Minnesota Board of Water and Soil Resources. Minutes.

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Version 3
August 20, 2018

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD
LOWER LEVEL BOARD ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, JUNE 23, 2010

BOARD MEMBERS PRESENT:
Gordy Behm, Linda Bruemmer, MDH; Bob Burandt, Rebecca Flood, MPCA; Quentin Fairbanks, Christy Jo Fogarty, Sandy Hooker, Randy Kramer, Larry Kramka/Wayne Edgerton, DNR; Paul Langseth, Keith Mykleseth, Brian Napstad, Faye Sleeper, MES; Louise Smallidge, LuAnn Tolliver, Gene Tiedemann

BOARD MEMBERS ABSENT:
Paul Brutlag
Tom Loveall
Joe Martin, MDA
John Meyer

STAFF PRESENT:
Mary Jo Anderson, Julie Blackburn, Bill Eisele, Travis Germundson, Jim Haertel, Tabor Hoek, John Jaschke, Les Lemm, Joel Peterson, Dan Shaw, Dave Weirens, Marcy Westrick, Brad Wozney, Wayne Zellmer

OTHERS PRESENT:
Wayne Edgerton, DNR
LeAnn Buck, MASWCD
Tom Kahalar, Renville SWCD
Jason Beckler, Pheasants Forever/Renville SWCD
Mike Kinney, Prior Lake-Spring Lake Watershed District
Don Baloun, Tim Koehler, Carol Radatz, NRCS

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

PLEDGE OF ALLEGIANCE

** 10-45 **ADOPTION OF AGENDA** - Moved by Louise Smallidge, seconded by Brian Napstad, to adopt the agenda as presented.

** 10-46 **MINUTES OF MAY 26, 2010** – Moved by Quentin Fairbanks, seconded by Paul Langseth, to approve the minutes of May 26, 2010 as circulated. Motion passed on a voice vote.

CONFLICT OF INTEREST DECLARATION – John Jaschke explained that the "Conflict of Interest Declaration" form will be used at each Board meeting when grant allocations are being made. Board members will acknowledge any conflict of interest, sign the document, and submit the form to John Jaschke by the end of the meeting. The forms will be filed with the meeting minutes and become part of the record. In the future, the form will be sent to board members with the Board meeting notice. Chair Kramer stated that if a conflict of interest is identified that it would be appropriate to abstain from voting and to note that for the record.

REPORTS

Chair's Report – Randy Kramer reported that he attended the Grants Program & Policy Committee meeting on June 8. Chair Kramer will attend the MAWD Summer Tour on June 25. Chair Kramer asked that Board members submit expense claims for FY10 by the end of June.

Executive Director's Report – John Jaschke provided a brief overview of the information in board members' packets today. John was in the Red River Valley a few times this past month to address long-term flood protection efforts. He reported that a congressional task force was recently established to evaluate the options for a controlled outlet on the east end of Devils Lake in North Dakota. John reported that a Water Management Summit for local governments hosted by MASWCD, MAWD, and AMC will be held on July 12th at the Kelly Inn in St. Cloud. John reported that BWSR is working with DNR on a restoration evaluation pilot to be ready for legislation taking effect in one year. John will attend the MAWD Summer Tour on June 25, hosted by the Nine Mile Creek Watershed District.

Dispute Resolution Committee – Travis Germundson reported that decisions have been made on several appeals. Travis reported that a new project appeal has been received regarding the Wild Rice Watershed District. This appeal would go before an Administrative Law Judge (ALJ), the ALJ would then make a recommendation to BWSR on this appeal.

Wetland Committee – LuAnn Tolliver reported that the Wetland Committee has not met since May 25; the Wetland Committee will not meet today; the next meeting will be in the timeframe of the September Board meeting.

Grants Program & Policy Committee – Louise Smallidge reported that the Grants Program & Policy Committee met on May 25 and on June 8; to review and make recommendations on grant allocations that are on the agenda later today. Louise thanked staff for their diligent work in preparation for the meeting today.

Public Relations, Outreach & Strategic Planning Committee – Brian Napstad stated that the Committee has not met.

RIM Reserve Planning Committee – Chair Kramer reported that Paul Brutlag is absent today. The RIM/WRP Board Subcommittee met last month.

Drainage Work Group – John Jaschke reported that Drainage Work Group will meet on July 21st at 12:30 p.m., at the Farm Bureau Office in Eagan.

Administrative Advisory Committee – Chair Kramer reported that the Administrative Advisory Committee met this morning. Items discussed included: the OLA audit response; operations budget reductions; the Board tour update; Wild Rice Watershed District – Upper Becker Project; Bylaws; and Board discussion.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

Prior Lake-Spring Lake Watershed District Plan – Brad Wozney reported that the Metro Water Planning Committee met on June 2, 2010 to review the Plan and unanimously recommends approval. Moved by Louise Smallidge, seconded by Larry Kramka, to approve the Prior Lake-Spring Lake Watershed District Plan. Motion passed on a voice vote.

** 10-47

Northern Water Planning Committee

Buffalo Red River Watershed District Revised Watershed Management Plan – Keith Mykleseth reported that the Northern Water Planning Committee met on June 16, 2010, to review the revised Buffalo Red River Watershed District Revised Watershed Management Plan and recommends approval. Moved by Keith Mykleseth, seconded by Quentin Fairbanks, to approve the Buffalo Red River Watershed District Revised Watershed Management Plan. Motion passed on a voice vote.

** 10-48

Cormorant Lakes Watershed District Increase in Number of Managers – Quentin Fairbanks reported that the Northern Water Planning Committee reviewed the petition to increase the number of managers from three to five with the two additional managers appointed from Becker County; and unanimously recommends approval. Moved by Quentin Fairbanks, seconded by Brian Napstad, to order the Cormorant Lakes Watershed District number of managers be increased to five with the two additional managers appointed from Becker County. Motion passed on a voice vote.

** 10-49

Pine County Local Water Management Plan Update – Gene Tiedemann reported that the Northern Water Planning Committee reviewed the Pine County Local Water Management

** 10-50 Plan Update and recommends approval. Moved by Gene Tiedemann, seconded by Keith Mykleseth, to approve the Pine County Local Water Management Plan Update. Motion passed on a voice vote.

Todd County Priority Concerns Scoping Document – Wayne Edgerton reported that the Northern Water Planning Committee reviewed the Todd County Priority Concerns Scoping Document and recommends approval. Moved by Quentin Fairbanks, seconded by Brian Napstad, to approve the Todd County Priority Concerns Scoping Document. Motion passed on a voice vote. ** 10-51

Southern Water Planning Committee

Cedar River Watershed District Withdrawal of Territory – Paul Langseth reported that a citizen petition to withdraw territory from the Cedar River Watershed District was filed with the Board on September 24, 2009. The proposed withdrawal of territory includes a 40 acre parcel of land in Mower County. The Mower County Auditor-Treasurer issued an auditor's certification of petitioners on December 16, 2009 pursuant to Minn. Stat.103D.211.The Cedar River Watershed District Board of Managers decided not to contest the petition and move forward with the process to remove the land in question. Paul reported that the Southern Water Planning Committee met on May 26, 2010; after review of information, the Committee unanimously recommends approval of the petition. Moved by Paul Langseth, seconded by Sandy Hooker, to order the boundary of the Cedar River Watershed District be changed per the Petition. LuAnn Tolliver noted for the record that the hydrology of the land does not flow into this watershed district. Discussion followed. Motion passed on a voice vote. ** 10-52

Goodhue County Local Water Management Plan Update – Paul Langseth reported that the Southern Water Planning Committee reviewed the Goodhue County Local Water Management Plan Update and recommends approval. Moved by Paul Langseth, seconded by Sandy Hooker, to approve the Goodhue County Local Water Management Plan Update. Motion passed on a voice vote. ** 10-53

Yellow Medicine County Comprehensive Local Water Plan Amendment – Paul Langseth reported that the Southern Water Planning Committee reviewed the Yellow Medicine County Comprehensive Local Water Plan Amendment and recommends approval. Moved by Paul Langseth, seconded by Sandy Hooker, to approve the Yellow Medicine County Comprehensive Local Water Plan Amendment. Motion passed on a voice vote. ** 10-54

Larry Kramka left the meeting at 9:50 a.m. Wayne Edgerton is present to represent DNR.

Grants Program & Policy Committee

FY11 Natural Resources Block Grant – Wayne Zellmer reported that the Grants Program & Policy Committee met on May 25 and June 8. Wayne explained that 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 Grants Program & Policy Committee recommends approval of the Proposed FY '11 Natural Resources Block Grant allocations, with LGUs having flexibility of using allocated funds to support the implementation of these
** program as determined by the grantee. Moved by Louise Smallidge, seconded by Paul Langseth, to authorize staff to allocate appropriate individual grant amounts to counties meeting the NRBG Program requirements as presented, for the Comprehensive Local Water Management, Wetland Conservation Act, and DNR Shoreland Program, Local Governmental Units will have the flexibility of using allocated funds to support the implementation of these
10-55 programs as determined by the grantee. Motion passed on a voice vote.

FY11 SWCD Grant Allocations – Wayne Zellmer reported that the Grants Program & Policy Committee reviewed the FY11 SWCD Grant Allocations and recommends approval. Wayne presented the following grant recommendations:

A. *FY 2011 Native Buffer Cost-Share Grant Program* $385,443 to be allocated to viable unfunded or underfunded FY10 Competitive Grant Program applicants (*shown below*) and, add the remaining $190,557 to the FY 2011 State Cost-Share Base Grants Program (*item B below*);

Ramsey	$90,000	Wright	$22,424
Scott	$25,000	Wabasha	$20,000
Martin	$135,000	Morrison	$40,000
Winona	$53,019		

B. *State Cost-Share Base Grants* $1,145,743
C. *General Services Grants* $2,086,078
D. *Easement Services Grants* $ 344,993
E. *Non Point Engineering Assistance Base Grants* $1,060,000

NPEA Area	Base Grant	Host/Fiscal Agent SWCD	Equipment	Total Grant
1	$115,000	$10,000	$0	**$125,000**
2	$115,000	$5,000	$0	**$120,000**
3	$165,000	$10,000	$15,000	**$190,000**
4	$115,000	$5,000	$0	**$120,000**
5	$115,000	$10,000	$0	**$125,000**
6	$115,000	$5,000	$0	**$120,000**
7	$115,000	$10,000	$0	**$125,000**
8	$115,000	$5,000	$15,000	**$135,000**
			TOTAL	**$1,060,000**

** Moved by Keith Mykleseth, seconded by Louise Smallidge, to approve FY11 SWCD Grant Allocations and authorize staff to allocate funds as presented. Discussion followed. Keith Mykleseth commended staff on the grants process and proposal.

Brian Napstad asked why the Wabasha SWCD would receive funding to comply with an existing ordinance. Discussion followed. Keith Mykleseth recommended this be discussed further at a future committee meeting. Brian requested that Committee recommendations be brought before the full Board for clarification at an upcoming meeting. John Jaschke stated that a comprehensive discussion will be added to a future Board meeting agenda.

** Brian Napstad moved to amend the allocation attachment under the Native Buffer Cost-Share Program Grant for Wabasha SWCD. Strike "out of compliance with shoreland ordinance". Seconded by Sandy Hooker, to approve the amendment. Discussion followed.
10-56 Amendment passed on a voice vote.

10-57 The amended resolution to approve the FY11 SWCD Grant Allocations passed on a voice vote.

MPCA County Subsurface Sewage Treatment Systems (SSTS) Educational Stipend – Wayne Zellmer reported that the 2009 MN Legislature appropriated funding to MPCA for county administration of SSTS programs. The MPCA has made available up to $1,500 per county per biennium for county staff to attend Advanced Designer/Inspector and Service Provider training classes offered by the U of M, OSTP. The Grants Program & Policy Committee recommends approval of the identified 15 reimbursement allocations totaling
** $22,500. Moved by Paul Langseth, seconded by Christy Jo Fogarty, to authorize staff to allocate funds totaling $22,500 to county SSTS education stipend allocations. Faye Sleeper noted that she supervises this program and is abstaining from the vote.

** Rebecca Flood moved to amend the Now Therefore Be it Resolved, to state: "the Board hereby authorizes staff to allocate funds of $1,500 each to eligible counties as determined by MPCA and the University of Minnesota On-Site Sewage Treatment Program". Seconded
10-58 by Paul Langseth, to approve the amendment. Amendment passed on a voice vote.

10-59 The amended resolution passed on a voice vote.

Drainage Records Modernization Grants – Joel Peterson reported that the Drainage Records Modernization grants are to assist counties and watershed districts who administer public drainage systems (governed by 103E) to upgrade their records from old paper copies to electronic versions. In December 2008, the BWSR Board approved $500,000 in funding for Drainage Records Modernization to 22 different drainage authorities. The Grants Program and Policy Committee reviewed the proposed allocation of Drainage Records Modernization Grant funds on June 8, 2010, and recommends that the Board authorize staff to allocate funds as follows: 1) $77,253 to fully fund the partially funded projects from 2008; and 2) the balance ($52,747) to fund the next highest remaining applicant(s) from the 2008 ranking.

** Moved by Louise Smallidge, seconded by Keith Mykleseth, to approve the Drainage Records Modernization Grant and authorize staff to allocate funds as presented. Discussion followed.

** Linda Bruemmer moved to amend the resolution by adding Wright County, showing that they are the next highest ranking. Seconded by Brian Napstad, to approve the amendment. Discussion followed. Paul Langseth spoke against the amendment as Wright County is listed on the ranking. Amendment failed. John Jaschke stated that the 2008 ranking will be filed with the resolution.

10-60 The resolution passed on a voice vote.

FY11 Farm Bill Assistance Grants – Tabor Hoek introduced Tom Kalahar, District Technician, and Jason Beckler, Pheasants Forever Biologist, from Renville SWCD. Tabor explained that the Farm Bill Assistance Program administered by the BWSR provides funding 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. The grant process that will be used for FY11 of this ongoing program will be the same as has been used since FY03. BWSR and DNR have secured funding and coordinated the application process. Eligible SWCDs in the 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. The Grants Program & Policy Committee recommends approval of the FY11 Farm Bill Assistance Grant. Tabor distributed a brochure on "Minnesota's Farm Bill Assistance Partnership".

** Moved by Louise Smallidge, seconded by Bob Burandt, to authorize staff to allocate $650,000 and any rollover or carry forward from this Program to the Farm Bill Assistance Grant Program according to these policies. Discussion followed.

Tom Kalahar thanked BWSR for their support. He stated that the success in Renville County is due in part to Jason's technician position. Jason also thanked BWSR for their support. Jason stated that he's very passionate about his position and the work being done with this partnership program. Discussion followed. Tabor explained that the new LCCMR application does expand into northeastern Minnesota for woodcock development. Tabor reported that he, Tom Kalahar and Jason Beckler will present to LCCMR this afternoon requesting expansion of the program. Paul Langseth stated that if the staff is not there the conservation projects
10-61 and programs would not be implemented. Motion passed on a voice vote.

FY11 Feedlot Water Quality and SSTS Imminent Health Threat Grants – Dave Weirens explained that the Grants Program & Policy Committee is requesting approval of a proposal to make unallocated FY10 and FY11 Feedlot Water Quality Improvement, and FY11 SSTS Imminent Health Threat grant funds immediately available in two separate and targeted
** application periods. Moved by Louise Smallidge, seconded by Gene Tiedemann, to authorize staff to finalize, distribute and promote request for proposals for the Feedlot Water Quality

Improvement and SSTS Imminent Health Threat Grant programs and award funds consistent with the resolution and applicable appropriations and statutes. Discussion followed.
10-62 Motion passed on a voice vote.

Authorizing FY11 Contract with the Conservation Corps of Minnesota and Iowa – Dave Weirens reported that the 2009 Legislature required BWSR to contract with the Conservation Corps of Minnesota and Iowa for $500,000 for Clean Water Fund maintenance and restoration activities. In FY10, the Board reserved $200,000 from the Runoff Reduction Grants; $200,000 from the Clean Water Assistance Grants; and $100,000 from the Shoreland Improvement Grants. The proposal for the FY11 contract is to set aside funds from the same grant programs to meet this obligation. The Grants Program and Policy Committee reviewed this issue on May 25, 2010 and recommends adoption of the proposed resolution authorizing BWSR to enter into
** a contract with the Conservation Corps. Moved by Louise Smallidge, seconded by Christy Jo Fogarty, to approve the recommendation and authorizes staff to enter into a contract consistent with this recommendation and as required by Laws of Minnesota 2009, Chapter 172, Article 2,
10-63 Section. Motion passed on a voice vote.

Chair Kramer called for a break in the meeting at 10:55 a.m. The meeting reconvened at 11:10 a.m.

Cost-Share Grant Closeout Policy: Implementation Process – Dave Weirens explained that under current Board procedures, staff closeout all Cost-Share Grants. Staff have developed proposed changes to these procedures in response to continued reductions in funding and to comply with policies of the Office of Grants Management. The proposal is to monitor all Cost-Share Grants, but only closeout a 10% sample of them. The Grant Program and Policy Committee reviewed this proposal and recommends approval of the proposed Cost-Share Grant Program closeout implementation process.

** Moved by Louise Smallidge, seconded by Paul Langseth, to approve the Cost-Share Grant Closeout Policy Procedures as presented. The Board rescinds the current procedure that requires all Cost-Share Grants to be closed-out; and adopts the Cost- Share Grant Program Closeout Policy that includes the following elements:

1) District Grant Closeout Reporting. Districts are required to enter project financial and outcomes information into eLINK and return any unspent funds within 30 days of the conclusion of each grant;
2) BWSR Monitoring Procedures. BWSR will annually monitor District Grant Closeout Reporting consistent with the February 1 reporting deadline and conduct monitoring visits annually for all grants over $250,000 and at least once during the grant period for all grants over $50,000 as required by Office of Grants Management Policy 08-10; and,
3) BWSR Closeout Procedures. BWSR will annually review a minimum of the cost grants of 10% of Districts and all Cost Share Grants that exceeded $50,000 for compliance with contractual requirements of the Cost Share Program.

10-64 Discussion followed. Motion passed on a voice vote.

Authorize FY11 Clean Water Fund and Competitive Grants Program – Dave Weirens explained that the BWSR has been appropriated funds under the Clean Water Fund to make grants to local governments to address water quality needs. Julie Blackburn distributed an updated "FY11 Clean Water Fund Competitive Grants Policy" and presented an overview of the policy. Dave distributed a revised resolution and noted the ranking criteria and scoring process. Julie Blackburn explained that the Pollution Control Agency and the Minnesota Department of Agriculture are also contributing funds to this grant program. BWSR staff are proposing to package all of these funds into a single request for proposals (RFP) that will allow local governments to apply for funds to address needs that are identified in their local water management plan or an approved TMDL implementation plan. The RFP includes separate RFPs for the Competitive Clean Water Grants and the Conservation Drainage Grants. The Grants Program and Policy Committee reviewed this request on May 25, 2010 and June 8, 2010 and recommends approval.

** Moved by Louise Smallidge, seconded by Christy Jo Fogarty, to: 1) authorize staff to finalize, distribute and promote a request for proposals for the Clean Water Fund and Competitive Grants Program consistent with the provisions of Minn. Stat. 103B.3369 and this Board resolution; 2) authorizes staff to allocate technical assistance funds to the Clean Water Fund and Competitive Grants Program and other desirable initiatives; 3) adopts the Clean Water Fund and Competitive Grants Program implementation schedule; and 4) adopts the FY2011 Clean Water Fund Competitive Grants Policy.

Discussion followed. Brian Napstad thanked the Grants Program & Policy Committee for inviting board members to attend their Committee meetings. LuAnn Tolliver asked if training will be provided to LGUs on these grants. Julie stated that yes, information will be provided through a press release. Keith Mykleseth commended staff for the
10-65 efficiencies in moving this process forward. Motion passed on a voice vote.

John Jaschke asked board members to submit their Conflict of Interest Declaration forms.

Wetland Committee

Wetland Conservation Act Guidance Review and Rescind Exceptional Natural Resource Value Guidance – Les Lemm reported that the revised WCA rule was adopted in August 2009, since then staff have been working on updating forms and other documents to assist LGUs and BWSR staff in implementing the program. Les presented a brief overview of the guidance documents: Restoration and Protection of Exceptional Natural Resource Value (ENRV); Wetland Preservation for Replacement Credit; Wetland Delineations: Choosing the Appropriate Method; and Using Aerial Imagery to Assess Wetland Hydrology. These guidance documents have been developed to provide advice and direction on implementing provisions that have been significantly changed from the prior rule, and to address concerns regarding technical requirements to assess wetlands and providing more efficient ways to accomplish these tasks. The Wetland Committee reviewed these documents on May 25 and recommends rescinding the Exceptional Natural Resource Value guidance adopted in October 2003.

Louise Smallidge commended staff for the development of the well done guidance documents. LuAnn Tolliver stated that the Wetland Committee was pleased with the user-friendly format
** and website accessibility. Moved by LuAnn Tolliver, seconded by Gordy Behm, to adopt the Wetland Committee recommendation to rescind the October 22, 2003 ENRV guidance.
10-66 Discussion followed. Motion passed on a voice vote.

NEW BUSINESS

MN Natural Resources Conservation Service – Activities, Initiatives and Direction – Tim Koehler introduced Don Baloun, NRCS State Conservationist; and Carol Radatz, State Soil Scientist. Don explained that he is making an effort to get to each of the 87 NRCS offices statewide; he has been to 35 offices already. Don stated that he recognizes the great partnership that is in place. NRCS is being asked to do more with less the delivery system with SWCDs is under stress, therefore he's planning a workload analysis. Protection of the unique local conservation system is necessary for technical assistance delivery. He has heard many good things about BWSR and thanks BWSR for their great staff assistance. Another concern is getting the soil survey done. Pine County is a concern. Need to look at partnering agreements, NRCS will bring soil scientists in to deal with that. Don is interested in BWSR's input to get the accelerated soil survey done. He appreciates the unique RIM/WRP partnership program; need to look at ways to get things done faster. Don stated that he's pleased to be here.

Tim Koehler reported that eight MRBI proposals have been approved for funding, roughly $4M. Need to look at ranking, sign-up, and must have financial obligations in order by September. Tim appreciated BWSR's support on this; $300,000 targeted for two-years with federal funding available. Don would like to meet with John Jaschke as needed to move forward. Don reported that CSP sign-up is doing well, plenty of applications, hopeful that technical assistance will be available. Don stated that NRCS is being audited. John stated that BWSR staff Greg Larson and Megan Lennon went to LCCMR on Monday with Carol Radatz, to present the soil survey proposal. Carol Radatz thanked BWSR for their support on the soil survey. Chair Kramer thanked Don, Carol and Tim for the presentation today and look forward to working together in the future.

FY08-10 Audit Overview and Response – John Jaschke thanked Rebecca Flood for the use of the template for the audit response. John provided an overview of the Office of the Legislative Auditor (OLA) audit findings and BWSR's response. Chair Kramer explained that he was involved during the audit process. He met with OLA in January regarding the Board's policies and committee structures; he and John met with OLA in April; he participated in the exit interview in May; and OLA would independently contact him and explain their findings. Chair Kramer explained that there was no misuse of funds. Christy Jo Fogarty asked who pays the auditors? John explained that it comes through legislative appropriation. John stated that he will update the Board as progress on each step is made.

AGENCY REPORTS

Minnesota Department of Health (MDH) – Linda Bruemmer reported that MDH is working on source water protection grants (Clean Water Funds); announcement will be made in the next week or two. Chair Kramer thanked Linda for substituting today.

Minnesota Department of Natural Resources (DNR) – Wayne Edgerton reported that the chronic waste disease in the elk herd near Rochester is no longer there; the herd has been killed. Wayne reported that wild deer population was found with bovine tuberculosis. lone last fall

Minnesota Extension Service (MES) – Faye Sleeper reported that she was in Sierra Leone on a grant from the Minnesota Extension Service, working in an impoverished area on drinking water wells and latrine design; very humbling experience. A life changing opportunity that makes you feel blessed that we are born in the U.S. Faye stated that the University is also faced with budget issues, there will be staff on furlough over the holidays; local Experiment Station offices were hit harder.

Minnesota Pollution Control Agency (MPCA) – Rebecca Flood reported that MPCA is conducting meetings to address concerns on technical amendments on SSTS; the ALJ will only accept comments on proposed changes.

ADVISORY COMMENTS

Minnesota Association of Soil and Water Conservation Districts (MASWCD) – LeAnn Buck thanked the BWSR for the decisions made today on allocations to SWCDs. LeAnn thanked SWCD representatives Louise Smallidge, Bob Burandt and Paul Langseth for their assistance with the allocation process and flexibility. LeAnn invited board members to attend the Water Management Summit on July 12, in St. Cloud. LeAnn reported that MASWCD sent a letter of request to BWSR to look at SWCD workload related to WCA.

UPCOMING MEETINGS

- Board Tour and Meeting – August 25-26, 2010 in Moorhead.

Chair Kramer reminded board members to submit their expense claims. Chair Kramer asked John Jaschke to convey a message at the all staff meeting that board members need to do their part regarding budget reductions. The Board's goal is to reduce expenses by $2500: no April meeting; carpooling encouraged; and board members to attend one annual association meeting rather than two.

** 10-67 Moved by Louise Smallidge, seconded by Brian Napstad, to adjourn the meeting at 1:10 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.	Mike Kinney	PLSLWD	952-447-4164
2.	LeAnn Buck	MASWCD	651-690-9025
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BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD
LOWER LEVEL BOARD ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, MAY 26, 2010

BOARD MEMBERS PRESENT:
Gordy Behm, Paul Brutlag, Bob Burandt, Wayne Edgerton, DNR; Rebecca Flood, MPCA; Quentin Fairbanks, Christy Jo Fogarty, Sandy Hooker, Randy Kramer, Paul Langseth, Tom Loveall, Joe Martin, MDA; John Meyer, Keith Mykleseth, Brian Napstad, Louise Smallidge, LuAnn Tolliver, John Linc Stine, MDH; Gene Tiedemann

BOARD MEMBERS ABSENT:
Faye Sleeper, Minnesota Extension Service

STAFF PRESENT:
Mary Jo Anderson, Julie Blackburn, Conor Donnelly, Travis Germundson, Jim Haertel, John Jaschke, Al Kean, Melissa Lewis, Jeff Nielsen, Lynda Peterson, Paul Senne, Dave Weirens

OTHERS PRESENT:
Dan Wilson, Minnesota Department of Health (MDH)
Tom Overton, Attorney General's Office
Ray Bohn, Minnesota Association of Watershed Districts (MAWD)
Tim Koehler, Natural Resources Conservation Service (NRCS)
Nina Carranco, The Nature Conservancy

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

PLEDGE OF ALLEGIANCE

** 10-30 **ADOPTION OF AGENDA** – Moved by Paul Langseth, seconded by Louise Smallidge, to adopt the agenda as presented. Motion passed on a voice vote.

** 10-31 **MINUTES OF MARCH 24, 2010** – Moved by Sandy Hooker, seconded by Quentin Fairbanks, to approve the minutes of March 24, 2010 as circulated. Motion passed on a voice vote.

REPORTS

Chair's Report – Randy Kramer reported that he attended the 5th Anniversary meeting of the Middle Fork Crow River Watershed District on April 6th. Chair Kramer met with the Office of the Legislative Auditor (OLA) on several occasions regarding the Board's audit. The OLA's Report is expected to be made public on Friday; he is not able to comment on it at this time. Chair Kramer stated that the Board responded by the deadline date and fully cooperated. Chair Kramer attended the EQB meeting on May 20; BWSR was well represented and is doing an excellent job on water management issues.

Executive Director's Report – John Jaschke stated that a legislative report will be sent to Board members shortly. John reported that BWSR received an additional 7% reduction in administration and 8% reduction to grants for the biennium, reductions need to be all taken in Fiscal Year 2011. The Grants Program & Policy Committee local government grants proposal will be brought to the full Board in June. John provided the legislative status of BWSR policy bills. John reported that Governor Pawlenty vetoed the omnibus natural resources policy bill that included a pilot walk-in hunting program with BWSR involvement. John provided a brief legislative summary of funding appropriations from the Outdoor Heritage Fund and Clean Water Fund.

John reported that NRCS has a new State Conservationist, Don Baloun; John looks forward to working with him. John met jointly with BWSR staff and staff of the U.S. Army Corps of Engineers in late April; they are working together on the Wetland Banking Program with a goal of establishing a seamless wetland banking program, integrating the federal requirements into the state program.

John reported that the Red River Mediation Agreement was originally signed in 1998 to coordinate flood control projects and enhancements. Updates are needed, a meeting was held with local governments, BWSR, DNR, USACoE, NRCS, and the U.S. F&WS in Detroit Lakes to kick-off this effort. Brian Dwight is working on this on behalf of BWSR.

John reported that the Red River Basin Commission summer meeting and tour will be held in Devils Lake, ND. John attended the Northern Counties Joint Powers Natural Resources Board meeting in Bemidji on Monday, discussions included: clean water funding, drainage, wetlands, and flooding. John reported that the Lessard Sams Outdoor Heritage Council is touring today in the Fergus Falls area with Tabor Hoek making a presentation on targeting the most valuable habitat. John stated that the Clean Water Council and LCCMR are touring in mid-July in west central Minnesota, BWSR will participate. John stated that the MAWD summer tour will be held June 25, hosted by the Nine Mile Creek Watershed District.

Brian Napstad asked about the recent Clean Water Act federal legislation (Congressman Oberstar) to restore jurisdiction of wetlands affected by Supreme Court decisions. John stated that he meets regularly with Tamara Cameron, Chief of USACoE Regulatory Branch, and he will get an assessment and provide information to the Board.

Dispute Resolution Committee – Travis Germundson reported that there are currently 22 pending appeals and one new appeal has been filed regarding a restoration order in Stearns County. Chair Kramer thanked Travis for his report.

Wetlands Committee – LuAnn Tolliver reported that the Wetlands Committee met last night, May 25, to discuss and review the guidance documents prepared by staff. The Wetlands Committee is pleased with the excellent format prepared by staff; LuAnn asked for an informational presentation to the full Board at an upcoming meeting. The Wetlands Committee will meet on June 23rd following the Board meeting.

Grants Program & Policy Committee – Louise Smallidge reported that the Grants Program & Policy Committee met last night, May 25, to discuss grant reductions and allocations. The Grants Program & Policy Committee will meet on June 8 at 5:30 p.m., at the Kelly Inn in St. Paul, to look at ranking criteria for the clean water funds and finalize recommendations for the full Board at the June 23rd Board meeting.

Public Relations, Outreach & Strategic Planning Committee – Brian Napstad reported that the Public Relations, Outreach & Strategic Planning Committee has not met since January; however, board members were asked to review the proposed Bylaws changes and provide input. The Bylaws are on the agenda later today.

Brian received a request from Mary Jo Flemming, coordinator of the State Envirothon, to attend the State Envirothon and present the awards. Brian reported that he attended

and was very impressed with the State Envirothon event. He reported that 20 teams of five students participated, about 250 people were in attendance. The students were excited and enthused, very inspiring. Brian acknowledged the audience, introduced them to BWSR and our mission statement and partnerships. Brian stated that this is a great public relations activity. Brian reported that Rushford-Peterson was the winning team; St. John's Prep received second place; and a second team from Rushford-Peterson placed third. Chair Kramer thanked Brian for participating.

RIM Reserve Management Planning Committee – Paul Brutlag reported that the RIM/WRP Board Subcommittee (Technical Committee) meets today to review RIM/WRP applications. Paul reported that the Kruzmark easement negotiations reached a conclusion. John Jaschke stated that the settlement agreement is that the landowner will pay back the practice costs to the state and allow the landowner to put cervidae on a non-RIM state conservation easement.

John Linc Stine entered the meeting at 9:35 a.m.

Drainage Work Group – Tom Loveall reported that the Drainage Work Group has not met. Two issues the Drainage Work Group is looking at: 1) the use of utility model fee concept; and 2) drainage systems improvement, outlet implications. Discussion followed.

Administrative Advisory Committee – Randy Kramer reported that the Administrative Advisory Committee met this morning. Items discussed included: a closed session regarding the South Washington Watershed District/Valley Branch Watershed District boundary settlement negotiations; Bylaws overview; FY10-11 Supplemental Budget Status Report; Policy bills overview: WCA, Metro Local Water Management, Drainage, and Walk-in; Audit response schedule; and Thirty Lakes Watershed District office location in regards to the e-mail the full Board received.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

Rice Creek Watershed District Watershed Management Plan – Bob Burandt reported that the Metro Water Planning Committee met on May 12. Melissa Lewis reported that the Metro Water Planning Committee unanimously recommends approval of the Rice Creek Watershed District Watershed Management Plan. Moved by Bob Burandt, seconded by Louise Smallidge, to approve the Rice Creek Watershed District Watershed Management Plan. Bob Burandt suggested that the Rice Creek Watershed District would be a good location for an upcoming tour. Motion passed on a voice vote.

** 10-32

Sunrise River Watershed Management Organization Watershed Management Plan – Bob Burandt reported that the Metro Water Planning Committee reviewed the Sunrise

River Watershed Management Organization Watershed Management Plan. Melissa Lewis reported that the Metro Water Planning Committee unanimously recommends approval of the Sunrise River Watershed Management Organization Watershed
** Management Plan. Moved by Bob Burandt, seconded by Louise Smallidge, to approve
10-33 the Sunrise River Watershed Management Organization Watershed Management Plan. Motion passed on a voice vote.

South Washington Watershed District Watershed Management Plan Amendment – Melissa Lewis reported that the Metro Water Planning Committee reviewed the South Washington Watershed District Watershed Management Plan amendment and
** unanimously recommends approval of the Plan amendment. Moved by Bob Burandt,
10-34 seconded by Louise Smallidge, to approve the South Washington Watershed District Watershed Management Plan amendment. LuAnn Tolliver stated that this Plan amendment is not part of the ongoing petitions and boundary controversy, this Plan amendment is separate from that. Motion passed on a voice vote.

Rice Creek Watershed District Comprehensive Wetland Protection and Management Plan for the City of Columbus – Lynda Peterson reported that the Metro Water Planning Committee reviewed the Rice Creek Watershed District Comprehensive Wetland Protection and Management Plan for the City of Columbus
** and unanimously recommends approval. Moved by Bob Burandt, seconded by
10-35 Rebecca Flood, to approve the Rice Creek Watershed District Comprehensive Wetland Protection and Management Plan for the City of Columbus. Motion passed on a voice vote.

Northern Water Planning Committee

Morrison County Local Water Management Plan Update – Quentin Fairbanks reported that the Northern Water Planning Committee met on April 14 in Bemidji to review the Morrison County Local Water Management Plan Update. The Northern
** Water Planning Committee recommends approval. Moved by Quentin Fairbanks,
10-36 seconded by Paul Brutlag, to approve Morrison County Local Water Management Plan Update. Motion passed on a voice vote.

Stevens County Water Plan Amendment – Gene Tiedemann reported that the Stevens County Water Plan covers the ten-year period of June 2005 to June 2015 and contained a 2005-2010 five-year implementation section. Board Order required an update of the Implementation Section (Goals, Objectives and Actions) by May 31, 2010. Following the guidelines established by the Board, Stevens County has completed the local water management plan amendment process and submitted the "Implementation Plan Amendment June 2010 – June 2015". The Northern Water Planning Committee met on April 14, 2010 to review the Stevens County Plan Amendment and recommends approval.

** 10-37 Moved by Gene Tiedemann, seconded by Paul Brutlag to approve the Stevens County Plan Amendment. Brian Napstad commended Stevens County for acknowledging the DNR's report on the State's shoreland ordinance and their participation to more aggressively pursue the shoreland ordinance. Motion passed on a voice vote.

Clearwater County Local Water Management Plan Update – Wayne Edgerton reported that the Northern Water Planning Committee met to review the Clearwater County Local Water Management Plan Update and recommends approval. Wayne reported that DNR did provide a late response and a recommendation of approval. Moved by Wayne Edgerton, seconded by Quentin Fairbanks, to approve the Clearwater County Local Water Management Plan Update. Motion passed on a voice vote.

** 10-38

Kittson County Local Water Management Plan Update – Keith Mykleseth reported that the Northern Water Planning Committee reviewed the updated Kittson County Local Water Management Plan and recommends approval of the Plan from May 26, 2010 to May 26, 2020 with the Goals, Objectives, and Action Items being amended prior to May 26, 2015. Moved by Keith Mykleseth, seconded by Brian Napstad, to approve the Kittson County Local Water Management Plan Update. Motion passed on a voice vote.

** 10-39

Pennington County Local Water Management Plan Update – Brian Napstad reported that the Northern Water Planning Committee reviewed the Pennington County Local Water Management Plan Update and recommends unanimous approval of the Plan from May 26, 2010 to May 26, 2020 with the Goals, Objectives, and Action Items being amended prior to May 26, 2015. Brian stated that this plan acknowledged the Thief River Falls urban and rural priority concerns. Moved by Brian Napstad, seconded by Paul Brutlag, to approve the Pennington County Local Water Management Plan Update. Motion passed on a voice vote.

** 10-40

Public Relations, Outreach and Strategic Planning Committee

BWSR Bylaws – Brian Napstad reported that the Public Relations, Outreach and Strategic Planning Committee and Board members reviewed the standing Bylaws and updated, clarified, and amended the April 2004 version. Brian briefly read through the changes and edits. Moved by Brian Napstad, seconded by John Linc Stine, to approve the Bylaws as drafted. Discussion followed.

**

** Rebecca Flood moved to amend the Bylaws on page five, under "6. Voting", adding the words "annually or" to this sentence: "Agency members may designate an alternate to attend and vote on their behalf by notifying the Chair "*annually or*" prior to the meeting." Seconded by Sandy Hooker, to approve the amendment. Discussion. Amendment passed on a voice vote.

10-41

** 10-42 Discussion followed on the draft amended Bylaws. Moved by Louise Smallidge, seconded by LuAnn Tolliver, to amend the draft Bylaws by adding the date, May 26, 2010. Discussion. Amendment passed on a voice vote.

10-43 Chair Kramer called for the vote on the Bylaws as amended, dated May 26, 2010. Motion passed on a voice vote.

Chair Kramer thanked Brian Napstad and the Public Relations, Outreach & Strategic Planning Committee for their efforts on the Bylaws.

Chair Kramer called for a break in the meeting at 10:10 a.m. The meeting reconvened at 10:25 a.m.

NEW BUSINESS

Report on 2010 Clean Water Grant Activities – Julie Blackburn presented the implementation activities of the FY 2010 Clean Water Fund appropriations. Julie reported that she also presented the March 2010 Report to the Legislature and received positive feedback from legislators on the activities that BWSR is involved in. Julie highlighted the development, implementation and results for the easement programs, directed expenditures, and the competitive grant program funds that include ideas under consideration for enhancing the 2011 process. Discussion followed. Chair Kramer invited board members to attend the Grants Program & Policy Committee meeting on June 8 to continue discussions. Chair Kramer thanked Julie for her presentation.

Hearings Primer Presentation – Chair Kramer introduced Tom Overton, Attorney General's Office. Tom Overton provided a refresher on factors to consider when board members are holding hearings and items associated with being a representative of the BWSR Board.

Some things for board members to think about:

- Recognizing different kinds of proceedings: quasi-judicial process for hearings and quasi-legislative hearings for rulemaking.
- Committee recommendation steps: establish and review the record, deliberation, decision.
- Decisions have to also note any conflict of interest and comply with the Open Meeting Law.
- Board members are generally going to be considering these questions:
    - What's the decision we need to make at the end of the process?
    - What's the standard that we have to apply when making that decision?
    - What's in the record?
    - What's your role as a board member at the hearing?

Discussion and questions followed related to conflict of interest, public opinions as an elected official, Open Meeting Law, meeting via conference call, voting and recording, and ethical practices. Chair Kramer thanked Tom for his assistance and the Attorney General's Office on review of BWSR's Bylaws. John Jaschke will provide board members with a summary of Tom's presentation further and evaluate whether Bylaw adjustments may be considered.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Joe Martin reported that MDA is working closely with DNR to prepare communities on how to deal with the emerald ash borer population and being proactive. Joe reported that MDA just finished a Community Preparedness Manual.

Minnesota Department of Natural Resources (DNR) – Wayne Edgerton briefly commented on Governor Pawlenty's letter of explanation regarding his veto message for the Omnibus Natural Resources Policy Bill. Wayne stated that DNR looks forward to working with BWSR, as directed by the Governor to establish a pilot hunting walk-in access program that meets eligibility criteria for federal funding. Wayne reported that DNR is awaiting a response from the U.S. Fish & Wildlife Service regarding wolf issues. Wayne distributed a poster brochure on native pollinators for board members' information.

Minnesota Pollution Control Agency (MPCA) – Rebecca Flood provided an update on the Subsurface Sewage Treatment Systems (SSTS) ordinance and amendments. Rebecca distributed SF 3275, Conference Committee Report, which establishes a task force to guide ordinance implementation and enforcement. MPCA will report to the legislature. Brian Napstad stated that the concern for counties is working as partners with MPCA; counties need to have a higher status in development of the rules.

ADVISORY COMMENTS

Minnesota Association of Townships (MAT) – Sandy Hooker stated that the legislative session is over and the legislature didn't hurt MAT very much. Sandy reported that MAT is meeting in June at Breezy Point to start planning for next year.

Minnesota Association of Watershed Districts (MAWD) – Ray Bohn reported that the legislative session is over, he thanked John Jaschke and Julie Blackburn for their hard work and persistence to get additional funding. He thanked Al Kean, Jim Haertel and Steve Woods on their great work as well. Ray stated that MAWD is disappointed that they lost drainage funding from the general fund and RIM funding in the bonding bill. Ray reported that meetings are being held jointly with MAWD, AMC, and MASWCD executive boards (local government roundtable) talking about issues. The roundtable group has been meeting monthly since January and are looking at redesign ideas for local water

management efforts to be more effective and efficient. A Water Management Summit will be held with AMC, MAWD and MASWCD on July 12, at the Kelly Inn in St. Cloud, starting at 9:00 a.m., to discuss water management ideas to make recommendations on ways to work together, working closely with BWSR. Ray stated that other state agencies are invited to observe. Ray invited board members to attend the MAWD summer tour on June 25. Chair Kramer thanked Ray for his report.

Natural Resources Conservation Service (NRCS) – Tim Koehler reported that NRCS's newly hired State Conservationist Don Baloun's goal is to attend every field office in the next six months to see what's happening statewide. Tim stated that he would like to have Don attend the June Board meeting to introduce him to BWSR. Tim reported that NRCS is in the middle of CSP sign-up; received $2.5M more of EQIP funding for animal waste projects; and an additional $5M of WRP to match BWSR money. Chair Kramer thanked Tim for his report.

UPCOMING MEETINGS

- June 9, 2010 – BWSR All Staff Meeting, in St. Paul
- Next BWSR Meeting – June 23, 2010, in St. Paul
- Board Tour and Meeting – August 25-26, 2010 in Moorhead
- Grants Program & Policy Committee Meeting, June 8 at 5:30 p.m. at the Kelly Inn, St. Paul
- Wetlands Committee Meeting after the June 23rd Board Meeting

Chair Kramer stated that the Southern Water Planning Committee will meet today immediately following adjournment of the Board meeting. The RIM/WRP Subcommittee will meet at 1:00 p.m. today, or immediately following adjournment of the Southern Water Planning Committee meeting.

** 10-44 Moved by Paul Brutlag, seconded by LuAnn Tolliver, to adjourn the meeting at 12:30 p.m. Motion passed on a voice vote.

Respectfully submitted,

Mary Jo Anderson
Recorder

Board of Water and Soil Resources
Grants Conflict of Interest Declaration

Meeting: _____ **Date:** _____

Policy 08-01: Grants Conflict of Interest Minnesota state agencies must work to deliberately avoid both actual and perceived conflicts of interest related to grant-making at both the individual and organizational levels. When a conflict of interest concerning state grant-making exists, transparency shall be the guiding principle in addressing it.

Grant Making Meeting Procedure
Meetings that are part of the grant making process will include an agenda item to identify and disclose actual or perceived conflicts of interest. During this agenda item, the chair of the meeting shall make a statement that defines what a conflict of interest is and a request that meeting participants disclose any actual or perceived conflicts. This statement is as follows:

Agenda Item: Conflicts of Interest Declaration.
Chair Statement: *"A conflict of interest whether actual or perceived occurs when someone in a position of trust has competing professional or personal interests and these competing interests make it difficult to fulfill professional duties impartially. At this time, members are requested to identify any potential conflicts of interest they may have regarding today's business."*

This form provides Board of Water and Soil Resources (BWSR) grant reviewers an opportunity to disclose any conflicts of interest, or potential for conflicts of interest that exist during a grant making process. It is the grant reviewer's obligation to be familiar with the Conflict of Interest Policy for State Grant-Making and to disclose any conflicts of interest. The grant reviewer is not required to explain the reason for the conflict of interest as this form is considered public data under Minn. Statute 13.599-Grants. **A disclosure does not automatically result in the grant application reviewer being removed from the review process.**

Please read the descriptions of conflict of interest below and mark the appropriate box that pertains to you and your status as a reviewer of this grant.

Descriptions of conflicts of interest: - A conflict of interest shall be deemed to exist when a review of the situation by the grant reviewer (or other agency personnel) determines any one of the following conditions to be present:

(a) A grant reviewer uses his/her status or position to obtain special advantage, benefit, or access to the grantee or grant applicant's time, services, facilities, equipment, supplies, badge, uniform, prestige, or influence.

(b) A grant reviewer receives or accepts money or anything else of value from a state grantee or grant applicant or has equity or a financial interest in or partial or whole ownership of an applicant organization.

(c) A grant reviewer is an employee of a grant applicant or is a family member of anyone involved in the grantee or grant applicant's agency.

(d) A grant reviewer is in a position to devise benefit by directly influencing a grant-making process to favor an organization the grant reviewer has an interest in.

- ☐ Based on the descriptions above, I do not have a conflict of interest.
- ☐ Based on the descriptions above, I have or may have an actual or perceived conflict of interest, which I am listing below. *(The grant reviewer should list the specific grant-making evaluation, recommendation, or allocation with which they may have a conflict of interest. The grant reviewer may describe the nature of the conflict in the space below, but this information is not required since this form is considered public information.)*

  _____

  _____

  _____

  _____

  _____

  (*continue below or on an attachment if needed*)

- ☐ Based on the descriptions above, I am unable to participate in this evaluation, recommendation or allocation process because of a conflict of interest.

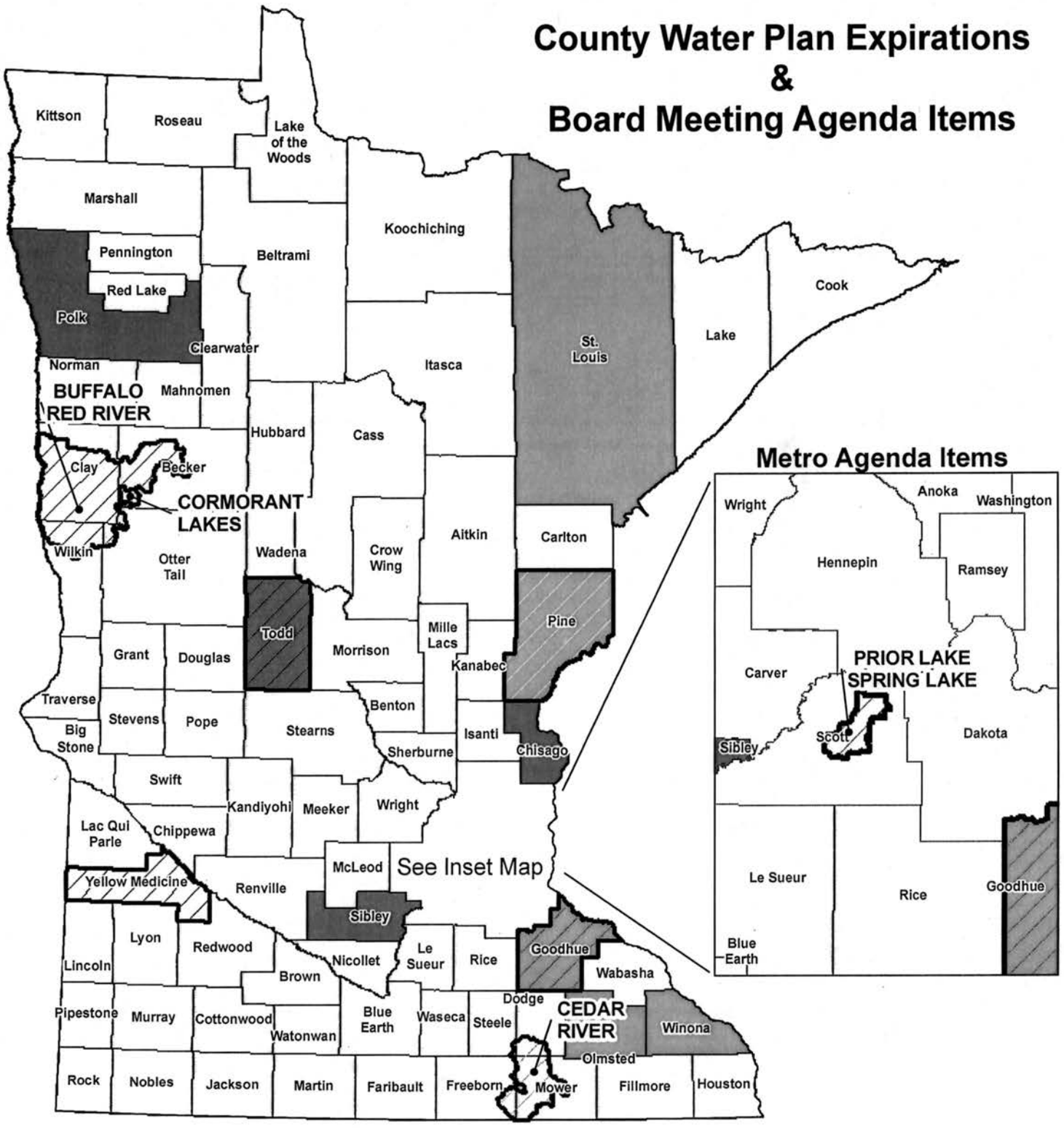
If at any time during the grant-making process I discover a conflict of interest, I will disclose that conflict to the meeting chair immediately.

Name:_____

Signature:_____

All forms must be submitted to the lead staff for the meeting and filed with the meeting agenda by the BWSR Grant Coordinator upon completion.

County Water Plan Expirations & Board Meeting Agenda Items



Metro Agenda Items

Plan Expires

- Overdue
- 2010
- 2011
- Beyond 2011

Items on June Agenda

- Prior Lake - Spring Lake
- Buffalo-Red River
- Cormorant Lakes
- Pine County
- Todd County
- Cedar River
- Goodhue County
- Yellow Medicine

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June 2010

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Dispute Resolution Committee Report

Meeting Date: June 23, 2010

Agenda Category: ☐ Committee Recommendation ☐ New Business ☐ Old Business

Item Type: ☐ Decision ☐ Discussion ☒ Information

Section/Region: Land and Water Section

Contact: Travis Germundson

Prepared by: Travis Germundson

Reviewed by: _____ Committee(s)

Presented by: Travis Germundson

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

Attachments: ☐ **Resolution** ☐ **Order** ☐ **Map** ☒ **Other Supporting Information**

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

☐ Other: _____

ACTION REQUESTED

None

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

Dispute Resolution Committtee Report. The report provides a monthly update on the number of appeals filed with the BWSR.

Dispute Resolution Report
June 9, 2010,
by: Travis Germundson

There are presently **22** 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 26, 2010.

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 10-9 (4-1-10). This is an appeal of a restoration order in Stearns County. The appeal regards the cleaning/straightening/rerouting of a drainage ditch system resulting in approximately 15.54 acres of wetland impact. The appeal has been placed in abeyance and the restoration order stayed until the LGU makes a final decision on the landowner's after-the-fact application for exemption.

File 10-8 (3-19-10). This is an appeal of a restoration order in Lyon County. The appeal regards the installation of an agricultural drainage system resulting in approximately 3.25 acres of impact to a Type 2 wetland. The appellant has granted BWSR additional time to make a decision on the appeal. No decision has been made on the appeal.

File 10-7 (2-19-10) This is an appeal of a restoration order in Stearns County. The appeal regards draining and filling impacts to approximately 18.44 acres of Type2/3 wetland and 3.06 acres of Type 2 wetland. The appeal has been placed in abeyance and the restoration order stayed for submittal of "as built" or project information pertaining to a public drainage system.

File 10-6 (2-12-10) This is an appeal of a restoration order in Blue Earth County. The appeal regards the installation of agricultural drain tile resulting in approximately 2.2 acres of wetland impact. This involves the same unauthorized activity as File 10-5. The appeal was placed in abeyance and the restoration order stayed until the LGU makes a final decision on landowner's applications for exemption and no-loss.

File 10-5 (2-12-10) This is an appeal of a restoration order in Blue Earth County. The appeal regards the installation of agricultural drain tile resulting in approximately 2.2 acres of wetland impact. The appeal was placed in abeyance and the restoration order stayed until the LGU makes a final decision on appellant's applications for exemption and no-loss

File 10-4 (1-29-10) This is an appeal of a wetland banking plan decision in Koochiching County. The appeal regards the approval of a 71.3 acre wetland banking plan application at 80 percent eligibility by the Koochiching County Board. This regards the same banking plan application appealed under File 09-18. That appeal was remanded. The appeal has been granted in the process of scheduling a pre-hearing conference.

File 10-3 (2-1-10) This is an appeal of a restoration order in Stearns County. The appeal regards the placement of agricultural drain tile and the straightening and rerouting of a county ditch that resulted in over 12 acres of wetland impacts. The appellant has granted BWSR additional time to make a decision on the appeal. No decision has been made on the appeal.

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 09-13 (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 pre-hearing conferences convened on October 13 and 30, and December 14, 2009. Settlement discussions are ongoing.

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. The mandamus action regarding Minn. Stat. § 15.99 (60-day rule) is complete and the temporary injunction lifted. The timeline for the remand was extended to July 14, 2010.

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. On 12-9-09 the District made a new wetland delineation decision. The applicant has not yet submitted a updated replacement plan application.

Draft Summary Table

Type of Decision	Total for Calendar Year 2009	Total for Calendar Year 2010
Order in favor of appellant		
Order not in favor of appellant	10	1
Order Modified	1	
Order Remanded	4	
Order Place Appeal in Abeyance	3	3
Negotiated Settlement		
Withdrawn	4	1

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Prior Lake-Spring Lake WD Revised Plan – Brad Wozney – ***DECISION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Prior Lake-Spring Lake WD Revised Plan

Meeting Date: June 23, 2010

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Metro

Contact: Brad Wozney

Prepared by: Jim Haertel

Reviewed by: Jim Haertel Committee(s)

Presented by: Brad Wozney

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

Attachments: ☐ **Resolution** ☒ **Order** ☒ **Map** ☐ **Other Supporting Information**

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

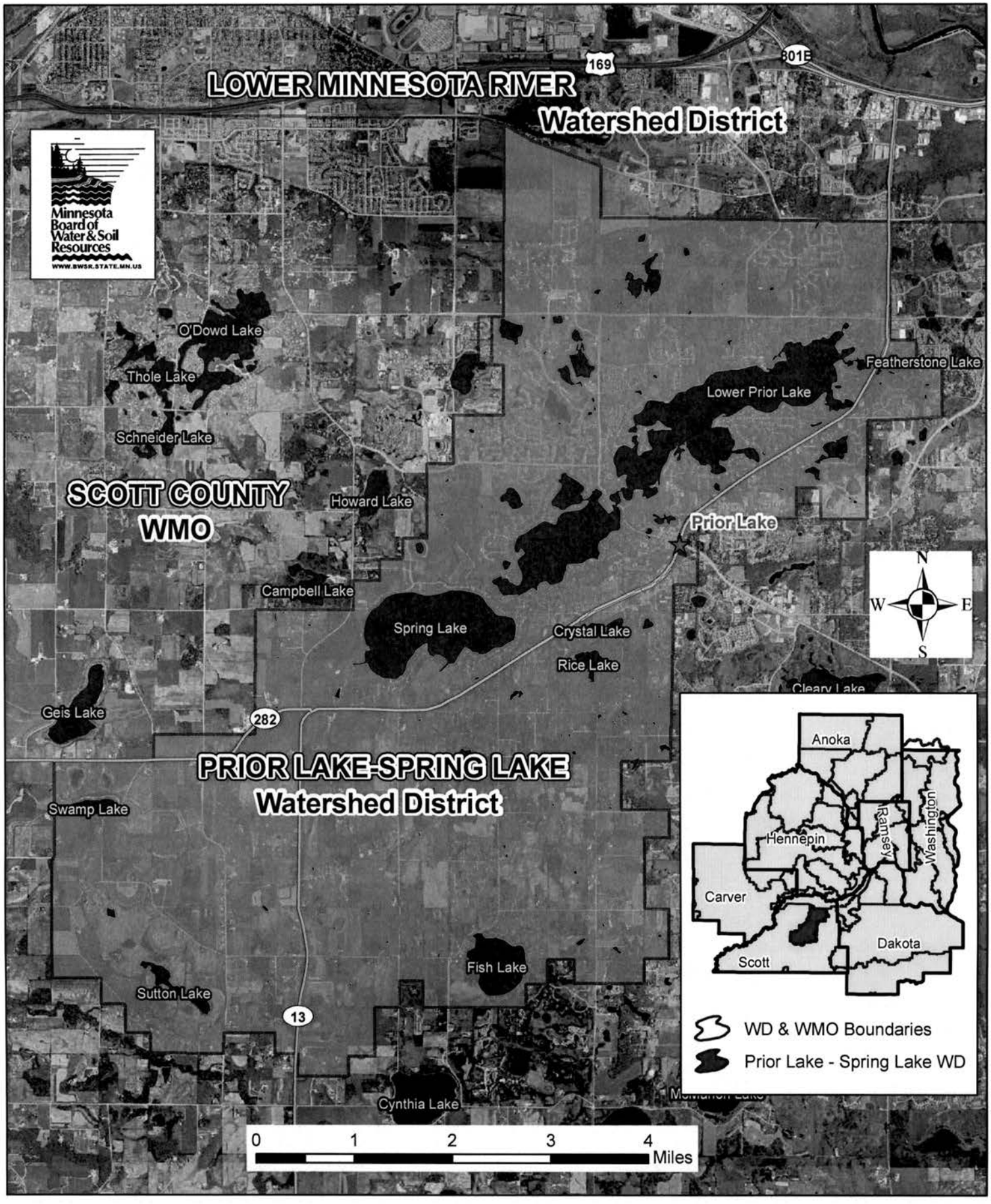
☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

☐ Other: _____

ACTION REQUESTED
approval of order

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The District was established on March 4, 1970. The District is approximately 42 square miles in size and located in north central Scott County, within the Minnesota River basin. The District requested citizen, stakeholder and technical input into the Plan content and priorities. Citizen input was sought via an open house, website and email survey, newspaper articles and announcements, and survey interviews conducted by the managers at a local grocery store. Per BWSR staff recommendation the District developed a self-assessment document that evaluated the success of implementing the previous plan. The Plan outlines a good framework for protecting the water resources of the District with a mix of structural, non-structural, and programmatic solutions. The Metro Water Planning Committee met on June 2, 2010 and had a presentation on highlights of the plan from District Manager William Kallberg. After review of information, the Committee decided with a unanimous vote to recommend approval of the Plan by the Board per the attached draft Order.

Prior Lake - Spring Lake 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 Watershed Management Plan for the **Prior Lake-Spring Lake Watershed District**, pursuant to Minnesota Statutes Section 103B.231, Subdivision 9.

ORDER APPROVING WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the Prior Lake-Spring Lake Watershed District (District) submitted a Watershed Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 9, and;

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

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

FINDINGS OF FACT

1. **Watershed District Establishment.** The District was established on March 4, 1970 by order of the Minnesota Water Resources Board under the authority of the Minnesota Watershed Act, Minnesota Statutes Chapter 112. The order was in response to a petition filed by residents within the watershed on June 24, 1969 for the general purposes of conserving the waters and natural resources of the watershed. The first water resources management plan for the District was prepared and adopted in 1971, shortly after the District's inception, in accordance with Minnesota Statutes Chapter 103D. The plan was revised in accordance with the Metropolitan Surface Water Management Act of 1982, Minnesota Statutes sections 103B.201 to 103B.251, and adopted by the District in 1991. The second generation watershed management plan was approved by the Board on January 27, 1999.

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 revised according to Minnesota Statutes Section 103B.231, Subd. 9.

3. **Nature of the Watershed.** The District is approximately 42 square miles in size and located in north central Scott County, within the Minnesota River basin. The lower one-half of the District particularly around the lakes is largely developed with a predominantly residential land use. The upper one-half of the watershed is rural land use

comprised of small to medium size farms. Development pressure and changes in land uses within the watershed will likely increase throughout the life of the Plan. The major water resource features of the District are Spring Lake, Upper Prior Lake, and Lower Prior Lake. There are a total of 12 lakes and one county ditch system in the District. There was no outlet from the watershed until 1983. An outlet channel was constructed commencing at the southwest shore of Lower Prior Lake draining north through a three lakes before outletting into the Minnesota River. The following communities lie partially or entirely within the District: the cities of Prior Lake, Savage, and Shakopee, and Sand Creek and Spring Lake Townships. A portion of the Shakopee Mdewakanton Sioux Community Tribal Lands is also located within the District. The District is bound by the Lower Minnesota River Watershed District to the north, and the Scott WMO, containing the subwatersheds of Credit River, Sand Creek, and Shakopee Basin, to the east, south, and west respectively.

4. **Plan Development and Review.** Between October 2008 and March 2009 the District requested citizen, stakeholders and Technical Advisory Committee (TAC) input regarding Plan content and priorities. Two TAC meetings were held and local and state agencies were given opportunities to provide upfront written input and draft plan comments. Citizen input was sought via an informal Citizen Advisory Committee (CAC), an open house, website and email survey, newspaper articles and announcements, and survey interviews conducted by the Managers for part of a day at a local grocery store. The draft revised Plan was submitted to the Board, other state agencies, and local governments for the 60-day review on August 10, 2009. A public hearing was held on November 17, 2009. On December 14, 2009, the draft revised Plan was sent to the review agencies for the 45-day review period. District staff requested a meeting with BWSR staff to address various 45-day comments. The final draft of the revised Plan was received by the Board on April 29, 2010.

5. **Local Review.** The District distributed copies of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7.

Scott County Natural Resources Division. Scott County had numerous comments regarding revised stormwater management standards and the local water plans, clarification of several strategies, lack of articulated outcomes, the value of completing or updating wetland functions and values assessments, and recommended the District partner with the county on various programs and projects per the Scott WMO Watershed Management Plan. The District revised the Plan accordingly or addressed the comments, with the exception that the District elected not to dictate numerical milestones in the Plan as the basis for programmatic goals.

City of Prior Lake. The city had extensive and thorough comments. Many of the comments related to TMDL or rules revision processes will be kept and referred to during the planning stages of each effort. Additional comments included having a strong emphasis on cost efficiency of projects and programs undertaken by the District, evaluating and reporting measurable outcomes, the use of adaptive management, more frequent convening of the CAC and TAC, and requested clarification on several strategies and standards. Rather than directly address some of the specific recommendations made by the city, the District stated that it will continue to work with

Prior Lake to discuss the items at the time they are scheduled for implementation. The District addressed the remaining comments emphasizing its appreciation for the city's willingness to partner.

Spring Lake Township. The township stated that it supports the strategy of protecting critical landscape features for volume management, however they noted some difficulty may arise in finding willing landowners and recommended the process be further developed prior to implementation. The District will continue engaging the TAC to refine goals and strategies. The District will address other comments related to the infiltration standards and buffers during the rules revision process. The township requested involvement in the creation of TMDL implementation plans. The District will invite them to be on the TAC. The township questioned the requirement for LGUs to identify high priority wetlands within 2 years. The District revised the Plan to say that the District will lead the effort to complete the wetland prioritization process in cooperation with LGUs.

Lower Minnesota River Watershed District. The Lower Minnesota River Watershed District stated that most of the Prior Lake-Spring Lake Watershed District's rules and standards are as strict or stricter, but noted a few differences. Prior Lake-Spring Lake Watershed District stated at this time they have no intention to make their rules and standards less restrictive. The Lower Minnesota River Watershed District will be invited to participate in the rules revision process.

6. **Metropolitan Council Review.** The Council stated the Plan appears to be consistent with their *Water Resources Management Policy Plan* and overall provides a good framework for water resource protection. The Council requested clarification of two items: the fact that there is a volume reduction policy but nothing in the implementation section of the Plan to apply the policy and inclusion of the most recent version of the District rules. The volume reduction plan will developed as part of the "Grant Match for Land or Easement Acquisition" program utilizing the TAC to refine it. The District stated that the current version of the rules is in the 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 recommended the following: additional discussion on wetland management per PCA guidance document, pursue funding for completing and implementing TMDLs, additional discussion on septic systems per PCA guidance document, and submit all water quality data to PCA for entering into STORET. The District either felt the Plan already adequately addressed the comments or the District has been working with PCA on that activity in the past.

11. **Department of Transportation Review.** MNDOT asked for clarification on lake management plan development, the intent of retrofitting stormwater BMPs on MNDOT infrastructure, several policies appearing to contradict each other, and on the difference

between the Future Land Use figure and the Scott County 2030 Comprehensive Plan Update – Planned Land Use. The District addressed the comments but resulted in no changes to the Plan. MNDOT requested the Plan indicate that that MNDOT is the WCA LGU within their right-of-way, which was addressed by the District. MNDOT requested an explanation regarding the District policy to promote consistency with other regulations while intending to incorporate a 1-inch or predevelopment abstraction standard which differs from NPDES requirements. The District stated that the details of rule and standard changes will be considered during the rules revision process of which MNDOT will be invited to participate. MNDOT asked if a provision in Rule D (Stormwater Management) would trigger a permit requirement for MNDOT, to which the District answered that MNDOT right-of-way would not be applicable.

12. **Board Review.** Board staff had a number of comments for both review periods. Board staff recommended adding the following to the Plan: a description of CAC and TAC roles in Plan implementation, a periodic assessment of the agricultural incentive-based programs, a description of how the District will periodically measure and evaluate successful Plan implementation, an action that a major amendment will be completed prior to 2015 to layout details of the implementation table (4.1) through 2019, and clear stormwater and maintenance standards. The District addressed the comments resulting in changes to the Plan. In both comment letters BWSR staff provided comments related to the high number of and lack of details in the "cost share type programs" of the implementation section. Board staff were concerned that there was not an adequate effort to identify specific capital projects and recommended the Plan better describe the targeted strategies to be employed to identify and solicit CIPs and other BMPs. The District added several projects to the CIP and stated the success of the cost share programs will be based on the cost-benefit of each project funded while striving to improve cost effectiveness over time. Board staff recommended and the District agreed to post on their website annually all cost share program target outcomes, priorities, and project ranking criteria. Annual funding adjustments of the cost share programs will be reported in the District annual activities reports. Board staff requested clarification on several items related to local water plan requirements and ensuring LGU compliance with those plans. The District made the recommended changes to the Plan with the exception that the District will rely on the TAC and individual LGUs to determine reporting schemes rather than outline those processes in the Plan. Board staff commented on wetland and WCA related language in the Plan, which the District changed accordingly. Board staff noted several provisions in the "Amendment Section" of the Plan that were not compliant with MN Rule 8410 regarding general and minor amendment triggers. The District revised the Plan as noted. Board staff recognized the difficulty in attaining a compliant CAC membership but emphasized that it is one of the checklist items of PRAP. The District is aware of it and is taking steps to acquire more members. BWSR staff had miscellaneous comments on plan layout and language clarifications.

13. **Plan Summary and Highlights.** The Plan outlines a good framework for protecting the water resources of the District. Overall the Plan is a good mix of structural, non-structural, and programmatic solutions. A self assessment document that evaluated

success of the previous plan and lists accomplishments was drafted and incorporated into the revised plan as Appendix I. The highlights of the revised Plan include:

- The District offered ample opportunities to provide upfront comments on the Plan prior to submitting the formal draft.
- For effective management and to show specific approaches, the Plan is organized into four subwatersheds: The Outlet, Prior Lake, Spring Lake, and the Upper Watershed.
- Short and long term metrics to assess progress and performance. District will review the implementation section and if necessary update the Plan through amendments every two years.
- A strong commitment to completing TMDLs for all impaired waters.
- Cost effectiveness will be evaluated for all projects on a dollar/unit benefit (e.g. $/lb phosphorus removed, $/acre-foot storage gained) and integrated into the cost share programs' ranking criteria.
- Expanded approach to providing education and outreach to students, general public, and stakeholders in the watershed, including a partnership with the Prior Lake – Savage area schools (ISD 719), participation in the countywide Joint MS4 Education Plan reducing redundancy and duplicative efforts in the county.
- Dedication to refining rules to be progressive and clearer - the Plan provides a solid foundation for the upcoming rules revision process.

14. **Metro Water Planning Committee Meeting.** On June 2, 2010, the Board's Metro Water Planning Committee and staff met with representatives from the District in St. Paul to review and discuss the Plan. Those in attendance from the Board's Committee were Christy Jo Fogarty, Louise Smallidge, LuAnn Tolliver and Bob Burandt, chair. Board staff in attendance were Metro Region Supervisor Jim Haertel and Board Conservationist Melissa Lewis. Representatives from the District included District Manager Bill Kallberg, Administrator Mike Kinney, Technician Stacy Sass, and Consultant Carl Almer. Board staff recommended approval of the Plan. After discussion, the Committee voted unanimously 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 Prior Lake-Spring Lake Watershed District pursuant to Minnesota Statutes Section 103B.231, Subd. 9.

3. The Prior Lake-Spring Lake Watershed District Watershed Management Plan attached to this Order defines water and water-related problems within the District's boundaries, possible solutions thereto, and an implementation program.

4. The attached Watershed Management Plan is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

ORDER

The Board hereby approves the attached Watershed Management Plan dated April 2010 as the Watershed Management Plan for the Prior Lake-Spring Lake Watershed District.

Dated at Saint Paul, Minnesota this 23rd day of June, 2010.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Randy Kramer, Chair

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

1. Buffalo Red Watershed District Long Range Plan – Quentin Fairbanks – ***DECISION ITEM***

2. Cormorant Lakes Watershed District Increase in Number of Managers – Quentin Fairbanks – ***DECISION ITEM***

3. Pine County Local Water Management Plan Update – Quentin Fairbanks - ***DECISION ITEM***

4. Todd County Priority Concerns Scoping Document – Quentin Fairbanks – ***DECISION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Buffalo-Red River Watershed District Revised Water Management Plan**

Meeting Date: June 23, 2010

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region:

Contact: Brian Dwight/Ron Shelito

Prepared by: Brian Dwight

Reviewed by: Northern Water Planning Committee(s)

Presented by: Quentin Fairbanks

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

Attachments: ☐ **Resolution** ☒ **Order** ☐ **Map** ☒ **Other Supporting Information**

Fiscal/Policy Impact

☐ None
☐ Amended Policy Requested
☐ New Policy Requested
☐ Other:

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

ACTION REQUESTED

(Pending Northern Water Planning Committee action on June 16th) Approval of the Buffalo-Red River Watershed District Revised Water Management Plan

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

The BRRWD is approximately 1,379 square miles in size and is located in west central Minnesota. Lands within the District are distributed in the following counties: Clay (58%), Becker (21%), Wilkin (17%), and Otter Tail (4%). The District includes the drainage basin of the Buffalo River and the South Branch of the Buffalo River. Major economic factors within the BRRWD are agriculture, forestry, industry, recreation and tourism. Land use within the BRRWD is mostly for agriculture. The majority of agricultural activity occurs in the western and central portions of the BRRWD. Areas in the eastern portion of the BRRWD are mostly forested, with scattered lakes and wetland areas. Municipalities are scattered in the BRRWD. The largest of these municipal areas is the City of Moorhead.

The BRRWD Revised Water Management Plan is a very comprehensive plan which sets quantifiable flood damage reduction and natural resource enhancement goals for seven individual planning regions covering the entire watershed district. The Plan, with the assistance of the MPCA developed a watershed approach to the implementation of a TMDL, establishes a watershed wide monitoring system which will be used to evaluate progress in the area of stream flow reductions, water quality and overall stream health (this has been labeled the RALs concept, Regional Assessment Locations), and refines the Army Corp of Engineers project review process for projects needing Clean Water Act Section 404 authorization, referred to as the "Points of Concurrence" process. To assist in the funding of projects the BRRWD establishes seven Water Management Districts which cover the entire BRRWD

The Plan development process provided much opportunity for public input, comment, and review. The Plan indentifies quantifiable goals and objects and actions needed to accomplish these goals. The Plan meets the requirements of 103D.405, follows the guidelines provided by Board of Water and Soil Resources, and upholds the intent of the "Red River Basin Flood Damage Reduction Work Group Agreement of December 9, 1998".

Executive Summary

Mission Statement

The mission of the Buffalo-Red River Watershed District (BRRWD) is to alleviate flooding and to manage the water resources of the District in a manner that best protects this valuable resource.

Plan Structure and Function

The watershed management plan for the BRRWD is organized according to the required contents described in the Watershed Management Plan Guidelines by the Minnesota Board of Water and Soil Resources per Minnesota Statute 103D.405.

The area covered by the BRRWD has been divided into seven planning regions (**Figure 1.2**). These planning regions have been established as each planning area within the District has different issues related to it. The structure of this Water Management Plan (WMP) has also, in kind, been divided on a planning region basis. Detail information for each of the seven Planning Regions are presented as Appendices A through G to this WMP. Much of the detailed information from the Planning Region discussions has been used to create the main body of the WMP. The WMP organizational framework will act as a springboard where the various issues related to each specific planning region can be presented, and the goals and policies that are relevant to those issues can be discussed in a focused way.

Unlike previous plans, great effort has been made in this plan to quantify the goals of the BRRWD for both water quantity and quality as well as natural resource enhancement. Some of these goals are broken down by planning region. In some cases the quantitative goals are yet to be established by ongoing studies that will not necessarily be completed by the closure of the plan revision. Placeholders for this information will be left in the plan with the quantative goals being adopted as they are developed.

A new concept of regional assessment locations (RALs) is utilized in this plan document. Many of the District goals are broken down based on the location of the RAL. The RALs

identified by the BRRWD provide the backbone of the monitoring plan for the District. A minimum of one RAL is located within each planning region. Some planning regions have multiple RALs to help to provide more detailed information. The intention of the RALs are to provide an analysis point to document trends in water quality, quantity, and natural resource enhancements as well as to document overall effects as a result of the combination of the activities of the District and others within the various subwatersheds and planning regions of the BRRWD.

It is anticipated that these new efforts will help to enhance the BRRWD's ability to the manage water resources of the District.

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

In the Matter of prescribing a Revised Watershed Management Plan **Buffalo Red River Watershed District** pursuant to Minnesota Statutes Sections 103D.405

ORDER PRESCRIBING WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the Buffalo Red River Watershed District (BRRWD) filed a proposed Revised Watershed Management (Plan) dated January 2010 with the Board of Water and Soil Resources (Board) on December 28, 2009 and final revised Plan dated June 2010 pursuant to Minn. Stat. §§ 103D.405, and 103D.729, 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.** Portions of the BRRWD comprising mostly of the South Branch of the Buffalo River were initially established in 1960. On September 17, 1976, the Minnesota Water Resource Board, by order, expanded the BRRWD to its current size and name.

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 latest Water Management Plan of the BRRWD was prescribed by the Board in April, 1998. 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. The plan also establishes seven water management districts pursuant to Minn. Stat. § 103D.729 for the purpose of collecting revenues and paying costs for projects initiated under Minn. Stat. §§103D.601, 103D.605, 103D.611 or 103D.730.

3. **Nature of the Watershed.** The District includes the drainage basin of the Buffalo River and the South Branch of the Buffalo River. Major economic factors within the BRRWD are agriculture, forestry, industry, recreation and tourism. Land use within the BRRWD is mostly for agriculture. The majority of agricultural activity occurs in the western and central

portions of the BRRWD. Areas in the eastern portion of the BRRWD are mostly forested, with scattered lakes and wetland areas. Municipalities are scattered in the BRRWD. The largest of these municipal areas is the City of Moorhead.

4. **Territory.** The BRRWD is approximately 1,379 square miles in size and is located in west central Minnesota. Lands within the District are distributed in the following counties: Clay (58%), Becker (21%), Wilkin (17%), and Otter Tail (4%).

5. **Local Review.** The BRRWD sent a copy of the draft Plan to local units of government for their review pursuant to Minn. Stat. § 103D.405.

6. **Department of Natural Resources Review.** The DNR had no objections to the Plan and indicated that the Plan adequately addresses the priority concerns.

7. **Department of Health Review**. MDH commented, "We commend the District for the recognition of the benefits of groundwater protection, and more specifically wellhead protection planning efforts." The Department of Health also recommended that the BRRWD further clarify the work plan tables in the individual planning regions.

8. **Pollution Control Agency Review**. MPCA commented "The Plan is exceptionally well done and provides a comprehensive overview of the various issues within the watershed. The plan does an outstanding job of identifying the water quality issues within the watershed, especially with regard to how surface water impairments will be addressed in the future. The restoration and preservation strategies discussed are consistent with the MPCA's approach for addressing Total Maximum Daily Loads (TMDL)."

9. **Comments Received.** In addition to the state agency review comments received the BRRWD received comments from the Army Corp of Engineers in regards to the Clean Water Act section 404 project permit process; the Cities of Hawley and Dilworth requesting additional time to review the Plan and expressed concerns of the establishment of Water Management Districts throughout the BRRWD; the U.S. Fish and Wildlife Service provided comments that where clarification in nature; a citizen of the BRRWD expressing concerns of the establishment of Water Management Districts throughout the BRRWD.

10. **Highlights of the Plan**. The BRRWD Revised Water Management Plan is a very comprehensive plan, which sets quantifiable flood damage reduction and natural resource enhancement goals for seven individual planning regions covering the entire watershed district. The Plan, with the assistance of the MPCA developed a watershed approach to the implementation of a TMDL, establishes a watershed wide monitoring system which will be used to evaluate progress in the area of stream flow reductions, water quality and overall stream health (this has been labeled the RALs concept, Regional Assessment Locations), and refines the Army Corp of Engineers project review process for projects needing Clean Water

Act Section 404 authorization, referred to as the "Points of Concurrence" process. To assist in the funding of projects the BRRWD establishes seven Water Management Districts which cover the entire BRRWD.

11. **Hearing Notice.** Legal notice of the public hearing on the Plan, pursuant to Minn. Stat. § 103D.405 Subd. 5, was published in the Fergus Falls Daily Journal on April 12, 2010 (Exhibit 8), in the Wahpeton Daily News on April 13, 2010 (Exhibit 9), in the Pelican Rapids Press on April 14 (Exhibit 10), in the Detroit Lakes Tribune on April 14, 2010 (Exhibit 11), in the Forum on April 19, 2010 (Exhibit 12), in the Barnesville Record-Review on April 10, 2010 (Exhibit 13), in the Hawley Herald on April 12, 2010 (Exhibit 17) and in the Clay County Union April 12, 2010 (Exhibit18). Further, a copy of the hearing notice and map was mailed to several addresses notifying them of the public hearing, including the Becker, Clay, Otter Tail, and Wilkin County Auditors, Administrators, and Soil and Water Conservation Districts; all of the cities within the watershed district; and representative for the Watershed District (Exhibit 6).

12. **Public Hearing**. A public hearing was held on the Plan on May 5, 2010, at Hildebrand Hall, Assumption Catholic Church, 307 Front Street North, Barnesville, Minnesota. The proceedings were recorded. The hearing panel consisted of Northern Water Planning Committee Board members Brian Napstad, Gordy Behm, Gene Tiedemann, Keith Mykelseth, and Quentin Fairbanks as chair. Board staff in attendance was Travis Germundson, Pete Waller, and Brian Dwight. Travis Germundson and the Board staff, entered Exhibit 1 through Exhibit 13 into the record by reading a brief description of each exhibit.

The following list of exhibits comprises the hearing record.

Exhibit 1. Compact Disk of Draft Revised Watershed Management Plan for the Buffalo Red River Watershed District dated January 2010, received January 29, 2010 consisting of Exhibit 1A.

Exhibit 1A. Letter dated January 26, 2010, from Erik S. Jones, Houston Engineering, Inc., to the Board of Water and Soil Resources transmitted with Exhibit 1.

Exhibit 2. Notice of Hearings of the Buffalo-Red River Watershed District Board of Managers regarding the Revised Watershed Management Plan, dated February 17, 2010, from Roger G. Ellefson, Chairman Buffalo-Red River Watershed District.

Exhibit 3. Email correspondence dated March 15, 2010, from Lisa Jetvig, City of Hawley to Brian Dwight with the Board of Water and Soil Resources requesting an extension of the comment period.

Exhibit 4. Email correspondence dated March 23, 2010, from Brian Dwight, Board of Water and Soil Resources to Lisa Jetvig with the City of Hawley notifying Ms. Jetvig that an extension to the comment period will not be granted.

Exhibit 5. Letter dated March 24, 2010, from Brian Dwight, Board of Water and Soil Resources to Gary E. Johnson, Mayor City of Hawley notifying the City of Hawley that an extension to the comment period will not be granted.

Exhibit 6. Letter dated April 9, 2010, from Travis Germundson with the Board of Water and Soil Resources to several addresses notifying them of the public hearing, including list of addressees, and legal notice.

Exhibit 7. Letter dated April 23, 2010, from Robert Merritt, Department of Natural Resources to Bruce Albright with Buffalo Red River Watershed District stating that the plan adequately addresses the priority concerns.

Exhibit 8. Affidavit of Publication dated April 12, 2010, of Legal Notice in the Fergus Falls Daily Journal on April 12, 2010.

Exhibit 9. Affidavit of Publication dated April 13, 2010, of Legal Notice in the Wahpeton Daily News on April 13, 2010.

Exhibit 10. Affidavit of Publication dated April 14, 2010, of Legal Notice in the Pelican Rapids Press on April 14, 2010.

Exhibit 11. Affidavit of Publication dated April 14, 2010, of Legal Notice in the Detroit Lakes on April 14, 2010.

Exhibit 12. Affidavit of Publication dated April 20, 2010, of Legal Notice in The Forum on April 19, 2010.

Exhibit 13. Affidavit of Publication dated April 23, 2010, of Legal Notice in the Barnesville Record-Review on April 10, 2010.

The following exhibits where received during the May 5, 2010 public hearing.

Exhibit 14. Letter dated March 15, 2010, from Gary E. Johnson, Mayor City of Hawley to Brian Dwight with the Board of Water and Soil Resources and the Board of Managers of the Buffalo Red River Watershed District objecting to the revised Watershed Management Plan of the Buffalo Red River Water District.

Exhibit 15. Packet of materials containing operational information regarding the Buffalo Red River Watershed District submitted by the Zenas Baer, City Attorney for the City of Hawley.

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 two weeks until 4:30 PM on May 19, 2010, for receipt of written comments. The following exhibits were received while the hearing record was open.

Exhibit 16. Letter dated May 13, 2010 from Zenas Baer, City Attorney for the City of Hawley to Travis Germundson with the Board of Water and Soil Resources in support of the City of Hawley's opposition to the Revised Plan. Containing transcripts of the May 5, 2010 public hearing and another copy of the documents submitted at the public hearing (Exhibit 15).

Exhibit 17. Affidavit of Publication dated May 18, 2010, of Legal Notice in the Hawley Herald on April 12, 2010.

Exhibit 18. Affidavit of Publication dated May 18, 2010, of Legal Notice in the Clay County Union on April 12, 2010.

13. **Board Staff Report.** The Plan development process provided much opportunity for public input, comment, and review. The Plan indentifies quantifiable goals, objects, and actions needed to accomplish these goals. The Plan meets the requirements of 103D.405, follows the guidelines provided by Board of Water and Soil Resources, and upholds the intent of the "Red River Basin Flood Damage Reduction Work Group Agreement of December 9, 1998".

14. **North Region Water Plan Review Committee.** The committee met on Wednesday, June 16, 2010, at the Uptown Café in Wadena MN. Committee members present where Keith Mykleseth, Gene Tiedemann, Wayne Edgerton and chaired by Quentin Fairbanks. Board staff present where Ron Shelito, Brian Dwight and Pete Waller. Representatives from the BRRWD were administrator Bruce Albright and manager John Hanson. Based on the public hearing record, the Plan meeting the requirements of 103D.405 and 103D.729, and staff recommendation to approve the Plan, The committee unanimously recommended full BWSR board approval of the BRRWD revised Plan.

CONCLUSIONS

1. The proposed Revised Plan including the establishment of water management districts are valid in accordance with Minn. Stat. §§ 103D.405, and 103D.729.

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 approving a Revised Plan for the BRRWD of watershed plan to establish a watershed district.

5. The attached Revised Plan to establish water management districts of the BRRWD as proposed in the Final revised Plan dated June 2010 would be for the public welfare and public interest and the purpose of Minn. Stat. Chapter 103D would be served.

ORDER

The Board hereby approves the attached Plan dated June 2010 as the Revised Watershed Management Plan for the Buffalo Red River Watershed District.

Dated at Saint Paul, Minnesota this 23rd day of June, 2010.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Cormorant Lakes WD Increase in # of Managers**

Meeting Date: June 23, 2010

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: North

Contact: Chad Severts

Prepared by: Travis Germundson

Reviewed by: Will be reviewed by the North Region Water Plan Committee on June 16, 2010 Committee(s)

Presented by: Quentin Fairbanks

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

Attachments: ☐ **Resolution** ☒ **Order** ☐ **Map** ☒ **Other Supporting Information**

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

☐ Other: _____

ACTION REQUESTED

Approval of manager's petition to increase the number of managers of the Cormorant Lakes Watershed District from 3 to 5 managers.

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

A petition from the Board of Managers of the Cormorant Lakes Watershed District was filed with the Board of Water and Soil Resources on February 8, 2010 to increase the number of managers of the Cormorant Lake Watershed District. The petition specifies the proposed number of managers should be increased to five (5) from the present number of three (3). The petition was submitted pursuant to Minn. Stat. § 103D.305 and signed by the managers of the watershed district. The North Region Water Plan Committee is scheduled to meet on June 16, 2010 to review the information. A recommendation from the committee will be forthcoming.

PETITION TO INCREASE THE NUMBER OF MANAGERS OF THE CORMORANT LAKES WATERSHED DISTRICT

The Board of Managers of the Cormorant Lakes Watershed District hereby petitions the Minnesota Board of Water and Soil Resources to increase the number of managers for said watershed district from three to five managers. This Petition is signed by all of the managers of the Cormorant Lakes Watershed District and is submitted in accordance with Minnesota Statutes Section 103D.305, subd. 2(5). This Petition and the request to increase the number of managers from three to five managers was approved by all the managers of the Cormorant Lakes Watershed District at its regular meeting held on February 2, 2010.

The Board of Managers of the Cormorant Lakes Watershed District requests that the Minnesota Board of Soil and Water Resources order, notice and hold the hearing on said Petition as required by Minnesota Statutes Section 103D.205, subd. 3, subd. 4, and subd 5.

DATED: February 1, 2010

Ellis Peterson, Manager

Jeffrey Moritz, Manager

Jody Beaudine, Manager

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

In the Matter of the Petition for Increasing the Number of Managers for the Cormorant Lakes Watershed District pursuant to Minnesota Statutes § 103D.305

ORDER INCREASING NUMBER OF MANAGERS

Whereas, a Petition was filed with the Board of Water and Soil Resources (Board) on February 8, 2010, by the Board of Managers of the Cormorant Lakes Watershed District (CLWD), to increase the number of managers of the CLWD pursuant to Minn. Stat. § 103D.305, 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 increase the number of mangers of the CLWD dated February 1, 2010, was filed by the Board of Managers of the CLWD, with the Board on February 8, 2010 pursuant to Minn. Stat. § 103D.305 Subd. 2 (5).

2. **Number of Managers.** The Petition for the CLWD specifies the proposed number of managers shall be increased to five (5) from the present number of three (3) managers.

3. **Reasons for the Increase in the Number of Managers.** The additional managers would provide added representation from within the District, allows the District to undertake additional duties and responsibilities, and make it easier to establish committees and schedule meetings.

5. **Notice of Filing.** Legal Notice of Filling of the proposed increase in the number of managers, pursuant to Minn. Stat. § 103D.105, Subd. 2, was published in the Detroit Lakes Tribune on March 17, 2010. Further, a copy of the notice of filing was mailed to several addressees including the Becker County Auditor, Administrator and the Becker County Soil and Water Conservation District.

6. **Public Hearing.** The Legal Notice of Filing was published pursuant to Minn. Stat. § 103D.105, Subd.2, which requires within 30 days of the last date of publication of the Notice of Filing of the Petition that at least one request for hearing be received by the Board before a hearing will be held. No requests for hearing and no comments were received during the specified period and no hearing was held.

7. **Board Staff Report.** In review of the petition to increase the number of managers of the CLWD pursuant to Minn. Stat. §103D.305. The proposed increase in the number of managers meets these requirements. With these requirements being met, Board staff recommends the Petition to increase the number of managers be approved.

8. **Northern Water Planning Committee.** The committee met on Wednesday, June 16, 2010, at the Uptown Café in Wadena MN. Committee members present where Keith Mykleseth, Gene Tiedemann, Wayne Edgerton and chaired by Quentin Fairbanks. Board staff present where Ron Shelito and Brian Dwight. No representatives of the CLWD were present. Based on the entire record the committee unanimously recommended full BWSR board approval of increasing the number of managers for the CLWD from three to five managers.

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 the increase in the number of managers petition for the CLWD pursuant to Minn. Stat. §103D.305.

3. Proper notice of filing was given and no request for a hearing and no comments were received in accordance with applicable laws.

4. The increase in the number of manages of the CLWD as proposed in the Petition would be for the public welfare and public interest and the purpose of Minn. Stat. § 103D would be served.

5. The proposed increase in the number of managers should be approved per the Petition for the CLWD.

ORDER

The Board hereby orders that the number of managers be increased per the Board of Managers of the Cormorant Lakes Watershed District Petition dated February 1, 2010, attached and made part of this Order hereof, that the number of managers be increased to five with the two additional managers appointed from Becker County.

Dated at Saint Paul, Minnesota this twenty third day of June 2010.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Pine County Local Water Management Plan Update**

Meeting Date: June 23, 2010

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region:

Contact: Ryan Hughes

Prepared by: Ryan Hughes

Reviewed by: Northern Water Planning Committee(s)

Presented by: Quentin Fairbanks

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

Attachments: ☐ **Resolution** ☒ **Order** ☒ **Map** ☒ **Other Supporting Information**

Fiscal/Policy Impact

☐ None
☐ Amended Policy Requested
☐ New Policy Requested
☐ Other:

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

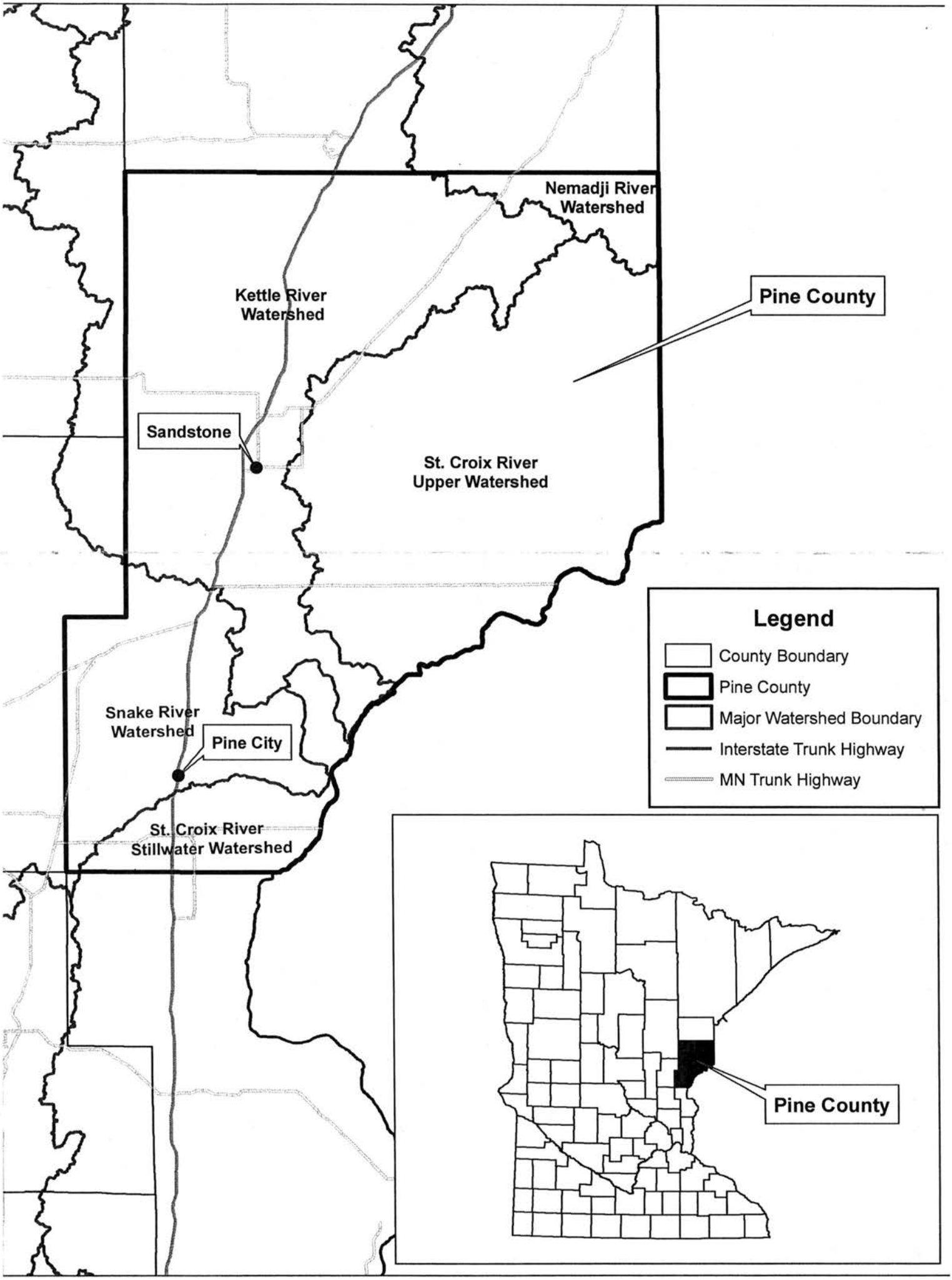
ACTION REQUESTED

(Pending Nothern Water Planning Committee action on June 16th) - Approval of the revised Local Water Management Plan Update for Pine County.

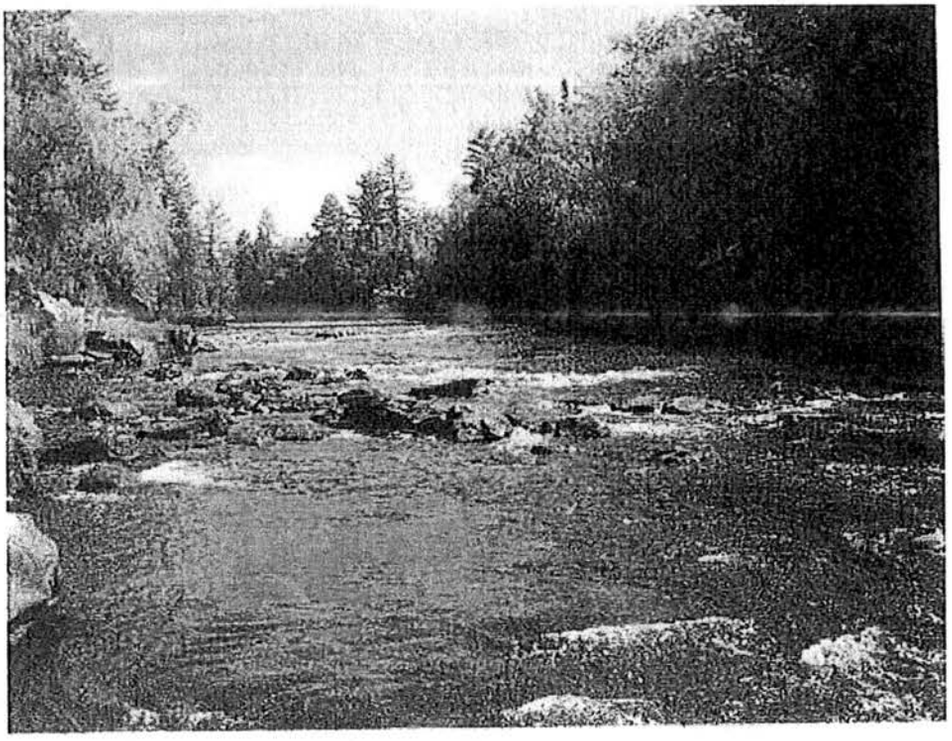
This is a decision item and should be presented by Quentin Fairbanks.

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
Pine County submitted their Local Water Management Plan Update for approval on April 23, 2010. The County made minor revisions to the document submitted for review by the Committee after receiving agency comments. The revisions included formatting the plan consistent with M.S. 103B.314 relating to Contents of the Plan and adding recommendations provided by the Minnesota Pollution Control Agency.

The Northern Region Planning Committee will review the revised Pine County Local Water Management Plan Update at their June 16, 2010 meeting. Mr. Fairbanks will bring the Committee's recommendation before the full Board. Attached is the draft Order for the revised Pine County Local Water Management Plan Update.


Nemadji River
Watershed
Kettle River
Watershed
Pine County
Sandstone
St. Croix River
Upper Watershed
Snake River
Watershed
Pine City
St. Croix River
Stillwater Watershed
Legend
County Boundary
Pine County
Major Watershed Boundary
Interstate Trunk Highway
MN Trunk Highway
Pine County

Pine County
Local Water Management Plan
2010 – 2020



Prepared by

Pine County
Soil & Water
CONSERVATION DISTRICT

with the direction and assistance of the
Pine County Local Water Management Task Force,
and the Water Plan Working Group

I. EXECUTIVE SUMMARY

Introduction

Pine County is located in east central Minnesota. The St. Croix River and the State of Wisconsin border Pine County on the east. With Interstate 35 running the entire length from north to south, it is located about half way between the Twin Cities and Duluth. Pine County has 918,112 acres of surface area. 11,596 acres are surface water with 142 lakes 10 acres or bigger. 27 percent of the land is publicly owned, and 73 percent is privately owned. Surrounding counties are Carlton to the north, Aitkin, and Kanabec to the west, Chisago to the south, and Burnett and Douglas in Wisconsin to the east.

There are four main watersheds in Pine County: The Kettle, the Snake, the St. Croix and the Nemadji. Although on the decline, agriculture is still an important part of the county's economy. Forestland is also a valued resource in Pine County. The northern part of the county has higher elevation and is more forested. The southern part of the county is lower and has had more agriculture. *(See Table 1 on Page 31 in the Appendix)*

This is the third Local Water Management Plan in Pine County. Input from local citizens, agencies, and the Water Plan Working Group was used to determine the priorities and create the water plan.

The Water Plan Working Group consists of people who represent lake associations, cities, townships, sportsman's groups, river associations, soil and water conservation district staff and supervisors and a county commissioner. The working group has twelve members.

Over 3 million dollars worth of projects have been identified in this new water plan

Purpose

This updated Local Water Management Plan will show the direction in natural resource management the county will proceed in for the next ten years. After five years, the plan will be evaluated to see if any changes are necessary. The following guidelines will be met in this document:

- The plan must cover the entire county.
- The plan must address problems in the context of watershed units and groundwater systems.
- The plan must be based upon principles of sound hydrologic management of water, effective environmental protection and efficient management.
- The plan must be consistent with local water management plans prepared by counties, watershed districts and watershed management organizations wholly or partially within a single watershed unit or groundwater system.
- The plan must cover a ten year period of time, with a review in five years. The Water Plan Task Force will be given yearly status reports and give their input.
- The full implementation of this plan is dependent on what is economically feasible.

Major Accomplishments of the 2002 Local Water Management Plan

- Applied for and received Minnesota Pollution Control Agency (MPCA) Surface Water Assessment Grant for ten lakes and nine streams
- Applied for and received Legislative Citizen Commission on Minnesota's Resources(LCCMR) Grant for a county wide soil survey
- Applied for and received Clean Water Legacy Grant for three projects in the Snake River Watershed
- Applied for and received Feedlot Water Quality Grants
- Applied for and received Drought Disaster Assistance Grant
- Applied for and received Beaver Damage Control Grant
- Held Geologic Atlas Workshop and Tour
- Published and sent a Sinkhole Newsletter to approximately 1,700 landowners in the sinkhole area
- Set up and held shoreline restoration design and planting workshops
- Set up and held rain garden design and planting workshops
- Worked with Extension Service on Community Waste Water Workshops
- Held free nitrate testing clinics at various locations throughout the county every 2 years
- Staff are presenters at the Freshwater Festival for Pine County Schools
- Conducted stream monitoring on the Grindstone River for baseline data for a TMDL Plan
- Worked with Extension Service on extensive revision of Guide to Rural Living Handbook
- Assisted Wenck and Associates in putting together a TMDL for the Pokegama and Cross Lake Watersheds
- Submitted applications and received funding for monitoring to the Snake River Watershed Management Board for the Pokegama and Cross Lake Associations
- Submitted applications and received funding for projects in the Snake River Watershed to the Snake River Watershed Management Board
- Have used new natural shoreline restoration techniques on shoreland projects
- Worked with Hinckley-Finlayson High School on macroinvertebrate sampling on the Grindstone River
- Gave presentations on natural shoreline restoration and rain gardens

Major Accomplishments of the 1992 Local Water Plan

- A comprehensive scientific study of the Askov sinkhole phenomena by the University of Minnesota
- The making of a Pine County Geological Atlas by the Minnesota Geological Survey and the DNR
- The completion of a Clean Water Partnership diagnostic study of Pokegama Lake and its contributing watershed
- The completion of a Clean Water Partnership diagnostic study of Cross Lake and its contributing watershed
- The semi-annual publication of the Pine County Waters with a circulation of 23,000 copies per issue
- Geographic Information System (GIS) and Global Positioning System (GPS) capability in the Pine SWCD Office
- The completion of a Phase II county-wide feedlot inventory
- An MPCA Lake Assessment Program (LAP) Study for Sturgeon Lake, Island Lake, and Big Pine Lake
- Better coordination and working relationships with the Pine County Board, other county departments, cities, state and federal agencies, the Snake River Watershed Management Board and the Pine SWCD
- The soils mapping of 29,400 acres in the cities of Sandstone, Pine City, Hinckley, the joint planning area of Barry Township and Hinckley Township and the sinkhole study area in Partridge Township
- An onsite inspection of all ISTS systems in the shoreland district of Pine Lake Township

A. DESCRIPTION OF PRIORITY CONCERNS

Input from public meetings, surveys and working group meetings was used to develop the following priority concerns:

1. Water Quality
    A. Improving Impaired Waters
    B. Maintaining Unimpaired Waters
2. Natural Resource Conservation, Education and Utilization

These two issues will be the focus in establishment of goals, objectives and a plan for implementation.

GOALS, OBJECTIVES AND ACTIONS

Priority Concern #1: Water Quality:

A. Improving Impaired Waters

B. Maintaining Unimpaired Waters

Goal 1: Use existing monitoring information and new information being collected to determine which waters are impaired and which are not.

1. Secure additional grants to monitor water not assessed like the Upper St. Croix Tributaries
2. Utilize data from Surface Water Assessment (SWA) grants to determine if waters are impaired.
3. Due to lack of rain in the summer of 2009, apply for one year extension of the 2008 Water Quality Assessment of Lakes and Streams in Pine County Area MPCA SWA Grant
4. Establish a monitoring schedule for each water body of the county
5. Emphasize stream monitoring over lake monitoring; as by 2013 most lakes will have enough monitoring to determine if they should be on the MPCA Impaired Waters List.
6. Support SWA grant to monitor Kettle River Tributaries and area lakes
7. Support new SWA grant for rivers in the northeastern part of the county that drain to the St. Croix
8. Recruit and train volunteers to assist with the monitoring
9. Educate county residents about MPCA Environmental Data Access Website
10. Complete supplemental monitoring for tracking to see if water quality is improving after projects are implemented.

Goal 2: Participate in TMDL Processes that include waters in the county

1. Participate in Snake River TMDL Process - Participate in the monitoring in Pine County. Plan and host stakeholder meetings. Attend technical advisory committee meetings
2. Participate in Lake St. Croix River TMDL Process - serve on technical committee, do monitoring and host stakeholder meetings
3. Participate in Grindstone River TMDL Process– Serve on technical committee, do monitoring and hold stakeholder meetings
4. Participate and cooperate with Chisago SWCD in the Rock, Rush and Goose Watershed TMDL Process – serve on technical committee, do monitoring and hold stakeholder meetings
5. Complete additional monitoring in Grindstone, Big Pine/Pine and Sturgeon, Island and Sand Lake watersheds to determine pollution sources
6. Seek grant funding for additional staff to work on TMDL's
7. Participate in TMDL Implementation Plans
8. Develop a watershed based approach for implementing conservation projects
9. Utilize Clean Water Amendment Funds and other available funds to implement water quality projects
10. Contact landowners in TMDL areas to solicit projects

Goal 3: Improve Forestry Practices

1. Forestry BMP Education – MN Forestry Resource Council
2. Assess forest management practices to determine impacts to water quality
3. Assist landowners in forestry BMP's and development of sustainable forest management plans
4. Secure funding for additional staff to write forest stewardship plans
5. Apply for funding for livestock exclusion and other agricultural BMP's

Goal 4: Encourage jurisdictions to adopt stormwater and shoreland ordinances

1. Educate jurisdictions on stormwater with "the Watershed Game".
2. Encourage cities to implement low impact development practices.
3. Encourage the LGU adoption and implementation of a County Stormwater Ordinance
4. Encourage implementing buildable area requirements in the shoreland area
5. Identify Minnesota DNR Shoreland Rule Changes and support amending LGU shoreland regulations

Goal 5: Educate jurisdictions and the public on erosion and sediment control and low impact development practices

1. Increased exposure to U of M erosion and sediment control classes and National Pollutant Discharge Elimination System/ State Disposal System (NPDES/SDS) stormwater permits
2. Encourage Low Impact Development (LID) and minimize disturbance, increase contiguous green space on developments, implementing infiltration techniques such as rain gardens, pervious pavements, or green roofs for stormwater control; and education for the community and for agencies as to the techniques, benefits, and long term cost savings of LID.
3. Utilize grants when LGU's are installing stormwater practices like rain gardens, filter strips and other LID Practices
4. Encourage new techniques for temporary and permanent erosion control
5. Host workshop related to temporary and permanent erosion and sediment control
6. Utilize Snake River funds and Clean Water Funds for City of Pine City Rain Gardens and Pervious Piping in street reconstruction project

Goal 6: Educate and find funding for natural shoreline projects and projects in riparian areas

1. Encourage landowners around lakes and rivers to implement best management practices, preserve and restore riparian land, offer incentives for riparian conservation
2. Apply for funds to be used like tax break for residence who install native shoreline buffers on their property
3. Encourage FEMA to establish floodplain levels for more lakes and streams in the county
4. Secure grant for buffer in City of Sandstone's Robinson Park
5. Manage development around rivers and second and third tier development around lakes
6. Secure grant funds to manage runoff from ditches, gullies, and farmland running into lakes and streams
7. Apply for additional beaver damage control grants
8. Secure grant funding for rotational grazing and alternative water sources and riparian exclusion fencing to supplement the 50% Natural Resources Conservation Service (NRCS) funding to make 75% cost share available to farmers.
9. Research the availability of 90 to 100% cost share for fencing exclusion in riparian areas.
10. Secure funds for landowners to receive up to 90% cost share to correct feedlots in riparian areas or areas that drain to riparian areas.

Priority Concern #2: Natural Resources Conservation, Utilization, and Education

Goal 1: Apply for grant funds to implement projects

1. Support Pine County Land and Zoning Department and other townships and LGU's as they apply for grant funding for septic inspections, studies or projects related to water quality in shoreland areas.
2. Utilize grant funds for City of Hinckley to do buffer planting at Lions Park on the Grindstone River
3. Secure funding to improve public accesses and divert the storm water into infiltration basins where possible and not directly into lakes and streams

Goal 2: Educate jurisdictions and public on conservation best management practices

1. Education through projects. Do native planting projects on Pokegama, Grindstone, Sturgeon, Island and Sand Lakes.
2. Install native buffers in riparian areas
3. Form a county-wide lake association
4. Encourage best practices for septic systems around lakes
5. Encourage buffers around the lakes and streams
6. Education on exotic species
7. Education and cost share for abandoned wells
8. Education on buffers around sinkholes
9. Educate people on new shoreland rules
10. Educate public entities about NPDES/SDS permits
11. Encourage LID practices in new developments
12. Encourage nutrient management planning
13. Assist municipalities with Wellhead Protection Plans
14. Develop Water Conservation Traveling Exhibit
15. Make or purchase Rain Barrel for display exhibit
16. Help encourage Buildable Land Standards
17. Inform public of MPCA Stormwater Permits and Stormwater BMP's.
18. Promote restoration and protection of wetlands
19. Educate jurisdictions administering their own zoning ordinances about floodplains, setbacks and shoreland protection

Goal 3: Improve habitat in lakes and streams

1. Apply for funds to implement trout stream habitat improvement projects
2. Beaver control county-wide
3. Continue administration of Wetland Conservation Act
4. Wetland banks, identify possible sites county- wide, emphasizing Snake River Watershed and other publicly held lands
5. Education and cooperation on Eurasian Water Milfoil Contingency Plan
6. Education on Control Curly Leaf Pondweed
7. Educate cities on dumping municipal wastewater effluent into lakes and streams. Verify that the water is at or below the proper nutrient levels and see if there are alternatives to discharging into the rivers and creeks.

B. CONSISTENCY OF PLAN WITH OTHER PERTINENT LOCAL, STATE & REGIONAL PLANS:

Goals and objectives in this plan coincide with goals of the St. Croix Basin Water Resources Planning Status Report on the Kettle River and the Snake River. The Snake River TMDL will help reduce the phosphorus going into the St Croix River by 20% by 2020. Monitoring the Kettle River and its tributaries will help determine water quality and where more monitoring and projects should be done to reduce the loading to the St. Croix. This plan is also consistent with the Nature Conservancy's Conservation Action Plan for the St. Croix Basin. It also includes the ideas from the Conservation St. Croix Group.

C. SUMMARY OF RECOMMENDED AMENDMENTS OF OTHER PLANS AND OFFICIAL PLANS AND OFFICIAL CONTROLS:

The Water Plan Working Group recommended the Federal Emergency Management Agency (FEMA) should survey and establish more floodplains for the lakes and rivers beside Pokegama and Cross Lakes and the Snake River.

DATE: June 16, 2010

TO: BWSR Northern Region Planning Subcommittee

FROM: Ryan Hughes, BWSR Board Conservationist

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

Jill Carlier, Pine SWCD Manager, and Sam Martin, Pine County Water Planner, are planning to attend the meeting to provide a presentation on the Pine County LWMP and answer any questions.

Pine SWCD administers the Local Water Management Plan for Pine County.

At the August 12, 2009 Northern Region Planning Subcommittee meeting a review of the Pine PCSD was completed. The Subcommittee and full Board deemed the priority concerns selected to be appropriate and did not require any changes. The Subcommittee did note that erosion effects on water quality could be emphasized more clearly in the final plan.

In a letter dated August 27, 2009 the BWSR provided official comments pertaining to the PCSD to Pine County pursuant to M.S. 103B.313, Subd.5.

The Pine County Board of Commissioners held a public hearing for the Pine County LWMP on March 16, 2010. The County Board extended the written comment period 30 days from the date of the public hearing.

Plan Highlights/Talking Points

The duration of the plan is for ten-years, with an assessment of the progress made after five-years, per BWSR guidance. The Pine County Water Plan Task Force will be provided yearly status reports and an opportunity to provide input on progress.

Pine County has the largest Water Plan Task Force in the BCs work area with approximately 31 members. Due to the size a smaller Water Plan Working Group consisting of LGU, lake association, SWCD, special interest groups and County Commission representatives was created. This 12 member group completed much of the work on the plan and prepared the plan on behalf of the Water Plan Task Force. The Water Plan Working Group, Water Plan Task Force and SWCD unanimously approved the presented plan prior to the public hearing.

Pine County is currently engaged in many unique circumstances and has been since the beginning of the LWMP update process. The SWCD has moved into a County facility from an NRCS facility due to budget issues. New SWCD Supervisors were elected

during the update process, which has required training and education by both BWSR and SWCD staff as to the importance of water planning.

The various bodies creating, reviewing and approving the plan have been unanimous in their approval of the plan. This is the strength of the plan. The citizen engagement process to develop this plan is the greatest asset of the plan. The diversity and background of all the individuals participating in the development, review and/or approval of the plan has given ownership of the plan and its goals, policies and actions to many different sects within Pine County. This will only aid in the implementation of the plan in the future.

State Agency Comments

On April 23, 2010, Pine County distributed the final LWMP, all written comments and a record of the public hearing to Ron Shelito. Mr. Shelito distributed copies of the plan to the required state agencies on April 26, 2010. The following summarizes the comments received:

Department of Agriculture

The agency recommended approval of the entire plan as submitted and did not have any comments.

Pollution Control Agency

The agency recommended approval of the entire plan as submitted and offered various comments for consideration.

BWSR Board Conservationist Response

The County has indicated they incorporated many of the comments into their plan and will have a revised plan available at the meeting.

BWSR Board Conservationist Comments

A minor formatting revision was necessary to be consistent with 103B.314 relating to contents of the plan. The required information is contained in the plan but was not organized consistent with Statute. The County has indicated they made the necessary revisions and will have a revised plan available at the meeting.

Board Conservationist's Recommendation

I recommend approval of the revised Pine County Local Water Management Plan to the BWSR Northern Region Planning Subcommittee and forward to the full board for approval. The revised Pine County Local Water Management Plan satisfies the requirements of M.S. statute and BWSR policy.

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Pine County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on April 23, 2010, 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 6, 2009, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Pine County, pursuant to M.S. Section 103B.312.

2) On August 27, 2009, the Board of Water and Soil Resources approved official comments on the Pine County Priority Concerns Scoping Document, which were mailed to the county on August 27, 2009.

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

   A) Water Quality
      i) Improving Impaired Waters
      ii) Maintaining Unimpaired Waters
   B) Natural Resource Conservation, Utilization and Education

4) On April 23, 2010, the Board of Water and Soil Resources received the Pine County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5) On June 16, 2010, the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Pine County Plan Update. Recommendations of the state review agencies were:

   A) Minnesota Department of Agriculture: Recommends approval.
   B) Minnesota Department of Health: No recommendation received.
   C) Minnesota Department of Natural Resources: No recommendation received.
   D) Minnesota Pollution Control Agency: Recommends approval.
   E) Minnesota Environmental Quality Board: No recommendation received.
   F) Minnesota Board of Water and Soil Resources regional staff: Recommends approval.

G) Board Water Plan Review Committee Meeting: Recommends approval.

6) This update will be in effect until June 23, 2020; with the Goals, Objectives and Action Items being amended prior to June 23, 2015.

CONCLUSIONS

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

2. The Pine 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 Pine County Local Water Management Plan; with the Goals, Objectives and Action Items being amended prior to June 23, 2015.

Dated at St. Paul, Minnesota, this twenty-third day of June 2010.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Todd County PCSD Approval

Meeting Date: June 23, 2010

Agenda Category: ☒ Committee Recommendation ☒ New Business ☐ Old Business

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: North Region

Contact: Jason Weinerman

Prepared by: Jason Weinerman

Reviewed by: Northern Water Planning Committee(s)

Presented by: Quentin Fairbanks

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

Attachments: ☐ **Resolution** ☐ **Order** ☐ **Map** ☐ **Other Supporting Information**

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

☐ Other: _____

ACTION REQUESTED

Approval of Todd County's Local Water Management Plan Priority Concerns Scoping Document

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

The 4th generation of the Todd County Local Water Management plan is due to expire on December 31, 2011. The County passed a resolution to begin the plan update process on October 20, 2009. The priority concerns scoping document was routed to the state agencies during the week of February 14, 2010. Comments were received and reviewed by BWSR.

On June 16th, 2010, the Northern Water Planning Committee will review the Todd County Local Water Management Plan Priority Concerns Scoping Doucment. Mr. Fairbanks will bring the Committee's recommendation before the full Board.

The comment letter from Chairman Kramer to the Todd County Commissioners will be sent to the state office following the Northern Water Planning Committee meeting.

Minnesota Board of Water & Soil Resources

June 23, 2010

Todd County Commissioners
c/o Sandy Rohr
Todd County Soil and Water Conservation District
607 9th Street NE
Long Prairie, MN 563247

Dear Todd County Commissioners,

SUBJECT: OFFICIAL COMMENTS PERTAINING TO THE STATE REVIEW OF THE TODD 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 Todd County has chosen to address in the update of their Comprehensive Local Water Management Plan. The Board of Water and Soil Resources, along with the state review agencies, received the Todd County Priority Concerns Scoping Document on February 17, 2010. The Northern Water Planning Committee (hereinafter referred to as Committee) met on June 16, 2010, 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 concerns and does not recommend any changes or offer any to the priority concerns selected to be addressed by the plan. The committee recommends that the following items be considered during the development of the final plan:

1. Include a discussion of buffers along ditches, shore land and other waterways
2. Discuss the impact of surface land management on drinking water quality

The Board of Water and Soil Resources encourages the county to submit the final plan for board approval within (6) months of receiving this letter.

Sincerely,

Randy Kramer
Chairperson

cc: Ron Shelito, BWSR
David Weirens, BWSR
Jason Weinerman, BWSR
Becky Balt, MDA
Princesa VanBuren Hansen, MN EQB
Art Persons, MDH
Michele Hanson, MN-DNR
David Johnson, MPCA

Bemidji	Brainerd	Duluth	Fergus Falls	Marshall	Mankato	New Ulm	Rochester
701 Minnesota Ave., Suite 234	1601 Minnesota Drive	394 South Lake Ave., Room 403	1004 Frontier Drive	1400 East Lyon St.,	1160 Victory Drive S., Suite 5	261 Highway 15 South	2300 Silver Creek Rd N.E.
Bemidji, MN 56601	Brainerd, MN 56401	Duluth, MN 55802	Fergus Falls, MN 56537-2505	Box 267 Marshall, MN 56258	Mankato, MN 56001-5358	New Ulm, MN 56073	Rochester, MN 55906
(218) 333-8024	(218) 828-2383	(218) 723-4752	(218) 736-5445	(507) 537-6060	(507) 389-1967	(507) 359-6074	(507) 206-2889

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COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

1. Cedar River Watershed District Withdrawal of Territory – Paul Langseth/Travis Germundson – ***DECISION ITEM***

1. Goodhue County Local Water Management Plan Update – Paul Langseth – ***DECISION ITEM***

2. Yellow Medicine Water Plan Amendment – Paul Langseth – ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Cedar River WD Withdrawal of Territory

Meeting Date: June 23, 2010

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Southern

Contact: Travis Germundson or Jeff Nielsen

Prepared by: Travis Germundson

Reviewed by: Southern Region Water Planning Committee Committee(s)

Presented by: Paul Langseth/Travis Germundson

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

Attachments: ☐ **Resolution** ☒ **Order** ☒ **Map** ☐ **Other Supporting Information**

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

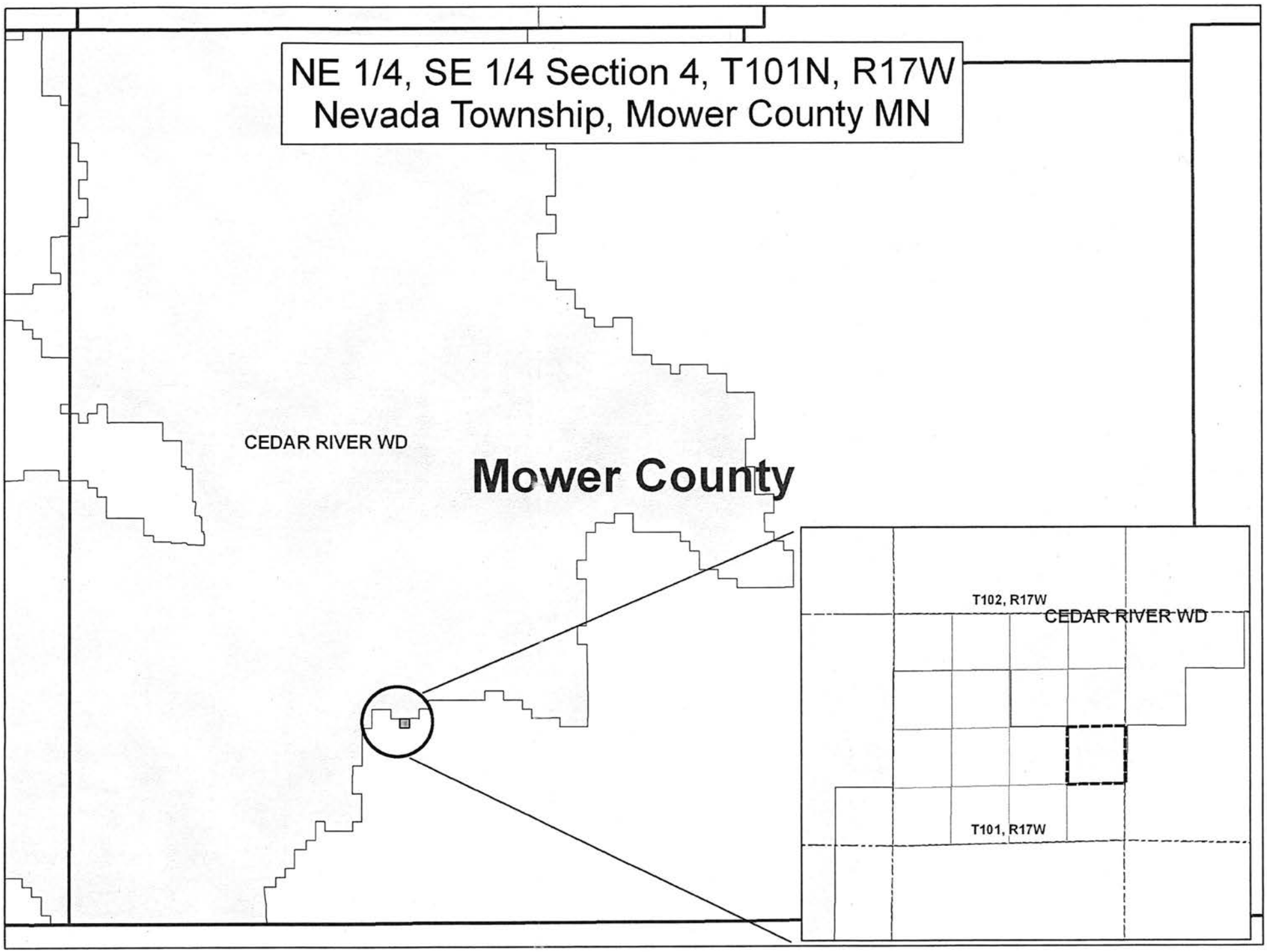
☐ Other: _____

ACTION REQUESTED

Approval of citizen petition to withdrawal territory from the Cedar River Watershed District

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

A citizen petition to withdraw territory from the Cedar River Watershed District was filed with the Board on September 24, 2009. The proposed withdrawal of territory includes a 40 acre parcel of land in Mower County. The petition was submitted pursuant to Minn. Stat. 103D.255 together with the required number of petition signatures. The Mower County Auditor-Treasure issued a auditor's certification of petitioners on December 16, 2009 pursuant to Minn. Stat. 103D.211. The Cedar River Watershed District Board of Managers discussed the petition and decided not to contest the petition and move forward with the process to remove the land in question. The parcel is very flat and drainage depends on landuse tillage. The Southern Region Water Planning Committee met on May 28, 2010. After review of information, the Committee decided with a unanimous vote to recommend approval of the petition by the Board per the attached draft Order.


NE 1/4, SE 1/4 Section 4, T101N, R17W
Nevada Township, Mower County MN
CEDAR RIVER WD
Mower County
T102, R17W
CEDAR RIVER WD
T101, R17W

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

In the Matter of the petition for Withdrawal of Territory from the Cedar River Watershed District pursuant to Minnesota Statutes § 103D.255

ORDER WITHDRAWAL OF TERRITORY

Whereas, a Petition was filed with the Board of Water and Soil Resources (Board) on September 24, 2009 by Susan K. Baldaus, et al., to withdraw territory from the Cedar River Watershed District (CRWD) pursuant to Minn. Stat. § 103D.255, and;

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

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

FINDINGS OF FACT

1. **Petition.** The Petition to withdraw territory of the CRWD was filed by Susan K. Baldaus, et al., with the Board on September 24, 2009. The petition was signed by 50 or more resident owners residing in the watershed district.

2. **Property Description.** The property included in the withdraw of territory, the Petitioned Area, is located in the NE¼ of the SE¼ of Section 4, T.101N, R.17W, Nevada Township, Mower County and totals 40 acres of land. The Petitioned Area is depicted on two maps attached to the Petition.

3. **Reasons for Withdrawal of Territory.** The proposed withdraw of territory area is very flat and the land may drain different ways dependent on land use and tillage. Draining generally westerly and southwesterly based on a topographic survey prepared by a licensed professional land surveyor. The requested withdrawal of territory is consistent with the purposes and requirements of Minn. Stat. § 103D.255.

4. **Auditor's Certification.** The Mower County Auditor-Treasurer received a copy of the withdrawal of territory petition and required signatures. On December 16, 2009 the Mower County Auditor-Treasurer issued an Auditor's Certification of Petitioners pursuant to Minn. Stat. §103D.211 attached to the petition, certifying that there were sixty-five resident owners signatures in the CRWD on the Petition.

5. **District Review.** On January 20, 2010 the CRWD Board of Managers discussed the petition at a regularly scheduled board meeting and based on information from the District's engineering staff the Board of Managers decided not to contest the petition and move forward to release the land from the CRWD.

6. **Indebtedness.** The property included in the withdrawal of territory has not received or will not receive any benefits from the CRWD.

7. **Notice of Filing.** Legal Notice of Filling of the proposed withdrawal of territory, pursuant to Minn. Stat. § 103D.105, Subd. 2, was published in the Austin Daily Herald, Albert Lea Tribune, and Owatonna Peoples Press on February 11, 2010, and in the News Enterprise, and Star Herald on February 17, 2010. Further, a copy of the notice of filing was mailed to several addressees including all of the counties, cities, and SWCDs in the CRWD.

8. **Public Hearing.** The Legal Notice of Filing was published pursuant to Minn. Stat. § 103D.105, Subd.2, which requires within 30 days of the last date of publication of the Notice of Filing of the Petition that at least one request for hearing be received by the Board before a hearing will be held. No requests for hearing and no comments were received during the specified period of time and no hearing was held.

9. **Board Staff Report.** In review of the Petition to withdrawal territory from the CRWD pursuant to Minn. Stat. §103D.255. The proposed withdrawal of territory meets these requirements. With these requirements being met, Board staff recommends the Petition to withdrawal territory be approved releasing the territory.

10. **Southern Region Committee.** On May 26, 2010, the Board's Southern Water Planning Committee and staff met to review and discus the Petition. Those in attendance from the Board's Committee where Becky Balk, Sandra Hooker, Randy Kramer, Tom Loveall, John Meyer, Dan Wilson, and Paul Langseth as chair. Board staff in attendance were Southern Region Supervisor Jeff Nielsen and Water Management Specialist Travis Germundson. Board staff recommended approval of the Petition. After discussion, the Committee unanimously voted to recommend approval of the Petition 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 the withdrawal of territory Petition for the CRWD pursuant to Minn. Stat. §103D.225.

3. The land included in the requested withdrawal of territory is not part of the watershed because it is outside the hydrological boundary.

4. The Mower County Auditor-Treasure issued an Auditor's Certificate of Petitioners pursuant to Minn. Stat. § 103D.211, certifying that there were 50 or more resident owners' signatures on the Petition.

5. The CRWD Board of Managers does not contest the Petition and propose to move forward with the process to release the land from the District.

6. The CRWD can perform the functions for which it was established without the inclusion of the territory.

7. The proposed withdrawal of territory should be approved per the Petition for the CRWD.

ORDER

The Board hereby orders that the boundary of the Cedar River Watershed District is changed per the Petition withdrawing the NE¼ of the SE¼ of Section 4, T.101N, R.17W, Nevada Township, Mower County, as identified in the map attached to this Order and the territory is released.

Dated at Saint Paul, Minnesota this twenty third day of June, 2010.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Goodhue County Water Plan Update

Meeting Date: June 23, 2010

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Southern Region

Contact: Jeff Nielsen

Prepared by: Mary Kells

Reviewed by: Southern Water Planning Review Committee(s)

Presented by: Paul Langseth

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

Attachments: ☐ **Resolution** ☒ **Order** ☐ **Map** ☒ **Other Supporting Information**

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

☐ Other: _____

ACTION REQUESTED

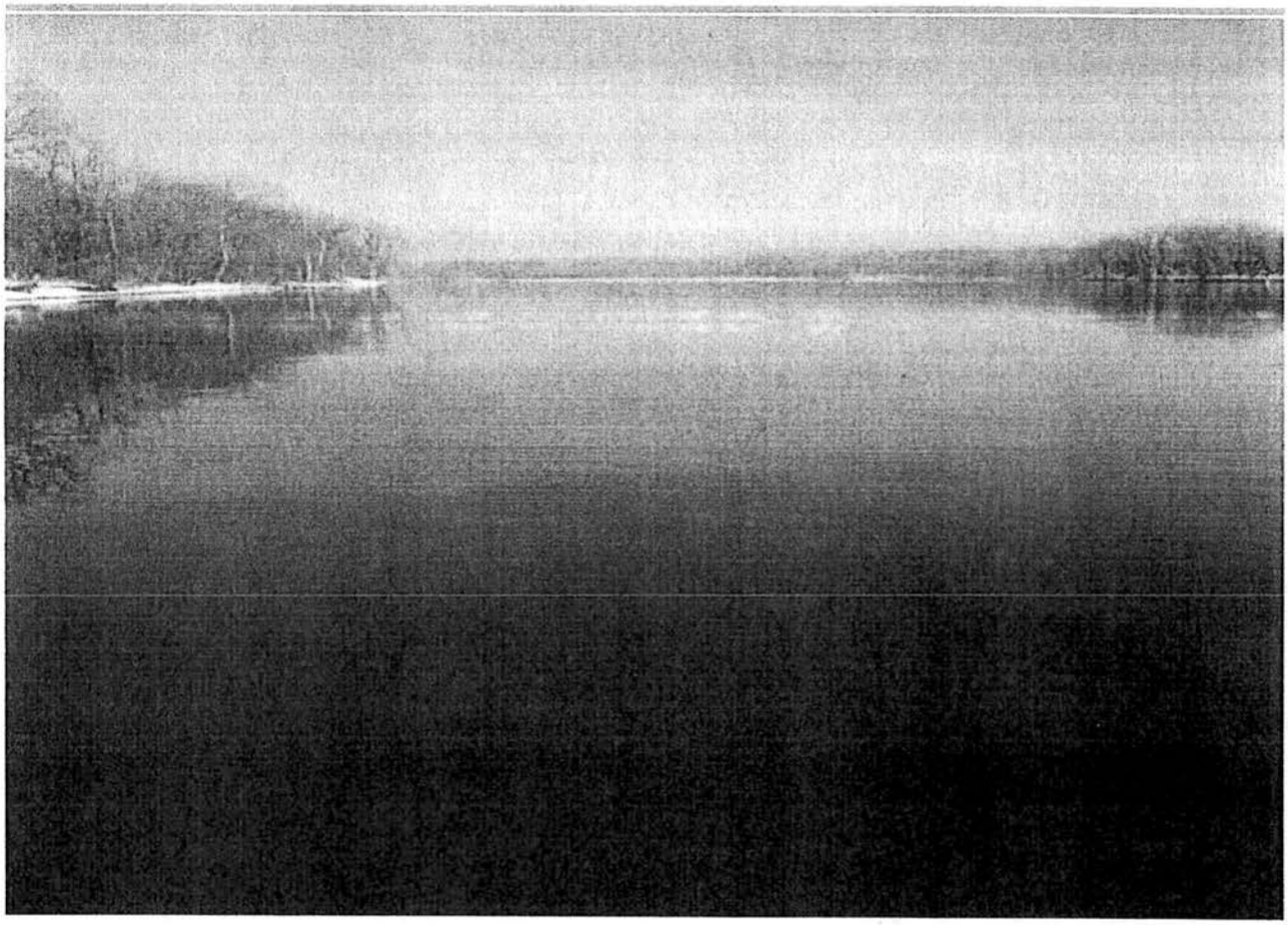
Decision

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

Update of Local Water Management Plan of Goodhue County

On October 20, 2009, the Board received a Priority Concerns Scoping Document from Goodhue County, pursuant to M.S. Section 103B.312. On March 18, 2010, the Board received the Goodhue County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.5. The Southern Water Planning Review Committee (Committee) of the Board met on May 26, 2010, to review the recommendation of the state review agencies regarding final approval of the Goodhue County Plan Update and recommends approval.

2010 – 2020
Goodhue County
Comprehensive Local Water Management Plan



-2010 to 2020 Water Plan Revision Prepared by Goodhue County Soil and Water Conservation District along with the Goodhue County Water Plan Advisory Committee Members-

Please Contact with Questions:

Goodhue SWCD
PO Box 335, Goodhue, MN 55027
651-923-5286 ext.4

Executive Summary

Background of Water Plan Process

Goodhue County is located in Southeastern Minnesota, approximately 40 miles southeast of the Twin Cities and 60 miles northwest of Winona. The county seat is located in Red Wing which is the largest city in the County of Goodhue with a population of 15,703. Surrounding counties include; Dakota County to the north, Wabasha County to the south and east, Dodge and Olmsted Counties to the south, and Rice County to the west. The county has an area of 438,454 acres of rural land with an average of 23 people per square mile.

This Water Plan update is Goodhue County's 4th revision of the original document. The original Goodhue County Comprehensive Local Water Plan was adopted in 1990 after a three year planning process. In 1995 the first revision of the Water Plan was completed. Then in 2005 the Water Plan was revised again. The 2005 to 2010 plan was a working document with many action items being accomplished. The 2005 revision was designed to be a 5 year plan. The revisions were built off the original 1990 plan; learning from its successes and failures. Through informational public meetings with citizens of the county and local officials, a list of water quality concerns were developed. The summary of this process is located in the appendix of this document.

Plan Purpose:

The purpose of the Local Water Management Plan is to address potential and existing water resource related issues and how these resources can be protected, sustained and enhanced in Goodhue County. The Local Water Management Act of Minnesota (Minn. Stat. 103B.301 to 103B.355) states that the following guidelines will be met in this document:

1. The plan must cover the entire county
2. The plan must address problems in the context of watershed units and groundwater systems.
3. The plan must be based upon principals of sound hydrologic management of water, effective environmental protection, and efficient management.
4. The plan must be consistent with local water management plans prepared by counties and watershed management organizations wholly or partially within a single watershed unit or groundwater system.
5. The plan must cover a five or ten year period. We have decided to develop a plan which will address the concerns of the county for the next 10 years (2010 to 2020).The Implementation Plan will focus on 2010 to 2015.

This update is intended to enhance the 2005 revision of the water plan to help protect both the surface water and groundwater of Goodhue County. On June 17th, 1997 Goodhue County delegated the duties of the Water Plan to the local Soil and Water Conservation District. Goodhue SWCD and the Goodhue County

Land Use Management staff agreed that the SWCD was better equipped to handle the day-to-day operations of the water plan and getting projects on the ground. The SWCD was able to take on the responsibility of updating, administering and implementing the County Water Plan ever since.

A balance of our natural resources, environmental habits, and growth must be obtained to achieve long term economic and ecological sustainability in the county. Through the implementation of the priority concerns developed for the 2010-2020 Water Plan update, a strong effort will be made to achieve said balance. The gathering of both the Technical and Policy Committees will continue to take place at least once a year. Meeting regularly gives the SWCD employees and the committee members an opportunity to see what has been accomplished and what projects will be addressed in the future.

Summary of Priority Concerns

During the developmental process of the plan, the citizens and committee members of the LWMP agreed that priority concerns which were identified in the plan process would be best described if they were separated into two major land use headings; Urban/Residential and Rural/Agricultural Water Quality Concerns. The committee selected listing priority concerns under these two headings to allow the general public to read and understand what is being done where, as well as making action item referencing easier when applying for grants.

Urban/Residential Water Quality

-Erosion and Sediment Control

The concern with erosion and sediment control in residential areas are directly related to stormwater management for purposes of this plan. Managing this issue in urban areas can be difficult but rewarding if stormwater retention and/or treatment can be accomplished. Impervious surfaces, altered land use and other factors affect the rates of stormwater runoff and natural erosion processes. Below is a summary of objectives that will be used to attempt to address this issue:

Objectives:

- ✓ Objective 1: Provide leadership, education and staff time to assist cities, townships, developers and landowners in developing and implementing environmentally sound stormwater management practices.
- ✓ Objective 2: Encourage maintenance on existing stormwater basins.
- ✓ Objective 3: Provide and seek financial incentives for implementing stormwater BMPs.

Estimated Cost: **$418,500**

-Septic System Compliance

This concern will address the issue of septic system compliance in Goodhue County. The goal of this concern is to improve surface and groundwater quality by addressing septic system compliance in Goodhue County. Primarily individual septic systems and cluster housing developments will be the focus of this concern. The following are objectives that are proposed in this plan:

Objectives:

- ✓ Seek incentives from funding sources available which address septic system compliance in Goodhue County.

- ✓ Support septic system compliance efforts in Goodhue County and SE Minnesota.

Estimated Cost: **$972,500**

-Groundwater Protection

Municipal Wellhead Protection Plans address many of the concerns that committee members and the general public have with protecting groundwater. However, not all municipalities have Wellhead Protection Plans (WHP) or Drinking Water Supply Management Areas (DWSMA), or some plans are not being implemented. This Water Plan update will address the relationships that must be established between municipalities, SWCD staff and individual well landowners. The overall goal of these efforts is to maintain and/or improve the groundwater resource in Goodhue County. Below are objectives that will help in achieving the goal:

Objectives:

- ✓ Support and educate source water protection efforts in Goodhue County
- ✓ Continue to develop a baseline of nitrate levels in groundwater

Estimated Cost: **$484,000**

-Impaired Waters

This Priority Concern will address the various impairments which effect municipalities in Goodhue County. Listed impaired waters have been assessed by volunteers, local staff and state agencies mainly the MPCA. Stream assessments usually use existing water quality data and recent data collected on a stream reach for various parameters. Once a stream is listed as impaired on the 303d List, a TMDL must be developed for the identified impairment. A Total Maximum Daily Load (TMDL) is used to define the source of a pollutant, examines how much a given water body can receive and still sustain it's give use, and identifies how much reduction is needed of a pollutant to reach the goals identified in the TMDL. This concern will discuss practices which can be done by staff and landowners in urban areas to help address listed impairments. The objectives that will help achieve our goal of improved water quality are listed below.

Objectives:

- ✓ Educate urban residents on water quality impairments in Goodhue County
- ✓ Promote new and existing rules, ordinances and BMPs within cities which contribute to impaired waters

Estimated Cost: **$424,500**

Rural/Agricultural Water Quality

-Erosion and Sediment Control

This plan will also address the issues with erosion and sediment control on agricultural and rural lands. In recent years farming practices have progressed rapidly in the way of implementing conservation practices while still achieving high yields. However, changes to land use and additional conservation practices may be necessary for agricultural land to continue to be profitable and sustainable. Reaching that sustainability through BMP promotion and implementation is needed. The goal of this concern is to reduce soil erosion from rural lands in order to improve surface water resources of Goodhue County.

Objectives:

- ✓ Establish and maintain stream and field vegetated buffers in accordance with Goodhue County Zoning Ordinance.
- ✓ Increase and maintain perennial vegetation on the landscape in Goodhue County
- ✓ Preserve, enhance and increase wetland resources in the Zumbro River and Cannon River watersheds.
- ✓ Provide technical and financial assistance to Goodhue County landowners interested in reducing erosion and sediment by implementing BMPs in an effort to improve water quality

Estimated Cost: **$706,500**

-Feedlot Water Quality Improvement

Goodhue County citizens identified runoff from feedlots as a priority concern. Feedlots that are not in compliance are seen as a significant problem due to the potential risk of groundwater and surface water quality degradation. Feedlot concerns are typically watershed specific and our activities will target priority areas such as; Karst areas, impaired watersheds, and riparian areas. Low-cost fixes are made available for small feedlots which do not meet state compliance standards along with education and training opportunities.

Goals:

- ✓ Provide feedlot owners and operators with proper education on feedlot compliance
- ✓ Provide financial and technical assistance to feedlot owner and operators to achieve feedlot compliance.
- ✓ Provide adequate local staffing to assist in achieving feedlot compliance.

Estimated Cost: **$1,040,000**

-Nutrient Management

Nutrient management plans mainly assist farmers with their agriculture land in an attempt to achieve the best sustainability between nutrient application and yields. These plans supply farmers with nutrient information on their cropland regarding application rates, residues, awareness of sensitive areas, and application overlapping. Over-applications of fertilizers and other chemicals, both in rural and urban settings, can have a negative effect on water quality. Also, landowners with up-to-date plans improve eligibility requirements for various federal programs.

Goals:

- ✓ Assist rural landowners in adopting and following comprehensive nutrient management practices.
- ✓ Indentify sensitive features for nutrient applicators and decision makers in various GIS formats
- ✓ Educate private and commercial land applicators on the regulations, BMPs and benefits/risks of fertilizer application.

Estimated Cost: **$165,000**

-Impaired Waters

This priority concern is intended to address the stream TMDL impairments of Goodhue County as well as further assessing stream conditions. Surface water is a necessary resource for various industries, recreation and aquatic life. Land use and human impacts have degraded many of the streams in Goodhue County. However, many streams in Goodhue County have limited water quality data available and are not able to be fully assessed for impairments. The overall goal of this concern is to improve and protect water quality by assessing surface waters and listed impaired waters of Goodhue County.

- ✓ Assess surface waters in Goodhue County for their designated uses
- ✓ Address surface waters in watersheds that have stream impairment listings

Estimated Cost: **$1,160,000**

Consistency with other Local Plans

The Water Plan made sure to examine several other water resource organization's documents, suggestions and plans during the updating process. The Plan accounts for the work of many agencies involved in the implementation of goals and objectives. The Goodhue County Comprehensive Land Use Plan is currently being revised by the Land Use Management Department. The Comprehensive Plan compliments the Comprehensive Local Water Plan directly and both plans will be adopted locally in 2010. Water quality objectives located in the Comprehensive Plan mirror the overall goal of the Water Plan. Besides the local Soil and Water Conservation District and the Land Use Department, the Goodhue County Environmental Health Services, Public Works, GIS Department and Public Health Services are involved with the updating and implementation process of the Plan.

Recommendation of Amendments to other plans

The Water Plan Advisory Members do not believe that other plans need amendments at this time. Plan amendments will be addressed during yearly gatherings with Advisory Members and suggestions/alterations will be noted.

Minnesota Board of Water & Soil Resources

DATE: May 19, 2010

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: Mary Kells, BWSR Board Conservationist

SUBJECT: Goodhue County Local Water Management Plan– Final Review

The Board of Water and Soil Resources (BWSR) Southern Region Water Planning Committee (Committee) met with representatives of Goodhue County on December 16, 2009, to discuss state agencies review comments, the contents of their Priority Concerns Scoping Document (PCSD) and recommendations for the content of the final Local Water Management Plan (Plan). In a letter to Goodhue County dated January 27, 2010, the BWSR communicated the State's official comments; the priority concerns to be addressed in the final Plan were deemed to be appropriate and no changes to the PCSD was recommended or required.

Goodhue County submitted the final draft Plan to the BWSR on March 18, 2010 as required for final review by state agencies.

I have completed my final review of the Goodhue 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.

State agency comments were received from the Minnesota Department of Agriculture (MDA), and Minnesota Pollution Control Agency (MPCA). These state agencies recommend that BWSR approve the entire Plan as submitted. MPCA did submit some additional comments relating to impaired waters for the County to consider.

I am working with Beau Kennedy, Goodhue County Water Planner, on incorporating MPCAs comments, along with some revisions to the "Table of Contents" and the implementation section of the Plan. These revisions are not requirements, but recommended as a management tool for implementation. A final draft Plan would be made available to you to include in the Committee's recommendations to the BWSR for their June 23, 2010 board meeting.

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Bemidji, MN 56601
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fax (218) 755-4201

Brainerd
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Brainerd, MN 56401
phone (218) 828-2383
fax (218) 828-6036

Duluth
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phone (218) 723-4752
fax (218) 723-4794

Fergus Falls
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fax (507) 285-7144

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

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

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Goodhue County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Minnesota Board of Water and Soil Resources (Board) on March 18, 2010, pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1. On October 20, 2009, the Board received a Priority Concerns Scoping Document from Goodhue County, pursuant to M.S. Section 103B.312.

2. On January 28, 2010, the Board approved official comments on the Goodhue County Priority Concerns Scoping Document.

3. The priority concerns – separated into two categories - the local water management plan addresses include:

Urban/Residential Water Quality Management
   a. Erosion and Sediment Control
   b. Septic System Compliance
   c. Impaired Waters – TMDL involvement on listed waters within cities
   d. Groundwater Protection

Rural/Agricultural Water Quality Management
   a. Erosion and Sediment Control
   b. Feedlot Water Quality Improvement
   c. Nutrient Management
   d. Impaired Waters – TMDL involvement as non-point source

4. On March 18, 2010, the Board received the Goodhue County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5. On May 26, 2010, the Southern Water Planning Review Committee (Committee) of the Board reviewed the recommendation of the state review agencies regarding final approval of the Goodhue County Plan Update. Recommendations of the state review agencies were:
    a. Minnesota Department of Agriculture recommends approval;
    b. Minnesota Department of Health: no recommendation received;
    c. Minnesota Department of Natural Resources: no recommendation received;
    d. Minnesota Pollution Control Agency recommends approval;
    e. Minnesota Environmental Quality Board: no recommendation received;
    f. Minnesota Board of Water and Soil Resources regional staff recommends approval;
    g. Board regional Water Planning Review Committee recommends approval.

6. This update will be in effect for a ten-year period until June 23, 2020, with the Goals, Objectives and Action items amended by June 23, 2015.

CONCLUSIONS

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

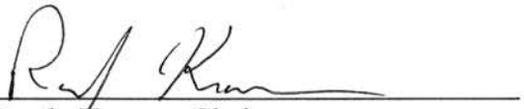
2. The Goodhue County Plan Update attached to this Order states water and water-related problems within the county; possible solutions; general goals, objectives, and actions of the county; and an implementation program. The attached Plan Update is in conformance with the requirements of M.S. Section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

ORDER

The Board hereby approves the attached update of the Goodhue County Local Water Management Plan.

Dated at St. Paul, Minnesota, this twenty-third day of June, 2010.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES



BY: Randy Kramer, Chair

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Yellow Medicine Water Plan Amendment

Meeting Date: June 23, 2010

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Southern Region

Contact: Jeff Nielsen

Prepared by: David Sill

Reviewed by: Southern Water Planning Review Committee(s)

Presented by: Paul Langseth

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

Attachments: ☐ **Resolution** ☒ **Order** ☐ **Map** ☒ **Other Supporting Information**

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested
☐ Other:

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

ACTION REQUESTED
Decision

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
Amendment of Local Water Management Plan of Yellow Medicine County

By Board Order, the Board of Water and Soil Resources (Board) approved the Yellow Medicine County Comprehensive Local Water Management Plan (Plan) on May 25, 2005. The Plan covers the ten-year period of 2005-2015 and contained a five-year (2005-2010) Implementation section. Board Order required an update of the Implementation secion (Goals, Objectives, and Actions) by May 31, 2010. Following the guidelines established by the Board, Yellow Medicine County has completed the local water management plan amendment process and submitted the Implementation Plan Amendment, May 2010 through May 2015. The Board's Southern Water Planning Committee (Committee) met on May 26, 2010 to review the Yellow Medicine County Plan Amendment. The Committee recommends approval of the Plan Amendment.

Yellow Medicine County Comprehensive Local Water Plan

May 2010 – May 2015

2010 Amendment

Executive Summary

Five Year Implementation Plan

EXECUTIVE SUMMARY

In 2005, Yellow Medicine County updated its Comprehensive Local Water Plan in accordance with Minnesota Statutes 103B. The Plan will remain in effect for a period of ten years, May 2005 – May 2015. The Plan serves two primary purposes: 1) to identify existing and potential issues and opportunities related to the protection, management, and development of water and land resources, and 2) to outline an implementation program that will guide the County in water resource management. The Implementation Section of the Plan (the Goals, Objectives and Action Steps) covers a five year period and needs to be reviewed and updated on a five year basis.

The Yellow Medicine County Board of Commissioners, on June 23, 2009, passed a resolution to amend the Yellow Medicine County Comprehensive Local Water Management Plan. On August 24, 2009 a Notice of Decision to Amend the Yellow Medicine County Local Water Management Plan was sent to all Local Units of Government and State review agencies. The Water Task Force met from February 2010 to April 2010 to identify priority issues for the next five years and to develop an implementation program. Comments were solicited from the public, other local governmental units, and state and federal agencies. Input was requested from Yellow Medicine County Pheasants Forever, Yellow Medicine County Cattleman's Association, Yellow Medicine County Soybean Growers and Yellow Medicine County Corn Growers Association.

Yellow Medicine County's Population and Location

Yellow Medicine County is located in West Central Minnesota along the South Dakota border. The County has nine cities and twenty-one townships. According to the 2000 Census, the County had 11,080 residents. The County has an area of 752 square miles, which amounts to 485,120 acres of land. Hammer-shaped, the County is 54 miles long from east to west and 12 miles north and south at the west end of the County to 21 miles at the eastern boundary. The eastern boundary follows the Minnesota River and extends into the hammer shape, narrowing down to a twelve-mile dimension north and south running westward for thirty miles to the South Dakota border. Outside of the County's nine communities, the countryside is primarily dominated by agricultural land uses.

The elevation is 1,714 feet in the southwest corner of the county, 1,380 feet in the northwest corner, 920 feet in the northeast tip of the county and 1,059 feet in the southeast corner. The highest point, which is near the southwest corner, is 1,739 feet. The lowest point, which is where the Minnesota River flows out of the county, is about 860 feet. All of the county drains into the Minnesota River by way of the Yellow Medicine River, the Lac qui Parle River, and small streams and ditches, which rise in the Coteau des Prairies, a long range of hills running from west of Lake Traverse in the north to the Iowa line in the South. The Lac qui Parle River flows from southwest to northeast through the County, entering Lac qui Parle County before discharging into the Minnesota River.

Yellow Medicine County shares borders with South Dakota to the west, Chippewa and Lac qui Parle County to the north, Renville County to the east, Redwood County to the southeast, and Lyon and Lincoln Counties to the south.

Yellow Medicine County
Water Task Force Committee Members

The following Yellow Medicine County Water Task Force members are recognized for their contributions to this Water Plan:

LouAnn Nagel, Yellow Medicine SWCD
Willis Beecher, LqP Yellow Bank Watershed District & Ag Producer
Cindy Potz, Yellow Medicine River Watershed District
Mitch Kling, Lincoln Pipestone Rural Water System
Gene Eilers, Municipalities Representative
Alan Saltee, Township Representative & Ag Producer
Gary Johnson, County Commissioner
Delmar Mamer, Citizen
Randy Jacobson, Zoning Administrator
Jolene Johnson, Water Plan Coordinator

Ex-Officio Members

David Sill, BWSR
Andy Sander, Yellow Medicine County Highway Dept.
Mary Homan, Lac qui Parle Watershed Clean Water Partnership
Menno Fokken, Yellow Medicine Soil and Water Conservation District

Yellow Medicine River Watershed District

The Yellow Medicine River and associated watershed originates in Lincoln County at Lake Shaokatan and flows northeast into Yellow Medicine County and then flows eastward to the Minnesota River south of Granite Falls. Thirty eight (38%) percent of the Watershed; or 165,760 acres, is within the borders of Yellow Medicine County. The Yellow Medicine River is divided into three major branches, the North Branch, the South Branch and the Main Stem. It has two major tributaries, Mud Creek and Spring Creek.

The intent of the Greater Yellow Medicine River Clean Water Partnership (1997 – 2007) was to advance the current understanding of the cause-effect mechanisms relating the watershed land use practices to river water quality. Fifteen hydrologic sampling stations were located throughout the watershed representing discharges from relatively large contributing watershed drainages. Additional monitoring sites include two lake stations and four reservoirs. Water quality samples were collected during both dynamic and quiescent flow regimes along with continuous flow records. Dry mass loadings and flow discharges were estimated for each of the

sub watershed and priority rankings were determined for phosphorus, nitrogen and suspended solids.

The goal of the Clean Water Partnership project was a 25% reduction in Total Phosphorus, Total Suspended Solids and Nitrates and Nitrogen Dioxide at the priority sites. Implementation activities during the Phase II Clean Water Partnership included conservation measures such as CREP, CRP and RIM programs, filter strips and basins, upgrades to septic systems, local nutrient management assessments conducted by the Yellow Medicine River Watershed District and several information and education initiatives.

The data indicates that total phosphorus remained approximately the same at most of the sub watersheds, however data indicates a reduction at site 1 which is near the river mouth and represents the entire watershed discharge. Reduction in total suspended solids appears to be substantial in most of the sub watersheds and indicates a dampening of erosion rates. The soluble species ortho phosphorous appears to have increased, and nitrate-nitrite nitrogen, and the total nitrogen seem to be less influenced by the implementation activities.

The Watershed District continues to test five sites in Yellow Medicine County. The District's priorities include keeping tabs on the amounts of fertilizers being applied on cropland and the application site's proximity to tile intakes. Nutrient management is also a priority. The District values the installation and maintenance of filter strips along the Yellow Medicine River and the watershed ditches. Flooding continues to be a concern and keeping the river channel open by the removal of fallen trees and beaver dams. There are a number of impairments located in the Watershed and the District will be addressing those in the future. Currently the watershed is working on 2 TMDL projects in the southwestern part of the watershed (Lincoln and Lyon County area) – the South Branch fecal TMDL and the Lake Shaokatan TMDL.

The Yellow Medicine River Watershed District will be monitoring four sites in Yellow Medicine County through the Minnesota Pollution Control Agency's Surface Water Assessment Grant program. The monitoring will take place in 2010 and 2011.

Lac qui Parle – Yellow Bank Watershed District

The western one-third of Yellow Medicine County is drained by the Lac qui Parle River. There are approximately 117,760 acres of the watershed in Yellow Medicine County. The Lac qui Parle River flows from the southwest to the northeast through the County and enters Lac qui Parle County before discharging into the Minnesota River. An important land feature to note is that there is a 1,070 foot drop in elevation in the first 60 miles of drainage and a 930 foot drop in elevation over the next 1,000 miles of drainage. The following are tributaries: Canby Creek, Florida Creek, Lazarus Creek and the Lac qui Parle Creek.

The Lac qui Parle-Yellow Bank Watershed District conducted a watershed wide diagnostic study from 2001-2003. The purpose of the study was to assess the water quality and land use throughout the District to develop a strategic implementation plan that could be shared with watershed partners. Thirteen sites strategically located throughout the watershed were monitored. Sub-watersheds were monitored to determine load contribution from each minor watershed.

The Lac qui Parle River Watershed in Yellow Medicine County has six impairments listed on three river reaches in the county. The impairments are for fecal coliform and turbidity on the south branch Lac qui Parle from the headwaters in Lincoln County to the West Branch Lac qui Parle just east of Dawson, MN. Also, Lazarus Creek from where the Canby Creek merges to the Lac qui Parle River, and Florida Creek from the MN/SD border to West Branch Lac qui Parle River in Lac qui Parle County. The Draft TMDL Assessment Report is expected to be completed in June 2010 and be ready for public review and a final TMDL Assessment Report in February 2011. An Implementation Plan for the impaired reaches will be developed during this time using the TMDL Assessment Report and input from local citizens and agencies.

Redwood River Watershed

The extreme southeastern tip of Yellow Medicine County is drained by the Redwood River. There are approximately 14,100 acres of the watershed that lie within Yellow Medicine County's borders. Yellow Medicine County is a member of the Redwood Cottonwood Rivers Control Area (RCRCA). This organization was formed in 1983 to enhance and protect the Redwood and Cottonwood Rivers. The Redwood River Clean Water project, sponsored by RCRCA, was designed to improve water quality in the Redwood River, Lake Redwood and ultimately the Minnesota River. Findings were based on a three year evaluation of the lake's watershed. Sedimentation and high phosphorus concentrations are primary concerns in the watershed. Accelerated implementation of best management practices have been a special emphasis in several priority minor watersheds.

Four reaches of the Redwood River have been identified as being impaired for turbidity. These reaches are found throughout the watershed and vary in size. A draft TMDL to address the turbidity impairments is scheduled to be completed in 2010. Several reaches of the Redwood River have been identified as being impaired for fecal coliform and an implementation plan to address those impairments will be developed in conjunction with the turbidity implementation plan upon EPA approval.

Water Plan Accomplishments

The Yellow Medicine County Comprehensive Local Water Plan has addressed many water quality and quantity issues. Over the past years, the Water Task Force has met and developed work plans according to the goals, objectives and actions presented in the Water Plan. The Yellow Medicine SWCD has been a very important partner in the implementation part of the Water Plan. The following is a list of Water Plan accomplishments from 2005 – 2010.

Education and Information:

- Educate landowners about the importance of protecting wellhead protection areas.
- Promoted water conservation through newsletter articles.
- Assist the Lac qui Parle and the Yellow Medicine River Watershed Districts with TMDL development and implementation.
- Published the Water Quality Quantity Newsletter

- Promote recycling and proper household hazardous waste management.
- Participated in the SWCD's 5th grade Conservation Days.
- Published news articles to address water quality, water quantity and conservation issues and concerns.
- Educate landowners about the importance of conservation practices and conservation programs and BMPs.

Monitoring and Data Collection:

- Free water testing (coliform bacteria and nitrates) of private wells in the County. Eighty nine private wells were tested.

Inventory and Mapping:

- Assisted landowners in the review and comment of the draft floodplain maps.
- County and Judicial Ditch information and records were digitized and a GIS layer of county ditch systems was developed.
- Continue to maintain the feedlot database

Land and Water Treatment:

- Sealed 104 wells from 2005 – 2009 through the Abandoned Well Sealing Cost Share Program
- Assisted with the Household Hazardous Waste Collection, Electronics Collection and Fluorescent Bulb Collection
- Upgraded 194 septic systems from 2005 – 2009
- In the Canby Creek Watershed, upgraded 21 septic systems; sealed 9 wells and worked with 7 feedlots to bring them into compliance.
- In the Lazarus Creek Watershed, 6 wells were sealed, 10 septic systems upgraded and 3 feedlots were brought into compliance.
- Inspect 10% of the registered feedlots in the County on an annual basis.
- Designed and planted 34,700 feet of field windbreaks
- Designed and planted 130.8 acres of farmstead windbreaks
- Designed and planted 36 acres of wildlife habitat
- Worked with landowners on the design, cost-share and installation of 39,805 feet of terraces and/or water and sediment control basins
- Worked with landowners on the design, cost-share and installation of 37.5 acres of grass waterways
- Established 1,824.3 acres of filter strips/buffers along ditches and streams
- Enrolled 3,084.8 acres of cropland into CRP, RIM, etc.
- Enrolled 1,084.8 acres of pasture into prescribed grazing systems.
- Restored 359.2 acres of wetlands into conservation programs
- Developed nutrient management plans targeting 9,544.38 acres
- Developed pesticide management plans for 8,228.6 acres
- Cost shared the installation of 104 blind intakes

Regulations, Ordinances and Planning:

- Serve on the Yellow Medicine River Watershed and Lac qui Parle Watershed Clean Water Partnership Technical Advisory Committees.
- Participate in the City of Canby's wellhead protection planning meetings.
- Updated the Yellow Medicine County Land Use and Related Resource Management Ordinance, including the Feedlot Ordinance.
- Updated the Yellow Medicine County Comprehensive Plan.
- Conducted an annual meeting of stakeholders and the Local Work Group to discuss resource concerns and set priority areas for EQIP

The following is a list of ongoing activities in Yellow Medicine County:

- Publish newsletters, news articles, and news releases to address water quality, water quantity, and conservation issues and concerns.
- Promote recycling and solid waste management
- Provide well testing kits for the public
- Continue to promote and staff the Household Hazardous Waste drop off site located in Clarkfield
- Continue to enforce the Yellow Medicine County Feedlot Ordinance and assist producers with feedlot questions
- Provide low interest loans for septic system upgrades through the watersheds Clean Water Partnerships
- Administer the Shoreland and Floodplain Management program
- Work with the Minnesota Department of Agriculture as a testing site for commercial pesticide applicators
- Continue to require permits and inspections for all newly installed septic systems
- Implement and update the SSTS ordinance as needed
- Select a conservation farmer
- Participate in the MASWCD poster and essay contest
- Set up displays at the fair, banks, restaurants, family resource fairs, etc.
- Distribute educational material to each grade level in the county and conduct a presentation in each classroom
- Work with the SWMACDE to sponsor an Environmental Fair for all 6th graders
- Distribute an education newsletter twice a year to all teachers, scout leaders, 4H leaders, etc.
- Promote soil stewardship week
- Hold conservation days for all 5th graders in the county
- Hold a field day for all 2nd grade students at Bert Raney Elementary School
- Assist and promote the SWMACDE Area Envirothon and the State Envirothon

- Work with Pezuta Zizi Environmental and Cultural Learning and Resource Center to present the Rocky Creek Ecosystem for the 5th and 6th graders at Bert Raney Elementary School. Continue to serve on the Pezuta Zizi Board
- Hold a mini Envirothon for junior high students
- Develop promotional presentations for local organizations
- Provide assistance in implementing the Federal Farm Program
- Continue to administer the Wetland Conservation Act
- Continue to monitor groundwater observation wells designated by DNR
- Continue to comment on DNR water permits
- Participate in the state rainfall-monitoring program by selecting rainfall monitors to record daily precipitation
- Yellow Medicine County has designated the entire county as a high priority wetland preservation area. The county will continue to accept and process eligible applications for wetland preservation on a countywide basis

For more information about Yellow Medicine County's Ongoing activities, please contact the following:

Yellow Medicine County Zoning Office
1000 10th Ave, P.O. Box 675
Clarkfield MN 56223-0675
(320) 669-7524

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 **Yellow Medicine County** (Minnesota Statutes, Section 103B.314, Subdivision 6)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN AMENDMENT

Whereas, on May 25, 2005, the Minnesota Board of Water and Soil Resources (Board), by Board Order, approved the Yellow Medicine County 2005 – 2015 Comprehensive Local Water Plan Update (Plan), which contained a 2005 – 2010 five-year implementation section; and

Whereas, this Board Order stipulated that Yellow Medicine County was required to update the implementation section by May 31, 2010; and

Whereas, the Yellow Medicine County Board of Commissioners submitted the Yellow Medicine County Plan 2010 Amendment to the Board on April 28, 2010; and

Whereas, this 2010 Amendment contains the updated five-year implementation section as ordered by the Board; and

Whereas, the Board has completed its review of the 2010 Amendment.

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

FINDINGS OF FACT

1. On July 2, 2009, the Board received a resolution from Yellow Medicine County stating its intent to amend its current Plan by providing for the required update of the five-year implementation section, pursuant to M.S. Section 103B.314, Subd. 6.

2. On October 16, 2008 and November 5, 2009 Board staff provided information on the amendment process to Yellow Medicine County.

3. On August 25, 2009, Yellow Medicine County provided proper notice to local units of government and state agencies of the county's intent to amend its five-year implementation section and invited all recipients to participate in the amendment process.

4. On January 21, 2010, Yellow Medicine County convened its water plan task force to initiate the five-year implementation section update. Several additional meetings were conducted.

5. Yellow Medicine County received written comments from the Minnesota Department of Agriculture, the Minnesota Pollution Control Agency, the Minnesota Department of Natural Resources, and the Minnesota Board of Water and Soil Resources in October 2009.

6. No other state agency or local government unit provided written comments to Yellow Medicine County.

7. The final document developed by Yellow Medicine County, which includes the revised five-year implementation section May 2010 – May 2015 is entitled the 2010 Amendment.

8. On April 27, 2010, after providing for proper public notice, Yellow Medicine County conducted a public hearing on the proposed 2010 Amendment. No additional comments were submitted at the hearing.

9. On April 28, 2010, the BWSR received the Yellow Medicine County 2010 Amendment, a record of the public hearing, and copies of all written comments pertaining to the 2010 Amendment, pursuant to M.S. Section 103B.314, Subd. 6.

10. On May 26, 2010, the Board's regional Water Planning Committee (Committee) reviewed the Yellow Medicine County 2010 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 2010 Amendment will be in effect until **May 31, 2015.**

CONCLUSIONS

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Amendment of Yellow Medicine County pursuant to Minnesota Statutes, 103B.314, Subd. 6.

2. The Yellow Medicine County 2010 Amendment attached to this Order states goals, objectives, and actions the county will address in the five-year implementation section May 2010 – May 2015. The 2010 Amendment, as well as the previously approved Yellow Medicine County 2005 – 2015 Comprehensive Local Water Plan Update, is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached 2010 Amendment of the Yellow Medicine County Water Management Plan for May 31, 2005 – May 31, 2015. Yellow Medicine County will be required to provide for a complete update of its Water Management Plan prior to May 31, 2015.

Dated at St. Paul, Minnesota, this **23rd day of June 2010**.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Randy Kramer, Chair

Grants Program & Policy Committee

1. FY11 Natural Resources Block Grant – Wayne Zellmer – ***DECISION ITEM***

2. FY11 SWCD Grant Allocations – Wayne Zellmer – ***DECISION ITEM***

3. MPCA County Subsurface Sewage Treatment Systems (SSTS) Educational Stipend – Wayne Zellmer – ***DECISION ITEM***

4. Drainage Records Modernization Grants – Joel Peterson – ***DECISION ITEM***

5. FY11 Farm Bill Assistance Grants – Tabor Hoek – ***DECISION ITEM***

6. FY11 Feedlot Water Quality and SSTS Imminent Health threat Grants – Dave Weirens – ***DECISION ITEM***

7. Authorizing FY11 Contract with the Conservation Corps of Minnesota and Iowa – Dave Weirens – ***DECISION ITEM***

8. Cost-Share Grant Closeout Policy: Implementation Process – Dave Weirens - ***DECISION ITEM***

9. Authorize FY11 Clean Water Fund and Competitive Grants Program – Dave Weirens/Julie Blackburn – ***DECISION ITEM***

Anderson, Mary Jo M (BWSR)

From: Jaschke, John (BWSR)
Sent: Monday, August 09, 2010 5:51 PM
To: Blackburn, Julie (BWSR)
Cc: Weirens, David (BWSR); Eisele, Bill (BWSR); Zellmer, Wayne (BWSR); Anderson, Mary Jo M (BWSR)
Subject: RE: MRBI Tech Assistance Grants

Julie, et. al.: As noted in the message below, the NRCS decision to provide funding for MN proposals on June 15th and the Board resolution adopted on June 23rd provided the necessary authorizations to solicit requests and develop custom tailored technical assistance grant agreements with the MRBI local sponsors. The recommendations below have been reviewed and accepted. Please proceed to finalize grant agreements in coordination with NRCS.

P.S. MaryJo – please file this message as a supplement to the June 23rd Board meeting documents.

/s/
John Jaschke

From: Blackburn, Julie (BWSR)
Sent: Monday, August 09, 2010 5:32 PM
To: Jaschke, John (BWSR)
Cc: Weirens, David (BWSR)
Subject: MRBI Tech Assistance Grants

John:
As per our discussion earlier today, here is a summary of the staff recommendations for MRBI Technical Assistance grants.

- Our support letter to NRCS dated April 21, 2010 indicated that we would commit up to $300,000 in Clean Water Technical Assistance funds for a two year grant period beginning July 1, 2010 through June 30, 2012.
- Board resolution #10-65 authorizes staff to allocate Clean Water Technical Assistance for desirable initiatives such as the MRBI
- NRCS approved 9 MRBI projects in Minnesota
- BCs worked with selected Project Managers to determine technical assistance needs based on the support letter we provided to the NRCS. In total, more than twice the amount we committed to is needed. It is expected that NRCS will provide contribution agreements in an amount comparable to the BWSR contribution, although they only provide funding for deliverables (sign-ups).
- Based on the need and the expected contribution by NRCS, staff recommends $315,500 in Technical Assistance be provided to in a two year agreement (expires June 30, 2012) to the following LGUs in the amounts provided:
    - Cottonwood SWCD: $75,000
    - Redwood SWCD: $8,000
    - Stearns SWCD: $75,000
    - Hiawatha RC&D (Winona SWCD): $37,500
    - Fillmore SWCD (Watson Creek): $12,500
    - Fillmore SWCD (Upper South Fork): $12,500
    - Root River: $10,000
    - Douglas SWCD: $35,000
    - Mower SWCD: $50,000
- Additionally we recommend that the grant agreements include provisions for:
    - 10% holdback
    - Grant proposals are used as interim workplans and that final workplans must be approved in e-LINK within 60 days of the grant execution (except Stearns County which must submit a workplan before execution of the grant agreement)
    - Return of technical assistance funds in the event that the LGU ceases to participate in the MRBI program
    - The funds cannot be used to substitute existing efforts

Staff strongly recommend that we process the grant agreements as quickly as possible to insure the success of the MRBI projects. Please let me know if you approve our recommendation and if so, we will notify the grant recipients and begin processing the grants right away.

Please let me know if you have any questions. Thank you, Julie

Julie Blackburn, Assistant Director
MN Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, MN 55155
Direct: 651-297-5617
Cell: 651-308-8647
Email: julie.blackburn@state.mn.us
www.bwsr.state.mn.us

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: FY '11 NATURAL RESOURCES BLOCK GRANT

Meeting Date: June 23, 2010

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region:

Contact: Wayne Zellmer

Prepared by: Wayne Zellmer

Reviewed by: Grants Program & Policy Committee Committee(s)

Presented by: Wayne Zellmer

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

Attachments: ☒ **Resolution** ☐ **Order** ☐ **Map** ☒ **Other Supporting Information**

Fiscal/Policy Impact

☐ None
☐ Amended Policy Requested
☐ New Policy Requested
☐ Other:

☒ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☒ Clean Water Fund Budget

ACTION REQUESTED
Board Approval

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

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 Grants Program & Policy Committee recommends Board approval of the Proposed FY '11 Natural Resources Block Grant allocations.

Board Resolution # 10-55

FY '11 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 Delegated County Feedlot, and the MPCA Subsurface Sewage Treatment Systems (SSTS); and,

WHEREAS, Laws of Minnesota 2009, Chapter 37, Sec. 3, Subd. 2, and Sec 5, appropriated FY 2011 Natural Resources Block Grant funds to BWSR and MPCA; and,

WHEREAS, Laws of Minnesota 2009, Chapter 172, Article 2, Section 6 authorizes the Board to use Clean Water Funds to make grants for SSTS base grants; and,

WHEREAS, the Grants Program and Policy Committee reviewed the proposed NRBG allocations on May 25, 2010.

NOW THEREFORE BE IT RESOLVED, 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, and indicated on the attached spreadsheet *PROPOSED FY'11 NATURAL RESOURCES BLOCK GRANTS;* totaling:

LWM	$1,119,999
WCA	$1,874,412
DNR Shoreland	$371,026
MPCA Feedlot -	
Base	$1,689,179
Performance Credit	$213,150
MPCA SSTS	$863,997

BE IT FURTHER RESOLVED, for Comprehensive Local Water Management, Wetland Conservation Act, and DNR Shoreland Programs, Local Governmental Units will have the flexibility of using allocated funds to support the implementation of these programs as determined by the grantee.

Date: 6/23/10

Randy Kramer, Chair
Board of Water and Soil Resources

Attachment: *PROPOSED FY'11 NATURAL RESOURCES BLOCK GRANTS*

H:11NRBGBR

PROPOSED FY'11 NATURAL RESOURCES BLOCK GRANTS

COUNTY	'10 $1.5 M CLWM BASE GRANT LEVY	PROPOSED FY 2011 $1.120 M CLWM BASE GRANT	$1.874 M 3.366 M (534) WCA BASE GRANT	$.370 M SHORELAND BASE GRANT	$1.689 M MPCA FEEDLOT BASE GRANT	$.213 M MPCA FEEDLOT 09 PERFORMANCE CREDIT	$.864 M MPCA SSTS BASE GRANT	TOTAL
AITKIN	$7,830	$13,654	$32,682	$10,605			$9,931	**$66,872**
ANOKA	$83,496	$7,958	$62,129	$2,571			$9,931	**$82,589**
BECKER	$10,635	$12,852	$23,830	$10,558			$9,931	**$57,171**
BELTRAMI *	$7,593	$13,458	$63,514	$5,413			$9,931	**$92,316**
BENTON	$7,426	$13,048	$31,068	$3,231			$9,931	**$57,278**
BIG STONE	$1,673	$15,447	$8,630	$2,645	$7,500	$512	$9,931	**$44,665**
BLUE EARTH	$15,139	$9,855	$17,873	$3,189	$31,880	$6,541	$9,931	**$79,268**
BROWN	$5,402	$13,403	$8,630	$2,630	$34,640	$4,308	$9,931	**$73,543**
CARLTON	$7,027	$13,124	$22,128	$3,861			$9,931	**$49,044**
CARVER	$29,423	$7,958	$31,068	$2,571	$23,509	$3,110	$9,931	**$78,147**
CASS	$17,780	$10,325	$44,013	$10,519			$9,931	**$74,788**
CHIPPEWA	$3,325	$14,630	$8,630	$2,580			$9,931	**$35,772**
CHISAGO	$12,745	$11,054	$27,235	$4,860			$9,931	**$53,079**
CLAY	$9,609	$12,460	$16,170	$2,895	$10,063	$790	$9,931	**$52,308**
CLEARWATER	$1,923	$14,999	$19,575	$3,110			$9,931	**$47,615**
COOK	$4,413	$14,583	$12,766	$4,125			$9,931	**$41,405**
COTTONWOOD	$3,789	$14,595	$8,630	$2,725	$26,893	$1,555	$9,931	**$64,329**
CROW WING	$31,366	$7,958	$37,447	$18,806			$9,931	**$74,143**
DAKOTA	$113,893	$7,958	$51,916	$2,571	$16,296	$2,840	$9,931	**$91,512**
DODGE	$4,606	$14,241	$16,167	$2,630	$27,071	$4,248	$9,931	**$74,288**
DOUGLAS	$12,656	$11,874	$21,277	$8,400	$36,600	$3,118	$9,931	**$91,201**
FARIBAULT	$4,471	$14,306	$8,630	$2,689	$38,292	$5,081	$9,931	**$78,929**
FILLMORE	$5,445	$14,038	$8,630	$2,647	$77,117	$8,426	$9,931	**$120,789**
FREEBORN	$7,254	$12,899	$8,630	$3,086	$31,702	$2,502	$9,931	**$68,751**
GOODHUE	$13,614	$9,274	$16,170	$2,725	$68,479	$6,211	$9,931	**$112,790**
GRANT	$2,365	$15,242	$13,617	$3,005			$9,931	**$41,795**
HENNEPIN	$376,235	$7,958	$56,172	$0			$9,931	**$74,061**
HOUSTON	$4,014	$14,452	$12,766	$2,680	$39,805	$5,724	$9,931	**$85,358**
HUBBARD	$9,271	$13,022	$24,681	$8,293			$9,931	**$55,926**
ISANTI	$9,149	$13,029	$24,681	$3,937			$9,931	**$51,578**
ITASCA	$15,602	$10,271	$43,405	$9,937			$9,931	**$73,544**
JACKSON	$4,214	$14,469	$8,630	$2,960	$30,811	$2,649	$9,931	**$69,450**
KANABEC	$3,517	$14,818	$24,681	$4,022			$9,931	**$53,451**
KANDIYOHI	$11,121	$11,820	$21,277	$6,639	$40,073	$15,019	$9,931	**$104,760**
KITTSON	$1,644	$15,022	$16,170	$2,603	$7,500		$9,931	**$51,226**
KOOCHICHING	$2,941	$14,772	$28,426	$2,676			$9,931	**$55,806**
LAC QUI PARLE	$2,582	$15,193	$8,630	$2,585	$16,830	$1,650	$9,931	**$54,819**
LAKE	$4,398	$14,488	$16,170	$4,537			$9,931	**$45,126**
LAKE OF THE WOODS	$1,385	$15,543	$33,192	$3,433	$7,500	$678	$9,931	**$70,277**
LE SUEUR	$8,155	$13,274	$16,170	$4,835	$16,474	$1,598	$9,931	**$62,283**
LINCOLN	$2,091	$15,227	$8,630	$2,721	$38,292	$4,343	$9,931	**$79,144**
LYON	$6,119	$13,459	$8,630	$2,692	$30,099		$9,931	**$64,810**
MCLEOD	$8,456	$12,430	$16,170	$2,938	$31,791	$2,267	$9,931	**$75,526**
MAHNOMEN	$973	$15,572	$12,766	$3,304			$9,931	**$41,573**
MARSHALL *	$2,533	$14,741	$19,967	$2,571	$7,500	$756	$9,931	**$55,465**
MARTIN	$5,858	$13,466	$8,630	$2,973	$44,525	$2,832	$9,931	**$82,357**
MEEKER	$6,496	$13,754	$18,724	$4,655	$28,051	$2,180	$9,931	**$77,295**
MILLE LACS	$5,717	$14,120	$22,128	$4,728			$9,931	**$50,906**
MORRISON	$8,060	$13,380	$29,788	$3,878	$52,718	$6,185	$9,931	**$115,881**
MOWER	$7,495	$12,828	$12,766	$3,209	$28,129		$9,931	**$66,864**
MURRAY	$3,557	$14,797	$8,630	$3,167	$41,141	$3,926	$9,931	**$81,592**
NICOLLET	$6,780	$12,935	$16,170	$2,636	$30,900	$7,600	$9,931	**$80,172**
NOBLES	$5,089	$14,160	$8,630	$2,617	$40,251	$3,657	$9,931	**$79,246**
NORMAN	$2,015	$15,279	$12,766	$2,580	$7,500	$686	$9,931	**$48,742**
OLMSTED	$34,476	$7,958	$24,681	$3,096			$9,931	**$45,667**

PROPOSED FY'11 NATURAL RESOURCES BLOCK GRANTS

COUNTY	'10 $1.5 M CLWM BASE GRANT LEVY	PROPOSED FY 2011 $1.120 M CLWM BASE GRANT	$1.874 M 3.366 M (534) WCA BASE GRANT	$.370 M SHORELAND BASE GRANT	$1.689 M MPCA FEEDLOT BASE GRANT	$.213 M MPCA FEEDLOT 09 PERFORMANCE CREDIT	$.864 M MPCA SSTS BASE GRANT	TOTAL
OTTER TAIL	$20,824	$9,659	$58,725	$17,449			$9,931	**$95,763**
PENNINGTON	$2,064	$15,083	$16,170	$2,786	$7,500	$512	$9,931	**$51,982**
PINE	$7,434	$13,622	$34,044	$5,799			$9,931	**$63,396**
PIPESTONE	$2,412	$14,991	$8,630	$2,571	$46,662	$6,150	$9,931	**$88,935**
POLK	$6,929	$13,241	$21,277	$3,399	$7,500	$1,624	$9,931	**$56,973**
POPE	$4,051	$14,841	$15,319	$4,179	$29,743	$1,998	$9,931	**$76,011**
RAMSEY	$132,492	$7,958	$16,397	$0			$9,931	**$34,286**
RED LAKE	$764	$15,590	$12,766	$2,825	$7,500	$1,008	$9,931	**$49,620**
REDWOOD	$4,779	$14,229	$10,213	$2,571			$9,931	**$36,943**
RENVILLE	$6,086	$13,811	$8,630	$2,617	$28,763	$3,283	$9,931	**$67,036**
RICE	$14,613	$10,281	$23,830	$4,118	$30,366	$4,030	$9,931	**$82,557**
ROCK	$3,538	$14,920	$8,630	$2,571	$45,772	$5,976	$9,931	**$87,800**
ROSEAU	$2,465	$14,877	$23,830	$2,652			$9,931	**$51,290**
ST. LOUIS	$43,486	$7,958	$74,385	$19,600			$9,931	**$111,874**
SCOTT	$39,099	$7,958	$40,852	$2,571	$15,317	$1,815	$9,931	**$78,444**
SHERBURNE	$23,542	$7,958	$31,068	$4,791			$9,931	**$53,748**
SIBLEY	$4,745	$14,369	$13,225	$2,655	$30,010	$5,933	$9,931	**$76,123**
STEARNS	$33,822	$7,958	$45,107	$8,852	$137,048	$38,167	$9,931	**$247,063**
STEELE	$8,295	$12,250	$11,915	$2,819	$25,379	$2,910	$9,931	**$65,204**
STEVENS	$2,741	$15,048	$8,630	$2,682	$13,892	$1,025	$9,931	**$51,208**
SWIFT	$3,445	$14,798	$11,915	$2,698	$13,536	$834	$9,931	**$53,711**
TODD	$5,003	$14,430	$21,277	$4,850	$71,774		$9,931	**$122,262**
TRAVERSE	$1,879	$15,323	$8,630	$2,757	$7,500	$704	$9,931	**$44,846**
WABASHA	$5,153	$13,938	$11,915	$3,459	$45,059	$5,385	$9,931	**$89,687**
WADENA	$2,511	$15,131	$19,575	$3,033	$10,953	$1,546	$9,931	**$60,168**
WASECA	$4,474	$14,032	$11,915	$2,956	$22,084	$1,425	$9,931	**$62,342**
WASHINGTON	$75,506	$7,958	$40,852	$2,571			$9,931	**$61,312**
WATONWAN	$2,740	$14,854	$8,630	$2,687	$18,077	$2,076	$9,931	**$56,256**
WILKIN	$2,665	$14,976	$8,630	$2,588			$9,931	**$36,125**
WINONA	$9,758	$11,648	$11,915	$2,607	$52,718	$11,023	$9,931	**$99,842**
WRIGHT	$34,790	$7,958	$41,703	$9,182	$25,379	$2,337	$9,931	**$96,490**
YELLOW MEDICINE	$3,054	$14,920	$8,630	$2,585	$26,715	$2,397	$9,931	**$65,178**
MARSHALL-BELTRAMI SWCD *			$0					**$0**
TOTALS	**$1,500,000**	**$1,119,999**	**$1,874,412**	**$371,026**	**$1,689,179**	**$213,150**	**$863,997**	**$6,131,764**

*** ADJUSTMENTS:**

BELTRAMI WCA BASE GRANT INCLUDES $3,938 (76%) OF MARSHALL-BELTRAMI SWCD'S ALLOCATION.
MARSHALL WCA BASE GRANT INCLUDES $1,243 (24%) OF MARSHALL-BELTRAMI SWCD'S ALLOCATION.
MARSHALL-BELTRAMI SWCD CONSOLIDATED IN FY'10.

H:11NRBG

PROPOSED FY '11 NATURAL RESOURCES BLOCK GRANT -

Background

The Natural Resources Block Grant (NRBG) provides assistance to local governments to implement state natural resource programs. These programs are: Comprehensive Local Water Management, the Wetland Conservation Act, the DNR Shoreland Management, the MPCA County Feedlot, and the MPCA 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.

BWSR Appropriated Grants		$3,366,000
1. Local Water Management	$1,120,000	
2. Wetland Conservation Act	$1,874,000	
3. DNR Shoreland	$370,000	

Reduction: The FY' 10 reduction was $160,000 and the FY '11 reduction was $374,000 for a total reduction of $534,000. Since the FY '10 grants have already gone out, the total reduction must be taken in FY '11.

Recommendation for reduction implementation: Local Water Management, Wetland Conservation Act, and DNR Shoreland grants are proposed to have proportional reductions totaling $534,000. Local Governmental Units will have the flexibility of determining the amount of the total of these three Programs, to allocate to each of their programs locally. The basis for determining match will not change.

1. **Local Water Management** - $1,120,000

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.

2. **Wetland Conservation Act** - $1,874,000

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.

3. **DNR Shoreland** - $370,000

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

BWSR appropriated NRBG grant amounts are determined by applying a proportional reduction to FY '10 allocations.

MPCA Appropriated Grants

4. County Feedlot
5. Subsurface Sewage Treatment Systems

4. **MPCA County Feedlot Program** - $1,902,000

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 2010 Legislature has reduced the original FY '11 appropriation $205,000. Grant amounts are based on the grant formula that includes the following highlights:

- Grants are based on the number of feedlots with 10 or more animal units (AU) in shoreland areas or 50 or more AUs in non-shoreland areas, and that are currently registered.

- The base grant funding rate for 2011 is $89.05/feedlot. This is a reduction from the 2010 rate of $94.50/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 the amount of work performed by the county during the program year.

- A minimum of ten percent of the legislative appropriation is reserved for performance credit awards. These awards are based on County Feedlot Program Performance, represented as Performance Credits. Performance Credits are determined from the County Feedlot Officer and Performance Credit Report.

5. **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 CWF.

Recommendation

The Grants Program & Policy Committee recommends Board approval of the Proposed FY '11 Natural Resources Block Grant allocations as listed on the attached spreadsheet *PROPOSED FY '11 NATURAL RESOURCES BLOCK GRANTS.*

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **FY 2011 SWCD GRANT ALLOCATIONS**

Meeting Date: June 23, 2010

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: Land & Water Section
Contact: Wayne Zellmer
Prepared by: Wayne Zellmer
Reviewed by: Grants Program & Policy Committee(s)
Presented by: Wayne Zellmer

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

Attachments: ☒ **Resolution** ☐ **Order** ☒ **Map** ☒ **Other Supporting Information**

Fiscal/Policy Impact

☐ None
☐ Amended Policy Requested
☐ New Policy Requested

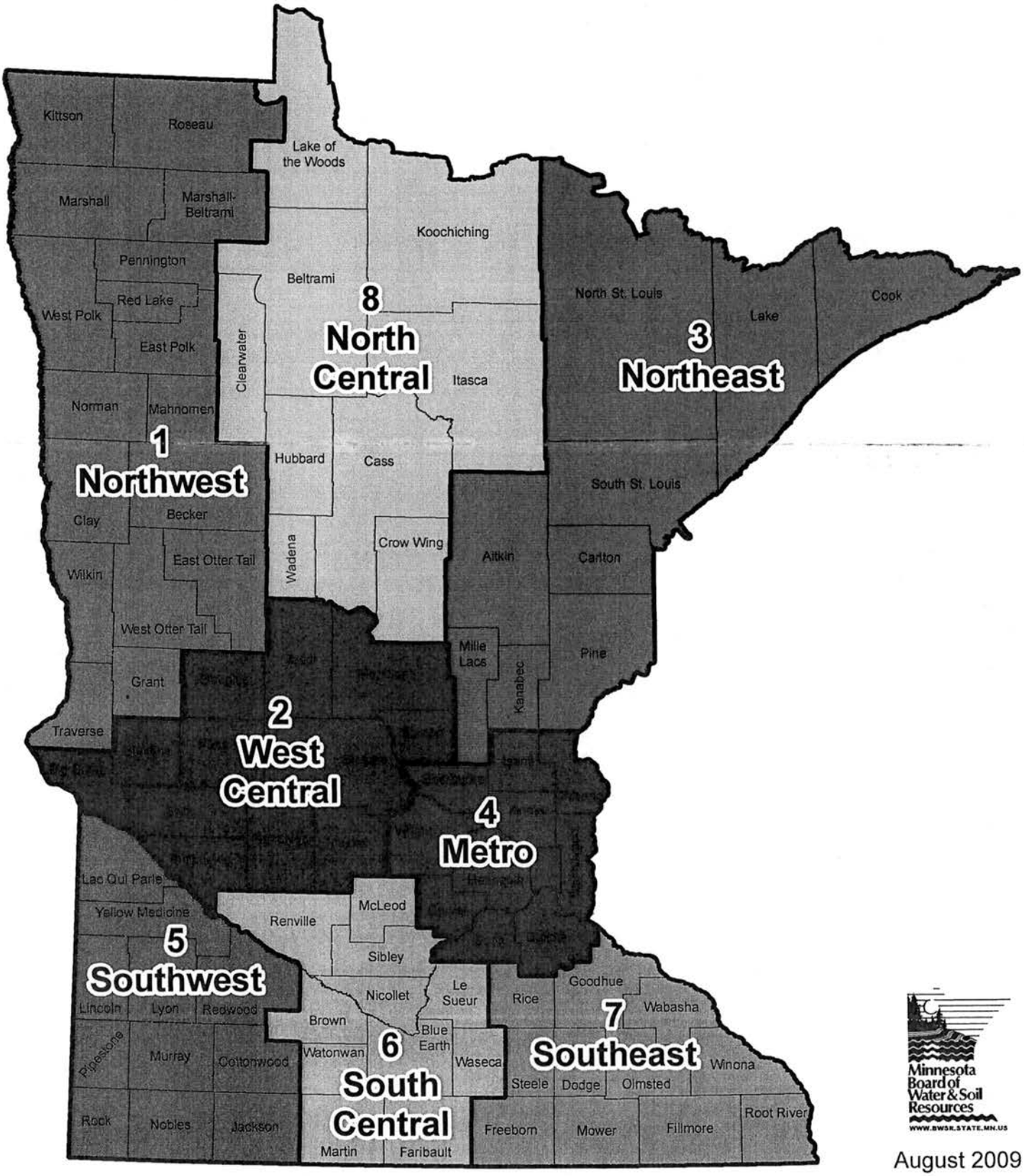
☒ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

☐ Other: _____

ACTION REQUESTED
Board Approval

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The Board is requested to approve FY '11 SWCD Base Grant allocations for the State Cost Share, Easement Services, General Services, and the Non-Point Engineering Assistance Programs. The FY '11 Native Buffer Program allocations are also reqeusted to be approved with these grants.

Minnesota Association of Soil & Water Conservation Districts & SWCD Technical Service Areas



Minnesota Board of Water & Soil Resources
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August 2009

Board Resolution # 10-57

FY 2011 SOIL AND WATER CONSERVATION DISTRICT GRANT ALLOCATIONS

WHEREAS, Fiscal Year 2011 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, Native Buffer Cost Share Grants, General Services Grants, Easement Services Grants, and Non Point Engineering Assistance Grant Programs; and,

WHEREAS, Laws of Minnesota 2009, Chapter 37, Section 5, appropriated cost share and service funds to BWSR for grants to SWCDs; and,

WHEREAS, the cost share appropriation includes $576,000 for the FY '11 Native Buffer Program; and,

WHEREAS, all SWCDs that have BWSR approved plans and reports are eligible to receive these grants.

WHEREAS, the Grants Program and Policy Committee reviewed the proposed SWCD grant allocations on May 25, 2010.

NOW THEREFORE BE IT RESOLVED, the Board authorizes staff to allocate grant funds to individual eligible SWCDs and joint powers boards as follows:

A. FY 2011 Native Buffer Cost Share Grant Program. $385,443 to be allocated to viable unfunded or underfunded FY '10 Competitive Grant Program applicants (*shown below*) and, add the remaining $190,557 to the FY 2011 State Cost Share Base Grants Program (*item B below*);

Ramsey	$90,000	Wright	$22,424
Scott	$25,000	Wabasha	$20,000
Martin	$135,000	Morrison	$40,000
Winona	$53,019		

B. State Cost Share Base Grants $1,145,743
C. General Services Grants $2,086,078
D. Easement Services Grants $ 344,993
(See attachment *PROPOSED FY '11 SWCD BASE GRANTS for items B, C, and D.*)

E. Non Point Engineering Assistance Base Grants $1,060,000;

NPEA Area	Base Grant	Host/Fiscal Agent SWCD	Equipment	Total Grant
1	$115,000	$10,000	$0	**$125,000**
2	$115,000	$5,000	$0	**$120,000**
3	$165,000	$10,000	$15,000	**$190,000**
4	$115,000	$5,000	$0	**$120,000**
5	$115,000	$10,000	$0	**$125,000**
6	$115,000	$5,000	$0	**$120,000**
7	$115,000	$10,000	$0	**$125,000**
8	$115,000	$5,000	$15,000	**$135,000**
			TOTAL	**$1,060,000**

Date: 6/23/10

Randy Kramer, Chair
Board of Water and Soil Resources

Attachments: ***PROPOSED FY '11 SWCD BASE GRANTS***

H:11SWCDBR

FY 2011 SOIL AND WATER CONSERVATION DISTRICT

GRANT ALLOCATIONS

PROPOSED FY'11 SWCD STATE COST SHARE GRANTS - $1,548,000

Cost Share Base Grants	$972,000
Native Buffer	$576,000

Reduction: The FY' 10 reduction was $175,000 and the FY '11 reduction was $277,000 for a total reduction of $452,000. Since the FY '10 grants have already gone out, the total reduction must be taken in FY '11.

Recommendation for reduction implementation: Native Buffer Cost Share Program applications from the FY '10 Competitive Grants Program that remain viable will be funded with the FY'11 appropriation. As provided by the appropriation language, any remaining Native Buffer funds will be added to the Cost Share Base Grant Program to be proportionally allocated.

All of the Cooperative Weed Management Program funds for the biennium were allocated in the FY' 10 Competitive Grants program. Therefore there are no funds remaining for this program.

Native Buffer Cost Share Program Grants - $576,000
These grants are 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.

The following information summarizes recommendations for the FY '11 Native Buffer Program Funding. The SWCDs that are recommended for funding submitted viable applications as part of the FY '10 Competitive Grant Program process and were not-funded or received partial funding. BWSR staff will be working with them to address any questions or concerns that were identified during the grant ranking process; proposed changes to applications/projects are included with the summary of each application below. Of the $576,000 available for FY '11, $385,443 is identified for allocation, the remaining $190,557 is planned to be transferred into the Cost Share Base Grant Program.

Description of Projects Recommended for Funding:

Ramsey SWCD
Recommended Funding: $90,000

Project Summary: The Ramsey CD will be partnering with local watersheds, homeowners, and Northwestern College, to stabilize lake shoreline on Gervais, Kohlman, and Johanna.

Scott SWCD
Recommended Funding: $25,000
Project Summary: This project will utilize BWSR Native Buffer funds, along with a 25% landowner match, to establish and maintain native prairie planting in Scott County.

Martin SWCD
Recommended Funding: $135,000
Project Summary: Develop a seed source for local ecotype native species (Martin County Origin) emphasizing rare and declining species. Prioritize based on projected outcomes: Successful seed source and water quality benefit.

Winona SWCD
Recommended Funding: $53,019
Project Summary: Native Prairie planting will be burned to maintain their vigor and help control invasive species. Other plantings are being installed on organic farms that need annual burns the first 3-5 years to replace spraying.

Wright SWCD
Recommended Funding: $22,424
Project Summary: Stabilize exposed banks and replace traditional lawn with native vegetation by blending grasses, sedges, and forbs, along an extensive span of lakeshore and streambank.

Wabasha SWCD
Recommended Funding: $20,000
Project Summary: Landowners ~~out-of-compliance with the state shoreland ordinance~~ will be invited to sign up for cost share to convert row crops to locally-sourced switch-grass dominant buffers.

Morrison SWCD
Recommended Funding: $40,000
Project Summary: To restore shorelines on the Mississippi River and tributaries of the Mississippi, to protect and enhance the natural and scenic stretch of the Mississippi Headwater's southern most county.

Cost Share Base Grants - $972,000 base + $190,557 native buffer = $1,162,557
The purpose of this program is to provide grants to SWCDs so they can help local landowners or land occupiers offset the costs of installing conservation practices that protect and improve water quality by controlling soil erosion and reducing sedimentation.

Grant amounts are determined by applying a proportional increase to FY '10 allocations, and are listed on the attachment *PROPOSED FY '11 SWCD BASE GRANTS.*

PROPOSED FY '11 SWCD SERVICE GRANTS - $3,050,000

General Services	$1,708,000
Easement Services	$282,000
Non Point Engineering Assistance	$1,060,000

Reduction: The FY'10 reduction was $135,000 and the FY '11 reduction was $315,000 for a total biennial reduction of $450,000. Since the 2010 grants have already gone out, the total reduction must be taken in FY'11.

