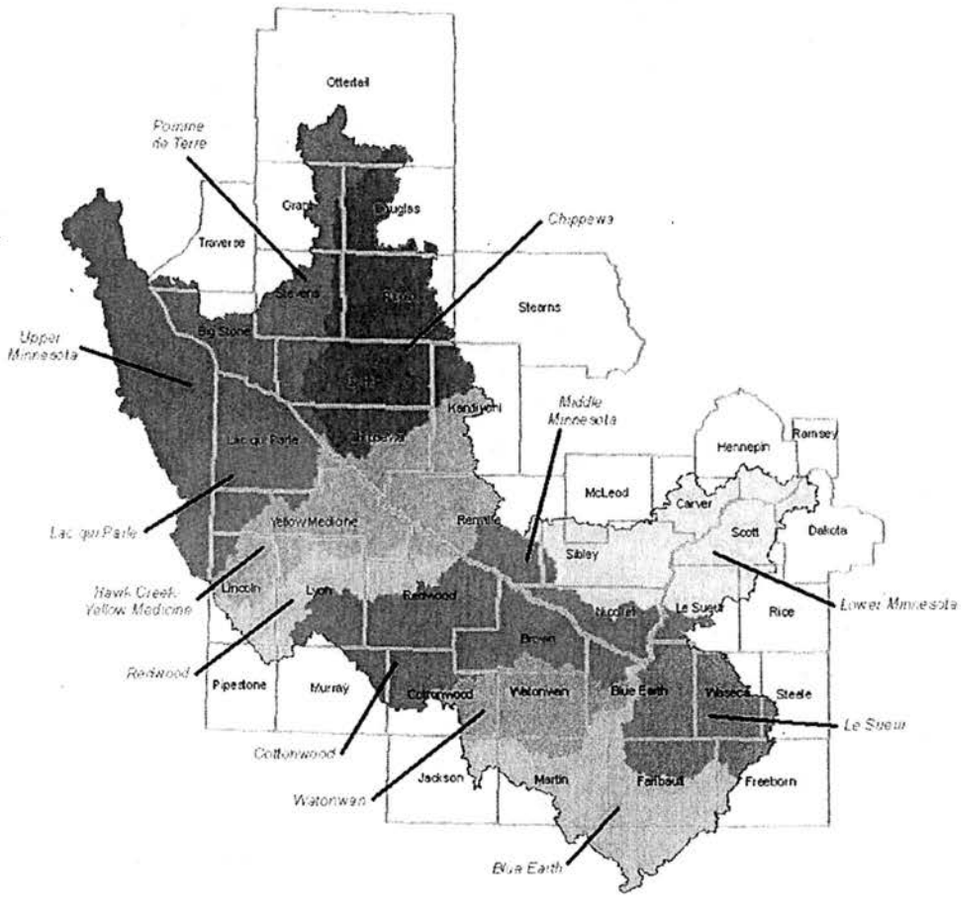


Figure 2. Figure denotes the Minnesota River basin made up of 12 major watersheds and 38 counties associated with the Minnesota River Basin Joint Powers Board.

FY10 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. As a result of these conversations, the FY09 work plan included a directive to update the statutory language that guides the MRB duties and processes. Bills were introduced in the 2009 session and subsequently passed both houses of the legislature and was signed by the governor.

The 2009 statutory update clarified the roles the MRB plays, including a renewed focus on multi-major watershed projects, a de-emphasis on provision of local implementation project management (as those duties are best managed by local watershed project and conservation district staff). In addition, the new language calls for new directives to establish a technical advisory committee that will have more imperative duties – building a stronger partnership with the board and establishing a progressive relationship between local policy makers and technical staff. The re-establishment of this technical committee has long been desired by the MRB and progress is being made.

In FY09, the MRB staff focused much of its attention on the implementation of the Conservation Innovation Grant we secured to bring water quality credit trading to Minnesota. The initiative, now know as Conservation Marketplace of Minnesota (CMM) is progressing and will continue to be a major work area over the upcoming year. Many goals of the FY09 work plan were completed; however, due to government changes, budgetary downturns, and increasing demands from some of our programs, not all aspects were achieved. A few goals from the FY09 plan are being carried forward into the FY10 plan, as they were not accomplished to satisfaction and we desire to keep working on them. In the following FY09 summary section (Section 1), we address our progress, shortcomings, and items to be carried forward to the FY10 work plan.

The FY10 Work Plan (Section 2) is structured using a set of goal statements that are then followed by a series of actions and products that will serve as progress measures. Certain aspects of the FY10 plan will include some carry-over portions of goals from previous work plans that are viewed as still critical for the MRB to complete. The targeted completion dates for each item are noted in parentheses (month/year). The FY10 work plan will include fewer focus areas; however, the areas that have been identified are heavy work load and intensive management projects. Section 3 overviews the budget for FY10 and highlights the anticipated expenditures and income.

The culmination of the FY10 work plan will be the generation of a new strategic plan for the MRB. The CMM project will be our greatest work load effort during the upcoming year. Other focal points for the MRB in FY10 will include:

1) Status report on groundwater knowledge in the basin
2) Evaluation of re-determination of ditch benefits in the basin
3) Re-evaluation of the MRB structure to meet future needs
4) Continued development of an information exchange and support network between basin policy makers and technical professionals.

SECTION 1 – PROGRESS REPORT FOR FY09 WORK PLAN

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 1 Progress: *Progress measures A, B, E, G, H, and J were completed as scheduled and as detailed in the sections above. For item J, partner meetings were held in Mankato (July 2008; in conjunction with Blue Earth County and Blue Earth SWCD) and Savage (May 2009; in partnership with Scott County and other metro water management entities). Progress measure C has largely been completed and will be a work-in-progress for likely years to come, as the MRB evolves and new items are added. We consider this goal completed for work plan purposes. Progress measure D was not accomplished on time again this year. The Executive Director takes full responsibility for the delay in submitting our annual progress report to BWSR – which this report represents (submitted in May 2009). Item F is "in progress" and a committee is being set up at the May 2009 meeting to complete the audit. Item I was a priority to the MRB this past year; however, non-member counties are not demonstrating any interest at this point in returning and the additional financial burden, eve through limited, has been an issue during hard economic times. This progress measure went into the "red" this past year, as Watonwan County withdrew from the MRB starting in FY10. Progress Measure K is intended to be completed at the end of the fiscal year, at which time a short summary report of progress from this past year and highlights of the FY10 Work Plan will be sent. For Progress Measure L, the MRB has pursued additional funding opportunities through ongoing EPA STAR grant applications in association with the current CMM grant, LCCMR funding through a joint application with partners in Kandiyohi County to work on Shallow Lakes Conservation Planning, and extensive discussion with various basin stakeholders about how to tap sales tax amendment funding for Minnesota River projects.*

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 2 Progress: *Progress Measures A, B, and F have largely been accomplished. We have established a budget on which to help support and sustain an advisory committee. Through various conversations and a meeting of stakeholders on March 6, 2009, a set of clarifications about MRB duties and a platform on which to base our work on policy, education, and service, not implementation were included in a bill during the 2009 legislative session – at the time of this report's preparation, the bill had passed both houses and was awaiting final approval by the governor. Progress Measures C, D, and E have been delayed, but progress is being made. There was more resistance and long-standing tensions between the MRB and the technical professionals in the basin than anticipated. These tensions have slowed the process of reconvening the technical and citizen advisory board. In addition, clarifications on the technical committee were included in the same bill mentioned above, and we were waiting for that to pass before having a meeting. The basin-wide technical professional meeting has been tentatively scheduled for fall 2009 – venue and speakers have not yet been confirmed. At this meeting, we anticipate significant closure on measures C, D, and E.*

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 3 Progress: *All progress measures in this Goal were completed on schedule and the result was a passed bill that clarifies the roles of the MRB, formally changes the name to the Minnesota River Board, and established better guidance on project goals, missions, and advisory committee participation. SF0275 was presented to the governor for signing on 5/5/09.*

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 4 Progress: *This goal is a carry-over from the FY08 work plan and was again set as a low priority for FY09. It was determined that a committee was not needed and staff would handle these matters, thus Progress Measure A was not completed and no formal visibility plan was developed and Measure D was also not implemented. We have increased efforts to put forth press releases, participate in radio interviews, and attend more meetings and conferences – these have increased our visibility. The other Progress Measures (B, C, and E) have proceeded slowly, as we tried to utilize students for these efforts. We delayed intentionally as well to see what the legislation would catalyze regarding any changes in MRB mission and duties. We are still working on completion of these outreach tools prior to the end of June 2009.*

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 5 Progress: *None of the progress measures in this goal have been fully implemented due to time constraints. The CMM grant consumed more time than anticipated and it was decided that this piece of the FY09 work plan would have to be placed on hold. Director Fisher completed more than a dozen interviews for written publications this year and completed two radio addresses with KTOE radio in Mankato – both of which were geared to improve communication. We continue to provide assistance to the Minnesota River Watershed Alliance as needed and are working with the Water Resources Center and MN State University, Mankato to obtain additional grant support from the McKnight Foundation to maintain the communications role that the Alliance is playing. We do not have a clear vision or strategy to implement this piece and will see additional assistance on this next year.*

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 6 Progress: *Of all the goals for FY09, progress was potentially the most significant with Goal 6. Progress Measures A and B were completed informally, rather than in conjunction with Goal 2 or in the form of formal fact sheets. Substantive efforts were made to request topic ideas and bring forth assistance requests to enhance education and outreach in the basin, including several RFPs for financial support to educational initiatives. As a result, the MRB supported several training opportunities, including a series of conservation drainage workshops, a 5-day geomorphic assessment training, the Agro-ecology Summit, kids fishing clinics, conservation implementation training, Clean Water Legacy Funding Work Session, the Shallow Lakes Forum, and the upcoming Technical Professional meeting. Based on attendance at these programs, the MRB estimates more than 1,200 basin members (ranging from citizens to technical staff to elected officials) participated in one or more programs. As a result, we estimate that more than 16,000 hours of educational time was collectively garnered. This effort, assuming funding allows, will CERTAINLY be a part of the FY10 work plan.*

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 7 Progress: *At the request of basin stakeholders, the MRB provided a venue, funding for, and coordination of a basin-wide conversation on sales tax amendment funding (March 6, 2009) – which also turned out to be a great opportunity to meet with and hear the concerns of many throughout the basin regarding the MRB mission and roles. The comments we received played an important role in shaping the statutory changes and the development of the FY10 work plan. As requested, we have served a role writing support letters, providing services, and advocating on behalf of the basin – including funding efforts for LiDar data collection, ongoing integrated watershed management efforts from the Corp of Engineers, local support requests, among others. Therefore, we believe that Progress Measure A has been met. Measures B and C have also been met. There were fewer than expected requests for assistance, but see Goal A*

GOAL 7 Progress Continued

progress. Progress Measure D was readily accomplished, as Director Fisher and Program Director Carlin both participated in county board meetings to provide information on the MRB, presented at the Coalition for Clean Minnesota River annual meeting, and provide information as requested at GBERBA meetings, a meeting of the watershed coordinators, and at various agency functions. Measures E, F, and G were also met as needed. The MRB, as is noted in the statute changes, focused on large basin-wide issues this past year, including lobbying for additional research funding, data collections, and collaborations.

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 8 Progress: *Progress with Goal 8 is ongoing, but it has been slower than desired. Several meetings and discussions have been held with BWSR staff, MPCA representatives, local officials, and technical professionals. Most of the data needed to complete the progress report have been secured; however, some aspects of the desired data are very hard to obtain. Therefore, measures A and B are partially completed and Measures C and D are still pending, but completion is anticipated prior to the end of June 2009. Measure E potential has yet to be determined, as the progress report needs to be finished first.*

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 9 Progress: *Progress Measure A was discussed at length by the statutory review committee that we established early in FY09. The decision at that time was to move ahead with a statute language change request that did NOT include any changes to the current voting board structure, a measure that was subsequently supported by the full MRB. Along those same lines, Progress Measure B was deemed no longer a priority for discussion, as the MRB desires to see how the sales tax amendment funding rolls out and what kind of impacts it will have. Given the economic downturn, it was not a good time to spend time reviewing additional levy authority or taxation potentials. Measure C was completed to an extent. We made ourselves available for review of documents and participation in discussions regarding watershed board establishment and structure, however, the political environments did not support any movement on such measures this year – thus Progress Measure D was not completed as there was not opportunity to work on it.*

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 10 Progress: *All Progress Measures in Goal 10 were completed. Awards and Recognition at the Senior and Junior High Regional Science Fairs were provided to numerous well deserving students working in water quality, watershed, and water-related research areas. Progress Measure B was also completed and the staff will now nominate in the absence of nominations from the delegates. Program Coordinator Carlin developed and implemented an undergraduate scholarship and research program, thus fulfilling Progress Measure C. The recipients of these awards will be announced at the July 27, 2009 meeting. Progress Measure D was also completed, with recognitions going out to Kylene Olson (Chippewa River Watershed Project) and to Bob Brush and Jim Putnam (Lura Lake Association). These awards have been very well received and will be continued in FY10.*

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.

Goal 11 Progress: *All progress measures for the Conservation Innovation Grant have been completed to the satisfaction of the granting agency (NRCS) and the various partners. A majority of Program Director Carlin's time has been reallocated to this project. MRB Office Manager Karnell Johnson has been provided the needed administrative support and thus far it is going well.*

SECTION 2 – FY10 GOALS AND PROGRESS MEASURES

(GOALS ARE <u>NOT</u> IN PRIORITY ORDER) *For each goal statement listed below, a set of progress measures and/or tasks are also noted. For each task, an approximate timeline and the staff member responsible for making sure the task/progress measure is completed is noted as an acronym. The acronyms are as follows: Executive Director (E), Program Director (P), Office Manager (O), and Contractual Services (C).*

GOAL 1. Effectively manage the second year of the Conservation Innovation Grant, now known under the project name Conservation Marketplace of Minnesota (CMM).

A) Provide administrative support services (accounting, contracting, invoicing, match tracking, and financial reporting) for the CMM project team. (6/10 - O)
B) Coordinate and facilitate the National CMM Advisory Team, including setting up meetings, assisting with travel, establishing and clarifying duties, and working with partners to establish and distribute agendas. (6/10 - P)
C) Coordinate and facilitate the Policy Committee(s) for project areas within the Minnesota River Basin, including setting up meetings, assisting with travel, establishing and clarifying duties, securing policy that works for all areas of the Minnesota River Basin, and working with partners to establish and distribute agendas. (6/10 - E)
D) Coordinate and facilitate the Technical Committee(s) for project areas within the Minnesota River Basin, including setting up meetings, assisting with travel, clarifying duties, and working with partners to establish and distribute agendas. (6/10 - P)
E) Provide support to the Greater Blue Earth River Basin Alliance in associated with the CIG by hiring and providing HR services, work space and transportation for an employee that will work on the CMM project by transferring CMM funds to the Water Resources Center to cover the costs of the employee (8/09 - E)
F) Serve as the overall project advocate and liaison between the MRB and the project partners, including provision of update on project issues and progress to the Executive Director and assisting with project tasks as requested from project partners. (6/10 – P)

GOAL 2. 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 FY10 Work Plan and budget. (approval by 8/09, completion by 6/10 - E)
B) Provide a progress report to BWSR by February 1, 2010. (2/10 - E)
C) Complete Executive Committee planning sessions in 10/09 and 4/10. (4/10 - E)
D) Complete an annual internal audit. (5/10 - O)
E) Conduct performance reviews as scheduled for the staff (6/10 - E).
F) Strive to bring non-member counties back to the MRB, with an objective of securing at least 1. (6/10 - E)
G) 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. (6/10 – P/O/E)
H) 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. (6/10 - E)

GOAL 3. Reconvene the technical and citizen advisory committee and work with this committee to develop a process of communications and input.

A) Facilitate completion of a start-up meeting for the Minnesota River Basin Tech/Citizen advisory committee and utilize funding to defray the costs. (10/09 - E)
B) Work with basin stakeholders to determine a committee structure and process of technical representatives and citizen representatives whose input is critically important to the future work of the MRB. (12/09 - E)
C) Develop a plan on which to formally gather input from and to provide services to the advisory group, including a formal process of communications and meeting schedule. (2/10 - E)

GOAL 4. Facilitate improved and increased communications between the MRB and our partners and among basin stakeholders.

A) Collaborate with the Minnesota River Watershed Alliance and various projects of the MRB and Water Resources Center to implement a MRB newsletter (2-4 pages), including features written by and/or regarding delegates, county staff, watershed professionals, and others. (10/09 – P/C/E)
B) Include condensed articles on major Minnesota River issues, similar to Envision 2020 reports. (start by 11/09 and then ongoing after that - C)
C) Monthly website update that feature the products from 4A and 4B, along with event notices and other items of interest. (6/10 – C)
D) Contract with communications staff at the Water Resources Center for assistance on completing this task. (10/09 - E)
E) Support ongoing enhancements of communications efforts in conjunction with MPCA, local media outlets, provision of press releases, etc....(6/10 – E/C)

GOAL 5. Promote and complete a program of continuing education, outreach, and partnership to enhance and encourage ongoing interest and work in Minnesota River Basin improvement efforts.

A) Utilize the expertise of the Technical Committee to identify the educational needs of the basin and work with the technical committee to prioritize programming dollar expenditures. (11/09 - E)
B) Based on input from 5A, put out an RFP for workshop, continuing education, and/or conference opportunities. (11/09 - E)
C) Complete at least one major and one minor workshop in the basin based on selection criteria and needs identified from the technical/citizen advisory committee. (6/10 – E/P)
D) Bring back the Minnesota River Research Forum series in association with the Water Resources Center and other basin partners. (4/10 – E).

GOAL 6. Serve as an ongoing legislative and funding resource for the basin.

A) Work with the advisory group and delegates to identify legislative issues that the MRB could provide support and advocacy for during the 2010 session. (11/09 - E)
B) 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. (6/10 – E/P)
C) Provide assistance to agencies, counties, watersheds, etc.... in the dissemination of information regarding policy changes, funding opportunities, and staffing/project service options. (6/10 – E/P)
D) Provide grant preparation assistance as requested, with a target of at least 2 collaborations that benefit multiple major watersheds and/or local partners. (6/10 – E)
E) Provide a minimum of 2 presentations on behalf of the MRB and our partners as requested. (6/10 – E/P)

GOAL 7. Complete a substantive outreach effort to deliver the Minnesota River Progress Report results (developed as part of the FY09 BWSR grant) to basin communities, water quality improvement stakeholders, legislators, and agencies.

A) Deliver the report for review by legislators, agency staff, conservation professionals, MRB delegates, the basin technical team, and others and establish a series of meetings to discuss the product and mechanisms for improvement (10/09 – E/C)
B) Formally deliver and present the Biennial Progress Report developed during FY08 and FY09 to the MRB delegates and partners at the November Board Meeting (11/09 – E/C)
C) In conjunction with other progress reports, trend assessments, and basin planning efforts, advance a series of town hall meetings across the basin to deliver a message of basin water quality progress, continued challenges, and community involvement. (6/10 – E/C)

GOAL 8. Based on Goal 7 feedback, develop a framework on which to build the next iteration of the Minnesota River Progress Report that will be completed in FY11.

A) Gather input as part of the Goal 7 information meetings and determine if appropriate measures were utilized for the progress report, giving consideration to new measures that should be included for future reports, deletion of measures with limited or difficult to understand data, and determining which measures provide the most valuable information (5/10 – E/C)
B) Develop a plan on which to base the FY11 biennial progress report. (6/10 – C)

GOAL 9. Become an involved member in the ongoing discussion of Basin Watershed Organization legislation, including an evaluation of the MRB membership structure.

A) Join, as opportunities arise, in forums, committees, legislative hearings, and work groups to continue providing input into basin and watershed management legislation and policy modification proposals. (1/10 - E)
B) As part of 9A, complete a work session on watershed based management options with the executive committee and other interested parties, including legislative sponsors, watershed representatives, and others to provide input into future proposals. (11/09 - E)
C) Utilize the information gathered in 9A and 9B to determine the MRB position on such matters and then provide support or opposition as requested by the delegates (1/10 - E)
D) Evaluate the current MRB structure to determine if any changes at this time would be appropriate. (1/10 - E)

GOAL 10. Recognize the contributions of professionals, citizens, and students in the Minnesota River Basin.

A) Provide an awards/incentive program for junior and senior high students from the basin participating in sanctioned science fair programs. (5/10 - P)
B) Provide an undergraduate scholarship and an undergraduate research award for two students studying in the basin that are focused on water quality issues. (5/10 - P)
C) Award two deserving participants from the basin with the "Confluence" and "Tributary" awards. (6/10 - E)
D) Institute a delegate, watershed, and project spotlight section in future watershed communications associated with Goals 4 and 5 above. (6/10 – P/C)

GOAL 11. Evaluate the potential of bringing the Blue Thumb program into areas across the Minnesota River basin by working with the Rice Creek Watershed and delivering information to our partners.

A) Establish contact with and meet with the Rice Creek Watershed District staff to learn more about the Blue Thumb Program. (10/09 - P)
B) Identify appropriate venues and develop information materials for the dissemination of information regarding the Blue Thumb program among Minnesota River Basin stakeholders. (12/09 - P)
C) Work with at least one basin entity to establish partnership in the Blue Thumb program and/or determine how the Blue Thumb program could be applied in our basin (4/10 - P)

GOAL 12. Status evaluations of priority issues to county delegates and basin citizens.

A) Prepare and implement a plan to survey counties in the basin regarding the status of re-determination of benefits on county ditch systems. (11/09 – E/C)
B) Present the findings of Measure 12A to the MRB and then determine a course of action and implement such action. (6/10 - E)
C) Prepare and implement a plan to survey Minnesota River basin citizens and stakeholders regarding groundwater concerns, monitoring status, and research needs – including a summary of known contaminants, research, and management strategies for aquifers under the MRB territory. (6/10 - E/P/C).

Proposed MRB FY10 Budget

Line Items (details listed below budget)	Funding Source Used for Line Item Expense				Totals
	State of MN	County Income	2008 CIG	External	
FY10 Income					
State of Minnesota - BWSR Grant	$90,000				
County Dues Collection – FY10		$42,748			
MCIT Insurance Refund (estimated)		$1,252			
CIG Indirect Cost Recovery (estimated)		$21,657			
CIG (CMM) Contract Allowance			$102,348		
2006 CIG with AgFlex (estimated)				$11,995	
Mt Simon Monitoring (estimated)				$6,450	
Totals	**$90,000**	**$65,657**	**$102,348**	**$18,445**	**$276,450**
FY 10 Estimated Expenses					
0.50 FTE Executive Director		$26,552	$11,855	$3,800	$42,207
0.49 FTE Administrative Assistant			$15,512		$15,512
0.94 FTE Program Director	$35,580		$3,687		$39,267
Student Worker(s)	$3,300	$3,300			$6,600
Fringe Benefits (All Staff)	$10,680	$9,049	$6,880	$1,320	$27,929
Contractual Services for CMM			$40,800		$40,800
MCIT Insurance		$2,550			$2,550
MRB Meeting Expenses		$1,200			$1,200
Communications/Reporting	$12,200	$6,800			$19,000
Travel	$6,450	$3,800		$5,842	$16,092
Printing	$2,000	$2,000			$4,000
Awards/Student Incentives Program	$2,000			$700	$2,700
Supplies/Equipment			$19,380	$200	$19,580
Legal Retainer		$1,200	$1,200		$2,400
Tech/Citizen Advisory Committee	$2,400	$1,000			$3,400
MSU Contract Indirect Costs (8%)	$5,390	$3,916	$3,034	$873	$13,213
Outreach/Programming	$10,000	$4,290		$5,710	$20,000
Total Expenditures	**$90,000**	**$65,657**	**$102,348**	**$18,445**	**$276,450**

Income Details

- State of MN: the MN legislature, via BWSR, provided the MRB with 90% of our previous biennium's allocation, this $90,000 to aid in reporting progress in the MN River Basin.
- County Income: Dues collected from member counties in 2009 for use during the FY10 fiscal year. Dues were held stable for FY10 and no increase will be proposed for FY11.
- MCIT Insurance Refund: The estimated value of our dividend check from MCIT Insurance.
- CIG (CMM) Contract Allowance: Income to cover expenditures associated with the Conservation Marketplace of Minnesota project (2008 Conservation Innovation Grant) as outlined in Phase 1 of the grant agreement with the National Fish and Wildlife Foundation.
- 2006 CIG with AgFlex: Estimated final income associated with the contract for services established back in 2006 with AgFlex.
- Mt. Simon Monitoring: Payment for services rendered to Mt Simon Permit Holders and the MN Department of Natural Resources to facilitate, mediate, and provide data management to an aquifer monitoring initiative.

Expenditure Details

- Executive Director: 50% of the Executive Director's annual salary, spread out based on where work will be completed.
- Administrative Assistant: Funds a 49% FTE Office Manager to facilitate the CMM, Mt. Simon, and day-to-day administration of funds, grants, and accounting and meeting logistic needs.
- Program Director: Being tied to State Funding, this position will be funded based on the appropriation from the state of Minnesota, with some supplemental funding used from the CIG/CMM, therefore, 94% of the position will be funded for this fiscal year.
- Student Worker(s): Funding for a 16 hour per week student worker to assist with various MRB duties during the academic year and full time for 6 weeks from mid-May through the end of June 2010.
- Fringe Benefits: Estimated Health Insurance, Required Leave, FICA, etc.... for all MRB staff and students listed above
- Contractual Services for CMM: Services as allowed in the CIG agreement for technical services to be contracted out as needed, including legal services (included under legal retainer below), web site development, model evaluation, and technical planning provided by various potential partners.
- MCIT Insurance: Estimated Annual Insurance Payment
- MRB Meeting Expenses: Base expenses for 6 MRB business meetings and 2 executive committee planning sessions, including primarily room rental and refreshments. Tours, speaker fees, per diem and other travel costs, etc... are budgeted for in Programming and Travel below.
- Communications/Reporting: Additional funding has been allocated here to help ensure that MRB communications efforts and completion of required reporting are secured. Postage ($1,000), cellular phone and data services ($1,140), web site expenses ($2,400), newsletter/press release/weekly updates preparation ($7,230), Reporting Assistance for data management and report prep ($7,230).
- Travel: Designated Vehicle for MRB (7/09 – 6/10; $10,800), Staff Lodging and Travel to Conferences, including registration fees, ($1,500); executive committee per diem ($3,000), Misc. Staff, Delegate, and Guest Expenses, such as personal mileage ($792)
- Printing: Preparation of various reports, newsletters, stationary needs, in-house copy needs ($4,000)
- Awards Program: "Tributary" and "Confluence" Awards ($200), MRB Scholarship ($1,000), Science Fair Awards ($500), Undergraduate Student Research Award ($1,000)
- Supplies/Equipment: Various office supplies, software upgrades, chairs, etc... as needed, primarily in support of the CIG/CMM in conjunction with project partners and basin stakeholders.
- Legal Retainer: $200/month retainer fee for Rinke Noonan, split between county and grant funds.
- Tech/Citizen Advisory Committee: Provide meeting facilities and refreshments for designated advisory committee meetings, potentially including travel allowances and per diem for formal representatives as funds allow. Some funds may also be used to offset costs of committee representatives to attend MRB meetings as formal liaisons.
- MSU Indirect Costs: Approximately $165,000 of this budget will need to be contracted with the Water Resources Center at MN State University, Mankato to cover 100% of staff salary and fringe plus large portions of Communications/Reporting, Travel, and Printing. An 8% indirects rate will apply based on our agreement with MSU, Mankato from 2008.
- Outreach/Programming: Funds for Workshop, trainings, and conferences on grants/funding opportunities, ongoing research, program updates, annual meeting events, etc..., including a Minnesota River Research Forum ($20,000)

BOARD RESOLUTION _____

WHEREAS, the Minnesota River Basin Joint Powers Board was granted $90,000 of General Funds in fiscal year 2010 from the 2009 Minnesota Legislature;

WHEREAS, the Minnesota River Basin Joint Powers Board has developed and adopted an Annual Plan of Work for fiscal year 2010 on July 27, 2009;

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.

_____ _____

Randy Kramer, Chair
Minnesota Board of Water & Soil Resources

Date

Drainage Work Group Update
BWSR Board Meeting, 8-27-09
Al Kean, Chief Engineer

Drainage Work Group (DWG) Genesis, Membership and Purpose:

- Outgrowth of Public Drainage Ditch Buffer Study, February 2006 (http://www.bwsr.state.mn.us/aboutbwsr/publications/bufferstudyweb.pdf)
- Broad stakeholder group (http://www.bwsr.state.mn.us/drainage/DWG.html)
- Focused on enhancing common understanding of current knowledge and trends regarding drainage management and promoting policies with consensus support

2007 DWG Consensus Recommendations:

- Numerous recommendations for clarifying MN drainage law (MN Statutes, Chapter 103E) and promoting drainage records modernization
- Focused on required and optional buffer strip establishment, inspection and maintenance
- Included recommendation for guidelines and state cost-share for drainage records modernization
- Adopted by Legislature in 2007

Summary of July 29, 2009 DWG Meeting:

- *Status of 2008 DWG Consensus Recommendations for clarifications of drainage law and drainage records modernization cost-share:* Legislative bills got hung up in committee, primarily due to cost-share funding recommendation and focus on state budget deficit and Clean Water Amendment. Pursue again next legislative session.
- *2009 Legislative directives and appropriations involving DWG:* Discussed study of riparian buffer areas and identified members for steering committee. Discussed new Clean Water Fund $ appropriated to BWSR for a conservation drainage program, including consultation by DWG. Discussed $100K per year general funding to BWSR for drainage records modernization.
- *Section 319 Project: Drainage Systems Management Education and Stakeholder Feedback Workshops:* Mark Dittrich, MDA, presented overview of current project and DWG discussed. Three stakeholder groupings planned, with 3 workshops each statewide.
- *LCCMR Project: MN Drainage Law Analysis and Evaluation:* Louis Smith, Smith Partners PLLP, presented an overview of the project and DWG discussed. Steering committee members were identified to help define several typical scenarios to evaluate and provide periodic review and perspective. Louis provided a draft work plan.
- *LCCMR Project: Intensified Tile Drainage Evaluation:* Shawn Schottler, Science Museum of MN, St. Croix Watershed Research Station and Rick Moore, MN State University, Mankato, Water Resources Center, provided background on fingerprinting sources of sediment in Lake Pepin and an overview of the project. DWG discussed and asked for access to the presentations, copies of which have been put on the BWSR web site under DRAINAGE. (http://www.bwsr.state.mn.us/drainage/tile_evaluation-Schottler7-29-09.pdf) (http://www.bwsr.state.mn.us/drainage/tile_evaluation-Rick_Moore7-29-09.pdf)

NEW BUSINESS

1. FY '10 Red River Valley Flood Recovery – ***DECISION ITEM***

2. Drainage Work Group Update – ***INFORMATION ITEM***

3. "Success Through Regional Collaborative Partnerships" – Jeff Nielsen and Donna Rasmussen, Chair of the Basin Alliance for the Lower Mississippi in MN (BALMM); Linda Dahl, Executive Director, SE MN Water Resources Board JPB; and Glen Roberson, host Manager, SE SWCD Technical Support JPB - ***INFORMATION ITEM***

SPRING FLOOD OF 2009
BWSR COST SHARE SUMMARY RESPONSE

BACKGROUND

The 2009 Legislature appropriated $1 M to BWSR for erosion, sediment, and water quality control cost share for projects damaged by the spring flooding of 2009. This appropriation is made available to LGUs via applications made through the MN Recovers Task Force.

CURRENTLY

The MN Recovers Task Force application period closed July 9. Nine applications are eligible for BWSR funding requesting $2,448,300.

Application	Applicant	Amount Requested	Primary Project Types
1830-4,5,6,7	East Polk	$201,000	Gullying, Sedimentation
1830-8,9	Red Lake	$ 75,000	Streambank/Shoreland
1830-10	Norman	$426,000	Gullying, Stream bank
1830-19	Clay	$846,300	Streambank, Sedimentation
1830-3	Red Board	$900,000	Ring Dikes
Totals		**$2,448,300**	

ALLOCATION STRATEGY

The MN Recovers Task Force, Natural Resources Sub-Committee is proposing to allocate $250,000 towards ring dike construction for application (Red Board) 1830-3. The remaining $750,000 is available to leverage federal funding for the other eight applications, pending ECP, EQIP, and EWP program eligibility determinations). A federal contribution, similar to the SE MN flood response, is anticipated. Board Conservationists have field-verified these applications.

The Task Force is anticipating that some additional funding ($250 – $300K) may become available to BWSR later this fall to be considered for funding additional requests. This funding is expected from unused appropriations to DEED and the Depts. of Education and HS.

The MN Recovers Task Force, Natural Resources Sub-Committee, and Grants Program & Policy Committee, is forwarding their allocation recommendation as listed in the "Grant Amount" column in the following table, to the Board for approval.

Minnesota Recovers Task Force, Natural Resources Sub-Committee
And Senior Management Team Funding Recommendation Summary

Application	Applicant	Amount Requested	Land-Owner Contribution	Federal Contribution	Other Contribution	Grant Amount
1830-4,5,6,7	East Polk [1]	$201,000	$20,100	$32,500	$18,200	$130,200
1830-8,9	Red Lake	$ 75,000	$ 7,500	$ 0		$ 67,500
1830-10	Norman [2]	$426,000	$36,600	$169,500	?	$172,500
1830-19	Clay [3]	$846,300	$84,630	$380,715	$1,155	$379,800
1830-3	Red Board	$900,000	$125,000		$625,000 [4]	$250,000
Totals		**$2,448,300**	**$273,830**	**$582,715**	**$644,355**	**$1,000,000**

Notes: [1] East Polk SWCD's other contributor is the Sand Hill River Watershed District
-Fed contribution is an estimate of 50% for those who qualify (not all projects are eligible for any Fed programs)
- A Land-Owner contribution of 10% is generally assumed.

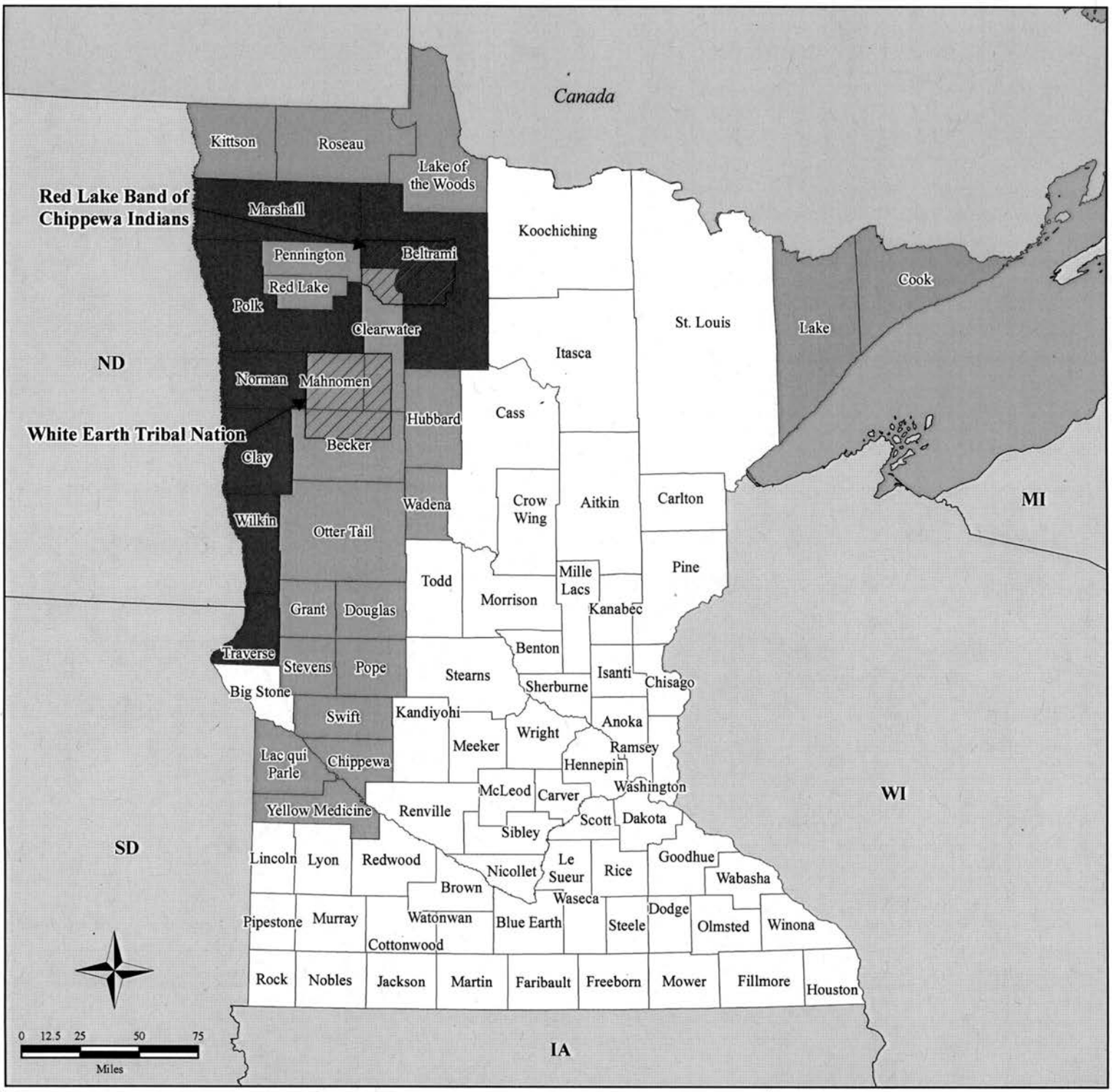
[2] Norman SWCD also had an application for a ring dike which is omitted. This is because of the ring dike grant going to the RRWMB of which the Wild Rice WD is a member. The Wild Rice WD may be a contributor to the projects in Norman SWCD but is yet to be determined.

[3] The Wild Rice & Buffalo Red River WDs may be contributors to the projects in Clay SWCD but that is yet to be determined (could further reduce the landowner contribution and should not be limited to the $1,155 listed). Clay SWCD's application had 6 projects requesting $44,935 within the 'Agricultural Assistance' category of the MN Recovery Application. Project types consisted of grain within bin damage, portions of alfalfa fields flooded out, fence damage, and 15 calves lost. These were not included as these are not sedimentation/soil erosion/water quality related but may be funded by DEED.

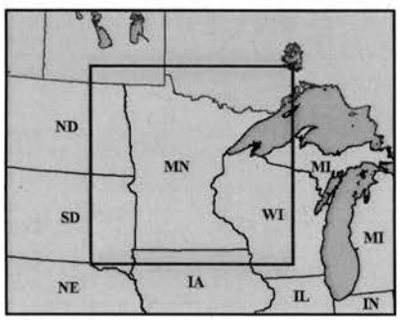
[4] This amount includes funding from DNR, WDs, and the Red Board.

H:SFBR

FEMA-1830-DR, Minnesota
Disaster Declaration as of 05/06/2009



Location Map



Legend

Designated Counties

- No Designation
- Public Assistance
- Individual Assistance and Public Assistance
- Indian Reservation

All counties are eligible for Hazard Mitigation

FEMA

ITS Mapping & Analysis Center
Washington, DC
05/06/09 -- 2:45 PM EDT

Source: Disaster Federal Registry Notice Amendment No. 5 - 05/06/2009

MapID 854f4f4a68c050609140 7hqprod

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The MN Recovers Task Force, Natural Resources Sub-Committee and Senior Management Team is forwarding their allocation recommendation as listed in the "Grant Amount" column in the following table, to the Grants Program & Policy Committee. The Grants Program & Policy Committee is scheduled to forward their funding recommendation to the Board following their August 25 Meeting.

DRAFT

Minnesota Recovers Task Force, Natural Resources Sub-Committee
And Senior Management Team Funding Recommendation Summary

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H:SFBR

DRAFT

Board Resolution #_____

FY '10 RED RIVER VALLEY FLOOD RECOVERY

WHEREAS, a Presidential Declaration of a Major Disaster FEMA-1830, was authorized in response to flooding and storms that occurred on or after March 16, 2009, and;

WHEREAS, the 2009 Legislature in S.F. 2113, Art. 1, Sec.4, Subd. 3, appropriated $1 M for erosion, sediment, and water quality control cost-share for projects in the area included in DR-1830 damaged by the storms and floods; and,

WHEREAS, the 2009 Legislature in S.F. 2113, Art. 1, Sec.4, Subd. 5, authorized the Board to waive the provisions of MN Statutes, Sections 103B.3369 and 103C.501, and MN Rules, Chapter 8400, in the area included in DR-1830 on land damaged by the disaster; and,

WHEREAS, the Board has made these funds available to Local Governmental Units through the MN Recovers Task Force; and,

WHEREAS, the applicants below have requested and represent that they are duly qualified to receive these funds.

NOW THEREFORE, the Board hereby authorizes staff to: 1) allocate funds to these Local Governmental Units for the projects and activities as described in their respective MN Recovers Task Force Request for Assistance application, as follows:

Applicant	Amount
East Polk SWCD	$
Red Lake SWCD	$
Norman SWCD	$
Clay SWCD	$
Red River Watershed Mgmt. Bd.	$
Total	**$**

2) develop grant agreements to accomplish said projects and activities while pursuing federal funds to supplement or substitute for these allocations.

_____ Date: _____

Randy Kramer, Chair
Board of Water and Soil Resources

H:10RRVFRBRD

DRAFT

Board Resolution # 09-65

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Total	**$** 1,000,000

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Date: 8/27/09

Randy Kramer, Chair
Board of Water and Soil Resources

H:10RRVFRBRD

Drainage Work Group Update
BWSR Board Meeting, 8-27-09
Al Kean, Chief Engineer

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- *Section 319 Project: Drainage Systems Management Education and Stakeholder Feedback Workshops:* Mark Dittrich, MDA, presented overview of current project and DWG discussed. Three stakeholder groupings planned, with 3 workshops each statewide.
- *LCCMR Project: MN Drainage Law Analysis and Evaluation:* Louis Smith, Smith Partners PLLP, presented an overview of the project and DWG discussed. Steering committee members were identified to help define several typical scenarios to evaluate and provide periodic review and perspective. Louis provided a draft work plan.
- *LCCMR Project: Intensified Tile Drainage Evaluation:* Shawn Schottler, Science Museum of MN, St. Croix Watershed Research Station and Rick Moore, MN State University, Mankato, Water Resources Center, provided background on fingerprinting sources of sediment in Lake Pepin and an overview of the project. DWG discussed and asked for access to the presentations, copies of which have been put on the BWSR web site under DRAINAGE. (http://www.bwsr.state.mn.us/drainage/tile_evaluation-Schottler7-29-09.pdf) (http://www.bwsr.state.mn.us/drainage/tile_evaluation-Rick_Moore7-29-09.pdf)

BOARD RESOLUTION 09-64

WHEREAS, the Minnesota River Basin Joint Powers Board was granted $90,000 of General Funds in fiscal year 2010 from the 2009 Minnesota Legislature;

WHEREAS, the Minnesota River Basin Joint Powers Board has developed and adopted an Annual Plan of Work for fiscal year 2010 on July 27, 2009;

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.

Randy Kramer, Chair
Minnesota Board of Water & Soil Resources

8/27/09
Date

SUCCESS THROUGH REGIONAL COLLABORATIVE PARTNERSHIPS

BWSR BOARD MEETING
8/27/2009

BALMM

1999–discussion begins about a Basin Plan for the Lower Mississippi in Minnesota led by Bev Nordby (Mower SWCD), Kevin Scheidecker (Fillmore SWCD), Norman Senjem (MPCA)

↓

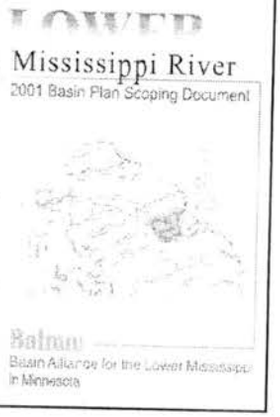
Water Plan 2000 (a.k.a. Watermarks)--Basin Team formed

↓

Basin Alliance for the Lower Mississippi in Minnesota (BALMM)

↓

2001 Basin Plan Scoping Document completed



BALMM

Ad hoc group with representation from numerous public and private organizations, for example:

- **Local:** SWCD staff and Supervisors, county staff and Commissioners, cities
- **State:** MPCA, BWSR, MDA, DNR, MDH, U of M Extension
- **Federal:** USFWS, NRCS, EPA
- Watershed organizations: Cannon River, Zumbro, Whitewater, Cedar, Turtle Creek, Shell Rock
- **Regional:** RC&D, SE Water Resources Board, SE Technical JPB
- **Others:** The Nature Conservancy, SE MN Water Resource Center (WSU), local ag reps, ag and conservation groups

The BALMM mailing list has over 300 contacts!

BALMM

Provides a forum every other month to gather input from many groups and interests about how to achieve water resource goals for the region:

- Basin planning and management
- Idea "incubator"
- Interagency project development
- Builds on local government and builds capacity

BALMM CURRENTS

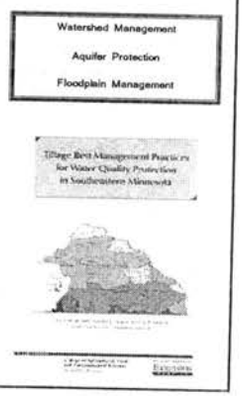
electronic newsletter is published about every month on topics of interest to BALMM participants

http://www.pca.state.mn.us/water/basins/lowermiss/index.html

BASIN PLAN SCOPING DOCUMENT

7 land use strategies:

1. Perennial vegetation
   - LandscapeBuffer Initiative
   - CREP
   - ManagedGrazing
   - Hay as a program crop
   - MN Project/BALMM marketing of CREP CCRP, etc.
   - New Look at Livestock Initiative
   - ShorelandBuffer Initiative
2. Soil Conservation on Row-Crop Land
   - Conservation Tillage Campaign
   - Cover crop strategy
   - Total Resource Management
3. Wetland Protection and Restoration
4. Nutrient and Pesticide Management
5. Aggregate Mining Activities Management
6. Urban and Rural-Residential Land Management (including wastewater)
7. Animal Feedlot Management



Basin's Fecal Coliform Bacteria TMDL Study approved 2002 (revised in 2006)
http://www.pca.state.mn.us/water/tmdl/project-lowermiss-fecal.html

TMDL Implementation Plan approved in 2007
http://www.pca.state.mn.us/publications/wq-iw9-02c.pdf

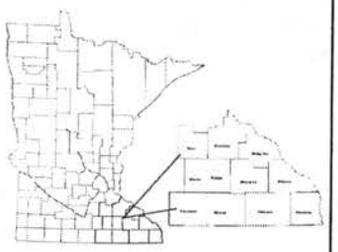
Efforts underway since 2001:

- Reduce runoff from smaller, open lot feedlots through increased technical, educational, and financial support
- Double the rate at which inadequate septic systems and small unsewered communities are being upgraded
- Accelerate the use of managed grazing among beef and dairy producers

BALMM with SE SWCD Tech Support JPB

SE SWCD Tech Support JPB

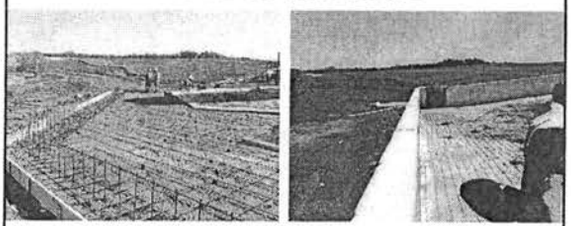
- Composed of 11 SWCD's
- Aligns with MASWCD Area 7
- Feedlot Fixes were greatest need!



- Feedlots are a major workload item.
- Technical Authority Signoff is key service.

Feedlot Fixes!

During and After Construction of a Feedlot Runoff Control Practice



Nutrient Management

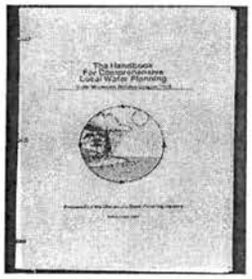
Clean Water Legacy Grant funded 2 Positions, Cover all 11 SWCD's.

BALMM WITH SE MN WATER RESOURCES BOARD

SOUTHEAST MINNESOTA WATER RESOURCES BOARD

- Joint Powers Board of 10 Southeast MN counties
- Formed to improve and protect the water resources of SE MN

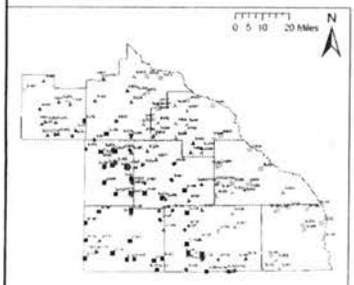
110B: COMPREHENSIVE LOCAL WATER PLANNING ACT



GRANT PROJECTS

- ✓Research
- ✓Education
- ✓Technical assistance
- ✓Pass-through funding

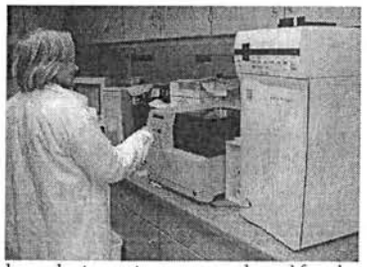
BASELINE GROUND WATER MONITORING



First regional groundwater monitoring study to gain baseline data on aquifers providing domestic water supplies

BWSR 1991

OLMSTED COUNTY WATER TESTING LAB

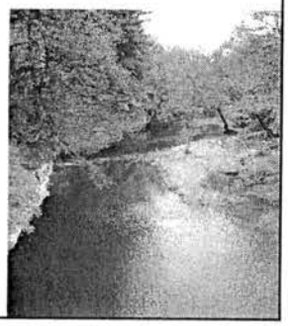


Pesticide analysis equipment purchased for the region

MN Rural Development Board 1993

Great Rivers Project Established in 14 Area High Schools

An inter-disciplinary curriculum that uses a school's local river for study in English, science and social studies



McKnight Foundation 1994

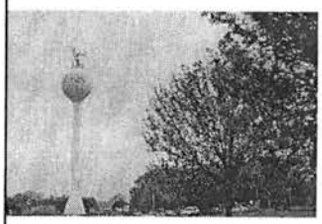
ISTS Education

BWSR Challenge Grant

Educational campaign on proper operation and maintenance of Individual sewage treatment systems

BWSR 1994

Wellhead Protection

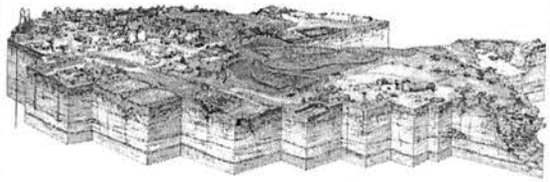


Assisted public water suppliers with wellhead protection planning

Pump tests and research into aquifer characterization of public water supply aquifers

BWSR 1996

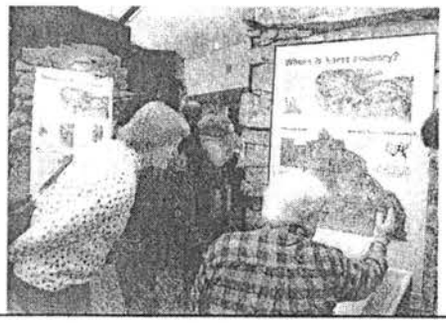
Karst Exhibit & Trunks



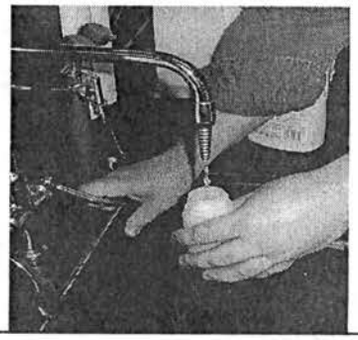
Collaborated with Science Museum of MN to develop a karst exhibit, curriculum materials and learning trunks for the region

LCMR - 1999

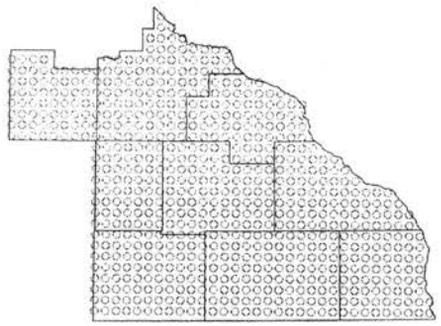
Grand Opening of the Karst Exhibit



Volunteer Nitrate Monitoring



9 Participating Counties



Wastewater Facilitation for Unsewered Communities

Targeted Feedlot Runoff Reduction

SERG!... (SE Regional Grant)

A Regional Approach to Fecal Coliform Reduction

- SE MINNESOTA WATER RESOURCES BOARD
- SE TECHNICAL SUPPORT JOINT POWERS BOARD
- BASIN ALLIANCE FOR THE LOWER MISSISSIPPI IN MN (BALMM)
- SE MN WASTEWATER INITIATIVE
- COUNTY AND SWCD FEEDLOT STAFF

Comprehensive Approach To Implementation

Livestock Manure

- Feedlot Designs & Fixes - OLA
- Manure Management
- Pasture/Grazing Management

Residential Wastewater

- Individual Sewage Treatment Systems
- Unsewered Community Assistance

Feedlot Progress:

Measures of Success
(Through 12/08)

Activities	10 Counties
Registrations	6,633
OLA (pollution hazards)	3,115
OLA signed	2,295
Designs Completed	1,471
Feedlot Fixes - implemented	324

1,147 designs 'shovel ready', awaiting financial and technical assistance

Residential Wastewater:

Measures of Success – Ten Counties

Individual treatment systems – total	45,000
Failing Systems	20,000
Imminent Threats to Public Health	8,900
Unsewered Communities	104
Community Solutions Implemented or Underway	22

Fillmore; 65% of ITPH fixed through education, grants and loans

82 Communities awaiting assistance

Goals of SERG!

- 1,650 small feedlots fixed, many to zero runoff (86% of OLA pollution hazards fixed)
- 15 community wastewater solutions completed, and 20 additional community projects underway (42% of unsewered communities completed or underway)
- 5,000 ITPH replacements (56% of ITPH fixed)

Benefits of SERG!

- Water Quality
  - Improved Public Health and Recreation
- Local economies – Job Stimulation
  - Septic contractors, feedlot contractors
  - Small communities
  - Homeowners/home buyers
  - Small livestock producers – Strengthen livestock sector viability
  - County and SWCD technical staff
  - Multiplier effect
- Streamlined delivery of public services

THANK YOU FOR YOUR TIME!

ANY QUESTIONS ?

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Area 7 Minnesota Soil and Water Conservation Districts Association, Bluffland Environmental Watch, Cannon River Watershed Partnership, Dakota County/SWCD, Minnesota Board of Water and Soil Resources, Minnesota Department of Agriculture, Minnesota Department of Health, Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, Mississippi River Citizen Commission, Natural Resources Conservation Service, Prairie Island Indian Community, Southeast Minnesota Ag Alliance, SE Minnesota Water Resources Board, Upper Mississippi Basin Stakeholder Network - St. Mary's University, University of Minnesota Extension, U.S. Fish & Wildlife Service, Whitewater River Watershed Project

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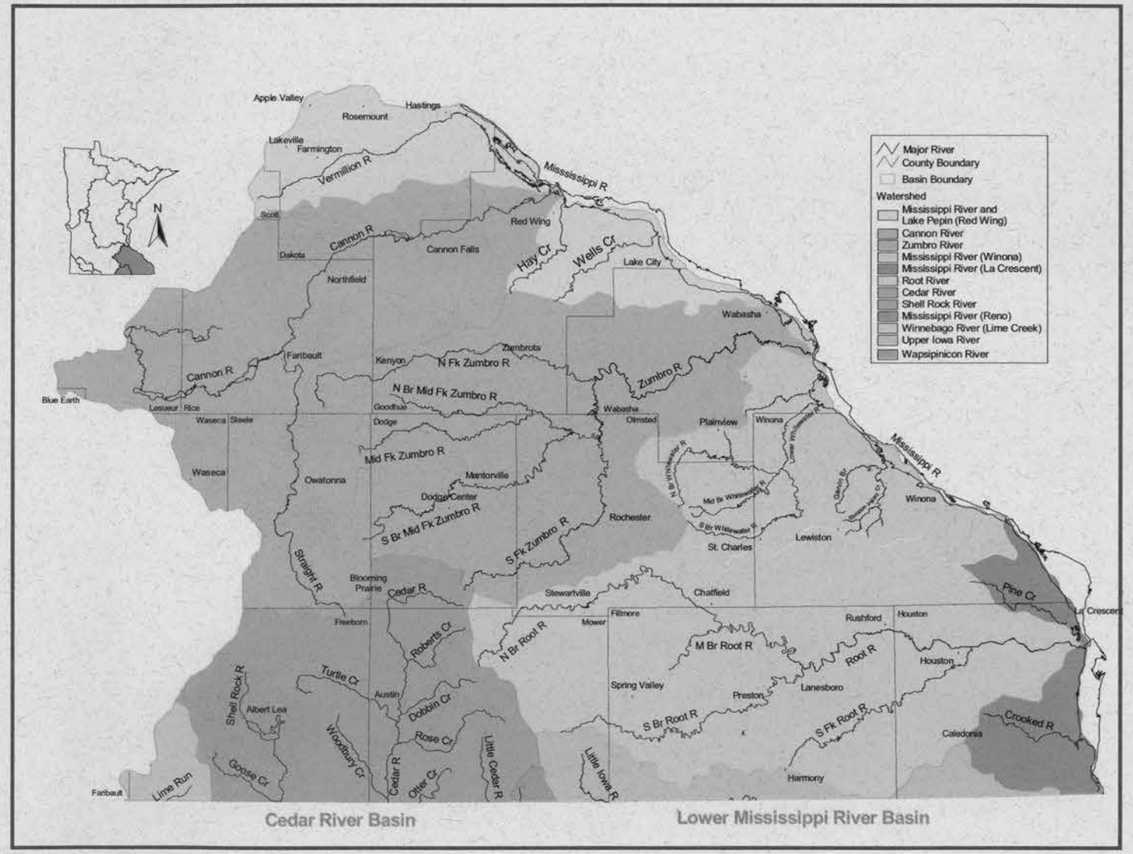
Balmm!

Basin Alliance for the Lower Mississippi in Minnesota



Providing local leadership
for
Water Quality Protection & Improvement
in the Lower Mississippi River Basin

Water Quality Concerns

The Lower Mississippi River Basin abounds with beautiful bluffs, springs, caves and dozens of streams capable of supporting trout, small mouth bass and other popular game fish species. It is a strong recreational magnet for tourists and residents alike as a growing population seeks high-quality outdoor experience. However, decades of monitoring show that both ground water and surface water are being polluted as a result of human activities in both rural and urban areas. Nitrate nitrogen levels often exceed drinking water standards, especially in private shallow wells. Surface water quality standards for fecal coliform bacteria and turbidity are widely exceeded, with sediment from soil erosion damaging fish and wildlife habitat from small trout brooks to the mighty Mississippi.

Why a Basin Alliance?

To an ever-increasing extent, water quality protection and improvement efforts in Minnesota and up and down the Mississippi River are being organized by drainage basin. Public and private funding sources are showing a growing preference for working through basin initiatives rather than supporting a host of separate, uncoordinated efforts.

The reason is simple. To achieve measurable water quality improvements, all significant contributors to water quality problems within the drainage basin need to contribute to the solution. This poses a challenge to local, state and federal agencies responsible for land and water resource management. Rather than working strictly within political boundaries (counties, cities, and states), basin management requires coordinating with other agencies across political boundaries within the hydrologic boundaries of a basin. A basin organization can help to facilitate this coordination.

Origins of BALMM

The Basin Alliance for the Lower Mississippi in Minnesota (BALMM) was formed in October 1999 to coordinate efforts to protect and improve water quality in the Lower Mississippi River Basin. Alliance members include Soil and Water Conservation District managers and county water planners together with a host of regional, state and federal agencies and organizations. These members decided to coordinate their efforts through an informal, ad-hoc alliance rather than forming an additional unit of regional government.

Purpose of BALMM

The purpose of BALMM is to create an organized, unified effort in the Lower Mississippi River Basin that will:

1. Make the case to the public, elected officials and funding sources for giving priority attention to water quality restoration and protection in southeastern Minnesota;
2. Establish ongoing coordination of local, state, tribal and federal agencies to plan and implement water quality protection and restoration activities that are economically and environmentally sustainable and reflect local and downstream priorities.

Accomplishments

Within its first year, BALMM developed the Lower Mississippi River Basin Plan Scoping Document which includes measurable, pollutant-specific water quality goals along with 10 strategies for achieving them. These strategies are being implemented through existing organizations. For example, the nine-county Southeast Minnesota Water Resources Board has secured federal grants to implement the BALMM strategies for small feedlots and nonconforming septic systems. BALMM also developed a major Conservation Reserve Enhancement Program proposal. Largely as a result of BALMM activities, Minnesota Governor Tim Pawlenty designated southeast Minnesota for special emphasis on cleaning up impaired rivers, under his Clean Water Initiative.

BALMM Strategies

BALMM members put a strong emphasis on implementing land use practices to improve or protect water quality. These strategies include three approaches to managing broad areas – Watershed Management, Aquifer Protection, and Flood Plain Management — along with seven specific land-use strategies that can be implemented as part of one or more of these comprehensive area strategies. These are:

Perennial Vegetation Increase acreage of well-managed hay and pastureland, vegetative buffer strips, woodlands, etc. This will increase infiltration and reduce surface runoff following rain and snow melt events.

Wetland Protection and Restoration Work with willing landowners to restore wetland functions in critical parts of the landscape.

Soil Conservation on Row-Crop Land Promote conservation tillage, contour farming and install needed structures to keep erosion at or below the replacement rate of soil erosion.

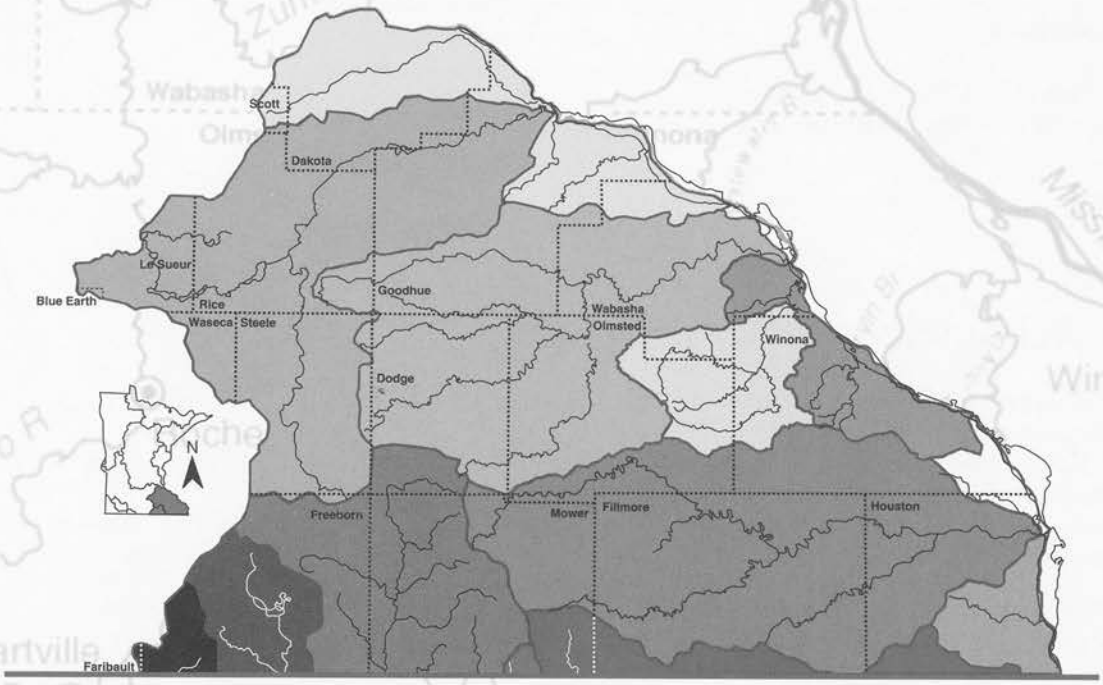
Urban and Rural-Residential Land Management Reduce impacts from urban stormwater and wastewater, while managing urban development.

Nutrient and Pesticide Management Promote optimal use of fertilizer and chemicals to minimize runoff and leaching from farm fields and urban land.

Animal Feedlot Management Support implementation of new state feedlot rules to reduce feedlot runoff and improve manure management.

Aggregate Mining Activities Management Coordinate permitting and environmental review to minimize potential impacts on ground water and surface water while maintaining local supplies at reasonable cost.

Tillage Best Management Practices for Water Quality Protection in Southeastern Minnesota



Gyles W. Randall, Timothy L. Wagar, Norman B. Senjem,
Lowell M. Busman and John F. Moncrief

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Special assistance on conservation structures to control erosion was provided by Lawrence Svien, Area Resource Conservationist, United States Department of Agriculture–Natural Resources Conservation Service.

The research data tables were developed by Jeffrey Vetsch, Assistant Scientist, University of Minnesota Southern Research and Outreach Center.

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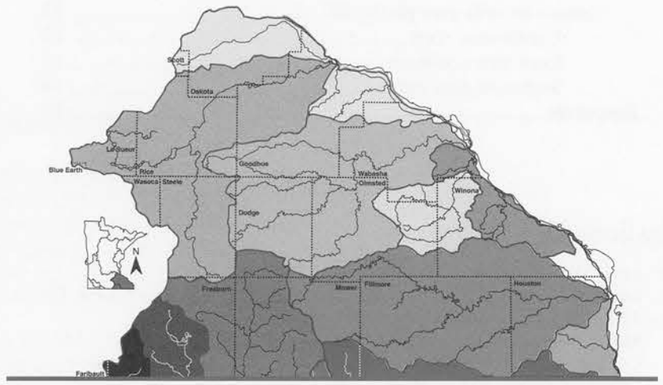
Introduction

This publication provides information that can help farmers in the Lower Mississippi River Basin of southeastern Minnesota optimize performance of their tillage system for both erosion control and profitable crop production. It identifies key farm management practices needed to manage production risks associated with reduced tillage and no-till systems. It also draws on more than 18 years of University of Minnesota field trials to help evaluate how particular types of reduced tillage systems perform in different crop rotations in the two sub-regions of the basin: 1) the eastern "Karst" area where wind-deposited (loess) soil overlies fractured bedrock, and where internal soil drainage is generally excellent; and 2) the western "loess-cap" area where loess soil overlies glacial till deposits that often provide poor internal soil drainage. ◢



Southeastern Minnesota's Water Resources and Soils

The Lower Mississippi River Basin of southeastern Minnesota is a varied landscape, rich in both soil and water resources. It contains more than 11,000 miles of rivers and streams that drain to the Mississippi River. Of these, 736 miles are cold and clear enough to be designated as trout streams. Although the region is considered "lake poor," it does include 115,000 acres of lake area. The counties included in this area are Houston, Fillmore, Mower, Winona, Olmsted, Wabasha, Goodhue, Dodge, and parts of Dakota, Rice, LeSueur, Steele, Waseca and Freeborn. As the area's population grows, and tourism and recreation become higher priorities for economic development, it will become ever more important to protect the area's high-quality water resources from potential degradation. Impaired waters will have to be restored to allow high-quality recreational experiences such as swimming, boating and fishing.

Productive loess soil supports crop cultivation on sixty percent of the land surface, making cropping the area's predominant land use. Two distinct areas of loess (wind-deposited silt loam soils) dominate the regional landscape **(see Figure 1, page 6)**. One area has relatively deep to shallow deposits of loess overlying limestone and sandstone bedrock (MLRA 105) and has exceptional water- and nutrient-holding capacity. The rolling topography and gradual-to-steep slopes give the soils good internal and surface drainage **(see Figure 2, page 7)**. The other major area, on the western edge of the rolling landscape, is characterized by gently sloping to flatter fields. The loess soil in this area developed as a cap overlying glacial till (MLRA 104). This soil also has good water- and nutrient-holding capacity, but has much poorer internal drainage because of the fine-textured subsoil. Loess soils, particularly those on rolling landscapes with steep slopes, are susceptible to erosion. To add to the problem, the southeastern region receives the state's highest average annual rainfall (30–32 inches), which often occurs as intense storms. The abundant moisture greatly benefits crop production, but it also creates the challenge of trying to control erosion and the transport of sediments to surface waters. ◢

Why Erosion and Water Quality Are Concerns

Soil erosion, caused mainly by snowmelt and rainfall runoff, threatens the long-term productivity of the soil and contributes to the degradation of surface water quality. Suspended sediment from upland soil erosion, stream bank erosion and other sources can injure aquatic organisms. Light cannot penetrate as far, which limits the growth of rooted aquatic plants that are needed for a healthy stream ecosystem. Sediment deposits reduce pool depth, destroy fish spawning areas and reduce the ability of pollution-sensitive species such as trout and smallmouth bass to survive and reproduce. Of 42 officially listed stream reach impairments—based on monitoring—in the Lower Mississippi River Basin, the cause of impairment in 19 cases is turbidity, or "cloudiness," usually the result of suspended sediment in the water. Stream monitoring shows that turbidity or suspended sediment is a widespread problem throughout the basin, including in the Mississippi River.

Agricultural land uses have changed over the past few decades. A much higher proportion of farmed land is in row-crop production today than in the recent past, making it increasingly important that row-crop fields be managed to control soil erosion. In 1999, corn and soybeans occupied 80 percent of the total crop acreage in a nine-county southeastern Minnesota area, compared to 64 percent in 1975, according to the Minnesota Department of Agriculture. A dramatic increase in soybean acreage has come at the expense of hay, pasture and small grains. This means the potential for soil erosion—and the associated decreases in soil productivity and water quality—has risen substantially over the past two decades. ◢

Using Conservation Tillage to Control Erosion

Fortunately, a key method of reducing soil erosion on cropland—conservation tillage—is generally well suited to southeastern Minnesota. If properly managed, conservation tillage can reduce average soil erosion by up to two-thirds. It often lets a farm maintain or enhance profitability through production cost savings. When combined with other common conservation practices—such as grassed waterways, buffers and contour planting—it can help to retard erosion even on the region's steeper, longer slopes where erosion of unprotected cropland is severe. Generally, the conservation tillage benchmark of 30 percent surface residue after planting provides significant erosion control. This is easy to achieve following corn production, but can be a difficult target to attain for crops planted in soybean stubble. Somewhat less surface residue still gives substantial erosion control. Therefore, fields meet crop residue targets if they have greater than 30 percent residue following corn, and at least 15 percent residue cover following soybeans.

Conservation tillage today

Crop residue surveys indicate that farmers' adoption of conservation tillage varies greatly throughout the basin **(Table 1)**. In five counties, no more than one-third of the fields surveyed had adequate crop residue to control erosion, while in three counties two-thirds or more of fields were adequately protected. There appears to be considerable opportunity for increased adoption of conservation tillage across the basin, particularly in areas where adoption rates are currently low.

Table 1. 2000 Minnesota Corn-Soybean Residue Survey Results. Summary for the Lower Mississippi River Basin in Minnesota

		Percent of Corn and Soybean Fields Meeting Residue Targets[1] in 2000		Residue Trend Analysis Percent of Corn and Soybean Fields Meeting Residue Targets[1, 2]					
Rank	County	CORN	SOYBEAN	1995	1996	1997	1998	1999	2000
1	Le Sueur	75%	78%	47	72	*	65	74	77
2	Waseca	59%	70%	42	26	63	33	38	64
3	Houston	57%	81%	*	*	*	*	*	64
4	Dakota	53%	57%	*	*	33	34	29	54
5	Winona	47%	79%	*	*	*	*	*	53
6	Freeborn	39%	69%	*	*	*	*	*	53
7	Fillmore	44%	52%	47	*	*	26	14	47
8	Steele	32%	55%	*	*	*	*	*	43
9	Dodge	36%	47%	*	*	*	39	36	41
10	Mower	24%	45%	*	*	*	*	10	34
11	Olmsted	30%	38%	65	*	*	26	*	33
12	Rice	23%	41%	*	*	*	6	18	32
13	Goodhue	17%	45%	*	*	*	*	*	28
14	Wabasha	22%	24%	*	*	*	*	*	23
	Averages	40%	56%	*	*	*	*	*	46

[1] Fields meeting residue targets include fields with >30% residue plus fields with >15% residue when following soybeans. Residue is measured after planting.
[2] An asterisk indicates no data were collected.

How different tillage systems maintain crop residue

Tillage systems can use tillage implements very effectively to leave various levels of crop residue on the soil surface. The effectiveness of seven tillage systems at protecting crop residue is described below.

Moldboard Plow:

Moldboard plowing followed by one or two secondary tillage operations with a field cultivator or disk before planting. This system is an aggressive tillage practice that often leaves less than 10 percent of the surface covered with crop residue after planting.

Chisel Plow-Plus:

Fall chisel plowing plus spring secondary tillage with a field cultivator or disk. This tillage practice is quite aggressive and can reduce crop residue to levels that are inadequate for erosion control.

One Pass:

Single pass with a field cultivator in spring before planting corn after soybeans or a tandem disk before planting corn after alfalfa or soybeans after corn. This is a less aggressive tillage system that may leave adequate residue after planting.

Ridge-Till:

Tillage is limited to that performed by the planter (ridge leveling) and one or two in-season cultivations (ridge building). Preformed ridges provide a drier and warmer seedbed at planting. Adequate levels of crop residue remain after planting.

Strip-Till:

Strips about 4" to 6" wide and 7" to 8" deep matched to the row-spacing of the planter are prepared in the fall with mole fertilizer knives or anhydrous knives mounted on a tool bar. Fertilizer P and K can be injected directly into the strip at the time of strip tillage. Corn is planted into the tilled "residue free" strip without any secondary spring tillage.

Rawson:

Combining deep slit tillage using a zone builder or other narrow subsoil shank and a planter equipped with multiple (2 or 3) fluted coulters cutting residue and preparing a seed bed gives excellent seed-soil contact directly above a deep slit.

No-Till (the planter performs all seedbed preparation):

Starter fertilizer placement and cleaning residue from the rows usually are done with the planter, but may be performed separately, sometimes in combination with fertilizer injected into a strip or band.

How management factors affect tillage practices

Soil types vary greatly on the landscape in southeastern Minnesota. It's important to understand these soil differences when deciding which tillage system to use in a farming operation. Failure to match the tillage systems to soil and landscape properties can result in reduced yield, poor erosion control and, eventually, loss of soil productivity.

Soil drainage

Well-drained soils warm up sooner and usually require less tillage than poorly drained soils. Warmer soils generally allow earlier planting and let emerging plants withstand greater amounts of crop residues left on the surface. Poorly drained soils often require more tillage and tile drainage systems in order to achieve timely planting. A high level of crop residue on slow-to-drain soils keeps them from warming and drying quickly. Wheel traffic on these wet soils can more easily cause surface compaction and could affect the subsoil as well.

The land's aspect, or exposure to the sun, also affects the warming and drying of soil. The sun's angle of incidence on south-facing slopes in spring is intense, and soils warm up and become drier sooner than soils on north slopes.

Crop rotation

Different crops leave different amounts of residue on the soil surface after harvest. Corn harvested for grain leaves a large amount of crop residue that does not readily break down. Much less crop residue is left on fields when corn is used for silage or corn stalks are baled for feed. When alfalfa follows corn in the rotation, tillage may be needed to incorporate fertilizer and/or agricultural lime and to develop a seedbed for the small seeds of forage crops. It is extremely important that small-seed legumes have close seed-to-soil contact for optimum germination.

The residue left following a soybean crop is minimal and does not provide adequate protective residue cover on the steep, loess soils in southeastern Minnesota. Soybean stubble should not be tilled in the fall in order to reduce the potential for soil erosion from fall rains and spring runoff of snowmelt. This leaves an opportunity for limited spring tillage before planting corn. The potential for erosion is greatly reduced when soybean residue is managed by using very limited tillage combined with contour farming and conservation structures. A straw chopper on the combine distributes soybean residue evenly, which helps in managing residue successfully the following spring. Some farmers have reported that special straw chopper knives and other combine attachments may be needed to thoroughly chop and evenly spread residue from some new soybean varieties, the stems of which tend to remain green for a longer time.

Weed management

When a farmer begins using conservation tillage, starting with a relatively weed-free field greatly improves the likelihood of successful long-term weed management. Using reduced tillage on a weed-infested field requires greater weed management and can become very costly. In fields where tillage has been reduced and crop residue levels have increased, weed pressure may increase and shifts in weed species may occur. In some fields, weed species that were controlled previously with tillage, pre-plant and pre-emerge herbicides begin to sprout and grow, giving the appearance of a "new" weed in the fields. Pre-plant incorporated herbicides are no longer used in fields where little tillage is used; pre- and post-emergence herbicide applications become the primary weed control program. A wide range of effective post-emergence herbicide treatments is available today for crops grown with reduced tillage. As a result of equipment improvements, mechanical weed control can also be combined with herbicides in fields with high crop residue.

Planting equipment

Many of the newer generations of planters and drills have options available to handle higher crop residue levels. Most planter tool bars sold today can be modified with row cleaners and/or coulters to ensure optimum seed-to-soil contact. Modern no-till drills are designed to clear residue while dropping and covering seeds as small as alfalfa at precision depths for exceptional contact with the soil, which results in good plant emergence. In recent years, narrow row spacing has become more prevalent and can be a benefit for farmers using conservation tillage. It is more difficult to do row cultivation in narrow rows, particularly on contour strips. However, rotary hoeing, combined with earlier closure of the crop canopy, helps to control weed growth. Farmers with older planters can modify their equipment with row cleaners and/or fluted coulters at a relatively low cost. Also, equipping the planter with starter fertilizer attachments increases the potential for success in high residue situations.

Nutrient management

It is critical to establish high soil fertility before starting a conservation tillage system. Fertilizer and manure nutrients, along with agricultural lime, must be managed for optimum crop production. With conservation tillage, moderate-to-poor soil fertility in fields will intensify yield loss and diminish the probability of long-term success. Also, it can be difficult and costly to make great increases in soil pH with lime after very reduced tillage systems have been established.

Nitrogen - Nitrogen (N) is the most important nutrient for corn production. Nitrogen needs to be managed for efficient use by the crop and also to reduce environmental risk of runoff and leaching. The Minnesota Nitrogen Fertilizer Task Force recommends that **no nitrogen fertilizer be fall-applied on the soils of the Karst** geologic area. Surface-applied N fertilizer—such as granular urea and UAN (urea-ammonium nitrate) solution—should be incorporated mechanically or by rainfall within three days of application to eliminate loss of N to volatilization. Any significant loss of nitrogen to the atmosphere or by runoff or leaching will reduce yield and profitability. Anhydrous ammonia is injected into the soil with knives that disturb the soil surface. The injection equipment also provides a minimum tillage pass without destroying the conservation tillage practice. For additional information see University of Minnesota Extension Service publications: ***Fertilizing Corn in Minnesota*** and ***Fertilizer Management for Corn Planted in Ridge-Till or No-Till Systems*** as listed in the Resource Section at the end of this publication.

Phosphorus (P), potassium (K) and soil pH - Soil tests should be used to maintain fertility at optimum levels. For optimum crop production with all tillage systems, soil pH needs to be 6.5 or greater when alfalfa is in the rotation or at least 6.0 when soybean is grown; P should be 16-20 ppm with the Bray test and 12-15 ppm when the Olsen extractant is used; and K needs to be 121-160 ppm. Soil testing should be done every two to three years to maintain soil fertility levels in reduced-tillage fields. If additional nutrients are needed, their placement in relation to the crop is important. Placing the fertilizer close to the corn seed gives the most efficient P and K uptake. Broadcast applications of fertilizer and ag lime are best following corn where some tillage can be used to incorporate the materials and maintain adequate crop residue levels for erosion control. For a soybean-corn crop sequence, two years of requirements for phosphate and/or potash fertilizer may be broadcast and incorporated in the year following corn. Broadcast fertilizer left on the soil surface is recommended for topdressing an existing stand of alfalfa and usually is not a hazard to surface waters when runoff control measures are used. However, soluble phosphorus could enter surface waters if fertilizer is spread on grass waterways.

Manure management

Continuous corn production provides the best opportunity to apply livestock manure on a consistent basis in conservation tillage systems. Corn residue levels are adequate for erosion control following injection of manure by knife or disk application equipment. Broadcast manure should be incorporated as soon as possible after application to reduce volatilization of N, potential runoff and odors. Farmers who need to apply manure throughout the winter should observe Minnesota Pollution Control Agency rules for land application of manure.

In reduced tillage systems with a corn-alfalfa rotation, using livestock manure gives some flexibility in application timing. Corn is grown for one or two years then is rotated to alfalfa. First year corn following a good stand of alfalfa (4-5 plants per sq. ft.) in most cases requires no additional N, so manure use would be limited. However, manure applied prior to seeding alfalfa—whether in the spring or late summer (by August 15th)—gives farmers flexibility in using manure to provide the nutrients required. Regardless of the manure application method, tillage may be needed to prepare the seedbed for alfalfa and to incorporate the manure. If soybeans are in the rotation, manure can also be used effectively when applied at agronomic rates before planting. However, the small amount of soybean crop residue remaining after harvest has a minimal effect on stabilizing soil and controlling erosion, particularly on silt loam soils with steep slopes. Farmers that have substantial amounts of manure for use might consider a rotation of two or more years of corn in order to maintain adequate crop residue cover for erosion control and make the most efficient use of manure nutrients.

Reduced tillage risks and benefits

Many farmers are reluctant to farm with greater amounts of crop residues on their fields. They fear yield loss and don't like the appearance of a crop growing in heavy residue. Their perception is influenced by several factors: 1) upsetting the landlord, business partner or a family member; 2) ridicule from neighbors; 3) lack of crop management skills to adopt conservation tillage; 4) recent purchase of equipment for aggressive tillage; and 5) on-farm research results. Overcoming the aesthetics of crop emergence in a field covered with residue takes patience, time and an understanding of the system. Farmers who have used conservation tillage learn to appreciate the "look" of a crop growing in higher levels of residue and the lower cost of production.

When evaluating potential yield loss that may result from adopting a very high-residue system such as no-till, it is important that farmers compare differences in production costs as well as expected differences in yield to arrive at a sound business management decision. The following example is intended only for illustration. Each farm will have its own production costs and risks based on equipment, management skills, crop rotation and other farm-specific factors.

The risk associated with reduced tillage is most pronounced for no-till production of continuous corn. In the Karst region, over 40 site-years of field research with continuous corn show that the yield difference is only 2 to 6 percent lower for no-till compared to chisel plowing. Following is a brief comparison of average tillage costs for no-till and chisel-plow systems, which can be used as a guide to determine how much of the potential yield penalty from no-till may be offset by cost savings from reduced tillage trips.

Chisel Plow System		No Tillage system	
One pass disk/chisel -	$ 8.93/A		
One pass disk/finish -	$ 6.70/A		
Plant -	$ 7.01/A	Minimum till planter	$ 9.08/A
Total	**$22.64/A**		**$ 9.08/A**

All costs above include labor, fuel, maintenance and depreciation. Estimated costs based on William Lazarus, *Minnesota Farm Machinery Economic Cost Estimates for 2000,* University of Minnesota Extension Service, St. Paul.

The tillage cost difference in the example is $13.56/A in favor of no-till. Weed control costs and the remaining costs through harvest would be similar for both methods. Assuming a 170 bu/A corn yield at $2.00/bu, the farmer would gross $340.00/A. If yields were 4 percent lower for the no-till system, there would be no difference in dollars returned for the two systems; however, the no-till farmer would need less labor, have a reduced line of equipment to maintain and cause less soil erosion and compaction. This example demonstrates that unless the average yield penalty associated with no-till exceeds about seven bushels of corn per acre, no-till production may be more profitable than a chisel-plow system. ◢

Using Conservation Structures to Control Erosion

An integrated system of reduced tillage practices and conservation structures is needed for successful soil and water conservation. Crop residues on the soil surface reduce the effect of rainfall intensity and help somewhat to keep sediments in place. However, conservation structures such as diversions, grade control measures, terraces, grass waterways, contour strips and conservation buffers are needed to reduce the velocity of water and sediment transport off fields.

Farmers need to combine tillage systems with crop rotations and conservation structures to control surface runoff and soil erosion effectively. For a corn-soybean rotation in the Karst area, contour farming, contour buffer strips and grass waterways in combination with no-till corn into soybean residue and chisel-plowing corn residue could provide sufficient erosion control. However, if tillage is done both after growing corn and growing soybeans, it may be necessary to compensate for the increased erosion potential from the additional tillage by using contour farming and terraces and adding hay or small grain to the rotation. In the loess-cap region, conservation tillage in combination with grass waterways or terraces often can control soil erosion in a corn-soybean rotation. Even if corn is planted no-till into soybean stubble, grass waterways or terraces will often be needed to handle erosion on steeper or longer sloping fields. If tillage reduces residue cover to 20 percent or less, terraces may be needed on steeper or longer slopes.

These typical conservation systems show how combinations of management practices and conservation structures can successfully control erosion in southeastern Minnesota. Individual farms may need site-specific designs that differ from these typical systems. Farmers can contact their local Soil and Water Conservation District/Natural Resources Conservation Service office for help in determining which combination of conservation tillage, crop rotation and conservation structures is best for their farm.

Grass buffers at the edge of a field, drainage ditch or stream should be considered supplemental erosion control for the upper portions of the field, not a replacement for conservation practices. In fact, field buffers are effective mainly against sheet and rill erosion, and can be easily breached by gully erosion that is the result of insufficient erosion control on the uplands. ◢

Figure 1. Major watersheds in Southeastern Minnesota

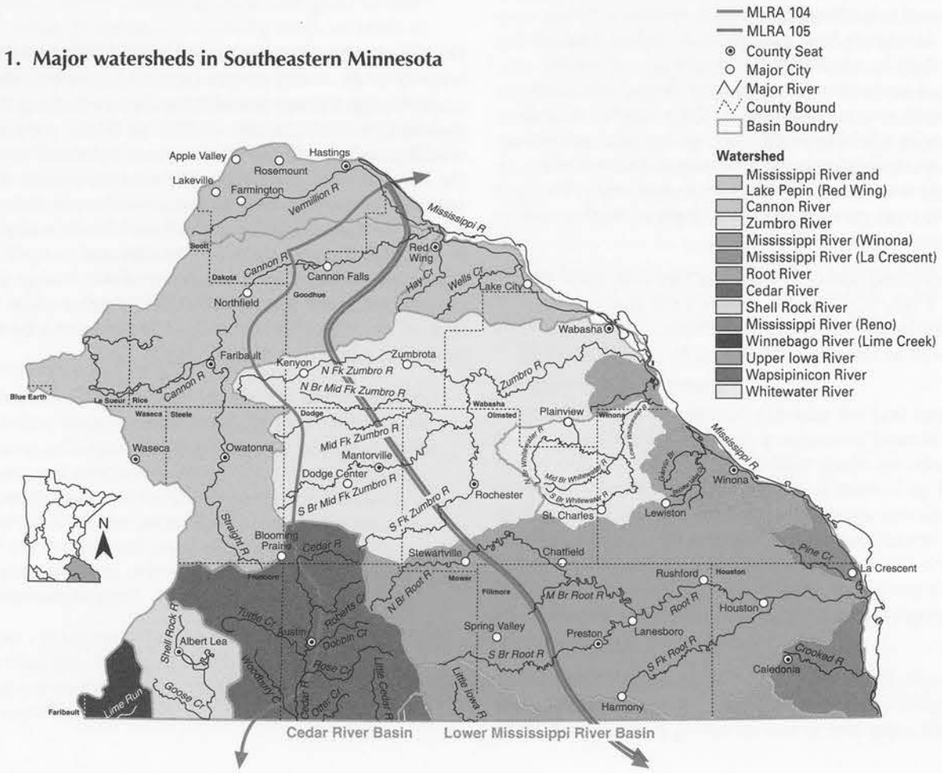
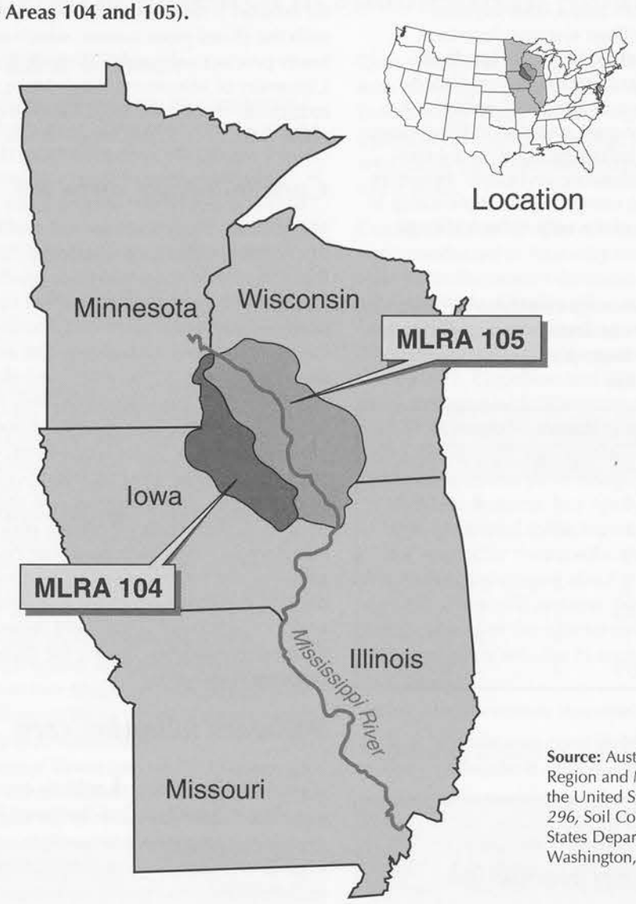


Figure 2. Minnesota Land Resource Area (MLRA) Soils (Major Land Resource Areas 104 and 105).