Recommendation for reduction implementation: The General Services and Easement Services Grants are proposed to have proportional reductions totaling $450,000. The amount available for FY '11 NPEA Program allocations will be the same as FY '10. The NPEA program has just undergone a significant restructuring in order to address funding issues. A further reduction to the NPEA Program at this time was not deemed feasible.

General Service Grants - $1,708,000
General Services Grants provide each Soil and Water Conservation District with funds for the general administration and operation of the district. These administrative and operational costs include paying for the costs of: employing staff, office space, transportation, postage and utilities, and supervisors' compensation and expenses.

Grant amounts are determined by applying a proportional reduction to FY '10 allocations, and are listed on the attachment *PROPOSED FY '11 SWCD BASE GRANTS*.

Easement Services Grants - $282,000
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.

The BWSR currently holds 5,027 conservation easements on 189,667 acres throughout the state. SWCDs range from a low of 0 easements in 12 SWCDs, to a high of 368 easements in Renville SWCD. The service grant amount for FY '11 is $56.10 per easement.

The attached spreadsheet lists individual SWCD grants proposed for each SWCD (# of easements in each SWCD x $56.10) - *PROPOSED FY '11 SWCD BASE GRANTS*.

Non Point Engineering Assistance - $1,060,000
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.

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 FY '11 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). The 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, and survey equipment and associated costs. This is based on an annual plan developed by NPEA staff and BWSR and coordinated with TSAs. This will result in a 4-yr. rotation of two $15,000 allocations with the highest priority for those TSAs still using the original Total Station equipment acquired in 1995. TSA 8 (North Central) and TSA 3 (Northeast) are the recommended recipients for FY 11.
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

FY '11 NPEA Base Grants are proposed to be allocated according to the Board adopted policy as follows:

NPEA Area	Base Grant	Host/Fiscal Agent SWCD	Equipment	Total Grant
1	$115,000	$10,000	$0	**$125,000**
2	$115,000	$5,000	$0	**$120,000**
3	$165,000	$10,000	$15,000	**$190,000**
4	$115,000	$5,000	$0	**$120,000**
5	$115,000	$10,000	$0	**$125,000**
6	$115,000	$5,000	$0	**$120,000**
7	$115,000	$10,000	$0	**$125,000**
8	$115,000	$5,000	$15,000	**$135,000**
			TOTAL	**$1,060,000**

Recommendation

The Grants Program & Policy Committee requests the Board to approve these FY '11 allocations for the

State Cost Share Base Grants
Native Buffer Grants
General Services Grants
Easement Services Grants
Non-Point Engineering Assistance Grants

and adopt the attached resolution.

PROPOSED FY '11 SWCD BASE GRANTS

	FY '10		PROPOSED FY '11		FY '10	PROPOSED FY '11
	$2.089 M	$.345 M	$1.708 M	$.282 M	$1.100 M	$1.162 M
SWCD	GENERAL SERVICES	EASEMENT SERVICES	GENERAL SERVICES	EASEMENT SERVICES	COST SHARE BASE GRANT	
AITKIN	$23,924	$68	$19,560	$56	$3,970	$4,010
ANOKA *	$24,579	$0	$19,091	$0	$10,646	$10,755
BECKER	$22,520	$613	$18,412	$617	$24,963	$25,219
BELTRAMI *	$22,380	$477	$25,525	$393	$6,630	$9,801
BENTON	$22,754	$1,704	$18,603	$1,290	$10,706	$10,816
BIG STONE	$21,350	$2,317	$17,455	$1,795	$6,279	$6,343
BLUE EARTH	$22,333	$14,173	$18,259	$11,613	$16,590	$16,761
BROWN	$22,427	$11,243	$18,336	$9,144	$14,145	$14,290
CARLTON	$22,099	$0	$18,068	$0	$7,669	$7,748
CARVER	$23,316	$2,589	$19,063	$2,132	$15,981	$16,145
CASS	$21,631	$68	$17,685	$56	$8,001	$8,083
CHIPPEWA	$22,427	$11,107	$18,336	$9,257	$10,748	$10,858
CHISAGO	$23,362	$545	$19,100	$449	$8,477	$8,564
CLAY	$22,801	$4,020	$18,642	$3,422	$15,785	$15,947
CLEARWATER	$22,193	$273	$18,145	$168	$7,195	$7,269
COOK	$21,538	$0	$17,609	$0	$9,721	$9,821
COTTONWOOD	$22,427	$12,742	$18,336	$10,210	$13,506	$13,645
CROW WING	$21,725	$0	$17,762	$0	$9,208	$9,302
DAKOTA	$25,141	$477	$20,555	$337	$21,139	$21,356
DODGE	$22,895	$818	$18,719	$673	$9,497	$9,595
DOUGLAS	$23,877	$6,610	$19,521	$5,498	$15,729	$15,890
FARIBAULT	$22,895	$12,538	$18,719	$10,210	$12,126	$12,250
FILLMORE	$23,830	$2,589	$19,483	$2,188	$23,281	$23,520
FREEBORN	$22,661	$6,269	$18,527	$5,161	$15,798	$15,960
GOODHUE	$23,737	$4,634	$19,407	$3,647	$24,782	$25,036
GRANT	$22,520	$1,635	$18,412	$1,403	$10,862	$10,973
HENNEPIN	$30,692	$2,422	$25,093	$1,459	$12,836	$12,968
HUBBARD	$21,491	$68	$17,571	$56	$7,439	$7,515
ISANTI	$23,877	$409	$19,521	$337	$5,798	$5,858
ITASCA	$22,286	$0	$18,221	$0	$6,643	$6,711
JACKSON	$21,678	$7,087	$17,724	$5,778	$11,281	$11,397
KANABEC *	$22,146	$477	$18,106	$393	$9,208	$8,733
KANDIYOHI	$23,082	$9,131	$18,871	$7,461	$13,701	$13,842
KITTSON	$22,707	$477	$18,565	$393	$9,208	$9,302
KOOCHICHING	$21,865	$0	$17,876	$0	$9,721	$9,821
LAC QUI PARLE	$22,193	$11,856	$18,145	$9,761	$19,669	$19,871
LAKE	$21,678	$0	$17,724	$0	$9,721	$9,821
LAKE OF THE WOODS	$21,350	$0	$17,455	$0	$9,721	$9,821
LE SUEUR	$23,222	$6,337	$18,986	$4,993	$18,671	$18,863
LINCOLN	$23,550	$6,678	$19,254	$5,610	$14,883	$15,036
LYON	$22,754	$9,744	$18,603	$8,078	$13,554	$13,693
MAHNOMEN	$21,444	$136	$17,532	$112	$10,351	$10,457
MARSHALL *	$21,772	$1,158	$28,641	$1,066	$6,025	$9,190
MARSHALL-BELTRAMI *	$22,099	$204	$0	$0	$6,143	$0
MARTIN	$22,380	$13,560	$18,298	$10,883	$17,200	$17,376
MC LEOD	$22,240	$3,748	$18,183	$2,917	$10,531	$10,639
MEEKER	$21,959	$4,974	$17,953	$3,983	$14,355	$14,503
MILLE LACS	$22,333	$886	$18,259	$729	$6,656	$6,724
MORRISON	$23,971	$2,180	$19,598	$1,627	$21,861	$22,085
MOWER	$24,626	$5,451	$20,134	$4,488	$10,370	$10,476
MURRAY	$21,584	$7,495	$17,647	$6,227	$10,432	$10,539
NICOLLET	$22,754	$4,906	$18,603	$3,983	$12,328	$12,454
NOBLES	$21,912	$1,635	$17,915	$1,403	$16,662	$16,833
NORMAN	$22,473	$2,249	$18,374	$1,964	$9,207	$9,301
OLMSTED	$25,749	$1,431	$21,052	$1,066	$29,370	$29,672
OTTER TAIL EAST	$22,473	$750	$18,374	$617	$15,292	$15,449
OTTER TAIL WEST	$22,473	$3,271	$18,374	$2,693	$20,063	$20,269
PENNINGTON	$22,146	$68	$18,106	$56	$10,580	$10,689
PINE	$22,473	$68	$18,374	$56	$12,504	$12,632
PIPESTONE	$22,099	$1,567	$18,068	$1,290	$15,214	$15,370
POLK EAST	$22,286	$204	$18,221	$168	$9,866	$9,967
POLK WEST	$22,286	$204	$18,221	$168	$12,857	$12,989
POPE	$22,006	$11,039	$17,992	$8,976	$19,100	$19,296
RAMSEY	$22,895	$0	$18,719	$0	$9,741	$9,841
RED LAKE	$21,397	$341	$17,494	$224	$5,398	$5,453
REDWOOD	$22,895	$21,192	$18,719	$17,672	$13,013	$13,147

PROPOSED FY '11 SWCD BASE GRANTS

SWCD	FY '10 $2.089 M GENERAL SERVICES	FY '10 $.345 M EASEMENT SERVICES	PROPOSED FY '11 $1.708 M GENERAL SERVICES	PROPOSED FY '11 $.282 M EASEMENT SERVICES	FY '10 $1.100 M COST SHARE BASE GRANT	PROPOSED FY '11 $1.162 M COST SHARE BASE GRANT
RENVILLE	$23,082	$25,348	$18,871	$20,645	$10,026	$10,129
RICE	$27,153	$4,020	$22,200	$3,310	$14,273	$14,419
ROCK	$22,895	$1,431	$18,719	$1,122	$15,262	$15,419
ROOT RIVER	$26,638	$3,748	$21,779	$3,310	$20,034	$20,240
ROSEAU	$22,193	$68	$18,145	$56	$10,088	$10,192
SCOTT	$23,596	$3,339	$19,292	$2,693	$17,604	$17,785
SHERBURNE	$25,608	$0	$20,937	$0	$7,182	$7,256
SIBLEY	$22,333	$6,337	$18,259	$5,217	$8,631	$8,720
ST. LOUIS NORTH *	$22,240	$0	$18,183	$0	$8,195	$7,929
ST. LOUIS SOUTH	$22,240	$0	$18,183	$0	$6,824	$6,894
STEARNS	$26,076	$1,227	$21,319	$954	$35,286	$35,648
STEELE	$23,690	$3,407	$19,369	$2,637	$10,169	$10,273
STEVENS	$22,707	$4,634	$18,565	$3,927	$14,673	$14,824
SWIFT	$22,006	$11,311	$17,992	$9,257	$9,638	$9,737
TODD	$23,737	$273	$19,407	$168	$15,906	$16,069
TRAVERSE	$22,661	$1,499	$18,527	$1,234	$5,153	$5,205
WABASHA	$23,222	$1,635	$18,986	$1,403	$14,762	$14,913
WADENA	$22,146	$409	$18,106	$112	$9,721	$9,821
WASECA	$22,473	$7,291	$18,374	$5,947	$10,114	$10,218
WASHINGTON	$24,345	$136	$19,904	$112	$11,249	$11,364
WATONWAN	$21,772	$6,950	$17,800	$5,666	$9,292	$9,387
WILKIN	$22,801	$1,976	$18,642	$1,795	$12,870	$13,002
WINONA	$24,813	$4,565	$20,287	$4,095	$11,146	$11,261
WRIGHT	$25,281	$2,930	$20,669	$2,300	$15,141	$15,296
YELLOW MEDICINE	$22,801	$11,788	$18,642	$9,649	$16,352	$16,520
ALLOCATED TOTALS	**$2,089,147**	**$345,234**	**$1,707,049**	**$282,015**	**$1,150,198**	**$1,161,081**

*** ADJUSTMENTS:**

GENERAL and EASEMENT SERVICES

MARSHALL-BELTRAMI SWCD CONSOLIDATED IN FY '10.

BELTRAMI GENERAL SERVICES INCLUDES $7,227 (40%) of MARSHALL-BELTRAMI'S ALLOCATION.

MARSHAL GENERAL SERVICES INCLUDES $11,555 (60%) of MARSHALL-BELTRAMI'S ALLOCATION.

MARSHALL AND BELTRAMI SWCD's EASEMENT SERVICES GRANTS INCLUDE THE RESPECTIVE EASEMENTS OF MARSHALL-BELTRAMI SWCD.

ANOKA GENERAL SERVICES PENALIZED 5% FOR NON-COMPLIANCE WITH WEBSITE REPORTING REQUIREMENTS.

COST SHARE

MARSHALL-BELTRAMI SWCD CONSOLIDATED IN FY'10.

BELTRAMI BASE GRANT INCLUDES $3,103 (50%) OF MARSHALL-BELTRAMI'S ALLOCATION.

MARSHLL BASE GRANT INCLUDES $3,103 (50%) OF MARSHALL-BELTRAMI'S ALLOCATION.

NORTH ST. LOUIS GRANT REDUCED $350 FOR STATE COST SHARE PROGRAM VIOLATION.

KANEBEC SWCD GRANT REDUCED $569 FOR STATE COST SHARE PROGRAM VIOLATION.

H:FY11SWCD

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: MPCA COUNTY SSTS EDUCATIONAL STIPEND

Meeting Date: June 23, 2010

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: Land & Water
Contact: Wayne Zellmer
Prepared by: Wayne Zellmer
Reviewed by: Grants Program & Policy Committee(s)
Presented by: Wayne Zellmer

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

Attachments: ☒ **Resolution** ☐ **Order** ☐ **Map** ☒ **Other Supporting Information**

Fiscal/Policy Impact

☐ None
☐ Amended Policy Requested
☐ New Policy Requested

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

☒ Other: MPCA transfer

ACTION REQUESTED
Approve allocations

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The MPCA has made available up to $1,500 per county per biennium for county staff to attend Advanced Designer/Inspector and Service Provider training classes offered by the U of M, OSTP. The Grants Program & Policy Committee is requesting the Board to approve the identified 15 reimbursement allocations totaling $22,500.

MPCA County SSTS Educational Stipend - $22,500

The 2009 MN Legislature appropriated certain funding to MPCA for county administration of SSTS (Subsurface Sewage Treatment Systems) programs. The Agency has made available up to $1,500 per county per biennium for county staff to attend *Advanced Designer/Inspector and Service Provider* training classes offered by the U of M, OSTP.

The Agency, through the U of M, has identified the following eligible counties who have indicated that they have sent their SSTS staff to this training between September 2009 and May 2010:

County	Eligible Amount
Becker	$1,500.00
Chisago	$1,500.00
Cook	$1,500.00
Dodge	$1,500.00
Douglas	$1,500.00
Freeborn	$1,500.00
Goodhue	$1,500.00
Jackson	$1,500.00
Martin	$1,500.00
McLeod	$1,500.00
Mille Lacs	$1,500.00
Pope	$1,500.00
Scott	$1,500.00
Sherburne	$1,500.00
Steele	$1,500.00

Recommendation

The Grants Program & Policy Committee is requesting the Board to approve the above allocations totaling $22,500. These funds are transferred to BWSR and allocated with '11 County SSTS Base Grants.

Board Resolution #_____

MPCA COUNTY SSTS EDUCATIONAL STIPEND

WHEREAS, Laws of Minnesota 2009, Chapter 37, Article 1, Section 3 appropriated General Funds to MPCA for county administration of SSTS (Subsurface Sewage Treatment Systems) programs which has been transferred to BWSR via an interagency agreement; and,

WHEREAS, the MPCA has made available up to $1,500 per county per biennium for county staff to attend *Advanced Designer/Inspector and Service Provider* training classes offered by the University of Minnesota, On-Site Sewage Treatment Program; and,

WHEREAS, University of Minnesota, On-Site Sewage Treatment Program tracks and verifies attendance at training classes and reports this information to the MPCA, and the MPCA will provide this documentation to BWSR; and,

WHEREAS, based on the reporting by the University of Minnesota, On-Site Sewage Treatment Program the MPCA has identified eligible counties who have sent their staff to this training between September 2009 and May 2010; and,

WHEREAS, the Grants Program and Policy Committee reviewed the proposed county SSTS educational stipend allocations on May 25, 2010 and June 8, 2010.

NOW THEREFORE BE IT RESOLVED, the Board hereby authorizes staff to allocate funds totaling $22,500 to counties as follows:

County	Eligible Amount	County	Eligible Amount
Becker	$1,500.00	Martin	$1,500.00
Chisago	$1,500.00	McLeod	$1,500.00
Cook	$1,500.00	Mille Lacs	$1,500.00
Dodge	$1,500.00	Pope	$1,500.00
Douglas	$1,500.00	Scott	$1,500.00
Freeborn	$1,500.00	Sherburne	$1,500.00
Goodhue	$1,500.00	Steele	$1,500.00
Jackson	$1,500.00		

_____ Date: _____

Randy Kramer, Chair
Board of Water and Soil Resources

H:11SSTSESBR

Board Resolution # 10-59

MPCA COUNTY SSTS EDUCATIONAL STIPEND

WHEREAS, Laws of Minnesota 2009, Chapter 37, Article 1, Section 3 appropriated General Funds to MPCA for county administration of SSTS (Subsurface Sewage Treatment Systems) programs which has been transferred to BWSR via an interagency agreement; and,

WHEREAS, the MPCA has made available up to $1,500 per county per biennium for county staff to attend *Advanced Designer/Inspector and Service Provider* training classes offered by the University of Minnesota, On-Site Sewage Treatment Program; and,

WHEREAS, University of Minnesota, On-Site Sewage Treatment Program tracks and verifies attendance at training classes and reports this information to the MPCA, and the MPCA will provide this documentation to BWSR; and,

WHEREAS, based on the reporting by the University of Minnesota, On-Site Sewage Treatment Program the MPCA has identified eligible counties who have sent their staff to this training between September 2009 and May 2010; and,

WHEREAS, the Grants Program and Policy Committee reviewed the proposed county SSTS educational stipend allocations on May 25, 2010 and June 8, 2010.

NOW THEREFORE BE IT RESOLVED, the Board hereby authorizes staff to allocate funds of $1,500 each to eligible counties as determined by MPCA and the University of MN On-Site Sewage Treatment Program.

County	Eligible Amount	County	Eligible Amount
Becker	$1,500.00	Martin	$1,500.00
Chisago	$1,500.00	McLeod	$1,500.00
Cook	$1,500.00	Mille Lacs	$1,500.00
Dodge	$1,500.00	Pope	$1,500.00
Douglas	$1,500.00	Scott	$1,500.00
Freeborn	$1,500.00	Sherburne	$1,500.00
Goodhue	$1,500.00	Steele	$1,500.00
Jackson	$1,500.00		

Randy Kramer

Date: 6/23/10

Randy Kramer, Chair
Board of Water and Soil Resources

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Drainage Records Modernization Awards

Meeting Date: June 23, 2010

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: Land & Water
Contact: Dave Weirens
Prepared by: Joel Peterson
Reviewed by: Grants Program & Policy Committee(s)
Presented by: Joel Peterson

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

Attachments: ☒ **Resolution** ☐ **Order** ☐ **Map** ☒ **Other Supporting Information**

Fiscal/Policy Impact

☐ None
☐ Amended Policy Requested
☐ New Policy Requested
☒ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget
☐ Other:

ACTION REQUESTED

Approve allocations

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The Drainage Records Modernization grants are to assist counties and watershed districts who administer public drainage systems (governed by 103E) to upgrade their records from old paper copies to electronic versions. The Board is requested to approve additional funding requests from applications previously submitted.

Minnesota Board of Water & Soil Resources

DATE: June 1, 2010

TO: BWSR Grants Program and Policy Committee

FROM: Joel Peterson

SUBJECT: **DECISION ITEM:** Drainage Records Modernization Grants

Background:
The purpose of the Drainage Records Modernization grants are to assist counties and watershed districts who administer public drainage systems (governed by 103E) to upgrade their records from old paper copies to electronic versions. In December 2008, the BWSR Board approved $500,000 in funding for Drainage Records Modernization to 22 different drainage authorities. The 2008 RFP encouraged joint or multi-jurisdictional applications in an effort to encourage economies-of-scale. The last proposal funded was a multi-jurisdictional proposal, with 4 partners, who were funded at about 15% of their request.

The legislature provided $100k in funding for FY 2010. Additionally, one grant recipient from FY 2008 declined their grant of $30,000, so there is $130k available. Because the amount is relatively small and because the lowest-rated proposal from the last round of funding was funded at a low rate, staff suggests awarding the balance of the requested grant amount to the partly funded group of four from 2008 and then awarding the balance of the $130k using the scoring spreadsheet from 2008.

Recommendations:

1. Use $77,253 of the $130,000 to fully fund the group of four who were only partially funded from the 2008 grants. The group consists of Kittson County, Two River WD, Roseau County, and Roseau River WD.

2. Apply the balance ($52,747) to the next highest remaining applicant(s) on the from the 2008 ranking sheet.

Board Resolution # 10-

AUTHORIZING DRAINAGE RECORDS MODERNIZATION GRANTS

WHEREAS, Laws of Minnesota 2009, Chapter 37, Article 1, Section 5 appropriated $100,000 to the Board of Water and Soil Resources (BWSR) for grants to local governments for public drainage records modernization grants; and,

WHEREAS, BWSR approved drainage records modernization grants to 22 drainage authorities in December 2008 in Board Resolution 08-115; and,

WHEREAS, an additional $30,000 is available for grants as one of the projects selected in 2008 declined the grant; and,

WHEREAS, one of the 2008 projects received partial funding and there are other viable applications that were not funded; and,

WHEREAS, staff are proposing to use $77,253 to fully fund the partially funded project from 2008, and the balance to fund the next highest remaining applicant(s) from the 2008 ranking; and,

WHEREAS, the Grants Program and Policy Committee reviewed the proposed allocation of Drainage Records Modernization Grant funds on June 8, 2010.

NOW THEREFORE, the Board authorizes staff to allocate Drainage Records Modernization Grant funds as follows:

(1) $77,253 to fully fund the partially funded project from 2008; and
(2) The balance ($52,747) to fund the next highest remaining applicant(s) from the 2008 ranking.

_____ Date: _____

Randy Kramer, Chair
Board of Water and Soil Resources

Board Resolution # 10- 60

AUTHORIZING DRAINAGE RECORDS MODERNIZATION GRANTS

WHEREAS, Laws of Minnesota 2009, Chapter 37, Article 1, Section 5 appropriated $100,000 to the Board of Water and Soil Resources (BWSR) for grants to local governments for public drainage records modernization grants; and,

WHEREAS, BWSR approved drainage records modernization grants to 22 drainage authorities in December 2008 in Board Resolution 08-115; and,

WHEREAS, an additional $30,000 is available for grants as one of the projects selected in 2008 declined the grant; and,

WHEREAS, one of the 2008 projects received partial funding and there are other viable applications that were not funded; and,

WHEREAS, staff are proposing to use $77,253 to fully fund the partially funded project from 2008, and the balance to fund the next highest remaining applicant(s) from the 2008 ranking; and,

WHEREAS, the Grants Program and Policy Committee reviewed the proposed allocation of Drainage Records Modernization Grant funds on June 8, 2010.

NOW THEREFORE, the Board authorizes staff to allocate Drainage Records Modernization Grant funds as follows:

(1) $77,253 to fully fund the partially funded project from 2008; and
(2) The balance ($52,747) to fund the next highest remaining applicant(s) from the 2008 ranking.

Randy Kramer, Chair
Board of Water and Soil Resources

Date: 6/23/10

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Cost Share Grant Closeout Policy: Implementation Process**

Meeting Date: June 23, 2010

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region:
Contact: Dave Weirens
Prepared by: Dave Weirens
Reviewed by: Grants Program and Policy Committee Committee(s)
Presented by:

☒ **Audio/Visual Equipment Needed for Agenda Item Presentation**

Attachments: ☒ **Resolution** ☐ **Order** ☐ **Map** ☒ **Other Supporting Information**

Fiscal/Policy Impact

☐ None
☐ Amended Policy Requested
☒ New Policy Requested
☐ Other:

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

ACTION REQUESTED

Decision. Adopt resolution implementing new Cost Share Grant Program Closeout process.

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
Under current Board procedures, staff closeout all Cost Share grants. Staff have developed proposed changes to these procedures in response to continued reductions in funding and to comply with policies of the Office of Grants Management. The proposal is to monitor all Cost Share Grants, but only closeout a 10% random sample of them. The Grant Program and Policy Committee reviewed this proposal and recommends the Board adopt the proposed new Cost Share Grant Program Close Out implementation process.

Cost Share Grant Closeout Policy: Implementation Process

June 2010

The goals of revising the Cost Share Grant Program close out policy are to:

- Establish administrative oversight requirements appropriate to the scale of the Program;
- Ensure continued compliance by SWCDs with State and BWSR grants management policies and procedures.

Current Process (2008)

An SWCD must send its board conservationist the Final Financial Report and Record of Payment to Land Occupiers within 30 days of the date the last check was issued for that grant period or from the date the funds were released from encumbrance. The board conservationist contacts the SWCD and schedules a close out within 60 days of receiving these reports. Board conservationists should attempt to complete the close out within 120 days of receiving these reports from the SWCD.

Minimum Policy Implementation Standard. Taking into account the length of the two-year grant agreement period and the length of time a local cost share contract could extend to, the following formula is used to implement closeouts:

Current Calendar Year – 4 = Grant Fiscal Year that should be closed out

Example: CY08 – 4 = FY04 should be closed (and all prior years)

Proposal

The current process described above is proposed to be replaced with a process that will annually closeout grants of 10% of the SWCDs on a sample basis according to the procedures outlined below. Grants in excess of $50,000 will also be closed out in compliance with Office of Grants Management Policy 08-10.

1) **District Grant Closeout Reporting.** Within 30 calendar days of the conclusion of each grant agreement or the expenditure of all grant funds, whichever is sooner, Districts must provide the following to BWSR:
   a. Entry of project information, including financial and outcomes data on all projects completed with the grant funding in eLINK;
   b. Signed Final Financial Report from eLINK to their Board Conservationist; and
   c. Return any unspent funds as instructed on the Returned Check Form.

   Grant funds unencumbered by the District Board after the Grant period must be returned to BWSR within 30 calendar days following the end of the grant period. The Record of Payment to Land Occupier is no longer required to be submitted.

   Any district that does not complete these requirements will not be eligible to receive funds from this program until all past reporting has been completed. Financial penalties on the grant recipient may be applied.

2) **BWSR Monitoring Procedures.**
   a. BWSR will annually monitor all District Grant Closeout Reporting (#1 above) following the February 1st reporting deadline. A process and guidance for tracking implementation of this monitoring procedure will be developed.
   b. BWSR will conduct monitoring visits of all grants: (1) over $250,000 annually; and (2) over $50,000 at least once per grant period. According to Office of Grants Management Policy 08-10 monitoring visits can occur in person or by telephone, and must be documented. A process and guidance for completing and tracking implementation of this monitoring procedure will be developed.

3) **BWSR Closeout Procedures.** BWSR will annually review a minimum of the cost share grants of 10% of Districts and all grants that exceeded $50,000 for compliance with contractual requirements of the Cost Share Program.
   a. Regional supervisors will annually identify 9 SWCDs (1-Metro Region, 4, North Region, and 4-South Region), on a random basis, that will be closed out according to existing procedures. These Districts will be selected by July 1, and results of the closeout must be reported to the Grants Coordinator by May 1 of the following year.
   b. The grant year that will be closed out will be identified by applying the current policy: (CY – 4 = FY to be closed out).
   c. All Cost Share Grants for that fiscal year will be closed out (i.e. Cost Share Base Grant, Cooperative Weed Management, Native Buffer, Feedlot, and others as identified.) Project files eligible for compliance review may include: landowner contact information, contracts and amendments, bills and invoices, documentation of existing problems and priorities, design plans, operation and maintenance information, inspection schedule and implementation, District policies and pertinent communications related to the grant or projects.
   d. An SWCD that had an identified program violation will be closed out in the following year. The follow-up close out may be limited to the violations identified in the previous year or may be reviewed as part of annual monitoring under item 2) above, as appropriate. Based on the degree of the violation, prior grant years may be closed out for program compliance.

4) **BWSR Program Support.** BWSR will conduct regular training of SWCDs to ensure district staff have knowledge of BWSR program requirements, including monitoring and closeout requirements.

Board Resolution # 10-64

REVISING COST SHARE GRANT PROGRAM CLOSEOUT PROCEDURES

WHEREAS, the Board of Water and Soil Resources (BWSR) is authorized under Minn. Stat. 103C.501 to establish a Cost Share Program for soil and water conservation districts; and,

WHEREAS, BWSR has adopted rules governing the Cost Share Program under Minn. Rules Chapter 8400; and,

WHEREAS, 2009 amendments to Minn. Stat. 103C.501 authorize the Board to adopt policies for the Cost Share Program; and,

WHEREAS, pursuant to Minn. Stat. 16B.97, subd. 4(a)(1) the Commissioner of Administration is required to "create general grants management policies and procedures that are applicable to all executive branch agencies"; and,

WHEREAS, the Department of Administration has developed 13 policies, including 08-08: Policy on Grant Payments and 09-10: Policy on Grant Monitoring that establish requirements for grant oversight; and.

WHEREAS, the primary goals of Cost Share Grant program closeout procedures are to:

- Establishing administrative oversight requirements appropriate to the scale of the Program; and
- Ensuring continued compliance by SWCDs with State and BWSR grants management policies and procedures; and,

WHEREAS, the Grants Program and Policy Committee reviewed the proposed changes to the Cost Share Grant Program Close-out Policy on June 8, 2010.

NOW THEREFORE BE IT RESOLVED, that the Board rescinds the current procedure that requires all Cost Share Grants to be closed-out; and,

BE IT FURTHER RESOLVED, the Board adopts the Cost Share Grant Program Closeout Policy that includes the following elements:

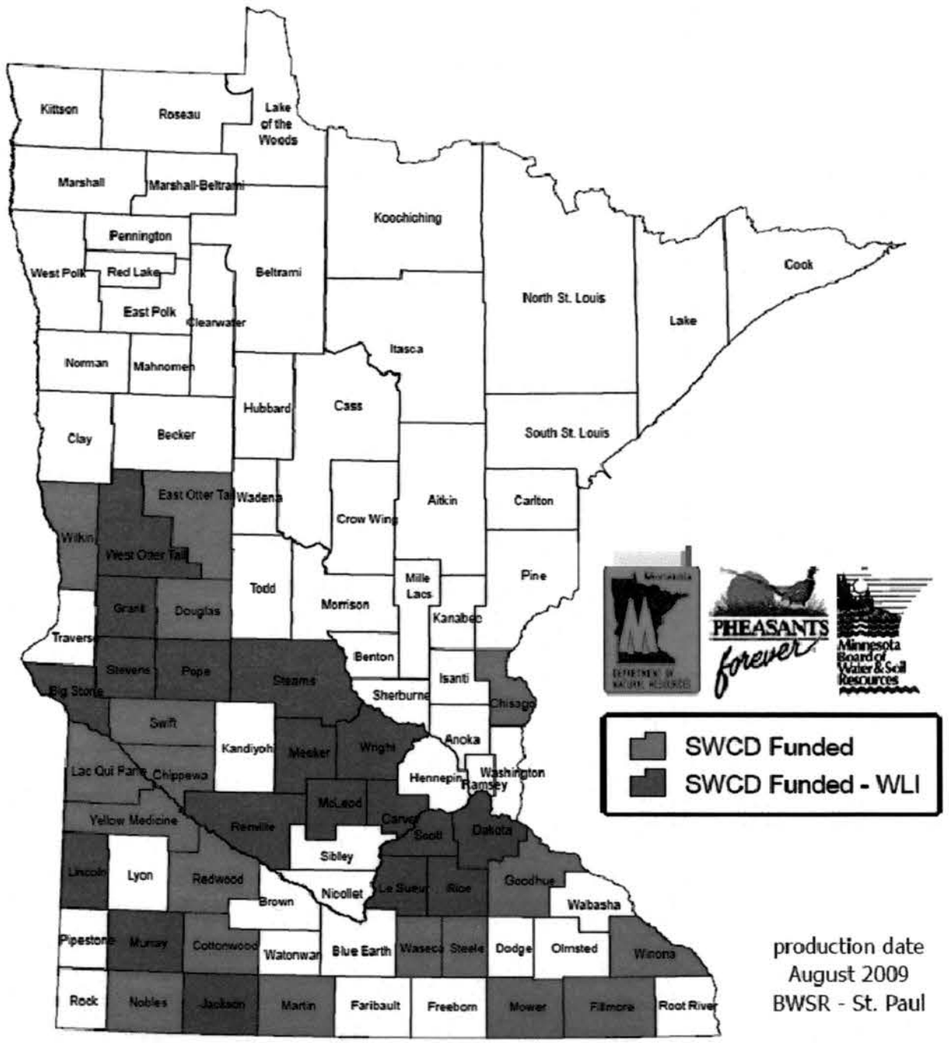
1) District Grant Closeout Reporting. Districts are required to enter project financial and outcomes information into eLINK and return any unspent funds within 30 days of the conclusion of each grant;
2) BWSR Monitoring Procedures. BWSR will annually monitor District Grant Closeout Reporting consistent with the February 1 reporting deadline and conduct monitoring visits annually for all grants over $250,000 and at least once during the grant period for all grants over $50,000 as required by Office of Grants Management Policy 08-10; and,

3) BWSR Closeout Procedures. BWSR will annually review a minimum of the cost grants of 10% of Districts and all Cost Share Grants that exceeded $50,000 for compliance with contractual requirements of the Cost Share Program; and,

Randy Kramer, Chair
Board of Water and Soil Resources

Date: 6/23/10

Farm Bill Assistance Positions
PHASE IX - July 1, 2009 to June 30, 2010



production date
August 2009
BWSR - St. Paul

FARM BILL STAFFING SUMMARY

21.74 FTEs in 36 SWCDs

Minnesota's Farm Bill Assistance Partnership

The essential link between private landowners and state and federally funded conservation programs

This native grassland seeding in northern Kandiyohi County was planted in May 2008 through a Continuous CRP option known as the "Back 40 Pheasant Habitat conservation practice." These 15.3 acres were enrolled by a landowner who worked closely with a Farm Bill Technician -- an SWCD employee whose position is funded by the Minnesota Farm Bill Assistance Partnership. The site is near an existing WPA and WMA, which will expand on an existing habitat complex and will also provide water quality benefits. Thanks to the Farm Bill Assistance Partnership, nearly 10,000 acres are in the process of being enrolled in Minnesota since this enrollment option was announced in April 2008.

Minnesota Board of Water & Soil Resources · Minnesota Department of Natural Resources · Pheasants Forever, The Habitat Organization · MASWCD

This partnership provides funding for staff in Minnesota's SWCDs to promote conservation programs to private landowners.

Minnesota's Farm Bill Assistance Partnership

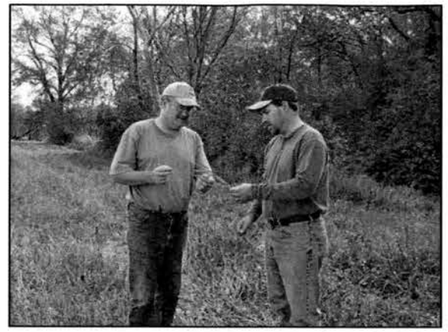
The Farm Bill Assistance Partnership of BWSR, DNR, Pheasants Forever, and Soil and Water Conservation Districts (SWCDs), pays for SWCDs to hire technicians to promote conservation provisions of the Federal Farm Bill and other conservation programs to private landowners.

The partnership has spent more than $7.5 million since it began in 2002, which has led to thousands of acres of long-term habitat being established in Minnesota.

Here's what people are saying about this partnership:

"My job is much more than just suggesting a program that would meet the needs of a landowner's operation. Some programs that involve payments and multi-year contracts require a sea of paperwork, so helping the landowner understand each requirement is the only way to get conservation projects on the ground."

-- Jason Selvog,
Pheasants Forever, Farm Bill Biologist

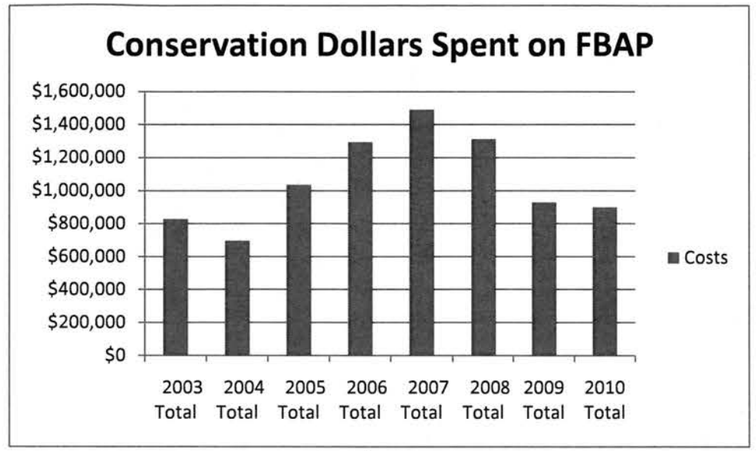


"The greatest benefit of the partnership has been the SWCD's ability to have someone sit down with landowners, visit with them one on one, and explain all the opportunities available. When you sit down and visit with people, you learn that there's a lot to understand."

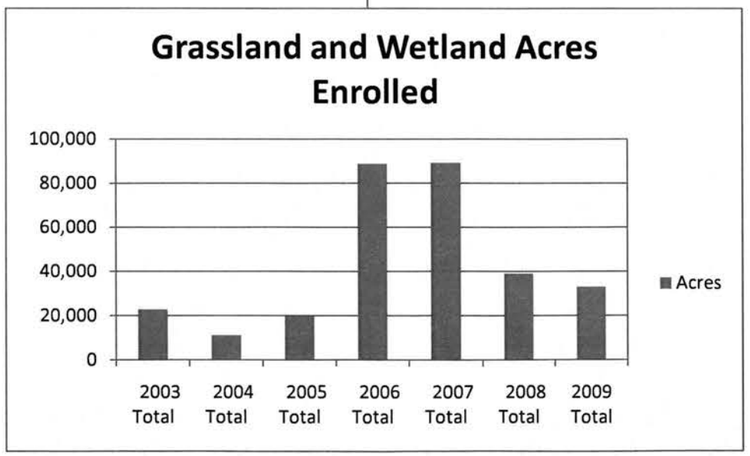
-- Dennis Fuchs, Stearns County SWCD Administrator

"I have the privilege of working to directly improve wildlife populations and water quality where I live, and downstream. Every new acre enrolled instills in me a real sense of satisfaction and accomplishment. I care about our environment and our wildlife populations, and I am grateful that I get to work to improve them both."

-- Cory Netland, Farm Bill Technician, Renville County



A total of 322,000 acres of grasslands and wetlands have been enrolled in conservation easements since 2001 through this partnership.



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: FY 2011 FARM BILL ASSISTANCE AWARDS

Meeting Date: June 23, 2010

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Southern

Contact: Tabor Hoek

Prepared by: Tabor Hoek

Reviewed by: Grants Program & Policy Committee(s)

Presented by: Tabor Hoek

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

Attachments: ☒ **Resolution** ☐ **Order** ☒ **Map** ☒ **Other Supporting Information**

Fiscal/Policy Impact

☐ None
☐ Amended Policy Requested
☐ New Policy Requested

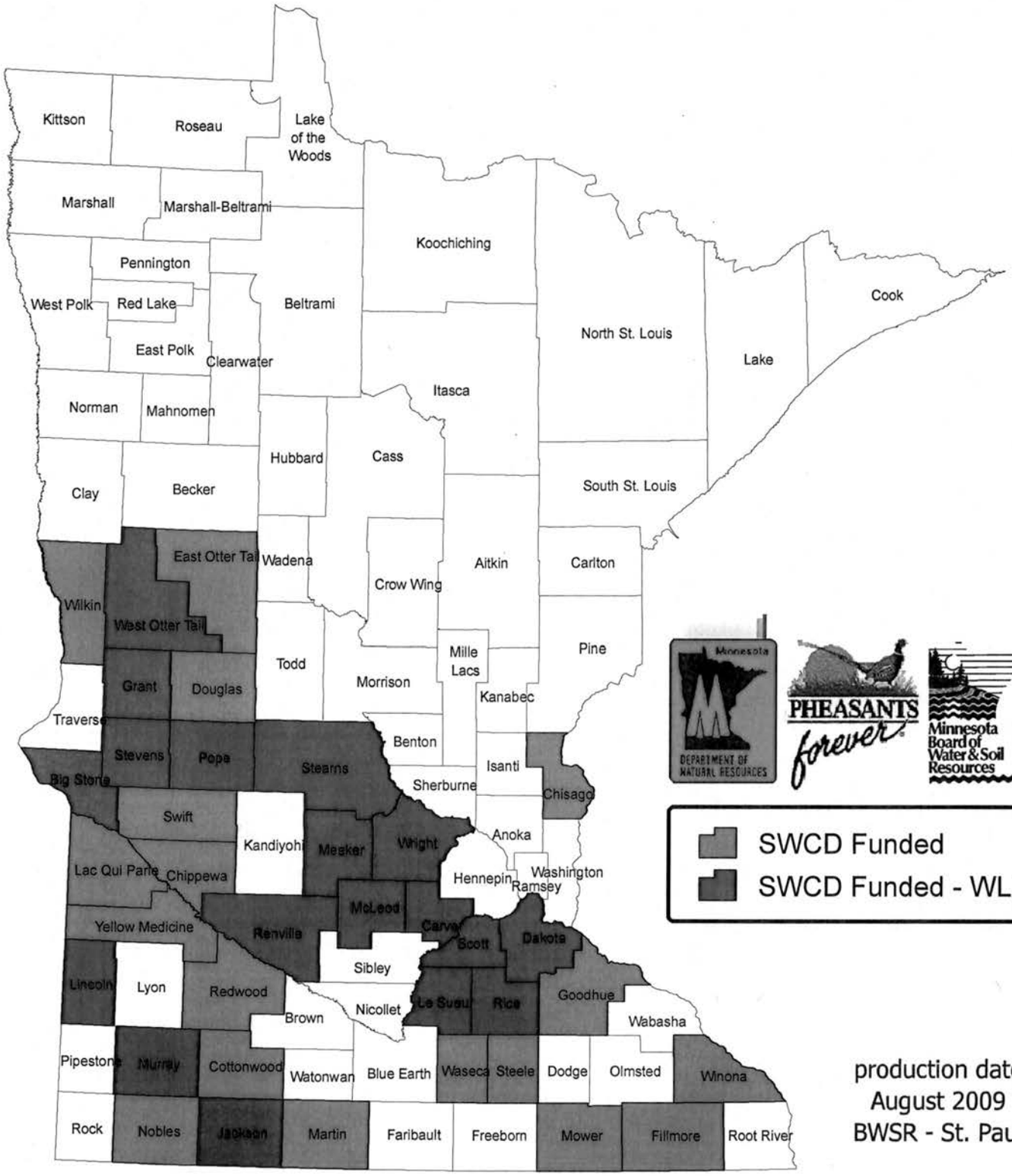
☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

☒ Other: LCCMR

ACTION REQUESTED
Approve resolution

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The Farm Bill Assistance Program provides financial assistance to selected SWCDs to accelerate the implementation of grassland and wetland projects. The primary focus is with the conservation programs found in the Federal Farm Bill. Board authorization for implementaion of this year's Program is requested.

Farm Bill Assistance Positions
PHASE IX - July 1, 2009 to June 30, 2010



production date
August 2009
BWSR - St. Paul

FARM BILL STAFFING SUMMARY

21.74 FTEs in 36 SWCDs

N
W E
S

PROPOSED 2011 FARM BILL ASSISTANCE CONTRACTS

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 X that will run from July 1, 2010 through June 30, 2011. To date nearly $8 million dollars have been spent on this project with a result of 324,000 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

This year is the second year of a two-year $1 M grant from LCCMR to help fund this effort. The FY '11 Program budget is as follows:

FY 2011 Budget:	
LCCMR funding	$500,000
DNR	$150,000
BWSR	$0
FY 2010 Carry Over	$????????will know June 30, 2010
State Total	$650,000
Local match 30%	$278,570
Total Project FY2011	**$928,570**

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, 2010 and run through July 31, 2011. 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 quarterly basis.

RECOMMENDATION

This committee will make initial allocation selections by July 1, 2010. 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.

w:/MarshallDocs/2Farmbill/PhaseX/Proposed 2011 Farm Bill Assistance Grants

Board Resolution # 10-61

FY '11 Farm Bill Assistance Program Authorization

WHEREAS, the Laws of Minnesota 2008, Chapter 367, Section 2, appropriated funds to the Board of Water and Soil Resources for the Farm Bill Assistance Program; and,

WHEREAS, the Farm Bill Assistance Program administered by the Board of Water and Soil Resources (BWSR), provides funding 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 grant process that will be used for FY '11 of this ongoing program will be the same as has been used since 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 the 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 $650,000, and any rollover or carryforward from this Program, for the Farm Bill Assistance Grant Program according to these policies.

Ray Kramer

Date: 6/23/10

Randy Kramer, Chair
Board of Water and Soil Resources

H:11FBABR

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: '11 FEEDLOT AND SSTS GRANTS

Meeting Date: June 23, 2010

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Land & Water

Contact: Dave Weirens

Prepared by: Dave Weirens

Reviewed by: Grants Program & Policy Committee(s)

Presented by: Dave Weirens

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

Attachments: ☒ **Resolution** ☐ **Order** ☐ **Map** ☒ **Other Supporting Information**

Fiscal/Policy Impact

☐ None
☐ Amended Policy Requested
☐ New Policy Requested

☒ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☒ Clean Water Fund Budget

☐ Other: _____

ACTION REQUESTED
Approval of Program Authorizations

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The Grants Program & Policy Committee is requesting the Board to approve a proposal to make unallocated FY '10 and FY '11 Feedlot Water Quality Improvement, and FY '11 SSTS Imminent Health Threat grant funds, immediately available in two application periods.

PROPOSAL

FY2011 CWF and General Fund Grants:
Feedlot Water Quality and SSTS Imminent Health Threat Abatement

1. Feedlot Water Quality - $3,191,650 (CWF & GF). In addition to the CWF and GF that have been appropriated to BWSR, the Minnesota Department of Agriculture will be contributing AgBMP Programs funds to this initiative in an amount to be determined prior to allocation.

A sign-up for feedlot improvement projects will be held using available FY10 and FY11 CWF and GF appropriated to BWSR. Eligible projects are feedlots that are less than 300 animal units in size and are located in an impaired area or riparian area. Additional program eligibility and ranking criteria are discussed below.

A. Local governments eligible for these funds: SWCDs, watershed districts, watershed management organizations, counties, cities, and joint powers boards of these organizations.
B. Required Local Match: 25%.
C. Applications are eligible if they meet the following criteria:
   (1) Less than 300 animal units;
   (2) Located in an impaired watershed or on riparian land; and
   (3) A MinnFarm rating of 1 or more or meet other pollution prevention criteria such as addressing milkhouse waste or silage leachate.
D. Applications will receive funding priority (listed in priority order):
   (1) That are for feedlots having an Open Lot Agreement
   (2) Based on the date they are received (early applications will have a higher priority than those received later in the sign up period); and
   (3) That are for feedlots having a Livestock Environmental Quality Assurance (LEQA) Plan or other sanctioned stewardship plan.

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2. SSTS Imminent Health Threat Abatement - $974,223 (CWF). A sign-up for SSTS Imminent Health Threat Abatement grants will be held using available FY10 and FY11 CWF appropriated to BWSR. Eligible projects are for homeowners that meet the low income standard established by the county and for SSTS systems that have been identified as an imminent health threat. Additional program eligibility and ranking criteria are discussed below.

A. Local governments eligible for these funds: Counties and cities.
B. Required Local Match: None.
C. Applications are eligible if they meet the following criteria:
   (1) SSTS systems that are identified as an imminent health threat or failing; and
   (2) The owners are low income as identified in the application. Applicants are strongly suggested to use existing income guidelines from U.S. Rural Development as the basis for their definition of low income.

D. Applications will receive funding priority based (listed in priority order):

(1) On the date they are received (early applications will have a higher priority than those received later in the sign up period);

(2) SSTSs that are identified as an imminent health threat and were identified via an inventory;

(3) SSTSs that are identified as an imminent health threat and were not identified via an inventory; and

(4) SSTSs that are identified as failing.

Implementation Process for Feedlot Water Quality and SSTS Imminent Health Threat Abatement Grants Programs:

A. Two application periods:

(1) July 1-August 14; and

(2) August 15 – September 30.

B. All eligible projects will be funded to extent funds are available. Any funds remaining after these application periods will be evaluated for use in funding competitive applications, to hold additional application periods, or some other purpose.

C. The Board will be requested to authorize staff to award grants based on program criteria included in the Board order.

D. Process:

(1) Programs and Grants Team will review the grant program proposal and forward it to SMT (May 3).

(2) SMT will review the Programs and Grants Team recommendation (May 11).

(3) The Board Grants Program and Policy Committee will consider the grant program proposal (June 8).

(4) The Board will consider the grant program proposal (June 23).

(5) Application periods will run from July 1 - August 14 and August 15 – September 30.

(6) Applications will be submitted via the same method as for the FY10 Competitive Grants: bwsr.grants@state.mn.us.

(7) Regional OAS staff will compile applications and forward them to the appropriate BC for review, copying the CWS.

(8) The BC will conduct an eligibility check, based on guidance developed by the Grants Coordinator, and forward the results of this check to the Grants Coordinator, copying the CWS.

(9) Applications that meet the eligibility criteria will be forwarded to the Grant Coordinator for processing. Applications where the BC has identified an eligibility concern will be forwarded to the Grants Program and Policy Team for further review. (late August and early October). The Grants Program and Policy Team recommendation is forwarded to the Assistant Director for a final determination.

(10) Successful grantees are notified, develop a workplan in eLINK, which is approved by the BC, and the grant agreement is executed. The goal is to notify all successful grantees by September 1.

(11) The Board will be given an update (August 26 and October 27).

Board Resolution # 10- 62

AUTHORIZING FY 2011 FEEDLOT WATER QUALITY AND SSTS IMMINENT HEALTH THREAT GRANT PROGRAMS

WHEREAS, Governor Pawlenty signed legislation establishing the Clean Water Fund (CWF) in M.S. 114D.50 on May 22, 2009; and,

WHEREAS, Laws of Minnesota 2009, Chapter 172, Section 6 appropriated CWF funds to the Board of Water and Soil Resources (BWSR) that included funds for feedlot water quality improvement grants (FY11 - $2,000,000) and to address imminent threat and failing subsurface sewage treatment systems (SSTS) (FY11 - $1,000,000); and,

WHEREAS, Laws of Minnesota 2009, Chapter 37, Article 1, Section 5 appropriated General Funds to BWSR for feedlot water quality grants (FY11 - $500,000) which were reduced by Laws of Minnesota 2010, Chapter 215, Article 3, Section 5 by $64,000 for the FY2010-11biennium; and,

WHEREAS, unallocated funds from the FY10 competitive grants process that are available for grants in FY11 are $855,650 for Feedlot Water Quality Grants and $24,233 for SSTS Imminent Health Threat grants; and,

WHEREAS, the Minnesota Department of Agriculture will be contributing Agricultural Best Management Practices Funds to the Feedlot Water Quality Improvement grants program; and,

WHEREAS, the Board has authority under Minn. Stat. 103B.3369 to make grants to cities, townships, counties, soil and watershed 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, watershed management plan, or county groundwater plan; and

WHEREAS, BWSR implementation of appropriated CWF funds is based on the Minnesota Constitution, Article XI, Section 15 which provides that funds may be "spent only to protect, enhance, and restore water quality in lakes, rivers, and streams and to protect groundwater from degradation", and that "dedicated money under this section must supplement traditional sources of funding for these purposes and may not be used as a substitute"; and,

WHEREAS, the CWF implementation strategy incorporates M.S. 114D.20 which directs the implementation of Clean Water Funds to be coordinated with existing authorities and program infrastructure; and,

WHEREAS, staff have developed a proposal to make Feedlot Water Quality Improvement and SSTS Imminent Health Threat grant funds available in two application periods from July 1, 2010 to August 14, 2010, and August 15 to September 30, 2010; and,

WHEREAS, SWCDs, watershed districts, watershed management organizations, counties, cities, and joint powers boards of these organizations will be eligible for Feedlot Water Quality Improvement grants if they provide a 25% local match, and the applications are for:

(1) feedlots less than 300 animal units; and
(2) feedlots located in an impaired watershed or riparian land, and
(3) have a MinnFarm rating of 1 or more or meet other pollution prevention criteria such as addressing milkhouse waste or silage leachate; and,

WHEREAS, applications for Feedlot Water Quality Improvement grants will receive funding priority (listed in priority order):

(1) That are for feedlots having an Open Lot Agreement;
(2) Based on the date they are received (early applications will have a higher priority than those received later in the sign up period); and
(3) That are for feedlots having a Livestock Environmental Quality Assurance (LEQA) Plan or other sanctioned stewardship plan; and,

WHEREAS, counties, cities, and joint powers boards of these organizations will be eligible for SSTS Imminent Health Threat grants if their applications are for:

(1) SSTS systems that are identified as an imminent health threat or failing; and
(2) Owners that are low income as identified in the application; and

WHEREAS, applications for SSTS Imminent Health Threat grants will receive funding priority based on (listed in priority order):

(1) The date they are received (early applications will have a higher priority than those received later in the sign up period);
(2) SSTSs that are identified as an imminent health threat and were identified via an inventory;
(3) SSTSs that are identified as an imminent health threat and were not identified via an inventory; and
(4) SSTSs that are identified as failing.

WHEREAS, the Grants Program and Policy Committee reviewed the Feedlot Water Quality Improvement and SSTS Imminent Health Threat Grant programs proposals developed by staff on June 8, 2010.

NOW THEREFORE, the Board hereby authorizes staff to finalize, distribute and promote request for proposals for the Feedlot Water Quality Improvement and SSTS Imminent Health Threat Grant programs and award funds consistent with this Board resolution and applicable appropriations and statutes.

Randy Kramer, Chair
Board of Water and Soil Resources

Date: 6/23/10

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Authorizing FY11 Contract with the Conservation Corps of Minnesota and Iowa.**

Meeting Date: June 23, 2010

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region:

Contact: Dave Weirens

Prepared by: Dave Weirens

Reviewed by: Grants Program and Policy Committee(s)

Presented by: Dave Weirens

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

Attachments: ☒ **Resolution** ☐ **Order** ☐ **Map** ☒ **Other Supporting Information**

Fiscal/Policy Impact

☐ None
☐ Amended Policy Requested
☐ New Policy Requested

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☒ Clean Water Fund Budget

☐ Other:

ACTION REQUESTED

Decision. Adopt resolution that authorizes staff to enter into a contract with the Minnesota Conservation Corps of Minnesota and Iowa as required by Laws of Minnesota 2009, Chapter 172, Article 2, Section 6.

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

The 2009 Legislature required BWSR to contract with the Conservation Corps of Minnesota and Iowa for $500,000 for Clean Water Fund maintencne and restoration activities. In FY10, the Board reserved $200,000 from the Runoff Reduction Grants, $200,000 from the Clean Water Assistance Grants, and $100,00 from the Shoreland Improvement Grants. The proposal for the FY 11 contract is to set aside funds from the same grant programs to meet this obligation. The Grants Program and Policy Committee reviewed this issue on May 25, 2010 and is recommending the Board adopt the proposed resolution authorizing BWSR to enter into a contract with the Conservation Corps.

FY11 BWSR Clean Water Fund Appropriations

Laws of Minnesota 2009, Chapter 172, Article 2, Section 6

Conservation Corps of Minnesota and Iowa

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.

Runoff Reduction Grants	**Contract Set Aside**
b) $2,800,000 the first year and $3,124,000 the second year are for grants to watershed districts and watershed management organizations for: (i) structural or vegetative management practices that reduce storm water runoff from developed or disturbed lands to reduce the movement of sediment, nutrients, and pollutants or to leverage federal funds for restoration, protection, or enhancement of water quality in lakes, rivers, and streams and to protect groundwater and drinking water; and (ii) the installation of proven and effective water retention practices including, but not limited to, rain gardens and other vegetated infiltration basins and sediment control basins in order to keep water on the land. The projects must be of long-lasting public benefit, include a local match, and be consistent with TMDL implementation plans or local water management plans. Watershed district and watershed management organization staff and administration may be used for local match. Priority may be given to school projects that can be used to demonstrate water retention practices. Up to five percent may be used for administering the grants.	$200,000

Clean Water Assistance Grants	**Contract Set Aside**
(c) $3,000,000 the first year and $3,000,000 the second year are for nonpoint source pollution reduction and restoration grants to watershed districts, watershed management organizations, counties, and soil and water conservation districts for grants in addition to grants available under paragraphs (a) and (b) 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. The projects must be of long-lasting public benefit, include a local match, and be consistent with TMDL implementation plans or local water management plans. Up to five percent may be used for administering the grants.	$200,000

Shoreland Improvement Grants	**Contract Set Aside**
g) $2,330,000 the first year and $1,830,000 the second year are for grants to implement stream bank, stream channel, and shoreline protection, and restoration projects to protect water quality. *Of this amount, $330,000 the first year and $330,000 the second year may be used for technical assistance and grants to establish a conservation drainage program in consultation with the Board of Water and Soil Resources and the Drainage Work Group that consists of pilot projects to retrofit existing drainage systems with water quality improvement practices, evaluate outcomes, and provide outreach to landowners, public drainage authorities, drainage engineers and contractors, and others. Of this amount, $500,000 the first year is for a grant to Hennepin County for riparian restoration and stream bank stabilization in the ten primary stream systems in Hennepin County in order to protect, enhance, and help*	$100,000

restore the water quality of the streams and downstream receiving waters. The county shall work with watershed districts and water management organizations to identify and prioritize projects. To the extent possible, the county shall employ youth through the Minnesota Conservation Corps and Tree Trust to plant trees and shrubs to reduce erosion and stabilize stream banks. This appropriation must be matched by nonstate sources, including in-kind contributions.

Background

An important difference from the contract in FY08 is that the required funds for the FY10-11 biennium are not specifically set aside for MCC (now CCMI) work. This has required BWSR to identify which appropriations the funds will come from. This difference will impact how we structure and operate the contract for State FY2010 and FY2011. Specific issues include adhering to the detail provided in the appropriation language regarding eligible LGUs, eligible projects, long lasting public benefit, and match.

FY10 Summary. The CCMI received a substantial response to the open application period that ended April 15. Total funds requested were $866,800 from 44 applications. An additional $68,200 in requests have come in after April 15. After the review process, 38 applications were funded, totaling $479,600.

FY11 Contract. The process used in FY08 and FY10 worked well and is proposed to be continued for FY11. The process for FY11 should look like:

1. Eligible local governments will have an initial 30 day "application" period.
2. MCC has 30 days to review proposals and make a list of projects, consistent with the Clean Water Fund appropriation (Laws of Minnesota, Chapter 172, Section 6).
3. MCC will send the list of projects to Matt Drewitz, Jeff Hrubes, and Marcey Westrick for their review and approval before commitments are made to "applicants". This will be accomplished within the 30-day MCC review period.
4. After initial allocations, any remaining funds are available on a first come first served basis by any eligible local government.
5. MCC will report financial information on the use of state funds, and the local government will report outcome and match information in eLINK.

The review by Jeff, Marcey, and Matt will be to ensure the proposed activities are eligible under the appropriation language and meet the requirements of the Board approved Clean Water Fund Grants Policy. CCMI agreed to do the eLINK reporting under the FY10 contract and that is proposed to be the same for FY11.

A benefit to approving the contract at the June Board meeting is the ability for the Conservation Corps to move up the application process sooner and enable improved scheduling of work the following spring.

Board Resolution # _____

Minnesota Board of Water and Soil Resources
Authorizing Contract with the Conservation Corps of Minnesota and Iowa

WHEREAS, Laws of Minnesota 2009, Chapter 172, Article 2, Section 6 requires the Board to contract with the Minnesota Conservation Corps (CC) for restoration, maintenance, and other activities for at least $500,000 in each year of the 2010-11 biennium, and

WHEREAS, the Grants Program and Policy Committee met on May 25, 2010 and recommends reserving the following funds to comply with this appropriation:

- $200,000 from the Runoff Reduction Grants (Laws of Minnesota 2009, Chapter 172, Article 2, Section 6(b));
- $200,000 from the Clean Water Assistance Grants (Laws of Minnesota 2009, Chapter 172, Article 2, Section 6(c));
- $100,000 from the Shoreland Improvement Grants (Laws of Minnesota 2009, Chapter 172, Article 2, Section 6(g)); and

WHEREAS, the Grants Program and Policy Committee at its May 25, 2010 meeting recommended the following procedures for making these funds available:

1. Eligible local governments will have an initial 30 day application period.
2. CC has 30 days to review proposals and make a list of projects, consistent with the Clean Water Fund appropriation (Laws of Minnesota, Chapter 172, Section 6).
3. CC will send the list of projects to the appropriate Clean Water Specialist for review and approval before commitments are made to applicants. This will be accomplished within the 30-day CC review period.
4. After initial allocations, any remaining funds are available on a first come first served basis by any eligible local government.
5. CC will report financial and outcomes information in eLINK.

NOW THERFORE BE IT RESOLVED, the Board adopts the Grants Program and Policy Committee recommendation and authorizes staff to enter into a contract consistent with this recommendation and as required by Laws of Minnesota 2009, Chapter 172, Article 2, Section 6.

_____ _____

Randy Kramer, Chair Date

Board Resolution # 10-63

Minnesota Board of Water and Soil Resources
Authorizing Contract with the Conservation Corps of Minnesota and Iowa

WHEREAS, Laws of Minnesota 2009, Chapter 172, Article 2, Section 6 requires the Board to contract with the Minnesota Conservation Corps (CC) for restoration, maintenance, and other activities for at least $500,000 in each year of the 2010-11 biennium, and

WHEREAS, the Grants Program and Policy Committee met on May 25, 2010 and recommends reserving the following funds to comply with this appropriation:

- $200,000 from the Runoff Reduction Grants (Laws of Minnesota 2009, Chapter 172, Article 2, Section 6(b));
- $200,000 from the Clean Water Assistance Grants (Laws of Minnesota 2009, Chapter 172, Article 2, Section 6(c));
- $100,000 from the Shoreland Improvement Grants (Laws of Minnesota 2009, Chapter 172, Article 2, Section 6(g)); and

WHEREAS, the Grants Program and Policy Committee at its May 25, 2010 meeting recommended the following procedures for making these funds available:

1. Eligible local governments will have an initial 30 day application period.
2. CC has 30 days to review proposals and make a list of projects, consistent with the Clean Water Fund appropriation (Laws of Minnesota, Chapter 172, Section 6).
3. CC will send the list of projects to the appropriate Clean Water Specialist for review and approval before commitments are made to applicants. This will be accomplished within the 30-day CC review period.
4. After initial allocations, any remaining funds are available on a first come first served basis by any eligible local government.
5. CC will report financial and outcomes information in eLINK.

NOW THERFORE BE IT RESOLVED, the Board adopts the Grants Program and Policy Committee recommendation and authorizes staff to enter into a contract consistent with this recommendation and as required by Laws of Minnesota 2009, Chapter 172, Article 2, Section 6.

Randy Kramer, Chair

6/23/10
Date

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Authorize FY11 Clean Water Fund and Competitive Grants Program**

Meeting Date:

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region:
Contact: Dave Weirens
Prepared by: Dave Weirens
Reviewed by: Grants Program and Policy Committee Committee(s)
Presented by: Dave Weirens, Julie Blackburn

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

Attachments: ☒ **Resolution** ☐ **Order** ☐ **Map** ☒ **Other Supporting Information**

Fiscal/Policy Impact

☐ None
☒ Amended Policy Requested
☐ New Policy Requested

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☒ Clean Water Fund Budget

☒ Other: MPCA Funds Transfer: SSTS, MDA Funds: Ag BMP

ACTION REQUESTED

Decision. Authorize staff to complete preparations for the FY11 Clean Water Fund and Competitive Grants Program that includees adoption of the program schedule, budget, and policies.

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
BWSR has been appropriated funds under the Clean Water Fund to make grants to local governments to address water quality needs. In addition, the Pollution Control Agency and the Minnesots Department of Agriculture are also contributing funds to this grant program. BWSR staff are proposing to package all of these funds into a single request for proposals that will allow local governments to apply for funds to address needs that are identified in their local water management plan or an approved TMDL implementation plan. The RFP includes separate RFPs for the Competitive Clean Water Grants and the Conservation Drainage Grants. The Grants Program and Policy Committee reviewed this request on May 25, 2010 and June 8, 2010 and is recommending approval.

June 2, 2010

FY2011 Competitive Clean Water and Competitive Grant Funding Available

Agency Fund	Fund Source	FY11 Amount	Eligible LGUs
BWSR Runoff Reduction Grants	CWF	$3,148,125	WDs & WMOs
BWSR Clean Water Assistance Grants	CWF	$2,650,000	SWCDs, WDs, WMOs, & Counties
BWSR Shoreland Improvement Grants	CWF	$1,325,418	SWCDs, WDs, WMOs, Counties, Cities & JPBs of these organizations
BWSR Conservation Drainage Grants	CWF	$313,500	SWCDs, WDs, WMOs, Counties & JPBs of these organizations
BWSR Technical Assistance	CWF	$1,753,186	SWCDs, WDs, WMOs, Counties, Cities & JPBs of these organizations
BWSR SSTS Program Enhancement Grants	CWF	$1,075,000	Counties
MPCA SSTS Inventory Grants	GF	$354,975	Counties
MDA Clean Water Ag BMP	CWF	$2,200,000	Eligible AgBMP Loan Authorities
Competitive Grant Funds		**$12,820,204**	

BWSR FY2011

Clean Water Fund and Competitive Grants Schedule

Task.	
Program/Policy Development	April-June
Application/RFP Development	April-June
Integration into eLINK	June-July
Grants Team	April 7/May 3
SMT	April 28/May11
Grant Program and Policy Committee	May 25/June 8
Board - Authorize Program	June 23
Application Period Opens	August 1
Training	August
Application Period Closes	September 15
Application Reviews/Ranking	September/October
Interagency Review	4th week October
Grants Team	1st week November
SMT	2nd week November
Grant Program and Policy Committee	3rd week November
Board – Award Grants	December 15
Notify Applicants	December 16
Grant Agreement/Workplan Dev.	January/February

Board Resolution # 10-65

FY 2011 CLEAN WATER FUND AND COMPETIVE GRANTS PROGRAM: POLICY AND REQUEST FOR PROPOSALS

WHEREAS, Governor Pawlenty signed legislation establishing the Clean Water Fund (CWF) in M.S. 114D.50 on May 22, 2009; and,

WHEREAS, Laws of Minnesota 2009, Chapter 172, Section 6 appropriated CWF funds to the Board of Water and Soil Resources (BWSR); and,

WHEREAS, Laws of Minnesota 2010, Chapter 361, Article 2, Section 6 appropriated additional CWF funds to BWSR; and,

WHEREAS, the MPCA, through interagency transfer, will provide $350,000 in subsurface sewage treatment system general fund grants to BWSR; and,

WHEREAS, the Minnesota Department of Agriculture will be contributing up to $2.2 million of Agricultural Best Management Practices Loan Program funds; and,

WHEREAS, the Board has authority under Minn. Stat. 103B.3369 to make grants to cities, townships, counties, soil and watershed 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, watershed management plan, or county groundwater plan; and

WHEREAS, BWSR implementation of appropriated CWF funds is based on the Minnesota Constitution, Article XI, Section 15 which provides that funds may be "spent only to protect, enhance, and restore water quality in lakes, rivers, and streams and to protect groundwater from degradation", and that "dedicated money under this section must supplement traditional sources of funding for these purposes and may not be used as a substitute"; and,

WHEREAS, the Board has previously endorsed an inter-agency granting strategy that included the MN Department of Agriculture (MDA), the Department of Natural Resources (DNR), the Pollution Control Agency (MPCA), the Department of Health (MDH), and the BWSR with the goal of effectively coordinating water quality projects funded by the CWF and the State's General Fund, and

WHEREAS, the CWF implementation strategy incorporates M.S. 114D.20 which directs the implementation of Clean Water Funds to be coordinated with existing authorities and program infrastructure; and,

WHEREAS, unallocated FY2010 competitive grants funds and FY 2011 competitive grant funds in the following amounts, from the appropriations referenced above, are proposed to be made available to local governments through an RFP process:

Agency Fund	Fund Source	FY11 Amount	Eligible LGUs
BWSR Runoff Reduction Grants	CWF	$3,148,125	WDs & WMOs
BWSR Clean Water Assistance Grants	CWF	$2,650,000	SWCDs, WDs, WMOs, and Counties
BWSR Shoreland Improvement Grants	CWF	$1,325,418	SWCDs, WDs, WMOs, Counties, Cities and JPBs of these organizations
BWSR Conservation Drainage Grants	CWF	$313,500	SWCDs, WDs, WMOs, Counties and JPBs of these organizations
BWSR Technical Assistance	CWF	$1,753,186	SWCDs, WDs, WMOs, Counties, Cities and JPBs of these organizations
BWSR SSTS Program Enhancement Grants	CWF	$1,075,000	Counties
MPCA SSTS Inventory Grants	GF	$354,975	Counties
MDA Clean Water Ag BMP	CWF	$2,200,000	Eligible AgBMP Loan Authorities
Totals		**$12,820,204**	

WHEREAS, the amount of Technical Assistance funds available for competitive grants may be less than $1,753,186 due to the desirability of supporting other initiatives such as grants received under the Great Lakes Restoration Initiative and the Mississippi River Basin Healthy Watersheds Initiative; and,

WHEREAS, the FY 2011 CWF project proposals will be evaluated by an interagency team consisting of staff from the MDA, the DNR, the MPCA, the MDH, and the BWSR based on the following criteria:

Ranking Criteria	Maximum Points Possible
1. Project Description and Support: The proposed project demonstrates a high potential of long-term success based on project organization and management structure, partner support and public involvement within the project area.	15
2. Anticipated Outcomes: The outcomes expected upon completion of the project initiatives on the water resources are identified, including a description of the resulting primary and secondary public benefits such as pollution reduction, or groundwater or drinking water protection, hydrologic restoration, or aquatic habitat improvement.	30

3. Project Readiness: The application has a set of specific initiatives that can be implemented soon after grant award.	15
4. Prioritization and Relationship to Plan: The proposal is based on priority protection or restoration actions listed in or derived from an approved Comprehensive Local Water Management Plan or approved TMDL Implementation plan.	30
5. Groundwater and Drinking Water Protection: Proposed activities have the goal of protecting groundwater or drinking water.	10
Total Points Available	**100**

WHEREAS, the Conservation Drainage Grants proposals will be evaluated by an interagency team consisting of staff from the MDA, the DNR, the MPCA, University of Minnesota, USDA-Natural Resources Conservation Service, Minnesota State University-Mankato, and the BWSR based on the following criteria:

Ranking Criteria	Maximum Points Possible
1. Problem Identification & relationship to TMDL or local water management plan.	20
2. Current Monitoring Activity.	10
3. Fit to Conservation Drainage Program Objectives.	20
4. Project Evaluation Plan.	20
5. Public Outreach Plans.	10
6. Overall Proposal Quality and Completeness.	20
Total Points Available	**100**

WHEREAS, the Grants Program and Policy Committee reviewed Clean Water Fund and Competitive Grants Program proposals developed by staff on May 13, 2010 and June 8, 2010.

NOW THEREFORE, the Board hereby:

1. Authorizes staff to finalize, distribute and promote a request for proposals for the Clean Water Fund and Competitive Grants Program consistent with the provisions of Minn. Stat. 103B.3369 and this Board resolution; and,

2. Authorizes staff to allocate Technical Assistance funds to the Clean Water Fund and Competitive Grants Program and other desirable initiatives; and,

3. Adopts the attached Clean Water Fund and Competitive Grants Program implementation schedule; and

4. Adopts the attached FY2011 Clean Water Fund Competitive Grants Policy.

Date: 6/23/10

Randy Kramer, Chair
Board of Water and Soil Resources

Attachments: Clean Water Fund and Competitive Grants Implementation Timeline
FY2011 Clean Water Fund Competitive Grants Policy

FY '11 Clean Water Fund Competitive Grants Policy

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. The appropriation language governing the use of these funds can be found in MN Session Laws 2009, Chapter 172 and MN Session Laws 2010, Chapter 361.

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.

1.0 Applicant Eligibility Criteria and Requirements

Local government units (LGUs) are eligible to receive grant funds if they are working under a current state approved and adopted local water management plan[1]. All activities must be consistent with an approved TMDL implementation plan or current watershed management plan, county comprehensive local water management plan, metropolitan local water plan, metropolitan groundwater plan, surface water intake plan or well head protection plan that has been state approved and locally adopted by November 1, 2010. The 2011 Clean Water Fund Request for Proposals will identify more specific requirements or eligibility restrictions when specified by statute or appropriation language.

2.0 Match Requirements

A local match equal to at least 25% of the amount of Clean Water Funds requested and/or received is required. Matching cash or in-kind cash value provided by the landowner, land occupier, local government or other local source may be used to match CWF grants.

3.0 Eligible Activities

The primary purpose of activities funded with grants associated with the Clean Water Fund is the control, reduction or prevention of chemical or nutrient runoff, soil erosion, sedimentation, runoff volume or materials that affect human or aquatic system health. Eligible activities can consist of structural practices, non-structural practices and measures, project support activities, and grant administration and reporting requirements. Technical and engineering assistance components necessary to implement these activities are considered essential and are to be included in the total project or practice cost. Proposals by Municipal Separate Storm

[1] For the purposes of this policy watershed management organizations and metro watershed districts are not eligible if the management plan is more than 10 years beyond the BWSR plan approval date unless the plan states a lesser period of time; non-metro state watershed districts are not eligible if the plan is more than 11 years 3 months beyond the BWSR approval date; and counties are not eligible if the management plan is more than 10 years beyond the BWSR approval date unless properly extended.

Sewer Systems (MS4) permit holders for implementing non-point stormwater practices and projects on private land are eligible.

3.1 Structural Practices and Projects:

Best Management Practices

a) Must be designed and maintained for a minimum effective life of ten years,

b) Operation and maintenance for the life of the practice shall be included with the design standards, and

c) An inspection schedule and procedure shall be included as a component of maintaining the effectiveness of the practice.

d) The local unit of government must provide assurances that the landowner or land occupier will keep the project in place for the expected lifespan of the project. Such assurances may include easements, enforceable contracts, and termination or performance penalties. BWSR may allow replacement of a practice that does not comply with expected lifespan requirements with a practice that provides equivalent water quality benefits.

Capital Improvement Projects

a) Must be designed and maintained for a minimum effective life of 25 years,

b) Operation and maintenance for the life of the project shall be included with the design standards,

c) An inspection schedule and procedure shall be included as a component of maintaining the effectiveness of the project, and

d) The local unit of government must provide assurances that the landowner or land occupier will keep the project in place for the expected lifespan of the project. Such assurances may include easements, enforceable contracts, and termination or performance penalties. BWSR may allow replacement of a practice that does not comply with expected lifespan requirements with a practice that provides equivalent water quality benefits.

3.2 Non-Structural Practices And Measures

Incentives may be used to encourage landowners to install or adopt land management practices that improve or protect water quality. Incentive payments and enhanced protection measures should be reasonable and justifiable, supported by LGU policy, consistent with prevailing local conditions, and must be accomplished using established standards.

3.3 Project Support Activities

Civic engagement, public outreach, and other activities which directly support or supplement the goals and outcomes expected with the implemention of items identified in 3.1 and 3.2 above.

3.4 Grant Administration and Reporting

All grant recipients are required to report on the outcomes, activities, and accomplishments of Clean Water Fund grants. Up to 5% of the grant funds may be used for local grant administration and reporting.

DRAFT

4.0 Ineligible activities

Projects or practices to address regulated, point source activities and water treatment facilities will not be considered.[2] Proposals to meet or implement existing official controls as defined by Minnesota Statute 103F.711 are not eligible for funding. Proposals with the primary purpose of water quality monitoring or assessment will not be considered.

5.0 Structural Practice and Project Requirements

In order to insure long-term public benefit of structural practices and projects, the following requirements must be met by all grant recipients.

5.1 Technical and Engineering Components

Technical and/or engineering expertise is required to develop, install and inspect projects. Grant recipients will be required to submit documentation in their workplan outlining:

- Who will provide technical assistance for each of the practices or projects to be implemented, their credentials for providing this assistance, or the method for selecting appropriate technical providers, and
- Approved design, construction, operation and maintenance standards for the practices or projects to be implemented.

BWSR reserves the right to review the qualifications of all persons providing technical assistance.

5.2 Practice or Project Construction and Sign-Off

The LGU shall verify that the practice or project was properly installed and completed according to the plans and specifications, including technically approved modifications, prior to authorization for payment by the LGU.

5.3 Post Construction and Follow Up Activities

To ensure that a practice or project is functioning properly, an operation and maintenance plan tailored to fit the site shall be developed. The operation and maintenance plan should identify all of the maintenance activities that are needed and specify how they will be accomplished. The plan shall be reviewed with the land owner or occupier before installation of the practices or projects.

LGUs shall assure that the operation and maintenance plan is being followed and that the practices or projects are functioning as designed by conducting periodic site inspections.

6.0 Grantee Administration of Clean Water Fund Grants

LGUs have the responsibility to approve expenditure of funds within their organization. The LGU administering the grant must approve or deny expenditure of funds. The action taken must be documented in the LGU board's meeting minutes.

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[2] Municipal stormwater conveyance and/or treatment capital infrastructure projects made necessary by a waste load allocation under an approved TMDL and water treatment facilities may be eligible for funding from the Minnesota Public Facilities Authority (PFA).

DRAFT

All LGU expenditure of funds providing financial assistance to landowners requires a contract with the landowner. The contract must adequately address all the lifespan and operation and maintenance requirements of the practice or project as provided by this policy. The contract must specify what LGU enforcement provisions are, up to and including repayment of cost share funds at a rate up to 150% of the original landowner agreement. BWSR recommends all contracts be reviewed by the LGUs legal counsel.

Grant reporting, fiscal management, and administration requirements are the responsibility of the grant recipient.

7.0 BWSR Grant Closeout and Reporting Requirements

BWSR staff is authorized to develop grant agreements, including requirements and processes for fiscal closeouts, and project outcomes reporting.

7.1 BWSR Grant Closeout Procedures

1. BWSR staff will review grant recipient compliance with contractual requirements in a manner which is consistent with the policies established by the Office of Grants Management and adopted by the BWSR Board.
2. Elements described in the project workplan will be reviewed in the grant close-out.
3. Project files for CWF expenditures including landowner contact information, contracts, bills and invoices, inspection schedule, structural practice and project operation and maintenance information, design plans, and miscellaneous communication must be retained by the LGU pursuant to MS 138.17 and consistent with ongoing record retention schedules.
4. In the event there is a contract violation, BWSR will enforce the grant agreement including repayment of grant funds at a rate up to 150% of the grant agreement.

DRAFT

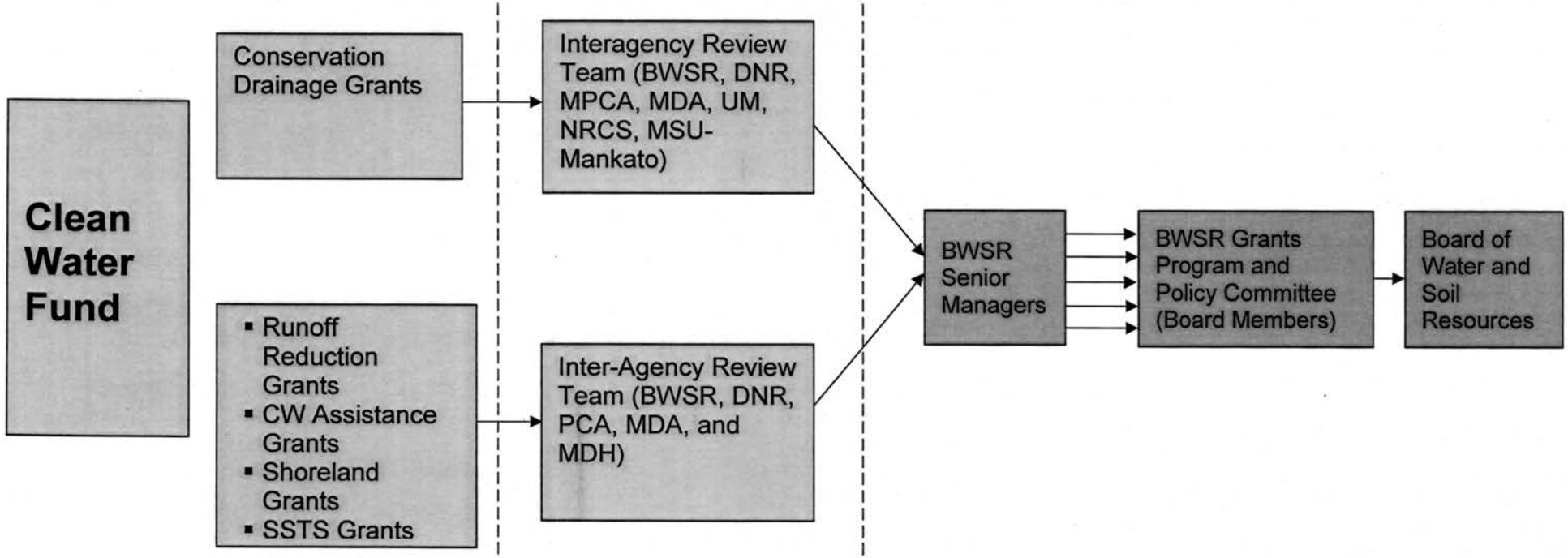
FY 11 Competitive Grant Review Process

1 **Aug. 1-Sept. 15**
Competitive Grant Application Period

2 **Sept. 16-Mid-Nov.**
Review / Recommend Proposals for Funding

3 4 **Mid Nov.-Late Nov.**
Review Staff Recommendations

5 **Dec. 15**
Board Meeting to Review and Approve Grant Allocations



Minnesota Board of Water & Soil Resources

Wetland Committee

1. Wetland Conservation Act Guidance Review and Rescind Exceptional Natural Resource Value Guidance – Dave Weirens/Les Lemm – ***DECISION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Wetland Conservation Act Guidance Review and Rescind Exceptional Natural Resource Value Guidance**

Meeting Date: June 23, 2010

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business

Item Type: ☒ Decision ☒ Discussion ☒ Information

Section/Region:

Contact: David Weirens/Les Lemm

Prepared by: David Weirens

Reviewed by: Wetland Committee Committee(s)

Presented by: David Weirens/Les Lemm

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

Attachments: ☐ **Resolution** ☒ **Order** ☐ **Map** ☒ **Other Supporting Information**

Fiscal/Policy Impact

☐ None
☐ Amended Policy Requested
☐ New Policy Requested

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

☒ Other: Rescind Obsolete Guidance

ACTION REQUESTED

Information. Review the approach to the development and Board involvement in Wetland Conservation Act (WCA) guidance documents and the following four guidance documents: (1) Restoration and Protection of Exceptional Natural Resource Wetlands; (2) Wetland Preservation for Replacement Credit; (3) Using Aerial Imagery to Assess Wetland Hydrology; and (4) Wetland Delineations: Choosing the Appropriate Method.

Decision. Rescind the Exceptional Natural Resource Value Projects guidance adopted by the Board in October 2003.

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The revised WCA rule was adopted in August 2009, since then staff have been working on updating forms and other documents to assist local governments and BWSR staff in implementing the program. Central to this effort are developing guidance documents to provide advice and direction on implementing provisions that have been significantly changed from the prior rule. Two of these areas are exceptional natural resource value and preservation. The other two guidance documents have been developed to address concerns regarding technical requirements to assess wetlands and providing guidance on more efficient ways to accomplish these tasks. The Wetland Committee reviewed these documents on May 25 and is recommending the Board rescind the Exceptional Natural Resource Value Projects guidance adopted in October 2003.

Minnesota Board of Water & Soil Resources

WETLAND CONSERVATION ACT

Restoration and Protection of Exceptional Natural Resource Value (ENRV)

BWSR Administrative Guidance, June 10, 2010

Overview

Rule Reference: **MN Rule 8420.0526, Subpart 8.**

Applicability: **To provide guidance to Technical Evaluation Panels (TEPs) and Local Government Units (LGUs) for use in evaluating potential projects for the allocation of wetland replacement credit under the ENRV provisions of the Wetland Conservation Act (WCA). ENRV provides an option to generate credit for projects that restore and protect exceptionally valuable natural resource functions.**

Intended Use: **This guidance does not carry the weight of rule and is not binding on any party, however it does provide additional specificity for applying the ENRV action eligible for credit and should be used as a supplement to the WCA rule.**

Project eligibility and the allocation of credit under ENRV is determined by the LGU with the concurrence of the TEP.

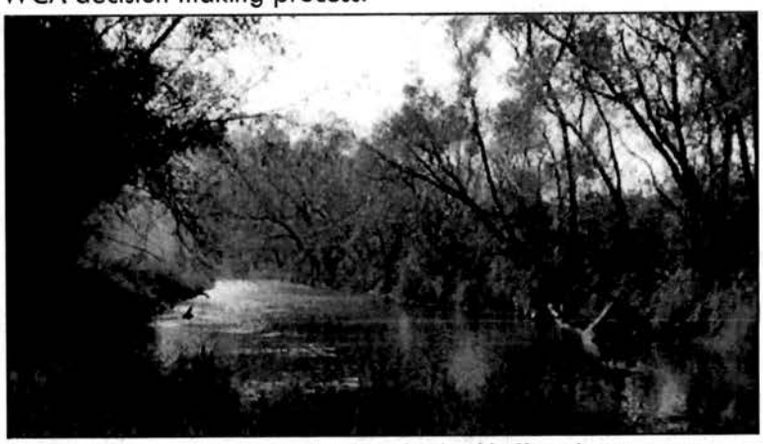
Application and Review Procedures

Decisions on eligibility and credit allocation are made by the LGU with TEP concurrence. LGUs must consider all WCA requirements and relevant local priorities in making decisions.

Applicants considering the use of ENRV should anticipate a rigorous review process. Using ENRV often requires additional documentation and more in-depth analysis than other actions eligible for credit. The determination of exceptional resource value and the contribution of a project to the function and sustainability of that resource requires detailed analysis and significant professional judgment by the TEP.

The review process for potential ENRV projects relies heavily on pre-application scoping. Early TEP involvement is vital. Applicants should solicit feedback from the TEP and consider any recommendations before submitting a complete application to the LGU. The TEP can provide early input on the value of the resource, qualification for ENRV, information needs, and other aspects of the proposed project. Due to the diverse nature and complexity involved in utilizing the ENRV credit action, the TEP is encouraged to consult outside expertise for additional review and comment when appropriate.

The applicant must submit sufficient information to document the existence of an eligible resource and for the TEP to determine if the proposed project warrants the allocation of replacement credit. The use of ENRV is approved as part of a replacement or banking plan application in accordance with the standard WCA decision-making process.



Restoration and protection of wetlands and upland buffer adjacent to trout steams can be considered for ENRV due to the exceptional benefits they provide.

When is use of ENRV appropriate?

1. The LGU and TEP concur that the site meets the criteria to be considered an exceptional natural resource for purposes of allocating WCA replacement credit.
2. The action proposed will improve or directly contribute to the function and sustainability of the exceptional resource. The action could include removing a threat in order to improve sustainability.
3. Sufficient assurance exists that both the site and the conditions that result in the site being exceptional will be protected by the action proposed, the conservation easement, and/or other mechanisms.

Projects proposing the use of ENRV must comply with all applicable requirements of MN Rule 8420.

Qualification for use of ENRV is somewhat rare as other actions eligible for credit are usually available and exceptional resources are not common.

Projects that restore and protect northern white cedar are excellent candidates for ENRV.

Application Requirements for ENRV

The use of ENRV relies heavily on early TEP involvement and the submittal of supplementary information. In addition to the application requirements of MN Rule 8420.0330, the following information is of particular importance for the review of potential banking and replacement plan proposals utilizing ENRV:

√ Supporting evidence for qualification as an exceptional natural resource (i.e. identification of state-listed species and associated habitat, rare plant community location and composition, wildlife travel corridor and discussion of significance, supporting documentation for sensitive surface waters, etc.). See page 3 of this guidance for details.

√ A wetland delineation documenting the presence of wetland on the project site which either is an exceptional natural resource or will contribute to the function and sustainability of an exceptional resource.

√ A description of the actions proposed and how they will improve the function and sustainability of the exceptional natural resource (this could involve a functional assessment).

√ A description of potential credit allocation, and supporting rationale, based on this guidance and WCA rule.

√ The identification of measurable performance standards with an associated monitoring plan.

√ Identification of the conservation easement area (easement recorded after plan approval). To the extent practicable, the conservation easement should cover both the area restored and the exceptional resource itself (if different).

"Exceptional" Natural Resources

- **Exceptional Resources.** The WCA rule provides a list of exceptional resources. They include habitat for state-listed endangered or threatened species, rare native plant communities, special fish and wildlife resources, sensitive surface waters, and others determined to be exceptional by the TEP. See MN Rule 8420.0526, Subp. 8 for details. A site containing one of these resources, however, does not necessarily qualify for ENRV.

- **Public Value.** An exceptional resource is somewhat rare and of special value to the public because of the functions it provides. Exceptional resources are also typically difficult to replace, resulting in a permanent loss of function when impacted (i.e. white cedar swamps and bogs). What is considered exceptional will vary across the state based on abundance, functional benefits provided, statewide or national significance, watershed needs, and local values.

- **Qualification as Exceptional.** A site that contains a feature listed in rule as exceptional (i.e. rare native plant community) does not automatically qualify as exceptional for allocating ENRV credit. The LGU and TEP must determine that the resource is exceptional within the context of the watershed, region, or state and consistent with local priorities. For example, a wildlife travel corridor primarily used by raccoons is clearly not exceptional.

- **Functional Assessments.** The Minnesota Routine Assessment Method for evaluating wetland functions (MnRAM) can be used to assist in determining if a site is exceptional and to support the applicability of ENRV for allocating credit. For example, if a site is expected to be a significant wildlife resource, MnRAM can be used as evidence to support its exceptional rating. MnRAM ratings of high or exceptional, however, do not necessarily mean the site qualifies as "exceptional" for ENRV.

- **Approved Plans.** BWSR approved plans can identify local or regional goals for the restoration or protection of specific wetland types or functions that may be considered exceptional for ENRV.

- **Functional Gain.** Meeting the definition of exceptional doesn't automatically result in project approval or the granting of replacement credit. The actions proposed must improve the long-term function and sustainability of the exceptional resource to a degree sufficient to justify the allocation of WCA replacement credit.

Pine marten rely on large tracts of contiguous wetland and upland habitat, including conifer swamps.

Ecological Suitability

TEPs should pay particular attention to the ecological suitability and sustainability requirements of MN Rule 8420.0522, Subp. 5 when evaluating proposals. In determining the value of a resource and the contributions of a proposed action, TEPs can also consider any of the following:

- Wetland types or characteristics that have been significantly lost in the watershed, including current trends in wetland and habitat loss, fragmentation, or degradation.
- Habitat connectivity and proximity to public lands or natural areas (i.e. Wildlife Management Areas).
- Sites that meet, or will meet, the criteria to qualify as a Scientific and Natural Area (as determined by the DNR).
- Wildlife habitat requirements for important species.
- Compatibility with adjacent land use (both current and projected).
- Watershed needs and the benefit of the project to the ecological functions of the watershed.

Allocating ENRV Credit

Credit should be allocated based on the degree a project contributes to the restoration and protection of an exceptional natural resource. The exceptional resource itself can be a wetland, public water, or upland. Proposed actions should directly benefit the exceptional function(s) of the resource and must have long-term and sustainable results. Eligible actions include restoration and preservation of the exceptional resource itself or adjacent wetland and upland areas. The project must include a restoration component to be eligible.

While preservation is often an important component of an ENRV project, restoration activities generally provide more value by improving the function of the exceptional resource in addition to preserving it. Restoration and protection of resources that are susceptible to future impacts generally provide more value than those less susceptible due to protection provided by other sources. The following provides suggested ranges of credit allocation based on the above generalities. The actual amount of credit may be more or less based on project specifics and the TEP's recommendation.

Duck nesting habitat adjacent to a restored prairie pothole in SW MN.

	Eligible Actions	Credit Range
1)	Restoration of an exceptional wetland by reestablishing natural hydrology.	50 to 100 percent
2)	Restoration of an exceptional wetland by reestablishing permanent native, non-invasive vegetation.	25 to 50 percent (75% for white cedar)
3)	Restoration of wetland or upland adjacent to an exceptional resource when the restoration activity significantly improves the water quality or habitat functions of the exceptional resource.	25 to 50 percent
4)	Preservation of wetland or upland in combination with a qualifying restoration activity (details on page 5).	12.5 percent

Local Government Units must have TEP concurrence to approve the allocation of credit under ENRV.

General Considerations for Credit Allocation

- **Restoration.** "Restoration" refers to re-establishment of the natural pre-settlement conditions of a wetland or upland habitat that has been previously degraded or converted to another type by human activity. A wetland that is both hydrologically and vegetatively degraded must have both components restored.
- **Threat of Degradation or Loss.** Consider threats to the exceptional resource when evaluating projects for potential ENRV credit.
- **Buffer.** Wetland areas restored or preserved under ENRV should have a buffer adequate to protect the wetland and its function in perpetuity. LGUs should consider the specifications of MN Rule 8420.0522, Subp. 6 for minimum buffer width requirements and credit amounts.
- **Habitat Connections.** Activities on adjacent upland can include the restoration or preservation of important wildlife habitat connections and travel corridors. Upland should be connected to wetlands being restored or preserved and directly contribute to the function and sustainability of the exceptional resource.
- **Flooding.** Although rare, restoration of hydrology can include removing excess water from a degraded site, i.e. restoring the natural hydrology of a white cedar swamp degraded from a roadway that blocked normal flow patterns and impounded excess water.
- **Timeframe.** Restoration credit can only be granted for sites degraded by legal human activity that occurred at least 10 years prior to application.

Preservation as a Component of ENRV

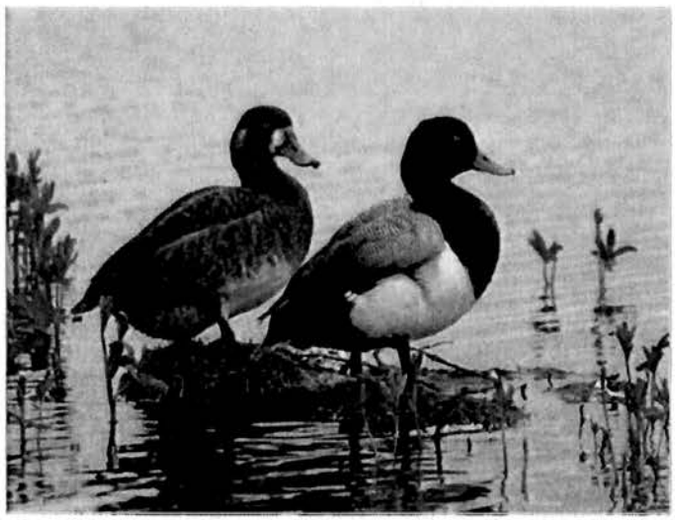
ENRV credit cannot be granted for preservation alone. However, ENRV replacement credit can be allocated for the preservation of exceptional wetlands when the project includes a significant restoration component. Typically, restoration of native, non-invasive vegetation or hydrology must occur on at least 25 percent of the project area. Restoration could be of a portion of the exceptional wetland itself, or of adjacent buffer if it substantially improves the function and sustainability of the exceptional resource. Preservation credit can only be granted for areas of native, non-invasive vegetation that do not require management intervention.

Preservation can be considered for portions of sites containing a significant northern white cedar component.

To be eligible for preservation credit as part of ENRV, the TEP must also determine that there is a high probability the wetland proposed for preservation will be degraded or impacted and that the wetland either:

A. Contains or benefits an exceptional resource;
B. Is a type or function that is rare, difficult to replace, or of high value to the watershed;
C. Contains a rare or declining plant community; or
D. Is of a type that is not likely to regenerate, such as northern white cedar.

Allocation of credit for preservation under ENRV is not limited by land ownership or area of the state. However, MN Rule 8420.0526, Subp. 9 and BWSR Preservation Guidance should be consulted for additional details.



Feeding and resting habitat for migrating scaup is of international importance.

Avoid allocating credit for actions or sites that will depend on perpetual, on-going management to be successful. Focus on achieving sustainable results.

Assessment Tools to Assist in Credit Allocation

Functional assessment methods (such as MnRAM) should not be used as the sole determinant of credit. However, such inventory and assessment methods can be useful tools to assist the TEP in determining the functional gain and success of a project as well as the resulting credit allocation in accordance with identified performance standards. For example, the more important the function and the greater the increase, the more justification for a higher credit allocation within the possible range. The following are some examples of such tools:

- MnRAM
- Floristic Quality Assessment (FQA) for MN Wetlands
- The Hydrogeomorphic Approach for Assessing Wetland Functions (HGM)
- An Index of Biotic Integrity (IBI) appropriate for the location and primary function of the site.
- Forest stand inventories and assessments.
- Hydrologic monitoring.

Applicants should coordinate with the TEP to include appropriate assessment tools in the restoration plan.

Technical Resources

Many sources of information are available for the LGU and TEP to consider in reviewing project proposals to determine if a site is exceptional and if a proposed activity warrants the allocation of wetland replacement credit. This information can vary depending on the specific resource and location. All relevant information can be considered, including:

- Natural resource management plans, wetland inventories, or ecological studies.
- Topographic and hydrologic maps, soil survey information, aerial photographs, and similar data sources.
- Information on rare, endangered, or threatened species and critical habitat.
- Minnesota's Sensitive Lakeshore Identification Manual, County Biological Survey, Natural Heritage Information System, and other fisheries, wildlife, and habitat surveys.
- Other published literature and technical reports.
- Input from local, state, and federal resource management agency technical professionals.
- MnRAM also contains a list of special features that can be useful as a starting point for making this determination.

See the BWSR website for examples of exceptional resources and a list of approved ENRV projects.

A decorah shale wetland may be considered exceptional in southern MN.

Clean Water Act Coordination

The U.S. Army Corps of Engineers is responsible for approving wetland mitigation credit under the federal Clean Water Act. To increase the likelihood that ENRV credit will be acceptable for both the state and federal programs, applicants are encouraged to consult with the Corps early in the process, before a full application is prepared and concurrent with TEP pre-application scoping.

Projects that restore and protect spawning habitat for northern pike or other important species can be eligible for ENRV.

BWSR Guidance, June 10, 2010

The primary authors of this guidance are:

- Les Lemm, WCA Coordinator
- Dale Krystosek, Senior Wetland Specialist

This document is available on the BWSR website and may be revised periodically. Check the website for the most current version. www.bwsr.state.mn.us/wetlands

Contact your Local Government Unit or BWSR Wetland Specialist for additional information on the use of ENRV.

Minnesota Board of Water & Soil Resources

WETLAND CONSERVATION ACT

Wetland Preservation for Replacement Credit

BWSR Administrative Guidance, June 10, 2010

Overview

Rule Reference: **MN Rule 8420.0526, Subpart 9.**

Applicability: **To provide guidance to Technical Evaluation Panels (TEPs) and Local Government Units (LGUs) for use in evaluating potential wetland preservation projects for the allocation of replacement credit under the Wetland Conservation Act (WCA).**

Intended Use: **This guidance does not carry the weight of rule and is not binding on any party, however it does provide additional specificity for applying the Preservation action eligible for credit and should be used as a supplement to the WCA rule.**

Eligibility for wetland preservation credit is determined by the TEP. Early consultation with the TEP is essential.

Purpose and Use of Preservation

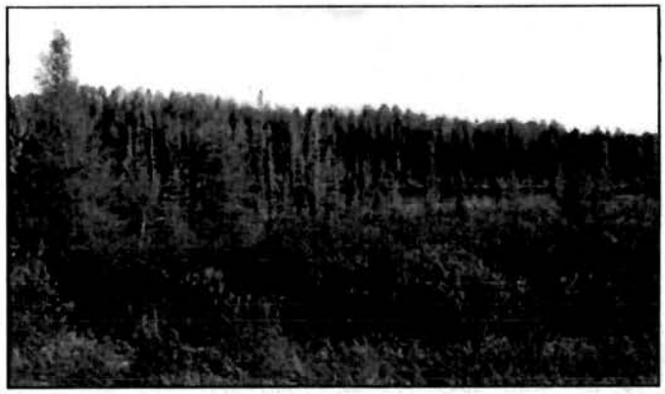
Purpose. Wetland preservation helps achieve the purpose of WCA by maintaining wetland quality and biological diversity through permanently protecting the functions of relatively pristine northeastern Minnesota wetlands, including forested swamps, bogs, and fens.

Maintaining Important Functions. Preservation is particularly important for rare or valuable wetland types and functions that are difficult to replace; where created or restored wetlands can replace the acres of wetland lost to an impact but not the lost function, thus resulting in a loss of public value. Creation or restoration of difficult-to-replace wetlands can be more costly with less certainty of success. Consequently, impacts to such wetlands are often replaced with different types, resulting in the long term loss of the functions provided by those wetlands.

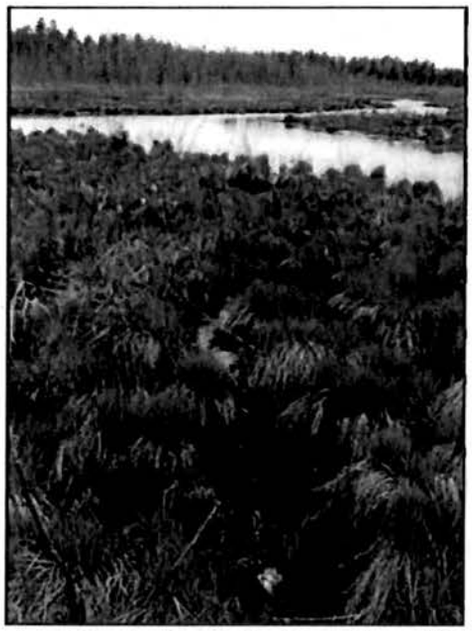
Watershed Perspective. Both the WCA rule and the federal rule on Compensatory Mitigation for Losses of Aquatic Resources (April 2008) encourage the consideration of wetland replacement from a watershed perspective, which can help clarify when wetland preservation is appropriate for replacement. Preservation might not appear to offset the loss of wetland acreage in the short-term. However, when the long-term goal is to secure a mix of wetland types and locations that will most benefit the watershed, protection of certain wetlands central to that goal in exchange for replacement credit may be desirable.

Proximity to Impact. WCA rules require that wetland replacement should occur as close to the impacted wetland as reasonably possible (MN Rule 8420.0522, Subpart 7). The preservation of wetlands for wetland replacement provides an additional option to achieve this goal in the greater than 80 percent pre-settlement wetland areas of Minnesota where many exceptional wetlands exist and traditional wetland restoration opportunities are scarce.

Limitations on Use. Preservation credit can only be allocated for wetlands that are located in a greater than 80 percent area (see page 2) and owned by the state or a local unit of government (see page 5 for more information). Approved wetland preservation projects can be allocated credit at a rate up to 12.5 percent of the area preserved.



A pristine forested, coniferous, riparian wetland may be a prime candidate for wetland preservation.



A sensitive riparian wetland in northeast MN.

Application and Review Procedures

The TEP is responsible for determining if a wetland is important enough to warrant the allocation of credit for preservation and under a demonstrable threat of degradation or impact. This is particularly important since the applicant can often be the LGU for preservation projects.

The review process for potential preservation projects relies heavily on pre-application scoping. Early TEP involvement is vital. The use of preservation requires unique information and documentation that is not typical for most commonly used actions eligible for credit. Applicants should solicit feedback from the TEP and consider any recommendations before preparing a complete application. The TEP can provide early input on the value of the wetland, the probability of future impact or degradation, the applicability of preservation, and other aspects of the proposed project. The TEP is encouraged to consult outside expertise for additional review and comment when appropriate.

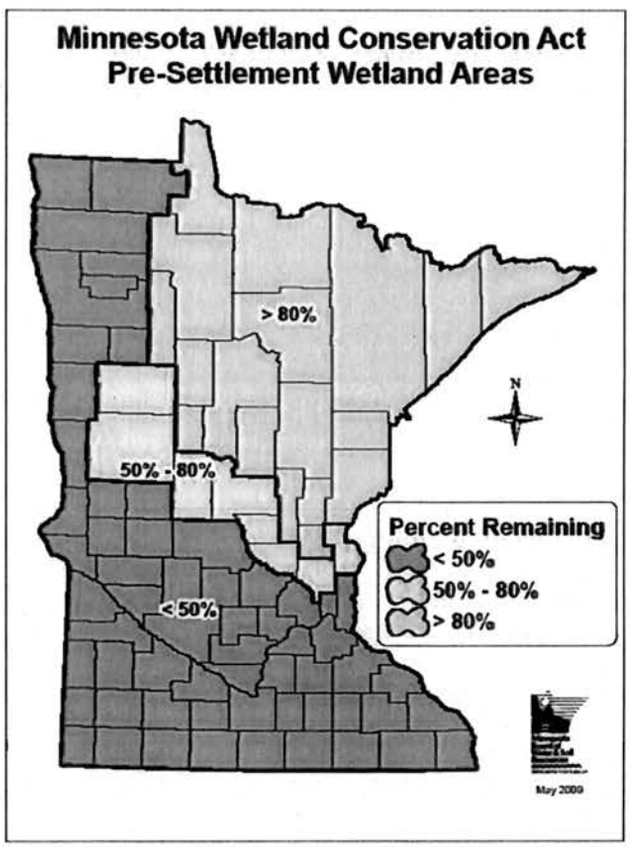
The applicant must submit sufficient information to document the existence of an eligible wetland and for the TEP to determine if the proposed project warrants the allocation of replacement credit. The use of preservation for credit is approved as part of a replacement or banking plan application in accordance with the standard WCA decision-making process.

When is Preservation Appropriate for Replacement?

Preservation may be appropriate for replacement credit when <u>all</u> of the following conditions are met:

1) The wetland is in >80% pre-settlement wetland area.
2) Other actions eligible for credit have been considered and preservation will provide greater benefits to the watershed than other available wetland replacement opportunities.
3) The TEP has determined that the wetland:
   A. contains or directly benefits an exceptional natural resource;
   B. is of a type or function that is rare, difficult to replace or of high value to the watershed;
   C. contains a rare or declining plant community; or
   D. is of a type not likely to regenerate, such as northern white cedar (see page 3 for details).
4) The TEP has concluded that there is a high probability the wetland will be degraded or impacted.
5) The wetland is not in need of significant restoration or management, and a conservation easement will adequately protect the wetland and its functions from the threat of degradation.
6) The property is either currently owned by a state or local unit of government, or will be prior to the recording of the conservation easement.

The use of wetland preservation for replacement credit is limited to Minnesota counties with greater than 80 percent of their pre-settlement wetlands remaining (shown in green below).



Considerations for Identifying Eligible Wetlands

The following considerations can assist in identifying wetlands eligible for preservation credit:

A) A wetland that contains or benefits an exceptional natural resource.

- **Exceptional Resources.** The WCA rule provides a list of exceptional resources. They include habitat for state-listed endangered or threatened species, rare native plant communities, special fish and wildlife resources, sensitive surface waters, and others determined to be exceptional by the TEP. See MN Rule 8420.0526, Subp. 8 for details.
- **Public Value.** An exceptional resource is somewhat rare and of special value to the public because of the functions it provides. What is considered exceptional will vary across the state based on abundance, functional benefits provided, statewide or national significance, watershed needs, and local values.
- **Qualification as Exceptional.** A site that contains a feature listed in rule as exceptional (i.e. rare native plant community) does not automatically qualify as exceptional for preservation. The TEP must determine that the resource is exceptional within the context of the watershed, region, or state and consistent with local priorities. For example, a wildlife travel corridor primarily used by raccoons is clearly not exceptional.
- **Functional Assessments.** The Minnesota Routine Assessment Method for evaluating wetland functions (MnRAM) can be used to assist in determining if a site is exceptional and to support the applicability of allocating credit for wetland preservation. For example, if a site is a significant wildlife resource, MnRAM can be used as evidence to support its exceptional rating. MnRAM ratings of high or exceptional, however, do not necessarily mean the site qualifies as "exceptional" for preservation.
- **Approved Plans.** BWSR approved plans can identify local or regional goals for the preservation of particular wetland habitat types or functions that may be considered exceptional within the plan area.

B) A wetland of a type or function that is rare, difficult to replace or of high value to the watershed.

- **Wetland Loss Trends.** Wetland types or characteristics that have been significantly lost in the watershed, including current trends of habitat loss, fragmentation, or degradation, may be particularly valuable due to the widespread loss of specific functions.
- **Scientific and Natural Area Criteria.** Sites meeting the criteria to qualify as a Scientific and Natural Area (SNA), as determined by the DNR, can be rare and important to maintaining biological diversity.
- **Ability to Replace.** Wetlands that are difficult to replace and, when impacted, will result in a permanent loss of function (i.e. white cedar swamps and bogs) are good candidates for preservation.
- **Habitat Connectivity.** A wetland providing habitat for important species that is in close proximity to and directly benefiting public lands or natural areas (i.e. fens, riparian areas, Wildlife Management Areas, etc.) can be of significant value to the watershed.
- **Trout Streams.** Wetlands directly adjacent to or at the headwaters of a designated trout stream can provide a source of hydrology, shade, temperature moderation, and other functions necessary for trout survival. Such wetlands are extremely valuable to the trout stream and its watershed.

C) A wetland that contains a rare or declining plant community.

- **Rare Natural Communities.** A site containing a wetland native plant community that the DNR has determined qualifies as a "Rare Natural Community" (a conservation status rank of S1, S2, or S3 or an "Outstanding" or "High" biodiversity significance ranking and mapped or eligible to be mapped in the Natural Heritage Information System) can be considered for wetland preservation.
- **Statewide or Watershed Trends.** In northeastern MN, the most common example of a declining wetland plant community is white cedar. Other plant communities, however, may be in decline on a watershed basis that could be candidates for wetland preservation.

D) A wetland of a type not likely to regenerate, such as northern white cedar.

- **Harvest and Regeneration.** Logging can be very beneficial to the long-term sustainability of wooded wetlands. However, if techniques appropriate to the species being harvested are not employed, harvest may not result in the sustainable regeneration of the primary species or an important sub-species of a mixed forest stand. Forested wetlands containing such susceptible species can be considered for preservation.

Determination of a "Demonstrable Threat"

In addition to being an eligible wetland according to the criteria on the previous page, the TEP must determine that there is a high probability the wetland will be degraded or impacted if not preserved. This is commonly referred to as a "demonstrable threat." Applicants must provide sufficient documentation to demonstrate that a threat to the wetland's ability to function exists and can be removed though preservation. The following are considerations for determining a demonstrable threat:

Fragmentation by use of exemptions. Wetland areas that are likely to be impacted through WCA exemptions, where preservation will protect the wetlands. Examples include:

- Maintenance of legally installed drainage ditches or tile lines where maintenance rights will be vacated.
- Areas where use of the deminimis exemption will likely result in numerous minor impacts such as roads, buildings, or other infrastructure that will fragment and degrade the wetland over time.

Accessibility for development. TEPs should consider whether the wetland is readily accessible by public roads which may increase the potential for development or other impacts. A landlocked parcel would typically be less vulnerable to development than one with public roads directly adjacent to the parcel.

Unsustainable use of exceptional forested wetlands. Protecting white cedar swamps and other important forested wetlands from activities that will cause degradation, such as concentrated motor vehicle traffic or logging where provisions will not be included to ensure regeneration. Other difficult to replace forested wetlands, such as tamarack/spruce bogs or mosaics of various species, can also be considered.

Fragmentation from subdivision or development. Subdivision of large tracts of land may result in wetland impacts or degradation from isolation, removal of habitat connections, or decreased water quality. Similarly, development of limited upland habitat within or adjacent to eligible wetlands can degrade the wetlands if destroyed. Preservation of associated upland habitat along with adjacent wetland will protect the wetland's ability to function over time.

Riparian wetlands susceptible to degradation. Riparian wetlands where the natural vegetation is likely to be legally removed or altered to accommodate nearby land use and the vegetative alterations will degrade the adjacent water body.

Scientific and Natural Areas. SNAs where buyout of timber and/or mineral rights on Watershed Protection Areas or other lands adjacent to SNAs will enhance long-term protection and sustainability of wetlands within the SNA.

Peat mining. The potential mining of peat from an exceptional wetland rich in peat resources can be considered a threat of degradation for purposes of wetland preservation.

An example of the clear-cut of a mixed stand of white cedar, balsam fir, black ash, and balsam poplar with no provisions for regeneration of the cedar or fir.

Meeting the eligibility requirements (listed on page 3) does not automatically result in the granting of replacement credit. Eligible wetlands must be under a demonstrable threat that can be removed by preservation of the wetland through a conservation easement. The project must also be consistent with all other requirements of WCA rule and any relevant local plans.

Ram's head lady slipper is a threatened plant in Minnesota. It can be found in the north-central and northeastern parts of the state.

Upland Buffer and Adjacent Habitat

Buffer. Wetland areas preserved for replacement credit should have a buffer adequate to protect the wetland and its function from current and future land use in perpetuity. LGUs can consider the specifications of MN Rule 8420.0522, Subp. 6 for minimum buffer width requirements, however, wider buffers may be necessary in some circumstances.

Upland Habitat Connections. Important wildlife travel corridors or upland habitat connections with other resources can be allocated credit and included in the conservation easement when they directly contribute to the function and sustainability of the wetland being preserved. The upland area must consist of native, non-invasive vegetation and be connected to the wetland being preserved.

Allocation of Credit. Preservation of buffer and upland habitat connections can be allocated up to 12.5 percent credit, consistent with the wetland being preserved. Restoration of buffer consisting of native, non-invasive vegetation adjacent to a preserved wetland can be allocated credit consistent with MN Rule 8420.0526, Subp. 2. Credit for buffer restoration can only be granted for areas degraded by legal human activity that occurred at least 10 years prior to the date of application.

Ownership Requirements

Wetlands must be owned by the state or a local unit of government to receive WCA replacement credit for their preservation. These options will meet that requirement:

- **Current Public Ownership.** Preservation of wetlands currently in public ownership may be somewhat rare due to the lack of a demonstrable threat, however, there can be circumstances where valuable publicly owned wetlands are under threat of degradation or loss and preservation can be justified.

- **Purchase.** The state or a local unit of government can consider the purchase of privately owned and eligible wetlands currently under a demonstrable threat for the purpose of removing the threat and preserving the wetland for credit. Governmental units should secure written TEP concurrence and, if possible, LGU approval prior to purchase.

- **Transfer of Property.** Privately owned and otherwise eligible wetlands under a demonstrable threat can be allocated replacement credit for preservation when the land ownership is transferred or sold to the state or a local unit of government after a replacement or banking plan is approved, but prior to the recording of the conservation easement. The replacement or banking plan application must include documentation that the applicable governmental entity will accept the property transfer and record the easement.

Many species of wildlife, such as this fisher, require large tracts of connected wetland and upland forest habitat.

Clean Water Act Coordination

The U.S. Army Corps of Engineers is responsible for approving wetland mitigation credit under the federal Clean Water Act. To increase the likelihood that preservation credits will be acceptable for both the state and federal programs, applicants are encouraged to consult with the Corps early in the process, before a full application is prepared and concurrent with TEP pre-application scoping.

General Considerations

Other Land Use Controls. Wetlands must be vulnerable to degradation caused by allowable land use activities in or near them. Comprehensive plans, zoning, and other land use restrictions should be referenced in making this determination. For example, claiming that the wetland could be degraded by construction of a housing development would not be acceptable if the site is zoned as rural and there are no planned land use changes. In contrast, a wetland or wetlands in an area with significant upland that is zoned or planned for commercial development would be vulnerable to degradation. A wetland that is protected by virtue of its position in the landscape and/or protected by other regulations (some floodplain/floodway areas for example) would generally not be eligible for preservation credit.

Vegetative Management. Preservation credit should only be granted for areas of native, non-invasive vegetation that do not require management intervention. Applications for preservation credit should include a long-term plan that identifies any potential allowable activities or intentions for future harvest of woody species. Any proposed harvest must be done for the purpose of promoting regeneration, maintaining needed diversity, and improving the sustainability of the stand consistent with the goals of preservation. To the extent possible, vegetation should be maintained by natural regeneration and competitive selection, as opposed to using herbicides, replacement plantings, and weeding to promote certain plant species over others. Avoid allocating credit for sites that will depend on perpetual management to be successful.

Watershed Scale. Site selection for wetland conservation and mitigation should be conducted on a watershed scale in order to maintain wetland diversity, connectivity, and appropriate proportions of upland and wetland systems needed to enhance the long-term sustainability of the wetland and riparian systems. Regional watershed evaluation should greatly enhance the protection of wetlands and/or the creation of wetland corridors that mimic natural distributions of wetlands in the landscape.

Riparian Wetlands. Riparian wetlands should receive special attention and protection because their value for stream water quality and overall stream health cannot be duplicated in any other landscape position.

Northern white cedar is in decline in Minnesota due to insufficient regeneration.

Wetlands and associated upland preserved for replacement credit must be protected via a permanent conservation easement granted to BWSR.

Conifer swamps provide thermal cover for whitetail deer and other wildlife during severe winters.

Ecological Suitability and Sustainability. TEPs should pay particular attention to the ecological suitability and sustainability requirements of MN Rule 8420.0522, Subp. 5 when evaluating proposals. The preservation project must be compatible with adjacent land use (current and projected) and result in a naturally sustainable wetland.

ENRV. Exceptional wetlands that require restoration or management intervention may be eligible for replacement credit under MN Rule 8420.0526, Subp. 8: Restoration and Protection of Exceptional Natural Resource Value (ENRV). See BWSR ENRV guidance and consult with the TEP for more details.

Technical Resources. See BWSR ENRV guidance for a list of information sources that may also be helpful in reviewing potential wetland preservation projects.

Application Requirements

The use of preservation for credit relies heavily on early TEP involvement and the submittal of supplementary information. In addition to the application requirements of MN Rule 8420.0330, the following information is of particular importance for the review of potential banking and replacement plan proposals utilizing preservation:

- √ Supporting evidence for qualification as an eligible wetland (i.e. an exceptional natural resource or other eligible wetland according to MN Rule 8420.0526, Subp. 9). See page 3 of this guidance for details.
- √ A wetland delineation that includes an identification and description of existing plant communities on the project site, adjacent habitats, and any other features important to the wetland proposed for preservation.
- √ A description of any imminent or likely activities that threaten to impact or degrade the wetland, including supporting documentation. This could include individual permit applications, land-use plans, examples of current development trends on similar nearby properties, or other pertinent information.
- √ Documentation that the property either 1) is currently owned by the state or a local unit of government or 2) will be owned by the state or local unit of government prior to the recording of a conservation easement. See page5 of this guidance for details.
- √ A long term vegetation management plan (see page 6 for details).
- √ Identification of the conservation easement area (easement recorded after plan approval). To the extent practicable, the conservation easement should cover both the preserved wetland area itself and any adjacent resources that contribute to the function of the preserved wetland.

Black bear benefit from the preservation and protection of large tracts of wetland and upland habitat from fragmentation.

See the BWSR website for examples of eligible wetlands and a list of approved preservation projects.

In addition to large mammals (whitetail deer, moose, black bear), mature white cedar stands also provide important habitat for fisher, pine marten, snowshoe hare, white throated sparrow, golden crowned kinglet, northern parula, winter wren, Swainson's thrush, Blackburnian warbler and numerous other species of wildlife.

BWSR Guidance, June 10, 2010

The primary authors of this guidance are:

- Dale Krystosek, Senior Wetland Specialist
- Les Lemm, WCA Coordinator

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Contact your Local Government Unit or BWSR Wetland Specialist for additional information on the use of ENRV.

Minnesota Board of Water & Soil Resources

WETLAND CONSERVATION ACT

Wetland Delineations: Choosing the Appropriate Method

BWSR Technical Guidance, June 10, 2010

Background

The 1987 U.S. Army Corps of Engineers Wetland Delineation Manual (87 Manual) describes two general types of delineation methods: routine and comprehensive (see Part IV, Section 3 of the 87 Manual). The routine method includes three options, or "levels," of investigation:

- Level 1 - Onsite Inspection Unnecessary
- Level 2 - Onsite Inspection Necessary
- Level 3 - Combination of Levels 1 and 2

The comprehensive method requires a more rigorous investigation and more detailed documentation. The 87 Manual provides general guidance on which level to use, but does not address circumstances relating to the implementation of the Minnesota Wetland Conservation Act (WCA), including instances where a delineation may not be necessary to determine the applicability of a specific rule provision. This guidance is intended to provide assistance in selecting the appropriate method and level of wetland delineation method to use in various situations related to implementation of WCA. The actual method and level will vary from site to site and project to project.

Routine Delineations

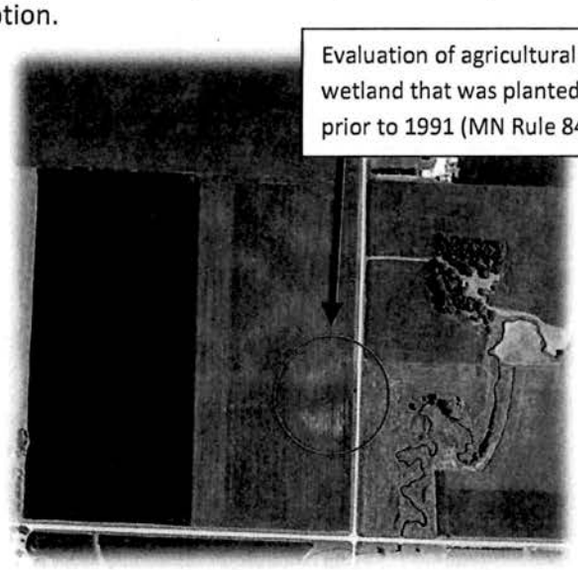
The routine wetland delineation method is appropriate for the vast majority of situations relating to WCA. The routine method involves the use of simple, rapidly applied techniques to obtain qualitative data which is then used to make a determination.

Routine Level 1: Onsite inspection unnecessary.

The Routine Level 1 delineation may be appropriate when there is sufficient offsite information to make a determination for a particular activity or site. Level 1 is generally used when the exact boundary of a wetland is not critical. It is also often used to determine wetland type, although in many cases an on-site inspection may be necessary to determine type. A Level 1 review typically consists of an examination of common offsite mapping resources (soils, topography, National Wetland Inventory, aerial photos, etc.) to determine the potential presence of a wetland, identify its type, and/or sketch its approximate boundaries. Use of the "Wetland Mapping Conventions for Cropland" (BWSR, USACE, and NRCS, 1994) is a common application of a Routine Level 1 delineation procedure in Minnesota.

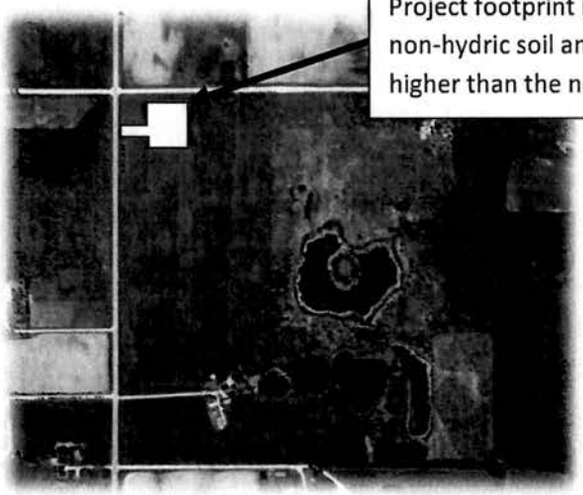
Examples where a Level 1 Routine method may be appropriate for WCA purposes:

1. An activity-based WCA exemption that applies to certain wetland types regardless of the size of the wetland. For example, agricultural activities in a type 1 wetland planted with annually seeded crops six of the last ten years prior to 1991, in accordance with MN Rule 8420.0420, Subp. 2A, are exempt. In this case, once cropping history is verified for the area in question, it is usually sufficient to simply determine the wetland type. If sufficient evidence to determine wetland type is available through a Level 1 review, a site inspection may not be necessary to determine eligibility for the exemption.



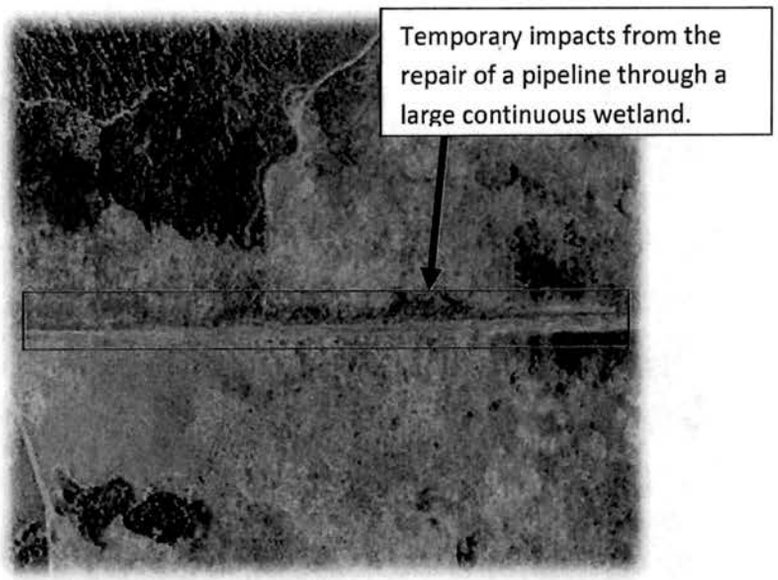
Evaluation of agricultural activities in a type 1 wetland that was planted 6 of last 10 yrs prior to 1991 (MN Rule 8420.0420, Subp. 2A)

2. A project in an area where uplands and wetlands are clearly distinguishable, indicators of each are readily identifiable, and the activity is located in an area that is obvious upland according to off-site resources. This type of determination must be evaluated on a case by case basis and requires experience, expertise, and knowledge of the local landscape. An example would be a project on a hill in an area with distinct upland characteristics where specific soils, topography, and other information have consistently been reliable in identifying upland and wetland areas.

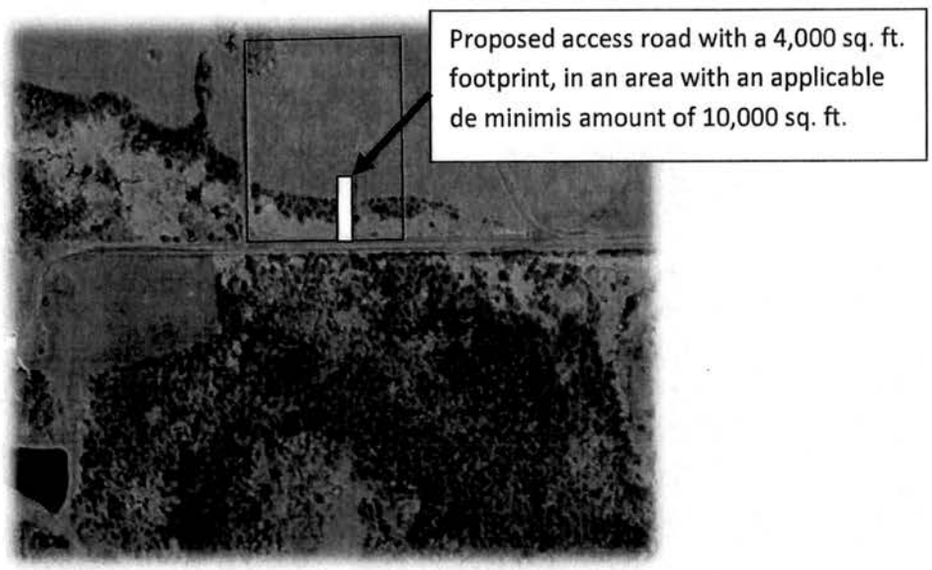


Project footprint in an area mapped as non-hydric soil and topographically higher than the nearby wetland complex.

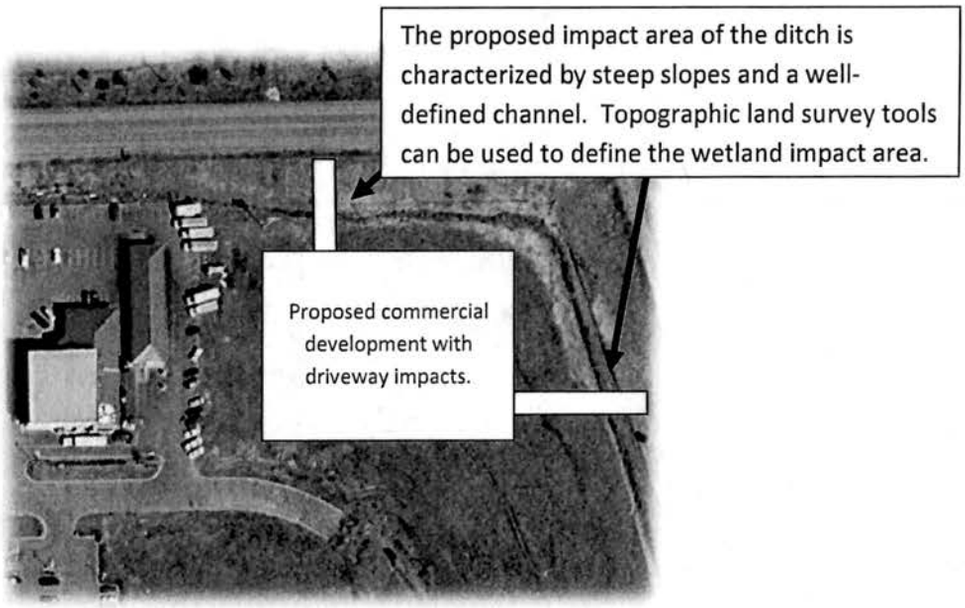
3. A project that proposes to temporarily impact a wetland and then restore it back to its original condition in accordance with WCA No-Loss criteria. In many of these cases it is only necessary to determine that the project will in fact occur in a wetland, and the characteristics of the wetland that will need to be restored. It is not necessary to define exact boundaries of the wetland if they are clearly outside the project area.



4. Similar to example 3 above, a situation where a de minimis impact is proposed and the entire footprint of the project is less than the applicable de minimis amount. For example, a road crossing through a wetland may be proposed such that the actual footprint of the road is less than the applicable de minimis amount for that location. In this case, a determination on the applicability of the de minimis exemption can be made without knowing the exact wetland boundary.

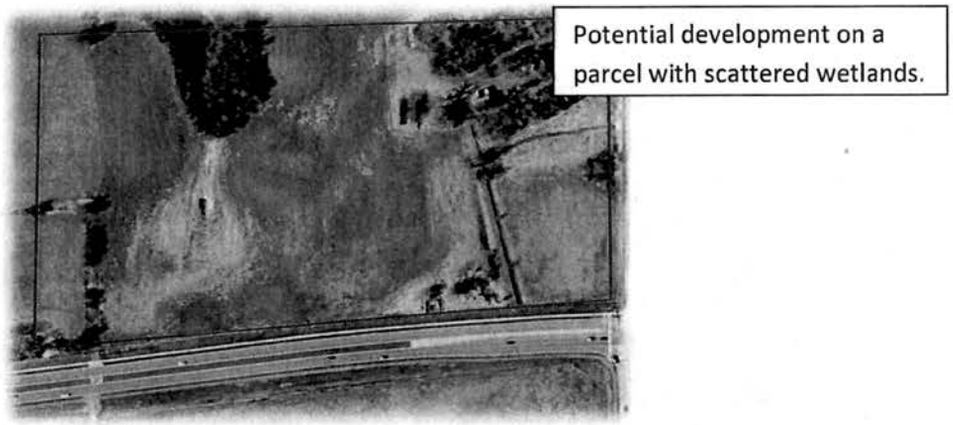


5. A situation where the wetland-upland boundary follows an obvious topographic break that has been sufficiently identified by topographic data (land survey, LiDAR). For example, a well-defined ditch through an area that was previously wetland (i.e. the side of a road) may not require intense field sampling to adequately determine the location of the wetland. In these situations it is often sufficient to characterize the typical upland-wetland transition and extrapolate it to similar areas as indicated by the topographic map or other similar type of data resource.



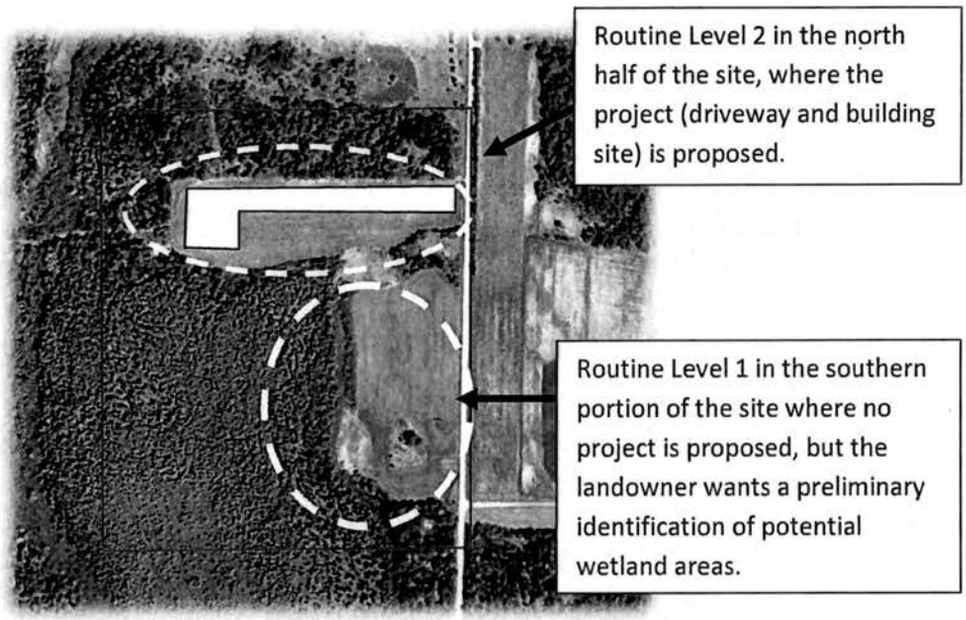
Routine Level 2: Onsite inspection necessary.

The Routine Level 2 delineation involves the onsite collection of field data and the physical marking of wetland boundaries. Level 2 is used when an accurate wetland boundary is critical for the implementation of WCA. It is used in most situations where permanent wetland impacts are proposed to occur (or potentially could occur) and wetland replacement may be required. In addition, Level 2 is often used when a landowner wants to know the land-use constraints of their property and seek assurance through a formal wetland boundary approval.



<u>Routine Level 3</u>: Combination of levels 1 and 2.

With the Routine Level 3 delineation, a portion of the site is delineated utilizing offsite methods while another portion is delineated utilizing onsite field data collection and the physical marking of boundaries. Level 3 could be used where exact boundaries are relevant for only a portion of the site or project, while the remainder can be assessed using offsite resources.



Comprehensive Delineations

The comprehensive delineation method should be used when the project area is very complex or when a determination requires rigorous documentation. When the comprehensive method is used, both the applicant and the Technical Evaluation Panel (TEP) should agree to the exact methodology prior to beginning the field work. Keep in mind that the comprehensive method can be used in combination with routine methods, depending on the parameter (vegetation, soils, hydrology) that requires greater documentation.

Examples where the comprehensive method may be appropriate for WCA purposes:

1. The applicant and TEP disagree on a routine delineation and further data collection using the routine method cannot, or could not, resolve the dispute. This could be the case with a complex site where the selection of sampling point locations has a significant influence on the result. In such instances, the comprehensive method provides a systematic approach to sampling that should reduce bias.

2. The decision or project is, or is likely to be, challenged in court. This type of situation can sometimes require more rigorous data collection and documentation to support boundary locations and other conclusions.

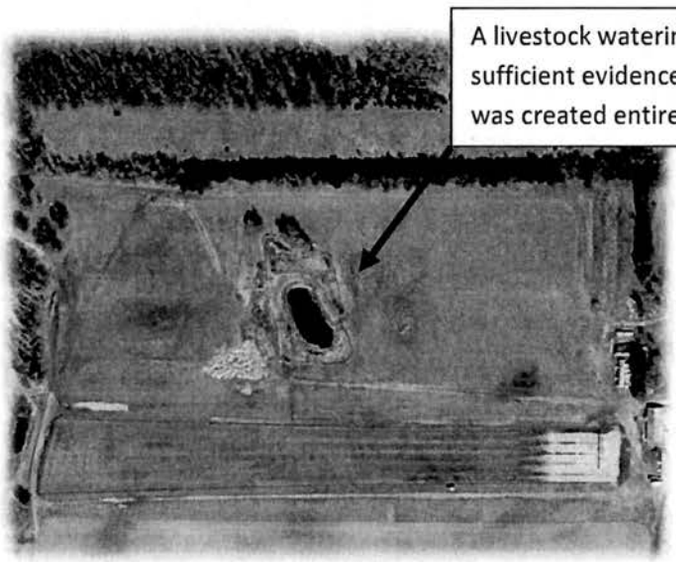
Delineation Unnecessary

In some instances a wetland delineation or type determination may not be necessary to ascertain the status of a piece of property or a proposed activity in relation to a specific provision in WCA rule. These instances can include activities where eligibility is based on factors such as prior land-use or specifics of the activity itself, regardless of the size or type of the wetland (i.e. if the land or activity meets the eligibility requirements of a specific WCA provision, it may not be necessary to determine if a wetland is present or not).

Examples where a wetland delineation may not be necessary:

1. Agricultural activities on land that was planted with annually seeded crops in eight out of the last ten years in accordance with MN Rule 8420.0420, Subp. 3, Item C(1). Once cropping history and eligibility for the exemption has been verified, it is typically not necessary to determine the boundary or type of potential wetlands within the area that is eligible for the exemption.

2. Activities in a potential wetland that was clearly created in upland and where sufficient evidence has been submitted or is available to document that the area is incidental and not regulated by WCA. In this case, it may not be necessary to determine the wetland boundary or type if sufficient evidence exists to verify that the entire area was created in upland and meets the WCA criteria for incidental wetlands.



3. Removal of materials (i.e. from beavers) blocking a legally installed culvert.

Summary

The following tables provide a general summary of wetland delineation method selection:

Delineation Method	Review of offsite mapping resources	Site Visit	Sampling Approach	Complete Field Data Forms	Field Staking of Wetland Boundaries
Routine Level 1	Yes	Sometimes	Offsite	No	No
Routine Level 2	Yes	Yes	Onsite, qualitative	Yes	Yes
Comprehensive	Yes	Yes	Onsite, quantitative	Yes	Yes

WCA Application Type Examples	*Commonly Used* Delineation Method
Temporary impact under No-Loss	Routine Level 1
Banking application: pre-application scoping	Routine Level 1
Banking application: full application	Routine Level 2
Road Program Wetland Impact Documentation—Road project through a large continuous wetland	Routine Level 1
Road Program Wetland Impact Documentation—Scattered wetlands within construction corridor	Routine Level 2
Replacement plan	Routine Level 2
Enforcement actions	Routine Level 2 or Comprehensive
Wetland boundary approval (no project application)	Routine Level 2
Agricultural exemption determination (8420.0420, Subpart 2A)	Routine Level 1

In all cases, the selection of the appropriate delineation method and level should be coordinated between the applicant and the WCA local government unit or TEP. The need for a delineation, and the appropriate method/level, depends on the amount of specificity and documentation necessary to achieve the purpose of the project and make a decision on the activity or request in relation to WCA. Regardless of the method or level used, the delineation results should include a description of techniques, materials utilized, and a basis for the determination made. As with many aspects of the 87 Manual, common sense and good judgment is essential.

BWSR Guidance, June 10, 2010

The primary authors of this guidance are:

- Ken Powell, Senior Wetland Specialist
- Les Lemm, WCA Coordinator

This document is available on the BWSR website and may be revised periodically. Check the website for the most current version. www.bwsr.state.mn.us/wetlands

Contact your Local Government Unit or BWSR Wetland Specialist for additional information on the choosing the appropriate delineation method for a particular situation.

WETLAND CONSERVATION ACT

Using Aerial Imagery to Assess Wetland Hydrology

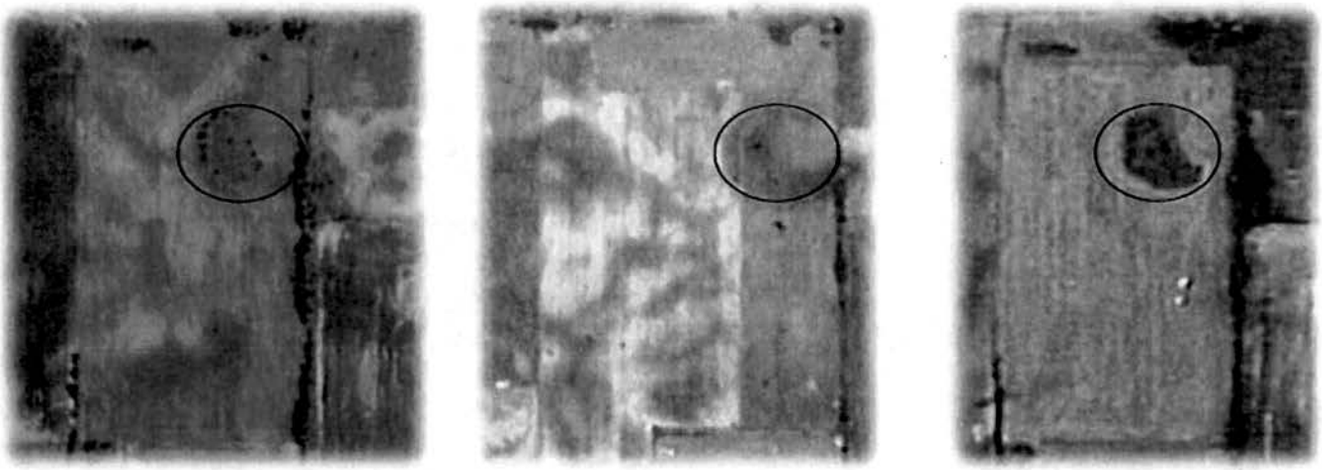
BWSR Technical Guidance, May 10, 2010

Background

In 1994, the Board of Water & Soil Resources (BWSR), the U.S. Army Corps of Engineers (Corps), and the Natural Resource Conservation Service (NRCS) collaborated on the development of wetland mapping protocols (*Offsite Hydrology Determination by Using Rainfall Data with Farm Services Agency Imagery*) to aid in the implementation of the wetland conservation provisions of the Federal Farm Bill and to promote consistency between wetland determinations made under the National Food Security Act Manual and the Corps of Engineers 1987 Wetland Delineation Manual (87 Manual). Since 1994, there have been numerous changes in State and Federal wetland regulations as well as advances in the science and practical application of wetland delineation procedures. Most notably, the Corps has developed a series of Regional Supplements to the 87 Manual (regional supplements) to address regional wetland characteristics and improve the accuracy and consistency of wetland delineation procedures. All 3 regional supplements that are in effect for Minnesota (Great Plains, Midwest, Northcentral/Northeast) incorporate the use of historical aerial photography as a method to assess long-term hydrologic conditions.

This document is intended to be used as a supplement to the 1994 mapping conventions document. It incorporates new data sources, clarifies procedures, and provides direction on interpreting results in concert with the 87 Manual and applicable supplements.

Example series of aerial images showing changes in wetland hydrology signatures over time:



1980 **1989** **2006**

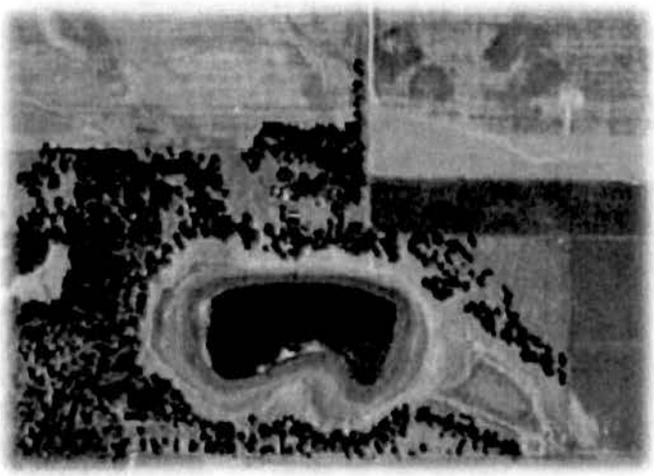
Applicability

The procedures described in this document are most useful for interpreting wetland hydrology in agricultural areas, however, they can be useful in other situations (with appropriate caution) where hydrology is in question. In general, review of aerial imagery for assessing wetland hydrology is more accurate in agricultural fields that are/were planted with annually seeded row crops such as soybeans and corn. These fields will often show signs of crop stress, standing water, or drowned out crops in summer aerial imagery when wetland hydrology is present. An aerial imagery review for signs of crop stress due to wetness is typically not as reliable for fields planted in perennial forage crops compared to those planted to row crops, depending on a number of factors discussed later. There are also some situations where air photo review can provide useful information in areas that are not cropped or hayed such as pastures and naturally vegetated seasonally flooded/saturated wetlands. However, greater emphasis should be placed on other data sources (such as those listed in the 87 Manual and supplements) in these situations.

Examples of data sources:

Web Soil Survey Map

1950's air photo from U. of M.



Aerial Imagery Data Sources

The availability of aerial imagery varies throughout the state. Most counties have annual Farm Service Agency (FSA) imagery dating back to the early to mid 1980's. Many areas have additional aerial imagery dating back anywhere from the 1970's to the 1930's. This imagery can often be obtained from local County offices (planning and zoning, engineering, environmental services, etc.), local soil and water conservation districts and USDA offices (FSA, NRCS). The University of Minnesota also has a collection of aerial imagery from different parts of the state and there are fee-based private vendors who offer access to imagery. Other accessible sources of aerial imagery include the Minnesota Geospatial Information Office (MnGeo) and the DNR.

A thorough review of aerial imagery for the assessment of wetland hydrology should consider all available and relevant imagery sources. There can be considerable variability in the scale, timing, and quality of aerial imagery. Imagery that is of insufficient quality to evaluate the area of interest should be noted in the review with an accompanying explanation as to why it was not useful. Examples of insufficient imagery for assessing

an area of interest include when the area is obscured by clouds or shadows, large scale imagery with insufficient detail to identify relevant features, and overall poor picture quality (blurry, underexposed, etc.). The review of aerial imagery is greatly enhanced by reviewing it in combination with high resolution mapping sources such as Light Detection & Ranging (LiDAR) remote sensing data, pictometry, radar, infrared, etc.

Precipitation Data

All aerial imagery should be evaluated in the context of antecedent moisture conditions. The standard method for evaluating antecedent moisture conditions is to examine precipitation for the 3 months prior to the date of the imagery in accordance with the BWSR guidance document *Evaluating Antecedent Precipitation Conditions at a Site Using Climate Data Available in Minnesota* (June 2008). This document is based in part on the NRCS *Hydrology Tools for Wetland Delineation Procedure* (August 1997) and the Corps guidance *Assessing and Using Meteorological Data to Evaluate Wetland Hydrology* (April 2000). The standard method considers precipitation data from the 3 months prior to the date of the imagery and weighs that data based on the length of time since the precipitation contributed to the water budget (referred to as the *NRCS Method*).

A quick and efficient way to analyze antecedent precipitation is to utilize the State Climatology Office website and its built-in tool for calculating antecedent precipitation conditions for each aerial image reviewed. This tool utilizes data from the nearest precipitation stations to analyze antecedent conditions, thereby eliminating the uncertainty associated with selecting an appropriate gauging station. Other methods include using precipitation tables generated by the NRCS for specific gauging stations or manually calculating tables from gauging station data. However, results utilizing these methods should be compared with those utilizing the Climatology website to see if there are any significant differences. If differences do exist, then information should be provided to justify the use of one over the other.

It is often helpful to also evaluate antecedent precipitation conditions utilizing the 30-day rolling total method as described in the aforementioned 2008 BWSR guidance document. This method is used to determine whether or not precipitation levels were greater or less than normal throughout a month rather than just at the beginning or end of the month. Combining the 30-day rolling total method with the NRCS method may result in antecedent precipitation condition estimates that are different from the NRCS method estimates alone (see BWSR guidance document for discussion of limitations and applicability).

Sample results from the NRCS method analysis:

Precipitation Worksheet Using Gridded Database

Precipitation data for target wetland location:
county: **Stearns** township number: **123N**
township name: **Wakefield** range number: **30W**
nearest community: **Cold Spring** section number: **16**

Aerial photograph or site visit date:
Monday, June 04, 2007

(values are in inches)	first prior month: **May 2007**	second prior month: **April 2007**	third prior month: **March 2007**
estimated precipitation total for this location:	**1.62**	**2.15**	**3.40**
there is a 30% chance this location will have less than: *	2.45	1.17	1.20
there is a 30% chance this location will have more than: *	3.93	2.60	2.10
type of month: dry normal wet	dry	**normal**	**wet**
monthly score	**3 * 1 = 3**	**2 * 2 = 4**	**1 * 3 = 3**
multi-month score: 6 to 9 (dry) 10 to 14 (normal) 15 to 18 (wet)	**10 (Normal)**		

view USDA-NRCS WETS data for Stearns County

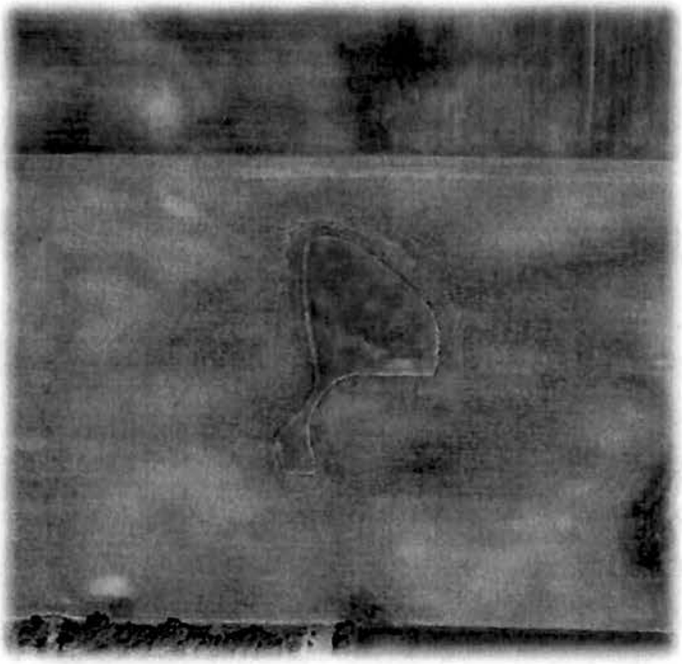
Interpreting Aerial Images

Aerial images are evaluated for the presence of signatures that are indicative of wetness. Potential wetland signatures and their associated labels are as follows:

- **CS – crop stress.** Differences in vegetative vigor of planted crops as compared to surrounding conditions due to wetness. Often seen as a different color than surrounding vegetation of the same type.

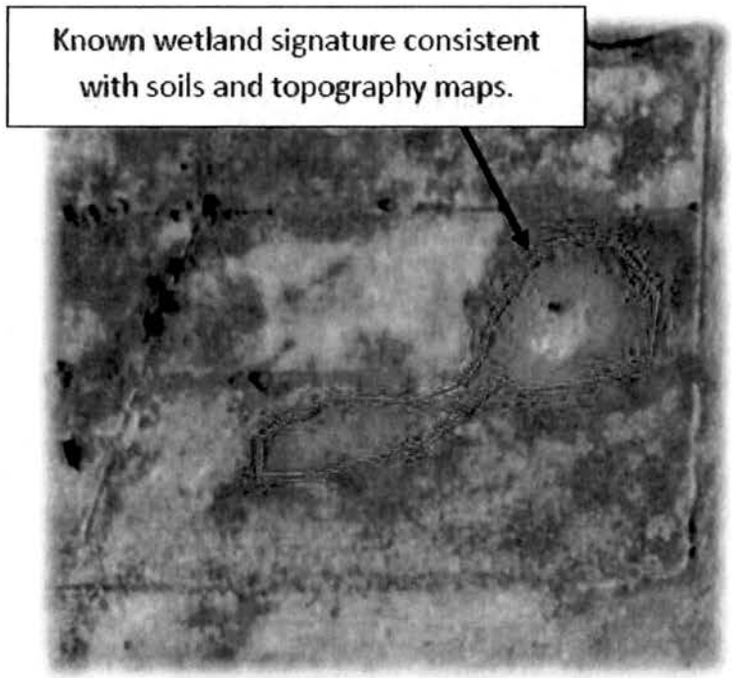
- **DO – drowned out.** Cropped areas that appear to have been tilled through and planted, but all or part of the crop has been drowned out.

- **NC – not cropped.** Area appears to have natural vegetative cover rather than annual crops or is bare due to herbicide application. Adjacent cropped area is often "squared-up" or otherwise planted in a pattern so as to avoid the area.



- **SW – standing water.** Surface water visible on image.

- **WS – wetland signature.** This is a general term that can be used in non-cropped areas when the observer is familiar with the vegetative cover associated with a particular signature on an aerial image. For example, an area of reed canary grass or cattails may show up clearly on aerial imagery in a certain landscape, and the evaluator is able to identify that vegetative signature as associated with wetland conditions. This term can also be applied to areas that have greener vegetation during dry conditions which is another potential indicator of wetland hydrology.



- **AP – altered pattern.** Detectable differences in vegetation or cropping patterns resulting from delayed planting dates or other alterations to standard farming practices as a result of wetness.

The following signature and label is associated with non-wetland conditions:

- **NV – normal vegetative cover.** The outline of the area in question cannot be readily distinguished from the surrounding upland area or the signatures on the image are not due to wetness.

Multiple signature notations such as CS/DO or NC/SW can be used to more accurately describe areas on photos that exhibit multiple wetland hydrology signatures. It is sometimes beneficial to review aerial imagery taken during or following periods of low precipitation or drought. Signs of wetness during these periods may include darker vegetation tones and colors in potential wetland areas contrasted with lighter colors and tones in surrounding areas. In those instances the general "WS" notation can be utilized if it is accompanied by an explanation in the associated report or on the review data form.

It is essential to have an understanding of land use and landscape conditions associated with the site being evaluated in order to accurately interpret aerial imagery. There are often instances where the wetland signatures described above appear for reasons other than wetness. For example, high alkalinity areas in cropped fields (iron chlorosis) can often show up as crop stress or drowned out on aerial imagery even though these manifestations are not associated with wetness. Similarly, areas of crop stress or apparent drowned out in winter wheat may in fact be due to severe winter weather such as high fall/winter precipitation or freeze out. In areas of cropped organic soils, photo tone differences can be caused by peat depth (shallower peat may show a lighter photo tone) and by the ability of organic soils to retain moisture (an area may show a dark photo tone that belies the appearance of nearby mineral soils). In addition, farmers can make decisions on cropping based on business considerations that may have nothing to do with wetness in a particular field.

Variables Affecting the Reliability of Photo Interpretation

Several variables associated with the landscape conditions of the particular area being reviewed will influence the reliability of air photo signatures and the interpretation of them. These variables include the overall tolerance of vegetation to flooding or saturation, average vegetative stem density/canopy coverage, and topography.

Tolerance to flooding/saturation - The type of vegetation present at the time of the image and the relative tolerance of that vegetation to flooding and saturation conditions associated with wetland hydrology influence the reliability of an image to reflect hydrologic conditions. Some information on vegetation tolerance to flooding or saturation can be deduced from the assigned wetland indicator status of the species (i.e. FACW species more tolerant to flooding and saturation than a FACU species). Signatures in fields planted with species that are less tolerant to prolonged flooding or saturation will typically be more reliable than signatures in fields planted with more tolerant species. For example, certain turf grasses may have a high tolerance for flooding or saturation whereas certain forage crops such as alfalfa have a low tolerance for prolonged flooding or saturation. Information on the tolerance of crop and hay species to flooding and saturation can also be obtained from other sources such as the University of Minnesota Extension and published agronomy studies.

Stem Density/Canopy Coverage – The existence and strength of a signature due to prolonged flooding or saturation is partly dependent on the average stem density or canopy coverage of the planted crop. In general, the lower the stem density, the easier it is to detect the effects of prolonged flooding/saturation on aerial imagery. From an aerial view, the effects of moisture-related stress on individual plants will tend to be

masked by healthier plants when stem densities are high. For crops with lower stem densities such as corn, stress on individual plants is generally more detectable because there is less canopy coverage to mask the color and tone differences in the photos.

Topography – Signatures in areas with flat topography tend to be less evident than in areas with more pronounced topography. The effects of crop stress combined with different soil types in depressions tend to show up more readily in landscapes with undulating topography compared to flat landscapes.

The above variables should be considered when weighing the results of an aerial imagery review with other data. The following illustration provides a generalized summary of the effect of these variables on the reliability of an aerial imagery review for wetland hydrology.

Reference Areas

Reference areas of known wetland and upland can provide important information and context to signatures and interpretations in other areas. Comparing areas of known wetland and upland during different antecedent precipitation conditions can strengthen interpretations in questionable areas.

Other Data Sources

It is important to combine aerial image interpretation with other information such as topography (LiDAR or land survey) and soils information to improve the accuracy of wetland hydrology interpretations. These other data sources provide important context to what is observed on the image. For example, the observation of

vegetative signature differences in certain areas could be explained by topographic position, soil type, or other factors not necessarily associated with wetness. An interpretation is strengthened when it is corroborated by other data sources.

Evaluation Procedure

The procedure below provides a default step-by-step process for reviewing aerial imagery. The process and steps can vary, however, depending on site-specific characteristics and the experience of the reviewer. To complete an evaluation the following are needed:

- Recent air photo for sketching and labeling evaluation areas
- Aerial imagery and associated antecedent precipitation evaluation utilizing NRCS method
- Available offsite mapping resources (soils map, NWI, topography, etc.)
- Form for recording observations (see Exhibit 1)

Evaluation Steps

1. Review soils data for presence of hydric soils, NWI map, aerial imagery from wet and dry periods, and any other wetland mapping resources to identify potential wetland areas for further evaluation.

2. Conduct a quick review of aerial imagery to determine the frequency of wetland signatures in a particular area.

3. Determine which areas exhibit enough wetland signatures to warrant a comprehensive review. This will involve professional judgment based on the number of aerial images available and the total number taken following normal antecedent precipitation conditions. The reviewer may choose to perform a comprehensive review of all potential wetland areas depending on the scope, complexity, purpose, and timeframe of the analysis.

4. Label evaluation areas on base air photo and observation recording form.

5. Review each image carefully and note observations in accordance with above-described terminology. Utilize reference areas where possible and compare observations from dry periods with those from wet and normal periods to provide context.

6. Tally the number of years of imagery with normal antecedent precipitation conditions that exhibited wetland signatures (hits).

7. For areas with 30% or more hits in normal years, review each image again and sketch the approximate size and location of potential wetland areas.

8. Conduct a field review in accordance with 87 Manual procedures and examine any other available information regarding the hydrology of the area in question.

9. If necessary, conduct a second review of imagery in consideration of field observations and other data obtained since the first review. Modify observations accordingly.

Documenting and Interpreting Results

The standard procedure for interpreting results is to consider areas with greater than 50% hits in normal years as having wetland hydrology. However, this assumes that there are at least 5 years of aerial imagery with normal antecedent precipitation available and that there have not been significant changes to the hydrology of the area in the period examined. If there are less than 5 years of aerial imagery with normal antecedent precipitation, the evaluator should look at the percentage of hits among an equal number of images with wet and dry antecedent precipitation conditions.

In instances where hydrologic changes have occurred over time, the results of the review may have to be grouped to reflect current conditions. For example, an area may exhibit wetland signatures in a number of years prior to a tile repair, followed by a lack of observed signatures after the repair. The reviewer must determine if the repair was legal/authorized and now represents the "normal circumstance" according to the 87 Manual. If so, then only the images after the tile repair would be relevant in determining if wetland hydrology is present on the site under the new normal circumstance. Conversely, aerial imagery of an area with a failed tile line may show wetland signatures after the failure, but not during the years in which it was functioning. In that case, the current condition of the area with the failed tile represents the new normal circumstance for determining if it has wetland hydrology at the time of the evaluation.

The strength of an aerial imagery review for wetland hydrology is increased when a larger number of images are available from periods following normal antecedent precipitation. Even when a sufficient number of images exist to complete the standard evaluation, the strength of the results should be considered in relation to the quality of aerial imagery, overall confidence in interpretations, and other site-specific factors.

Important Final Points

Results of an aerial imagery review are not the final determination as to whether or not an area is a wetland. Most imagery used in this procedure is taken during mid-growing season and consequently does not always reflect typical wetter early-growing season conditions. Because of this, it is incumbent upon delineators to utilize other data to more accurately evaluate the hydrologic condition of the site.

Delineators should follow the wetland delineation protocol described in the 87 Manual and applicable regional supplement to make a final determination, including field reviews and considering other data. Evaluating multiple years of aerial imagery is one of many approaches described in Chapter 5 of the regional supplements for determining whether wetland hydrology is present in a particular area. The results of the aerial imagery review should not be used to override or "trump" other data to the contrary, but instead should be weighed alongside it. The reliability of a wetland determination is increased when multiple data sources and approaches support the same conclusion. Delineators must weigh the strength of their aerial imagery review results with the strength of other data sources when determining the existence of a wetland and its boundary.

BWSR Guidance. June 10. 2010

The primary author of this guidance is Ken Powell, Senior Wetland Specialist.

This document is available on the BWSR website and may be revised periodically. Check the website for the most current version. www.bwsr.state.mn.us/wetlands

Contact your Local Government Unit or BWSR Wetland Specialist for assistance in determining the applicability and appropriate use of aerial imagery to assess a particular site.

Board Resolution # 10-66

Minnesota Board of Water and Soil Resources
Rescinding Exceptional Natural Resource Value Guidance

WHEREAS, Minnesota Statutes 103G.2242, Subd. 12(d) authorizes the Board to "establish by rule different replacement ratios for restoration projects with exceptional natural resource value", and

WHEREAS, the permanent Wetland Conservation Act rule (Minnesota Rule 8420.0526, subp. 8), adopted on October 28, 2002, implemented the statutory authority referenced above, and

WHEREAS, the Board adopted guidance for the implementation of Exceptional Natural Resource Value (ENRV) Projects under the 2002 permanent rule (8420.0541, subp. 4) on October 22, 2003, and

WHEREAS, Minnesota Rule 8420.0541, subp. 4 (WCA 2002 permanent rule) was replaced by Minnesota Rule 8420.0526, subp. 8 (Restoration and Protection of ENRV) on August 8, 2009. This new rule establishes details on conditions and procedures to allocate wetland credit for restoration and preservation of ENRV not included in the previous permanent rule, and

WHEREAS, the Wetland Committee recommends the Board rescind the ENRV Guidance that was adopted by the Board on October 22, 2003.

NOW THERFORE BE IT RESOLVED, the Board adopts the Wetland Committee recommendation to rescind the October 22, 2003 ENRV guidance.

Randy Kramer, Chair

6/23/10
Date

NEW BUSINESS

1. MN Natural Resources Conservation Service – Activities, Initiatives and Direction – Don Baloun, NRCS State Conservationist – ***INFORMATION ITEM***

2. FY08-10 Audit Overview and Response – John Jaschke and Julie Blackburn – ***INFORMATION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: FY08-10 Audit Overview and Response

Meeting Date: June 23, 2010

Agenda Category: ☐ Committee Recommendation ☒ New Business ☐ Old Business
Item Type: ☐ Decision ☐ Discussion ☒ Information
Section/Region:
Contact: John Jaschke
Prepared by: John Jaschke
Reviewed by: Administrative Advisory Committee Committee(s)
Presented by: Administrative Advisory Committee & Julie Blackburn

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

Attachments: ☐ **Resolution** ☐ **Order** ☐ **Map** ☒ **Other Supporting Information**

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested
☐ Other:

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

ACTION REQUESTED

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
On May 27th the Office of the Legislative Auditor (OLA) released its regular (every 3 year) financial audit report for BWSR. It is posted at: http://www.auditor.leg.state.mn.us/. The agency response begins on page 23.

Beginning this past January, four audit staff spent several months in our St. Paul office reviewing electronic and paper records and interviewing staff. The findings did not identify any misuse or improper purposing of state funds. They generally related to internal accounting processes (coding), practices (separation of duties) and supporting documentation and retention protocols. The findings related to grants centered on the two (of 13 total) Office of Grants Management policies, developed midway through the audit period, that have not been fully adopted/implemented. We will provide the Board with an overview of the findings/recommendations at an upcoming meeting and will also review our plan of action for corrective/improvement steps that have/are/will be taken.

Minnesota Board of Water and Soil Resources
Implementation Plan for Responses to 2010 OLA Audit

Finding 1: **Prior finding not resolved: The Board of Water and Soil Resources did not design, implement, and monitor internal controls to ensure that the board fulfilled its financial management responsibilities.**

Recommendation:

- *The board should identify its financial risks, including the risk of noncompliance with finance related legal requirements, develop internal controls to mitigate those risks, and monitor the effectiveness of its internal controls on an on-going basis.*
- *The board should provide adequate training and oversight for its accounting personnel to ensure they adequately perform their financial management responsibilities.*

BWSR's response:
Financial Risks recommendation: We agree with the recommendation. While we implemented many of the internal control policies as they were established by Minnesota Management and Budget (MMB) over the last year and conducted the required training, we will go further to integrate these policies into all areas of financial management. We acknowledge the heightened attention for internal control and will consult with the newly established MMB Internal Control Unit as we move forward.
Training recommendation: We agree with the recommendation. We have conducted internal control training per the MMB schedule for both fiscal staff and senior management. However, regular training and refresher training for fiscal staff will be more targeted and frequent in the future.

Action	Responsible Party	Target Date	Status
Financial Risk			
Develop framework for EMT of what we want to accomplish. Determine how and where MMB Internal Control can contribute to process.	John Jaschke and EMT	Ongoing but with six-month out goal of Dec 2010 for majority of policy changes in place.	
Training			
Continue training that coincides with MMB Internal Control recommendations, but needs to be on a structured basis, and a regular component of SMT.	John Jaschke and Bill Eisele	Training will be ongoing, with the goal to have an identified schedule to coincide with December 2010 timeline stated above.	

Minnesota Board of Water and Soil Resources
Implementation Plan for Responses to 2010 OLA Audit

Finding 2: **The Board of Water and Soil Resources did not fully implement Office of Grants Management oversight policies.**

Recommendation:

- *The board should reconciler grant recipients' actual expenditures in a timely manner to ensure that the grantees use the funds in accordance with the grant agreements as required by state policies.*
- *The board should revise the due dates for the Cost Share Work Grant close out reports to comply with the deadline required by the board's policy.*
- *The board should formalize its grant oversight procedures, including the procedures used to conduct and document monitoring visits.*
- *The board should enhance its electronic reporting system so that it has sufficient detail about grant recipients' expenditures and has evidence of review or approval of the expenditures' reports.*

BWSR's response:

General Response: We agree with this finding; however we believe there is an inconsistency between the finding and the introduction to the described weaknesses. The finding is specific to the Board's compliance with the Office of Grants Management (OGM) policies, while the introduction speaks very broadly about the lack of adequate internal controls. We have program and organizational review mechanisms in place to assure and document that the grants for these programs are being used for the intended purposes and results. The Office of Grant Management (OGM) policies were adopted midway through the audit period and the Board has made significant investments in complying with them, and these efforts are continuing. Currently, the Board and its grant programs are in compliance with all policies except for portions of 08-08: Policy on Grant Payments and 08-10: Policy on Grant Monitoring. In response to enactment of these policies, a staff team will be developing proposed policies and procedures to comply with the monitoring and financial reconciliation requirements of these policies and to increase the efficiency of agency grant monitoring and oversight responsibilities.

Grant Expenditures: We agree with this recommendation to the extent it addresses our compliance status with OGM policies. The initial response above under Finding 2 discusses this issue and our approach to develop effective and compliant policies and procedures. However, more discussion over this recommendation is warranted. Board grant agreements are generally for two years, thus we are concerned over the inherent inefficiencies in conducting financial reconciliations before a grant agreement has expired. Grants are regularly monitored in that grantees are required to report on grant status twice annually. Board staff will discuss this policy further with the OGM.

Cost Share close out due dates: We do not agree with this recommendation and have never interpreted or applied this policy as described in the finding. The referenced Board policy was instituted following the prior audit and has been in effect for approximately 2 years.

Oversight procedures: We agree in part and disagree in part with this recommendation. The Board currently has a variety of grant oversight, monitoring, and closeout policies and procedures that comply with the OGM policy 08-10. However, these policies and procedures are not uniformly applied to all grant programs in a manner that is compliant with the OGM policy. We do agree with the value of formalizing grant oversight consistent with OGM policy 08-10 and the staff work team mentioned above will develop recommendations to accomplish that goal to the extent practical.

Electronic reporting: Response: We agree in part and disagree in part with this recommendation. The eLINK reporting system has the capability to document Board staff review and approval of project workplans and reports. This functionality will be applied to all appropriate staff responsibilities for grant oversight in this system. However, eLINK is primarily intended to be a system for grantees to provide data on the outcomes of state financed projects and activities. It has never been intended to be an accounting system with the level of detail described in the finding. Details on expenditures are reviewed as part of existing grant close-out procedures.

Action	Responsible Party	Target Date	Status
Grant Expenditures			
The Office of Grants Management will be contacted to review policies 08-08 and 08-10 and identify options for compliance. Additional implementation actions will follow these discussions.	Dave Weirens	Sept 2010	Initial discussions and compliance options will be identified by September 2010. Timeline for implementation of all necessary actions will go beyond this month possibly based on these discussions, as well as the anticipated completion of the efforts of the Grant Monitoring Work Group which will not occur until calendar year 2011. The goal of this work group is to implement new grant oversight requirements with the FY12 grants.

Minnesota Board of Water and Soil Resources
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Cost Share close out due dates			
The BWSR Board at its June meeting is being requested to adopt a new policy and procedures for Cost Share Grant Program Closeouts. This policy addresses SWCD reporting requirements, BWSR monitoring and BWSR Closeout procedures. In addition, the Grant Monitoring Work Group will be developing agency-wide policies and procedures that will apply to the Cost Share Grant Program.	Dave Weirens	June 2010 & May 2011	Cost Share Closeout Policy is on the June 23, 2010 Board agenda. The initial discussions and organizing of the Grant Monitoring Work Group have begun this month (June 2010).
Oversight procedures			
See discussion under "Grant Expenditures".	Dave Weirens	May 2011	See "Grant Expenditures".
Electronic reporting			
The eLINK Team will begin to discuss this finding and recommendation this month, and, as has been discussed under an earlier recommendation, will also be addressed as part of the work of the Grant Monitoring Work Group.	Dave Weirens & Tim Ogg	Dec 2010 & May 2011	The eLINK Team meets on June 22 where this issue will be discussed, and the initial discussions and organizing of the Grant Monitoring Work Group have begun this month (June 2010).

Minnesota Board of Water and Soil Resources
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Finding 3: **The Board of Water and Soil Resources did not have adequate controls to track the receipt of annual monitoring reports for wetland restorations added to the wetland bank.**

Recommendation:

- *The board should directly obtain and implement procedures to track the receipt of annual monitoring reports so that it can take appropriate enforcement action for those it does not receive.*

BWSR's response: We partially agree with the finding and agree with the recommendation. The audit has identified an issue regarding documentation of the direct receipt of wetland bank monitoring reports. As required by the Wetland Conservation Act 2002 permanent rule, and the 2007 exempt rule, BWSR received these reports as part of the wetland bank credit allocation process (membership on the technical evaluation panel). The permanent Wetland Conservation Act rule adopted in August 2009, establishes the need to document direct receipt of wetland bank monitoring reports as a copy is required to be sent to the BWSR wetland bank administrator. The existing database that manages the deposit and withdrawal of wetland credits has the capability to track the receipt of annual monitoring reports, along with other relevant information. This functionality of the aforementioned database will be employed to document receipt of wetland bank monitoring reports as required by rule. BWSR also has a systematic field verification and inspection program for wetland banks. This program advises the Board on bank account status.

Action	Responsible Party	Target Date	Status
A meeting will be convened in July 2010 to begin to implement the task discussed in the BWSR response. Dave Weirens will be the organizer and invite Les Lemm, Dan Girolamo, and Natasha DeVoe to implement the response to this recommendation.	Dave Weirens	Nov 2010	A meeting will be organized in July 2010 to begin working on this recommendation.

Minnesota Board of Water and Soil Resources
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Finding 4: **The Board of Water and Soil Resources' accounting practices compromised the integrity of its financial information in the state's accounting system.**

Recommendation:

- *The board should properly record transactions in the state's accounting system to provide an accurate record of financial activity.*
- *The board should examine financial records not tested during our audit to identify and correct other inaccuracies.*
- *The board should monitor interagency receivables to ensure proper reporting of amounts due.*

BWSR's response:
Transaction recommendation: We agree with the recommendation. As a general follow up, we will consult with the internal control specialists in Minnesota Management and Budget (MMB) on processes they suggest to improve accuracy. Regarding the specific error types detailed in the audit: ***Revenue errors***: We have constructed a table of the standard BWSR revenue sources to use to cross check against all revenue items that come in. Incoming revenue will require a supervisor review of the proposed account coding. ***Expenditure errors***: Some trace to an error in the front-end on the receipt, which will be addressed with dual receipt review. During the audit we developed a new grant encumbrance authorization process that requires two people to approve coding of grant encumbrances to address potential incorrect coding of grant expenditures. ***Receipt errors***: See process described under "Revenue errors". However, there will always be some judgments as to which revenue source codes are the most appropriate. ***Returned grant funds***: A process was instituted in May 2008 under direction from Minnesota Management and Budget that corrected this exception. We do not agree that the audit report should have counted returned grant funds prior to that date. ***Expenditure codes*:** We do not agree with all of the exceptions as they were primarily in two areas of expenditure and thus training of staff is the best way to reinforce consistency with the preferred codes. We will develop a list of usual codes for BWSR and conduct staff training to review the types of transactions where each should be used.
Testing recommendation: We agree with the recommendation. In conjunction with the normal year-end review process, all funds and sub funds will be reconciled, including those that were not scrutinized during the audit. The year end process will include an additional review level (Assistant Director) to assure timely certification.
Interagency receivables recommendation: We agree with the recommendation. During the audit, the auditor-in-charge noted that the state accounting system has a report that can be used to monitor the amounts due. Use of this report was instituted at the beginning of May when the supervisor reviewed April expenditures. The accountant was instructed to include this report in the normal month end process going forward and this will be written in the receivables policy.

Action	Responsible Party	Target Date	Status
Proper recording of transactions			
We will use dual approval on receipt and revenue recording. A table of BWSR receipt codes will be used to cross check incoming revenues. We will make a change to the handling of receipts to further separate duties. We will have MMB Internal Controls review our process to assess risk potential and areas needing further improvement. We will review standard BWSR object code use and develop a table for when the typical codes are used and for what purpose.	Eisele	September 2010	Dual approval in place and coding table in place.
Examine and test records			
Same as noted in audit response above. We will seek MMB Internal Control assistance in review process.They are currently looking at our Payroll process and we will talk to them after that is completed.	Eisele	September 2010	
Interagency receivables			
This regards three old receivable from 2005, 2006 and 2008. The funds were received but the receivable was not cancelled automatically. When this did not occur automatically, the receivable should have been cancelled manually by the Accounting Officer. Review of the monthly report available would have been reminder to follow up as necessary to clear.	Eisele	May 2010 Later in 2010	Clearing of old receivables: 5/28/10 status: 2 of 3 now cleared. MMB Accounting (Chris Johnson) says they haven't been able to cancel the 3rd one and are considering what to do next. Prevention of stale receivables: Partially In Place. The auditors pointed out

			to ATSD the Receivables Report that is available. This report was printed at the end of April and on May 3rd added to the usual items that the ATSD reviews from the prior month end. I will continue to include this report in my month end review in order to follow up on any outstanding receivables. We also need a "receivable management plan" in writing.

Minnesota Board of Water and Soil Resources
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Finding 5: **Prior finding partially resolved: The Board of Water and Soil Resources did not adequately safeguard or promptly deposit some receipts.**

Recommendation:

- *The board should adequately separate duties and follow state policies designed to safeguard receipts.*
- *The board should deposit receipts totaling $250 or more on a daily basis, as required by statute.*

BWSR's response:
Separation of duties: We agree with the recommendation. We had changed our deposit procedure significantly after the last audit, including adding a separation of duties. However a step will be added at the beginning of the process to include a manual log to document deposits. We will also develop a policy that covers all aspects of this function.
Deposits of receipts daily: We agree with the recommendation. There were two areas of BWSR that receive checks that were handled "outside" the normal deposit process. During the audit we changed the procedure so that checks for these two areas, appeals and banking, are treated like all others. The written policy noted under the first recommendation for this finding will specifically refer to those two areas and how their receipts should be handled.

Action	Responsible Party	Target Date	Status
Separation of Duties:			
Duties are already separated. This was accomplished in the last audit. The deficiency is that an initial paper log is not used that logs all checks before they enter the processing pipeline. The only step we need to add is to have the initial paper log that cannot be altered. This is the second policy area that we will have MMB Internal control review after Payroll Processing.	Eisele	May 2010	We have flow chart with current and new process.
Deposits on a daily basis			
This applies to Wetland Banking and appeals checks. During the audit the process was changed so that these checks are deposited immediately like all other checks.	Eisele	April 2010	In place

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Finding 6: **The Board of Water and Soil Resources did not obtain appropriate authorization for some expenditures.**

Recommendation:

- *The board should obtain and document appropriate authorization before hiring employees at an increased pay rate.*
- *The board should ensure that it fully executes all contracts, including authorization from the Department of Administration.*
- *The board should complete the necessary special expense documentation and only allow appropriate personnel to authorize special expenses.*

BWSR's response:
Contract Execution: We agree with the recommendation. An internal review has determined that utilizing an existing contract checklist available from the Department of Administration will remove exceptions related to missed signatures. We will document this in internal contract processing requirements. An agreement for a specific type of activity (computer maintenance) was developed as a service contract. In the future these activities will be treated as a professional technical contract.
Pay Rate authorization: We agree with the recommendation. As noted in the audit we did receive retroactive approval. We have now added a checklist to accompany the new hire process in order to remind the appropriate staff when the salary approval (or any other applicable approvals) is needed.
Special Expense documentation: We agree with the recommendation. We have provided the three regional supervisors formal authority to approve special expense requests for their staff via written delegation. Periodic refresher training with staff will address the instance of the one missing authorization.

Action	Responsible Party	Target Date	Status
Pay rate authorization			
This was an oversight. Normal process is for the pay rate to be approved by MMB Compensation. These were strictly oversights and as noted were corrected during audit. However in order to eliminate the likelihood of this oversight reoccurring, a checklist not previously used for new hires has been added. The checklist shows all elements that require approval during the new hire process, and use of this form will serve as a reminder of the steps that need to be completed. The checklist will stay with the new hire file.	Eisele	April 2010	In place.
Contract execution			
One issue was obtaining the Dept of Admin signature after the contractor and BWSR have signed. The Dept of Admin has a "Contract Processing Checklist" which BWSR has not used. We have reviewed the checklist and determined it will provide good support for making sure elements of the contracting process are not missed. The Accounting Officer will initiate the form when a new contract is started. We just need to determine how to integrate ATSD review and approval into the process.	Eisele		
Special Expense documentation			
Two of the exceptions related to regional supervisors not having delegation to sign Special Expense forms. Our opinion is that the duties in their position description make clear their authority to do this. The auditors do not agree. In order to clear the exception, all regional supervisors were given delegation to sign special expense requests for their staff only, and these were filed with the Secretary of State. The other exception was for lack of a Special Expense form. The initial checkpoint needs to be at the supervisor level when they are approving a purchase – in this case an event. The second checkpoint has to be the accounting staff who are reviewing the request and processing it.	Eisele and Senior Management Team	Authority issue: April 2010 Missing Spec Exp form issue: August 2010	Authority: In place Missing Spec Exp form: Need to write internal policy, distribute to applicable staff like OAS and SMT, and go over in a training.

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Finding 7: **Prior finding partially resolved: The Board of Water and Soil Resources did not sufficiently review a key report to ensure the accuracy of payroll transactions.**

Recommendation:

- *The board should follow up on time reporting exceptions on the self service time entry audit report.*
- *The board should periodically review and update its list of payroll backup approvers to ensure they are appropriate.*

BWSR's response:
Time Reporting: We agree with the recommendation but do not agree with the implication of the audit findings that supervisors are not reviewing time sheets in instances where they did not directly approve the timesheet in the electronic system or that the agency cannot ensure that the state pays for hours worked. When a supervisor is not physically available to do the electronic sign off of a timesheet of an employee they supervise, so that the sign off is done by a backup, it is the responsibility of the supervisor to go back and make sure they agree with the submitted hours. In order to eliminate the auditor's concerns, we are now requiring the supervisor to physically sign off on a report in permanent files that they did review the time sheet after the fact. This policy was instituted in April 2010. We have retrained supervisors to remind them of the need to limit the times where a back up approver is necessary. This will become part of an updated policy.
Backup approvers: We agree with the finding and believe the agency has and will continue to comply with this recommendation. We established a necessary level of back up approvers to ensure efficient processing of payroll and have pared that to reduce potential exceptions. Our updated policy will include an annual documented review by the Assistant Director.

Action	Responsible Party	Target Date	Status
Exceptions on time entry audit report			
We have instructed all approvers to use the comment field if they are acting as back up approver. We have also worked to reduce the number of back up approvals to further improve on the reductions we had made since the last audit. Finally, the Payroll Clerk (Account Clerk) and the ATSD review the time entry report on the day timesheets are done to look for any exceptions, plus these two staff review the audit report when it runs later in the payroll process.	Eisele	April 2010 for portion and July 2010 for remainder (MMB policy review; BWSR policy adoption)	In place. After meeting with the auditors during the pre-exit meeting, we immediately instituted the steps noted. Not in place: We still need to review the two Payroll policies noted in the audit letter to confirm that we are following those policies correctly. We also need a clear BWSR payroll approval policy that states supervisor responsibility in the even they do not do the provisional approval.
Review of back up approvers			
Reduce number of backup approvers and review at least annually	Eisele	April 2010	In place during audit.

Finding 8: **The Board of Water and Soil Resources did not retain adequate documentation to support some of its transactions.**

Recommendation:

- *The board should maintain adequate and required documentation to support its transactions.*

BWSR's response: We agree with the recommendation. There were two specific areas cited, both of which related to approvals received from Minnesota Management and Budget (MMB) , one being the area of salary approval for new hires and the other the area of approval of appropriation transfers in the state accounting system. In both cases we received the necessary approvals and the processes were not in question, plus back up documentation was readily available from MMB. However we understand the recommendation to also have duplicate documentation in agency files, because that is what MMB policy requires. We have had two appropriation transfers processed since the audit and in both cases made a point to establish a full paper backup file. For the new hire salary approval, we had documentation of the missing approvals re-sent from MMB and put it in agency files. For future hires we have established a checklist (see Finding 6) that will note when duplicate records retention is needed.

Action	Responsible Party	Target Date	Status
Hiring documentation			
When a hiring rate is proposed that requires MMB Compensation approval, it is all processed electronically via email. The change in our procedure needs to be to print out that email and put it in file, or saving the email in an electronic folder that will not be subject to periodic purging by OET.	Eisele	May 2010	In place.
Fiscal documentation			
A transfer of appropriation must be approved by MMB. There are two components. The Anticipated Transfer is the first step. There is usually documentation kept that explains the transfer and we need to make sure that that documentation includes a copy of the Anticipated Transfer entry itself, even though the form itself is available in MAPS and can be printed off if necessary.	Eisele	May 2010	In place. We are about to do our first transfer of appropriation since the audit which will provide an opportunity to make sure the file has the paper copy retained.

Minnesota Board of Water and Soil Resources
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Finding 9: **Prior finding partially resolved: The Board of Water and Soil Resources lacked effective controls over fixed assets and sensitive items, as required by state guidelines.**

Recommendation:

- *The board should segregate record keeping and physical inventory functions.*
- *The board should design and implement controls to ensure:*
  - *Accuracy and completeness of all physical inventory counts.*
  - *Inclusion of required information on inventory records.*
  - *Adequate monitoring over inventory management.*
- *The board should ensure compliance with state guidelines by establishing internal policy for inventory management practices.*

BWSR's response:
Segregation of functions: We agree with the recommendation. We will develop a system that separates the inventory documentation from the physical inventory process. We have not yet decided how best to do this. Once determined, it will be documented in agency policy.
Inventory controls: We agree with the recommendation. When the policy is designed on how to improve inventory, we will update the existing inventory data base to include the missing fields. The annual process will be strengthened by following up on all exception items noted. We will include this in the agency policy documentation.
Internal policy: We agree with the recommendation. The agency will adopt its own policy consistent with Department of Administration policy and conduct training for parties involved.

Action	Responsible Party	Target Date	Status
Segregation of Functions			
Plan: First do a flow chart of what actually happens in all steps right now. Then devise alternative that separates duties. Accounting Officer's access to database has to be removed. She will only supply data to the "keeper". I am thinking it could be an OAS in the regions, such as Roxie. There is minimal activity for that person to maintain. Question of who will do the annual inventory also needs to be part of the mix. After the "correcting" inventory, we could have the OAS be responsible for the annual inventory. (or every two years allowed?) This will be the third process we have MMB Internal Control review, after Payroll Processing and Receipt of Funds processing.	Eisele	Nov 2010	Have segregated database so purchasers can no longer access to change (they can still read the database.)
Inventory Controls			
There were a few errors in the test the auditors did. That means we need a brand new inventory after the database is put into "new hands." We need to update the database by adding four data columns	Eisele	Nov 2010	
Internal policy			
The process under "Segregation of Function" is what will form the basis for the BWSR policy document. We have to take the state polices and use them to write up a BWSR policy. That policy will basically state the areas we will comply in to meet the state policy, plus have particulars on BWSR duties, including a flow chart of duties for example. Training?	Eisele	Nov 2010	

BOARD OF WATER AND SOIL RESOURCES
RIVERWOOD INN & CONFERENCE CENTER
10990 95TH STREET NE
MONTICELLO, MN 55362
THURSDAY, JANUARY 28, 2010

BOARD MEMBERS PRESENT:
Gordy Behm, Paul Brutlag, Bob Burandt, Rebecca Flood, MPCA; Quentin Fairbanks, Sandy Hooker, Randy Kramer, Larry Kramka, DNR; Paul Langseth, Joe Martin, MDA; John Meyer, Keith Mykleseth, Brian Napstad, Faye Sleeper, MES; Louise Smallidge, LuAnn Tolliver, John Linc Stine, MDH

BOARD MEMBERS ABSENT:
Christy Jo Fogarty, Tom Loveall, Gene Tiedemann

STAFF PRESENT:
Julie Blackburn, Don Buckhout, Matt Drewitz, Jeff Hrubes, John Jaschke, Kari Keating, Paul Senne, Dan Shaw, Dave Weirens, Marcey Westrick, Steve Woods, Wayne Zellmer

Chair Kramer called the meeting to order at 8:30 a.m.

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

** 10-01 Moved by Larry Kramka, seconded by Paul Langseth, to adopt the agenda. Motion passed on a voice vote.

** 10-02 **MINUTES OF DECEMBER 16, 2009** – Moved by Paul Langseth, seconded by Louise Smallidge, to approve the minutes of the December 16, 2009 meeting. Motion passed on a voice vote.

OPEN MIKE
No comments received.

VICE CHAIR NOMINATIONS
BWSR Bylaws require that the Vice Chair shall be elected to a two-year term from the regular membership of the BWSR. The Vice-Chair shall be elected by majority vote at the first regularly scheduled meeting of every EVEN calendar year. Quentin Fairbanks

** 10-03 nominated Paul Brutlag. Brian Napstad moved to cast a unanimous ballot to elect Paul Brutlag. Paul Langseth seconded. Motion passed on a voice vote.

REPORTS
Chair's Report – Chairman Kramer thanked members for participating in yesterday's workshop and provided a short summary of the expected follow up.

Executive Director's Report – John reported that the workshop was valuable from the staff perspective. The comprehensive fiscal audit is underway. A separate audit is expected for the constitutionally dedicated funding. We are in the beginning of the Clean Water Funding listening sessions.

Dispute Resolution Committee – John Jaschke reported that there are no new appeals since the last meeting. He briefly highlighted one appeal that was filed on December 31, 2009 for a project in St. Louis County.

Wetlands Committee – LuAnn Tolliver reported that they have not met since the last board meeting. Next meeting will be March 23, 2010 at 5:30 pm at the Kelly Inn, St. Paul.

Grants Program & Policy Committee – Louise Smallidge reported that the committee met earlier this month. She noted that there are several decision items on the agenda and that the committee looked very closely at all funding recommendations before presenting them to the board.

Public Relations, Outreach & Strategic Planning Committee – Brian Napstad reported that they had completed the board workshop agenda. He also reported that the Administrative Advisory Committee has asked the Public Relations Committee to look at and possibly update the BWSR bylaws. Changes may be needed now that the board membership has increased to 20. Brian noted that due to the absence of a board meeting in February, the committee may have a conference call on their regularly scheduled meeting day. After that call, any recommendation will be brought back to the board. Brian was asked to follow up with the outcomes of the board retreat and present them back to the board.

RIM Reserve Planning Committee – Paul Brutlag reported that many stakeholders were invited to the RIM Committee meeting last week. A more detailed written summary will be shared with the full board.

Administrative Advisory Committee (AAC) – Randy Kramer reported that the AAC met this morning. Items discussed included: Board 2010 tour will be in the Moorhead area during the last week in August, PRAP legislative report, preliminary budget adjustments, organizational chart update, bylaws, legislative audit, and the executive director's performance review. Randy explained that the executive director's performance review would be done the same as the previous review two years ago, and that it would come from Bill Eisele.

Drainage Work Group – John Jaschke provided a summary of the January 21, 2010 meeting from Tom Loveall and Al Kean who attended. First, HF162 and SF364, which carry the DWG 2008 consensus recommendations are still in play. Al Kean will coordinate with the chief authors regarding technical amendments to remove the 2008 recommendation for drainage records modernization challenge grants funding and add the 2009 consensus recommendation regarding BWSR authority for drainage stakeholder coordination. Second, the DWG is discussing potential ways to reduce costs to promote more redeterminations and if/how to enable incremental changes in drainage assessments due to major land use changes. Third, discussions have begun regarding how section 103D.015 is currently used and how it might be better used to help integrate with watershed issues and drainage management for multiple purposes, including water quality and flood damage reduction. Lastly, an advisory committee of DWG members has helped Al Kean research pertinent available information and the DWG discussed draft findings to aid in the preparation of a report to the Legislature by March 1, 2010.

COMMITTEE RECOMMENDATIONS
Southern Water Planning Committee
Goodhue County Priority Concerns Scoping Document –
Sandy Hooker reported that Goodhue County, as part of updating their Comprehensive Local Water Management Plan, submitted the priority Concerns Scoping Document for state review and comment. The Southern Water Planning Review Committee of the

Board, chaired by Tom Loveall, met December 16, 2009, after the state agency review
** period ended. Moved by Sandy Hooker, Paul Langseth seconded to approve the
10-04 Goodhue County Priority Concerns Scoping Document. Motion passed on a voice vote.

Grants Program and Policy Committee

Implementation of Minnesota Grants management Policies – Dave Weirens reported that the Department of Administration, Office of Grants Management has created 13 grants management policies that apply to all executive branch state agencies. An evaluation of these policies has determined that BWSR has previously achieved compliance with 9. He reported that staff has developed recommendations for compliance with two more: Policy 08-01 - Grants Conflict of Interest and Policy 08-06 - Financial Review of Nongovernmental Organizations which were then presented to the
** Grants Program and Policy Committee. Moved by Louise Smallidge, seconded by Paul
10-05 Langseth to accept the committee's recommendation for policy 08-01 to have the chair of a meeting that is part of the grant making process to make a statement regarding the conflict of interest policy and for participants in the grants making process to sign a conflict of interest disclosure form and for policy 08-06 to require non-local government unit grantees to have a local government unit as a fiscal agent. Discussion followed. Motion passed on a voice vote.

Allocation of FY2010 Competitive Grants – Randy Kramer read the statement "A conflict of interest whether actual or perceived occurs when someone in a position of trust has competing professional or personal interests and these competing interests make it difficult to fulfill professional duties impartially. At this time, members are requested to identify any potential conflicts of interest they may have regarding today's business" and after discussion informed the board that they would fill out a Conflict of Interest disclosure form for each grant decision item and have it documented in the minutes how many members have a conflict, how many have an actual or perceived conflict and how many are unable to vote due to a direct conflict. Dave Weirens gave a little background on the competitive grants process and the different reviewing procedures that were undertaken to come up with the funding recommendations.

Staff provided an overview of the different grants, the processes used to solicit proposals,
** evaluate and rank them and develop recommendations. Moved by Louise Smallidge,
10-06 seconded by Paul Langseth to approve the funding recommendations of the Grants Program and Policy Committee (GPPC) for the FY2010 Competitive Grants. Discussion followed. Based on the conflict of interest disclosure 10 members had no conflict, 7 had an actual or perceived conflict, 0 were unable to vote. Quentin Fairbanks abstained. Motion passed on a voice vote.

Legislative Directed Clean Water Fund Allocations: Marcey Westrick reported that BWSR received a direct appropriation for the Anoka Conservation District for the metropolitan landscape restoration program and for Hennepin County for riparian restoration and stream bank stabilization in the ten primary stream systems in

** 10-07 Hennepin County. Moved by Louise Smallidge, seconded by John Linc Stine to approve the GPPC recommendation and authorize staff to enter into grant agreements as provided in these appropriations. Based on the conflict of interest disclosure 16 members had no conflict, 1 had an actual or perceived conflict, 0 were unable to vote. Motion passed on a voice vote.

Authorizing Contract with the Minnesota Conservation Corps: Dave Weirens reported that the 2009 legislature required BWSR to contract with the MN Conservation

** 10-08 Corps for Clean Water Fund maintenance and restoration activities. Moved by John Linc Stine, seconded by Louise Smallidge to adopt the committee's recommendation and authorize staff to enter into a contract consistent with the resolution and as required by Laws of Minnesota 2009, Chapter 172, Article 2, Section 6. 15 members had no conflict, 2 had an actual or perceived conflict, 0 were unable to vote. Motion passed on a voice vote.

MPCA SSTS Educational Stipend: Wayne Zellmer provided background on the 2009 legislature appropriation for county administration of Subsurface Sewage Treatment Systems programs. 18 counties have been identified as eligible to attend Advanced Designer/Inspector and Service provider training courses offered by

** 10-09 the University of Minnesota. Moved by John Linc Stine, seconded by Louise Smallidge to approve the committee's SSTS education stipend allocation recommendations. 13 members had no conflict, 2 had an actual or perceived conflict, Faye Sleeper abstained with a conflict. Motion passed on a voice vote.

Spring Flood of 2009 Response: Wayne Zellmer reported that with the Red River Disaster Relief Bill of 2009 the legislature appropriated to BWSR funding to respond on three fronts. 1) erosion, sediment, and water quality control; 2) Red River Basin Commission long term flood solutions plan grant; and 3) RIM conservation easements

** 10-10 program. Moved by Keith Mykleseth, seconded by Paul Langseth to approve the recommendation of the committee to allocate funds to the designated SWCDs and programs included in the legislative appropriation. 15 members had no conflict, 2 had an actual or perceived conflict, 0 were unable to vote. Motion passed on a voice vote.

Chapter 8400 State Cost Share and RIM Rule Revisions: Dave Weirens reported that the Legislature amended parts of M.S. 103C and 103F in 2009. The rule needs to be amended to ensure continued consistency with the Statute. In addition, rule changes are desirable to allow increased programmatic flexibility that can be achieved through adoption of Board policy as a better alternative to certain rule provisions.

** 10-11 Moved by Paul Brutlag, seconded by Quentin Fairbanks to approve the committee's recommendation to authorize initiation of the State Cost Share Program and Reinvest in MN Reserve Program rule making process. Motion passed on a voice vote.

NEW BUSINESS

Approval of the Performance Review and Assistance Program 2010 Report to the Legislature – Don Buckhout reported that the third annual PRAP report to the Legislature contains a summary of BWSR's review of LGU performance during the past year. The report presents the 2009 accomplishments compared to program objectives set in last year's report. Included is a list of program objectives for 2010. Moved by Brian Napstad, seconded Brutlag to approve the Performance Review and Assistance Program report to the legislature. Motion passed on a voice vote.

** 10-12

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Joe Martin reported that MDA is working on coordination of funding and finalizing staffing plans for the clean water fund money. The MDA in collaboration with the Department of Health and the Pollution Control Agency has recently published the Atrazine Review and it is now out for public review for 60 days.

Minnesota Department of Health (MDH) – John Linc Stein reported that the legislature has taken an interest in the topic of high level radioactive waste storage. He also reported that there is an increase in the incidents of HIV AIDS cases in young men in this state, which indicates a need for more education.

Minnesota Department of Natural Resources (DNR) – Larry Kramka reported that the DNR will announce that they have renewed their 5-year agreement with the Bureau of Indian Affairs and the Red Lake Nation to cooperatively manage the Red Lake fishery.

Minnesota Extension Service (MES) – Faye Sleeper had no items to report.

Minnesota Pollution Control Agency (MPCA) – Rebecca Flood stated that in early February there will be a public notice of Lake Pepin site specific standards for sedimentation and submerged aquatic vegetation. She also mentioned that by the end of April there will be a public notice of the Minnesota River Total Suspended Sediment TMDL.

ADVISORY COMMENTS

Minnesota Association of Townships (MAT) – Sandy Hooker reported that they are gearing up for the legislative session and upcoming training sessions.

Randy reported that there will be a review of the conflict of interest forms and that some adjustments may be made. The executive director review materials will be sent soon.

UPCOMING MEETINGS

- Northern Water Planning Committee Meeting, February 10, Bemidji
- Wetland Committee Meeting, March 23, Kelly Inn, St. Paul, at 5:30 p.m.
- Next Board Meeting, March 24, in St. Paul.

** 10-13 Moved by Paul Brutlag, seconded by Larry Kramka, to adjourn the meeting at 12:30 p.m. Motion passed on a voice vote.

Respectfully submitted,

Randy Kramer
Chair

BOARD OF WATER AND SOIL RESOURCES

RIVERWOOD INN & CONFERENCE CENTER
RIVER BLUFF CONFERENCE ROOM
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OTSEGO, MN 55362
763-441-6833
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THURSDAY, JANUARY 28, 2010

FINAL AGENDA

8:30 AM **CALL MEETING TO ORDER**

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF DECEMBER 16, 2009

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

VICE CHAIR NOMINATIONS – BWSR'S BYLAWS "The Vice-Chair shall be elected to a two-year term from the regular membership of the BWSR. The Vice-Chair shall be elected by majority vote at the first regularly scheduled meeting of every EVEN calendar year."

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
- Drainage Work Group – John Jaschke

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

1. Goodhue County Priority Concerns Scoping Document – Sandy Hooker - ***DECISION ITEM***

Grants Program and Policy Committee

1. Implementation of Minnesota Grants Management Policies – Dave Weirens - ***DECISION ITEM***

2. Allocation of FY2010 Competitive Grants – Dave Weirens - ***DECISION ITEM***

3. Legislative Directed Clean Water Fund Allocations: Anoka Conservation District and Hennepin County – Dave Weirens - ***DECISION ITEM***

4. Authorizing Contract with the Minnesota Conservation Corps – Dave Weirens - ***DECISION ITEM***

5. MPCA SSTS Educational Stipend - Dave Weirens - ***DECISION ITEM***

6. Spring Flood of 2009 Response – Dave Weirens - ***DECISION ITEM***

7. State Cost Share and RIM Rule Revision – Dave Weirens - ***DECISION ITEM***

NEW BUSINESS

1. Approval of the Performance Review and Assistance Program 2010 Report to the Legislature. – Don Buckhout – ***DECISION ITEM***

AGENCY REPORTS

- Minnesota Department of Agriculture – Joe Martin
- Minnesota Department of Health – John Linc Stine
- Minnesota Department of Natural Resources – Larry Kramka
- Minnesota Extension Service – Faye Sleeper
- Minnesota Pollution Control Agency – Rebecca Flood

ADVISORY COMMENTS

- Association of Minnesota Counties – Annalee Garletz
- Minnesota Association of Conservation District Employees – 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 BWSR Meeting, March 24, 2010, St. Paul

NOON ADJOURN

Dispute Resolution Report
January 15, 2010
by: Travis Germundson

There are presently **20** appeals pending. All of the appeals involve WCA except File 05-24. There has been **6** new appeal filed since the last report dated December 16, 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 10-1 (1-13-10) This is an appeal of a restoration order in Stearns County. The appeal regard the placement of 6,833 sq. ft. of fill placed in a type 5 wetland. This appeal concerns the same site and unauthorized activity as File 9-2. *No decision has been made on the appeal.*

File 09-29 (12-31-09) This is an appeal of a replacement plan decision in St. Louis County. The appeal regards the denial of a after-the-fact replacement plan application for approximately 53,011 square feet of wetland impacts associated with an active gravel pit and proposed development. *No decision has been made on the appeal.*

File 09-28 (12-23-09) This is an appeal of a replacement plan decision in Stearns County. The appeal regards the denial of a after-the-fact replacement plan application to purchase 16,620 square feet of NWC to replace 8,310 square feet of wetland impact for an access road and parking pad. *The appeal has been remanded for completion of administrative proceedings.*

File 09-27 (12-21-09) This is an appeal of a restoration order in Itasca County. The appeal regards impacts of approximately 9,130 square feet wetlands associated with a private roadway/access path. *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 09-26 (12-11-09) This is an appeal of a restoration order in Rice County. The appeal regards the impacts of approximately 1,750 square feet of a type 4 wetland associated with the installation of a new township road culvert.~~ *The appeal has been withdrawn.*

~~File 09-25 (12-09-09) This is an appeal of a exemption decision in St. Louis County. The appeal regards the approval of a deminimis exemption by the Minnesota Department of Transportation for impacts associated with a State bike trail project. At issue is the overall scope of the project. The appeal contents that a project may not be split into components or phases for the sole purpose of gaining additional exemptions.~~ *The appeal has been withdrawn.*

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.~~ The TEP and the LGU concluded that the activity qualifies for a no-loss and as a result the appeal has been withdrawn.

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	4
Order Place Appeal in Abeyance	3
Negotiated Settlement	
Withdrawn	4

Minnesota Board of Water & Soil Resources

January 28, 2010

Goodhue County Commissioners
c/o Beau Kennedy, Water Plan Coordinator
Goodhue Soil and Water Conservation District
104 East 3rd Avenue, P.O. Box 335
Goodhue, MN 55027

Dear Goodhue County Commissioners:

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

Pursuant to Minnesota Statutes 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Goodhue County has chosen to address in the update of their Comprehensive Local Water Management (LWM) Plan. The Board of Water and Soil Resources (BWSR), along with the state review agencies, received the Goodhue County Priority Concerns Scoping Document (PCSD) on October 20, 2009.

Goodhue County has reviewed the identified concerns raised during the public input process and selected the following priority concerns for inclusion in the update of the LWM Plan. The priority concerns were separated into two categories, Urban/Residential and Rural/Agricultural, as outlined below.

Urban/Residential
Water Quality Management

1) Erosion and Sediment Control
2) Septic System Compliance
3) Impaired Waters – TMDL involvement on listed waters within cities
4) Groundwater Protection

Rural/Agricultural
Water Quality Management

1) Erosion and Sediment Control
2) Feedlot Water Quality Improvement
3) Nutrient Management
4) Impaired Waters – TMDL involvement as non-point source

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fax (218) 755-4201

Brainerd
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Brainerd, MN 56401
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fax (218) 828-6036

Duluth
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Room 403
Duluth, MN 55802
phone (218) 723-4752
fax (218) 723-4794

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

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

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

Rochester
2300 Silver Creek
Road N.E.
Rochester, MN 55906
phone (507) 281-7797
fax (507) 285-7144

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

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The BWSR received comments from the Minnesota Pollution Control Agency (MPCA) and the Minnesota Department of Agriculture (MDA) on the Goodhue County PCSD during the official review period. No agency comments were received from the Department of Natural Resources (DNR), the Department of Health (MDH), or the Environmental Quality Board during this review period. MDA and MPCA concurred with the priority concerns identified and felt the priority concern identification process was commendable. The MPCA provided additional comments to be considered as Goodhue County drafts the final Local Water Management (LWM) Plan. They would have liked to have seen more detail explaining each priority concern; suggested to include TMDL pollutant allocation and implementation strategies; and informed Goodhue County on the Environmental Data Access System – a source of water monitoring data.

The BWSR Southern Water Planning Review Committee (hereinafter referred to as Committee) met on December 16, 2009 to discuss the content of the PCSD, state review agency comments on the PCSD, and recommendations for the content of the final LWM Plan.

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

Sincerely,

Randy Kramer, Chair
Minnesota Board of Water and Soil Resources

c: Becky Balk, MDA
John Wells, EQB
Art Persons, MDH
Michele Hanson, DNR
David L. Johnson, MPCA
Joe Martin, MDA
Dan Wilson, MDH
Randy Kramer, BWSR Board
Paul Langseth, BWSR Board
John Meyer, BWSR Board
Tom Loveall, BWSR Board
Sandra Hooker, BWSR Board
Goodhue Soil & Water Conservation District
Jeff Nielsen, BWSR Southern Region Supervisor
Michelle Schaefers, Board Conservationist

Minnesota Board of Water & Soil Resources

November 20, 2009

Jeff Nielsen
Board of Water and Soil Resources
261 Highway 15 South
New Ulm, MN 56073

Dear Jeff Nielsen:

Goodhue County has submitted their Priority Concerns Scoping Document (PCSD) for the 2010 Local Water Management Plan Update to BWSR and other state agencies. BWSR received this document on October 20, 2009. State agency comments were received from MPCA and MDA; both concur with the priority concerns identified. No other state agency comments were received during this review period; however, MPCA, MDA, and BWSR submitted priority concerns upfront and participated in the development of the PCSD.

Representing BWSR staff, I have completed my review of the Priority Concerns Scoping Document for Goodhue County and recommend that BWSR concur with the priority concerns identified.

I look forward to working with the County officials, residents, and technical staff as the Plan Update moves forward. If you have questions or need additional information, please contact me at 507-206-2892.

Sincerely,

Michelle

Michelle Schaefers
Board Conservationist

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Bemidji, MN 56601
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Minnesota Grants Management Policies & Statute

Improving the state's grant-making is one of the primary goals of the Drive to Excellence Grants Management Project. One tool for accomplishing this is the creation of comprehensive grants management policies as outlined in Minnesota Statute 16B.97 sub. 4 (a)(1). The following grants management policies are applicable to all Executive Branch agencies, boards, commissions, councils, authorities and task forces. The policies and forms below will open in a new browser window.

Policy 08-01: Grants Conflict of Interest
Minnesota state agencies must work to deliberately avoid both actual and perceived conflicts of interest related to grant-making at both the individual and organizational levels. When a conflict of interest concerning state grant-making exists, transparency shall be the guiding principle in addressing it.

Policy 08-02: Rating Criteria for Competitive Grant Review
It is the policy of the State of Minnesota to ensure fairness, precision and consistency in competitive grant awards. State competitive grant review processes shall be conducted using review criteria that are identified in the notice of grant opportunity or request for proposal and a standardized scoring system to rate each application against the chosen criteria.

Policy 08-03: Publicizing Grants Notices and Requests for Proposal
It is the policy of the State of Minnesota to include sufficient information in notices of grant opportunities and requests for proposal (RFPs) so that potential applicants may make informed decisions about applying for and managing state grants. It is also the policy of the State of Minnesota to publicize competitive grant opportunities broadly.

Policy 08-04: Use of Grant Agreements
Minnesota state agencies must use a written grant agreement for all grants made by the agency. Grant agreements must conform to Minnesota Statute 16 B.98 subd. 5, "Creation and Validity of Grant Agreements."

Policy 08-05: Public Comments Concerning Fraud and Waste in State Grants
As directed by the Commissioner of Administration, the Office of Grants Management (OGM) will serve as the central point of contact for questions and comments about fraud and waste in state grants and about the violation of statewide grants policies. The OGM will also respond to other public questions and concerns about state grants.

Policy 08-06: Financial Review of Nongovernmental Organizations
It is the policy of the State of Minnesota to make grants to nongovernmental organizations that are financially stable enough to carry out the purpose of the grant. Before awarding a grant of over $25,000 to a nongovernmental organization, Minnesota state agencies must assess a recent financial statement from that organization. Items of significant concern must be discussed with the grant applicant and resolved to the satisfaction of state agency staff before a grant is awarded.

Policy 08-07: Single and Sole Source Grants
It is the policy of the State of Minnesota that grants are to be competitively awarded as much as possible. Single and sole source grants are to be used when only one entity is reasonably able to meet a grant's intended purpose and objectives, due to their geographic location, specialized knowledge, relationships or specialized equipment.

Policy 08-08: Grant Payments
State agencies shall specify the method and schedule of payments for each grant in the grant agreement. Grant payments may not be issued until the funds are encumbered and the grant agreement is fully executed. Reimbursement is the preferred method for making grant payments.

Policy 08-09: Grant Progress Reports
It is the policy of the State of Minnesota to monitor progress on state grants by requiring grantees to submit written progress reports at least annually until all grant funds have been expended and all of the terms in the grant agreement have been met. Grant payments shall not be made on grants with past due progress reports unless the state agency has given the grantee a written extension.

Policy 08-10: Grant Monitoring
It is the policy of the State of Minnesota to conduct at least one monitoring visit per grant period on all state grants of over $50,000 and to conduct at least annual monitoring visits on grants of over $250,000. State agencies must also conduct a financial reconciliation of grantees' expenditures at least once during the grant period on grants of over $50,000.

Policy 08-11: Legislatively Mandated Grants
It is the policy of the State of Minnesota to manage legislatively mandated grants with the same level of oversight applied to other state grants, while respecting and maintaining the legislative intent. Legislatively made grants shall be monitored using the same standards applied to other types of state grants. In situations in which the purpose and amount of a grant is stated in law, but the grantee organization is not stated, state agencies must use either a single/sole source or competitive process to select the grantee.

Policy 08-12: Policy on Grant Amendments
Because fully executed grant agreements and grant agreement amendments are legally binding documents for enforcing the terms of a grant, it is the policy of the State of Minnesota to document changes to a grant agreement using a fully executed grant agreement amendment

Policy 08-13: Grant Closeout Evaluation
It is the policy of the State of Minnesota to consider a grant applicant's past performance before awarding subsequent grants to them. State agencies must consider a grant applicant's performance on prior grants from that agency before making a new grant award of over $5,000.

Board of Water and Soil Resources
Conflict of Interest Disclosure for Grant Application Reviewer

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

Grant Program_____ **FY**_____

Policy 08-01: Grants Conflict of Interest **Minnesota state agencies must work to deliberately avoid both actual and perceived conflicts of interest related to grant-making at both the individual and organizational levels. When a conflict of interest concerning state grant-making exists, transparency shall be the guiding principle in addressing it.**

Grant Making Meeting Procedure
Meetings that are part of the grant making process will include an agenda item to identify and disclose actual or perceived conflicts of interest. During this agenda item, the chair of the meeting shall make a statement that defines what a conflict of interest is and a request that meeting participants disclose any actual or perceived conflicts. This statement is as follows:

Agenda Item: Members Report Potential Conflicts of Interest Regarding Today's Business.
Chair Statement: *"A conflict of interest whether actual or perceived occurs when someone in a position of trust has competing professional or personal interests and these competing interests make it difficult to fulfill professional duties impartially. At this time, members are requested to identify any potential conflicts of interest they may have regarding today's business."*

This form gives Board of Water and Soil Resources (BWSR) grant application reviewers an opportunity to disclose any conflicts of interest, or potential for conflicts of interest that exist during a grant making process. It is the grant reviewer's obligation to be familiar with the Conflict of Interest Policy for State Grant-Making and to disclose any conflicts of interest. The grant reviewer is not required to explain the reason for the conflict of interest as this form is considered public data under Minn. Statute 13.599- Grants. **A disclosure does not automatically result in the grant application reviewer being removed from the review process.**

Please read the descriptions of conflict of interest below and mark the appropriate box that pertains to you and your status as a reviewer of this grant program.

Descriptions of conflicts of interest- A conflict of interest shall be deemed to exist when a review of the situation by the grant reviewer or other agency personnel determines any one of the following conditions to be present:

(a) A state employee or a grant reviewer uses his/her status or position to obtain special advantage, benefit, or access to the grantee or grant applicant's time, services, facilities, equipment, supplies, badge, uniform, prestige, or influence.

(b) A state employee or a grant reviewer receives or accepts money or anything else of value from a state grantee or grant applicant or has equity or a financial interest in or partial or whole ownership of an applicant organization.

(c) A state employee or a grant reviewer is an employee or board member of a grant applicant or grantee applicants or is a family member of anyone involved in the grantee or grant applicant's agency.

☐ Based on the descriptions above, I do not have a conflict of interest.

☐ Based on the descriptions above, I have or may have an actual or perceived conflict of interest, which I am listing below. *(The grant reviewer should state any and all applicants with which they may have a conflict of interest and describe the nature of the conflict in the space below, but it is not required since this form is considered public information.)*

_____

_____

_____

_____

_____

☐ Based on the descriptions above, I am unable to participate in this review process because of a conflict of interest.

If at any time during the review process I discover a conflict of interest, I will disclose that conflict immediately to the Grants Coordinator.

Reviewer's printed name: _____

Reviewer's signature: _____

Reviewer's title: _____

Date: _____

This section to be completed by BWSR Grant Program Contact or BWSR Grant Coordinator:

I certify that the issue of Conflicts of Interest has been discussed with this reviewer and the following actions have been taken:

☐ Reviewer has no conflict(s) and will fully participate in the review process.

☐ Reviewer has disclosed a conflict(s) or a potential conflict(s) but will continue to participate in the review process. The reviewer will not be given any applications to review from those applicants with whom he/she has or may have a conflict. The reviewer has been instructed to avoid discussing the applicant and / or applications from agencies with which the reviewer has or may have a conflict of interest with other reviewers.

☐ Reviewer has disclosed a conflict(s) and will not be participating in the review process in any manner.

Staff signature: _____ Date: _____

11/09 H:GCIF

Minnesota Grants Management Policies & Statute
BWSR Implementation

Policy 08-06: Financial Review of Nongovernmental Organizations

Background Summary
It is the policy of the State of Minnesota to make grants to nongovernmental organizations that are financially stable enough to carry out the purpose of the grant. Before awarding a grant of over $25,000 to a nongovernmental organization, Minnesota state agencies must assess a recent financial statement from that organization. Items of significant concern must be discussed with the grant applicant and resolved to the satisfaction of state agency staff before a grant is awarded.

Currently
This policy seldom applies to BWSR as less than 1% of our grants go to non-LGUs.

None-the-less, the G – Team discussed and present the following implementation alternatives:

A. Require non-LGUs to submit their fiscal data – balance sheets, financial statements; to survive BWSR review.
B. Require non-LGU grantees to have a LGU as a fiscal agent.
C. Disallow non-LGUs to be applicants.
D. Request an OGM exemption to this policy.

Recommendation
Because:
1) BWSR staff have very limited training, and no available time, to properly review non-LGU fiscal data (alt. A); and,
2) Disallowing non-GUs from being applicants is contrary to BWSR's mission of working with local organizations (alt. C); and,
3) Obtaining an exemption for this policy from the OGM is unlikely (alt. D);

the G – Team requests SMT to recommend alternative B to the Grants Program & Policy Committee, while understanding that this alternative may result in greater state and local administrative fiscal agent project costs.

Board Resolution # 10-05

Implementation of the Minnesota Grants Management Policies

WHEREAS, M.S. 16B.97, subd. 4(a)(1) provides that the Commissioner of Administration shall "create general grants management policies and procedures that are applicable to all executive agencies."; and,

WHEREAS, pursuant to this statute the Department of Administration has developed the following grants management policies:

Policy Number 08-01: Conflict of Interest Policy for State Grant-Making;

Policy Number 08-02: Policy on Rating Criteria for Competitive Grant Review;

Policy Number 08-03: Policy on Writing and Publicizing Grants Notices and Requests for Proposal;

Policy Number 08-04: Policy on Use of Grant Agreements;

Policy Number 08-05: Policy on Public Comments Concerning Fraud and Waste in State Grants;

Policy Number 08-06: Policy on Financial Review of Nongovernmental Organizations;

Policy Number 08-07: Policy on Single and Sole Source Grants;

Policy Number 08-08: Policy on Grant Payments;

Policy Number 08-09: Policy on Grant Progress Reports;

Policy Number 08-10: Policy on Grant Monitoring;

Policy Number 08-11: Policy on Legislatively Mandated Grants;

Policy Number 08-12: Policy on Grant Amendments;

Policy Number 08-13: Policy on Grant Closeout Evaluation; and,

WHEREAS, BWSR staff and the Department of Administration, Office of Grants Management have evaluated these policies with regard to agency grants management policies and procedures and have determined that BWSR is in compliance with the following policies:

Policy Number 08-02: Policy on Rating Criteria for Competitive Grant Review;

Policy Number 08-03: Policy on Writing and Publicizing Grants Notices and Requests for Proposal;

Policy Number 08-04: Policy on Use of Grant Agreements;

Policy Number 08-05: Policy on Public Comments Concerning Fraud and Waste in State Grants;

Policy Number 08-07: Policy on Single and Sole Source Grants;

Policy Number 08-09: Policy on Grant Progress Reports;

Policy Number 08-11: Policy on Legislatively Mandated Grants;

Policy Number 08-12: Policy on Grant Amendments;

Policy Number 08-13: Policy on Grant Closeout Evaluation; and,

WHEREAS, the Grants Program and Policy Committee reviewed the process and form developed by staff to comply with Policy Number 08-01: Conflict of Interest Policy for State Grant-Making on December 16, 2009; and,

WHEREAS, the guiding principle of this policy is transparency and the proposal requires the chair of a meeting that is part of the grant making process to make a statement regarding the conflicts of interest policy and for participants in the grants making process to sign a conflict of interest disclosure form; and,

WHEREAS, the Grants Program and Policy Committee reviewed the proposal to comply with Policy Number 08-06: Policy on Financial Review of Nongovernmental Organizations on January 13, 2010;

WHEREAS, the proposal to comply with this policy is to require non-local government unit (LGU) grantees to have a LGU as a fiscal agent because:

- BWSR staff have very limited resources to properly review LGU fiscal data,
- Disallowing non-governmental organizations from being applicants is contrary to BWSR's mission of working with local organizations; and
- LGUs have regular financial audits.

NOW THEREFORE BE IT RESOLVED, that the Board adopt the recommendations of the Grants Program and Policy Committee regarding the proposals to comply with Policy Number 08-01: Conflict of Interest Policy for State Grant-Making and Policy Number 08-06: Policy on Financial Review of Nongovernmental Organizations.

R J Kramer

Date: 1/28/10

Randy Kramer, Chair
Board of Water and Soil Resources

BOARD OF WATER AND SOIL RESOURCES
January 15, 2010

Background Information on the FY 2010 Competitive Grant Funding Recommendations

- The BWSR staff presented the FY 2010 Competitive Grants Program granting strategy and request for proposals request at the August 25th, 2009 Grants Program and Policy Committee (GPPC) meeting. The GPPC reviewed this request and recommended approval at the September 23, 2009 BWSR Board meeting.
- The FY 2010 Competitive Grants Program includes the Competitive Clean Water Fund Grants, Conservation Drainage Grants, Feedlot Water Quality Management Grants, MPCA SSTS Inventory Grants, BWSR SSTS Program Enhancement Grants, MDA Agricultural Best Management Practices Program, Native Buffer Cost Share Program, and the Cooperative Weed Management Area Grant Program.
- The FY 2010 Competitive Grant application period ran from October 15th through December 1st.
- Staff conducted approximately 9 statewide information outreach sessions starting immediately after the September Board meeting.

Conservation Drainage Grants

- $200,000 was available for FY 2010
- There were 15 Conservation Drainage applications requesting $1,029,821.

Feedlot Water Quality Management Grants

- $2,500,000 available ($500,000 From the General Fund and $2 million from the CWF)
- There were 48 applications requesting $1,521,057.

Cooperative Weed Management Area Grant Program

- $200,000 was available for FY 2010/FY2011
- There were 23 CWMA applications requesting $372,356.

Native Buffer Cost Share

- $1,000,000 was available for FY 2010
- There were 13 Native Cost Share applications requesting $1,452,862.

Clean Water Fund

- The Interagency Ranking Team consisted of DNR, MPCA, MDA, MDH and BWSR staff.
- Applications and scoring criteria were distributed to regional agency staff for input into the scoring process. The BWSR Clean Water Specialists met with BCs for their input into the ranking process.
- The Interagency Ranking Team met on Thursday, January 7th to finalize ranking and recommend funding allocations from the various funding programs.
- There were 178 Clean Water Fund applications requesting 39.6 million dollars.

FY2010 Competitive Clean Water Grants Agency Fund	**FY10 Amount**
BWSR Runoff Reduction Grants	$2,460,000 CWF
BWSR Clean Water Assistance Grants	$2,650,000 CWF
BWSR Feedlot Water Quality Management Grant	$2,500,000 ($500,000-General Fund & $2.0 million CWF)
BWSR Shoreland Improvement Grants	$1,400,000 CWF
BWSR Conservation Drainage Advancement Grants	$200,000 CWF
MPCA SSTS Inventory Grants	$350,000 General Fund
BWSR SSTS Imminent Health Threat Abatement	$800,000 CWF
BWSR SSTS Program Enhancement Grants	$860,000 CWF
MDA Clean Water Ag BMP	$1,800,000 CWF
Total	**$13,020,000**

Funding Strategies for the Competitive Clean Water Fund Application

- CWF competitive grants included Runoff Reduction, Clean Water Assistance and Shoreland Improvement grants.
- Members of the interagency work team (MDH, MDA, PCA, DNR & BWSR) submitted scores for each application. The total score for each application considered the following criteria:

  - The Narrative discusses the anticipated water quality benefits, overall goals of the project, project organization and management, budget and work activities.
  - The anticipated outcomes resulting from completion of the project initiatives on the water resource identified or the pollutant load reduction required in the TMDL.
  - The application has a set of initiatives that anticipates beginning implementation soon after grant award and has a relatively detailed inventory of implementation locations or activities.
  - The level of funding that can be documented from other sources that augment CW Funding for water quality projects or activities above the required minimum local match requirements.

- Priorities listed are derived from TMDL Implementation Plan or Comprehensive Local Water Management Plan.
- The application identifies procedures that maintain long-term public benefits from the proposed implementation activities.
- The application documents that proposed activities are consistent with existing Groundwater Plans, Wellhead Protection Plans or Surface Water Intake Plans with respect to prioritization, location or focus.

- Scores were combined and normalized to produce a ranked order of projects. Projects were funded based on their rank order and eligible grant category until available funds were expended.
- Ranked applications that targeted specific water resources, but did not identify precise locations for installation of best management practices received 50% of requested funding to begin implementation and development of more specific project lists for future applications. Ranked applications that targeted water resources and had specific project locations were fully funded.
- Project applications from multiple organizations working in the same area or addressing the same water resource were coordinated for effective implementation.
- Competitive CWF applications that had project initiatives addressing feedlot and livestock pollution control were funded with available CWF feedlot funds.

Proposed FY10 Competitive Grants Allocations
(by Grant Program)

Grant Program		Allocated Funds
A. BWSR Clean Water Fund		
i.	Runoff Reduction Grants	$2,459,675
ii.	Clean Water Assistance Grants	$2,650,000
iii.	Shoreland Improvement Grants	$1,399,582
iv.	SSTS Imminent Health Threat Abatement Grants	$ 775,777
v.	Conservation Drainage Grants:	$ 200,000
B. BWSR Feedlot Water Quality Management Grants		$1,143,624 (CWF) $ 500,000 (General Fund)
C. MPCA SSTS Inventory Grants		$ 345,025
D. BWSR SSTS Program Enhancement Grants		$ 860,000
E. MDA Agricultural BMP Loan Program		$1,692,000 (forwarded to the MDA for consideration)
F. BWSR Native Buffer Cost-Share		$1,036,987

G. BWSR Cooperative Weed Management		$ 200,000.
	TOTAL:	$11,181,384 (CWF) $ 2,082,012 (General Fund)

H. Unallocated Funds:

i.	Runoff Reduction Grants	$ 325
ii.	Shoreland Improvement Grants	$ 418
iii.	SSTS Imminent Health Threat Abatement Grants	$ 24,223
iv.	BWSR Feedlot Water Quality Mgmt Grants	$855,650 (CWF)
v.	MPCA SSTS Inventory Grants	$ 4,975 (General Fund)
vi.	MDA Agricultural BMP Loan Program	$108,000
	TOTAL:	$993,591

					$ 9,740,682	$ 17,905,659	2.46 $ (2,459,675)	2.65 $ (2,650,000)	1.4 $ (1,399,582)					
Average Normal Score	**Rank Based on Average Normal Score**	**Application Number**	**Applicant Organization**	**Organization Type**	**CWF Amount Requested**	**Match and Leveraged Funds**	**Runoff Reduction**	**Clean Water Assistance**	**Shoreland Improvement**	**Feedlot Water Quality Funding**	**Application Title**	**Application Abstract**	**Quantifiable Outcomes**	**Why is Clean Water Funding necessary for this project?**
1.5837	**1**	C10-19	PELICAN RIVER	WD	$ 250,000	$ 1,717,000	$ 250,000				Rice Lake Wetland Nutrient Reductions	The Rice Lake Wetland Nutrient Reduction Project provides significant nutrient reductions to downstream recreational water bodies by restoring wetland water levels, functions, and values to pre-ditched conditions.	The Rice Lake wetland will increase from its current area of 434 acres to pre-ditched water levels of approximately 896 acres.	The LGU and NRCS have committed substantial funding to obtain permanaent flowage easements and construct the project to restore the wetland and protect existing infrastructure. The CWF will be used for final survey and design plans to fully utilize those available funds.
1.1369	**3**	C10-139	SHINGLE CREEK	WMO	$ 160,000	$ 240,000	$ 160,000				New Hope 45th Avenue Pond Improvements Project	This project is the retrofit of a dry storm water basin, constructing a new pre-treatment cell, creating new wetland, and reconfiguring the existing inlets and the outlet for better treatment.	This project is the retrofit of a dry storm water basin, constructing a new pre-treatment cell, creating new wetland, and reconfiguring the existing inlets and the outlet for better treatment.	This project is specifically identified in the Twin-Ryan Lakes TMDL . The CWF will be used to augment local funds for execution of the TMDL implementation plan.
1.0791	**4**	C10-177	Crow Wing	SWCD	$ 233,000	$ 123,660		$ 180,000			Recharge! Restoring Natural Hydrology to Crow Wing County Urban Communities	Crow Wing Soil and Water Conservation District (SWCD) is proposing to partner with municipalities and lake associations to cost-share on raingardens, shoreline buffers, and 'no-mow' zones.	This project will install 500 linear feet of native vegetation for stabilization, install 10 raingardens in the Cities of Crosslake, Crosby, and Breezy Point, and convert 20 riparian lots from turf lawns to no mow zones.	Crow Wing County participated in a Clean Water Legacy Pilot Protection Project to identify Water Quality trends in large lakes,and integrate that information and potential solutions into their Local Water Management Plan. CWF will provide implementation funds for targeted actions and allow for coordinated action among LGUs, cities and
1.0686	**5**	C10-30	Scott WMO	WMO	$ 80,553	$ 41,222	$ 80,553				Native Grass Cost Share and Incentives For Runoff Reduction	This project will reduce runoff by establishing at least 75 acres of native grass on private lands in priority subwatersheds of the Sand Creek Watershed.	This project will establish 75 acres of native grasses.	CWF will be used for incentives and establishment of cost assistance to landowners to convert row crops to native vegetation along targeted streams above resources available from existing programs used to establish vegetation.
1.0370	**6**	C10-79	Scott WMO	WMO	$ 371,000	$ 259,000			$ 371,000		Upper Porter and Picha Creek Restorations, Scott County	This project will stabilize over 3,000 feet of eroding stream channel, eliminate a fish migration barrier, and improve aquatic and riparian habitat in Porter and Picha Creeks in Scott County.	This project will increase sinuosity, rebuild the incised channel, recreate a floodplain so that the gradient and channel geometry can accommodate the volume of flow currently in the system, improve habitat, and stabilize banks. In addition, a human created fish migration barrier will be removed.	CWF will be used to implement specific projects that address strategies identified in the Comprehensive Water Management plan. Previous landowner discussions, alternative selection and design alternatives have been accomplished or are in process. CWF will be used to implement the final designs.
1.0055	**7**	C10-55	Rock	SWCD	$ 188,413	$ 104,382			$ 25,000		Rock River Stream Bank Stablization and Turbidity Reduction	Stream bank stablization of three high erosion sites.	This project will stabilize three eroding sites within the Rock River Watershed.	One of the objectives listed in the TMDL Implementation Plan that will address the turbidity impairment is stream bank stabilization with the installation of rock j-hooks, erosion control fabric, willow bundles and back-sloping of eroded stream banks. CWF will be used for TMDL implemenation activities.

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0.9529	**8**	C10-72	RAMSEY-WASHINGTON-METRO	WD	$ 500,000	$ 700,000	$ 500,000				Maplewood Mall Stormwater Infiltration Retrofit Project	The proposed project will construct infiltration BMPs- porous pavement, tree boxes, cisterns and rainwater gardens/bioretention areas throughout 7.9 acres of the Maplewood Mall parking lot.	This project will install porous pavement, tree boxes, rainwater gardens, and cisterns. Infiltration features would intercept up to the first 2 inches of runoff from the site.	CWF will be used to accelerate implementation of the Kohlman Lake TMDL in a fully, developed watershed with a high degree of commercial land use. Site visibility will demonstrate the utility of installing selected infiltration BMPs.
0.9424	**9**	C10-209	Nobles	SWCD	$ 157,058	$ 41,550		$ 157,058			Kanaranzi –Little Rock Watershed District Stimulus Project Completion	Completion of unfunded projects related to the Federal Stimulus Funds allocated to the Kanaranzi - Little Rock Watershed's JPB. Erosion improvement projects that reduce pollutant loading to impaired waters.	This project will install 18 water and sediment control structures, one 1,750 foot grassed waterway, 2 water and sediment control Structures, one 4,350 foot grassed waterway, and one 2,450 Foot grassed waterway.	CWF will be used to complete a series of sediment control BMPs that were identified and initiated with Federal funds.
0.9372	**10**	C10-121	CLEARWATER RIVER	WD	$ 70,900	$ 42,000	$ 70,900				Reducing Phosphorus Loads to Lake Betsy by Protecting Willow Creek	Stormwater infiltration in the City of Kimball to reduce phosphorus loads to Lake Betsy and protect and improve nearby Willow Creek, a trout stream, from temperature and water quality impacts.	This project targets phosphorus removal for Lake Betsy and protection of the Willow Creek trout habitat by infiltrating the 1.5-inch storm event off 428 acres.	CWF will be used to implement an activitu identified in the Lake Betsy TMDL. Kimball is one of two urban areas tributary to Lake Betsy, making it a targeted area for load reduction in the TMDL.
0.8899	**12**	C10-138	Aitkin	SWCD	$ 33,900	$ 29,690		$ 29,585		$ 4,315	Water Quality Improvement Projects for the Big Sandy Lake Watershed	Projects that protect and enhance the water quality of the Big Sandy Lake Watershed will be implemented.	This project will install 1,585 sq. ft of buffer strip, 2 rain gardens on two residential properties upgrade a feedlot, and stabilize an eroding access to Big Sandy Lake. In addition, an eroding drainage channel to Lake Minnewawa and an eroding lakeshore will be stabilized.	CWF will be used to implement BMPs that accelerate implementation of Big Sandy Lake TMDL as well as address Comprehensive Water Plan strategies.
0.8741	**13**	C10-14	GUN CLUB	WMO	$ 90,000	$ 90,000	$ 90,000				Schwanz Lake Direct-Drainage Targeted Neighbohood Runoff-Reduction Project	Targeted and measured stormwater runoff-reduction project (additional 20 street-side bioretention practices) in 28-acre residential neighborhood that directly discharges untreated stormwater runoff into TMDL-listed waterbody (Schwanz Lake), to reduce phosphorus loading.	This project will install 20 additional bioretention practices within a 28-acre direct-drainage sub-watershed.	CWF will be used to retrofit off-line bio-retention practices in an existing neighborhood and augment local stormwater treatment funding in a watershed that disproportionaltely contributes nutrients to Schwanz Lake.
0.8268	**14**	C10-21	NORTH CANNON RIVER	WMO	$ 150,000	$ 67,000	$ 150,000				North Cannon River Watershed Runoff Reduction Project	The project will reduce runoff and decrease movement of sediment, nutrients, and bacteria by prioritizing and installing targeted structural practices and retaining vegetative practices within the North Cannon River Watershed.	This project will provide 10-year extensions to 67 acres of expiring CRP contracts with over 50% Highly Erodible Land soils that are not eligible for CRP re-enrollment.	CWF will be used to assist landowners with the installation of structural BMPs to reduce runoff and increase infiltration accelerating inplementation of the Lower Cannon TMDL. CRP easements in critical areas that have already established stands of native vegetation will be extended rather than expire and be removed.

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0.8215	**15**	C10-11	Wilkin	SWCD	$ 256,410	$ 218,200		$ 256,410			Whiskey Creek Water Quality Improvement/Sediment Reduction Project	Water control structures, side-inlets, bufferstrips, and soil saving Best Management Practices will be installed within the watersheds of two county ditch systems that discharge into Whiskey Creek, an impaired water.	This project will install 112 side inlets, 28 miles of sediment control structures, 35 acres of buffers strips along Co. Ditch 6A and Co. Ditch 23. In addition, 250 acres of no-tillage, 700 acres of minimum tillage, 1,000 acres of cover crops, 5 miles of windbreaks, and 200 acres of vegetative buffer strips will be established in the CD 6a & CD 23 drainage area.	CWF will be used to assist landowners and the ditch aurhority with a comprehensive system-wide implementation of side-inlet controls, control direct runoff to the system and install native vegetation buffers.
0.7742	**16**	C10-18	YELLOW MEDICINE RIVER	SWCD	$ 174,125	$ 273,625		$ 90,125			SWCDs CWF 2010 Project for the Yellow Medicine Major Watershed	This project will results in annual reductions of 1020.7 tons of sediment, 1267.4 lbs of phosphorus and nitrogen through incentives and installation of BMPs.	This project will offer signing incentives to enroll 20 acres of fiterstrips/buffers within 1000 feet of a water course and/or in priority areas into a 15 year CRP Contract and to enroll 20 acres into the CRP Farmable Wetland Program. Replace 100 open intakes with alternative intakes. Install one to three ecological rain gardens.	CWF will be used to accelerate implementation of BMPs that will address water quality impairments.
0.7742	**17**	C10-184	Blue Earth	SWCD	$ 246,750	$ 61,688			$ 246,750		Reducing turbidity using natural channel management in the LeSueur River	Reduce Le Sueur River turbidity and improve fisheries habitat by improving stream channel design and establishing floodplain benches and toe-slope protection using economical, natural materials on four eroding bluffs.	This project will install Toe Wood Stabilizations in four different spots (2,350 ft total) along the Le Sueur River.	CWF are necessary to install this scale of project necessary .
0.7742	**18**	C10-129	Rice	SWCD	$ 300,000	$ 75,000		$ 150,000			Targeted Buffer Installation in the Cannon River Watershed	The Rice SWCD is seeking a grant to provide incentives for landowners to install 400 acres of filter strips along streams in the counties of Rice, Goodhue, Steele, and Waseca.	This project will install 400 acres of buffers within 50 feet of DNR watercourses in the Cannon River watershed.	CWF will be used to provide incentives in targeted areas of the Cannon River to address implementation of the Cannon River TMDL.
0.7111	**19**	C10-56	Benton	SWCD	$ 46,500	$ 15,500		$ 16,500		$ 30,000	Benton SWCD Animal Waste Management and Irrigation Water Management	This project continues water plan activities from a 2007 Clean Water Legacy grant and initiates a multi-county project to restore hydrology and water quality in an impaired trout stream.	This project will install 25 manure and nutrient management test plots to reduce phosphorus application rates, focusing efforts in nutrient impaired watersheds. In addition, 10 "catch can" (system uniformity) tests will be developed on irrigation systems in the Little Rock Creek groundwater recharge area.	CWF funding provides additional technical and financial resources to implement BMPs .
0.7006	**20**	C10-164	WILD RICE	WD	$ 346,500	$ 223,000	$ 175,000				Lower Wild Rice River (LWRR) Turbidity Project	The intent is to reduce erosion in targeted sub-watersheds, decreasing sediment loading at the LWRR, working towards the goal of removing the LWRR from the impaired waters list for turbidity.	This project will identify and install 50 acres of buffers,20 water and sediment control basins, and 18 side inlet structures.	CWF will be used by this project io complete selected priorities from Phase 1 of the Lower Wild Rice River TMDL Implementation Plan

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0.6743	**22**	C10-192	MINNEHAHA CREEK	WD	$ 224,224	$ 373,508	$ 224,224				Go Blue! Diamond Lake Community Makeover 2010	This citizen-initiated project partners public and private organizations. Shovel-ready implementations in 2010 will reduce rainwater runoff & pollution from public and private land -- key priorities in MCWD's Plan.	This project will install 50 raingardens on residential properties, and install pervious pavement systems on 10 patios, 6 driveways, and 15 walkways. In addition, a pervious pavement patio, raingarden, and RainXChange system will be installed at the Diamond Lake Lutheran Church and at Pearl Park.	CWF will be used to fund a series of integrated neighborhood infiltration activites targeting a prioritiy resource.
0.6638	**23**	C10-36	BASSETT CREEK	WMO	$ 500,000	$ 1,101,300			$ 360,000		Bassett Creek and Plymouth Creek Stream Stabilization Projects	These projects will reduce the contribution of pollutants to downstream impaired waters, restore fisheries and wildlife habitat, and improve recreational opportunities in, and downstream of, the project areas.	This project will restore and protect 3/4 mile of Plymouth Creek and 1 mile of Bassett Creek channel from erosion.	CWF will augment local funding to accelerate implementation of projects identified in the Medicine Lake TMDL.
0.6270	**25**	C10-90	BROWNS CREEK	WD	$ 62,000	$ 30,750	$ 62,000				Stillwater Country Club Water Quality Improvements	Stillwater Country Club is interested in implementing best management practices that will improve water quality of two high priority and impaired waters: Brown's Creek and the St. Croix River.	This project will expand an existing raingarden and install a cistern to reuse stormwater. It will also install a series of raingardens, stabilize a small gully and install native buffers on wetlands.	CWF will provide financial incentives through cost sharing on projects proposed by SCC and evaluated by the watersheds. Projects will keep increase volume control, reduce chemical use, reduce erosion and install deep-rooted native plants on steep slopes.
0.6113	**27**	C10-126	Mille Lacs	SWCD	$ 68,940	$ 44,787		$ 15,717	$ 53,233		Randy Miskowic Shoreline Restoration and Accelerated Nutrient and Manure Management Planning	This project has 2 main objectives; it will restore a steep (1:1), severely eroded shoreline on the West Branch of the Rum River including a 25 foot upland vegetated buffer. Nutrient and Manure Management Planning prioritized in shoreland areas will provide outreach and detailed information to producers that will result in management changes to reduce phosphorus, nitrogen and fecal coliform runnoff.	This project will restore approximately 330 square feet of eroded shoreline and install a 25 foot native plant buffer. In addition, nutrient and manure management plans will be completed with 10 previously identified landowners on approximately 2,000 acres.	CWF will provide financial incentives through cost sharing on a specific erosion control project to protect water quality on a valuable water resource (Rum River). Enhanced technical assistance to land owners to implement nutrient management BMPs in targeted areas included implementation actitivities identified in the Groundhouse River TMDL.
0.6113	**28**	C10-118	Snake River Watershed Management Board	JPB	$ 133,083	$ 185,983		$ 133,083			Snake River Watershed Nutrient and Sediment Reduction Project.	The Snake River Watershed project will focus on addressing water quality concerns in the watershed. In particular, phosphorous loading and sediment reduction. Identified "priority mangement areas" will be targeted.	This project will protect 500 linear feet of shoreland and install 200 linear feet of riparian buffers, one sediment basin, 800 linear feet of exclusion fencing, one wetland restoration, and 1 grassed waterway.	CWF will be used to accelerate Installation of long-lasting BMP's to reduce the loading of sediment and nutrients from the watershed through practices such as sediment basins, riparian buffers, heavy-use protection and livestock exclusion, and streambank/ shoreland restoration and stabilization.
0.6007	**29**	C10-83e.	Stearns	SWCD	$ 11,580	$ 110,823				$ 11,580	Pine Edge Dairy: installation of waste storage facility	Installation of a manure storage facility to eliminate a potential groundwater pollution problem and bring the site into compliance with current MN feedlot rules.	This project will install a concrete manure storage facility to contain the manure from the barn and the associated feedlots.	CWF will augment landowner and other local funding to accomplish activities

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0.5902	**30**	C10-110	Dakota	SWCD	$ 300,000	$ 75,000		$ 150,000			Stormwater Retrofit Partnership in Dakota County	This project retrofits bioretention and other stormwater BMPs at existing public facilities to assist LGUs achieve water quality goals identified in TMDLs and local water management plans throughout Dakota County.	This project will complete a total of up to five bioretention BMP projects.	CWF will be used by this project to accelerate improved stormwater treatement through bioretention at existing public facilities.
0.5797	**31**	C10-2	Comfort Lake Forest Lake	WD	$ 73,000	$ 39,820				$ 73,000	Comfort Lake - Forest Lake Watershed District Cattle Exclusion	Two cattle exclusion projects are proposed to abate the largest tributary loads to Forest and Moody lakes. The cattle at each site have routine access to onsite wetlands that are connected to the lakes.	This project will partially restore two wetlands connected to Forest and Moody Lakes, inititate grazing management plans and install buffer strips of native vegetation.	CWF will augment landowner and other local funding to accomplish activities
0.5639	**33**	C10-59	Savage	City	$ 130,000	$ 85,400			$ 130,000		Utica Ravine Stabilization, Savage Minnesota	The City of Savage, in partnership with the Scott WMO is planning to stabilize 730 feet of significant erosion at the upstream end of Utica Ravine.	This project will stabilize 730 feet of an incised and eroding ravine.	CWF will be used to accelerate implementation of activities identified in the Credit River TMDL project.
0.5166	**37**	C10-155	CAPITOL REGION	WD	$ 1,250,000	$ 7,200,000	$ 665,000				Green Infrastructure for the Central Corridor Light Rail Transit (CCLRT)	CRWD, Saint Paul, Ramsey County and Met Council will construct green infrastructure practices for CCLRT to achieve effective stormwater management and improve the aesthetics and sustainability of the Corridor.	This project will install an integrated tree-infiltration trench system along both sides of University Avenue within Saint Paul as part of CCLRT and 20 additional BMPs (raingardens, stormwater planters, and infiltration trenches) on adjacent connecting streets.	CWF will be used to accelerate improved stormwater treatment in a redeveloped urban corridor through infilration and bioretention.
0.4693	**39**	C10-127	Pennington	SWCD	$ 77,600	$ 19,400			$ 77,600		Erickson Group Streambank Stabilization	Stabilize 1700' of the Thief River streambank improve water quality in an impaired water and protect drinking water supply quality in Thief River Falls.	This project will restore 1700' of failing streambank on the Thief River.	CWF will be used to accelerate installation of a larger scale sediment reduction project that affects the drinking water supply for Thief River Falls.
0.4693	**39**	C10-186	Nobles	SWCD	$ 67,153	$ 18,375		$ 21,872			Nobles County Conservation Structural Practices	Installation of targeted conservation practices in conjunction with multiple watershed partners.	This project will install one grassed waterway and two J-Hook structures.	CWF will be used to install priority projects in the Local Water Management Plan that will reduce erosion.
0.4641	**41**	C10-130	South St. Louis	SWCD	$ 92,690	$ 23,180		$ 72,690			Knife River Sediment Reduction BMP Implementation	This project will use tree planting, stormwater BMPs, and retrofits to reduce direct sediment discharge and the high peak flows that erode banks and contribute to the turbidity impairment of the Knife River.	This project will plant 15,000' of native buffer along the Knife River on both sides. In addition, approximately 30 ditch checks and 5 riparian stormwater BMPs will be installed.	CWF will accelerate implementation of the Knife River TMDL implementation plan.
0.4325	**42**	C10-66	NINE MILE CREEK	WD	$ 600,000	$ 2,691,300			$ 136,000		Hopkins Streambank Stabilization and Habitat Restoration Project	This Project addresses bank erosion and stream instability through creek channel realignment, restoration and revegetation, and storm pond improvements. Improved instream habitat will address the Nine Mile Creek biota impairment.	This project will stabilize and restore ~2000 feet of Nine Mile Creek streambank.	CWF will augment local funding to accelerater implementation of projects identified in the Watershed Management Plan Nine Mile Creek TMDL.

							2.46	2.65	1.4					
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0.4325	**42**	C10-89	GRASS LAKE	WMO	$ 32,000	$ 10,500	$ 32,000				Aladdin Street Bio-Infiltration Basin Retrofit Installation	Local agencies will use completed design work and cooperative expertise to install a bio-infiltration basin to capture stormwater runoff from a 2.3 acre site before it enters a protected wetland.	This project will create a bioinfiltration cell to capture a Type II- 1.25" rain event.	CWF will address a priority in the Local Water Management Plan
0.4273	**44**	C10-70	Greater Blue Earth River Basin Alliance (GBERBA)	JPB	$ 487,500	$ 129,000		$ 243,250			Implementing Targeted BMPs in the Greater Blue Earth River Watershed	This project will implement targeted BMPs to reduce sedimentation and increase infiltration in riparian areas of the Greater Blue Earth River Watershed.	This project will install approximately 15 BMPs to stabilize riparian zones, 10 urban BMPs.	CWF will accelerate implementation of activities identified in the Lower Minnesota DO TMDL implementation plan and Local Water Management Plans.
0.4220	**45**	C10-181a.	Goodhue	SWCD	$ 105,450	$ 27,750		$ 105,450			Minneola Township Water Retention / Watershed Enhancement Project	This project will construct 7 grade stabilization structures in Minneola Township. Benefits include: reducing erosion and sedimentation to North Fork of Zumbro River, protection of public roads, water retention, wildlife habitat creation	This project will construct 7 new grade stabilization structures	CWF will accelerate systematic implementation of BMPs in a targeted subwaterd and augment available local funds.
0.4115	**46**	C10-196	Stevens	SWCD	$ 168,000	$ 227,625		$ 84,000			Stevens County Water Quality Initiative	This project will provide technical resources and project development capabilities to assure implementation of riparian buffer strips, raingardens and other infiltration practies in the Pomme de Terre Watershed.	This project will establish up to 12 miles of riparian buffers along the Pomme de Terre river and its tributaries and install up to 5 raingarden within the cities of Morris and Chokio.	CWF will provide project development and technical assistance paired with available BMP installation funds to assure implementation.
0.4115	**47**	C10-42	Aitkin	SWCD	$ 73,543	$ 41,391		$ 73,543			Implementation Projects for the Mille Lacs Lake Watershed	The three counties that surround Mille Lacs Lake will partner to implement five projects that protect and enhance the water quality of Mille Lacs Lake	This project will result in the installation of three, 8" deep vegetated infiltration basins totaling approximately 5600 sq ft that would capture, filter and infiltrate runoff and include a 1632 sq ft native vegetation shoreline buffer. In addition 4 bioretention basins will be constructed and 1900 feet of shoreline will be stabilized and re-vegetated.	CWF will accelerate implementation of priority activities in Local Water Management Plans that affect a shared priority resource.
0.4062	**48**	C10-83b.	Stearns Co Spunk Lake	SWCD	$ 149,704	$ 43,805		$ 149,704			Watershed Based Infiltration For Middle Spunk Lake	This project will incorporate approximately 30 BMP's into the existing Stradford Development to reduce untreated stormwater from running directly into Middle Spunk Lake.	This project will install approximately 30 infiltration practices such as raingardens, infiltration swales, and infiltration basins.	CWF will be used for systematic implentation of BMPs in a community adjacent to a priority local resource and to provide a focused effort in a small community for LID implementation.
0.3694	**49**	C10-16	Redwood-Cottonwood-Rivers Control Area	SWCD	$ 534,625	$ 439,500		$ 75,000			SWCD's INCENTIVES AND BMPS IN THE REDWOOD AND COTTONWOOD WATERHSEDS	This project will use incentives and structural BMPs to target riparian buffer strips and erosion control practices that are identified in the Lower Minnessota DO TMDL and Local Water Management Plans.	This project will install 1,275 feet of terraces, 5 sediment basins, 3750 feet of waterways, 1250 feet of diversions, and 1 grade stabilization structure.	CWF will accelerate BMPs identified in TMDL and Local Water Management Plans in conjunction with other grant funds.

					$ 9,740,682	$ 17,905,659	2.46 $ (2,459,675)	2.65 $ (2,650,000)	1.4 $ (1,399,582)					
Average Normal Score	**Rank Based on Average Normal Score**	**Application Number**	**Applicant Organization**	**Organization Type**	**CWF Amount Requested**	**Match and Leveraged Funds**	**Runoff Reduction**	**Clean Water Assistance**	**Shoreland Improvement**	**Feedlot Water Quality Funding**	**Application Title**	**Application Abstract**	**Quantifiable Outcomes**	**Why is Clean Water Funding necessary for this project?**
0.3484	**50**	C10-83a.	Stearns	SWCD	$525,577	$ 169,530		$ 250,000			Enhanced Shoreline Restoration, Infiltration and Protection Program	The Stearns County SWCD Enhanced Shoreline Restoration, Infiltration and Protection program will work with approximatley 40 landowners to restore shoreline areas, construct infiltration BMP's and protect riparian areas permanently.	This project will install and protect approximately 20 shoreland restoration projects in impaired watersheds, on shorelands of high value water resources and/or areas that have a direct surface water connection in a source water protection area.	CWF will accelerate implemenation of BMPs in riparian areas of priority local water resources. Installed BMPs wil be incorporated into deed restrictions to ensure long term operation.
0.3379	**51**	C10-187	Sherburne	SWCD	$ 81,600	$ 40,290		$ 81,600			Sherburne SWCD 2010 Land Treatment Projects	Sherburne SWCD has commitments from cooperators to install 3 land treatment projects that will result in a significant reduction in sediment and phosphorus pollution to high priority protected waters.	This project will protect 885 feet of Lake Fremont shoreline, provide streambank protection including native vegetation on 300 feet of eroding streambank on the Rum River and install 3 bio-retention BMPs in the City of Elk River.	CWF will accelerate implementation of voluntary BMPs with willing landowners.
0.2958	**54**	C10-114	Pope	SWCD	$ 209,179	$ 69,750		$ 209,179			Glenwood Dairyland Basin Stormwater Mitigation Project	Pope Soil and Water Conservation District and the City of Glenwood propose two storm water mitigation projects in the Dairyland Basin that contribute to Lake Minnewaska's deteriorated water quality.	This project will result in the installation of riparian cover and check dams in two ravines. In addition, a 50'X 490' impervious surface parking lot will be removed and 3 rain gardens will be installed.	CWF accelerates water quality protection elements of the Local Water Management Plan.
0.2906	**55**	C10-160	SHINGLE CREEK	WMO	$ 128,125	384,375		$ 105,237			Shingle Creek Restoration, I-94 to CR 10, Brooklyn Center	This project is the ecological restoration of 5,000 feet of Shingle Creek with native buffer, streambank stabilization, improved aeration, and enhanced in-stream habitat.	This project will consist of installing native vegetation buffer, stabilizing streambanks, installing rock riffles, excavating pools, and adding root wads.	CWF will accelerate BMPs identified in TMDL and Local Water Management Plans.

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1.5837	1	C10-19	PELICAN RIVER	WD	$ 250,000	$ 1,717,000	Rice Lake Wetland Nutrient Reductions	The Rice Lake Wetland Nutrient Reduction Project provides significant nutrient reductions to downstream recreational water bodies by restoring wetland water levels, functions, and values to pre-ditched conditions.
1.1474	2	C10-193b.	Rice	County	$ 69,500	$ -	Rice County AgBMP Loan Funds	The purpose of this project is to finance the replacement of 12 septic systems within the county.
1.1369	3	C10-139	SHINGLE CREEK	WMO	$ 160,000	$ 240,000	New Hope 45th Avenue Pond Improvements Project	This project is the retrofit of a dry storm water basin, constructing a new pre-treatment cell, creating new wetland, and reconfiguring the existing inlets and the outlet for better treatment.
1.0791	4	C10-177	Crow Wing	SWCD	$ 233,000	$ 123,660	Recharge! Restoring Natural Hydrology to Crow Wing County Urban Communities	Crow Wing Soil and Water Conservation District (SWCD) is proposing to partner with municipalities and lake associations to cost-share on raingardens, shoreline buffers, and 'no-mow' zones.
1.0686	5	C10-30	Scott WMO	WMO	$ 80,553	$ 41,222	Native Grass Cost Share and Incentives For Runoff Reduction	This project will reduce runoff by establishing at least 75 acres of native grass on private lands in priority subwatersheds of the Sand Creek Watershed.
1.0370	6	C10-79	Scott WMO	WMO	$ 371,000	$ 259,000	Upper Porter and Picha Creek Restorations, Scott County	This project will stabilize over 3,000 feet of eroding stream channel, eliminate a fish migration barrier, and improve aquatic and riparian habitat in Porter and Picha Creeks in Scott County.
1.0055	7	C10-55	Rock	SWCD	$ 188,413	$ 104,382	Rock River Stream Bank Stabilization and Turbidity Reduction	Stream bank stabilization of three high erosion sites and construction of a drinking water reclaimation and sedimentation tank
0.9529	8	C10-72	RAMSEY-WASHINGTON-METRO	WD	$ 500,000	$ 700,000	Maplewood Mall Stormwater Infiltration Retrofit Project	The proposed project will construct infiltration BMPs- porous pavement, tree boxes, cisterns and rainwater gardens/bioretention areas throughout 7.9 acres of the Maplewood Mall parking lot.
0.9424	9	C10-209	Nobles	SWCD	$ 157,058	$ 41,550	Kanaranzi –Little Rock Watershed District Stimulus Project Completion	Completion of unfunded projects related to the Federal Stimulus Funds allocated to the Kanaranzi - Little Rock Watershed's JPB. Erosion improvement projects that reduce pollutant loading to impaired waters.
0.9372	10	C10-121	CLEARWATER RIVER	WD	$ 70,900	$ 42,000	Reducing Phosphorus Loads to Lake Betsy by Protecting Willow Creek	Stormwater infiltration in the City of Kimball to reduce phosphorus loads to Lake Betsy and protect and improve nearby Willow Creek, a trout stream, from temperature and water quality impacts.
0.9056	11	C10-156b.	YELLOW MEDICINE RIVER	WD	$ 800,000	$ 215,000	MINNEOTA, MINNESOTA SANITARY AND STORM SEWER SEPARATION PROJECT (MMSSSSP)	The MMSSSSP will eliminate combined raw sewage and untreated stormwater discharge (combined discharge) into the South Branch of the Yellow Medicine River (SBYMR) at Minneota, Minnesota (City).
0.8899	12	C10-138	Aitkin	SWCD	$ 33,900	$ 29,690	Water Quality Improvement Projects for the Big Sandy Lake Watershed	Projects that protect and enhance the water quality of the Big Sandy Lake Watershed will be implemented.
0.8741	13	C10-14	GUN CLUB	WMO	$ 90,000	$ 90,000	Schwanz Lake Direct-Drainage Targeted Neighborhood Runoff-Reduction Project	Targeted and measured stormwater runoff-reduction project (additional 20 street-side bioretention practices) in 28-acre residential neighborhood that directly discharges untreated stormwater runoff into TMDL-listed water body (Schwanz Lake), to reduce phosphorus loading.
0.8268	14	C10-21	NORTH CANNON RIVER	WMO	$ 150,000	$ 67,000	North Cannon River Watershed Runoff Reduction Project	The project will reduce runoff and decrease movement of sediment, nutrients, and bacteria by prioritizing and installing targeted structural practices and retaining vegetative practices within the North Cannon River Watershed.
0.8215	15	C10-11	Wilkin	SWCD	$ 256,410	$ 218,200	Whiskey Creek Water Quality Improvement/Sediment Reduction Project	Water control structures, side-inlets, bufferstrips, and soil saving Best Management Practices will be installed within the watersheds of two county ditch systems that discharge into Whiskey Creek, an impaired water.

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0.7742	16	C10-18	YELLOW MEDICINE RIVER	SWCD	$ 174,125	$ 273,625	SWCDs CWF 2010 Project for the Yellow Medicine Major Watershed	This project will results in annual reductions of 1020.7 tons of sediment, 1267.4 lbs of phosphorus and nitrogen through incentives and installation of BMPs.
0.7742	17	C10-184	Blue Earth	SWCD	$ 246,750	$ 61,688	Reducing turbidity using natural channel management in the LeSueur River	Reduce Le Sueur River turbidity and improve fisheries habitat by improving stream channel design and establishing floodplain benches and toe-slope protection using economical, natural materials on four eroding bluffs.
0.7742	18	C10-129	Rice	SWCD	$ 300,000	$ 75,000	Targeted Buffer Installation in the Cannon River Watershed	The Rice SWCD is seeking a grant to provide incentives for landowners to install 400 acres of filter strips along streams in the counties of Rice, Goodhue, Steele, and Waseca.
0.7111	19	C10-56	Benton	SWCD	$ 46,500	$ 15,500	Benton SWCD Animal Waste Management and Irrigation Water Management	This project continues water plan activities from a 2007 Clean Water Legacy grant and initiates a multi-county project to restore hydrology and water quality in an impaired trout stream.
0.7006	20	C10-164	WILD RICE	WD	$ 346,500	$ 223,000	Lower Wild Rice River (LWRR) Turbidity Project	The intent is to reduce erosion in targeted sub-watersheds, decreasing sediment loading at the LWRR, working towards the goal of removing the LWRR from the impaired waters list for turbidity.
0.6901	21	C10-124	Brown	County	$ 10,000	$ 47,500	Brown County Water Quality Improvement Program	This program will seal 40 open/abandoned wells in Brown County
0.6743	22	C10-192	MINNEHAHA CREEK	WD	$ 224,224	$ 373,508	Go Blue! Diamond Lake Community Makeover 2010	This citizen-initiated project partners public and private organizations. Shovel-ready implementations in 2010 will reduce rainwater runoff & pollution from public and private land -- key priorities in MCWD's Plan.
0.6638	23	C10-36	BASSETT CREEK	WMO	$ 500,000	$ 1,101,300	Bassett Creek and Plymouth Creek Stream Stabilization Projects	These projects will reduce the contribution of pollutants to downstream impaired waters, restore fisheries and wildlife habitat, and improve recreational opportunities in, and downstream of, the project areas.
0.6480	24	C10-26	CLEARWATER RIVER	WD	$ 22,500	$ 112,500	Watkins Stormwater Impoundment	The project will construct an impoundment and limestone treatment system for stormwater runoff from the City of Watkins prior to discharge into the Clearwater River and Lake Betsy.
0.6270	25	C10-90	BROWNS CREEK	WD	$ 62,000	$ 30,750	Stillwater Country Club Water Quality Improvements	Stillwater Country Club is interested in implementing best management practices that will improve water quality of two high priority and impaired waters: Brown's Creek and the St. Croix River.
0.6165	26	C10-83c.	Stearns	SWCD	$ 132,733	$ 69,461	Sauk River Shoreland: Improved MN Shoreland Rule Adoption	Inventory Sauk River shoreland to identify areas not meeting the continuous vegetative requirements of MN Rules 6120.300(subpart 7). Non-conforming landowners will be informed of Subpart 7 and financial incentives available.
0.6113	27	C10-126a.	Mille Lacs	SWCD	$ 53,223	$ 19,315	Randy Miskowic Shoreline Restoration and Accelerated Nutrient and Manure Management Planning	This project will restore a steep (1:1), severely eroded shoreline on the West Branch of the Rum River and will include a 25 foot upland vegetated buffer and educational workshop.
0.6113	28	C10-118	Snake River Watershed Management Board	JPB	$ 133,083	$ 185,983	Snake River Watershed Nutrient and Sediment Reduction Project.	The Snake River Watershed project will focus on addressing water quality concerns in the watershed. In particular, phosphorous loading and sediment reduction. Identified "priority management areas" will be targeted.
0.6007	29	C10-83e.	Stearns	SWCD	$ 11,580	$ 110,823	Pine Edge Dairy: installation of waste storage facility	Installation of a manure storage facility to eliminate a potential groundwater pollution problem and bring the site into compliance with current MN feedlot rules.
0.5902	30	C10-110	Dakota	SWCD	$ 300,000	$ 75,000	Stormwater Retrofit Partnership in Dakota County	This project retrofits bioretention and other stormwater BMPs at existing public facilities to assist LGUs achieve water quality goals identified in TMDLs and local water management plans throughout Dakota County.

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0.5797	31	C10-02	COMFORT LAKE FOREST LAKE	WD	$ 73,000	$ 39,820	Comfort Lake - Forest Lake Watershed District Wetland Restoration/Cattle Exclusion	Two wetland restoration/cattle exclusion projects are proposed to abate the largest tributary loads to Forest and Moody lakes. The cattle at each site have routine access to onsite wetlands
0.5745	32	C10-64	Carver County WMO	WMO	$ 120,000	$ 52,000	Targeted abatement of milk house waste discharges in an impaired watershed.	We will target installing treatment systems for up to 11 confirmed direct discharge milk house waste systems located in Carver, Bevens, and Silver Creek watersheds. The area has a completed TMDL and Implementation Plan denoting feedlot runoff as an area in need of attention.
0.5639	33	C10-59	Savage	City	$ 130,000	$ 85,400	Utica Ravine Stabilization, Savage Minnesota	The City of Savage, in partnership with the Scott WMO is planning to stabilize 730 feet of significant erosion at the upstream end of Utica Ravine.
0.5482	34	C10-126b.	Mille Lacs	SWCD	$ 15,717	$ 25,472	Accelerated Nutrient and Manure Management Planning	Nutrient and Manure Management Planning will provide outreach and detailed information to producers that will result in management changes to reduce phosphorus, nitrogen and fecal coliform runnoff.
0.5377	35	C10-193a.	Rice	County	$ 85,000	$ 21,250	Rice County Septage Receiving Station	Rice County is proposing construction of a septage receiving station at a municipal wastewater treatment facility for septage that is pumped from dwellings served by SSTS in the county.
0.5271	36	C10-159	Southeast MN Water Resources Board	JPB	$ 106,100	$ 98,400	Southeast Minnesota Regional Assistance for Small Unsewered Communities	Through this grant, project partners will provide education and cost-share incentives to unsewered small communities for start-up costs associated with finding wastewater solutions.
0.5166	37	C10-87	Fillmore	SWCD	$ 5,000	$ 1,250	Protecting Drinking Water Quality Through Education and Awareness	This project will provide educational opportunities for teachers and residents in Fillmore County, as well as raise awareness about the importance of protecting our drinking water supply.
0.5166	37	C10-155	CAPITOL REGION	WD	$ 1,250,000	$ 7,200,000	Green Infrastructure for the Central Corridor Light Rail Transit (CCLRT)	CRWD, Saint Paul, Ramsey County and Met Council will construct green infrastructure practices for CCLRT to achieve effective stormwater management and improve the aesthetics and sustainability of the Corridor.
0.4693	39	C10-127	Pennington	SWCD	$ 77,600	$ 19,400	Erickson Group Streambank Stabilization	Stabilize 1700' of the Thief River streambank to protect homes and a golf course plus improve water quality in an impaired water and a city drinking water supply.
0.4693	39	C10-186	Nobles	SWCD	$ 67,153	$ 18,375	Nobles County Conservation Structural Practices	Installation of multiple structural projects that improve water quality and improve wildlife habitat in Nobles County.
0.4641	41	C10-130	South St. Louis	SWCD	$ 92,690	$ 23,180	Knife River Sediment Reduction BMP Implementation	This project will use tree planting, stormwater BMPs, and retrofits to reduce direct sediment discharge and the high peak flows that erode banks.
0.4325	42	C10-66	NINE MILE CREEK	WD	$ 600,000	$ 2,691,300	Hopkins Streambank Stabilization and Habitat Restoration Project	This Project addresses bank erosion and stream instability through creek channel realignment, restoration and revegetation, and storm pond improvements. Improved instream habitat will address the Nine Mile Creek biota impairment.
0.4325	42	C10-89	GRASS LAKE	WMO	$ 32,000	$ 10,500	Aladdin Street Bio-Infiltration Basin Retrofit Installation	Local agencies will use completed design work and cooperative expertise to install a bio-infiltration basin to capture stormwater runoff from a 2.3 acre site before it enters a protected wetland.
0.4273	44	C10-70	Greater Blue Earth River Basin Alliance (GBERBA)	JPB	$ 487,500	$ 129,000	Implementing Targeted BMPs in the Greater Blue Earth River Watershed	Studies show management of riparian areas is critical to improving water quality. GBERBA and Conservation Marketplace of Minnesota will implement targeted BMPs in the Greater Blue Earth River Watershed.
0.4220	45	C10-181a.	Goodhue	SWCD	$ 100,000	$ -	Goodhue AgBMP Loan Application	This project will finance 1 feedlot upgrade ($50,000.00), 3 conservation tillage projects ($36,000.00), and 2 septic system upgrades ($14,000.00).
0.4115	46	C10-196	Stevens	SWCD	$ 168,000	$ 227,625	Stevens County Water Quality Initiative	Stevens SWCD is working collaboratively with local, state, and Federal partners to implement BMP's that will improve water quality in Stevens county.

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0.4115	47	C10-42	Aitkin	SWCD	$ 73,543	$ 41,391	Implementation Projects for the Mille Lacs Lake Watershed	The three counties that surround Mille Lacs Lake will partner to implement five projects that protect and enhance the water quality of Mille Lacs Lake
0.4062	48	C10-83b.	Stearns	SWCD	$ 149,704	$ 43,805	Watershed Based Infiltration For Middle Spunk Lake	This project will incorporate approximately 30 BMP's into the existing Stradford Development to reduce untreated stormwater from running directly into Middle Spunk Lake.
0.3694	49	C10-16	Redwood-Cottonwood-Rivers Control Area	SWCD	$ 534,625	$ 439,500	SWCD's INCENTIVES AND BMPS IN THE REDWOOD AND COTTONWOOD WATERHSEDS	This project will result in approximate annual reductions of 4,658.18 tons of sediment, 31.5 tons of Nitrogen and 3,558.83 tons of Phosphorus. Goals will be achieved through incentives and BMPs.
0.3484	50	C10-83a.	Stearns	SWCD	$ 525,577	$ 169,530	Enhanced Shoreline Restoration, Infiltration and Protection Program	The Stearns County SWCD Enhanced Shoreline Restoration, Infiltration and Protection program will work with approximatley 40 landowners to restore shoreline areas, construct infiltration BMP's and protect riparian areas permanently.
0.3379	51	C10-187	Sherburne	SWCD	$ 81,600	$ 40,290	Sherburne SWCD 2010 Land Treatment Projects	Sherburne SWCD has commitments from cooperators to install 3 land treatment projects that will result in a significant reduction in sediment and phosphorus pollution to high priority protected waters.
0.3221	52	C10-22	BLACK DOG LAKE	WMO	$ 475,000	$ 300,000	Whitney Pond Stormwater Improvements	The project involves constructing a 1.9 acre detention pond with an in-pipe grit chamber and 25' wide upland native plant buffer to reduce the annual total phosphorus load to Keller Lake by 53 lbs.
0.3116	53	C10-83d.	Stearns	SWCD	$ 52,346	$ 16,618	Green Infrastructure for Improved Water Quality: 10th Avenue Neighborhood Rehabilitation.	The City of St. Cloud will promote on-site stormwater infiltration, pollutant removal and reduction of runoff volume entering the Mississippi River by installing tree planter systems in grassed boulevards.
0.2958	54	C10-114	Pope	SWCD	$ 209,179	$ 69,750	Glenwood Dairyland Basin Stormwater Mitigation Project	Pope Soil and Water Conservation District and the City of Glenwood propose two storm water mitigation projects in the Dairyland Basin that contribute to Lake Minnewaska's deteriorated water quality.
0.2906	55	C10-160	SHINGLE CREEK	WMO	$ 128,125	$ 384,375	Shingle Creek Restoration, I-94 to CR 10, Brooklyn Center	This project is the ecological restoration of 5,000 feet of Shingle Creek with native buffer, streambank stabilization, improved aeration, and enhanced in-stream habitat.
0.2853	56	C10-45	SOUTH WASHINGTON	WD	$ 339,040	$ 84,760	C-P6 Pond Improvements	The proposed project will provide protection of wetlands and the Mississippi River by improving an existing stormwater basin to increase infiltration and reduce stormwater runoff and associated nutrients and sediment.
0.2748	57	C10-98	BROWNS CREEK	WD	$ 330,375	$ 110,125	Oak Glen Golf Course - Brown's Creek Buffer and Streambank Restoration	The Oak Glen Golf Course and Brown's Creek Watershed District will partner to install a buffer and restore the streambank to reduce sedimentation and thermal impacts to Brown's Creek.
0.2643	58	C10-168	RED LAKE	WD	$ 82,400	$ 34,980	Keep Water Close in Red Lake River Cities	Reduce runoff at seven locations in Thief River Falls, Crookston and Fisher by installing practices that provide environmentally sound hydrologic storage appropriate to the setting, monitor effectiveness for participants, and document outcomes.
0.2643	59	C10-23	SAUK RIVER	WD	$ 147,700	$ 43,850	Upper Sauk River Riparian Restoration	Project focus is on the Sauk River, from Osakis Lake to Sauk Lake. Efforts will address factors which compromise bank integrity and restore eroding river banks identified in river assessment.
0.2538	60	C10-62	Becker	SWCD	$ 82,788	$ 52,367	Becker SWCD Erosion and Sediment Reduction Project	Install 14 sediment and erosion control basins in the Buffalo-Red River and the Wild Rice River Watersheds to reduce sediment loading into the Buffalo and South Branch of the Wild Rice Rivers.
0.2433	61	C10-208	Carver County WMO	WMO	$ 55,000	$ 15,000	Sunset Boulevard TSS & Nutrient Mitigation for Burandt Lake TMDL	The goal of this project is to reduce the nutrient loading to Burandt Lake by treating approximately two acres of directly connected impervious surface discharging to the lake.

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0.2328	62	C10-43	Faribault	County	$ 35,000	$ 8,750	Blue Earth River Streambank Stabilization and AgBMP Loan Application	This project will stabilize 800 feet of streambank in Verona Township, Section 11 of Faribault County and will finance manure application equipment in the Blue Earth Watershed.
0.2275	63	C10-46	SOUTH WASHINGTON	WD	$ 640,000	$ 160,000	ED-P5 Pond Improvements	The proposed project will provide protection of wetlands and the Mississippi River by improving an existing dry stormwater basin to increase infiltration, reducing stormwater runoff and associated nutrients and sediment.
0.2117	64	C10-210	Nobles	SWCD	$ 153,956	$ 51,319	Langseth Family (Lake Ocheda) Shoreline Improvement Project	Improvement and long term protection of a 1600 foot lake shoreline resulting in improved water quality, fishery habitat, historical preservation and improved drinking water supplies.
0.1802	65	C10-25	SAUK RIVER	WD	$ 551,600	$ 185,000	CROOKED LAKE WETLAND RESTORATION PROJECT- PHASE ONE	Crooked Lake Wetland Restoration Project proposes to restore 200 acres, of the 1500+ acre drained lake, into a wet marsh creating aquatic habitat and increasing water storage off JD2.
0.1697	66	C10-12	YELLOW MEDICINE RIVER	SWCD	$ 144,250	$ 382,000	WCD CWF 2010 Project for the Lac qui Parle-Yellow Bank Watershed	This project will result in annual reductions of nitrogen, 1027 tons of sediment, and 1369 lbs of phosphorus through incentives and installation of BMPs.
0.1697	66	C10-63	Carver County WMO	WMO	$ 125,000	$ 31,500	Reitz Lake Restoration Project	Reitz Lake will improve in water quality by installing a water retention structure, restoring a wetland and installing rain gardens/shoreland restorations.
0.1644	68	C10-29	CLEARWATER RIVER	WD	$ 235,000	$ 80,000	Lake Betsy Hypolimnetic Withdrawal and Irrigation Project	Nutrient rich water will be withdrawn from Lake Betsy's hypolimnion, permanently reducing the lake's internal load. The hyplimnetic water will provide an irrigation source for local farmers.
0.1171	69	C10-132	MIDDLE FORK CROW RIVER	WD	$ 209,744	$ 126,950	Green Lake Stormwater Inlet Improvement Project	Stormwater is a major reason Green Lake is no longer meeting 'non-degradation' water quality goals. This project is designed to reduce nutrients and sediment delivered to the lake via stormwater.
0.1119	70	C10-206	THIRTY LAKES	WD	$ 38,625	$ 12,825	Breezy Point Bio-Retention Project	Urban runoff discharges directly in Pelican Lake without retention, treatment or flow reduction of any kind immediately adjacent to a swimming beach in a resort area.
0.1066	71	C10-27	CLEARWATER RIVER	WD	$ 56,250	$ 18,750	Clear Lake V-Notch Weir for Phosphorus Reduction	Installation of a V-notch weir in a tributary upstream of Clear Lake to create a retention area to treat agricultural runoff and reduce total phosphorus load to the lake.
0.1014	72	C10-191	MINNEHAHA CREEK	WD	$ 79,942	$ 19,986	City of Mound - 2010 Water Quality Improvements	Construction of a bioretention area on city property and installation of a proprietary filtration unit, both treating existing runoff. Runoff treatment and volume reduction will be gained in the impaired Lake Langdon watershed.
0.1014	73	C10-75	COMFORT LAKE FOREST LAKE	WD	$ 750,000	$ 2,750,000	Bixby Park Regional Stormwater Management Facility project	A regional stormwater management facility at Bixby Park in the City of Forest Lake is proposed to reduce phosphorus loads to Comfort Lake from developed/commercial areas of the city
0.0908	74	C10-154	BROWNS CREEK	WD	$ 157,500	$ 102,900	From Apathy to Action - Implementing BMPs in Challenging Neighborhoods	Provide targeted technical assistance to engage typically challenging neighborhoods, such as second and third-tier shoreline properties in fully developed areas, and implement BMPs to achieve nutrient reduction goals.
0.0856	75	C10-37	East Polk	SWCD	$ 175,000	$ 75,000	Sand Hill Watershed Sediment Basin BMP's	Eight landowners are waiting for engineering assistance to install 15-25 sediment basins within the Sand Hill watershed. These sediment basins will reduce sediment/ phosphorus loading plus reduce flooding of the Red River.
0.0803	76	C10-204b.	Waseca	SWCD	$ 95,000	$ 23,750	LeSueur River Tributary Stream Restoration	A 2,000-foot segment of an unnamed tributary of the LeSueur River in Waseca County will be restored using accepted rock and native material habitiat improvement structures.

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0.0803	77	C10-122	Elk River	SWCD	$ 170,000	$ 57,000	EOT SWCD Irrigation System Conversion and Management Program	Provide cost-share to encourage ag producers to convert irrigation systems to low pressure systems, and manage the application of their irrigation to prevent potential groundwater contamination through leaching due to overwatering.
0.0751	78	C10-92	COON CREEK	WD	$ 262,214	$ 65,900	Sand Creek Subwatershed Stormwater BMP Retrofit Project	This grant will facilitate the installation of the most cost-effective stormwater BMP retrofit projects identified in an assessment of the Sand Creek subwatershed.
0.0593	79	C10-65	South St. Louis	SWCD	$ 54,840	$ 14,000	Stormwater runoff reduction in Duluth Township, Knife River Watershed	Reduce stormwater peak flows and sediment delivery to the Knife River by installing ditch checks and replacing culverts in Township ditches providing the greatest amount of stormwater runoff and sediment.
0.0435	80	C10-106a.	Steele	SWCD	$ 84,620	$ 21,155	Owatonna Terraced Rain Gardens & Shoreline Protection	Install three large terraced rain gardens on City of Owatonna property to treat stormwater runoff and establish a natural vegetative buffer at Straight River's shoreline to decrease fecal coliform impairments.
0.0383	81	C10-06	Chisago	SWCD	$ 220,000	$ 105,000	Chisago Lakes Chain of Lakes Watershed Water Quality Improvement Project	The Chain of Lakes Watershed is a developing watershed with 15+ lakes, 3 cities and 5 townships. The proposed projects include stormwater retrofits, gully stabilizations, and agricultural best management practices.
0.0330	82	C10-193c.	Rice	County	$ 150,000	$ 37,500	Shoreland Restoration on Impaired Lakes in Rice County	This project will target shoreland restoration activities on at least 25 properties on lakes impaired for excess nutrients in Rice County.
0.0330	83	C10-88	SOUTH WASHINGTON	WD	$ 435,000	$ 400,000	Wilmes Ravine Restoration and Pond Improvements	This ravine restoration project will keep water on the land to improve water quality of an impaired waterbody and prevent continued erosion in the future.
0.0278	84	C10-24	SAUK RIVER	WD	$ 164,600	$ 114,400	Sauk River Watershed Stormwater BMPs and Habitat Restoration Project	This stormwater BMP and habitat restoration project proposes to technically and financially assist eight municipalities and five schools in addressing stormwater runoff and restore habitat to improve the Sauk River.
-0.0248	85	C10-150	Clay	SWCD	$ 218,000	$ 73,000	Wolverton Creek Sediment Reduction Project	Watershed planning, Water control Structures, side-inlets, bufferstrips, channel restoration planning, debris removal, sediment evaluation
-0.0301	86	C10-61	Douglas	SWCD	$ 122,498	$ 33,177	2010 Douglas County Integrated Water Quality Improvement Project	This multifaceted, county-wide project will implement BMPs to reduce nutrient loading and erosion, while improving natural hydrologic function and creating habitat within the four impaired watersheds of Douglas County.
-0.0353	87	C10-111	Washington	SWCD	$ 37,800	$ 12,500	Oakdale Library Stormwater Retrofit	Oakdale Library Stormwater Retrofit project will install a large parking lot bioretention facility and multiple rainwater gardens to reduce phosphorus loading to Markgrafs Lake, a nutrient impaired lake.
-0.0511	88	C10-167b.	Steele	County	$ 421,210	$ 100,288	Owatonna Public Library Underground Stormwater Infiltration	Install stormwater infiltration chambers below grade with 1 1/2" rock to create an underground infiltration reservoir of 60,000 cu. ft. to prevent flooding, improve water quality, and minimize stormwater discharge to an impaired water.
-0.0564	89	C10-47	CEDAR RIVER	WD	$ 382,100	$ 155,465	Implementing Runoff Control Management System (RCMS)	The CRWD has diagnosed two areas for strategic water quality and storm water treatment. Implementing these practices will result in predictable water quality and hydrologic benefits
-0.0826	91	C10-109b.	Pipestone	SWCD	$ 250,000	$ -	Pipestone 2010 SSTS Loan Program	Use AgBMP loan dollars to provide low interest loans to residents updating their septic systems.

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-0.0826	92	C10-76	Cass	County	$ 295,275	$ 98,425	Cass County Water Quality Enhancement and Preservation Program	This program consists of 2 erosion/sediment control projects, 2 shoreline buffer projects and 1 research project, all of which will enhance and preserve surface water quality in Cass County.
-0.0879	93	C10-197a.	Martin	SWCD	$ 607,687	$ 449,905	Dutch Creek Watershed Implementation Project	Implement sound conservation projects, based on extensive studies that will decrease nutrient and sediment loads coming from Dutch Creek that directly impact City of Fairmont drinking source water (Budd Lake).
-0.0984	94	C10-202	Carver County WMO	WMO	$ 185,920	$ 46,480	Norwood Young America - 7th Street Pond & Filtration System	Construction of a BMP incorporating stormwater retention, stormwater filtration and infiltration. The project will provide retrofit treatment to runoff from existing residential development, as well as untreated agricultural runoff.
-0.1037	96	C10-166	MISSISSIPPI	WMO	$ 65,000	$ 40,000	Holy Trinity Lutheran Church Rainwater Discovery Garden Project	Holy Trinity Lutheran Church (HTLC), in response to a rain leader disconnect, is planning to construct a public-oriented courtyard composed of rainwater gardens and permeable pavements to celebrate capturing runoff.
-0.1194	97	C10-67	Le Sueur	County	$ 176,596	$ 58,866	Le Sueur County Targeted Shoreland Best Management Practices	This project will install 53 targeted shoreland projects that improve water quality. A spreadsheet of targeted landowners was created. The process is already in place to immediately implement the project.
-0.1247	98	C10-40	Pine	SWCD	$ 117,792	$ 72,598	Pine City Street Reconstruction with Rain Gardens and Pervious Piping	Located on Cross Lake and the Snake River, the City of Pine City plans to install pervious piping and 33 rain gardens as part of a street reconstruction project.
-0.1247	99	C10-97	Washington	SWCD	$ 30,000	$ 15,000	WCHRA Parking Lot Retrofits with Bioretention Facilities	WCD partnering with the WCHRA and two watersheds to provide stormwater retention and retrofits from two parking lot improvements to improve water quality and renovate two low income housing units.
-0.1299	100	C10-07	Rice Creek WD & Coon Creek WD	WD	$ 341,730	$ 143,800	Reducing School Property Surface Water Contamination and Promoting Water BMP's	The Coon Creek and Rice Creek WDs, with Anoka-Hennepin and Fridley school districts seek to create structural and vegetative BMP's significantly reducing surface water contamination and promoting school facility stewardship.
-0.1352	101	C10-181b.	Goodhue	SWCD	$ 105,450	$ 27,750	Minneola Township Water Retention / Watershed Enhancement Project	This grant proposal requests the construction of 7 new grade stabilization structures in Minneola Township. Benefits include: reducing erosion and sedimentation to North Fork of Zumbro River, protection of public roads, water retention, wildlife habitat creation and enhancement, increased groundwater recharge.
-0.1615	102	C10-161	VADNAIS LAKE AREA	WMO	$ 37,563	$ 20,500	Birch Lake Northwest Shoreline Restoration	A 130 foot stretch of shoreline on Birch Lake will be stabilized and restored with native vegetation and observation area constructed to reduce erosion and stormwater runoff.
-0.2035	103	C10-48	SOUTH WASHINGTON	WD	$ 645,760	$ 161,440	SPP-A10 Pond Improvements	The proposed project will address inter-community flow issues identified in SWWD's watershed management plan and protect the Mississippi River from excess nutrient loading.
-0.2141	104	C10-28	CLEARWATER RIVER	WD	$ 112,750	$ 64,250	Reducing Phosphorus Loads to Lakes through Targeted Agricultural Fertilizer Application	Provide cost share for farmers to test/ map soil phosphorus content for GPS-guided fertilizer application to reduce agricultural phosphorus runoff to 11 impaired watershed lakes.
-0.2193	105	C10-163	Renville	County	$ 816,000	$ 204,000	2010 Olivia Storm Water Improvements / Beaver Creek Protection Project	The City of Olivia desires to construct a wet sedimentation basin in order to improve water quality and mitigate urban flooding in a 400-acre watershed.
-0.2351	106	C10-165	Hubbard, Beltrami, and Clearwater County Soil and Water Conservation Districts	SWCD	$ 165,000	$ 61,000	Citizen-Driven Lake Water Quality Improvements	A 3-county, multi-partner project will build citizen stewardship by equipping lakeshore owners with the knowledge and abilities to implement high priority lake watershed projects that will improve water quality.

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-0.2403	107	C10-194	CARNELIAN-MARINE-ST. CROIX	WD	$ 67,514	$ 22,505	St. Croix River Ravine Stabilization and Water Quality Improvements	This project targets four locations in Carnelian Marine St. Croix Watershed District that are contributing sediment and nutrients to riparian wetlands and trout stream tributaries to the St. Croix River.
-0.2561	108	C10-195	CARNELIAN-MARINE-ST. CROIX	WD	$ 174,547	$ 58,181	Marine on St. Croix Retrofit Stormwater Management & Riparian Improvements	Seven retrofit stormwater (in)filtration BMPs are targeted within downtown Marine on St. Croix to reduce sediment and nutrient loading to the TMDL listed St. Croix River and tributary Mill Stream.
-0.3087	109	C10-116	Ramsey	SWCD	$ 30,000	$ 10,000	Groundwater Protection Through Countywide Mapping of Subsurface Stormwater Infiltration Structures	Subsurface stormwater infiltration structures can unintentionally infiltrate spilled hazardous materials to groundwater aquifers. Prevention requires emergency responders ascertain these locations. A GIS database of these structures would protect groundwater resources.
-0.3139	110	C10-117	Washington	SWCD	$ 143,250	$ 47,750	Washington County Green Churches Stormwater Retrofit Initiative	installing stormwater retrofit projects at local church campuses represents a major opportunity for water quality improvement. WCD will partner with watershed organizations to install BMPs, targeting low-use impervious surfaces.
-0.3192	111	C10-106c.	Steele	SWCD	$ 58,719	$ 14,680	Walnut Ave. Underground Stormwater Infiltration	Install recycled 36" concrete pipe below grade with 1 1/2" rock to create an underground infiltration reservoir to prevent flooding and minimize stormwater discharge in to an impaired water.
-0.3297	112	C10-53	SOUTH WASHINGTON	WD	$ 604,800	$ 151,200	Newport Ravine BMPs	This grant will fund construction of stormwater BMPs that will help mitigate ongoing ravine erosion and neighborhood flooding risk and reduce nutrient loading to the Mississippi River.
-0.3402	113	C10-33	Mower	SWCD	$ 158,347	$ 41,028	Well Sealing and Best Management Practices Implementation	The Mower SWCD has taken an aggressive approach to identifying conservation participants, ready to commit high priority practices in the City of LeRoy and County wide.
-0.3665	114	C10-106b.	Steele	SWCD	$ 27,000	$ 9,000	Straight River/ County Road 3 Erosion Control Structure	This proposed erosion control structure addresses an active gully that extends from the Straight River (J.D. 2) to Steele County Road 3.
-0.3770	115	C10-152	Washington	County	$ 75,000	$ 18,750	Public Health and Drinking Water Supply Protection	The proposed project will identify abandoned wells within the Wellhead Protection Areas, as defined by the Minnesota Department of Health, for municipal water supply wells in Washington County.
-0.3928	116	C10-107	Itasca	SWCD	$ 170,000	$ 190,000	Itasca County Individual Comprehensive Conservation Plan Development and Implementation	This project will help the district increase it's capacity to write/update and implement conservation plans benefitting many of the County's threatened or impaired watersheds.
-0.4086	117	C10-204a.	Waseca	SWCD	$ 680,000	$ 170,000	Phosphorus reduction in Clear Lake	Clear Lake has a history of study and experimental practices. A goal of the Waseca Lakes Association was to accumulate the multiple studies and propose a plan to reduce phosphorus.
-0.4086	118	C10-201	NORTH FORK CROW RIVER	SWCD	$ 91,000	$ 39,000	NFCW WD - Koronis Lake Nutrient and Sediment Load Reduction Project	Nutrient and sediment load reduction to Lake Koronis and the North Fork of the Crow River by constructing two upstream sedimentation basins along County Ditch 4.
-0.4401	119	C10-134	MIDDLE ST. CROIX RIVER	WMO	$ 30,000	$ 7,500	Stormwater Audit Program Part II- Project Implementation	As a follow up to interest generated by the Stormwater Audit Pilot Program (2007), this project will work with motivated landowners to install stormwater BMPs around Lily and McKusick Lakes in Stillwater.
-0.4559	120	C10-105	VALLEY BRANCH	WD	$ 161,000	$ 45,200	Eagle Point Lake Water Quality and Habitat Improvement Project	This project is designed to increase water quality and aquatic habitat by managing the invasive macrophyte curlyleaf pondweed in Eagle Point Lake.

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-0.4559	120	C10-205b.	Wadena	SWCD	$ 157,800	$ 70,450	Wadena County Private Landowner Water Quality Stewardship Initiative	To sustain the high water quality of the rivers and lakes in Wadena County by protecting and enhancing riparian land through cost share for implemention of best management practices.
-0.4611	122	C10-119	UPPER MINNESOTA RIVER	WD	$ 80,000	$ 20,000	Central Park Storm Water Erosion Control Project	This project represents the second phase of a three phase project to reduce the sediment and nutrient loading from the Central Park storm water system to Big Stone Lake.
-0.4664	123	C10-54	Marshall-Beltrami	SWCD	$ 75,000	$ 26,000	Moose River Streambank Stabilization Projects - Phase 4	To stabilize portions of the river bank of the Moose River for approximately 1000 feet at site 1 and 400 feet at site 2 reducing bank erosion and sedimentation downstream.
-0.4664	124	C10-142	Washington	SWCD	$ 200,000	$ 116,000	Chisago/Washington St. Croix River Nutrient Loading Reduction Program	Chisago and Washington SWCDs will partner to provide environmental audits for agricultural properties within the St. Croix River basin. BMP projects will be identified/installed based on nutrient reduction potential.
-0.4716	125	C10-182	Root River	SWCD	$ 194,275	$ 71,280	Using Cover Crops for Improving Water and Soil Quality	This project will provide incentives for planting cover crops after corn silage, canning crops, or soybeans, education and research about their benefits, and demonstrate temporary cover on erosion control projects.
-0.4769	126	C10-149	PIONEER-SARAH CREEK	WMO	$ 339,290	$ 84,823	Loretto Ballfield Stormwater Treatment Wetland	The Loretto Ballfield Stormwater Treatment Wetland includes the restoration of approximately 700 lineal feet of a ditched stream, existing pond enhancements, and installation of a stormwater treatment wetland.
-0.4821	127	C10-140a.	Wright	SWCD	$ 80,000	$ 25,000	Ramsey Lake Stream Stabilization Project	This project will reduce sedimentation and phosphorus loading to Ramsey Lake resulting from the storm water conveyed through this stream.
-0.4874	128	C10-49	Ramsey	SWCD	$ 90,000	$ 47,000	Critical Area Stabilization on Ramsey County Public Land	The Ramsey Conservation District will partner with Rice Creek Watershed District and Ramsey County Parks to restore 1,750 lineal feet of shoreline on Long and Island Lakes.
-0.4874	129	C10-140b.	Wright	SWCD	$ 187,500	$ 62,500	Crow River Stabilization and Habitate Project	This project will stabilize the outside bend of the Crow River, reducing the sedimentation and phosphorus loading. It will also increase habitat and public awareness.
-0.5557	131	C10-109a.	Pipestone	SWCD	$ 2,400	$ -	Schulze CNMP	Compensate the SW Prairie TSA for development of a comprehensive nutrient management plan on a feedlot project to be installed next year.
-0.5610	132	C10-104	VALLEY BRANCH	WD	$ 38,000	$ 15,900	Sunfish Lake Water Quality Improvement Project	This project is designed to limit internal phosphorus cycling in Sunfish Lake, a significant contributor to excessive nutrient buildup in the water column.
-0.5715	133	C10-197c.	Martin	SWCD	$ 311,375	$ 47,500	Innovative Streambank Restorations.	Rerouting specific creek channels to prevent damage to bridge sidewalls and roadways and to reduce streambank erosion. Projects will reestablish local ecotype native plants within the riparian zone.
-0.5925	134	C10-41	Carlton	SWCD	$ 111,215	$ 103,000	Targeted Reforestation for Hydrologic Modification in Carlton County	This project will update land sat analysis for priority watersheds within Carlton County, providing a priority setting tool for technical and financial assistance to complete 50 acres of reforestation practices.
-0.5978	135	C10-100	Washington	SWCD	$ 230,000	$ 85,000	Powers Lake Canopy Enhancement for Stormwater Management	The Powers Lake Tree Canopy Enhancement for Stormwater Management (Power Trees) project proposes to reduce runoff and nutrient loads to Powers Lake through urban tree canopy enhancement
-0.6031	136	C10-197b.	Martin	SWCD	$ 214,350	$ 130,000	Martin County Lakes-Building towards Clarity	This project will create a concerned, informed and willing citizenry which is the best partner for water quality issues.

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-0.6083	137	C10-151	Chanhassen	City	$ 365,000	$ 180,000	Lotus Lake Water Quality Improvement and Channel Stabilization Project	The open channel on the west side of Lotus Lake experiences significant erosion and undercutting of channel embankments during rainfall events. Stabilization of this channel will improve runoff quality and significantly reduce the amount of sediment deposited into the lake during each rainfall event. In addition, this project will protect adjacent property and the City's sanitary sewer located along the channel.
-0.6083	137	C10-200	Kittson	SWCD	$ 150,000	$ 37,500	Incentives for Sensitive Areas in Kittson County (ISAKC)	Provide Kittson County landowners/operators incentive payments to establish grass filter strips adjacent to sensitive water bodies, restore drained wetlands and plant field windbreaks/living snow fences by supplementing CCRP.
-0.6083	139	C10-103	VALLEY BRANCH	WD	$ 133,000	$ 37,200	Lake DeMontreville Water Quality Improvement Project	This project is designed to limit internal phosphorus cycling, a significant contributor to elevated phosphorus that limits lake usage and aquatic habitat during the summer in Lake DeMontreville.
-0.6241	140	C10-93	Elk River	JPB	$ 48,690	$ 16,230	Elk River Watershed Phosphorus Reduction Project	This project will install residential and urban BMP's and integrate prescribed grazing systems into small to medium sized livestock operations within the Elk River watershed.
-0.6241	140	C10-140c.	Wright	SWCD	$ 30,000	$ 7,500	Sugar Lake Infiltration Project	The Wright Soil & Water Conservation District and the Sugar Lake Association propose to install 8-10 raingardens at various locations around Sugar Lake identified as sources of significant runoff.
-0.6346	142	C10-85	VALLEY BRANCH	WD	$ 180,000	$ 60,000	Harnessing the Power: Valley Creek Basins and Ravine Stabilization	This project will reduce the runoff to and stabilize an actively-eroding ravine, preventing 38 tons of sediment and 76 pounds of phosphorus from entering Valley Creek per year.
-0.6504	143	C10-86	Chisago	SWCD	$ 60,000	$ 17,500	City of Rush City Targeted Installation of Stormwater BMPs	The SWCD in partnership with the City of Rush City will install a series of BMPs to treat stormwater runoff from two existing neighborhoods within 300 feet of Rush Creek.
-0.6556	144	C10-174	Wright	SWCD	$ 514,046	$ 171,349	Crow River Sediment Reduction Project in Rockford, MN	Re-establish the toe slope along the bank of the Crow River in Rockford, MN. The stabilization of this area will maintain the levee that is being undercut from erosion.
-0.6609	145	C10-198	Beltrami	SWCD	$ 73,500	$ 23,500	Bemidji State University Stormwater Retention Initiative	Bemidji State University will address on-campus stormwater management through the construction of 5 stormwater basins and rain gardens to mitigate existing non-point source contributions to Lake Bemidji receiving waters
-0.6872	146	C10-131	Washington	SWCD	$ 100,000	$ 25,000	Washington County Boat Launches - Stormwater Retrofits	The purpose of this project is to install stormwater management facilities at boat launches located in Washington County.
-0.7082	147	C10-173	VALLEY BRANCH	WD	$ 160,000	$ 40,000	Clean Water Makes Waves: Your Shoreline Is Their Habitat	The goal of this project is to establish and restore one mile of native vegetation at four high-priority lakes in the Valley Branch Watershed District (VBWD).
-0.7555	148	C10-157	Red Lake	SWCD	$ 365,000	$ 116,250	Surface Water Quality Protection and Improvement Program	The program will provide informational, technical, and financial support to landowners to implement Best Management Practices (BMP's) for the protection and improvement of surface water quality.
-0.7923	149	C10-74	SOUTH WASHINGTON	WD	$ 504,000	$ 126,000	Grey Cloud Slough Crossing	This project proposes to restore flow to a side channel of the Mississippi River, resulting in immediate water quality and habitat benefits.
-0.8343	150	C10-57	East Otter Tail	SWCD	$ 220,000	$ 104,000	Otter Tail County Shoreland Stabilization Project	Provide financial and technical assistance for shoreland stabilization projects in Otter Tail County, with priority for projects on lakes with a declining or flat trend of their trophic state index (TSI).
-0.8449	151	C10-136	MIDDLE ST. CROIX RIVER	WMO	$ 300,000	$ 75,000	Public Lands Shoreline Restoration	The purpose of this project is to stabilize eroding blufflands as well as restore the native plant communities in two publically owned areas along the St. Croix River (Lake St. Croix).

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-0.8659	152	C10-170	Murray	County	$ 50,250	$ 16,750	Steinman Dam Improvement	Construct a water retention structure to hold back storm water from Beaver Creek and allow it to slowly dissipate from the structure. This will slow down the storm water as well as allow suspended solids to settle.
-0.9027	153	C10-180	LAC QUI PARLE-YELLOW BANK	WD	$ 167,000	$ 214,736	Lake Hendricks Restoration Project	Redirect surface water to the natural outlet of Lake Hendricks through rain gardens and a vegetated infiltration trench that features vegetated terraced areas that will reduce and disperse flow.
-0.9079	154	C10-179	SAUK RIVER	WD	$ 50,000	$ 16,750	Brewery Hill Reconstruction Project	Located near Brewery Creek in Cold Spring. The plan is to allow some infiltration and reduce sediment in Brewery Creek and the Sauk River.
-0.9395	155	C10-78	St. Paul	City	$ 33,750	$ 11,250	Pickerel Lake Shoreline Planting and Maintenance	Installation and maintenance of 24,500 native plant plugs installed along restored lakeshore and associated parking lot raingardens.
-0.9815	156	C10-133	Washington	SWCD	$ 200,000	$ 50,200	St. Croix Green Streets Initiative - Pilot Program	The purpose of this project is to work with non-MS4 communities along the St. Croix River to develop neighborhood based stormwater treatment systems to reduce pollutant inputs to the River.
-1.0078	157	C10-84	VALLEY BRANCH	WD	$ 75,000	$ 25,000	Valley Creek Dam Conversion to Natural Rapids	This project will replace an aging concrete dam with a sequence of boulder riffles, which will better dissipate flowing water energy, reduce downstream erosion, and improve trout passage.
-1.0551	158	C10-01	Morrison	SWCD	$ 95,500	$ 42,775	Morrison Co. Surface Water Protection Plan	To restore, enhance, and demonstrate best management practices on critical riparian areas both agricultural and shoreline, on impaired waters.
-1.0551	158	C10-199	Cook	SWCD	$ 80,000	$ 52,000	A Balanced Approach to Restoring Stream Crossings in Cook County, MN	Grant funds are requested to pursue restoration and inventory initiatives for stream crossings in Cook County. Restoration projects will restore natural hydrology to reduce sediment delivery and improve habitat in trout streams. Inventory activities will result in prioritized lists for future restoration projects.
-1.0604	160	C10-09	Kandiyohi	SWCD	$ 45,000	$ 10,000	Stream Bank stabilization/Restoration on North Fork of Crow River	The goal of this project is to stabilize these high priority stream bank sites on the North Fork of the Crow River, reducing bank erosion and sediment transportation.
-1.0709	161	C10-156a.	YELLOW MEDICINE RIVER	WD	$ 30,000	$ 10,000	Yellow Medicine River Channel Maintenance and Streambank Protection Program	The Program will maintain channel conveyance and reduce sediment load through clearing and snagging and bank protection works.
-1.1392	162	C10-167a.	Steele	County	$ 189,321	$ 45,077	Broadway & Grove Underground Stormwater Infiltration	Install stormwater infiltration chambers below grade with 1 1/2" rock to create an underground infiltration reservoir of 30,000 cu. ft. to prevent flooding, improve water quality, and minimize stormwater discharge to an impaired water.
-1.2391	163	C10-146	Mississippi Headwaters Board	County	$ 635,000	$ 234,000	Mississippi River Headwaters Water Quality Collaboration	The eight Mississippi Headwaters Board Counties plus Wadena and Carlton protect the first 400 miles of the greatest river in North America. Projects will provide permanent water quality benefits.
-1.2391	163	C10-205a.	Wadena	SWCD	$ 21,331	$ -	Wadena County Conservation Tillage Program	This Wadena SWCD grant would result in the implementing of conservation tillage on private land by purchasing a Truax No-Till drill to rent to local landowners
-1.3337	165	C10-58	East Otter Tail	SWCD	$ 31,013	$ 8,813	Bioretention Basins for Volume and Nutrient Load Reductions	Installation of 5 Bioretention Basins to reduce runoff volumes from developed properties.
-1.6018	166	C10-15	McLeod	SWCD	$ 76,575	$ 24,525	Silver Lake - Lake Bank Protection	Restoration and protection of 1,220' of shoreline on Silver Lake
-1.9383	167	C10-77	Champlin	City	$ 262,500	$ 87,500	Elm Creek Stream Stabilization Plan	Elm Creek Stream Stabilization west of Cartway Road. Stabilize 620 feet of stream bank using riprap and native plantings.

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Average Normal Score	Rank	Project Number	Applicant Organization	Organization Type	CWF Amount Requested	CWF Total Match and Leveraged Funds	CWF Title	CWF Abstract
IE	IE	C10-123	South St. Louis	SWCD	$ 80,000	$ 16,000	Amity Creek Watershed Implementation	The Amity Creek Watershed Implementation project proposes to reduce sediment delivery to Amity Creek, listed on the 2008 303d list for turbidity.
IE	IE	C10-44	HERON LAKE	WD	$ 9,042	$ 2,589	Heron Lake Watershed District Cover Crop Establishment Project	This project will allow farmers to reprioritize their management choices to more environmentally sustainable methods by planting cover crops to reduce erosion and improve natural nitrate.
IE	IE	C10-69	Le Sueur	County	$ 29,400	$ 7,350	City of Le Sueur Compost Site Relocation and Reclamation	This project will move the municipal compost site out of the Minnesota River flood plain and restore the site back to a natural state.
IE	IE	C10-175	RILEY-PURGATORY-BLUFF CREEK	WD	$ 190,000	$ 80,000	Lotus Lake Low Impact Development	Construction of a variety of low impact development practices to reduce nutrient loading and infiltrate and store runoff to improve lake quality and reduce lake level fluctuation.
IE	IE	C10-176	RILEY-PURGATORY-BLUFF CREEK	WD	$ 225,000	$ 75,000	Lake Ann and Lake Lucy Phosphorus Control Project	To control internal lake phosphorus loading the District is proposing to pilot, design and install a hypolimnetic oxygenation system on Lake Ann, City of Chanhassen, Carver County.
IE	IE	C10-178	North Mankato	City	$ 1,125,543	$ 375,181	Northridge Ravine Stabilization and Restoration, Phase 1 - North Mankato	North Mankato's ravine systems are eroding due to agricultural tiling combined with upland development. Outlet control and restoration in the upper ravines will mitigate continued erosion and decrease sediment loading.
IE	IE	C10-207	RILEY-PURGATORY-BLUFF CREEK	WD	60000	20000	Lotus Lake Shoreline Restoration	Restoration of up to 4800' of shoreline on Lotus Lake. Preference will be given to natural stabilization and restoration practices that promote wildlife habitat.
IE	IE	C10-113	Carver County WMO	WMO	$ 30,000	$ 23,000	Louis Street Pond & Bioretention System	Construction of a treatment pond and secondary bioretention area. This series of measures is intended to provide treatment for existing downtown development runoff discharging untreated into the impaired Lake Benton.
IE	IE	C10-101	VADNAIS LAKE AREA	WMO	$ 213,417	$ 53,514	Streambank Restoration on Lambert Creek	A streambank restoration on 1660 linear feet of Lambert Creek is expected to reduce sedimentation by 93% and provide habitat for biota.
IE	IE	C10-169	PRIOR LAKE-SPRING LAKE	WD	$ 55,600	$ 45,500	Northwood and Sunset Park Water Quality Improvements	The Northwoods Park BMP will infiltrate storm water beneath the play surface of an existing park. The Sunset Park BMP will treat and store water for irrigation of a city park.
IE	IE	C10-112	Lower Minnesota	WD	$ 400,000	$ 100,000	Minnesota River Bank Stabilization in Eden Prairie	This project would stabilize severely eroding riverbank and unstable bluff that is a source of sediment and nutrients at a sharp bend in the Minnesota River in Eden Prairie.

IE= Ineligible

BWSR SSTS Imminent Health Threat Abatement Grants
BWSR Board: January 28, 2010

		Rank	$ 800,000	Total Funding Available			
		Avg. SNS	$ 24,223	Funding Remaining			
Project Number	**Applicant**		**Grant Funding Recommendation**	**Non Specific**	**Combined**	**Quantifiable Outcomes**	**Why is Clean Water Funding necessary for this project?**
C10-147	Chisago County	1	$ 40,000	$ 60,000	$ 100,000	8 SSTS replaced	Grant funds for low income, imminent health threat systems not available from any other State source of funds.
C10-76	Cass County	2	$ 45,000	$ -	$ 45,000	Community cluster retrofit system installed	This project would not be possible unless grant funds are made available to install the treatment system.
C10-193	Rice County	3	$ 30,000	$ -	$ 30,000	5 SSTS replaced	Grant funds for low income, imminent health threat systems not available from any other State source of funds.
C10-39	McLeod County	4	$ 24,000	$ 18,000	$ 42,000	4 SSTS replaced	Grant funds for low income, imminent health threat systems not available from any other State source of funds.
C10-03	Freeborn County	5	$ 52,000	$ -	$ 52,000	10 SSTS replaced	Grant funds for low income, imminent health threat systems not available from any other State source of funds.
C10-145	Crow Wing County	6	$ 18,000	$ 12,000	$ 30,000	3 SSTS replaced	Grant funds for low income, imminent health threat systems not available from any other State source of funds.
C10-109	Pipestone County	7	$ 48,000	$ -	$ 48,000	8 SSTS replaced	Grant funds for low income, imminent health threat systems not available from any other State source of funds.
C10-170	Murray County	8	$ 90,000	$ -	$ 90,000	9 SSTS replaced	Grant funds for low income, imminent health threat systems not available from any other State source of funds.
C10-120	Meeker County	9	$ 340,000	$ -	$ 340,000	Community cluster retrofit system installed	Project is coordinating with the Public Facilities Authority and this CWF grant will enable this project to move forward and be successful.
C10-04	Wadena County	10	$ -	$ 25,000	$ 25,000	None	Does not apply
C10-141	Dodge County	11	$ 88,777	$ -	$ 88,777	6 SSTS	Grant funds for low income, imminent health threat systems not available from any other State source of funds.
C10-20	Itasca County	12	$ -	$ 93,000	$ 93,000	None	Does not apply
			$ 775,777	$ 208,000	$ 983,777		

BWSR SSTS Program Enhancement and MPCA SSTS Inventory Grants
BWSR Board: January 28, 2010

			MPCA Inventory Grants	BWSR SSTS Program Enhancement Grants						
		Rank	Inventory	Inventory	Database	Maintenance	Enforcement	Total Funding Recommended	Quantifiable Outcomes	Why is Clean Water Funding necessary for this project?
Project Number	**Applicant**	Avg SNS	**350,000**					**860,000**		
			4,975							
193	Rice County	1			65,000		15,000	80,000	Provide SSTS enforcement based on Roberds Lake inventory results and upgrade county SSTS database to better track maintence requirements of SSTS county-wide.	This project will augment the implementation efforts that ar ethe result of a detailed SSTS inventory that is near completion.
190	Blue Earth County	2			26,000			26,000	Develop a county SSTS database to better track compliance inspections, permitting requirments, and meet the SSTS goals of the Blue Earth River Fecal Coliform TMDL.	This project would not be possible without grant funds and will enhance the counties ability to address SSTS compliance.
147	Chisago County	3	60,000				135,000	135,000	Continue SSTS inventory to find failing systems and provide enforcement for the backlog of SSTS workload from past ITPHS inventory work.	Chisago County has been very proactive in fixing SSTS and this project exceeds minimum State requirements.
61	Douglas County	4	-	35,000	40,000	37,000	30,000	142,000	Comprehensive project will target lakes and riparian areas to inventory SSTS, develop a useful database, provide additional enforcement, and develop more strategic county policies.	This project augments current efforts to enable the county to exceeds minimum state requirements.
13	Benton County	5	12,000		2,000			2,000	Benton County will create an SSTS database of shoreland lots on Little Rock Lake, Little Rock Channel, Mayhew Lake, Donovan Lake, Bible Duck Slough, Pularskis Lake and the Mississippi River and then will conduct and inventory based on that data.	This inventory project would not be accomplished without State grant funds.
153	Goodhue County	6			43,830			43,830	County lacks an electronic database of SSTS and this project would help organize SSTS information that is currently in	This project would not be possible without grant funds and will enhance the counties ability to address SSTS compliance.
76	Cass County	7	44,850	5,000	7,500		42,500	55,000	SSTS inventory of Roosevelt, Lawrence, Leavitt, and Smokey Hollow Lakes along with database development, enhanced enforement and landowner education.	This project augments current efforts to enable the county to exceeds minimum state requirements.
51	Becker County	8	167,000					-	This project will inventory SSTS on 6 highly recreated lakes and Highland TWP within Becker County.	This inventory project would not be accomplished without State grant funds.
34	Mower County	9	34,125					-	Second phase of County SSTS inventory that builds upon Phase 1 2008 CWL grant project.	This inventory project would not be accomplished without State grant funds.

BWSR SSTS Program Enhancement and MPCA SSTS Inventory Grants
BWSR Board: January 28, 2010

108	Washington County	10	25,000					-	The SSTS within riparian zones of Goose Lake, Fish Lake, Hay Lake, Long Lake, Jellum's Bay, East Boot Lake, Louise Lake, Loon Lake and South Twin Lake will be inventoried.	This inventory project would not be accomplished without State grant funds.
148	Morrison County	11	-		40,000			40,000	This project will develop a web-based database to organize the current paper file system into an electronic system.	This project would not be possible without grant funds and will enhance the counties ability to address SSTS compliance.
159	SEMWRB	12			169,600			169,600	This multi-county effort will result in an innovative SSTS database that will be developed for Winona, Waseca, Mower, and Dodge Counties.	Grant funds needed for this project to occur and the cooperative nature of the project reduced the per/county cost.
144	Lyon County	13	2,050					-	This project will pilot an inventory project within the riparian zone of the West Fork Des Moines River watershed within Lyon County.	This project will develop a framework for future SSTS inventory projects in Lyon County.
68	Carver County	14					50,000	50,000	This project will enhance enforcement efforts and will result in the County leaveraging funds for incentive payments for landowers to install compliant systems.	This project will augment current efforts to meet the goals of the Carver Bevens Creek Fecal Coliform TMDL.
43	Faribault County	15		-		21,693		21,693	This project will increase education and awareness of SSTS issues within the county and also will result in greater enformcement of county SSTS pumping requirements.	This project will provided an enhanced education effort on SSTS to the public that goes beyond State programatic requirements.
4	Wadena County	16			50,000			50,000	This project will enable the County to finish and complete a database of information collected from past SSTS inventory work.	This project would not be possible without grant funds and will enhance the counties ability to address SSTS compliance.
99	Wright County	17			30,000	5,000		35,000	This project will result in paper SSTS files being transferred into an electronic database and permitting system.	This project would not be possible without grant funds and will enhance the counties ability to address SSTS compliance.
10	Houston County	18			9,877			9,877	This project will results in paper SSTS files within the Root River watershed to be transferred into a GIS parcel layer database system.	This project would not be possible without grant funds and will enhance the counties ability to address SSTS compliance.
			345,025	**40,000**	**483,807**	**63,693**	**272,500**	**860,000**		

FY 10 Conservation Drainage Funding Recommendation

Appropriation Language

"Of this amount, $330,000 the first year and $330,000 the second year may be used for technical assistance and grants to establish a conservation drainage program in consultation with the Board of Water and Soil Resources and the Drainage Work Group that consists of pilot projects to retrofit existing drainage systems with water quality improvement practices, evaluate outcomes, and provide outreach to landowners, public drainage authorities, drainage engineers and contractors, and others."

Grant Funding Allocation

$200,000 is being used for grants in FY 10. The balance of the allocation, $130,000, will be used as match for an EPA 319 grant to BWSR to research side inlet controls at different scales and install side inlet control pilot project(s) to better understand outcomes related to their implementation.

Decision Timeline

December 1, 2009: Grant Application Period Ends
December 8, 2009: Proposals provided to interagency Drainage Mgmt. Team (DMT) members for review
December 22, 2009: DMT meeting
December 24, 2009: Funding recommendation and strategy provided to DMT members for review and comment
December 31, 2009: Final input and feedback received from DMT
January 5, 2010: Recommendation provided to SMT

Eligible Applicants

Eligible local government units include soil and water conservation districts, watershed districts, counties, watershed management organizations and joint powers organizations of any of these LGUs.

Submission Summary

There were fifteen applications requesting a total of $1,029,821. Three of the applications were from one organization. One application was deemed to be ineligible because its plan is out of date (Riley-Purgatory Bluff Creek WD).

Review Team

The proposal review team consisted of personnel from BWSR, MDA, MPCA, DNR, University of Minnesota, and Minnesota State Mankato.

Funding Strategy and Decision Making Process

Scoring criteria included in the RFP were:

1. Problem Identification & relationship to TMDL or local water management plan – 20
2. Current monitoring activity - 10
3. Estimated project benefit - 40

4. Project evaluation & outreach plans - 10
5. Overall proposal quality and completeness - 20

The review team met on December 22nd. The objectives of the meeting were to discuss goals of the conservation drainage grants, review scoring criteria and discuss individual projects and classify them in terms of high (H), medium (M), and low (L) scores. Based on the discussion during the meeting, members were given the opportunity to revise their scores given increased understanding of program objectives and individual project details.

Composite Score

Normal scores were developed for each scorer. The normal scores were then averaged and ranked to form a composite rank. Table 1 shows the results of the composite ranking. Based on the ranking, the four highest-rated proposals can be funded in full. The fifth proposal can be partly funded.

Table 1. Composite normal score, project rank, and recommended funding amount.

Project	Average Normal Score	Rank Based on Normal Score	Funding Requested	Project Funding Recommendation
C10-05 Red Lake County SWCD - Side Inlets	-0.03977	6	$ 9,000	
C10-35 Mower SWCD	1.492939	1	$ 71,600	$ 71,600
C10-40 Pine County SWCD	-0.61826	12	$ 117,792	
C10-47 Cedar River WD	-0.05729	7	$ 10,000	
C10-70 Greater Blue Earth Basin Alliance	0.444301	5	$ 78,750	$ 39,798
C10-91 Carver SWCD	0.603442	4	$ 40,000	$ 40,000
C10-102 Red Lake County SWCD - Side Inlets	-0.10417	8	$ 9,000	
C10-127 Pennington SWCD	-0.26324	9	$ 167,787	
C10-132 Middle Fork Crow River WD	0.823045	3	$ 15,602	$ 15,602
C10-149 Pioneer Sarah Creek WMC	-0.39031	10	$ 339,290	
C10-150 Clay SWCD	-0.5118	11	$ 50,000	
C10-157 Red Lake County SWCD - Drainage Records	-0.97254	13	$ 15,000	
C10-175 Riley Purgatory Bluff Creek WD			$ 50,000	
C10-199 Cook County SWCD	-1.15735	14	$ 23,000	
C10-203 North Fork Crow River WD	1.223585	2	$ 33,000	$ 33,000
			$ 1,029,821	$ 200,000

Funding Recommendation

Based on the interagency Drainage Management Team's scoring, four projects are recommended for full funding with a fifth for partial funding. Table 2 lists the recommended projects, requested funding, and recommended funding amount.

Table 2. Projects recommended for funding.

Project	Project Description	Requested Funding	Recommended Funding
Mower SWCD	2 side inlets, bioreactor, filtration basin, managed drainage, monitoring, outreach	$71,600	$71,600
North Fork Crow River WD	Technical assistance for culvert sizing on JD1	$33,000	$33,000
Middle Fork Crow River WD	Drainage water management, 8 structures, monitoring and public meetings	$15,602	$15,602
Carver SWCD	Sedimentation basin on CD4A	$40,000	$40,000
Greater Blue Earth Basin Alliance	Technical assistance to develop conservation drainage plan on one of two proposed ditch systems (Cobb River)	$78,750	$39,798
TOTAL		**$238,952**	**$200,000**

'10 FEEDLOT WATER QUALITY MANAGEMENT GRANTS

Background

Total Grant Funds Available – **$2.5 M**

- Clean Water Fund - $2.0 M
- General Fund - $0.5 M

Eligible Locations

Clean Water Fund – Feedlot must be in a riparian location
General Fund – Feedlot must be where there are impaired waters

Feedlot Size Limit – Feedlot size must be less than 300 Animal Units

MinnFARM (Minnesota Feedlot Annualized Runoff Model) – Model data must be provided to determine feedlot runoff compliance status (Feedlot must have a pollution problem.).

Currently

BWSR received 48 applications requesting $1,521,057. All applications were reviewed by the BWSR Grants Team. Fourteen applications were further spot-checked by Board Conservationists to field-verify their application. One application was disqualified because of location ineligibility.

Recommendation

The Grants Program & Policy Committee is recommending the remaining 47 feedlots be funded for a total allocation of $1,500,580.

Because these allocations will leave a remaining available balance of $999,420, the Committee is recommending that funding of $143,770, for six feedlot initiatives from other applications, be allocated from this available balance.

In summary, 53 feedlots are recommended to be funded for a total allocation of $1,644,350. This recommendation leaves a remaining balance of $855,650.

FY10 Feedlot Water Quality Management Applications

Red indicates milk house waste				$521,200	$486,939	$1,175,452		
PRODUCER	Animal Units	Type	Feedlot Grant Request	MDA AgBMP Loan Request	Local Match	Other Leveraged Grant Funds	Total Project Costs	SWCD
Gerard Waldoch	238	Dairy	$55,000	$50,000	0	$100,000	$105,000	Morrison
Lynn Darling	125	Beef	$35,516	$0	$10,250	$0	$45,766	Nobles
Greg Novak	290	Beef	$133,105	$0	$53,169	$26,400	$212,674	Benton
John Brandel	64	Beef	$10,000	$0	$2,500	$0	$12,500	Brown
Wayne Zimmer	116	Beef	$62,915	$0	$19,975	$18,700	$101,590	Renville
David J Meyer	161	Beef	$28,635	$0	$18,750	$42,514	$89,899	Stearns
Glenn Traver	172	Dairy	$9,000	$0	$3,000	$2,000	$14,000	Carver
Elmer Hartmann	42	Dairy	$9,000	$0	$3,000	$2,000	$14,000	Carver
Robert Ische	56	Dairy	$9,000	$0	$3,000	$2,000	$14,000	Carver
Mark Wickenhauser	63	Dairy	$9,000	$0	$3,000	$2,000	$14,000	Carver
Wayne Manteuffel	41	Dairy	$9,000	$0	$3,000	$2,000	$14,000	Carver
Mike Kugath	122	Dairy	$18,000	$0	$6,000	$4,000	$28,000	Carver
Dan Hoen	91	Dairy	$9,000	$0	$3,000	$2,000	$14,000	Carver
Leny Hoen	105	Dairy	$9,000	$0	$3,000	$2,000	$14,000	Carver
Burt Gruenhagen	105	Dairy	$9,000	$0	$3,000	$2,000	$14,000	Carver
Ken Karnitz	78	Dairy	$9,000	$0	$3,000	$2,000	$14,000	Carver
Conrad Lauer	262	Dairy	$13,558	$0	$28,000	$252,000	$293,558	Stearns
Leroy Schmitz	99	Dairy	$18,947	$0	$20,087	$45,348	$84,382	Stearns
Rod Schulze	235	Dairy	$44,050	$0	$86,150	$214,400	$344,600	Pipestone
TOTAL			$500,726	General Fund				
Brian Montag	215	Dairy	$78,504	$0	$26,169	$66,898	$171,571	Benton
Bob Schyma	167	Dairy	$27,759	$0	$9,253	$25,716	$62,728	Benton
Don Leckness	270	Beef	$9,329	$0	$2,332	$0	$11,661	Dodge
Terrance Pfaff	112	Dairy	$33,000	$20,000	$0	$0	$53,000	Fillmore
Paul Schroedl	245	Beef	$29,630	$0	$9,406	$55,875	$94,911	Renville
Kolb Farms	102	Dairy	$34,303	$0	$35,750	$96,903	$166,956	Stearns
Gary Brannon	78	Beef	$5,457	$0	$1,364	$0	$6,821	Dodge
Tracey Thomsen	54	Beef	$60,000	$20,000	0	$10,000	$80,000	Morrison
Robert Gruber	144	Dairy	$60,000	$37,500	0	$62,500	$97,500	Morrison
Harvey Bue Jr.	240	Beef	$98,000	$100,000	$78,000	$0	$276,000	Fillmore
Dave Gudmundson	275	Beef	$63,000	$100,000	$12,000	$0	$175,000	Fillmore
John Maass	75	Other	$16,878	$0	$5,360	$26,198	$48,436	Renville
Chad Amunrud	150	Beef	$3,992	$0	$998	$0	$4,990	Dodge
Gene Leckness	135	Beef	$3,447	$0	$862	$0	$4,309	Dodge
Gary Brannon	72	Beef	$7,425	$0	$1,856	$0	$9,281	Dodge
Mike & Jeff Augustine	125	Dairy	$75,240	$0	$25,083	$0	$100,323	Goodhue
Thomas Marzinske	80	Dairy	$26,500	$0	$6,625	$0	$33,125	Waseca
Ron Kieffer	60	Dairy	$14,534	$7,000	$0	$0	$21,534	Winona
Darrell Urban	90	Beef	$39,037	$13,000	$0	$0	$52,037	Winona
Randy Schroeder	85	Beef	$52,231	$17,500	$0	$0	$69,731	Winona
Larry Schroeder	56	Beef	$12,643	$8,000	$0	$0	$20,643	Winona
Darrell Hershey	55	Beef	$12,704	$8,200	$0	$0	$20,904	Winona
Louis Heim	24	Beef	$30,078	$12,000	$0	$0	$42,078	Winona
Lorne Lundeen	45	Beef	$22,026	$15,500	$0	$0	$37,526	Winona
Vernon Mote	222	Dairy	$46,973	$25,000	$0	$0	$71,973	Winona
Glen P. Groth	30	Dairy	$37,165	$25,000	$0	$0	$62,165	Winona
Jim Harren	145	Dairy	$75,000	$50,000	0	$85,000	$125,000	Morrison
Loren Tomala	68	Beef	$25,000	$12,500	0	$25,000	$37,500	Morrison
TOTAL			$999,854	Clean Water Fund				

PROJECT INITIATIVES FROM OTHER APPLICATIONS

Applicant	Application #	Impaired Water	Impaired Water body	Initiative Request	Match	Add'l Funds	Total Project Costs
Comfort Lake-Forest Lake WD	2	Yes	Forest Lake & Moody Lake	$73,000	$29,820	$10,000	$112,820
Sauk River WD	23	Yes	Sauk Lake	$5,000	$1,000	$500	$6,500
Benton SWCD	56	Yes	Little Rock Creek & Lake	$30,000	$10,000		$40,000
Douglas SWCD	61	Yes	Chippewa, Long Prairie & Pomme de Terre Watersheds	$19,875	$4,940		$24,815
Stearns SWCD	83e	Yes	Mississippi River	$11,580	$12,137	$98,686	$122,403
Aitkin SWCD	138	Yes	Big Sandy Lake	$4,315	$3,540	$7,079	$14,934
			Total Initiatives	$143,770	$61,437	$116,265	$321,472
			Total CWF Feedlot	**$1,143,624**			
			Total General Fund Feedlot	**$500,726**			
			Total Feedlot	**$1,644,350**			
			Funding Available	**$2,500,000**			
			Funding Remaining	**$855,650**			

FY10 CWF MDA AgBMP Loan Projects

FY10 CWF AgBMP Loan Projects

Project Number	Applicant Organization	CWF Rank	Total Allocation
C10-87*	Fillmore SWCD	**37 (2)**	$ 220,000
C10-68*	Carver County Land and Water	**94 (3)**	$ 200,000
C10-109*	Pipestone Soil and Water Conservation District	**130 (4)**	$ 150,000
C10-124*	Brown County Planning and Zoning	**21 (1)**	$ 150,000
C10-34	Mower County	NC	$ 100,000
C10-73	Yelllow Medicine Soil & Water Conservation District	NC	$ 100,000
C10-181	Goodhue County SWCD	NC	$ 100,000
C10-183	Douglas SWCD	NC	$ 100,000
C10-185	Cottonwood Soil and Water Conservation District	NC	$ 100,000
C10-43	Faribault County	NC	$ 80,000
C10-193b	Rice County Planning and Zoning	NC	$ 100,000
C10-01	Morrison Soil and Water Conservation District	NC	$ 10,000
C10-71	Winona County Soil and Water Conservation District	Feedlot	$ 132,000
C10-147	Chisago County	SSTS	$ 50,000
	Stevens County	NC	$ 100,000
TOTAL			**$ 1,692,000**

*Top four projects requested over $100,000 and were scored through the Clean Water Fund competitive score process (shaded in blue)

NC = Non-Competitive

Feedlot = Ag BMP Loan to match Feedlot Water Quality Management Grant Request

SSTS = AgBMP Loan to match with Subsurface Sewage Treatment System Grant request

FY2010-11 BWSR Cooperative Weed Management Area Program Grant Ranking Summary

Available Funding: $200,000 (2010/2011 Funding combined into one allocation)

Eligible Applicants: Soil and Water Conservation Districts. New and Existing CWMAs are eligible for a maximum amount of $15,000. Existing CWMAs combining with one or more new counties are eligible for up to $25,000.

Application Due Date: December 1st, 2009

Applications Received: 23 Applications were received requesting $372,356.00. Applications were received from the following Soil and Water Conservation Districts:

SWCD	Funding Request	Status of CWMA
Becker	$15,000	existing
Pope	$25,000	expansion
Big Stone	$15,000	new
Kandiyohi	$15,356	existing
Wadena	$20,000	existing
Norman	$15,000	existing
Marshall-Beltrami	$15,000	new
Wright	$15,000	existing
Kanabec	$15,000	new
Wabasha	$20,000	existing
Martin	$15,000	new
Rice-Scott	$25,000	expansion
St. Louis	$15,000	new
Steele (RIM)	$15,000	existing
Ramsey	$15,000	existing
Washington	$15,000	existing
Lake of the Woods	$15,000	new
Roseau	$12,000	existing
Clearwater	$15,000	new
RedLake	$15,000	existing
Mahnomen	$15,000	existing
Steele ROW	$15,000	existing
Murray	$15,000	new

Grant Review Team: Seven inter-agency staff representing 5 Agencies/Organizations reviewed and ranked the grants. Agencies/Organizations included the Minnesota Department of Agriculture, The Nature Conservancy, Minnesota Department of Transportation, Minnesota Board of Water and Soil Resources and the Minnesota Department of Natural Resources.

Ranking Criteria:
The following criteria were used to rank applications:

- Completeness of plan for setting up a new CWMA or managing an existing CWMA
- CWMA long-term sustainability
- Number of partners involved and strength of partnerships
- Leveraging of additional funding sources and efficient use of funding
- Development of concrete and attainable weed management goals and strategies to control invasive plant species through integrated pest management and ecosystem restoration approaches.
- Development of plan for public outreach and publicizing the project
- Information provided about expected project outcomes
- Focus on controlling species that are a threat to natural lands with a dominance of native vegetation

Scoring Process: Each ranking criteria was worth 12.5 points, making a total of 100 points available for an individual application. Consistent with other BWSR competitive grants, scores from all reviewers were standardized using a statistic derived from the averages and standard deviations (Z-score).

Scoring Results: The Marshall Beltrami application was removed from consideration due to the planned dissolution of the SWCD. The top scoring applicants (13) are recommended for funding. Rice-Scott SWCD (the last applicant in the funding group) is recommended for partial funding to reach the total available funding amount of $200,000.

Funding Recommendation: The following is a summary of recommend funding for the program:

SWCD	Recommended Funding	Allocation Total
Becker	$15,000	
Pope	$25,000	
Big Stone	$15,000	
Kandiyohi	$15,000	
Wadena	$15,000	
Norman	$15,000	
Wright	$15,000	
Kanabec	$15,000	
Martin	$15,000	
Wabasha	$15,000	
St.Louis	$15,000	
Steele (RIM)	$15,000	
Rice-Scott	$10,000	$200,000

FY10 BWSR Native Buffer Cost-share Program Grant Ranking Summary

Available Funding: $1,036,987 (2010 allocation ($900,000) plus $136,987 of unallocated funding.

Eligible Applicants: Soil and Water Conservation Districts. No maximum request limit was set in the RFP.

Application Due Date: December 1st, 2009

Applications Received: 13 Applications were received requesting $1,452,862. Applications were received from the following Soil and Water Conservation Districts:

SWCD	Funding Request
Stearns	$220,823
Sherburne	$79,375
West Otter Tail	$18,125
Mower	$20,850
Becker	$41,220
Washington SNA	$95,000
Norman	$31,763
Washington St.Croix	$95,000
Renville	$90,318.75
Ramsey	$370,000
Redwood	$61,944
Scott	$25,000
Martin	$135,000
Winona	$53,019
Wright	$22,424
Wabasha	$20,000
Morrison	$40,000
Pine	$33,000

The Pine SWCD project was outside of the eligible project area and not included in the ranking process.

Grant Review Team: Seven staff from the Minnesota Board of Water and Soil Resources reviewed and ranked the applications.

Ranking Criteria:
The following criteria were used to rank applications:

- Completeness of plan for conducting site preparation, planting and maintenance
- Project long-term sustainability
- Coordination of restoration project with local plans
- Cash and/or in-kind contribution/efficient use of funding
- Information provided about expected project outcomes

Scoring Process: Each ranking criteria was worth 20 points, making a total of 100 points available for an individual application. Consistent with other BWSR competitive grants, scores from all reviewers were standardized using a statistic (Z-score) derived from the averages and standard deviations.

Scoring Results: The top scoring applicants are recommended for funding. Eleven Soil and Water Conservation Districts are recommended for funding with two applications from Washington SWCD. Ramsey SWCD (the last applicant in the group) is recommended to receive partial funding to meet the allocation amount of $1,036,987.

Funding Recommendation: The following is a summary of recommend funding for the program:

SWCD	**Recommended Funding**	**Allocation total**
Stearns	$220,823	
West Otter Tail	$18,125	
Sherburne	$79,375	
Mower	$20,850	
Becker	$41,220	
Washington SNA	$95,000	
Washington St.Croix	$95,000	
Norman	$31,763	
Renville	$90,318	
Redwood	$61,944	
Ramsey	$282,569	$1,036,987

Board Resolution # 10-06

FY 2010 COMPETIVE GRANTS PROGRAM FUNDING RECOMMENDATION

WHEREAS, Governor Pawlenty signed legislation establishing the Clean Water Fund (CWF) in M.S. 114D.50 on May 22nd, 2009; and,

WHEREAS, Laws of Minnesota 2009, Chapter 172, Section 6 appropriated CWF funds to the Board of Water and Soil Resources (BWSR); and,

WHEREAS, Laws of Minnesota 2009, Chapter 37, Section 5 appropriated General Funds to BWSR, some of which are for the purposes of competitive grants to local governments; and,

WHEREAS, BWSR implementation of appropriated CWF funds is based on the Minnesota Constitution, Article XI, Section 15 which provides that funds may be "spent only to protect, enhance, and restore water quality in lakes, rivers, and streams and to protect groundwater from degradation", and that "dedicated money under this section must supplement traditional sources of funding for these purposes and may not be used as a substitute"; and,

WHEREAS, on September 23, 2009 (Board Resolution # 09-76) the Board:

1) endorsed an inter-agency granting strategy that included the MN Department of Agriculture (MDA), the Department of Natural Resources (DNR), the Pollution Control Agency (MPCA), the Department of Health (MDH), and the BWSR with the goal of effectively coordinating water quality projects funded by the CWF and the State's General Fund, and

2) authorized an application period for available CWF and General Funds and a request for proposals (RFP) that included weighted scoring criteria that was open from October 15, 2009 to December 1, 2009; and,

WHEREAS, FY 10 competitive grant funds in the following amounts were made available to local governments through the RFP process:

- $10,370,000 from the CWF and $1,736,987 from the General Fund that were appropriated to BWSR,
- $350,000 of subsurface sewage treatment system (SSTS) General Funds transferred to BWSR from MPCA, and
- $1.8 million of Agricultural Best Management Practices Loan Program CWF Funds appropriated to the MDA; and,

WHEREAS, the CWF implementation strategy recognizes that funding decisions should be based on the best available scientific information and directed to where clean water protection, enhancement and restoration work is most needed and most effective; and,

WHEREAS, the CWF implementation strategy incorporates M.S. 114D.20 which directs the implementation of Clean Water Funds to be coordinated with existing authorities and program infrastructure; and,

WHEREAS, BWSR staff implemented a communication effort that included:

- email notification to eligible grantees on October 1, 2009 and October 14, 2009 of the application period;
- outreach meetings were held on October 5, 6, 7, 13, 14, 15, 22, and November 2 and 3, 2009 to review the grant programs; and
- a question and answer blog and question and answer document were established on the BWSR website to provide a accessible information outlet; and,

WHEREAS, local governments throughout the state submitted 210 applications that requested in excess of $44 million in state funds; and,

WHEREAS, the FY 2010 CWF project proposals were evaluated by an interagency team consisting of staff from the MDA, the DNR, the MPCA, the MDH, and the BWSR based on the following criteria:

- A narrative description of the anticipated water quality benefits, overall goals of the project, project organization and management, budget and work activities,
- The anticipated outcomes resulting from completion of the project initiatives on the water resource identified or the pollutant load reduction required in the TMDL,
- The project initiatives anticipate beginning implementation soon after a grant award and have a relatively detailed inventory of implementation locations or activities,
- The level of funding documented from other sources to augment CW Funding for water quality projects or activities above the required minimum local match requirements,
- Priorities are derived from TMDL Implementation Plans or Comprehensive Local Water Management Plans,
- Maintaining long-term public benefits from the proposed implementation activities,
- Proposed activities are consistent with existing Groundwater Plans, Wellhead Protection Plans or Surface Water Intake Plans with respect to prioritization, location or focus; and,

WHEREAS, the MPCA SSTS Inventory Grants were evaluated by an interagency team consisting of staff from the MDA, the DNR, the MPCA, the MDH, and the BWSR based on the following criteria:

- Inventories must be used to determine the number of systems that are failing or posing an imminent health threat;
- Project areas must be on riparian lands; and
- Counties must have a countywide ordinance in compliance with MPCA rules; and,

WHEREAS, the Conservation Drainage Grants proposals were evaluated by an interagency team consisting of staff from the MDA, the DNR, the MPCA, University of Minnesota, USDA-Natural Resources Conservation Service, Minnesota State University-Mankato, and the BWSR based on the following criteria:

- Problem Identification & relationship to TMDL or local water management plan,
- Current monitoring activity,
- Estimated project benefit,
- Project evaluation & outreach plans, and
- Overall proposal quality and completeness; and,

WHEREAS, the Feedlot Water Quality Management Grants proposals were evaluated by the BWSR staff Program and Grants Team based on the following criteria:

- The feedlot must be less than 300 animal units in size,
- Feedlots must be located in a riparian area or an impaired watershed, and
- Use of Minnesota Feedlot Annualized Runoff Model (MinnFarm) to generate funding priority; and,

WHEREAS, the Native Buffer Cost Share Grants proposals were evaluated by a BWSR staff team based on the following criteria:

- Completeness of plan for conducting site preparation, planting and maintenance,
- Project long-term sustainability,
- Coordination of restoration project with local plans,
- Cash and/or in-kind contribution/efficient use of funding, and
- Information provided about expected project outcomes; and,

WHEREAS, the Cooperative Weed Management Area proposals were evaluated by the interagency team consisting of staff from the MDA, the DNR, the Minnesota Department of Transportation, and The Nature Conservancy and the BWSR based on the following criteria:

- Completeness of the plan for setting up a new Cooperative Weed Management Area (CWMA) or managing an existing CWMA,
- CWMA long-term sustainability,
- Number of partners involved and strength of partnerships,
- Leveraging of additional funding sources and efficient use of funding,
- Development of concrete and attainable weed management goals and strategies to control invasive plant species through integrated pest management and ecosystem restoration approaches,
- Development of a plan for public outreach and publicizing the project,
- Information provided about expected project outcomes, and
- Focus on controlling species that are a threat to natural lands with a dominance of native vegetation; and

WHEREAS, the BWSR Senior Management Team (SMT) reviewed the recommendations provided by the interagency and BWSR staff teams on January 12, 2010; and,

WHEREAS, the Grants Program and Policy Committee reviewed the funding recommendation provided by SMT on January 13, 2010.

NOW THEREFORE, the Board hereby:

1) Approves allocations to implement the FY 10 Competitive Grant Program according to the attached Funding Recommendation spreadsheets for the following programs and recommended allocation amounts shown below:

Grant Program	Allocated Funds
A. BWSR Clean Water Fund	
i. Runoff Reduction Grants	$2,459,675
ii. Clean Water Assistance Grants	$2,650,000
iii. Shoreland Improvement Grants	$1,399,582
iv. SSTS Imminent Health Threat Abatement Grants	$ 775,777
v. Conservation Drainage Grants:	$ 200,000
B. BWSR Feedlot Water Quality Management Grants	$1,144,350 (CWF) $ 500,000 (General Fund)

C. MPCA SSTS Inventory Grants		$ 345,025 (General Fund)
D. BWSR SSTS Program Enhancement Grants		$ 860,000
E. MDA Agricultural BMP Loan Program		$1,692,000 (recommendation to be forwarded to the MDA for consideration)
F. BWSR Native Buffer Cost-Share		$1,036,987 (General Fund); and
G. BWSR Cooperative Weed Management		$ 200,000 (General Fund)
	TOTAL:	$11,181,384 (CWF) $ 2,082,012 (General Fund)

2) and, authorize staff to:

(a) approve project workplans,
(b) enter into grant agreements consistent with this resolution and Legislative appropriations, and
(c) assign funds, noted in 1) that may become available, to unfunded projects, in rank order, if funded projects are withdrawn, do not receive workplan approval, or are modified to reduce the state funding needed to accomplish the project.

Randy Kramer, Chair
Board of Water and Soil Resources

Date: 1/28/10

Legislative Directed Clean Water Fund Allocations:
Anoka Conservation District and Hennepin County – Decision.

Appropriation: Laws of Minnesota 2009, Chapter 172, Article 2, Section 5.

Anoka Conservation District
$400,000 the first year and $600,000 the second year are to the Anoka Conservation District for the metropolitan landscape restoration program for water quality and improvement projects.

Hennepin County
$500,000 the first year is for a grant to Hennepin County for riparian restoration and stream bank stabilization in the ten primary stream systems in Hennepin County in order to protect, enhance, and help restore the water quality of the streams and downstream receiving waters. The county shall work with watershed districts and water management organizations to identify and prioritize projects. To the extent possible, the county shall employ youth through the Minnesota Conservation Corps and Tree Trust to plant trees and shrubs to reduce erosion and stabilize stream banks. This appropriation must be matched by nonstate sources, including in-kind contributions.

Board Resolution # 10-07

Legislative Directed Clean Water Fund Allocations: Anoka Conservation District and Hennepin County

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WHEREAS, Laws on Minnesota 2009, Chapter 172, Section 6 appropriated Clean Water Funds to the Board of Water and Soil Resources; and,

WHEREAS, this appropriation included a direct appropriation to the Anoka Conservation District in the amount of $400,000 in FY2010 and $600,000 in FY2011 and Hennepin County in the amount of $500,000 in FY2010; and,

WHEREAS, the appropriation to Anoka Conservation District is for the metropolitan landscape restoration program for water quality and improvement projects; and,

WHEREAS, the appropriation to Hennepin County is for riparian restoration and stream bank stabilization in the ten primary stream systems in Hennepin County in order to protect, enhance and help restore the water quality of the streams and downstream receiving waters; and,

WHEREAS, the Grants Program and Policy Committee reviewed these direct appropriations on January 13, 2010 and recommend the Board authorize staff to enter into grant agreements as provided in the appropriation and pending staff approval of a project workplan; and

NOW THEREFORE BE IT RESOLVED, that the Board adopt the recommendation of the Grants Program and Policy Committee to authorize staff to enter into grant agreements as provided in these appropriations.

R/ Kramer

Randy Kramer, Chair
Board of Water and Soil Resources

Date: 1/28/10

BWSR Board, January 28, 2010

BWSR Clean Water Fund Appropriations

Laws of Minnesota 2009, Chapter 172, Article 2, Section 6

Minnesota Conservation Corps

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.

Runoff Reduction Grants **MCC Set Aside:** $200,000

Grants to watershed districts and watershed management organizations for: (i) management practices that reduce storm water runoff from developed or disturbed lands or to leverage federal funds for restoration, protection, or enhancement of water quality in lakes, rivers, and streams and to protect groundwater and drinking water; and (ii) the installation of water retention practices in order to keep water on the land.

Clean Water Assistance Grants **MCC Set Aside:** $200,000

Nonpoint source pollution reduction and restoration grants to watershed districts, watershed management organizations, counties, and soil and water conservation districts 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.

Shoreland Improvement Grants **MCC Set Aside:** $100,000

Grants to implement stream bank, stream channel, and shoreline protection, and restoration projects to protect water quality.

Discussion

A difference from the prior contract (FY2008) is that the required funds are not specifically set aside for MCC work. This has required BWSR to identify which appropriations the required funds will come from. This difference will impact how the contract is structured for State FY2010 (and subsequently in FY2011). Specific issues include adhering to the detail provided in the appropriation language regarding eligible LGUs, eligible projects, long lasting public benefit, and match.

The process used on the prior contract worked well and should be used again to the extent possible. Therefore the process for this contract should look like:

BWSR Board, January 28, 2010

1. Eligible local governments will have an initial 30 day "application" period.
2. MCC has 30 days to review proposals and make a list of projects, consistent with the Clean Water Fund appropriation (Laws of Minnesota, Chapter 172, Section 6).
3. MCC will send the list of projects to the appropriate Clean Water Specialist (Matt Drewitz, Jeff Hrubes, and Marcey Westrick) for their review and approval before commitments are made to "applicants". This will be accomplished within the 30-day MCC review period.
4. After initial allocations, any remaining funds are available on a first come first served basis by any eligible local government.
5. MCC will report financial information on the use of state funds, and the local government will report outcome and match information in eLINK.

The review by the Clean Water Specialist will be to ensure the proposed activities are eligible under the appropriation language and meet the requirements of the Board approved FY '10 Clean Water Fund Grants Policy. eLINK reporting requirements will be determined and communicated as part of the announcement of the availability of these funds.

Board Resolution # 10 - 08

Minnesota Board of Water and Soil Resources
Authorizing Contract with the Minnesota Conservation Corps

WHEREAS, Laws of Minnesota 2009, Chapter 172, Article 2, Section 6 requires the Board to contract with the Minnesota Conservation Corps (MCC) for restoration, maintenance, and other activities for at least $500,000 in each year of the 2010-11 biennium, and;

WHEREAS, the Board on September 23, 2009, in Resolution #09-76, approved reserving the following funds to comply with this appropriation:

- $200,000 from the Runoff Reduction Grants (Laws of Minnesota 2009, Chapter 172, Article 2, Section 6(b));
- $200,000 from the Clean Water Assistance Grants (Laws of Minnesota 2009, Chapter 172, Article 2, Section 6(c));
- $100,00 from the Shoreland Improvement Grants (Laws of Minnesota 2009, Chapter 172, Article 2, Section 6(g));

and;

WHEREAS, the Grants Program and Policy Committee met on December 16, 2009 and recommends the following procedures to make these funds available:

1. Eligible local governments will have an initial 30 day "application" period.
2. MCC has 30 days to review proposals and make a list of projects, consistent with the Clean Water Fund appropriation (Laws of Minnesota, Chapter 172, Section 6).
3. MCC will send the list of projects to the appropriate BWSR Clean Water Specialist for their review and approval before commitments are made to "applicants". This will be accomplished within the 30-day MCC review period.
4. After initial allocations, any remaining funds are available on a first come first served basis by any eligible local government.
5. MCC will report financial information on the use of state funds, and the local government will report outcome and match information in eLINK.

NOW THERFORE BE IT RESOLVED, the Board adopts the Grants Program and Policy Committee recommendation and authorizes staff to enter into a contract consistent with this resolution and as required by Laws of Minnesota 2009, Chapter 172, Article 2, Section 6.

Randy Kramer, Chair

1/28/10
Date

MPCA COUNTY SSTS EDUCATIONAL STIPEND

Background
The 2009 MN Legislature appropriated certain funding to MPCA for county administration of SSTS (Subsurface Sewage Treatment Systems) programs. The Agency has made available up to $1,500 per county per biennium for county staff to attend *Advanced Designer/Inspector and Service Provider* training classes offered by the U of M, OSTP.

Currently
The Agency has identified the following eligible counties who have indicated that they have sent or will send their SSTS staff to this training:

County	Eligible Amount
Aitkin	$1,500.00
Benton	$1,500.00
Blue Earth	$1,500.00
Carver	$1,500.00
Cass	$1,500.00
Crow Wing	$1,500.00
Dakota	$1,500.00
Faribault	$1,500.00
Itasca	$1,500.00
Kanabec	$1,500.00
LeSueur	$1,500.00
Meeker	$1,500.00
Rice	$1,500.00
St. Louis	$1,500.00
Stearns	$1,500.00
Waseca	$1,500.00
Washington	$1,500.00
Wright	$1,500.00

Recommendation
The Grants Program & Policy Committee is requesting the Board approve the above allocations totaling $27,000. These funds will be transferred to BWSR and allocated with '10 County SSTS Base Grants*.

* NOTE: '10 County SSTS Base Grants are planned to be allocated in February 2010 upon BWSR receipt of CWF funds.

H:SSTSES

Board Resolution # 10 - 09

FY '10 MPCA COUNTY SSTS EDUCATIONAL STIPEND

WHEREAS, the 2009 MN Legislature appropriated funding to MPCA for county administration of SSTS (Subsurface Sewage Treatment Systems) programs; and,

WHEREAS, the MPCA has made available up to $1,500 per county per biennium for county staff to attend *Advanced Designer/Inspector and Service Provider* training classes offered by the U of M, OSTP; and,

WHEREAS, the MPCA has identified eligible counties who have indicated that they have sent or will send their SSTS staff to this training; and,

WHEREAS, the Board Grants Program and Policy Committee reviewed the proposal on January 13, 2010; and,

NOW THEREFORE, the Board hereby authorizes staff to allocate funds to these LGUs as follows:

County	Eligible Amount
Aitkin	$1,500.00
Benton	$1,500.00
Blue Earth	$1,500.00
Carver	$1,500.00
Cass	$1,500.00
Crow Wing	$1,500.00
Dakota	$1,500.00
Faribault	$1,500.00
Itasca	$1,500.00

County	Eligible Amount
Kanabec	$1,500.00
LeSueur	$1,500.00
Meeker	$1,500.00
Rice	$1,500.00
St. Louis	$1,500.00
Stearns	$1,500.00
Waseca	$1,500.00
Washington	$1,500.00
Wright	$1,500.00

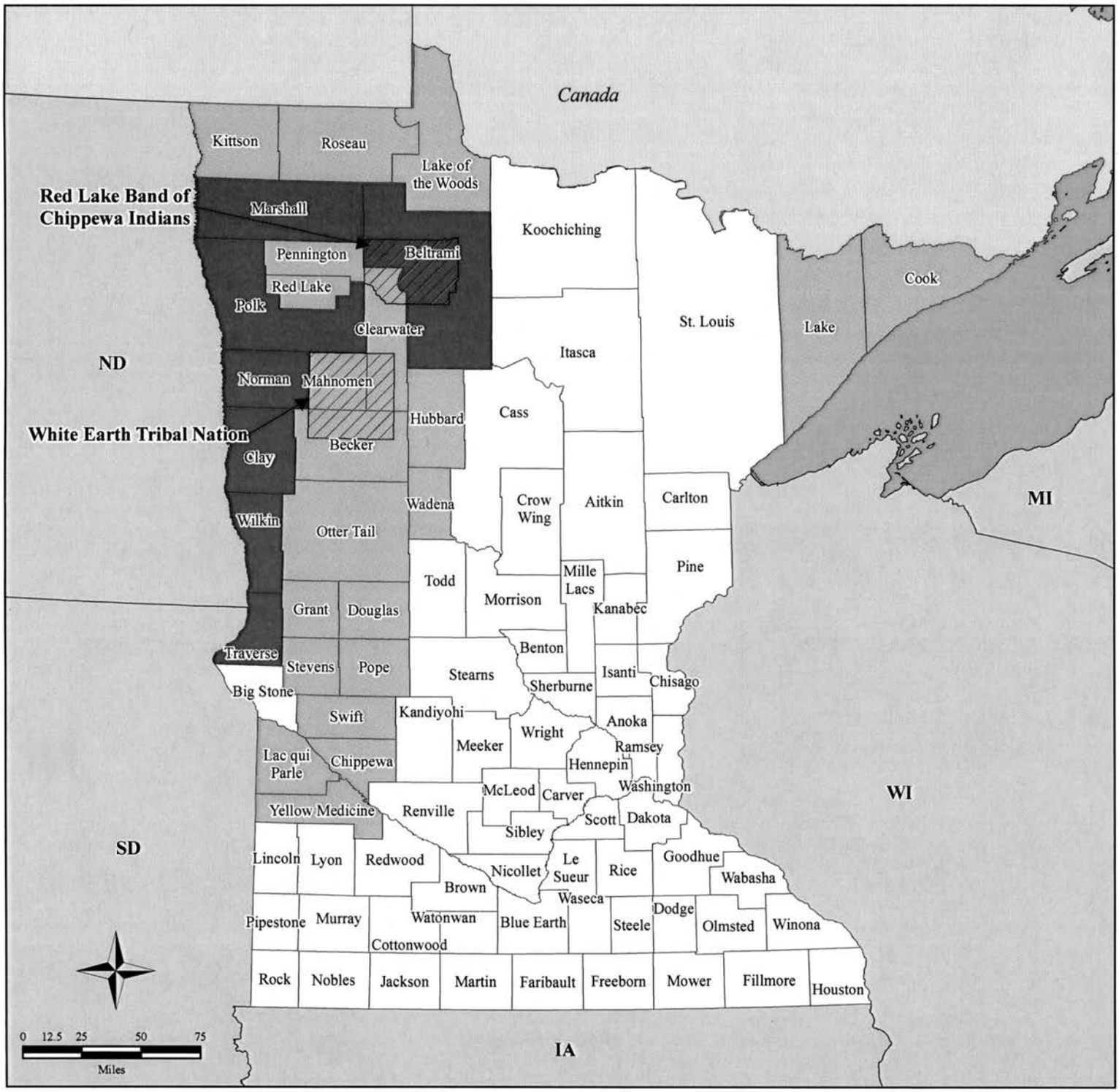
And, these funds totaling $27,000 upon transfer to BWSR will be allocated with the FY10 County SSTS Base Grants.

Randy Kramer, Chair
Board of Water and Soil Resources

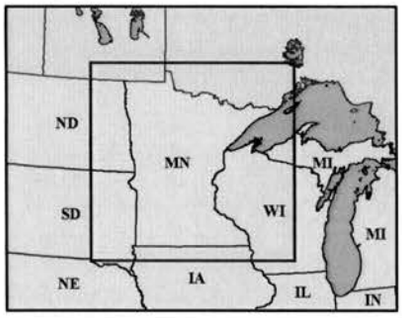
Date: 1/28/10

H:10SSTSESBR

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

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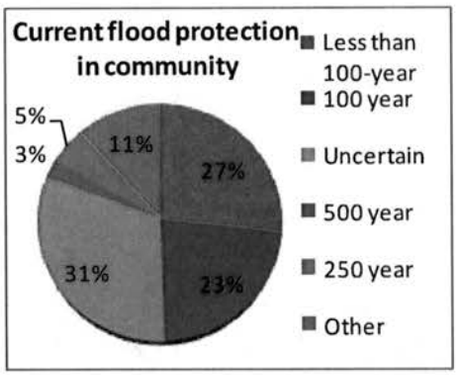
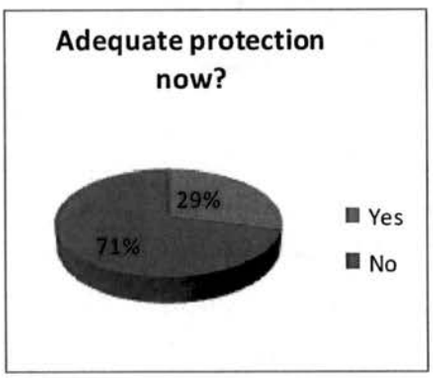
Red River Basin Commission
119 5th St. S. Suite 209
PO Box 66
Moorhead, MN 56561-0066
(218) 291-0422
www.redriverbasincommission.org

LONG TERM
FLOOD SOLUTIONS 2009 -- UPDATE

✓ We are *generating first-hand information* to use for leaders in the basin and policy makers

- **Public forums:** We held 16 public forums around the basin to engage with the public and solicit feedback on comprehensive plan. 700 residents collectively attended. We are proposing 6-10 more in January.
- **Public surveys:** About 260 basin residents have completed our ongoing public survey to date providing us with their views on ideal levels of protection, and proposed solutions, among other things. Below is a sample of the preliminary findings:





- **Board retreat:** RRBC Board members met November 4-5 to begin a process of setting basin-wide goals and principles with which to approach flood solutions

✓ We are *leveraging funds* in the basin to efficiently get results on long term flood solutions

- State funds are leveraging federal funds through the U.S. Corps of Engineers: Red River Basin Wide Feasibility1:1.

✓ We are developing creative and effective *pilot projects* to get real results

- Mitigate downstream impacts by upstream storage
- Explore venues to address on stream storage, mitigation, permitting, funding and timelines

✓ We are formulating *goals and principles* that will guide us through this project and into the future on basin-wide comprehensive water management

- ✓ **We are preparing *recommendations and a report* to state policy makers for action**
  - Final report outline
  - Legislative Report 2010 - - draft to the state in February

- ✓ **NUMBERS**

LTFS PROJECT	**3-Dec-09**		
	July 09- June 10	July 10- June 11	
Phase I			$ 1,000,000.00
RRBC Mang/Fin Fee	$ 25,000.00	$ 25,000.00	$ 50,000.00
Policy Gov Rel	$ 50,000.00	$ 50,000.00	$ 100,000.00
Barr Initial - Survey	$ 25,000.00		$ 25,000.00
Barr Phase I	$ 153,000.00		$ 153,000.00
Nitzkorski Pulbic Mtg	$ 10,000.00		$ 10,000.00
Sub-Total 3 Dec 09	**$ 263,000.00**	**$ 75,000.00**	**$ 338,000.00**
Remainign Uncommited			$ 662,000.00
Phase II	*$ 200,000.00*	*$ 200,000.00*	$ 400,000.00
Media Outreach	*$ 25,000.00*	*$ 25,000.00*	$ 50,000.00
Other Expenses	*$ 25,000.00*	*$ 25,000.00*	$ 50,000.00
Economic Analysis	*$ 20,000.00*		$ 20,000.00
Phase II Projected	$ 270,000.00	$ 250,000.00	**$ 520,000.00**
Toal All Expenditures			$ 858,000.00
Un Committed Funds Curr/Proj			$ 142,000.00

BWSR SPRING FLOOD OF 2009 RESPONSE

In the Red River Valley Disaster Relief Bill of 2009, the Legislature has appropriated BWSR to respond on three fronts:

1) Erosion, Sediment, and Water Quality Control Cost-Share
2) Red River Basin Commission Long Term Flood Solutions Plan Grant
3) Reinvest in Minnesota Conservation Easements Program

1) EROSION, SEDIMENT, AND WATER QUALITY CONTROL COST-SHARE - *PHASE 2*

BACKGROUND – (*Phase 1)*

In the Red River Valley Disaster Relief Bill of 2009, the Legislature appropriated $1 M to BWSR for erosion, sediment, and water quality control cost share for projects damaged by the spring flooding of 2009. The MN Recovers Task Force application period (Phase 1) closed July 9. At their August 2009 Meeting, the BWSR allocated the appropriation as follows:

East Polk SWCD	$130,200
Red Lake SWCD	$67,500
Norman SWCD	$172,500
Clay SWCD	$379,800
Red Board	$250,000
Total	**$1,000,000**

CURRENTLY

The MN Recovers Task Force received the following applications after the initial application period closed:

Application	SWCD Applicant	Amount Requested	Primary Project Types
1830-20	Wilkin	$110,000	Gullying, Sedimentation
1830-21	Norman	$426,000	Streambank, Gullying
1830-24	Red Lake	$292,000	Gullying, Streambank
1830-26	Clay	$22,000	Streambank
Total		**$828,022**	

The Disaster Relief Bill also provided for the transfer of unused funds from a funded program to another underfunded program. BWSR has received an additional $450,000 ($250,000 from the Dept. of Revenue and $200,000 from the Dept. of

Employee and Economic Development).

ALLOCATION STRATEGY
It is anticipated and expected for the additional $450,000 to leverage federal and local funding. ECP, EQIP, and EWP program requests are pending. Board Conservationists have field-verified these applications.

	Cost Share	Tech Assistance/Planning	Grant	
Wilkin SWCD				
Dan and Kevin Solum	$12,000	$1,200	$13,200	
Don Packer	$4,000	$400	$4,400	
Mike Albertson	$8,500	$850	$9,350	
Jared Nordick	$1,500	$150	$1,650	
Gerald Nordick	$7,000	$700	$7,700	
Total	**$33,000**	**$3,300**	**$36,300**	**$36,300**
Norman SWCD				
Bob Miller	$15,000	$1,500	$16,500	
Bob Brandt	$5,000	$500	$5,500	
Ron Baker	$20,000	$2,000	$22,000	
George Hess	$71,400	included	$71,400	
Rick Prussia	$53,550	included	$53,550	
Total	**$164,950**	**$4,000**	**$168,950**	**$168,950**
Red Lake SWCD				
Tom Oscarson	$20,000	$2,000	$22,000	
Tony Bachand	$10,000	$1,000	$11,000	
Monte Casavan	$7,000	$700	$7,700	
Eric Nymann	$21,400	included	$21,400	
Tom Huot	$160,650	included	$160,650	
Total	**$219,050**	**$3,700**	**$222,750**	**$222,750**

Clay SWCD				
Buffalo River-Hawley	$20,000	$2,000	**$22,000**	**$22,000**
Grand Total				**$450,000**

2) RED RIVER BASIN COMMISSION LONG TERM FLOOD SOLUTIONS PLANNING GRANT

BACKGROUND
In the Red River Valley Disaster Relief Bill of 2009, the Legislature appropriated $500,000 to BWSR for a grant with the Red River Basin Commission (RRBC) for a comprehensive plan of action to address, mitigate, and respond to flooding and related water quality and land conservation issues in the Red River watershed. This appropriation was contingent on the state of North Dakota also contributing $500,000 to the RRBC for this plan.

CURRENTLY
Since the flood event, the RRBC has conducted numerous public forums (≈25) and a public survey of basin residents, to solicit feedback and resident views on ideal levels of protection and solutions. North Dakota has agreed to contribute $500,000 for this plan. Pilot projects are being developed to mitigate downstream impacts with upstream storage. Goals and principles are being developed to guide a February 2010 legislative report with recommendations.

(See attached *Long Term Flood Solutions Update*.)

3) REINVEST IN MINNESOTA (RIM) CONSERVATION EASEMENTS PROGRAM

BACKGROUND
In the Red River Valley Disaster Relief Bill of 2009, the Legislature appropriated $500,000 to BWSR for the Reinvest in Minnesota Conservation Easements Program. The purpose of this Program is to purchase and restore permanent conservation easements as

provided in RIM Reserve Statute section 103F.515 on marginal lands in the flood disaster area as declared in the FEMA-1830-DR Minnesota Disaster Declaration.

CURRENTLY
Northern field staff has gathered input from SWCDs in the disaster area inquiring as to what types of projects should be considered and have defined the following list of
Eligible Land and Project Areas:

1. Cropland damaged by floodwaters.

2. Riparian areas where enrollment of lands will help to reduce future flood impacts. Funds can be utilized to extend Clean Water Fund buffer easements beyond the 100' maximum in flood prone areas.

3. Drained wetlands for restoration to help reduce future flood impacts.

4. Any lands where temporary flood storage projects are planned and engineering and associated construction costs will be covered by the sponsoring watershed district (WD). This criteria is similar to what was used in the recently funded Red River Valley Restoration Initiative (RRVRI) easements.

Application funding priority will be based on the amount(s) of 1 -4 (above) in an application, the soil and water quality protection, and fish and wildlife habitat benefits obtained.

Staff also recommend the following:

General Program Criteria:

A. SWCDs will be reimbursed for their services related to riparian buffer easement acquisition and conservation plan development at the current RIM services rate ($2,000 per easement).
B. The sign-up period will begin March 1, 2010 and will continue until June 4, 2010, at which time northern Board Conservationists will prioritize applications received.

C. The payment rates for Flood Recovery RIM Reserve Easements will be the same as those approved for the CWF Buffer and Wellhead Protection Easements - 100% of the Average Assessed Township value (AATV) for cropland, and 60% of the AATV for non-cropland;

RECOMMENDATIONS

1) The Grants Program & Policy Committee requests BWSR approval of the proposed Erosion, Sediment, and Water Quality Control Cost-Share allocations totaling $450,000, to the SWCDs listed above; and;
2) The Grants Program & Policy Committee requests BWSR approval of the proposed allocation of $500,000 to the RRBC for their Long Term Flood Solutions Planning Grant; and,
3) The Grants Program & Policy Committee requests BWSR approval of the proposed Reinvest in Minnesota Conservation Easements Program, with the above listed Eligible Land and Project Areas, and General Program Criteria.

H:RRVP2

Board Resolution # 10 - 10

FY '10 RED RIVER VALLEY FLOOD RECOVERY

PART ONE – Erosion, Sediment, and Water Quality Control Cost-Share

WHEREAS, the 2009 Legislature in S.F. 2113, Art. 2, Sec.2, Subd. 2, provided for the transfer of unused general fund disaster relief money to another disaster relief program; and,

WHEREAS, BWSR has received transfers of $250,000 and $200,000, from the Depts. of Revenue, and Employee and Economic Development, respectively; and,

WHEREAS, the Board has made these funds available to Local Governmental Units through the MN Recovers Task Force; and,

WHEREAS, the Board has made these funds available to Local Governmental Units through the MN Recovers Task Force; and,

WHEREAS, the SWCDs 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 SWCDs for the projects and activities as described in their respective MN Recovers Task Force Request for Assistance application, as follows:

Wilkin	$36,300
Norman	$168,950
Red Lake	$222,750
Clay	$22,000
	$450,000

2) Allocate any remaining or available erosion, sediment, and water quality control cost-share funds to eligible Local Governmental Units as recovery efforts require.

PART TWO – Red River Basin Commission Long Term Flood Solutions Plan

WHEREAS, the 2009 Legislature in S.F. 2113, Art. 2, Sec.4, Subd. 4, appropriated $500,000 to the Board for a grant to the Red River Basin Commission (RRBC) for a comprehensive plan to develop long term basin flood solutions; and,

WHEREAS, the RRBC has collected public input on desired levels of protection and solutions, and developed plan goals and principles.

NOW THEREFORE, the Board hereby authorizes the allocation of $500,000 to the RRBC for a Long Term Flood Solutions Plan, in semi-annual payments, each approved by the Executive Director, based on satisfactory compliance with the Laws of Minnesota 2009, Chapter 93, Article 2, Section 4.

PART THREE – Reinvest in Minnesota Conservation Easements

WHEREAS, the 2009 Legislature in S.F. 2113, Art. 2, Sec.4, Subd. 2, appropriated $500,000 to the Board to acquire Reinvest In Minnesota (RIM) conservation easements from landowners on marginal

lands in the area included in DR-1830 that were damaged by the storms and floods of March and April 2009; and,

WHEREAS, MN Statute 103F.515 provides for the Board to acquire RIM easements.

NOW THEREFORE, the Board authorizes staff to implement a permanent RIM Reserve Flood Recovery Easement Program under the following criteria:

I. A sign-up period will be held March 1, 2010 until June 4, 2010, at which time northern Board Conservationists will prioritize applications received for funding approval.

II. The following lands (A – D) will be eligible, and project selection priority will be based on the amount(s) of (A – D) in an application and the soil and water quality protection benefits:

A. Any lands where temporary flood storage projects are planned and engineering and associated construction costs will be covered by the sponsoring watershed district (WD), and;

B. Riparian areas where enrollment of lands will help to reduce future flood impacts. Funds can be utilized to extend riparian buffer easements beyond 100' in flood prone areas; and,

C. Drained wetlands for restoration to help reduce future flood impacts; and,

D. Cropland damaged by floodwaters.

III. Application funding priority will be based on the amount(s) of II. A. – D. in an application, the soil and water quality protection, and fish and wildlife habitat benefits obtained.

IV. SWCDs will be reimbursed for their services related to riparian buffer easement acquisition and conservation plan development at the current rate ($2,000 per easement).

V. The payment rate for Flood Recovery RIM Reserve Easements will be the same as those previously approved for the CWF buffer and wellhead protection easements - 100% of the Average Assessed Township value (AATV) for cropland, and 60% of the AATV for non-cropland.

Date: 1/20/10

Randy Kramer, Chair
Board of Water and Soil Resources

H:10RRFRBRS

STATE COST SHARE AND REINVEST IN MINNESOTA RESERVE RULE REVISION

Board of Water and Soil Resources
January 15, 2010

Cost Share and Reinvest in Minnesota Reserve Rule Preliminary Schedule

(Minnesota Rules Chapter 8400)

April 29, 2009	Board Conservationist Meeting - Review Draft Workplan
May 12, 2009	Senior Management Team - Review Draft Workplan
May 20, 2009	Cost Share Work Group – First Rule Development Meeting (Will meet monthly throughout rule development process)
May 27, 2009	Board Grants Program and Policy Committee Reviews Workplan (meet periodically throughout rule process)
December 16, 2009	Board Grants Program and Policy Committee Review Workplan and Recommend proceeding with Rulemaking
January 28, 2009	Board Requested to Authorize Rulemaking
February 2010	Publish Request for Comments in State Register
March 2010	Board Conservationist Meeting – Rule Status Report
May 2010	Cost Share Work Group Finalizes Draft Rule
June 2010	Review Draft Rule at MASWCD Area Meetings Board Conservationist Meeting – Rule Status Report
September 2010	Board Reviews and Adopts Draft Rule
October 2010	Submit Rule to Office of the Revisor of Statutes and Governor's Office
November 2010	Submit Request to Office of Administrative Hearings to Publish Notice in State Register
December 2010	Publish Notice in State Register, Notify Legislature and interested Persons
January 2011	Comment period closes

February 2011	Administrative law judge (ALJ) Completes Report on the Proposed Adoption of the Rules
Feb./March 2011	BWSR Reviews ALJ Report, Consider and/or Makes Changes Based on Comments and/or ALJ report
March 2011	Submit Rules to Chief ALJ
April 2011	Board Adopts final rule
April/May 2011	Rule Training Sessions
May 2011	Office of Administrative Hearings Files Approved Rules with Secretary of State Revisor Prepares a Notice of Adoption Submit Notice of Adoption to State Register
June 2011	Rule Published in the State Register
July 1, 2011	**Rule Becomes Effective**

State Cost Share Program Rule Workplan

Background

1977: Cost Share Program is established.
1982: Legislative amendments to the cost share program require targeting.
1985: Soil and Water Conservation Board revised rules and guidelines to incorporate legislatively mandated targeting concepts; established the allocation formula.
1995: Revised rules and guidelines to improve clarity; integrate with Comprehensive Local Water Plans, update approved practices, increase local administrative authority.

Background and Process

Rule needs to reflect legislative priorities (ex: water quantity problems due to altered hydrology) in statute.

The State's Cost Share Program has remained virtually the same since its inception in 1977. The conservation resource management landscape has dramatically changed making the program's administration and implementation a struggle. Streamlining of the administration and implementation will enable greater efficiencies at both at the state and local levels.

The ability to accommodate greater use of other BMP's than the "Approved Practice List" of the C-S manual (without requesting the use of "Other Recognized Technical Practices") will enable the Cost-Share Program to respond to evolving resource management strategies.

The advent of the Clean Water Legacy program and more recently passage of the Clean Water Amendment has identified the need for consistent requirements and processes for all "cost-share like" programs and projects. Having a single rule that could apply to Cost Share and Clean Water Fund (CWF) activities would provide simplicity for BWSR staff and all LGUs that implement projects under these multiple funding programs.

To ensure the needs of the Cost Share Program are met, and that applying a rule to CWF programs is appropriate, the Work Group will undertake a two step process in the development of rule amendments. First, the Work Group will develop changes to address the needs of the Cost Share Program. Second, the applicability of the draft Cost Share Rule will be reviewed in relation to the needs of the CWF programs, and changes made as necessary to ensure the rule includes the flexibility to apply to both programs.

Scope

- BWSR oversight/administrative
- Local oversight/administrative
- Eligible practices
- Technical approval authority – separate group from Cost Share Work Group
- Explore including Incentives.
- **Allocation formula is not on the table.**

Objectives and Guiding Principles

The objectives of this project are to:

- Reduce the role the rule plays in prescribing BWSR's responsibilities in Cost Share Program management;
- Evaluate and as appropriate provide flexibility so that the rule processes and requirements apply to CWF programs; and
- Coordinate all rule changes that are to be made to Minnesota Rules Chapter 8420, including the Reinvest in Minnesota Rules (8420.2900-8420.3870).

A. Program has the ability to use other **sources** of funding (structure suitable for lots of funding sources) - Leverage other funds (federal, local, private and/or ngo's).
B. Enables base funding, emergencies funding and/or competitive funding opportunities (allocation)
C. Continue/strengthen local/state/federal partnership of conservation delivery system.
D. Maintain local public transparency and determination of what soil and water resources
E. Minimized administrative oversight.
F. Acknowledge the benefits of shovel ready projects and improve local targeting of project to NRE benefits (tied to local plans).
G. Reward performance/Prioritized based on outcomes.
H. Ensure reporting system and grants programs are designed to allow effective and efficient reporting of activities and measureable outcomes.
I. Street ready July 1, 2011 (FY 2012 funds).
J. Be consistent with the State of Minnesota Grants Management Policies.

Cost Share Work Group Members: Chris Hughes, Brian Dwight, David Weirens, Jeff Nielsen, Melissa Lewis, Pete Waller & Wayne Zellmer. The Work Group may add members as needed to address/complete the objectives.

Staff/Work Group Roles.
The Work Group will develop proposals and recommendations regarding rule, policy and manual changes. These changes will be reviewed by the Program and Grants Team, and SMT in turn. In addition, the Board Grants and Program Committee will review and make recommendations on major products for Board consideration.

Minnesota Board of Water and Soil Resources

REQUEST FOR COMMENTS

Planned Amendments to Rules Governing the Cost Share Program and Reinvest in Minnesota Reserve Program, Minnesota Rules, 8400.0050 to 8400.3930

Subject of Rules. The Minnesota Board of Water and Soil Resources requests comments on its possible amendment to rules governing the Cost Share and Reinvest in Minnesota Reserve Programs. The Board is considering rule amendments that will incorporate statutory changes made in 2009 that include: 103C.501 and 103F.505 to 103F.535. The rulemaking will address two separate programs included in this rule chapter, the Cost Share Program and Reinvest in Minnesota Reserve Program.

Changes to the Cost Share Program will focus on shifting from rule to Board policy to provide program oversight and direction, update the program as the current rule was adopted originally adopted in 1977, and to incorporate new statutory language that include water quantity improvements. A principal purpose of the rule changes will be to increase program efficiency and effectiveness for the State and local governments.

Changes to the Reinvest in Minnesota Reserve Program will be primarily focused on shifting from rule to Board policy to provide program oversight and direction, update the program as the current rule was originally adopted 1994, and to incorporate new statutory language changes that will ensure compliance with new purposes that include minimizing damage to flood prone areas, carbon sequestration, and support for native plant, fish and wildlife habitats.

Additional items may be identified and incorporated based on review and acceptance by the Board.

Persons Affected. The amendment to the rules would likely affect the sectors that have an interest and are affected by soil and water conservation, and wildlife habitat. These groups include landowner, local governments, state and federal government agencies, environmental, agricultural and public advocacy individuals and organizations.

Statutory Authority. *Minnesota Statutes*, section 103C.501, subdivision 6, authorizes the Board to adopt rules for the Cost Share and the Reinvest in Minnesota Reserve Programs.

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing until 4:30 p.m. on [45 days after publishing in the State Register]. The Department will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the date of this request for comments. The Board does not plan to appoint an advisory committee to comment on the possible rules.

Rules Drafts. The Board has not yet prepared a draft of the possible rules amendments. But intends to make a rule draft available on the Board website as soon as possible.

Agency Contact Person. Written comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these possible rules should be directed to the following individuals:

Cost Share Program
David Weirens
Land and Water Section Manager
Board of Water and Soil Resources
520 Lafayette Road
St. Paul, MN 55155
Phone: 651-297-3432
Fax: 651-297-5615
E-mail: david.weirens@state.mn.us

Reinvest in Minnesota Reserve
Kevin Lines
Conservation Easement Programs Admin.
Board of Water and Soil Resources
520 Lafayette Road
St. Paul, MN 55155
Phone: 651-297-1894
Fax: 651-297-5615
E-mail: kevin.lines@state.mn.us

Alternative Format. Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

NOTE: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge if and when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: [Date]

John Jaschke, Executive Director
Board of Water and Soil Resources

Board Resolution # **10-** 11

Authorization for State Cost Share Program and Reinvest in Minnesota Reserve Program Rule Making

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WHEREAS, BWSR is authorized under M.S. 103C.501 to establish the Cost Share Program including rules to govern implementation by soil and water conservation districts; and,

WHEREAS, BWSR is authorized under M.S. 103F.505 to 103F.535 to establish the Reinvest in Minnesota Reserve Program including rules to govern implementation; and,

WHEREAS, BWSR subsequently adopted rules in Minnesota Rules Chapter 8400 to address both programs; and,

WHEREAS, the Legislature amended both statutes in 2009 and it is in the public interest to ensure that statute and related rules are consistent; and,

WHEREAS, changes to the Cost Share Program Rule and Reinvest in Minnesota Reserve Program are expected to focus on:

1) shifting some rule provisions to Board policy to provide program direction and oversight,
2) incorporate new statutory language, and
3) modernize the rule; and,

WHEREAS, the Grants Program and Policy Committee reviewed the Cost Share Rule Overhaul Workplan and draft request for comments on planned amendments to rules governing the cost share program and Reinvest in Minnesota Reserve Program, Minnesota Rules, 8400.0050 to 8400.3930 on December 16, 2009, and recommends the Board authorizing the rule making to proceed.

NOW THEREFORE BE IT RESOLVED, that the Board adopt the recommendation of the Grants Program and Policy Committee to authorize initiation of the State Cost Share Program and Reinvest in Minnesota Reserve Program Rule Making processes.

R/Kramer

Randy Kramer, Chair
Board of Water and Soil Resources

Date: 1/28/10

BOARD REVIEW DRAFT (#4)

PERFORMANCE REVIEW AND ASSISTANCE PROGRAM

REPORT TO THE MINNESOTA STATE LEGISLATURE

FEBRUARY 2010

Minnesota Board of Water and Soil Resources
St. Paul, Minnesota

For more information contact: Don Buckhout PRAP Coordinator
(Don.Buckhout@state.mn.us, 651-296-0786)
Board of Water and Soil Resources
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St. Paul, Minnesota 55155

www.bwsr.state.mn.us/PRAP/index.html

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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 report covers the activities of the Performance Review and Assistance Program (PRAP) during the 2009 calendar year. This is the third report prepared by BWSR for this program.

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Executive Summary

2009 Program Objectives

The Board of Water and Soil Resources (BWSR) accomplished a limited roll-out of its new Performance Review and Assistance Program (PRAP) in 2008. The Board's initial objectives for 2009 focused on program expansion. When it became clear that state funds were not available for full program implementation, BWSR shifted its focus to improvements in the process and continued acquisition of performance data from the state's watershed districts, soil and water conservation districts, counties and watershed management organizations—the local government units (LGUs) served by the program. Specifically, BWSR set out to test methods to make the performance review process more efficient, to conduct a similar number of performance reviews as in 2008, and to make performance data accessible via the BWSR website. The ultimate program objective continued to be a statewide system of locally based resource conservation and management entities that are the best they can be.

2009 Program Results

BWSR conducted in-depth performance reviews of nine local governmental units (compared with seven in 2008)—including a new approach using combined reviews. This method is intended to improve efficiency by combining the LGUs operating from the same long-range plan in a joint meeting for one part of the review process. By using this and other process improvements, LGUs spent an average of 30 percent less time to complete a PRAP in-depth review in 2009 compared with 2008.

BWSR has added a powerful new search feature to its website that makes LGU basic performance data available to the public. This web feature contains information for 238 LGUs about compliance with management plan revision due dates, timely submittal of required activity and financial reports, and, new this year, filing of drainage system buffer strip reports.

BWSR met its own performance standards for PRAP in 2009. BWSR remains committed to being accountable for how well PRAP is administered. BWSR completed program activities that matched each of the program objectives listed in the previous year's report.

LGU Performance

In general, Minnesota's local conservation services delivery system operates effectively. BWSR's basic statewide performance review showed improvement in compliance with drainage system buffer strip and annual activity reporting. However, more work is needed to update long-range management plans that are overdue for revision. The nine LGUs that received in-depth reviews reported progress on plan execution ranging from excellent to moderate. While each LGU met some of BWSR's high performance standards, each one also has one or more operational aspects that need improvement.

LGUs increasingly recognize the value of the program. They realize that acknowledging the high performance, as well as operational improvements, for individual LGUs benefits the entire system.

Objectives for 2010

In 2010 BWSR will add review of metro counties' groundwater plan implementation, expand the website database of LGU information, and conduct an additional 7-8 in-depth performance reviews.

Introduction

Gaining Ground

In 2009 the Performance Review and Assistance Program (PRAP) continued to build on the foundation of the pilot performance reviews started in 2008. PRAP focuses on the local governmental units (LGUs) that deliver BWSR's water and land conservation programs. These include soil and water conservation districts (SWCDs), watershed districts (WDs), water management organizations (WMOs), and the water management function of counties—a total of 238 distinct organizations.

Although limited funding has prevented full implementation of PRAP, the review and reporting methods developed during the previous two years were applied to nine LGUs by BWSR's PRAP program coordinator and seven board conservationists. A total of 17 LGUs have now received an in-depth performance review conducted by BWSR staff through a series of face-to-face meetings and electronic data reports. The focus for PRAP in 2009 was to increase the public's access to LGU performance data and to improve the efficiency of the performance review process. This report addresses accomplishments for both of those objectives. Since the program's start in 2007 the BWSR board continues to view PRAP as essential to enhancing the quality and effectiveness of Minnesota's local delivery system for resource management and conservation services.

Multi-level 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 40 LGUs per year to evaluate operational effectiveness and plan implementation progress as originally envisioned by the legislature and incorporated in the resulting statute (see Appendix A). Because of funding limitations, BWSR conducted only nine Level II reviews in 2009.

Level III: an in-depth assessment of an LGU's performance problems and issues initiated by BWSR or the LGU. BWSR continued one Level III review and is monitoring LGU activities for additional opportunities.

Level IV: for those LGUs that have significant performance deficiencies, requiring extensive assessment, monitoring and possible penalties beyond the existing programmatic sanctions. 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 the skills needed.

Reporting makes information about LGU performance accessible to the LGU's stakeholders and constituents. In 2009 BWSR added an LGU search capability to its PRAP webpage, allowing website visitors to view some of the performance data for all of the LGUs served by the program. Other features of the PRAP webpage are summaries of the 2009 Level II reports, and performance standards specific to each type of LGU.

Accountability: From Measuring Effort to Outcomes

Administration of government programs using public dollars demands and deserves a high degree of accountability. PRAP was developed, in part, to deliver on that demand by providing systematic government entity performance review and reporting the results. While many indicators have been developed and used to measure government program effectiveness, the results from the delivery of natural resource management and conservation services are perhaps the most difficult to measure. The challenge is to move from measuring effort (how much money was spent on buffers?) to outcomes (have buffers improved downstream habitat and water quality?). Resource management agencies across the country are slowly making progress in meeting this challenge. Through PRAP and in other ways, BWSR continues to encourage LGUs to apply measures that track resource outcomes and to build those datasets over time.

BWSR has committed to measuring the outcomes of its PRAP activity as well. The next section reports BWSR's own accountability for how this program has been implemented and, specifically, what was proposed and what was accomplished in 2009.

ng Principles

perates on the following principles
by the BWSR Board in 2007:

-emptive
tematic
istructive
udes consequences
nsparent
ains local ownership and autonomy
ntains proportionate expectations
serves the state/local partnership
ults in "more better" on-the-ground
nservation

Performance Review of PRAP

BWSR's Accountability

BWSR continues to hold itself accountable for the performance of the PRAP program. In consideration of that commitment, this section matches program objectives from last year's PRAP legislative report with corresponding program accomplishments during 2009.

BWSR'S PERFORMANCE REVIEW ACTIVITIES	
What We Proposed	**What We Did**
Test a consolidated Level II performance review that includes all LGUs in a county or watershed	BWSR conducted 3 combined Level II reviews: 2 combined SWCD and county reviews and 1 combined review of 2 WMOs
Develop instructions for the Performance Standards checklist	BWSR sent performance standards with detailed instructions to all 238 LGUs and posted the standards and instructions on the BWSR website
Expand SWCD and county expenditure statistics to include all fund sources	BWSR modified the SWCD and county performance standards for project and program expenditures to include all sources of funds
To save LGU time, send Level II LGUs a filled-in Performance Standards checklist for verification	BWSR staff completed certain items of the Part 2 performance standards checklist for all 9 Level II LGUs
Conduct 7 Level II performance reviews to provide further process testing	BWSR conducted 9 Level II performance reviews
Track and report Level I performance of all 238 LGUs	BWSR tracked performance standards: 5 for SWCDs, 4 for WDs, 3 for counties, 3 for WMOs, and 1 for all drainage authorities

BWSR'S ASSISTANCE TO LGUs	
What We Proposed	**What We Did**
Continue assistance to the 2008 Level III LGU	BWSR assisted the Middle Snake Tamarac WD in exploration of a strategic planning option
Monitor the performance of LGUs experiencing change	BWSR managers continue to track performance of LGUs experiencing change in staffing and board membership, finances, organization, etc.

BWSR'S PRAP REPORTING	
What We Proposed	**What We Did**
Add an LGU performance report feature to the PRAP webpage Track and report Level I performance of all 238 LGUs	BWSR website PRAP webpage now contains an LGU-search function that displays some of the Level I performance data by LGU

PRAP Advisory Team

The purpose of the Advisory Team is to advise BWSR on program implementation and help BWSR maintain a balance between the need for accountability and the need to minimize the administrative burden on LGUs. (See Appendix B) The Team did not meet in 2009; however, BWSR provides the members with annual program updates. Statewide association representatives on the Team received periodic notices of program changes and status reports for dissemination to their members. BWSR will continue to inform and make use of the Advisory Team as program needs warrant.

Performance Review Results

2009 Performance Review

The 2009 objectives for the PRAP performance review component were to improve the Level I compliance tracking for all LGUs, to conduct the same number of routine Level II reviews as in 2008, and to monitor the activities of LGUs undergoing significant change for opportunities to initiate Level III review or assistance.

Level I Results

Level I performance review consisted of monitoring and tabulating the plan revisions and routine annual activity and financial reports that LGUs are required to submit to BWSR throughout the year. Compliance with ditch buffer strip reporting was added to the list of Level I performance standards in 2009. In April BWSR notified all LGUs about the Level I review requirements, posted those requirements on the website, and sent end-of-the-year reminders to non-compliant LGUs.

Level I results are on the BWSR website
Visitors to the PRAP page on the BWSR website may now view Level I performance data for any of the 238 LGUs tracked by the program.

LGU performance improvements of note in 2009 are that all SWCDs (91 of 91) met the standard for website content (90 of 91 in 2008), all watershed districts (46 of 46) and all but two counties (85 of 87) complied with the drainage system buffer strip reporting requirement (in 2008, 41 of 46 and 65 of 87 respectively), submittal of watershed district annual reports improved from 34 to 39 out of 46. On the other hand, the number of watershed management plans overdue for revision is unimproved since last year. Details of the Level I tabulation are listed in Appendices C, D and E and on the website.

Level II Results

BWSR conducted nine Level II reviews in 2009. All nine LGUs were midway through implementation of their long-range plan. A Level II review at this stage provides LGUs with feedback on implementation progress and identifies factors that can help them refocus for completion of their plan's action items.

A major program modification in 2009 was to combine elements of the Level II review for LGUs that use the same long-range plan. For example, most SWCDs have adopted their county's local water plan as the district's comprehensive plan. In consideration of this joint responsibility for implementation of one plan, BWSR modified the performance review process for two combined county and SWCD reviews and one review of two metro watershed management organizations that use the same plan.

2009 Level II LGUs

- *Combined* County and SWCD: Dodge, Lincoln.
- *Combined* WMOs: Shingle Creek and West Mississippi
- WDs: Bois de Sioux, Valley Branch
- SWCDs alone: North St. Louis

The Level II review process uses three information gathering components: the LGU's report of accomplishments in implementing their plan's goals and objectives (Part 1), compliance with BWSR's checklist of performance standards (Part 2), and LGU board members' discussion of factors affecting plan implementation (part 3). The LGU performance standards by LGU type may be viewed on the PRAP webpage. (www.bwsr.state.mn.us/PRAP)

For the combined reviews, the board and staff from both LGUs met in a joint session for the Part 3 discussion. In the case of Dodge County and the Dodge SWCD staff and supervisors, the meeting led to extended discussion about cooperative strategies for marketing programs to landowners. Shortly after that meeting, the county and SWCD signed a cooperative agreement for sharing staff to support SWCD administration. Based on the positive experience of those six LGUs and program cost savings reported below, BWSR will continue to combine reviews where possible.

The review of the North St. Louis SWCD included the use of a new assistance tool called a Performance Improvement Agreement (PIA). The SWCD had several administrative items needing attention. BWSR staff met with the board of supervisors and staff to write a PIA with action items and associated deadlines to be completed by both the SWCD and BWSR.

The BWSR PRAP coordinator and a board conservationist attended two meetings for each of the nine LGUs : the first to monitor board's discussion of plan implementation issues, the second to present the draft PRAP report to the LGU and discuss any follow-up.

Appendix F contains summaries of the nine Level II reviews BWSR conducted in 2009.

Level III Results

BWSR continued to provide assistance to the Middle Snake Tamarac Rivers Watershed District in 2009. A 2008 Level III review revealed an LGU that successfully carried out its basic mandates but struggled with internal conflicts that threatened its viability. With BWSR assistance, the managers took steps to begin a strategic planning/issue identification process using the services of an outside consultant. However, that process ended when the board members could not reach agreement on the initial protocols for the process. BWSR continues to monitor the performance of this organization and will work with them until the issues are resolved or the watershed managers decide to terminate the process.

Level IV Results

No Level IV actions were needed in 2009.

PRAP Program Costs

BWSR continues to record the amount of time required for both LGUs and BWSR staff to implement the mandates of this program. In 2009 BWSR took steps to reduce the LGU workload by completing parts of the Level II performance standards checklist prior to each review and by conducting combined reviews, as described above.

Min-Ave-Max Time (hrs.) Spent on PRAP Level II Review per LGU

	2008	2009
BWSR Staff:	31-58-102	36-51-97
LGU:	35-49-62	15-34-72

2009 Level III Assistance Time
BWSR Staff only: 107 hrs

As shown in the table, program modifications achieved a 30 percent reduction (from 49 to 34 hours) in average LGU time spent on Level II review. BWSR will continue to monitor the time required to accomplish the various program elements and seek ways to improve efficiency.

Assistance to Local Governments

Focus on Assistance

The term "assistance" is in the PRAP program title because assisting LGUs is a logical next step after performance review and a key objective of the program. BWSR field staff regularly provide LGUs with assistance to support and enhance their operational effectiveness. PRAP has increased the amount of assistance offered and resulted in LGUs requesting it.

During 2009 BWSR expanded its capacity to provide assistance to LGUs by hiring a Training Program Coordinator. An initial task for this person is to assess the needs for training among BWSR's clients and develop a comprehensive plan to help build their technical and organizational capacity.

BWSR held its second annual training academy for LGU staff in November. While the 2008 academy was targeted to LGUs in the northern half of the state, LGU personnel from the entire state were invited to the 2009 academy. The approximately 210 attendees had 36 different training sessions from which to choose.

Other assistance activities generated through PRAP reviews included specialized eLINK training and strategic planning assistance. Several LGUs used the PRAP performance standards to assess their own operations, even though they were not the subjects of a Level II review.

Assessing the Needs

With only limited staff resources to provide assistance to LGUs BWSR must target those efforts. In addition to the on-going training needs assessment, through PRAP there were opportunities for LGUs to identify the types of assistance that would be most helpful. During the open discussion activity of the Level II performance reviews, LGU board members are asked to express the types of assistance they would like to receive. LGUs requested assistance with:

- obtaining stability in funding,
- effective marketing of programs,
- applying for grants,
- reducing the complexity of the plan amendment process,
- developing more partnerships for programs and projects,
- providing opportunities for collaboration among county water planners, and
- updating sections of Chapter 103D.

At the 2009 BWSR academy participants in the PRAP training session were asked to complete an informal survey to identify activities for which LGUs would like BWSR assistance. Of the 28 surveys returned, primarily by SWCD staff, the top three requests were for assistance with getting more funding for projects and programs, citizen participation, and better marketing of programs to landowners.

Future of Assistance

BWSR staff assistance to LGUs will be closely coordinated with the needs assessment and programs developed by the Training Program Coordinator. PRAP will serve as one of the pathways for BWSR's delivery of targeted training and assistance as the comprehensive training plan is implemented.

Reporting

Purpose of Reporting

The purposes of reporting about LGU performance are:

- to provide a perspective on 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

PRAP either relies on or generates different types of reports to achieve the purposes noted above.

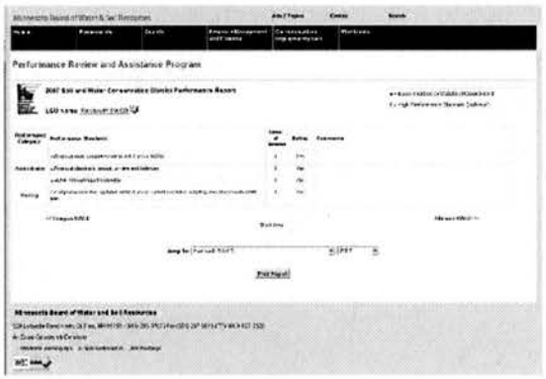
LGU Generated

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

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

BWSR Website

The BWSR website now includes a way for users to view Level I performance data that BWSR has collected for each LGU: (www.bwsr.state.mn.us/PRAP) A requirement of the authorizing legislation, this new web search feature will be a powerful tool for LGU clientele.



Users can also find general program information, summaries of Level II and III performance review reports, and copies of annual legislative reports. During 2010 BWSR will add to the LGU performance information available to website visitors.

Level II Performance Review Reports

BWSR prepares a report containing findings, conclusions, and recommendations for each LGU that is the subject of a Level II performance review. Each LGU receives a draft of the report for their own review, and they are invited to comment on or correct the report content. BWSR prepares a final report that is sent to the LGU and a one-page report summary is included in this legislative report (see Appendix F) and posted on the BWSR website.

Annual Legislative Report

As required by statute, BWSR prepares an annual report for the legislature containing the results of the previous year's program activities and a general assessment of the performance of the local delivery system for land and water conservation services and programs.

Rewards and Recognition

BWSR seeks to ensure that PRAP pays as much attention to exemplary performance as it does to performance improvement. In 2009 BWSR added a commendation feature to the routine Level II performance review reports. LGUs receive commendations for compliance with the high performance (stretch goal) standards on the Part 2 checklist. All 2009 Level II LGUs received commendations, which are listed in the report summaries in Appendix F.