Source: Austin, M.E., 1965, "Land Resource Region and Major Land Resource Areas in the United States," *Agriculture Handbook 296*, Soil Conservation Service, United States Department of Agriculture, Washington, D.C.

Tillage Recommendations for Southeastern Minnesota

Below are the performance indicators used in Table 2 to summarize the tillage recommendations for various cropping systems in the two sub-regions of the basin: the eastern "loess (Karst)" area where loess soil overlies fractured bedrock, and the western "loess-cap (till)" area where loess soil overlies glacial till deposits.

1) Recommended with good management
No yield penalty is expected if the farmer observes all relevant recommended management practices for high residue systems.

2) Excellent management required
Slight yield penalty is possible, even if all recommended management practices are observed. Above average crop management will be needed to ensure good performance.

3) Reduced yield potential
The potential exists for substantially reduced yields, especially on poorly drained soils in wet years.

4) Inadequate residue to minimize erosion
Less than 30 percent of surface is covered after planting. Highest yield may be obtained, however.

Table 2 shows the residue management/yield performance indicators for continuous corn and a corn-soybean rotation using the different tillage systems described earlier. Management to maintain adequate levels of surface residue is more difficult for the corn-soybean rotation. This is clearly shown by the "1/4" indicator for the chisel plow-plus and one-pass systems; in these cases 1 indicates "recommended following corn" and 4 indicates "inadequate residue following soybeans." However, yield potential is likely to be compromised more easily in continuous corn with some of the very reduced tillage systems.

Table 2. Matrix of residue management/yield performance indicators for continuous corn and a corn-soybean rotation grown on loess (Karst) soils and on loess-cap soils over glacial till.

	Loess (Karst)		Loess-cap (Till)[3/]	
Tillage system	**CC[1/]**	**C-SB**	**CC[1/]**	**C-SB**
Moldboard plow plus	4	4	4	4
Chisel plow plus	1	1/4	2/1	1/4
One pass	2	1/4	2	1/4
Ridge-till	2	2	2[2/]	2[2/]
Strip-till	2/3	1	3[2/]	1[2/]
Rawson	1	1	2[2/]	1[2/]
No-till	2/3	2	3	2

[1/] For corn following silage corn, inadequate amounts of surface residue will exist for all tillage systems.

[2/] No data specific to these soils. Estimates are based on information from somewhat similar glacial till soils.

[3/] Tillage recommendations for these soils are also appropriate for the soils just to the west of MLRA 104.

Continuous corn grain production

Annual residue production is high and some degree of tillage is needed to prevent excessive build-up of surface residue, especially in more poorly drained areas. After corn that is harvested for silage, very reduced or no-till systems are needed to maintain adequate surface residue cover.

In the more well-drained **Karst region**, spring disk, strip-till and Rawson tillage systems produce yields comparable to chisel plowing. All these tillage systems leave adequate residue for erosion control. In the Karst region, a no-till system may result in an average yield penalty of 2 to 6 percent, but cost-savings from a well-managed no-till system may offset the yield penalty. In the **loess-cap till region**, moldboard plowing produces the highest yields, but leaves inadequate residue cover. This tillage system, in combination with riparian buffers and grass waterways as needed to retard runoff, may sometimes be appropriate on level fields with poor internal drainage where the potential for erosion is relatively low. Slight yield reductions occur with the chisel plow system, which may be partly offset by lower production costs ($7/A to $12/A, according to 1996 University of Minnesota data). More significant yield reductions result from no-till and strip-till systems in continuous corn in this loess-cap till region.

Corn following soybeans

Maintaining 30 percent surface soybean residue after planting corn often is a challenge. Strip-till and the Rawson system leave adequate residue and prevent yield losses if managed well. If the field cultivator is used for one-pass spring tillage before planting, equipment must be carefully outfitted and operated to avoid burying too much soybean residue. In the more well-drained **Karst region**, yield penalties associated with very reduced tillage are generally small or nonexistent. However, substantial yield reductions can occur in some years, especially under cooler and wetter growing conditions or after several years of continuous no-till farming. On more poorly drained soils in the **loess-cap till region**, results show slightly lower corn yields (3-8%) with no tillage compared to chisel plowing, the highest-yielding treatment. Savings in production costs with excellent management of a no-till system might offset slight yield reductions. Very small yield differences occurred among the chisel, strip-till and field cultivation systems.

Soybeans following corn

Very reduced tillage and no-till systems can be used to maintain high surface residue levels without incurring significant yield reduction **in the Karst region**. However, excellent management is needed to optimize performance of ridge-till and no-till systems. **In the loess-cap till region**, chisel plowing and spring disking produce yields very similar to moldboard plowing, while leaving much more crop residue on the surface. No-till systems resulted in average yields similar to other tillage systems in long-term field studies in Nashua, Iowa, within the same soils region. However, field trials in Waseca indicate that a very slight yield penalty (maximum of 5%) may result from no-till planting or drilling on glacial till soils.

Corn following alfalfa

Fall-killed alfalfa that was later planted to corn using no-till methods produced yields comparable to corn planted following primary tillage. However, where alfalfa was not fall-killed, no-till corn planting resulted in large yield losses compared to tilled treatments, while use of the chisel plow or disk in the spring resulted in small yield reductions compared to moldboard plowing. ◢

Long-term Research in Southeastern Minnesota

Loess soils over Karst bedrock

Numerous long-term tillage experiments on continuous corn and corn-soybean rotations have been conducted on farmer-cooperator fields in southeastern Minnesota. Fewer studies, some being short-term, were conducted using manure and in-season cultivation as treatments or alfalfa as the previous crop. These studies were conducted from 1982–2000 in Fillmore, Goodhue, Olmsted, Wabasha and Winona counties.

Continuous corn

Summary:
Tillage studies for continuous corn have been conducted on more than 40 site-years since 1982 on loess soils over Karst in southeastern Minnesota. Although corn yields were generally lower with no tillage, the difference between the consistently higher-yielding chisel plow system and no tillage ranged between 3 and 10 bu/A for only a 2 to 6 percent yield loss with no tillage. These small yield differences may be more than offset by economic and/or logistic reasons specific to each farm operation. Disturbance of the soil surface and residue cover in a no-till system, by either sweep injection of liquid dairy manure or in-season cultivation, lessened the yield difference between these two tillage systems. Spring disk, strip-till and Rawson tillage systems gave continuous corn yields very comparable to chisel systems.

Table 3. Continuous corn yield as influenced by tillage on a Mount Carroll silt loam soil in Goodhue County.

	Tillage System			
Year	**CP+**	**RT**	**NT**	**Statistical significance**
	- - - - - - - Yield (bu/A) - - - - -			
1982	131	131	134	NS
1983	138	146	135	S
1984	158	161	154	S
1985	155	144	141	S
1986	161	162	156	NS
1987	182	181	183	NS
Avg.	**154**	**154**	**151**	

Discussion:
A study comparing chisel plow (CP+), ridge-till (RT) and no-till (NT) systems was conducted from 1982–1987 on a Mount Carroll silt loam soil in Goodhue County **(Table 3)**. Statistically significant differences in corn grain yield were found in 3 of 6 years with greatest yields with RT in two years (1983 and 1984) and with CP+ in one year (1985). Corn yield, averaged across all six years, was 3 bu/A lower with no tillage compared to chisel plow or ridge tillage. Even though fluted coulters were used with no tillage, significant amounts of residue still remained in the row area, delaying growth and contributing to stand loss in some years.

Continuous corn studies comparing various tillage systems were conducted at four sites on Port Byron and Seaton soils in southeastern Minnesota as part of a Nitrogen Management/Water Quality effort from 1987-1991 **(Table 4)**. Corn yields averaged across years were 3 to 6 bu/A higher with chisel plow (CP+) compared to no tillage (NT) at the Olmsted #1, Goodhue and Winona County sites. Although these average yield differences were not large, in some specific years there were large yield differences. In 1990 at the Olmsted #1 site, yields for no tillage were 15 bu/A less than for chisel plow tillage. Weed control was perfect for all tillage systems, but April-July rainfall totaled 28.2" in 1990 compared to the normal of 13.9". At the Olmsted #2 site, yields for the moldboard plow (MP+) and chisel plow systems averaged about 9 bu/A greater than for the ridge-till and no-till systems. Fluted coulters mounted directly ahead of the planter unit were used, and anhydrous ammonia was the N source on all tillage systems in these studies.

Table 4. Continuous corn yields as influenced by tillage at four southeastern Minnesota sites.

	Site			
Tillage system	**Olmsted #1 Port Byron 1987-91**	**Olmsted #2 Port Byron 1987-91**	**Goodhue Port Byron 1987-90**	**Winona Seaton 1987-90**
	- - - - - - - - - Yield Avg. (bu/A) - - - - - - - - - -			
MP+	-	162	-	-
CP+	168	160	146	159
RT	-	153	-	-
NT	165	151	140	154

A study comparing chisel plow (CP+) strip tillage (ST), Rawson system (Rawson) and no tillage (NT), with and without starter fertilizer (150 lb 9-23-30/A), was conducted on a high-testing Port Byron silt loam in Olmsted County in 1997-2000 **(Table 5)**. Fluted coulters and row cleaners were used for all tillage systems. Soil test P (Bray P_1) and exchangeable K were 25 ppm (VH) and 149 ppm (H), respectively. Urea + Agrotain was broadcast applied at 160 lb N/A to all plots after planting. Surface residue coverage after planting, averaged across years, ranged from 54 percent with the Rawson system to 87 percent

with no tillage. The chisel plow system resulted in less-than-desirable 26 percent residue coverage. Averaged across tillage systems, with and without starter treatments, highest yields were obtained with chisel tillage (166 bu/A). Statistically lower yields were found for the Rawson (163 bu/A), strip-till (162 bu/A) and no-till (155 bu/A) systems. A 9 bu/A response to starter fertilizer was obtained when averaged across all tillage systems, and there was no interaction between tillage and starter fertilizer.

This is somewhat surprising. Perhaps the small amount of N in close proximity to the germinating seed, coupled with the P and K, was instrumental in getting the plants off to a faster start in these years with high yield potential. Because of the comparable yields and much greater surface residue levels, the Rawson system appears to be an excellent alternative to chisel plow tillage on these soils, especially where incorporation of manure is not necessary.

Table 5. Continuous corn yield and surface residue as influenced by tillage and starter fertilizer on a high-testing Port Byron silt loam in Olmsted County, 1997-2000.

Tillage system	Starter Fertilizer [1]			Surface [2] residue
	No	Yes	Avg.	
	- - - - Yield Avg. (bu/A) - - - -			%
CP+	161	171	166	26
ST	158	166	162	64
Rawson	161	164	163	54
NT	149	162	155	87
Avg.	**157**	**166**	**LSD(.10) = 3**	**10**

[1] 150 lb 9-23-30/A.
[2] After planting.

Continuous corn—Effect of liquid manure application

Summary:
Liquid manure can be injected into either no-till or chisel plow systems without negatively affecting either corn yield or surface residue coverage.

Discussion:
Two tillage systems, chisel plow (CP+) and no tillage (NT), were compared using two N sources, fertilizer N as ammonium nitrate and injected liquid dairy manure, during an 8-year period on a Timula silt loam in Goodhue County **(Table 6)**. The chisel plow had 3"-wide twisted shovels while the manure applicator had 8"-wide sweeps on 36" centers. Fluted coulters on the planter were used for all treatments. Surface residue coverage between the corn rows was reduced from 64 percent with no tillage to 35 percent when sweep-injecting manure and 27 percent when chisel plowing. Averaged across all years and fertilizer and manure treatments, there was no yield difference between the chisel and no-till systems. However, sweep-injecting manure into the no-till system gave 8 bu/A greater yields compared to broadcast fertilizer N. The manure applicator apparently disturbed the soil much as a chisel plow does in this experiment.

Table 6. Continuous corn yield as affected by tillage and injected manure vs. fertilizer N on a Timula silt loam in Goodhue County.

	Tillage System			
	CP+		NT	
Yield	Fert N [1]	Manure [2]	Fert N [1]	Manure [2]
	- - - - - - - - - - Yield (bu/A) - - - - - - - - - -			
1983	128	130	119	126
1984	157	161	152	142
1985	150	151	135	146
1986	149	149	151	153
1987	165	155	161	166
1988	137	136	136	151
1989	154	164	150	171
1990	154	160	164	174
Avg.	**149**	**151**	**146**	**154**
	150		**150**	

[1] 200 lb N/A as ammonium nitrate, surface broadcast in spring.
[2] Liquid dairy, spring-applied with 8" sweep injectors on 36" centers.

Continuous corn—Effect of in-season cultivation

Summary:
In-season cultivation becomes more important as tillage intensity is reduced. Corn yield response to in-season cultivation varies from year to year, but positive benefits may be obtained in the absence of weeds on soils that crust easily.

Discussion:
A study on a Tama silt loam in Fillmore County compared in-season cultivation with a S-tine cultivator to no cultivation on spring moldboard plow (MP+), spring chisel plow (CP+), spring disk (SD) and no tillage (NT) systems **(Table 7)**. Cultivation reduced the density of giant foxtail, especially as tillage was reduced, but had no effect on velvetleaf. Velvetleaf density was reduced most with moldboard and chisel plowing and least with no tillage (data not shown). Corn yields, averaged across the five years, were affected by both tillage and in-season cultivation. No-till yields were about 8 bu/A lower than moldboard plow yields when in-season cultivation was conducted and 13 bu/A lower when no cultivation was practiced on no-till.

Table 7. Continuous corn yield as influenced by tillage and in-season cultivation on a Tama silt loam in Fillmore County, 1985-1989.

Tillage system	In-season Cultivation [1]	
	No	Yes
	- - - Yield Avg. (bu/A) - - -	
MP+	161	165
CP+	158	163
SD	155	162
NT	148	157

[1] S tine cultivator with no coulters or disks.

Corn after soybeans

Summary:
Field research in the Karst region indicates that yield penalties associated with very reduced forms of tillage are small or nonexistent, on average, for corn following soybeans. However, substantial yield reductions have occurred in certain years, particularly under cooler and wetter growing conditions, or after several years of continuous no-till farming.

Discussion:
A study comparing spring field cultivation (FC), strip tillage (ST), Rawson system (Rawson) and no tillage (NT), with and without starter fertilizer (150 lb 9-23-30/A), was conducted on a high-testing Port Byron silt loam in Olmsted County in 1997-2000 **(Table 8)**. Soil test P (Bray P_1) and exchangeable K were 28 ppm (VH) and 143 ppm (H), respectively. Fluted coulters and row cleaners were used for all tillage systems. Urea + Agrotain was broadcast-applied at 120 lb N/A to all plots after planting.

Table 8. Corn yield and surface residue after soybeans as influenced by tillage and starter fertilizer on a high-testing Port Byron silt loam in Olmsted County, 1997-2000.

Tillage system	Starter Fertilizer [1]			Surface [2] residue
	No	Yes	Avg.	
	- - - - - - Yield (bu/A) - - - - -			%
FC	177	187	182	23
ST	178	188	183	57
Rawson	183	189	186	41
NT	178	187	182	67
Avg.	**179**	**188**	**LSD (.10) = NS**	**6**

[1] 150 lb 9-23-30/A
[2] After planting

Surface residue, averaged across all years, ranged between 41 percent (Rawson) and 67 percent (no tillage) for the three conservation tillage systems. Field cultivation resulted in 23 percent residue coverage, inadequate for erosion control. Corn grain yield was not affected statistically by tillage, but was improved 9 bu/A with starter fertilizer when averaged across tillage systems. The study found no interaction between tillage and response to starter fertilizer, indicating a consistent yield response to starter fertilizer for all tillage systems.

A study comparing chisel plow (CP+), spring disk (SD), ridge tillage (RT) and no tillage (NT) systems was conducted on a Fayette silt loam in Wabasha County **(Table 9)**. Corn yield was affected significantly by tillage in only one year (1989) when yields for the chisel plow and spring disk tillage system were about 13 bu/A greater than for the ridge-till and no-till systems. Averaged across six years, yields with chisel plow or spring disking were about 4 bu/A greater than for ridge tillage or no tillage.

Table 9. Corn yield following soybeans as influenced by tillage on a Fayette silt loam in Wabasha County.

Year	Tillage System				Statistical Significance
	CP+	SD	RT	NT	
	- - - - - - - - Yield (bu/A) - - - - - - - -				
1984	146	154	148	154	NS
1985	109	106	102	108	NS
1986	185	186	185	183	NS
1987	184	180	180	181	NS
1988	143	148	141	143	NS
1989	172	173	160	158	S
Avg.	**157**	**158**	**153**	**154**	

A chisel plow system was compared to no tillage on a Port Byron silt loam in Goodhue County for continuous corn from 1987-90 **(Table 4)** and soybeans in 1991. Following soybeans, the chisel plots were disked and compared to continuous no-till. Corn yields in 1992 were reduced 36 bu/A after five years of continuous no tillage **(Table 10)**. Grain moisture at harvest was 6.5 points higher with no tillage (data not shown). Corn growth was retarded all season long by the large amount of residue in the no-till plots in this cooler-and-wetter-than normal year. Weed control was excellent in all plots.

Table 10. Corn and soybean yields as influenced by tillage on a Port Byron silt loam in Goodhue County.

Tillage for			Yield	
1987-90 Corn	1991 Soybean	1992 Corn	1991 Soybean	1992 Corn
------ bu/A ----------				
CP+	CP+	Disk	58	149
NT	NT	NT	59	113

Corn after alfalfa

Summary:
Field research indicates that small yield reductions may result from using the chisel plow or disk as a substitute for moldboard plowing alfalfa fields in preparation for corn planting in the spring. Fall-killed alfalfa that was subsequently no-till planted to corn produced yields comparable to corn planted following primary tillage. However, where alfalfa was not fall-killed, no-till corn planting resulted in large yield losses compared to tilled treatments.

Discussion:
A two-year (1988 and 1989) study comparing moldboard (MP+), chisel (CP+), spring disk (SD) and no tillage (NT) combined with in-season cultivation was conducted in Winona County **(Table 11)**. All tillage treatments were performed in the spring. Fluted coulters (2") were mounted on the planter. A conservation cultivator equipped with coulters and large sweeps was used. Corn yields averaged across the two years show only a small (6 bu/A) difference between the moldboard plow, chisel plow and disk systems; however, yields were reduced about 32 bu/A with no tillage when averaged across, with and without in-season cultivation. In-season cultivation was of great benefit for all tillage systems, resulting in an average yield increase of 23 bu/A. Lower yields with no tillage were due primarily to wooly cupgrass and giant foxtail competition.

Studies conducted on 10 silt loam sites in Wisconsin from 1985–1989 convincingly showed fall-killed alfalfa no-till planted to corn produced yields equal to or greater than moldboard or chisel plow tillage systems or spring-killed alfalfa that was NT planted (data not shown). Spring-kill NT resulted in 10 to 50 percent lower yields compared to fall-kill NT in 3 of 4 years and the most inconsistent weed control. Yield differences were not found between the fall and spring plow tillage systems.

Table 11. Corn yield after alfalfa as influenced by tillage and in-season cultivation in Winona County, 1988-89.

	In-Season Cultivation		
Tillage system	No	Yes	Avg.
	------ Yield Avg. (bu/A) ------		
MP+	112	136	124
CP+	112	129	120
Disk	109	127	118
NT	72	104	88
Avg.	**101**	**124**	

Soybeans after corn

Summary:
Soybean is much more tolerant than corn of very reduced tillage systems so long as weeds are controlled and row spacing is similar.

Discussion:
A study conducted from 1984–1989 on a Fayette silt loam in Wabasha County compared chisel plow (CP+), spring disk (SD), ridge tillage (RT) and no tillage (NT) for soybean production after corn **(Table 12)**. Soybean yields were affected significantly by tillage in 5 of 6 years. Lowest yields in those years generally occurred with either ridge tillage or no tillage. Averaged across all six years, very little yield difference was found among the chisel, disk and no-till systems. Yields with ridge tillage were about 10 percent lower, likely because of the 38"/30" row spacing compared to 10" rows in the other tillage systems. In Goodhue County, soybean yields in 1991 were not different between chisel plow and no tillage systems that had been used for continuous corn from 1987–1990 **(Table 10)**.

Table 12. Soybean yields following corn as influenced by tillage on a Fayette silt loam in Wabasha County.

	Tillage System				Statistical
Year	CP+	SD	RT [1/]	NT	significance
---------- Yield (bu/A) ----------					
1984	44	47	35	40	S
1985	34	43	28	43	S
1986	46	43	46	43	S
1987	59	58	57	61	NS
1988	46	45	40	41	S
1989	47	47	39	44	S
Avg.	**46**	**47**	**41**	**45**	

[1/] All tillage treatments had 10-inch rows except RT, which had 38" in 1984 and 1985, and 30" from 1986-89. The NT treatment was not cultivated, whereas the RT treatment was cultivated twice.

Loess-cap soils over glacial till

Two long-term tillage experiments on continuous corn and corn-soybean rotations have been conducted on loess-cap soils over glacial till at the Iowa State University Northeast Research Center, Nashua, Iowa. Because tillage studies have not been conducted on these soils in Minnesota, data from somewhat poorly drained, high organic matter, glacial till soils at Waseca, which are somewhat similar to the Kenyon-Floyd soils, will be cited. Results from the Waseca studies are likely quite appropriate for the more poorly drained soils in the loess-cap area over till in southeastern Minnesota.

Continuous Corn

Summary:
Yield penalties of 10 bu/A or more are frequently found for ridge-till and no-till systems compared to moldboard and chisel systems on loess-cap soils with poorer internal drainage.

Discussion:
A 15-year study conducted on a Kenyon silt loam soil at Nashua, Iowa compared moldboard plow (MP+), chisel plow (CP+), ridge tillage (RT) and no tillage (NT) **(Table 13)**. The yield average was greatest for moldboard plow (134 bu/A), intermediate for chisel plow (130 bu/A) and ridge tillage (124 bu/A), and lowest for no tillage (121 bu/A). This ranking of yields is very similar to some of the long-term data obtained on the Nicollet and Webster soils at Waseca.

Table 13. Continuous corn yield as influenced by tillage on a Kenyon silt loam in Northeastern Iowa, 1978-92. [1/]

Tillage system	15-Yr Yield Avg.
	bu/A
MP+	134
CP+	130
RT	124
NT	121

[1/] Personal communication, Ramesh Kanwar, 2000.

Corn after soybeans

Summary:
Results from four studies on poorly drained soils consistently show slightly lower corn yields (3 to 8%) with no tillage compared to chisel plowing, the highest yielding treatment. Very small differences occurred among the chisel, strip-till and field cultivation systems.

Discussion:
A 15-year corn-soybean study conducted at Nashua compared the same tillage systems as the above continuous corn study. Corn yields averaged across the 15-year period were not greatly affected by tillage, ranging from a high of 145 bu/A with chisel tillage to 139 bu/A for ridge tillage **(Table 14)**. A 30-inch row spacing was used for all treatments. A 6-year study conducted from 1993-1998 showed a 10 bu/A advantage for a single, spring field cultivation (FC) prior to planting corn (128 bu/A) compared to no tillage (118 bu/A).

Table 14. Corn and soybean yields in rotation as influenced by tillage on a Kenyon silt loam in Northeastern Iowa. [1/]

	Crop, (No. Years) [2/]			
Tillage system	Corn, 15 Yrs.	Corn, 6 Yrs.	Soybean, 15 Yrs.	Soybean, 6 Yrs.
	------- Yield Avg. (bu/A) -------			
MP+	143	-	42	-
CP+	145	-	42	-
RT	139	-	40	-
FC/CP+ [3/]	-	128	-	51
NT	141	118	41	51

[1/] Personal communication, Ramesh Kanwar, 2000.
[2/] 15-Yr = 1978-92; 6-Yr = 1993-98.
[3/] Tillage for corn = spring field cultivation (FC); tillage for soybean = fall chisel plow plus spring field cultivation (CP+).

At Waseca, tillage studies were conducted to compare nitrogen (N) and phosphorus (P) management strategies on chisel plow (CP+), strip-till (ST), field cultivation (FC) and no-till (NT) systems. The 3-year yield average ranged from 184 bu/A with chisel tillage to 176 bu/A with no tillage **(Table 15)**. The optimum time for N application varied greatly from year to year. In 1997 and 1998, with normal rainfall amounts, yields were identical (188 bu/A) for fall and spring-applied anhydrous ammonia. However, in

1999 very wet and warm April and May conditions led to large losses of fall-applied N. As a result, corn yield was 36 bu/A less for fall-applied N compared to spring application, but was similar for all tillage systems. A 4-year study on high P-testing soils showed no yield difference between the chisel (CP+) and field cultivation (FC) systems, no yield difference between the strip till (ST) and FC systems, and lowest yields for no tillage (NT) **(Table 16)**.

Table 15. Corn yield after soybean as influenced by tillage and time of N fertilizer application on a Nicollet-Webster clay loam soil complex at Waseca, 1997-99.

	Years		
	1997-98 Avg.	1999	3-Yr Avg.
	- - - - - - - - Yield (bu/A) - - - - - - - -		
Tillage			
CP+	193	167	184
ST	189	162	180
FC	186	163	178
NT	184	160	176
LSD (0.10):	5	NS	3
Time [1/]			
Fall, under row	188	145	174
Spring, mid-row	188	181	186
LSD (0.10):	NS	3	3

[1/] As anhydrous ammonia at 110 lb N/A.

Soybeans after corn

Summary:
Results from three studies show very little yield penalty (maximum of 5%) for no tillage when soybeans follow corn.

Discussion:
Tillage studies conducted in Nashua, Iowa show no difference in soybean yield averaged across 15 years among moldboard plow (MP+), chisel plow (CP+), ridge-till (RT) and no-till (NT) systems **(Table 14)**. Similar results were obtained during a 6-year period when chisel plow was compared to no tillage **(Table 14)**.

At Waseca, 3-yr yield averages show significantly higher yields (56 bu/A) when some tillage was performed after corn—either chisel plowing (CP+) or spring disking (SD) of the corn stalks compared to no tillage (53 bu/A) **(Table 16)**.

Table 16. Corn and soybean yields in rotation as influenced by tillage system on a Nicollet- Webster clay loam soil complex at Waseca.

Tillage for		Crop/Years	
Corn	Soybean	Corn/1997-00	Soybean/1998-00
		- - - - - - Yield Avg. (bu/A) - - - - - -	
CP+	CP+	172	56
ST	NT	166	53
FC	SD	170	56
NT	NT	160	53
LSD (.10):		6	2

Additional Resources

Additional Resources from the University of Minnesota Extension Service:

Rehm, G.; Schmitt, M.; Munter, R. *Fertilizing Corn in Minnesota,* University of Minnesota Extension Service, St. Paul, Revised 2000, Order# AG-FO-3790.

Rehm, G.; Randall, G.; Evans, S. *Fertilizer Management for Corn Planted in Ridge-Till or No-Till Systems,* University of Minnesota Extension Service, St.Paul, 1992 Order# AG-FO-6074.

Lazarus, W. *Minnesota Farm Machinery Economic Cost Estimates for 2000,* University of Minnesota Extension Service, St. Paul, Order# 06696.

www.extension.umn.edu

Phyllis W. Unger, Production Editor

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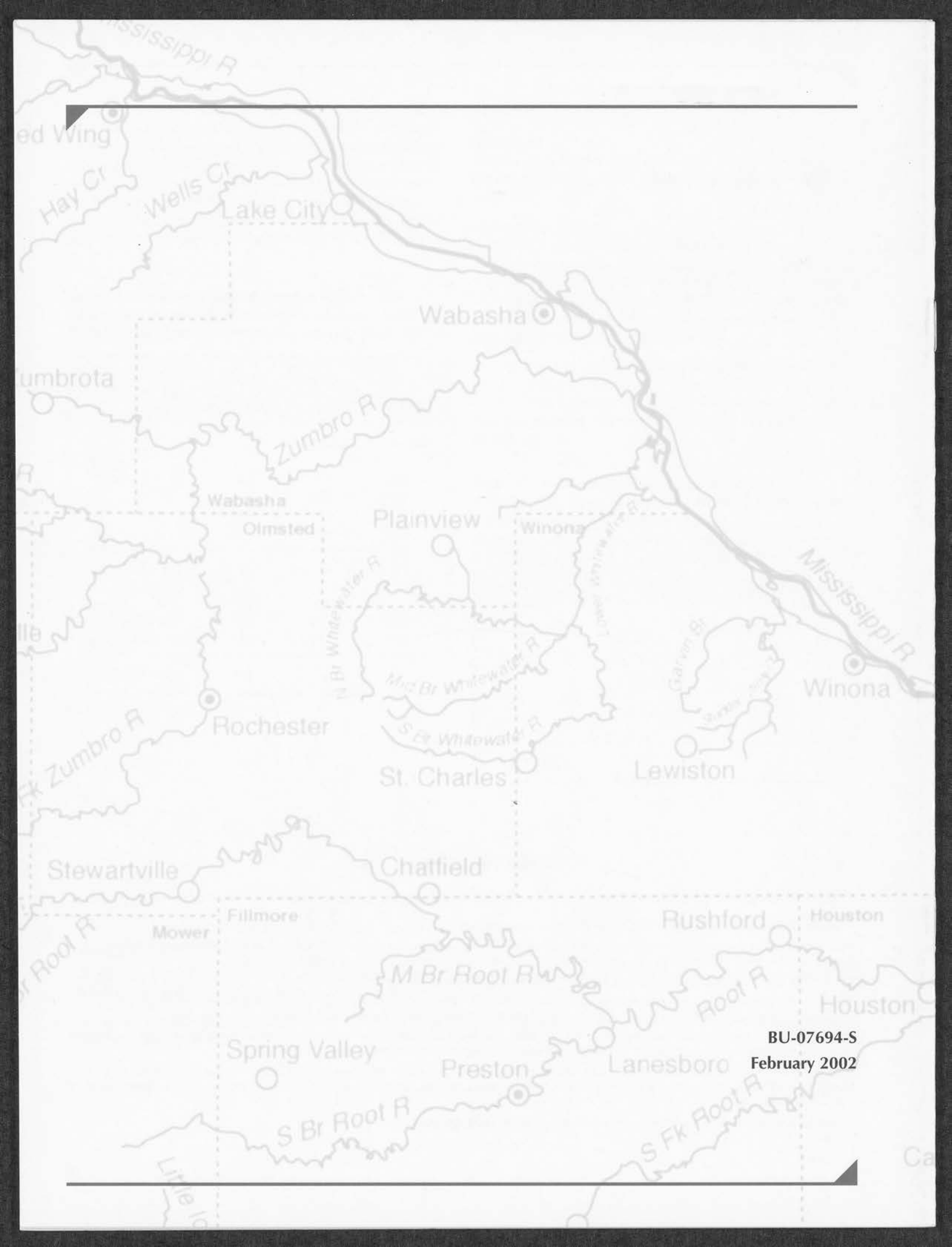

BU-07694-S
February 2002

BOARD OF WATER AND SOIL RESOURCES
Attendance Roster

	Name	Affiliation	Phone #
1.	Tim Terrill	Winona SWCD	523-2171
2.	Glen Roberson	Goodhue SWCD	651-923-5300
3.	Barbara Haake	MAWD/RCWD	763786/022
4.	Ralph Tuck	Root River SWCD	507 724 5261 x3
5.	Michelle Schaefers	BWSR	
6.	Wann Buck	MASWCD	651-690-9028
7.	Mary Kill	BWSR	
8.	Donna Rasmussen	Fillmore SWCD	507-765-3878
9.	Ray Bohn	MAWD	651-452-8506
10.	Steve Sunderland	MASWCD	
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BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD
ST. PAUL, MINNESOTA 55155
WEDNESDAY, OCTOBER 28, 2009

BOARD MEMBERS PRESENT:
Gordy Behm, Paul Brutlag, Quentin Fairbanks, Rebecca Flood, MPCA; Christy Jo Forgarty, Sandy Hooker, Larry Kramka, DNR; Paul Langseth, Joe Martin, MDA; John Meyer, Keith Mykleseth, Brian Napstad, Faye Sleeper, MES; Louise Smallidge, LuAnn Tolliver, Dan Wilson, MDH

BOARD MEMBERS ABSENT:
Randy Kramer
Tom Lovell
Bob Burandt
Gene Tiedemann

STAFF PRESENT:
Mary Jo Anderson, Julie Blackburn, Travis Germundson, Jim Haertel, John Jaschke, Al Kean, Kevin Lines, Jeff Nielsen, Dan Shaw

OTHERS PRESENT:
Wayne Edgerton, DNR
LeAnn Buck, MASWCD
Heather Mavencamp, MNAR

Vice-Chair Paul Brutlag called the meeting to order at 9:00 a.m.

PLEDGE OF ALLEGIANCE

** 09-79 **ADOPTION OF AGENDA** – Moved by Louise Smallidge, seconded by Brian Napstad, to adopt the agenda as presented. John Jaschke stated that the Wetlands Committee will meet immediately following the Board meeting, not the Metro Committee as listed on the agenda. Motion passed on a voice vote.

** 09-80 **MINUTES OF SEPTEMBER 23, 2009** – Rebecca Flood stated that a clarification is needed in her report on page nine of the September 23, 2009 meeting minutes. It should read, "EPA directed public notice first on the site specific standards and then the Lake Pepin TMDL for nutrient and sediment impairments will be placed on public notice". Moved by Paul Langseth, seconded by Quentin Fairbanks, to approve the minutes of September 23, 2009, as corrected. Motion passed on a voice vote.

INTRODUCTION OF NEW BOARD MEMBER

- Keith Mykleseth, representing non-metro cities, from Crookston, provided brief background information about himself. Keith provided a copy of his resume. Board members introduced themselves.

REPORTS

Chair's Report – Vice-Chair Paul Brutlag reported that Randy Kramer, Bob Burandt, and Gene Tiedemann are out today due to late harvesting.

Executive Director's Report – John Jaschke gave an overview of the information in Board members' packets today. Board Members were asked to submit convention registration forms to Mary Jo Anderson today. The proposed 2010 Board meeting schedule will be acted on at the December 16, 2009 Board meeting. John reported that the Board will meet on January 27-28 for a Workshop/Board meeting at the Riverwood Inn and Conference Center in Otsego.

John stated that Chair Kramer has reviewed the Board Committees and has made some adjustments to include the three new board members. The Dispute Resolution Committee (DRC) is a statutory committee that will require membership options be reviewed by the Attorney General's office. Paul Brutlag stated that additional review of it is important to have a means for assuring sufficient representation on this committee when conflicts of interest may occur.

John attended the Water Resources Conference earlier this week at the River Center; it was very well organized and attended. John attended the Red River Basin Commission

meeting, and will attend the meeting next week in Grand Forks, ND. A series of public meetings are being held to get local input. John also attended the Mississippi Headwaters Board strategic planning session.

John reported that BWSR will be submitting bonding and policy proposals for the Governor's Office and Minnesota Management & Budget (MMB) review. The bonding proposals are RIM and road replacement banking.

Dispute Resolution Committee – Travis Germundson reported that no new appeals have been filed since the October 15th report. Travis reviewed a few of the appeals in more detail.

Wetlands Committee – LuAnn Tolliver reported that the Wetlands Committee will meet immediately following the Board meeting today. The Wetlands Committee has a meeting scheduled for December 15th at the Kelly Inn, in St. Paul. LuAnn welcomed new Committee Members.

Grants Program & Policy Committee – Louise Smallidge reported that the Grants Program & Policy Committee has not met. The Committee will meet immediately following the Board Meeting on December 16th. Louise welcomed the new Committee Members.

Public Relations, Outreach & Strategic Planning Committee – Brian Napstad reported that the Public Relations, Outreach & Strategic Planning Committee has not met. The Committee may meet in December as a preparatory meeting to the Board Workshop in January.

RIM Reserve Planning Committee – Paul Brutlag reported that the Krusmark issue is in negotiations. John Jaschke reported that a substitute easement is being pursued, Kevin Lines Is working with the Attorney General and the landowner.

Administrative Advisory Committee (AAC) – Paul Brutlag reported that the AAC met this morning. Issues discussed included the tentative 2010 Board meeting schedule; Board Committee roster adjustments; Board Workshop; budget/staff status; policy proposals for 2010; and bonding proposals for 2010.

COMMITTEE RECOMMENDATIONS
Metro Water Planning Committee
Public Hearing on Petition for Boundary Change of South Washington WD and Valley Branch WD, and Reduction in Number of Managers of South Washington WD – LuAnn Tolliver reported that the Metro Water Planning Committee met on October 15. Jim Haertel reported that a citizen petition for a boundary change of the South Washington WD and the Valley Branch WD, and for a reduction in the number of

managers of the South Washington WD, was filed with the Board on October 5, 2009. The Washington County Auditor has certified the requisite number of petitioner signatures has been met. The petition requests the boundary of the two watershed districts be changed to follow the major hydrologic boundary between the Mississippi River and the St. Croix River. Also, the petition requests the number of managers of the South Washington WD be reduced from seven to five. Last May, the watershed district boundary that is the subject of the petition was established by the Board when the two watershed districts were enlarged in conjunction with the dissolution of the Lower St. Croix WMO. At that time the number of managers of the South Washington Watershed District was increased from five to seven. The Metro Water Planning Committee met and found that a sufficient petition had been filed and recommend a public hearing be held.

** 09-81 Moved by LuAnn Tolliver, seconded by Louise Smallidge, that the Board hereby orders a public hearing be held within 35 days from today, on the petition for a boundary change of the South Washington Watershed District and the Valley Branch Watershed District and a reduction in number of managers of the South Washington Watershed District to be presided over by the Board's Metropolitan Water Planning Committee on Tuesday, November 17, 2009, starting at 7:00 p.m. at the Washington County Service Center in Cottage Grove, or if conflicts arise, the Executive Director should choose another suitable date, time and location, after proper legal notice of the public hearing has been given. Motion passed on a voice vote.

Northern Water Planning Committee

Lake of the Woods County Local Water Management Plan – Quentin Fairbanks reported that the Northern Water Planning Committee met on October 14, 2009, and recommends approval of the Lake of the Woods County Local Water Management Plan.

** 09-82 Moved by Quentin Fairbanks, seconded by Brian Napstad, to approve the Lake of the Woods County Local Water Management Plan. Motion passed on a voice vote.

Pine Soil and Water Conservation District (SWCD) Change in Location of Office Headquarters – Quentin Fairbanks reported that the Pine SWCD Board of Supervisors filed a resolution with the BWSR Board to change the location of their office headquarters, effective October 1, 2009. The new office location is approximately 10 miles north in Sandstone. Pursuant with statute, BWSR must act on the change of office location. Quentin reported that the Northern Water Planning Committee recommends approval of the Pine SWCD change in office headquarters.

** 09-83 Moved by Quentin Fairbanks, seconded by Brian Napstad, to approve the Pine SWCD change in location of office headquarters. Motion passed on a voice vote.

St. Louis County Priority Concerns Scoping Document – Quentin Fairbanks reported that the Northern Water Planning Committee reviewed the St. Louis County
** Priority Concerns Scoping Document and recommends approval. Moved by Quentin
09-84 Fairbanks, seconded by Brian Napstad, to approve the St. Louis County Priority Concerns Scoping Document. Paul Brutlag stated that MPCA participation was discussed positively. Larry Kramka stated that DNR is participating fully with local officials. Motion passed on a voice vote.

Quentin reported that Steve Woods attended the meeting to introduce the joint BWSR/MPCA expectation for building TMDLs into local water plans.

RIM Reserve Planning Committee
Establish Rates, Eligibility and Wellhead Protection Area Selection for Clean Water Funded (CWF) Permanent RIM Reserve Wellhead Protection Easement Program – Kevin Lines reported that the 2009 Minnesota State Legislature appropriated $2.0 million of CWF to the BWSR to purchase and restore permanent RIM Reserve conservation easements on wellhead protection areas. The RIM Reserve Planning Committee met on August 10th and September 23, 2009 to review and unanimously recommends approval of the resolution presented.

** Moved by Paul Langseth, seconded by Louise Smallidge, to authorize staff to work with
09-85 the appropriate SWCDs to implement the acquisition of RIM Reserve Wellhead Protection easements in the targeted areas which have been identified by the Minnesota Department of Health (MDH) as high or very high vulnerability. A payment rate of 100% of the Average Assessed Township Value (AATV) for cropland acres, and 60% of the AATV for non-cropland acres enrolled in the Permanent RIM Reserve Wellhead Protection Conservation Easement Program. Rates are to be calculated using the township average for tillable property value established by county assessors for the 2010 tax year. Discussion followed. John Jaschke stated that sites, maps and criteria used to prioritize will be looked at and shared as requested. Motion passed on a voice vote.

Establish Rates, Eligibility, and Sign-Up Procedures for Clean Water Funded (CWF) Permanent RIM Reserve Riparian Buffer Conservation Easement Program – Kevin Lines reported that the 2009 Minnesota State Legislature appropriated $6.5 million of CWF to the Board of Water and Soil Resources (BWSR) to purchase and restore permanent conservation easements and riparian buffers. The RIM Reserve Planning Committee met on August 10th and September 23, 2009 to review and unanimously recommends the approval of the resolution presented.

** 09-86 Moved by Paul Langseth, seconded by Quentin Fairbanks, to authorize staff to implement a continuous permanent RIM Reserve Riparian Buffer Easement statewide program sign-up beginning November 1, 2009. A payment rate of 100% of the Average Assessed Township Value (AATV) for cropland acres and 60% AATV for non-cropland acres enrolled in the permanent RIM Reserve Riparian Buffer Easement Program. Rates are to be calculated using the township average for tillable property value established by county assessors for the 2010 tax year. Discussion followed. John Jaschke stated the priority will be to enroll the most critical acres of expiring CRP into long-term conservation. Listening sessions will be held regarding all clean water funding projects. Quentin Fairbanks asked about a listing of all clean water funding projects. Rebecca Flood stated that the Legislative Coordinating Commission will have information on their website that you can access as soon as funding is out for all constitutional amendment funds. Motion passed on a voice vote.

NEW BUSINESS

Native Buffer Cost-Share Grant Program Criteria Revision – Dan Shaw reported that the program criteria for the Native Buffer Cost-Share Grant Program has been updated to address revised BWSR native vegetation guidelines and to incorporate wording changes in 2009 legislation. Moved by Paul Langseth, seconded by Louise Smallidge, to approve the new Native Buffer Cost-Share Program Criteria as presented. John Jaschke reported that this resolution is for adoption of the criteria; the guidelines will become guidance for LGUs and seed source vendors in the future. Motion passed on a voice vote.

** 09-87

Rural Preserves Update – Julie Blackburn reported that during the past legislative session there were changes made to the "Green Acres" tax program to provide incentives for natural areas on agricultural lands. The new program is called the "Rural Preserves Property Tax Program." These changes give responsibility to Soil and Water Conservation Districts (SWCDs) to approve conservation plans -- a requirement for enrollment in the new Rural Preserves Program. BWSR is developing guidance on administrative policies, communicating important approval timelines, and providing training on writing conservation plans. Julie provided an update on this program, including training plans and timelines for implementation. Discussion followed regarding the assessment value across the state. Julie distributed guidance document that will go out to SWCDs to work through the program. Julie stated that Michelle Schaefers has put together a great draft guidance document that will be on our website by January, 2010. Julie routed the document for board members to look at. Brian Napstad stated that he can see this program as becoming a burden for counties as the assessment values differ. Julie stated that statute mandates BWSR to only establish conservation plan criteria for the program. BWSR will provide guidance to SWCDs, fulfilling BWSR's requirements. Tax assessment and valuation guidance is coming out from the Department of Revenue.

Dan Wilson arrived at the meeting at 10:35 a.m.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Joe Martin reported that MDA is working with BWSR and MPCA on open lot agreement communications, the deadline is October 2010. Joe stated that harvest has been slow and that causes problems for farmers. MDA is busy working on the H1N1 issues in swine.

Minnesota Department of Health (MDH) – Dan Wilson reported that MDH is involved in the expansion phase of the H1N1 pandemic. Minnesota was allotted 325,000 doses of the H1N1 vaccine; however, there is a production problem with getting sufficient vaccine dosages. Dan stated that he will continue to update the Board.

Minnesota Department of Natural Resources (DNR) – Larry Kramka reported that the application period for small conservation grants from the Lessard Sams Outdoor Heritage Council recommended through DNR is coming to a close; the information is on DNR's website. Larry reported that he had the opportunity earlier in month to tour recreational trail innovative projects in Aitkin County. Larry suggested that it may be interesting for the Board to bring someone in to report on this. Brian Napstad reported that the 600 mile trail is a joint effort in Isanti and Aitkin Counties.

Larry reported that PolyMet Mining, Inc. (PolyMet) proposes to develop an open pit mine to refurbish and modify the former LTV Steel Mining taconite ore processing facility to extract copper metal and precipitates of nickel, cobalt and precious metals near Babbitt and Hoyt Lakes in northeastern Minnesota. DNR and the U.S. Army Corps of Engineers prepared a joint Environmental Impact Statement (EIS) that will satisfy both state and federal environmental review requirements, and is posted on DNR's website. This posting is intended only as an early viewing opportunity. DNR cannot accept comments on the document until the beginning of the comment period on November 2. Brian Napstad reported that Polymet has served over 4000 acres in Aitkin County for wetland mitigation.

Minnesota Extension Service (MES) – Faye Sleeper reported that the MES is tasked with developing an interdisciplinary approach on water and climate change.

Minnesota Pollution Control Agency (MPCA) – Rebecca Flood reported that due to miscommunication on MPCA's part, some SWCDs were rejected for CWP grant applications. She apologized that it happened and hopefully there is still time for LGUs to resubmit their applications.

ADVISORY COMMENTS

Minnesota Association of Conservation District Employees (MADCE) – John Jaschke stated that the MACDE will meet as part of the BWSR Academy, November 2-4, near Brainerd.

Minnesota Association of Soil and Water Conservation Districts (MASWCD) – LeAnn Buck briefly commented on the Rural Preserve Property Tax Program; MASWCD will focus on learning and working with county assessors. LeAnn thanked MPCA, DNR, MES, MDA, and BWSR for partnering with MASWCD on their annual convention. There will be a panel discussion at the convention with Mike Kilgore, Chair of the LSOHC; and Louis Smith, Clean Water Council Member to discuss major sources of grant funding that SWCDs may apply for. LeAnn thanked county commissioners for their role in funding infrastructure for fulfilling SWCDs mission. MASWCD is meeting with BWSR, MAWD, and AMC on November 9th. LeAnn distributed the MASWCD e-mail newsletter. LeAnn welcomed new board members. LeAnn thanked Paul Brutlag for attending their Area leadership meetings.

Minnesota Association of Townships (MAT) – Sandy Hooker reported that the MAT annual meeting is November 20-21, 2009 in Rochester.

UPCOMING MEETINGS

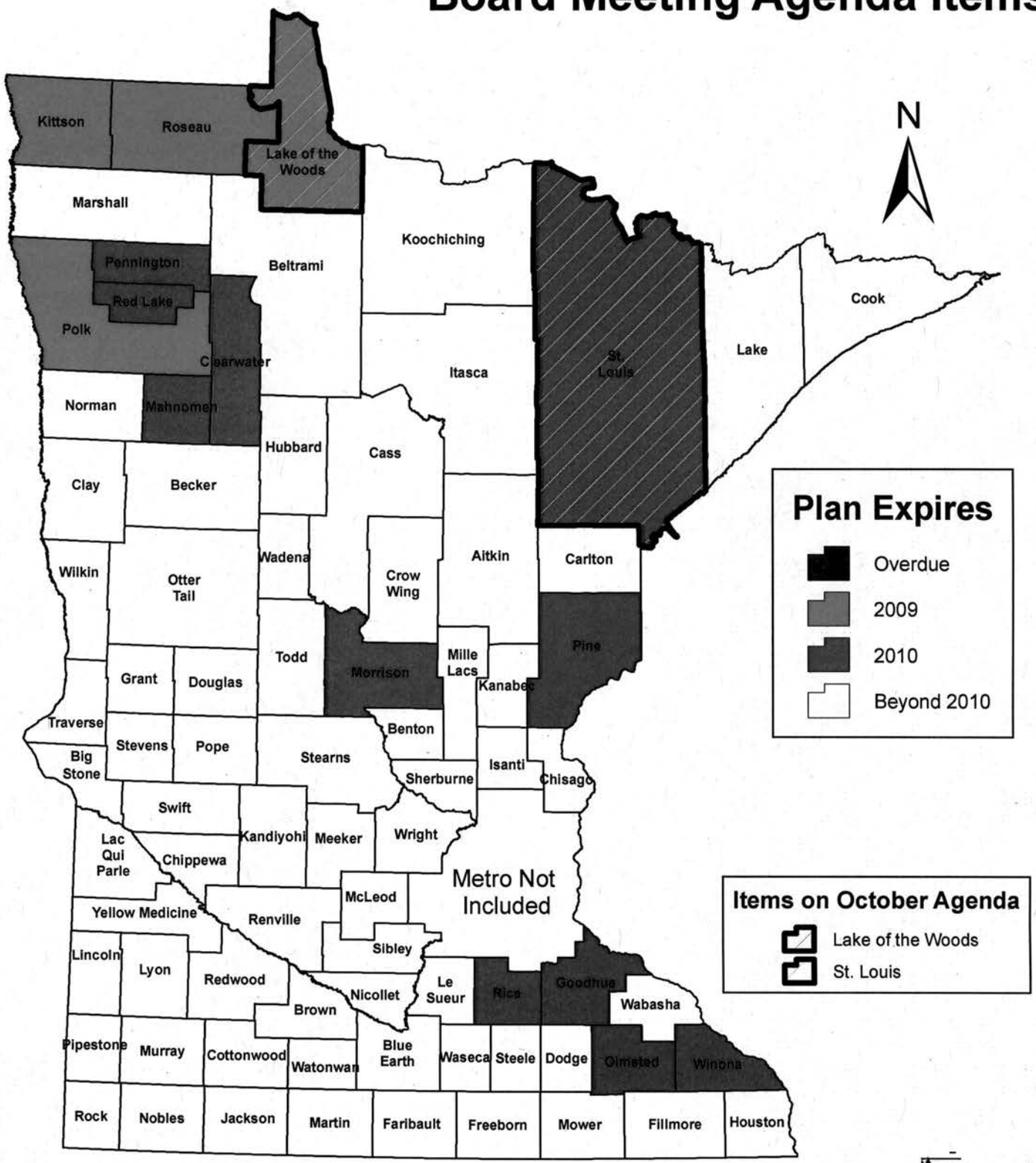
- Southern Water Planning Committee Meeting, immediately following the Board Meeting.
- Wetlands Committee Meeting today at noon.
- MAWD Annual Convention, December 3-5, 2009, Alexandria.
- MASWCD Annual Convention, December 6-8, 2009, Duluth.
- AMC Annual Convention, December 7-9, 2009, Minneapolis.
- Next Board Meeting, December 16, 2009, Board Room, lower level, St. Paul.
- Board Retreat – January 27-28, 2009, Riverwood Conference Center, Otsego.

** 09-88 Moved by Brian Napstad, seconded by John Meyer, to adjourn the meeting at 11:15 a.m. Motion passed on a voice vote.

Respectfully submitted,

Randy Kramer
Chair

County Water Plan Expirations
&
Board Meeting Agenda Items



Minnesota Board of Water & Soil Resources
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map updated: October 2009

BOARD OF WATER AND SOIL RESOURCES
Attendance Roster

	Name	Affiliation	Phone #
1.	Heather Mavencamp	MNAK	952 912 2661
2.	Lam Buck	MASWCD	651-690-9028
3.	Jeff Nielsen	BWSR staff	
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BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD
ST. PAUL, MINNESOTA 55155
WEDNESDAY, SEPTEMBER 23, 2009

BOARD MEMBERS PRESENT:
Gordy Behm, Paul Brutlag, Bob Burandt, Quentin Fairbanks, Rebecca Flood, MPCA; Christy Jo Fogarty, Sandy Hooker, Randy Kramer, Larry Kramka, DNR; Paul Langseth, Tom Loveall, John Meyer, Brian Napstad, Rob Sip, MDA; Faye Sleeper, U of M Extension; Louise Smallidge, Gene Tiedemann, LuAnn Tolliver, Dan Wilson, MDH

BOARD MEMBERS ABSENT:
Keith Mykleseth

STAFF PRESENT:
Mary Jo Anderson, Julie Blackburn, Tim Fredbo, Travis Germundson, Jim Haertel, Tabor Hoek, Jeff Hrubes, John Jaschke, Al Kean, Greg Larson, Megan Lennon, Kevin Lines, Eric Mohring, Aaron Spence, Dave Weirens, Marcey Westrick

OTHERS PRESENT:
Wayne Edgerton, DNR
Dr. Jane Farkenberger, Purdue University
Professor David Mulla, University of Minnesota

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

PLEDGE OF ALLEGIANCE

INTRODUCTION OF NEW BOARD MEMBERS – Chair Kramer welcomed newly appointed board members Christy Jo Fogarty and Sandy Hooker.

- Christy Jo Fogarty, representing metro cities, from Farmington, provided brief background information about herself.
- Sandy Hooker, representing townships, from Mapleton, provided brief background information about herself.

Chair Kramer announced that Keith Mykleseth, representing non-metro cities, has also been appointed, and will be attending the October 28th Board meeting. Board members introduced themselves.

** 09-67 **ADOPTION OF AGENDA** – Moved by Louise Smallidge, seconded by Faye Sleeper, to adopt the agenda as presented with the deletion of introduction of new employee. Motion passed on a voice vote.

REPORTS

Chair's Report – Randy Kramer reported that he attended a meeting in Willmar last week of the Minnesota Turkey Industry. Rebecca Flood, MPCA; and Rob Sip, MDA; were also in attendance.

Executive Director's Report – John Jaschke welcomed the newly appointed board members. John reviewed information in the board members packets. The new board members listing is on the BWSR website. John commented on the articles of interest in the " BWSR Snapshots". John reported that Julie Blackburn attended recent MAWD and MASWCD meetings. John attended the AMC Policy Committee meetings at Cragun's last week. John will attend the MASWCD Legislative Committee meeting next week. John reported that the Red River Basin Commission (RRBC) long-term flood protection project is underway. A survey has been developed to receive technical information regarding flooding; public meetings will be held, the locations/dates to be announced. The RRBC hired Barr Engineering to facilitate the meetings.

John reported that BWSR is preparing bonding requests: 1) wetland banking for local road authorities; and 2) funding for RIM to leverage WRP funding. John stated that funding will also be pursued via the Lessard Sams Outdoor Heritage Council. John reported that BWSR will be hiring a Training Coordinator in the next month or so to assist LGUs.

John attended a national CRP input hearing on Monday night in Moorhead. DNR Commissioner Mark Holsten also provided testimony. A joint Minnesota agency communication on how CRP should be shaped will be developed and sent by October 19th.

Brian Napstad commented on the AMC policies in development that relate to BWSR. 1) invasive species; 2) local government input on wetland mitigation; and 3) payment in lieu of taxes (PILT).

** 09-68 **MINUTES OF AUGUST 27, 2009** – Moved by Paul Langseth, seconded by Quentin Fairbanks, to approve the minutes of August 27, 2009, as circulated. Motion passed on a voice vote.

Dispute Resolution Committee – Travis Germundson introduced himself to new board members. Travis reported that three new appeals have been received, #09-17 Lake of the Woods County wetland appeal; #09-18 Koochiching County wetland bank application appeal; and #09-19 Kandiyohi County restoration order. John Jaschke reported that Travis will be working with the Attorney General's office regarding the publication of appeals. Travis reported that two DRC hearings are likely. The DRC will be supported by the Attorney General's office at the hearings.

Wetlands Committee – LuAnn Tolliver reported that the Wetlands Committee will meet immediately after the October 28th Board meeting. Staff will present a timeline on the WCA guidance and the role of the Wetlands Committee. The Wetlands Committee will also likely meet the evening prior to the December 16 Board meeting.

Grants Program & Policy Committee – Louise Smallidge reported that the Grants Program & Policy Committee will meet immediately following the Board meeting on December 16. The Committee has items to be considered later today on the agenda.

Public Relations, Outreach & Strategic Planning Committee – Brian Napstad reported that the Committee has not met.

RIM Reserve Planning Committee – Paul Brutlag reported that the RIM Reserve Planning Committee met, the item will be considered later today on the agenda. The RIM Reserve Planning Committee will meet today immediately following the Board meeting.

Administrative Advisory Committee – Chair Kramer reported that the Administrative Advisory Committee (AAC) has not met; a meeting has been scheduled for 7:30 a.m. on October 28th. Chair Kramer reported that new committees will be announced after the October Board meeting, with revised Committees in place for December. Chair Kramer asked that board member notify him of their interest on committees.

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

Cedar River Watershed District (CRWD) Watershed Management Plan – Paul Langseth reported that the Southern Water Planning Committee met on August 25, 2009, and recommends approval of the Cedar River Watershed District Watershed Management Plan. Moved by Paul Langseth, seconded by Dan Wilson, to approve the Cedar River Watershed District Watershed Management Plan ten-year plan (2009-2019). Discussion followed. Motion passed on a voice vote.

** 09-69

Larry Kramka entered the meeting at 9:30 a.m.

Lac qui Parle-Yellow Bank Watershed District (LQPYBWD) Watershed Plan – Paul Langseth reported that the Southern Water Planning Committee recommends approval of the Lac qui Parle-Yellow Bank Watershed District Watershed Plan. Moved by Paul Langseth, seconded by John Meyer, to approve the Lac qui Parle-Yellow Bank Watershed District Watershed Plan. Motion passed on a voice vote.

** 09-70

Lincoln County Local Water Management Plan Amendment – Paul Langseth reported that the Southern Water Planning Committee recommends approval of the specific addendum for 2009-2014 of the Lincoln County Local Water Management Plan Amendment. Moved by Paul Langseth, seconded by Dan Wilson, to approve the Lincoln County Local Water Management Plan Amendment. Paul stated that the new review process is for amendment of plans after five years. John Jaschke clarified that the plan is good for ten years with an amendment after five years. Motion passed on a voice vote.

** 09-71

Pipestone County Local Water Management Plan Amendment – Paul Langseth reported that the Southern Water Planning Committee recommends approval of the Plan Amendment for 2009-2014. Moved by Paul Langseth, seconded by Dan Wilson, to approve the Pipestone County Local Water Management Plan Amendment. Motion passed on a voice vote.

** 09-72

Steele County Local Water Management Plan Amendment – Paul Langseth reported that the Southern Water Planning Committee recommends approval of the Steele County Local Water Management Plan 2007-2016 Amendment to include participation in the Wetland Preservation Area Program. Moved by Paul Langseth, seconded by Dan Wilson, to approve the Steele County Local Water Management Plan Amendment. Discussion followed. Motion passed on a voice vote.

** 09-73

John Jaschke explained that all of these plans have incorporated TMDLs. BWSR may pursue more flexibility from the Legislature to accommodate plan amendments and has drafted joint guidance with MPCA on how to make these endeavors work well together. LuAnn Tolliver asked about funding sources on ten-year plans; we should have guidance on implementation and funding. Brian Napstad asked about ongoing TMDLs, does the TMDL need to be finalized to be incorporated into the water plans? John stated that referencing TMDLs is sufficient and that the local plan is expected to address how to accomplish the objectives in the TMDL and protection measures where TMDLs are not in place or expected. Rebecca Flood stated that MPCA has a two-step process; 1) monitoring and study of the source of impairment; and 2) implementation plans are developed. The study is approved by EPA; then the state takes over.

Area II Minnesota River Basins Project Inc., FY10 Annual Work Plan – Paul Langseth reported that the Southern Water Planning Committee reviewed the Area II Minnesota River Basins Project Inc., FY 10 Annual Work Plan, and recommends approval. The 2009 Legislature appropriated $130,000 to Area II Minnesota River Basins Project Inc., through state general funds. Moved by Paul Langseth, seconded by John Meyer, to approve the Area II Minnesota Rivers Basins Project. Inc., FY10 Annual Work Plan. Motion passed on a voice vote.

** 09-74

NEW BUSINESS

Grants Administration Initiative – Julie Blackburn and Dave Weirens introduced themselves to the new board members. Julie presented an overview of the Grants Administration Initiative. Julie reported that Steve Woods and Ron Shelito attended a conference last year and evaluated the State of Washington's process as a model for the dual purpose of streamlining grant administration and providing a front-load project list for legislative consideration. The long-term goal is to streamline the process and make it easier for BWSR to implement and LGUs to work with. Julie reported that the Grants Program and Policy Committee met on August 25, 2009, and recommends approval of the Grants Administration Initiative.

Dave Weirens explained the staff team approach used to develop the proposal and processes. Julie reviewed the Grants Administrative Initiative Resolution. Moved by Louise Smallidge, seconded by Gene Tiedemann, to adopt the Grants Allocation Initiative milestones that includes the proposed schedule and grant making processes.

** 09-75

Discussion followed. Faye Sleeper commended staff on this initiative; she would like to be involved as this moves forward. LuAnn Tolliver also commended staff on this effort, she would like to see an evaluation built into this to see how it's working. Motion passed on a voice vote.

Authorization of the FY2010 Competitive Grants Program – Dave Weirens introduced Jeff Hrubes, Northern Region Clean Water Specialist. Jeff reviewed the FY10 Clean Water Fund (CWF) and competitive grants program policy and request for proposals. Dave stated that BWSR has been appropriated competitive grant funds under the Clean Water Fund and General Fund to make grants to local governments to address water quality needs. The Pollution Control Agency and Department of Agriculture are also contributing funds to this request for proposals. BWSR staff are proposing to package all of these competitive grant funds into a single request that will allow local governments to apply for funds to address needs that are identified in their local water management plan or in an approved TMDL implementation plan. The proposed RFP includes separate RFPs for the Competitive Clean Water Fund Grants, Cooperative Weed Management Area Grant Program, Native Buffer Cost Share Program, and Conservation Drainage. The Grants Program and Policy Committee reviewed this request on August 25, 2009 and recommends approval.

Jeff reviewed the budget and policy and distributed an adjustment to the budget and the competitive RFP. Dave presented the Resolution; there will be four RFPs incorporated into a single document. John Jaschke stated that there are two minor changes in the resolution that need to be corrected. Moved by Louise Smallidge, seconded by Paul Langseth, to approve the authorization of the FY2010 Competitive Grants Program with changes in the last two bullets of the resolution. Discussion followed. Faye Sleeper asked about monitoring. Brian Napstad asked about riparian easements being available statewide. John stated that the easement funds will be discussed later today at the RIM Reserve Planning Committee meeting. John stated that these grants and policy are for FY10, a one-year appropriation. Motion passed on a voice vote.

** 09-76

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

INTRODUCTION OF NEW EMPLOYEE – Julie Blackburn introduced Megan Lennon, newly hired soil scientist, working on special projects, training SWCDs and BCs on soil loss equation results and outcomes and carbon sequestration. Megan stated that she is thrilled to work at BWSR, she is working on items she developed as part of her Masters Degree program. Julie stated that Greg Larson has been working with Megan in the field on wetland delineation. Chair Kramer welcomed Megan.

Krusmark's Farmed Cervidae Shooting Preserve RIM Reserve Easement Release of RIM Easement 79-04-96-01 – John Jaschke reported that BWSR has held a perpetual RIM Reserve easement in Wabasha County since 1998 on a farmed cervidae shooting preserve operation. A perimeter fence has been erected indirectly affecting that easement. John stated that staff have worked closely with the landowner to remedy

this matter. John explained that staff are requesting the Board to authorize staff to work with the Attorney General's office to resolve this issue. The RIM Reserve Management and Planning Committee unanimously recommend that staff are authorized to work with the Attorney General's office, to negotiate with the Krusmark's a release of the RIM Reserve easement contingent upon:

1) A recorded permanent conservation deed restriction on the easement acres which would prevent future development or annual row-cropping agricultural activities on those acres formerly located in the RIM Reserve easement; and
2) Repayment from the Krusmark's to the State of Minnesota in the amount of $26,015.19 which equals the original RIM Reserve easement payment to the Krusmark's; and
3) Approval of the terms and conditions of the deed restriction described in (1) above by the Chair of the BWSR and the Chair of the RRMPC, and receipt of funds noted in (2) above.

** 09-77 Kevin Lines read the resolution. Moved by Paul Brutlag, seconded by Paul Langseth, to adopt the resolution and authorize staff, in consultation with the Attorney General's office, to implement the above-described actions to terminate RIM Reserve easement ID number 79-04-06-01 as recommended by the RRMPC.

Paul Brutlag, chair of the RIM Reserve Management and Planning Committee, noted the Committee will establish a policy to inform LGUs on how to handle this type of information in the future. Discussion followed. Brian Napstad asked about the land value commensurate with the 1998 easement.

Larry Kramka stated that there are pending actions at the County level related to a change in zoning and conditional use permit. If action is taken today BWSR needs to inform the County of its decision and process. Larry stated that a deed restriction is less protective than an easement.

Kevin stated that approximately $12,000 in conservation practices were paid by the State and that Mr. Krusmark is not initiating this action; he believes he is in compliance. Once BWSR staff were notified of this matter they have been working with the SWCD and landowner for a resolution to the problem. The Committee recommends this option as the preferred option. Kevin stated that in the future, the easement amendment will clearly state what farm cervidae are and look at language that would prevent wildlife barriers and communicate this to LGUs. Brian Napstad stated that this easement is worth more than the initial purchase price. Paul Langseth, as a RIM Reserve Committee member, stated that we need to deal with the issue at hand; a compromise is needed that does not set a negative precedent.

Chair Kramer called for a roll call vote. Affirmative: Gordy Behm, Paul Brutlag, Bob Burandt, Quentin Fairbanks, Rebecca Flood, Christy Jo Fogarty, Sandy Hooker, Larry Kramka, Paul Langseth, Rob Sip, John Meyer, Faye Sleeper, Louise Smallidge, Gene Tiedemann, Dan Wilson, Randy Kramer. Opposed: Tom Lovell, Brian Napstad, LuAnn Tolliver. Motion passed.

Targeting BMPs to Critical Portions of the Landscape – Julie Blackburn introduced Professor David Mulla, University of Minnesota. Professor Mulla presented information regarding critical areas that have a higher likelihood of conveying contaminants to surface waters than other portions of the landscape. When present in an agricultural setting, critical areas contribute a disproportionate amount of contaminants such as sediments, nutrients, and pesticides, to nearby surface waters. Terrain analysis was used to identify where critical areas, and target appropriate BMPs to mitigate the degradation of water quality.

LCCMR-funded Critical Lands Project – Greg Larson, BWSR, presented information on statewide ecological ranking of CRP and other critical lands. Greg reported on the unique soil issues foremost in targeting, funding, project results, and crop productivity index. A panel of experts from the U of M, BWSR, NRCS will be gathered after the project analysis is complete. Professor Mulla presented information on CRP parcels showing water and erosion potential, practice class category and results. BWSR will disseminate this information statewide and provide training. This methodology can be used on other initiatives, not specific to CRP. The big picture will be mapping website based. Chair Kramer thanked Professor Mulla and Greg Larson for their presentations.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Rob Sip distributed the publication "Mississippi River Basin Healthy Watershed Initiatives" and a fact sheet on "Getting Involved with the Impaired Waters Process at the Local Level: A Guide for Crop and Livestock Producers".

Minnesota Department of Health (MDH) – Dan Wilson reported that MDH is ***H1N1*** all the time! Dan said that 45M doses of the H1N1 vaccine are expected to be available by mid-October, and another 60M are expected by mid-November. MDH continues to work on communication, community assistance and response. Dan stated that the overall goal of MDH is to minimize the impacts of influenza in the state. John Linc Stine is one of the lead spokespersons for MDH on influenza.

Minnesota Department of Natural Resources (DNR) – Wayne Edgerton stated that a joint letter will be sent out as follow up to the CRP hearing in Moorhead on Monday night.

Minnesota Extension Service (MES) – Faye Sleeper distributed information on the "Minnesota Water Resources Conference", October 26-27, 2009, at the St. Paul River Centre in St. Paul. Faye introduced Dr. Jane Frankenberger, water quality coordinator at Purdue University. Dr. Frakenberger is currently on sabbatical in Minnesota.

Minnesota Pollution Control Agency (MPCA) – Rebecca Flood reported that MPCA is starting a series of public meetings for the 2010 impaired waters list. MPCA is working diligently on Lake Pepin TMDL; EPA directed public notice first on site specific standards and then nutrient and sediment. will be placed on public notice Lake Pepin TMDL.

ADVISORY COMMENTS

Natural Resources Conservation Service (NRCS) – Tim Koehler reported that NRCS is working on end of fiscal year issues. Tim reported that John Jaschke, on behalf of BWSR, signed three TSP agreements with NRCS. Tim reported NRCS was appropriated a total of $31M for WRP funding; much used in the partnership with BWSR. Tim reported that NRCS will take on a $50M five-year effort with the Upper Mississippi River Basin, competitive process, targeted at water quality and wildlife projects, announcement is being made today. Tim will provide fact sheets when available.

UPCOMING MEETINGS

- RIM Reserve Management Planning Committee (RRMPC) Meeting – immediately following Board meeting today.
- Next Board Meeting, October 28, 2009, St. Paul
- Board Retreat – to be held in central Minnesota; likely January 26 to discuss strategic planning; with the Board meeting held on January 27.

Chair Kramer appointed Christy Jo Fogarty to the Metro Water Planning Committee; Sandy Hooker to the Southern Water Planning Committee; and Keith Mykleseth to the Northern Water Planning Committee.

** 09-78 Moved by Paul Brutlag, seconded by Louise Smallidge, to adjourn the meeting at 12:50 p.m. Motion passed on a voice vote.

Respectfully submitted,

Mary Jo Anderson
Recorder

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD
ST. PAUL, MINNESOTA 55155
WEDNESDAY, OCTOBER 28, 2009

PRELIMINARY AGENDA

9:00 AM **CALL MEETING TO ORDER**

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF SEPTEMBER 23, 2009

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

INTRODUCTION OF NEW BOARD MEMBER

- Keith Mykleseth

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
- RIM Reserve Planning Committee – Paul Brutlag
- Administrative Advisory Committee – Randy Kramer

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Public Hearing on Petition for Boundary Change of South Washington WD and Valley Branch WD, and Reduction in Number of Managers of South Washington WD – ***DECISION ITEM***

Northern Water Planning Committee

1. Lake of the Woods County Local Water Management Plan – ***DECISION ITEM***

2. Pine Soil and Water Conservation District Change in Location of Office Headquarters – ***DECISION ITEM***

3. St. Louis County Priority Concerns Scoping Document – ***DECISION ITEM***

RIM Reserve Planning Committee

1. Establish Rates, Eligibility and Wellhead Protection Area Selection for Clean Water Funded (CWF) Permanent RIM Reserve Wellhead Protection Easement Program – Kevin Lines – ***DECISION ITEM***

2. Establish Rates, Eligibility, and Sign-Up Procedures for Clean Water Funded (CWF) Permanent RIM Reserve Riparian Buffer Conservation Easement Program – Kevin Lines – ***DECISION ITEM***

NEW BUSINESS

1. Native Buffer Cost-Share Grant Program Criteria Revision – Dan Shaw – ***DECISION ITEM***

2. Rural Preserves Update – Julie Blackburn – ***INFORMATION 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 – Felicia Brockoff
- 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

- Metro Water Planning Committee Meeting, October 28, 2009 (immediately following Board Meeting)
- Southern Water Planning Committee Meeting, October 28, 2009 (immediately following Board Meeting
- MAWD Annual Convention, December 3-5, 2009, Alexandria
- MASWCD Annual Convention, December 6-8, 2009, Duluth
- AMC Annual Convention, December 7-9, 2009, Minneapolis
- Next Board Meeting, December 16, 2009, Board Room, lower level, St. Paul
- Board Retreat – January 27-28, 2009, Riverwood Conference Center, Otsego

NOON ADJOURN

Councilmember Keith Mykleseth

532 Summit Avenue
Crookston, MN 56716

Home Phone: (218) 281-1801
Cell Phone: (218) 289-1093
E-mail : kmykleseth@tnc.org

Professional Experience

Program Director, Glacial Ridge Project

2002 to Present, The Nature Conservancy, Minneapolis, MN

- Actively support The Nature Conservancy's land conservation mission by coordinating the restoration of the Glacial Ridge Project in Northwestern Minnesota. Once completed, the Glacial Ridge Project will have restored over 23,000 acres of land (5000 acres of wetlands and 18,000 acres of native prairie).
- With the help of over 30 governmental and non-profit partners, the Glacial Ridge Project is the largest prairie restoration ever in the United States.
- As restoration occurs, I actively work with the U.S. Fish and Wildlife Service to convey the property for inclusion into the Glacial Ridge National Wildlife Refuge. The Glacial Ridge National Wildlife Refuge is the only National Wildlife Refuge that has been created in the last seven years.
- Project recognition includes the Environmental Initiative Award, TNC Conservation by Design Award, and was a featured project at the White House Environmental Conference. The project has also been featured extensively in the local, state, and national media.

Water Superintendent

1998 to 2002, City of Crookston, Crookston, MN

- Department Head level position responsible for maintaining a safe and efficient water supply for Crookston residents.
- Implemented a variety of construction projects to improve the community's water supply including annual water line replacement and the addition of two new wells.
- Engaged in a variety of special projects including securing project funding for the removal of a dangerous low head dam. Concurrent with the removal of the dam, a rock river rapids was installed that increased safety and enhanced fish migration.

Engineering Technician

1990 to 1998, Widseth Smith Nolting, Crookston, MN

- Served as project inspector for several significant rural water projects including a $5M rural water project that included the installation of 45 miles of water line.
- Facilitated the plan preparation for a variety of street, sewer, and water projects.
- Coordinate surveying; construction staking; project inspection; contractor management; regulatory compliance; and owner engagement for numerous municipal, rural water, and county infrastructure projects.

Councilmember Keith Mykleseth

Engineering Technician
1989 to 1990 Chisago County Highway Department
1985 to 1989 Polk County Highway Department

- Served as project inspector for several Grading and Bituminous Overlay projects
- Involved with surveying and plan preparation for a variety of street, grading, and bridge projects.

Educational Experience

- *Class C Water Operators License*
- *Attended Bemidji State University from 1980 to 1981 – Industrial Technology*
- *Attended North Dakota State College of Science 1981 to 1983 – Associate Degree in Electrical Technology*
- *Attended University of Minnesota Crookston from 1984 to 1985 – Small Business Management*

City Council and Community Involvement

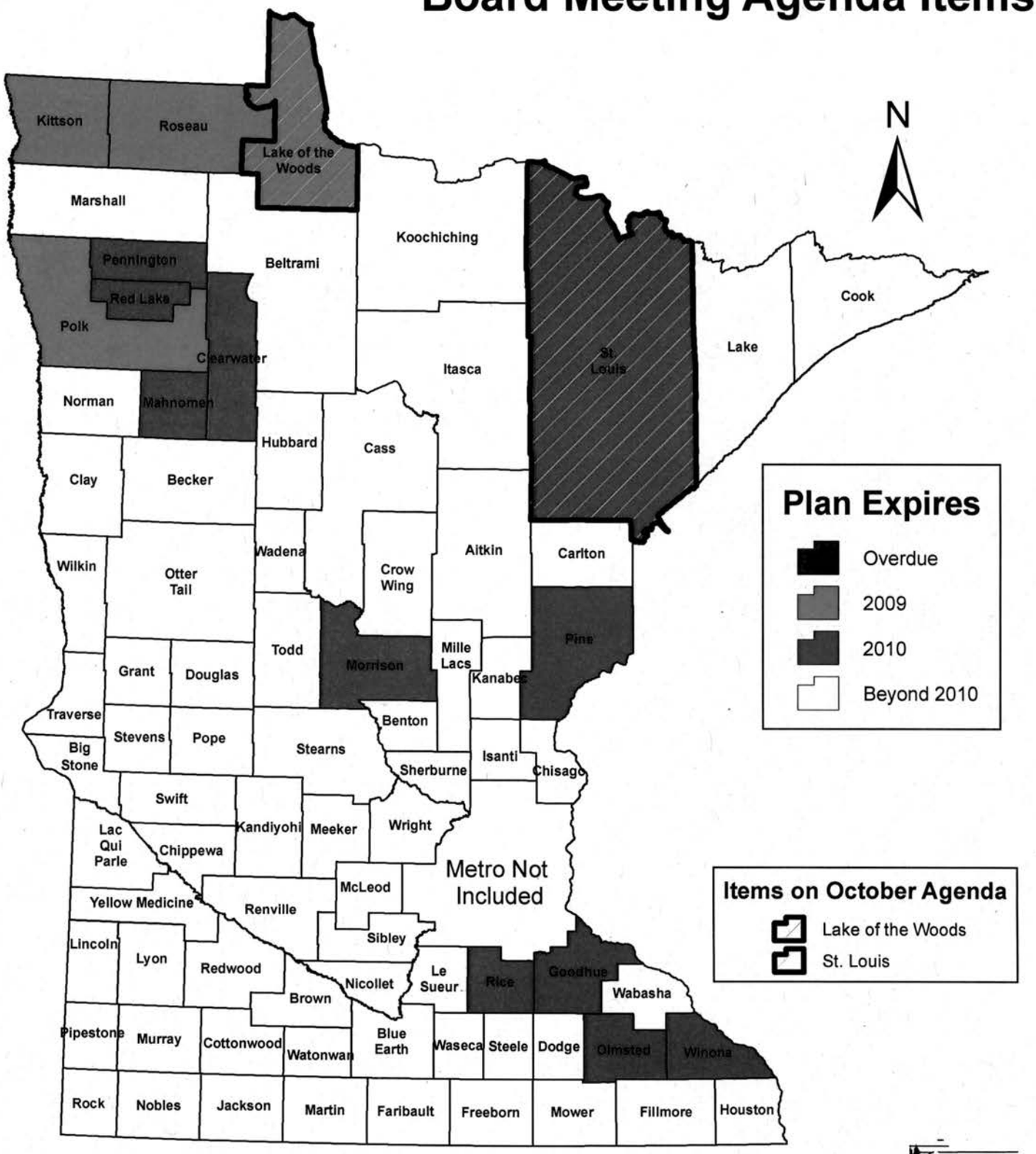
- *Community Activities*

  - Villa St. Vincent Board of Directors and Nominating Committee Chair (Villa St. Vincent is a Skilled Nursing and Assisted Living Facility)
  - Crookston Youth Basketball Association Board Member and Treasurer
  - Mount St. Benedict Advisory and Planning Board
  - Past Board Member Cathedral School
  - Past Board Member for the Crookston Chamber of Commerce
  - Crookston Lion's Club Member and Past Board Member
  - Environmental representative on the Red River Flood Damage Reduction Work Group
  - Past Chair of the Red Lake River Joint Powers board

- *Crookston City Council*

  - I am currently in my seventh year as the elected City Councilmember representing the residents of Ward Three in Crookston.
  - In the absence of the Mayor, I serve as the Vice Mayor to preside over meetings or to attend various functions on behalf of the Mayor and Council.
  - Chair of the City Council Street and Utility Committee
  - Chair of the City Council Public Safety Committee
  - Member of the Council Ways and Means; Labor; Finance; and Development Policy and Review Committees.
  - Past Council Liaison to the Crookston Convention and Visitors Bureau.
  - Polk County Municipalities Representative on the Northwest Regional Development Commission. Specific activities associated with the NWRDC include serving on the Aging Committee and the Enterprise and Promotions Committee

County Water Plan Expirations
&
Board Meeting Agenda Items



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map updated: October 2009

Dispute Resolution Report
October 15, 2009
by: Travis Germundson

There are presently **17** appeals pending. All of the appeals involve WCA except File 05-24. There have been **3** new appeals filed since the last report included in your packet dated September 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 09-22 (10-02-09) This is an appeal of a restoration order in Carlton County. The appeal regards three separate investigation areas encompassing over 18 acres of wetland impacts from excavation, filling, and ditching. *No decision has been made on the appeal*

File 09-21 (09-30-09) This is an appeal of a restoration order in Polk County. The appeal regards the placement of approximately 1.1 acres of fill in a type 2/3 wetland adjacent to Lake Sarah. *No decision has been made on the appeal.*

File 09-20 (09-28-09) This is an appeal of a restoration order in Chippewa County. The appeal regards the placement of fill in type 3 wetland to widen an existing private road. *No decision has been made on the appeal.*

~~File 09-19 (9-18-09) This is an appeal of a restoration order in Kandiyohi County. The appeal regards the placement of drain tile in two separate wetlands. No decision has been made on the appeal.~~ *The appeal has been denied because failure to remit the correct filing fee.*

File 09-18 (9-16-09) This is an appeal of a wetland bank decision in Koochiching County. The appeal regards the approval of a wetland bank application at 100-percent credit by the County Board. The decision deviated from the Technical Evaluation Panel recommendation and staff decision on percent eligible for credit. *The appeal has been remanded because the local government unit's record is not adequate.*

~~File 09-17 (9-10-09) This is an appeal of a wetland bank decision in Lake of the Woods County. The appeal regards the denial of a wetland bank application to re-vegetate/restore a 40-acre type1/2 wetland. A previous denial of the same bank application decision had been appealed (File 09-5). The appeal was remanded for further technical evaluation and a public hearing, and now the current denial has been appealed.~~ *The appeal has been denied.*

File 09-13 (8-20-09) This is an appeal of an exemption decision in Otter Tail County. The appeal regard the denial of an exemption request for agricultural/drainage actives. A previous denial of the same exemption decision had been appealed (File 09-6). The appeal was remanded for further technical evaluation and a hearing, and now the current denial has been appealed. *The appeal has been granted and a pre hearing conference is scheduled for November 12, 2009.*

File 09-10 (7-9-09) This is an appeal of a banking plan application in Aitkin County. The appeal regards the LGU's denial of a banking plan application to restore 427.5 acres of wetlands through the use of exceptional natural resource value. *The appeal has been accepted and a pre-hearing conference convened on October 13, 2009 and settlement discussions are ongoing.*

File 09-9 (6-22-09) This is an appeal of a restoration order in Brown County. The appeal regards a no-loss request\determination for the placement of agricultural tile lines within a wetland area. The landowner requested a no-loss determination from the LGU, and then proceeded to do the work prior to obtaining a determination. Both parties mutually agreed to extend the time period for BWSR to render a final decision. No decision has been made on the appeal.

File 09-3 (2-20-09) This is an appeal of a replacement plan decision in Anoka County. The appeal regards the approval of a wetland replacement plan for 11,919 square feet of impacts associated with a residential development. The appeal has been placed in abeyance and the replacement plan decision stayed for submittal of a revised replacement plan application at the request of the petitioner.

File 09-2 (2-19-09) This is an appeal of a restoration order in Stearns County. The appeal regards the filling of approximately 6,833 square feet of a type 5 wetland with various debris materials. No decision has been made on the appeal. The appellant has granted BWSR additional time to make a decision on the appeal.

~~File 08-35 (12-3-08) This is an appeal of a exemption decision in Grant County. The appeal resulted from issuance of a restoration order for 32 acres of wetland impacts associated with agricultural drain tile work. The appeal has been accepted and copies of the record have been obtained.~~ *A formal settlement agreement has been signed.*

~~File 08-34 (12-2-08) This is an appeal of the same agricultural exemption decision in Grant County as identified in File 08-35. The appeal has been accepted and copies of the record have been obtained. The two related appeals will be combined and processed as one decision.~~ *A formal settlement agreement has been signed.*

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. 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 Appellant Court.

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.

Draft Summary Table

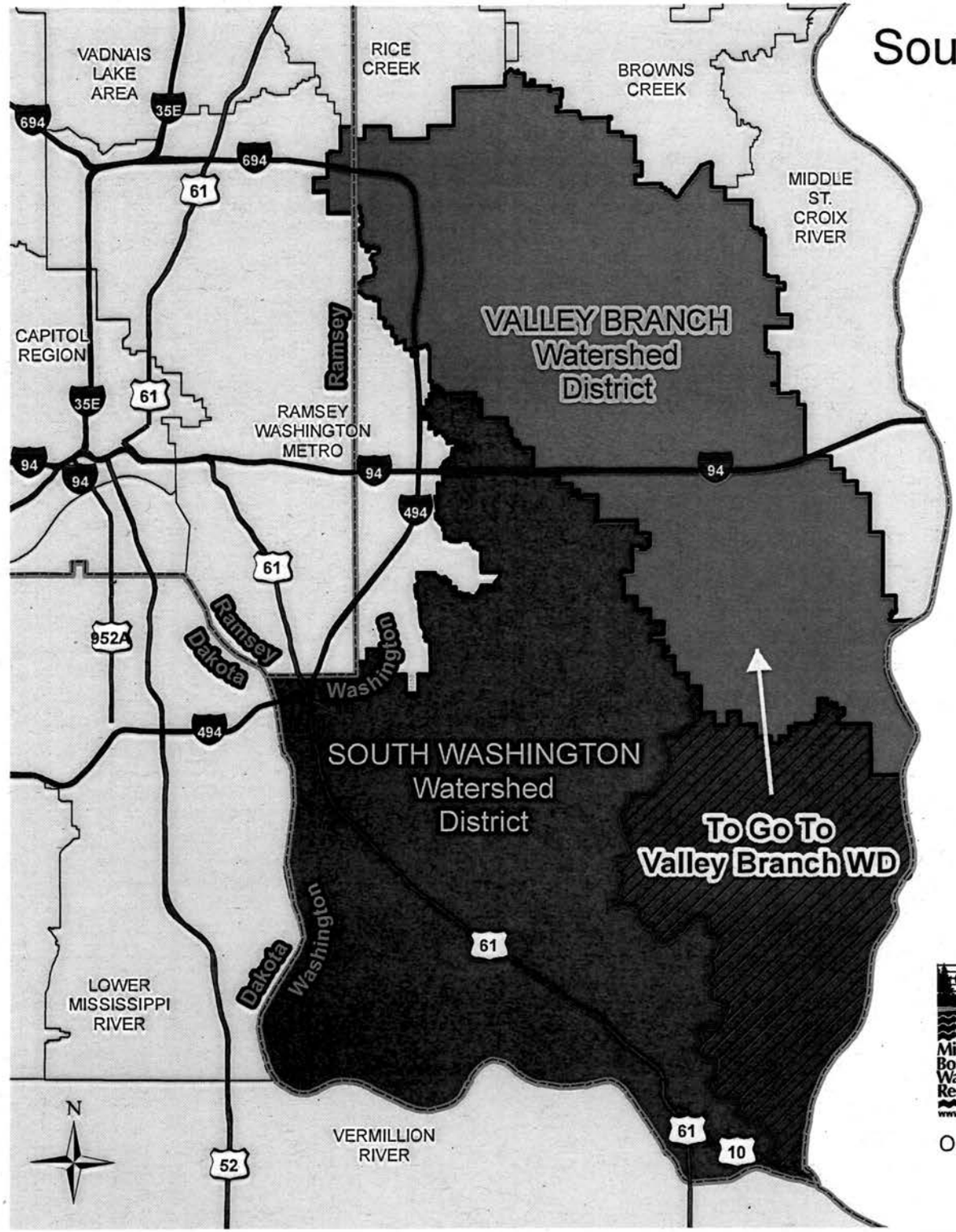
Type of Decision	Total for Calendar Year 2009
Order in favor of appellant	
Order not in favor of appellant	7
Order Modified	1
Order Remanded	3
Order Place Appeal in Abeyance	1
Negotiated Settlement	

COMMITTEE RECOMMENDATIONS

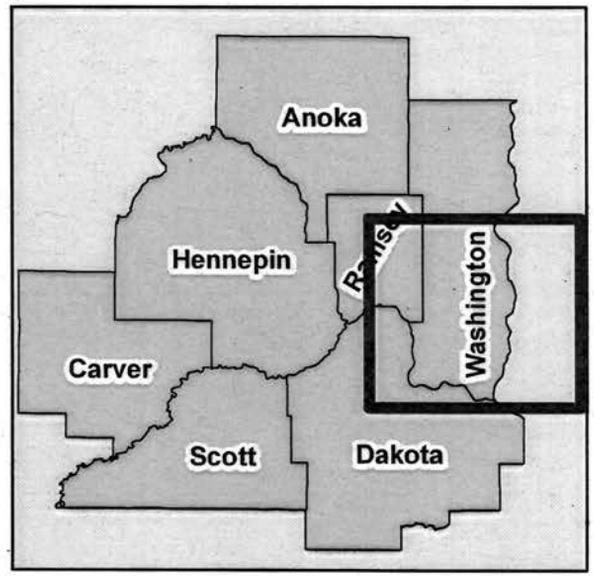
Metro Water Planning Committee

1. Public Hearing on Petition for Boundary Change of South Washington WD and Valley Branch WD, and Reduction in Number of Managers of South Washington WD – ***DECISION ITEM***

South Washington & Valley Branch Watershed Districts Boundary Change



- County Boundaries
- Proposed Boundary Change
- Current Watershed District Boundaries
- Surrounding Watershed Districts & WMOs



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

Oct 2009

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

In the Matter of the Petition for a Boundary Change of the South Washington Watershed District and the Valley Branch Watershed District, and a Reduction in Number of Managers of the South Washington Watershed District, Washington County, pursuant to Minnesota Statutes Section 103D.251.