PRAP also provides an opportunity to highlight those LGUs that are recognized by their peers or other organizations for their outstanding performance or contribution to Minnesota's resource management and protection, as well as service to their local clientele. (See Appendix G.) The BWSR website also features some of these award recipients.

shed District of
levin Bigalke,
kesmoe.

Program Revisions

Conclusions

After two years of PRAP implementation, BWSR is satisfied that the performance review component is looking in the right areas to assess the overall performance of individual LGUs, as well as of the overall delivery of conservation. LGUs increasingly recognize the value of the program. They realize that acknowledging the good performance, as well as possible improvements, for individual LGUs benefits the entire system. More important than reporting individual LGU performance, though, is discerning trends in that system. With the current PRAP program capacity, it will be several years before trends can be confidently reported. After 2010, BWSR will have been able to conduct in-depth reviews of only 10 percent of the program's target LGUs.

Changes for 2010

During 2010 BWSR will add some program elements, modify some, and continue others.

NEW PRAP Elements

- Add metro county groundwater planning as a PRAP review function
- Verify compliance with Level II Part 2 checklist items after the LGU self-reports
- Incorporate the new BWSR training needs assessment and plan into the PRAP Assistance component

MODIFIED PRAP Elements

- Expand LGU Level I performance information on the BWSR website
- Send LGUs periodic "check-the-website" e-mails to ensure accurate and timely Level I information
- Track both "late" and "not submitted" reports in Level I monitoring

CONTINUED PRAP Elements

- Conduct 7-8 Level II routine performance reviews
- Continue with existing Level III LGU and monitoring of LGUs experiencing change
- Track and report Level I performance of all LGUs

Challenges Long-Term

In 2010, the third year of PRAP implementation, BWSR will continue to address some of the issues that underlie the program's process and methodology. Improvements in the LGU local delivery system in the long-term will require successfully addressing such topics as:

- Finding the best indicators for measuring the performance of the overall conservation services delivery system.
- Measuring outcomes, not just effort.
- Melding the PRAP derived LGU assistance needs with the new training needs assessment and plan.
- Developing analytical tools for the expanding LGU performance database.

Appendices

A. PRAP Authorizing Legislation (Minn. Statutes Chapter 103B.102)

B. PRAP Advisory Team Members

C. Level I: 2009 Long-range Plan Status

D. Level I: Status of Annual Reports for 2008

E. Level I: Status of Audits and Financial Reports for 2008

F. Level II: Summaries of 2009 LGU Performance Review Reports

G. 2009 LGU Performance Awards and Recognition

Appendix A

PRAP AUTHORIZING LEGISLATION

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: 2009 Long-Range Plan Status
as of December 31, 2009

Soil and Water Conservation Districts
Local Water Plan Adoption Resolution Expired
none; all are up-to-date

District Comprehensive Plan Expired:
none; all are up-to-date

Counties
Local Water Plan Revision Overdue: Plan Revision in Progress
Kittson
Roseau

Watershed Districts
Management Plan Revision Overdue: No Action
Belle Creek
Cormorant Lakes

Management Plan Revision Overdue: Plan Revision in Progress
Bear Valley
Buffalo-Red River
Crooked Creek
Lower Minnesota River
Middle Snake Tamarac Rivers
North Fork Crow River
Prior Lake-Spring Lake
Rice Creek
Riley-Purgatory-Bluff Creek
Sand Hill River
Stockton-Rollingstone-Minnesota City

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

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

Appendix D

Level I: Status of Annual Reports for 2008
as of December 31, 2009

Soil and Water Conservation Districts

eLINK Reports of Grant Expenditures: Submitted late
North St. Louis[1]

Website Content: Compliance with 10 Content Elements
all districts comply

Counties

Drainage Authority Buffer Strip Report: Not Submitted
Grant
Murray

eLINK Reports of Grant Expenditures: Not Submitted
all reports submitted

Watershed Districts

Drainage Authority Buffer Strip Report: Not Submitted
all reports submitted

Annual Activity Reports: Not Submitted
Belle Creek
Buffalo-Red River
High Island Creek
Joe River
Kanaranzi-Little Rock
Lac Qui Parle-Yellow Bank
Warroad
Wild Rice

Metro Watershed Management Organizations

Annual Activity Reports: Not Submitted
Six Cities

Notes: [1]No penalty applied due to extenuating circumstances.

Appendix E

Level I: Status of Audits and Financial Reports for 2008
as of December 31, 2009

Soil and Water Conservation Districts

Annual Financial Reports (all 91 Districts): Overdue or Not Submitted
all reports submitted

Annual Audits (51 required): Overdue or Not Submitted
Cass
Sherburne

Watershed Districts

Annual Audits: Not Completed
Bear Valley
Belle Creek
Crooked Creek
Kanaranzi-Little Rock
Shell Rock River
Wild Rice

Metro Watershed Management Organizations

Annual Audits: Not Submitted
Six Cities
Upper Rum River

Appendix F

FINAL REPORT SUMMARY

PRAP

Performance Review and Assistance Program

2009 Level II Review:

Bois de Sioux Watershed District *(Wilkin, Traverse, Grant, Stevens, Big Stone, Ottertail Counties)*

Why BWSR did this review

BWSR conducts Level II performance reviews to help local government water management entities to be the best they can be in plan implementation and overall operational effectiveness. In 2009 BWSR is conducting Level II performance reviews of nine different local water management entities.

BWSR has conducted a routine Level II performance review of the **Bois de Sioux Watershed District** because they are near the midpoint in implementing their 10-year watershed management plan.

This document includes findings and recommendations to enhance the overall operation and effectiveness of the district. The board of managers is responsible for taking any actions they deem necessary in response to this report.

Bois de Sioux Watershed District
Summary of Performance Review Results

What BWSR Found

The BdSWD has established in its 2003 overall plan an ambitious and comprehensive program for watershed management. Their experience with and confidence in the collaborative project team process is demonstrated by their consistent use of this approach in project development and implementation. The North Ottawa Impoundment project is an example of the managers' commitment to achieving all the goals of their overall plan, which are integrated in this one project.

Based on information provided by the managers, the board reviews the management plan objectives in the context of deciding whether to pursue potential projects. While some project development is inevitably opportunity driven, the overall management of the district may be enhanced by the managers annually reviewing their management plan goals and objectives and setting short-term objectives accordingly.

The district needs to take action to continue the development of their website by including a copy of their most recent annual report.

The Bois de Sioux Watershed District is commended for meeting these high performance standards:

- ★ Administrator on staff
- ★ Current operational guidelines exist
- ★ Plan goals and objectives guide annual budgeting
- ★ Water quality trends tracked for priority water bodies
- ★ Watershed yield trends monitored and reported
- ★ Obtained stakeholder input in the past 5 years
- ★ Coordination with county, city and township officials
- ★ Cooperative projects/tasks done with other agencies.

In addition to the website content action item, BWSR recommends that the district add a plan review to its short-term (annual) planning, and consider how to maintain good communication with six counties and soil and water conservation districts. The watershed district sent a detailed response to the draft report.

Appendix F

FINAL REPORT SUMMARY

PRAP

Performance Review and Assistance Program

2009 Level II Review:

Dodge County Local Water Management *(Dodge County)*

Why BWSR did this review

BWSR conducts Level II performance reviews to help local government water management entities to be the best they can be in plan implementation and overall operational effectiveness. In 2009 BWSR conducted Level II performance reviews of nine different local water management entities.

BWSR has conducted a routine Level II performance review of the **Dodge County Environmental Services Department** because they are near the midpoint in implementing their 10-year watershed management plan.

This document includes findings and recommendations to enhance the overall operation and effectiveness of the county's local water management. The county is responsible for taking any actions they deem necessary in response to this report.

Dodge County Environmental Services
Local Water Management
Summary of Performance Review Results

What BWSR Found

The Dodge County Environmental Services Department is making good progress in implementing the core activities of its local water management plan. Moreover, the county has been able to pursue and apply resources to make progress on a majority of the accessory activities in the plan.

The county staff has taken a leadership position in the delivery of water management and land conservation services in Dodge County. They can point to successes in their engagement with citizens and landowners in the water monitoring program, expansion of capacity in their feedlot program, in expanded zoning authority, and in general environmental education. The county has also demonstrated the ability to work collaboratively with other local government entities to accomplish planned objectives.

The Dodge County Environmental Services Office is commended for meeting these high performance operational standards.

- ★ Annual plan priorities based on water quality trend data
- ★ Data collected to track outcomes for priority concerns
- ★ Water quality trends tracked for priority water bodies
- ★ Obtained stakeholder input within last 5 years
- ★ Project Partnerships with SWCDs/watershed district
- ★ Track outcomes for public education objectives
- ★ Local water plan is linked on the county website
- ★ Water management ordinances on the county website

BWSR recommends that the county consider an annual reporting mechanism that ties accomplishments to planned objectives.

The county submitted comments to correct information that was contained in the draft of this report.

Appendix F

FINAL REPORT SUMMARY

PRAP

Performance Review and Assistance Program

2009 Level II Reviews:

Dodge Soil and Water Conservation District

(Dodge County)

Why BWSR did this review

BWSR conducts Level II performance reviews to help local government water management entities to be the best they can be in plan implementation and overall operational effectiveness. In 2009 BWSR conducted Level II performance reviews of nine different local water management entities.

BWSR has selected the **Dodge Soil and Water Conservation District** for a routine Level II performance review because they are near the midpoint in implementing their 10-year district comprehensive plan.

This document includes findings regarding district performance over the past several years and recommendations to enhance the overall operation and effectiveness of the SWCD. The board of supervisors is responsible for taking any actions they deem necessary in response to this report.

Dodge Soil and Water Conservation District Summary of Performance Review Results

What BWSR Found

The Dodge Soil and Water Conservation District (SWCD) has benefited from a close working relationship with the Dodge County Environmental Services Department staff, which has contributed to the implementation of most of the core activities in the SWCD's adopted long-range management plan. District staff has made steady progress in working with landowners and state/federal partners to apply land conservation and natural resource protection practices in Dodge County.

In spite of their good efforts, the district finds itself in a difficult financial position. They have taken steps to address this issue by collaborating with the county and seeking ways to expand their partnerships with other local government entities.

The SWCD needs a person to serve in the role of district manager. In that regard, BWSR commends the district for recently developing a shared position with the county for program management and administrative services to partially address that need.

BWSR identified two action items that need the district's immediate attention:

- Adopt a data practices policy and procedures
- Review staff technical approval authorities.

BWSR commended the district for meeting the following high performance standards:

★ Board training and orientation
★ Staff training and orientation
★ Plans identify major watersheds in district
★ Annual plan priorities based on natural resource quality trends
★ Certified wetland delineator on staff or retainer
★ Website contains content beyond minimum required
★ Obtained stakeholder input within last five years
★ Partnership projects
★ Coordination with county board

There are four recommendations to address action items and help enhance district operations. The district submitted information in response to the draft of this report.

Appendix F

FINAL REPORT SUMMARY

PRAP

Performance Review and Assistance Program

2009 Level II Reviews:

Lincoln County Environmental Office Local Water Management

(Lincoln County)

Why BWSR did this review

BWSR conducts Level II performance reviews to help local government water management entities to be the best they can be in plan implementation and overall operational effectiveness. In 2009 BWSR conducted Level II performance reviews of nine different local water management entities.

BWSR has conducted a routine Level II performance review of the **Lincoln County Environmental Office's** local water management because they are near the midpoint in implementing their 10-year local water management plan.

This document includes findings and recommendations to enhance the overall operation and effectiveness of the county Environmental Office's local water management function. The county board and/or Environmental Office staff is responsible for taking any actions they deem necessary in response to this report.

Lincoln County Environmental Office Local Water Management Summary of Performance Review Results

What BWSR Found

The Lincoln County Environmental Office is operating an effective local water management program. The County is successfully implementing the assigned action items from their 2004-2014 comprehensive local water management plan. The county has demonstrated the ability to work well with local and state agency partners. They have effectively delegated the local water management planning task and the leadership of the local water plan task force to the Lincoln Soil and Water Conservation District.

The county's implementation of the feedlot program has provided the greatest challenge. While there has been effective implementation of feedlot improvements for the smaller operators, the lack of funds and other factors have made it difficult to develop improvements for the larger feedlots. BWSR encourages Lincoln County to explore alternatives for working with these feedlot operators to make the necessary improvements to their systems.

Action Items

There are no action items (immediate steps needed to correct operational deficiencies).

Commendations

The Lincoln County Environmental Office is commended for meeting the following high performance standards.

★Public drainage records meet modernization guidelines
★Annual plan priorities based on water quality trend data
★Water quality trends tracked for priority water bodies
★Partnerships with SWCDs/WDs and cooperative projects
★Report to water plan advisory committee on plan progress
★County local water management plan on county website
★Water management ordinances on county website.

BWSR offered one recommendation to help the Lincoln County Environmental Office enhance its delivery of local water management services related to the feedlot program. Lincoln County staff submitted brief comments on the draft of this report.

Appendix F

FINAL REPORT SUMMARY

Lincoln Soil and Water Conservation District Summary of Performance Review Results

What BWSR Found

The Lincoln Soil and Water Conservation District (SWCD) is a successful and effective conservation organization. The Lincoln SWCD has shown progress in accomplishing their stated goals and objectives that exceeds BWSR's expectations for a SWCD at the midpoint of their plan implementation cycle. The district has made excellent progress on implementing those plan elements for which they have sole or shared primary responsibility. Following the lead of a capable staff the organization is on the road to truly superior performance. Their recent reporting of five years of accomplishments in the preface to the 5-year management plan update provides a detailed account of how the district has used its human and financial resources since 2004.

BWSR's only significant concern with the Lincoln SWCD' performance is the district's relatively large fund balance. The amount is significantly higher than the state guideline for operating reserves. The district needs to address this issue.

The district has met all of the basic SWCD performance standards and the following high performance standards:

- ★Annual plan priorities based on natural resource quality trend data
- ★Website contains content beyond minimum required
- ★Obtained stakeholder input within last 5 years
- ★Partnerships/cooperative projects done with neighboring organizations
- ★Coordination with County Board by supervisors/staff.

BWSR makes two recommendations for the district to consider: address their operating fund reserve balance, and modify their annual report format to track better with long range plan goals and objectives.

The district submitted comments on the draft of this report expressing their intent to implement the recommendation regarding annual report format and explaining the management of their operating fund balance.

Appendix F

FINAL REPORT SUMMARY

North St. Louis Soil and Water Conservation District Summary of Performance Review Results

What BWSR Found

The North St. Louis SWCD has an ambitious plan for providing conservation services considering the large area of the district and the small size of their staff. The relatively large number of plan action items that have yet to be addressed is one indication of the challenges this district faces. Personnel issues, particularly staff turnover, have affected the district's ability to satisfy basic requirements. The development of partnerships with other agencies and outreach coordination efforts to involve private property owners, specifically in riparian areas, will be keys to the district's ability to achieve the goals and objectives of their Comprehensive Plan.

The supervisors and staff appear to be united in wanting to work hard to address the needs of the district. But with budget limitations affecting district capacity, the board has not explicitly focused their own and staff time on district priorities for the remainder of the plan implementation cycle.

The district has action items to work on in three areas: annual financial reports, eLink reports, and reviewing technical approval authorities.

The district is commended for:

- ★ Having current operational guidelines
- ★ Obtaining stakeholder input within the past 5 years
- ★ Working in partnership with neighboring entities.

BWSR recommends that the North St. Louis SWCD take action to address: improving compliance with basic performance practices, updating technical approval authorities, developing staff capacity, cross-referencing long-range plans with annual plans and reports, maintaining their website, seeking more partnerships and plans for supervisor continuing education. BWSR and the district have entered into a Performance Improvement Agreement to address the action items and recommendations. The district has submitted comments on the draft of this report.

Appendix F

FINAL REPORT SUMMARY

Shingle Creek Watershed Management Commission
Summary of Performance Review Results

What BWSR Found

The Shingle Creek Watershed Management Commission operates as an effective, collaborative entity for addressing complex watershed management issues in a developed urban area. They have aggressively pursued major program elements of their watershed management plan and have made significant progress in plan implementation.

The commission has met all but two of BWSR's watershed management organization basic performance standards. They need to address the timeliness and content of their annual activity reports, and they should adopt a data practices policy. They should also work to ensure that the two unapproved local water management plans in their watershed are processed quickly.

The commission is commended for meeting the following high performance standards:

- ★ Board member training
- ★ Operational guidelines
- ★ Plan goals and objectives guide annual budgeting
- ★ Water quality trends tracked for priority water bodies
- ★ Website content compliance
- ★ Obtained stakeholder input
- ★ Partnerships/cooperative projects with others
- ★ Coordination with county/city/township

BWSR makes six recommendations for the commission to consider: ensure that their annual activity reports are content-compliant and submitted on time, adopt a data practices policy and procedures, ensure completion and approval of local water management plans, re-examine project funding limits, develop a cost share program, and begin tracking public education and outreach outcomes.

The commission submitted a written response to the recommendations in the report.

Appendix F

FINAL REPORT SUMMARY

Valley Branch Watershed District Summary of Performance Review Results

What BWSR Found

The VBWD is successfully implementing an ambitious mix of watershed management activities from their 2005 Watershed Plan. Implementation is well-balanced between administrative responsibilities and plan execution. The district benefits from a strong and involved board, focused on achieving goals. The VBWD is a competent and ambitious organization that achieves good projects using skillful watershed management.

The VBWD meets almost all of BWSR's basic and high performance standards for metro area watershed districts. While the district adequately meets basic responsibilities for coordination and communication, their many accomplishments are not broadly recognized.

BWSR identified two action items that need additional attention: encouraging the communities lacking district approved local water plans to complete their plans and to build on the recent citizen advisory committee start-up.

The Valley Branch Watershed District is commended for meeting these high performance standards.

- ★ Board training: orientation and continuing ed
- ★ Plan goals and objectives guide annual budgeting
- ★ Water quality tracked for priority water bodies
- ★ Website: additional content beyond minimum
- ★ Obtain stakeholder input within the last 5 years
- ★ Track outcomes for public information/education objectives
- ★ Coordination with local officials by managers
- ★ Partnerships: cooperative projects with local gov'ts

BWSR made recommendations regarding completion of local water plan approval, continuing progress on the citizen advisory committee, and considering how to increase the visibility of the district's accomplishments and priorities among the district's clientele. The district's board of managers submitted written comments on the draft of this report.

Appendix F

FINAL REPORT SUMMARY

West Mississippi Watershed Management Commission
Summary of Performance Review Results

What BWSR Found

The West Mississippi Watershed Management Commission has taken good advantage of their partnership with the Shingle Creek Watershed Management Commission to start or complete a significant percentage of their watershed management plan action items.

However, some of the action items dealing with key aspects of watershed management, particularly monitoring of stream flow and quality, groundwater, and wetland quality, have not been pursued aggressively. By working from the same plan as the Shingle Creek Commission, the West Mississippi Commission has adopted goals for urban water management that may not apply as well to their watershed. Nevertheless, this PRAP review holds the commission accountable for progress on those goals and objectives. The commission should be further along in accomplishing their objectives at this point in the process.

The commission has met all but two of BWSR's basic performance standards for metro WMOs. They need to address the timeliness and content of their annual activity reports, and adopt a data practices policy.

The Commission is commended for meeting these high performance standards:

- ★ Board member training
- ★ Operational guidelines exist and current
- ★ Plan goals and objectives guide annual budgeting
- ★ Website content
- ★ Obtained stakeholder input
- ★ Partnerships/cooperative projects/tasks with others
- ★ Coordination with county/city/township

BWSR recommends that the commission consider: ensure that their annual activity reports are submitted on time, adopt a data practices policy and procedures, re-evaluate their mission and vision, and begin tracking public education outcomes.

Appendix G

2009 Local Government Performance Awards and Recognition

Association of Minnesota Counties and Board of Water and Soil Resources
County Conservation Awards

Chisago County
Cass, Crow Wing and Morrison Counties
St. Louis County

Department of Natural Resources Watershed District of the Year

Nine Mile Creek Watershed District

Minnesota Association of Watershed Districts Program of the Year

Sauk River Watershed District (SHORE Program)

Minnesota Association of Watershed Districts Project of the Year

Ramsey-Washington Metro Watershed District (Office Building and Landscaping)

Board of Water and Soil Resources Outstanding SWCD Employee

Brian Watson, Dakota SWCD

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

Washington Conservation District

Minnesota Association of Soil and Water Conservation Districts
Outstanding Supervisor Award

Duane Petrowiak, Martin SWCD

DNR Appreciation Award

Benton SWCD
Chisago SWCD

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

Koochiching Soil and Water Conservation District

Board Resolution # 10 - 12

Performance Review and Assistance Program 2010 Report to the Minnesota State Legislature

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

WHEREAS, a program for reviewing performance, offering assistance, and reporting results, now called the Performance Review and Assistance Program (PRAP) was developed in consultation with stakeholders, and

WHEREAS, the program has been implemented to the extent of current resources and capabilities, 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, the third annual PRAP report to the legislature was reviewed and approved by the Administrative Advisory Committee of the Board of Water and Soil Resources on January 28, 2010,

NOW THEREFORE BE IT RESOLVED, that the Board of Water and Soil Resources approves the attached Performance Review and Assistance Program Report to the Minnesota Legislature dated February 2010, with allowance for any final modifications necessary for publication, for transmittal to the Legislature and release to the general public.

Randy Kramer, Chair
Board of Water and Soil Resources

Date: 1/28/10

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

Appointed Members	***Appointment Designation***	***Term Expires***	***Telephone/Fax/Cell***
Randy Kramer, Chair 42808 County Road 11, Bird Island, MN 55310	**Citizen** rlkramer@westtechwb.com	01-03-11	320-365-3094 *Home* 320-365-4784 *Office*
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Keith Mykleseth 532 Summit Avenue, Crookston, MN 56716	**Non-Metro City** kmykleseth@tnc.org	01-03-11	218-281-1801 *Home* 218-637-2146 *Work* 218-289-1093 *Cell*

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Rebecca Flood 520 Lafayette Road, St. Paul, MN 55155 Rebecca.Flood@state.mn.us	**Pollution Control Agency**	651-757-2022 *Office* 651-296-7923 *Fax*

Minnesota Board of Water & Soil Resources

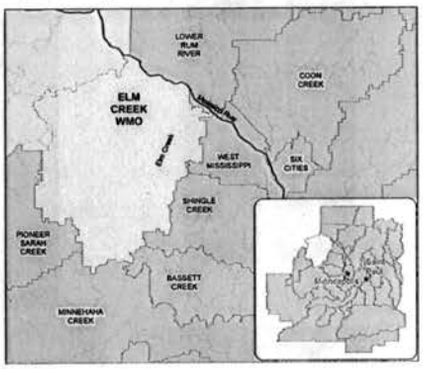
BWSR Snapshots

January 2010

Elm Creek Watershed Management Commission To conduct first Metro Area Watershed-wide TMDL

By Jim Haertel, Metro Region Supervisor

The Elm Creek Watershed Management Commission (WMO), working with the Three Rivers Park District (TRPD) and the MPCA, has begun the first watershed-based Total Maximum Daily Load (TMDL) study in the Twin Cities metropolitan area. This type of watershed approach is also called the "One Waters Approach." The goal of this project is to develop a watershed-wide, multi-parameter TMDL and an Implementation Plan to address the TMDL by collectively addressing all water quality impairments throughout the entire Elm Creek watershed. In addition, protection strategies will be developed for unimpaired water bodies. Given the size and complexity of the Elm Creek watershed, this study will be broken into five phases with completion of the study expected in 2014.



This project presents an opportunity to demonstrate how watershed-wide TMDL efforts can compliment current local watershed management planning. BWSR staff will be working closely with the Elm Creek WMO, TRPD, and MPCA throughout this process to ensure that the findings from this large effort will be succinctly incorporated into the next revision of Elm Creek WMO's Watershed Management Plan.

Mower County Two-Stage Ditch Demonstration

By Joel Peterson, Drainage Mgmt. Engineer

Historically, ditches have been viewed simply as conveyances to remove excess water from agricultural areas. As water quality and quantity issues have risen in importance in these areas, management practices are sought to improve water quality and reduce peak flows. The two-stage drainage ditch, developed in Ohio, is one such management practice. The philosophy behind the two-stage ditch is to mimic the geomorphological functions of natural streams. The two-stage ditch uses a small, inset or low-flow channel to convey 'normal' low flows, vegetated benches act as mini-floodplains and together with gradual ditch side slopes improve bank stability. Another purpose of the benches is to increase contact of the water with vegetation while decreasing the erosive force of the water in the ditch to trap sediment and assimilate nutrients.

BWSR recently helped in the design of two-stage ditch that was constructed near Adams, MN in Mower County. The project took place on about 6,100 feet of private drainage ditch. The ditch was fairly unstable and required a significant amount of maintenance. The Nature Conservancy provided funding for the project with the University of Minnesota developing the conceptual design and monitoring plan. Joel Peterson developed the construction

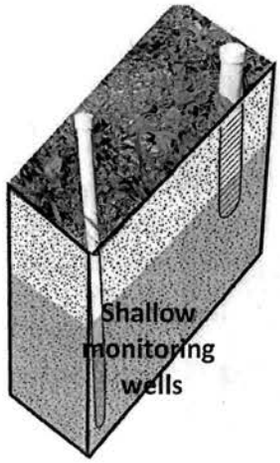
plans and contributed to the design and Dan Shaw developed the native seed mix that will be used. The Mower SWCD played a key role in project coordination and landowner contacts. The MPCA has also played a key role in developing the concept design and monitoring plan.

Monitoring Wetland Hydrology
By Eric Mohring, Hydrologist

Question: When is a former wetland again a wetland? Answer: when it has wetland *soils*, *vegetation*, and *hydrology* – the "three-legged-stool." One of these legs – hydrology – drives the other two. So, one of the first ways to see if a restoration has been successful is to measure hydrology. Not surprisingly, we have substantially ramped up hydrologic monitoring efforts in the past few years to verify the success of restorations.

BWSR is directly involved in restoring wetlands and in measuring the success of restoration efforts. Several programs, particulary RIM, and wetland banking, have wetland restoration in their docket. Typically we restore wetlands by reversing the impacts of artificial drainage, such as by blocking previously-installed drain tile or ditches. However, the work is far from over when the earth is moved and the equipment leaves the site. Several years of post-construction monitoring are usually required, especially if the goal is certified wetland replacement credits.

How do we monitor hydrology? Typically by tracking water levels in shallow monitoring wells or staff gages. These can be monitored manually, with the help of local government cooperators. Alternatively, we can use water level data loggers. Currently we have hydrologic monitoring in ten wetland restoration projects.



Installing monitoring well

Staff Gauge

Measuring water level in well with data logger

What do we do with the data? It's hard to make quick sense of lists of numbers, so we work to summarize the data in the form of water level graphs ("hydrographs") or maps showing saturated areas. These are included in monitoring reports and used to assess the success of hydrologic restoration.

An example monitoring report is available here: www.bwsr.state.mn.us/wetlands/wca/guidance/replacement_annual_report.pdf

BWSR Committee Schedule (tentative agenda items)

January 26, 2010

(contact Mary Jo Anderson @ 651-4290 if you have any questions)

February 22, 2010

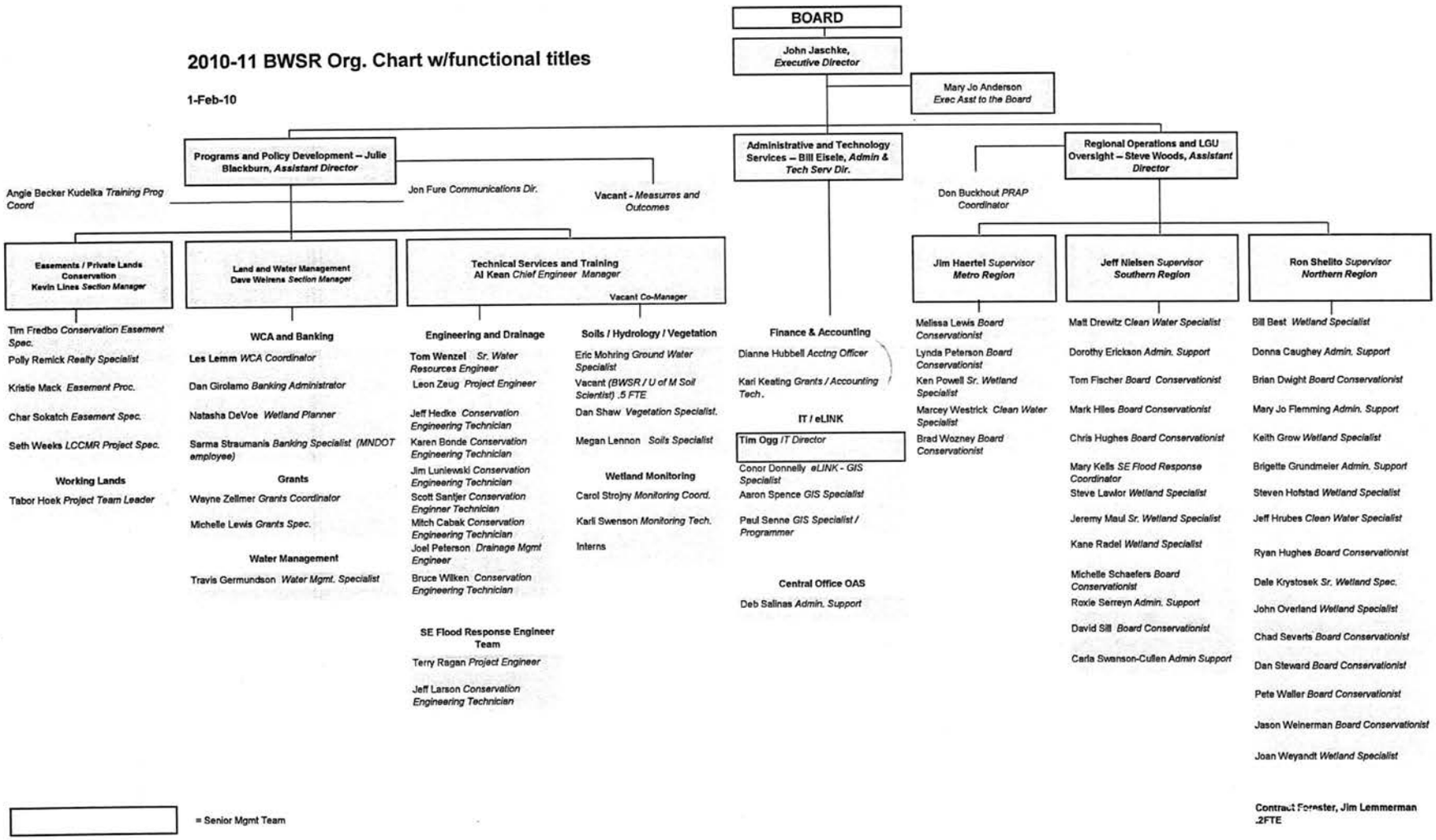
- Northern Water Planning committee (location to be determined)

March 23, 2010

- Wetlands Committee Kelley Inn, St. Paul 5:30 p.m.

2010-11 BWSR Org. Chart w/functional titles

1-Feb-10



Minnesota Board of Water & Soil Resources

Water Resources Center

UNIVERSITY OF MINNESOTA

Driven to Discover℠

Clean Water Listening Sessions

The University of Minnesota's Water Resources Center (WRC) and the Minnesota Board of Water and Soil Resources (BWSR) are actively seeking input on a plan to protect and preserve Minnesota's lakes, streams, rivers and groundwater for the 21st century and beyond.

WRC and BWSR staff will conduct a series of listening sessions around the state to gather ideas and insights to inform the Minnesota Water Sustainability Framework, a 25-year plan on how and when to make investments that will ensure the purity and abundance of Minnesota's water for generations to come. Citizens, local officials and water resources professionals are invited to attend the listening session in their area to provide input on this plan.

In 2008, Minnesota voters approved a Constitutional Amendment to protect drinking water sources; to protect, enhance, and restore wetlands, prairies, forests, and fish, game, and wildlife habitat; to preserve arts and cultural heritage; to support parks and trails; and to protect, enhance, and restore lakes, rivers, streams, and groundwater. The amendment 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 will go toward protecting and preserving Minnesota's surface and ground water. The WRC has been charged by the Legislature to develop this framework 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.

In early 2009 BWSR conducted listening sessions focused on informing attendees on how priorities would be established in the short-term for spending clean water and habitat dollars generated by the Constitutional Amendment, and this year's listening sessions will focus on evaluating efforts to date and on developing the long term priorities and strategies for clean, sustainable water.

"We see value in reprising the sessions we hosted a year ago and again expect to gather valuable insights and ideas on the expectations for Clean Water funding" said John Jaschke, BWSR Executive Director.

"The Minnesota Water Sustainability Framework is intended to serve as a roadmap for decision makers—with clear recommendations on how and when to invest and on what initiatives," says Dr. Deborah Swackhamer, Water Resources Center co-director and project leader. "This partnership between BWSR and the WRC will be a great way to bring in the perspectives from a broad set of stakeholders who are representative of the diversity of Minnesota's communities and landscapes."

Visit the Minnesota Water Sustainability Framework project website at wrc.umn.edu to learn more about the project. You are also encouraged to visit the website to be one of 10,000 people to complete the "Minnesotans and Their Water" online survey.

Two separate but similar sessions are planned for each location. The agenda and locations for the listening sessions are noted below.

12:30-3:30 p.m. Regional water resource professionals

- Overview of Clean Water, Land and Legacy Amendment
- One year status report and check-in on Clean Water Fund implementation
- Overview of Minnesota Water Sustainability Framework Project
- Quantitative Input Session
- Qualitative Input Session

4-6 p.m. Citizens and local officials

- Overview of Clean Water, Land and Legacy Amendment
- Overview of Minnesota Water Sustainability Framework Project
- Quantitative Input Session
- Qualitative Input Session

Location	*Date*
St. Cloud - Holiday Inn Hotel and Suites, Hwy. 23 & 15	Jan 19
Chanhassen – Minnesota Landscape Arboretum, Snyder Auditorium	Jan 21
Crookston - UMC, Youngquist Auditorium	Feb 3
Brainerd - Northland Arboretum	Feb 4
Duluth - MPCA Building, 525 Lake Avenue South, 4th Floor	Feb 10
Rochester - Clarion Inn, South 1630 S. Broadway	Feb 11
Marshall - Best Western, 1500 E. College Drive	Feb 16
West St. Paul -Thompson Park, Dakota Lodge	Feb 18

BWSR Committee Schedule (tentative agenda items)

January 4, 2010

(Contact Mary Jo Anderson @ 651-297-4290 if you have any questions)

January 13, 2010

- **Grants Program & Policy Committee *(location to be determined)***

January 22, 2010

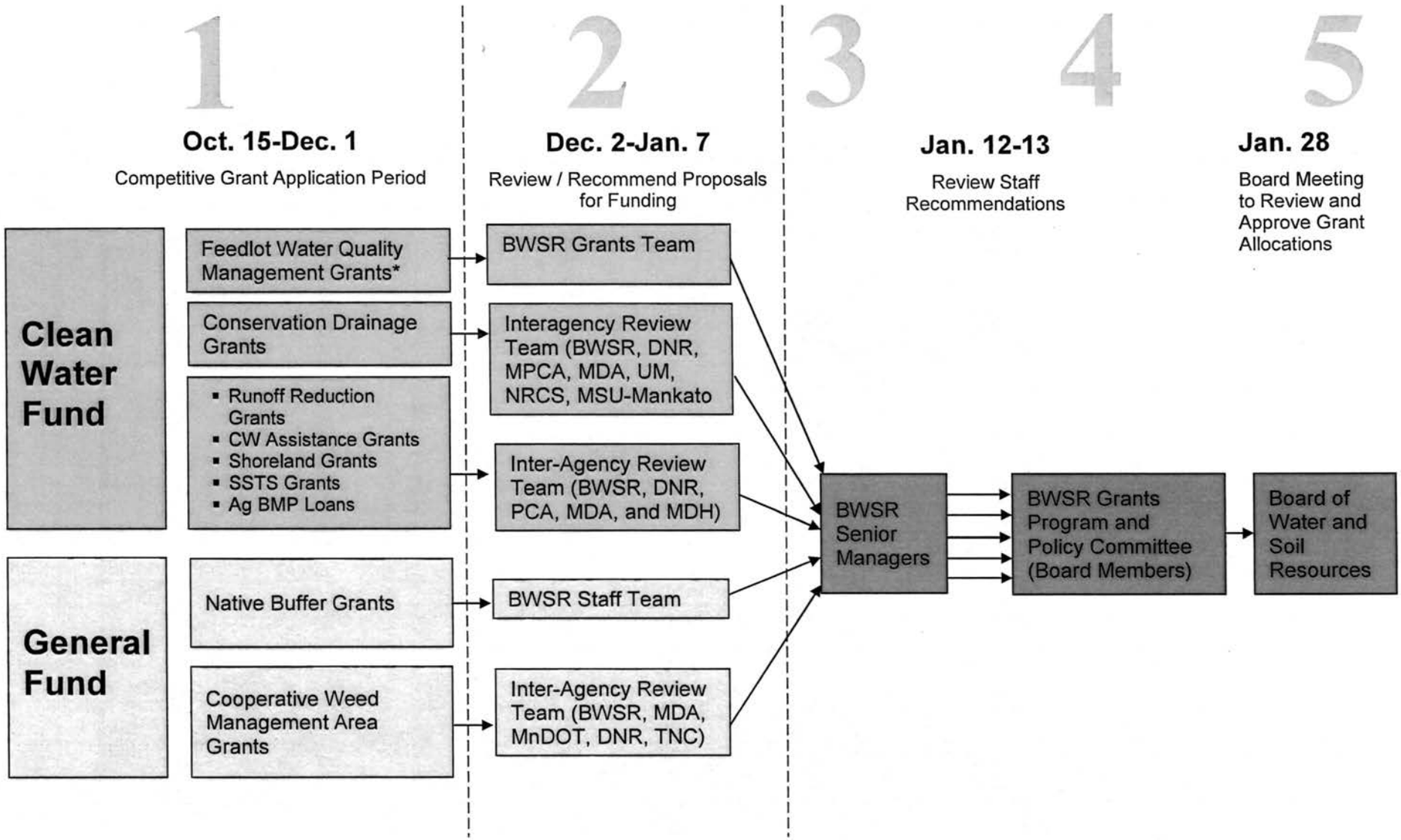
- **RIM Reserve Management Planning Committee** **10:00 a.m. – 3:00 p.m.**
  MN/DOT Training and Conference Center
  1900 West County Road I
  Shoreview, MN 55126
  To discuss "Conservation Easement Utilization & Enhancement"

February 10, 2010

- **Northern Water Planning Committee *(location to be determined)***

March 23, 2010

- **Wetlands Committee** **Kelly Inn, St. Paul** **5:30 p.m.**

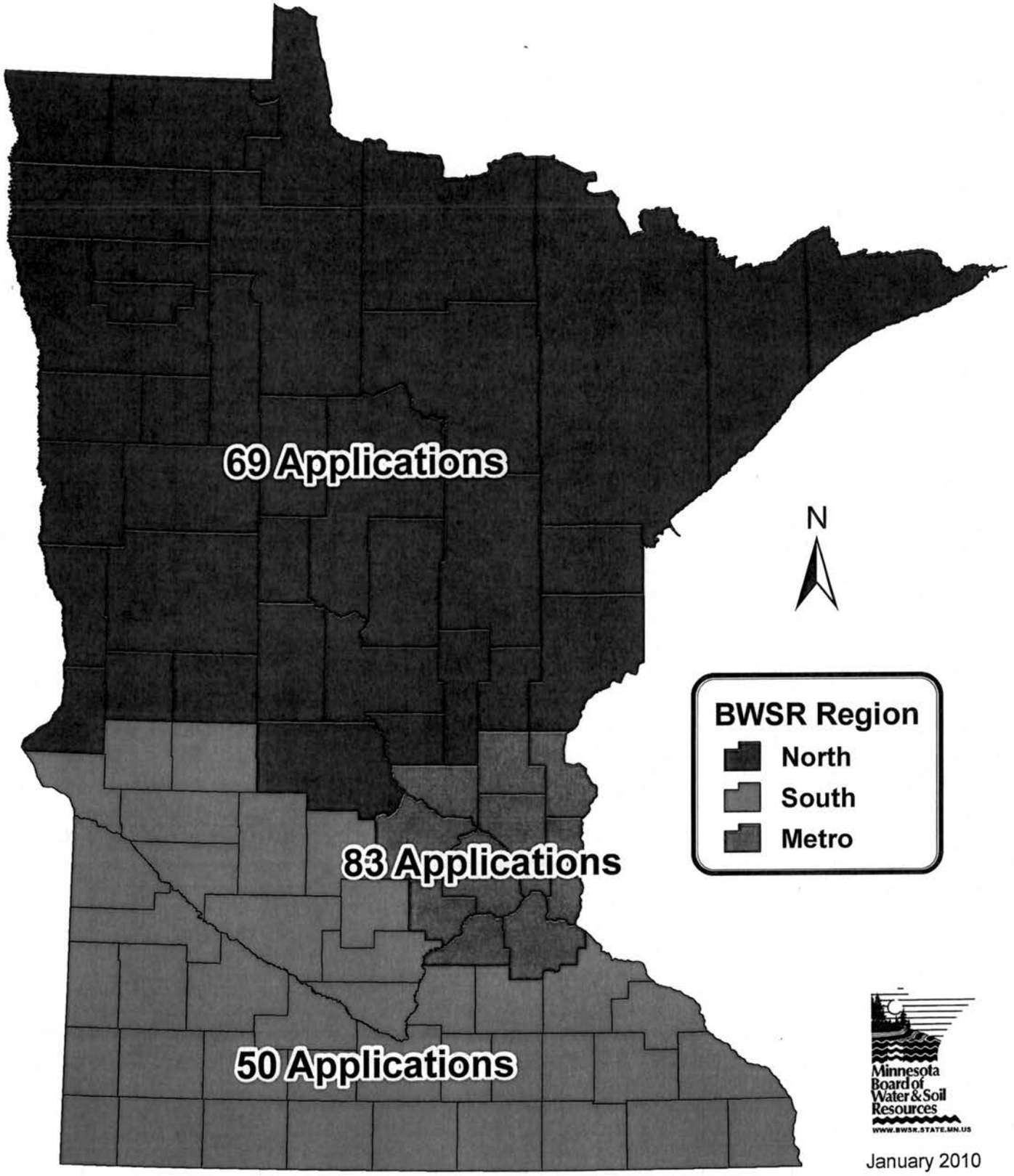


Minnesota Board of Water & Soil Resources

FY 10 Competitive Grant Review Process

* These grants are a combination of Clean Water Fund and General Fund.

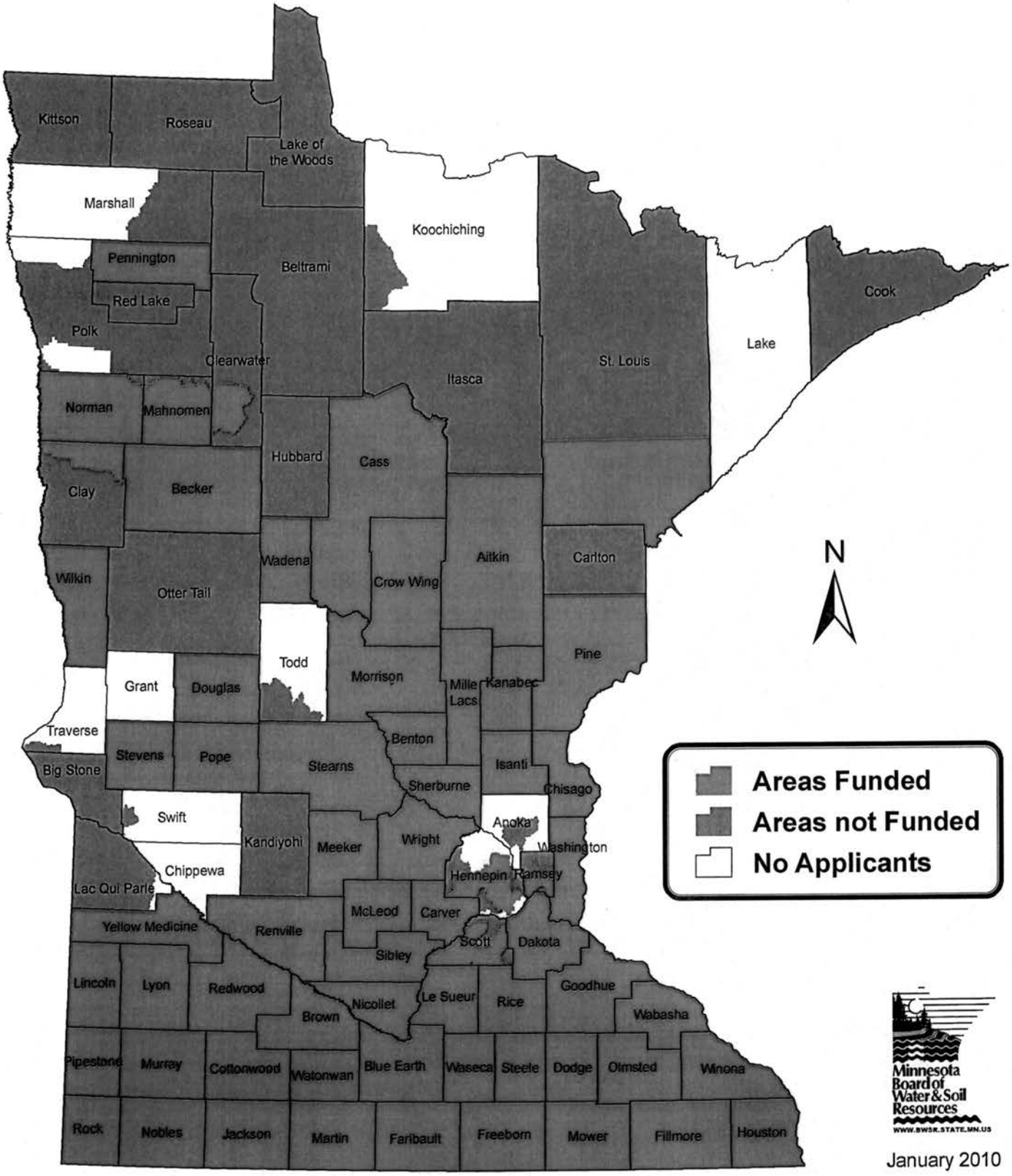
Number of Clean Water Fund Applications by BWSR Region



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

January 2010

2010 Proposed Clean Water Funding



Minnesota Board of Water & Soil Resources
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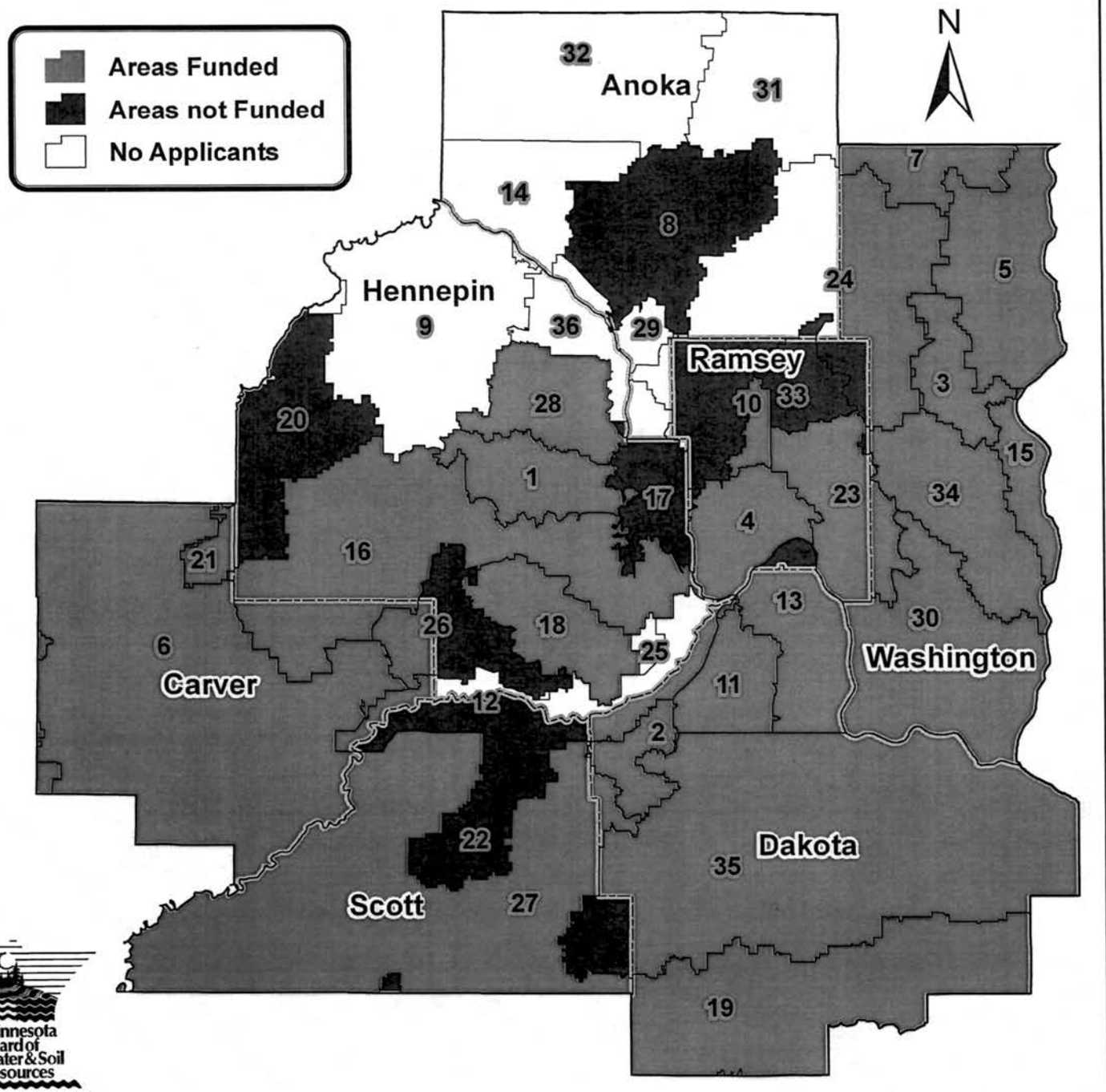
January 2010

2010 Proposed Clean Water Funding

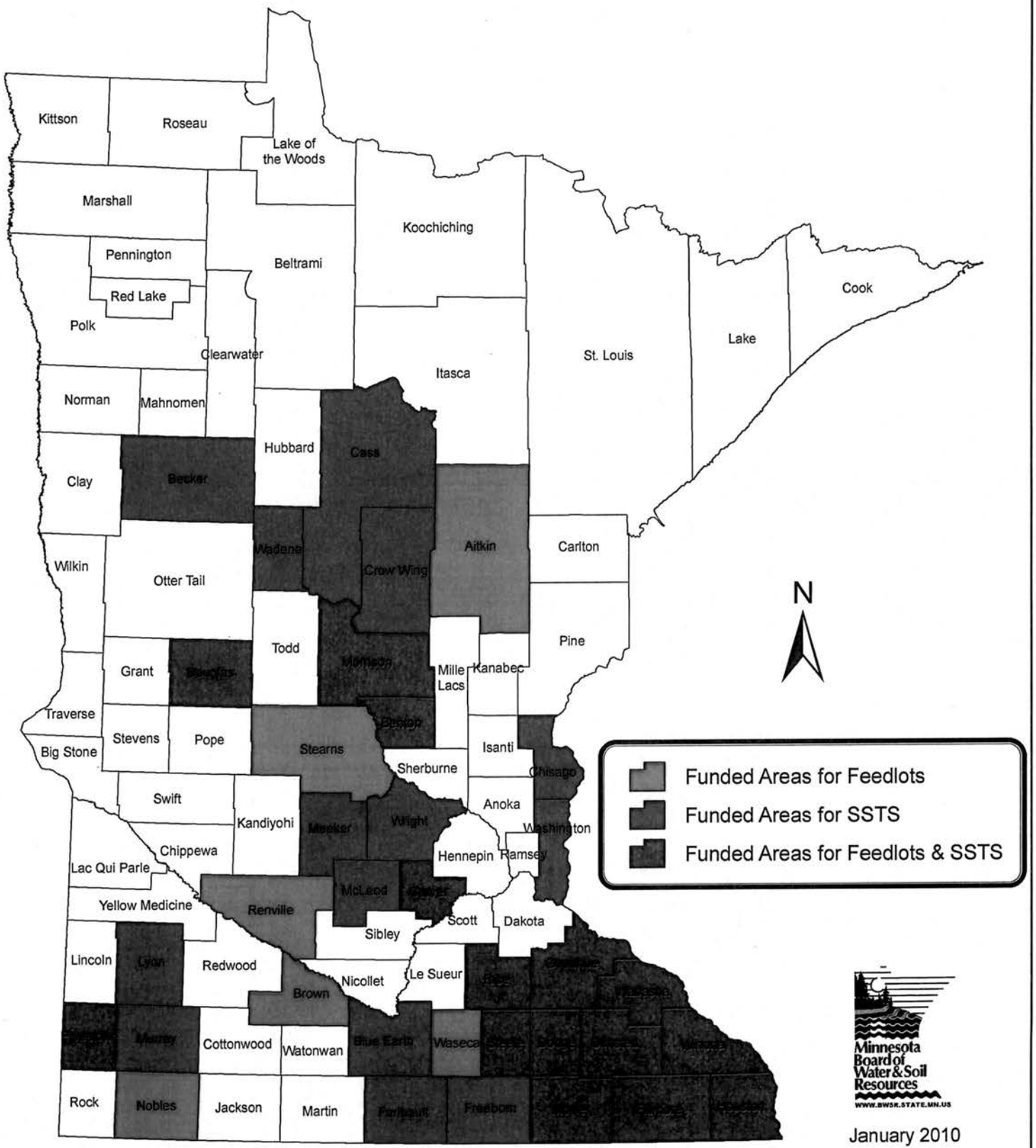


Minnesota Board of Water & Soil Resources
WWW.BWSR.STATE.MN.US

Watershed Districts & Water Management Organizations

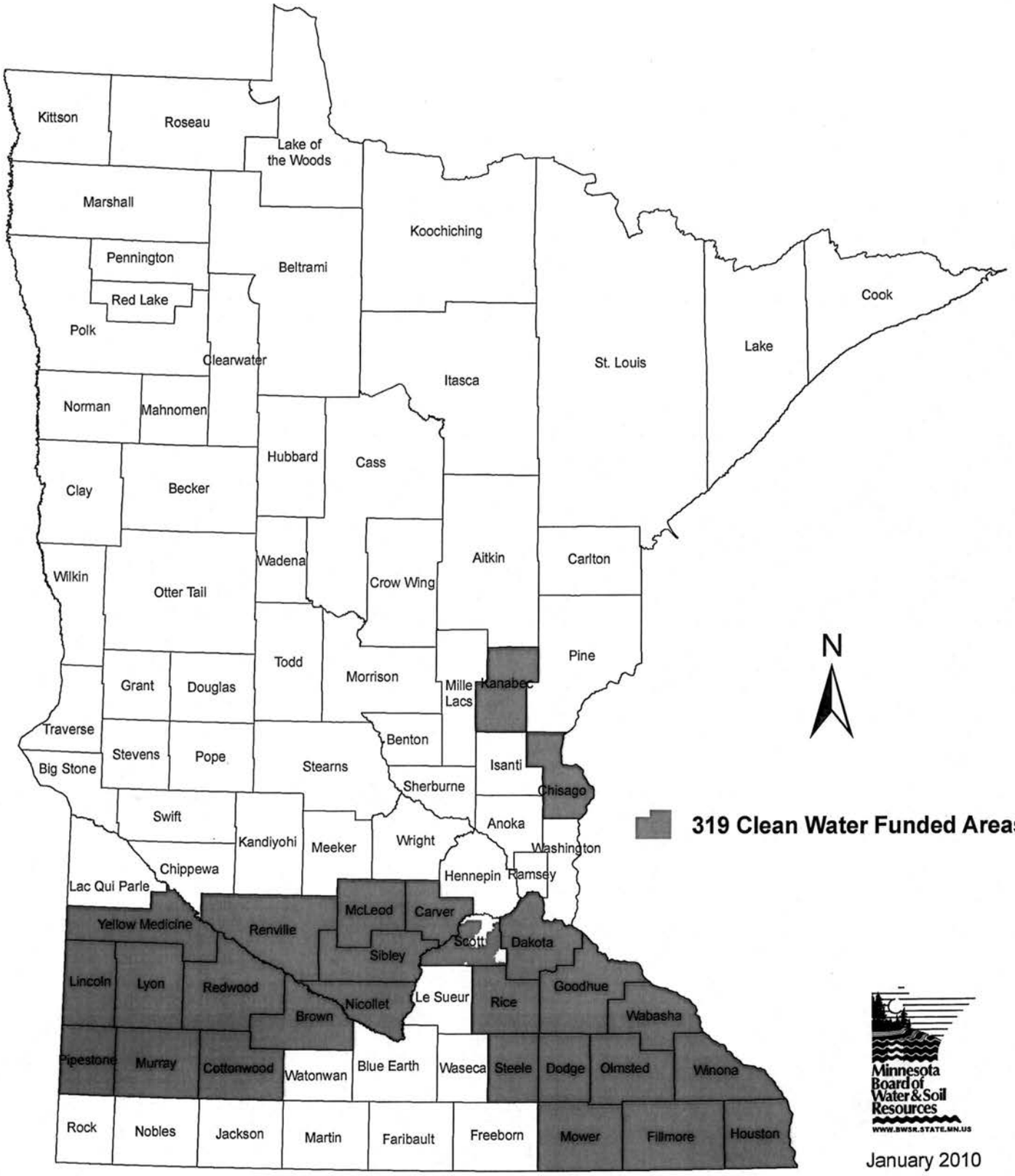
1, BASSETT CREEK, WMO
2, BLACK DOG LAKE, WMO
3, BROWNS CREEK, WD
4, CAPITOL REGION, WD
5, CARNELIAN-MARINE-ST. CROIX, WD
6, CARVER COUNTY, WMO
7, COMFORT LAKE FOREST LAKE, WD
8, COON CREEK, WD
9, ELM CREEK, WMO
10, GRASS LAKE, WMO
11, GUN CLUB, WMO
12, LOWER MINNESOTA RIVER, WD
13, LOWER MISSISSIPPI RIVER, WMO
14, LOWER RUM RIVER, WMO
15, MIDDLE ST. CROIX RIVER, WMO
16, MINNEHAHA CREEK, WD
17, MISSISSIPPI, WMO
18, NINE MILE CREEK, WD
19, NORTH CANNON RIVER, WMO
20, PIONEER-SARAH CREEK, WMO
21, PIONEER-SARAH CREEK, WMO
22, PRIOR LAKE-SPRING LAKE, WD
23, RAMSEY-WASHINGTON-METRO, WD
24, RICE CREEK, WD
25, RICHFIELD-BLOOMINGTON, WMO
26, RILEY-PURGATORY-BLUFF CREEK, WD
27, SCOTT COUNTY, WMO
28, SHINGLE CREEK, WMO
29, SIX CITIES, WMO
30, SOUTH WASHINGTON, WD
31, SUNRISE RIVER, WMO
32, UPPER RUM RIVER, WMO
33, VADNAIS LAKE AREA, WMO
34, VALLEY BRANCH, WD
35, VERMILLION RIVER, WMO
36, WEST MISSISSIPPI, WMO

Feedlot and SSTS 2010
Proposed Clean Water Funding



January 2010

2010 Proposed Clean Water Funding for 319 Matching Funds



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

January 2010

Minnesota Board of Water & Soil Resources

BWSR FY10 Competitive Grant Review Process

<table>
<tr><th>Grant Type</th><th>Ranking and Reviewing Team and Process</th><th>Scoring</th><th>Grant Recommendation Process</th></tr>
<tr><td rowspan="2">CWF Grants—Clean Water Assistance, Runoff Reduction, Shoreland Assistance, SSTS Program Enhancement, SSTS Inventory via MPCA, SSTS Imminent Health Threat Abatement</td><td>Interagency Clean Water Fund Team. (MDA,MDH,PCA,DNR and BWSR)</td><td rowspan="2"><table><tr><th>Ranking Criteria</th><th>Maximum Possible Points</th></tr><tr><td>Narrative</td><td>10</td></tr><tr><td>Outcomes</td><td>25</td></tr><tr><td>Prioritization</td><td>30</td></tr><tr><td>Readiness to Proceed</td><td>10</td></tr><tr><td>Augmented Funding</td><td>10</td></tr><tr><td>Long-term Public Benefit</td><td>10</td></tr><tr><td>Consistency with Drinking Water /Groundwater Plans</td><td>5</td></tr></table></td><td rowspan="2">The Interagency Team forwards recommendations to BWSR Senior Management Team. Approved recommendations forwarded to BWSR Grants Program and Policy Committee. GPPC recommendations forwarded to BWSR Board for final approval.</td></tr>
<tr><td>Each agency will submit a rank for all reviewed applications. All ranks will be combined to determine a final project ranking.</td></tr>
</table>

<table>
<tr><th>Grant Type</th><th>Ranking and Reviewing Team and Process</th><th>Scoring</th><th>Grant Recommendation Process</th></tr>
<tr><td>Conservation Drainage</td><td>Interagency Review Team (BWSR, DNR, MPCA, MDA, UM, NRCS, MSU-Mankato)

Each agency will submit a rank for all reviewed applications. All ranks will be combined to determine a final project ranking.</td><td><table><tr><th>Ranking Criteria</th><th>Maximum Possible Points</th></tr><tr><td>Problem ID & relationship to TMDL or Local Water Management Plan</td><td>20</td></tr><tr><td>Current Monitoring Activity</td><td>10</td></tr><tr><td>Estimated Project Benefit</td><td>40</td></tr><tr><td>Project Evaluation & Outreach Plans</td><td>10</td></tr><tr><td>Overall Proposal Quality &Completeness</td><td>20</td></tr></table></td><td>The Interagency Review Team forwards recommendation to BWSR Senior Management Team. Approved recommendations forwarded to BWSR Grants Program and Policy Committee. GPPC recommendations forwarded to BWSR Board for final approval.</td></tr>
<tr><td>CWF/General Fund Feedlot Water Quality Management Grants</td><td>BWSR Grants Program and Policy Work Team ranked projects by MNFARM pollution index, annual loading reductions and appropriation distinctions focusing on riparian areas vs. impaired watersheds.</td><td>Projects will be ranked primarily using the MNFARM Pollution Index, the annual pollutant loading, and distance from riparian features.</td><td>BWSR Grants Team validates the project ranking and forwards recommendation to BWSR Senior Management Team. Approved recommendations forwarded to BWSR Grants Program and Policy Committee. GPPC recommendations forwarded to BWSR Board for final approval.</td></tr>
</table>

<table>
<tr>
<td>Native Buffer Cost Share</td>
<td>BWSR Staff Team

BWSR staff team members will submit a rank for all reviewed applications. All ranks will be combined to determine a final project ranking.</td>
<td>
<table>
<tr><th>Criteria</th><th>Maximum Possible Points</th></tr>
<tr><td>Completeness of plan for conducting site preparation, planting and maintenance</td><td>20</td></tr>
<tr><td>Project long-term sustainability</td><td>20</td></tr>
<tr><td>Coordination of restoration project with local plans</td><td>20</td></tr>
<tr><td>Cash and/or in-kind contribution/efficient use of funding</td><td>20</td></tr>
<tr><td>Information provided about expected project outcomes</td><td>20</td></tr>
</table>
</td>
<td>BWSR Staff Team forwards recommendation to BWSR Senior Management Team. Approved recommendations forwarded to BWSR Grants Program and Policy Committee. GPPC recommendations forwarded to BWSR Board for final approval.</td>
</tr>
</table>

<table>
<tr>
<td>Cooperative Weed Management Cost Share</td>
<td>Interagency Review Team (BWSR, MDA, MnDOT, DNR, TNC)

The Interagency Review Team members will submit a rank for all reviewed applications. All ranks will be combined to determine a final project ranking.</td>
<td>
<table>
<tr><th>Criteria</th><th>Maximum Possible Points</th></tr>
<tr><td>Completeness of plan for setting up a new CWMA or managing an existing CWMA</td><td>12.5</td></tr>
<tr><td>CWMA long-term sustainability</td><td>12.5</td></tr>
<tr><td>Number of partners involved and strength of partnerships</td><td>12.5</td></tr>
<tr><td>Leveraging of additional funding sources and efficient use of funding</td><td>12.5</td></tr>
<tr><td>Development of concrete and attainable weed management goals and strategies to control invasive plant species through integrated pest management and ecosystem restoration approaches.</td><td>12.5</td></tr>
<tr><td>Development of plan for public outreach and publicizing the project</td><td>12.5</td></tr>
<tr><td>Information provided about expected project outcomes</td><td>12.5</td></tr>
<tr><td>Focus on controlling species that are a threat to natural lands with a dominance of native vegetation</td><td>12.5</td></tr>
</table>
</td>
<td>Interagency Review Team forwards recommendation to BWSR Senior Management Team. Approved recommendations forwarded to BWSR Grants Program and Policy Committee. GPPC recommendations forwarded to BWSR Board for final approval.</td>
</tr>
</table>

Board Resolution # 10-

FY 2010 COMPETIVE GRANTS PROGRAM FUNDING RECOMMENDATION

WHEREAS, Governor Pawlenty signed legislation establishing the Clean Water Fund (CWF) in M.S. 114D.50 on May 22nd, 2009; and,

WHEREAS, Laws of Minnesota 2009, Chapter 172, Section 6 appropriated CWF funds to the Board of Water and Soil Resources (BWSR); and,

WHEREAS, Laws of Minnesota 2009, Chapter 37, Section 5 appropriated General Funds to BWSR, some of which are for the purposes of competitive grants to local governments; and,

WHEREAS, BWSR implementation of appropriated CWF funds is based on the Minnesota Constitution, Article XI, Section 15 which provides that funds may be "spent only to protect, enhance, and restore water quality in lakes, rivers, and streams and to protect groundwater from degradation", and that "dedicated money under this section must supplement traditional sources of funding for these purposes and may not be used as a substitute"; and,

WHEREAS, on September 23, 2009 (Board Resolution # 09-76) the Board:

1) endorsed an inter-agency granting strategy that included the MN Department of Agriculture (MDA), the Department of Natural Resources (DNR), the Pollution Control Agency (MPCA), the Department of Health (MDH), and the BWSR with the goal of effectively coordinating water quality projects funded by the CWF and the State's General Fund, and

2) authorized an application period for available CWF and General Funds and a request for proposals (RFP) that included weighted scoring criteria that was open from October 15, 2009 to December 1, 2009; and,

WHEREAS, FY 10 competitive grant funds in the following amounts were made available to local governments through the RFP process:

- $10,370,000 from the CWF and $1,736,987 from the General Fund that were appropriated to BWSR,
- $350,000 of subsurface sewage treatment system (SSTS) General Funds transferred to BWSR from MPCA, and
- $1.8 million of Agricultural Best Management Practices Loan Program CWF Funds appropriated to the MDA; and,

WHEREAS, the CWF implementation strategy recognizes that funding decisions should be based on the best available scientific information and directed to where clean water protection, enhancement and restoration work is most needed and most effective; and,

WHEREAS, the CWF implementation strategy incorporates M.S. 114D.20 which directs the implementation of Clean Water Funds to be coordinated with existing authorities and program infrastructure; and,

WHEREAS, BWSR staff implemented a communication effort that included:

- email notification to eligible grantees on October 1, 2009 and October 14, 2009 of the application period;
- outreach meetings were held on October 5, 6, 7, 13, 14, 15, 22, and November 2 and 3, 2009 to review the grant programs; and
- a question and answer blog and question and answer document were established on the BWSR website to provide a accessible information outlet; and,

WHEREAS, local governments throughout the state submitted 210 applications that requested in excess of $44 million in state funds; and,

WHEREAS, the FY 2010 CWF project proposals were evaluated by an interagency team consisting of staff from the MDA, the DNR, the MPCA, the MDH, and the BWSR based on the following criteria:

- A narrative description of the anticipated water quality benefits, overall goals of the project, project organization and management, budget and work activities,
- The anticipated outcomes resulting from completion of the project initiatives on the water resource identified or the pollutant load reduction required in the TMDL,
- The project initiatives anticipate beginning implementation soon after a grant award and have a relatively detailed inventory of implementation locations or activities,
- The level of funding documented from other sources to augment CW Funding for water quality projects or activities above the required minimum local match requirements,
- Priorities are derived from TMDL Implementation Plans or Comprehensive Local Water Management Plans,
- Maintaining long-term public benefits from the proposed implementation activities,
- Proposed activities are consistent with existing Groundwater Plans, Wellhead Protection Plans or Surface Water Intake Plans with respect to prioritization, location or focus; and,

WHEREAS, the MPCA SSTS Inventory Grants were evaluated by an interagency team consisting of staff from the MDA, the DNR, the MPCA, the MDH, and the BWSR based on the following criteria:

- Inventories must be used to determine the number of systems that are failing or posing an imminent health threat;
- Project areas must be on riparian lands; and
- Counties must have a countywide ordinance in compliance with MPCA rules; and,

WHEREAS, the Conservation Drainage Grants proposals were evaluated by an interagency team consisting of staff from the MDA, the DNR, the MPCA, University of Minnesota, USDA-Natural Resources Conservation Service, Minnesota State University-Mankato, and the BWSR based on the following criteria:

- Problem Identification & relationship to TMDL or local water management plan,
- Current monitoring activity,
- Estimated project benefit,
- Project evaluation & outreach plans, and
- Overall proposal quality and completeness; and,

WHEREAS, the Feedlot Water Quality Management Grants proposals were evaluated by the BWSR staff Program and Grants Team based on the following criteria:

- The feedlot must be less than 300 animal units in size,
- Feedlots must be located in a riparian area or an impaired watershed, and
- Use of Minnesota Feedlot Annualized Runoff Model (MinnFarm) to generate funding priority; and,

WHEREAS, the Native Buffer Cost Share Grants proposals were evaluated by a BWSR staff team based on the following criteria:

- Completeness of plan for conducting site preparation, planting and maintenance,
- Project long-term sustainability,
- Coordination of restoration project with local plans,
- Cash and/or in-kind contribution/efficient use of funding, and
- Information provided about expected project outcomes; and,

WHEREAS, the Cooperative Weed Management Area proposals were evaluated by the interagency team consisting of staff from the MDA, the DNR, the Minnesota Department of Transportation, and The Nature Conservancy and the BWSR based on the following criteria:

- Completeness of the plan for setting up a new Cooperative Weed Management Area (CWMA) or managing an existing CWMA,
- CWMA long-term sustainability,
- Number of partners involved and strength of partnerships,
- Leveraging of additional funding sources and efficient use of funding,
- Development of concrete and attainable weed management goals and strategies to control invasive plant species through integrated pest management and ecosystem restoration approaches,
- Development of a plan for public outreach and publicizing the project,
- Information provided about expected project outcomes, and
- Focus on controlling species that are a threat to natural lands with a dominance of native vegetation; and

WHEREAS, the BWSR Senior Management Team (SMT) reviewed the recommendations provided by the interagency and BWSR staff teams on January 12, 2010; and,

WHEREAS, the Grants Program and Policy Committee reviewed the funding recommendation provided by SMT on January 13, 2010.

NOW THEREFORE, the Board hereby:

1) Approves allocations to implement the FY 10 Competitive Grant Program according to the attached Funding Recommendation spreadsheets for the following programs and recommended allocation amounts shown below:

Grant Program		Allocated Funds
A. BWSR Clean Water Fund		
i.	Runoff Reduction Grants	$2,459,675
ii.	Clean Water Assistance Grants	$2,650,000
iii.	Shoreland Improvement Grants	$1,399,582
iv.	SSTS Imminent Health Threat Abatement Grants	$ 775,777
v.	Conservation Drainage Grants:	$ 200,000
B. BWSR Feedlot Water Quality Management Grants		$1,144,350 (CWF) $ 500,000 (General Fund)

C. MPCA SSTS Inventory Grants		$ 345,025 (General Fund)
D. BWSR SSTS Program Enhancement Grants		$ 860,000
E. MDA Agricultural BMP Loan Program		$1,692,000 (recommendation to be forwarded to the MDA for consideration)
F. BWSR Native Buffer Cost-Share		$1,036,987 (General Fund); and
G. BWSR Cooperative Weed Management		$ 200,000 (General Fund)
	TOTAL:	$11,181,384 (CWF) $ 2,082,012 (General Fund)

2) and, authorize staff to:

(a) approve project workplans,
(b) enter into grant agreements consistent with this resolution and Legislative appropriations, and
(c) assign funds, noted in 1) that may become available, to unfunded projects, in rank order, if funded projects are withdrawn, do not receive workplan approval, or are modified to reduce the state funding needed to accomplish the project.

_____ Date: _____

Randy Kramer, Chair
Board of Water and Soil Resources

BWSR GRANT MAKING PROCESSES

FY 2010 CLEAN WATER FUND AND COMPETITIVE GRANTS PROGRAM

January 28, 2010 → 1. Board approves grant allocations and authorize BWSR staff to enter into grant agreements.

February 2010 → 2. BWSR staff develop grant agreements and encumber funds. Grant agreement submitted to LGU for authorization.

February - April 2010 → 3. LGUs develop and enter workplans into eLINK. BWSR staff review and approve workplans.

February – May 2010 → 4. BWSR staff process grant agreements and transfer funds to LGU.

February 2010 – December 31, 2012 → 5. BWSR staff work with LGUs on project implementation. → Note: Grant Agreements will run through December 31, 2012 and may be extended for up to an additional year.

February 2010 – December 31, 2012 → 6. BWSR staff work with LGUs in preparing reports, showing accomplishments, accounting expenditures including Web reporting → Note: Grantees will be reporting accomplishments throughout the project and prior to close-out.

7. BWSR staff compile grant program summaries and maps showing activity locations and measurable outcomes.

8. BWSR staff conduct grant program close-outs to ensure grant fund administration is conducted according to statute, rule and policies.

Minnesota Board of Water & Soil Resources

BWSR Retreat 4/27/2010

PO Box 5120 * St. Cloud, MN * 56302-5120

(800) 500-7017 (Phone)

(320) 202-1010 (Fax)

www.bigrivergroup.com

Minnesota Board of Water & Soil Resources
January 27, 2010 • 12:30 to 5:00 PM
Riverwood: Monticello • Board Workshop Session

Refined Committee Charters

(small group work & large group review of results)

Participants broke out & formed discussion groups aligned with the following four committees. Those small group members reviewed [illegible]e work, direction & results. Group member also identified possibl[illegible]ment had been made that "…committees should [illegible]mmendations should mention ou[illegible]

Gra[illegible]

1) Wo[illegible]

- [illegible]
- [illegible]
- [illegible]
- l[illegible]

2) Ideal R[illegible]

- No[illegible]
- Mu[illegible]

Wetland[illegible]

1) Work

- Very[illegible]
- Famil[illegible]
  m[illegible]
- Recom[illegible]
  Co[illegible]
  rul[illegible]
  to t[illegible]

2) Ideal Relation[illegible]

- Staff do p[illegible]akeholder outreach
- User-friendly public/LGU communication items
- Opportunities to review issues before policy decision needed

7/16

Steve,
This is the updated version w/ John's edits included.
It's located in Exec Team folder where you originally filed it.

Thank you.
We'll talk directly about how to package/ship—that is you & I.
(Extra folders for you)

Mya

Minnesota Board of Water & Soil Resources
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Refined Committee Charters

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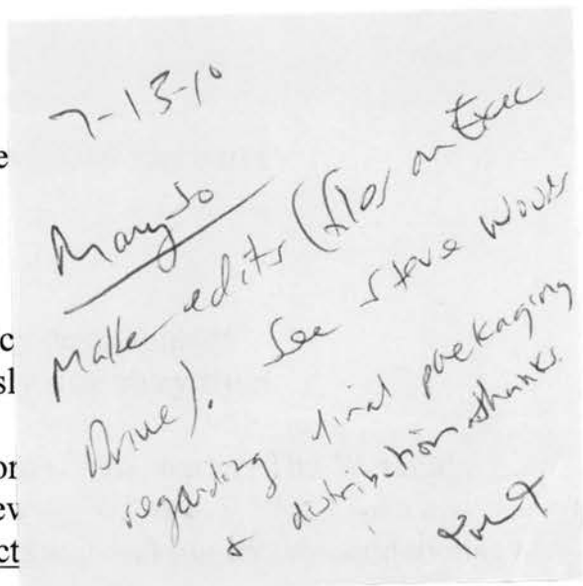
Grants Program & Policy Committees

1) Work
- Conservation goals
- Better ways to target funds
- Buffers
- Clean Water Legacy money & the budget process
- Delivery system for funds

2) Ideal Relation With BWSR Board & Staff
- Not micromanaging BWSR staff
- Multiple opportunities for committee re



Wetlands Committee

1) Work
- Very active committee during rule/polic
- Familiarity leads to a need to consciousl micromanagement
- Recommended dropping underlined wor Committee is responsible for reviev rules, policies, guidelines & project to the board.

2) Ideal Relation With BWSR Board & Staff
- Staff do primary stakeholder outreach
- User-friendly public/LGU communication items
- Opportunities to review issues before policy decision needed

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Grants Program & Policy Committees

1) Work

- Conservation goals
- Better ways to target funds
- Buffers
- Clean Water Legacy money & the budget process
- Delivery system for funds

2) Ideal Relation With BWSR Board & Staff

- Not micromanaging BWSR staff
- Multiple opportunities for committee review of key items

Wetlands Committee

1) Work

- Very active committee during rule/policy development
- Familiarity leads to a need to consciously stay away from micromanagement
- Recommended dropping underlined words from charter: The Wetlands Committee is responsible for reviewing WCA & wetland banking rules, policies, guidelines & projects and making recommendations to the board.

2) Ideal Relation With BWSR Board & Staff

- Staff do primary stakeholder outreach
- User-friendly public/LGU communication items
- Opportunities to review issues before policy decision needed

Public Relations, Outreach & Strategic Planning Committee

1) Work

- Develop a more positive, uniform perception in & around MN
    - Direct staff to conduct survey re: why & where we are under radar
- Summarize our tools, audiences, messages annually
- Tool: Rediscovered potential power of Board tour (press release/kit on front end, capture tour moments, produce follow-up stories)
- Tool: Envirothon
- Rebranding: We work with groups (not just gov't., not w/ individuals)
- Rebranding: Who are we known by & for what?
- Our goal: Uniformly positive perception
- Re: Strategic Plan: Annual check in w/ this committee & executive staff to gauge progress on plan implementation.
- Re: Strategic Plan: Strategic conversation for the organization every two years
- Consider changing committee name?

2) Ideal Relation With BWSR Board & Staff

- Relation to full board: Bring more options & recommendations to board
- Chair to ID issues
- Staff to handle noticing, resources, scheduling & minutes
- Consider including training coordinator

RIM Reserve Planning Committee

1) Work

- Was ad hoc, needs a charter
- Develop program plan with numeric goals & long term objectives addressing RIM/WRP & RIM/CE
- Consider need for separate external stakeholders group?
- Policies & recommendations on easement alterations
- Determine program pay rates
- Shape rule revisions, including utilization for energy
- Discuss targeting of funds & risk management issues
- Monitoring & enforcement policy

2) Ideal Relation With BWSR Board & Staff

- Define staff & committee responsibilities (My Job, Your Job)
- Opportunities to interact with / get input from stakeholders

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Next Steps - Roles & Responsibilities

• Update bylaws to address and acknowledge committee structure	John, Julie, Steve, Board
• Clarify expectations and roles for staff supporting committees	John, Julie, Steve
• Evaluate, develop, or refine charters per retreat suggestions and re-publish roster document	Randy, John, Chairs

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January 27, 2010 • 12:30 to 5:00 PM
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(small group work & large group review of results)

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Grants Program & Policy Committees

1) Work

- Conservation goals
- Better ways to target funds
- Buffers
- Clean Water Legacy money & the budget process
- Delivery system for funds

2) Ideal Relation With BWSR Board & Staff

- Not micromanaging BWSR staff
- ~~Also, not micromanaging the BWSR Executive Director~~
- Multiple opportunities for committee review of key items

Wetlands Committee

1) Work

- Very active committee ~~as of late~~ during rule/policy development
- Familiarity leads to a need to consciously stay away from micromanagement
- Recommended dropping underlined words from charter: The Wetlands Committee is responsible for reviewing WCA & wetland banking rules, policies, guidelines & projects and making recommendations to the board.

2) Ideal Relation With BWSR Board & Staff

- ~~*Jaschke to complete*~~ / public/LGU
- User-friendly communication items
- Opportunities to review issues before policy decision needed
- Staff do primary stakeholder outreach

Public Relations, Outreach & Strategic Planning Committee

1) Work

- Develop a more positive, uniform perception in & around MN
  - Direct staff to conduct survey re: why & where we are under radar
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2) Ideal Relation With BWSR Board & Staff

- Define staff & committee responsibilities (My Job, Your Job)
- ~~Kevin Lines - Staff Lead~~ Opportunities to interact w/ & get input from stakeholders

Minnesota Board of Water & Soil Resources
January 27, 2010 • 12:30 to 5
Riverwood: Monticello • Board

Next Steps - Roles & Resp

- Update ~~and apply updated~~ bylaw ~~work re:~~ commi ve, Board
- Clarify expectations for staff supporting committe ohn, Julie, Steve
- ~~ID My Job, Your Job for staff supporting committees~~ John, Julie, Steve
- Board needs to lay out expectations for committees (perhaps as preamble to committee roster addressing latitude, procedural expectations, chair responsibilities, etc.) Randy and John
- Refine charters per retreat suggestions and re-publish roster document Randy and Chairs

Minnesota Board of Water & Soil Resources
January 27, 2010 • 12:30 to 5:00 PM
Riverwood: Monticello • Board Workshop Session

Next Steps - Roles & Responsibilities

• Update ~~and apply updated~~ bylaw ~~work re:~~ committees	John, Julie, Steve, Board
• Clarify expectations for staff supporting committees	John, Julie, Steve
• ~~ID My Job, Your Job for staff supporting committees~~	~~John, Julie, Steve~~
• Board needs to lay out expectations for committees (perhaps as preamble to committee roster addressing latitude, procedural expectations, chair responsibilities, etc.)	Randy and John
• Refine charters per retreat suggestions and re-publish roster document	Randy and Chairs

Minnesota Board of Water & Soil Resources
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Session Evaluations

At the conclusion of the retreat, participants individually answered the following questions on an evaluation form and produced these results:

1) What was good & productive about this session?

- Lots of small/large group discussion
- The change of groups was excellent
- Identification of need to focus on larger issues – utilizing the broad expertise of the board
- The last session brought out significant ideas of vision, procedures, action that the Board can take to positively impact internal & external outcomes of BWSR & other connected, related groups
- Great discussion about how to improve & be good problem solvers
- Lots of good meetings
- Good format/casual
- Time (& structure) to get into mechanics of creating space/place to have board operate at maximum capacity without expanding time commitment
- D-I-S-C-U-S-S-I-O-N
- It made me happy to see everyone talking civilly & making progress
- I believe what we do will change
- Open dialogue amongst board members, a rare opportunity
- Good agenda & adherence to it
- A lot of good ideas, & great discussions took place
- Great learning process, time requirement was great
- Setting goals
- Small group discussion
- Good interaction!

2) What was your biggest discovery?

- No big "ah-ha's"
- It takes a while (couple hours) before groups open up, letting ideas & concerns out
- This is a group that has great ideas & great perspective
- As a new member there were lots of new discoveries
- Consensus to have board do even more
- Others wanted to make a difference for the state & not just us

- Commonality of objectives between board members
- Not everyone thinks the same, but as a board we can "take off" from others' statements, & expand things into something very good
- Agenda time requirements of board members
- Staff did not feel micro managed
- The board does not necessarily know what its role it. We have derived by our agenda & staff support. We need to better define & understand what we are here to do

3) How would you improve this session?

- I think it was very productive. The time frame was good. Hard to improve, but it would be good to have it twice a year
- I thought it was well run
- A few more focused questions might have been helpful
- All day
- I thought it went well & is a great idea
- More often with followup time to previous session (e.g. to track or measure progress)
- Name tags for Bruce to read
- A little more chance for newbies to share their gift of perspective
- Do it more often – one time a year minimum
- Have one once a year
- Have more meetings per year to plan
- Very good the way it is

4) May I provide any followup?

- Printed recap of information
- A spreadsheet from our staff over who/how the ideas will be implemented
- A write-up of the meeting notes
- A discussion of how we get to "what's next"
- Send out highlights
- Have a followup to review, response among board
- Results of the answers given from everyone else
- Copy of information if possible
- Implementation of suggestions
- Checklist of potential "to do's" with one year later evaluation of progress
- Summary memo & executive director "next steps"
- Documentation of breakout sessions in report format
- Need printouts of all the notes taken by the facilitator
- Need to prioritize points, & create a timeline to have the discussions
- Meet annually to review
- More group discussion at board meetings

Jaschke, John (BWSR)

From: Woods, Steve (BWSR)
Sent: Wednesday, June 23, 2010 4:20 PM
To: Jaschke, John (BWSR); Blackburn, Julie (BWSR)
Subject: board retreat notes and final report items

I have moved the documents we've been modifying with Bruce Miles to the Exec Drive.
(Central/execteam/board retreat and strategic plan/Jan 2010)

John – you have a complete packet of materials in a blue Big River Consulting folder:

- Agenda
- Bruce's "resources packet"
- Julie's peach colored summary of our strategic plan
- My 11x17 environmental timeline
- And the seven Bruce Miles summary documents that came out of the session

There are a few stray ink marks on your hardcopies reflecting a few minor formatting things I have since saved to the exec drive versions. **JOHN: please note there is only one spot left to be filled in.** The Committee Charter Review document is still in need of some of your WCA notes. The good news is that the notes of Julie, Bruce and I filled in most of it. The bad news is that your notes were deciphered the best we could then returned to you back in Marchso I hope you can still put your hands on them.

The other document needing a good review is the short Next Steps document. We've been doing them clearly, but it will be where the board goes when they receive a complete packet of this stuff.

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Minnesota Board of Water & Soil Resources
January 27, 2009 • 12:30 to 5:00 PM
Riverwoods: Monticello • Board Workshop Session

RESOURCE PACKET

Orientation

- Summary of your survey results — handout 1

Review History & Current Planning Results

- History summary — (separate)
- Current strategic plan — (separate)
- ID recent successes & issues — handout 2

Review Effective Board Work & Processes

- Board Member Concerns — handout 3
- Periodic Reviews — handout 4
- Why Do Some Boards Overmanage or Undermanage? — handout 5
- Bad Habits of Typically Effective People — handout 6
- Team Maintenance — handout 7
- Successful Team Leadership — handout 8

Review & Refine Committee Charters

- Committees — handout 9

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BWSR Survey Results (N=6)

1) What two or three things are going well within BWSR?

- Accomplishing our charge from the Legislature
- Communication and relationship between the office and the Board
- The Board works well together and with the watershed districts
- Great website with lots of information
- Good staff and board

2) What two or three things need more attention?

- Better understanding of Board duties and staff functions
- Communication between Board members
- Speed up the learning curve for new members
- Holding local units accountable for grants/funding
- Not enough formality with the Board – need to follow more business-like steps
- Equalization of committee work

3) Are you getting the "right" amount of information to make decisions?

- For the most part, yes
- If I need anything more, I just ask and questions are always answered well
- Most of the time, but sometime I feel we are under time constraints

4) Do you have enough current information to hold the management team accountable for achieving our organizations goals?

- I think the executive committee is in a much stronger position to evaluate the management team because of the closer relationship. As far as broad organizational goals, I think we are.
- Yes, but it's are responsibility as a Board to hold them accountable
- Yes
- I believe so
- Mostly. It is always difficult as an outside person with other work to fully understand or evaluate the work.

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Chainsaw Planning©
Worksheet #1A: Outcome Diagnosis

	Positive	Less Than Positive
Intended	1) 2) 3) 4) 5)	1) 2) 3) 4) 5)
Unintended	1) 2) 3) 4) 5)	1) 2) 3) 4) 5)

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Board Members' Concerns

Level 1: Does this policy or procedure agree with my experience or client's experiences in this organization?

Level 2: Does this policy or procedure agree with the needs & desires of my friends or the social groups I belong to? ("My community's needs are the organization's needs.")

Level 3: What priorities should be adopted to best implement the goals & mission of this organization?

Level 4: Does this policy agree with the mission of this organization?

Level 5: Are the goals aligned with what applied research says about the fundamental questions that face this organization?

Jones, A.C. (11/2001). Balancing Individual Needs & the Common Good. Principal Leadership, pages 5-9.

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Periodic Board Reviews

- The board must take time on a regular basis (at least annually) to self-evaluate
- Build in periodic checkpoints to review the status of working relationships & progress toward goals
- Well-functioning boards have found ways to maintain open communication, which in turn leads to greater respect for fellow members
- Institute a simple survey on a quarterly basis dealing with topics such as communication, decision making, trust and other group-related dynamics
- In addition, the instrument should include a review of progress toward goals
- This forced choice process helps to resolve matters that might be a basis for conflict if not brought into the open and discussed

Castallo, R. (2000). Clarifying Roles Through Self-Evaluation and Periodic Checks. *School Administrator*, Sept.

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Why Do Some Boards Micromanage?

Micromanagement Test

- Do board members spend time showing employees how to do a job right, telling them exactly what to do?
- Do board members devote a lot of time to overseeing school projects?
- Are board members irritated when administrators make decisions without consulting them first?
- Are board member spending more time "in the trenches" instead of considering policy implications?
- Do board members prefer directing staff members rather than empowering them?

Why Boards Micromanage

1) The board trustee's role & responsibilities are unclear.

2) Board members have no policies delineating their appropriate role.

3) Management of day-to-day work is what board members know from real life.

4) Board members are invited onto the board to perform a task, not to lead.

5) Micromanagement is a response to a crisis.

6) Board members are afraid.

Jazzar, M. (2005). Tales of micromanagement: Part 1. American School Board Journal, August 2005; pages 31-32 & 47.

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Bad Habits of Typically Successful People

When faced with new challenges and a possible high level of team conflict, what do team members do?

Typically, they revert to the old bad habits. Here are some examples of typical mistakes:

1) Fail to check with other team members before making commitments on their behalf.

2) Move forward too quickly without gathering or sharing enough information.

3) Involve other team members too late in the process.

4) Communicate in disrespectful ways.

5) Give unclear instructions or incomplete data to fellow team members.

Training & Development. April 1999 v53 i4 p32(6), Paul Hennessey

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How to Maintain Your Team

- **Build a positive reputation by:**
  1) **Reinforce reliability**
  2) **Celebrate accomplishments**
  3) **Develop skills & competence**
- **Limit personal biases**
- **Take time to get to know others**
- **Explicitly acknowledge personal differences**
- **Discuss cultural expectations**
- **Demonstrate care & concern for all**

Ivey Business Journal, May 2000 V64 i5 ps20 *RICHARD BENSON-ARMER*

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Successful Team Leadership
Built on Trust

Team Leaders' Actions That Build Trust:

- **Reduce uncertainty in the organizational context**
- **Clarify formal and informal rules**
- **Craft and communicate shared values**
- **Limit vulnerability in the situation**
- **Limit the risk of failure; celebrate and learn from well-intentioned mistakes**
- **Disaggregate problems into small, discrete elements**
- **Believe in the individual**

Ivey Business Journal, May 2000 v64 i5 p20 *RICHARD RENSON-ARMER.*

BOARD OF WATER AND SOIL RESOURCES
COMMITTEES
October 2009

ADMINISTRATIVE ADVISORY COMMITTEE

Membership:	Randy Kramer, chair	citizen
	Paul Brutlag, vice-chair	citizen
	Louise Smallidge	soil & water conservation district
	Brian Napstad	county commissioner
	LuAnn Tolliver	watershed district/WMO
	John Jaschke	staff
	Mary Jo Anderson	staff

Responsibility:

The administrative advisory committee consists of the Board's chair and vice-chair and the chairs of the Board's standing committees. The administrative advisory committee will make evaluations and recommendations to the Board on various Board issues including ethics; expenses/per diem; bylaws; and legislation and budgets. The Administrative Advisory Committee will act as the personnel committee for personnel actions relating to the Board's executive director. The chairman may include additional members ad hoc to address special or unique topics or issues.

Meetings: The committee will meet at the call of the chair.

DISPUTE RESOLUTION COMMITTEE (DRC)

Membership:	Randy Kramer, chair	citizen
	Paul Brutlag	citizen
	LuAnn Tolliver	watershed district/WMO
	Quentin Fairbanks	county commissioner
	Louise Smallidge	soil & water conservation district
	Travis Germundson	staff lead

Responsibility:

The DRC is responsible for appeals relating to the Wetland Conservation Act rule decisions of local governments, watershed district rule and permit decision appeals, and, under MS103A.301, determinations of water law and policy. The authority of the DRC is established in statute and assigned to the DRC by the Board. Under current guidelines the DRC receives the appeals; hears the issues; and makes recommendations to the Board.

Meetings:

The Committee will meet as needed to process appeals that have been filed with the Board.

GRANTS PROGRAM AND POLICY COMMITTEE

Membership:		
	Louise Smallidge, chair	soil & water conservation district
	Bob Burandt	soil & water conservation district
	Paul Langseth	soil & water conservation district
	John Meyer	citizen
	Gene Tiedemann	watershed district/WMO
	Christy Jo Fogarty	metro cities
	Keith Mykleseth	non-metro cities
	Rebecca Flood	Pollution Control Agency
	Faye Sleeper	University of Minnesota Extension
	Wayne Zellmer	staff lead
	Julie Blackburn	SMT staff

Responsibility:

The committee is responsible for reviewing cost-share, non-point engineering, clean water legacy, natural resources block grants, local water management challenge grants and services grants allocations, policies, and rules and making recommendations to the Board.

Meetings:

The committee will meet at least two times a year; once prior to the June allocation of cost-share (feedlots, general and special projects); non-point engineering; and services grants.

PUBLIC RELATIONS, OUTREACH AND STRATEGIC PLANNING COMMITTEE

Membership:		
	Brian Napstad, chair	county commissioner
	John Meyer	citizen
	Louise Smallidge	soil & water conservation district
	LuAnn Tolliver	watershed district/WMO
	Sandy Hooker	townships
	Christy Jo Fogarty	metro cities
	Keith Mykleseth	non-metro cities
	John Linc Stine	Department of Health
	Faye Sleeper	University of Minnesota Extension
	Jon Fure	staff lead
	Steve Woods	SMT staff

Responsibility:

The Public Relations, Outreach and Strategic Planning Committee is responsible for the development of strategic and outreach strategies and plans for the Board including identification of key outcomes, partnerships and opportunities.

Meetings: *Committee will meet twice a year or at the call of the chair.*

RIM RESERVE PLANNING COMMITTEE

Membership:	Paul Brutlag, chair	citizen
	Randy Kramer	citizen
	Gordon Behm	watershed district/WMO
	Tom Loveall	county commissioner
	Gene Tiedemann	watershed district/WMO
	Bob Burandt	soil & water conservation district
	Paul Langseth	soil & water conservation district
	John Linc Stine	Department of Health
	Joe Martin	Department of Agriculture
	Larry Kramka/Wayne Edgerton	Department of Natural Resources/Alternate
	Kevin Lines	SMT staff

WATER PLANNING and COMPREHENSIVE WETLAND PLAN REVIEW COMMITTEES: NORTHERN/SOUTHERN/METRO

Membership: *The committee consists of Board Members from the BWSR administration regions – metro, north, and south.*

Chairs: *north – Quentin Fairbanks*
south – Paul Langseth
metro – Bob Burandt

North (4)
Quentin Fairbanks - CC
Paul Brutlag – CIT
Gordon Behm - WD
Brian Napstad – CC
Keith Mykleseth – NMC
Gene Tiedemann – WD
Wayne Edgerton – DNR
Ron Shelito, SMT staff

South (4)
Paul Langseth - SWCD
Tom Loveall – CC
Randy Kramer – CIT
John Meyer - CIT
Sandy Hooker – TWP
Joe Martin – MDA
Dan Wilson - MDH
Jeff Nielsen, SMT staff

Metro (3)
Bob Burandt – SWCD
Louise Smallidge – SWCD
LuAnn Tolliver – WD
Faye Sleeper – UM/Extension
Christy Jo Fogarty - MC
Rebecca Flood – PCA
Jim Haertel, SMT staff

Responsibility:

The committee has the responsibility to review county water plans, water management organization plans, watershed district overall plans, comprehensive wetland plans, and amendments to same and to advise the Board on the adequacy of the plans.

Meetings:

*The committee will meet as necessary to review the local plans and amendments. A **majority** of the committee members must be present. The BWSR northern, southern, and metro regional supervisors will coordinate meeting schedules with members.*

CC = county commissioner
CIT = citizen
SWCD = soil and water conservation district
WD = watershed district
WMO = watershed management organization
MC = metro cities
NMC = non-metro cities
TWP = townships

WETLANDS COMMITTEE

Membership:	LuAnn Tolliver, chair	watershed district/WMO
	Paul Brutlag	citizen
	Gordon Behm	watershed district/WMO
	Tom Loveall	county commissioner
	Brian Napstad	county commissioner
	Quentin Fairbanks	county commissioner
	Sandy Hooker	townships
	Larry Kramka	Department of Natural Resources
	Joe Martin	Department of Agriculture
	Rebecca Flood	Pollution Control Agency
	Les Lemm	WCA Coordinator, staff lead
	Dave Weirens	SMT staff

Responsibility:

The Wetlands Committee is responsible for reviewing Wetland Conservation Act (WCA) and wetland banking rules, policies, guidelines and projects and making recommendations to the Board.

Meetings: The committee will meet twice during the year or at the call of the chair.

STATUTORY COMMITTEES

Committee: Committee on Wells and Borings

Membership: Eric Mohring, staff lead; Board members assigned by Chairman as needed

Responsibility:

Interest and availability with regard to Advisory Council on Wells and Borings and Pesticide Advisory Committee. Policy issues will be brought before the Board for discussion as a new business agenda item.

Meetings: The committee will meet when necessary.

GENERAL COMMITTEE MEETING SCHEDULE

*The Board has adopted a resolution that **committees shall schedule meetings in conjunction with monthly Board meetings as much as possible.** A majority of each committee's membership should be available for a scheduled meeting. The committee chair and staff are expected to develop an agenda and staff are responsible for keeping minutes of the committee proceedings. The committee meetings are considered to be **public meetings** under the open meeting law and therefore must be noticed in the same manner as regular board meetings. All committee agendas should be e-mailed to Mary Jo Anderson for appropriate notice posting.*

Advisory members have offered to serve and may serve on BWSR committees as non-voting members and provide assistance as needed.

Advisory members:

Local Government Partners

- *Association of Minnesota Counties (AMC) – Annalee Garletz, Policy Analyst*
- *Minnesota Association of Conservation District Employees (MACDE) – Felicia Brockoff, President*
- *Minnesota Association of Soil & Water Conservation Districts (MASWCD) – LeAnn Buck, Executive Director*
- *Minnesota Association of Townships (MAT) – Sandy Hooker, Director*
- *Minnesota Association of Watershed Districts (MAWD) – Ray Bohn, Executive Director*
- *Minnesota County Planning and Zoning Administrators (MCPZA) – Jane Starz, President*
- *League of Minnesota Cities (LMC) - Jim Miller, Executive Director*

Federal Partners

- *U.S. Army Corps of Engineers (USACoE) – Tamara Cameron, Chief of Regulatory Branch*
- *U.S. Fish and Wildlife Service (USF&WS) – Tom Melius, Regional Director*
- *USDA Farm Services Agency (FSA) – Glenn Schafer, Acting Executive Director*
- *USDA Natural Resources Conservation Service (NRCS) – Tim Koehler, Assistant State Conservationist*

State Agencies

- *Met Council – Bill Moore, General Manager/Environmental Services Division*
- *Minnesota Department of Transportation (MNDOT) – Frank Pafko, Director/Environmental Services*

Interest Partners

- *Allete Minnesota Power – Blake Francis, Supervisor/Water Quality & Waste Management Division*
- *Audubon Minnesota – Mark Peterson, Executive Director*
- *Builders Association of the Twin Cities – James Vagle, Senior Public Affairs Representative*
- *Fish and Wildlife Legislative Alliance – Lance Ness*
- *Iron Mining Association of Minnesota – Craig Pagel, President*
- *Izaak Walton League – Gary Schwartz, National Director*
- *Minnesota Agricultural Water Resources Coalition – Warren Formo, Director*
- *Minnesota Agri-Growth Council – Daryn McBeth, President*
- *Minnesota Association of Realtors – Heather VanValkenburg, Director/Governmental Affairs*
- *Minnesota Association of Wheat Growers – Dave Torgerson, Executive Director*
- *Minnesota Barley Research & Promotion Council – Marv Zutz, Executive Director*
- *Minnesota Cattlemen's Association – Ted Reichmann, President*
- *Minnesota Center for Environmental Advocacy – Martha Brand, Advocacy Director*
- *Minnesota Conservation Federation – Gary Botzek*
- *Minnesota Corn Growers Association – Tim Gerlach, Executive Director*
- *Minnesota Ducks Unlimited – Ryan Heiniger, Director of Conservation Programs*
- *Minnesota Environmental Partnership – Steve Morse, Executive Director*
- *Minnesota Farm Bureau Federation – Kevin Paap, President*
- *Minnesota Farmers Union – Doug Peterson, President*
- *Minnesota Land Trust – Jane Prohaska, Executive Director*
- *Minnesota Milk Producers Association – Bob Lefebvre, Executive Director*
- *Minnesota Native Wildflowers/Grass Producers Association – Bill Olson, President*
- *Minnesota Pork Producers Association – Dave Preisler, Executive Director*
- *Minnesota Sierra Club – John Hottinger, Chapter Chair*
- *Minnesota Soybean Growers Association – Jim Palmer, Executive Director*
- *Minnesota Timber Producers Association – Wayne Brandt, Executive Vice-President*
- *Minnesota Turkey Growers Association – Steve Olson, Executive Director*
- *Minnesota Viewers Association – Ron Ringquist, Secretary/Treasurer*
- *Minnesota Waterfowl Association – Brad Nylin, Executive Director*
- *Minnesota Waters – Marian Bender, Executive Director*
- *Minnesota Wetland Professionals Association – Scott Milburn, Vice President*
- *Pheasants Forever – Matt Holland, Field Supervisor*
- *Red River Valley Sugarbeet Growers Association, Nick Sinner, Executive Director*
- *The Nature Conservancy – Tom Landwehr, Assistant State Director*
- *Urban Wetland Management Coalition – Cliff Aichinger*
- *Wetlands for Minnesota (Bankers) – Mike Whitt, Interim President*

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Minnesota Board of Water & Soil Resources
January 27, 2009 • 12:30 to 5:00 PM
Riverwoods: Monticello • Board Workshop Session

Orientation 12:30

- Introductions: MN BWSR & Bruce Miles
- Goals for this session
  1) Review organizational history & current strategic plan
  2) Review & consider desired level of board processes & engagement
  3) Review & refine committee charters
  4) ID any other essential work to be undertaken or addressed
  5) Review possible next steps
  6) Evaluate this session
- Review summary of your survey results
- Any other items needed in this session?

Review History & Current Planning Results 12:45

- History summary - Steve
- Current strategic plan - Julie
- ID recent successes & issues
- Large group discussion of results

Review Effective Board Work & Processes 1:30

- Board Member Concerns
- Periodic Reviews
- Why Do Some Boards & Board Members Overmanage or Undermanage?
- Bad Habits of Typically Effective People
- Team Maintenance
- Successful Team Leadership
- Large group discussion

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Review & Refine Committee Charters 2:15

- Committees:
    1) Standing committees
    2) Special purpose committees
        A) Strategic plan committees: Specific purpose & timeline
        B) Other committees: (See Ad Hoc, below)
        C) Membership & length of service
- Ad Hoc groups do work so board can "work smarter"
- Charging a group w/ work: All-board function, not a solo responsibility
- Charging a group: North Branch example
- What might this board hand off to an Ad Hoc group?
- Discussion

Break! 2:45

Review Specific Committee Charters 3:00

- Break into smaller groups by matching cards (Grants, Wetlands, PR, RIM)
- Small groups: Review the committee's work & ID that committee's ideal relationship with the board & with staff
- Discussion

ID Future Issues & Communication Responsibilities 3:45

- Match cards to create small groups
- The Board offers a unique array of perspectives. How do we best collect and mesh them to move MN forward?
- Large group: Discuss small group results

Review Possible Next Steps 4:50

- John
- Questions?

Closure 5:00

- Thank you for the opportunity to work with you
- Please fill out the attached Session Evaluation

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Minnesota Board of Water & Soil Resources
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1) What was good & productive about this session?

2) What was your biggest discovery?

3) How would you improve this session?

4) What type of followup might be of use?

Year	President	Governor	Movies	Culture	Minnesota Environmental Law and Conservation	National Environmental Law and Conservation
1953	Eisenhower	C. Anderson		Hillary climbs Mt. Everest	Majority of MN citizens now live in cities	Watershed Protection and Flood Prevention Act
1954				site selected for Met Stadium		
1955		Freeman		Reserve Mining begins operation near Silver Bay	Watershed (District) Act Water Resources Board created	Commission created to deal with sea lamprey infestation in Great Lakes
1956				1st game in Met Stadium (Mpls Millers) Southdale opens		Soil Bank Program created
1957			Bridge on the River Kwai	Sputnik launched	1st Watershed District created	
1958				1st Russian in space		
1959			Some Like it Hot	1st Metro Interstate miles laid	Corn yield: 39 bu/ac Soybeans: 19 bu/ac	
1960						FDA approves birth control pill
1961	Kennedy	E. Anderson		Twins and Vikings both arrive Berlin Wall goes up		Gov. Freeman appointed U.S. Secretary of Agriculture and tries to cut production
1962			Lawrence of Arabia Chinatown	Skyways built in Minneapolis John Glenn orbits earth		*Silent Spring* is published
1963		Rolvaag		Guthrie Theater opens		Land and Water Conservation Fund created
1964	Johnson					
1965				Gatorade invented	St. Paul sees highest flood peak on Mississippi River (others in 52, 69, 97, and 01)	
1966						
1967		LeVander	The Graduate	Nicollet Avenue Mall	State Soil Conservation Committee (1937) becomes Soil & Water Conservation Commission Metropolitan Council forms	
1968			2001			
1969	Nixon		Butch Cassidy Easy Rider	IDS Tower project announced Viking lose Super Bowl Apollo Mission lands on moon	Shoreland Management Act Metropolitan Waste Control Commission takes control of wastewater system	Cuyahoga River burns in Cleveland
1970			M*A*S*H Patton	Control Data Building built Windsurfer patented	Norman Borlaug wins Nobel Peace Prize	Clean Air Act Amendments, Water Quality Improvement Act, first Earth Day
1971		W. Anderson	The French Connection	IDS Tower tops out, deer hunting season cancelled	Water pollution Control Fund, Environmental Rights Act (MERA), Air & Sold Waste Permits, Southern Minnesota Rivers Basin Council	
1972			The Godfather			Federal Water Pollution Control Act, Marine Protection, Research and Sanctuaries Act, Coastal Zone Management Act, Federal Environmental Pesticide Control Act, Noise Control
1973			American Graffiti	Civic Center opens for hockey Vikings lose second Super Bowl Wendell Anderson on cover of Time	Environmental Policy Act (MEPA), Environmental Quality Board (EQB) Established, Public Waters Protection, Wild & Scenic Rivers Act	Endangered Species Act, phaseout of leaded gasoline starts
1974	Ford			Reserve Mining ordered to cease discharge, Vikings lose third Super Bowl	Hazardous Waste Control, Metropolitan Land Use, County Planning Authority	Safe Drinking Water Act
1975			One Flew Over the Cuckoo's Nest, Jaws	first home computer marketed	SWCC (1967) becomes Soil & Water Conservation Board	
1976			Rocky	Vikings lose fourth Super Bowl	Public Waters and Wetlands Protection	Federal Land Policy and Management Act, National Forest Management Act, Resource Conservation and Recovery Act, Toxic Substances Control Act
1977		ich	Star Wars	Apple II computer marketed	SWCD Cost-Share Program established	Clean Air Act Amendments, Clean Water Act, Surface Mining Control and Reclamation Act

1978	Carter	Perpi	Deer Hunter	Science Museum opens first GPS satellites launched	Creation of Lake Improvement Districts, Area II MN River Basin Projects Inc. forms, BWCAW established	Outer Continental Shelf Lands Act Amendments
1979		Quie	Apocalypse Now	3-Mile Island nuclear incident	Local Floodplain Management	
1980				Miracle on Ice	EIS Categories, Waste Management Board created	Comprehensive Environmental Response, Compensation and Liability Act ("Superfund")
1981	Reagan		Raiders of the Lost Ark	IBM PC marketed		
1982			E.T.	Memorial Stadium demolished Pheasants Forever founded	Metropolitan Surface Water Management Act	
1983		Perpich		City Center opens	Superfund Act	
1984			Ghostbusters			Hazardous and Solid Waste Amendments
1985				Ordway Theatre opens Decade-long sewer separation starts in metro	County Water Management Act Solid Waste Management Act mandates recycling	First Farm Bill creates Conservation Reserve Program (CRP)
1986			Platoon	Zebra mussels found in the U.S. Mounds View pipeline rupture Chernobyl nuclear explosion	Re-Invest in Minnesota Reserve (RIM)	Safe Drinking Water Amendments, Superfund Amendments and Reauthorization Act
1987				Eurasian Water Milfoil found in MN Twins win World Series	Board of Water and Soil Resources created from organizations founded in 1937, '55, and '71	Water Quality Act
1988					Hazardous Waste Cleanup Liens, Environmental Trust Fund	Endangered Species Act Reauthorization, Federal Insecticide, Fungicide and Rodenticide Act
1989	Bush			Exxon Valdez spill	Groundwater Protection Act	
1990			Dances With Wolves	World population at 5 billion Hubble space telescope		second Farm Bill
1991		Carlson	Silence of the Lambs	MOA opens	Wetland Conservation Act (WCA)	
1992			Unforgiven			Pilot Wetland Reserve Program (WRP)
1993	Clinton		Schindler's List	first Minnesota Envirothon held	WCA amended to require less mitigation in counties with >80% of pre-settlement wetlands	
1994			Forrest Gump		BWSR Coastal engineer established, Non-point Engineering Assistance program establishes 11 JPAs, Amendments to the WCA	WRP goes national, Soil Conservation Service becomes NRCS
1995			Toy Story			third Farm Bill
1996					Amendments to the WCA	
1997			Titanic	first cloned mammal	major Red River flood	Kyoto treaty
1998			Saving Private Ryan	Hunting and fishing amendent	RIM matched with WRP and CREP, Red River Basin Flood Damage Reduction Work Group	Minnesota River is 2nd Conservation Reserve Enhancement Program created
1999		Ventura (Janos)		New Science Museum built		
2000				Great Lakes Aquarium opens	BWSR State Soils Office established w/ U of M Amendments to the WCA	
2001	Bush				Amendments to the WCA	
2002			Spider-Man		Large Red River flood in June, BWSR coastal engineering program terminated	fourth Farm Bill
2003		Pawlenty	Finding Nemo		SWCD statute modernization	
2004						
2005					CREP II established	Energy Bill pushes ethanol
2006			The Devil Wears Prada	Red Lake re-opens for walleye	Clean Water Legacy Act, Clean Water Council created, PCA approves statewide mercury TMDL	
2007				Wind energy tops 1000 MW	corn yield: 146 bu/ac soybeans: 41 bu/ac	Energy Independence and Food Security Act pushes ethanol, CRP enrollment peaks in Midwest
2008			Iron Man	35W bridge collapse	3/8 of 1 % sales tax amendment passes Lessard-Sams Outdoor Heritage Council created	fifth Farm Bill
2009	Obama				BWSR expands to 20-members, Technical Service Areas consolidate from 11 to 8	
2010			Avatar			

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Minnesota Board of Water & Soil Resources
January 27, 2009 • 12:30 to 5:00 PM
Riverwoods: Monticello • Board Workshop Session

Session Goals, Materials & Results

Goals for the Session

1) Review organizational history & current strategic plan
2) Review & consider desired level of board processes & engagement
3) Review & refine committee charters
4) ID any other essential work to be undertaken or addressed
5) Review possible next steps
6) Evaluate this session

Essential Materials for Participants

1) 50-year timeline showing environmental & cultural events
2) BWSR Mission & Issues (extracts from current strategic plan)

Session Results

1) Five-Year Organizational Successes & Issues
2) Desired Board Processes
3) Committee Charter Review
4) Other Work (Possibilities)
5) Next Steps - Roles & Responsibilities
6) Evaluations

Minnesota Board of Water & Soil Resources
January 27, 2009 • 12:30 to 5:00 PM
Riverwoods: Monticello • Board Workshop Session
Five-Year Outcomes: Past Successes & Issues

Early in the session, board members broke out into small groups & identified BWSR successes & issues over the last five years. Results included:

	Positive	Less Than Positive
Intended	1) Local water planning 2) Constitutional amendment 3) RIM/WRP partnership 4) Cooperating agencies 5) Flood relief process 6) DRC hearings dramatically reduced 7) Website overhaul 8) e-link 9) WCA stakeholder process 10) Grants process 11) Management team 12) BWSR Board @ Annuals 13) Outreach	1) CREP 2 2) Timely decisions 3) Feedlot & drainage laws 4) Recent boundary change 5) WCA enforcement 6) Citizen confusion: Which agency is responsible for what? 7) Work on the regulatory side - simpler? 8) Performance review funding 9) WRP efforts "crunch" our staff 10) WCA rules 11) Expanded board - more schedules to coordinate 12) Relationship w/ Corps
Unintended	1) Success on flood relief process 2) Constitutional amendment 3) Board expansion by 3 4) PRAP 5) Red River Basin mediation process 6) Additional recognition: RIM & NRCS	1) PRAP - financial aspects 2) Legislative directives 3) Unallotment process 4) Lack of branding & visibility 5) Two River dissolution & audit 6) Admin penalty order 7) Delivery system: stressed by cuts, retirements, etc. 8) South Washington Valley decision 9) Uniformity of NRBG & other funding 10) Pace of change 11) Legislative burden 12) Budgetary environment & constraints

Minnesota Board of Water & Soil Resources
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Future Operations: Potential Board Processes

(all participant-session)

Later in the session, board members discussed their experiences from other governmental bodies. Facilitator mentioned that "… good boards ask for things to be brought to them." The items below were then identified as potential ideas, strategies or changes that could be considered for even more effective board functioning. Ideas included:

Other Possible Meeting Structures or Changes

- More discussion time at Board (the occasional Meeting of the Whole?)
  - → One-hour format: No consent agenda, held over lunch (Forum? Panel? Speaker? Dialogue?)
- Better use of consent agenda
- Time for "Bigger Discussion"
- Hold a specific planning session (Annually?): Review and explore merging topics
- Tighter, better organized board packet & materials
  - → Written agency reports sent in advance to Board
- No micromanagement

Other Possible Sources of Data & Information

- Possible survey research: Have staff identify top five issues, have board identify top five issues, compare
- Comment had been made that "…committees should do the heavy lifting, but that their recommendations should mention other options that the committee considered."

Minnesota Board of Water & Soil Resources
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Future Operations: Other Work to be Considered or Initiated

(all participant-session)

As a final activity, board members identified the following items below in response to the prompt: "The Board offers a unique array of perspectives. How do we best ***collect*** and ***mesh*** them to move ***MN*** forward?" (Specific attention was placed on bold / italicized words.) The comment was made & discussed that BWSR can hold discussions in a way in which the legislature (apparently) cannot. Results included:

- Board develops conservation goals for state & identifies priorities
- "Sweet Spot": Private land → local government level, board is a test group
- Use board as a "sounding board: Other agencies use this board to test ideas in front of this group w/ multiple perspectives
- Interest groups represented in BWSR can help member agencies partner & help each other & provide support
- Help facilitate: Legislature & financial processes (Reference statement in introduction to this session " The comment was made & discussed that BWSR can hold discussions in a way in which the legislature (apparently) cannot."
- Assist/facilitate other groups to stay involved (e.g., Lessard group)
- More projects developed around Legacy funds: Impaired & healthy waters
- Host the discussion: Overlap of agencies regarding water plans
- How to make this happen with no net increase in board member time?
- Consider developing a "My Job, Your Job" exercise for board & admin

BWSR Mission

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

What We Believe In:

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

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

ASSESSMENT:

- There is sometimes a lack of local political commitment to BWSR's mission (i.e., resource conservation).
- The partnership between the County and other LGUs can be made stronger.
- The lead staff in the LGU is not necessarily an outstanding leader.
- Resources for the LGU are sometimes in short supply.

POSSIBLE LEVERAGE POINTS

- Lead LGU staff.
- Partnership between LGUs, and between Counties and other LGUs.
- Accountability/performance mechanisms at BWSR's disposal.
- Existing sources of revenue.

STRATEGY DEVELOPMENT

Defining Reality

- Require a performance assessment of each LGU at least once every five years.
- Create a formal celebration for LGU success stories.
- Market the LGU "scorecard" broadly.

Incentives for Change

- Funding allocations reward LGU positive changes/competency.
- Define expectations clearly and implement consequences for non-improvement.
- Create a Successful LGU Organizational Challenge Program which awards grants to selected candidates that propose to create changes that move the LGU forward.

Support for Change

- Development of a web site that provides examples and ideas of organizational best practices.
- Establish peer mentor program.
- Utilize the Performance Review and Assistance Program.

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

ASSESSMENT

- The amount of administrative time required by different programs can be a burden.
- Strategy alignment across programs is not perfect.
- WCA takes a disproportionate amount of staff time.
- The funding strategies of all programs are not focused solely on resource impact.

POSSIBLE LEVERAGE POINTS

- The method by which BWSR delivers programs (need-based vs. competitive).
- The method by which BWSR monitors performance.
- The guidelines that determine eligible and priority activities for each program.
- BWSR staff work planning.

STRATEGY DEVELOPMENT

Review of Administrative Processes

- Undertake initiative to examine whether current measures are optimal and streamline external reporting/administrative mechanisms.

Program Integration

- Review programs to better focus resources on top priority issues as identified in water plans and the impaired waters
- Target available funding to top priority issues *and* LGUs that have a track record of delivering results.

Monitoring/Assessment/Feedback Protocol

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

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

ASSESSMENT

- Those that have significant influence over the mission.
- The story that motivates them.
- How the story is told.

POSSIBLE LEVERAGE POINTS

- Performance and its measurement.
- Strong and deep partnerships with LGUs.
- Strong relationships with those that have a resource conservation mission that complements the BWSR mission.

STRATEGY DEVELOPMENT

Documentation of Resource Outcomes and Resource Needs

- Require appropriate LGU documentation of outcomes as part of the monitoring of each program activity.
- Create knowledge about LGU activities and effectiveness by sharing activity and effectiveness assessments.
- Develop publications and websites to highlight premier projects and their outcomes.
- Develop a state "Water and Soil Resource Report Card" that offers compelling documentation of need.

LGU/County Relationship Building

- Participation in at least one AMC District meeting and statewide event each year.
- Promote a system whereby SWCDs and Watershed Districts meet semi-annually with Counties to provide an overview of activities.
- Enhance eLINK operations so LGUs can easily access and customize data.
- Meet regularly with AMC's Environment and Natural Resources Policy Committee.

Other Partnership Building

- Hold semi-annual "sounding board" meetings with key stakeholders
- Develop regular "resource leadership quick-takes" that can be e-mailed out to broad list of customers and partners.
- Develop both Executive and Legislative strategies to concisely inform and influence the state's natural resource conservation agenda.

Next Steps

- Determine the outcomes that are desired and the appropriate measures for the success of each.
- Assign a staff person or team responsible for implementation.
- Charge the staff with developing action steps, timelines, and securing resources.
- Charge some person or group with measuring progress and results.
- Assure that citizen perspectives are considered.

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  6) Evaluate this session
- Review summary of your survey results
- Any other items needed in this session?

Review History & Current Planning Results 12:45

- History summary - Steve
- Current strategic plan - Julie
- ID recent successes & issues
- Large group discussion of results

Review Effective Board Work & Processes 1:30

- Board Member Concerns
- Periodic Reviews
- Why Do Some Boards & Board Members Overmanage or Undermanage?
- Bad Habits of Typically Effective People
- Team Maintenance
- Successful Team Leadership
- Large group discussion

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Review & Refine Committee Charters 2:15

- Committees:
    1) Standing committees
    2) Special purpose committees
        A) Strategic plan committees: Specific purpose & timeline
        B) Other committees: (See Ad Hoc, below)
        C) Membership & length of service
- Ad Hoc groups do work so board can "work smarter"
- Charging a group w/ work: All-board function, not a solo responsibility
- Charging a group: North Branch example
- What might this board hand off to an Ad Hoc group?
- Discussion

Break! 2:45

Review Specific Committee Charters 3:00

- Break into smaller groups by matching cards (Grants, Wetlands, PR, RIM)
- Small groups: Review the committee's work & ID that committee's ideal relationship with the board & with staff
- Discussion

ID Future Issues & Communication Responsibilities 3:45

- Match cards to create small groups
- The Board offers a unique array of perspectives. How do we best collect and mesh them to move MN forward?
- Large group: Discuss small group results

Review Possible Next Steps 4:50

- John
- Questions?

Closure 5:00

- Thank you for the opportunity to work with you
- Please fill out the attached Session Evaluation

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Minnesota Board of Water & Soil Resources
January 27, 2009 • 12:30 to 5:00 PM
Riverwoods: Monticello • Board Workshop Session

1) What was good & productive about this session?

2) What was your biggest discovery?

3) How would you improve this session?

4) What type of followup might be of use?

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Minnesota Board of Water & Soil Resources
January 27, 2009 • 12:30 to 5:00 PM
Riverwoods: Monticello • Board Workshop Session

RESOURCE PACKET

Orientation

- Summary of your survey results — handout 1

Review History & Current Planning Results

- History summary — (separate)
- Current strategic plan — (separate)
- ID recent successes & issues — handout 2

Review Effective Board Work & Processes

- Board Member Concerns — handout 3
- Periodic Reviews — handout 4
- Why Do Some Boards Overmanage or Undermanage? — handout 5
- Bad Habits of Typically Effective People — handout 6
- Team Maintenance — handout 7
- Successful Team Leadership — handout 8

Review & Refine Committee Charters

- Committees — handout 9

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BWSR Survey Results (N=6)

1) What two or three things are going well within BWSR?

- Accomplishing our charge from the Legislature
- Communication and relationship between the office and the Board
- The Board works well together and with the watershed districts
- Great website with lots of information
- Good staff and board

2) What two or three things need more attention?

- Better understanding of Board duties and staff functions
- Communication between Board members
- Speed up the learning curve for new members
- Holding local units accountable for grants/funding
- Not enough formality with the Board – need to follow more business-like steps
- Equalization of committee work

3) Are you getting the "right" amount of information to make decisions?

- For the most part, yes
- If I need anything more, I just ask and questions are always answered well
- Most of the time, but sometime I feel we are under time constraints

4) Do you have enough current information to hold the management team accountable for achieving our organizations goals?

- I think the executive committee is in a much stronger position to evaluate the management team because of the closer relationship. As far as broad organizational goals, I think we are.
- Yes, but it's are responsibility as a Board to hold them accountable
- Yes
- I believe so
- Mostly. It is always difficult as an outside person with other work to fully understand or evaluate the work.

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Chainsaw Planning©
Worksheet #1A: Outcome Diagnosis

	Positive	Less Than Positive
Intended	1) 2) 3) 4) 5)	1) 2) 3) 4) 5)
Unintended	1) 2) 3) 4) 5)	1) 2) 3) 4) 5)

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Board Members' Concerns

Level 1: Does this policy or procedure agree with my experience or client's experiences in this organization?

Level 2: Does this policy or procedure agree with the needs & desires of my friends or the social groups I belong to? ("My community's needs are the organization's needs.")

Level 3: What priorities should be adopted to best implement the goals & mission of this organization?

Level 4: Does this policy agree with the mission of this organization?

Level 5: Are the goals aligned with what applied research says about the fundamental questions that face this organization?

Jones, A.C. (11/2001). Balancing Individual Needs & the Common Good. Principal Leadership, pages 5-9.

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Periodic Board Reviews

- The board must take time on a regular basis (at least annually) to self-evaluate
- Build in periodic checkpoints to review the status of working relationships & progress toward goals
- Well-functioning boards have found ways to maintain open communication, which in turn leads to greater respect for fellow members
- Institute a simple survey on a quarterly basis dealing with topics such as communication, decision making, trust and other group-related dynamics
- In addition, the instrument should include a review of progress toward goals
- This forced choice process helps to resolve matters that might be a basis for conflict if not brought into the open and discussed

Castallo, R. (2000). Clarifying Roles Through Self-Evaluation and Periodic Checks. *School Administrator*, Sept.

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Why Do Some Boards Micromanage?

Micromanagement Test

- Do board members spend time showing employees how to do a job right, telling them exactly what to do?
- Do board members devote a lot of time to overseeing school projects?
- Are board members irritated when administrators make decisions without consulting them first?
- Are board member spending more time "in the trenches" instead of considering policy implications?
- Do board members prefer directing staff members rather than empowering them?

Why Boards Micromanage

1) The board trustee's role & responsibilities are unclear.

2) Board members have no policies delineating their appropriate role.

3) Management of day-to-day work is what board members know from real life.

4) Board members are invited onto the board to perform a task, not to lead.

5) Micromanagement is a response to a crisis.

6) Board members are afraid.

Jazzar, M. (2005). Tales of micromanagement: Part 1. American School Board Journal, August 2005; pages 31-32 & 47.

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Bad Habits of Typically Successful People

When faced with new challenges and a possible high level of team conflict, what do team members do?

Typically, they revert to the old bad habits. Here are some examples of typical mistakes:

1) Fail to check with other team members before making commitments on their behalf.

2) Move forward too quickly without gathering or sharing enough information.

3) Involve other team members too late in the process.

4) Communicate in disrespectful ways.

5) Give unclear instructions or incomplete data to fellow team members.

Training & Development. April 1999 v53 i4 p32(6), Paul Hennessey

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How to Maintain Your Team

- **Build a positive reputation by:**
  1) **Reinforce reliability**
  2) **Celebrate accomplishments**
  3) **Develop skills & competence**
- **Limit personal biases**
- **Take time to get to know others**
- **Explicitly acknowledge personal differences**
- **Discuss cultural expectations**
- **Demonstrate care & concern for all**

Ivey Business Journal, May 2000 V64 i5 ps20 *RICHARD BENSON-ARMER*

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Successful Team Leadership
Built on Trust

Team Leaders' Actions That Build Trust:

- **Reduce uncertainty in the organizational context**
- **Clarify formal and informal rules**
- **Craft and communicate shared values**
- **Limit vulnerability in the situation**
- **Limit the risk of failure; celebrate and learn from well-intentioned mistakes**
- **Disaggregate problems into small, discrete elements**
- **Believe in the individual**

Ivey Business Journal, May 2000 v64 i5 p20 *RICHARD RENSON-ARMER.*

10/29/09

BOARD OF WATER AND SOIL RESOURCES
COMMITTEES
October 2009

ADMINISTRATIVE ADVISORY COMMITTEE

Membership:	Randy Kramer, chair	citizen
	Paul Brutlag, vice-chair	citizen
	Louise Smallidge	soil & water conservation district
	Brian Napstad	county commissioner
	LuAnn Tolliver	watershed district/WMO
	John Jaschke	staff
	Mary Jo Anderson	staff

Responsibility:

The administrative advisory committee consists of the Board's chair and vice-chair and the chairs of the Board's standing committees. The administrative advisory committee will make evaluations and recommendations to the Board on various Board issues including ethics; expenses/per diem; bylaws; and legislation and budgets. The Administrative Advisory Committee will act as the personnel committee for personnel actions relating to the Board's executive director. The chairman may include additional members ad hoc to address special or unique topics or issues.

Meetings: The committee will meet at the call of the chair.

DISPUTE RESOLUTION COMMITTEE (DRC)

Membership:	Randy Kramer, chair	citizen
	Paul Brutlag	citizen
	LuAnn Tolliver	watershed district/WMO
	Quentin Fairbanks	county commissioner
	Louise Smallidge	soil & water conservation district
	Travis Germundson	staff lead

Responsibility:

The DRC is responsible for appeals relating to the Wetland Conservation Act rule decisions of local governments, watershed district rule and permit decision appeals, and, under MS103A.301, determinations of water law and policy. The authority of the DRC is established in statute and assigned to the DRC by the Board. Under current guidelines the DRC receives the appeals; hears the issues; and makes recommendations to the Board.

Meetings:

The Committee will meet as needed to process appeals that have been filed with the Board.

GRANTS PROGRAM AND POLICY COMMITTEE

Membership:		
	Louise Smallidge, chair	soil & water conservation district
	Bob Burandt	soil & water conservation district
	Paul Langseth	soil & water conservation district
	John Meyer	citizen
	Gene Tiedemann	watershed district/WMO
	Christy Jo Fogarty	metro cities
	Keith Mykleseth	non-metro cities
	Rebecca Flood	Pollution Control Agency
	Faye Sleeper	University of Minnesota Extension
	Wayne Zellmer	staff lead
	Julie Blackburn	SMT staff

Responsibility:

The committee is responsible for reviewing cost-share, non-point engineering, clean water legacy, natural resources block grants, local water management challenge grants and services grants allocations, policies, and rules and making recommendations to the Board.

Meetings:

The committee will meet at least two times a year; once prior to the June allocation of cost-share (feedlots, general and special projects); non-point engineering; and services grants.

PUBLIC RELATIONS, OUTREACH AND STRATEGIC PLANNING COMMITTEE

Membership:		
	Brian Napstad, chair	county commissioner
	John Meyer	citizen
	Louise Smallidge	soil & water conservation district
	LuAnn Tolliver	watershed district/WMO
	Sandy Hooker	townships
	Christy Jo Fogarty	metro cities
	Keith Mykleseth	non-metro cities
	John Linc Stine	Department of Health
	Faye Sleeper	University of Minnesota Extension
	Jon Fure	staff lead
	Steve Woods	SMT staff

Responsibility:

The Public Relations, Outreach and Strategic Planning Committee is responsible for the development of strategic and outreach strategies and plans for the Board including identification of key outcomes, partnerships and opportunities.

Meetings: *Committee will meet twice a year or at the call of the chair.*

RIM RESERVE PLANNING COMMITTEE

Membership:	Paul Brutlag, chair	citizen
	Randy Kramer	citizen
	Gordon Behm	watershed district/WMO
	Tom Loveall	county commissioner
	Gene Tiedemann	watershed district/WMO
	Bob Burandt	soil & water conservation district
	Paul Langseth	soil & water conservation district
	John Linc Stine	Department of Health
	Joe Martin	Department of Agriculture
	Larry Kramka/Wayne Edgerton	Department of Natural Resources/Alternate
	Kevin Lines	SMT staff

WATER PLANNING and COMPREHENSIVE WETLAND PLAN REVIEW COMMITTEES: NORTHERN/SOUTHERN/METRO

Membership: *The committee consists of Board Members from the BWSR administration regions – metro, north, and south.*

Chairs: *north – Quentin Fairbanks*
south – Paul Langseth
metro – Bob Burandt

North (4)
Quentin Fairbanks - CC
Paul Brutlag – CIT
Gordon Behm - WD
Brian Napstad – CC
Keith Mykleseth – NMC
Gene Tiedemann – WD
Wayne Edgerton – DNR
Ron Shelito, SMT staff

South (4)
Paul Langseth - SWCD
Tom Loveall – CC
Randy Kramer – CIT
John Meyer - CIT
Sandy Hooker – TWP
Joe Martin – MDA
Dan Wilson - MDH
Jeff Nielsen, SMT staff

Metro (3)
Bob Burandt – SWCD
Louise Smallidge – SWCD
LuAnn Tolliver – WD
Faye Sleeper – UM/Extension
Christy Jo Fogarty - MC
Rebecca Flood – PCA
Jim Haertel, SMT staff

Responsibility:

The committee has the responsibility to review county water plans, water management organization plans, watershed district overall plans, comprehensive wetland plans, and amendments to same and to advise the Board on the adequacy of the plans.

Meetings:

The committee will meet as necessary to review the local plans and amendments. A ***majority*** *of the committee members must be present. The BWSR northern, southern, and metro regional supervisors will coordinate meeting schedules with members.*

CC = county commissioner
CIT = citizen
SWCD = soil and water conservation district
WD = watershed district
WMO = watershed management organization
MC = metro cities
NMC = non-metro cities
TWP = townships

WETLANDS COMMITTEE

Membership:	LuAnn Tolliver, chair	watershed district/WMO
	Paul Brutlag	citizen
	Gordon Behm	watershed district/WMO
	Tom Loveall	county commissioner
	Brian Napstad	county commissioner
	Quentin Fairbanks	county commissioner
	Sandy Hooker	townships
	Larry Kramka	Department of Natural Resources
	Joe Martin	Department of Agriculture
	Rebecca Flood	Pollution Control Agency
	Les Lemm	WCA Coordinator, staff lead
	Dave Weirens	SMT staff

Responsibility:

The Wetlands Committee is responsible for reviewing Wetland Conservation Act (WCA) and wetland banking rules, policies, guidelines and projects and making recommendations to the Board.

Meetings: The committee will meet twice during the year or at the call of the chair.

STATUTORY COMMITTEES

Committee: Committee on Wells and Borings

Membership: Eric Mohring, staff lead; Board members assigned by Chairman as needed

Responsibility:

Interest and availability with regard to Advisory Council on Wells and Borings and Pesticide Advisory Committee. Policy issues will be brought before the Board for discussion as a new business agenda item.

Meetings: The committee will meet when necessary.

GENERAL COMMITTEE MEETING SCHEDULE

*The Board has adopted a resolution that **committees shall schedule meetings in conjunction with monthly Board meetings as much as possible.** A majority of each committee's membership should be available for a scheduled meeting. The committee chair and staff are expected to develop an agenda and staff are responsible for keeping minutes of the committee proceedings. The committee meetings are considered to be **public meetings** under the open meeting law and therefore must be noticed in the same manner as regular board meetings. All committee agendas should be e-mailed to Mary Jo Anderson for appropriate notice posting.*

Advisory members have offered to serve and may serve on BWSR committees as non-voting members and provide assistance as needed.

Advisory members:

Local Government Partners

- *Association of Minnesota Counties (AMC) – Annalee Garletz, Policy Analyst*
- *Minnesota Association of Conservation District Employees (MACDE) – Felicia Brockoff, President*
- *Minnesota Association of Soil & Water Conservation Districts (MASWCD) – LeAnn Buck, Executive Director*
- *Minnesota Association of Townships (MAT) – Sandy Hooker, Director*
- *Minnesota Association of Watershed Districts (MAWD) – Ray Bohn, Executive Director*
- *Minnesota County Planning and Zoning Administrators (MCPZA) – Jane Starz, President*
- *League of Minnesota Cities (LMC) - Jim Miller, Executive Director*

Federal Partners

- *U.S. Army Corps of Engineers (USACoE) – Tamara Cameron, Chief of Regulatory Branch*
- *U.S. Fish and Wildlife Service (USF&WS) – Tom Melius, Regional Director*
- *USDA Farm Services Agency (FSA) – Glenn Schafer, Acting Executive Director*
- *USDA Natural Resources Conservation Service (NRCS) – Tim Koehler, Assistant State Conservationist*

State Agencies

- *Met Council – Bill Moore, General Manager/Environmental Services Division*
- *Minnesota Department of Transportation (MNDOT) – Frank Pafko, Director/Environmental Services*

Interest Partners

- *Allete Minnesota Power – Blake Francis, Supervisor/Water Quality & Waste Management Division*
- *Audubon Minnesota – Mark Peterson, Executive Director*
- *Builders Association of the Twin Cities – James Vagle, Senior Public Affairs Representative*
- *Fish and Wildlife Legislative Alliance – Lance Ness*
- *Iron Mining Association of Minnesota – Craig Pagel, President*
- *Izaak Walton League – Gary Schwartz, National Director*
- *Minnesota Agricultural Water Resources Coalition – Warren Formo, Director*
- *Minnesota Agri-Growth Council – Daryn McBeth, President*
- *Minnesota Association of Realtors – Heather VanValkenburg, Director/Governmental Affairs*
- *Minnesota Association of Wheat Growers – Dave Torgerson, Executive Director*
- *Minnesota Barley Research & Promotion Council – Marv Zutz, Executive Director*
- *Minnesota Cattlemen's Association – Ted Reichmann, President*
- *Minnesota Center for Environmental Advocacy – Martha Brand, Advocacy Director*
- *Minnesota Conservation Federation – Gary Botzek*
- *Minnesota Corn Growers Association – Tim Gerlach, Executive Director*
- *Minnesota Ducks Unlimited – Ryan Heiniger, Director of Conservation Programs*
- *Minnesota Environmental Partnership – Steve Morse, Executive Director*
- *Minnesota Farm Bureau Federation – Kevin Paap, President*
- *Minnesota Farmers Union – Doug Peterson, President*
- *Minnesota Land Trust – Jane Prohaska, Executive Director*
- *Minnesota Milk Producers Association – Bob Lefebvre, Executive Director*
- *Minnesota Native Wildflowers/Grass Producers Association – Bill Olson, President*
- *Minnesota Pork Producers Association – Dave Preisler, Executive Director*
- *Minnesota Sierra Club – John Hottinger, Chapter Chair*
- *Minnesota Soybean Growers Association – Jim Palmer, Executive Director*
- *Minnesota Timber Producers Association – Wayne Brandt, Executive Vice-President*
- *Minnesota Turkey Growers Association – Steve Olson, Executive Director*
- *Minnesota Viewers Association – Ron Ringquist, Secretary/Treasurer*
- *Minnesota Waterfowl Association – Brad Nylin, Executive Director*
- *Minnesota Waters – Marian Bender, Executive Director*
- *Minnesota Wetland Professionals Association – Scott Milburn, Vice President*
- *Pheasants Forever – Matt Holland, Field Supervisor*
- *Red River Valley Sugarbeet Growers Association, Nick Sinner, Executive Director*
- *The Nature Conservancy – Tom Landwehr, Assistant State Director*
- *Urban Wetland Management Coalition – Cliff Aichinger*
- *Wetlands for Minnesota (Bankers) – Mike Whitt, Interim President*

BWSR Mission

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

What We Believe In:

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

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

ASSESSMENT:

- There is sometimes a lack of local political commitment to BWSR's mission (i.e., resource conservation).
- The partnership between the County and other LGUs can be made stronger.
- The lead staff in the LGU is not necessarily an outstanding leader.
- Resources for the LGU are sometimes in short supply.

POSSIBLE LEVERAGE POINTS

- Lead LGU staff.
- Partnership between LGUs, and between Counties and other LGUs.
- Accountability/performance mechanisms at BWSR's disposal.
- Existing sources of revenue.

STRATEGY DEVELOPMENT

Defining Reality

- Require a performance assessment of each LGU at least once every five years.
- Create a formal celebration for LGU success stories.
- Market the LGU "scorecard" broadly.

Incentives for Change

- Funding allocations reward LGU positive changes/competency.
- Define expectations clearly and implement consequences for non-improvement.
- Create a Successful LGU Organizational Challenge Program which awards grants to selected candidates that propose to create changes that move the LGU forward.

Support for Change

- Development of a web site that provides examples and ideas of organizational best practices.
- Establish peer mentor program.
- Utilize the Performance Review and Assistance Program.

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

ASSESSMENT

- The amount of administrative time required by different programs can be a burden.
- Strategy alignment across programs is not perfect.
- WCA takes a disproportionate amount of staff time.
- The funding strategies of all programs are not focused solely on resource impact.

POSSIBLE LEVERAGE POINTS

- The method by which BWSR delivers programs (need-based vs. competitive).
- The method by which BWSR monitors performance.
- The guidelines that determine eligible and priority activities for each program.
- BWSR staff work planning.

STRATEGY DEVELOPMENT

Review of Administrative Processes

- Undertake initiative to examine whether current measures are optimal and streamline external reporting/administrative mechanisms.

Program Integration

- Review programs to better focus resources on top priority issues as identified in water plans and the impaired waters
- Target available funding to top priority issues *and* LGUs that have a track record of delivering results.

Monitoring/Assessment/Feedback Protocol

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

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

ASSESSMENT

- Those that have significant influence over the mission.
- The story that motivates them.
- How the story is told.

POSSIBLE LEVERAGE POINTS

- Performance and its measurement.
- Strong and deep partnerships with LGUs.
- Strong relationships with those that have a resource conservation mission that complements the BWSR mission.

STRATEGY DEVELOPMENT

Documentation of Resource Outcomes and Resource Needs

- Require appropriate LGU documentation of outcomes as part of the monitoring of each program activity.
- Create knowledge about LGU activities and effectiveness by sharing activity and effectiveness assessments.
- Develop publications and websites to highlight premier projects and their outcomes.
- Develop a state "Water and Soil Resource Report Card" that offers compelling documentation of need.

LGU/County Relationship Building

- Participation in at least one AMC District meeting and statewide event each year.
- Promote a system whereby SWCDs and Watershed Districts meet semi-annually with Counties to provide an overview of activities.
- Enhance eLINK operations so LGUs can easily access and customize data.
- Meet regularly with AMC's Environment and Natural Resources Policy Committee.

Other Partnership Building

- Hold semi-annual "sounding board" meetings with key stakeholders
- Develop regular "resource leadership quick-takes" that can be e-mailed out to broad list of customers and partners.
- Develop both Executive and Legislative strategies to concisely inform and influence the state's natural resource conservation agenda.

Next Steps

- Determine the outcomes that are desired and the appropriate measures for the success of each.
- Assign a staff person or team responsible for implementation.
- Charge the staff with developing action steps, timelines, and securing resources.
- Charge some person or group with measuring progress and results.
- Assure that citizen perspectives are considered.

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD
LOWER LEVEL BOARD ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, MARCH 24, 2010

BOARD MEMBERS PRESENT:
Gordy Behm, Paul Brutlag, Bob Burandt, Rebecca Flood, MPCA; Quentin Fairbanks, Christy Jo Fogarty, 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, LuAnn Tolliver, John Linc Stine, MDH; Gene Tiedemann

STAFF PRESENT:
Mary Jo Anderson, Conor Donnelly, Tabor Hoek, John Jaschke, Al Kean, Megan Lennon, Chad Severts, Ron Shelito, Sarma Straumanis, Dave Weirens, Tom Wenzel, Steve Woods

OTHERS PRESENT:
LeAnn Buck, MASWCD
Wayne Edgerton, DNR
Lance Yohe and Julie Gehring, RRBC
Larry Gunderson, MN River Basin Coordinator, MPCA
Shawn Schottler, St. Croix Watershed Research Station

DRAFT

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

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA – Chair Kramer stated that the Public Relations, Outreach and Strategic Planning Committee Recommendation on BWSR Bylaws, presented by Brian Napstad, will be moved up on the agenda under Reports rather than Committee Recommendations as Brian needs to leave the meeting early to attend another meeting. Chair Kramer stated that an additional agenda item has been added under Committee Recommendations – Northern Water Planning Committee, Crow Wing SWCD Change of Office Location. Keith Mykleseth stated that Paul Brutlag will report on the Traverse
** County Local Water Management Plan Amendment. Moved by Paul Brutlag,
10-14 seconded by Quentin Fairbanks, to adopt the agenda as amended. Motion passed on a voice vote.

** **MINUTES OF JANUARY 28, 2010** – Moved by Louise Smallidge, seconded by Paul Langseth,
10-15 to approve the minutes of January 28, 2010 as presented. Motion passed on a voice vote.

REPORTS

Chair's Report – Randy Kramer reported that he met with the Legislative Auditor's last week regarding findings of BWSR's audit. The Legislative auditors also met with staff. Chair Kramer is involved in the findings process, which is confidential until the report is released.

Chair Kramer reported that he had his confirmation hearing in the Senate Environment Committee. Chair Kramer attended a meeting with the Department of Agriculture regarding clean water research projects. Chair Kramer attended the RIM Reserve Management Planning Committee meeting on March 17.

Chair Kramer asked that board members submit their completed forms to the Campaign Finance and Public Disclosure Board.

Chair Kramer reported that he and Paul Brutlag met with John Jaschke, regarding the executive director's performance review. Chair Kramer thanked board members for submitting their review responses; 20 out of 20 board members responded. Quentin Fairbanks asked for the position description of the executive director to use as a guideline for the next review.

Executive Director's Report – John Jaschke gave an overview of the information in board members' packets. John gave a brief report on the BWSR 2010-2011 budget and proposed cuts. John reported that the bonding bill passed and that Governor

DRAFT

Pawlenty line-item vetoed the RIM funds. The BWSR policy bills are moving forward: the WCA bill; local water management bill for the metro area; the drainage work group bill; the walk-in hunting bill; and the watershed districts' borrowing authority bill.

John reported that the Legislative Auditors have nearly completed BWSR's fiscal audit; they had been in the office over two months, typically BWSR is audited every three years. John circulated an evaluation report by the Office of the Legislative Auditor, "Natural Resource Land". John asked that board members let him know if they are interested in receiving a copy of the report and he will request additional copies. John reported that he met with Rebecca Flood, MPCA, regarding grant issues. A joint communication from BWSR/MPCA will be sent out prior to the grant making period.

John reported that a few new procedures have been established as a result of the January Board Workshop. A new form has been developed to coordinate agenda items; proposed changes to the Bylaws; and to create a dialogue at Board meetings regarding various topics. A short panel presentation is on the agenda today regarding Sediment Source Fingerprinting Analysis. Rebecca Flood asked that the Legislative Auditor findings be presented to the Board at an upcoming meeting.

Dispute Resolution Committee – Travis Germundson reported that one new appeal has been received, for a restoration order in Lyon County. Travis provided an update to the earlier report that board members' received. Chair Kramer thanked Travis for his report.

Wetlands Committee – LuAnn Tolliver reported that the Wetlands Committee cancelled a meeting scheduled for March 23; the Committee will meet on April 28, immediately following the Board meeting.

Grants Program & Policy Committee – Louise Smallidge reported that the Grants Program & Policy Committee has not met since their January meeting.

Public Relations, Outreach & Strategic Planning Committee
BWSR Bylaws – Brian Napstad reported that the Public Relations, Outreach & Strategic Planning Committee met in January and discussed proposed changes to the BWSR Bylaws. Brian summarized the proposed changes to the Bylaws and stated that per the Bylaws, Board members must have an opportunity to review them at least one meeting prior to adoption. Brian stated that the final proposed Bylaws will be acted on at the next Board meeting. Brian thanked Steve Woods and Julie Blackburn for their efforts on this document. Chair Kramer stated that the BWSR Bylaws will be on the agenda at the April 28th Board meeting. Chair Kramer asked board members that may have comments or changes to the proposed Bylaws to contact the Chair, Brian Napstad or staff before the next meeting.

RIM Reserve Management Planning Committee – Paul Brutlag reported that the RIM Reserve Management Planning Committee met last week with the NRCS Technical Committee to discuss items that are on the agenda later today.

Drainage Work Group – Tom Loveall reported that the Drainage Work Group met on January 21; nothing to report at this time. Al Kean reported that the bill containing the Drainage Work Group recommendations are being heard in the Senate this morning.

Administrative Advisory Committee – Chair Kramer reported that Administrative Advisory Committee met this morning. Items discussed included: the SWWD/VBWD boundary settlement negotiations; budget FY10-11 status report; policy bills overview; RRBC workplan and FY10 pass-through grant; and the Crow Wing SWCD office relocation.

COMMITTEE MEETINGS

Northern Water Planning Committee

Carlton County Local Water Management Plan Update – Keith Mykleseth reported that the Northern Water Planning Committee met on February 10, 2010, and recommends approval of
** the Carlton County Local Water Management Plan. Moved by Keith Mykleseth, seconded by
10-16 Paul Brutlag, to approve the Carlton County Local Water Management Plan. Motion passed on a voice vote.

Red Lake County Local Water Management Plan Update – Brian Napstad reported that the Northern Water Planning Committee reviewed the updated Red Lake County Local Water Management Plan and recommends approval of the Red Lake County Local Water Management Plan from March 24, 2010 to March 24, 2020 with a review and update of the
** work plan in five years. Moved by Brian Napstad, seconded by Quentin Fairbanks, to
10-17 approve the Red Lake County Local Water Management Plan Update. Motion passed on a voice vote.

Roseau County Local Water Management Plan – Gene Tiedemann reported that the Northern Water Planning Committee reviewed the Roseau County Local Water Management Plan. The Committee's recommendation is to approve the Roseau County Local Water Management Plan through March 24, 2020; with review and update of the
** work plan in five years. Moved by Gene Tiedemann, seconded by Keith Mykleseth,to
10-18 approve the Roseau County Local Water Management Plan. Moved passed on a voice vote.

Traverse County Amendment of Local Water Management Plan – Paul Brutlag reported that the Northern Water Planning Committee reviewed the Traverse County Local Water Management Plan Amendment. The Committee recommends approval of

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** 10-19 the 2009 Amendment for January 1, 2020 – December 31, 2014. Moved by Paul Brutlag, seconded by Quentin Fairbanks, to approve the Traverse County Local Water Management Plan Amendment. Motion passed on a voice vote.

Brian Napstad left the meeting at 9:50 a.m.

Marshall-Beltrami SWCD Consolidation and Dissolution – Ron Shelito introduced Chad Severts, Board Conservationist, and thanked Chad for his efforts on this endeavor. Ron explained that BWSR has been requested to exercise the power and duties identified in Minnesota Statutes Chapter 103C.401, subdivision 1(7), to consolidate the Marshall and Beltrami County portions of Marshall-Beltrami SWCD with the Marshall and Beltrami SWCDs, and also dissolve the Marshall-Beltrami SWCD. The Marshall-Beltrami SWCD has experienced financial difficulties for some time and is the only SWCD in the state to have areas in two counties. Before passing the resolutions, the Marshall, Beltrami, and Marshall-Beltrami SWCDs held informational meetings to determine the public's opinion. The Northern Water Planning Committee met March 10th to review the situation for feasibility, plan of succession, and the welfare of the public. The Committee recommends approval of the consolidation and dissolution. Chad reported on the Memorandum of Understanding (MOU) signed between the Marshall and Beltrami SWCDs which establishes the roles and responsibilities, and will also be considered by the Board, to be signed by Chair Kramer. Chad stated that the county attorneys requested Board action on this MOU. Ron stated that the Attorney General's office agrees with the county attorneys, and MASWCD is not against this action. Quentin stated that Beltrami County supported the dissolution effort. Keith Mykleseth

** 10-20 stated that staff have done great work on this effort. Moved by Keith Mykleseth, seconded by Paul Brutlag, to approve Committee's recommendation as presented in the resolution to consolidate the Marshall and Beltrami County portions of Marshall-Beltrami SWCD with the Marshall and Beltrami SWCDs, and also dissolve the Marshall-Beltrami SWCD. Discussion followed. Motion passed on a voice vote.

** 10-21 Moved by Quentin Fairbanks, seconded by Paul Brutlag, to approve the Memorandum of Understanding, to be signed by Chair Kramer. Christy Jo Fogarty asked why BWSR is requested to sign the MOU. Ron Shelito reported that the county attorneys requested that BWSR sign the document as a gesture of good will. Ron stated that the Attorney General's office agreed to BWSR's signature. Discussion followed. Paul Brutlag stated that the agreement adds another level of affirmation. Motion passed on a voice vote.

Crow Wing SWCD Office Relocation – Wayne Edgerton, as a member of the Northern Water Planning Committee, reported that MN Statute 103C.221 states BWSR's authority to act on the change in office location. The Northern Water Planning Committee met on February 10, 2010, and recommends approval of the Crow Wing

** 10-22 SWCD change of location from Baxter to Brainerd. Moved by Quentin Fairbanks, seconded by Paul Brutlag, to approve the Crow Wing SWCD Change of Office Location. Motion passed on a voice vote.

***Southern Water Planning* Committee**

Olmsted County Priority Concerns Scoping Document – Paul Langseth reported that the Southern Water Planning Committee met on March 4, 2010, reviewed the Olmsted County Priority Concerns Scoping Document, and recommends approval.

** 10-23 Moved by Paul Langseth, seconded by Larry Kramka, to approve the Olmsted County Priority Concerns Scoping Document. Discussion followed. Motion passed on a voice vote.

Winona County Priority Concerns Scoping Document – Paul Langseth reported that the Southern Water Planning Committee reviewed the Winona County Priority Concerns

** 10-24 Scoping Document and recommends approval. Moved by Paul Langseth, seconded by John Meyer, to approve the Winona County Priority Concerns Scoping Document. Motion passed on a voice vote.

Wetland Committee

Northeast Minnesota Wetland Mitigation Inventory and Assessment Project Final Report – Dave Weirens introduced Mark Jacobson, Barr Engineering. Dave presented an overview of the Northeast Minnesota Wetland Mitigation Inventory and Assessment Project Final Report. BWSR was appropriated $375,000 in FY2007 to (1) inventory wetland mitigation opportunities and water quality and watershed improvement projects in a greater than 80 percent area and (2) conduct a region-wide wetland mitigation siting analysis for greater than 80 percent areas. Barr Engineering was contracted with to complete these tasks. Mark Jacobson presented a summary of the Phase I and Phase II Final Assessment Report. The final report includes an estimation of wetland mitigation credits in the greater than 80% area, a series of recommendations, and an on-line GIS tool for resource management and regulatory program compliance. The report is also on the website as follows: http://www.bwsr.state.mn.us/wetlands/wca/NE_Assessment_Phase_II-Report.pdf .

Dave reported that the Wetlands Committee reviewed the project report on December 15, 2009, and recommends approval. LuAnn Tolliver stated that the Committee is asking that the Board accept the Report today, at another time under separate resolution, the Board will be asked to continue to be the lead state agency for

** 10-25 implementing specific recommendations, contingent on sufficient funding. Moved by LuAnn Tolliver, seconded by Gordy Behm, that the Board accepts the Northeast Minnesota Wetland Mitigation Inventory and Assessment Report; and will continue to be the lead state agency for implementing specific recommendations. Discussion followed.

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Larry Kramka stated as a matter of record, that the contract ends tomorrow. Motion passed on a voice vote.

John Linc Stine arrived at the meeting at 10:30 a.m.

Faye Sleeper left the meeting at 10:40 a.m.

Chair Kramer called for a break in the meeting at 10:55 a.m. The meeting reconvened at 11:10 a.m.

NEW BUSINESS

Establish New Policy and Conservation Practice Rates for the Reinvest in Minnesota (RIM) Reserve Program – Tabor Hoek reported that the RIM Reserve Management Planning Committee met on March 17th and unanimously recommends the following RIM Reserve Policy and conservation practice rate recommendations:

- The RIM Reserve Program will not exceed 100% of the eligible costs for the practice to be established.
- The RIM Reserve Program will pay 100% of total eligible costs of wetland restoration up to $1,200 per acre.
- The RIM Reserve Program will pay 100% of total eligible costs for native species restoration up to $600 per acre for perpetual easements.
- The RIM Reserve Program will pay 100% of total eligible costs for native trees and shrubs up to $800 per acre for perpetual easements.
- For limited duration easements the RIM Reserve Program will pay up to 75% of eligible costs not to exceed actual costs.

Tabor explained that the Committee recommends authorization of the Conservation Easement Section Manager to exceed the conservation practice rate limits established by the Board on a case-by-case basis. This authority applies only when all factors related to the easement and restoration project functions have been evaluated and the extra expense is determined to be necessary to ensure the public's benefit in
** completing the project. Moved by Paul Brutlag, seconded by Paul Langseth, to
10-26 authorize staff to implement the new conservation practice rates and policy adopted in support of the RIM Reserve Program. Discussion followed. Motion passed on a voice vote.

Establish Rates, Eligibility and Sign-Up Procedures for the 2010 RIM Reserve-Wetlands Reserve Program (RIM-WRP) Partnership Project – Paul Brutlag reported that the RIM Reserve Management Planning Committee reviewed and unanimously recommends authorizing staff to implement the 2010 RIM-WRP partnership sign-up to begin no sooner than April 1, 2010 and no later than May 31, 2010. The total partnership payment rate for cropland acres shall not exceed 125% of AATV, and for

non-cropland acres shall not exceed 70% AATV. Rates are to be calculated using township average for tillable property value established by county assessors for the
** 2010 tax year. Moved by Paul Brutlag, seconded by Paul Langseth, to accept the
10-27 Committee's recommendation and approve provisions to successfully implement the 2010 RIM-WRP Partnership Program. Discussion followed. Motion passed on a voice vote.

Paul Brutlag distributed copies of the RIM Reserve Management Planning Committee (RRMPC) purpose and meeting schedule. Paul Langseth explained that the RRMPC is responsible for overseeing all aspects of the Reinvest in Minnesota (RIM) Reserve conservation easement program; for reviewing RIM Reserve Program statutes (103F.515) rules, policies, guidelines, payment rates and projects; for developing the strategic plans, operational partnerships, opportunities to enhance the agency's conservation easements and related programs; and for making the resulting recommendations to the Board. The RRMPC will meet, as called by the BWSR Chair or the RRMPC chair upon consulting with the Conservation Easement Section Manager, to assure that conservation easement programs are meeting desired outcomes identified by the BWSR.

Chair Kramer asked board members to complete the *BWSR Conflict of Interest Disclosure for Grant Application Reviewer Form* located in their board packet today. Dave Weirens will collect the signed form prior to Board action on the Red River Basin Commission Administrative Grant – FY'10. Chair Kramer stated: "A conflict of interest whether actual or perceived occurs when someone in a position of trust has competing professional or personal interests and these competing interests make it difficult to fulfill professional duties impartially. At this time, members are requested to identify any potential conflicts of interest they may have regarding today's business." Dave Weirens collected the *BWSR Conflict of Interest Disclosure for Grant Application Reviewer Form.*

FY '10 Red River Basin Commission Administrative Grant – Lance Yohe, RRBC Executive Director, provided a summary of the RRBC's work plan, budget, and floodplain planning highlights of the Commission. The '09 Legislature appropriated $90,000 to BWSR for a grant to the Red River Basin Commission for administration and
** management of water quality and floodplain management programs. Moved by Paul Brutlag, seconded by Gene Tiedemann, to authorize staff to allocate $90,000 to the RRBC for administration and management of water quality and floodplain management programs. Discussion followed.

Dave Weirens compiled the results of the *BWSR Conflict of Interest Disclosure for Grant Application Reviewer Form.* 18 forms received: two board members absent; 15 no conflict; two potential conflict of interest; and one member, Chair Kramer, had a conflict
10-28 of interest. Chair Kramer abstained from the vote. Motion passed on a voice vote.

Sediment Source Fingerprinting Analysis: Implications for Program Delivery – Al Kean, BWSR Chief Engineer, introduced Shawn Schottler, Senior Scientist with the Science Museum of Minnesota, St. Croix Watershed Research Station (SCWRS); and Larry Gunderson, Minnesota River Basin Coordinator, MPCA. Al stated that the objective of this discussion is to generate awareness of the data and analysis; consider if or how we should evaluate program delivery for various education, incentive and regulatory programs; and what other related topics we should understand better before enacting or adjusting policies.

Shawn provided an overview of sediment source fingerprinting research and results for the Minnesota River Basin in relation to sedimentation in Lake Pepin and the Lake Pepin TMDL. This research points to streambank, bluff and ravine erosion as critical sources of sediment.

Larry Gunderson distributed a map of the Minnesota River Basin 2010 Draft Turbidity Impairments. Larry stated that this provides an opportunity for agencies to work with communities on water management issues.

Al stated that Shawn has presented this information to the Drainage Work Group also. Discussion followed. Rebecca Flood stated that it's not just about Lake Pepin but other areas as well. Joe Martin thanked Chair Kramer for scheduling this presentation. Chair Kramer thanked Shawn, Larry, and Al for the informative presentation.

AGENCY REPORTS

Minnesota Pollution Control Agency (MPCA) – Rebecca Flood reported that MPCA submitted the 303D list of impaired waters to EPA this week.

UPCOMING MEETINGS

- Next BWSR Meeting – April 28, 2010, in St. Paul.
- The Southern Water Planning Committee will meet for half an hour immediately following adjournment of the April 28th Board Meeting.
- The Wetlands Committee will meet immediately following the Southern Water Planning Committee meeting on April 28th.

** 10-29 Moved by Quentin Fairbanks, seconded by Paul Langseth, to adjourn the meeting at 12:45 p.m. Motion passed on a voice vote.

Respectfully submitted,

Mary Jo Anderson
Recorder

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COMMITTEE RECOMMENDATIONS

Public Relations, Outreach and Strategic Planning Committee

1. BWSR Bylaws – Brian Napstad – ***INFORMATION ITEM***

Minnesota Board of Water & Soil Resources

REQUEST FOR BOARD ACTION

AGENDA ITEM # 1. Bylaws

Meeting Date: March 24, 2010
Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☐ Decision ☐ Discussion ☒ Information
Section/Region:
Contact:
Prepared by: Steve Woods
Reviewed by: Brian Napstad, Public Relations, Outreach and Strategic Planning Committee Committee(s)

Fiscal/Policy Impact

☐ None
☐ Amended Policy Requested
☐ New Policy Requested
☐ Other: _____

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

ACTION REQUESTED
None

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
Brian Napstad, Chair of the Public Relations, Outreach and Strategic Planning Committee, will summarize proposed changes and point out that per the Bylaws, Board members must have an opportunity to review them at least one meeting prior to adoption. Therefore, an action item to adopt the revised Bylaws will be scheduled at a subsequent Board meeting.

Attachments: ☐ **Resolution** ☐ **Order** ☐ **Map** ☒ **Other Supporting Information**

March ~~April,~~ 201004

BOARD OF WATER AND SOIL RESOURCES
BYLAWS (Feb 23, 2010 Draft)

ARTICLE I. Introduction

1. Purpose
   The Board of Water and Soil Resources (BWSR) desires to conduct its business and perform all of its responsibilities and duties in an orderly, efficient, fair and lawful manner. These Bylaws are established for that purpose.

2. Application of Bylaws
   Unless otherwise specifically indicated, these Bylaws shall apply to the transaction of all BWSR business and the conduct of all BWSR meetings and hearings.

3. Compliance with Applicable Law
   It is the specific intent of the BWSR to perform all of its responsibilities and conduct all of its hearings and meetings in accordance with all applicable federal law and state statutes and regulations. The provisions of all such applicable law shall have control over anything to the contrary in these Bylaws.

ARTICLE II. Membership, Officers, ~~and~~ Duties and Committees

1. Membership

   The Board of Water and Soil Resources shall be composed of ~~17~~ 20 voting members appointed by the Governor according to MN Statutes § 103B.101.

   Individual members shall not act to represent the Board on any given subject unless specific Board action/position has been determined/ruled and the individual action thus represents the Board as a whole.

   MN Statutes § 15.0575, subd. 4, provides that "[t]he chair of the board shall inform the appointing authority [i.e., the Governor] of a member missing three consecutive meetings. After the second consecutive missed meeting and before the next meeting, the chair of the board shall notify the member in writing that the member may be removed for missing the next meeting."

2. Officers Designated

   The officers of the BWSR shall be the Chair and the Vice-Chair. The Chair is appointed by the Governor from the voting members of the Board. The Vice-Chair shall be elected to a two-year term from the regular membership of the Board~~WSR~~. The Vice-Chair shall be elected by majority vote at the first regularly scheduled meeting of every EVEN calendar year.
   The Board shall employ an Executive Director, who is a salaried officer. The Executive Director ~~, who~~ is responsible for the administrative and general

operations ~~manager~~ of the BWSR. All additional staff shall report to the Executive Director.

3. Duties of Officers

a) Chair

The Chair shall have the following responsibilities:

1) Supervise the affairs of the Board and communicate such affairs to all board members.
2) Preside at all Board meetings.
3) Preside at Dispute Resolultion Committee proceedings, or appoint a presiding member.
4) May vote on all issues, with the exception of the Dispute Resolution Committee unless as provided by MN Statutes §103B.101Subd 10. ~~.~~
5) May schedule special meetings.

b) Vice-Chair

The Vice-Chair shall have the following responsibilities:

1) Perform those duties delegated by the Chair.
2) Act as Chair in the event of the Chair's illness, disability, absence from meeting or not being readily able to function as Chair.

c) Executive Director

The Executive Director shall be responsible to the Board and communicate/report regularly to the Chair. The Executive Director or designee shall attend all Board meetings but shall not vote. The Executive Director shall have the following responsibilities:

1) To see that all resolutions, rules, regulations and orders of the Board are carried out.
2) To present to the Board program plans, studies and reports prepared for Board purposes and action and recommend to the Board for adoption those measures deemed necessary and prudent to carry out the programs and duties of the Board or for the efficient administration of the affairs of the Board. The Executive Director shall have the authority to execute or officially sign on behalf of the Board on all actions approved/ruled by the Board.
3) To communicate and interact with the Governor's office, state and federal agencies, ~~and~~ local governments, special districts, joint powers authorities, the legislature, and to participate in relevant meetings as well as provide such meeting knowledge to the Board.
4) To keep the Board fully advised as to its financial condition and to prepare and submit an annual Board budget.
5) To represent the Board's determined/ruled policy positions ~~only~~.
6) To record and maintain a record and minutes of the meetings and process and maintain all information relating to Board business.
7) To develop ~~set~~ the ~~original~~ proposed agenda for ~~the~~ Board meetings, provide for meeting notices and handle all other administrative affairs.

8) To sign documents as designated by the Board.
9) To participate in an annual Personnel Review as directed by the Chair.

4. Vacancies of Officers

a) Chair: In the absence of the Chair, the Vice-Chair shall preside.

b) Vice-Chair: If a vacancy occurs in the office of Vice-Chair, the regular members shall elect an individual to fill the remaining term time.

c) Chair, Vice-Chair: If at a Board meeting, neither the Chair nor Vice-Chair are present but a quorum exists, the members shall elect from within the membership an acting Chair to run the meeting.

5. Committees

a) The Board may establish committees. The Board Chair~~,~~ shall appoint committee members and shall be an ex-officio member of all committees not appointed to which the Board Chair is not appointed.

b) Unless otherwise prescribed by statute or rule, committees shall consist of three or more members of the Board for the purpose of gathering information, presiding over public hearings, making findings and bringing recommendations to the Board.

c) Certain duties may be delegated to committees by a majority vote of the board members.

d) When a member of the Dispute Resolution Committee or another committee has a conflict of interest or is otherwise unable to fully participate in consideration of a matter, the Board Chair may appoint a substitute to serve in place of that member with respect to that matter.

e) The Board Chair shall appoint committee chairpersons.

f) The Executive Director shall assign staff to facilitate and support the work of committees.

g) The membership of all committees shall be posted on the BWSR website or made available in alternate formats upon request.

ARTICLE III. Meetings and Hearings

1. Notice

Notices of all meetings and hearings of the BWSR shall be made in a manner in accordance with MN Statutes ~~471.705~~Chapter 13D (Open Meeting Law). Notice shall be posted at the BWSR main office, posted on the BWSR website and

reasonable effort shall be made to inform BWSR clientele by mail, electronic mail, delivery, telephone or other means of communication ~~message~~. Board meetings will be scheduled according to the current Board policy.

2. Open Meetings and Records

All meetings of the ~~BWSR~~ Board shall be open to the public as provided by law. The votes of the members shall be recorded by voice vote or by roll call if so called. The minutes shall be available to the public during all normal business hours at the BWSR central office. Minutes of ~~the BWSR~~ Board meetings shall be ~~permanently~~ preserved for at least ten years. Minutes of recent Board meetings shall be posted on the BWSR website once approved by the Board.

3. Closed Meetings

~~Meetings having data classified as not public, in accordance with MN Statute 103D.05.~~ The Chair may call a closed meeting or close a meeting if the closure is ~~expressly~~ authorized by statute or permitted by the attorney-client privilege. Specific applicable statutes ~~found~~ in the Open Meeting Laws in Minnesota Statutes Chapter 13D include:

a) ~~If non-public data is being discussed per the requirements in Chapter 13D.05, Subdivision 2;~~preliminary consideration of allegations or charges against an individual subject to its authority, per Section 13D.05, subd. 2, or

b) ~~If the Board is meeting to~~ evaluating ~~e~~ the performance of the Executive Director, per requirement in ~~Chapter~~ Section 13D.05, Subdivision 3, or

c) ~~If the Board is meeting to~~ exercising ~~e~~ quasi-judicial functions involving disciplinary proceedings per ~~Chapter~~ Section 13D.01, Subdivision 2.

In all cases where a meeting is closed ~~meeting is called~~, the Board shall abide by the requirements for closed meetings in Chapter 13.D.

4. Hearing Records

a) When a public hearing on a matter has been held, whether by delegated committee that is to decide or recommend to the Board~~WSR~~ or by the Board~~WSR~~, and the hearing record has been closed, the hearing record will not be reopened to receive additional written or oral submissions except by majority vote of the body considering the matter.

b) All information submitted to BWSR for hearing purposes becomes the property of the BWSR.

c) The BWSR shall ~~be required to~~ maintain all records gathered during public hearings. The Executive Director shall not be required to maintain the records for more than three years after the close of a hearing.

5. Quorum

A majority of the ~~voting~~ bBoard members is a quorum.

6. Voting

Each voting member shall have one (1) vote in the transaction of business of the Board. Agency members may designate an alternate to attend and vote on their behalf by notifying the Chair prior to the meeting. In order to vote, the member or designated alternate must be in attendance at the meeting. A vote will be recorded by voice vote unless a roll call vote is requested. A roll call vote may be requested by any member.

7. Meeting Arrangements

The BoardWSR shall normally meet the fourth Wednesday of the month so designated by action of the Board no earlier thanat 98:00 AM until agenda business is complete. The Chair may call for recess for appropriate breaks or for purposes of furthering the agenda orders of business.

A majority of the bBoardBWSR members shall select a meeting location which shall be convenient and suitable for the members, staff and general public.

8. General Order of Business

The general order of business of BWSR Board meetings:

a. Approval of agenda
b. Approval of minutes of previous meeting
c. Public Access Forum~~Open Mike~~
d. Chair's, Executive Director's and Committee Reports
~~d. Consent agenda which may be developed at the discretion of the Chair.~~
e. Committee Recommendations
f. Old Business
g. New Business
h. Board issues and information
i. Agency Reports
j. Advisory Member Reports
k. Upcoming Meetings
l. Adjournment

Consent agenda may be developed at the discretion of the Chair.

9. Parliamentary Procedure

Robert's Rules of Order, Revised, shall govern the conduct of the meeting except when state statute, policies and these bylaws state otherwise.

The Chair shall make all parliamentary rulings. The Executive Director or meeting designee shall serve as the parliamentarian advisor to BWSR.

10. Agenda Application

All matters for agenda consideration with pertinent information included shall be submitted to the Executive Director two weeks prior to the Board meeting. Placement of items on the agenda will be at the discretion of the Chair and the Executive Director. The proposed agenda must have the approval of the Chair.

11. Conflicts of Interest

Each board member is obligated to determine whether he/she has a potential conflict of interest with respect to any matter before the BWSR and to comply with all requirements of law regarding any potential conflict.~~.~~

Article IV. Adoption and Amendments

1. Adoption

These Bylaws shall become effective immediately after approved by a majority vote of the Board.

2. Amendments

These Bylaws may be amended by a 2/3 vote of the ~~b~~Board members. All proposed amendments shall be presented in writing. The Board shall review the proposed changes at least one meeting prior to adoption.

BWSR 2010-2011 Budget and Proposed Cuts (in thousands)

3/24/2010

	2010-11 Approp		Governor's Rec			Senate			House		
	2010	2011	2010	2011	Total	2010	2011	Total	2010	2011	Total
Admin	3,961	3,961				-119	-317	-436	-119	-119	-238
WCA Operations	500	500		-40	-40		-40	-40	-33	-33	-66
WCA Monitoring	60	60									
Drainage Assist Oper	212	212		-25	-25		-25	-25	-14	-14	-28
Total Ops	4,733	4,733		-65	-65	-119	-382	-501	-166	-166	-332
Grants											
NRBG	3,900	3,900				-147	-215	-362	-258	-251	-509
SWCD Gen Serv	3,500	3,500				-105	-150	-255	-228	-312	-540
Cost Share Feedlots	500	500				-15	-15	-30	-32	-32	-64
Cost Share	1,100	1,100				-25	-25	-50	-105	-72	-177
Cost Share Veg Buffers	900	900		-20	-20	-25	-25	-50	-67	-58	-125
Cost Share Weed mgmt	100	100							-7	-7	-14
WCA - DNR Pass through	100	100		-100	-100		-100	-100	-7	-7	-14
WCA 11 Cty Metro grants	100	100		-100	-100		-100	-100	-7	-7	-14
Drainage Records	100	100		-100	-100		-100	-100	-7	-7	-14
Red River Basin Comm	90	90								-6	-6
MN Rivers JPB	90	90								-90	-90
Area II	130	130								-130	-130
Total Grants	10,610	10,610		-320	-320	-317	-730	-1047	-718	-979	-1697
Total Ops & Grants *	15,343	15,343		-385	-385	-436	-1112	-1548	-884	-1145	-2029
Returned Grant Funds						-350		-350			
Returned Carryforwards			-384	-310	-694	-775	-377	-1152	-1328	-310	-1638
SE Flood Response	275		-90	-75	-165	-678		-678	-166		-166

* Including SE Flood approp, FY10 = 15,618

Minnesota Board of Water & Soil Resources

REQUEST FOR BOARD ACTION

AGENDA ITEM # Report

Meeting Date: March 24, 2010
Agenda Category: ☐ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☐ Decision ☐ Discussion ☒ Information
Section/Region:
Contact:
Prepared by: Travis Germundson
Reviewed by: _____ Committee(s)

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested
☐ Other: _____

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

ACTION REQUESTED
None

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
Dispute Resolution Committee Report. This report provides a monthly update on the number of appeals filed with the BWSR.

Attachments: ☐ **Resolution** ☐ **Order** ☐ **Map** ☒ **Other Supporting Information**

Dispute Resolution Report
March 12, 2010
by: Travis Germundson

There are presently **21** appeals pending. All of the appeals involve WCA except File 05-24. There has been **6** new appeal filed since the last report dated January 15, 2010.

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 10-7 (2-19-10) This is an appeal of a restoration order in Stearns County. The appeal regards draining and filling impacts to approximately 18.44 acres of Type2/3 wetland and 3.06 acres of Type 2 wetland. *The appeal has been placed in abeyance and the restoration order stayed for submittal of "as built" or project information pertaining to a public drainage system.*

File 10-6 (2-12-10) This is an appeal of a restoration order in Blue Earth County. The appeal regards the installation of agricultural drain tile resulting in approximately 2.2 acres of wetland impact. This involves the same unauthorized activity as File 10-5. *The appeal was placed in abeyance and the restoration order stayed until the LGU makes a final decision on landowner's applications for exemption and no-loss.*

File 10-5 (2-12-10) This is an appeal of a restoration order in Blue Earth County. The appeal regards the installation of agricultural drain tile resulting in approximately 2.2 acres of wetland impact. *The appeal was placed in abeyance and the restoration order stayed until the LGU makes a final decision on appellant's applications for exemption and no-loss*

File 10-4 (1-29-10) This is an appeal of a wetland banking plan decision in Koochiching County. The appeal regards the approval of a 71.3 acre wetland banking plan application at 80 percent eligibility by the Koochiching County Board. This regards the same banking plan application appealed under File 09-18. That appeal was remanded. *The appeal has been granted and a copy of the record has been requested from the LGU.*

File 10-3 (2-1-10) This is an appeal of a restoration order in Stearns County. The appeal regards the placement of agricultural drain tile and the straightening and rerouting of a county ditch that resulted in over 12 acres of wetland impacts. *The appellant has granted BWSR additional time to make a decision on the appeal. No decision has been made on the appeal.*

File10-2 (1-25-10) This is an appeal of a restoration order in Aitkin County. The appeal regards the placement of 30,750 square feet of fill placed in a wetland for the construction of a private road. *The appellant obtained mutual agreement from enforcement and the LGU to the timeframe for appeal. No decision has been made on the appeal.*

~~File 10-1 (1-13-10) This is an appeal of a restoration order in Stearns County. The appeal regards the placement of 6,833 sq. ft. of fill placed in a type 5 wetland. This appeal concerns the same site and unauthorized activity as File 9-2.~~ *The restoration order has been rescinded.*

~~File 09-29 (12-31-09) This is an appeal of a replacement plan decision in St. Louis County. The appeal regards the denial of a after-the-fact replacement plan application for approximately 53,011 square feet of wetland impacts associated with an active gravel pit and proposed development.~~ *The appeal has been denied.*

~~File 09-28 (12-23-09) This is an appeal of a replacement plan decision in Stearns County. The appeal regards the denial of a after-the-fact replacement plan application to purchase 16,620 square feet of NWC to replace 8,310 square feet of wetland impact for an access road and parking pad.~~ *The replacement plan was approved with conditions on February 2, 2010.*

~~File 09-27 (12-21-09) This is an appeal of a restoration order in Itasca County. The appeal regards impacts of approximately 9,130 square feet wetlands associated with a private roadway/access path.~~ *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.~~ A new decision was made on under remand on December 22, 2009 and that decision has been appealed (File 10-4).

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 pre-hearing conferences convened on October 13 and 30, and December 14, 2009. Settlement discussions are ongoing.

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.

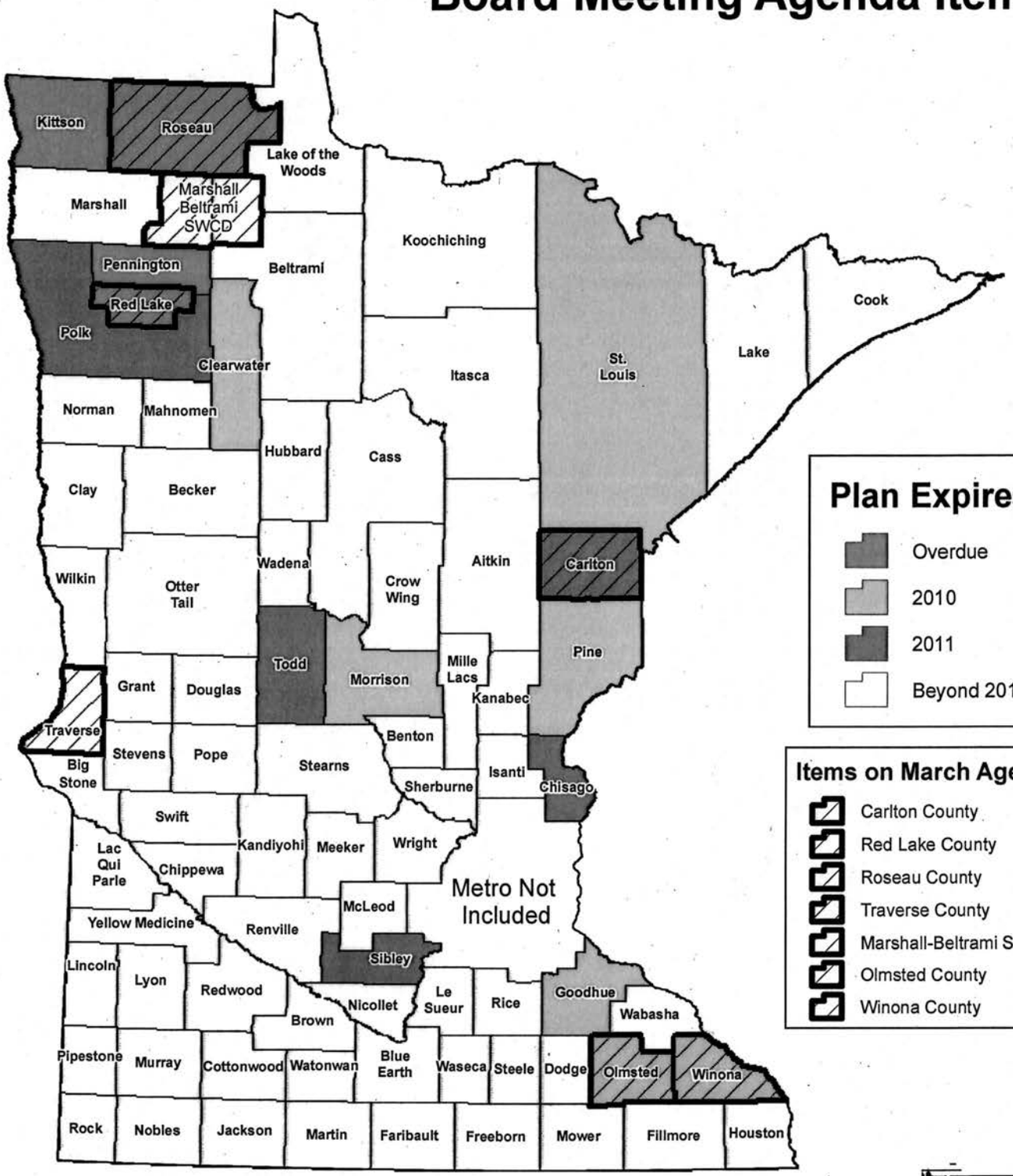
File 05-24. (03/04/05) This is an appeal, actually three appeals, of the Bois de Sioux Watershed District compensation to landowners related to a project. The appeal has been held in abeyance pending settlement discussions. It appears at least two of the appeals have been settled.

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. *On 12-9-09 the District made a new wetland delineation decision. The applicant has not yet submitted a updated replacement plan application.*

Draft Summary Table

Type of Decision	Total for Calendar Year 2009	Total for Calendar Year 2010
Order in favor of appellant		
Order not in favor of appellant	10	
Order Modified	1	
Order Remanded	4	
Order Place Appeal in Abeyance	3	2
Negotiated Settlement		
Withdrawn	4	1

County Water Plan Expirations
&
Board Meeting Agenda Items



Plan Expires

- Overdue
- 2010
- 2011
- Beyond 2011

Items on March Agenda

- Carlton County
- Red Lake County
- Roseau County
- Traverse County
- Marshall-Beltrami SWCD
- Olmsted County
- Winona County

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March 2010

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

1. Carlton County Local Water Management Plan Update – Keith Mykleseth - ***DECISION ITEM***

2. Red Lake County Local Water Management Plan Update – Keith Mykleseth - ***DECISION ITEM***

3. Roseau County Local Water Management Plan – Keith Mykleseth - ***DECISION ITEM***

4. Traverse County Amendment of Local Water Management Plan – Keith Mykleseth - ***DECISION*** **ITEM**

5. Marshall-Beltrami SWCD Consolidation and Dissolution – Keith Mykleseth - ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

REQUEST FOR BOARD ACTION

AGENDA ITEM # 1. Carlton

Meeting Date: March 24, 2010
Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region:
Contact:
Prepared by:
Reviewed by: Northern Water Planning Committee Committee(s)

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested
☐ Other: _____

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

ACTION REQUESTED

The Northern Region Planning Subcommittee recommended the full board approve the Local Water Management Plan Update for Carlton County.

This is a decision item and is planned to be presented by Mr. Mykleseth.

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

Carlton County submitted their Local Water Management Plan Update for approval. The Northern Region Planning Subcommittee, led by Quentin Fairbanks, approved the document at their February 10, 2010 meeting.

Attached for Chair Kramer's signature is the Order approving the Carlton County Local Water Management Plan Update and correspondence informing the Carlton County Board of Commissioners that their Local Water Management Plan has been approved by the Board of Water and Soil Resources.

Attachments: ☐ **Resolution** ☒ **Order** ☒ **Map** ☒ **Other Supporting Information**

DATE: February 10, 2010

TO: BWSR Northern Region Planning Subcommittee

FROM: Ryan Hughes, BWSR Board Conservationist

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

Heather Cunningham, Carlton County Water Planner, will be attending the meeting to provide a presentation on the Carlton County LWMP and answer any questions.

Carlton County administers the Local Water Management Plan for Carlton County. The BWSR approved a two-year extension of the current plan to May 27, 2011, at the May 27, 2009 regular board meeting.

At the April 8, 2009 Northern Region Planning Subcommittee meeting a review of the Carlton PCSD was completed. The following recommendations for the final LWMP were provided by the Subcommittee at the meeting:

- The Committee would like to see the final plan completed by January 10, 2010.
    - Carlton County submitted the final plan to BWSR November 4, 2009.
- The Committee would like to see more participation by local paper mills.
    - The Sappi and Potlatch corporations were contacted and requested to provide input. Potlatch declined from their Spokane, WA office. Sappi did not provide comments but the discussion did yield a grant opportunity from Sappi for the County.

In a letter dated May 27, 2009 the BWSR provided official comments pertaining to the PCSD to Carlton County pursuant to M.S. 103B.313, Subd.5.

The Carlton County Board of Commissioners held a public hearing for the Carlton County LWMP on October 13, 2009. Written comments were received from the Carlton County SWCD commending the plan and positive verbal comments from local citizens.

Plan Highlights

Based on a review of the final plan it contains all required content per M.S. 103B.314 and BWSR guidance and is consistent with the PCSD submitted and reviewed by BWSR.

The duration of the plan is for ten-years, with an assessment of the progress made after five-years, per BWSR guidance.

One particular action item in the plan required much discussion by the task force and technical advisory committee. Priority Concern #2, Goal #1, Action #2 to "Support and

recommend approval of county wide point of sale compliance inspections for existing septic systems." After much discussion this action item remained in the plan and the plan was recommended for distribution by the County Board of Commissioners at their October 13, 2009 regular meeting.

State Agency Comments

On November 4, 2009 Carlton County distributed the final LWMP, all written comments and a record of the public hearing to Ron Shelito. Mr. Shelito distributed copies of the plan to the required state agencies on November 10, 2009. The following summarizes the comments received:

Pollution Control Agency

The agency recommended approval of the entire plan as submitted and commended the development of the plan by the County, specifically Heather Cunningham, the County Water Planner. Funding to implement the plan may be an issue.

BC Response

Currently, the County has an engaged, active task force and technical advisory committee to assist in the implementation of the plan. The strength of the task force and technical advisory committee can be utilized to search and obtain funding from public and private sources.

Department of Health

The agency recommended approval of the entire plan as submitted and did not have any comments.

Department of Natural Resources

The agency recommended approval of the entire plan as submitted. The agency commented they would like to see a proposed action to address the impact of cattle on water resources.

BC Response

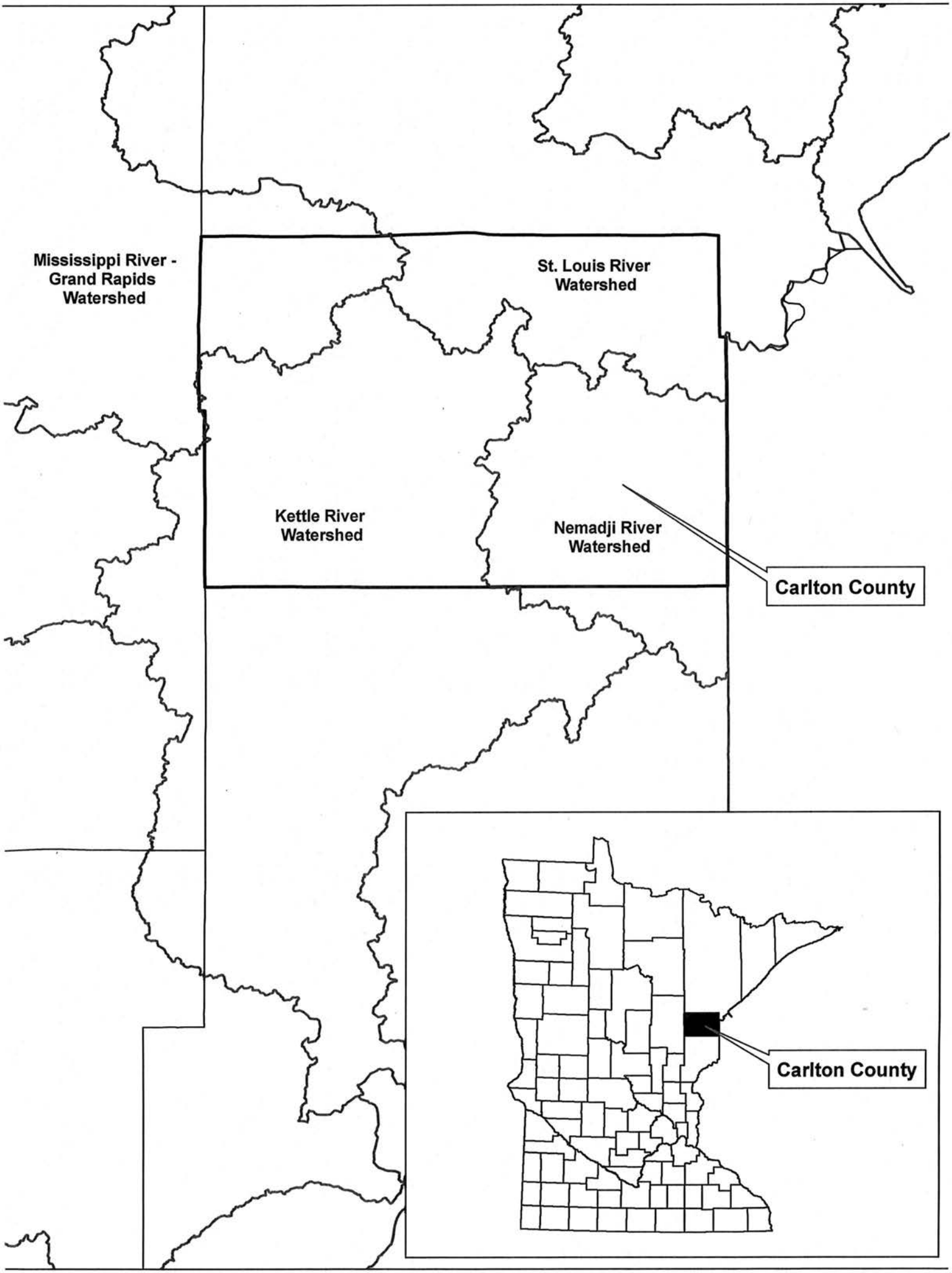
Actions in the plan adequately address this comment. Many actions specifically address working with private landowners to provide technical assistance and funding to address erosion issues (Priority Concern#3, Goal#1, Action#1-3 and Priority Concern#3, Goal#2, Action#8).

Department of Agriculture

The agency recommended approval of the entire plan as submitted and did not have any comments.

Board Conservationist's Recommendation

The Carlton County LWMP satisfies the requirements of M.S. statute and BWSR policy, therefore I recommend the BWSR Northern Region Planning Subcommittee commend Carlton County for the process to develop the plan, approve the Carlton County LWMP as submitted and forward 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

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EXECUTIVE SUMMARY

BACKGROUND

Carlton County is a rural county covering 862 square miles. It is located in northeastern Minnesota within easy commuting distance to the Duluth-Superior metropolitan area. The county seat is located in the City of Carlton. Surrounding counties include St. Louis to the north, Aitkin to the west, Pine to the south and Douglas County of Wisconsin to the east (Figure 1).

The State of Minnesota is divided into ten major basins. Carlton County is unique in that it overlaps three of those basins. Water from the eastern part of the county flows east into the Lake Superior Basin. In the northwest corner of the county, water flows west into the Upper Mississippi River Basin. Water in the southwestern portion of the county moves south into the St. Croix River Basin (Figure 2).

At the sub-basin level, Carlton County is divided into four major watersheds: St. Louis River, Nemadji River, Kettle River and Mississippi River (Grand Rapids) watersheds. Table 1 summarizes each basin, watershed and hydrologic unit code (HUC).

Carlton County Planning and Zoning is the local government unit (LGU) responsible for the Local Water Management Plan program. The Carlton County water planning process started when the Board of Commissioners passed a resolution on December 8, 1987, to enter into the Comprehensive Local Water Planning process under Chapter 103B.311 and 103B.315 of Minnesota Statues. The original Carlton County Comprehensive Local Water Plan was completed and adopted in late 1990. This is the fourth generation Local Water Management Plan in Carlton County.

A group of the County's citizens, known at the Water Plan Task Force, has been authorized by the Carlton County Board of Commissioners to oversee the development and implementation of the 2009-2019 Carlton County Water Plan. The Task Force met over a twelve-month period in 2008-2009 to establish the priority concerns, goals, objectives and implementation plan.

PLAN PURPOSE

The purpose of the Carlton County Comprehensive Local Water Management Plan is to provide the citizens of Carlton County, local government, state agencies and federal agencies with a strategic framework to manage its water and land resources. It is the intent of this plan to be implemented over the next ten years, with an assessment of the progress made at the five-year mark. Any necessary revisions will be undertaken at that time.

This plan has been developed to meet the requirements of Minnesota Statute 103B.301 – 103B.355. In accordance with those guidelines, this Water Plan covers the whole of Carlton 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

local water management plans prepared by counties and watershed management organizations wholly or partially within a single watershed unit or groundwater system; and will extend ten years from the date the board approves the local water management plan, with a five-year review.

PAST ACCOMPLISHMENTS

Since the Water Plan was adopted in 1990, there have been numerous accomplishments. Highlights of these accomplishments include:

- Abandoned well sealing demonstrations
- Wetland Conservation Act workshops
- Several Nemadji River Watershed studies and projects
- Lake monitoring with volunteers
- County Well Index computerized
- Established several shoreland revegetation demonstration sites
- Geologic Atlas
- Private well testing program
- Development of Wellhead Protection Plans with five Local Government Units
- Feedlot inventory (Level 1 and 2)
- Carlton County Waters Summit
- Collaboration with Arrowhead Water Quality Team on several projects
- Several shoreland best management practices (BMP) workshops
- Obtained more than $200,000 in state grant funding and over $300,000 in federal grand funding through the water plan process

DESCRIPTION OF PRIORITY CONCERNS

The Carlton County Water Plan Task Force has selected three priority concerns that will be addressed in this plan. The priority concerns were selected through a public input process that included written and online surveys, three public meetings and input from representatives of various government agencies and local groups. A complete history of this process can be found in the Carlton County Local Water Management Plan Priority Concerns Scoping Document found in Appendix A. From this process, the Task Force selected the following priority concerns:

Priority Concern #1: Water Quality in County Lakes, Rivers and Streams

There are eleven lakes in the County that are on the 2010 Draft Impaired Water list, four of which are impaired due to excess nutrients (Eagle Lake, Tamarack Lake, Upper Island Lake and Lower Island Lake). Five rivers have been identified as impaired due to a combination of conditions including turbidity in the Nemadji River Watershed. The majority of surface water in the County has not been assessed to determine whether the water is impaired. The selection of water quality in County lakes, rivers and streams as a priority concern includes assessing water to determine impairment, supporting the Impaired Waters/Total Maximum Daily Load (TMDL) process, and maintaining and improving water quality. Each of these goals are appropriate under the four major HUCs described in Table 1.

Goal 1: Assess waters that do not have sufficient data for determination of impairment.
Actions:
1. Develop and maintain a priority list of lakes, rivers and streams for monitoring.
2. Develop monitoring plans for priority lakes, rivers and streams.
3. Coordinate with the Minnesota Pollution Control Agency (MPCA) to complete baseline monitoring on priority lakes and streams.
4. Develop a user-friendly, online database of water quality monitoring results for County residents.
5. Submit water quality data to the MPCA to be entered into the STORET database.
6. Develop a volunteer monitoring program.
7. Seek funding for surface water quality monitoring.
8. Continue to coordinate and promote the Citizens Lake Monitoring Program (CLMP) and CLMP plus programs.
9. Continue to coordinate and promote the Citizens Stream Monitoring Program (CSMP) and CSMP plus programs
10. Collaborate with the Fond du Lac Reservation to share data on the lakes and streams they monitor.

Goal 2: Improve water resources that are listed as impaired.
Actions:
1. Support and work with the MPCA on ongoing TMDL projects, specifically, in the Nemadji River Watershed, Kettle River Watershed, Tamarack River Watershed and St. Louis River Watershed.
2. Seek funding for development of TMDL studies and implementation of TMDL projects.

Goal 3: Maintain and improve water quality in County lakes, rivers and streams.
Actions:
1. Coordinate with the MPCA to complete baseline monitoring on County lakes, rivers and streams.
2. Continue to work with County lake associations and promote the formation of new lake associations.
3. Develop a County-wide lake association.
4. Provide technical and financial assistance to landowners seeking to implement shoreland best management practices.
5. Develop a process for identifying perched culverts on protected waters in the County and what actions and funding are needed to correct them.
6. Utilize Clean Water, Land and Legacy Amendment Funds to maintain and improve water quality in County lakes, rivers and streams.
7. Utilize the Department of Natural Resources (DNR) grants to maintain and improve water quality in County lakes, rivers and streams.
8. Implement measures for controlling the spread of aquatic and terrestrial invasive species, such as monitoring, education and enforcement. The control of Eurasian Water Milfoil on Chub Lake is a priority.
9. Perform lakeshed assessments on priority lakes and watersheds.
10. Seek funding for lakeshed assessments.

11. Utilize Minnesota's Lake Superior Coastal Program grants to maintain and improve water quality within the Coastal Program Boundary.
12. Seek funding to staff a position to implement Goals.

Estimated cost to implement Priority Concern #1: $339,500 – $584,000

Priority Concern #2: Development Impacts and Land Use
According to the Carlton County Comprehensive Plan (2001), most development within the next 20 years is anticipated to occur in the northeastern part of the County and along Interstate 35. According to the Carlton County Comprehensive Plan, some areas, such as Thomson, Blackhoof, and Wrenshall Townships, as well as the cities of Wrenshall and Moose Lake, grew by over 10 percent from 1990 to 1998. With the close proximity to Duluth and Superior, Carlton County is seeing additional development of rural lands for residential housing. Due to the excellent recreational opportunities in Carlton County, it is also ideal for seasonal residents. Many of the small cabins along lakeshore have converted to retirement homes. Increased development has the potential to have a negative impact on the County's resources. The selection of development impacts and land use as a priority concern includes the following:

Goal 1: Promote strengthening regulations and policies to maintain and improve the County's water resources.
Actions:
1. Recommend adopting the revised Protected Water Inventory Map (1996) in the shoreland classification for waters subject to shoreland zoning and permitting.
2. Support and recommend approval of county wide point of sale compliance inspections for existing septic systems.
3. Request lakes listed on the Carlton County Waters and Wetlands Inventory Map, but not included in the Shoreland Management Overlay District, be required to have a minimum setback for Subsurface Sewage Treatment Systems (SSTS) of 100' from the Ordinary High Water Level.
4. Support clarifying and strengthening county ordinances to include stormwater and erosion control requirements.
5. Encourage municipalities to develop stormwater management plans or regulations.
6. Support wastewater collection and treatment facility projects, such the Big Lake Sanitary District
7. Seek funding to staff a position to insure compliance with stormwater and erosion control regulations.

Goal 2: Encourage low impact development in both current and proposed developments.
Actions:
1. Promote best management practices to prevent and correct stormwater runoff and erosion (rain gardens, pervious pavement, infiltration swales, rain barrels, green roofs, etc.).
2. Discourage approval of variances in shoreland impact zones.
3. Develop a program for encouraging no mow zones along shoreland, such as monetary incentives per foot allowed to revegetate.

4. Encourage more utilization of Soil and Water Conservation Distirct (SWCD) financial and technical assistance resources to encourage shoreland owners to fix eroding shorelines.
5. Showcase stormwater pollution prevention techniques through the use of rain barrels, rain gardens, pervious pavement, infiltration swales, green roofs, etc. at County facilities and at the County Fair. Seek funding to complete such projects. Encourage other municipalities to do the same.

Goal 3: Continue to manage and protect wetlands.
Actions:
1. Develop a local wetland bank.
2. Identify potential wetland restoration or creation areas along impaired or sensitive waters.
3. Continue to work with the Board of Soil and Water Resources (BWSR), Department of Natural Resources, Soil and Water Conservation District (SWCD), Fond du Lac (FDL) and Army Corps of Engineers (ACOE) to implement and enforce the Wetland Conservation Act (WCA).

Estimated cost to implement Priority Concern #2: $582,000

Priority Concern #3: Promote and Educate the Public about the County's Water Resources
Education is a major component for all of the selected priority concerns, but the Task Force felt it deserved a priority of its own. The selection of education as a priority concern includes both promoting programs that are currently in place to enhance our water resources and the development of new programs. Through the public meeting process, residents were asked which audiences would benefit from education about the County's natural resources. The public process chose the following target audiences:

- Current and seasonal residents
- Schools
- Contractors and developers
- Realtors
- Lake associations
- Recreational users
- Public employees

The selection of promote and educate the public about the County's water resources as a priority concern includes the following goals and actions:

Goal 1: Promote programs currently in place to enhance our water resources.
Actions:
1. Promote Carlton County SWCD programs including state cost share and low interest loan program for water quality improvement and implementation of soil erosion control best management practices.

2. Promote Carlton County SWCD planning efforts through other state and federal agencies including forest stewardship, farmland, and shoreland re-vegetation planning as important first steps in land and water best management practices implementation.
3. Promote available Carlton County SWCD technical assistance resources for water quality improvement and soil erosion control practices implementation.
4. Support and advocate increased resources for Carlton County SWCD to address the growing planning and technical assistance workload for water quality improvement and soil erosion control practice implementation.
5. Promote the Carlton County Planning and Zoning office's program for private well testing.

Goal 2: Educate the public on how to be good stewards of the land and water.
Actions:
1. Educate both landowners and contractors about the Wetland Conservation Act, including workshops for realtors, contractors and developers.
2. Educate both landowners and contractors on erosion control and stormwater best management practices, including workshops for contractors and developers.
3. Educate the public that health and septic systems are tied together.
4. Develop presentations and brochures that focus on land and water stewardship.
5. Educate the public on non-toxic cleaning supplies, recycling, the Carlton County Household Hazardous Waste Facility, the hazards of burning garbage, medication disposal, etc.
6. Continue to promote and find new ways to distribute the quarterly newsletter put out by the Carlton County Resource and Recycling Coordinator.
7. Educate the public on shoreland best management practices including restoring and maintaining buffers, fixing eroding shorelines and healthy aquatic vegetation.
8. Educate landowners on BMPs including reducing soil erosion, proper application of fertilizers and pesticides, livestock management, shoreland buffers and aquatic vegetation.
9. Continue the momentum of the 2008 Carlton County Waters Summit by holding annual workshops or seminars for shoreland property owners.
10. Collaborate with Fond du Lac Environmental Education Program.
11. Reach out to new landowners in Carlton County and encourage best management practices.

Estimated cost to implement Priority Concern #3: $330,000

CONSISTENCY WITH OTHER PLANS

The Carlton County Water Management Plan is consistent with existing local and state plans reviewed. Local and State plans reviewed include the Carlton County Comprehensive Plan; Cromwell, Carlton, Wrenshall, Barnum, Moose Lake, Esko, Cloquet and Kettle River Wellhead Protection Plans; St. Louis, Pine and Aitkin Local Water Management Plans and Carlton County Ordinances.

RECOMMENDATIONS TO OTHER PLANS AND OFFICIAL CONTROLS

No recommendations to other plans and official controls are included in this plan unless otherwise noted. However, the Water Plan Task Force would like to reserve the right to make recommendations, when necessary, for the duration of this 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 Update for Carlton County (Minnesota Statutes, Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5.)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Carlton County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on November 4, 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 November 24, 2008, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Carlton County, pursuant to M.S. Section 103B.312.

2) On May 27, 2009, the Board of Water and Soil Resources approved official comments on the Carlton County Priority Concerns Scoping Document, which were mailed to the county on May 27, 2009.

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

   A) Water Quality in County Lakes, Rivers and Streams
   B) Development Impacts and Land Use
   C) Promote and Educate the Public about the County's Water Resources

4) On November 4, 2009, the Board of Water and Soil Resources received the Carlton 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 February 10, 2010, the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Carlton County Plan Update. Recommendations of the state review agencies were:

   A) Minnesota Department of Agriculture: Recommends approval.
   B) Minnesota Department of Health: Recommends approval.
   C) Minnesota Department of Natural Resources: Recommends approval.
   D) Minnesota Pollution Control Agency: Recommends approval.
   E) Minnesota Environmental Quality Board: No recommendation received.
   F) Minnesota Board of Water and Soil Resources regional staff: Recommends approval.

G) Board Water Plan Review Committee Meeting: Recommends approval.

6) This update will be in effect until March 24, 2020; with the Goals, Objectives and Action Items being amended prior to March 24, 2015.

CONCLUSIONS

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

2. The Carlton 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 Carlton County Local Water Management Plan; with the Goals, Objectives and Action Items being amended prior to March 24, 2015.

Dated at St. Paul, Minnesota, this twenty-fourth day of March 2010.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

REQUEST FOR BOARD ACTION

AGENDA ITEM # 2. Red Lake

Meeting Date: March 24, 2010
Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: North
Contact: Brian Dwight
Prepared by: Brian Dwight
Reviewed by: Northern Plan Review committee Committee(s)

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

☐ Other: _____

ACTION REQUESTED

Approval of the Final Local Water Management Plan update for Red Lake County

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

On February 10, 2010 the Northern Plan Review Committee reviewed the updated Red Lake County Local Water Management Plan and the state review agency comments received. As a result of this review and discussion with representatives from Red Lake County the committee recommends approval of the Red Lake County Local Water Management Plan from March 24, 2010 to March 24, 2020 with a review and update of the work plan in 5 years.

Attachments: ☐ **Resolution** ☒ **Order** ☐ **Map** ☒ **Other Supporting Information**

EXECUTIVE SUMMARY

The Red Lake County Comprehensive Local Water Management Plan focuses on water and related land resource issues. The plan applies to the entire area within the county.

The plan provides a means of consistency across the county and is consistent with other plans that exist for Red Lake County, including appropriate Watershed Districts, Soil & Water Conservation Districts, Environmental Service agencies, Red River Basin organizations, and appropriate state and federal agencies.

The 2008 Red Lake County Comprehensive Local Water Management Plan will apply for a period of ten years from the date of State approval. In each subsequent fifth year, the County will examine the CLWMP to determine if the County is meeting the plan's priority concern goals.

The Red Lake County Comprehensive Local Water Management Plan is coordinated and administered by the Red Lake County Soil & Water Conservation District. The Red Lake County SWCD works with area watershed districts, local state agency personnel and programs, local federal personnel and programs, private citizen groups, non-profit organizations, state associations, townships, and cities.

Red Lake County SWCD is also responsible for coordinating and administering the Department of Natural Resources (DNR) Shoreland Management Program, the Minnesota Pollution Control Agency (MPCA) Feedlot Program, and the Minnesota Wetland Conservation Act through Board of Water and Soil Resources (BWSR).

The purpose of this plan is to address the following priority concerns by protecting water resources through the promotion and implementation of Best Management Practices throughout the County and associated watersheds. This plan will focus on five priority concerns.

Priority Concern 1 will focus on surface water quality and impaired waters; especially as it relates to human impacts for recreational use and as a downstream domestic use of the water supply.

Priority Concern 2 will focus on quantity of water moving through Red Lake County. Flooding causes loss of income to farmers which greatly impacts local economy, washes out roads and bridges, and contributes to sediment deposits in the rivers and streams.

Priority Concern 3 will focus on ground water quality. Ground water quality is important to Red Lake County because of all the public and private wells that are located throughout the county.

Priority Concern 4 will focus on Erosion and Sedimentation. Erosion and Sedimentation are two issues that the county is always trying to and will always be trying to address, work on, and prevent.

Priority Concern 5 will focus on improving the recreational opportunities in Red Lake County.

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

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Red Lake 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 May 8, 2007 The Red Lake County Board of Commissioners passed a resolution to update their Local Water Management Plan, pursuant to M.S. Sections 103B.301- 103B.335.

2) On December 14, 2007 the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Red Lake County, pursuant to M.S. Section 103B.312.

3) On August 13, 2008 The Northern Plan Review Committee reviewed the Priority Concerns Scoping Document with representatives from Red Lake County.

4) On August 28, 2008 the Board of Water and Soil Resources approved official comments on the Red Lake County Priority Concerns Scoping Document, which were mailed to the county on August 28, 2008.

5) The priority concerns, in no particular order of importance, the local water management plan addresses include:
   - Water quality and impaired waters within Red Lake County.
   - Quantity of water passing through Red Lake County
   - Ground Water quality
   - Erosion and sedimentation
   - Recreational opportunities on the rivers within Red Lake County.

6) On September 28, 2009 the BWSR received the Red Lake County Plan Update for final review.

7) On October 6, 2009 the final Red Lake County Plan Update was sent out for state agency review.

8) On November 25, 2009 a record of the public hearing, and copies of all written comments pertaining to the Plan Update where received by the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

9) On February 10, 2009, the Northern Water Planning Review Committee of the board reviewed the recommendations of the state review agencies regarding final approval of the Red Lake County Plan Update. Recommendations of the state review agencies were:
   A) Minnesota Department of Agriculture: Approve the entire plan as submitted
   B) Minnesota Department of Health: Approve the entire plan as submitted
   C) Minnesota Department of Natural Resources: Approve the entire plan as submitted
   D) Minnesota Pollution Control Agency: Recommends disapproval of parts of the Plan. Concerns centered on impaired waters listing and mapping. This concern was addressed by Red Lake County
   E) Minnesota Environmental Quality Board: no recommendation received;
   F) Minnesota Board of Water and Soil Resources: Regional staff recommends approval;
   G) Northern Water Plan Review Committee: recommends approval.

10) This update will be in effect for a ten-year period until March 24, 2020. With an update of the work plan in 2015 .

CONCLUSIONS

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

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

ORDER

The Board hereby approves the attached update of the Red Lake County Local Water Management Plan – March 24, 2010 to March 24, 2020 with a review and update of its work plan in 5 years.

Dated at St Paul, Minnesota, this Twenty-Fourth day of March 2010.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

REQUEST FOR BOARD ACTION

AGENDA ITEM # 3. Roseau

Meeting Date:
Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: North
Contact: Ron Shelito
Prepared by: Chad Severts
Reviewed by: North Region Local Water Management Committee(s)

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested
☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget
☐ Other: _____

ACTION REQUESTED

Board Approval of the Roseau County Local Water Management Plan through March 24, 2020; with Goals, Objectives, and Action Items being amended prior to March 24, 2015.

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

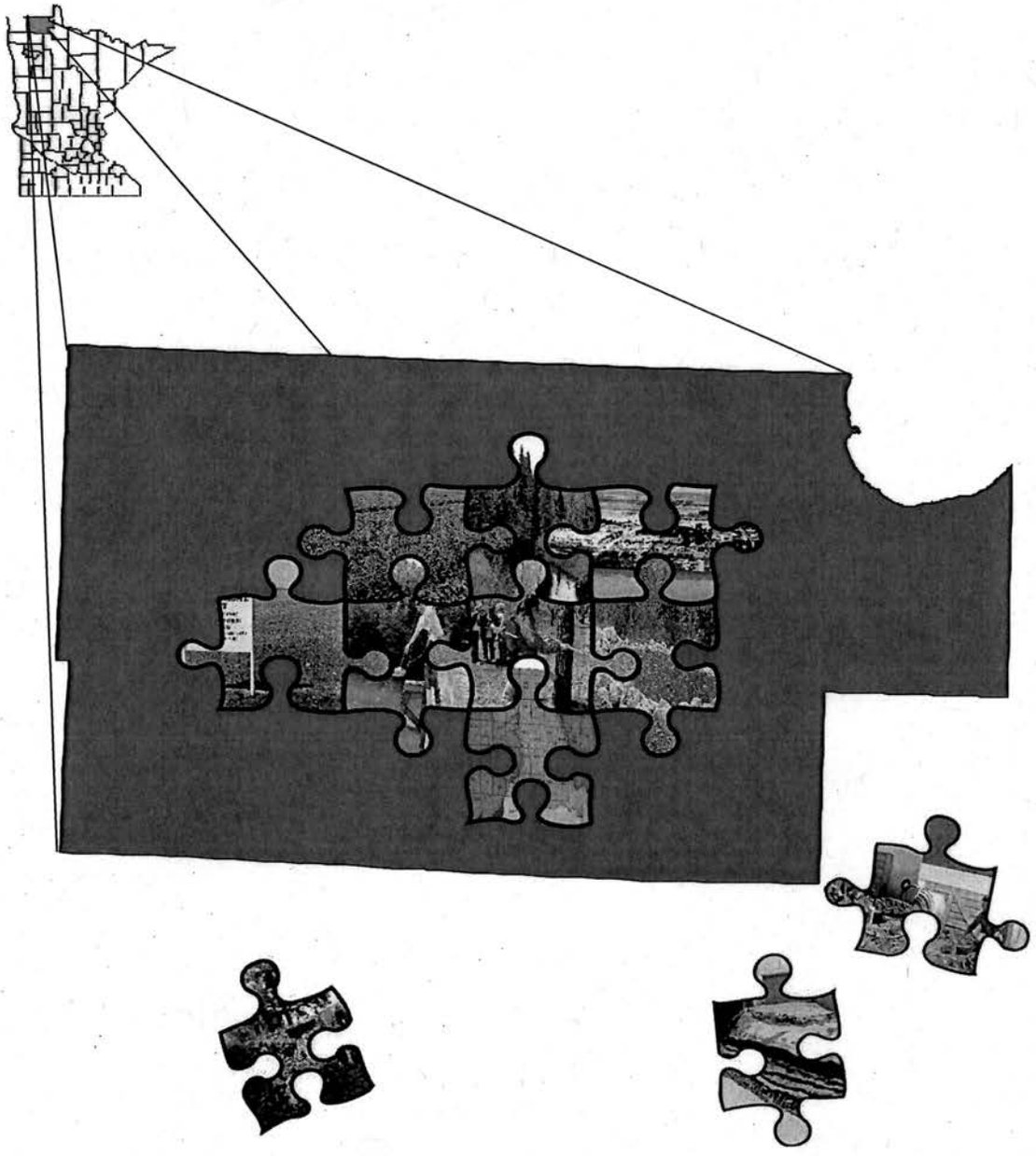
Roseau County Local Water Management Plan – Roseau County has submitted their Local Water Management Plan Update for state review and comment. The Northern Water Planning Committee met February 10th to review the content of the plan, state agency comments to the plan, and to make recommendations for the final water plan approval. The committee's recommendations or requirements for the content of the final plan are drafted for the full board to review and act upon. The state's expectations of the final plan must be sent to Roseau County. See attachment. DECISION ITEM

Attachments: ☐ **Resolution** ☒ **Order** ☐ **Map** ☒ **Other Supporting Information**

ROSEAU COUNTY

LOCAL WATER MANAGEMENT PLAN

2010-2019



Common Acronyms and Abbreviations:

BMP – Best Management Practice
BWSR – MN Board of Water and Soil Resources
CLWP – Comprehensive Local Water Plan (old system)
CREP – Conservation Reserve Enhancement Program
CRP – Conservation Reserve Program
CSP – Conservation Stewardship Program
DNR – Minnesota Department of Natural Resources
EQIP – Environmental Quality Incentive Program
FDR – Flood Damage Reduction
HEL – Highly Erodible Land
LWMP – Local Water Management Plan
LoW – Lake of the Woods
MDA – Minnesota Department of Agriculture
MDH – Minnesota Department of Health
MPCA – Minnesota Pollution Control Agency
NRCS – Natural Resource Conservation Service
NRE – Natural Resource Enhancement
PWT – Project Work Team
RIM – Re-Invest in Minnesota
RRWD – Roseau River Watershed District
RRWMA – Roseau River Wildlife Management Area
SSTS – Subsurface Sewage Treatment System
SWCD –Soil and Water Conservation District
TMDL – Total Maximum Daily Load
TRWD – Two Rivers Watershed District
WRWD – Warroad River Watershed District
WCA – Wetland Conservation Act

For Copies

Roseau County Local Water Management Plan – contact Roseau County SWCD 218-463-1903 or website at www.nwmnswcd.org; click on Roseau, Plans & Financial Info

Roseau River Overall Plan – contact Roseau River Watershed District – 218-463-0313

Two Rivers Overall Plan – contact Two Rivers Watershed District – 218-843-3333

Warroad River Overall Plan – contact Loren Horner – 218-386-2850

River Watch Information – contact Danni Halvorson – 218-523-6171

Local Government Unit for Local Water Management (LWM): Roseau SWCD

Roseau Co SWCD Board of Supervisors:

			Term expires
Chair	Glenn Darst	Greenbush, MN	2012
Vice-Chair	Jay Estling Jr	Roosevelt, MN	2012
Treasurer	Gary Johnson	Roseau, MN	2010
Secretary	Warren Ulvin	Roseau, MN	2012
Public Relations	John Gaukerud	Badger, MN	2010

County Commissioners:

Alan Johnston	Warroad, MN	District 1
Jack Swanson	Roseau, MN	District 2
Orris Rasmussen	Roseau, MN	District 3
Russell Walker	Warroad, MN	District 4
Mark Foldesi	Greenbush, MN	District 5

Water Resources Advisory Committee:

Loren Horner	WRWD
Chad Severts	BWSR
Watershed Managers	RRWD, TRWD, WRWD
Cary Hernandez	MPCA
Loren Horner	WRWD
Brian Ketring	Roseau County Hwy Dept
Nathan Johnson	Region Ext. Office
Scott Johnson	District Manager
Mark Foldesi	County Commissioner
Gary Bennett	DNR - Waters
Phil Talmage	DNR - Fisheries
Dawn Torrison	DNR - Wildlife
Dan Money	TRWD
Rob Sando	RRWD
Jeff Pelowski	Environmental Services

Office Information:

Roseau County Soil and Water Conservation District
502 7th Street Southwest, Suite 8
Roseau, MN 56751

Phone: 218-463-1903
Fax: 218-463-3919
http://www.nwmnswcd.org/

Water Plan Coordinator:

Janine Lovold
Email: janine.lovold@mn.nacdnet.net

Executive Summary

Roseau County, located in north-western Minnesota, has the distinction of being part of two ecoregions (Red River Valley and Northern Minnesota Wetlands), two main river basins (Red River and Rainy River), and two biomes (Tallgrass Aspen Parkland and Coniferous Forest). Thus, Roseau County is a transitional region with many interesting and unique characteristics. Roseau County covers a total of 1685.4 square miles (1,078,680 acres) including waterbodies. About 30% of the land is in public ownership and the remaining 70% is privately owned.

Adjacent entities are Kittson County to the west, Marshall County to the south, Beltrami to the southeast, Lake of the Woods County to the east and Manitoba, Canada to the north. Major cities are Badger, Greenbush, Roosevelt, Roseau, Strathcona and Warroad with Salol and Wannaska being minor communities. The City of Roseau is the county seat and is located 10.5 miles south of the Canadian border. Roseau County contains 44 major townships (11 are unorganized) and 11 partial ones (borders Canada and Lake of the Woods; mostly unorganized). According to the US Census Bureau (2000), 91.1% of the 16,388 persons in Roseau County are rural. (The 2008 population estimate is 15,946 residents.) Population density is 9.8/square mile. Principal industries are Polaris, Marvin Windows, Central Boiler and HeatMor. Agriculture and agricultural related businesses are still a major source of income and include production from small grain, oil seed, grass seed, bees, beef cattle, dairy, hogs, sheep and turkey.

The climate can be extreme in Roseau County. The average winter temperature is 4.6° F and the average summer temperature is 63.9° F. Temperature extremes can be lower than -40° F's and higher than 100° F. Temperatures are typically cooler in the east and warmer in the west. Total annual precipitation is 20.52 inches. More precipitation typically falls over the eastern part of the county (can be ~ 30 inches), while the western portion is generally drier (~ teens to 20 inches). Most of the precipitation occurs from June through September. Average snowfall is 35.3 inches. Prevailing winds are from the west and April is typically the windiest month at an average of 10.0 miles/hour. The sun shines 64% of the time in the summer and 49% in the winter.

Soils were developed from calcareous and loamy glacial till. Eastern county soils basically consist of lacustrine silts and clays and also some lacustrine sands on sandbars. The western two thirds of the county are dominated by Percy soils that are loamy till with rock fragments. Organic soils can be found in one third of Roseau County. Because the topography is more or less level with gentle slopes, soils are poorly drained and contain a higher content of organic matter. Soils under the former grassland prairie typically have a higher water holding capacity and are darker in color. Forest soils consist of sands to heavier textured soils where pine and deciduous trees are found, respectively.

The landscape of Roseau County, shaped during the last Ice Age, is level to gently sloping and includes three of the four major beach ridges in northern MN (Norcross, Tintah, & Campbell). The most extensive ridge and sandbars occurs in Beltrami Island State Forest (BISF) in the southeast. The highest point of the county, incidentally, is also located here at 1270 ft. The lowest point is found in northwestern Roseau County. The other two beach ridges are found in southern part of the county, west of State Hwy 89 and from Greenbush through Badger, ending four miles west of Roseau. Drainage principally occurs through three major river systems. Two Rivers drains southwestern Roseau County through three branches that eventually converge and flow into the Red River of the North in Kittson County. Warroad River drains the eastern end of the county through two branches that converge south of Warroad and flows into Lake of the Woods. The Roseau River drains from the southeastern part of the county in the BISF

through two branches that converge in northwestern Malung Township. The river flows in a southeasterly to northwesterly direction and empties into the Red River of the North close to Dominion City, Manitoba, Canada. Two minor watersheds, Tamarac and Thief River, also drain into the Red River of the North. Drainage from all watersheds ultimately flows into Hudson Bay.

Total Maximum Daily Load (TMDL) studies and implementation plans have not been conducted yet for impaired waters in Roseau County. Surface waters identified as impaired, on the Clean Water Act's 303 (d) list, which may require a TMDL include: Sprague Creek for turbidity; Roseau River from Hay Creek to Canadian border for dissolved oxygen (DO) and turbidity; Two Rivers South Branch from unnamed ditch to lateral ditch 2 for fish bioassessments (IBI); and headwaters of north fork Roseau River to main stem Roseau River and Roseau River to Canadian border for the bioaccumulative toxin, mercury. (IBI or index of biotic integrity is a regionally based index used to measure the integrity of rivers and streams, and to determine the level of their biotic impairment. Multiple parameters based on fish community structure and functions are used to evaluate a complex biotic system.) The mercury impairment also includes the man-made Hayes Lake on north fork Roseau River. See page 12 for a map relating to these impairments. Roseau County is also expected to participate in the Lake of the Woods TMDL study for excess nutrients. Willow Creek is anticipated to be added to the Impaired Waters List.

A monitoring study on the Roseau River by the MPCA is tentatively scheduled for 2010 for turbidity and DO. One monitoring study regarding organics, inorganics and field tests was done by the Two Rivers Watershed District and the Roseau and Kittson SWCDs during the years 1991-1993 with a BWSR Challenge Grant. Recommendations from that study included filter strip implementation along all water courses that are tributary to rivers, fencing livestock away from rivers, implementation of tillage and erosion control techniques, and fertilizer and pesticide control chemicals to be used and handled with care. The Roseau SWCD has monitored river and creek sites within the county since 2001 and has incorporated surface monitoring data into the EPA STORET database starting with year 2003. A baseline study of Roseau County surface waters by the SWCD has a timeline of 10 years and will be completed around 2013. The SWCD has been collecting data on turbidity and DO along with conductivity, water temperature, pH, nitrate, total phosphorus, fecal coliform bacteria counts, and now *E. coli*. The Two Rivers Watershed District (TRWD) also has been collecting data for many years on four sites in the Two Rivers watershed portion within Roseau County and for short term around TRWD project sites as needed. The River Watch high school students and Red River Watershed Management Board personnel also have surface water sites that they have been collecting data since year 2000. The Warroad River Watch has not been active for many years, but the Badger – Greenbush River Watch will be starting soon. The Roseau River Watch is active during the school year. Roseau County and its monitoring partners anticipate in working together for TMDL development, implementation, and monitoring regarding impaired waters within the next 10+ years.

Purpose of the Local Water Management Plan

The purpose of the updated Local Water Management Plan for Roseau County is:

1. To actively work on the existing local priority concerns and to identify future potential priority concerns so that our water resources and related land resources are protected, managed and developed.
2. To update and continue the process of developing and applying an action plan to promote sound water and related land resource management in the county.

3. To continue working towards effective environmental protection and management in Roseau County through focusing on priority concerns and recognizing potential priority concerns.
4. This water plan is also recognized as the Roseau County SWCD Comprehensive Plan.

A resident survey and entity survey / concern sheet were employed to obtain information from all watersheds and provide the Water Resources Advisory Committee the opportunity to identify five priority concerns that would be worked on during the next 10 years with an amendment opportunity in the 5th year. Details regarding these concerns can be found in the Priority Concerns Scoping Document in Appendix A.

Description of Roseau County Priority Concerns

Priority Concern 1: Erosion & Sedimentation of Surface Waters, Stormwater Runoff and Wetlands

Although Roseau County is relatively flat, erosion and the resulting sedimentation take place through wind and water since the advent of ground cover removal and drainage for agricultural purposes.

Currently, Roseau County CRP acres are at the 25% cap, but that may change with lands coming out of CRP, especially if CRP becomes a program of the past. All highly erodible lands (HEL) are required to have a conservation plan and ground cover in Roseau County, but even non-HEL's have been observed to have erosion incidences. On most agricultural lands, most producers do not plant a cover crop in the fall, unless they are involved with programs that require such a practice. With rising costs of production, many producers may elect to skip best management practices that are in their best interest. It is also believed that some producers may not realize that production costs can increase due to erosion causing land to become less productive. Even on non-HEL's and particularly during droughts, wind erosion has caused sediments to collect in roadside ditches or settle around structures.

Drainage is essential for agriculture and dwelling in Roseau County. With the efficient use of drainage equipment, run-off occurs at ever increasing rates along with sediment that collects downstream. Best Management Practices, such as filter strips adjacent to all ditch systems, need to be implemented. A list of Best Management Practices can be found in Appendix B for various applications in rural and urban areas. Floods of the past have been the major contributors of erosion and sedimentation. The 2002 flood was observed to scour forested areas, entire fields and roads, carve new channels, and damage ditch systems through erosion and sloughing. Sediments were seen to settle out in the form of sedimentation bars in ditches and stream courses.

Stormwater runoff has supplied to sediment buildup, although in a slower fashion compared to a flood event. Runoff sediments may fill in wetlands and thus reduce floodwater retention and natural filtering capabilities. Most cities in Roseau County are located on a river system and so urban runoff picks up dirt, debris, nutrients and other chemicals, which flow into river systems. Stormwater management is not required for cities under 5,000 people.

Retroactive cleanouts and proactive practices need to be implemented to help alleviate and / or prevent sedimentation, improve navigability, and keep waterways open. Land use and land cover through the use of Best Management Practices (BMP's) are key to keep soil where it belongs.

Objective:

- Enhance and improve the quality of surface waters and wetlands through conservation practices, best management practices, restoration, and structures

Water Plan Cost: Staff Time
Watershed Priority Areas: Roseau River, Warroad River, Lake of the Woods, All
Groundwater System: NA

Priority Concern 2: Flood Control and Flood Damage Reduction

Flooding is a problem throughout Roseau County because the topography is generally flat, which impedes timely drainage. Most flooding occurs during the spring with the snow melt, but the less frequent summer and fall floods have been known to occur. Flooding is prevalent primarily from north City of Roseau to Canada where land fall is generally 0.2 feet/mile and stream capacity is not sufficient. Waters may take months to recede and cause considerable structural damages to buildings, roadways, ditches, and agricultural lands. Major floods have shown to cause this type of damage even in areas that typically do not experience such problems, such as those areas to the south and southeast of Roseau County where landfall is more significant. However, the difference is that flood water recedes fairly quickly.

Overbank flooding occurs when river channel capacities are not adequate to sufficiently drain water in a timely matter during rapid snow melt, snow melt with rain, ice jams, or severe rainfall amounts. Overland flooding takes place when snowmelt or severe rainfall is impounded through frozen or blocked culverts and ditches. Overland flooding may also occur during high water conditions where culverts or ditches are running at full capacity and are unable to handle the additional runoff. The water accumulates until it overflows roadways and floods section after section in the down slope direction.

The primary concern of the watershed districts in Roseau County is to reduce flood damages through programs and projects that deal with levees, ring dikes, establishment of impoundments and restoration of wetlands and watercourses, and also at the same time enhance natural resources. The mission of the watershed districts for flood damage reduction is to protect city and rural homesteads, protect agricultural lands, and reduce damage to roads and crossings. A current project in the process of being built is the East Diversion around the City of Roseau by the Army Corps of Engineers. The project is designed to help with flood control in the City of Roseau and not impact downstream lands.

Objectives:

- Implementation of practices for flood control and flood damage reduction to reduce flood impacts
- Water flow gauge and structure upgrades with additional analytical parameters for data analysis

Water Plan Cost: $200+
Watershed Priority Areas: Roseau River, Two Rivers, Warroad River, All
Groundwater System: NA

Priority Concern 3: Surface Water Protection and Improvement

The current impairments identified by the MPCA are fish IBI (index of biological integrity) for a portion of Two Rivers South Branch in southwestern Roseau County and into Kittson County, dissolved oxygen and turbidity for the Roseau River from convergence of Hay Creek to the Canadian border, and turbidity for Sprague Creek. Agriculture, livestock production, ditch cleanouts also impact surface waters, especially with stormwater runoff or during floods. It is also noteworthy to mention that most of the streams that are classified as impaired have been channelized or modified in the past.

Protection of aquatic and riparian habitats is essential for healthy riverine systems and wildlife populations (aquatic and terrestrial). As work, inventories, or surveys are done on river systems, water segments with adjacent riparian areas that can provide the greatest biological benefit need to be designated as important priority areas for protection. Potential areas also need to be inventoried for restoration and possible protection.

The Roseau River is one of the many recreational opportunities that Roseau County has to offer. Many residents enjoy fishing on this river summer and winter, especially on reaches around the old Roseau Lake to Caribou in Kittson County. Five fish surveys between 1978 and 2000 have found that fish species and population have been consistent on the Roseau River (see Roseau River Overall Plan and Red River Basin Stream Survey Report 2000). With all the modifications and land use changes that have impacted this watershed from the beginning of the late 1800s through the 1900s, it is important to protect and improve the water quality of the Roseau River.

Two Rivers also has many outdoor recreational opportunities of which most occur in Kittson County. Two Rivers South Branch headwaters (aka SD 91, channelized portion) originate south of the City of Badger and eventually flow into Lake Bronson, where people use these waters for swimming and fishing. Many fish are supported by these waters and include northern pike, walleye, perch, sauger, crappie, sunfish, bass, catfish, bullhead, carp, and suckers (TRWD Overall Plan page 13). The Overall Plan also mentions that stream fishery habitat is being degraded due to the unstable watercourse with erosion and sedimentation issues, flashy flows, beaver dam blockages, and loss of upland habitat.

Lake of the Woods is not inside the Roseau District; however, Roseau County does have many ditch systems, Willow Creek and Warroad River, which contribute to Lake of the Woods waters. Lake of the Woods is a major draw for its fishing industry, nationally and internationally and impacts our local economy directly. The impairment for Lake of the Woods is excess nutrients. Algal blooms have been observed in the lake's waters. Another concern listed in the Rainy River Basin Plan (2004) is severe erosion that that has the potential to harm the fishing industry, which in turn impacts the local economy. The Lake of the Woods has an enormous watershed that includes Minnesota, and the provinces of Manitoba and Ontario, Canada.

An additional concern within Roseau County is lack of surface water during drought conditions that impact livestock and fish populations.

Objective:

- ► Protect, improve and monitor the quality of surface waters

Water Plan Cost: $8550+ plus Staff Time
Watershed Priority Areas: All
Groundwater System: NA

Priority Concern 4: Managing Existing Ditch Systems

Drainage systems are critical for agriculture, urban and rural residences in Roseau County and need to be maintained and improved to optimally function. Wet cycles and past floods have deteriorated drainage structures and caused sloughing and erosion. Support for continued maintenance using new technologies to improve water quality during and after repair is needed as it will take many years to inventory and repair the ditches.

Objectives:

- ► Proper care and maintenance of existing ditch systems

Water Plan Cost: ? ($85,000) plus Staff Time
Watershed Priority Areas: All
Groundwater System: NA

Priority Concern 5: Groundwater Protection and Quality

Not much is known about ground water resources or its movement in Roseau County as no hydrological mapping has been done. The limits of aquifers, especially the more deeply buried or less extensive aquifers are not well mapped and the recharge areas are not well defined. The extent of agricultural chemicals that impact groundwater resources have also not been documented. The extent of pollution by factors, other than nitrates and bacteria, has not been well studied. However, the MPCA has conducted a statewide baseline survey between 1992 and 1996 with thirteen factors using fourteen groundwater collection sites in Roseau County (see Appendix E).

Critical areas such as sandy beach ridges and other highly permeable locales are of high concern as percolation rates are greatest in these areas and are at risk for contamination. Rural homesteads are also of concern where groundwater testing is not done on a regular basis. Nearly 95% of rural residents in the U.S. rely on groundwater for their drinking supply according to the US EPA. Most residents in Roseau County are served by surficial drift aquifers of which are recharged by normal precipitation. This type of aquifer is thought to be susceptible to direct access of contaminants from the land surface.

Roseau County is also concerned about low groundwater levels during drought conditions. In 2006, drought conditions returned and many people had to deal with low well water levels for themselves and / or for livestock.

Objectives:

- ► Groundwater protection
- ► Groundwater quality analysis
- ► Update and implementation of ordinances that protect groundwater

Water Plan Cost: $14,475+ plus Staff Time
Watershed Priority Areas: All
Groundwater Systems: All

Consistency with Other Plans

No differences were found in federal, state, watershed or surrounding county plans that were contradictory to the priority concerns selected for this Local Water Management Plan. Federal plans to various local plans included some or most of these concerns so it appears that these concerns are fairly common across boundaries, which may be due to politics and funding tied to these items. This makes partnering with various agencies easier and more efficient.

Recommended Amendments to Other Plans and Official Controls

1) Request State funding to identify potential SSTS projects or areas that have failing SSTS or are an immediate public health threat, assuming that those areas would be brought into compliance with current SSTS regulations when adequate State funding is available
2) Include more environmental education and education for permitting processes
3) Better communication between agencies
4) Need for a one-stop-shop for permitting and a lead agency or coordinator
5) Timely implementation of existing plans and controls
6) Fix regulations that are too little or too much
7) More authority to watershed boards

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Roseau County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on October 30, 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 February 5, 2009, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Roseau County, pursuant to M.S. Section 103B.312.

2) On March 27, 2009, the Board of Water and Soil Resources approved official comments on the Roseau County Priority Concerns Scoping Document, which were mailed to the county on March 27, 2009.

3) The priority concerns, in no particular order of importance, the local water management plan addresses include:
   - Erosion & Sedimentation of Surface Waters, Stormwater Runoff and Wetlands
   - Flood Control and Flood Damage Reduction
   - Surface Water Quality Improvement and Protection
   - Managing Existing Ditch Systems
   - Groundwater Protection and Quality

4) On October 30, 2009, the BWSR received the Roseau County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5) On February 10, 2009, the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Roseau County Plan Update. Recommendations of the state review agencies were:
   A) Minnesota Department of Agriculture: 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 March 24, 2020; with Goals, Objectives, Action Items amended by March 24, 2015.

CONCLUSIONS

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

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

ORDER

The Board hereby approves the attached update of the Roseau County Local Water Management Plan through March 24, 2020; with Goals, Objectives, and Action Items being amended prior to March 24, 2015.

Dated at St Paul, Minnesota, this twenty-forth day of March, 2010.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

REQUEST FOR BOARD ACTION

AGENDA ITEM # 4. Traverse

Meeting Date: March 24, 2010
Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: Northern Region
Contact: Pete Waller
Prepared by: Pete Waller
Reviewed by: Northern Water Planning Committee Committee(s)

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

☐ Other: _____

ACTION REQUESTED
DECISION

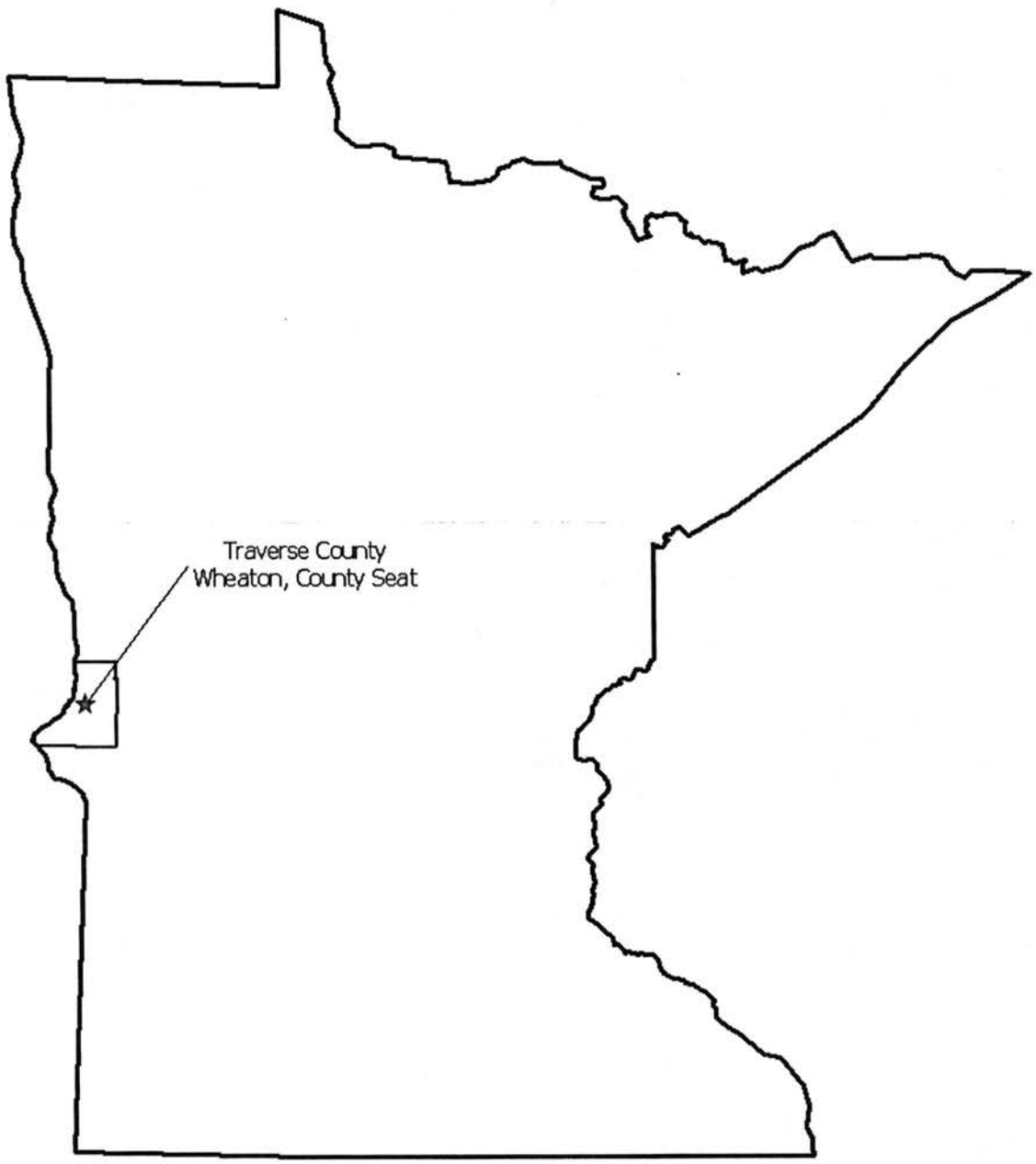
SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
Amendment of Local Water Management Plan- Traverse County

By Board Order, the Board of Water and Soil Resources (Board) approved the Traverse County Comprehensive Local Water Management Plan (Plan) on March 23, 2005. This Plan covers the ten year period of 2005-2014 and contained a 2005-2009 five year implementation section. Board Order stipulated that the county was required to revise/update the implementation section tfor the period 2010 - 2014. Following the guidelines established by the Board, Traverse County has completed the local water management plan amendment process and submitted their specific 2009 Amendment, which is for a five year period of 2010-2014. The Board's Northern Water Planning Committee (Committee) met on February 10, 2010 to review the Traverse County Plan 2009 Amendment. The committee recommends approval of the Plan Amendment.

See attachments: Board Order, County Location Map and the Traverse LWP Amendment - Executive Summary

Attachments: ☐ **Resolution** ☒ **Order** ☒ **Map** ☒ **Other Supporting Information**

Location of Traverse County



Executive Summary

This section is an amendment to the January 1, 2005 version of the Traverse County Water Management Plan. The original version in its entirety addresses the following items:

- The vision and purpose of the plan;
- Descriptions 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.

Implementation Program Amendment – January 1, 2010:
This amendment dated January 1, 2010, is part of the third version of the Traverse County Water Management Plan, dated January 1, 2005. Included in this amendment:

- An executive summary;
- A summary of accomplishments from 2005-2009;
- A revised implementation program;
- A revised implementation schedule which explains the total projected cost of the program.

2010 – 2014 Priority Concerns Summary of Goals, Objectives, and Action items projected expenses with secure program funding from multiple sources: $256,000.00.
2010-2014 Priority Concerns Summary of Goals, Objectives, and Action items projected expenses with program funding needed to complete proposed items: $1,613,000.00.
The attached implementation schedule provides a detailed description of program expenses. Priority concerns; a brief summary, goals, and actions are listed below.

Priority Concern: Erosion

Nearly 90% of the land in Traverse County is involved with the production of various agricultural crops. There is a great need for the conservation of soil from water erosion. The reduction of soil erosion will reduce sedimentation and Phosphorus loading in all lakes, rivers, streams, and wetlands of Traverse County.

Summary of Actions:

- Promote continuous CRP practices to enroll filter strips and buffers along eligible waterways in Traverse County.
- Promote continuous CRP buffer strips along all reaches of DNR protected waters.
- Assist with the implementation plan of the Mustinka River TMDL.
- Educate producers about the benefits of land retirement programs such as CRP to prevent and reduce erosion to less than 2T; promote installation of supporting practices.
- Promote management of crop residues and maintain 175,000 acres of cropland using conservation tillage.

- Reduce gully erosion by the promotion and installation of BMPs including side inlet controls.
- Reduce erosion in shoreland zones.

Priority Concern: Flood Damage

Traverse County recognizes that improved drainage management combined with flood damage reduction practices will protect both residential and agricultural investments as well as to protect water resources throughout the county.

Summary of actions include:

- Reduce flood damage across Traverse County to agricultural land, rural or urban development, and infrastructure by protecting against the ten year 24 hour runoff event for agricultural land against flooding events as described in 1998 Mediation Agreement.
- Address storm water and drainage management issues to effectively manage high volume runoff.
- Monitor shoreland development to protect against flood damage.

Priority Concern: Contaminated Runoff

Traverse County identifies contaminated runoff and sedimentation from agricultural land and erosion as a significant factor in the degradation of water quality in the county.

Summary of actions include:

- Reduce sedimentation and nutrient runoff to waters of the state.
- Promote conservation tillage practices to reduce wind and water erosion of cropland.
- Participate with the Bois de Sioux Watershed District to develop a watershed wide based TMDL implementation plan.
- Protect surface water as well as unconfined, shallow groundwater tables from contamination by agricultural chemical use.

Priority Concern: Groundwater Contamination

Groundwater resources supply all of Traverse County with quality usable water. Protection of this valuable resource is important to the well being of all citizens and for use by future generations.

Summary of actions includes:

- Reduce contamination to groundwater through sealing of abandoned wells.
- Continue to bring rural and community septic systems into compliance with MPCA standards.
- Reduce pollution of groundwater from manure and improper disposal of animal mortalities.
- Protect unconfined, shallow groundwater tables from contamination by agricultural chemical use.

Summary of Accomplishments

This section is a summary of accomplishments from the period January 1, 2005 to December 31st, 2009. The list of accomplishments are as follows:

- 4 Erosion Control Projects
- 2 Flood damage Prevention projects
- 3 Runoff Control Projects
- Numerous Well Sealing Projects

Priority Concern: Erosion

Goal: The goals we are trying to achieve to resolve this priority concern will be reduced soil erosion by water; reduced sedimentation into Lake Traverse and all hydrologic units; and reduced erosion around the County Ditch 52 area.

Summary of accomplishments: 43 Erosion Control Projects

- Windbreak for City of Wheaton
- Traverse County Shoreline Stabilization
- Water Control and Sediment Basin
- Wetland Project-(consisted of cutting through 2 dikes, building a new dike to direct flow, and constructing a natural outlet from fieldstone to provide a "naturally" functioning wetland.

Total cost of Projects: $26,749

- 20 EQIP projects for a total of 23,653 acres
- 17 CRP projects for a total of 1,825 acres
- 1 WRP project for 160 acres
- 1 WHIP project for 26 acres

Total acres of projects: 25,664 acres

Priority Concern: Flood Damage

Goal: The goals of this priority concern are a reduction of county wide flood damage to agricultural land, rural or urban development, and infrastructure; to address stormwater and drainage management issues to effectively manage high volume runoff.

Summary of accomplishments include: 2 Flood Damage Project/Prevention

- $6000 contributed to flood study for the City of Browns Valley
- $3,420 for purchase of Riverwatch computers and equipment.

Total Cost of Projects: $9,420

Summary of Accomplishments Section 2

Priority Concern: Contaminated Runoff

Goal: The goal of this priority concern is the reduction of contaminated runoff to Lake Traverse and all waters of the state.

Summary of accomplishments include: 38 Runoff Control Projects

- Runoff Control
- Feedlot Pollution Fix – Installed pasture fences to close open lot in a sensitive area.
- Feedlot Rip Rap Project – To solve a lakeshore pollution/erosion issue by preventing cattle from entering Lake Traverse.

Total Cost of Projects: $5,570.05

- 10 EQIP projects for a total of 13,148 acres
- 21 CRP projects for a total of 4,883 acres
- 2 WRP projects for a total of 91 acres
- 2 WHIP projects for a total of 86 acres

Total acres of projects: 18,208 acres

Priority Concern: Groundwater Contamination

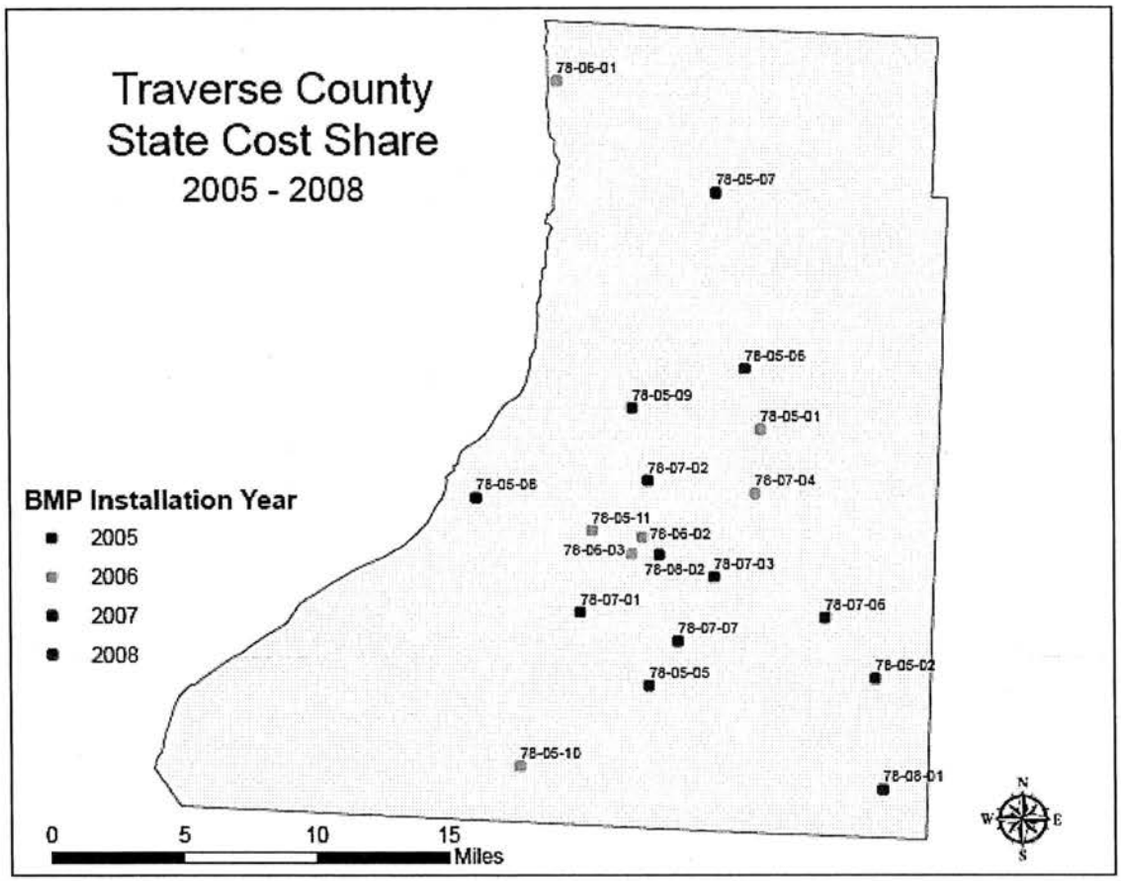
Goal: The goal of this priority concern is reduction of contamination to shallow and deep groundwater aquifers via both point and nonpoint sources.

Summary of accomplishments includes: Well Sealings and Runoff Control Projects

- 51 Wells sealed. (All well sealings were matched at 50% or up to a maximum of $250.00).
- 3 Runoff Control Projects for a total of $5570.05 (2 were Feedlot Runoff Controls and 1 was Feedlot pollution fix).

Total Cost of Projects: $26,014

*** See attached forms for breakdown of BMP practices.**



Project #	Year	BMP Type	State Grant	State Loan	Federal Funds	Local Funds	Landowner	Total Funds
78-05-07	2005	Windbreak/Shelterbelt Establishment (380)	$ 1,135.91	$ -	$ -	$ -	$ 378.64	$ 1,514.55
78-05-09	2005	Windbreak/Shelterbelt Establishment (380)	$ 7,385.58	$ -	$ -	$ 1,177.58	$ 2,854.39	$ 11,417.55
78-05-02	2005	Windbreak/Shelterbelt Establishment (380)	$ 857.55	$ -	$ -	$ -	$ 285.85	$ 1,143.40
78-05-06	2005	Windbreak/Shelterbelt Establishment (380)	$ 831.71	$ -	$ -	$ -	$ 277.24	$ 1,108.95
78-05-05	2005	Windbreak/Shelterbelt Establishment (380)	$ 564.18	$ -	$ -	$ -	$ 190.51	$ 754.69
78-05-08	2005	Windbreak/Shelterbelt Establishment (380)	$ 450.49	$ -	$ -	$ -	$ 150.16	$ 600.65
78-05-10	2006	Windbreak/Shelterbelt Establishment (380)	$ 879.53	$ -	$ -	$ -	$ 2,610.72	$ 3,490.25
78-07-04	2006	Windbreak/Shelterbelt Renovation (650)	$ 675.00	$ -	$ -	$ -	$ 5,125.00	$ 5,800.00
78-05-11	2006	Windbreak/Shelterbelt Establishment (380)	$ 1,508.63	$ -	$ -	$ -	$ 502.87	$ 2,011.50
78-06-02	2006	Windbreak/Shelterbelt Establishment (380)	$ 1,785.75	$ -	$ -	$ -	$ 595.25	$ 2,381.00
78-06-03	2006	Windbreak/Shelterbelt Establishment (380)	$ 1,669.89	$ -	$ -	$ 280.11	$ 504.81	$ 2,454.81
78-05-01	2006	Windbreak/Shelterbelt Establishment (380)	$ 613.38	$ -	$ -	$ -	$ 204.47	$ 817.85
78-06-01	2006	Windbreak/Shelterbelt Establishment (380)	$ 2,563.13	$ -	$ -	$ -	$ 854.37	$ 3,417.50
78-07-01	2007	Windbreak/Shelterbelt Renovation (650)	$ 408.57	$ -	$ 1,040.45	$ -	$ 708.58	$ 2,157.60
78-07-02	2007	Windbreak/Shelterbelt Renovation (650)	$ 1,311.45	$ -	$ -	$ -	$ 1,689.65	$ 3,001.10
78-07-03	2007	Windbreak/Shelterbelt Establishment (380)	$ 2,574.00	$ -	$ -	$ -	$ 895.50	$ 3,469.50
78-07-06	2007	Windbreak/Shelterbelt Establishment (380)	$ 777.79	$ -	$ -	$ -	$ 259.26	$ 1,037.05
78-07-07	2007	Windbreak/Shelterbelt Renovation (650)	$ 1,103.00	$ -	$ -	$ 609.96	$ 1,195.99	$ 2,908.95
78-08-05	2008	Windbreak/Shelterbelt Establishment (380)	$ 1,027.34	$ -	$ -	$ -	$ 2,604.16	$ 3,631.50
78-08-02	2008	Windbreak/Shelterbelt Renovation (650)	$ 916.23	$ -	$ -	$ -	$ 805.42	$ 1,721.65
78-08-01	2008	Windbreak/Shelterbelt Renovation (650)	$ 3,972.34	$ -	$ -	$ -	$ 6,971.96	$ 10,944.30
78-08-03/2	2008	Windbreak/Shelterbelt Renovation (650)	$ 1,594.05	$ -	$ -	$ -	$ 931.35	$ 2,525.40

Implementation Program Updated December 2009

An implementation program has been developed for each priority concern that maximizes partnerships and existing programs to facilitate measurable progress. Information on responsible agencies and organizations, costs, timeline, and affected watersheds is available in the Implementation Schedule.

Organization of this section is as follows:

Priority Concern
↓
Objective(s)
↓
Action(s)

Priority Concern: Erosion

Goal: The goals we are trying to achieve to resolve this priority concern will be reduced soil erosion by water; reduced sedimentation into Lake Traverse and all hydrologic units; and reduced erosion around the County Ditch 52 area.

Objective A. Promote continuous CRP practices to enroll filter strips and buffers along eligible waterways in Traverse County.

1. Identify and focus on critical/sensitive sub watersheds within the county.

2. Prioritize areas in the county where continued promotion should be focused. The following summary table of impaired waters will be considered top priority for this purpose:

Clean Water Act Section 303 [d] List of Impaired Waters in the County for 2008.			
Reach	**Assessment Unit ID #**	**Affected Use**	**Pollutants/Stressors**
Twelvemile Creek	09020102-501	Aquatic Life	Fish Bioassessments
W Branch Twelvemile Creek to Mustinka River			
Mustinka River	09020102-503	Aquatic Life	Oxygen, Dissolved 2,5
Unnamed creek to Lake Traverse			
Mustinka River	09020102-503	Aquatic Life	Turbidity
Unnamed creek to Lake Traverse			
Mustinka River	09020102-517	Aquatic Life	Turbidity
Lightning Lake to Grant/Traverse County line			
Mustinka River	09020102-518	Aquatic Life	Turbidity
Grant/Traverse County line to Fivemile Creek			
Lakes	**Lake ID#**	**Affected Use**	**Pollutants/Stressors**
Traverse Lake	78-0025-00	Aquatic Consumption	Mercury in Fish Tissue

3. Make 30 personal contacts per year with individual landowners regarding the details of the benefits of available land retirement programs such as continuous CRP programs.

4. Partner with local agencies and groups to try to provide an additional cash bonus for planting native grasses for habitat.

5. Utilize Working Lands Initiative funds to provide an extra cash incentive for enrollment of land into CRP or land retirement programs in the current high priority and within any newly developed project areas.

6. Maintain an Arc View GIS map layer of the current parcels enrolled in CRP or land retirement programs and utilize such technology to target promotion of conservation practices within the gaps in corridors of filter strips.

Objective B. Promote continuous CRP buffer strips along all reaches of DNR protected waters.

1. Update the Traverse County Shoreland Ordinance to match the Minnesota State Rules (Chapter 6120.3300 Subp. 7. A and B) which states: the shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local soil and water conservation districts or the United States Soil Conservation Service.

2. Identify "gaps" along protected waters rivers, lakes, and wetlands using current Pictometry aerial photographs and target these areas for promotion of appropriately sized buffer strips to meet the shoreland standard.

3. Promote buffers where protected waters rivers and streams are currently farmed through along with outer reaches/beginning branches of protected waters.

Objective C. Assist with the implementation plan of the Mustinka River TMDL.

1. Use LWM funds to help author an implementation plan.

2. Partner with associate agencies to share in participation of local work groups to develop the plan.

Objective D. Educate producers about the benefits of land retirement programs such as CRP to prevent and reduce erosion to less than 2T; promote installation of supporting practices.

1. Set up models for display at the Traverse County Fair and 5 meetings per year with local work groups such as township authorities or wildlife/hunting associations.

2. Participate in presentations geared towards elementary children to educate them about conservation at an early age. Provide at least two opportunities for this type of education each year.

3. Continue to participate and promote the MASWCD poster contest for conservation to reach all fifth and sixth graders with a conservation message each year.

4. Include relevant articles in newsletters and five times annually in local newspapers.

5. Utilize state and local cost share to partially fund projects of highest priority to prevent and mitigate erosion in the county.

6. Continue to promote the NACD soil stewardship program's annual message to reach the congregations of all churches of various denominations in the county.

7. Continue to participate with the Redpath Project Team to work towards a unified goal of a well designed and cost effective project that will reduce flood damages, provide natural resource enhancements, and improve water quality of surface water in the Bois de Sioux Watershed District.

Objective E. Promote management of crop residues and maintain 175,000 acres of cropland utilizing conservation tillage practices leaving greater than 30% residue.

1. When funding allows, continue to conduct a tillage transect to monitor or determine crop residue levels and target areas for promotion of conservation tillage practices.

2. Utilize the benefits from programs such as the Environmental Quality Incentive Program as a promotion for conservation tillage practices.

3. Promote use of the Traverse SWCD's no-till drill for the installation of 1,500 acres of cropland annually.

4. Set up a promotional display at the Traverse County fair and at five agricultural related meetings such as trainings or product promotions per year.

Objective F. Reduce gully erosion by the promotion and installation of BMPs including side inlet controls.

1. Utilize LIDAR elevation information to inventory existing side inlets and gullies to prioritize the promotion of new inlet locations.

2. Encourage installation of side inlet controls through financial assistance with LWM funds, Clean Water Legacy grant funds, watershed district funds, or other grant funds.

Objective G. Reduce erosion in shoreland zones.

1. Promote well designed shoreline protection practices along the shoreline of Lake Traverse.

2. Educate property owners about the consequences of vegetation removal in shoreland areas.

3. Work with agricultural producers to buffer cropland within the shore impact zone.

4. Distribute information to property owners who are planning shoreland projects regarding sound stormwater construction practices at the point of permit application.

Objective H. Reduce wind erosion of cropland.

1. Reduce wind erosion of disturbed soil and the resulting sedimentation into waters of the state by the installation of field windbreaks and shelterbelts.

2. Work with landowners to provide cost share assistance with the design and installation of field windbreaks and shelterbelts.

3. Utilize state cost share, EQIP, or other available funding for eligible projects as applicable.

Priority Concern: Flood Damage

Goal: The goals of this priority concern are a reduction of county wide flood damage to agricultural land, rural or urban development, and infrastructure; to address stormwater and drainage management issues to effectively manage high volume runoff.

Objective A. Reduce flood damage across Traverse County to agricultural land, rural or urban development, and infrastructure by protecting against the ten year 24 hour runoff event for agricultural land against flooding events as described in 1998 Mediation Agreement.

1. Participate in a project team process implemented by the Bois de Sioux Watershed District including meetings and work groups to develop specific plans for priority subwatersheds.

2. Partner on projects instituted by any local units of government or private organizations where appropriate and able to maximize the benefits of said projects.

3. Utilize land retirement programs such as CRP to convert cropland into grassland and trees/shrubs to increase infiltration.

4. Continue to participate with the Redpath Project Team to work towards a unified goal of a well designed and cost effective project that will reduce flood damages, provide natural resource enhancements, and improve water quality of surface water in the Bois de Sioux Watershed District.

5. Cooperate with partner agencies to continue progress in developing the Redpath Project involving upland management for treatment prior to inlet into impoundment.

6. Assist and support the Bois de Sioux Watershed District in an effort to establish the Moonshine Project as part of major watershed.

Objective B. Address storm water and drainage management issues to effectively manage high volume runoff.

1. Assist communities and developments in developing sufficient stormwater management plans.

2. Encourage and explain the benefits of residue management and grassed waterways regarding reduced runoff.

3. Participate with Bois de Sioux Watershed District's project team processes to develop projects to manage or reduce runoff specifically in flood prone areas.

4. Work with local youth groups and the city planning and zoning department to develop urban stormwater runoff awareness.

5. Work with county authorities to develop stormwater management plans specifically new developments in areas susceptible to flooding.

Objective C. Monitor shoreland development to protect against flood damage.

1. Map areas of concern that are currently undeveloped and should NOT be developed due to unsuitable conditions.

2. Enforce compliance with Traverse County Land Use Ordinances.

3. Limit the amount of fill allowed on shoreland lots for development purposes.

Priority Concern: Contaminated Runoff

Goal: The goal of this priority concern is the reduction of contaminated runoff to Lake Traverse and all waters of the state.

Objective A. Reduce sedimentation and nutrient runoff to waters of the state.

1. Promote general and continuous CRP contracts to convert cropland into permanent and native vegetation.

2. Continue to support, promote, and provide tree and grass planting services through the Traverse SWCD at a competitive price to landowners.

3. Educate producers about the negative effects of phosphorus loading on local waters caused by erosion and sedimentation specifically in Lake Traverse.

4. Promote and install 2,000 acres (400ac/yr x 5 yrs) of filter strips along eligible streams, ditches, and creeks, and wetlands.

5. Install five miles of field windbreaks annually to reduce wind erosion leading to sedimentation of waters of the state.

6. Utilize local water plan funding to develop a rain garden display to educate local residents about the process of installing a similar type of project for water quality.

Objective B. Promote conservation tillage practices to reduce wind and water erosion of cropland.

1. Continue to conduct an annual tillage survey and monitor crop residue throughout the county; use results to target areas of need for the promotion of conservation tillage practices.

2. Educate producers on the value of conservation tillage for soil conservation by attending five local producer's meetings annually.

3. Show examples and explanation of the benefits of using conservation tillage practices and the erosion that may result if no conservation tillage practices are used at the Traverse County fair and five meetings for local agricultural or political leaders.

4. Continue to promote and administer the Ag BMP low interest loan program to help fund Best Management Practices and eligible equipment through the MN Department of Agriculture.

5. Continue to promote and maintain the no-till grain drill rental availability through the Traverse SWCD at a reasonable rate.

6. Publish any relevant articles in newsletters and local newspapers as often as practical.

7. Utilize incentives from available USDA programs such as EQIP to educate landowners and get conservation tillage and nutrient management practices on the ground.

Objective C. Participate with the Bois de Sioux Watershed District and other agencies to develop a watershed wide based TMDL implementation plan.

1. Work with the MPCA and Bois de Sioux Watershed District to develop an implementation plan for a watershed wide TMDL as soon as it has been completed.

2. Attend work group meetings to address development of implementation plans and maintain direct involvement throughout the process.

3. Utilize the Soil and Waters Assessment Tool (SWAT models) to model the effectiveness of establishing Best Management Practices in critical areas of watersheds in order to reduce sedimentation and erosion.

Objective D. Reduce contamination to surface waters from animal manure and open feedlots.

1. Work with feedlot owners or operators to determine if pollution hazards exist. If any exist, provide appropriate assistance to get the feedlot into compliance with effluent limits.

2. Work with feedlot owners or operators to utilize BMPs for manure application and comply with MN Rules Chapter 7020.2225 (land application of manure).

3. Complete inspections of feedlots required to be registered by MN Rules Chapter 7020.0350 according to annual work plan goals in order to ensure compliance with MN Rules Chapter 7020.

Objective E. Protect surface water from contamination from agricultural chemical use.

1. Review current and ongoing surface water quality sample results and promote Best Management Practices for pesticide application as recommended by the MN Department of Agriculture.

Priority Concern: Groundwater Contamination

Goal: The goal of this priority concern is reduction of contamination to shallow and deep groundwater aquifers via both point and nonpoint sources.

Objective A. Reduce contamination to groundwater through sealing of abandoned wells.

1. Work with the Minnesota Department of Health to delineate and create a management plan for groundwater recharge areas and wellhead protection areas.

2. Create a program and/or literature to educate producers about the importance of sealing abandoned wells.

3. Continue to allocate local water plan funding towards abandoned well sealing cost share program. Provide cost-share to seal eight wells per year.

4. Promote well sealing cost share through awareness advertisement; publish a short article in local newspaper issues and newsletters as often as practical.

5. Promote and assist with the proper disposal of hazardous household and agricultural wastes in both solid and liquid forms. Conduct one annual collection day each year. Advertise to reach at least 500 families.

6. Continue to maintain one monitoring well to measure static water levels in northern Traverse County.

7. Promote public education of maintaining groundwater resources by developing new and exciting programs for local youth; provide two presentations about groundwater issues to local youth annually.

8. Partner with the regional public health agency to educate residents about the importance and availability of well testing, types of tests available, maximum allowable limits on groundwater and drinking water contaminants, and what to do if a well is contaminated. Personally contact 25 people regarding this topic annually.

Objective B. Continue to bring rural and community septic systems into compliance with MPCA standards.

1. Focus efforts on priority areas such as shoreland areas and areas of higher density development.

2. Develop an annual work plan to inspect 20 Subsurface Sewage Treatment Systems (SSTS) annually and provide assistance to owners of SSTS that are not in compliance.

3. Work with new and updated SSTS to ensure compliance with MPCA's SSTS program standards.

4. Educate 30 SSTS owners annually about the importance of properly maintained SSTS to groundwater protection.

5. Work with authorities in three small communities within the county to develop systems where needed and to ensure proper maintenance and operation of systems in Tintah, Collis, and Browns Valley.

6. Partner with local realtors to ensure compliance of SSTS before the sale of property.

7. Promote MN Department of Agriculture's Agricultural Best Management Loan Program funds for replacement/upgrade of failing SSTS.

8. Address the discovery of any noncompliant systems that may pose imminent threat to public health with top priority. Utilize any cost share to repair systems of this type, if available.

Objective C. Reduce pollution of groundwater from manure and improper disposal of animal mortalities.

1. Continue to assist all feedlot owners in the county working towards total compliance with Minnesota State Feedlot Rules.

2. Provide education about and enforcement of rules concerning the location of new feedlots or expansions in relation to distance from wells and waters of the state. Publish related articles in newsletters annually and issues of local newspapers

3. Provide education to all feedlot owners with manure stockpiles annually. Temporary stockpiles must be removed and re-vegetated annually.

4. Promote proper record keeping ensuring liquid manure storage area owners and operators are completing the required safety inspections and maintenance are being completed on a regular basis.

5. Provide education to all feedlot owners about the proper storage and disposal of animal mortalities according to MN Department of Agriculture guidelines.

6. Promote alternative and acceptable methods of disposal of animal mortalities with cost share programs such as, but not limited to, funding compost facilities with the federally funded Environmental Quality Incentive Program.

7. Provide education to all currently registered feedlot owners or recipients of manure about the proper application of manure on cropland for nutrient content with testing and spreader calibration.

8. Carefully review designs and monitor the construction of any new liquid manure storage areas.

9. Follow up with MPCA to ensure proper administration and enforcement of a Manure Management Plan on all NPDES sites scheduled for application of transferred manure.

Objective D. Protect unconfined, shallow groundwater tables from contamination by agricultural chemical use.

1. Review groundwater monitoring data and information regarding pesticides in groundwater and promote Best Management Practices for pesticide application as recommended by the MN Department of Agriculture.

Implementation Schedule					
Priority Concern - Erosion					
	Cooperators	Funding Secured	Funding Needed	Funding Source	Duration
Objective A:	Promote continuous CRP practices along eligible waterways.				
Actions 1	SWCD, NRCS, WD	N/A	N/A	N/A	2010-2014
2	MPCA, SWCD, NRCS, WD	N/A	N/A	N/A	2010
3	SWCD, NRCS	$5,000	$5,000	NRBG, SWCD, FARMBILL	2010-2014
4	SWCD, WD, PF, DU	$0	$40,000	WD, PF, DU	2010-2014
5	SWCD, NRCS, WD, DNR, USFWS	$22,500	$0	WLI	2008-2010
6	SWCD, NRCS	$5,000	$5,000	NRBG, USDA, FARMBILL	2010-2014
Objective B:	Promote CRP buffer strips along all reaches of DNR waters				
Actions 1	TC, SWCD	$4,000	$0	TC, NRBG	2010
2	SWCD, NRCS, WD	$2,500	$0	FARMBILL, SWCD, USDA, NRBG	2010-2014
3	NRCS, SWCD, WD	PREVIOUSLY LISTED	$10,000	FARMBILL, SWCD, USDA, NRBG	2010-2014
Objective C:	Assist with the implementation plan of the Mustinka River TMDL				
Actions 1	SWCD	$0	$50,000	MPCA, NRBG, WD	2010-2012
2	ALL AGENCIES	$0	PREVIOUSLY LISTED	MPCA, NRBG, WD	2010-2012
Objective D:	Educate producers about the benefits of land retirement programs				
Actions 1	SWCD, NRCS, WD, TC, TCSC	$1,000	$0	SWCD, NRBG, FARMBILL	2010-2014
2	SWCD, NRCS	$1,000	$0	SWCD, NRBG	2010-2014
3	SWCD	$1,000	$0	SWCD, NRBG	2010-2014
4	SWCD, NRCS, WD	$3,000	$0	SWCD, NRBG	2010-2014

5	SWCD, WD	$0	$25,000	SCS, SWCD	2010-2014
6	SWCD	$2,000	$0	SWCD	2010-2014
7	SWCD, NRCS, WD	$2,500	$2,500	WD, SWCD, TC, NRBG	2010-2014
Objective E:	Promote management of crop residues				
Actions 1	NRCS, SWCD, WD	$0	$10,000	MDA, MPCA, USDA	2010-2014
2	NRCS	$0	$600,000	USDA	2010-2014
3	SWCD	$1,000	$0	SWCD	2010-2014
4	SWCD	PREVIOUSLY LISTED	$0	SWCD, NRBG, FARMBILL	2010-2014
Objective F:	Reduce gully erosion by the promotion of BMP's				
Actions 1	WD, SWCD, NRCS	N/A	N/A	N/A	2010-2014
2	WD, SWCD, NRCS	$0	$10,000	NRBG, WD	2010-2014
Objective G:	Reduce erosion in shoreland zones				
Actions 1	SWCD, TC, WD, DNR, NRCS	$5,000	$10,000	TC, NRBG, DNR, USDA	2010-2014
2	TC, WD, SWCD, NRCS	$2,000	$2,000	TC, NRBG	2010-2014
3	SWCD, NRCS, DU, PF	$0	$20,000	USDA, CRP, TC, NRBG	2010-2014
4	TC, SWCD, WD	$0	$5,000	TC, NRBG	2010-2014
Objective H:	Reduce wind erosion				
Actions 1	SWCD, NRCS	PREVIOUSLY LISTED	$0	FARMBILL, SWCD, USDA, NRBG	2010-2014
2	SWCD, NRCS	PREVIOUSLY LISTED	$0	NRBG, WD	2010-2014
3	SWCD, NRCS	$40,000	$0	NRBG, WD	2010-2014
TOTAL		**$97,500**	**$794,500**		

Implementation Schedule					
Priority Concern – Flood Damage					
	Cooperators	Funding Secured	Funding Needed	Funding Source	Duration
Objective A:	Reduce flood damage across Traverse County				
Actions 1	SWCD, NRCS, WD	N/A	N/A	N/A	2010-2014
2	SWCD, NRCS ,WD, DU, PF, TC	N/A	N/A	N/A	2010-2014
3	SWCD, NRCS	$0	$100,000	USDA	2010-2014
4	WD, ALL AGENCIES	N/A	N/A	N/A	2010-2014
5	WD, ALL AGENCIES	$0	$50,000	DNR, NRBG, WD, USDA	2010-2014
6	SWCD, NRCS, WD	N/A	N/A	N/A	2010-2014
Objective B:	Address storm water and drainage management issues				
Actions 1	ALL AGENCIES	$0	$2,500	TC, NRBG, WD	2010-2014
2	ALL AGENCIES	N/A	N/A	N/A	2010-2014
3	ALL AGENCIES	N/A	N/A	N/A	2010-2014
4	SWCD, NRCS, TC	$0	$2,000	NRBG, TC, WD	2010-2014
5	TC, WD, SWCD	$0	$5,000	TC, NRBG, WD	2010-2014
Objective C:	Monitor shoreland development to protect against flood damage				
Actions 1	SWCD, TC, WD	$5,000	$0	TC, WD, SWCD	2010-2014
2	TC	$10,000	$0	TC, NRBG	2010-2014
3	TC, WD	$3,000	$0	TC, WD, NRBG	2010-2014
TOTAL		**$18,000**	**$159,500**		

Implementation Schedule					
Priority Concern – Contaminated Runoff					
	Cooperators	Funding Secured	Funding Needed	Funding Source	Duration
Objective A:	Reduce sedimentation and nutrient runoff to waters of the state				
Actions 1	SWCD, NRCS	PREVIOUSLY LISTED	PREVIOUSLY LISTED	NRBG, USDA, FARMBILL	2010-2014
2	SWCD	$5,000	$0	SWCD	2010-2014
3	SWCD, WD, TCSC	$5,000	$10,000	NRBG, WD, SWCD	2010-2014
4	NRCS, SWCD, WD	$0	$210,000	USDA, CRP, SWCD, FARMBILL	2010-2014
5	SWCD, NRCS	$0	$100,000	USDA, CRP, SWCD	2010-2014
6	SWCD	$6,000	$0	NRBG	2010-2011
Objective B:	Promote conservation tillage practices to reduce wind erosion				
Actions 1	NRCS, SWCD, WD	PREVIOUSLY LISTED	PREVIOUSLY LISTED	MDA, MPCA, USDA	2010-2014
2	SWCD, NRCS	PREVIOUSLY LISTED	PREVIOUSLY LISTED	SWCD, NRBG, FARMBILL, USDA	2010-2014
3	SWCD, WD, NRCS	PREVIOUSLY LISTED	PREVIOUSLY LISTED	SWCD, NRBG, FARMBILL, USDA	2010-2014
4	SWCD	$0	$100,000	AgBMP, MDA	2010-2014
5	SWCD	$2,500	$0	SWCD	2010-2014
6	SWCD, NRCS, WD	$1,000	$0	SWCD, USDA, WD	2010-2014
7	NRCS, SWCD	$0	PREVIOUSLY LISTED	USDA	2010-2014
Objective C:	Participate with BdSWD to develop TMDL implementation plan				
Actions 1	WD, SWCD, NRCS	$0	$25,000	MPCA, WD, NRBG	2010-2014
2	SWCD, NRCS, WD	N/A	N/A	N/A	2010-2014
3	WD, SWCD, NRCS	$0	$2,500	MPCA, NRBG, WD	2010-2014
Objective D:	Reduce contamination to surface waters from animal manure and open feedlots				

Actions 1	SWCD	$12,500	$0	NRBG, TC	2010-2014
2	SWCD	$12,500	$0	NRBG, TC	2010-2014
3	SWCD	$12,500	$0	NRBG, TC	2010-2014
Objective E:	Protect surface water from contamination by agricultural chemical use				
Actions 1	WD, DNR, SWCD, NRCS	N/A	N/A	N/A	2010-2014
TOTAL		**$57,000**	**$447,500**		

Implementation Schedule					
Priority Concern – Groundwater Contamination					
	Cooperators	Funding Secured	Funding Needed	Funding Source	Duration
Objective A:	Reduce contamination to groundwater through sealing of abandoned wells				
Actions 1	SWCD, WD	N/A	N/A	N/A	2010-2014
2	SWCD, NRCS, WD	$0	$1,000	NRBG, SWCD, MDH	2010-2014
3	SWCD	$0	$15,000	NRBG	2010-2014
4	SWCD	$0	$1,000	NRBG	2010-2014
5	TC, SWCD, WD	$5,000	$0	TC, NRBG	2010-2014
6	SWCD	$0	$1,500	DNR, NRBG, SWCD	2010-2014
7	SWCD, NRCS, WD	$0	$2,000	SWCD, NRBG, TC, USDA	2010-2014
8	TC, SWCD, MDH	$0	$5,000	TC, SWCD, MDH	2010-2014
Objective B:	Continue to bring septic systems into compliance with MPCA standards				
Actions 1	TC, SWCD, NRCS, WD,	N/A	N/A	N/A	2010-2014
2	TC	$0	$100,000	AGBMP, MDA, TC	2005-2010
3	TC, SWCD, WD	$30,000	$0	TC	ONGOING

4	TC, SWCD	$0	$10,000	TC, SWCD	2005-2010
5	TC, SWCD, WD	$0	$25,000	TC, SWCD, MDH	2005-2010
6	TC, SWCD, WD	N/A	N/A	N/A	2010-2014
7	SWCD, TC	$0	$1,000	NRBG, TC, SWCD	2010-2014
8	DNR, TC, SWCD	$0	PREVIOUSLY LISTED	AGBMP, TC, DNR	2010-2014
Objective C:	Reduce the pollution of groundwater from manure and disposal of animals				
Actions 1	TC, SWCD, NRCS, MPCA	$37,500	$50,000	NRBG, AGBMP, USDA , MPCA, SCS	2010-2014
2	TC, MPCA	$1,000	$0	TC, NRBG, MPCA	2010-2014
3	TC, MPCA	$1,000	$0	TC, NRBG, MPCA	2010-2014
4	TC, NRCS, MPCA	$2,000	$0	TC, MPCA, NRBG	2010-2014
5	TC, MDA	$1,000	$0	TC, MDA, NRBG	2010-2014
6	TC, MDA	$1,000	$0	TC, MDA, NRBG	2010-2014
7	TC, NRCS, MPCA	$1,000	$0	TC, MPCA, USDA	2010-2014
8	TC, MPCA	$2,000	$0	TC, MPCA	2010-2014
9	TC, MPCA	$2,000	$0	TC, MPCA	2010-2014
Objective D:	Protect unconfined, shallow groundwater tables from contamination				
Actions 1	SWCD, MDA, MDH	N/A	N/A	N/A	2101-2014
TOTAL		**$83,500**	**$211,500**		
SUM OF EXPENSES FOR ALL PRIORITY CONCERNS		**$256,000**	**$1,613,000**		

List of Acronyms	
Ag BMP	Ag Best Management Practices Loan Program
BWSR	Board of Soil and Water Resources
CRP	Conservation Reserve Program
DNR	Minnesota Department of Natural Resources
DU	Ducks Unlimited
EAC	Traverse County Environmental Activities Council
EQIP	Enviromental Quality Incentives Program
FARMBILL	BWSR's Legacy Grant Agreement Funding
FSA	Farm Service Agency
MDA	Minnesota Department of Agriculture
MDH	Minnesota Department of Health
MPCA	Minnesota Pollution Control Agency
NRCS	Natural Resources Conservation Service
PF	Traverse County Chapter of Pheasants Forever
RRVCSA	Red River Valley Conservation Service Area
SCS	State Cost Share Program
SWCD	Traverse Soil & Water Conservation District
TC	Traverse County
TCSC	Traverse County Sportsman's Club
USDA	United States Department of Agriculture - Includes FSA and NRCS
USFWS	United States Fish and Wildlife Service
WD	Watersheds-Includes one or more of the following: BdSWD-Bois de Sioux Watershed District and/or the UMNRWD-Upper MN River Watershed District

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 **Traverse County** (Minnesota Statutes, Section 103B.314, Subdivision 6)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN AMENDMENT

Whereas, on March 23, 2005, the Minnesota Board of Water and Soil Resources (Board), by Board Order, approved the Traverse County 2005 – 2014 Comprehensive Local Water Plan Update (Plan), which contained a 2005 – 2009 five-year implementation section; and

Whereas, this Board Order stipulated that Traverse County was required to update the 2005 – 2009 five-year implementation section; and

Whereas, the Traverse County Board of Commissioners submitted the Traverse County Plan 2009 Amendment to the Board on October 29, 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 May 14, 2009, the Board received a April 21, 2009 resolution from Traverse 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 April 17, 2009 Board staff provided information on the amendment process to Traverse County.

3. On May 14, 2009, Traverse 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 June 18, 2009, Traverse County convened its water plan task force to initiate the five-year implementation section update. Several additional meetings were conducted.

5. Traverse County received written comments from the Minnesota Department of Agriculture, the Minnesota Pollution Control Agency, the Minnesota Department of Natural Resources, and the Minnesota Board of Water and Soil Resources in June and November, 2009.

6. No other state agency or local government unit provided written comments to Traverse County.

7. On October 29, 2009, the 2009 Amendment which was developed by Traverse County and includes the revised 2010 – 2014 five-year implementation section was submitted to the required state review agencies.

8. On December 1, 2009, after providing for proper public notice, Traverse County conducted a public hearing on the proposed 2009 Amendment. No additional comments were submitted at the hearing.

9. On December 1, 2009, the BWSR received the Traverse 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 February 10, 2010, the Board's northern regional Water Planning Committee (Committee) reviewed the Traverse 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 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 Amendment of Traverse County pursuant to Minnesota Statutes, 103B.314, Subd. 6.

2. The Traverse County 2009 Amendment attached to this Order states goals, objectives, and actions the county will address in the five-year implementation section January 1, 2010 – December 31, 2014. The 2009 Amendment, as well as the previously approved Traverse County 2005 – 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 Traverse County Water Management Plan for January 1, 2010 – December 31, 2014. Traverse County will be required to provide for a complete update of its Water Management Plan prior to December 31, 2014.

Dated at St. Paul, Minnesota, this **24th day of March 2010**.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

REQUEST FOR BOARD ACTION

AGENDA ITEM # 5.Mar-Beltr

Meeting Date:
Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: North
Contact: Ron Shelito
Prepared by: Chad Severts
Reviewed by: North Region Local Water Management Committee(s)

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

☐ Other: _____

ACTION REQUESTED

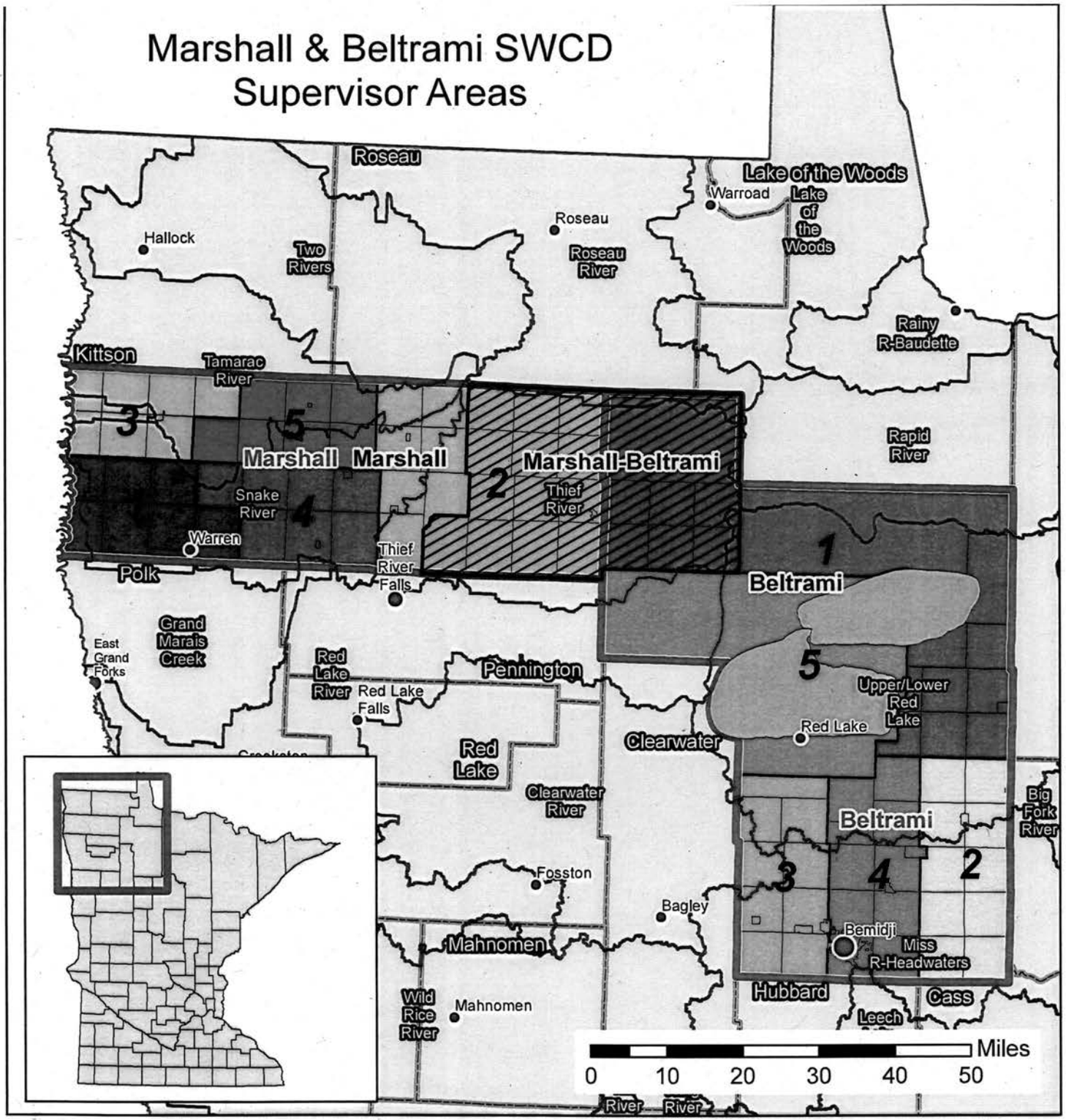
Board approval of the consolidation of the Marshall and Beltrami County portions of the Marshall-Beltrami SWCD with the Marshall and Beltrami SWCDs and the disolution of the Marshall-Beltrami SWCD. Also, Board approval of the Memorandum of Understanding between Marshall and Beltrami SWCDs.

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

Marshall-Beltrami SWCD Consolidation and Disolution - The BWSR Board has been requested to exercise the power and duties identified in Minnesota Statutes Chapter 103C.401, subdivision 1(7), to consolidate the Marshall and Beltrami County portions of Marshall-Beltrami SWCD with the Marshall and Beltrami SWCDs, and also dissolve the Marshall-Beltrami SWCD. The Marshall-Beltrami SWCD has experienced financial difficulties for some time and is the only SWCD in the state to have area in two counties. Before passing the resolutions, the Marshall, Beltrami, and Marshall-Beltrami SWCDs held informational meetings to determine the public's opinion. An MOU has been signed between the Marshall and Beltrami SWCDs which establishes the roles and responsibillities in the event of the consolidation and disolution of the Marshall-Beltrami SWCD and will also be considered by the Board. The Northern Water Planning Committee met March 10th to review the situation for feasibillity, plan of succession, and the welfare of the public. The committee's recommendation has been drafted for the full board to review and act upon. See attachments. DECISION ITEM

Attachments: ☐ **Resolution** ☒ **Order** ☒ **Map** ☒ **Other Supporting Information**

Marshall & Beltrami SWCD Supervisor Areas



Cities

Population

- 1,000 - 5,000
- 5,000 - 10,000
- 10,000 - 25,000
- 25,000 - 355,000

Major Watersheds

Marshall / Beltrami County Boundary

County Boundaries

Marshall - Beltrami Division

1. Jay Frenzel - Added Area
2. Wallace Bengston - Added Area

Beltrami SWCD Areas

1. Jay Frenzel
2. Jerome Geerdes
3. Ruth Trask
4. Jay Backstrom
5. Shane Bowe

Marshall County SWCD Areas

1. Stuart Nordling
2. Wallace Bengston
3. Leif Aakre
4. Duane Potucek
5. Carl Green

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W
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S

Minnesota Board of Water & Soil Resources
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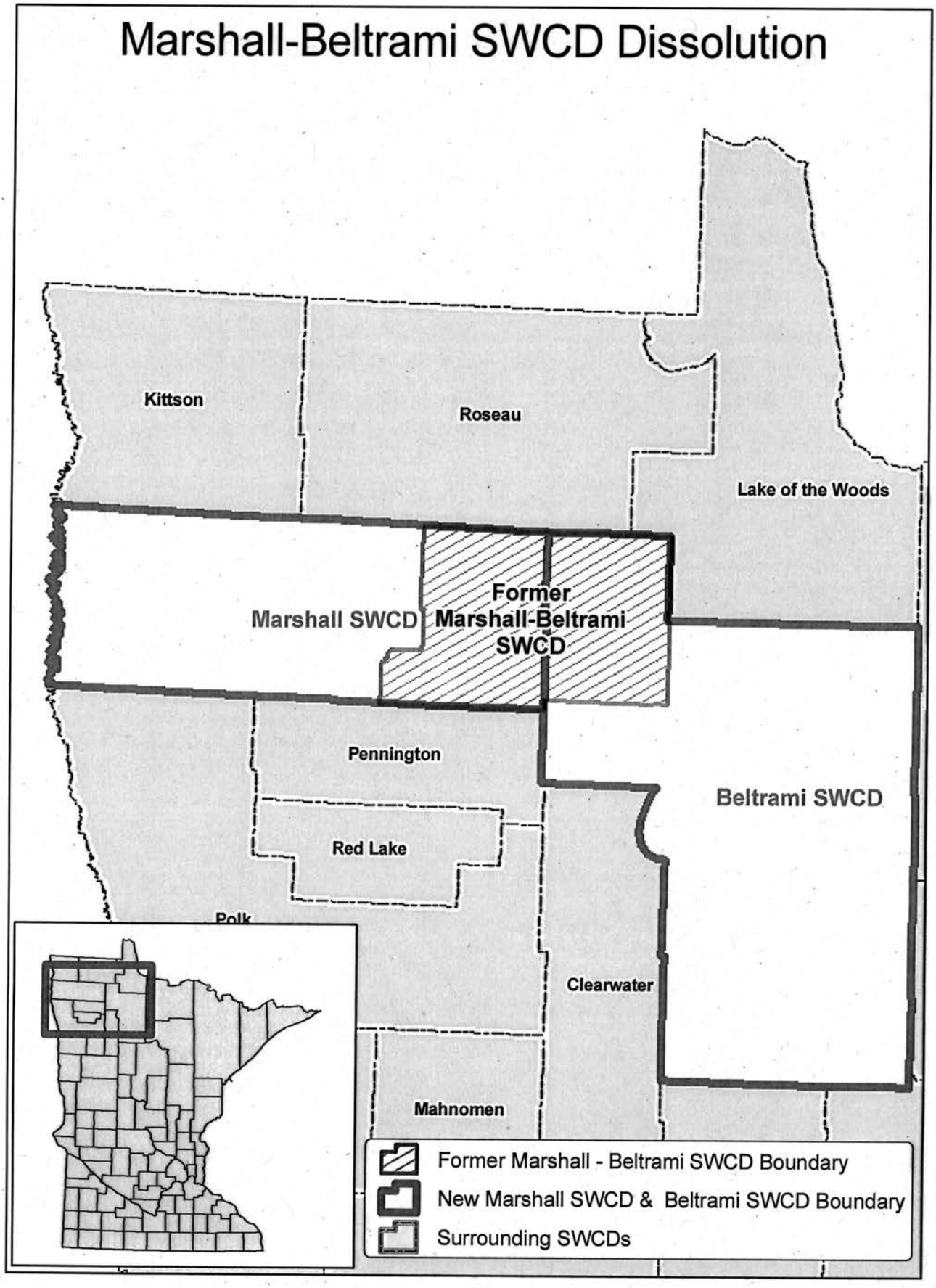
March 2010

Marshall-Beltrami SWCD Dissolution



Minnesota Board of Water & Soil Resources

DATE: March 4, 2010

TO: BWSR Northern Subcommittee

FROM: Chad Severts, Board Conservationist

SUBJECT: Review of the Consolidation and Dissolution of the Marshall-Beltrami Soil and Water Conservation District (SWCD)

Due to reduced funding, the Marshall-Beltrami SWCD has determined that it is no longer feasible to continue the SWCD. A committee of the Marshall, Beltrami and Marshall Beltrami SWCDs was formed to consider the available options including: MS 103C.211 (consolidation), C.225 (discontinuance), C.401 subd. 1(7) (BWSR powers) and special legislation. After months of study and deliberation, the three SWCDs in consultation with the Marshall County Attorney, have unanimously determined the best method to continue to provide conservation services in a cost effective manner to the area.

The BWSR Board has been requested to exercise the power and duties identified in Minnesota Statutes Chapter 103C.401, subdivision 1(7), to consolidate the Marshall and Beltrami County portions of Marshall-Beltrami SWCD with the Marshall and Beltrami SWCDs, and also dissolve the Marshall-Beltrami SWCD. The consolidation will in effect, expand the boundaries of the Marshall and Beltrami SWCDs to be congruent with their respective county boundaries.

103C.401 BOARD OF WATER AND SOIL RESOURCES.
Subdivision 1.**Powers and duties.**

In addition to the powers and duties of the state board provided by other law, the state board shall:

(7) divide and consolidate districts without a hearing or a referendum to confine districts within county limits, without allowing a district, if feasible and practicable, to contain less than four full or fractional congressional townships;

The BWSR staff reviewed the file from the consolidation of the Burns-Homer-Pleasant and the Winona SWCDs by the predecessor of the BWSR Board, the State Soil and Water Conservation

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Bemidji, MN 56601
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fax (218) 755-4201

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Board. The State Soil and Water Conservation Board used the process that is currently coded 103C401subd.1(7) to consolidate the SWCDs at that time. The BWSR staff also consulted with the Attorney General's Office to define the following process that would be consistent with State Statute.

1. SWCDs were to increase outreach to the public and hold informational meetings prior to any local board action.
2. Marshall, Beltrami and Marshall-Beltrami SWCDs pass resolutions supporting the consolidation of Marshall-Beltrami SWCD with Marshall and Beltrami SWCDs to make their boundaries congruent with the county boundaries.
3. North Region Plan Review Committee of the BWSR Board reviews the situation for feasibility, the general plan of succession, public welfare and provides a recommendation to the BWSR Board.
4. The BWSR Board potentially considers a resolution at the March 24, 2010 meeting that consolidates the Marshall portion of Marshall-Beltrami with the Marshall SWCD, the Beltrami portion of Marshall-Beltrami SWCD with Beltrami SWCD and dissolves the Marshall-Beltrami SWCD. The Board Order would state that the rights and liabilities of the consolidated district shall be assumed by the remaining districts per their plan of consolidation (from 103C.211). The Board Order would overtly seat the existing supervisors of the Marshall and Beltrami SWCDs to new terms to represent the consolidated district boundaries. It would also be stipulated that the internal nomination districts of both SWCDs be examined within one year.
5. The Board Order would then be filed with the Secretary of State's Office
6. The Secretary of State would then certify the consolidations and issue a certificate of dissolution to Marshall-Beltrami SWCD.

The following is the chronology of events for the proposed consolidation.

- May-June 2009, Marshall, Beltrami and Marshall-Beltrami SWCDs passed resolutions to form a joint committee to address the future of Marshall-Beltrami SWCD.
- July 8, 2009, Joint committee met to discuss the Marshall-Beltrami workload, the options (dissolution, splits to County boundaries, consolidates with one SWCD or operates as a shell) available to the Marshall-Beltrami SWCD Board, and the expected future of non-competitive grants received by Marshall-Beltrami.
- December 30, 2009, Joint committee met with legal representation provided by Mr. Williams, the Marshall County Attorney. Mr. Williams provided legal opinion on a list of questions provided by BSWR staff for consideration of consolidation. The committee decided that each SWCD would host an informational meeting for the public and consider a resolution for consolidation at the next regularly scheduled board meeting.
- December 30, 2009, Steve Woods, Assistant Director and Ron Shelito, North Region Supervisor met with Tony Murphy, the Beltrami County Administrator. The involvement of Beltrami County staff in the consolidation process and the need for transition funding

for Beltrami SWCD was discussed.

- January 19, 2010, Marshall SWCD hosted an informational meeting for the public to discuss the consolidation of the Marshall portion of the Marshall-Beltrami SWCD. No dissenting opinions for expanding the district were received during the weeks leading up to the meeting or at the meeting in written or oral testimony. The Marshall SWCD Board passed a resolution requesting the BWSR Board exercise their authority to consolidate the identified areas.
- January 26, 2010, Marshall-Beltrami SWCD hosted an informational meeting for the public to discuss the consolidation and dissolution of the SWCD. One individual from the public attended and expressed a concern for losing the local representation. The Chair and Manager expressed that a number of people had expressed similar concerns leading up to the meeting. The Board passed a resolution requesting the BWSR Board exercise their authority to sequentially consolidate the identified portions of the SWCD and dissolve the Marshall-Beltrami SWCD. The board also decided to cease district office operations on March 31, 2010, due to reduced funding streams and financial crisis.
- January 28, 2010, Beltrami SWCD hosted an informational meeting for the public to discuss the consolidation of the Beltrami portion of the Marshall-Beltrami SWCD. No dissenting opinions for expanding the district were received during the weeks leading up to the meeting or at the meeting in written or oral testimony. The meeting was recessed and reconvened on February 1, and the Beltrami SWCD Board once again tabled the resolution. Discussion at the meeting showed support for an agreement clarifying the assumption of assets and liabilities.
- February 10, 2010, North Region Local Water Management Committee met to discuss the SWCD consolidation/dissolution as an informational item. Representatives from Marshall-Beltrami and Beltrami SWCDs were present.
- February 18, 2010, Beltrami SWCD reviewed a draft MOU defining the roles and responsibilities of Marshall and Beltrami SWCDs in the consolidation of Marshall-Beltrami SWCD. The Board passed a motion giving the authority to sign the MOU to the Chair of the SWCD Board after consulting with the Beltrami County Attorney. The Board also passed a motion giving the authority to sign the resolution requesting the BWSR Board exercise their authority to consolidate the indentified area pending the Marshall SWCD approval of the MOU.
- February 23, 2010, Marshall SWCD reviewed a draft MOU defining the roles and responsibilities of the Marshall and Beltrami SWCDs in the consolidation of Marshall-Beltrami SWCD. The Board passed a motion giving the authority to sign the MOU to the Chair of the SWCD Board after consulting with the Marshall County Attorney.
- March 2, 2010, Marshall and Beltrami County Attorneys reviewed the MOU and finalized the document.

As reference by the above chronology, the Beltrami SWCD has agreed to the consolidation of

Bemidji
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Bemidji, MN 56601
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fax (218) 755-4201

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

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

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

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

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

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

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

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the Beltrami portion of Marshall-Beltrami SWCD and also the MOU with Marshall SWCD. The Marshall SWCD Chair has signed the MOU after consulting with the Marshall County Attorney. The Chair of the Beltrami SWCD Board is not available to sign the MOU or the resolution requesting consolidation at this time. The signed MOU and resolution requesting consolidation will be provided to the committee the day of the meeting on March 10, 2010.

In review of the events up to this point, all three SWCDs involved in the consolidation and dissolution held informational meetings for the public. The public provided minimal dissenting opinion to the process. All three SWCDs have passed resolutions requesting the BWSR Board take the necessary legal steps to effect the consolidation and dissolution. The BWSR staff, the Attorney General's Office, and the Marshall County Attorney agree that the most efficient and effective option for the consolidation is the process identified in 103C.401 subd. 1(7) (BWSR powers). The MOU between Marshall and Beltrami Counties defines the roles and responsibilities in the event of the consolidation. The Natural Resource Conservation Service has provided efficient and effective conservation service to the Marshall-Beltrami SWCD from offices located in Warren and Bemidji since 1994. Based on my participation in the process, consultation with BWSR and the Attorney General's Office staff, I've concluded that the process to request consolidation and the dissolution complies with Minnesota State Statute 103C.401, Subdivision 1(7), and I recommend that the committee provides a recommendation to the BWSR Board supporting the consolidation and dissolution of the Marshall-Beltrami SWCD.

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Marshall
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fax (507) 359-6018

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

Saint Paul
520 Lafayette Road N.
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fax (651) 297-5615

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RESOLUTION FOR THE CONSOLIDATION OF THE MARSHALL PORTION OF THE MARSHALL-BELTRAMI SWCD AND MARSHALL SWCD

WHEREAS, the Marshall-Beltrami SWCD is the only SWCD in the State of Minnesota with boundaries including two counties, and

Whereas, the concentration of private landowners possibly needing conservation assisitance within the boundaries of the Marshall –Beltrami SWCD is limited, and

WHEREAS, the NRCS closed the co-located office with the Marshall-Beltrami SWCD in 1994, and has been providing service to the Marshall -Beltrami SWCD from offices co-located with Marshall and Beltrami SWCDs, and

WHEREAS, reduced funding streams have led to a financial crisis for the Marshall-Beltrami SWCD and the district has less than three months of operating reserves at this time, and

WHEREAS, the Marshall, Beltrami and Marshall-Beltrami SWCDs formed a committee to evaluate possible consolidation and considered the options to continue addressing soil and water conservation issues in the Marshall-Beltrami SWCD area, and

WHEREAS, the Marshall, Beltrami and Marshall-Beltrami SWCDs held informational meetings about the possible consolidation of the districts for the public, Now, Therefore,

BE IT RESOLVED, by the Marshall Soil and Water Conservation District governing body that the Marshall Soil and Water Conservation District and the Marshall portion of the Marshall-Beltrami Soil and Water Conservation District be consolidated in one District to be known as the Marshall County Soil and Water Conservation District with headquarters at Warren, Minnesota, and that the State Board of Water and Soil Resources to take the necessary legal steps to effect such consolidation, and

BE IT FURTHER RESOLVED, by the Marshall Soil and Water Conservation District governing body that the formula grants for the Marshall-Beltrami Soil and Water Conservation District continue to be granted to the Marshall and Beltrami SWCDs in proportion to their new areas for a transition period no less than five years.

The foregoing resolution was duly considered and adopted by the Marshall Soil and Water Conservation District on the 19th day of January, 2010.

Carl Green

Secretary, Marshall Soil and Water Conservation District

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RESOURCES-BEMIDJI

RESOLUTION FOR THE CONSOLIDATION AND DISSOLUTION OF THE MARSHALL-BELTRAMI SOIL AND WATER CONSERVATION DISTRICT

WHEREAS, the Marshall-Beltrami SWCD is the only SWCD in the State of Minnesota with boundaries including two counties, and

WHEREAS, the concentration of private landowners possibly needing conservation assistance within the boundaries of the Marshall –Beltrami SWCD has changed, and

WHEREAS, reduced funding streams have led to a financial crisis for the Marshall-Beltrami SWCD and the district has less than three months of operating reserves at this time, and

WHEREAS, the Marshall, Beltrami and Marshall-Beltrami SWCDs formed a committee to evaluate possible consolidation and considered the options to continue providing conservation service to the Marshall-Beltrami SWCD area, and

WHEREAS, the Marshall, Beltrami and Marshall-Beltrami SWCDs held informational meetings about the possible consolidation of the districts for the public, Now, Therefore,

BE IT RESOLVED, by the Marshall-Beltrami SWCD governing body that the Marshall SWCD and the Marshall portion of the Marshall-Beltrami SWCD be consolidated in one District to be known as the Marshall County SWCD with headquarters at Warren, Minnesota, and that the Beltrami SWCD and the Beltrami portion of the Marshall-Beltrami SWCD be consolidated in one District to be known as the Beltrami County SWCD with headquarters at Bemidji, Minnesota, and that the State Board of Water and Soil Resources to take the necessary legal steps to effect such consolidation, and

BE IT FURTHER RESOLVED, by the Marshall-Beltrami SWCD governing body that the formula grants for the Marshall-Beltrami SWCD continue to be granted to the Marshall and Beltrami SWCDs in proportion to their new areas for a transition period no less than five years, and

BE IT FURTHER RESOLVED, by the Marshall-Beltrami SWCD governing body that the State Board of Water and Soil Resources take the necessary legal steps to dissolve the Marshall-Beltrami SWCD.

The foregoing resolution was duly considered and adopted by the Marshall-Beltrami SWCD on the 26th day of January, 2010.

Secretary, Marshall-Beltrami Soil and Water Conservation District

MEMORANDUM OF UNDERSTANDING

BETWEEN THE BELTRAMI SOIIL AND WATER CONSERVATION DISTRICT, THE MARSHALL SOIL AND WATER CONSERVATION DISTRICT AND THE MARSHALL-BELTRAMI SOIL AND WATER CONSERVATION DISTRICT REGARDING THE DIVISION AND CONSOLIDATION OF THE MARSHALL-BELTRAMI SOIL AND WATER CONSERVATION DISTRICT.

WHEREAS, the Beltrami Soil and Water Conservation District, the Marshall Soil and Water Conservation District and the Marshall-Beltrami Soil and Water Conservation District separate and distinct Soil and Water Conservation Districts formed pursuant to Minnesota Statutes Chapter 103C, and as such are governmental subdivisions of the State of Minnesota, and

WHEREAS, Marshall SWCD and Beltrami SWCD have jurisdiction over property located within their respective counties, with the Marshall-Beltrami SWCD having jurisdiction over lands located in both Marshall and Beltrami Counties, and

WHEREAS, Marshall-Beltrami SWCD has experienced financial difficulties that have caused it to make the decision to request dissolution of the Marshall-Beltrami SWCD pursuant to Minnesota Statutes § 103C.225, with the consolidation and division of property under its jurisdiction to the Marshall SWCD and Beltrami SWCD pursuant to Minnesota Statutes § 103C.211, and

WHEREAS, Marshall SWCD and Beltrami SWCD have indicated their willingness to assume responsibility for the day-to-day operation of Marshall-Beltrami SWCD operations pending decisions on dissolution and consolidation by the Minnesota Board of Water and Soil Resources, and

WHEREAS, the parties are desirous of setting forth the roles and responsibilities for the handling of the above matters in conjunction with the action taken by the State Board of Water and Soil Resources.

THEREFORE, the parties hereto hereby enter into the following Memorandum of Understanding:

The parties agree to cooperate and assist Marshall-Beltrami SWCD and the State Board of Water and Soil Resources (BWSR) in the exercise of the powers and duties established under Minnesota Statutes § 103C.211 and § 103C.401 subd. 1(7), to divide and consolidate the Marshall-Beltrami SWCD. The parties agree that upon such division and consolidation, the rights and liabilities of Marshall-Beltrami SWCD will be assumed by the newly consolidated districts (Marshall SWCD and Beltrami SWCD), as set forth in Minnesota Statutes § 103C.211(c).

Marshall SWCD agrees to accept the rights and liabilities associated with any office closure of Marshall-Beltrami SWCD. This includes any current and future expenses and credits regarding unemployment insurance, liabilities, utility bills, personal property, including but not limited to machinery, equipment, and office supplies and a garage including the real property upon which the garage is located and, rebates of insurance and any other outstanding transactions known to the parties.

To the extent that liabilities exist between Beltrami SWCD and Marshall-Beltrami SWCD regarding past or ongoing project implementation by Marshall-Beltrami SWCD in Beltrami County, Beltrami SWCD shall continue to be liable for said obligations.

The parties acknowledge that there are a number of dedicated funds under the control of Marshall-Beltrami SWCD that are dedicated to projects located in Marshall County and Beltrami County. These funds, as well as future allocations of funding under any such programs shall be apportioned to the Marshall SWCD and the Beltrami SWCD, as each county's respective interest appears.

Marshall SWCD and Beltrami SWCD agree to meet as needed to assist each other in the carrying out of this Memorandum of Understanding.

IT WITNESS WHEREOF, this Memorandum of Understanding is executed by the parties, and shall become effective upon approval by the State Board of Water and Soil Resources.

MARSHALL SWCD

Chair, Marshall SWCD

BELTRAMI SWCD

Chair, Beltrami SWCD

MINNESOTA BOARD OF WATER & SOIL RESOURCES

Chair, Minnesota Board of Water & Soil Resources

RESOLUTION

FOR CONSOLIDATION OF THE BELTRAMI COUNTY PORTION OF THE MARSHALL-BELTRAMI SWCD INTO THE BELTRAMI SWCD

WHEREAS, the Marshall-Beltrami SWCD is the only SWCD in the State of Minnesota whose boundaries include portions of two separate counties, and

WHEREAS, the USDA NRCS closed the co-located office with the Marshall-Beltrami SWCD in 1994, and has been providing service to the Marshall-Beltrami SWCD area from offices co-located with the Marshall SWCD and the Beltrami SWCD, and

WHEREAS, reduced revenue streams have led to a financial crisis for the Marshall-Beltrami SWCD resulting in insufficient operating funds to complete the 1st quarter of 2010, and

WHEREAS, the Marshall SWCD, Beltrami SWCD, and Marshall-Beltrami SWCD formed a committee to evaluate possible consolidation and other options to continue addressing soil and water conservation issues in the Marshall-Beltrami SWCD area, and

WHEREAS, the private landowners within the boundaries of the Marshall–Beltrami SWCD area continue to need conservation assistance, and

WHEREAS, the Marshall SWCD, Beltrami SWCD, and Marshall-Beltrami SWCD have held informational meetings about the possible consolidation of the SWCDs for the public,

THEREFORE, BE IT RESOLVED by the Beltrami SWCD Board that the Beltrami SWCD and the Beltrami County portion of the Marshall-Beltrami SWCD be consolidated into one SWCD to be known as the Beltrami County Soil and Water Conservation District with headquarters in Bemidji, Minnesota, and that the State Board of Water and Soil Resources take the necessary legal steps to effect such consolidation, and

BE IT FURTHER RESOLVED by the Beltrami SWCD Board that the formula grants for the Marshall-Beltrami SWCD continue to be granted to the Beltrami SWCD in proportion to its new geographic area of representation for a transitional period of no less than five years.

This Resolution was duly considered and adopted by the Beltrami Soil and Water Conservation District Board on the [redacted] day of [redacted], 2010.

8th March

Jay Backstrom, Beltrami Soil and Water Conservation District Board Chair

DRAFT 3-12-10

RESOLUTION FOR THE CONSOLIDATION AND DISSOLUTION OF THE MARSHALL-BELTRAMI SOIL AND WATER CONSERVATION DISTRICT

RESOLUTION

WHEREAS, the Minnesota Board of Water and Soil Resources has received a resolution from the Marshall Soil and Water Conservation District (SWCD) to consolidate the Marshall County portion of the Marshall-Beltrami SWCD and the Marshall SWCD, and

WHEREAS, the Minnesota Board of Water and Soil Resources has received a resolution from the Beltrami SWCD to consolidate the Beltrami County portion of the Marshall-Beltrami SWCD and the Beltrami SWCD, and

WHEREAS, the Minnesota Board of Water and Soil Resources has receive a resolution from the Marshall-Beltrami SWCD governing body that the Marshall SWCD and the Marshall portion of the Marshall-Beltrami SWCD be consolidated in one District to be known as the Marshall SWCD with headquarters at Warren, Minnesota, and that the Beltrami SWCD and the Beltrami portion of the Marshall-Beltrami SWCD be consolidated in one District to be known as the Beltrami SWCD with headquarters at Bemidji, Minnesota, and the State Board of Water and Soil Resources take the necessary legal steps to dissolve the Marshall-Beltrami SWCD, and

WHEREAS, the Minnesota Board of Water and Soil Resources finds the consolidation of the Marshall portion of Marshall-Beltrami SWCD and the Marshall SWCD to be feasible and practical, and

WHEREAS, the Minnesota Board of Water and Soil Resources finds the consolidation of the Beltrami portion of Marshall-Beltrami SWCD and the Beltrami SWCD to be feasible and practical, and

WHEREAS, when districts are consolidated or separated, the corporate existence and terms of office of the officers of the old districts expire upon the issuance and recording by the Secretary of State of a Certificate of Organization on a new district, Minnesota Statutes Chapter 103C.211 (c), therefore

BE IT RESOLVED, the Minnesota Board of Water and Soil Resources under the powers granted in Minnesota Statutes Chapter 103C.401, subdivision 1(7), consolidates the Marshall portion of the Marshall-Beltrami SWCD and the Marshall SWCD into one soil and water conservation district to be known as the Marshall SWCD with a border congruent with that of the county, effective March 31, 2010, and

BE IT FURTHER RESOLVED, the Minnesota Board of Water and Soil Resources under the powers granted in Minnesota Statutes Chapter 103C.401, subdivision 1(7), consolidates the Beltrami portion of the Marshall-Beltrami SWCD and the Beltrami SWCD into one soil and water conservation district to be

known as the Beltrami SWCD with a border congruent with that of the county effective March 31, 2010, and

BE IT FURTHER RESOLVED, the State Board of Water and Soil Resources dissolves the Marshall-Beltrami SWCD with the rights and liabilities being assumed by the Marshall and Beltrami SWCDs as per Minnesota Statutes Chapter 103C.211, and that the assumed rights and liabilities follows the agreed upon proportion established by the Memorandum of Understanding between Marshall and Beltrami SWCDs signed by the BWSR Board on March 24, 2010, and

BE IT FURTHER RESOLVED, the State Board of Water and Soil Resources under powers granted in Minnesota Statutes Chapter 103C.201, subdivision 8, appoints the existing Supervisors to the following terms to the new Marshall SWCD:

District	Name	Expires Election Year
1	Stuart Nordling	2010
2	Wallace Bentson	2010
3	Leif Aakre	2012
4	Duane Potucek	2010
5	Carl Green	2012

and

BE IT FURTHER RESOLVED, the State Board of Water and Soil Resources under powers granted in Minnesota Statutes Chapter 103C.201, subdivision 8, appoints the existing Supervisors to the following terms to the new Beltrami SWCD:

District	Name	Expires Election Year
1	Jay Frenzel	2010
2	Jerome Geerdes	2010
3	Ruth Trask	2012
4	Jay Backstrom	2012
5	Shane Bowe	2010

and

BE IT FURTHER RESOLVED, Marshall SWCD and Beltrami SWCD Boards shall within one year begin an examination of supervisor nominating districts to ensure equitable representation for all areas of the District and consider alignment of districts with those of County Commissioner districts, and

BE IT FURTHER RESOLVED, the State Board of Water and Soil Resources will continue to grant the General Services Grant for the Marshall-Beltrami SWCD to the Marshall and Beltrami SWCDs in a 60-40 proportion established by historical county base funding levels, with 60% going to Marshall SWCD, subject to Legislative appropriations, to the Marshall and Beltrami SWCDs for a transition period no less than five years, and

BE IT FURTHER RESOLVED, the State Board of Water and Soil Resources will continue to grant the State Cost-Share Grant for the Marshall-Beltrami SWCD to the Marshall and Beltrami SWCDs in equal proportion, subject to Legislative appropriations, to the Marshall and Beltrami SWCDs for a transition period no less than five years, and

BE IT FURTHER RESOLVED, the State Board of Water and Soil Resources will grant the Natural Resource Block Grant containing the Wetland Conservation Act fund for the Marshall-Beltrami SWCD to the Marshall and Beltrami SWCDs in work load based formula proportions, subject to Legislative appropriations, to the Marshall and Beltrami SWCDs, and

BE IT FURTHER RESOLVED, that a copy of this Resolution be filed with the Secretary of State.

The Board hereby duly adopts the foregoing Resolution at a regular meeting held of the 24th day of March, 2010.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

RESOLUTION FOR THE CONSOLIDATION AND DISSOLUTION OF THE MARSHALL-BELTRAMI SOIL AND WATER CONSERVATION DISTRICT

RESOLUTION

WHEREAS, the Minnesota Board of Water and Soil Resources has received a resolution from the Marshall Soil and Water Conservation District (SWCD) to consolidate the Marshall County portion of the Marshall-Beltrami SWCD and the Marshall SWCD, and

WHEREAS, the Minnesota Board of Water and Soil Resources has received a resolution from the Beltrami SWCD to consolidate the Beltrami County portion of the Marshall-Beltrami SWCD and the Beltrami SWCD, and

WHEREAS, the Minnesota Board of Water and Soil Resources has receive a resolution from the Marshall-Beltrami SWCD governing body that the Marshall SWCD and the Marshall portion of the Marshall-Beltrami SWCD be consolidated in one District to be known as the Marshall SWCD with headquarters at Warren, Minnesota, and that the Beltrami SWCD and the Beltrami portion of the Marshall-Beltrami SWCD be consolidated in one District to be known as the Beltrami SWCD with headquarters at Bemidji, Minnesota, and the State Board of Water and Soil Resources take the necessary legal steps to dissolve the Marshall-Beltrami SWCD, and

WHEREAS, the Minnesota Board of Water and Soil Resources finds the consolidation of the Marshall portion of Marshall-Beltrami SWCD and the Marshall SWCD to be feasible and practical, and

WHEREAS, the Minnesota Board of Water and Soil Resources finds the consolidation of the Beltrami portion of Marshall-Beltrami SWCD and the Beltrami SWCD to be feasible and practical, and

WHEREAS, when districts are consolidated or separated, the corporate existence and terms of office of the officers of the old districts expire upon the issuance and recording by the Secretary of State of a Certificate of Organization on a new district, Minnesota Statutes Chapter 103C.211 (c), therefore

BE IT RESOLVED, the Minnesota Board of Water and Soil Resources under the powers granted in Minnesota Statutes Chapter 103C.401, subdivision 1(7), consolidates the Marshall portion of the Marshall-Beltrami SWCD and the Marshall SWCD into one soil and water conservation district to be known as the Marshall SWCD with a border congruent with that of the county, effective March 31, 2010, and

BE IT FURTHER RESOLVED, the Minnesota Board of Water and Soil Resources under the powers granted in Minnesota Statutes Chapter 103C.401, subdivision 1(7), consolidates the Beltrami portion of the Marshall-Beltrami SWCD and the Beltrami SWCD into one soil and water conservation district to be known as the Beltrami SWCD with a border congruent with that of the county effective March 31, 2010, and

BE IT FURTHER RESOLVED, the State Board of Water and Soil Resources dissolves the Marshall-Beltrami SWCD with the rights and liabilities being assumed by the Marshall and Beltrami SWCDs as per

Minnesota Statutes Chapter 103C.211, and that the assumed rights and liabilities follows the agreed upon proportion established by the Memorandum of Understanding between Marshall and Beltrami SWCDs signed by the BWSR Board on March 24, 2010, and

BE IT FURTHER RESOLVED, the State Board of Water and Soil Resources under powers granted in Minnesota Statutes Chapter 103C.201, subdivision 8, appoints the existing Supervisors to the following terms to the new Marshall SWCD:

District	Name	Expires Election Year
1	Stuart Nordling	2010
2	Wallace Bengtson	2010
3	Leif Aakre	2012
4	Duane Potucek	2010
5	Carl Green	2012

and

BE IT FURTHER RESOLVED, the State Board of Water and Soil Resources under powers granted in Minnesota Statutes Chapter 103C.201, subdivision 8, appoints the existing Supervisors to the following terms to the new Beltrami SWCD:

District	Name	Expires Election Year
1	Jay Frenzel	2010
2	Jerome Geerdes	2010
3	Ruth Trask	2012
4	Jay Backstrom	2012
5	Shane Bowe	2010

and

BE IT FURTHER RESOLVED, Marshall SWCD and Beltrami SWCD Boards shall within one year begin an examination of supervisor nominating districts to ensure equitable representation for all areas of the District and consider alignment of districts with those of County Commissioner districts, and

BE IT FURTHER RESOLVED, the State Board of Water and Soil Resources will continue to grant the General Services Grant for the Marshall-Beltrami SWCD to the Marshall and Beltrami SWCDs in a 60-40 proportion established by historical county base funding levels, with 60% going to Marshall SWCD,

subject to Legislative appropriations, to the Marshall and Beltrami SWCDs for a transition period no less than five years, and

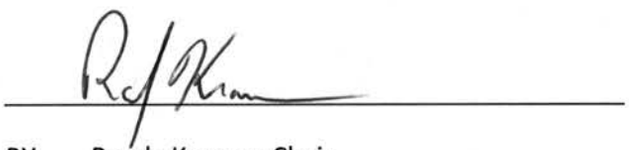
BE IT FURTHER RESOLVED, the State Board of Water and Soil Resources will continue to grant the State Cost-Share Grant for the Marshall-Beltrami SWCD to the Marshall and Beltrami SWCDs in equal proportion, subject to Legislative appropriations, to the Marshall and Beltrami SWCDs for a transition period no less than five years, and

BE IT FURTHER RESOLVED, the State Board of Water and Soil Resources will grant the Natural Resource Block Grant containing the Wetland Conservation Act fund for the Marshall-Beltrami SWCD to the Marshall and Beltrami SWCDs in work load based formula proportions, subject to Legislative appropriations, to the Marshall and Beltrami SWCDs, and

BE IT FURTHER RESOLVED, that a copy of this Resolution be filed with the Secretary of State.

The Board hereby duly adopts the foregoing Resolution at a regular meeting held of the 24th day of March, 2010.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES



BY: Randy Kramer, Chair

MEMORANDUM OF UNDERSTANDING

BETWEEN THE BELTRAMI SOIIL AND WATER CONSERVATION DISTRICT, THE MARSHALL SOIL AND WATER CONSERVATION DISTRICT AND THE MARSHALL-BELTRAMI SOIL AND WATER CONSERVATION DISTRICT REGARDING THE DIVISION AND CONSOLIDATION OF THE MARSHALL-BELTRAMI SOIL AND WATER CONSERVATION DISTRICT.

WHEREAS, the Beltrami Soil and Water Conservation District, the Marshall Soil and Water Conservation District and the Marshall-Beltrami Soil and Water Conservation District separate and distinct Soil and Water Conservation Districts formed pursuant to Minnesota Statutes Chapter 103C, and as such are governmental subdivisions of the State of Minnesota, and

WHEREAS, Marshall SWCD and Beltrami SWCD have jurisdiction over property located within their respective counties, with the Marshall-Beltrami SWCD having jurisdiction over lands located in both Marshall and Beltrami Counties, and

WHEREAS, Marshall-Beltrami SWCD has experienced financial difficulties that have caused it to make the decision to request dissolution of the Marshall-Beltrami SWCD pursuant to Minnesota Statutes § 103C.225, with the consolidation and division of property under its jurisdiction to the Marshall SWCD and Beltrami SWCD pursuant to Minnesota Statutes § 103C.211, and

WHEREAS, Marshall SWCD and Beltrami SWCD have indicated their willingness to assume responsibility for the day-to-day operation of Marshall-Beltrami SWCD operations pending decisions on dissolution and consolidation by the Minnesota Board of Water and Soil Resources, and

WHEREAS, the parties are desirous of setting forth the roles and responsibilities for the handling of the above matters in conjunction with the action taken by the State Board of Water and Soil Resources.

THEREFORE, the parties hereto hereby enter into the following Memorandum of Understanding:

The parties agree to cooperate and assist Marshall-Beltrami SWCD and the State Board of Water and Soil Resources (BWSR) in the exercise of the powers and duties established under Minnesota Statutes § 103C.211 and § 103C.401 subd. 1(7), to divide and consolidate the Marshall-Beltrami SWCD. The parties agree that upon such division and consolidation, the rights and liabilities of Marshall-Beltrami SWCD will be assumed by the newly consolidated districts (Marshall SWCD and Beltrami SWCD), as set forth in Minnesota Statutes § 103C.211(c).

Marshall SWCD agrees to accept the rights and liabilities associated with any office closure of Marshall-Beltrami SWCD. This includes any current and future expenses and credits regarding unemployment insurance, liabilities, utility bills, personal property, including but not limited to machinery, equipment, and office supplies and a garage including the real property upon which the garage is located and, rebates of insurance and any other outstanding transactions known to the parties.

To the extent that liabilities exist between Beltrami SWCD and Marshall-Beltrami SWCD regarding past or ongoing project implementation by Marshall-Beltrami SWCD in Beltrami County, Beltrami SWCD shall continue to be liable for said obligations.

The parties acknowledge that there are a number of dedicated funds under the control of Marshall-Beltrami SWCD that are dedicated to projects located in Marshall County and Beltrami County. These funds, as well as future allocations of funding under any such programs shall be apportioned to the Marshall SWCD and the Beltrami SWCD, as each county's respective interest appears.

Marshall SWCD and Beltrami SWCD agree to meet as needed to assist each other in the carrying out of this Memorandum of Understanding.

IT WITNESS WHEREOF, this Memorandum of Understanding is executed by the parties, and shall become effective upon approval by the State Board of Water and Soil Resources.

MARSHALL SWCD

Chair, Marshall SWCD

BELTRAMI SWCD

Chair, Beltrami SWCD

MINNESOTA BOARD OF WATER & SOIL RESOURCES

Chair, Minnesota Board of Water & Soil Resources

Minnesota Board of Water & Soil Resources

REQUEST FOR BOARD ACTION

AGENDA ITEM # Crow Wing

Meeting Date:
Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: North
Contact: Ron Shelito
Prepared by: Dan Steward
Reviewed by: Northern Water Planning Committee Committee(s)

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested
☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget
☐ Other: _____

ACTION REQUESTED

Board approval of the change of location of the principal office of the Crow Wing Soil and Water Conservation District, as per M.S. 103C.221.

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
Previously, the Crow Wing Soil and Water Conservation District office location was at 7118 Clearwater Road, Baxter, Minnesota. The new office location for the SWCD is 322 Laurel Street, Suite 13, Brainerd, Minnesota. The Crow Wing SWCD Board of Supervisors has passed a resolution stating the new location, and a certified copy of the resolution has been filed with the Sectretary of State. The Northern Water Planning Committee met March 10th to review the change of office location. The Committee's recommendation is to approve the change of office location.

Attachments: ☐ **Resolution** ☐ **Order** ☐ **Map** ☐ **Other Supporting Information**

North Region Water Plan Review Committee

February 2010 Meeting

Crow Wing Soil and Water Conservation District Change of Office Location

On January 27, 2010 Crow Wing Soil and Water Conservation District (SWCD) moved to a new office location. Previously the SWCD had its' office in Baxter. The SWCD has been involved in negotiations with the Crow Wing County Board regarding office location over the past year or so. The County Board is very interested in the SWCD being housed physically within the county complex in Brainerd. Crow Wing County has been looking for ways to lower costs, and the SWCD office move became an issue as the county reviewed their budget allocation to the district. The County Board has made space available across the hall from the Environmental Services Department in the Social Services Building, just south of the old Crow Wing County Courthouse.

Minnesota Statutes 103C.221 lists the process for change of SWCD office location. It states that SWCD's may change their office location after approval by the state board and the adoption of a resolution by the district board stating the new location, and by filing a certified copy of the resolution with the secretary of state. Crow Wing SWCD has passed a resolution, which is attached.

RESOLUTION FOR CHANGE OF HEADQUARTERS

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

State of Minnesota)
)SS
County of Crow Wing)

I, Roger Waytashek, acting secretary 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 Crow Wing Soil and Water Conservation District was adopted by the said district supervisors at a regular meeting thereof held on January 19, 2010, 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: Roger Waytashek, Secretary
Crow Wing Soil and Water Conservation District

Dated: January 19, 2010

Minnesota Board of Water and Soil Resources Resolution No. _____

RESOLUTION ACCEPTING CHANGE IN OFFICE LOCATION FOR CROW WING SOIL AND WATER CONSERVATION DISTRICT

WHEREAS, the Crow Wing Soil and Water Conservation District Board of Supervisors adopted a resolution dated January 19, 2010, to change the office headquarters from 7118 Clearwater Road, Baxter, MN 56425 to 322 Laurel Street, Suite 13, Brainerd, MN 56401, effective January 27, 2010, 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 Crow Wing Soil and Water Conservation District from 7118 Clearwater Road, Baxter, MN 56425 to 322 Laurel Street, Suite 13, Brainerd, MN 56401, effective January 27, 2010.

Dated at St. Paul, Minnesota this 24th day of March, 2010.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____

Randy Kramer, Chair

Minnesota Board of Water and Soil Resources Resolution No. 10-22

RESOLUTION ACCEPTING CHANGE IN OFFICE LOCATION FOR CROW WING SOIL AND WATER CONSERVATION DISTRICT

WHEREAS, the Crow Wing Soil and Water Conservation District Board of Supervisors adopted a resolution dated January 19, 2010, to change the office headquarters from 7118 Clearwater Road, Baxter, MN 56425 to 322 Laurel Street, Suite 13, Brainerd, MN 56401, effective January 27, 2010, 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 Crow Wing Soil and Water Conservation District from 7118 Clearwater Road, Baxter, MN 56425 to 322 Laurel Street, Suite 13, Brainerd, MN 56401, effective January 27, 2010.

Dated at St. Paul, Minnesota this 24th day of March, 2010.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Randy Kramer, Chair

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

1. Olmsted County Priority Concerns Scoping Document – Paul Langseth - ***DECISION ITEM***

2. Winona County Priority Concerns Scoping Document – Paul Langseth - ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

REQUEST FOR BOARD ACTION

AGENDA ITEM # 1. Olmsted

Meeting Date: March 24, 2010
Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: South
Contact: Jeff Nielsen
Prepared by: Carla Swanson-Cullen
Reviewed by: Southern Water Planning Committee(s)

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested
☐ Other: _____

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

ACTION REQUESTED

Approval of Olmsted County Priority Concerns Scoping Document

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
Pursuant to Minnesota Statutes 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Olmsted County has chosen to address in the update of their Comprehensive Local Water Management (LWM) Plan. The Board of Water and Soil Resources (BWSR), along with the state review agencies, received the Olmsted County Priority Concerns Scoping Document (PCSD) on December 28, 2009.

Olmsted County has reviewed the identified concerns raised during the public input process and selected the following priority concerns for inclusion in the update of the LWM Plan, as outlined below.

1. Impaired Waters/Total Maximum Daily Loads (TMDLs)
2. Storm Water Quality and Quantity
3. Drinking Water Sources/Groundwater Protection
4. Erosion and Sediment Control/Nutrient Management
5. Wetland Resources and Natural Corridors
6. Agricultural Chemical Use and Potential Impacts to Groundwater and Surface Water
7. Watershed Management

The BWSR received comments from the Minnesota Pollution Control Agency (MPCA) and the Minnesota Department of Agriculture (MDA) on the Olmsted County PCSD during the official review period. No agency comments were received from the Department of Natural Resources (DNR), the Department of Health (MDH), or the Environmental Quality Board during this review period. MDA and MPCA concurred with the priority concerns identified and felt the priority concern identification process was commendable. The MPCA provided additional comments to be considered as Olmsted County drafts the final Local Water Management (LWM) Plan. They suggested to include TMDL implementation strategies and informed Olmsted County on the Environmental Data Access System – a source of water monitoring data.

The BWSR Southern Water Planning Review Committee (hereinafter referred to as Committee) met on March 4, 2010 to discuss the content of the PCSD, state review agency comments on the PCSD, and recommendations for the content of the final LWM Plan.

Minnesota Board of Water & Soil Resources

February 2, 2010

Jeff Nielsen
Board of Water and Soil Resources
261 Highway 15 South
New Ulm, MN 56073

Dear Jeff Nielsen:

Olmsted County has submitted their Priority Concerns Scoping Document (PCSD) for the 2010 Local Water Management Plan to BWSR and other state agencies. BWSR received this document on December 28, 2009. State agency comments were received from MPCA and MDA; both concur with the priority concerns identified. The MPCA provided additional comments and suggestions to be considered as Olmsted County drafts the Final Local Water Management Plan (LWM). They also informed Olmsted County on the Environmental Data Access System – a source of water monitoring data. No other state agency comments were received during this review period; however, MPCA, MDA, and BWSR submitted priority concerns upfront and participated in the development of the PCSD.

Representing BWSR staff, I have completed my review of the Priority Concerns Scoping Document for Olmsted County. The priorities identified in the PCSD were well thought out; however I recommend that Olmsted County incorporate the revisions listed below before being submitted to the BWSR board.

1) A brief statement regarding land use trends to emphasize its potential impact on the resources would enhance the "Population and Land Cover Trends" section on page 1.
2) "Priority Concerns not Addressed by the Plan" – need to specify which concerns were not considered priority, but instead were incorporated into the goals and objectives of the plan.

I look forward to working with the County officials, residents, and technical staff as the Plan Update moves forward. If you have questions or need additional information, please contact me at 507-206-2892.

Sincerely,

Michelle

Michelle Schaefers
Board Conservationist

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Minnesota Board of Water & Soil Resources

March 24, 2010

Olmsted County Commissioners
c/o Terry Lee, Water Plan Coordinator
2116 Campus Drive SE
Rochester MN 55904

Dear Olmsted County Commissioners:

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

Pursuant to Minnesota Statutes 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Olmsted County has chosen to address in the update of their Comprehensive Local Water Management (LWM) Plan. The Board of Water and Soil Resources (BWSR), along with the state review agencies, received the Olmsted County Priority Concerns Scoping Document (PCSD) on December 28, 2009.

Olmsted County has reviewed the identified concerns raised during the public input process and selected the following priority concerns for inclusion in the update of the LWM Plan, as outlined below.

1. Impaired Waters/Total Maximum Daily Loads (TMDLs)
2. Storm Water Quality and Quantity
3. Drinking Water Sources/Groundwater Protection
4. Erosion and Sediment Control/Nutrient Management
5. Wetland Resources and Natural Corridors
6. Agricultural Chemical Use and Potential Impacts to Groundwater and Surface Water
7. Watershed Management

The BWSR received comments from the Minnesota Pollution Control Agency (MPCA) and the Minnesota Department of Agriculture (MDA) on the Olmsted County PCSD during the official review period. No agency comments were received from the Department of Natural Resources (DNR), the Department of Health (MDH), or the Environmental Quality Board during this review period. MDA and MPCA concurred with the priority concerns identified and felt the priority concern identification process was commendable. The MPCA provided additional comments to be considered as Olmsted County drafts the final Local Water Management (LWM) Plan. They suggested to include TMDL implementation strategies and informed Olmsted County on the Environmental Data Access System – a source of water monitoring data.

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The BWSR Southern Water Planning Review Committee (hereinafter referred to as Committee) met on March 4, 2010 to discuss the content of the PCSD, state review agency comments on the PCSD, and recommendations for the content of the final LWM Plan.

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

Sincerely,

Randy Kramer, Chair
Minnesota Board of Water and Soil Resources

c: Becky Balk, MDA
Princesa VanBuren Hansen, EQB
Art Persons, MDH
Michele Hanson, DNR
David L. Johnson, MPCA
Joe Martin, MDA
Dan Wilson, MDH
Randy Kramer, BWSR Board
Paul Langseth, BWSR Board
John Meyer, BWSR Board
Tom Loveall, BWSR Board
Sandra Hooker, BWSR Board
Olmsted Soil & Water Conservation District
Jeff Nielsen, BWSR Southern Region Supervisor
Mary Kells, Board Conservationist

Minnesota Board of Water & Soil Resources

REQUEST FOR BOARD ACTION

AGENDA ITEM # 2. Winona

Meeting Date: March 24, 2010
Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: South
Contact: Jeff Nielsen
Prepared by: Carla Swanson-Cullen
Reviewed by: Southern Water Planning Committee(s)

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested
☐ Other: _____

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

ACTION REQUESTED

Approval of Winona County Priority Concerns Scoping Document

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
Pursuant to Minnesota Statutes 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Winona County has chosen to address in the update of their Comprehensive Local Water Management (LWM) Plan. The Board of Water and Soil Resources (BWSR), along with the state review agencies, received the Winona County Priority Concerns Scoping Document (PCSD) on January 22, 2010.

Winona County has reviewed the identified concerns raised during the public input process and selected the following priority concerns for inclusion in the revision of the LWM Plan as listed below.

1. Water Quality
2. Soil Erosion, Sediment Control, and Stormwater Management
3. Nutrient, Manure, and Human Waste Management
4. Watershed Management Approach

The BWSR received comments from the Minnesota Department of Agriculture (MDA) and Minnesota Department of Natural Resources (DNR) on the Winona County PCSD during the official review period. No agency comments were received from the Minnesota Pollution Control Agency (MPCA), the Department of Health (MDH), or the Environmental Quality Board during this review period. MDA and DNR concurred with the priority concerns identified and felt the priority concern identification process was commendable.

The BWSR Southern Water Planning Review Committee (hereinafter referred to as Committee) met on March 4, 2010 to discuss the content of the PCSD, state review agency comments on the PCSD, and recommendations for the content of the final LWM Plan.

Minnesota Board of Water & Soil Resources

February 23, 2010

Jeff Nielsen
Board of Water and Soil Resources
261 Highway 15 South
New Ulm, MN 56073

Dear Jeff Nielsen:

Winona County has submitted their Priority Concerns Scoping Document (PCSD) for the 2010 Local Water Management Plan revision to BWSR and other state agencies. BWSR received this document on January 22, 2010. State agency comments were received from DNR and MDA; both agencies concur with the priority concerns identified. No other state agency comments were received during this review period; however, MPCA and BWSR submitted priority concerns upfront and participated in the development of the PCSD. Additionally a citizen survey was completed and the LWM advisory committee met to provide input to the PCSD.

Representing BWSR staff, I have completed my review of the Priority Concerns Scoping Document for Winona County and recommend that BWSR concur with the priority concerns identified.

Mary Kells will be working with the County officials, residents, and technical staff as the Plan Update moves forward. If you have questions or need additional information, please contact her at 507-206-2890.

Sincerely,

Michelle

Michelle Schaefers
Board Conservationist

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Minnesota Board of Water & Soil Resources

March 24, 2010

Winona County Commissioners
c/o Pat Bailey, Water Plan Coordinator
177 Main Street
Winona, MN 55987

Dear Winona County Commissioners:

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

Pursuant to Minnesota Statutes 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Winona County has chosen to address in the update of their Comprehensive Local Water Management (LWM) Plan. The Board of Water and Soil Resources (BWSR), along with the state review agencies, received the Winona County Priority Concerns Scoping Document (PCSD) on January 22, 2010.

Winona County has reviewed the identified concerns raised during the public input process and selected the following priority concerns for inclusion in the revision of the LWM Plan as listed below.

1. Water Quality
2. Soil Erosion, Sediment Control, and Stormwater Management
3. Nutrient, Manure, and Human Waste Management
4. Watershed Management Approach

The BWSR received comments from the Minnesota Department of Agriculture (MDA) and Minnesota Department of Natural Resources (DNR) on the Winona County PCSD during the official review period. No agency comments were received from the Minnesota Pollution Control Agency (MPCA), the Department of Health (MDH), or the Environmental Quality Board during this review period. MDA and DNR concurred with the priority concerns identified and felt the priority concern identification process was commendable.

The BWSR Southern Water Planning Review Committee (hereinafter referred to as Committee) met on March 4, 2010 to discuss the content of the PCSD, state review agency comments on the PCSD, and recommendations for the content of the final LWM Plan.

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

Sincerely,

Randy Kramer, Chair
Minnesota Board of Water and Soil Resources

c: Becky Balk, MDA
Princesa VanBuren Hansen, EQB
Art Persons, MDH
Michele Hanson, DNR
David L. Johnson, MPCA
Joe Martin, MDA
Dan Wilson, MDH
Randy Kramer, BWSR Board
Paul Langseth, BWSR Board
John Meyer, BWSR Board
Tom Loveall, BWSR Board
Sandra Hooker, BWSR Board
Winona Soil & Water Conservation District
Jeff Nielsen, BWSR Southern Region Supervisor
Mary Kells, Board Conservationist

COMMITTEE RECOMMENDATIONS

Wetland Committee

1. Northeast Minnesota Wetland Mitigation Inventory and Assessment Project Final Report – Dave Weirens - ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

REQUEST FOR BOARD ACTION

AGENDA ITEM # 1. Wetland

Meeting Date:
Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☐ Decision ☐ Discussion ☐ Information
Section/Region:
Contact:
Prepared by:
Reviewed by: Wetland Committee Committee(s)

Fiscal/Policy Impact

☐ None
☐ Amended Policy Requested
☐ New Policy Requested
☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget
☒ Other: Future action on recommendations in report may have fiscal impact

ACTION REQUESTED
Decision - Accept final report per the recommendation of the Wetland Committee.

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

Northeast Minnesota Wetland Mitigation Inventory and Assessment Porject Final Report - Decision.

BWSR was appropriated $375,000 in FY2007 to (1) inventory wetland mitigation opportunities and water quality and watershed improvement projects in a greater than 80 percent area and (2) conduct a region-wide wetland mitigation siting analysis for greater than 80 percent areas. Barr Engineering was contracted with to complete these tasks. The Phase I report was delivered to the Board on December 17, 2008 and the Phase II and final report is complete. The final report includes an estimation of wetland mitigation credits in the greater than 80% area, a series of recommendations, and an on-line GIS tool for resource management and regulatory program compliance.

Attachments: ☒ **Resolution** ☐ **Order** ☐ **Map** ☒ **Other Supporting Information**

Board Resolution # 10-____

Northeast Minnesota Wetland Mitigation Inventory and Assessment

---

WHEREAS, under Laws of Minnesota 2007, Chapter 57, Article 1, Section 5 the Board of Water and Soil Resources (BWSR was appropriated $375,000 to (1) inventory wetland mitigation opportunities and water quality and watershed improvement projects in a greater than 80 percent area and (2) conduct a region-wide wetland mitigation siting analysis for greater than 80 percent areas;

WHEREAS, Barr Engineering and Community GIS was awarded the contract to complete these tasks in March 2008;

WHEREAS, the Board received the Phase I report on December 17, 2008;

WHEREAS, the project is nearing completion and the products include:

(1) an on-line geographic information system (GIS) tool available for use by anyone for resource management and regulatory program compliance, and
(2) a report that provides an assessment of wetland mitigation potential throughout the region and recommendations in the following areas:

- Develop Northeast Minnesota Interagency Wetland Mitigation Committee;
- Develop Northeast Regional Wetland Mitigation Cooperative;
- Promote Watershed –based Wetland Management Planning;
- Develop a Northeast Wetland Mitigation Registry; and
- Develop BWSR programs to assist wetland mitigation in northeast Minnesota.

WHEREAS, the Wetland Committee reviewed the project Report on December 15, 2009 and recommends the Board accept the Report.

NOW THEREFORE BE IT RESOLVED, that the Board of Water and Soil Resources:

(1) accepts the Northeast Minnesota Wetland Mitigation Inventory and Assessment report; and
(2) will continue to be the lead state agency for implementing specific recommendations, by separate resolution, contingent on sufficient funding.

_____ Date: _____

Randy Kramer, Chair
Board of Water and Soil Resources

Board Resolution # 10-25

Northeast Minnesota Wetland Mitigation Inventory and Assessment

---

WHEREAS, under Laws of Minnesota 2007, Chapter 57, Article 1, Section 5 the Board of Water and Soil Resources (BWSR was appropriated $375,000 to (1) inventory wetland mitigation opportunities and water quality and watershed improvement projects in a greater than 80 percent area and (2) conduct a region-wide wetland mitigation siting analysis for greater than 80 percent areas;

WHEREAS, Barr Engineering and Community GIS was awarded the contract to complete these tasks in March 2008;

WHEREAS, the Board received the Phase I report on December 17, 2008;

WHEREAS, the project is nearing completion and the products include:

(1) an on-line geographic information system (GIS) tool available for use by anyone for resource management and regulatory program compliance, and
(2) a report that provides an assessment of wetland mitigation potential throughout the region and recommendations in the following areas:

- Develop Northeast Minnesota Interagency Wetland Mitigation Committee;
- Develop Northeast Regional Wetland Mitigation Cooperative;
- Promote Watershed –based Wetland Management Planning;
- Develop a Northeast Wetland Mitigation Registry; and
- Develop BWSR programs to assist wetland mitigation in northeast Minnesota.

WHEREAS, the Wetland Committee reviewed the project Report on December 15, 2009 and recommends the Board accept the Report.

NOW THEREFORE BE IT RESOLVED, that the Board of Water and Soil Resources:

(1) accepts the Northeast Minnesota Wetland Mitigation Inventory and Assessment report; and
(2) will continue to be the lead state agency for implementing specific recommendations, by separate resolution, contingent on sufficient funding.

Randy Kramer, Chair
Board of Water and Soil Resources

Date: 3/24/10

Northeast Minnesota Wetland Mitigation Inventory & Assessment

Phase II: Final Assessment Report

Prepared for:
The Board of Water and Soil Resources (BWSR)

January 2010

BARR

Northeast Minnesota Wetland Mitigation Inventory & Assessment

Phase II: Final Assessment Report

Prepared for:
The Board of Water and Soil Resources (BWSR)

January 2010

BARR

4700 West 77th Street
Minneapolis, MN 55435-4803
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Northeast Minnesota
Wetland Mitigation Inventory & Assessment
Phase II: Final Assessment Report
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1.0 Executive Summary

The Northeast Minnesota Wetland Mitigation Inventory and Assessment Project is a two phase project to identify potential wetland mitigation opportunities located in northeastern Minnesota and analyze those opportunities to develop goals and priorities. Both phases of the project are designed to address the technical aspects of wetland mitigation. Issues affecting the viability of wetland mitigation banking in the region were identified during public outreach meetings and future policy or program changes may be necessary to solve those issues. Issues and recommendations are outlined in Section 4 of this document. Phase I was designed to identify potential wetland mitigation sites and inventory and assess mineland wetlands and Phase II assessed siting recommendations based on priorities, including but not limited to: mitigation types/methods, water quality, proximity to impaired waters, technical feasibility, and wetland functions. This report provides a brief summary of Phase I and addresses the Phase II siting analysis in more detail, including recommendations for future actions. Figure 1 shows the project study area. During each phase of the project an Advisory Committee was convened to provide review and guidance of the inventory and siting process.

1.1 Recommendations

The Phase II Siting Analysis recommendations are summarized below and described in more detail in Section 4.0.

1. **Develop Northeast Minnesota Interagency Wetland Mitigation Committee**
   - A. Establish guidelines for consistent siting requirements for each mitigation method for various state and federal wetland regulatory programs.
   - B. Develop mitigation priorities based on analysis of opportunities using GIS tool.
   - C. Develop wetland protection priorities based on wetland sensitivity, historic losses, and other factors.
   - D. Develop guidance on:
     - Partially drained wetland mitigation feasibility.
       - Impacts on infrastructure
       - Hydrologic restoration
       - Acceptable methods for documenting the magnitude of drainage
   - E. New research or improved data sharing to define technical issues related to restoring natural hydrology in partially drained peatlands.
   - F. Consideration of a higher percentage of credits early in the wetland bank development process, including restoration of forested wetlands.
   - G. Consider additional guidance on the common understanding of the practical difficulties in planning and executing private mitigation projects on public land.
   - H. Evaluate the role state and tax forfeited lands may play in mitigation.

I. Consider regulatory program changes to provide incentives or higher priority on mitigation associated with impaired waters through allocation of more credit in NE Minnesota.

2. Develop a Northeast Regional Wetland Mitigation Cooperative

A. Identify potential mitigation cooperative sponsors.

B. Seek start up funding *(preliminary estimate of $750,000)* for initial development of a cooperative in northeastern Minnesota to facilitate planning and permitting.

C. Develop mitigation based on priorities

- Watershed needs based on historic losses
- Wetland impact types
- Water quality protection and improvement needs

D. Utilize northeast interagency wetland mitigation team to guide wetland mitigation projects funded under the cooperative.

3. Promote Watershed-based Wetland Management Planning

1. Obtain funding for wetland planning in the study area.
2. Identify three areas in which to promote wetland management plan development.
3. Identify wetland protection areas.
4. Develop model to identify critical wetlands for protection
    - This could be used by LGUs to evaluate proposed wetland impacts
5. Develop wetland mitigation priorities and identify strategic sites for mitigation.
6. General components:
    - May require multiple LGUs cooperating under a joint powers agreement
    - Watershed and ecosystem-based framework
    - Mitigation opportunity inventory provides head start
    - Wetland inventory and functional assessment needed
    - Improve Consistency with federal program

G. Identify priority areas for preservation, enhancement and restoration within the northeast region.

4. Develop a Northeast Wetland Mitigation Registry

A. The registry would serve as a communication tool providing basic information on potential wetland mitigation sites of interested landowners hosted by BWSR.

B. Features of registry:

- Landowners to publicize interest in mitigation
- Landowners to submit preliminary banking information
- Inclusion in the GIS database

C. Developing a public notice to promote registry use and banking.

5. **Develop BWSR programs to assist wetland mitigation in northeast Minnesota**

A. Develop and implement targeted training programs on regional wetland mitigation projects for northeast LGUs.

B. Evaluate mitigation on public lands for potential use for the public road mitigation program.

C. Provide training for LGUs on GIS database and planning tool for management of wetland mitigation opportunities in northeast Minnesota.

D. Consider a shorter application form and/or review process for smaller wetland banks.

E. Conduct a study to examine history of wetland bank tax forfeiture, and wetland banking effects on property values

1.2 Data Refinement

During Phase II, farmed wetlands and partially drained wetlands data was re-examined. The refinement of the Initial GIS Analysis Inventory Results identified approximately 8,200 potential wetland mitigation sites representing a total area of approximately 395,000 acres. Applying the typical regulatory credit for each mitigation method (Table 1-1) the total potential credit potential is approximately 156,500 credits (Table 1-2).

Table 1-1 Phase II Mitigation Method and Regulatory Credit

Mitigation Method	Regulatory Credit (%)	Estimated Credit in Analyses (%)
Restoration		
Drained Wetlands	100	100
Farmed Wetlands	10-90	50
Partially Drained Wetlands	50	50
Preservation		
ENRV Private	12.5	12.5
Public Wetland Preservation	12.5	12.5
White Cedar Swamps	12.5	12.5
Trout Stream Riparian Wetlands	12.5	12.5
Impaired Watershed Riparian Wetlands	12.5	12.5
Enhancement		
Invasive Species	30	30
Creation	75	75

To fully evaluate the true potential of available wetland mitigation in the study area, one must consider sites with high potential and landowner willingness. Each of these factors was evaluated during the field verification analysis conducted as part of Phase I. When applying a factor of 13 percent for technical feasibility (based on of the percentage of field assessments determined to have high potential), it appears that there may be the potential for nearly 45,000 mitigation credits within the region. Considering the 11 to 61

percent range of landowner interest (11 percent of landowners expressed interest and an additional 50 percent indicated possible interest); the total likely available, high potential credit identified by the GIS analysis and field verification ranges from approximately 4,950 credits to 27,400 credits (Table 1-2).

Table 1-2 Phase II Potential Mitigation Area and Credits (data rounded)

Mitigation Method	Potential Mitigation Area (ac)	Potential Mitigation Credits	Technically Feasible Credits	Likely Credits (interested landowners)
Restoration	208,700	113,300	39,200	4,300-23,900
Preservation	140,900	17,600	2,350	250-1,450
Enhancement	18,800	5,700	750	100-450
Creation	26,600	19,900	2,650	300-1,600
Total	**395,000**	**156,500**	**44,950**	**4,950-27,400**

It is important to remember that the actual process for determining suitability of sites for wetland mitigation and approval of wetland replacement sites is laid out in Minnesota Rules 8420 and in Section 404 of the Clean Water Act. Some sites identified (or omitted) as part of the inventory project are subject to determination of whether or not they meet the replacement standards of the Wetland Conservation Act by local government units. Landowners interested in project specific wetland replacement plans and banking plans must submit applications to the local government unit with jurisdiction and are subject to denial or approval decisions by the LGU.

1.3 Phase II Goals

The Phase II Siting Assessment goals include:

- Develop a GIS tool for distributing the Phase I Inventory results to facilitate the regulatory process and improve resource planning.
- Evaluate whether or not the Phase I Inventory results and distribution tool could facilitate the wetland mitigation siting process, and if so, how.
- Identify issues that may require future policy changes to facilitate wetland mitigation planning based on Phase I Inventory results.
- Determine if there are research needs that would improve the usefulness of the Phase I Inventory results.
- Evaluate whether or not there are regulatory or wetland mitigation planning implications on the various industry sectors related to the Phase I Inventory results.

- Evaluate whether or not there is the continued need for promoting wetland banking and possible methods to do so.

- Evaluate the practical challenges involved in planning wetland mitigation based on the various methods allowed and determine if changes may be warranted to policies, rules, guidance, or regulatory processes, or if research is needed.

During the Phase II Siting Assessment, a GIS tool was developed to make the Phase I Inventory results available to the public. The intent was to allow for conducting spatial searches based on mitigation methods and prioritization factors to more effectively plan future mitigation, and to assist the Board of Water and Soil Resources (BWSR) and Technical Evaluation Panels (TEPs) in the evaluation of wetland replacement and banking plan applications.

2.0 Phase II Purpose and Goals

The goals for the Phase II Siting Assessment efforts include:

- Developing a GIS tool for distributing the Phase I Inventory results to facilitate the regulatory process and improve resource planning.
- Evaluating whether or not the Phase I Inventory results and distribution tool could facilitate the wetland mitigation siting process, and if so, how.
- Evaluating the need for policy changes to facilitate wetland mitigation planning based on Phase I Inventory results.
- Determining if there are research needs that would improve the usefulness of the Phase I Inventory results.
- Evaluating whether or not there are regulatory or wetland mitigation planning implications on the various industry sectors related to the Phase I Inventory results.
- Evaluating whether or not there is the continued need for promoting wetland banking and possible methods to do so.
- Evaluating the practical challenges involved in planning wetland mitigation based on the various methods allowed and determine if changes may be warranted to policies, rules, guidance, or regulatory processes, or if research is needed.

During the Phase II Siting Assessment, a GIS tool was developed to make the Phase I Inventory results available to the public. The intent was to allow for conducting spatial searches based on mitigation methods and prioritization factors to more effectively plan future mitigation, and to assist the Board of Water and Soil Resources (BWSR) and Technical Evaluation Panels (TEPs) in the evaluation of wetland replacement and banking plan applications.

3.0 Summary of Phase II Results

Potential wetland mitigation areas were identified within the 18 counties in northeastern Minnesota defined as containing over 80 percent of the historic wetland resources (Figure 1). Potential sites were identified based ten different wetland mitigation methods, including three restoration methods, five preservation methods, one enhancement method (which is only eligible under the federal wetland program), and one creation method. A detailed Geographic Information System (GIS) analysis was conducted to identify potential wetland mitigation areas. Sites of all sizes were identified with the exception of drained wetlands and farmed wetlands, for which the minimum size was 20 acres. The inventory data were broken into two categories; greater than 20 acre sites and 20 acre or less sites, for presentation purposes. The inventory data were also analyzed by the 35 major watersheds within the region and the seven Bank Service Areas within the study area. Bank Service Areas are groupings of major watersheds within the same major drainage basin that are used in the state and federal regulatory programs for determining acceptable areas for wetland banking as compensatory mitigation.

During the Phase I wetland mitigation inventory, over one million acres of potential wetland mitigation areas were identified. Several additional analyses and data refinements were conducted during Phase II of the study to develop a more robust wetland mitigation inventory. The Phase II refinements included:

1. Assessment of farmed wetland mitigation potential based on regulatory requirements
2. Assessment of partially drained wetland mitigation potential based on upstream drainage and number of land owners
3. An estimation of wild rice farm and sod farm areas that may have potential for mitigation within the study area (these land uses were not identified as opportunities in the Phase I inventory)
4. Assessment of partially drained wetlands within Aitkin County, which was not completed during the Phase I inventory

Due to the specific regulatory criteria governing eligibility for the restoration of farmed wetlands, the potential sites identified were further analyzed to classify those sites with a high likelihood of eligibility for wetland mitigation. Similarly, the restoration of partially drained wetlands in northeastern Minnesota is often hampered by unique challenges, including flooding of upstream properties and complex land ownership since sites typically cover extensive areas. Therefore, partially drained wetlands were also further evaluated to classify those sites with a high likelihood of technical feasibility. The potential wetland mitigation inventory results for farmed wetlands and partially drained wetlands are primarily presented for only those areas determined to have high potential. Section 6.0 includes a presentation of all potential farmed and partially drained mitigation areas, regardless of the technical, legal, and regulatory potential.

The state and federal wetland regulatory programs in effect in Minnesota use the term "credit" to conduct accounting for the replacement or compensation of unavoidable wetland impacts. One wetland mitigation credit is typically used as the equivalent for replacing one acre of wetland impact assuming a 1:1 replacement ratio. For example, one wetland mitigation credit is typically equivalent to:

1. Restoring one acre of drained wetland
2. Restoring two acres of partially drained wetland
3. Preserving eight acres of exceptional natural resource value wetlands
4. Creating 1.33 acres of wetland

The results of the wetland mitigation inventory are presented in two ways: the total area of potential mitigation areas and the likely mitigation credits based on current regulatory guidelines. The distribution of potential wetland mitigation areas identified are also shown geographically across the region on Figures 2-11 for each specific method and the field verification locations are shown on Figure 12. All of the mitigation inventory data (except the wild rice and sod farm sites) will be made available to the public in an interactive web-based GIS Tool (Tool) to assist in wetland mitigation planning. The inventory data and Tool will be managed by the Board of Water Resources. The general structure of the Tool is shown on Figure 13.

A summary of the wetland mitigation inventory results for sites greater than 20 acres in size is provided in Table 3-1. A total of about 324,000 acres within over 3,100 potential wetland mitigation areas were identified during the inventory, which equate to approximately 139,000 mitigation credits. Nearly 209,000 acres of potential mitigation areas are associated with the highest priority, restoration methods, comprising lightly over 60 percent of the mitigation area. Due to the higher percentage of mitigation credits allocated to restoration methods, they comprise nearly 80 percent of the total estimated credits (Table 3-1). Over 7,500 potential mitigation areas 20 acres or less in size contribute an additional 71,200 acres, comprising about 18 percent of the total (Table 3-2). Approximately 74 percent of that potential is comprised of wetland preservation methods, with 14 percent due to wetland creation, and eight percent for partially drained wetlands (Table 3-2). However, the smaller areas only account for about ten percent of the total potential mitigation credits.

The wetland mitigation inventory data were also evaluated to determine the approximate breakdown of public vs. private ownership. Overall, approximately 74 percent of the total potential wetland mitigation area identified appears to be in private ownership with the remaining 26 percent under control of various public entities (Figure 14). Nearly all of the drained and farmed wetland mitigation areas are located on private property (over 90 percent each). However, the majority of partially drained wetland areas identified are located on public land (over 70 percent). Wetland preservation opportunities associated with impaired waters and wetland creation opportunities are both predominantly located on private land (over 80 percent each). By definition, the preservation of wetlands on County and State lands are in public ownership and the preservation of exceptional natural resource value wetlands, are by definition, completely located on private lands. The remaining potential mitigation areas associated with wetland preservation and enhancement contain a mix of

ownership (Figure 14). Based on the overall area of potential wetland mitigation areas identified, farmed wetlands clearly represent the method with the largest area, which is predominantly private ownership (Figure 15). After applying approximate regulatory credit allocations, it becomes clear that wetland restoration methods account for the majority of the potential credits and preservation methods represent a minor component of potential credits (Figure 16).

Table 3-1 Potential Wetland Mitigation Area and Credit Summarized by County and Method (Sites over 20 acres) [1]

	Restoration				Preservation					Enhancement	Creation	
County	Drained	Farmed (High Potential)[2]	Estimated Farmed Wild Rice and Sod (High Potential)	Partially Drained (High Potential)[2]	ENRV Private	ENRV Public	White Cedar	Trout Stream	Impaired Watershed	Invasive Species[3]	Creation Gravel Pits	Total Acres
	Potential Wetland Mitigation Area (acres)											
Aitkin	2,888	3,845	6,300	14,857	5,723	407	307	122	2,988	670	28	37,935
Beltrami	3,086	13,522	3,000	5,747	419	622	194	0	294	174	234	27,293
Carlton	0	0	0	0	0	0	0	61	2,032	1,266	106	3,465
Cass	48	137	0	0	2,617	140	53	34	-	3,126	80	6,235
Clearwater	3,241	8,403	7,000	0	370	42	-	380	1,428	0	34	20,897
Cook	0	0	-	0	323	138	108	829	0	44	313	1,756
Crow Wing	98	6,347	300	0	3,543	573	0	0	26	665	1,231	12,782
Hubbard	0	0	0	0	138	0	0	0	0	2,114	0	2,252
Isanti	524	22,590	0	0	3,322	21	0	0	203	60	115	26,835
Itasca	0	45	400	0	327	103	795	21	613	929	1,716	4,950
Kanabec	517	2,093	0	0	4,222	186	-	0	923	0	21	7,963
Koochiching	543	3,773	300	12,917	1,115	458	297	132	912	106	724	21,278
Lake	0	0	0	0	212	173	65	108	0	26	175	760
Lake of the Woods	3,268	43,808	300	5,471	1,812	135	69	0	203	0	877	55,943
Mille Lacs	694	4,475	0	0	198	823	0	0	4,584	38	45	10,857
Pine	582	5,704	1,900	0	2,081	496	0	0	548	859	1,127	13,297
St. Louis	1,930	0	400	11,048	6,431	8,263	5,604	4,903	6,426	6,552	9,989	61,545
Wadena	520	475	0	0	5,344	695	0	285	313	99	46	7,778
Total	**17,939**	**115,217**	**19,900**	**49,840**	**38,199**	**13,275**	**7,492**	**6,874**	**21,494**	**16,728**	**16,861**	**323,819**
Percent of Total	**6%**	**36%**	**6%**	**15%**	**12%**	**4%**	**2%**	**2%**	**7%**	**5%**	**5%**	**100%**
	Estimated Wetland Mitigation Credit											
Estimated Credit	**100%**	**50%**	**50%**	**50%**	**12.5%**	**12.5%**	**12.5%**	**12.5%**	**12.5%**	**30%**	**75%**	
Aitkin	2,888	1,922	3,150	7,329	715	51	38	15	373	201	21	16,704
Beltrami	3,086	6,761	1,500	2,873	52	78	24	0	37	52	176	14,640
Carlton	0	0	0	0	0	0	0	8	254	380	79	721
Cass	48	69	0	0	327	18	7	4	0	938	60	1,470
Clearwater	3,241	4,201	3,500	0	46	5	0	47	179	0	25	11,245
Cook	0	0	0	0	40	17	13	104	0	13	235	423
Crow Wing	98	3,173	150	0	443	72	0	0	3	199	923	5,061
Hubbard	0	0	0	0	17	0	0	0	0	634	0	651
Isanti	524	11,295	0	0	415	3	0	0	25	18	86	12,366
Itasca	0	23	200	0	41	13	99	3	77	279	1,287	2,021
Kanabec	517	1,047	0	0	528	23	0	0	115	0	16	2,246
Koochiching	543	1,886	150	6,459	139	57	37	17	114	32	543	9,977
Lake	0	0	0	0	26	22	8	14	0	8	132	209
Lake of the Woods	3,268	21,904	150	2,735	227	17	9	0	25	0	658	28,992
Mille Lacs	694	2,238	0	0	25	103	0	0	573	11	34	3,677
Pine	582	2,852	950	0	260	62	0	0	69	258	845	5,878
St. Louis	1,930	0	200	5,524	804	1,033	700	613	803	1,966	7,492	21,065
Wadena	520	238	0	0	668	87	0	36	39	30	35	1,652
Total	**17,939**	**57,609**	**9,950**	**24,920**	**4,775**	**1,659**	**937**	**859**	**2,687**	**5,018**	**12,646**	**138,999**
Percent of Total	**12.9%**	**41.4%**	**7.2%**	**17.9%**	**3.4%**	**1.2%**	**0.7%**	**0.6%**	**1.9%**	**3.6%**	**9.1%**	**100%**

[1]Landowner interest is not considered in this table and may result in reduced potential.

[2]Only areas considered to have a high likelihood of regulatory eligibility and technical feasibility are shown due to specific regulatory requirements and physical and legal constraints.

[3]Wetland enhancement is not allowed under the Wetland Conservation Act, so there is no potential for credit.

Table 3-2 Potential Wetland Mitigation Area and Credit Summarized by County and Method (Sites 20 acres and less) [1]

	Restoration				Preservation					Enhancement	Creation	
County	Drained	Farmed (High Potential)[2]	Estimated Farmed Wild Rice and Sod (High Potential)	Partially Drained (High Potential)[2]	ENRV Private	ENRV Public	White Cedar	Trout Stream	Impaired Watershed	Invasive Species[3]	Creation Gravel Pits	Total Acres
	Potential Wetland Mitigation Area (acres)											
Aitkin	NA[4]	NA[4]	0	29	884	428	1,130	29	1,824	168	185	4,475
Beltrami	NA[4]	NA[4]	0	1,366	437	133	768	6	656	34	147	3,549
Carlton	NA[4]	NA[4]	0	0	0	0	405	124	1,117	7	314	1,967
Cass	NA[4]	NA[4]	0	0	921	198	390	151	51	178	149	2,033
Clearwater	NA[4]	NA[4]	0	0	70	47	17	125	500	0	239	997
Cook	NA[4]	NA[4]	0	0	90	52	332	393	0	-	113	980
Crow Wing	NA[4]	NA[4]	0	0	1,712	171	46	25	100	422	1,120	3,594
Hubbard	NA[4]	NA[4]	0	0	257	63	44	17	0	66	66	515
Isanti	NA[4]	NA[4]	0	0	1,949	80	0	0	370	128	216	2,742
Itasca	NA[4]	NA[4]	0	0	462	225	2,827	122	798	212	1,286	5,933
Kanabec	NA[4]	NA[4]	0	0	539	32	71	0	854	21	164	1,681
Koochiching	NA[4]	NA[4]	0	702	610	390	2,029	140	496	65	410	4,841
Lake	NA[4]	NA[4]	0	0	238	76	236	78	27	36	378	1,069
Lake of the Woods	NA[4]	NA[4]	0	1,542	416	127	387	0	265	0	366	3,104
Mille Lacs	NA[4]	NA[4]	0	0	169	284	0	0	2,206	-	279	2,938
Pine	NA[4]	NA[4]	0	0	633	184	118	124	808	114	532	2,514
St. Louis	NA[4]	NA[4]	0	2,227	1,456	1,227	11,429	1,944	4,070	639	3,617	26,607
Wadena	NA[4]	NA[4]	0	0	1,018	105	12	153	239	21	135	1,683
Total	NA[4]	NA[4]	**0**	**5,866**	**11,661**	**3,818**	**20,241**	**3,431**	**14,381**	**2,110**	**9,715**	**71,223**
Percent of Total	NA[4]	NA[4]	**0%**	**8%**	**16%**	**5%**	**28%**	**5%**	**20%**	**3%**	**14%**	**100%**
	Estimated Wetland Mitigation Credit											
Estimated Credit	**100%**	**50%**	**50%**	**50%**	**12.5%**	**12.5%**	**12.5%**	**12.5%**	**12.5%**	**30%**	**75%**	
Aitkin	NA[4]	NA[4]	0	14	86	53	141	4	228	50	139	715
Beltrami	NA[4]	NA[4]	0	683	55	17	96	1	82	10	110	1,054
Carlton	NA[4]	NA[4]	0	0	0	0	51	16	140	2	236	443
Cass	NA[4]	NA[4]	0	0	115	24	49	19	6	53	112	378
Clearwater	NA[4]	NA[4]	0	0	9	6	2	16	63	0	179	274
Cook	NA[4]	NA[4]	0	0	11	6	42	49	0	0	84	193
Crow Wing	NA[4]	NA[4]	0	0	214	21	6	3	12	127	840	1,223
Hubbard	NA[4]	NA[4]	0	0	32	8	6	2	0	20	49	117
Isanti	NA[4]	NA[4]	0	0	244	10	0	0	46	38	162	500
Itasca	NA[4]	NA[4]	0	0	58	28	353	15	100	64	965	1,583
Kanabec	NA[4]	NA[4]	0	0	67	4	9	0	107	6	123	316
Koochiching	NA[4]	NA[4]	0	351	76	49	254	18	62	19	307	1,136
Lake	NA[4]	NA[4]	0	0	30	10	30	10	3	11	283	376
Lake of the Woods	NA[4]	NA[4]	0	771	52	16	48	0	33	0	275	1,195
Mille Lacs	NA[4]	NA[4]	0	0	21	35	0	0	276	0	209	542
Pine	NA[4]	NA[4]	0	0	79	23	15	16	101	34	399	667
St. Louis	NA[4]	NA[4]	0	1,113	182	153	1,429	243	509	192	2,713	6,533
Wadena	NA[4]	NA[4]	0	0	127	13	1	19	30	6	101	299
Total	NA[4]	NA[4]	0	2,933	1,458	477	2,530	429	1,798	633	7,286	17,544
Percent of Total	NA[4]	NA[4]	0.0%	16.7%	8.3%	2.7%	14.4%	2.4%	10.2%	3.6%	41.5%	100%

[1]Landowner interest is not considered in this table and may result in reduced potential.

[2]Only areas considered to have a high likelihood of regulatory eligibility and technical feasibility are shown due to specific regulatory requirements and physical and legal constraints.

[3]Wetland enhancement is not allowed under the Wetland Conservation Act, so there is no potential for credit.

[4]NA = Not Assessed.

4.0 Siting Analysis/Recommendations

Several suggestions were provided during the Phase II Advisory Committee and Outreach meetings that were considered, but are not included as recommendations for a number of reasons that are discussed below.

1. Wetland Preservation Flexibility – It was suggested that flexibility could be provided to allow wetland preservation for the replacement of low quality wetlands. There is no regulatory basis for allowing this without consideration of wetland restoration opportunities first.

2. Wetland Preservation on Private Lands – It was suggested that wetland protection without a restoration or improvement component should be allowed on private lands, similar to what is allowed on public land. Since new WCA rules were recently implemented, it is not likely that such a change would be considered.

3. Farmed Wetlands – Since the majority of potential wetland mitigation sites identified are farmed wetlands, but only a small percentage of those are considered to have a high potential for eligibility, could the 20 year agricultural history requirement be reduced? The 20 year requirement was recently upheld in development of the current WCA rules and is not likely to be modified.

4. Could flexibility be provided in northeastern Minnesota to allow mitigation in areas of the state (i.e., counties with less than 50 percent of historic wetlands) where there may be greater ecological need and public benefit (e.g., improve wildlife habitat, add flood retention capacity). The state and federal regulatory programs have specific siting criteria that must be followed. The wetland mitigation inventory shows that there appear to be opportunities within all watersheds in the region. Wetland mitigation opportunities must be evaluated within each priority siting level before moving on to the next priority level.

Recommendations are prioritized below from highest priority to lowest priority.

4.1 Develop Northeast Minnesota Interagency Wetland Mitigation Committee

The development of an interagency wetland mitigation committee for northeastern Minnesota would be valuable for addressing a number of issues identified with respect to conducting wetland mitigation and wetland banking in northeastern Minnesota.

4.1.1 Mitigation Siting Planning Effort

Both state and federal mitigation siting guidelines are subjective in the level of effort necessary prior to moving to the next siting priority level listed in Section 5.1.1.

In determining if suitable planning effort has been undertaken at each siting level, the WCA Rules (M.R. 8420.0522, Subp.7E.) state:

> *When reasonable, practicable, and environmentally beneficial replacement opportunities are not available in siting priorities listed in items A to D, the applicant may seek opportunities at the next level. For the purposes of this item, "reasonable, practicable, and environmentally beneficial replacement opportunities" means opportunities that are:*
>
> *(1) ecologically suitable and sustainable according to Subpart 5; and*
>
> *(2) available and capable of being done after taking into consideration cost, existing technology, and logistics consistent with the overall project purposes. The cost of replacement credits alone is not sufficient reason to conclude that reasonable, practicable, or environmentally beneficial replacement opportunities are not available.*

The St. Paul District Compensatory Mitigation Policy for Minnesota (Corps, 2009) states that the Corps must determine the compensatory mitigation required based upon what is available, practicable, and capable of compensating for the lost wetland functions. Regarding the level of effort required at each siting level, the Corps defines practicable opportunities for in-place compensation to include those that:

- Take advantage of naturally occurring landscape position without the need for dikes or excavation or other alterations of the landscape;
- Have a high likelihood of becoming a functional wetland that will continue in perpetuity; and
- Do not adversely affect other habitats or ecological communities that are important in maintaining the ecological diversity of the area.

While the state and federal guidelines regarding suitable mitigation planning effort are similar in the stated criteria, they are both subjective in nature and may be interpreted differently. More consistency between state and federal wetland programs would provide added certainty to project applicants regarding the level of detail that will be expected to comply with the siting guidelines.

4.1.1.1 Recommendation

Establish guidelines for consistent siting requirements for each mitigation method for various state and federal wetland regulatory programs. Discuss the level of effort required at each priority siting level and for each mitigation method to provide more certainty to project proponents.

4.1.2 Mitigation Siting Priorities

Wetland mitigation planning in Minnesota is currently conducted following state and federal siting guidelines, which are similar to one another in following watershed management principles, but differ slightly in the

detailed requirements. Both the state wetland mitigation rules and federal mitigation policy place a priority on replacement in the project watershed first.

The Wetland Conservation Act (WCA) Rules (M.R. 8420.0522, Subp.7.) govern the siting of replacement. Siting wetland replacement must follow the priority order listed below for northeastern Minnesota:

1. In the same minor watershed as the affected wetland;
2. In the same major watershed as the affected wetland;
3. By wetland banking within the same wetland bank service area as the affected wetland;
4. By wetland banking in an adjacent wetland bank service area if credits are not reasonably available in the same bank service area as the affected wetland;
5. In the same county as the affected wetland;
6. Statewide.

The Corps St. Paul District allows more flexibility in siting mitigation than the federal Mitigation Rule. The St. Paul District specifies the following preferential sequence for compensatory mitigation:

(1) Mitigation banking credits In the same 8-digit HUC watershed (81 in MN);

(2) Project-specific on-site;

(3) Project-specific in the same minor watershed (10-digit HUC code, 5,600 in MN) as the impact;

(4) Project-specific in the same major watershed (8-digit HUC code, 81 in MN) as the impact;

(5) Mitigation banking credits in an adjacent 8-digit HUC watershed within the same bank service area;

(6) Mitigation banking credits anywhere in the same BSA;

(7) Wetland banking credits or project-specific in the same modified 6-digit HUC watershed (10 in MN) as the impact;

(8) Wetland banking credits or project-specific in the same 4-digit HUC watershed (4 in MN) as the impact;

(9) Statewide.

Both the WCA and federal Section 404 wetland regulatory programs place a priority on the restoration of degraded or drained wetlands first over the creation, enhancement, or preservation of wetlands. In addition, both wetland programs place an emphasis on replacing impacted wetland types in-kind, for which, some

incentives are provided. Currently, the primary incentive in the state and federal wetland regulatory programs for replacing impacted wetlands in-kind, is through minor adjustments to mitigation ratios in some instances. However, planning and implementing the restoration of the predominant wetland types present in northeastern Minnesota, (forested swamps and bogs, open bogs, and shrub swamps) has not been well proven, is risky, and can increase monitoring liabilities by up to 15 years.

4.1.2.1 Recommendation

Mitigation priorities for the region could be developed based on analysis of opportunities using GIS tool. The development of a wetland mitigation cooperative could be a way to implement those priorities and provide opportunities to replace impacts in-kind. Consider regulatory program changes to provide incentives or higher priority on in-kind mitigation and mitigation associated with impaired waters through allocation of more credit in northeastern Minnesota.

4.1.3 Wetland Protection Priorities

State and federal wetland programs have well-defined requirements for avoiding and minimizing wetland impacts. Typically, wetland avoidance and minimization efforts are conducted in the project context, often after substantial project planning has already been undertaken. Wetland avoidance efforts may be more effective if conducted in a broader planning forum, ahead of specific project plan development. One method to enhance wetland avoidance may be to identify wetland protection priorities either on a regional scale or locally.

4.1.3.1 Recommendation

Wetland protection priorities could be developed by the Interagency Wetland Committee based on an analysis of wetland sensitivity, historic losses, impaired waters, unique resources, and other factors. Wetland protection priorities could also be identified through the development of basin wetland management planning.

4.1.4 Additional Guidance on Partially Drained Wetlands

The restoration of partially drained wetlands is defined in WCA as restoring the natural hydrologic regime and vegetation of wetlands degraded by drainage, filling or diversion of the natural watershed. Partially drained wetlands with no vegetation alteration (which is the primary condition of partially drained wetlands identified in Phase I), are eligible for up to 50 percent credit based on the current WCA rules. The new WCA rules have eliminated the need for extensive study to determine the exact level of drainage. However, one must still document the extent of hydrologic impacts due to ditching, which may also need to take into account the presence of beaver dams. There is still some question regarding when 50 percent credit is suitable and under what conditions less than 50 percent credit would be applied.

While the new WCA rules have minimized some of the uncertainty in planning the restoration of partially drained wetlands, there are several practical difficulties in effectively planning such a restoration:

- Practicability and methods of restoring the natural hydrology in partially drained peatlands due to subsidence along ditches
- Effects of beaver dams on determining credit allocations for restoring partially drained peatlands
- Practical potential for restoring partially drained wetlands on public land
- Magnitude of potential effects of restoration on roads, infrastructure, and upstream properties

The current *St. Paul Compensatory Mitigation Policy for Minnesota* (Corps, 2009), which governs the federal wetland program, defines the eligibility of restoring partially drained wetlands as "rehabilitating" wetland hydrology. The guidance for "rehabilitation" eligibility is based on the percent of the natural hydrologic regime that has been removed. This guidance suggests that it is possible to determine fairly precisely, the natural hydrologic regime that would have been in place prior to disturbance. The guidance states that a case-by-case analysis must be done using professional judgment.

4.1.4.1 Recommendation

While some former issues related to the applicability of partially drained wetlands have been resolved, few projects involving the restoration of partially drained peatlands have been completed successfully, and there are still a number of issues that make planning uncertain. Interagency discussions and the development of guidance or conducting research on the following issues would be helpful:

- Research or improved data sharing to define the technical feasibility of restoring natural hydrology in partially drained credits and provide guidance on the allocation of credits (i.e., is it feasible, what are appropriate methods, are there successful project examples that could be shared with the public and review agencies to facilitate planning and review).
- Acknowledgement that potential impacts to infrastructure can significantly limit restoration potential.
- What are acceptable methods for documenting the magnitude of drainage and could general guidance be developed.
- Recognition that agencies in charge of public lands often will not allow their future property management rights to be compromised. Clarify the mechanisms appropriate for granting permanent conservation easements over state and tax forfeit lands and develop guidance for the regulated public.
- Evaluate the role state and tax forfeited lands may play in mitigation.

4.1.5 Additional Guidance on Wetland Preservation on Public Land

The general WCA requirements for wetland preservation on public land are:

1. Protection of the wetland through granting a permanent conservation easement
2. There is a high probability the wetland will be degraded or impacted
3. Presence of exceptional natural resource value or benefits an exceptional natural resource; is of a type or function that is rare, difficult to replace, or of high watershed value; contains a rare or declining plant community; or is of a type not likely to regenerate.

This method can only be granted after considering all other mitigation methods first. Credit is allocated at 12.5 percent. This method is likely to have significant limitations to private project proponents. The granting of a permanent conservation easement on state land requires legislative authorization. Historically, the state has been hesitant to restrict use of its property due to its mission/mandate to maximize the potential to generate income from the land. Therefore, this method may not be utilized extensively.

Section 404 of the Clean Water Act allows compensatory mitigation on publicly owned lands if the credits are based solely on providing wetland functions that are over and above those provided by public programs already planned or in place. Wetland preservation is also an accepted mitigation method in the Section 404 program. To generate compensation credit, the wetlands must perform physical or biological functions that are important to the region and must be under demonstrable threat of loss or substantial degradation due to human activities that might not otherwise be restricted (Corps, 2009). Preservation is typically credited at 12.5 percent of the area preserved through legal protection by covenants, a conservation easement, or transfer of ownership to a public natural resource agency or private conservation organization.

4.1.5.1 Recommendation

Evaluate the role state and tax forfeited lands may play in mitigation. State and/or federal policy changes or additional guidance could be considered to develop a common understanding of the practical difficulties in planning and executing private mitigation projects on public land. In addition, future policy changes could consider special credit allocation for preservation of ENRV wetlands in northeastern Minnesota.

4.1.6 Strengthen Wetland Banking

Wetland bankers expressed concerns over schedules for certifying wetland bank credits due to the high costs for developing wetland banks and the slow rate of return.

4.1.6.1 Recommendation

Consider allowing certification of a higher percentage of credits early in the wetland bank development process, particularly for restoration of forested wetlands as an incentive to spur wetland banking.

4.2 Develop a Northeast Regional Wetland Mitigation Cooperative

Wetland banking in northeastern Minnesota has not kept pace with impacts and mitigation needs in the region over the past several years. There appear to be a number of factors involved in this trend, including:

- Market uncertainties – demand, investment, and economic return
- More involved wetland banking application process
- Longer wetland bank application approval times
- Lack of cost-effective wetland bank opportunities
- Uncertainty in the acceptable location for compensatory mitigation
- Uncertainty for liability for long-term wetland maintenance
- Regulatory preference for replacement in-kind, instead of types desirable to banking proponent

The concept of a wetland mitigation cooperative for northeastern Minnesota was discussed during the Northeastern Minnesota Wetland Management Strategy efforts that led to this project. The primary goals envisioned for a Wetland Mitigation Cooperative were to develop a program to:

1. Establish and ensure a self-sustaining, positive balance of wetland mitigation credits for use in northeastern Minnesota.

2. Establish wetland bank credits based on priorities for location and wetland type derived from an evaluation of historic wetland resources, opportunities within the various watersheds, impaired waters, significant natural resources, and other factors.

3. Establish wetland bank credits that have multiple ecological and societal benefits, including water quality protection/improvement, wildlife habitat, flood control, fisheries habitat protection, carbon sequestration, and biodiversity.

It is envisioned that a wetland mitigation cooperative would be managed by a public entity with oversight from an interagency committee to ensure, to the extent practicable, that impacted wetland types are replaced in-kind in watersheds where the impacts occur. Several counties in northeastern Minnesota have expressed concern that excessive mitigation is being planned in their counties to compensate for impacts occurring in other counties. The development of a wetland mitigation cooperative would provide one avenue for local concerns to be expressed regarding locating wetland mitigation. This concept is consistent with state and federal wetland regulatory programs. There are two primary hurdles for development of a wetland mitigation cooperative:

1. Identification of a public organization to manage the cooperative

2. Initial funding to develop mitigation bank credits

In June 2009, a proposal was made to the Iron Range Resources (IRR) Board soliciting funding and their interest in managing a mitigation cooperative. The IRR Board voted against funding support and did not feel

that they were equipped to manage a mitigation cooperative. Further efforts to establish such an entity could prove to be beneficial to wetland banking in northeastern Minnesota.

4.2.1 Recommendations

1. Identify potential mitigation cooperative sponsors.
2. Seek start up funding *(preliminary estimate of $750,000)* for initial development of a cooperative in NE Minnesota to facilitate planning and permitting.
3. Develop mitigation based on priorities
   - o Watershed needs based on historic losses
   - o Wetland impact types
   - o Water quality protection and improvement needs
4. Utilize northeast interagency wetland mitigation team to guide wetland mitigation projects funded under the cooperative.

4.3 Promote Watershed-based Wetland Management Planning

The WCA contains provisions for conducting local comprehensive wetland protection and management plans (M.R. 8420.0830). The ultimate goal of a comprehensive wetland protection and management plan is to maintain and improve the quality, quantity, and biological diversity of wetland resources within watersheds through the prioritization of existing wetlands and the strategic selection of replacement sites. The purpose of developing a plan is to provide a watershed and ecosystem-based framework to make wetland impact and replacement decisions that meet state standards and locally identified goals and support the sustainability or improvement of wetland resources in watersheds while providing local flexibility. Local plans may be developed by a local government unit or a number of local government units operating under a joint powers agreement. This is the next logical step in attempting to resolve some of the wetland mitigation conflicts inherent to northeastern Minnesota due to the unique characteristics of the region, including:

- A high percentage of land area covered by existing wetlands
- Few wetland restoration opportunities in some areas
- A shortage of wetland banking credits
- A high percentage of land in public and tribal ownership

The plan may provide for the classification of wetlands in the plan area based on:

1. An inventory of existing wetlands in the plan area;
2. An assessment of the wetland functions;

3. Landscape position, adjacent habitats or buffers, connectivity with or between important resources, projected land use, and other watershed-scale criteria; and

4. Resulting public values.

The plan must include an inventory and prioritization of replacement sites based on an analysis of the types and locations of replacement project that will provide the desired wetland functions, benefit the watershed from a landscape perspective, and best offset losses of public value caused by approved impacts. The goal of the analysis is to provide a framework from which replacement actions and locations will provide the greatest value to the public based on the ecological needs of the watershed. This project has completed an inventory of replacement sites including types and locations. Some factors have been identified that could be analyzed locally to prioritize replacement sites to benefit watersheds and offset the loss of public values. Specific areas of watersheds could be identified that would qualify as high-priority areas for wetland preservation, enhancement, restoration, and establishment to help guide mitigation planning efforts.

Through the local plan development process, the WCA allows for the implementation of local flexibility based on the unique circumstances within the plan area and the ability to maintain no net loss of wetland quantity, quality, and biological diversity over the life of the plan. Based on the classification and criteria in the plan, flexibility can be implemented through:

- Varying sequencing standards (i.e., avoidance, minimization, and replacement)
- Varying replacement standards (i.e., in-kind replacement, replacement ratios, ecological suitability, upland buffers, replacement siting, and replacement timing)
- Varying actions eligible for credit (e.g., define methods in more detail, consider alternative credit allocations)

The development of local wetland plans is an existing tool that would allow local government units to more comprehensively address wetland mitigation issues unique to each watershed or bank service area. The BWSR could promote the development of wetlands plans throughout the region by conducting training sessions and providing assistance to interested local government units in the development of joint powers agreements, budgeting, and initial planning. It may also be useful for the BWSR and the U.S. Army Corps of Engineers to develop interagency guidance regarding the applicability of local wetland plans to Section 404 of the Clean Water Act.

4.3.1 Recommendations

1. Pursue funding for wetland planning in the study area.
2. Identify three areas in which to promote wetland management plan development.
3. Identify wetland protection areas.

4. Develop model to identify critical wetlands for protection
    - This could be used by LGUs to evaluate proposed wetland impacts
5. Develop wetland mitigation priorities and identify strategic sites for mitigation.
6. General components:
    - May require multiple LGUs cooperating under a joint powers agreement
    - Watershed and ecosystem-based framework
    - Mitigation opportunity inventory provides head start
    - Wetland inventory and functional assessment needed
    - Improve consistency with federal program
7. Identify priority areas for preservation, enhancement and restoration within the northeast region.

4.4 Develop a Northeast Wetland Mitigation Registry

The Advisory Committee suggested the concept of a wetland mitigation opportunity registry in which landowners could advertise their property and interest in wetland mitigation. It was suggested that BWSR could host such a registry on their website. The registry would serve as a communication tool providing basic information on potential wetland mitigation sites of interested landowners hosted by BWSR. The initial concept is that landowners could submit a form to BWSR containing information on potential mitigation sites for posting to the registry and within the GIS Tool. A field could be added to the GIS Tool for contact information, when it was voluntarily provided by a landowner. To further promote the concept, BWSR could put out a notice informing the public of the registry, its utility, and the method for posting information. Such information may spur wetland banking activity and could be useful to project applicants for locating potential wetland mitigation sites.

Features of registry might include:

- Landowners publicize interest in mitigation
- Landowners submit preliminary banking information
- Inclusion in the GIS database

4.5 Develop BWSR programs to assist wetland mitigation in northeast Minnesota

4.5.1 Promotion of Wetland Banking

Soil and Water Conservation Districts (SWCDs) and Local Units of Government (LGUs) often serve as the first point of contact for local constituents regarding aspects of the WCA including wetland banking. In that role, some SWCDs provide assistance with wetland banking, when asked. The development of the wetland mitigation opportunity data in Phase I and the GIS Tool in Phase II may assist SWCDs and LGUs in providing more comprehensive insight into wetland banking, and possibly even promoting wetland banking. Publicizing the wetland mitigation opportunity database and GIS planning tool may also facilitate wetland bank development. The BWSR could provide more guidance to SWCDs and LGUs to help promote wetland banking

in their region, conduct periodic training sessions on the GIS Tool, and place a notice on their website publicizing the GIS Tool.

4.5.1.1 Recommendations

1. Develop and implement targeted training programs on regional wetland mitigation and banking projects for northeast LGUs to assist in streamlining the banking process.
2. Provide training for LGUs on GIS database and planning tool for management of wetland mitigation opportunities in northeast Minnesota.
3. The bank review process has been stated as a deterrent to wetland bankers. A shorter application form and/or review process be considered in northeastern Minnesota for small bank sites (e.g., <20 acres), particularly where larger mitigation opportunities are not available.
4. Consider a shorter application form and/or review process for smaller wetland banks.

4.5.2 Study of Wetland Bank Land Abandonment and Property Values

During the public outreach meetings with County Commissioners, two concerns were expressed:

- In the event that a wetland bank went bankrupt resulting in tax forfeiture of the property, counties would be left with a shortfall of tax revenue, and maintenance responsibilities for the wetland banks would fall to the counties as the manager of tax forfeit properties.
- Wetland mitigation may artificially inflate property values.

4.5.2.1 Recommendations

1. Evaluate mitigation on public lands for potential use by the public road mitigation program.
2. Conduct a study to examine the history of wetland bank tax forfeiture, and wetland banking effects on property values.

4.6 Sector Siting by Mitigation Method

4.6.1 Roads

Wetland mitigation planning for road projects in accordance with the WCA is governed by M.R. 8420.0544, which allows for statewide replacement of impacts occurring in the study area. Typically, wetland replacement is completed through the purchase of wetland bank credits from the BWSR road bank, when credits are available. BWSR occasionally solicits proposals for the development of wetland banks for deposit into the road bank. Historically, BWSR has generally been able to manage this program to maintain an adequate supply of credits for road projects.

4.6.1.1 Recommendation

Road projects are conducted by public entities and the BWSR road bank is planned and administered by a state agency. Therefore, there may be some benefit for the road program to evaluate potential for mitigation on

public lands where opportunities exist. Particularly in areas where high priority wetland restoration opportunities are limited, there could be some benefit if the road bank evaluated wetland preservation on public lands.

4.6.2 Residential and Commercial

Wetland impacts for residential and commercial projects are generally relatively small. Mitigation has historically been planned either on-site through creation or through the purchase of wetland bank credits. It is generally not practicable for projects with small impacts to pursue wetland restoration opportunities individually. Due to the lack of wetland bank credits in the region in general, and the absence of wetland bank credits in some areas, project proponents may be forced to replace outside of the project watershed or to create wetlands with higher risk of failure and potentially of lower quality.

4.6.2.1 Recommendation

Efforts to revitalize the wetland banking program in northeastern Minnesota will benefit residential and commercial projects as well as the wetland resource in the region. The development of a wetland mitigation cooperative could also increase the likelihood that sufficient wetland banking credits are available for the residential and commercial sectors.

4.6.3 Infrastructure

Wetland impacts for infrastructure projects, which include the development of public facilities (i.e., schools, airports, and other public buildings), are also generally small but some projects such as the airport expansions may be larger. Mitigation has historically been planned either on-site through creation or through the purchase of wetland bank credits. It is generally not practicable for projects with small impacts to pursue wetland restoration opportunities individually. Due to the lack of wetland bank credits in the region in general, and the absence of wetland bank credits in some areas, project proponents may be forced to replace outside of the project watershed or to create wetlands with higher risk of failure and potentially of lower quality.

4.6.3.1 Recommendation

Efforts to revitalize the wetland banking program in northeastern Minnesota will benefit infrastructure projects as well as the wetland resource in the region. The development of a wetland mitigation cooperative could also increase the likelihood that sufficient wetland banking credits are available for the residential and commercial sectors.

4.6.4 Mining

Wetland impacts associated with mining operations are typically larger in scale due to the expansive land requirements for mining. Wetland mitigation planning for mining projects has historically been through project specific mitigation or development of wetland banks specifically for use by the individual company or within the mining industry. Occasionally, mitigation is planned on-site through the development of wetlands

within tailings basins or mine pits. This strategy is typically planned for implementation during reclamation at the close of the project. The purchase of wetland bank credits from the state wetland bank credits has not been a common method of mitigation due to the lack of credits available in the region.

Therefore, the mining industry has more opportunity to pursue larger wetland restoration opportunities. However, due to the relative scarcity of restoration opportunities in many of the areas where mining occurs, the industry has experienced significant challenges in planning mitigation, particularly due to the uncertainty in the level of effort needed to exhaust opportunities within each siting level. With larger impacts and mitigation requirements, the mining industry may have more opportunity to pursue a range of mitigation methods.