ORDER FOR WATERSHED DISTRICT BOUNDARY CHANGE AND REDUCTION IN NUMBER OF MANAGERS PUBLIC HEARING

Whereas, a citizen petition (Petition) for a boundary change of the South Washington Watershed District (SWWD) and the Valley Branch Watershed District (VBWD), and for a reduction in the number of managers of the SWWD, was filed with the Board on October 5, 2009, pursuant to Minn. Stat. § 103D.251, and;

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

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

FINDINGS OF FACT

1. On October 5, 2009 the Board received a citizen Petition for a boundary change of the SWWD and the VBWD, and for a reduction in the number of managers of the SWWD, pursuant to Minn. Stat. §103D.251. The proposed watershed district boundary change would follow the major hydrologic boundary between the Mississippi River and the St. Croix River. The proposed reduction in the number of managers of the SWWD would reduce the number of managers from seven (7) to five (5).

2. The Washington County Auditor has certified the requisite number of petitioner signatures has been met pursuant to Minn. Stat. §§ 103D.011, Subd. 25, 103D.211, 103D.251, Subd. 5 (a) (4).

3. Staff has determined that a valid Petition exists pursuant to Minn. Stat. § 103D.251.

4. Minn. Stat. § 103D.251 requires a public hearing to be held within thirty-five days of the Board determining a valid petition has been received.

5. The Board's Metropolitan Water Planning Committee should preside over the hearing and bring recommendations to the Board after the public hearing has been held.

6. The appropriate parties have been coordinated with such that the hearing should be held on Tuesday, November 17, 2009, starting at 7:00 PM.

7. The public hearing should be held at the Washington County Service Center—Cottage Grove, 13000 Ravine Parkway South, Cottage Grove, Minnesota.

8. If conflicts arise the Executive Director should choose another suitable location, date and time.

9. The Board's Metro Water Planning Committee met on October 15, 2009, to review and discuss holding a public hearing on the Petition. Those in attendance from the Board's Committee were Rebecca Flood, Louise Smallidge, LuAnn Tolliver, and Robert Burandt as chair. Board staff in attendance was Metro Region Supervisor Jim Haertel. Board staff stated the petition was sufficient and recommended ordering a public hearing on the Petition. After discussion, the Committee unanimously voted to recommend to the full Board that a public hearing be held on the Petition.

CONCLUSIONS

1. The Petition for a boundary change and a reduction in number of managers is valid in accordance with Minn. Stat. § 103D.251.

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

3. The Board has proper jurisdiction in the matter of ordering a public hearing to determine whether the proposed boundary change and reduction in number of managers would benefit the public welfare and public interest and the purpose of Minn. Stat. Chapter 103D would be advanced.

4. A public hearing should be held within thirty-five days of the date of this order.

5. The Board's Metropolitan Water Planning Committee should preside over the public hearing and bring recommendations on the Petition to the Board after the public hearing has been held.

6. The public hearing should be held on Tuesday, November 17, 2009, starting at 7:00 PM.

7. The public hearing should be held at the Washington County Service Center—Cottage Grove, 13000 Ravine Parkway South, Cottage Grove, Minnesota after proper legal notice has been given.

8. If conflicts arise the Executive Director should choose another suitable location, date and time.

ORDER

The Board hereby orders a public hearing be held within 35 days of the date of this Order on the Petition for a boundary change of the South Washington Watershed District and the Valley Branch Watershed District and a reduction in number of managers of the South Washington Watershed District to be presided over by the Board's Metropolitan Water Planning Committee on Tuesday, November 17, 2009, starting at 7:00 PM at the Washington County Service Center—Cottage Grove, or if conflicts arise, the Executive Director should choose another suitable date, time and location, after proper legal notice of the public hearing has been given.

Dated at Saint Paul, Minnesota this 28th day of October, 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: Vice Chair for
Randy Kramer, Chair

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

1. Lake of the Woods County Local Water Management Plan – ***DECISION ITEM***

2. Pine Soil and Water Conservation District Change in Location of Office Headquarters – ***DECISION ITEM***

3. St. Louis County Priority Concerns Scoping Document – ***DECISION ITEM***

LAKE OF THE WOODS COUNTY

LOCAL WATER MANAGEMENT PLAN

2010 – 2020 UPDATE

Prepared by:

Lake of the Woods Soil and Water Conservation District
And
Lake of the Woods County Water Plan Task Force Committee

I. EXECUTIVE SUMMARY

The purpose of this plan is to address the water related issues across the entire county, regardless of jurisdictional, political, municipal or watershed boundaries. This plan should provide a means of consistency across the county and is consistent with other state, regional or local planning processes. It will look at ground and surface water and those activities that may influence water quality or quantity.

The plan will look specifically at the top five priority concerns that were developed through the scoping process. The concerns identified are on a county-wide basis, however, when necessary or applicable, will be implemented on a watershed level.

This plan was written under the delegated authority of the Lake of the Woods County Board of Commissioners and is designed to cover the period from January, 2010 to January, 2020, with a review and update of the goals and implementation strategy scheduled for 2015. Much progress has been made over the last two decades to protect and restore water resources, and it is the intent of the county water planners to actively continue these efforts.

County Background

Lake of the Woods County is the youngest county in the state of Minnesota. The county was organized on November 28, 1922, when a vote by area residents separated the northern townships from Beltrami County. On January 1, 1923, the county officially began operations at its county seat in Baudette. The county contains the Northwest Angle, the northernmost point of the Lower 48 States. The county also includes the U.S. portions of Lake of the Woods. The county is bordered by two Canadian provinces, Manitoba and Ontario, and three Minnesota counties, Roseau, Beltrami, and Koochiching.

The land area the county occupies was created largely by several periods of glaciation, and was once covered by glacial Lake Agassiz. The county is on the southern edge of the Canadian Shield, is generally flat, sloping very gradually toward the Rainy River and Lake of the Woods, with scattered bedrock outcrops and glacial lake beach deposits. Lake of the Woods is the dominant water related feature, covering 1,679 square miles in Minnesota and Canada. The Lake contains over 14,000 islands.

The county is sparsely populated. With a total land area of approximately 1,297 square miles and a population of 4,095, the county averages only 3.2 people per square mile. Most of the population is concentrated in relatively small areas of the county, mainly near the shoreline of the Rainy River and Lake of the Woods, in Baudette (pop. 952) and Williams (pop. 184), and to a lesser degree along major thoroughfares.

The county has a total area of approximately 1,136,918 acres. The area breakdown is as follows: Lake of the Woods comprises 306,393 acres (27%), wetlands 708,591 (62%) and upland 121,934 (11%). The land ownership within the county is: State or Federally owned 489,820 (59%), Reservation Lands 110,003 (13%), private lands 227,534 (27.5%), and the remaining amount (.5%) is comprised of publicly owned land through the City of Baudette or Lake of the Woods County.

Land use in many instances has been dictated by land suitability and public water access considerations. The number of tourists in the area can range anywhere from 500 to over 1200 people on any given day. In addition to the county's permanent residents, seasonal residences are increasing in number and contribute to development pressures along Lake of the Woods, the Rainy River, and it's tributaries. In some areas in the county, land use has shifted from marginally productive agricultural to recreational. Even the vast acreage of wetlands, peat bogs, and areas of non-merchantable timber are utilized for a varied number of recreational uses including hunting and snowmobiling. Wetlands and other undeveloped areas also protect water quality in the County's many streams and rivers, as well as Lake of the Woods.

The main industries of the area are tourism, forestry and agriculture. Tourism revolves around the Lake of the Woods fishery, hence Lake of the Woods County has a vested interest in water quality. The forested lands of the County are a major supplier of pulp wood to several local sawmills of economic importance to county residents and the Boise Inc paper mill in International Falls, MN, 70 miles to the east. Agricultural lands contribute substantially to the economic stability of the County. Currently there are less than 40 registered feedlots in the county. Small grains, soybeans, grass seed, and oil seed are the main agricultural products for this area.

Water Plan Strategies

The primary focus for the Lake of the Woods County Water Plan is to identify existing and potential problems, and then utilize opportunities for the protection, management, and development of land and water resources. The plan, through the planning process, develops objectives to carry out action plans to promote sound natural resource management. The original water plan was adopted in 1992, revised in 1997 and again in 2002. This revision will be the forth generation and will be completed by 2010.

The major strategic goals of this water plan will be to assist local units of government, landowners and other interested groups with making wise land and water resource decisions regarding potential impacts to water quality as a result of land use changes. In conjunction with the priorities of the water plan, many of the strategies include the use of new technologies like geographical information systems and LIDAR to assist in making better natural resource management decisions. This additional information will provide a means to refine the focus of future priorities to answer questions regarding the impact to surface waters from land and water use changes.

Lake of the Woods County Water Plan Accomplishments, 2003-2010

1. Installation of more than a dozen shoreline stabilization and protection projects utilizing the State Cost Share Program and other funds.
2. Establishment of a water level monitoring gauge at Morris Point.
3. Active participation with the Rainy River Basin Planning Process.
4. Revision of the County Drainage Inventory Book.
5. Creation of a County Ditch Maintenance Policy.
6. Over 10,000 acres enrolled in EQIP for the following practices: field borders, buffer strips, riparian CRP, and residue management.
7. Creation of Wheeler's Point Sanitary District.
8. Completion of SE LOW TMDL and continuation of monitoring activities.
9. Completion of the Baudette River TMDL and continuation of monitoring activities.
10. Creation of a River Watch Program in cooperation with Lake of the Woods School.
11. Completion of 7 Feedlot Water Quality Management Grants.
12. Completion of 4 Drought Disaster Assistance Projects.
13. Completion of a level 2 feedlot inventory, containing information including: location, animal numbers, open lots, manure storage pits, and distance to waters.
14. Administration of countywide low-interest (AgBMP) septic upgrade loan program.
15. Support and utilization of the Joint Powers Board Engineering Assistance Program.
16. Assist the University of MN in a cooperative study of paleolimnology on Zippel Bay.
17. Administration of the Wetland Conservation Act.
18. Participated as a Delegated Feedlot County through MPCA's Feedlot Program.
19. Collection of culvert inventory data to assist with a county-wide stormwater management plan.
20. Development of an annual well water testing clinic.
21. Completed 21 abandoned well sealing contracts.
22. Administration of the abandoned well sealing program.
23. Development of the Bostic Watershed Protection Project.

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 Lake of the Woods County (Minnesota Statutes , Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5.)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Lake of the Woods County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on August 12, 2009, 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 1, 2007, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Lake of the Woods County, pursuant to M.S. Section 103B.312.

2) On December 19, 2007, the Board of Water and Soil Resources approved official comments on the Lake of the Woods County Priority Concerns Scoping Document, which were mailed to the county on December 19, 2007.

3) The priority concerns, in no particular order of importance, the local water management plan addresses include:
   - Erosion, Sedimentation, Flood Damage Reduction
   - Land Use Management
   - Sewage Treatment Systems
   - Water Quality
   - Education

4) On August 12, 2009, the BWSR received the Lake of the Woods County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5) On October 14, 2009, the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Lake of the Woods County Plan Update. Recommendations of the state review agencies were:
   A) Minnesota Department of Agriculture: no recommendation received;
   B) Minnesota Department of Health: recommends approval;
   C) Minnesota Department of Natural Resources: 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 ten-year period until October 28, 2019; with Goals, Objectives, Action Items amended by October 28, 2014.

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 Lake of the Woods County pursuant to Minnesota Statutes, 103B.315, Subd. 5.

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

ORDER

The Board hereby approves the attached update of the Lake of the Woods County Local Water Management Plan through October 28, 2019; with Goals, Objectives, and Action Items being amended prior to October 28, 2014.

Dated at St Paul, Minnesota, this twenty-eighth day of October 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Randy Kramer, Chair

Minnesota Board of Water and Soil Resources Resolution No. 09-83

RESOLUTION ACCEPTING CHANGE IN OFFICE LOCATION FOR PINE SOIL AND WATER CONSERVATION DISTRICT

WHEREAS, the Pine Soil and Water Conservation District Board of Supervisors adopted a resolution dated July 14, 2009, to change the office headquarters from 260 Morris Avenue, Hinckley, MN 55037 to 1602 Hwy 23 North, Sandstone, MN 55072, effective October 1, 2009, and;

WHEREAS, the Board of Water and Soil Resources must act on the change of office location pursuant to Minn. Stat. § 103C.221;

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

The Board of Water and Soil Resources hereby approves the change in office location of the Pine Soil and Water Conservation District from 260 Morris Avenue, Hinckley, MN 55037 to 1602 Hwy 23 North, Sandstone, MN 55072, effective October 1, 2009.

Dated at St. Paul, Minnesota this 28th day of October, 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

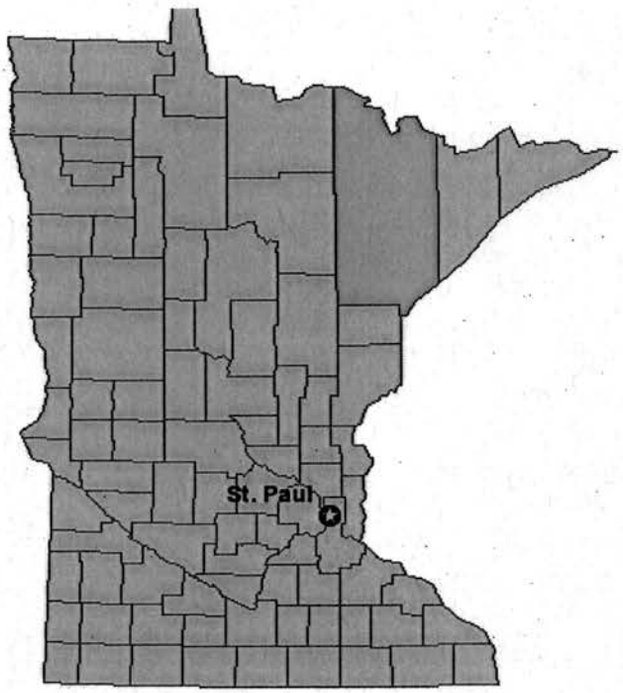
By: Vice Chair for

Randy Kramer, Chair

Priority Concerns Scoping Document

for the:

St. Louis County Comprehensive Water Management Plan Update



Prepared by:

The South St. Louis Soil & Water Conservation District
215 N. 1st Ave E. Rm. 301
Duluth, MN 55802

The North St. Louis Soil & Water Conservation District
307 1st St. South, Suite 114
Virginia, MN 55792

July, 2009

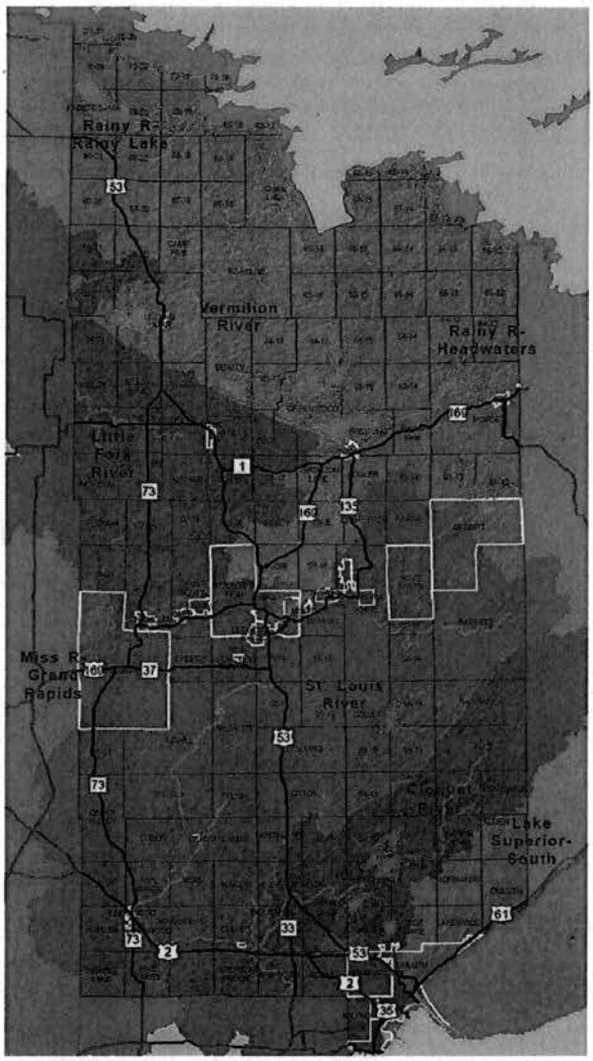
INTRODUCTION

This Priority Concerns Scoping Document (PCSD) was developed in accordance with the changes to the Minnesota Comprehensive Local Water Management Act; Statutes: 103B.304-103B.355. This PCSD identifies the priority concerns selected by the St. Louis County Water Plan Advisory Committee, along with a detailed account of how these concerns were selected.

County primer

Located in northeastern Minnesota, St. Louis County is the largest county east of the Mississippi River. It is an estimated 7,092 square miles in size, with just over one thousand lakes. Seven major watersheds are contained within, or straddle parts of, the county. The watersheds that are located generally in the northern part of the county are part of the Rainy River basin. Those generally in the south are part of the Lake Superior basin. See Figure 1. St. Louis County is known for its spectacular natural beauty, including a national forest (Superior National Forest) and a national park (Voyageurs National Park), the Boundary Waters Canoe Area Wilderness, four state parks, and many popular recreational trails.

Figure 1: Watersheds of St. Louis County
Source: County Planning Dept., 2009



St. Louis County contains 26 cities and 73 organized townships. It also has 72 un-incorporated communities, 26 unorganized territories and 1 "Census Designated Place." There are about 32 persons per square mile. The City of Duluth serves as the County seat with a population of approximately 86,000. The estimated 2008 population of St. Louis County was 196,864 (*U.S. Census).* This represents an estimated 1.8% decline in population in the County between the year 2000 and 2008. The MN State Demographic Center predicts that the County's population will rise to 202,040, or an increase of about 2.6%, by 2030.

The Iron Range cities of Hibbing and Virginia and the Lake Superior port of Duluth are the County's population and economic centers. Both areas have international importance – Duluth for having one of the largest freshwater ports in the world and the Iron Range for its large mining industry. Surrounding counties are: Carlton County to the south; Aitkin, Itasca and Koochiching Counties to the west; Lake County to the east; and Douglas County, WI to the SE (across the St. Louis River – the largest U.S. tributary to Lake Superior). The coast of Lake Superior creates part of the County's southern border, while the Rainy River District of Ontario flanks its northern border.

St. Louis County is comprised of an estimated 4.3 million acres of land of which approximately 22.6% is bog/marsh/fen and 8.7% is surface water. Less than 0.1 % is cultivated and only 0.7% is categorized as urban/industrial. One half of the County is classified as forest, which is a contributing factor to the high water quality found here.

Plan Information

In 1985, the State of Minnesota adopted the Comprehensive Local Water Management Act under State Statutes 103B.301 – 103B.335. The act encourages counties outside of the metropolitan area to develop and implement comprehensive water management plans. While the plans are voluntary, various state grants and even some federal monies require that a county have an adopted local water management plan that is updated periodically *(MN Board of Water & Soil Resources Website).*

The St. Louis County Comprehensive Water Management Plan (Plan) was originally adopted in 1992 with amendments relating to wetland program administration in 1999. An updated plan was adopted in 2001.

The St. Louis County Board adopted a resolution on March 11, 2008, requiring an update and revision of the Plan. In May of 2008, Minnesota's Board of Water and Soil Resources (BWSR) granted the County an extension of its current Plan until May of 2010. The new plan will be valid for ten years, through May of 2020, with updates planned for 2015.

St. Louis County is responsible for local water management; it is contracting with the North St. Louis (NSL) and South St. Louis (SSL) Soil & Water Conservation Districts (SWCDs) to conduct the work for this update.

PRIORITY CONCERNS IDENTIFICATION

The Priority Concerns for the St. Louis County Comprehensive Water Management Plan Update were identified through the following process:

Timeline of Actions

March 11, 2008 – The St. Louis County Board passes two resolutions: Board Letter 08-88 resolved to update the Plan; Board Letter 08-89 resolved to request a two-year extension for the current Plan from BWSR.

May 28, 2008 – BWSR approves County's request to extend the effective date of the current Plan by two years to May 28, 2010.

June 26, 2008 – The County Planning and Development Department sends a written notice to all interested parties indicating the County's intent to update the Plan, inviting them to submit their priority concerns with copies of any local water and related land resource plans that should be considered in the development of the updated Plan. Notice is sent to all mayors, supervisors, and clerks of all incorporated townships and cities in the County. Notice is also sent to adjacent counties and their SWCDs, and to representatives of the Minnesota Department of Natural Resources, MN Department of Health, MN Department of Agriculture, BWSR, the Minnesota Pollution Control Agency, and the Minnesota Environmental Quality Board. A form is provided to help respondents prioritize and explain their concerns. The parties are given 45 days to respond.

August 11, 2008 – Response period ends. Twenty Local Government Units (LGUs), including 14 townships, five cities, one unnamed contributor and one agency, provide responses.

February 11, 2009 – A public meeting is held in Duluth at the SSL SWCD office. Notice for this meeting is provided through: a press release, the SSL SWCD website, a paid advertisement in the Duluth News Tribune, and postings at the County and SSL SCWD offices.

February 18, 2009 – A similar public meeting is held in North St. Louis County at the Mountain Iron Community Center in Mountain Iron. Notice for this meeting is provided through a press release and postings at the County and NSL SWCD offices.

January 22, 2008 - February 28, 2008 – A public survey is made available online at *SurveyMonkey.com*. An invitation to complete the survey along with information about the Plan update process are provided through the following venues: the SSL and NSL SWCD websites; the County website; press releases distributed by the SSL and NSL SWCDs; an insert included in the NSL SWCD annual tree order mailing; a paid advertisement in the Duluth News Tribune; and the SSL SWCD annual spring newsletter/tree order form distributed through the Duluth News Tribune.

March 2, 2009 – Priority concerns are received and accepted from the MN Department of Health.

March 11, 2009 – Priority concerns are received and accepted from BWSR.

March 31, 2009 – The Water Plan Advisory Committee meets in Virginia and Duluth by videoconferencing. Public input garnered during the scoping process is discussed and considered, and four priority concerns are selected.

Water Plan Advisory Committee Meeting Participants:
Mark Lindhorst, County Planner II, Virginia
Scott Smith, Physical Planning Manager, Duluth
R.C. Boheim, Dist. Mgr. – SSL SWCD
Paul Ojanen, Resource Conservationist – NSL SWCD
Al Moline, SSL Supervisor
Gary Rantala, NSL Supervisor
John Calgaro, NSL Supervisor
Kate Kubiak, Conservation Specialist – SSL SWCD

April 22, 2009 – Selected priority concerns are shared with LGUs in South St. Louis County at the monthly meeting of the Regional Stormwater Protection Team, held in Duluth. This group includes representatives from about 20 local agencies and governmental units. Comments are invited but none are received.

April 22nd, 2009 Meeting Participants (South St. Louis):
Rich Axler, Natural Resources Research Institute
Jack Salmela, MN Dept. of Transportation
Caleb Petersen, City of Cloquet

Todd Carlson and Chris Kleist, City of Duluth
Val Brady, Duluth Township
Candice Richards, UMD
Gina Temple-Rhodes, WLSSD
Jenny Thoreson, City of Superior, WI
Amber Westerbur, MN Coastal Program
Jim Aird, Midway Township
Joel Peterson, MPCA
Rick Gitar, Fond du Lac Reservation
Cindy Hagley, MN Sea Grant
Lori Walters, City of Hermantown
Julene Boe, St. Louis River Alliance
Kate Kubiak, SSL SWCD

June 10, 2009 – LGUs in North St. Louis County are invited to share their input on the selected priority concerns at a meeting held in Virginia. Approximately 40 invitation letters are sent to the LGUs of northern St. Louis County. Representatives from five entities attend. All attending concurred with the priority concerns, especially as related to the protection of lake or riparian property. Attendees agree that fewer variances should be granted with stricter enforcement of existing codes and that septic system standards should be enforced.

June 10th, 2009 Meeting Participants (North St. Louis):
Ellis Alto – Supervisor, Sturgeon Township
Evelyn Hughes – Treasurer, Sturgeon Township
Gene Capitani – Supervisor, French Township
Ronn Campbell – Supervisor, French Township
Pete Pastika - City Administrator, City of Babbitt
Philip Lobb – Supervisor, Colvin Township
Kim Eisenhuth – Supervisor, Embarrass Township
Paul Ojanen, NSL SWCD

Results/Outcomes

Public Meetings

NSL and SSL SWCDs held public meetings in each of their districts – one in Duluth on February 11, 2009, and one in Mountain Iron a week later. Though well-publicized, the meetings did not garner any response from the public. The meetings were publicized through postings at County offices, County and SWCD websites, press releases, and newspaper ads.

Survey

The online survey was more popular than the public meetings. The survey was posted on the *Survey Monkey* website, a free hosting service for small public surveys. See Figure 4 for a copy of the survey. A paper copy version was also available. The survey consisted of four questions and took approximately five minutes to complete. It was based on the *Citizen Survey Example* provided by BWSR in their water management plan guidance documents.

There were 42 responses to the online survey. There was also one paper copy of the survey submitted, for a total of 43 responses. Respondents were asked to indicate in which watershed they lived or owned property, in order to gauge the geographical breadth of the respondents (see

Table 2). The survey included 13 common water quality issues, which the survey respondents could rank 1-4, with "1" being their most pressing concern and "4" being their least pressing concern. The respondents could also provide additional concerns under an "other" option. See Table 4 for the "other" concerns listed. The most important priority concern (receiving the most votes for a ranking of "1") indicated by the survey respondents was development pressure/impacts. The next three most important concerns by number of votes for a ranking of "1" were: failing public infrastructure (sewers), failing septic systems, and habitat destruction. Two issues received the most votes over all four rankings: "failing septic systems" and "development pressure/impacts." These concerns received a total of 27 and 26 votes respectively. See Table 3.

Survey respondents were also asked which water resource they thought was most threatened in St. Louis County. Results were:

Groundwater.....2 votes (3%)
Wetlands.....9 votes (24%)
Lakes.....18 votes (47%)
Streams/Rivers.....10 votes (26%)

See Figure 5 at the end of this document for respondents' reasons why they chose each resource as "most threatened" and Figure 6 for their additional survey comments.

LGU and Agency Input

Table 1 shows the summary of the LGU and Agency responses. Since these groups were given the opportunity for open answer, and the public was given pre-determined choices, priority concerns provided from the LGUs and Agencies were grouped by coding their responses into categories similar to those provided in the public survey (see codes at the bottom of Table 1).

PRIORITY CONCERNS SELECTION

Four priority concerns were selected by the Water Plan Advisory Committee based on the data gathered through the priority concerns scoping process:

1. **Development** - Mitigate impacts from development.
   Emphasis: sensitive areas including lakeshore, wetlands, and riparian areas along streams and rivers.
2. **Wastewater Management** - Address water quality problems stemming from inadequate wastewater management.
   Emphasis: failing private septic systems (rural) and sanitary sewer overflows (urban).
3. **Ground and Surface Waters** - Protect ground and surface water from the combined impacts of point and non-point pollutants.
   Emphasis: contaminated run-off.
4. **Impaired Waters** - Work towards restoring those waters in the County listed as "impaired" on the State 303(d) list.

Minnesota Board of Water & Soil Resources

October 28, 2009

St. Louis County Board of Commissioners
C/O Mark Lindhorst
St. Louis County Planning and Development Department
307 First Street South
Virginia, MN 55792

RE: Official Comments Pertaining to the State Review of the St. Louis County Priority Concerns Scoping Document

Dear St. Louis County Commissioners:

Pursuant to M.S. section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns St. Louis 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, were sent the St. Louis County Priority Concerns Scoping Document (PCSD) on August 13, 2009 and asked to forward comments to Ron Shelito, BWSR Regional Supervisor by September 15, 2009.

Many water resources concerns were submitted to the St. Louis County Water Plan Advisory Committee. These comments and concerns were arranged into the following priority concerns that will be addressed in the water plan revision.

1. **Development** – Mitigate impacts from development with an emphasis on sensitive areas including lakeshore, wetlands and riparian areas along streams and rivers.
2. **Wastewater Management** – Address water quality problems stemming from inadequate wastewater management with an emphasis on failing septic systems (rural) and sanitary sewer overflows (urban).
3. **Ground and Surface Waters** – Protect ground and surface water from the combined impacts of point and non-point pollutants.
4. **Impaired Waters** – Work towards restoring those waters in the County listed as "impaired" on the State 303(d) list.

The BWSR Northern Region Planning Committee met October 14, 2009, to discuss the state review agency comments, the contents of the PCSD and recommendations for the content of the final plan. Comments were received from the Minnesota Pollution Control Agency, Minnesota Department of Agriculture and the Minnesota Department of Health. Based on the Committee's review, the BWSR deems the priority concerns selected to be appropriate and does not require any changes to the PCSD as submitted.

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The Committee offers the following specific suggestions to be considered in the development of the final plan:

- Include erosion as an area of emphasis within the appropriate priority concern(s).
- Continue to seek participation in the water planning process from local stakeholders.
- Develop a technical advisory committee to assist in the process.

Please consider the expiration date of the current St. Louis County Comprehensive Local Water Management Plan, which is May 28, 2010, as the development of the final plan moves forward.

Sincerely,

Randy Kramer, Vice Chair for

Randy Kramer, Chair
Board of Water and Soil Resources

cc: Ryan Hughes, BWSR
Ron Shelito, BWSR
Wayne Edgerton, DNR
John Wells, EQB
Rebecca Flood, MPCA
Becky Balk, MDA
Beth Kluthe, MDH
Mike Peloquin, DNR

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COMMITTEE RECOMMENDATIONS

RIM Reserve Planning Committee

1. Establish Rates, Eligibility and Wellhead Protection Area Selection for Clean Water Funded (CWF) Permanent RIM Reserve Wellhead Protection Easement Program – Kevin Lines – ***DECISION ITEM***

2. Establish Rates, Eligibility, and Sign-Up Procedures for Clean Water Funded (CWF) Permanent RIM Reserve Riparian Buffer Conservation Easement Program – Kevin Lines – ***DECISION ITEM***

Board Resolution # 09-85

Establish Rates, Eligibility and Wellhead Protection Area Selection for Clean Water Funded Permanent RIM Reserve Wellhead Protection Easement Program

WHEREAS the 2009 Minnesota State Legislature appropriated $2.0 million of Clean Water Funds (CWF) to the Board of Water and Soil Resources (BWSR) in the *2009 Regular Legislative Session, House File 1231, Session Law, Chapter 172, Article 2 – Clean Water Fund, Section 6, Board of Water and Soil Resources*, to purchase and restore permanent RIM Reserve conservation easements on wellhead protection areas under Minnesota Statutes, Section 103F.515, subd. 2, paragraph (d);

WHEREAS priority must be placed on land that is located where the vulnerability of the drinking water supply management area, as defined under Minnesota Rules, part 4720.5100, subpart 13, is designated as high or very high by the Commissioner of the Minnesota Department of Health (MDH);

WHEREAS the Reinvest in Minnesota (RIM) Reserve conservation easement program is administered by the Board of Water and Soil Resources (BWSR) in cooperation with local Soil and Water Conservation Districts (SWCD);

WHEREAS the SWCDs will be reimbursed for their services related to wellhead protection easement acquisition and conservation plan development at the BWSR's current RIM services rate;

WHEREAS enrollment into a Permanent RIM Reserve Wellhead Protection easement will be limited to Wellhead Protection Areas (WPA) identified by the MDH and mapped as high or very high vulnerability. A majority, greater than 51% of the area, must be enrolled;

WHEREAS a priority will be placed on extending new or existing USDA Conservation Reserve Program (CRP) contracts within the WPA and will be limited to areas with cropping history;

WHEREAS the MDH, in consultation with the Minnesota Department of Agriculture, will provide the BWSR with a list of the most highly vulnerable WPA's conducive to enrollment in the Permanent RIM Reserve Wellhead Protection Easement Program;

WHEREAS the payment rate for the permanent RIM Reserve Wellhead Protection conservation easement will be 100% of the Average Assessed Township value (AATV) for cropland, and 60% of the AATV for non-cropland enrolled in the Permanent Wellhead Protection Conservation Easement Program;

WHEREAS the BWSR RIM Reserve Management Planning Committee met on August 10 and September 23, 2009 to review and recommend the following provision to successfully implement the RIM Reserve Wellhead Protection Conservation Easement Program;

NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources authorizes staff to work with the appropriate SWCDs to implement the acquisition of RIM Reserve Wellhead Protection easements in the targeted areas with high or very highly vulnerability as provided to the BWSR by the MDH. The payment rate will be 100% of the Average Assessed Township Value (AATV) for cropland acres and 60% of the AATV for non-cropland enrolled in the Permanent RIM Reserve Wellhead Protection Easement Program funded by Clean Water Funds. Rates are to be calculated using the township average for tillable property value established by county assessors for the 2010 tax year.

Dated at Saint Paul, Minnesota this 28th day of October, 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: P. Brutlag, Vice Chair for

Paul Brutlag

Board Resolution # 09-86

Establish Rates, Eligibility, and Sign-up Procedures for Clean Water Funded Permanent RIM Reserve Riparian Buffer Conservation Easement Program

WHEREAS the 2009 Minnesota State Legislature appropriated $6.5 million of Clean Water Funds (CWF) to the Board of Water and Soil Resources (BWSR) in the *2009 Regular Legislative Session, House File 1231, Session Law, Chapter 172, Article 2 – Clean Water Fund, Section 6, Board of Water and Soil Resources*, to purchase and restore permanent conservation easements on riparian buffers. This appropriation may be used for restoration of riparian buffers protected by easements purchased with this appropriation and for stream bank restorations when the riparian buffers have been restored. Up to five percent may be used for administration of this program;

WHEREAS these funds are available to purchase and restore permanent conservation easements on riparian buffers of at least 50 feet average unless there is a natural impediment, road or other impediment beyond the control of the landowner but no more than 100 feet average measured from the edge of channel or shoreline;

WHEREAS the purpose of these CWFs is to purchase and restore permanent conservation easements on riparian buffers of up to 100 feet adjacent to public waters, excluding wetlands, to keep water on the land in order to decrease sediment, pollutant and nutrient transport, reduce hydrologic impacts to surface waters and increase infiltration for groundwater recharge.;

WHEREAS the Reinvest in Minnesota (RIM) Reserve conservation easement program is administered by the BWSR in cooperation with local Soil and Water Conservation Districts;

WHEREAS the SWCDs will be reimbursed for their services related to riparian buffer easement acquisition and conservation plan development at the BWSR's current RIM services rate;

WHEREAS eligible riparian buffers are adjacent to public waters, streams, ditches and lakes (excluding wetlands). These are streams identified as dark blue lines, ditches identified as a dashed line and basins marked with a 'P' on the Department of Natural Resources (DNR) Public Waters Inventory map, and other public ditches defined by MN Statute 103E;

WHEREAS a majority of the riparian buffer area enrolled must have a cropping history and a priority will be placed on extending new or existing USDA Conservation Reserve Program (CRP) contracts in to a RIM reserve permanent conservation buffer easement;

WHEREAS the sign-up period will begin November 1, 2009 and will be continuous with riparian buffer easements funded as Clean Water Funds are available to the BWSR;

WHEREAS the payment rate for the RIM Reserve Permanent Riparian Buffer Easement will be 100% of the Average Assessed Township value (AATV) for cropland, and 60% of the AATV for non-cropland enrolled in the permanent riparian buffer easement;

WHEREAS the Board of Water and Soil Resources RIM Reserve Management Planning Committee met on August 10 and September 23, 2009 to review and recommend the following provision to successfully implement the RIM Reserve Riparian Buffer Easement Program;

NOW, THEREFORE, BE IT RESOLVED THAT, THE Minnesota Board of Water and Soil Resources authorizes staff to implement a continuous permanent RIM Reserve Riparian Buffer Easement Program sign-up beginning November 1, 2009. The payment rate will be 100% of the Average Assessed Township Value (AATV) for cropland acres, and 60% of the AATV for non-cropland acres enrolled in the permanent RIM Reserve Riparian Buffer Easement Program funded by Clean Water Funds. Rates are to be calculated using the township average for tillable property value established by county assessors for the 2010 tax year.

Dated at Saint Paul, Minnesota this 28th day of October, 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: Paul Sandberg Vice Chair for:

Randy Kramer, Chair

NEW BUSINESS

1. Native Buffer Cost-Share Grant Program Criteria Revision – Dan Shaw – ***DECISION ITEM***

2. Rural Preserves Update – Julie Blackburn – ***INFORMATION ITEM***

DRAFT BWSR NATIVE VEGETATION GUIDELINES

10/14/09

Intent: This document summarizes new guidelines for the use of native seed and plants. Consistent with updated state legislation, projects are required to use local sources of plant materials and strive for diversity levels that will provide high levels of ecological function.

(2009 Legislation) "To the extent possible, any person conducting a restoration with money appropriated in this section must plant vegetation or sow seed only of ecotypes native to Minnesota, and preferably of the local ecotype, using a high diversity of species originating from as close to the restoration site as possible, and protect existing native prairies from genetic contamination."

The following guidelines apply to all BWSR programs across all portions of the state, and should be used in combination with Natural Resource Conservation Service (NRCS) practice standards that apply to specific programs.

Diversity Levels: Projects focused on habitat or plant community restoration (including RIM/WRP and Lessard-Sams Outdoor Heritage Council (LSOHC)) should focus on using high levels of diversity; at least 20 species per seed mix (25 species if only one mix will be used for a project), to promote native community stability and function, to provide benefits to multiple wildlife species and to prevent establishment of invasive species.

Projects that are designed as Best Management Practices (BMPs) (i.e. raingardens, bioretention areas, grass filter strips etc.) should have diversity levels/seed mixes that are designed to accomplish the functional goals (stabilization, filtering etc.) of the project and meet NRCS practice guidelines. Special project types such as seed production areas and bio-energy plantings may also have unique species diversity needs.

Seed Mixes: State seed mixes (www.bwsr.state.mn.us/wetlands/vegetation/index.html) are recommended for projects. Specific mixes have been developed for wetland mitigation, conservation and BMP plantings. The mixes contain combinations of early and later successional species, warm and cool season grasses, forbs, sedges and rushes to meet the establishment needs of specific projects/programs. Substitutions of individual species are acceptable if they meet the intended goals of a project/program and are approved by local design staff. The NRCS 643 practice standard "Restoration and Management of Declining Habitats" www.bwsr.state.mn.us/grantscostshare/native-buffer.html provides specific seed mix specifications for RIM/WRP projects, as custom mixes are often developed for this program.

Seed Source: As individual wetland, forest and prairie species have unique dispersal mechanisms and genetic sensitivities, local resource staff should work together to determine appropriate distances for obtaining seed of individual species. As a general rule, seed must be selected to match site conditions (soils, hydrology, etc.) and have original harvest locations (original remnant population) from as close to the project site as possible, with an emphasis on obtaining seed that was originally harvested from the local eco-type region (ecological section). The Minnesota Ecological Sections and Subsections map located at www.bwsr.state.mn.us/wetlands/vegetation/index.html shows areas of the state with

ecological similarities and can be used as a guide for selecting seed. 150 miles is recommended as a maximum distance for obtaining seed for a project. Projects near a state border can use seed from an adjoining state or province (up to 100 from the Minnesota border) as long as the eco-type conditions in the adjoining state are similar to the project location.

Yellow Tag Seed: When available, source identified (Yellow tag) seed through the Minnesota Crop Improvement Association (MCIA) shall be used. See the following website for a survey of yellow tag seed availability: (http://www.mncia.org/). Flexibility regarding the use of yellow tag seed can be granted by local staff when appropriate, such as when seed from local remnant communities (wild harvested seed) will be used for a project, or the available yellow tag seed is not of a local source.

Native Variety Use: The first priority for seed should be that which originated as close to the project site as possible, named germplasms (also known as Ecovars, i.e. Red River Germplasm Prairie Cordgrass) may be acceptable if their original collection sites represent the closest available source for an individual species, and they have not been intentionally selected for traits such as height, aggressiveness and color.

Seed Labeling: All seed shall be supplied as pure-live seed (PLS) and conform to State seed requirements for noxious weed content and labeling. The origin (area where the original seed was harvested) shall be listed on the seed tag for all species in a mix to provide verification of seed source. The smallest known geographic area (township, county, ecotype region etc.) shall be listed. Seed must be cleaned to an extent sufficient to allow its passage through appropriate seeding equipment. Information pertaining to individual components (species and inert material) in a mix is required for all components. For wild harvest mixes, information should be provided for all species that are required through a program or project diversity requirement.

Protecting Existing Native Prairies and Seed Production Areas: Remnant prairies and seed production areas should be protected from non-local sources of seed. Varieties (selected germplasms) of native species should not be used adjacent to these areas to limit genetic influences. A minimum buffer distance of one-quarter mile is recommended. Seed collected directly from a remnant (generation 0) or seed from the first generation of production (generation 1) is recommended when planting buffers adjacent to remnant communities. Experienced resource professionals should be involved in seed collection and management planning when working in or near remnant prairies. The DNR County Biological Survey Program can provide more information about remnant communities in the state. Data about mapped remnant prairie communities can be found at: http://deli.dnr.state.mn.us/data_search.html.

Project Installation and Maintenance: Project site preparation, seeding/planting and maintenance need to be well planned and conducted by qualified professionals to result in successful projects. The following documents provide guidelines for the use of native seeds and plants:

Minnesota Wetland Restoration Guide http://www.bwsr.state.mn.us/publications/restoration_guide.html
NRCS practice standard 643 www.bwsr.state.mn.us/grantscostshare/native-buffer.html
Plants for Stormwater Design www.pca.state.mn.us/publications/manuals/stormwaterplants.html
Restore Your Shore www.dnr.state.mn.us/restoreyourshore/index.html
Going Native,A Prairie Restoration Guide for Minnesota Landowners www.dnr.state.mn.us/eco/pubs_restoration.html
A Soil Bioengineering Guide for Streambank and Shoreline Stabilization www.fs.fed.us/publications/soil-bio-guide/

Native Buffer Cost-Share Program Criteria

Date: 10-7-09

Purpose:

Grants for cost-sharing contracts to establish and maintain diverse native vegetation buffers using seeds and plants 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 within the prairie regions of the state (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.
- The "BWSR Native Vegetation Guidelines" (http://www.bwsr.state.mn.us/practices/) summarize seed source requirements and seed specifications for the program.
- The county of origin for all seed within mixes shall be listed on seed tags. The county of origin (seed source) of containerized herbaceous plants, trees and shrubs shall be documented on species lists.
- Prairie plantings must use a minimum of 25 species.

II. Eligible Practices

- Site preparation, seed collection, seeds/plants, mulch, seeding/establishment costs.
- Prairie establishment, lakeshore restoration (including minimal grading for site preparation), stormwater treatment projects, wellhead protection, river/streambank restoration, wetland buffer and drainage buffers.
- Remnant native prairie management using vegetation management activities with approval from BWSR Vegetation Specialist.
- Native vegetation management(when tied to efforts to increase native species diversity); prescribed burning, inter-seeding, weed and invasive species control
- 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 agricultural 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 of the nesting season (Typically June 1st to August 1st) if allowed by any underlying program conditions.

For more information:
BWSR Board Conservationists: www.bwsr.state.mn.us/contact/index.html
Dan Shaw Dan.Shaw@state.mn.us (651-296-0644)

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 # 09-87

Native Buffer Cost Share Program Criteria Revision

WHEREAS, the BWSR Board authorized the Native Buffer Cost Share Program at their January 2008 Board meeting through the approval of Board Resolution 08-12.

WHEREAS, the program criteria for the Native Buffer Cost-Share Grant Program administered by the Board of Water and Soil Resources (BWSR), has been updated. Wording about seed source and diversity levels have been changed in the criteria to refer to new BWSR Native Vegetation Guidelines (attached). The new vegetation guidelines have been developed to address 2009 legislative language that takes precedent over the seed source and diversity provision that were in M.S 84.02. New language has also been incorporated into the program criteria about eligible project types; eligible project areas and program contacts.

NOW THEREFORE, the BWSR hereby approves new Native Buffer Cost-share Program Criteria (attached) that replaces program criteria (attached) that were approved in resolution 08-12.

Paul Butty, Vice Chair for

Date: 10-28-09

Randy Kramer, Chair
Board of Water and Soil Resources

Attach: Native Buffer Cost Share Program Criteria (New Policy)
Attach: Native Buffer Cost-Share Program Fact Sheet (Previous Policy)
Attach: BWSR Native Vegetation Guidelines

Rural Preserves Property Tax Program-Conservation Management Plan

SWCD Program Guidance-10/27/09

Introduction

The 2009 MN Legislature created the Rural Preserve Property Tax Program (RRPT) under MS 273.114. In general this program provides tax relief for preserving undeveloped class 2b rural vacant lands that may be subject to a higher valuation for development or recreational purposes. It also provides a "fix" for 2008 modifications to the Green Acres program that rendered class 2b rural vacant lands, ineligible for Green Acres. Landowners have until May 1, 2010 to make decisions about their Green Acres participation. They will then have until May 1, 2013 to complete the transition process to RPPTP.

SWCD's and BWSR were identified in legislation to be involved in the Conservation Management Plan development and approval process.

Conservation Management Plan

Prior to enrollment a landowner must obtain a Soil and Water Conservation District (SWCD) approved Conservation Management Plan (CMP) for the area enrolled in the program. The MN Board of Water and Soil Resources (BWSR) is designated, under this legislation, to develop the CMP document and the process for approval of the plan. This document shall serve as the state's RPPTP guidance to SWCD's involved.

1. Eligibility for RPPTP will be determined by the County Assessor's office. Landowners should be directed to that office to answer any questions they may have and to begin the application process.
2. The County Assessor's office will provide the landowner with a map and acreage determination of land eligible for enrollment along with contact information at the SWCD. The landowner shall schedule an appointment to bring this information to the SWCD to initiate the plan development process. The SWCD shall provide each landowner with a list of certified plan writers. It will be the landowner's responsibility to contract or work with a certified plan writer and acquire a completed CMP for all eligible areas.
3. The SWCD serves as the approval authority of the CMP. The SWCD shall develop the plan approval process, including, but not limited to:
    a. Required plan format. Adopt BWSR model which includes option to allow Forest Stewardship Plan or other conservation plan that meets minimum criteria outlined in MS 273.114.
    b. Establish any fees associated with plan approval.
    c. Identify who will be authorized to approve plans. Board or staff may serve in this role. Consideration should be given to separation of duties if delegated to staff if staff are certified planners.
    d. Establish timeline required for approval. Keep in mind that the annual deadline of May 1st for landowner to present completed plan and recorded covenant to Co. Assessor.
4. Upon plan approval, 2 original copies of approved plan shall be provided the landowner. The landowner should be instructed to record the restrictive covenant using the form provided by MN Dept. of Revenue. One original copy of the CMP and copy of recorded covenant shall be provided to the Co. Assessor for completion of application.

Approved Planner Criteria

The MN BWSR acting thru the SWCD is authorized by law to establish criteria for approved plan writers. The SWCD shall approve plan writers and maintain a current list of all plan writers within it's jurisdiction. The SWCD shall make this list available to landowners seeking enrollment in the RPPTP.

Following are the basic criteria plan writers will need to demonstrate they meet:

1. Post secondary degree in natural resource field such as: natural resource management, forestry, soils, or other related field determined adequate by the SWCD.
2. At least 2 years professional experience in natural resource field.
3. Existing planner certification programs may fulfill certification requirements and presentation of up to date credentials shall be considered adequate. Consideration should be given to assure the certification type matches the resource type the plan will cover. Certification programs include: Certified Stewardship Plan writer for Forest Stewardship Plans required under Sustainable Forest Incentive Act (SFIA) as approved by MN Forest Stewardship Committee. MN Tree Farm Inspector certified by Society of American Foresters. Technical Service Providers registered with the Natural Resource Conservation Service.
4. Completion of BWSR CMP training.
5. Submission of brief resume outlining qualifications and payment of any associated fee.

CMP planner approval is subject to revocation by the SWCD board based upon quality of plans and plan acceptance rate.

SWCD To-Do List:

1. Attend BWSR informational sessions and training programs. BWSR will offer CMP writing training at scheduled events. This same information will be posted on our web site at www.bwsr.state.mn.us for those unable to attend, but desiring to become an approved planner.
2. Meet with assessor to discuss the scope of this program and formulate a general plan of implementation. Information to landowners, landowner directives, application materials provided to SWCD and in what format (air photo).
3. Will SWCD be involved in CMP development? If so, who will be the point person and what fees will be put in place for this service?
4. Establish process for plan approval.
    a. Timeline for landowners.
    b. SWCD Board or delegation of staff to approve plans? Consider separation of duties for plan writers and approvers.
    c. Establish fee structure for plan approval.
        i. Planner Approval
        ii. Plan Development
        iii. Plan approval
5. Establish process for how SWCD will approve plan writers and maintain the list of qualified planners. Consider existing planners out there that may meet eligible criteria as laid out above.

Should you have any further questions regarding this guidance document, please contact Tabor Hoek, BWSR at tabor.hoek@state.mn.us or 507-537-7260.

Rural Preserve Property Tax Program

15

Fact Sheet

Property Tax Fact Sheet 15

The Rural Preserve Program provides property tax relief for qualifying owners of rural vacant land in areas where the market value of the land is being affected by development pressure, sales of recreational land or other factors.

The Rural Preserve Program

This fact sheet provides information to property owners regarding the eligibility requirements for the Rural Preserve Program (Rural Preserve), which will be available beginning with the 2011 assessment. Rural Preserve was enacted into law by the state Legislature in 2009 and is codified in Minnesota Statutes, section 273.114.

Minnesota law requires assessors to value property at its estimated market value. Estimated market value must reflect the use of the property that will bring the greatest economic return to the land (its "highest and best use"). For many rural properties, this highest and best use may be to develop the land for a residential or recreational use. The residential or recreational value of a property is typically significantly higher than that of undeveloped rural vacant land.

Rural Preserve provides property tax relief to taxpayers with eligible class 2b rural vacant land. Participants in the program must commit to a conservation management plan approved by a county's soil and water conservation district for at least 10 years. Qualifying applicants may include taxpayers with class 2b land that was grandfathered into Green Acres for the 2010 assessment, or who own other agricultural homestead property. Real estate taxes on enrolled land are based upon a value that is not influenced by outside factors such as urban sprawl or seasonal activities.

Rural Preserve is designed to work in conjunction with the changes that were made to the Green Acres program in 2008 and 2009. Qualifying class 2b land that was previously enrolled in Green Acres may be enrolled in Rural Preserve by May 1, 2013, without being subject to the payback of Green Acres deferred taxes. Please refer to the *Green Acres Fact Sheet (Fact Sheet 5)* to learn more about transferring property from Green Acres into Rural Preserve.

How does Rural Preserve work?

The assessor determines two values on land enrolled in Rural Preserve:

- The "estimated market value" based on sales of similar property taking into consideration all of the outside factors that influence its market value.
- The "value without regard to outside influences" or "Rural Preserve Value" which must not exceed the class 2a tillable value for that county.

Taxes are calculated on both values, but paid on the lower value each year. The difference between the tax calculated on the higher and lower values is deferred until the property is sold, transferred, or no longer qualifies for Rural Preserve. When the property is sold, transferred, or no longer qualifies for the program, the deferred taxes for the current year and two prior years must be paid to the county.

What about special local assessments?

Special local assessments may be deferred while the property qualifies for Rural Preserve. When the property no longer qualifies for the program, all deferred special assessments plus interest are due.

How do I qualify?

If you own class 2b rural vacant land that was grandfathered into Green Acres for the 2010 assessment or that is part of an agricultural homestead and covered by an approved conservation management plan, you may be eligible for Rural Preserve. You must apply with the county assessor.

The enrolled acres must:

- have been enrolled in Green Acres prior to enrollment in Rural Preserve; or be part of an agricultural homestead;
- be at least 10 acres in size;
- be covered by a conservation management plan developed by an approved plan writer;
- not be enrolled in Green Acres, Open Space, or SFIA;
- have no delinquent property taxes owed on the land; and
- be subject to a recorded covenant for a minimum of 10 years.

Property Tax Division – Mail Station 3340 – St. Paul, MN 55146-3340

This fact sheet is intended to help you become more familiar with Minnesota tax laws and your rights and responsibilities under the laws. Nothing in this fact sheet supersedes, alters, or otherwise changes any provisions of the tax law, administrative rules, court decisions, or revenue notices. Alternative formats available upon request.

How do I apply?

Rural Preserve applications will be filed with and approved by the county assessor. The assessor will require that a copy of your conservation management plan, the recorded covenant, and other supporting documents be submitted with the application to prove that the property meets all requirements for qualification.

Application forms will be available at the county assessor's office and must be filed by May 1 for the next taxes-payable year. Applications will be available beginning with the 2011 assessment year, for taxes payable in 2012.

What about the 10-year covenant?

Before applying for Rural Preserve, you must file a covenant agreement with the county recorder where the property is located. When you record the covenant, you are agreeing that:

- The covenant runs with the land, so it continues even if there is a change in ownership. Future owners must continue to comply with the terms of the covenant.
- The covenant will remain on the property for a minimum of 10 years. After five years of enrollment in the program, you may request to cancel the covenant. It will take another five years for the covenant to terminate. The covenant does not automatically expire after 10 years. You must notify the assessor five years before you desire the covenant to be terminated.
- After the covenant is terminated, the land will not be eligible for re-enrollment in Rural Preserve for a period of three years.
- For the entire length of the covenant, you will be required to abide by the terms set forth in your conservation management plan.

What happens when the covenant is terminated?

When the covenant is terminated by the owner, or when the property no longer qualifies for Rural Preserve, the property owner will have to pay back deferred taxes for the year of termination plus the two prior years. The deferred taxes are a lien against the property.

All deferred special assessments, plus interest, will also have to be paid back. The total due will be payable in equal installments, spread over the time remaining until the last maturity date of the bonds issued to finance the improvement for which the special assessments were levied.

What else should I know about Rural Preserve?

Applications for enrollment are not yet available, but will be available in time for the first application due date of **May 1, 2011**. This fact sheet is meant to inform you of the program so that you can plan in advance what you would like to do with your property. Planning ahead is particularly important for property owners who are currently enrolled in Green Acres.

If you own property that is currently enrolled in Green Acres, or was recently withdrawn from Green Acres, please look at the *Green Acres Fact Sheet (Fact Sheet 5)* that is at the Department of Revenue's website: www.taxes.state.mn.us; or available from your county assessor.

Please contact your county assessor if you have specific questions about your property or the Rural Preserve Program.

Please contact your county assessor if you have specific questions about your property or the Rural Preserve Program.

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD
ST. PAUL, MINNESOTA 55155
WEDNESDAY, SEPTEMBER 23, 2009

BOARD MEMBERS PRESENT:
Gordy Behm, Paul Brutlag, Bob Burandt, Quentin Fairbanks, Rebecca Flood, MPCA; Christy Jo Fogarty, Sandy Hooker, Randy Kramer, Larry Kramka, DNR; Paul Langseth, Tom Loveall, John Meyer, Brian Napstad, Rob Sip, MDA; Faye Sleeper, U of M Extension; Louise Smallidge, Gene Tiedemann, LuAnn Tolliver, Dan Wilson, MDH

BOARD MEMBERS ABSENT:
Keith Mykleseth

STAFF PRESENT:
Mary Jo Anderson, Julie Blackburn, Tim Fredbo, Travis Germundson, Jim Haertel, Tabor Hoek, Jeff Hrubes, John Jaschke, Al Kean, Greg Larson, Megan Lennon, Kevin Lines, Eric Mohring, Aaron Spence, Dave Weirens, Marcey Westrick

OTHERS PRESENT:
Wayne Edgerton, DNR
Dr. Jane Farkenberger, Purdue University
Professor David Mulla, University of Minnesota

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

PLEDGE OF ALLEGIANCE

INTRODUCTION OF NEW BOARD MEMBERS – Chair Kramer welcomed newly appointed board members Christy Jo Fogarty and Sandy Hooker.

- Christy Jo Fogarty, representing metro cities, from Farmington, provided brief background information about herself.
- Sandy Hooker, representing townships, from Mapleton, provided brief background information about herself.

Chair Kramer announced that Keith Mykleseth, representing non-metro cities, has also been appointed, and will be attending the October 28th Board meeting. Board members introduced themselves.

** 09-67 **ADOPTION OF AGENDA** – Moved by Louise Smallidge, seconded by Faye Sleeper, to adopt the agenda as presented with the deletion of introduction of new employee. Motion passed on a voice vote.

REPORTS

Chair's Report – Randy Kramer reported that he attended a meeting in Willmar last week of the Minnesota Turkey Industry. Rebecca Flood, MPCA; and Rob Sip, MDA; were also in attendance.

Executive Director's Report – John Jaschke welcomed the newly appointed board members. John reviewed information in the board members packets. The new board members listing is on the BWSR website. John commented on the articles of interest in the " BWSR Snapshots". John reported that Julie Blackburn attended recent MAWD and MASWCD meetings. John attended the AMC Policy Committee meetings at Cragun's last week. John will attend the MASWCD Legislative Committee meeting next week. John reported that the Red River Basin Commission (RRBC) long-term flood protection project is underway. A survey has been developed to receive technical information regarding flooding; public meetings will be held, the locations/dates to be announced. The RRBC hired Barr Engineering to facilitate the meetings.

John reported that BWSR is preparing bonding requests: 1) wetland banking for local road authorities; and 2) funding for RIM to leverage WRP funding. John stated that funding will also be pursued via the Lessard Sams Outdoor Heritage Council. John reported that BWSR will be hiring a Training Coordinator in the next month or so to assist LGUs.

John attended a national CRP input hearing on Monday night in Moorhead. DNR Commissioner Mark Holsten also provided testimony. A joint Minnesota agency communication on how CRP should be shaped will be developed and sent by October 19th.

Brian Napstad commented on the AMC policies in development that relate to BWSR. 1) invasive species; 2) local government input on wetland mitigation; and 3) payment in lieu of taxes (PILT).

** 09-68 **MINUTES OF AUGUST 27, 2009** – Moved by Paul Langseth, seconded by Quentin Fairbanks, to approve the minutes of August 27, 2009, as circulated. Motion passed on a voice vote.

Dispute Resolution Committee – Travis Germundson introduced himself to new board members. Travis reported that three new appeals have been received, #09-17 Lake of the Woods County wetland appeal; #09-18 Koochiching County wetland bank application appeal; and #09-19 Kandiyohi County restoration order. John Jaschke reported that Travis will be working with the Attorney General's office regarding the publication of appeals. Travis reported that two DRC hearings are likely. The DRC will be supported by the Attorney General's office at the hearings.

Wetlands Committee – LuAnn Tolliver reported that the Wetlands Committee will meet immediately after the October 28th Board meeting. Staff will present a timeline on the WCA guidance and the role of the Wetlands Committee. The Wetlands Committee will also likely meet the evening prior to the December 16 Board meeting.

Grants Program & Policy Committee – Louise Smallidge reported that the Grants Program & Policy Committee will meet immediately following the Board meeting on December 16. The Committee has items to be considered later today on the agenda.

Public Relations, Outreach & Strategic Planning Committee – Brian Napstad reported that the Committee has not met.

RIM Reserve Planning Committee – Paul Brutlag reported that the RIM Reserve Planning Committee met, the item will be considered later today on the agenda. The RIM Reserve Planning Committee will meet today immediately following the Board meeting.

Administrative Advisory Committee – Chair Kramer reported that the Administrative Advisory Committee (AAC) has not met; a meeting has been scheduled for 7:30 a.m. on October 28th. Chair Kramer reported that new committees will be announced after the October Board meeting, with revised Committees in place for December. Chair Kramer asked that board member notify him of their interest on committees.

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

Cedar River Watershed District (CRWD) Watershed Management Plan – Paul Langseth reported that the Southern Water Planning Committee met on August 25, 2009, and recommends approval of the Cedar River Watershed District Watershed Management Plan. Moved by Paul Langseth, seconded by Dan Wilson, to approve the Cedar River Watershed District Watershed Management Plan ten-year plan (2009-2019). Discussion followed. Motion passed on a voice vote.

** 09-69

Larry Kramka entered the meeting at 9:30 a.m.

Lac qui Parle-Yellow Bank Watershed District (LQPYBWD) Watershed Plan – Paul Langseth reported that the Southern Water Planning Committee recommends approval of the Lac qui Parle-Yellow Bank Watershed District Watershed Plan. Moved by Paul Langseth, seconded by John Meyer, to approve the Lac qui Parle-Yellow Bank Watershed District Watershed Plan. Motion passed on a voice vote.

** 09-70

Lincoln County Local Water Management Plan Amendment – Paul Langseth reported that the Southern Water Planning Committee recommends approval of the specific addendum for 2009-2014 of the Lincoln County Local Water Management Plan Amendment. Moved by Paul Langseth, seconded by Dan Wilson, to approve the Lincoln County Local Water Management Plan Amendment. Paul stated that the new review process is for amendment of plans after five years. John Jaschke clarified that the plan is good for ten years with an amendment after five years. Motion passed on a voice vote.

** 09-71

Pipestone County Local Water Management Plan Amendment – Paul Langseth reported that the Southern Water Planning Committee recommends approval of the Plan Amendment for 2009-2014. Moved by Paul Langseth, seconded by Dan Wilson, to approve the Pipestone County Local Water Management Plan Amendment. Motion passed on a voice vote.

** 09-72

Steele County Local Water Management Plan Amendment – Paul Langseth reported that the Southern Water Planning Committee recommends approval of the Steele County Local Water Management Plan 2007-2016 Amendment to include participation in the Wetland Preservation Area Program. Moved by Paul Langseth, seconded by Dan Wilson, to approve the Steele County Local Water Management Plan Amendment. Discussion followed. Motion passed on a voice vote.

** 09-73

John Jaschke explained that all of these plans have incorporated TMDLs. BWSR may pursue more flexibility from the Legislature to accommodate plan amendments and has drafted joint guidance with MPCA on how to make these endeavors work well together. LuAnn Tolliver asked about funding sources on ten-year plans; we should have guidance on implementation and funding. Brian Napstad asked about ongoing TMDLs, does the TMDL need to be finalized to be incorporated into the water plans? John stated that referencing TMDLs is sufficient and that the local plan is expected to address how to accomplish the objectives in the TMDL and protection measures where TMDLs are not in place or expected. Rebecca Flood stated that MPCA has a two-step process; 1) monitoring and study of the source of impairment; and 2) implementation plans are developed. The study is approved by EPA; then the state takes over.

Area II Minnesota River Basins Project Inc., FY10 Annual Work Plan – Paul Langseth reported that the Southern Water Planning Committee reviewed the Area II Minnesota River Basins Project Inc., FY 10 Annual Work Plan, and recommends approval. The 2009 Legislature appropriated $130,000 to Area II Minnesota River Basins Project Inc., through state general funds. Moved by Paul Langseth, seconded by John Meyer, to approve the Area II Minnesota Rivers Basins Project. Inc., FY10 Annual Work Plan. Motion passed on a voice vote.

** 09-74

NEW BUSINESS

Grants Administration Initiative – Julie Blackburn and Dave Weirens introduced themselves to the new board members. Julie presented an overview of the Grants Administration Initiative. Julie reported that Steve Woods and Ron Shelito attended a conference last year and evaluated the State of Washington's process as a model for the dual purpose of streamlining grant administration and providing a front-load project list for legislative consideration. The long-term goal is to streamline the process and make it easier for BWSR to implement and LGUs to work with. Julie reported that the Grants Program and Policy Committee met on August 25, 2009, and recommends approval of the Grants Administration Initiative.

Dave Weirens explained the staff team approach used to develop the proposal and processes. Julie reviewed the Grants Administrative Initiative Resolution. Moved by Louise Smallidge, seconded by Gene Tiedemann, to adopt the Grants Allocation Initiative milestones that includes the proposed schedule and grant making processes.

** 09-75

Discussion followed. Faye Sleeper commended staff on this initiative; she would like to be involved as this moves forward. LuAnn Tolliver also commended staff on this effort, she would like to see an evaluation built into this to see how it's working. Motion passed on a voice vote.

Authorization of the FY2010 Competitive Grants Program – Dave Weirens introduced Jeff Hrubes, Northern Region Clean Water Specialist. Jeff reviewed the FY10 Clean Water Fund (CWF) and competitive grants program policy and request for proposals. Dave stated that BWSR has been appropriated competitive grant funds under the Clean Water Fund and General Fund to make grants to local governments to address water quality needs. The Pollution Control Agency and Department of Agriculture are also contributing funds to this request for proposals. BWSR staff are proposing to package all of these competitive grant funds into a single request that will allow local governments to apply for funds to address needs that are identified in their local water management plan or in an approved TMDL implementation plan. The proposed RFP includes separate RFPs for the Competitive Clean Water Fund Grants, Cooperative Weed Management Area Grant Program, Native Buffer Cost Share Program, and Conservation Drainage. The Grants Program and Policy Committee reviewed this request on August 25, 2009 and recommends approval.

Jeff reviewed the budget and policy and distributed an adjustment to the budget and the competitive RFP. Dave presented the Resolution; there will be four RFPs incorporated into a single document. John Jaschke stated that there are two minor changes in the resolution that need to be corrected. Moved by Louise Smallidge, seconded by Paul Langseth, to approve the authorization of the FY2010 Competitive Grants Program with changes in the last two bullets of the resolution. Discussion followed. Faye Sleeper asked about monitoring. Brian Napstad asked about riparian easements being available statewide. John stated that the easement funds will be discussed later today at the RIM Reserve Planning Committee meeting. John stated that these grants and policy are for FY10, a one-year appropriation. Motion passed on a voice vote.

** 09-76

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

INTRODUCTION OF NEW EMPLOYEE – Julie Blackburn introduced Megan Lennon, newly hired soil scientist, working on special projects, training SWCDs and BCs on soil loss equation results and outcomes and carbon sequestration. Megan stated that she is thrilled to work at BWSR, she is working on items she developed as part of her Masters Degree program. Julie stated that Greg Larson has been working with Megan in the field on wetland delineation. Chair Kramer welcomed Megan.

Krusmark's Farmed Cervidae Shooting Preserve RIM Reserve Easement Release of RIM Easement 79-04-96-01 – John Jaschke reported that BWSR has held a perpetual RIM Reserve easement in Wabasha County since 1998 on a farmed cervidae shooting preserve operation. A perimeter fence has been erected indirectly affecting that easement. John stated that staff have worked closely with the landowner to remedy

this matter. John explained that staff are requesting the Board to authorize staff to work with the Attorney General's office to resolve this issue. The RIM Reserve Management and Planning Committee unanimously recommend that staff are authorized to work with the Attorney General's office, to negotiate with the Krusmark's a release of the RIM Reserve easement contingent upon:

1) A recorded permanent conservation deed restriction on the easement acres which would prevent future development or annual row-cropping agricultural activities on those acres formerly located in the RIM Reserve easement; and
2) Repayment from the Krusmark's to the State of Minnesota in the amount of $26,015.19 which equals the original RIM Reserve easement payment to the Krusmark's; and
3) Approval of the terms and conditions of the deed restriction described in (1) above by the Chair of the BWSR and the Chair of the RRMPC, and receipt of funds noted in (2) above.

** 09-77 Kevin Lines read the resolution. Moved by Paul Brutlag, seconded by Paul Langseth, to adopt the resolution and authorize staff, in consultation with the Attorney General's office, to implement the above-described actions to terminate RIM Reserve easement ID number 79-04-06-01 as recommended by the RRMPC.

Paul Brutlag, chair of the RIM Reserve Management and Planning Committee, noted the Committee will establish a policy to inform LGUs on how to handle this type of information in the future. Discussion followed. Brian Napstad asked about the land value commensurate with the 1998 easement.

Larry Kramka stated that there are pending actions at the County level related to a change in zoning and conditional use permit. If action is taken today BWSR needs to inform the County of its decision and process. Larry stated that a deed restriction is less protective than an easement.

Kevin stated that approximately $12,000 in conservation practices were paid by the State and that Mr. Krusmark is not initiating this action; he believes he is in compliance. Once BWSR staff were notified of this matter they have been working with the SWCD and landowner for a resolution to the problem. The Committee recommends this option as the preferred option. Kevin stated that in the future, the easement amendment will clearly state what farm cervidae are and look at language that would prevent wildlife barriers and communicate this to LGUs. Brian Napstad stated that this easement is worth more than the initial purchase price. Paul Langseth, as a RIM Reserve Committee member, stated that we need to deal with the issue at hand; a compromise is needed that does not set a negative precedent.

Chair Kramer called for a roll call vote. Affirmative: Gordy Behm, Paul Brutlag, Bob Burandt, Quentin Fairbanks, Rebecca Flood, Christy Jo Fogarty, Sandy Hooker, Larry Kramka, Paul Langseth, Rob Sip, John Meyer, Faye Sleeper, Louise Smallidge, Gene Tiedemann, Dan Wilson, Randy Kramer. Opposed: Tom Lovell, Brian Napstad, LuAnn Tolliver. Motion passed.

Targeting BMPs to Critical Portions of the Landscape – Julie Blackburn introduced Professor David Mulla, University of Minnesota. Professor Mulla presented information regarding critical areas that have a higher likelihood of conveying contaminants to surface waters than other portions of the landscape. When present in an agricultural setting, critical areas contribute a disproportionate amount of contaminants such as sediments, nutrients, and pesticides, to nearby surface waters. Terrain analysis was used to identify where critical areas, and target appropriate BMPs to mitigate the degradation of water quality.

LCCMR-funded Critical Lands Project – Greg Larson, BWSR, presented information on statewide ecological ranking of CRP and other critical lands. Greg reported on the unique soil issues foremost in targeting, funding, project results, and crop productivity index. A panel of experts from the U of M, BWSR, NRCS will be gathered after the project analysis is complete. Professor Mulla presented information on CRP parcels showing water and erosion potential, practice class category and results. BWSR will disseminate this information statewide and provide training. This methodology can be used on other initiatives, not specific to CRP. The big picture will be mapping website based. Chair Kramer thanked Professor Mulla and Greg Larson for their presentations.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Rob Sip distributed the publication "Mississippi River Basin Healthy Watershed Initiatives" and a fact sheet on "Getting Involved with the Impaired Waters Process at the Local Level: A Guide for Crop and Livestock Producers".

Minnesota Department of Health (MDH) – Dan Wilson reported that MDH is ***H1N1*** all the time! Dan said that 45M doses of the H1N1 vaccine are expected to be available by mid-October, and another 60M are expected by mid-November. MDH continues to work on communication, community assistance and response. Dan stated that the overall goal of MDH is to minimize the impacts of influenza in the state. John Linc Stine is one of the lead spokespersons for MDH on influenza.

Minnesota Department of Natural Resources (DNR) – Wayne Edgerton stated that a joint letter will be sent out as follow up to the CRP hearing in Moorhead on Monday night.

Minnesota Extension Service (MES) – Faye Sleeper distributed information on the "Minnesota Water Resources Conference", October 26-27, 2009, at the St. Paul River Centre in St. Paul. Faye introduced Dr. Jane Frankenberger, water quality coordinator at Purdue University. Dr. Frakenberger is currently on sabbatical in Minnesota.

Minnesota Pollution Control Agency (MPCA) – Rebecca Flood reported that MPCA is starting a series of public meetings for the 2010 impaired waters list. MPCA is working diligently on Lake Pepin TMDL; EPA directed public notice first on site specific standards and then nutrient and sediment impairments will be placed on public notice. ^the Lake Pepin TMDL for

ADVISORY COMMENTS

Natural Resources Conservation Service (NRCS) – Tim Koehler reported that NRCS is working on end of fiscal year issues. Tim reported that John Jaschke, on behalf of BWSR, signed three TSP agreements with NRCS. Tim reported NRCS was appropriated a total of $31M for WRP funding; much used in the partnership with BWSR. Tim reported that NRCS will take on a $50M five-year effort with the Upper Mississippi River Basin, competitive process, targeted at water quality and wildlife projects, announcement is being made today. Tim will provide fact sheets when available.

UPCOMING MEETINGS

- RIM Reserve Management Planning Committee (RRMPC) Meeting – immediately following Board meeting today.
- Next Board Meeting, October 28, 2009, St. Paul
- Board Retreat – to be held in central Minnesota; likely January 26 to discuss strategic planning; with the Board meeting held on January 27.

Chair Kramer appointed Christy Jo Fogarty to the Metro Water Planning Committee; Sandy Hooker to the Southern Water Planning Committee; and Keith Mykleseth to the Northern Water Planning Committee.

** 09-78 Moved by Paul Brutlag, seconded by Louise Smallidge, to adjourn the meeting at 12:50 p.m. Motion passed on a voice vote.

Respectfully submitted,

Paul Brutlag Vice Chair for!

Randy Kramer
Chair

Dispute Resolution Report
September 9, 2009
by: Travis Germundson

There are presently **16** appeals pending. All of the appeals involve WCA except File 05-24. There have been **no** new appeals filed since the last report given on August 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 09-16 (8-25-09). This is an appeal of a restoration order in St. Louis County. The appeal regards the placement of fill in a Type 7/8 wetland for shoreline access. No decision has been made on the appeal~~. *The appeal has been denied and the restoration order affirmed because the appeal exceeded the time period of 30 days allowed to file an appeal.*

~~File 09-15 (8-25-09). This is an appeal of a restoration order in Itasca County. The appeal regards compliance issues associated with an approved replacement plan. An additional 3,875 sq. ft. of wetland impacts occurred with the unauthorized of a residential driveway. A revised replacement plan has been submitted by the landowner.~~ *The appeal has been denied and the replacement plan affirmed because the appeal exceeded the time period of 30 days allowed to file an appeal.*

~~File 09-14 (8-24-09) This is an appeal of a public road notice in Sherburne County. The appeal regards the same project and issues as File 09-11.~~ *The appeal has been denied because the appeal exceeded the time period of 30 days allowed to file an appeal.*

File 09-13 (8-20-09) This is an appeal of an exemption decision in Otter Tail County. The appeal regard the denial of an exemption request for agricultural/drainage actives. A previous denial of the same exemption decision had been appealed (File 09-6). The appeal was remanded for further technical evaluation and a hearing, and now the current denial has been appealed. *The appeal has been granted and a copy of the record has been requested.*

File 09-12 (8-18-09) This is an appeal of a replacement order in Stearns County. The appeal regards compliance issues associated with an approved replacement plan for 9,900 square feet of wetland impact. Successful completion of plan components are unlikely to occur since the corporation that owns the property is insolvent. No decision has been made on the appeal.

~~File 09-11 (8-6-09) This is an appeal of a public road notice in Sherburne County. The appeal regards the Technical Evaluation Panel's recommendation that 12,677 square feet of wetland impacts be replaced through the BWSR's Road Replacement Program. No decision has been made on the appeal~~. *The appeal has been denied because of failure to submit the required filing fee.*

File 09-10 (7-9-09) This is an appeal of a banking plan application in Aitkin County. The appeal regards the LGU's denial of a banking plan application to restore 427.5 acres of wetlands through the use of exceptional natural resource value. *The appeal has been accepted and a pre-hearing conference is scheduled for October 13, 2009.*

File 09-9 (6-22-09) This is an appeal of a restoration order in Brown County. The appeal regards a no-loss request\determination for the placement of agricultural tile lines within a wetland area. The landowner requested a no-loss determination from the LGU, and then proceeded to do the work prior to obtaining a determination. Both parties mutually agreed to extend the time period for BWSR to render a final decision. No decision has been made on the appeal.

File 09-3 (2-20-09) This is an appeal of a replacement plan decision in Anoka County. The appeal regards the approval of a wetland replacement plan for 11,919 square feet of impacts associated with a residential development. The appeal has been placed in abeyance and the replacement plan decision stayed for submittal of a revised replacement plan application at the request of the petitioner.

File 09-2 (2-19-09) This is an appeal of a restoration order in Stearns County. The appeal regards the filling of approximately 6,833 square feet of a type 5 wetland with various debris materials. No decision has been made on the appeal. The appellant has granted BWSR additional time to make a decision on the appeal.

File 08-35 (12-3-08) This is an appeal of a exemption decision in Grant County. The appeal resulted from issuance of a restoration order for 32 acres of wetland impacts associated with agricultural drain tile work. The appeal has been accepted and copies of the record have been obtained. A verbal settlement agreement has been drafted.

File 08-34 (12-2-08) This is an appeal of the same agricultural exemption decision in Grant County as identified in File 08-35. The appeal has been accepted and copies of the record have been obtained. The two related appeals will be combined and processed as one decision. A verbal settlement agreement has been drafted.

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. 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 Appellant Court.

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.

Draft Summary Table

Type of Decision	Total for Calendar Year 2009
Order in favor of appellant	
Order not in favor of appellant	5
Order Modified	1
Order Remanded	2
Order Place Appeal in Abeyance	1
Negotiated Settlement	

BOARD OF WATER AND SOIL RESOURCES
RIVERPORT INN
SUGAR LOAF ROOM
900 BRUSKI DRIVE
WINONA, MINNESOTA 55987
THURSDAY, AUGUST 27, 2009

BOARD MEMBERS PRESENT:
Gordy Behm, Paul Brutlag, Bob Burandt, Wayne Edgerton, DNR; Quentin Fairbanks, Rebecca Flood, MPCA; Randy Kramer, Paul Langseth, Tom Loveall, Joe Martin, MDA; John Meyer, Brian Napstad, Faye Sleeper, U of M Extension; Louise Smallidge, Gene Tiedemann, LuAnn Tolliver

BOARD MEMBERS ABSENT:
John Linc Stine, MDH

STAFF PRESENT:
Julie Blackburn, Tim Fredbo, Jon Fure, Travis Germundson, Jim Haertel, John Jaschke, Al Kean, Kari Keating, Mary Kells, Jeff Nielsen, Michelle Schaefers, Wayne Zellmer

OTHERS PRESENT:
Ray Bohn, MAWD
LeAnn Buck, MASWCD
Linda Dahl, SE MN Water Resources Board JPB
Barbara Haake, MAWD/RCWD
Donna Rasmussen, Fillmore SWCD
Glen Roberson, Goodhue SWCD
Steven Sunderland, MASWCD
Tim Terrill, Winona SWCD
Ralph Tuck, Root River SWCD

Chair Kramer called the meeting to order at 8:30 a.m.

PLEDGE OF ALLEGIANCE

** **ADOPTION OF AGENDA**

09-53 Moved by Brian Napstad, seconded by Louise Smallidge, to adopt the agenda as presented. Motion passed on a voice vote.

** **MINUTES OF JUNE 24, 2009**

09-54 Moved by Louise Smallidge, seconded by Paul Brutlag, to approve the minutes of June 24, 2009, as circulated. Motion passed on a voice vote.

REPORTS

Chair's Report – Randy Kramer thanked the BWSR and LGU staff that developed and carried out the very informative and successful tour yesterday.

Executive Director's Report – John Jaschke reported on summer agency activities including Northwest MN Flood Response, International Falls wetland meetings with COE, and steps to launch the new Clean Water Fund grant program.

Dispute Resolution Committee – Travis Germundson reported that there are currently 20 pending appeals. 5 are new as of the last two weeks. Travis gave a brief description of the 5 new appeals because they were not included in the DRC Report in the board packet and provided the board with a status and resolution table as requested at the last board meeting.

Wetlands Committee – LuAnn Tolliver reported that the Wetlands Committee has not met since the last board meeting. She reported that the committee will need to meet soon to discuss the guidance documents that will need to be created for the new Wetland Conservation Act Rule. LuAnn was asked about the timeliness of the new rule and if there were any issues. She reported that there were two days between when the old rule expired and the new rule took effect and that LGU staff were instructed to avoid decisions on those two days.

Grants Program & Policy Committee – Louise Smallidge reported that the Grants Program and Policy Committee met on Tuesday evening, August 25th. She reported that the committee along with staff is working on a uniform grant application process. Next committee meeting will be on October 28, 2009 after the board meeting.

Public Relations, Outreach & Strategic Planning Committee – Brian Napstad reported that the Public Relations, Outreach & Strategic Planning Committee have not met.

RIM Reserve Planning Committee – Paul Brutlag reported that this spring the RIM/WRP held its Phase II statewide sign-up. 250 applications were received for over 20,000 acres requesting $45 million WRP and $30 million RIM Reserve easement dollars. 12 of 18 applications for Turtle Creek-Cedar River Watershed Restoration were selected for funding for the legislatively mandated project. Tim Fredbo talked briefly about the 127 easement applications that have been approved for funding totaling 13,060 acres with an estimated cost of $16 million state dollars and $24.82 million federal dollars.

Administrative Advisory Committee – Randy Kramer reported that the Administrative Advisory Committee has not met.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee (Bob Burandt)

Carver Soil and Water Conservation District Change of Headquarters – Bob Burandt reported that the Metro Water Planning Committee met on August 4. He recommends the approval of the Carver SWCD headquarter change from
** Waconia to Cologne. Moved by LuAnn Tolliver, seconded by Louise Smallidge
09-55 to approve the Carver Soil and Water Conservation District change of headquarters. Motion passed on a voice vote.

Chisago County Comprehensive Local Water Management Plan Amendment – Bob reported that the committee reviewed the Chisago County Comprehensive Local Water Management Plan Amendment and recommends approval of the amendment to the Chisago County 2006 – 2011 Comprehensive
** Local Water Plan. Moved by Bob Burandt, seconded by Louise Smallidge to
09-56 approve the Chisago County Comprehensive Local Water Management Plan Amendment. Motion passed on a voice vote.

Rice Creek Watershed District Watershed Management Plan Amendment – Bob reported that the committee reviewed the Rice Creek Watershed District Water Management Plan Amendment and recommends approval of the
** amendment to the Watershed Management Plan. Moved by Bob Burandt,
09-57 seconded by Faye Sleeper to approve the Rice Creek Watershed District Watershed Management Plan Amendment. Motion passed on a voice vote.

Shingle Creek and West Mississippi Watershed Management Organizations' Watershed Management Plan Amendment – Bob reported that the committee reviewed the Shingle Creek and West Mississippi Watershed Management Organizations' Watershed Management Plan Amendment and
** recommends approval of the amendment. Moved by Bob Burandt, seconded by
09-58 Louise Smallidge to approved the Shingle Creek and West Mississippi Watershed Management Organizations' Watershed Management Plan Amendment. Motion passed on a voice vote.

Northern Water Planning Committee (Quentin Fairbanks)

Aitkin County Local Water Management Plan Final Review – Brian Napstad reported that the Northern Water Planning Committee met on August 12th and reviewed the Revised Aitkin County Local Water Management Plan and recommends approval. Moved by Brian Napstad, seconded by Quentin Fairbanks to approve the Revised Aitkin County Local Water Management Plan. Motion passed on a voice vote.

** 09-59

Morrison County Priority Concerns Scoping Document – Paul Brutlag reported that the committee reviewed the Morrison County Priority Concerns Scoping Document and recommends approval. Moved by Paul Brutlag, seconded by Brian Napstad to approve the Priority Concerns Scoping Document as part of an update to their Comprehensive Local Water Management Plan. Motion passed on a voice vote.

** 09-60

Otter Tail County Local Water Management Plan – Wayne Edgerton reported that the committee reviewed the Otter Tail County Local Water Management Plan and recommends approval. Moved by Wayne Edgerton, seconded by Paul Brutlag to approve the Otter Tail County Local Water Management Plan. Motion passed on a voice vote.

** 09-61

Pine County Priority Concerns Scoping Document – Quentin Fairbanks reported that the committee reviewed the Pine County Priority Concerns Scoping Document and recommends approval. Moved by Quentin Fairbanks, seconded by Brian Napstad to approve the Pine County Priority Concerns Scoping Document. Motion passed on a voice vote.

** 09-62

Polk County Local Water Management Plan Extension – Quentin Fairbanks reported that the committee reviewed the Polk County Local Water Management Extension and recommends approval. Moved by Quentin Fairbanks, seconded by Paul Brutlag to approve a two year extension to the Polk County Local Water Management Plan. Motion passed on a voice vote.

** 09-63

Southern Water Planning Committee (Paul Langseth)

Minnesota River Basin Joint Powers Board, FY10 Annual Work Plan – Paul Langseth reported that the Southern Water planning committee met on August 25th and reviewed the Minnesota River Basin Joint Powers Board, FY10 Annual Work Plan and recommends approval. Moved by Paul Langseth, seconded by Tom Loveall to approved the Minnesota River Basin Joint Powers Board, FY10 Annual Work Plan. Motion passed on a voice vote.

** 09-64

NEW BUSINESS

FY '10 Red River Valley Flood Recovery – Wayne Zellmer reported that the BWSR Grants Program and Policy Committee met on August 25th and supports the Minnesota Recovers Task Force, Natural Resources Sub-Committee and Senior Management Team funding recommendations for the $1 million

legislatively appropriated funds for area damaged during the spring flooding.

** 09-65 Moved by Louise Smallidge, seconded by Gene Tiedemann to approve the Red River Valley Flood Recovery funding recommendations. Motion passed on a voice vote.

Drainage Work Group Update – Al Kean reported that the Drainage Work Group met at the end of July. Al provided some background information for new board members about the work group and why it was developed and mentioned that Tom Loveall has been appointed to the Drainage Work Group as a representative from the Board.

"Success Through Regional Collaborative Partnerships" – Jeff Nielsen introduced Donna Rasmussen, Chair of the Basin Alliance for the Lower Mississippi in MN (BALMM); Linda Dahl, Executive Director, SE MN Water Resources Board JPB; and Glen Roberson, host Manager, SE SWCD Technical Support JBP who gave a presentation on the joint efforts of local governments managing water and soil resources in SE Minnesota.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) - Joe Martin had to leave early and this was not available give a report.

Minnesota Department of Natural Resources (DNR) – Wayne Edgerton reported that there are new changes to the hunting and trapping regulations and handed out a new regulations handbook.

Minnesota Extension Service (MES) – Faye Sleeper reported that the Water Resources Center is leading the statewide water plan. They are still in the organizing phase. Maybe in the future the board will want a presentation. In October there is a large water resources conference planned. It will focus on education, outreach and implementation, and she will bring brochures to the next meeting. They are also working on a watershed specialist training program that will be a two part training to educate the new people that are expected to come in with the amendment money. Faye reported that former board member Jim Anderson has been rehired on a part-time basis.

Minnesota Pollution Control Agency (MPCA) – Rebecca Flood reported that at the end of July Commissioner Eger appointed her to be a liaison to the agricultural community. She also reported on the formation of a Clean Water Fund interagency team that has been developed to deal with the new amendment money, and will be working on developing outcomes and measures and RFP processes.

ADVISORY COMMENTS

Minnesota Association of Soil & Water Conservation Districts (MASWCD) –

Steve Sunderland (Chippewa SWCD) introduced himself as the president of MASWCD. He reported that at their board meeting they had a presentation of a forestry easement program concept and he said that they would be continuing with the idea and potentially come to the board with more information. Steve also reported on an NACD trip to Washington DC last month and about some of the significant topics that were discussed.

Minnesota Association of Watershed Districts (MAWD) – Ray Bohn congratulated BWSR on a great tour. Ray reported that MAWD's 2009 tour was in the Shell Rock River Watershed District. He reported that he has been working with Faye Sleeper to help with the training for watershed districts and he has been working with Al Kean on the drainage workgroup buffer study as well. MAWD has also been working on Watershed District levy authority and they would like to have some final authority over certain Watershed District budgets.

Natural Resources Conservation Service (NRCS) – John Nicholson was not there.

UPCOMING MEETINGS

- ❑ Next Board Meeting, September 23, 2009, St. Paul

** 09-66 Moved by Paul Langseth, seconded by Louise Smallidge, to adjourn the meeting at 11:40 a.m. Motion passed on a voice vote.

Respectfully submitted,

Kari Keating
Recorder

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

1. Cedar River Watershed District (CRWD) Watershed Management Plan – ***DECISION ITEM***

2. Lac qui Parle-Yellow Bank Watershed District (LQPYBWD) Watershed Management Plan – ***DECISION ITEM***

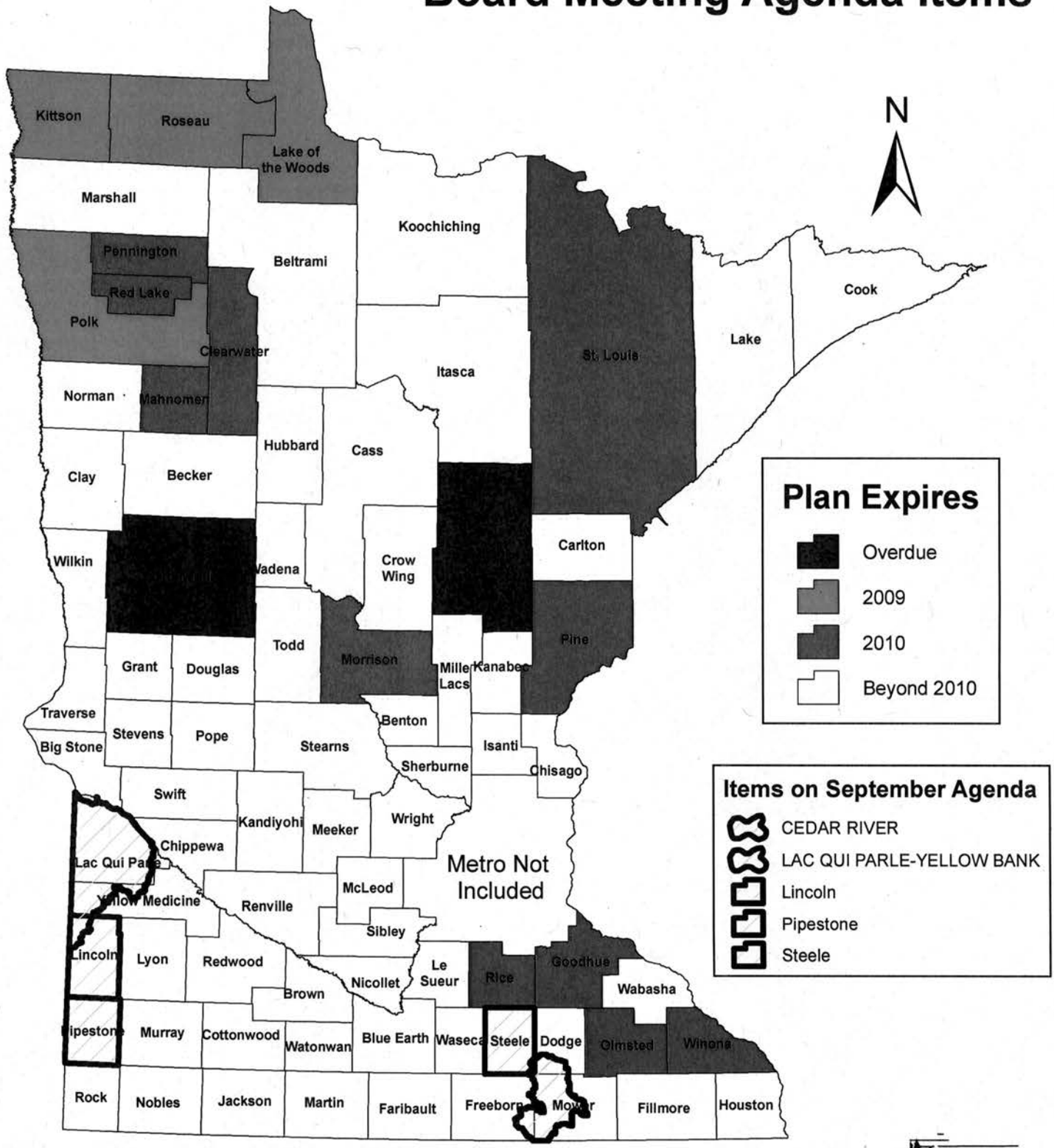
3. Lincoln Local Water Management Plan Amendment – ***DECISION ITEM***

4. Pipestone Local Water Management Plan Amendment – ***DECISION ITEM***

5. Steele County Local Water Management Plan Amendment – ***DECISION ITEM***

6. Area II Minnesota River Basins Project Inc., FY10 Annual Work Plan – ***DECISION ITEM***

County Water Plan Expirations
&
Board Meeting Agenda Items



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map updated: September 2009

1.0 Executive Summary

The Cedar River Watershed District (CRWD) *Watershed Management Plan* (Plan) sets the vision, guidelines, and proposed tasks for managing the water resources within the boundaries of the CRWD. This Executive Summary summarizes the highlights of this first CRWD Plan, including introductory information, the CRWD vision and mission, goals, policies and implementation tasks.

1.1 Location and History

CRWD was established on April 25, 2007 in response to the Mower County Board of Commissioners petition to the State of Minnesota to address flooding and water quality issues in the watershed.

CRWD is located in southeast Minnesota, along the Iowa border, and covers approximately 434.7 square miles. Approximately 298.6 square miles are in Mower County, 69.4 square miles are in Dodge County, 59.1 square miles are in Freeborn County, and 7.6 square miles are in Steele County. Although the Cedar River watershed extends well into Iowa, only portions in Minnesota are included in the CRWD. **Figure 1-1** shows the location of the CRWD in relationship to the other watershed management authorities in Minnesota. **Table 1-1** lists the communities and townships that lie or partially lie within the CRWD.

Historically, the Sioux Indians controlled the area in CRWD until the Mendota Treaty in 1853. European settlement began in the 1850's and since that time the area has remained primarily agricultural. The largest city in the CRWD, Austin, grew as a railroad division center, a major agricultural shipping point and a center for the lumber trade. Currently, the largest employer in Austin is the Hormel Foods Corporation.

Table 1-1 Communities in Cedar River Watershed District

Mower County	Mower County	Steele County	Dodge County
Austin	Dexter Township	Blooming Prairie	Hayfield
Brownsdale	Grand Meadow Township	Blooming Prairie Township	Ashland Township
Dexter	Lansing Township	Freeborn County	Hayfield Township
Elkton	Lyle Township	Hayward Township	Ripley Township
Lyle	Marshall Township	London Township	Westfield Township
Mapleview	Nevada Township	Moscow Township	
Rose Creek	Red Rock Township	Newry Township	
Sargeant	Sargeant Township	Oakland Township	
Waltham	Udolpho Township	Shell Rock Township	
Adams Township	Waltham Township		
Austin Township	Windom Township		
Clayton Township			

Watershed districts are governed by a local board of managers who are appointed by the boards of the counties with land in the watershed district. In the CRWD, the board of managers has seven members; four members are appointed by the Mower County Board and one manager each is appointed by the Dodge County Board, Freeborn County Board and Steele County Board. The appointments are for staggered three-year terms.

The regularly scheduled meetings of the CRWD board of managers are held once a month, on the third Wednesday of the month at 7:00 p.m. The meetings are open to the public and are held at the JC Hormel Nature Center in the Ruby Rupner Room, located at 1304 21st Street NE in Austin.

Administration and technical services for the CRWD are provided by the Mower County Soil and Water Conservation District. The Austin Daily Herald is the legal paper for the CRWD. The board has contracted with Jones-Haugh and Smith, Inc. to be the District Engineer. The board selected Attorney Matt Benda of Peterson, Savelkoul & Benda LTD for legal council. The CRWD has a website (http://www.cedarriverwd.org/) that provides information about the district, press releases, agendas and minutes from managers' meetings, and annual reports.

1.2 Purpose & Scope

Like all watershed districts, the CRWD is a special purpose unit of local government that manages water resources on a watershed basis (a watershed is an area of land that drains to a given lake, river, stream or wetland). Watershed district boundaries generally follow natural watershed divides, rather than political boundaries.

Recognizing that water does not follow political boundaries, the State of Minnesota established the Watershed Act (Minnesota Statutes 103D) in 1955, which provided for the creation of watershed districts anywhere in the state and requires watershed districts to prepare watershed management plans. There are 46 watershed districts in the state (as of 2009).

As given in statute (Minnesota Statutes 103D.201), the general purposes of a watershed district are:

To conserve the natural resources of the state by land use planning, flood control, and other conservation projects by using sound scientific principles for the protection of the public health and welfare and the provident use of the natural resources.

Watershed districts may be formed for a number of specific purposes, including protection or enhancement of water quality, prevention and alleviation of flood damage, prevention and alleviation of soil erosion and sedimentation, regulation of streams, lakes and water courses for domestic, recreational and public use, and protection and regulation of groundwater uses (Minnesota Statutes 103D.201).

Minnesota statutes (103D.335 in particular) give watershed districts a number of broad authorities, including the authority to:

- Collect data
- Conduct studies and investigations
- Construct improvements
- Levy property taxes and assess properties for benefits received
- Adopt rules to regulate, conserve, and control the use of water resources
- Contract with private and public entities for the construction, maintenance, and operation of projects and other activities
- Hire staff and consultants
- Acquire property
- Incur debts, liabilities, and obligations
- Acquire, operate, construct and maintain dams, dikes, reservoirs, and water supply systems
- Enter lands for surveying and other investigations

See Minnesota Statutes 103D for additional authorities.

As required by law (Minnesota Statutes 103D.401), the CRWD Managers must adopt a watershed management plan for any or all of the purposes for which a watershed district may be established.

1.3 Plan Organization and Summary of Issues, Goals, Objectives, and Potential Solutions

The Plan sets the CRWD's water resource goals and objectives, provides data and other background information, outlines the applicable regulations, assesses watershed-wide and specific issues, and lists implementation tasks to achieve the goals. The Plan also provides information regarding the funding of the implementation program.

1.3.1 Plan Organization

The Plan is organized into six major chapters as follows:

Chapter 1	Executive Summary
Chapter 1 is the Executive Summary, which provides background information about the CRWD and summarizes the highlights of the Plan, including the Plan purpose and scope, goals, objectives, and implementation tasks.	

Chapter 2	Physical Environment Inventory
Chapter 2 provides technical information describing the surface and subsurface conditions of the CRWD. Most of Chapter 2 presents a watershed-wide inventory, including climate and precipitation, topography, soils, geology, groundwater, Minnesota Department of Natural Resources (MDNR) public waters, wetlands, surface water resource monitoring information, floodplain information, unique features and scenic areas, pollutant sources, and major watersheds. Chapter 2 also includes a number of maps, such as watershed-wide maps of land cover, MDNR public waters, impaired waters, wetlands, and watersheds. This chapter also includes a number of tables, such as precipitation information, and water quality information.	
Chapter 3	**Assessment of Issues**
Chapter 3 assesses the issues, challenges, and problems the CRWD faces in managing water resources on behalf of the public. Watershed-wide and specific issues are presented and discussed under a number of topic areas, including flood control, water quality, erosion and sediment control, etc.	
Chapter 4	**Goals, Objectives, and Actions**
Chapter 4 presents the CRWD's goals, objectives, and actions that will guide the CRWD in accomplishing its mission over the 10-year life of the Plan. The goals, objectives and actions are presented under a number of topic areas, including flood control, water quality, agricultural and urban drainage systems, erosion and sediment control, etc.	
Chapter 5	**Implementation Program**
Chapter 5 describes the components of the CRWD's Plan implementation program, including administrative activities, data collection and reporting, studies, and capital projects. This chapter also describes the available funding options, how projects can be initiated, the Plan review and approval process, the procedures for updating and amending the Plan, and the regulatory framework.	
Chapter 6	**References**
Chapter 6 lists the documents and other references used in the preparation of the Plan.	

1.3.2 Summary of Issues

The following section outlines the issues faced by the Cedar River Watershed District. These issues are discussed in greater detail in Chapter 3.0 of the Plan.

- Addressing existing flooding issues and preventing/minimizing the risk of future flooding. Impacts from flooding can include disruption of normal activities, physical damage to infrastructure, loss of life, and potential health hazards. Without controls, increased urbanization of a watershed causes an increase in average annual flood damage.

- Reducing non-point source pollution. For most water bodies, non-point source runoff, especially stormwater runoff, is a major contributor of pollutants. As urbanization increases and other land use changes occur in the watershed, nutrient and sediment inputs (i.e., loadings) from stormwater runoff can far exceed the natural inputs to the watershed's water resources.

- Implementing the action steps of TMDL studies, when completed, in cooperation with other agencies.

- Reducing sedimentation and turbidity in waterbodies within the CRWD. High levels of suspended sediment can reduce sunlight penetration and affect aquatic life, increase phosphorus concentrations, and alter channel capacity and drainage rates.

- Reducing nutrient loading to waterbodies, including nitrogen and phosphorus. Sources of nutrient loading may include increased runoff due to urbanization, agricultural practices, and failing SSTSs.

- Reducing erosion within the CRWD. Erosion may be increased by construction and agricultural activities. Increased erosion and sediment loading may impact stormwater management systems (e.g., ponds, pipes, ditches), requiring more frequent maintenance, repair, and/or modification to ensure they will function as designed.

- Developing policies to guide the development and maintenance of sustainable agricultural and urban drainage systems.

- Protecting groundwater quality from the detrimental impacts of improperly operating SSTSs, nonconforming feedlot operations, and chemical contamination from landfills, storage tanks, spills and other similar activities.

1.3.3 Plan Goals and Objectives

The following paragraphs summarize the goals and objectives for each of the topic areas in Chapter 4:

4.1 Flood Control:

Goal 4.1.1 *- Protect human life, property, and surface water systems that could be damaged by flood events.*

Goal 4.1.2 *- Correct/address existing flooding problems.*

Goal 4.1.3 *- Prevent future flooding problems.*

Objective A - Quantify and understand where and when flooding problems occur and how water is stored/drained in the watershed.

Objective B - Regulate stormwater runoff discharges and volumes on a watershed-wide basis to 1) minimize flood problems, flood damages and the future costs of building and maintaining stormwater management systems; and 2) prevent structural damages during storms up through the critical 100-year precipitation event. Protect township, county, city and state infrastructure from flooding impacts.

Objective C - Decrease the risk of flooding throughout the watershed; specifically, decrease flooding by 20% in the Cedar River through the City of Austin during the critical 100-year rainfall or snowmelt event.

Objective D - Provide leadership and assist townships, cities, and counties with coordination of intercommunity stormwater runoff planning and design.

4.2 Water Quality:

Goal 4.2.1 *- Encourage and implement practices to address current water quality problems, and to maintain or improve the quality of surface waters in the CRWD.*

Objective A - Develop and support the use of BMPs relating to improving the quality of surface water for all land uses and activities in the watershed.

Objective B - Eliminate or minimize the discharge of untreated stormwater to the Cedar River and its tributaries, as well as other watercourses and water bodies in the CRWD.

Objective C - Reduce the level of pollutants in surface waters of the CRWD as identified in Total Maximum Daily Load (TMDL) studies.

Objective D - Prevent or minimize contaminants from entering surface water resources in the CRWD.

Goal 4.2.2 *- Improve and increase the understanding and knowledge of the quality of the surface water resources in the Cedar River watershed.*

Objective A - Develop, operate, and maintain a surface water quality monitoring program in the CRWD.

Objective B - Assess and analyze data collected from the surface water monitoring program.

Goal 4.2.3 *- Promote and enhance the full economic value and benefits of the Cedar River watershed.*

Objective A - Support the maintenance of clean water supplies for the public, as well as agricultural uses and livestock.

Objective B - Support the maintenance of clean water for shoreland development and rural residential uses.

Objective C - Support the maintenance of clean water resources for commercial and industrial uses.

4.3 Agricultural and Urban Drainage Systems:

Goal 4.3.1 *- Inventory and analyze the state of the agricultural and urban (public and private) drainage systems within the CRWD.*

Objective A - Inventory and map all agricultural and urban (public and private) drainage systems in the watershed to further the CRWD's understanding of where and how water is drained throughout the watershed.
Analyze/understand ongoing maintenance needed for drainage systems to correct/address existing flooding problems or to prevent future flooding problems in the watershed.

4,4 Erosion and Sediment Control:

Goal 4.4.1 *- Minimize erosion and its effects on water quality.*

Objective A - Support the construction of sediment ponds, basins (including re-establishment of wetlands), and other erosion and sediment control BMPs throughout the watershed.

Objective B - Develop and implement programs that protect sensitive areas from erosion.

4.5 Wetlands and Natural Resources:

Goal 4.5.1 *- Maximize the water quality and quantity benefits of wetlands.*

Objective A - Identify, restore, and enhance wetland areas on a prioritized basis to improve surface water quality, promote groundwater recharge, and support biodiversity in the CRWD.

4.6 Land Use:

Goal 4.6.1 *- Protect water resources from impacts associated with land use and land development in the CRWD.*

Objective A - Support the development and implementation of local land use plans and policies that are based on sound water and land resource principles.

Goal 4.6.2 - Promote the coordination of land use management and regulation with other land use authorities in the CRWD.

Objective A - Support and coordinate the development and implementation of land use plans, ordinances, and other official controls which protect water resources.

Goal 4.6.3 - Encourage water resource protection in the Cedar River watershed through land conservation programs.

Objective A - Coordinate the implementation of land conservation programs as a part of the land development process.

Objective B - Support and coordinate the use of conservation agricultural practices that protect and conserve water resources in the CRWD.

Objective C - Support the development of a riparian area planting program.

4.7 Recreation, Habitat, and Shoreland Management:

Goal 4.7.1 - Attain a high degree of recreational use of the surface water resources in the Cedar River watershed.

Objective A - Develop an outreach program to promote the recreational use of surface water resources in the CRWD.

Objective B - Develop a plan for managing fish, wildlife, and other recreational resources.

Objective C - Support increased opportunities for the safe and sustainable use of surface water resources in the CRWD.

4.8 Groundwater:

Goal 4.8.1 - Protect groundwater resources in the Cedar River watershed.

Objective A - Support the development and implementation of wellhead protection plans.

Objective B - Promote the locating and sealing of abandoned wells.

Objective C - Support land use practices that enhance high quality groundwater recharge.

Objective D - Support agricultural practices that protect and conserve groundwater resources in the watershed.

Goal 4.8.2 - Improve and increase the understanding and knowledge of the groundwater resources in the CRWD.

Objective A - Develop an ongoing groundwater quality and quantity monitoring program.

Objective B - Establish and maintain a comprehensive database on groundwater resources in the watershed.

Objective C - Assess and analyze data collected from the groundwater monitoring program.

Objective D - Assess groundwater supply and quality of the aquifers in the watershed on an ongoing basis.

Goal 4.8.3 *- Encourage the wise use of groundwater resources in the Cedar River watershed.*

Objective A - Provide technical assistance and comments on land development requests and permits on groundwater issues.

4.9 Administration:

Goal 4.9.1 *- Apply statutory authorities in ways that protect and enhance safety, commerce, and natural resources.*

Objective A - Develop rules to implement the goals, objectives, and actions of this plan.

Objective B - Provide training for board managers and advisory committee members to assist them in dealing with the complexities of managing a watershed district.

Objective C - Develop and maintain an active legislative program.

Objective D - Investigate and remain informed of new studies and research on emerging surface water issues, contaminants, and technologies.

Objective E - Monitor the effectiveness and efficiency of CRWD programs and services.

Goal 4.9.2 *- Develop and maintain successful interagency working relationships to effectively implement the CRWD Plan.*

Objective A - Build and maintain cooperative working partnerships with local, state, and federal government agencies.

Objective B - Develop collaborative partnerships with local school districts, universities, and non-profit organizations to implement the plan, especially education and information programs.

Objective C - Develop a "chain of authority" to identify roles and responsibilities integral to plan implementation.

4.10 Education and Public Involvement:

Goal 4.10.1 *- Maximize awareness and understanding of the value of water resources by all citizens living, working, and recreating in the Cedar River watershed.*

Objective A - Support and coordinate the development and dissemination of educational programs and materials on water and land related resource issues and management throughout the watershed.

Objective B - Develop a comprehensive public relations program.

Objective C - Educate the citizens of the CRWD on surface water management.

Objective D - Develop an educational program for the general public on groundwater resources and safe drinking water.

Objective E - Maintain and update the CRWD website.

Objective F - Increase interest in and support of CRWD programs and projects.

Goal 4.10.2 *- Encourage active public participation in the implementation of this plan and future plan updates and amendments.*

Objective A - Develop an effective notification system for activities and actions administered by the CRWD.

4.11 Funding:

Goal 4.11.1 *- Achieve fair and fiscally responsible management of the affairs of the CRWD.*

Objective A - Develop an annual CRWD budget and implementation program.

Objective B - Develop enhanced funding mechanisms to enable the CRWD to pursue the projects needed to improve water resources.

Objective C - Ensure the financial solvency and accountability of the CRWD and the efficient and effective use of CRWD funds.

1.3.4 Summary of Potential Solutions

Chapter 5.0 of the Plan presents the CRWD's implementation program. Significant implementation tasks are summarized in this section.

- Develop, adopt, and implement CRWD rules, in accordance with Minnesota Statutes 103D.341.

- Establish and adopt 100-year floodplain elevations for the CRWD established floodplain.
- Set/revise flow rate goals for subwatersheds within the CRWD.
- Construct, implement, and maintain flood control structures
- Develop a coordinated program to administer and implement BMPs in riparian and shoreland areas.
- Support the development of a coordinated and comprehensive program with partnering agencies for administering and implementing BMPs on agricultural and urban lands.
- Develop and implement plans to monitor water quality and quantity within the CRWD.
- Develop and implement a comprehensive education program in cooperation with other governmental units and educational institutions.
- Provide technical assistance to communities regarding surface water, groundwater, and land resources.
- Fund the implementation of this plan using the statutory tools provided to watershed districts, using grants, partnerships, and loans whenever possible and cost effective to reduce the CRWD's share of project costs.
- Implementing the action steps of TMDL studies, when completed, in cooperation with other agencies.

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

In the Matter of Prescribing a Proposed Watershed Management Plan for the Cedar River Watershed District pursuant to Minnesota Statutes 103D.405	**ORDER PRESCRIBING WATERSHED MANAGEMENT PLAN**

Whereas, the Board of Managers of the Cedar River Watershed District (CRWD) filed a Draft Watershed Management Plan (Plan) dated March 2009 with the Minnesota Board of Water and Soil Resources (Board) pursuant to M.S. 103D.401, and;

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

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

FINDINGS OF FACT

1. **District Establishment.** The Board, by order, established the CRWD on April 25, 2007.

2. **Requirement to Plan.** A watershed district is required to adopt a plan as a basis for watershed district regulations and funding authority pursuant to Minnesota Statutes 103D.401, Subd. 1(a). The plan includes an executive summary, physical environment inventory, assessment of issues, goals, objectives and actions, implementation program and references, tables and figures. The district's major issues are to address flooding and water quality in the watershed.

3. **Nature of the Watershed.** The CRWD covers 435 square miles or 278,463 acres. Predominant land use includes cultivated crops 82.8% of the watershed's total land area, developed open space 6.6% of the watershed's total land area, grasslands 4.1% and pasture/forest/wetlands 3.9% of the watershed's total land area. According to the *Mower County Local Water Management Plan 2006-2015,* Mower County ranked 10th and 13th in 1999 in Minnesota for corn and soybean production, respectively. Approximately 298.6 square miles are in Mower County, 69.4 square miles are in Dodge County, 59.1 square miles are in Freeborn County, and 7.6 square miles are in Steele County. Although the Cedar River watershed extends well into Iowa, only portions in Minnesota are included in the CRWD.

4. **Local Review.** The CRWD sent a copy of the draft plan to local units of government for their review pursuant to Minnesota Statutes Section 103D.401.

5. **Department of Natural Resources Review.** In an email dated May 20, 2009 the DNR commented they were impressed with the document. A specific comment pertained to problems of erosion, head-cutting and fish passage with undersized culverts. DNR mentioned landowner issues with undersized culverts and that undersized culverts have not received permits on protected waters. The Department commented that it looked forward to continued dialogue on this issue and the overall plan.

6. **Minnesota Department of Agriculture.** In a letter dated May 18, 2009 the MDA noted the "Minnesota Conservation Guide" as a one-stop resource for agricultural and natural resource conservation practices, programs and payments and suggested the tool be included in the Goals, Objectives and Actions for Education and Public Involvement on page 4-15 of the draft plan. MDA also strongly encouraged CRWD to continually invite local farm commodity groups to participate in the development and implementation of the watershed management plan. MDA noted the Minnesota Conservation Guide and Directory of Producer Associations and Ag. Organizations are available on the MDA website.

7. **Minnesota Pollution Control Agency.** In a letter dated May 14, 2009 MPCA commented that overall the plan was clearly written and comprehensive. MPCA will make data and information available to CRWD and provide timely responses to future requests. MPCA will work with CRWD on water quality monitoring and TMDLs. MPCA commented that the priority concerns noted in Mower and Dodge County water plans are also relevant to the CRWD. These include impaired waters, stormwater management, drainage system management, animal agriculture, feedlots and manure management and groundwater protection and management. MPCA provided specific comments and clarifications on point and non-point source pollution, available water quality information, the drainage code and public and private drainage systems and TMDLs. MPCA recommended the plan include DNR's fisheries stream reaches for the main stem of the Cedar River. MPCA suggested section 3.2 could be enhanced with the relationship of the runoff hydrograph to impervious surfaces and urbanization. MPCA noted that Turtle Creek is not under the jurisdiction of CRWD but is part of the current turbidity TMDL, and that CRWD, Turtle Creek WD and Shell Rock River WD are all being considered together. MPCA supports CRWD's flow rate and TMDL implementation plan goals and suggested strengthening the SSTS section to address bacterial impairments to surface waters, and for groundwater protection. MPCA asked for a revision of section 5.7.2 to indicate MPCA is administering Section 401 of the Clean water Act.

8. **Dodge Soil and Water Conservation District.** In a letter dated March 2009 Dodge SWCD asked that reference to the "old" Dodge soil survey be removed as a new soil survey is available. The SWCD suggested listing only those feedlots in Dodge County in the CRWD. The SWCD provided a clarification on public water maps. The SWCD commented that grass waterways should not be part of impaired water and controlled rotational grazing may be okay in riparian areas.

9. **Mower County Board.** In a letter dated July 15, 2009, the Mower County Board provided an introduction and background information on the Upper Cedar River Surface water Management Plan (SWMP). The County provided considerations pertaining to placement of

new flood control structures and removal/modification of existing structures for flood control and stated it is "absolutely imperative that the affected political bodies and regulatory agencies "buy in" on the projects." The county commented that another level of review by CRWD is unnecessary on projects where DNR and MPCA requirements and review pertain. The County commented that if upstream modifications outside of protected waters were done quickly, possible downsizing of protected waters culverts could occur. The County wishes to reserve the right to review CRWD projects that affect infrastructure. The County commented it will not fund increased project costs because of CRWD requirements, it will expect the CRWD provide a release of liability for problems such as crop loss and property damage caused by CRWD projects and it is concerned about county tax base being shifted to other property taxes if water is held back and land reassessed.

10. **Board of Water and Soil Resources.** Staff has provided information and assistance as needed throughout the planning process through meeting attendance and informal discussion. Staff has reviewed agency and local government comments and CRWD responses.

11. **Publish Notice of Filing.** Legal Notice of Filing was published in the Albert Lea Tribune on June 12, 2009, the Austin Post – Bulletin on June 13, 2009, the Owatonna's Peoples Press on June 16, 2009, and the Dodge Center Star Herald on June 17, 2009. The Legal Notice of Filing was also mailed in a letter from Board staff Travis Germundson dated June 11, 2009 to several addressees including the Mower, Freeborn, Dodge, and Steele County Auditors and County Administrators, the Mower, Freeborn, Dodge, and Steele County Soil and Water Conservation Districts, and cities with land within the District.

12. **Public Hearing.** The Legal Notice of Filing was published pursuant to Minnesota Statutes Section 103D.105, Subd. 2 and 103D.401, Subd. 4 which require within 30 days of the last date of publication of the Notice of Filing of the Plan that at least one request for hearing be received by the Board before a hearing will be held. No request for a hearing and one comment letter was received during the specified period of time and no hearing was held.

13. **Southern Water Planning Committee Meeting.** On August 25, 2009, the BWSR Southern Water Planning Review Committee (Committee) met with representatives of CRWD to discuss the draft Plan. After discussion, the Committee voted to recommend approval of the Cedar River Watershed District 2009 – 2019 Watershed Management Plan to the full Board.

CONCLUSION

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 Cedar River Watershed District pursuant to Minnesota Statutes 103D.401.

3. The Cedar River Watershed District Watershed Management Plan attached to this Order defines water-related problems within the CRWD boundaries, possible solutions thereto, and an implementation program.

4. The attached plan is in conformance with the requirements of Minnesota Statutes 103D, BWSR guidelines for Watershed District Plan content, and is consistent with the affected county comprehensive water plan.

ORDER

The Board hereby prescribes the attached Plan as the Management Plan for the Cedar River Watershed District.

Dated at St. Paul, Minnesota this 23rd day of September 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

Executive Summary:

Ecosystems and water resources are managed to sustain their long-term health and integrity to enhance the well-being of the citizens within the Lac qui Parle-Yellow Bank watershed. Through the identification of water quality and quantity issues in the watersheds, the Lac qui Parle-Yellow Bank Watershed District developed goals to guide their water resources management activities. Management strategies and policies for each goal were developed based on the District's goals for resolving watershed issues and a review of existing programs. Water management strategies and District policies become the management framework for the Lac qui Parle-Yellow Bank Watershed District's 10-year master plan to achieve its goals. The Plan was developed to both continue and expand existing activities and to establish new activities. A holistic watershed management plan is needed to protect the people, water quality and the economic welfare of this District. The overall goal of the Board is to make the wisest water management decision possible for the water resources within the District. This revised overall plan is intended to be the guide for the accomplishment of this goal.

The lakes, ponds, streams, ditches and wetlands in the Lac qui Parle-Yellow Bank Watershed District are important community assets, supplying recreational and aesthetic benefits, wildlife habitat, and fishery resources as well as provide for a strong economic growth for the local residents. However, maintaining good water quality in these water resources is a challenge, particularly considering the intensive agricultural industry which makes up the vast majority of the Lac qui Parle-Yellow Bank watershed. Water quality is closely linked to land use and conditions in the surrounding watershed. Storm water runoff can carry significant amounts of sediment and phosphorus from the watershed into these water bodies, along with other pollutants.

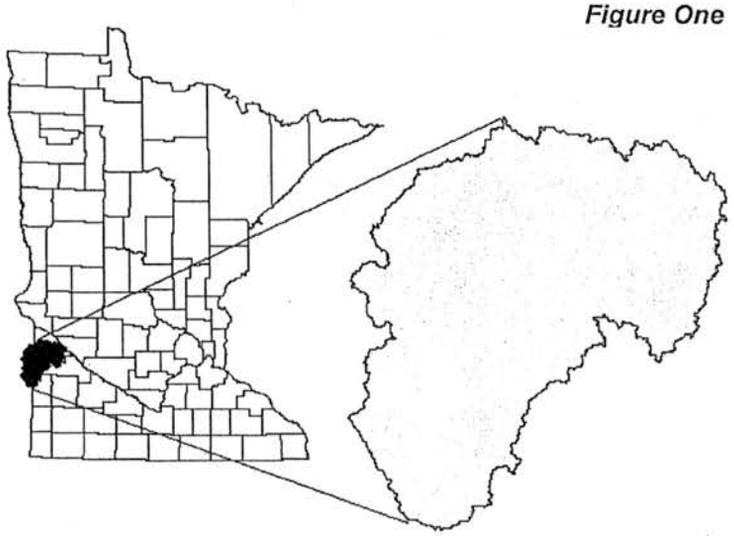
This Third Generation Plan will prioritize water resources and develop management plans for those resources by priority or as opportunity provides. This plan includes goals for maintaining or improving water quality and quantity management based on practical use, funding and implementation strategies.

Section One: District Profile

Location

The Lac qui Parle – Yellow Bank Watershed District is located in west central Minnesota, on the southwest side of the Minnesota River. As shown in ***Table One*** and ***Figures One and Two,*** the western boundary of the District is 57 miles long and is formed by the Minnesota – South Dakota border from 1 mile south of Ortonville to 3 miles south of Lake Hendricks. The northern District boundary adjoins the Upper Minnesota River Watershed District, commencing on the northeast corner of Section 4, Township 121 North, Range 45 West, thence in a general northwesterly direction to the northwest corner of Section 28, Township 121 North, Range 46 West. On the northeast, the Minnesota River forms the boundary from the Marsh Lake Dam to near the Lac qui Parle Dam. From the Lac qui Parle Dam the boundary extends almost due south to the Yellow Medicine County Line, then extends southwesterly to join the Yellow Medicine River Watershed District on the western edge of Section 36, Township 115 North, Range 43 West. These two districts share a common boundary from that point, continuing in a southwesterly direction to the South Dakota border in Section 1, Township 111 North, Range 47 West.

Figure One



The watershed district boundary contains about 988 square miles of land. Approximately 74 % of the land surface is located in Lac qui Parle County, 19 % in Yellow Medicine County, and 7 % in Lincoln County. The total land area drained by the two rivers is approximately 1,708 square miles, of which 719 miles are located in South Dakota.

Distribution of Watershed Area — ***Table One***

County	Acres within Watershed District	Square Miles within Watershed District	Percent of Watershed District within County	Percent of County within Watershed District
Lac qui Parle	470,472.5	734.9	74	100
Yellow Medicine	118,834.3	185.6	19	26
Lincoln	43,009.6	67.2	7	7
Total	**632,316.5**	**987.7**	**100**	
Other (Big Stone, Swift, Chippewa Counties)	1,031.1	1.6		
South Dakota	460,079.8	718.6		

History and Organizational Structure

The initial petition to establish the Lac qui Parle-Yellow Bank Watershed District was submitted to the Minnesota Water Resources Board (Board) on July 14, 1967 by the County Commissioners of Lac qui Parle, Lincoln, and Yellow Medicine Counties. At that time, the Minnesota Water Resources Board (now called Board of Water and Soil Resources, BWSR) was also considering a petition seeking the establishment of the Big Stone Lake Watershed District. Land areas in northern Lac qui Parle County, including the watershed of the Yellow Bank River within the county and land in the county that drained directly into the Minnesota River between the mouth of the Yellow Bank River and the Lac qui Parle River were included in both petitions.

In September 1968, the Board approved the Big Stone Lake petition and established the Upper Minnesota River Watershed District. Those land areas in Lac qui Parle County included in both petitions were included in the Upper Minnesota River Watershed District. This action was appealed to the District Court by the aggrieved parties. They wished to have those lands in question in Lac qui Parle County excluded from the Upper Minnesota River Watershed. In November 1969, the District Court reduced the area of the Upper Minnesota River Watershed District in Lac qui Parle County. This action was appealed by the Minnesota Water Resources Board, and the appeal was ultimately dismissed in May 1970.

After due and proper notice was given, the Board conducted a public hearing on October 8, 1970 in Madison, Minnesota on the nominating petition for the establishment of the Lac qui Parle Yellow Bank Watershed District. The Board ordered the establishment of the Lac qui Parle Yellow Bank Watershed District on April 19, 1971 and the appointment of the first district board of managers. The Board of Managers was selected from a list of nominees submitted by the County Commissioners of the effected counties.

Madison, Minnesota was designated as the official place of business. The purpose of the District was to aid local citizens who had requested help in controlling flooding in the watershed. Much cross-over flooding had occurred over farm land between sub-watersheds, and had been identified as the highest priority need for the new district to address.
The original Watershed District Plan was established, as required by law, in October 1972. This document is the second *update* of the plan since the District was established.

Mission Statement

The Lac qui Parle-Yellow Bank Watershed District mission is to:

> *Serve as a partner in water planning and management with the state agencies, counties, cities, and Soil and Water Conservation Districts, and assist with the management of water quality and quantity within Lac qui Parle-Yellow Bank Watershed boundaries.*

Existing Programs

Education/Technical Program

Existing information and education goals provide a method to raise citizen awareness of the degraded state of the rivers and streams within the District. Education opportunities and outreach materials are provided through newsletters, promotional materials, booths and workshops.

Technical programs for the District entail pursuing funding for priority BMPs and work cooperatively with the SWCDs, WPs, and NRCS government units on practices that will improve the quantity and quality of the waters flowing throughout the District. Currently, there are several programs available for Best Management Practices (BMPs) through the MPCA Clean Water Partnership funds. These funds and available programs are subject to reassessment on a regular basis to target the impaired waters within the District.

Monitoring Program

One of the most significant aspects of the Lac qui Parle River watershed is the diversity of landscape features, soil types, and land uses. The basin can be divided into broad subregions based on logical grouping of these factors. Stream flow and water quality are influenced by these factors and there can be significant differences in the hydrologic response and water quality between sub regions. The objective of the monitoring is to evaluate effectiveness of implemented projects and their impact on water quality and quantity in the Lac qui Parle River.

The monitoring program for the District is assessed and adjusted frequently as results of current monitoring, staff and funding allow. The current proposed program entails: water quality monitoring will be conducted thirty times per year from March 2009 through September 2010 to characterize existing conditions and to determine effectiveness of best management practices installed in the watershed. The West Branch Lac qui Parle River will be monitored in Dawson at the Dawson Dam, known as Project Site 10, South Branch Lac qui Parle River will be monitored approximately 3 miles south of Dawson on County Road 23, known as Project Site 11 and Ten Mile Creek will be monitored at Project Site 7. Analysis will include Total Volatile Suspended Solids, Turbidity, Total Phosphorus, Ortho Phosphorus, Total Suspended Solids, Nitrate Nitrites, total Kjeldahl Nitrogen, and E. coli. The field measurements will include dissolved oxygen, pH, water temperature, transparency tube and visual observations. Flow will be contracted with DNR for sites 10, 11 and 7, (Site 7 will include updating the rating curve). The equipment for Site 7 will be loaned from MPCA.

Regulatory Program

The purposes of the rules and regulations are to promote public health and welfare and to minimize loss of lives and property caused by unregulated and uncontrolled water and mismanagement of the natural resources within the District. The regulations and the Board of Managers require that permits be secured from the Watershed District prior to the start of planned improvements. This is not intended to be a denial or to delay works of improvements, but is deemed necessary for the Board of Managers to be informed of planned projects and to insure orderly development of the natural resources within the District, and to control or regulate activities to promote public health and welfare.

A permit from the District does not relieve the applicant from the responsibility of obtaining any other additional permits or authorizations required from other agencies when public waters are involved. It is the intention of the Managers that no person shall be deprived or divested of any previously established beneficial use or right to natural resources by any rule or regulation of the District without due process of the law, and that all rules and regulations of the District shall be construed to said intention; and by rules and regulations to assist in the orderly use and conservation of the waters of the District. If any rule or regulation is inconsistent with the provisions of applicable state law, the provisions of such laws shall govern. A full text of the current rules and regulations as revised on July 1, 1974, and currently governing the District activities, is included as ***Appendix B.***

Existing Water Management Plans and Programs

Local Water Management Plans are written to address water and land resource management issues at the local level, within a watershed context. Lac qui Parle, Yellow Medicine and Lincoln Counties all have and actively implement these Plans. The District supports the water plans and cooperates with the local water plan coordinators. In turn, the water plan coordinators require the support of the District to accomplish the plan goals for each county.

A Clean Water Partnership (CWP) Program with the MPCA has been executed throughout the watershed where impairments exist. This is a long-term commitment on the part of both the MPCA and the District to mitigate the impairments in the rivers and streams of the watershed. The District employs a CWP Project Coordinator to oversee the monitoring and BMPs these grants help to fund.

Completed Projects

The **Lazarus Creek Flood Control Project** consists of an earthen dam 62 feet in height and 1350 feet in length, with a 48-inch pipe outlet structure. It is designed as a dry dam to control runoff from a 21 square mile drainage area, and will only impound waters during significant rainfall or runoff events. The 100-year storm flow reduction is 66.2 percent, reducing the cubic feet per second from 4982 to 408. Total cost of this project is estimated at $1.84 million and has taken over 35 years to come to fruition. In 2003 the Minnesota State Legislature appropriated $1.4 million to the Watershed District for the project. Construction started in May of 2004 and it was completed in 2005. The project will reduce flood flows which will reduce erosion, especially Streambank, reduce the introduction of sediment and nutrients into the downstream water courses reduce economic losses of downstream farmers, townships, counties and cities. The project will also allow for the installation of downstream road retentions which were not possible under previous hydrologic conditions.

Since early 2000s, the District has been involved in an on-going **Clean Water Partnership Project** including a diagnostic study and implementation plan. BMPs for Total Maximum Daily Load (TMDL) reductions are the primary focus of this project. During the assessment phase of the project, $262,510 was spent to monitor and pinpoint problem areas. This phase was followed by 319 implementation funding of $298,000 and CWP continuation funding of $280,150 for BMPs. In addition to this funding, SSTS loans of $800,000 since 2005 have been spent and an additional $512,000 has been made available until 2011. Through this project, Clean Water Legacy funding for additional BMPs has been received in the amount of $210,000. Present work includes involvement in TMDL development for dissolved oxygen, fecal coliform, and turbidity impairments.

Numerous projects have been completed cooperatively through the WP, SWCD, NRCS and other state and local agencies. ***Figure Three*** illustrates the management practices within the past ten years within the District. These practices are summarized in ***Table Two***. Throughout the District 81,055 acres are in an easement program, which comprises about 13 percent of the land area. Theses easements are either Conservation Reserve Program (CRP), Reinvest in Minnesota (RIM), Wetland Preservation Areas (WPA) and Wildlife Management Areas (WMA).

Best Management Practices within the Lac qui Parle - Yellow Bank Watershed ***Table Two***

Practice	***Number***	***Practice***	***Number***
Abandoned well sealing	267	Fence	1
Water and sediment control basin	140	Diversion	10
Roof runoff management	1	Drainage system modification	5
Windbreak/Shelterbelt establishment	60	Residue management - mulch	5
Erosion control	2	Cover and green manure crop	1
Terrace	51	Sediment basin	7
Septic system improvement	82	Waste storage facility	1
Grassed waterway	29	Field border	2
Conservation cover easement	1	Septage management	5
Filter strip	13	Underground outlet	3
Streambank and shoreline protection	1	Wildlife habitat management	2
Grade stabilization structure	2	Road construction practices	1
		Total	**649**

Executive Summary

This section is an amendment to the September 1, 2004, version of the Lincoln County Water Management Plan. It addresses the following items:

- Version and purpose of the plan;
- Description of the priority concerns that will be addressed;
- A summary of the goals and actions to be taken along with the projected total cost of the implementation program for each of the priority concerns;
- A summary of the consistency of the plan with other pertinent local, state, and regional plans and controls, and where inconsistencies are noted; and
- A summary of recommended amendments to other plans and official controls.

Amendment – September, 2009:

This amendment dated September 1, 2009, is part of the third version of the Lincoln County Water Management Plan, dated September 1, 2004. Included in this amendment:

- Preface;
- Section 1-Executive Summary; and,
- Section 4-Implementation Program.

2009 – 2013: Description of Priority Concerns and Summary of Goals, Actions and Projected Total Cost:

Priority concerns; brief summary, goal, actions and project cost are listed below. In some areas, new funding sources are included in the totals.

PRIORITY CONCERN: Groundwater Protection for the Verdi Well Field.

The Verdi Well Field is the main source of water supply for: portions of 4-counties which include most of Lincoln, and portions of Lyon, Murray, and Pipestone; have availability to move this source of water to other areas; 3,500 rural customers, 31 cities/communities, and 206 rural customers using more than one million gallons per year per customer. Future expansion, starting in 2009, for the entire Lincoln-Pipestone water supply sources in Jackson, Nobles, Yellow Medicine and Lac qui Parle counties.

The goal summary of this priority concern is to protect the public water supply from potential contaminants.

Summary of actions:

- Work on feedlot issues and encourage tillage, pesticide, nutrient management plans;
- Pilot project to implement a drainage water management project (controlled drainage);
- Conduct inspections of septic systems and continue to bring into compliance.
- Cost-share to seal abandoned wells particularly in the DWSMA;
- Promote and enroll landowners in easement programs, such as CRP/CCRP, buffer strips, and increase conservation tillage practices;

- Pursue funds from the Clean Water, Land and Legacy (CWLL) funding for Drinking Water Sources;
- LPRW to be in contact with DNR with water appropriations; and
- Provide information on importance of protecting groundwater;

Approximate cost: $200,750/year.

PRIORITY CONCERN: Surface Water Quality Deterioration focusing on MPCAs list of TMDLs and Impaired waters. TMDL-South Branch, Yellow Medicine River for Fecal Coliform. Impaired waters include various river reaches and the following Lakes: Dead Coon, Benton, Perch, Shaokatan and Hendricks. TMDLs underway: Lac qui Parle River-Yellow Bank-Bacteria, Turbidity, and Low Dissolved Oxygen; Lake Shaotakan-Excess Nutrients; Redwood River-Fecal Coliform and Turbidity; and Minnesota River-Turbidity.

Our primary focus will be on Nutrients and Bacteria in the TMDL sites and on Impaired Waters listed by MPCA.

The goal summary of this priority concern is to restore, protect and improve the deterioration of surface water quality entering Lincoln County's lakes, rivers and streams.

Summary of actions include:

- Bring into compliance septic systems and feedlots and develop nutrient management plans to help regulate nutrients and minimize pollution;
- Assist in pursuing grants through the Clean Water, Land and Legacy and Clean Water Partnerships for watershed based activities and practices for the Yellow Medicine, Lac qui Parle, Redwood and Big Sioux Watersheds with priority given to projects with a specific TMDL/impaired water;
- Educate landowners/operators on feedlot pollution reduction, manure management, SSTSs, and BMPs; and,
- Educate landowners/operators in the TMDL project areas about the impaired water study and the need for implementation of conservation practices.

Approximate cost: $531,250/year.

PRIORITY CONCERN: Erosion and Sediment Control on agricultural land primarily gully erosion and concentrated flow with several priority areas throughout Lincoln County including: TMDL-South Branch, Yellow Medicine River for Fecal Coliform. Impaired waters including various river reaches and lakes including: Dead Coon, Benton, Perch, Shaokatan and Hendricks. TMDL/s underway: Lac qui Parle River-Yellow Bank-Bacteria, Turbidity and Low Dissolved Oxygen; Lake Shaotakan-Excess Nutrients; Redwood River-Fecal Coliform and Turbidity and Minnesota River-Turbidity.

Reducing the volume of sedimentation, potential attached pollutants and nutrients reaching County lakes, streams, rivers and wetlands, will improve surface and ground water quality, through implementing Best Management Practices particularly in listed priority areas.

The goal of this priority concern is to protect and preserve Lincoln County's long-term valuable soil and water resources.

Summary of actions include:

- Reduce wind and water erosion and sediment by implementing BMPs including: WSCBs, waterways, conservation tillage, terraces, CRP/CCRP, buffers, critical area plantings, filter strips, field windbreaks, living snow fences, farmstead shelterbelts, and wildlife tree plantings;
- Replace open tile intakes with alternative tile intakes;
- Provide conserving use acre contracts to individuals planting small grain for earthwork construction from August 10-September 30;
- Provide cost-share for sealing abandoned wells;
- Participate in the various watershed technical team meetings to develop monitoring and implementation plans;
- Assist in pursuing grants/funding for implementation of BMPs through the CWLL, lean Water Partnership, Ag BMP, Watersheds and BWSR. Watersheds: Yellow Medicine, Lac qui Parle, Redwood River and the Big Sioux with priority given to projects with a specific TMDL/impaired water;
- Implement BMPs in the Yellow Medicine, Lac qui Parle, and Redwood Watershed project areas where TMDLs/impaired waters are of priority and grants already in place;
- Monitor sites in Lincoln County to evaluate progress/effects on the Redwood River;
- Increase wildlife tree plantings and habitat management areas, and restored wetlands;
- Implement the Working Lands Initiative (WLI) Program and the WRP/RIM Program;
- Assist landowners with their prescribed burning, tree and prairie management to enhance wildlife habitat; and,
- Educate landowners/operators about: cost-share and implementing BMPs; buffer programs such as CCRP, RIM WLI, and filter strips; replacement of open tile intakes with alternative tile intakes; WRP/RIM programs; and the benefits of the various tree and wildlife plantings.

Approximate cost: $999,100 - 2,357,100/year.

PRIORITY CONCERN: Lake Management Improvement (water quality) and Recreational Opportunities targeting Lake Benton, Lake Shaokatan and Lake Hendricks.

Lincoln County has six major lakes having a total water surface area of about 6,480 acres with an average depth ranging from three to twelve feet and many smaller lakes. We will focus on three major Recreational Lakes in Lincoln County, as they represent the greatest potential for additional recreational development including Lake Benton, Lake Shaokatan and Lake Hendricks.

The goal summary of this priority concern is increase recreational opportunities of Lincoln counties lakes.

Summary of actions includes:

- Provide funding for aeration systems in county lakes;

- Monitor base flow monitoring site in Lake Benton Lake for progress of phosphorus loading and chlorophyll;
- Spot treat Lake Benton Lake for curly-leaf pondweed;
- Ensure the "presence of a more diverse plant community" in Lake Benton Lake.
- Strive to reduce blue-green algae in Lake Shaokatan; and,
- Educate lake/city residents and landowners/operators on protecting lake water quality.

Approximate cost: $4,000/year.

PRIORITY CONCERN: Surface Water Runoff and Drainage addressing runoff volume and water quality through drainage management.

In this section, we will focus on the Wetland Conservation Act, Wetland Banking and the Lincoln County Public Drainage Ditch Systems.

The goal summary of this priority concern is to improve surface water management by decreasing runoff and flooding and maintaining the drainage systems in the county.

Summary of the actions and costs include:

- Reduce flooding by restoring wetlands and increase filter strips;
- Seek funds for establishing a list of dams and repair an existing dam every three years;
- Administer the WCA Program;
- Possibly develop a wetland banking program;
- Incorporate flood control benefits in road and bridge projects;
- Enroll landowners in the CCRP/one-rod buffers;
- Direct property owners to restore 16½ foot permanent grass buffers along open ditches where required; and,
- Educate landowners/operators on buffers and WCA.

Approximate cost: $120,000 - $195,000/year.

Education and outreach are a part of each of the priority concerns.

With the available funding for Water Management Implementation, we will address issues that are doable with the funds we receive. Other implementation items are accomplished through other funding sources.

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 **Lincoln County** (Minnesota Statutes, Section 103B.314, Subdivision 6)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN AMENDMENT

Whereas, on September 23, 2004, the Minnesota Board of Water and Soil Resources (Board), by Board Order, approved the Lincoln County 2004 – 2014 Comprehensive Local Water Plan Update (Plan), which contained a 2004 – 2009 five-year implementation section; and

Whereas, this Board Order stipulated that Lincoln County was required to update the implementation section by August 31, 2009; and

Whereas, the Lincoln County Board of Commissioners submitted the Lincoln County Plan 2009 Amendment to the Board on June 8, 2009; and

Whereas, this 2009 Amendment contains the updated five-year implementation section as ordered by the Board; and

Whereas, the Board has completed its review of the 2009 Amendment.

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

FINDINGS OF FACT

1. On November 4, 2008, the Board received a resolution from Lincoln 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 December 23, 2008 Board staff provided information on the amendment process to Lincoln County.

3. On February 26, 2009, Lincoln 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 March 5, 2009, Lincoln County convened its water plan task force to initiate the five-year implementation section update. Several additional meetings were conducted.

5. Lincoln County received written comments from the Minnesota Department of Agriculture, the Minnesota Pollution Control Agency, the Minnesota Department of Natural Resources, the Minnesota Department of Health, and the Minnesota Board of Water and Soil Resources in April and May, 2009.

6. No other state agency or local government unit provided written comments to Lincoln County.

7. The final document developed by Lincoln County, which includes the revised five-year implementation section August 2009 – August 2014 is entitled the 2009 Amendment.

8. On June 4, 2009, after providing for proper public notice, Lincoln County conducted a public hearing on the proposed 2009 Amendment. No additional comments were submitted at the hearing.

9. On June 8, 2009, the BWSR received the Lincoln County 2009 Amendment, a record of the public hearing, and copies of all written comments pertaining to the 2009 Amendment, pursuant to M.S. Section 103B.314, Subd. 6.

10. On September 3, 2009, the Board's regional Water Planning Committee (Committee) reviewed the Lincoln County 2009 Amendment, 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 2009 Amendment will be in effect until **August 25, 2014.**

CONCLUSIONS

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Amendment of Lincoln County pursuant to Minnesota Statutes, 103B.314, Subd. 6.

2. The Lincoln County 2009 Amendment attached to this Order states goals, objectives, and actions the county will address in the five-year implementation section August 2009 – August 2014. The 2009 Amendment, as well as the previously approved Lincoln County 2004 – 2014 Comprehensive Local Water Plan Update, is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached 2009 Amendment of the Lincoln County Water Management Plan for August 25, 2009 – August 25, 2014. Lincoln County will be required to provide for a complete update of its Water Management Plan prior to August 25, 2014.

Dated at St. Paul, Minnesota, this **23rd day of September 2009**.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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BY: Randy Kramer, Chair

Pipestone County Local Water Management
2005 – 2009
Executive Summary

The original Pipestone County Comprehensive Local Water Plan was approved in 1991. A plan update was completed in 1995, and another in 2005 at which time the County also updated its County Comprehensive plan and joined the County Local Water Management plan. Thus creating one uniform and comprehensive plan, with these plans combined the county is able to incorporate and implement water quality based land use decisions. The current plan covers a ten year period 2005 – 2014 with a five year (2009) update of goal objectives and actions. This executive summary is included to provide an overview of the accomplishments that have been achieved over the past five years.

The Pipestone County Commissioners have delegated the water plan implementation to the Pipestone Soil and Water Conservation District who meet monthly to oversee accomplishments, review budgets, and provide direction on implementation. In addition the County also utilizes the Planning Commission to provide input and direction on land use related issues. The Pipestone Soil and Water Conservation District Board of Supervisors include: Anna May Fritz (Chair), Le Roy Stensgaard, Ian Cunningham, Cal Spronk, and Ed Loll. Pipestone County Planning Commission members include: Curt Johnson (Chair), Mike Moeller, Tom Nelson, Leon Hanenburg, Arvin Pater, Jamie Sumption, John Ruiter, and Wally Slinger.

A resolution was passed on March 24, 2009 by the Pipestone County Board of Commissioners to authorize the update of the Comprehensive local water plan. Public comments were accepted until May 15, 2009 form State agencies, local governments and general public. Plan updates were discussed during the July 9, 2009 Soil and Water Conservation District board of supervisor meeting and at the Pipestone County Planning Commission meeting held on July 13, 2009. Update recommendations were incorporated in a draft update by the Conservation and Zoning office staff. A copy of the plan was then submitted for State Agency, Local Government and general public review and notice of a final public hearing to be held on August 10, 2009 was published.

The following is a summary of the previous five years of water plan related accomplishments.

Third Generation Water Plan Accomplishments 2005 - 2009

- **Citizen Participation and Intergovernmental Cooperation**

  A County and SWCD website was developed to provide the public with reports, program information, form and applications, and links to other pertinent sites.

  Water plan implementation actions are overseen by both the Soil and Water Conservation District Board of Supervisors and Pipestone County Planning Commission.

  Pipestone Creek and Rock River TMDL's both had an advisory committee which provided input and assisted in the development of the implementation plan. Each watersheds advisory committee consisted of approximately 12 members which represented various organizations.

- **Economic Development**

  Assisted and supported development of the Casey Jones Trail and City of Pipestone walk study.

- **Natural Resources**

  Staff obtained and maintain subsurface sewage treatment systems (SSTS) inspector license to oversee proper installation of systems.
  County SSTS ordinance was updated to require system upgrades on land transfers.
  County Septic Loan Program: Pipestone County designated an initial $200,000 to the Conservation and Zoning Office to create a revolving County Loan Program for SSTS upgrades. Funds are loaned at a rate of 3% interest over 7 years as a property tax assessment. Presently approximately $160,000 has been loaned on 23 upgrades.

  Staff assisted and overseen the design and installation of the City of Hatfield's central sewer upgrade.

  Annually approximately 40 individual subsurface sewage treatment systems (SSTS) designs are reviewed and installations inspected to confirm compliance with 7080 rules.

  SWCD staff administered the Agriculture Best Management Practices (BMP) Loan Program to assist in BMP implementation, a total of $1,749,136.00 have been loaned.

  Total Maximum Daily Load's TMDL's:
  Pipestone Creek TMDL, study and implementation plans were completed and approved. Conservation and Zoning staff coordinated the process, with the assistance from MPCA and DNR. A clean water legacy and 319 grant application was submitted by not approved for funding.
  Rock River TMDL, study and implementation plans have also been completed and approved. Staff participated in watershed meetings and provided input throughout the planning process. An implementation grant has been submitted.
  Des Moines TMDL, study is approved and implementation plan has just been completed. Staff participated in planning meeting and provided needed data for the study.
  Redwood TMDL, the study is just in the beginning stages and implementation planning will follow. SWCD supervisors and staff will participate in planning meeting and provide input as needed. Implementation project will be done jointly with surrounding counties and the RCRCA. BMP projects completed in Pipestone County in the Redwood Rider in the last five years include 14 sediment control basins (638's), 1 watering pond, and 9 SSTS low interest loan totaling $70,000. Funding for SSTS upgrades was obtained by the Redwood Rivers Control Association through MPCA grant funds.

  The County purchased a building for the County Recycling Program, $75,000. The Building is utilized for monthly collections of electronics, household appliances, florescent bulbs, lead batteries, and empty pesticide containers. Staff also held a Household Hazardous Waste Collection for the collection and disposal of unwanted materials; these collections are done jointly with Lyon and Nobles mobile collection units. Annually estimated material collected amounts are 300 household appliances, 3500 florescent bulbs, and 84,000 lbs of electronics, 50 lead acid batteries, and collection of HHW from 300 households. Annual disposal costs paid are $20,000.

Feedlot level 3 compliance inspections have been conducted on nearly all 614 county feedlots. Annually staff conducts inspections on approximately 10% (60 sites) for re-registration and 7020 compliance. Once sites are identified as having runoff concerns staff assist producers with the design of runoff control structures, and the cost-share application process when eligible.

Feedlot Runoff control practices are installed annually on approximately 5 feedlot sites. Engineering and cost-share assistance is provided. Annually approximately $500,000 is spent on total practice installation. Water plan funds are also utilized to provide incentives when other funding sources are not available, $5,000 has been provided towards one runoff control structure.

Wellhead protection plans have been approved for the Lincoln Pipestone Rural Water Holland and North Holland, City of Ruthton, and City of Edgerton wellfields. Staff attend relevant meeting and assisted with implementation measures when requested.

Well Sealing Program: Annually $4,000 is designated towards the cost-sharing of sealing abandoned wells. Cost-share is paid at a rate of 50% not to exceed $250. Annually approximately 30 wells are sealed.

- **Land Use Planning**

A comprehensive Geographic Information System (GIS) was created within the County. GIS projects are created by the Conservation and Zoning office and then published for other county departments use. A County wide parcel map has been created, along with other various GIS layers; these layers are maintained and utilized with all county departments. In 2007 a high resolution aerial flight of the county was completed for a cost of $50,000. With this imagery staffs is able to accurately measure, design, plan, and complete other tasks without having to spend the time in the field.
The County's Soil Survey was updated, and published on web soil survey, Pipestone County, $150,000

- **Public Investments**

Conservation and zoning office staff completed the BWSR ditch study and serve as the local ditch contact.

- **Public Awareness**

Bi-annual newsletters are published and distributed to county residents to promote existing programs and financial resources, annually, $1,500.

A contract is maintained with the local radio station to air several 30 second public service announcements per day promoting Best Management Practices, annually $1,850

Ecology Bus utilized to provide environmental education to county schools, annually $4,000.

K-12 conservation related education programs are coordinated with area teachers.

Producer nutrient management training and manure economic classes held for county feedlot owners.

County Conservation Tour held to provide producers and government official's knowledge of today's farming practices and examples of best management practices which have been installed. This year's focus was on dead animal composting.

Distributed free water sampling and manure sample kits to county residents. A prepaid account with Stearns DHI lab is utilized. Annually 50 kits dispersed at an average cost of $30 per kit, $1,500 annually, Pipestone Conservation and Zoning.

Information booth staffed at County Fair and home shows promoting conservation, recycling and BMP's.

Water Plan Expenditure Summary 2005 - 2009

NRBG		Grant	Match	Total
	Water Plan	$100,375	$9,590	$109,965
	Feedlot	$256,348	$185,658	$442,006
	SSTS	$32,885		$32,885
	WCA	$50,000	$50,000	$100,000
	Shoreland	$14,895	$14,895	$29,790
Total NRBG		$454,503	$260,143	$714,646

County Expenditures	
Pictometry Flight and Software	$50,000
County SSTS Loan Program	$200,000
Recycling Building Purchase	$75,000

Ongoing Programs

Pipestone County continues to administer several programs that are vital to achieving the goals set forth in the Water Plan, including those related to feedlots, floodplain and shoreland management, Subsurface Sewage Treatment Systems (SSTS), solid waste, Wetland Conservation Act (WCA), state-cost share, Environmental Quality Incentive Program (EQIP), Reinvest in Minnesota (RIM), conservation reserve program (CRP) and county zoning requirements. The continued funding of these programs has been identified as a high priority in the Five-Year Implementation Plan.

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 **Pipestone County** (Minnesota Statutes, Section 103B.314, Subdivision 6)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN AMENDMENT

Whereas, on August 25, 2004, the Minnesota Board of Water and Soil Resources (Board), by Board Order, approved the Pipestone County 2004 – 2014 Comprehensive Local Water Plan Update (Plan), which contained a 2004 – 2009 five-year implementation section; and

Whereas, this Board Order stipulated that Pipestone County was required to update the implementation section by August 25, 2009; and

Whereas, the Pipestone County Board of Commissioners submitted the Pipestone County Plan 2009 Amendment to the Board on August 14, 2009; and

Whereas, this 2009 Amendment contains the updated five-year implementation section as ordered by the Board; and

Whereas, the Board has completed its review of the 2009 Amendment.

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

FINDINGS OF FACT

1. On March 24, 2009, the Board received a resolution from Pipestone 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 March 11, 2009 Board staff provided information on the amendment process to Pipestone County.

3. On March 31, 2009, Pipestone 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 July 9, 2009, Pipestone County convened its water plan task force to initiate the five-year implementation section update. Several additional meetings were conducted.

5. Pipestone County received written comments from the Minnesota Department of Agriculture, the Minnesota Pollution Control Agency, and the Minnesota Board of Water and Soil Resources in May and August, 2009.

6. No other state agency or local government unit provided written comments to Pipestone County.

7. The final document developed by Pipestone County, which includes the revised five-year implementation section August 2009 – August 2014 is entitled the 2009 Amendment.

8. On August 10, 2009, after providing for proper public notice, Pipestone County conducted a public hearing on the proposed 2009 Amendment. Minnesota Board of Water and Soil Resources staff provided written comment regarding additions to the Executive Summary, and suggested additions and clarifications to the Implementation Section. No additional comments were submitted at the hearing.

9. On August 14, 2009, the BWSR received the Pipestone County 2009 Amendment, a record of the public hearing, and copies of all written comments pertaining to the 2009 Amendment, pursuant to M.S. Section 103B.314, Subd. 6.

10. On September 3, 2009, the Board's regional Water Planning Committee (Committee) reviewed the Pipestone County 2009 Amendment, 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 2009 Amendment will be in effect until **August 25, 2014.**

CONCLUSIONS

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Amendment of Pipestone County pursuant to Minnesota Statutes, 103B.314, Subd. 6.

2. The Pipestone County 2009 Amendment attached to this Order states goals, objectives, and actions the county will address in the five-year implementation section August 2009 – August 2014. The 2009 Amendment, as well as the previously approved Pipestone County 2004 – 2014 Comprehensive Local Water Plan Update, is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached 2009 Amendment of the Pipestone County Water Management Plan for August 25, 2009 – August 25, 2014. Pipestone County will be required to provide for a complete update of its Water Management Plan prior to August 25, 2014.

Dated at St. Paul, Minnesota, this **23rd day of September 2009**.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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BY: Randy Kramer, Chair

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

In the Matter of prescribing the Watershed Management Plan for the **Lac qui Parle-Yellow Bank Watershed District** Pursuant to Minnesota Statutes Section 103D.405

ORDER PRESCRIBING WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the Lac qui Parle – Yellow Bank Watershed District (District) submitted a Watershed Management Plan (Plan) dated August 2009 to the Minnesota Board of Water and Soil Resources (Board) pursuant to M.S. Section 103D.405, and;

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

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

DRAFT

FINDINGS OF FACT

1. **District Establishment.** The District was established by the Minnesota Water Resources Board on April 19, 1971, under the authority of Minnesota Statutes Chapter 103D.

2. **Requirement to Plan.** A watershed district is required to revise their watershed management plan at least once every ten years pursuant to Minnesota Statutes Section 103D.405, Subd. 1 (a). The Plan includes an inventory of the District's physical features and water resources, describes water-related problems and solutions, describes activities and projects that the District has completed, and states objectives for current and future water resources management within the District.

3. **Nature of the Watershed.** The District is located in western Minnesota on the southwest side of the Minnesota River. The western boundary of the District is 57 miles long and is formed by the Minnesota – South Dakota border. The watershed district boundary contains about 988 square miles of land. Approximately 74 % of the land surface is located in Lac qui Parle County, 19 % in Yellow Medicine County, and 7 % in Lincoln County. The total land area drained by the two rivers is approximately 1,708 square miles, of which 719 miles are located in South Dakota. One of the most pronounced geological features in the District is the large valley containing the Minnesota River, which form the northeast boundary of the District. Another prominent feature in the District is the highland plateau known as the Coteau des Prairie. The Coteau forms a watershed boundary between the Big Sioux River of the Missouri River Basin on the west and the Minnesota River of the Mississippi River Basin on the east. The Lac qui Parle and Yellow Bank Rivers and most of their tributaries originate in this highland plateau and flow in a northeasterly direction. The topography of most of the District is nearly level to gently rolling terrain. The rolling topography becomes more pronounced, with steep slopes, along the bluffs of the Minnesota River Valley. In the southwestern part of the District, in Lincoln County, the topography is rolling with long slopes. Extensive and well developed flood plains along the rivers extend from the foot of the Coteau to the Minnesota River Valley. The land surface in these areas is nearly level. The lowest elevation in the watershed is 931 feet above sea level on the shore of Lac qui Parle Lake. The highest elevation is 2001 feet above sea level and is in South Dakota. The highest elevation in the District is located southwest of Hendricks and is approximately 1880 feet above sea level. The dramatic change in elevation within the watershed is cause of many of the flooding problems. There is a 1,070 foot drop in elevation in the first 60 miles of the drainage, and a 931 foot drop in elevation over the next 1000 miles of the drainage. Regarding priorities – an emphasis is placed on protecting and restoring the quality of surface waters and protecting ground water. Equally important is addressing flood management and drainage.

4. **Local Review.** Pursuant to Minnesota Statutes Section 103D.405, the Lac qui Parle – Yellow Bank Watershed District was required to send a copy of the revised Plan to specific local government units and state agencies for their review. On April 16, 2009, the Lac qui Parle – Yellow Bank Watershed District distributed a copy of the draft Plan to those required by Statute and to several other entities.

5. **Minnesota Department of Agriculture Review.** In a letter dated April 28, 2009, the MDA recognized the hard work that went into the development of the plan and commended the watershed district for the good job. The MDA did not have any additional comments.

6. **Minnesota Pollution Control Agency Review.** In a letter dated June 11, 2009, MPCA staff provided several additions and corrections to current MPCA programs and opportunities mentioned in the Plan. Additional information and guidance regarding impaired waters and the total maximum daily load process was provided. Also a correction regarding fecal coliform was noted and narrative was provided discussing future monitoring will test for E. coli with a revised standard.

7. **Minnesota Department of Natural Resources Review.** The DNR provided brief written comments on June 24, 2009. Comments addressed Cobb Creek and Florida Creek Watersheds; also the agency requested changing protected waters to public waters; and provided additional language addressing water use and appropriations.

8. **Board of Water and Soil Resources Review.** In a letter dated August 14, 2008, the BWSR commented on and approved the draft Lac qui Parle – Yellow Bank Watershed District Overall Plan outline. In a letter dated March 27, 2009, BWSR staff provided a follow-up comment letter on the draft plan. Numerous comments and suggestions were provided. Specific information regarding implementation activities and estimated costs were provided; additional language in the Executive Summary was suggested; expanded narrative discussing completed projects was suggested; and additional discussion of funding sources was suggested in the Plan Administration section. In a letter dated June 15, 2009, BWSR staff provided final review and comment offering a number of editorial suggestions, needed clarifications, omissions, and recommended additions. In summary the District should be commended for this plan. Much has changed over the past ten year. The plan clearly identifies water quality and quantity issues facing the watershed. Significant monitoring has been completed and the data has been collected and is being used to establish implementation goals. Finally numerous implementation successes can be pointed to by the District and its citizens.

9. **Highlights of the Plan.** Critical elements (goals) in the Plan include:
   Goal 1 – Protect and Enhance Surface Water Quality.
   Goal 2 – Protect Ground Water Quality.
   Goal 3 – Ensure an Adequate Supply of Surface and Ground Water for Drinking Water, Agriculture, Commercial, Industrial, Natural Resources and Recreational Purposes, while Minimizing Flood Related Damage.
   Goal 4 – Promote and Maximize Water-Based Recreational Activities.
   Goal 5 – Ensure Protection of Unique Water and Natural Resources.
   Goal 6 – Provide For Efficient and Effective Administration.

DRAFT

14. **Publish Notice of Filing.** The Board provided for legal notice of filing for the District Plan. Notices were published in the "Western Guard" on July 22, 2009; the "Canby News" on July 22, 2009; and the "Hendricks Pioneer" on July 22, 2009. Also, a letter containing the Legal Notice of Filing was sent from Board staff Travis Germundson dated July 16, 2009, to several addresses, including the affected county auditors, county soil and water conservation districts, cities, and the Lac qui Parle – Yellow Bank Watershed District. This notice provided an invitation to submit written comments on the Plan or submit a written request for a hearing if opposed to the Plan. Written comments or requests were to be submitted by August 21, 2009. No written comments or written requests for a hearing were received.

15. **Public Hearing.** No written request for a hearing was received, therefore, no hearing was held.

16. **Board Water Planning Review Committee Meeting.** On September 3, 2009, the Board's Southern Region Water Planning Review Committee (Committee) and staff met with representatives from the District at the BWSR Regional Office in Marshall, Minnesota to review and discuss the Plan. Those in attendance from the Board's Committee were Paul Langseth, Tom Loveall, Becky Balk and Daniel Wilson. Board staff in attendance were Southern Region Supervisor Jeff Nielsen and Board Conservationist David Sill. In attendance representing the District were Willis Beecher – Chairman, Darrel Ellefson – Manager, and Trudy Hastad – Administrator. Board staff recommended approval of the Plan. After discussion, the Committee voted to recommend approval of the Lac qui Parle – Yellow Bank Watershed District 2009 – 2019 Watershed Management Plan 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 a Watershed Management Plan for the Lac qui Parle – Yellow Bank Watershed District pursuant to Minnesota Statutes Chapter 103D.405.

3. The Lac qui Parle – Yellow Bank Watershed District 2009 – 2019 Watershed Management Plan attached to this Order defines water and water-related problems within the District boundaries, possible solutions thereto, and an implementation program.

4. The attached Plan is in conformance with the requirements of Minnesota Statutes Chapter 103D, BWSR guidelines for Watershed District Plan content, and is consistent with the affected counties' comprehensive water plans.

ORDER

The Board hereby prescribes the attached Plan as the 2009 – 2019 Watershed Management Plan for the Lac qui Parle – Yellow Bank Watershed District.

Dated at Saint Paul, Minnesota this 23rd day of September 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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BY: Randy Kramer, Chair

Steele County Local Water Management Plan
Participation in the Wetland Preservation Areas Program

Background

Parts of Minnesota that are high priority regions for preservation, enhancement, restoration, and establishment of wetlands include all of the counties that have lost 50 percent or more of their presettlement wetland base. More than 80 percent of the presettlement wetlands in Steele County have been drained or filled.

The Wetland Conservation Act requires counties to designate high priority wetland areas in the local water plan in order for the county to be able to participate in the Wetland Preservation Areas (WPA) program. County participation in the WPA program would allow property owners in high priority areas to be eligible for a tax exemption on existing wetlands or restored wetlands on their land.

There has been some interest from landowners in Steele County over the last few years to enroll wetland areas into the WPA program. Participation in the WPA would provide an additional layer of long-term protection for wetlands and would also, in most cases, provide the benefit of increasing the upland buffer area.

Steele County did not include wetland preservation and restoration as one of the five priority concerns in its most recent 2007-2016 water plan update. However, during the most recent water plan update process wetland protection was listed as an issue that ranked just behind the top five priority concerns.

Proposed Amendment to the Local Water Management Plan

Description of Priority Concerns

Wetland restoration and loss of natural vegetation and habitat ranked just behind the top five priority concerns in the plan. Although the plan will not specifically address these concerns with goals and actions, Steele County has determined that all remaining presettlement wetlands or restored pre-settlement wetlands within Steele County should be designated as high priority wetland preservation areas for the purpose of making the county eligible to participate in the Wetland Preservation Areas (WPA) program. In addition to the requirements of Minnesota Rule 8420, the county will use the following guidelines when administering the WPA program:

1. Eligible wetlands will be greater than one acre in size
2. The wetland buffer area will be a minimum of 50 feet
3. Three priority areas in the county will be the Straight River Marsh area, the proposed Ripley Ditch Watershed area, and the floodplain/riparian wetland areas along the Straight River and Maple Creek

The Steele County Environmental Services department and the SWCD office will administer and coordinate the program.

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 Amendment for Steele County (Minnesota Statutes, Chapter 103B.314 Subd. 6

ORDER
APPROVING
LOCAL
WATER MANAGEMENT
PLAN AMENDMENT

Whereas, the Steele County Board of Commissioners submitted a Local Water Management Plan Amendment (Plan Amendment) to the Board on May 7, 2009 pursuant to M.S. Section 103B.314, Subd. 6 and

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

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

FINDINGS OF FACT

1. On May 11, 2009, the Minnesota Board of Water and Soil Resources received a resolution from Steele County to amend the current water plan to allow the County to participate in the Wetland Preservation Area Program.

2. On May 11, 2009, the Minnesota Board of Water and Soil Resources received a petition from Steele County, including proposed language for public review and comment, communicating their intent to amend the Steele County local water management plan and conduct a public hearing.

3. On July 14, 2009, Steele County conducted a public hearing pursuant to M.S. Section 103B.314 Subd. 6.

4. On August 25, 2009, the Board's southern region water planning review committee (Committee) reviewed the recommendation of the state review agencies regarding final approval of the Steele County Plan Amendment. Recommendations of the state review agencies were:
   a. Minnesota Department of Agriculture: no recommendation received;
   b. Minnesota Department of Health: no recommendation received;
   c. Minnesota Pollution Control Agency: no recommendation received;
   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;

5. This amendment will be in effect until December 31, 2016.

CONCLUSIONS

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Amendment of Steele County pursuant to Minnesota Statutes, 103B.314, Subd. 6.

2. The Steele County Plan Amendment and Petition attached to this Order states the County intent and language to participate in the Wetland Preservation Area Program. The attached Plan Amendment is in conformance with the requirements of M.S. Section 103B.314, Subd. 6.

ORDER

The Board hereby approves the attached amendment of the Steele County Local Water Management Plan.

Dated at St. Paul, Minnesota, this 23rd day of September, 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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BY: Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

Board Resolution # 09-74

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 $130,000 FY 2010 grant from the MN Board of Water and Soil Resources (BWSR). This grant is available for administrative and implementation efforts of Area II within their nine county project area. This grant is available with a 25% local match requirement; and

WHEREAS, Area II has developed an annual work plan to cover activities for FY 2010 and FY 2011; and

WHEREAS, Area II has secured their 25 percent match requirement.

THEREFORE BE IT RESOLVED, the BWSR hereby approves the Area II FY2010 and 2011 annual work plan; and

BE IT FURTHER RESOLVED, the Board of Water and Soil Resources enter into a grant agreement with the Area II Minnesota River Basins Project Inc. for these funds.

Randy Kramer, Chair
Board of Water and Soil Resources

Date: 9/23/09

NEW BUSINESS

1. Grants Administration Initiative – Julie Blackburn and Dave Weirens – ***DECISION ITEM***

2. Authorization of the FY2010 Competitive Grants Program – Dave Weirens ***DECISION ITEM***

3. Krusmark's Farmed Cervidae Shooting Preserve RIM Reserve Easement Release of RIM Easement 79-04-96-01 – Kevin Lines – ***DECISION ITEM***

4a. Targeting BMPs to Critical Portions of the Landscape – Professor David Mulla, University of Minnesota; and Adam Birr, MDA – ***INFORMATION ITEM***

4b. LCCMR-funded Critical Lands Project – Professor Dave Mulla, U of M; and Greg Larson, BWSR - ***INFORMATION ITEM***

GRANTS ADMINISTRATION INITIATIVE

Overall Purpose
In FY 2009 BWSR administered 18 different grant programs, most of which have evolved their own unique sets of administrative policies or rules. These grant programs required the processing of approximately 1600 separate grant allocations.

The purpose of this initiative is to improve and increase the administrative efficiency of BWSR grant programs for state and local governments. Grant processing efficiency is measured by the amount of staff time required to complete the tasks associated with application, allocation, distribution, and reporting.

This project will address grant administration processes to account for the following workload drivers:

- Continued General Fund support for BWSR Grant Programs (NRBG; SWCD General Services, etc.);
- A significant increase in grant program funding through the Clean Water Amendment funds;
- An increased diversity of grant programs;
- An increased diversity of potential grantees;
- An increased number of individual annual grant allocations; and
- Increased scrutiny and expectations by the Legislature to minimize administrative costs while providing detailed data on program/project outcome/results data.

In addition, Washington State has successfully implemented a streamlined grant application and management process that would appear to work well for us. The Washington model also incorporates a "legislative need" function that should assist our task of demonstrating local funding needs to the Legislature. A goal of this initiative is to "borrow" ideas and concepts from the Washington State process.

Other granting models (i.e. LCCMR) will also be examined to ensure that all appropriate options are considered as part of this grant programs redesign initiative.

Scope

- All grant programs, both competitive and noncompetitive;
- All administrative processes are included, or will be directly affected. (See BWSR Grant Making Processes, below.)
- Allocation formulas or methods of determining grant amounts are not included.

Staff/Team Roles
The Program and Grants Team will provide oversight and overall direction to completing the work of this initiative. Additional responsibilities of the Program and Grants Team is to develop and implement a communication plan on this process for internal and external clientele, and to quantify the reduced burden that is a key benefit of this initiative.

Staff teams will be formed to develop each of the products, as appropriate, which will report to the Program and Grants Team. The existing process of recommendation being forwarded to the Senior Management Team, then to the Board Grants Program and Policy Committee, and then to the BWSR Board for final approval will be used.

Major Milestones (projected dates)

Competitive Grants Process (FY 10)

a) Board Grants Program & Policy Committee requested to approve initiative on August 25, 2009.
b) BWSR approval of initiative requested on September 23, 2009.
c) RFP announced October 15, 2009.
d) Board Grants Program & Policy Committee requested to approve funding recommendation on January 20 or 21, 2010.
e) BWSR requested to approve funding recommendation on January 27, 2010.

Non-Competitive Grants Process (FY 11)

a) Board Grants Program & Policy Committee requested to approve initiative on April 28, 2010.
b) BWSR approval of initiative requested on May 26, 2010.
c) Board Grants Program & Policy Committee requested to approve funding recommendation May 22, 2010.
d) BWSR requested to approve funding recommendation on June 23, 2010.

BWSR Grant Making Processes

This listing of specific processes or tasks identifies the activities required to implement BWSR grant programs. These steps generally apply to all BWSR grant programs and are necessary to ensure compliance with statute, rule, Board policy, management practices, etc.

1. Programs & Policies Development.
   The development of goals, scope, and objectives; criteria and policies, to successfully accomplish the legislative intent.

2. Application & RFP Development.
   The creation of a practical document and method for LGUs to quantify their interest of participation in the grant program.

3. IT Integration into eLINK.
   The incorporation of the RFP, application, workplan, and reporting data and functions, into a functioning electronic format. This may require outside contracting for software design. Requires testing by Central Office, field staff, and LGUs.

4. BWSR Authorization of Program.
   Grant Program with policies and criteria reviewed by staff committees and BWSR Committees. Approval and authorization of Board is obtained.

5. Staff and LGU Training.
   Practical state-wide training sessions are conducted to promote, inform, and guide state and local staffs in grant program goals, criteria, and objectives. This may include eLINK training and guidance.

6. Application Reviews and Rankings.
   Grant applications are received, compiled, evaluated, scored, and ranked.

7. BWSR Staff and Committee Reviews.
   Staff funding recommendations are prepared, evaluated, and refined through staff committee reviews. Staff forward funding recommendations to BWSR Grants Program & Policy Committee, before Board consideration.

8. BWSR Allocation Approvals.
   The Board is requested to approve allocations and authorize staff to enter into grant agreements with LGUs.

9. Grant Agreement Development and Encumbrances.
   Staff development of grant agreements and encumbrance of funds into MAPS. Grant agreement submitted to LGU for local authorization. Tracking of grant agreement initialized. Grantee eligibility checked.

10. Oversight of LGUs' Workplan Development and Approvals.
    BWSR staff work with LGUs to develop, enter, and approve their local workplans in eLINK.

11. Grant Agreements Processing and Executions.
    Grant Agreements are processed in the Central Office and payments transferred to LGU. Grantee eligibility certified.

12. BWSR staff Implementation Oversight.
    BWSR staff work with grantee during program implementation to guide and direct LGUs during grant program implementation.

13. BWSR Report Development and Reviews.
    BWSR staff guide and consult LGUs in preparing reports to show accomplishments and a proper accounting of expenditures.

14. IT Reporting Compilations/Summaries/Mapping.
    BWSR IT staff compile grant program data into summaries and maps of outcomes and measurements.

15. BWSR staff Close-Outs/Audits.
    BWSR staff conduct on-site grant program closeouts to ensure proper state and local administration of grant funds according to statute, rule, and policies.

Board Resolution # 09-75

Grants Administration Initiative

WHEREAS, in FY 2009 the Minnesota Board of Water and Soil Resources (BWSR) administered 18 different grant programs and 1600 separate grant allocations and seeks to improve and increase the administrative efficiency of grant programs for state and local governments, and;

WHEREAS, in addition to BWSR general fund programs such as the Natural Resources Block Grant and SWCD General Services Grants, the BWSR has received an increased number of annual grant allocations and a significant increase in grant program funding through the Clean Water Amendment funds, and;

WHEREAS, BWSR grant programs are increasingly diverse in their purpose and awarded to increasingly diverse potential grantees, while also subject to greater expectations to minimize administrative costs and provide detailed project outcome data, and;

WHEREAS, the BWSR has evaluated the Washington State process as a model for the dual purpose of streamlining grant administration and providing a "front-load" project list for legislative requests, and;

WHEREAS, the BWSR Grants Program and Policy Committee approved the Grants Allocation Initiative Workplan on August 25, 2009 with the following milestones:

Competitive Grants Process (FY 10)

a) Board Grants Program & Policy Committee requested to approve initiative on August 25, 2009.
b) BWSR approval of initiative requested on September 23, 2009.
c) RFP announced October 15, 2009.
d) Board Grants Program & Policy Committee requested to approve funding recommendation in January 2010.
e) BWSR requested to approve funding recommendation on January 27, 2010.

Non-Competitive Grants Process (FY 11)

a) Board Grants Program & Policy Committee requested to approve initiative in April 2010.
b) BWSR approval of initiative requested on May 26, 2010.
c) Board Grants Program & Policy Committee requested to approve funding recommendation in May 2010.
d) BWSR requested to approve funding recommendation on June 23, 2010.

NOW THEREFORE BE IT RESOLVED, the Board hereby adopts the Grants Allocation Initiative milestones that includes the proposed schedule and grant making processes.

Randy Kramer, Chair
Board of Water and Soil Resources

Date: 9/23/09

Minnesota Board of Water & Soil Resources

FY 2010
Clean Water Fund - Competitive RFP

Clean Water Fund Program Categories

Agency Fund	FY10 Amount	Governmental Units Eligible for Funding	Required Match
BWSR Runoff Reduction Grants	$2,460,000	Watershed Districts, WMOs	25%
BWSR Clean Water Assistance Grant	$2,650,000	SWCDs, Watershed Districts, WMOs, Counties	25%
BWSR Feedlot Water Quality Management Grant	$2,510,363	SWCDs, Watershed Districts, WMOs, Counties, Cities, and JPBs of these organizations	25%
BWSR Shoreland Improvement Grants	$1,400,000	SWCDs, Watershed Districts, WMOs, Counties, Cities, and JPBs of these organizations	25%
BWSR Conservation Drainage Advancement Grants	$200,000	SWCDs, Watershed Districts, WMOs, Counties, and JPBs of these organizations	25%
MPCA SSTS Inventory Grants	$350,000	Counties	50%
BWSR Imminent Health Threat Abatement	$800,000	Counties	
BWSR SSTS Program Enhancement Grants	$872,230	Counties	
MDA Clean Water Ag BMP	$1,800,000	Eligible AgBMP Loan authorities	
Total	**$13,043,063**		

General Fund Program Categories

Agency Fund	FY10 Amount	Governmental Units Eligible for Funding	Required Match
Native Buffer Cost Share	$900,000	SWCDs	25%
Cooperative Weed Management	$100,000	SWCDs	25%
Total	**$1,000,000**		

	General Fund Omnibus Appropriation Budget	FY 2010						
Working Fund Titles (subject to revision)	**Fund Description**	**MAPS Funding Codes**	**Total Appropriation**	**BWSR Admin (MAPS C12)**	**MCC**	**Targeted Appropriations**	**Competitive Grants**	**Funding Available for Grants and Target Appr.**
15) Native Buffer Cost-Share	Grants for cost-sharing up to 75% to establish and maintain diverse native vegetation by planting vegetation or sowing seed that originates from as close to the project site as possible and preferably of the local ecotype region, while protecting existing native prairies from genetic contamination.	CSV	$ 900,000	$ -	$ -	$ -	$ 900,000	$ 900,000
16) Feedlot Water Quality Grants	Feedlot Water Quality Improvement Grants-Under 300 animal units where there are impaired waters.	FDL	$ 500,000	$ -	$ -		$ 500,000	$ 500,000
17) Cooperative Weed Management	Focused on natural lands (public or private land with a dominance of native vegetation) or lands enrolled in state and/or federal conservation programs. Other priority areas can also be addressed.	CSM	$ 200,000	$ -	$ -	$ 100,000	$ 100,000	$ 200,000
18) Drainage Records Modernization	Grants to Drainage Authorities to modernize drainage records	DA3	$ 200,000		$ -	$ 200,000	$ -	$ 200,000
Totals Omnibus Appropriation			**$ 1,800,000**	$ -	$ -	$ 300,000	$ 1,500,000	$ 1,800,000
Total of CWF & Omnibus Appropriations			**$ 20,505,000**	$ 816,000	$ 500,000	$ 7,309,000	$ 11,880,000	$ 19,189,000

Working Fund Titles (subject to revision)	**FY08-09 CWL Carry-Over Funds Budget**	**MAPS Funding Codes**	**Carry Funds**	**BWSR Admin (MAPS C12)**	**MCC**	**Targeted Appropriations**	**Competitive Grants**	**Funding Available for Grants and Target Appr.**
SSTS	FY08 SSTS funds that have been returned or carried over.	CW4	$ 2,230.00	$ -	$ -	$ -	$ 2,230.00	$ 2,230
22) Feedlot Water Quality Management Grants	Carryover feedlot grant funds.	CW8	$ 10,833.00	$ -	$ -	$ -	$ 10,833.00	$ 10,833
	Totals		$ 13,063.00		$ -	$ -	$ 13,063	$ 13,063.00

Working Fund Titles (subject to revision)	**FY10-11 MPCA Interagency Transfer Budget**	**MAPS Funding Codes**	**Total Appropriation**	**BWSR Admin (MAPS C12)**	**MCC**	**Targeted Appropriations**	**Competitive Grants**	**Funding Available for Grants and Target Appr.**
24) SSTS Inventory	SSTS Inventory funds that will be paired with BWSR funds (FUND C10) for competitive grants.		$ 350,000	$ -	$ -	$ -	$ 350,000	$ 350,000
	Totals		**$ 350,000**	$ -	$ -	$ -	$ 350,000	$ 350,000

Total Budget: CWF, General Fund, CWL Carryover, and MPCA Interagency Transfers		**$ 20,868,063**	$ 816,000	$ 500,000	$ 7,309,000	$ 12,243,063	$ 19,552,063

State Fiscal Year 2010 Clean Water and General Fund Competitive Grant Funds

	Clean Water Fund: HF 1231 Section 6 Budget	FY 2010						
Working Fund Titles (subject to revision)	Fund Description	MAPS Funding Codes	Total Appropriation	BWSR Admin (MAPS C12/C08)	MCC	Targeted Appropriations	Competitive Grants	Funding Available for Grants and Target Appr.
1) Clean Water Corridor Easements	Purchase and restore permanent conservation easements on riparian buffers adjacent to public waters, except wetlands. Buffers must be at least 50 ft where possible and no more than 100 ft. May be used for restoration of riparian buffers and stream bank restoration	C01	$ 3,250,000	$ 163,000	$ -	$ 3,087,000	$ -	$ 3,087,000
2) Runoff Reduction Grants	Structural & vegetative practices to reduce stormwater runoff, retain water on the land and infiltration practices. Grants to WDs and WMOs	C03	$ 2,800,000	$ 140,000	$200,000	$ -	$ 2,460,000	$ 2,460,000
3) Clean Water Assistance Grants	Non-point source reduction and restoration grants to WDs, WMOs SWCDs and Counties to keep water on the land, and to protect, enhance and restore water quality in lakes rivers and streams and to protect groundwater and drinking water.	C04	$ 3,000,000	$ 150,000	$200,000	$ -	$ 2,650,000	$ 2,650,000
4) Metropolitan Landscape Project Grant	Metropolitan landscape restoration project for water quality and improvement projects. Grant to Anoka County as Fiscal Agent.	C05	$ 400,000	$ -		$ 400,000	$ -	$ 400,000
5) Drinking Water Protection Easements	Permanent conservation easements on Wellhead Protection Areas	C02	$ 1,000,000	$ -	$ -	$ 1,000,000	$ -	$ 1,000,000
6) Feedlot Water Quality Management Grants	Feedlot Water Quality Management Grants-Under 300 animal units in riparian areas	C06	$ 2,000,000	$ -		$ -	$ 2,000,000	$ 2,000,000
7) Shoreland Improvement Grants	Grants to implement streambank, stream channel and shoreline protection and restoration grants for water quality	C07	$ 1,500,000	$ -	$100,000		$ 1,400,000	$ 1,400,000
8) Conservation Drainage Grants	Conservation Drainage program in consultation with the DWG	C07	$ 330,000	$ -		$ 130,000	$ 200,000	$ 330,000
9) Hennepin County Stream Stabilization Grants	Grant for riparian restoration and stream bank stabilization in the 10 primary stream systems in Hennepin County. County will work with WDs and WMOs to identify and prioritize projects. To the extent possible, county shall employ youth through MCC and Tree Trust. Must be matched by non-state sources, including in-kind contributions.	C07	$ 500,000	$ -	$ -	$ 500,000	$ -	$ 500,000
10) BWSR Oversight	State oversight, support and accountability reporting	C08	$ 275,000	$ 275,000			$ -	$ -
11) Targeted Technical Resources Grants	Targeted non-point restoration technical assistance and engineering	C09	$ 1,250,000	$ 88,000		$ 1,162,000	$ -	$ 1,162,000
12) SSTS Program Enhancement Grants	Grants to Counties to implement SSTS programs including inventories, enforcement, databases and systems to insure SSTS maintenance reporting programs. Counties must abide by MS 115.55 Sec 2.	C10	$ 870,000	$ -			$ 870,000	$ 870,000
13) SSTS Base Program Enhancement	Grants to counties through the NRBG.	C10	$ 730,000	$ -		$ 730,000	$ -	$ 730,000
14) Imminent Health Threat Abatement	Grants to address imminent health threat and failing SSTS systems	C11	$ 800,000	$ -			$ 800,000	$ 800,000
			$ 18,705,000	$ 816,000	$500,000	$ 7,009,000	$ 10,380,000	$ 17,389,000

Legend
Easements
Other Targeted Funds

FY '10 Clean Water Fund Grants Policy

1.0 Purpose

The Clean Water Fund was established to implement part of Article XI, Section 15, of the Minnesota Constitution, with the purpose of protecting, enhancing, and restoring water quality in lakes, rivers, and streams in addition to protecting groundwater and drinking water sources from degradation. The purpose of this policy is to provide clear expectations for implementation of funds appropriated to BWSR associated with Clean Water Fund (CWF) grants.