4.6.4.1 Recommendation

The mining industry has indicated that there would be value in having a wetland banking program that could supply sufficient wetland mitigation credits of a variety of types located in the watersheds in which mining occurs. Having such a resource would reduce the need for significant planning efforts and would provide more certainty in permitting along with reduced long-term liabilities. The existing wetland banking program does not appear to have the capability to meet the needs of the mining industry. However, a wetland mitigation cooperative, as envisioned in the Northeastern Minnesota Wetland Management Strategy, may be better equipped to meet those needs (see Section 5.4.1.4). Regulatory flexibility could be considered to provide incentives for planning wetland mitigation into the mineland reclamation landscape. The mineland wetland and water resource assessment conducted in Phase I indicated that there should be significant potential for this strategy based on an evaluation of past mining landscapes in which wetlands developed with little to no planning for their development.

4.7 Develop Mitigation Guidelines

The general eligibility requirements for all potential wetland mitigation methods evaluated in the mitigation opportunity inventory (except enhancement of wetlands impacted by invasive and nonnative species) are defined in WCA. However, several of the methods have not been implemented to a degree where there is a common understanding of the practical difficulties associated with planning and executing high quality mitigation projects. Developing more specific guidance and a common understanding of the hurdles associated with the various mitigation methods amongst project proponents and review agencies could facilitate more consistent expectations regarding the level of effort required to fulfill the mitigation siting requirements.

4.7.1 Exceptional Natural Resource Value – Private

The general eligibility requirements for private ENRV projects in the WCA rules are threefold:

1. Restore and protect wetlands and adjacent areas to improve or directly contribute to the function and sustainability of an exceptional natural resource

2. Wetlands and adjacent areas must be determined to be exceptional by the TEP
3. Wetlands must be protected by a permanent conservation easement

Applicable exceptional natural resources to northeastern Minnesota listed in WCA, include:

1. Habitat for state-listed endangered or threatened species
2. Rare native communities
3. Special fish and wildlife resources
4. Sensitive surface waters
5. White cedar swamps
6. Floodplain and riparian wetlands and upland buffers
7. Habitat corridors with other important resources
8. Wetlands adjacent to trout waters
9. Other resources determined to be exceptional

Project eligibility and the allocation of credit are determined by the local government unit with concurrence by the TEP.

Wetland preservation is an accepted mitigation method in the Section 404 program. To generate compensation credit, the wetlands must perform physical or biological functions that are important to the region and must be under demonstrable threat of loss or substantial degradation due to human activities that might not otherwise be restricted (Corps, 2009). Preservation is typically credited at 12.5 percent of the area preserved through legal protection by covenants, a conservation easement, or transfer of ownership to a public natural resource agency or private conservation organization.

4.7.1.1 Recommendations

Two aspects of these provisions lead to significant uncertainty for project proponents in attempting to plan wetland mitigation: 1) Most of the exceptional natural resources listed in the WCA are not well-defined, and 2) The differences between state and federal wetland programs can lead to different conclusions regarding eligibility. To ensure more consistency and provide more certainty to project proponents in planning mitigation, more detailed definitions and guidance on eligibility and allocation of credit may be warranted. In addition, future policy changes could consider special credit allocation for preservation of ENRV wetlands in northeastern Minnesota.

There are differences in eligibility and credit allocation between WCA and Section 404 of the Clean Water Act regarding wetland preservation. The federal guidelines require that a demonstrable threat be documented for a

site to qualify, however, no restoration is required and wetlands do not have to be of any particular type, scarcity, or special resource. The federal guidelines allow up to 12.5 percent credit for wetland preservation. During the future development of rules, guidelines and policies; developing more consistency between state and federal wetland programs would be beneficial to the public in general.

4.7.2 Impaired Waters

The method labeled "impaired waters" refers to degraded wetlands located within an impaired watershed that have the potential for enhancement. This method may also include riparian and floodplain wetlands along an impaired watercourse that could be restored and preserved. There are no special wetland mitigation provisions within WCA or Section 404 of the Clean Water Act related to impaired waters. Currently, wetland mitigation opportunities must fit into one of the accepted mitigation methods in order to be allowed for mitigation.

4.7.2.1 Recommendation

The Advisory Committee agreed that there is value in restoring and protecting wetlands located within impaired watersheds. However, there is currently little incentive within the existing regulatory framework to restore or protect wetlands in impaired watersheds. Future state and/or federal policy changes or additional guidance could be considered to provide additional incentives or place a higher priority on wetland mitigation associated with impaired waters, possibly through the allocation of more mitigation credit when done in northeastern Minnesota. Another suggestion was to provide flexibility that would allow and/or provide incentives for in-kind wetland creation within impaired watersheds where restoration opportunities do not exist.

4.8 Next Steps

The recommendations provided in this section could be evaluated by the Interagency Wetland Group, the Board of Water and Soil Resources and other agencies involved in wetland regulation, policy, and management to determine priorities and identify leaders to pursue those of highest priority.

5.0 Advisory Committee and Outreach Meetings

5.1 Advisory Committee

The project team assembled an Advisory Committee to provide technical review and guidance of the siting process. The Committee included representatives of BWSR, the Minnesota Department of Natural Resources (MNDNR), the U.S. Army Corps of Engineers (COE), the U.S. Fish and Wildlife Service (USFWS), the Minnesota Pollution Control Agency (MPCA) Barr Engineering and Community GIS. A complete list of the Advisory Committee is found in Appendix A.

The Advisory Committee provided input on:

- Prioritization factors
- Data Refinement from Phase I for farmed wetlands and partially drained wetlands;
- Discussion of Regional needs, Priorities and Goals regarding;
    - Bank Service Areas
    - Major Watersheds
    - Mitigation Methods
    - Mitigation Site Size
    - Water Quality Improvement Needs
- GIS Data Tool design considerations and data layer options;
- Mitigation methods to be evaluated; and
- Goals and Objectives for the Public Outreach Meetings.

5.2 Outreach Meetings

The project team met with various stakeholder groups to share overall results from the Phase I Inventory, Phase II data refinement for farmed wetlands and partially drained wetlands, to provide an update on sector mitigation needs, to receive input on the GIS Tool alternatives for locating mitigation opportunities and to receive input on the identification of stakeholder priorities and goals. The stakeholder groups included representatives from Soil and Water Conservation Districts (SWCDs) & Local Government Units (LGUs), County Commissioners, Mining Interests, Wetland Bankers, State and Federal Agencies. Several attempts were made to include Tribal interest and input, but no comments were received.

During the Outreach Meetings each stakeholder group was asked about their preferences on priorities and goals concerning siting wetland mitigation within the region. The questions on goals and priorities included:

2) How should the following topics factor in wetland mitigation priorities?
    a) Bank Service Area
    b) Major watersheds

c) Mitigation methods
d) Mitigation site size
e) Water quality improvement needs

3) Should priorities in wetland mitigation be based on the need for restoration methods first; and then followed by enhancement, creation, and preservation?
4) Should certain sectors (i.e. mining, roads, residential/commercial development, etc.) target specific methods or types of projects?
5) Should certain wetland functions be targeted?
6) Should specific watershed basins be targeted?
7) Should large sites be targeted only for banking, road programs, or mining?
8) Should small sites be targeted only for residential/commercial or public infrastructure?
9) What priority should the following take in wetland mitigation?
   a) Special waters such as impaired waters, trout streams
   b) Riparian wetlands
   c) Impaired watersheds
   d) Bank service areas

The general comments and lessons learned from the outreach meetings are discussed below.

5.2.1 SWCD, LGU and BWSR Concerns and Comments

A meeting was held in Grand Rapids on April 9, 2009 with representatives of the region's SWCDs, LGUs and BWSR staff. These groups are the key players in the implementation of WCA. It was important to receive input from the people who not only provide technical assistance to many property owners but also oversee the siting of wetland mitigation. Many of the comments received from the SWCD staff present focused around suggested changes to the regulatory process. A summary of the SWCD, LGU, and BWSR meeting notes is in Appendix B.1.

Their main comments and suggestions included:

- Can there be more credit for provided for preservation? Preservation only offers 1 acre of wetland credit for each 8 acres preserved (12.5%).
- Can the wetland banking process be stream lined because it's too complicated? Perhaps there could be a short form for processing or evaluation small banking sites?
- Use preservation to offset impacts on poor quality and low functioning wetlands.
- Should mitigation be accomplished in the watershed regardless of the costs to purchase wetland credits?

5.2.2 County Commissioners Concerns and Comments

A meeting was held with County Commissioners from the region on April 15, 2009 in Duluth. County commissioners in the greater than 80% counties have long been concerned about wetland mitigation policy in the region. Several key concerns expressed during this meeting may affect the way future siting and planning of wetland mitigation is addressed at the local level. A summary of the County Commissioners' meeting notes is in Appendix B.2.

Their comments on siting wetland mitigation included:

- Many commissioners are concerned about too much mitigation occurring within their county. They are especially concerned about the overall loss of tax revenues from active properties becoming wetland mitigation banks. Their fear is that the owners of these parcels will abandon their tax paying responsibilities and allow the properties to become tax-forfeit where the counties would then pick up the long term maintenance responsibility as the administrators of tax-forfeited properties. Under the WCA, the responsibility of maintaining the wetlands in perpetuity lies with the land owner.

- Another concern expressed was wetland credits affecting area property values. Wetland credits from banking typically sell for thousands of dollars per acre. The concern was that the demand for mitigation might artificially raise the assessed value of adjacent properties.

- County commissioners were also concerned about the lack of real mitigation opportunities within their counties.

- Many commissioners questioned the concept of requirement to replace in the same watershed when other areas of the state experience poor water quality due to previous drainage.

5.2.3 Mining Interests

A meeting was held with mining interests on April 24, 2009 in Eveleth Office of Iron Range Resources. The meeting included representatives from nearly all of the area's active iron mines and some of the non-ferrous mining interests as well. A summary of the meeting notes is in Appendix B.3.

Their comments on siting wetland mitigation included:

- The quality of wetlands created on minelands should be compared to typical wetlands in the region.

- They wished to reiterate that the wetlands evaluated just developed naturally without any planning or management and without little reclamation efforts.

- More certainty is needed in mitigation planning and in the regulatory process for mining development projects. Many mining projects take years to plan only to be upset in the middle of planning efforts by rule and policy changes.

- Concern was expressed about the penalty for out of watershed mitigation, especially when other watersheds have experienced greater wetland losses and now have poorer water quality.

5.2.4 Wetland Banker Interests

A meeting was held with BWSR and representatives of the Wetland Bankers on May 18, 2009 in Grand Rapids. Wetland banking is a needed component to streamlining the regulatory process in wetland mitigation. When considering setting goals and priorities, the biggest hurdle to mitigation is the upfront costs and the need for technical expertise in the creation of wetland banks and mitigation. A summary of the meeting notes is in Appendix B.4.

The comments of the wetland bankers included:

- When establishing a wetland bank there is a substantial risk provided in outlaying significant capital, designing a suitable wetland bank according to complicated rules, negotiating credits and credit availability, and waiting for prospective buyers to come along and purchase those credits.

- Upfront incentives are needed to stimulate more mitigation development

- Adjustments are necessary to the allowable for more flexibility in the credit release schedules (making more credits available sooner).

- Concerned about creating a level playing field for banking in which all parties do the "rule" required monitoring and other things that allow a wetland bank to be maintained in perpetuity.

- Wetland bankers suggested a minimum mitigation bank size of 20 to 30 acres be established in order to feasibly recoup the expensive initial investment of establishing a bank at a reasonable price for wetland credits.

- Restoration will be heavily favored over the other mitigation methods (enhancement, creation, and preservation). Wetland bankers will probably tend toward the greatest return on their investment (i.e. credit/cost ratio). A parcel of land can be restored and receive wetland credits of 50 to 100% of the acreage will be easier to develop at much less cost and greater profit than a preservation parcel which only receives 12% credit.

- Additional considerations for water quality enhancements may be valid but they take away from the wetland bankers who have existing banks with credits to sell.

5.2.5 State and Federal Agencies, Tribal Interests

A meeting was held with the federal and state agencies at the Inter-Agency Wetland Group meeting in St. Paul on June 9, 2009. Fond du Lac Reservation was the only band in attendance and to provide feedback. A summary of the meeting notes is in Appendix B.5.

The main comments expressed from this meeting were:

- Goals and priorities should be to match compensation needs (wetland mitigation) with the projected impacts. For replacing wetland types, higher priorities should be placed on the historical loss trends. This trend has been towards the losses of forested wetlands, bogs, and shrub swamps in the northeastern part of the state. Priorities should examine the 81 major watersheds first, and then onto the Bank Service Area of the major watershed of the impact. (USACE)
- Forested wetlands might be a key goal on and have greater opportunity on farmed wetland sites.
- Wetland banks should be encouraged to be developed to the closest point of impact possible.
- Preservation of forested wetlands on public lands may come into conflict with financial return management objectives.

5.2.6 Stakeholders Forum

A project Stakeholders Forum was held in Grand Rapids on October 19, 2009. The meeting was attended by stakeholders representing industry, LGUs, state and federal agencies. A summary of the meeting notes is in Appendix B.6.

The meeting purpose was to update stakeholders on project progress, specifically:

- Review the Phase I Inventory results,
- Review and discuss the goals and objectives of the Phase 2 Siting and Assessment, including data refinements,
- Demonstrate and receive feedback on the GIS Tool identifying wetland mitigation opportunities, and
- Review and receive feedback on the project final report recommendations.

The stakeholders expressed the following observations and comments:

- Preservation should be further explored for the northern counties.
- The GIS Tool appears to be well developed and a useful tool to search for wetland mitigation opportunities.

- There were several questions regarding credit on farmed wetlands and the documentation required.
- The Red River Valley should be considered as a potential wetland mitigation area for NE MN to assist that part of the State with flood control issues.

6.0 Phase II Data Refinement and Detailed Results

The Phase I results included the identification of nearly one million acres of wetland mitigation potential within just the farmed wetland and partially drained wetland categories. Based on field experience within the region, BWSR and the Advisory Committee concluded that the potential mitigation opportunities for these two mitigation methods appeared to be unrealistic given the regulatory requirements and technical impracticalities. Therefore, further analysis was conducted on farmed wetlands and partially drained wetlands in an effort to depict a more realistic potential for these two mitigation methods. Except for the sites that were field checked during the Phase I Inventory, farmed wetlands and partially drained wetlands were the only methods that were analyzed and classified for potential based on additional GIS analyses. The refinement methods and final wetland mitigation opportunity inventory results are discussed within Section 5.

6.1 Wetland Restoration Methods

A summary of the results for each of the mitigation methods is discussed below and illustrated in Figures 2 through 11.

6.1.1 Farmed Wetlands

6.1.1.1 Data Refinement

There are two provisions within the WCA that allow wetland replacement credit for restoring farmed wetlands: 1) restoration of partially drained wetland areas (M.R. 8420.0526, Subp. 4), and 2) vegetative restoration of farmed wetlands (M.R. 8420.0526, Subp. 5). Partially drained wetlands that have been in seeded crops for at least ten of the past 20 years are eligible for 50 to 100 percent credit. Partially drained wetlands that have been in seeded crop production for less than ten of the past 20 years are eligible for up to 50 percent credit. Section 404 of the Clean Water Act also allows wetland mitigation credit for restoring partially drained, farmed wetlands and farmed wetlands with no hydrologic modifications. The former method is eligible for 50 to 100 percent credit depending on the degree of hydrologic modification and restoration. The restorations of wetlands with unaltered hydrology that have been row-cropped during at least six of the past ten years are eligible for 50 percent credit. Therefore, given the range of conditions for eligibility and credit allocation, 50 percent credit was assumed for the restoration of farmed wetlands in all efforts to estimate potential mitigation credits.

BWSR staff field experience has indicated that much of the agricultural activity in the northeastern part of the state is composed of hay production and/or pasturing, not annual seeded crop production; thereby, reducing the potential eligibility for wetland restoration credit. Eligibility for credit under the WCA is based on the documentation of seeded crop history over the previous twenty years. Therefore, farmed wetland mitigation opportunities were further analyzed to determine the likely regulatory eligibility by intersecting the most current USDA cropland data (2008) with the potential farmed wetland mitigation sites. The intersection of the

Phase I farmed wetland polygon data with 2008 USDA cropland from raster imagery was categorized into high, medium, and low potential based on the following criteria:

1. High potential - If 20% or more of an identified farmed wetland polygon intersected with seeded crops

2. Medium potential - If there was less than 20% of the farmed wetland polygon intersected with seeded crops, or greater than or equal to 20% of the farmed wetland polygon intersected with pasture land, hay land, or idle cropland adjacent to a stream

3. Low potential - Sites with undocumented seed crops or less than 20% of the farmed wetland polygon intersected with pasture land, hay land, or idle cropland adjacent to a stream

It is important to note that the 2008 cropland data did not include wild rice or sod farms, therefore, it is likely that greater potential for these farmed wetland areas exists.

6.1.1.2 Results

Only 17 percent (115,217 acres) of the farmed wetland potential acreage identified in Phase I was rated as having high potential based on regulatory eligibility (Table 6-1). An additional 19,900 acres of wild rice farms and sod farms are estimated to be present within the study area, which also represent sites with high potential (Table 3-1). Wild rice production is considered an eligible agricultural practice for mitigation, but sod production is not. However, sod production is typically only successful where complete or partial drainage of hydrology is maintained. The high potential farmed wetlands are estimated to make up nearly half of the potential mitigation credits in the region, a total of almost 67,600 acres (Table 3-1). Over 94 percent of the high potential area exists in eight of the eighteen counties (Aitkin, Beltrami, Clearwater, Crow Wing, Isanti, Lake of the Woods, Mille Lacs, and Pine) as shown in Table 6-1. Lake of the Woods County comprises about 32 percent of the high potential farmed wetland opportunities in the study area. No farmed wetlands with high potential were identified in Carlton, Cook, Hubbard, or Lake counties. Figure 2 illustrates the distribution of farmed wetland potential for sites over 20 acres.

Table 6-1 Farmed Wetlands Statistics (sites over 20 acres)

County	High Potential			Medium Potential		Low Potential		Total	
	# of Sites	GIS Located (Acres)	Est. Wild Rice and Sod (Acres)	# of Sites	Acres	# of Sites	Acres	# of Sites	Acres
Aitkin	6	3,845	6,300	75	53,941	293	15,787	374	73,573
Beltrami	42	13,522	3,000	111	20,737	193	12,683	346	46,942
Carlton	0	0	0	10	1,154	96	4,962	106	6,116
Cass	2	137	0	34	2,409	155	7,082	191	9,627
Clearwater	32	8,403	7,000	45	22,421	49	1,870	126	32,694
Cook	0	0	0	0	0	3	210	3	210
Crow Wing	15	6,347	300	92	9,300	152	7,938	259	23,585
Hubbard	0	0	0	4	161	16	458	20	620
Isanti	169	22,590	0	113	11,422	42	1,780	324	35,791
Itasca	2	45	400	21	2,076	308	15,593	331	17,714
Kanabec	30	2,093	0	99	7,723	87	3,595	216	13,411
Koochiching	11	3,773	300	50	18,638	374	22,322	435	44,733
Lake	0	0	0	0	0	3	81	3	81
Lake of the Woods	79	43,808	300	85	21,970	164	12,194	328	77,972
Mille Lacs	50	4,475	0	160	15,052	138	6,264	348	25,791
Pine	35	5,704	1,900	79	14,786	125	5,654	239	26,144
St Louis	0	0	400	46	44,249	1,313	158,837	1,359	203,086
Wadena	12	475	0	104	19,592	190	11,296	306	31,363
Total	485	115,217	19,900	1,128	265,629	3,703	288,606	5,314	689,352
Percent of Total	9%	17%	3%	21%	38%	70%	42%	100%	100%

Note: This table does not include landowner interest, which may reduce the potential.

6.1.2 Partially Drained Wetlands

6.1.2.1 Data Refinement

The restoration of partially drained wetlands (without agricultural history) is allowed up to 50 percent credit by the WCA (M.R. 8420.0526, Subp. 4). Section 404 of the Clean Water Act also allows wetland mitigation credit for restoring partially drained wetlands, which is termed "rehabilitation." Wetland mitigation credit ranges from 50 to 100 percent credit depending on the degree of hydrologic modification and restoration. Given the range of credits applied, estimations of wetland mitigation credit in this study were computed assuming 50 percent credit.

Partially drained wetland mitigation areas were identified in five counties containing extensive peatlands (Aitkin, Beltrami, Koochiching, Lake of the Woods and St. Louis Counties). The partially drained wetland mitigation opportunities identified are primarily comprised of large, relatively flat, ditched peatland complexes, typically on the order of thousands to tens of thousands of acres in size. However, smaller areas of potential partially drained wetlands were also identified. Many of the ditch systems cross multiple landowners

with many higher order ditches being fed by numerous upstream tributaries. Restoration of a ditched, partially drained, flat peatland can result in raising water levels far upstream. One premise of the wetland mitigation programs is that all landowners affected by wetland restoration activities be agreeable to the planned hydrologic changes to their property. Therefore, the feasibility of restoring partially drained wetlands located near the downstream end of a large wetland complex (with higher order ditches and numerous affected landowners) is lower than for headwater wetland areas. BWSR and the Advisory Committee agreed a re-examination of partially drained wetland polygons was warranted, limiting high potential sites to first order ditches (only one tributary) and to single ownership. The data refinement identified the potential restoration sites located in headwater areas as those with the highest potential for success.

Partially drained wetlands may also be associated with county judicial ditch systems. Restoration of wetlands adjacent to judicial ditch systems has a much higher degree of uncertainty than restoring wetlands along private ditch systems. In order to restore wetlands along a judicial ditch system, the ditch would typically have to be abandoned through the ditch abandonment process, which includes public hearings and agreement by all benefitted parties. It is important to determine the realistic potential of the restoration credit for partially drained wetlands. The potential rating criteria were developed based on the likelihood of being able plan and execute restoration. The chance of restoration success increases as the number of landowners decreases. Therefore, the wetlands adjacent to ditch segments with one or two property owners at the headwaters of the ditch system have a higher potential for restoration. Moving down the ditch system, the potential for planning wetland restoration without affecting other properties diminishes. The restorations of wetlands along main arterial ditches were classified as having no potential. Restoring wetlands along an arterial ditch would have great potential to flood upstream properties along numerous tributaries or affect infrastructure such as roads and utilities. The potential based on the number of property owners is identified in Table 6-2.

Table 6-2 Partially Drained Wetland Restoration Potential Criteria

Potential	Basis for Potential	Hydrologic Reasoning
High	1 owner	Up to second order tributaries
Medium	2-3 owners	Third and fourth order tributaries
Low	>3 owners	Third order and greater tributaries
None	Main arterials of the ditch system	Greater than fourth order tributaries

6.1.2.2 Results

As a result of this data refinement, high potential, partially drained wetlands only represent 14 percent of the total Phase I estimate. In addition, approximately 207,500 acres of the partially drained wetlands identified (60 percent) were determined to have no potential. Aitkin, Koochiching, and St. Louis Counties have the highest potential for this restoration method as indicated in Table 6-3. Figure 3 illustrates the high, medium, low and no potential for partially drained wetlands.

Table 6-3 Partially Drained Wetland Statistics - Selected Counties (sites over 20 acres)

	High Potential		Medium Potential		Low Potential		No Potential		Total	
County	# of Sites	Acres	# of Sites	Acres	# of Sites	Acres	# of Sites	Acres	# of Sites	Acres
Aitkin	106	14,515	125	11,049	12	924	88	12,724	331	39,213
Beltrami	70	5,747	111	12,086	17	2,527	135	76,807	333	97,168
Koochiching	89	12,917	53	6,974	15	5,461	61	43,354	218	68,706
Lake of Woods	91	5,471	110	14,777	15	3,887	66	43,815	282	67,950
St Louis	166	11,048	223	22,455	55	7,805	112	30,821	556	72,129
Total	416	49,698	497	67,341	102	20,604	374	207,521	1,389	345,166

Note: This table does not include landowner interest which may reduce the potential acres.

High potential, partially drained wetland mitigation opportunities make up 15 percent of the total potential area. Despite the fact that partially drained wetland restorations are only eligible for about 50 percent credit, partially drained wetlands comprise almost 18 percent of the total potential mitigation credits (Table 3-1).

6.1.3 Drained Wetlands

Drained wetlands are eligible for the highest percentage of potential credits (100 percent) under both state and federal wetland programs due to a gain in both wetland acres and wetland functions. Over eighty percent of the drained wetland potential was identified in five counties: Aitkin, Beltrami, Clearwater, Lake of the Woods, and St. Louis. A total of 17,939 acres of potential drained wetland mitigation was identified (Table 6-4). While potential drained wetland mitigation opportunities make up only six percent of the total potential mitigation area, the potential credits make up 15 percent of the total (Table 6-4). The inventory did not indicate any drained wetland potential for the counties of Carlton, Cook, Hubbard, Itasca and Lake. The results for all drained wetlands are graphically displayed in Figure 4.

Table 6-4 Drained Wetland Statistics (sites over 20 acres)

County	# of Wetland Sites	Total Acres
Aitkin	45	2,888
Beltrami	55	3,086
Carlton	0	0
Cass	2	48
Clearwater	36	3,241
Cook	0	0
Crow Wing	3	98
Hubbard	0	0
Isanti	5	524
Itasca	0	0
Kanabec	18	517
Koochiching	15	543
Lake	0	0
Lake of the Woods	68	3,268
Mille Lacs	21	694
Pine	6	582
St. Louis	36	1,930
Wadena	14	520
Total	**324**	**17,939**

Note: This table does not include landowner interest, which may reduce the potential acres.

The three highest priority wetland mitigation methods, based on state and federal regulatory programs, are the wetland restoration methods: farmed wetlands, partially drained wetlands, and drained wetlands. Together, those three methods make up 53 percent (208,762 acres) of the total potential wetland mitigation area identified and 72 percent (113,351 acres) of the potential wetland mitigation credits identified. However, the potential wetland restoration areas are not evenly distributed throughout the region. Approximately 63 percent of the potential restoration area is located in four counties (Aitkin, Beltrami, Isanti, and Lake of the Woods) and over 88 percent is located in seven counties (Aitkin, Beltrami, Clearwater, Isanti, Koochiching, Lake of the Woods, and St. Louis).

6.2 Wetland Preservation Methods

6.2.1 Restoration and Protection of Exceptional Natural Resource Value (ENRV) Wetlands on Private Land

The Wetland Conservation Act allows wetland replacement credits for the restoration and protection of exceptional natural resource value wetlands (ENRV) on private lands (M.R. 8420.0526, Subp. 8). Exceptional natural resource value wetlands include:

1. Calcareous fens
2. White cedar swamps

3. Floodplain or riparian wetlands and upland buffers
4. Habitat corridors with other important resources
5. Wetlands adjacent to designated trout waters
6. Habitat for state-listed endangered or threatened species
7. Rare native plant communities
8. Special fish and wildlife resources (e.g., fish passage and spawning areas, colonial water bird nesting colonies, migratory waterfowl concentration areas, deer wintering areas, and wildlife travel corridors
9. Other resources determined to be exceptional by the technical evaluation panel

To be eligible for credit, the action must improve or directly contribute to the function and sustainability of the exceptional natural resource. Wetland replacement credit is determined by the local government unit with the concurrence of the technical evaluation panel. The WCA Guidance Paper 2003-1 suggests 12.5 percent credit for the preservation of ENRV wetlands protected with a permanent conservation easement. Section 404 of the Clean Water Act allows wetland mitigation credit for the preservation of wetlands that involves the removal of a threat to the wetland or preventing degradation of wetland functions by an action that is outside of regulatory authorities (e.g., logging of a cedar swamp, or maintenance of an established ditch system). Wetlands eligible for preservation should generally have at least one function rated high and three or more functions rated medium as a result of a MNRAM assessment. Credit allocation is also suggested at 12.5 percent of the area that is legally protected. Estimations of wetland mitigation credit in this study were computed assuming 12.5 percent credit.

6.2.1.1 Results

Nearly 40,000 acres of potential private land ENRV wetlands (greater than 20 acres in size) were identified within the study area (Table 6-5). However, due to the low credit allocation for preservation, potential private ENRV wetland preservation areas only account for less than four percent (4,775 credit acres) of the potential mitigation credit (Table 3-1). Over 90 percent of the potential acreage on private lands is located in nine counties: Aitkin, Cass, Crow Wing, Isanti, Kanabec, Lake of the Woods, Pine, St. Louis, and Wadena (Table 6-5). Figure 5 illustrates that most of the private ENRV potential is concentrated in the southern quarter of the study area. Carlton County was the only county that did not have ENRV potential on privately owned parcels.

Table 6-5 Private Land ENRV Statistics (sites over 20 acres)

County	# of Private ENRV Sites	Total Acres
Aitkin	35	5,723
Beltrami	11	419
Carlton	0	0
Cass	38	2,617
Clearwater	7	370
Cook	8	323
Crow Wing	60	3,543
Hubbard	4	138
Isanti	78	3,322
Itasca	11	327
Kanabec	42	4,222
Koochiching	22	1,115
Lake	6	212
Lake of the Woods	21	1,812
Mille Lacs	6	198
Pine	36	2,081
St. Louis	85	6,431
Wadena	57	5,344
Total	527	38,199

Note: This table does not include landowner interest, which may reduce the potential acres.

6.2.2 Wetland Preservation on Land Owned by the State or Local Unit of Government

Only within the study area is wetland replacement credit allowed in Minnesota by the WCA for the preservation of wetlands on lands owned by the state or local unit of government (M.R. 8420.0526, Subp. 9). Exceptional natural resource value wetlands are defined similarly to those described in Section 5.2.1. One additional eligibility requirement is that there must be a high probability that the wetland will be degraded or impacted in the future. Wetland replacement credit is allocated at 12.5 percent of the area protected by a permanent conservation easement. Land ownership is not a factor considered for wetland preservation under Section 404 of the Clean Water Act. The same provisions and credit allocation for preservation apply to wetlands located on public lands as discussed in Section 5.2.1. Credit was assumed at 12.5 percent for credit estimation calculations performed for this project.

6.2.2.1 Results

Slightly over 13,000 acres of public wetland preservation mitigation potential was identified within the study area (Table 6-6), which only represents about one percent of the potential mitigation credits estimated (Table 3-1). Opportunities were found in all but Carlton and Hubbard counties. The potential for preservation of ENRV wetlands on federal or tribal lands was not evaluated as part of this study. Nearly two thirds (62 percent) of the public land preservation potential was located in St. Louis County (Table 6-6). The remaining 38 percent of the identified polygons are scattered across 15 counties as shown on Figure 6. Opportunities

within portions of the study area may not be identified as completely as others because the County Biological Survey (CBS) data was not available for all counties. The CBS has not been completed for Beltrami, Clearwater, Koochiching, and Lake of the Woods counties or the northern parts of Cook, Lake, and St. Louis counties.

Table 6-6 Wetland Preservation Statistics County & State Lands (sites over 20 acres)

County	# of Pres. Sites	Total Acres
Aitkin	10	407
Beltrami	3	622
Carlton	0	0
Cass	6	140
Clearwater	1	42
Cook	2	138
Crow Wing	13	573
Hubbard	0	0
Isanti	1	21
Itasca	3	103
Kanabec	5	186
Koochiching	12	458
Lake	4	173
Lake of the Woods	5	135
Mille Lacs	10	823
Pine	10	496
St. Louis	86	8,263
Wadena	7	695
Total	**178**	**13,275**

Note: This table does not include County Board or State Agencies' interest, which may reduce the potential acres.

6.2.3 White Cedar

The restoration and protection of white cedar swamps on private land is allowed under the ENRV provisions of the WCA (M.R. 8420.0526, Subp. 8), for which, 12.5 percent credit is typically allocated. Preservation of relatively non-degraded white cedar swamps is generally eligible for mitigation credit under Section 404 of the Clean Water Act with mitigation credit allocated at 12.5 percent. Estimations of wetland mitigation credit in this study were computed assuming 12.5 percent credit.

6.2.3.1 Results

Approximately 7,500 acres of white cedar swamps were identified throughout the study area (Table 6-7), which represents about two percent of the total potential mitigation areas identified within the study area (Table 3-1). The estimated mitigation credits account for less than one percent of the total, potential credits (Table 3-1). White cedar preservation opportunities were only identified in nine of the eighteen counties. Approximately 75 percent of the potential is located in St. Louis County, with another 21 percent located in

four other counties: Aitkin, Beltrami, Itasca and Koochiching. Figure 7 illustrates the spatial distribution of the potential opportunities and Table 6-7 summarizes the number of sites and acreage for potential wetland preservation areas 20 acres or more in size.

Table 6-7 White Cedar Statistics (sites over 20 acres)

County	# of Sites	Total Acres
Aitkin	9	307
Beltrami	6	194
Carlton	0	0
Cass	2	53
Clearwater	0	0
Cook	4	108
Crow Wing	0	0
Hubbard	0	0
Isanti	0	0
Itasca	25	795
Kanabec	0	0
Koochiching	11	297
Lake	3	65
Lake of the Woods	2	69
Mille Lacs	0	0
Pine	0	0
St. Louis	157	5,604
Wadena	0	0
Total	**219**	**7,492**

Note: This table does not include landowner interest, which may reduce the potential acres.

6.2.4 Trout Streams

The restoration and protection of wetlands located adjacent to designated trout streams is allowed under the ENRV provisions of the WCA (M.R. 8420.0526, Subp. 8), for which, 12.5 percent credit is typically allocated. Preservation of riparian trout stream wetlands is generally eligible for mitigation credit under Section 404 of the Clean Water Act with mitigation credit allocated at 12.5 percent. Estimations of wetland mitigation credit in this study were computed assuming 12.5 percent credit.

6.2.4.1 Results

Nearly 7,000 acres of wetlands adjacent to designated trout streams were identified that may have the potential for preservation (Table 6-8) accounting for less than one percent of the total potential mitigation credits (Table 3-1). Figure 8 shows the distribution of potential wetland preservation opportunities adjacent to trout streams in the region. Table 6-8 shows that trout stream preservation opportunities are only found within the ten of the eighteen counties. Over 70 percent of the potential lies in St. Louis County and 75 percent of trout stream

wetlands are located within the Lake Superior watershed. The remainder of the opportunities is found in seven other counties.

Table 6-8 Trout Stream Statistics (sites over 20 acres)

County	# of Sites	Total Acres
Aitkin	3	122
Beltrami	0	0
Carlton	2	61
Cass	1	34
Clearwater	8	380
Cook	21	829
Crow Wing	0	0
Hubbard	0	0
Isanti	0	0
Itasca	1	21
Isanti	0	0
Koochiching	4	132
Lake	3	108
Lake of the Woods	0	0
Mille Lacs	0	0
Pine	0	0
St. Louis	92	4,902
Wadena	6	285
Total	**141**	**6,874**

Note: This table does not include landowner interest, which may reduce the potential acres.

6.2.5 Impaired Waters

Section 303(d) of the Clean Water Act requires that states identify impaired waters and set pollutant reduction goals to restore those waters. Wetlands play a role in protecting water quality within streams and lakes. Therefore, the restoration and/or preservation of wetlands within impaired watersheds may serve as one tool in meeting the federal water quality requirements. The restoration or protection of wetlands adjacent to streams within impaired watersheds may be eligible for wetland replacement credit under the ENRV provisions of the WCA (M.R. 8420.0526, Subp. 8) as riparian or floodplain wetlands. In accordance with Section 404 of the Clean Water Act, moderate to high quality riparian wetlands located within impaired watersheds may be eligible for wetland mitigation credit through preservation. Restoration and/or protection of riparian wetlands in impaired watersheds would likely be eligible for 12.5 percent credit under both state and federal regulatory programs.

6.2.5.1 Results

Over 20,000 acres of potentially eligible wetlands were identified adjacent to streams within impaired watersheds that make up over two percent of the potential wetland mitigation credits estimated (Table 6-9).

Figure 9 illustrates the potential opportunities around impaired waters based on the 2008 impaired waters data. The results are generally clustered within the impaired watersheds in the study area. Over 80 percent of this potential is concentrated within five counties: Aitkin, Carlton, Clearwater, Mille Lacs, and St. Louis. Most of the opportunities identified are located in the Clearwater, Little Fork, Mississippi, Rum, and St. Louis River watersheds. Table 6-9 summarizes the number of sites with more than 20 acres of potential, and the total acreage of impaired waters wetland potential within fourteen counties.

Table 6-9 Impaired Water Statistics (sites over 20 acres)

County	# of Sites	Total Acres
Aitkin	52	2,988
Beltrami	8	294
Carlton	28	2,032
Cass	0	0
Clearwater	15	1,428
Cook	0	0
Crow Wing	1	26
Hubbard	0	0
Isanti	3	203
Itasca	19	613
Kanabec	27	923
Koochiching	18	912
Lake	0	0
Lake of the Woods	5	203
Mille Lacs	103	4,584
Pine	14	548
St. Louis	124	6,426
Wadena	8	313
Total	**425**	**21,494**

Note: This table does not include landowner interest, which may reduce the potential acres.

Potential wetland preservation areas make up 36 percent (140,866 acres) of the total potential wetland mitigation area identified and only 8 percent (17,608 acres) of the potential wetland mitigation credits estimated. However, the potential wetland preservation areas are not evenly distributed throughout the region. Approximately 58 percent of the potential preservation area is located in four counties (Aitkin, Mille Lacs, St. Louis, and Wadena) and 76 percent is located in eight counties (Aitkin, Crow Wing, Itasca, Kanabec, Koochiching, Mille Lacs, St. Louis, and Wadena).

6.3 Wetland Enhancement

6.3.1 Invasive Species

Restoration of vegetation within wetlands degraded by invasive and nonnative vegetation was an allowable wetland replacement method in the WCA rules at the time the Phase I inventory was conducted. However, the

WCA rules that went into effect in August 2009 no longer allow such actions for replacement credit. Section 404 of the Clean Water Act does allow the enhancement of wetlands degraded by invasive species as a suitable wetland mitigation method. Such actions require long-term management plans and financial assurance and are allocated 33 to 50 percent credit. Since this method is no longer allowed under the WCA, it is less likely to be utilized for wetland mitigation in Minnesota. For this study, a credit allocation of 30 percent was used for estimating the potential credits. Invasive species enhancement opportunities were only identified for wetlands degraded by purple loosestrife. Digital data is not currently available for other invasive species such as reed canary grass. The project only utilized digital data what was available at the time the inventory was conducted.

6.3.1.1 Results

Table 6-10 shows the acreage and number of sites identified within each county. Figure 10 displays these opportunities spatially throughout the study area. Nearly 17,000 acres of wetlands affected by purple loosestrife were identified during the inventory. However, this data is based solely on point source occurrences of purple loosestrife provided by the Minnesota DNR. The inventory assumed that the entire wetland within which the point data intersected was impacted by purple loosestrife. Therefore, the actual area of potential wetland enhancement may be smaller than depicted. Wetland enhancement is no longer allowed by the Wetland Conservation Act rules.

Table 6-10 Invasive Species Statistics (sites over 20 acres)

County	# of Sites	Total Acres
Aitkin	13	670
Beltrami	3	174
Carlton	3	1,266
Cass	14	3,126
Clearwater	0	0
Cook	1	44
Crow Wing	14	665
Hubbard	6	2,114
Isanti	2	60
Itasca	10	929
Kanabec	0	0
Koochiching	1	106
Lake	1	26
Lake of the Woods	0	0
Mille Lacs	1	38
Pine	5	859
St. Louis	61	6,552
Wadena	2	99
Total	**137**	**16,728**

Note: This table does not include landowner interest, which may reduce the potential acres.

6.4 Wetland Creation Methods

6.4.1 Gravel Pits

Wetland creation is an acceptable, but lower priority wetland mitigation method that involves converting upland areas into wetland. Credit allocation differs between state and federal wetland regulations: the WCA allows 75 percent credit and Section 404 of the Clean Water Act allows a range from 50 to 100 percent, depending on the risk of failure and connectivity to other wetlands. Within much of the study region, upland areas are predominantly forested habitats. Conversion of forested uplands to wetlands has not been considered an appropriate mitigation method under the federal wetland program. During the inventory of potential wetland mitigation sites, the only known data that would help assist with identifying wetland creation opportunities, is the location of gravel pits. Gravel/aggregate extraction is often completed once the water table is encountered and gravel pits must be reclaimed upon completion. Therefore, the development of wetlands can be the most fitting reclamation strategy, recognizing that significant effort is generally required to develop high quality, sustainable wetlands.

6.4.1.1 Results

Nearly 17,000 acres of potential wetland creation sites greater than 20 acres in size (less than 300 sites), were identified across the study area, which represents about eleven percent of the potential mitigation credits estimated (Table 6-11). An additional 10,000 acres within over 1,000 sites smaller than 20 acres in size were also identified. Almost 60 percent of all potential wetland creation sites identified are located in St. Louis County. Figure 11 illustrates that a large concentration of potential is located along the Mesabi Iron Range. It is possible that many of the sites identified may be former mine pits. Table 6-11 shows that most of the remaining potential is concentrated in Crow Wing, Itasca, and Pine counties.

6.5 Field Checked Data

Figure 12 illustrates the field checked data from the Inventory of Phase I. Each general method (restoration, preservation, enhancement, and creation) were evaluated in each of the 18 counties in order to test the GIS model and evaluate the potential for each wetland method across the region. All sites that were rated for having a high potential are identified in red. It can be seen in Figure 12 that most of the high potential observed from the field checked sites were found on the southern and western portions of the region.

Table 6-11 Gravel Pit Statistics (Over 20 Acres)

County	# of Sites	Total Acres
Aitkin	1	28
Beltrami	6	234
Carlton	4	106
Cass	1	80
Clearwater	1	34
Cook	5	313
Crow Wing	27	1,231
Hubbard	0	0
Isanti	3	115
Itasca	36	1,716
Kanabec	1	21
Koochiching	9	724
Lake	5	175
Lake of the Woods	25	877
Mille Lacs	2	45
Pine	26	1,127
St. Louis	139	9,989
Wadena	1	46
Total	**292**	**16,861**

Note: This table does not include landowner interest, which may reduce the potential acres.

7.0 Mitigation Siting Analysis

7.1 Prioritization Factors

To effectively establish goals and priorities for mitigation during Phase II, it is important to have the ability to sort data by a number of different prioritization factors. BWSR and the Advisory Committee concluded that the following prioritization factors be incorporated into the GIS Tool:

- Wetland Mitigation Method –The GIS Tool identified polygons associated with specific methods described in the general categories of restoration, preservation, enhancement, and creation. Restoration is the method preferred by state and federal wetland programs.

- Land Ownership – General ownership categories, including State, Tax-forfeit, County, Private and Private (Industrial) Lands were compiled during the GIS modeling analysis and were verified in more detail for selected sites during field verification. Tribal and Federal lands were not analyzed because conservation easements (required for mitigation) historically have not been possible on these lands.

- Water Quality/Impaired Waters – Wetlands play an important role in maintaining water quality. Therefore, the proximity of potential wetland mitigation sites to impaired streams or lakes or their watersheds was noted during the GIS modeling analysis, recognizing the role restored wetlands could play in moderating impairments.

- Technical Feasibility – The GIS modeling methods used to identify potential wetland mitigation sites could not fully assess technical feasibility. The technical feasibility of selected sites was evaluated during field verification efforts of the Inventory during Phase I. Ultimately, technical feasibility will have to be decided when evaluating potential sites on the ground.

- Watershed Location – The Wetland Conservation Act and Section 404 of the Clean Water Act require that wetland replacement be conducted within the project watershed, when feasible. Therefore, it was important to the Advisory Committee to identify the major and minor watersheds, as well as the wetland Bank Service Area in which each potential wetland mitigation site lies. It was also suggested by the Advisory Committee that the wetland hydrologic setting and landscape setting be considered in prioritizing mitigation in an effort to replace wetland functions related to the key hydrologic components.

In addition to the prioritization factors described above, other specific information related to each potential mitigation site was compiled. The information outlined below may assist in analyzing the data and determining mitigation goals and priorities.

- County Location – The Wetland Conservation Act currently gives some preference to replacing unavoidable wetland impacts within the county where the impacts occur. Some of the stakeholders also indicated a preference for maintaining wetland resources within each county. The GIS modeling analysis and field verification efforts were conducted on a county-by-county basis and the county location was compiled for all potential mitigation sites.

- Potential Wetland Mitigation Site Size – The potential acreage was identified for each site during the GIS modeling analysis and was verified during field verification efforts for selected sites. In addition, the Advisory Committee suggested considering the size of the wetland basin/complex in which impacts occur as well as the size of mitigation wetland basins to improve wetland functions that may be affected by the size of the wetland.

- Landowner Interest – Landowner interest in wetland mitigation was assessed for selected sites during the field verification efforts of Phase I. This data can be found in the GIS Tool Database.

Two additional prioritization factors were suggested by the Advisory Committee, but the data are currently not available for inclusion in the GIS Tool.

1. The MN DNR identified species of greatest conservation need in their Comprehensive Wildlife Conservation Strategy (MN DNR, 2006). The species identified are animal species whose populations are rare, declining, or vulnerable in Minnesota. It is thought that regions within northeastern Minnesota could be mapped with habitat value to a suite of wetland-dependent species. That mapping could then be used as a prioritization factor for mitigation in the GIS Tool in the future and could be used as additional justification for ENRV wetland restoration and protection.

2. Historical wetland loss data would be helpful in prioritizing mitigation to replace wetland types lost historically. This data could be developed by comparing historic wetland data (i.e., Marschner, et al., 1930) with current wetland inventory data. However, a suitable comprehensive inventory of wetland distribution and wetland types within the region has not been completed.

7.2 Mitigation Opportunity Watershed Analysis

There are three major drainage basins within the study area: 1) Great Lakes (Lake Superior), 2) Mississippi River, and 3) Red River comprised of 35 major watersheds (Figure 1). The Great Lakes basin contains five watersheds and the Mississippi River and Red River basins each contain 15 watersheds. The results of the wetland mitigation inventory are summarized by major watershed in Table 7-1 and Table 7-2 and the unique circumstances within each major basin and specific individual watersheds are discussed further in this section. It is important to remember in this analysis that the actual process for determining suitability of sites for wetland mitigation and approval of wetland replacement sites is laid out in Minnesota Rules 8420 and in Section 404 of the Clean Water Act. Some sites identified (or omitted) as part of the inventory project are

subject to determination of whether or not they meet the replacement standards of the Wetland Conservation Act by local government units. Landowners interested in project specific wetland replacement plans and banking plans must submit applications to the local government unit with jurisdiction and are subject to approval or denial decisions by the LGU.

7.2.1 Great Lakes (Lake Superior) Basin

Over 800 potential mitigation sites (greater than 20 acres in size) were identified within the Great Lakes basin encompassing nearly 52,000 acres. Over 55 percent of the wetland mitigation potential in the Great Lakes basin is from preservation methods while only 22 percent is composed of restoration methods. Only one high potential, farmed wetland area was identified within any of the major watersheds in the Great Lakes basin (Table 7-1). Drained wetlands were only identified in the St. Louis River watershed. The drained wetlands are focused in the central part of the watershed where ditches have not been maintained on a regular basis. Therefore, the drained wetland potential may be overestimated. No potential restoration sites were identified within the Lake Superior – North or Nemadji River watersheds. The restoration method with the largest area in the Great Lakes Basin is partially drained wetlands, which are concentrated in the large peatlands within the center of the watershed.

While wetland preservation represents the largest area of mitigation potential, it only accounts for about one-third of the estimated mitigation credits. Each preservation method makes up nearly an equal percentage of the identified area. Potential wetland creation sites are primarily focused along the Mesabi Iron Range, many of which may not serve as viable mitigation sites because many areas have probably been inactive for more than 10 years, which is a limitation within the WCA.

7.2.2 Mississippi River Basin

Over 1,300 potential mitigation sites (greater than 20 acres in size) were identified within the Mississippi River Basin encompassing nearly 135,000 acres. Over 56 percent of the wetland mitigation potential in the Mississippi River basin is from priority restoration methods while 32 percent is composed of preservation methods. White cedar swamps, and wetlands adjacent to trout streams are of limited extent within the basin, each only comprising 0.5 percent or less of the total area. High potential farmed wetlands have the most potential of any single method, including over 40 percent of the area. Drained wetlands are predominantly located in four watersheds (encompassing 84 percent of drained wetlands within the basin) including: Mississippi River-Brainerd, Rum River, Mississippi River-Grand Rapids, and Snake River watersheds in order from highest to lowest potential (Table 7-1). Almost half of the farmed wetland potential is located in the southern part of the basin (Rum River watershed), with few opportunities in the northern half of the basin (Figure 2). The restoration method with the largest area in the Mississippi River Basin is farmed wetlands. The majority of the preservation potential (63 percent) is due to private land ENRV, which is concentrated in the central and southern parts of the basin (Figure 5). Wetlands associated with impaired watersheds make up

over 25 percent of the preservation potential, primarily connected to the Mississippi, Rum, and Snake Rivers (Figure 9).

Small potential mitigation sites (20 acres or less) add about 28,000 acres of potential in the basin (Table 7-2). The most prevalent methods comprising the small sites are wetlands associated with impaired waters, private land ENRV, gravel pits, and white cedar.

Wetland restoration represents the largest area of all mitigation potential (46 percent) followed closely by wetland preservation methods (40 percent). However, restoration methods account for about 67 percent of the estimated mitigation credits in the basin with preservation and creation each contributing about 14 percent.

7.2.3 Red River Basin

Over 900 potential mitigation sites (greater than 20 acres in size) were identified within the Red River basin encompassing almost 137,000 acres. Over 84 percent of the greater than 20 acre potential wetland mitigation sites in the Red River basin is from priority restoration methods. Wetland preservation comprises about eleven percent of the area, while enhancement and creation each comprise 3 percent of the potential area or less. High potential farmed wetlands are the most predominant of any single method, including 58 percent of the larger site potential. Drained wetlands are primarily located in three watersheds in the far western part of the basin (encompassing 73 percent of drained wetlands within the basin) including: Clearwater River, Thief River, and Lake of the Woods watersheds in order from highest to lowest potential (Table 7-1, Figure 4). Over 87 percent of the farmed wetland potential is located in the northwestern corner of the basin, in the Lake of the Woods, Rainy River-Baudette, Thief River, and Clearwater River watersheds (Figure 2). Partially drained wetlands are focused within watersheds in the western half of the basin and comprise over 18 percent of the potential (Table 7-1, Figure 3). Less than 200 acres of mitigation potential each, was identified within the Red Lake River, Roseau River, and Wild Rice River watersheds. The two easternmost watersheds in the basin, the Rainy River-Headwaters and Vermilion River, each have less than 2000 acres of wetland mitigation potential.

Small potential mitigation sites (20 acres or less) add about 19,000 acres of potential in the basin (Table 7-2). The most prevalent methods comprising the small sites are white cedar swamps and partially drained wetlands.

Wetland restoration represents the largest area of mitigation potential, and also accounts for about 88 percent of the estimated mitigation credits in the basin. Preservation, enhancement, and creation methods each comprise six percent or less of the potential mitigation credits.

Table 7-1 Wetland Mitigation Opportunity Summary by Major Watershed, Basin, and Method[1]
(>20 ac sites)

Watershed Number	Major Watershed	Restoration Methods				Preservation Methods					Enhancement	Creation	
		Drained Wetlands	Farmed (High Potential)[2]	Estimated Farmed Wild Rice and Sod (High Potential)	High Potential Partially Drained Wetlands[2]	ENRV County & State Lands	ENRV Private Lands	Trout Stream	White Cedar	Impaired Water	Invasive Species[3]	Gravel Pit	Total
		Potential Wetland Mitigation Area (acres)											
Lake Superior Basin													
1	Lake Superior - North	0	0	0	0	138	375	912	129	0	44	313	1,911
2	Lake Superior - South	0	0	0	95	458	546	453	170	112	331	114	2,279
3	St. Louis River	1,930	0	400	8,216	5,061	4,853	2,709	3,209	3,562	4,706	5,532	40,178
4	Cloquet river	0	0	0	876	2,093	511	1,038	1,874	0	119	416	6,927
5	Nemadji River	0	0	0	0	0	0	40	0	649	0	0	689
Basin Total		**1,930**	**0**	**400**	**9,186**	**7,750**	**6,285**	**5,152**	**5,381**	**4,323**	**5,200**	**6,377**	**51,984**
Mississippi River Basin													
7	Mississippi River - Headwaters	24	98	0	432	74	362	0	55	108	791	372	2,312
8	Leech Lake River	0	46	0	0	51	63	0	53	0	2,897	80	3,190
9	Mississippi River - Grand Rapids	915	0	3,500	7,329	210	728	122	396	1,293	1,269	3,242	19,003
10	Mississippi River - Brainerd	2,002	6,182	3,500	7,329	273	6,166	0	24	2,097	893	608	29,073
11	Pine River	0	373	0	0	408	1,960	0	0	0	201	283	3,226
12	Crow Wing River	482	253	0	0	774	6,226	197	0	313	2,353	299	10,897
13	Redeye River	62	313	0	0	56	1,906	122	0	0	37	46	2,542
14	Long Prairie River	0	0	0	0	0	0	0	0	0	0	0	0
15	Mississippi River - Sartell	0	365	0	0	0	0	0	0	0	0	69	435
17	Mississippi River - St. Cloud	0	1,042	0	0	667	99	0	0	0	0	0	1,809
21	Rum River	1,209	21,343	0	0	139	3,202	0	0	3,780	128	160	29,958
34	St. Croix River - Upper	43	1,676	0	0	41	411	0	0	0	244	261	2,677
35	Kettle River	285	1,950	1,500	0	213	1,432	0	0	1,701	0	809	7,889
36	Snake River	874	4,559	400	0	193	3,518	0	0	2,129	615	93	12,381
37	St. Croix River - Stillwater	0	7,563	0	0	292	1,532	0	0	91	0	42	9,521
Basin Total		**5,896**	**45,761**	**8,900**	**15,089**	**3,391**	**27,605**	**441**	**527**	**11,512**	**9,426**	**6,363**	**134,913**
Red River Basin													
60	Wild Rice River	83	45	0	0	0	0	52	0	0	0	0	179
62	Upper/Lower Red Lake	443	2,085	0	3,007	0	420	0	101	0	77	119	6,251
63	Red Lake River	0	0	0	113	0	0	0	0	0	0	0	113
65	Thief River	2,619	11,437	0	1,178	0	59	0	0	294	0	37	15,624
66	Clearwater River	3,158	8,307	10,000	0	42	347	328	0	1,428	0	34	23,644
71	Roseau River	0	0	0	145	0	0	0	0	0	0	0	145
72	Rainy River - Headwaters	0	0	0	0	798	275	0	101	0	0	455	1,630
73	Vermilion River	0	0	0	319	0	170	0	49	0	334	549	1,422
74	Rainy River - Rainy Lake	0	0	0	2,101	48	73	396	82	0	368	114	3,183
75	Rainy River - Manitou	479	1,754	0	182	20	503	0	60	865	0	0	3,862
76	Little Fork River	0	0	0	1,965	136	320	373	337	2,869	1,128	1,325	8,452
77	Big Fork River	64	0	300	8,297	134	154	132	629	0	195	611	10,516
78	Rapid River	746	5,615	100	3,852	820	513	0	156	0	0	121	11,922
79	Rainy River - Baudette	861	16,898	100	2,266	0	785	0	0	144	0	241	21,295
80	Lake of the Woods	1,661	23,314	100	2,139	135	690	0	69	59	0	515	28,683
Basin Total		**10,113**	**69,455**	**10,600**	**25,565**	**2,134**	**4,309**	**1,281**	**1,583**	**5,659**	**2,102**	**4,122**	**136,923**
Total		**17,939**	**115,217**	**19,900**	**49,840**	**13,275**	**38,199**	**6,874**	**7,492**	**21,494**	**16,728**	**16,861**	**323,819**

[1]Landowner interest is not considered in this table and may result in reduced potential.
[2]Only areas considered to have a high likelihood of regulatory eligibility and technical feasibility are shown due to specific regulatory requirements and physical and legal constraints.
[3]Wetland enhancement is not allowed under the Wetland Conservation Act, so there is no potential for credit.

Table 7-2 Wetland Mitigation Opportunity Summary by Major Watershed, Basin, and Method[1]
(20 ac sites and smaller)

Watershed Number	Major Watershed	Restoration Methods				Preservation Methods					Enhancement	Creation	Total
		Drained Wetlands	Farmed (High Potential)[2]	Estimated Farmed Wild Rice and Sod (High Potential)	High Potential Partially Drained Wetlands[2]	ENRV County & State Lands	ENRV Private Lands	Trout Stream	White Cedar	Impaired Waters	Invasive Species[3]	Gravel Pit	
		Potential Wetland Mitigation Area (acres)											
Lake Superior Basin													
1	Lake Superior - North	NA[4]	NA[4]	0	0	70	140	429	414	0	-	179	1,231
2	Lake Superior - South	NA[4]	NA[4]	0	95	77	234	509	390	318	45	289	1,957
3	St. Louis River	NA[4]	NA[4]	0	1,498	699	943	799	6,516	2,825	383	2,324	15,987
4	Cloquet river	NA[4]	NA[4]	0	111	462	370	370	2,497	0	73	243	4,126
5	Nemadji River	NA[4]	NA[4]	0	0	0	0	98	48	273	19	36	474
Basin Total		**NA[4]**	**NA[4]**	-	**1,705**	**1,308**	**1,686**	**2,204**	**9,866**	**3,416**	**520**	**3,071**	**23,776**
Mississippi River Basin													
7	Mississippi River - Headwaters	NA[4]	NA[4]	0	74	59	352	23	1,083	97	74	274	2,036
8	Leech Lake River	NA[4]	NA[4]	0	0	105	188	17	252	0	106	113	781
9	Mississippi River - Grand Rapids	NA[4]	NA[4]	0	0	301	388	26	1,907	1,726	172	1,451	5,972
10	Mississippi River - Brainerd	NA[4]	NA[4]	0	29	177	970	42	197	617	323	746	3,100
11	Pine River	NA[4]	NA[4]	0	0	110	524	39	45	0	93	295	1,106
12	Crow Wing River	NA[4]	NA[4]	0	0	245	1,859	123	25	260	197	194	2,924
13	Redeye River	NA[4]	NA[4]	0	0	15	401	142	0	0	21	113	693
14	Long Prairie River	NA[4]	NA[4]	0	0	0	0	0	0	0	0	0	0
15	Mississippi River - Sartell	NA[4]	NA[4]	0	0	0	44	0	0	0	0	21	65
17	Mississippi River - St. Cloud	NA[4]	NA[4]	0	0	79	56	0	0	0	0	0	135
21	Rum River	NA[4]	NA[4]	0	0	147	1,980	0	30	2,073	139	535	4,904
34	St. Croix River - Upper	NA[4]	NA[4]	0	0	90	359	107	42	0	51	142	791
35	Kettle River	NA[4]	NA[4]	0	0	70	329	23	258	1,100	17	494	2,291
36	Snake River	NA[4]	NA[4]	0	0	223	515	0	79	1,674	56	220	2,967
37	St. Croix River - Stillwater	NA[4]	NA[4]	0	0	16	321	0	0	274	17	45	672
Basin Total		**NA[4]**	**NA[4]**	**0**	**103**	**1,636**	**8,287**	**541**	**3,319**	**8,041**	**1,266**	**4,643**	**28,436**
Red River Basin													
60	Wild Rice River	NA[4]	NA[4]	0	0	23	20	0	0	0	0	8	51
62	Upper/Lower Red Lake	NA[4]	NA[4]	0	693	121	165	6	696	106	0	120	1,909
63	Red Lake River	NA[4]	NA[4]	0	110	0	0	0	6	12	0	0	128
65	Thief River	NA[4]	NA[4]	0	479	35	56	0	25	510	0	0	1,104
66	Clearwater River	NA[4]	NA[4]	0	0	24	50	102	0	495	0	175	844
71	Roseau River	NA[4]	NA[4]	0	0	7	9	0	11	0	0	11	39
72	Rainy River - Headwaters	NA[4]	NA[4]	0	0	17	0	0	324	6	5	346	699
73	Vermilion River	NA[4]	NA[4]	0	116	7	17	15	732	32	45	235	1,199
74	Rainy River - Rainy Lake	NA[4]	NA[4]	0	50	81	96	166	411	0	119	54	976
75	Rainy River - Manitou	NA[4]	NA[4]	0	171	45	175	0	562	367	0	80	1,400
76	Little Fork River	NA[4]	NA[4]	0	520	77	320	263	1,583	1,133	68	450	4,414
77	Big Fork River	NA[4]	NA[4]	0	285	185	343	133	1,471	0	86	148	2,652
78	Rapid River	NA[4]	NA[4]	0	391	137	174	0	365	0	0	64	1,151
79	Rainy River - Baudette	NA[4]	NA[4]	0	621	0	65	0	63	119	0	122	990
80	Lake of the Woods	NA[4]	NA[4]	0	622	114	177	0	185	146	0	189	1,433
Basin Total		**NA[4]**	**NA[4]**	**0**	**4,059**	**874**	**1,688**	**685**	**6,456**	**2,924**	**323**	**2,001**	**19,009**
Total		**NA[4]**	**NA[4]**	**0**	**5,866**	**3,818**	**11,661**	**3,431**	**20,241**	**14,381**	**2,110**	**9,715**	**71,222**

[1]Landowner interest is not considered in this table and may result in reduced potential.

[2]Only areas considered to have a high likelihood of regulatory eligibility and technical feasibility are shown due to specific regulatory requirements and physical and legal constraints.

[3]Wetland enhancement is not allowed under the Wetland Conservation Act, so there is no potential for credit.

[4]NA = Not Assessed.

7.3 Mitigation Opportunity Bank Service Area Analysis

There are seven bank service areas (BSA) within the study area (Figure 1), encompassing three major drainage basins: 1) Great Lakes, 2) Mississippi River, and 3) Red River. Only one BSA is completely contained within the study area, the Great Lakes #1. Approximately 98 percent of the Rainy River BSA is contained within the study area and about 78 percent of the Mississippi River Headwater and St. Croix River BSAs are contained within the study area. The remaining three BSAs include from three percent to 30 percent of the watershed within the study area. The Rainy River BSA has the largest land area, with approximately 11,000 square miles followed by the Mississippi River Headwater BSA with 9,000 square miles and the Great Lakes BSA with over 6,000 square miles. The remaining four BSAs all have 3,200 square miles or less within the study area. Only 225 square miles of the Upper Red River BSA is located within the study area, which is only three percent of the total BSA.

7.3.1 Great Lakes Bank Service Area

Bank Service Area #1 makes up the entire Great Lakes Basin with about 52,000 acres of mitigation potential within sites larger than 20 acres, but only 16,700 acres of potential credit. Over 55 percent of the potential wetland mitigation area identified in BSA #1 (including sites greater than 20 acres in size) is through wetland preservation methods (Table 7-3). However, the wetland preservation potential only comprises about 22 percent of the estimated credits. Nearly one-fourth of the potential wetland mitigation area identified in BSA #1 is through restoration methods (Table 7-3), which make up 40 percent of the estimated credit potential. Over 6,000 acres of wetland creation potential was identified in BSA #1, comprising almost 30 percent of the credit potential.

The area of wetland mitigation potential increases by about 50 percent, to a total of over 75,700 acres, when considering sites of 20 acres or less (Table 7-4). Over 78 percent (about 18,500 acres) of the smaller potential sites identified are wetland preservation methods and over 3,000 acres are wetland creation.

7.3.2 Rainy River Bank Service Area

The Rainy River Bank Service Area (#2) is composed of nine major watersheds with almost 91,000 acres of wetland mitigation potential for sites greater than 20 acres and about 43,500 acres of potential mitigation credit (Table 7-3). The wetland mitigation potential is predominantly composed of restoration methods, which make up 80 percent of the potential mitigation area and almost 90 percent of the potential credits (Table 7-3). High potential farmed wetlands alone comprise over 50 percent of the potential with partially drained wetlands making up another 23 percent. Over 95 percent of the farmed wetland mitigation potential is focused in three watersheds (Lake of the Woods, Rainy River-Baudette, and Rapid River) located in the western part of the BSA (Figure 2) and over 85 percent of drained wetland mitigation potential is located in the same three watersheds (Figure 4). High potential, partially drained wetlands are also focused in the western half of the watershed. With nearly all of the highest priority potential mitigation sites located in the western part of the BSA, there is likely to be greater mitigation pressure within Lake of the Woods and Koochiching Counties.

Small potential mitigation sites (20 acres or less) add approximately another 15,000 acres, with about 68 percent composed of wetland preservation methods (Table 7-4).

7.3.3 Red River Bank Service Area

The Red River Basin includes two BSAs (#3 and #4) and five major watersheds with approximately 46,000 acres of wetland mitigation potential for sites larger than 20 acres and about 25,000 acres of potential credit (Table 7-3). Approximately 93 percent of the potential wetland mitigation area identified is in the three restoration methods, which comprise 98 percent of the potential credit (Table 7-3). Preservation and creation opportunities appear to be limited within the Red River Basin. Approximately an additional 4,000 acres of potential mitigation areas were identified within sites 20 acres or smaller. That mitigation potential for smaller sites is predominantly due to preservation methods (over 60 percent) with over 30 percent due to restoration methods (Table 7-4).

7.3.4 Mississippi River Headwaters Bank Service Area

The Mississippi River Headwaters basin (BSA #5) encompasses all or parts of seven major watersheds in the southwest part of the study area with over 70,000 acres of wetland mitigation potential in sites greater than 20 acres in size (Table 7-3). The estimated potential mitigation credit is over 27,000 acres. There is a broad distribution of wetland mitigation potential within BSA #5 with restoration methods accounting for 47 percent of the larger site mitigation area and preservation methods making up 34 percent. Enhancement and creation methods each make up twelve and seven percent of the total, respectively (Table 7-3). The distribution of potential wetland mitigation credits is quite different from the distribution of mitigation area with restoration methods making up 66 percent of the potential credits and each of the other methods comprising between nine and 13 percent. The drained wetland potential and high potential farmed wetlands identified, are concentrated in approximately the southern quarter of the BSA (Figures 2 and 4). Private land ENRV preservation makes up over 85 percent of the preservation potential, the majority of which are also focused in the southern part of the BSA. Wetland mitigation potential within sites 20 acres or less adds another one-quarter to the total area, of which almost 75 percent is comprised of preservation methods (Table 7-4). There is a very uneven distribution of potential wetland mitigation sites within the watershed that may result in focused pressure for mitigation in Aitkin, Crow Wing, and Wadena Counties.

7.3.5 St. Croix River Bank Service Area

The St. Croix River basin (BSA #6) is composed of all or parts of five major watersheds in the southeast part of the study area. There is over 32,000 acres of wetland mitigation potential composed of sites greater than 20 acres in size and about 12,600 acres of potential mitigation credits (Table 7-3). Over half of the area identified is high potential farmed wetlands and 36 percent are associated with preservation methods (Table 7-3). Restoration methods make up nearly 80 percent of the potential mitigation credit. The high potential farmed wetlands are concentrated primarily in the southern part of the BSA (Figure 2). Potential mitigation sites of 20

acres or less add about 6,700 acres, the majority of which is associated with impaired waters and private land ENRV preservation (Table 7-4).

7.3.6 Upper Mississippi River Bank Service Area

The Upper Mississippi River basin (BSA #7) is composed of parts of three major watersheds in the southern part of the study area with about 32,000 acres of wetland mitigation potential in sites greater than 20 acres in size (Table 7-3). The estimated potential mitigation credit is about 14,000 acres. Almost 75 percent of the potential wetland mitigation area is in two restoration methods (drained wetlands and farmed wetlands), which comprise over 90 percent of the estimated potential credit (Table 7-3). Preservation and enhancement methods together make up about 25 percent of the potential mitigation area while wetland creation opportunities only comprise about one percent (Table 7-3). The high potential farmed wetlands, which make up over 70 percent of the potential mitigation area, are concentrated in approximately the southern half of the BSA (Figure 2). Small potential mitigation sites (20 acres or less) represent approximately an additional 5,000 acres, with over 80 percent comprised of private land ENRV preservation and wetlands within impaired watersheds (Table 7-4).

Table 7-3 Potential Wetland Mitigation Area and Credit Summarized by Bank Service Area and Method (>20 ac sites)[1]

	Bank Service Area - Potential Wetland Mitigation Area (ac)							
Mitigation Method	1 Great Lakes	2 Rainy River	3 Lower Red River	4 Upper Red River	5 Miss. River Headwaters	6 St. Croix River	7 Upper Miss. River	Total
Restoration								
Drained Wetlands	1,930	3,811	6,220	83	3,485	1,202	1,209	17,939
High Potential Farmed Wetlands[2]	0	47,581	21,830	45	7,264	15,747	22,750	115,217
High Potential Farmed Wild Rice and Sod	400	600	10,000	0	7,000	1,900	0	19,900
High Potential Partially Drained Wetlands[2]	9,186	21,122	4,443	0	15,089	0	0	49,840
Preservation								
ENRV County & State Lands	7,750	2,092	42	0	1,845	740	806	13,275
ENRV Private Lands	8,285	3,483	826	0	17,411	6,893	3,301	38,199
Trout Stream	5,152	901	328	52	441	0	0	6,874
White Cedar	5,381	1,483	101	0	527	0	0	7,492
Impaired Water Enhancement	4,323	3,936	1,722	0	3,811	3,921	3,760	21,494
Enhancement								
Invasive Species[3]	5,200	2,025	77	0	8,441	859	126	16,728
Creation								
Gravel Pit	6,377	3,931	190	0	4,929	1,206	229	16,861
Total	51,984	90,965	45,778	179	70,243	32,468	32,202	323,819
	Estimated Wetland Mitigation Credit							
Restoration								
Drained Wetlands	1,930	3,811	6,220	83	3,485	1202	1209	17,939
High Potential Farmed Wetlands[2]	0	23,790	10,915	22	3,632	7874	11375	57,608
High Potential Farmed Wild Rice and Sod	200	300	5,000	0	3,500	950	0	9,950
High Potential Partially Drained Wetlands[2]	4,593	10,561	2,222	0	7,544	0	0	24,920
Preservation								
ENRV County & State Lands	969	262	5	0	231	92	101	1,659
ENRV Private Lands	786	435	103	0	2,176	862	413	4,775
Trout Stream	644	113	41	6	55	0	0	859
White Cedar	673	185	13	0	66	0	0	937
Impaired Water Enhancement	540	492	215	0	476	490	473	2,687
Enhancement								
Invasive Species[3]	1,560	608	23	0	2,532	258	38	5,018
Creation								
Gravel Pit	4,783	2,949	143	0	3,697	904	171	12,646
Total	16,677	43,505	24,899	111	27,395	12,632	13,779	138,999

[1]Landowner interest is not considered in this table and may result in reduced potential.

[2]Only areas considered to have a high likelihood of regulatory eligibility and technical feasibility are shown due to specific regulatory requirements and physical and legal constraints.

[3]Wetland enhancement is not allowed under the Wetland Conservation Act, so there is no potential for credit.

Table 7-4 Potential Wetland Mitigation Area and Credit Summarized by Bank Service Area and Method
(20 ac sites and smaller)

	Bank Service Area - Potential Wetland Mitigation Area (ac)							
Mitigation Method	1 Great Lakes	2 Rainy River	3 Lower Red River	4 Upper Red River	5 Miss. River Headwaters	6 St. Croix River	7 Upper Miss. River	Total
Restoration								
Drained Wetlands	NA[4]	NA[4]	NA[4]	NA[4]	NA[4]	NA[4]	NA[4]	NA[4]
High Potential Farmed Wetlands[2]	NA[4]	NA[4]	NA[4]	NA[4]	NA[4]	NA[4]	NA[4]	NA[4]
High Potential Farmed Wild Rice and Sod	0	0	0	0	0	0	0	0
High Potential Partially Drained Wetlands[2]	1,705	2,777	1,282	0	103	0	0	5,866
Preservation								
ENRV County & State Lands	1,308	664	187	23	1,012	399	225	3,818
ENRV Private Lands	1,686	1,369	299	20	4,682	1,524	2,080	11,661
Trout Stream	2,204	577	108	0	412	130	0	3,431
White Cedar	9,866	5,716	740	0	3,509	380	30	20,241
Impaired Waters	3,416	1,802	1,122	0	2,720	3,247	2,073	14,381
Enhancement								
Invasive Species[3]	520	323	0	0	987	140	139	2,110
Creation								
Gravel Pit	3,071	1,687	306	8	3,187	901	556	9,715
Total	23,776	14,914	4,044	51	16,612	6,721	5,103	71,222
	Estimated Wetland Mitigation Credit							
Restoration								
Drained Wetlands	NA[4]	NA[4]	NA[4]	NA[4]	NA[4]	NA[4]	NA[4]	NA[4]
High Potential Farmed Wetlands[2]	NA[4]	NA[4]	NA[4]	NA[4]	NA[4]	NA[4]	NA[4]	NA[4]
High Potential Farmed Wild Rice and Sod	0	0	0	0	0	0	0	0
High Potential Partially Drained Wetlands[2]	852	1,388	641	0	51	0	0	2,933
Preservation								
ENRV County & State Lands	163	83	23	3	126	50	28	477
ENRV Private Lands	211	171	37	2	585	191	260	1,458
Trout Stream	276	72	13	-	51	16	0	429
White Cedar	1,233	715	93	0	439	47	4	2,530
Impaired Water Enhancement	427	225	140	0	340	406	259	1,798
Enhancement								
Invasive Species[3]	156	97	-	0	296	42	42	633
Creation								
Gravel Pit	2,303	1,266	229	6	2,390	676	417	7,286
Total	5,622	4,017	1,177	11	4,279	1,428	1,010	17,544

[1]Landowner interest is not considered in this table and may result in reduced potential.

[2]Only areas considered to have a high likelihood of regulatory eligibility and technical feasibility are shown due to specific regulatory

[3]Wetland enhancement is not allowed under the Wetland Conservation Act, so there is no potential for credit.

[4]NA = Not Assessed.

8.0 GIS Tool

One of the main goals of the Phase II Siting Assessment was the creation of an interactive web-based GIS Tool (Tool) that would be available to permittees, wetland planners, wetland bankers, local government units, Soil and Water Conservation Districts and state and federal agencies. The following discussion includes the alternative designs considered, the overall functionality of the Tool, general information about the application design, and metadata for the specific data layers in the Tool.

8.1 Design Goals and Considerations

During the Advisory Committee and Outreach meetings, three design options or alternatives were presented for consideration. The three alternatives described below increase in complexity and in cost, respectively.

1. Alternative 1 - Operates with a Google/Microsoft Earth interface based on a static database. This alternative would be database driven instead of GIS based. The user interface would have the look and feel of Google Maps. One would have the ability to pan and zoom to different parts of the state. The user would be able to click on site balloons to download and print created maps, reports and preset data. The user would not be able to create custom maps or perform spatial queries. All aerial imagery and spatial data would be provided by Google (Figure 13).

2. Alternative 2 - Operates using ArcGIS software containing numerous spatial data layers. This alternative would operate on a stand alone GIS server at BWSR. This interactive Tool would be accessed via the internet without the need for any special software other than a web browser. Alternative 2 would allow for shapefile and data exchange to keep the supporting database up-to-date. A user would be able to measure distances and areas. Data layers could be turned on and off in order to conduct wetland mitigation planning and create custom maps. Users would have the ability to perform spatial searches of the wetland mitigation inventory database and develop maps and reports containing the results of the searches. An ArcGIS based system would require a little more expertise than Alternative 1 and users might require some training (Figure 14).

3. Alternative 3 – The operating platform would use a combination of a Google interface with ArcGIS to make a little more user-friendly option. The functions would be essentially identical to Alternative 2 but initially, would be more complicated to develop. Alternative 3 would require more programming initially to create spatial analysis tools and functionality, but the goal would be to make it functional for more users and have a simpler look and feel (Figure 15).

Most of the feedback from the Advisory Committee and the Outreach meetings supported Alternatives 2 or 3 because each would allow the database to be updated as information changed. BWSR considered the input

from the various stakeholders and selected Alternative 2 because this alternative best fit BWSR's needs and ability to upgrade and support the database.

8.2 GIS Tool Functionality

The project team reviewed numerous potential data layers with the Advisory Committee to design the planned functionality in the Tool. More than 30 data layers including: aerial photography, topography, wetlands, soils, water, geography and various special categories were reviewed with the Advisory Committee. The Committee also suggested other data layers that might be considered. Some of these data layers used to generate the "potential" polygons could not be used in the interactive Tool due to the large file size and network limitations. Data layers that were evaluated, but were not included in the Tool include: national wetland inventory (NWI), the digital elevation model (hillshade), hydric soils, and the historic wetland mapping from the Phase I Inventory. The Tool is set up in Universal Transverse Mercator (UTM) coordinates.

Political district lines and SWCD districts were considered as possible data layers but BWSR and the Committee decided that these could be listed under useful web links. The design team considered including wetland mitigation credit potential in the Tool, but that data was left out because mitigation credits are determined by the TEP based on a site visit and detailed, site-specific data. However, there is capability within the Tool for SWCDs and LGUs to modify the database with information obtained from more detailed site evaluations (e.g., rating the likely regulatory eligibility based on a site visit, landowner interest, etc.). Allowing modifications to the database from outside BWSR requires a password-protected; two tier security systems in which SWCDs or LGUs enter data and then BWSR verifies the data before making the information available to the public. Site-specific eligibility ratings are stored as attributes associated with the wetland mitigation potential spatial data. Having the functionality within the tool to maintain the most current knowledge of potential mitigation sites will help the Tool remain valuable over the long-term. A general listing of the data layers evaluated for inclusion in the Tool is included in Appendix C.1. The final list of interactive data layers is shown in Appendix C.2.

The Tool was designed to meet the needs of a variety of user groups. The Tool is a watershed based approach with the ability to search within a bank service area, major watershed, minor watershed or county. The Tool also offers the ability to search for potential opportunities by mitigation method, evaluate opportunities within an impaired watershed, to turn various data layers on and off to create maps and tables of information related to those potential opportunities.

The Tool has been designed to sort out realistic opportunities with high regulatory potential for farmed wetlands and partially drained wetlands, while showing the spatial distribution of opportunities. For example no wetland restoration opportunities were identified in Lake and Cook counties.

The Tool can assist project proponents with wetland mitigation planning efforts by identifying potential mitigation opportunities in close proximity to proposed impacts, as well as identifying other possibilities

within the project watershed and nearby watersheds or bank service areas. The user can also search within a specified buffer distance of a target point. The Tool identifies BWSR bank sites that may have potential wetland credits for sale within a bank service area.

The Tool can also assist regulatory officials in tracking wetland mitigation sequencing required by rules. It should be able to assist agencies planning where opportunities for wetland banks might be needed on watershed basis or to assist wetland bankers in identifying sites that may have the greatest potential for development. It is BWSR's intent over time, to be able to update information within the database in order to save time in the search for realistic opportunities. It is hoped that Technical Evaluation Panels could update the database as they review potential mitigation sites in the field.

8.3 Application

The Tool uses an ArcGIS 9.3.1 Server as its platform. To create some of the visual screens, the Tool incorporates displays from Microsoft's Visual Studios. The field checked data is linked to the Tool using an Oracle relational database.

8.4 Metadata

The following list of data sources were used to construct a geographic information system (GIS) model to identify and assess the wetland mitigation opportunities within the project study area. This information included the following data sets obtained from the Minnesota DNR Data Deli and county sources. Appendix D lists the individual layers used and the source and link if available.

1. USGS 30-Meter digital elevation model (DEM)
   Slope percentages were calculated for all counties and areas of 1% slope or less were extracted except St. Louis, Lake, and Cook counties where areas of 4% slope or less were extracted.

2. NRCS SSURGO 2.2 Soil Surveys
   All hydric soils were extracted from the SURGO certified soil surveys. Database queries were run to identify the hydric soils and hydrologic soil groups. The resulting dataset is a hybrid of the hydric soils and hydrologic soil groups that have a water table within 1 foot of the ground surface during at least fifty percent of the growing season. Some counties within the project area did not have a completed soil survey at the time of the analysis. In those areas, geomorphology data was used as a substitute for hydric soil information.

3. MN DNR Geomorphology
   Areas containing attributes of peat, alluvial, lacustrine, outwash plains, and flat areas such as marshes and bogs were identified in counties with incomplete soil surveys as a substitute for hydric soils.

4. USGS 2001 National Land Cover Data (NLCD)

   Lowland attributes were identified and extracted from the dataset. These attributes included scrub shrub, woody wetlands, and emergent herbaceous wetlands.

5. MN DNR GAP Land Cover Data (Vector Data)

   Lowland attributes were identified and extracted from the dataset. These attributes included lowland deciduous shrub, lowland evergreen shrub, floating aquatic, sedge meadow, broadleaf sedge/cattail, balsam fir mix, lowland black spruce, stagnant black spruce, tamarack, stagnant tamarack, lowland northern white cedar, stagnant northern white cedar, stagnant conifer, aspen/birch, black ash, lowland deciduous, lowland conifer/deciduous mix)

6. Manitoba Land Cover

   Agriculture, development, gravel pits, and wetlands attributes were extracted from the dataset. These attributes included: cultivated land, grassland, development, gravel pits, and wetlands.

7. International Coalition Land Cover

   Agriculture, development, gravel pits, and wetland attributes were extracted from the dataset. These attributes included: cultivated land, pasture and hay land, transitional agricultural land, grassland, development, gravel pits, and wetlands.

8. National Wetlands Inventory (NWI)

   NWI systems of Palustrine and Riverine were extracted from the dataset.

9. FEMA Floodplains

   100 and 500-year floodplains were identified and extracted from the dataset. Any floodplains that were categorized as being open water were excluded.

10. County and Municipal Boundaries

11. Major Watershed Boundaries

    Major and minor watershed boundaries were identified and extracted from the dataset along with major basins also known as Wetland Bank Service Areas. DNR Estimated Lakeshed boundaries were also included.

12. Property Ownership

    Ownership was identified and divided into general classifications of federal, state, county, private and private industrial ownership.

13. Ditches and Streams

    DNR 24K Streams data was used.

14. Aerial Photography

    Current true color aerials and available historical photos (2003 and 1991)

15. Invasive Species

    The only available data for invasive species was point data received from the MNDNR for purple loosestrife.

16. Endangered and Threatened Species

17. Impaired Waters (including TMDL Streams, Lakes, and Wetlands)

    2006(8) MPCA Impaired water data (streams and lakes)

18. Scientific and Natural Areas (SNAs).

19. PLS Coordinates – Section, Town and Range data

20. UTM coordinates

21. Existing BWSR wetland bank sites

22. State and Federal forests/parks

23. Wildlife Management Areas

Various attributes of the slope, hydric soils, land cover, NWI and floodplain data layers were selected to create a "potential historic wetland areas" base layer. Then other attributes were intersected with the base layer to identify the potential wetland mitigation opportunities. A general listing of data and links are provided in Appendix D. The metadata methods and process of putting the data together for the Tool is described in Appendix E.

9.0 References

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Figures

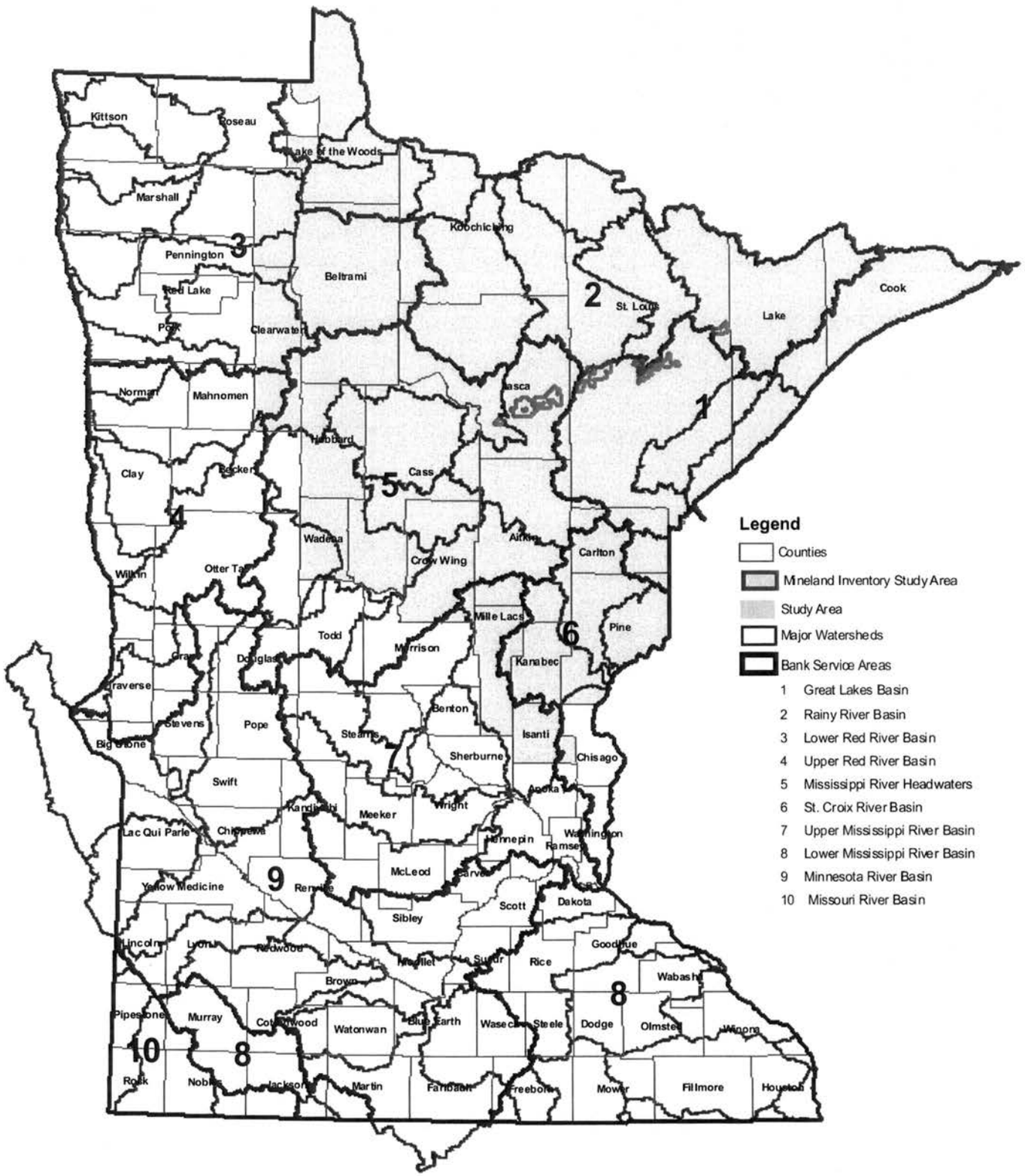
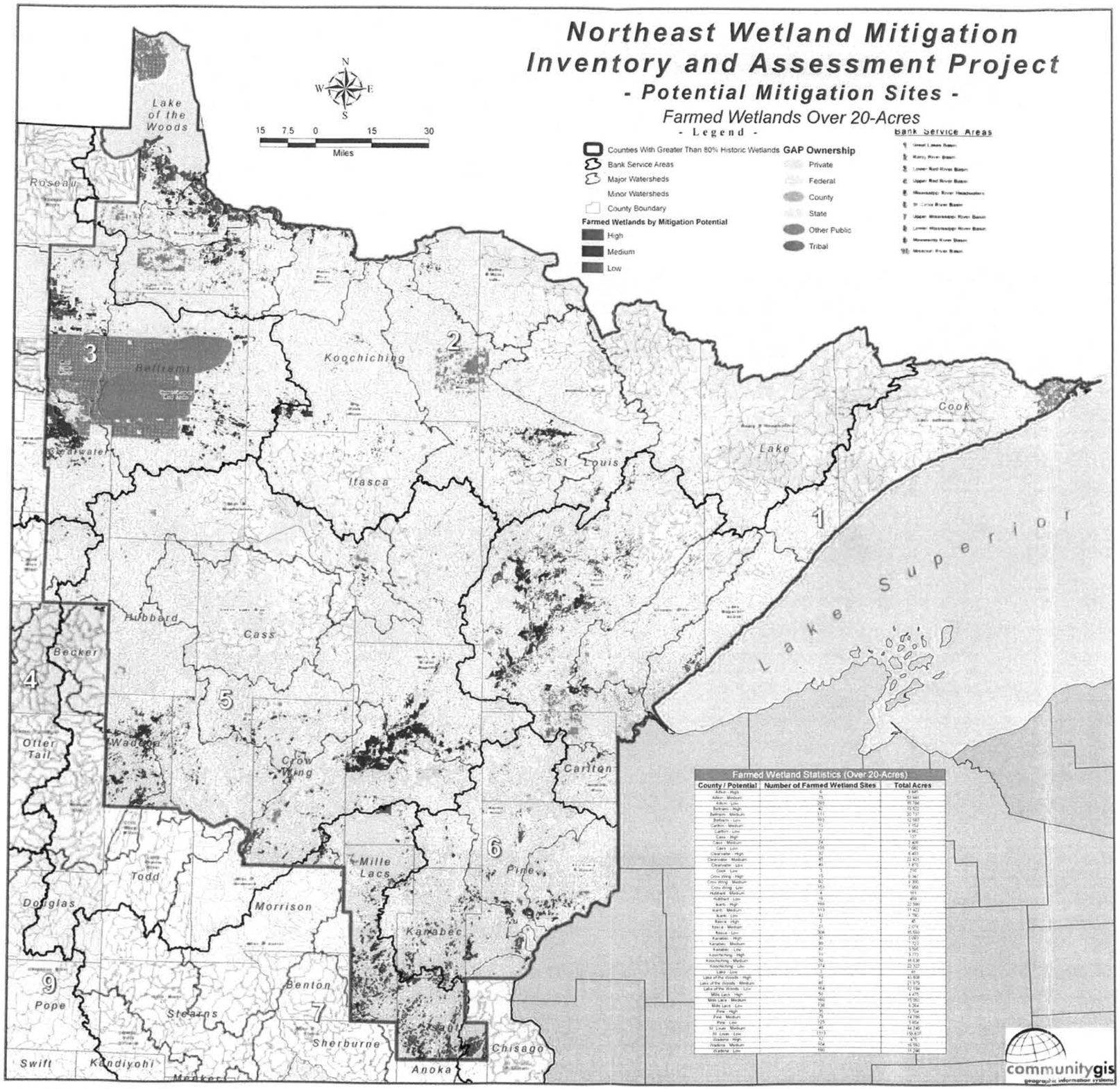


Figure 1

STUDY AREA
Northeast Wetland Mitigation
Inventory and Assessment Project



Farmed Wetland Statistics (Over 20-Acres)		
County / Potential	Number of Farmed Wetland Sites	Total Acres
Aitkin - High	6	3,445
Aitkin - Medium	75	53,941
Aitkin - Low	293	85,788
Beltrami - High	42	13,522
Beltrami - Medium	111	30,737
Beltrami - Low	193	12,583
Carlton - Medium	10	1,154
Carlton - Low	97	4,982
Cass - High	3	137
Cass - Medium	34	2,409
Cass - Low	156	7,082
Clearwater - High	32	8,483
Clearwater - Medium	45	22,421
Clearwater - Low	49	1,670
Cook - Low	3	250
Crow Wing - High	15	6,347
Crow Wing - Medium	92	9,300
Crow Wing - Low	153	7,958
Hubbard - Medium	4	161
Hubbard - Low	19	459
Ikarti - High	199	22,599
Ikarti - Medium	113	11,422
Ikarti - Low	42	1,780
Itasca - High	2	45
Itasca - Medium	21	2,078
Itasca - Low	304	85,650
Kanabec - High	36	2,083
Kanabec - Medium	99	7,723
Kanabec - Low	67	3,595
Koochiching - High	11	3,773
Koochiching - Medium	50	16,638
Koochiching - Low	374	22,327
Lake - Low	3	49
Lake of the Woods - High	79	43,808
Lake of the Woods - Medium	85	21,979
Lake of the Woods - Low	164	12,194
Mille Lacs - High	50	4,475
Mille Lacs - Medium	160	15,982
Mille Lacs - Low	138	6,364
Pine - High	36	3,704
Pine - Medium	79	14,799
Pine - Low	125	1,954
St. Louis - Medium	48	34,240
St. Louis - Low	1313	150,837
Wadena - High	12	475
Wadena - Medium	104	16,592
Wadena - Low	160	11,296

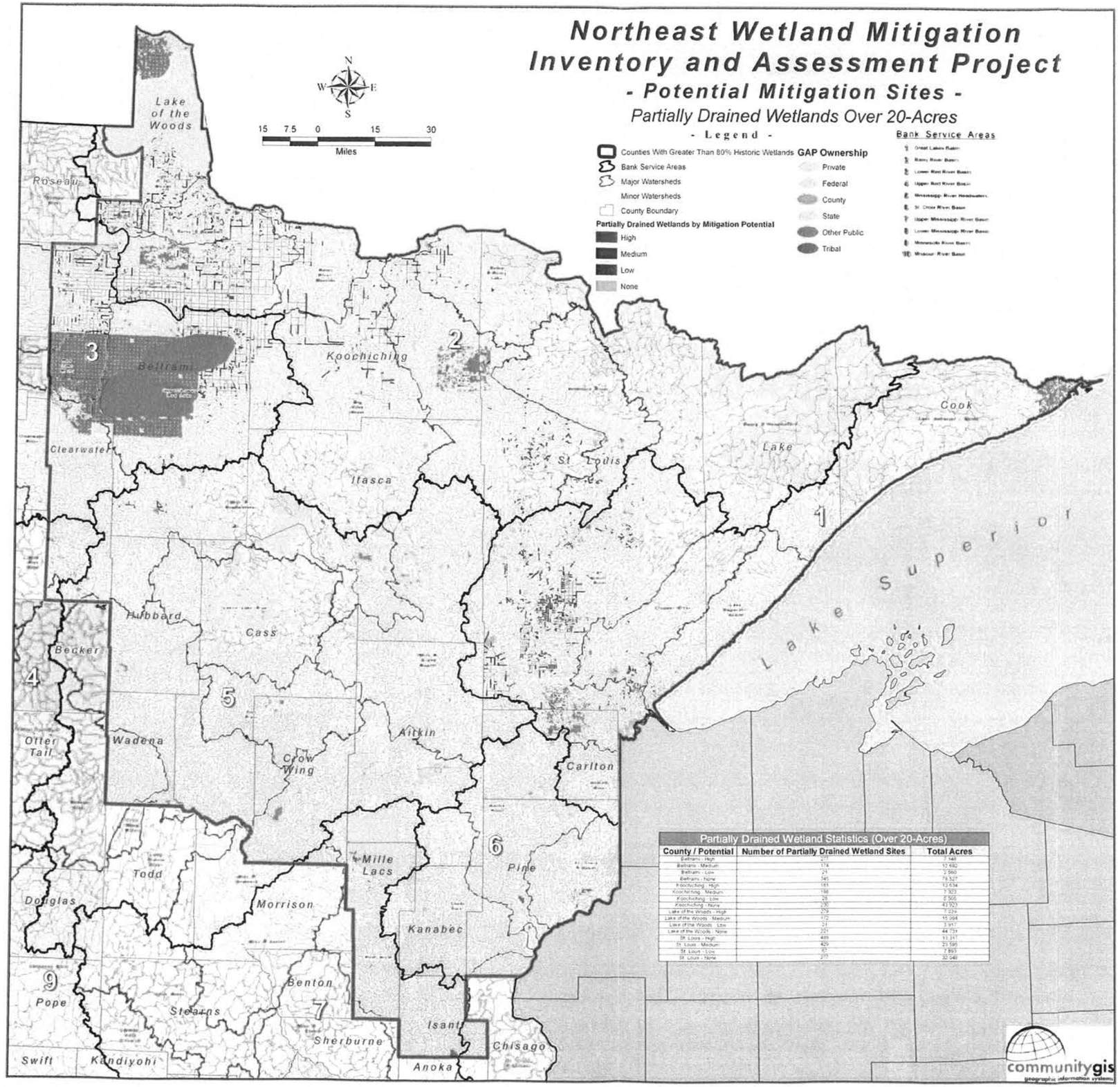
Figure 2

FARMED WETLANDS OVER 20-ACRES
Northeast Wetland Mitigation Inventory and Assessment Project

Northeast Wetland Mitigation Inventory and Assessment Project

- Potential Mitigation Sites -

Partially Drained Wetlands Over 20-Acres



Partially Drained Wetland Statistics (Over 20-Acres)

County / Potential	Number of Partially Drained Wetland Sites	Total Acres
Beltrami - High	27	7 148
Beltrami - Medium	174	12 682
Beltrami - Low	21	2 560
Beltrami - None	345	79 527
Koochiching - High	161	13 534
Koochiching - Medium	198	7 923
Koochiching - Low	28	2 505
Koochiching - None	230	43 923
Lake of the Woods - High	279	7 039
Lake of the Woods - Medium	172	15 264
Lake of the Woods - Low	21	3 917
Lake of the Woods - None	221	44 731
St. Louis - High	486	33 347
St. Louis - Medium	429	23 595
St. Louis - Low	61	7 893
St. Louis - None	270	30 949

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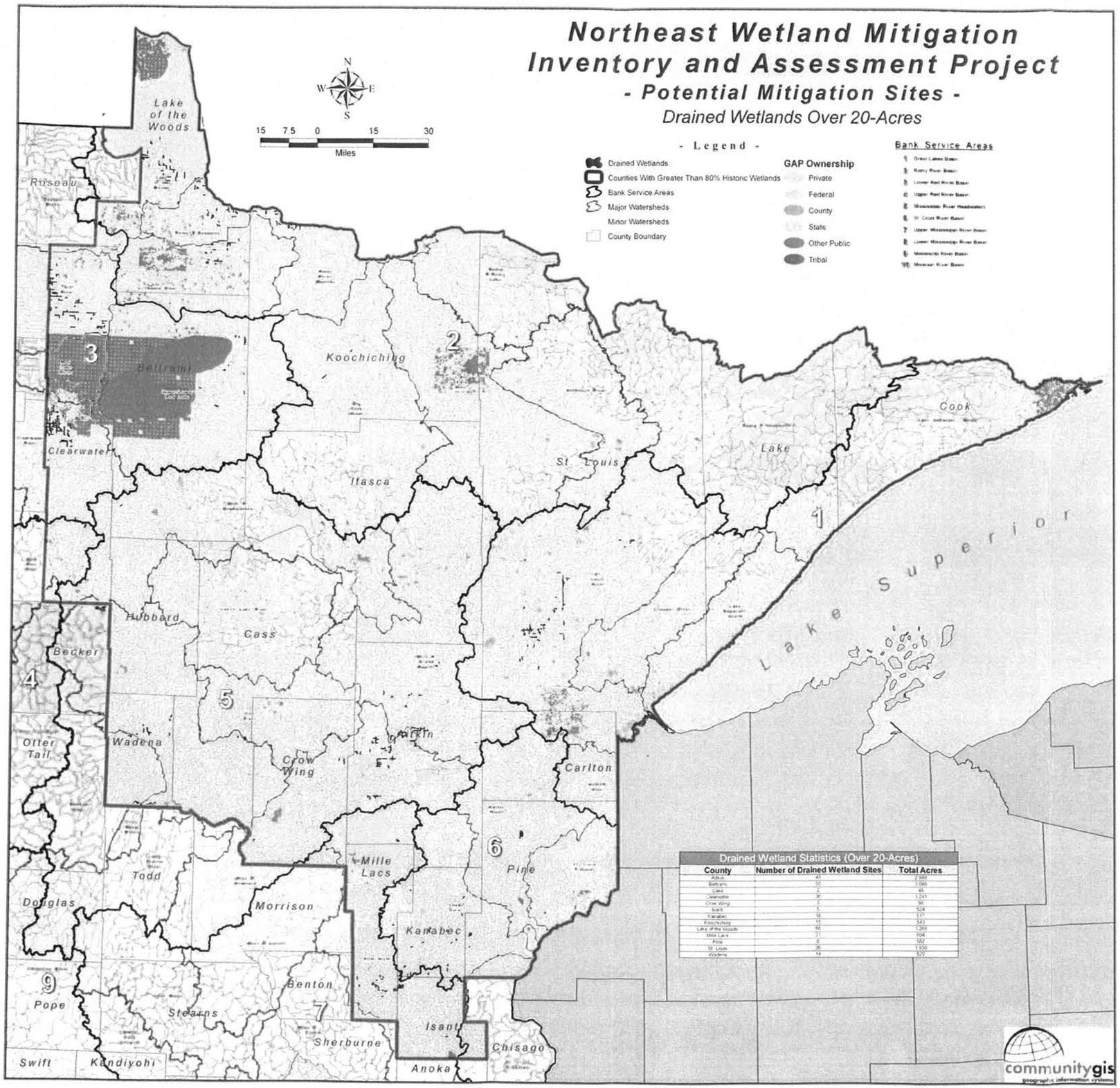
Figure 3

PARTIALLY DRAINED WETLANDS OVER 20-ACRES
Northeast Wetland Mitigation Inventory and Assessment Project

Northeast Wetland Mitigation Inventory and Assessment Project

- Potential Mitigation Sites -

Drained Wetlands Over 20-Acres



Drained Wetland Statistics (Over 20-Acres)

County	Number of Drained Wetland Sites	Total Acres
Aitkin	45	2,985
Beltrami	55	3,066
Cass	7	46
Clearwater	36	1,241
Crow Wing	3	98
Isanti	5	524
Kanabec	18	517
Koochiching	15	543
Lake of the Woods	69	1,358
Mille Lacs	21	604
Pine	6	582
St. Louis	36	1,930
Wadena	14	520

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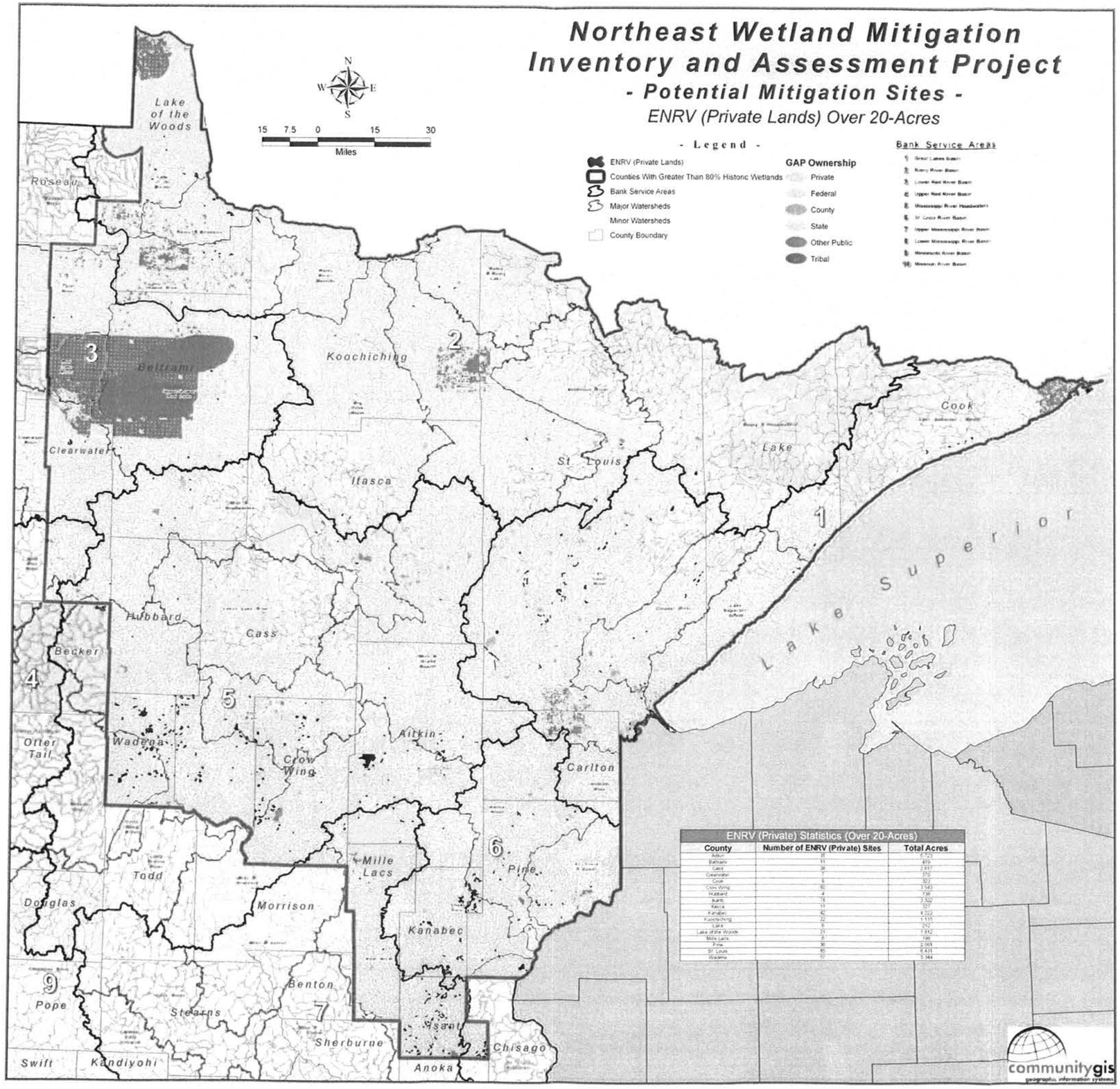
Figure 4

DRAINED WETLANDS OVER
20-ACRES
Northeast Wetland Mitigation
Inventory and Assessment Project

Northeast Wetland Mitigation Inventory and Assessment Project

- Potential Mitigation Sites -

ENRV (Private Lands) Over 20-Acres

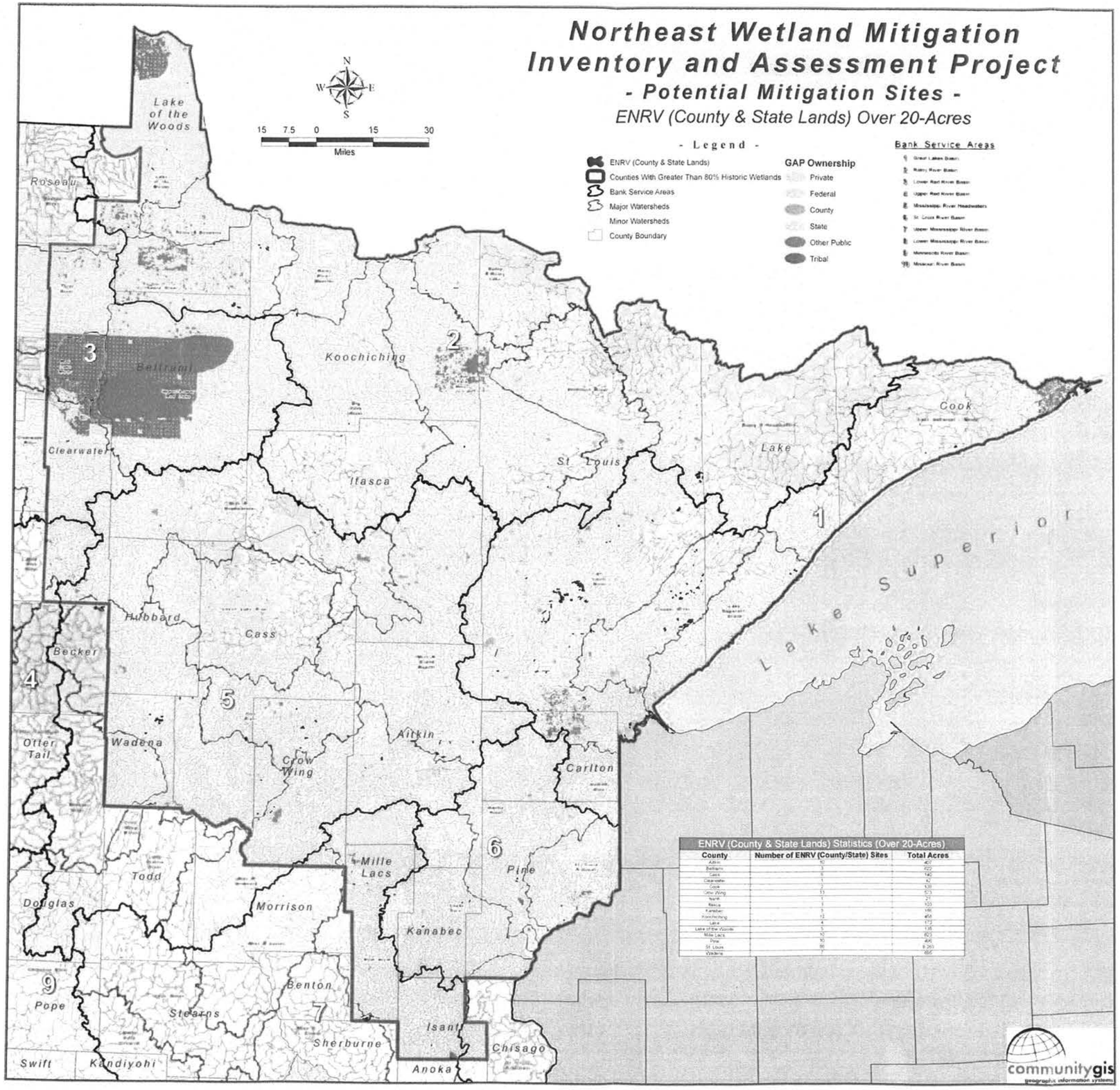


ENRV (Private) Statistics (Over 20-Acres)

County	Number of ENRV (Private) Sites	Total Acres
Aitkin	35	4,923
Beltrami	11	419
Cass	38	2,617
Clearwater	7	370
Cook	6	302
Crow Wing	60	3,543
Hubbard	4	138
Isanti	18	1,322
Itasca	11	327
Kanabec	42	4,222
Koochiching	22	1,115
Lake	6	242
Lake of the Woods	21	1,812
Mille Lacs	8	196
Pine	36	2,063
St. Louis	85	6,431
Wadena	17	1,344

Figure 5

ENRV (PRIVATE LANDS) OVER 20-ACRES
Northeast Wetland Mitigation
Inventory and Assessment Project



ENRV (County & State Lands) Statistics (Over 20-Acres)

County	Number of ENRV (County/State) Sites	Total Acres
Aitkin	10	407
Beltrami	3	622
Cass	6	140
Clearwater	1	42
Cook	2	139
Crow Wing	13	573
Isanti	1	21
Itasca	1	103
Kanabec	5	186
Koochiching	12	458
Lake	4	173
Lake of the Woods	5	138
Mille Lacs	10	623
Pine	10	486
St. Louis	86	8,263
Wadena	7	695

Figure 6

ENRV (COUNTY & STATE LANDS)
OVER 20-ACRES
Northeast Wetland Mitigation
Inventory and Assessment Project

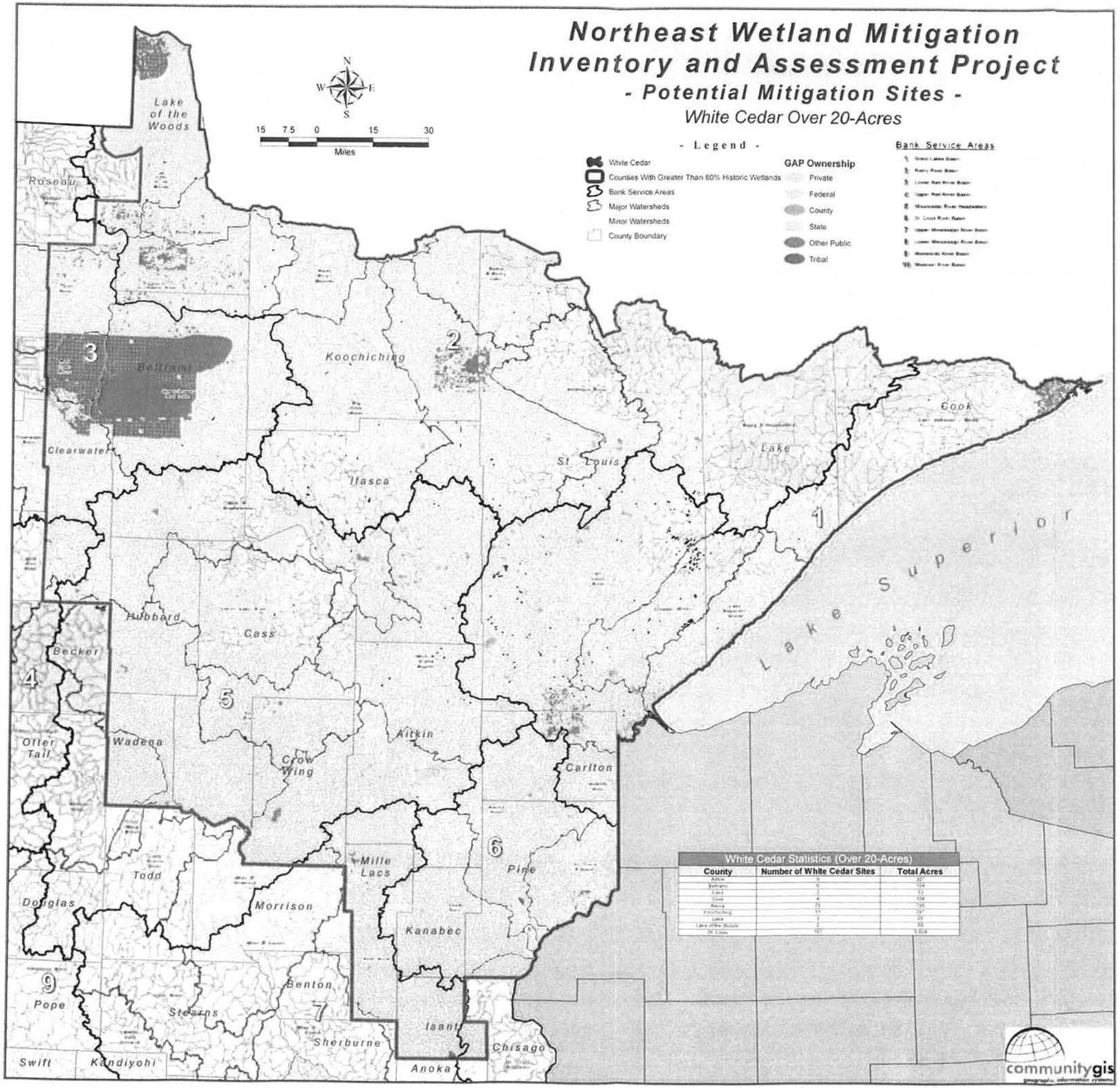


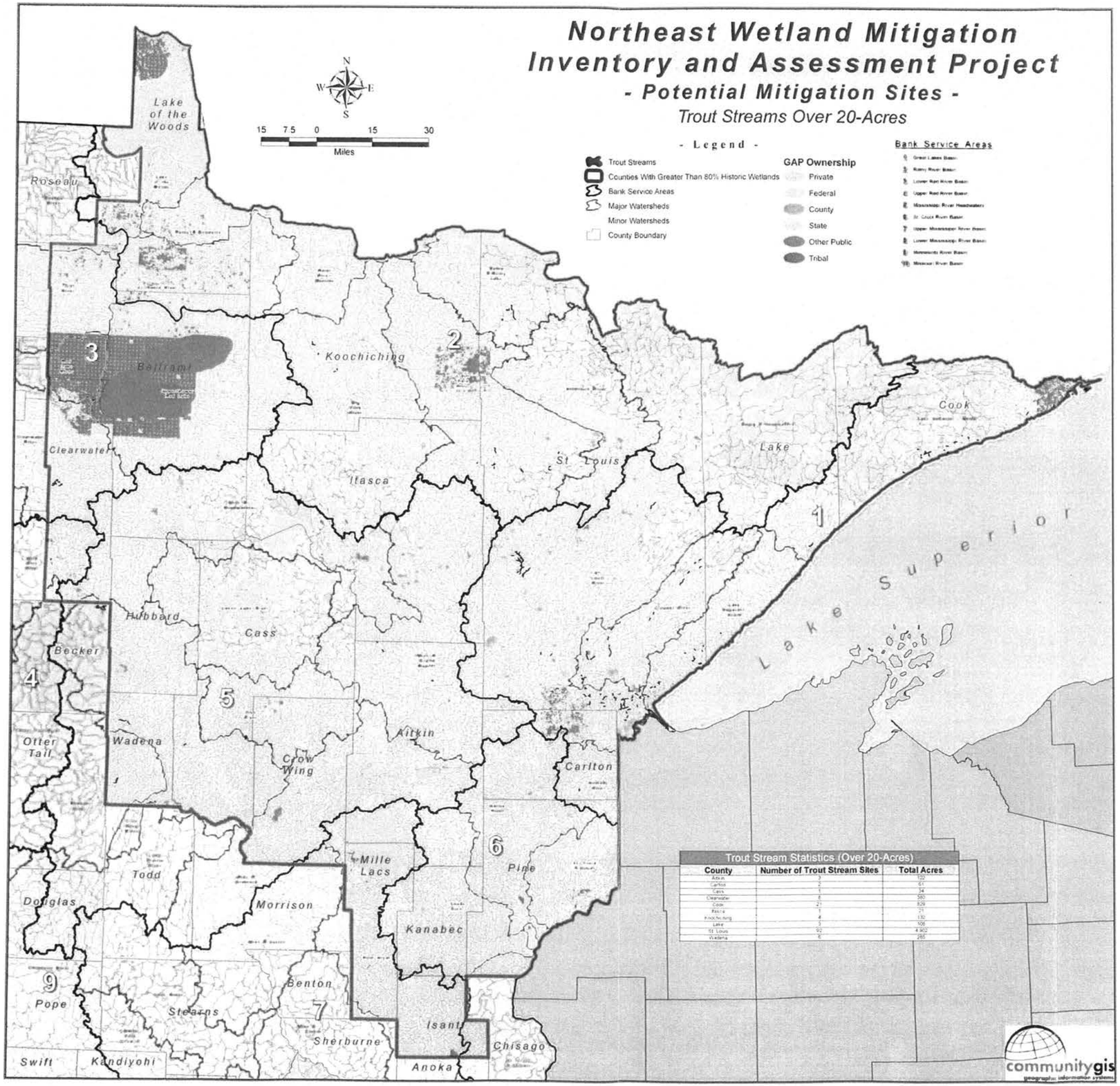
Figure 7

WHITE CEDAR OVER 20-ACRES
Northeast Wetland Mitigation
Inventory and Assessment Project

Northeast Wetland Mitigation Inventory and Assessment Project

- Potential Mitigation Sites -

Trout Streams Over 20-Acres



Trout Stream Statistics (Over 20-Acres)

County	Number of Trout Stream Sites	Total Acres
Aitkin	3	120
Carlton	2	61
Cass	1	34
Clearwater	6	580
Cook	21	829
Itasca	1	21
Koochiching	4	170
Lake	5	106
St Louis	92	4,902
Wadena	6	255

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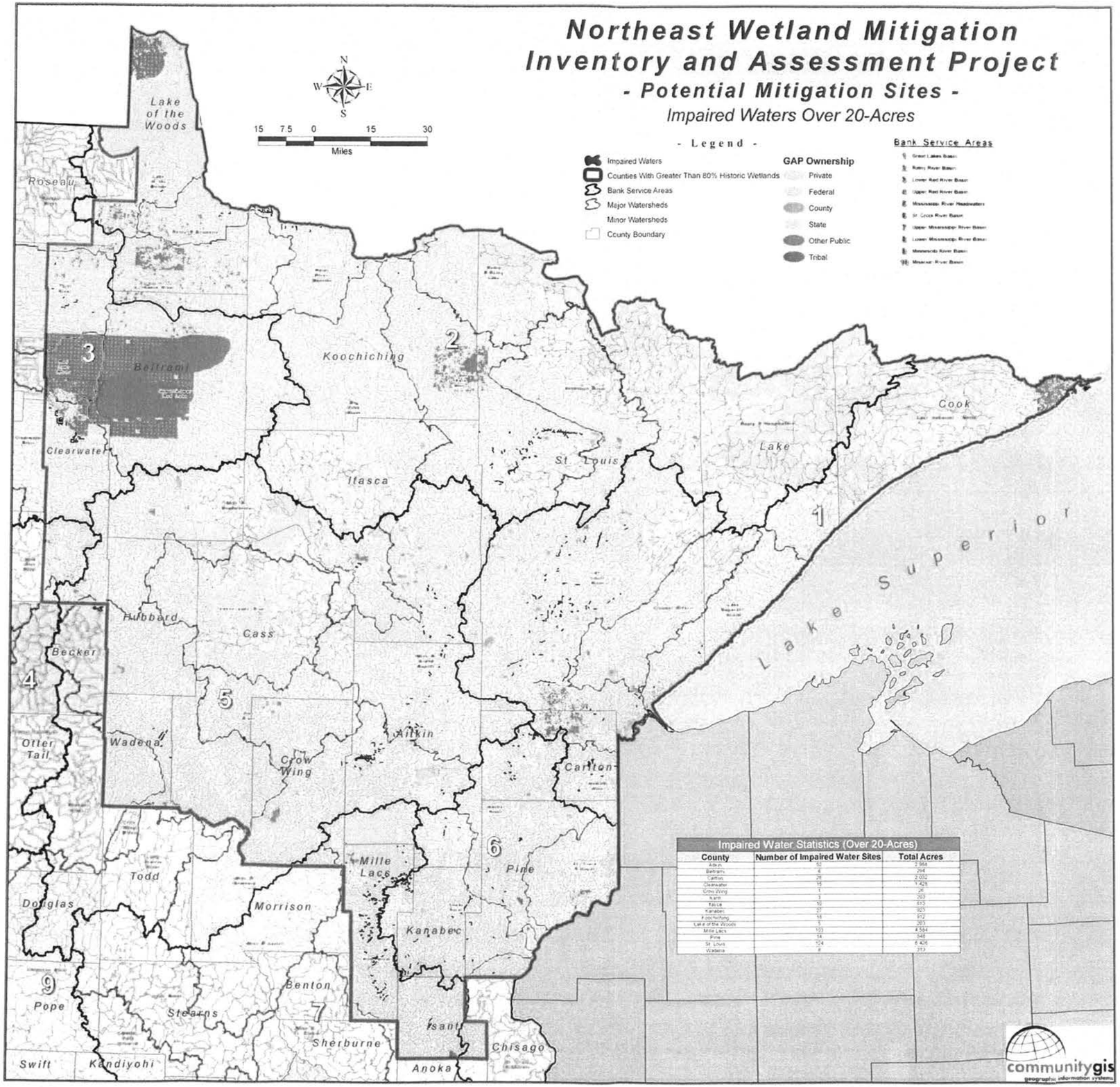
Figure 8

TROUT STREAMS OVER 20-ACRES
Northeast Wetland Mitigation
Inventory and Assessment Project

Northeast Wetland Mitigation Inventory and Assessment Project

- Potential Mitigation Sites -

Impaired Waters Over 20-Acres



Impaired Water Statistics (Over 20-Acres)

County	Number of Impaired Water Sites	Total Acres
Aitkin	52	2,964
Beltrami	6	294
Carlton	28	2,052
Clearwater	15	1,429
Crow Wing	1	26
Isanti	3	203
Itasca	10	513
Kanabec	27	920
Koochiching	18	912
Lake of the Woods	1	263
Mille Lacs	103	4,584
Pine	14	946
St Louis	124	6,406
Wadena	6	313

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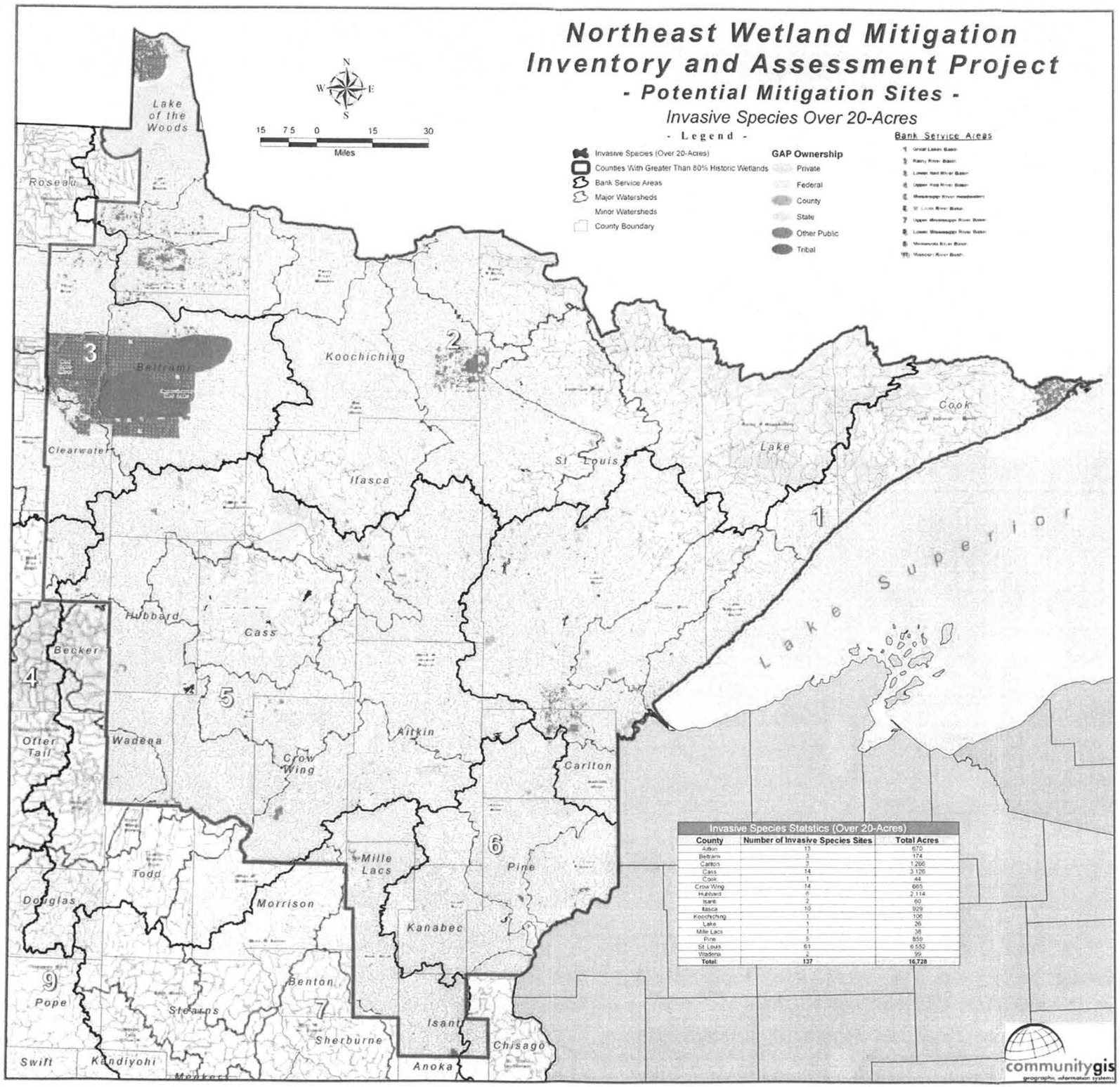
Figure 9

IMPAIRED WATERS OVER
20-ACRES
Northeast Wetland Mitigation
Inventory and Assessment Project

Northeast Wetland Mitigation Inventory and Assessment Project

- Potential Mitigation Sites -

Invasive Species Over 20-Acres



Invasive Species Statstics (Over 20-Acres)

County	Number of Invasive Species Sites	Total Acres
Aitkin	13	670
Beltrami	3	174
Carlton	3	1,266
Cass	14	3,126
Cook	1	44
Crow Wing	14	665
Hubbard	6	2,114
Isanti	2	60
Itasca	10	929
Koochiching	1	106
Lake	1	26
Mille Lacs	1	38
Pine	5	859
St. Louis	61	6,552
Wadena	3	90
Total:	**137**	**16,728**

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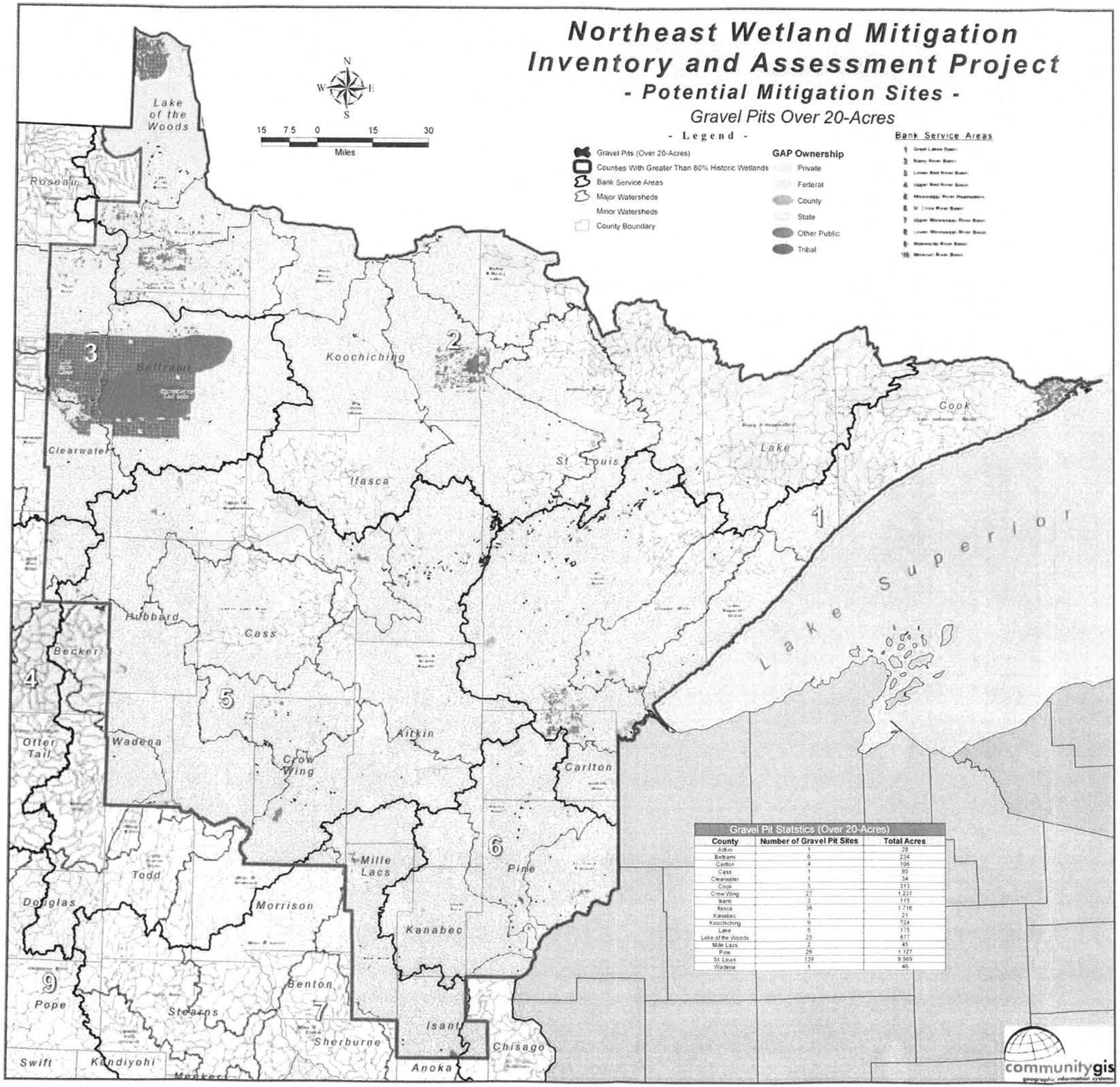
Figure 10

INVASIVE SPECIES
OVER 20-ACRES
Northeast Wetland Mitigation
Inventory and Assessment Project

Northeast Wetland Mitigation Inventory and Assessment Project

- Potential Mitigation Sites -

Gravel Pits Over 20-Acres



Gravel Pit Statstics (Over 20-Acres)

County	Number of Gravel Pit Sites	Total Acres
Aitkin	1	28
Beltrami	6	234
Carlton	4	106
Cass	1	80
Clearwater	1	34
Cook	5	313
Crow Wing	27	1,231
Isanti	3	115
Itasca	36	1,716
Kanabec	1	21
Koochiching	9	724
Lake	5	175
Lake of the Woods	25	872
Mille Lacs	2	45
Pine	26	1,127
St Louis	139	9,969
Wadena	1	46

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Figure 11

GRAVEL PITS OVER 20-ACRES
Northeast Wetland Mitigation
Inventory and Assessment Project

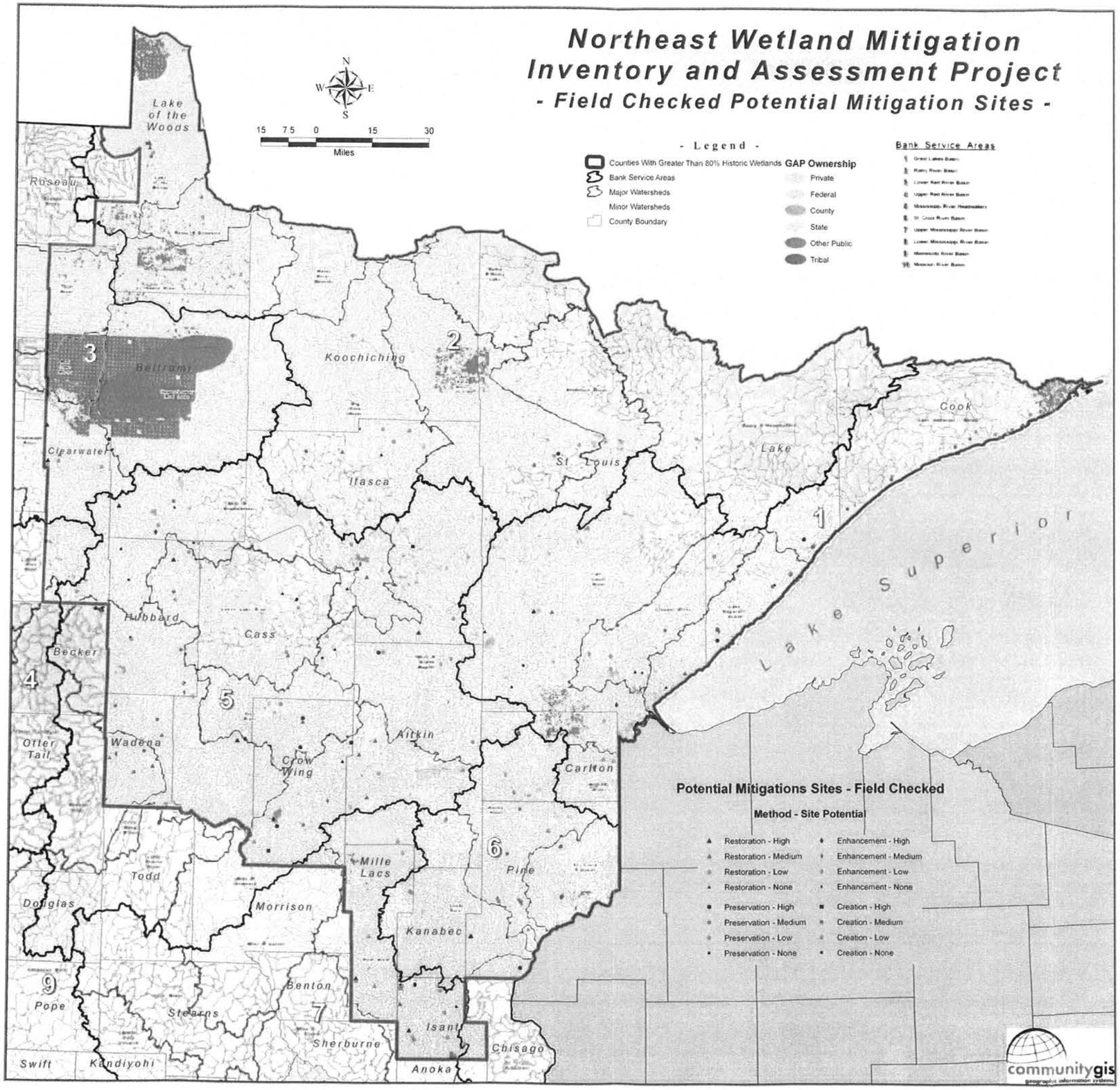
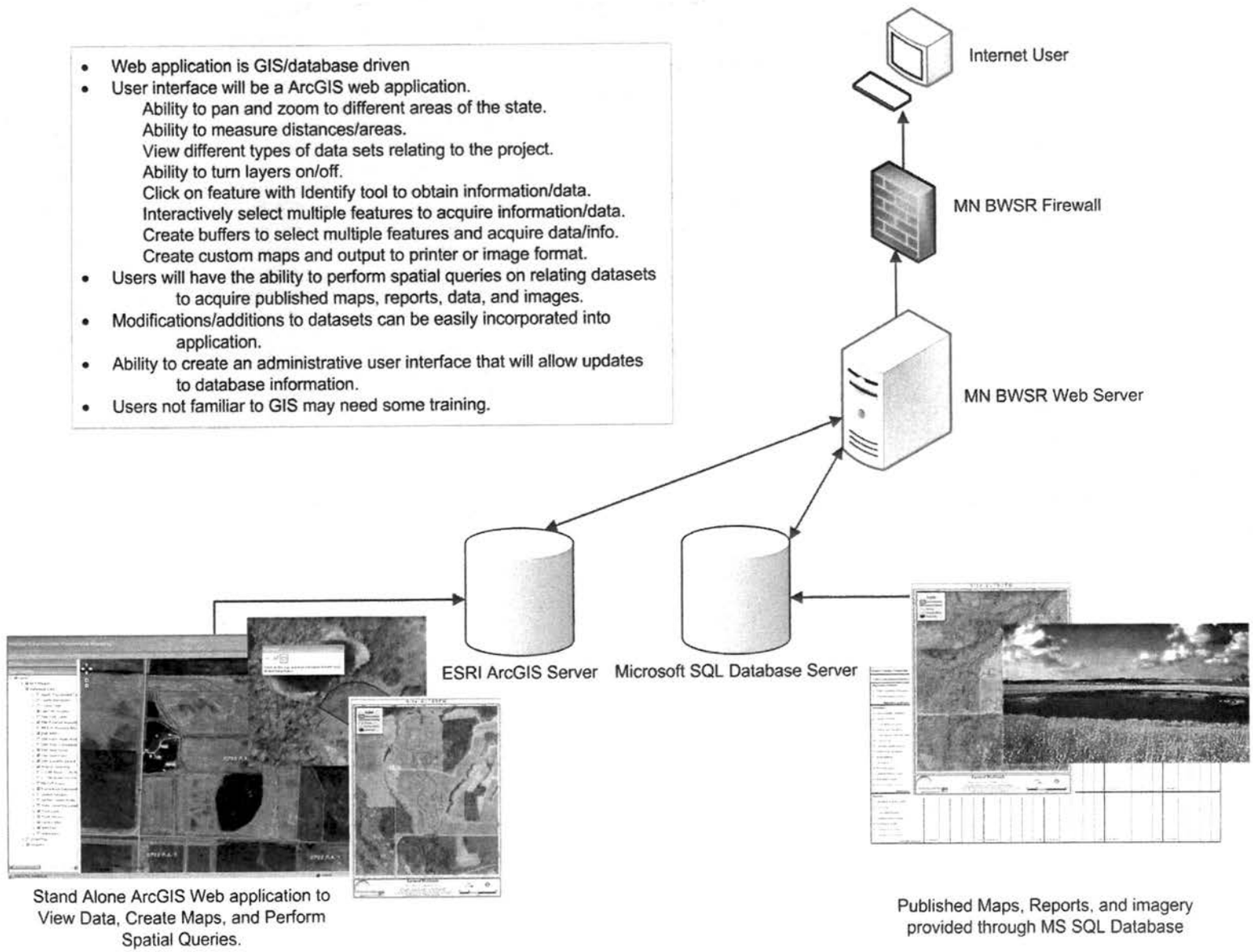


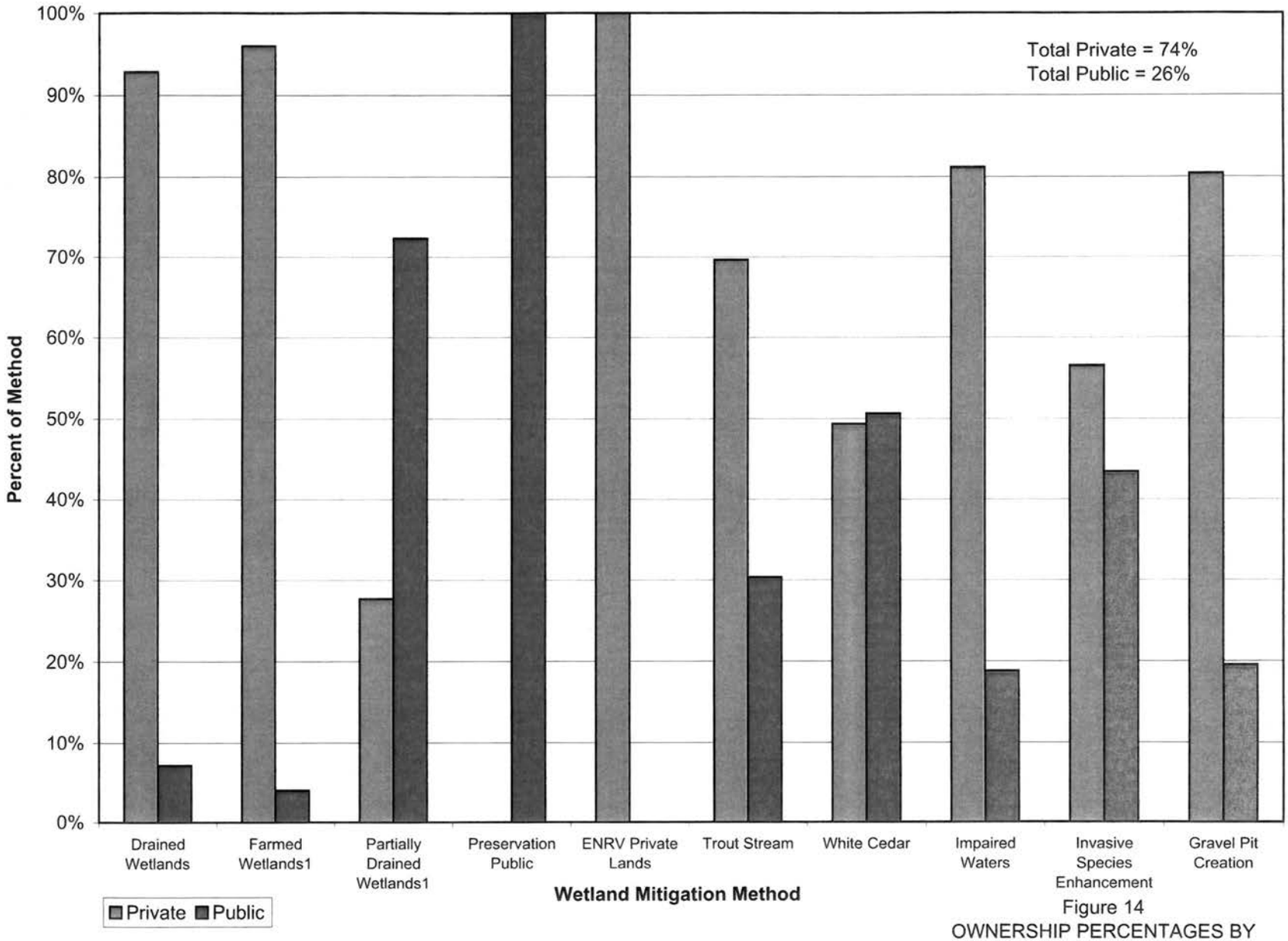
Figure 12

FIELD CHECKED POTENTIAL
MITIGATION SITES
Northeast Wetland Mitigation
Inventory and Assessment Project

Figure 13: GIS Wetland Mitigation Site Distribution – Option 2

- Web application is GIS/database driven
- User interface will be a ArcGIS web application.
  - Ability to pan and zoom to different areas of the state.
  - Ability to measure distances/areas.
  - View different types of data sets relating to the project.
  - Ability to turn layers on/off.
  - Click on feature with Identify tool to obtain information/data.
  - Interactively select multiple features to acquire information/data.
  - Create buffers to select multiple features and acquire data/info.
  - Create custom maps and output to printer or image format.
- Users will have the ability to perform spatial queries on relating datasets to acquire published maps, reports, data, and images.
- Modifications/additions to datasets can be easily incorporated into application.
- Ability to create an administrative user interface that will allow updates to database information.
- Users not familiar to GIS may need some training.





1 - High potential mitigation sites only

Figure 14
OWNERSHIP PERCENTAGES BY POTENTIAL MITIGATION METHOD
(All potential mitigation sites)

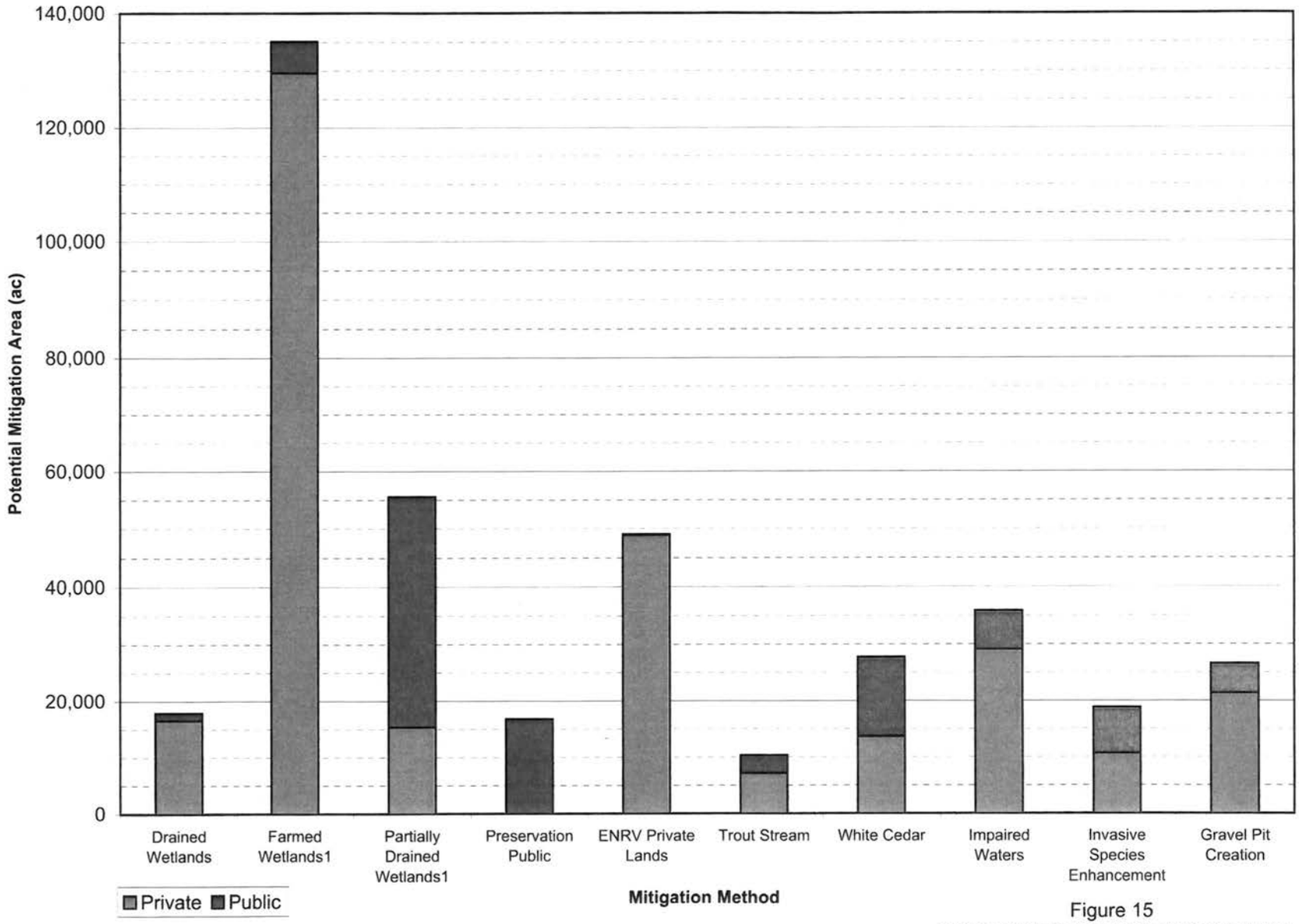


Figure 15
OWNERSHIP AREA BREAKDOWN BY
POTENTIAL MITIGATION METHOD
(All potential mitigation sites)

1 - High potential mitigation sites only

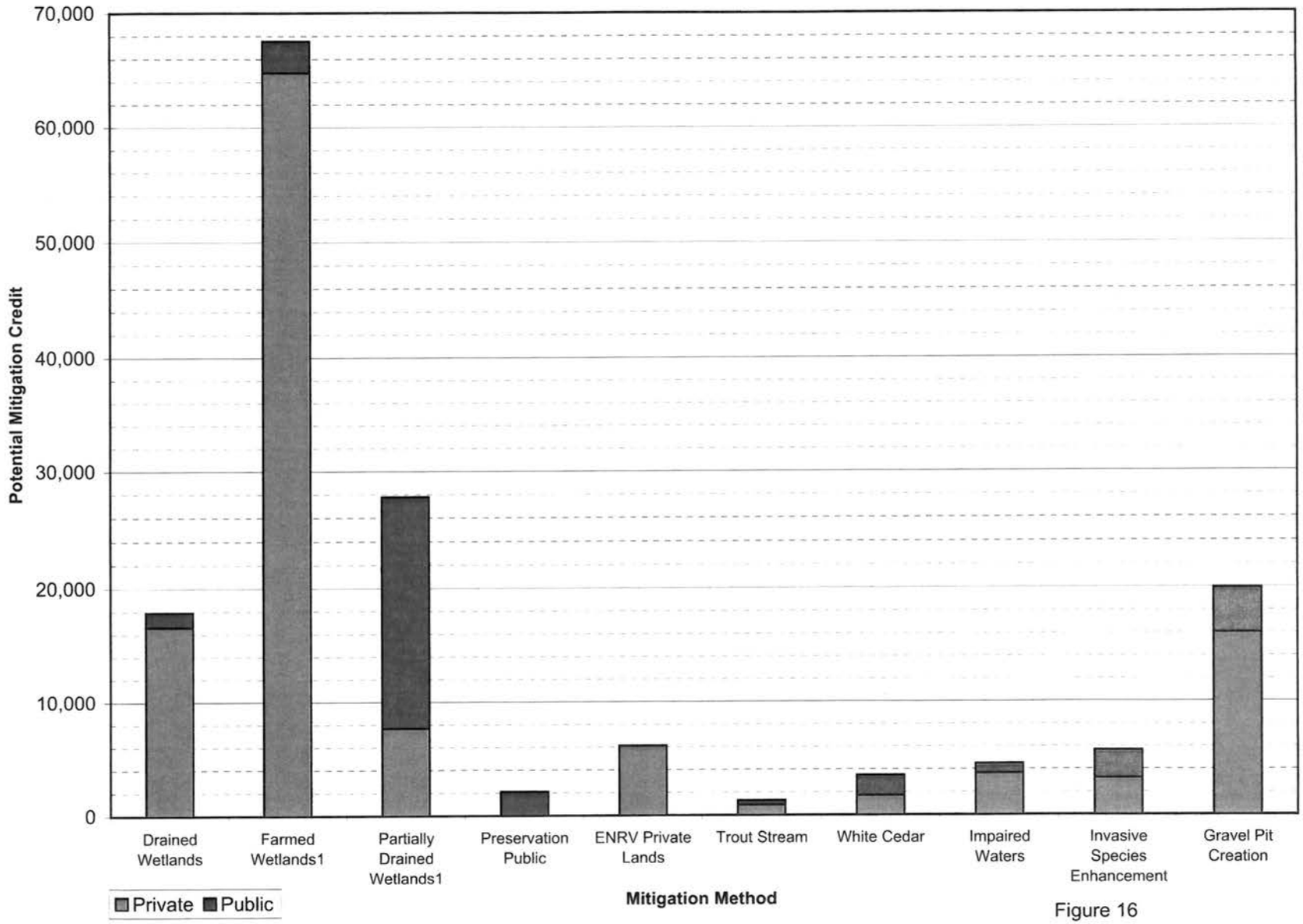


Figure 16
OWNERSHIP AND CREDIT BREAKDOWN
BY POTENTIAL MITIGATION METHOD
(All potential mitigation sites)

1 - High potential mitigation sites only

Appendix A

Technical Committee Members

Technical Committee Meeting Participants

Member	Representing
Dale Krystosek	Board of Water & Soil Resources (BWSR)
Joan Weyandt	Board of Water & Soil Resources (BWSR)
Doug Norris	Department of Natural Resources (Ecological Services)
Brian Frederickson	Pollution Control Agency
Steve Eggers	U.S. Army Corps of Engineers
Nick Rowse	U.S. Fish and Wildlife Service
Brian Huberty	U.S. Fish and Wildlife Service
Mark Jacobson	Barr Engineering Company
Keith Hanson	Barr Engineering Company
Tom Tri	Barr Engineering Company
Tony Kroska	Community GIS Services
John Kubiak	Community GIS Services

Appendix A.1

April 16, 2009 Advisory Committee Meeting Minutes

NE MN Phase II: Meeting Minutes for Advisory Committee Meeting -April 16, 2009

PREPARED FOR:	MN Wetland Mitigation Advisory Committee
PREPARED BY:	Tom Tri (Barr Engineering Co.)
COPIES:	File
DATE:	April 16, 2009

The first Advisory Committee (TAC) meeting with Barr for the NE MN Wetland Mitigation Inventory convened at 10:00am on April 16, 2009 at Barr's Office in Duluth.

Attendees:

Doug Norris (MN DNR and BWSR)
Dale Krystosek (BWSR),
Joan Weyandt (BWSR),
Nick Rowse (USFWS),
Brian Huberty (USFWS),
Brian Fredrickson (MPCA),
Chad Nelson (Community GIS),
Tony Kroska (Community GIS),
John Kubiak (Community GIS),
Mark Jacobson (Barr Engineering Co.),
Keith Hanson (Barr),
Tom Tri (Barr).

Those unable to attend:
Bill Schnell (DNR Forestry),
Jason Meyer (St. Louis County Land Dept.)
Steve Eggers (USACOE),
Kurt Johnson (NRRI),
Tom Malterer (NRRI)

The main topics of the meeting:

1. Priorities and goals
2. GIS Model development

Specific points discussed are as follows:

History of the Project, and Phase II Work Plan

Mark Jacobson (Barr) presented an overview of the project from Phase 1 and outlined a Phase II Work Plan for the Committee's review. The Committee was advised that Phase I had over identified potential opportunity for farmed wetlands and partially drained wetlands. Mr. Jacobson outlined steps to refine the data for a more accurate picture of the potential opportunities for these mitigation methods. In addition, the team presented the Phase II Work Plan including further data analysis, a development of the GIS Tool (with 3 alternatives), a discussion of priorities and goals and a schedule for the outreach meetings.

Data Refinement:
Mr. Jacobson presented refined farmed wetlands and partially drained wetland data.

- Farmed wetlands polygons were intersected with 2008 NRCS seed crop raster images to predict potential (high, medium and low). Potential was reduced by 78%.

- Partially drained wetland polygons identified within judicial ditch systems in four counties were re-examined to accurately reflect the potential based on ownership and the potential opportunity based on land owner approval and the least threat to flooding infrastructure. In this instance, only the headwaters areas of the ditch systems with few owners were rated as having a realistic (high or medium) potential. Potential was reduce by 87%.

Data Analysis by Mitigation Method:
Mr. Tri discussed the results for each of the other methods with the Committee.

- ENRV on Public Lands (preservation) 62% within St. Louis County.
- ENRV public and private has an estimated 66,000 acres but when applying the 12.5% credit for preservation, the acreage is significantly diminished.
- Creation – in aggregate pits 60% within St. Louis County.
- Impaired waters wetlands – 80% is located within 5 counties. This is an estimated 20,000 and then applying 12.5% credit for enhancement would realize 1600.
- Trout streams – This is an estimated 7,000 acres and then applying 12.5% credit for enhancement/preservation would realize 560 acres.
- White cedar – This is an estimated 7,500 acres and then applying 12.5% credit for enhancement/preservation would realize 600 acres.

GIS Tool

Mr. Kroska (Community GIS Services) discussed the GIS Interactive Tool and three alternatives for the GIS tool were presented.

- Alternative One would operate as a Google/Microsoft Earth interface based on a database but would not be upgradeable. This alternative would be database driven

instead of GIS based. The user interface would have the look and feel of Google Maps. One would have the ability to pan and zoom to different parts of the state. The user would be able to click on site balloons to download and print created maps, reports and preset data. The user would not be able to create custom maps or perform spatial queries. All aerial imagery and spatial data would be provided by Google.

- Alternative Two would use ArcGIS software, which can download all the desirable information layers. This would operate on a standalone GIS server at BWSR, and people could use this interactive tool via the internet to even exchange shapefiles/data to keep the supporting database up-to-date. A user would be able to measure distances and areas. Data layers could be turned on and off in order to create different custom maps. Users would have the ability to perform spatial queries on relating databases to acquire published maps, reports, data and images. An ArcGIS based system would require a little more expertise and users might require some training.

  Alternative Three would use a combination of Alternatives One and Two using a Google interface with the ArcGIS to make a little more user friendly option. The functions would be essentially identical as Alternative Two but initially, this would be more complicated to develop. Alternative Three would require more programming initially to create spatial analysis tools and functionality, but the goal would be to make it possible for more users to access the data and have the look and feel simpler.

The Committee discussed the advantages and disadvantages of each alternative and suggested that either alternative 2 or 3 would be preferable, leaving the final decision to BWSR. Dale Krystosek said that BWSR would decide based on the alternative that would best serve its needs.

Priorities and Goals: Priorities and Goals were briefly discussed with the Committee to get their input on various goals and priorities in mitigation siting in order to better define the process of mitigation siting. The Committee was asked for input on input on priorities and goals concerning:

- Watersheds (including Bank Service Areas)
- Mitigation Methods (Restoration, Enhancement, Creation, Preservation)
- Minimum Mitigation Site Size
- Water Quality Improvement Needs

Outreach Meetings:
The Committee agreed with the proposed work plan that the team would meet with stakeholder groups to present the refined data and receive input on the GIS Tool and overall Goals and Priorities. The Team would meet with each of the stakeholder groups and have a large group meeting with all stakeholder groups invited together in the fall. A list of stakeholder groups is listed below:

- County Commissioners
- Soil and Water Conservation Districts
- Wetland Bankers
- Mining Interests
- State, and Federal Agencies, Tribal Interests

Appendix A.2

July 9, 2009 Advisory Committee Meeting Minutes

NE MN Phase II: Draft Meeting Minutes for Advisory Committee Meeting -July 09, 2009

PREPARED FOR:	MN Wetland Mitigation Advisory Committee
PREPARED BY:	Tom Tri (Barr Engineering Co.)
COPIES:	File
DATE:	July 20, 2009

The second Advisory Committee (TAC) meeting with Barr for the NE MN Wetland Mitigation Inventory convened at 10:00am on July 09, 2009 at Barr's Office in Duluth.

Attendees:

Doug Norris (MN DNR and BWSR)
Dale Krystosek (BWSR),
Nick Rowse (USFWS),
Brian Huberty (USFWS),
Brian Fredrickson (MPCA),
Chad Nelson (Community GIS),
Tony Kroska (Community GIS),
John Kubiak (Community GIS),
Mark Jacobson (Barr Engineering Co.),
Keith Hanson (Barr),
Tom Tri (Barr).

Those unable to attend:

Bill Schnell (DNR Forestry),
Jason Meyer (St. Louis County Land Dept.)
Steve Eggers (USACOE),
Kurt Johnson (NRRI),
Tom Malterer (NRRI)

The main topics of the meeting:

1. Results from the Public and Agency Outreach Meetings
2. GIS Model development

Specific points discussed are as follows:

Public and Agency Outreach Meetings

Mark Jacobson and Tom Tri (Barr) presented the feedback from the various outreach meetings previously held to get input on the siting strategy, the GIS tool and project priorities. The following issues were discussed:

Changes to Policy: There was a discussion of the potential for future changes to policy based on what the data shows and how recommendations might be carried forward. It was suggested by some that this could be achieved by modification to guidance or future discussions. Doug Norris questioned who should suggest recommendations for changes to current policy (e.g. BWSR, NE interests, others). Doug also suggested that where there's not agreement on a recommendation, it may be best to describe the benefits and drawbacks of each recommendation in the final report for this project.

Streamlining the banking process: The committee suggested that the process could be streamlined by customizing training for the region, and talking to the Corps of Engineers about streamlining the banking documentation and process.

SWCD's role in promoting wetland banking: Some SWCD's are already promoting wetland banking. BWSR could provide more guidance to help promote wetland banking in the region. The committee felt that the SWCD's were best able to help their constituents develop banks.

Prioritizing wetland functions: The committee suggested including prioritization factors that aren't considered in the evaluation of in-kind wetland mitigation (i.e., hydrologic setting, landscape setting, and the size of wetland basins impacted).

Preservation: During the outreach meetings it was suggested that preservation could potentially mitigate impacts to low quality wetlands. It was suggested by the committee that preservation could be expanded to private lands and a legislative change could be proposed to accommodate this.

Miscellaneous information:

DNR obtained leaf-off, four band aerial photography for NWI update that could be available more broadly by the end of summer 2009. It was flown in spring but may only include ¾ of the area. The availability of the photography is uncertain at this time.

Existing digital elevation models (DEM): There is a $5 million bonding bill for DEM improvements. Brian Huberty suggested that the NE should be a focus for the money.

The Advisory Committee commented on issues raised at the County Commissioners meeting:

- There was a concern expressed by the County Commissioners that mitigation credits raise land values which could in-turn, raise general farmland prices.
- However, the committee suggested that this would provide a benefit by raising more tax revenue.
- The committee asked whether or not land on which mitigation is done, should be assessed at a value equivalent to the value of mitigation credit sales until they are sold out, and then drop the assessed value after the credits are sold?
- The committee thought that wetlands should be taxed at their value for producing income, which generally could be very low unless the wetlands are shown to have recreational or other value.
- Judicial ditches were discussed. Most county commissioners are not interested in abandonment of public ditches. It was mentioned that there is a prescribed process for the abandonment of county judicial ditches, so opinions may not be a significant consideration.

Could there be further guidance on the appropriate level of effort needed to complete wetland mitigation siting? The committee suggested that process of siting is in rule already.

Non-degradation and carbon sequestration were briefly discussed and were not thought to be of much value in consideration of external benefits/credits for wetland mitigation. Climate change should be discussed and acknowledged in the report, but the effects of wetland impacts on the carbon flux must also be considered.

The tribes did not participate in the outreach meetings or submit any comments. It was suggested that Barr follow up with the tribes to discuss the project, especially regarding wild rice concerns. Tim Petronski, USFWS, was recommended as a Tribal Liaison.

Mitigation opportunity registry: It was suggested that a wetland mitigation opportunity registry could be developed for landowners to advertise/promote their interest in developing wetland mitigation/banking on their property. BWSR could be the host for such a registry or it could potentially be hosted on the website of a non-profit group. An owner could submit a form to BWSR for a preliminary check to ensure that mitigation potential exists before posting the data to the registry. Chad Nelson (Community GIS) mentioned that he could add a field in the GIS tool for contact information. It was further suggested that BWSR could put out a notice for people to submit information if they are interested.

GIS Tool

The GIS Interactive Tool was discussed. Various search categories were sent out to the committee for their review and comment. The committee suggested other data layers that might be considered.

Doug Norris introduced a series of tables from the MN DNR Wildlife Action Plan describing species of greatest conservation need developed based on habitat types and sorted by ecological subsection.

- This could be used to prioritize wetland mitigation types based on the intrinsic value in supporting those particular species.
- This could be used to provide additional justification for Exceptional Natural Resource Value wetland preservation and/or enhancement
- The ecological subsection data layer would be needed as a base layer if this were to be used
- DNR would have to generate broad polygons indicating habitat value to a suite of wetland-dependent species.
- Doug will follow-up with Natural Heritage staff to determine if there is value in adding this data to the GIS tool.

The following data layers were emailed to the committee and briefly reviewed for additions or subtractions:

- Photos – Current Aerials, Available Historical, Color Infrared
- Elevation and Slope
    - Quad maps
    - Digital Elevation Model (hill shade)
- Id Wetlands
    - NWI data
    - Historic wetland mapping from Phase I Inventory model
- Soils – Hydric soils
- Water
    - DNR streams
    - Trout Streams
    - Lakes
    - Impaired Waters (streams, lakes, wetlands, including impairment attributes
    - Ditch Data
- Geography
    - Road names and numbers
    - Section numbers
    - Section lines
    - Township lines and names
    - UTM coordinates
    - Latitude and Longitude
    - Counties
    - Municipalities
    - Iron Range
    - Ownership by 40's or other publicly available
    - Ecological Classification System
- Special Categories
    - ENRV- exceptional natural resource value
    - White cedar
    - Gravel pits

- Invasive species

Additional Data Layers were suggested:

- SWCD Districts and contact information
- Political Districts
- Add a field for field truth verification that could be updated based on a site visit.
- Add a field indicating landowner interest with contact information.
- Including wetland mitigation credit potential, based on method, in the GIS tool was discussed. It was determined that it should be left out because mitigation credits are determined by the TEP based on a site visit and more detailed, site-specific data. However, SWCDs and LGUs could enter a regulatory applicability rating based on a site visit with some indication of the level of investigation. Including this information would require a two tier security system with personal passwords provided by BWSR so SWCDs and LGUs could add land owner interest into the data base, which would then be verified by BWSR before making the information available to the public.
- It was questioned whether the shapefiles created should be made available to the public? It was suggested that the shapefiles could be provided as a snapshot of potential sites with appropriate disclaimers that the information will likely change over time.

Appendix A.3

September 17, 2009 Advisory Committee Meeting Minutes

NE MN Phase II: Draft Meeting Minutes for Advisory Committee Meeting -September 17, 2009

PREPARED FOR:	Northeast MN Wetland Mitigation Technical Advisory Committee
PREPARED BY:	Mark Jacobson (Barr Engineering Co.)
COPIES:	File
DATE:	September 17, 2009

The third Technical Advisory Committee (TAC) meeting with Barr for the NE MN Wetland Mitigation Inventory convened at 10:00am on September 17, 2009 at Barr's Office in Duluth.

Attendees:

Dale Krystosek (BWSR)
Doug Norris (MN DNR and BWSR)
Steve Eggers (USACOE)
Brian Fredrickson (MPCA),
Lucinda Johnson (NRRI)
Tony Kroska (Community GIS)
John Kubiak (Community GIS)
Mark Jacobson (Barr Engineering Co.)
Keith Hanson (Barr)

The main topics of the meeting:

1. Demonstration of the GIS Tool
2. GIS Model development

Specific points discussed are as follows:

GIS Tool Demonstration

John Kubiak presented a live demonstration of the GIS tool to show the current functionality and to obtain feedback from the Advisory Committee.

Home Page: The home page of the tool will show the portion of the state covered by the GIS data that are part of the tool. It was suggested that a disclaimer screen also pop up on the home page so that all users will understand the limits of the data prior to utilizing it.

Search Criteria: The general search criteria were shown and a few searches were demonstrated. The TAC suggested reordering the list of search criteria to:

- Emphasize watersheds and bank service areas
- Emphasize restoration methods over preservation or creation methods

- Categorize mitigation methods by: restoration, preservation, enhancement, creation

General Comments:

- Make tool completely user-guided so there would be no training needed.
- Do not use acronyms.
- Make legend dynamic so that all active reference layers are shown.
- Include GAP ownership data as a reference layer.
- Include lake watersheds as a reference layer.
- Include field verification and mitigation potential ratings as search criteria.
- Add link to county websites or LGUs to direct user to appropriate resources for assistance.

Appendix B

Public Outreach Meeting Notes

Appendix B.1

Public Outreach with SWCDs, LGU's, and BWSR Staff Meeting Notes

Meeting Notes
Outreach Meeting with SWCDs, LGUs, and BWSR Representatives
April 9, 2009

Organizations Represented

Beltrami Co. Environmental Services, Carlton SWCD, Clearwater Co SWCD, Crow Wing SWCD, Hubbard Co SWCD, Itasca Co SWCD, Koochiching SWCD, MN DNR – Bemidji (Con Con Lands), BWSR, Barr Engineering and Community GIS.

Presentation Summary

Approximately 20 representatives from the organizations listed above participated in the meeting. The group was presented with updated and revised data from the Phase 1 Inventory. Maps of potential opportunities for nine mitigation methods were displayed and discussed with the audience. In addition, assumptions used in revising the data were explained. Three GIS Tool Alternatives to identify potential mitigation opportunities were explained. Now that preliminary data is in, the presenters received input on goal and priority preferences, questions and comments.

Questions and comments from the SWCDs, LGUs and other BWSR staff present.

Q. Should certain types of mitigation be tied to particular ownership (e.g. should preservation be restricted to public land...)?

A. Preservation might be a good method to use for the road banking program, but is allowed on both public and private lands.

Q. What role should the SWCDs play in the allocation of siting mitigation banks? Should they be proactive in promoting them or allow the private sector to figure it out with limited governmental intervention?

A. There is a fine line between education and promotion. SWCDs and LGUs should be proactive in promoting wetland banking, leaving it solely to the private sector has been ineffective.

Q. How should LGUs balance private financial gains in banking with neighboring county wetland bank credits? (e.g. Hubbard County impacts being replaced by Becker County wetland bank credits)

A. This will always be a common occurrence unless there are more banks developed and/or in combination with local plans due to the nature of the regulatory programs.

Q. *WCA rule siting requirements restricts going outside of the county, what is the relationship between the siting requirements with the cost of credits?*

A. The WCA rule does not restrict going outside of the county, but provides a stepwise process required for siting mitigation. Wetland banking is a free market system that is affected, to some degree, by regulatory decisions, so there is no specific relationship.

Q. It is a complicated and difficult process to establish a bank. Can it be streamlined?

A. There is a need to ensure competent consultants guide property owners through the process. However, there is usually a high establishment cost and credits are sometimes unpredictable.

Q. Should there be credit reconsideration for Northeastern Minnesota? Credit yields for replacement credit generation options in Northeastern Minnesota makes banking less attractive. Can there be variable credit based on location in the state (i.e. more credit for preservation, and other methods that have been reduced)?

A. There already is a variable credit based on the location in Minnesota. The Northeastern part of the state is 1:1 while the southern part of the state is 2:1. Credit for the other methods is based on the Memorandum of Understanding between BWSR and the Corps of Engineers and the proposed rule changes.

Q. If the majority of restoration opportunities are farmed wetlands, is there a possibility of reducing the requirement for 20 years?

A. There are no proposed rule changes that address this at this time and it is not anticipated to change in the near future.

C. Can certain wetland functions be targeted? There is a question whether mitigation actually replaces the lost functions of impacts.

Q. Can there be a General Statewide Bank that everyone can come to, even for violations?

A. There is an ongoing discussion for a Wetland Cooperative Mitigation Bank for Northeastern Minnesota. The details have not been worked out as yet.

C. There needs to be some long term monitoring for the maintaining the quality of wetland banks. There have been some failures due to the invasion of reed canary grass. Further discussion suggested good site selection and maintenance fees to ensure perpetuity.

Q. Can BWSR provide a short form or a short process for small bank sites? In other words, can the state make it easier for sites under 5 acres to be banked especially where big sites are unavailable?

A. The Corps of Engineers generally does not consider bank sites under 5 acres. It may not be feasible to create a bank site for less than 20 acres when one considers establishment fees and the rate of return of credits (investment) over time.

C. Perhaps Preservation of high quality wetlands could be used to offset the impacts to poor quality and low functioning wetlands.

C. Use large bank sites for the road program.

Q. What about using wetland mitigation to help establish flood retention impacts where it's needed elsewhere in the state – i.e. Red River Valley?

A. Current rules provide guidance to replace wetlands as close as possible to the point of impact.

Q. How closely are the mining companies being held to WCA, regarding replacement wetland functionality and location?

A. Minnesota DNR is charged with enforcing the WCA when they issue a permit to mine.

GIS Tool needs

Q. Can drain points be added to the tool – to help determine flow of the wetlands (hydrology)?

A. Yes.

C. NWI is useless information

Q. Can crop history data be added so that it is easier to determine eligible parcels?

A. NRCS controls the crop history which is currently protected under data privacy laws. It is probably easier to contact the individual property owner for their records.

C. Color infrared layer should be added to enhance wetland determinations.

Overall, there was a general consensus that either Alternative 2 or 3 would work for the SWCD's. It was important to note that only 7 of the 18 SWCD/Counties were represented and 2 of these did not have ARC GIS capabilities – so it is important to develop this tool in such a way that the software is accessible by someone who does not have access to GIS; in short – make it easy for anyone to view and download information.

Appendix B.2

County Commissioners Meeting Notes

Meeting Notes
Outreach Meeting with County Commissioners
April 15, 2009

Presentation of the NE MN Wetlands Mitigation Project at the Arrowhead Region County Commissioners April Meeting;

Commissioners from the following counties attended the meeting: Aitkin, Carlton, Cook, Lake, Lake of the Woods, Koochiching, Pine, and St. Louis. Also attending was the Director of the Arrowhead Regional Planning Commission.

Presentation Summary

Approximately 30 county commissioners and staff and other from the organizations cited above participated in the meeting. The group was presented with updated and revised data from the Phase 1 Inventory. Maps of potential opportunities for nine mitigation methods were displayed and discussed with the audience. In addition, assumptions used in revising the data were explained. Three GIS Tool Alternatives to identify potential mitigation opportunities were explained. Now that preliminary data is in, the presenters received input on goal and priority preferences, questions and comments.

Participant Comments

Q – What about judicial ditches?

A – The potential opportunities for this type of restoration will need further examination. All of the answers are not available yet.

Q – How long will those 4,200 acres last?

A – That depends on wetland impacts, mitigation needs.

Q – Were landowners contacted? Was government property involved in the study? Reservations?

A – An effort was made to contact each property owner but not all were contacted. State and County land was inventoried in the study. No federal or Reservation land was inventoried because BWSR currently cannot put an easement on reservation or forest service land. There is a lot of Federal and Government ownership in the northeast part of the study area and thus, less opportunity within the Arrowhead region, for instance.

Q – So, how many real acres of potential?

A – It is estimated that there is 137,000 acres on the high side, and when you consider those acres having high potential and interested property owners - 4,200 on the low side. Landowner interest is only a snapshot in time. This factor can be more variable than the natural features, which means opinion can change. This is a VERY significant factor. There ARE opportunities, but it will take more looking.

Q – If only 11% of the property owners are willing, is it because they are unhappy with this idea?

C – In a "wet" county, wetlands are less precious (Aitkin). It is very difficult to find mitigation opportunities.

Q – Who was notified?

A – During the Ground Truthing or Field Verification Efforts Soil and Water Conservation Districts (SWCDs or County Environmental Staff were enlisted and instructed to contact property owners to about access to their property and about their preferences concerning wetland mitigation on their property.

C – Commissioners expressed concern about wetlands banking easement which may handicap land management.

Q – How did you pick 20-acre gravel pits?

A – Yes, that is big, but need to have a minimum size in order to make it financially feasible with the establishment costs and fees for creating a wetland bank.

Q – What about the Magnet Project?

A. – The Inventory evaluated inactive mine areas, like old tailings basins. There was an assessment of mine features but not on any mine property that is currently working.

Q – What about the Cuyuna Range?

A – Most of the Cuyuna Range was mined creating very deep lakes. Much of these do not offer credit as wetlands which have a maximum depth of 6 feet.

Q – Pre-settlement wetlands are supposed to be ones here originally, when MN became a state. But – has there been any consideration for how those were increased with dams and locks? Have you checked on those existing wetlands (80%) to correlate the numbers?

A – No.

Q – Is Barr looking at managing wetlands or selling mitigation credits?

A – No – Barr is just looking at the opportunities.

Q – There are potential opportunities for someone to manage these lands... How does that play out?

A – Barr is not a land managing agency but an engineering consultant firm.

Q – What does the state do with this data? What if landowners are not interested?

A - BWSR is sensitive to that potential, respecting the fact that some landowners are not interested. There is a need to manage the data carefully. When the data is released it may start an uptick in mitigation projects. BWSR does not want to pre-dispose any entity to this information.

C – Keep in mind that ARDC has a great server for GIS. ARDC would like to collaborate on GIS
A – The Different GIS Tool options have different costs and management

C – Developer came in to build Pamida store, struggled to find credits. This is a very real issue. Some Land commissioners are not supportive because of easement issues.

Q – When the ground truthing efforts were being conducted was there any identification of any amount per acre?

A – No, the landowner just asked if they were interested.

Q – Isn't it like asking "Do you want to give up farming when you make a money offer"?

A – No – the opportunities for mitigation really is about looking for potential where people are interested. It really depends on how you ask the question. Especially in LOW County – it could be a problem. BWSR is NOT doing a sales job. There may be some real concern if the wetland credit value may be $8,000 to $12,000 per acre with the current property values. Farmland that has been cropped and seeded (with records) for 20 years, is of maximum value.

Q – If there is a 20-year crop history, what if it is not consecutive?

A – Then a percentage of the acres would be given as credit.

Q – Kanabec is totally farmed, so there is high price and high potential. But, there may not be any interest. It depends. Who ends up running the properties that become wetland mitigation? Will it have to be off the tax rolls?

A – No, land is still privately held, BWSR holds an easement.

Q – What if they quit paying taxes on it?
A – Not aware of any cases, at least it's not happening now.
A – There is an example of a potential site in which the owner wants to stay on site and create a forested wetland and pay taxes. This is a win/win situation for the landowner and the county which is concerned about tax revenues.

C – BWSR needs to keep track of these situations. The mitigation sites should be mostly local landowners. The County will be responsible in perpetuity. For the first 5 years there would be local monitoring, a BWSR issue.

Q – In Pine County – is there any retroactive ability to this program? If a wetland was created in the past and the owner didn't know about this program…

A – It depends. For gravel pits, it takes time to create a wetland. Can apply within 10 years of ceasing mining – needs to be active. There needs to be a vegetation plan, established hydrology, and hydric soils.

Q – Of those 500-600 acres needed per year, are there individually projected numbers by county?

A – No – those are just overall estimates. There is no county specific data.

Q – Did you contact anyone like Potlatch? They own lots of wetlands.

A – No particular owners were targeted in the Inventory. However, BWSR has looked at cedar preservation on a site formerly owned by them.

Q – Where do you see disadvantages preservation of cedar for county with tax forfeited land?
A – If you receive wetland credits, the harvest of timber may be prohibited under an agreement with the

Corps of Engineers (COE). Timber management may be allowed but under a forest management plan and at a reduced credit. The COE wants to ensure that permanent impacts are being replaced.

C – Seems like more of a plan than policy setting

A - Policy exists outside this program (WCA). BWSR has applied existing policy to create estimates of the potential mitigation based on known program standards.

C – In Pine County we have mud volcanoes. These are mud flats down south that are getting bigger and bigger. Now we have a HUGE wetland. Maybe we should let it grow and then sell credits!

Q –Shouldn't we be more concerned about moving ahead into the rest of the state? Need to ID wetlands. Now there is a process – how can that be applied statewide? Is it appropriate to ask for policy idea when project is half done?

A – The part of the project that is done – is ONLY the Inventory. How does this tie in to the WCA? Other parts of the state do not have the same problems.

C – Commissioners make policy, technicians stay out of policy and present the facts.

C- We do have opportunities to create banks. We went to legislature to help find banking potential, and received funding.

C -It is a policy decision to identify what wetlands to target. Groups – target certain watersheds and opportunities in certain watersheds.

Q – Issue is identified, so then how to make policy?
A – Have to lay out current policy, get data, and decide on further policy.

C - Outlook should be for the health of the county.

C – There is a need to provide banking possibilities to help business development/ other development. Find a bank in each county.

Q – What are the ramifications of the study? Make certain any properties sold for credits do not affect neighboring properties' assessments. Information derived is not proprietary – results and identified properties should be held only by each county and not available to the "used car salesmen" types. It could be a business opportunity for somebody. If government is creating a "need", it shouldn't have the data just "out there".

Q – What are those formulas for replacement? Are they actually statutory?

A – It depends on the rules.

Q – Looks very inequitable, looking at it as a new member/layperson. Formula should be tailored to take into account the particulars of certain kinds of lands. This seems unfair.

A – Depends on what part of replacement equation you are looking at. North is 1:1, South is 2:1 maybe should look at varying those numbers. Consider all other agencies – like ACOE, use most restrictive.

Q – Presentation – Why can't counties get any input (Aitkin) on the mining companies and dealing with mitigation on their own. Why are they working only with the DNR?

A – DNR – issues the permit to mine and is charged with the Wetland Conservation Act regarding mining activity.

Q – Is there policy – impaired water with TS – would mitigation be required on that site?

A – LGU could make that decision. If doing an enhancement, maximum credit will be 25%

Q – Again, should the ratios/formulas be revisited?

C - Look at the restoration/enhancement opportunities – each have credit ratio, determined by BWSR and the ACOE. Look at the situation.

Q- Why can't there be some consideration for wetland mitigation in the areas that have lost their wetlands?

A – There are always questions about out-of-watershed replacement. State & Federal guidelines address replacement in the watershed first. This study is not supposed to address the policy-making process, but present the facts.

C – (DF) Seems to be creating winners and losers – the winners are those who have already filled in their wetlands, and can now create them again…

Appendix B.3

Public Outreach with Mining Interests Meeting Notes

Meeting Notes
Outreach Meeting with Mining Interest Representatives
April 24, 2009

Organizations Represented

ArcelorMittal Minorca Mine, BWSR, Cliffs Natural Resources, DNR Minerals, Duluth Metals, Essar Steel, Encampment Minerals, Franconia Minerals, Magnetation, Mesabi Nugget, Polymet, Iron Range Resources, Iron Mining Association, Mining Minnesota, United Taconite, USS Keetac, USS Mintac.

Presentation Summary

Approximately 35 representatives from the organizations cited above participated in the meeting. The group was presented with updated and revised data from the Phase 1 Inventory. Maps of potential opportunities for nine mitigation methods were displayed and discussed with the audience. In addition, assumptions used in revising the data were explained. Three GIS Tool Alternatives to identify potential mitigation opportunities were explained. Now that preliminary data is in, the presenters received input on goal and priority preferences, questions and comments.

Participant Comments

Q – Is 4,200 acres actually what's out there?

A – I think the real potential is somewhere between 4,200 and 20,000 acres.

Q – Where could mitigation ultimately go provided there is little opportunity in the northeast?

A – Looking at the opportunities on a watershed basis, and if there are no opportunities found there may be some possibility in examining changes to current policies of replacing in the watershed.

Q – Why aren't farmed wetlands receiving credit for a cropping history when it is hayed?

A – The Wetland Conservation Act rules allow credit for farmed wetlands based on the percentage of seeded crops or rotations during the past 20 year period. There is new guidance coming out on the restoration of farmed wetlands. For example, a site with documented seeded crops in 15 out of the past 20 years would receive 75% credit for the total acreage restored.

Q – Can you provide all of us with a copy of the presentation?

A- Yes

C – Mineland assessment slide looks bad to the lay person. This should be restated more positively.

- *Possibly rate wetlands using the wetland management classification as another way to show the overall value.*
- *It might help to look at the acreage of the wetlands in conjunction with the quality ratings.*
- *Evaluate the percent of the mine landscape covered by wetlands compared to undisturbed areas in that part of the state.*
- *Compare the quality ratings of mineland wetlands to typical wetlands in the region.*
- *Reiterate that the wetlands evaluated just developed naturally without any planning or management and little reclamation.*
- *The mining methods used in the areas evaluated typically differed from those used today and reclamation was either nonexistent or limited.*

C – The legislation provided for mineland assessments out of concern of environmental groups. Environmental groups expressed concern to document mining impacts to wetlands and to determine if mitigation was taking place in the area of the mining activity.

Trends / Goals/ Priorities were discussed.

C – A delayed mitigation strategy concept was discussed briefly.

- *Flexibility could be considered to allow on-site wetland development in tailings basins or mine pits during reclamation with in-time compensation through preservation or enhancement.*

Q – Can you transfer credits to the BWSR Bank from a mining project?

A – Yes, although project specific mitigation would have to be reviewed and approved using the banking procedures before credits could be deposited in the bank. Credits can also be transferred from one company to another.

Priorities were discussed. Current state and federal regulatory guidelines give preference to restoration of completely or partially impacted wetlands. Wetland enhancement, preservation, and creation should only be considered after restoration opportunities have been evaluated.

Q – What are some examples of priorities involving wetland functions?

A – Wooded wetlands are one of the predominant, natural wetland types present in the northeast and also infrequently restored for compensatory mitigation. Therefore, the restoration of wooded wetlands has generally been a priority. Restoring wooded wetlands with a high quality community component is probably the most frequently implemented wetland function priority. Inundated wetlands (Types 3, 4, and 5) are generally discouraged in the northeast region because they represent only a small proportion of natural wetlands in the region.

Q –There is the perception that there is greater ecological need for restoring wetlands in areas of the state where >50 percent of historic wetlands have been lost (i.e., outside of the project study area). Is it a desired outcome of this study to support broader regulatory acceptance of that?

A – The options will be reviewed and potential policy issues will be discussed in the future; hopefully using the results of his study as supporting data. However, this study has shown that there are some potential compensatory mitigation opportunities in the region.

Q – Is there any movement on the part of the USACE to allow mitigation outside of the Bank Service Area without penalty?

A – No, not to any greater degree than is already allowed. However, the current USACE compensatory wetland mitigation policy allows projects in which wetlands are impacted in Bank Service Area #1 to replace those impacts with wetland bank credits in BSA #2 without penalty.

With the limited opportunities identified in the northeast, there were questions about going from one bank service area to another since there has been some resistance from county commissioners regarding staying within the Bank Service Area.

Q - Are there current guidelines on how much effort must be undertaken to identify opportunities within the project watershed (i.e., when it is feasible to go outside of the watershed).

A – Yes, general guidelines are included in both the WCA rules and USACE mitigation policy that must be followed in searching for feasible opportunities. While these guidelines are general in nature and somewhat subjective, they do provide a framework for mitigation siting efforts.

1. *Take advantage of naturally occurring landscape position with minimal landscape alteration,*
2. *Have a high likelihood of becoming a functional wetland in perpetuity, and*
3. *Do not adversely affect other habitats or ecological communities important to maintaining ecological diversity.*

The WCA also includes consideration of whether sites are available and capable of being done after considering cost, existing technologies, and logistics. Further guidance could be pursued based on the results of this study to clarify this guidance.

C – There needs to be more certainty in mitigation planning for development projects.

C – Iron Range Resources (IRR) received a letter from Mining MN suggesting that the mitigation cooperative be funded in the amount of $2 million. The suggested budget was not approved, but $250,000 was budgeted for starting development of a wetland banking cooperative for northeastern MN to facilitate mitigation planning and permitting in the region. It is clear that this is available for both public and private development. Money is intended to be available by July, 2009. IRR would possibly serve as the cooperative administrator to provide a market. [i]

C – There was a carbon sequestration study in regards to wetland mitigation in the legislative finance bills.

Q – PCA non-degradation rules are coming out. Is there a way to consider whether or not wetland mitigation could be incorporated into this program?

C – Priorities – pushing bigger sites to bigger companies could raise an issue with those entities having the most economical advantage at expense of smaller entities.

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[i] The Iron Range Resources Board at a following meeting did not vote to approve the suggested $250,000 budget for a mitigation cooperative. No other funding is available at this writing to provide an incentive or seed money for a wetland mitigation cooperative market.

Appendix B.4

Public Outreach with Wetland Bankers Meeting Notes

Meeting Notes
Outreach Meeting with Wetland Bankers
April 9, 2009

Persons Represented

Wetland Bankers: Michael Whitt, Gerald Grog

BWSR: Dale Krystosek

Barr Engineering: Mark Jacobson, Tom Tri

Presentation Summary

A cozy meeting was held with two representatives from the Wetland Bankers organization. The group was presented with updated and revised data from the Phase 1 Inventory, including maps of potential opportunities for nine mitigation methods. In addition, assumptions used in revising the data were explained. Three GIS Tool alternatives to identify potential mitigation opportunities were explained. Now that preliminary data is in, the presenters received input on goal and priority preferences, questions and comments.

Questions and comments from the Wetland Bankers.

Q – Did you use topographic maps to determine slope in the creation of the model?

A – Yes, the model used variables of 0-1%, 1-3% and >3% slopes to determine potential wetland polygons.

Q – Is it true that Koochiching County has an ordinance preventing farmland from being converted into wetlands?

A – No, that is probably not true.

Q – Is the Corps of Engineers (COE) still maintaining a presence in the Study? How would credits work in their review of sites?

A – The Memorandum of Understanding (MOU) between BWSR and the COE outlines the credits for both parties' rules.

Q – Has there been a new MOU signed?

A – There is nothing new since the last one that was signed in 2007.

Q- How is it possible to show a demonstrable threat in relation to Preservation on public land?

A – It is not easy to show a demonstrable threat on public lands except for the cases of timber harvest or impending development (sale) as in tax forfeit lands, or in the case of peat mining.

Q- What is the credit ration for Trout stream enhancements and cedar preservation?

A – 12.5 % or 1 acre for every 8 preserved.

Q – If public funds are used for mitigation, the money has to be paid back with interest. How would that work if the Wetland Cooperative were created? What are the mines doing now?

A – Many are going to Aitkin County. Others are buying a particular property and banking some additional credits beyond the impacts of the project at the time of permitting.

Questions and Comments about setting Goals and Priorities

C – When Considering setting Goals and Priorities, the biggest hurdle to mitigation is the upfront costs and the need for technical expertise in creation of the wetland banks and mitigation.

C – Wetland bankers are interested in creating a level playing field for banking in which all parties do the required monitoring and other things that allow a wetland bank to be maintained in perpetuity. It is expected that the Wetland Cooperative if created would be held to the same standards.

C – Regarding establishing priorities based on a particular method or desired wetland function; wetland bankers will probably tend toward the greatest return on their investment (i.e. credit/cost ratio). Mitigation that gives you a 100% credit is going to be more favorable for going forward than something that provides 12.5 % credit.

C – The problem with mitigation is the wait – waiting for the return on the investment with high upfront costs. There needs to be more incentives upfront to stimulate more mitigation development and there needs to be some adjustments to credit release schedules. For some wetlands, wetlands may quickly be restored, while the credit release schedule is not advanced.

C – The Wetland Bankers agree with the idea of a minimum wetland bank size of 20-30 acres, when the upfront costs are considered in order to make it a viable project.

C – The additional considerations for water quality enhancements may be valid but they take away from wetland bankers who have existing banks with credits to sell.

Appendix B.5

Public Outreach with Federal, State and Tribal Meeting Notes

Meeting Notes
Outreach Meeting with State, Federal, and Tribal Interests
June 9, 2009

Agencies or Firms Represented

The Board of Water and Soil Resources (BWSR), MN Department of Agriculture (MDA), MN Department of Natural Resources (DNR), MN Department of Transportation (MNDOT), MN Pollution Control Agency (MPCA), US Fish and Wildlife Service (USFWS), US Army Corps of Engineers (USACE), Fond du Lac Environmental Services, Svoboda Ecological Resources, Barr Engineering.

Presentation Summary

The group was presented with updated and revised data from the Phase 1 Inventory. Maps of potential opportunities for nine mitigation methods identified in the presentation and discussed with the audience. In addition, assumptions used in revising the data were explained. The proposed GIS Tool to identify potential mitigation opportunities was explained. Now that preliminary data is in, the presenters received input on goal and priority preferences, questions and comments.

Questions and comments from the State, Federal, and Tribal Interests.

Comments received from Steve Eggers (Corps of Engineers):

Goals and Priorities should be to match compensation needs (wetland mitigation) with the projected impacts. For replacing wetland types, higher priorities should be placed on the historical loss trends. This trend has been toward the higher losses of forested wetlands, bogs, and shrub swamps in the northeastern part of the state. Priorities should look at the 81 major watersheds first, and then onto the Bank Service Area of the major watershed of the impact. The identifications of wetland functions is tough but until an easier method comes along it is assumed to be replaced by the same kind of wetland in the same landscape position.

Comments received from Rick Dahlman (MN DNR Forestry):

Forested wetlands might be a key goal and have greater opportunity on farmed wetland sites.

Q. Which mitigation methods might be targeted towards public lands rather than private lands?

A. The methods which might lend itself more towards public lands, would be:

- creation in aggregate pits,
- some of the preservation opportunities with high quality wetlands, or ENRV sites on public lands.

Most of the public lands are not going to have many restoration opportunities. Wetland Bankers have weighed in that they would be targeting sites that might bring the best return on the high initial investment. These would be mainly restoration opportunities on drained wetlands, partially drained wetlands or farmed wetland sites.

There was some discussion about the feasibility of preservation of high quality forested wetlands on public land. Many public agencies who manage forest land are looking for annual rate of return from those lands either through timber, gravel or peat mining sales. If forested wetlands were preserved from harvest, then the agencies would be looking for some compensation for the annual income from these lands.

Further items discussed included the possibility of replacing that income with other sources such as the sale of carbon credits or water pollution credits.

C. Wetland banks should be encouraged to be developed close to the point of impact if possible.

A. It was felt that if the Regional Wetland Cooperative was up and running, this could stimulate the wetland banking market to accomplish this within the TAA. Some additional money could potentially be raised to generate partnership projects for areas outside the TAA.

Appendix B.6

Public Meeting Grand Rapids - All Interests - Meeting Notes

Meeting Notes
Outreach Meeting with All Interests - Grand Rapids, MN.
October 19, 2009

Presenting Team

Dave Weirens	Board of Water and Soil Resources (BWSR)
Dale Krystosek	Board of Water and Soil Resources (BWSR)
Mark Jacobson	Barr Engineering
Tom Tri	Barr Engineering
Tony Kroska	Community GIS Services
John Kubiak	Community GIS Services
Josh Pocklington	Community GIS Services

Attendees (signed in)

Mark Pannkak	St. Louis County Land Department
Jason Meyer	St. Louis County Land Department
John Steward	MN Department of Natural Resources (DNR)
Dan Jordan	Iron Range Resources (IRR)
Gabe Johnson	Cliffs Natural Resources
Dave Skolasinski	Cliffs Natural Resources
Tony Kerick	Agazzi
Christa Miller	MN Department of Natural Resources (DNR)
Jeff Hanson	Floating Islands
Julie Klejeski	Hibbing Taconite
Dennis Schubbe	Duluth Metals Corp.
Tom Estabrooks	MN Pollution Control Agency (MPCA)
Brian Frederickson	MN Pollution Control Agency (MPCA)
Shanna Skillet	U. S. Steel
Robert Wright	Cass County
Howard Maki	MN Department of Transportation (MNDOT)
Cheryl Adams	UPM Blandin
Jim Marshall	UPM Blandin
Keith Grow	Board of Water and Soil Resources (BWSR)
Kate Gunderson	MN Department of Natural Resources (DNR)
Luke Rutten	Chippewa National Forest
Bob Tammen	Breitung Township
Pat Tammen	Breitung Township
Joan Weyandt	Board of Water and Soil Resources (BWSR)
Rod Otterness	City of International Falls
Craig Pagel	Iron Mining Association
Matt Johnson	Itasca Soil and Water Conservation District
Brian Huberty	U.S. Fish and Wildlife Service
Mike Hoppins	MN Department of Natural Resources (DNR)
Rick Dahlman	MN Department of Natural Resources (DNR)
Kathy Rasch	Clearwater Soil and Water Conservation District
Beth Jaeqman	Aitkin County

Presentation Summary

Mr. Weirens (BWSR) opened the meeting with a summary of the project's history. The group was presented with updated and revised data from the Phase 1 Inventory and an overview of Phase II by Mr. Jacobson (Barr Engineering). Maps of potential opportunities for nine mitigation methods identified in the presentation and briefly discussed with the audience. In addition, assumptions used in revising the data were explained. The proposed GIS Tool to identify potential mitigation opportunities was demonstrated by Mr. Kubiak (Community GIS Services). Mr. Jacobson also summarized the feedback from the other outreach meetings regarding goals and priorities in wetland mitigation. Upon completion of the presentation, the presenters received questions and comments.

Questions and comments

C. It's hard to believe that there isn't more than 900 acres of preservation within the study area. There seems to be more potential acres for preservation.

A. The 900 acres represents available creditable acres projected with ownership approval. Mr. Krystosek said that he would re-evaluate the numbers over the next couple of months.