BWSR will use grant agreements as contracts for assurance of deliverables and compliance with appropriate statutes, rules and established policies. Willful or negligent disregard of relevant statutes, rules and policies may lead to imposition of financial penalties on the grant recipient.

2.0 Eligible Activities

Policy. The primary purpose of activities funded with grants associated with the Clean Water Fund 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 (LGUs) are eligible to receive grant funds if they are working under a current state approved, locally adopted water management plan. All activities must be consistent with an approved TMDL implementation plan, or a current watershed management plan, county comprehensive local water management plan, metro groundwater plan, surface water intake plan or well head protection 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. Operation and maintenance for the life of the structural practice is included with the design standards, and
3. An inspection schedule and procedure shall be included as a component of maintaining the effectiveness of the practice.

3.0 Incentive Payments

Policy. Incentives using CWF dollars may be used to encourage landowners to install structural practices or to adopt land management practices that improve or protect water quality. Incentive payments should be reasonable and justifiable, supported by LGU policy, consistent with prevailing local conditions, and must be associated with established practices.

4.0 Financial Assistance for Structural Practices

Policy. Consistent with MS 114D.20, Subd 6 (3), priority consideration shall be given to projects that: "most effectively leverage other sources of restoration funding, including federal, state, local, and private sources of funds." An overall 25% local match is required for CWF grants. Additional funds

that can be secured toward project activities will be considered as a ranking criterion. In order to encourage long-term operation and maintenance of structural practices, matching cash or in-kind cash value provided by the landowner, land occupier, or other source at a rate acceptable to the LGU may be used to match CWF grants for practice installation.

5.0 Local Administration/Reporting of Grant Outcomes

Policy. There are required local reporting requirements identified in the CWF appropriation including web publishing. Up to 5% of the CWF grant may be used for local grant administration and reporting costs.

6.0 Technical and Engineering Components of Projects

Policy. In order to develop, install and inspect projects, technical and engineering (TE) expertise is required. With the emphasis of the CWF shifting to an outcome-based analysis, comparisons of project outcomes to total project costs is relevant. The total cost of TE components of CWF projects is included in the total project cost.

7.0 Grant Administration

Policy. LGUs have both the authority and responsibility to approve expenditure of funds within their own organization.

1. 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 reached before administration of the CWF grant begins.
3. Grant reporting, fiscal management, 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 CWF requirements. BWSR recommends all contracts be reviewed by the LGU's legal counsel.

8.0 Technical Expertise

Policy. LGUs have the responsibility to ensure that the designated staff for a project has the appropriate technical expertise, skills, and training.

1. BWSR reserves the right to review the qualifications of all persons providing technical assistance to the project.
2. Successful grant applicants will be required to complete a work plan, including an element that describes how the LGU will ensure that the technical staff has the appropriate skills, training or credentials.

3. BWSR staff will review and approve the workplan. If necessary, workplan adjustments may be made prior to final workplan approval.

9.0 Structural Practice Construction and Sign-Off

1. The LGU shall verify that the practice was properly installed and completed according to the plans and specifications, including technically approved modifications, prior to authorization for payment.

10.0 Post Construction and Follow Up Activities

Policy. It is necessary to follow up on practices once they have been installed by conducting periodic site inspections, therefore, an operation and maintenance plan tailored to fit the conservation practice and the site where it is located shall be developed. 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.

LGUs shall assure that the operation and maintenance plan is being followed and that the practices have not been altered or removed.

11.0 Project Close Out and Reporting Requirements

BWSR staff are authorized to develop grant agreements, including requirements and processes for fiscal closeouts, and project outcomes reporting.

12.0 BWSR Program Close-out Procedures

Policy. BWSR staff will review at least 10% of CWF grant agreements in detail for compliance with contractual requirements on an annual basis.

1. Elements described in the project workplan will be reviewed in the program close-out.

2. Project files for CWF 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.

Clean Water Fund (CWF) and Competitive Grants Implementation Time-Line:

- **September 23, 2009**: BWSR authorizes the FY '10 CWF and Competitive Grants Program
- **September 29-30, 2009**: BWSR staff briefed on roll-out of Program at Field Staff Meeting
- **October 2009**: Outreach meetings with LGUs
- **October 15, 2009**: Grant application period opens
- **October 15, 2009**: TMDL implementation plans needed to be approved by MPCA for new TMDLs. A current watershed management plan, county comprehensive local water management plan, metro groundwater plan, surface water intake plan or well head protection plan must be state approved and locally adopted.
- **November 1, 2009**: BWSR Academy with additional outreach on CWF and Competitive Grants Program
- **December 1, 2009**: Grant application period closes
- **December 2009**: Interagency team planning meeting to process applications
- **January 7, 2010**: Applications scored and ranked by Interagency Team (comprised of MDA, MPCA, DNR, and BWSR staff) using evaluation criteria adopted by the Board. Funding recommendation forwarded to SMT.
- **January 14, 2010**: SMT forwards funding recommendation to GP & PC
- **January 20 or 21, 2010**: GP& PC forwards funding recommendation to Board s
- **January 27, 2010**: Board requested to approve funding recommendation
- **February 2010**: Grant agreements issued to successful applicants
- **April 30, 2010**: Project work plans due to BWSR

Board Resolution # 09-76

FY 2010 CLEAN WATER FUND AND COMPETIVE GRANTS PROGRAM: POLICY AND REQUEST FOR PROPOSALS

WHEREAS, Governor Pawlenty signed the legislation creating the Clean Water Fund (CWF) into law on May 22nd, 2009; and,

WHEREAS, the Laws of Minnesota 2009, Chapter 172, Section 6, appropriated CWF to the BWSR; and,

WHEREAS, the MPCA, through interagency transfer, will provide $450,000 in subsurface sewage treatment system general fund grants to BWSR; and,

WHEREAS, FY 2008 and 2009 Clean Water Legacy carry-over funds are available to be incorporated into the FY 2010 Competitive Grant Program; and,

WHEREAS, the Laws of Minnesota 2009, Chapter 37, Section 5, appropriated funds to BWSR for Feedlot Water Quality Grants, Cooperative Weed Management Programs, and Maintaining Riparian Vegetation Buffers; and,

WHEREAS, the Board has authority under Minn. Stat. 103B.3369 to make grants to cities, townships, counties, soil and water conservation districts, watershed districts, joint powers organizations, and other special purpose districts or authorities with jurisdiction in water and related land resources management when a proposed project or activity implements a county water plan, a watershed management plan, or county groundwater plan; and,

WHEREAS, the BWSR previously endorsed an inter-agency granting strategy, with representation from, the MN Department of Agriculture, the Department of Natural Resources, the Pollution Control Agency, the Department of Health, and the Board of Water and Soil Resources with the goal of coordinating non-point restoration, protection and enhancement strategies and programs funded by the CWF and traditional sources.

NOW THEREFORE BE IT RESOLVED, the BWSR hereby:

1. Authorizes staff to finalize, distribute and promote an RFP for the Clean Water Fund and Competitive Grants Program consistent with the provisions of M.S. 103B.3369; and,
2. Adopts the attached Clean Water Fund and Competitive Grants Implementation Timeline; and,
3. Adopts the attached FY '10 Clean Water Fund Grants Implementation Policy; and,
4. Adopts the following project proposal evaluation criteria:
    - The relationship of the proposed implementation activities to specific TMDL Implementation Plans or Comprehensive Local Water Management Plans.
    - The measurable results and estimated effect of the implementation activities on pollutant reduction and the relationship of the project to the TMDL load allocation or water quality trend.
    - The multi-benefits of proposed projects.
    - The level of non-state matching funds or in-kind cash value contributions.
    - Measures taken to evaluate the effectiveness of the project.

- The "readiness to proceed" for the conservation practices or project elements that can be accomplished during the first year after allocations are received.
- The level of project partner's coordination, cooperation, and community support for the project.
- Projects proven to be successful in prior or similar circumstances.
- The level of project partners' project management expertise and experience.
- Projects or activities identified as priority actions with drinking water protection plans; including groundwater plans, wellhead protection plans and source water protections plans.
- All applicants must have an approved TMDL implementation plan, or a current watershed management plan, county comprehensive local water management plan, metro groundwater plan, surface water intake plan, or well head protection plan, that has been state approved and locally adopted.

Date: 9/23/09

Randy Kramer, Chair
Board of Water and Soil Resources

Attachments: Clean Water Fund and Competitive Grants Implementation Timeline
FY '10 Clean Water Fund Grants Implementation Policy

Board Resolution # 09-77

Krusmark's Farmed Cervidae Shooting Preserve
RIM Reserve Easement Release

WHEREAS William D. Krusmark and Jean M. Krusmark, husband and wife, purchased approximately 130 acres of land in Wabasha County located in Section 21, Twp. 110N, Range 12W, in June, 1996;

WHEREAS William and Jean Krusmark enrolled 39.1 acres of eligible land in to a perpetual RIM Reserve conservation easement (ID number 79-04-96-01) in Wabasha county located in Section 21, Twp. 110N, Range 12W which was recorded on March 18, 1998;

WHEREAS the State of Minnesota paid $26,015.19 for this perpetual RIM Reserve easement;

WHEREAS The Wabasha Soil and Water Conservation District (SWCD) administers the Reinvest In Minnesota (RIM) Reserve Program in Wabasha county on behalf of the Minnesota Board of Water and Soil Resources (BWSR) and the State of Minnesota;

WHEREAS William Krusmark contacted the Wabasha SWCD in September 2005 about the possibility of allowing private hunts of deer and elk on his RIM Reserve easement and erecting a perimeter fence that would follow a portion of the easement boundary along his east property line;

WHEREAS the Wabasha SWCD staff advised William Krusmark that it would be allowable to erect a perimeter fence as long as the fence did not cross the easement parcel and the deer and elk were not allowed to graze on the easement parcel;

WHEREAS William and Jean Krusmark are licensed by the Minnesota Board of Animal Health as a farmed cervidae operation under Minnesota Statutes, Sections 17.452, 35.153 and 35.155 with premises/license numbers MN38044 and MN41833;

WHEREAS a portion of the RIM Reserve easement (33.9 acres) is currently contained within the confines of a larger perimeter fenced area (approximately 70 acres) now used for the commercial hunting that occurs on the operation known as *Buck Ridge Whitetail and Preserve*;

WHEREAS commercial big-game shooting preserves are not regulated in Minnesota other than by the Minnesota Board of Animal Health, which issues permits to raise farmed cervidae;

WHEREAS farmed cervidae are considered agricultural livestock by Minnesota Statute Section 17.452;

WHEREAS to legally operate *Buck Ridge Whitetail and Preserve,* William and Jean Krusmark need a conditional use permit (CUP) from Wabasha County which is subject to a public process that will require a rezoning decision for this property from an A-3 Ag Low Density to A-1 Ag Protection district;

WHEREAS Wabasha County Planning and Zoning requires notification of landowners near the proposed rezoning area which triggered an adjacent landowner to contact BWSR staff regarding the legality of a commercial big game shooting preserve located on the RIM Reserve easement;

WHEREAS the RIM Reserve easement does not allow the grazing of livestock and MS 17.452 considers farmed cervidae livestock;

WHEREAS the Krusmark's release farmed cervidae for the purposes of a commercial big game shooting preserve inside the enclosed fenced area, which includes approximately 33.9 acres of the RIM Reserve easement;

WHEREAS farmed cervidae are released for a period of one to three days before harvesting during which time the farmed cervidae have access to the RIM Reserve easement within the larger fenced area on the Krusmark property;

WHEREAS the BWSR has previously denied requests from landowners and SWCDs on the basis that farmed cervidae are livestock, and when released onto the RIM Reserve easement constitutes grazing, which is prohibited unless specifically authorized as part of a conservation management plan;

WHEREAS the Krusmark's were told by the Wabasha SWCD staff that this activity would be allowable and they subsequently invested significant resources in building the perimeter fence which contains 33.9 acres of the RIM Reserve easement;

WHEREAS the RIM Reserve Management Planning Committee (RRMPC) is unanimously recommending to the BWSR that they authorize staff, along with the Attorney General's Office, to negotiate with the Krusmark's a release of the RIM Reserve easement contingent upon:

1) a recorded permanent conservation deed restriction on the easement acres which would prevent future development or annual row-cropping agriculture activities on those acres formerly located in the RIM Reserve easement; and,

2) repayment from the Krusmark's to the State of Minnesota in the amount of $26,015.19 which equals the original RIM Reserve easement payment to the Krusmark's; and

3) approval of the terms and conditions of the deed restriction described in (1) above by the Chair of the BWSR and the Chair of the RRMPC, and receipt of funds noted in (2) above;

NOW, THEREFORE, BE IT RESOLVED THAT, the Board of Water and Soil Resources authorizes staff, in consultation with the Attorney General's Office, to implement the above-described actions to terminate RIM Reserve easement ID number 79-04-96-01 as recommended by the RRMPC, on behalf of the BWSR.

Randy Kramer, Chair
Minnesota Board of Water and Soil Resources

9/23/09
Date

BWSR Meeting Date 9/23/09

Motion: Krusmark Farmed Cervidae

Moved by: Paul Brutlag

Seconded by: Paul Langseth

	Affirmative	Opposed
Gordy Behm	✓	—
Paul Brutlag	✓	—
Bob Burandt	✓	—
Quentin Fairbanks	✓	—
Rebecca Flood	✓	—
Christy Jo Fogarty	✓	—
Sandy Hooker	✓	—
Larry Kramka	✓	—
Paul Langseth	✓	—
Tom Loveall	—	✓
~~*Joe Martin*~~ Rob Sip	✓	—
John Meyer	✓	—
~~*Keith Mykleseth*~~	—	—
Brian Napstad	—	✓
Faye Sleeper	✓	—
Louise Smallidge	✓	—
Gene Tiedemann	✓	—
LuAnn Tolliver	—	✓
~~*John Line Stine*~~*/Dan Wilson*	✓	—
Randy Kramer	✓	—
H: roll-call vote	16	3

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

Mississippi River Basin Healthy Watersheds Initiative

USDA NRCS
United States Department of Agriculture
Natural Resources Conservation Service

Helping People Help the Land

www.nrcs.usda.gov

Overview

To improve the health of the Mississippi River Basin, including water quality and wildlife habitat, the USDA-Natural Resources Conservation Service is developing a new initiative. Through the Mississippi River Basin Healthy Watersheds Initiative (MRBI), NRCS and its partners will work with producers in selected watersheds to help them voluntarily implement conservation practices which avoid, control and trap nutrient runoff, improve wildlife habitat, and maintain agricultural productivity.

These improvements will be accomplished through a conservation systems approach to manage and optimize nitrogen (N) and phosphorous (P) within fields to minimize runoff and reduce downstream nutrient loading. NRCS will provide producers assistance with a system of practices that will control soil erosion, improve soil quality, and provide wildlife habitat while managing runoff and drainage water for improved water quality.

Through the Cooperative Conservation Partnership Initiative (CCPI), the Wetlands Reserve Enhancement Program (WREP), Conservation Innovation Grants (CIG), and other programs, the Initiative will build on the past efforts of producers, NRCS, partners and other state and federal agencies in the 12-state Initiative area to address nutrient loading in the Mississippi River Basin. Nutrient loading contributes to both local water quality problems and the Hypoxic Zone in the Gulf of Mexico. The 12 participating states are Arkansas, Kentucky, Illinois, Indiana, Iowa, Louisiana, Minnesota, Mississippi, Missouri, Ohio, Tennessee and Wisconsin.

NRCS will offer this Initiative through the life of the 2008 Farm Bill and will dedicate at least $80 million in each of fiscal years (FY) 2010-2013, in addition to other Federal, State and partner funding and the contributions of producers.

The $80 million will be in addition to regular program funding in the 12 Initiative states.

NRCS MRBI Funding *(in millions of dollars)*

	FY 10	FY 11	FY 12	FY 13
CCPI	$50	$50	$50	$50
WREP	$25	$25	$25	$25
CIG	$5	$5	$5	$5
Total	$80	$80	$80	$80

How Will MRBI Work?

Step One: Watershed Selection

The first step will be to select the participating watersheds in the fall of 2009. State Technical Committee members will provide input on the conservation objectives to be achieved in the focus areas. Each state will select up to three 8-digit Hydrologic Unit Area watersheds, known as focus areas, for the MRBI. When making these selections, states will consider future growth opportunities and providing opportunities for maximum program participation. States will use a consistent watershed evaluation process including the following information:

- Conservation Effects Assessment Project (CEAP) data.
- Spatially Referenced Regression On Watershed (SPARROW) Attributes, which is a statistically based USGS modeling approach that attempts to explain in-stream measures of water quality in relation to upstream sources.
- State-level nutrient reduction strategy and priorities.
- State-level water quality data.
- Monitoring and modeling of N and P management in the watershed.

NRCS will work to ensure applied conservation will have a measurable effect on water quality nutrient issues at the edge of farm fields.

USDA is an equal opportunity provider and employer.

12 Participating States

Arkansas	Minnesota
Illinois	Mississippi
Indiana	Missouri
Iowa	Ohio
Kentucky	Tennessee
Louisiana	Wisconsin

Example Focus Area with Selected CCPI Proposals

Step Two: Selecting Cooperative Conservation Partnership Initiative (CCPI) Proposals

Using CCPI as the foundation for this Initiative facilitates leveraging the investment from non-Federal sources and ensures coordination of NRCS efforts with other Federal, State, tribal, and local efforts. CCPI offers a statutory (2008 Farm Bill) funding mechanism for targeting resources on a watershed basis across three programs; the Environmental Quality Incentives Program (EQIP), the Wildlife Habitat Incentive Program (WHIP), and the Conservation Stewardship Program (CSP).

The advantages of using CCPI as the principal delivery vehicle include:

- Targets three programs in a competitive approach to critical watersheds.
- Leverages partner contributions and solicits for them competitively through the Request for Proposals (RFP).
- Allows the introduction of flexibilities not inherent in each program's normal delivery and operations.

Implementation

Early in FY 2010, NRCS will issue a CCPI Request for Proposals (RFPs) specific to the MRBI and the 12 participating states. The CCPI RFP will provide for up to $50 million dollars of financial assistance in FY 2010 toward the implementation of conservation practices in at least one watershed per State.

The $50 million in CCPI dedicated to the MRBI will not be counted toward the 6% of set aside funds or acres required of States for CCPI; it will be over and above the 6% and used for the sole purpose of the MRBI. The RFP will allow for 20% of the $50 million to be managed at the national level for projects that are multi-state. The remaining 80% of the $50 million will be managed at the state level to maximize flexibility in implementing conservation systems specific to different regions.

This $50 million increase may only be used to address MRBI-related CCPI agreements.

The RFP will allow for partners to submit proposals within each State's focus areas. The proposals will receive a higher ranking score if they are offered on the 12-digit HUC (10,000 to 40,000 acre) scale. This will allow for multiple proposals to compete within the larger focus area, creating more opportunity for applicants. Proposals on this smaller scale will also allow for the applied practices to provide for a concentrated effect and offer a better opportunity to measure Initiative outcomes.

Proposals with watersheds limited to one state will be submitted to the appropriate State Conservationist. Proposals with watersheds that cross state lines will be submitted to the NRCS Chief.

Conservation Practices

The Initiative will emphasize a "systems approach" to address water quality resource concerns. A cornerstone of this approach is to use screening and ranking systems to focus program support to producers who agree to implement a system of practices that has been determined to address specific high priority resource concerns in selected watersheds.

AVOIDING- Cover Crops

CONTROLLING - No-Till

TRAPPING - Wetlands

CORE CONSERVATION PRACTICES	
Practice Code*	Practice Name
AVOIDING	
328[a]	Conservation Crop Rotation
340	Cover Crop
590[b]	Nutrient Management
CONTROLLING	
329	Residue & Tillage Management
330	Contouring
345	Residue & Tillage Management
346	Residue & Tillage Management
412	Grassed Waterway
554	Drainage Water Management
585	Stripcropping
600	Terrace
635	Wastewater Treatment Strip
TRAPPING	
332	Contour Buffer Strips
390	Riparian Herbaceous Cover
391	Riparian Forest Buffer
393	Filter Strip
601	Vegetative Barriers
656	Constructed Wetland
657	Wetland Restoration
658	Wetland Creation
659	Wetland Enhancement
747	Denitrifying Bioreactor

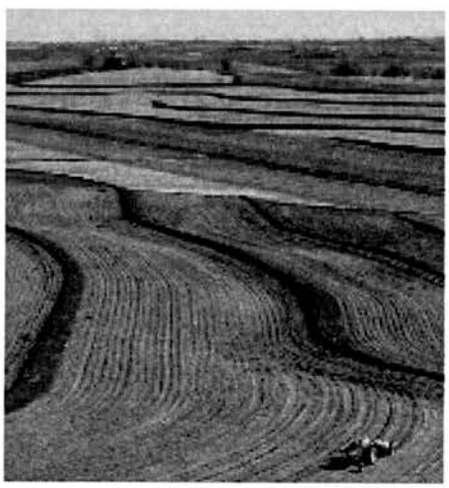
SUPPORTING CONSERVATION PRACTICES	
AVOIDING	
313	Waste Storage Facility
317	Composting Facility
327	Conservation Cover
381	Silvopasture Establishment
382[c]	Fence
472	Access Control
511	Forage Harvest Management
512	Pasture & Hayland Planting
528	Prescribed Grazing
558[d]	Roof Runoff Structure
561	Heavy Use Area Protection
612	Tree & Shrub Planting
632	Solid/Liquid Waste Separation Facility
633	Waste Utilization
634	Waste Transfer
646	Shallow Water Management
CONTROLLING	
324	Deep Tillage
342[e]	Critical Area Planting
362	Diversion
386	Field Border
410	Grade Stabilization Structure
447	Tailwater Recovery
449	Irrigation Water Management
484	Mulching
533	Pumping Plant
587	Structure for Water Control
606	Subsurface Drainage
607	Surface Drainage
620[f]	Underground Outlet
638	Water & Sediment Control Basin
430[g]	Irrigation Water Conveyance, Pipeline

TRAPPING	
342	Critical Area Planting
350	Sediment Basin
356	Dike
410	Grade Stabilization Structure
533	Pumping Plant
587	Structure for Water Control
638	Water & Sediment Control Basin

a. Must add at least 3rd crop to the rotation.
b. Fall application will give lowest ranking.
c. Only for use with 512, 528, and 511.
d. Only for use with 313, 317, 561, 632, 634 and 633.
e. As a component of wetlands, construction, or earth-disturbing practice.
f. As a supplement to terraces and sediment basins.
g. In conjunction with 634 (waste transfer).

* Practice codes relate to the NRCS Field Office Technical Guide (National Conservation Practice Handbook).

NOTE:
Water management practices, such as underground outlets, will be used in combination with proper water filtering to ensure nutrient trapping.



Instead of addressing one aspect of a resource concern by implementing one practice, participants will implement a system of practices; that is, multiple practices and management techniques that work together to address the P and N generated from agricultural runoff. The nationally-approved practices selected for this Initiative will address priority resource concerns using general methods of avoiding, trapping, and controlling pollutants. Used together these three methods will address the entire nutrient system. NRCS has approved a number of core and supporting practices (see table on page 2) to be included in the Initiative. These practice options will allow flexibility for producers in different States and/or with different types of agricultural operations while focusing resource and technological solutions on the primary goals of minimizing runoff and leaching, and reducing downstream nutrient loads.

Practice Selection Process

A team of NRCS technical specialists worked together to create the list of core practices that are the most important in reducing downstream loading of P and N in the Mississippi River Basin. State Conservationists were then asked to recommend supporting practices that would address the primary water quality concerns most effectively and efficiently within their State. NRCS technical specialists then reviewed and approved both the core and supporting practices, taking into consideration which practices would be the most effective at managing nutrients within fields to minimize runoff and loading of P and N to water bodies.

Ranking

To ensure efforts are targeted toward areas that will provide the greatest impact on nutrient runoff and leaching in the Mississippi River Basin, different ranking criteria for selecting proposed watersheds within States as well as criteria for choosing proposals will be advertised and adopted. The following ranking suggestions are general, and will require further refinement by each individual State.

Selecting Watersheds Within States

NRCS will give special consideration to proposed watersheds within States that will have the largest impact on reducing downstream nutrient loads, including:

- Proposals that show the greatest promise for delivering applied conservation within the watershed focus areas as defined in step one.
- Proposals that target a 12-digit HUC watershed, or smaller, within the focus areas (the 8-digit watersheds chosen by States) and that leverage the non-Federal financial and technical resources that are coordinated with local, State, or Federal efforts.
- Proposals that will conduct work within a watershed that has an existing monitoring system to measure practice implementation outcomes.

Selecting Proposals

Although NRCS will not require a specific number of the approved core practices to be included in proposals, a higher priority will be assigned to proposals that will result in application of these core practices in a systems approach. NRCS will further develop scenarios to make practices more effective. The following items concerning practices may cause a proposal to be ranked higher than others:

- A proposal that includes multiple core practices selected from each of these categories: avoiding, controlling, and trapping.
- A proposal to implement one practice that will complete a system (i.e. one practice from each category) or will put additions onto a completed system.
- A proposal that includes drainage water management practices for land that is drained.

Payments

Payments through CCPI are for implementation of core and supporting conservation practices approved in the Field Office Technical Guide that assist the producer in meeting the goals of the MRBI. Payments are not authorized for activities or practice components which are solely production related and are not linked to an identified resource concern. Payments will be based on payment schedules for eligible conservation practices.

Payment schedules are based on the estimated cost incurred in performing or im-

plementing conservation practices and/or the estimated income forgone by the producer. Forgone income includes the annual net income lost from a change in land use, or land taken out of production, or the opportunity cost of accepting less farm income in exchange for improved resource conditions resulting from the practice. Forgone income may be a one-time cost during the installation year, or may be an annual cost occurring after the installation year, such as taking land out of production.

Payment schedules documenting payment rates for the MRBI will be reasonably consistent across State lines, and States will coordinate the development of cost data for payment schedules for practices offered across State boundaries.

Payment schedules may account for the acquisition of technical knowledge associated with conservation implementation. This would include cash expenditures to obtain direct technical assistance, over and above what NRCS (or a similar) agency would typically provide. These expenditures could include costs to the land manager of acquiring technical knowledge, through an educational course, to operate, manage, or maintain a practice or activity that is "new" to the producer. These costs may also include hiring a technical consultant or specialist to assist in implementing the conservation practice.

Step Three: Additional Program Application

At this point in the process there exists a clearly defined watershed supported by local and State partners through an established program and agreement with NRCS. NRCS will now seek addition program opportunities to support the Initiative, including WREP and CIG.

Wetlands Reserve Enhancement Program (WREP): WREP allows NRCS to enter into agreements with a state, non-government organization (NGO), or Tribe to carry out special projects that will advance the restoration, protection, or enhancement of wetlands on private and/or Tribal lands.

WREP will operate through a Request for Proposals in the Federal Register, much like CCPI. Proposals will be submitted to the appropriate State Conservationist for initial review, and recommended proposals will be provided to the Chief by the State Conservationists for nationwide ranking and final selection.

The WREP will offer opportunities for the restoration of wetland ecosystems. These wetlands can be used to filter surface waters near the watershed outlets, while providing additional resource benefits such as wildlife habitat.

WREP will facilitate opportunities that are identified within the MRBI's 12 states. WREP also provides an opportunity for implementing a reserved rights pilot, as authorized by the statute. Participants in the reserved rights pilot are subject to the general eligibility and program administration requirements of WRP. However, under the reserved rights pilot, landowners who wish to reserve grazing rights in the easement deed or 30-year contract must comply with an NRCS-approved WRP Plan of Operations that includes the location, timing, intensity, frequency, and duration of grazing.

NRCS intends to compile, evaluate, and make available aggregate information acquired through its monitoring of projects enrolled through WREP in general, and the reserved rights pilot specifically, to ascertain the benefits gained through these programmatic options.

As a part of this Initiative, NRCS will provide $25 million in WREP in FY 2010-2013 in selected MRBI watersheds.

Conservation Innovation Grants (CIG): Similar to the Chesapeake Bay component of CIG, a special CIG will be designated for the MRBI with funding above and beyond CCPI and WREP. CIG affords a competitive opportunity to match funds and collaborate with non-federal agencies, NGOs, Tribes, and individuals on innovative projects (technologies and/or approaches) that will further the objectives of the Initiative. A designated funding pool of $5 million annually through FY 2013 will be established to fund innovative projects related to nutrient management, drainage water management, bio-filters, market-based approaches to conservation on a watershed scale, and other high priority

interest areas where field trials and demonstrations are needed and/or scaling up of previous proven research to a farm- or watershed-scale is desired.

Other Programs

The Conservation Stewardship Program (CSP) will also provide opportunities for agricultural producers to participate in an on-farm nutrient monitoring program as a CSP enhancement, while providing beneficial data for measuring outcomes.

In addition to NRCS programs, many other Federal, State, and local programs could be focused on the designated watersheds. This could include the Conservation Reserve Program (CRP) and EPA's 310 Program. CRP includes the Conservation Reserve Enhancement Program and various Continuous CRP options.

Step Four: Implementation

For CCPI, WREP, and CIG, implementation will extend beyond the life of the current Farm Bill. This is because funds are obligated through contracts and agreements for multiple years. The number of new watersheds added each fiscal year through FY 2013 under CCPI will depend on how much of the new $50 million each fiscal year is needed to meet prior year commitments in previously selected proposals.

Step Five: Outcome Measurement

Estimates of N and P load reductions will be required. The ability to determine the benefits of the practices applied through the MRBI is complicated by three primary factors:

- Establishing a baseline for the participating watersheds.
- The lag time between practice application and measurable results. Studies report this gap ranges from two to 15 years depending on the intensity of conservation efforts.
- The density and geographic location of acres treated, relative to the acres contributing to nutrient loading.

With a minimum of one 8-digit HUC for each of the 12 states, it is proposed that a tiered approach—at three scales utilizing a combination of monitoring data and modeled data—be used to validate estimates of benefits from the Initiative. The scales and overview of actions are described below:

Field Scale: Validate Apex Model from on-farm and/or on an existing research facility. Part of the watershed assessment activities of CEAP may contribute as will monitoring data from partners such as state water quality agencies, the Agricultural Research Service and universities.

1. Gather existing field-scale research on the effects of practices that are applied through the Initiative.
2. Establish paired-comparison studies for selected practices or systems of practices.

Small Watershed Scale: 12-digit HUC monitoring.

1. Access data from CEAP watershed studies or existing monitoring data from partners such as state water quality agencies and universities. Compare results to modeled results using APEX and SWAT.
2. Partner with USGS and other water quality monitoring entities in 12-digit HUCs to establish a loading baseline. Concentrate practice implementation sufficient to cover a significant portion of cropland acres.

Large Watershed Scale: At the 8-digit HUC where practices will be applied in a focused manner (for example, targeting the most vulnerable acres for losses), run the SWAT model with APEX model estimates for acres treated. Utilize CEAP national assessment estimates and procedures for baseline and Initiative benefits at the large scale.

It will be necessary to establish monitoring criteria within the RFP specific to the type of monitoring activities conducted, number of sites per watershed at each scale, number of times monitoring activities will occur annually, reports provided to NRCS for data collection, and various other means to track N and P reduction throughout the watershed areas.

The smaller scale benefit validation will provide the science-based support for benefit estimates at the larger scales. Much of this work has been completed by CEAP and its watershed and national assessment portions, but may need to be augmented by the above-stated activities.

Next Steps

In addition to providing input for watershed selection criteria and the processes used to implement the MRBI, partners will have a crucial role in encouraging and supporting producer participation. Partners' involvement will be key in a variety of ways, including:

- Providing information, education, and conducting outreach activities.
- Forming agreements to provide staffing for technical assistance and education.
- Assisting with monitoring, evaluation, and assessment.
- Joining the State Technical Committee to help provide input for focus area and watershed selection.
- Submitting proposals for CCPI, CIG and WREP or partnering with a group submitting a proposal.
- Targeting your agency's or organization's programs toward the Initiative's watersheds.

Specifically, interested partners at the national level are asked by September 30, 2009 to:

- Designate a point of contact for collaboration with NRCS.
- Provide NRCS a description of how it would like to collaborate (i.e., funding, technical assistance, outreach, etc.) with the MRBI.

Contact Information

Partner responses should be emailed to Thomas Christensen, Central Regional Conservationist, at thomas.christensen@wdc.usda.gov.

MINNESOTA DEPARTMENT OF AGRICULTURE

MAWRC
MINNESOTA AGRICULTURAL WATER RESOURCES COALITION

Getting Involved With the Impaired Waters Process at the Local Level: A Guide for Crop and Livestock Producers

Mission of the Minnesota Department of Agriculture

Our mission is to enhance Minnesotans' quality of life by ensuring the integrity of our food supply, the health of our environment, and the strength of our agricultural economy.

Purpose of Fact Sheet

This fact sheet was developed to discuss the involvement of crop and livestock producers in the impaired waters process at the local level. Crop and livestock producers can play an important role in working with regulatory agencies in the development of water quality studies and implementation plans for impaired waters in rural areas.

Local producers are uniquely qualified to provide first hand information and knowledge about cropping histories, land uses and water management, all of which can be a wealth of information to local and state agencies when impaired waters are being addressed within their own watersheds.

The following concepts are example ideas intended to encourage crop and livestock producers to become involved at the local level regarding impaired waters.

1. **Attend local impaired waters meetings.** Perhaps the most important thing you can do as a producer is to participate at local impaired waters meetings that are held by local and state agencies. Water quality meetings frequently focus on TMDL (Total Maximum Daily Load), a reference to the process of determining the daily amount of a pollutant a water body can receive without violating state water quality standards. Producers should be aware of local meetings where water quality or related land use issues are discussed and hosted by their county commissioners, township supervisors, watershed district, Soil and Water Conservation District (SWCD) or lakeshore association. More information on the impaired waters process in Minnesota is located at this Minnesota Pollution Control Agency (MPCA) website:
   http://www.pca.state.mn.us/water/tmdl/index.html

2. **Get involved with producer groups.** Being involved with local and state crop and livestock producer groups will help you stay informed about impaired waters and TMDLs and a variety of agricultural issues at the local, state and federal levels. The Minnesota Agricultural and Water Resources Coalition (MAWRC) was formed in 2008 to facilitate and coordinate greater producer involvement in the impaired waters process and provide water quality information to Minnesota farmers. For more information about MAWRC and coalition member organizations, visit the following website: http://www.mawrc.org/

   When your producer group has events or environmental programs, be sure to get involved. For a listing of state crop and livestock producer groups, please visit the Minnesota Agri-growth Council website:
   http://www.agrigrowth.org/members.html

3. **Join or start an agricultural advisory committee.** A committee such as this can be developed to provide guidance to local policy makers regarding impaired waters, land use, crop, livestock, feedlot and related agricultural issues. Generally, these types of committees are comprised of crop and livestock producers and individuals that represent various sectors within the agricultural community. County or regional agricultural advisory committees can be formed to address local needs. Counties that have an ag advisory committee include Kandiyohi, Otter tail and Stearns Counties. The Southeast Minnesota Ag Alliance is an example of a regional committee.

4. **Get involved with your local watershed district.** There may be opportunities for you to become involved as a member of your local watershed district board of managers. If you are unsure if your farm is located within an organized watershed district, visit the Minnesota Association of Watershed Districts website: http://www.mnwatershed.org/

5. **Get involved with local planning.** Local water planning began as a result of state legislation in the late 1980s and each county in the state is required to have a local plan, which guides counties in their local water management activities and efforts. These plans are being updated, often as part of efforts to address impaired waters concerns, by Comprehensive Local Water Management Advisory Plan Committees. Find out who is leading this effort in your area (county commissioners, SWCDs or others) and get involved. There are many other opportunities for you to interact with at the local level such as:
   - Local Planning Commission
   - Board of Adjustment
   - Feedlot Review Committee
   - Agricultural Advisory Committee

   Being involved at the local level will help you to be more informed about water quality and zoning issues and will give you a voice for the future, allowing you to share your vision of agriculture and water management in your county.

6. **Get involved with your Soil and Water Conservation District (SWCD).** Being involved on an SWCD board can be an informative and valuable experience. Also, participation on local Farm Service Agency boards and Local Work Groups organized by the Natural Resources Conservation Service can provide you with direct insight into federal farm programs and conservation priorities. An SWCD can provide cost-share and technical assistance to crop and livestock producers for implementing a wide variety of conservation practices to improve water quality. For more information about SWCDs in Minnesota, go to the following website: http://www.maswcd.org/

7. **Get to know your local planning and zoning office.** Staff from the local zoning office may administer the Comprehensive Local Water Management Plan in addition to zoning ordinances, land use plans, shoreland and wetland regulations and the state feedlot program. Obtaining land use permits, feedlot permits and re-registering your livestock operation is important. Stay informed of current rules and regulations by visiting with your zoning officials.

---------- **Note** ----------

In addition to cost-share through local SWCDs and NRCS office, funding may be available through other sources such as the MDAs Ag BMP loan, watershed districts, lake associations, etc., for water quality projects. More information about conservation funding can be found here:

Conservation Funding Guide

The Conservation Funding Guide is a one-stop online tool Minnesota farmers and other landowners can use to learn about key conservation practices, programs and payments. The guide complements, but does not replace, the customized local expertise available from SWCDs to landowners throughout Minnesota. Nearly every page of the Guide provides links to contact information for Minnesota's 91 local SWCDs and other organizations that help landowners plan and implement conservation. For more information about the Conservation Funding Guide, click on the following website: http://www.mda.state.mn.us/protecting/conservation/funding.htm

Contact Information

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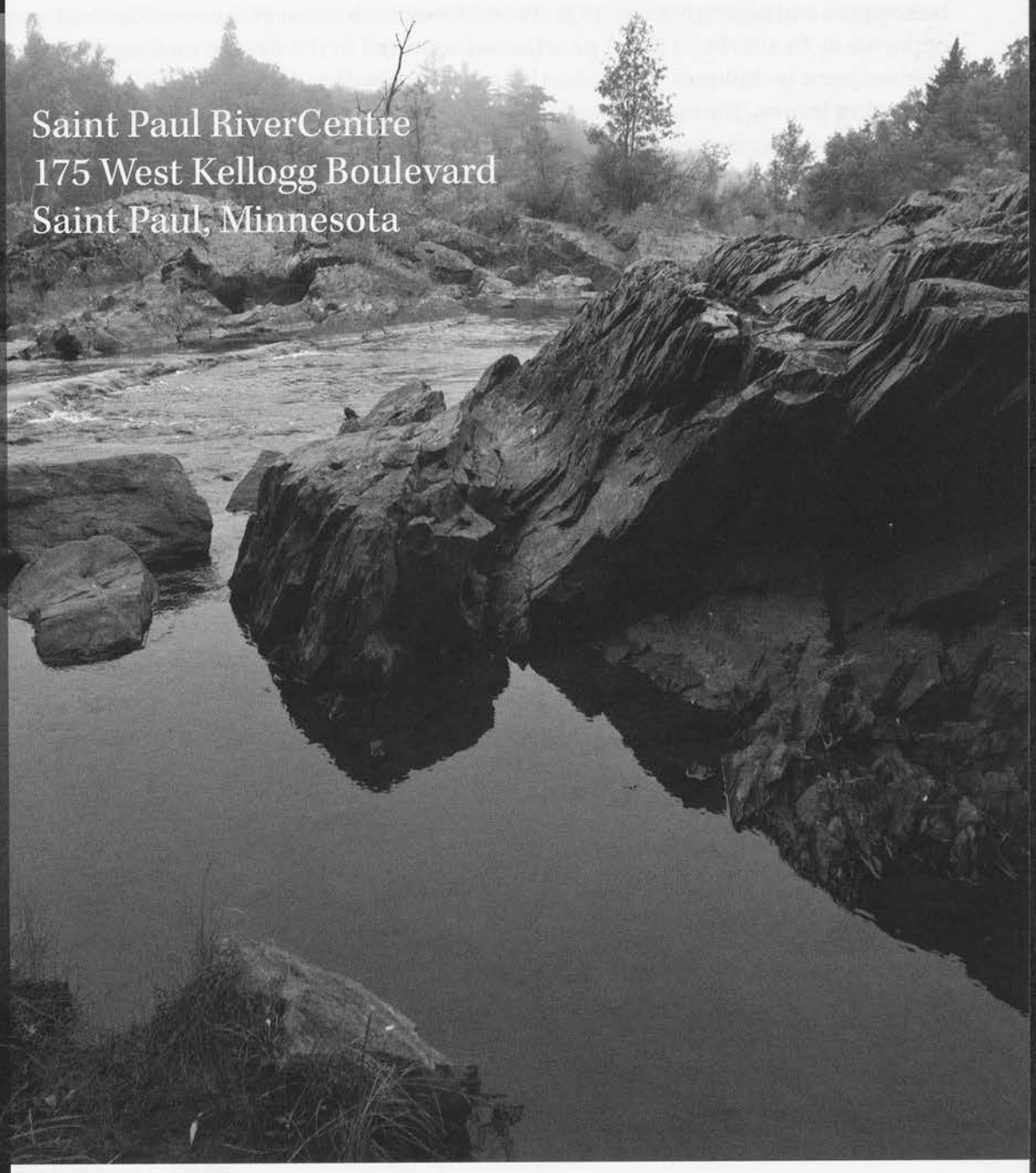
In accordance with the Americans with Disabilities Act, an alternative form of communication is available upon request. TDD: 1-800-627-3529. MDA is an Equal Opportunity Employer.

Minnesota Department of Agriculture, 625 Robert Street North, St. Paul, MN 55155-2538, www.mda.state.mn.us 1-800-967-AGRI (2474)

Water Resources Center

Minnesota Water Resources Conference

October 26-27, 2009



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175 West Kellogg Boulevard
Saint Paul, Minnesota

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College of Continuing Education, University of Minnesota

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COLLEGE OF CONTINUING EDUCATION
UNIVERSITY OF MINNESOTA

www.wrc.umn.edu/waterconf

Minnesota Water Resources Conference

October 26-27, 2009

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 12)
Two-day - $230
One-day - $155
Student - $50

Late registration
(postmarked after October 12 or on site)
Two-day - $250
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 19. 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.

Location and Parking

The Water 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.

Accommodations

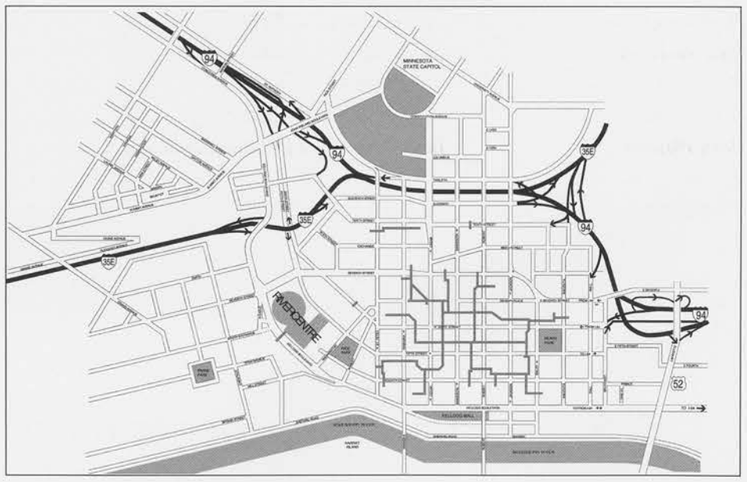
Hotel rooms are available at the Holiday Inn RiverCentre, 175 West 7th Street, Saint Paul, Minnesota. Call the hotel directly at 651-225-1515 or toll free at 888-465-4329 and ask for the College and Universities rate. Make your reservation early in order to ensure a room at the hotel.

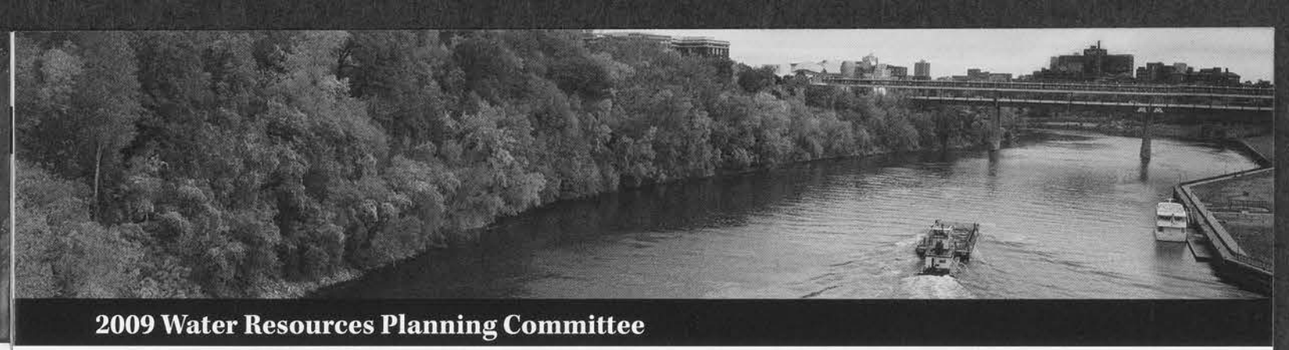
For Registration Questions

Contact: 612-625-2900
cceinfo@umn.edu

For Program Questions

Sara Van Essendelft
University of Minnesota
612-624-3708
cceconf5@umn.edu





2009 Water Resources Planning Committee

Bill Arnold	Department of Civil Engineering, University of Minnesota
John Baker	U.S. Department of Agriculture/Department of Soil, Water, and Climate, University of Minnesota
John Blackstone	Saint Paul Regional Water Services
Dan Breneman	Natural Resources Research Institute, University of Minnesota, Duluth
Tina Carstens	Ramsey-Washington Metro Watershed District
Heather Dorr	College of Continuing Education, University of Minnesota
Mark Edlund	Saint Croix Watershed Research Station
Lisa Goddard	SRF Consulting Group, Inc.
Lori Graven	College of Continuing Education, University of Minnesota
Lorin K. Hatch	HDR Engineering, Inc.
Andrea Hendrickson	Minnesota Department of Transportation
Jon Hendrickson	U.S. Army Corps of Engineers
Karen Jensen	Metropolitan Council
Suzanne A. Jiwani	Department of Natural Resources
Heather Johnson	Minnesota Department of Agriculture
Maria Juergens	Water Resources Center, University of Minnesota
Ron Leaf	Short Elliott Hendrickson, Inc.
Barb Liukkonen	Minnesota Sea Grant, University of Minnesota
Randy Neprash	Minnesota Cities/ Minnesota Stormwater
**Jennifer L.Olson*	Emmons & Olivier Resources, Inc.
Wayne Sicora	Ryan Companies US, Inc.
Faye Sleeper	Water Resources Center, University of Minnesota
Gene Soderbeck	Minnesota Pollution Control Agency
James Stark	U.S. Geological Survey
**Deborah Swackhamer*	Water Resources Center, University of Minnesota
Stew Thornley	Minnesota Department of Health
Rick Voigt	Voigt Consultants, LLC
Greg Wilson	Barr Engineering Company
Brad Wozney	Board of Soil and Water Resources

* Committee Co-Chairs

Program at a Glance for Monday, October 26, 2009

7:00 a.m. **Registration and Continental Breakfast**

8:00 – 8:10 **Welcome**
Deborah Swackhamer, Minnesota Water Resources Center, University of Minnesota

8:10 – 8:20 **Dave Ford Water Resources Award**
Presented by: *Ed Nater*, Department of Soil, Water, and Climate, University of Minnesota
Award Recipient: *James L. Anderson*, Department of Soil, Water, and Climate, University of Minnesota

8:20 – 9:30 **Living With a Changing Water Environment**
Professor Jerry Schnoor, College of Engineering, University of Iowa

9:30 – 10:00 **Break**

10:00 – 11:30 Concurrent Sessions I

A	B	C	D
Sustainability for Minnesota Waters	Lake Pepin TMDLs	Stormwater BMP Performance	Macrophytes: Management Tools and Assessment

11:30 – noon **Luncheon Presentation – Building Partnerships for Clean Water**
Congresswoman Betty McCollum, Minnesota District 4
Moderator: *Deborah Swackhamer*, Minnesota Water Resources Center, University of Minnesota

Noon – 1:00 p.m. **Lunch**

1:15 – 2:45 Concurrent Sessions II

A	B	C	D
Best Management Practices I	Water Quality Standards and Assessment	Pesticides in Water	River Reach Restoration - Selective Stream Surgery

2:45 – 3:15 **Poster Session and Refreshment Break**

3:15 – 4:45 Concurrent Sessions III

A	B	C	D
Engaging Citizens in Water Resources	Biota TMDLs	Best Management Pactices II	Lake Management

4:45 – 5:45 **Reception and Poster Session**

Program at a Glance for Tuesday, October 27, 2009

7:00 a.m. **Registration and Continental Breakfast**

8:00 – 8:10 **Welcome**
Jennifer Olson, Emmons & Olivier Resources, Inc.

8:10 – 9:30 **Land Use and Water Quality: Lessons from the First Two Decades of the USGS NAWQA Studies**
Paul D. Capel, United States Geological Survey, and Department of Civil Engineering, University of Minnesota

9:30 – 10:00 **Poster Session and Refreshment Break**

10:00 – 11:30 Concurrent Sessions IV

A	B	C	D
News from the MPCA: Stormwater, TMDLs, NPDES Permits, and a Watershed Approach	Erosion and Sediment Transport in the Minnesota River Basin	GIS Applications in Water Resource Management	Thermal / Cold Water Trout Streams

11:30 – 12:15 p.m. **Lunch**

12:15 – 1:00 p.m. **Luncheon Presentation – Wetland Drainage and Its Impacts in Minnesota**
Rex Johnson, United States Fish and Wildlife Service
Moderator: *Jennifer Olson*, Emmons & Olivier Resources, Inc.

1:15 – 2:45 Concurrent Sessions V

A	B	C	D
Water Resource Responses to Climate and Human Interaction	Turbitity TMDLs	Best Management Practices III	Trends and Mapping of Minnesota Wetlands

2:45 – 3:00 **Refreshment Break**

3:00 – 4:30 Concurrent Sessions VI

A	B	C	D
Techniques for BMP Maintenance	Big River Trends and Forecasting	Agriculture and Water Quality	Geomorphologic Methods for Rivers and Streams

4:30 Adjourn

Program Schedule – Monday, October 26, 2009

8:00 – 8:10 **Welcome**
Deborah Swackhamer, Minnesota Water Resources Center, University of Minnesota

8:10 – 8:20 **Dave Ford Water Resources Award**
Presented by: *Ed Nater*, Department of Soil, Water, and Climate, University of Minnesota
Award Recipient: *James L. Anderson*, Department of Soil, Water, and Climate, University of Minnesota

8:20 – 9:30 **Living With a Changing Water Environment**
Professor Jerry Schnoor, College of Engineering, University of Iowa

9:30 – 10:00 **Break**

10:00 – 11:30 Concurrent Sessions I

TRACK A

Sustainability for Minnesota Waters
Moderator: *Shannon J. Fisher*, Minnesota River Board and Mankato State University Water Resources Center
Co-Moderator: *Ron Leaf*, Short Elliott Hendrickson, Inc.

Developing Minnesota's Framework for Water Sustainability
John Wells, Minnesota Environmental Quality Board

Water Resources Sustainability and Climate Change in the Twin Cities Metropolitan Area
Heidi Peterson, University of Minnesota

Sustaining Energy and Water Resources of Minnesota – The Systematic Analysis Framework
Yi-Wen Chiu, Water Resources Science, University of Minnesota

TRACK B

Lake Pepin TMDLs
Moderator: *John Blackstone*, Saint Paul Regional Water Services
Co-Moderator: *Jon Hendrickson*, U.S. Army Corps of Engineers

Lake Pepin TMDL Edging Toward Implementation
Norman Senjem, Minnesota Pollution Control Agency

Sediment and Nutrient Reduction Strategies for the Minnesota River and Lake Pepin
Larry Gunderson, Minnesota Pollution Control Agency

Lake Pepin TMDL Nonpoint Source Implementation
Kris Sigford, Minnesota Center for Environmental Advocacy

TRACK C

Stormwater BMP Performance
Moderator: *Andrea Hendrickson*, Minnesota Department of Transportation
Co-Moderator: *Karen Jensen*, Metropolitan Council

Particle Settling Velocity and the Impact on Stormwater BMP Performance
Eric Hettler, University of Minnesota

Standard Sumps as a Stormwater Best Management Practice
Adam Howard, University of Minnesota

Stormwater BMP Performance and Cost Effectiveness
Melissa Baker, Capitol Region Watershed District

TRACK D

Macrophytes: Management Tools and Assessment
Moderator: *Lorin K. Hatch*, HDR Engineering, Inc.
Co-Moderator: *Mark Edlund*, Saint Croix Watershed Research Station

Evaluation of a Submergent Macrophyte as a Tool for Nutrient Removal in a Southcentral Minnesota Hypereutrophic Lake
Matthew Ribikawskis, Minnesota State University – Mankato

Development of a Macrophyte-Based Index of Biotic Integrity for Minnesota Lakes
Marcus Beck, University of Minnesota

Assessment of Lake-Wide Herbicide Treatment for Controlling Curlyleaf Pondweed in Minnesota Lakes
James Johnson, University of Minnesota

Program Schedule – Monday, October 26, 2009 (continued)

11:30 – Noon **Luncheon Presentation – Building Partnerships for Clean Water**
Congresswoman Betty McCollum, Minnesota District 4
Moderator: *Deborah Swackhamer*, Minnesota Water Resources Center, University of Minnesota

Noon – 1:00 p.m. **Lunch**

1:15 – 2:45 Concurrent Sessions II

TRACK A

Best Management Practices I
Moderator: *Tina Carstens*, Ramsey-Washington Metro Watershed District
Co-Moderator: *Brad Wozney*, Board of Water and Soil Resources

Murphy Warehouse Company
Richard Murphy, Murphy Warehouse Company
Rebecca Kluckhohn, Wenck Associates, Inc.

Celebrating Water: Maplewood Nature Center's Sustainable Landscape Project
Ron Leaf, Short Elliot Hendrickson, Inc.

LEEDing by Example
Mary Jo Roth, Great River Energy

TRACK B

Water Quality Standards and Assessment
Moderator: *Gene Soderbeck*, Minnesota Pollution Control Agency
Co-Moderator: *Randy Neprash*, Minnesota Cities/ Minnesota Stormwater Coalition

Draft River Nutrient Water Quality Standards: A Regional Approach Using Biological Response Relationships and Quantile Regression
Steven Heiskary, Minnesota Pollution Control Agency

Muddy Waters Typically Run Deep (or Developing Practical Turbidity TMDLs)
Greg Wilson, Barr Engineering Company

Correlations and Spatial and Seasonal Variations Among Streamflow, Suspended-Sediment Concentration, and Turbidity in Minnesota's Wild Rice River
Christopher Ellison, U. S. Geological Survey

TRACK C

Pesticides in Water
Moderator: *Faye Sleeper*, Water Resources Center, University of Minnesota
Co-Moderator: *Heather Johnson*, Minnesota Department of Agriculture

Taking a Holistic Approach to Niche Monitoring: Pesticides in Minnesota Waters
David Tollefson, Minnesota Department of Agriculture

A Review of Atrazine Detections in Drinking Water and Groundwater in Support of a Special Registration Review of Atrazine in Minnesota
Nila Hines, Minnesota Department of Agriculture

Pesticide Breakdown Products in Minnesota Groundwater
John W. Hines, Minnesota Department of Agriculture

TRACK D

River Reach Restoration – Selective Stream Surgery
Moderator: *Rick Voigt*, Voigt Consultants, LLC
Co-Moderator: *Andrea Hendrickson*, Minnesota Department of Transportation

Minnehaha Creek Restoration at Methodist Hospital; Integrating Healing Processes
Martin Melchior, Interfluve

Current Research at the Saint Anthony Falls Laboratory Outdoor StreamLab
Anne Lightbody, Saint Anthony Falls Laboratory, University of Minnesota

North Creek Rehabilitation Design and Construction: Reconstructive Surgery for a Ditched Stream
Jesse Carlson, Saint Anthony Falls Laboratory, University of Minnesota

2:45 – 3:15 **Poster Session and Refreshment Break**

3:15 – 4:45 Concurrent Sessions III

TRACK A

Engaging Citizens in Water Resources
Moderator: *Barb Liukkonen*, Minnesota Sea Grant, University of Minnesota
Co-Moderator: *Stew Thornley*, Minnesota Department of Health

Connecting Environmental Policy with Citizen Engagement: A Comparative Study Between Minnesota's Lake Improvement Districts and Wisconsin's Lake Districts
Kaitlin Steiger-Meister, University of Minnesota

The Amity Creek Charrette: Engaging the Community, Protecting Resources
Jesse Schomberg, Minnesota Sea Grant, University of Minnesota

What Will it Take to Get You to Conserve? Lessons from the Native Shoreland Buffer Incentives Program Surveys
Karlyn Eckman, Water Resources Center, University of Minnesota

TRACK B

Biota TMDLs
Moderator: *Greg Wilson*, Barr Engineering Company
Co-Moderator: *John Blackstone*, Saint Paul Regional Water Services

A Case Study Examining a Biotic Impairment in Western Minnesota: Dry Wood Creek
Kimberly Laing, Minnesota Pollution Control Agency

Stream Biological TMDLs – Overcoming the Challenges of the Stressor Identification Process
Annie Felix, Benton Soil and Water Conservation District

Linking Stressors to Aquatic Stream Health: A Protocol for Developing Impaired Biota TMDLs in Minnesota
Jeff Jasperson, Minnesota Pollution Control Agency

TRACK C

Best Management Practices II
Moderator: *Lisa Goddard*, SRF Consulting Group
Co-Moderator: *James Stark*, U.S. Geological Survey

Stormwater BMPs to Meet Pre-Settlement Volume and Nutrient Export Objectives – A Case Study
John Barten, Three Rivers Park District

Blue Green Schools
Paul Chellsen, City of Minneapolis

Argenta Hills: A True LID Development – Planning, Policy and Engineering
Brett Emmons and *Eli Rupnow*, Emmons & Olivier Resources

TRACK D

Lake Management
Moderator: *Lorin K. Hatch*, HDR Engineering, Inc.
Co-Moderator: *Ron Leaf*, Short Elliot Hendrickson, Inc.

Bathymetric Analysis of Lake Minnetonka: Charting What Lies Beneath
Jason Carlson, Minnehaha Creek Watershed District

Three Dimensional Lake Modeling to Design and Test Lake Aeration Systems: Case Study of Ford Lake in Michigan
Kevin Menken, Barr Engineering

Modern and Historical Water Quality Variability in the Lake Minnetonka Watershed: Using Sediment Core Analysis to Develop Nutrient Targets and Prioritize Lake Management Efforts
Mark Edlund, Saint Croix Watershed Research Station

4:45 – 5:45 **Reception and Poster Session**

8:00 – 8:10 **Welcome**
Jennifer Olson, Emmons & Olivier Resources, Inc.

8:10 – 9:30 **Plenary Session – Land Use and Water Quality: Lessons from the First Two Decades of the USGS NAWQA Studies**
Paul D. Capel, United States Geological Survey, and Department of Civil Engineering, University of Minnesota

9:30 – 10:00 **Poster Session and Refreshment Break**

10:00 – 11:30 Concurrent Sessions IV

TRACK A

News from the MPCA: Stormwater, TMDLs, NPDES Permits, and a Watershed Approach
Moderator: *Randy Neprash*, Minnesota Cities/Minnesota Stormwater Coalition
Co-Moderator: *Dan Breneman*, Natural Resources Research Institute

Addressing Regulated Stormwater in Large Watershed TMDLs
Michael Trojan and *Anna Kerr*, Minnesota Pollution Control Agency

Industrial Stormwater Regulations: Adding the Third Leg to the MPCA Stormwater Program Stool
Melissa Wenzel, Minnesota Pollution Control Agency

A Watershed Framework for Clean Water Legacy Act Implementation
Shannon Lotthammer, Minnesota Pollution Control Agency

TRACK B

Erosion and Sediment Transport in the Minnesota River Basin
Moderator: *Jon Hendrickson*, U.S. Army Corps of Engineers
Co-Moderator: *Heather Johnson*, Minnesota Department of Agriculture

Lake Pepin: Recent Accumulation Rates and Source Apportionment
Dylan Blumentritt, University of Minnesota

Sediment Sources in the Minnesota River Basin
Peter Wilcock, Johns Hopkins University

Barr-NCED Mapper for Channel-Floodplain Sediment Exchange Modeling
Patrick Belmont, National Center for Earth-Surface Dynamics, University of Minnesota

TRACK C

GIS Applications in Water Resource Management
Moderator: *Suzanne Jiwani*, Minnesota Department of Natural Resources
Co-Moderator: *Rick Moore*, Water Resources Center, Mankato State University

Historic Waters of the Mississippi Watershed Management Organization
Anthony Randazzo, HDR, Inc.

Minnesota Department of Natural Resouces Watershed Delineation Project – The First Decade
Sean Vaughn, Minnesota Department of Natural Resources

Using Community Growth Scenarios to Evaluate Potential Water Quality Impacts
Valerie Brady, Natural Resources Research Institute, University of Minnesota, Duluth

TRACK D

Thermal/Cold Water Trout Streams
Moderator: *Stew Thornley*, Minnesota Department of Health
Co-Moderator: *John Baker*, U.S. Department of Agriculture, Department of Soil, Water, and Climate, University of Minnesota

Groundwater Recharge in a Coldwater Stream During Urbanization
Timothy Erickson, University of Minnesota

Estimating Groundwater Input to the Vermillion River from Measurements of Stream Temperature and Stream Flow
Ben Janke, University of Minnesota

Brown's Creek Biotic TMDL: An Alternative to Thermal Modeling for Quantifying Thermal Stresses on Brown Trout
Thomas Miller, Emmons & Olivier Resources, Inc.

11:30 – 12:15 p.m. **Lunch**

12:15 – 1:00 **Luncheon Presentation – Wetland Drainage and Its Impacts in Minnesota**
Rex Johnson, United States Fish and Wildlife Service
Moderator: *Jennifer Olson*, Emmons & Olivier Resources, Inc.

1:15 – 2:45 Concurrent Sessions V

TRACK A

Water Resource Responses to Climate and Human Interaction
Moderator: *James Stark*, U.S. Geological Survey
Co-Moderator: *Faye Sleeper*, Water Resources Center, University of Minnesota

Changes in Groundwater Level and Potentiometric Surfaces in Selected Bedrock Aquifers in the Twin Cities Metropolitan Area, 2008
Christopher Sanocki, U.S. Geological Survey

Shallow Groundwater Temperature Response to Climate Change and Urbanization
Craig Taylor, Saint Anthony Falls Laboratory, University of Minnesota

Low-Flow Characteristics of the Mississippi River and Selected Tributaries
Dave Lorenz, U.S. Geological Survey

TRACK B

Turbitity TMDL
Moderator: *Dan Breneman*, Natural Resources Research Institute
Co-Moderator: *Scott Bohling*, Water Resources Center, Mankato State University

The Relationship of Turbidity Surrogates to Physical Watershed Characteristics
Larry Gunderson, Minnesota Pollution Control Agency

SWAT Modeling of a Rural Watershed for Turbidity TMDL
Joe Mulcahy, Metropolitan Council

TMDL Allocations for Non-Point Sources – A Turbidity TMDL Study Using SWAT for Carver Creek Watershed, MN
Hong Wang, Metropolitan Council

TRACK C

Innovative Stormwater BMPs I
Moderator: *Jennifer L. Olson*, Emmons & Olivier Resources, Inc.
Co-Moderator: *Gene Soderbeck*, Minnesota Pollution Control Agency

Iron-Enhanced Sand Filtration for Stormwater Phosphorus Removal
Andy Erickson, Saint Anthony Falls Laboratory, University of Minnesota

Pine City Storm Water Management Retrofits, a Cost Comparison of the Traditional Methods Verses New Methods
Sean R. Clark, Short Elliot Hendrickson, Inc.

Permeable Pavement: Bloomington Public Works Experience
Steven Segar, City of Bloomington

TRACK D

Trends and Mapping of Minnesota Wetlands
Moderator: *Brad Wozney*, Board of Water and Soil Resources
Co-Moderator: *Lorin K. Hatch*, HDR Engineering, Inc.

Status and Trends of Wetlands in Minnesota: Wetland Quantity
Steve Kloiber, Minnesota Department of Natural Resources

Status and Trends of Wetlands in Minnesota: Wetland Quality
John Genet, Minnesota Pollution Control Agency

Evaluating the Potential of Using Topographic Data for Wetland Mapping in Minnesota
Lian Ortiz, University of Minnesota

2:45 – 3:00 **Break**

3:00 – 4:30 Concurrent Sessions VI

TRACK A

Techniques for BMP Maintenance
Moderator: *Karen Jensen*, Metropolitan Council
Co-Moderator: *Tina Carstens*, Ramsey-Washington Metro Watershed District

2-D Modeling of Rice Creek: Alternatives for Reducing Channel Maintenance
Matt Redington, HDR, Inc.

Certifying Infiltration Practices : A Critical, but Often Overlooked Step
Patrick Conrad, Emmons & Olivier Resources

BMPs: Now That You Have Them, How Do You Maintain Them?
Lisa Goddard, SRF Consulting Group, Inc.

TRACK B

Big River Trends and Forecasting
Moderator: *Suzanne Jiwani*, Minnesota Department of Natural Resources
Co-Moderator: *Rick Voigt*, Voigt Consultants, LLC

Long-Range Probabilistic Forecasts for the 2009 Red River Flood
Allen Bradley, University of Iowa

Forecasting the 2009 Record Floods on the Red River of the North
Andrea Holz, NWS North Central River Forecast Center

Minnesota River Trends Report
Kimberly Musser, Water Resources Center, Minnesota State University

TRACK C

Agriculture and Water Quality
Moderator: *Les Everett*, Water Resources Center, University of Minnesota
Co-Moderator: *John Blackstone*, Saint Paul Regional Water Services

Two-Stage Designs for Agricultural Drainage Ditches
Bruce Wilson, University of Minnesota

Crop Residue Management Trends in Minnesota
Shannon Fisher, Water Resources Center, Minnesota State University–Mankato

Can Perennial Biofuel Cropping Systems Be Used to Remove Pharmaceuticals from the Environment?
Jared Trost, U.S. Geological Survey and University of Minnesota

TRACK D

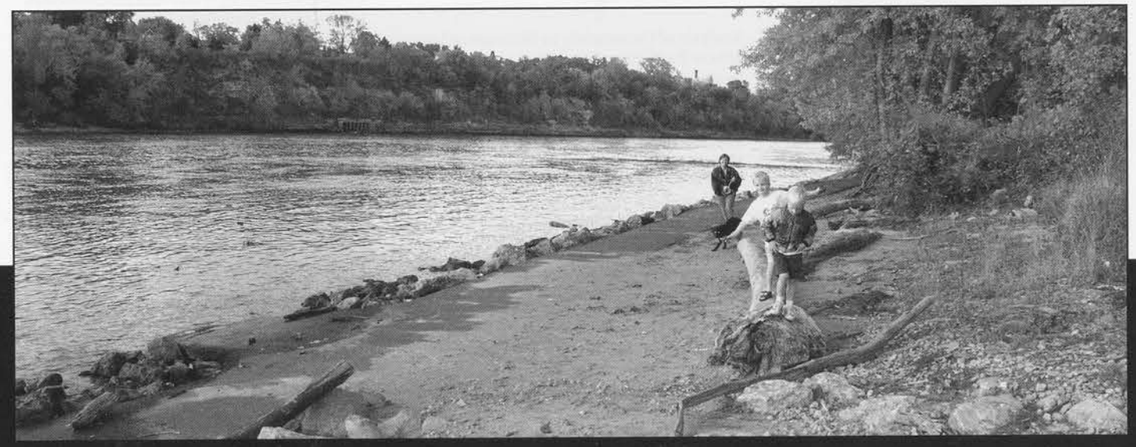
Geomorphologic Methods for Rivers and Streams
Moderator: *Mark Edlund*, Saint Croix Watershed Research Station
Co-Moderator: *Greg Wilson*, Barr Engineering Company

Rapid Channel Stability Assessments for Streams in Minnesota: Do We Need to Reinvent the Wheel? Or Just Redesign the Bicycle?
Brenda Asmus, Minnesota Pollution Control Agency

Assessment of Geomorphic Methods for Application to Biota TMDLs in the Red River Basin
Chris Lenhaart, Emmons & Olivier Resources, Inc.

Dobbins Creek Culvert Sizing
Greg Eggers, Minnesota Department of Natural Resources

4:30 **Adjourn**



Poster Display

The following posters will be displayed during the breaks and Monday reception.

Urban Lake Management Action Plans: Getting Ahead of TMDLs
Carl Almer, Emmons & Olivier Resources, Inc.

Meta-Analysis as a Statistical Tool for Evaluating the Hydrologic Effects of Subsurface Drainage Design and Water Table Management
Sheila Amenumey, *Gary Sand*, and *Bruce Wilson*, University of Minnesota

Clean Water Act 316(a) Demonstrations on the Upper Mississippi River
Jeff Berrington, Xcel Energy

An Assessment of Chloride Sources and Contamination in the Twin Cities Metropolitan Area
Joe Bischoff, Wenck, Inc.

Modeling Road Salt and Total Dissolved Solids Transport in StormNET (Powered by EPA-SWMM)
Kent Brander, *Nancy-Jeanne LeFevre*, and *Eli Rupnow*, Emmons & Olivier Resources, Inc.

Bathymetric Analysis of Lake Minnetonka: Charting What Lies Beneath
Jason Carlson and *Udai B. Singh*, Minnehaha Creek Watershed District; *Shahram Missaghi*, Saint Anthony Falls Laboratory, University of Minnesota

Pine City Storm Water Management Retrofits, a Cost Comparison of the Traditional Methods Verses New Methods
Sean R. Clark and *April Bielejeski*, Short Elliot Hendrickson, Inc.

Stormwater BMPs to Meet Pre-Settlement Volume and Nutrient Export Objectives – A Case Study
Walter Eshenaur, SRF Consulting Group, Inc.

Making TMDLs Make Sense Through Simulations and Games
Cynthia Hagley and *Jesse Schomberg*, Minnesota Sea Grant, University of Minnesota; *John Bilotta*, University of Minnesota Extension; *Amy Elliot* and *Susan O'Halloran*, University of Wisconsin Extension; *Barbara Liukkonen*, Water Resources Center, University of Minnesota

Cost Analysis of Alternative Culvert Installation Practices in Minnesota
Bradley Hansen, *Christian Lenhart*, and *John Nieber*, University of Minnesota

Climate Change and Watershed Management Model Uncertainty
Suresh Hettiarachchi, *Ted Shannon*, and *Jeff Christopherson*, HDR Engineering, Inc.

Mapping Stream and River Shoreland in Southeast Minnesota
Ross Hoffmann, Cannon River Watershed Partnership

Practical Floristic Quality Assessment of Wetlands in Minnesota
Wayne Jacobson, Jacobson Environmental, PLLC

Field-Scale Evaluation of Escherichia Coli and Nutrient Transport Through Subsurface Tile Drainage
Kyle Jarcho, Minnesota State University, Mankato

Shaping Our Future Water Policy: Water Recycle and Reuse
Michael Jungbauer, Landform

Implementation First: A Watershed-Wide Approach to TMDL Implementation
Rebecca Kluckhohn, Wenck, Inc.

Tipping Point: A Northern Lakes and Forests Nutrient TMDL for Jessie Lake
Rebecca Kluckhohn, Wenck, Inc.

Building Training Capacity to Meet Clean Water Goals
Ann M. Lewandowski and *Leslie Everett*, Water Resources Center, University of Minnesota

Doing More with Less: Tools for Screening the Potential Health Risks of Emerging Contaminants with Limited Toxicological Information.
Paul Moyer and *Helen Goeden*, Minnesota Department of Health

Analysis of Uncertainty in Estimating Lateral Effects for Wetland Impacts
Joel Peterson, Board of Water & Soil Resources

Using Triple Bottom Line to Guide Citizen Involvement on a Water Resource Project in Minneapolis
Jodi Polzin, Camp Dresser McKee, Inc.; *H.R. (Bo) Spurrier* and *Lisa Cerney*, Minneapolis Public Works, Division of Surface Water

Mosquitoes and Established Raingardens: an Update
Nancy Read and *Kyle Beadle*, Metro Mosquito Control District

Reducing Spread of Invasive Species Through In-Line Screening
Lindsey Roberts McKenzie, *Emily Davis*, and *Donald Lutch*, Short Elliott Hendrickson Inc.; *William (Jay) Rendall*, Minnesota Department of Natural Resources; *Tom Wesolowski*, City of Shoreview

Remote Sensing Approaches for Assessing Loss of Restored Wetlands
Patrick Sherman and *Susan Galatowitsch*, University of Minnesota

Metro Metals – Creative Stormwater Management Using Recycled Materials
Todd Shoemaker, Wenck, Inc.

Minnesota's Statewide Citizen Stream Monitoring Program-Transparency Trend Analysis and Future Program Possibilities
Bill Thompson, Minnesota Pollution Control Agency

Minnesota Geochemical Database
L. Harvey Thorleifson and *Richard S. Lively*, Minnesota Geological Survey

Stormwater Mapping: Making Connections with the New Data Exchange Standard
Mike Trojan, Minnesota Pollution Control Agency; *Nancy Read*, Metro Mosquito Control District

Dynamics of Mercury Export from an Upland-Peatland Watershed in North-Central Minnesota
Martin Tsui, University of Minnesota

Influences of Land Cover on Methylmercury Concentrations in Water and Invertebrates in Minnesota Stream Ecosystems
Martin Tsui and *Jacques Finlay*, University of Minnesota

Sibley Parkway Redevelopment and Riverbank Restoration
Chuck Vermeersch, I&S Group, Inc.

Minnesota Section, American Society of Civil Engineers (ASCE) Meeting

Monday, October 26, 2009
6:00 p.m. Social Hour, 7:00 p.m. Dinner, 8:00 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.

Saint Paul Regional Water Services and Vadnais Lake Area Water Management Organization Watershed Restoration Program (VLAWMO)

Speaker: *Dave Schuler*, Saint Paul Regional Water Services

The Saint Paul Regional Water Services (SPRWS) serves over 415,000 customers. The single treatment facility receives source water from a chain of reservoirs that are augmented with water from the Mississippi River and local watersheds. VLAWMO is a joint powers organization that governs the 24 square mile watershed in the northeast twin city area that drains to Vadnais Lake; the final impoundment reservoir for the SPRWS.

In 1984 SPRWS initiated an intensive diagnostic study of the source water reservoir system and contributing watersheds. The results of the study indicated that phosphorus enrichment of the reservoirs caused water-treatment problems. Identified sources of phosphorus loads into the reservoir system included the Mississippi River, internal loads from lake sediments, and drainage from local watersheds – primarily Lambert Creek.

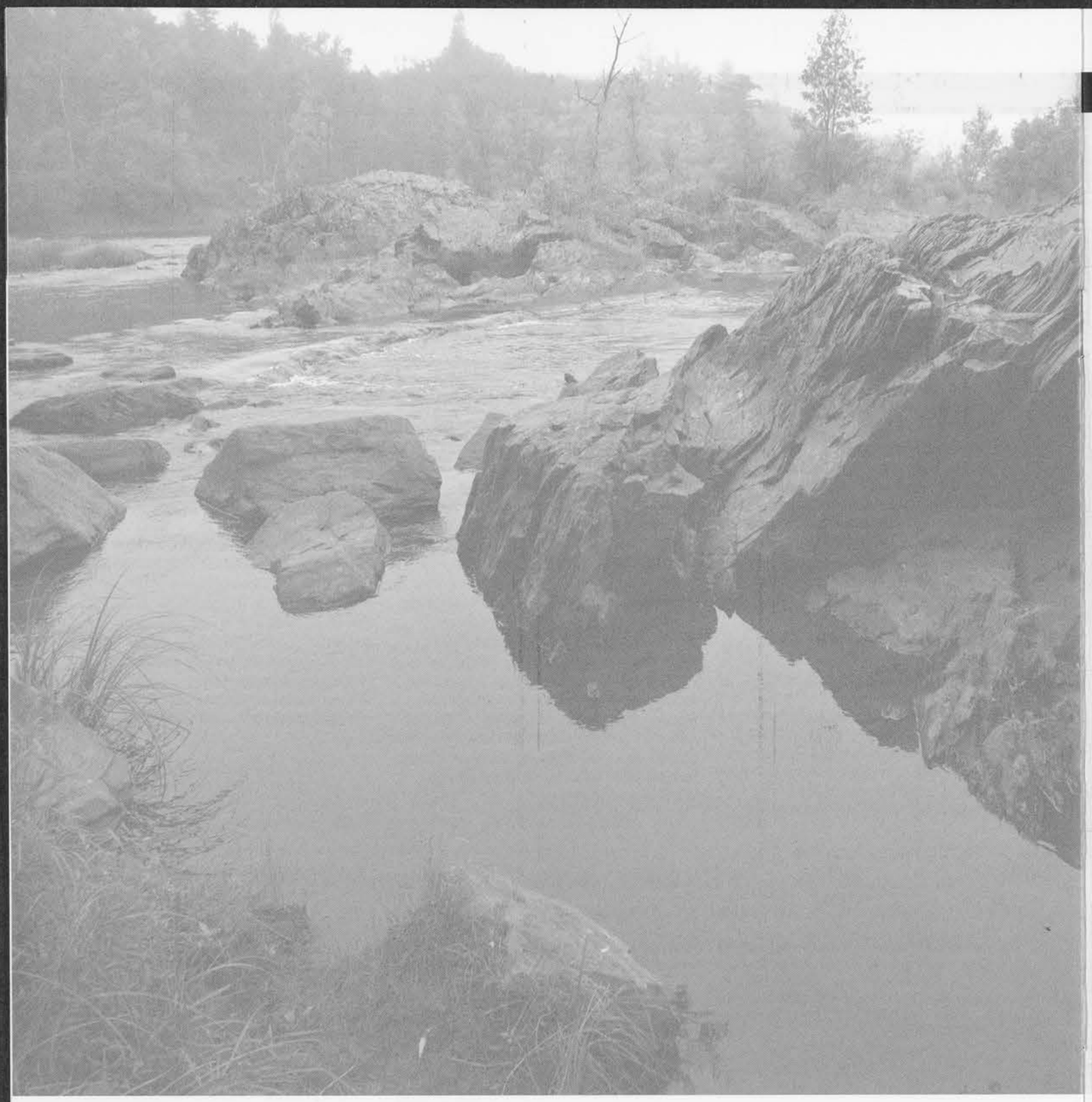
Phosphorus (P) loadings from the Mississippi River source and reservoir sediments were addressed by capital projects funded by SPRWS in the form of chemical feed applications and hypolimnetic aerators in two reservoirs. In 1989 the Vadnais Lake Area Watershed Management Organization initiated a Clean Water Partnership with funding from Minnesota Pollution Control Agency and later the Section 319 funding from the U.S. Environmental Protection Agency. The project resulted in stop-log weir construction that was completed on two of the wetlands along Lambert Creek in 1995 in an effort to restore them to their former hydrology.

Further reductions in P loading are desirable for improved water quality in Vadnais Lake. Lambert Lake, the final wetland in the Lambert Creek watershed, provides an opportunity, via ponding, flow dispersion, and infiltration to reduce the P loadings to Vadnais Lake.

SPRWS has benefited from the watershed restoration practices through reductions in frequency and magnitude of taste and odor compounds in the supply system. However, taste and odor incidences continue to occur. Granular activated carbon filters were installed at the McCarron's filtration plant and 2006 to provide a final control of taste and odor compounds.

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.



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Registration

Minnesota Water Resources Conference
October 26-27, 2009

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Registration Fees:

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☐ One-day - $155
☐ Student - $50

Late registration (postmarked after October 12 or on site)
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☐ Student - $70

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Please circle which concurrent sessions you plan to attend.

Monday, October 26, 2009
Concurrent Sessions I
10:00 a.m. A B C D

Concurrent Sessions II
1:15 p.m. A B C D

Concurrent Sessions III
3:15 p.m. A B C D

Tuesday, October 27, 2009
Concurrent Sessions IV
10:00 a.m. A B C D

Concurrent Sessions V
1:15 p.m. A B C D

Concurrent Sessions VI
3:00 p.m. A B C D

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Register online at:
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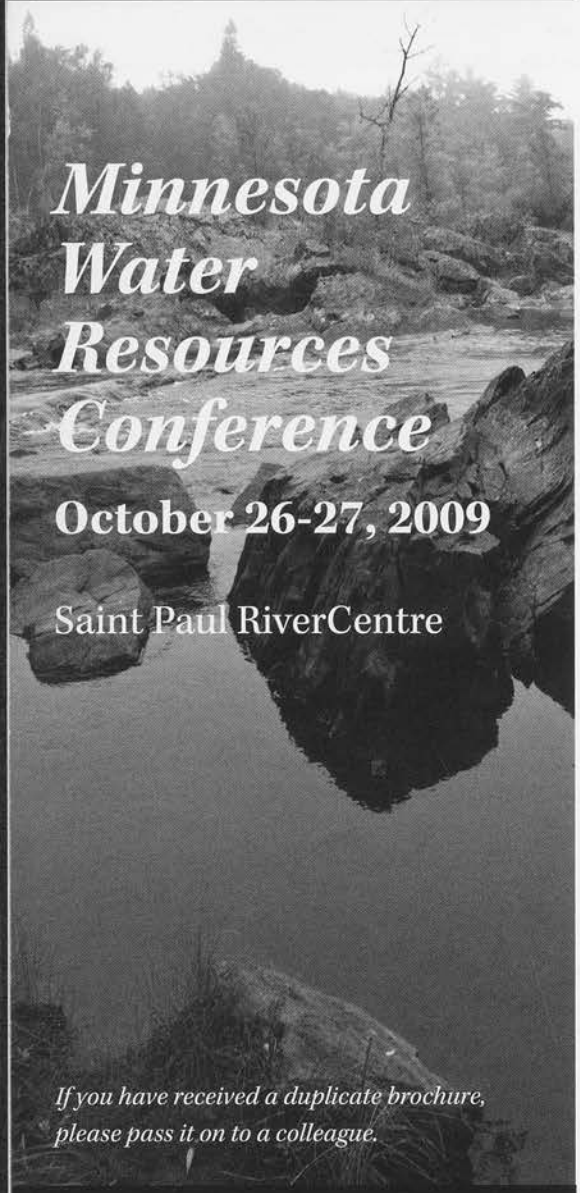

Minnesota Water Resources Conference

October 26-27, 2009

Saint Paul RiverCentre

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BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD
LOWER LEVEL BOARD ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, DECEMBER 16, 2009

BOARD MEMBERS PRESENT:
Gordy Behm, Paul Brutlag, Bob Burandt, Rebecca Flood, MPCA; Christy Jo Forgarty, Sandy Hooker, Randy Kramer, Larry Kramka, DNR; Paul Langseth, Tom Loveall, Joe Martin, MDA; John Meyer, Keith Mykleseth, Brian Napstad, Faye Sleeper, MES; Louise Smallidge, Gene Tiedemann, LuAnn Tolliver, John Linc Stine/Dan Wilson, MDH

BOARD MEMBERS ABSENT:
Quentin Fairbanks

STAFF PRESENT:
Mary Jo Anderson, Julie Blackburn, Conor Donnelly, Travis Germundson, Jim Haertel, John Jaschke, Al Kean, Kevin Lines, Angie Becker K; Michelle Schaefers, Jeff Nielsen, Ron Shelito, Kari Keating, Melissa Lewis, Dale Krystosek, Brad Wozney, Steve Woods

OTHERS PRESENT:
Wayne Edgerton, DNR
Felicia Brockoff, MACDE
Daniel Belka, citizen
Bill Hurgis, Woodbury
Lowell Johnson, Washington County
Steve Kernik, Woodbury
Matt Moore, South Washington Watershed District
Denny McNamara, State Representative
Jean Coleman, CR Planning
Lincoln Fetcher, UBWD
Bill Barton, CRWDCAE

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

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA – Chair Kramer proposed adjusting the agenda today to accommodate the presenter's schedule. Propose moving "Open Mike" to just prior to "Metro Water Planning Committee Recommendations". And moving the "Minnesota Water Sustainability Framework (MWSF) Project Presentation" immediately after
** "Reports". Moved by Paul Brutlag, seconded by Paul Langseth, to adopt the agenda as
09-89 amended. Motion passed on voice vote.

MINUTES OF OCTOBER 28, 2009 – John Jaschke stated that a clarification is needed on page two. It should read, "The Dispute Resolution Committee (DRC) is a statutory committee
** that will require membership options *be reviewed* by the Attorney General's office". Moved by
09-90 Louise Smallidge, seconded by Christy Jo Fogarty, to approve the minutes of October 28, 2009, as corrected. Motion passed on a voice vote.

INTRODUCTION OF NEW EMPLOYEE
Julie Blackburn introduced Angie Becker Kudelka, newly hired training program coordinator. Angie provided brief background information about herself. Chair Kramer welcomed Angie to the Board.

REPORTS
Chair's Report – Randy Kramer thanked Paul Brutlag for chairing the October Board meeting; Randy was harvesting in October. Chair Kramer reported that the EQB did not meet this month; however he continues to receive information regarding the proposed power line from Brookings, South Dakota to the Twin Cities area. Chair Kramer reported that he attended the MAWD meeting in Alexandria, December 3-5; excellent speakers and program. Chair Kramer reported that the IRS mileage allowance is changing effective January 1, 2010; from 55 cents to 50 cents.

Executive Director's Report – John Jaschke reported that he attended four conventions this last month, MAT, MAWD, MASWCD, and AMC. John reported that the Lessard Sams Outdoor Heritage Council (LSOHC) funding recommendation for the RIM/WRP partnership is approximately $7M. John reported that an inter-agency riparian buffers meeting was held last week; issues discussed included data availability, incentives and requirements. A joint fact sheet and subsequent training will be pursued. Joint training sessions will be held.

John reported that the USDA's Upper Mississippi River initiative has been finalized involving the Root River, Sauk River, Cedar River, and Middle Minnesota watersheds. John reported that BWSR is partnering with the U of M Water Resources Center on the water sustainability framework project; listening sessions will be held at eight locations

around the state in January and February 2010; board members are invited to participate.

John reported that the Memorandum of Understanding between BWSR and NRCS regarding WCA and Swampbuster was reviewed by the Wetland Committee last night. This is a significant step forward in WCA and Swampbuster coordination and implementation for the foreseeable future. This item will be addressed later on the agenda today.

John reported that the "BWSR Snapshots" newsletter is in board members' packets today. There is an article regarding the BWSR Academy - great attendance; expect to conduct this again next year.

Dispute Resolution Committee – Travis Germundson reported that there are presently 18 appeals pending. Travis received an informal request regarding the Middle Snake Tamarack River Watershed District regarding funds. Travis reported that he is working with Jon Fure to post appeals information on BWSR's website.

Wetlands Committee – LuAnn Tolliver reported that the Wetlands Committee met on October 28th following the last Board meeting. The Wetlands Committee also met last night; items are on the agenda later today.

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

Public Relations, Outreach & Strategic Planning Committee – Brian Napstad reported that he met with senior staff regarding the Board Workshop on January 27 in Monticello. They are developing an agenda for the Workshop. The Workshop will commence at 12:30 p.m., on January 27 and adjourn at 5:00 p.m., with the Board meeting on January 28th at the same location.

RIM Reserve Planning Committee – Paul Brutlag reported that the RIM Reserve Planning Committee did not meet, the next Committee meeting will be in January, date to be determined.

Tom Loveall reported that he participates on the Drainage Work Group. As defined in Statute, BWSR shall work with drainage stakeholders/work groups. John Jaschke explained that work group policy recommendations are agency initiatives. Tom acts as the BWSR Board liaison to the Drainage Work Group. Chair Kramer thanked Tom for his report and attendance on the Drainage Work Group.

Administrative Advisory Committee (AAC) – Randy Kramer reported that the AAC met this morning. Items discussed included: committee recommendations; Board

Workshop, Bylaws evaluation; AMC/MAWD/MASCD conventions and future meetings; BWSR's involvement with Listening Sessions; and Budget.

Minnesota Water Sustainability Framework (MWSF) Project Presentation – John introduced Jean Coleman, Attorney/Land Use Planner, CR Planning, Inc. Jean explained that the Legacy Amendment Funding Bill included funding for the University of Minnesota Water Resources Center to develop a Statewide Water Sustainability Framework. The Framework is a 25-year plan to protect, conserve, and enhance the quantity and quality of the state's groundwater and surface water. Jean explained an opinion survey being conducted with a goal to reach 10,000 people which includes a website on-line survey. Jean reported that BWSR is partnering on statewide listening sessions in early 2010. Jean distributed a listing of team members and their biographies. Faye Sleeper is also involved in this project. Chair Kramer thanked Jean for her informative presentation.

COMMITTEE RECOMMENDATIONS

OPEN MIKE - Chair Kramer declared that the Open Mike is not reported verbatim; and will not be part of the meeting record – there will be no dialog among participants.

State Representative Denny McNamara spoke in opposition of the petition for the boundary change of the South Washington WD and Valley Branch WD.

Dan Belka spoke in support of the petition for the boundary change of the South Washington WD and Valley Branch WD.

Bill Hurgis, Mayor of Woodbury, spoke in support of the petition for the boundary change of the South Washington WD and Valley Branch WD.

Jim Haertel distributed a copy of the South Washington Watershed District Boundary Change Petition for board members information.

Metro Water Planning Committee

Citizen Petition for Boundary Change of South Washington WD and Valley Branch WD, and Reduction in Number of Managers of South Washington WD – Jim Haertel explained that a citizen petition for a boundary change of the South Washington WD and the Valley Branch WD, and for a reduction in the number of managers of the South Washington WD, was filed with the Board on October 5, 2009. The petition requests the boundary of the two watershed districts be changed to follow the major hydrologic boundary between the Mississippi River and the St. Croix River. Also, the petition requests the number of managers of the South Washington WD be reduced from seven to five. Last May, the watershed district boundary that is the subject of the petition was established by the Board when the two watershed districts were enlarged in conjunction with the dissolution of the Lower St. Croix WMO. The dissolution of the Lower St. Croix WMO was contingent on the boundary being established as it was last May. Also, at

that time the number of managers of the South Washington WD was increased from five to seven.

Jim reported that a public hearing was held on November 17, 2009 and the hearing record remained open for one week after the hearing. The Board's standard of review in making determinations on proposed boundary changes of watershed districts is set forth in Minn. Stat. § 103D.251, Subd. 7, item a, as follows: *"After the hearing on the petition for a boundary change, the board must establish the proposed boundary change, by order, if the board determines that establishment of the proposed boundary change would benefit the public welfare and public interest and the proposed boundary change would advance the purpose of this chapter."* The Metro Water Planning Committee met on November 25, 2009 and found that the proposed boundary change and reduction in number of managers would benefit the public welfare and public interest and the purpose of Minn. Stat. Chapter 103D would be advanced for the reasons included in the Order. The Metro Water Planning Committee recommended approval of the petition.

Moved by Faye Sleeper, seconded by LuAnn Tolliver, to accept the Committee recommendation to approve the citizen petition for the boundary change of the South Washington Watershed District and Valley Branch Watershed District, and reduce the number of managers of the South Washington WD from seven to five. Discussion followed.

** 09-91 Moved by Joe Martin, seconded by Paul Langseth, to postpone Board action until after the Court of Appeals decision. Discussion followed.

John Jaschke explained the decision outcomes if the Board were to hold the boundary change decision in abeyance until after the Court of Appeals decision that is expected in May-June: 1) If the Board prevails – deal with boundary change petition as we are now; or 2) If the Board does not prevail – start over with a water management void being filled by either a new WMO or by expanded watershed district(s) if a petition is filed with BWSR. Discussion followed.

Chair Kramer called for the roll call vote on the Motion to postpone the Board's boundary change decision until after the Court of Appeals decision that is expected in May or June timeframe. Affirmative: Tom Loveall, John Linc Stine. Opposed: Gordy Behm, Paul Brutlag, Bob Burandt, Rebecca Flood, Christy Jo Fogarty, Sandy Hooker, Larry Kramka, Paul Langseth, Joe Martin, John Meyer, Keith Mykleseth, Brian Napstad, Faye Sleeper, Gene Tiedemann, LuAnn Tolliver, Louise Smallidge, Randy Kramer. Motion defeated.

Discussion continued on the boundary change on the South Washington Watershed District.

** 09-92 Chair Kramer called for a roll call vote on the motion that the Board orders the boundary of the South Washington Watershed District and the Valley Branch Watershed District be changed according to the Petition and the dataset for the map fully incorporated in the draft Order, and that the number of managers of the South Washington Watershed District be reduced from seven (7) to five (5). The Board further orders that the Watershed Management Plans for the South Washington Watershed District and the Valley Branch Watershed District be amended within one year of the date of this Order to include the boundary change.

Affirmative: Gordy Behm, Paul Brutlag, Rebecca Flood, John Meyer, Keith Mykleseth, Brian Napstad, Faye Sleeper, Gene Tiedemann, LuAnn Tolliver, Randy Kramer. Opposed: Bob Burandt, Christy Jo Fogarty, Sandy Hooker, Larry Kramka, Paul Langseth, Tom Loveall, Joe Martin, John Linc Stine, Louise Smallidge. Motion passed.

Chair Kramer called for a break in the meeting at 10:55 a.m. The meeting reconvened at 11:15 a.m.

Coon Creek Watershed District Boundary Change – Bob Burandt reported that the Metro Water Planning Committee considered the boundary change petition on November 25, 2009 and unanimously recommends approval. Moved by Bob Burandt, ** 09-93 seconded by Louise Smallidge, to approve the Coon Creek boundary change. Motion passed on a voice vote.

Dan Wilson arrived at 11:15 a.m., replacing John Linc Stine at the meeting.

Southern Water Planning Committee

Rice County Local Water Management Plan Update – Paul Langseth reported that the Southern Water Planning Committee reviewed the Rice County Local Water Management Plan Update and recommends approval. Moved by Paul Langseth, ** 09-94 seconded by Sandy Hooker, to approve the Rice County Local Water Management Plan Update. Motion passed on a voice vote.

Wetlands Committee

Eleven-County Metro WCA Enforcement Grants – Jim Haertel explained that the Legislature appropriated $100,000 in each year of the current biennium "to make grants to local units of government within the 11-county metropolitan county areas to improve response to major wetland violations". BWSR was appropriated funds for this activity in the prior biennium as well. Staff developed a proposal in consultation with metro SWCDs which was reviewed by the Wetland Committee on October 28. Moved by ** 09-95 Rebecca Flood, seconded by LuAnn Tolliver, to accept the Wetland Committee recommendation to allocate the FY2010-11 biennial Wetland Conservation Act supplemental enforcement funding for the 11-county metropolitan area. Dave Weirens stated that separate but related appropriated funding is passed through to DNR; and the

cease and desist order and restoration order data is from DNR-Enforcement for the years 2005 through 2008. Motion passed on a voice vote.

BWSR-NRCS Interagency Memorandum of Understanding: Wetland Conservation Act and Swampbuster Coordination – Dave Weirens distributed a revised draft MOU after the Wetlands Committee reviewed the MOU at the Committee meeting last night. Les Lemm reported that he has been in consultation with NRCS regarding the changes and they were in agreement with the Committee's recommended changes. Les provided an overview of the MOU. Less stated that the changes to the Wetland Conservation Act (WCA) and Swampbuster have had an impact on agricultural producers and highlighted the value of improving programmatic coordination. BWSR and NRCS staff have been discussing the components of a memorandum of understanding (MOU) for several months. Moved by Paul Brutlag, seconded by LuAnn Tolliver, to accept the Wetlands Committee recommendation and approve the BWSR-NRCS Interagency MOU: WCA and swampbuster coordination. Paul Brutlag stated that it's important to approve this MOU; he acknowledged the great efforts of John Jaschke and Bill Hunt to make this happen. Motion passed on a voice vote.

** 09-96

NEW BUSINESS

Training Program Needs Assessment – Angie Becker Kudelka distributed "Building Organizational Effectiveness: Assessment Plan Outline" for board members' information. Angie provided an overview of her plans to conduct the needs assessment which includes content analysis; key partner consultations; focus groups; and surveys. John Jaschke stated that board members should contact Angie if they have an interest or concern. Faye Sleeper stated that she is excited to have Angie here and looks forward to sharing information. Chair Kramer thanked Angie for her report.

BWSR Proposed 2010 Meeting Schedule – John Jaschke presented the proposed 2010 meeting schedule. Moved by Faye Sleeper, seconded by John Meyer, to approve the 2010 Board meeting dates. Motion passed on a voice vote.

** 09-97

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Joe Martin reported that MDA is working on emerald ash borer issues; grants will be awarded in mid-January. Joe reported that MDA will start accessing Clean Water Funding in January. Joe reported that he has been working on pesticide reports and will issue his findings in the pesticide management plan; the Committee met to review statewide monitoring data. Joe reported that Dave Weirens attended a meeting on the tax bill provisions regarding violations that will be eliminated from the Green Acres Program. Julie Blackburn clarified the definition of enforcement actions that can trigger this problem.

Minnesota Department of Health (MDH) – Dan Wilson reported that the second wave of the H1N1 is coming to an end; MDH is getting ready for a possible third wave this winter. There are 2M doses of the vaccine available statewide; restrictions have been taken off on those who receive the vaccine; MDH is now free to offer the H1N1 vaccine to the general population if they feel they have enough. Dan stated that there is no guarantee that there will be a Phase 3 of the H1N1; and with the vaccination program, MDH hopes that any peak will be lower. The incident command structure does remain in place.

Dan reported that MDH has seen a consistent reduction in domestic well construction over the past three years; the decrease curve is starting to break; It appears that the bottom of the well market may have been in November-December 2008.

Minnesota Department of Natural Resources (DNR) – Larry Kramka reported that one current area of DNR focus is on Environmental Impact Statements (EIS) related to mining. DNR has a role in the EIS process and public notice of the U.S. Steele project in Kewatin.

Minnesota Extension Service (MES) – Faye Sleeper distributed copies of the "Onsite Sewage Treatment Program 2009-2010". Faye reported that MES provides training for the state's Onsite Sewage Treatment Program and MPCA provides certification.

Minnesota Pollution Control Agency (MPCA) – Rebecca Flood stated that she has nothing to report at this time.

ADVISORY COMMENTS

Minnesota Association of Conservation District Employees (MACDE) – Felicia Brockoff thanked BWSR staff for conducting the BWSR Academy and partnering with MACDE on this; she would like to see this continue. Felicia is excited that Angie Becker Kudelka has been hired as the Board's training coordinator and looks forward to working with her. Felicia reported that MACDE held their annual meeting at the BWSR Academy. Felicia announced that Marilyn Bernhardson was the recipient of MACDE's 2009 Extraordinary Contribution Award. MACDE's new officers for 2010 on their website http://www.macde.us

Minnesota Association of Townships (MAT) – Sandy Hooker thanked Larry Kramka, Gaylen Reetz and John Jaschke for attending and participating in MAT's annual conference in Rochester.

Natural Resources Conservation Service (NRCS) – Tim Koehler asked John Jaschke to mention the recently signed RIM-WRP MOU.

John Jaschke stated that grants protocol and the related "conflict of interest statement" will be addressed at today's Grants Program and Policy Committee meeting and the January Board meeting. Contact John if you have questions.

John Jaschke stated that Board Member information is on BWSR's website. Board members choose which phone number will be on the Board Member contact listing.

Chair Kramer reported that the LuAnn Tolliver's watershed district, Nine Mile Creek Watershed District, received the "DNR Watershed District of the Year Award" at the MAWD Convention in Alexandria.

Louise Smallidge announced that the Washington Conservation District was the recipient of the MASWCD "2009 Outstanding Conservation District Award" presented at the MASWCD Convention in Duluth.

UPCOMING MEETINGS

- Grants Program & Policy Committee Meeting, immediately following the Board Meeting today, Board Room, lower level.
- Southern Water Planning Committee Meeting, immediately following the Board Meeting today, Conference Room 2-3.
- Grant Program & Policy Committee Meeting, January 13; 9:00 a.m. – noon
- Board Workshop, January 27th and Board Meeting, January 28, 2010, Riverwood Inn & Conference Center, Otsego
- Wetland Committee Meeting, March 23, at the Kelly Inn, St. Paul, at 5:30 p.m.
- RIM Reserve Planning Committee Meeting, January 22, 2010, 10:00 a.m. – 3:00 p.m., MNDOT Training and Conference Center, Shoreview

Chair Kramer thanked everyone for their participation and attendance at the meeting today; and wished everyone "Happy Holidays"!

** 09-98 Moved by Brian Napstad, seconded by Bob Burandt, to adjourn the meeting at 12:10 p.m. Motion passed on a voice vote.

Respectfully submitted,

Randy Kramer
Chair

BOARD OF WATER AND SOIL RESOURCES
Attendance Roster

	Name	Affiliation	Phone #
1.	Daniel Belkin	Self	714-1992
2.	Bill Hurgis	Woodbury	739-1040
3.	Lowell Johnson	Washington Co	430-6725
4.	STEVE KURNIK	WOODBURY	651-714-3536
5.	Matt Moore	SWWD	651.714.3729
6.	Denny McNamara	St. Rep	651-~~437~~-296-3135
7.	Jean Coleman	CK Planning	612-588-4904
8.	Conor Donnelly	BWSR	651-282-3815
9.	Lincoln Fetcher	VBWD	651 779 9780
10.	Felicia Brockoff	MACDE/Carver SWCD	952-446-5230
11.	Ron Shelito	BWSR	
12.	BILL BARTON	BRWD CAC	6516995478
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BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD
ST. PAUL, MINNESOTA 55155
WEDNESDAY, OCTOBER 28, 2009

BOARD MEMBERS PRESENT:
Gordy Behm, Paul Brutlag, Quentin Fairbanks, Rebecca Flood, MPCA; Christy Jo Forgarty, Sandy Hooker, Larry Kramka, DNR; Paul Langseth, Joe Martin, MDA; John Meyer, Keith Mykleseth, Brian Napstad, Faye Sleeper, MES; Louise Smallidge, LuAnn Tolliver, Dan Wilson, MDH

BOARD MEMBERS ABSENT:
Randy Kramer
Tom Lovell
Bob Burandt
Gene Tiedemann

STAFF PRESENT:
Mary Jo Anderson, Julie Blackburn, Travis Germundson, Jim Haertel, John Jaschke, Al Kean, Kevin Lines, Jeff Nielsen, Dan Shaw

OTHERS PRESENT:
Wayne Edgerton, DNR
LeAnn Buck, MASWCD
Heather Mavencamp, MNAR

Vice-Chair Paul Brutlag called the meeting to order at 9:00 a.m.

PLEDGE OF ALLEGIANCE

** 09-79 **ADOPTION OF AGENDA** – Moved by Louise Smallidge, seconded by Brian Napstad, to adopt the agenda as presented. John Jaschke stated that the Wetlands Committee will meet immediately following the Board meeting, not the Metro Committee as listed on the agenda. Motion passed on a voice vote.

** 09-80 **MINUTES OF SEPTEMBER 23, 2009** – Rebecca Flood stated that a clarification is needed in her report on page nine of the September 23, 2009 meeting minutes. It should read, "EPA directed public notice first on the site specific standards and then the Lake Pepin TMDL for nutrient and sediment impairments will be placed on public notice". Moved by Paul Langseth, seconded by Quentin Fairbanks, to approve the minutes of September 23, 2009, as corrected. Motion passed on a voice vote.

INTRODUCTION OF NEW BOARD MEMBER

- Keith Mykleseth, representing non-metro cities, from Crookston, provided brief background information about himself. Keith provided a copy of his resume. Board members introduced themselves.

REPORTS

Chair's Report – Vice-Chair Paul Brutlag reported that Randy Kramer, Bob Burandt, and Gene Tiedemann are out today due to late harvesting.

Executive Director's Report – John Jaschke gave an overview of the information in Board members' packets today. Board Members were asked to submit convention registration forms to Mary Jo Anderson today. The proposed 2010 Board meeting schedule will be acted on at the December 16, 2009 Board meeting. John reported that the Board will meet on January 27-28 for a Workshop/Board meeting at the Riverwood Inn and Conference Center in Otsego.

John stated that Chair Kramer has reviewed the Board Committees and has made some adjustments to include the three new board members. The Dispute Resolution Committee (DRC) is a statutory committee that will require membership options by the Attorney General's office. Paul Brutlag stated that additional review of it is important to have a means for assuring sufficient representation on this committee when conflicts of interest may occur. reviewed

John attended the Water Resources Conference earlier this week at the River Center; it was very well organized and attended. John attended the Red River Basin Commission

meeting, and will attend the meeting next week in Grand Forks, ND. A series of public meetings are being held to get local input. John also attended the Mississippi Headwaters Board strategic planning session.

John reported that BWSR will be submitting bonding and policy proposals for the Governor's Office and Minnesota Management & Budget (MMB) review. The bonding proposals are RIM and road replacement banking.

Dispute Resolution Committee – Travis Germundson reported that no new appeals have been filed since the October 15th report. Travis reviewed a few of the appeals in more detail.

Wetlands Committee – LuAnn Tolliver reported that the Wetlands Committee will meet immediately following the Board meeting today. The Wetlands Committee has a meeting scheduled for December 15th at the Kelly Inn, in St. Paul. LuAnn welcomed new Committee Members.

Grants Program & Policy Committee – Louise Smallidge reported that the Grants Program & Policy Committee has not met. The Committee will meet immediately following the Board Meeting on December 16th. Louise welcomed the new Committee Members.

Public Relations, Outreach & Strategic Planning Committee – Brian Napstad reported that the Public Relations, Outreach & Strategic Planning Committee has not met. The Committee may meet in December as a preparatory meeting to the Board Workshop in January.

RIM Reserve Planning Committee – Paul Brutlag reported that the Krusmark issue is in negotiations. John Jaschke reported that a substitute easement is being pursued, Kevin Lines Is working with the Attorney General and the landowner.

Administrative Advisory Committee (AAC) – Paul Brutlag reported that the AAC met this morning. Issues discussed included the tentative 2010 Board meeting schedule; Board Committee roster adjustments; Board Workshop; budget/staff status; policy proposals for 2010; and bonding proposals for 2010.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

Public Hearing on Petition for Boundary Change of South Washington WD and Valley Branch WD, and Reduction in Number of Managers of South Washington WD – LuAnn Tolliver reported that the Metro Water Planning Committee met on October 15. Jim Haertel reported that a citizen petition for a boundary change of the South Washington WD and the Valley Branch WD, and for a reduction in the number of

managers of the South Washington WD, was filed with the Board on October 5, 2009. The Washington County Auditor has certified the requisite number of petitioner signatures has been met. The petition requests the boundary of the two watershed districts be changed to follow the major hydrologic boundary between the Mississippi River and the St. Croix River. Also, the petition requests the number of managers of the South Washington WD be reduced from seven to five. Last May, the watershed district boundary that is the subject of the petition was established by the Board when the two watershed districts were enlarged in conjunction with the dissolution of the Lower St. Croix WMO. At that time the number of managers of the South Washington Watershed District was increased from five to seven. The Metro Water Planning Committee met and found that a sufficient petition had been filed and recommend a public hearing be held.

** 09-81 Moved by LuAnn Tolliver, seconded by Louise Smallidge, that the Board hereby orders a public hearing be held within 35 days from today, on the petition for a boundary change of the South Washington Watershed District and the Valley Branch Watershed District and a reduction in number of managers of the South Washington Watershed District to be presided over by the Board's Metropolitan Water Planning Committee on Tuesday, November 17, 2009, starting at 7:00 p.m. at the Washington County Service Center in Cottage Grove, or if conflicts arise, the Executive Director should choose another suitable date, time and location, after proper legal notice of the public hearing has been given. Motion passed on a voice vote.

Northern Water Planning Committee

Lake of the Woods County Local Water Management Plan – Quentin Fairbanks reported that the Northern Water Planning Committee met on October 14, 2009, and recommends approval of the Lake of the Woods County Local Water Management Plan.

** 09-82 Moved by Quentin Fairbanks, seconded by Brian Napstad, to approve the Lake of the Woods County Local Water Management Plan. Motion passed on a voice vote.

Pine Soil and Water Conservation District (SWCD) Change in Location of Office Headquarters – Quentin Fairbanks reported that the Pine SWCD Board of Supervisors filed a resolution with the BWSR Board to change the location of their office headquarters, effective October 1, 2009. The new office location is approximately 10 miles north in Sandstone. Pursuant with statute, BWSR must act on the change of office location. Quentin reported that the Northern Water Planning Committee recommends approval of the Pine SWCD change in office headquarters.

** 09-83 Moved by Quentin Fairbanks, seconded by Brian Napstad, to approve the Pine SWCD change in location of office headquarters. Motion passed on a voice vote.

St. Louis County Priority Concerns Scoping Document – Quentin Fairbanks reported that the Northern Water Planning Committee reviewed the St. Louis County
** Priority Concerns Scoping Document and recommends approval. Moved by Quentin
09-84 Fairbanks, seconded by Brian Napstad, to approve the St. Louis County Priority Concerns Scoping Document. Paul Brutlag stated that MPCA participation was discussed positively. Larry Kramka stated that DNR is participating fully with local officials. Motion passed on a voice vote.

Quentin reported that Steve Woods attended the meeting to introduce the joint BWSR/MPCA expectation for building TMDLs into local water plans.

RIM Reserve Planning Committee

Establish Rates, Eligibility and Wellhead Protection Area Selection for Clean Water Funded (CWF) Permanent RIM Reserve Wellhead Protection Easement Program – Kevin Lines reported that the 2009 Minnesota State Legislature appropriated $2.0 million of CWF to the BWSR to purchase and restore permanent RIM Reserve conservation easements on wellhead protection areas. The RIM Reserve Planning Committee met on August 10th and September 23, 2009 to review and unanimously recommends approval of the resolution presented.

** Moved by Paul Langseth, seconded by Louise Smallidge, to authorize staff to work with
09-85 the appropriate SWCDs to implement the acquisition of RIM Reserve Wellhead Protection easements in the targeted areas which have been identified by the Minnesota Department of Health (MDH) as high or very high vulnerability. A payment rate of 100% of the Average Assessed Township Value (AATV) for cropland acres, and 60% of the AATV for non-cropland acres enrolled in the Permanent RIM Reserve Wellhead Protection Conservation Easement Program. Rates are to be calculated using the township average for tillable property value established by county assessors for the 2010 tax year. Discussion followed. John Jaschke stated that sites, maps and criteria used to prioritize will be looked at and shared as requested. Motion passed on a voice vote.

Establish Rates, Eligibility, and Sign-Up Procedures for Clean Water Funded (CWF) Permanent RIM Reserve Riparian Buffer Conservation Easement Program – Kevin Lines reported that the 2009 Minnesota State Legislature appropriated $6.5 million of CWF to the Board of Water and Soil Resources (BWSR) to purchase and restore permanent conservation easements and riparian buffers. The RIM Reserve Planning Committee met on August 10th and September 23, 2009 to review and unanimously recommends the approval of the resolution presented.

** 09-86 Moved by Paul Langseth, seconded by Quentin Fairbanks, to authorize staff to implement a continuous permanent RIM Reserve Riparian Buffer Easement statewide program sign-up beginning November 1, 2009. A payment rate of 100% of the Average Assessed Township Value (AATV) for cropland acres and 60% AATV for non-cropland acres enrolled in the permanent RIM Reserve Riparian Buffer Easement Program. Rates are to be calculated using the township average for tillable property value established by county assessors for the 2010 tax year. Discussion followed. John Jaschke stated the priority will be to enroll the most critical acres of expiring CRP into long-term conservation. Listening sessions will be held regarding all clean water funding projects. Quentin Fairbanks asked about a listing of all clean water funding projects. Rebecca Flood stated that the Legislative Coordinating Commission will have information on their website that you can access as soon as funding is out for all constitutional amendment funds. Motion passed on a voice vote.

NEW BUSINESS

Native Buffer Cost-Share Grant Program Criteria Revision – Dan Shaw reported that the program criteria for the Native Buffer Cost-Share Grant Program has been updated to address revised BWSR native vegetation guidelines and to incorporate

** 09-87 wording changes in 2009 legislation. Moved by Paul Langseth, seconded by Louise Smallidge, to approve the new Native Buffer Cost-Share Program Criteria as presented. John Jaschke reported that this resolution is for adoption of the criteria; the guidelines will become guidance for LGUs and seed source vendors in the future. Motion passed on a voice vote.

Rural Preserves Update – Julie Blackburn reported that during the past legislative session there were changes made to the "Green Acres" tax program to provide incentives for natural areas on agricultural lands. The new program is called the "Rural Preserves Property Tax Program." These changes give responsibility to Soil and Water Conservation Districts (SWCDs) to approve conservation plans -- a requirement for enrollment in the new Rural Preserves Program. BWSR is developing guidance on administrative policies, communicating important approval timelines, and providing training on writing conservation plans. Julie provided an update on this program, including training plans and timelines for implementation. Discussion followed regarding the assessment value across the state. Julie distributed guidance document that will go out to SWCDs to work through the program. Julie stated that Michelle Schaefers has put together a great draft guidance document that will be on our website by January, 2010. Julie routed the document for board members to look at. Brian Napstad stated that he can see this program as becoming a burden for counties as the assessment values differ. Julie stated that statute mandates BWSR to only establish conservation plan criteria for the program. BWSR will provide guidance to SWCDs, fulfilling BWSR's requirements. Tax assessment and valuation guidance is coming out from the Department of Revenue.

Dan Wilson arrived at the meeting at 10:35 a.m.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Joe Martin reported that MDA is working with BWSR and MPCA on open lot agreement communications, the deadline is October 2010. Joe stated that harvest has been slow and that causes problems for farmers. MDA is busy working on the H1N1 issues in swine.

Minnesota Department of Health (MDH) – Dan Wilson reported that MDH is involved in the expansion phase of the H1N1 pandemic. Minnesota was allotted 325,000 doses of the H1N1 vaccine; however, there is a production problem with getting sufficient vaccine dosages. Dan stated that he will continue to update the Board.

Minnesota Department of Natural Resources (DNR) – Larry Kramka reported that the application period for small conservation grants from the Lessard Sams Outdoor Heritage Council recommended through DNR is coming to a close; the information is on DNR's website. Larry reported that he had the opportunity earlier in month to tour recreational trail innovative projects in Aitkin County. Larry suggested that it may be interesting for the Board to bring someone in to report on this. Brian Napstad reported that the 600 mile trail is a joint effort in Isanti and Aitkin Counties.

Larry reported that PolyMet Mining, Inc. (PolyMet) proposes to develop an open pit mine to refurbish and modify the former LTV Steel Mining taconite ore processing facility to extract copper metal and precipitates of nickel, cobalt and precious metals near Babbitt and Hoyt Lakes in northeastern Minnesota. DNR and the U.S. Army Corps of Engineers prepared a joint Environmental Impact Statement (EIS) that will satisfy both state and federal environmental review requirements, and is posted on DNR's website. This posting is intended only as an early viewing opportunity. DNR cannot accept comments on the document until the beginning of the comment period on November 2. Brian Napstad reported that Polymet has served over 4000 acres in Aitkin County for wetland mitigation.

Minnesota Extension Service (MES) – Faye Sleeper reported that the MES is tasked with developing an interdisciplinary approach on water and climate change.

Minnesota Pollution Control Agency (MPCA) – Rebecca Flood reported that due to miscommunication on MPCA's part, some SWCDs were rejected for CWP grant applications. She apologized that it happened and hopefully there is still time for LGUs to resubmit their applications.

ADVISORY COMMENTS

Minnesota Association of Conservation District Employees (MADCE) – John Jaschke stated that the MACDE will meet as part of the BWSR Academy, November 2-4, near Brainerd.

Minnesota Association of Soil and Water Conservation Districts (MASWCD) – LeAnn Buck briefly commented on the Rural Preserve Property Tax Program; MASWCD will focus on learning and working with county assessors. LeAnn thanked MPCA, DNR, MES, MDA, and BWSR for partnering with MASWCD on their annual convention. There will be a panel discussion at the convention with Mike Kilgore, Chair of the LSOHC; and Louis Smith, Clean Water Council Member to discuss major sources of grant funding that SWCDs may apply for. LeAnn thanked county commissioners for their role in funding infrastructure for fulfilling SWCDs mission. MASWCD is meeting with BWSR, MAWD, and AMC on November 9th. LeAnn distributed the MASWCD e-mail newsletter. LeAnn welcomed new board members. LeAnn thanked Paul Brutlag for attending their Area leadership meetings.

Minnesota Association of Townships (MAT) – Sandy Hooker reported that the MAT annual meeting is November 20-21, 2009 in Rochester.

UPCOMING MEETINGS

- Southern Water Planning Committee Meeting, immediately following the Board Meeting.
- Wetlands Committee Meeting today at noon.
- MAWD Annual Convention, December 3-5, 2009, Alexandria.
- MASWCD Annual Convention, December 6-8, 2009, Duluth.
- AMC Annual Convention, December 7-9, 2009, Minneapolis.
- Next Board Meeting, December 16, 2009, Board Room, lower level, St. Paul.
- Board Retreat – January 27-28, 2009, Riverwood Conference Center, Otsego.

** 09-88 Moved by Brian Napstad, seconded by John Meyer, to adjourn the meeting at 11:15 a.m. Motion passed on a voice vote.

Respectfully submitted,

Mary Jo Anderson
Recorder

Dispute Resolution Report
December 1, 2009
by: Travis Germundson

There are presently **17** appeals pending. All of the appeals involve WCA except File 05-24. There have been **2** new appeals filed since the last report dated October 28, 2009.

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 09-24 (11-09-24) This is an appeal of a restoration order in Itasca County. The appeal regards the placement of approximately 4,065 square feet of fill in a type 7 wetland adjacent to Rice Lake.~~ *The appeal has been denied.*

File 09-23 (11-02-09) This is an appeal of a restoration order in Pipestone County. The appeal regards the impact of approximately 2.3 acres of type 1 wetland associated with the installation of agricultural drain tile. *No decision has been made on the appeal. The appellant has granted BWSR additional time to make a decision on the appeal.*

File 09-22 (10-02-09) This is an appeal of a restoration order in Carlton County. The appeal regards three separate investigation areas encompassing over 18 acres of wetland impacts from excavation, filling, and ditching. The replacement order has been stayed and the appeal has been placed in abeyance pending further technical work and for submittal of complete wetland replacement plan, exemption, or no-loss application.

File 09-21 (09-30-09) This is an appeal of a restoration order in Polk County. The appeal regards the placement of approximately 1.1 acres of fill in a type 2/3 wetland adjacent to Lake Sarah. The replacement order has been stayed and the appeal has been placed in abeyance pending further technical work and for submittal of complete wetland replacement plan, exemption, or no-loss application.

File 09-18 (9-16-09) This is an appeal of a wetland bank decision in Koochiching County. The appeal regards the approval of a wetland bank application at 100-percent credit by the County Board. The decision deviated from the Technical Evaluation Panel recommendation and staff decision on percent eligible for credit. The appeal has been remanded because the local government unit's record is not adequate.

File 09-13 (8-20-09) This is an appeal of an exemption decision in Otter Tail County. The appeal regard the denial of an exemption request for agricultural/drainage actives. A previous denial of the same exemption decision had been appealed (File 09-6). The appeal was remanded for further technical evaluation and a hearing, and now the current denial has been appealed. *The appeal has been granted. A pre hearing conference convened on November 12, 2009. At which time parties agreed to hold off scheduling written briefs until March 2010.*

File 09-10 (7-9-09) This is an appeal of a banking plan application in Aitkin County. The appeal regards the LGU's denial of a banking plan application to restore 427.5 acres of wetlands through the use of exceptional natural resource value. The appeal has been accepted and a pre-hearing conference convened on October 13, 2009 and settlement discussions are ongoing.

File 09-9 (6-22-09) This is an appeal of a restoration order in Brown County. The appeal regards a no-loss request\determination for the placement of agricultural tile lines within a wetland area. The landowner requested a no-loss determination from the LGU, and then proceeded to do the work prior to obtaining a determination. Both parties mutually agreed to extend the time period for BWSR to render a final decision. No decision has been made on the appeal.

File 09-3 (2-20-09) This is an appeal of a replacement plan decision in Anoka County. The appeal regards the approval of a wetland replacement plan for 11,919 square feet of impacts associated with a residential development. The appeal has been placed in abeyance and the replacement plan decision stayed for submittal of a revised replacement plan application at the request of the petitioner.

File 09-2 (2-19-09) This is an appeal of a restoration order in Stearns County. The appeal regards the filling of approximately 6,833 square feet of a type 5 wetland with various debris materials. No decision has been made on the appeal. The appellant has granted BWSR additional time to make a decision on the appeal.

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. 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 Appellant Court.

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.

Draft Summary Table

Type of Decision	Total for Calendar Year 2009
Order in favor of appellant	
Order not in favor of appellant	9
Order Modified	1
Order Remanded	3
Order Place Appeal in Abeyance	3
Negotiated Settlement	

Minnesota Water Sustainability Framework
Team members as of 12/15/09

Team	First name	Last name	Organization
Project Leader	Deb	Swackhamer	U of M Water Resources Center
Project Coordinator	Jean	Coleman	CR Planning
Agriculture Team	Adam	Birr	Minnesota Department of Agriculture
Agriculture Team	David	Craigmile	Farmer
Agriculture Team	Scott	Hoese	Farmer
Agriculture Team	Tim	Larson	Minnesota Pollution Control Agency
Agriculture Team	John	Nieber	University of Minnesota
Agriculture Team	Jonathan	Olson	Farmer
Agriculture Team	Joel	Peterson	Board of Water and Soil Resources
Agriculture Team	Shawn	Schottler	St. Croix Watershed Research Station
Agriculture Team	Greg	Schwarz	Farmer
Agriculture Team	Jim	Sehl	Minnesota Department of Natural Resources
Agriculture Team	Dale	Setterholm	Minnesota Geological Survey
Agriculture Team	Lawrence	Sukalski	Farmer
Agriculture Team	Jerry	Wright	University of Minnesota Extension
Agriculture Team co-chair	Warren	Formo	Minnesota Agricultural Water Resources Coalition
Agriculture Team co-chair	Gary	Sands	University of Minnesota
Agriculture Technical Work Team	Dale	Setterholm	Minnesota Geological Survey
Citizen Stakeholder Advisory Team	Jeff	Broberg	Trout Unlimited
Citizen Stakeholder Advisory Team	Mark	Doneaux	Capitol Region Watershed District
Citizen Stakeholder Advisory Team	Darrell	Gerber	Clean Water Action
Citizen Stakeholder Advisory Team	Tony	Kwilas	Minnesota Chamber of Commerce
Citizen Stakeholder Advisory Team	Dan	Legvold	Farmer, Formerly Cannon River Watershed District
Citizen Stakeholder Advisory Team	Daryn	McBeth	Agri-Growth Council
Citizen Stakeholder Advisory Team	Shirley	Nordrum	Leech Lake Band of Ojibwe
Citizen Stakeholder Advisory Team	Charlotte	Quiggle	Sugar Lake Lake Association/Annandale Town Board
Citizen Stakeholder Advisory Team	Brian	Strub	League of Minnesota Cities
Citizen Stakeholder Advisory Team	John	Sumption	Cass County Soil and Water Conservation District
Citizen Stakeholder Advisory Team	Vern	Wagner	Anglers for Habitat
Citizen Stakeholder Advisory Team co-chair	Marian	Bender	Minnesota Waters
Citizen Stakeholder Advisory Team co-chair	Barb	Liukkonen	U of M Water Resources Center
Ecological Services Team co-chair	Lucinda	Johnson	U of M Natural Resources Research Institute
Education Team	Karen	Davis	Three Rivers Park District
Education Team	Tracy	Fredin	Hamline University, Center for Global Environmental E
Education Team	David	Fulton	United States Geological Survey
Education Team	Cindy	Hagley	Sea Grant
Education Team	Linda	Kingery	University of Minnesota, Regional Sustainable Partnersh
Education Team	Courtney	Kowalczak	Minnesota Waters
Education Team	Molly	MacGregor	Minnesota Pollution Control Agency
Education Team	April	Rust	Minnesota Deparment of Natural Resources
Education Team	Molly	Schultze	Conservation Minnesota
Education Team	Lyndon	Torstenson	National Park Service; Mississippi National River & Re
Education Team	Jenny	Winkleman	Mississippi Watershed Management Organization
Education Team co-chair	Barbara	Huberty	Rochester Public Works Storm Water Dept.
Education Team co-chair	Faye	Sleeper	U of M Water Resources Center
Headwaters Council	Jim	Anderson	University of Minnesota
Headwaters Council	Willis	Anthony	Farmer
Headwaters Council	Mike	Cichanowski	Wenohah Canoes
Headwaters Council	Kathryn	Draeger	U of M Regional Sustainable Development
Headwaters Council	Jon D.	Evert	Clay County
Headwaters Council	Rebecca	Flood	MPCA
Headwaters Council	Randy	Hicks	U of M Center for Freshwater Research & Policy
Headwaters Council	Keri C.	Hornbuckle	U of Iowa Dept. of Civil and Environmental
Headwaters Council	Mike	Kilgore	U of M Dept. of Forest Resources

Headwaters Council	Bill	Kueper	Wenonah Canoe, Inc.
Headwaters Council	John	Magnuson	U of W-Madison Center for Limnology
Headwaters Council	Gene	Merriam	Freshwater Society
Headwaters Council	Steve	Morse	Minnesota Environmental Partnership
Headwaters Council	Carl	Richards	Environmental Protection Agency-Med
Headwaters Council	Terry	Schneider	City of Minnetonka
Headwaters Council	Louis N.	Smith	Smith Partners, PLLP
Headwaters Council	Jeff	Stoner	USGS
Headwaters Council / Policy Team	Martha	Brand	Consultant
Policy Team	Dave	Dempsey	Conservation Minnesota
Policy Team	Shannon	Fisher	Mankato State University
Policy Team	Ann	Glumac	Glumac Exec. Enterprise
Policy Team	Ron	Harnack	Consultant
Policy Team	Diane	Jensen	Consultant
Policy Team	Craig	Johnson	League of MN Cities
Policy Team	Brad	Karkkainen	U of M Law School
Policy Team	Kent	Lokkesmoe	MN DNR
Policy Team	Brad	Moore	Barr Engineering
Policy Team	Tim	Sherkenbach	MPCA
Policy Team	Shelley	Shreffler	LCCMR
Policy Team	Rob	Sip	Department of Agriculture
Policy Team	John	Wells	Environmental Quality Board
Policy Team co-chair	Sherry	Enzler	Institute on the Environment
Policy Team co-chair	John	Helland	Conservation Minnesota

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The Water Resources Center is affiliated with the College of Food, Agricultural and Natural Resource Sciences and University of Minnesota Extension.

Minnesota Water Sustainability Framework

The University of Minnesota's Water Resources Center has been charged by the Minnesota State Legislature to develop the state's master plan for sustainable water management, a plan that will protect and preserve Minnesota's lakes, stream, rivers and ground waters for the 21st century and beyond without compromising people's current needs, water quality or natural ecosystems.

Background

In fall of 2008, Minnesotans passed The Clean Water, Land and Legacy Act, an amendment to the state's constitution that created a three-eighths of a percent sales tax to fund, among other things, the protection and preservation of Minnesota's freshwater. The amendment has the potential to raise more than $275 million a year – of which roughly one third—about $85 million a year—will go toward protecting and preserving Minnesota's surface and ground water.

This spring, the legislature took the first step in investing that money, appropriating $750,000 to the University of Minnesota's Water Resources Center to create a comprehensive, 25-year framework for the sustainable management of Minnesota's water resources. The framework is intended to serve as a roadmap—with clear signposts on how and when to spend the money and on what initiatives—based on scientific research, expert opinion, and input from citizens around the state. The plan, titled "Minnesota Water Sustainability Framework," will be presented for recommendation to the legislature in January of 2011.

Why a Framework?

Currently, Minnesota lacks a holistic approach to its water management. The state's drinking water, water used for industrial and agricultural purposes, and lake and river water are monitored and managed by independent agencies. "As a result, we don't have a good understanding of how much water we're using relative to how much is being replenished," says Deborah Swackhamer, co-director of the Water Resources Center and Framework project leader.

Swackhamer, a environmental chemistry professor with the university's School of Public Health who also holds the Humphrey Institute's Charles M. Denny Jr. Chair in Science, Technology and Public Policy, was the lead on Minnesota Statewide Conservation and Preservation Plan, the 400-page comprehensive plan for environmental sustainability produced by the university's Institute on the Environment and the Legislative-Citizen Commission on Minnesota Resources (LCCMR) and presented to the Minnesota Legislature last July.

Process and Governance

The Headwaters Council, an oversight team made up of experts on the topic of water resources from around the region, is currently being assembled to provide guidance to the Framework's process and policy recommendations.

Concurrently, experts from state agencies including the Minnesota Pollution Control Agency, the Department of Natural Resources, the Department of Agriculture, the Department of Health, the Environmental Quality Board, the Board of Soil and Water Resources and representatives from higher education, the private sector, and non-governmental organizations are being appointed to work teams. These teams will identify the water issues to be considered, determine gaps in knowledge, management and policy, and formulate recommendations. Additional teams will synthesize the recommendations and identify timelines for implementation.

Commitment to Public Engagement

Because water policy involves values as well as science, the Water Resources Center will engage all Minnesotans through surveys, workshops and on-site events to find out how Minnesotans want to use their water and how they feel about a range of water-related issues — from fishing and boating to agricultural practices. A Citizen and Stakeholder Advisory Committee will be named this fall to guide this process.

Timeline

Summer/Fall 2009

- Naming of Headwaters Council, Citizens and Stakeholder Advisory Committee, and work

Timeline

Summer/Fall 2009

- Naming of Headwaters Council, Citizens and Stakeholder Advisory Committee, and work teams.
- Water Resource Center booth at the Minnesota State Fair solicits public opinion on a range of water issues

Fall/Winter 2009 –2010

- Work teams develop recommendations and engage citizens and stakeholders through communications campaigns and public forums

Spring/Fall 2010

- Work team recommendations are compiled and synthesized

Fall/Winter 2010—2011

- Final report is prepared and reviewed before being presented to the Minnesota State Legislature on January 15, 2011.

Key Contacts and Partner Organizations

Deborah L. Swackhamer, Project Leader - dswack@umn.edu

Jean Coleman, Project Coordinator - jcoleman@crplanning.com

Barbara Liukkonen, Citizen Engagement Coordinator - liukk001@umn.edu

Minnesota Board of Water and Soil Resources

Minnesota Department of Agriculture

Minnesota Department of Health

Minnesota Department of Natural Resources

Minnesota Pollution Control Agency

Minnesota Public Facilities Authority

The Metropolitan Council

The Minnesota Environmental Quality Board

Feedback

The Water Resources Center wants your thoughts on how to preserve and protect Minnesota's waters for all future generations. Contact Us

Resources

Statewide Conservation and Preservation Plan. 2008. University of Minnesota

Water Is Life: Protecting a Critical Resource for Future Generations. 2008. Freshwater Society (.pdf)

Minnesota Water Marks. 2000. Minnesota Environmental Quality Board (.pdf)

Managing for Water Sustainability. 2008. Minnesota Environmental Quality Board and MN Department of Natural Resources (.pdf)

Minnesota's Water Supply. 2000. MN Department of Natural Resources (.pdf)

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Minnesota Water Sustainability Framework
Water Resources Planning for Minnesota's Future
Overview

The Legacy Amendment Funding Bill (2009 Minn. Laws. Ch. 172, Art. 2 § 30 at 45-46) included funding for the University of Minnesota Water Resources Center to develop a Statewide Water Sustainability Framework. The following paragraphs summarize the legislative language.

- **Project Goal:** Develop a comprehensive statewide sustainable water resources detailed framework to protect, conserve, and enhance the quantity and quality of the state's groundwater and surface water. The long-range, 25-year detailed framework shall include an implementation schedule and associated benchmarks, for policy, research, monitoring, and evaluation in order to achieve sustainable groundwater and surface water use, including the ecological benefits provided by water resources to humans and fish and wildlife habitat. For the purposes of the detailed framework, water use is sustainable when the use does not harm ecosystems, degrade water quality, or compromise the ability of future generations to meet their own needs.

- **Work Cooperatively:** Tap the knowledge, expertise, and existing plans of the Departments of Natural Resources and Agriculture, the Environmental Quality Board, the Pollution Control Agency, the Board of Water and Soil Resources, Clean Water Council, watershed management districts, watershed management organizations, soil and water conservation districts, and other federal, state, and local government and private nonprofits with expertise in water resources.

- **Issues to Address/Project Outcomes:** Include, but not be limited to, identification of infrastructure needs, drinking water, groundwater and surface water, storm water, agricultural and industrial needs, the interfaces of climate change, development and land use, and demographics. Identify best practices and methods for determining the effectiveness of those practices for wastewater treatment, drinking water source protection, pollution prevention, conservation, and water valuation.

The UM Water Resources Center is responsible for the final Framework to be delivered to the Legislature by January 2011. The project will proceed with the following general steps:

- Identify and describe guiding principles and values for water sustainability
- Identify major uses of water, water-related issues, and drivers of change in water resources
- Collect and analyze existing technical information on water issues
- Form a guiding committee, the Headwaters Council, to provide advice to the UM Water Resources Center throughout the overall process
- Form a Stakeholder and Citizen Advisory Group to ensure that citizens and stakeholders are included and consulted throughout process
- Form Technical Work Teams around the major uses to define water needs over time, identify knowledge gaps, identify threats and impacts
- Form a cross-cutting team, the Framework Synthesis Team, to integrate information from the Technical Work Team across issues and develop draft recommendations
- Develop the overall framework for sustainbly managing our water resources

LAWS of MINNESOTA for 2009 Chapter 172, Article 3

Sec. 30. **COMPREHENSIVE STATEWIDE SUSTAINABLE WATER RESOURCES DETAILED FRAMEWORK.**

(a) The University of Minnesota shall develop a comprehensive statewide sustainable water resources detailed framework to protect, conserve, and enhance the quantity and quality of the state's groundwater and surface water. The detailed framework shall be a long-range, 25-year detailed framework, with an implementation schedule and associated benchmarks, for policy, research, monitoring, and evaluation in order to achieve sustainable groundwater and surface water use, including the ecological benefits provided by water resources to humans and fish and wildlife habitat. For the purposes of the detailed framework, water use is sustainable when the use does not harm ecosystems, degrade water quality, or compromise the ability of future generations to meet their own needs.

(b) The detailed framework shall be developed by the University of Minnesota Water Resources Center in cooperation with the Departments of Natural Resources and Agriculture, the Environmental Quality Board, the Pollution Control Agency, the Board of Water and Soil Resources, watershed management districts, watershed management organizations, soil and water conservation districts, and other federal, state, and local government and private nonprofits with expertise in water resources. In developing the detailed framework, the water resources plans of organizations with water resources expertise shall be considered. The detailed framework must include, but is not limited to, identification of infrastructure needs, drinking water, groundwater and surface water, storm water, agricultural and industrial needs, the interfaces of climate change, development and land use, and demographics. The detailed framework must identify best practices and methods for determining the effectiveness of those practices for wastewater treatment, drinking water source protection, pollution prevention, conservation, and water valuation.

(c) The University of Minnesota shall also develop a ten-year plan for sustainable water resources. In developing this plan, the University of Minnesota Water Resources Center shall examine existing plans, as available and appropriate, from the Environmental Quality Board and Clean Water Council.

(d) The University of Minnesota shall submit the detailed framework to the chairs and ranking minority members of the legislative committees with jurisdiction over agriculture policy and finance, environment and natural resources policy and finance, and cultural and outdoor resources policy and finance by January 15, 2011.

(e) It is a condition of acceptance of this appropriation that the University of Minnesota must submit a work plan, a timeline, a budget, and periodic progress reports to the Legislative Coordinating Commission. After review, the work plan, progress reports, and any comments on the plan must be submitted to the house of representatives and senate environment finance and policy and cultural and outdoor resources finance committees, and to the Legislative Coordinating Commission.

Minnesota Water Sustainability Framework

Project Organizational Chart

Project Contacts:
Deborah L. Swackhamer, Ph.D.
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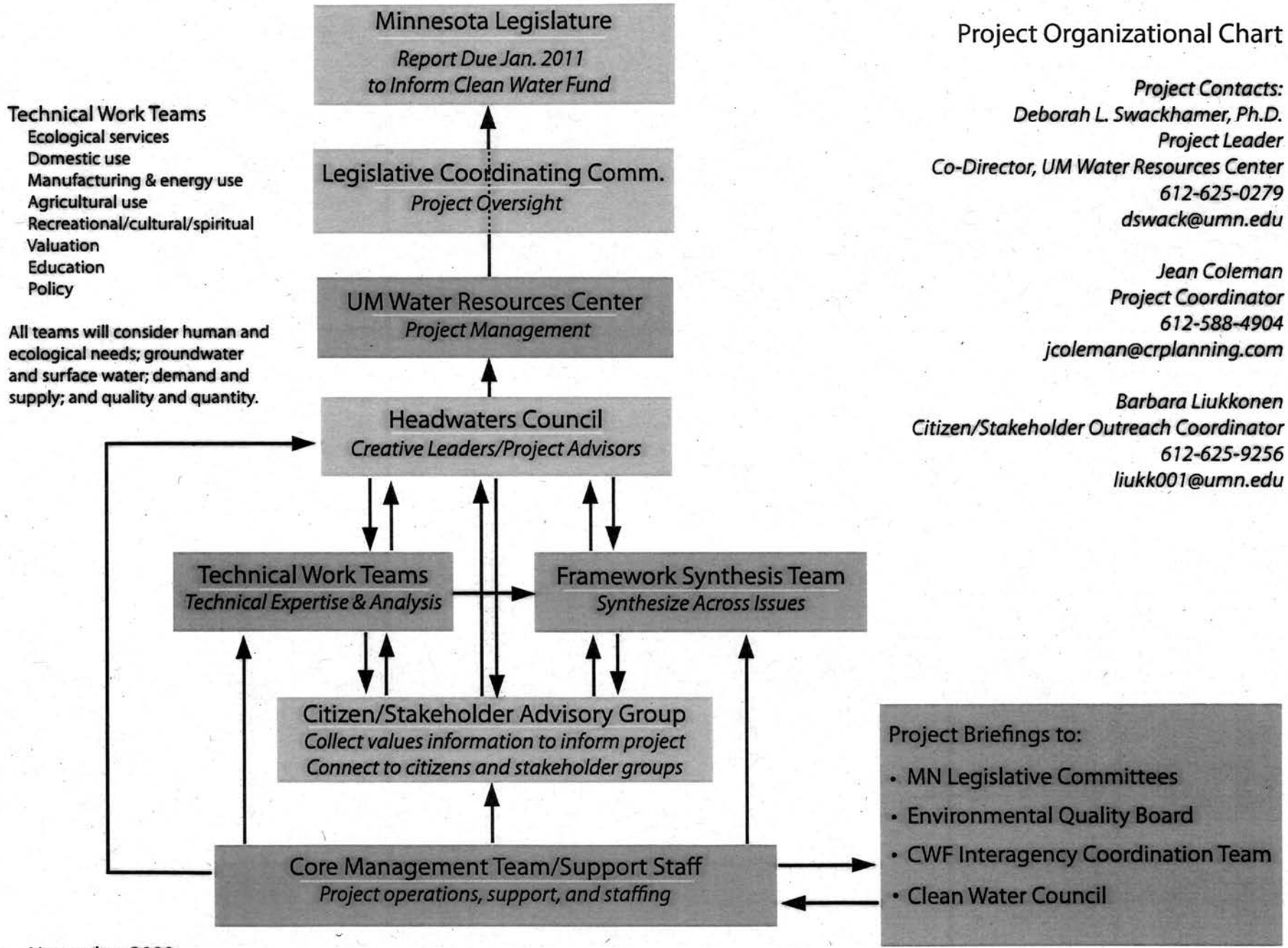

November 2009

Minnesota Water Sustainability Framework
Water Resources Planning for Minnesota's Future
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- **Work Cooperatively:** Tap the knowledge, expertise, and existing plans of the Departments of Natural Resources and Agriculture, the Environmental Quality Board, the Pollution Control Agency, the Board of Water and Soil Resources, Clean Water Council, watershed management districts, watershed management organizations, soil and water conservation districts, and other federal, state, and local government and private nonprofits with expertise in water resources.

- **Issues to Address/Project Outcomes:** Include, but not be limited to, identification of infrastructure needs, drinking water, groundwater and surface water, storm water, agricultural and industrial needs, the interfaces of climate change, development and land use, and demographics. Identify best practices and methods for determining the effectiveness of those practices for wastewater treatment, drinking water source protection, pollution prevention, conservation, and water valuation.

The UM Water Resources Center is responsible for the final Framework to be delivered to the Legislature by January 2011. The project will proceed with the following general steps:

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- Form Technical Work Teams around the major uses to define water needs over time, identify knowledge gaps, identify threats and impacts
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- Develop the overall framework for sustainbly managing our water resources

Minnesota Water Sustainability Framework

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Barbara Liukkonen
Citizen/Stakeholder Outreach Coordinator
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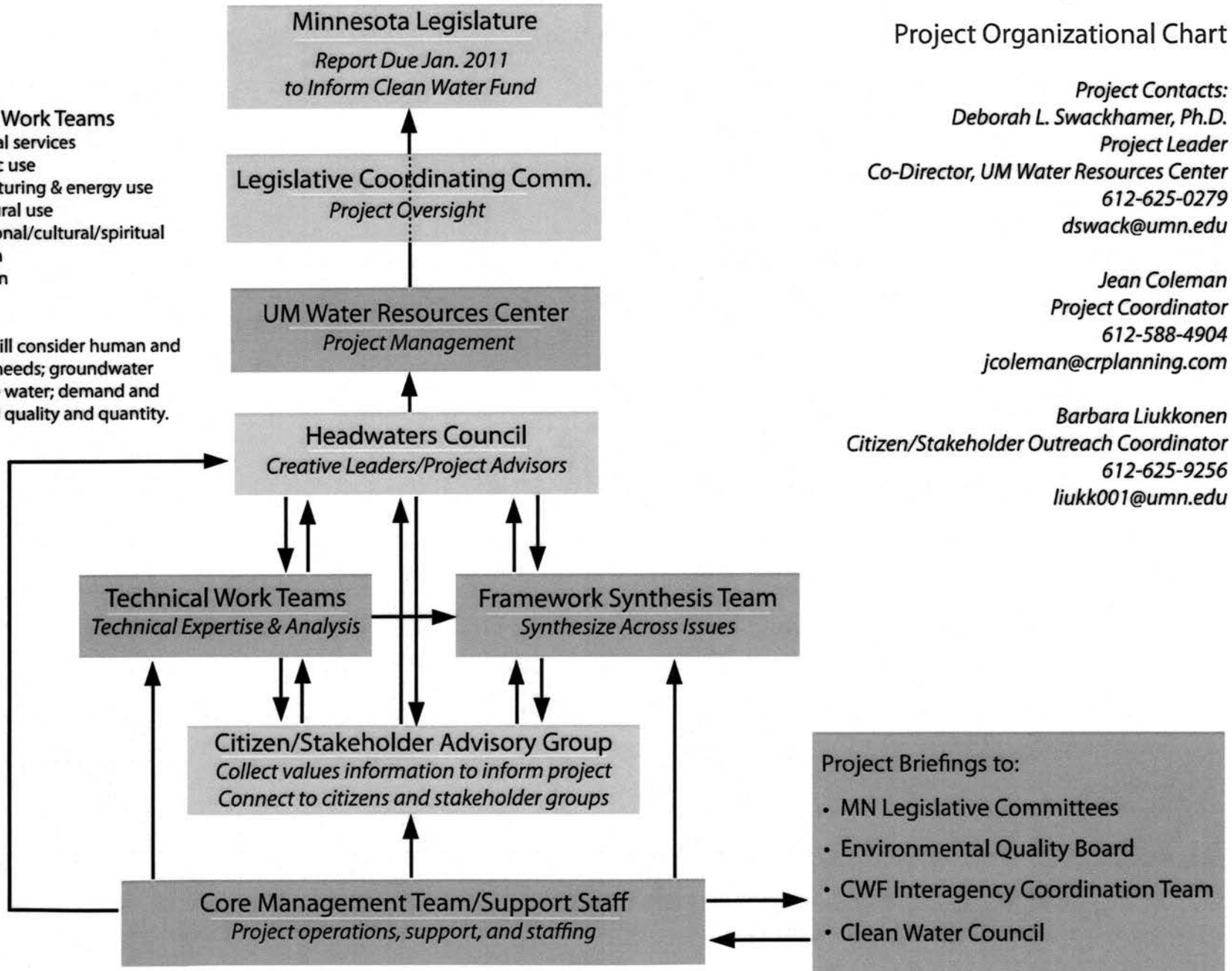
liukk001@umn.edu

Technical Work Teams
- Ecological services
- Domestic use
- Manufacturing & energy use
- Agricultural use
- Recreational/cultural/spiritual
- Valuation
- Education
- Policy

All teams will consider human and ecological needs; groundwater and surface water; demand and supply; and quality and quantity.



November 2009

Minnesota Water Sustainability Framework
Headwaters Council Member Biographies

The Minnesota Legacy Amendment Clean Water Fund[1] has funded the University of Minnesota's Water Resources Center (WRC) to develop a "comprehensive statewide sustainable water resources detailed framework to protect, conserve, and enhance the quantity and quality of the state's groundwater and surface water." Through robust discussion and consideration of information from Technical Work Teams, the Headwaters Council of the Minnesota Water Sustainability Framework project will provide advice to the WRC throughout the development of the Framework. Headwaters Council members are professional and lay experts in water issues from a broad variety of perspectives and experiences.

Steve Morse, *Chair*

Mr. Steve Morse is executive director of the Minnesota Environmental Partnership (MEP), a statewide coalition of 90 nonprofit conservation and environmental organizations. Mr. Morse's public service career has spanned elected office, appointment as Minnesota Department of Natural Resources deputy commissioner, academia, and volunteer conservation leadership positions. As a consultant with the Minnesota Environmental Initiative (MEI), Mr. Morse served as chair of the G-16 from 2003 to 2006. This coalition of government, business, local government, agriculture and environmental organizations developed the Clean Water Legacy, a plan to clean up Minnesota's contaminated waters. Mr. Morse served as deputy commissioner of the Minnesota Department of Natural Resources (DNR) from 1999 to 2003. From 1986 to 1998, Mr. Morse represented the Winona area in the Minnesota Senate. During his legislative career, he spent much of his tenure as the chair of the Senate Environment and Agriculture Budget Division.

Jim Anderson

Dr. James L. Anderson is emeritus professor in the Department of Soil Water and Climate at the University of Minnesota –Twin Cities. Since 1986, Dr. Anderson has served as director of the Center for Agricultural Impacts on Water Quality. From 1997 to 2008, Dr. Anderson was co-director of the Water Resources Center at the University of Minnesota, an integrated research, extension and education center. Currently Dr. Anderson is a private consultant and education coordinator for National Association of Wastewater Transporters. Dr. Anderson, a certified professional soil scientist, publishes frequently on topics such as small wastewater systems and constructed wetlands. Dr. Anderson is a fellow of the Soil and Water Conservation Society, and in 2003, was named "Man of the Year" by the National Association of Wastewater Transporters.

Willis Anthony

Dr. Willis Anthony is an agricultural economist and farmer in Nicollet County, Minnesota. In 1999, Dr. Anthony was awarded the University of Minnesota's Siehl Prize for Excellence in Agriculture, Crop and Livestock Producer, and Agricultural Economist for his writings about the impacts of local foods on primary producers and the environment. Dr. Anthony's longstanding commitment to water planning includes chairing the Minnesota River Agricultural Team and serving on the Nicollet County Water Planning Board. He has served on a variety of boards and task forces including: organizer and chair of the Minnesota Corn Growers Association and the Minnesota Corn Research and Promotion Council; chair of the Market Development Committee of the U.S. Grains Council; Minnesota representative on the Council on Agricultural Research Education and Teaching; and the Minnesota Climate Change Advisory Group. He serves on the Research Committee of the Minnesota Pork Board, the Legislative Committee of the Minnesota Pork Producers Association and is a member of the Board of Regents of Bethany Lutheran College in Mankato, Minnesota. Dr. Anthony received his Ph.D. in agricultural economics from the University of Minnesota.

Martha Brand

Ms. Martha Brand is an experienced environmental attorney with expertise in water, natural resources, climate change, land use and contaminated property issues. Ms. Brand recently retired after six years as the Executive Director of the Minnesota Center for Environmental Advocacy (MCEA), a nonprofit dedicated to protecting and defending Minnesota's environment. Before joining MCEA, she served as a partner at the Minneapolis law firm of Leonard, Street and Deinard practicing environmental law and dispute resolution. Between her work at MCEA and Leonard, Street and Deinard, Ms. Brand completed a Bush Foundation Leadership Fellowship in land use and environmental conflict resolution. Ms. Brand served for several years as committee chair of the Water Resources Committee in Minnesota, and chair of the board of American Rivers, the leading national conservation organization

[1] 2009 Minnesota Session Laws, Chapter 172.

for healthy rivers. She currently serves on the boards of the University of Minnesota's Joint Degree Program in Law, Health and the Life Sciences, and the Board of the Minnesota Environmental Initiative, a partnership between the environmental and business communities. Ms. Brand received the 2008 Distinguished Service Award from the Minnesota State Bar Association Environmental, Natural Resources and Energy Law Section. Ms. Brand received her B.A. from Wellesley College and her J.D. from Boston University.

Kathy Draeger

Dr. Kathryn Draeger is currently the statewide director for the University of Minnesota Regional Sustainable Development Partnerships (UM Regional Partnerships). This citizen-driven program connects communities to their land-grant University to advance sustainable agriculture, natural resources, renewable energy, and sustainable tourism. Dr. Draeger previously founded two successful environmentally based businesses; Environmental Ground, Inc. and Sustainability International Inc. Dr. Draeger holds a doctorate in water resources with her Ph.D. dissertation focusing on local watershed management in Minnesota. Her Masters degree is in Soil Science. She is the recipient of a Bush Leadership Fellowship and was a MacArthur Scholar at the University of Minnesota. She served as an Environmental Protection Commissioner in Iowa and was appointed to the Governor's Roundtable for Sustainable Development in Minnesota. Last year Dr. Draeger, her husband, and their three children moved from St. Paul to live and farm 320 acres in rural Big Stone County.

Jon Evert

Mr. Jon Evert lives with his wife on the family farm near Comstock, Minnesota, where they farmed for 27 years and operated a certified seed processing facility for 13 years. He currently coordinates the Rural Life Outreach program in Northwest Minnesota. Mr. Evert has been a Clay County Commissioner since 1995 and serves on numerous boards related to county government, rural and farm issues, watershed management, and sustainable communities. Mr. Evert is currently vice chair of the Red River Basin Commission, a nonprofit working across state and international boundaries to implement comprehensive integrated watershed stewardship and management for the Red River of the North. Mr. Evert serves as first vice president of the Minnesota Association of Counties and will become president of the association in 2010. He has also served on the boards of the International Coalition for Land and Water Stewardship, and the Northwest Disaster Response Network, a group that was formed to consider flood recovery work in the northwestern Minnesota counties affected by the 1997 flood. Mr. Evert graduated from Concordia College of Moorhead and attended Luther Seminary in St Paul.

Rebecca Flood

Ms. Rebecca Flood is assistant commissioner for water policy for the Minnesota Pollution Control Agency (MPCA). In this role she is responsible for development and implementation of statewide policy to protect and restore Minnesota's lakes, rivers, and streams. Ms. Flood moved to the MPCA in 2008 after working 30 years for the Metropolitan Council of the Twin Cities where, most recently, she served as the Council's environmental compliance manager in its Environmental Services Division. In addition to leading the Council's environmental compliance work for its eight wastewater treatment plants, she served as the Council's representative on numerous statewide water policy committees, including water quality standards development, TMDL implementation, and water program funding. Ms. Flood has a B.S. in wildlife biology from Michigan State University.

Randy Hicks

Dr. Randall E. Hicks is director of the Center for Freshwater Research and Policy and a Professor in the Department of Biology at the University of Minnesota Duluth. Dr. Hicks holds a Ph.D. in ecology from the University of Georgia. Dr. Hicks is an environmental microbiologist who studies the diversity and productivity of aquatic microbial communities, their role in the degradation and transformation of organic compounds, and the survival and virulence of pathogenic microbes in these communities. His current research efforts are focused geographically on the North American Great Lakes and watersheds in northern Minnesota, and topically toward understanding the ecology of microorganisms and viruses in aquatic habitats. Dr. Hicks is a member of several professional organizations including the American Society for Microbiology, American Society of Limnology and Oceanography, Ecological Society of America, International Association for Great Lakes Research, and the International Society of Limnology (SIL).

Keri C. Hornbuckle

Dr. Keri C. Hornbuckle is a professor and department executive officer (chair) of the Department of Civil and Environmental Engineering at the University of Iowa. She holds a Ph.D. in environmental engineering and science from the University of Minnesota. Dr. Hornbuckle's research concerns the sources, fate and transport of pollutants in the environment. She is particularly interested in persistent organic pollutants including PCBs and their breakdown products, fragrances in household products, perfluorinated compounds related to the production of surface protectants, and pollutants related to large-scale agriculture. Her current projects include evaluation of chemical releases during river flooding. Dr. Hornbuckle is a member of the Association of Environmental Engineering and Science Professors Board of Directors, was elected the President of the International Association for Great Lakes Research (2004-2005), was a member of the Science Advisory Board of the International Joint Commission, and served as associate editor for the *Journal of Great Lakes Research.* She was awarded an early CAREER development award from the National Science Foundation, and earned distinguished service awards from the Association of Environmental Engineering and Science Professors, the International Association for Great Lakes Research, and the American Chemical Society.

Michael A. Kilgore

Dr. Michael A. Kilgore is an associate professor of natural resource economics and policy in the University of Minnesota's Department of Forest Resources. He is also the director of the Center for Environment and Natural Resource Policy. Dr. Kilgore's specific research interests include evaluating the economic impacts of natural resources policies and programs and sustainable forest management practices, the use and effectiveness of various planning and policy tools to promote sustainable natural resources management, and the design and administration of forest resources policies and programs. Dr. Kilgore has served on numerous state and national committees addressing forestry and natural resource policies and programs. He currently serves as chair of the Lessard-Sams Outdoor Heritage Council, a member of The Freshwater Society's Guardianship Council, and Blandin Foundation's Vital Forests/Vital Communities Advisory Board, and the economics editor for the *Journal of Forestry*. Past service appointments include Governor Tim Pawlenty's Conservation Legacy Council (chair). Dr. Kilgore holds a B.S. degree in Recreation Resource Management, and M.S. and Ph.D. degrees in forest/natural resource economics, policy, and administration.

Bill Kueper

L. William (Bill) Kueper, Ph.D. is the vice president of Wenonah Canoe, Inc., whose brands include Wenonah Canoe and Current Designs Kayaks. Wenonah Canoe is a world recognized leader in paddlesports specializing in composite canoes and kayaks. Prior to joining Wenonah Canoe in 2006, Dr. Kueper held research and development positions in the chemical and pharmaceutical industries. Dr. Kueper received his Ph.D. from The University of Kansas specializing in physical organic and organic photochemistry. His postdoctoral research fellowship at The University of Illinois and The Georgia Institute of Technology focused on mechanistic organic photochemistry. Recently, Dr. Kueper accepted a seat on the Paddlesports Council, a newly formed advisory group to represent the paddlesports industry to the Outdoor Industry Association. Dr. Kueper and his wife live in Saint Paul.

John Magnuson

Dr. John J. Magnuson is an emeritus professor of zoology and past director of the Center for Limnology at the University of Wisconsin- Madison. He earned his B.S. and M.S. from the University of Minnesota-St. Paul in fish and wildlife management and his Ph.D. from the University of British Columbia, Canada, in zoology with a minor in oceanography. Dr. Magnuson played a lead role in the lakes and streams portions of the 1995 and 2001 assessments by the Intergovernmental Panel on Climate Change as well as the Union of Concerned Scientist's "Confronting Climate Change in the Great Lakes Region." Presently he co-chairs the Wisconsin Initiative on Climate Change Impacts. He served on the Science Advisory Boards of the International Joint Commission on Water Quality and the Great Lakes Fisheries Commission. Dr. Magnuson was president of the American Fisheries Society in 1981-2. In 2002, Dr. Magnuson received the "Award of Excellence" from the American Fisheries Society, and the "Lifetime Achievement Award" from the American Society of Limnology and Oceanography.

Gene Merriam

For the past two years, Mr. Gene Merriam has been president of the Freshwater Society, a forty-one year-old non-profit with a mission to conserve and protect water resources through education and outreach. Mr. Merriam previously served four years as Minnesota's Commissioner of Natural Resources and 22 years in the Minnesota Senate. As a Senator, he served on the Natural Resource Committee during his entire career. He also served 16 years

on the Legislative Commission on Minnesota's Resources. Mr. Merriam chaired the Minnesota Forest Resources Council from 1999 to 2003 and currently is a member of that Council, as well as the Clean Water Council. Mr. Merriam serves on the Boards of the Minnesota Center for Environmental Advocacy (MCEA), the Minnesota Chapter of the National Audubon Society, and Conservation Minnesota Voter Center. He enjoys outdoor recreation, including hunting, fishing, birding and biking.

Carl Richards

Dr. Carl Richards is division director for the U.S. Environmental Protection Agency (EPA) Mid-Continent Ecology Division in Duluth. From 1999 to 2005 he served as director of the Minnesota Sea Grant College Program, University of Minnesota, and professor in the Department of Biology, University of Minnesota Duluth. From 1989 to 2005, Dr. Richards was a senior research associate at the Center for Water and the Environment of the Natural Resources Research Institute, University of Minnesota- Duluth, where he served as acting director from 1996 to1998. Dr. Richards holds an M.S. in biology form California State University, Los Angeles, and a Ph.D. in biology and ecology from Idaho State University. Dr. Richards' research interests and skills include: fish/habitat relationships; benthic ecology; watershed, stream and lake linkages; landscape ecology; aquatic invasive species; and educational and technical outreach.

Terry Schneider

Mr. Terry Schneider is mayor of the City of Minnetonka, Minnesota, a city addressing surface water and stormwater issues. Prior to becoming mayor, he served 16 years as an at-large city council member, 8 years as a planning commissioner, and 4 years on the Minnetonka Park Board. Mr. Schneider is a registered architect and holds a B.A. in architecture and an M.B.A. from the University of Nebraska, Lincoln. Mr. Schneider is president and owner of Project Developers, Inc., a firm providing a full range of real estate development and owners representation services including site selection and acquisition, governmental approvals, financial analysis, conceptual design/site planning, management of architectural. engineering and construction team, and cost control. Mr. Schneider's commitment to local government extends to service on many boards, including: Association of Metro Municipalities (Metro Cities) board member (1996-2001, President 2000); board member of League of Minnesota Cities (2000 – 2003); current member of the Regional Council of Mayors; current board member and treasurer of the Sensible Land Use Coalition; member of the MetroGIS Policy Board (1999 to Present, currently chair); current member of Metro Council's Land Use Advisory Council; and board member and treasurer of West Hennepin Affordable Housing Land Trust

Louis Smith

Mr. Louis Smith, attorney with Smith Partners, PLLP, devotes his practice to public law and government litigation. Mr. Smith has extensive experience in urban development and the planning and implementation of public infrastructure improvements. He currently serves on the Minnesota Clean Water Council and is vice chair of Minnesota Waters. He serves as legal counsel for the Nine Mile Creek Watershed District, and for the Red River Watershed District Management Board. He has counseled the Minnehaha Creek Watershed District in structuring the Minneapolis Chain of Lakes Clean Water Partnership, which is undertaking the largest urban lake restoration project in the United States and has received three environmental awards. Since 1995, he has received the Martindale-Hubbell "AV" rating, the highest rating members of the bar bestow upon their peers. Mr. Smith is a member of the Hennepin County, Minnesota, and American Bar Associations. Mr. Smith received a J.D. (cum laude) from the University of Minnesota Law School, where he was associate editor of the Minnesota Law Review.

Jeff Stoner

Mr. Jeff Stoner is a hydrologist with 35 years of experience with the U.S. Geological Survey (USGS). During his career, Mr. Stoner participated in numerous studies of groundwater, water quality, and interactions of groundwater with surface waters in Montana, Pennsylvania, Minnesota, and North Dakota. He led the Red River of the North NAWQA (National Water Quality Assessment) study (1991-97). For five years, Mr. Stoner was the leader of the national nutrients synthesis project for the NAWQA Program from Denver, Colorado. In 2002, he returned to Minnesota to be district chief of the Minnesota USGS water office. Currently he is the science program officer for the north central area, which includes seven states and nine USGS Science Centers. Mr. Stoner has degrees in geological engineering from the University of Minnesota and civil engineering from Colorado State University. He is a member of the American Geophysical Union, American Water Resources Association, Soil and Water Conservation Society, American Institute of Hydrology, National Groundwater Association, and Minnesota Groundwater Association. He also is a co-chair on the International Rainy River Water Pollution Board of the International Joint Commission and is a licensed Professional Geologist in the State of Minnesota.

Minnesota Water Sustainability **FRAMEWORK**

Minnesotans and Their Water Survey

From the water we drink and use to grow our food, to the lakes and rivers that provide recreation for us and habitat for wildlife, Minnesota's water supply is vital, precious and worth protecting.

The Minnesota State Legislature has charged the University of Minnesota Water Resources Center with designing a framework on how and when to make investments that will ensure the purity and abundance of Minnesota's water for generations to come.

Here's your chance to be heard on issues of water quality, water usage and priorities—please share your opinions by answering the following questions. Survey responses will be tallied and used to guide the framework's final set of recommendations.

Learn more about the Minnesota Water Sustainability Framework at wrc.umn.edu/watersustainabilityframework.

1. In your opinion, what are the most important uses of water in Minnesota?
   Please rank only your top three selections, with 1 as the highest.
   ____Agriculture and irrigation
   ____Drinking water
   ____Ecological uses (for wildlife & plants)
   ____Power generation
   ____Recreation (fishing, swimming, boating)
   ____Transportation
   ____Wastewater disposal

2. In your opinion, what are the most serious problems facing Minnesota's waters?
   Please rank only your top three selections, with 1 as the highest.
   ____Chemical pollution (e.g., salt, oil, pesticides)
   ____Overuse – multiple demands
   ____Climate change
   ____Non-native plants, animals, diseases (e.g., milfoil, zebra mussels, VHS)
   ____Unsafe drinking water
   ____Nutrients (e.g., phosphorus) & sediment
   ____Stormwater runoff
   ____Loss of wetlands
   ____Other, what? _____

Balance is important as we address water resource issues. For the next four questions, please indicate where you think the balance should be between each of the end points. Mark an 'x' on the scale line.

3. Improving polluted or impaired lakes & rivers — 100% — 50/50% — 100% — Protecting waters that are still healthy

4. Protecting/improving ground water — 100% — 50/50% — 100% — Protecting/improving surface waters

5. Addressing the most serious water problems, no matter where they are in the state — 100% — 50/50% — 100% — Ensuring the funds are distributed equitably across the state geographically

6. Having complete scientific research before making decisions — 100% — 50/50% — 100% — Making decisions as soon as possible based on the best available science to prevent further damage

The Clean Water, Land, and Legacy bill defines sustainability "as water use is sustainable when current use does not harm ecosystems, degrade water quality, or compromise the ability of future generations to meet their own needs."

7. How well does that definition agree with your values?
   Not at all Somewhat Pretty Well Matches almost exactly

8. How would you measure whether Minnesota's waters are getting better?

9. Which tools do you think are the most effective in protecting or improving water resources? Please rank only your top three selections, with 1 as the highest.
   ____State-wide educational programs
   ____Locally-based education
   ____State regulations and enforcement
   ____State regulations and local enforcement
   ____Local ordinances and local enforcement
   ____Incentives (such as cost-sharing, tax breaks, or payments for conservation)
   ____Disincentives (such as penalties or increased rates for excessive water use)
   ____Other, what? _____

10. Is there anything else you want to share as we develop a framework for sustainable water resource management in Minnesota?

Demographic questions

11. Which region of the state do you live in?
    ___ Metro (1)
    ___ Northeast (2)
    ___ Northwest (3)
    ___ Central (4)
    ___ Southeast (5)
    ___ Southwest (6)
    ___ Not from Minnesota

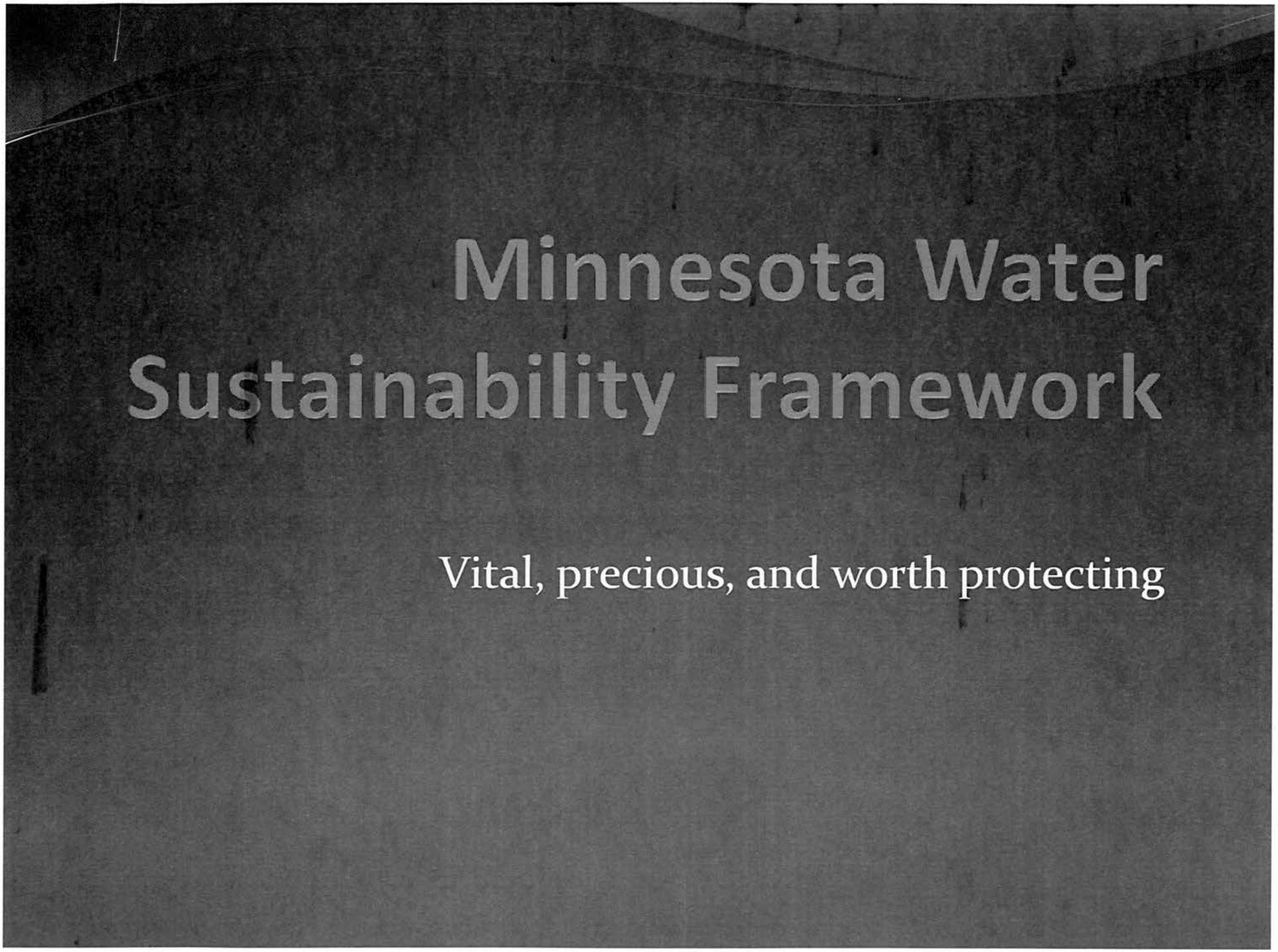
12. What is the source of your household/domestic water supply?
    ___ Private well
    ___ Municipal supply
    ___ Other, what? _____

13. How do you use Minnesota's lakes or rivers for recreation. Please check all that apply.
    ___ Own a boat (any kind - motor boat, sailboat, kayak, canoe, etc.)
    ___ Swimming
    ___ Fishing
    ___ Own shoreland property on a lake or river
    ___ Observing the natural world
    ___ Don't recreate on Minnesota's waters
    ___ Other, what? _____

Thank you for sharing your opinions about priorities and values about Minnesota's waters.

Water Resources Center
University of Minnesota

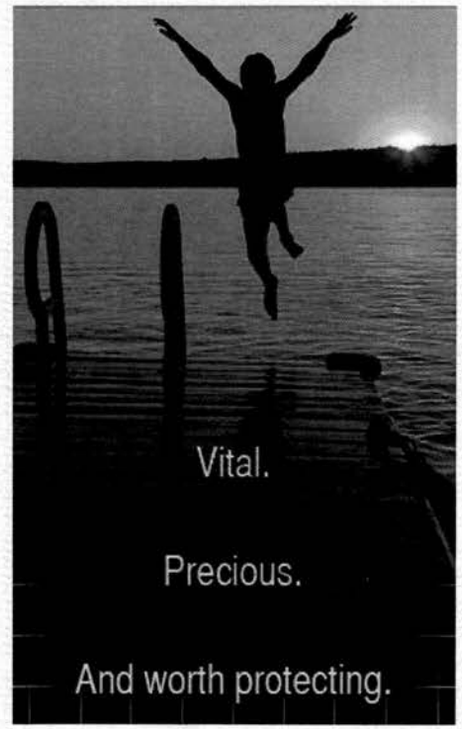
Please return completed survey to
Water Resources Center
173 McNeal Hall, 1985 Buford Avenue
St. Paul, MN 55108


Minnesota Water
Sustainability Framework
Vital, precious, and worth protecting

What is the Framework?

- A 25-year plan to protect, conserve, and enhance the quantity and quality of the state's groundwater and surface water

- An approach to manage the state's water resources that is
  - Sustainable
  - Comprehensive
  - Integrated



What is sustainable water use?

when the use does not harm ecosystems, degrade water quality, or compromise the ability of future generations to meet their own needs.

Why is a framework needed?

- Unique opportunity provided by Clean Water, Land, and Legacy Amendment
- Federal interest in state-led planning
- Statewide Conservation and Preservation Plan recommendations underscored need for integrated water policy and management
- Independent, interdisciplinary approach needed

Scope

- Drinking water
- Integration of surface and groundwater policy and management
- Stormwater management
- Agricultural needs and impacts
- Industry use
- Infrastructure needs
- WWTP technologies
- Valuation
- Conservation and pollution prevention

Approach

- **UM Water Resources Center** responsible for coordinating the project
- **Headwaters Council** – experts and thought leaders provide advice to WRC
- **Technical Work Teams** frame issues
- **Synthesis Team** integrates issues and develops Framework
- **Collaborative** approach with public, private sectors
- **Engage stakeholders and citizens** throughout process
- **Present Framework to Legislature** (01/11)

Approach

Water Resources Center

Headwaters Council

Citizen & Stakeholder Advisory Group

Synthesis Team

Technical Work Teams

Ecological Services

Agricultural Use

Domestic Use

Energy & Industrial Use

Recreation, Spiritual, Cultural uses

Policies

Education

Valuation

Headwaters Council

- Steve Morse, *Chair*
- Jim Anderson
- Willis Anthony
- Martha Brand
- Kathy Draeger
- Jon Evert
- Rebecca Flood
- Randy Hicks
- Keri Hornbuckle
- Mike Kilgore
- Bill Kueper
- John Magnuson
- Gene Merriam
- Carl Richards
- Terry Schneider
- Louis Smith
- Jeff Stoner

Engagement activities

- Survey – over 1,000 to date; goal of 10,000
- Website - on-line survey, on-line feedback
  - wrc.umn.edu
- Partnering with BWSR on state-wide listening sessions early 2010
- Outreach presentations
- Public meetings on draft recommendations in fall 2010

Opinion Survey

Share your opinions about Minnesota's water resources to help us set priorities for the statewide framework

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Citizen Petition for Boundary Change of South Washington WD and Valley Branch WD, and Reduction in Number of Managers of South Washington WD – ***DECISION ITEM***

2. Coon Creek Watershed District Boundary Change – ***DECISION ITEM***

South Washington Watershed District and Valley Branch Watershed District

Boundary Change – *Alternatives Summary*

May Board Meeting

1. Board decision: Accept terms from LSCWMO for dissolution which prescribed the boundary. *Note*: Court Case (*Brown's Creek WD, 633 N.W.2d 76, Minn. Ct. App. 2001)* prevents the state from expanding a WD into an area administered by a WMO.

2. Do not accept terms from LSCWMO and leave an ineffective WMO in place.

Court of Appeals Case

(If the Board were to hold the Boundary Change decision in abeyance until after the Court of Appeals decision that is expected in May-June)

BWSR prevails – deal with boundary change petition as we are now.

BWSR does not prevail – start over with a water management void being filled by either a new WMO or expanded watershed district(s) if a petition is filed with BWSR. *Note*: New WMO could be established faster than WD boundary petition/decision and if that occurs, WD boundary could not be changed per court case in #1 above.

December Board Meeting

1. Reject petitioner's proposal to place boundary between two WDs along the major hydrologic boundary leaving a WD boundary on the geopolitical boundary compelled by the LSCWMO dissolution.

2. Committee recommendation: Accept petitioner's proposal to place boundary between two WDs along the major hydrologic boundary as envisioned in Watershed District statutes (Chapter 103D).

Potential Court of Appeals Case if BWSR accepts petitioner's proposal

BWSR prevails – watershed district boundary set on major hydrologic boundary with opportunity for future adjustments as landscapes or drainage patterns modified.

BWSR does not prevail – current geopolitical boundary established in May 2009 remains as determined by the Court.