Q. Why doesn't the study extend out into the Red River Valley Area? Why couldn't the Study take into consideration the mitigation potential for flood control?

A. The Study only included the area for the 18 counties that are considered to have retained greater than 80% of the pre-settlement wetlands.

Q. Will the data in the GIS Tool be downloadable?

A. Yes.

Q. Why aren't the wild rice and sod farm data included in the totals?

A. The NRCS data did not capture that data in their files. Consequently, this may understate the mitigation restoration potential on farmed wetlands.

Q. Why is there variable credit given on farmed wetlands?

A. Allowable credit for farmed wetlands is identified by rule and is based on an annual seed crop history of 20 years.

Q. What kind of documentation is required to get credit on a farmed wetland?

A. If the landowner can provide evidence that there has been an annual seeding. Aerial photography can verify this. Sometimes, neighbors can verify crop history.

Q. What is the schedule of the remainder of this project?

A. The Final Report will go to the BWSR Board in December. Final approval will take place in January and a copy of the Report will go to the Legislature in February.

Q. Can we get a copy of the PowerPoint presentation?

A. A copy of the presentation will be posted on the BWSR Website.

Appendix C

GIS Tool Data Layers

Appendix C.1: Suggested Design Data Layers

The following data layers were emailed to the Technical Committee and briefly reviewed for additions or subtractions:

- Photos – Current True Color Aerials, Available Historical (2003 & 1991), Color Infrared
- Elevation and Slope
  - Quad maps (250K, 100k, 24k)
  - Digital Elevation Model (hill shade)
- Id Wetlands
  - NWI data
  - Historic wetland mapping from Phase I Inventory model
- Soils – Hydric soils
- Water
  - DNR streams
  - Trout Streams
  - Lakes
  - Impaired Waters (streams, lakes, wetlands, including impairment attributes
  - Ditch Data
  - Banks Service Areas, Major/Minor Watersheds, Lakesheds
- Geography
  - Road names and numbers
  - Section numbers
  - Section lines
  - Township lines and names
  - UTM coordinates
  - Latitude and Longitude
  - Existing BWSR Banksites
  - Wildlife Management Areas
  - Scientific & Natural Areas
  - State Forests/Parks
  - National Forests/Parks
  - Counties
  - County Seats
  - Populated Places
  - Municipalities
  - Iron Range
  - Ownership by 40's or other publicly available (Public/Private Classification only)
  - Ecological Classification System
- Special Categories
  - ENRV- exceptional natural resource value
  - White cedar
  - Gravel pits
  - Invasive species (The mitigation site polygons indicate these locations already)

Additional Data Layers were suggested:

- SWCD Districts and contact information
- Political Districts
- Database field for field truth verification that could be updated based on a site visit.
- Database field indicating landowner interest with contact information.
- Database field Including wetland mitigation credit potential, based on method

Appendix C.2: GIS Tool Data Layers

The following data layers were emailed to the Technical Committee and briefly reviewed for additions or subtractions:

- Photos – Current True Color Aerials, Available Historical (2003 & 1991)
- Elevation and Slope
  - Quad maps (250K, 100k, 24k)
- Water
  - DNR streams
  - Trout Streams
  - Lakes
  - Impaired Waters (streams, lakes, wetlands, including impairment attributes
  - Ditch Data
  - Banks Service Areas, Major/Minor Watersheds, Lakesheds
- Geography
  - Road names and numbers
  - Section numbers
  - Section lines
  - Township lines and names
  - UTM coordinates
  - Existing BWSR Banksites
  - Wildlife Management Areas
  - Scientific & Natural Areas
  - State Forests/Parks
  - National Forests/Parks
  - Counties
  - County Seats
  - Populated Places
  - Municipalities
  - Iron Range
  - Ownership by 40's or other publicly available (Public/Private Classification only)
  - Ecological Classification System
- Special Categories
  - ENRV- exceptional natural resource value
  - White cedar
  - Gravel pits
  - Invasive species (The mitigation site polygons indicate these locations already)

Appendix D

Geographic Information System Metadata

Geographic Information System Metadata

The following is a list of the data layers used, the sources for the data and links to Metadata. Metadata was not available for all sources of information. When the data is released publicly by BWSR, the metadata for creating the model will be released at that time.

Data Layer	Source	Metadata Link, if available
DNR 24K Streams	DNR Data Deli	http://deli.dnr.state.mn.us/metadata.html?id=L260000072102
DNR GAP Data Tile Raster	DNR Data Deli	http://deli.dnr.state.mn.us/metadata.html?id=L390002710606
DNR GAP Land Cover Vector	DNR Data Deli	http://deli.dnr.state.mn.us/metadata.html?id=L280000150202
International Coalition Land Cover	DNR Data Deli	http://deli.dnr.state.mn.us/metadata.html?id=L250000102101
Manitoba Land Cover	DNR Data Deli	http://deli.dnr.state.mn.us/metadata.html?id=L250000112101
National Land Cover USGS	DNR Data Deli	http://deli.dnr.state.mn.us/metadata.html?id=L390005710606
MN Trout Streams	DNR Data Deli	http://deli.dnr.state.mn.us/metadata.html?id=L260000240202
Municipal Boundaries	DNR Data Deli	http://deli.dnr.state.mn.us/metadata.html?id=L390001310201
County Boundaries	DNR Data Deli	http://deli.dnr.state.mn.us/metadata.html?id=L220000030201
Major Watershed	DNR Data Deli	http://deli.dnr.state.mn.us/metadata.html?id=L260000210201
Minnesota Geomorphology	DNR Data Deli	http://deli.dnr.state.mn.us/metadata.html?id=L280000062101
Minnesota Impaired Lakes 2006	MPCA	http://www.pca.state.mn.us/water/tmdl/tmdl-maps.html
Minnesota 2006 Impaired Streams	MPCA	http://www.pca.state.mn.us/water/tmdl/tmdl-maps.html
Minnesota NHIS Polygon	DNR	http://www.dnr.state.mn.us/eco/nhnrp/nhis.html
Minnesota NHIS Point	DNR	http://www.dnr.state.mn.us/eco/nhnrp/nhis.html
Scientific Natural Areas SNA	DNR Data Deli	http://deli.dnr.state.mn.us/metadata.html?id=L220000150201
USGS DEM	USGS	http://seamless.usgs.gov/products/1arc.php

National Wetland Inventory NWI	DNR Data Deli	http://deli.dnr.state.mn.us/metadata.html?id=L260000162101
Mesabi Elevation Data	DNR Lands and Minerals	matt.oberhelman@dnr.state.mn.us
Mine Features Data	DNR Lands and Minerals	http://www.lmic.state.mn.us/gc/stds/metadata.htm
Most County Soil Data	NRCS	http://soildatamart.nrcs.usda.gov/SSURGOMetadata.aspx
Invasive Species Data	DNR	luke.skinner@dnr.state.mn.us
Fema Floodplains	DNR Data Deli	http://deli.dnr.state.mn.us/metadata.html?id=L260000102101

Soils Data Availability and Additional County Data Sources:

The following table illustrates which Minnesota Counties have completed soil surveys. In the case of unavailable soil data from the USDA – NRCS, geomorphology was substituted to identify potential hydric soils. In addition, some counties were able to provide ownership data and some timber inventory data to aid in the completion of the wetland inventory.

COUNTY NAME	SOILS DATA SOURCE	OWNERSHIP DATA SOURCE	COUNTY TIMBER INVENTORY PROVIDED?
Aitkin	USDA SOILS	COUNTY	YES
Beltrami	USDA SOILS	GAP	NO
Carlton	USDA SOILS	GAP	YES
Cass	USDA SOILS	GAP	NO
Clearwater	USDA SOILS	COUNTY	YES
Cook	GEOMORPHOLOGY	GAP	NO
Crow Wing	GEOMORPHOLOGY	COUNTY	YES
Hubbard	USDA SOILS	COUNTY	YES
Isanti	USDA SOILS	GAP	NO
Itasca	USDA SOILS	COUNTY	YES
Kanabec	USDA SOILS	GAP	NO
Koochiching	GEOMORPHOLOGY	COUNTY	NO
Lake	GEOMORPHOLOGY	COUNTY	YES
Lake of the Woods	USDA SOILS	GAP	NO
Mille Lacs	USDA SOILS	GAP	NO
Pine	GEOMORPHOLOGY	GAP	NO
St. Louis	USDA SOILS & GEOMORPHOLOGY	GAP	NO
Wadena	USDA SOILS	COUNTY	NO

Appendix E

Metadata for Methods and Processes

Appendix E.1

County

Appendix E.2

Methods

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD
LOWER LEVEL BOARD ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, MARCH 24, 2010

BOARD MEMBERS PRESENT:
Gordy Behm, Paul Brutlag, Bob Burandt, Rebecca Flood, MPCA; Quentin Fairbanks, Christy Jo Fogarty, 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, LuAnn Tolliver, John Linc Stine, MDH; Gene Tiedemann

STAFF PRESENT:
Mary Jo Anderson, Conor Donnelly, Tabor Hoek, John Jaschke, Al Kean, Megan Lennon, Chad Severts, Ron Shelito, Sarma Straumanis, Dave Weirens, Tom Wenzel, Steve Woods

OTHERS PRESENT:
LeAnn Buck, MASWCD
Wayne Edgerton, DNR
Lance Yohe and Julie Gehring, RRBC
Larry Gunderson, MN River Basin Coordinator, MPCA
Shawn Schottler, St. Croix Watershed Research Station

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

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA – Chair Kramer stated that the Public Relations, Outreach and Strategic Planning Committee Recommendation on BWSR Bylaws, presented by Brian Napstad, will be moved up on the agenda under Reports rather than Committee Recommendations as Brian needs to leave the meeting early to attend another meeting. Chair Kramer stated that an additional agenda item has been added under Committee Recommendations – Northern Water Planning Committee, Crow Wing SWCD Change of Office Location. Keith Mykleseth stated that Paul Brutlag will report on the Traverse
** County Local Water Management Plan Amendment. Moved by Paul Brutlag,
10-14 seconded by Quentin Fairbanks, to adopt the agenda as amended. Motion passed on a voice vote.

** **MINUTES OF JANUARY 28, 2010** – Moved by Louise Smallidge, seconded by Paul Langseth,
10-15 to approve the minutes of January 28, 2010 as presented. Motion passed on a voice vote.

REPORTS

Chair's Report – Randy Kramer reported that he met with the Legislative Auditor's last week regarding findings of BWSR's audit. The Legislative auditors also met with staff. Chair Kramer is involved in the findings process, which is confidential until the report is released.

Chair Kramer reported that he had his confirmation hearing in the Senate Environment Committee. Chair Kramer attended a meeting with the Department of Agriculture regarding clean water research projects. Chair Kramer attended the RIM Reserve Management Planning Committee meeting on March 17.

Chair Kramer asked that board members submit their completed forms to the Campaign Finance and Public Disclosure Board.

Chair Kramer reported that he and Paul Brutlag met with John Jaschke, regarding the executive director's performance review. Chair Kramer thanked board members for submitting their review responses; 20 out of 20 board members responded. Quentin Fairbanks asked for the position description of the executive director to use as a guideline for the next review.

Executive Director's Report – John Jaschke gave an overview of the information in board members' packets. John gave a brief report on the BWSR 2010-2011 budget and proposed cuts. John reported that the bonding bill passed and that Governor

Pawlenty line-item vetoed the RIM funds. The BWSR policy bills are moving forward: the WCA bill; local water management bill for the metro area; the drainage work group bill; the walk-in hunting bill; and the watershed districts' borrowing authority bill.

John reported that the Legislative Auditors have nearly completed BWSR's fiscal audit; they had been in the office over two months, typically BWSR is audited every three years. John circulated an evaluation report by the Office of the Legislative Auditor, "Natural Resource Land". John asked that board members let him know if they are interested in receiving a copy of the report and he will request additional copies. John reported that he met with Rebecca Flood, MPCA, regarding grant issues. A joint communication from BWSR/MPCA will be sent out prior to the grant making period.

John reported that a few new procedures have been established as a result of the January Board Workshop. A new form has been developed to coordinate agenda items; proposed changes to the Bylaws; and to create a dialogue at Board meetings regarding various topics. A short panel presentation is on the agenda today regarding Sediment Source Fingerprinting Analysis. Rebecca Flood asked that the Legislative Auditor findings be presented to the Board at an upcoming meeting.

Dispute Resolution Committee – Travis Germundson reported that one new appeal has been received, for a restoration order in Lyon County. Travis provided an update to the earlier report that board members' received. Chair Kramer thanked Travis for his report.

Wetlands Committee – LuAnn Tolliver reported that the Wetlands Committee cancelled a meeting scheduled for March 23; the Committee will meet on April 28, immediately following the Board meeting.

Grants Program & Policy Committee – Louise Smallidge reported that the Grants Program & Policy Committee has not met since their January meeting.

Public Relations, Outreach & Strategic Planning Committee
BWSR Bylaws – Brian Napstad reported that the Public Relations, Outreach & Strategic Planning Committee met in January and discussed proposed changes to the BWSR Bylaws. Brian summarized the proposed changes to the Bylaws and stated that per the Bylaws, Board members must have an opportunity to review them at least one meeting prior to adoption. Brian stated that the final proposed Bylaws will be acted on at the next Board meeting. Brian thanked Steve Woods and Julie Blackburn for their efforts on this document. Chair Kramer stated that the BWSR Bylaws will be on the agenda at the April 28th Board meeting. Chair Kramer asked board members that may have comments or changes to the proposed Bylaws to contact the Chair, Brian Napstad or staff before the next meeting.

RIM Reserve Management Planning Committee – Paul Brutlag reported that the RIM Reserve Management Planning Committee met last week with the NRCS Technical Committee to discuss items that are on the agenda later today.

Drainage Work Group – Tom Loveall reported that the Drainage Work Group met on January 21; nothing to report at this time. Al Kean reported that the bill containing the Drainage Work Group recommendations are being heard in the Senate this morning.

Administrative Advisory Committee – Chair Kramer reported that Administrative Advisory Committee met this morning. Items discussed included: the SWWD/VBWD boundary settlement negotiations; budget FY10-11 status report; policy bills overview; RRBC workplan and FY10 pass-through grant; and the Crow Wing SWCD office relocation.

COMMITTEE MEETINGS

Northern Water Planning Committee

Carlton County Local Water Management Plan Update – Keith Mykleseth reported that the Northern Water Planning Committee met on February 10, 2010, and recommends approval of
** the Carlton County Local Water Management Plan. Moved by Keith Mykleseth, seconded by
10-16 Paul Brutlag, to approve the Carlton County Local Water Management Plan. Motion passed on a voice vote.

Red Lake County Local Water Management Plan Update – Brian Napstad reported that the Northern Water Planning Committee reviewed the updated Red Lake County Local Water Management Plan and recommends approval of the Red Lake County Local Water Management Plan from March 24, 2010 to March 24, 2020 with a review and update of the
** work plan in five years. Moved by Brian Napstad, seconded by Quentin Fairbanks, to
10-17 approve the Red Lake County Local Water Management Plan Update. Motion passed on a voice vote.

Roseau County Local Water Management Plan – Gene Tiedemann reported that the Northern Water Planning Committee reviewed the Roseau County Local Water Management Plan. The Committee's recommendation is to approve the Roseau County Local Water Management Plan through March 24, 2020; with review and update of the
** work plan in five years. Moved by Gene Tiedemann, seconded by Keith Mykleseth,to
10-18 approve the Roseau County Local Water Management Plan. Moved passed on a voice vote.

Traverse County Amendment of Local Water Management Plan – Paul Brutlag reported that the Northern Water Planning Committee reviewed the Traverse County Local Water Management Plan Amendment. The Committee recommends approval of

** 10-19 the 2009 Amendment for January 1, 2020 – December 31, 2014. Moved by Paul Brutlag, seconded by Quentin Fairbanks, to approve the Traverse County Local Water Management Plan Amendment. Motion passed on a voice vote.

Brian Napstad left the meeting at 9:50 a.m.

Marshall-Beltrami SWCD Consolidation and Dissolution – Ron Shelito introduced Chad Severts, Board Conservationist, and thanked Chad for his efforts on this endeavor. Ron explained that BWSR has been requested to exercise the power and duties identified in Minnesota Statutes Chapter 103C.401, subdivision 1(7), to consolidate the Marshall and Beltrami County portions of Marshall-Beltrami SWCD with the Marshall and Beltrami SWCDs, and also dissolve the Marshall-Beltrami SWCD. The Marshall-Beltrami SWCD has experienced financial difficulties for some time and is the only SWCD in the state to have areas in two counties. Before passing the resolutions, the Marshall, Beltrami, and Marshall-Beltrami SWCDs held informational meetings to determine the public's opinion. The Northern Water Planning Committee met March 10th to review the situation for feasibility, plan of succession, and the welfare of the public. The Committee recommends approval of the consolidation and dissolution. Chad reported on the Memorandum of Understanding (MOU) signed between the Marshall and Beltrami SWCDs which establishes the roles and responsibilities, and will also be considered by the Board, to be signed by Chair Kramer. Chad stated that the county attorneys requested Board action on this MOU. Ron stated that the Attorney General's office agrees with the county attorneys, and MASWCD is not against this action. Quentin stated that Beltrami County supported the dissolution effort. Keith Mykleseth

** 10-20 stated that staff have done great work on this effort. Moved by Keith Mykleseth, seconded by Paul Brutlag, to approve Committee's recommendation as presented in the resolution to consolidate the Marshall and Beltrami County portions of Marshall-Beltrami SWCD with the Marshall and Beltrami SWCDs, and also dissolve the Marshall-Beltrami SWCD. Discussion followed. Motion passed on a voice vote.

** 10-21 Moved by Quentin Fairbanks, seconded by Paul Brutlag, to approve the Memorandum of Understanding, to be signed by Chair Kramer. Christy Jo Fogarty asked why BWSR is requested to sign the MOU. Ron Shelito reported that the county attorneys requested that BWSR sign the document as a gesture of good will. Ron stated that the Attorney General's office agreed to BWSR's signature. Discussion followed. Paul Brutlag stated that the agreement adds another level of affirmation. Motion passed on a voice vote.

Crow Wing SWCD Office Relocation – Wayne Edgerton, as a member of the Northern Water Planning Committee, reported that MN Statute 103C.221 states BWSR's authority to act on the change in office location. The Northern Water Planning Committee met on February 10, 2010, and recommends approval of the Crow Wing

** 10-22 SWCD change of location from Baxter to Brainerd. Moved by Quentin Fairbanks, seconded by Paul Brutlag, to approve the Crow Wing SWCD Change of Office Location. Motion passed on a voice vote.

***Southern Water Planning* Committee**

Olmsted County Priority Concerns Scoping Document – Paul Langseth reported that the Southern Water Planning Committee met on March 4, 2010, reviewed the Olmsted County Priority Concerns Scoping Document, and recommends approval.

** 10-23 Moved by Paul Langseth, seconded by Larry Kramka, to approve the Olmsted County Priority Concerns Scoping Document. Discussion followed. Motion passed on a voice vote.

Winona County Priority Concerns Scoping Document – Paul Langseth reported that the Southern Water Planning Committee reviewed the Winona County Priority Concerns

** 10-24 Scoping Document and recommends approval. Moved by Paul Langseth, seconded by John Meyer, to approve the Winona County Priority Concerns Scoping Document. Motion passed on a voice vote.

Wetland Committee

Northeast Minnesota Wetland Mitigation Inventory and Assessment Project Final Report – Dave Weirens introduced Mark Jacobson, Barr Engineering. Dave presented an overview of the Northeast Minnesota Wetland Mitigation Inventory and Assessment Project Final Report. BWSR was appropriated $375,000 in FY2007 to (1) inventory wetland mitigation opportunities and water quality and watershed improvement projects in a greater than 80 percent area and (2) conduct a region-wide wetland mitigation siting analysis for greater than 80 percent areas. Barr Engineering was contracted with to complete these tasks. Mark Jacobson presented a summary of the Phase I and Phase II Final Assessment Report. The final report includes an estimation of wetland mitigation credits in the greater than 80% area, a series of recommendations, and an on-line GIS tool for resource management and regulatory program compliance. The report is also on the website as follows: http://www.bwsr.state.mn.us/wetlands/wca/NE_Assessment_Phase_II-Report.pdf .

Dave reported that the Wetlands Committee reviewed the project report on December 15, 2009, and recommends approval. LuAnn Tolliver stated that the Committee is asking that the Board accept the Report today, at another time under separate resolution, the Board will be asked to continue to be the lead state agency for

** 10-25 implementing specific recommendations, contingent on sufficient funding. Moved by LuAnn Tolliver, seconded by Gordy Behm, that the Board accepts the Northeast Minnesota Wetland Mitigation Inventory and Assessment Report; and will continue to be the lead state agency for implementing specific recommendations. Discussion followed.

Larry Kramka stated as a matter of record, that the contract ends tomorrow. Motion passed on a voice vote.

John Linc Stine arrived at the meeting at 10:30 a.m.

Faye Sleeper left the meeting at 10:40 a.m.

Chair Kramer called for a break in the meeting at 10:55 a.m. The meeting reconvened at 11:10 a.m.

NEW BUSINESS

Establish New Policy and Conservation Practice Rates for the Reinvest in Minnesota (RIM) Reserve Program – Tabor Hoek reported that the RIM Reserve Management Planning Committee met on March 17th and unanimously recommends the following RIM Reserve Policy and conservation practice rate recommendations:

- The RIM Reserve Program will not exceed 100% of the eligible costs for the practice to be established.
- The RIM Reserve Program will pay 100% of total eligible costs of wetland restoration up to $1,200 per acre.
- The RIM Reserve Program will pay 100% of total eligible costs for native species restoration up to $600 per acre for perpetual easements.
- The RIM Reserve Program will pay 100% of total eligible costs for native trees and shrubs up to $800 per acre for perpetual easements.
- For limited duration easements the RIM Reserve Program will pay up to 75% of eligible costs not to exceed actual costs.

Tabor explained that the Committee recommends authorization of the Conservation Easement Section Manager to exceed the conservation practice rate limits established by the Board on a case-by-case basis. This authority applies only when all factors related to the easement and restoration project functions have been evaluated and the extra expense is determined to be necessary to ensure the public's benefit in completing the project. Moved by Paul Brutlag, seconded by Paul Langseth, to authorize staff to implement the new conservation practice rates and policy adopted in support of the RIM Reserve Program. Discussion followed. Motion passed on a voice vote.

** 10-26

Establish Rates, Eligibility and Sign-Up Procedures for the 2010 RIM Reserve-Wetlands Reserve Program (RIM-WRP) Partnership Project – Paul Brutlag reported that the RIM Reserve Management Planning Committee reviewed and unanimously recommends authorizing staff to implement the 2010 RIM-WRP partnership sign-up to begin no sooner than April 1, 2010 and no later than May 31, 2010. The total partnership payment rate for cropland acres shall not exceed 125% of AATV, and for

non-cropland acres shall not exceed 70% AATV. Rates are to be calculated using township average for tillable property value established by county assessors for the
** 2010 tax year. Moved by Paul Brutlag, seconded by Paul Langseth, to accept the
10-27 Committee's recommendation and approve provisions to successfully implement the 2010 RIM-WRP Partnership Program. Discussion followed. Motion passed on a voice vote.

Paul Brutlag distributed copies of the RIM Reserve Management Planning Committee (RRMPC) purpose and meeting schedule. Paul Langseth explained that the RRMPC is responsible for overseeing all aspects of the Reinvest in Minnesota (RIM) Reserve conservation easement program; for reviewing RIM Reserve Program statutes (103F.515) rules, policies, guidelines, payment rates and projects; for developing the strategic plans, operational partnerships, opportunities to enhance the agency's conservation easements and related programs; and for making the resulting recommendations to the Board. The RRMPC will meet, as called by the BWSR Chair or the RRMPC chair upon consulting with the Conservation Easement Section Manager, to assure that conservation easement programs are meeting desired outcomes identified by the BWSR.

Chair Kramer asked board members to complete the *BWSR Conflict of Interest Disclosure for Grant Application Reviewer Form* located in their board packet today. Dave Weirens will collect the signed form prior to Board action on the Red River Basin Commission Administrative Grant – FY'10. Chair Kramer stated: "A conflict of interest whether actual or perceived occurs when someone in a position of trust has competing professional or personal interests and these competing interests make it difficult to fulfill professional duties impartially. At this time, members are requested to identify any potential conflicts of interest they may have regarding today's business." Dave Weirens collected the *BWSR Conflict of Interest Disclosure for Grant Application Reviewer Form.*

FY '10 Red River Basin Commission Administrative Grant – Lance Yohe, RRBC Executive Director, provided a summary of the RRBC's work plan, budget, and floodplain planning highlights of the Commission. The '09 Legislature appropriated $90,000 to BWSR for a grant to the Red River Basin Commission for administration and
** management of water quality and floodplain management programs. Moved by Paul Brutlag, seconded by Gene Tiedemann, to authorize staff to allocate $90,000 to the RRBC for administration and management of water quality and floodplain management programs. Discussion followed.

Dave Weirens compiled the results of the *BWSR Conflict of Interest Disclosure for Grant Application Reviewer Form.* 18 forms received: two board members absent; 15 no conflict; two potential conflict of interest; and one member, Chair Kramer, had a conflict
10-28 of interest. Chair Kramer abstained from the vote. Motion passed on a voice vote.

Sediment Source Fingerprinting Analysis: Implications for Program Delivery – Al Kean, BWSR Chief Engineer, introduced Shawn Schottler, Senior Scientist with the Science Museum of Minnesota, St. Croix Watershed Research Station (SCWRS); and Larry Gunderson, Minnesota River Basin Coordinator, MPCA. Al stated that the objective of this discussion is to generate awareness of the data and analysis; consider if or how we should evaluate program delivery for various education, incentive and regulatory programs; and what other related topics we should understand better before enacting or adjusting policies.

Shawn provided an overview of sediment source fingerprinting research and results for the Minnesota River Basin in relation to sedimentation in Lake Pepin and the Lake Pepin TMDL. This research points to streambank, bluff and ravine erosion as critical sources of sediment.

Larry Gunderson distributed a map of the Minnesota River Basin 2010 Draft Turbidity Impairments. Larry stated that this provides an opportunity for agencies to work with communities on water management issues.

Al stated that Shawn has presented this information to the Drainage Work Group also. Discussion followed. Rebecca Flood stated that it's not just about Lake Pepin but other areas as well. Joe Martin thanked Chair Kramer for scheduling this presentation. Chair Kramer thanked Shawn, Larry, and Al for the informative presentation.

AGENCY REPORTS

Minnesota Pollution Control Agency (MPCA) – Rebecca Flood reported that MPCA submitted the 303D list of impaired waters to EPA this week.

UPCOMING MEETINGS

- Next BWSR Meeting – April 28, 2010, in St. Paul.
- The Southern Water Planning Committee will meet for half an hour immediately following adjournment of the April 28th Board Meeting.
- The Wetlands Committee will meet immediately following the Southern Water Planning Committee meeting on April 28th.

** 10-29 Moved by Quentin Fairbanks, seconded by Paul Langseth, to adjourn the meeting at 12:45 p.m. Motion passed on a voice vote.

Respectfully submitted,

Randy Kramer
Chair

NEW BUSINESS

1. Establish New Policy and Conservation Practice Rates for the Reinvest in Minnesota (RIM) Reserve Program – Kevin Lines – ***DECISION ITEM***

2. Establish Rates, Eligibility and Sign-Up Procedures for the 2010 RIM Reserve-Wetlands Reserve Program (RIM-WRP) Partnership Project – Kevin Lines – ***DECISION ITEM***

3. FY '10 Red River Basin Commission Administrative Grant – Lance Yohe, Executive Director, Red River Basin Commission – ***DECISION ITEM***

4. Sediment Source Fingerprinting Analysis: Implications for Program Delivery – Shawn Schottler, St. Croix Watershed Research Station, Larry Gunderson, MN River Basin Coordinator, MPCA; and Al Kean, Chief Engineer, BWSR – ***DISCUSSION ITEM***

Minnesota Board of Water & Soil Resources

REQUEST FOR BOARD ACTION

AGENDA ITEM # 1 . R I M

Meeting Date: March 24, 2010
Agenda Category: ☒ Committee Recommendation ☒ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region:
Contact:
Prepared by: Kevin J. Lines, Conservation Easement Section Manager
Reviewed by: RIM Reserve Mangement Planning Committee(s)

Fiscal/Policy Impact

☐ None
☐ Amended Policy Requested
☒ New Policy Requested

☐ General Fund Budget
☒ Capital Budget
☒ Outdoor Heritage Fund Budget
☒ Clean Water Fund Budget

☐ Other: _____

ACTION REQUESTED

Establish new policy and conservation practice rates for the Reinvest in Minnesota (RIM) Reserve program.

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
In 2009 we developed *Native Vegetation Establishment and Enhancement Guidelines* which allow us to meet the following 2009 legislative requirements:

> *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 new requirement has created additional complexity and costs to establish native vegetation on conservation easements. In addition, Tom Wenzel, Senior Water Resources Engineer, has just recently completed an analysis of construction cost data for wetland restoration project work completed through RIM Reserve since 2002. Since 2002, we have completed 567 total construction projects totaling 14,329 wetland acres restored at a cost of $9.2 million. Average construction cost per acre is $645 per acre with a median construction cost of $463/acre.

Although we have been able to cover higher engineering costs due to most of our projects being done in partnership with USDA Farm Service Agency or NRCS in RIM-WRP partnership, we continue to emphasize leveraging of other funds with RIM Reserve Program. We continue to acquire stand-alone RIM Reserve conservation easements, and need the ability for the program to pay these restoration costs which have been escalating over the last several years.

The RRMPC will be reviewing the attached policy and conservation practice rate recommendations on March 17th.

ESTABLISH NEW POLICY AND CONSERVATION PRACTICE RATES FOR THE REINVEST IN MINNESOTA (RIM) RESERVE PROGRAM

The Board establishes the following conservation practice rates for use with the RIM Reserve program:

- The RIM Reserve program will not exceed 100% of the eligible costs for the practice to be established.
- The RIM Reserve program will pay 100% of total eligible costs of wetland restoration up to $1,200 per acre.
- The RIM Reserve program will pay 100% of total eligible cost for native species restoration up to $600 per acre for perpetual easements.
- The RIM Reserve program will pay 100% of total eligible costs for native trees and shrubs up to $800 per acre for perpetual easements.
- For limited duration easements the RIM Reserve program will pay up to 75% of eligible costs not to exceed actual costs.

The Conservation Easement Section Manager has the authority to exceed the conservation practice rate limits established by the Board on a case-by-case basis. This applies only when all factors related to the easement and restoration project functions have been evaluated and the extra expense is determined to be necessary to ensure the public's long-term benefit in accomplishing the project.

(Board resolution currently being drafted.)

Resolution #_____

Establish Policy and Conservation Practice Rates for the Reinvest in Minnesota (RIM) Reserve Program

WHEREAS the RIM Reserve Program began requiring native seed to be used in 1998 on all conservation easement restorations acquired;

WHEREAS in 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 in Minnesota, and preferably of the local ecotype, using high diversity of species originating from as close to the restoration site as possible, and protect existing native prairies from genetic contamination";

WHEREAS in 2009 the BWSR developed the "Native Vegetation Establishment and Enhancement Guidelines" which allows us to meet the 2009 Legislative requirement;

WHEREAS these new legislative requirements have created additional complexity and costs associated to establish high species diversity to promote native community stabilization and function, to provide benefits to multiple wildlife species and to prevent the establishment of invasive species;

WHEREAS the BWSR Senior Water Resources Engineer, has just recently completed an analysis of construction costs data for wetland restoration project work completed through RIM Reserve since 2002. The BWSR has completed 567 total construction projects totaling 14,329 wetland acres restored at a cost of $9.2 million. Average construction cost per acre is $645 per acre;

WHEREAS we have been able to cover higher engineering costs due to most of our projects being done in partnership with USDA Farm Service Agency or NRCS-in RIM-WRP Partnership, we continue to emphasize leveraging of other funds within the RIM Reserve Program;

WHEREAS existing RIM Reserve conservation practice rates are inadequate in many instances covering increasing engineering costs and high diversity native vegetation establishment on conservation easement acres;

WHEREAS the BWSR RIM Reserve Management Planning Committee met on Wednesday, March 17th to review and unanimously recommends the following RIM Reserve Policy and conservation practice rate recommendations:

> The RIM Reserve program will not exceed 100% of the eligible costs for the practice to be established.

The RIM Reserve program will pay 100% of total eligible costs of wetland restoration up to $1,200 per acre.

The RIM Reserve program will pay 100% of total eligible cost for native species restoration up to $600 per acre for perpetual easements.

The RIM Reserve program will pay 100% of total eligible costs for native trees and shrubs up to $800 per acre for perpetual easements.

For limited duration easements the RIM Reserve program will pay up to 75% of eligible costs not to exceed actual costs;

WHEREAS the Conservation Easement Section Manger has been authorized to exceed the conservation practice rate limits established by the Board on a case-by-case basis. This authority applies only when all factors related to the easement and restoration project functions have been evaluated and the extra expense is determined to be necessary to ensure the public's benefit in completing the project;

NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources authorizes staff to implement the new conservation practice rates and policy adopted in support of the RIM Reserve Program.

Dated at Saint Paul, Minnesota this 24th day of March, 2010.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____

Randy Kramer, Chair

Resolution # 10-26

Establish Policy and Conservation Practice Rates for the Reinvest in Minnesota (RIM) Reserve Program

WHEREAS the RIM Reserve Program began requiring native seed to be used in 1998 on all conservation easement restorations acquired;

WHEREAS in 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 in Minnesota, and preferably of the local ecotype, using high diversity of species originating from as close to the restoration site as possible, and protect existing native prairies from genetic contamination";

WHEREAS in 2009 the BWSR developed the "Native Vegetation Establishment and Enhancement Guidelines" which allows us to meet the 2009 Legislative requirement;

WHEREAS these new legislative requirements have created additional complexity and costs associated to establish high species diversity to promote native community stabilization and function, to provide benefits to multiple wildlife species and to prevent the establishment of invasive species;

WHEREAS the BWSR Senior Water Resources Engineer, has just recently completed an analysis of construction costs data for wetland restoration project work completed through RIM Reserve since 2002. The BWSR has completed 567 total construction projects totaling 14,329 wetland acres restored at a cost of $9.2 million. Average construction cost per acre is $645 per acre;

WHEREAS we have been able to cover higher engineering costs due to most of our projects being done in partnership with USDA Farm Service Agency or NRCS-in RIM-WRP Partnership, we continue to emphasize leveraging of other funds within the RIM Reserve Program;

WHEREAS existing RIM Reserve conservation practice rates are inadequate in many instances covering increasing engineering costs and high diversity native vegetation establishment on conservation easement acres;

WHEREAS the BWSR RIM Reserve Management Planning Committee met on Wednesday, March 17th to review and unanimously recommends the following RIM Reserve Policy and conservation practice rate recommendations:

> The RIM Reserve program will not exceed 100% of the eligible costs for the practice to be established.

The RIM Reserve program will pay 100% of total eligible costs of wetland restoration up to $1,200 per acre.

The RIM Reserve program will pay 100% of total eligible cost for native species restoration up to $600 per acre for perpetual easements.

The RIM Reserve program will pay 100% of total eligible costs for native trees and shrubs up to $800 per acre for perpetual easements.

For limited duration easements the RIM Reserve program will pay up to 75% of eligible costs not to exceed actual costs;

WHEREAS the Conservation Easement Section Manger has been authorized to exceed the conservation practice rate limits established by the Board on a case-by-case basis. This authority applies only when all factors related to the easement and restoration project functions have been evaluated and the extra expense is determined to be necessary to ensure the public's benefit in completing the project;

NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources authorizes staff to implement the new conservation practice rates and policy adopted in support of the RIM Reserve Program.

Dated at Saint Paul, Minnesota this 24th day of March, 2010.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____

Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

REQUEST FOR BOARD ACTION

AGENDA ITEM # 2. RIM

Meeting Date:
Agenda Category: ☒ Committee Recommendation ☒ New Business ☐ Old Business
Item Type: ☐ Decision ☐ Discussion ☐ Information
Section/Region:
Contact:
Prepared by: Kevin Lines, Conservation Easement Section Manager
Reviewed by: RIM Reserve Management Planning Committee(s)

Fiscal/Policy Impact

☐ None
☐ Amended Policy Requested
☒ New Policy Requested

☐ General Fund Budget
☒ Capital Budget
☒ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

☐ Other: _____

ACTION REQUESTED
Establish rates, eligibility and sign-up procedures for the 2010 RIM Reserve-Wetlands Reserve Program (RIM-WRP) Partnership Project.

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The 2010 Minnesota State Legislature is expected to appropriate in FY11 funds for use by the RIM Reserve program to leverage federal WRP funds in Minnesota. These funds will be used to restore perviously drained wetlands and adjacent native grasslands to protect soil and water quality, increase fish and wildlife habitat, reduced flood damage and provide othe public benefits.

The RIM Reserve Management Planning Committee met on Wednesday, March 17th to review the following draft resolution, and recommends it for full board approval at the March 27, 2010 meeting. The resolution authorizes staff to develop procedures and eligibility criteria for the 2010 RIM-WRP Partnership Project sign-up to begin April 1, 2010 and runs through May 31, 2010. It establishes a total partnesrhip payment rate for cropland acres not to exceed 125% of the Average Assessed Tillable Value (AATV) and for noncropland acres not to exceed 70% of the AATV. Rates are to be calculated using the township average tillable property value reported by county assessors for the 2010 tax year.

(Board resolution currently being drafted.)

Attachments: ☒ **Resolution** ☐ **Order** ☐ **Map** ☐ **Other Supporting Information**

Board Resolution #_____

Establish Rates, Eligibility, and Sign-up Procedures for the 2010 Reinvest in Minnesota (RIM) Reserve-Wetlands Reserve Program (RIM-WRP) Partnership Program

WHEREAS the Lessard-Sams Outdoor Heritage Council (L-SOHC) has made a recommendation to the Minnesota Legislature in 2010 for $6.895 million in constitutionally dedicated funding for the RIM-WRP Partnership to leverage Federal WRP funds to protect and restore previously drained wetlands and adjacent native grasslands to achieve the greatest wetland functions and values, while optimizing wildlife habitat on every acres enrolled in the partnership;

WHEREAS the 2010 Minnesota State Legislature must appropriate the $6.895 million recommendation from the Lessard-Sams Outdoor Heritage Council from the Outdoor Heritage Fund for use by the RIM Reserve Conservation Easement Program for Fiscal Year 2011;

WHEREAS this RIM Reserve funding is intended to leverage Federal Wetlands Reserve Program (WRP) funds appropriated to the Natural Resources Conservation Service (NRCS);

WHEREAS the RIM Reserve Conservation easement program is administered by the BWSR in cooperation with local Soil and Water Conservation Districts (SWCD's);

WHEREAS the SWCD's will be reimbursed for their services related to the 2010 RIM-WRP Partnership at the BWSR's current RIM service rate;

WHEREAS the Board has authorized staff to work with Minnesota NRCS to develop RIM-WRP Partnership payment rates, eligibility, and sign-up procedures for the 2010 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 (AATV) 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 Economic Website: www.landeconomics.umn.edu;

WHEREAS the Minnesota NRCS has adopted Geographic Area Rate Caps (GARC's) for townships which correspond to the Average Assessed Tillable Value as determined by county assessors for their WRP permanent easement rate on cropland. For non-cropland WRP has established 60% of AATV as their easement rate;

WHEREAS the Minnesota NRCS has adopted a 30-year WRP payment rate, specific to the 2010 RIM-WRP Partnership, of 75% AATV for cropland acres and 45% of AATV for non-cropland acres;

WHEREAS the Minnesota Wetlands Restoration Evaluation Worksheet will be used to serve and rank all applications to be funded by the RIM-WRP Partnership;

WHEREAS a subcommittee shall be appointed by the chair of the BWSR to review the applications and make project selections in coordination with Minnesota NRCS;

WHEREAS the Board of Water and Soil Resources RIM Reserve Management Planning Committee met on Wednesday, March 17th to review and unanimously recommends the following provisions to successfully implement the 2010 RIM-WRP Partnership Program;

NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources authorizes staff to implement the 2010 RIM-WRP Partnership sign-up to begin no sooner than April 1, 2010 and no later than May 31, 2010. The total partnership payment rate for cropland acres shall not exceed 125% of AATV, and for non-cropland acres shall not exceed 70% AATV. Rates are to be calculated using township average for tillable property value established by county assessors for the 2010 tax year.

Dated at Saint Paul, Minnesota this 24th day of March, 2010.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____

Randy Kramer, Chair

Board Resolution # 10-27

Establish Rates, Eligibility, and Sign-up Procedures for the 2010 Reinvest in Minnesota (RIM) Reserve-Wetlands Reserve Program (RIM-WRP) Partnership Program

WHEREAS the Lessard-Sams Outdoor Heritage Council (L-SOHC) has made a recommendation to the Minnesota Legislature in 2010 for $6.895 million in constitutionally dedicated funding for the RIM-WRP Partnership to leverage Federal WRP funds to protect and restore previously drained wetlands and adjacent native grasslands to achieve the greatest wetland functions and values, while optimizing wildlife habitat on every acres enrolled in the partnership;

WHEREAS the 2010 Minnesota State Legislature must appropriate the $6.895 million recommendation from the Lessard-Sams Outdoor Heritage Council from the Outdoor Heritage Fund for use by the RIM Reserve Conservation Easement Program for Fiscal Year 2011;

WHEREAS this RIM Reserve funding is intended to leverage Federal Wetlands Reserve Program (WRP) funds appropriated to the Natural Resources Conservation Service (NRCS);

WHEREAS the RIM Reserve Conservation easement program is administered by the BWSR in cooperation with local Soil and Water Conservation Districts (SWCD's);

WHEREAS the SWCD's will be reimbursed for their services related to the 2010 RIM-WRP Partnership at the BWSR's current RIM service rate;

WHEREAS the Board has authorized staff to work with Minnesota NRCS to develop RIM-WRP Partnership payment rates, eligibility, and sign-up procedures for the 2010 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 (AATV) 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 Economic Website: www.landeconomics.umn.edu;

WHEREAS the Minnesota NRCS has adopted Geographic Area Rate Caps (GARC's) for townships which correspond to the Average Assessed Tillable Value as determined by county assessors for their WRP permanent easement rate on cropland. For non-cropland WRP has established 60% of AATV as their easement rate;

WHEREAS the Minnesota NRCS has adopted a 30-year WRP payment rate, specific to the 2010 RIM-WRP Partnership, of 75% AATV for cropland acres and 45% of AATV for non-cropland acres;

WHEREAS the Minnesota Wetlands Restoration Evaluation Worksheet will be used to serve and rank all applications to be funded by the RIM-WRP Partnership;

WHEREAS a subcommittee shall be appointed by the chair of the BWSR to review the applications and make project selections in coordination with Minnesota NRCS;

WHEREAS the Board of Water and Soil Resources RIM Reserve Management Planning Committee met on Wednesday, March 17th to review and unanimously recommends the following provisions to successfully implement the 2010 RIM-WRP Partnership Program;

NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources authorizes staff to implement the 2010 RIM-WRP Partnership sign-up to begin no sooner than April 1, 2010 and no later than May 31, 2010. The total partnership payment rate for cropland acres shall not exceed 125% of AATV, and for non-cropland acres shall not exceed 70% AATV. Rates are to be calculated using township average for tillable property value established by county assessors for the 2010 tax year.

Dated at Saint Paul, Minnesota this 24th day of March, 2010.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____

Randy Kramer, Chair

RIM Reserve Management Planning Committee (RRMPC)

Membership:	Paul Brutlag, chair	citizen
	Randy Kramer	citizen
	Gordon Behm	watershed district/WMO
	Tom Loveall	county commissioner
	Gene Tiedemann	watershed district/WMO
	Bob Burandt	soil & water conservation district
	Paul Langseth	soil & water conservation district
	John Linc Stine	Department of Health
	Joe Martin	Department of Agriculture
	Larry Kramka/Wayne Edgerton	Department of Natural Resources/Alternate
	Kevin Lines	SMT staff

Responsibility:

The RRMPC is responsible for overseeing all aspects of the Reinvest in Minnesota (RIM) Reserve conservation easement program; for reviewing RIM Reserve Program statutes (103F.515), rules, policies, guidelines, payment rates and projects; for developing the strategic plans, operational partnerships, opportunities to enhance the agency's conservation easements and related programs; and for making the resulting recommendations to the Board.

Meetings:

The committee will meet, as called by the BWSR chair or the RRMPC chair upon consulting with the Conservation Easement Section Manager, to assure that conservation easement programs are meeting desired outcomes identified by the BWSR.

March 22, 2010

Board of Water and Soil Resources
Conflict of Interest Disclosure for Grant Application Reviewer

Grant Program: Red River Basin Commission Administrative Grant - FY '10

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

Policy 08-01: Grants Conflict of Interest **Minnesota state agencies must work to deliberately avoid both actual and perceived conflicts of interest related to grant-making at both the individual and organizational levels. When a conflict of interest concerning state grant-making exists, transparency shall be the guiding principle in addressing it.**

Grant Making Meeting Procedure
Meetings that are part of the grant making process will include an agenda item to identify and disclose actual or perceived conflicts of interest. During this agenda item, the chair of the meeting shall make a statement that defines what a conflict of interest is and a request that meeting participants disclose any actual or perceived conflicts. This statement is as follows:

Agenda Item: Members Report Potential Conflicts of Interest Regarding Today's Business.
Chair Statement: *"A conflict of interest whether actual or perceived occurs when someone in a position of trust has competing professional or personal interests and these competing interests make it difficult to fulfill professional duties impartially. At this time, members are requested to identify any potential conflicts of interest they may have regarding today's business."*

This form gives Board of Water and Soil Resources (BWSR) grant application reviewers an opportunity to disclose any conflicts of interest, or potential for conflicts of interest that exist during a grant making process. It is the grant reviewer's obligation to be familiar with the Conflict of Interest Policy for State Grant-Making and to disclose any conflicts of interest. The grant reviewer is not required to explain the reason for the conflict of interest as this form is considered public data under Minn. Statute 13.599- Grants. **A disclosure does not automatically result in the grant application reviewer being removed from the review process.**

Please read the descriptions of conflict of interest below and mark the appropriate box that pertains to you and your status as a reviewer of this grant program.

Descriptions of conflicts of interest- A conflict of interest shall be deemed to exist when a review of the situation by the grant reviewer or other agency personnel determines any one of the following conditions to be present:

(a) A state employee or a grant reviewer uses his/her status or position to obtain special advantage, benefit, or access to the grantee or grant applicant's time, services, facilities, equipment, supplies, badge, uniform, prestige, or influence.

(b) A state employee or a grant reviewer receives or accepts money or anything else of value from a state grantee or grant applicant or has equity or a financial interest in or partial or whole ownership of an applicant organization.

(c) A state employee or a grant reviewer is an employee or board member of a grant applicant or grantee applicants or is a family member of anyone involved in the grantee or grant applicant's agency.

☐ Based on the descriptions above, I do not have a conflict of interest.

☐ Based on the descriptions above, I have or may have an actual or perceived conflict of interest, which I am listing below. *(The grant reviewer should state any and all applicants with which they may have a conflict of interest and describe the nature of the conflict in the space below, but it is not required since this form is considered public information.)*

_____

_____

_____

_____

_____

☐ Based on the descriptions above, I am unable to participate in this review process because of a conflict of interest.

If at any time during the review process I discover a conflict of interest, I will disclose that conflict immediately to the BWSR Grants Coordinator.

Reviewer's printed name: _____

Reviewer's signature: _____

Reviewer's title: _____

Date: _____

This section to be completed by the BWSR Grant Coordinator:

I certify that the issue of Conflicts of Interest has been discussed with this reviewer and the following actions have been taken:

☐ Reviewer has no conflict(s) and will fully participate in the review process.

☐ Reviewer has disclosed a conflict(s) or a potential conflict(s) but will continue to participate in the review process. The reviewer will not be given any applications to review from those applicants with whom he/she has or may have a conflict. The reviewer has been instructed to avoid discussing the applicant and / or applications from agencies with which the reviewer has or may have a conflict of interest with other reviewers.

☐ Reviewer has disclosed a conflict(s) and will not be participating in the review process in any manner.

Staff signature: _____ Date: _____

11/09 H:GCIF

Minnesota Board of Water & Soil Resources

REQUEST FOR BOARD ACTION

AGENDA ITEM # 3. RRBC

Meeting Date: March 24, 2010
Agenda Category: ☐ Committee Recommendation ☒ New Business ☐ Old Business
Item Type: ☐ Decision ☐ Discussion ☒ Information
Section/Region: Land & Water
Contact: Wayne Zellmer
Prepared by: John Jaschke
Reviewed by: Administrative Advisory Committee Committee(s)

Fiscal/Policy Impact

☐ None
☐ Amended Policy Requested
☐ New Policy Requested
☐ Other: _____

☒ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

ACTION REQUESTED
Approval of the Red River Basin Commission FY10 Workplan and Operations Grant

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The Red River Basin Commission (RRBC) received a pass-through FY10 legislative appropriation for the Minnesota state contribution to its opertional efforts. RRBC Executive Director Lance Yohe will provide a short summary of the workplan and related efforts the RRBC is undertaking.

Attachments: ☒ **Resolution** ☐ **Order** ☐ **Map** ☒ **Other Supporting Information**

Board Resolution #_____

FY '10 RED RIVER BASIN COMMISSION ADMINISTRATIVE GRANT

WHEREAS, the Laws of Minnesota 2009, Chapter 37, Article 1, Sec. 5, appropriates for a grant to the Red River Basin Commission (RRBC) for administration and management, of water quality and floodplain management programs; and,

WHEREAS, Minnesota Statutes Section 103B.101, subd. 9, authorizes the Board to coordinate the water and soil resources planning activities of "other local units of government" through its various authorities for approval of local plans, administration of state grants, and by other means as may be appropriate; and,

WHEREAS, the RRBC has submitted an approved Workplan to the Board which is incorporated into this agreement by reference and located in the Board's office in St. Paul; and,

WHERREAS, the RRBC represents that it is duly qualified and agrees to perform all services described in this grant contract to the satisfaction of the State.

NOW THEREFORE, the Board hereby authorizes staff to allocate $90,000 to the RRBC for administration and management, of water quality and floodplain management programs.

_____ Date: _____

Randy Kramer, Chair
Board of Water and Soil Resources

H:10RRBCBR

CONSENT REPORT

3 December 2009 Board Meeting

Fargo, ND—Hilton Garden Inn

I. RRBC ACTIVITIES

a. **Administrative/Board**

b. **Executive Committee**

i. The Executive Committee has meetings on the third Thursday of every month at 8:30 AM (usually phone). **The November meeting was postponed until the afternoon of 2 December 2009 and the minutes are not yet processed.** The Executive Committee is the only Board committee that can act on behalf of the Board. It consists of 15 Board members.

c. **Finance Committee**

i. Meets as necessary, usually to assist with budget issues. It consists of local, provincial and state funders.

d. **Human Resource Committee**

i. Meets as necessary to assist with staff issues. It consists of the Executive Committee Officers and one other from each jurisdiction.

e. **Legislative Committee**

i. This committee assists where able and as needed to inform legislators about RRB issues.

f. **Partnership Activities**

i. See Board minutes and reports.

II. NRFP ACTIVITIES

a. **GOAL # 1: Watershed Approach**

i. **University of Manitoba: Source Water Protection Governance Project:** This project has received funding. It is a 4 year project that will look at and construct an enhanced explanation of governance, which reveals the inherent complexities and difficulties associated with cooperative, shared decision-making processes.

ii. **Assiniboine River Project:** The report is completed and distributed. MB is checking with ND and SK about their interest in pursuing a group like RRBC in the Assiniboine Basin. Local leaders in that area indicated in October 2008 at a workshop hosted by RRBC that they would like to form a group, on their own, with RRBC assistance and using RRBC as a model. A sub-committee that was formed has met to discuss another gathering (conference) to explore ways to form, etc. RRBC is coordinating this effort (Board action in November 2008). **The one day conference that was being planned for 29 October 2009 has been postponed until 2010. MB, ND, and & SK want more time at the Provincial & State level to dialogue. If possible the meeting will be held in the spring.**

iii. **Winnipeg River Project:** Is similar to the Assiniboine River project and RRBC has contracted with the Eastman Regional Development Inc. to contact, meet with, and gather local leaders in the Winnipeg River Basin and provide a report on their interest and any strategies that might emerge on a Winnipeg River Basin group. **This effort is on hold waiting for further feedback from MB-WS related to discussions with the Province of Ontario.**

iv. **MN Joint Powers Board: The MN JPB met the 19 November 2009. They had a presentation by Rep. Morrie Lanning on his proposed MN state wide watershed legislation.**

b. **GOAL # 2: Integration**

i. **PIC:** The Plan Implementation Committee meets 4 times a year (or as needed) and has not met yet this year due to the spring flood and project demands. **PIC will meet next in the new year.**

ii. **IISD Project "Water Innovation Centre"** IISD "Water Innovation Centre" was launched at their Annual Board of Directors' Dinner June 11, 2009. The RRBC Executive Director, a couple of staff, and several Board members attended. The $4 million dollar Centre will link markets and environmental technologies to community-based watershed management. RRBC is on record to support this Centre. **IISD/RRBC Building Capacity for Multi-Purpose Land & Water Investment (formerly called: Building Capacity for Ecological Infrastructure Investments) in the RRB: The project is moving forward and the first portions of the project are beginning to occur. RRBC received from Environment Canada ($55,000) and we have a contract with RRBC/IISD for ($35,000) for their portion of the project.** The grant is part of the Lake Winnipeg Basin Stewardship Fund from Environment Canada. The joint RRBC/IISD project team has met and a working committee met in July to assist in the project. This project will look at Land and Water Investment opportunities in a RRB sub-watershed and additional partners and sources of funding. **New partners are being added to the project: MCEA, NW MN Partnership, IWI, and others will be explored. What local leaders would hope to gain from the project is also being explored to guide the effort. Additional funding proposals are also in progress.**

c. **GOAL # 3: Technical and Data for Decision Makers**

i. All activity under this goal is related to specific goals and is project related. For example the development of Mike 11 for Mainstem Modeling. **RRBC is using funds received on the Long Term Flood Solutions Project to free up federal US Army Corp of Engineers funds to develop decision making tools at IWI.**

d. **GOAL # 4: Education and Information**

i. **NRFP Outreach:** Visits to local units of government through a Bush Foundation Funded project in MN, ND, & SD is underway from the Moorhead office. Staff in the Winnipeg office also does NRFP outreach. **We are currently working to enter NRFP data into our Sharepoint database and link it to our web site. This information will also be entered into the Lake Winnipeg web portal.**

ii. **NRFP: Resolution of Support:** Over **153** local units of government have signed.

iii. **First Nation Outreach**: RRBC Board member Hotain and staff had some outreach meetings with First Nations around and near Lake Winnipeg. More meetings are planned in MB and contact with MN, ND, and SD Tribal Governments is part of our outreach strategies.

iv. **Ripple Effect: Newspapers:** Articles continue to be sent to all RRB newspapers every other week. Please check with your local newspaper to see if they are receiving the articles and encourage their use if they are not showing up in the newspaper.

v. **Ripple Effect: Water Minutes:** Radio spots have been on several radio stations (KFGO and affiliates) in the Fargo area for over a year. These are 30 and 60 second spots that talk about land and water issues for the general public. In 2009 we tried radio spots in Winnipeg CJOB as a trial. Please listen for these spots and let us know when you hear them and what you think of them. **We are working on the 2010 arrangements at this time.**

vi. **KFGO Talk Radio: Joel Heitkamp Show:** The RRBC Ex. Dir. is now a monthly guest on the show to discuss RRB land and water issues. Future radio time will focus on the Long Term Flood Solution (LTFS) Project. **The most recent appearance was 20 November 2009 at 8:30 AM to report on our LTFS Project, the feedback from the 16 public meetings and to promote the next public meeting at Abercrombie, ND.**

vii. **Web Site:** the RRBC web site is: www.redriverbasincommission.org.

1. **Lake Winnipeg Web Portal:** RRBC has had further discussions with Environment Canada regarding their new web portal workshop as it relates to Lake Winnipeg. **A contract for $40,000 to RRBC to enter NRFP information on the portal has approved. RRBC participated in a web-portal workshop on 17-18 November 2009. We have hired a part time data entry person and hired a consulting firm to assist with Sharepoint and web portal linkages. We also did field site work videoing water quality improvement projects in ND for the web portal. ND Dept. of Health assisted with site selection and contacts.**
2. **LTFS Project:** See Federal Agency Dialogue. Activities are now also on the web site. RRBC and the City of Fargo hosted a tour to the Winnipeg Floodway that was assisted by the Floodway Authority who provided information, facts, and a field site visits to various locations. **Facilitation has been occurring with the RRBC Executive Committee, LTFS Oversight Committees, and the general public. We finished a round of 17 basin wide public meetings on 23 November 2009 and are now in the process of summarizing the information. On 2 December 2009 the RRBC Executive Committee, LTFS Oversight and Technical Committees, the MN and ND Joint Water Boards Technical Advisory Committee for the COE project match, and a representative from the COE met in a facilitated meeting to prepare for the 3 December 2009 RRBC Board meeting. Phone calling to follow up on surveys that were mailed earlier is underway. Development of materials directed by the RRBC Board at the November Retreat and Meeting is underway.**

viii. **Share Point & Go To Meeting:** RRBC has now established two web tools to assist in meetings and communication and reducing travel requirements for basin participants on RRBC committees and Working Groups. **We now have a consulting firm working with us to make the most use of Sharepoint and to link it to the web portal.**

ix. **Can River Centre:** We have sent a letter to Centre Venture indicating that due to current workload we are unable to focus on this endeavor at this time.

x. **LWRC**: RRBC has a strong working relationship with the Lake Winnipeg Research Consortium. On July 17, 2009 they hosted a trip on the NAMAO for RRBC and quests to see how water quality sampling in done on Lake Winnipeg.

xi. **Rivers West:** RRBC has a close relationship with Rivers West. Martens, serves as the RRBC representative on their Board. They currently rent office space from us in the RRBC Winnipeg office.

e. **GOAL # 5: Flood Forecasting**

i. **Precipitation Group:** RRBC has a basin jurisdictional precipitation group that has met and discussed precipitation measuring efforts in the basin, reporting processes, and avenues to enhance communication all targeted to better flood forecasting. Now that the spring flood is over this group will be re-convened to determine future needs and activities.

f. **GOAL # 6: Flood Mitigation**

i. **Mainstem Modeling:** The Mike II Model Calibration IV is complete and has been reviewed by another Engineering Firm. **A contract is in place for the Tributary Flow Reductions which will hopefully be complete and reported on at the Annual Summit Conference is January.**

ii. **Stream Gauging Project:** **Houston Engineering, Inc. is ready to incorporate the MB spring data and finalize the report. US portions of the data are already being used.**

iii. **Long Term Flood Solutions (LTFS) Project:** See Board minutes and report.

g. **GOAL # 7: Flood Response & Recovery**

i. **FEMA Region V & VIII:** RRBC has been visiting with the two FEMA regions on Flood Mitigation and Modeling potential efforts. **A meeting in Moorhead in early December with the two FEMA Regions and the US COE is being planned to further discuss modeling needs.**

h. **GOAL # 8: Drainage**

i. The MN and ND joint water boards are discussing the need for and a strategy for a drainage impact analysis report.

i. **GOAL # 9: Water Quality**

i. **Water Quality Jurisdictional Project:** See Board minutes and report.

ii. **Red River/Lake Winnipeg Dredging Project:** RRBC predecessor organization did a dredging report. It was recommended that a more detailed effort be undertaken. The RM's in that area, the East Manitoba Development Corporation, and the RRBC North Chapter have had discussions on this new project and are exploring funding options.

j. **GOAL # 10: Water Supply**

i. **Concordia College Earth Day:** RRBC attended this event and John Jaschke was the speaker. The funds from RRBC will be used later in the year for the speaker at Concordia College who had to cancel due to the spring flood. The speaker was to be Robert Glennon who wrote "Unquenchable" and "Water Follies: Groundwater Pumping and the Fate of America's Fresh Waters". He presented at Concordia College on 1 October 2009.

ii. **SRGMP:** The RRBC staff has been involved in the Southeast MB Groundwater Project that met monthly gathering information and is now beginning the process of developing a plan.

iii. **Water Supply: Jurisdictional Process:** See Board minutes and report.

iv. **Water Supply: Conservation/Soft Path:** RRBC has the same consultant HDR Engineering working on this project as the WS Jurisdictional Process document. This project is in the data gathering stages with the WS Working Group.

k. **GOAL # 11: Conservation**

i. **Conservation Group**: RRBC has a Conservation Working Group that is planning a summer Meeting/Tour if details can be arranged and interest remains strong. They are exploring a tour in MB.

ii. **Basin Conservation Comparisons:** The RRBC WG on Conservation has prepared a Red River Basin pamphlet on comparable information on land use classes and years data (which all vary) that were gathered from around the RRB by different agencies.

iii. **Ag Task Force: RRBC** has an agricultural task force that gathers annually to discuss the RRBC NRFP and agricultural related issues. This group assisted in the development of the AWEP proposal and will be represented on the Basin Working Group if funding is received.

iv. **AWEP:** **RRBC is entering into an agreement with USDA for the AWEP proposal on behalf of the Red River Basin. This will cover the recently received $1.38 million for ring dikes, as well as any future funding that NRCS might receive for the RRB through AWEP. If more funding is received RRBC will facilitate basin coordination.**

l. **GOAL # 12: Fish & Wildlife**

i. The RRBC WG on this issue is exploring what to work on at this time.

m. **GOAL # 13: Outdoor Recreation**

i. The RRBC WG on this issue is exploring what to work on at this time.

2010 RRBC WORK PLAN				
NRFP GOAL & ISSUE ARE	RRBC ACTION	FTE's		TIMELINE
	8.24 FTE's = 17,160 Hrs	Consultant Hrs 4,100		
	MT-Management Team: ly, jg, ds	lt-Leah	jr-Jacque 3/4	con-Consultant
	ly-Lance	rg-Robin	ks-Kathy 1/2	Grant Writer-Olive
	jg-Julie	js-Janeen	all-all staff	
	ds-Derek	be-Brenda		
ADMINISTRATION	ADMINISTRATION			
	Board Meetings			
	Board Meetings in 2010-Jan, Mar, Apr, Sept	368		Jan, Mar,Apr, Sept
	1 Board Meeting & Tours -- June	144		June
	1 Board Meetin & Retreat--Nov	120		Nov
	Executive Committee Meetings			
	12 Executive Committee Meetings --3rd Thursday	120		3rd Th -- Month
	Executive Director Evaluation	12		2/1/2008
	Human Resource Committee Meetings	12		as Needed
	General			
	All Staff Evaluations,	64		Jan - Dec 2009
	Documentation, Records	1256		
	Work Plans--Annual	24		2010 by Nov 2009
	Regular Staff Meetings	250		Monday
	Face to Face Staff Meetings (2)--Retreat (2)	252		Friday 2x year 1-- 2 day ret.
	Management Team Meetings (12)	42		monthly phone
	Update Governing Documents	28		as needed
FIANANCE	FIANANCE			
	Finance Committee Meetings			
	12 Finance Committee Meetings -- as needed	12		as needed
	General			
	Monthly Finances	746		ongoing
	Base Funding --Local, Provincial, State	536		ongoing
	Base Funding -- Federal	298		ongoing
	Project Funding--as needed	440		ongoing
	Prepare 2010 Budget	80		2010 Budget by Nov 2009
	2009 Audit	96		2009 Audit
LEADERSHIP	LEADERSHIP			
	Plan Implementation Committee (4)	280		4 mtg year
NRFP	NRFP Outreach	1857		Local, Provincial, State, Fed
	NRFP Data Entry	900		NRFP Action Agenda
NRFP - Goal # 1	WG - Watersheds	48		phone calls, mtgs, matls
NRFP - Goal # 2	WG - Integration	84		phone calls, mtgs, matls
	Land & Water Investment Project	680		2010 Phase I
NRFP - Goal # 3	WG - Data-Tools for Decision Making	12		phone calls, mtgs, matls
	COE Watershed Study Match--Modeling Tools	40		2010 LTFS Match
NRFP - Goal # 4	WG - Education-Information	28		phone calls, mtgs, matls
	Lake Winnipeg Web Portal	1989		By April 2010
	River Center	100		ongoing
NRFP - Goal # 5	WG - Flood Forecasting	84		ongoing
	Precipitation Committee	48		1-2 Mtgs
	Stream Gauging	8		as needed
NRFP - Goal # 6	WG - Flood Mitigation	28		ongoing
	Mainstem Modeling Calibration IV	96		By Jan 2010
	Mainstem Modeling Run # 2	80		2010
	Dredging Study II	16		as needed
	LTFS Project	2300		2010-June 2011
NRFP - Goal # 7	WG - Flood Response & Recovery	128		phone calls, mtgs, matls
	FEMA Modeling Project	40		
NRFP - Goal # 8	WG - Drainage	0		ongoing
NRFP - Goal # 9	WG - Water Quality	80		phone calls, mtgs, matls
	Water Quality Report	264		Report by Feb 2010
NRFP - Goal # 10	WG - Water Supply	64		phone calls, mtgs, matls
	Drought Process	192		ongoing
	Drought Conservation/Soft Path	116		Report by Feb 2010
NRFP - Goal # 11	WG - Conservation	92		phone calls, mtgs, matls
	AWEP Project	203		2010 - 2014
	Ag Commodity Committee	88		Mtg a year
NRFP - Goal # 12	WG - Fish & Wildlife	28		ongoing
NRFP - Goal # 13	WG - Outdoor Recreation	28		ongoing
	Facilitation			
	Forum for Basin Issues	24		If Board Decides to do
	Legislative Committee	624		ongoing

COMMUNICATIONS	COMMUNICATIONS			
NRFP - Goal # 4	Communication Committee	288		10 mtgs a year
	Web Site	104		weekly updates
	Ripple Effect - 24	252		twice a month to newspapers
	Water Minutes- 2x mo	106		2-4 a week--CN/US
	Consent Report	32		Update for Brd Mtgs
	State of Basin--Snapshot Updates	104		as needed
	Annual Report	88		yearly
	Other Flyers/Information/PR materials --projects and activies	88		as needed projects, conf, etc
	Press Releases	288		as appropriate
	Power Point Presentations--conferences, speaking engagements, etc	112		conf, speak engag etc.
				if needed
NRFP - Goal # 4	Annual Summit Conference	596		2010 Grand Forks
	Speaker Contacts	756		2010 Grand Forks
	Sponsorship, ads, booths	592		2010 Grand Forks
	Annual Summit Conference - Flyer, Brochure, Conf Booklet	428		2011 Fargo
NRFP - Goal # 4	Other Conference			
	FDR Goals Conference	200		Late Winter, early spring
	Conservation Conference	96		summer
	Lake Winnipeg Conf	60		if needed
PARTNERSHIPS	PARTNERSHIPS			
	Partnership Committee			
NRFP - Goal # 4	IRRB	32		July
NRFP - Goal # 11	IRRB-AEH	32		2 x a year
NRFP - Goal # 6	IRRB-Hydrology	32		2 x a year
NRFP - Goal # 1	Pembina River Basin Advisory Board (PRBAB) Meetings	72		4 a year
NRFP - Goal # 1	PRBAB Activities	152		as needed
NRFP - Goal # 1	Roseau River International Watershed (RRIW) Meetings	80		as needed
NRFP - Goal # 1	RRIW Activities	80		as needed
NRFP - Goal # 1	South Valley Initiative (SVI) Meetings	72		4 a year
NRFP - Goal # 1	SVI Activities	168		as needed
NRFP - Goal # 1	MN Joint Powers Board (JPB)	64		4 a year
NRFP - Goal # 1	MB North/South Chapters	192		10 x year
NRFP - Goal # 4	Outreach SD, MB, MN, ND First Nation	96		ongoing
NRFP - Goal # 4	Outreach Provincail, State, Federal	184		ongoing
NRFP - Goal # 4	Reg mtgs---NDJWRB, MNRRWMB, MBCDA,UPP Shey, Dev Lake,	288		regualarly scheduled
NRFP - Goal # 4	annual mtgs- MBCDA, MBAMM, NDJWater, MAWD, NDAC,	208		annually
NRFP - Goal # 9	SERGW-MB	16		2010 wrap up
NRFP - Goal # 1	Willow Creek Integ WMP	16		2010 wrap up
NRFP - Goal # 10	Univ of Winnpeg--Natl Source Water	24		ongoing
NRFP - Goal # 1	Assiniboine River Project	88		Spring 2010
NRFP - Goal # 1	Winnipeg River Project	40		2010
NRFP - Goal # 11	Riparian Project	24		ongoing
NRFP - Goal # 9	LWRC, LWBAB	32		ongoing
TECHNICAL RESOURCE	TECHNICAL RESOURCE			
	Technical Resource Committee	16		as needed
NRFP - Goal # 3	Dredging Study II--fin and workshop roles	48		If it goes forward
	TOTAL HOURS	21,762		

Red River Basin Commission
2010 Budget Summary
United States & Canada

		2009 BUDGET -US	2010 BUDGET - US	2009 BUDGET-CN	2010 BUDGET - CN
	2009 Carry Over General	$ 273,075.98	$ 227,435.55	$ 267,312.03	$ 229,268.21
	2009 Carry Over Projects	$ 113,573.39	$ 79,997.06	$ 83,949.93	$ 96,671.03
	2009 Carry Over Total	$ 386,649.37	$ 307,432.61	$ 267,312.03	$ 325,939.24
Income					
	4001 · Manitoba			$ 100,000.00	$ 100,000.00
	4002 · Minnesota	$ 100,000.00	$ 90,000.00		
	4003 · North Dakota	$ 100,000.00	$ 100,000.00		
	4004 · South Dakota				
	4005 · LGUs - Manitoba			$ 100,000.00	$ 100,000.00
	4006 · LGUs - Minnesota	$ 100,000.00	$ 100,000.00		
	4007 · LGUs - North Dakota	$ 100,000.00	$ 100,000.00		
	4011 · Refunds GST/PST			$ 2,000.00	$ 2,000.00
	4012 · Interest Income				
	4013 · Joint Powers Bd	$ 5,000.00	$ 5,000.00		
	4016 · Rent				
	4062 · Annual Summit Conference	$ 53,000.00	$ 55,000.00	$ 35,000.00	$ 35,000.00
	14000 ·Watersheds				
	Total 14000 ·Watersheds	$ -	$ -	$ 18,306.67	$ -
	15000 · Intigration				
	Total 15000 · Intigration	$ -	$ -	$ -	$ 55,000.00
	16000 · Data				
	Total 16000 ·Data	$ 12,500.00	$ -	$ 12,500.00	$ 40,000.00
	17000 · Comm/Education				
	Total 17000 ·Comm/Education	$ -	$ -	$ 40,515.47	$ -
	18000 ·FDR/Hydrolody Division				
	Total 18000 ·FDR/Hydrolody Division	$ 17,104.04	$ 575,821.00	$ 14,500.00	$ -
	19000 · Qly/Qnty Division				
	Total 19000 ·Qly/Qnty Division	$ 29,413.50	$ -	$ -	$ -
	20000 · FWR/OR Division				
	Total 20000 ·FWR/OR Division	$ 23,875.41	$ -	$ -	$ -
4000 Total Income without Projects or Carry Over		$ 450,000.00	$ 450,000.00	$ 237,000.00	$ 237,000.00
	Canadian Income Adjusted to US d	$ 237,000.00	$ 222,780.00	$ 237,000.00	$ 222,780.00
	Combined Total Without Projects	$ 695,000.00	$ 672,780.00		
4000 Total US Income with All Income		$ 1,050,645.27	$ 1,333,253.61	$ 675,956.31	$ 657,939.24
	Total CN with All Income Adjusted to US	$ 675,956.31	$ 618,462.69	$ 675,956.31	$ 618,462.69
	Total Combined with All Income	$ 1,726,601.58	$ 1,951,716.30		
Expense					
	5000 · BOARD OF DIRECTORS				
	Total 5000 · BOARD OF DIRECTORS	$ 30,100.00	$ 30,100.00	$ 13,850.00	$ 13,850.00
	5100 · ADMINISTRATION				
	Total 5100 · ADMINISTRATION	$ 74,414.61	$ 40,491.69	$ 44,385.10	$ 12,697.50
	5200 · BENEFITS				
	Total 5200 · BENEFITS	$ 1,020.00	$ 87,479.79	$ 12,412.49	$ 16,205.40
	5300 Office				
	Total 5300 · OFFICE	$ 76,550.00	$ 74,550.00	$ 58,050.00	$ 63,550.00
	5400 · FUNDING/FINANCE				
	Total 5400 · FUNDING/FINANCE	$ 66,440.22	$ 64,826.62	$ 31,698.33	$ 30,285.00
	6000 · LEADERSHIP				
	6000 · Plan N Plan Management				
	Total 6000 · Plan Management	$ 21,272.42	$ 17,690.09	$ 18,405.00	$ 18,987.50
	6100 Legislative				
	Total 6100 · Legislative	$ 16,486.80	$ 17,135.90	$ 13,152.52	$ 6,282.50
	6200 Water Quality/Supply Division				
	Total 7300 · WQ/S Division	$ 950.00	$ 6,335.00	$ 25,750.00	$ 21,577.50
	6300 · Con/FishWildOutRec Division				
	Total 6300 · C/F/W/OR Division	$ 800.00	$ 550.00	$ 8,452.52	$ 9,702.50
	6400 · Hydro/FDR/Drainage Division				
	Total 6400 · H/FDR/D Division	$ 2,900.00	$ 12,759.72	$ 2,567.51	$ 5,915.00
	6500 · Watershed/Fac/Med				
	Total 6500 · I/L/F/M Division	$ 8,392.42	$ 9,061.19	$ 2,817.51	$ 500.00
	Total 6000-6500 · LEADERSHIP	$ 50,801.64	$ 63,531.90	$ 70,145.05	$ 62,965.00
	6600 · COMMUNICATIONS				
	6600 · Conferencing				
	Total 6600 · Conferencing	$ 75,937.52	$ 103,261.90	$ 40,978.37	$ 38,000.00
	6700 ·Education/Information				
	Total 6600-6700 · Education/Information	$ 62,853.20	$ 57,324.62	$ 29,250.00	$ 24,150.00
	Total 6600-6700 · COMMUNICATIONS	$ 138,790.72	$ 160,586.52	$ 70,228.37	$ 62,150.00

Red River Basin Commission
2010 Budget Summary
United States & Canada

6800 - PARTNERSHIP				
Total 6800 - PARTNERSHIP	$ 29,682.40	$ 45,456.74	$ 11,607.00	$ 11,170.00
6900 - TECHNICAL RESOURCE				
Total 6900 - TECHNICAL RESOURCE	$ 6,892.40	$ 9,561.19	$ 827.00	$ 2,082.60
SUB-TOTAL US - CN OPERATIONAL wo	$ 475,092.01	$ 576,284.84	$ 316,106.82	$ 275,705.40
CN in US dollars			$ 316,106.82	$ 259,163.08
Total US Operational wo Projects	$ 475,092.01	$ 576,284.84		
Total CN Operational wo Projects	$ 316,106.82	$ 259,163.08		
Total Combined Operational wo Projects	$ 791,198.83	$ 835,447.92		
PROJECTS				
24000 - Watersheds				
Total 24101 -Assinboine	$ 2,768.00	$ 3,470.55	$ 6,682.00	$ 6,005.26
Total 24250 -Winnipeg River Project	$ -			$ 7,500.00
Total 24000 - Watersheds	$ 2,768.00	$ 3,470.55	$ 6,682.00	$ 13,505.26
25000 - Initiatives				
Total 25001-1 -Bush Outreach-2008/2009	$ 32,000.00	$ 8,210.21		
Total 25001-2 -Bush Outreach-2009/2010	$ 32,000.00	$ 33,344.70		
Total 25002 -Land & Water Investment Project				$ 55,000.00
Total 25000 - Initiatives	$ 64,000.00	$ 41,554.91	$ -	$ 55,000.00
26000 - Data				
Total 26001 -3-D Display	$ 12,500.00	$ 12,500.00	$ 12,500.00	$ 12,500.00
Total 27008 - Web Portal Project				$ 40,000.00
Total 26000 -Data	$ 12,500.00	$ 12,500.00	$ 12,500.00	$ 52,500.00
27000 - Comm/Education				
Total 27003 -LSLW			$ 6,000.00	$ 6,241.47
Total 27002 -All Upstream Conf			$ 20,515.00	$ 14,962.41
27004 - Media Project			$ -	
Total 27005 -Network Project	$ 4,362.00	$ 4,362.61		
Total 27006 -History Project- 30 Yrs	$ 2,520.00	$ 2,562.48		
Total 27007 -Manitoba River Center				$ 9,711.89
Total 27000 -Comm/Education	$ 6,882.00	$ 6,925.09	$ 26,515.00	$ 32,915.77
28000 - FDR/Hydrology Division				
Total 28001 - MM Run # 2	$ 10,104.00	$ 3,978.75	$ 30,000.00	$ -
Total 28201 - Cal IV	$ 25,000.00	$ 12,908.20	$ 10,000.00	$ 1,250.00
Total 28202 - Cal V		$ 15,000.00		$ 15,000.00
Total 28401 -Stream Gauging	$ 25,000.00	$ 5,000.00		
Total 28402 -Map Project			$ 9,500.00	$ 9,500.00
Total 28403 -LTFS Project	$ 75,821.00	$ 500,000.00		
Total 28000 -FDR/Hydrology Division	$ 142,925.00	$ 535,886.95	$ 34,500.00	$ 25,750.00
29000 - Qty/Qnty Division				
Total 29002 -Drought Process Project	$ 15,000.00			
Total 29003 -Drought Cons/Soft Path	$ -	$ 15,000.00	$ -	$ 10,000.00
Total 29000 -Qty/Qnty Division	$ 15,000.00	$ 15,000.00	$ -	$ 10,000.00
30000 - FWR/OR Division				
Total 30001 -AWEP		$ 14,375.41		
Total 30002 -Riparian Project	$ 9,500.00			
Total 30000 -FWR/OR Division	$ 9,500.00	$ 14,375.41	$ -	$ -
Total 9200 - SUB-TOTAL ! SUB-TOTAL US - CN PROJECTS	$ 253,575.00	$ 630,709.91	$ 82,197.00	$ 191,671.03
CN in US dollars				$ 180,170.77
Total US Projects		$ 630,709.91		
Total CN Projects		$ 180,170.77		
Total Combined Projects		$ 810,880.68		
BUDGET SUMMARY: ALL IN US DOLLARS				
Total General Revenue wo Projects and Carryover	$ 695,000.00	$ 672,780.00	$ 810,342.48	
Total General Expenses wo Projects and Carryover	$ 791,198.83	$ 835,447.92		
Difference	$ (96,198.83)	$ (162,667.92)		
Total Revenue: General, New Projects, All Carry-Over	$ 1,726,601.58	$ 1,951,716.50	$ 117,562.48	$ 20,000.00
Total Expenses: General, All Projects	$ 1,126,970.83	$ 1,646,328.59	$ 39,708.57	$ 53,209.14
Total After All Income/Expenses	$ 599,630.75	$ 305,387.90		$ 92,917.71
(Projected Carryover General & Projects)				

Board Resolution # 10-28

FY '10 RED RIVER BASIN COMMISSION ADMINISTRATIVE GRANT

WHEREAS, the Laws of Minnesota 2009, Chapter 37, Article 1, Sec. 5, appropriates for a grant to the Red River Basin Commission (RRBC) for administration and management, of water quality and floodplain management programs; and,

WHEREAS, Minnesota Statutes Section 103B.101, subd. 9, authorizes the Board to coordinate the water and soil resources planning activities of "other local units of government" through its various authorities for approval of local plans, administration of state grants, and by other means as may be appropriate; and,

WHEREAS, the RRBC has submitted an approved Workplan to the Board which is incorporated into this agreement by reference and located in the Board's office in St. Paul; and,

WHERREAS, the RRBC represents that it is duly qualified and agrees to perform all services described in this grant contract to the satisfaction of the State.

NOW THEREFORE, the Board hereby authorizes staff to allocate $90,000 to the RRBC for administration and management, of water quality and floodplain management programs.

R/K

Randy Kramer, Chair
Board of Water and Soil Resources

Date: 3/24/10

H:10RRBCBR

RED RIVER BASIN COMMISSION

LONG TERM FLOOD SOLUTIONS

PROGRESS REPORT TO THE

MINNESOTA LEGISLATURE

January 15, 2010

Red River Basin Commission
119 5th St. S. Suite 209
PO Box 66
Moorhead, MN 56561-0066
(218) 291-0422
www.redriverbasincommission.org

Report to the Minnesota Legislature:
A Progress Report on a Comprehensive Long Term Flood Solutions Plan for the Red River Basin

January 15, 2010

For more information, contact:

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Upon request, this material will be made available in an alternative format such as large print

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EXECUTIVE SUMMARY

LONG TERM FLOOD SOLUTION (LTFS) PROJECT

The 2009 Minnesota Legislature appropriated $500,000 to the Board of Water and Soil Resources (BWSR) for the Red River Basin Commission (RRBC) to develop a comprehensive plan of action to address, mitigate, and respond to flooding and related water quality and land conservation issues in the Red River basin and report progress and outcomes in January (Chapter 93, Art. 2 (4)). The North Dakota Legislature matched Minnesota's funding for the same purpose. RRBC's progress toward this goal to date includes the following:

Phase I: Information Gathering: The RRBC is generating first-hand information from basin stakeholders. This will allow recommendations to be developed for the state centered on grass-roots citizen and leader feedback. This information will be analyzed, processed, and packaged to identify problems, activities, needs to ensure recommendations are consistent with local activities underway and in the developmental stages. This information is being generated through three strategies.

- The first is public surveys that basin residents are completing that provide their views on problems, concerns, and solutions. Basin residents can complete surveys electronically on the RRBC website: www.redriverbasincommission.org
- The second is through 21 basin public forums that were completed on January 14, 2010. These forums were attended by nearly 1,000 basin residents.
- And finally, damage inventory surveys at the watershed district, city, and county levels are being completed. These extensive surveys have been sent to these governmental units with about half completed and returned. Follow up work is underway for the remaining results and a developmental grid for analysis is under development.

Leveraging Funds: The RRBC is leveraging funds towards the state appropriation to efficiently produce results on long term flood solutions by effectively utilizing river flow models and decision making tools that will influence the ability to recommend flood damage reduction strategies based on factual information. RRBC matched the 2009 Minnesota appropriation by securing a $500,000 appropriation from the state of North Dakota. RRBC subsequently leveraged new federal funding with this combined $1 million in state funds through the U.S. Army Corps of Engineers (USACE) Red River Basin-wide Feasibility Study for a one-to-one match.

Basin Flood Damage Reduction Principles: The RRBC is leading the way to formulate through consensus basin flood damage reduction principles that will guide basin leaders in identifying flood reduction strategies and locations, in prioritizing projects to maximize available funding, and in keeping a balanced basin-wide comprehensive water management focus.

Goals for Flows and Levels of Protection: RRBC is also currently in the process of building consensus on levels of flood protection goals for the basin infrastructure and economic base. These goals, once established, will help guide future decisions related to funding needs, timelines, and strategies that can help solve the problems.

Flood Damage Reduction Strategies/Project Identification: RRBC is developing creative and effective projects and strategies to get results. RRBC is working with water managers on the front lines to identify key impediments to implementing projects and developing "outside the box" solutions to overcome them. RRBC is looking at new, innovative funding opportunities for projects. RRBC is addressing other key issues such as the impacts of drainage, on-stream storage, and the mitigation of downstream impacts. RRBC is also developing goals for the reduction in flood flows for each tributary at seven mainstem locations throughout the basin. These goals are essential in determining the locations, size and operation of upstream floodwater storage. RRBC has developed a Red River mainstem unsteady flow model for the purpose of modeling the river and

tributary flows to reduce mainstem flows by an agreed-upon percentage (currently, 20 percent is being considered). Developing strategies for upstream floodwater storage is a critical component of the comprehensive watershed approach to long term flood solutions. Water storage is essential to reducing flood flows at downstream locations; it is a necessary supplement to local protection measures and will be a component of the plan and recommendations. There will also be recommendations related to the permitting process and opportunities for multi-use of existing wetlands.

Phase II: This phase is in process of contract negotiations with the contractor best positioned to carry out the task. The USACE is able, under its federal authority for the Red River Basin Feasibility, to contract directly with the contractor to accomplish the LTFS Project Phase II Workplan task. Therefore, the USACE, the local co-sponsors (the Minnesota Red River Watershed Management Board and the North Dakota Joint Water Resource District Board) and RRBC are all collaboratively working on this project and the recommendations that will emerge. The final outcome will be a product that has local, state, and federal buy-in. The additional benefit of the USACE doing the contract is that it frees up state funds to do more on the modeling, which will be extremely beneficial in helping set goals, projecting costs/timelines, and in prioritizing. The 41-member RRBC Board representing MB, MN, ND, and SD at local, provincial and state levels approved this action at its November 3, 2009, board meeting and contract negotiations are underway and scheduled to be completed in January 2010 so that Phase II can begin. This phase will begin to put together the final report details and recommendations with all supporting information.

Phase III: is not a part of this project and will be the implementation of the recommended strategies and projects. RRBC can assist in the implementation phase, which will likely be led by current local entities such as Watershed Districts (WD) in Minnesota and Water Resource Districts (WRD) in North Dakota in conjunction with the appropriate state and federal agencies.

A. LONG TERM FLOOD SOLUTIONS (LTFS) PROJECT DEVELOPMENT

Upon notification of the availability of funding from Minnesota (MN) and North Dakota (ND) for the LTFS Project to the Red River Basin Commission (RRBC), the staff and Board of Directors began to plan to implement the project for when funding became available July 1, 2009. (see Appendix 1 for Legislation). RRBC's 14-member Executive Committee, at their monthly meeting in May 2009 began discussing the project and, over the next couple of meetings, took the following actions. 1) First, it was agreed to call the effort the LTFS Project. 2) Second, the fiscal tracking mechanism was established to handle the funds through a separate RRBC account rather than a project account in RRBC's general fund. 3) Third, a workplan staff had developed was adopted (see Appendix 2). 4) Fourth, action was taken to establish two working committees to assist the Board and Executive Committee with the project. 5) Lastly, action was taken to begin implementing the first part of the workplan by developing an RFP for one part and contracts for other parts.

Staff attended the MN Board of Water and Soil Resources (BWSR) meeting at their earliest meeting, explaining the workplan and receiving the motion necessary to enter into a contract with BWSR for the funds. The same action occurred with the ND State Water Commission (SWC) at their next meeting.

The entire workplan is built around a Phase I and a Phase II effort. Phase I is an information gathering phase to ensure the future recommendations to each state are rooted in the reality of the problem, solutions that are underway, and solutions that still need to be developed. This basis will make it possible to address local needs while at the same time creating a basin strategy.

Phase II of the project will be to take all the information, add to it, and begin to narrow it down and package it so a basin plan is developed that has practical solutions to the flooding issue which can be affordably implemented. The final recommendations to the states that emerge after Phase II will provide a clear path of what needs to be done, where it should be done, a general projection of what it will cost, and a projection of how long it will take.

Phase III is not a part of this project and will be the implementation of the recommended strategies and projects. This phase will likely be implemented by current local entities such as Watershed Districts (WD) in MN and Water Resource Districts (WRD) in ND in conjunction with the appropriate state and federal agencies.

B. LONG TERM FLOOD SOLUTIONS (LTFS) PROJECT STATUS

a. **Project Name:** The Long Term Flood Solutions (LTFS) Project was the name given to the project at the May 14, 2009, Executive Committee meeting, reflecting the goal of the project. The Flood Damage Reduction (FDR) recommendations that emerge from the project will be strategies for the short-term (around 10 years), mid-term (around 20 years), and longer term (out to around 50 years).

b. **Fiscal Management:** A new bank account at the State Bank of Hawley has been established to account for the state funds. These funds will be received after RRBC has encumbered expenses and deposited to the account and then distributed to RRBC for expenses incurred. This will keep the state funds for the LTFS Project separate from other RRBC project accounts.

c. **Workplan:** The workplan has been developed and is continually updated as the project is implemented. This workplan was developed by staff and the RRBC Executive Committee. The RRBC Board accepted the workplan when it approved the June 18, 2009, Executive Committee minutes and subsequent actions at the August 6, 2009, Board meeting.

d. **LTFS Sub-Committees:** At the May 14, 2009, Executive Committee meeting, the announcement was made by staff regarding the states of MN and ND each allocating $500,000 to RRBC for this project. It was decided to establish two committees to assist in the effort.

i. LTFS Oversight Committee: This committee has seven members: MN Board of Water and Soil Resources, John Jaschke; ND State Water Commission, Dale Frink; MN Legislature, Rep. Morrie Lanning; ND Legislature, Senator Tom Fischer; MN member, Jon Evert; ND member, Jake Gust; and Manitoba (MB), Steve Topping. All of these members are also on RRBC's Board of Directors (Lanning is Ex-Officio). This committee met separately for the first several months but now meets with the RRBC Executive Committee monthly and as needed to provide guidance and oversight to the LTFS Project.

The LTFS Oversight Committee decided to meet independently with the Fargo/Moorhead (F-M) groups working on the F-M Diversion Project, including the two cities, the two counties, the local MN watershed district, and the local ND water resource district leaders and other citizen groups. These meetings were to update each group on the LTFS Project and goals as well as to discuss with them how the LTFS Project will mesh with the proposed F-M Diversion Project under consideration and how the LTFS Project might help address other concerns by various landowner and downstream groups. These meetings have all occurred and RRBC is now on the agenda of the meetings of the local F-M Working Group that represents local governments from the area in both states. RRBC is able, through this venue, to continually communicate with and update the F-M Working Group on the LTFS Project activities. This is especially critical as the LTFS Project recommendations for strategies for FDR could complement and enhance the F-M Diversion if upstream storage can be achieved to lessen the impact of Red River stage elevations by an F-M Diversion.

ii. LTFS Technical Advisory Committee (TAC): This committee began as a committee linked to the MN Red River Watershed Management Board (RRWMB) and the ND Joint Water Resource District Board (JWRDB). The initial committee was composed of the two chairs (MN, John Finney; ND, Jim Lyons), the two policy advisors (MN, Ron Harnack; ND, Tom Fischer), and the two technical advisors (MN-DNR, Dan Thul; and ND-SWC, Randy Gjestvang). The LTFS TAC has grown to include:

- MN RRWMB (Dan Wilkens), ND JWRDB (Mark Brodshaug)
- Representatives of watersheds upstream from F-M (MN: Bruce Albright - Buffalo Red WD and Jon Roeschlein - Bois de Sioux WD, ND: Rick St. Germain - Houston Engineering and Jeff Volk - Moore Engineering).
- Representatives from the MN Flood Damage Reduction Working Group: Al Kean - BWSR, Jim Solstad - DNR, Charlie Anderson - JOR Engineering and Henry VanOffelen - MN Center for Environmental Advocacy).
- A representative from the F-M downstream interest group: MN, Terry Guttormson - farmer.

This committee has met several times and is planning to meet more often now that modeling data is available for the Red River mainstem that needs to be analyzed and used in developing recommendations related to basin FDR principles as well as goals related to levels and flows, etc. At their January 13, 2010, meeting, the LTFS TAC established working subcommittees: one to deal with technical issues such as mainstem and tributary modeling of flows and establishing flow reduction goals at an ideal percentage and one to address policy issues such as permits and funding and other impediments to project implementation.

e. **Contracts:** Initially, contracts needed to be put in place to address several issues. RRBC's Executive Committee, acting on the advice of the LTFS Oversight Committee, acted on the following contracts at their July 16, 2009, meeting. Other contracts will be issued as the project moves forward and specific needs are identified.

i. Administrative and Fiscal Management: It was decided to have RRBC carry out administrative and fiscal management duties.
ii. Policy and Project Coordinator: It was decided to contract with RRBC to provide these services, as RRBC had been contracting with someone to provide the effort needed on this project. This person would be hired full-time and act as lead for the project. This person has been hired.
iii. Damage and Project Surveys: It was decided to contract with Barr Engineering to assist in the development and initial compilation strategies for the surveys to be sent to MN and ND counties, cities, WDs, and WRDs.
iv. Public Meeting Facilitator: It was decided to contract with Karen Nitzkorski, a local public facilitator, to assist with the round of public meetings to gather information. This contract was issued and will be fulfilled by the end of January 2010.
v. RFP for Phase I: It was decided that the staff should develop an RFP for Phase I and to advertise it and issue it with LTFS oversight guidance. The RFP was prepared, advertised according to legal timelines, candidates interviewed and on August 6, 2009, Barr Engineering was awarded the Phase II contract.

f. **State Contracts:** The RRBC Executive Director presented the LTFS Project workplan to the ND SWC on June 23, 2009, and at the MN BWSR on June 24, 2009. Both the SWC and BWSR approved entering into contracts. The state contracts are in place and have been developed in a manner to provide consistency for the project, while maintaining the integrity each state agencies need.

g. **Phase I:** Phase I has numerous components related primarily to gathering information that will be used in Phase I to begin to develop recommendations. Some portions of the final product also began in this phase, such as: draft outline of final plan/recommendations, Basin Flood Damage Reduction (FDR) Principles, flow and level goals, and the MN and ND Legislative Report. The Phase I contract was issued to Barr Engineering in August 2009. This contract includes work assisting with the processing of all information gathered from the public surveys, the public forums, and the surveys to counties, cities, WDs, and WRDs. In addition, facilitation, information gathering, and consensus building was discussed at the monthly RRBC Board meetings and their November 2009 Board retreat and at RRBC Executive Committee, LTFS Oversight Committee, and LTFS TAC meetings. As information is processed and prepared, the RRBC Board will be asked to agree on the project recommendations. On FDR issues, this will take significant discussion and effort, as there are multiple interests and viewpoints on the RRBC Board, just as there are in the basin outside of RRBC. These components are and their status are:
i. Leveraging Federal Funds: At the June 18, 2009, RRBC Executive Committee meeting, it was decided to send letters to the MN and ND Congressional Delegations to see if the USACE could receive authorization for an additional $1 million on their Red River Basin Mainstem Feasibility Study so that the MN and ND state funds could be matched. This effort was successful, and the workplan for how the two funding sources relate to each other and match activities is now in place and being implemented. This will result in the LTFS Project recommendations being also endorsed by the MN RRWMB, ND JWRDB, and USACE as the basin plan/recommendations for future actions related to FDR activities. It is a major step forward in looking toward the future with a unified voice and plan of action.
ii. Public Survey: The RRBC developed a public survey and widely distributed it throughout the basin. Basin residents can complete it electronically on RRBC's website: www.redriverbasincommission.org. The survey has generated hundreds of responses to date. It solicits residents' opinions on ideal levels of protection; best approaches to improving flood protection, proposed solutions, and their willingness to financially contribute, among other things. Currently, the results are displayed on RRBC's web site and illustrate several things, including that residents want a comprehensive approach to solutions and are willing to pay for more protection. Complete results will be reported this spring.

iii. Public Forums: In the fall and early winter of 2009, the RRBC sponsored 21 public flood forums around the Red River basin to publicly engage with basin residents to hear their flood stories and solicit ideas and feedback on a comprehensive plan. These forums were held around the basin in MN, MB, and ND including the following MN communities: Cormorant Township, Dilworth, Georgetown, Halstad, Moorhead, Oslo, Red Lake Falls, and Roseau. Almost 1,000 attendees participated and voiced their opinions on last year's flood, chronic flooding experiences, concerns for future flooding, and suggestions and ideas for solutions. The last meeting was completed January 14, 2010. RRBC's report on the information gleaned will be available in the next month. (See appendix 2 for details and information from the forums that has been processed to date).

iv. Damage and Project Surveys: RRBC developed and sent damage inventory requests to the flood-prone cities in the basin and Minnesota watershed districts to get a complete picture of past flood damages and what their obstacles are in completing any flood damage reduction plans, such as permitting or funding. About half of those surveys have been completed; the remainder were delayed by the wet fall that delayed harvest well into winter. The remaining completed surveys are expected before spring. Respondents are reporting on flood damages such as the number of residences damaged and miles of roads washed out and steps towards proposed solutions such as flood damage reduction strategies. Once the responses are complete, RRBC will report its findings.

v. USACE Red River Basin Feasibility Study: RRBC is leveraging funds in the basin to expand the resources to efficiently get results on long term flood solutions. USACE has federal funding for a Basin Feasibility Study. Several other projects are underway that will assist the LTFS Project. These inlcude the Basin LiDAR (Digital Elevation Data) collected at North Dakota State University by the International Water Institute (IWI) with local, state, and federal funding. Mainstem Modeling has also been ongoing through RRBC and the development of the Mike 11 Mainstem Model from Lake Traverse in SD to Lake Winnipeg in MB. This project has recently been completed and has been used to generate mainstem flow reductions of 20 percent (see Appendix 4).

1. This collaborative study will expand Mainstem Modeling compatibilities with RRBC's Mike 11 Model and the USACE's HEC-RAS model that allows one to perform one-dimensional steady flow, unsteady flow, sediment transport/mobile bed computations, and water temperature modeling. This will provide valuable flow information for the Red River and its tributaries.
2. The study will also utilize IWI's collection of digital elevation data and development of a decision support system. The primary focus of this work will be to develop, coordinate, and document basin-wide goals pertaining to runoff for each of the sub-watersheds in the Red River Basin. In addition to flood damage reduction, other objectives to be incorporated in this multi-beneficial project will be improved water quality, ecosystem restoration, and water supply.
3. At the direction of RRBC, the USACE also will be updating existing or developing new Hydrologic Model System (HMS) models, a physically-based distributed-parameter model system, for all Minnesota and North Dakota sub-watersheds.

vi. Pilot Project/s: The RRBC Board discussed the concept of a pilot project/s to help identify problems that continually emerge as projects for FDR are developed. The Board and Committees listened to concepts and a proposal and eventually determined it was best to have the LTFS TAC work with these issues. The LTFS TAC began addressing these issues at their January 13, 2010, meeting through the formation of a policy subcommittee. This subcommittee will explore the key issues and report back to the TAC with a recommendation on either proceeding with the subcommittee, RRBC staff, or outside contract work. The following items will be further studied and reported upon:

1. Assess at least six prior water projects (a minimum of three projects in North Dakota and a minimum of three projects in Minnesota) and, drawing from previous experiences of relevant sources throughout the basin, develop a comprehensive list of impediments to timely project identification and completion and provide a corresponding set of recommendations for reducing or eliminating such impediments for the RRBC and the local project sponsor. Analyze and report in detail on the identified specific impediments.
2. Analyze and report in detail on access to funding for projects that identifies all current, available funding sources, the process to access them, and any relevant timelines. Included in this report shall be: local funding options; state funding options including state agencies, legislative appropriations and funding, cost share formulas, etc.; federal funding options including new funding sources, grant appropriations, legislation, cost shares, etc.; and basin funding opportunities including international options, new funding sources, and options for the creation or modification of existing organizations to best secure funding for water projects, etc.
3. Convening and engaging key sources throughout the basin, preparing findings on how such a water storage pilot project may interface with the following key issues in the basin: drainage, on-stream storage, mitigation of downstream impacts, opportunities for storage utilizing existing wetlands, permitting process with relevant state agencies and the USACE, and resistance to land use conversions, among others.
4. Using the above findings, develop an additional list of recommendations for improved or enhanced joint project support and/or collaboration across geopolitical boundaries and/or between existing water management agencies.
5. Using the recommendations formulated from the processes described above, and in cooperation with the RRBC administration, preparation of a set of recommendations for inclusion in the draft Water Management and Flood Damage Reduction strategy/framework for the Red River Basin.
6. Subsequent to or concurrent with above items, assist the RRBC in the selection of one or two "Pilot" projects in North Dakota and/or Minnesota in the upper basin, based on readiness and compatibility with the goals of the local project sponsor(s), to establish processes to condense project implementation that will result in shortened timelines and reduced costs.

h. **Economic Analysis:** RRBC's Board has determined economic information related to the Red River Basin will be useful in the final FDR recommendations to weigh costs of projects against the economic benefits of the basin. To provide policy makers, decision leaders, basin residents, and MN and ND taxpayers with an idea of the economic impact of the Red River Basin and why investing in flood protection is a worthwhile endeavor, RRBC requested economic data from the University of Minnesota Crookston EDA Center. Directed by Jack Geller, formerly from the Minnesota Center for Rural Policy and Development, the EDA Center has already completed a report on seven of the 18 Minnesota counties in the Red River Basin to quantify this economic impact. Initial results illustrate that the basin region is a significant net exporter of goods and services, producing many economic benefits for Minnesota, the region and the country. The

remaining counties will be analyzed over the next months so there is a complete picture of the value of the basin.

i. **Basin Flood Damage Reduction Principles:** RRBC is leading the way to formulate FDR principles that will guide basin leaders through this project and into the future on basin-wide, comprehensive water management. Consent among the basin's key players, represented on RRBC's board and committees, is an investment that takes time, but will pay dividends.

Among the proposed principles are commitments that the proposed solutions are comprehensive, basin-wide in nature, and address issues such as floodplain regulations and zoning for future development, the role of upstream floodwater storage in mitigating downstream flood flows, and that solutions be multi-purpose. Additional components of the principles suggest cross-jurisdictional partnerships must be facilitated, ongoing evaluation and prioritization occur, and responsibility and accountability be shared among all levels of government. The Long Term Flood Solutions Plan will build upon, supplement, and expand on the Red River Basin Commission's Natural Resources Framework Plan, and the Basin Commission's current overall Guiding Principles. RRBC has developed a Red River Basin Natural Resource Framework Plan (NRFP) that has 13 basin goals identified, nine of which relate to land and water resource management, protection, and improvement. Goal 6 in the NRFP is to reduce flood damages on the mainstem and its tributaries. The LTFS Project offers the perfect opportunity to develop principles, goals, strategies for projects,s and recommendations to solve flood problems in the basin and to provide a road map for doing the same on the other NRFP goals.

The current proposed principles the RRBC is discussing and continuing to develop next week at its annual conference are as follows:

- **Principle 1:** The **Comprehensive Long Term Flood Solutions plan** developed by the Red River Basin Commission, in partnership with the (Minnesota) Red River Watershed Management Board (RRWMB), the (North Dakota) Red River Joint Water Resource District Board (RRJWRDB), and Manitoba interests, should be the framework for federal, state and local agencies and jurisdictions to implement those components of the plan that fall within their authorities, jurisdictions and capabilities. The plan will consider both existing and potential future development needs throughout the basin.

- **Principle 2:** **Levels of Flood Protection goals** for the Red River Basin are essential to a coherent and comprehensive strategy for reducing the risk of flooding and flood damages throughout the Red River Basin with the objective of providing a more reliable, safe and secure place for basin residents to live and contribute to the economic well-being of the region, North Dakota, South Dakota, Minnesota, Manitoba, the United States and Canada. The Level of Flood Protection goals may not be initially achievable due to a variety of factors, including the cost of implementation; however they provide a long term vision of what is needed for the basin.

- **Principle 3:** A comprehensive **Basin Approach** is critical to long-term success in reducing flood damages throughout the basin. The basin approach uses all appropriate measures to reduce or prevent flood damages including levees, diversions, upstream storage, floodplain regulations and zoning, flood insurance, buyouts and other structural and non-structural measures.

- **Principle 4:** **Floodplain Regulations and zoning** for future developments should use the same level of flood protection criteria (Level of Flood Protection Goals). Uniform, consistent, and enforceable regulations should be adopted for the Red River basin and should be implemented at the State and local levels.

- **Principle 5:** **Goals for the reduction in flood flows** throughout the basin are essential to determining the locations, size and operation of upstream floodwater storage. *(Flow reduction goals will be adopted by the Red River Basin Commission, in conjunction with the RRWMB, the RRJWRDB, and Manitoba interests.)*

- **Principle 6:** Upstream **Floodwater** storage is a critical component of the comprehensive basin approach to Long Term Flood Solutions. Upstream storage is essential to reducing flood flows at downstream locations, is a necessary supplement to local protection measures, can be used to offset loss of floodplain storage due to local protection projects such as levees, and should be a component of any plan. *(Guidelines for Upstream Floodwater storage for each sub-basin will be adopted by the Red River Basin Commission, in conjunction with the RRWMB, the RRJWRDB and Manitoba interests.)*

- **Principle 7:** Components of the Long Term Flood Solutions plan will incorporate **Multiple Purposes** whenever possible consistent with the objectives of the Red River Basin Commission's Natural Resources Framework Plan, including water quality, water supply, and fish and wildlife resources.

- **Principle 8:** **Cost Effectiveness** is an important measure of the value of the components of an overall Long Term Flood Solutions plan. However, cost-effectiveness is only one of many considerations in judging the overall merits of a plan.

- **Principle 9:** The Red River Basin Commission will **facilitate the implementation of cross-jurisdictional partnerships** for the implementation of the Long Term Flood Solutions plan and will also assist in the resolution of conflicts associated with the plan.

- **Principle 10:** **Evaluation and prioritization** of projects and components of the Long Term Flood Solutions plan will be facilitated by the Red River Basin Commission in conjunction with the RRWMB, the RRJWRDB and State of MN and ND and Manitoba interests. *(Evaluation criteria and a prioritization process are to be determined.)*

- **Principle 11:** An **evaluation** of the progress on plan implementation will be conducted annually by the Red River Basin Commission and modifications to the implementation process will be made as necessary.

- **Principle 12:** The Long Term Flood Solutions plan will recognize that a **shared responsibility, commitment and accountability at the local, state and federal levels** will be necessary for successful implementation of the plan.

j. **Basin Goals:** In addition to Basin FDR Principles, RRBC is developing goals that reflect flow reduction percentages (see Appendix 4) for the mainstem and tributaries and levels of protection where discussions will be enhanced by the modeling information. These goals are under discussion to build basin wide consensus on them they and will be part of the RRBC Annual Summit Conference public small group discussion on January 20, 2010. Levels of flood protection goals for the Red River Basin are essential to a coherent and comprehensive strategy for providing a reliable, safe and secure place for basin residents to live and contribute to the economic well-being of the region. Basin leaders are developing goals to guide what is sufficient for each metropolitan area and community, for example, local leaders in Fargo-Moorhead have a goal of 500-year protection for the metropolitan area.

RRBC: Level of Flood Protection Goals

(proposed only: under current discussion)

(Draft Strawman) January 15, 2010

Why Level of Flood Protection Goals? Level of Flood Protection goals provides a long term objective to reduce the risk of flooding and flood damages throughout the Red River Basin. These goals may not be initially achievable for a variety of reasons including the costs of implementation, but will provide a basis for potential future action as resources to implement these goals become available. Once a level of flood protection goal is defined, the flood stage reduction, flood flow reduction, or other actions needed to achieve that goal can be defined.

	Estimated Recurrence Interval	Chance of Being Equaled or Exceeded in any Given Year
Major Urban/Metropolitan Areas: (1) (2) (4) (same level of protection as Winnipeg's)	700 year	0.14%
Critical Infrastructure: (1) (2) *(water and wastewater treatment facilities; airports; hospitals; regional communication facilities; chemical storage facilities; etc)*	700 year	0.14%
Cities/Municipalities: (1) (2)	250 year	0.4 %
Rural Residences & Farmsteads(1) (2)	100 year	1.0%
Agricultural Cropland:	minimum of 10 year summer flood	10%
Transportation: (2) (3) Critical Transportation System and Emergency Service Links:	250 year	0.4%

Notes:

(1) Protection for Urban Areas, Critical Infrastructure, Cities, Rural Residences and Farmsteads should all have appropriate freeboard (i.e. contingency or risk and uncertainty allowance) with any projects designed to provide the specified level of protection.

(2) If a flood of record has occurred which exceeds the specified level of protection goal, the flood of record should be used in place of the specified level of protection goal.

(3) The critical Transportation systems should be maintained passable during a flood of the described level of protection to assure safe and reliable transportation and provision of emergency services. The transportation system should not increase flooding problems either upstream or downstream.

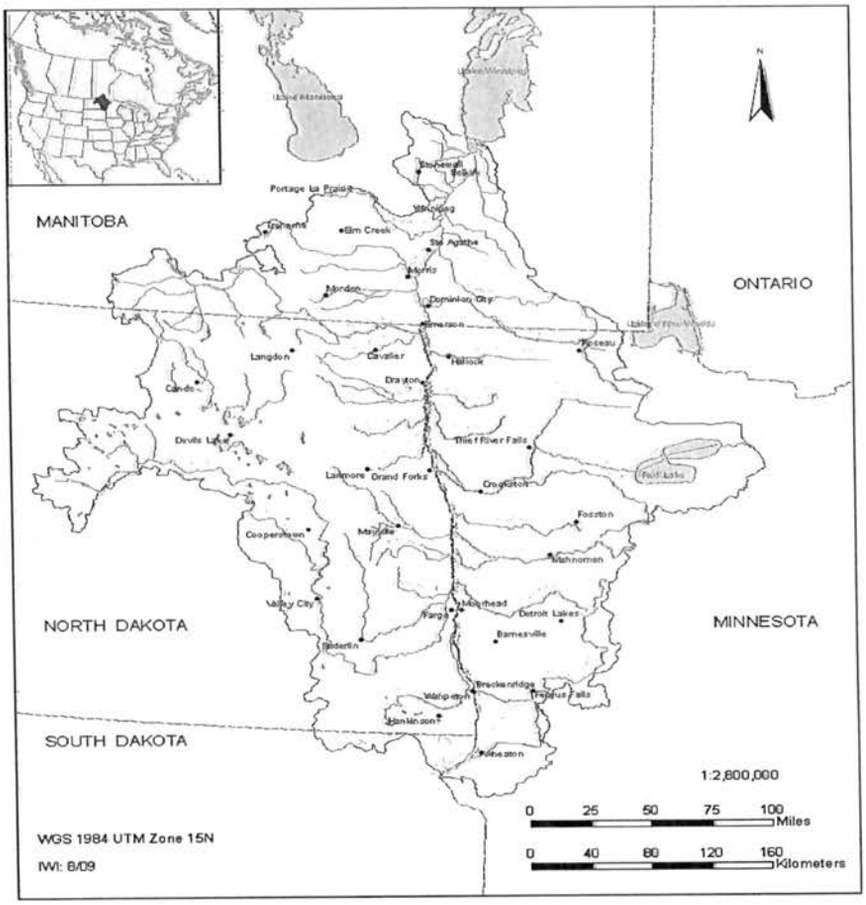
(4) Includes Fargo/Moorhead, Grand Forks/East Grand Forks, and Winnipeg.

k. **Modeling**: Goals for the reduction in flood flows for each tributary at seven mainstem locations throughout the basin are essential to determining the locations, size and operation of upstream floodwater storage. RRBC has initiated a Red River mainstem unsteady flow model for the purpose of reducing mainstem flows by an agreed-upon percentage (currently, 20 percent is being considered). Guidelines for upstream floodwater storage are a critical component of the comprehensive watershed approach to long term flood solutions. Water storage is essential to reducing flood flows at downstream locations, is a necessary supplement to local protection measures, and should be a component of any plan. RRBC will utilize the HMS sub-watershed models that the USACE is now developing and link them to the Mike 11 Mainstem Model for mainstem flow reductions that result directly from upstream sub-watershed storage strategies.

l. **Phase II:** This phase is in process of contract negotiations with the contract best positioned to carry out the task. The USACE is able, under its federal authority for the Red River Basin Feasibility, to contract directly with the contractor to accomplish the LTFS Project Phase II workplan task. This means that the USACE, the local co-sponsors (the MN RRWMB and the ND JWRDB), and RRBC are all collaboratively working on this project and the recommendations that will emerge. The final outcome will be a product that has local, state, and federal buy-in. The additional benefit of the USACE doing the contract is that it frees up state funds to do more modeling, which will be extremely beneficial in helping set goals, projecting costs/timelines and in prioritizing. RRBC's Board approved this action at its November 3, 2009, meeting and contract negotiations are underway and scheduled to be completed in January 2010 so Phase II can begin. This phase will begin to put together the final report details and recommendations will all supporting information.

C. BACKGROUND: RED RIVER BASIN

a) **The Red River and its Basin:** The origin of the Red River of the North is at the confluence of the Otter Tail and Bois de Sioux rivers near Breckenridge, Minnesota, in Wilkin County and runs north about 550 miles long. The Red River Basin or drainage area, encompasses more than 45,000 square miles across the corner of northeastern South Dakota, eastern North Dakota, Northwestern Minnesota and southern Manitoba, Canada. The Red River flows across the flat lakebed of the enormous, glacial Lake Agassiz. As the glacier melted, its waters formed the lake and over thousands of years, sediments settled to the bottom of the lakebed, leaving behind some of the most fertile soil in the world. The Red River itself is relatively young; it began only after Lake Agassiz drained, about 9,500 years ago.

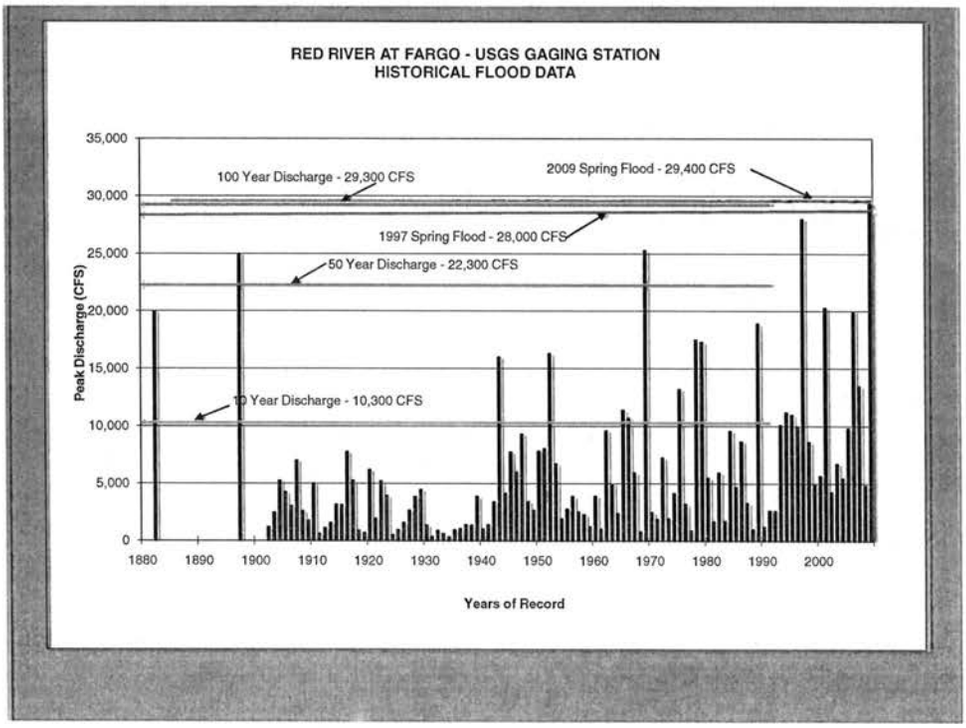


While the Red River essentially drains the region, it did not create a "valley" wider than a few hundred feet. The much-wider floodplain is the expansive bed of the glacial lake shown in the illustration above. It is flat; from its southern origin and onward north to the international border near Emerson, Manitoba, its gradient is only about 1:5000, or approximately 1 foot per mile.

Because of its flatness, high water has essentially nowhere to go, except to spread across the lakebed in overland flooding. Heavy snows or rains, on saturated or still frozen soil especially in early spring, has caused a number of major floods, which often are made worse by the fact that snowmelt starts in the warmer south, and waters flowing northward are often dammed or slowed by ice. Major floods in historic times include those of 1826, 1897, 1950, 1997, and the most recent 2009 flood.

b) **Flooding:** Flooding is a major issue in the Red River Basin and continues to negatively impact the economy year after year. The first graph below shows the history of Red River flooding since 1880. It shows the pattern of increased floods in recent years and also the largest floods of recent record. The other piece in this section shows highlights the 2009 flood.

i) Flooding History



ii) 2009 Flood

The 2009 Red River flood along the Red River of the North in Minnesota and North Dakota in the United States and Manitoba in Canada brought record flood levels not only to the Fargo-Moorhead metropolitan area, but widespread throughout the basin. In Fargo-Moorhead, after more than a week-long sandbagging effort, and emergency dikes and levees were instituted, the river crested at 40.82 feet on March 28, 2009.

Emergency dikes were constructed in Grafton, Harwood, and Richland County. The Georgetown levee was raised another two feet. Soccer fields in Fargo-Moorhead were dug up to get quick access to clay for the emergency levees, and sand was hauled in to meet the need for over 3.5 million sandbags. Thousands of volunteers rushed from surrounding communities, the Twin Cities, and around the country.

The next several months residents and communities spent tearing down emergency structures and clearing and cleaning debris and damage. Many roads remain in disrepair. Cities and communities continue to revise their emergency plans and institute upgrades to their infrastructure in the hopes that they are more prepared for future floods.

D. BACKGROUND: RED RIVER BASIN COMMISSION (RRBC)

The RRBC was formed in 2002 to address land and water issues in a basin-wide context. RRBC was formed as a result of a merger between the Red River Basin Board, The International Coalition ofr Land and Water Stewardship in the Red River Basin, and the Red River Water Resources Council. RRBC is a chartered, not-for-profit corporation in the United States operating in Minnesota, North Dakota, and South Dakota and a charity in Canada operating in Manitoba. RRBC has offices in Moorhead, Minnesota, and Winnipeg, Manitoba, and is dedicated to innovation in the management of the Red River Basin's water resources.

The RRBC has a 41-member Board of Directors. These directors represent: local governments such as cities, counties, municipalities, watershed districts, and water resource districts; First Nations; environmental groups; and at-large citizen members. The Governors of Minnesota, North Dakota, and South Dakota and the Premier of Manitoba also appoint members to the Board. In Minnesota, the Governor's appointments are: Department of Natural Resources Commissioner Mark Holsten, Minnesota Pollution Control Agency Commissioner Paul Eger, and Minnesota Board of Water and Soil Resources Executive Director John Jaschke.

RRBC has adopted a vision, a mission statement and a set of Guiding Principles, based on input provided by basin residents, to guide its activities. These basic documents provide the foundation to develop reasonably specific goals and objectives for water management in the basin. These goals and objectives, along with the mission statement and the Guiding Principles, provide a framework for the Board.

a. RRBC Vision and Mission

Vision: The Red River Basin Commission's vision is: A Red River Basin where residents, organizations and governments work together to achieve basin-wide commitment to comprehensive integrated watershed stewardship and management.

Mission: The Red River Basin Commission's mission is: To develop Red River Basin integrated natural resources framework plan; to achieve commitment to implement the framework plan; and to work toward a unified voice for the Red River Basin.

b. RRBC Board of Directors

RED RIVER BASIN COMMISSION BOARD 2010			
	Minnesota – 12	**North Dakota - 12**	**South Dakota - 2**
Counties	Jon Evert, Clay Jerry Dahl, Mahnomen	Joe Belford, Ramsey Hetty Walker, Pembina	
Cities	Hank Ludtke, Frazee Betty Pikop, Stephen Mark Voxland, Moorhead	Shane Walock, Horace Fred Bott, Devils Lake Kevin Burg, Hillsboro	
Watersheds	John Finney, Joe River Dan Wilkens, Sand Hill	Tom Fischer, SE Cass Ben Varnson, Red River Joint Water Resources Board	
State	Paul Eger, MPCA John Jaschke, BWSR Mark Holsten, DNR	Dale Frink, State Water Commission Dave Glatt, Department of Health Terry Steinwand, Game and Fish Department	
Environmental	Henry Van Offelen, MN Center for Environmental Advocacy	Genevieve Thompson, National Audubon Society	
At-Large	Warren Seykora	Jake Gust	Roger Navratil, Roberts County
MANITOBA - 12			
Municipalities	Herm Martens, R.M. of Morris John Falk, R.M. of Rhineland Marvin Magnusson, R.M. of Bifrost Kurtiss Krasnesky, R.M. of St. Andrews		
Cities	Jeff Browaty, Winnipeg R.S. "Bud" Oliver, Selkirk		
Water Co-Op	Sam Schellenberg, Pembina Valley Water Coop		
Environmental	Joy MacLean, Lake Winnipeg Research Consortium		
Provincial	Steve Topping, Manitoba Water Stewardship Dwight Williamson, Manitoba Water Stewardship Muriel Smith, Winnipeg		
At-Large	Bill Paulishyn, R.M. Springfield		
FIRST NATIONS/TRIBAL - 3			
Melissa Hotain, Assembly Manitoba Chiefs			
Allen Pemberton, Red Lake Band of Chippewa Indians, Red Lake, MN			
Vacant			

APPENDIX 1
MN AND ND LEGISLATION

The Minnesota Legislature appropriated $500,000 from the general fund to the Red River Basin Commission, available July 1, 2009, in the Capital Investment Finance Bill (2009 Chapter 93) through the Board of Water and Soil Resources (BWSR). Specifically the funding is for:

Minnesota legislative guidance:

Subd.4/ Red River Basin Commission Grant $500,000

(a) From the general fund for grants, contracts, or agreements with the Red River Basin Commission or its members to develop, in consultation and cooperation with all boards and commissions involved with water management and flood prevention and control in the Red River basin, a comprehensive plan of action to address, mitigate, and respond to flooding and related water quality and land conservation issues in the Red River watershed. The plan must take into account previous federal, state, provincial, regional, and local assessments and make specific recommendations for floodplain management goals and outcomes for the Red River basin including structural and nonstructural measures, wetland restoration, water storage allocations by major watershed, and designation of roles and responsibilities and time frames for implementation. The commission shall report progress on goals and outcomes to the legislature by 15 January 2010.

(b) Any remaining money may be used to implement the plan. Up to five percent of this appropriation may be used by the board for technical and administrative oversight.

(c) This appropriation is contingent on the state of North Dakota contributing at least an equal amount in a grant to the Red River Basin Commission.

North Dakota legislative guidance:

HB 1020, Sec. 9. Legislative Intent – State Water Commission Projects. It is the intent of the sixty-first legislative assembly that of the funds appropriated in the water and atmospheric resources line item in section 1 of this Act, the state water commission provide funding for the following projects, for the biennium beginning July 1, 2009, and ending June 30, 2011: (among others) Evaluate, in conjunction with state, local and federal officials and entities, long-term flood control solutions in the Red River valley - $500,000

Minnesota BWSR approved this funding on 24 June 24, 2009 at its meeting in St. Paul, and the North Dakota State Water Commission on 23 June 2009 also approved the pass through of this funding based on RRBC's proposed plan submitted to them.

APPENDIX 2
LTFS WORKPLAN
July 1, 2009 - June 30, 2011

Goal: Develop a comprehensive plan for long-term solutions for flooding, water quality and land conservation in the Red River Basin in the United States.

The study shall address, and the final report shall include: structural and non-structural measures; wetland restoration for water storage/water quality enhancement; projected costs by component; and implementation schedule by component.

Procedure: Since Minnesota specifically mentions the Red River Basin Commission (RRBC), they will provide overall management and coordination for the funds from both states. Most of the specific tasks will be completed through a contract with those best able to complete the task: whether a government entity, a consultant, a university, and etc. Potential leads are identified for the solutions or specific tasks in the attached tables. The selected contractors must have the appropriate expertise to complete tasks thoroughly and in the shortest possible time.

Development of a workplan (ND and MN): The following is a draft outline for a work that is to be completed during the July 1, 2009 through June 30, 2011 timeframe. The workplan is patterned after the Minnesota legislation since it is more specific.

The workplan will have two phases 1) Phase I and 2) Phase II. There will be management and coordination to support these phases as well as support activities to build support for the recommendations that will emerge from the Final Phase II Report.

Each of the solutions or tasks will require guidance including a list of specific work to be completed and/or answers required. In Phase I this will take the form of a planning report document that will provide uniformity in reporting and what to report on. These planning reports will be developed by the SWC, BWSR, RRBC and others that deem useful in providing assistance. The planning report documents will describe the work to be accomplished with consideration given to prevent overlap in work on the other solutions or indicate where coordination will be required.

While the Red River Basin Commission's area of interest includes the Canadian portion of the Red River basin, the work to be completed in this effort is to be focused on the United States portion of the basin. Flood control methods etc. that have been adopted in Canada should be considered as optional solution concepts for consideration in this effort. The effort should include a discussion of cumulative benefits from multiple solution concepts that might be collectively implemented.

Some portion of the funds provided to the RRBC may be used or passed through to the COE, USDA, or FEMA as non-federal cost-share (in-kind or cash match). The COE will be analyzing many of the proposed solutions or tasks as part of one of their authorized studies: Fargo-Moorhead Metro Feasibility Study, F-M Upstream Feasibility Study, Wild Rice MN Feasibility Study, Watershed Feasibility Study, and Pembina River Feasibility Study. The USDA- Agricultural Watershed Enhancement Project (AWEP) may also produce projects that funds could be utilized as match. In addition FEMA is considering funds that would also link to these tasks and may need match of in-kind. The Commission would retain funds for the tasks that may not be part of the COE's study such as flood water retention, regulatory review, ring dike/pedestal implementation, riparian restorations, and greenway outside the metro area as examples. This could be determined through consultation with the COE staff assigned to their feasibility study.

	LONG TERM RED RIVER FLOOD CONTROL SOLUTIONS						
						Matches	
WORK PLAN							
Task		Who		Deliverable	COE	AWEP	FEMA
					50%	$5 M/Yr	$'s ?
MNGMT/COORD		RRBC			Yes	Yes	Yes
PHASE I				Report			
A number of reports will be generated from Phase I, guided by uniform standard request (planning forms) to each WRD/WD in the basin. These reports will include all projects that currently are under consideration or could be considered. These reports will include all structural and non-structural projects as listed below.							
Damage Center Review	Local Review re Problems and Solutions	FEMA/RRBC			Yes		Yes
	All 2009 Damage Centers						
Explore All Possibilities	Contracts To Provide Information	Local Eng. Firms			Yes	Yes	Yes
1-12 & 14	Each WRD/WD	Water/Soil					
	Guidelines for Gathing Information	COE/USDA/FEMA					
		Local/State					
		Universities					
PHASE II				Final Report			
The report from Phase II will be compiled by an independent outside consultant (or group) that will evalutate and access all the possibilities. As this report is compiled it will be reviewed regularly at RRBC Board and public meetings, as well as by state/federal agencies. This report will include a prioritization, cost, timelines and other relevant information for decision making and a unified basin approach to flood solutions.							
Narrow Down Possibilities	Evaluate/Assess/Final Report	Independent			Yes	Yes	Yes
1-12 & 14	Process All Above Information	Contractor					
	Project Recommendations	Eng. Firm					
	Costs/Timelines/Policy						
	RRBC Board/Public Interaction						
SUPPORT							
Facilitation	At regular (increased #) RRBC Board Mtgs.	Consultant/RRBC			Yes	Yes	Yes
	Federal Inter-Agency Task Force						
	All Levels of Government--RRBC Brd Mtg						
	Public @ RRBC Brd Mtg						
Legislative/Policy	State/Federal -- Elected/Agency	RRBC					
13, 15	Governor Offices						
	Reglatory Issues, $, Cooperation						
Communication	Public Meetings/Materials	Jnt Water Brds			Yes	Yes	
	Annual Summit Conference	COE/USDA					
	Media	RRBC					
Modeling Coordination		COE/FEMA/RRBC			Yes	Yes	Yes
Development		WD/WRD/Eng Firm					
PHASE III							
Implementation	Prioritization/Funding/Permits	F/S/L Government					

This table contains solutions or tasks that have, in many cases, been considered or studied in the past and that should be revisited and assessed in this effort. (This is an initial list to be discussed and modified. Extent and limits of work to be accomplished for each solution concept will be detailed in the Workplan i.e. Greenway development is to be considered along the river mainstem only.)

No.	*Solution or Task*	*Proposed Lead(s)*	*Expected Outcome*	*Project Type*
1	Retention Dams - including permanent reservoirs, dry dams, and off-channel storage embankments	ND/MN/COE	Flood Control	Structural
2	Wetland Creation/Restoration	ND/MN	Flood Control and Water Quality Enhancement	Structural
3	Natural Lake and Existing Reservoir Increased Storage	ND/MN	Flood Control and Water Quality Enhancement	Structural
4	Floodplain Management	ND/MN/FEMA	Updated, Digitized, and expanded Maps	Non-structural
5	Waffle Plan Implementation	ND/MN/EERC	Flood Control and Water Quality Enhancement	Structural
6	Urban Levees	COE/MN/ND/Cities	Flood Control	Structural
7	Land Management – Cover Crops – example Winter Wheat, Grass Cover Restoration	ND/MN/USDA	Flood Control and Water Quality Enhancement	Non-structural
8	Land Management – Grassed Waterways	ND/MN/USDA	Flood Control and Water Quality Enhancement	Non-structural
9	Land Management – Erosion Control Structures to Reduce Channel Slopes	ND/MN/USDA	Flood Control and Water Quality Enhancement	Structural

10	Regulatory Modification to Improved Water Control/Water Quality	ND/MN	Flood Control and Water Quality	Non-structural
11	Ring Dike/Pedestal Protection	ND/MN/Local Water Managers	Flood Damage Reduction	Structural
12	Greenway establishment	ND/MN/County/ Township/City	Flood Damage Reduction and Water Quality	Structural and Non-structural
13	State and Local funding mechanisms/policies/ commitment	ND/MN/County/ City	Flood Control and Water Quality	Structural and Non-structural
14	Riparian Area Restorations	ND/MN/USDA/ Counties/Townships	Flood Damage Reduction and Water Quality	Structural and Non-structural
15	City/Township Zoning Regulation Modifications	Cities/Townships	Flood Damage Reduction and Water Quality	Non-structural
16	Hydrologic Model coordination and development	ND/MN/COE	Flood Control and Water Quality	Non-structural

APPENDIX 3
PUBLIC FORUM FEEDBACK

General issues and themes that regularly surfaced throughout the series of public meetings include the following:

- Every flood is different
- Funding concerns exist at every level
- Residents consider flood predictions as very mysterious
- Water quantity and quality
  - Concern about water quality, sediments, sulfates
  - Concerns about saturation and ground water issues
  - There are lake issues associated with high water ranging geographically from Devils Lake, ND to the Minnesota lakes east of the Red River
  - Overland flooding has increased and/or is occurring in new areas
  - Concerns are abundant about perceived increasing drainage
- Impact on people
  - Flooding is chronic, people are tiring, ready to "throw in the towel"
  - The cost to fight floods is financially and emotionally high
- Damages
  - Road damages are extensive and the cost of repairs is high
  - The increasing lack of trees, the move away from conservation has made flooding worse
  - Agricultural ditching: some blame, others want to know the impact. Producers wonder where they can put water to be able to produce
  - Agricultural concerns over summer flooding
  - Recovery struggles: Many FEMA practices counterproductive, requirements out of touch; flood insurance is costly and covers very little

2009 Flood and Why it was Different

- The volume of water was unprecedented
- Duration of the flood was long, 4-10 weeks, with two crests
- Rural areas, impassable roads for weeks during flood events, clean up and repair finally coming to a close now, many months later
- Smaller communities braced themselves and were isolated for weeks, big concern for emergencies
- Courage and help from the Army National Guard, U.S. Army Corps of Engineers, and student population was excellent
- Fear in 2009 escalated and remains high for this spring 2010

Why Residents Still Live in the Basin

- Agriculture: Most fertile, productive soil in the world; sugar beets, spring wheat, canola, soybeans, flax and hay production is high
- Economic impact of the region is significant: jobs, renewable energy development, and manufacturing. Red River basin is a net exporter
- Great education, school facilities, quality higher education
- Important city infrastructure – hospitals, airports, shopping, churches, highways
- Recreation and tourism
- Quality of the people: honest, pitch in to help; people put others first; work ethic is high
- Generations, family came from here, farms in families for many generations
- Great and safe place to raise children, family

Solutions

- Communication
  - Must be basin-wide approach working together
  - Leadership and teamwork
  - Keep the local in decision-making
  - Priorities should be protected: keeping people, farmland, economic development
  - USACE's benefit-cost ratio is unrealistic, should instead focus on cumulative impacts and cost effectiveness. Agriculture damages are not considered.
  - Work with agencies (FEMA, USACE, DNR, MnDOT, etc.) to develop flexibility and solutions
- Flood Protection
  - Use strategies to hold water back close to the place it falls
  - Slow the water down
  - Compensation: Public has much interest and willingness in retaining water if property owners compensated fairly
  - Concern over impact of Fargo-Moorhead's project from both downstream and upstream communities and residents
  - Drainage must be addressed
  - Overland flooding, need to be able to control ditches
  - Ditches need cleaning
  - Rivers need removal of debris, trees, etc. perhaps dredging
  - Part of solution must consider if current wet cycle ends, how to prepare for drought: water storage during wet times used for supply during dry times
  - Conservation and wetland restoration should be a priority
  - Nonstructural considerations should be made such as land use controls
  - Waffle plans, and culvert sizing projects should be considered as new options
- Strategies to help
  - Need better and more data – put data behind potential solutions
  - More flow gauges needed, new laser LiDAR technology is key
  - More and better modeling is necessary

APPENDIX 4
MIKE 11 MAINSTEM MODEL: 20 PERCENT FLOW REDUCTIONS

Charles L. Anderson, PE, JOR Engineering
January 12, 2010

Basin Wide Flood Flow Reduction Strategy

Flood damage reduction efforts have often focused on individual communities or interests and taken the form of a protection strategy. Commonly implemented protection measures include levees and diversion channels. While these measures are effective and can be implemented in a relatively short time frame, they do little to reduce the overall flood problem. In fact, they simply move excess flood water from one area of the basin to another. This forces basin planners to allocate protection on some basis of need. Determining in essence whether it is ok to protect large communities at the expense of small communities; small communities at the expense of farmsteads; farmsteads at the expense of farmland; and farmland at the expense of natural land (or vice versa).

The primary alternative to a protection strategy is a flood flow reduction strategy. This strategy reduces flows on the mainstem by altering the hydrology of the contributing watersheds as a basin wide effort. The benefits of reduced flooding would be distributed along the entire length of the Red River, not just too targeted communities. Equally important, the benefits would extend far upstream into the tributary watersheds. Implementing this strategy requires allocating the necessary flow reductions to each contributing watershed.

To assist in the flow reduction allocation process, the Red River Basin Commission developed a Red River Mainstem model. The model was based on Mike 11 software developed by DHI Water and Environment Inc, Denmark. It has been calibrated to simulate the 1997 spring flood. Physical features of the Red River and its flood plain are represented in the model as cross-section data. Hydrologic inputs are the measured flows from the main tributaries and derived flows from the ungaged tributary areas. This model can now be used to simulate the mainstem response to reduced flows from tributary areas.

As a preliminary exercise, the tributary flows were reduced in the model to meet a flow reduction goal of 20% along the entire length of the Red River Mainstem. A factor in selecting 20% reduction as an initial goal was the effect it would have had at Grand Forks in 1997. That amount would have reduced the flood to a level that the (then existing) levees would have been expected to withstand. The modeled results are shown on the attached figures. The flow reduction required from each sub watershed is illustrated as the difference between the existing and altered tributary hydrographs.

Tributary reduction strategies were based on timing, by targeting waters contributing the most to mainstem peaks. Other factors considered include tributary damage reduction and the practicality of achieving specific flow reductions. Tributary peak flow reductions ranged from 0 to 50%. Peak flow reductions on strategic tributaries averaged about 35%. The combined flow reduction on all tributaries upstream from Emerson totaled 885,000 acre-feet, which is about 16% of the total 1997 flood volume at Emerson.

The amount of constructed storage required to achieve a 20% reduction would likely be greater than 885,000 acre-feet depending on the quality (efficiency) of storage provided. Flow reduction can be achieved by implementing a wide variety of measures including on-channel or off-channel impoundments; culvert sizing or waffle storage; wetland restoration or land use change. Gate controlled flood storage impoundments are the most efficient measure to reduce flood flows. Strategically located and precisely operated, they may have close to 100% efficiency in meeting the flow reduction goal. That is, the amount of constructed storage required to meet the 20% reduction goal would not be much greater than 885,000 acre-feet. On the other hand, flood specific factors such as variability in runoff will likely leave some constructed storage underutilized. Other measures, such as culvert sizing, provide only short term storage. Short term storage, in the right location, can reduce peak flows, but in the wrong location, it can actually increase peak flows. A mix of measures may be the best approach. The combined efficiency of the mix in meeting the tributary flood flow reduction goal would have to be determined locally.

The modified tributary hydrographs from the 1997 flow reduction model will serve as a starting point for an allocation process. The allocation goal should be to distribute to each watershed a fair share of the responsibility to manage its flood flows and the local benefits provided by doing so. Each watershed would determine, through the use of its own models, what would be required to modify its outflow hydrograph to approximate the flow reduction shown. They would be encouraged to do so in ways that also meet local flood control goals, so the resulting reduced outflow hydrographs may vary more or less from that originally allocated and thus result in more or less benefits on the mainstem. Some watershed areas may be unwilling or unable to meet their allocation goal. Their share would then need to be reallocated to another area. The model could then be used to determine the most effective ways to reallocate tributary flow reductions to achieve the mainstem goal.

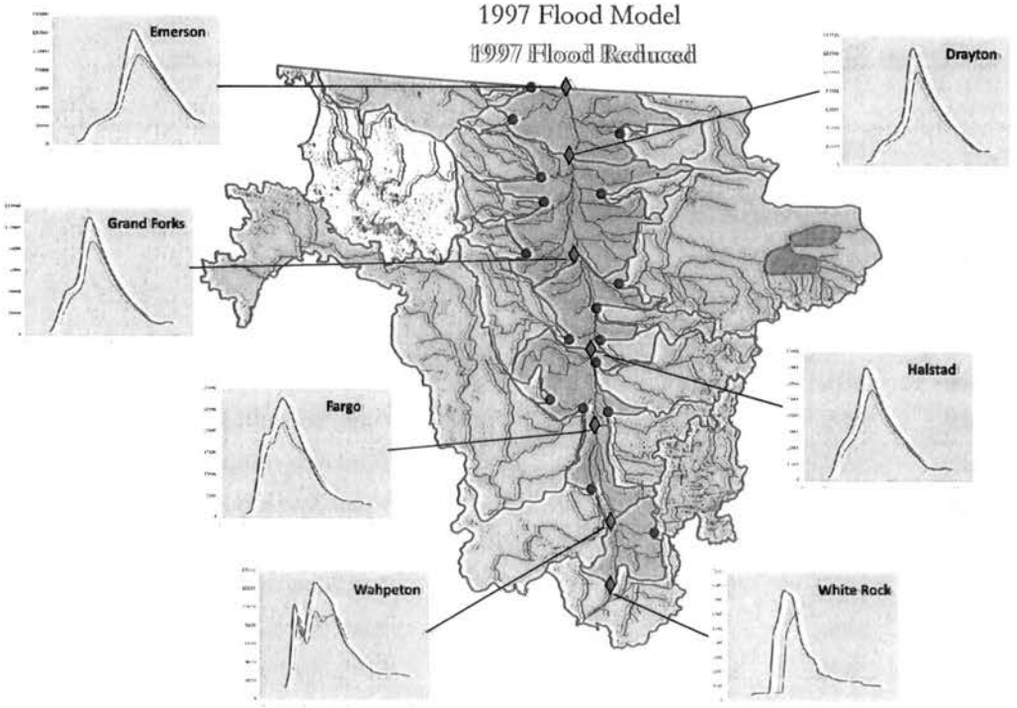
Implementing flood flow reduction will require significant investments over a relatively long time frame. The cost of gate controlled flood storage has recently been about $1,000 per acre-foot. At that price, 1 million acre-feet of gate controlled storage would cost about $1 billion. The most cost effective projects tend to get constructed first, so it is probable that the costs of later projects will be higher. This, along with inflation, will likely increase the final cost of implementation. Flood flow reduction projects can present great opportunities for multipurpose benefits such as water supply, water quality and other water related natural resources. Including these benefits will add to the overall costs. Those additional costs should not be allocated to flood damage reduction, but they do need to be considered in estimating the total amount of public investment (and benefit) that may be desired. Although the time frame for implementation is highly dependent on the availability of funding, it is also influenced by public acceptance and resolve. Historic construction rates of about 10,000 acre-feet per year have not been particularly difficult to maintain. At that rate it would take 100 years to construct 1,000,000 acre-feet. Given a very high priority of support, it could possibly be accomplished within 25 years.

Unlike quick fix strategies, flood flow reduction will provide a long term solution to the persistent and widespread flooding problems that plague the entire Red River Basin.

Mainstem Results

1997 Flood Model

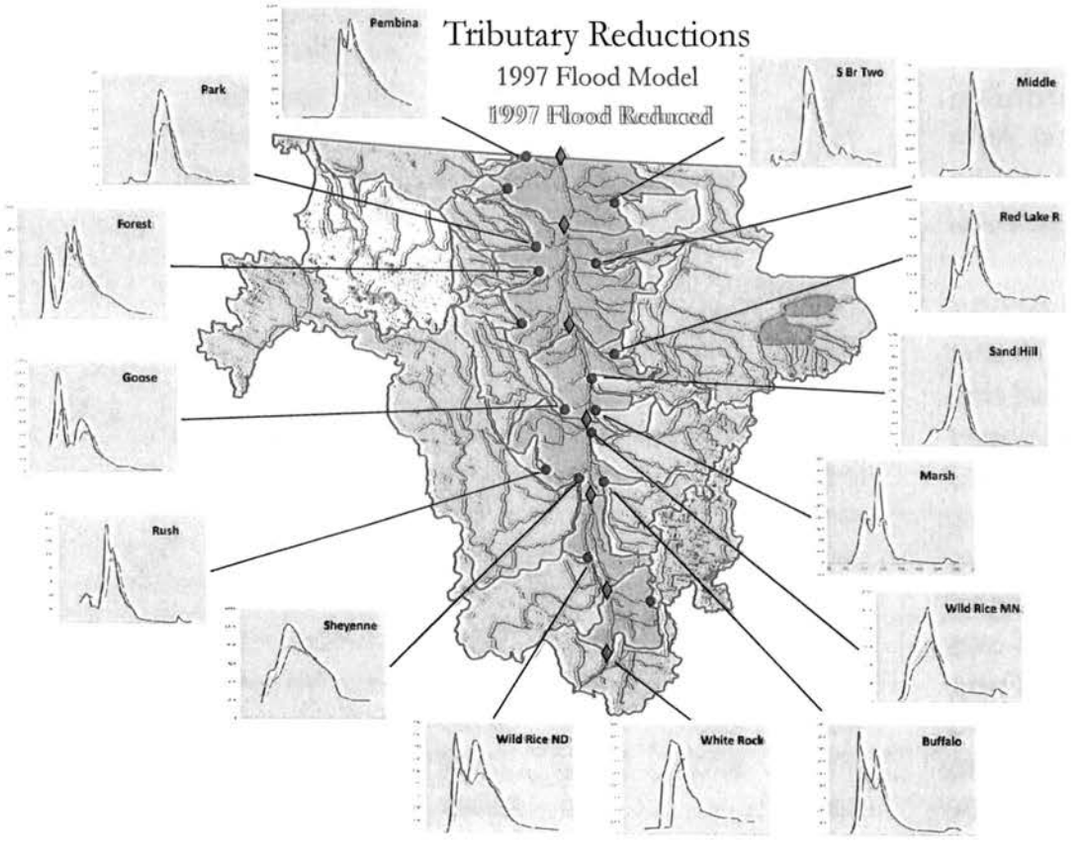
1997 Flood Reduced



Tributary Reductions

1997 Flood Model

1997 Flood Reduced



20% Reduction Model

1/12/2010

Summary of Tributary Flow Reductions

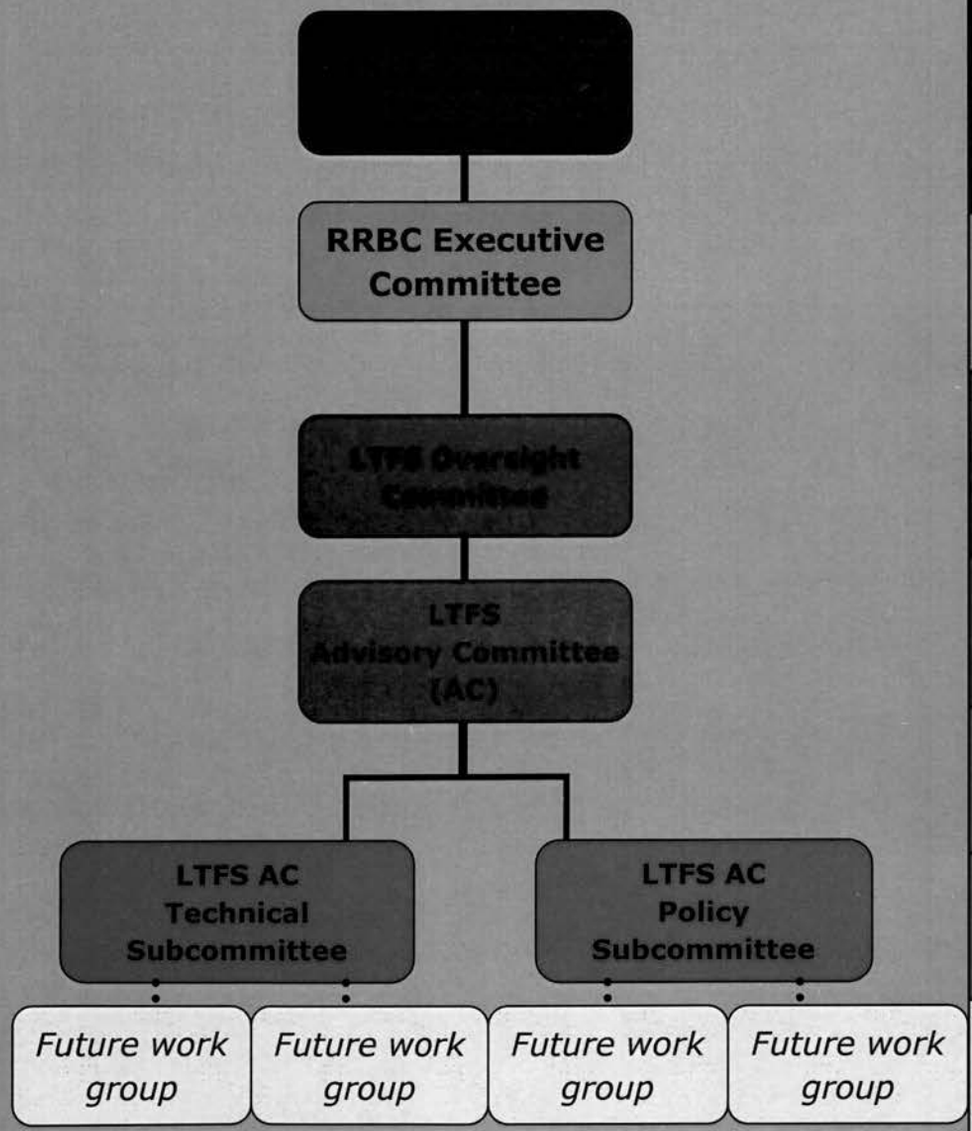
cla

1997 Spring Flood

	Peak Flow Reduction	Peak Flow Reduction	Volume Reduction	Volume Reduction	Reduction Focus
Gaged Tributaries	%	cfs	%	acft	
Ottertail R @ Orwell	0	0	0	0	None
BdS R @ White Rock	20%	1542	20%	61760	Store early water
Wildrice ND @ Abercrombie	35%	2854	17%	57908	Peak flow reduction
Sheyenne R @ Harwood	23%	2401	11%	68395	Peak flow reduction
Rush R @ Amenia	35%	508	13%	4324	Peak flow reduction
Buffalo R @ Dilworth	35%	2930	17%	38158	Peak flow reduction
Wild Rice MN @ Hendrum	35%	3610	20%	74385	Peak flow reduction
Goose R @ Hillsboro	35%	2820	16%	35356	Peak flow reduction
Marsh R nr Shelly	51%	2100	18%	15247	Peak flow reduction
Sand Hill R @ Climax	35%	1510	21%	22161	Peak flow reduction
Red Lake R @ Crookston	35%	9600	13%	119097	Peak flow reduction
Turtle R nr Arvilla	10%	90	13%	4615	Store late water
Forest R @ Minto	14%	300	7%	5875	Store late water
Middle R @ Argyle	35%	1330	23%	15067	Store late water
Park R @ Grafton	35%	1800	20%	26462	Peak flow reduction
S Br Two R @ Lake Bronson	27%	1100	14%	15208	Store late water
Tongue R @ Akra	7%	50	4%	1580	Store late water
Pembina R @ Neche	13%	1900	9%	51113	Peak flow reduction
Average/Total	**22%**		**13%**	**616709**	
Ungaged Areas	%	cfs	%	acft	
Rabbit R @ TH 75 ung	35%	2108	26%	24377	Peak flow reduction
Ottertail ung	13%	500	12%	7217	Peak flow reduction
BdS ungaged	13%	1135	9%	12119	Peak flow reduction
Fargo ungaged	13%	3000	13%	30433	Store late water
Halstad ung	13%	7500	13%	81002	Store late water
RLR ung	12%	1600	10%	11427	Store late water
GF ungaged	12%	4400	10%	32015	Store late water
Snake R ung	16%	1367	15%	17128	Store late water
Tamarac R ung	13%	563	12%	7179	Store late water
Drayton ung	8%	1370	10%	22208	Store late water
Emerson ung	7%	3000	7%	23364	Store late water
Average/Total	**14%**		**12%**	**268468**	

Total volume of flow reduction on the tributaries 885177 acre-feet

RRBC LTFS Committee Structure 2010 *3/4/10*



	Responsibilities: All powers of RRBC authorized by its articles of incorporation and bylaws, such as: hire the Executive Director, oversee the implementation of mission, goals and procedures, establish and administer the budget, elect board officers, establish and assign tasks to task forces and committees.
RRBC Executive Committee	**Responsibilities:** Authorities granted by RRBC in the management and business of the RRBC; can take action on behalf of the Board; subject to control and direction of the RRBC.
LTFS Oversight Committee	**Responsibilities:** Meets monthly with RRBC Executive Committee to guide and make recommendations to RRBC Executive Committee and/or Board on all aspects of the LTFS Project, especially as they relate to activities and expense of funds.
LTFS Advisory Committee (AC)	**Responsibilities:** Discuss and bring to the Board all technical, policy and other recommendations that should be considered as part of the LTFS Report being developed for state leaders.
LTFS AC Technical Subcommittee	**Responsibilities:** Discuss and bring to the LTFS PAC all technical related recommendations, such as: tributary modeling, flow reduction goals, basin principles, etc., for the LTFS Report.
LTFS AC Policy Subcommittee	**Responsibilities:** Discuss and bring to the LTFS PAC all policy related recommendations, such as: permits, funding, impediments to project implementation, etc., for the LTFS Report.
Future work groups	**Responsibilities:** The technical and policy subcommittees expect to establish working groups tasked to provide more detail and recommendations on specific issues.

RED RIVER BASINCOMMISSION COMMITTEES AND SUBSCOMMITTEES 2009-2010

Executive Committee - 15

	First	Last Name	Affiliate Name	City	State/Province		DESCRIPTION
Chair	Herm	Martens	R. M. of Morris	Morris	MB	Canada	Responsibilities: Authorities granted by the RRBC in the management and business of the RRBC; can take action on behalf of the Board; subject to control and direction of the RRBC.
Vice Chair	Jon	Evert	MN Clay County Commissioner	Moorhead	MN		
Sec/Treas	Joe	Belford	Ramsey County Commissioner	Devils Lake	ND		
Past Chair	Tom	Fischer	ND State Senator, ND Red River Joint Water Board & Southeast Cass Water Resource District	Fargo	ND		
	John	Finney	MN Red River Waterhsed Mgmt Bd Mgr and Joe River Watershed Mgr	Humboldt	MN		
	Dale	Frink	ND State Water Commission	Bismarck	ND		
	Melissa	Hotain	Assembly of Manitoba Chiefs	Winnipeg	MB	Canada	
	John	Jaschke	MN Board Water & Soil Resources	St. Paul	MN		
	Hank	Ludtke	City of Frazee Mayor	Frazee	MN		
	Roger	Navratil	Roberts County Commissioner	New Effington	SD		
	Sam	Schellenberg	Pembina Valley Water Cooperative	Altona	MB	Canada	
	Jeff	Browaty	City of Winnipeg Councillor	Winnipeg	MB	Canada	
	Dwight	Williamson	Manitoba Water Stewardship	Winnipeg	MB	Canada	
	Shane	Walock	City of Horace Mayor	Horace	ND		
	Hetty	Walker	Pembina County Commissioner	Pembina	ND		
Staff	Lance	Yohe					
Staff	Julie	Goehring					

Oversight Committee

	First	Last Name	Affiliate Name	City	State		DESCRIPTION
	Steven	Topping	Manitoba Water Stewardship	Winnipeg	MB	Canada	Responsibilities: Meets monthly with RRBC Executive Committee to guide and make recommendations to the RRBC Executive Committee and/or Board on all aspects of the LTFS Project, especially as they relate to activities and expense of funds.
	Dale	Frink	ND State Water Commission	Bismarck	ND		
	John	Jaschke	MN Board Water & Soil Resources	St. Paul	MN		
	Tom	Fischer	ND State Senator, ND Red River Joint Water Board & Southeast Cass Water Resource District	Fargo	ND		
	Jake	Gust	Red River Basin Commission	Fargo	ND		
	Morrie	Lanning	MN Representative Dist. 9A	Moorhead	MN		
	Jon	Evert	RRBC/MN Clay County Commissioner	Moorhead	MN		
Staff	Lance	Yohe					
Staff	Brenda	Elmer					

	LTFS Project Advisory Committee (PAC) - *expanded in 2010*						
	First	**Last Name**	**Affiliate Name**	**City**	**State/Province**		**DESCRIPTION**
	Bruce	Albright	Buffalo Red River Watershed District	Barnesville	MN		Responsibilities: Discuss and bring to the Board all technical, policy, and other recommendations that should be considered as part of the LTFS Report being developed for state leaders.
	Charlie	Anderson	TSAC/JOR Engineering	Alexandria	MN		
	Mark	Brodshaug	Red River Joint Water Resource District	Horace	ND		
	Damon	DeVillers	Interstate Engineering	Wahpeton	ND		
	Brian	Dwight	MN Board Water & Soil Resources	Bemidji	MN		
Co-chair	John	Finney	MN Red River Waterhsed Mgmt Bd Mgr and Joe River Watershed Mgr	Humboldt	MN		
	Tom	Fischer	ND State Senator, ND Red River Joint Water Board & Southeast Cass Water Resource District	Fargo	ND		
	Randy	Gjestvang	ND Engineer, ND SWC	West Fargo	ND		
	Terry	Guttormson	landowner/producer/downstream interests	Hendrum	MN		
	Ron	Harnack	MN Project Coordinator, RRWMB	Taylors Falls	MN		
	Al	Kean	Minnesota Board of Water and Soil Resources	St. Paul	MN		
	Lee	Klapprodt	ND State Water Commission	Bismarck	ND		
Co-chair	Jim	Lyons	Ransom County Water Resource District	Lisbon	ND		
	Jon	Roeschlein	Bois de Sioux Watershed District	Wheaton	MN		
	Jim	Solstad	MN DNR Hydrologist	St. Paul	MN		
	Rick	St. Germain	Houston Engineering	Fargo	ND		
	Dan	Thul	MN Area Hydrologist, MN DNR	Bemidji	MN		
	Henry	Van Offelen	MCEA	Detroit Lakes	MN		
	Jeff	Volk	Moore Engineering	West Fargo	ND		
	Dan	Wilkens	RRWMB/Sand Hill River Watershed District	Fertile	MN		
	Bill	Spychalla	BARR Engineering	Minneapolis	MN		
Staff	Lance	Yohe					
Staff	Brenda	Elmer					
Staff	Derek	Smith					

LTFS PAC – Technical Subcommittee

Established @ the Technical Committee meeting 1/13/10

	First	Last Name	Affiliate Name	City	State/Province		DESCRIPTION
	Bruce	Albright	Buffalo Red River Watershed District	Barnesville	MN		Responsibilities: Discuss and bring to the LTFS PAC all technical related recommendations, such as: tributary modeling, flow reduction goals, basin principles, etc., for the LTFS Report.
	Charlie	Anderson	JOR Engineering	Alexandria	MN		
	Damon	DeVillers	Interstate Engineering	Wahpeton	ND		
	Randy	Gjestvang	ND Engineer, ND SWC	West Fargo	ND		
	Terry	Guttormson	landowner/producer/downstream interests	Hendrum	MN		
	Scott	Jutilla	USACE	St. Paul	MN		
	Al	Kean	Minnesota Board of Water and Soil Resources	St. Paul	MN		
	Jon	Roeschlein	Bois de Sioux Watershed District	Wheaton	MN		
	Jim	Solstad	MN DNR Hydrologist	St. Paul	MN		
	Rick	St. Germain	Houston Engineering	Fargo	ND		
	Dan	Thul	MN Area Hydrologist, MN DNR	Bemidji	MN		
	Jeff	Volk	Moore Engineering	West Fargo	ND		
	Alf	Warkentin	Manitoba Water Stewardship	Winnipeg	MB	Canada	
	Bill	Spychalla	BARR Engineering	Minneapolis	MN		
Staff	Lance	Yohe					
Staff	Brenda	Elmer					

LTFS PAC - Policy Subcommittee

Established @ the Technical Committee meeting 1/13/10

	First	Last Name	Affiliate Name	City	State/Province		DESCRIPTION
	Mark	Brodshaug	Red River Joint Water Resource District	Horace	ND		Responsibilities: Discuss and bring to the LTFS PAC all policy related recommendations, such as: permits, funding, impediments to project implementation, etc., for the LTFS Report.
	Brian	Dwight	MN Board Water & Soil Resources	Bemidji	MN		
	Tom	Fischer	ND Red River Joint Water Board & Southeast Cass Water Resource District	Fargo	ND		
	Ron	Harnack	MN Project Coordinator, RRWMB	Taylors Falls	MN		
	Lee	Klapprodt	ND State Water Commission	Bismarck	ND		
	Henry	Van Offelen	MCEA	Detroit Lakes	MN		
	Dan	Wilkens	RRWMB/Sand Hill River Watershed District	Fertile	MN		
	Bill	Spychalla	Barr Engineering	Minneapolis	MN		
Staff	Lance	Yohe					
Staff	Brenda	Elmer					

RRBC

CONSENT REPORT

4 March 2010 Board Meeting

Fargo, ND: Ramada Plaza

I. RRBC ACTIVITIES

a. Administrative/Board

b. Executive Committee

i. The Executive Committee has meetings on the third Thursday of every month at 8:30 AM (usually phone). **The 3 March 2010 Executive/Oversight Committee minutes will be reviewed at the 4 March 2010 Board meeting.** The Executive Committee is the only Board committee that can act on behalf of the Board. It consists of 15 Board members.

c. Finance Committee

i. Meets as necessary, usually to assist with budget issues. It consists of local, provincial and state funders.

d. Human Resource Committee

i. Meets as necessary to assist with staff issues. It consists of the Executive Committee Officers and one other from each jurisdiction.

e. Legislative Committee

i. This committee assists where able and as needed to inform legislators about RRB issues.

f. Partnership Activities

i. See Board minutes and reports.

II. NRFP ACTIVITIES

a. GOAL # 1: Watershed Approach

i. University of Manitoba: Source Water Protection Governance Project: This project has received funding. It is a 4 year project that will look at and construct an enhanced explanation of governance, which reveals the inherent complexities and difficulties associated with cooperative, shared decision-making processes.

ii. Assiniboine River Project: The report is completed and distributed. Local leaders in that area indicated in October 2008 at a workshop hosted by RRBC that they would like to form a group, on their own, with RRBC assistance and using RRBC as a model. A sub-committee that was formed has met to discuss another gathering (conference) to explore ways to form, etc. RRBC is coordinating this effort (Board action in November 2008). **The one day conference that was being planned for 29 October 2009 has been postponed until 2010. MB, ND, and & SK want more time at the Provincial & State level to dialogue. If possible the meeting will be held in the spring.**

iii. Winnipeg River Project: Is similar to the Assiniboine River project and RRBC has contracted with the Eastman Regional Development Inc. to contact, meet with,

and gather local leaders in the Winnipeg River Basin and provide a report on their interest and any strategies that might emerge on a Winnipeg River Basin group. **This effort is on hold waiting for further feedback from MB-WS related to discussions with the Province of Ontario.**

iv. **MN Joint Powers Board:** The MN JPB met the 19 November 2009. They had a presentation by Rep. Morrie Lanning on his proposed MN state wide watershed legislation. **The next meeting is 25 February 2010.**

b. **GOAL # 2: Integration**

i. **PIC:** The Plan Implementation Committee meets 4 times a year (or as needed). **PIC will meet next in the first quarter of 2010 if needed.**

ii. **IISD Project "Water Innovation Centre"** IISD "Water Innovation Centre" was launched at their Annual Board of Directors' Dinner June 11, 2009. The RRBC Executive Director, a couple of staff, and several Board members attended. The $4 million dollar Centre will link markets and environmental technologies to community-based watershed management. RRBC voted to support this Centre.

iii. **IISD/RRBC Building Capacity for Multi-Purpose Land & Water Investment (formerly called: Building Capacity for Ecological Infrastructure Investments) in the RRB: The project is moving forward and the first portions of the project are beginning to occur.** RRBC received from Environment Canada ($55,000) and we have a contract with RRBC/IISD for ($35,000) for their portion of the project. The grant is part of the Lake Winnipeg Basin Stewardship Fund from Environment Canada. The joint RRBC/IISD project team has met and a working committee met in July to assist in the project. This project will look at Land and Water Investment opportunities in a RRB sub-watershed and additional partners and sources of funding. **New partners are being added to the project: MCEA, NW MN Partnership, IWI, and others will be explored. What local leaders would hope to gain from the project is also being explored to guide the effort. Additional funding proposals are also in progress.**

c. **GOAL # 3: Technical and Data for Decision Makers**

i. All activity under this goal is related to specific goals and is project related. For example the development of Mike 11 for Mainstem Modeling. **RRBC is using funds received on the Long Term Flood Solutions Project to match federal US Army Corp of Engineers funds. COE funds will help with decision making tools at IWI, LTFS Phase II contract with Barr Engineering, Sub-Watershed HMS Modeling, and a Basin Economic Analysis if needed.**

d. **GOAL # 4: Education and Information**

i. **NRFP Outreach:** Visits to local units of government through a Bush Foundation Funded project in MN, ND, & SD is underway from the Moorhead office. Staff in the Winnipeg office also does NRFP outreach. **We are currently working to enter NRFP data into our Sharepoint database and link it to our web site. This information will also be entered into the Lake Winnipeg web portal.**

ii. NRFP: Resolution of Support: Over **153** local units of government have signed.

iii. First Nation Outreach: RRBC Board member Hotain and staff had some outreach meetings with First Nations around and near Lake Winnipeg. More meetings are planned in MB and contact with MN, ND, and SD Tribal Governments is part of our outreach strategies.

iv. Ripple Effect: Newspapers: Articles continue to be sent to all RRB newspapers every other week. Please check with your local newspaper to see if they are receiving the articles and encourage their use if they are not showing up in the newspaper.

v. Ripple Effect: Water Minutes: Radio spots have been on several radio stations (KFGO and affiliates) in the Fargo area for over a year. These are 30 and 60 second spots that talk about land and water issues for the general public. In 2009 we tried radio spots in Winnipeg CJOB as a trial. Please listen for these spots and let us know when you hear them and what you think of them. **We are working on the 2010 arrangements at this time.**

vi. KFGO Talk Radio: News and Views with Joel Heitkamp: The RRBC Ex. Dir. is now a monthly guest on the show to discuss RRB land and water issues. Future radio time will focus on the Long Term Flood Solution (LTFS) Project. **The most recent appearance was 19 February 2010 at 8:30 AM to update on our LTFS Project.** KFGO did a live broadcast live at the 27th Annual Summit Conference on Wednesday morning the 20th of January.

vii. Web Site: the RRBC web site is: www.redriverbasincommission.org.

1. Lake Winnipeg Web Portal: RRBC has had further discussions with Environment Canada regarding their new web portal workshop as it relates to Lake Winnipeg. A contract for $40,000 to RRBC to enter NRFP information on the portal has approved. RRBC participated in a web-portal workshop on 17-18 November 2009. **We are beginning the data entry using Sharepoint to handle the data and linking it to the web portal. We are working on the video from the field site work water quality improvement projects in ND for the web portal.** ND Dept. of Health assisted with site selection and contacts.

viii. LTFS Project: LTFS Project Activities are now also on the web site. RRBC and the City of Fargo hosted a tour to the Winnipeg Floodway that was assisted by the Floodway Authority who provided information, facts, and a field site visits to various locations.

ix. Share Point & Go To Meeting: RRBC has now established two web tools to assist in meetings and communication and reducing travel requirements for basin participants on RRBC committees and Working Groups. **We now have a consulting firm working with us to make the most use of Sharepoint and to link it to the web portal. Immediately after the Annual Summit Conference staff time in this area will increase substantially.**

x. Can River Centre: We have sent a letter to Centre Venture indicating that due to current workload we are unable to focus on this endeavor at this time. **There is still interest by a private group in working with RRBC on the Centre with a restaurant. More information is being gathered.**

xi. LWRC: RRBC has a strong working relationship with the Lake Winnipeg Research Consortium. **Their annual meeting is 24 March 2010. RRBC will have some staff in attendance.**

xii. Rivers West: RRBC has a close relationship with Rivers West. Martens, serves as the RRBC representative on their Board. Rivers West has hired a new Executive Director and they have moved their offices to another location that is more convenient for them. **We will maintain our current working relationship on issues of mutual concern.**

e. **GOAL # 5: Flood Forecasting**

i. Precipitation Group: RRBC has a basin jurisdictional precipitation group that has met and discussed precipitation measuring efforts in the basin, reporting processes, and avenues to enhance communication all targeted to better flood forecasting. **Staff will be contacting this group in the 1st quarter of 2010 to determine the need and interest in re-convening.**

f. **GOAL # 6: Flood Mitigation**

i. Mainstem Modeling: The Mike II Model Calibration IV is complete and has been reviewed by another Engineering Firm. Tributary Flow Reductions are completed and were reported on at the Annual Summit Conference is January. **The LTFS Project Advisory Committee (PAC) and Barr Engineering have been working with this information to establish FDR Principles and related Goals on flows, levels, and etc, for basin consideration.**

ii. Stream Gauging Project: Houston Engineering, Inc. prepared and submitted this report to RRBC and it is ready for distribution to the MN and ND Joint Board who helped fund it and to engineers and modelers. **There is interest in preparing for more real-time gauging this coming spring is a 2010 spring flood develops.**

iii. LTFS Project:

1. Information Gathering: **Facilitation has occurred with the RRBC Executive Committee, LTFS Oversight Committees, and the general public. We finished a round of 21 basin wide public meetings and are now in the process of summarizing the information. On 13 January 2010 the LTFS Technical Committee met with an expanded participant list. The MN and ND Joint Water Board Chairs are now co-chairing the LTFS Project Advisory Committee (PAC). Two Sub-Committees have been established. One to work on Technical issues related to modeling and setting flow and level goals related to FDR Principles and the other to work on Policy issues related to impediments related to project implementation and timelines. Phone calling to follow up on**

surveys that were mailed earlier is underway. A draft Legislative Report for MN and ND was completed 15 January 2010.

2. Economic Analysis: Economic analysis for the basin in MN and ND is being explored.
3. Modeling: Modeling % flow reductions with Mike 11 is complete. HMS Modeling for sub-watersheds is underway by the U.S. COE and once done will be linked to the Mike 11 Mainstem Model. Modeling in the Fargo-Moorhead area that the Mike 11 can be linked to will help address stage elevations issues from the proposed diversion.
4. Basin Principles and Goals: 13 Basin FDR Principles are under discussion to build consensus around them and the supporting flow, level, and other needed specific goals.
5. F/M Project: RRBC is working with the Mike 11 Model and will ask help from F/M upstream watershed engineers to find storage to help mitigate the F/M Diversion Project. This effort will begin in the Bois de Sioux watershed.
6. Committees: LTFS Project Advisory Committee (PAC) and its two sub-committees: one on technical issues and one on policy have been meeting. The contract with BARR Engineering for Phase II is underway. The contract with IWI for DSS is in the final stages and will be completed by the Board meeting.
7.

g. GOAL # 7: Flood Response & Recovery
   i. FEMA Region V & VIII: RRBC has been visiting with the two FEMA regions on Flood Mitigation and Modeling potential efforts. A meeting in Moorhead with the two FEMA Regions and the US COE is being planned to further discuss modeling needs.

h. GOAL # 8: Drainage
   i. The MN and ND joint water boards are meeting on 18 January 2010 to discuss the need for and a strategy for a drainage impact analysis report.

i. GOAL # 9: Water Quality
   i. Water Quality Jurisdictional Project: The Water Quality project is nearing completion as the Province and States review the draft report. This effort will also be linked to the IRRB-AEC work on CN/US border water quality recommendations. .
   ii. Red River/Lake Winnipeg Dredging Project: RRBC predecessor organization did a dredging report. It was recommended that a more detailed effort be undertaken. The RM's in that area, the East Manitoba Development Corporation, and the RRBC North Chapter have had discussions on this new project and are exploring funding options.

j. GOAL # 10: Water Supply

i. **Concordia College Earth Day:** RRBC attended this event and John Jaschke was the speaker. The funds from RRBC will be used later in the year for the speaker at Concordia College who had to cancel due to the spring flood. The speaker was to be Robert Glennon who wrote "Unquenchable" and "Water Follies: Groundwater Pumping and the Fate of America's Fresh Waters". He presented at Concordia College on 1 October 2009.

ii. **SRGMP:** The RRBC staff has been involved in the Southeast MB Groundwater Project that met monthly gathering information and is now beginning the process of developing a plan.

iii. **Water Supply: Jurisdictional Process:** The Water Supply WG will begin working on the 7 recommendations from this report that the Board approved, once the Conservation/Soft Path Report is completed and Board approved.

iv. **Water Supply: Conservation/Soft Path:** RRBC has the same consultant HDR Engineering working on this project as the WS Jurisdictional Process document. **This project is under final review by the Water Supply WG and will the Board will be briefed on 21 January 2010 with final approval at the March Board meeting.**

k. GOAL # 11: Conservation

i. **Conservation Group**: RRBC has a Conservation Working Group that is planning a summer Meeting/Tour if details can be arranged and interest remains strong. They are exploring a tour in MB.

ii. **Basin Conservation Comparisons:** The RRBC WG on Conservation has prepared a Red River Basin pamphlet on comparable information on land use classes and years data (which all vary) that were gathered from around the RRB by different agencies.

iii. **Ag Task Force: RRBC** has an agricultural task force that gathers annually to discuss the RRBC NRFP and agricultural related issues. This group assisted in the development of the AWEP proposal and will be represented on the Basin Working Group if funding is received.

iv. **AWEP:** **RRBC has been providing information to USDA for the AWEP proposal on behalf of the Red River Basin. This information covers the 2009 $1.38 million for ring dikes. The proposal that RRBC developed for year two funding will be considered in the next round of NRCS funding for AWEP. If more funding is received RRBC will facilitate basin coordination.**

l. GOAL # 12: Fish & Wildlife

i. The RRBC WG on this issue is exploring what to work on at this time.

m. GOAL # 13: Outdoor Recreation

i. The RRBC WG on this issue is exploring what to work on at this time.

RRBC Board of Directors

MANITOBA
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Herm Martens
John Falk
Marvin Magnusson
Kurtiss Krasnesky
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Jeff Browaty
R.S. "Bud" Oliver
Water Co-op
Sam Schellenberg
Environmental
Joy MacLean
Provincial
Steven Topping
Dwight Williamson
Muriel Smith
At-large
Bill Paulishyn

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Counties
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Cities
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Watersheds
John Finney
Daniel Wilkens
State
Jim Ziegler
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Dave Glatt
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Jake Gust

SOUTH DAKOTA
At-large
Roger Navratil

FIRST NATIONS/ TRIBAL
Melissa Hotain
Allen Pemberton

Working together to achieve common goals for water protection and management within the Red River Basin.

Plan to attend RRBC's

28th Annual Red River Basin Land & Water International Summit Conference

January 18-20, 2011

Ramada Plaza Suites Fargo, ND

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Sharing a River

Three States...
One Province...
Two Countries...
ONE Red River Basin

RED RIVER BASIN COMMISSION

VISION

A Red River Basin where residents, organizations, and governments work together to achieve basin-wide commitment to comprehensive integrated watershed stewardship and management.

MISSION

To create a comprehensive integrated basin-wide vision, to build consensus and commitment to the vision, and to speak with a unified voice for the Red River Basin.

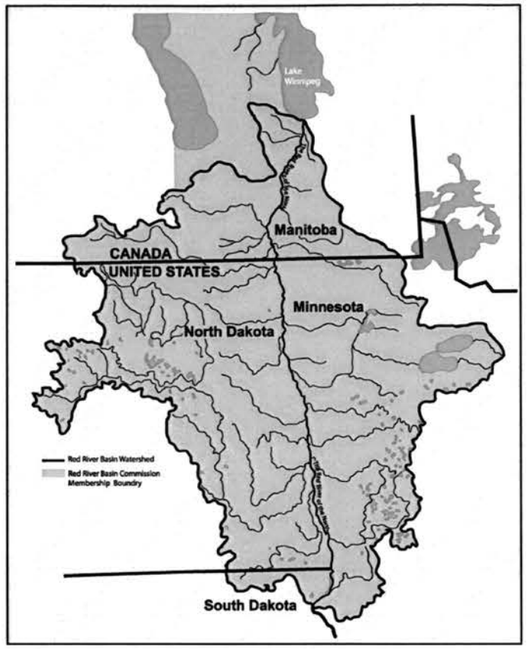
The Red River Basin Commission

...Bringing People Together to Move Common Basin Goals Forward

The Red River Basin is a special place and keeping it that way requires that people share the responsibility for its future. The RRBC has been bringing people together to move common Basin goals forward for over two decades.

The RRBC is a charitable, not-for-profit organization designed to help facilitate a cooperative approach to water management within the Basin and is a well-established forum for identifying, developing, and implementing solutions to cross-boundary issues.

The RRBC is led by 42 directors representing the diversity of this multi-jurisdictional Basin and is comprised of local, state, provincial, and First Nation government representation, the environmental community, and at-large members. It maintains offices in Moorhead, MN, and Winnipeg, MB, and is dedicated to innovation in the management of the Red River Basin's water resources.



Building a Basin Perspective

The Red River Basin

From its source at Lake Traverse in South Dakota, the mighty Red River flows north through North Dakota, Minnesota and Southern Manitoba to Lake Winnipeg, the 10th largest freshwater lake in the world. It meanders through the fertile, flat valley of the former glacial Lake Agassiz and covers 116,500km/45,000mi, excluding the Assiniboine River Basin, which joins the Red at Winnipeg. The Basin's unique topography contributes to the frequent flooding experienced by the communities in the Basin. Water quality and drought are also key concerns within the Basin.

These land and water resources are crucial to the health of our economies, the resilience and prosperity of our communities, the health of our fish and wildlife, and the well being, health and enjoyment of everyone who lives, works, and visits the Basin.

"Water management includes both water quality and quantity. With people of the valley on both sides of the border working together, we can strive for our common goals."

Herm Martens, RRBC Chair

RED RIVER BASIN COMMISSION

Working Together on Today's Challenges

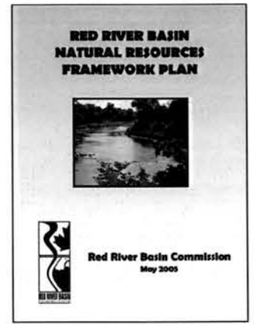
We Have a Plan

Through extensive basin-wide dialogue and consultation with citizens, land users, organizations, and governments, the RRBC developed the **Natural Resources Framework Plan (NRFP).** The NRFP was designed as a tool for moving the Basin forward in achieving common goals for water protection and management within the Basin.

The NRFP contains 13 goals. The first four focus on encouraging communication, research, and coordination across political jurisdictional boundaries. The remaining nine focus on improvements in water quality; water supply; flood damage reduction; drainage; conservation; and fish, wildlife, and outdoor recreation. The RRBC believes that if basin residents work together in dealing with land and water management challenges, we can maintain and improve the quality of life for present and future generations here in the Red River Basin.

The NRFP:

- Provides a framework for moving forward with a unified purpose and unified voice,
- Guides RRBC activities,
- Highlights how progress in numerous areas helps us to achieve overall goals,
- Helps track progress in the Basin and provides a mechanism for recognizing and celebrating successes, and
- Assists in the identification and rectification of gaps.



Basin Goals

Goal #1	**Manage by Watershed**: Manage natural resources in the RRB by watershed boundaries rather than political boundaries.
Goal #2	**Integration**: Integrate natural resource management.
Goal #3	**Data and Tools for Decision Makers**: Increase applied research and data management to support decision-making.
Goal #4	**Education/Information**: Improve stakeholder participation and awareness of land and water issues.
Goal #5	**Flood Forecasting**: Maintain state of the art flood forecasting tools for the Red River Basin.
Goal #6	**Flood Mitigation**: Reduce risk of flood damages for people, property and the environment in the mainstem floodplain and in tributary watersheds.
Goal #7	**Flood Response & Recovery**: Ensure that flood (natural disaster) response and recovery programs meet the needs of all RRB residents.
Goal #8	**Drainage**: Manage urban and agricultural drainage systems to enhance productivity while minimizing impacts to others.
Goal #9	**Water Quality**: Maintain, protect, and restore surface and ground water quality in the Red River Basin.
Goal #10	**Water Supply**: Ensure the appropriate use and sustainability of the Basin's surface and ground water.
Goal #11	**Conservation**: Increase soil conservation efforts within the Basin.
Goal #12	**Fish & Wildlife**: Conserve, manage, and restore diversity and viability of native fish and wildlife.
Goal #13	**Outdoor Recreation**: Enhance and develop recreational infrastructure and access to the Basin's natural resources.

Resolution of Support

To fully realize a collaborative, cooperative approach to land and water management in the Red River Basin, it must be a shared vision held not only by the RRBC, but also by those who live, work, and play within the Basin. Together, we will be able to best create the future we wish for future generations.

In 2007, the RRBC developed the Red River Basin Resolution of Support as a mechanism for gaining the support needed to achieve common goals for water protection and management within the Basin. The Resolution is a good-faith agreement acknowledging the need to work together across boundaries in a spirit of cooperation and friendship to achieve common goals for land and water management. The RRBC is seeking adoption of the Resolution of Support from all County Board of Commissioners, Rural Municipalities, Water Boards, Conservation Districts, and Cities in the Red River Basin. We have over 150 signed resolutions; that number continues to grow as communities all over the basin agree to do their part.

Minnesota Board of Water & Soil Resources

REQUEST FOR BOARD ACTION

AGENDA ITEM # 4. Sedimen

Meeting Date: March 24, 2010
Agenda Category: ☐ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☐ Decision ☒ Discussion ☒ Information
Section/Region: Technical Services
Contact: Al Kean
Prepared by: Al Kean
Reviewed by: _____ Committee(s)

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested
☐ Other: _____

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

ACTION REQUESTED

None - Information / Discussion

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

The Science Museum of Minnesota, St. Croix Watershed Research Station (SCWRS), has conducted sediment source fingerprinting in the Minnesota River Basin in relation to sedimentation in Lake Pepin and the Lake Pepin TMDL. This research points to streambank, bluff and ravine erosion as critical sources of sediment. Sediment budget research conducted by the National Center for Earth-surface Dynamics (NCED) in the Le Sueur River Basin supports these findings. Shawn Schottler, Senior Scientist, SCWRS, will provide an overview of sediment source fingerprinting research and results for the Minnesota River Basin. Larry Gunderson, MN River Basin Coordinator, MPCA, and Al Kean, Chief Engineer, BWSR, will serve as panelists to help discuss the potential implications of this sediment source information on Minnesota River Basin TMDLs and future conservation practice priorities.

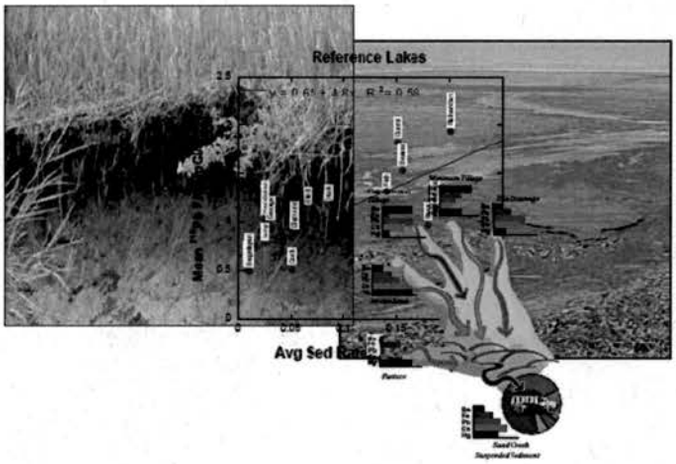
Board members will be given an opportunity to dialoge with the presenters and each other regarding any adjustments to program delivery that may need evaluation in light of the research findings.

The objective of this discussion item is to: 1) generate awareness of the data and analysis; 2) consider if or how we should evaluate program delivery for various educational, incentive and regulatory programs; and 3) what other related topics we should understnd better before enacting or adjusting policies.

Attachments: ☐ **Resolution** ☐ **Order** ☐ **Map** ☐ **Other Supporting Information**

Selected slides from the following presentation:

Fingerprinting Sources of Suspended Sediments



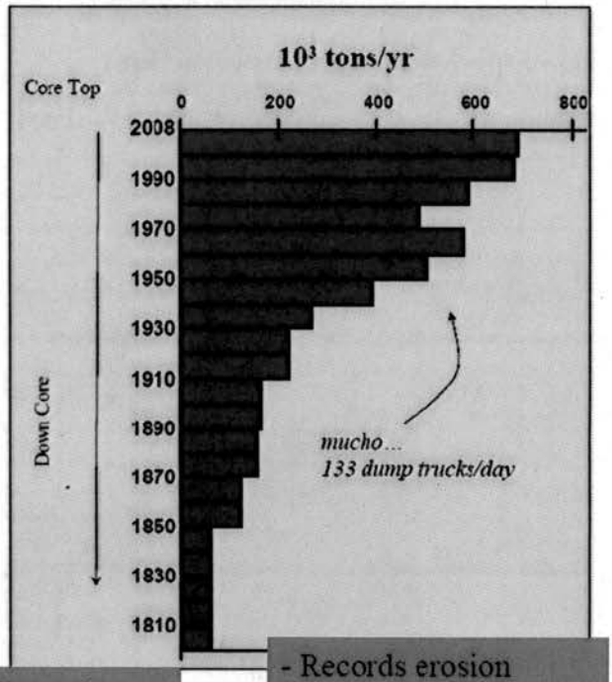
…the path to studying tile drainage

Shawn Schottler, Dan Engstrom and Dylan Blumentritt
St. Croix Watershed Research Station--Department of the Science Museum of Minnesota

Lake Pepin Sediment Accumulation History

"Hey, Brain what are we going to do today"

"Same thing we do every day Pinky…
…try to figure out where the sediment comes from, and why it changes"

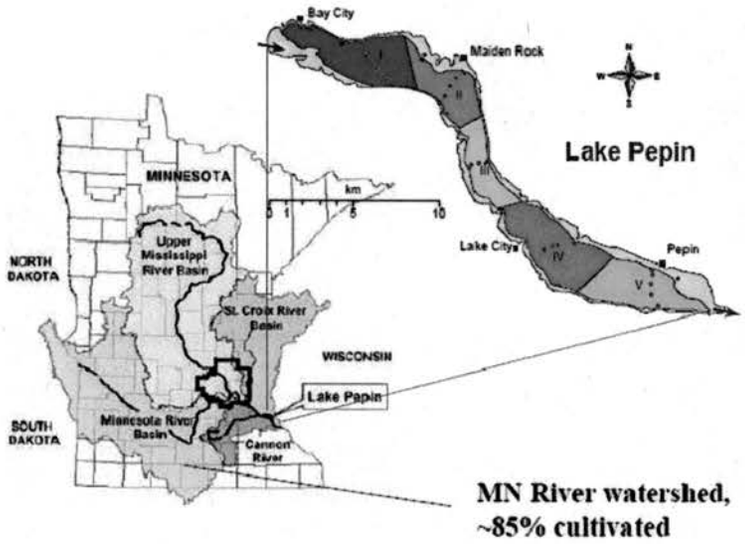


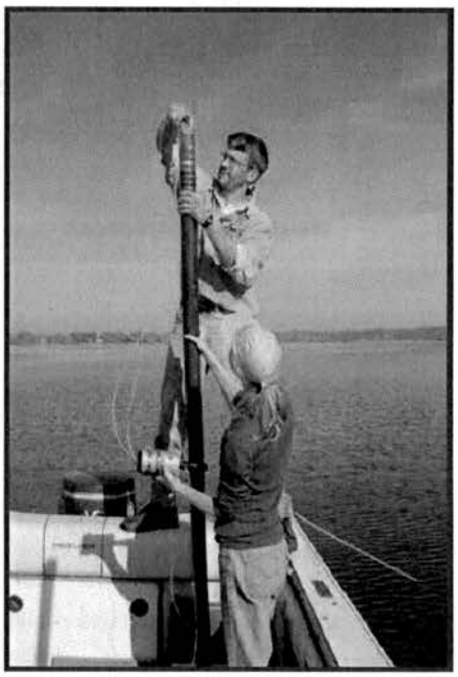
- 10 X faster than pre-settlement

- Records erosion history of Minnesota's ag lands

Lake Pepin: Integrator of watershed scale erosion processes

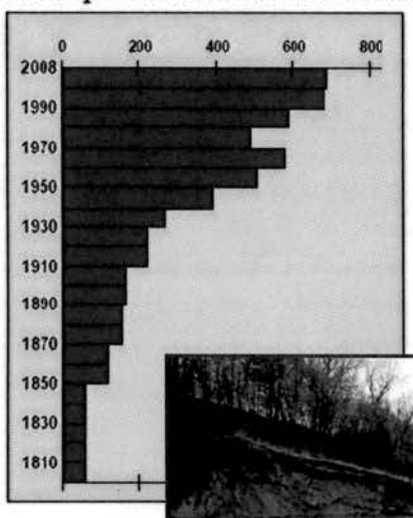
- Sediment cores = window to the past
- Record erosion history of MN Watershed



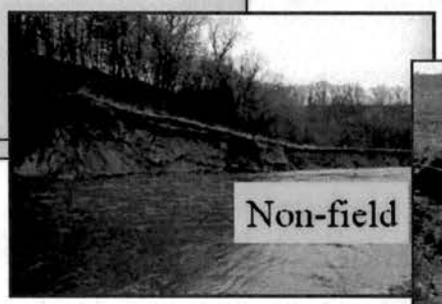


What is the source of the sediment ?

Lake Pepin Sediment Accumulation History

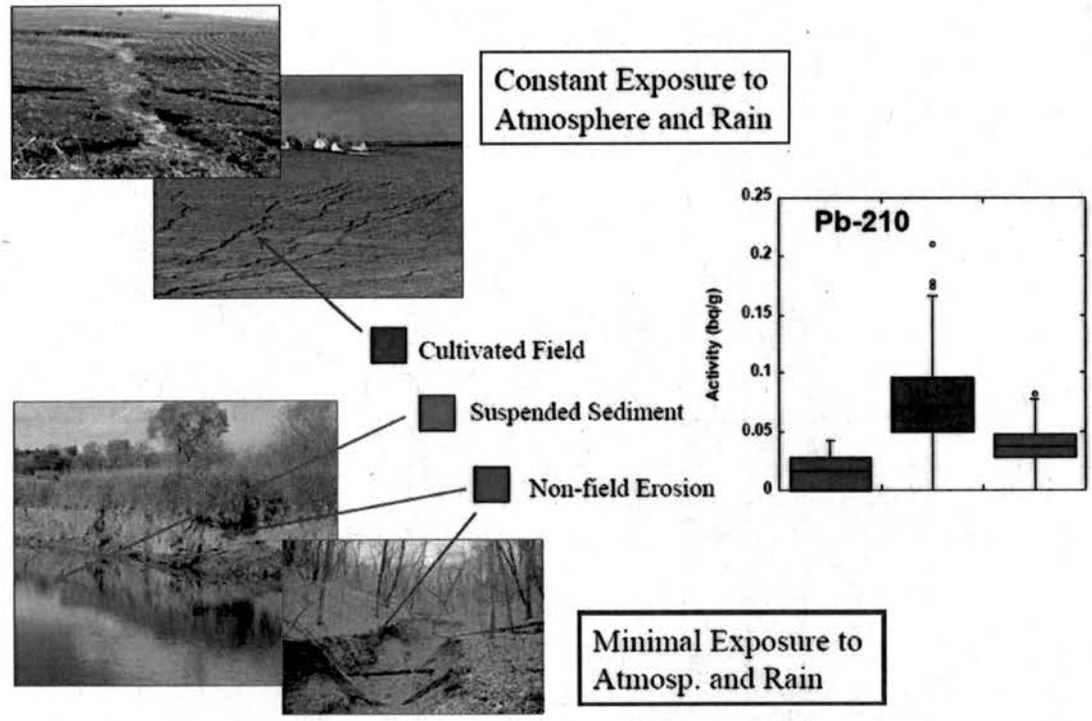


Field Erosion

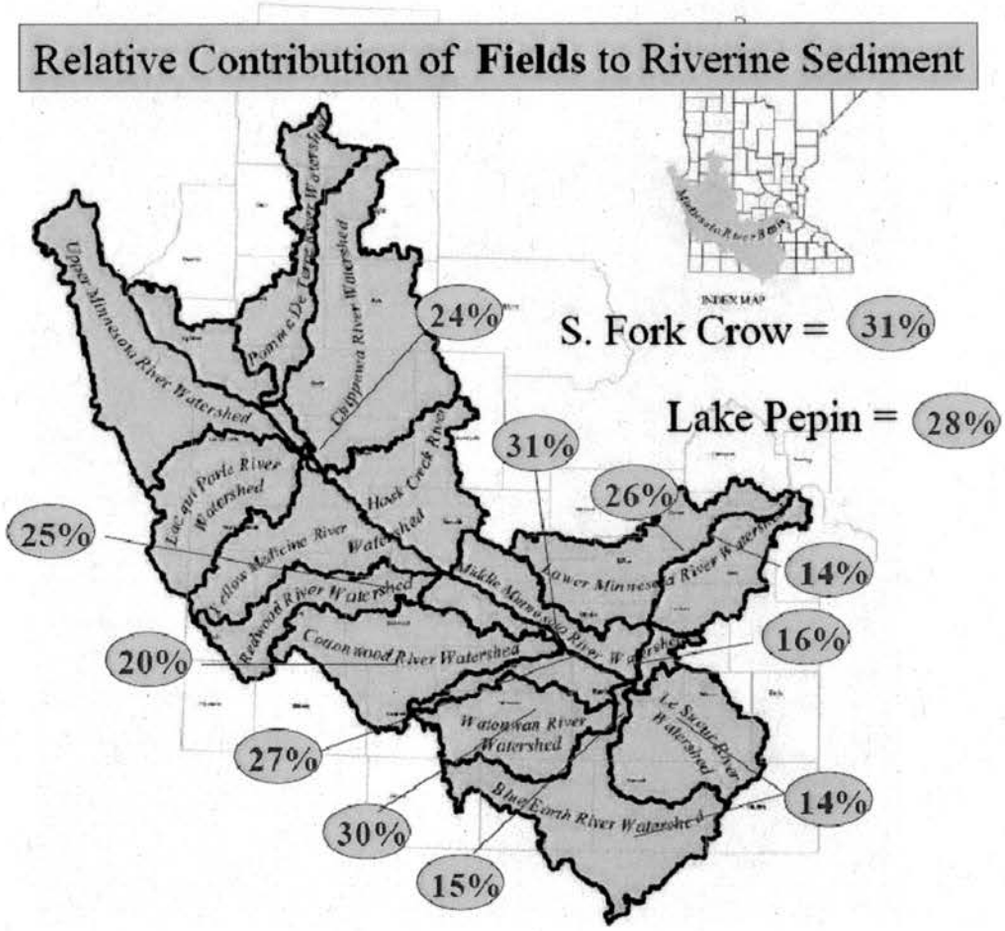


Non-field

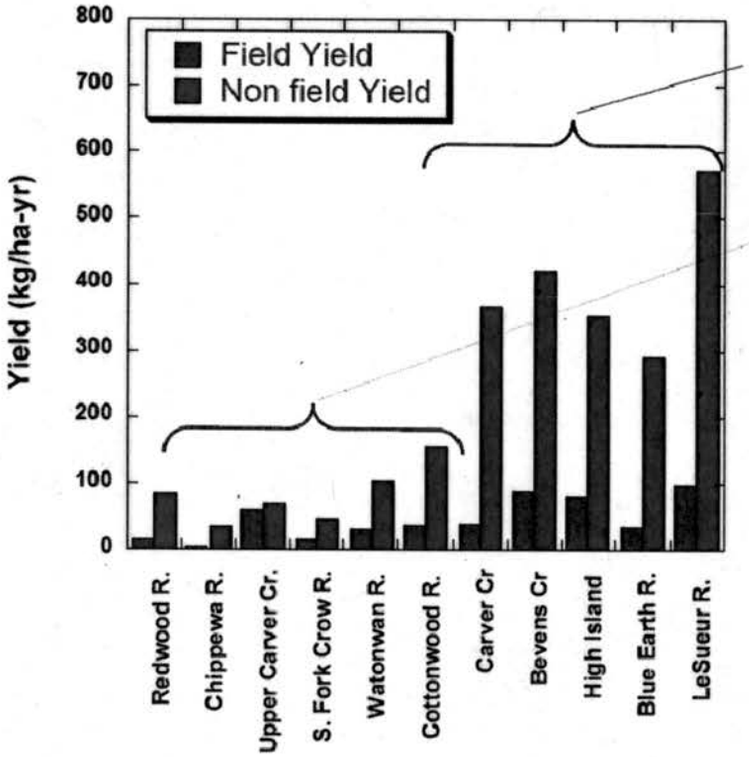
…Fingerprinting Sediment Sources with ^{210}Pb



Relative Contribution of **Fields** to Riverine Sediment



Yields---



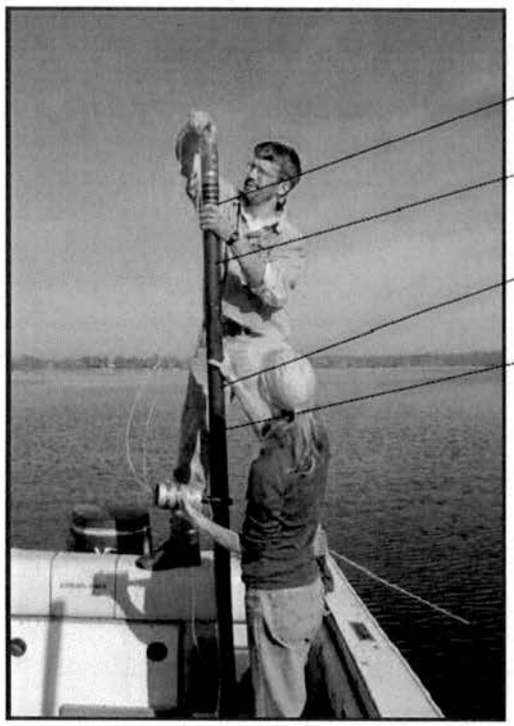
Steeply Incised Watersheds

Less Incised

Field Yield <u>Vary</u> by 60 kg/ha

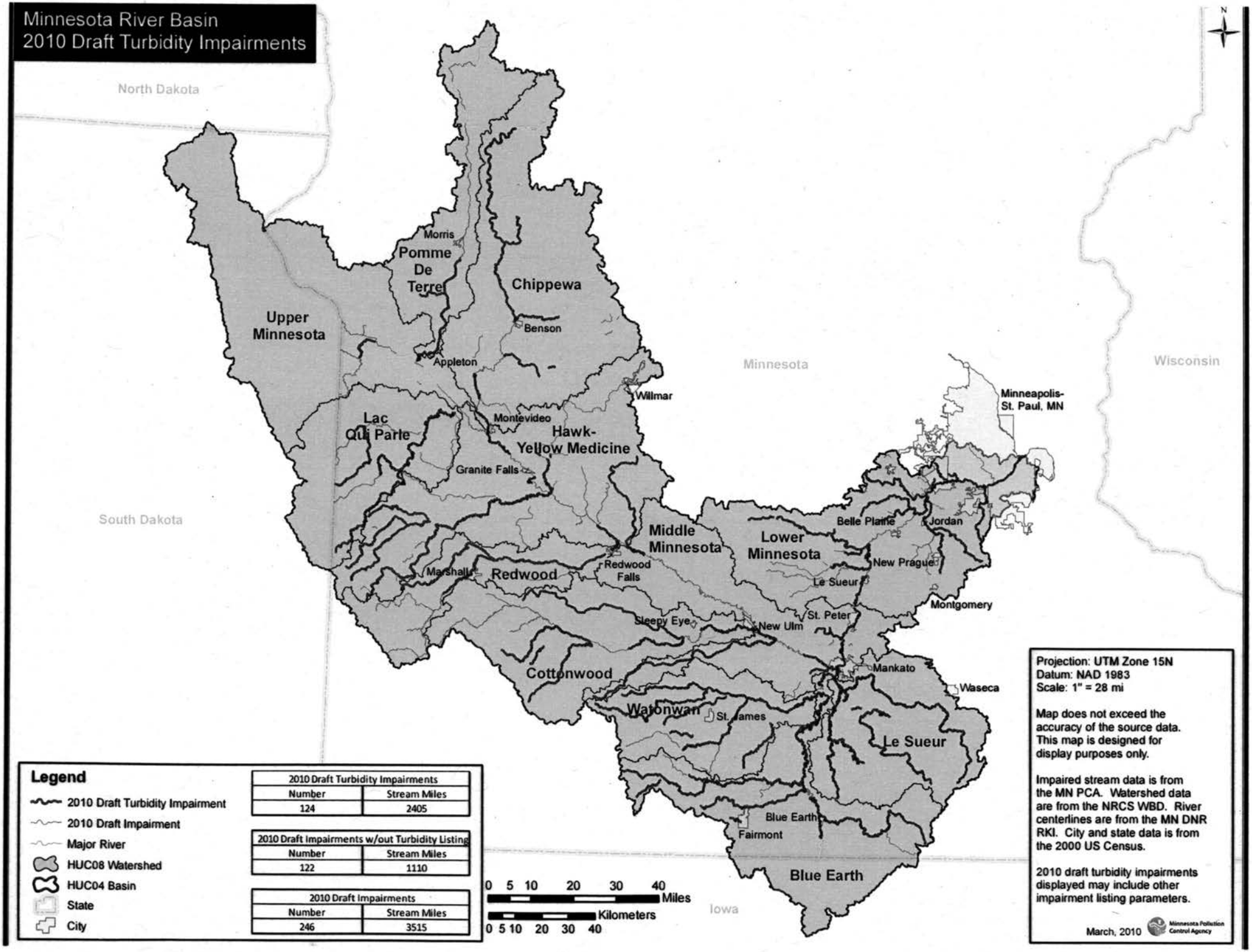
Non-field <u>Vary</u> by 500 kg/ha

..and now for Lake Pepin (= field + non-field)



	Field	Non-field
2007	25%	75%
1996	28%	72%
1964	35%	65%
1940	70%	30%

Neat-O, but why does it change


Minnesota River Basin
2010 Draft Turbidity Impairments
North Dakota
South Dakota
Minnesota
Wisconsin
Iowa
Upper Minnesota
Pomme De Terre
Chippewa
Lac Qui Parle
Hawk-Yellow Medicine
Middle Minnesota
Lower Minnesota
Redwood
Cottonwood
Watonwan
Le Sueur
Blue Earth
Morris
Benson
Appleton
Willmar
Montevideo
Granite Falls
Marshall
Redwood Falls
Belle Plaine
Jordan
Minneapolis-St. Paul, MN
New Prague
Le Sueur
Montgomery
St. Peter
Sleepy Eye
New Ulm
Mankato
Waseca
St. James
Blue Earth
Fairmont
N
Legend
2010 Draft Turbidity Impairment
2010 Draft Impairment
Major River
HUC08 Watershed
HUC04 Basin
State
City
2010 Draft Turbidity Impairments
Number 124
Stream Miles 2405
2010 Draft Impairments w/out Turbidity Listing
Number 122
Stream Miles 1110
2010 Draft Impairments
Number 246
Stream Miles 3515
0 5 10 20 30 40 Miles
0 5 10 20 30 40 Kilometers
Projection: UTM Zone 15N
Datum: NAD 1983
Scale: 1" = 28 mi
Map does not exceed the accuracy of the source data. This map is designed for display purposes only.
Impaired stream data is from the MN PCA. Watershed data are from the NRCS WBD. River centerlines are from the MN DNR RKI. City and state data is from the 2000 US Census.
2010 draft turbidity impairments displayed may include other impairment listing parameters.
March, 2010
Minnesota Pollution Control Agency

Turbidity Impairments in the Minnesota River Basin

Name of Stream	Number
Chippewa River - Turbidity	9
Hawk Creek and Beaver Creek - Bacteria & Turbidity	4
Lac Qui Parle River - Bacteria, DO & Turbidity	7
Pomme de Terre River - Turbidity	2
Yellow Medicine River Watershed TMDL	5
Cottonwood River Watershed - Turbidity	7
Redwood River Watershed - Turbidity	4
Middle Minnesota Watershed TMDL	6
Blue Earth River Basin - Turbidity	32
Le Sueur River Watershed TMDL	6
Minnesota River	1
Minnesota River Turbidity	18
High Island Creek / Rush River Watersheds - Impaired Biota & Turbidity	6
Rush River Watershed TMDL	1
Sand Creek, Minnesota River Basin - Turbidity & Impaired Biota (Metro)	1
Scott County Watershed TMDL (Metro)	3
Bluff Creek - Turbidity & Impaired Biota (Metro)	1
Carver County Watershed TMDL (Metro)	5
Credit River - Turbidity (Metro)	1
Lower Riley Creek Turbidity (Metro)	1
Ninemile Creek - Turbidity, Impaired Biota, & Chloride (Metro)	1
Lower Minnesota River Watershed (Metro)	1
Metro Minnesota River (Metro)	2
	124

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD
LOWER LEVEL BOARD ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, MAY 26, 2010

BOARD MEMBERS PRESENT:
Gordy Behm, Paul Brutlag, Bob Burandt, Wayne Edgerton, DNR; Rebecca Flood, MPCA; Quentin Fairbanks, Christy Jo Fogarty, Sandy Hooker, Randy Kramer, Paul Langseth, Tom Loveall, Joe Martin, MDA; John Meyer, Keith Mykleseth, Brian Napstad, Louise Smallidge, LuAnn Tolliver, John Linc Stine, MDH; Gene Tiedemann

BOARD MEMBERS ABSENT:
Faye Sleeper, Minnesota Extension Service

STAFF PRESENT:
Mary Jo Anderson, Julie Blackburn, Conor Donnelly, Travis Germundson, Jim Haertel, John Jaschke, Al Kean, Melissa Lewis, Jeff Nielsen, Lynda Peterson, Paul Senne, Dave Weirens

OTHERS PRESENT:
Dan Wilson, Minnesota Department of Health (MDH)
Tom Overton, Attorney General's Office
Ray Bohn, Minnesota Association of Watershed Districts (MAWD)
Tim Koehler, Natural Resources Conservation Service (NRCS)
Nina Carranco, The Nature Conservancy

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

PLEDGE OF ALLEGIANCE

** 10-30 **ADOPTION OF AGENDA** – Moved by Paul Langseth, seconded by Louise Smallidge, to adopt the agenda as presented. Motion passed on a voice vote.