Prepared by Jim Haertel, 12/10/09

Board of Water and Soil Resources Presentation

Presented December 16, 2009

Representative Dennis McNamara

The issue in front of BWSR, which is to consider amendment of the boundaries of the South Washington and Valley Branch watershed districts for a second time within six months, appears to be supported by misconstruance of practice, law and/or fact. I'd like to present some clarity regarding the actual fact versus loose or inaccurate interpretations of fact that have clouded this issue.

1. Initially, it is the local governmental units that are responsible to conduct storm water projects with State oversight. State Agencies do not, and the petitioner requesting watershed district boundary changes does not. Those local governments having expressed support for the existing May 27 watershed boundaries are Denmark Township, Afton, Cottage Grove, Hastings, Newport, St. Paul Park and Washington County (which totals 33 elected officials). Additionally, both the Valley Branch and South Washington Watershed Districts have supported the existing boundaries. The only local government in support of this petition is the City of Woodbury.
2. It appears, due to public testimony that the petitioners fear that the existing boundaries will result in increased costs to themselves. An examination of the facts proves otherwise. I have been informed that the final 2010 levy proposed for adoption by the SWWD is 15% lower per capita with inclusion of the former WMO than it would be excluding that property. Further, representatives of South Washington have represented that the on a project basis the former WMO would pay for their projects in the same fashion that is now occurring with the former East Mississippi WMO which is funded entirely within the boundaries of the former WMO. A similar mechanism does not appear to be in place within the Valley Branch.
3. It has been stated continuously by the petitioners, supporters of the petitioners and even in the BWSR staff report that watershed boundaries must be drawn upon major hydrological boundaries. We cannot find anywhere in statute where that supposed fact actually exists. Further, the boundaries as approved by BWSR in May ARE IN FACT based upon hydrological boundaries, not political boundaries.
4. Contrary to the feared future costs of the petitioners, Denmark Township has provided actual analysis that their project costs will in fact increase if their community is absorbed into the Valley Branch. This is due to the fact that South Washington provides oversight but does not provide permitting while the Valley

Branch needlessly asserts its permitting authority and charges fees for that duplicative approach to local storm water management. In addition, South Washington currently has about an 8% overhead expense while the Valley Branch has an 18% overhead expense. These numbers are in the public record and represent a lower return on investment for the taxpayers within the Valley Branch than those within South Washington. Causing these communities to be placed within the more expensive Valley Branch does not constitute an improvement in operational efficiencies.

5. Prior to dissolution the WMO and member cities conducted extensive research and analysis to determine the best approach and partners for local storm water management. The WMO unanimously chose the boundaries approved by BWSR in May. It is our belief that that same level of analysis has not been conducted by any other party that has weighed in on this issue. In fact, it is our belief that the Agency letters received by BWSR that provided an affirmation toward the petitioners' position was not based upon any level of research whatsoever.
6. If the BWSR Board is going to reverse its prior approval in support of a request by the four communities of the former WMO in favor of a citizen petition by 81 persons none of which reside within the former WMO boundaries and none of which will be directly impacted by any future projects within the former WMO, the message that sends is that it is of no value for four local governments, to operate by the rules and to conduct solid analysis. At that point the message would be to just submit petitions absent any actual study.
7. The County has created and expanded the taxing districts to implement the existing boundaries. Therefore, the petition is not timely.

My Proposal:
My suggestion is that you deny the petition request. Such an action would allow for the boundaries previously set by BWSR to be put into practice. Then, if a few years out BWSR studies the performance of the May 2009 boundaries and finds negative impacts of those boundaries a readjustment could be considered at that time. There is certainly no need to rush into a change as the petitioners' request.

In the spirit of compromise I am told that the former WMO communities are all comfortable with either a five, or a seven member South Washington Board.

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

RECEIVED
OCT 05 2009
Bd. of Water & Soil Resources
St. Paul

South Washington Watershed District Boundary Change Petition

In the Matter of the Petition of the undersigned resident owners within the boundaries of the South Washington Watershed District to change the Boundaries and Board Representation of the South Washington Watershed District

To: Board of Water and Soil Resources, 520 Lafayette Road North, St. Paul, MN 55155.

Petitioner, the undersigned Owners within the boundaries of the South Washington Watershed District, do hereby petition the Board of Water and Soil Resources to change the boundaries of the South Washington Watershed District (SWWD) and the Valley Branch Watershed District (VBWD) as shown in figure 1 to reflect the major hydrologic boundary between the St. Croix River and the Mississippi River, and to reduce the number of South Washington Watershed District board members from seven (7) to five (5) pursuant to Minnesota Statutes §103D.251. Both the VBWD and the SWWD are located entirely within the metropolitan area.

The proposed change would add approximately 20,600 acres to the VBWD from the current SWWD area. Of this amount, approximately 3,200 acres would come from the City of Afton, approximately 1,400 acres would come from the City of Cottage Grove, and approximately 16,000 acres would come from Denmark Township.

The petitioners submit that the proposed changes will benefit the public welfare and public interest and will advance the purposes of Minnesota Statutes Chapter 103B for the following reasons:

1. The proposed boundaries will create contiguous areas with common hydrologic boundaries as intended by § 103B.535 (2) that all drain to distinct, major rivers. As it stands today, most of the former Lower St. Croix Watershed Management Organization (LSCWMO) area (see figure 1) recently added to the SWWD drains to the St. Croix River. The original extents of the SWWD drain to the Mississippi River. The St. Croix River is currently classified as an Outstanding Resource Value Water – Restricted and subject to significantly more restrictive requirements than the Mississippi River.

   While separate standards can be maintained for each hydrologic area, the goals and priorities of the Watershed Board members representing separate hydrologic areas will differ and make it more difficult to reach consensus on the direction of the Watershed. The petitioners maintain that this concern was properly addressed by the Washington County Water Governance Study (Washington County, 1999) that recommended the enlargement of the Valley Branch Watershed District to include the majority of the former LSCWMO.

   The proposed SWWD boundary change will result in watersheds with common hydrologic boundaries and consistent management standards that will better serve the public interest in improving the water quality of the Lower St. Croix River.

2. The SWWD has a number of Capital Improvement Projects listed in its long range Watershed Management Plan (WMP). These include the Central Draw Overflow with an estimated budget of $17,650,000.

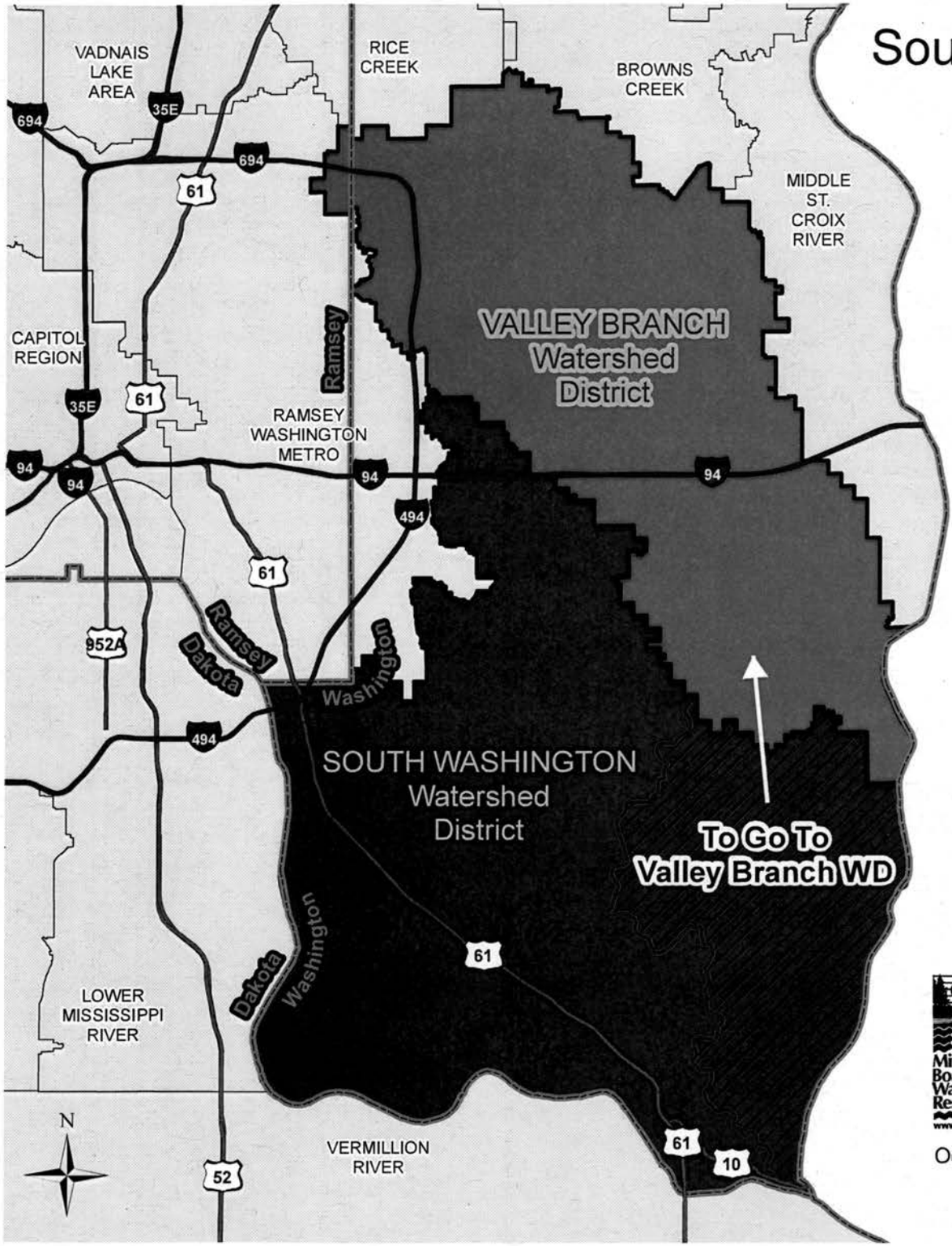
   The SWWD has been collecting funds for the planning and construction of the central draw overflow via a stormwater utility fee pursuant to MN Statute 444.18. Resident owners within the SWWD have contributed $5,626,479 for the purpose of planning and constructing this overflow. The newly added SWWD board members may disagree with the justification for this project and prevent its implementation. A watershed board focused on implementing the approved WMP priorities will be in a better position to insure that the WMP is implemented as planned.

   The petitioners assert that the proposed reduction of SWWD board members will better serve the public welfare by ensuring that the inter-community consensus that the SWWD has taken years to develop will not be upset, and that long-range flood-mitigation projects are not needlessly delayed.

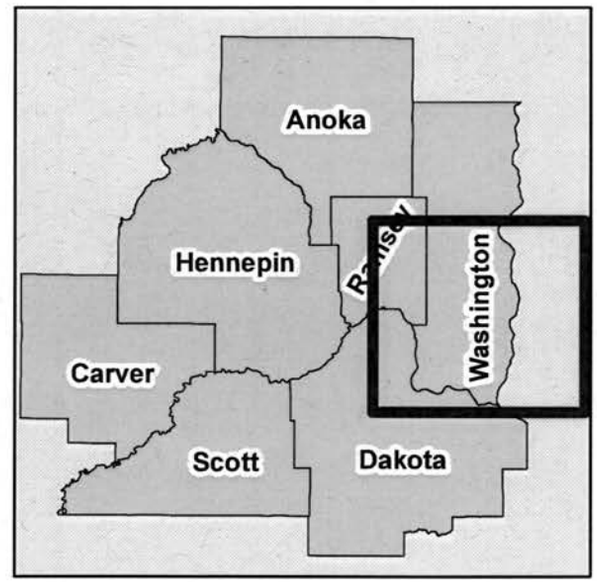
Therefore the undersigned resident owners within the SWWD request that the Board of Water and Soil Resources, after setting a time and location for a hearing on the Petition and giving notice as required by law and conducting a hearing as required by law issue its order granting the following:

1. That the boundaries of the South Washington Watershed District be changed as indicated to the area set forth on the map attached hereto as figure 1.
2. That the boundaries of the Valley Branch Watershed District be enlarged as indicated to the area set forth on the map attached hereto as figure 1.
3. That the number of managers of the South Washington Watershed District shall be reduced to five (5) members on the Board of Managers, as proposed herein.
4. That the area shall be guided and managed consistent with the management plan of the SWWD approved September, 2007 and adopted November, 2007.

South Washington & Valley Branch Watershed Districts Boundary Change



- County Boundaries
- Proposed Boundary Change
- Current Watershed District Boundaries
- Surrounding Watershed Districts & WMOs



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

Oct 2009

Miles
0 1 2 3

BWSR Meeting Date 12/16/09

Motion: Postpone definitely til Court of Appeals decision

Moved by: Joe Martin

Seconded by: Paul Langseth

	Affirmative	Opposed
Gordy Behm	___	✓
Paul Brutlag	___	✓
Bob Burandt	___	✓
~~*Quentin Fairbanks*~~	___	~~✓~~
Rebecca Flood	___	✓
Christy Jo Fogarty	___	✓
Sandy Hooker	___	✓
Larry Kramka	___	✓
Paul Langseth	___	✓
Tom Loveall	✓	___
Joe Martin	___	✓
John Meyer	___	✓
Keith Mykleseth	___	✓
Brian Napstad	___	✓
Faye Sleeper	___	✓
Louise Smallidge	___	✓
Gene Tiedemann	___	✓
LuAnn Tolliver	___	✓
John Linc Stine~~/Dan Wilson~~	✓	___
Randy Kramer	___	✓

defeated

H: roll-call vote

BWSR Meeting Date 12/16/09

Motion: ~~to approve Committee recommendation to approve petition~~ Order to approve Committee recommendation to approve petition of SWCD + BWSD boundary change + reduce managers to 5

Moved by: Faye Sleeper

Seconded by: LuAnn Tolliver

	Affirmative	Opposed
Gordy Behm	✓	
Paul Brutlag	✓	
Bob Burandt		✓
~~*Quentin Fairbanks*~~		
Rebecca Flood	✓	
Christy Jo Fogarty		✓
Sandy Hooker		✓
Larry Kramka		✓
Paul Langseth		✓
Tom Loveall		✓
Joe Martin		✓
John Meyer	✓	
Keith Mykleseth	✓	
Brian Napstad	✓	
Faye Sleeper	✓	
Louise Smallidge		✓
Gene Tiedemann	✓	
LuAnn Tolliver	✓	
John Linc Stine/~~Dan Wilson~~		✓
Randy Kramer	✓	
	10	9

H: roll-call vote

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

In the Matter of the Petition for a Boundary Change of the South Washington and Valley Branch Watershed Districts and a Reduction in Number of Managers of the South Washington Watershed District, Washington County, pursuant to Minnesota Statutes Section 103D.251.

ORDER FOR BOUNDARY CHANGE AND REDUCTION IN NUMBER OF MANAGERS IN WATERSHED DISTRICTS

Whereas, a citizen petition (Petition) for a boundary change of the South Washington Watershed District (SWWD) and the Valley Branch Watershed District (VBWD), and for a reduction in the number of managers of the SWWD, was filed with the Board on October 5, 2009, pursuant to Minn. Stat. § 103D.251, and;

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

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

FINDINGS OF FACT

1. **Petition.** On October 5, 2009 the Board received a citizen Petition for a boundary change of the South Washington Watershed District (SWWD) and the Valley Branch Watershed District (VBWD), and for a reduction in the number of managers of the SWWD, pursuant to Minn. Stat. § 103D.251. The proposed watershed district boundary change would follow the major hydrologic boundary between the Mississippi River and the St. Croix River. The proposed reduction in the number of managers of the SWWD would reduce the number of managers from seven (7) to five (5).

2. **Property Description.** The territory affected by the proposed boundary change, the Petitioned Area, is depicted in a map dated October 2009 attached to this Order and comprises an area located in Washington County entirely within the metropolitan area that is approximately 30.08 square miles currently within the SWWD, which includes land in the

Cities of Afton and Cottage Grove, and the Town of Denmark.

The proposed boundary change would transfer from the SWWD to the VBWD approximately 30.08 square miles, of which 4.06 square miles are located within the City of Afton, 2.04 square miles are located within the City of Cottage Grove, and 23.98 square miles are located within the Town of Denmark. The proposed boundary change would result in the SWWD being approximately 79.29 square miles and the VBWD being approximately 101.42 square miles.

3. **Number of Managers.** The Petition requests the number of managers of the SWWD be reduced from seven (7) to five (5) managers.

4. **Petition Service.** The Petition was served on the Board, the SWWD and the VBWD.

5. **Certification of Petitioner Signatures.** The Washington County Auditor certified the requisite number of petitioner signatures has been met pursuant to Minn. Stat. §§ 103D.011, Subd. 25, 103D.211, 103D.251, Subd. 5 (a) (4). (See Exhibit 3)

6. **Reasons for Change.** The Petition states the proposed changes will benefit the public welfare and public interest and will advance the purposes of Minnesota Statutes Chapter 103B for the following reasons:

a. The proposed boundaries will create contiguous areas with common hydrologic boundaries as intended by Minn. Stat. § 103B.535 (2) that all drain to distinct, major rivers. As it stands today, most of the former Lower St. Croix Watershed Management Organization (LSCWMO) area recently added to the SWWD drains to the St. Croix River. The original extents of the SWWD drain to the Mississippi River. The St. Croix River is currently classified as an Outstanding Resource Value Water – Restricted and subject to significantly more restrictive requirements than the Mississippi River.

While separate standards can be maintained for each hydrologic area, the goals and priorities of the Watershed District Board members representing separate hydrologic areas will differ and make it more difficult to reach consensus on the direction of the Watershed. The petitioners maintain that this concern was properly addressed by the Washington County Water Governance Study (Washington County, 1999) that recommended the enlargement of the Valley Branch Watershed District to include the majority of the former LSCWMO.

The proposed boundary change will result in watersheds with common hydrologic

boundaries and consistent management standards that will better serve the public interest in improving the water quality of the Lower St. Croix River.

b. The SWWD has a number of Capital Improvement Projects listed in its long range Watershed Management Plan (WMP). These include the Central Draw Overflow with an estimated budget of $17,650,000.

The SWWD has been collecting funds for the planning and construction of the central draw overflow via a stormwater utility fee pursuant to Minn. Stat. § 444.18. Resident owners within the SWWD have contributed $5,626,479 for the purpose of planning and constructing this overflow.

The petitioners assert that the proposed reduction of SWWD board members will better serve the public welfare by ensuring that the inter-community consensus that the SWWD has taken years to develop will not be upset, and that long-range flood mitigation projects are not needlessly delayed.

7. **Washington County Governance Study.** In May 1998, the Washington County Board of Commissioners authorized a Water Governance Study to identify and evaluate the best governance structure for water management for the county. In April 2002, the county developed a plan defining the expectations of watershed management organizations for actively managing the water resources of the county. The Washington County Board of Commissioners approved the findings and recommendations of the Water Governance Study that the number of water management units in the county should be reduced and that local water management units should be watershed districts, not joint powers watershed management organizations. Washington County has worked with representatives of each of the water management units to develop recommendations for key issues related to the enlargements, such as financing policies, coordination of water management plans, and board representation. Goals from the Revised Implementation Plan for Water Governance are as follows:

a. To create a water management structure that will provide long term protection for surface and groundwater resources.

b. To create local water management units with the fiscal capacity and authority to govern efficiently and effectively.

c. To identify financing mechanisms that are fair and adequate to meet the needs of the county.

d. To coordinate surface water, groundwater, land use, and natural resources management to provide for a more comprehensive approach to resource management.

e. To adopt a proactive rather than a reactive approach to countywide water resources.

f. To increase the accountability of the water management structure.

8. **Hearing Order.** At its regular meeting on October 28, 2009, the Board determined the Petition met the requirements of Minn. Stat. § 103D.251 and consequently ordered a public hearing to be held on the Petition.

9. **Hearing Notice.** Legal notice of the public hearing on the proposed watershed district boundary change and decrease in number of managers, pursuant to Minn. Stat. § 103D.251, Subd. 6, was published in the Oakdale/Lake Elmo Review on November 4, 2009, the Woodbury Bulletin on November 4, 2009, the South Washington County Bulletin on November 4 2009, and the Hastings Star Gazette on November 5, 2009. Further, a copy of the hearing notice was mailed to several addressees including the Washington County Auditor, an Assistant Washington County Attorney, all of the cities and towns in the SWWD and VBWD, the SWWD, the VBWD, the SWCD, and the DNR.

10. **Public Hearing.** A public hearing was held on the Petition on November 17, 2009, at the Washington County Service Center—Cottage Grove, 13000 Ravine Parkway South, Cottage Grove, Minnesota. The audio of the hearing proceedings was recorded. The hearing panel was the Metro Water Planning Committee which consisted of Board members Christy Jo Fogarty, Faye Sleeper, LuAnn Tolliver and Louise Smallidge as chair.

Travis Germundson, Board staff, entered Exhibits 1 through 10 into the record by reading a brief description of each exhibit.

Exhibit 1. Citizen petition to change the boundary of the South Washington Watershed District and the Valley Branch Watershed District and to reduce the number of managers of the South Washington Watershed District, filed 10/5/09, 11 pgs.

Exhibit 2. Letter dated 10/6/09 from Jim Haertel, BWSR, to Molly O'Rourke, Washington County Auditor-Treasurer, regarding certification of the petitioner signatures.

Exhibit 3. Letter dated 10/7/09 from Molly O'Rourke, Washington County Auditor-Treasurer, to Jim Haertel, BWSR, certifying the number of petitioner signatures.

Exhibit 4. Memorandum dated 10/8/09 from Jim Haertel, BWSR, to several addressees regarding the Petition including Exhibit 4a, list of addressees, 2 pgs.

Exhibit 5. Board Order dated 10/28/09 to have a public hearing on the Petition, 3 pgs.

Exhibit 6. Letter dated 10/29/09 from Jim Haertel, BWSR, to several addressees regarding the public hearing including Exhibits 6a, list of addressees, 6b, notice of public hearing, 6c, map, 6d, affidavit of service by mail, 3 pgs.

Exhibit 7. Affidavit of publication for notice of public hearing in the Woodbury Bulletin and the South Washington County Bulletin on 11/4/09.

Exhibit 8. Affidavit of publication for notice of public hearing in the Oakdale/Lake Elmo Review on 11/4/09.

Exhibit 9. Affidavit of publication for notice of public hearing in the Hastings Star Gazette on 11/5/09.

Exhibit 10. Letter dated 11/5/09 from William Moore, Metropolitan Council, to Jim Haertel, BWSR, in support of the proposed boundary change.

Exhibit 11. Letter dated 11/17/09 from Myron Bailey, Mayor, City of Cottage Grove, to Jim Haertel, BWSR, in opposition to the proposed boundary change, 2 pgs.

Exhibit 12. Letter dated 11/17/09 from Sarah Sonsalla, legal counsel for Denmark Township, to Jim Haertel, BWSR, in opposition to the Petition, 3 pgs.

After all people present at the public hearing were given an opportunity to speak and enter written comments, the hearing record was left open for one week until 4:30 PM on November 24, 2009, for receipt of written comments. The following exhibits were received while the hearing record was open.

Exhibit 13. Letter dated 11/23/09 from Myron Bailey, Mayor, City of Cottage Grove, to Jim Haertel, BWSR, in opposition to the Petition, 3 pgs.

Exhibit 14. Letter dated 11/24/09 from Charlotte Cohn, DNR, to Jim Haertel, BWSR, in support of the Petition.

Exhibit 15. Letter dated 11/24/09 from William Hargis, Mayor, City of Woodbury, to Jim Haertel, BWSR, in support of the Petition, 4 pgs.

Exhibit 16. Letter dated 11/24/09 from Rebecca Flood, PCA, to Jim Haertel, BWSR, in support of the proposed boundary change.

Exhibit 17. Letter dated 11/24/09 from Daniel Belka, petitioner, to Jim Haertel, BWSR, in support of the Petition, 4 pgs.

Exhibit 18. Staff Advisory Report dated 11/24/09 from Jim Haertel, BWSR, in support of the Petition, 7 pgs.

11. **Hearing Panel.** The hearing panel, consisting of the Metro Water Planning Committee, met on November 25, 2009. Committee members in attendance were Christy Jo Fogarty, Rebecca Flood, Faye Sleeper, LuAnn Tolliver, Robert Burandt and Louise Smallidge as chair. Board staff in attendance were Melissa Lewis and Jim Haertel. Based on the entire record in this matter and after due consideration, the committee, with Smallidge abstaining, decided with a unanimous vote to recommend to the full Board that the SWWD and VBWD boundary be changed according to the Petition and that the SWWD number of managers be reduced from seven (7) to five (5).

The Board's standard of review in making determinations on a proposed boundary change of a watershed district is set forth in Minn. Stat. § 103D.251, Subd. 7, item a, as follows:

> After the hearing on the petition for a boundary change, the board must establish the proposed boundary change, by order, if the board determines that establishment of the proposed boundary change would benefit the public welfare and public interest and the proposed boundary change would advance the purpose of this chapter.

In arriving at their decisions, the Committee endorsed the findings and recommendations in the Staff Advisory Report regarding the Petition. (See Exhibit 18) The Committee found that water resources are best managed on a watershed basis. More will be accomplished in watershed management with approval of the boundary change. The boundary change will allow for more hydrologically coordinated planning efforts and for better integration of water quality goals into watershed planning. Programs, policies, standards and projects to protect and improve water resources will be more readily implemented with the boundary change. The boundary change will provide an opportunity to more effectively coordinate the development and implementation of water quality restoration and improvement projects. The Committee found the boundary change and the reduction in number of managers would benefit the public welfare and public interest and the purposes of Minnesota Statutes Chapters 103B and 103D would be advanced. The Committee noted the substantial support in the hearing record for the Petition. Also, the Committee noted that the SWWD and the VBWD have not amended their watershed management plans to include the expanded areas that were added about seven months ago.

The Committee found that the reduction in number of managers is necessary because the boundary change would return the SWWD to an area similar in size to the former SWWD. The former SWWD was managed well by five managers. The Committee noted that since May 27, 2009 when the Board expanded the SWWD and increased the number of managers from five to seven that no additional new managers have been appointed by the Washington County Board of Commissioners.

CONCLUSIONS

1. The Petition for the boundary change of the South Washington Watershed District and the Valley Branch Watershed District, and reduction in number of managers of the South Washington Watershed District is valid in accordance with Minn. Stat. § 103D.251.

2. Proper notice of hearing was given and the public hearing was held in accordance with applicable laws.

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

4. The Board has proper jurisdiction in the matter of ordering a watershed district boundary change and a reduction in number of watershed district managers.

5. The boundary change of the South Washington Watershed District and the Valley Branch Watershed District, and the reduction in number of managers of the South Washington Watershed District, as proposed in the Petition would benefit the public welfare and public interest and the purposes of Minnesota Statutes Chapters 103B and 103D would be advanced because the water resources will be managed better on a watershed basis.

6. The boundary change will allow for more hydrologically coordinated planning efforts and for better integration of water quality goals into watershed planning.

7. Programs, policies, standards and projects to protect and improve water resources will be more readily implemented with the boundary change.

8. The boundary change will provide an opportunity to more effectively coordinate the development and implementation of water quality restoration and improvement projects.

9. The territory in the Petitioned Area is free of any benefits or damages from any improvement previously constructed by a watershed district.

10. The reduction in number of managers as proposed in the Petition for the South Washington Watershed District should be approved because five managers previously managed the former South Washington Watershed District well and the area of the District will be returned to a size similar to the former District.

11. The South Washington Watershed District and the Valley Branch Watershed District Watershed Management Plans should be amended within one year to include the changes made by this Order.

ORDER

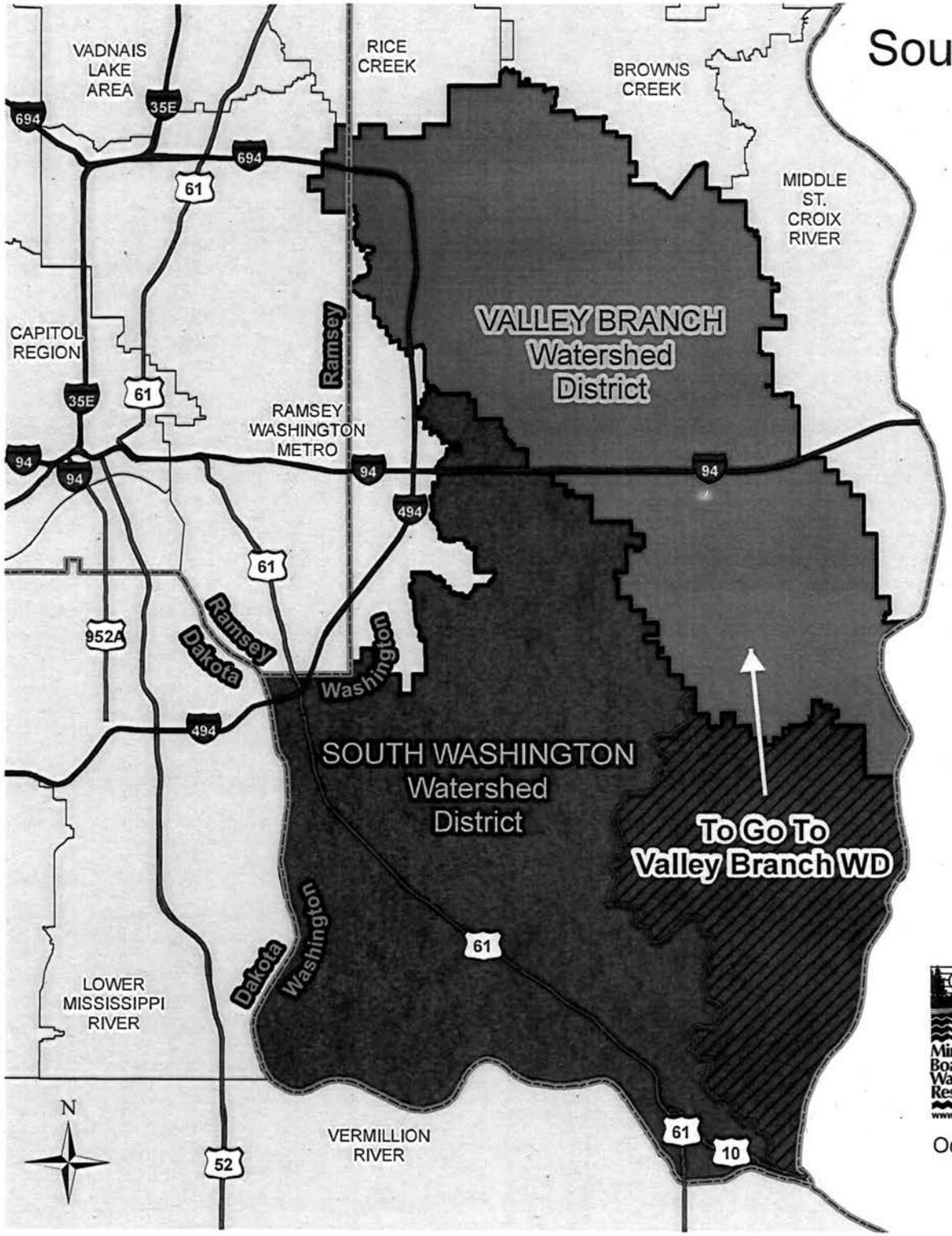
The Board hereby orders that the boundary of the South Washington Watershed District and the Valley Branch Watershed District be changed according to the Petition and the map dated October 2009 attached herewith to this Order and fully incorporated herein including the dataset for the map, and that the number of managers of the South Washington Watershed District be reduced from seven (7) to five (5). The Board further orders that the Watershed Management Plans for the South Washington Watershed District and the Valley Branch Watershed District be amended within one year of the date of this Order to include the boundary change.

Dated at Saint Paul, Minnesota this 16th day of December, 2009.

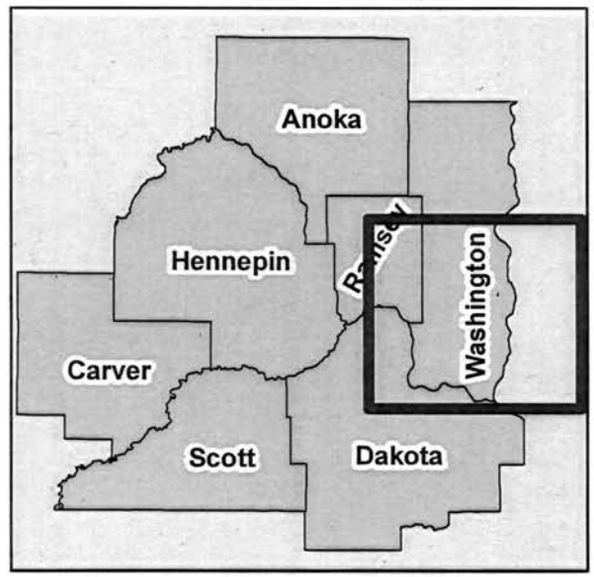
MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Randy Kramer, Chair

South Washington & Valley Branch Watershed Districts Boundary Change



- County Boundaries
- Proposed Boundary Change
- Current Watershed District Boundaries
- Surrounding Watershed Districts & WMOs



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

Oct 2009

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

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 August 24, 2009 with the Board of Water and Soil Resources (Board) on August 25, 2009, 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 Lower Rum River Watershed Management Organization (LRRWMO) was filed by the CCWD Board of Managers with the Board on August 25, 2009.

2. **Property Description.** The territory included in the boundary change, the Petitioned Area, is located in the City of Andover in Sections 12, 13, 14, 15, 16, 17, 21, and 32 in Anoka County entirely within the metropolitan area and totals approximately 373.2 acres of land. The Petitioned Area includes the transfer of 365 acres from CCWD to the LRRWMO, and the transfer 8.2 acres from LRRWMO to CCWD. The Petitioned Area is depicted on eight maps attached to the Petition and further identified in 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 LRRWMO. 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 Andover, and the LRRWMO where 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 LRRWMO.

6. **Notice of Filing.** Legal Notice of Filling of the proposed boundary change, pursuant to Minn. Stat. § 103B.215, Subd. 3, was published in the Anoka County Union on September 9 and 18, 2009.

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.** On November 25, 2009, the Board's Metro Water Planning Committee and staff met in St. Paul to review and discuss the boundary change Petition. Those in attendance from the Board's Committee were Faye Sleeper, LuAnn Tolliver, Christy Jo Fogarty, Robert Burandt, and Louise Smallidge as chair. Board staff in attendance were Metro Regional Supervisor Jim Haertel, Board Conservationist Melissa Lewis, and Water Management Specialist Travis Germundson. Board staff recommended approval of the boundary change. After discussion, the Committee unanimously voted to recommend approval of the CCWD boundary change to the full Board.

CONCLUSIONS

1. The Petition for Boundary change of the CCWD 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 CCWD or the LRRWMO.

5. The governing bodies of the City of Andover and LRRWMO concur with the requested boundary change.

6. The requested boundary change is consistent with the purpose 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 CCWD, and the LRRWMO 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 depicted on the eight maps, attached to this Order and made a part hereof, including the data sets the maps were created from. The Board strongly recommends the Lower Rum River Watershed Management Organization take immediate action to change its organizational boundary consistent with this Order.

Dated at Saint Paul, Minnesota this 16th day of December, 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Randy Kramer, Chair

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Proposed CCWD\ Andover Boundary Exhibit 5

Coon Creek WD GIS May 20th 2009
Sources: CCWD

Disclaimer
THE COON CREEK WATERSHED DISTRICT MAKES NO WARRANTY, REPRESENTATION, OR GUARANTEE OF ANY KIND REGARDING EITHER ANY MAPS OR OTHER INFORMATION PROVIDED HEREIN OR THE SOURCES OF SUCH MAPS OR OTHER INFORMATION

Legend

- Proposed Andover Boundary Change
- CCWD Boundry 08
- Sections
- Parcels

Coon Creek Watershed District

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Proposed CCWD\ Andover Boundary Exhibit 6

Coon Creek WD GIS May 20th 2009
Sources: CCWD

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Legend

- Proposed Andover Boundary Change
- CCWD Boundry 08
- Sections
- Parcels

Coon Creek Watershed District
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Proposed CCWD\ Andover Boundary Exhibit 7

Coon Creek WD GIS May 20th 2009
Sources: CCWD

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Legend

- Proposed Andover Boundary Change
- CCWD Boundry 08
- Sections
- Parcels

Coon Creek Watershed District
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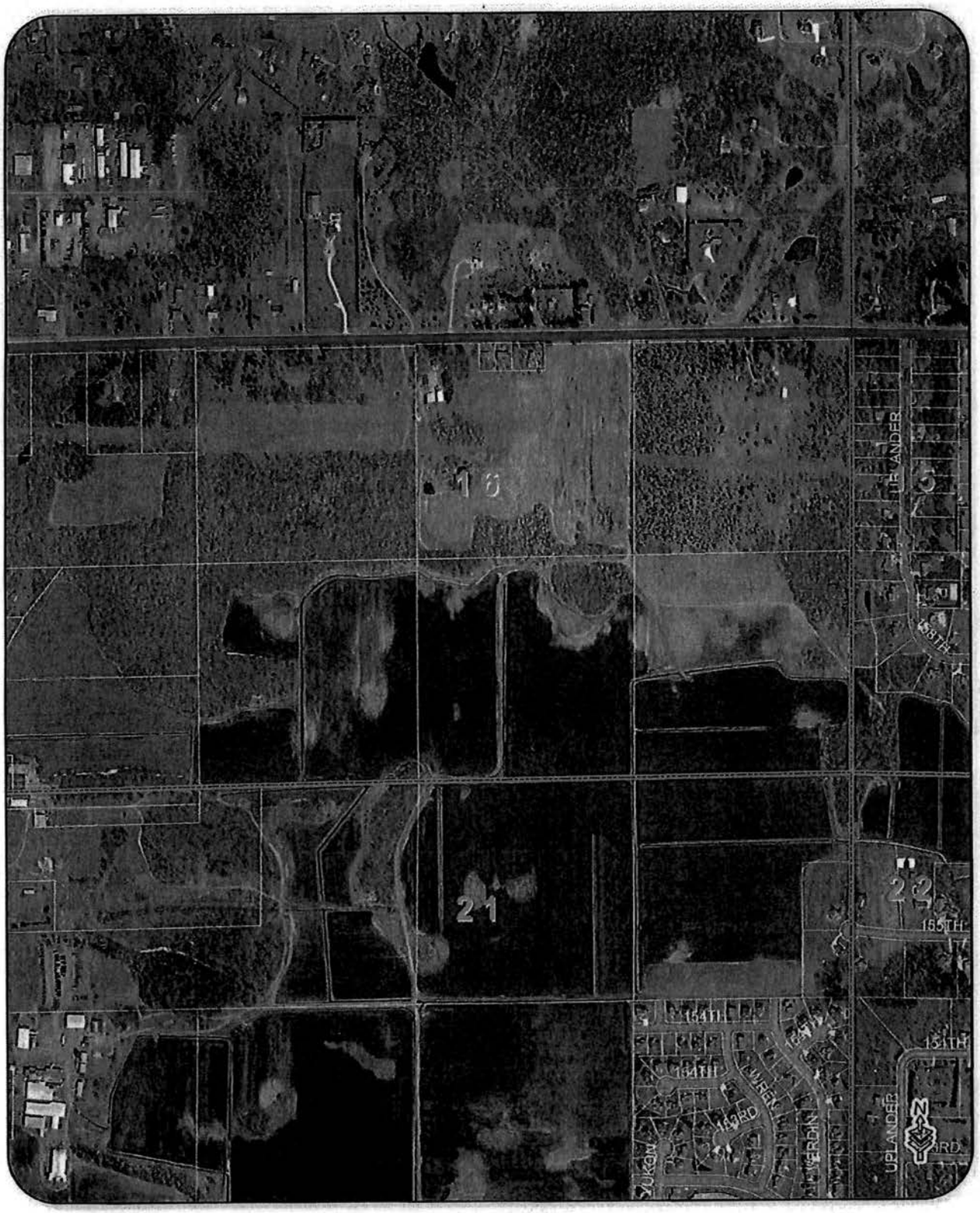

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Proposed CCWD\ Andover Boundary Exhibit 8

Coon Creek WD GIS May 20th 2009
Sources: CCWD

Disclaimer

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Legend

- Proposed Andover Boundary Change
- Sections
- CCWD Boundry 08
- Parcels

Coon Creek Watershed District

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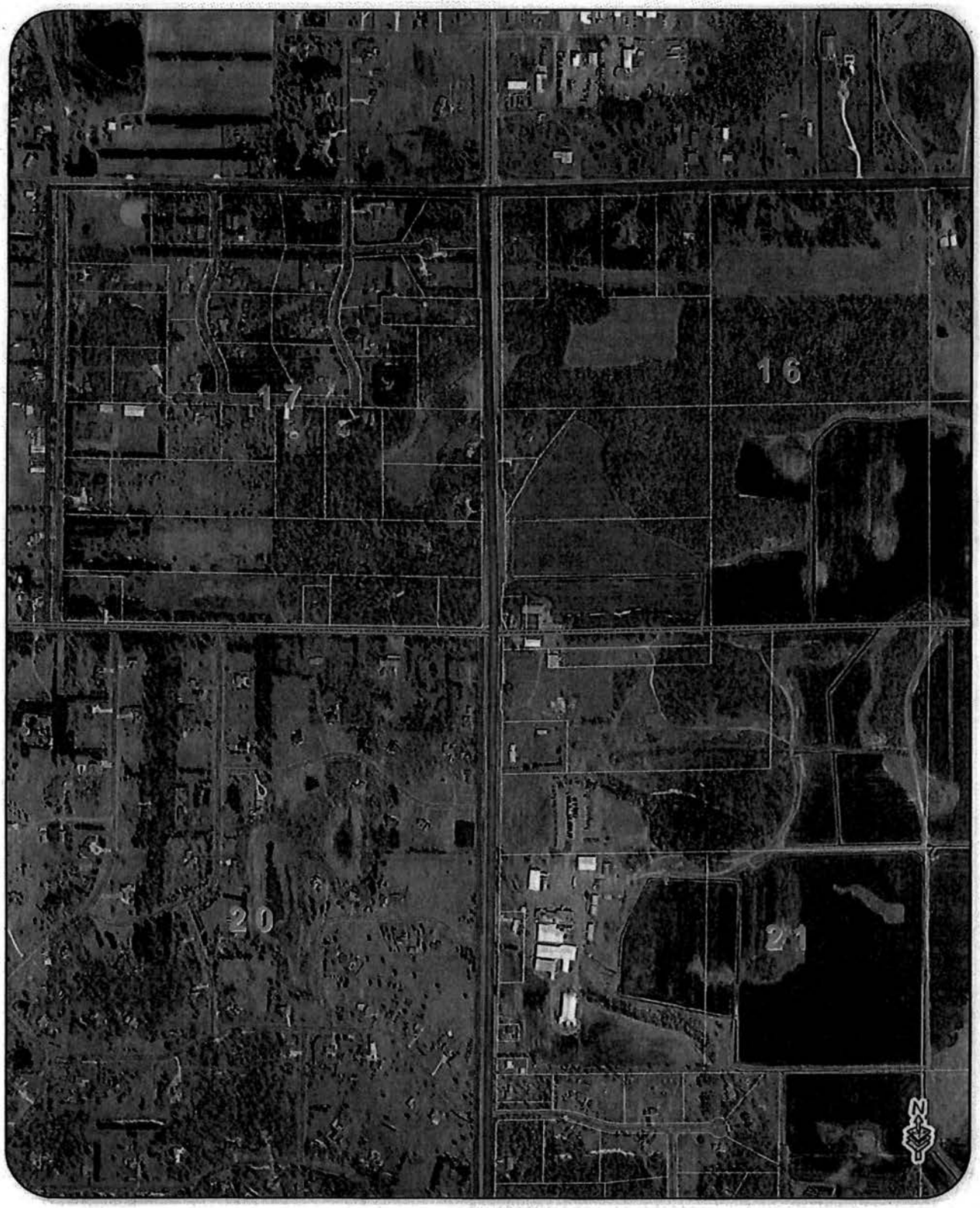

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Coon Creek Watershed District

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Proposed CCWD\ Andover Boundary Exhibit 9

Coon Creek WD GIS May 20th 2009
Sources: CCWD

Disclaimer

THE COON CREEK WATERSHED DISTRICT MAKES NO WARRANTY, REPRESENTATION OR GUARANTEE OF ANY KIND AS TO THE CONTENT, SEQUENCE, ACCURACY, TIMELINESS OR COMPLETENESS OF ANY OF THE DATA PROVIDED HEREIN OR IN THE SOURCES OF SUCH DATA OR INFORMATION

Legend

- Proposed Andover Boundary Change
- Sections
- CCWD Boundry 08
- Parcels

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Feet

Coon Creek Watershed District

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Proposed CCWD\ Andover Boundary Exhibit 10

Coon Creek WD GIS May 20th 2009
Sources: CCWD

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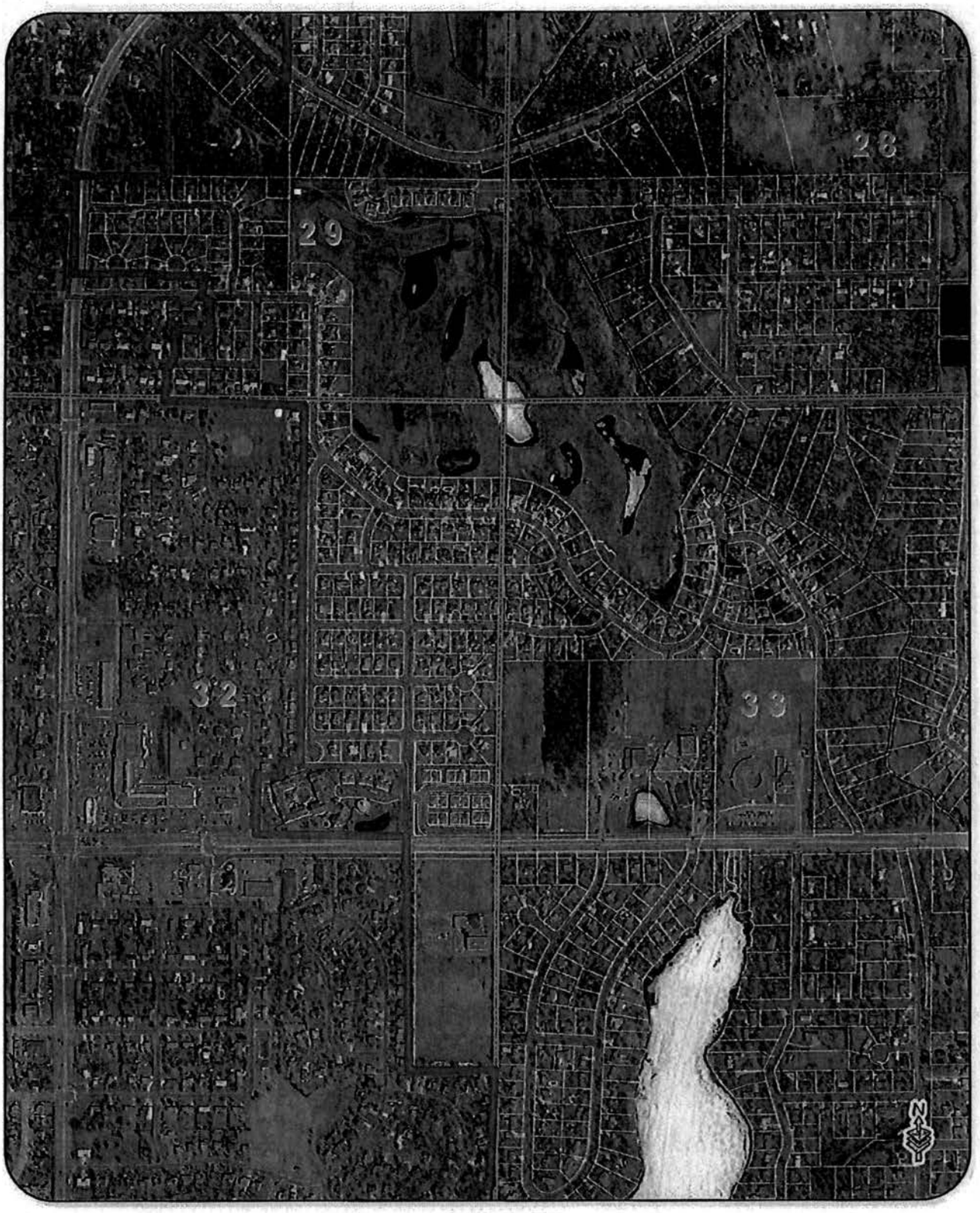
Legend

- Proposed Andover Boundary Change
- CCWD Boundry 08
- Sections
- Parcels



0 200 400 800
Feet

Proposed CCWD\ Andover Boundary Exhibit 11

Coon Creek WD GIS May 20th 2009
Sources: CCWD

Disclaimer
THE COON CREEK WATERSHED DISTRICT MAKES NO WARRANTY, REPRESENTATION, OR GUARANTEE OF ANY KIND REGARDING EITHER ANY MAPS OR OTHER INFORMATION PROVIDED HEREIN OR THE SOURCES OF SUCH MAPS OR OTHER INFORMATION

Legend

- Proposed Andover Boundary Change
- CCWD Boundry 08
- Sections
- Parcels

Coon Creek Watershed District
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Feet

Coon Creek Watershed District

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Proposed CCWD\ Andover Boundary Exhibit 12

Coon Creek WD GIS May 20th 2009
Sources: CCWD

Disclaimer

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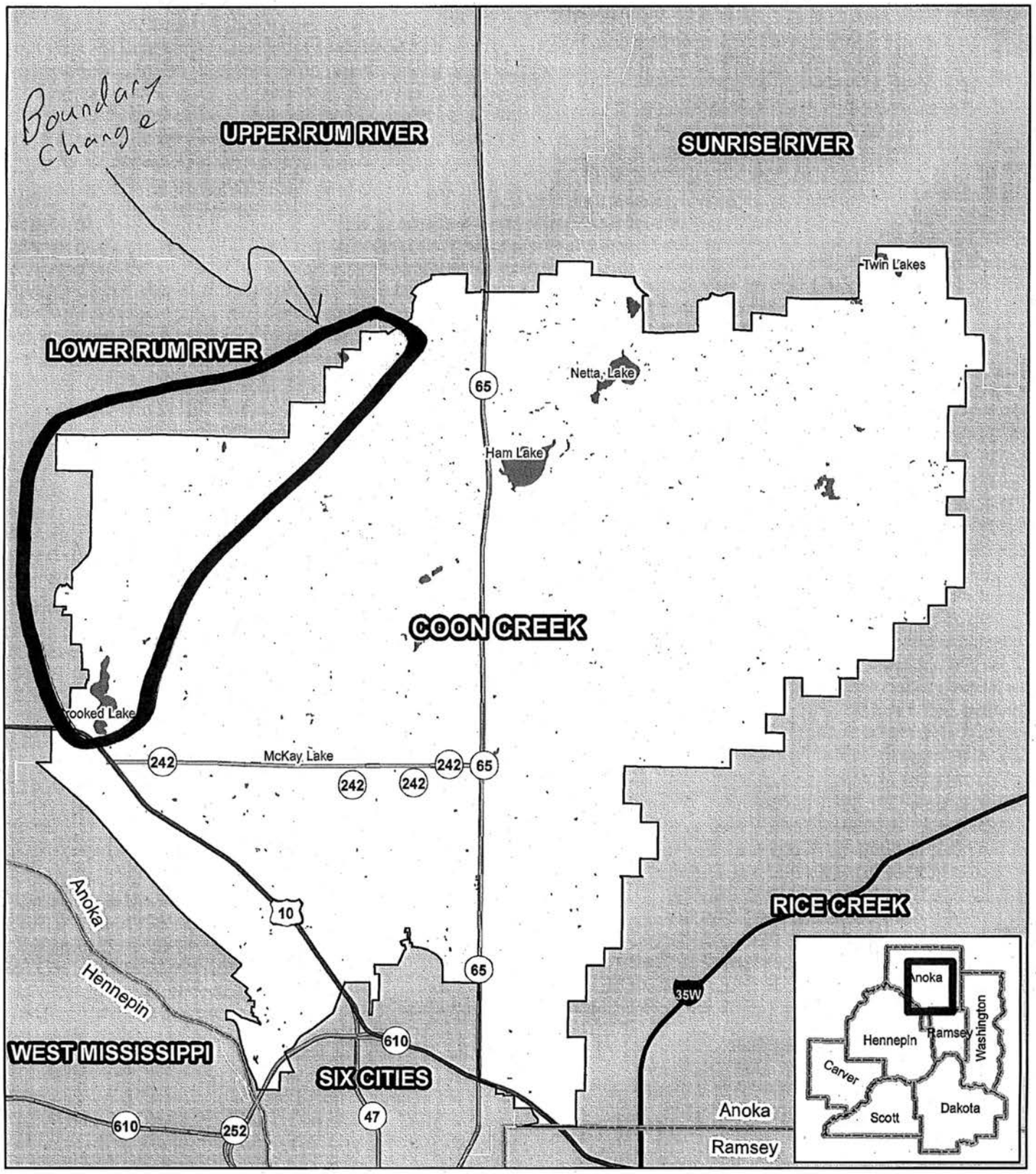
Legend

- Proposed Andover Boundary Change
- CCWD Boundry 08
- Sections
- Parcels

Coon Creek Watershed District



Counties
Coon Creek WD
Adjacent WDs and WMOs

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

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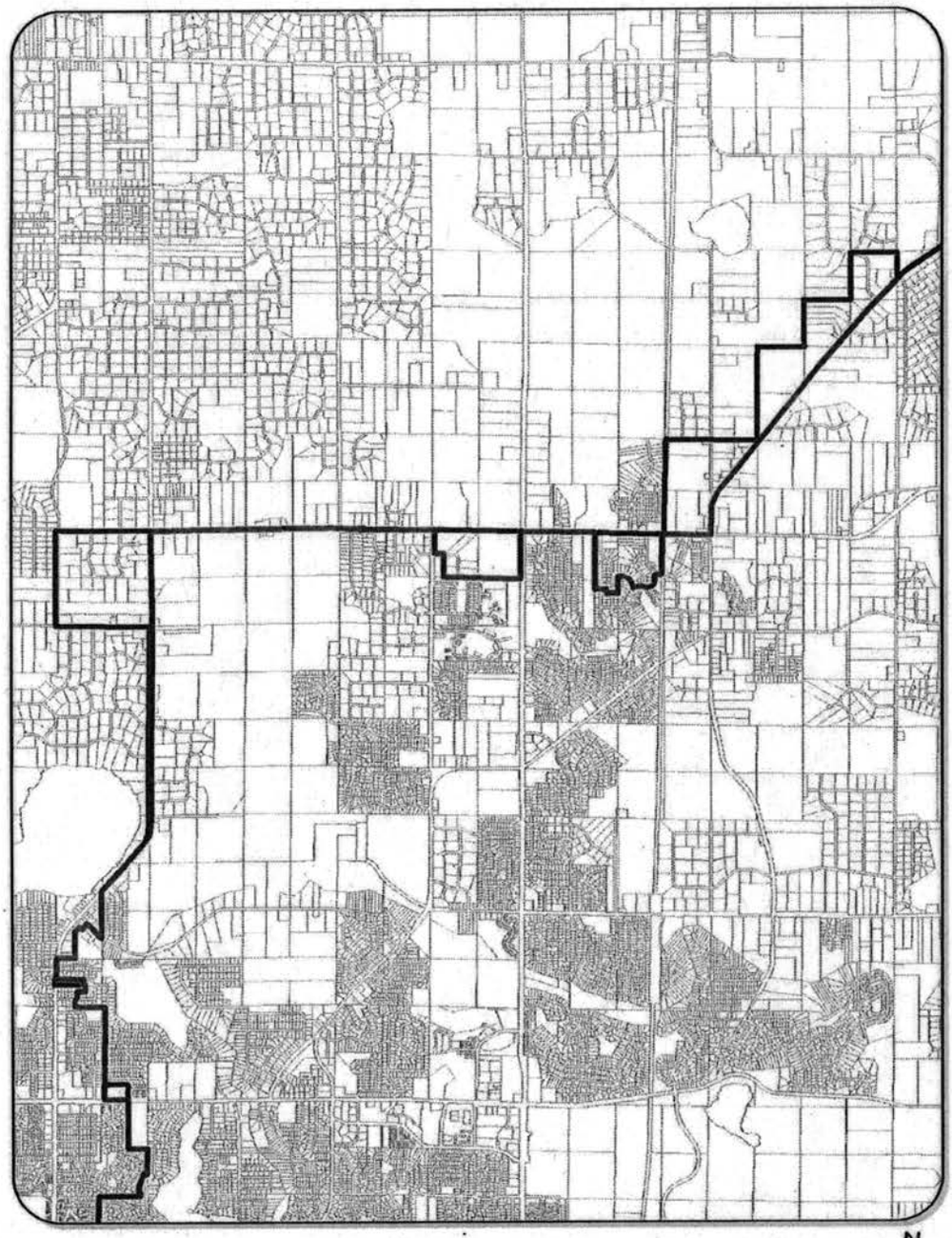


CCWD Legal and Hydrologic boundary

Coon Creek Watershed District

Coon Creek WD GIS June 25th 2009
Sources: CCWD

Disclaimer

Legend

- CCWD_Hydro_Boundary
- Existing Legal Boundary
- Parcels

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

1. Rice County Local Water Management Plan Update – ***DECISION ITEM***

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

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Rice County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Minnesota Board of Water and Soil Resources (Board) on August 20, 2009, pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1. On September 11, 2008, the Board received a Priority Concerns Scoping Document from Rice County, pursuant to M.S. Section 103B.312.

2. On November 3, 2008, Rice County submitted a request to the Minnesota Board of Water and Soil Resources to approve a one-year extension of their current water plan to January 28, 2010.

3. On December 17, 2008, the Board approved official comments on the Rice County Priority Concerns Scoping Document, which were mailed to the county on December 17, 2008.

4. On December 17, 2008, the Board of Water and Soil Resources approved the Rice County request to extend their current water plan to January 28, 2010.

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

    a. Erosion
    b. Storm Water
    c. Waste Disposal/Management
    d. Groundwater
    e. Surface Water
    f. Coordination/Special Concern

6. On August 20, 2009, the Board received the Rice 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 October 28, 2009, the Southern Water Planning Review Committee (Committee) of the Board reviewed the recommendation of the state review agencies regarding final approval of the Rice County Plan Update. Recommendations of the state review agencies were:
    a. Minnesota Department of Agriculture recommends approval;
    b. Minnesota Department of Health recommends approval;
    c. Minnesota Department of Natural Resources recommends approval;
    d. Minnesota Pollution Control Agency recommends approval;
    e. Minnesota Environmental Quality Board had no comment;
    f. Minnesota Board of Water and Soil Resources regional staff recommends approval;
    g. Board regional Water Plan Review Committee recommends approval.

8. This update will be in effect until December 31, 2014.

CONCLUSIONS

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

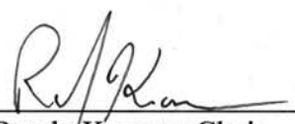
2. The Rice County Plan Update attached to this Order states water and water-related problems within the county; possible solutions; general goals, objectives, and actions of the county; and an implementation program. The attached Plan Update is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached update of the Rice Local Water Management Plan.

Dated at St. Paul, Minnesota, this sixteenth day of December, 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES



BY: Randy Kramer, Chair

EXECUTIVE SUMMARY

This is Rice County's Fourth Generation Water Plan; the first water plan was adopted in 1990, the second in 1997, and the third in 2003. The purpose of this plan is to identify existing and potential problems relating to surface and/or ground water within the county; identify opportunities for the protection, management and development of water resources; and to develop objectives, as well as a plan of action to promote the management of water and land resources. There are a number of federal, state and local partners that provide assistance and/or funding through joint activities, grants and staff participation.

Rice County is located in southern Minnesota; 30 miles south of Minneapolis on Interstate 35. Interstate 35 runs through the middle of Rice County. There are seven cities and fourteen townships within the county. As Minnesota's thirteenth most populous county, all municipalities and townships in Rice County have experienced substantial growth over the past ten years. Due to the proximity to the Twin Cities Metro Area, Rice County is expected to continue to experience population growth and significant land use changes over the next ten years.

There are three major watersheds in Rice County (Cannon River Watershed, Lower Minnesota Watershed and the Zumbro River Watershed) and numerous subwatersheds throughout the County. Major rivers that run through the county include the Cannon River and the Straight River; and numerous lakes lay in the western half of the county.

Through previous water plans, partnerships with other agencies and various grant programs, Rice County has accomplished many of the action items listed in previous water plans. Rice County as well as all partners has successfully accomplished many grant projects throughout the years. In addition, there are a number of ongoing activities that are undertaken on a daily basis throughout the county.

After analyzing the previous water plan, the citizen survey, as well the job responsibilities and accomplishments of individuals and organizations within Rice County, both the Technical and Advisory Committee determined the main Priority Concerns that must be addressed with the new 2009-2014 Rice County Local Water Management Plan. These priority concerns include: 1) Erosion, 2) Storm water, 3) Waste Disposal/Management, 4) Groundwater, 5) Surface Water, 6) Coordination/Special Concern.

After describing and assessing each priority concern item, the two committees came up with goals, objectives and action items for each priority concern. Through various partnerships and funding mechanisms these action items will be the focus of projects throughout the period of this plan.

Minnesota Board of Water & Soil Resources

DATE: September 18, 2009

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: Michelle Schaefers, BWSR Board Conservationist

SUBJECT: Rice County Local Water Management Plan– Final Review

Rice County submitted their Priority Concerns Scoping Document (PCSD) in September of 2008 for state agency reviews and comments. The Board of Water and Soil Resources (BWSR) Southern Water Planning Review Committee (Committee) met with representatives of Rice County on November 14, 2008, 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 Rice County dated December 17, 2008, 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 3, 2008, Rice County submitted a request to the BWSR for a one-year extension of their current Plan. On December 17, 2008, the BWSR officially approved the extension request. The extended end-date of the current Plan was set at January 28, 2010.

Rice County completed the final draft Plan, held the required public hearing on August 6, 2009, and submitted the final draft Plan to the BWSR on August 20, 2009 as required for final review by state agencies. State agency comments and recommendations were to be submitted to Jeff Nielsen by September 23, 2009.

State agency comments were received from the Minnesota Department of Agriculture (MDA), Minnesota Department of Health (MDH), Minnesota Department of Natural Resources (MN DNR), and Minnesota Pollution Control Agency (MPCA). These state agencies recommend that BWSR approve the entire Plan as submitted. MPCA did however submit a list of additional items for consideration. Rice County responded to the comments made by MPCA (see attached letter from Rice County).

The Minnesota Environmental Quality Board did not provide comments/recommendations to the Rice County Water Plan.

I have completed my final review of the Rice County Plan and find that it does meet the 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.

I recommend approval of the Rice County Local Water Management Plan. I look forward to assisting Rice County in the implementation of their Plan.

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emidji, MN 56601
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Saint Paul, MN 55155
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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 Rice County (Minnesota Statutes , Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5.)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

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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

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4. On December 17, 2008, the Board of Water and Soil Resources approved the Rice County request to extend their current water plan to January 28, 2010.

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

8. This update will be in effect until December 31, 2014.

CONCLUSIONS

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

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

ORDER

The Board hereby approves the attached update of the Rice Local Water Management Plan.

Dated at St. Paul, Minnesota, this sixteenth day of December, 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

DRAFT

COMMITTEE RECOMMENDATIONS

Wetlands Committee

1. Eleven-County Metro WCA Enforcement Grants – ***DECISION ITEM***

2. BWSR-NRCS Interagency Memorandum of Understanding: Wetland Conservation Act and Swampbuster Coordination – ***DECISION ITEM***

Board of Water and Soil Resources
October 28, 2009

Wetland Conservation Act Supplemental Enforcement Funding for the 11-County Metropolitan Area

Recommendation for Adoption

Background:

The Board of Water and soil Resources (BWSR) received an appropriation as follows:

$100,000 each year (FY 2010 and 2011) is to make grants to local units of government within the 11-county metropolitan area to improve response to major wetland violations

Chapter 57 defines the 11-county metropolitan area as the Counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright.

In developing the allocation proposal, the following considerations were used:

- SWCD's provide the principal support and follow-up to wetland violations.
- Given the number of LGU's in the area, the amount of money quickly becomes insignificant as the number of potential recipients increases.
- A key goal is to support local government capacity to respond to violations (i.e. adequate staff support for WCA and WCA violations).
- This appropriation is not in the BWSR base budget (i.e. it is a one-timer, except it was done initially in FY 2008 and FY 2009 for $250,000 each year).

Cease and desist order and restoration order data from DNR-Enforcement for the years 2005 through 2008 are shown below.

Cease and Desist Order and Restoration/Replacement Orders: 11-County Metro Area
2005-2008

Cease and Desist Orders

County	2005	2006	2007	2008	05-06 Total	07-08 Total	4-Year Total
Anoka	2 (2.9%)	11 (11.5%)	4 (4.9%)	12 (21.1%)	13 (7.8%)	16 (11.6%)	29 (9.6%)
Carver	3 (4.3%)	2 (2.1%)	1 (1.2%)	3 (5.3%)	5 (3.0%)	4 (2.9%)	9 (3.0%)
Chisago	9 (12.9%)	10 (10.4%)	7 (8.6%)	7 (12.3%)	19 (11.4%)	14 (10.1%)	33 (10.9%)
Dakota	2 (2.9%)	1 (1.0%)	1 (1.2%)	3 (5.3%)	3 (1.8%)	4 (2.9%)	7 (2.3%)
Hennepin	6 (8.6%)	1 (1.0%)	11 (13.6%)	6 (10.5%)	7 (4.2%)	17 (12.3%)	24 (7.9%)
Isanti	5 (7.1%)	2 (2.1%)	8 (9.9%)	2 (3.5%)	7 (4.2%)	10 (7.2%)	17 (5.6%)
Ramsey	2 (2.9%)	3 (3.1%)	5 (6.2%)	5 (8.8%)	5 (3.0%)	10 (7.2%)	15 (5.0%)
Scott	10 (14.3%)	3 (3.1%)	5 (6.2%)	1 (1.8%)	13 (7.8%)	6 (4.3%)	19 (6.3%)
Sherburne	9 (12.9%)	26 (27.1%)	12 (14.8%)	7 (12.3%)	34 (20.5%)	19 (13.8%	53 (17.5%)
Washington	7 (10.0%)	5 (5.2%)	8 (9.9%)	0	12 (7.2%)	8 (5.8%)	20 (6.6%)
Wright	15 (21.4%)	32 (33.3%)	19 (23.5%)	11 (19.3%)	47 (28.3%)	30 (21.7%)	77 (25.4%)
Totals	70	96	81	57	166	138	303

Restoration/Replacement Orders

County	2005	2006	2007	2008	05-06 Total	07-08 Total	4-Year Total
Anoka	1 (3.2%)	5 (17.2%)	3 (8.3%)	7 (31.8%)	6 (10.0%)	10 (17.2%)	16 (13.6%)
Carver	1 (3.2%)	0	0	1 (4.5%)	1 (1.7%)	1 (1.7%)	2 (1.7%)
Chisago	7 (22.6%)	10 (34.5%)	7 (19.4%)	4 (18.2%)	17 (28.3%)	11 (19.0%)	28 (23.7%)
Dakota	0	0	0	0	0	0	0
Hennepin	2 (6.5%)	0	2 (5.6%)	3 (13.6%)	2 (3.3%)	5 (8.6%)	7 (5.9%)
Isanti	1 (3.2%)	0	3 (8.3%)	0	1 (1.7%)	3 (5.2%)	4 (3.4%)
Ramsey	1 (3.2%)	1 (3.4%)	2 (5.6%)	1 (4.5%)	2 (3.3%)	3 (5.2%)	5 (4.2%)
Scott	7 (22.6%)	2 (6.9%)	3 (8.3%)	1 (4.5%)	9 (15.0%)	4 (6.9%)	13 (11.0%)
Sherburne	3 (9.7%)	6 (20.7%)	5 (13.9%)	3 (13.6%)	9 (15.0%)	8 (14.0%)	17 (14.4%)
Washington	5 (16.1%)	2 (6.9%)	4 (11.1%)	0	7 (11.7%)	4 (6.9%)	11 (9.3%)
Wright	3 (9.7%)	3 (10.3%)	7 (19.4%)	2 (9.1%)	6 (10.0%)	9 (15.5%)	15 (12.7%)
Total	31	29	36	22	60	58	118

Staff Proposal

Although the vast majority of SWCD's prefer an equal allocation with no past activity allocation, based on the above data and the considerations outlined above, BWSR staff have developed a proposed allocation of these funds to the following SWCD's in the 11-county metropolitan area:

SWCD	Base Allocation	Activity Allocation	Total
Anoka	$5,000	$4,500	$9,500
Carver	$5,000		$5,000
Chisago	$5,000	$9,000	$14,000
Dakota	$5,000		$5,000
Hennepin	$5,000	$4,500	$9,500
Isanti	$5,000		$5,000
Ramsey	$5,000		$5,000
Scott	$5,000	$4,500	$9,500
Sherburne	$5,000	$9,000	$14,000
Washington	$5,000	$4,500	$9,500
Wright	$5,000	$9,000	$14,000
Total	$55,000	$45,000	$100,000

Wetland Committee Recommendations

The Wetland Committee met on Wednesday, October 28, 2009. The committee discussed the staff proposal, and recommends the following allocation of these funds:

SWCD	Base Allocation	Activity Allocation	Total
Anoka	$5,000	$4,500	$9,500
Carver	$5,000		$5,000
Chisago	$5,000	$9,000	$14,000
Dakota	$5,000		$5,000
Hennepin	$5,000	$4,500	$9,500
Isanti	$5,000		$5,000
Ramsey	$5,000		$5,000
Scott	$5,000	$4,500	$9,500
Sherburne	$5,000	$9,000	$14,000
Washington	$5,000	$4,500	$9,500
Wright	$5,000	$9,000	$14,000
Total	$55,000	$45,000	$100,000

The committee discussion that resulted in this recommended allocation was centered on the ability to use the funds to encourage all 11 of the SWCD's to be effectively engaged in WCA enforcement efforts and the need to provide a fair allocation of these funds, in addition to the staff considerations previously listed.

The Wetland Committee is recommending the Board adopt the proposed allocation that is based on a formula of an equal allocation to all SWCD's plus an amount calculated on the level of WCA enforcement activity during the previous four years.

Resolution # _____

Wetland Conservation Act Supplemental Enforcement Funding for the 11 – County Metropolitan Area

WHEREAS, Laws of Minnesota, Chapter 57, Section 5, appropriated $100,000 each year to BWSR in State Fiscal Year's 2010 and 2011 "to make grants to local units of governments within the 11-county metropolitan area to improve response to major wetland violations"; and

WHEREAS, the 11-County Metropolitan Area consists of the following Counties: Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright; and

WHEREAS, staff consulted with local governments and local government associations in developing a proposal to allocate these funds. This proposal was based on enforcement processes, data from the Department of Natural Resources – Division of Enforcement, and the desire to provide sufficient funds to make a difference on the ground; and

WHEREAS, the Wetland Committee reviewed the staff proposal on October 28, 2009 and is recommending the Board approve an allocation that is based on a formula of equal funding for all 11 soil and water conservation districts plus an amount calculated on the level of WCA enforcement activity during the previous four years, as follows:

SWCD	Base Allocation	Need Allocation	Total
Anoka	$5,000	$4,500	$9,500
Carver	$5,000		$5,000
Chisago	$5,000	$9,000	$14,000
Dakota	$5,000		$5,000
Hennepin	$5,000	$4,500	$9,500
Isanti	$5,000		$5,000
Ramsey	$5,000		$5,000
Scott	$5,000	$4,500	$9,500
Sherburne	$5,000	$9,000	$14,000
Washington	$5,000	$4,500	$9,500
Wright	$5,000	$9,000	$14,000
Total	$55,000	$45,000	$100,000

NOW THEREFORE BE IT RESOLVED, that the Board accepts the Wetland Committee recommendation to allocate the FY 2010-11 biennial Wetland Conservation Act Supplemental Enforcement Funding for the 11-County Metropolitan Area.

_____ _____

Date Randy Kramer, Chair

INTERAGENCY MEMORANDUM OF UNDERSTANDING

WETLAND CONSERVATION ACT AND SWAMPBUSTER COORDINATION

This Memorandum of Understanding (MOU) is made and entered into by the Minnesota Board of Water and Soil Resources and the U.S.D.A. Natural Resources Conservation Service.

WHEREAS, the Minnesota Board of Water and Soil Resources (BWSR) has state oversight responsibility for the Wetland Conservation Act (WCA) and its corresponding rules (Chapter 8420) which are implemented by local government units (LGU), including soil and water conservation districts (SWCD), to achieve the state policy of no-net-loss of wetlands; and

WHEREAS, the USDA-Natural Resources Conservation Service (NRCS) is responsible for administering the technical provisions of "Swampbuster" which generally withholds Federal farm program benefits from any person who (1) plants an agricultural commodity on a converted wetland, or (2) converts a wetland to make agricultural commodity production possible; and

WHEREAS, Section 1619 of the Food, Conservation and Energy Act of 2008 (Public Law 110-234); places significant limitations on the sharing of information between USDA agencies (NRCS and Farm Services Agency (FSA)) and other non-federal entities, including state and local governments; and

WHEREAS, the aforementioned local, state, and federal authorities all seek to protect wetlands on agricultural lands through regulation and incentives, respectively; and

WHEREAS, through coordinated program implementation, increased efficiency and effectiveness in program administration and reduced government costs can be achieved; and

WHEREAS, landowners who choose to take advantage of a coordinated wetland program will receive additional information on wetlands that will minimize the likelihood that activities in wetlands will be in violation of federal, state, or local regulations.

NOW THEREFORE BE IT RESOLVED, the undersigned agencies concur that it is in the public interest to coordinate, to the greatest extent possible, their respective programs as follows:

1. Communication, Information Sharing, and Coordination. The agencies will:
   a. Develop and distribute a joint factsheet for landowners and producers on program requirements, including a recommendation that landowners and producers contact both NRCS and the LGU/SWCD for guidance on projects that may affect wetlands.
   b. Develop a joint wetland information packet to provide landowners and producers with information including wetland identification, requirements of ~~differences between~~ USDA~~,~~ and state ~~and local~~ wetland regulations, and landowners and producers rights concerning wetland information. BWSR will develop a WCA agricultural exemption self assessment tool as part of this packet.
   c. Develop procedures for LGUs to notify NRCS offices of WCA applications and decisions.

d. Develop guidance for NRCS staff involvement with WCA Technical Evaluation Panels that involve wetlands on agricultural land.
e. Coordinate wetland-related administrative and technical training opportunities for state, USDA, and local government staff, including private sector staff when applicable.
f. Develop and share guidance and technical assessment tools in order to increase technical consistency and minimize duplication of effort. These items, include, but are not limited to, drainage lateral effect and encirclement guidance, hydric soils information, hydrologic tools, and remotely sensed imagery.

2. Delineation of Wetland Boundaries. The agencies agree:
a. To delineate wetland boundaries according to the 1987 Corps of Engineers Wetland Delineation Manual, including regional supplements and appropriate technical guidance.
b. That WCA approved wetland delineations performed by a Minnesota Certified Wetland Delineator are acceptable to NRCS when they meet NRCS documentation standards.
c. That wetland boundaries delineated by NRCS staff as part of a Certified Wetland Determination, prior to the application of policy labels (PC, CWTE, etc.), can be accepted by local government units and Technical Evaluation Panels when appropriate documentation is included and when approved by the landowner.
d. To develop guidance specifying when wetland determinations are acceptable for WCA and USDA purposes and including procedures for joint acceptance.
e. To assess the 1994 Minnesota Mapping Conventions/USDA-Farm Service Agency imagery procedures for possible updates and improvements.

3. Wetland Violations. For wetland violations on agricultural land:
a. WCA Restoration and Replacement Orders will be shared with the appropriate NRCS field office.
b. NRCS staff will be invited to Technical Evaluation Panel meetings.
c. The agencies will review restoration requirements and identify restoration standards that will be acceptable for both programs. The goal of wetland restoration completed in compliance with a WCA Restoration Order is for it to be sufficient to fulfill NRCS restoration agreement requirements.

4. Wetland Mitigation. The agencies agree:
a. That wetland replacement via banking in accordance with WCA standards generally provides acceptable mitigation for wetland impacts that require replacement under respective program requirements.
b. The goal is for a conservation easement held by BWSR and monitoring conducted by BWSR, on a replacement wetland to be sufficient for NRCS purposes.
c. To conduct a joint review of corresponding wetland replacement requirements to identify and agree on replacement standards that will be mutually acceptable.

DRAFT

BE IT FURTHER RESOLVED, the undersigned agencies concur that the following provisions apply to the implementation of this agreement:

1. The policies and procedures contained within this MOU does not create any rights or obligations, either substantive or procedural, enforceable by any party or any third party. Deviation or variance from the wetland mitigation guidance included in this MOU will not constitute a defense for violators or others concerned with any State or Federal action.

2. Nothing in this MOU is intended to diminish, modify, or otherwise affect statutory or regulatory authorities of any signatory agencies. All formal guidance interpreting this MOU and background materials upon which this MOU is based will be issued after consultation with the signatory agencies.

3. All responsibilities identified in this MOU are subject and dependent on the availability of sufficient funds appropriated and allocated for that purpose.

4. This MOU will take effect on the date of the last signature below and will continue in effect until modified or revoked by the signatory agencies. Either signatory agency must provide the other a minimum notice of 30 days prior to revoking this agreement.

5. This MOU is based on the state and federal authorities as they exist on the date of signature. Subsequent changes to these authorities are not binding on the parties to this MOU.

DRAFT

Randy Kramer Chair Minnesota Board of Water and Soil Resources	William Hunt State Conservationist Natural Resources Conservation Service Unites States Department of Agriculture

NRCS

Minnesota Board of Water & Soil Resources

INTERAGENCY MEMORANDUM OF UNDERSTANDING

WETLAND CONSERVATION ACT AND SWAMPBUSTER COORDINATION

This Memorandum of Understanding (MOU) is made and entered into by the Minnesota Board of Water and Soil Resources and the USDA Natural Resources Conservation Service.

WHEREAS, the Minnesota Board of Water and Soil Resources (BWSR) has state oversight responsibility for the Wetland Conservation Act (WCA) and its corresponding rules (Chapter 8420) which are implemented by local government units (LGU), including soil and water conservation districts (SWCD), to achieve the state policy of no-net-loss of wetlands; and

WHEREAS, the USDA-Natural Resources Conservation Service (NRCS) is responsible for administering the technical provisions of "Swampbuster" which generally withholds Federal farm program benefits from any person who (1) plants an agricultural commodity on a converted wetland, or (2) converts a wetland to make agricultural commodity production possible; and

WHEREAS, Section 1619 of the Food, Conservation and Energy Act of 2008 (Public Law 110-234); places significant limitations on the sharing of information between USDA agencies (NRCS and Farm Services Agency (FSA)) and other non-federal entities, including state and local governments; and

WHEREAS, the aforementioned local, state, and federal authorities all seek to protect wetlands on agricultural lands through regulation and incentives, respectively; and

WHEREAS, through coordinated program implementation, increased efficiency and effectiveness in program administration and reduced government costs can be achieved; and

WHEREAS, landowners who choose to take advantage of a coordinated wetland program will receive additional information on wetlands that will minimize the likelihood that activities in wetlands will be in violation of federal, state, or local regulations.

NOW THEREFORE BE IT RESOLVED, the undersigned agencies concur that it is in the public interest to coordinate, to the greatest extent possible, their respective programs as follows:

1. Communication, Information Sharing, and Coordination. The agencies will:

a. Develop and distribute a joint factsheet for landowners and producers on program requirements, including a recommendation that landowners and producers contact both NRCS and the LGU/SWCD for guidance on projects that may affect wetlands.
b. Develop a joint wetland information packet to provide landowners and producers with information including wetland identification, requirements of USDA and state wetland regulations, and landowners and producers rights concerning wetland information. BWSR will develop a WCA agricultural exemption self assessment tool as part of this packet.
c. Develop procedures for LGUs to notify NRCS offices of WCA applications and decisions.
d. Develop guidance for NRCS staff involvement with WCA Technical Evaluation Panels that involve wetlands on agricultural land.
e. Coordinate wetland-related administrative and technical training opportunities for state, USDA, and local government staff, including private sector staff when applicable.
f. Develop and share guidance and technical assessment tools in order to increase technical consistency and minimize duplication of effort. These items, include, but are not limited to, drainage lateral effect and encirclement guidance, hydric soils information, hydrologic tools, and remotely sensed imagery.

2. Delineation of Wetland Boundaries. The agencies agree:

a. To delineate wetland boundaries according to the 1987 Corps of Engineers Wetland Delineation Manual, including regional supplements and appropriate technical guidance.
b. That WCA approved wetland delineations performed by a Minnesota Certified Wetland Delineator are acceptable to NRCS when they meet NRCS documentation standards.
c. That wetland boundaries delineated by NRCS staff as part of a Certified Wetland Determination, prior to the application of policy labels (PC, CWTE, etc.), can be accepted by local government units and Technical Evaluation Panels when appropriate documentation is included and when approved by the landowner.
d. To develop guidance specifying when wetland determinations are acceptable for WCA and USDA purposes and including procedures for joint acceptance.
e. To assess the 1994 Minnesota Mapping Conventions/USDA-Farm Service Agency imagery procedures for possible updates and improvements.

3. Wetland Violations. For wetland violations on agricultural land:

a. WCA Restoration and Replacement Orders will be shared with the appropriate NRCS field office.
b. NRCS staff will be invited to Technical Evaluation Panel meetings.
c. The agencies will review restoration requirements and identify restoration standards that will be acceptable for both programs. The goal of wetland restoration completed in compliance with a WCA Restoration Order is for it to be sufficient to fulfill NRCS restoration agreement requirements.

4. Wetland Mitigation. The agencies agree:

a. That wetland replacement via banking in accordance with WCA standards generally provides acceptable mitigation for wetland impacts that require replacement under respective program requirements.
b. The goal is for a conservation easement held by BWSR and monitoring conducted by BWSR, on a replacement wetland to be sufficient for NRCS purposes.
c. To conduct a joint review of corresponding wetland replacement requirements to identify and agree on replacement standards that will be mutually acceptable.

BE IT FURTHER RESOLVED, the undersigned agencies concur that the following provisions apply to the implementation of this agreement:

1. The policies and procedures contained within this MOU does not create any rights or obligations, either substantive or procedural, enforceable by any party or any third party. Deviation or variance from the wetland mitigation guidance included in this MOU will not constitute a defense for violators or others concerned with any State or Federal action.

2. Nothing in this MOU is intended to diminish, modify, or otherwise affect statutory or regulatory authorities of any signatory agencies. All formal guidance interpreting this MOU and background materials upon which this MOU is based will be issued after consultation with the signatory agencies.

3. All responsibilities identified in this MOU are subject and dependent on the availability of sufficient funds appropriated and allocated for that purpose.

4. This MOU will take effect on the date of the last signature below and will continue in effect until modified or revoked by the signatory agencies. Either signatory agency must provide the other a minimum notice of 30 days prior to revoking this agreement.

5. This MOU is based on the state and federal authorities as they exist on the date of signature. Subsequent changes to these authorities are not binding on the parties to this MOU.

Randy Kramer 12/16/09
Randy Kramer
Chair
Minnesota Board of Water and Soil Resources

William Hunt 12/23/09
William Hunt
State Conservationist
Natural Resources Conservation Service
Unites States Department of Agriculture

Resolution # 09-95

Wetland Conservation Act Supplemental Enforcement Funding for the 11 – County Metropolitan Area

WHEREAS, Laws of Minnesota, Chapter 57, Section 5, appropriated $100,000 each year to BWSR in State Fiscal Year's 2010 and 2011 "to make grants to local units of governments within the 11-county metropolitan area to improve response to major wetland violations"; and

WHEREAS, the 11-County Metropolitan Area consists of the following Counties: Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright; and

WHEREAS, staff consulted with local governments and local government associations in developing a proposal to allocate these funds. This proposal was based on enforcement processes, data from the Department of Natural Resources – Division of Enforcement, and the desire to provide sufficient funds to make a difference on the ground; and

WHEREAS, the Wetland Committee reviewed the staff proposal on October 28, 2009 and is recommending the Board approve an allocation that is based on a formula of equal funding for all 11 soil and water conservation districts plus an amount calculated on the level of WCA enforcement activity during the previous four years, as follows:

SWCD	Base Allocation	Need Allocation	Total
Anoka	$5,000	$4,500	$9,500
Carver	$5,000		$5,000
Chisago	$5,000	$9,000	$14,000
Dakota	$5,000		$5,000
Hennepin	$5,000	$4,500	$9,500
Isanti	$5,000		$5,000
Ramsey	$5,000		$5,000
Scott	$5,000	$4,500	$9,500
Sherburne	$5,000	$9,000	$14,000
Washington	$5,000	$4,500	$9,500
Wright	$5,000	$9,000	$14,000
Total	$55,000	$45,000	$100,000

NOW THEREFORE BE IT RESOLVED, that the Board accepts the Wetland Committee recommendation to allocate the FY 2010-11 biennial Wetland Conservation Act Supplemental Enforcement Funding for the 11-County Metropolitan Area.

12/16/09
Date

Randy Kramer, Chair

BOARD OF WATER AND SOIL RESOURCES

Interagency Memorandum of Understanding:
Wetland Conservation Act and Swampbuster Coordination

WHEREAS, the Minnesota Board of Water and Soil Resources (BWSR) has state oversight responsibility for the Wetland Conservation Act (WCA) and its corresponding rules (Chapter 8420) which are implemented by local units of government (LGU), including soil and water conservation districts (SWCD), to achieve the state policy of no-net-loss of wetlands; and

WHEREAS, the USDA-Natural Resources Conservation Service (NRCS) is responsible for administering the technical provisions of "Swampbuster" which generally withholds Federal farm program benefits from any person who (1) plants an agricultural commodity on a converted wetland, or (2) converts a wetland to make agricultural commodity production possible; and

WHEREAS, the aforementioned local, state, and federal authorities all seek to protect wetlands on agricultural lands through regulation and incentives, respectively; and

WHEREAS, through coordinated program implementation, increased efficiency and effectiveness in program administration and reduced government costs can be achieved; and

WHEREAS, landowners who choose to take advantage of a coordinated wetland program will receive additional information on wetlands that will minimize the likelihood that activities in wetlands will be in violation of federal, state, or local regulations; and

WHEREAS, the Wetland Committee reviewed the proposed MOU on December 15, 2009 and recommends adoption.

NOW THEREFORE BE IT RESOLVED, the Board adopts the MOU and authorizes the Chair to make final edits to the MOU and sign the agreement on behalf of the Board

Randy Kramer, Chair

12/16/09
Date

DRAFT

Memorandum of Understanding (MOU)
Between
The Minnesota Association of Soil and Water Conservation Districts, the Minnesota Board of Water and Soil Resources and the USDA Natural Resources Conservation Service
For the
Reinvest In Minnesota (RIM) Reserve Program -Wetlands Reserve Program (WRP)
Partnership Program

1. **Project Title**:

This project is called the Reinvest In Minnesota (RIM) Reserve-Wetlands Reserve Program (WRP) Partnership Program, (hereinafter "**Program**"). The **Program** is cooperatively supported by the Minnesota Board of Water and Soil Resources (hereinafter "**BWSR**") through its administration of the Reinvest In Minnesota Reserve Program (hereinafter "**RIM**") and the United States Department of Agriculture Natural Resources Conservation Service (hereinafter "**NRCS**") through its administration of the Wetland Reserve Program (hereinafter "**WRP**"). The Minnesota Association of Soil and Water Conservation Districts (hereinafter "**MASWCD**"), through participating Soil and Water Conservation Districts at the local level, who will work in partnership with the **BWSR** and **NRCS**, to provide the technical and professional expertise necessary to implement the **Program**.

2. **Background:**

Although the wetland and adjacent upland restorations generate public benefits, their placement occurs on privately owned land. Consequently, restorations and accompanying easements require voluntary cooperation and participation from the landowner, and call for special sensitivity in their extension and promotion. This partnership **Program** is needed to coordinate the diverse government incentives and cost share programs currently in effect to encourage RIM-WRP restoration easements.

By working together to combine RIM and WRP, the **Program** is able to restore wetlands and adjacent grasslands in previously drained areas that have a history of being used for agricultural production. These permanent easements provide conservation benefits such as:

- the retirement of environmentally sensitive land;
- enhanced fish and wildlife habitat;
- protection and improvement of water quality;
- reduction in soil erosion;
- restoration and protection of native plant communities
- sequestration of carbon; and
- biofuel production potential.

3. **Program Description:**

The partnership of Minnesota's RIM program and USDA's (NRCS) WRP is the premier private lands wetland restoration easement program in the nation. Combining RIM and WRP allows state funds to leverage Federal Farm Bill conservation dollars. Utilizing both programs results in competitive payment rates to landowners, sharing of restoration costs and leveraging of technical resources.

The RIM-WRP partnership combines a 30-year federal WRP easement with a state perpetual RIM Reserve conservation easement. Landowners work with the local Soil and Water Conservation District or USDA Service Center - NRCS office and various partners including but not limited to Ducks Unlimited (and their contractors), Minnesota Waterfowl Association and the US Fish and Wildlife Service.

Those landowners selected for funding and who agree to enroll in both easement programs receive a payment for the 30-year WRP easement and a payment from the state for their perpetual RIM Reserve easement. In addition, NRCS pays for the majority of the conservation practice costs. BWSR pays the remainder of the conservation practice costs, not to exceed RIM program maximums and/or actual costs.

The RIM-WRP partnership historically has leveraged $1.4 federal dollars for every $1 of state funds.

Coordinating both of these programs requires a joint effort by all parties to raise public awareness and maintain momentum so that stakeholders will continue to support this viable effort for wetland restorations and their protection.

4. **Parties to the MOU:**

The following parties, by signing this MOU, intend to cooperate in good faith to accomplish its goals and objectives:

United States Department of Agriculture-Natural Resources Conservation Service
375 Jackson Street, Suite 600, St. Paul, MN 55101
Key Contact: Tim Koehler

Minnesota Board of Water and Soil Resources
520 Lafayette Road North, St. Paul, MN 55155
Key Contact: Kevin Lines

Minnesota Association of Soil and Water Conservation Districts
790 Cleveland Avenue South, Suite 201, St. Paul, MN 55116
Key Contact: Sheila Vanney

5. **Purpose of the MOU:**

This MOU is not a legal contract, as it is intended to establish expectations and guide the partnership into the future. Its purpose is to define common goals and objectives, to identify the roles of **BWSR, NRCS, and MASWCD**.

6. **Goals and Objectives:**

BWSR, NRCS, and **MASWCD** share the following goals and objectives for the proposed **Program**:

- Acquire conservation easements from landowners to preserve, restore, and enhance wetlands, restore and enhance riparian lands, and associated uplands in order to protect soil and water quality, support fish and wildlife habitat, reestablish native plant communities, reduce flood damages, and other public benefits.
- Operate a consistent **Program** throughout the state, via publication and promotion of the **Program** in concert with each other.
- Demonstrate to the public interagency cooperation in promoting and implementing the **Program**.
- Respect landowners, their property rights and their personal relationship with the land, including gaining their support and trust.

7. **Roles:**

The state and federal elements of the **Program** are necessary in order to provide competitive payment rates to landowners so they enroll in the program and to leverage federal, state and local resources. The local element of the **Program** is necessary so that ongoing relationships with landowners and knowledge of the local landscape may be tapped into to target the appropriate participants.

Each agency intends to perform the following.

BWSR Roles

- Work with the Governor, the legislature and other agencies to explain the program and its benefits;
- Help publicize the sign-up period and program accomplishments;
- Along with NRCS, rank the project applications based on their legislatively established geographic priority and their score as determined from the wetland easement evaluation worksheet;
- Conduct surveying and mapping accurately determine eligibility and easement boundaries;
- Assist NRCS with verification of ownership and conduct title clearing;
- Accomplish the planning, design and installation phases of the restorations; and

- Provide payment to landowner for perpetual RIM Reserve easement along with payment for the remainder of the conservation practice costs not covered by NRCS, not to exceed RIM program maximums and/or actual costs.

NRCS Roles

- Provide WRP funds through the Federal Farm Bill;
- Help publicize the sign-up period and program accomplishments;
- Through local USDA Service Centers, help to enroll willing landowners into the program;
- Along with BWSR, rank the project applications based on their legislatively established geographic priority and their score as determined from the wetland easement evaluation worksheet;
- Verify ownership and conduct title clearing work;
- Accomplish the planning, design and installation phases of the restorations; and
- Provide payment to landowner for 30-year WRP easement and for 75% of the conservation practice costs.

MASWCD Roles

The MASWCD at the state level should perform the following function:

- Work during the legislative session to support bonding and Lessard-Sams Outdoor Heritage Council funding for RIM.

As the organization representing SWCD's statewide, MASWCD agrees that SWCDs interested in delivering the Program should perform the following functions:

- Work with willing landowners to get them applied for the program;
- Work with selected applicants to get them enrolled in the program;
- Provide, design assistance and implement conservation practices and plans; and
- Assist NRCS and BWSR in verifying ownership and conducting title work.

8. Contractual Obligations:

This MOU is not a binding contract between **BWSR, NRCS, and MASWCD**. Any party may, upon written notice, amend or discontinue its role outlined in the MOU. However, it is the intention of each party to complete the **Program** as described above. Because of this mutual desire to proceed, each party fully intends to make a good faith effort to achieve the goals described above including working together to find mutually beneficial solutions when problems, altered expectations, or other factors impact such parties' ability or desire to fulfill their intended roles. This MOU shall become effective on the date of the last signature and shall continue for as long as RIM and WRP remain in effect and state and federal funding is available to implement them; however, any party may withdraw from this MOU upon written notification to the other parties.

9. Non-Discrimination Statement:

The program or activities conducted under this Memorandum of Understanding will be in compliance with the nondiscrimination provisions contained in the Titles VI and VII of the Civil Rights Act of 1964, as amended; the Civil Rights Restoration Act of 1987 (Public Law 100-259); and other nondiscrimination statutes: namely, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments Act of 1972, the Age Discrimination Act of 1975, and America's With Disabilities Act of 1990. They will also be in accordance with the regulations of the Secretary of Agriculture (7 CFR-15, Subparts A & B), which provide that no person in the United States shall, on the grounds of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance from the U.S. Department of Agriculture or any agency thereof.

10. Project Oversight:

The three signees to this MOU agree to annually review and adjust the Program, if needed, to ensure its objectives and goals are still being met.

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11. Signatures

Signed:

Name: John Jaschke
Title: Executive Director
Minnesota Board of Water and Soil Resources
St. Paul, Minnesota
Date: 12/7/09

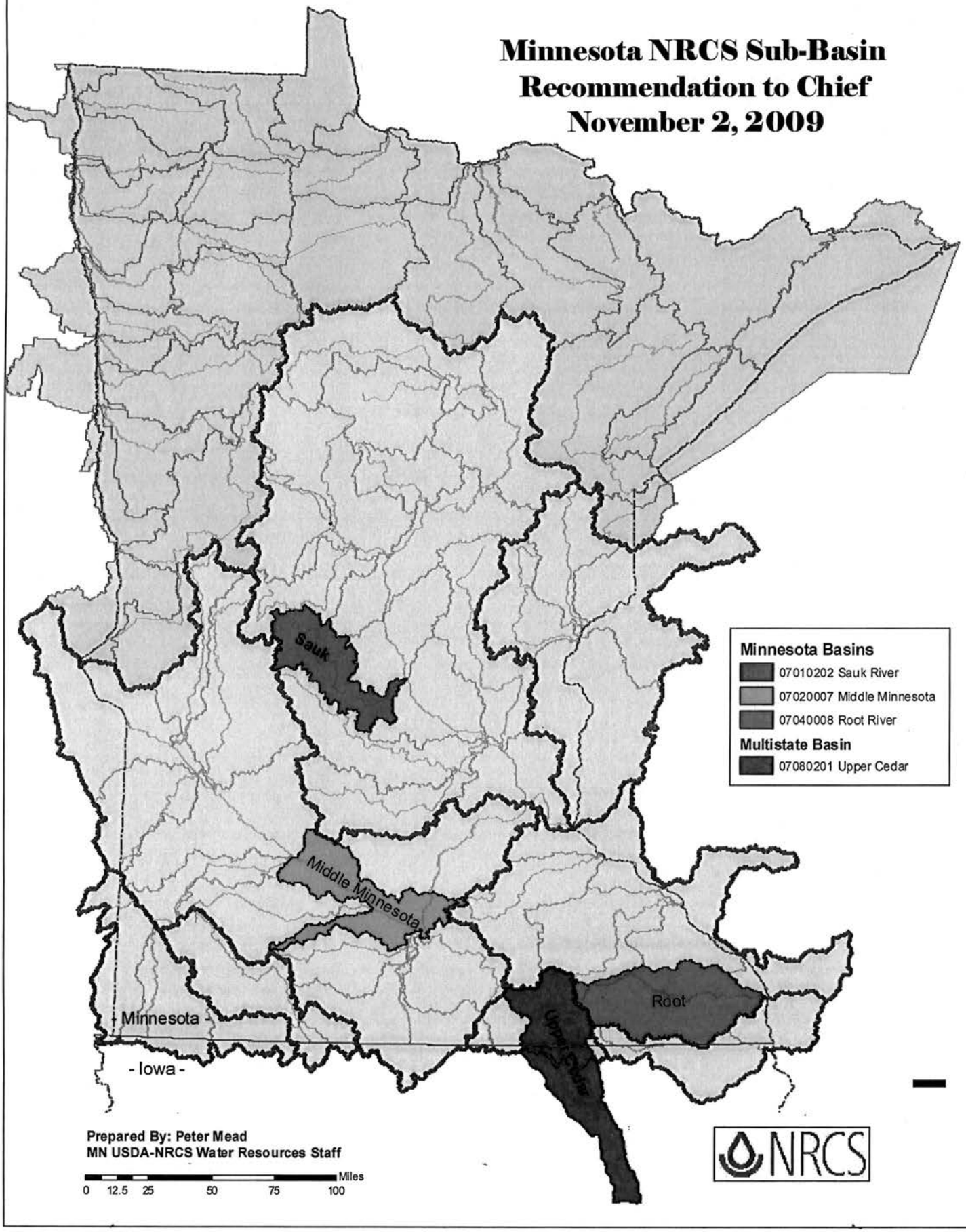
Signed:

Name: William Hunt
Title: State Conservationist
United States Department of Agriculture
Minnesota Natural Resources Conservation Service
St. Paul, Minnesota
Date: 12/7/09

Signed:

Name: LeAnn Buck
Title: Executive Director
Minnesota Association of Soil and
Water Conservation Districts
St. Paul, Minnesota
Date: 12/7/09

Mississippi River Basin Healthy Watershed Initiative



USDA NRCS
United States Department of Agriculture
Natural Resources Conservation Service

Helping People Help the Land

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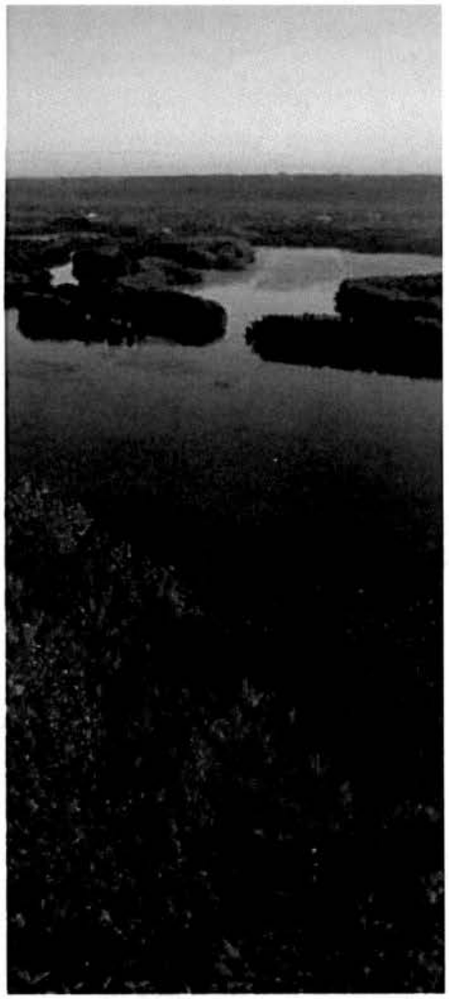
Mississippi River Basin Healthy Watersheds Initiative



Overview

To improve the health of the Mississippi River Basin, including water quality and wildlife habitat, the USDA Natural Resources Conservation Service is developing the Mississippi River Basin Healthy Watersheds Initiative (MRBI). Through this new Initiative, NRCS and its partners will help producers in selected watersheds in the Mississippi River Basin voluntarily implement conservation practices that avoid, control, and trap nutrient runoff; improve wildlife habitat; and maintain agricultural productivity.

These improvements will be accomplished through a conservation systems approach to manage and optimize nitrogen and phosphorous within fields to minimize runoff and reduce downstream nutrient loading. NRCS will provide producers assistance with a system of practices that will control soil erosion, improve soil quality, and provide wildlife habitat while managing runoff and drainage water for improved water quality.

The Initiative will build on the past efforts of producers, NRCS, partners, and other State and Federal agencies in the 12-State Initiative area to address nutrient loading in the Mississippi River Basin. Nutrient loading contributes to both local water quality problems and the hypoxic zone in the Gulf of Mexico. The 12 participating States are Arkansas, Kentucky, Illinois, Indiana, Iowa, Louisiana, Minnesota, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin. MRBI will be implemented by NRCS through the Cooperative Conservation Partnership Initiative (CCPI), the Wetlands Reserve Enhancement Program (WREP), Conservation Innovation Grants (CIG), and other programs.

NRCS will offer this Initiative in fiscal years (FYs) 2010 through 2013, dedicating at least $80 million in each fiscal year. This is in addition to funding by other Federal agencies, States, and partners and the contributions of producers.

The $80 million will be in addition to regular NRCS program funding in the 12 Initiative States.

NRCS MRBI Funding *(in millions of dollars)*

	FY 10	FY 11	FY 12	FY 13
CCPI	$50	$50	$50	$50
WREP	$25	$25	$25	$25
CIG	$5	$5	$5	$5
Total	$80	$80	$80	$80

How Will MRBI Work?

Step One: Watershed Selection

The first step will be to select the participating watersheds in the fall of 2009. State Technical Committee members will provide input on the conservation objectives to be achieved. Each State will select up to three 8-digit hydrologic unit area watersheds as focus areas for the MRBI (8-digit hydrologic unit code (HUC) watersheds are 250,000 to 1,250,000 acres). When making these selections, States will consider future growth opportunities and providing opportunities for maximum program participation. States will use a consistent watershed evaluation process that includes the following information:

- Conservation Effects Assessment Project (CEAP) data.
- Spatially Referenced Regression On Watershed (SPARROW) attributes. SPARROW is a statistically based U.S. Geological Survey (USGS) modeling approach that attempts to explain in-stream measures of water quality in relation to upstream sources.
- State-level nutrient reduction strategy and priorities.
- State-level water quality data.
- Monitoring and modeling of nitrogen and phosphorous management in the watershed.

USDA is an equal opportunity provider and employer.

12 Participating States

Arkansas	Minnesota
Illinois	Mississippi
Indiana	Missouri
Iowa	Ohio
Kentucky	Tennessee
Louisiana	Wisconsin

NRCS will work to ensure applied conservation has a measurable effect on water quality nutrient issues at the edge of farm fields.

Step Two: Selecting and Implementing CCPI Projects

Using the Cooperative Conservation Partnership Initiative as the foundation for MRBI facilitates leveraging the investment from non-Federal sources and ensures coordination of NRCS efforts with other Federal, State, Tribal, and local efforts. CCPI offers a statutory (2008 Farm Bill) funding mechanism for targeting resources on a watershed basis across three programs: the Environmental Quality Incentives Program (EQIP), the Wildlife Habitat Incentive Program (WHIP), and the Conservation Stewardship Program (CSP).

Using CCPI as the principal delivery vehicle has several advantages; it:

- Targets three competitive programs to critical watersheds.
- Solicits and leverages partner contributions through a competitive proposal process.
- Allows the introduction of flexibilities not inherent in each program's normal delivery and operations.

Implementation

Early in FY 2010, NRCS will issue a CCPI request for proposals (RFP) specific to the MRBI and the 12 participating States. The CCPI RFP will provide for up to $50 million dollars of financial assistance in FY 2010 toward the implementation of conservation practices in at least one watershed per State.

The $50 million in CCPI dedicated to the MRBI may only be used on MRBI-related agreements; it will not be counted toward the 6 percent of set aside funds or acres required of States for CCPI. The RFP will allow 10 percent of the $50 million to be managed at the national level for projects that are multi-state. The remaining 90 percent of the $50 million will be managed at the State level to maximize flexibility in implementing conservation systems specific to different regions.

The RFP will allow partners to submit proposals within each State's focus areas. The proposals will receive a higher ranking score if they are offered on the 12-digit HUC (10,000 to 40,000 acre) scale. This will allow multiple proposals to compete within the larger focus area, creating more opportunity for applicants. Proposals on this smaller scale will also allow the applied practices to provide for a concentrated effect and offer better opportunity to measure Initiative outcomes.

Proposals with watersheds limited to one State will be submitted to the appropriate State Conservationist. Proposals with watersheds that cross State lines will be submitted to the NRCS Chief.

Conservation Practices

The Initiative emphasizes a "systems approach" to address water quality resource concerns. A cornerstone of this approach is to use screening and ranking systems to focus program support on producers who agree to implement a system of practices that has been determined to address specific high-priority resource concerns in selected watersheds.

Example Focus Area with Selected CCPI Proposals

Core and Supporting Practices Approved for MRBI

CORE CONSERVATION PRACTICES	
Practice Code*	Practice Name
AVOIDING	
328[a]	Conservation Crop Rotation
340	Cover Crop
590[b]	Nutrient Management
CONTROLLING	
329	Residue & Tillage Management
330	Contouring
345	Residue & Tillage Management
346	Residue & Tillage Management
412	Grassed Waterway
554	Drainage Water Management
585	Stripcropping
600	Terrace
TRAPPING	
332	Contour Buffer Strips
390	Riparian Herbaceous Cover
391	Riparian Forest Buffer
393	Filter Strip
601	Vegetative Barriers
635	Vegetative Treatment Area
656	Constructed Wetland
657	Wetland Restoration
658	Wetland Creation
659	Wetland Enhancement
747	Denitrifying Bioreactor

SUPPORTING CONSERVATION PRACTICES	
AVOIDING	
313	Waste Storage Facility
317	Composting Facility
327	Conservation Cover
381	Silvopasture Establishment
382[c]	Fence
472	Access Control
511	Forage Harvest Management
512	Pasture & Hayland Planting
528	Prescribed Grazing
558[d]	Roof Runoff Structure
561	Heavy Use Area Protection
612	Tree & Shrub Planting
632	Solid/Liquid Waste Separation Facility
634	Waste Transfer
646	Shallow Water Management
CONTROLLING	
324	Deep Tillage
342[e]	Critical Area Planting
362	Diversion
386	Field Border
410	Grade Stabilization Structure
430[f]	Irrigation Water conveyance, Pipeline
447	Tailwater Recovery
449	Irrigation Water Management
484	Mulching
533	Pumping Plant
587	Structure for Water Control
606	Subsurface Drainage
607	Surface Drainage
620[g]	Underground Outlet
638	Water & Sediment Control Basin

SUPPORTING CONSERVATION PRACTICES	
TRAPPING	
342	Critical Area Planting
350	Sediment Basin
356	Dike
410	Grade Stabilization Structure
533	Pumping Plant
587	Structure for Water Control
638	Water & Sediment Control Basin

* Practice codes relate to the NRCS Field Office Technical Guide (National Conservation Practice Handbook).

a. Must add at least 3rd crop to the rotation.

b. Fall application will give lowest ranking.

c. Only for use with 511, 512, and 528.

d. Only for use with 313, 317, 561, 632, 633 and 634.

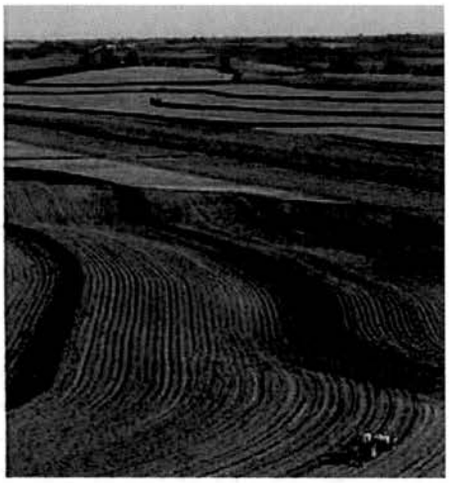
e. As a component of wetlands, construction, or earth-disturbing practice.

f. In conjunction with 634 (waste transfer).

g. As a supplement to terraces and sediment basins.

NOTES:
Water management practices such as underground outlets will be used in combination with proper water filtering practices to ensure nutrient trapping.

State Conservationists will have reasonable flexibility to make adjustments to this practice listing to meet State and local needs.



Instead of addressing one aspect of a resource concern by implementing one practice, participants will implement a system of practices, that is, multiple practices and management techniques that work together to address the nitrogen and phosphorous generated from agricultural runoff. The nationally approved practices selected for this Initiative address priority resource concerns using recognized methods of avoiding, trapping, and controlling pollutants. Used together, these three methods will address the entire nutrient system. NRCS has approved a number of core and supporting practices (see table on page 3) to be included in the Initiative. These practice options allow flexibility for producers in different States and/or with different types of agricultural operations while focusing resource and technological solutions on the primary goals of minimizing runoff and leaching and reducing downstream nutrient loads.

Practice Selection Process

A team of NRCS technical specialists worked together to create the list of core practices most important in reducing downstream loading of nitrogen and phosphorous in the Mississippi River Basin. State Conservationists were then asked to recommend supporting practices that would address the primary water quality concerns most effectively and efficiently within their State. NRCS technical specialists then reviewed and approved both the core and supporting practices, taking into consideration which practices would be the most effective at managing nutrients within fields to minimize runoff and loading of nitrogen and phosphorous to water bodies.

Ranking

To ensure efforts are targeted toward areas that will provide the greatest impact on nutrient runoff and leaching in the Mississippi River Basin, different ranking criteria for selecting proposed watersheds within States as well as criteria for choosing proposals will be advertised and adopted. The following ranking suggestions are general, and will require further refinement by each individual State.

Selecting Watersheds Within States

NRCS will give special consideration to proposed watersheds within States that will have the largest impact on reducing downstream nutrient loads, including proposals that:

- Show the greatest promise for delivering applied conservation within the watershed focus areas as defined in step one.
- Target a 12-digit HUC watershed, or smaller, within the focus areas (the 8-digit watersheds chosen by States) and leverage the non-Federal financial and technical resources coordinated with local, State, or Federal efforts.
- Work within a watershed that has an existing monitoring system to measure practice implementation outcomes.

Selecting Proposals

Although NRCS will not require a specific number of the approved core practices to be included in proposals, a higher priority will be assigned to proposals that apply these core practices in a systems approach. NRCS will develop scenarios to make practices more effective. Proposals may be ranked higher than others if they, for example:

- Include multiple core practices from each category (avoiding, controlling, and trapping).
- Implement a practice that will complete a system or will put additions onto a completed system.
- Include drainage water management practices for land that is drained.

Payments

Payments through CCPI are for implementation of core and supporting conservation practices approved in the Field Office Technical Guide that assist the producer in meeting the goals of MRBI. Payments are not authorized for activities or practice components that are solely production related and not linked to an identified resource concern. Payments will be based on payment schedules for eligible conservation practices.

Payment schedules are based on the estimated cost incurred in performing or implementing conservation practices and the estimated income forgone by

the producer. Forgone income includes the annual net income lost from a change in land use or land taken out of production and the opportunity cost of accepting less farm income in exchange for improved resource conditions resulting from the practice. Forgone income may be a one-time cost during the installation year or may be an annual cost occurring after the installation year, such as taking land out of production.

Payment schedules documenting payment rates for MRBI will be reasonably consistent across State lines, and States will coordinate the development of cost data for payment schedules for practices offered across State boundaries.

Payment schedules may account for the acquisition of technical knowledge associated with conservation implementation. This would include cash expenditures to obtain direct technical assistance, over and above what NRCS (or a similar agency) would typically provide. These expenditures could include costs to the land manager of acquiring technical knowledge through an educational course to operate, manage, or maintain a practice or activity that is "new" to the producer. These costs may also include hiring a technical consultant or specialist to assist in implementing the conservation practice.

Step Three: Adding Other Programs

Once there exists a clearly defined watershed supported by local and State partners through an established program and agreement with NRCS, MRBI will provide additional program opportunities, including WREP and CIG.

Wetlands Reserve Enhancement Program

WREP enables NRCS to enter into agreements with a State, non-governmental organization (NGO), or Tribe to carry out special projects that will advance the restoration, protection, or enhancement of wetlands on private and/or Tribal lands.

As part of MRBI, NRCS will provide $25 million annually in WREP in FYs 2010 through 2013 in selected MRBI watersheds. WREP will operate through an RFP in the Federal Register, much like CCPI. Proposals will be submitted to the appropriate State Conservationist for initial review, and recommended proposals will be provided to the Chief by the State Conservationists for nationwide ranking and final selection.

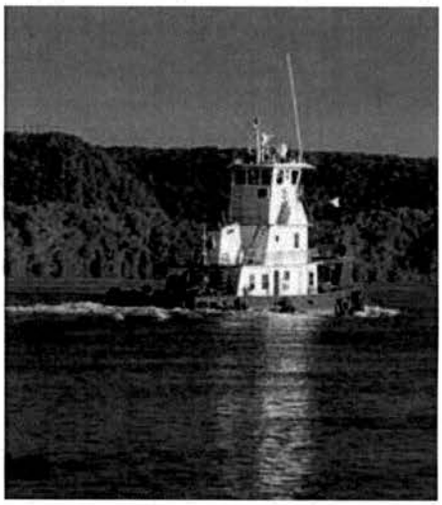
WREP will offer opportunities for the restoration of wetland ecosystems. These wetlands can be used to filter surface waters near the watershed outlets, while providing additional resource benefits such as wildlife habitat.

WREP will facilitate opportunities that are identified within the MRBI's 12 States. WREP also provides an opportunity for implementing a reserved rights pilot where grazing is consistent with the long-term wetland protection and enhancement goals of the project. Participants in the reserved rights pilot are subject to the general eligibility and program administration requirements of the Wetlands Reserve Program (WRP). However, under the reserved rights pilot, landowners who wish to reserve grazing rights in the easement deed or 30-year contract must comply with an NRCS-approved WRP plan of operations that includes the location, timing, intensity, frequency, and duration of grazing.

NRCS intends to compile, evaluate, and make available aggregate information acquired through its monitoring of projects enrolled through WREP in general, and the reserved rights pilot specifically, to ascertain the benefits gained through these programmatic options.

Conservation Innovation Grants

Similar to the Chesapeake Bay component of CIG, a special CIG category will be designated for MRBI. CIG affords a competitive opportunity to match funds and collaborate with non-Federal agencies, NGOs, Tribes, and individuals on innovative projects (technologies and/or approaches) that will further the objectives of the Initiative. A designated funding pool of $5 million annually through FY 2013 will be established to fund innovative projects related to nutrient management, drainage water management, bio-filters, market-based approaches to conservation on a watershed scale, and other high-priority interest areas where field trials and demonstrations are needed and/or scaling up of previous proven research to a farm- or watershed-scale is desired.



Other Programs

The Conservation Stewardship Program (CSP) will also provide opportunities for agricultural producers to participate in an on-farm nutrient monitoring program as a CSP enhancement, while providing beneficial data for measuring outcomes. In addition to NRCS programs, many other Federal, State, and local programs could be focused on the designated watersheds. This could include the Farm Service Agency (FSA) Conservation Reserve Program (CRP) and the Environmental Protection Agency (EPA) 319 Program. CRP includes the Conservation Reserve Enhancement Program and various Continuous CRP options.

Step Four: Implementation

For CCPI, WREP, and CIG, implementation will extend beyond FY 2013, because funds are obligated through contracts and agreements for multiple years. The number of new watersheds added each year through FY 2013 under CCPI will depend on how much of each year's new $50 million is needed to meet prior-year commitments in previously selected proposals.

Step Five: Outcome Measurement

Estimates of nitrogen and phosphorous load reductions will be needed. The ability to determine the benefits of the practices applied through MRBI is complicated by three major factors:

- The need to establish a baseline for the participating watersheds.
- The lag time between practice application and measurable results. Studies report this gap ranges from 2 to 15 years depending on the intensity of conservation efforts.
- The density and geographic location of acres treated relative to the acres contributing to nutrient loading.

With a minimum of one 8-digit HUC for each of the 12 States, it is proposed that a tiered approach—at three scales, utilizing a combination of monitoring data and modeled data—be used to validate estimates of benefits from the Initiative. The scales and overview of actions are described here:

Field Scale

At this scale, validate the Agricultural Policy Environmental Extender (APEX) model from on-farm and/or an existing research facility. Part of the watershed assessment activities of CEAP may contribute, as will monitoring data from partners such as State water quality agencies, the Agricultural Research Service, and universities.

1. Gather existing field-scale research on the effects of practices applied through the Initiative.
2. Establish paired-comparison studies for selected practices or systems of practices.

Small-Watershed Scale

To monitor at the 12-digit HUC:

1. Access data from CEAP watershed studies or existing monitoring data from partners such as State water quality agencies and universities. Compare results to modeled results using APEX and the Soil and Water Assessment Tool (SWAT).
2. Partner with USGS and other water quality monitoring entities in 12-digit HUCs to establish a loading baseline. Concentrate practice implementation sufficient to cover a significant portion of cropland acres.

Large-Watershed Scale

At the 8-digit HUC where practices will be applied in a focused manner (for example, targeting the most vulnerable acres for losses), run the SWAT model with APEX model estimates for acres treated. Utilize CEAP national assessment estimates and procedures for baseline and Initiative benefits at the large scale.

It will be necessary to establish monitoring criteria within the RFP specific to the type of monitoring activities conducted, number of sites per watershed at each scale, number of times monitoring activities will occur annually, reports provided to NRCS for data collection, and various other means to track nitrogen and phosphorous reduction throughout the watershed areas.

The smaller-scale benefit validation will provide the science-based support for benefit estimates at the larger scales. Much of this work has been initiated by the watershed and national assessment portions of CEAP, but may need to be augmented by the above-stated activities.

The Role of Partners

In addition to providing input for watershed selection criteria and the processes used to implement MRBI, partners will have a crucial role in encouraging and supporting producer participation. Partners' involvement will be key in a variety of ways, including:

- Providing information and conducting education and outreach activities.
- Forming agreements to provide staffing for technical assistance and education activities.
- Joining the State Technical Committee to provide input for focus area and watershed selection.
- Submitting proposals for CCPI, CIG, and WREP or partnering with a group submitting a proposal.
- Targeting their agency's or organization's programs toward the Initiative's watersheds.
- Assisting with monitoring, evaluation, and assessment.

Specifically, interested partners at the national level are asked to:

- Designate a point of contact for collaboration with NRCS.
- Provide NRCS a description of how they would like to collaborate (funding, technical assistance, outreach, etc.) with MRBI.

Contact Information

Partner responses should be emailed to Thomas Christensen, Central Regional Conservationist, at thomas.christensen@wdc.usda.gov.

NEW BUSINESS

1. Minnesota Water Sustainability Framework (MWSF) Project Presentation – Jean Coleman, Attorney/Land Use Planner, CR Planning, Inc. – ***INFORMATION ITEM***

2. Training Program Needs Assessment – ***INFORMATION ITEM***

3. BWSR Proposed 2010 Meeting Schedule – ***DECISION ITEM***

Building Organizational Effectiveness: Assessment Plan Outline

(***DRAFT*** -- abeckerkudelka for BWSR Bd mtg 12-16-09)

I. Introduction

Foundation: Our **learning experiences** shape us - how we perform, how we apply knowledge, how we can affect the changes we seek. In the community of soil and water conservation, both the quality and applicability of these learning experiences can be a potent determinant to how we implement programs - ultimately connecting us to the outcomes of our watersheds.

In late 2009 and early 2010, the Minnesota Board of Water and Soil Resources will be conducting in-depth research and evaluation of the organizational development needs of staff: a needs assessment. This assessment will guide development of our training programs.

Background: The **Minnesota Board of Waters and Soil Resources** is the state's administrative agency for soil and water. It administers programs for:

- soil and water conservation districts,
- watershed districts,
- metropolitan watershed management organizations, and
- counties, cities, and townships.

The BWSR ***mission*** is to improve and protect Minnesota's water and soil resources by working in partnership with local organizations and private landowners.

Purpose: The **purpose of this document** is to outline the design plan for how this assessment will be implemented; including program context and methodologies.

IV. Methodology

Given the different types of LGU work and sheer number of BWSR/LGU staff throughout Minnesota, multiple sources of data will be collected to meet our needs assessment objective. Both quantitative and qualitative methodologies will be employed. The needs assessment process will collect data using the following tools:

1. ***Content Analysis:*** Discovering what current work can tell us about effectiveness and conservation training needs among LGU and BWSR staff. Possible sources include (Interagency conservation evaluation report, regional partnership reports, other states' assessments and programs, P-RAP annual report, general position descriptions etc.)

2. ***Key Partner Consultation:*** Interviews with a small number of key external partners, including those from NRCS, U of M, Ag, etc. Consultation interviews with some BWSR staff to help set up data collection tools.

3. ***Focus Groups:*** Internal: Area focus group interviews with BWSR staff. External: Area focus group interviews with LGU leaders and/or technical staff that are strategic thinkers.

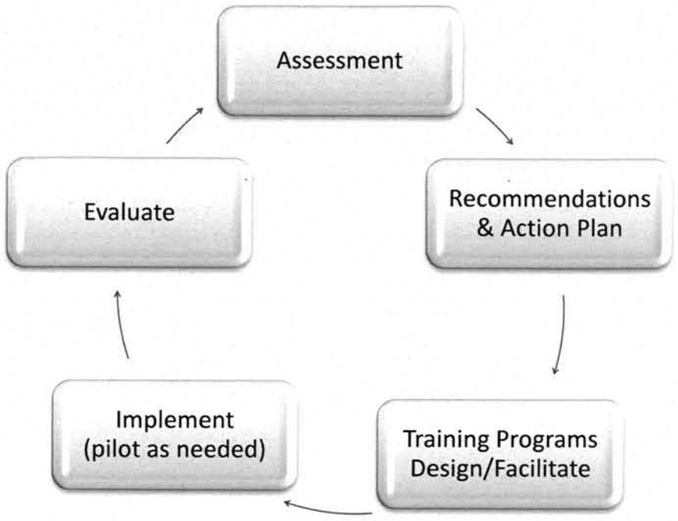
4. ***Survey:*** General (voluntary) training needs questionnaires for all LGU partner groups. Allows a voice for all who want to participate in this needs assessment process. Achieved through a wed-based tool such as Survey Monkey. LGUs include: WD, WMO, SWCD, WPs, Boards, etc.

DATA COLLECTION TOOLS and AUDIENCE

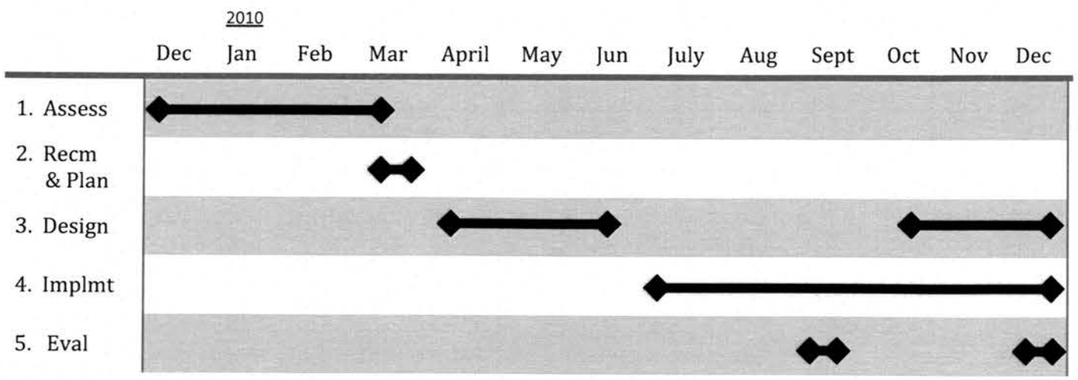
	LGU lead staff	LGU tech staff	LGU office/ admin staff	LGU boards	BWSR staff	Partners
Content Analysis (KSAs/Competencies)	X	X	X	X	X	X
Content Analysis (Existing data)					X	X
Key Consultation Interviews					X	X
Focus Groups	X	X	X		X	
Survey	X	X	X	X	X	

All research must be approached mindful of the benefits and limitations. We also expect this process will produce large amounts of data to distill, analyze, and organize into a report. Therefore, it is important to use sound research methodologies to ensure that meaningful data is systematically collected and reviewed.

Building Organizational Effectiveness - The Training Program Process:



Year 1 Program Overview:



II. Guiding Principles for Assessment

Key Beliefs: Identified in BWSR's 2007 Strategic Plan, our key beliefs are:

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

Adaptation: Outcomes-based effectiveness requires that we adapt to our changing landscape. Adaption involves 3 processes:

1. identifying needs (what needs change),
2. planning and implementing the actions necessary to make a change,
3. evaluating the effectiveness of the changes.

Training: The operational definition of training that we'll use: Systematic acquisition of skills rules, concepts, or attitudes that results in improved performance in another environment[1].

Training Program Theory: If we provide high quality and intentional training to LGU staff and boards and to BWSR staff, then trainee participants will demonstrate increased effectiveness at implementing their work to improve and protect Minnesota's soil and water resources.

III. BWSR Assessment for Training

Objectives: To **analyze** and **evaluate** LGU and BWSR organizational effectiveness needs. To provide **intentional recommendations** to deliver effective training services based on achieving outcomes.

Components:

1. Organization/leadership support,
2. Organizational requirements analysis,
3. Knowledge/skills/abilities (KSA), tasks, and needs analysis for all appropriate job levels.

Tracks: The needs assessment contains two distinct tracks:

1. BWSR needs (organizational development; program/technical)
2. LGU needs (organizational development; program/technical)

BWSR staff will also provide input on the LGU needs.

[1] Based on Goldstein and Ford 2002

Board Resolution # _____

BWSR Proposed 2010 Meeting Schedule

January 27 - 28, 2010 Workshop and Meeting

February 24, 2010 (tentative) – Committee Meetings

March 24, 2010

April 28, 2010

May 26, 2010

June 23, 2010

July – no meeting

August 25 - 26, 2010 - Tour and Meeting

September 22, 2010

October 27, 2010

November – no meeting

December 15, 2010

_____ Date _____

Randy Kramer, Chair

Minnesota Board of Water and Soil Resources

Board Resolution # 09-97

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Date 12/16/09

Randy Kramer, Chair

Minnesota Board of Water and Soil Resources

Onsite Sewage Treatment Program
2009–2010

Quality Education and Support Since 1973!

Professional Workshop Schedule

A partnership. . .

The Onsite Sewage Treatment Program is delivered by the University of Minnesota Water Resources Center, the Minnesota Pollution Control Agency, University of Minnesota Extension and the College of Food, Agricultural, and Natural Resource Sciences.

Water Resources Center

University of Minnesota

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2009-2010 Key Contact Information

Contact the appropriate organization to get your questions answered faster!

University of Minnesota Onsite Sewage Treatment Program

Water Resources Center • 1985 Buford Avenue, 173 McNeal Hall • St. Paul, MN 55108
(800) 322-8642 • FAX: (612) 624-6434 • Email: septic@umn.edu • Web site: http://septic.umn.edu

OSTP Staff can answer questions about workshops, U of MN Publications, soils, designs, forms, small community issues and technical assistance.

Staff Person	*Telephone*	*Email*	*Area of expertise*
Nick Haig	*612-625-9797*	*haigx003@umn.edu*	*Workshop questions, UMN publications*
Jessica Wittwer	*612-624-7460*	*wittw001@umn.edu*	*Workshops, soils, landscaping*
Sara Heger Christopherson	*612-625-7243*	*shc@umn.edu*	*Technical information, design forms*
Dave Gustafson	*612-625-1774*	*gusta002@umn.edu*	*Technical information*
Dan Wheeler	*612-625-8791*	*wheel027@umn.edu*	*Soils, mapping, soil survey*
Laurie Brown	*218-726-6475*	*brow1198@umn.edu*	*Northern MN – Small community, management, or homeowner issues, soils*
Doug Malchow	*507-280-5575*	*malch002@umn.edu*	*Southern MN – Small community, management, or homeowner issues*

Minnesota Pollution Control Agency SSTS Contact Information

Minnesota Pollution Control Agency

520 Lafayette Road North St. Paul MN 55155 – Email: ssts-info@pca.state.mn.us – 651-296-6300 or 800-657-3864

The MPCA can answer questions about your business license, professional certification, state rule interpretation, local ordinance assistance, and business complaints.

Staff person	Phone and Email	Area of expertise
Clarence Manke St. Paul	651-757-2550 clarence.manke@state.mn.us	Metro Area: Ordinance & Technical Assistance, SSTS Business Complaints, Tank fee, Rule Interpretation
Pat Shelito Brainerd	218-316-3853 pat.shelito@state.mn.us	Central MN and Temporary North East MN: Ordinance & Technical Assistance, SSTS Business Complaints, Rule Interpretation
Brian Green Rochester	507-206-2610 brian.green@state.mn.us	South East MN: Ordinance & Technical Assistance, SSTS Business Complaints, Rule Interpretation
Nick Reishus Marshall	507-476-4272 nicholas.reishus@state.mn.us	South West MN: Ordinance & Technical Assistance, SSTS Business Complaints, Rule Interpretation
Heidi Lindgren Detroit Lakes	218-846-8134 heidi.lindgren@state.mn.us	North West MN: Ordinance & Technical Assistance, SSTS Business Complaints, Rule Interpretation
Ron Swenson Brainerd	218-316-3862 ron.swenson@state.mn.us	Statewide: Enforcement Supervisor
Mary West St. Paul	651-757-2818 mary.west@state.mn.us	Statewide: Program Administration; Technical, Soils and General Ordinance Assistance (backup to regional staff); Annual Report
Barb McCarthy Duluth	218-302-6647 barbara.mccarthy@state.mn.us	Statewide: SSTS Tank and Product Registration, Soils and Technical Assistance (backup to regional staff)
Mark Wespetal St. Paul	651-757-2817 mark.wespetal@state.mn.us	Statewide: Program Administration, Technical Assistance (backup to regional staff)
Gretchen Sabel St. Paul	651-757-2686 gretchen.sabel@state.mn.us	Statewide: Program Administration, Legislative Issues, General Ordinance Assistance (backup to regional staff), South West MN Ordinance and Technical Assistance
Bill Priebe St. Paul	651-757-2658 bill.priebe@state.mn.us	Statewide: SSTS Program Policy and Planning Supervisor
Jane Seaver St. Paul	651-757-2201 ext. 2-1; 800-657-3659 jane.seaver@state.mn.us FAX: 651-297-8676	Statewide: Individual Certification & Business Licensing

2009—2010 Onsite Sewage Treatment Program (OSTP) News

Visit our newly designed web page: septic.umn.edu
You will notice a fresh new look to OSTP's web page. Find the same great information and more at septic.umn.edu. There have been a few minor adjustments to improve your access to frequently used sites. For example, you can now find a link to our Forms and Worksheets from our home page instead of having to dig deeper into the web site. Please call OSTP Staff if you have any questions about finding something!

OSTP Manual Revision!
OSTP has revised its SSTS Professional Training Manual to coincide with the recent rule revisions and create a more user-friendly guide to septic system design, installation and care. Due to an ongoing rule revision, we encourage you to use the online version of this manual available exclusively at: septic.umn.edu/sstsmanual. Manuals are available for purchase for at http://shop.extension.umn.edu by searching for item # 08650. If you purchased a manual during the 2008-2009 Workshop Season, one will be sent to you. If you have a coupon, contact the OSTP office for specific ordering instructions.

Course Cancellation Policy:
Last year was the first time OSTP has ever had to cancel a course due to low enrollment. While it is never the intent to eliminate offerings, OSTP recognizes that new training requirements and today's economy have created an unpredictable demand for our courses. If a course does not have 10 enrollees by the published deadline, OSTP reserves the right to cancel any course. Full refunds will be issued in the rare event that a course is cancelled.

Designers: Check out the new forms on our web page: http://septic.umn.edu/formsandsheets
All of the design forms have been updated to the new MN Rule Chapter 7080-83. Instructions for how to use the forms are included online. Instruction about the use of these new forms is available at the Design CE course. Questions about the forms should be directed to Sara Heger Christopherson by email at: heger001@umn.edu or call her at 612-625-7243.

Installers: Do you have your pipelayer certification yet?
As of December 1, 2007, all onsite installers need to either be a licensed plumber, restricted plumber, or have a special pipelayer certification and a $25,000 Code Compliance Bond. Don't be caught without your Pipelayer Card! There are seven options to earn this certification this workshop season.

Soils Continuing Education requirement for Designers and Inspectors:
All Designers and Inspectors are required to take an additional six hours of continuing education. You can meet this requirement now if your certification expires after February 4th, 2011. Call OSTP Staff if you have questions about the implementation of this new requirement!

Up and Coming. . .

Advanced Design and Inspection This Fall!

Session I: September 15-17, 2009 — Carlton

Session II: October 13-16, 2009 — Cloquet

Double dip and earn certification and continuing education!

Do you need to become certified as an Advanced Designer or Inspector?

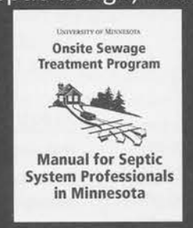
There are two more opportunities this year:
Carlton/Cloquet this Autumn, 2009
Mankato this Spring, 2010

http://septic.umn.edu/events

Manual for Septic System Professionals in Minnesota

Rewritten and Designed in 2009!

This manual has the latest information about septic design, installation and care.



Available 9/14

Get your new copy and bring it to all workshops. You do not need to purchase a new manual for each workshop. One is provided to all attendees of the Introduction to Onsites and Advanced Design Courses. OSTP Staff will have extra manuals available for purchase at all Workshops! The cost is $40.

Order online @ shop.extension.umn.edu/
Search for item # 08650

SSTS Certification and Licensing

Questions and Answers

Information provided by the . . .

Minnesota Pollution Control Agency

For more information about program requirements for Subsurface Sewage Treatment Systems (SSTS) professional certification and business licensing, contact:

Ms. Jane Seaver
Minnesota Pollution Control Agency
PAD/Certification and Training Unit
520 Lafayette Rd North
St. Paul, MN 55155-4194

Direct dial: 651-297-1605
MPCA general numbers: 1-800-657-3864, 651-296-6300
Fax: 651-297-8676
E-mail: ssts-info@pca.state.mn.us
Web site: http://www.pca.state.mn.us/programs/ists/

General Questions

Who must be certified with the Minnesota Pollution Control Agency (MPCA)?

At least one employee of each MPCA-licensed Subsurface Sewage Treatment Systems (SSTS) business must be certified in each specialty area offered by the business. Qualified employees must also be certified.

What is a 'qualified employee'?

A 'qualified employee' (QE) is a certified individual with SSTS duties who works for state, county, township or city government.

What is a 'designated certified individual' and who needs one?

A 'designated certified individual' (DCI) is one who is certified in one or more specialty areas. The DCI provides direction and personal supervision to other employees. All MPCA-licensed SSTS businesses must employ at least one SSTS certified individual in each specialty area in which they operate.

How do I become a SSTS designated certified individual (DCI)?

To become a designated certified individual one must meet state (1) training, (2) examination, (3) application (4) experience and (5) renewal requirements for at least one of the seven specialty areas. Details and an application are available on the MPCA Web site at: www.pca.state.mn.us/programs/ists/registration.html

Table 1: Training and specialty area certification requirements

To do this type of work	You need this type of training (Pre-Certification Workshop)	And certification in this specialty area
Installation	Introduction, Installing	Installer
Tank cleaning, tank repairs, portable toilets & septage management	Introduction, Maintaining	Maintainer
System assessment, system adjustments, trouble-shooting and system repairs	Introduction, Service Provider	Service Provider
Design of Type I – Type III systems <2,500 gpd	Introduction, Installing, Designing, Soils	Designer
Design of Type I – Type V systems <10,000 gpd	Introduction, Installing, Designing, Soils, Advanced Design-Inspection I & II	Advanced Designer
Inspection of Type I – Type III systems <2,500 gpd	Introduction, Installing, Designing, Inspecting, Soils	Inspector
Inspection of Type I – Type V systems <10,000 gpd	Introduction, Installing, Designing, Soils, Inspecting, Service Provider, Advanced Design-Inspection I & II	Advanced Inspector

Who needs an MPCA license?

All private businesses that design, install, maintain, inspect or provide service to SSTSs in Minnesota need a license from the MPCA. Local government units do not need a license to complete SSTS work as part of their SSTS program administration; however, any qualified employees performing SSTS activities outside of the government jurisdiction must get a business license or work for someone who has one.

How do I get a license for my SSTS business?

To get a license, business owner(s) must:

- Complete the state application identifying the employed designated certified individual
- Provide evidence of a surety bond
- Provide evidence of general liability insurance
- Pay an annual license fee of $200 per specialty area

To keep your license, you must renew it each year. When you renew, you must provide evidence of a surety bond and general liability insurance and pay the annual license fee. Details and forms are available on the MPCA Web site at: www.pca.state.mn.us/programs/ists/registration.html.

Professional Certification Questions

What certification specialty areas are available & what training do I need?

See Table 1 on page 4 to determine the training and specialty area certification(s) you need.

How do I enroll for training?

Fill out a 2009-2010 enrollment form (available online and on page 11) and mail or fax it with payment to the University of Minnesota Onsite Sewage Treatment Program (OSTP) office. You can also enroll online at http://septic.umn.edu. The MPCA does not have access to training enrollment records.

In what order should I take the workshops?

To enroll in the Advanced Design-Inspection I & II workshops, you must first be an unrestricted Certified Designer or Inspector. No other course has a pre-requisite and can be taken in any order. MPCA staff strongly suggests that you start with the Introduction to Onsite Systems course.

When and where are exams offered?

The exams are offered on the last day of each OSTP Pre-Certification Workshop at the workshop location. The Advanced Design and Inspection exam takes place at the end of the second session. No MPCA exams are included as part of continuing education courses.

What are exams like?

Each specialty has a separate exam that covers the knowledge and skills needed to work successfully in that area. The true/false and multiple choice questions are based on information from class discussions, Minn. Rules 7080-7083 and the OSTP Manual. You may use the OSTP Manual, Minn. Rules 7080-7083, training materials and calculators during the exam.

How do I pass an exam?

To pass, you must earn a score of at least 70% on both the exam and the critical field portion of the Soil course's exam, which involves identifying soil colors and types.

What if I fail an exam?

If you enroll in and repeat the workshop related to the failed exam (See Table 1), you can retake the exam at any time. If you do not repeat training, you must wait at least six months and retake the exam during a pre-certification course's exam period. To retake the Soils pre-certification course exam, you must attend the Soil pre-certification course's exam period.

Note: If you don't pass the exam in one specialty area, you can still take the exam for a different specialty area.

How do I apply for certification?

After you pass a specialty area exam, the MPCA will send a SSTS individual certification application with the letter announcing that you passed the exam. You can also get the application online or by contacting Jane Seaver at the MPCA. As part of the application, you will need to provide your experience plan.

The experience plan requires:
(a) the signature of your mentor, who is the DCI or QE under whom you will be completing your experience and
(b) the identification of the business license under which you will be completing the experience. MPCA staff strongly encourages you to apply for certification before you start your experience to ensure your mentor is approved.

Does the MPCA charge a fee for professionals to become certified?

No.

How much & what kind of experience do I need as an apprentice working with a mentor?

To be certified, you must gain experience at the direction of and under the guidance of a DCI or QE who is either certified as an Inspector or in the specialty area of the certification you are seeking. You must perform all work under a SSTS business license, either as an employee of a licensed business or as the holder of your own business license. Table 2 outlines the amount and type of experience required.

Table 2: Required experience for each specialty area

Specialty area	Required experience
Installer	15 installations, at least 1 above-ground & at least 1 below-ground; Observe 5 pump-outs and disposal with a Maintainer
Maintainer	15 pump-outs with disposal
Service provider	No experience required
Designer	15 ISTS designs, at least 1 above-ground & at least 1 below-ground; Observe 5 installations & 5 pump-outs and disposal with a Maintainer
Advanced designer	No experience required
Inspector	15 SSTS inspections
Advanced inspector	No experience required

How do I report my experience to lift the restriction from my certification?

Document all experience and submit it to the MPCA using the Experience Documentation Form, available on the MPCA Web site at www.pca.state.mn.us/programs/ists/registration.html#registration or by contacting Jane Seaver at the MPCA. You may include experience that you acquired under a valid SSTS business license during the six-year period before the date you submit your certification application. For at least five jobs, you must submit approvals, sign-offs, certificates of compliance issued by the local unit of government or any other document required by 7080 to 7082. For more information about the required documentation for your specialty area, contact Mary West at the MPCA or see the Certification and Licensing fact sheet at www.pca.state.mn.us/publications/wq-wwists3-10.pdf.

Who can be my mentor?

Your mentor must be either a certified Inspector or a certified professional in the specialty area you are seeking. In addition, the mentor can not have had a violation within the past five years that resulted in a MPCA enforcement action. The MPCA

(continued on page 6)

(SSTS Questions and Answers continued from page 5)

publishes a list of designated mentors who have been approved since the start of February 2008. The designated mentor list is available on the MPCA Web site at: http://www.pca.state.mn.us/publications/wq-wwists3-16.pdf or by contacting Jane Seaver at the MPCA. If your mentor is not on the list, submit your Individual Certification Application to the MPCA, who will determine if your mentor is qualified.

How do I show I am certified?

The MPCA will issue you a certification card which shows your certification number, the specialty areas in which you are certified, and your certification expiration date. The MPCA Web site includes a searchable database of all currently certified SSTS individuals on its web site: http://www.pca.state.mn.us/programs/ists/search_SSTS.cfm?tab=individual.

What is a 'restricted certification'?

Individuals who have applied for certification, but have not yet completed their required experience, will be awarded a 'restricted certification.' A professional with a restricted certification must perform all work under the direction and personal supervision of a designated mentor. Once the professional submits and receives MPCA approval for the required experience, the restriction is lifted and the professional will become fully certified.

When does my certification expire?

Individual certification is valid for the three years after you first pass an exam. The certification expiration date is displayed on your certification card and on the business license where you are employed. *Note: your professional certification expiration date is different than the business's license expiration date.* Use the MPCA's SSTS Certified Individual Search on its web site to verify your expiration date at: http://www.pca.state.mn.us/programs/ists/search_SSTS.cfm?tab=individual or contact Jane Seaver at the MPCA. The University of Minnesota OSTP does not have access to your MPCA certification records.

Table 3: Continuing education requirements for certifications expiring before February 4, 2011

Specialty area	Required Continuing Education
Installer Service Provider Designer Advanced Designer Inspector Advanced Inspector	12 credit hours, at least 6 direct
Maintainer	12 credit hours, at least 6 direct OR 9 hours specifically related to pumping SSTS and/or land application

Table 4: Continuing education requirements for certifications expiring on or after February 4, 2011

Specialty area	Required Continuing Education
Installer, Service Provider	12 credit hours, at least 6 direct
Maintainer	12 credit hours, at least 6 direct OR 9 hours specifically related to pumping SSTS and/or land application
Designer Advanced Designer Inspector Advanced Inspector	18 credit hours, at least 6 of specially approved field soils, at least 3 additional direct

What is required to renew my certification?

You must take continuing education related to SSTS during the three-year certification period. The type and number of credits are listed in Tables 3 or 4, depending on the date your certification expires. Current Designers and Inspectors who complete the *Advanced Design and Inspection of Onsite Systems I and/or II* courses before February 4, 2011 may use these credits toward their continuing education requirement. At least half of the training must be approved as 'direct' by the MPCA, meaning it is directly related to the administration and technical parts of Minn. Rules 7080-7083. Any continuing education hours you earn above what is required cannot be carried over to future certification periods. The continuing education requirement is not increased for people that carry multiple specialty area endorsements.

Are the OSTP workshops accredited by the MPCA?

Yes, all OSTP workshops have been accredited by the MPCA.

How do I submit proof of my continuing education?

When you complete a course, the training event sponsor will give a Certificate of Attendance to you and a copy to the MPCA. The MPCA will track your continuing education credits and mail an updated certification card when you meet requirements. You will no longer need to submit proof of continuing education. Use the MPCA's SSTS Certified Individual Search on its web site to verify the number and amount of credits you have on file at: http://www.pca.state.mn.us/programs/ists/search_SSTS.cfm?tab=individual or contact Jane Seaver at the MPCA.

What if I forget to complete my continuing education and my certification expires?

First, contact Jane Seaver at the MPCA to verify your certification has expired. If it has, you must immediately cease all subsurface sewage treatment work authorized by this certification until you are in receipt of a renewed certification. You will need to complete the continuing education credits required for your specialty area. Then, make arrangements with Jane Seaver at the MPCA to re-test for each of the expired certifications.

Note: An expired certification may cause you to lose designation as a DCI and may result in the loss of the business license. Be sure to check your certification expiration dates and mark your calendars to ensure you complete the requirements in time to meet renewal dates. The University of Minnesota OSTP does not have access to your MPCA certification records.

Business License Questions

What business licenses specialty areas are available?

Business licenses reflect the certifications held by the employed Designated Certified Individuals. The available certification specialty areas are described in Table 1 on page 4.

How do I show I am licensed?

The MPCA will issue each business a license card & certificate which displays (a) the license number, (b) the specialty areas for which the business is licensed, (c) the license expiration date, (d) the DCI employed by the business, (e) the specialty areas for which each DCI is certified, (f) and the certification expiration date for each DCI. The MPCA web site includes a searchable database of all currently licensed SSTS businesses on its web site: http://www.pca.state.mn.us/programs/ists/search_SSTS.cfm?tab=business.

How do I apply for a business license?

Once a business owner can verify employment of a Designated Certified Individual, the owner is eligible to apply for a MPCA business license. Business license applications are available on the MPCA Web site: www.pca.state.mn.us/programs/ists/registration.html or by contacting Jane Seaver at the MCPA. When applying for a business license, you will need to include: (a) the application (which identifies the employed DCI), (b) an original corporate surety bond, (c) proof of general liability insurance, and (d) the license fee. Businesses licenses must be renewed annually.

What is my proof of business license?

The MPCA will issue each business a license card & certificate which displays (a) the license number, (b) the specialty areas for which the business is licensed, (c) the license expiration date, (d) the DCI(s) employed by the business, (e) the specialty areas for which each DCI is certified, (f) and the certification expiration date for each DCI. The MPCA Web site has a searchable database of all currently licensed SSTS businesses at: www.pca.state.mn.us/programs/ists/search_business.cfm.

What is a 'restricted business license'?

A 'restricted business license' is one awarded to businesses that employ a DCI with a restricted certification. Once the restricted DCI's experience has been submitted and approved by the MPCA, the restriction will be lifted and full certification and licensure will be awarded.

When does my business license expire?

Business licenses are valid for one year from the date of issuance. Business license renewals may be requested for up to three years. The license fee is $200 per specialty area per year, with a $400 maximum. The business license expiration date is displayed on the business license card and certificate. (Be aware that the business's license expiration date is different from your individual certification expiration date.) To verify this date, please check the MPCA Web site at www.pca.state.mn.us/programs/ists/search_business.cfm or contact Jane Seaver at the MPCA.

Note: The University of Minnesota OSTP does NOT have access to your MPCA business license records.

How do I renew my business license?

The MPCA will send each business a license renewal form two to three months before the current license expires. To ensure time for processing and reissuing the license, you must return the business license renewal application, fee, and proof of insurance to the MPCA at least 60 days before your license expires. Business license renewal application forms are not posted on the MPCA Web Site, but are available by contacting Jane Seaver at the MPCA.

Note: The University of Minnesota OSTP does NOT have access to your MPCA business license records.

What if I forget to renew my business license?

First, contact Jane Seaver at the MPCA to verify that your business license has expired. You must immediately cease all subsurface sewage treatment work authorized by this license until you are in receipt of a renewed license. You will need to complete the business license renewal form and return it, along with the fee and proof of insurance, to the MPCA. Check your dates and mark your calendars to ensure you meet the renewal dates.

LSTS Operator Certification Questions

What are the certification requirements for Large Subsurface Sewage Treatment System (LSTS) Operators?

LSTS Operators are required by their MPCA SDS permit to take both Wastewater & SSTS training. For the period between September 1, 2007 and March 2, 2008, new and renewed permits require the operator to complete the *Introduction to Onsite Systems* course. When those permits are re-issued in five years, operators will need to be fully certified as a Service Provider. New and renewed permits issued after March 3, 2008, require the operator to be certified as a SSTS Service Provider.

What training courses are required for LSTS Operators?

All LSTS Operators will eventually be required to complete the (1) *Introduction to Onsite Systems* and (2) *Service Provider* courses.

How long will I have to complete my training and become certified?

Per their state operating permit, LSTS Operators will be allowed two years from the time of permit issuance or renewal to complete training and certification requirements.

How much continuing education is required for LSTS Operators over a 3-year period?

See Table 5 for the number and type of hours required.

Table 5: LSTS Operator continuing education requirements

System classification	Credit hours	Type of hours
LSTS operator of Class A system	32 credit hours	At least 12 SSTS; at least 20 wastewater
LSTS operator of Class B system	24 credit hours	At least 12 SSTS; at least 12 wastewater
LSTS operator of Class C system	16 credit hours	At least 8 SSTS; at least 8 wastewater
LSTS operator of Class D system	12 credit hours	At least 6 SSTS; at least 6 wastewater

The preceding information has been provided by:

Minnesota Pollution Control Agency

Course Dates, Descriptions & Locations

OSTP workshop enrollment policies

Enrolling in Classes
Workshop enrollments are accepted on a first-come, first-served basis. Seats at workshops are limited, and are only reserved if your fee accompanies the enrollment form. Enrollments are not accepted over the telephone, but may be submitted by fax, mail or online.

Once you have enrolled, a detailed confirmation will be mailed to your address. This confirmation will provide exact location and map, times and what to bring to the workshop, as well as payment information.

Certificates of Attendance
Attendance is required at all sessions of each workshop to receive a Certificate of Attendance. You no longer need to send a copy to the Minnesota Pollution Control Agency. OSTP will make sure you get credit for the courses you attend in-full!

Scheduling
Plan your classes accordingly. Pre-certification and continuing education courses are each offered only a few times a year throughout the state. Most locations are rotated by region, while some courses are in fixed locations each year.

Late Enrollments
Enroll by the deadline to avoid the $40 late fee and to guarantee your place at the workshop. It helps us plan for course materials and refreshments. If you enroll late or at the door on the day of the workshop (if space allows), a $40 late fee will be added to the workshop price. There will be no exceptions!

Substitutions and Transfers
Substituting another person for your enrollment fee or transferring to another workshop must be requested before the day of the workshop. A $20 substitution or transfer fee will be charged for each change to the enrollment. Substitutions or transfers must be received in writing at the OSTP office by the business day prior to the workshop.

Cancellations
You may cancel your enrollment through the last business day before the workshop. A $20 cancellation fee applies. After that time, refunds are not issued. Cancellations must be in writing.

OSTP reserves the right to cancel an event if 10 people have not enrolled in any given event by the course deadline. In the rare event of a course cancellation, full refunds will be issued and OSTP will do its best to accommodate the educational needs of those that were enrolled.

"No Shows"
We reserve space for paid attendees. If you don't cancel and do not attend, we can't offer your space to anyone else. If you do not cancel and do not show up, you are still responsible for the enrollment payment. No exceptions!

Pre-Certification

Enroll online at http://septic.umn.edu or fill out the enrollment form on page 11 and mail or fax it to the OSTP Office.

Introduction to Onsite Systems (15 Credits)
Fee: $300 **Exam: Yes**
This 15-hour workshop is the foundation for all of the other courses and is best completed prior to the other workshops. It prepares people for the Basic exam and provides an overview of onsite treatment options and concepts. Enrollment in this workshop includes the NEW Onsite Sewage Treatment Manual.
Topics include:
- tanks
- pump selection
- site evaluation
- system maintenance
- program administration
- soil treatment systems
- flows & characteristics

101	**Hinckley Grand Casino**	**Jan 4-6, 2010**
102	**St. Cloud Territory Golf Club**	**Mar 8-10, 2010**
103	**Mankato Best Western**	**Apr 26-28, 2010**

Installing Onsite Systems (12 Credits)
Fee: $225 **Exam: Yes**
This 12-hour workshop prepares people for the Installers exam and provides information about proper installation practices.
PREREQUISITE: Introduction to Onsite Systems
Topics include:
- construction planning
- construction practices
- tools for installing
- pipelayer certification

1121	**Hinkley Grand Casino**	**Jan 7-8, 2010**
1122	**St. Cloud Territory Golf Club**	**Mar 11-12, 2010**
1123	**Mankato Best Western**	**Apr 29-30, 2010**

Basic Design of Onsite Systems (15 Credits)
Fee: $255 **Exam: Yes**
This 15-hour workshop teaches attendees to properly design various septic systems in preparation for the Basic Designer exam. Enrollees must have the current manual to use during the workshop. Onsite Manuals are available for $40.
PREREQUISITE: Introduction to Onsite Systems
Topics include:
- flow determination
- system design
- tank design and dosing
- pumps and pressure design

201	**White Bear Lake Best Western**	**Apr 6-8, 2010**
202	**St. Cloud Territory Golf Club**	**May 24-26, 2010**

Advanced Design and Inspection of Onsite Systems – I
(18 Credits) Fee: $375 **Exam: No**
This 18-hour classroom course provides an introduction to the concepts required to design onsite systems with advanced treatment, multiple sources, or high-strength waste flows.
This course is required to enroll in Advanced Design – II. Prior attendance at a three-day OSTP Design training is recommended. Enrollment in this workshop includes the NEW Onsite Sewage Treatment Manual and MPCA Design Guidance.
PREREQUISITE: Full Certification as a Basic Designer
Topics include:
- type IV and V systems
- high-strength waste
- cluster site assessment
- collection systems

281	**Carlton Black Bear Casino**	**Sep 15-17, 2009**
282	**Mankato Best Western**	**Mar 30-Apr 1, 2010**

Advanced Design and Inspection of Onsite Systems – II
(21 credits) Fee: $400 **Exam: Yes**
This 21- hour course includes a field portion and focuses on the application of the design concepts taught in Adv. Design–I. This course prepares participants for the Advanced Design exam.
PREREQUISITE: Full Certification as a Basic Designer

291	**Cloquet UMN Forestry Center**	**Oct 13-16, 2009**
292	**Mankato Best Western**	**May 18-21, 2010**

Inspecting Onsite Systems (12 Credits)
Fee: $225 **Exam: Yes**
This 12-hour workshop identifies Minnesota requirements for existing and new system inspections and prepares participants for the Inspectors exam.
PREREQUISITE: Introduction to Onsite Systems
Topics include:
- administrative requirements
- existing system inspection
- new system inspection
- tools & procedures

301	**Waseca So. Research & Outreach Stn.**	**Jun 7-8, 2010**

Soils (12 Credits)
Fee: $225 or $340 with Munsell Color Guide **Exam: Yes**
This 12-hour workshop prepares people for the Soils exam and provides participants with the detailed understanding of how particular soils affect the treatment of sewage. Participants will also receive instruction at a field location on both days. Munsell Color Guides are available for $115.
PREREQUISITE: Introduction to Onsite Systems
Topics include:
- percolation testing
- field evaluations
- soil characteristics
- soil survey use

501	**Austin Holiday Inn**	**May 27-28, 2010**
502	**Brainerd Red Roof Inn**	**Jun 9-10, 2010**

Maintaining Onsite Systems (15 Credits)
Fee: $255 **Exam: Yes**
This 15-hour workshop gives participants an overview of system management, the federal requirements for land application of septage, and prepares people for the Maintainer examination.
PREREQUISITE: Introduction to Onsite Systems
Topics include:
- land application rates
- maintaining systems
- system repairs
- record keeping
- soil survey use

4151	**Hinckley Grand Casino**	**Feb 9-11, 2010**
4152	**Mankato Best Western**	**May 3-5, 2010**

Service Provider (21 Credits) **Fee: $450** **Exam: Yes**
This 21-hour workshop prepares attendees for the Service Provider exam and offers an in-depth look into the care of all system types. This course is based on the National O&M Service Provider materials and will include a field component. It is intended for system maintainers, designers or MPCA certified operators who need training for soil-based system management.
PREREQUISITE: Introduction to Onsite Systems
Topics include management of:
- soil treatment areas
- media filters
- cluster systems
- aerobic treatment units
- drip dispersal
- lab samples

491	**Mankato Best Western**	**May 4-7, 2010**
492	**Mankato Best Western**	**Aug 17-20, 2010**

Continuing Education

General Continuing Education (12 Credits)
Fee: $200 **Exam: No**
This 12-hour workshop is designed to meet the continuing education requirement for SSTS professional registration. The topics will be varied to give a wide range of information for SSTS professionals.
Topics include:
- rule change implications
- current research
- troubleshooting
- design updates

601	**Mankato Best Western**	**Dec 9-10, 2009**
602	**Brainerd Red Roof Inn**	**Dec 16-17, 2009**
603	**Hinckley Grand Casino**	**Feb 16-17, 2010**
604	**Grand Rapids Sawmill Inn**	**Apr 22-23, 2010**

Installer Continuing Education (12 Credits)
Fee: $200 **Exam: No**
This 12-hour workshop will meet the continuing education requirements for any registration but is specifically tailored for Installers. All information will be provided from the perspective of a system installer:
- construction safety
- license enforcement
- keys to proper installation
- rule change implications

691	**St. Cloud Territory Golf Club**	**Nov 11-12, 2009**
692	**Rochester Holiday Inn South**	**Jan 13-14, 2010**
693	**Sauk Centre Gerards' Restaurant**	**Mar 18-19, 2010**

Pipelayer Certification (3 Credits) **1:00PM Start**
Fee: $75 or $35 with enrollment in Installer CE **Exam: Yes**
This 3-hour workshop is once again offered this year to accommodate a change in the MN Plumbing Code that states that all septic system installers must either be certified pipelayers, licensed plumbers, or registered apprentices in order to install sewer or water service pipes outside of a building in Minnesota.
Topics include:
- MN Plumbing Code
- Code compliance bond packet instruction
- pipelaying

921	**St. Cloud Territory Golf Club**	**Nov 12, 2009**
922	**Rochester Holiday Inn South**	**Jan 14, 2010**
923	**Sauk Centre Gerards' Restaurant**	**Mar 19, 2010**

OSHA Competent Person/Pipelayer Certification (6 Credits)
Fee: $150 **Exam: Yes**
This 6-hour workshop covers topics specifically geared toward installers. A pipelayer certification card will be earned upon completion of training. MN Plumbing Code states that all septic system installers must either be certified pipelayers, licensed plumbers, or registered apprentices in order to install sewer or water service pipes outside of a building in Minnesota.
Topics include:
- MN Plumbing Code
- construction safety
- pipelaying
- OSHA Competent Person

901	**St. Cloud Territory Golf Club**	**Apr 20, 2010**

Course Dates, Descriptions & Locations

Continuing Education

Maintainer CE (12 Credits)
Fee:$200 **Exam: No**
This 12-hour workshop is specifically designed as continuing education for those involved in maintaining septic systems.
Topics include:
- 503 regulations
- troubleshooting
- system operation
- restaurant maintenance

461 Brainerd Red Roof Inn — Jan 11-12, 2010

Troubleshooting (6 Credits) **One-day course!**
Fee: $150 **Exam: No**
This 6-hour workshop will focus on current topics in system troubleshooting. Join us to experience an in-depth discussion of why systems break and how to fix them.
Troubleshooting of:
- septic tanks
- commercial establishments
- soil treatment systems
- pretreatment systems

661 Owatonna Cabela's Classroom — Apr 15, 2010

Soils Continuing Education **One-day course!** (6 Credits)
Fee: $200 or $315 with Munsell Color Guide **Exam: No**
This 6-hour course couples classroom and field training to meet soils-specific MPCA continuing educational requirements for designers and inspectors. Munsell Color Guides are available for $115.
Topics include:
- regionalized geology and soils
- local soil hydrology information
- web soil survey application
- system siting and design

551 Brainerd Red Roof Inn — Jun 11, 2010
552 Rochester Holiday Inn South — Jun 18, 2010
553 Willmar Holiday Inn — Jun 24, 2010
554 Grand Rapids Sawmill Inn — Jul 8, 2010

Design Continuing Education **One-day course!** (6 Credits)
Fee: $150 **Exam: No**
This 6-hour workshop is designed to meet the continuing education requirement of SSTS professional certification. The course is tailored specifically to certified designers and focuses on both basic and advanced design concepts.
Topics include:
- rule change implications
- management plans
- hydraulic & organic loading rates

261 St. Cloud Territory Golf Club — Apr 13, 2010

Inspector Continuing Education **One-day course!** (6 Credits)
Fee: $150 **Exam: No**
This 6-hour workshop will focus on the challenges that both public and private SSTS inspectors face.
Topics include:
- troubleshooting
- soils verification
- operating permits
- new inspection form

361 St. Cloud Territory Golf Club — Apr 14, 2010

Sampling Onsite Systems (6 credits)
Fee: $150 **Exam: No**
This 6-hour course goes into depth about why and how to sample septic tank and pretreatment unit effluent. Sampling is an indicator of system performance and is often required as a part of meeting management plan or operating permit stipulations. Course includes real sampling for a variety of system types.
Topics include:
- storage hold times
- chain of custody
- when, where, and how to take samples

721 Waterville Singing Hills Girl Scout Camp — Aug 3, 2010

Do you want to enroll in a course?

Fill out the enrollment form. Mail or fax it back to the OSTP staff with payment.

Onsite Sewage Treatment Program
Water Resources Center
1985 Buford Avenue, 173 McNeal Hall
St. Paul, MN 55108

FAX: 612-624-6434

Or . . .Enroll Online!
Go to: http://septic.umn.edu
and click on:
"Workshops and Events"

Browse courses by date, location or in calendar view!

OSTP • 173 McNeal Hall • 1985 Buford Ave • St Paul, MN 55108 FAX: 612-624-6434

2009–2010 Enrollment Form

Confirmation with instructions will be mailed to your address.
QUESTIONS? Call (800) 322-8642
All courses begin at 8:00 AM unless noted

Enroll early—registration is limited! Please print legibly. Use one form per person.

Pre-Certification Courses

		DATES	DEADLINE
$300	**INTRODUCTION TO ONSITE SYSTEMS** Fee Includes NEW Manual to be used with all courses		
❑101	Hinckley	Jan 4-6, 2010	12/21/09
❑102	St. Cloud	Mar 8-10, 2010	02/22/10
❑103	Mankato	Apr 26-28, 2010	04/12/10
$225	**INSTALLING ONSITE SYSTEMS**		
❑1121	Hinckley	Jan 7-8, 2010	12/24/09
❑1122	St. Cloud	Mar 11-12, 2010	02/25/10
❑1123	Mankato	Apr 29-30, 2010	04/15/10
$255	**BASIC DESIGN OF ONSITE SYSTEMS**		
❑201	White Bear Lake	Apr 6-8, 2010	03/23/10
❑202	St. Cloud	May 24-26, 2010	05/10/10
$375	**ADVANCED DESIGN AND INSPECTION – I** Fee Includes NEW Manual to be used with all courses		
❑281	Carlton	Sep 15-17, 2009	09/08/09
❑282	Mankato	Mar 30- Apr 1, 2010	03/16/10
$400	**ADVANCED DESIGN AND INSPECTION – II**		
❑291	Cloquet	Oct 13-16, 2009	09/29/09
❑292	Mankato	May 18-21,2010	05/04/10
$225	**INSPECTING ONSITE SYSTEMS**		
❑301	Waseca	Jun 7-8, 2010	05/24/10
$255	**MAINTAINING ONSITE SYSTEMS**		
❑4151	Hinckley	Feb 9-11, 2010	01/26/10
❑4152	Mankato	May 3-5, 2010	04/19/10
$450	**SERVICE PROVIDER**		
❑491	Mankato	May 4-7, 2010	04/20/10
❑492	Mankato	Aug 17-20, 2010	08/03/10
$560	**MAINTAINING AND SERVICE PROVIDER COMBO**		
❑427	Both courses 4152 & 491	May 3-7, 2010	04/19/10
❑ **$225 SOILS**	❑ **$340 SOILS WITH MUNSELL COLOR GUIDE**		
❑501	Austin	May 27-28, 2010	05/13/10
❑502	Brainerd	Jun 9-10, 2010	05/26/10

1. Check appropriate box(es)
2. Fill out contact and payment information below
3. Mail or fax form to our office (contact information above)
4. Or enroll online at: http://septic.umn.edu

Continuing Education (CE)

		DATES		DEADLINE
$200	**INSTALLER CE**			
❑691	St. Cloud	Nov 11-12, 2009		10/28/09
❑692	Rochester	Jan 13-14, 2010		12/30/09
❑693	Sauk Centre	Mar 18-19, 2010		03/04/10
❑	**$35 PIPELAYER CERTIFICATION (Add-on to Installer CE)**			
❑	**$75 PIPELAYER CERTIFICATION (Separate Enrollment)**			
❑921	St. Cloud 1:00 PM	Nov 12, 2009		10/29/09
❑922	Rochester 1:00 PM	Jan 14, 2010		12/31/09
❑923	Sauk Centre 1:00 PM	Mar 19, 2010		03/04/10
$200	**GENERAL CE**			
❑601	Mankato	Dec 9-10, 2009		11/25/09
❑602	Brainerd	Dec 16-17, 2009		12/02/09
❑603	Hinckley	Feb 16-17, 2010		02/02/10
❑604	Grand Rapids	Apr 22-23, 2010		04/08/10
$200	**MAINTAINER CE**			
❑461	Brainerd	Jan 11-12, 2010		12/28/09
$150	**TROUBLESHOOTING**			
❑661	Owatonna	Apr 15, 2010	**6-HOUR**	04/01/10
$150	**OSHA COMPETENT PERSON/PIPELAYER CERTIFICATION**			
❑901	St. Cloud	Apr 20, 2010	**6-HOUR**	04/06/10
❑**$200 SOILS CE**		❑**$315 SOILS CE WITH MUNSELL**		
❑551	Brainerd	Jun 11, 2010	**6-HOUR**	05/28/10
❑552	Rochester	Jun 18, 2010	**6-HOUR**	06/04/10
❑553	Willmar	Jun 24, 2010	**6-HOUR**	06/10/10
❑554	Grand Rapids	July 8, 2010	**6-HOUR**	06/24/10
$150	**DESIGN CE**			
❑261	St. Cloud	Apr 13, 2010	**6-HOUR**	03/30/10
$150	**INSPECTOR CE**			
❑361	St. Cloud	Apr 14, 2010	**6-HOUR**	03/31/10
$210	**DESIGN AND INSPECTOR CE COMBO**			
❑825	Both courses 261 & 361	Apr 13-14, 2010		03/30/10
$150	**SAMPLING ONSITE SYSTEMS**			
❑721	Waterville	Aug 3, 2010	**6-HOUR**	07/20/10

1. **NAME** _____ (Please Print: First, Middle Initial, Last)
2. **PREFERRED CONTACT ADDRESS** _____ ❑ Home ❑ Business
3. **CITY** _____ 4. **STATE** _____ 5. **ZIP** _____
6. **COMPANY** _____
7. **PHONE** (____) _____ 8. **FAX** (____) _____ 9. **EMAIL** _____
10. **PAYMENT OPTION:** (Select One) ❑ Check or Money Order payable to: University of Minnesota ❑ Local Government Purchase Order ❑ American Express ❑ Discover ❑ Mastercard ❑ Visa

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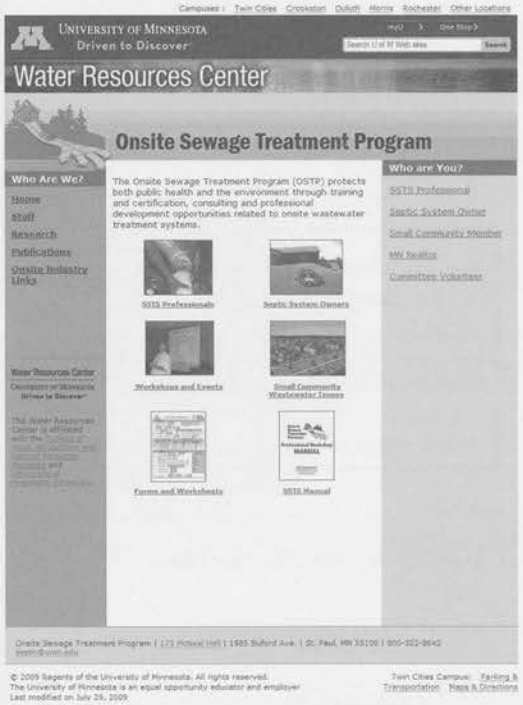

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Annual Communications 2009

Celebrating 50 years of water management

District Celebrates 50th Anniversary

On September 30th, 1959, the Nine Mile Creek Watershed District was established. Fifty years later, the District is still going strong protecting and managing the water resources in the Nine Mile Creek Watershed. To celebrate, the District held a virtual tour and 50th Anniversary Dinner, highlighting 50 years of watershed management. Prior to the tour, past managers were recognized for their valuable contributions, dedication and leadership while serving on the Board of Managers. The evening also included a keynote address by Raymond Haik. Mr. Haik was key to the Minnesota Watershed District Act and played an important role in the District's history. He was recognized for his valuable contributions, dedication and leadership to the advancement of watershed management and to the Nine Mile Creek Watershed District.

Following Mr. Haik's speech, the Minnesota Board of Water & Soil Resources recognized and commended the District on our 50th Anniversary, particularly on the leadership in promoting and implementing flood control and water quality projects.

Raymond Haik accepting his award from LuAnn Tolliver

District Releases Commemorative Book

To commemorate our 50th Anniversary, the Nine Mile Creek Watershed District Board of Managers commissioned a book on the history of the Nine Mile Creek Watershed and the Watershed District. The District contracted Award-winning author, Deborah Morse-Kahn, a native from the Twin Cities, to research and write the book. The book, titled *The Nine Mile Creek Watershed District: Preserving Heritage and Environment,* was released in April 2009. The book documents the early days and peoples of the Nine Mile Creek Watershed, the establishment of the Nine Mile Creek Watershed District, and the efforts and activities the District has implemented to preserve the unique heritage and natural resources of the watershed.

Several public lectures were held throughout the district and were well attended. If you would like a copy, please contact Claire Bleser at 952-358-2276 or by email cbleser@ninemilecreek.org. The book is priced at $10.

Anniversary Events

2009 highlighted several new events in the District. The District held several competitions and adopted a segment of highway 62 through the MNDOT Adopt-A-Highway program. All these events were part of the 50th anniversary celebration. The first event was one of two clean-up events on highway 62 between Gleason Rd and Highway 100. This section of the highway lays along the north branch of the creek. The second clean-up event was held in the fall.

Our second event of the year was our Rain Barrel Art Contest. The event was held jointly with the Hennepin County Master Gardner's Association Annual Plant Sale at the Hopkins Pavilion. This event proved to be very popular. We had over a dozen artists young and old take part in the painting! Participants purchased rain barrels at a subsidized cost from the District. The District then provided the participants who choose to take part in the painting with paint and brushes.

Our third competition was a Native Plant Garden Competition. The native gardens and restorations were truly spectacular. They ranges from full prairie yard restorations to native plant cottage garden. Gardens were open for public viewing in August and were well visited.

CAC Updates

The Nine Mile Creek Watershed District has a volunteer Citizen Advisory Committee (CAC). The CAC advises the managers on water-related community concerns and issues. This year, the CAC represented the District at various environmental fairs and took part in clean-up events. CAC members also have been busy monitoring our lakes (Citizen Assisted Monitoring Program) and creek (Volunteer Stream Monitoring Program). If you are interested in taking part in these programs or would like to learn more about them please contact Claire at the below information.

For the third year, the District and CAC hosted the Summer Education Series. Community members were able to go on a bird walk in Bredesen Park, got their feet wet learning about the Volunteer Stream Monitoring Program and listened to a Master Gardener talk about gardening with native plants.

In October 2009, Maressia Twele was appointed as the new chairperson of the CAC. The Nine Mile Creek Watershed District would like to thank Christine Petersen for her years of service as the CAC chairperson. If you are interested in getting involved, sharing ideas, or being included on the CAC mailing list, please contact Claire Bleser at 952-358-2276. The CAC meets every 2nd Wednesday of the month at 6:30pm at the District Office.

District Hires Education and Outreach Coordinator

The District is pleased to announce that it has hired Claire Bleser as its full-time Education & Outreach Coordinator. For the past year, Claire has served the District as an education & outreach consultant. Claire is in the process of completing her PhD in Water Resources Science from the University of Minnesota Water Resources Center.

Claire's responsibilities will include coordination of the Citizen Advisory Committee, developing water quality education materials and education & outreach programs. The District is excited to have Claire as its Education & Outreach Coordinator to help advance the District's education & outreach goals and expand opportunities for watershed residents to learn about the resources of the Nine Mile Creek Watershed and to get involved in District activities. Claire can be contacted at (952) 358-2276 or cbleser@ninemilecreek.org.

Managing the Watershed

Five managers, each appointed by the Hennepin County Board of Commissioners to three-year terms, direct the activities of the District. The managers work with state agencies, Hennepin County, and the cities within the Nine Mile Creek Watershed District to implement the goals and policies of the approved water management plan set forth in state law. Watershed activities are funded through property tax levies.

Managers, Staff & Consultants

LuAnn Tolliver, Minnetonka
President
Term Expires: September 2012

Corrine Lynch, Eden Prairie
Vice President
Term Expires: September 2011

Robert Kojetin, Edina
Secretary
Term Expires: September 2011

Geoffrey Nash
Treasurer
Term Expires: September 2010

Steve Kloiber, Edina
Manager
Term Expires: September 2010

Kevin Bigalke
Administrator
952-835-2078

Claire Bleser
Ed. and Outreach Coordinator
952-358-2276

Louis Smith
Legal Advisor
612-344-1400

Bob Obermeyer
Engineering Advisor
952-832-2600

Picture from left to right: Robert Kojetin, Claire Bleser, Jim Haertel (Board of Water and Soil Resources), Kevin Bigalke, LuAnn Tolliver, Steve Kloiber, Corrine Lynch, and Geoffrey Nash

The Board of Water and Soil Resources commended the Nine Mile Creek Watershed District on its 50th Anniversary during our Annual Fall Tour

The Nine Mile Creek Watershed District Board of Managers meets the third Wednesday of each month at 7:00 pm at the District office. The office is located at:
7710 Computer Ave, Suite 135
Edina, MN 55435.

Project Updates

Hopkins Streambank Stabilization & Habitat Restoration Project

The Nine Mile Creek Watershed District in partnership with the City of Hopkins completed designs for the Hopkins Streambank Stabilization & Habitat Restoration project. The project was split into two phases. Phase I includes the stretch of creek from Excelsior Boulevard to 9th Avenue South. Construction on Phase I will start in November 2009. Phase II addresses the reach of the creek from 9th Avenue to Highway 169. Phase II construction will begin in the fall/winter of 2010.

Eden Prairie Lakes—Anderson Lakes

In September 2008 the District initiated the Northwest & Southwest Anderson Lakes drawdown project. The drawdown was completed in November 2008. The intent of the project was to freeze the lake bottoms and the curly leaf pondweed turions (seeds). The freezing cracks the turions making them unviable to grow. The lakes were allowed to begin refilling in the spring of 2009. The project experienced good frost depths on Northwest and Southwest Anderson Lakes. The District will continue to monitor the vegetation as the lakes continue to refill to determine the overall success of the project at eradicating curly leaf pondweed.

Holiday, Wing and Rose Lake Use Attainability Analysis

In the Fall of 2008, the District began a Use Attainability Analysis (UAA) for the Holiday, Wing and Rose Chain of Lakes in Minnetonka. This analysis included water quality monitoring, water quality goals assessment, and determining protective and restoration measures for the lakes and the watershed. Additionally, the District sent surveys to residents in this watershed. The survey allowed the District to determine the current and desired uses of these lakes. Results of the survey were presented in October 2009 at the Minnetonka Community Center. Overall, 31% percent of the residents from that watershed responded to the survey. Most of the residents enjoy these lakes for non-active recreational usage and feel that the lakes have degraded in water quality. Complete survey results are available on our website. The UAA will be completed in 2010.

9 Mile Creek
WATERSHED DISTRICT

7710 Computer Ave, Suite 135
Edina, MN 55435

Tel:952-835-2078
Fax:952-835-2079
email: kbigalke@ninemilecreek.org

2010 Nine Mile Creek Watershed District

Nine Mile Creek through the seasons (Photos by Dick Bergstrom)

January

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
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31						

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28						

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July

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August

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October

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24	25	26	27	28	29	30
31						

November

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21	22	23	24	25	26	27
28	29	30				

December

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			1	2	3	4
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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

CAC Meeting ◯ Board Meeting Summer Education Series Earth Day Clean-Up □ Cost-Share/ Grant Deadline ◇ Rain Barrel Art

Please check our website for changes to the calendar and additional events www.ninemilecreek.org or call Claire Bleser at 952-358-2276