** 10-31 **MINUTES OF MARCH 24, 2010** – Moved by Sandy Hooker, seconded by Quentin Fairbanks, to approve the minutes of March 24, 2010 as circulated. Motion passed on a voice vote.

REPORTS

Chair's Report – Randy Kramer reported that he attended the 5th Anniversary meeting of the Middle Fork Crow River Watershed District on April 6th. Chair Kramer met with the Office of the Legislative Auditor (OLA) on several occasions regarding the Board's audit. The OLA's Report is expected to be made public on Friday; he is not able to comment on it at this time. Chair Kramer stated that the Board responded by the deadline date and fully cooperated. Chair Kramer attended the EQB meeting on May 20; BWSR was well represented and is doing an excellent job on water management issues.

Executive Director's Report – John Jaschke stated that a legislative report will be sent to Board members shortly. John reported that BWSR received an additional 7% reduction in administration and 8% reduction to grants for the biennium, reductions need to be all taken in Fiscal Year 2011. The Grants Program & Policy Committee local government grants proposal will be brought to the full Board in June. John provided the legislative status of BWSR policy bills. John reported that Governor Pawlenty vetoed the omnibus natural resources policy bill that included a pilot walk-in hunting program with BWSR involvement. John provided a brief legislative summary of funding appropriations from the Outdoor Heritage Fund and Clean Water Fund.

John reported that NRCS has a new State Conservationist, Don Baloun; John looks forward to working with him. John met jointly with BWSR staff and staff of the U.S. Army Corps of Engineers in late April; they are working together on the Wetland Banking Program with a goal of establishing a seamless wetland banking program, integrating the federal requirements into the state program.

John reported that the Red River Mediation Agreement was originally signed in 1998 to coordinate flood control projects and enhancements. Updates are needed, a meeting was held with local governments, BWSR, DNR, USACoE, NRCS, and the U.S. F&WS in Detroit Lakes to kick-off this effort. Brian Dwight is working on this on behalf of BWSR.

John reported that the Red River Basin Commission summer meeting and tour will be held in Devils Lake, ND. John attended the Northern Counties Joint Powers Natural Resources Board meeting in Bemidji on Monday, discussions included: clean water funding, drainage, wetlands, and flooding. John reported that the Lessard Sams Outdoor Heritage Council is touring today in the Fergus Falls area with Tabor Hoek making a presentation on targeting the most valuable habitat. John stated that the Clean Water Council and LCCMR are touring in mid-July in west central Minnesota, BWSR will participate. John stated that the MAWD summer tour will be held June 25, hosted by the Nine Mile Creek Watershed District.

Brian Napstad asked about the recent Clean Water Act federal legislation (Congressman Oberstar) to restore jurisdiction of wetlands affected by Supreme Court decisions. John stated that he meets regularly with Tamara Cameron, Chief of USACoE Regulatory Branch, and he will get an assessment and provide information to the Board.

Dispute Resolution Committee – Travis Germundson reported that there are currently 22 pending appeals and one new appeal has been filed regarding a restoration order in Stearns County. Chair Kramer thanked Travis for his report.

Wetlands Committee – LuAnn Tolliver reported that the Wetlands Committee met last night, May 25, to discuss and review the guidance documents prepared by staff. The Wetlands Committee is pleased with the excellent format prepared by staff; LuAnn asked for an informational presentation to the full Board at an upcoming meeting. The Wetlands Committee will meet on June 23rd following the Board meeting.

Grants Program & Policy Committee – Louise Smallidge reported that the Grants Program & Policy Committee met last night, May 25, to discuss grant reductions and allocations. The Grants Program & Policy Committee will meet on June 8 at 5:30 p.m., at the Kelly Inn in St. Paul, to look at ranking criteria for the clean water funds and finalize recommendations for the full Board at the June 23rd Board meeting.

Public Relations, Outreach & Strategic Planning Committee – Brian Napstad reported that the Public Relations, Outreach & Strategic Planning Committee has not met since January; however, board members were asked to review the proposed Bylaws changes and provide input. The Bylaws are on the agenda later today.

Brian received a request from Mary Jo Flemming, coordinator of the State Envirothon, to attend the State Envirothon and present the awards. Brian reported that he attended

and was very impressed with the State Envirothon event. He reported that 20 teams of five students participated, about 250 people were in attendance. The students were excited and enthused, very inspiring. Brian acknowledged the audience, introduced them to BWSR and our mission statement and partnerships. Brian stated that this is a great public relations activity. Brian reported that Rushford-Peterson was the winning team; St. John's Prep received second place; and a second team from Rushford-Peterson placed third. Chair Kramer thanked Brian for participating.

RIM Reserve Management Planning Committee – Paul Brutlag reported that the RIM/WRP Board Subcommittee (Technical Committee) meets today to review RIM/WRP applications. Paul reported that the Kruzmark easement negotiations reached a conclusion. John Jaschke stated that the settlement agreement is that the landowner will pay back the practice costs to the state and allow the landowner to put cervidae on a non-RIM state conservation easement.

John Linc Stine entered the meeting at 9:35 a.m.

Drainage Work Group – Tom Loveall reported that the Drainage Work Group has not met. Two issues the Drainage Work Group is looking at: 1) the use of utility model fee concept; and 2) drainage systems improvement, outlet implications. Discussion followed.

Administrative Advisory Committee – Randy Kramer reported that the Administrative Advisory Committee met this morning. Items discussed included: a closed session regarding the South Washington Watershed District/Valley Branch Watershed District boundary settlement negotiations; Bylaws overview; FY10-11 Supplemental Budget Status Report; Policy bills overview: WCA, Metro Local Water Management, Drainage, and Walk-in; Audit response schedule; and Thirty Lakes Watershed District office location in regards to the e-mail the full Board received.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

Rice Creek Watershed District Watershed Management Plan – Bob Burandt reported that the Metro Water Planning Committee met on May 12. Melissa Lewis reported that the Metro Water Planning Committee unanimously recommends approval of the Rice Creek Watershed District Watershed Management Plan. Moved by Bob Burandt, seconded by Louise Smallidge, to approve the Rice Creek Watershed District Watershed Management Plan. Bob Burandt suggested that the Rice Creek Watershed District would be a good location for an upcoming tour. Motion passed on a voice vote.

** 10-32

Sunrise River Watershed Management Organization Watershed Management Plan – Bob Burandt reported that the Metro Water Planning Committee reviewed the Sunrise

River Watershed Management Organization Watershed Management Plan. Melissa Lewis reported that the Metro Water Planning Committee unanimously recommends approval of the Sunrise River Watershed Management Organization Watershed
** Management Plan. Moved by Bob Burandt, seconded by Louise Smallidge, to approve
10-33 the Sunrise River Watershed Management Organization Watershed Management Plan. Motion passed on a voice vote.

South Washington Watershed District Watershed Management Plan Amendment – Melissa Lewis reported that the Metro Water Planning Committee reviewed the South Washington Watershed District Watershed Management Plan amendment and
** unanimously recommends approval of the Plan amendment. Moved by Bob Burandt,
10-34 seconded by Louise Smallidge, to approve the South Washington Watershed District Watershed Management Plan amendment. LuAnn Tolliver stated that this Plan amendment is not part of the ongoing petitions and boundary controversy, this Plan amendment is separate from that. Motion passed on a voice vote.

Rice Creek Watershed District Comprehensive Wetland Protection and Management Plan for the City of Columbus – Lynda Peterson reported that the Metro Water Planning Committee reviewed the Rice Creek Watershed District Comprehensive Wetland Protection and Management Plan for the City of Columbus
** and unanimously recommends approval. Moved by Bob Burandt, seconded by
10-35 Rebecca Flood, to approve the Rice Creek Watershed District Comprehensive Wetland Protection and Management Plan for the City of Columbus. Motion passed on a voice vote.

Northern Water Planning Committee

Morrison County Local Water Management Plan Update – Quentin Fairbanks reported that the Northern Water Planning Committee met on April 14 in Bemidji to review the Morrison County Local Water Management Plan Update. The Northern
** Water Planning Committee recommends approval. Moved by Quentin Fairbanks,
10-36 seconded by Paul Brutlag, to approve Morrison County Local Water Management Plan Update. Motion passed on a voice vote.

Stevens County Water Plan Amendment – Gene Tiedemann reported that the Stevens County Water Plan covers the ten-year period of June 2005 to June 2015 and contained a 2005-2010 five-year implementation section. Board Order required an update of the Implementation Section (Goals, Objectives and Actions) by May 31, 2010. Following the guidelines established by the Board, Stevens County has completed the local water management plan amendment process and submitted the "Implementation Plan Amendment June 2010 – June 2015". The Northern Water Planning Committee met on April 14, 2010 to review the Stevens County Plan Amendment and recommends approval.

** 10-37 Moved by Gene Tiedemann, seconded by Paul Brutlag to approve the Stevens County Plan Amendment. Brian Napstad commended Stevens County for acknowledging the DNR's report on the State's shoreland ordinance and their participation to more aggressively pursue the shoreland ordinance. Motion passed on a voice vote.

Clearwater County Local Water Management Plan Update – Wayne Edgerton reported that the Northern Water Planning Committee met to review the Clearwater County Local Water Management Plan Update and recommends approval. Wayne reported that DNR did provide a late response and a recommendation of approval. Moved by Wayne Edgerton, ** 10-38 seconded by Quentin Fairbanks, to approve the Clearwater County Local Water Management Plan Update. Motion passed on a voice vote.

Kittson County Local Water Management Plan Update – Keith Mykleseth reported that the Northern Water Planning Committee reviewed the updated Kittson County Local Water Management Plan and recommends approval of the Plan from May 26, 2010 to May 26, 2020 with the Goals, Objectives, and Action Items being amended prior to May 26, 2015. ** Moved by Keith Mykleseth, seconded by Brian Napstad, to approve the Kittson County 10-39 Local Water Management Plan Update. Motion passed on a voice vote.

Pennington County Local Water Management Plan Update – Brian Napstad reported that the Northern Water Planning Committee reviewed the Pennington County Local Water Management Plan Update and recommends unanimous approval of the Plan from May 26, 2010 to May 26, 2020 with the Goals, Objectives, and Action Items being amended prior to May 26, 2015. Brian stated that this plan acknowledged the ** Thief River Falls urban and rural priority concerns. Moved by Brian Napstad, seconded 10-40 by Paul Brutlag, to approve the Pennington County Local Water Management Plan Update. Motion passed on a voice vote.

Public Relations, Outreach and Strategic Planning Committee

BWSR Bylaws – Brian Napstad reported that the Public Relations, Outreach and Strategic Planning Committee and Board members reviewed the standing Bylaws and updated, clarified, and amended the April 2004 version. Brian briefly read through the changes and ** edits. Moved by Brian Napstad, seconded by John Linc Stine, to approve the Bylaws as drafted. Discussion followed.

** Rebecca Flood moved to amend the Bylaws on page five, under "6. Voting", adding the words "annually or" to this sentence: "Agency members may designate an alternate to attend and vote on their behalf by notifying the Chair "*annually or*" prior to the meeting." 10-41 Seconded by Sandy Hooker, to approve the amendment. Discussion. Amendment passed on a voice vote.

** 10-42 Discussion followed on the draft amended Bylaws. Moved by Louise Smallidge, seconded by LuAnn Tolliver, to amend the draft Bylaws by adding the date, May 26, 2010. Discussion. Amendment passed on a voice vote.

10-43 Chair Kramer called for the vote on the Bylaws as amended, dated May 26, 2010. Motion passed on a voice vote.

Chair Kramer thanked Brian Napstad and the Public Relations, Outreach & Strategic Planning Committee for their efforts on the Bylaws.

Chair Kramer called for a break in the meeting at 10:10 a.m. The meeting reconvened at 10:25 a.m.

NEW BUSINESS

Report on 2010 Clean Water Grant Activities – Julie Blackburn presented the implementation activities of the FY 2010 Clean Water Fund appropriations. Julie reported that she also presented the March 2010 Report to the Legislature and received positive feedback from legislators on the activities that BWSR is involved in. Julie highlighted the development, implementation and results for the easement programs, directed expenditures, and the competitive grant program funds that include ideas under consideration for enhancing the 2011 process. Discussion followed. Chair Kramer invited board members to attend the Grants Program & Policy Committee meeting on June 8 to continue discussions. Chair Kramer thanked Julie for her presentation.

Hearings Primer Presentation – Chair Kramer introduced Tom Overton, Attorney General's Office. Tom Overton provided a refresher on factors to consider when board members are holding hearings and items associated with being a representative of the BWSR Board.

Some things for board members to think about:

- Recognizing different kinds of proceedings: quasi-judicial process for hearings and quasi-legislative hearings for rulemaking.
- Committee recommendation steps: establish and review the record, deliberation, decision.
- Decisions have to also note any conflict of interest and comply with the Open Meeting Law.
- Board members are generally going to be considering these questions:
    - What's the decision we need to make at the end of the process?
    - What's the standard that we have to apply when making that decision?
    - What's in the record?
    - What's your role as a board member at the hearing?

Discussion and questions followed related to conflict of interest, public opinions as an elected official, Open Meeting Law, meeting via conference call, voting and recording, and ethical practices. Chair Kramer thanked Tom for his assistance and the Attorney General's Office on review of BWSR's Bylaws. John Jaschke will provide board members with a summary of Tom's presentation further and evaluate whether Bylaw adjustments may be considered.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Joe Martin reported that MDA is working closely with DNR to prepare communities on how to deal with the emerald ash borer population and being proactive. Joe reported that MDA just finished a Community Preparedness Manual.

Minnesota Department of Natural Resources (DNR) – Wayne Edgerton briefly commented on Governor Pawlenty's letter of explanation regarding his veto message for the Omnibus Natural Resources Policy Bill. Wayne stated that DNR looks forward to working with BWSR, as directed by the Governor to establish a pilot hunting walk-in access program that meets eligibility criteria for federal funding. Wayne reported that DNR is awaiting a response from the U.S. Fish & Wildlife Service regarding wolf issues. Wayne distributed a poster brochure on native pollinators for board members' information.

Minnesota Pollution Control Agency (MPCA) – Rebecca Flood provided an update on the Subsurface Sewage Treatment Systems (SSTS) ordinance and amendments. Rebecca distributed SF 3275, Conference Committee Report, which establishes a task force to guide ordinance implementation and enforcement. MPCA will report to the legislature. Brian Napstad stated that the concern for counties is working as partners with MPCA; counties need to have a higher status in development of the rules.

ADVISORY COMMENTS

Minnesota Association of Townships (MAT) – Sandy Hooker stated that the legislative session is over and the legislature didn't hurt MAT very much. Sandy reported that MAT is meeting in June at Breezy Point to start planning for next year.

Minnesota Association of Watershed Districts (MAWD) – Ray Bohn reported that the legislative session is over, he thanked John Jaschke and Julie Blackburn for their hard work and persistence to get additional funding. He thanked Al Kean, Jim Haertel and Steve Woods on their great work as well. Ray stated that MAWD is disappointed that they lost drainage funding from the general fund and RIM funding in the bonding bill. Ray reported that meetings are being held jointly with MAWD, AMC, and MASWCD executive boards (local government roundtable) talking about issues. The roundtable group has been meeting monthly since January and are looking at redesign ideas for local water

management efforts to be more effective and efficient. A Water Management Summit will be held with AMC, MAWD and MASWCD on July 12, at the Kelly Inn in St. Cloud, starting at 9:00 a.m., to discuss water management ideas to make recommendations on ways to work together, working closely with BWSR. Ray stated that other state agencies are invited to observe. Ray invited board members to attend the MAWD summer tour on June 25. Chair Kramer thanked Ray for his report.

Natural Resources Conservation Service (NRCS) – Tim Koehler reported that NRCS's newly hired State Conservationist Don Baloun's goal is to attend every field office in the next six months to see what's happening statewide. Tim stated that he would like to have Don attend the June Board meeting to introduce him to BWSR. Tim reported that NRCS is in the middle of CSP sign-up; received $2.5M more of EQIP funding for animal waste projects; and an additional $5M of WRP to match BWSR money. Chair Kramer thanked Tim for his report.

UPCOMING MEETINGS

- June 9, 2010 – BWSR All Staff Meeting, in St. Paul
- Next BWSR Meeting – June 23, 2010, in St. Paul
- Board Tour and Meeting – August 25-26, 2010 in Moorhead
- Grants Program & Policy Committee Meeting, June 8 at 5:30 p.m. at the Kelly Inn, St. Paul
- Wetlands Committee Meeting after the June 23rd Board Meeting

Chair Kramer stated that the Southern Water Planning Committee will meet today immediately following adjournment of the Board meeting. The RIM/WRP Subcommittee will meet at 1:00 p.m. today, or immediately following adjournment of the Southern Water Planning Committee meeting.

** 10-44 Moved by Paul Brutlag, seconded by LuAnn Tolliver, to adjourn the meeting at 12:30 p.m. Motion passed on a voice vote.

Respectfully submitted,

Randy Kramer
Chair

STATE OF MINNESOTA

Office of Governor Tim Pawlenty

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

May 25, 2010

The Honorable Senator James Metzen
President of the Senate
75 Rev. Dr. Martin Luther King Jr. Blvd.
322 State Capitol Building
Saint Paul, Minnesota 55155

Dear President Metzen:

I have vetoed and am returning Chapter 390, Senate File 2900, a bill relating to Game and Fish, Natural Resource Policy, and State Lands.

Several provisions in this bill reflect legislative overreach by attempting to set arbitrary hunting and fishing management policy, despite the recommendations of the Department of Natural Resource (DNR) experts. Signing this legislation into law would condone an approach that establishes a harmful precedent for managing our natural resources and undercut public confidence of the process.

Several examples in Article 1 make this point:

- Section 47 permits anglers to purchase that ability to fish with two lines, but cuts the possession limit in half. This provision was apparently developed to generate revenue, but without any evidence to support this belief.

- Section 50 requires the Commissioner to close the season for smallmouth bass until the "Monday following the third Sunday in June" in four specific areas along Elm Creek and the Rum and Mississippi Rivers. Yet our natural resource management experts have indicated that the smallmouth bass population in these areas does not need special protection beyond what is currently provided in statewide regulation. This type of legislative carve-out appears to be aimed at reducing access at popular shore fishing locations for no apparent natural resource management reason.

- Section 53 imposes fishing restrictions on a popular fishing area of Lake Florida without a sound fisheries management rationale.

- Section 54 requires the DNR to adopt special regulations for Fish Lake Reservoir before the 2011 fishing season. Again, there appears to be no fisheries management reason to require this and there are reports that this provision may have been improperly inserted into legislation.

In addition, the bill unwisely accelerates the declining balance in the Game and Fish fund and threatens to deplete it in the near future. We need to be working constructively towards a comprehensive evaluation of the fund to ensure its long-term future, not passing provisions that undermine its solvency.

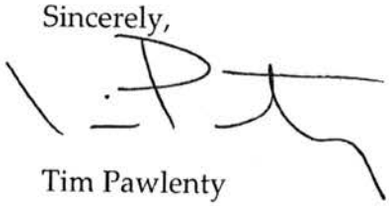
Despite this veto, there are important efforts in the legislation that should continue.

Specifically, I have directed Commissioner Holsten to work with the Board of Soil and Water Resources to immediately begin development of a Minnesota pilot hunting walk-in access program that will meet eligibility criteria for federal funding. These agencies will work with interested stakeholders to develop the operational aspects of a pilot walk-in program that include criteria for contract terms, habitat and acreage requirements, model contracts for landowners, posting and notification requirements, landowner liability, property damage, enforcement, long-term funding options, and potential for adding habitat enhancement or restoration components.

Likewise, I am asking Commissioner Holsten to administratively continue the important work of the Citizen Oversight Subcommittees and the Budgetary Oversight Committee.

Additionally, I have instructed Commissioner Holsten to work with local units of government and to use administrative powers where possible to assist in land transfer and sales issues.

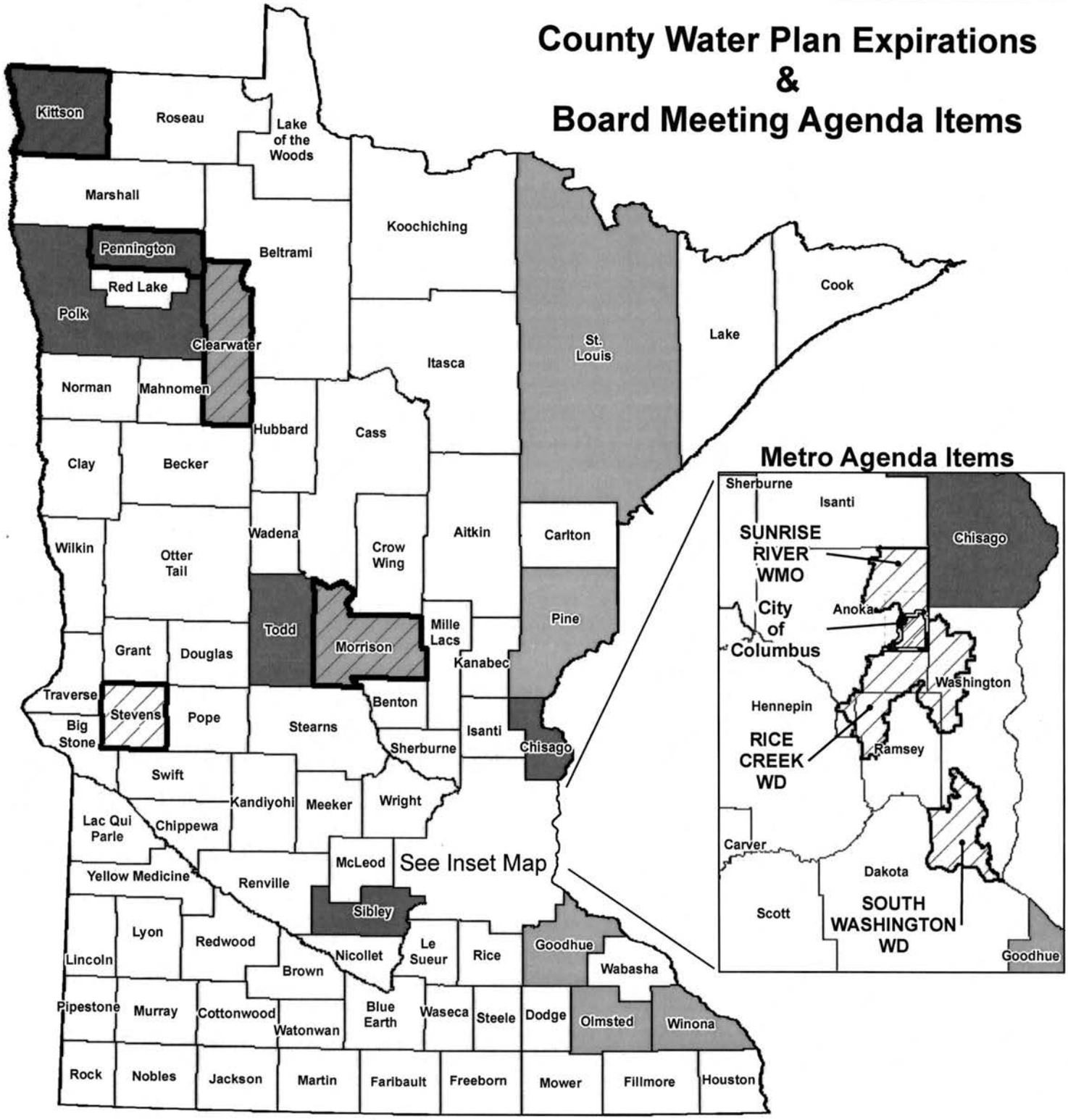
Sincerely,



Tim Pawlenty
Governor

cc: Representative Margaret Anderson Kelliher, Speaker of the House
Senator Lawrence J. Pogemiller, Majority Leader
Senator David Senjem, Minority Leader
Senator Satveer Chaudhary
Representative Kurt Zellers, Minority Leader
Representative Jean Wagenius
Representative David Dill
Mr. Peter S. Wattson, Secretary of the Senate (Legislative)
Mr. Albin Mathiowetz, Chief Clerk of the House of Representatives
Mr. Mark Ritchie, Secretary of State

County Water Plan Expirations & Board Meeting Agenda Items



Metro Agenda Items

Plan Expires

- Overdue
- 2010
- 2011
- Beyond 2011

Items on May Agenda

- Rice Creek WD
- Sunrise River WMO
- South Washington WD
- Rice Creek WD / City of Columbus
- Morrison County
- Stevens County
- Clearwater County
- Kittson County
- Pennington County

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May 2010

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD
LOWER LEVEL BOARD ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, MARCH 24, 2010

BOARD MEMBERS PRESENT:
Gordy Behm, Paul Brutlag, Bob Burandt, Rebecca Flood, MPCA; Quentin Fairbanks, Christy Jo Fogarty, 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, LuAnn Tolliver, John Linc Stine, MDH; Gene Tiedemann

STAFF PRESENT:
Mary Jo Anderson, Conor Donnelly, Tabor Hoek, John Jaschke, Al Kean, Megan Lennon, Chad Severts, Ron Shelito, Sarma Straumanis, Dave Weirens, Tom Wenzel, Steve Woods

OTHERS PRESENT:
LeAnn Buck, MASWCD
Wayne Edgerton, DNR
Lance Yohe and Julie Gehring, RRBC
Larry Gunderson, MN River Basin Coordinator, MPCA
Shawn Schottler, St. Croix Watershed Research Station

DRAFT

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

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA – Chair Kramer stated that the Public Relations, Outreach and Strategic Planning Committee Recommendation on BWSR Bylaws, presented by Brian Napstad, will be moved up on the agenda under Reports rather than Committee Recommendations as Brian needs to leave the meeting early to attend another meeting. Chair Kramer stated that an additional agenda item has been added under Committee Recommendations – Northern Water Planning Committee, Crow Wing SWCD Change of Office Location. Keith Mykleseth stated that Paul Brutlag will report on the Traverse
** County Local Water Management Plan Amendment. Moved by Paul Brutlag,
10-14 seconded by Quentin Fairbanks, to adopt the agenda as amended. Motion passed on a voice vote.

** **MINUTES OF JANUARY 28, 2010** – Moved by Louise Smallidge, seconded by Paul Langseth,
10-15 to approve the minutes of January 28, 2010 as presented. Motion passed on a voice vote.

REPORTS

Chair's Report – Randy Kramer reported that he met with the Legislative Auditor's last week regarding findings of BWSR's audit. The Legislative auditors also met with staff. Chair Kramer is involved in the findings process, which is confidential until the report is released.

Chair Kramer reported that he had his confirmation hearing in the Senate Environment Committee. Chair Kramer attended a meeting with the Department of Agriculture regarding clean water research projects. Chair Kramer attended the RIM Reserve Management Planning Committee meeting on March 17.

Chair Kramer asked that board members submit their completed forms to the Campaign Finance and Public Disclosure Board.

Chair Kramer reported that he and Paul Brutlag met with John Jaschke, regarding the executive director's performance review. Chair Kramer thanked board members for submitting their review responses; 20 out of 20 board members responded. Quentin Fairbanks asked for the position description of the executive director to use as a guideline for the next review.

Executive Director's Report – John Jaschke gave an overview of the information in board members' packets. John gave a brief report on the BWSR 2010-2011 budget and proposed cuts. John reported that the bonding bill passed and that Governor

Pawlenty line-item vetoed the RIM funds. The BWSR policy bills are moving forward: the WCA bill; local water management bill for the metro area; the drainage work group bill; the walk-in hunting bill; and the watershed districts' borrowing authority bill.

John reported that the Legislative Auditors have nearly completed BWSR's fiscal audit; they had been in the office over two months, typically BWSR is audited every three years. John circulated an evaluation report by the Office of the Legislative Auditor, "Natural Resource Land". John asked that board members let him know if they are interested in receiving a copy of the report and he will request additional copies. John reported that he met with Rebecca Flood, MPCA, regarding grant issues. A joint communication from BWSR/MPCA will be sent out prior to the grant making period.

John reported that a few new procedures have been established as a result of the January Board Workshop. A new form has been developed to coordinate agenda items; proposed changes to the Bylaws; and to create a dialogue at Board meetings regarding various topics. A short panel presentation is on the agenda today regarding Sediment Source Fingerprinting Analysis. Rebecca Flood asked that the Legislative Auditor findings be presented to the Board at an upcoming meeting.

Dispute Resolution Committee – Travis Germundson reported that one new appeal has been received, for a restoration order in Lyon County. Travis provided an update to the earlier report that board members' received. Chair Kramer thanked Travis for his report.

Wetlands Committee – LuAnn Tolliver reported that the Wetlands Committee cancelled a meeting scheduled for March 23; the Committee will meet on April 28, immediately following the Board meeting.

Grants Program & Policy Committee – Louise Smallidge reported that the Grants Program & Policy Committee has not met since their January meeting.

Public Relations, Outreach & Strategic Planning Committee
BWSR Bylaws – Brian Napstad reported that the Public Relations, Outreach & Strategic Planning Committee met in January and discussed proposed changes to the BWSR Bylaws. Brian summarized the proposed changes to the Bylaws and stated that per the Bylaws, Board members must have an opportunity to review them at least one meeting prior to adoption. Brian stated that the final proposed Bylaws will be acted on at the next Board meeting. Brian thanked Steve Woods and Julie Blackburn for their efforts on this document. Chair Kramer stated that the BWSR Bylaws will be on the agenda at the April 28th Board meeting. Chair Kramer asked board members that may have comments or changes to the proposed Bylaws to contact the Chair, Brian Napstad or staff before the next meeting.

RIM Reserve Management Planning Committee – Paul Brutlag reported that the RIM Reserve Management Planning Committee met last week with the NRCS Technical Committee to discuss items that are on the agenda later today.

Drainage Work Group – Tom Loveall reported that the Drainage Work Group met on January 21; nothing to report at this time. Al Kean reported that the bill containing the Drainage Work Group recommendations are being heard in the Senate this morning.

Administrative Advisory Committee – Chair Kramer reported that Administrative Advisory Committee met this morning. Items discussed included: the SWWD/VBWD boundary settlement negotiations; budget FY10-11 status report; policy bills overview; RRBC workplan and FY10 pass-through grant; and the Crow Wing SWCD office relocation.

COMMITTEE MEETINGS

Northern Water Planning Committee

Carlton County Local Water Management Plan Update – Keith Mykleseth reported that the Northern Water Planning Committee met on February 10, 2010, and recommends approval of
** the Carlton County Local Water Management Plan. Moved by Keith Mykleseth, seconded by
10-16 Paul Brutlag, to approve the Carlton County Local Water Management Plan. Motion passed on a voice vote.

Red Lake County Local Water Management Plan Update – Brian Napstad reported that the Northern Water Planning Committee reviewed the updated Red Lake County Local Water Management Plan and recommends approval of the Red Lake County Local Water Management Plan from March 24, 2010 to March 24, 2020 with a review and update of the
** work plan in five years. Moved by Brian Napstad, seconded by Quentin Fairbanks, to
10-17 approve the Red Lake County Local Water Management Plan Update. Motion passed on a voice vote.

Roseau County Local Water Management Plan – Gene Tiedemann reported that the Northern Water Planning Committee reviewed the Roseau County Local Water Management Plan. The Committee's recommendation is to approve the Roseau County Local Water Management Plan through March 24, 2020; with review and update of the
** work plan in five years. Moved by Gene Tiedemann, seconded by Keith Mykleseth,to
10-18 approve the Roseau County Local Water Management Plan. Moved passed on a voice vote.

Traverse County Amendment of Local Water Management Plan – Paul Brutlag reported that the Northern Water Planning Committee reviewed the Traverse County Local Water Management Plan Amendment. The Committee recommends approval of

** 10-19 the 2009 Amendment for January 1, 2020 – December 31, 2014. Moved by Paul Brutlag, seconded by Quentin Fairbanks, to approve the Traverse County Local Water Management Plan Amendment. Motion passed on a voice vote.

Brian Napstad left the meeting at 9:50 a.m.

Marshall-Beltrami SWCD Consolidation and Dissolution – Ron Shelito introduced Chad Severts, Board Conservationist, and thanked Chad for his efforts on this endeavor. Ron explained that BWSR has been requested to exercise the power and duties identified in Minnesota Statutes Chapter 103C.401, subdivision 1(7), to consolidate the Marshall and Beltrami County portions of Marshall-Beltrami SWCD with the Marshall and Beltrami SWCDs, and also dissolve the Marshall-Beltrami SWCD. The Marshall-Beltrami SWCD has experienced financial difficulties for some time and is the only SWCD in the state to have areas in two counties. Before passing the resolutions, the Marshall, Beltrami, and Marshall-Beltrami SWCDs held informational meetings to determine the public's opinion. The Northern Water Planning Committee met March 10th to review the situation for feasibility, plan of succession, and the welfare of the public. The Committee recommends approval of the consolidation and dissolution. Chad reported on the Memorandum of Understanding (MOU) signed between the Marshall and Beltrami SWCDs which establishes the roles and responsibilities, and will also be considered by the Board, to be signed by Chair Kramer. Chad stated that the county attorneys requested Board action on this MOU. Ron stated that the Attorney General's office agrees with the county attorneys, and MASWCD is not against this action. Quentin stated that Beltrami County supported the dissolution effort. Keith Mykleseth stated that staff have done great work on this effort. Moved by Keith Mykleseth, seconded by Paul Brutlag, to approve Committee's recommendation as presented in the resolution to consolidate the Marshall and Beltrami County portions of Marshall-Beltrami SWCD with the Marshall and Beltrami SWCDs, and also dissolve the Marshall-Beltrami SWCD. Discussion followed. Motion passed on a voice vote.

** 10-20

** 10-21 Moved by Quentin Fairbanks, seconded by Paul Brutlag, to approve the Memorandum of Understanding, to be signed by Chair Kramer. Christy Jo Fogarty asked why BWSR is requested to sign the MOU. Ron Shelito reported that the county attorneys requested that BWSR sign the document as a gesture of good will. Ron stated that the Attorney General's office agreed to BWSR's signature. Discussion followed. Paul Brutlag stated that the agreement adds another level of affirmation. Motion passed on a voice vote.

Crow Wing SWCD Office Relocation – Wayne Edgerton, as a member of the Northern Water Planning Committee, reported that MN Statute 103C.221 states BWSR's authority to act on the change in office location. The Northern Water Planning Committee met on February 10, 2010, and recommends approval of the Crow Wing

** 10-22 SWCD change of location from Baxter to Brainerd. Moved by Quentin Fairbanks, seconded by Paul Brutlag, to approve the Crow Wing SWCD Change of Office Location. Motion passed on a voice vote.

***Southern Water Planning* Committee**

Olmsted County Priority Concerns Scoping Document – Paul Langseth reported that the Southern Water Planning Committee met on March 4, 2010, reviewed the Olmsted County Priority Concerns Scoping Document, and recommends approval.

** 10-23 Moved by Paul Langseth, seconded by Larry Kramka, to approve the Olmsted County Priority Concerns Scoping Document. Discussion followed. Motion passed on a voice vote.

Winona County Priority Concerns Scoping Document – Paul Langseth reported that the Southern Water Planning Committee reviewed the Winona County Priority Concerns Scoping Document and recommends approval.

** 10-24 Moved by Paul Langseth, seconded by John Meyer, to approve the Winona County Priority Concerns Scoping Document. Motion passed on a voice vote.

Wetland Committee

Northeast Minnesota Wetland Mitigation Inventory and Assessment Project Final Report – Dave Weirens introduced Mark Jacobson, Barr Engineering. Dave presented an overview of the Northeast Minnesota Wetland Mitigation Inventory and Assessment Project Final Report. BWSR was appropriated $375,000 in FY2007 to (1) inventory wetland mitigation opportunities and water quality and watershed improvement projects in a greater than 80 percent area and (2) conduct a region-wide wetland mitigation siting analysis for greater than 80 percent areas. Barr Engineering was contracted with to complete these tasks. Mark Jacobson presented a summary of the Phase I and Phase II Final Assessment Report. The final report includes an estimation of wetland mitigation credits in the greater than 80% area, a series of recommendations, and an on-line GIS tool for resource management and regulatory program compliance. The report is also on the website as follows: http://www.bwsr.state.mn.us/wetlands/wca/NE_Assessment_Phase_II-Report.pdf .

Dave reported that the Wetlands Committee reviewed the project report on December 15, 2009, and recommends approval. LuAnn Tolliver stated that the Committee is asking that the Board accept the Report today, at another time under separate resolution, the Board will be asked to continue to be the lead state agency for implementing specific recommendations, contingent on sufficient funding.

** 10-25 Moved by LuAnn Tolliver, seconded by Gordy Behm, that the Board accepts the Northeast Minnesota Wetland Mitigation Inventory and Assessment Report; and will continue to be the lead state agency for implementing specific recommendations. Discussion followed.

Larry Kramka stated as a matter of record, that the contract ends tomorrow. Motion passed on a voice vote.

John Linc Stine arrived at the meeting at 10:30 a.m.

Faye Sleeper left the meeting at 10:40 a.m.

Chair Kramer called for a break in the meeting at 10:55 a.m. The meeting reconvened at 11:10 a.m.

NEW BUSINESS

Establish New Policy and Conservation Practice Rates for the Reinvest in Minnesota (RIM) Reserve Program – Tabor Hoek reported that the RIM Reserve Management Planning Committee met on March 17th and unanimously recommends the following RIM Reserve Policy and conservation practice rate recommendations:

- The RIM Reserve Program will not exceed 100% of the eligible costs for the practice to be established.
- The RIM Reserve Program will pay 100% of total eligible costs of wetland restoration up to $1,200 per acre.
- The RIM Reserve Program will pay 100% of total eligible costs for native species restoration up to $600 per acre for perpetual easements.
- The RIM Reserve Program will pay 100% of total eligible costs for native trees and shrubs up to $800 per acre for perpetual easements.
- For limited duration easements the RIM Reserve Program will pay up to 75% of eligible costs not to exceed actual costs.

Tabor explained that the Committee recommends authorization of the Conservation Easement Section Manager to exceed the conservation practice rate limits established by the Board on a case-by-case basis. This authority applies only when all factors related to the easement and restoration project functions have been evaluated and the extra expense is determined to be necessary to ensure the public's benefit in completing the project. Moved by Paul Brutlag, seconded by Paul Langseth, to authorize staff to implement the new conservation practice rates and policy adopted in support of the RIM Reserve Program. Discussion followed. Motion passed on a voice vote.

** 10-26

Establish Rates, Eligibility and Sign-Up Procedures for the 2010 RIM Reserve-Wetlands Reserve Program (RIM-WRP) Partnership Project – Paul Brutlag reported that the RIM Reserve Management Planning Committee reviewed and unanimously recommends authorizing staff to implement the 2010 RIM-WRP partnership sign-up to begin no sooner than April 1, 2010 and no later than May 31, 2010. The total partnership payment rate for cropland acres shall not exceed 125% of AATV, and for

non-cropland acres shall not exceed 70% AATV. Rates are to be calculated using township average for tillable property value established by county assessors for the
** 2010 tax year. Moved by Paul Brutlag, seconded by Paul Langseth, to accept the
10-27 Committee's recommendation and approve provisions to successfully implement the 2010 RIM-WRP Partnership Program. Discussion followed. Motion passed on a voice vote.

Paul Brutlag distributed copies of the RIM Reserve Management Planning Committee (RRMPC) purpose and meeting schedule. Paul Langseth explained that the RRMPC is responsible for overseeing all aspects of the Reinvest in Minnesota (RIM) Reserve conservation easement program; for reviewing RIM Reserve Program statutes (103F.515) rules, policies, guidelines, payment rates and projects; for developing the strategic plans, operational partnerships, opportunities to enhance the agency's conservation easements and related programs; and for making the resulting recommendations to the Board. The RRMPC will meet, as called by the BWSR Chair or the RRMPC chair upon consulting with the Conservation Easement Section Manager, to assure that conservation easement programs are meeting desired outcomes identified by the BWSR.

Chair Kramer asked board members to complete the *BWSR Conflict of Interest Disclosure for Grant Application Reviewer Form* located in their board packet today. Dave Weirens will collect the signed form prior to Board action on the Red River Basin Commission Administrative Grant – FY'10. Chair Kramer stated: "A conflict of interest whether actual or perceived occurs when someone in a position of trust has competing professional or personal interests and these competing interests make it difficult to fulfill professional duties impartially. At this time, members are requested to identify any potential conflicts of interest they may have regarding today's business." Dave Weirens collected the *BWSR Conflict of Interest Disclosure for Grant Application Reviewer Form.*

FY '10 Red River Basin Commission Administrative Grant – Lance Yohe, RRBC Executive Director, provided a summary of the RRBC's work plan, budget, and floodplain planning highlights of the Commission. The '09 Legislature appropriated $90,000 to BWSR for a grant to the Red River Basin Commission for administration and
** management of water quality and floodplain management programs. Moved by Paul Brutlag, seconded by Gene Tiedemann, to authorize staff to allocate $90,000 to the RRBC for administration and management of water quality and floodplain management programs. Discussion followed.

Dave Weirens compiled the results of the *BWSR Conflict of Interest Disclosure for Grant Application Reviewer Form.* 18 forms received: two board members absent; 15 no conflict; two potential conflict of interest; and one member, Chair Kramer, had a conflict
10-28 of interest. Chair Kramer abstained from the vote. Motion passed on a voice vote.

Sediment Source Fingerprinting Analysis: Implications for Program Delivery – Al Kean, BWSR Chief Engineer, introduced Shawn Schottler, Senior Scientist with the Science Museum of Minnesota, St. Croix Watershed Research Station (SCWRS); and Larry Gunderson, Minnesota River Basin Coordinator, MPCA. Al stated that the objective of this discussion is to generate awareness of the data and analysis; consider if or how we should evaluate program delivery for various education, incentive and regulatory programs; and what other related topics we should understand better before enacting or adjusting policies.

Shawn provided an overview of sediment source fingerprinting research and results for the Minnesota River Basin in relation to sedimentation in Lake Pepin and the Lake Pepin TMDL. This research points to streambank, bluff and ravine erosion as critical sources of sediment.

Larry Gunderson distributed a map of the Minnesota River Basin 2010 Draft Turbidity Impairments. Larry stated that this provides an opportunity for agencies to work with communities on water management issues.

Al stated that Shawn has presented this information to the Drainage Work Group also. Discussion followed. Rebecca Flood stated that it's not just about Lake Pepin but other areas as well. Joe Martin thanked Chair Kramer for scheduling this presentation. Chair Kramer thanked Shawn, Larry, and Al for the informative presentation.

AGENCY REPORTS

Minnesota Pollution Control Agency (MPCA) – Rebecca Flood reported that MPCA submitted the 303D list of impaired waters to EPA this week.

UPCOMING MEETINGS

- Next BWSR Meeting – April 28, 2010, in St. Paul.
- The Southern Water Planning Committee will meet for half an hour immediately following adjournment of the April 28th Board Meeting.
- The Wetlands Committee will meet immediately following the Southern Water Planning Committee meeting on April 28th.

** 10-29 Moved by Quentin Fairbanks, seconded by Paul Langseth, to adjourn the meeting at 12:45 p.m. Motion passed on a voice vote.

Respectfully submitted,

Mary Jo Anderson
Recorder

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Dispute Resolution Committee Report

Meeting Date: May 26, 2010
Agenda Category: ☐ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☐ Decision ☐ Discussion ☒ Information
Section/Region: Land and Water
Contact: Travis Germundson
Prepared by: Travis Germundson
Reviewed by: _____ Committee(s)
Presented by: Travis Germundson

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested
☐ Other: _____

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

ACTION REQUESTED

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

Dispute Resolution Committee Report. The Report provides a monthly update on the number of appeals filed with the BWSR.

Attachments: ☐ **Resolution** ☐ **Order** ☐ **Map** ☒ **Other Supporting Information**

Dispute Resolution Report
May 12, 2010,
by: Travis Germundson

There are presently **22** appeals pending. All of the appeals involve WCA except File 05-24. There has been **1** new appeal filed since the last report dated March 24, 2010.

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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 10-9 (4-1-10). This is an appeal of a restoration order in Stearns County. The appeal regards the cleaning/straightening/rerouting of a drainage ditch system resulting in approximately 15.54 acres of wetland impact. *The appeal has been placed in abeyance and the restoration order stayed until the LGU makes a final decision on the landowner's after-the-fact application for exemption.*

File 10-8 (3-19-10). This is an appeal of a restoration order in Lyon County. The appeal regards the installation of an agricultural drainage system resulting in approximately 3.25 acres of impact to a Type 2 wetland. *The appellant has granted BWSR additional time to make a decision on the appeal. No decision has been made on the appeal.*

File 10-7 (2-19-10) This is an appeal of a restoration order in Stearns County. The appeal regards draining and filling impacts to approximately 18.44 acres of Type2/3 wetland and 3.06 acres of Type 2 wetland. The appeal has been placed in abeyance and the restoration order stayed for submittal of "as built" or project information pertaining to a public drainage system.

File 10-6 (2-12-10) This is an appeal of a restoration order in Blue Earth County. The appeal regards the installation of agricultural drain tile resulting in approximately 2.2 acres of wetland impact. This involves the same unauthorized activity as File 10-5. The appeal was placed in abeyance and the restoration order stayed until the LGU makes a final decision on landowner's applications for exemption and no-loss.

File 10-5 (2-12-10) This is an appeal of a restoration order in Blue Earth County. The appeal regards the installation of agricultural drain tile resulting in approximately 2.2 acres of wetland impact. The appeal was placed in abeyance and the restoration order stayed until the LGU makes a final decision on appellant's applications for exemption and no-loss

File 10-4 (1-29-10) This is an appeal of a wetland banking plan decision in Koochiching County. The appeal regards the approval of a 71.3 acre wetland banking plan application at 80 percent eligibility by the Koochiching County Board. This regards the same banking plan application appealed under File 09-18. That appeal was remanded. The appeal has been granted in the process of scheduling a pre-hearing conference.

File 10-3 (2-1-10) This is an appeal of a restoration order in Stearns County. The appeal regards the placement of agricultural drain tile and the straightening and rerouting of a county ditch that resulted in over 12 acres of wetland impacts. The appellant has granted BWSR additional time to make a decision on the appeal. No decision has been made on the appeal.

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 09-13 (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 pre-hearing conferences convened on October 13 and 30, and December 14, 2009. Settlement discussions are ongoing.

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. *The mandamus action regarding Minn. Stat. § 15.99 (60-day rule) is complete and the temporary injunction lifted. The timeline for the remand was extended to July 14, 2010.*

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. On 12-9-09 the District made a new wetland delineation decision. The applicant has not yet submitted a updated replacement plan application.

Draft Summary Table

Type of Decision	Total for Calendar Year 2009	Total for Calendar Year 2010
Order in favor of appellant		
Order not in favor of appellant	10	1
Order Modified	1	
Order Remanded	4	
Order Place Appeal in Abeyance	3	3
Negotiated Settlement		
Withdrawn	4	1

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Rice Creek Watershed District Watershed Management Plan – Melissa Lewis – ***DECISION ITEM***

2. Sunrise River Watershed Management Organization Watershed Management Plan – Melissa Lewis – ***DECISION ITEM***

3. South Washington Watershed District Watershed Management Plan Amendment – Melissa Lewis – ***DECISION ITEM***

4. Rice Creek Watershed District Comprehensive Wetland Protection and Management Plan for the City of Columbus – Jim Haertel – ***DECISION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Rice Creek WD Watershed Management Plan

Meeting Date: May 26, 2010
Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: Metro
Contact: Melissa Lewis or Jim Haertel
Prepared by: Melissa Lewis
Reviewed by: Metro Water Planning Committee(s)
Presented by: Melissa Lewis

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested
☐ Other: _____

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

ACTION REQUESTED
Approval of Rice Creek Watershed District Watershed Management Plan

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

The Rice Creek Watershed District (RCWD) was originally established in 1972 and encompasses approximately 186 square miles of urban and rural land in Anoka, Hennepin, Ramsey and Washington counties. The mission of the District is to prevent flooding and enhance water quality in harmony with development for the common good. The Plan provides guidance for the management of the water and natural resources of the District; focusing on implementation and incorporating and building on previous plans as well as numerous studies, inventories, and assessments completed in recent history. The Plan is well-written and comprehensive. The Metro Water Planning Committee met on May 12, 2010 and had a presentation on highlights of the plan from District Administrator Doug Thomas. After review of information, the Committee decided with a unanimous vote to recommend approval of the Plan by the Board per the attached draft Order.

Attachments: ☐ **Resolution** ☐ **Order** ☐ **Map** ☐ **Other Supporting Information**

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

In the Matter of the review of the Watershed Management Plan for the **Rice Creek Watershed District**, pursuant to Minnesota Statutes Section 103B.231, Subdivision 9.

ORDER APPROVING WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the Rice Creek Watershed District (District) submitted a Watershed Management Plan (Plan) dated January 4, 2010, to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 9, and;

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

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

FINDINGS OF FACT

1. **Watershed District Establishment.** The District was established in 1972 by the Minnesota Water Resources Board. The District is located in the northeast portion of the Metropolitan Area and includes parts of Anoka, Ramsey, and Washington Counties with a small portion of Hennepin County. The District Board consists of two representatives each from Anoka and Ramsey counties and one representative from Washington County. The mission of the District is to prevent flooding and enhance water quality in harmony with development for the common good.

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 revised according to Minnesota Statutes Section 103B.231, Subd. 9.

3. **Nature of the Watershed.** The District encompasses approximately 186 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. **Plan Development and Review.** The Plan provides guidance for the management of the water and natural resources of the District. This Plan incorporates and builds on previous plans as well as numerous studies, inventories, and assessments completed in recent history. Rice Creek and its tributaries serve multiple purposes including draining agricultural area, providing a back up water supply for the City of St. Paul, and serving as a recreational resource. Focusing on implementation requires the District to balance conflicting water management laws, address funding issues, and effectively coordinate with constituents.

   The draft revised Plan was submitted to the Board, other state agencies, and local governments for the 60-day review on August 27, 2009. A public hearing was held on December 9, 2009 and there were no comments received. On January 19, 2010, 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 8, 2010.

5. **Local Review.** The District distributed copies of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7.

   Washington County. The County requested the District include the Washington County Financial and Budget Policy #2403 regarding Water Management Organization Capital Projects Financing. The County stated the District has been proactive in addressing water management goals and policies and commended the District for including groundwater sensitivity when conducting natural resource inventories and for including groundwater as a management category in the Plan. The County suggested minor edits to Chapter 2, District Characteristics, which the District addressed. The District included the County's suggestion to state it will review and submit comments to the DNR for water appropriation permits.

   Anoka Conservation District (ACD). The ACD commented on an incorrect summarization of WCA in Chapter 3 and noted that the ACD would not support the District pursuing regulatory administration of DNR protected wetlands. The ACD also requested clarification of the incentive policy in Section 5.3.3. The District addressed these comments.

   Cities of Circle Pines, Grant, Hugo, Mahtomedi, and May Township, and St. Anthony Village. These communities provided joint comments regarding soils data, TMDLs, and support of the District's phosphorus goals. The District addressed these comments. The communities also provided multiple comments for consideration in future rule revisions which the District acknowledged.

   City of Blaine. The city noted additional flooding problems to be included as issues in the plan and requested information on the implementation plan for Golden Lake. The District addressed these comments.

City of Columbus. The city noted that it draws its water from the Ironton Galesville aquifer and requested a few clarifications in the plan. The District addressed these comments.

City of Forest Lake. The city requested confirmation of the National Flood Insurance Program information for Forest Lake. The District provided the information.

City of Lino Lakes. The city requested clarification of the local water management plan stormwater rate and volume information requirements. The District addressed the comment.

City of New Brighton. The city provided details on its use of the Mt. Simon/Hinckley aquifer and provided information about groundwater contamination which the District noted. The city provided information about four sedimentation areas which the District included in the plan. The city also requested information on the standards for maintenance of storm ponds and drainage areas and expressed concerns with its ability to meet District rules for infiltration. The District provided additional information to the city to address these comments.

White Bear Township. The township noted that the word tax was used incorrectly in Section 7.3.2. The District addressed the comment.

6. **Metropolitan Council Review.** The Council determined that the Plan is consistent with the Council's *Water Resources Management Policy Plan*, commended the District for the technical advisory committee, and stated the Plan is an excellent example of a comprehensive plan to manage the challenges of the many and varied water resources of in the District.

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 commended the District for presenting a strong regulatory program for minimizing stormwater discharges from developing areas, for vigorous lake and stream protection/restoration programs, and for an extensive and effective education/outreach program. The DNR requested changes to Chapter 2.0 regarding threatened, endangered, and species of interest and provided information about DNR databases and resources. The DNR requested minor changes to Chapter 4.0 and in Chapter 5.0 recommended the District emphasize that buffers be open to appropriate public use, that the plan include specific goals for rare species and significant plant communities, and recommended alternate criteria for determining condition of open space. Additionally, the DNR requested clarification in Chapter 7.0 regarding stormwater charges for DNR Wildlife Management Areas. The District acknowledged and addressed these requests.

10. **Pollution Control Agency Review.** The PCA commented that the Plan was very sound and comprehensive and appreciated that the District sought input from all stakeholders. The PCA focused on the Plan section 4.1.1 Impaired Waters Program and provided requested separate tables for conventional versus nonconventional impairments, inclusion of listings from the draft 2010 MPCA 303(d) list in this section, and revisions to projected TMDL start and end dates. The District fully addressed the comments.

11. **Department of Transportation Review**. The DOT provided comment clarifying its Local Government Unit authority in DOT right of way and noted grammatical and typographical errors. The District fully addressed these comments. The DOT also provided recommendations for rule revisions which the District acknowledged and committed to considering during the next rule review. The DOT requested that all public land be exempt in the establishment of watershed management districts, which the district will consider when implementing watershed management district charges.

12. **Board Review.** Board staff found the Plan to be consistent with statute and rule and commended the District for its coordination with local partners.

13. **Plan Summary and Highlights.** The highlights of the plan include:
    - Chapter 1 introduces the District, provides an overview of the Plan, and establishes the five planning regions. The planning regions are generally determined by hydrologic boundaries and reflect groupings of similar resources.
    - Chapter 2 describes the physical and cultural resources of the District.
    - Chapter 3 presents an assessment of reasonably foreseeable and emerging issues for the District including total maximum daily loads, degradation of resources within and downstream from the District, climate change, threats to groundwater supplies, and dealing with the complexities of multiple levels of rules and regulations. The assessment of issues forms the foundation for the remaining portions of the Plan.
    - Chapter 4 provides a summary of major programs for resource management and classifies and quantifies the resources of the District for improved local management.
    - Chapter 5 establishes the goals, policies, and actions necessary to address the issues identified previously; provides direction for the District; and provide an indication of how projects, problems, and issues will be approached and resolved. The District Rules embody the goals and objectives by creating the legal requirements to achieve successful implementation. Goals are organized into the following management categories: education, data and information; lakes; wetlands; drainage systems and waterways; excess runoff; district facilities; open space; and groundwater.
    - Chapter 6 describes progress made on the previous plan and introduces the Long Range Work Plan, a management tool which will guide the operations, management and implementation of the Plan. The implementation program of the District includes a general operations category, programs and projects in the specific management categories established in Chapter 5, and a capital improvement program containing eight projects. This chapter also establishes a process for periodically evaluating progress towards accomplishing goals.
    - Chapter 7 explains the District's intentions for financing and funding of activities which includes distribution of costs for administration, programs, and projects as equitably as possible and maintenance of an efficient implementation process without disproportionally high administrative costs.
    - Chapter 8 lays out the Plan amendment procedures and criteria, intent for administration of the legal boundary, content requirements for Local Water

Management Plans, regulatory controls and enforcement, financial impact of the Plan and describes the District's intentions for coordination with local government.

14. **Metro Water Planning Committee Meeting.** On May 12, 2010, the Board's Metro Water Planning Committee and staff met with a representative from the District in St. Paul to review and discuss the Plan. Those in attendance from the Board's Committee were 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. The representative from the District was District Administrator Doug Thomas. Board staff recommended approval of the Plan. After discussion, the Committee unanimously voted to recommend approval of the Plan to the full Board.

CONCLUSIONS

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving a Watershed Management Plan for the Rice Creek Watershed District pursuant to Minnesota Statutes Section 103B.231, Subd. 9.
3. The Rice Creek District Watershed Management Plan attached to this Order defines water and water-related problems within the District's boundaries, possible solutions thereto, and an implementation program.
4. The attached Watershed Management Plan is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

ORDER

The Board hereby approves the attached Plan, dated January 4, 2010, as the Rice Creek Watershed District Watershed Management Plan.

Dated at St. Paul, Minnesota this 26th day of May, 2010.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Sunrise River WMO Water Plan

Meeting Date: May 26, 2010
Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: Metro
Contact: Melissa Lewis or Jim Haertel
Prepared by: Melissa Lewis
Reviewed by: Metro Water Planning Committee(s)
Presented by: Melissa Lewis or Jim Haertel

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested
☐ Other: _____

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

ACTION REQUESTED

Approval of Sunrise River Watershed Management Organization Watershed Management Plan

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

The Sunrise River Watershed Management Organization (WMO) was formed in 1985 when the city of East Bethel and townships of Columbus and Linwood entered into a joint powers agreement (JPA) establishing the watershed management organization. The City of Ham Lake was added to the JPA on or before November 1, 2000. The WMO encompasses approximately 45,300 acres in the northeast corner of Anoka County. The Plan builds upon the studies and monitoring work completed under the previous plans, and shifts the focus towards correcting problems, being protective against new problems, and monitoring for changes. The priority topics for the plan include water quality, septic system compliance, education and resident frustrations, aquatic plants, funding, and lakeshore restorations. The Metro Water Planning Committee met on May 12, 2010 and had a presentation on highlights of the plan from Jamie Schurbon from the Anoka Conservation District. After review of information, the Committee decided with a unanimous vote to recommend approval of the Plan by the Board per the attached draft Order.

Attachments: ☐ **Resolution** ☐ **Order** ☐ **Map** ☐ **Other Supporting Information**

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

In the Matter of the review of the Watershed Management Plan for the **Sunrise River Watershed Management Organization**, pursuant to Minnesota Statutes Section 103B.231, Subdivision 9.

ORDER APPROVING WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the Sunrise River Watershed Management Organization (Organization) submitted a Watershed Management Plan (Plan) dated February 8, 2010, 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 Organization Establishment.** The Organization was formed in 1985 when the city of East Bethel and townships of Columbus and Linwood entered into a joint powers agreement (JPA) establishing the watershed management organization. The City of Ham Lake was added to the JPA on or before November 1, 2000. The JPA provides for the preparation of a watershed management plan in accordance with Minnesota Statutes Section 103B.231. This is the third Plan of the Organization.

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 January 24, 2001. The watershed management plan may be revised according to Minnesota Statutes Section 103B.231, Subd. 9.

3. **Nature of the Watershed.** The Organization encompasses approximately 45,300 acres in the northeast corner of Anoka County. The area consists of relatively flat topography containing extensive lakes and wetlands. The predominant land uses are agriculture and public recreation. Residential development historically centered on the lakes and more recently has shifted to rural residential development on large parcels. Development is limited by the availability of buildable land.

4. **Plan Development and Review.** The Plan builds upon the studies and monitoring work completed under the previous plan, and shifts the focus towards correcting problems, being protective against new problems, and monitoring for changes.

   The draft revised Plan was submitted to the Board, other state agencies, and local governments for the 60-day review on August 14, 2009. A public hearing was held on November 19, 2009. On November 24, 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 25, 2010.

5. **Local Review.** The Organization distributed copies of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7.

   City of Columbus. The city strongly supported the exemption of paving existing gravel roads from the stormwater performance standards. The city noted an inconsistency in the budget table and requested the timeline for completing stormwater ponds mapping be extended. The Organization addressed these comments.

   City of East Bethel. The city noted two errors in the plan and outlined the changes the East Bethel Water Management Plan will require upon approval of the Plan. The Organization addressed the errors and thanked the city for the thorough review.

   City of Ham Lake. The city provided corrections to the population growth forecasts. The Organization incorporated these corrections.

6. **Metropolitan Council Review.** The Council determined that the Plan is consistent with the Council's *Water Resources Management Policy Plan*, and will provide a good framework for protecting water resources in the watershed.

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 found the plan to be well-written and well-prepared and noted that it included effective provisions for stormwater and wetlands. The DNR requested inclusion of language and additional information in the Resource Inventory and Assessment section regarding ecologically significant areas. The DNR also provided corrections and updates to references information in the plan. The DNR suggested the Plan include discussion of the re-suspension of sediments due to outboard motors in Typo Lake and that

surface use ordinances be considered to address this issue. The DNR recommended and encouraged local government units to become familiar with the complete array of erosion control best management practices to address water quality and offered assistance with goals for lakeshore restoration, aquatic invasive species, and protection of upland native plant communities and rare species. The DNR noted a lack of receipt of Wetland Conservation Act notices from the local government units in the Organization and provided contact information. The Organization sufficiently and appropriately addressed these comments.

10. **Pollution Control Agency Review.** The PCA stated that overall the plan looked very good and the Anoka Conservation District should be commended for their efforts in the preparation of the plan. The PCA noted that the Plan's phosphorus reduction goal is consistent with the overall goal for the St. Croix basin; however, further reductions may be required for the Sunrise River. The PCA requested inclusion of additional information regarding impaired waters information, wetland functions, septic systems, stormwater standards, and monitoring in the plan. The PCA noted that funding may be available for developing TMDLs and encouraged utilization of the Environmental Data Access System. The Organization addressed all comments.

11. **Department of Transportation Review**. The DOT did not comment on the plan.

12. **Board Review.** Board staff found the implementation plan of the 60-day review draft to be unclear in how the Organization would accomplish many of the goals, policies and actions in the Plan. Additionally, the 60-day review draft did not clearly define the responsibility of the WMO and the responsibilities of the member communities to carry out implementation of the plan. Based on these findings, Board staff requested extensive revisions. The Organization complied with this request. Board staff found many improvements in the 45-day review draft and provided a few minor comments in the goals and policies and the implementation sections of the Plan. The Organization addressed all comments. BWSR staff found the final submittal of the plan to be consistent with statute and rule.

13. **Plan Summary and Highlights.** The critical elements of the Plan are the goals, policies, and actions for the six priority topics of the Organization. These priorities, listed in order, are: water quality, septic system compliance, education, aquatic plants, funding, and lakeshore restorations. The plan includes standards for stormwater including preferred stormwater management techniques, peak flow rate control, volume control, and infiltration design and construction; and standards for wetlands including delineation and classification, appeals of wetland classification, standards for wetland classes, wetland buffers, structure setbacks, excavations, and stormwater discharge to wetlands. The plan is to extend through December 31, 2019.

14. **Metro Water Planning Committee Meeting.** On May 12, 2010, the Board's Metro Water Planning Committee and staff met with a representative from the Organization 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 Conservationist Melissa Lewis. The representatives from the Organization were board members Mark Walsh and Leon Mager, and Jamie Schurbon from the Anoka Conservation District. Board staff recommended approval of the Plan. After discussion, the Committee unanimously voted to recommend approval of the Plan to the full Board.

CONCLUSIONS

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving a Watershed Management Plan for the Sunrise River Watershed Management Organization pursuant to Minnesota Statutes Section 103B.231, Subd. 9.
3. The Sunrise River Watershed Management Organization Watershed Management Plan attached to this Order defines water and water-related problems within the Organization's boundaries, possible solutions thereto, and an implementation program.
4. The attached 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 Plan, dated February 8, 2010, as the Sunrise River Watershed Management Organization Watershed Management Plan.

Dated at St. Paul, Minnesota this 26th day of May 2010.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Randy Kramer, Chair

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: South Washington WD Plan Amendment

Meeting Date: May 26, 2010
Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: Metro
Contact: Melissa Lewis or Jim Haertel
Prepared by: Melissa Lewis
Reviewed by: Metro Water Planning Committee(s)
Presented by: Melissa Lewis

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested
☐ Other: _____

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

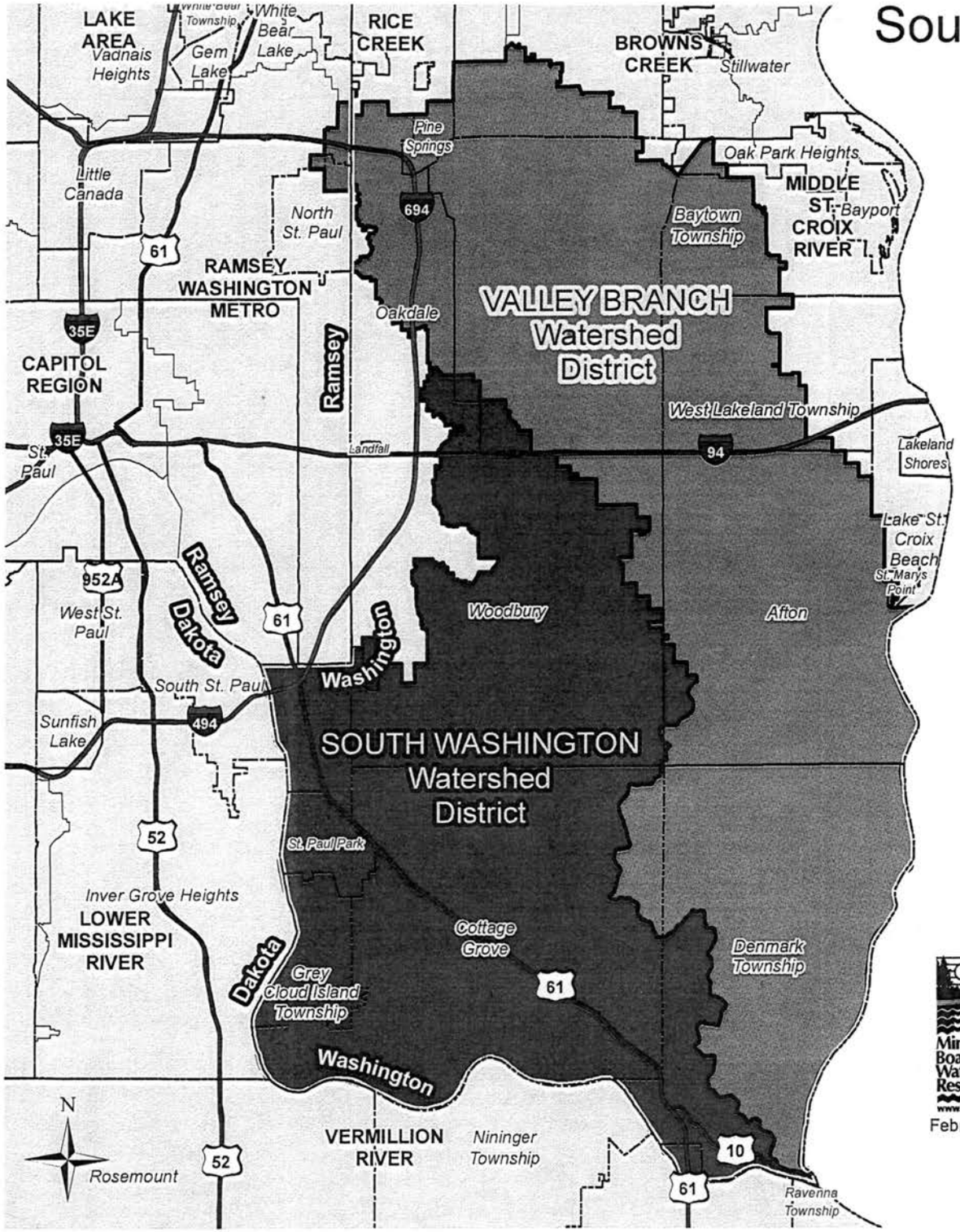
ACTION REQUESTED
Approval of Amendment to South Washington Watershed District Watershed Management Plan

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

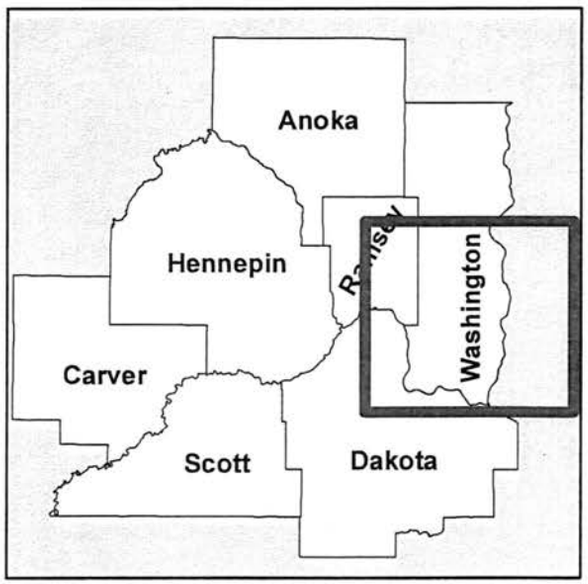
The South Washington Watershed District was established in 1993 and is located in the eastern portion of the Metropolitan Area entirely within Washington County, bound by the Mississippi River to the south and west, the Ramsey-Washington Metro Watershed District to the northwest, and the Valley Branch Watershed District to the north and east. The mission of the District is to manage water and related resources of the South Washington Watershed District in cooperation with citizens and communities. The Amendment consists of the inclusion of the Coordinated Capital Improvement Program (CCIP) and three capital improvement projects: Newport Ravine, Clear Channel Pond, and Grey Cloud Island Slough. The Metro Water Planning Committee met on May 12, 2010. After review of information, the Committee decided with a unanimous vote to recommend approval of the Plan by the Board per the attached draft Order.

Attachments: ☐ **Resolution** ☐ **Order** ☐ **Map** ☐ **Other Supporting Information**

South Washington & Valley Branch Watershed Districts



- Minor Civil Divisions
- County Boundaries
- Current Watershed District Boundaries
- Surrounding Watershed Districts & WMOs



Minnesota Board of Water & Soil Resources
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February 2010

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 review of the Amendment to the Watershed Management Plan for the **South Washington 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 South Washington Watershed District (District) submitted an Amendment to the Watershed Management Plan (Plan) dated April 5, 2010, 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 1993 as the Cottage Grove Ravine Watershed District. The District name was changed in 1995 to the South Washington Watershed District to prevent confusion with the City of Cottage Grove. The District was enlarged in 2003 to include the area formerly within the East Mississippi Watershed Management Organization and again in 2009 to include portions of the area formerly in the Lower St. Croix Watershed Management Organization. The mission of the District is to manage water and related resources of the South Washington Watershed District in cooperation with citizens and communities.

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 September 26, 2007. The watershed management plan may be amended according to Minnesota Statutes Section 103B.231, Subd. 11.

3. **Nature of the Watershed.** The District is located in the eastern portion of the Metropolitan Area entirely within Washington County and is bound by the Mississippi River to the south and west, the Ramsey-Washington Metro Watershed District to the northwest, and the Valley Branch Watershed District to the north and east. The District encompasses approximately 79

square miles and includes all or portions of Denmark and Grey Cloud Island Townships and the cities of Afton, Cottage Grove, Hastings, Lake Elmo, Newport, Oakdale, St. Paul Park, and Woodbury. The drainage pattern is generally from north to south with strong changes in elevation evident across the watershed. The topography of the watershed is generally characterized by two distinct regimes; the northern landscape is characterized by ridges and knolls separated by areas of flat and wide valleys and draws including landlocked basins and elongated depressional areas. The northern area transitions south towards the Mississippi River into broad plateaus with pronounced ravines and natural drainageways dissecting the land. The southern landscape presents more subtle changes in elevation with steep ravines generally less evident except in the Mississippi River area where the drop in elevation is rapid and the topography almost bluff-like.

4. **Amendment Development and 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 60-day review draft of the Amendment was submitted to the Board, other state agencies, Metropolitan Council, and local governments on November 2, 2009. A public hearing was held on February 9, 2010. No comments were received. The 45-day review draft was submitted on February 17, 2010. The final draft of the Amendment was received by the Board on April 5th, 2010.

5. **Local Review.** The District distributed copies of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7.

   Washington County. The County requested the District work with the county early in the planning stage of capital improvement projects that may have impacts to county right of way. The District responded indicating a continued commitment to proactively coordinate projects.

6. **Metropolitan Council Review.** The Council did not comment on the Amendment.

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 DNR did not comment on the Amendment.

10. **Pollution Control Agency Review.** The PCA did not comment on the Amendment.

11. **Department of Transportation Review**. The DOT did not comment on the Amendment.

12. **Board Review.** Board staff commented that the District's Long-Range Work Plan did not include the CCIP or the estimated budgets for the capital improvement projects. The District fully addressed these comments.

13. **Amendment Summary.** The Amendment consists of the inclusion of the Coordinated Capital Improvement Program (CCIP) and three capital improvement projects: Newport Ravine, Clear Channel Pond, and Grey Cloud Island Slough. The purpose of the CCIP is to facilitate actions to improve stormwater management in existing developed areas through financial assistance to local land use and public works authorities. Funding for this program is through the District's stormwater utility fee. The Newport Ravine project will be implemented with the City of

Newport and will address erosion of the ravine, flooding of residences and roadways in the area, and discharges of stormwater into the sanitary sewer system. The Clear Channel Pond project will address flooding and intercommunity flow issues. The Grey Cloud Island Slough project will address water quality issues in the slough.

14. **Metro Water Planning Committee Meeting.** On May 12, 2010, the Board's Metro Water Planning Committee and staff met in St. Paul 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 South Washington 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 5, 2010, to the South Washington Watershed District Watershed Management Plan.

Dated at St. Paul, Minnesota this 26th day of May, 2010.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Rice Creek WD Wetland Plan for Columbus

Meeting Date: May 26, 2010
Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: Metro Region
Contact: Ken Powell or Jim Haertel
Prepared by: Ken Powell
Reviewed by: Metro Water Planning Committee(s)
Presented by: Jim Haertel

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested
☐ Other: _____

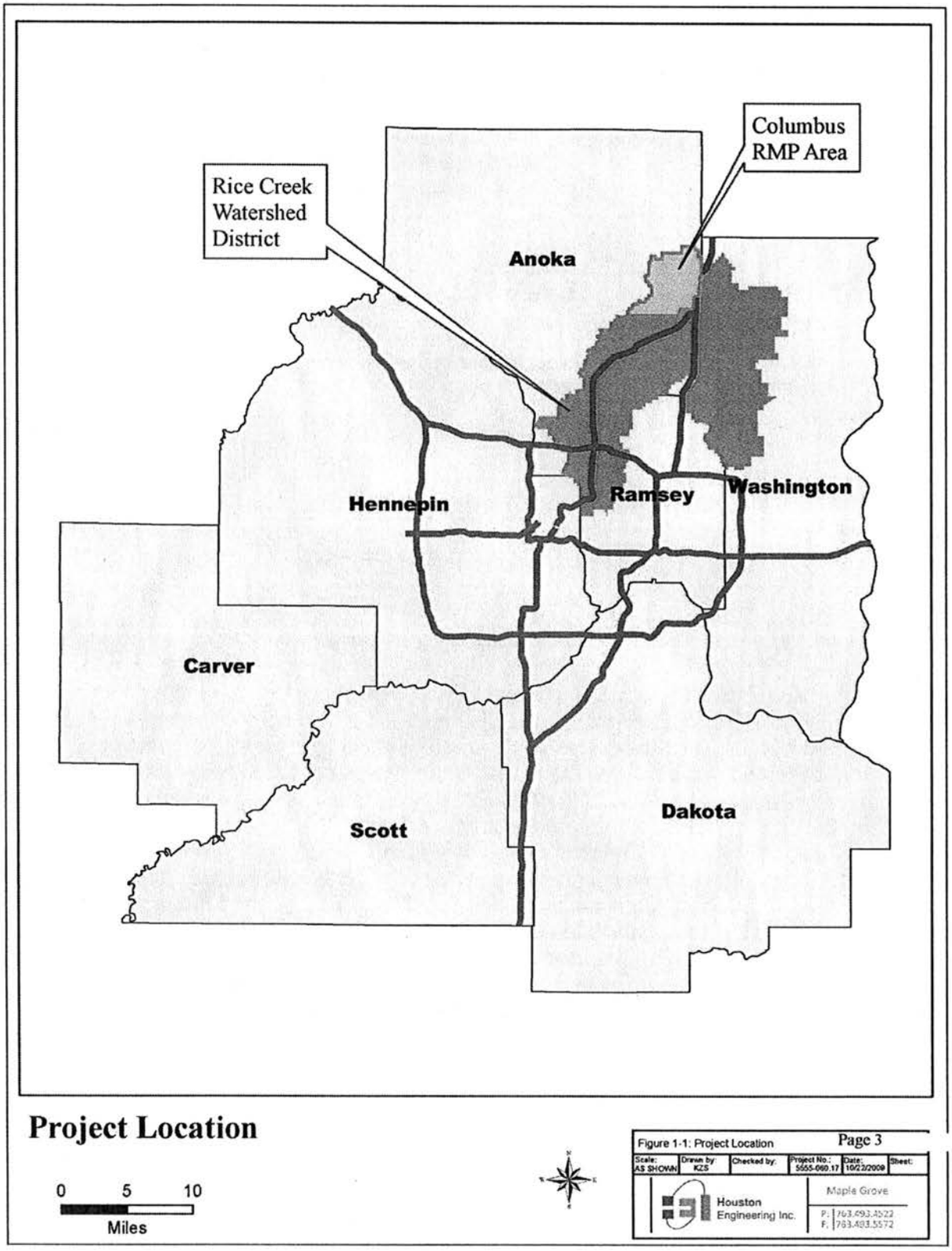
☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

ACTION REQUESTED
Approval of Rice Creek Watershed District Comprehensive Wetland Protection and Management Plan for the City of Columbus.

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

The Comprehensive Wetland Protection and Management Plan came about through a partnership between the Rice Creek Watershed District (RCWD) and the City of Columbus. This collaboration was initiated in 2008 and included coordination between the City, the District and other regulatory agencies. The purpose of the plan is to provide a watershed-based approach to wetland management that is consistent with District goals. The plan takes into consideration the needs and goals of the Rice Creek watershed as a whole, as well as goals of the City of Columbus and the current development trends within the region. The approach addresses management in the context of wetland functions and the effects of anticipated future land use. This framework of guiding where wetland impact and replacement may occur is intended to have the effect of reestablishing larger, contiguous areas of wetland and open space areas. The plan establishes a wetland management corridor where higher wetland replacement ratios apply to wetland impacts within the corridor. The Metro Water Planning Committee met on May 12, 2010 and had a presentation on highlights of the plan from District Administrator Doug Thomas. After review of information, the Committee decided with a unanimous vote to recommend approval of the Plan by the Board per the attached draft Order.

Attachments: ☐ Resolution ☒ Order ☒ Map ☐ Other Supporting Information


Columbus
RMP Area
Rice Creek
Watershed
District
Anoka
Hennepin
Ramsey
Washington
Carver
Scott
Dakota
Project Location
0 5 10
Miles
Figure 1-1: Project Location
Page 3
Scale: AS SHOWN
Drawn by: KZS
Checked by:
Project No.: 5555-060.17
Date: 10/23/2009
Sheet:
Houston Engineering Inc.
Maple Grove
P: 763.493.4522
F: 763.493.5572

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

In the Matter of the review of the Comprehensive Wetland Management Plan for the **Rice Creek Watershed District, City of Columbus,** pursuant to Minnesota Statues Section 103G.2242, Subdivision 1 (c)

ORDER APPROVING COMPREHENSIVE WETLAND PROTECTION AND MANAGEMENT PLAN

Whereas, the Rice Creek Watershed District (District) submitted a Comprehensive Wetland Protection and Management Plan (Plan) dated April 29th, 2010 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 8420.0830 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 Comprehensive Wetland Protection and Management Plan is to provide a watershed-based approach to wetland management that is consistent with District goals. The approach addresses management in the context of wetland functions and the effects of anticipated future land use. This framework of guiding where wetland impact and replacement may occur is intended to have the effect of reestablishing larger, contiguous areas of wetland and open space areas. The CWPMP came about through a partnership between the District and the City of Columbus. This collaboration included coordination between the City, the District and other regulatory agencies.

2. **Nature of the Plan Area.** Columbus is in the northern portion of the Rice Creek watershed and is located in a unique setting, on the suburban fringe of a major metropolitan area in which expansion is planned and areas are zoned for future development. Rice Creek flows from its origin at Clear Lake, within the City of Forest Lake, west into the Columbus plan area and southwest, through a series of lakes and adjacent wetlands within the plan area, and eventually terminating at the Mississippi River. More than 50% of the land area within the City of Columbus is classified as wetland, based on the best available data. The technical analyses associated with the CWPMP show that wetland quality within the City varies considerably, ranging from

pockets of high quality, non-degraded wetland in close proximity to publicly-owned land along portions of Rice Creek, to severely-degraded wetland that has been bisected by various private and public drainage systems. Three of these public drainage systems exist, wholly or partially, within the plan area. The majority of these drainage systems were constructed during the late 1800's and early 1900's. Over the decades, much of the system was minimally maintained by different ditch authorities. Today, many ditches function as straightened creeks within a partially or marginally drained wetland slough or riparian corridor.

3. **Local Review.** The Plan was developed, reviewed, and revised in consultation with the state agencies, the technical evaluation panel, citizens, and local governments. The plan development process included numerous drafts and opportunities for comment. The Plan has an attached Rule that will be officially adopted by the District to implement the Plan.

4. **Highlights of the Plan.** The plan identifies a landscape scale Wetland Management Corridor (WMC). The WMC is generally located along the 100-year floodplain of the water features (Rice Creek and those hydrologically connected lakes, Anoka County Ditch 31, Anoka County Ditch 46 and Anoka County Ditch 10-22-32) and also includes adjacent wetlands exhibiting quality standards. This WMC is refined to the site level during the permitting process and placed under an easement. The WMC forms the basis for the preservation of a hydrologically connected open space corridor along Rice Creek and those connected water bodies, including lakes, public drainage ditches and wetlands. The WMC also forms the basis of the resulting wetland regulations. Regulations are applied such that wetland impacts within the WMC are discouraged via higher replacement ratios and wetland replacement within WMC is encouraged via increased replacement credit allocations.

5. **Metro Water Planning Committee Meeting.** On May 12, 2010, the Board's Metro Water Planning Committee and staff met in St. Paul with a representative from the District 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 Conservationist Melissa Lewis. The representative from the District was District Administrator Doug Thomas. Board staff recommended approval of the Plan. After discussion, the Committee unanimously voted to recommend approval of the Plan to the full Board.

CONCLUSIONS

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

2. The Board has proper jurisdiction in the matter of approving a Comprehensive Wetland Protection and Management Plan for the Rice Creek Watershed District pursuant to Minnesota Statutes Section 103G.2242, Subd. 1 (c).

3. The Rice Creek Watershed District Comprehensive Wetland Protection and Management Plan attached to this Order provides a functional assessment framework for all wetlands within the City of Columbus, 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 April 29th, 2010 for the Rice Creek Watershed District, City of Columbus, Anoka County, Minnesota.

Dated at Saint Paul, Minnesota this 26th day of May 2010.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Randy Kramer, Chair

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

1. Morrison County Water Plan Update – Quentin Fairbanks – ***DECISION ITEM***

2. Stevens County Water Plan Amendment – Quentin Fairbanks – ***DECISION ITEM***

3. Clearwater County Local Water Management Plan Update – Wayne Edgerton – ***DECISION ITEM***

4. Kittson County Local Water Management Plan Update – Keith Mykleseth – ***DECISION ITEM***

5. Pennington County Local Water Management Plan Update – Brian Napstad – ***DECISION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Morrison County Water Plan Update

Meeting Date:
Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region:
Contact:
Prepared by:
Reviewed by: Northern Water Planing Committee(s)
Presented by: Quentin Fairbanks

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested
☐ Other: _____

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

ACTION REQUESTED
Decision

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

By Board Order, the Minnesota Board of Water and Soil Resources (Board) approved the Morrison County Comprehensive Local Water Management Plan (Plan) on May 28, 2003. On May 28, 2008, the Board approved a two year extension for updating the Plan which extends to May 28, 2010. The Northern Water Planning Committee reviewed the Plan on April 14, 2010.

Attachments: ☐ **Resolution** ☒ **Order** ☐ **Map** ☒ **Other Supporting Information**

Executive Summary

Introduction

The Morrison Soil and Water Conservation District (SWCD) assumed the task of the local water plan update in April of 2009. It had previously been administered by the Planning and Zoning office but staff changes and budget considerations compelled the county to make some changes. The Board of Water and Soil Resources (BWSR) had granted an extension until May 2010 and therefore the timeframe for completion required escalated planning. The convening of task force members had to begin again, since the former committee had dissolved.

Initially, a survey had been sent out to all lake associations, agencies, and townships soliciting input, as well as published in the local newspaper with a circulation of over 30,000. Radio spots were used to inform citizens of where and how to submit comments. All agencies came to the table, recognizing the collaborative planning process had diminished in recent years. It was important to capture what had been accomplished from the last plan, and how we should focus our resources for the next decade. The county board appointed citizen members. The attendance twice monthly was very positive and reflected the support the water plan had once had, and would have again.

It was apparent that the water resource managers, lake associations, agencies, etc. desired a source of leadership. It will be the focus of this plan to provide guidance and coordination to all resource protection efforts as well as a format for sharing the information to the public.

Since the Local Water Plan by resolution can be the District's comprehensive plan, it now will truly encompass our district goals as well as the goals of comprehensive water planning.

This plan will encompass the County as a whole, cities included, so that all agencies and units of government have a common focus on how to best utilize our resources in a conscientious manner that serves the needs of citizens, but preserves the resources for future generations.

Further, goals set are with a watershed approach, collaborating with our neighboring counties, recognizing that the boundaries of the County do not confine the impacts we all have on a water resource. The task force felt strongly about the need to identify and protect the water bodies that are not "impaired" and therefore give as much or more emphasis to those waters (listed separately in this document.

X protection

PURPOSE OF LOCAL WATER PLANNING

The Local Water Planning purpose by statute has not wavered in 20 years.

- To identify existing and potential problems and opportunities for the protection, management, and development of water and related land resources; and
- Develop objectives and carry out a plan of action to promote sound hydrologic management of water and related land resources, effective environmental protection and efficient management.

WATER PLANNING HISTORY

The most recent plan (2003-2007) was a comprehensive planning initiative to coordinate the Comprehensive Land Use Plan with the Local Water Plan to make sure land use decisions led to the protection and enhancement of Morrison County's natural resources. The County received a Challenge Grant from the Board of Water and Soil Resources (BWSR) to accomplish the task. After two years of township/county wide hearings and input, the Morrison County Water Plan became a 533 page document. While it was and will continue to be a tremendous resource of information, it was perceived as too large a document to actually use as a work plan. Therefore, this update will refer back to that plan as needed, but attempt to be a more workable document which will provide annual work planning and an implementation planning process. In the many hearings held, it was expressed overwhelmingly that the citizens of Morrison County desire to maintain the rural character of Morrison County, preserve agriculture, and insure water quality in our many lakes, rivers, and wetlands.

The first or "original" Morrison County Comprehensive Local Water Plan was completed and adopted in 1990. Implementation of the plan began immediately. Under the second and third plans we began collaborating and doing some pilot projects that have now become standard practice.

The third generation plan expired in 2008. This 4th generation plan, while shorter in length will attempt to capture our multi-year accomplishments and detail the goals yet to be achieved and/or continued.

****See attached Scoping Document for geologic, geographic, and land use make up of Morrison County and the process for citizen and agency input.**

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Morrison County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on March 1, 2010, 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 29, 2009, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Morrison County, pursuant to M.S. Section 103B.312.

2) On August 12, 2009, the BWSR North Region Water Plan Review Committee met with representatives of Morrison County to review the Priority Concerns Scoping Document.

3) On August 27, 2009, the Board of Water and Soil Resources approved official comments on the Morrison County Priority Concerns Scoping Document, which were mailed to the county on August 27, 2009.

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

- Protect the Quality and Manage the Quantity of Ground Water Resources
- Protect the Quality and Manage the Quantity of Surface Water Resources
- Promote and Implement Sound Land Use Practices that Reduce Impacts on all Water Resources

5) On March 1, 2010, the BWSR received the Morrison County Plan Update, for final State review pursuant to M.S. Section 103B.315, Subd. 5.

6) On April 14, 2010, the North Region Water Plan Review Committee of the board reviewed the recommendations of the state review agencies regarding final approval of the Morrison County Plan Update. Recommendations of the state review agencies were:

A) Minnesota Pollution Control Agency: recommended approval;

B) Minnesota Department of Health: recommended approval;
C) Minnesota Department of Agriculture: recommended approval;
D) Minnesota Board of Water and Soil Resources staff: recommended approval;
E) Board Water Plan Review Committee recommended approval.

7) This update will be in effect for a ten year period until May 26, 2020, with the Goals, objectives and Action Items amended by May 26, 2015.

CONCLUSIONS

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

2. The Morrison 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 Morrison County Local Water Management Plan – May 26, 2010 to May 26, 2020.

Dated at St. Paul, Minnesota, this twenty-sixth day of May, 2010.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Stevens County Water Plan Amendment

Meeting Date: May 26, 2010
Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: Northern Region
Contact: Pete Waller
Prepared by: Pete Waller
Reviewed by: Northern Plan Review Committee(s)
Presented by: Quentin Fairbanks

Fiscal/Policy Impact

☐ None
☐ Amended Policy Requested
☐ New Policy Requested
☐ Other: _____

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

ACTION REQUESTED
Decision

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

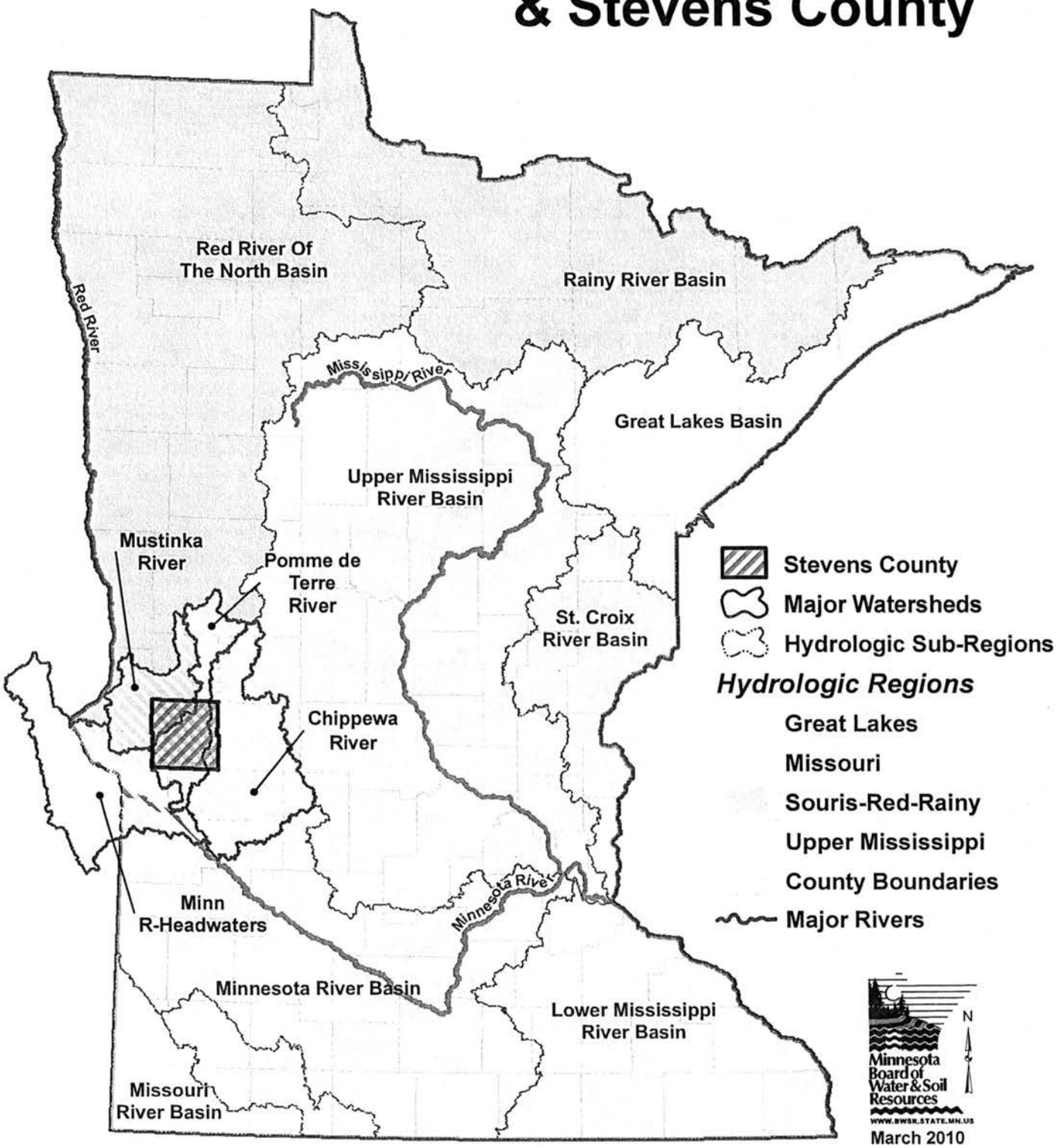
Amendment of Local Water Management Plan- Stevens County

By Board Order, the Board of Water and Soil Resources (Board) approved the Stevens County Comprehensive Local Water Management Plan (Plan) on May 25, 2005. This Plan covers the ten year period of June, 2005 to June 2015 and contained a 2005-2010 five year implementation section. Board Order required an update of the Implementation section (Goals, Objectives and Actions) by May 31, 2010. Following the guidelines established by the Board, Stevens County has completed the local water management plan amendment process and submitted the 'Implementation Plan Amendment June 2010 - June 2015'. The Board's Northern Water Planning Committee (Committee) met on April 14, 2010 to review the Stevens County Plan Amendment. The committee recommends approval of the Plan Amendment.

See attachments: Board Order, County Location Map and the Stevens LWP Implementation Plan Amendment June 2010 - June 2015

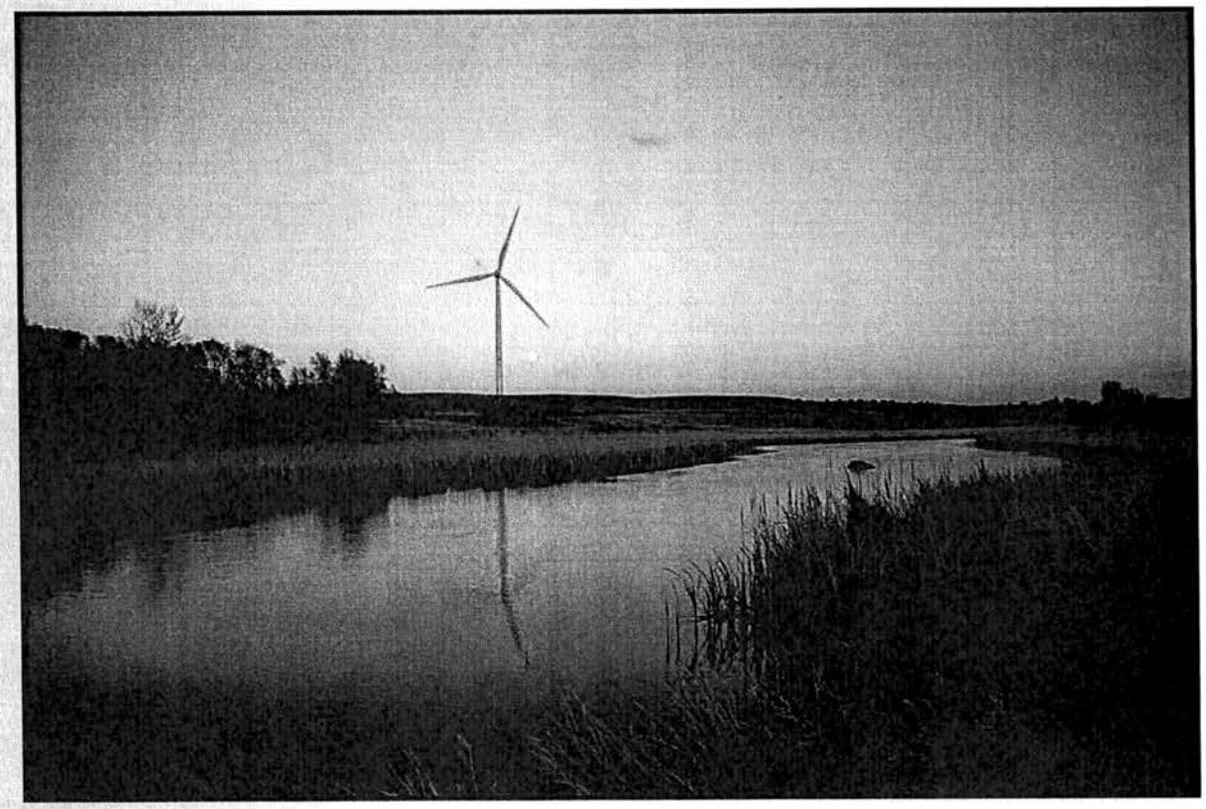
Attachments: ☐ **Resolution** ☒ **Order** ☒ **Map** ☒ **Other Supporting Information**

Minnesota Hydrology & Stevens County



March 2010

Stevens County
Local Water Management Plan



Pomme de Terre River

Implementation Plan Amendment
June 2010 – June 2015

Prepared by the Stevens County Environmental Services
and the Local Water Management Plan Task Force
P.O. Box 530, Morris, MN 56267—Telephone: 320-208-6558

EXECUTIVE SUMMARY

FIVE-YEAR IMPLEMENTATION PLAN AMENDMENT

OVERVIEW OF THE LOCAL WATER MANAGEMENT PLAN

In 2005, Stevens County updated its Local Water Management Plan (LWMP), in accordance with Minnesota Statutes 103B. The plan, which will remain in effect for a period of ten years (June 1, 2005 to June 1, 2015), was formally approved by the Minnesota Board of Water and Soil Resources (BWSR) on May 25, 2005 and the County Board on June 7, 2005.

The document serves two purposes: 1.) to identify existing and potential issues and opportunities related to the protection, management and development of water and land resources, and 2.) to outline an implementation program that will guide the County in water resource management. As a part of the implementation component of the plan, the County developed a Five-Year Implementation Plan and Schedule. The Implementation Plan contains only the initiatives that are of highest priority for implementation and must be updated every five years.

REVISION AND SUMMARY OF THE FIVE-YEAR IMPLEMENTATION PLAN

This Addendum contains an updated Five-Year Implementation Plan; the initial Implementation Plan expired June 1, 2010. The County's Water Plan Task Force (TF) was delegated with the responsibility of overseeing the development of the new Implementation Chapter. The original Priority Concerns for the 10-year plan continue to be addressed in this Implementation Plan Amendment. They are listed below with a brief summary and estimated cost of actions proposed to be implemented.

- **County Administration/Enforcement of Subsurface Sewage Treatment Systems (SSTS) -** The county formally adopted Minnesota Rules Chapter 7080 in 2005 and will continue to enforce and administer a county-wide septic system program. Planned actions for the next five years include amendment of the current septic system ordinance to conform to newly amended MPCA Rules, strategies for identifying imminent public health threats, educational efforts for proper maintenance of systems, and continued use and application for low interest loan funds. **Estimated Cost: $333,000**

- **Ground Water/Rural Water/Wellhead Protection** – The city of Alberta now receives its drinking water supply from the city of Morris. The city of Chokio has upgraded their water supply source by constructing a new water treatment plant. County-wide efforts will continue to provide good water supply to municipalities and rural residents in the county. Actions include assisting cities with wellhead protection planning, well testing and education for rural homeowners, promotion of low-pressure irrigation systems, DNR observation well monitoring, a continued well sealing cost-share program and annual collections of household hazardous waste. **Estimated Cost: $158,000**

- **Erosion and Sediment Control –** Since approximately 95 percent of the county land area is farmed, efforts will continue to identify areas of agricultural lands for gully erosion and concentrated flows. Best Management Practices (BMP) are proposed to protect soil resources and restore surface water quality. Target areas will be watersheds that have TMDL impairments for fecal coliform and turbidity. Emphasis will be placed on establishment of filter strips along ditches and streams to capture sediment as it leaves agricultural fields, and upgrading of septic systems and feedlots with open lot runoff issues. The County will continue to administer a septic system and county feedlot program for permitting and

enforcement. Ongoing conservation practices will be promoted and implemented by the Soil and Water Conservation District (SWCD), the Natural Resources Conservation Service (NRCS) and the Bois de Sioux Watershed (BdS) such as construction of side inlet pipes and sediment basins, field windbreaks, CRP, RIM, WRP, streambank stabilization, livestock exclusion from water, and feedlot runoff/nutrient management planning.

Estimated Cost: $3,452,000

- **Stormwater and Drainage Management –** Stormwater and drainage management applies to both agricultural and urban land uses. Action items are proposed to improve surface water management by decreasing runoff, flooding and erosion while maintaining the drainage systems. Efforts will include identifying construction sites in need of NPDES permits, installing practices to reduce the amount of sediment entering watercourses, water retention/storage in the Bois de Sioux Watershed, promotion of WRP and CCRP, gathering data for each drainage system, and educating landowners on keeping buffer strips in place to protect the drainage systems. **Estimated Cost: $3,115,000**

- **Land Use/Development Issues –** Development of a comprehensive plan would help ensure proper planning and the best land use decisions for the citizens of the county and the environment. Efforts will continue to seek grant funding to hire a consultant to develop the plan which would include updating the current out-of-date zoning ordinance. The reduction of erosion in shoreland areas will also be promoted through continued administration of the county shoreland ordinance. Efforts will focus on well designed shoreline protection practices and encouraging agricultural producers to buffer cropland within the shoreland impact zone. **Estimated Cost: $117,000**

The TF met twice during the planning process to review and update the goals, objectives and actions addressed in the plan, as well as solicit comments from the public, other local governmental units, and the State and Federal agencies.

RECENT LOCAL WATER MANAGEMENT PLAN ACCOMPLISHMENTS

Stevens County has proven its dedication to the implementation of its LWMP through the supportive actions of the TF, Board of Commissioners and the Stevens SWCD. The TF has utilized the Natural Resources Block Grant (NRBG) funds and in-kind services/funding from the SWCD and the Natural Resources Conservation Service (NRCS) in the last five years to successfully accomplish numerous priorities in the LWMP, including those activities listed on the following pages.

Education & Information

- Mailed a newsletter to residents in the county addressing solid waste disposal issues.
- Provided funding for an Environmental Educator for the Scandia Woods Environmental Learning Lab (SWELL). Approximately 600 students participate annually in outdoor environmental lessons.
- Participated and provided annual funding for the Pope/Stevens Waterfest (275 - 6th graders annually).
- Participated and provided annual funding for Conservation Days at SWELL (200 - 5th graders annually).
- Participated and provided annual funding for Envirothon events (average 25 high school teams annually).

- Conducted and provided annual funding for students involved in environmental service learning projects. Projects included community tree plantings, wetland shoreland restoration plantings, native grass plantings, and water monitoring.
- Purchased ArcGIS and Pictometry aerial photo software to aid in environmental planning and development.
- Continue to maintain an arboretum at the SWCD for resident education/information.
- Constructed a rain garden at the SWCD and erected a sign to identify the project.

Monitoring & Data Collection

- Provided funding to the Pomme de Terre Watershed for surface water quality monitoring.
- Provided $700 in funding to assist the County HRA in conducting a rural water survey.
- Funded a portion of a consultant fee to complete a TMDL application for the MPCA to seek grant funding to hire a coordinator for the Pomme de Terre Watershed.
- Completion and approval of fecal coliform TMDL from Muddy Creek to Marsh Lake in 2008.
- Completion and approval of fecal coliform TMDL Implementation Plan from Muddy Creek to Marsh Lake in 2008.
- Applied for and received funding through an EPA 319 grant for fecal coliform reduction practices: $286,000 in 2009.
- Completion and approval of turbidity TMDL from Muddy Creek to Marsh Lake in 2010.
- Began a two year lake assessment project in 2009 monitoring lakes: Hattie, Crystal, North Pomme de Terre and Middle Pomme de Terre.

Land & Water Treatment

- Continued unused well sealing cost-share program sealing 31 wells.
- Conducted four household hazardous waste collections annually (72,260 lbs collected).
- Conducted annual empty pesticide container collections (25,000 lbs. collected).
- Administered the AgBMP low interest loan program funding 10 septic system upgrades, 7 pieces of conservation tillage equipment, 1 feedlot upgrade and 1 field windbreak.
- Provided cost-share funding ($500 each) for five septic system upgrades in the Pomme de Terre River Watershed.
- Installed four stream barbs along a 350' stretch of the Pomme de Terre River to eliminate bank erosion. The Water Plan provided 25% ($1,500) of the project cost.
- Enrolled and implemented upland and wetland restorations on approximately 5,400 acres of marginal cropland with the Wetlands Reserve Program.
- Enrolled and implemented upland and wetland restorations on approximately 6,200 acres of marginal cropland with the Conservation Reserve Program.
- Provided cost share and incentive payments for 68.5 acres of pasture establishment, fencing and watering facilities with Environmental Quality Incentive Program (EQIP).
- Provided cost share and technical assistance for 1 grassed waterway and 6 water and sediment control basins with EQIP.
- Provided cost share for a 113 acre low pressure conversion (center pivot irrigation system) with EQIP.
- Nutrient Management planned and implemented on 1,154.6 acres via EQIP.
- NRCS provided in kind technical assistance to 3 landowners with feedlot runoff problems.

Technical Assistance

- Provided $1,000 annually to support the Farm Bill Technician position.
- Provided $13,145 annually to support the Pomme de Terre Watershed Coordinator position. The funding was for a three year period 2008, 2009, and 2010.

Ordinance Updates

- Officially adopted MN Rules Chapter 7080 to administer and enforce a county-wide septic system ordinance in 2005.
- Updated the county shoreland ordinance to comply with MN Rules Chapter 6120 in 2007.

ONGOING PROGRAMS

Stevens County continues to administer several programs that are vital to achieving the goals set forth in the LWMP, including those related to county-wide zoning, floodplain and shoreland management, solid waste management, subsurface sewage treatment systems, county feedlot program, and the Wetland Conservation Act (WCA). The Environmental Services Department is responsible for locally administering these programs; the Stevens SWCD helps co-administer the WCA. Annual reports are completed for the above programs that provide grant funding through the Natural Resources Block Grant. Understandably, the continued funding of these programs has been identified as a high priority in the Five-Year Implementation Plan.

The NRCS and Stevens SWCD continue to work as a partnership to control erosion, improve water quality and wildlife habitat in Stevens County. These efforts and achievements are possible due to good working relations and by implementing such conservation programs as: CRP, CSP, EQIP, RIM and WRP.

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 **Stevens County** (Minnesota Statutes, Section 103B.314, Subdivision 6)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN AMENDMENT

Whereas, on May 25, 2005, the Minnesota Board of Water and Soil Resources (Board), by Board Order, approved the Stevens County Local Water Management Plan Update (Plan); June, 2005 – June, 2015 with a Implementation Program from June, 2005 – June, 2010; and

Whereas, this Board Order stipulated that Stevens County was required to amend the June, 2005 – June, 2010 implementation section; and

Whereas, the Stevens County Board of Commissioners submitted the Stevens County Plan Implementation Plan Amendment June 2010 – June 2015 to the Board on March 22, 2010; and

Whereas, this Amendment contains the updated five-year implementation section as ordered by the Board; 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 September 1, 2009, the Board received a September 1, 2009 resolution from Stevens 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 April 17, 2009 Board staff provided information on the amendment process to Stevens County.

3. On November 10, 2009, Stevens County provided proper notice to local units of government and state agencies of the county's intent to amend its five-year implementation section and invited all recipients to participate in the amendment process.

4. On January 13, 2010, Stevens County convened its water plan task force to initiate the five-year implementation section update. Several additional meetings were conducted.

5. Stevens County received written comments from the Minnesota Pollution Control Agency, the Minnesota Department of Natural Resources, and the Minnesota Board of Water and Soil Resources in December, 2009.

6. No other state agency or local government unit provided written comments to Stevens County.

7. On March 22, 2010, the Amendment which was developed by Stevens County and includes the revised June, 2010 to June, 2015 five-year implementation section was submitted to the required state review agencies.

8. On April 6, 2010, after providing for proper public notice, Stevens County conducted a public hearing on the proposed Amendment. No additional comments were submitted at the hearing.

9. On March 22, 2010, the BWSR received the Stevens County Plan 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.

10. On April 14, 2010, the Board's northern regional Water Planning Committee (Committee) reviewed the Stevens County Plan 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 Amendment will be in effect until June 30, 2015.

CONCLUSIONS

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Amendment of Stevens County pursuant to Minnesota Statutes, 103B.314, Subd. 6.

2. The Stevens County Plan Amendment attached to this Order states goals, objectives, and actions the county will address as the five year implementation section: June, 2010 to June 2015. This Amendment, as well as the previously approved 10-Year Water Management Plan Stevens County Plan: June, 2005 to June 2015, is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached Amendment of the Stevens County Water Management Plan for June, 2010 – June, 2015. Stevens County will be required to provide for a complete update of its Water Management Plan prior to June 30, 2015.

Dated at St. Paul, Minnesota, this **26th day of May 2010**.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Clearwater County LWM Plan Update

Meeting Date:
Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: North
Contact: Chad Severts
Prepared by: Chad Severts
Reviewed by: Northern Water Planning Committee(s)
Presented by: Wayne Edgerton

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested
☐ Other:

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

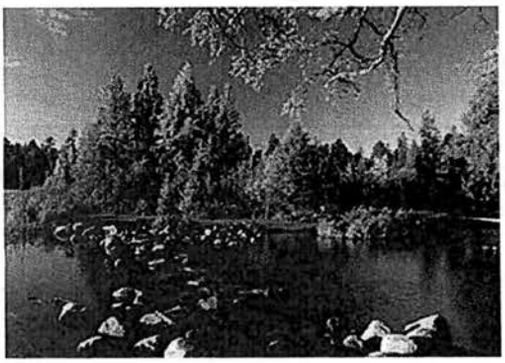
ACTION REQUESTED
Approval of the update to the Clearwater County Local Water Management Plan.

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

Clearwater County Local Water Management Plan Update – On April 14, 2010, the Northern Water Planning Committee reviewed the updated Clearwater County Local Water Management Plan and the comments received from the state agency review. As a result of this review and discussion with representatives from Clearwater County, the Committte recommends approval of the Clearwater County Local Water Management Plan fromMay 26, 2010 to May 26, 2020 with the Goals, Objectives, and Action Items being amended prior to May 26, 2015. See attachments. DECISION ITEM

Attachments: ☐ **Resolution** ☒ **Order** ☐ **Map** ☒ **Other Supporting Information**

2010 – 2020 Clearwater County Comprehensive Local Water Management Plan



A. Executive Summary

Almost twenty years ago Clearwater County completed its first comprehensive local water plan. There have been tremendous efforts put forth by the County and its partners to achieve the goals described in earlier water plans, as well as to protect and enhance our soil, water and natural resources throughout Clearwater County. Major accomplishments of previous water plans are listed in the appendices. Since comprehensive local water planning first began in Clearwater County, great strides have been made in the local water planning effort of our understanding of water quality and quantity issues, local cooperation, data collection and analysis, and the use of technology. To be truly successful in local water management we must strive to continuously educate our citizens and youth in the ongoing soil and water issues we face. It is the county's ability to implement and educate its citizens on corrective actions for the most important issues that have made Clearwater County a leader in water resource management in northern Minnesota.

This document is the 4th generation of Comprehensive Local Water Management Planning for Clearwater County. This plan is designed to address local water management planning for the next ten years in the county, with an update to take place after the first five years. This document includes the results of the five-year comprehensive local water management plan update. Like previous water plan updates, there is significantly more known about the water and soil resources in Clearwater County, largely due to the efforts and goals generated by previous water planning efforts. The strategies developed for Clearwater County for the next ten years show a deeper understanding of the issues we face and will address in the upcoming years. For the purpose of this planning effort the Clearwater SWCD is the delegated water planning authority for Clearwater County.

The purpose of the Clearwater Comprehensive Local Water Management Plan is to address soil and water issues throughout the entirety of the county, with the focus primarily on strategies for the three major watersheds in the county: Wild Rice, Clearwater, and Upper Mississippi. For areas in the county not specifically addressed in this plan, all applicable conservation efforts will take place on an as needed basis. As an enhancement to previous plans, several strategies are now targeted to specific watersheds or county-wide management issues. Strategies developed for Water Quality, Land Use Impacts, and Exotic/Invasive Species Management are focused on in this plan, with coordination and education being stressed in each area of focus.

Scope

This water planning effort deals with both water quality and quantity issues for ground water as well as surface water, land use issues, and exotic/invasive species management issues. This process covers a wide range of concerns, but focuses on those that were viewed as most important by the Water Plan Task Force and County Board. For the County and SWCD to implement this plan and its objectives it would need just over $2,800,000 in funds over the

next ten years. This dollar amount is only for costs that we know would exist, external costs that can not be determined at this point would add at least $1,400,000 to the total costs to implement the plan. The total estimated cost of implementing this water plan would be $4,200,000.

Process

The process involved in updating background information collected over the previous 3 planning processes, an initial assessment to determine areas where staff work should be focused on within each watershed, and a more detailed assessment of those selected issues. The final assessment resulted in the selection of the prioritized issues (Priority Concerns Scoping Document) to be addressed within the five-year action plan at the end of the report.

The Priority Concerns Scoping Document and Action Plan identify actions addressing specific issues and geographic areas of Clearwater County. The comprehensive local water plan will serve as a tool to create even more detailed one-year plans (Annual Plan of Work) of action for the Clearwater SWCD as well as county departments, state agencies, and other local parties.

The comprehensive local water management plan is a compilation of issues from a variety of groups and citizens of Clearwater County. An advisory committee - the Water Plan Task Force - oversaw the complete planning process. The task force met a number of times over the 1 ½ year timeline. In addition to task force meetings, committee members and local staff met with the SWCD planning staff to discuss specific issues and concerns. Members of the public were invited to participate through public meetings at the beginning and end of the planning process. Public announcements were published in local media.

In the development of the final comprehensive local water management plan the Clearwater SWCD made sure that this plan was consistent with local, state, and federal plans and objectives to avoid redundancy and make it easier to implement projects on the ground with our conservation partners and county residents. We will continue to work with both our government and non-government partners to ensure Clearwater County residents are getting the highest degree of efficiency and quality of work possible.

Recommended Amendments to Other Plans and Official Controls

To fully execute the Clearwater Comprehensive Local Water Management Plan as written it is imperative that both state and local governments are consistent in funding both projects and planning efforts on a year to year basis. The implementation of this plan can be achieved only if funding for the work described in the following pages is available and enough to cover both project and personnel costs. To ensure that quality projects are put on the ground and in the most efficient way possible our funding to implement them needs to be completely secure and available as needed.

We will actively be working with all of our conservation partners to make any changes or additions to any existing plans on an as needed basis. Many of the issues/changes in our local planning process are addressed directly in the Plan of Action.

Contents

The plan is divided into four sections. The ***Inventory*** describes all data collection activities and presents the results. The ***Initial Assessment*** provides a general overview of resources and issues and identifies areas for detailed study. The ***Detailed Assessment*** provides an analysis of specific watersheds and issues identified in the initial assessment. The ***Plan of Action*** is the key component of the plan that puts the plan on "the ground". Specific implementation strategies were selected by the Water Plan Task Force and County to protect, enhance, and restore the County's water and natural resources for the next five years. This planning effort represents the strong commitment by Clearwater County of the protection of its waters and natural resources as well as the County's economic and social well-being.

Administration, Coordination, and Maintenance

The discussion of these components of the County Water Plan follows the Plan of Action at the End of this Document. This section lays out the responsibilities and procedures for the inclusion of other planning efforts, plan implementation, evaluation, amendment, and conflict resolution.

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Clearwater County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on February 5, 2010, pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1) On February 2, 2009, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Clearwater County, pursuant to M.S. Section 103B.312.

2) On May 27, 2009, the Board of Water and Soil Resources approved official comments on the Clearwater County Priority Concerns Scoping Document, which were mailed to the county.

3) The priority concerns, in no particular order of importance, the local water management plan addresses include:
   - Surface Water Quality Protection and Enhancement
   - Drinking Water Source Protection
   - Exotic and Invasive Species Management
   - Land Use Impacts on Water Quality

4) On February 5, 2010, the BWSR received the Clearwater County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5) On April 14, 2010, the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Clearwater County Plan Update. Recommendations of the state review agencies were:
   A) Minnesota Department of Agriculture: recommends approval;
   B) Minnesota Department of Health: no recommendation received;
   C) Minnesota Department of Natural Resources: no recommendation received;
   D) Minnesota Pollution Control Agency: recommends approval;
   E) Minnesota Environmental Quality Board: no recommendation received;
   F) Minnesota Board of Water and Soil Resources regional staff recommends approval;
   G) Board Water Plan Review Committee Meeting recommends approval.

6) This update will be in effect for a ten-year period until May 26, 2020; with Goals, Objectives, Action Items amended by May 26, 2015.

CONCLUSIONS

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

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

ORDER

The Board hereby approves the attached update of the Clearwater County Local Water Management Plan through May 26, 2020; with Goals, Objectives, and Action Items being amended prior to May 26, 2015.

Dated at St Paul, Minnesota, this twenty-sixth day of May, 2010.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Kittson County LWM Plan Update

Meeting Date:
Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: North
Contact: Chad Severts
Prepared by: Chad Severts
Reviewed by: Northern Water Planning Committee(s)
Presented by: K. Mykleseth

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested
☐ Other:

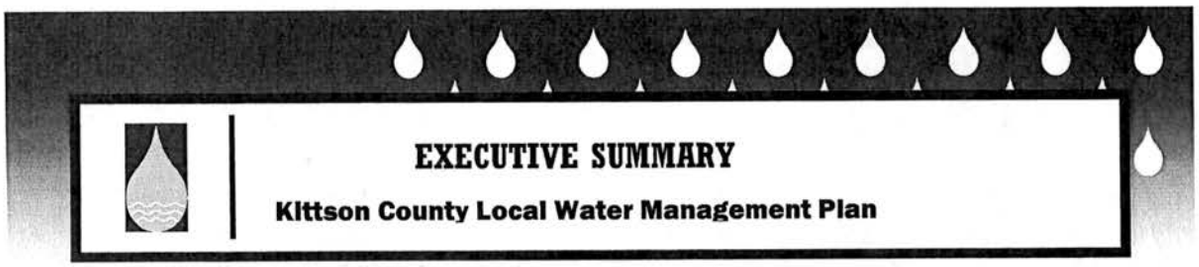
☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

ACTION REQUESTED
Approval of the update to the Kittson County Local Water Management Plan.

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

Kittson County Local Water Management Plan Update – On April 14, 2010, the Northern Water Planning Committee reviewed the updated Kittson County Local Water Management Plan and the comments received from the state agency review. As a result of this review and discussion with representatives from Kittson County, the Committte recommends approval of the Kittson County Local Water Management Plan from May 26, 2010 to May 26, 2020 with the Goals, Objectives, and Action Items being amended prior to May 26, 2015. See attachments. DECISION ITEM

Attachments: ☐ **Resolution** ☒ **Order** ☐ **Map** ☒ **Other Supporting Information**



EXECUTIVE SUMMARY

Kittson County Local Water Management Plan

The Kittson County Local Water Management Plan (CLWP) will be in effect for 10 years, with a five year implementation plan.

This section addresses the following items:

- Purpose and version of the CLWP;
- 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;
- A summary of recommended amendments to other plans and official controls.

Version and Purpose:

This is the fourth version of the Kittson County Water Management Plan, dated January 1, 2010.

The Kittson County Local Water Plan has three purposes:

1. To identify existing and potential problems or opportunities for protection, management and development of water resources and related land resources in Kittson County.
2. To develop and implement a plan of action to promote sound hydrologic management of water and related land resources in Kittson County.
3. To work toward effective environmental protection and management in Kittson County.

This CLWP focuses on priority concerns as identified in coordination with other local governments and state agencies and an implementation plan that addresses the priority concerns.

Description of Priority Concerns:

The priority concerns in which the Kittson County Water Resources Advisory Committee (WRAC) will focus on are as follows:

- ***Land Use*** – Wind and Water erosion is a big problem in Kittson County. Wind erosion is the biggest cause of siltation in watercourses, ditches and wetlands in the county. Because of Kittson's flat topography water erosion is also a concern. The following subwatersheds (Little Joe Diversion, North Branch at Outlet, Judicial Ditch #10 and the Unnamed Coulee) were selected for areas of study and implementation of programs to reduce sediment loads.
- ***Surface Water*** – The main objective in this category will be to focus on impaired waters/Total Maximum Daily Loads (TMDL), such as the Joe River Watershed District. Our primary focus will be on Turbidity, Bacteria and Nutrients in the TMDL sites listed. Other sites when added to the TMDL list will be considered in this section of the priority concerns.
- ***Groundwater*** – Protecting our drinking water resources will be the main priority for groundwater. All public water supplies in Kittson County come from an underground water source. None of the communities rely on surface water.

Education and outreach are a part of each of the priority concerns.

With the decrease in funding for Water Management Implementation, we will address issues that are doable with the funds we receive. Other implementation items will be accomplished through other funding sources.

Summary of Goals and Actions and Projected Total Cost:

Summary of goals and actions along with the projected total cost of the implementation program for each priority concern include:

Priority Concern: *Land Use*

The goal summary of this priority concern is to reduce erosion and sedimentation in Kittson County through enforcement of existing regulations, use of existing programs and development of new programs.

Summary of the actions and costs include:

- Contact landowners one on one and identify any resource protection needs on their properties;

- Promote and enroll landowners in easement programs (CCRP, CRP, RIM) and implement conservation practices such as grass filter strips, field windbreaks, living snow fence, farmstead shelterbelt, wetland restorations, etc.;
- Promote and enroll landowners in other incentive laden programs, such as EQIP and implement conservation practices such as No Till, Field Borders, Cover Crop, Prescribed Grazing, etc.;
- Promote said conservation programs at annual Ag meetings, township meetings and the Kittson County Crop Improvement Day.

Approximate cost: $1,401,000 (majority for CCRP, EQIP, CRP, RIM)

Priority Concern: *Surface Water*

The goal summary of this priority concern is to provide for protection of all surface waters in Kittson County.

Summary of the actions and costs include:

- Assist with the development of TMDL and also assist with water quality monitoring;
- Inventory possible side inlets to legal ditches and look for funds to reduce erosion potential at them;
- Develop a septic system inventory that determines which systems are failing;
- Implement conservation practices such as grass filter strips, field windbreaks, living snow fence, farmstead shelterbelt and wetland restorations.

Approximate cost: $510,000 (majority for Grants, CCRP, State Cost Share)

Priority Concern: *Groundwater*

The goal summary of this priority concern is to provide for protection of ground waters in Kittson County.

Summary of the actions and costs include:

- Continue with Kittson SWCD well sealing program;
- Inventory all potential abandoned wells in Kittson County;
- Work with rural water associations on wellhead protection plans.

Approximate cost: $200,150

Summary of Consistency/Inconsistency of the Plan with other Plans:

Summary of the consistency of the Kittson County Water Management Plan with other pertinent local, state and regional plans and controls include:

- The CLWP is also the plan in which the Kittson Soil and Water Conservation District uses as their Comprehensive Plan.

Parts of the following plans are incorporated in the CLWP:

- Joe River Watershed District Overall Plan
- Two Rivers Watershed District Overall Plan
- Roseau River Watershed District Overall Plan
- Middle-Snake-Tamarac Rivers Watershed District
- Other state and local reports, information, etc.

There are no inconsistencies that we are aware of with other plans.

Summary of Recommended Amendments to other Plans/Controls:

The Kittson County Local Water Management Plan does not have any recommended amendments to other plans/controls.

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Kittson County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on January 15, 2010, pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1) On December 30, 2008, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Kittson County, pursuant to M.S. Section 103B.312.

2) On May 27, 2009, the Board of Water and Soil Resources approved official comments on the Kittson County Priority Concerns Scoping Document, which were mailed to the county.

3) The priority concerns, in no particular order of importance, the local water management plan addresses include:
   - Land Use
   - Surface Water
   - Ground Water

4) On January 15, 2010, the BWSR received the Kittson County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5) On April 14, 2010, the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Kittson County Plan Update. Recommendations of the state review agencies were:
   A) Minnesota Department of Agriculture: recommends approval;
   B) Minnesota Department of Health: recommends approval;
   C) Minnesota Department of Natural Resources: no recommendation received;
   D) Minnesota Pollution Control Agency: 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 May 26, 2020; with Goals, Objectives, Action Items amended by May 26, 2015.

CONCLUSIONS

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

2. The Kittson 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 Kittson County Local Water Management Plan through May 26, 2020; with Goals, Objectives, and Action Items being amended prior to May 26, 2015.

Dated at St Paul, Minnesota, this twenty-sixth day of May, 2010.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Pennington County LWM Plan Update

Meeting Date:
Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: North
Contact: Chad Severts
Prepared by: Chad Severts
Reviewed by: Northern Water Planning Committee(s)
Presented by: Brian Napstad

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested
☐ Other: _____

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

ACTION REQUESTED
Approval of the update to the Pennington County Local Water Management Plan.

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

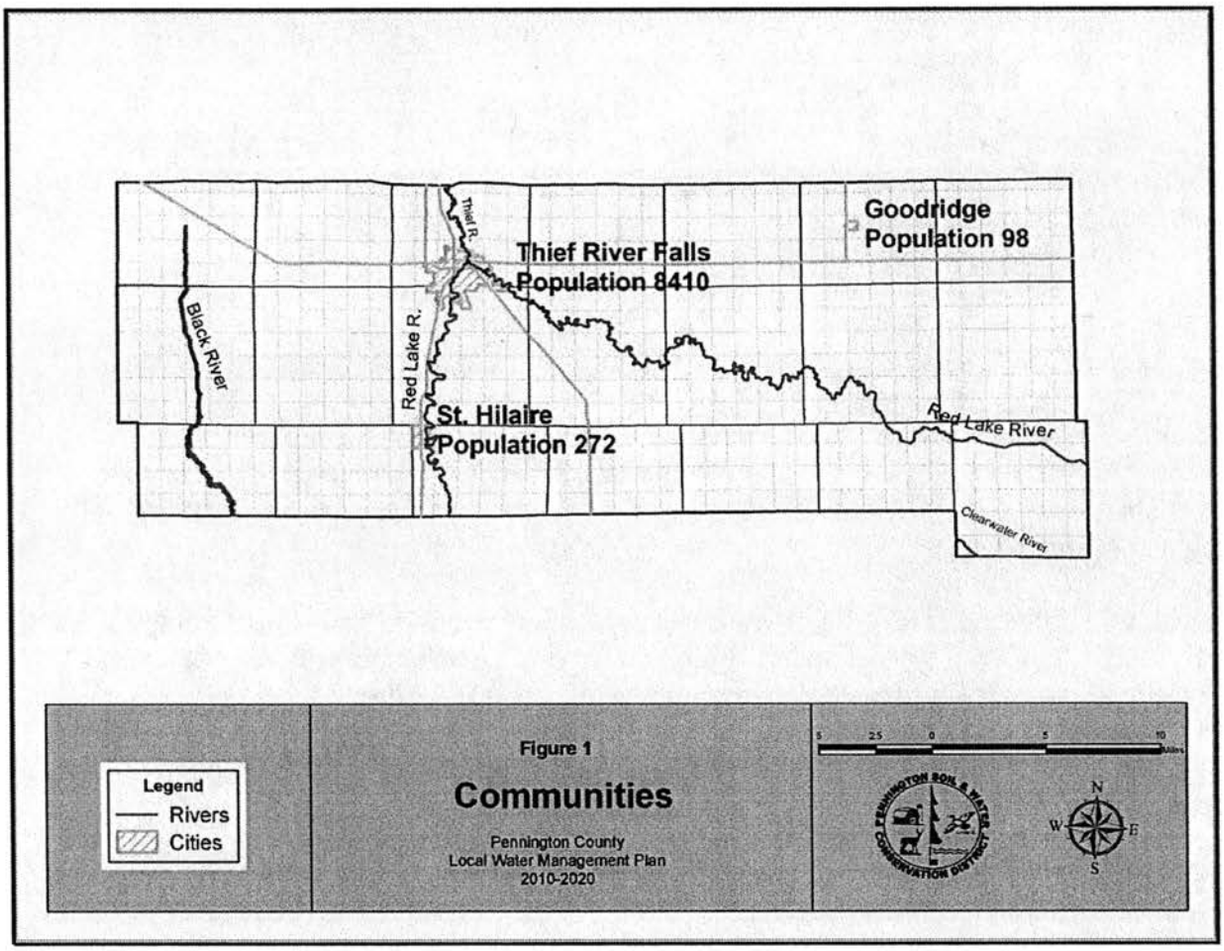
Pennington County Local Water Management Plan Update – On April 14, 2010, the Northern Water Planning Committee reviewed the updated Pennington County Local Water Management Plan and the comments received from the state agency review. As a result of this review and discussion with representatives from Pennington County, the Committte recommends approval of the Pennington County Local Water Management Plan from May 26, 2010 to May 26, 2020 with the Goals, Objectives, and Action Items being amended prior to May 26, 2015. See attachments. DECISION ITEM

Attachments: ☐ **Resolution** ☒ **Order** ☒ **Map** ☒ **Other Supporting Information**

Executive Summary

Introduction

Pennington County is situated among the prairies and farmland of northwestern Minnesota. According to the 2000 Census the county has a population of approximately 13,600 with an expected increase of 0.9%. The city of Thief River Falls sits as the county seat in the northwestern portion of the county. It is the largest community in the county with a population of about 9,000. Other communities within the county include Goodridge and St. Hilaire. See Figure 1 below.



Pennington County lies within the Red River of the North Basin Watershed. It is comprised of 395,617.5 acres. The remnants of Glacial Lake Agassiz, which covered the land approximately 15,000 years ago, provide fertile soils which are ideal for agriculture. Agriculture makes up 78.5% of the land use in the county. Other land uses within the county include: 0.9% urban and industrial, 1.02% farmstead and rural residents, 5.6%, grassland, 2.3% grass-deciduous tree/shrub complex, 7.8% deciduous forest, <0.1 coniferous forest, 1.3% wetlands, and 2.5% other. Figure 3, pg 14

Watersheds in Pennington County

Pennington County is comprised of 5 watersheds. They include the Thief River, Red Lake River, Snake River, Grand Marais Creek, and Clearwater River Watersheds. Figure 4. All five watersheds are part of the larger Red River of the North Basin Watershed.

Red Lake River Watershed

This watershed covers the vast majority of the county; 72.1 % of the 844,147.8 acre watershed is within the county. The Red Lake River, which originates at the dam of the Lower Red Lake outlet, flows in a westerly direction through the Red Lake Nation, Pennington County, Red Lake County and Polk County for approximately 196 river miles until its confluence with the Red River of the North at East Grand Forks. The Red Lake River has two main tributaries, the Thief River and Clearwater River. Numerous other streams, rivers and drainages contribute to this watershed.

The Red Lake River is very important for recreation, wildlife habitat and drinking water. It is a drinking water source for the cities of Thief River Falls, East Grand Forks and Grand Forks. In Thief River Falls the municipal dam on the Red Lake River creates a reservoir of 135 acres. The reservoir is used by the city for water supply and hydropower generation.

Development in the County within this watershed is primarily within the cities of Thief River Falls and St. Hilaire. Shoreland development is rather heavy in and around these communities. Most of the land is privately owned. Figure 5. Rural land is intensively farmed for the production of soybeans and wheat. Some gravel mining is also being conducted along the Glacial Lake Agassiz beach ridge on the western portion of the county. Future developments in and around Thief River Falls will most likely take place with the continued success of Digi-Key Corporation and Arctic Cat Inc.

Recreational use of the land in this watershed is becoming more popular. Canoeing, tubing, boating, and fishing are very popular activities along the river. There are three state owned wildlife management areas (WMA); Jacksnipe, Higinbotham and Pembina which all offer activities for the outdoor enthusiasts such as birding and hiking. Figure 6. It also provides prime hunting opportunities for deer, geese, grouse and other game. Jacksnipe is located southeast of Thief River Falls and is approximately 203 acres. Higinbotham is 984 acres, located just west of St Hilaire. Pembina WMA is 4,097 acres; about half lies within western Pennington County, the other half is located in Polk County.

Thief River Watershed

The Thief River Watershed lies in the northeast and north central section of the county. The watershed has a total of 689,401 acres; 13.1 % is located in Pennington County. Most of the watershed is located within Marshall County, with some in the northern portion of Beltrami County. The Thief River begins at the outlet of Thief Lake in Marshall County where it flows south through Agassiz Pool located in the Agassiz Wildlife Refuge, and continues until it meets the Red Lake River in the city of Thief River Falls. The quality of water on the Thief River has been listed on the 303(d) impairment list for Dissolved Oxygen and Turbidity from Agassiz Pool to its confluence with the Red Lake River.

The portion of the watershed located within Pennington County has one wildlife management area. Reiner WMA is 122 acres and is located in the north east section of the county. Land in this watershed is commonly farmed for soy beans and wheat. The population is sparse in rural areas, however in and around the city of Thief River Falls the population is heavily developed.

Clearwater Watershed

Clearwater Watershed is 887,096.2 acres; 9.5% is located in Pennington County along the southeast corner. The majority of the watershed is within Red Lake and Polk Counties. The area in the County which the watershed drains has only a few farmsteads. Land use is mostly agricultural including the production of wildrice. Oriniak is a small 312 acre wildlife management area found within this watershed.

Grand Marais Creek Watershed

Grand Marais Creek Watershed is a 383,436.1 acre watershed; only 3.2 % is within the County. This watershed lies mostly in the northwestern portion of Polk County and barely enters into the western portions of Pennington County. Land use throughout the watershed is primarily agriculture and is extensively drained.

Snake River Watersheds

Snake River Watershed is 501,919.7 acres; only 2.1% is located within the northwest corner of the County. Most of the watershed is in Marshall County; however a small section is also in Polk County. The northwest corner of the County which the watershed drains is sparsely populated with agricultural fields making up the majority of land use.

Administration of Local Water Management Plan

The responsibility of administrating and coordinating the implementation of the Comprehensive Local Water Plan (CLWP) is the responsibility of the Soil and Water Conservation District's Water Plan Coordinator. Guidance and direction is provided by the Water Resources Advisory Committee (WRAC). The WRAC is a group of individuals from local, state, and federal governments as well as local citizens and interest groups. The WRAC also helps to establish priority concerns, goals, and objectives of the plan, and oversees the implementation of the local plan and projects.

A summary of the accomplishments of the Pennington County Local Water Management Plan (CLWP) can be found in Appendix A.

Plan Purpose

The Pennington County Local Water Management Plan originates from a local desire to actively participate in the management of local water resources and from State legislation that identifies the County as a central figure in water resource management. The Comprehensive Local Water Management Act of 1985 (Minnesota Statutes, chapter 110B) allows counties the opportunity to work with the Minnesota Board of Water and Soil Resources (BWSR) in identifying water related problems and priorities which can be addressed through a set of locally based strategies and work plans. The County, upon approval of the Local Water Management Plan, is eligible to receive implementation funding from the state.

Pennington County completed its first CLWP in 1990. This plan established a direction which identified education, information development, ground water protection, surface water protection, solid waste control, erosion prevention, flood reduction, and improved land management as key issues. Funding from BWSR was combined with resources from Local Units of Government (LUGs), the Pennington Soil and Water Conservation District (SWCD), the Red Lake Watershed District (RLWD), and other agencies to implement a series of programs identified in the CLWP.

The implementation portion of the plan has been refined each year. The County has expanded its water resource management role since 1990 by accepting responsibility for shoreland management, feedlot program administration, Wetland Conservation Act (WCA) administration, floodplain administration and Subsurface Sewage Treatment Systems (SSTS) administration. The CLWP has been updated twice since it was first completed; once in 1997 and again in 2002.

This is the fourth generation of local water planning in the County. We continue to actively work on past and current priority concerns and to identify future concerns so our water and related land resources are protected, managed and developed. The fourth generation plan focuses on the protection of water resources through education, the promotion and implementation of Best Management Practices (BMPs) and coordination and cooperation with agencies. This will be accomplished through three main priority concerns for the next ten years. The following guidelines will be met in this document:

1. The plan must cover the entire county
2. The plan must address problems in the context of watershed units and ground water systems.
3. The plan must be based upon principles of sound hydrological management of water, effective environmental protection and efficient management.
4. The plan must be consistent with local water management plans prepared by counties, watersheds districts and watershed management organizations wholly or partially within a single watershed unit or groundwater system.
5. The plan must cover a five or ten year period.

Description of Priority Concerns

Comment and public participation was requested from citizens of Pennington County. Those comments along with governmental agencies expressed their water resource concerns. The following priority concerns were developed from this process: Protection and Improvement of Surface Water Quality, Flood Damage Reduction, and Drinking Water Protection.

Priority Concern 1: Protection and Improvement of Surface Water Quality

Focus areas that will be addressed in this plan include the following; the reduction of sedimentation in the Thief and Red Lake River Watersheds with priority given to the minor watersheds supplying the Thief River Falls Reservoir; addressing surface water quality through the enforcement of existing regulations and programs and the establishment of new programs; and working with landowners and government entities to educate and assist landowners to install projects that improve or protect water quality.

Estimated Cost: $3,751,770.00 [Ψ]

Priority Concern 2: Flood Damage Reduction
The County is rather flat with the highest elevation being 1,186 feet above sea level and lowest elevation being 974 feet above sea level. This creates a slope that only ranges 0-2 %. Flooding is a common disaster which has the potential of causing numerous problems. It is a priority to focus on flood damage reduction by working with landowners and government entities and by maintaining adequate drainage systems.

Estimated Cost: $916,600.00 Ψ

Priority Concern 3: Protect the County's Drinking Water Sources
Focus will be given to the protection of the County's drinking water sources. Pennington County is unique in regards to our drinking water sources; utilizing both surface and ground water. The city of Thief River Falls depends on the municipal dam on the Red Lake River to provide their drinking water. Other communities in the County and rural citizens depend on private and public groundwater wells as their water source. It is a top priority to maintain a viable drinking source for public consumption. Protecting the drinking water for the majority of citizens within Pennington County is a wise and relatively inexpensive investment for the community's future.

Estimated Cost: $682,300 Ψ

Ψ The estimates for implementing these priorities can be found in the implementation schedule. The Natural Resources Block Grant (NRBG) is utilized to implement some of these programs however money is obtained from a variety of sources including state and federal cost-share, watershed funds, counties, cities, contribution agreements between government entities, grants etc. to get many of the new or expensive projects accomplished. Some of the actions in this plan will not get accomplished unless funds are found. It is important to note that these are rough estimates and are subject to change with the projects needs.

Consistency with other Plans
During the updating process many water management plans were reviewed. They included watershed districts plans, surrounding county water plans, Resource Conservation and Development (RC &D) plan, The Red River Basin Natural Resources Framework Plan, and miscellaneous regional, state, and national plans.

Plans were reviewed to ensure this plan would be consistent with other plans and projects, to avoid duplication of actions, regulations and permitting and to better coordinate with monitoring, data collection, and education. At this time, Pennington County's Local Water Plan is consistent with local, regional and state plans.

Recommended Amendments to Other Plans and Official Controls

There are no amendment recommendations to other plans and official controls at this time.

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Pennington County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on February 1, 2010, pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1) On October 18, 2007, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Pennington County, pursuant to M.S. Section 103B.312.

2) On January 29, 2008, the Board of Water and Soil Resources approved official comments on the Pennington County Priority Concerns Scoping Document, which were mailed to the county.

3) The priority concerns, in no particular order of importance, the local water management plan addresses include:
   - Protection and Improvement of Surface Water Quality
   - Flood Damage Reduction
   - Protect the County's Drinking Water Sources

4) On February 1, 2010, the BWSR received the Pennington County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5) On April 14, 2010, the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Pennington 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 May 26, 2020; with Goals, Objectives, Action Items amended by May 26, 2015.

CONCLUSIONS

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

2. The Pennington 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 Pennington County Local Water Management Plan through May 26, 2020; with Goals, Objectives, and Action Items being amended prior to May 26, 2015.

Dated at St Paul, Minnesota, this twenty-sixth day of May, 2010.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

COMMITTEE RECOMMENDATIONS

Public Relations, Outreach and Strategic Planning Committee

1. BWSR Bylaws – Brian Napstad - ***DECISION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: BWSR Bylaws

Meeting Date:
Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region:
Contact: Steve Woods
Prepared by: Steve Woods
Reviewed by: Public Relations, Outreach & Strategic Planning Committee(s)
Presented by: Brian Napstad

Fiscal/Policy Impact

☐ None
☒ Amended Policy Requested
☐ New Policy Requested
☐ Other:

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

ACTION REQUESTED
Approval of proposed BWSR Bylaws.

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

The Public Relations, Outreach & Strategic Planning Committee met in January and discussed proposed changes to the BWSR Bylaws. Committee Chair Brian Napstad summarized the proposed changes to the Bylaws at the March Board meeting and stated that per the Bylaws, Board members must have an opportunity to review them at least one meeting prior to adoption. The final proposed Bylaws are attached and recommended for approval. DECISION ITEM

Attachments: ☐ **Resolution** ☐ **Order** ☐ **Map** ☒ **Other Supporting Information**

April, 2004

BOARD OF WATER AND SOIL RESOURCES
BYLAWS

ARTICLE I. Introduction

1. Purpose
The Board of Water and Soil Resources (BWSR) desires to conduct its business and perform all of its responsibilities and duties in an orderly, efficient, fair and lawful manner. These Bylaws are established for that purpose.

2. Application of Bylaws
Unless otherwise specifically indicated, these Bylaws shall apply to the transaction of all BWSR business and the conduct of all BWSR meetings and hearings.

3. Compliance with Applicable Law
It is the specific intent of the BWSR to perform all of its responsibilities and conduct all of its hearings and meetings in accordance with all applicable federal law and state statutes and regulations. The provisions of all such applicable law shall have control over anything to the contrary in these Bylaws.

ARTICLE II. Membership, Officers and Duties

1. Membership
The Board of Water and Soil Resources shall be composed of 17 voting members appointed by the Governor according to MN Statute 103B.101.

Individual members shall not act to represent the Board on any given subject unless specific Board action/position has been determined/ruled and the individual action thus represents the Board as a whole.

MN Statute 15.0575, subd. 4, provides that "[t]he chair of the board shall inform the appointing authority [i.e., the Governor] of a member missing three consecutive meetings. After the second consecutive missed meeting and before the next meeting, the chair of the board shall notify the member in writing that the member may be removed for missing the next meeting."

2. Officers Designated

The officers of the BWSR shall be the Chair and the Vice-Chair. The Chair is appointed by the Governor from the voting members of the Board. The Vice-Chair shall be elected to a two-year term from the regular membership of the BWSR. The Vice-Chair shall be elected by majority vote at the first regularly scheduled meeting of every EVEN calendar year.

The Board shall employ an Executive Director, a salaried officer, who is the administrative and general manager of the BWSR. All additional staff shall report to the Executive Director.

3. Duties of Officers

a) Chair

The Chair shall have the following responsibilities:

1) Supervise the affairs of the Board and communicate such affairs to all board members.
2) Preside at all Board meetings.
3) Appoint committees and subcommittees as may be necessary and shall be ex-officio member of all committees.
4) May vote on all issues.
5) May schedule special meetings.

b) Vice-Chair

The Vice-Chair shall have the following responsibilities:

1) Perform those duties delegated by the Chair.
2) Act as Chair in the event of the Chair's illness, disability, absence from meeting or not being readily able to function as Chair.

c) Executive Director

The Executive Director shall be responsible to the Board and communicate/report regularly to the Chair. The Executive Director or designee shall attend all Board meetings but shall not vote. The Executive Director shall have the following responsibilities:

1) To see that all resolutions, rules, regulations and orders of the Board are carried out.
2) To present to the Board program plans, studies and reports prepared for Board purposes and action and recommend to the Board for adoption those measures deemed necessary to carry out the programs and duties of the Board or for the efficient administration of the affairs of the Board. Executive Director shall have the authority to execute or officially sign on behalf of the Board on all actions approved/ruled by the Board.

3) To communicate and interact with the Governor's office, state agencies and local government special districts legislature and to participate in relevant meetings as well as provide such meeting knowledge to Board.
4) To keep the Board fully advised as to its financial condition and to prepare and submit an annual Board budget.
5) To represent the Board's determined/ruled policy positions only.
6) To record and maintain a record and minutes of the meetings and process and maintain all information relating to Board business.
7) To set the original agenda for the Board, provide for meeting notices and handle all other administrative affairs.
8) To sign documents as designated by the Board.
9) To participate in an annual Personnel Review as directed by the Chair.

4. Vacancies of Officers

a) Chair: In the absence of the Chair, the Vice-Chair shall preside.

b) Vice-Chair: If a vacancy occurs in the office of Vice-Chair, the regular members shall elect an individual to fill the remaining term time.

c) Chair, Vice-Chair: If at a Board meeting, neither the Chair nor Vice-Chair are present but a quorum exists, the members shall elect from within the membership an acting Chair to run the meeting.

ARTICLE III. Meetings and Hearings

1. Notice

Notices of all meetings and hearings of the BWSR shall be made in a manner in accordance with MN Statute 471.705 (Open Meeting Law). Notice shall be posted at the BWSR main office and reasonable effort shall be made to inform BWSR clientele by mail or message. Board meetings will be scheduled according to the current Board policy.

2. Open Meetings and Records

All meetings of the BWSR shall be open to the public. The votes of the members shall be recorded by voice vote or by roll call if so called. The minutes shall be available to the public during all normal business hours at the BWSR central office. Minutes of the BWSR Board meetings shall be permanently preserved.

3. Closed Meetings

Meetings having data classified as not public, in accordance with MN Statute 103D.05. The Chair may call a closed meeting if the closure is expressly authorized by statute or permitted by the attorney-client privilege. Specific applicable statutes found in the Open Meeting Laws in Minnesota Statute Chapter 13D:

a) If non-public data is being discussed per the requirements in Chapter 13D.05, Subdivision 2; or

b) If the Board is meeting to evaluate the performance of the Executive Director, per requirement in Chapter 13D.05, Subdivision 3, or

c) If the Board is meeting to exercise quasi-judicial functions involving disciplinary proceedings per Chapter 13D.01, Subdivision 2.

In all cases where a closed meeting is called, the Board shall abide by the requirements for closed meetings in Chapter 13.D.

4. Hearing Records

All information submitted to BWSR for hearing purposes becomes the property of the BWSR.

The BWSR shall be required to maintain all records gathered during public hearings. The Executive Director shall not be required to maintain the records for more than three years after the close of a hearing.

5. Quorum

A majority of the voting Board members is a quorum.

6. Voting

Each voting member shall have one (1) vote in the transaction of business of the Board. In order to vote, the member must be in attendance at the meeting. A vote will be recorded by voice vote unless a roll call vote is requested. A roll call vote may be requested by any member.

7. Meeting Arrangements

The BWSR shall normally meet the fourth Wednesday of the month so designated by action of the Board at 9:00 AM until agenda business is complete. The Chair may call for recess for appropriate breaks or for purposes of furthering the agenda orders of business.

A majority of BWSR members shall select a meeting location which shall be convenient and suitable for the members, staff and general public.

8. General Order of Business
The general order of business of BWSR Board meetings:

a) Approval of agenda

b) Approval of minutes of previous meeting

c) Open Mike

d) Chair's, Executive Director's and Committee Reports

e) Committee Recommendations

f) Old Business

g) New Business

h) Board issues and information

i) Agency Reports

j) Advisory Member Reports

k) Upcoming Meetings

l) Adjournment

9. Parliamentary Procedure
Robert's Rules of Order, Revised, shall govern the conduct of the meeting except when state statute, policies and these bylaws state otherwise.

The Chair shall make all parliamentary rulings. The Executive Director or meeting designee shall serve as the parliamentarian advisor to BWSR.

10. Agenda Application
All matters for agenda consideration with pertinent information included shall be submitted to the Executive Director two weeks prior to the Board meeting. Placement of items on the agenda will be at the discretion of the Chair and the Executive Director. The proposed agenda must have the approval of the Chair.

11. Adoption Amendments
Adoption
These Bylaws shall become effective immediately after approved by a majority vote of the Board.

Amendments

These Bylaws may be amended by a 2/3 vote of the members. All proposed amendments shall be presented in writing. The Board shall review the proposed changes at least one meeting prior to adoption.

5. Quorum
A majority of the ~~voting~~ Board ~~members~~ is a quorum.

6. Voting
Each ~~voting~~ member shall have one (1) vote in the transaction of business of the Board. Agency members may designate an alternate to attend and vote on their behalf by notifying the Chair prior to the meeting. In order to vote, the member or designated alternate must be in attendance at the meeting. A vote will be recorded by voice vote unless a roll call vote is

annually or

~~April, 2004~~ May 2010

BOARD OF WATER AND SOIL RESOURCES
BYLAWS

ARTICLE I. Introduction

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It is the specific intent of the BWSR to perform all of its responsibilities and conduct all of its hearings and meetings in accordance with all applicable federal law and state statutes and regulations. The provisions of all such applicable law shall have control over anything to the contrary in these Bylaws.

ARTICLE II. Membership, Officers, ~~and~~ Duties and Committees

1. Membership
The Board of Water and Soil Resources shall be composed of ~~17~~ 20 voting members appointed by the Governor according to MN Statutes §103B.101.

Individual members shall not act to represent the Board on any given subject unless specific Board action/position has been determined/ruled and the individual action thus represents the Board as a whole.

MN Statutes §15.0575, subd. 4, provides that "[t]he chair of the board shall inform the appointing authority [i.e., the Governor] of a member missing three consecutive meetings. After the second consecutive missed meeting and before the next meeting, the chair of the board shall notify the member in writing that the member may be removed for missing the next meeting."

2. Officers Designated

The officers of the BWSR shall be the Chair and the Vice-Chair. The Chair is appointed by the Governor from the ~~voting~~ members of the Board. The Vice-Chair shall be elected to a two-year term ~~from~~ by the ~~regular~~ membership of the ~~BWSR~~ Board. The Vice-Chair shall be elected by majority vote at the first regularly scheduled meeting of every EVEN calendar year.

The Board shall employ an Executive Director, who is a salaried officer~~,~~. The Executive Director~~, who~~ is responsible for the administrative and general ~~manager~~ operations of the BWSR. All additional staff shall report to the Executive Director.

3. Duties of Officers

a) Chair

The Chair shall have the following responsibilities:

1) Supervise the affairs of the Board and communicate such affairs to all board members.
2) Preside at all Board meetings.
3) Preside at Dispute Resolution Committee proceedings, or appoint a presiding member.~~Appoint committees and subcommittees as may be necessary and shall be ex-officio member of all committees.~~
4) May vote on all issues, with the exception of the Dispute Resolution Committee unless as provided by MN Statutes § 103B.101 Subd. 10.
5) May schedule special meetings.

b) Vice-Chair

The Vice-Chair shall have the following responsibilities:

1) Perform those duties delegated by the Chair.
2) Act as Chair in the event of the Chair's illness, disability, absence from meeting or not being readily able to function as Chair.

c) Executive Director

The Executive Director shall be responsible to the Board and communicate/report regularly to the Chair. The Executive Director or designee shall attend all Board meetings but shall not vote. The Executive Director shall have the following responsibilities:

1) To see that all resolutions, rules, regulations and orders of the Board are carried out.
2) To present to the Board program plans, studies and reports prepared for Board purposes and action and recommend to

the Board for adoption those measures deemed necessary and prudent to carry out the programs and duties of the Board or for the efficient administration of the affairs of the Board. The Executive Director shall have the authority to execute or officially sign on behalf of the Board on all actions approved/ruled by the Board.

3) To communicate and interact with the Governor's office, state and federal agencies, ~~and~~ local governments, special districts, joint powers authorities, the legislature, and to participate in relevant meetings as well as provide such meeting knowledge to the Board.
4) To keep the Board fully advised as to its financial condition and to prepare and submit an annual Board budget.
5) To represent the Board's determined/ruled ~~policy~~ policies ~~positions only~~.
6) To record and maintain a record and minutes of the meetings and process and maintain all information relating to Board business.
7) To develop ~~set~~ the ~~original~~ proposed agenda for ~~the~~ Board meetings, provide for meeting notices and handle all other administrative affairs.
8) To sign documents as designated by the Board.
9) To participate in an annual Personnel Review as directed by the Chair.

4. Vacancies of Officers
   a) Chair: In the absence of the Chair, the Vice-Chair shall preside.

   b) Vice-Chair: If a vacancy occurs in the office of Vice-Chair, the regular members shall elect an individual to fill the remaining term time.

   c) Chair, Vice-Chair: If at a Board meeting, neither the Chair nor Vice-Chair are present but a quorum exists, the members shall elect from within the membership an acting Chair to run the meeting.

5. Committees
   a) The Board may establish committees. The Board Chair shall appoint committee members and shall be an ex-officio member of all committees to which the Board Chair is not appointed.

   b) Unless otherwise prescribed by statute or rule, committees shall consist of three or more members of the Board for the purpose of gathering information, presiding over public hearings, making

findings and bringing recommendations to the Board.

c) Certain duties may be delegated to committees by a majority vote of the board members.

d) When a member of the Dispute Resolution Committee or another committee has a conflict of interest or is otherwise unable to fully participate in consideration of a matter, the Board Chair may appoint a substitute to serve in place of that member with respect to that matter.

e) The Board Chair shall appoint committee chairpersons.

f) The Executive Director shall assign staff to facilitate and support the work of committees.

g) The membership of all committees shall be posted on the BWSR website or made available in alternate formats upon request.

ARTICLE III. Meetings and Hearings

1. Notice
Notices of all meetings and hearings of the BWSR shall be made in a manner in accordance with MN Statutes ~~471.705~~ Chapter 13D (Open Meeting Law). Notice shall be posted at the BWSR main office, posted on the BWSR website and reasonable effort shall be made to inform BWSR clientele by mail, electronic mail, delivery, telephone or other means of communication ~~message~~. Board meetings will be scheduled according to the current Board policy.

2. Open Meetings and Records
All meetings of the ~~BWSR~~ Board shall be open to the public as provided by law. The votes of the members shall be recorded by voice vote or by roll call if so called. The minutes shall be available to the public during all normal business hours at the BWSR central office. Minutes of ~~the BWSR~~ Board meetings shall be ~~permanently~~ preserved for at least ten years. Minutes of recent Board meetings shall be posted on the BWSR website once approved by the Board.

3. Closed Meetings
~~Meetings having data classified as not public, in accordance with MN Statute 103D.05.~~ The Chair may call a closed meeting or close a meeting

if the closure is ~~expressly~~ authorized by statute or permitted by the attorney-client privilege. Specific applicable statutes ~~found~~ in the Open Meeting Laws in Minnesota Statutes Chapter 13D include:

a) ~~If non-public data is being discussed per the requirements in Chapter 13D.05, Subdivision 2;~~ Preliminary consideration of allegations or charges against an individual subject to its authority, per Section 13D.05, subd. 2 or

b) ~~If the Board is meeting to evaluate~~ Evaluating the performance of the Executive Director, per requirement in ~~Chapter~~ Section 13D.05, Subdivision 3, or

c) ~~If the Board is meeting to exercise~~ Exercising quasi-judicial functions involving disciplinary proceedings per ~~Chapter~~ Section 13D.01, Subdivision 2.

In all cases where a ~~closed~~ meeting is ~~called~~ closed, the Board shall abide by the requirements for closed meetings in Chapter 13.D.

4. Hearing Records

a) When a public hearing on a matter has been held, whether by delegated committee that is to decide or recommend to the Board or by the Board, and the hearing record has been closed, the hearing record will not be reopened to receive additional written or oral submissions except by majority vote of the body considering the matter.

b) All information submitted to BWSR for hearing purposes becomes the property of the BWSR.

c) The BWSR shall ~~be required to~~ maintain all records gathered during public hearings. The Executive Director shall not be required to maintain the records for more than three years after the close of a hearing.

5. Quorum

A majority of the ~~voting~~ Board ~~members~~ is a quorum.

6. Voting

Each ~~voting~~ member shall have one (1) vote in the transaction of business of the Board. Agency members may designate an alternate to attend and vote on their behalf by notifying the Chair prior to the meeting. In order to vote, the member or designated alternate must be in attendance at the meeting. A vote will be recorded by voice vote unless a roll call vote is

requested. A roll call vote may be requested by any member.

7. Meeting Arrangements
The ~~BWSR~~ Board shall normally meet the fourth Wednesday of the month so designated by action of the Board no earlier than ~~at 9~~8:00 AM until agenda business is complete. The Chair may call for recess for appropriate breaks or for purposes of furthering the agenda orders of business.

A majority of the Board ~~BWSR~~ members shall select a meeting location which shall be convenient and suitable for the members, staff and general public.

8. General Order of Business
The general order of business of BWSR Board meetings:
a) Approval of agenda

b) Approval of minutes of previous meeting

c) ~~Open Mike~~ Public Access Forum

d) Chair's, Executive Director's and Committee Reports

e) Committee Recommendations

f) Old Business

g) New Business

h) Board issues and information

i) Agency Reports

j) Advisory Member Reports

k) Upcoming Meetings

l) Adjournment

A consent agenda may be developed at the discretion of the Chair.

9. Parliamentary Procedure
Robert's Rules of Order, Revised, shall govern the conduct of the meeting except when state statute, policies and these bylaws state otherwise.

The Chair shall make all parliamentary rulings. The Executive Director or meeting designee shall serve as the parliamentarian advisor to BWSR.

10. Agenda Application
All matters for agenda consideration with pertinent information included shall be submitted to the Executive Director two weeks prior to the Board meeting. Placement of items on the agenda will be at the discretion of the Chair and the Executive Director. The proposed agenda must have the approval of the Chair.

11. Conflicts of Interest
Each board member is obligated to determine whether he/she has a potential conflict of interest with respect to any matter before the BWSR and to comply with all requirements of law regarding any potential conflict.

~~11. Adoption Amendments~~

ARTICLE IV. Adoption and Amendments

1. Adoption
These Bylaws shall become effective immediately after approved by a majority vote of the Board.

2. Amendments
These Bylaws may be amended by a 2/3 vote of the board members. All proposed amendments shall be presented in writing. The Board shall review the proposed changes at least one meeting prior to adoption.

DRAFT

NEW BUSINESS

1. Report on 2010 Clean Water Grant Activities – Julie Blackburn – ***INFORMATION ITEM***

2. Hearings Primer Presentation – Tom Overton, Attorney General's Office – ***DISCUSSION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Report on 2010 Clean Water Grant Activities**

Meeting Date:
Agenda Category: ☐ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☐ Decision ☐ Discussion ☒ Information
Section/Region: Programs and Policy, Central Office
Contact: Julie Blackburn
Prepared by: Julie Blackburn
Reviewed by: _____ Committee(s)
Presented by: Julie Blackburn

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested
☐ Other: _____

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

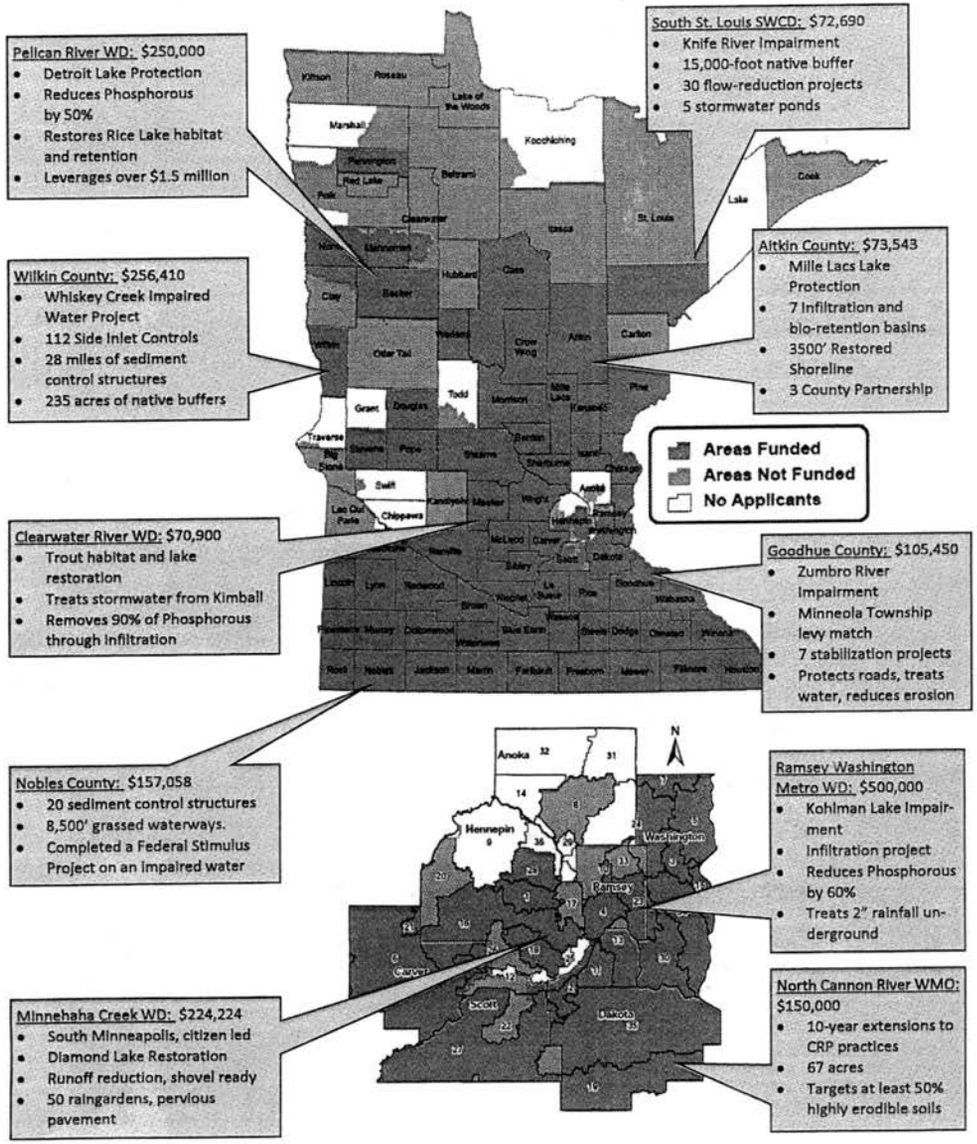
ACTION REQUESTED
Information only

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

The implementation activities of the FY 2010 Clean Water Fund (CWF) appropriations are well underway. This presentation will highlight the development, implementation and results for the easement programs, directed expenditures, and the competitive grant programs funds. The presentation will be based on the March 2010 report to the legislature and include ideas under consideration for the 2011 CWF process.

Attachments: ☐ **Resolution** ☐ **Order** ☐ **Map** ☐ **Other Supporting Information**

Water Quality and Shorelands 2010 Clean Water Funding



Pelican River WD: $250,000
- Detroit Lake Protection
- Reduces Phosphorous by 50%
- Restores Rice Lake habitat and retention
- Leverages over $1.5 million

South St. Louis SWCD: $72,690
- Knife River Impairment
- 15,000-foot native buffer
- 30 flow-reduction projects
- 5 stormwater ponds

Wilkin County: $256,410
- Whiskey Creek Impaired Water Project
- 112 Side Inlet Controls
- 28 miles of sediment control structures
- 235 acres of native buffers

Aitkin County: $73,543
- Mille Lacs Lake Protection
- 7 Infiltration and bio-retention basins
- 3500' Restored Shoreline
- 3 County Partnership

Clearwater River WD: $70,900
- Trout habitat and lake restoration
- Treats stormwater from Kimball
- Removes 90% of Phosphorous through Infiltration

Goodhue County: $105,450
- Zumbro River Impairment
- Minneola Township levy match
- 7 stabilization projects
- Protects roads, treats water, reduces erosion

Nobles County: $157,058
- 20 sediment control structures
- 8,500' grassed waterways.
- Completed a Federal Stimulus Project on an Impaired water

Ramsey Washington Metro WD: $500,000
- Kohlman Lake Impairment
- Infiltration project
- Reduces Phosphorous by 60%
- Treats 2" rainfall underground

Minnehaha Creek WD: $224,224
- South Minneapolis, citizen led
- Diamond Lake Restoration
- Runoff reduction, shovel ready
- 50 raingardens, pervious pavement

North Cannon River WMO: $150,000
- 10-year extensions to CRP practices
- 67 acres
- Targets at least 50% highly erodible soils

Reinvest In Minnesota (RIM) Reserve Clean Water Fund Projects

Riparian Buffer Easements

- $3 million available 2010
- Signup began Nov. 1, 2009
- Funds allocated by Jan. 2010
- 86 easements
- 9 counties
- More than 700 acres permanently protected
- Targeted to critical CRP acres
- Keeps conservation in place permanently
- $3 million available in 2011

Wellhead Protection Areas

- $1,000,000 available 2010
- Cooperative with MN Department of Health and MN Rural Water
- Very high wellhead vulnerability
- USDA Farm Service Agency (FSA) Partnership for increased CRP
- 7 targeted areas: Verndale, Melrose, Cold Spring, Ellsworth, Edgerton, Adrain, Rock County Rural Water System

Pictured: Historical (above) and current aerial photos of a Rock County Wellhead Protection Area within a vulnerable Drinking Water Supply Management Area. The lower photo shows Reinvest In Minnesota (RIM) Reserve conservation easements, where land has been taken out of agricultural production and restored to native prairie and wetlands.

2010 Clean Water Funding
for 319 Matching Funds

Technical Assistance Grants

- $1,250,000 available
- $921,814 allocated
- Rolled into Federal 319 grant applications
- Nine impaired / TMDL projects
- Used to provide 20% match for over $2.5 million in federal funds
- Remaining funds will be used to pursue additional federal funds

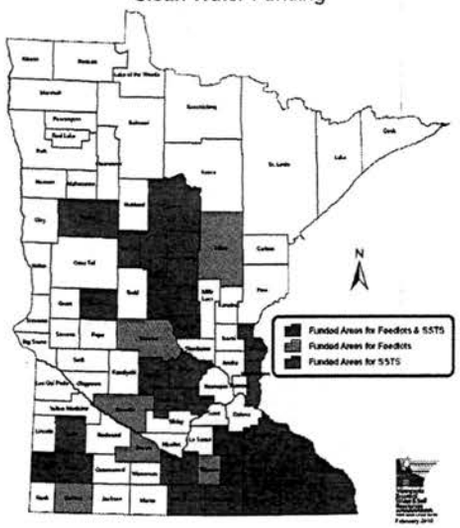
SSTS Grants

- Inventory on over 30 lakes and 3 rivers
- Database development or upgrade in 14 counties
- Over 50 Imminent Health Threat Systems Resolved

Feedlot Grants

- 53 Feedlots will be upgraded / become compliant
- Targeted to riparian areas or impaired watersheds

Feedlot and SSTS 2010
Clean Water Funding



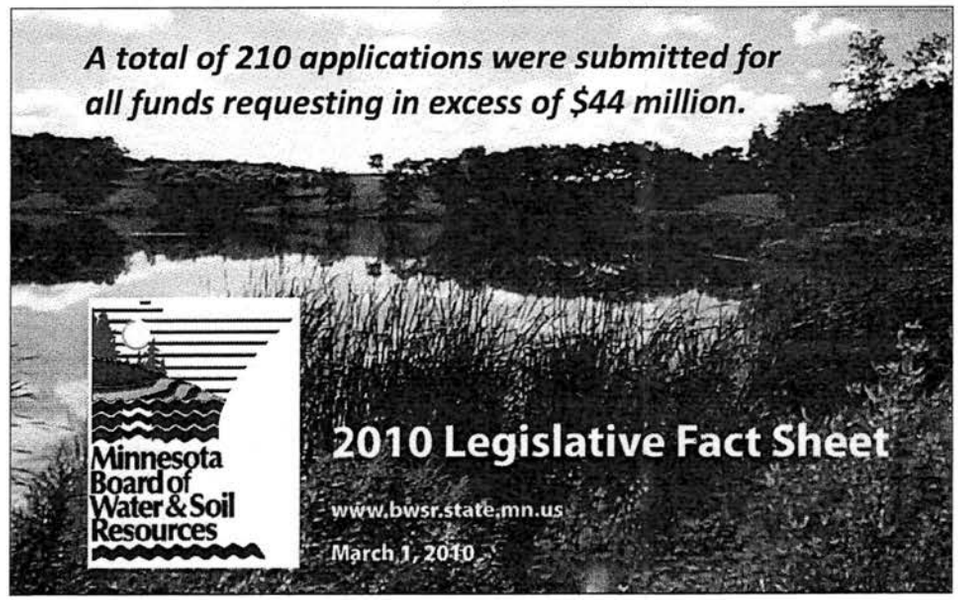
BWSR 2010 Clean Water Fund Update

Competitive Fund Program Timeline

- May-Oct: Interagency Team Develops Request for Proposal
- Oct 1: Request for Proposals announced
- Oct 5– Nov 3: BWSR held nine outreach sessions throughout the state
- Oct 15—Dec 1: Application period
- Dec 2—Jan 13: Interagency and BWSR recommendations developed
- Jan 28: BWSR Board approved recommendations

BWSR Grant Categories, Amount Available and Allocated

• Runoff Reduction	$2,460,000	$2,459,675
• Clean Water Assistance	$2,650,000	$2,600,000
• Shoreland Improvement	$1,400,000	$1,399,582
• Feedlot Water Quality	$2,000,000	$1,143,624
• Conservation Drainage	$ 200,000	$ 200,000
• SSTS Imminent Health	$ 800,000	$ 775,777
• SSTS Program Enhance.	$ 860,000	$ 860,000
	$10,370,000	**$9,438,658**



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Board Committee Refresher

Meeting Date:
Agenda Category: ☐ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☐ Decision ☒ Discussion ☐ Information
Section/Region: Land and Water
Contact:
Prepared by: Travis Germundson
Reviewed by: _____ Committee(s)
Presented by: Tom Overton, Attorney General's Office

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested
☐ Other: _____

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

ACTION REQUESTED

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

We have new board members, updated byalws, and increased utilization of board committees to receive input and develop recommendations. Tom Overton with the Attorney General's Office will provide a refresher on factors to consider when board members are holding hearings or accepting testimony in committee hearings.

Attachments: ☐ **Resolution** ☐ **Order** ☐ **Map** ☐ **Other Supporting Information**

Bumble bee on butterfly weed

Monarch on blazing star

Bumble bee on purple coneflower

Bumble bee on lupine

Photographs by
Mike Halverson, MN DNR

What's the BUZZ
about pollinators and roadsides?

Did you know...

More than one third of all human food comes from plants pollinated primarily by bees.

Bee biologists report a reduction in the abundance and distribution of once common bumble bees.

Bumble bees pollinate some crops better than honey bees.

Managing roadsides for bees and butterflies will create important habitat for wildlife, and may support the pollination needs of neighboring farms.

With 4 acres of open space lost to development every minute, roadsides are too important to be neglected (U.S. Forest Service 2006).

Roadsides in the U.S. cover more than 10 million acres of land and support valuable habitat.

mndnr.gov **xerces.org**

Manage your roadsides for bees & butterflies

Plant pollination by animals is an essential ecosystem service. It is estimated that 60 to 80 percent of the world's 250,000 flowering plants depend on animals—mostly insects—for pollination. Eighty-seven of the world's 124 most commonly cultivated crops are animal- or insect-pollinated forage plants, such as alfalfa and clover, that provide feed for livestock.

In the United States, the National Research Council reported noteworthy losses of both managed and wild pollinators (2007). Habitat loss, pesticide use, diseases, parasites, and the spread of invasive species are the major causes of pollinator decline. Threats to pollinator communities affect not only pollinators themselves but also natural ecosystems and agricultural productivity.

Photograph: Carmelita Nelson, MN DNR

Food requiring pollination: tomatoes, peppers, blueberries, strawberries, cranberries, raspberries, apples, melons, sunflowers, pumpkins, plums, squash, and canola.

Roadsides as habitat

Though roadsides are not a substitute for wildlands, they have value as habitat for birds, small mammals, amphibians, reptiles, ants, and beetles. Roadside habitats also provide refuge for pollinators.

In environments substantially altered by urbanization or agriculture, marginal habitats such as roadsides, drainage ditches, and field edges may be especially important for the conservation of biodiversity. Often the only seminatural areas remaining within a landscape, these edges provide pollinators with places to forage for food and nest, while also helping to link fragmented habitats.

Photograph by Carmelita Nelson, MN DNR

Roadsides with native plants host 35 percent more bee species and twice as many bees as roadsides dominated by non-native plants.

Natural history of pollinators

Native pollinators have two basic habitat requirements: food and somewhere to lay their eggs. Understanding which features in the landscape provide these resources is essential to maintaining or enhancing habitat for pollinators.

Flowers

Pollinator habitat should have a diversity of flowers that bloom from early spring until late fall to sustain a diverse group of pollinators throughout the growing season.

Research in Kansas found that roadsides planted with native plants supported more abundant and species-rich bee communities than roadsides dominated by non-native grass (brome) and flowers (sweet clover and crownvetch). Butterflies also benefit from the presence of native plants. Roadsides replanted with native prairie grasses and wildflowers had significantly more habitat-sensitive butterfly species, such as the regal fritillary *(Speyeria idalia)* and Delaware skipper *(Anatrytone logan)*, than non-native grassy or weedy roadsides.

MN Native Wildflowers with High Pollinator Value

Blazing star	*Liatris*
Compass plant	*Silphium*
Fireweed	*Epilobium*
Gentian	*Gentiana*
Joe Pye weed	*Eupatorium*
Lobelia	*Lobelia*
Lupine	*Lupinus*
Mountain mint	*Pycnanthemum*
Obedient plant	*Physostegia*
Purple coneflower	*Echinacea*
Wild rose	*Rosa*

MN Native Wildflowers with **Very High** Pollinator Value

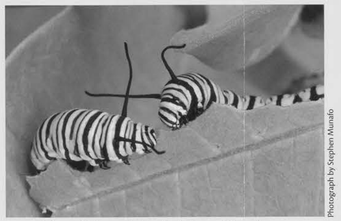
Aster	*Aster*
Bergamot	*Monarda*
Culver's root	*Veronicastrum*
Goldenrod	*Solidago*
Giant hyssop	*Agastache*
Leadplant	*Amorpha*
Milkweed	*Asclepias*
Partridge pea	*Chamaechrista*
Penstemon	*Penstemon*
Prairie clover	*Dalea*
Spiderwort	*Tradescantia*
Sunflower	*Helianthus*

Sites for nesting

Nearly 70 percent of bee species nest underground, digging slender tunnels off which they excavate cells for their eggs. Other bees choose to nest in cavities, chewing into the pithy center of stems, or clearing out existing holes, in which they create a linear series of partitioned cells. Some bees need specific nest-building materials such as mud, resin, or flower petals, which they use to form the partitions. Bumble bees are social bees, and require a small cavity such as an abandoned mouse nest to house their annual colony. Pollinator habitat should include a range of nesting substrates to provide for the differing nesting requirements of pollinators.

Landscape linkages

Roadsides may serve as corridors for pollinators and other wildlife. The linear structure of roadsides provides continuity within the surrounding landscape. Habitat-sensitive butterflies are much less likely to leave a roadside planted with native vegetation, suggesting that for some butterflies, roadside restorations could serve as protective corridors. Many milkweed *(Asclepias)* species grow readily in roadsides. Monarch butterfly *(Danaus plexippus)* larvae feed exclusively on milkweed, therefore making milkweed essential for monarch reproduction.



Photograph by Stephen Mumaló

Monarch butterfly larvae feed exclusively on milkweed.

Traffic and wildlife

Movement is fundamental to an animal's life, and roads can be barriers to animals, dividing and blocking movement between habitats. The degree to which roads are restrictive to animals appears to vary greatly between species.

Some insects are more vulnerable to traffic mortality than others. That pollinating insects do die as a result of collisions with passing vehicles is certain, but further quantifying the impacts of traffic on pollinators is challenging and studies of the impacts of roads on insects are few.

Surprisingly, a roadside inventory of dead butterflies along roads in Illinois found that observed mortality was highest in intermediate levels of traffic, with lowest mortality at the highest and lowest levels of traffic. In Iowa, research found that more butterflies were killed in predominately grassy roadsides than in roadsides planted with prairie vegetation, and only 2.8 percent of butterflies observed crossing the road were hit by cars.

Photograph by David Cappaert, MI State University

The width of the roadside and proximity to traffic does not matter to bees. Bumble bee on goldenrod.

A study of butterfly diversity, mortality, and movement within roadsides concluded that roads could not be considered barriers to the movement of any butterflies they observed. Although between .6 and 7 percent of butterfly species were killed by vehicles, the authors considered those mortalities to be small compared to mortality due to natural factors. Such research suggests that the benefit from roadside native habitat outweighs the hazard from passing vehicles.

Photograph by Mike Halverson, MN DNR

Pollinators need a succession of blooming flowers. Swallowtail butterfly on vervain.

For many roadside managers, the biggest concern about the presence of taller native vegetation along roads is that it will increase the number of accidents involving deer. However, evidence from studies indicates that the presence of tall vegetation does not increase deer-related collisions. Also, because deer often prefer to eat tender new growth of vegetation over tough older growth, allowing native plants to grow without frequent mowing may encourage fewer deer to browse in roadsides.

Tips for helping bees & butterflies

Enhancing flower diversity

- To provide pollinators with continuous blooms, plant seed mixes that include flowers with differing but overlapping bloom times.
- Use local ecotype grasses and wildflowers best suited to the climate, soil type, and location of the intended habitat site.
- For optimal pollinator habitat use a mix of about 50 percent forb seed and 50 percent grass seed.
- Plant a range of wildflowers of varying colors and shapes. Bees mainly visit blue, white, yellow, and purple flowers. Butterflies tend to visit orange, red, yellow, and purple species. Hoverflies go to flowers of white and yellow. Hummingbirds are drawn to red flowers.

Providing nest sites

- Nearly 70 percent of bee species nest underground. Some species prefer sunny exposed slopes while others prefer level ground.
- Bees that nest in the ground often prefer to dig their nests in patches of exposed earth. Native bunch grasses such as little bluestem *(Schizachyrium scoparium)* and Indiangrass *(Sorghastrum nutans)* tend to grow in dense clumps, leaving small patches of bare ground exposed.
- Leave some native shrubs along roadside borders to encourage cavity nesting bees.
- Butterflies and moths require the correct plants for their caterpillars to eat. Monarchs need milkweed and fritillaries need violets.
- Butterflies, moths, and hover flies often overwinter in leaf litter or under dead vegetation

Reducing the impact of mowing and spraying

- Mow once a year in late autumn, when pollinators are not flying. Ideally, mowing every 3 to 5 years has the least impact on pollinators and grassland birds.
- Choose a pesticide that is the least toxic and has low residue to control weeds. Spray in the early morning or evening when pollinators are less active.
- Spot treat invasive plants with a backpack sprayer, weed wiper, or similarly well-targeted technique. Avoid broadcast spraying or pellet dispersal because large numbers of larval hostplants or adult forage plants could be destroyed.
- On farms, overspray and drift of insecticides can also affect beneficial pollinators in roadsides.

For more information

Web sites

- The Xerces Society: Regional information on plants, guidance on providing nest sites, and detailed guidelines for habitat creation and management in a variety of landscapes. **www.xerces.org/pollinator-conservation**
- Minnesota Department of Natural Resource Roadsides for Wildlife Program: Information on how to enhance roadside habitat for wildlife, free signs, educational materials. **www.mndnr.gov/roadsidesforwildlife**
- Minnesota Department of Transportation: Information about the use of native plants for the state's roadside management program. **www.dot.state.mn.us**
- University of Minnesota Bee Lab: Provides the latest science-based education and outreach on sustainable honey beekeeping and general bee ecology in Minnesota. **www.extension.umn.edu/Honeybees**
- Federal Highway Administration: Roadside vegetation management program. **www.fhwa.dot.gov/environment/vegmgt**
- National Roadside Vegetation Management Association: Integrated Roadside Vegetation Management guide. **www.dot.state.mn.us/environment/pdf_files/irvm_howto.pdf**
- Monarch Watch: Information about providing habitat for monarch butterflies and monitoring migrations. **www.monarchwatch.org**
- Minnesota Native Wildflower/Grass Producers Association. Click on Consumer Directory for a listing of native wildflower and grass producers in Minnesota. **www.mnnwgpa.org**

Books

- Harper-Lore, B., and M. Wilson (editors). 2000. *Roadside Use of Native Plants.* Washington DC: Island Press. Read online at: www.fhwa.dot.gov/environment/rdsduse/index.htm
- Shepherd, M., S. L. Buchmann, M. Vaughan, and S. H. Black. 2003. *Pollinator Conservation Handbook*. Portland: The Xerces Society. Available from: www.xerces.org/books-pollinator-conservationhandbook/

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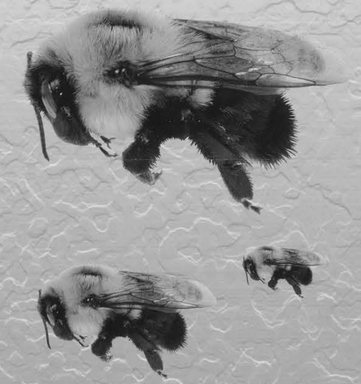
The need for bees



Bee photograph by Deborah Rose, MN DNR

(1) that continued existence of the structure presents a significant public safety hazard, or prevents restoration of an important fisheries resource~~,~~; or

(2) that public or private property is being damaged due to partial failure of the structure~~, and that an attempt to assess costs of removal against the private or public owner would be of no avail~~.

Sec. 60. Minnesota Statutes 2008, section 103G.615, subdivision 2, is amended to read:

Subd. 2. **Fees.** (a) The commissioner shall establish a fee schedule for permits to control or harvest aquatic plants other than wild rice. The fees must be set by rule, and section 16A.1283 does not apply, but the rule must not take effect until 45 legislative days after it has been reported to the legislature. The fees shall be based upon the cost of receiving, processing, analyzing, and issuing the permit, and additional costs incurred after the application to inspect and monitor the activities authorized by the permit, and enforce aquatic plant management rules and permit requirements.

(b) A fee for a permit for the control of rooted aquatic vegetation for each contiguous parcel of shoreline owned by an owner may be charged. This fee may not be charged for permits issued in connection with purple loosestrife control or lakewide Eurasian water milfoil control programs.

(c) A fee may not be charged to the state or a federal governmental agency applying for a permit.

(d) A fee for a permit for the control of rooted aquatic vegetation in a public water basin that is 20 acres or less in size shall be one-half of the fee established under paragraph (a).

(e) The money received for the permits under this subdivision shall be deposited in the treasury and credited to the water recreation account.

EFFECTIVE DATE. This section is effective August 1, 2010.

Sec. 61. **[103G.651] REMOVING SUNKEN LOGS FROM PUBLIC WATERS.**

The commissioner of natural resources must not issue leases to remove sunken logs or issue permits for the removal of sunken logs from public waters.

Sec. 62. Minnesota Statutes 2008, section 115.55, is amended by adding a subdivision to read:

Subd. 13. **Subsurface sewage treatment systems implementation and enforcement task force.** (a) By September 1, 2010, the agency shall appoint a subsurface sewage treatment systems implementation and enforcement task force in collaboration

with the Association of Minnesota Counties, Minnesota Association of Realtors, Minnesota Association of County Planning and Zoning Administrators, and the Minnesota Onsite Wastewater Association. The agency shall work in collaboration with the task force to develop effective and timely implementation and enforcement methods in order to rapidly reduce the number of subsurface sewage treatment systems that are an imminent threat to public health or safety and effectively enforce all violations of the subsurface sewage treatment system rules. The agency shall meet at least three times per year with the task force to address implementation and enforcement issues. The meetings shall be scheduled so that they do not interfere with the construction season.

(b) The agency, in collaboration with the task force and in consultation with the attorney general, county attorneys, and county planning and zoning staff, shall develop, periodically update, and provide to counties enforcement protocols and a checklist that county inspectors, field staff, and others may use when inspecting subsurface sewage treatment systems and enforcing subsurface sewage treatment system rules.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 63. Minnesota Statutes 2008, section 116.07, subdivision 4, is amended to read:

Subd. 4. **Rules and standards.** (a) Pursuant and subject to the provisions of chapter 14, and the provisions hereof, the Pollution Control Agency may adopt, amend and rescind rules and standards having the force of law relating to any purpose within the provisions of Laws 1967, chapter 882, for the prevention, abatement, or control of air pollution. Any such rule or standard may be of general application throughout the state, or may be limited as to times, places, circumstances, or conditions in order to make due allowance for variations therein. Without limitation, rules or standards may relate to sources or emissions of air contamination or air pollution, to the quality or composition of such emissions, or to the quality of or composition of the ambient air or outdoor atmosphere or to any other matter relevant to the prevention, abatement, or control of air pollution.

(b) Pursuant and subject to the provisions of chapter 14, and the provisions hereof, the Pollution Control Agency may adopt, amend, and rescind rules and standards having the force of law relating to any purpose within the provisions of Laws 1969, chapter 1046, for the collection, transportation, storage, processing, and disposal of solid waste and the prevention, abatement, or control of water, air, and land pollution which may be related thereto, and the deposit in or on land of any other material that may tend to cause pollution. The agency shall adopt such rules and standards for sewage sludge, addressing the intrinsic suitability of land, the volume and rate of application of sewage sludge of various degrees of intrinsic hazard, design of facilities, and operation of facilities and sites.

the reliability of financial assurance in covering risks from land disposal of waste in Minnesota and other states, and the role of private insurance.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 73. **SUBSURFACE SEWAGE TREATMENT SYSTEMS ORDINANCE ADOPTION DELAY.**

(a) Notwithstanding Minnesota Statutes, section 115.55, subdivision 2, a county may adopt an ordinance by February 4, 2012, to comply with the February 4, 2008, revisions to subsurface sewage treatment system rules. By April 4, 2011, the Pollution Control Agency shall adopt the final rule amendments to the February 4, 2008, subsurface sewage treatment system rules. A county must continue to enforce its current ordinance until a new one has been adopted.

(b) By January 15, 2011, the agency, after consultation with the Board of Water and Soil Resources and the Association of Minnesota Counties, shall report to the chairs and ranking minority members of the senate and house of representatives environment and natural resources policy and finance committees and divisions on:

(1) the technical changes in the rules for subsurface sewage treatment systems that were adopted on February 4, 2008;

(2) the progress in local adoption of ordinances to comply with the rules; and

(3) the progress in protecting the state's water resources from pollution due to subsurface sewage treatment systems.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 74. **DEPARTMENT OF NATURAL RESOURCES LONG-RANGE BUDGET ANALYSIS.**

(a) The commissioner of natural resources, in consultation with the commissioner of management and budget, shall estimate the total amount of funding available from all sources for each of the following land management categories: wildlife management areas; state forests; scientific and natural areas; aquatic management areas; public water access sites; and prairie bank easements. The commissioner of natural resources shall prepare a ten-year budget analysis of the department's ongoing land management needs, including restoration of each parcel needing restoration. The analysis shall include:

(1) an analysis of the needs of wildlife management areas, including identification of internal systemwide guidelines on the proper frequency for activities such as controlled burns, tree and woody biomass removal, and brushland management;

(2) an analysis of state forest needs, including identification of internal systemwide guidelines on the proper frequency for forest management activities;

(3) an analysis of scientific and natural area needs, including identification of internal systemwide guidelines on the proper frequency for management activities;

(4) an analysis of aquatic management area needs, including identification of internal systemwide guidelines on the proper frequency for management activities; and

(5) an analysis of the needs of the state's public water access sites, including identification of internal systemwide guidelines on the proper frequency for management activities.

(b) The commissioner shall compare the estimate of the total amount of funding available to the department's ongoing management needs to determine:

(1) the amount necessary to manage, restore, and maintain existing wildlife management areas, state forests, scientific and natural areas, aquatic management areas, public water access sites, and prairie bank easements; and

(2) the amount necessary to expand upon the existing wildlife management areas, state forests, scientific and natural areas, aquatic management areas, public water access sites, and prairie bank easement programs, including the feasibility of the department's existing long-range plans, if applicable, for each program.

(c) The commissioner of natural resources shall submit the analysis to the chairs of the house of representatives and senate committees with jurisdiction over environment and natural resources finance and cultural and outdoor resources finance by November 15, 2010.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 75. **WIND ENERGY SYSTEMS ON STATE-OWNED LANDS; REPORT.**

By February 15, 2011, the commissioner of natural resources shall report to the senate and house of representatives environment and natural resource policy and finance committees and divisions on the use of state-owned lands for wind energy systems. The report shall include:

(1) information on the benefits and costs of using state-owned lands for wind energy systems;

(2) the effects of wind energy systems on state-owned lands;

(3) recommendations for a regulatory system and restrictions that will be necessary to protect the state's land and water resources when using state-owned lands for wind energy systems; and